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The Department of Health and Human Services  
Elder Justice Coordinating Council  
2018-2020 Report to Congress

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## EXECUTIVE SUMMARY

Title XX of the Social Security Act, Subtitle B, the Elder Justice Act of 2009, which was signed into law in March 2010, establishes the Elder Justice Coordinating Council (EJCC) within the Office of the Secretary of the Department of Health and Human Services (DHHS). The purpose of the EJCC is to make recommendations to the DHHS Secretary on the coordination of elder justice activities within DHHS, the Department of Justice, and other federal, state, and local entities. The EJCC was initially convened on October 11, 2012, and currently is comprised of 16 federal department members.

The EJCC is required to submit a report to Congress every two (2) years describing the accomplishments and activities of the EJCC and making recommendations for Congressional action as the EJCC deems appropriate. As the statutorily named Chair of the EJCC, the DHHS Secretary has prepared this report to satisfy the requirement. This report contains the following:

- Introduction
- Summary of activities undertaken by the EJCC for the period October 1, 2018, to September 30, 2020;
- Highlights of the elder justice activities and accomplishments of the EJCC's member agencies from 2018-2020.

In 2014, the EJCC adopted a set of eight recommendations for federal action to address elder abuse, neglect, and financial exploitation.<sup>1</sup> The EJCC believes the recommendations represent a focused and well-balanced approach for establishing greater federal leadership in the area of elder justice and for improving the federal response to elder abuse, neglect, and exploitation.

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<sup>1</sup> The full text of the *Eight Recommendations for Increased Federal Involvement to Address Elder Abuse, Neglect, and Exploitation* (EJCC Recommendations) can be found following the summary of activities undertaken by the EJCC.

These recommendations for federal action fall into two categories and address a broad range of elder justice issues important to stakeholders and constituents:

### **Improve the Response to Elder Abuse, Neglect, and Exploitation**

- Recommendation 1: Support the Investigation and Prosecution of Elder Abuse Cases
- Recommendation 2: Enhance Services to Elder Abuse Victims
- Recommendation 3: Develop a National Adult Protective Services System
- Recommendation 4: Develop a Federal Elder Justice Research Agenda

### **Improve Awareness and Prevention of Elder Abuse, Neglect and Exploitation**

- Recommendation 5: Develop a Broad-Based Public Awareness Campaign
- Recommendation 6: Promote Cross-disciplinary Training on Elder Abuse
- Recommendation 7: Combat Elder Financial Exploitation, including Abuse by Fiduciaries
- Recommendation 8: Improve Screening for Dementia and Cognitive Capacity, Financial Capacity, and Financial Exploitation

The individual reports from EJCC member departments include, where applicable, a notation to the recommendation(s) their activities align with.

# **REPORT OF THE SECRETARY DETAILING THE ACTIVITIES OF THE ELDER JUSTICE COORDINATING COUNCIL 2018-2020**

The Elder Justice Coordinating Council (EJCC) is required to submit, every two (2) years, a report to Congress describing its activities and accomplishments, and may make recommendations for legislation, model laws, or other action as determined to be appropriate. This report fulfills the statutory requirement for the period October 2018 – September 2020, as required by Title XX of the Social Security Act, Subtitle B, the Elder Justice Act of 2009.

## **OVERVIEW OF THE PROBLEM**

Elder abuse is a substantial public health and human rights problem. Available prevalence data suggest that at least 10 percent (or 5 million) of older Americans experience abuse each year, and many of them experience it in multiple forms.<sup>1</sup> In addition, data from Adult Protective Services (APS) agencies show an increasing trend in reports of elder abuse,<sup>2</sup> despite estimates that as few

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<sup>1</sup>Rosay, A. B., & Mulford, C. F. (2017). Prevalence estimates and correlates of elder abuse in the United States: The national intimate partner and sexual violence survey. *Journal of elder abuse & neglect*, 29(1), 1-14.

Beach SR, Schulz R, Castle NG, Rosen J. Financial Exploitation and Psychological Mistreatment Among Older Adults: Differences Between African Americans and Non-African Americans in a Population-Based Survey. *Gerontologist* 2010.

Acierno R, Hernandez MA, Amstadter AB, Resnick HS, Steve K, Muzzy W et al. Prevalence and Correlates of Emotional, Physical, Sexual, and Financial Abuse and Potential Neglect in the United States: The National Elder Mistreatment Study. *American Journal of Public Health* 2010; 100(2):292-297.

<sup>2</sup>Teaster PB, Dugar T, Mendiondo M, Abner EL, Cecil KA, Otto JM. The 2004 Survey of Adult Protective Services: Abuse of Adults 60 Years of Age and Older. National Center on Elder Abuse: Washington, DC. Retrieved August 8, 2011 from: [http://www.ncea.aoa.gov/Main\\_Site/pdf/2-14-06%20FINAL%2060+REPORT.pdf](http://www.ncea.aoa.gov/Main_Site/pdf/2-14-06%20FINAL%2060+REPORT.pdf).

as 1 in 14 cases of elder abuse,<sup>3</sup> and 1 in 44 cases of financial exploitation,<sup>4</sup> come to the attention of authorities.<sup>5</sup> One recent study identified an 83.6 percent increase in elder maltreatment since the beginning of the COVID-19 pandemic.<sup>6</sup>

The term “elder abuse” is used generally as an umbrella term to include physical abuse, emotional/psychological abuse, sexual abuse, neglect, and financial exploitation. Some states and federal statutes also include the concepts of abandonment of an elder by a person who has assumed a duty to care, isolation or confinement, imposed by a caregiver or self, and self-neglect.<sup>7</sup>

Legal definitions of these terms vary from state to state, and there is no consistently used definition by researchers or at the federal level. The Elder Justice Act defines the following terms<sup>8</sup>:

- Abuse: “the knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm.”
- Exploitation: “the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an elder for monetary or personal benefit, profit, or gain, or that results in depriving an elder of rightful access to, or use of, benefits, resources, belongings, or assets.”
- Neglect: “(A) the failure of a caregiver or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an elder; or “(B) self-neglect.”

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<sup>3</sup> National Research Council. *Elder Mistreatment: Abuse, Neglect and Exploitation in an Aging America*. Washington, D.C.: The National Academies Press, 2003.

<sup>4</sup> Lachs, Mark, et al. (2011) *Under the Radar: New York State Elder Abuse Prevalence Study Final Report*. Lifespan of Greater Rochester, Inc.: Weill Cornell Medical Center of Cornell University and New York City Department for the Aging.

<sup>5</sup> National Research Council. *Elder Mistreatment: Abuse, Neglect and Exploitation in an Aging America*. Washington, D.C.: The National Academies Press, 2003.

<sup>6</sup> Chang, E. S., & Levy, B. R. (2021). High Prevalence of Elder Abuse During the COVID-19 Pandemic: Risk and Resilience Factors. *The American Journal of Geriatric Psychiatry: Official Journal of the American Association for Geriatric Psychiatry*, 29(11), 1152–1159. <https://doi.org/10.1016/j.jagp.2021.01.007>

<sup>7</sup> National Research Council. (2003). *Elder Mistreatment: Abuse, Neglect, and Exploitation in an Aging America*. Panel to Review Risk and Prevalence of Elder Abuse and Neglect. Richard J. Bonnie and Robert B. Wallace, Editors. Committee on National Statistics and Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.

<sup>8</sup> Elder Justice Act of 2009, Title XX of the Social Security Act, §2011 (42 U.S.C. 1397j).

- Self-neglect: “an adult’s inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including — (A) obtaining essential food, clothing, shelter, and medical care; (B) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or (C) managing one’s own financial affairs.”

On average, older people have more chronic diseases and health conditions, and access the health care system at higher rates than other age groups. Elder abuse exacerbates these trends: it is correlated with a wide range of negative health impacts, including the increased likelihood of injury and chronic health conditions. Research finds that older adults who experience violence are more likely to have an increased number of chronic conditions and experience worsening health outcomes compared to other older adults, including increased bone or joint problems, digestive problems, depression or anxiety, chronic pain, high blood pressure, and heart problems.<sup>9</sup> These increased rates of injury and health conditions correlate with significantly higher health care expenditures. Furthermore, older adults subjected to violence have higher premature mortality rates than individuals who do not experience elder abuse or sexual violence. Even those who experience modest forms of abuse have dramatically (300 percent) higher morbidity and mortality rates than non-abused older people.<sup>10</sup>

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<sup>9</sup> Bitondo Dyer C., Pavlik V. N., Murphy K. P., and Hyman D. J. (2000). “The high prevalence of depression and dementia in elder abuse or neglect.” *Journal of the American Geriatrics Society*. 48:205-208.  
 Burt, M. and Katz, B. “Rape, Robbery, and Burglary: Responses to Actual and Feared Criminal Victimization, with Special Focus on Women and the Elderly,” *Victimology: An International Journal* 10 (1985): 325-358.  
 Mouton C. P., Espino D. V. (1999). “Problem-orientated diagnosis: Health screening in older women.” *American Family Physician*. 59: 1835.  
 Fisher, B.S., and Regan, S.L. (2006). “The Extent and Frequency of Abuse in the Lives of Older Women and Their Relationship With Health Outcomes.” *The Gerontologist*, 46: 200-209.  
 Coker, A., Davis, K., Arias, I. et al. (November 2002). “Physical and Mental Health Effects of Intimate Partner Violence for Men and Women.” *American Journal of Preventive Medicine*. Vol. 23 No. 4: 260-268.  
 Stein, M. & Barrett-Connor, E. (2000). “Sexual Assault and Physical Health: Findings from a Population-Based Study of Older Adults.” *Psychosomatic Medicine*. Vol. 62: 838-843.

<sup>10</sup> Lachs, M.S., Williams, C.S., O’Brien, S., Pillemer, K.A., & Charlson, M.E. (1998). “The Mortality of Elder Mistreatment.” *JAMA*. 280: 428-432.  
 Ayalon, L. (2015). Reports of elder neglect by older adults, their family caregivers, and their home care workers: a test of measurement invariance. *Journals of Gerontology Series B: Psychological Sciences and Social Sciences*, 70(3), 432-442.

