

- Wrong!
- Treat such a case as if it were a murder
- There are some situations in which we do not need the victim for a prosecution

After discussing these misconceptions with law enforcement, the next step was to persuade them to designate a “go to” person within the agency

Prosecutors...how can we
get their buy in?

Things I have learned
about prosecution along
the way...

Some prosecutors have
fallen into the same
misconceptions

Cases of elder abuse hard to prosecute



Local attorneys and social workers are alarmed by a growing number of complaints of elder abuse, neglect and fraud, and frustrated that very few cases are ever prosecuted. But while state law requires that elder abuse be reported, the high level of proof needed for criminal charges is often elusive.

“There has been talk and reports, but not one case has been charged or indicted because we haven't had evidence,” he said. “We will continue to review each case with law enforcement, and if we have a case with evidence, we'll prosecute that, but we haven't had that yet.”

Remember myth # 1

Prosecutors need to know that these cases have such jury appeal

And prosecutors need to appreciate some frustrations that can develop when cases get dropped or not filed

Part of an e-mail I received
a few weeks ago from a
frustrated APS case
worker...

◦at any rate, not only are we struggling to get the prosecutors to charge adequately, and so be it if they have to plead down, but now they are dismissing when Civil matters are involved and then dismissed in the Civil Court.

This article appeared
in a prominent
California newspaper
just a few months ago

Woman used 10-year-old son as part of scheme to take thousands from two Stanislaus County women

She befriended them and appealed to their compassion with a story of a dying or dead child. She exploited their generosity when she cried to them about her hardships. She used her 10 year-old son for sympathy. But the woman who was investigated for scamming two elderly women out of thousands of dollars likely will not face charges.

But one of the victims, a 90-year-old Modesto woman who asked to be identified only by her middle name, Eileen, for fear of being victimized again, said the \$14,000 in checks she wrote to Medeiros were intended as a loan.

And what was the DA's
office response...

“Simply getting ‘scammed’ by a smooth-talking person is no crime,” District Attorney’s Office spokesman [REDACTED] said in an email. “If money is freely/voluntarily given/donated/gifted, there is no theft. Unless an older person lacks the mental capacity to give consent or undue influence is used to obtain it, elders are free to make gifts or donations to anyone they choose.”

After that initial triangle
base was created...then I
reached out to..

The medical community...

Medical..

- ER & Urgent Care clinics & hospital staff
- Medical Examiner / Coroner
- Paramedics /EMTs & firefighter first responders

ER & Urgent Care...

Having that discussion
about accidental and non-
accidental injuries

Medical Examiner/
Coroner..

Coroner /Medical examiner

- Train ME Investigators who take calls from police after a death
- Establish a protocol for reviewing suspicious deaths of elders
- Can instigate an elder death review team

- The importance of an elder death review team

Suspicious Deaths

COUNTY OF SAN DIEGO ELDER DEATH REVIEW TEAM 2006 REPORT



Deaths in San Diego County

- 20,000 deaths a year
- 52% are reportable
- Criteria is ...not seen by MD in last 20 days/not a “natural” death
- Out of 11,000 possible cases 7,000 are waived automatically.
- Out of 4,000 cases that come in, only 2,700 autopsies

Lessons to be learned
from the
Polchow case which led
to EMT training and our
EDRT being formed

Lessons to learn from....

- Dr. Harold Shipman
- Charles Cullen

Paramedics/EMTS & other
first responders

- They need training!
- They hear & see things that **NO-ONE** else sees & hears
- Paramedics are often walking into a crime scene
- They make **GREAT** witnesses

I quickly learned that 911
tapes can be so valuable to
a prosecutor...

So dispatchers need to
get training as well..

Then I turned my
attention to financial
institutions..

The fight against senior scams

‘Financial abuse’ is now officially a U.S. public-health concern. Inside the movement to get it under control—and what’s slowing it down.

09/27/2017 05:01 AM EDT

The U.S. Centers for Disease Control and Prevention might be best known for its efforts to combat obesity, or Zika, or the H1N1 flu virus. But last year, it drew new attention to a hazard that doesn’t sound like a disease at all.

The hazard is “senior financial abuse,” meaning the theft of older people’s resources by someone they trust.

