

## NSW POLICE AND THE ABUSE OF OLDER PEOPLE.

ROBERT CRITCHLOW\*

The NSW Police Force (“The Force”) is the law enforcement agency for the state of New South Wales and is legislated to provide “police services”<sup>1</sup> including the prevention and detection of crime, and the protection of persons from injury or death, and property from damage, whether arising from criminal acts or in any other way.<sup>2</sup> This statutory responsibility is abutted by policy responses including the overarching “NSW 2021” State plan which sets out aims for the advancement of the State.<sup>3</sup> The NSW Police are delivery agents for increasing services and ensuring strong communities through law enforcement, reduction of domestic violence and increasing delivery and confidence in government services. The NSW Police are also signatories to the NSW Interagency Policy for Preventing and Responding to Elder Abuse,<sup>4</sup> with the policy requiring support for frontline workers, describing when police reports should be made and the need for police to provide advice in certain cases. Internally, the NSW Police Force has guided its officers through the policy response to Family and Domestic Violence<sup>5</sup>, into which abuse of older persons falls under section 5 of the *NSW Crimes (Domestic and Personal Violence) Act 2007* (NSW).<sup>6</sup> The Force has a draft policy which is due for promulgation soon to acknowledge the particular nuances of abuse of older people and the need for a tailored and multiagency response.

The police response to abuse of older people in NSW is maturing and becoming more nuanced. Like many public sector agencies the police have not been deeply engaged in this area as the issue has not been one of high public awareness and there has long been a heavy reluctance by sufferers to report these issues to police. This is also an artifact of the primary drivers of contemporary abuse of older people, such as an ageing population, increased awareness of social impacts of “private” behaviour and the increase in property prices in

---

\* BPol(Invest), MLdr&Mngt, MPA.

<sup>1</sup> *Police Act 1990* (NSW) s 6(2)(a).

<sup>2</sup> *Ibid* s 6(3).

<sup>3</sup> New South Wales Government, *Premier’s Priorities in Action* (2016) <<https://www.nsw.gov.au/premiers-priorities>>.

<sup>4</sup> NSW Government Family & Community Services, ‘Preventing and Responding to Abuse of Older People: NSW Interagency Policy’ (NSW Government, 2014) <[http://www.ageing.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0018/300465/FACS\\_NSW-Interagency-Policy.pdf](http://www.ageing.nsw.gov.au/__data/assets/pdf_file/0018/300465/FACS_NSW-Interagency-Policy.pdf)>.

<sup>5</sup> NSW Police Force, ‘Domestic and Family Violence Policy’ (NSW Police Force, 17 August 2012) <[http://www.police.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0006/145428/DV\\_Policy\\_2012.pdf](http://www.police.nsw.gov.au/__data/assets/pdf_file/0006/145428/DV_Policy_2012.pdf)>.

<sup>6</sup> *Crimes (Domestic And Personal Violence) Act 2007* (NSW) s 5.

NSW and Sydney in particular impacting on financial and psychological abuse.<sup>7</sup>

The abuse of older people mirrors the criminological aspects of many forms of intimate violence involving the misuse of power and manipulation of familial and communal relationships. The balance of power in families is a defining factor in domestic violence, where the male (who is usually physically stronger, may be the breadwinner and more likely to use and misuse drugs and alcohol) enforces his will onto his partner and children to enforce his self-referred authority. In abuse of older people, the power imbalance generally arises as the older person's health, cognition and physical strength declines through age-related infirmity. This is exacerbated when the older person relies upon a younger person, statistically a biological child, to provide increasing degrees of care. The misuse of interpersonal power has caused much social harm in the areas of child abuse and domestic violence, aggravated by the social attitude that these problems were "private family business" and were not managed well officially as a result. In the last few years a concerted police and human services response to these situations (fueled by public exposes, high profile domestic violence campaigners and the Royal Commission into child abuse) have seen a strong advance in the public rejection of this behaviour and the relative government response. Police are very much on the frontline in these areas and the same can be seen in abuse of older people though the public inquiry recently held in NSW at which the NSW Police Force gave evidence, and the current Australian Law Reform Commission review and other public inquiries. The message is loud and clear that abuse of vulnerable older people is not private family business but a legitimate public concern.