For older victims of sexual violence, the negative health impacts of abuse are even more pronounced. One study found that 12.7 percent of women in the study group reported a history of sexual assault, all of whom experienced significant associated increased risk of breast cancer and arthritis. Also, those who experienced repeated sexual violence were up to four times more likely to develop these chronic conditions than women who were never abused.<sup>11</sup> Victims of elder abuse also have significantly higher levels of psychological distress and lower perceived self-efficacy than older adults who have not been victimized.<sup>12</sup>

While the research base is expanding, there remains a lack of evidence and data about effective methods and practices to prevent elder abuse, despite growing knowledge about the scope of the problem and the growing body of evidence on the negative impacts of abuse. Not only is there a dearth of tested prevention models, but states and communities also rarely implement interventions that incorporate multiple service components and/or multidisciplinary teams. This has been widely noted in a range of studies, including by the National Research Council, the Institute of Medicine, the U.S. Government Accountability Office, and the Centers for Disease Control and Prevention.<sup>13</sup>

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<sup>11</sup> Stein, M. & Barrett-Connor, E. (2000). "Sexual Assault and Physical Health: Findings from a Population-Based Study of Older Adults." *Psychosomatic Medicine*. Vol. 62; p 838-p843.

<sup>12</sup> See full article discussing the negative behavioral health consequences at: [http://www.ncea.aoa.gov/NCEARoot/Main\\_Site/Library/Statistics\\_Research/Research\\_Reviews/emotional\\_distress.aspx](http://www.ncea.aoa.gov/NCEARoot/Main_Site/Library/Statistics_Research/Research_Reviews/emotional_distress.aspx).  
Comijs, H.C., Penninx, B.W.J.H., Knipscheer, K.P.M., & van Tilburg, W. (1999). Psychological distress in victims of elder mistreatment: The effects of social support and coping. *Journal of Gerontology*, 54B (4), P240-P245.

<sup>13</sup> See: National Research Council. (2003). *Elder Mistreatment: Abuse, Neglect, and Exploitation in an Aging America*. Panel to Review Risk and Prevalence of Elder Abuse and Neglect. Richard J. Bonnie and Robert B. Wallace, Editors. Committee on National Statistics and Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.  
The National Academies Committee on National Statistics. (2010). *Meeting on Research Issues in Elder Mistreatment and Abuse and Financial Fraud*. Washington, D.C. Retrieved from: <https://www.nia.nih.gov/sites/default/files/d7/meeting-on-research-issues-in-elder-mistreatment-and-abuse-and-financial-fraud.pdf>.

While progress has been made in the last few years, there is far more work to be done.

## **THE ELDER JUSTICE ACT**

Title XX of the Social Security Act, Subtitle B, the Elder Justice Act of 2009 (EJA) was signed into law on March 23, 2010 to address weaknesses in federal and state responses to elder abuse, as well as gaps in the literature, outlined above. The EJA contains a number of provisions, including provisions to:

- Improve and enhance adult protective services programs,
- Enhance the long-term care ombudsman program, and
- Receive reports of crimes in long-term care facilities.

In addition, the EJA establishes the EJCC. The purpose of the EJCC is to make recommendations to the Secretary for the coordination of activities relating to elder abuse, neglect, and exploitation and other crimes against elders underway in the Department of Health and Human Services (DHHS), the Department of Justice (DOJ), and other relevant federal, state, local, and private agencies and entities.

The DHHS Secretary is identified as the Chair of the EJCC, and the Attorney General, or a designee, is identified as a permanent member. Other members of the EJCC are federal department or agency heads identified by the Chair as having responsibilities, or administering

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IOM (Institute of Medicine) and NRC (National Research Council). (2014). *Elder Abuse And Its Prevention: Workshop Summary*. Washington, DC: The National Academies Press.

U.S. Government Accountability Office. (2011). *Stronger Federal Leadership Could Enhance National Response to Elder Abuse* (GAO Publication No. 11- 208). Washington, D.C.: U.S. Government Printing Office.

U.S. Government Accountability Office. (2013). *More Federal Coordination and Public Awareness Needed* (GAO Publication No. 13-498). Washington, D.C.:

U.S. Government Printing Office.

Pillemer, K.A.; Mueller-Johnson, K.U.; Mock, S.E.; Sutor, J.J.; & Lachs, M.S. (2007). *Interventions to Prevent Elder Mistreatment*. In Doll, L.; Bonzo, S.; Sleet, D.; Mercy, J.; Haas, E.N. (Eds.), *Handbook of Injury and Violence Prevention*. New York: Springer for the U.S. Centers for Disease Control and Prevention.

programs, relating to elder abuse, neglect, or exploitation.

## **SUMMARY OF ACTIVITIES UNDERTAKEN BY THE EJCC OCTOBER 2018 – SEPTEMBER 2020**

The EJA requires each member of the EJCC be an officer or employee of the federal government. Prior to 2018, the EJCC had fourteen members. During this reporting period, two new departments joined the EJCC, the U.S. Department of Homeland Security and the Federal Communications Commission. As of September 2020, current department membership included:

1. U.S. Department of Health and Human Services, Chair
2. U.S. Department of Justice
3. AmeriCorps (formerly the Corporation for National and Community Service)
4. Consumer Financial Protection Bureau
5. Federal Communications Commission (2021)
6. Federal Trade Commission
7. Social Security Administration
8. U.S. Department of Agriculture
9. U.S. Department of Homeland Security (2020)
10. U.S. Department of Housing and Urban Development
11. U.S. Department of the Interior
12. U.S. Department of Labor
13. U.S. Department of the Treasury
14. U.S. Department of Veterans Affairs
15. U.S. Postal Inspection Service
16. U.S. Securities and Exchange Commission

The EJCC is required to meet at least twice per year. The EJCC met four (4) times in this report period, thrice in public session and once in Executive Session, a meeting of the EJCC that is closed to the public. The meetings are summarized below, with links to the on-line locations of agendas and meeting materials for those meetings.

The fall 2018 meeting of the EJCC took place on December 5, 2018. The meeting included an

update from Assistant Secretary for Health ADM Brett P. Giroir, MD on the federal government's response to the Opioid Crisis. The meeting also included an in-depth discussion on the unique elder justice concerns faced by rural and tribal communities held by federal leaders, including Assistant Secretary for Aging and Administration for Community Living (ACL) Administrator Lance Robertson. Below are links to the materials prepared for this meeting:

- [Agenda](#) (DOCX, 103 KB)<sup>14</sup>
- [Presentation by ADM Brett P. Giroir on the Opioids Crisis](#) (PPTX, 3.31 MB)<sup>15</sup>
- [Testimony on Telemedicine and Telehealth Uses in Rural Elder Justice Cases by Dr. Jason Burnett](#) (DOCX, 18.3 KB)<sup>16</sup>
- [Blog by ACL Administrator Lance Robertson on Advancing Elder Justice in Rural and Tribal Communities](#)<sup>17</sup>.

The first EJCC meeting of 2019 was held on September 3, 2019, and was a closed, Executive Session. The meeting centered on reviewing the collaborative efforts of the EJCC to date, as well as determining a strategic focus for the EJCC over the next year and discussing the call for a National Elder Justice Research Agenda. The EJCC dialogued about the ongoing and future elder justice coordination among federal partners consistent with the Eight Recommendations.

The fall 2019 meeting of the Elder Justice Coordinating Council was held on December 3, 2019. The council heard from a panel of experts on the different forms elder maltreatment may take and how maltreatment can vary across different settings, such as in the community and in congregate care settings. Staff from ACL presented updated information from the 2018 National Adult Maltreatment Report. Below are links to the materials prepared for this meeting:

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<sup>14</sup>[https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/1\\_Dec2018\\_EJCC\\_Agenda\\_Final\\_Draftv5\\_b18d6c1931.docx](https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/1_Dec2018_EJCC_Agenda_Final_Draftv5_b18d6c1931.docx)

<sup>15</sup><https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/4.%20Dr.%20Giroir's%20Opioid%20Presentation%20508.pptx>

<sup>16</sup>[https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/5\\_Testimony\\_for\\_the\\_Elder\\_Justice\\_Coordinating\\_Council\\_Jason\\_Burnett\\_5484742778.docx](https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/5_Testimony_for_the_Elder_Justice_Coordinating_Council_Jason_Burnett_5484742778.docx)

<sup>17</sup><https://acl.gov/news-and-events/acl-blog/ejcc-advancing-elder-justice-rural-and-tribal-communities>

- [Agenda](#) (DOCX, 102 KB)<sup>18</sup>
- Written testimonies of [Robert Blancato, Elder Justice Coalition](#) (DOCX, 27.6 KB)<sup>19</sup>
- Written testimonies of [Lori Smetanka, J.D., National Consumer Voice for Quality Long-Term Care](#) (DOCX, 62.4 KB)<sup>20</sup>
- Written testimonies of [Pamela B. Teaster, Ph.D., Virginia Tech Center for Gerontology](#) (DOCX, 20.7 KB)<sup>21</sup>.

The spring 2020 meeting of the EJCC took place on June 10, 2020. This first-ever virtual meeting focused on the federal government’s response and enforcement actions taken against scams targeting older adults during the COVID-19 pandemic. The meeting also featured a report on what makes someone more likely to be susceptible to a scam, an update on Economic Impact Payments going out by debit card, and lessons learned from AARP’s BankSafe program. Below are links to the materials prepared for this meeting:

- [Agenda](#) (DOCX, 102 KB)<sup>22</sup>
- Full Video with Captions: [Part 1\(link is external\)](#)<sup>23</sup>, [Part 2\(link is external\)](#)<sup>24</sup>
- [Slides](#) (PDF, 6.5 MB)<sup>25</sup>
- [Agency Updates](#) (DOCX, 177 KB)<sup>26</sup>
- [FINRA Report: Exposed to Scams—What separates victims from non-victims\(link is external\)](#) (PDF, 3.0 MB)<sup>27</sup>
- [Blog by ACL Administrator Lance Robertson](#)<sup>28</sup>.

