

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To: Matthew Fertal  
From: Kevin Raney  
Dept.: City Manager  
Dept.: Police  
Subject: RESPONSE TO THE GRAND JURY REPORT ENTITLED "ELDER ABUSE: THE PERFECT STORM"  
Date: August 28, 2012

OBJECTIVE

To provide a response to the Grand Jury Report as required by law.

BACKGROUND

California Penal Code §933 provides that "after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body."

DISCUSSION

The Grand Jury Report entitled "*Elder Abuse: The Perfect Storm*" was released on June 7, 2012. The City of Garden Grove is required to file a response to specified findings and recommendations in the manner provided for in CPC §933.05. The draft response is attached for your consideration and, if approved, will be submitted to the Presiding Judge of the Superior Court.

FINANCIAL IMPACT

None.

RECOMMENDATION

It is recommended that the City Council:

- Approve the attached response to the Grand Jury Report entitled "*Elder Abuse: The Perfect Storm*"; and
- Direct the City Manager or his designee to submit the response to the Presiding Judge of the Superior Court of Orange County.

RESPONSE TO THE GRAND JURY REPORT ENTITLED  
"ELDER ABUSE: THE PERFECT STORM"

August 28, 2012

Page 2



KEVIN J. RANEY  
Police Chief

- Attachment 1: Proposed Response to the Grand Jury Report Entitled  
"Elder Abuse: The Perfect Storm"
- Attachment 2: Grand Jury Report

**Recommended for Approval**



**Matthew Fertal**  
City Manager

August 28, 2012

Hon. Thomas J. Borris  
Presiding Judge of the Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701

Dear Judge Borris:

We have reviewed the 2011-2012 Orange County Grand Jury Report, "Elder Abuse: The Perfect Storm". Certainly, the treatment of our elderly citizens is of great concern to our individual communities, and society as a whole. After much deliberation and study with our Police Department command staff of the findings and recommendations set forth by the Grand Jury, we are pleased to forward to you our responses.

### **FINDINGS**

F-3 Reviewing procedures in law enforcement agencies, law enforcement academies under Orange County government jurisdiction and the District Attorney's office could improve recognition of elder abuse.

### **RESPONSE**

The City agrees with this finding. There is always room for improvement when investigating any type of abuse, including elder abuse.

Since 2005, the Garden Grove Police Department has provided specific training to ensure incidents of elder abuse are identified and handled appropriately.

On March 11<sup>th</sup>, 2005, the Garden Grove Police Department issued Departmental Training Bulletin #2005-06 titled, "Elder Abuse". The bulletin provided a brief description of the reporting requirements of alleged or suspected elder abuse. (*Welfare and Institutions code 15630*) This training bulletin also provides definitions of the various California Penal Code sections relating to Elder Abuse, (*C.P.C. 368*).

Included in this training bulletin were the contact numbers to the Adult Protective Services branch of the County of Orange Social Services Agency and examples of what behavior actually constitutes the different types of abuse, along with a list of bullet points to consider when investigating elder abuse.

On August 3, 2011, the Garden Grove Police Department issued a second training bulletin related to possible elder abuse. Training Bulletin #2011-11 discussed the federal reporting requirements of the "Elder Justice Act".

### **RECOMMENDATIONS**

R-5 By December 31, 2012, the Sheriff's Department and city police departments should evaluate and update their programs on responding to elder abuse cases.

### **RESPONSE**

- The recommendations of the Grand Jury have not yet been implemented, however they shall be by October 1, 2012.
- The Garden Grove Police Department will review and update (if necessary) Training Bulletins 2005-06 and 2011-11. The bulletins will be reissued to all members of the Police Department during the month of September 2012.
- Detectives will attend a briefing for each patrol squad. They will answer questions and offer guidance on investigating elder abuse cases.
- Arrangements for special units that do not normally attend patrol briefings shall be made; so all members of the department will be up to date in reference to elder abuse.

Sincerely,

William J. Dalton  
Mayor

  
Kevin Raney  
Chief of Police

G A R D E N      G R O V E      P O L I C E  
**TRAINING**

---

Kevin Raney, CHIEF OF POLICE

NUMBER: 2011-11

*Professional Standards Division*

ISSUED: August 3, 2011

---

---

## **Reporting Suspected Crimes Under The Federal ELDER JUSTICE Act**

There are new federal reporting requirements for long-term care facilities that provide care for residents with disabilities. These new requirements may result in more calls for service at these locations.

Certain individuals associated with long term care facilities, specifically "Intermediate care" facilities for people with developmental disabilities, are subject to new federal requirements with respect to reporting the "Suspicion of a crime" against a resident.

The stated purpose of the law is to assure that offenses against vulnerable residents residing in long term care facilities are promptly and appropriately reported and investigated. Under this law, covered individuals must report the reasonable suspicion of a crime to local law enforcement within two (2) hours of becoming aware of an incident of serious bodily injury, or twenty-four (24) hours with no serious bodily injury.

"Covered individuals" are defined as individuals who are an owner, operator, employee, manager, agent, or contractor of a long term care facility that in the preceding year received at least \$10,000.00 in federal funds. These individuals must report any suspicion of a crime against a resident to the local law enforcement agency. Each "covered individual" present in a long-term care facility who has a reasonable suspicion of a crime against a resident must submit a report to local law enforcement. In instances when multiple individuals develop the same reasonable suspicion they may submit a joint notice.

Covered individuals associated with intermediate care facilities will be providing the same report to an agent of the Secretary of the U.S. Department of Health and Human Services. They will also provide the report to the California Department of Public Health-Licensing and Certification district office that is responsible for assuring long-term care facilities' compliance with state and federal regulations.

Based on the new law and the new reporting requirements, it is likely that calls for service at these facilities will increase. ***It is very important that the calls are properly documented in either a crime report or an officer's report.*** Detective Wasinger is currently assigned to investigate elder abuse cases and he is happy to answer questions about these new laws and elder abuse in general.

Prepared by Sergeant M. Martin  
Crime Against Persons

# GARDEN GROVE POLICE TRAINING

JOSEPH M. POLISAR, CHIEF OF POLICE

NUMBER: 2005-06

*Professional Standards Division*

ISSUED: 3/11/2005

## ELDER ABUSE

Anytime an elderly abuse, 368 PC, report is taken or Officers Report/Related 368 PC report, you **must** report the incident of alleged or suspected abuse, or a reasonable suspicion of abuse, which comes to your attention both by telephone and on the "Report of Suspected Dependent Adult/Elder Abuse Form (SOC 341). (*Welfare and Institutions Code Section 15630*). The report should be made immediately to:

County of Orange Social Services Agency  
Adult Protective Services  
Adult Abuse Registry  
**(800) 451-5155**  
**FAX: (714) 825-3001**

Adult Protective Services (APS) provides services directed at remedying abuse or exploitation of adults who are unable to protect their own interests because of age or disability. Abuse of an elder or dependent adult includes any of the following: Physical Abuse, Neglect (including self-neglect), Financial Abuse, Abandonment, Isolation, Abduction, or other treatment with resulting physical harm or pain and mental suffering.

