

United States Special Committee on Aging

“Crimes Against the Elderly in Nursing Homes”



Testimony of:

Charles A. Fuselier, Sheriff

St. Martin Parish, Louisiana

**Special Committee on Aging
Crimes Against the Elderly in Nursing Homes**

DATE: March 4, 2002

TIME: 1:30 p.m.

PLACE: Senate Special Committee on Aging
SDG-31 Dirksen Senate Office Building
Washington D.C. 20510

WITNESS: Sheriff Charles A. Fuselier
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STATEMENT:

I would like to thank Chairman Senator John Breaux and the members of the Special Committee on Aging for inviting me to testify as to law enforcement's efforts to address nursing home abuse at this hearing on "Crimes Against the Elderly in Nursing Homes." It is my hope that this testimony will help to improve the "quality of life" for older adults residing not only in nursing homes but in any type of residential care facility which includes Nursing Homes, Group Homes, Assisted Living Facilities, and Mental Retardation Facilities.

By initiating the first Triad Program (Exhibit 1: Triad Program Overview), in the nation on August 30, 1989, the St. Martin Parish Sheriff's Office has an established and longstanding record of commitment to older adults that is recognized as extending beyond the boundaries of my jurisdiction in St. Martin Parish, Louisiana. The Triad Program has proven to be a successful crime prevention program aimed at older adults. Currently, there are some 834 Triad Programs in 47 states. Additionally, England, Canada and Australia have expressed interest in utilizing the concept in their countries. The strength

and success of Triad comes from the combined efforts of both law enforcement (as the deliverer of police services) and senior citizens (with their vast wealth of knowledge and experience) who provide support to law enforcement in an advisory capacity and as volunteers. In St. Martin parish and in many other areas throughout our country, this has proven to be a winning combination.

In Louisiana, the Triad program caused us to take a deeper look at the multifaceted issues of crime and the elderly. We began to understand that older persons were more likely to be victimized by someone they know and trust rather than by strangers. Examples of this include the large number of cases of abuse/neglect/exploitation of the elderly by their caregivers in the home setting. In our concern to respond to these issues, the St. Martin Parish Sheriff's Office expanded beyond traditional law enforcement type services to become involved in two programs. The first one serving elderly victims of violent crimes. The second program serving suspected victims of abuse/neglect/exploitation.

In 1990 the St. Martin Parish Sheriff's Office initiated the state-wide Elderly Crime Victim Assistance (ECVA) Program (Exhibit 2: Louisiana Map of ECVA Program Headquarter and Satellite Programs and Exhibit 3: ECVA Brochure) through grant funding from the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. In 1992 the Elderly Protective Services (EPS) Program was initiated in the state of Louisiana. The St. Martin Parish Sheriff's Office was awarded the contract by the Governor's Office of Elderly Affairs to provide these services in Region III, which currently encompasses 10 parishes in the Acadiana Region (Exhibit 4: Louisiana Map of EPS Region III Service Area and Exhibit 5: EPS Program Brochure). These two

programs served to heighten our understanding of the severe vulnerability of infirmed older adults, especially when they are in the care of those persons they know and trust.

During the 1994 legislative session in Louisiana, legislation was enacted creating the “Committee for Law Enforcement Services to the Elderly” (Exhibit 6: Chapter 8-A Victimization of Senior Citizens - LA. R. S. 1231-1236). This committee was formed in response to the growing concern of crime against the elderly to include abuse/neglect/exploitation of the elderly residing independently in their homes as well as those in residential care facilities. Appointment to this committee is subject to gubernatorial approval with jurisdiction established within the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. Representation on this committee includes members from: the Louisiana Commission on Law Enforcement, the Louisiana Sheriffs’ Association, the Louisiana Municipal Chiefs of Police Association, the State of Louisiana Justice Department, the Governor’s Office of Elderly Affairs, parish volunteer Councils on Aging, American Association of Retired Persons, and the Louisiana Association of District Attorneys. I have the honor of serving as chairperson of that committee since its inception in 1995.

A brief description of the committee’s duties and responsibilities include: 1) Studying and evaluating programs; 2) Consulting with experts, service providers and representative organizations; and 3) Recommending policies and programs.

Early on the members of the committee recognized and expressed a concern about law enforcement’s response to crimes in residential care facilities. The concern grew that there was an apparent lack of continuity in response by law enforcement from jurisdiction to jurisdiction to crimes committed in residential care facilities.

As a result of the committee's concern, a "Crime in Residential Care Facilities Conference" was held in Baton Rouge on November 12, 1997 (Exhibit 7: Conference Brochure). The agenda included: Legal Session, Investigating Crimes in Residential Care Facilities, Physical and Behavioral Indicators of Abuse/Neglect, and the Role and Responsibilities of the Various Investigating Agencies.

