

**Titles:** Segment 1: Capacity and Consent: Key Concepts for Law Enforcement Investigations:  
Part 1: Capacity Concepts  
Segment 2: Capacity and Consent: Key Concepts for Law Enforcement Investigations:  
Part 2: Consent and Undue Influence

**Length:**

Segment 1: approximately 55 minutes

Segment 2: approximately 34 minutes

**Learning Objectives:**

Participants will be able to:

Segment 1:

- Define capacity and competency
- Understand that a person who has a developmental or intellectual disability or been diagnosed with dementia can still be interviewed, provide credible information, and testify

Segment 2:

- Understand how capacity affects consent
- Learn about undue influence

**Description:**

Understanding basic information about capacity and mental functioning often helps investigators determine if a crime occurred and whether an adult who is elderly or has a developmental or intellectual disability can accurately report abuse, be interviewed, and testify credibly about their victimization. Misconceptions and preconceptions, especially about the capacity of older persons and adult with intellectual or developmental disabilities, can lead to biases that deny the victim justice and fail to hold perpetrators accountable for their conduct.

In Part 1 of this webinar, the following topics are explored: capacity and its role in an abuse case, differences between capacity and competency, how capacity is evaluated, conditions affecting capacity, traumatic memory, and key information for responders to document.

Part 2 builds on information provided in Part 1 and focuses on consent and its relationship to capacity, and then introduces undue influence as a process used by perpetrators to overcome the free will of a victim and gain their apparent consent. Undue influence obviated valid consent.

**Presenter Information:**

**Candace Heisler, JD.** Served as an Assistant District Attorney for the City and County of San Francisco for 25 years. She headed the unit that handled elder abuse and domestic violence cases for 10 years and has developed and delivered training for law enforcement, prosecutors, judges, and Adult Protective Services for over 20 years. She was an instructor for the California

Commission on Police Officer Standards and Training (POST) and the San Francisco Police Academy for more than 10 years.

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Education:

JD, University of California, Hastings College of the Law, San Francisco

BA, University of California, Los Angeles (UCLA)

**Biographical Statement:**

Candace J. Heisler, J.D., served as an Assistant District Attorney for the City and County of San Francisco

for over 25 years. During this time, she headed the Domestic Violence Unit, which handled both domestic violence and elder abuse cases, as well as the Charging, Misdemeanor, and Preliminary Hearing Units. She was an Adjunct Professor at Hastings College of the Law for more than 20 years. She now teaches a graduate course at Virginia Tech on ethics and aging.

Ms. Heisler has written for and trained a variety of professionals about elder abuse, domestic violence, and the criminal justice system, including work sponsored by the American Bar Association, Futures Without Violence, the National Clearinghouse on Abuse in Later Life, the Office for Victims of Crime, the Office on Violence Against Women, and the Judicial Council of California. She frequently presents at the annual National Adult Protective Services Association and other state Adult Protective Services (APS) conferences on related topics. Ms. Heisler has authored several curricula on interviewing alleged perpetrators, addressing undue influence, and working with the criminal justice system for APS Professionals.

Publications include “Elder Abuse Detection and Intervention: A Collaborative Approach”; “Elder Abuse” in *Victims of Crime*; “Elder Abuse Forensics: The Intersection of Law and Science” in *Elder Abuse: Research, Practice and Policy*; and “Ethics and Vulnerable Elders: The Quest for Individual Rights and a Just Society”.

Awards include: California Governor’s Victim Services Award; San Francisco Commission on the Status of Women Leadership Award; California Crime Victims United “Prosecutor of the Year” Award; California District Attorneys Career Achievement Award; Robert Presley Institute of Criminal Investigation Excellence in Instruction Award; the National College of District Attorneys’ Distinguished Faculty Award; the National Committee for the Prevention of Elder Abuse (NCPEA) “Rosalie Wolf Award”, and Hastings College of the Law “Alumna of the Year”.

She teaches for and consults with a wide variety of governmental, educational, and private entities.