|   |   |
|---|---|
| <p><b>Neglect</b><br/>Abandonment<br/>Deprivation of basic needs: water, food, housing, clothing, or medical care</p>   | <p><b>Self-Neglect</b><br/>Unable or unwilling to care for self<br/>Unable or unwilling to provide for self<br/>Unable or unwilling to protect self</p>   |
| <p><b>Physical Abuse</b><br/>Hitting or Pushing<br/>Causing unnecessary pain<br/>Intentional misuse of medication<br/>Causing Injury<br/>Unauthorized restraint</p>   | <p><b>Sexual Abuse</b><br/>Inappropriate exposure<br/>Inappropriate sexual advances<br/>Inappropriate sexual contact<br/>Sexual exploitation<br/>Rape</p> |
| <p><b>Emotional or Verbal Abuse</b><br/>Humiliation<br/>Threats of harm or abandonment<br/>Isolation<br/>Non-Communication<br/>Intimidation</p>   | <p><b>Financial Abuse</b><br/>Undue influence to change legal documents<br/>Misuse of property<br/>Theft or embezzlement</p>                              |
| <p><b>Victims are . . .</b><br/>Adults 65 years of age and over or Dependent adults 18-64 years of age who are physically, developmentally, or emotionally disabled</p> <p><b>Abusers MAY BE . . .</b><br/>Experiencing emotional, physical, or financial stress<br/>Related to the victim or Providing care to the victim<br/>Dependent upon alcohol or drugs<br/>Financially or emotionally dependent upon the victim</p> |   |

These are examples where APS should be called:

- 1) 74 year old female brought to hospital due to breathing difficulties. She is found with dried feces on her. She is living with her nephew but he isn't her caregiver, he just lives with her. The female is responsible for herself. *[Does not meet requirements of 368 PC but APS must be called]*
- 2) 76 year old female was left in a vehicle by her 74-year-old husband while he is shopping. The temperature was 88 degrees. She was transported to GGMC with heat exhaustion. Her husband stated he is the sole caregiver and his wife has Alzheimer's disease. He thought she would be okay in the vehicle.

### **Penal Code Sections:**

**368(b)(1)** Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult, with knowledge that he or she is an elder or a dependent adult, to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured, or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health is endangered, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not to exceed six thousand dollars (\$6,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or four years.

**368(c)** Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult, with knowledge that he or she is an elder or a dependent adult, to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor. A second or subsequent violation of this subdivision is punishable by a fine not to exceed two thousand dollars (\$2,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

**368(d)** Any person who is not a caretaker who violates any provision of law proscribing theft or embezzlement, with respect to the property of an elder or a dependent adult, and who knows or reasonably should know that the victim is an elder or a dependent adult, is punishable by imprisonment in a county jail not exceeding one year, or in the state prison for two, three, or four years, when the money, labor, or real or personal property taken is of a value exceeding four hundred dollars (\$400); and by a fine not exceeding one thousand dollars (\$1,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, when the money, labor, or real or personal property taken is of a value not exceeding four hundred dollars (\$400).

**368(e)** Any caretaker of an elder or a dependent adult who violates any provision of law proscribing theft or embezzlement, with respect to the property of that elder or dependent adult, is punishable by imprisonment in a county jail not exceeding one year, or in the state prison for two, three, or four years when the money, labor, or real or personal property taken is of a value exceeding four hundred dollars (\$400), and by a fine not exceeding one thousand dollars (\$1,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, when the money, labor, or real or personal property taken is of a value not exceeding four hundred dollars (\$400).

**368(f)** Any person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment in the state prison for two, three, or four years.

### **Caregivers**

It is important to establish the Caregiver. A Caregiver is any person who has the care, custody or control of, or stands in a position of trust with an elder or dependent adult. Ask the potential suspect if they are responsible for getting the victim food, taking them to the doctor, and overall care. Just because someone lives with the victim does not make them the Caregiver, you need to establish this.

#### **Things to consider:**

- Think Child Abuse – would you leave a child in this situation?
- Photograph everything including the victim from all angles, the environment they are living in, and food supply.
- Check for food in the refrigerator and cabinets. If they say they're getting Meals on Wheels find out who delivers the food and when. Contact Meals of Wheels to verify.
- Find out if they have a Conservator. Contact the Conservators office at (714) 567-7660.
- Check all prescription bottles for names of the medications, date they were filled, pharmacy, and doctor's name. Complete a medical waiver for each doctor. Victims are sometimes taken to different doctors to conceal abuse.
- Document spontaneous statements such as, "my son hit me in the head with the phone." Look for the phone and document it's condition. Example: off the hook, broken
- Talk to neighbors. Ask them if something has changed about the victim since they've know them. Example: The gardener just moved it with her.
- Look for heirlooms/personal items that may be broken. Suspects will break these items as a form of mental abuse.
- If you have a dependant adult (ages 18-64) and they have been sexually abused consider using CAST for an interview (714) 940-4747.
- Check for additional locks on the victim's door, which may show they are being imprisoned in their room.
- Look for the telephone. Does it work? Does the victim has access to it in an emergency?
- If you take a 211 report involving an Elder make sure you photograph them. If the suspect is located ask them why they choose the victim. If they say "because old people are easy to rip off" or something to indicate they chose the person because of their old age, then you can add 368 in addition to the 211 charge. The photograph of the victim can be used it court to show that a reasonable person would know this person is over 65 years of age.

#### **Crawford Decision**

Evidence Code 1380 is unconstitutional

Victim must be available for cross-examination

Use of conditional exams

Must get cases to preliminary hearing quickly

Use of impeachment, refreshing memory, past recollection recorded

The heart of the ruling involves the difference between two kinds of witness accounts. The first, which is considered "testimony," or official accounts given to law enforcement, are forbidden



under the Crawford decision as a substitute for witnesses' appearing in court. Other statements, such as those relayed voluntarily to a doctor, a counselor, or even a police officer outside a formal interrogation, are still allowed, whether a witness gets on the stand or not. So are 911 calls. The decision virtually eliminates the use of videotaped statements in place of witnesses' appearing in court.

**What does this mean to you?** Spontaneous statements, excited utterance, and dying declarations will be admissible. However, the initial statement can be used if the person is unable to testify for trial; they are not testifying they are describing the event just happened. These statements need to be specific, "What happened to you," and "Who did it." Also, describe their demeanor and condition. You also need to state in your report when you received this statement from the victim in relation to determining the crime and the arrest of the suspect. Basically, it's up to patrol to get the details; don't rely on the Investigator since follow-up statements possibly cannot be used.

Prepared by Inv. Elaine Jordan



## ORANGE COUNTY GRAND JURY

700 CIVIC CENTER DRIVE WEST • SANTA ANA, CALIFORNIA 92701 • 714/834-3320  
FAX 714/834-5555

June 7, 2012

RECEIVED

JUN 11 2012

Chief Kevin Raney  
Garden Grove Police Department  
11222 Acacia Parkway  
Garden Grove, CA 92840

CHIEF'S OFFICE

Dear Chief Raney:

Enclosed is a copy of the 2011-2012 Orange County Grand Jury report, "**Elder Abuse: The Perfect Storm**". Pursuant to *Penal Code* 933.05(f), a copy of the report is being provided to you at least two working days prior to its public release. Please note that, "No officer, agency, department, or governing body of a public agency shall disclose any contents of the report *prior to the public release of the final report.*" (Emphasis added.) It is required that you provide a response to each of the findings and recommendations of this report directed to your office in compliance with *Penal Code* 933.05(a) and (b), copy attached.

