


Nassau County District Attorney's
Annual Criminal Justice Conference
April 28, 2017



PEOPLE ARE LIVING LONGER...
IDENTIFYING & ASSISTING
VICTIMS OF ELDER ABUSE

Presented by:
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SOME IMPORTANT STATS...

- Over 220,000 people age 60 years or older living in Nassau County (some now put the number at 270,000!)
- 2011 New York State study: Under the Radar found that only 1 in 24 cases of elder abuse cases is ever reported...(see handout; read the full study on-line)

STEREOTYPES

- All older people have Alzheimer's Disease
- Older people bruise easily
- Older people have poor hygiene
- Older people always trip or fall
- All older people...

*Don't make presumptions about people...
Ageism prevents the identification and investigation of elder abuse!*

TYPES OF ELDER ABUSE

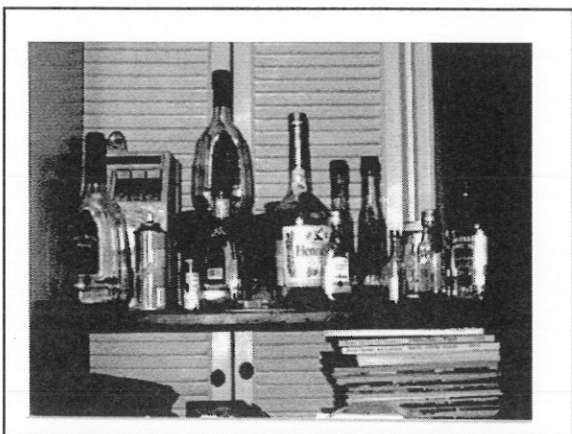
- Physical Abuse
- Sexual Abuse
- Psychological/Emotional Abuse
- Neglect
- Financial Abuse

Recognize that it is likely that more than one type of abuse may be happening at the same time—so we must look for it.

PROFILE OF AN ABUSER

- Adult child or grandchild [or other family member]
- Lives with senior
- Substance abuser [alcohol &/or drugs]
- Some degree of mental illness
- Unemployed
- Wants/gets/takes money from senior





Intimate Partner Abuse

- Together for *decades*
- Dating violence
- Older abusers/defendants

PHOTO OF INJURY

OTHER POSSIBLE ABUSERS

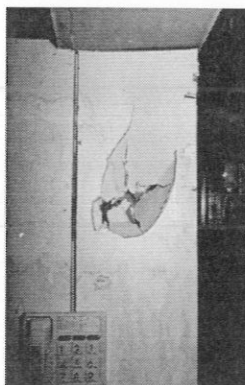
- Home aid
- "New Friend" who moves in with victim
- Neighbor
- Anyone who sees the opportunity to move in with a vulnerable adult and take over...

Home care can be expensive; people are lonely; & people are afraid of losing their independence.

IT TAKES A LOT LESS TO DO MORE DAMAGE...

- Yelling / screaming
- Damage property, sentimental items
- Threats to put in nursing home
- Threats to injure senior or another family member
- Threats to remove, injure or kill a beloved pet
- Simple shove

As we get older, it is difficult to bounce back from injuries like when we were younger...



**TYPES OF FINANCIAL ABUSE
TARGETING SENIORS**

- POWER OF ATTORNEY ABUSE
- SCAMS
- MORTGAGE FRAUD
- IDENTITY THEFT
- OFFENDERS: Family, home aids, "new friends", neighbors, co-workers, insurance agents, strangers...can be anyone.

**Seniors are devastated
when their life savings are
wiped out and homes taken
from them...**

*Which can lead to depression,
homelessness/institutionalization
and even suicide!*



**NASSAU COUNTY
DISTRICT ATTORNEY'S
ELDER ABUSE UNIT**

What we do...

Elder Abuse Unit...what we do!

