



Ventura County  
Elder and Dependent Adult  
Law Enforcement  
Protocol

May 2023

This protocol provides recommended best practices for the investigation of elder and dependent adult abuse cases. It is intended to provide for a coordinated, inter-agency response to the investigation of elder and dependent adult abuse. It is meant to complement, not supersede, agency policies particularly those mandated by law. (For instance, Penal Code section 368.5 relating to law enforcement policies on elder abuse.) As always, officer safety and department policies remain a priority for peace officers.

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## PROTOCOL POLICY STATEMENT

According to statistics from the Ventura County Area Agency on Aging, adults over 60 comprised approximately 23 percent of the county's total population (over 196,588 adults) as of 2019. Adult Protective Services (APS) investigated over 20,000 reports of abuse and neglect from 2015-2021. Of those abuse reports, approximately 10,000 (50%) were inconclusive and may have required further investigation from law enforcement to determine whether a crime was committed, while over 5,000 (26%) were confirmed and cross-reported to law enforcement and the District Attorney's Office to request further investigation into potential criminal abuse or neglect allegations. There has been a 46 percent increase in new abuse and neglect cases received by APS and referred for investigation from 2015-2021. Ventura County law enforcement partners can prepare for this growth by learning the best service modalities to address the abuse and neglect of the older and dependent adults in our community.

A countywide protocol to investigate elder and dependent adult abuse will establish coordination, communication, and reporting methods between law enforcement and APS. This in turn will provide law enforcement jurisdictions with needed information sooner in potential criminal abuse cases, including outcomes of APS investigations, which will help facilitate criminal investigations and increase prosecution of elder or dependent adult abuse cases.

## IMPORTANT DEFINITIONS

**Elder:** Under the Penal Code, any person 65 years or older. (Penal Code section 368(g).) In non-criminal contexts, an elder is any person 60 years or older. (Welfare and Institutions Code 15750.2.)

**Dependent Adult:** Under the Penal Code, any person between the ages of 18 and 64 who has physical or mental limitations that restrict the individual's ability to carry out normal activities or to protect his or her rights. (Penal Code section 368(h).) In non-criminal contexts, any person between the ages of 18 and 59 who has these limitations. (Welfare and Institutions Code section 15750.1(a).)

**Caretaker:** any person who has the care, custody, or control of, or who stands in a position of trust with, an elder or dependent adult, whether paid or not. (Penal Code section 368(i)).

## DISPATCHER RESPONSE

Dispatchers are an integral part of the community response to elder and dependent adult abuse because they are a first point of contact regarding the abuse. Dispatchers should continue their education about signs of abuse and receive ongoing training on Alzheimer's and other related dementias.

## PATROL RESPONSE

Responding peace officers play a crucial role in creating successful outcomes for elder and dependent adult victims. All cases of alleged or suspected abuse should be documented in an initial crime report and cross-reported to APS.

There are many different types of elder and dependent adult abuse. In all cases, patrol officers and deputies in Ventura County will strive to do the following whenever feasible:

- Treat elders and dependent adults with dignity and respect.
- Recognize that elder or dependent adults may have difficulty narrating events, appear to be poor historians, or lack short-term memory, which adds to their vulnerability. It is important to be aware that cognitive impairment may affect an elder or dependent adult's ability to be an effective witness and impact their ability to consent to decisions. Additionally, cognitive impairment may manifest itself through more detailed orientation questions and questions regarding the reported abuse.
- Recognize that victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons.
- Request Emergency Protective Orders (EPOs) when legally appropriate to best protect elder and dependent adult victims. (Family Code section 6250.)
- Document the scene with written descriptions in reports, as well as with photographs and/or video.
- Interviews with victims and witnesses are to be recorded, preferably including video.
- Interview victims and caregivers separately. In some situations, the caregiver may be the abuser and the elder or dependent adult may be afraid to disclose the abuse.
- Collect all video evidence (including surveillance video, cellphone video, etc.)
- Cross-report to APS as soon as possible by submitting an online report at <https://www.reporttoaps.org>. Using the portal satisfies the requirements of both calling and submitting the written report to APS. If the cross-report is submitted by phone, call (805) 654-3200 or (800) 754-7600, and submit a written report within two working days.
- Recognize victim cooperation is not always necessary for prosecution. Each dispatched call or case should be investigated on its own evidentiary merits.
- In cases that initially appear to be civil in nature, but questions may remain as to whether crimes may have been committed, the facts should be documented in writing then reviewed by detectives to determine if further investigation is warranted. Criminal financial abuse may not be immediately obvious and often requires additional investigation. Financial abuse may actually be criminal due to coercion and/or cognitive impairment. Coordination with APS is recommended as they may have obtained key legal documents, credit card and bank statements through their investigation. Detectives are encouraged to confer with the dedicated elder abuse deputy district attorney as needed to develop further investigative strategies.
- Become educated about various types of elder and dependent adult abuse, and Penal Code sections accounting for physical and financial abuse, as well as neglect. The most relevant code sections are contained in **ADDENDUM A**.