Alarmed by the growing cost of the problem and the lack of a clear strategy to combat it, the CDC included in a first-of-its-kind report a definition for what constitutes the financial exploitation of old people. It includes fraud, breach of personal trust, poor investment advice, or improper use of power of attorney.



I discovered that many of
the elder thefts and scams
were preventable...

Education & training of all
bank & credit union
personnel...



Protecting Seniors:

A Bank Resource Guide for Partnering with Law Enforcement and Adult Protective Services



We decided that employees
of financial institutions
should become mandated
reporters of suspected
financial elder abuse

If at first you don't succeed

Once this law went into
effect...

I began to see an
explosion of elder financial
abuse cases



Chase Bank Employee Sentenced for Stealing \$300K from Elder Clients

“She focused and targeted the victims because they were elders,” said one elder abuse prosecutor

By [Megan Tevrizian](#)

Published at 5:34 PM PDT on Sep 5, 2018 | Updated at 6:19 AM PDT on Sep 7, 2018



**ADULT PROTECTIVE SERVICES (APS)²
 VIRGINIA DEPARTMENT FOR AGING AND
 REHABILITATIVE SERVICES (DARS)
 Fiscal Year 2018**

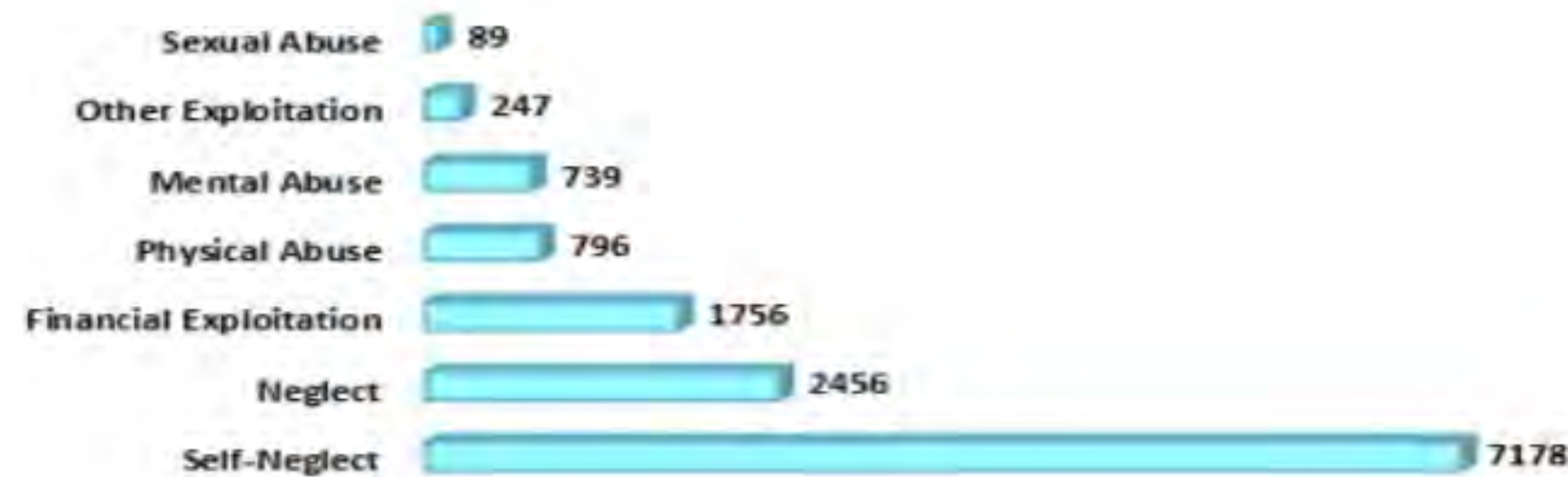
APS REPORTS RECEIVED 31,436
 APS REPORTS INVESTIGATED 21,461
 REPORTS SUBSTANTIATED (56%) 11,924

Reports received by APS Hotline staff 5,995

Who Made the Report?

