

DEPARTMENT OF JUSTICE

Elder Justice INITIATIVE



Building an Elder Justice Unit in South Dakota

AUGUST 23, 2018



OVCTTAC
OFFICE FOR VICTIMS OF CRIME Training and Technical Assistance Center



TECHNICAL OVERVIEW

- ▶ If you are experiencing any technical issues with the audio for this session, please let us know in the feedback box.
- ▶ If you have technical difficulties during the webinar, contact Jason Adams, who is providing technical support for this webinar. His email address is jadams@ovcttac.org.
- ▶ Today's session will be recorded and made available on the training website.
- ▶ If you have questions, type them in the feedback box. We will address as many as possible throughout the webinar.

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.

ELDERJUSTICE.GOV

You're fighting elder abuse on the front lines. We've got your back.

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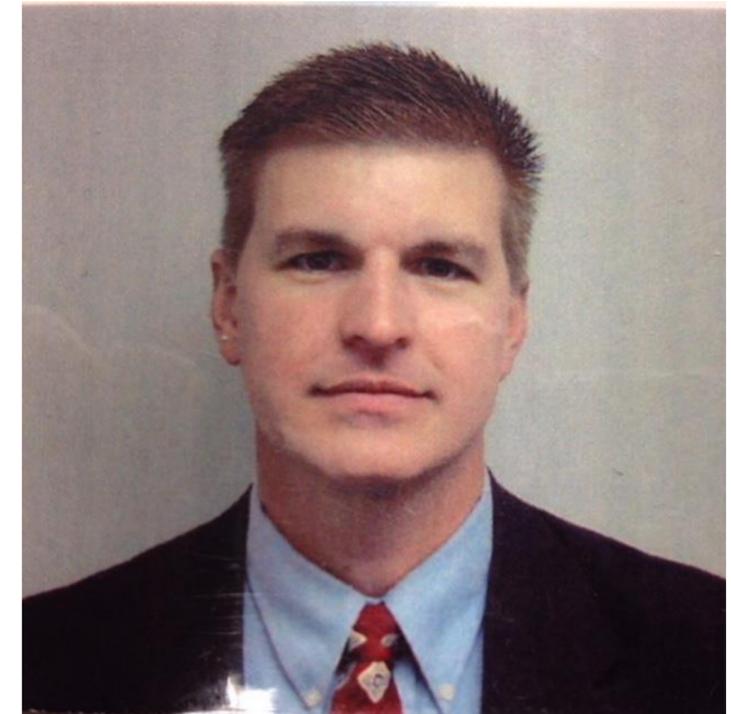


PRESENTERS



Michael D. Sharp
Assistant Attorney General

Dave Lunzman
Special Assistant Attorney General



**BUILDING AN
ELDER ABUSE & FINANCIAL
EXPLOITATION UNIT**

PRESENTED BY:

Office of South Dakota

Attorney General Marty Jackley



OBJECTIVES

- Identify how to establish an Elder Abuse Unit
- Identify strategies for overcoming hurdles in a rural state



Formation of the Elder Abuse & Financial Exploitation Unit

Elder Abuse Task Force created by Senate Bill 168
during the 2015 legislative session.



Elder Abuse Task Force

- 3 State Senators – Choice of President Pro Tem
- 3 State Representatives – Choice of Speaker of House
- 3 members w/ experience – Choice of Governor
- 7 members w/ experience – Choice of Chief Justice
- 1 member w/ experience – Choice of Attorney General



Task Force Members

- 3 members w/ experience – Choice of Governor
 - State Director of AARP
 - DSS Regional Manager
 - Attorney and Former Director of SD Advocacy Services



Task Force Members

- 7 members w/ experience – Choice of Chief Justice
 - Justice Steven Zinter
 - Chief Medical Officer – Good Samaritan Society
 - Chair of Real Property, Probate & Trust Law Section – State Bar
 - Executive Director of South Dakota Advocacy Services
 - Geriatrician – Clinical Faculty at USD Sanford School of Medicine, Dr. B.
 - Regional President of a South Dakota Bank
 - General Counsel for a South Dakota Financial Corporation



Task Force Members

- 1 member w/ experience – Choice of Attorney General
- Director of MFCU



Task Force Committees

1. Elder Abuse and Neglect
2. Elder Financial Exploitation
3. Education
4. Guardianships, Wills, and Powers of Attorney



Multidisciplinary Approach

1. Financial Community
2. Legal Community
3. Business Community
4. Healthcare Community
5. State Government
6. Local Government

Do not forget everyone who brought you together.



Results of the Task Force

1. New laws protecting the elderly and vulnerable adults
2. New guidance on prosecuting these cases
3. The Elder Abuse and Financial Exploitation Unit



New Laws

1. Emotional and Psychological Abuse Criminalized
2. Elder and Vulnerable Neglect Criminalized
3. Civil and Criminal Protections for Cooperating Financial Institutions
4. MANY MORE...



Passing New Laws

1. Emotional and Psychological Abuse Criminalized – Felony or misdemeanor?
2. Elder and Vulnerable Neglect criminalized – Prove a negative
3. Civil and Criminal Protections for Cooperating Financial Institutions
– Mandatory reporter for financial institutions?
4. MANY MORE...



New Guidance

1. Law Enforcement Education – Civil matter?
2. Compiling Elder Abuse and Financial Leads – Who do people call?
3. Not Everything is Elder Abuse



Hurdles in Rural Areas

1. Elderly Farmers and Ranchers
2. Jurisdictional Issues
3. VA Benefits



Elderly Farmers and Ranchers

1. Assets – Land not cash
2. Rural – Isolated by design
3. Family Mindset
4. Mental Health Assessment and Treatment
5. Contract Obligations



Jurisdictional Issues

1. State Investigation
2. City Investigation
3. County Investigation
4. Tribal Investigation
5. Prosecution?



VA Benefits

1. Travel Times
2. Weather Issues



Solutions

State v. Moffenbier

1. Financial Case
2. 101 Level Case
3. Prosecution Basics

State v. Hauge

1. Financial Case
 - a. Banks
 - b. Witnesses
2. Neglect?
3. Victim/Witness
 - a. Elder
 - b. Location
4. Complex Case





Questions

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