



Elder Abuse Investigations and Interventions

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Transparency

- Why – sometimes not identifying it as *'abuse'*
- Need to know what it looks like to act on it
- Reputation – there are enough seniors to go around – quality organizations are transparent

Elder Abuse

- Abuse means any action or inaction, misuse of power and/or betrayal of trust or a failure to demonstrate respect by a person against a resident, that the person knew or **ought to have known** would cause or could reasonably be expected to cause harm to the resident's health, safety, or well-being

adapted reference: MOHLTC 2004

Types of Abuse

- Physical abuse
- Financial abuse
- Psychological/Emotional abuse
- Verbal abuse
- Sexual abuse
- Neglect – self or other

Physical Abuse



- The use of physical force that causes pain, discomfort or injury or that is excessive for, or inappropriate in, the circumstances,
- ~or~
- Administering or withholding medication for inappropriate purposes (can also fall under neglect)


Physical – Case Examples

- PSW assault male with dementia
- Grandson living in Grandmothers House
- Theft of narcotics/ double dosing
- Confinement – locked in the basement

Grandma Bank is Closed



Possible Indicators

- Unexplained injuries
 - Unexplained bruising
 - “accidents”
 - Unkempt and signs of under/over medication
 - Burn marks
 - Etc.
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Criminal Code

- Assault (Sec. 265 c.c)
- Assault with a weapon (Sec. 267 c.c)
- Aggravated Assault (Sec. 268 c.c)
- Forcible Confinement (Sec. 279 c.c)
- Murder (Sec. 229 c.c)
- Manslaughter (Sec. 234 c.c)

Physical Abuse Forensic Indicators

➤ History/Interview

- Implausible/vague explanations
- Delay in seeking care
- Unexplained injuries -past or present
- Interaction between senior and caregiver

Financial Abuse



- Any misappropriation or misuse of a senior's money or property

POWER OF ATTORNEY – most common

Financial – Case Examples

- Mrs. B – theft by POA
- PSW stolen cheques - \$12000
- PSW takes senior home – Mrs. W
- Living in squalor - Cannington

“I know they are taking my money
but its my family”



“When I win the lottery I will be ok”

Possible Indicators

- Unexplained or inability to pay bills
- Refusal to spend money without “permission”
- Unexplained disappearance of personal belongings
- Changed POA or will
- No spending money
- Large bank account withdrawal


Criminal Code

- Theft (Sec 322 c.c)
- Theft by holding Power of Attorney (Sec. 331 c.c)
- Stopping Mail with Intent (Sec. 345 c.c)
- Extortion (Sec. 346 c.c)
- Forgery (Sec. 365 c.c)
- Fraud (Sec. 380 c.c)

Psychological / Emotional Abuse

- Any action or behaviour that may diminish a persons sense of wellbeing, dignity or self worth.
- Includes threatening, insulting, intimidating or humiliating gestures, behaviour or remarks, imposed social isolation or lack of acknowledgement, and infantilization

Psychological/ Emotional – Case Examples

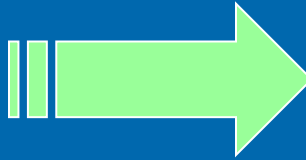
- Grandmother stay in your room until I leave for work
 - Diaper – “product”
 - Gas Lighting
 - I just want my dog back
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Verbal Abuse



Verbal Abuse means:

- Any form of verbal communication of a belittling or degrading nature which may diminish the senior's sense of well-being, dignity or self worth



- Shouting,
- inappropriate tone of voice or manner of speaking
- Talking to an older person like a child
- Hurtful language
- Name calling
- Put downs
- Insults
- Sarcasm/ Mocking
- Threats
- Swearing/ vulgar language

Verbal – Case Examples

- Shut Up – RN
- “Just hurry up and die”
- Child like talk

Criminal Code


- Intimidation (Sec. 423 c.c)
- Uttering Threats (Sec. 264.1 c.c)
- Harassing Telephone Calls (Sec. 372.3)

Sexual Abuse

Sexual Abuse means:

- Any consensual or non-consensual touching, behaviour or remarks of a sexual nature or sexual exploitation that is directed towards a senior by a person in a professional position of trust
- Any non-consensual touching, behaviour or remarks of a sexual nature or sexual exploitation directed towards a senior by any other person

