

## 04-002 Elder and Dependent Adult Abuse

Los Angeles County Sheriff's Department

### FIELD OPERATIONS DIRECTIVE

Field Operations Support Services



#### ELDER AND DEPENDENT ADULT ABUSE

##### PURPOSE

The purpose of this directive is to establish procedures for the handling of actual or suspected incidents of elder and dependent adult abuse or neglect. Additionally, this Field Operations Directive (FOD) implements the provisions of a Memorandum of Understanding (MOU) between the Sheriff's Department and other county and state agencies.

##### BACKGROUND

Penal Code (PC) section 368(a) states in part that, "elders, adults whose physical or mental disabilities or other limitations restrict their ability to carry out normal activities or to protect their rights, and adults admitted as inpatients to a 24-hour health facility deserve special consideration and protection."

##### Definitions:

Abuse of an Elder or a Dependent Adult - Any physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment resulting in physical harm, pain, or mental suffering by anyone. Also included is the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering, Welfare Institutions Code (WIC) section 15610.07.

Elder - Any person residing in this state, 65 years of age or older [PC section 368(g) and WIC section 15610.27].

Dependent Adult - Any person residing in this state, between the ages of 18 and 64, who has physical or mental limitations, which restrict his or her ability to carry out normal activities, or to protect his or her own rights. "Dependent adult" also includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health care facility [PC section 368(h) and WIC section 15610.23].

Physical Abuse - Assault, battery, assault with a deadly weapon or force likely to produce great bodily injury, unreasonable physical constraint, or prolonged or continual deprivation of food or water, sexual battery, rape, rape in concert, spousal rape, incest, sodomy, oral copulation, sexual penetration, lewd or lascivious acts. Also the use of a physical or chemical restraint, or psychotropic medication for punishment, or for a time period or purposes not authorized by a physician or surgeon (WIC section 15610.63).

Financial Abuse - When a person or entity takes or assists in taking, secreting, appropriating, obtaining, or retaining real or personal property to a wrongful use or with intent to defraud, or both, or by undue influence (WIC section 5610.30).

Mental Suffering- Fear, agitation, confusion, severe depression, or other forms of serious emotional distress that is brought about by forms of intimidating behavior, threats, harassment, or by deceptive acts performed, or false or misleading statements made with malicious intent to agitate, confuse, frighten, or cause severe depression or serious emotional distress (WIC section 15610.53).

Neglect - Negligent failure of any person having the care or custody of an elder/dependent adult to exercise that degree of care that a reasonable person in a like position would exercise (e.g., failure to assist in personal hygiene or in the provision of food, clothing, or shelter, failure to provide medical care, failure to protect an elder/dependent adult from health and safety hazards, and failure to prevent malnutrition or dehydration) (WIC section 15610.57).

Self-Neglect - Negligent failure to exercise that degree of self-care that a reasonable person in a like position would exercise (same as neglect when they fail to satisfy their needs as a result of poor cognitive functioning, mental limitations, substance abuse, or chronic poor health) (WIC section 15610.57).

Mandated Reporter - Certain individuals are mandated to report all incidents of actual or suspected elder/dependent adult abuse and neglect [WIC section 15630(a)]. Law enforcement must report to various social service and state licensing agencies. Failure to report actual or suspected abuse of an elder/dependent adult is a misdemeanor (WIC section 15630(h)).

Report of Suspected Dependent Adult/Elder Abuse form (SOC 341) - A mandated California Department of Social Services form. Station/units may have a supply of these forms, or the form can be downloaded from the Department's electronic document library.

Suspected Elder Abuse Reporting System (SEAR) - The computer RightFax system in which the station/units receive the SOC 341 form and distribute it as a call for service.

Non-Criminal Elder/Dependent Adult Abuse Check-off Report - A Department check-off report for a non-criminal elder/dependent adult abuse call for service. This report can be located in the Department's electronic document library.

In 2005, the Department entered into an MOU with other county and state agencies. The purpose of the MOU is the mutual understanding and commitment of the involved departments and agencies to cooperatively work together to have clear lines of communication in the event of possible elder/dependent adult abuse or neglect.