Please distribute this report to your governing body.

For each Grand Jury recommendation accepted and not implemented, provide a schedule for future implementation. In addition, by the end of March of each subsequent year, please report on the progress being made on each recommendation accepted but not completed. These annual reports should continue until all recommendations are implemented.

Please mail the response to the recommendations to Thomas J. Borris, Presiding Judge of the Superior Court, 700 Civic Center Drive West, Santa Ana, CA 92701, with a separate copy mailed to the Orange County Grand Jury, 700 Civic Center Drive West, Santa Ana, CA 92701, no later than 90 days after the public release date, June 14, 2012, in compliance with *Penal Code* 933, copy attached. The due date then is October 12, 2012.

Should additional time for responding to this report be necessary for further analysis, *Penal Code* 933.05(b)(3) permits an extension of time up to six months from the public release date. Such extensions should be advised in writing, with the information required in *Penal Code* 933.05(b)(3), to the Presiding Judge of the Superior Court, with a separate copy of the request to the Grand Jury.

We tentatively plan to issue the public release on June 14. Upon public release, the report will be available on the Grand Jury web site ([www.ocgrandjury.org](http://www.ocgrandjury.org)).

Very truly yours,

Roy B. Baker III, Foreman

2011-2012 ORANGE COUNTY GRAND JURY

RBB:tk

Enclosures:

Grand Jury Report  
Penal Code 933 and 933.05

CONFIDENTIAL

CONFIDENTIAL

## California Penal Code Sections §933 and §933.05

[Note: to reduce grand jury requests for additional response information, the grand jury has **bolded** those words in §933.05 which should be appropriately included in a response]

- §933 (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.
- (b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.
- (c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.
- (d) As used in this section "agency" includes a department.

- §933.05 (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent **agrees** with the finding.
  - (2) The respondent **disagrees wholly** or **partially** with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation **has been implemented**, with a summary regarding the implemented action.
  - (2) The recommendation **has not yet been implemented, but will be implemented** in the future, with a **timeframe** for implementation.
  - (3) The recommendation **requires further analysis**, with an explanation and the scope and parameters of an analysis or study, and a **timeframe** for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation **will not be implemented** because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

## ELDER ABUSE: THE PERFECT STORM

*"A nation's greatness is measured by how it treats its weakest members." Mahatma Gandhi*

### SUMMARY

*A Perfect Storm: A problem that is dramatically aggravated by a combination of circumstances.*

Many citizens in Orange County have entered their Golden Years. Most are financially stable, physically healthy and mentally alert. Despite the economic downturn, seniors may enjoy a good quality of life in a lovely mild climate. Unfortunately, a hidden side of aging exists in Orange County: elder abuse. This criminal and moral outrage can impact rich and poor, men and women, all faiths and cultures. Families, caregivers or strangers have been known to abuse or neglect elders. Abuse may be emotional, financial, physical or sexual and may also include abandonment, abduction and isolation. Neglect may stem from the inadequacy, indifference or cruelty of caregivers. Further, self-neglect is often a result of seniors striving for independence, but lacking the ability to provide adequate personal care.

Orange County Adult Protective Services (APS) noted a steep increase in the reported incidents of elder abuse in recent years that may stem from an actual expansion of abuse or an improvement in reporting methods.<sup>1</sup> However, statistics do not entirely reveal the reality. One purpose of this report is to show the human side of elder abuse.

The 2011-2012 Grand Jury chose this topic to determine the level of elder abuse in Orange County and evaluate the public agencies as well as list the private organizations that are resources in this field. Ultimately, the Grand Jury hopes to enlighten residents of Orange County about this problem. Some of the many factors that may contribute to elder abuse are:

- Baby boomers are now entering their retirement years and this large population group will affect the safety net for future decades.
- Elders who suffer from dementia, illness and injury are at greater risk of abuse.
- Emotional stress contributes to possible conflicts between elders and caregivers.
- Decreasing revenues have reduced governmental resources at all levels.
- The current economy has exacerbated the dilemma of abuse.

Orange County has encountered a perfect storm of elder abuse that will probably deepen with time. Governmental agencies must find ways to overcome these challenges with the assistance of private organizations and individual citizens.

### REASON FOR STUDY

*"...the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; those who are in the shadows of life; the sick, the needy and the handicapped." Hubert Humphrey<sup>2</sup>*

---

<sup>1</sup> Orange County Adult Protective Services Fact Sheet,, Last updated 02/02/12

<sup>2</sup> Humphrey, Hubert, last speech, November 1, 1977

CONFIDENTIAL

At times, all human beings have special vulnerabilities and are unable to function at a high level. They must rely on the assistance of caregivers or the kindness of strangers to aid in their quest for a good quality of life. They are vulnerable not only in youth, but also during times of illness, disability or in the last stages of life. A civilized society has an obligation to care for the vulnerable, the defenseless, the abused and the disenfranchised.

Policy debates about the merits of using public (taxpayer funded) or private (charitable or faith-based) sectors to provide for our weakest residents are appropriate. However, this Grand Jury study evaluates the current realities of elder abuse and the public responses in Orange County rather than considering the theoretical and philosophical questions of how the responsibilities should be delegated. The reasons for this study are to:

- Identify prevention techniques and programs to address elder abuse;
- Explore the hidden world of aging adults;
- Evaluate agencies and organizations that serve the elderly;
- Understand the problems of caregivers of the elderly;
- Show the human side of elder abuse;
- Determine if Orange County resources are sufficient to provide a safety net for elders;
- Enlighten and educate the community; and
- Recommend changes to improve the quality of care.

## **METHODOLOGY**

The 2011-2012 Orange County Grand Jury gradually formulated methods to understand and evaluate elder abuse in Orange County and took the following actions:

- Compared the primary governmental agencies that provide services in combating elder abuse: Adult Protective Services, Adult Mental Health Services, the Office on Aging and the Public Guardian;
- Conducted internet searches on the general field of elder abuse within the United States;
- Discovered and evaluated agencies, departments and organizations that provide resources and assistance in the areas of elder abuse and senior life;
- Interviewed private and governmental specialists in elder abuse;
- Listened to informational phone calls at the Office on Aging;
- Participated in a ride-a-long with an investigator from the Public Guardian's Office;
- Researched investigation and prosecution information related to elder abuse;
- Read selected books, magazines and newspaper articles on the topic of elder abuse in the United States;
- Read literature and materials from public and private organizations that describe elder abuse statistics, cases and resources available;

- Read specific information on law enforcement and prosecution concerning elder abuse compiled and written by a San Diego district attorney and subsequently interviewed that district attorney;
- Reviewed previous Orange County Grand Jury reports;
- Reviewed written information relevant to programs, finances, staffing and governance; and
- Toured an adult day care center, the Council on Aging and the Office on Aging.