Elder and dependent adult abuse investigations must be tailored to the type of abuse. In addition to taking the general steps described above, patrol officers and deputies will seek to perform the following investigative steps where they encounter the types of abuse described below:

- **Physical Abuse/Endangerment:**

- Interview (1) the elder or dependent adult; (2) any percipient witnesses; (3) any witnesses with information about the elder's common physical and cognitive condition, and (4) any medical personnel present. Video or audio record all interviews.
- Document all injuries in police report and with photographs.
- Photograph or video record the suspected crime scene and document any physical evidence and the general appearance of the residence.
- Seize any objects that may have been used to injure the elder or dependent adult.
- Document any medications present at the scene and any pertinent medical history or conditions.
- Obtain a signed medical release from the victim unless the elder or dependent adult's mental capacity is in question.
- Obtain medical records when applicable.
- Prepare an initial crime report in all cases of suspected physical abuse or endangerment.

- **Financial Abuse:**

- Interview (1) the elder or dependent adult; (2) any percipient witnesses; (3) any caregivers; and (4) any witnesses with information about the elder's common cognitive condition. Video or audio record all interviews.
- Determine the identity of the reporting party, any relationship between the reporting party and the elder or dependent adult, and why the reporting party notified law enforcement.
- Determine caregivers' duties and responsibilities, including any financial agreements or loans provided to a caregiver by the elder or dependent adult. Collect any related documentation including contracts and other legal documents.
- Determine **how and when** the loss was discovered, the dates of economic loss, and who discovered the loss. Whenever possible, obtain detailed information about the dates, times and locations of fraudulent transactions and check for video surveillance at these locations, such as banks, ATMs, or retail establishments.
- When applicable, obtain victim and suspect's bank account information and account holder's information, including complete social security numbers.
- In cases involving forgery, obtain several signature samples from the elder or dependent adult.
- Describe the elder or dependent adult's cognitive condition. In cases calling into question the elder or dependent adult's cognitive condition, obtain names, contact information and witness statements from all people familiar with the elder or dependent adult's cognitive abilities.
- Absent any question of the elder or dependent adult's mental capacity, obtain written consent for bank records, credit statements, real estate loan documents, wills, trusts, powers of attorney, and other relevant financial information using the attached financial records release form in **ADDENDUM B** or a similar form.
- When feasible, document and collect all accessible financial documents pertaining to the suspected financial abuse.

- **Neglect Cases:**

- Neglect occurs when a caretaker or custodian fails to act with a degree of care that a reasonable person would have used when caring for an elder or dependent adult. Signs of neglect may include inadequate food, dehydration, untreated medical conditions, misuse of medication, and unsafe housing. Officers should do their best to document all physical evidence, photograph, and video the living conditions. If the home has been visited in the past by law enforcement, document any changes to living conditions, if any.
- Obtain names, contact information and witness statements from (1) all caregivers; and (2) all people living with the elder or dependent adult or who are regularly present.
- If applicable, determine caregivers' duties and responsibilities. Collect any related documentation.
- Interview all witnesses familiar with the elder or dependent adult's regular living conditions.

- **Special Considerations with Domestic Violence Involving the Elderly:**

- On occasion, domestic violence offenders may be elderly or extremely infirm. In some cases, it may be possible to establish that an elderly offender lacks competency, is unaware of his/her actions and/or was previously diagnosed by a physician, or known to APS as someone who is incompetent to make their own decisions as a result of dementia or a related disorder of cognitive decline. It is important to be aware that the well-being of some offenders with these cognitive issues may suffer significantly due to the shock of incarceration and or removal from their normal place of residence. In addition to investigating and documenting the domestic violence incident as outlined in the Ventura County Law Enforcement Domestic Violence Protocol, some or all of these options may be appropriate based on the individual circumstances as alternatives to arrest and booking:
- Obtain an EPO and ensure other family members will keep the victim and offender in separate locations.
- Obtain a Gun Violence Restraining Order (GVRO) when the offender owns firearms, ammunition, or firearm components.
- Evaluate for Welfare and Institutions Code section 5150 and if feasible and appropriate, commit offender to an appropriate hospital.
- Request assistance from a Ventura County Crisis Intervention Team (CIT) officer.
- Complete an arrest report indicating the offender was released pursuant to Penal Code section 849(b), or taken into custody and released thereafter to a competent third party who will assure the safety of both the victim and the offender.
- Contact the on-call APS social worker at (805) 654-3200 for additional resources to keep the victim safe and separated from the offender if the offender cannot be booked into custody.

