

Statewide FAST Meeting Minutes

Archstone EANI Project Convening - February 25, 2010.

Westin Hotel, Costa Mesa, Executive Board Room 2:15-4:00 p.m.

Attendees: Terri Restelli-Deits, Tristan Svare, Gayle Powers, Jeremy Oliver, Julie Schoen, Karen Stenson, Debbie Deem, Molly Davies, Jeannie West, Lisa Nerenberg, Laura Giles, Mary Counihan, Carolyn Ryan, and Julia Wysong (minutes)

Julia: Welcome, introduction and overview of agenda.

Lisa Nerenberg: California Elder Justice Workgroup (CEJW) project overview. CEJW is working to create a statewide blueprint for elder advocacy and is focusing on four areas, (1) Reporting / Response, (2) Long Term Care system, (3) Financial Abuse, and (4) the Justice System. The current objectives are to gather information and identify what is working well and well as barriers and issues to advocacy. Specific to financial abuse issues (see "Hot Button" worksheet for ideas previously compiled): what kind of services do victims need?

Tristan Svare: In regards to law enforcement and undue influence—this is not currently recognized as a crime. There is a need for education and outreach for prosecutors and law enforcement.

Lisa: Is there a need for legislation to have undue influence designated as a crime?

Tristan: Undue influence is a means to and end. Note the San Mateo County Brat case, which brought undue influence into a criminal case. It is not in itself a crime. The way around this ruling is education to teach what can be used in court.

Julie Schoen: Confirms.

Terri Restelli-Deits: Undue influence seen all the time.

Debbie Deem: Loss of executive functioning is not quite capacity loss and lends to increased susceptibility to undue influence.

Jeanne West: In cases of borderline capacity and undue influence, am often unable to move forward.

Jeremy Oliver: There is a lack of qualified experts to testify.

Karen Stenson: Confirms. Perpetrators are getting bold, just taking the money.

Gayle Powers: Agrees. APS focuses on how to resolve the issue of lost means to survive. The goal is to stop the bleeding of assets. Tools used are trainings for APS social workers on (1)

power of attorney and trust law by elder law attorneys, and (2) client relations, especially in cases with undue influence so social workers don't overpower the client. Perpetrators are using creative methods to access a victim's funds held in a trust. Probate court can be a forum where you send the elder out in more trouble than what they were in before.

Debbie: Please use term financial exploitation rather than abuse as many elders may not consider themselves abused. The word "Exploitation" expresses the broader scope of the issue and encompasses more seniors. Many victims have complete capacity, fall into the scams, and this is different than the public conception of "Abuse," which is seen as more hardcore. There are research questions that arise in this issue, a need to define vulnerability, create services for other types of victims would also benefit victims of elder financial abuse / exploitation—for example, legal and credit services. The problem is that these victims are not seen as a priority.

Terri: Executive functioning deficits may not show up on any mini mental Solano FAST's coordinator is a retired detective from Vacaville PD's Elder Abuse Unit shared a case where elderly victim presented well to interviewers, but when assessed by a Neuropsychologist with expertise in assessing executive functioning, doctor reported severe deficits in executive functioning and the most egregious case to date. This emphasizes the need for additional education, a training design that can be replicated across departments.

Lisa: There will be a speaker at the summit on capacity issues to address the education need. Do FASTs have capacity experts?

Tristan: San Bernardino County FAST has a Geriatrician.

Terri: Solano County FAST has a Geriatrician and Neuropsychologist

Molly: LA FAST is the same, but this doesn't always meet the team's need. The burden of the workload sits on one person.

Gayle: Same. The point is that after establishing capacity, there needs to be a working plan for the client. You still have to make sure that law enforcement follows up on cases. Most important is a plan of action to mitigate the risk to stop the bleeding.

Terri: There is a need for a pool of experts in courtrooms.

Debbie: The goal of stopping the hemorrhaging of money loss can be a long term process. The way APS is structured, they are in there for the short term but what we need are services for victims. Scam victims are being called sometimes 3 times a day and more, and how do we get services to the victims? We don't give up on Domestic Violence victims and we shouldn't give up on elder abuse victims either. How do we get them services so they don't become a victim again? Law enforcement doesn't see that as their job. There is a need for more services for chronic victims. A rehabilitative approach should be a focus.

