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Law Enforcement and Adult Protective Services Working Together: A Team Approach to Elder Abuse Cases

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Anne Douglas Palmer, MSS, is the Coordinator of the Central Virginia Task Force on Older Battered Women Project (OBW Project) at the Virginia Center on Aging, a position she has held since April 2003. The OBW Project, grant-funded through the Virginia Department of Criminal Justice Services, addresses the unique needs of women aged 50 and older who experience domestic violence or sexual assault, by increasing awareness and education, promoting more specialized services and training, and enhancing collaboration among aging services providers, victim advocates, law enforcement, legal professionals, and other allied service providers.

Educational Objectives

1. Familiarize readers with the different roles and responsibilities of Adult Protective Services and law enforcement in elder abuse cases.
2. Demonstrate the benefits of working collaboratively to resolve complex elder abuse and domestic violence cases.

Background

Unfortunately, age does not impart immunity from mistreatment. While many tend to respect those who advance in age, older adults are too often victims of abuse, exploitation, and domestic violence. When older women are victimized, they may face additional challenges, for responders have been relatively less prepared for older victims and shelters are generally oriented to younger women with dependent children.

The Central Virginia Task Force on Older Battered Women (OBW Task Force) is a regional collaboration of 25 aging, domestic violence, law enforcement, and legal services organizations that has been working since 1998 to raise awareness and improve the community response to older women who experience domestic violence or sexual assault. The Virginia Center on Aging administers and works in collaboration with its task force partners on the Central Virginia Task Force on Older Battered Women Project, which is funded through the Virginia Services, Training, Officers, Prosecution (V-STOP) Violence Against Women grant program. The project is developing a comprehensive, coordinated, and cross-trained community response to domestic violence and sexual assault in later life. The OBW Task Force and the project serve the City of Richmond and the counties of Chesterfield, Hanover, and Henrico.

In the summer and fall of 2003, the OBW Task Force Project conducted seven focus groups with domestic violence advocates, aging service providers, Adult Protective Services (APS) social workers, law enforcement, criminal justice professionals, older women, and older survivors of domestic violence. The

purpose of the focus groups was to understand the current regional service delivery system for older women who are abused and to identify the most effective ways for the OBW Task Force to assist organizations in better meeting the needs of older women. The project team sought to gather information and feedback concerning current barriers to older women accessing domestic violence services and how agencies collaborate in making referrals and providing services. A common theme that emerged was a need for more interagency cooperation in making referrals and sharing information and resources. Participants in the law enforcement and APS focus groups offered that, in some cases, differing work philosophies and a lack of understanding of their respective roles and responsibilities affected their working relationships. Many of these participants expressed a need for more cooperation and communication between agencies. One jurisdiction is addressing this need through a partnered approach to elder abuse cases. In Henrico County, the Police Department and APS unit have developed a team approach to investigating elder abuse cases that has enhanced their ability to resolve elder abuse cases and provide needed services to victims.

The Role of Adult Protective Services

Adult Protective Services (APS), located within the Adult Services Unit of the Virginia Department of Social Services, is state supervised and administered locally through 120 local departments of social services. The mission of APS is to protect the elderly and persons 18 and older with disabilities who have been abused, neglected, and/or financially exploited or who are at risk of being abused, neglected, or exploited. APS receives and investigates valid complaints of abuse, and offers and provides services to prevent further abuse, including healthcare, housing, social, and legal services. The APS philosophy stresses self-determination and the use of the least restrictive and least intrusive interventions. APS cannot force services upon clients and has no authority to take an endangered adult into custody or to investigate when the client is no longer at risk. If the client has the capacity to make decisions, APS must honor the adult's wishes. APS views abuse as a social problem. Legal action (i.e., involuntary protective services) is a last resort.

The Role of Law Enforcement

While the role of APS is to conduct an investigation of an alleged case of abuse and to offer services to end the abuse and prevent further abuse from occurring, the role of law enforcement is to determine if a crime has been committed and make an arrest. Law enforcement officers conduct a complete investigation when an alleged crime is reported, to determine if indeed a crime has been committed and if there is enough evidence to file criminal charges and build a case for prosecution. Police detectives collect statements of the victims and all witnesses, document spontaneous statements when they occur, collect physical evidence, photograph the victim and crime scene, and identify, locate, and arrest the alleged perpetrator.