The "Role and Responsibilities" segment of that conference included a panel of representatives from the Department of Health and Hospitals, State of Louisiana Justice Department, Elderly Protective Services, Louisiana Nursing Home Association, State Long Term Care Ombudsman, the Police Supervisor of the Baton Rouge Crimes Against the Elderly (CATE) Unit, and a sheriff. This was the first time members of these agencies, whose responsibility it is to identify and/or investigate crimes against the elderly, came together in the same room. Discussion centered on their individual agency's role and responsibilities, as well as what situations would necessitate several agencies working together. In Louisiana, this conference was the initial impetus for the underlying questions about local law enforcement's response to crimes in the residential care facilities. The members of the committee knew that although the conference was successful in breaking ground in identifying the problems of "crimes in residential care facilities," more work would have to be done to educate sheriffs and chiefs throughout Louisiana.

In 1999, legislation (Exhibit 8: LA R.S. 1237 ALERT Program) was enacted forming the ALERT (Aged Law Enforcement Response Team) Program. The ALERT Program (Exhibit 9: ESO/ALERT Program Particulars) established a forty (40) hour Elderly Services Officer (ESO) certification (using the Illinois State Elderly Services Officer Model) through the Peace Officers Standards and Training (POST) Council. Law enforcement

officers successfully completing the course lectures and written test were certified as Elderly Services Officers. Those officers meeting the specified criteria (Exhibit 10: ALERT Criteria) received an additional distinction as a member of the state-wide Aged Law Enforcement Response Team (Exhibit 11: ESO/ALERT Critical Tasks).

The objectives of the ALERT Program are 1) To create a state-wide network of law enforcement officers with specialized training in working with elderly citizens; 2) To ensure uniformity in the delivery of high quality law enforcement services to elderly citizens; 3) To have the ESO/ALERT officers serve as the primary point of contact; and 4) To provide training within their agency and others in the parish on effectively assisting older adults. These objectives pertain to all elderly in Louisiana whether residing independently in their homes or residing in residential care facilities.

The forty (40) hour curriculum (Exhibit 12: ESO/ALERT Curriculum) includes 19 hours of instruction on Identification of Abuse/Neglect/Exploitation, the Role of the Long-Term Care Ombusman in Nursing Homes, Investigating Crimes in Residential Care Facilities, Criminal Statutes dealing with Cruelty/Exploitation/Sexual Battery of the Infirm, United States Attorney's Office role in Nursing Home Abuse, and Elderly Protective Services. An Advanced Training is offered annually and provides information to officers on new services as well as new information to keep them abreast of the ever changing services and needs of seniors.

The goal of the ALERT Program is to have at least one (1) ALERT and/or ESO in every parish in Louisiana. There are currently 90 Certified ALERT Officers and 33 Elderly Services Officers totaling 123 in 51 of the 64 parishes in Louisiana (Exhibit 13: Map of Louisiana and Exhibit 14: Listing of Certified ALERT/ESO Officers in Louisiana

and Exhibit 15: Recruitment Letter for ESO/ALERT Certification). Four (4) of the fifty-one parishes have ESO's only.

Some limitations to the program include manpower and budgetary constraints within local police departments and sheriff's offices that may affect the amount of time the ESO/ALERT officer can devote to their extra duties. There are some officers who can devote their entire work day to elderly services. However, many have other duties and responsibilities and the ESO/ALERT work is an extra duty.

Also worth mentioning is that plans are currently being drafted for 2003 to include having at least one ALERT trained Assistant District Attorney in each judicial district. Training initiatives such as this can assist in promoting a full partnership between sheriffs and District Attorneys in the investigation and prosecution of the perpetrators of crime against the elderly.

CONCLUSION: There is a general assumption that because the infirm elderly are residing in residential care facilities, "the government" will assure that they are in a safe environment. The reality is that because of their confinement in some instances, the infirm elderly can be trapped in a situation of abuse and have no one to turn to for protection.

Certainly, physical abuse and sexual abuse in residential care facilities are a strong priority that needs to be addressed by law enforcement with the same type of response as given to crimes committed to other citizens living independently outside a facility. Law enforcement's general perception is that they are treated the same as everyone. The reality is that without specialized training such as that offered by the ESO/ALERT Program, Law enforcement generally does not have the skills to properly evaluate such a complex

situation.

Twenty-five years ago there were very few juvenile officers. Now, they are a significant part of the law enforcement community. As we, the baby boomers arrive, and outnumber our nation's youth in the next ten to fifteen years, the ESO/ALERT officer will be an essential part of the law enforcement community much like the juvenile officers are today. To Chairman Senator Breaux and members of the Special Committee on Aging, I submit that providing for expanded training for law enforcement officers to address the growing needs of a rapidly aging population is clearly necessary to address the growing problem of physical abuse and sexual abuse in residential care facilities.

I look forward to working with you. I stand ready to take questions.