

National Elder Law Conference: Legal, Societal and Policy Issues Affecting the Older Adult

- A National Policing Perspective

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Toronto Police Service

April 16, 2013
Sheraton Hotel, Toronto



- **‘general’ investigative units**
- **‘specialized’ investigative units**
 - **elder abuse**
 - **financial crimes/fraud**
 - **police & service provider team**
- **‘administrative’ response**
 - **education/training, case consultation, projects/initiatives etc.**

Police response to ‘seniors’ crime’

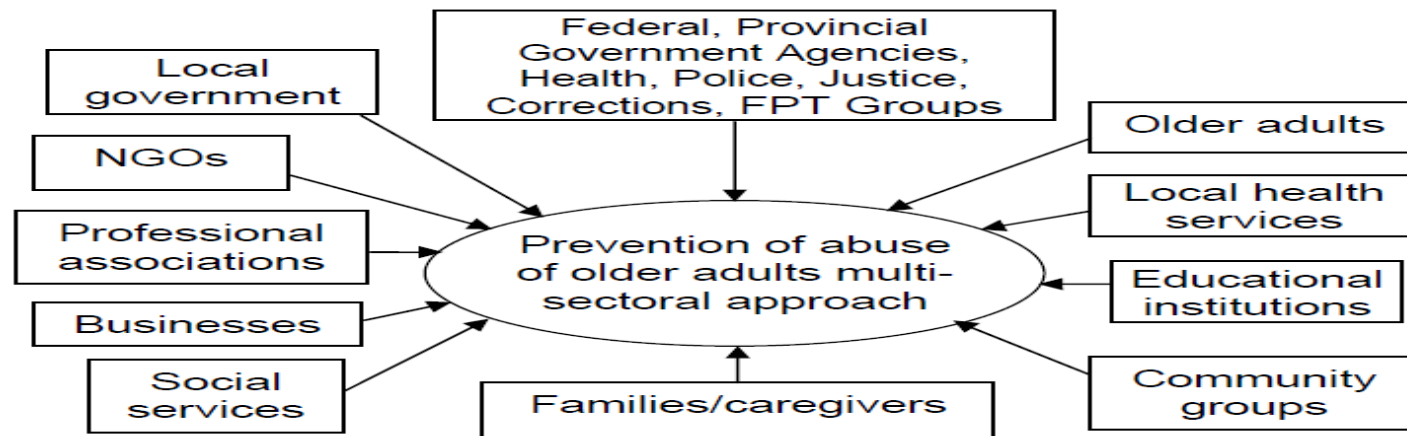
- **criminal matter?**
 - **report, investigation, charges?**
 - **community officer**
 - **senior's crime specialist (e.g. fraud investigator)**
 - **senior specialist (e.g. senior liaison officer)**
- **civil matter?**
 - **advise &/or refer to service provider**
 - **public guardianship, adult protection/guardianship**
- **issues of capacity & undue influence...**

Police response to 'senior's crime'

cont'd

- **A Draft Framework for a National Strategy for the Prevention of Abuse and Neglect of Older Adults in Canada: A Proposal (Aug 2007)**

<http://www.cnpea.ca/Strategy%20Framework%202007.pdf>



Elder abuse strategy?



Human Resources and
Skills Development Canada

Ressources humaines et
Développement des compétences Canada

Government of Canada launches Elder Abuse Awareness campaign

- “The national advertising campaign, entitled *Elder Abuse – It’s Time To Face The Reality*, focuses on creating awareness of elder abuse and its many forms: physical, financial, psychological and sexual.”
<http://news.gc.ca/web/article-eng.do?nid=458809>
<http://www.seniors.gc.ca/eng/pie/eaa/index.php>

Elder Abuse – It’s Time To Face The Reality June 2009

Provincial Elder Abuse Strategy

- [Prevention](#)
- [Awareness Education & Training](#)
- [Intervention](#)

In 2002, the Seniors and Healthy Aging established a comprehensive Provincial strategy to address issues of the abuse of older adults. Since 2002, the Provincial Elder Abuse Strategy continues to evolve and expand. Key components of the Provincial Elder Abuse Strategy include the Elder Abuse Consultant, Seniors Abuse Referral Line, community/regional response teams, education and awareness resources, and funded partnerships with key senior serving organizations that provide direct elder abuse services.

