

DOMESTIC VIOLENCE IN LATER LIFE

24TH ANNUAL NATIONAL ADULT PROTECTIVE SERVICES
CONFERENCE, OCT. 2, 2013

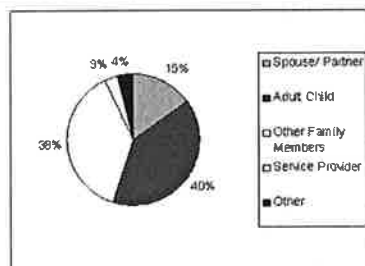
Tara Patel, Senior Prosecutor, Office of the St.
Paul City Attorney

Sgt. Josh Lego, St. Paul Police Department,
Family Sexual Violence Unit

Agenda

- ☐ Types of perpetrators and nature of "domestic" relationships
- ☐ Applicable statutes
- ☐ Elder Domestic Violence Dynamics: Why does abuse occur and persist in these relationships?
- ☐ Barriers to safety for older and vulnerable victims
- ☐ Investigative strategies
- ☐ Wrap-up

Elder Abuse Perpetrators



National Association of APS Administrators & NCEA

Types of Relationships

Life long battering relationship

Late onset abuse

New life partnership or marriage

Adult child, grandchild, or other family member

Keep in mind...

- ☐ Most elder abuse is perpetrated by family members, not just spouses.
- ☐ Definition of "family or household member" under Minn. Stat. 518B includes:
 - ☐ Spouses and former spouses
 - ☐ Parents and children
 - ☐ Persons related by blood
 - ☐ Persons presently residing together or who have resided together in the past
 - ☐ Persons who have a child in common
 - ☐ Persons involved in significant romantic or sexual relationship

Potential Criminal Charges

- | | |
|---|--|
| <input type="checkbox"/> Criminal Abuse | <input type="checkbox"/> Domestic Assault |
| <input type="checkbox"/> Criminal Neglect | <input type="checkbox"/> False Imprisonment |
| <input type="checkbox"/> Mistreatment of patients | <input type="checkbox"/> Strangulation |
| <input type="checkbox"/> Financial Exploitation | <input type="checkbox"/> Terroristic Threats |
| <input type="checkbox"/> Disorderly Conduct | <input type="checkbox"/> Assault |
| | <input type="checkbox"/> Criminal Sexual Conduct |
| | <input type="checkbox"/> Deceptive Trade Practices |

Charging Options: Minnesota

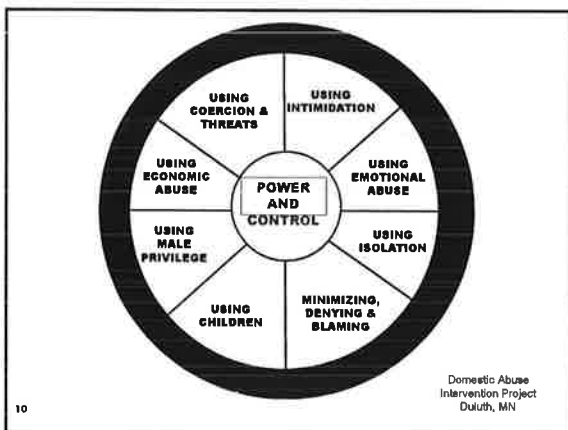
- ☐ Domestic Assault (Minn. Stat. 609.2242)
- ☐ Disorderly Conduct (Minn. Stat. 609.72, Subd. 3)
 - ☐ By a Caregiver in the presence of a vulnerable adult
 - ☐ Always a Gross Misdemeanor
- ☐ Assault I-III (Minn. Stat. 609.221-.223) (felony)
- ☐ Assault IV (Minn. Stat. 609.2231)
 - ☐ New (2010) crime for assault of a vulnerable adult
 - ☐ Perpetrator must "know or should know" of status
 - ☐ Gross Misdemeanor

Minn. Stat. 611A.033(c)

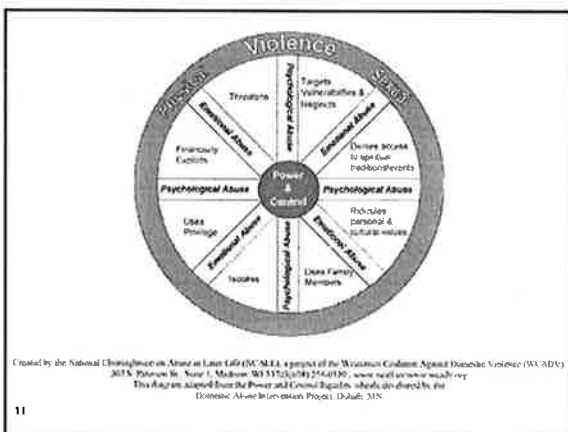
Allows for a speedy trial when victim is a vulnerable adult.

Why does abuse occur and persist in these relationships?

- ☐ Power and control
- ☐ Greed and entitlement



10



11

Similarities

- ☐ Threats
- ☐ Isolation
- ☐ Use of Privilege
- ☐ Use of family members
- ☐ Power and Control at the center
- ☐ Physical and Sexual abuse

How is the experience of older victims different?

- ☐ Targets vulnerabilities and neglects
- ☐ Denies access to spirituality and traditional events
- ☐ Ridicules personal and cultural values
- ☐ "Emotional abuse" vs. "Psychological abuse"

In Their Own Words: Pat

NCALL, Terra Nova Films, OVC



Discussion

- ☐ What kinds of power and control dynamics did Stan use against Pat?
- ☐ What actions or inactions resulted in an increased risk of harm to Pat?

