



# DEPARTMENT NOTICE

20-113  
07/01/20

## Reporting and Investigating Suspected Elder and Dependent Adult Abuse

California Penal Code 368 makes abuse against elders, dependent adults and persons with disabilities a crime. This abuse can be physical or emotional abuse, neglect, abandonment, abduction, isolation, financial exploitation or other treatment resulting in harm, pain or mental suffering of an elder or dependent adult persons. A violation of this statute is charged as either a misdemeanor or a felony. Law enforcement agencies are required to investigate every report of elder and disability victimizations and shall not dismiss reports for any reason without an investigation. These types of incidents are investigated by the Special Victim Unit (SVU).

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, regardless of whether the person lives independently, between the ages of 18 and 64 years old, who has physical or mental limitations that restricts their ability to carry out normal activities or to protect their rights, and adults that are admitted as inpatients to a 24-hour health facility.*

**Caretaker** – *a person who has the care, custody, or control of, or who stands in a position of trust with an elder or dependent adult.*

### **Elder and Dependent Adult Crimes listed under California Penal Code 368**

- *Physical abuse*
- *Sexual abuse*
- *Unlawful physical or chemical restraint*
- *Abandonment or Isolation*
- *Neglect*
- *Financial exploitation by caregiver or others*
- *Other treatment resulting with physical harm, pain or mental suffering*

### Investigating Elder and Dependent Adult Abuse

Observe and document the following in the SFPD incident report:

- Whether there have been multiple calls for service to the address.
- Physical status of the victim. (suspicious cuts, bruises, sores related to abuse or neglect)
- Determine whether the victim is an individual with Limited English Proficiency (LEP) or who is deaf or hard of hearing.

- LEP: Utilize bilingual members or Language Line Services to interview the victim (1-800-Privacy, Client ID# Privacy)
  - Deaf or Hard of Hearing: Secure an interpreter (DB 18-232) before interviewing a victim or witness who reports or demonstrates deafness or hearing loss. PC §368.6 (c) (6)
- Mental status of the victim.
  - Whether victim is confused or disoriented.
  - Note the victim's health and hygiene (lacking personal hygiene, wearing dirty clothing, use of hearing aid, visually impaired, walker, cane or wheelchair, etc.).
  - Presence or lack of food in residence.
  - Condition of the residence (bad odors, newspapers, mail, or garbage piles, insect infestation etc.).
  - Victim's attitude toward the caregiver (fear, reluctant to engage, comfortable).
  - Caregivers mental health or substance abuse issues.
  - Disparities between caregiver and victim's statements. (Interview the victim away from caregiver)
  - Duration of the abuse/neglect.
  - Note who has control over the victim's financial matters. (A trust attorney, family member, caretaker, etc.)
  - Photograph the victim and the living environment.
  - Results of any canvas of the neighborhood for possible witnesses and for history of prior incidents.
  - Need for Emergency Protective Order when appropriate.
  - Name and contact information of Adult Protective Services (APS) worker, if present.

### **Documenting and Routing the Incident Report**

**For physical/sexual abuse and/or neglect incidents** - the SFPD incident report shall be titled, "Elder or Dependent Adult Abuse/Neglect - 15041" 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 to SVU through inter-office mail. SVU will notify SID about all suspected disability-bias hate crimes.

**For financial abuse incidents** - the SFPD incident report shall be titled, "Embezzlement from Dependent or Elder Adult by Caretaker - 06381" 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 to the Financial Crimes Unit through inter-office mail.

**For financial abuse incidents not associated with embezzlement or theft** - the SFPD incident report shall be titled, "Elder Adult or Dependent Abuse – 15041" (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 to the Financial Crimes Unit through inter-office mail.

In **all incidents** of Elder and Dependent Adult abuse cases, members shall call the Adult Protective Services (APS) 24-hour hotline at (415) Privacy 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 Mon-Fri 0900-1700 hours or the DOC (415) 553-Priva 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 provide the SFPD incident report number 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 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 Crimes Unit (415) 553-1521, if you have questions or need advice about an incident.***

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



WILLIAM SCOTT  
Chief of Police

*Per DB 20-081, sworn members are required to electronically acknowledge receipt and review of this Department Notice in HRMS. Any questions or clarification regarding this policy should be made to [sfpd.writtendirectives@sfgov.org](mailto:sfpd.writtendirectives@sfgov.org) who will provide additional guidance about the directive.*