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Chair

Ms. Irene Mathysen

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•(1555)

[English]

The Chair (Ms. Irene Mathysen (London—Fanshawe, NDP)): Good afternoon, everybody.

Our first witness is Constable Patricia Fleischmann of the community mobilization unit of the Toronto Police Service.

Welcome, Constable Fleischmann, and thank you very much for being here. You have 10 minutes to present. You're the only person on the panel, so we'll be flexible and understanding. If you would proceed, I know the members of the committee are very interested and anxious to hear what you have to say.

Constable Patricia Fleischmann (Police Constable, Community Mobilization Unit, Toronto Police Service): Thank you.

Madam Chair, and members of the committee,

[Translation]

Hello.

I'm Police Constable Patricia Fleischmann and I am the coordinator for the Elder Abuse Unit. I am honoured to be here and to share what I've learned about this problem with you.

My presentation relates strictly to my role as vulnerable persons issues coordinator for the Toronto Police. Therefore, mine is a criminal justice perspective. The opinions expressed are also mine alone.

There is no legal mandate to report elder abuse in Ontario by service providers, as there is for child abuse, because the people concerned are generally capable adults with the right to autonomy. Neither is there adult protective legislation per se, though pertinent provincial statutes do exist, and we need to use the existing legislation appropriately. Nor, under federal legislation, does the charge of elder abuse exist. But there are many sections in the Criminal Code that pertain to elder abuse, depending on the actual offence.

Communication barriers that impede the sharing of information between police and service providers, based on privacy and confidentiality laws, should be considered. We must not be guilty of sabotaging the safety and security of at-risk seniors in our communities because of misguided, misunderstood privacy legislation.

The justice system, as you know, is an adversarial one. It is offender-focused versus victim-centred. Reporting something to police or simply being present in the courts is usually an

uncomfortable experience for anyone, let alone an older victim of crime, someone who in all likelihood has never come into contact with the justice system. Adding to the distress, an older adult may experience firsthand ageism in dealing with the justice system. Though police today have a much greater understanding of the issues surrounding elder abuse and are more adept at report-taking and appropriately categorizing occurrences of elder abuse, this is not always the case.

If a police report is taken, particularly in jurisdictions where little is known about this issue as a result of low reporting or minimal officer experience with elder abuse, and where elder abuse is overshadowed by other service priorities such as gang violence or drugs, then oftentimes there are problems in the investigative process. Over and above heavy caseloads, pressing investigations, attendance at court, these cases may suffer from a lack of attention. This may also be the result of officers who are neither aware nor familiar with the multifaceted subtleties of the ageing process and of elder abuse. These cases may be ignored, disregarded, minimized, or written off. They may be considered too complex and time consuming.

The older victim may not be considered a good witness. The victim may not be able to testify when the case reaches court, because of memory loss, illness, or death. The complainant is commonly advised it's a civil matter, when clearly it is appropriate for criminal intervention, especially in cases of financial abuse. Though both men and women can be victimized, older women are particularly vulnerable with their general lack of financial literacy.

Some police services have specialized elder abuse units to address these crimes. Others have a partnership with external service providers as part of a joint coordinated effort to more effectively respond to elder abuse. These partnerships are essential. Specialized training courses addressing the complexities of the ageing process and the uniqueness of elder abuse crimes must also become the norm in police agencies.

In policing there are legislative and regulatory requirements directed by the province. The "Policing Standards Manual: LE-021, Elder and Vulnerable Adult Abuse" offers guidelines, but as such, police agencies are not required to follow this. Nonetheless, many services approach this from a risk management perspective and have tailor-made the guidelines to suit the needs of their respective agency. Perhaps a mandated response to elder abuse should be considered, in the same way that one currently exists for domestic violence.

Another consideration may be for the province to expand the meaning of intimate relationship in the definition of domestic violence to include elder abuse, as very high numbers of suspects are persons, such as family members, who are in a position of trust or authority.

The Ministry of the Attorney General has a crown policy manual that includes a variety of practice memoranda that would apply to elder abuse prosecutions. At present, most are dealt with on a case-by-case basis by prosecutors who rely on this. Perhaps one day, we shall have specialized elder abuse courts with designated prosecutors, as they currently have in the U.S.

- (1600)

With a successful prosecution, no matter the offence, the elderly victim is seen by the courts as a vulnerable person. This allows for section 718.2 of the Criminal Code to be utilized. The section allows for a sentence to be increased or reduced due to relevant aggravating factors that relate to the offender or the offence. The specific circumstances include the victim's age, mental or physical disability, as well as the offender's status as someone in a position of authority or trust in relation to the victim. The section, however, only states that a sentence "should" be reflective of any relevant aggravating or mitigating circumstances relating to the offence. Perhaps this section needs to be strengthened and the wording changed from "should" to "shall."

In a 2003, the Ontario Association of Chiefs of Police announced a resolution on vulnerable adult abuse. In some services, this is recognized as an important and emerging issue, while in others it is not. Since then, nothing further has developed. Unfortunately, there is no formal seniors committee or working group in existence within the OACP. Bringing this increasingly significant issue to the forefront of the OACP agenda and promoting education among its members perhaps will be an achievable objective with the continued encouragement and resources of Law Enforcement Agencies Protecting Seniors, a GTA group.

[English]

Education that provides an awareness and understanding of the relevant issues will always be critical. This includes social marketing campaigns. Social marketing strives to stimulate the viewer one at a time, thus evoking changing thoughts, attitudes, and behaviour. I have with me some examples from a 2006 project between the Toronto Police Service and Seneca College.

Education, of course, must also include youth-focused programs, for it is the children and youth of today who will truly change the face of elder abuse by challenging the beliefs that this is acceptable behaviour. A case in point is the 2011 Toronto Police youth in policing initiative program. Our YIPI students produced a one minute and thirty second video on elder abuse that will be uploaded shortly to the Toronto Police YouTube site. I do have a copy for you. We hope that this video will not only generate discussion through the tag line, "Look around. Speak up", but also challenge the community to bring this issue into social consciousness with a commitment to end elder abuse.

From 2005 to 2010, the statistics reporting elder abuse in Toronto have been a mere fraction of those reporting child abuse or domestic violence. Elder abuse statistics for this period fall below 200 reports

per year, whereas child abuse reports number in the low thousands, and domestic incidents along with domestic violence statistics range in the tens of thousands. Clearly, there is a vast discrepancy in reporting crimes against older persons, which cannot continue to be ignored.

The victimization rate per 1,000 population in Toronto has generally decreased with increasing age. However, an increase in the number of baby boomers becoming seniors may well result in more demands on the criminal justice system. This is because they will be more willing to report crime than previous generations. The oldest baby boomer today is 65 years old. They are vastly different from the seniors of yesteryear. While older adults may be relatively unlikely to be victimized by crime compared to other age groups, they feel more vulnerable and perhaps less able to deal with the consequences of these crimes. This is another reason, perhaps, for the expected increased calls for service. Officers may spend more time on these calls due to the shifting nature of these complaints. Our response must also be more reflective of the increased complexity of these crimes. Aging victims, older criminals, changing crimes, all of these will most definitely impact on the police response.

Unfortunately, I cannot provide you with statistics specifically related to older female victims of crime. This information was not available. However, I can tell you that each day I speak to victims, family members, neighbours, service providers, and police officers. My conversations revolve predominantly around older women and their victimization.

Law enforcement plays an extremely vital role in the effort to reduce, if not eliminate, elder abuse, but it is not solely the responsibility of the criminal justice system, nor should it be. Neither does the obligation to combat this problem lie solely with service providers, the general community, government, or even victims themselves. For example, family justice centres that address the abuse of persons of all ages within a coordinated, multidisciplinary and, generally, co-located model are ideal.