## **RESTRAINING ORDERS**

Restraining orders are one of the most important public safety tools available to protect elder and dependent adults. All criminal justice system partners should familiarize themselves with the available restraining order options and obtain restraining orders for elder and dependent adult victims, if appropriate, and enforce restraining orders according to the Penal Code. (Penal Code sections 136.2, 836(c)(1), 13701, and 13710.)

The types of restraining orders available to protect elder and dependent adults include:

- Emergency Protective Orders
- Temporary Elder or Dependent Adult Restraining Orders
- Elder or Dependent Adult Restraining Order After Hearing
- Criminal Protective Orders

Criminal protective orders protecting elders or dependent adults may be valid for up to 10 years. (Penal Code section 368(l).)

Officers shall enforce out of state protective orders or restraining orders that are presented to them if: (1) the order appears valid on its face; (2) the order contains both parties' names; and 3) the order has not yet expired. Out of state orders include those issued by U.S. Territories, native tribes, and military agencies. (Family Code sections 6400-6409.)

This protocol should be read in conjunction with the Ventura County Domestic Violence Protocol.

### **REMOVAL OF FIREARMS FROM THOSE LEGALLY PROHIBITED TO POSSESS THEM, PETITIONING COURT FOR GUN VIOLENCE RESTRAINING ORDERS, AND TAKING TEMPORARY CUSTODY OF FIREARMS**

Law enforcement should be familiar with laws surrounding firearm relinquishment by individuals prohibited from possessing firearms, the process for seeking a gun violence restraining order, and taking temporary custody of firearms. (Penal Code section 18100 et seq.)

Law enforcement may petition the court for a gun violence restraining order when they possess a reasonable belief that a person is a present danger to him/herself or another person by controlling, owning, purchasing, receiving, or otherwise having custody of a firearm. Before petitioning the court, officers should consult with their supervisor.

When law enforcement verifies that a restraining order has already been issued (including an emergency protective order), the officer shall make reasonable efforts to determine if the restraining order prohibits the possession of firearms and/or requires the relinquishment of firearms. If the order prohibits firearms possession, when feasible and reasonable, the officer will make reasonable efforts to:

- Inquire whether the restrained person possesses firearms (ask the restrained person or the protected person).
- Query through the California Law Enforcement Telecommunication Systems (CLETS) and the Automated Firearms System (AFS) to determine if any firearms are registered to the restrained person.
- If an officer is at the scene of a domestic violence incident involving a threat to human life or a physical assault, serving a protective order, or a gun violence restraining order, that officer is required to take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search as necessary for the protection of the officer or other persons present. (Penal Code section 18250(a).)



## INVESTIGATION RESPONSE

Follow-up investigations are necessary in many elder abuse cases, as first responders may not be in the best position to gather all existing evidence. Follow-up investigations when feasible should include:

