Building (more) Bridges between the Fields of Victim Services & Adult Protective Services

Shelly L. Jackson, Ph.D.
OVC Visiting Fellow

26th Annual NAPSA Conference, Orlando, FL

Learning Objectives

- To better understand the victim services field

- To know ways in which victim services and APS fields are similar and different

- To learn ways in which APS and victim services can collaborate and benefit from each other

---

Contentious History

Cramer and Brady (2013)

- We must identify the underlying disputes so we can face them head on and work toward some reconciliation.

PORTLAND, OR

Portland Oregon

Last Year...

BUILDING BRIDGES BETWEEN THE
ELDER JUSTICE
&
VICTIMS OF CRIME ACT
PROFESSIONS

SHELLY L. JACKSON, VISITING FELLOW, OFFICE FOR VICTIMS OF CRIME
CAROL SEWELL, PROGRAM ANALYST, CALIFORNIA COMMISSION ON AGING
URSEL MCELROY DRAKE, DEPUTY DIRECTOR OF EDUCATION AND POLICY – CRIME VICTIM SECTION, OFFICE OF OHIO ATTORNEY GENERAL

RESPONDING TO VICTIMS OF ELDER ABUSE

2015 VOCA Training Conference, Washington, DC

Related Phenomenon
(Heisler, 2015)

Abuse in later life

Abuse of vulnerable adults

Crimes against persons age 60+

Self-neglect

Elder Abuse

Crime

OVC Webinars

OVC Needs Assessment

https://www.ovcttac.gov/views/TrainingMaterials/dspWebinars.cfm

Building Bridges

https://www.ovcttac.gov/views/TrainingMaterials/dspBuildingBridgesWebinar.cfm

OVC Building Bridges Initiative

- VOCA Administrators

- Elder Justice Professionals

"APS Does Not Provide Victim Services"

Can VOCA Funds be used to Fund Elder Abuse Programs?
~
Are APS Caseworkers Victim Service Providers?

Detailed Comparison

Adult Protective Services

Victim Services

ALLIANCE

Section I: Personnel

Guiding Philosophy: Self-Determination

Profile of Providers

Training of Personnel

Role of Providers

SELF DETERMINATION

Self-Determination

Exceptions

Autonomy   Beneficence

DV & EA (Gotlich, 1994)

- The emphasis on "best interests" standard in APS ignores the autonomy and presumed competence of older adults…

- while domestic violence relies on an autonomous and capable adult coming forward to seek help, ignoring the victims who are incapable of asserting their rights due to physical and mental limitations.

Section II: The Victims

- Terminology
- Underlying Theories
- Definition of a Victim
- Victim Profiles
- Perpetrators

Victim Profiles

APS	VS
• Physically, cognitively, and psychologically vulnerable	• Poor and vulnerable, while those with power and resources may recover from crime without formal assistance

Section III: The Victimization

- Prevalence of Crime Types and Rates of Victimization and Patterns
- Risk and Protective Factors
- Consequences of Victimization
- Self-Reporting & Voluntary Reporting
- **Mandatory Reporting**
- Notification to Reporters: Confidentiality and Closing the Feedback Loop

Responsible for Responding

- Adult protective services
- Law enforcement
- State regulatory and licensing agencies
- Medicaid fraud units
- Staff of the Long-Term Care Ombudsman program
- Federal law enforcement and regulatory agencies

9/2/2015

Mandated Reporting
Adult Protective Services

All States (except NY)

Advocates' Confidentiality (Brandl 2005; Heisler, 2015)

- Duty to Report Elder Abuse
  - Mandatory reporting trumps confidentiality

  - Other exceptions: Child abuse, "*Tarasoff*"

- Convey Your Reporting Policy to Clients

8

VAWA 2013 Sec. 40002(b)(E)

- (E) Statutorily mandated reports of elder abuse or neglect.-

  o Nothing in this section prohibits a grantee or subgrantee from reporting suspected abuse or neglect, as those terms are defined and specifically mandated by the State or tribe involved.

Purpose?