The concept of a shared services model has become a movement and no longer just a service. This is evident from the increase in the number of centres established around the year and around the world. It is now recognized that coordinated joint efforts by all systems can produce greater results. The use of shared services helps prevent revictimization by providing the victim with wraparound services. This allows the victim access to those services specific to her needs. If the needs of the victim are met through coordinated services, it keeps them engaged in the process, empowers them, and provides the needed support to prevent further revictimization. Sustainable funding is core to this premise.

This model is available in some but not all communities. By and large, older adults are not getting the supports they need from the criminal justice system, but there are exceptions. Judith Wahl, executive director of the Advocacy Centre for the Elderly asks, how do criminal justice practitioners empower older adults through the tools of awareness, prevention, and support while balancing the critical mandates of intervention and prosecution? Most decidedly, the answer is guaranteed to be as complex as the question. Nonetheless, in the final analysis, it is incumbent upon justice practitioners to ensure that when elder abuse is brought to their attention, it be given every consideration, from report-taking to investigation, and lasting through prosecution and sentencing.

• (1605)

Some might argue these considerations are few and insufficient—

The Chair: I wonder if you could wrap up.

Cst Patricia Fleischmann:—while others might suggest justice practitioners go above and beyond and provide even greater accommodation in offering assistance.

Indisputably, the criminal justice system will be tested in its recognition of and response to elder abuse, given changing demographics, government principles, insufficient resources, lack of ongoing funding, and in light of changing police organizational priorities.

Your efforts in undertaking a study on this considerable topic of older women abuse is to be commended. With rapidly shifting population demographics, particularly concerning older women, the subject of older women abuse must continue to be highlighted and remain in the public's focus.

Merci. Thank you.

The Chair: Thank you very much and thank you to the committee for your indulgence. I appreciate that.

We'll begin our first seven-minute round of questioning with the government party.

Mrs. Truppe.

• (1610)

Mrs. Susan Truppe (London North Centre, CPC): Thank you, Madam Chair, and thank you, Ms. Fleischmann. We appreciate your being here as we listen to many witnesses to help us share the goal that we have to end elder abuse against women.

Any form of abuse is unacceptable and should not be tolerated. Too often, elderly women are victims of crime, including fraud, neglect, and violence, which robs them of their dignity and peace at a time when they deserve to enjoy special care and respect.

What types of sentences have you seen for various abuses, whether these have been physical or financial? Do you feel that the sentences are tough enough for the abusers to combat elder abuse. What are your thoughts on that?

Cst Patricia Fleischmann: Unfortunately, what I have seen and read is that elder abuse sentences, when there are registered convictions, tend to be on the lighter side. Also, I have often seen these charges reduced, or perhaps a plea bargain is arranged and no conviction is registered. It is troubling to see this when it happens,

because I certainly have to wonder how seriously this is being taken. That is a concern of mine time and time again.

Mrs. Susan Truppe: Do you think tougher sentences would help in dealing with the abuse of elderly women by preventing abusers from continuing their abuse if they were subject to heavier sentences?

Cst Patricia Fleischmann: I'm going to respond to that in a somewhat different way. Unfortunately, elder abuse as a crime is considerably under-reported. When it is under-reported, it is underinvestigated, and it follows that it will be underprosecuted. When reports are taken seriously at all times; and appropriate, professional, thorough investigations take place; and good cases are taken to the crown; and successful prosecutions are made, then we will perhaps see sentencing that is more reflective of the crimes themselves.

Mrs. Susan Truppe: Thank you.

From all the different witnesses we've heard, as well as the various types of abuse of the elderly, in many ways financial abuse is coming to the forefront.

Apart from funding of the new horizons for seniors program; the ad campaign that's going to come out again; our Speech from the Throne; the pledge for stiffer penalties in Bill C-12, an act to amend PIPEDA, which would allow our financial institutions to be better able to identify and protect seniors from abuse, do you have anything to offer to the committee in terms of the ways that government and the public could better fight financial abuse?

Cst Patricia Fleischmann: There certainly are projects specific to financial abuse, one in particular through the National Initiative for the Care of the Elderly, which you may have heard of already. I am working on that project in Toronto, assisting and delivering the criminal justice portion of that particular program. I can tell you that women are very responsive to it.

So an increase in these types of programs, which go directly to those who perhaps are most vulnerable to being victimized by these particular types of crimes, would be most appropriate.

Mrs. Susan Truppe: Could you elaborate on national initiative for the elderly?

Cst Patricia Fleischmann: The National Initiative for the Care of the Elderly, an organization whose acronym is NICE, is involved with many intervention tools for community service providers, including the police. The financial literacy part of that is currently available right now in Toronto as well as Vancouver. Those are the only two cities across the country that I am aware of.

It's a two-day program. Service providers make presentations to the groups, and in Toronto I deliver a one-hour presentation to older women for this portion of the program.

Mrs. Susan Truppe: Good, thank you.

I think you said that the statistics for elder abuse were lower. Is that correct? The numbers could be getting higher as the baby boomers are growing older.

Is that right?

•(1615)

Cst Patricia Fleischmann: In relation to Toronto Police, that's all I can refer to. The numbers are very low. From my conversations with colleagues across the country and indeed around the world, this is something that is not particularly common. But I believe we will see more of it.

Mrs. Susan Truppe: There will be more abuse, right. I agree with your study. There are a lot more people getting older and there will be more elderly out there in a few years.

Do you think there's more awareness of elderly abuse? Before, we never really heard of any abuse going on with the elderly.

Cst Patricia Fleischmann: I think there is increasing awareness.

Mrs. Susan Truppe: Okay, thank you.

Am I good for one more?

The Chair: Yes, one more question.

Mrs. Susan Truppe: I'm sharing the last one with Tilly.

Mrs. Tilly O'Neill Gordon (Miramichi, CPC): Thank you. We are happy to have you with us this afternoon, Ms. Fleischmann. I want to congratulate you on a great presentation.

I'm wondering if you could explain how can we get cases to be taken more seriously. You mentioned that they're not taking this as seriously as they should be. Is there something we can do to make people realize that these cases are really important and should be taken more seriously?

Cst Patricia Fleischmann: It's often said that with elder abuse, we are where we were with domestic violence back in the 1960s and 1970s. So perhaps it is a matter of time before we will get to the point where elder abuse is taken as seriously as domestic violence, child abuse, and sexual assault.

When we talk about the abuse and neglect of older adults, I believe it is partly due to ageism. My belief is that ageism is the reason these types of cases are not treated as seriously as others.

The Chair: Thank you.

Now to Ms. Freeman.

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Thank you, Madam Chair. I'll be splitting my time with my colleagues on this side.

Thank you, Ms. Fleischmann.

We've heard testimony that in cases of senior abuse, people in the criminal justice system often speak to the people who surround seniors but not to the seniors themselves. Maybe this is the ageism that you're speaking of. What strategies can be employed to ensure that testimony and evidence from seniors themselves is protected through the judicial process?

Cst Patricia Fleischmann: I think it's something that happens in all areas. We are talking about an understanding, an awareness, of

the issues. We are talking about ongoing education and training. This is something that needs to be repeated as more information becomes available. As we learn new things, as we hear about new crimes, as we talk, communicate, and share, this is something that we need to take seriously. After all, we are talking about our parents. We are talking about our grandparents. We are talking about extended family members. We are talking about neighbours. We are talking about friends. One day, as we are all aging, we will be talking about ourselves.

Ms. Mylène Freeman: I'm going to stop you there so that I can keep pressing.

You mentioned training. What kind of training could we be doing?