The Secretariat's Elder Abuse Consultant works throughout Manitoba to ensure that services and supports are coordinated and available. The Elder Abuse Consultant connects with older adults, service providers and partners throughout Manitoba by delivering presentations, participating on committees and sharing information around the abuse of older adults.

The Secretariat has led the way in creating a diverse range of elder abuse supports from awareness, education, training, to intervention and protection.

Manitoba EA Strategy

Canadian Police Knowledge Network (CPKN)

<http://www.cpkn.ca/>

- e-learning for subscribed law enforcement agencies
- elder abuse training video (2013)
- scenarios:
 - neglect by caregiver
 - theft by POA
 - double dosing
 - hoarding/mental health
 - domestic violence

Police education & training

Elder Abuse

Course Category: [Community Awareness and Interactions](#)

This course was developed by the Ontario Provincial Police and made available to all police services via CPKN.

Elder abuse is a serious issue. Estimates show that as much as 10 per cent of Canadian seniors may experience some form of abuse, whether it be physical, emotional, financial, or neglect. As the senior segment of the population continues to grow, it is anticipated that the incidence of elder abuse will escalate.

The *Elder Abuse* course is designed to help develop the knowledge, skills, and judgment to respond effectively to incidents of elder abuse. This course addresses elder abuse in both family and long-term care facility settings and examines a range of subjects including: theft by power of attorney; neglect; hoarding; dementia; domestic violence; resident to resident assault; and drug related issues.

- **Canadian Police Knowledge Network (CPKN)** http://www.cpkn.ca/course_elder_abuse

Police education & training cont'd

- **Canadian Police College:** 2 wk fraud course w ‘some’ mention in ID theft & payment card frauds but NOW...
- **RCMP Depot:** EA module in FV training
- **Saskatchewan Police College:** online EA module (recruits)
- **Atlantic Police Academy**
- **NFLD Royal Constabulary:** ‘Respect Ageing’ workshop
- ***Ontario Police College:** 2 wk fraud course (incl’g ‘seniors & POA’) + annual 3 day EA conference (May 2013)
- ***Ottawa Police Service:** 2 day EA course

Police education & training cont’d

- **BC: RCMP & BC Health Authority prov'l training primarily to HA staff, but some police**
- **BC PGT: update designated agency (reg'l health authorities) & police tool - develop relations w one another in these occurrences (used as part of other training modules)**
- **Alberta Sol. Gen. & Alberta Health: province-wide mandatory training program?**
- **Alberta: Treasury Board & Finance (fin. abuse) training by police**
- **e.g.) Vancouver, Winnipeg, OPP, Montreal, Halifax, Charlottetown**

Police education & training cont'd

ONTARIO REGULATION 3/99

ADEQUACY AND EFFECTIVENESS OF POLICE SERVICES

http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_990003_e.htm

Law Enforcement

- 12. (1) Every chief of police shall develop and maintain procedures on and processes for undertaking and managing general criminal investigations and investigations into,
 - (f) elder abuse and vulnerable adult abuse;

An Ontario policing perspective:
elder abuse

Ontario Police Video Training Alliance (OPTVA)-

Elder Abuse Vol. 089 Dec. 2006 (20 min.)

