



OFFENDER BEHAVIORS IN ELDER ABUSE CASES

A. Offender Indicators of Elder Abuse, Neglect, and Financial Exploitation

An offender's signs can include, but are not limited to:

- Provides inconsistent and conflicting explanation's about the older adult's injuries.
- Belittles, threatens, or insults the older adult.
- Handles the older adult roughly.
- Ignores the older adult's need for assistance or is reluctant to help the older adult.
- Has a past history of being abusive.
- Does not speak to or provide companionship to the older adult and isolates him or her from the outside world, friends, or relatives.
- Controls and dominates the older adult, is always present when anyone talks with the older adult, speaks for him/her, and is overly protective or defensive.
- Portrays self as victim or only caring person in older adult's life.
- May be charming and helpful toward professionals and the victim while others are present.
- Abuses the older adult's pets.
- Controls and dominates the older adult's life/activities.
- Justifies and minimizes own actions.

National Clearinghouse on Abuse in Later Life (NCALL)

A Project of Wisconsin Coalition Against Domestic Violence
307 S. Paterson St., Suite 1, Madison, Wisconsin 53703-3517

Phone: 608-255-0539 • Fax/TTY: 608-255-3560 • www.ncall.us • www.wcadv.org

B. Offender Justifications and Defenses

Form of Abuse	Defense or Justification	Investigation Considerations
Physical	“She fell.”	<ul style="list-style-type: none"> Does the medical or physical evidence match suspect’s/victim’s/witness’ description of events?
	“He’s just clumsy.”	<ul style="list-style-type: none"> Does the medical or physical evidence match suspect’s/victim’s/witness’ description of events?
	“I was trying to help.”	<ul style="list-style-type: none"> Does the medical or physical evidence match suspect’s/victim’s/witness’ description of events?
	“She bruises easily.”	<ul style="list-style-type: none"> Does the medical or physical evidence match suspect’s/victim’s/witness’ description of events? Is the victim taking medications that can cause a person to bruise easily?
	“It was an accident.”	<ul style="list-style-type: none"> Does the medical or physical evidence match suspect’s/victim’s/witness’ description of events?
	“He has Alzheimer’s disease or he’s crazy. You can’t believe what he says.”	<ul style="list-style-type: none"> Do the medical history and/or mental health experts support this assertion? What are your observations of victim/suspect/witness at different periods of time?
	“I was defending myself.”	<ul style="list-style-type: none"> Is there sign of a defensive injury? Who is the predominant (or primary) physical aggressor?
Neglect	“She has always lived like this. She’s not a good housekeeper.”	<ul style="list-style-type: none"> Are there sufficient resources to provide for the victim’s needs? Has the victim’s capacity changed over time? Is there a caregiver? Do friends or family members support this statement?

Form of Abuse	Defense or Justification	Investigation Considerations
<p>Neglect (cont'd)</p>	<p>“I’m doing the best I can. Taking care of him is very difficult.”</p>	<ul style="list-style-type: none"> • Does the victim have sufficient capacity to make informed decisions about care, including refusing to accept care or treatment? • Does the victim have a history of refusing help? • Does the suspect have a duty to provide care? • Is the suspect receiving payment to provide care? • Has the caregiver been instructed on the victim’s condition, care needs, and how to provide care? Does caregiver have any special training in providing care? • Are the victim’s care needs obvious and apparent to the average person?
	<p>"He doesn't want medication/medical treatment. I'm honoring his wishes."</p>	<ul style="list-style-type: none"> • Is there documentation of person’s wishes (for example, a do not resuscitate order [DNR])? • What is the victim’s capacity, as documented by a trained professional? • Are there historical statements of intent or the desires of the victim?
	<p>“She refused to eat.”</p>	<ul style="list-style-type: none"> • What is the health history of the person?
	<p>“I didn’t know how sick she was or what she needed.”</p>	<ul style="list-style-type: none"> • Is there a medical history indicating how often victim was taken to a doctor and what was told to the caregiver about the patient’s condition?
	<p>“I’m just doing what she (the victim) wants.”</p>	<ul style="list-style-type: none"> • Do wills or advanced directives describing what the victim wants exist?

