



Elder Victimization

The population of the United States consists of an increasing percentage of elderly people. This trend is expected to continue into the foreseeable future, adding to the potential for increases in various types of elderly victimization.

The population of the United States is getting older. This is a product of a number of factors including the dramatic increase in the birth rate following World War II, the fact that the so-called “baby boomers” are having fewer children and the dramatic success in treating diseases that once claimed lives, particularly as people grew older.

As the number of elderly people in our society increases, so will the potential for their victimization. The elderly are more vulnerable than younger people for a number of reasons. Many suffer from physical weakness and sensory impairment, feel emotionally isolated through the loss of lifetime companions and friends, and may feel more vulnerable in situations and environments that would not be threatening to their younger counterparts.

In addition, the elderly are more likely to have accumulated financial resources and possessions, and have more flexibility in their spending decisions. This can make them more attractive targets for exploitation. There are four general areas in which the elderly are more likely to be victimized, including, abuse and neglect; financial exploitation, organized scams, cons and frauds; and general types of crime in which the elderly may be more vulnerable, such as robbery and theft.

These are not the only circumstances in which older citizens may require police assistance. For example, it is not uncommon for those who suffer from Alzheimer’s Disease or senility to become disoriented or lost outside the home.¹ The susceptibility of the elderly to various types of confidence schemes, such as home repair frauds and similar “cons,” often require police intervention both on an enforcement and preventive basis.² These specific topics are among those that have been addressed in prior *Training Keys*® and will not be reviewed here. Law enforcement assistance to the elderly will be examined with regard to abuse, neglect and financial ex-

ploitation. In many cases, these and other forms of elderly victimization are found concurrently. While law enforcement officers may not be able to take direct action in all situations, they should remain aware of these types of abuses, if for no other reason than to make referrals to appropriate community resource agencies and conduct prevention efforts. Probably no where else in the realm of elderly victimization do the victimizers have more leverage and control than in the area of finances.

Financial Exploitation

Most financial victimization of the elderly goes undetected for a variety of reasons, the chief of which is that many older people do not realize it has taken place. Children or caregivers of some sort usually have access to the victim’s savings, checking accounts and/or credit cards, and theft may take place for years without the victim’s knowledge. In other cases, elders may be aware of the thefts but are reluctant to have their involved family members arrested, are concerned that they might be judged incompetent for allowing it to happen, or fear that they may be sent to a nursing home or similar facility if accusations are made. As a result, most of these crimes never come to the attention of the police, social service agencies or prosecutors unless another concerned family member or close friend pursues the issue. When they do they are often disregarded, ignored or otherwise not acted upon.

According to one study of these crimes, “Financial abuse cases are difficult to assemble because they require investigative expertise and chasing paper trails for months. Prosecutors may be indifferent to the cases or simply don’t understand them because of the complexity and lack of witnesses and hard evidence.”³ As the study emphasizes, “Although such incidents go largely unreported, senior citizens are far more

likely to be victimized by care givers and their own family members depleting their assets than by criminals in violent acts.”

Losses in these situations are often substantially more than would have been lost through robbery or theft, and the victim is not in a position to replace these monies. One study revealed that in nearly half of these cases, 75 percent or more of the elder’s assets are stolen.⁴

There is a limit to what law enforcement agencies alone can do to prevent or assist in these situations; but there are actions that can be taken. The most effective prevention and assistance programs combine information sharing and the development of prevention programs among local banks, lawyers, police, prosecutors and social-service professionals. Some police agencies have begun training officers to spot various forms of elder abuse, including financial exploitation. One of the keys to the success of such collaborative programs is simply the education of responsible individuals and agencies concerning the immense harm that these offenses have on their victims. These collaborative and educational programs include prosecutors who sometimes do not see financial exploitation of elders as a criminal matter. Without the assistance of local prosecutors, indicting these offenders is virtually impossible.

Efforts aimed at educating the public to report elder victimization is the first step. Areas with large concentrations of retirees are particularly in need of such education and assistance. For example, the Tucson and Pima County Arizona area has teamed the police with the state attorney general’s office and other public agencies to target elder financial abuse. One observer in the Pima County Fiduciary’s Office stated: “There’s a desperation out there. The victims represent fast cash, and there are a lot more dependent younger adults out there [willing to abuse the victim].” But children and family members are not the only culprits, even though they comprise the largest percentage of such offenders. Many abusers involve the so-called “new best friend” who, by reason of position or association with the elderly victim, ingratiate themselves with the intention of exploiting the elderly care recipient.