- “As our population ages, incidents involving the abuse and neglect of older persons are inevitably on the rise. This program will guide front line officers investigating allegations of physical abuse, scams and frauds targeting seniors, abuse of power of attorney and abuse at long term care facilities. Powerful vignettes featuring Oshawa senior/actress Joan Hill, training scenarios and insightful interviews comprise this practical, multi-faceted resource.”

http://www.opvta.com/Documents_files/Catalog-OPVTA%20-%202012-05-04.pdf

Police education & training cont'd

- **Toronto Police Service:**
 - **3 hr. presentation to divisional training Sgts w 1 hr. training package (2011)**
 - **1 hr. in-service training to (some) divisions**
 - **1 ½ hr. ‘crime prevention’ class (2X/yr)**
 - **Procedure 05-22: Abuse of Elderly or Vulnerable Persons**
 - **new internal ‘seniors’ reporting mechanism?**

TPS education & training: elder abuse





WELCOME TO THE NEW DIVISIONAL POLICING SUPPORT UNIT INTRANET PORTAL

Elder Abuse Resource Information

[Click here for the TPS Abuse of Elderly or Vulnerable Persons Procedure 05-22.](#) [Click here for Appendix A - Elder & Vulnerable Abuse Investigations Contact Information.](#)

[Advocacy Centre for the Elderly](#)

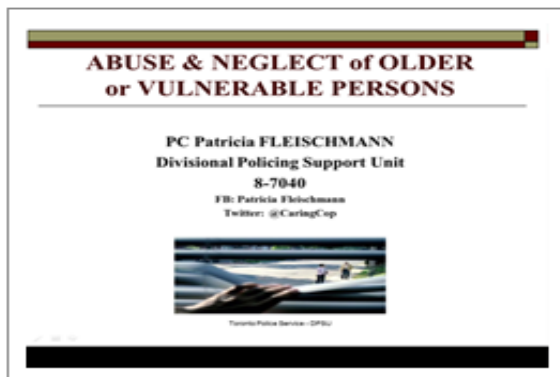
[Alzheimer Society Toronto](#)

[Elder Care Checklist](#)

[ONPEA Senior Safety Line](#)

[Power of Attorney](#)

[Regional Geriatric Program of Toronto](#)



Powerpoint Presentation



Contact

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Video Links

[Financial Abuse](#)

[Grandparent Scam](#)

[Physical Abuse](#)

[Verbal Abuse](#)

- **TPS Divisional Policing Support Unit 2011 YIPI “Elder Abuse”**
http://www.youtube.com/watch?v=Hebr_OyKALY
- **TPS Financial Crimes Unit 2012 Fraud Prevention Month “The Grandparent Scam”**
<http://www.youtube.com/watch?v=7JtVniV-mxY>

TPS seniors' PSA's



- **Ontario Seniors' Strategy developed by expert lead Dr. Samir Sinha (Mt Sinai)**
- **“Living Longer, Living Well” Report**
 - w/in strategy, ‘elder abuse’ identified as a concern
http://www.health.gov.on.ca/en/common/ministry/publications/reports/seniors_strategy/docs/seniors_strategy_report.pdf
http://www.health.gov.on.ca/en/common/ministry/publications/reports/seniors_strategy/docs/seniors_strategy.pdf

Elder abuse priorities?

- **City of Toronto – updating senior strategy**
 - working w/in recommendations of new provincial strategy...
 - To. focus groups also id'd elder abuse as an issue
 - 2013 Toronto Seniors' Strategy (public document)

Elder abuse priorities? cont'd



- **Toronto Police Service**

- part of city's senior strategy, incl'g elder abuse
- **Service strategy (2013 Business Plan): “Focusing on People with Distinct Needs” – “Develop trust between the police and groups such as seniors, Aboriginal people, newcomers to Toronto, and homeless people.”**

http://www.torontopolice.on.ca/publications/files/brochures/2013business_plan.pdf

Police priority



- **Seneca College**
 - 2006 - elder abuse/ageism
 - 2012 - frauds & scams against seniors
- **Fraud Prevention Month (#FPM2013):**
“frauds & scams against seniors” theme
<http://www.torontopolice.on.ca/financialcrimes/fraudpreventionmonth.php>

Police seniors' initiatives?