- Prompt outreach to victim via telephone
- Car service provided if necessary
- Home / hospital visit if necessary
- DA social worker assigned
- Social service referrals: Adult Protective Services (APS), The Safe Center, Nassau/Suffolk Legal Services & other social service agencies
- Requests for "Wellness Checks" by local police precinct
- Prosecute without victim's testimony when possible (and appropriate)

Elder Abuse Unit cont'....

COMMUNITY OUTREACH: ELDER ABUSE TRAININGS & LECTURES

Our goal is to train or present workshops to:

- Law enforcement including NCPD & all local police depts, Sheriffs, Probation, etc...
- Hospital E.R.s and other first responders
- Judiciary & Court Personnel
- Attorneys: Prosecutors & other government attorneys; private including Bar Association lectures—especially elder law & guardianship attorneys
- Senior service providers
- Senior Centers, Veterans groups, etc...
- LOCALLY, STATEWIDE & NATIONALLY

ELDER ABUSE UNIT cont'....

▪ Elder Abuse Case Consults...

- In-house for any DA staffer who has a case involving an older or disabled adult; or
- Any agency, hospital, attorney or other senior service provider (If there are confidentiality issues, "hypotheticals" are welcome!)

- Created **NCA ELDER ABUSE HELPLINE** (516) 571-7755 (press #1 for Elder Abuse) for calls from the community

- Creating **Elder Abuse Multi-Disciplinary Team**: Where professionals including law enforcement, medical providers, attorneys, banking and senior service providers regularly meet to work on complex elder abuse cases to end the abuse and help the victims live safer lives

You may have heard about some forms of elder abuse legislation being debated...

▪ **Mandatory reporting of elder abuse:**

- In NYS, Adult Protective Services (APS) is only agency that is mandated to report Adult Abuse (victims 18 years or older) to law enforcement (Police & DA)
- Residential health care facilities are required to "self-report"
- NYS Protection of People with Special Needs Act mandates reporting abuse of "vulnerable persons" in certain designated facilities and group homes—however, most nursing homes are not covered.
- That's it...no one else is mandated to report adult abuse. Which means vulnerable adults living in their community are not protected.

Legislation...Mandated Reporting con't...

- New York State is the only state which doesn't have some form of mandated reporting of adult abuse that occurs in the community.
- Important issues in drafting and enacting such a law:
 - Language of statute?
 - Who is protected?
 - Who are mandated reporters?
 - Centralized reporting? Who investigates?
 - Funding & Resources!

Legislation con't...CPL Article 660

- **C.P.L. Article 660 "Conditional Examinations"** where a witness's trial testimony may be recorded for use later at trial under certain conditions

- C.P.L. Section 660.20 provides, in relevant part, that a Conditional Examination may be ordered if a witness "will not be amenable or responsive to legal process or available as a witness at a time when his testimony will be sought, either because he is : (a) About to leave the state and not return for a substantial period of time; or (b) Physically ill or incapacitated"

Legislation CPL Article 660 con't...

➤ **Advanced age, alone, is not a factor**

➤ Average life expectancy in the USA is approximately 78 years—yet if we have an 80 or 90 year old witness in relatively good health—there is no legal basis for a Conditional Exam.

➤ Think about how long it takes for many cases to get to trial! Unfortunately, a common trial tactic in elder abuse cases is to keep taking adjournments in hopes that the witness will be not be able to testify or testify effectively at trial (e.g., failing memory, incapacity or death).

➤ Also, keep in mind: As we get older, a person's health can dramatically change from day to day—without warning.

Have any questions? Thoughts?

Lets talk! Feel free to call me...

or email me...

Really!

(516) 571-0622

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**OUR MESSAGE TO THE
COMMUNITY...**

*Even if the victim doesn't want the abuser
arrested, the Nassau D.A's Elder Abuse Unit
can still help. Don't suffer in silence...*

just call us!

**SEE ELDER ABUSE FOR
WHAT IT IS.....**



**Neglect:
Poor grooming and nail
care**

PHOTO OF INJURY

PHOTO OF INJURY

PHOTO OF INJURY

THANK YOU!
😊