The NSW Police response is led by the Corporate Sponsor for Vulnerable Communities. That policy portfolio includes abuse of older people, homelessness and disability. The corporate sponsor is an Assistant Commissioner, who provides high level corporate support to recognize the seriousness of the response required. That sponsor has an assistant at Superintendent level to provide a coordinating role between The Force and service providers in the government and non-government sectors, as well as representing The Force on the NSW Steering Committee for Elder Abuse. A major function of the Assistant Sponsor is to provide a liaison point for the NSW Elder Abuse Helpline and Resource Unit ("The

---

<sup>7</sup> Christine Long, *How to Stop Elder Financial Abuse at the Hands of Loved Ones* (24 February 2016) The Sydney Morning Herald <<http://www.smh.com.au/money/planning/how-to-stop-elder-financial-abuse-at-the-hands-of-loved-ones-20160217-gmwwhz.html>>.

Helpline”), providing advice and sharing feedback on some police interventions. The Sponsor has a team of senior officers in each of the six Police regions which cover the entire geography of NSW and provide coordination and leadership in these diverse communities. This is significant as the evidence is clear that abuse of older people is pan-communal and demographically non-specific and does not present in greater prevalence in any particular community or ethnic population.

Currently the NSW Police Force is growing its body of knowledge and developing acquired expertise in the field. The portfolio is participating in a number of research projects to develop empirical evidence and anecdotal accounts to provide a body of knowledge that is being shared across the organisation. Relevant and targeted training and development has been delivered to frontline officers who are likely to be able to provide some oversight and case management of abuse cases. These officers include Domestic Violence Liaison Officers, Crime Prevention Officers and Multi-Cultural Liaison Officers. These officers are well placed to make sure that *ad hoc* responses to complex abuse cases are managed properly with the best interests of the older person. An *aide memoire* card has been jointly developed by The Force and The Helpline to provide guidance on detecting and responding to abuse, and these cards have been distributed to all first responders and are being issued at the Police Academy.

The NSW Police is tackling the complex challenge of properly responding to abuse of older people in a systematic and informed manner and learning valuable lessons to guide and improve ongoing response and interventions, allowing us to support primary care agencies helping our most vulnerable older citizens.

## BIBLIOGRAPHY

### *A Legislation*

*Crimes (Domestic And Personal Violence) Act 2007* (NSW)

*Police Act 1990* (NSW)

### *B Other*

Long, Christine, *How to Stop Elder Financial Abuse at the Hands of Loved Ones* (24 February 2016) *The Sydney Morning Herald* <<http://www.smh.com.au/money/planning/how-to-stop-elder-financial-abuse-at-the-hands-of-loved-ones-20160217-gmwwhz.html>>

New South Wales Government, *Premier's Priorities in Action* (2016)

<<https://www.nsw.gov.au/premiers-priorities>>

NSW Government Family & Community Services, 'Preventing and Responding to Abuse of Older People: NSW Interagency Policy' (NSW Government, 2014)

<[http://www.ageing.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0018/300465/FACS\\_NSW-Interagency-Policy.pdf](http://www.ageing.nsw.gov.au/__data/assets/pdf_file/0018/300465/FACS_NSW-Interagency-Policy.pdf)>

NSW Police Force, 'Domestic and Family Violence Policy' (NSW Police Force, 17 August 2012) <[http://www.police.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0006/145428/DV\\_Policy\\_2012.pdf](http://www.police.nsw.gov.au/__data/assets/pdf_file/0006/145428/DV_Policy_2012.pdf)>