## BACKGROUND AND FACTS

### Overview

- **Sources**

The Orange County Grand Jury reviewed elder abuse in Orange County for many months and gradually uncovered information from a variety of sources. Appendix B contains a list of references that the Grand Jury used for research and information. Footnotes contain only specific references.

- **Prevalence of Elder Abuse**

Orange County Adult Protective Services (APS) is the first line of defense in combating elder abuse cases. APS receives more than 600 reports of abuse each month<sup>3</sup> and national experts estimate that for every report of abuse, 23 are unreported<sup>4</sup>. The U.S. Senate Special Commission on Aging reports that victims of elder abuse, neglect and exploitation are not only subject to injury from mistreatment, they are approximately three times more likely to die at an earlier age.<sup>5</sup>

Citizens and legislators need to be aware of the magnitude of the problem to be proactive in determining solutions. According to the Center of Excellence on Elder Abuse, University of California, Irvine, "Elder Abuse is one of the most overlooked public health hazards in the United States. The National Center on Elder Abuse estimates that between one and two million elderly adults have suffered from some form of elder abuse."

Orange County Adult Protective Services (APS) noted a steep increase in the reported incidents of elder abuse in recent years that may stem from an actual expansion of abuse or an improvement in reporting methods<sup>6</sup>. Many years ago, legislators became aware of the prevalence of elder abuse and enacted laws requiring mandated reporters to notify authorities if they suspect abuse is responsible for injuries to elders. Mandated reporters include social workers, clergy, doctors, nurses and caregivers. On January 1, 2007, through California Senate Bill 1018,

---

<sup>3</sup> Orange County Adult Protective Services Fact Sheet,, Last updated 02/02/12

<sup>4</sup> New York State Life Span; Cornell; 2012.

<sup>5</sup> Sandal, Diane and Hudson, Lois; *Ending Elder Abuse*; QED Press, Fort Bragg, California; 2008

<sup>6</sup> Orange County Adult Protective Services Fact Sheet,, Last updated 02/02/12

CONFIDENTIAL

financial institutions also became mandated reporters if seniors appear to be victims of fraud or coercion. As a result, reporting of elder abuse has risen.<sup>7</sup>

Upcoming baby boomers will further strain an already strained system. Baby boomers were born beginning in 1946 in post-World War II America and ending in 1964. The oldest group of babies who were born at that time has now applied for Medicare; this trend will continue for decades with baby boomers challenging the safety net system for elders. According to California State statistics, by 2020, the senior citizen population will expand by 62%.<sup>8</sup> The result will be a potential increase in both real and reported cases of senior abuse in Orange County.

- **Impact of Elder Abuse**

Abuse may be emotional, financial, physical or sexual and may also include abandonment, abduction and isolation. Abuse can leave permanent physical, emotional or financial scars on seniors who may lose their health, fortunes or lives because of the actions or inactions of families, friends, caregivers or the predators within any community.

Elders have a wealth of talents, experience and wisdom. Many elders volunteer to help their children, grandchildren, neighbors and religious organizations. However, abuse diminishes (and sometimes ends) the capacities of elders to contribute to society.

- **Issues of Elder Abuse in Orange County**

- A. Oversight

The services provided by county/city governments and private organizations have been developed over time. The Grand Jury observed the high quality and variety of resources and the commitment of both professionals and volunteers, but also noticed the lack of coordination and communication among agencies and organizations and the possible duplication of effort.

- B. Public Access

The general public does not necessarily have contact information if they encounter elder abuse. The Grand Jury now knows that Adult Protective Services is one of the first line contacts for elder abuse. The Grand Jury now knows that the Office on Aging provides information and resources for seniors and caregivers. The Grand Jury now knows that the Public Guardian is available to help incapacitated seniors (without families) who meet state conservatorship criteria. The Grand Jury now knows that Adult Mental Health Services conducts psychological assessments for the elderly. Would the average person know the specific names, functions and telephone numbers of these agencies? The Grand Jury considers that it is important to increase awareness of the services available in Orange County on the topic of elder abuse.

---

<sup>7</sup> Orange County Adult Protective Services Fact Sheet,, Last updated 02/02/12

<sup>8</sup> Sandal, Diane and Hudson, Lois; *Ending Elder Abuse*; QED Press, Fort Bragg, California; 2008



C. Investigation/Prosecution

Many individuals in the elder abuse community confidentially expressed to the Grand Jury that:

- Law enforcement agencies needed more training to handle elder abuse complaints and;
- The District Attorney's office needed greater diligence in prosecuting elder abuse cases.

The Grand Jury recognizes the difficulty of investigation and prosecution:

- Most abuse occurs in a family setting and elders are often reluctant to accuse, or testify against, relatives.<sup>9</sup>
- Elders suffering from dementia have difficulty participating in an investigation or trial.
- Law enforcement departments have had reductions in staffing and newspaper reports and information in some city councils indicate this trend may continue.
- Assembly Bill 109 (AB109) was implemented on January 1, 2012. This law releases felons from state prisons, returns them to county jails and eventually to the community. The 2011-2012 Grand Jury has spoken to many experts in law enforcement who predict that this law will increase the difficulties of law enforcement.

The Grand Jury considered that it would be unconscionable IF offenders face no consequences for their actions. Therefore, the Grand Jury surveyed internet sites to gather information on the methods used in other areas to respond to these potential problems of law enforcement and prosecution. The Grand Jury also interviewed Paul Greenwood, a district attorney in San Diego County, who heads a special unit to process elder abuse cases. Mr. Greenwood has testified before Congress on this topic and he presented the Grand Jury with information regarding the success of San Diego County in combating elder abuse through the following methods:

- Fostering coordination and cooperation among Adult Protective Services, the District Attorney's office and other agencies;
- Creating a special unit for elder abuse within the office of the District Attorney;
- Publishing a "Safe Seniors" newsletter to inform the public of issues regarding elder abuse including a list of recent prosecutions;
- Making elder abuse a priority for law enforcement and prosecution;
- Dispelling the myths about seniors that are barriers to law enforcement investigation and to prosecution. These fallacies are listed in Appendix A.

The Grand Jury also became aware of a program under the jurisdiction of Adult Mental Health Services: Psychiatric Evaluation Response Team (PERT). PERT will send an on-site specialist to law enforcement agencies to assess adults who show signs of dementia. The county does not charge for these services, but only a few cities avail themselves of this resource.

---

<sup>9</sup> Orange County Adult Protective Services Fact Sheet,, Last updated 02/02/12

D. Information Technology

The Public Administrator/Public Guardian (the PA/PG) is now under new management. In past years, the Grand Jury wrote two reports that were critical of this agency. The 2008-2009 Grand Jury explained, "Information technology provides an essential role in the effective operation of any agency"<sup>10</sup> and that the computer system under review was, "inadequate for its intended task". Additionally, a 2006 report from the Internal Audit Department found Information Technology to be a "Significant Issue"<sup>11</sup>. Since 2006 or earlier, the computer systems have not been efficient in providing information and statistics in order to document findings and to operate a complex agency. The PA/PG purchased a system with a new vendor a few years ago, but they report the computer has never been fully operational. The PA/PG is currently working with another system and considering a purchase. The Grand Jury considers that county governmental agencies and departments must have effective computer technology that serves the needs of the community.