## **POLICY AND PROCEDURES**

Department personnel who receive information where elder/dependent adult abuse or neglect is suspected shall arrange for a call for service. If the location of the suspected abuse, with the exception of financial abuse, is serviced by an agency other than our Department, the call shall be referred to the appropriate agency. If the abuse is financial, the station/unit that has jurisdiction over the elder/dependent adult's actual residence shall begin an investigation of the facts. This applies to stations/units and individual Department members receiving information by any means including a SOC 341 form by mail, fax, RightFax, or other means.

In the event personnel receive the information by means other than a SOC 341 form, they have the added responsibility to immediately contact the appropriate social services agencies by telephone or as soon as practically possible. Personnel shall complete a SOC 341 form and forward it to the appropriate social services agency within two working days.

All reports regarding actual or suspected elder/dependent adult abuse or neglect **are confidential**. The identity of any person who reports actual or suspected elder/dependent adult abuse or neglect **shall be confidential and shall not be given to the victim, family members, caregivers, et cetera except when they are identified as a “trusted contact person” previously designated by the elder, unless that person is the individual suspected of engaging in abuse**. A violation of confidentiality is a misdemeanor crime [WIC section 15633(a)].

All incidents of elder/dependent adult abuse or neglect will be assigned by following the procedures in the Manual of Policy and Procedures (MPP section 4-04/012.00, Abuse). The primary assignment lies with the station/unit’s detective bureau. Elder Fraud Detail, Fraud and Cyber Crimes Bureau, will assist field personnel and station/unit detectives with financial abuse cases by providing guidance. Complex cases of financial abuse may be reassigned to the Elder Fraud Detail with the prior approval of the Elder Fraud Detail supervisor.

Many times allegations of elder/dependent adult abuse may appear to be civil **but are actually criminal based on the fact that the victim is an elder/dependent adult**.

### **Watch Deputy’s Responsibilities**

The watch deputy shall assign all suspected elder/dependent adult abuse or neglect incidents as a call for service. These calls for service may be generated by a phone call, station walk-in, or SOC 341 form. The watch deputy is responsible the following:

- The watch deputy shall check the station/unit SEAR system folder and process the SOC 341 form as described in Attachment “A”.
- The watch deputy shall check the station/unit SEAR system folder at the beginning of each shift and periodically thereafter throughout the shift.
- Every SOC 341 form received through the station/unit SEAR system folder shall be entered into the Computer Aided Dispatch (CAD) system as a call for service.
- If the SOC 341 form clearly fails to establish a basis for a criminal investigation, the watch deputy shall confer with the watch commander. If the watch commander determines no call for service shall be issued, the watch deputy shall ensure a Uniform Report Number (URN) is drawn and clear the tag. The watch deputy shall ensure that a Non-Criminal Elder/Dependent Adult Abuse check-off report is completed. Only the box titled, “No Law Enforcement response required” need be completed and the form emailed to the appropriate social services agency, as per Attachment “A.”
- When determining whether to dispatch a call as routine or emergent, the watch deputy shall take into consideration the degree of urgency of the information detailed in the SOC 341 form.
- Except in cases that clearly dictate otherwise, all elder/dependent adult abuse calls for service shall be handled and cleared from the station/unit SEAR system folder in a timely manner, generally within 24 hours. (Example/exceptions: A SOC 341 form is received on the weekend, and the informant is a financial institution or doctor’s office, which is closed on weekends, or a catastrophic emergency.)

If a SOC 341 form is received by any means other than the station/unit SEAR system folder, including a SOC 341 form generated by field deputies, the watch deputy shall enter the SOC 341 form into the SEAR System by emailing/faxing the SOC 341 form to the station/unit's respective SEAR RightFax number. The watch deputy shall process the SOC 341 form as described above as either a call for service to be investigated by a field deputy or a SOC 341 form that does not establish a basis for criminal investigation.

### **Responding Deputy's Responsibilities**

Field deputies may receive information of actual or suspected elder/dependent adult abuse or neglect through their own observations, field contacts, or from a SOC 341 form dispatched from the watch deputy.

The responding deputy shall thoroughly investigate the suspected abuse or neglect. Deputies shall attempt to confirm the abuse or neglect with the victim. In some forms of abuse, such as financial abuse or self-neglect, contacting the victim may not be the most appropriate initial response; checking with neighbors, bank managers, social agency worker, or the victim's doctor may provide more accurate information.

