How to recognize and report Elder Abuse

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ELDER FINANCIAL ABUSE: WHY IS THIS A PROBLEM LOCALLY?

- In Multnomah County we currently have approximately **748,031** residents (2011 Census estimate)
- **80,039** of those residents are 65 yrs and older
- Approx. 60% of those 65 and older are female
- Nearly 60% of perpetrators were males between 30-59 years
Elderly make up approximately 15% of the population in the United States.

By 2030 it is estimated that the elderly population in the US will almost double.

5 million cases of thefts, scams and other financial exploitation occur every year in the United States.

Only 1 in 5 of these cases are reported.
What is Elder Abuse?

When an older adult experiences:

- Physical, sexual, or emotional abuse
- Neglect
- Financial exploitation

(Any of the above may co-occur with each other, and usually DO)
Who are Victims of Elder Abuse?

- **Age**: over 65 (by ORS statute)
- **Gender**: Majority of victims are female; but also older males
- All racial, ethnic, socio-economic, and religious backgrounds
- Vulnerable and isolated elders
Accompanied by stranger or “new best friend” and performing out of ordinary transactions
Reminding, guiding, instructing or speaking for the elder while conducting transactions
Keep elder on track, trying to get money or name on account, real estate
Interaction with suspect and elder is abnormal – “gut feeling”
Giving implausible explanations of reason for transactions
EXPLOITATION INDICATORS: VICTIM

- Elder is unkempt – poor hygiene
- Elders appears nervous or afraid of person/people with them
- Elder who carries all items (papers, etc) with them (hoarding behavior)
- Changes in mood, eye contact, demeanor (with known customer)
- Changes in normal speaking, elder appears not able to speak for self
Red Flags on Elder Accounts

- Bank erratic, unusual or uncharacteristic of elder
- Changes in powers of attorney or changes in signer cards
- Charges on account inconsistent with elder lifestyle or desires
- Changes in signature or handwriting
#1 METHOD USED TO EXPLOIT ELDERS

UNDUE INFLUENCE
What is Undue Influence?

- Substitution of perpetrator’s will for the true desires of victim – similar to brainwashing.
- Method used by suspect to obtain “consent” from victim in order to commit crime of theft.
- Victim consents to transactions based on what suspect wants – not what is in victim’s best interest.
What is Consent?

- The victim possessed the sufficient mental capacity to make the decision
- Had knowledge of true nature of transaction
- Acted freely and voluntarily
Power of Attorney (POA) and Guardianships

- **Power of Attorney (POA)**
  
  A legal document which delegates authority to make decisions regarding the financial management of another’s interests.

- **Conservatorship / Guardianship**
  
  A court order granting certain powers to a family member, other individual, governmental agency, or institution to control the affairs of another person.

  (Note: Conservatorship limited to financial affairs.)
These are general categories of suspects who are known to commit scams and cons against the elderly:

- Local Opportunistic Criminals
- Gypsies
- Travelers
- Criminals World Wide

This definition does not include family members or caregivers.
Construction home repair scams - Imposter scams - Bankers, Utility workers, Police, Census

Sweetheart Swindles - Targeted

Small time investors using real estate as collateral
Oregon Revised Statutes

Private Financial Records
ORS 192.555 Disclosure of financial records prohibited; exceptions.
(2) Subsection (1) of this section shall not preclude a financial institution, in its discretion, from initiating contact with, and thereafter communicating with and disclosing customer financial records to:
(a) Appropriate state or local agencies concerning any suspected violation of the law.
ORS 192.575 Liability of financial institutions for disclosure.

(5) A financial institution shall not be liable to any person for any loss, damage or injury arising out of or in any way pertaining to the release of information pursuant to ORS 192.555 (2)(a).
To assist law enforcement

1. Document conversations and observations to the best of ability
   
   *Statements made to individuals can be admissible if elder can’t testify*

2. Include dates, times, names of parties, license plates

3. Specific quotes from suspect or elder can be important – write down as soon as possible
   
   *The persons may not be interviewed later. This can include conversations overheard between the two parties when in the bank*
Scenarios

- Family member is helping elder to refinance the home, when there is no clear reason for it.

- Older person presents with a much younger "fiancé" – and there is an attempt to glean equity from the home, or elder wants to make "fiancé" joint on home.

- Reverse mortgage when it seems clear the elder is unable to participate in HUD counseling.
Collaboration: Financial Exploitation Cases

- Adult Protective Services
- Forensic Accountants
- DA’S office-specialized elder abuse investigation prosecutor
- Financial Abuse Specialist Teams (FASTs)
- Local Police & Detective units specializing in Elder Abuse
1. Multnomah County APS office receives referrals from all over, and the referral is given to an investigator.
2. The victim is interviewed and assessed for needs and other issues.
3. Appropriate intervention is planned.
4. Law enforcement is called if needed, and a police report made.

To make a referral, call 503-988-4450 during regular business hours.

After hours, call 503-988-3646.