ELDER JUSTICE INITIATIVE

The **mission** is to support and coordinate the Department of Justice’s enforcement and programmatic efforts to combat elder abuse, neglect, and financial fraud and scams that target older adults.

The Initiative does so by—

- Promoting justice for older adults.
- Helping older victims and their families.
- Enhancing state and local efforts through training and resources.
- Supporting research to improve elder abuse policy and practice.
You're fighting elder abuse on the front lines. We've got your back.

The mission of the Elder Justice Initiative is to support and coordinate the Department’s enforcement and programmatic efforts to combat elder abuse, neglect, and financial fraud and scams that target our seniors.

**Outreach Materials**
Get involved, get safe community presentations, pamphlets, and materials on all types of elder abuse.

**Prosecutor Video Series**
Training videos geared toward successful prosecution of elder abuse cases.

**Elder Abuse Research**
References to articles, books, and government reports on all types of elder abuse and financial exploitation topics.

**MDT Guide & Toolkit**
Start or grow a local elder abuse case review multidisciplinary team with this research- and resource-rich toolkit.

**Financial Exploitation & Reporting**
Learn about financial scams and find the right reporting agency.

**Webinars**
Webinars targeted to elder abuse professionals and those interested in elder abuse topics.

**Elder Abuse Statutes**
State statutes relevant to elder abuse cases.
PRESENTERS

- **Ryan Painter**, Director of Elder Justice & At-Risk Adult Project, Prosecuting Attorneys Association of Michigan
- **Page Ulrey**, Senior Deputy Prosecuting Attorney, Elder Abuse Project, King County Prosecutor’s Office, Seattle, Washington
- **Jamie Renner**, Assistant Attorney General, Office of the Vermont Attorney General
- **Amanda Martin**, Assistant Chief Executive Officer, CDAA
- **Laura Bell**, Director of Publications and Communications, CDAA
- **Erin Martinelli**, Director of Training Project Development, CDAA
MICHIGAN MODEL VULNERABLE ADULT PROTOCOL (MI-MVP)

A Model Protocol for Joint Investigations of Vulnerable Adult Abuse, Neglect, and Exploitation

Ryan C. Painter
Director of the Elder Justice & At-Risk Adult Project Prosecuting Attorneys Association of Michigan
PROBLEM IDENTIFIED

FY 2012
33,710 Referrals

15,099 Investigations

Substantiations by Harm Type FY2012

57% Self Neglect
35% Neglect
18% Financial Exploitation
11% Physical Abuse
8% Emotional Abuse
1% Sexual Abuse

More than one harm type per referral so percentage is higher than 100%

Where you have one harm type there is usually another
PROBLEM IDENTIFIED

Statewide APS Staff

- 404 Adult Protective Services (APS) staff statewide
- 43 counties where 1 worker covers APS and 2 other adult services programs
- Approximately 110 APS staff statewide

Age Range of Referrals

- FY 2012 Referrals
  - Aged 60 and older: 60%
  - Aged 18-59: 40%
- Preliminary FY 2013 data show the number of referrals for persons aged 18-59 years has increased.
LEGISLATIVE ACTION REQUIRED

Public Act 175 of 2012 (The Social Welfare Act, MCL 400.11(b))

Mandated partners included:

- Department of Human Services (renamed Department of Health & Human Services)
- Michigan State Police
- Michigan Attorney General
- Office of Services to the Aging (renamed Aging & Adult Services Agency)

Other contributors included:

- Prosecuting Attorneys Association of Michigan
- Presbyterian Villages of Michigan (long-term care provider)
MI-MVP IS A BEST PRACTICE (NOT A MANDATE)

- MI-MVP is a “blueprint for communities…for the purpose of reducing harm and victimization of vulnerable adults through a coordinated team approach.”
- It is intended to “provide a framework of suggested best practices for investigating cases…that each county can customize to match its needs and resources.”
- MI-MVP “is designed to be adapted at the local level.”
- As of October 2018, 43 of Michigan’s 83 counties have signed a local MI-MVP agreement.
Coordinated investigation teams are ideally led by the county prosecutor (or designee) and the director of the county APS office (or designee).