While the roles, responsibilities, and philosophies of APS and law enforcement in conducting investigations are different, the two disciplines can be a complementary and very valuable resource to one another, as the team approach between the Henrico County Police Department and Henrico APS demonstrates.

Case study

The Henrico Police Department received a call from the friend of a 65-year-old woman who stated that she had been sexually assaulted by a nurse aide at an assisted living facility where she was convalescing following surgery. The surgery had caused temporary paralysis, rendering the victim unable to speak, but she was able to indicate through gestures to her visiting friend that she had been raped while being bathed by the nurse aide. Police took the victim to the VCU Medical Center for a complete physical exam by the forensic nursing staff and, as mandated reporters, immediately referred the case to APS for investigation.

Henrico Police and APS conducted a joint investigation and determined that a sexual assault had occurred, using forensic evidence collected and victim and witness interviews. The police detective shared taped victim interviews with APS, which assisted the APS social worker in conducting her investigation and determining what services the client needed. The first task of the social worker was to work with law enforcement and hospital staff to secure placement at a different nursing facility for the victim to continue her recovery. While police detectives pursued criminal charges, the APS social worker visited the client to offer supportive services, first at the new convalescent facility and then at the client's home. The social worker used the Uniform Assessment Instrument (UAI) to evaluate the client's needs and offer services, which the client accepted. Services provided included home visits to provide case management and information about court proceedings, arrangement of personal care services, counseling resources to assist with post-traumatic stress syndrome, assistance with insurance, and accompaniment to court. The detective and social worker stayed in constant contact throughout the investigation, sharing resources and information. The case remained open at APS until the trial was completed and it was determined that the client was no longer at risk of abuse and no longer needed APS services.

Conclusion: Elements of Effective Collaboration

Henrico County Police and APS have developed a collaborative approach to elder abuse cases that recognizes the distinct and vital role of each organization in the investigation of cases, the significant benefits of coordinating their efforts, and the valuable resource that each can be to the other. In the case presented, Henrico Police shared interviews and other information with APS which assisted the APS social worker in her investigation to determine what services the victim needed. In turn, by providing or arranging supportive services such as personal care, counseling, and information about court procedures, APS helped prepare the victim for the lengthy criminal justice process. The following are some key elements of the approach developed in Henrico County:

Start the Investigation Together as a Team - Whenever possible, an APS social worker and police detective meet and interview the victim together. Although some of the information being collected may be used in only one of the investigations, some will be pertinent to both. Most importantly, joint interviews reduce stress on the victim because she does not have to be interviewed multiple times and asked for the same information. Joint interviews also mean less work for law enforcement and APS

because they have the same information and do not have to brief each other on the case as often.

Understand and Define the Roles of APS and Law Enforcement - Law enforcement and APS have distinct roles in conducting an investigation, and it is important for each discipline to understand and appreciate both the benefits and the limitations of their roles. When an APS social worker and detective conduct joint interviews, they develop an action plan and talk about their roles and the questions that need to be asked beforehand. This enables them to get the information they need without stepping on each other's toes and getting into turf disputes. They also understand that there are limits to their roles. If, through a joint investigation, it is determined that either a crime has not been committed or there is not enough evidence to file criminal charges, Henrico Police will not pursue the case but APS will continue to offer supportive services. Likewise, a victim can refuse APS services while working with law enforcement on a criminal case, but even if not directly involved in the case after completing the investigation, APS can leave the victim with available community resources should they be needed.

Time and Resource Sharing - When APS and law enforcement work together as a team, they save time and provide continuity in the investigation of cases. If either APS or law enforcement gets called away on another case, the other team member can continue the investigation and keep the absent team member informed on the progress of the case. Investigations do not have to be put on hold and valuable time wasted, as time can be a critical factor in the investigation of complex and multi-faceted elder abuse cases, especially when the client is at risk of further abuse.

Respect and Utilize Expertise - Henrico Police and APS respect each other's roles and expertise and recognize that they can be a valuable resource to each other. In one case, an APS social worker encouraged and convinced a reluctant domestic violence victim to follow through on charges, providing support to the victim that a police officer might not have time to give.

Study Questions

1. What are the roles and the limitations of APS and law enforcement, respectively?
2. What are the principal elements of an effective team approach, and what are the benefits?

References

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