ELDER ABUSE INVESTIGATIONS:
Tools, Strategies, and Lessons Learned

Presenter Information

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Grant information

This training was created by the National Clearinghouse on Abuse in Later Life, and is supported by Grant No. 2016-TA-AX-K077, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.
NCALL is committed to creating a world that respects the dignity of older adults and enhances the safety and quality of life of older victims and survivors of abuse. We engage communities to foster a collaborative, inclusive, survivor-centered response to abuse in later life.

Learning Objectives

As a result of attending this session, participants will be better able to:

- Identify and work collaboratively with key partners to support older victims and support law enforcement in developing a strong case for charging,
- Utilize strategies to effectively interview older victims, gather necessary evidence, and analyze data to establish crimes against older adults, including financial exploitation, and
- Engage in sustainable, cross-systems collaboration in order to keep older adults safe and hold offenders accountable.

Overview

- Abuse in Later Life/OVW Grant
- Curriculum development process
- Elder Abuse Investigations
  - Initial Response and Evidence Collection
  - Interviewing Older Survivors
  - Financial Exploitation
- Lessons Learned
Abuse in Later Life

The Elder Justice Roadmap
Definition of Elder Abuse

Elder abuse is:
- physical, sexual, or psychological abuse, as well as neglect, abandonment, and financial exploitation of an older person by another person or entity,
- that occurs in any setting (e.g., home, community, or facility),
- either in a relationship where there is an expectation of trust and/or when an older person is targeted based on age or disability.

1 in 10 community-residing older adults reported experiencing elder abuse in the past year.

Elder Abuse: Under the Radar

For every one case of elder abuse that comes to the attention of a responsible entity, another twenty-four cases never come to light.

 OVW Enhanced Training and Services to End Abuse in Later Life Program (ALL)

Program Purpose Areas:
- Direct trainings
- Cross-trainings
- Coordinated Community Response (CCR)
- Victim Services

 OVW ALL Program Direct Trainings

Targeted Audience:
- Training for Law Enforcement Officers (First Responders)
- Advanced Law Enforcement Training
- Prosecutors' Training
- Judicial Education
Why Elder Abuse Training?

- Reported cases are increasing annually.
- Population is aging.
- Elder abuse victims die earlier than other older adults.
- Physical and financial recovery is more difficult.

Curriculum Development

Principles of Adult Learning

- Know your
  - Audience
  - Topic
  - Environment
First Rule

- Adults need to know why they are learning something.

**Why is elder abuse relevant to law enforcement?**

Second Rule

- Adults have life experiences and knowledge and should be used as a resource for ongoing learning.

**“Who has ever…?”**

Third Rule

- Adults use a hands-on problem solving approach to learning.

**“Let’s see if we can figure out the best way to…”**
Fourth Rule

- Adults want to apply new knowledge immediately.

“It’s time to practice what I’ve learned.”

How People Process Information

- Three main learning styles:
  - Visual
  - Auditory
  - Kinesthetic

Employing Sensory Modalities

- Appeals directly to the sensory style that permits effective learning.
- Be aware that your sensory preference may influence the way you organize and present your training.
- Remember to match the language of your audience.
Winter, 2016-2017

- Identify stakeholders
- Conduct interviews/needs assessment
- Review existing materials
- Select working group

February 2017

- Initial working group meeting
- Two days
- Brainstorm
  - Audience
  - Presentation style
  - Content
- Drafted rough outline

First draft

- Miss Mary
- 6 modules
  - Initial 911 call
  - Medical Evidence
  - Concurrent Investigations
  - Interviewing
  - Financial Exploitation
  - Going Forward
October 2017

- Small group review of first draft
- Goals
  - Determine if the draft curriculum addresses the needs of target audience and uses effective teaching methods for educating law enforcement
  - Determining if the draft includes key topics and content for the in person training
  - Determine if the learning objectives and teaching points for the in person training meet the needs of law enforcement

April 2018

- Second draft
  - Five modules
  - Kept original case study
September 2018

- Pilot testing in Nevada
  - Carson City
  - Las Vegas
- Faculty debrief
- Abandoned 5 module, 1 case format

Final draft

- Three modules
  - Victim-centered investigation
  - Interviewing older survivors
  - Financial Exploitation
- Method
  - Case studies
  - Lecture
  - Small and large group discussions/activities

How did we get here?

- Feedback from law enforcement/prosecutors
- Collaboration
  - Mariana
  - Mr. Phillips
- Knowing our strengths
- Funder requirements
- Time constraints
Final Pilot Test

We're in Denver today for the second pilot test of the new @DVJustice / NCALL
Advanced Training for Law Enforcement.
Today's facilitators are Sergeant Jeremy Ryan, St. Paul MN Police Department, and Tara Patel, Senior Prosecutor, Office of the St. Paul City Attorney.

