

Community Mobilization Empowering Seniors Against Victimization

Elder Abuse and Policing Issues: A Review of the Literature

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INTRODUCTION

Elder abuse and neglect are important social problems in Canada and while research has become increasingly systematic in attempting to clarify the nature, extent, and causes of the problem, there is limited research focusing on coordinated community responses to elder abuse. Compared to the growing level of knowledge about barriers to reporting faced by victims and witnesses of abuse, the increasingly integral role of the police in responding to the needs of elderly persons, and despite the fact that mandated reporting laws in the United States and Canada aimed at curbing physical violence have failed to show more good done than harm, there is relatively little research focusing on multi-disciplinary approaches to elder abuse involving partnerships with police.

This paper offers a review of the elder abuse literature, focusing on policing and coordinated responses to abuse of older persons. By recognizing that elder abuse is a “community issue” that requires a cohesive plan of action by local agencies and justice partners working collaboratively, we can begin to paint a picture of an ideal environment or response system that supports older victims of abuse and in turn empower seniors against victimization.

EXTENT OF THE PROBLEM

Language of Elder Abuse

Much has been published about the language, context and dynamics of elder abuse. Without a common language and understanding or a set of terms and concepts, the

development of sound research and effective policy are frustrated. This may explain why the early literature discussing abuse and neglect concentrated on the need for a standard definition of abuse. A variety of disparate definitions (Callaghan, 1998) including use of the interchangeable terms ‘abuse’ and ‘mistreatment’, and even the breadth of the term ‘elder abuse’ produced an environment of definitional chaos for researchers, policy-makers and practicing professionals (Gordon & Brill, 2001; Stones & Stones, 2004). Lack of agreement about the definition and its parameters has made the assessment of prevalence and incidence problematic from an empirical perspective (Kozak et al. in Harbison & Morrow, 1998). As a result, law enforcement departments in the 1980’s responded unpredictably to the criminalization of elder abuse in North America, as police officers did not fully understand the mandatory reporting laws or how to identify abuse (Daniels, Baumhover, Formby & Clark-Daniels, 1999).

The definitional debate reached a resolution when a consensus emerged about the nature of particular forms of abuse (physical, sexual, emotional, and financial) and how to describe them. Elder abuse has since come to be defined within the literature as several different acts of commission and omission. While many researchers in the field have been using relatively consistent language since the 1990’s, disagreements continue to surface, particularly about the category of self-neglect. Some researchers have recently noted self-neglect as a form of abuse (Thompson, 2005), whereas others classify the phenomena as a medical disorder caused by some form of underlying psychopathology (Lauder, Anderson & Barclay, 2002). More recently in 2002, the World Health Organization (WHO) defined the abuse of older adults as, “single or repeated acts, or lack of

appropriate action, occurring within a relationship where there is an expectation of trust, which causes harm or distress to an older adult”.

Elder Abuse Definitions and Context

Despite the fact that global statistics are lacking and the abuse of elders is seriously under-reported worldwide, several countries, including Canada, have carried out research to examine this issue over the past 20 years (United Nations, 2002). Earlier studies conducted in Canada (Podneiks, 1992) and the USA, as well as reports from Australia and Western Europe (Callaghan, 1998) suggest that incidence of elder abuse and neglect ranges from 3 to 10 percent (10 percent in Canada according to the 2004 General Social Survey).

To date, the only Canadian national study on the prevalence of domestic elder abuse was completed by Podneiks and Pillemer (Podneiks, 1992). According to the 1990 survey, which conducted telephone interviews of a random sample of 2000 individuals over 65 years living in private homes, the prevalence of abuse (i.e. number of occurrences in a lifetime) is 4%. Results revealed that 4% of Canadian seniors who responded to the survey had experienced some type of abuse in the home or private place of residence, of which the predominant type, 2.5 % of all respondents, was financial exploitation.¹

While statistical data is particularly limited for developing countries, non-statistical sources such as criminal records, media reports and small-scale studies show

¹ Approximately 1.4% had experienced chronic verbal aggression, 0.5% physical violence, and 0.4% neglect.

that abuse of older persons is a widespread problem (United Nations, 2002). As is true of all forms of family violence, these results are an underestimate of the true prevalence of the problem.² Recent data from the Canadian 2004 General Social Survey (GSS) revealed that almost half of all violent incidents against seniors go unreported.

Any elderly person, regardless of income, health, culture or ethnic background, living in a community or institutionalized setting may be a victim. The abusers can be anyone, however most senior victims report knowing the perpetrator (Statistics Canada, 2006). In fact, seniors are more likely than other victims to know their aggressor.³ According to the 2004 GSS, in eight of ten violent incidents involving a lone accused (82%), the senior victim stated knowing the perpetrator as a spouse, other family member, friend, acquaintance or other caregiver. Violence against seniors can take many forms, including physical assault, sexual assault, psychological/emotional abuse, financial abuse, and neglect.⁴ Defining abuse is not difficult in some situations, for example where there has been extreme violence, but becomes increasingly complex when the abuse or neglect isn't immediately obvious⁵ or when the line between victim and abuser is blurred (Plotkin, 1996).