Cst Patricia Fleischmann: Many police services provide internal training. Certainly in Toronto I have spoken to our police recruit classes. I speak to our diversity class. I speak to our crime prevention class. At the Ontario Police College, over the last several years, there have been regular elder abuse conferences. The hope is that through these continued elder abuse conferences, there will one day be an elder abuse investigator course at the Ontario Police College. For the time being, elder abuse examples are given in some of the other courses at the college.

Ms. Mylène Freeman: So this would be something that you think would be useful.

Cst Patricia Fleischmann: Absolutely.

Ms. Mylène Freeman: In your article, "Abuse of Older Adults: an Ontario Criminal Justice Perspective", you say that subtle and generally unrealized ageist behaviour can be detected in police personnel, prosecutors, defence counsel, and even the judiciary. You say that it surfaces in the manner in which older adults are described, communicated with, and perceived by others.

What strategies does the Toronto Police Service employ to eliminate ageism? What are the actual strategies?

•(1620)

Cst Patricia Fleischmann: I present at our internal courses and I talk about ageism. I share with them examples and I stress the importance of maintaining professionalism in their investigations. It is my hope that through sharing these examples, officers will realize that we cannot engage in these types of behaviours. In fact, I often say, "Check your biases at the door".

Ms. Mylène Freeman: I'm going to pass on the rest of my time to my colleagues.

Ms. Ruth Ellen Brosseau (Berthier—Maskinongé, NDP): Thank you.

You said that in Ontario you don't have to report cases of elder abuse. Do you know if that's common across Canada? Or is it just something in Ontario?

Cst Patricia Fleischmann: Every province has different provincial statutes. I believe in British Columbia, for example, there is a mandated response. I certainly can't speak to that because I'm not from British Columbia. I believe it relates to service providers and it may be for health care practitioners, if I remember correctly.

Ms. Ruth Ellen Brosseau: So if there were a national elder abuse strategy and we got together and had a plan to address abuses that occur in long-term care facilities and hospitals, where a lot of our most vulnerable seniors are, do you think that would help prevent elder abuse?

Cst Patricia Fleischmann: It certainly would be helpful. But I should mention that in Ontario in July 2010, the Long-Term Care Homes Act was an amalgamation of three different provincial statutes. There is now mandated elder abuse reporting within long-term care. There is a section in that legislation that directs that allegations be in fact reported. It's not necessarily that actual criminal offences have to be reported, but even allegations or suspicions of criminal activity relating to elder abuse.

In the new Retirement Homes Act—which is not yet in force—there is also a section that relates to reporting elder abuse to police.

[Translation]

Ms. Ruth Ellen Brosseau: Thank you.

And now, the floor is yours, Marjolaine.

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Thank you.

My question will be in French.

[English]

The Chair: Constable Fleischmann, it's channel one for English. Is your device working?

[Translation]

Ms. Marjolaine Boutin-Sweet: A minute ago, you mentioned a shared services model. You were speaking rather rapidly, but I understood that this was about shared services. Could you give us a bit more information about this? Can you tell us if these services include crime prevention rather than punitive measures?

[English]

Cst Patricia Fleischmann: That's a question!

The shared service model in regard to the family justice centres is available in some cities across the country. Currently in Toronto we do not have such a family justice centre. However, I can tell you that we are in talks with a local hospital, as well as with the Victim Services Toronto program, and we are hoping to put this model together. Since Toronto is such a large city, we cannot have one for the entire city. We must of course start with a pilot project.

The pilot project would be located in Scarborough, where there is a lack of services. We currently have a potential location, which the hospital is currently using, where there are a couple of free rooms available. The hope is that at some point in the near future—I'm not sure whether we're talking about 2012 or 2013—we can bring the Toronto Police Service in there, along with the Victim Services

Toronto program, to start the pilot project, and then over time to expand the services available, including across the city. Although it currently deals with domestic violence, the idea is that we would bring in child abuse as well as elder abuse.

• (1625)

The Chair: Thank you.

We'll go over to Ms. James for seven minutes.

Ms. Roxanne James (Scarborough Centre, CPC): Thank you, Madam Chair.

And thank you, Constable, for being here today.

I'm actually from Toronto. My father was a police officer for Metro a number of years ago but has long since retired.

As the vulnerable persons issues coordinator for the Toronto Police Service, what is your definition of vulnerable?

Cst Patricia Fleischmann: Many years ago, I was strictly the elder abuse coordinator for the service, and after one of the reorganizations of the service and our particular unit, my responsibilities were expanded to include vulnerable persons issues, which I now have administrative responsibility for, specifically older adult abuse and neglect.

Ms. Roxanne James: So “vulnerable” to you means older people who are not capable of defending themselves or protecting themselves?

Cst Patricia Fleischmann: Well, it's much more than that. It also includes abuse and neglect of persons with disabilities, and it includes mental health issues. So it's quite wide ranging.

Ms. Roxanne James: In your opinion, are vulnerable people less likely to be able to protect or defend themselves compared to those who are not deemed to be vulnerable?

Cst Patricia Fleischmann: Generally speaking, that's correct.

Ms. Roxanne James: Thank you.

How long have you been with the vulnerable persons community mobilization unit?

Cst Patricia Fleischmann: Approximately 10 years.

Ms. Roxanne James: In those 10 years, in your capacity, have you ever been required to testify in cases of elder abuse?

Cst Patricia Fleischmann: No, I want to stress that my role is administrative, not investigative. I am the one person in the service with this particular role.

Ms. Roxanne James: Can I ask you if, in your 10 years, you have ever been in a position where you've had to investigate instances of abuse or violence against the same person, or perhaps been called to investigate incidents at the same address or residence?

Cst Patricia Fleischmann: It's interesting that you should ask that question.

Just this past summer, I had an opportunity to assist one of the downtown Toronto divisions. There was a case of an elderly woman whom neighbours and family members were quite concerned about, and the local division was increasingly getting calls for service to this woman's address and to the local bank where she conducted her banking. They were having some problems, and they asked if I could come out and assist them.

I did go out on that particular morning. Although I was not conducting the investigation, I was certainly there as a resource to assist the officers.

The fraud unit was there as well as the local community relations officer, and after they had an opportunity to speak with the elderly woman as well as her grandson who was the suspect in this particular matter, I did have an occasion to speak with her alone in the back yard, and I questioned her further.

She had considerable reluctance to make any report to police. She was not willing to make a disclosure, even through we had heard repeatedly from family members as well as neighbours, and we believed there was absolutely something going on. As she was a capable person, she had the right to live her life as she saw fit. Capable persons have the right to make their own decisions, and it's in fact sometimes very difficult for us to accept that they also have the right to live at risk.

There was no direct evidence, that we could see, to do anything.

Ms. Roxanne James: But you were called, and you have investigated—

Cst Patricia Fleischmann: We were called, and I'm happy to report that within two weeks, she did call us and she was in fact make a disclosure, and I believe it was because of our repeated responses.

Ms. Roxanne James: Thank you.

I noticed in the text of your remarks that you indicated that we need to use the existing legislation appropriately, and you mentioned section 718.2 of the Criminal Code with regard to sentencing being decreased or increased due to certain circumstances, including the age, mental or physical disability, or the vulnerability of the particular person. In your conversation here, you've also mentioned that you've noticed that the sentences are lighter, and that some of that may be due to things not being reported. Interestingly enough, a former witness actually said she was shocked to find out that age was very rarely considered with regard to sentencing.

So when courts fail us, when they fail the victims of elder abuse or other serious crimes, what can we do as a government to make sure the courts actually administer the appropriate sentences to protect those victims of crime? In your opinion what does the government need to do?

• (1630)

Cst Patricia Fleischmann: Just as education and training are important for police officers, it's the same for prosecutors, and I believe the same holds true for the judiciary. I don't know if this is in fact happening.