Relatives	3,178	Nursing Home Admin or Staff	1,085
Social Worker	2,890	Law Enforcement Officer	1,798
Financial Institution	2,592	Friend/Neighbor	1,035
Nurse	2,059	Home Health Provider	915

Types of Abuse: Substantiated Reports³



Dispositions of Substantiated Reports

Needs and Accepts Services (43%) 5,090
 Need No Longer Exists (38%) 4,537
 Needs Services, but Refuses (19%) 2,297

DEMOGRAPHICS OF APS REPORT SUBJECTS

Age		Sex		Race	
60 years and older	74%	Female	60%	White	64%
Age 18-59	26%	Male	40%	African American	22%
				Unknown	12%
				Other	1%

² Source: ASAPS, the DARS APS database in FY18; compiled by Paige McCleary, Director, DARS, Division of APS

³ Substantiated reports may contain more than one type of abuse.

I learned that maybe our
perception of what
constitutes criminal
financial exploitation was
too narrow..

As prosecutors I felt we
needed to be able to argue
lack of consent much more
forcefully

Building the elder financial exploitation case

HOW TO PROVE STEALING?

- Taking property
- belonging to another
- without consent &
- with intent to permanently deprive

We need to be able to
argue lack of consent much
more forcefully

Lack of consent

- To consent to a transaction a person must:
- Act freely & voluntarily & not under the influence of threats, force or duress
- Have knowledge of the true nature of the act or transaction involved
- Possess the mental capacity to make an intelligent choice whether or not to do something proposed by another person

- Consent requires a free will and positive cooperation in act or attitude

Three prosecutable scenarios

- Classic case of theft from a competent victim
- Theft from an incompetent victim
- Theft from a marginally competent victim [by undue influence]

SCENARIO # 1

- Victim testifies
- Did not give permission
- Did not owe monies to suspect
- Victim is credible

SCENARIO # 2

- Victim cannot testify
- Medical testimony that victim suffers from dementia/ Alzheimer's/ Parkinson's or some other illness that deprives victim of necessary understanding
- Incapacity was present at time of transaction

SCENARIO # 3

- Is it theft, a loan, or a gift?
- Victim is marginally competent
- Suspect exploited victim's vulnerability
- Victim was unduly influenced or was defrauded

Undue Influence

- Victim 'was pushed in a direction that he did not want to go.'
- The influence by suspect was sufficient to remove the voluntariness of the transaction
- No longer free will
- Victim has been evaluated by a geriatric psychiatrist/psychologist

How to prove undue influence?

- Length of relationship
- Place of first meeting
- Prior spending habits
- Prior “charitability”
- What is left?
- Multiple escalating transactions
- Statements & conduct by suspect

Evidence collection

- Bank, credit card statements
- Bank surveillance tapes
- Prior medical records
- Look for the inappropriate purchases
- Ask questions, questions, questions!!!

People v. Harris

- Victim was classic example of theft by undue influence
- Victim testified
- Short term memory problems
- Areas of extreme vulnerability

And the predators out there are relying on the fact that they can get away with it...

Different methods used...
but the same aim... to
steal from the elderly
victim..

The grandma
scam.....

At first the crooks used
green dot prepaid cards...

But then I saw a switch to
iTunes cards.....

Sweepstakes scam..

One e-mail I received..

I am a retired catholic priest and former Army Chaplain. I was recently involved in a "fraud" by a gentleman who claimed to be an attorney for the Publishers Clearance House. I was sent a notice that I was the grand prize winner of \$1,600,000.00 and that i must follow the directions given me in order to receive the prize. After many telephonic calls and assurances I was directed to first send a check of \$41,000.00 which would cover all the federal and state taxes incurred. I envisioned the financial help I would be giving to a high school and church because of paying just a rather small sum for the full prize amount. How naive I was. After weeks of communication and my final attempt to finalize the deal, I realized that the check I was mailed was a fake and the phone number I tried calling was "no longer in operation". I lost half my life savings and probably will never recover the amount; but I would do anything to prevent this happening to anyone else. I would be happy to meet with you if at all possible.

Investment Frauds...

Bogus charities &
questionable tactics by
legitimate charities

And then I turned my attention to
home improvement fraud and to the
agency that investigates such incidents
- CSLB

Myth # 6

- Any case where the elderly victim is involved in a home repair & there is a dispute over money – this is **ALWAYS** a civil matter.

- Is the “contractor” licensed?
- Are there other victims out there?
- Did he get the money up front?
- What services did he promise?
- What did he deliver?