For the police officer who deals with the elderly and others who have personal or professional contact with the elderly, there are several signals that strongly suggest the presence of financial exploitation. Officers should also be aware that financial exploitation and physical or emotional abuse are often encountered together. One medical study even suggests that victims of financial abuse have a far higher mortality rate than those who are not victimized. The following have been suggested as “red flags” that merit increased scrutiny and possible investigation by police and others in positions to lend assistance:

A “New Best Friend.” Elderly people, who are isolated from their families and in need of company, may befriend a person who is intent on exploiting them. When their new friend suddenly volunteers to help them write checks and pay bills, signs themselves onto checking accounts and obtains power of attorney, that’s a clear warning sign. New friends may also acquire the false identity of spouses of the victims and sign onto credit cards.

The elderly person is isolated by the suspected abuser/care giver. If you try to contact the elderly person and there is a systematic attempt to sequester him or her from the

rest of the world, watch the situation closely. Danger signals include the elder not being able to come to the phone because they are always sleeping or for any number of other reasons. The elder person is often being isolated by the abuser, who is screening phone calls, mail and visits. It’s also common for the abuser to turn the elderly person against his or her own family, provoking anger and suspicion against helpful family members.

The elderly person becomes extremely dependent on his or her care giver. While this is common among the disabled elderly, the victim may be convinced that the care giver is the “only one who cares” and won’t allow anyone to separate him or her from the care giver, who may be the abuser. The abuser may be withholding care or neglecting the elder to force him or her to comply with their thievery.

There are dramatic changes in banking patterns, legal activity and spending habits. Most elderly persons are consistent in which bank they use, how much they withdraw, and even when they bank. If large withdrawals are made - often when the abuser accompanies the elder to the bank or uses power of attorney or joint tenancy - that’s a clear-cut sign that something may be wrong.

There may be changes in personality or behavior. Although memory lapses are normal for every age, mental impairment is not always obvious. Any noticeable changes in behavior or health should automatically trigger a complete medical exam. If dementia is suspected, contact a geriatrician (a physician who specializes in the elderly) for an evaluation.⁶

Every state and locality varies with regard to the types of services available to protect and lend assistance to senior citizens who are the victim of financial exploitation. A list of additional resources is provided at the end of this *Training Key*® for those who are interested in gathering more information to address this problem.

Physical and Emotional Abuse of the Elderly

As noted, financial exploitation of the elderly can often be found coincidentally with forms of physical and emotional abuse. However, unlike financial exploitation, more data and information is available concerning the nature and scope of physical and emotional abuse. Most of the information which follows has been compiled through the National Victim Center.

Information on the incidence of elder victimization is not easily developed as there is no central repository for reporting only these types of crimes and no obligation to report suspected abuse as is the case in child abuse situations. However, victimization and related studies that have been conducted provide some insight to the problem. In particular, it is estimated that about 1 in 20 older Americans, age 65 and above, may be victims of moderate to severe abuse each year. Among these, only 1 in 14 cases is ever reported. This can be compared to 1 of every 3 child abuse cases.

Abused elders tend to be female. Female elders constituted about 63 percent of the population at risk according to data collected in 1994. Abused elders also seem to be disproportionately represented by those in the 75 and above age group.

This is due in part to the fact that people of this age are more likely to suffer from one or more physical and mental impairments, which place them in a vulnerable and care-demanding position. Abused elders also tend to live with the per-

petrator of the abuse, and in many cases this is the victim's spouse.

About two-thirds of abused elders are related to their abusers. Adult children comprise a little over one-third of abusers, while spouses and other relatives comprise about 14 percent each of this population. Non-family caretakers are involved in elder abuse about 13 percent of the time, and friends or neighbors about 10 percent. More than half have committed more than one act of abuse; and a little over half of all abusers are female. Abusers are usually experiencing some form of stress when the abuse occurs and many have alcohol or drug dependency problems. Many abusers are emotionally unstable.

There are a number of theories concerning the cause of elder abuse. One holds that it is largely a product of stress on the caregiver generated by the demands of caring for someone with mental and physical impairments. These demands, in combination with other factors - drug or alcohol abuse or an and emotional inability to deal with unusual stress - provoke frustration, anger and outbursts of physical aggression. This can occur not only among inexperienced and untrained caregivers, but among professional personnel in institutional and other settings.

Research indicates that elders who are in poor health are more likely to be abused than those in good health. Some explain this by the fact that those in poor health require far greater attention and care, which can provoke abuse by caregivers who are so disposed. Moreover, some families and individuals are more prone to violence than others since violence is largely a learned behavior and is passed down from one generation to the next. Under these circumstances, abusive behavior becomes an accepted, even normal pattern of behavior among family members.

