

TESTIMONY OF ATTORNEY GENERAL JANE BRADY

May 20, 2002

I want to thank the Senate Special Committee on Aging for inviting me to speak and for addressing this important issue. It is particularly fitting that you would hold this hearing in May, the Month we honor older Americans.

As was already noted, I serve as Attorney General of Delaware. In Delaware, the Attorney General is also the District Attorney for the entire state. I served as a criminal prosecutor in the office for over 12 years. Personal experiences, and others I had as a prosecutor, have shaped my perspective and my priorities as Attorney General. I appreciate the opportunity to outline some things we are doing, or that can be done, to assist senior victims of crime. In light of the specific area of inquiry, I will direct my comments to the financial exploitation of seniors.

I lived with my grandmother for seven years just prior to her death. She suffered from Alzheimers for most of that time. There were many difficult and emotional times. I learned firsthand many of the issues seniors must face. One day while I was at work, she was the victim of Romers, who fixed the "leak" in our roof (which did not exist).

One of my dearest friends is now 81 years old. A few years ago, she called me in great distress. When I went to her home, she showed me her closet, the floor of which was covered with unopened mail, all telling her she had won. She confessed that in the beginning, she felt important that she was receiving so much mail. Eventually it became a significant burden. To this day I do not know how much she spent - she will only acknowledge "a small King's ransom."

I have no tolerance for persons who victimize seniors.

Most Attorneys General offices in the county have Medicaid Fraud Control Units, which, in addition to handling financial fraud against the state Medicaid program, are also given responsibility for the investigation and prosecution of patient abuse and neglect.

But, there are a few resources specially designated for the detection, investigation and prosecution of crimes against seniors who live in the community, and that is where most of the crimes involving financial exploitation occur. In my experience as a prosecutor, I know there were times when law enforcement was not equipped to make a determination that a crime occurred - most particularly in financial matters. They often referred complainants in matters involving joint checking accounts, powers of attorney, title to property and abuse of guardianship responsibilities to the civil courts. After all, if two persons have a dispute about who is actually entitled to assets, the matter is most often handled there.

I hired retired police officers to act as liaison between the social service agencies for seniors, the law enforcement community and our office. The program is entitled the Elder Abuse and Exploitation Project. They have conducted training, responded to complaints, assisted in the investigations of financial exploitation and physical abuse, and prepared witnesses for trial. To date, we have trained in every police department in our state. We train in every police academy, we train first responders regarding what to look for to detect possible financial or physical abuse, and we have trained bank tellers and staff in nursing homes and other senior facilities. They are my designees to the local TRIAD and SALT Council meetings, a national initiative to prevent crime against seniors between law enforcement and the AARP.

Young prosecutors may have difficult understanding the impact of crimes on seniors. I recall a 73 year old rape victim telling me in 1979, "You are a very nice young lady, but you have no idea what I am going through." Twenty some years later, I know she was right. That conversation has never left me. I have developed the Senior Victim Advocate Program, a training program for peer advocates for seniors. These volunteers, who can better understand what senior victims are going through, attend interviews, maintain phone contact, and accompany seniors to court. Another innovative program, which we are seeking to replicate in some form, is in place in the office of Brooklyn District Attorney Joe Hynes, who uses volunteer retired and senior attorneys to present cases involving senior victims to te Grand Jury.

Public education is a big part of our responsibility, and our office has developed brochures, and regularly speaks at senior centers and other meetings in order to prevent seniors form becoming victims of crime. We reach hundreds of persons each year through our Consumer University programs, and Investor Education Conferences. At every opportunity we ask those who attend to become our eyes and ears when they interact with their friends and neighbors, to look for signs of withdrawal, concern, or anxiety, to notice changes in their habits or lifestyle, and to take the time to inquire how they are doing.

We have adopted laws in Delaware that are an important component to our efforts to address senior victimization. We have an exception to the hearsay rule for infirm adults. We have enhanced penalties for offenders who victimize seniors, require background checks for personnel who care for them, and we have instituted an Adult Abuse Registry, a civil registry which includes anyone who has victimized a senior.

We have been aggressive in our prosecutions. We brought, and successfully prosecuted the first case in the nation against a corporate owner of a nursing home for felony neglect and fraud. We brought the first case in the nation for emotional abuse of a resident in a nursing home. We have convicted a stockbroker, homebuilders, investment advisers and caretakers, and several went to jail, for defrauding seniors.

Senior victimization remains one of the most secret of crimes. I want to thank this Committee for your leadership on bringing light to this important issue. I look forward to working with you to bring training, expertise and other resources to local prosecutors and law enforcement offices throughout the country.