Leaders should:

- Develop written protocols with team members outlining each member’s role(s), with each member signing the agreement.
- Provide for periodic reviews of the protocol with all members and make changes as needed.
- Provide for frequent training on the local protocol as necessary, e.g., after protocol changes, new membership.
TEAM MEMBER RESPONSIBILITIES

Responsibilities include:

‣ Regular meetings to increase team member communication.
‣ Facilitation and support of each team member’s role.
‣ Coordination of information sharing.
‣ Ensuring team members respect and comply with their respective agency and/or rules regarding confidentiality.
‣ Oversight to increase awareness of and compliance with the law, as well as best practices outlines in the MI-MVP.
# MI-MVP TEAM MEMBERS

## CORE MEMBERS

- Adult Protective Services
- County Prosecutor
- Local Police Dept./Sheriff

## OTHER MEMBERS*

- Medical Professionals
- Aging Services
- Community Mental Health
- Emergency Services
- Educational Providers
- LTC Providers
- Probate Court
- Financial Institutions/Banks

*Not every case requires the participation of all team members.
MI-MVP FOUR GOALS

1. Coordinate Investigations
2. Conduct Thorough, Objective Investigations
3. Minimize Trauma to the Victim
4. Respect the Rights of the Alleged Perpetrator
TEAM INVESTIGATION OBJECTIVES

- Interview the vulnerable adult with emphasis on joint interviews.
- Interview all witnesses, joint interviews when appropriate.
- Offer assistance in obtaining necessary emergency services.
- Collect and preserve evidence.
- Interview the alleged perpetrator.
- Obtain current and historical medical information.
- Coordinate efforts with APS, law enforcement, and other service providers to offer services to the vulnerable adult.
- Assess the vulnerable adult’s capacity to make informed decisions.
No interviews conducted in the presence of the alleged perpetrator.

Confidentiality is imposed on APS by statute; therefore, all investigative partners must likewise maintain confidentiality.

APS referral source is confidential unless otherwise ordered by a court.

If APS is denied entry to a home, APS may seek law enforcement assistance to secure a search warrant pursuant to MCL 780.651.

DHS is a mandatory reporter to law enforcement of any suspected criminal activity pursuant to MCL 400.11a(5).

Upon request by APS, local law enforcement shall cooperate in investigating suspected abuse, neglect, or exploitation, pursuant to MCL 400.11b(2).

APS is prohibited from conducting investigations in certain settings, e.g., nursing homes, pursuant to MCL 400.11f.
ADULT PROTECTIVE SERVICES ASSIGNMENT PROCESS

DHS APS Assignment Process Determined by Local Office Supervisor

APS requires two criteria to be met in order to assign a referral:
- Vulnerability
- Harm

If NO:
One criteria or none met deny referral
Two criteria met assign referral

If YES:

Notify Referral Source
Statutorily required to send acknowledgment letter if case is denied or assigned

Assign for Investigation & Notify Source

Assignment Process

Local DHS, APS supervisor reviews each referral for the following:

- Assignment or Denial
- Need to refer to another investigative authority.
- Joint investigation with another agency/department required.

At any point, APS will notify law enforcement when it is believed criminal activity is involved.
## Investigative Authority by Setting

<table>
<thead>
<tr>
<th>Residence</th>
<th>Situation</th>
<th>Investigator(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nursing Home</td>
<td>Alleged perpetrator is facility personnel</td>
<td>Licensing and Regulatory Affairs (LARA), Attorney General HCFD</td>
</tr>
<tr>
<td></td>
<td>Alleged perpetrator is non-facility personnel</td>
<td>APS, Law Enforcement (LE), LARA, Attorney General HCFD</td>
</tr>
<tr>
<td>Adult Foster Care or Home for the Aged</td>
<td>Non-CMH contracted facility</td>
<td>APS, Bureau of Children &amp; Adult Licensing (BCAL), LE</td>
</tr>
<tr>
<td></td>
<td>Contracted</td>
<td>APS, BCAL, LE, Office of Recipient Rights (ORR)</td>
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<tbody>
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<td>Assisted living, Room &amp; Board, etc.</td>
<td>APS, LE, BCAL</td>
</tr>
<tr>
<td>County Medical Care Facilities, Freestanding surgical outpatient facilities, hospitals</td>
<td></td>
<td>LARA</td>
</tr>
</tbody>
</table>