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<sup>18</sup>[https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/EJCC\\_December\\_2019\\_Meeting\\_Agenda\\_508\\_8e15bc0849.docx](https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/EJCC_December_2019_Meeting_Agenda_508_8e15bc0849.docx)

<sup>19</sup>[https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/EJCC\\_testimony\\_Blancato\\_December\\_2019\\_508\\_1c111eb4f0.docx](https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/EJCC_testimony_Blancato_December_2019_508_1c111eb4f0.docx)

<sup>20</sup>[https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/EJCC\\_Statement\\_Smetanka\\_Dec\\_2019\\_FINAL\\_508\\_06d1f719bf.docx](https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/EJCC_Statement_Smetanka_Dec_2019_FINAL_508_06d1f719bf.docx)

<sup>21</sup>[https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/December\\_3\\_Presentation\\_Written\\_Remarks\\_11\\_18\\_2019\\_FINA\\_Lpbt\\_20ff578278.docx](https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/December_3_Presentation_Written_Remarks_11_18_2019_FINA_Lpbt_20ff578278.docx)

<sup>22</sup>[https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/EJCC\\_Fall\\_2020\\_Agenda\\_968877e522.docx](https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/EJCC_Fall_2020_Agenda_968877e522.docx)

<sup>23</sup><https://www.youtube.com/watch?v=sgdlys8vJlk>

<sup>24</sup>[https://www.youtube.com/watch?v=5L2P\\_Z\\_fScw](https://www.youtube.com/watch?v=5L2P_Z_fScw)

<sup>25</sup><https://pstrapiubntstorage.z13.web.core.windows.net/ecms/xt/EJCC%20Spring%202020%20Slides.pdf>

<sup>26</sup>[https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/EJCC\\_Fall\\_2020\\_Agency\\_Updates\\_2f1f53a8a6.docx](https://pstrapiubntstorage.blob.core.windows.net/strapi/assets/EJCC_Fall_2020_Agency_Updates_2f1f53a8a6.docx)

<sup>27</sup>[https://www.finrafoundation.org/sites/finrafoundation/files/exposed-to-scams-what-separates-victims-from-non-victims\\_0\\_0.pdf](https://www.finrafoundation.org/sites/finrafoundation/files/exposed-to-scams-what-separates-victims-from-non-victims_0_0.pdf)

<sup>28</sup><https://acl.gov/news-and-events/acl-blog/first-virtual-ejcc-addressing-scams-fraud-and-covid-19>

# **EJCC RECOMMENDATIONS FOR INCREASED FEDERAL INVOLVEMENT IN ADDRESSING ELDER ABUSE, NEGLECT, AND EXPLOITATION**

## **IMPROVING RESPONSE**

### **Recommendation 1: Support the Investigation and Prosecution of Elder Abuse Cases**

Support the investigation and prosecution of elder abuse, neglect, and financial exploitation cases by providing training and resources to federal, state, and local investigators and prosecutors.

### **Recommendation 2: Enhance Services to Elder Abuse Victims**

Support and protect elder abuse victims by improving identification of elder abuse and enhancing response and outreach to victims.

### **Recommendation 3: Develop a National Adult Protective Services (APS) System**

Develop a national APS system based upon standardized data collection and a core set of service provision standards and best practices.

### **Recommendation 4: Develop a Federal Elder Justice Research Agenda**

Establish a coordinated research agenda across federal agencies to identify best practices for prevention of and intervention in elder abuse and elder financial exploitation.

## **IMPROVING AWARENESS AND PREVENTION**

### **Recommendation 5: Develop a Broad-Based Public Awareness Campaign**

Develop a comprehensive, strategic, and broad-based national public awareness campaign, with clear and consistent messaging to raise awareness and understanding of elder abuse, neglect, and exploitation.

### **Recommendation 6: Cross-disciplinary Training on Elder Abuse**

Develop training to educate stakeholders across multiple sectors and disciplines on preventing, detecting, intervening in, and responding to elder abuse, neglect, and exploitation.

### **Recommendation 7: Combat Elder Financial Exploitation, including Abuse by Fiduciaries**

Prevent, detect, and respond to elder financial exploitation through federal enforcement activities, policy initiatives, coordination, oversight, and education, and by collaborating with industry to enhance fraud detection and provide resources for victims.

### **Recommendation 8: Improve Screening for Dementia, Cognitive Capacity, Financial Capacity, and Financial Exploitation**

Improve the ability of APS and first responders to screen for diminished capacity, diminished financial capacity, and vulnerability to or victimization of financial exploitation.

## **HIGHLIGHTS OF PARTICIPANT AGENCY ACCOMPLISHMENTS**

Agencies represented on the EJCC also have staff who participate in the Elder Justice Interagency Working Group (EJWG). The EJWG, first convened in 2001, is an informal group that brings together federal staff responsible for carrying out elder justice activities including elder abuse prevention, research, grant and program funding, and prosecution. This group meets to support the EJCC, as well as to discuss emerging issues, promising practices, and mechanisms for coordinating efforts throughout the federal government.

Listed below are highlights of programs, initiatives, and/or activities relevant to elder justice within participating departments in this reporting period, October 2018 to September 2020.

When relevant, the authors have referenced the appropriate EJCC Recommendation<sup>29</sup> related to the progress described by each EJCC member. Please note that because of the broad scope of elder justice work across and within agencies and the diverse individual missions of each EJCC member agency, this report is only able to highlight selected examples. Cataloguing the full breadth of the federal government's work on elder justice is beyond the scope of this report.

At the time of publication, HHS had not received summary reports from the following EJCC member departments: Housing and Urban Development, Interior, and Treasury.

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<sup>29</sup> *Supra* note 1.



# UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES

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## ADMINISTRATION FOR COMMUNITY LIVING

### ADMINISTRATION ON AGING

The Administration on Aging (AoA), within the Administration for Community Living (ACL), manages a portfolio of programs for the protection of vulnerable adults. This portfolio consists of several distinct but complementary programs designed to prevent, detect, and respond to elder abuse, neglect, and exploitation. Specific accomplishments under ACL/AoA core programs are highlighted below.

#### OLDER AMERICANS ACT FORMULA GRANTS

The Prevention of Elder Abuse and Neglect program provides formula grants to State Units on Aging for training and education and promoting public awareness of elder abuse. The program also supports state and local elder abuse prevention coalitions and multi-disciplinary teams.

These activities are important elements of ACL/AoA's enhanced focus on elder justice. The program coordinates activities with state and local adult protective services programs (many of which are directly administered by State Units on Aging) and other professionals who work to address issues of elder abuse and elder justice. ACL/AoA supports these grants by providing

technical assistance to states on specific issues and challenges that arise in the operation of the grants, as well as by providing guidance in the development and review of their state plans on aging. (Recommendation 2, 6)

#### NATIONAL CENTER ON ELDER ABUSE (NCEA)

ACL/AoA funds the National Center on Elder Abuse (NCEA).<sup>30</sup> The NCEA serves as a national resource center dedicated to engaging and empowering older people so that they may be advocates for themselves and their communities. The NCEA disseminates elder abuse information to professionals and the public and provides technical assistance and training to states and to community-based organizations. NCEA also enable different organizations to share and discuss their plans, tactics, and approaches with one another for uncovering and prosecuting fraud and scams targeted at older adults.

In 2016, ACL awarded a new grant for the NCEA to continue its work over the next three years to strengthen connections and foster collaboration across organizations dedicated to the well-being of older people and eradicate elder abuse. With this funding, the NCEA increased identification and reporting of elder abuse, replicated model materials for professionals to support outreach efforts, adopted and disseminated a strategy for professional and public communication on elder abuse, neglect and exploitation, and increased engagement with disadvantaged populations and organizations.

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<sup>30</sup> <https://ncea.acl.gov/>

## ADULT PROTECTIVE SERVICES TECHNICAL ASSISTANCE RESOURCE CENTER

In 2015, ACL launched the National Adult Protective Services Resource Center. Now known as the Adult Protective Services Technical Assistance Resource Center (APS TARC), APS TARC represents the largest dedication of technical assistance directly supporting improvements in the quality, consistency, and effectiveness of APS programs across the country. A new website for the APS TARC<sup>31</sup> was created and launched in early 2018. The APS TARC works to enable state APS programs to enhance their critical role in responding to elders and adults with disabilities who are facing abuse, neglect, and exploitation. (Recommendation 3)

## NATIONAL ADULT MALTREATMENT REPORTING SYSTEM (NAMRS)

The National Adult Maltreatment Reporting System (NAMRS) is the first comprehensive, national reporting system for adult protective services (APS) programs. It collects quantitative and qualitative data on APS practices and policies, and the outcomes of investigations into the maltreatment of older adults and adults with disabilities. NAMRS is an annual, voluntary system to collect both summary and de-identified case-level data on APS investigations. ACL has collected and released the first 5 years of data for FFY 2016, 2017, 2018, 2019, and 2020 via annual Adult Maltreatment Reports.<sup>32</sup> (Recommendation 3)

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<sup>31</sup> <https://apstarc.acl.gov/>

<sup>32</sup> <https://namrs.acl.gov/Learning-Resources/Adult-Maltreatment-Reports.aspx>

## STATE GRANTS TO ENHANCE ADULT PROTECTIVE SERVICES

In 2015, ACL established the State Grants to Enhance Adult Protective Services<sup>33</sup> Program to help address the gaps and challenges in state APS systems. With this funding, ACL was able to provide funding to states to enhance APS systems statewide, to include innovations and improvements in practice, services, and data collection and reporting. The goal of the program is to improve the experiences, health, well-being, and outcomes of the individuals served by APS, and accurately document the improvements in outcomes in a manner that is consistent with national data collection efforts, including the National Adult Maltreatment Reporting System (NAMRS). In 2019, ACL provided a fourth set of grants to 10 states under this program, and in 2020 ACL funded two additional states to enhance their APS programs' ability to respond to cases in which opioid and other substance misuse is a factor, and to develop approaches which are replicable for the field. (Recommendation 3)

## VOLUNTARY CONSENSUS GUIDELINES FOR STATE APS SYSTEMS

In 2016, ACL facilitated the development of the first National Voluntary Consensus Guidelines for State APS Systems<sup>34</sup> (Guidelines) to assist states in developing efficient, effective APS systems. The Guidelines are field-developed, consensus-driven<sup>35</sup>, and designed to provide APS Administrators with recommendations from the field about quality practice. From 2018- 2019, ACL facilitated the updates of the Guidelines, which incorporate information from new research

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<sup>33</sup> <https://acl.gov/programs/elder-justice/state-grants-enhance-adult-protective-services>

<sup>34</sup> <https://acl.gov/programs/elder-justice/final-voluntary-consensus-guidelines-state-aps-systems>

<sup>35</sup> In developing the Guidelines, ACL applied the processes delineated in Office of Management and Budget Circular A-119, the National Technology Transfer and Advancement Act of 1995, Publ. L. 104-113, including amendment Utilization of consensus technical standards by federal agencies, Publ. L. 107-107, section 1115, (2001), and 15 CFR Part 287 (2020).

and feedback from the field about effective APS practices and policies. The updated Guidelines were released to the public in March 2020. (Recommendation 3)

#### RESEARCH AGENDA FOR ADULT PROTECTIVE SERVICE (APS)

The adult maltreatment field has created several research agendas in the past few decades. They have included topics related to APS, but there has never been a research agenda which focuses exclusively on the practices, efficacy, and outcomes of APS. As part of the updating of the National Voluntary Consensus Guidelines for State APS Systems, ACL solicited research questions from stakeholders during the engagement process. Additional research questions were identified through a literature review. Finally, members of a technical expert panel submitted research questions as well, resulting in a list of 153 research questions. Using a structured process that is designed to build consensus (i.e., modified Delphi process), 61 questions were ranked as high priority. The goals of the Research Agenda for Adult Protective Service (APS)<sup>36</sup> are to provide guidance to researchers, APS programs, and funders to help move the field forward, to highlight research gaps to help inform the APS field, and, ultimately, to help build a cohesive body of evidence for the APS field. (Recommendation 4)