Eligibility for Services

- Investigation
  - Capacity Assessment

APS Model   Victim Services Model

Elder Abuse Victim   Crime Victim
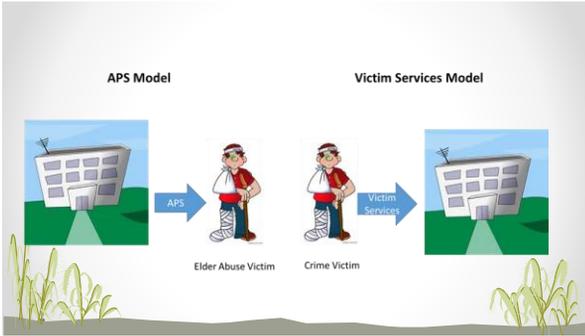
Legitimate Concerns Brandl, 2005

- An investigation involves actions that have the potential to put some victims at risk

  o Home visits
  o Collateral interviews
  o Leaving literature
  o Contact with or notification of the perpetrator

Service vs. Investigation

- 35 states define protective services

  o 20 of those define "investigation" as a type of service

- Texas: an investigation is not a service.

Section IV: Services

- Formal and Informal Assistance
- Typologies of Services
- The Provision *or* Arrangement of Formal Services
- Types of Services Actually Provided
- Number of and Differences in Needs
- Number of Unmet Needs
- **Involuntary Interventions**

APS

- Legal (civil and/or criminal)
- Medical
- Out-of-Home Residence
- In-Home Residential
- Mental Health
- Financial Management
- Personal Needs
- Case Management
- **Guardianship Services**
- **APS Investigation**

Victim Services

- Emotional Support/Listening
- Safety Services
- Professional Therapy
- Criminal Justice Advocacy
- Individual Needs
- Civil Legal Assistance

Section IV: Services

- Formal and Informal Assistance
- Typologies of Services
- The *Provision **or** Arrangement* of Formal Services
- Types of Services Actually Provided
- Number of and Differences in Needs
- Number of Unmet Needs
- **Involuntary Interventions**

"Provision *or* Arrangement"

APS	VS
• Statutory review	• Provide direct services
	• Make referrals

o "provide or arrange" for services

• the department shall offer services (n = 3)
• services as agency services (n = 1)

Dementia
(Dong, Chen, & Simon, 2014;
Dong, Simon, Rajan, & Evans, 2011)

"TELL ME SOMETHING—
DO I COME HERE OFTEN?"

Honoring the wishes of a person with
capacity demonstrates respect
for the individual.

Honoring the wishes of a person without
capacity is a form of abandonment.

Farber-Post

Section V: Accessing and Using Services

- Accepting (APS) and Accessing (Victim Services) Services
- Service Utilization
- **Refusal of Investigation and/or Services**
- Few or No Service Needs
- Barriers to Accessing Services
- Predictors of Service Non-Utilization

## Refusal of Services

- If capacity, right to refuse

  o 20% refuse

Refusal of Services and/or Investigation

- 14 states allow refusal of *both* an APS investigation and the provision of services.

- 22 states permit refusal of services, but silent on the issue of refusing an investigation.

- 9 states are silent on the issue of consent for either an investigation or services

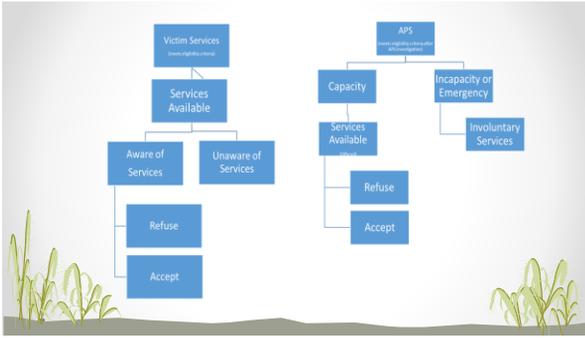- 6 states permit refusal of services, but *not* refusal of an investigation.
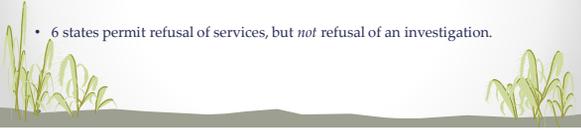
Section VI: Specific Interventions to Stop Abuse or Aid Recovery

o Separating the Victim and Offender
o Restraining Orders
o Interventions for Perpetrators

Section VII: Impact of Services on Victims

- The Provision of Short-term Services
- Outcomes: Impact of Services (not victimization) on Victims
- Black Box of Services: What Accounts for Outcomes?
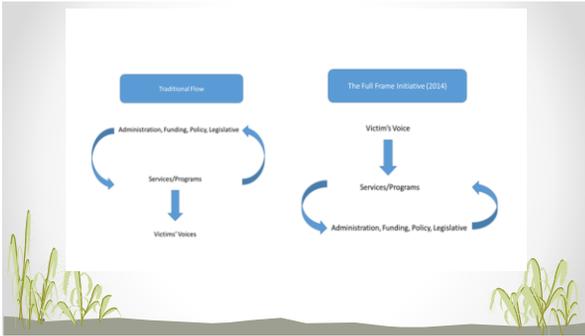- The Practice of Service Providers: Lack of Accountability (or Knowledge)