Form of Abuse	Defense or Justification	Investigation Considerations
Sexual Abuse	<p>“She wants to have sex with me.” or “She likes watching pornographic movies with me.” (Suspect is trying to show consent.)</p>	<ul style="list-style-type: none"> • If the victim has capacity, what is the victim’s account of what happened? • If the victim does not have capacity, the victim cannot consent.
	<p>“She’s my wife/girlfriend.”</p>	<ul style="list-style-type: none"> • If the victim has capacity, what is the victim’s account of what happened? • If the victim does not have capacity, the victim cannot consent.
	<p>“I was just cleaning or bathing him. This is not sexual abuse.”</p>	<ul style="list-style-type: none"> • What does a health care provider say about whether appropriate caregiving techniques were being used?
	<p>“She came on to me.”</p>	<ul style="list-style-type: none"> • If the victim has capacity, what is the victim’s account of what happened? • If the victim does not have capacity, the victim cannot consent.
	<p>“We’re consenting adults.”</p>	<ul style="list-style-type: none"> • If the victim has capacity, what is the victim’s account of what happened? • If the victim does not have capacity, the victim cannot consent.
	<p>“She acted like she liked it.”</p>	<ul style="list-style-type: none"> • If the victim has capacity, what is the victim’s account of what happened? • If the victim does not have capacity, the victim cannot consent.
	<p>“She’s my wife. I have the right.”</p>	<ul style="list-style-type: none"> • Check state marital rape laws. If the victim has capacity, what is the victim’s account of what happened? • If the victim does not have capacity, the victim cannot consent.

Form of Abuse	Defense or Justification	Investigation Considerations
Financial Exploitation	Loan	<ul style="list-style-type: none"> • What is the capacity of lender? • Is there written proof of the loan including the amount and period of loan and were other loans made? • What are the terms of repayment and were any repayments made?
	Gift for self or children	<ul style="list-style-type: none"> • What is the capacity of the donor? • What is the value of the gift? • What is relationship between donor & victim? • Is there evidence of donor's intent to make a gift? • Why was a gift made? (Any promises or other inducements?)
	Services Provided	<ul style="list-style-type: none"> • What is the capacity of the person seeking the services? • What were the services; were they needed; how often were services provided; how well performed; were supplies provided? • What is the value of services vs. amount paid for them?
	Permission	<ul style="list-style-type: none"> • What is the capacity of the victim? • Is there evidence of actual permission? • Were there promises or other inducements to get permission? • Who benefited? • How often was permission used? • What is the value of items obtained? • Did victim understand what permission was used to do?

Form of Abuse	Defense or Justification	Investigation Considerations
<p>Financial Exploitation (cont'd)</p>	<p>Quid Pro Quo (“She lets me live with her in exchange for helping with errands.”)</p>	<ul style="list-style-type: none"> • What is the capacity of the victim? • Was the marriage reasonable given the relationship between the parties? • Was the suspect legally able to marry? • Are there any suspect misrepresentations?
	<p>Favor (“She freely gave me use of her car as a favor to me.”)</p>	<ul style="list-style-type: none"> • What is the capacity of the victim? • Who benefits from the favor; what did victim receive in return; is the benefit reasonable? • How does it fit prior financial planning and actions of the victim? • Did suspect receive payment to provide care? • What is victim’s relationship to business or person?
	<p>Lack of Knowledge (“But I do not know her PIN.”)</p>	<ul style="list-style-type: none"> • What is the contrary evidence? • Did the suspect have access to information? • Were there other acts for same goal? (e.g., forged her signature to get an ATM card in victim’s name)
	<p>Legal authority</p>	<ul style="list-style-type: none"> • What is the capacity of the victim? • Is there legal authority in writing? • What does the legal authority cover and what are expressed or implied limitations?
	<p>Victim is “crazy”</p>	<ul style="list-style-type: none"> • Is there a medical opinion of victim’s mental health? • Are there statements from friends and family about victim’s behavior prior to and after suspect came into victim’s life? • Does the victim take any medications?

Form of Abuse	Defense or Justification	Investigation Considerations
Financial Exploitation (cont'd)	Victim is “crazy” (cont'd)	<ul style="list-style-type: none"> • What was the victim’s behavior around time of questioned events? Is this conduct consistent with earlier times?
	“I’m the real victim.”	<ul style="list-style-type: none"> • Who is benefiting financially?
	<p>“We’re in love/ married/in a relationship.”</p> <p>“We’re family.”</p> <p>“She’s like a mother to me; therefore, we share resources.”</p>	<ul style="list-style-type: none"> • Who is benefiting financially? • What is true nature of relationship? • Are any cultural norms relevant for consideration? • Does suspect have other relationships or marriage licenses? • Does suspect have other income or debts? • Are victim’s basic needs met?
	Purchase made as part of care	<ul style="list-style-type: none"> • Is there evidence of purchase being used to provide care? • Is the purchase necessary for care?

Source: Excerpts taken from Barron, T. (1998), *Financial Exploitation of Infirm Adults – A Prosecutor’s Perspective, Violence Against the Elderly and Disabled*, 1(4), 53 – 64.