Then turning to clergy &
faith based groups

They can sometimes spot
“isolation” before others.

Then I became aware of
a growing problem
involving guardianship
abuse...

A REPORTER AT LARGE OCTOBER 9, 2017 ISSUE

HOW THE ELDERLY LOSE THEIR RIGHTS

Guardians can sell the assets and control the lives of senior citizens without their consent —and reap a profit from it.

By Rachel Aviv



Las Vegas police officer, April Parks, others indicted in guardianship case

[KTNV Staff, Darcy Spears](#)

A Las Vegas Metropolitan Police Department lieutenant was jailed Wednesday, Valentine's Day, caught up in a sweeping indictment involving elder exploitation. Contact 13 Darcy Spears continues her years-long expose on guardianship abuse with this heart-breaking case.

He was supposed to serve and protect but instead he's accused of felony crimes for using Clark County's guardianship system to steal from the estate of a vulnerable couple. And this police officer is directly connected to others first exposed in our ongoing investigation of guardianship corruption.

Lieutenant James Thomas Melton is a decorated police veteran. As a sergeant, Melton received a group Medal of Valor and Purple Heart in 2009 for being wounded during a domestic violence call where a baby was pulled away from gunfire.

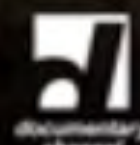
Life-savings pillaged. Freedom lost.
Who will protect us from...

THE GUARDIANS



NO EQUAL ENTERTAINMENT PRODUCTION IN ASSOCIATION WITH INNOV8R AND DOCUMENTARY CHANNEL WRITER AND DIRECTOR BILLIE MINTZ
EDITED BY MICHELE FRANCIS MUSIC BY TODOR KOBAKOV CINEMATOGRAPHY BY SASHA MORIC DIRECTOR OF PHOTOGRAPHY BILLIE MINTZ
EXECUTIVE PRODUCERS J.B. SUGAR BILLIE MINTZ CO-PRODUCED BY ELLA MYERS PRODUCED BY J.B. SUGAR BILLIE MINTZ

NO EQUAL ENTERTAINMENT



Canada Media Fund



hotdocs TED ROGERS

Part of an e-mail I
received...

Attorneys and strangers have targeted wealthy elders without providing any due process. They do not receive notice nor do their family members. The attorneys who appear before the courts often times request a so called five day waiver of notice, and much too often is granted by Probate Judges without question. Their usual claim is that the elder is being abused. It gives them just enough time to obtain custody of the elder, transport them to a nursing facility, isolate them and in many instances, the family is not notified and/or is denied the right to see the elder. This is happening to innocent and unsuspecting families.

There is no due process, No hearing. No evidence. No questions from the judge, just assumptions. Not only is the elderly denied their due process rights, but families are denied the right to defend themselves. Then after they have custody of the elder, DMAT's (Diagnostic Medical Assessment Tools) are prepared and the elder is discredited. The buzz word that is too often loosely utilized is "Dementia" or "irreversible Alzheimer's" - when in fact the individuals are being drugged with anti-psychotic drugs. I have little doubt that Medicare would be billed in some of these circumstances. Though the stones are not turned, it doesn't mean that it is not happening. What I am presenting to you is sadly real.

So we reached out to
Probate Court
investigators

And then to address the
hidden issue..

Crimes go uninvestigated at care homes

By [Jeff McDonald](#)

SEPTEMBER 8, 2013, 4:11 PM

[View the Video](#) [Paul Greenwood](#)

Elder abuse, sexual assault and other acts regularly go uninvestigated as crimes at assisted living homes across California, as the facilities fall into a jurisdictional haze in which the first response is often administrative sanctions.

The U-T and the Center for Health Reporting at the University of Southern California examined more than 80 possible crimes at San Diego County senior homes in the past 10 years for which criminal investigations were never launched or fizzled due to delays.

A special police force serving such homes across the state has 54 officers, and they have not made an arrest in nine years. They report not to a police chief, but to a regional director of the state Department of Social Services, which regulates the care homes.

Problems associated with sexual abuse of elderly /dependent adult

- Delays in reporting
- Victim often cannot provide history
- Physical findings may be “clouded”
- Resident on resident – dementia?
- Employee on resident – eye witness?
- Victim allegations –how to handle?

