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Written Testimony

Elder Justice Coordinating Council

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“Improving Investigation and Prosecution of Elder Abuse, Neglect, and Exploitation”

Members of the Elder Justice Coordinating Council:

My name is Paul Greenwood and I am a deputy district attorney in the County of San Diego in California. For the past 20 years I have had the privilege of heading up our Elder Abuse Prosecution Unit at the San Diego District Attorney’s Office. I was fortunate to be invited to address the inaugural meeting of the Elder Justice Coordinating Council back in October 2012.

At that meeting I shared some of my observations, frustrations and suggestions regarding the lessons that I had learned from prosecuting both physical and financial felony elder abuse cases.

In the intervening period, I have seen the inevitable increase in incidents of elder abuse due primarily to the demographics of our aging population and the fact that the criminal element have discovered that older adults are an easy target.

Whilst I cannot claim that we are winning the battle, there are some indications of our improved response to this escalating problem. Some of the improvements can be traced back to the implementation of certain recommendations for increased federal involvement to address abuse, neglect and exploitation that were made at the first convening of the EJCC.

One of the major recommendations was to support the investigation and prosecution of elder abuse cases by providing training and resources to federal, state and local investigators and prosecutors.

In the past four years, the Department of Justice through its elder justice initiative has been led by Assistant US Attorney Andy Mao acting as the coordinator. His leadership has been both visionary and practical. Since 2013, DOJ has trained state and local prosecutors from 26 states and the District of Columbia through its National Institute on prosecuting elder abuse. It involves an intensive four-day training program that covers the essential elements for bringing an elder abuse or financial exploitation case.

Moreover, the department has committed to enroll prosecutors from the remaining 24 states by next year. And for those prosecutors unable to attend the live training, the department has been working with the Office of Violence against Women, the National Clearinghouse on Abuse in Later Life, and local prosecutors from around the country to develop a video training series that will be made available through the department's elder justice websites within the next month or so. I have been fortunate enough to participate in this video training and believe that the subject matter will be of great benefit to prosecutors and investigators throughout the nation. Another recommendation was for cross disciplinary training on the abuse whereby training would be developed to educate stakeholders across multiple sectors and disciplines on preventing, detecting, intervening in, and responding to elder abuse, neglect and exploitation.

The Department of Justice, again under the guidance of Andy Mao has produced an exhaustive document entitled the Elder Justice roadmap. It is intended primarily to be a strategic planning resource to advance collective efforts to prevent and combat elder abuse. The initiative solicited the perspectives of 750 stakeholders who were asked to identify the most critical priorities in order to advance elder justice. These priorities “provide ample opportunities for organizations, practitioners, and other interested individuals and entities to participate in tackling aspects of the problem the most relevant to them. No single entity can address elder abuse by itself. Everyone can make a difference.”

I am hopeful that this roadmap will provide an important navigation tool for professionals entering the elder justice field for many years to come.

A third recommendation was to develop a broad-based public awareness campaign with clear and consistent messaging to raise awareness and understanding of elder abuse, neglect and exploitation.

The Administration for Community Living [ACL] which until recently was led so ably by the former assistant Secretary for Aging, Kathy Greenlee, has played a pivotal role in developing various mechanisms for raising public awareness about elder abuse. For example, ACL have provided funding for the National Center on Elder Abuse [NCEA] which is located at the University of Southern California. The mission of NCEA is “to improve the national response to elder abuse, neglect, and exploitation by gathering, housing, disseminating, and stimulating innovative, validated methods of practice, education, research, and policy”.

NCEA have over the past 2 years made great progress with relaunching a brand-new website that offers educational and awareness materials, as well as practical tools and technical assistance. Additionally, NCEA has taken full advantage of the opportunities afforded by social media by conducting numerous webinars and has also overseen the operation of a national list serve that gives fellow professionals the platform to share views, success stories and challenges.