² There are two main surveys in Canada that measure the extent and characteristics of violence against older adults: the General Social Survey (GSS) on Victimization and the Incident-based Uniform Crime Reporting (UCR2) Survey. Neither survey, however, permits analysis of emotional or psychological abuse perpetrated against seniors. As well, despite the survey's abilities to estimate the extent of senior violence, both self-reported victimization survey and police-reported survey may underestimate violence against seniors (Gannon, M., in Statistics Canada, 2006).

³ In comparison, sixty-nine percent of persons under the age of 65 knew the accused (Statistics Canada, 2006)

⁴ As the name would suggest, there are no perpetrators involved in these abuse cases.

⁵ Problems also arise when there is no immediate impact on the elderly victim's quality of life, frequent in cases of financial abuse when a senior's assets (i.e., their bank accounts) are depleted without their knowledge, and without having any appreciable effect on their daily living activities.

Many different factors contributing to the occurrence of abuse have been explored in the literature. Attempts to explain violence against seniors have pointed to the stressful nature of the caregiving role, the complex dynamics of the relationship between a senior and a caregiver, a history of abuse by the now aging parent, perpetrator's characteristics, and ageist social attitudes combined with a lack of knowledge about the aging process and the needs of the elderly. Other explanations on the causes for elder abuse look to socio-economic issues sparked by shifts in population and shifts in policies or social values that diminish the dignity and status of older adults and open the door to ageism and mistreatment (Callaghan, 1998; Government of Canada 2003; Gannon in Statistics Canada, 2006; Department of Justice Canada, 2007).

The aging population, combined with the shift away from institutional care for the aged, and changes in health and social services, suggest that abuse of older adults could increase in the future as the demands on family members to care for older relatives increases. With a higher percentage of seniors expected in the future (Statistics Canada, 2005), the police could be encountering more seniors without proper support groups to help them in times of stress or need.

THE POLICE AND CRIMES AGAINST OLDER PERSONS

One lesson of crime prevention research on communities is that they vary tremendously in their ability to solve problems independently and to form partnerships with police and other agencies. In some areas, residents and neighbours count on each other to keep an eye out for signs of trouble and may even intervene on each other's behalf. In other areas, residents do not trust or are unfamiliar with their immediate

neighbours. Some communities have a broad range of active organizations to assist with the needs of its members, while others support only a few associations or a small segment of the population. Some regions have a proven ability to get the help they need from government and private agencies, while other communities are disconnected from networks and opportunities that enable them to successfully provide or access supports. A growing awareness of this disparity, as it relates to the abuse of older adults and the capacity of communities to effectively prevent it, has become a prominent policy and policing issue.

Mandatory Reporting

The most widely adopted response to elder mistreatment in the United States has been mandatory reporting legislation. In all States but eight,⁶ certain types of professionals are designated as mandatory reporters of domestic elder abuse (National Centre on Elder Abuse, 1997; Payne, 2005). The potential benefits of mandatory reporting laws include protecting the elder and removing from practitioners the responsibility of deciding whether to report suspected incidents. Possible disadvantages, however, are that mandatory reporting may put abused elders at increased risk, weaken autonomy, and compromise patient-client confidentiality.

Despite growing implementation, application and enforcement of such laws, considerable debate still exists over whether mandated reporting improves the lives of those it seeks to protect and to what extent it may actually discourage reporting

⁶ Colorado, Illinois, Iowa, Kentucky, New York, North Dakota, South Dakota, and Wisconsin have no forms of mandatory reporting

(Rodriguez, Michaels, Wallace & Mangione, 2006). In addition, decision on how and when to intervene in cases of elder abuse and neglect are unclear. The causes for abuse are complex and very little may be known about possible risk factors in the individual case. Legal and ethical issues add to this complexity, especially for service providers.

In Canada, a prevalent attitude exists for some degree of social responsibility for the well-being of adults. Some jurisdictions in Canada now require mandatory reporting of abuse of older adults, but specific reporting requirements and penalties for failing to report abuse vary (Department of Justice Canada, 2007; Spencer, 2006). The Canadian Criminal Code provides the legislation necessary to deal with physical, sexual and financial abuse. However, individuals are often reluctant to press charges against loved ones and caregivers. Nova Scotia and Newfoundland have general mandatory reporting requirements in their adult protection legislation, placing a general social responsibility on all citizens to report suspected abuse or neglect.⁷

Alberta, Manitoba and Ontario now has special legislation for the protection of persons in care and the law in Prince Edward Island, New Brunswick, Saskatchewan and British Columbia provides for voluntary reporting for specific forms of abuse and neglect of older adults (Spencer, 2006).⁸ Arguably, elder abuse laws have had little impact on the performance of physicians in detecting or reporting abuse in Canada or the United States. There is no evidence that mandatory reporting is effective in enhancing the treatment of elder abuse, in fact, research indicates that reporting (voluntary or mandatory) is

⁷ Scope of the application covers adults who are mentally and physically incapable of caring properly for themselves, and not living in a care facility.

⁸ See http://www.ccels.ca/publications/Elder_Abuse_Legislation/Comparative_Chart.pdf

substantially less effective than public and professional education and awareness (Silva, 1992).