- **community events**
- **social media – TPS Facebook & Twitter**
 - **#Fraudchat**
 - **“Senior Safety Tip of the Day”**
- **TPS Elder Abuse**
<http://www.torontopolice.on.ca/community/elderabuse.php>

Police seniors' initiatives? cont'd



Toronto (Senior) Crime Stoppers:

- 416 222 TIPS (8477)
- 1800 222 TIPS (8477)
- email tip www.222TIPS.com
- Facebook <https://www.facebook.com/1800222TIPS>
- YouTube <http://www.youtube.com/user/1800222TIPS>
- text via Toronto Crime Stoppers Mobile app (iTunes, Google Play, Blackberry App World)

Alternative reporting structure

- **Canadian Anti-Fraud Centre**
<http://www.antifraudcentre-centreantifraude.ca/english/home.html>
- **On-line:** <https://www.antifraudcentre-centreantifraude.ca>
- **Toll Free: 1-888-495-8501**
- **Toll Free Fax: 1-888-654-9426**
- **Email:** info@antifraudcentre.ca

Alternative reporting structure cont'd

211 and the Senior Safety Line 1-866-299-1011 Join Forces in the Fight Against Elder Abuse in Ontario

ADDED JAN 30, 2013, UNDER: [GENERAL NEWS](#)

On February 1, 2013 ONPEA's Senior Safety Line partners with Ontario 211 and launches a



The Ontario Network
for the Prevention of Elder Abuse

collaborative new service delivery model, to increase efficiency and effectiveness in supporting elder abuse callers and at-risk seniors in the province. This partnership will mean fewer dropped calls, an increase in call handling capacity and improved client satisfaction.

Ontario Senior Safety Line

- **National Elder Abuse List Serve***
 - private vs. public forum
 - elder abuse occurrences, investigations, case law...
- **Ontario: Law Enforcement Agencies Protecting Seniors (LEAPS)**
 - committed to sharing information & ideas for the positive treatment of older adults, as well as developing a collaborative, coordinated & effective response to older adult abuse

Police resources

- **NICE - public** - <http://www.nice-tools.ca/de.aspx?id=144&tl=Elder+Abuse%3a+Assessment+and+Intervention+Reference+Guide>
- **NICE - police** - [http://www.nice-tools.ca/de.aspx?id=177&tl=Theft+By+Person\(s\)+Holding+Power+of+Attorney+-+Officers+Investigation+Guide](http://www.nice-tools.ca/de.aspx?id=177&tl=Theft+By+Person(s)+Holding+Power+of+Attorney+-+Officers+Investigation+Guide)
- **NICE - public** - <http://www.nice-tools.ca/de.aspx?id=174&tl=Preventing+and+Intervening+in+Situations+of+Financial+Abuse%3a+Ontario>

General resources



← Back

Order Pocket Tools

Elder Abuse: Assessment and Intervention Reference Guide



Seniors Deserve To Live with Dignity and Respect

Abuse and neglect of an older person is any action or inaction by any person that causes harm to an older person.

What To Do

- **Acknowledge** - Suspicion of abuse may develop over time. Accumulate and document evidence.
- **Barriers** - Fear of retaliation, withdrawal of caregiver support and breach of confidentiality creates barriers to seeking help.
- **Urgency** - Assess immediate needs and potential risk of physical harm.
- **Screen** - Assess person's physical, emotional and mental capacity to help themselves.
- **Empower** - Educate the person about their rights and available resources. Assist with establishing a safety plan.
- **Refer** - Seek support from, or consult with other professionals.

NICE

Theft By Person(s) Holding Power of Attorney - Officers Investigation Guide

About Powers of Attorney

Power of Attorney or "POA" is a legal planning tool that mentally capable adults can use to appoint someone else to make decisions for them. Older adults often use POAs to plan for a time, should it occur, that they become mentally incapable of making their own decisions.

Provincial laws govern Powers of Attorney and these laws differ from one province/territory to another throughout Canada. Depending on province/territory, the term Power of Attorney may have different meanings and limits on decisionmaking authority. For example, in British Columbia a Power of Attorney is limited to financial and legal decisions while health and personal care decisions are covered by Representation Agreements and other incapacity planning documents. Ontario, on the other hand, allows for a Power of Attorney for Property (legal and financial affairs) and a Power of Attorney for Personal Care (health and personal care).

