

Preventing

ELDER ABUSE



Requires an Integrated Approach

BY BRIAN PAYNE

One evening a nursing home resident was found in her room, barely breathing, with a washcloth jammed in, her tracheotomy mask. After beginning their investigation of this incident, authorities learned that the woman had experienced a number of horrific acts at the hands of an scrupulous aide.

Among other things, whenever the resident's family members would visit, they would leave a note on a chalkboard in her room stating, "Terri, we love you." The aide always erased the message as soon as the family left. Fellow employees also told investigators how the aide would flip pictures of the woman's loved ones facedown, effectively eliminating her ability to see her treasured photos.

I came across the official report of this case while I was working on a research project about strategies to reduce misconduct in nursing homes. This older woman was not alone in experiencing physical and emotional abuse. Depending on how we define abuse, estimates suggest that anywhere from 500,000 to 2 million people each year are victims of what has come to be called "elder abuse."

A lack of understanding about elder abuse has made the plight of elderly victims even more troublesome. In my book *Crime and Elder Abuse: An Integrated Perspective*, I address the problem of elder abuse from an interdisciplinary perspective, arguing for an integrated response system.

Understanding elder abuse from an interdisciplinary, integrated perspective requires that misconceptions about the victimization of elderly people be corrected. Three general myths that continue to hinder effective intervention in elder abuse cases have to do with the extent of the problem, the nature of elder abuse and appropriate remedies to prevent future misconduct.

Myths About the Extent of Elder Abuse

In terms of misunderstanding the extent of elder abuse, a tendency exists to dismiss the problem of victimization among the elderly population because the crime rate is considered extremely low. Official statistics tend to support this assumption.

Depending on how we define abuse, estimates suggest that anywhere from 500,000 to 2 million people each year are victims of what has come to be called "elder abuse."

Estimates from the Bureau of Justice Statistics suggest that the violent crime rate is 17 times higher for people 18 to 21 years of age than it is for those 65 or over. In these estimates, violent crimes include murder, robbery, rape and aggravated assault. A similar pattern arises with property crimes – older people appear to be far less likely to be victims than the younger population.

Statistics such as these support the contention that victimization is not a major problem for the elderly. These figures cannot be used to gauge the true extent of victimization among the older population, in part, because the estimates generally come from reports made to the police or some other government agency.

Older victims generally choose not to involve the police in their victimization experiences for a number of reasons. Some may be afraid of retaliation. If the abuse was committed in their home, some older victims believe they will be placed in a nursing home if they report that they were victimized. Others, due to communication problems, may be unable to report incidents of abuse.

Official statistics are also biased because they exclude several types of victimization that target older people (e.g., fraud, patient abuse, emotional abuse, etc.). It is when all of these harmful acts are combined that a more accurate picture of the extent of victimization is seen.



Brian Payne is an assistant professor of sociology and criminal justice at Old Dominion University. He has written more than 20 journal articles related to criminal justice and sociology and is a member of the Virginia Coalition for Prevention of Elder Abuse.

Myths About the Nature of Elder Abuse

As far as the nature of the problem is concerned, it is important to note that a number of different types of activities fall under the category of elder abuse. Some may think only of violent offenses occurring in long-term-care settings, but other misdeeds such as theft appear to be more common in these facilities.

It is also important to note that it is not only employees working in long-term-care settings who are being implicated in elder abuse cases. Family members and caregivers are actually more apt to be accused of abusive acts than professionals. Cases of familial elder abuse include instances where adult offspring steal from their parents, hit them, isolate them or commit other harmful acts. Grandchildren and other relatives have also been implicated.

Some experts talk about “protecting the will” as a type of elder abuse. This occurs when offspring do not allow their elderly relatives to spend their own money for needed, or simply desired, services or items. Why do they do this? To protect the will – or, in other words, to make sure they get the money when the older relative dies.

Spouses have also been perpetrators of abuse. Some elder spousal abuse cases involve partners who have endured abuse throughout their married life. More common, however, is abuse that occurs in second marriages. Meddling step-children, concerns about sharing one’s finances accumulated over a lifetime, and unrealistic comparisons to former spouses are generally the causes of abuse in second marriages.

Also implicated are individuals that protective services professionals euphemistically call the older person’s “new best friend.” These “new best friends” are people who

prey on recent widows and widowers with the intent of developing the grieving spouse’s trust, gaining access to their finances and eventually ripping them off one way or another.