Our ALF project

Collaborating with CCLL &
AG's office

We began to receive
DAILY reports...

And now we can add to
that group.. the US
Attorney's office



Know your US Attorney Elder Justice Coordinator

On the federal level we
saw in 2017 the first ever
Elder Justice legislation..

The Elder Abuse
Prevention &
Prosecution Act 2017

Every Federal District must
appoint an Elder Justice
Coordinator

So when we work as part
of a MDT, then more
cases will find their way
into court..

Physical abuse

Mental/emotional suffering

Neglect

Classic neglect cases

- Deprivation of medical attention
- Deprivation of food
- Lack of hygiene
- Lack of ventilation, heat or light
- Over-medicated
- Under-medicated

The classic neglected victim

- Malnourished
- Semi-comatose
- Dehydrated
- Coated with fecal matter/ urine stained
- Inadequately clothed
- Untrimmed toenails, matted hair
- Bed sores

Pressure sores....

Are these avoidable? When is
it criminal?

Cross reference with financial abuse

- Look for signs of financial exploitation
- Documents giving control to suspect
- POA
- Quitclaim deed
- New will
- Correspondence, bank statements
- Check book, ATM, pawn slips

Anticipating some defenses...

“At least I was doing something. The rest of the family simply didn’t bother.”

She hated doctors. She refused to
let me get help.

His religious beliefs got in the
way. He only wanted “divine
healing.”

False imprisonment

And there will be more
homicides..

And the culmination of all
these collaborative efforts
has been...

Last March we created our
first ever blueprint for San
Diego County



**SAN DIEGO COUNTY ELDER AND DEPENDENT
ABUSE BLUEPRINT 2018**

COORDINATED. CARING. COMMUNITY RESPONSE.



Elder Abuse Emerges From the Shadows of Public Consciousness

by Philip Bulman

Two recent studies shed light on the prevalence and detection of an often overlooked crime.

The image features a dark background with two bright spotlights at the top, casting beams of light downwards. The text is centered within the illuminated area.

Reaching all victims -
that is our goal

Assess the impact of the crime

- Financial
- Emotional
- Residual

Suicides of four victims in pension fund scam

- **Hundreds fell victim to pension investment scams, campaigners revealed**
- **Put money into schemes that promised access to fund before they were 55 without having to pay tax because of legal loophole**
- **They are now liable to pay a 55 per cent tax charge on money they took out**
- **One investor has lost £220,000 and many others expect six-figure bills**

Resources.....