#### PREDICTING RISK OF ADULT MALTREATMENT PROJECT

In September 2019, ACL, in collaboration with the Centers for Medicare & Medicaid Services (CMS), launched a project to explore the use of predictive analytics as one component of a broader strategy to predict and prevent adult and elder maltreatment. The project, Predicting Risk of Adult Maltreatment,<sup>37</sup> or PRAM, will leverage artificial intelligence, machine learning, and

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<sup>36</sup> [https://acl.gov/sites/default/files/programs/2020-10/APS\\_Research\\_Agenda.pdf](https://acl.gov/sites/default/files/programs/2020-10/APS_Research_Agenda.pdf)

<sup>37</sup> <https://apstarc.acl.gov/Information-Research/Research.aspx>

other “big data” tools to investigate patterns of risk and protective factors across multiple data sources to determine if there is an association with reported incidence of adult maltreatment. The goal of the project is to create and improve interventions to effectively prevent and intervene in adult and elder maltreatment. The intended outcomes are improved quality of life and health quality outcomes for people with disabilities and older adults and reduced health care expenses. Initial work was framed as “proof of concept”. That work demonstrated promise for this methodology and elucidated some similarities and differences among the risk factors associated with different types of maltreatment (e.g., any experience of maltreatment, self-neglect, maltreatment of individuals with disabilities, and maltreatment of older individuals). Phase 2 of the project began September 2020. It builds on the proof of concept in Phase 1 and leverages additional data sets, such as those of states, to refine the algorithm for predicting adult and elder maltreatment. Results are expected in Winter 2022. (Recommendation 2)

#### ADULT MALTREATMENT SCREENING AND ASSESSMENT TOOLS INVENTORY

Despite the known negative impacts of adult maltreatment on older adults and adults with disabilities, adult maltreatment appears to be underreported. Thus, it is crucial to implement effective methods to detect and identify risk factors for maltreatment in adults. Screening and assessments for maltreatment should occur on the broadest level possible to facilitate early detection and intervention. In 2018, ACL funded the creation of an inventory of screening and assessment tools for adult maltreatment for use by professionals who interact directly with clients. The inventory not only describes the range of tools, but also the domain assessed by different tools, their intended purpose, the training necessary to use each tool, and the level of

evidence supporting each tool. The inventory is available as a downloadable document<sup>38</sup> and will be migrated on-line and expanded. (Recommendation 2)

#### APS PROCESS AND OUTCOMES EVALUATIONS

State and local APS programs are unique, differing and aligning to varying degrees and in various ways. These similarities and differences are not well documented and even less well-understood, which hampers efforts to enhance the effectiveness of APS programs. To improve our understanding of APS, ACL has funded a process and outcomes evaluation of APS. The process evaluation included the creation of an APS Process Logic Model<sup>39</sup> based on APS client case flow, the identification of results of standard APS activities and the context under which these activities occur, a detailed examination of policies of state APS agencies, and development of an environmental scan/survey of state practices under each of the major stages in the APS Logic Model. The outcomes evaluation explores what policies, practices, and environmental factors are found to result in good client outcomes. ACL anticipates releasing results of these evaluations in Fall 2022. (Recommendation 3)

#### INSTITUTE OF MEDICINE (IOM) FORUM ON GLOBAL VIOLENCE PREVENTION

ACL/AoA supports the National Academies Forum on Global Violence Prevention<sup>40</sup> (the “Forum”). IOM held “Social, Behavioral, and Environmental Enablers for Healthy Longevity: A Workshop for the Global Roadmap for Healthy Longevity Initiative” from November 6 - 8,

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38 <https://ncea.acl.gov/Resources/Tools-Inventory.aspx>

39 <https://apstarc.acl.gov/Information-Research/Evaluation.aspx>

40 <http://nationalacademies.org/hmd/Activities/Global/ViolenceForum.aspx>

2019. Workshop participants discussed the challenges and opportunities, as well as potential solutions and disruptive approaches, to enhance social structures that would enable healthier and more socially fulfilling lives and ultimately create thriving societies around the world. In FY 2020, ACL provided funds to convene the first meeting of the International Commission for the Global Roadmap for Healthy Longevity<sup>41</sup>, held September 18-19, 2020 in Washington, D.C. Experts in the field of aging and social sciences from that convening will develop a comprehensive report that will address the challenges and opportunities presented by the global aging population. Due to ACL/AoA involvement, the Forum has consistently considered elder abuse in the focus of their work and activities.

#### WORLD ELDER ABUSE AWARENESS DAY

Every year, ACL joins with leaders from other federal departments and others throughout the United States and the world to recognize World Elder Abuse Awareness Day (commemorated on June 15th). In XX year, activities included a “Finish this Sentence” campaign on social media, which allowed individuals to share what World Elder Abuse Day meant to them, as well as coloring the Map Purple, an online campaign designed for states to share how they commemorate World Elder Abuse Day. When states list their activities, the states are turned purple on the map. Individuals were also encouraged to share photos from their commemoration activities on Twitter and Instagram with the hashtag #WEAAD.

In the spring of 2019 the WEAAD committee, which consists of Elder Justice Coordinating Council members from ACL, DOJ, SSA, SEC, CFPB, and NCEA, showcased innovations

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<sup>41</sup> <https://nam.edu/initiatives/grand-challenge-healthy-longevity/global-roadmap-for-healthy-longevity/>

highlighting in-demand tools created by organizations and federal partners that are committed to providing consumer and professional education on elder abuse. On June 5, 2019, the NCEA, the National Clearinghouse on Abuse in Later Life (NCALL) and Terra Nova Films hosted a webinar, “Stronger Together: Elder Justice Tools for WEAAD and Beyond,”<sup>42</sup> which featured the premiere of a new video series, “Lifting Up the Voices of Older Survivors.”<sup>43</sup> The collection of video clips features the lived experiences and resiliency of a number of older survivors of domestic and sexual violence, stalking, and financial exploitation. The 5<sup>th</sup> World Elder Abuse Awareness Day Global Summit<sup>44</sup> was hosted by the SEC (an EJCC member) and co-hosted by the National Adult Protective Services Association (NAPSA)<sup>45</sup> and EJCC partners presented on topics such as “Technology’s Role in Protecting Against Abuse Later in Life” and “Age Friendly Banking.”

In the spring of 2020 several EJCC members and NCEA hosted a webinar “Upholding Justice for Older Americans: A National Conversation” in which EJCC members discussed lessons learned from COVID-19 that shaped the field’s aging and disability priorities, provided the most current resources from the field, and shared tools and resources regarding financial exploitation on the WEAAD microsite.<sup>46</sup>(Recommendation 5)

#### LEGAL ASSISTANCE AND ELDER ABUSE

Legal assistance and elder rights programs under Title III-B of the Older Americans Act (OAA)

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<sup>42</sup> <https://eldermistreatment.usc.edu/weaad-2019-2/>

<sup>43</sup> [https://www.ncall.us/2019/06/07/luv\\_weaad/](https://www.ncall.us/2019/06/07/luv_weaad/)

<sup>44</sup> <http://www.napsa-now.org/get-connected/weaad/>

<sup>45</sup> <https://www.napsa-now.org/>

<sup>46</sup> <https://eldermistreatment.usc.edu/weaad-home/>

are instrumental in addressing the harmful consequences of elder abuse, including financial damage caused by exploitation and fraud. With the rapid increase in the aging population creating unique demands on existing service delivery systems, the need to have aging services, legal services, and elder abuse prevention and response networks working cohesively to protect the rights of older persons is critical. There are approximately 932 OAA-funded legal services providers nationwide, which provide approximately 964,000 hours of legal assistance per year. Legal services under Title III-B can protect older persons against the direct challenges to independence presented by elder abuse. These cases involve complex legal issues, which may include financial exploitation, fiduciary abuses, and consumer fraud; physical abuse; and neglect/self-neglect.

#### NATIONAL CENTER ON LAW AND ELDER RIGHTS

The National Center on Law and Elder Rights (NCLER) empowers professionals in aging, disability, and legal networks with tools and resources to provide older individuals with high quality training, technical assistance, and capacity-building services for elder rights advocates and service providers, including legal assistance and legal services programs in aging and disability networks. NCLER enhances the leadership, knowledge, and legal services capacity building for legal and aging provider organizations. NCLER services improve the quality, cost effectiveness, and accessibility of legal assistance and elder rights protections available to older persons with social or economic needs. In 2019, NCLER served 36,300 advocates and service providers.

NCLER supports aging, disability, legal, and elder rights networks through a range of activities, including case consultation, legal training, and technical assistance on issues related to OAA-

prioritized legal assistance, elder rights, and capacity building matters. Training webinars are recorded and posted to the NCLER website<sup>47</sup> and are associated with educational materials, tip sheets, and other practical tools. Among the types of pervasive legal issues addressed by NCLER are preventing homelessness among older adults through contesting rental evictions and foreclosure, protecting against consumer scams and debt collection harassment, addressing and responding with legal remedies to elder abuse in the community and in long-term care facilities, and redressing difficulties in accessing public entitlement benefits that are essential to financial security, independence, and health, including Medicaid and SNAP. NCLER also provides technical assistance on the efficient, cost-effective, and targeted provision of state-wide legal and elder rights advocacy services.

In addition to twice monthly webinars, a robust conference presence, and customized technical assistance, a highlight of NCLER work in 2019 was the development of the Elder Justice Toolkit,<sup>48</sup> which contains practical information on civil legal remedies, practice tips, and sample pleadings for attorneys seeking protection and redress for their clients who have experienced elder abuse. Multiple states' perspectives are considered and used as examples, but the Toolkit is designed for national use. Another highlight of 2019 was a webinar, chapter summary, and slides on the topic of Legal Assistance & the Aging Services Network: Strengthening Partnerships and Communication.<sup>49</sup> Another well-attended training was on the topic of Using Reasonable Accommodations to Prevent the Eviction of Elderly Tenants with Disabilities.<sup>50</sup>

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<sup>47</sup> <https://ncler.acl.gov/>

<sup>48</sup> <https://ncler.acl.gov/ElderJustice-Toolkit/About-Elder-Justice-Toolkit.aspx>

<sup>49</sup> <https://ncler.acl.gov/Legal-Service-Capacity-Building/Partnerships-and-Collaboration.aspx>

<sup>50</sup> <https://ncler.acl.gov/getattachment/Legal-Training/Eviction-Defense-Ch-Summary.pdf.aspx?lang=en-US>

## LEGAL ASSISTANCE ENHANCEMENT PROGRAM GRANTS

In 2019, ACL funded six legal assistance organizations with three-year grants to address gaps in access to legal assistance and strengthen programs serving older adults. Grantees address a diverse set of issues, such as supporting grandparents raising grandchildren, utilizing technology to advance elder justice, Medical-Legal Partnerships, reaching under-served communities, and disaster recovery.