Gayle: Sometimes senior centers facilitate abuse. There is a need for education at senior centers. We need to be careful that we don't intellectualize what we do; the first priority is really about stopping the bleeding.

Once a judge hears that there is a loss, there are ways to stop the bleeding. You need education to understand options for interventions. There is a lot of progress out there.

Jeremy: Probate Code 2962 is a very useful tool. Barriers: budget cuts and law enforcement, you train one officer and they may be replaced with one without this training.

Lisa: Who is using 2952? Is there an issue of training for law enforcement? Why is this used in some counties and not others?

Jeremy: There needs to be a commitment in addition to training.

Tristan: It is not just training of patrol officers, but the people who will be using it, court, DA, chiefs.

Debbie Deem: Related problem is that a lot of law enforcement agencies not willing to take a report, no matter what probate code you use. Many are not willing to take reports on mass-marketing fraud. There needs to be massive educational efforts on reporting laws for law enforcement at every stage to make sure that law enforcement takes the reports.

Lisa: What about existing trainings? Need to train APS social workers and law enforcement. How much elder abuse training is provided in POST trainings and training for law enforcement?

Tristan: POST offers a basic 2 hour video training. More specific training is determined by the county. UC Irvine and Orange County puts on additional extensive training. They just need to sit through a 2-hour video 2x a year to meet requirements.

Debbie: In other counties, law enforcement is not taking reports.

Many, in unison: Yes.

Tristan: Part of it is the way it is explained to the officer, they may not be realizing the criminal side.

Debbie: It's a problem when the criminal is not in the U.S. A big issue when reports are not taken sends a message to the victim that this is not a crime, and it is okay to do.

Tristan: It becomes an issue of community agency collaboration to get the victim to return to law enforcement (APS, FASTs, etc.)

Gayle: This confirms that cross reports are helpful in helping these victims. The problem is that this is not a priority with international crimes, with the FBI and ICE.

Terri: There is a need for education of these agents on this problem, and that there is a lack of priority.

Lisa: Indicates a need for research.

Debbie: We can't make arrests in other countries. There are few resources to deal with victims. The focus should be on mitigating risk, even if investigation doesn't happen. But even still, a report needs to be taken.

Lisa: Is this an issue of training?

Debbie: Yes, education on agencies who one can report these crimes to.

Terri: At the state level, and to the FBI. Solano FAST begins each meeting with an educational component.

Debbie: Part of the issue is unless – FBI is supposed to turn in the reports to Consumer Sentinel. You can find them online at <http://www.ftc.gov/sentinel/> or www.FTC.gov and do a search for consumer sentinel – if the crime is logged, you can close down the SCAM. There is access to other reports that have been made. The APS worker conversant enough and making sure that someone is looking over the cases to ensure they go back.

Lisa: Any issues with current state of financial abuse and exploitation investigation / victim resolution not discussed so far? What types of cases are particularly challenging?

Tristan: There are housing issues, perpetrators are stealing victim's homes. Some counties have emergency victim shelter service, but this needs funding from county to county.

Mary Counihan: The protective custodies statute in the W&I Code requires that victims have shelter in case of an emergency. The problem is that counties don't have funding to provide this-- often the emergency protection services are a line item that each county funds at different levels.

Molly: There is an LA county report that showed that this funding was not being accessed. Back to a lack of resources: international perpetrators are a problem. There are situations where the perpetrators get more attention from the victim than family members. The department of mental health helps with mental health victims. If there is no mental health issue, there is no support for the case. Phone services and best practices.

Jeremy: More reporting can lead to more victim services.

Debbie: The problem is that victim witness services only serves people of violent crimes but not white collar crimes.

Gayle: There is a Senior Volunteer Patrol focusing on elder abuse crimes and collaborating with social workers to help vulnerable adults, not just victims of crimes. There is no cost to the client and it provides ongoing services and attention for the individual. Other counties have senior patrols, San Diego County has a model.

Terri: I have been very involved in Mental Health Services Act activities at local and state levels and was appointed to the Mental Health Oversight Accountability Commission Services Committee as older adult representative and urged all counties to become actively engaged in Mental Health Service Act activities in their county, planning, implementation, development, and ensuring that older adults are being served through Proposition 63 funds, including Prevention and Early Intervention (PEI) funding. Since 51% of Prop 63 funds were automatically allocated to age groups 0-25 (optional for very small counties), it is critical that older adult representatives are represented at not only the planning tables, but program development, implementation, [workforce education, statewide project planning, suicide prevention, stigma reduction].