NCEA

National Center on Elder Abuse

<https://ncea.acl.gov>

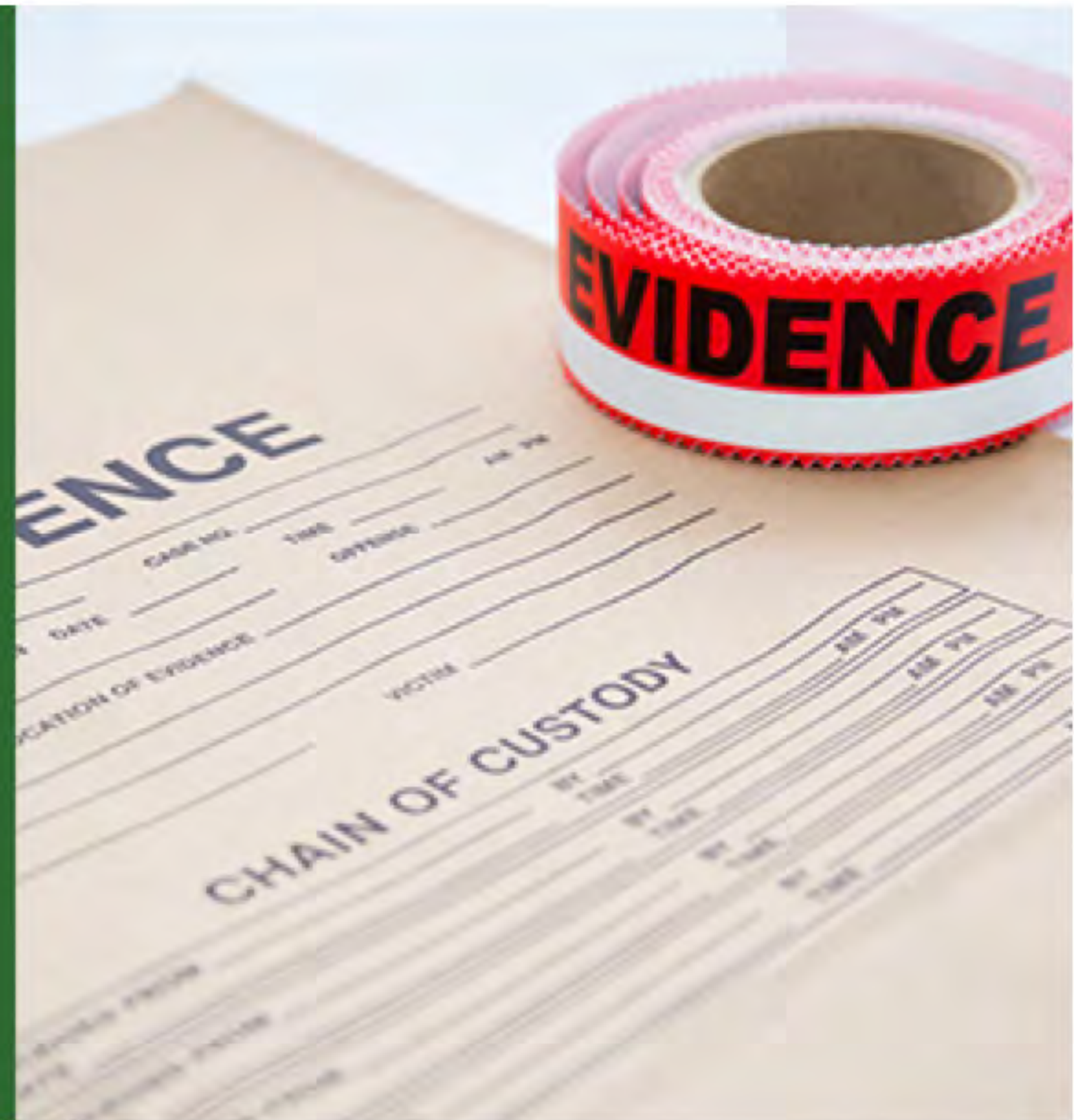
Elder Justice initiative

[REGISTER](#)

DEPARTMENT OF JUSTICE
Elder Justice
INITIATIVE

You're fighting elder abuse
on the front lines.

We've got your back.



E.A.G.L.E project

eagle.tre.usc.edu



[About EAGLE](#) | [Contact](#)

To search, type and hit ↵

[LAW ENFORCEMENT RESOURCES](#) 



They're counting on you.

First Responder Checklist
Survey the scene.

[OPEN CHECKLIST](#)

Evidence Collection Checklist
Build a Case.

[OPEN CHECKLIST](#)



My top ten tips for seniors..

A Message from your District Attorney

San Diego County's Adult Protective Services receives about 9,000 calls each year. Still, many incidents go unreported, leaving vulnerable adults in distressing, potentially life-changing, even dangerous, situations.

The District Attorney's Office is committed to preventing and prosecuting elder abuse. I hope these 10 tips can help prevent you, or a loved one from becoming the victim of financial elder abuse in particular.

We know that abuse often escalates if there is no intervention. Victims will live in silent desperation, unwilling to seek assistance because they believe their cries for help will go unanswered and they fear retaliation from their abusers. Many remain silent to protect abusive family members from the legal consequences of their crimes, or they are too embarrassed to admit that they have fallen victim to predators.

If you believe elder or dependent abuse has occurred, call Adult Protective Services. Together, we can keep our seniors safe!

Summer Stephan
District Attorney, San Diego County

Adult Protective Services: 800-510-2020

Outside the County of San Diego call:
800-339-4661

www.SafeSeniorsSanDiego.com

This publication was supported by funding awarded by VW 17360370 through the California Governor's Office of Emergency Services (CalOES).