ACL's Legal Assistance Enhancement Program (LAEP) supports legal assistance enhancements and innovations in four key areas:

- Outreach efforts to effectively educate clients and the aging network about legal assistance;
- Intake strategies that are integrated with the broader aging network;
- Essential partnerships within and outside the aging network that serve communities of older adults; and
- Delivery of full-range legal assistance, from legal advice through representation.

## LONG-TERM CARE OMBUDSMAN PROGRAM

Long-Term Care (LTC) Ombudsman programs provide person-centered support for residents of long-term care facilities (nursing homes and residential care communities), including residents who are survivors of alleged abuse, neglect, and financial exploitation. ACL administers this program through Older Americans Act grants to states, which operate the programs. LTC Ombudsman programs are not the primary finder of fact in order to substantiate allegations of abuse. However, they coordinate with agencies that do have that role such as adult protective services, regulatory agencies, and law enforcement agencies. Ombudsman programs may also

coordinate their work with those agencies, LTC facilities, and others to prevent abuse, to resolve resident complaints, and to strengthen responses to abuse. In FY 2019, states' LTC Ombudsman programs worked to resolve more than 18,174 complaints related to abuse, gross neglect, or financial exploitation of long-term care facility residents.

From 2019-2020, ACL has conducted a number of activities to enhance the quality and effectiveness of LTC Ombudsman services to residents, including:

- LTC Ombudsman Program Evaluation – In FY 2019 and 2020 ACL finalized the “process evaluation” and issued several reports<sup>51</sup>. ACL is using the findings from the “process evaluation” to support the “outcomes evaluation” to understand the effectiveness and efficiency of the program. Outcomes evaluation activities with five states began in FY 2019 and was set to conclude in FY 2022. (Recommendation 2, 4)
- Reporting LTC Ombudsman Program Activities – State Ombudsman programs reported their FY 2020 data using the National Ombudsman Reporting System and new software, the Older Americans Act Performance System (OAAPS), which streamlined reporting by states, increased reliability and accuracy of the data, implemented regulatory requirements, and increased ACL’s ability to analyze data related to abuse, neglect, and exploitation. (Recommendation 2, 4)
- Training and technical assistance are provided to LTC Ombudsman programs by the ACL-funded National LTC Ombudsman Resource Center (NORC)<sup>52</sup>. Relevant activities included a learning collaborative to protect residents against facility-initiated discharges with seven pilot states. Webinars and a Toolkit were provided to all state Ombudsman programs. With the onset of the COVID-19 Public Health Emergency the NORC quickly launched training to address resident needs when visitation was restricted. (March-June 2020) They also developed model protocols to begin re-entering LTC facilities and a four-part series on “Understanding how Trauma Impacts You, Residents and Your Advocacy (April-July 2020). (Recommendation 2)
- ACL’s Office of LTC Ombudsman Programs participated in the roll-out of the new nursing home enforcement initiative targeting “grossly-substandard” nursing homes (March 2020). In FY 2019 and FY 2020, ACL and DOJ continued to facilitate meetings between state Ombudsmen and the DOJ Elder Justice Coordinators on an ad-hoc basis. (Recommendation 1)

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<sup>51</sup> <https://acl.gov/programs/program-evaluations-and-reports>

<sup>52</sup> <http://ltcombudsman.org/>

# AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

## CENTER FOR EVIDENCE AND PRACTICE IMPROVEMENT

The Agency for Healthcare Research and Quality (AHRQ) funded a systematic evidence review on Screening for Intimate Partner Violence, Elder Abuse, and Abuse of Vulnerable Adults that was published October 2018. This review was used by the independent U.S. Preventive Services Task Force (USPSTF) to develop a recommendation on Screening for Intimate Partner Violence, Elder Abuse, and Abuse of Vulnerable Adults. More information is available by visiting the websites for the AHRQ systematic evidence review<sup>53</sup> and USPSTF recommendation<sup>54</sup>.

AHRQ funded a systematic evidence review on Screening for Cognitive Impairment in Older Adults that was published in 2020. This review was used by the independent USPSTF to develop a recommendation on Screening for Cognitive Impairment in Older Adults. More information is available at the AHRQ systematic evidence review website<sup>55</sup>.

The USPSTF is a volunteer panel of national experts in prevention and evidence-based medicine. The Task Force works to improve the health of people nationwide by making evidence-based recommendations about clinical preventive services such as screenings, counseling services, and preventive medications. AHRQ has been authorized by the U.S. Congress to convene the Task Force and to provide ongoing scientific, administrative, and dissemination support to the Task Force. (Recommendation 8)

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<sup>53</sup> <https://www.ncbi.nlm.nih.gov/books/NBK533720/>

<sup>54</sup> <https://www.uspreventiveservicestaskforce.org/uspstf/recommendation/intimate-partner-violence-and-abuse-of-elderly-and-vulnerable-adults-screening>

<sup>55</sup> <https://www.ncbi.nlm.nih.gov/books/NBK554654/>

AHRQ funded a systematic review on Care Interventions for People Living With Dementia and Their Caregivers, published in 2020, at the request of the National Institutes on Aging. This review looked at the impact of interventions directed at caregivers of people living with dementia and whether they impacted elder abuse. More information is available at the AHRQ evidence review website.<sup>56</sup>

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<sup>56</sup> <https://effectivehealthcare.ahrq.gov/products/care-interventions-pwd/report>

## CENTERS FOR DISEASE CONTROL AND PREVENTION

National Center for Injury Prevention and Control Division of Violence Prevention

The Injury Center's focus is on prevention—stopping injuries and violence before they happen.

Their work is growing and evolving, and their priorities reflect urgent public health issues:

adverse childhood experiences (ACEs), overdose, and suicide. They also address violence and leading causes of unintentional injuries—including drowning, motor vehicle crashes, older adult falls, and traumatic brain injury (TBI).

CDC released two publications regarding violence directed against older adults:

1. Logan JE, Haileyesus T, Ertl A, Rostad WL, Herbst JH. Nonfatal Assaults and Homicides Among Adults Aged  $\geq 60$  Years – United States, 2002-2016.<sup>57</sup> *MMWR Morb Mortal Wkly Rep.* 2019 Apr 5;68(13):297-302. doi: 10.15585/mmwr.mm6813a1.

The published *Morbidity and Mortality Weekly Report* (MMWR) used data from the National Electronic Injury Surveillance System-All Injury Program (NEISS-AIP) and the National Vital Statistics System (NVSS) to estimate rates of nonfatal assaults and homicides against older adults during 2002-2016. Across the 15-year period, the nonfatal assault rate increased 75.4 percent (from 77.7 to 136.3 per 100,000) among men, and from 2007 to 2016, increased 35.4 percent (from 43.8 to 59.3) among women. From 2010 to 2016, the homicide rate increased among men by 7.1 percent, and a 19.3 percent increase was observed from 2013 to 2016 among men aged 60-69 years. Growth in both the older adult population and the rates of violence against this group, especially among men, suggests an important need for violence prevention strategies. Focusing prevention efforts for this population will require improved understanding of magnitude and trends in violence against older adults.

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<sup>57</sup> <https://www.ncbi.nlm.nih.gov/pubmed/30946734>

2. Marshall K, Herbst J, Girod C, Annor F. Do interventions to prevent or stop abuse and neglect among older adults work? A systematic review of reviews.<sup>58</sup> *J Elder Abuse Negl.* 2020 Nov-Dec;32(5):409-433. doi: 10.1080/08946566.2020.1819926.

The published systematic review of reviews was conducted to identify effective strategies and approaches for preventing abuse and neglect among older adults. Among publications from January 2000 to May 2020, eleven unique reviews were identified and indicated weak or insufficient evidence of effectiveness in preventing or reducing abuse. The publication includes suggestions for future research.

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<sup>58</sup> <https://pubmed.ncbi.nlm.nih.gov/32957832/>

## NATIONAL INSTITUTES OF HEALTH

### NATIONAL INSTITUTE ON AGING

This section summarizes research grants and training activities funded by the National Institute on Aging (NIA) within the National Institutes of Health (NIH) that focused on elder mistreatment during the 2018–2020 reporting period. Descriptions of the referenced Notices of Funding Opportunity (NOFOs) and Notices of Special Interest (NOSIs), along with details of the relevant grants awarded during the funding period, are accessible via the hyperlinks provided in the Tables below.

NIA explicitly solicited research on elder mistreatment through eight NOFOs and NOSIs (Table 1) to support the development and implementation of a federal Elder Justice Research Agenda (Recommendation 4). Additionally, NIA introduced four new NOFOs focused on research to improve screening for dementia and cognitive capacity, financial capacity, and financial exploitation (Table 2). In total, NIA funded nine grants through these solicited NOFOs/NOSIs (Table 3) (Recommendation 4, 8).