Traditional Flow

The Full Frame Initiative (2014)

Administration, Funding, Policy, Legislative

Victim's Voice

Services/Programs

Services/Programs

Victims' Voices

Administration, Funding, Policy, Legislative

Section VIII:
Potential Improvements to Serving Victims

- Recognizing Differences in Perceptions
- Ask Victims What They Need
- Matching Victim-Identified Needs with Service Provision
- Matching Victim Needs and Service Availability
- The Use of Technology in Serving Victims
- Translational Research
- Improvements in Basic and Applied Research
- Diversity
- The Adoption of Multidisciplinary Teams

Multidisciplinary Teams

- Communication and collaboration between disciplines is important

You Can't Do It Alone:

Collaborate

EA victims of "crime"

VS responds to EA victims
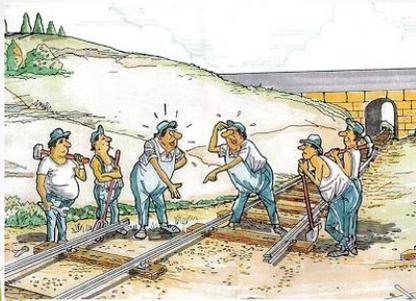
Informal Networks

APS

Community Services

Other Systems

- Community organizations

- Aging Services

- Elder Abuse Court Advocate

SAFETY

PLAN

Detection is Difficult

Gateway Programs
Neighborhood Watch
Faith-Based Organizations
Financial Institutions
Health Care Professionals
Family
Community Corrections

Perceptions of Non-Responsiveness

- Eligibility criteria to open case
- Perceived confidentiality restrictions (no feedback loop)
- Time constraints
- In the field and unavailable
- Inconclusive findings or unfounded
- Refusal of services (or investigation)

Possible Dispositions

- Person in Need of Services
  - o **Accepts**
  - o Refuses
- Need for Protective Services No Longer Exists
  - o No longer has access
  - o Adult removed from situation
- Unfounded
  - o No evidence

What Can I Expect?

- Evaluation of the report
- Investigation
- Determine whether services are needed (eligibility)
- Disposition
- Offer/provide services
- Notify reporter (?)

Feedback Loop

- Reporters are frustrated

- Reasons
  - o Confidentiality prohibitions
  - o No time

- Many states permit providing information to the reporter

Section IX: Conclusions

- **Mandatory reporting**
- **Investigation**
- **Screen for diminished capacity**
- **Involuntary Interventions**

- Risk Factors Research
- Technology
- Perpetrators and Perpetrator Interventions

In all other ways,
APS and VS
are similar

BJS' National Survey of
Victim Services excludes APS

Can VOCA Funds be used to Fund Elder Abuse Programs?
~
Are APS Caseworkers Victim Service Providers?

Victim Service Providers

vs.

Provide Services to Victims

VOCA Administrators Can Fund Elder Abuse & Financial Exploitation Programs

Office for Victims of Crime (July 1998). Providing services to victims of fraud: Resources for victim/witness coordinators. Accessed 2/28/13 at https://www.ncjrs.gov/ovc_archives/reports/fraud/psvf/chap1.htm

VOCA Funds can be used to Fund APS Programs

(except investigations)

Examples

Refusal of Services

- If capacity, right to refuse

  o 20% refuse

VOCA-Funded EA Programs

- Area Agency on Aging (AZ)

- Elder Victims of Crime Advocacy Program (RI)

- ElderServe, Inc. (KY)

- Center for Advocacy for the Rights & Interests of the Elderly (CARIE) (PA)

- SeniorLAW Center (PA)

Moving Forward
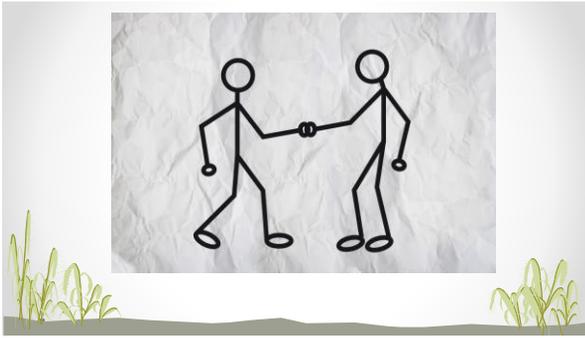
Thank You

Shelly L. Jackson
Shelly.Jackson@usdoj.gov