

**Reporting Reasonable Suspicion of a Crime IA**  
**Social Security Act Title XI Part A**

**2<sup>nd</sup> Edition**  
REVISION 2

**Section 1150B (b) (1)**  
*APPROVED*

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**REASONABLE SUSPICION:** A particularized and objective basis, supported by specific and articulable facts for suspecting a person of criminal activity.

**(Black's Law Dictionary)**

**REASONABLE PERSON:** A person who exercises the degree of attention, knowledge, intelligence and judgment the society requires of its members for the protection of their own and others interests. Who acts sensibly without serious delay takes proper but not excessive precautions.

**(Black's Law Dictionary)**

**PARTICULARIZED:** To state in detail.

**OBJECTIVE:** Expressing or involving the use of facts without distortion by personal feelings or prejudices.

**ARTICULABLE:** Expressing one's self readily, clearly, or effectively

**(Webster's New Collegiate Dictionary)**

**INTENTIONALLY:** ...with respect to a result or to conduct described by a statute defining an offense that a **person's objective is to cause** that result or to engage in that conduct.

**(ARS 13-105(10)(a))**

**KNOWINGLY:** ...with respect to conduct or to a circumstance described by a statute...a person is **aware or believes** that the person's conduct is of that nature or the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.

**(ARS 13-105(10)(b))**

**(ARS 13-105(10)(c))**

**RECKLESSLY:** ...with respect to a result or to a circumstance described by a statute...

- A person is aware of and **consciously disregards** a **substantial and unjustifiable risk** that the **result will occur** or that the circumstance exists.

The **risk must be** of such nature and degree that:

- **Disregard** of such risk constitutes a **gross deviation** from the **standard of conduct** that a reasonable person would observe in the situation.

**VULNERABLE ADULT:**

**(ARS 46-451(A)(9))**

- An individual 18 years of age or older **unable to protect** himself from abuse, neglect, or exploitation by others **because of physical or mental impairment** including an **incapacitated person** as defined in section 14-5101.

**INCAPACITATED PERSON:**

**(ARS 14-5101(1))**

- Any person... **impaired by reason of**

mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause, except minority,

- **To the extent** that he lacks:
  - 1) **Sufficient understanding** or capacity
  - 2) To **make or communicate** responsible decisions concerning his person.

#### **VULNERABLE ADULT ABUSE:**

**(ARS 13-3623(A))  
FELONY**

- Under **circumstances likely** to produce **death or seriously physical injury** any person **who causes**....a vulnerable adult to suffer **physical injury**, or
- Having the **care or custody** of ....a vulnerable adult **permits** the person or health of the ....vulnerable adult **to be injured**, or **permits** the vulnerable adult **to be placed** in a situation where the person or health of ... the vulnerable adult is **endangered**.

#### **ENDANGERMENT OF A VULNERABLE ADULT BY NEGLIGENCE:**

**(ARS 46-455(A))**

- A person who has been **employed to provide care** to a vulnerable adult, and **causes or permits the life** of the adult to be **endangered** or **causes** that person's health to be **injured** or **endangered by neglect**
- Is guilty of **class 5 felony**.

#### **NEGLECT:**

**(ARS 46-451(A)(6))**

- A **pattern of conduct** without the person's informed consent resulting in deprivation of food, water, medication, medical services, shelter, cooling, heating or other services  
**Necessary to maintain** minimum **physical or mental health**.

#### **CRIMINAL NEGLIGENCE:**

**(ARS 13-105(10)(d))**

- ....with respect to a result or to a circumstance described by a statute...  
...a person **fails to perceive a substantial and unjustifiable risk** that the result **will occur** or that the circumstance exists.

The **risk** must be of such nature and degree that:

- The failure to perceive it **constitutes a gross deviation** from the standard of care that a **reasonable person** would observe in the situation.

*THIS GUIDELINE WAS PREPARED ON BEHALF OF THE TASK FORCE AGAINST SENIOR ABUSE IN THE OFFICE OF THE ATTORNEY GENERAL. THE INFORMATION CONTAINED IN THIS GUIDELINE IS FOR EDUCATIONAL PURPOSES ONLY AND DOES NOT SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY LICENSED TO PRACTICE LAW IN ARIZONA. ADDITIONALLY, THE OFFICE OF THE ARIZONA ATTORNEY GENERAL CANNOT REPRESENT INDIVIDUAL CONSUMERS.*