

Procedure

3.8

EFFECTIVE
DATE

11-15-99

Eugene Police Department



Abuse of Elderly and Disabled Persons

3.8.1 PURPOSE AND SCOPE

ORS Chapter 124 outlines requirements for reporting and investigating reports of abuse of persons 65 years of age and older. Senior and Disabled Services Division (which is part of L-COG) may request our assistance in gaining access to a victim of elderly abuse. Such assistance will be given, including the obtaining of a search warrant, if necessary.

PART I - Responsibilities and Procedures for All Personnel

- A. Elderly abuse - required reporting
- B. Procedures
- C. Elderly and Disabled Person Abuse Prevention Act

3.8.2 RESPONSIBILITIES AND PROCEDURES FOR ALL PERSONNEL

A. Elderly abuse - required reporting

1. *ORS 124.060* requires that any public or private official having reasonable cause, based on information received while acting in an official capacity, to believe that any person 65 years of age or older has suffered abuse (as defined in *ORS 124.050*) must report such abuse to Senior and Disabled Services (S&DS) or to a law enforcement agency.
2. Abuse" (defined in *ORS 124.050*) includes one or more of the following:
 - a. physical injury caused by other than accidental means, or which appears to be at variance with the explanation;
 - b. neglect which leads to physical harm through withholding necessary services;

- c. abandonment, including desertion or the withdrawal or neglect of obligations owed by a caretaker or other person;
 - d. willful infliction of physical pain or injury.
3. *ORS 124.095* provides that an elderly person who in good faith is voluntarily under treatment solely by spiritual means through prayer, in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner will not, for this reason alone, be considered subjected to abuse by reason of neglect.

B. Procedures

1. In non-emergency cases, when Senior and Disabled Services Division is the reporting party, contact them before contacting the victim or complainant. If we receive the report directly, we are required to notify S&DS.
2. Investigate the allegation, following standard investigation guidelines. (Remember that *ORS 163.205* makes virtually any misappropriation or theft of property of an elderly or disabled person by a caregiver a Class C Felony.)
 - a. Notify the appropriate Investigations section in serious cases.
 - b. Seize or photograph evidence. Photograph the victim if injury is involved, with special attention given to marks, bruises, or other injuries.
 - c. Prepare an Incident Report.
3. Make a determination as to whether protective services are needed and, if so, contact S&DS.
4. Route a copy of any reports to S&DS. (Reports should go to the Program Supervisor, Adult Protective Services Unit.)

C. Elderly and Disabled Person Abuse Prevention Act

1. *ORS 133.055* requires that if a peace officer has reason to believe that a person who is 65 years of age or older, or who is disabled, has been abused (as defined in *ORS 124.005*), the officer must:
 - a. use all reasonable means to prevent future abuse, including advising the person of availability of shelter and other community services; and
 - b. provide the person with a written notice prescribed in *ORS 133.055* (the same notice required in domestic violence cases).
2. This section does not carry the same mandatory reporting requirements and

notification of S&DS as outlined in sections A and B above.

3. The definition of “abuse” in *ORS 124.005* is a *more inclusive* definition of abuse than that in *ORS 124.050* (outlined in paragraph I.A.2 above), and includes use of derogatory or inappropriate names or sexual comments that might threaten significant physical or emotional harm as well as mailing sweepstakes promotions to elderly, disabled, or incapacitated persons under certain circumstances.
4. “Disabled person” is defined in *ORS 410.040 and 410.715*, and includes:
 - a. a person who is developmentally disabled, who is mentally or emotionally disturbed, or who is an alcohol or drug abuser *and* who resides in or needs placement in a residential program administered by S&DS;
 - b. a person with a physical or mental disability not described above; and
 - c. a person with a brain injury as defined in *ORS 410.715*.