Ms. Roxanne James: I agree with you, but we all know that courts fail us that a person who commits the exact same crime as another person is sentenced differently. What can the government do to legislate to make sure that the courts are administering the judicial system appropriately? We hear about minimums and mandatory sentencing within the Criminal Code, and sometimes these can have a very broad range.

I'm just wondering about your opinion. You've said in your statement that we need to use existing legislation appropriately, but when courts don't, what can we do?

That's why we're all here.

Cst Patricia Fleischmann: That's a tough question and I'm not sure that I can answer it appropriately at this time.

Ms. Roxanne James: How do you enforce the courts?

Cst Patricia Fleischmann: If the courts are independent bodies, it's very difficult. I don't know that we can do that.

Ms. Roxanne James: We need to change the parameters of the Criminal Code to ensure the appropriate sentences are administered to fit the crimes. That would be one way.

Is that correct?

Cst Patricia Fleischmann: That's a most interesting suggestion.

Ms. Roxanne James: I think I've heard that from a number of witnesses. And while I'm not connected to the police, I know others in the police department, and that's an issue for them as well. Two crimes are exactly the same but there are two different judges and they're not sentencing appropriately.

Thank you very much. I really appreciate your time here today.

If I have any time left, I'd like to—

The Chair: You have one minute.

Ms. Roxanne James: I'm sure I can think of something else.

Ed, do you have a question to share as well?

Mr. Ed Holder (London West, CPC): Yes, and thank you.

I find your testimony very compelling. When you responded to my colleague that it was an interesting suggestion she made, do you think there should be consistency in applying the tougher sentences for seniors abuse, in your opinion—since this is a personal opinion, as you've indicated in your remarks?

Cst Patricia Fleischmann: I've actually never thought about that

Mr. Ed Holder: Seriously?

Cst Patricia Fleischmann:—nor have I ever had a conversation about that. I'm not sure how to answer that, quite frankly.

Mr. Ed Holder: What does your gut tell you?

Cst Patricia Fleischmann: I think we are moving into uncharted territories if we direct that judges shall respond in a certain way.

Mr. Ed Holder: Here's what's interesting. You indicated that the crime is under-reported. You also indicated that with seniors abuse, we are where we were with domestic abuse in the sixties and the seventies.

The Chair: We're out of time. Perhaps you will have a chance when we go into our second round.

Mr. Hsu.

Mr. Ted Hsu (Kingston and the Islands, Lib.): Thank you very much, Madam Chair.

Instead of trying to extract an answer about harsher punishment, I'd like to talk about prevention. I'd like to talk about a situation that I have some experience with. It's a situation where you can't really increase the punishment because the behaviour in question may not be illegal, but it is elder abuse.

Older women living alone are often the victims of people going around selling electricity and natural gas contracts, even though that is not illegal and there's nothing in the Criminal Code you can do about it. If you understand the market, they're overpricing the risk of future price fluctuations in electricity and natural gas. It's pretty hard in a court of law to send somebody to jail because they sold something for a price that was high. I say this because people try to do this all the time.

Is there a role for an office like yours to help prevent that kind of elder abuse?

Cst Patricia Fleischmann: In the past the, Toronto Police Service had designated fraud officers specifically working on crimes against seniors. Again, with reorganization, that position no longer exists. Each and every officer in the fraud unit will be assigned a case, whether the victim is older or younger. Generally that's where that particular type of crime or possible suspected criminal activity would go for investigation, and not to my unit.

It boils down to the definition of elder abuse. Different service providers have different definitions, and the Toronto Police Service definition of elder abuse is any harm caused to someone over the age of 65 by someone in a position of trust or authority. It does not include crimes by strangers, the frauds and scams, that are so common, and without question those types of criminal offences are increasing tremendously. It is a multi-billion dollar industry.

Older adults are specifically and deliberately targeted by such persons, because they are seen as vulnerable, as having property and cash, no matter what the actual amount is. In my particular office, I think that would be something that I couldn't handle, quite frankly.

• (1635)

Mr. Ted Hsu: To follow up on what you just said, are there places in the system that you think require additional resources, possibly from the federal government and possibly other levels of government, to help prevent abuse of elders through these fraudulent financial schemes? Are there places you think we should be putting more resources?

Cst Patricia Fleischmann: Again, I can only speak of the Province of Ontario, but in the provincial government, some of the ministries do investigate these matters and, like police services, many of these agencies and organizations are under-staffed and under-resourced. Funding is always an issue, that is, trying to make do with less and less. We are all stretched to do the most that we possibly can under the circumstances.

Could there be designated units within policing? Perhaps. That's certainly a possibility. The financial crimes unit is a large one in the Toronto police. Would they look at something like this? It's entirely possible—again, if the resources were there, if the funding were there, if we had the appropriate staffing.

It is a problem, no question.

Mr. Ted Hsu: In smaller communities, the police force might not have people who specialize in fraud. I'm wondering, if I see the truck of these distributors, is there somebody I can call?

The reason I brought up the example of electricity and natural gas contracts was that I have some familiarity with that sector of the market. My parents almost fell victim to one of these guys, except my Dad was cautious and said, "Let me show my son this thing before I sign anything", and I caught it. But if I see the truck of the same company on the street, I know the guy is in the neighbourhood somewhere. What can I do? What would I be able to do if extra resources were available?

Cst Patricia Fleischmann: I certainly can't speak to what happens in smaller communities. I'm sure that in the next sessions that particular question will be addressed. But what I encourage people to do when I get those types of questions is to look for an officer who knows about elder abuse, who knows about frauds and scams; and if they don't, people should keep looking and not accept the first person who says, "I'm sorry, I don't know about this." There are community officers and crime prevention officers. There are officers who might not have the title or designation but who are in fact interested in this particular issue and will take that extra step to give that person the necessary support and help they need. That's what I recommend people do: just keep looking and asking and find that right person in their particular community and in their particular police service.

Mr. Ted Hsu: Thank you very much. That's all I have.

The Chair: Thank you very much.

The clerk has pointed out to me that we're into the second hour. We have less than an hour for three additional witnesses. So, with the indulgence of the committee, might I suggest that we thank Ms. Fleischmann and move to the second panel?

Is that agreed?

Some hon. members: Agreed.

The Chair: Okay, Ms. Fleischmann, thank you so much for your testimony and the posters you gave us. We look forward to seeing your video too. You've enhanced our understanding of this very much.

Thank you.

- _____ (Pause) _____
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- (1640)

The Chair: We have less than one hour and I would like to give a full opportunity to our witnesses. They have come a long way, and I'm sure that we all want to hear them.

I'd like to welcome Constable Jared Buhler of the Edmonton Police Service, who is on the elder abuse intervention team. We have also Inspector Leslie Craig, manager of the crime prevention section of the Ontario Provincial Police; and finally, from the Ottawa Police Service, we have Detective Isabelle Coady of the elder abuse unit. I see we also have Isobel Fitzpatrick here. Welcome to all.

Each group will have 10 minutes.

Could we begin with Constable Buhler, please?

Constable Jared Buhler (Elder Abuse Intervention Team, Edmonton Police Service):

Madam Chair, and honourable members, I will start by quoting the following: ...it would be very regrettable if the older among us, after long lives of supporting others, should be left beyond the reach of legal protection in their declining years by reason of investigative difficulty. There is a large difference between judicious care in the search for truth and a presumption that such cases are hopeless.

Mr. Justice Jack Watson of the Alberta Court of Queen's Bench made these comments in the case of Clifford Morin. A senior himself while caring for his elderly mother, Morin was alleged to have assaulted, confined, and threatened her out of frustrations arising from her care.

