



**Reporting and Investigating Suspected Elder and Dependent Adult Abuse
(Supersedes Department Bulletin 11-203)**

It is mandatory in California to report Elder and Dependent Adult crimes. Elder and Dependent Adult abuse incidents are investigated by either the Special Victim Unit and/or the Financial Crime Unit. Members shall implement the following information to be in compliance with the law and to substantially aid the follow-up investigations.

Definitions

Elder – A person aged 65 years old or over.

Dependent Adult – A person aged 18-64 years old who has a disability (mental or physical) that limits or prevents him/her from caring for or protecting him/herself.

California Penal Code 368 – Crimes against Elder or Dependent Adult:

- (a) The California Legislature finds and declares that crimes against elders and dependent adults are deserving of special consideration and protection, not unlike the special protections provided for minor children, because elders and dependent adults may be confused, on various medications, mentally or physically impaired, or incompetent, and therefore less able to protect themselves, to understand or report criminal conduct, or to testify in court proceedings on their own behalf.
- (b)(1) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult, with knowledge that he or she is an elder or a dependent adult, to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured, or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health is endangered, is punishable by imprisonment in a county jail not exceeding one year, or in the state prison for two, three, or four years.
- (b)(2) If in the commission of an offense described in paragraph (1), the victim suffers great bodily injury... the defendant shall receive an additional term in the state prison as follows:
 - (A) Three years if the victim is under 70 years of age.
 - (B) Five years if the victim is 70 years of age or older.

A 368 PC offense has been committed if an Elder or Dependent Adult has been:

Physically abused

Sexually abused

Unlawfully physically or chemically restrained

Abandoned

Neglected by caregiver

Financially abused by caregiver or

Financially abused by others

Investigating Elder and Dependent Adult Abuse

The following observations should be documented in the SFPD Incident Report:

- Note if there have been multiple calls for service to the address.
- Note the physical status of the victim. (Are there suspicious cuts, bruises, sores on the victim's body? Any evidence of bed sores? Any suspicion that the injuries are the result of abuse or neglect?)
- Note the mental status of the victim. (Is the victim under influence of drugs, alcohol or medications that could be used to restrain victim?)
- Note if the victim is confused or disoriented (Dementia?)
- Note the victim's health. (Is victim lacking personal hygiene, wearing dirty clothing? Does victim use a hearing aid, use a walker, cane or wheelchair? Does victim take medications?)
- Note status of food. (Is there edible food? Access to water/fluids? Is victim eating regularly?)
- Note the condition of the residence. (Is the residence clean? Is garbage piled up? Is mail and newspapers accumulating? Any unusual noises or bad odors?)
- Note victim's attitude toward the caregiver. (Is the victim dependent on caregiver? Is the victim fearful of caregiver?)
- Does the caregiver appear to have any mental health or substance abuse issues?
- Do the caregiver's statements support the victim's injuries? Take statements in context of injuries. Is there consistency?
- Interview the victim away from caregiver. (On well-being checks aka 910s, interview the victim away from family members.)
- Note the duration of the abuse/neglect.
- Photograph the victim and the living environment.
- Canvas the neighborhood for possible witnesses and for history of prior incidents.
- Obtain an Emergency Protective Order when appropriate.
- Preserve the crime scene.
- Note who has control of the victim's financial matters. (A trust attorney, family member or the caretaker?)

Documenting and Routing the SFPD Incident Report

For physical abuse and/or neglect incidents- the SFPD Incident Report shall be titled "Elder or Dependent Adult Abuse/Neglect" and a copy of the incident report should be faxed to the Special Victims Unit at (415) 553-7965. The original report should be routed as usual with the routing code 15041.

For financial abuse incidents - the SFPD Incident Report shall be titled "Embezzlement from Dependent or Elder Adult by Caretaker" and a copy of the incident report should be faxed to the Financial Crimes Unit at (415) 553-9526. The original report should be routed as usual with the routing code 06381.

For financial abuse incidents not associated with embezzlement or theft- the SFPD Incident Report shall be titled "Elder Adult or Dependent Abuse (not Embezzlement or Theft)" and a copy of the incident report should be faxed to the Financial Crimes Unit at (415) 553-9526. The original report should be routed as usual with the routing code 15041.

In all incidents of Elder and Dependent Adult Abuse- Call Adult Protective Services (APS) 24-hour hotline at (415) 355-6700 and fax a copy of the incident report to APS at (415) 355-6750.

Notifications

In all cases of Elder or Dependent Adult abuse when advised by medical personnel that death may be imminent, members shall notify the Special Victims Unit (415) 553-9225 or the DOC (415) 553-1071 during non-business hours.

Adult Protective Services' Reports of Abuse to SFPD

- When an Adult Protective Services (APS) worker is on the scene of a suspected crime and an incident report is immediately needed, the APS worker will call DEM and request that a sworn member be dispatched to the scene to take the report. While on the scene, the sworn member shall obtain a SFPD incident report number and give it to the APS worker.
- When the urgency of a suspected crime is not present, the APS worker will respond to the district station to file a police report. A member at the district station will take the report, and give the APS worker the SFPD Incident Report number.

Elders and Dependent Adults are vulnerable victims. Always err on the side of caution and notify either the Special Victims Unit (415)553-9225 or the Financial Crime Unit (415) 553-1521 if you have questions or need advice about an incident.

Members assigned to the Airport Bureau will follow San Matco County Protocols related to notifications for incidents reported at the San Francisco International Airport.


GREGORY P. SUHR
Chief of Police