NIA also funded four new grants submitted to other NOFOs: a Research Project (R01) research grant, NIH's most commonly used grant program for independent research projects, to the NIH Research Project Grant (Parent R01) NOFO ([PA-19-056](https://grants.nih.gov/grants/guide/pa-files/pa-19-056.html))<sup>59</sup>; an R15 Academic Research Enhancement Award for Undergraduate-Focused Institutions ([PAR-18-714](https://grants.nih.gov/grants/guide/notice-files/NOT-AG-18-057.html))<sup>60</sup>; a K99/R00NIH Pathway to Independence Award ([PA-18-398](https://grants.nih.gov/grants/guide/pa-files/pa-18-398.html))<sup>61</sup>; and an F31 Ruth L. Kirschstein National

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<sup>59</sup> <https://grants.nih.gov/grants/guide/pa-files/pa-19-056.html>

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<https://grants.nih.gov/grants/guide/notice-files/NOT-AG-18-057.html>

<sup>61</sup> <https://grants.nih.gov/grants/guide/pa-files/pa-18-398.html>

Research Service Award (NRSA) Individual Predoctoral Fellowship to Promote Diversity in Health-Related Research ([PA-18-666](#))<sup>62</sup> (Table 4). Additionally, NIA funded four new supplement awards to support the expansion of research pursued in ongoing parent grant projects focused on elder mistreatment (Table 5) and two pilot grant awards associated with the Asian Resource Centers for Minority Aging Research (RCMAR) grant (1P30AG059304-01) (Table 6). (Recommendation 4)

## PROFESSIONAL TRAINING

In the interest of promoting cross-disciplinary training on elder abuse, NIA supported the development and implementation of an informal research network in 2019, which is comprised of the multidisciplinary principal investigators of the grants funded under [RFA-AG-18-010](#)<sup>63</sup>, Uncovering the Causes, Contexts, and Consequences of Elder Mistreatment (R01). This informal network first convened on June 10, 2019 and again on February 26, 2020. The purpose of this informal network and these meetings is to exchange and discuss updates, challenges, and opportunities within their respective research projects with the overarching goal of providing a collaborative forum for addressing challenges in the diagnosis and treatment of elder mistreatment and its prevention for the field as a whole. (Recommendation 6)

## TRANS-FEDERAL COLLABORATIONS

In 2019, NIA collaborated with DOJ's Elder Justice Initiative and Office of Justice in developing a research agenda for the Domestic Policy Council, along with ACL's Office of Elder Justice, Consumer Financial Protection Bureau's Office for Older Americans, Federal Trade Commission's Bureau of Consumer Protection (Recommendation 4). Also in 2019, NIA assisted

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<sup>62</sup> <https://grants.nih.gov/grants/guide/pa-files/PA-18-666.html>

<sup>63</sup> <http://grants1.nih.gov/grants/guide/rfa-files/RFA-AG-18-010.html>

DOJ’s Elder Justice Initiative in their efforts to compile federally funded elder abuse research.

(Recommendation 4)

Elder Mistreatment NOFOs/NOSIs

Table 1. NOFOs: Development and Implementation of a Federal Elder Justice Research Agenda

NOFO/NOSI#	Title	Posted date	Applications due	Awards first issued
<a href="https://grants.nih.gov/grants/guide/notice-files/NOT-AG-18-057.html">NOT-AG-18-057<sup>64</sup></a>	Notice to Specify High-Priority Research Topic for PAR-19-070 and PAR-19-071	1/2/2019	3/11/2019; 7/9/2019; 11/12/2019; 3/22/2020; 7/9/2020	FY2020
<a href="https://grants.nih.gov/grants/guide/pa-files/par-18-538.html">PAR 18-538<sup>65</sup></a>	Basic and Translational Research on Decision Making in Aging and Alzheimer’s Disease (R21)	12/21/2017	2/8/2019; 6/8/2019; 2/7/2020; 7/8/2020	FY2020
<a href="https://grants.nih.gov/grants/guide/pa-files/par-18-544.html">PAR-18-544<sup>66</sup></a>	Basic and Translational Research on Decision Making in Aging and Alzheimer’s Disease (R01)	12/21/2017	2/8/2019; 6/8/2019; 2/7/2020; 7/8/2020	FY2020
<a href="https://grants.nih.gov/grants/guide/pa-files/PA-19-205.html">PA-19-205<sup>67</sup></a>	Research on the Health of Women of Understudied, Underrepresented and Underreported (U3) Populations – An ORWH FY19 Administrative Supplement	3/1/2019	4/8/2019	No relevant awards issued
<a href="https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-006.html">RFA-AG-20-006<sup>68</sup></a>	Interpersonal Processes in Alzheimer’s Disease and Related Dementias Clinical Interactions and Care Partnerships (R01)	6/5/2019	11/23/2019	FY2019
<a href="https://grants.nih.gov/grants/guide/notice-files/NOT-AG-20-039.html">NOT-AG-20-039<sup>69</sup></a>	Notice of Special Interest: Fundamental and Translational Research on Decision Making in Aging and/or Alzheimer’s Disease and Alzheimer’s Disease Related Dementias (AD/ADRD)	7/21/2020	11/05/2020	FY2021
<a href="https://grants.nih.gov/grants/guide/pa-files/par-20-143.html">PAR-20-143<sup>70</sup></a>	Firearm Injury and Mortality Prevention Research (R61 Clinical	3/20/2020	5/15/2020	<b>FY2020</b>

<sup>64</sup> <https://grants.nih.gov/grants/guide/notice-files/NOT-AG-18-057.html>

<sup>65</sup> <https://grants.nih.gov/grants/guide/pa-files/par-18-538.html>

<sup>66</sup> <https://grants.nih.gov/grants/guide/pa-files/par-18-544.html>

<sup>67</sup> <https://grants.nih.gov/grants/guide/pa-files/PA-19-205.html>

<sup>68</sup> <https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-006.html>

<sup>69</sup> <https://grants.nih.gov/grants/guide/notice-files/NOT-AG-20-039.html>

<sup>70</sup> <https://grants.nih.gov/grants/guide/pa-files/par-20-143.html>

<b>NOFO/NOSI#</b>	<b>Title</b>	<b>Posted date</b>	<b>Applications due</b>	<b>Awards first issued</b>
	Trial Optional)			
<a href="#">NOT-OD-20-089<sup>71</sup></a>	Notice of Special Interest (NOSI): Competitive Revisions for Firearms Injury and Mortality Prevention Research	3/20/2020	5/15/2020	<b>FY2020</b>

Table 2. NOFOs: Improving Screening for Dementia and Cognitive Capacity, Financial Capacity, and Financial Exploitation

<b>NOFO/NOSI#</b>	<b>Title</b>	<b>Posted date</b>	<b>Applications due</b>	<b>Awards first issued</b>
<a href="#">NOT-AG-20-017<sup>72</sup></a>	Notice of Special Interest: Digital Technology for Early Detection of Alzheimer’s Disease and Related Dementias	3/11/2020	7/9/2020	FY2021
<a href="#">RFA-AG-20-022<sup>73</sup></a>	Aging, Driving and Early Detection of Dementia (R01 Clinical Trial Optional)	6/11/2019	10/22/2019	FY2020
<a href="#">RFA-AG-20-050<sup>74</sup></a>	Low-Cost Detection of Cognitive Decline in Clinical Settings (R61/R33 / R01 Clinical Trial Required)	9/27/2019	1/30/2020	FY2020
<a href="#">RFA-AG-20-051<sup>75</sup></a>	Low-Cost Detection of Cognitive Decline in Clinical Settings (R61/R33 / R01 Clinical Trial Required)	9/27/2019	1/30/2020	FY2020

NEWLY FUNDED RESEARCH GRANTS

Table 3. Research Grants Awarded Through Solicited NOFOs/NOSIs

<sup>71</sup> <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-20-089.html>

<sup>72</sup> <https://grants.nih.gov/grants/guide/notice-files/NOT-AG-20-017.html>

<sup>73</sup> <https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-022.html>

<sup>74</sup> <https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-050.html>

<sup>75</sup> <https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-051.html>

<b>NOFO/NOSI #</b>	<b>PI Name (Contact)</b>	<b>Grant</b>	<b>PI State</b>	<b>Title</b>	<b>Project Details</b>
<a href="https://grants.nih.gov/grants/guide/pa-files/par-18-538.html">PAR 18-538<sup>76</sup></a>	WILD, KATHERIN E	1 R21 AG062679-01	OR	Electronic Financial Indicators of Neurodegenerative Disease	<a href="#">RePORTE R Proj Info<sup>77</sup></a>
<a href="https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-022.html">RFA-AG-20-022<sup>78</sup></a>	BABULAL, GANESH M	1 R01 AG068183-01	MO	Naturalistic driving as a functional neurobehavioral marker of preclinical and symptomatic Alzheimer disease	<a href="#">RePORTE R Proj Info<sup>79</sup></a>
<a href="https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-022.html">RFA-AG-20-022<sup>80</sup></a>	GIORDANI, BRUNO	1 R01 AG068338-01	MI	Identification of cognitive decline and dementia: Prediction by everyday driving behaviors and physiological responses	<a href="#">RePORTE R Proj Info<sup>81</sup></a>
<a href="https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-022.html">RFA-AG-20-022<sup>82</sup></a>	TAPPEN, RUTH M	1 R01 AG068472-01	FL	In-Vehicle Sensors to Detect Cognitive Change in Older Drivers	<a href="#">RePORTE R Proj Info<sup>83</sup></a>
<a href="https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-050.html">RFA-AG-20-050<sup>84</sup></a>	HANSON, LEAH R	1 R61 AG069770-01	MN	A Technology-Driven Intervention to Improve Early Detection and Management of Cognitive Impairment	<a href="#">RePORTE R Proj Info<sup>85</sup></a>
<a href="https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-050.html">RFA-AG-20-050<sup>86</sup></a>	HILSABECK, ROBIN C	1 R61 AG069780-01	TX	Cognitive Screening Made Easy for Primary Care Providers	<a href="#">RePORTE R Proj Info</a>

<sup>76</sup> <https://grants.nih.gov/grants/guide/pa-files/par-18-538.html>

<sup>75</sup> <https://grants.nih.gov/grants/guide/pa-files/PA-19-056.html>

<sup>77</sup> <https://reporter.nih.gov/search/dVhvwakVEU2wTwstKpsDg/project-details/9722035>

<sup>78</sup> <https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-022.html>

<sup>79</sup> <https://reporter.nih.gov/search/ThmvlPtaKE6PuwCqhb7oeA/project-details/10040061>

<sup>80</sup> <https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-022.html>

<sup>81</sup> [https://reporter.nih.gov/search/g10oRIh9\\_0aBLsW9SBMmhw/project-details/10044799](https://reporter.nih.gov/search/g10oRIh9_0aBLsW9SBMmhw/project-details/10044799)

<sup>82</sup> <https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-022.html>

<sup>83</sup> [https://reporter.nih.gov/search/3\\_fNN74rzEOZV6iCwMq44Q/project-details/10045777](https://reporter.nih.gov/search/3_fNN74rzEOZV6iCwMq44Q/project-details/10045777)

<sup>84</sup> <https://reporter.nih.gov/search/I2SwLE4OckihIZh4YnxG2Q/project-details/10092423>  
[grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-050.html](https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-050.html)

<sup>85</sup>

<sup>86</sup> <https://reporter.nih.gov/search/I2SwLE4OckihIZh4YnxG2Q/project-details/10092423>  
[grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-050.html](https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-050.html)

<a href="https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-051.html">RFA-AG-20-051<sup>87</sup></a>	BOUSTANI, MALAZ	1 R01 AG069765-01	IN	Digital Detection of Dementia Studies (D cubed Studies).	<a href="#">RePORTE R Proj Info<sup>88</sup></a>
<a href="https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-051.html">RFA-AG-20-051<sup>89</sup></a>	DUBLIN, SASCHA	1 R01 AG069734-01	WA	Low-cost detection of dementia using electronic health records data: validation and testing of the eRADAR algorithm in a pragmatic, patient-centered trial.	<a href="#">RePORTE R Proj Info<sup>90</sup></a>
<a href="https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-051.html">RFA-AG-20-051<sup>91</sup></a>	GERSHON, RICHARD	1 R01 AG069762-0	IL	ToolBox Detect: Low Cost Detection of Cognitive Decline in Primary Care Settings	<a href="#">RePORTE R Proj Info<sup>92</sup></a>

