

Statement of Paul R. Greenwood, Deputy District Attorney, Head of Elder Abuse Prosecution Unit, San Diego DA's Office

Good morning, Mr Chairman and distinguished members of the Special Committee on Aging. My name is Paul Greenwood and I have the privilege of heading up the San Diego District Attorney's Office Elder Abuse Prosecution Unit, a position which I have held for the past eleven years. I am also co-chair of the California District Attorneys Association Elder Abuse Committee.

Six years ago I appeared before this same committee. At that time I made the statement that "elder abuse will become one of the most serious issues facing law enforcement and prosecutors in this country within the next five years." Based on everything I see and hear, I believe that this prediction is now a reality.

The demographics about elders – of which you are so familiar – and the blatant targeting of elders as crime victims should give us all a wake up call and a renewed challenge to do more to protect our seniors and pursue their perpetrators.

When I was given the task of establishing an elder abuse prosecution unit in January 1996, my office previously had rarely filed elder abuse charges. Today I am responsible for overseeing multiple prosecutions that are being handled by experienced prosecutors throughout our county – ranging from homicides, sexual assaults, neglect, physical beatings and financial exploitations. With each case comes challenges, but we are constantly learning new techniques and are absolutely committed to protecting and enhancing the lives of senior citizens in the County of San Diego.

One of the major reasons for our ability to expand elder abuse prosecutions is our multi-disciplinary approach to such cases. We have formed excellent working relationships with law enforcement, first responders, Adult Protective Services, the Medical examiner's Office, and with various older adult service organizations. Such cooperation has allowed us to develop the following innovative projects:

1. An Elder Death Review team that reviews suspicious deaths of elders – and suggests recommendations for improved responses to potentially life threatening situations
2. Lunch time community meetings that are held throughout our County to discuss emerging issues in elder abuse
3. Trainings for financial institutions, the clergy and first responders in recognition of red flags of elder abuse
4. A continuing public awareness campaign entitled "Silence is not golden" – to promote the 1 800 telephone number that the public is encouraged to call when observing elder abuse

5. A wrap around model offering comprehensive services to elderly crime victims – through our San Diego Family Justice Center and funded by the Archstone Foundation.

I am convinced that collaboration by prosecutors with multiple agencies – where the local prosecutor's office takes the initiative – is the key to making an impact on the escalating crimes being committed against seniors. There are encouraging signs that prosecutors in several states are capturing the same vision but much more needs to be done. The National College of District Attorneys is currently drafting a training curriculum on Elder Abuse Prosecution. Once this curriculum is published it is hoped that prosecutors throughout the country will avail themselves of this excellent resource.

We also need to get the message out to state prosecutors' associations so that the elected District Attorneys understand the challenges and resolve to commit existing resources within their respective jurisdictions to combat elder abuse. There has been a tendency in the past for prosecutors to avoid grappling with such cases because of certain outdated misconceptions such as :

1. Elders make poor witnesses in court
2. Financial exploitation cases are difficult to prove because of mental capacity issues
3. Victims of physical abuse cases are reluctant to testify for fear of retaliation or isolation
4. Cases involving home repair fraud allegations are best dealt with as civil matters

We need to ensure that these misconceptions are put to rest and that prosecutors are trained to handle such cases in an approach similar to the successful models used in domestic violence prosecutions.

Having prosecuted felony elder abuse cases for over eleven years, I see the following areas as crucial in our nation's ability to react to the escalating problem of elder abuse:

- A. We desperately need the passage of federal legislation in the form of the Elder Justice Act. So much has been achieved at the grass roots County & State level in recent years – but we need some leadership and responsibility from the Federal branch of government in tackling elder abuse.
- B. We need to look at state laws dealing with elder abuse. For example, we should be very concerned at the fact that convicted felons can easily get employment working as caregivers. Surely, more can be done to protect the unsuspecting public from hiring felons to look after an aging relative. Additionally, we should evaluate whether state laws relating to physical and financial elder abuse are correctly earmarked as felonies rather than as misdemeanors.

- C. We should consider creating or expanding lists of mandated reporters of elder abuse. California recently added financial institutions to the list. This is making banks and credit unions much more vigilant in protecting the assets of their elderly customers or members. Other logical mandated reporters would be health care workers, first responders, caregivers, medical personnel, the clergy and notary publics.
- D. We need to make the court room more elder accessible and learn from such judges as Her Honor Judge Julie Conger of Alameda County Superior Court who has gained national attention for the way she operates her Elder courts.
- E. All major urban communities should consider having a dedicated investigative law enforcement unit that handles elder abuse investigations. San Diego Police Department has had such a unit since 2000; it consists of six detectives and one sergeant.
- F. Prosecutors should be encouraged to implement multi disciplinary networks with their local Adult Protective Services, mental health agencies, first responders and law enforcement. Elder Death review teams and Elder Financial Abuse Specialist Teams are now emerging across the country.
- G. States should invest in more awareness campaigns so that the public knows exactly how and where to report elder abuse quickly and efficiently.

I am proud of the efforts that have been made thus far to protect the seniors of our country. But I am also aware that there is so much more to be done. We have excellent foundations; we now need to move forward with concrete proposals in a spirit of multi-agency collaboration on a national basis.

Investing in the long term protection of our senior population is a noble cause. The passage of the Elder Justice Act will serve as a rallying call. Today we can commit to making that happen.

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