**Note:** The LTC Ombudsman program addresses quality of care issues and life issues for residents of nursing homes, AFC and HA facilities.
• Law enforcement is a mandatory report to APS (just as APS is a mandatory reporter to law enforcement).

• Law Enforcement is primarily focused on victim safety. Once the safety of the vulnerable adult is established, law enforcement will conduct an investigation.

• In cases of abuse, neglect, or exploitation, law enforcement will coordinate with APS.

• Law enforcement will inform APS and the county prosecutor when any case involving a vulnerable adult is referred to the Attorney General or U.S. Attorney.
The county prosecutor should take a leadership role within his/her local investigative team.

Fulfill all duties required by Michigan’s Crime Victims’ Rights Act.

Review investigations for best practices and help identify legal roadblocks.

Meet the standard policy established by the National District Attorneys Association:

“…whenever practical, the creation of a special elder abuse unit within the prosecutor’s office or the designation of a specially trained prosecutor to handle elder abuse cases.”
Vulnerable Adult Incident Report

NAME
AGE
DOB
EMERGENCY CONTACT
PHONE
DATE REPORTED
TIME REPORTED
DATE AND TIME INCIDENT OCCURRED
FILE NO.

INCIDENT LOCATION
REPORTING OFFICER

VULNERABLE ADULT – HARM – MANDATORY Reporting to Adult Protective Services at (855) 444-3911

WHEN ABUSE/NEGLECT/EXPLOITATION IS SUSPECTED

1. Determine if the victim is a Vulnerable Adult (VA)
2. Determine whether the VA can see, hear and communicate adequately
3. Determine whether you are required to report to APS or others
4. Decide whether the VA is isolated or needs assistance
5. Evidence and forms for collection
6. Consent to disclosure of information

If the victim is a Vulnerable Adult:

1. Over 65 years or older
2. Unable to protect self from abuse, neglect or exploitation
3. Administering medications
4. Unable to protect self from abuse, neglect or exploitation
5. Unable to communicate
6. Unfit for work
7. Unfit for life

When abuse/ neglect/ exploitation is suspected:

1. Physical abuse
2. Sexual abuse
3. Emotional abuse
4. Financial abuse
5. Neglect
6. Exploitation

If the adult is vulnerable and has been harmed, contact the local APS office. Ask questions to assess:

- Are you in pain?
- Are you hungry?
- Would you like to be cleaned up?
- When was the last time you ate?
- Would you like to work for you?
- Would you like to be seen by a doctor?
- Did anyone harm you?

If the adult has been harmed, contact the local APS office. Ask questions to assess:

- Are you in pain?
- Are you hungry?
- Would you like to be cleaned up?
- When was the last time you ate?
- Would you like to work for you?
- Would you like to be seen by a doctor?

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National Institute on Prosecution of Elder Abuse (NIPEA)
3 ½-day training course for prosecutors

Offered 1–2 times per year

Created by:

- National Clearinghouse on Abuse in Later Life (NCALL)
- AEquitas: The Prosecutors' Resource on Violence Against Women

Funded by:

- U.S. Department of Justice, Office on Violence Against Women (OVW)
- U.S. Department of Justice, Civil Division
INSTITUTE APPROACH

- Hands-on and interactive
- Focuses on the forms of abuse most unfamiliar to us:
  - Neglect
  - Financial exploitation
- Builds skills needed for the proper handling of these cases
- Provides substantive information on topics central to the successful prosecution of these cases
INSTITUTE TRAINING – SAMPLE AGENDA