Officers should refer to the relevant provincial/territorial legislation for details about the parameters of specific legal planning tools in each jurisdiction. Although not a substitute for reviewing the legislation, one starting point is the Practical Guide to Elder Abuse and Neglect Law in Canada at <http://www.bcli.org/ccel/projects/practical-guide-elderabuse-and-neglect-law-canada>.

This Theft by Person(s) Holding Power of Attorney Officers Investigation Guide deals with theft by a person holding a Power of Attorney pursuant to Section 331 of the Criminal Code of Canada. The information in this guide applies only to misuse of a POA for Property, not to a POA for health or personal care, although the generic term POA is used throughout.

THEFT BY PERSON HOLDING POWER OF ATTORNEY - SECTION 331 CC

Preventing and Intervening in Situations of Financial Abuse: Ontario

What is Financial Abuse?

Financial abuse is the most common form of elder abuse in Canada. Financial abuse refers to theft or exploitation of a person's money, property, or assets. Examples include:

- Misusing a Power of Attorney
- Stealing a senior's money, pension cheques, or possessions
- Committing fraud, forgery or extortion
- Sharing a senior's home without paying a fair share of the expenses
- Unduly pressuring a senior to:
 - Sell personal property
 - Invest or take out money
 - Buy alcohol or drugs
 - Make or change a will
 - Sign legal documents they do not understand
 - Give money to relatives, caregivers, or friends
 - Engage in paid work to bring in extra money

How Do I Recognize Financial Abuse?



Elder Abuse Assessment Tool Kit

**Breaking the Silence:
Giving a Voice Back to Seniors**

Produced By:

Durham Elder Abuse Network

in partnership with

**Durham Regional Police Service
&
Region of Durham**

- <http://www.durhamelderabusenetwork.ca/CommunicationToolKitInstructions.pdf>

General resources cont'd

Purpose of the Tool Kit:

The Tool Kit is intended to be used as an assessment *tool* for *elder abuse* for persons who have difficulty verbally communicating but are mentally competent and capable. The Kit is *not* intended to be used for investigation purposes but to obtain basic information about the alleged elder abuse situation and circumstances to verify if abuse has occurred.

The Kit focuses on communicating with the older adult to assess for alleged elder abuse using a variety of communication styles and techniques. The Kit can be used in any jurisdiction as it is not developed based on any particular legislative framework. If, through the assessment process elder abuse is detected, the interviewer should respond based on their provincial/territorial mandate. The Canadian Centre for Elder Law, A Division of the British Columbia Law Institute developed a document, “*A Practical Guide to Elder Abuse and Neglect Law in Canada*” which provides an overview of the legislative frameworks related to elder abuse in each jurisdiction. To access a copy of this document see:

http://www.bcli.org/sites/default/files/Elder_Abuse_Law_Practical_Guide.pdf

General resources cont'd

- **OACP RESOLUTION 2003-01 Vulnerable Adult Abuse**
June 18, 2003: “...encourage the Government of Ontario to develop vulnerable adult protection legislation, including ****mandatory reporting of all forms of elder abuse, neglect or suspected abuse or neglect.**”
- supported 2013 “Finding Your Way” program (wandering persons prevention program)
<http://www.alzheimer.ca/en/on/finding-your-way>
 - new OPTVA training video

**Ontario Association of Chiefs of
Police**

- “participate on multidisciplinary teams or other community forums that address the issue
- encourage law enforcement training programs to cover elder abuse and the special needs of elderly or disabled persons in their curricula
- learn more about the special needs of the elderly
- advocate for policies and programs that facilitate prosecution and make the criminal justice system more accessible to elderly victims. Examples include specialized police units, vertical prosecution of abuse cases, and the use of videotaped testimony for victims who are unable to come to court.”

<http://www.preventelderabuse.org/professionals/law.html>

National Committee for the Prevention
of Elder Abuse (NCPEA)

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