

**STATEMENT OF ROBERT M. STEIN, DEPUTY DISTRICT
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Good morning, Mr Chairman and distinguished members of the United States Senate Special Committee on Aging. My name is Robert Stein, and I am a Deputy District Attorney in the County of San Diego, California. I am currently a prosecutor in the Elder Abuse Unit, which is part of the Family Protection Division. The Family Protection Division prosecutes cases of domestic violence and child abuse, as well as cases of elder abuse.

Paul Greenwood, a Deputy District Attorney who currently leads the unit, and who previously testified before this committee, started our Elder Abuse Unit in 1996. Our unit currently has four full time prosecutors, two investigators, three victim witness advocates and two support staff.

I have been a Deputy District Attorney for over 14 years. I have been a prosecutor in the elder abuse unit for nearly 4 years. I have tried over 100 felony jury trials. I have prosecuted over 150 felony cases of elder abuse, ranging from cases of theft, acts of physical violence, neglect and murder. It is an honor to be invited to appear before you and share my observations and perspectives as a prosecutor who has dealt with the varied issues of elder abuse prosecution for the past four years.

Unfortunately, elder neglect is an ongoing and serious problem in San Diego. Typically, a non-working family member agrees to be the care giver for an elderly relative, typically a parent or relative in declining health. The abuser lives in the victim's home with free room and board. The abuser is often paid by the County. The abuser, rather than properly caring for the elderly relative, neglects the elderly victim. The abuser's real motive is clear – to live off the vulnerable elder.

One such case I prosecuted is *People v. Donnell Gilliam*, San Diego County Superior Court Case Number SCD169357. After a jury trial, the defendant was found guilty of felony elder neglect. The victim, Dorothy Gilliam, was born on July 20, 1917. She died on September 13, 2002. The Medical Examiner determined the manner of death as natural. Contributing to her death was a stage IV sacral decubitus ulcer, commonly known as a bed sore.

The defendant is Mrs. Gilliam's son. Since 1989, the defendant's sole employment was working as his mother's caretaker. Ms. Gilliam paid the defendant money for his services. In addition, the defendant was provided free room and board. The defendant did not have any other job since 1989.

On August 16, 2002, at about 2:10 a.m., the defendant called 911. The defendant told the 911 operator that "She (Victim) hasn't walked in four months . . . She was having difficulty breathing." When the 911 operator asked the defendant why his mother hasn't walked in four months, the defendant answered "Well, who knows, she won't go to the doctor, she has no doctor."

About 10 minutes later, an Oceanside Police Technician arrived at the residence. He saw Mrs. Gilliam lying on her back, in her own feces. She was unconscious and unresponsive. The defendant was also present inside of the home. The Evidence Technician testified that upon entry, "there was a very overpowering odor that, at times, we had to basically take turns going outside to get some fresh air, It's - it's similar to the odor that we have found in - in houses or places where basically somebody's been found dead a couple of days." He also testified in substance "I can honestly say that I've never experienced anything this bad. She carried the smell with her. It wasn't just the house. When we took her into the ambulance, the smell persisted in the ambulance. And as I stated, I worked the next day. And it stayed in the ambulance for the duration of the next day, and it followed her into the hospital."

Within an hour Mrs. Gilliam was transported to the emergency room at Tri-City Medical Center. She was diagnosed with severe dehydration, malnourishment, renal insufficiency, bacteremia, stage III-IV sacral decubitus ulcer and neglect.

Mrs. Gilliam was laying in feces and urine. She had long toe nails such that some of them had curled up underneath her toes, impinging on her neighboring toes. They appeared as a large mass. The medical staff concluded that Mrs. Gilliam's condition was caused by neglect. The treating doctor testified that "She could have died" from the injuries. He described Mrs. Gilliam's case as "the worst case that I've seen of neglect." He further testified "The odor [Mrs. Gilliam's] was so intense most of the people working in the emergency room, including myself, it was almost hard to be

in the department on that entire side of the department because the odor was so intense."

Unfortunately, the fate of Dorothy Gilliam is not uncommon. In my experience, the Gilliam case is *not* the worst case of neglect that our Elder Abuse Unit has seen.

For example, in one case paramedics responded to a radio call of the death of a 91 year old woman. This victim had about 20 decubitus ulcers, mostly on her back and hips. Two of the bedsores exposed her bones. One of these bedsores caused an infection in the victim's bone marrow. The victim was also lying in her own feces. During court testimony the medical examiner concluded that the death was a natural but that a "cause of death" was "chronic debilitated state and cachexia with decubitus ulcers." The Medical examiner also testified that neglect contributed to her death. The victim's son was her care taker.

In both of the elder neglect cases summarized above, the first law enforcement personnel who arrived at the crime scene were the paramedics. Paramedics who first arrive at the crime scene play a critical role in both treating the elderly victim, if still alive, and in investigating the crime. In order that paramedics and law enforcement properly treat the victim and investigate the crime, they must be properly trained. In this regard, our unit regularly trains law enforcement, mostly by way of live training. Our unit is currently making a video to be used to train paramedics.

It is an understatement to say that lack of proper training could lead to disastrous results. In one case, an elderly man was found dead in his living room by his wife. The victim had been strangled. A law enforcement officer and paramedics arrived at the crime scene. None of them were able to identify petechiae on the victim's neck, face, eyes and gums. Petechiae is commonly found on strangulation victims. As a result, both the law enforcement officer and the paramedics concluded that the victim died of a heart attack! Luckily, subsequent investigation later that day led detectives to conclude that the victim was murdered. In a case that I prosecuted, the killer was tried and convicted of first degree murder. She was sentenced to life without the possibility of parole. (*People v. Yolanda Fay Harden SCN124346.*)

It is my belief that elder abuse, whether it is by way of neglect, theft, or intentional physical abuse, is one of the most serious issues facing law enforcement and prosecutors in this country. Our senior citizens are vulnerable to physical abuse, theft, scams, and neglect. The way abusers treat our elderly continues to anger and frustrate me. I strongly believe that passage of the Elder Justice Act is essential in the fight against elder abuse.