



CRIMINAL JUSTICE BRANCH, MINISTRY OF ATTORNEY GENERAL
CROWN COUNSEL POLICY MANUAL

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SUBJECT: Elder Abuse – Offences Against Elders		CROSS-REFERENCE: CHA 1 CHA 1.2

POLICY

When deciding whether to approve charges arising from an allegation of elder abuse, Crown Counsel should take into account that the policy on Charge Assessment Guidelines (CHA 1) states that it is generally in the public interest to proceed with a prosecution where the victim is a vulnerable person.

Crown Counsel or support staff should make reasonable efforts to advise the victim of available victim assistance programs.

Aggravating circumstances under section 718.2 of the *Criminal Code* should be considered in submissions on sentence.

When Crown Counsel makes a decision that charges should not be laid following a review of a Report to Crown Counsel from the police alleging abuse of an elder, the file should be returned to the police with a reminder that the police should inform the designated agency in the local community if they have concerns about the safety or health of the elder, and that, if the elder appears to be incapable, the police may consult the Public Guardian and Trustee at 604 775-0202.

DISCUSSION

This policy recognizes the potential vulnerability of elderly people. Elder abuse can consist of anything from physical assault and unlawful confinement to verbal abuse, trade practice offences, or fraud. Elder abuse, like child abuse, is not always obvious to the casual observer. Family ties often make reporting difficult for elderly victims when the source of the abuse is within the family.

Even where charges are not approved, there may be legitimate concerns about the safety or health of the elder. The Public Guardian and Trustee has organized protocols by which a designated agency in each community (such as Mental Health or Continuing Care) will receive reports from the police and other agencies about elders for whom there are safety or health concerns. Also, the Public Guardian and Trustee will receive reports about elders who appear to be incapable.

Concerning *Business Practices and Consumer Protection Act* offences, the social regulatory charge assessment policy (CHA 1.2) need not apply in cases where a scheme has been developed to target elderly people in violation of the *Business Practices and Consumer Protection Act*. This means that in appropriate circumstances, charges can be laid without the necessity of first warning the alleged offender(s).