Table 4. Relevant Grants Awarded Through Other NOFOs

<b>NOFO/NOS I#</b>	<b>PI Name (Contact)</b>	<b>Grant</b>	<b>PI State</b>	<b>Title</b>	<b>Project Details</b>
<a href="https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-051.html">PA-19-056<sup>75</sup></a>	NICHOLAS, LAUREN	1RF1AG069922-01	MD	Health and Financial Implications of Early-Stage Alzheimer's Disease and Related Dementias	<a href="#">RePORT ER Proj Info<sup>93</sup></a>
<a href="https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-051.html">PAR-18-714<sup>58</sup></a>	RABIN, LAURA A	1R15AG066039-01	NY	Novel Multimodal Assessment of Practical Judgment	<a href="#">RePORT ER Proj Info<sup>94</sup></a>

<sup>87</sup> <https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-051.html>

<sup>88</sup> <https://reporter.nih.gov/search/qLU4IrX5CEaq4PYuyWQ-Zg/project-details/10092237>

<sup>89</sup> <https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-051.html>

<sup>90</sup> [https://reporter.nih.gov/search/AORkD60rukC\\_ewhDznS9Vw/project-details/10091300](https://reporter.nih.gov/search/AORkD60rukC_ewhDznS9Vw/project-details/10091300)

<sup>91</sup> <https://grants.nih.gov/grants/guide/rfa-files/RFA-AG-20-051.html>

<sup>92</sup> <https://reporter.nih.gov/search/GEW7YdFY1UK7APtVq2S-Rw/project-details/10091959>

<sup>93</sup> [https://projectreporter.nih.gov/project\\_info\\_description.cfm?icde=0&aid=10096210](https://projectreporter.nih.gov/project_info_description.cfm?icde=0&aid=10096210)

<sup>94</sup> [https://projectreporter.nih.gov/project\\_info\\_description.cfm?icde=0&aid=9881130](https://projectreporter.nih.gov/project_info_description.cfm?icde=0&aid=9881130)

NOFO/NOS I#	PI Name (Contact)	Grant	PI State	Title	Project Details
				Across the Alzheimer's Continuum: Toward a Better Understanding of how to Predict Risk in the Elderly	
<a href="#">PA-18-398</a> <sup>95</sup>	SUNDERARAMAN, PREETI	1K99AG062783-01	NY	Modernizing the Assessment of Financial Decision Making: Development and Evaluation of a Simulated Online Money Management Task in Older Adults	<a href="#">RePORT ER Proj Info</a> <sup>96</sup>
<a href="#">PA-18-666</a> <sup>97</sup>	QUINN, CRYSTAL	1F31AG063472-01A1	NY	Improving the assessment of judgment ability in older adults with preclinical and clinical dementia	<a href="#">RePORT ER Proj Info</a> <sup>98</sup>

<sup>95</sup> <https://grants.nih.gov/grants/guide/pa-files/par-18-714.html>

<sup>96</sup> [https://projectreporter.nih.gov/project\\_info\\_description.cfm?icde=0&aid=9721902](https://projectreporter.nih.gov/project_info_description.cfm?icde=0&aid=9721902)

<sup>97</sup> <https://grants.nih.gov/grants/guide/pa-files/PA-18-666.html>

<sup>98</sup> [https://projectreporter.nih.gov/project\\_info\\_description.cfm?icde=0&aid=9833893](https://projectreporter.nih.gov/project_info_description.cfm?icde=0&aid=9833893)

Table 5. Supplement Elder Justice Awards

NOFO/NOSI #	PI Name (Contact)	Grant	PI State	Title	Project Details
<a href="http://grants1.nih.gov/grants/guide/pa-files/PA-19-226.html">PA-19-226<sup>99</sup></a>	ABUJARAD, FUAD	3R01AG060084-02S1 <a href="http://grants1.nih.gov/grants/guide/pa-files/PA-19-226.html">PA-19-226<sup>100</sup></a> ;	CT	Feasibility of elder mistreatment screening tool, VOICES, for older adults with disabilities	<a href="#">RePORTE R Proj Info<sup>101</sup></a>
<a href="http://grants1.nih.gov/grants/guide/rfa-files/RFA-AG-18-010.html">RFA-AG-18-010<sup>102</sup></a>	BURNES, DAVID	3 R01 AG060080-02S1 <a href="http://grants1.nih.gov/grants/guide/rfa-files/RFA-AG-18-010.html">RFA-AG-18-010</a>	ON	Understanding the Causes, Consequences, and Severity of Elder Mistreatment: A Longitudinal, Population-Based Study	<a href="#">RePORTE R Proj Info<sup>103</sup></a>
<a href="http://grants1.nih.gov/grants/guide/pa-files/PA-20-222.html">PA-20-222<sup>104</sup></a>	EBNER, NATALIE C (contact); SPRENG, ROBERT NATHAN	3R01AG057764-03S1	FL	Uncovering and Surveilling Financial Deception Risk in Aging	<a href="#">RePORTE R Proj Info<sup>105</sup></a>
<a href="http://grants1.nih.gov/grants/guide/pa-files/PA-20-143.html">PAR-20-143</a>	BETZ, MARIAN ELIZABETH	3 R01 AG059613-02S1	CO	Decision Making Among Older Adults: Firearm	<a href="#">RePORTE R Proj Info<sup>106</sup></a>

<sup>99</sup> <http://grants1.nih.gov/grants/guide/pa-files/PA-19-226.html>

<sup>100</sup> <http://grants1.nih.gov/grants/guide/pa-files/PA-19-226.html>

<sup>101</sup> [https://projectreporter.nih.gov/project\\_info\\_description.cfm?icde=0&aid=9925974](https://projectreporter.nih.gov/project_info_description.cfm?icde=0&aid=9925974)

<sup>102</sup> <http://grants1.nih.gov/grants/guide/rfa-files/RFA-AG-18-010.html>

<sup>103</sup> <https://reporter.nih.gov/search/ODvczmvNGEGqmE2LdB6tKw/project-details/9983277>

<sup>104</sup> <http://grants1.nih.gov/grants/guide/pa-files/PA-20-222.html>

<sup>105</sup> [https://projectreporter.nih.gov/project\\_info\\_description.cfm?icde=0&aid=10205821](https://projectreporter.nih.gov/project_info_description.cfm?icde=0&aid=10205821)

<sup>106</sup> [https://reporter.nih.gov/search/-V\\_xnmPPo0OoONgBOGe7ww/project-details/10164551](https://reporter.nih.gov/search/-V_xnmPPo0OoONgBOGe7ww/project-details/10164551)

<b>NOFO/NOSI #</b>	<b>PI Name (Contact)</b>	<b>Grant</b>	<b>PI State</b>	<b>Title</b>	<b>Project Details</b>
				Retirement	

Table 6. Elder Justice Pilot Projects Awards

<b>PI Name (Contact)</b>	<b>Grant</b>	<b>PI State</b>	<b>Title</b>	<b>Project Details</b>
LI, MENGTING	1P30AG059304-01	NJ	Association between Incident Elder Abuse and Trajectories of Cognitive Decline in US Chinese Population: Moderating and Mediating Effects of Resilience Factors	<a href="#">RePORTER Proj Info<sup>107</sup></a>
YING-YU, CHAO	1P30AG059304-01	ON	Help-seeking among U.S. Chinese Older Adults with Elder Mistreatment	<a href="#">RePORTER Proj Info<sup>108</sup></a>

<sup>107</sup> <https://reporter.nih.gov/search/grbHWbyIiUaOl-6vHffNrA/project-details/9532540>

<sup>108</sup> <https://reporter.nih.gov/search/grbHWbyIiUaOl-6vHffNrA/project-details/9776418>

## OFFICE OF INSPECTOR GENERAL

### OPERATION CARE

In April 2020, the U.S. Department of Health and Human Services, Office of Inspector General (HHS OIG) established the COVID-19 Cross-component Nursing Home Initiative called Operation CARE (Caring, Awareness, & Resources for Our Elders). The goal of the initiative was to engage in a multi-disciplinary approach to address rising concerns in the response to the COVID-19 pandemic and its problematic implications in the nursing home community.

- In May 2020, HHS OIG created a national nursing home and emergency medical service provider educational and awareness initiative due to the high number of deaths identified at nursing homes across the nation because of the COVID-19 pandemic. In July 2020, 230 HHS OIG employees and other HHS OIG partners conducted outreach activities at approximately 493 nursing homes and 236 EMS providers. Nursing homes with the highest number of deaths and highest death rates were selected for this initiative. Nursing homes and EMS providers were provided with posters, business cards and additional literature that explained how to report concerns to the OIG Hotline and other federal and state authorities involving unsafe practices resulting in COVID-19 exposure, overall quality of care concerns, patient abuse and neglect, and fraud and misconduct related to Medicare and Medicaid. The literature also increased the visibility of HHS OIG's efforts to protect patients and the taxpayer and promoted HHS OIG's mission, vision and values. Ninety-one percent of the nursing homes and ninety-five percent of the EMS providers agreed to display HHS OIG hotline posters.
- In November 2020, HHS OIG launched the [Operation CARE website](https://oig.hhs.gov/fraud/care/index.asp)<sup>109</sup>, including a video called "5 Things About Nursing Home Fraud & Abuse". The launch included a stakeholder newsletter email and a social media campaign to draw stakeholder attention to the webpage and efforts across HHS OIG in the nursing home space.

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<sup>109</sup> <https://oig.hhs.gov/fraud/care/index.asp>



## UNITED STATES DEPARTMENT OF JUSTICE

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The following section highlights the United States Department of Justice’s (hereafter referred to as the Department) work on elder justice from October 1, 2018 - September 30, 2020. The information contained in this report originates from the Attorney General’s Annual Report to Congress on the Department of Justice Activities to Combat Elder Abuse and Financial Exploitation 2019 Report<sup>110</sup> and 2020 Report<sup>111</sup> (referred to hereafter as the 2019 Report or the 2020 Report). This report contains six sections (cases, training and resources, public outreach, victim support, research, and data), beginning with a few highlights from the past two years.