According to the National Victim's Center, physical abuse of the elderly is characterized by, but not limited to acts such as striking or beating, pushing and shoving, shaking, slapping, kicking or punching. Also included in these characteristic behaviors are burning, force-feeding, inappropriate use of drugs on the victim and the use of physical restraints. Officers who encounter the elderly should look for bruises, black eyes, welts and lacerations, broken bones/fractures including skull fractures; open wounds, cuts and punctures; sprains, dislocations and internal injuries; broken eyeglasses and signs of restraint on the arms or legs; findings of overdose or underdose of prescribed medications; elder reports of being physically harmed; sudden changes in the elder's behavior, and incidents in which a caregiver refuses to allow an officer or other visitor to see the elder.

In addition to the above, physical abuse of the elderly includes forms of sexual abuse which includes but is not limited to unwanted touching, all types of sexual assault and battery (e.g., rape, sodomy), or sexually explicit photography. Elderly persons who are victims of sexual abuse often have bruises around the breasts or genital area, unexplained venereal disease/infection, unexplained vaginal or anal bleeding, or torn, stained or bloody underclothing.

Elder abuse also includes forms of emotional abuse which is defined as the infliction of anguish, pain or distress through verbal or nonverbal acts. This includes but is not limited to verbal assaults, humiliation, threats, intimidation, isolation, or the "silent treatment." Elders who are subjected to these forms of abuse may show signs of emotional upset or agitation, be-

come extremely withdrawn and non-responsive, or exhibit behavior that is sometimes characteristic of dementia such as biting, rocking or sucking. As in the case of other forms of elder abuse, one should take seriously any reports by the victim that he or she is being subjected to one or more of these types of mistreatment.

Finally, neglect and abandonment are among the types of elder abuse of which police officers should be aware. Neglect is the refusal or failure to fulfill any part of a person's obligation to provide care for an elder. This includes refusal or failure to provide an elderly person with such life necessities as food, water, clothing, shelter, personal hygiene, medicine, essential comforts, personal safety, and other essentials. Symptoms of neglect are widely varied, but among the most common are dehydration, malnutrition, untreated bed sores, poor personal hygiene, unattended or untreated health needs, the presence of hazardous or unsafe living conditions (such as a lack of heat or running water), or unsanitary living conditions typically characterized by the presence of dirt, lice or fleas on the elder; soiled bedding; fecal/urine smell, or inadequate clothing.

Abandonment of an elder occurs when the individual who has assumed responsibility for providing care to the elder or a person with physical custody of the elder deserts that individual. This may occur at the elder's home, at a hospital, nursing facility or related institution, or even in public places such as a shopping center.

Prevention and Enforcement

The forgoing are only brief examples of common types of elder victimization. The elderly are also frequent targets of various types of consumer fraud often conducted through the mail. These include insurance and investment fraud, travel clubs, mail order products, contest scams, work at home swindles, land sales and the like. Telemarketing scams involving sweepstakes swindles and charity scams also commonly target older persons for reasons that have been mentioned previously in this document.

Dealing effectively with many types of elder abuse and exploitation is often problematic for local police agencies. In most cases, success requires collaborative efforts, the availability of a referral network of local public and private agencies and institutions, and the assistance of appropriate federal enforcement agencies. This includes not only the local prosecutor's office and other elements of the criminal justice system but elder abuse agencies, aging networks, the medical community, banking and financial institutions, and related organizations. It also takes a commitment on the part of law enforcement agencies to take reports of elder abuse and exploitation seriously, and to develop protocols for responding effectively to these reported crimes.

Many local law enforcement agencies have established partnerships between police and sheriff's agencies, the elderly population, and support agencies in their community. The intent of these partnerships - often organized under a program referred to as TRIAD - is to create a trust relationship between law enforcement and the elder population. TRIAD-designed programs include networks to facilitate the reporting of potential criminal activity targeting the elderly and share information on problems of elder abuse and exploitation, and the development of prevention programs that involve law

enforcement, the elder community, and related community agencies. Elder action programs utilize problem solving and community policing concepts to meet the crime prevention needs and concerns of the elderly.⁷

Some regions (such as the state of Illinois) have developed protocols based on the TRIAD concept. Many of these are transferable to other jurisdictions across the country. Some relevant parts of the Illinois protocols that may be employed by other jurisdictions are summarized below.

Communications

Communications personnel (i.e., complaint takers and dispatchers) are an integral part of the team approach to dealing with elder abuse and exploitation. Many elderly people have difficulty thinking clearly or articulating and describing problems or situations. Communications personnel must be patient in their efforts to gather requisite information such as the caller's identity, the nature of the crime or problem, location of the crime or incident, identity of the perpetrator, weapons involvement and related information.