In all actual or suspected incidents of elder/dependent adult abuse or neglect, an incident report is required even if the victim is non-desirous of prosecution. The incident report must contain the following information:

- In the case of physical abuse, neglect, abandonment, isolation, or mental suffering, the classification line of the incident report shall reflect the criminal violation of 368 PC (with the appropriate subsection) and the statement "Elder Abuse - 'type of abuse'," or "Dependent Adult Abuse - 'type of abuse'," whichever is appropriate.
- In the case of financial abuse, the classification line of the incident report shall reflect the criminal violation of 368(d) P.C. and the statement "Elder Abuse - Financial" or "Dependent Adult Abuse - Financial," whichever is appropriate.
- When a specific violation cannot be substantiated either by the informant, the victim, or other facts, and the handling deputy believes (or circumstances dictate) that something has occurred, an incident report is still required. The classification line should read, "Suspicious Circumstances-Possible Elder Abuse," or "Suspicious Circumstances-Possible Dependent Adult Abuse."
- The social services agency and licensing agency name and case number.
- Notifications to the appropriate social services agency and licensing agency, including the name of the agency, contact phone number, date, time, and name of the person contacted.

In the event an incident report is generated as a result of information other than a SOC 341 form, the handling deputy must complete a SOC 341 form and contact the appropriate social services agency and licensing agency by telephone immediately, or as soon as practically possible, and shall forward the SOC 341 form to the appropriate social services agency and licensing agency.

If the SOC 341 form has been previously completed by a mandated reporter, the handling deputy does not have to duplicate the form, but shall ensure:

- If the abuse or neglect occurred in a facility, the name and full address of the facility must be listed on the SOC 341 form and the incident report.
- The URN shall be printed at the top of the SOC 341 form next to "Law Enforcement Case/File Number" in the space provided.
- The original or a copy of the SOC 341 form shall be attached to the incident report.

After the handling deputy investigates a suspected incident of elder/dependent abuse which has been generated by a SOC 341 form, and the handling deputy can articulate beyond a reasonable doubt that no abuse or neglect has occurred, no incident report is necessary; however, the handling deputy shall complete a Non-Criminal Elder/Dependent Adult Abuse Check-Off report, and ensure the following tasks are completed:

- When the handling deputy completes a Non-Criminal Elder/Dependent Adult Abuse Check-off report, the handling deputy shall obtain an URN with a statistical code of 715. A copy of the SOC 341 form shall be attached to the Non-Criminal Elder/Dependent Adult Abuse Check-Off report.
- The handling deputy shall email both the approved Non-Criminal Elder/Dependent Adult Abuse Check-Off report and the SOC 341 form to the appropriate social services agency and licensing agency, according to Attachment "A."

Self-neglect is not a crime, but must be documented on a Non-Criminal Elder/Dependent Adult Abuse Check-Off report, as noted above, pending further investigation of its cause.

WIC section 15630 identifies employees of law enforcement agencies as mandated reporters of actual or suspected elder/dependent adult abuse. This section mandates that specified agencies be notified in cases of actual or suspected elder/dependent adult abuse or neglect. If the deputy's incident report was the result of a SOC 341 form received by the Department, the deputy need not notify the social services agency and licensing agency by telephone, since they already possess the information. However, the deputy must email, as described in Attachment A, the completed Non-Criminal Elder/Dependent Adult Abuse Check-Off report and existing SOC 341 form to the social services agency and licensing agency.

In the event of an elder/dependent adult abuse investigation where there is no existing SOC 341 form (such as a deputy's self-initiated investigation or a traditional call for service, via telephone), the appropriate social services agency and licensing agency must be notified, as directed in Attachment "B."