E. Definitive Study

The Grand Jury determined that a more definitive study in the future would be necessary to address these specific issues. The Grand Jury is especially concerned because of the steadily rising increase in elder abuse as well as the expected population increase in coming decades

**Factors in Elder Abuse**

Multiple factors (listed below) contribute to elder abuse and combine to produce a perfect storm that may stress existing social systems beyond their limits.

- **Demographics**

Elder abuse occurs in all socioeconomic strata, subcultures, religions and neighborhoods. The abused may be male, female, married, divorced, single, successful or unsuccessful.

- **Economics**

The current economy has exacerbated the upward trend of elder abuse. Many elders or their family caregivers have less money and more difficulty finding jobs, or making ends meet. The housing crisis has created extended families that may increase unhealthy interactions between the older and younger generations. Many families have fewer resources in terms of time and money with which to support the older generation. Additionally, all levels of the government are balancing increasing societal needs with decreasing revenues.

---

<sup>10</sup> 2008-2009 Grand Jury Report, "Guardian of Last Resort"

<sup>11</sup> Consolidated Audit Report of the PA/PG, January 19, 2006

- **Ethnicity**

Orange County has an extensive ethnic and language diversity. Some elders or caregivers have limited English skills and have difficulty using available resources. Cultural patterns may create difficulties for individuals to seek assistance from strangers or governmental agencies.

- **Family**

In modern American life, families are often spread out over vast geographical areas. Many elders thrive in their own communities, but some are unable to fend for themselves without the bond of relatives. Seniors may also develop an increase in dementia or a decrease in physical capacities and if they have no families to help they may engage in a pattern of self-neglect. An increasing number of elders live with their families because of illness or disability combined with financial considerations. Additionally, adult children who struggle to make ends meet may be less able to care for elders. Some families may also play an unfortunate role as most abusers are relatives.

Family caregivers are often ignored. Many adults are now members of a “sandwich” generation caught between the needs of the older and younger generations while still earning a living and maintaining a home. Caregivers themselves need understanding, education, training and sometimes respite care to continue providing for all the requirements of an extended family.

- **Risks of Abuse**

Elders who suffer from dementia, illness or injury are at greater risk of abuse because they have a higher level of vulnerability combined with a decreased ability to report crimes committed against them. Most dementia in the elderly is created by Alzheimer’s disease that progressively destroys brain cells, but other causes exist.

Comparative age plays a role in the incidents of elder abuse with the very oldest being the most vulnerable. Those over 85 have a 50% chance of suffering incapacitating dementia<sup>12</sup> and also have a six-fold increase in the incidents of abuse compared with seniors in the 65-84 age bracket.<sup>13</sup>

Social isolation can lead to a greater vulnerability to abuse. Elders who do not have close friends and family can deteriorate more quickly than elders who are socially engaged. Lack of companionship or social outlets can cause depression.<sup>14</sup>

### Types of Elder Abuse

The 2011-2012 Grand Jury prepared composite stories to illustrate elder abuse in Orange County for insertion into this section.

---

<sup>12</sup> Sandal, Diane and Hudson, Lois; *Ending Elder Abuse*; QED Press, Fort Bragg, California; 2008

<sup>13</sup> Orange County Adult Protective Services Fact Sheet, Last updated 02/02/12

<sup>14</sup> Quinn, Mary Jo and Tomita Susan; “*Elder Abuse and Neglect*”; 1996

CONFIDENTIAL

## 1. Financial Abuse

Families, friends or strangers can strip seniors of money, possessions and resources. Elders with cognitive impairments have a much higher risk of financial abuse. Predators are adept at creating scams aimed at the elderly. The Council on Aging stated that financial abuse of seniors “is the rampant, insidious crime of the millennium”. Improved laws that mandate reporting by financial institutions have increased the volume of reporting. Methods of financial abuse are:

- Burglary
- Extortion
- Intimidation
- Forgery
- Fraud
- Scams – by internet, mail, personal contact or phone
- Theft
- Threats

*Story: The Loving Daughter*

*Mrs. B. was a widow with Alzheimer's. She moved into the home of her daughter and son-in law and agreed to pay \$500.00 every month for her room, board and care. As the dementia progressed, her daughter persuaded Mrs. B. to move funds periodically from investments into the checking account. Every day the daughter informed Mrs. B. that it was a new month. Every day Mrs. B. wrote another \$500.00 check until her funds were depleted.*

*Story: The Grandma Scam*

*An imposter called an elder in the middle of the night and pretended to be her grandson. He explained that he had been arrested in Canada. The concerned grandmother sent a large sum of money to rescue her “grandchild”. Grandma later discovered that her real grandson was fine and she had been defrauded.*

*Story: The Good Samaritan*

*Mr. C. met a caring middle-aged woman at his church. She offered to clean his house and cook his meals for a reasonable fee. She eventually moved into his home and persuaded Mr. C. to allow her access to his financial accounts. When she left six months later, Mr. C. learned that she has stolen all his assets.*

## 2. Physical Abuse

Physical abuse of elders can result from the intentional cruelty or indifference of caregivers. Special training is often needed to teach caregivers how to handle the difficulties of elders with dementia. Without guidance, many caregivers respond with anger and impatience and become abusive. Regardless of the causation of the abuse, elders may be hospitalized with broken bones or organ damage. The abuse may be so severe it can lead to death.

*Story: Fathers and Sons*

*Mr. D. was hospitalized after an attack by his son who was his caregiver. His son was an alcoholic and frequently beat his bedridden father. After a neighbor called 911, Mr. D. was placed in a board and care home and his son was sentenced to jail.*

Statistics: In 2011, Orange County Adult Protective Services received 7,238 reports of abuse with 28% for dependent adults with disabilities in the 18-64 age brackets. Of the total, 72% was for seniors 65 or older.<sup>15</sup>

Red flags of physical abuse:

- Obvious bruises, lacerations, abrasions, fractures, welts, discoloration or swelling with no clear cause or explanation;
- Pain or tenderness on mere touch;
- Burns caused by cigarettes, ropes or other bonds;
- Elder is withdrawn or demonstrates dramatic change in behavior.

## 3. Emotional Abuse

Elders may be subject to emotional abuse from caregivers in an oral form such as yelling, criticism, disparagement or harassment. Emotional abuse also occurs when caregivers deny elders opportunities for companionship, spiritual activities or intellectual stimulation. Elders may respond with confusion, agitation, fear and depression. Some elders suffer serious emotional abuse due to threats, coercion and intimidation.

**CONFIDENTIAL**

---

<sup>15</sup> Orange County Adult Protective Services Fact Sheet,, Last updated 02/02/12

*Story: The Scapegoat*

*Mrs. S. lived with her divorced son and his teenage children. Her son was verbally abusive with all family members and her adolescent grandchildren followed the role modeling of their father. Mrs. S. became the family scapegoat until she finally called the Office on Aging. She was given helpful suggestions and she decided to move to an assisted living home. She now lives in a serene, happy environment.*

Red flags of emotional abuse are the appearance of:

- Fear, confusion or withdrawal
- Depression
- Unusual mood changes or anger
- Fear of being touched or approached by others
- Unusual introversion or withdrawal

#### 4. Sexual Abuse

Rape occurs among the oldest and most vulnerable of all. Sexual abuse is terrible at any age, but takes a greater toll on the fragile bodies and minds of the aged.

