

Policy:

Elder Abuse – Offences Against Elders

Policy Code:

ELD 1

Effective Date:

March 1, 2018

Cross-references:

[CHA 1](#) [CHA 1.2](#) [VUL 1](#)

Elder abuse can consist of anything from physical assault and unlawful confinement to verbal threats, trade practice offences, or fraud involving a victim 65 years or older. 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.

When deciding whether to approve charges arising from an allegation of elder abuse, Crown Counsel should take into account the policy *Charge Assessment Guidelines* ([CHA 1](#)), which states that when determining whether a prosecution is required in the public interest, evidence that the victim is a vulnerable person is a factor in favour of prosecution.

For serious cases, such as the “serious personal injury” offences set out in section 752 of the *Criminal Code*, and similar significant matters involving risk or harm whether physical, sexual, psychological, or exploitive in nature, Crown Counsel should refer to the policy *Vulnerable Victims and Witnesses* ([VUL 1](#)).

Victims should be given the opportunity to provide a victim impact statement and information pursuant to section 4 of the *Victims of Crime Act*, and sections 15 and 19 of the *Canadian Victims Bill of Rights*.

Crown Counsel should consider whether a restitution order is appropriate under section 738 or 739 of the *Criminal Code* and take reasonable steps to provide victims with an opportunity to indicate whether they are seeking restitution for their losses and damages.

Aggravating circumstances under section 718.2 of the *Criminal Code* should be considered in submissions on sentence, in particular: “evidence that the offence had a significant impact on the victim, considering their age and other personal circumstances, including their health and financial situation.”

For alleged violations of the *Business Practices and Consumer Protection Act* involving elderly people as victims, the policy on social regulatory charge assessment policy (*Charge Assessment – Social Regulatory Offences* ([CHA 1.2](#))) does not apply.

When Crown Counsel decides that charges should not be laid following a review of a Report to Crown Counsel alleging abuse of an elder, Crown Counsel should consider whether an application for a recognizance under section 810 is appropriate.

Where the file is returned to the police (without charges or recognizances) Crown Counsel should remind the police that if the police have concerns about the safety or health of the elder they may wish to consider informing an appropriate agency in the local community; and, if the elder appears to be incapable, the police may consult the Office of the Public Guardian and Trustee.