The Police Response to Elder Abuse

Conversely, other parts of the legal system have been effective in dealing with crimes against older adults (Payne, 2005). Though the initial response to elder abuse was grounded in the belief that the victims would be best served with as little criminal justice involvement as possible (Wolf, 1992), it is now accepted that police officers play a pivotal role in the response to elder abuse (Payne, Berg, & Toussaint, 2001). Law enforcement officers have an extremely important yet challenging role in elder abuse cases. In addition to prevention and effective intervention, police must not only have some knowledge of family dynamics, they must be aware of the different forms of abuse, neglect, and financial exploitation, be able to identify overt and subtle signs of abuse, know what actions are required under provincial laws, and be familiar with the network of social and aging services that support elderly abuse victims.

The police response to elder abuse is challenged further by the fact that the abuse of elders remains a hidden social problem and is thought to be grossly under-reported. Factors associated with non-disclosure have been widely documented within the research literature. Studies have identified that those being abused may be unwilling or unable to report it due to cognitive impairment, physical frailty, literacy, language or cultural barriers, isolation, dependence, and fear of retaliation, institutionalization, deportation, abandonment, outside intervention or that their standard of living will decrease. Individuals who witness or suspect that an older adult is being abused may not report it

because they are unaware of or do not understand their responsibility to report the abuse, lack knowledge about the signs and symptoms of abuse, may not recognize that the behaviour constitutes abuse, or simply do not want to become "involved" (Department of Justice Canada, 2007).

Certain social barriers may exist for seniors and particular populations may be at increased risk of abuse or neglect because of language or cultural barriers. They may have more difficulty accessing services, hesitant to report the abuse or are unable to recognize the behaviour as abusive. From a cultural perspective, Mizuho (2006) and Oh et al. (2004) argue that elder abuse in family situations is more difficult to identify and research due to traditional beliefs of familial privacy, lack of (financial) independence, mistaken causes of abuse, and lack of understanding of the abuse.

Furthermore, definitions of what constitute abuse vary across cultures, geographies, and ideologies. Various cross-cultural studies emphasize the significance of ethnic and cultural differences in elder abuse and neglect,⁹ indicating the need for a cross-cultural and multi-sectoral approach based on the view that vulnerability depends to a large degree on the cultural context. Most recently, Kosberg, Lowenstein, Garcia, and Biggs call attention to the challenge of building a conceptual model that could account for both similarities and differences, within and across diverse cultural groups (Tam &

⁹ Studies of elder abuse and neglect in Chinese communities examining social and environmental factors show an increased risk of abuse for Chinese immigrants in Canada. Chinese families were found to have high levels of stress, balancing work and family life, increasing the challenge of caregiving for elderly relatives. Many seniors were found to be lonely and socially isolated in their homes. Low language skills, mobility and accessibility means elderly immigrants often rely on their sons or daughters as their only connection to the outside world. Being isolated allows abuse to be more effectively hidden (Tam & Neysmith, 2006). Similar results were found in studies conducted with Korean (Oh, Kim, Martins & Kim, 2004), East Indian (Kalma, 1997), and minority communities.

Neysmith, 2006). Payne (2002) made an argument for an integrated and interdisciplinary approach for understanding and responding to elder abuse as a crime.

Current Canadian and American initiatives endorse community policing models and encourage collaboration with other regulatory and social service agencies, incorporating a cross-dimensional, multi-disciplinary, community-oriented approach to elder abuse. This cooperative approach, which combines policing and social work/community resources, is effective based on the realization that police services often have limited budgets and increasing demands (Pauls, 2004). Benefits to victims and seniors of multi-disciplinary teams include enhanced autonomy and choice, improved access to local services and supports, continuity of care, and reduced injury or loss by increasing the likelihood that victims will receive the help or care they need. Teams and members benefit through enhanced skills and expertise, familiarity with the resources and perspectives of service networks, and are continually kept up-to-date on community developments (Nerenberg, 2003). The swelling concern over the dramatic growth of the senior population (Statistics Canada, 2005) in Canada and globally, has increased emphasis on inter-disciplinary cooperative approaches to combating elder abuse.

CONCLUSION

Despite the fact that statistics on elder abuse are scarce for the Canadian population, the literature has grown significantly in the past 10 years, as our senior population rapidly increases and the scope and impact of abuse and neglect gain national and international attention. Much has been published defining the nature and context of

abuse by revealing some common contributing factors related to elder abuse, although there is still dispute among leading experts and researchers in this field regarding language and definitional boundaries, categories of abuse, and crime prevention approaches.

While many research questions still remain, the body of literature now available outlines the debilitating effects of abuse and neglect of the elderly and offers some strategies for responding to elder abuse and reducing age discrimination. More research is needed to determine with certainty how to best respond to the mistreatment of older adults living in the community and in institutional settings. The current Canadian environment is beginning to cite the use of community policing empowerment strategies as well as multidisciplinary community-oriented approaches as best-practices, relying on the expertise of various professionals, individuals, and seniors themselves to combat elder abuse as a crime.

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