- Determining whether the elder or dependent adult is safe and if there is a need for emergency housing.
- Verifying the initial investigation by patrol addressed all elements of the reported crime.
- Confirming an APS cross-report was made.
- Contacting the assigned APS social worker to explore the possibility of a joint investigation, collaboration with other community partners, or sharing of information when appropriate and necessary.
- Obtaining any prior APS referrals if they exist.
- Obtaining and reviewing all available evidence, including medical information, photographs, deeds, trusts, power of attorney documentation, banking and financial records.
- Determining if other additional evidence should be collected or obtained through search warrant or other lawful means.
- Conducting a follow-up interview of the elder or dependent adult as soon as possible. The interview must be recorded, preferably video recorded, and should be conducted outside the presence of any caregivers or others present in the home.
- Attempting to interview the suspect when legally appropriate, preferably recorded on audio and video.
- Attempting to make appropriate law enforcement notifications if suspect remains unidentified.
- Taking advantage of other countywide resources if needed, including those listed in **ADDENDUM C**.
- Obtaining a signed medical release from the elder or dependent adult if not already received by patrol, unless the elder or dependent adult lacks mental capacity to execute a release.
- If the elder or dependent adult is conserved, obtaining conservator-signed release, along with paperwork that documents the conservatorship.
- Interviewing the elder or dependent adult's treating physician or other medical professionals who treated the elder or dependent adult.
- When appropriate, following department procedure for activation and use of the Ventura County Multi-Disciplinary Interview Center also known as Safe Harbor (see page seven for instructions and contact information).
- Conducting follow-up interviews with neighbors, family members, or others who may have information or evidence about the incident or history of involved parties.
- Conducting a recorded pretext call if necessary, reasonable, and warranted.
- Executing search warrants for digital devices that may contain relevant evidence.
- Preserving dispatch and 911 recordings for current incident and any past incidents.
- Preserving and sharing photographic, audio and body-worn camera evidence with the elder abuse deputy district attorney.
- Documenting the suspect's access to the elder or dependent adult's financial information.

- When applicable, contact financial institutions to request all bank accounts to be frozen.
- Obtaining an APS closure report.

### **SUSPICIOUS DEATH/HOMICIDE**

An unexplained or suspicious elder or dependent adult death should be treated as a homicide until a complete investigation including an autopsy has been performed. Do not presume that all elder deaths are natural simply because of the age or physical limitations of the deceased.

### **SUSPECTED SEXUAL ABUSE OF AN ELDER OR DEPENDENT ADULT**

When sexual abuse is suspected, efforts should be made by law enforcement and community partners to treat the elder or dependent adult victim with dignity and care. Many victims of sexual abuse delay disclosure for a variety of reasons including but not limited to fear, shame, embarrassment, and self-doubt. Ideally, repeated interviews should be kept to a minimum, and all law enforcement and community partners should do their best to communicate and collaborate with one another in a search for the truth. All victims should be notified of their rights pursuant to California Penal Code sections 680 and 680.2. (Sexual Assault Victims' DNA Bill of Rights.) These rights will be provided in writing in a card format, prepared by the investigating law enforcement agency or the District Attorney's Office. Crime reports and cross-reports should be made pursuant to the "Cross-Reporting" section on page nine of this Protocol.

Within each law enforcement agency's policy, coordinated forensic response utilizing Safe Harbor should be facilitated as quickly as reasonably possible. Utilization of Safe Harbor allows for elder and dependent adult victims to undergo forensically appropriate medical examinations and interviews conducted with consent of the elder victim, or with consent from the victim's legal guardian, conservator, or attorney-in-fact for health care. Safe Harbor is a coalition of public and private agencies dedicated to serving victims of sexual assault. Through enhanced teamwork and collaboration, Safe Harbor provides a sensitive environment aimed at decreasing trauma and intimidation for victims. This includes access to forensic medical examinations by specially trained staff, soft rooms with the ability to record forensic interviews conducted by investigators, and crisis intervention and referrals.

During daytime hours, Safe Harbor can be activated by contacting the Safe Harbor Program Coordinators: (805) 652-7628 for the Ventura location (west county), (805) 579-6911 for the Simi Valley location (east county). After hours, on holidays, and weekends, both Safe Harbor locations can be activated by contacting the District Attorney's Office on-call victim advocate at (805) 947-7997.

When taking a suspect into custody, law enforcement should follow any department policies regarding collection of evidence and performing a standard sexual assault kit on the suspect, as appropriate.

## **PROSECUTION RESPONSE**

The Ventura County District Attorney's Office dedicates specially trained prosecutors to handle elder and dependent adult abuse cases vertically, and specially trained victim advocates to assist victims of elder and dependent adult abuse. Prosecutors assigned to this duty will receive specialized training in the prosecution of these cases. Elder abuse prosecutors and victim advocates will do the following when feasible and legally appropriate:

- Participate in outreach to elevate awareness and education in the community about elder and dependent adult abuse.
- Provide training to law enforcement partners regarding legal issues related to elder and dependent adult abuse.
- File provable Penal Code section 368 crimes either as misdemeanors or as felonies.
- Request Criminal Protective Orders.
- Oppose case continuances due to the vulnerable nature of elder and dependent adults.
- Conduct conditional exams of elder or dependent adults to preserve their testimony.
- Treat elder and dependent adults in a trauma-informed way with dignity, respect, and care.
- Utilize experts including handwriting analysts, forensic accountants, wound care experts, civil attorneys, geriatricians, geriatric psychologists, psychiatrists, and deputy medical examiners to provide relevant evidence.
- Make efforts to secure victim restitution as early as possible in the criminal process.
- Strive for consistency and uniformity in case issuance, handling, and resolution.
- Coordinate quarterly Ventura County Law Enforcement/APS (LEAPS) meetings with detectives working elder and dependent adult abuse cases and APS social workers.