The vast number of frauds – home repair frauds, telemarketing scams and so on – are also types of abuse when they target older people. Indeed, government reports suggest that the elderly are far more likely to be victims of these scams than the younger population for one main reason: they generally have accumulated more wealth.

Myths About Appropriate Responses

When concern about elder abuse first surfaced, the problem was defined as a social problem to be kept out of the justice system. It wasn’t until the 1990s that the criminalization of elder abuse took effect. Actions that previously were swept under the rug were being increasingly brought into the criminal justice system. Some have called for criminal justice responses that would be no less than a “war on elder abuse.”

Policies that have come to be a part of this war include mandatory reporting laws and penalty enhancement statutes. Mandatory reporting laws exist in 42 states. These

Three general myths that continue to hinder effective intervention in elder abuse cases have to do with the extent of the problem, the nature of elder abuse and appropriate remedies to prevent future misconduct.

laws require certain professionals to report suspected cases of elder abuse to protective services. While some strongly support mandatory reporting legislation, critics are vocal and suggest that the laws threaten the elderly person's autonomy, violate client-patient privileges and offer little protection to those who are truly vulnerable.

Penalty enhancement statutes provide for stiffer penalties for those who abuse elderly people. About half of the states have them. A colleague and I are conducting a study that examines the impact of penalty enhancement statutes on sanctions given to nursing home professionals convicted of abuse. Our preliminary results suggest an interesting paradox: the average prison sentence given to patient abusers is lower in states with penalty enhancement statutes than in states without the statutes. Our explanation for this lies in the actual result of stiffer sentencing policies. Specifically, offenders are provided an incentive to plead guilty to a lesser sentence. In effect, legislation designed to increase sanctions for offenders may actually have the opposite effect.

In *Crime and Elder Abuse: An Integrated Perspective*, I argue that a criminal justice war on elder abuse would be "a dismal failure." The basis for this argument has to do with the nature of elder abuse. As an interdisciplinary problem, it requires an interdisciplinary response. The criminal justice system alone cannot resolve the elder abuse problem.

A number of jurisdictions have developed multidisciplinary teams that work together in responding to elder abuse cases. These teams generally consist of social workers, health care professionals, accountants, law enforcement professionals and others who would be able to provide insight into what would be best for the older victim.

Because criminal justice professionals are not accustomed to working with older people, they are not always equipped to deal with elderly victims. In turn, while social workers and health care professionals may be equipped to work with the elderly, they may have trouble navigating the criminal justice system. When criminal justice and social service professionals work together, the end result is more likely to be in tune with victims' needs.

Prevention Strategies

A number of options are available to family members who want to reduce the chance that their elderly relative will be abused. Minimizing the older person's isolation is one

such strategy. Also, those providing care to their elderly relatives should join support groups to help them learn how to deal with the burden of care-giving.

Relatives who hire people to come into the house – whether for home improvement services or home health care – can obtain criminal background checks from the state police for a nominal fee. At a minimum, reference checks should be conducted.

Measures can also be taken to prevent elder abuse in long-term-care settings. Relatives need to do their research before making the decision about nursing home placement. Just as we test drive automobiles before buying them, we need to assess nursing homes. Unannounced visits, inter-

views with staff and administrators, and record checks of the institution's adherence to regulatory codes are just a few strategies that can ultimately protect nursing home residents from harm.

Reviewing a nursing home's regulatory violations is simple. You can find information about the results of inspections of all licensed nursing homes in the United States on the Internet at www.medicare.gov/Nhcompare/home.asp. To date, the site lists regulatory violations, but actual abuse cases will be added in the future.

The integrated response to elder abuse is not limited to criminal justice and social service professionals. It also involves ordinary citizens who are interested in preventing elder abuse. Something I witnessed a few years ago reminds me of the importance of this integrated effort. Two older women who appeared to be in their late 70s were leaving church together. One of them was severely visually impaired and the other was confined to a wheelchair, but was unable to maneuver it on her own. The blind woman was holding the handles of the wheelchair and pushing it in the direction indicated by the woman sitting in the chair. Working together, the blind woman was able to "see" and the woman confined in the wheelchair was able to move.

Upon observing this scene, it became clear to me: if only those who are involved in preventing, detecting and responding to crimes against seniors could work together as smoothly as these two women. Imagine the possibilities if we recognize and utilize each other's strengths and weaknesses the way these two women did!

We don't need to declare a war on elder abuse, we need to eliminate turf battles and work together in preventing misconduct against members of the elderly population.

The integrated response to elder abuse is not limited to criminal justice and social service professionals. It also involves ordinary citizens who are interested in preventing elder abuse.