TUESDAY

• Overview of Course and Introductions
• Practical Prosecution Problems
• Elder Abuse Overview
• Analyzing an Elder Abuse Case: Understanding Capacity and Decisionmaking

WEDNESDAY

• Bail and Search Warrants
• Using Medical Evidence and Experts Effectively
• The Role of Other Agencies in Elder Abuse Cases
• Victim-Centered Response
THURSDAY

• Using Financial Evidence and Experts Effectively
• Charging and Proving the Case
• Life After Crawford
• Direct Examination of an Older Victim
• Voir Dire

FRIDAY

• Cross-Examination of the Defendant
• Ethical Considerations
• Enhancing a Coordinated Community Response
FOR MORE INFORMATION, CONTACT:

Ann Laatsch, J.D.
National Clearinghouse on Abuse in Later Life
Justice System Coordinator
alaatsch@ncall.us
Elder Protection Resources for State Attorney General Staff

Focus: Consumer Protection

AAG Jamie Renner
Vermont Office of the Attorney General
TJ Donovan, Attorney General
The information presented is for educational purposes only and should not be construed as legal advice or the formal opinion of the Vermont Office of the Attorney General.
RESOURCES FOR UNDERSTANDING STATE SYSTEM OF ELDER PROTECTION & ELDER VULNERABILITIES

Colleagues: Consumer Protection, Criminal/MFCU, Human Services
  ‣ Recommendation: Establish cross-division relationships/team (VT)

State agencies: Dept. of Aging (APS/DLP/OPG), Dept. of Fin. Reg., State Police, etc.
  ‣ Recommendation: Establish cross-agency relationships/team (WI)

Federal & local prosecutors: USAO/EJCs & SAs/DAs
  ‣ Recommendation: Understand respective jurisdictional boundaries/interests and develop referral network

NGO stakeholders: Area Agencies on Aging, advocacy organizations, hospital social workers, home health agencies, Meals on Wheels drivers, etc.
  ‣ Recommendation: Go out and listen → inform CP & office-wide priorities
RESOURCES FOR SUPPORT IN CONSUMER PROTECTION WORK

Sister state CPU colleagues focused on elder protection. Contact:

- NAAG Program Counsel Joanne Thomka - jthomka@naag.org
- VT AAG Jamie Renner jamie.renner@Vermont.gov

2018 report on recent state AGO-CPU elder protection efforts:

- Covers enforcement, legislation, outreach, grants, office-wide initiatives
- For report copy, visit NAAG website or contact NAAG Program Counsel Joanne Thomka or VT AAG Jamie Renner (email addresses above)

NAAG “PAGE” - Wiki for “Promoting Attorneys General Expertise”
FINANCIAL RESOURCES FOR CONSUMER PROTECTION WORK

AGO CPUs have received grants to support:

- Training for law enforcement, professionals, judges, and prosecutors
- Establishment of multidisciplinary and community response teams
- Providing direct services and outreach to exploitation victims
- Establishing statewide coalitions (e.g., identity theft)
- Outreach on elder fraud/scams
FINANCIAL RESOURCES FOR CONSUMER PROTECTION WORK

Funders/Grantors:

› AARP

› Center for State Enforcement of Antitrust & Consumer Protection Law

› U.S. Department of Justice Office on Violence Against Women

› National White Collar Crime Center

› U.S. Administration for Community Living

› National Identity Theft Victims’ Assistance Network

› Fund for Consumer Protection and Education
RESOURCES FOR MFCU STAFF

- All below provide resources/education, training, conferences:
- National Association of Medicaid Fraud Control Unit
  - http://www.namfcu.net/
- National Health Care Anti-Fraud Association
  - https://www.nhcaa.org/
- Association of Certified Fraud Examiners
  - http://www.acfe.com/
CALIFORNIA DISTRICT
ATTORNEYS ASSOCIATION

ANATOMICAL MODEL
LENDING LIBRARY
USING ANATOMICAL MODELS
GERIATRIC SIMULATOR

- Weight Vest
- Ankle Weights
- Wrist Weights
- Elbow Restraints
- Knee Restraints
- Gloves
- Cervical Collar
- Visual Impairment
- Glasses
- Walker
OTHER SIMULATORS