Police should respond on a priority basis to the elderly who are involved in such situations as:

- crime in progress,
- an abuser on the premises in violation of an order of protection,
- a risk of substantial loss of property, or
- a report of serious abuse, neglect or exploitation where a caseworker or other responsible authority cannot gain access to investigate.

In addition, the stress of highly emotional or dangerous situations can have negative effects on the health of elderly people. During the communications process, if at all possible, try to determine whether the caller or others at the scene are suffering from physical problems such as a heart condition or have other physical ailments that might require EMS response in addition to the police.

Many elderly people, as well as other citizens, utilize the police as the first point of contact for a variety of situations and problems that do not necessitate emergency services or police involvement. Communications personnel should make referrals to appropriate agencies to assist the elderly rather than simply dismiss the issue and the caller as non-police business. The most important concept here, as in other aspects of the police response, is that law enforcement agencies must take senior citizen complaints seriously and respond in an appropriate manner.

Responding Officer's Responsibilities

Either as the first responder, or when called to assist an elder by a caseworker, caregiver or EMT technician, officers may need to conduct a forced entry. This can be done where a court order permits or when the officer reasonably believes, based on available information, that failure to act could jeopardize the life of the senior or others.

Upon gaining access, the officer should identify him or herself according to normal procedures and identify any others who are present and the roles that they play. If a case of physical abuse is evident or suspected, the parties should be separated and weapons secured or seized if they were used in the commission of a crime. The name, relationship (if any) and location of any perpetrator should be obtained, and arrests

made where justified. In general, the officer should conduct a preliminary investigation in the same manner as he or she would in any other situation.

A brief preliminary statement should be obtained from the victim. In general, more involved statements from the elderly should be coordinated between responding officers and investigators whenever possible so that the victim does not have to be subjected to repeated interviews on the same topic. Formal written statements should be deferred for later in-depth investigations of the incident. Detailed statements are not necessary during the initial response to make an arrest where probable cause exists to do so. However, during preliminary statements or in investigative interviews, officers may encounter communications difficulties and an inability of the victim to provide complete and reliable information on the abuse, fraud, scam or other incident involved. The victim's recall may be clouded from complications of the aging process, and/or the excitement of the event may have caused confusion, disorientation or excessive nervousness that inhibit the victim from providing necessary information.

For example, the victim may have difficulty in recalling the time in which events took place. In addition to being patient and speaking slowly, there are other actions that officers can take to facilitate the interview. If a caseworker is on hand or readily available, their expertise and familiarity with the elder victim may be used to garner necessary preliminary information. The name of a hospice, elder abuse or social service caseworker may also be obtained who is familiar with the victim and who may shed additional light on the home environment and those involved.

If the older person is having difficulty remembering when events occurred, ask him or her to relate the events to things that they remember. For example, if an older person does not remember when their son arrived, ask the person what they were doing at the time. Questions such as "were you watching television" and "what show was on at the time" might help the recall process. If a trusted relative or caregiver is available, that individual may also be in a position to better communicate with the elder person and obtain necessary preliminary information. Officers should also remember that in abuse and neglect cases in which family or a best friend is involved, the victim may be unwilling to implicate the individual for fear that the person will be arrested or that the elder will be the subject of reprisal. These people should be separated prior to being interviewed.

The need to protect crime scenes, collect evidence, interview witnesses and suspects and related investigative activities do not vary greatly from those involving other victims. However, there are some variances that should be noted. For example, officers should be particularly alert to the physical condition of the home environment and those who occupy the home. Signs of physical or emotional abuse, neglect, or deprivation should be recorded. The living conditions of the home and the elder's accommodations and apparent health, including any obvious injuries, should also be noted. Actions of a caregiver or relative that attempt to keep the elder from providing information to the police, or attempts to provide answers for the elder may also be regarded with some skepticism, particularly if responses to questions are inconsistent with other information. Be aware of any behavior of the elder that is consistent with emotional or physical abuse, and the presence of any weapons or restraints. If possible, officers

should determine the identity of the elder's closest relative outside the home; and where possible and appropriate, should contact that person for additional information on the elder's condition and circumstances.