The statistical codes for elder/dependent adult abuse and neglect are as follows:

- 174 - Elder Physical Abuse/Neglect
- 176 - Elder Mental Abuse
- 177 - Elder Fiduciary (financial) Abuse
- 178 - Dependent Adult Abuse (physical, mental, and fiduciary abuse)
- 707 - Suspicious Circumstances - Possible Elder Abuse
- 715 - Elder/Dependent Adult Abuse, Allegation Only

The Penal Code and Welfare and Institution Code sections which may be used for elder/dependent adult abuse (physical abuse, neglect, abandonment, isolation, or mental suffering) are as follows:

- 368 (b) PC - Abuse/Neglect - felony/misdemeanor
- 664/368(b) PC - Attempt Abuse/ Neglect - felony/misdemeanor
- 368(c) PC - Abuse/Neglect – misdemeanor
- 368(f) PC - False Imprisonment – felony
- 15656 WIC - same as Penal Code 368(a) - felony/misdemeanor

Penal Code and Welfare and Institution Code sections which may be used for elder/dependent adult financial abuse are as follows (for the below sections, \$950 and above is a felony and less than \$950 is a

misdemeanor):

- 368(d) PC - Not a caretaker, theft from elder/dependent adult
- 664/368(d) PC - Not a caretaker, attempted theft from elder/dependent adult
- 368(e) PC - Caretaker, theft from elder/dependent adult
- 664/368(e) PC - Caretaker, attempted theft from elder/dependent adult
- 15656(c) WIC - Caretaker, same as Penal Code 368 - felony/misdemeanor

When assistance is requested by an adult social services agency or licensing agency to enter a residence or dwelling to conduct an elder/dependent adult abuse or neglect investigation, a deputy may enter the residence or dwelling only under the following conditions:

- Consent by person competent to authorize consent;
- Exigent circumstances exist; and/or
- Warrant.

If a deputy has questions regarding the validity of the situation or the entry, the deputy shall contact their supervisor.

Upon entering a residence in support of a social services agency or licensing agency investigation, the role of the deputy is to ensure a safe environment for all parties involved. If the deputy identifies any violations of law, the deputy shall take appropriate law enforcement action.

### **Watch Sergeant's Responsibilities**

When reviewing reports, the watch sergeant shall ensure the reports contain the information as described above, and the SOC 341 form is attached to the incident report.

If the handling deputy submits a Non-Criminal Elder/Dependent Adult Abuse Check-Off form, the watch sergeant shall:

- Ensure an URN was obtained using a statistical code of 715;
- Ensure the SOC 341 form is attached;
- Complete the "Approved By" box of the form; and
- Ensure the handling deputy faxes the approved report and SOC 341 form to the appropriate social services agency and licensing agency, and the email information requested at the bottom of the form has been completed.

### **Watch Commander's Responsibilities**

Watch commanders shall check the station/unit SEAR system folder during each shift and ensure that all outstanding SOC 341 forms are handled and cleared from the SEAR system in a timely manner, generally within 24 hours. The watch commander shall note the check of the station/unit SEAR system folder in the Watch Commander's Shift Log.

### **Station Unit Detective Bureau Responsibilities**

All reports of actual or suspected elder/dependent adult abuse will be assigned to station/unit detectives (refer to MPP section 4-04/012.00).

Station detectives shall ensure the handling deputy has emailed all deputy-generated SOC 341 forms to the appropriate social services agency and licensing agency within two working days of the SOC 341 report.

The handling detective shall work in conjunction with county and/or state departments, or agencies listed in the MOU, as well as any other state or county agency having authority to investigate elder/dependent adult abuse, either as a criminal, social service, or licensing matter. If additional county or state agencies have reports related to a criminal investigation, the handling detective shall obtain the reports to assist in the filing of criminal charges.

The handling detective is required to notify the appropriate social services agency and licensing agency of the outcome of the criminal investigation.

If the handling detective receives an incident report, usually for financial abuse, and the crime was committed in a different jurisdiction, the handling detective may refer the matter to the law enforcement agency where the suspected crime was committed for further investigation of the facts.

### **Fraud and Cyber Crimes Bureau's (FCCB) Responsibility**

FCCB acts as the liaisons between Department members, social services agencies, and law enforcement agencies. FCCB also assists station/unit personnel with advice, directions, and necessary contacts outside the Department.