*Story: The Home Owner*

*Mrs. R. engaged a handyman to do some work on her home. When Mrs. R. refused to give him money in advance, he raped and beat her. He was prosecuted and sentenced to prison. Mrs. R. is still afraid to leave her home or answer the door. She lives in isolation.*

#### 5. Neglect

Caregivers become neglectful for many reasons including indifference and lack of empathy or compassion. Many caregivers have the pressures of careers and family/domestic responsibilities.

*Story: The Meth Lab Home*

*Mrs. S. was an 87 year old widow who lived in a mobile home. Her out-of-state niece called 911 after being unable to contact her aunt. When the police arrived, they discovered the woman was living in a meth lab built and maintained by her son who was her caretaker. Mrs. S. was alone and unable to leave her bed. Her caretaker was arrested and Mrs. S. was moved to a board and care home.*

*Story: The Unaware Caregiver*

*A 70 year old woman suffered a stroke, was confined to bed and unable to speak well. Her granddaughter moved into the home to help. The granddaughter did not understand the needs of the grandmother who developed severe bedsores. A spring from her bed actually penetrated her flesh and caused excruciating pain. Fortunately a friend visited and immediately called 911. The woman was hospitalized and was eventually able to use the resources available in Orange County.*

Red Flags of Neglect

- Lack of basic hygiene
- Lack of adequate food
- Lack of medical aids (glasses, walker, teeth, hearing aid, medications)
- Lack of clean appropriate clothing
- Person with dementia left unsupervised
- Bed bound person left without care
- Untreated pressure sores "bed sores"
- Sudden weight loss or signs of dehydration or malnutrition

**6. Self-Neglect**

Elders have spent many years of their lives in independence and self-sufficiency. They may find difficulty in adjusting to older bodies and fragile minds. Self-neglect creates massive problems for elders. They may fail to eat nutritious food or keep medical appointments. In some cases they represent a serious hazard to themselves and others around them.

Red Flags of Self Neglect

Inability to:

- Provide personal care or
- Obtain food, water, medical care, medications.

CONFIDENTIAL

*Story: The Greatest Generation*

*Mr. D. survived the Great Depression and served in the military during World War II and Korea. He was always fiercely independent and proud of his ability to care for his wife and children. His wife died when he was 75 and he slowly began to feel the impact of aging on his body and his mind. He continued to drive even though he could barely see to navigate. He lived on a simple diet of cereal and sandwiches. He often forgot to pay bills. His concerned children contacted Adult Protective Services. Meals on Wheels provided nutritious food for him. His family arranged for him to attend an adult day center which gave him companionship and intellectual stimulation. Because of the assistance that he received, the quality of his life improved dramatically and he was able to remain in his own home for many years.*

## **7. Abandonment**

Some elders have serious problems of dementia or physical impairments. Family caregivers may abandon these elders and it can be difficult for law enforcement to discover the identity of the elders or the caregivers.

## **8. Abduction**

Caretakers sometimes take control of the lives of elders and may move elders into another state without permission. Regardless of age; adults have a right to make their own decisions. Abduction has been defined as “The removal from this state and the restraint from returning to this state of any elder or dependent adult who does not have the capacity to consent to this removal.”<sup>16</sup>

## **9. Isolation**

Caretakers may prevent elders from receiving mail, phone calls or visitors. Caretakers may even use restraints to prevent elders from meeting with others.

---

<sup>16</sup> Council on Aging; “OC Senior Guide 2012”



## FINDINGS/CONCLUSIONS

In accordance with *California Penal Code* Sections §933 and §933.05, the 2011-2012 Orange County Grand Jury requires responses from each agency affected by the **Findings/Conclusions** presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its research into Elder Abuse, the 2011-2012 Orange County Grand Jury makes the following five Findings/Conclusions:

F1. Elder abuse reporting has been rising and will probably increase because of a projected expansion in the population partially due to an influx of baby boomers.

F2. Increased oversight would improve coordination and communication among county agencies and departments.

F3. Reviewing procedures in law enforcement agencies, law enforcement academies under Orange County government jurisdiction and the District Attorney's office could improve recognition of elder abuse

F4. The computer system in the Public Guardian's Office has been "inadequate for its intended use"<sup>17</sup> for many years impacting the ability of the Public Guardian to provide documentation in areas of elder abuse.

F5. A more definitive study is necessary to address four specific concerns within the area of elder abuse:

- A. Oversight over coordination and communication between agencies;
- B. Outreach and communication to the general public;
- C. Review of law enforcement and prosecution;
- D. Effective Information Technology to manage data flow.

## RECOMMENDATIONS

In accordance with *California Penal Code* Sections §933 and §933.05, the 2011-2012 Orange County Grand Jury requires responses from each agency affected by the **Recommendations** presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its research into Elder Abuse, the 2011-2012 Orange County Grand Jury makes the following seven recommendations:

**CONFIDENTIAL**

---

<sup>17</sup> 2008-2009 Grand Jury Report, "Guardian of Last Resort"

**R1.** By October 1, 2012, the Board of Supervisors should establish a one-year independent, volunteer commission, consisting of private citizens (including members of various oversight committees), to conduct a comprehensive study of the effectiveness of elder abuse resources in Orange County focusing on the following:

- A. The prevalence of elder abuse and the probable increase in the future;
- B. The efficacy of individual county agencies and departments;
- C. Interactions with Orange County agencies/departments and non-profit organizations that provide senior resources;
- D. The availability of outreach and communication to citizens concerning elder abuse;
- E. The procedures of law enforcement agencies to investigate reports of abuse; and
- F. The procedures used by the District Attorney's office to determine prosecution.

**R2.** By October 1, 2012, the Board of Supervisors should direct the Office of the Performance Audit Director to evaluate Adult Protective Services, The Office on Aging, Adult Mental Health Services and The Public Guardian. The evaluation would determine their individual effectiveness; assess their coordination and communication; and discover any overlap in services among them.

**R3.** By October 1, 2012, the County Executive Officer should direct the Information Technology Department to evaluate the computer system of The Public Administrator/Public Guardian to insure that this agency has a full capacity to report, coordinate and monitor elder abuse.

**R4.** By December 31, 2012, the County Executive Officer should review agencies and departments within his purview to determine if they provide an effective response to elder abuse without any duplication of responsibilities.

**R5.** By December 31, 2012, the Sheriff's Department and city police departments should evaluate and update their programs on responding to elder abuse cases.

**R6.** By December 31, 2012, the District Attorney should direct staff to review all procedures for prosecution of elder abuse cases.

**R7.** By December 31, 2012, the District Attorney should direct staff to review current information available throughout the country concerning elder abuse in order to design an updated program for prosecution.

#### **REQUIREMENTS AND INSTRUCTIONS:**

In accordance with *California Penal Code* Sections §933 and §933.05, the 2011-2012 Orange County Grand Jury requires responses from each agency affected by the **Findings/Conclusions** and **Recommendations** presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

*“Not later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section §914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations.*

- (a.) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b.) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not warranted or is not reasonable, with an explanation therefore.
- (c.) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /

or personnel matters over which it has some decision making aspects of the findings or recommendations affecting his or her agency or department.