## ADULT PROTECTIVE SERVICES RESPONSE

Adult Protective Services (APS) is a state-mandated program that investigates elder and dependent adult abuse, neglect/isolation, self-neglect, abduction, and financial abuse. The focus is to protect those adults who are unable to make decisions for their health, self-care, or finances. The APS program's design is intended to provide immediate, short-term, intervention services. The assessment, investigation, and delivery of services require APS to perform the following:

- Responding to referrals for service in accordance with state mandates depending on the nature of the referral for services. Mandated response times are 2 hours, 1 to 5 days, or 10 days. This includes requests by law enforcement to check on well-being within 24 hours.
- When reasonable suspicion exists to believe a crime has been committed, adhere to mandated cross-reporting requirements to licensing, law enforcement agencies, and benefit agencies. (Welfare and Institutions Code section 15610.65 and 15640). This includes providing State of California (SOC) reporting forms SOC 341 and SOC 342 to the appropriate law enforcement agency upon completion of APS investigations, including supporting documentation to the law enforcement contact in that particular jurisdiction for review.
- Interviewing alleged victims, neighbors, family members, reporting parties and medical providers as well as observe home environments to obtain information and evidence of:
  - **Physical and sexual abuse** to include bodily injury, cuts, bruises, burns, unexplained

injuries, physical restraints, evidence of sexual abuse, or deprivation of food/water.

- **Neglect of self/by others** to include inadequate food, dehydration, untreated medical conditions, misuse of medication, or unsafe housing.
  - **Financial Abuse** to include use of funds for purposes other than the individual's needs, unusual and questionable activity in bank account transactions, checks cashed by others, suspicious changes in ownership, unpaid bills, or missing belongings.
  - **Isolation** to include preventing the victim from receiving their mail, phone calls, visitors, or engaging in contact with other concerned persons.
- Engaging the alleged victim to accept the offered interventions that could include connection to medical providers, caring family members, benefit programs, and legal referrals. APS services cannot be mandated but can only be refused by the victim. Family members, caregivers, or other interested parties are not able to refuse services on the client's behalf or deny a social worker access to the client.
  - Assessing, referring, and linking victims to needed services, monitoring the efficacy of the services, and closing the case. Cases are normally open between 30-90 days.
  - Requesting the assistance of law enforcement for support to obtain entry into a victim's home to perform APS functions related to observation, assessment, and investigation.

## REPORTING REQUIREMENTS

### CROSS-REPORTING

Law enforcement, APS, and the local long-term care ombudsman are required to cross-report incidents of abuse and report the results of their investigations to appropriate entities depending on factors such as the location of the abuse, the type of abuse, and whether the suspect is a licensed health practitioner. (Welfare and Institutions Code section 15640.) The phone numbers for many of the agencies required to make or receive cross-reports are listed in **ADDENDUM D**.

### MANDATED REPORTING

Welfare and Institutions Code sections 15630-15632 mandate that certain individuals must report any abuse or suspected abuse to elders or dependent adults. Mandated reporters **shall** make a report whenever the mandated reporter:

- In his/her professional capacity or within the scope of his/her employment:
  - Has knowledge of or observes abuse or neglect;
  - Is told by an elder or dependent adult of abuse or neglect; or
  - Reasonably suspects abuse or neglect. (Welfare and Institutions Code section 15630.)

**What happens if a mandated reporter does *not* report?** A mandated reporter who fails to report an incident of known or reasonably suspected elder or dependent adult abuse or neglect **is guilty of a misdemeanor and can be fined or sentenced to jail time.** (Welfare and Institutions Code section 15630(h).)

**Who is a mandated reporter? (Welfare and Institutions Code sections 15630(a), 15630.1(a) and 15630.2(a).)**

- Any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not he or she receives compensation.
- Administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults.
- Elder or dependent adult care custodians.
- Health practitioners.
- Clergy members.
- Employees of APS.
- Employees of law enforcement.
- All officers and employees of financial institutions.
- Broker-dealers who engage in securities transactions.
- Investment advisers.