If Department personnel need access to the SEAR public folder, they may create a service ticket via the help desk at [REDACTED TEXT]

If you have any questions, please call or email Field Operations Support Services (FOSS) at [REDACTED TEXT]

### **REFERENCE/CITES**

368 PC - Abuse of Elder or Dependent Adult

15610.07 WIC - Abuse of an Elder or Dependent Adult ~~WIC~~-15610.23 WIC - Dependent Adult Defined

15610.27 WIC - Elder Defined

15610.30 WIC - Financial Abuse Defined

15610.53 WIC - Mental Suffering Defined

15610.57 WIC - Neglect Defined

15610.63 WIC - Physical Abuse Defined

15630 WIC - Mandated Reporter of Abuse

15633.5 WIC - Confidentiality

15656 WIC - Abuse of Elder or Dependent Adult

SOC 341 Report of Suspected Dependent Adult/Elder Abuse MPP section 4-04/012.00 Abuse

## **ATTACHMENTS**

Attachment "A" - Watch Deputy Computer Instructions for the SEAR (Suspect Elder Abuse Reports) System

Attachment "B" - Suspected Elder and Dependent Adult Abuse Reporting Matrix

### **ATTACHMENT "A"**

#### **WATCH DEPUTY COMPUTER INSTRUCTIONS FOR PROCESSING SEAR REPORTS (SUSPECTED ELDER ABUSE REPORTS)**

##### **Location of Folders with SOC 341**

Adult Protective Services (APS) will send SOC 341 form by RightFax to the appropriate station. The station SEAR folder will be based on the address of the location of incident or for financial abuse, the location where the victim resides. Each station will have a folder which will receive SOC 341 forms, 24-hours a day, seven days a week. The station folders are located in Outlook at:

Outlook\Public Folders\All Public Folders\Bureaus\<(station name)\SEARS Reports

In this folder will be an e-mail file with an attachment entitled "Fax Image.TIF." This TIF document is the SOC 341 form.

##### **Opening, Printing, Renaming (Station Name), and Closing of SOC 341 E-mails**

The watch deputy shall open, print, and rename (station name) the SOC 341 e-mail: To open SEARS:

1. Double click on the e-mail file - the e-mail will open.
2. Right click the mouse on the TIF document.
3. To print the SOC 341 form, follow the below directions or to close the SOC 341 form, click on the "X" in the upper right-hand corner.

To print the SOC 341 form:

1. Open the e-mail.

2. Click on "Print" and follow the directions to print.
3. Click on the "X" in the upper right-hand corner to close the TIF document.

To rename (station name) SOC 341 e-mail:

Rename the "subject" line of the e-mail by using the station's three alpha mnemonic, the six digit date the SOC 341 e-mail was received, the three digit tag for the call for service, and the victim's full last name. The e-mail name will not include spaces, hyphens, or other identifiers. Below is an example of an e-mail received by Temple Station on April 30, 2006, regarding victim Jones:

Example:      TEM043006005JONES

1. Open the e-mail.
2. Highlight the text in the "subject" line ("A new fax has arrived from ...").
3. Right click the mouse.
4. Click on "cut" in the drop-down menu.
5. Type in the new name as described above.
6. Click on "File" in the upper left-hand corner.
7. Click on "Save" in the drop-down menu.

To close the SOC 341 e-mail:

1. Click on "File" in the upper left-hand corner; and
2. Click on "Close" in the drop-down menu.

## **Renaming the SOC 341 E-mail After Completed**

After a SOC 341 has been handled to completion by the responding deputy, the watch deputy shall rename the "subject" line of the e-mail containing the SOC 341. The designated statistical code for the call for services will be added to the immediate right of the victim's last name. No spaces, hyphens or other identifiers will be included. See the below example for a SOC 341 e-mail that had been completed:

Example: TEM043006005JONES715

(715 always used for Check-Off Form)

TEM043006005JONES176(URN statistical code to be used for Incident Reports)

To rename the SOC 341 e-mail (including statistical code):

1. Open the e-mail.
2. Highlight the text in the "subject" line (as shown in the previous example "TEM043006005JONES").
3. Right click the mouse.
4. Click on "Cut" in the drop-down menu.
5. Type in the new name as described above.