Initiated by my predecessor, Detective George Doerksen of the Edmonton Elder Abuse Intervention Team, in 2004, this matter lingered before the courts for five years before a decision of guilt was rendered in 2009 for the counts of confinement and uttering threats. Morin's mother passed away prior to the case's conclusion because of her already advanced age and infirmity.

I have been a member of the Edmonton Elder Abuse Intervention Team since 2009. In this capacity I'm responsible for the investigations of complex or high-risk cases of elder abuse in collaboration with our partners of 12 years: the City of Edmonton, Catholic Social Services, Covenant Health, Community Geriatric Psychiatry, and the Victorian Order of Nurses. As much as I represent the Edmonton Police Service and our partners today, I feel it is my greater obligation to represent the seniors we serve, many of whom are women who are unable to share their stories with you today on their own.

I am neither an academic nor a statistician, and I will not speak from these perspectives. I'm an investigator who is a street policeman in my heart. In this role I have been able to meet seniors, of whom I will speak, in their homes and almost always in the midst of difficult times. To them I owe a sincere debt of gratitude, as they have been my patient educators and have provided me with the insight that allows me to speak with you today.

I'd like to share four short stories of five women, stories that have touched me personally and that I hope will assist you in understanding the nature, diversity, and complexity of abuse that

many elderly Canadian women face on a daily basis. While I will focus my comments on the abuse of women, it is important to mention that many elderly men are likewise victimized and have stories similar to the ones I will share here.

This is a story of two women from different backgrounds whose lives intersected as a result of abuse. Of first nations heritage, Mrs. C is a woman who, along with her siblings, survived the experience of Canada's residential schools. As an adult, she suffered a brain injury that limited her memory and cognition and resulted in her becoming a ward of the province. Because of the demands of her care, Mrs. C. was placed in a care setting in which for several years reports of physical abuse were made by her family, which were dismissed or ignored. Mrs. C remained in the care of her alleged abuser and, as later investigation confirmed, continued to be abused.

At the same time, Mrs. T, a resident of the same home who had suffered from a severe physical disability from childhood, which had confined her to a wheelchair and rendered her effectively non-verbal, but still cognitively intact, witnessed the repeated abuse of Mrs. C while also being told that if she revealed what she witnessed, she would never be allowed to leave the home.

While charges were ultimately laid, both women wear the emotional scars of this abuse.

To this day, Mrs. K speaks no English. She emigrated with her family from Asia approximately 25 years ago. Her husband, after they had settled on the west coast, became ill and died within a few years of their arrival in Canada. Pursuing opportunities in Alberta, her adult sons established a business financed largely by the support of their mother, who took out loans in excess of \$100,000 at a high interest rate from members of her own cultural community. Mrs. K's sons ultimately defaulted on their debt to their mother and in the process denied her access to their families and to her grandchildren. Mrs. K as a result suffered significant shame within her own community. In an effort to persuade her sons to repay their debt, she travelled to a rural location where she confronted her eldest son about the loan. In an ensuing argument, Mrs. K was threatened with a firearm and severely assaulted.

- (1645)

During the resultant police investigation, the stress and shame of the circumstances resulted in Mrs. K's being hospitalized after suffering an emotional breakdown. In order to ensure her safety and the safety of other involved persons, charges were pursued against her son, most of which were dismissed when Mrs. K refused to testify at trial.

On a spring night, Mrs. W was sleeping in the bed of a retirement residence in downtown Edmonton. In the early morning hours, a male gained entry to her suite, where he brutally attacked and sexually assaulted her. While surviving her attack, Mrs. W died in hospital, becoming one of Edmonton's 43 homicides this year. Mrs. W had never met her attacker.

The last example is that of Mrs. M. At age 20, shortly after an arranged marriage, Mrs. M emigrated to Canada with her husband from Europe and settled in Edmonton, where she raised her family. Throughout her marriage, Mrs. M was the victim of emotional, physical, and sexual abuse perpetrated by her husband. Aware of the abuse her mother was suffering and her refusal to leave the relationship, Mrs. M's only daughter severed her ties with the family as an adult. In her 70s, with the abuse not abating, Mrs. M accessed the services of a seniors shelter in Edmonton. Despite the supports offered by the shelter staff and our own team, because of the pressure exerted by her son, a citizen with some status in the community and who limited her access to her grandchildren, Mrs. M chose to return to the abusive marriage, where she remains today.

Violence perpetrated by a spouse remains the most common form of violence perpetrated against elderly women. These examples represent the primary abuse dynamics that I have observed personally during my tenure at the Elder Abuse Intervention Team—abuse in an institutional setting or care setting, abuse by a family member or a person in a position of trust, a crime by a stranger, or abuse by an intimate partner. Within these primary dynamics, Canadian seniors fall victim to all forms of elder abuse, including physical, sexual, psychological, and financial abuse and neglect.

While awareness of elder abuse is growing, it is acknowledged within law enforcement, the social sciences, and health care that elder abuse is 20 to 30 years behind domestic violence and child abuse. Elder abuse is often compared with both fields. However, it's important to recognize that it is a distinct area of study that requires a response that is tailored to the needs of the victims. It has been my experience that the dynamics and response considerations of elder abuse are as complex as or more complex than these related fields.

The overarching consideration in addressing cases of elder abuse are the values of autonomy and protection. Seniors value their autonomy. They're often reluctant to initiate a response against a family member, spouse, or person they trust. Frequently, the barriers imposed by seniors themselves are the single most significant obstacle to pursuing a successful intervention or prosecution. Professionals in government must balance the desire for autonomy against the need to protect the senior on a case-by-case basis within a complicated and often ambiguous and inadequate legislative framework.

Complicating this response is the fact that inter-agency information-sharing between organizations involved with both the abuser and the abused is often inadequate and restrictive, to the point that the moral imperative to act to protect vulnerable persons is not recognized or is ignored. Likewise, it has become evident to me that bias against the elderly is prevalent within society and in the attitudes of many professionals working with seniors.

I will conclude by suggesting that while awareness and educational programs in the area of elder abuse are undoubtedly an important component in responding to this issue, as a front-line service provider I cannot over-emphasize the importance of a collateral response and intervention capacity. Too frequently, valuable awareness and educational programs have the unintended consequence of further stressing responders who are already beyond their capacity, ultimately letting down both victims and family when advertised services fail to meet expectations.

Elder abuse is a complicated problem. Criminal investigation and prosecution of elder abuse are some of the most difficult files that I've handled as a police officer, but also some of the most rewarding.

On behalf of the Edmonton Police Service, thank you for the opportunity to speak to you today. I look forward to answering any questions you may have.

• (1650)

The Chair: Thank you very much, Constable Buhler.

Detective Sergeant Isobel Fitzpatrick, I owe you an apology. I forgot to include your title.

You have 10 minutes, please. We're looking forward to your presentation.

Detective Isobel Fitzpatrick (Detective Sergeant, Coordinator, Eastern Regional Abuse Issues, Ontario Provincial Police): Thank you.

My name is Isobel Fitzpatrick. I've been a police officer for 25 years. I am presently the coordinator of the abuse issues program for the East Region OPP.

With me is Inspector Leslie Craig from Crime Prevention. Leslie has 28 years of policing, and a wealth of experience in dealing with seniors. She was around when the senior assistance team in the OPP was created, I believe in 2003. Her position now oversees crime prevention, a section in the OPP in which the abuse issues team and the senior assistance team are housed.

My position of abuse issues coordinator is in the eastern region: I work in Smiths Falls. I am the go-to person for our OPP members in terms of abuse and neglect of older persons, child abuse, domestic violence, sexual assault, and investigations involving persons with disabilities or mental health issues. I don't do these investigations. I rely on our front line to do that. I am a go-to person. I'm a trainer for them. I'm a resource person, and I am a person who will get other people to help if I don't know the answer.