**When and how must a mandated reporter make the report?** Mandated reporters shall report by telephone or the confidential internet reporting tool immediately or as soon as practicably possible. If reported by telephone, a written report shall be sent, or an internet report shall be made, within two working days.

- **Telephone:** Call APS at (805) 654-3200 or toll free at (800) 754-7600. If abuse occurred in a long-term care facility, call the Long-Term Care Ombudsman at (800) 640-4661.
- **Written or confidential internet report:** Submit an online report at <https://www.reporttoaps.org> within two working days or sent by fax to (805) 650-1521. If the report is submitted by phone, call (805) 654-3200 or (800) 754-7600 and submit a written report within two working days. Complete form SOC 342 or SOC 341. Form SOC 342 is used by financial institutions reporting suspected financial abuse, and form SOC 341 is used to report all other instances of suspected abuse.

**Can a mandated reporter be civilly liable for reporting abuse?** No. Mandated reporters shall not be civilly or criminally liable for any report made. (Welfare and Institutions Code section 15634.)

**Is a report made by a mandated reporter confidential?** Yes. Reports of elder or dependent adult abuse are confidential and may be disclosed only to persons or agencies who are legally entitled to the information, such as APS, a local law enforcement agency, the District Attorney's Office, the Office of the Public Guardian, the Probate Court, or members of multi-disciplinary teams who use the information for prevention, identification or treatment of abuse of elderly or adults. (Welfare and Institutions Code sections 15633 and 15633.5.)

## CONCLUDING COMMITMENT

Ventura County community partners and stakeholders have come together to collaborate on this important protocol. This document signifies our ongoing commitment to a coordinated community response to elders and dependent adults, so they are served with dignity, compassion, and the highest quality of care.





May 2023

This Elder and Dependent Adult Protocol represents a commitment by stakeholders in our community to provide a coordinated community response to elder and dependent adult abuse. We are committed to promoting the safety and well-being of these most vulnerable victims by maximizing the use of interdisciplinary expertise and integrating services for these victims. In recognition of the need to protect elder and dependent adults, we do hereby adopt this protocol for the investigation of elder and dependent adult abuse.

DISTRICT ATTORNEY ERIK NASARENKO  
Ventura County District Attorney's Office

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Oxnard Police Department

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Ventura County Sheriff's Office

CHIEF DARIN SCHINDLER  
Ventura Police Department

CHIEF MICHAEL FEDERICO  
Port Hueneme Police Department

CHIEF CHARLES SHORTS  
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Ventura County Public Guardian's Office

INTERIM CHIEF DRAKE MASSEY  
California State University, Channel Islands

## ADDENDUM A

### Relevant Penal Code sections: Elder and Dependent Adult Abuse

Acquiring Access Cards Without Consent	484e
Battery on an Elder	243.25
Caretaker Defined	368(i)
Damaging a Communication Device	591.5
Dependent Adult Defined	368(h)
Dissuading a Witness from Contacting the Police	136.1
Domestic Violence	273.5
Elder Defined	368(g)
Elder Abuse False Imprisonment	368(f)
Elder Abuse Physical, Likely to Cause Great Bodily Injury (includes neglect and endangerment), Felony	368(b)(1)
Elder Abuse Physical and Mental Distress, Misdemeanor	368(c)
Elder Abuse Financial, Caretaker (Felony > \$950) (Under a theory of 470, 484, 503 or 530.5)	368(e)
Elder Abuse Financial, Non-Caretaker (Felony > \$950) (Under a theory of 470, 484, 503 or 530.5)	368(d)
Embezzlement	503
Forgery	470
Forging Access Cards	484f
Fraud or Embezzlement: Two or more related felonies	186.11(a)
Loss exceeds \$100,000	186.11(a)(3)
Loss exceeds \$500,000	186.11(a)(2)
Grand Theft (Felony > \$950)	487(a)
Identity Theft	530.5
Petty Theft	484(a)
Trespassing, Aggravated Trespass	602, 602.5
Vandalism (Felony > \$400)	594(b)(1)
Violation of a Court Order (usually a CPO or docket order)	166(c)(1)
Violation of a Restraining Order (Usually a DVRO or Elder Abuse RO)	273.6(a)