The Curriculum

ELDER ABUSE INVESTIGATIONS FOR LAW ENFORCEMENT

National Clearinghouse on Abuse in Later Life (NCALL)
At the end of this module, participants will be better able to:

- Describe initial strategies and evidence collection in elder abuse investigations
- Identify and work collaboratively with key partners to support older victims and develop a successful case
- Define elder abuse, describe dynamics and utilize key statutes
- Distinguish neglect from self-neglect
- Address victim safety and support regardless of whether or not the case is prosecuted
Module 1 Overview

- Introductions/housekeeping
- Miss Mary
- Initial investigation priorities and strategies
- Scenes
- Evidence Collection
- Working with other professionals
- Statutes and local resources
- Elder abuse 101
- Neglect vs. Self Neglect
- Ageism and Implicit bias
- Miss Mary epilogue

Investigating elder abuse cases

- Have you worked a case involving an older victim?
- What makes these cases more challenging than others?
What does it mean to be victim-centered?

“Seeks to craft alternatives that will enhance a victim’s safety, given the realities facing each victim” (Davies et.al, 1998)

Victim-Defined Advocacy

- Ask what the victim wants
- Recognize the impact of trauma
- Promote self-determination to restore control to the victim
- Provide resources to support victim decisions
- Advocate to support victim
- Recognize the strength and resiliency of survivor

Even if the case isn’t prosecuted, you can:

- Listen. Victims say that being heard and respected is a meaningful part of their healing
- Offer referrals to victim services for safety planning, emergency housing, counseling and legal advocacy, such as protection orders
- Report to APS
- Prioritize victim safety and dignity
Grace and Frankie

Stereotypes

Assumptions about older victims (large group discussion)

- What are some assumptions law enforcement officers make about older adults?
- How can these assumptions affect an investigation?
Ageism and Implicit Bias

- Living situations
- Health
- Capacity
- Sexual orientation

Ageist assumptions

The assumptions we make about older adults can prevent us from being aware that abuse is happening.

Example: We encounter an older adult who seems confused and afraid. We might assume they have a cognitive impairment, when in actuality, they’re living with an abusive child who is depriving them of medication they need to function well.

Key training points

- Work collaboratively with key partners
- Check assumptions about older victims.
- Establishing victim safety and support are key, whether or not charges are brought.
- Collaboration can enhance investigation and provide support for victim.
Learning Objectives 1/2

After this module, participants will be better able to

- Apply effective strategies for interviewing older victims
- Determine which type of interview will be most effective by analyzing the circumstances in each elder abuse case
- Describe cognition and capacity issues as they impact the investigation of elder abuse cases

Learning Objectives 2/2

After this module, participants will be better able to

- Work effectively with survivors who may have cognitive deficits
- Conduct an effective investigation where the victim is, or may become, unavailable or unwilling to participate
- Identify effective documentation strategies, including content to include in written reports, audio and video
Module 2 Overview

- Cognition and capacity
- Forms of dementia
- Interviewing older victims who may have capacity issues
  - Will you interview?
  - How do you decide?
- Interviewing strategies
- Accounting for trauma
- Documentation and the unavailable victim

The decision to interview

- No interview?
- Limited interview?
- Normal interview?

Interviewing: Mr. Phillips
Interview 1

- What is your impression of this man's cognitive ability?
- Would you have any concerns about his ability to be a reliable witness?

Interviewing: Mr. Phillips, Part 2

- Has your impression of this man's cognitive ability changed?
- Would you have any concerns about his ability to be a reliable witness?
Indicators of cognitive impairment

- Vague answers
- Makes a few jokes to cover for memory issues
- Needs prompting to answer some of the questions
- Word-finding difficulty

Interviewing: Mr. Phillips

- An individual who appears lucid, cooperative, and reliable may have significant deficits in areas that are not apparent.
- This gentleman had lost the ability to manage his own finances.
- He made gifts that were far outside of his normal gifting habits.
- He did not recall making such gifts.
- He opened and closed accounts without recalling that he had done so.
- Friends and family did not recognize his impairment for years.
- While he was skilled with money and numbers, he was unable to appreciate the practical consequences of his actions.

Summary

- Every victim is unique, and every interview will be different
- Be flexible, objective, and patient
- Stay victim-centered
- Avoid assumptions
After completing this module, participants will be better able to:

- Describe theories of theft and how each impacts an investigation
- Describe the role of substitute decision makers
- Identify potential sources of evidence of financial exploitation
- Stop ongoing theft once financial exploitation is discovered
- Address evidence required to overcome a potential consent defense
- Utilize strategies to work effectively with forensic accountants to assist investigation

Module 3 Overview

- Financial abuse statistics
- Theories of theft
- Substitute decision-making (POA, guardianship)
- Case study: Mariana
- Sources of financial evidence
- "Stopping the bleeding"
- Consent as a defense
- Working with forensic accountants
A forensic accountant is typically a licensed CPA, who specializes in financial or accounting fraud investigations.
How can a forensic accountant help?