- (d.) The Board of Supervisors, District Attorney and Sheriff-Coroner are required to respond to findings and recommendations. All other agencies set forth in the matrix are requested to respond.

Elder Abuse in Orange County

Table No. 1 – FINDINGS – RESPONSE MATRIX

| NAME OF ENTITY  | F1 | F2 | F3 | F4 | F5 |
|---|----|----|----|----|----|
| COUNTY  |    |    |    |    |    |
| Adult Mental Health Services: Health Care Agency      | X  | X  |    |    |    |
| Adult Protective Services: Social Services Agency     | X  | X  |    |    |    |
| Board of Supervisors                                  | X  | X  |    |    | X  |
| County Executive Officer                              | X  | X  |    | X  | X  |
| District Attorney                                     |    |    | X  |    |    |
| Office on Aging: OC Community Resources               | X  | X  |    |    |    |
| Public Guardian: Public Administrator/Public Guardian |    |    |    | X  |    |
|   |    |    |    |    |    |
| LAW ENFORCEMENT AGENCIES:                             |    |    |    |    |    |
| OC Sheriff's Department: County & Contract Cities     |    |    | X  |    |    |
|   |    |    |    |    |    |
| Anaheim Police Department                             |    |    | X  |    |    |
| Brea Police Department                                |    |    | X  |    |    |
| Buena Park Department                                 |    |    | X  |    |    |
| Costa Mesa Police Department                          |    |    | X  |    |    |
| Cypress Police Department                             |    |    | X  |    |    |
| Dana Point Police Department                          |    |    | X  |    |    |
| Fountain Valley Police Department                     |    |    | X  |    |    |
| Fullerton Police Department                           |    |    | X  |    |    |
| Garden Grove Police Department                        |    |    | X  |    |    |
| Huntington Beach Police Department                    |    |    | X  |    |    |
| Irvine Police Department                              |    |    | X  |    |    |
| La Habra Police Department                            |    |    | X  |    |    |
| La Palma Police Department                            |    |    | X  |    |    |
| Laguna Beach Police Department                        |    |    | X  |    |    |
| Los Alamitos Police Department                        |    |    | X  |    |    |
| Newport Beach Police Department                       |    |    | X  |    |    |
| Orange Police Department                              |    |    | X  |    |    |
| Placentia Police Department                           |    |    | X  |    |    |
| Santa Ana Police Department                           |    |    | X  |    |    |
| Seal Beach Police Department                          |    |    | X  |    |    |
| Tustin Police Department                              |    |    | X  |    |    |
| Westminster Police Department                         |    |    | X  |    |    |

CONFIDENTIAL

Elder Abuse in Orange County

Table No. 2 – RECOMMENDATIONS – RESPONSE MATRIX

| NAME OF ENTITY                                    | R1 | R2 | R3 | R4 | R5 | R6 | R7 |
|---|----|----|----|----|----|----|----|
| COUNTY  |    |    |    |    |    |    |    |
| Board of Supervisors                              | X  | X  |    |    |    |    |    |
| County Executive Officer                          |    |    | X  | X  |    |    |    |
| District Attorney                                 |    |    |    |    |    | X  | X  |
|   |    |    |    |    |    |    |    |
| LAW ENFORCEMENT                                   |    |    |    |    |    |    |    |
| OC Sheriff's Department: County & Contract Cities |    |    |    |    | X  |    |    |
|   |    |    |    |    |    |    |    |
| Anaheim Police Department                         |    |    |    |    | X  |    |    |
| Brea Police Department                            |    |    |    |    | X  |    |    |
| Buena Park Department                             |    |    |    |    | X  |    |    |
| Costa Mesa Police Department                      |    |    |    |    | X  |    |    |
| Cypress Police Department                         |    |    |    |    | X  |    |    |
| Dana Point Police Department                      |    |    |    |    | X  |    |    |
| Fountain Valley Police Department                 |    |    |    |    | X  |    |    |
| Fullerton Police Department                       |    |    |    |    | X  |    |    |
| Garden Grove Police Department                    |    |    |    |    | X  |    |    |
| Huntington Beach Police Department                |    |    |    |    | X  |    |    |
| Irvine Police Department                          |    |    |    |    | X  |    |    |
| La Habra Police Department                        |    |    |    |    | X  |    |    |
| La Palma Police Department                        |    |    |    |    | X  |    |    |
| Laguna Beach Police Department                    |    |    |    |    | X  |    |    |
| Los Alamitos Police Department                    |    |    |    |    | X  |    |    |
| Newport Beach Police Department                   |    |    |    |    | X  |    |    |
| Orange Police Department                          |    |    |    |    | X  |    |    |
| Placentia Police Department                       |    |    |    |    | X  |    |    |
| Santa Ana Police Department                       |    |    |    |    | X  |    |    |
| Seal Beach Police Department                      |    |    |    |    | X  |    |    |
| Tustin Police Department                          |    |    |    |    | X  |    |    |
| Westminster Police Department                     |    |    |    |    | X  |    |    |

APPENDIX A

Paul Greenwood, a district attorney in San Diego County, has spoken before Congress and across the county to dispel the myths (see below) that are barriers to law enforcement and prosecutors in the area of elder abuse.

Myth 1: Elderly people are bad witnesses.

Myth 2: If a victim refuses to provide information, law enforcement can do nothing.

Myth 3: No crime is committed if an elderly victim gives money voluntarily.

Myth 4: No victim exists if the financial institution reimburses the loss and no one seeks prosecution.

Myth 5: Prosecutions never occur if a victim is deceased before a crime is discovered.

Myth 6: Any case where the elderly victim is involved in a dispute over money in home repair is always a civil matter.

Myth 7: Suspects of elder abuse crimes never call 911.

Myth 8: Elders should not report an incident to law enforcement because nothing will be done.

Myth 9: All elderly people die from natural causes.

Myth 10: Law enforcement and the District Attorney have more important cases.

APPENDIX B

References:

- Center of Excellence on Elder Abuse and Neglect Fact Sheet; University of California, Irvine
- California State Guide to Elder Abuse, 2011
- Council on Aging; *“OC Senior Guide 2011”*
- Council on Aging; *“OC Senior Guide 2012”*
- Dezall, Maureen; *Guide to Alzheimer’s Disease*
- Elder Abuse Forensic Center information, <http://www.elderabuseforensiccenter.com>
- Grand Jury Report *Guardian of Last Resort*; 2008-2009
- Grand Jury Report *The Long-Term Care Ombudsman Program*; 2005-2006
- Greenwood, Paul, San Diego District Attorney; Power Point Presentation,
- The Gerontological Society of America; March 27, 2012

- Internal Audit Department County of Orange Report; January 19, 2006
- Orange County Adult Protective Services Fact Sheet; 01/25/11
- Quinn, Mary Jo and Tomita Susan; *“Elder Abuse and Neglect”*; 1996
- Sandal, Diane and Hudson, Lois; *Ending Elder Abuse*; QED Press, Fort Bragg, California; 2008

## APPENDIX C

*“Our society must make it right and possible for old people not to fear the young or be deserted by them, for the test of a civilization is the way it cares for helpless members.” Pearl S. Buck<sup>18</sup>*

**Orange County Governmental Resources** Orange County is fortunate to have many governmental resources to combat elder abuse.