I've been with the abuse issues team for 10 years, and in that role I'm very familiar with the issues that relate to the abuse of senior women.

We're pleased to be here to discuss this topic, as it is an issue of great concern to us. We expect, as our other speakers have advised, that the service costs are going to rise. As the number of older persons in our community rises, we're going to get more service calls.

We know that the police play a vital role in protecting seniors from abuse, but we also know that we cannot do this alone. We rely on the wisdom and experience of those who work with seniors full-time to assist us, because only a portion of the service calls we get involve seniors. We rely heavily on community experts who have a wealth of experience that we quite often tap into.

In this brief presentation, I'm going to give you a little insight into the OPP model of investigations in terms of our training, our support, and community collaboration.

The OPP polices over 1 million square kilometres of land and water in Ontario, and much of that area is rural. The people involved may not have Internet and cell phone access is touchy in places, so we face a lot of people who are dealing with isolation in their communities.

We have 226 detachments policing 322 communities and 19 first nations communities. We have approximately 6,300 uniformed members and 1,900 civilian members. Our role is to investigate crimes, much like my partner does, and we use the Criminal Code and various provincial acts to assist us.

In terms of our service calls across the province, I can give you some very general information. Our calls are rising. Certainly the number of calls in 2009, 2010, and 2011 was higher than in previous years. So we're getting more service calls. The caller is quite often someone other than the senior—neighbours, friends, families, medical staff, or concerned citizens who witness something that just isn't right. Most of the calls reported would be in the area of property crime, financial abuse, and thefts—which would be our biggest population of calls reported—and crimes against persons, meaning physical abuse, including domestic violence, would be the next bulk of calls. Emotional abuse and neglect would fall after that. The calls about sexual abuse of seniors are a very small portion of the ones we get. The number of calls on the abuse of seniors is a very small portion of the total calls for service we manage every year.

In terms of offenders, most of the offenders are known to the senior—family, friends, neighbours—although some of the frauds are by complete strangers, where the calls involve telemarketing or Internet offers or door-to-door pressure sales to the senior.

In terms of our crime prevention, we have officers doing public presentations. We have our community services officers, we have some front-line officers, and we have abuse issues investigators and a senior assistance team doing presentations. We provide information to the seniors, or to those who support seniors, to put in place the things they need to know before somebody knocks on their door offering something that they really shouldn't buy.

• (1655)

With respect to our investigative model, it's our front-line uniformed members who do the bulk of the investigations, as well as their supervisors. They have a broad base of knowledge. They are going on many different calls a day, and they are supported by people in their detachment in the crime unit position—detectives and detective sergeants. If a front-line member has a question, they find a detective or an abuse issues person in their detachment.

Our members gather evidence. We try to figure out if a crime has happened. Is there an offence, and is there a reason we should or

should not lay charges. Whether charges are laid or not, we always provide referrals to the seniors we deal with. Even if we can't lay charges, we want to do what we can to stop things from happening again. So we put them in touch with different victims service agencies, so they can get that education and support, and those around them can begin to get educated as well.

We have different resources for providing assistance. We have victim services, who will go right to the house and provide in-home support at the time of the crisis. We have other services that help to prepare them for court. We have other referrals that are based on the actual crime, such as sex assault services, domestic violence services, and addiction and mental health services, depending on what the parameters of the case are.

We have strong coordination between regional resources and our provincial resources. So if I don't know the answer to something, I have friends at headquarters in Orillia who probably can answer my question. We work interactively with each other.

We have regional coordination with service providers in terms of community networks. Our local service providers and officers will sit on community network committees, developing relationships and meeting regularly to discuss best practices, changes in legislation, and the challenges they're facing at a local level.

We also have provincial coordination between the OPP and other police services in Ontario in the area of abuse and neglect of older persons, with our provincial coordinating committee, known as LEAPS or Law Enforcement Agencies Protecting Seniors. This committee meets regularly to discuss challenges, and shares best practices across the province. Committee members also liaise regularly by email to support each other when challenging issues are presented.

I feel our biggest challenge is that many people do not wish to involve the police in incidents of abuse in their home, particularly seniors. They will refuse to talk to us or will only tell us a bit of what's happening, which really challenges us in doing our job.

I feel we have appropriate legislation in the Criminal Code. I feel we have appropriate sentencing provisions, but there are times when criminalizing the behaviour isn't really the answer. If it isn't best for the senior to go through the system, then it may not be the best time for that senior to lay charges. If it involves a senior acting out on another senior, is criminalizing that behaviour necessarily the way to go? There are times when we just don't lay charges, because it's not the best thing to do for that senior.

I look forward to answering any questions you may have for about the role of the Ontario Provincial Police in combatting the abuse of senior women in the communities that we police.

• (1700)

The Chair: Thank you very much. We appreciate your presentation.

Finally, from the Ottawa Police Service, we have Detective Isabelle Coady of the elder abuse unit. Welcome.

Detective Isabelle Coady (Detective, Elder Abuse Unit, Ottawa Police Service): Good afternoon. My partner was supposed to be with me, but she had an emergency is not here.

I'm Isabelle Coady. I'm an elder abuse investigator. I'm part of the Ottawa Police Service's elder abuse unit. It's really a misnomer, as it should be called the vulnerable sector investigative unit, because we also investigate cases of abuse against people who are vulnerable, meaning they're either physically or mentally handicapped, or suffering from mental health problems.

Specifically what we investigate are crimes against people over 65 committed by people who have a relationship of force; or when there's a relationship of care, dependency; or where there's a struggle about power.

I want to talk to you about the problems I face when I investigate. The bulk of my investigations are of financial abuse and physical abuse. I'm talking about aggression, sexual aggression, physical confinement, fraud, theft, theft by power of attorney, intimidation by threatening conduct, harassment, or all those offences you find in the world generally but that are committed here against senior citizens who are in a difficult position.

I would group my complaints into two categories: institutional versus individual. What I mean by institutional is when something happens in a home or long-term care facility or a group home, versus individual complaints that refer to something committed within the general population by somebody who has a relationship with the victim. You find the same kind of problems, the same kind of financial abuse and physical abuse.

A common problems that I find in these investigations is that most of the time my victim is very reluctant to come forward and be involved in a court proceeding. They want the problem to stop, and they really need the problem to stop. They're suffering immensely, but they don't want to go to court. They're intimidated. They don't have the energy. They are scared, and what they want is peace. A lot of the time laying charges is simply not feasible.

There are capacity issues with my victims as witnesses. A lot of people over a certain age do suffer from mental health problems or decreased capacity, and whether this factor is real or not, if charges are laid, their capacity will be challenged in court by the lawyers. So it doesn't have to be real: it happens.

Finally, another common problem is that the age of the victim impacts the court proceedings, because as Jared was saying, the investigations are sometimes lengthy and the court proceedings are even lengthier, and sometimes we run out of time.

When it comes to crimes committed in institutions, there is a real wall of silence by the employees. It is extremely difficult to get them to give an account of what happened. They cover each other and they almost have to be forced to give an account—although in Ontario if something happens in an institution, such as a long-term care facility, it has to be reported. It's mandated. Still, I have people who lie, refuse to answer my question, don't call me back, and I have to track them down to get them to answer my questions.

When it comes to individual investigations, the relationship of dependency with the suspect is a big problem, because sometimes the abuser is also the person who gives the care. If you remove that caregiver, what happens? Very few people look forward to going into a long-term care facility; they would rather stay home with support. If there is not enough support in the community, then they rely on the abuser. There's a really unhealthy relationship that exists. But I can't replace a daughter or a son or a caregiver or a niece, or whoever is the abuser.