Lisa: Need for a worksheet of needed services for financial abuse and exploitation victims.

Carolyn: Long Term Care institutions are also stealing money from elders.

Molly: Sometimes the rent is not being paid by family members of the resident. This is seen as a civil matter, but it should be seen as financial abuse. It is hard to get these cases looked at.

Lisa: Do people know where to go?

Molly: In Long Term Care facilities, they go to the Ombudsman. Power of attorney, trust issues become unclear to those reporting. Many employees of these facilities know to block notaries from a resident who lacks capacity. There is a gap in victim and mental health services for nursing home residents. If it is a financial POA, perpetrators know the Ombudsman don't have any responsibility to witness signing of POA, but if it is a health POA,, LTC Ombudsman is required to witness the signing for nursing home residents.

Julie: There are challenges to getting services nursing home residents. Right now, the Orange County FAST is trying to work with banks. There should be a way to get the money into the account and out of the abuser's hands. Cases get bounced between Dept. of Justice and law enforcement. There is a lack of services for un-befriended elders who end up homeless.

Lisa: Last question; any thoughts on the role of forensic centers? What types of forensic center research and expertise is needed in financial abuse cases? To clarify, forensic centers offer research, witness experts, training, forensic capacity assessments. Is more of this needed in financial abuse cases?

Tristan: Without the work of Archstone to build capacity of forensics that is essential to the success of these cases, we would not be as far as we are today. Added is the need for more geriatricians, forensic accountants, social workers, prosecutors, and expertise in undue influence and other aspects of elder abuse.

Jeremy: Also need more experts on undue influence.

Debbie: Need more collaboration between law enforcement between local and federal levels. We share our victims together and we need to share the cases. More and more, these are cases that good law enforcement are following up on and unless all law enforcement register these cases, they won't have them in the databases like Consumer Sentinel that exist to catch them. Perpetrators are coming to US, laundering multi-jurisdictional.

Lisa: Do Forensic centers include federal law enforcement?

Mary: In San Francisco yes, but not regularly.

Tristan: Cases from federal law enforcement, elder financial abuse, the district attorney won't take.

Lisa: Are there ways to work together with the District Attorney's Association?

Tristan: We are pushing for more collaboration to get the groups empowered. There are forums to take advantage of: CDAA Annual training – late November geared to social workers, this year in Napa County. There are quarterly conference meetings, usually bring up FASTs, EDRTs, MDTs.

Gayle: AARP is a good partner as well, San Diego partners with AARP who established the meet the pharmacists program, trained banking / financial institutions. Meetings quarterly, all the security officers meet for breakfasts and APS can attend those meetings (in San Diego).

Tristan: Wants to get in touch with Debbie.

Lisa: CEJW has a wiki site, will email details to this meeting's participants.

Next topic: plans for maintaining the FAST coalition.

Julia: Mission for establishing and continuing this network: education. How to do, suggestions on format?

Gayle: Conference calls work well. Could use Web Ex or Skype.

Julia: Frequency?

Gayle: Quarterly.

Tristan: Agrees.

Lisa: Group could be involved in advocacy projects to come.

Jeanne: Important to increase community awareness

Molly: Sharing of products, resources, and resource guides.

Gayle: Notes joint project with local libraries showing protection strategies in training to elders and passed out booklets.

?: On funding, Indian gaming is a source for money. Also useful to focus on funding ideas, share the process.

Gayle: Everyone is welcome to attend the San Diego FAST meeting! NAPSA.

Julia: How long for quarterly statewide FAST meetings?

Gayle: 1.5 hours.

Jeanne: It would be helpful to target a time for the next meeting.

Karen: Team hosting would coordinate, share the responsibility.

Julia: Who updates the Orange County Council on Aging list of prevention teams?

Julie: I do.

Julia: I want to create a grid of each FAST team statewide with specifics on team such as format, members, etc. Good information?

Many: Yes.

Julia: Expect a short survey from me to collect this information.

Lisa: will send out Pam Teaster's study of MDT's around the country. It is a technical assistance piece.

Julia: Next steps will be having a similar call to this one with the northern CA FAST coordinators so we are all on the same page. Expect the minutes to this meeting and FAST survey within a week or two. Expect first statewide FAST conference call will take place in the summer 2010.