- Interpreting evidence
- Summarizing evidence
- Format evidence for charging or prosecution

No forensic accountant?

- Local professional societies (AICPA, Local CPA society, ACFE)
- Federal law enforcement agencies
- State and local investigators
- Volunteers at Elder Abuse Hotlines
- AARP
- Colleges and University
- City or County Accounting Departments

Janet Bauml Accounts Reviewed:

Chase CKG *2597 ................ 4/01/07 – 1/31/11
Chase CKG *4452 ............... 4/01/07 – 1/31/11
Chase LOC *4452 .............. 3/01/08 – 5/01/09
Chase LOC *2820 .............. 5/01/09 – 7/31/11
Banner CKG *0311 .......... 12/04/07 – 3/02/12
Banner SAV *7511 .......... 9/17/09 – 8/22/11
### Usage of Mariana Cooper's Deposited $5,000 - Count 1

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<th>Payee</th>
<th>Count of Debit AMT</th>
<th>Sum of Debit AMT</th>
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<tr>
<td>Cashed Checks</td>
<td>3</td>
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<tr>
<td>ATM Cash Withdrawals</td>
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<td>Cash Withdrawals</td>
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<td>MBP 6050 Ave NE</td>
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<td>Planet Edge</td>
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<td><strong>$1,210.09</strong></td>
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Janet Bauml - Banner CKG *0311

Total of Debit Card Purchases: $809.33

- 7/23/10 Macy's $62.83 Boston, MA
- 7/24/10 Silky Way $143.77 Boston, MA
- 7/25/10 Renaissance Hotel Waterfront $9.79 Boston, MA
- 7/26/10 ATM Cash W/D $203.00 Boston, MA
- 7/26/10 JFK Library Museum $39.80 Boston, MA
- 7/26/10 The Charles Playhouse $192.00 Cambridge, MA
- 7/27/10 Picadilly Pub $79.00 Sturbridge, MA
- 7/29/10 Old Sturbridge Village $35.32 Sturbridge, MA
Source of Funds for Checks to Bauml
02/04/08 – 05/23/11

CREDIT CARD CASH ADVANCES $73,092.00
REVERSE MORTGAGE FUNDS +$136,000.00
CREDIT CARD & REV MORTGAGE = $209,092.00
OTHER FUNDS +$8,795.57
TOTAL CHECKS TO BAUML = $217,887.57

INCOME – JANET BAUML
2/04/08 – 1/18/12
$30,257.87
FROM ALL OTHER SOURCES, EXCLUDING
CHECKS FROM MARIANA COOPER,
JEFF MICHELL & CASH DEPOSITS
Janet Bauml - Banner CKG
*0311
TOTAL OF DEBIT CARD PURCHASES: $809.33

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<td>T.J. MAX</td>
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<td>SILKY WAY</td>
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<td>MACY'S</td>
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<tr>
<td>JFK LIBRARY MUSEUM</td>
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<td>THE CHARLES PLAYHOUSE</td>
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<td>BOSTON, MA</td>
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<td>STURBRIDGE, MA</td>
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<td>GRAND TOTAL</td>
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**Source of Funds for Checks to Bauml**

**02/04/08 – 05/23/11**

- **Credit Card Cash Advances**: $73,092.00
- **Reverse Mortgage Funds**: $136,000.00
- **Credit Card & Rev Mortgage**: $209,092.00
- **Other Funds**: $8,795.57
- **Total Checks to Bauml**: $217,887.57
Mariana

Mariana: Epilogue

- Bauml was found guilty of 10 counts of Theft 1 and 2
- Major Economic Offense Aggravator
- Sentenced to 43 months
- Mariana, who was diagnosed with moderate dementia, was forced to file for bankruptcy and lost her home
- Restitution was ordered but she is unlikely to recover anything
- Currently in assisted living and doing well
Summary

- Financial exploitation often co-occurs with other forms of elder abuse and neglect.
- Evidence of financial exploitation may be easier to collect than in other kinds of cases.
- Gather financial records of both victim and suspect.
- A power of attorney (POA) document is likely to be a significant aspect of your financial abuse case – not the end of the investigation.
- Take steps to preserve assets.

Lessons Learned

- Pilot, pilot, pilot
- Do what you do best, and
- …what you are funded to do
- Don’t try to be all things to all people but…
- ….appeal to a wide audience
Next steps

- OVW approval
- Training academy
- Integration into grant program

Questions/Comments?
Thank You!

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Celebrating 20 Years: 1999-2019