## Sentencing Enhancements

Anal or Genital Penetration with Foreign Object: + 2 years	667.10
Elder or Dependent Adult Abuse Causing GBI	368(b)(2)
Victim under 70 years old: + 3 years	368(b)(2)(A)
Victim 70 years or older: + 5 years	368(b)(2)(B)
Elder or Dependent Adult Abuse Causing Death	368(b)(3)
Victim under 70 years old: + 5 years	368(b)(3)(A)
Victim 70 years or older: + 7 years	368(b)(3)(B)
Physical Abuse Causing GBI	12022.7
Generally: + 3 years	12022.7(a)
Victim is Elder older than 70 years: + 5 years	12022.7(c)
Victim has DV relationship: + 3, 4 or 5 years	12022.7(e)
Vulnerable Victim (Elder, Physically or Mentally Disabled, or Under 14 years old)	667.9
Generally: + 1 year	667.9(a)
With Prior Conviction within 14 years: + 2 years	667.9(b)
Use of a Deadly Weapon: +2	12022(b)(1)



## ADDENDUM B

### CONSENT TO RELEASE FINANCIAL RECORDS

Date:

I, \_\_\_\_\_, hereby authorize \_\_\_\_\_  
(insert bank / financial entity name) to provide my financial records to the below named individual, agency or law enforcement agency. I understand that I have a right not to consent to the release of my financial records. I have the right to revoke this consent at any time by completing a revocation in writing.

Financial records to be released by my consent include all records in whatever form that pertain to my account(s), including ownership record(s) (signature cards), statements, offsets, and digital media, which includes video or photographs of transactions associated with my financial records and account(s), real estate loan documents to include wills, trusts, powers of attorney. The records to be released shall encompass XXX to XXX (provide date range if applicable or delete).

The records shall be sent to:

John/Jane Doe  
Ventura County John/Jane Doe Agency  
123 Street  
XXX, CA  
[john.doe@ventura.org](mailto:john.doe@ventura.org)  
(805) 555-5555

Account holder signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name:

Address:

DL:

SSN:

Telephone No.:

Email:

Month Day, Year

Bank or Fintech Name  
123 Street  
XXX, CA

Re: Consent to release financial records.

To whom it may concern:

The purpose of this correspondence is to request the release of financial records by consent. The consent to release the financial records is attached to this correspondence for your review. It is believed your client is a victim of a crime. As such, these financial records are needed to continue the investigation. Your prompt response is appreciated. If you have any questions about this matter, please contact me at XXX.

Sincerely,

XXX

## ADDENDUM C

### COMMUNITY PARTNERS

#### **Ventura County Area Agency on Aging (VCAAA)**

Elder Abuse XE is a program offered through the Ventura County Area Agency on Aging (VCAAA) in partnership with the Ventura County District Attorney's Office and the Ventura County Family Justice Center (FJC). The program provides elder and dependent adult abuse victims with emergency shelter and assistance, transportation, respite care (for caregivers to attend court proceedings), counseling, and referral services. The partnership with the FJC allows victims of elder abuse, as well as dependent adults who have suffered abuse, to directly access legal needs while addressing other vital resources with a one-stop approach.

The goal of the VCAAA, Ventura County District Attorney's Office, and FJC is to eliminate the overwhelming fear many individuals face when seeking help. We are committed to providing the best possible services that enable the clients we serve to seek justice and healing.

#### **CRISIS INTERVENTION TEAM (CIT)**

Crisis Intervention Team (CIT) training provides law enforcement with techniques in active listening, de-escalating a crisis, and providing appropriate community resources as needed. CIT training can be used to defuse any crisis situation encountered by law enforcement. The CIT Program is based on a successful and well-validated crisis intervention model that began in Memphis, Tennessee, in 1988. The 40-hour CIT Academy covers multiple mental health disorders including those specific to elders such as Alzheimer's and dementia. Classroom instruction (and scenario testing) is provided by members of Adult Protective Services and the Rapid Response Expert Team. CIT training is useful in developing sensitivity and understanding, as well as a safer, proactive method for resolving crisis situations involving mental health concerns. The implementation of the CIT Program in Ventura County has resulted in the reduction of risks and injuries to consumers, the community, and officers. This results in increased public support and confidence in law enforcement. Nearly 90 percent of Ventura County law enforcement patrol officers are CIT trained. The Ventura County Law Enforcement Crisis Intervention Team is a collaborative effort between six local law enforcement agencies (five police departments and the Sheriff's Office), mental health providers, social services, the medical community, and the local chapter of the National Alliance on Mental Illness.