### Adult Mental Health Services

The Health Care Department has a sub-section devoted to Adult Mental Health Services that provides much needed assessment and treatment for the dementias (including Alzheimer’s disease) that can be a part of the aging process. 714-972-3700

### Adult Protective Services

Adult Protective Services (APS) is a part of the Social Services Agency and assists senior adults (65 or older) and disabled, dependent adults (ages 18-64). APS investigates reports of abuse (with the exception of those in nursing homes who are under the jurisdiction of the Ombudsman as noted below). APS evaluates and provides options to protect elders and also helps link victims and family members to community resources. An APS Senior Social Worker will assist in developing plans for elders and families. All APS reports are held strictly confidential and that eases the fear of being identified as the person who reported the abuse. APS can also recommend resources within Orange County to elders, families and caregivers that can help to prevent further incidents of abuse. Additionally, APS will report cases of abuse to law enforcement as needed. 1-800-451-5155

### The Coroner/Medical Examiner

The Medical Examiner performs death reviews to determine how the person died. These reviews, based on current medical knowledge, can help authorities discover if elder abuse could be the cause of death.

---

<sup>18</sup> Pearl S. Buck; *My Several Worlds*: 1954



The District Attorney's Office

The District Attorney's Office is the last step in the criminal justice process. Individual district attorneys evaluate cases of abuse and determine whether to prosecute. 714-834-3600

Law Enforcement

Some cities have individual police forces and others contract with the County Sheriff's Department. The Sheriff's Department is also responsible for unincorporated areas of Orange County. In emergencies, abused adults or caregivers can directly call these agencies to report abuse. Many reports of abuse are first directed to APS (Adult Protective Services) who then may notify law enforcement.

Office on Aging

The Office on Aging is part of Orange County Community Resources. They have a call-in center that provides information and resources to caregivers and older adults. They have capable Information & Assistance Specialists who provide help with a myriad of services and resources throughout Orange County. Many staff members are bi-lingual and are able to assist with Orange County's diversified population. Staff can provide translation resources in more than 240 languages. The Office on Aging also administers approximately \$15 million in funds from federal, state, and local sources to services for seniors including adult day care and elder abuse prevention. For Information and Assistance call: 714-567-7500

The Public Guardian

The Public Guardian is part of a larger entity – the Public Administrator/Public Guardian (PA/PG). The Public Guardian can become a court appointed conservator for elders with no family, including elders who have been abused. Additionally, elders can be monitored to prevent future abuse. The Public Guardian staff evaluates, recommends living arrangements, pays bills and guides the well-being of clients. 714-567-7660

Orange County Private Resources

Orange County has many private organizations whose mission is to improve the quality of life for seniors.

Adult Day Services

Adult Day Care providers have centers throughout Orange County for elderly clients. Providers, located in various cities, may be non-profit or for profit organizations. The centers are usually open during daytime hours Monday through Friday and provide social, medical and educational support for elders. The Grand Jury visited one organization in Orange County. Seniors were provided with nutritious food and assistance with medication. Clients had multiple opportunities to interact socially, stimulate their minds with games and engage in physical exercise. This center provided a daily basic health check, nursing supervision, classes and support services for

## Elder Abuse in Orange County

---

clients and families of clients. These centers may be profit or non-profit. Many clients receive assistance from the State of California to pay for these services. Many caregivers, who may be overwhelmed by the constant needs of elders, enjoy a respite from their responsibilities while the seniors are receiving care.

### Council on Aging

The Council on Aging is a non-profit organization devoted to providing information and education to the community about the multiple problems faced by aging citizens. The Council on Aging receives funding from a variety of sources including the County of Orange and has many organizations under their umbrella. 714-479-0107

- The Council on Aging publishes an informative yearly book "*Senior Guide OC*" that lists resources in Orange County. 714-479-0107
- Caring Connections Friendly Visitors that, "alleviates the physical and mental health risks linked to social isolation by offering a supportive social structure of trained volunteers who visit frail secluded older and disabled adults (18 years and older) who have lost their social network." <sup>19</sup> 714-479-0107
- Financial Abuse Specialist Team (FAST) provides education on preventing financial abuse and educating seniors who face problems in this area. Public and private organizations refer clients to FAST and they assist in more than 200 cases in Orange County every year. 714-479-0107
- Health Insurance Counseling and Advocacy Program (HICAP) is sponsored by the Council on Aging. Trained volunteers provide education and individual counseling regarding Medicare and related issues. 714-479-0107
- The Long Term Care Ombudsman Program is state and federally mandated and is responsible for patients in skilled nursing homes and residential care facilities. Trained volunteers provide extra assistance to patients in problem resolution and "provide a voice for those unable to speak for themselves" "The Ombudsman Program is the reporting agency for any suspected abuse that occurs in licensed long-term care facilities". <sup>20</sup> 1-800-300-6222

### Elder Abuse Forensic Center

The Elder Abuse Forensic Center, created through a grant from a private foundation, is the premier forensic center in the nation. The co-directors are a doctor with a specialty in geriatric medicine and a gerontologist. Together they help to diagnose and treat patients who have been affected by elder abuse. The center also meets weekly with other agencies and organizations in Orange County to review cases. 714-456-5530 or 714-835-3087

---

<sup>19</sup> Council on Aging; "*OC Guide 2012*"

<sup>20</sup> Grand Jury Report *The Long-Term Care Ombudsman Program*; 2005-2006

### Human Options

The mission statement of Human Options is "To help battered women, their families and our community break the cycle of domestic violence."<sup>21</sup> This organization is available to assist with elder abuse in Orange County. 877-854-3594

### Meals on Wheels

Two non-profit organizations in Orange County provide the Meals on Wheels program: Age Well in South County and Community SeniorServ in North County. The Meals on Wheels programs provides nutritious food (at a reasonable cost) for seniors on limited incomes and no family assistance who are physically unable to shop or cook for themselves.

### Senior Centers

Senior Centers are usually funded by individual cities. Centers provide many forms of social interaction as well as lunches, games, activities, education and physical fitness. Senior Centers are a valuable resource for information about activities for elders.

## APPENDIX D

### Legal Remedies for Elder Abuse

If elders, families, friends or caregivers encounter a problem with abuse, neglect or self-neglect they should take the following actions:

- If a situation appears to be life threatening or a crime is in progress, **immediately** call 911 or your local law enforcement agency.
- If an elder is the victim of abuse in the community, call the Adult Protective Services 24 hour line at 1-800-451-5155; TTY (for hearing impaired) 714-825-3207.
- If an elder is the victim of abuse in a licensed facility, call the Long-Term Care Ombudsman Service at 714-479-0107.

**Abuse may escalate without an intervention - do not delay in calling for help**

CONFIDENTIAL

---

<sup>21</sup> Human Options pamphlet: <http://humanoptions.org>. Pamphlet