



City of San Antonio

Agenda Memorandum

File Number:
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Agenda Item Number: 3

Agenda Date: August 20, 2024

In Control: Public Safety Committee

DEPARTMENT: Police Department

DEPARTMENT HEAD: William McManus, Chief of Police

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Elder Abuse Reporting

SUMMARY:

Briefing and possible action on the San Antonio Police Department's (SAPD) update to the Public Safety Committee regarding the City Council Consideration Request asking for a requirement for all elder abuse and neglect calls to be reported to the Texas Adult Protective Services.

BACKGROUND INFORMATION:

A City Council Consideration Request (CCR) authored by Councilmember Melissa Cabello Havrda requesting that City of San Antonio Departments, including but not limited to the San Antonio Police Department, San Antonio Fire Department, Human Services, Neighborhood and Housing Services, and Metro Health that come into contact with senior citizens establish a requirement for all elder abuse and neglect calls to be reported to the Texas Adult Services Department (APS).

The CCR was heard by the Governance Committee on April 17, 2024, and referred to the Public Safety Committee.

Background: Existing Law

Texas Human Resources Code 48.051 states that anyone who suspects that an adult who is elderly (over the age of 65) or with disabilities is being abused, neglected, or financially exploited must report that information to the Department of Family and Protective Services. The duty to report applies without exception to persons whose knowledge concerning the abuse, neglect, or exploitation was obtained during the scope of the person's employment.

A criminal offense is committed under the Texas Penal Code 22.04 if a person intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes to an elderly individual serious bodily injury; serious mental deficiency, impairment, or injury; or bodily injury. An elderly individual is defined as over the age of 65.

Existing Practices

San Antonio Police Department (SAPD): Officers receive training as cadets on factors that constitute elder abuse. These factors include observation of signs of physical abuse or whether the senior is withdrawn or afraid that may indicate neglect or exploitation. Patrol officers contact Adult Protective Services when responding to a call for service that results in a noncriminal case or if the patrol officer determines that the elderly/disabled person cannot care for themselves.

SAPD's Special Victims Unit, Homicide, and Crisis Response Teams investigate elder abuse cases ranging from misdemeanors to felonies, including family related offenses, and facility related offenses. These units notify Adult Protective Services based on the facts of the investigations and work in cooperation with Adult Protective Services for beneficial outcomes for the victim. The Financial Crimes Unit investigates elder fraud and provides fraud avoidance education for the elderly at senior centers and communities in the San Antonio area. Since 2019, SAPD has been a member of the local Elder Abuse and Exploitation Task Force. The Task Force includes elected and government officials as well as representatives from law enforcement and the financial sector.

Department of Human Services (DHS) Senior Services Division, is part of the South Texas Adult Protective Services Community Board. As a part of this collaboration, DHS works with the Texas Department of Family Protective Services, Adult Protective Services, Alamo Area Council of Governments, Area Agency on Aging, WellMed Charitable Foundation, Education Partners, including OASIS and OATS, among others to raise awareness of older adult financial fraud, exploitation and abuse and associated reporting requirements. As a part of this work, annual training is provided virtually and/or in person by Adult Protective Services to DHS Senior Services staff. In FY 2023, DHS Financial Empowerment and Benefits Navigator staff were added to provide dedicated financial counseling and benefits navigation services to seniors.

ISSUE:

Briefing and possible action on the San Antonio Police Department's (SAPD) update to the Public Safety Committee regarding the City Council Consideration Request asking for a requirement for all elder abuse and neglect calls to be reported to the Texas Adult Protective Services.

FISCAL IMPACT:

This item is for briefing purposes only.

ALTERNATIVES:

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RECOMMENDATION:

The Department of Human Services Senior Division will work with Adult Protective Services (APS) to develop a curriculum that will be used to provide training to City employees. City employees that have direct contact with seniors include members of SAPD, SAFD, DHS, NSHD, Metro Health, Parks, 311, and the City Attorney will be priority for training.

The training will focus on how to identify signs of elder abuse, neglect, or exploitation and the mandatory reporting requirements under Texas law as how to report elder abuse to APS.