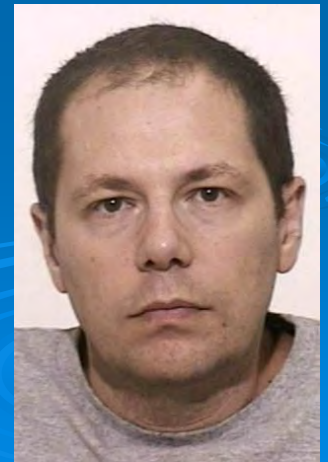
Sexual – Case Examples

- Spousal – ‘marital rights’
 - Senior sex offenders
 - Health care providers
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- A decorative graphic consisting of several sets of concentric circles, resembling ripples in water, is located in the bottom right corner of the slide. The circles are light blue and vary in size and opacity, creating a subtle background element.

Does Sexual Assault to residents from staff happen?????

- ❖ 70-year-old Toronto woman with advanced dementia was raped in her bed
- ❖ Allegedly by a male nurse identified
- ❖ Staff say he “regularly disappeared on shift “without explanation.”
- ❖ 46 yr old charge with sexual assault

Leonid Kozlov



Possible Indicators

- Genital infections
- Frequent urinary tract infections
- Pain, bruising, bleeding in genital areas

Criminal Code

- Sexual Assault (Sec. 271 c.c)
- Sexual Assault with a weapon, threats to a third party or causing bodily harm (Sec. 272 c.c)
- Aggravated Sexual Assault (Sec. 273 c.c)

Neglect

- The failure to provide a senior with the care and assistance required for health, safety or well being

Neglect – Case Examples

- PLEIN

- Daughter got too busy

- “I am going to see God”

Possible Indicators

- Failure to thrive
- Malnourished
- Dehydrated
- Poor living conditions
- Odour
- Incontinence products
- Under/ over medicated

Criminal Code

- Criminal Negligence Causing Bodily Harm or Death (Sec. 220-21 c.c)
- Breach of Duty to Provide Necessities (Sec. 215 c.c)

When is it not a crime?

- Interventions are required but what might they look like...
- Ethical obligation to intervene
- Counselling – victim/ accused/ others
- Teaching/ Health Teaching
- Support
- This is not all about being punitive...its about prevention of repeating incidents

Starting the Conversation

- Asking the difficult questions -Utilize the Elder Abuse Ontario resources
- <http://neighboursfriendsandfamilies.ca/>
“What you can do when abuse or neglect is happening to an older adult in your life”
- In Hand – An Ethical Decision Making Framework (National Initiative for the Care of the Elderly)

Information Sharing

- Who can I tell?
- With consent, anyone
- Some information under PHIPPA
- Tombstone information
- Anything that is a matter of public record

P.H.I.P.A (Personal Health Information Protection Act)

- Sec 3- Definition of **Health Information Custodian:**
- Health care practitioner
- **LTC service provider**
- CCAC
- Hospitals, psych facilities
- Charitable Homes, Homes for the Aged, Rest Homes
- Pharmacies, laboratories

P.H.I.P.A (Personal Health Information Protection Act)

- **Sec 40 (1)- Disclosures Related to Risks**
- “A health information custodian may disclose personal health information about an individual if the custodian believes on reasonable grounds that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons.”

Ethical Considerations

- When to do nothing vs. ethical requirements (abuse as defined by who – my son Jacob)
- Considering all aspects of intervention
- Respect for choice
- Understand the relationship of the victim and abuser (is it really ABUSE)

Respect Autonomy

- What is autonomy?
- Older adults who are capable have rights and we need to be sensitive to that
- Older adults who are deemed incapable have still have rights.
- What could be negative consequences of unwanted intervention - withdrawal of affection or increase in abuse
- Police can't do anything without cooperation of victim/ witnesses

Capacity

- Can fluctuate
- Capacity assessors/ assessment for capacity
- Testing understanding facts and consequences
- Can be capable in one area but incapable in another

Report to who?

- Local Police – best when designated elder abuse point person
- Self report - Senior Safety 1-866-299-1011
- Crime Stoppers
- Local Elder Abuse Ontario Consultant/ Network
- Long-Term Care ACTION line 1-866-434-0144
- Retirement Home Regulatory Authority 1-855-275-7472

Self-Management and Self-Care

- Involvement in alleged elder abuse can be physically, emotionally, psychologically, and spiritually upsetting and stressful for many reasons
- Self care is essential

**Break the Silence –
Stop Abuse**

**Dignity and Respect
and Nothing Less**

