

LAW ENFORCEMENT AND ELDER CRIMES

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I am the Executive Director of the Area Agency on Aging for Luzerne and Wyoming Counties and wish to thank you for your invitation to discuss law enforcement in relation to elder abuse.

My experience with elder abuse began many years ago when I worked as a personal care aide and witnessed a Personal Care Home provider who was extremely abusive of residents. I was very young and had no idea what to do, so I quit my job and called the families informing them of the abusive actions in this home.

I have been involved in Protective Service since the inception of the law. Through the years, many aspects of the investigation process have changed. Initially, most alleged victims were in the community. After passing of Act 13, reports increased significantly in facilities.

As a person who has done hundreds of investigations myself, testified in court on behalf of victims for guardianship and later trained others to conduct investigations, I have witnessed some excellent interaction with law enforcement. Unfortunately, more often, I have witnessed a lack of understanding and a lack of empathy toward the older adult. This occurs both with law enforcement and the court system. Lack of understanding has led to older adults being left in harm's way.

At times, the remedy to keeping the older person and their property from harm is to have a guardian appointed. Once a guardian has been established, and if the guardian files the mandated annual reports with the court, there is little, if any monitoring of either the physical or financial reporting as required by statute.

It is not unusual for the perpetrator of financial exploitation and/or neglect (which often go hand in hand) to be the guardian. Guardians, whether they are family members, acquaintances or an attorney, have been found to perpetrate against the elder. Without ongoing monitoring of the required reports, we are offering carte blanche to every person who becomes guardian with intentions of exploiting the elder. It is only when someone makes a report to the AAA that the exploitation can be stopped.

Once the report has come to the AAA, thousands, if not hundreds of thousands of dollars are gone. These perpetrators need to be prosecuted and yet, few are as law enforcement, District Attorneys offices and AAA's are not equipped to handle such involved and complex cases.

As an example, a case of a woman who moved in with two adults with disabilities, an elderly woman and her daughter, who used over \$250,000 of their life savings. This individual had, within the last year, won a million dollars at the nearby casino. After spending all of her winnings, she needed another source to fund her gambling addiction. The victims were left with nothing.

Another, a son in his forties who purchased multiple showcase cars, built a huge garage to store those cars and took all of his mothers antiques and personal items spending more than half a million dollars of mom's money. Again, leaving the victim penniless.

These cases require forensic accounting to produce enough documentation for the district attorneys to move forward toward prosecution.

Due to an extensive effort with our Elder Abuse Task Force, Temple University Institute on Protective Service has obtained a grant to provide the technical assistance with financial exploitation and neglect cases, but without prosecutions, the grant will not be renewed. The task force has also provided several trainings to law enforcement and the banking institutions but there has to be an ongoing effort across the Commonwealth to help law enforcement understand the dynamics of elder abuse.

The guardianship statute requires the annual report but there is no system in effect to ensure this happens or to mandate the court review the reports for possible misuse of funds.

Thus far, I have discussed exploitation of which reports of elder victims are increasing by the day. Elders also suffer abuse at the hands of caregivers, family and strangers. Domestic violence is domestic violence at any age. In one of my experiences, a local police officer arrived at a home of two elderly individuals after receiving a report of loud noises and yelling. The door was opened by the perpetrator who proceeded to explain to the officer that his wife had Alzheimers. Due to her disease, he further explained, she became combative but "she had settled down". The officer never asked to see the victim assuming that she would not be able to give him any information.

Luckily, the reporter didn't stop there and called the AAA. She was removed from the home with bruising on her face and back. The violence had been going on for several years. On the other hand, a local officer brought a woman who had been abandoned by her granddaughter directly to my office and wouldn't leave until he knew she was safe.

Older persons are becoming victims more frequently now than ever. Statistics say that elder crimes are up 150% in the last 10 years. They have more financial resources than ever thus they become targets for exploitation. Their physical health and cognitive capability may become impaired thus they become targets of abuse, neglect and sexual assault.

Society often tends to want to "sugar coat" it and blame abuse on overburdened caregivers, thus a social and not a legal problem. There are very, very few cases of elder abuse attributed to caregiver burnout. Older persons are beaten, neglected (even to the point of death), exploited and sexually assaulted in the community and in institutions.

I believe the needs to be education with the court systems, the DA offices and all law enforcement to understand and believe this abuse happens(yes, a rape test may need to be ordered for an 80 year old) and education about the role of OAPSA, about understanding the family dynamics when an older person is in the home and how to interview an older adult.

Law Enforcement is a crucial link to stopping elder abuse. The perpetrators or would-be perpetrators will be less likely to victimize an older adult if prosecutions occur. The general public will be more aware of its existence and more willing to report it if perpetrators are actually being prosecuted. Older adults are living in homes where crime occurs near and in their homes. Perpetrators often have criminal backgrounds, addictions to drugs, gambling and drinking habits. It's time for people to know that law enforcement will pursue a perpetrator of a crime against an elder in the same manner a perpetrator of any other crime would be pursued.

Thank you.