Currently, the DOJ has also provided the NCEA with funding to develop a smart phone application entitled “guide for elder abuse response” which I believe will have an enormous benefit for first responders throughout this country. These types of federal and nonprofit collaborations will only further the field in building awareness and strengthening prevention efforts.

In 2013, the NCEA in partnership with the Eldercare Locator produced a consumer guide called “Protect Your Pocketbook: Tips to Avoid Financial Exploitation.” This guide has been distributed nationally and has encouraged discussions with older adults regarding strategies to prevent financial exploitation.

In the past two years there has been a timely focus on raising the awareness of elder abuse issues among the judiciary and state court officials. Thanks to federal funding administered through the Bureau of Justice Assistance, the National Center for State Courts created a “toolkit" to increase awareness and improve court responses to elder abuse, neglect, and exploitation. In July 2014 the Chief Justices of every state met in West Virginia and received training on what was entitled “the silver tsunami”. Since then, several of those Chief Justices have brought that training back to their own states and have begun to implement proposals that will create more elder friendly courts and greater accessibility for older Americans to receive justice.

I would also like to highlight the work of the Consumer Financial Protection Bureau in helping to educate older adults about the many financial challenges that they face as they age. In partnership with FDIC, the Bureau has produced an excellent resource guide called “Money Smart for Older Adults – Prevent Financial Exploitation”.

In a similar vein, the FTC has launched a campaign aimed at active older people entitled “Pass It On”. The materials in this campaign focus on imposter scams, identity theft, fundraising fraud, healthcare scams, and lottery scams. One of the most encouraging signs on the federal level in recent weeks came when the Senate Judiciary Committee passed the Elder Abuse Prevention and Prosecution Act which is designed to help reduce financial exploitation against older Americans through expanded education, prevention and prosecution tools.

This Act will require the designation of at least one assistant US Attorney to serve as the Elder Justice Coordinator in every judicial district and whose duties will include prosecuting or assisting with elder abuse cases, conducting public outreach, and ensuring the collection of statistical data.

The Act will also require the Attorney General to operate an elder abuse resource group that facilitates information sharing among prosecutors.

Moreover, the Act will require the chairman of the FTC to designate an elder justice coordinator within the the Bureau of Consumer Protection and to report annually along with the Attorney General to Congress on enforcement actions taken by their respective agencies. As a deputy district attorney, I welcome this legislation and look forward to establishing working relationships with federal prosecutors. Too often in the past, there has been very little coordination between local and federal prosecutors regarding elder abuse crimes that cross both county and state lines.

While we can all be encouraged by the progress that has been made since the first Elder Justice Coordinating Council met in October 2012, this is not the time to pat ourselves on the back. Financial elder exploitation continues to escalate at an alarming level and many predators operate without any fear of detection or apprehension.

What I believe is urgently needed is a federally funded task force consisting of local and federal law enforcement investigators and prosecutors who can respond quickly upon receiving a report of an elderly victim being exploited through the sweepstakes, IRS warrant or grandma scam. We need to be able to execute search warrants on financial institutions and wire transmitter agencies promptly and follow the money as quickly as possible. Local police may take an initial report but rarely ever assign a detective for follow-up. Moreover, unless there are multiple victims and the losses amount to over $1 million the FBI typically decline to intervene. The lack of law enforcement response only serves to empower the crooks to flood the telephone wires and mail with fraudulent schemes targeting our elders. I am sure you have all heard stories - heartbreaking stories - of someone in your family or network of friends or constituents who has fallen to such a scheme and has never been able to recover the money or have the satisfaction of seeing the fraudster brought to justice.

We have the opportunity to build on the progress that has been made in the past four years. The momentum is here. There are dedicated professionals throughout this nation who have the passion, the purpose and the perseverance to continue their role in protecting older Americans. But we need to give them more tools and resources.

I commend the Elder Justice Coordinating Council for its leadership in creating some excellent initiatives in the last four years. Let us not allow these programs to dwindle. We owe it to our elders to continue along the path of progress and pursue justice vigorously. With greater collaboration, communication and cooperation we can make a difference.