Where legal basis exists to make an arrest, officers should not hesitate to do so. In some cases, officers avoid making arrests in these types of situations because they feel that the elder victim may not be competent to serve as a witness, another elder service organization is dealing with the situation, the victim is unable or unwilling to participate in the complaint or arrest process, verbal assurances are provided that the offense will not reoccur, or the abuser is of such advanced years that an arrest is not considered to be appropriate. These types of excuses should be considered cautiously by officers with the best interest of the victim kept in mind. In some cases it can be determined that what seems to be abuse is the result of accident or inadvertent shortcomings or ineptness of the caregiver. Under such conditions, a more appropriate approach may be to institute oversight through an elder abuse provider agency, education, supportive counseling or related assistance, instead of removing the caregiver.

Where suspicion exists that an elder has been victimized but there is insufficient evidence for verification, officers should attempt to get additional information on the elder from service providers and social sources with which the elder has had contact. These include, but are not limited to, social workers, doctors, home care workers, friends and family, neighbors, clergy, bankers, and other service providers. If the local elder abuse or related agency has not yet become involved, make contact with the agency to determine if there have been previous substantiated or unsubstantiated reports of abuse, neglect, or exploitation.

If officers suspect that an elderly person has been abused, neglected and/or financially exploited, they should refer the elder to an abuse and neglect program or similar agency. In addition, the officer's referral should be communicated to the agency by the officer, and a follow-up made by the officer to determine whether contact has been established. Some states provide additional services to victims of domestic abuse that should be explained to the elderly victim and/or a responsible caregiver or relative where domestic abuse is suspected. Where appropriate, the victim of physical abuse should seek medical attention, even if injuries are not immediately apparent. Officers should also arrange for the transportation of elderly victims to a medical facility, or to a nearby shelter or place of safety if necessary.

Endnotes

¹ See *Training Key*® #381, "Finding the Lost Alzheimer's Victim," International Association of Chiefs of Police, Alexandria, VA.

² See *Training Key*® #514, "Gypsy Lifestyles and Criminal Activity," International Association of Chiefs of Police, Alexandria, VA.

³ "The Fleecing of America's Elderly," *Consumers Digest*, March/April 2000, pg.77.

⁴ A study of power-of-attorney abuse conducted by the Albany Law School among 410 elder-abuse attorneys from 46 states.

⁵ Op Cite, endnote 3.

⁶ The following resources provide additional aid to those interested in dealing with the issue of elder financial abuse. (1) National Academy of Elder-Law Attorneys. For referral to an elder-law attorney near you, call 520/881-4005 or www.naela.org. (2) National Eldercare Locator, 800/677-1116. This national hotline will refer you to local services for the elderly. If you have Internet access, more detailed information is available on the U.S. Administration on Aging's Web site at www.aoa.gov/elderpage.htm. (3) Public Guardians and Adult-Protective-Services Agencies. Available on the local or county level, these agencies can be found in your phone book's government listings section. op.cit., endnote 3.

⁷ See *Training Keys*® #481 and #482, "Problem-Oriented Policing" and *Training Keys*® #505 and #506, "Community-Oriented Policing," International Association of Chiefs of Police,

Alexandria, VA.

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questions

The following questions are based on material in this *Training Key*®. Select the best answers.

1. Which of the following questions is true?

- (a) *Many crimes against the elderly are not reported because the elder does not realize that he/she has been victimized.*
- (b) *The elderly are more likely to be victimized by their own family members or caregivers than by unknown criminals.*
- (c) *Most successful prevention and enforcement programs involve the police working with many other community service agencies and institutions.*
- (d) *All of the above statements are true.*

2. Which of the following statements is false?

- (a) *Many abusers of the elderly involve persons referred to as “new best friends.”*
- (b) *Financial abuse and physical and emotional abuse of the elderly are seldom encountered together.*
- (c) *Elderly persons are often isolated from friends and relatives by their abuser.*
- (d) *Elderly persons who are being exploited often reveal dramatic changes in banking patterns, legal activity and spending habits.*

3. Which of the following statements is false?

- (a) *Abused elders are disproportionately represented by those in the 75 and above age group.*
- (b) *Elders who are in poor health are more likely to be victims of abuse than those in good health.*
- (c) *In cases where the abuser is elderly, arrest is not an appropriate police response.*
- (d) *Police communications personnel are an integral link to the elderly who may be victims of abuse, neglect or exploitation.*

answers

- 1. (d) All of the statements are true.
- 2. (b) Physical abuse and financial abuse of the elderly are often encountered together.
- 3. (c) Arrest of the abuser may be the most appropriate action even when the abuser is elderly as it may be the only positive means of ensuring the safety of the abused person.

have you read ... ?

Training Key® #514, “Gypsy Lifestyles and Criminal Activity,” International Association of Chiefs of Police, Alexandria, VA.

This *Training Key*® reviews some of the most common financial scams and tricks perpetrated by criminals on the elderly.