**DON'T BECOME A VICTIM
OF FINANCIAL ELDER ABUSE**



10 easy tips that can keep you safe



**San Diego County
District Attorney**

1. CHOOSE A CAREGIVER WITH CAUTION

Do not assume that by hiring a caregiver through a bonded agency you are guaranteed to get someone who has been checked. There is no current law requiring mandatory background checks for in-home caregivers in California.

2. KEEP AN INVENTORY OF ALL JEWELRY

Jewelry is the number one item that is stolen from homes occupied by elders. Not only should your jewelry be kept in a locked drawer, you should have photographs of rare, valuable or sentimental items in a separate location. In the event of theft, such photographic evidence will be useful in tracking down the missing jewelry at a pawn shop.

3. EVERY HOME SHOULD HAVE A SHREDDER

Every piece of mail containing your name, address and any other identifying information should be shredded before being discarded. The most effective type of shredder is the criss-cross cut shredder. Even envelopes with your name and address should be shredded. Never throw away old checkbooks from closed accounts or bank credit card application forms. There is no danger in over shredding!

4. PROTECT YOUR INCOMING AND OUTGOING MAIL

Never allow incoming mail to sit in an unsecured mailbox where the public has access. Mailbox theft is rampant. Similarly, never leave outgoing mail in an unsecured mailbox with the red flag raised as this simply provides an easy alert to the thief who is cruising the streets. Consider either purchasing a locked mailbox or renting a post office box.

5. OBTAIN A CREDIT SEARCH ON YOURSELF AT LEAST TWO OR THREE TIMES A YEAR

Identity theft is rampant. The only way to have peace of mind is to periodically obtain a credit search on yourself from one of the three major credit bureaus - Experian, Equifax and Trans Union. This will enable you to discover whether someone has applied for or obtained a credit card in your name.

6. EVERY TELEPHONE SHOULD HAVE CALLER I.D.

All modern telephones are equipped with Caller I.D. capability and the minimal cost of this extra service is well worth it. By seeing if the incoming call is classified as "private" or "unknown" this will allow you to be immediately on guard. Crooks love the telephone. It is now their weapon of choice.

7. YOU WILL NEVER WIN THE CANADIAN LOTTERY

If a smooth-talking 25-year-old man tells you on the telephone that you are the proud winner of the Canadian lottery, he is a liar. Similarly, if you get an email from Nigeria or letter from Madrid indicating that you could receive a substantial amount of money, such calls are always fraudulent. Don't be fooled!

8. ALLOW YOUR BANK TO SEND A COPY OF YOUR MONTHLY STATEMENT TO A TRUSTED FAMILY MEMBER OR ADVISOR

Sadly, most financial elder abuse cases are only reported or discovered six to nine months after the initial losses have occurred. Elders whose sight is failing are at greater risk since they may rely upon the very person who is stealing from them to insure that financial transactions are in order. An independent pair of eyes that is able to look over bank statements every 30 days will be able to catch suspicious activities in the early stages.

9. DON'T ASSUME THAT FRIENDLY HANDYMAN IS LICENSED OR QUALIFIED

Before committing to any work on your home, always obtain at least three estimates in writing and check on the name of the contractor with both the Better Business Bureau and with the Contractors State License Board. Just because someone gives you an impressive business card with a contractor's license number on it, this does not mean that the person is qualified. The license number may have been stolen. Additionally, never pay more than 10% of the contract price up front.

10. ALWAYS HAVE A SECOND LINE OF DEFENSE AT YOUR FRONT DOOR

You should either have a locked screen door or a security chain guard at your front door. Crooks will attempt to gain entry to your home by using excuses such as a fake emergency or false uniforms and badges. By having a second line of defense, you will be able to communicate with the stranger on the doorstep without exposing yourself to the possibility of a forced entry. Never allow any stranger into your home even if the emergency seems real. Instead, tell the stranger that you will call 911.

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www.SafeSeniorsSanDiego.com



**PHYSICAL ABUSE. MENTAL ABUSE.
SEXUAL ABUSE. WHICH WILL IT BE TODAY?**

A Message to Seniors:

- We respect and honor you!
- We commit to seeking justice for you
- We prosecute with:
 - Passion
 - Purpose
 - Perseverance

Please feel free to contact me:

- Paul Greenwood

- 858-386-6500

- pgreendda@gmail.com