Barriers to Safety/ Factors Affecting Abuse Investigations

- ☐ Older societal norms of a woman's role in a marriage
- ☐ Parents may resist the interventions that result in their adult children being arrested, homeless, or placed in a mental health facility.
- ☐ Parents abused by their adult children may feel shame and embarrassment (perception of poor parenting in that they raised a person capable of such behavior).

Barriers to Safety...

- ☐ Older victims may not identify as victim of abuse.
- ☐ Isolation leads to lack of information and being unaware of available resources.
- ☐ Health concerns (both victim and perpetrator)
- ☐ Balancing safety and relationship.
- ☐ Fear of losing independence
- ☐ Fear of being placed in nursing home
- ☐ Immigration concerns

Barriers to Disclosure

- ☐ Having a medical condition or disability makes independent living difficult or impossible.
- ☐ Older adult may fear
 - ☐ batterer
 - ☐ loss of independence
 - ☐ loss of caregiver or standard of care

Economic Barriers

- ☐ Senior women may lack job experience.
- ☐ Employers may be unwilling to employ women and men over 50.
- ☐ The cost of health insurance and professional caregivers limits available options.

Special Considerations: LGBT Elders

- ☐ Police and others have difficulty recognizing elders who may be in domestically violent relationships due to misperceptions of the older adult and battering.
- ☐ The combination of these two facts leaves many LGBT seniors ignored and overlooked by intervention services.

Norman



Investigative Strategies



The Investigation Begins...

- ☐ Responding to a report of elder abuse
- ☐ Responding to a medical call
- ☐ "Check the welfare" call
- ☐ Investigating another crime
- ☐ Responding to an APS referral
- ☐ Responding to a Dept of Health referral (facilities)
- ☐ Responding to a reported death

Remember Officer Safety

- ☐ Do not discount danger level.
- ☐ Older adults may be violent, living with violent people, or have vicious animals.
- ☐ Weapons may be present.
- ☐ Residences may be unsafe or hazardous.

Victim Indicators

- ☐ Shows unexplained or sudden changes in behavior
- ☐ Is afraid to speak in the presence of the offender
- ☐ Is isolated
- ☐ Signs of being restrained
- ☐ Infections, pain, or bleeding in genital areas
- ☐ Under or overmedicating an older adult
- ☐ Leaving an older adult in feces, urine
- ☐ Important possessions, documents, or credit cards are missing
- ☐ Location of mobility equipment/assistive devices

Suspect Indicators

- ☐ Provides conflicting explanations about the older adult's injuries
- ☐ Isolates older adult
- ☐ Controls and dominates the older adult
- ☐ Portrays self as victim or the only caring person in older adult's life
- ☐ Dismisses victim's report as product of dementia
- ☐ May be charming and helpful toward professionals

Environmental Indicators

- ☐ Strong odors of urine and or feces
- ☐ Lack of food
- ☐ Locks outside of doors (to lock older individual in a room)
- ☐ Damage to home caused by abusive behavior

Factors affecting investigation

- ☐ Common issues: time, resources
- ☐ Concurrent investigations
 - ☐ APS
 - ☐ Licensing agencies
- ☐ Communication with older adults
- ☐ Challenges that older adults face when seeking safety and justice

Strategies for interviewing older adults

- ☐ Avoid making assumptions based on age
- ☐ Respect cultural traditions as much as possible
- ☐ Be aware of physical limitations
 - ☐ May need glasses, hearing aids, other equipment
 - ☐ May need to eat, take medications, rest
 - ☐ Often requires more than one interview
 - ☐ Often requires officer to go to victim

Cognitive limitations

- | <u>Temporary:</u> | Permanent or Progressive |
|---|---|
| <input type="checkbox"/> Trauma | <input type="checkbox"/> Depression or other mental illness |
| <input type="checkbox"/> Lack of food/water | <input type="checkbox"/> Traumatic brain injury |
| <input type="checkbox"/> Medications | <input type="checkbox"/> Dementia (Alzheimer's is only one form!) |
| <input type="checkbox"/> Offender tactics | |
| <input type="checkbox"/> Fatigue | |
| <input type="checkbox"/> Infections | |

Dementia and Alzheimer's Disease

- ☐ One in eight persons age 65 and over (13%) has Alzheimer's disease
- ☐ Nearly 1/2 of persons over 85 have Alzheimer's disease
- ☐ Some forms of dementia are reversible
- ☐ Short term memory may be compromised
- ☐ Accounts of abuse may be accurate even if other statements are not

Interviewing Tips: Confusion

- ☐ Do not discount abuse because the statements seem untrue or because the suspect tells you victim has dementia
- ☐ Determine best time of day to interview (sundowning)
- ☐ Allow extra time for victims to respond
- ☐ Ask about food, sleep, and medication
- ☐ Establish victim's routine without asking about crime
- ☐ Use focused open-ended questions with victims who may not provide information in a chronological order
- ☐ Use memory cues such as "What were you doing before this happened?"
- ☐ As the older victim is she can draw or show you the object or what happened

Avoid Making Assumptions

- ☐ Keep in mind that many older adults are in good health and do not have physical or cognitive disabilities that significantly impact their lives or a law enforcement/APS investigation.
- ☐ Investigate as you would any other crime and do not take the perpetrator's statements regarding the victim's condition at face value.

Summary

- Elders and vulnerable adults are more likely to be abused by family members than strangers. Therefore, domestic violence laws, arrest policies and restraining order protections apply in many of these cases.
- There are some unique power and control tactics used in elder abuse.
- There are some barriers to safety for older domestic violence victims that are not present with younger victims.
- Work collaboratively

Contact us...

- Sgt. Josh Lego
joshua.lego@ci.stpaul.mn.us
(651)266-5676
- Tara Patet
tara.patet@ci.stpaul.mn.us
(651)266-8771