- Hearing Impairment Simulator
- Geriatric Arthritis Simulator
- Geriatric Tremor Simulator
PRESSURE ULCER, FOOT
PRESSURE ULCER, BUTTOCKS
18-PART TORSO WITH OPEN BACK/NECK
NATIONAL ELDER ABUSE ONLINE COMMUNITY
LAURA BELL, DIRECTOR OF PUBLICATIONS AND COMMUNICATIONS, CDAA
WHAT IS THE NATIONAL ELDER ABUSE COMMUNITY?

An online forum hosted by the California District Attorneys Association on its Sidebars platform, where prosecutors and investigators from across the country can come together and collaborate on issues involving elder abuse prosecution.
FEATURES OF THE COMMUNITY

› **Discussions**—Participants can choose Real Time or Daily Digest options for notification of new posts to the forum.

› **Resource Library**—A private knowledge-base of best practices with sample documents (briefs, memorandum, points, and authorities), policies, articles, manuals, reference guides, meeting minutes, and videos. Items in the library are archived and searchable.

› **Announcements**—Learn about upcoming events and meetings.

› **Responsive Format**—Participants have a positive experience regardless of the Internet browser they use or how they access Communities—from a desktop computer, mobile device, or tablet.
WANT TO JOIN?

GO TO WWW.SIDEBARS.CDAA.ORG AND CLICK ON THE "ELDER ABUSE" LINK AT THE TOP RIGHT OF THE PAGE.
Elder Abuse

National Elder Abuse Community

Thank you for your interest in the National Elder Abuse Community—an online forum for prosecutors and investigators working in the area of elder abuse. This community is by invitation only and members are vetted. If you would like to receive an invitation, please follow these two steps:

**STEP ONE**
Create a profile by clicking [HERE](#).
Be sure to retain the Username and Password you create.
For security purposes, only individuals with a government-agency email address will be permitted to join this community.

*NOTE: If you are a CDAA member or if you have registered to attend a CDAA training event, you already have a profile and do not need to create another one—you can proceed to STEP TWO.*

**STEP TWO**
Send an email request to join to one of the moderators listed below:
STEP ONE: CREATE A PROFILE

For security purposes only individuals with a government-agency email address will be permitted to join.

Retain your username and password.
STEP TWO: EMAIL A MODERATOR

- Email one of the moderators, who will verify your employment and notify the site administrator to add you to the community once approved.

- You will receive a welcome email from the administrator confirming that you have been added to the community.
Login with your username and password.
WELCOME TO THE COMMUNITY!

1. Post to the Discussions
2. Add Notices
3. Search the Library
2019 CDAA NATIONAL ELDER & DEPENDENT ADULT ABUSE SYMPOSIUM
April 15-18, 2019, Anaheim, CA
Hyatt Regency Orange County

Endorsing Organizations:
ERIN J. MARTINELLI
DIRECTOR OF TRAINING PROJECT DEVELOPMENT
CDAA has built a solid partnership with Kasem Cares over many years.

Kerri Kasem & Kasem Cares have an entire track of education at our conference.
CDAA focuses on MDT Training (Multidisciplinary)
MORE THAN 26 STATES ARE PARTICIPATING!

Prosecutors, Law Enforcement, APS (Adult Protective Services), Coroners, Medical Examiners, Victim Witness Advocates, and State and Local Agencies come together to learn from THE BEST!
REGISTER: https://registrations.cdaa.org

2019 CDAA NATIONAL ELDER & DEPENDENT ADULT ABUSE SYMPOSIUM
April 15-18, 2019, Anaheim, CA
Hyatt Regency Orange County
RURAL & TRIBAL ELDER JUSTICE SUMMIT
November 14-15, 2018, Des Moines, IA
Marriott Des Moines Downtown

More information at:
https://www.justice.gov/elderjustice/rural-and-tribal-resources
Questions

Elder Justice Initiative
Elder.justice@usdoj.gov
www.elderjustice.gov