• (1705)

I shouldn't complain about limited resources, because I know that in a smaller community it's even more difficult. But even in Ottawa, it's sometimes difficult to find appropriate resources to be able to give the freedom to my victims to say to me, "Okay, that's enough, you're out of my life", or "I'm going to control access", or "this is not how it's going to take place".

When it comes to the case being prosecuted, a very small percentage of cases end up in front of the courts. I think in general there's an iceberg model, but when it comes to elder abuse it's very true. The reason is that most of the time my victims want to go to court only if there's absolutely no other option. I have cases in mind. I remember this 85-year-old woman who was being assaulted on a weekly basis by her son, who really needed mental health treatment. We had to charge him in order to protect her, and she would not proceed. We couldn't track her down; she hid from us after. It's very common; it's extremely common.

We end up warning a lot of people. After I conduct an investigation and realize that a crime has been committed and that I have the grounds to lay a charge, I interview my suspect. At that point, if I am convinced that this person has committed a crime, I can give him or her a warning, meaning that I inform them that I believe they have committed a crime and that I have grounds to lay charges, but that, for other reasons, I will not lay charges. That has an impact on people who work in long-term care facilities or with the vulnerable sector. To work with vulnerable persons, you need a criminal check, a police records check. If you've been involved as a suspect or you are a person who has been warned, you cannot get one for five years. So that's one way I can control the impact on people who get involved in those kinds of activities.

When it comes to the results in terms of sentencing, I think the sentences are light. We could change the wording about aggravating factors, the vulnerability factors, or age, but I think there's something to say about the relationships of dependence that the person has with the caregiver or the son or the daughter. It's important that the courts start recognizing that this is a problem and that a person who is in that situation, dependent on a caregiver, is in the same relationship as a five-year old child. I think it's important that the courts recognize this.

With regard to my wish list, one big hurdle we have when we investigate cases is that the exchange of information with certain potential victims is very difficult, especially professional witnesses, such as health care providers or bank employees. I understand the perspective of a nurse or a doctor. They're worried because they have big obligations to protect privacy, and a lot of the time privacy trumps safety. That is the reality. So it is very difficult for them to deal with this, because they're afraid of being punished by their licensing agency. I get that, but sometimes it's very difficult, because the abuse is there, and I think someone reporting that should be protected.

• (1710)

The Chair: I wonder if you could wrap up, Detective Coady.

Det Isabelle Coady: Yes.

One thing I would like to see is mandatory reporting of suspected elder abuse, like we do with children who are being abused—and I'm not saying mandatory charging, just reporting—so that at least it can be investigated. Then if the person is willing to receive help and not necessarily police intervention, something can be done.

Thank you very much.

The Chair: Thank you.

Might I suggest that we have a five-minute round? There are only 20 minutes left, and that would allow each caucus to have some time.

The government caucus will start, please. Ms. Bateman.

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Thank you, Madam Chair.

Thank you all, every one of you, for the work you do. I don't want any of you to have work to do, but sadly, you are very engaged, and I'm grateful for it.

I'm fascinated, because we actually had a witness who said something to the effect, "It's great to advertise, but when I call the police, they don't know anything about this." Clearly that's not the case; that's not representative across the board. I recall a number of you saying that you share best practices with your colleagues throughout Canada, and perhaps even globally. It's very comforting to know that you share this information.

I have a number of specific questions. We keep hearing about the under-reporting piece, and I believe it was you, Constable Buhler, who spoke about the challenges of inter-agency sharing. Could you just elaborate on those for us, *s'il vous plait*?

Cst Jared Buhler: There are a couple of aspects to my answer.

First of all, in our situation, we have a memorandum of understanding to deal with the agencies we work with. I was once asked how that works, and I said it's actually harder but the results are better. It's complicated to bring people from different philosophical perspectives together to work on the same problem with competing policies, and sometimes even competing goals or mandates, who are all supposedly working toward the same goal.

But the big thorn in my side is health care, quite honestly. I think we heard this from a couple of the other people here. I can give you an example of a case involving a death that was potentially criminal. A lady was admitted to hospital with obvious signs of neglect, yet 24 hours passed before a report was made to police. We took a major case management approach to that investigation, but by the time we got there, critical evidence had already been lost about the victim's condition, because she'd been bathed and cleaned. We set about trying to get statements and information from the 20-odd staff members who had dealt with this lady. I went right from the top-down, that is through their legal department, and found out that hospital legal folks didn't know the law.

When I finally got the go-ahead to get statements from those people, we prepared a questionnaire to distribute to them. Of the 20-odd people who got the questionnaire, I'll give you a guess how many I got back to me: none.

That's the response—and that's not the exception, but the rule within health care. They don't want to become involved in any kind of criminal investigation. People shake their heads hearing that, and it doesn't make sense, but I'm telling you that it is the case. It is a battle over and over and over again with health care. Alberta, for example, has a health information act—and I'm sure every province has its own, too—that outlines stiff penalties for violating the provisions.

I'll tell you right now that this isn't about needing new legislation, but about professionals understanding their own legislation, which they don't. There are provisions within the current legislation for them to share and to disclose almost any form of criminal abuse. But they don't; they choose not to.

• (1715)

Ms. Joyce Bateman: So how do we solve this?

Cst Jared Buhler: I don't work within a medical model. I just understand it a little bit because of my spouse's job. But I would say that there needs to be top-down change from the medical community.

Ms. Joyce Bateman: Wow.

Cst Jared Buhler: This is across the board, because homicide sections deal with the same problems. The staff do not want to get involved in a criminal prosecution.

Ms. Joyce Bateman: That fits with the comments of your colleague, Constable Coady, who said that privacy trumps safety. The exchange of information is difficult with health care employees, and mandatory reporting of suspected elder abuse would be helpful.

Could you just expand on how we could help elder people with that mandatory reporting, and what it would involve?

Ms. Isabelle Coady: I think people feel they have no choice but to report; for example, in Ontario, you have no choice. Whoever you are, you have to report abuse against a child, and it's illegal not to. People feel protected in reporting. It doesn't matter what they do, what their relationship is to the victim, they feel that they are free to report—actually, the punishment for not reporting is greater than the potential punishment for doing it. I think that if you got that wide-ranging protection, it would help.

The Chair: Thank you very much.

The NDP caucus, please, for five minutes.

Ms. Mylène Freeman: Thank you, Madam Chair.

Thank you very much for being here.

I have a question that I think any of you could answer. A difficult reality that a lot of people need to come to terms with, I guess, is that seniors just don't necessarily report or want to prosecute.

Detective Sergeant Fitzpatrick, you mentioned that the Criminal Code and sentencing was sufficient, but that sometimes criminalizing this was not appropriate. I think all of you have shed some light on the fact that it is a very complex issue, and that, in terms of sentencing under the Criminal Code, it's not the whole picture.

How can we then address those situations where criminalizing this is not appropriate?

Cst Jared Buhler: I think a good start is the model that a lot of cities do have, which is similar to ours, and that's collaboration. I certainly agree that it is not appropriate in all situations to proceed with criminal charges. But if you can offer other services and other supports, we'll always try to get eyes on the situation, whether via home care or just our nurses following up, and things like that. At least we can monitor the situation and follow it along to some extent. Certainly the industry standard is to go with a collaborative multidisciplinary team. It's how we put those teams together and how we support them that is the key issue, in my mind. I know that we can do good work within that type of model, but we're overwhelmed right now.