6. Click on "File" in the upper left-hand corner.
7. Click on "Save" in the drop-down menu.

To close the SOC 341 e-mail:

1. Click on "File" in the upper left-hand corner.
2. Click on "Close" in the drop-down menu.

### **Returning a SOC 341 Via Email to APS**

If APS forwards an e-mail containing a SOC 341 to a patrol station wherein the incident did not occur within the station's jurisdiction, except in financial abuse, the watch deputy shall return the SOC 341 form to APS, via email to [aps-reports@lacounty.onmicrosoft.com](mailto:aps-reports@lacounty.onmicrosoft.com). COMPLETED Non-Criminal Elder/Dependent Adult Abuse Check-Off Report Forms are to be emailed to [REDACTED TEXT] APS Elder Abuse Hotline (877) 477-3646.

1. Include the name of the correct station or police agency of jurisdiction.
2. Include an addressee and the reason for the return on the cover sheet.

### **Rename SOC 341 E-mail After Returned to APS**

The watch deputy shall rename the "subject" line of the e-mail containing the SOC 341 to indicate that the SOC 341 was returned. Rename the "subject" line of the e-mail containing the SOC 341 with the text "Return to APS on (date)."

Example: RETURN TO APS ON 043006

1. Open the e-mail.
2. Highlight the text in the "subject" line ("A new fax has arrived from ...").
3. Right click the mouse.
4. Click on "cut" in the drop-down menu.
5. Type in the new name as described above.
6. Click on "File" in the upper left-hand corner.
7. Click on "Save" in the drop-down menu.

To close the SOC 341 e-mail:

1. Click on "File" in the upper left-hand corner.
2. Click on "Close" in the drop-down menu.

### **Retention of Documentation of Returned SOC 341s**

The watch deputy shall print the SOC 341 as indicated above. Include:

- Name of APS worker;
- Date;

- Time; and
- APS Case Number.

The SOC 341 form and printed email copy shall be placed in a file and retained at the station for future reference.

For APS case questions or assistance, Department Personnel may contact:

[REDACTED TEXT]

**Law Enforcement Liaison**

Adult Protective Services

Los Angeles County

[REDACTED TEXT]

[REDACTED TEXT]

**SEAR Attachment “B”**

**MANDATED REPORTING FOR LAW ENFORCEMENT**

**Section 15630 WIC**

**WIC section 15630(b)(1):** Any mandated reporter who, in their professional capacity, or within the scope of their employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, financial abuse, or neglect, or is told by an elder or dependent adult that they experienced behavior, including an act or omission, constituting physical abuse, financial abuse, or neglect, or reasonably suspects that abuse, shall report the known or suspected instance of abuse by telephone immediately or as soon as practicably possible, and by written report sent within two working days, as follows:

Location of abuse or suspected abuse	Agency to report to	Contact phone number	WIC citation
Long-Term Health Care Facility	County Ombudsperson	(800) 334-9473	15630 (A) WIC
	State Department of Health Services	(800) 822-6222	15630 (A)(i) WIC

Field Operations Directives (FODs) : 04-002 Elder and Dependent Adult Abuse

Adult Day Care Facility	State Department of Social Services	(323) 980-4934	15630(A)(ii) WIC
Residential Care Facility for the Elderly	State Department of Social Services	(323) 980-4934	15630(A)(ii) WIC
Adult Day Health Care Center	State Department of Health Services	(800) 822-6222	15630(A)(ii) WIC
	California Department of Aging	(916) 414-7500	
Any known or suspected criminal activity related to elder or dependent adult abuse	Bureau of Medi-Cal Fraud and Elder Abuse	(800) 722-0432	15630 (A)(iv) WIC 15630 (B) WIC
State Mental Hospital	State Department of Mental Health	(916) 322-7445	15630 (B) WIC
	State Department of Developmental Services	(916) 654-1690	
	Bureau of Medi-Cal Fraud and Elder Abuse	(800) 722-0432	
State Developmental Center	State Department of Mental Health	(916) 322-7445	15630 (B) WIC

Field Operations Directives (FODs) : 04-002 Elder and Dependent Adult Abuse

	State Department of Developmental Services	(916) 654-1690	
	Bureau of Medi-Cal Fraud and Elder Abuse	(800) 722-0432	
Anywhere else	Adult Protective Services	(833) 401-0832	15630 (C) WIC