#### **LONG-TERM CARE OMBUDSMAN**

The County of Ventura's Long-Term Care Ombudsman program advocates for residents in long-term care facilities, such as nursing homes, as well as investigates abuse in other licensed facilities. An ombudsman listens to concerns, provides information and assistance when requested, and will investigate and resolve complaints related to care or personal rights. The Long-Term Care Ombudsman commits to partner and collaborate with criminal justice agencies dedicated to the prevention of and response to elder and dependent adult abuse.

## **OFFICE OF THE PUBLIC GUARDIAN**

The Public Guardian oversees the care of people, including the elderly and those who are gravely disabled due to mental illness and are unable to care for themselves. The Public Guardian functions as the legally appointed guardian or conservator of persons found by the Superior Court to be unable to properly care for themselves or their finances. Once appointed by the court, the Public Guardian assumes personal and financial responsibilities for care of the conservatee and his or her needs and assets. The Public Guardian, acting as the conservator, is legally responsible for making all personal/financial decisions and for ensuring the safety, welfare, and well-being of the client.

## **CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, COMMUNITY CARE LICENSING DIVISION, SENIOR CARE PROGRAM OFFICE**

Community Care Licensing (CCL) commits to continue their existing collaboration with the Office of the Attorney General as well as the Ventura County District Attorney's Office to best protect elders and dependent adults residing in assisted living facilities and community care facilities. CCL will continue to be a valued partner in the assisted living facility coordinated program and refer suspicious cases to the Attorney General, or the District Attorney, when appropriate.

## **VENTURA COUNTY ELDER DEATH REVIEW TEAM (EDRT)**

The mission of the Ventura County Elder Death Review Team (EDRT) is to review potentially suspicious deaths associated with suspected elder abuse and/or neglect; identify risk factors for such deaths; maintain statistical data concerning such deaths; and facilitate communication among agencies involved with elder deaths to improve service delivery. The EDRT, chaired by the Ventura County Chief Medical Examiner, recognizes the value of strong partnerships among agencies and disciplines responding to and preventing fatalities related to abuse or neglect of the elderly and vulnerable adults. Reviewing deaths will facilitate discussion on needed education and prevention strategies and improved coordination of services for families and our elder population.

## **VENTURA COUNTY CRIME VICTIMS' ASSISTANCE UNIT**

The Crime Victims' Assistance Unit functions to guide victims through the criminal justice system to ensure victims' rights are honored and to assist victims in obtaining services to help them cope with the trauma they have endured. The Crime Victims' Assistance Unit provides comprehensive services to victims of all crime types. Victim advocates follow a trauma-informed service model and work closely with the victim in order to gain an understanding of the victim's unique experience and learn the impact the crime has had on their lives and provide meaningful appropriate referrals.

## **VENTURA COUNTY FAMILY JUSTICE CENTER**

The Ventura County Family Justice Center (FJC) works to improve the lives of those impacted by domestic violence, sexual assault, child abuse, elder and dependent adult abuse, human trafficking, hate crimes and other violent crimes. The FJC is a welcoming community that empowers and supports survivors of all ages and families through comprehensive, holistic services that focus on the whole person. The FJC's collaborative approach creates a safe space using strength-based practices to end abuse and exploitation, pursue justice, and create pathways to hope. A collaboration team from more than 40 public agencies and community-based organizations and volunteers dedicated to working together to help reduce trauma, eliminate repeat victimization, mitigate future risks, and make a lasting, positive difference in the lives of those we serve and their families.

## ADDENDUM D

### Ventura County Resource Guide

Adult Protective Services	(805) 654-3200
Camarillo Police Department	(805) 388-5100
Moorpark Police Department	(805) 532-2700
Ojai Police Department	(805) 646-1414
Oxnard Police Department	(805) 385-7600
Port Hueneme Police Department	(805) 986-6530
Santa Paula Police Department	(805) 933-4230
Simi Valley Police Department	(805) 583-6950
Ventura County District Attorney's Office Crimes Victims' Assistance Program	(805) 654-3622
Ventura County Family Justice Center	(805) 652-7655
Ventura County Long-Term Care Ombudsman	(805) 656-1986
Ventura County Sheriff's Office	(805) 654-9511
Ventura Police Department	(805) 339-4400

These offices are committed to the successful prosecution of those committing crimes against elders and dependent adults.

Victim advocates are also available to assist with safety planning, support, referrals, court accompaniment, transportation, and processing of victim compensation and restitution applications.

**Ventura County District Attorney's Office, Crime Victims' Assistance Program: (805) 654-3622.**