• (1720)

Inspector Leslie Craig (Inspector, Manager, Crime Prevention Section, Ontario Provincial Police):

Coming from an OPP perspective, when we consider rural dimension of this.... Obviously, Jared is in Edmonton, and Isabelle is in Ottawa. Just to follow up on that whole infrastructure of support for seniors in the community, as we mentioned earlier, most seniors want to stay home and have the services in the home. Long before anything gets to a police perspective, we could have, and do have to some degree, that enhanced support of seniors in the community identifying things and intervening long before it even gets to the police. It's not then about criminalization, because it might not even be reported to us, but the issue might be addressed in the community.

Ms. Mylène Freeman: Great, so it's about prevention on a long-term scale. I think we also saw that it doesn't necessarily start when we are older, but it could be over a whole lifetime.

Great, thank you. I don't even know where to start, other than that. We've also heard witnesses say that sensitization training for police officers is something that is helpful. Has that been your experience, or could you comment on that? Would mandatory police training combat elder abuse, or give an understanding of how to combat elder abuse?

Det Isabelle Coady: In Ottawa we're lucky because we have a trainer. There are elder abuse courses. The detective in charge is now in the training branch, and she systematically trains all the recruits now. I know that this course is offered from time to time to the membership at large. I believe that e-training is being put in place for the membership. It's very important, and it's being worked on right now.

Ms. Mylène Freeman: Yes, and it has a significant impact in helping?

Det Isabelle Coady: Yes, it does. People recognize—

Ms. Mylène Freeman: Great.

I'm going to pass my time to my other colleague.

Cst Jared Buhler: I bristle a little bit at the notion of sensitivity training. I think the problem with elder abuse and policing is that police fail to see a crime. What you have to teach police to do—particularly because police become police to investigate crime—is not to see this as an airy-fairy social issue but to dig deeper to find the crime. So when police start believing it's a crime, they will investigate it.

I take the point of view that we need our police to treat it like a sexual assault or a homicide. These cases have to be investigated like homicides.

Ms. Mylène Freeman: Treating them equally, in other words....

Cst Jared Buhler: They need to be supported and investigated as if you don't have a witness.

The Chair: Thank you.

I'm sorry to cut you off, but we need to go to Ms. Ambler for five minutes.

Mrs. Stella Ambler (Mississauga South, CPC): Thank you, Madam Chair.

Thank you, all four of you, for being here today and for your very interesting presentations.

Detective Sergeant Fitzpatrick, would you please tell us more about the coordination efforts that you talked about, the sharing of best practices? With what other organizations do you share information? From whom have you learned as the OPP, or who learns from you? Perhaps you can give us an example of a situation where those best practices led to improved service in the area of elder abuse.

Det Isobel Fitzpatrick: I certainly could.

I am a graduate of the Ottawa Police course, and many of our OPP people attend that training.

At the local detachment level, we have different victim services in the area. So we would have our victim services, known as VCARS, shelter services, sex assault services, and the victim witness assistance program. We have a lot of hands-on services in each area. At a detachment level we would have a coordinating committee, and many of these people would sit at a table and get to know each other better, and not just with respect to crime against seniors, and what they can all do for each other when someone has a case. At detachment level we have that.

Those issues are at times raised to me, because I'm a regional coordinator, and I'll reach out to the other five regional coordinators and tell them about what I'm hearing about this type of crime and ask them if they've dealt with it before and whether they have an answer for it. We'll reach out to Shelley Tarnowski, who is the provincial coordinator, and our senior assistance team in to access someone who has faced a situation before. If somebody else has already solved the problem and it's worked, let's try to adopt it and apply it.

The LEAPS committee is very progressive. At the meetings, everybody talks about what is working well for them or about a challenge they're facing. The minutes of the LEAPS meetings are circulated back to the regional coordinators. I have abuse issues investigators in every one of the 17 detachments in the eastern region of OPP, and that information is passed to them at quarterly meetings. So we're moving the information up and down within the OPP, and outside of the OPP with our municipal counterparts, through LEAPS.

Then there are the Ontario Police College courses that bring in people from all kinds of police services, with fabulous keynote speakers addressing issues that are timely right now.

• (1725)

Mrs. Stella Ambler: Fantastic, thank you.

You also mentioned that the calls for service have been on the rise and that you believe they will continue to rise. Do you believe that's because there's more abuse happening, or because there is greater awareness?

Det Isobel Fitzpatrick: My personal view is that there is more awareness. Every time someone does a public education campaign, there is a fabulous ripple effect from people who didn't know of it or it didn't touch them before, and suddenly it's touching them. So it suddenly makes sense to them. They say, oh, that's what's happening at my neighbour's house. I'm going to call.

Mrs. Stella Ambler: I'll use this as a public service announcement to mention the new horizons for seniors program. Our government is continuing to fund it, because we believe that awareness is key to solving and alleviating the problem of elder abuse in our society. Our most recent budget that passed yesterday committed an additional \$10 million for a total of \$45 million per year. It includes an ad campaign that you're probably aware of. Phase two, I believe, starts next February. We believe that's important as well.

Constable Buhler, you said that elder abuse is a complicated problem. If you had to choose one recommendation to alleviate the problem, what would it be?

Cst Jared Buhler: Do you mean in order to alleviate the problem, or in response?

Mrs. Stella Ambler: What can the government do to reduce the incidence of elder abuse?

Cst Jared Buhler: The pessimist in me says the problem will never go away. It has been around for a long time, but we're just starting to realize it. The message I would give you is that we're under-resourced when it comes to responding.

I put together presentations and educational stuff all the time. There's no shortage of resources for me to refer to. But what I need is help in investigating crimes that are occurring; I don't need another tool or another resource.

The Chair: You have no more time. Thank you. I'm awfully sorry.

Cst Jared Buhler: I don't have a good answer for you. I'm sorry.

The Chair: Mr. Hsu has five minutes, please.

Mr. Ted Hsu: Thank you.

I want to thank all of you for coming here today. We're almost at the end. My question is pretty simple, and it's to all of you. You've already partially answered it.

If you had an extra dollar, what would you put it toward? What would be the first thing on your spending list?

• (1730)

Cst Jared Buhler: My personal wish list would be for somebody to work with me on these cases. I'm the only person assigned to this unit within the Edmonton Police Service, and there's no hope of getting anyone soon, from what I'm told. I've been asking for a couple of years.

The fact that we have a constable investigating these types of crimes systemically shows the value we put on it. So my personal wish would be for a partner.

Insp Leslie Craig: I'd come back to what I said earlier, which is to support the seniors in our communities. Although there are things out there like psychogeriatric resource consultants, community care access centres, and a lot of social agencies that support seniors, one of the things we hear is that there aren't enough people to support the seniors who are living in our communities, speaking from a rural perspective in the OPP.

It comes back to the whole thing that the four of us know: why don't people report? Let's say a senior is isolated or living out in the middle of the boonies, for lack of a better word. Her son is living with her as her sole support and takes her to get food or to doctors' appointments. He is also abusing that power of attorney, but of course that senior is not going to report it.

Having agencies and organizations that support seniors would have an impact, and could probably address it long before it even came to the level of a police investigation.

Det Isabelle Coady: We're in a better position. There are two in my unit. I would like a third party, not necessarily an investigator,

but a social worker or somebody with a social background who would take care of all the social work. When I do an investigation and have a person at risk, I end up doing a lot of the social work. I can do it, and I do it because I have to, but I think my time and energy would be better placed doing investigative work. So if I had somebody who was trained in that field and working side by side with me, it would really increase my effectiveness.

Mr. Ted Hsu: Thank you very much. That's all I have.

The Chair: Thank you very much, Mr. Hsu.

I would like to say thank you very much to Constable Buhler, Inspector Craig, Detective Sergeant Fitzpatrick, and Detective Isabelle Coady. You've presented clearly and with sensitivity and profound concern on a subject that we are very concerned about as well.

I thank you for your testimony today and your patience with me, the chair.

The meeting is adjourned.

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