### **HIGHLIGHTS: ACTIVITIES TO COMBAT ELDER ABUSE AND FINANCIAL EXPLOITATION**

#### **ELDER JUSTICE AS AN AGENCY PRIORITY GOAL**

In recognition of the serious threat that transnational elder fraud schemes pose to the financial security of older Americans, the Attorney General designated the Prevention and Disruption of Transnational Elder Fraud as one of the Department’s four Agency Priority Goals (APG) for FY20-21. Each of the Department’s APGs – Preventing and Disrupting Transnational Elder

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<sup>110</sup> <https://www.justice.gov/file/1211066/download>

<sup>111</sup> <https://www.justice.gov/elderjustice/file/1328756/download>

Fraud; Combatting Cyber-Enabled Threats and Attacks; Violent Crime Reduction; and Combatting the Opioid Crisis – represents the highest implementation-focused, performance improvement priorities of DOJ leadership. Through the APG process, the Department established two-year goals to Prevent and Disrupt Transnational Elder Fraud, developed an implementation plan that identified strategies to achieve those goals as well as risks that could impact the implementation, along with metrics and milestones to monitor progress on a quarterly basis in order to ensure that the Department made progress and adjusted when needed. Since the beginning of FY 2020, October 2019, DOJ has been executing its action plan to protect older Americans from fraud. Each of the Department’s APG implementation plans and updates are publicly available.<sup>112</sup> (Recommendation 1, 5, 7)

#### **NATIONAL ELDER FRAUD HOTLINE**

The Department launched the National Elder Fraud Hotline on March 3, 2020.<sup>113</sup> The hotline, managed by the Office for Victims of Crime (OVC), helps older adults who may be victims of financial fraud. The hotline is staffed with experienced case managers who provide personalized support to assist callers in reporting suspected fraud to the relevant agencies and offer resources and referrals to other appropriate services as needed. If requested, case managers will also complete a complaint form for the Federal Bureau of Investigation (FBI), the Internet Crime Complaint Center (IC3) for Internet-facilitated crimes, or submit a consumer complaint to the Federal Trade Commission (FTC), when applicable.

Case management staff have previous experience as adult protective services social

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<sup>112</sup> [https://trumpadministration.archives.performance.gov/justice/APG\\_justice\\_3.html](https://trumpadministration.archives.performance.gov/justice/APG_justice_3.html)

<sup>113</sup> <https://www.justice.gov/opa/speech/attorney-general-william-p-barr-announces-results-department-justices-2020-elder-fraud>

workers/investigators; ombudsmen; victim advocates specializing in elder abuse and financial crimes and exploitation; clinical supervisors; mental health counselors and case managers; housing coordinators; and health and social services case managers. All staff have experience in the human services field and expertise in providing telephonic case management, coordination, and referrals. From the launch through June 30, 2020, the hotline received 2,320 calls, 1,893 of which reached hotline staff. (Recommendation 2)

- Phone: 1-833-FRAUD-11 (1-833-372-8311)
- Hours of Operation: 10:00 a.m.– 6:00 p.m., eastern time, Monday - Friday
- Website<sup>114</sup>

### **FBI IC3 RECOVERY ASSET TEAM**

The FBI established the IC3 Recovery Asset Team (RAT) in February 2018 to streamline communication with financial institutions and to assist FBI field offices with the freezing of funds for possible recovery victims who made transfers to domestic accounts under fraudulent pretenses. The RAT functions as a liaison between law enforcement and financial institutions as they conduct statistical and investigative analysis. Between October 2019 and June 2020, IC3 received 304,303 complaints. 72,648 of these complaints involved victims over the age of 60, which was the largest age group reported to IC3. IC3 RAT processed 979 of the reported complaints, with a reported loss of \$374,318,375.68. RAT froze \$327,373,115.29 from the total reported loss, leading to an 87% success rate. Of the 979 incidents worked by RAT, 58 incidents involved victims over the age of 60 (excluding individuals who are reporting on behalf of a business). The reported loss for these victims totaled \$6,990,837 and RAT froze \$5,733,814, for a success rate of 82%. (Recommendation 1, 2, 7)

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<sup>114</sup> <https://ovc.ojp.gov/program/stop-elder-fraud/providing-help-restoring-hope>

## **ELDER JUSTICE CASES OVERVIEW**

From July 1, 2018, to June 30, 2019, the Department participated in enforcement actions in 428 criminal and civil cases that targeted or disproportionately affected older adults in 72 federal judicial districts. During the reporting period of July 1, 2019, to June 30, 2020, the Department brought enforcement actions in 292 criminal and civil cases that targeted or disproportionately affected older adults in 68 federal judicial districts (for a depiction of cases by district, see Figures 1 and 2 below).<sup>115</sup> For both 2019 and 2020, 90% of the cases were criminal and 10% were civil. The Department continues to fully investigate and prosecute the most serious threats to older Americans, including a wide variety of fraud and failure of care cases.

The Department prosecuted a number of cases that did not meet the specific reporting criteria based on the available facts – i.e., that the perpetrators specifically targeted older adults, defined as age 60 and older, and/or that the crime predominantly affected older adults, meaning that older adults constituted 50% or more of the victims – but nonetheless involved significant numbers of older victims.<sup>116</sup> In addition to these cases, the Department is actively pursuing other matters that are unable to be included in this report because of their procedural status (e.g., they are filed under seal or are in the grand jury stage).

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<sup>115</sup> A listing of all cases can be found in the 2019 Report in Appendix A, available at <https://www.justice.gov/file/1211066/download>, and in the 2020 Report in Appendix A, available at <https://www.justice.gov/elderjustice/file/1328756/download>.

<sup>116</sup> For example, the USAO for NDGA filed several cases that had significant numbers of elderly victims (approximately 15%) but not enough to fall within the scope of the EAPPA definition (50% or more). In these cases, the defendants and their coconspirators used Indian call centers to exploit victims across the U.S. by impersonating officials from the Internal Revenue Service or individuals offering fictitious payday loans. Some of the defendants threatened potential victims with arrest, imprisonment, or fines if they did not pay supposed taxes, penalties, or fees.

Figure 1. Map Depicting Number of Elder Justice Cases Per District In 2018-2019

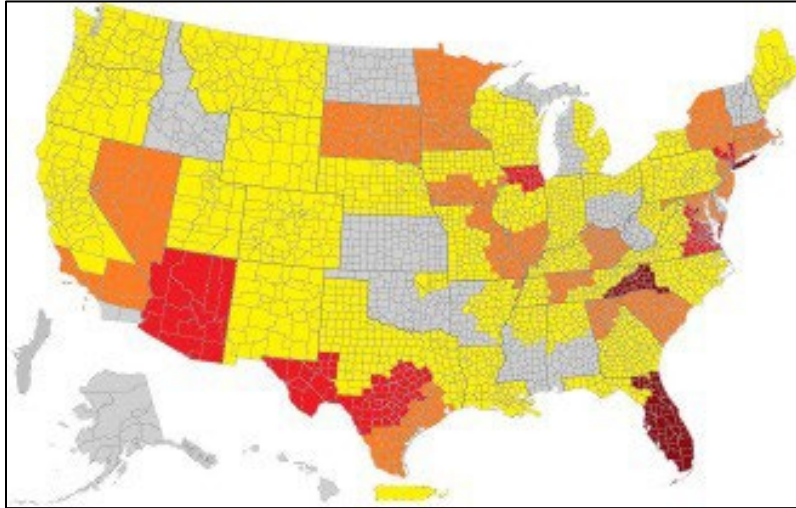


Figure 1 depicts the number of elder justice cases per district in 2018-2019. Yellow districts had 1-5 cases, orange districts had 6-10 cases, bright red districts had 11-15 cases, and dark red districts had 16 or more, up to 25 (Middle District of Florida).<sup>117</sup>

Figure 2. Map Depicting Number of Elder Justice Cases Per District In 2019-2020

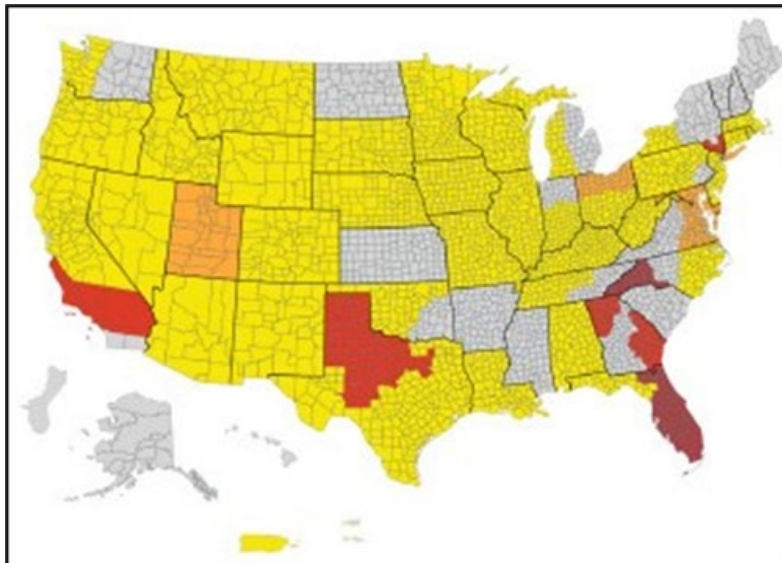


Figure 2 depicts the number of elder justice cases per district in 2019-2020. Yellow districts had

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<sup>117</sup> Source: 2019 Report, available at <https://www.justice.gov/file/1211066/download>, see p. 25 and Appendix A.

1-5 cases, orange districts had 6-10 cases, bright red districts had 11-15 cases, and dark red districts had 16 or more, up to 24 (Western District of North Carolina).<sup>118</sup>

## CASE EXAMPLES

There are numerous types of financial fraud targeting older Americans. Examples of fraud types pursued by the Department are provided below. (Recommendation 1, 7)

### 2019 AND 2020 FRAUD CASES

- **Telemarketing Fraud** (*U.S. v. Kinard* (Middle District of Florida))<sup>119</sup>
- **Tech Support Fraud** (*U.S. v. Mittal* (Western District of North Carolina))<sup>120</sup>
- **Grandparent Scam** (*U.S. v. Diaz* (Eastern District of Pennsylvania))<sup>121</sup>
- **Lottery Scam** (*U.S. v. Gutierrez, et al.* (Eastern District of California))<sup>122</sup>
- **Investment Fraud Targeting Minorities** (*U.S. v. Zamoras* (Northern District of Illinois))<sup>123</sup>
- **Identity Theft** (*U.S. v. Moncrief* (District of Nevada))<sup>124</sup>
- **Mass Mailing Fraud** (*U.S. v. Newman* (District of Connecticut))<sup>125</sup>
- **Government Imposter Scam** (*U.S. v. Choksi, et al.* (Eastern District of Virginia))<sup>126</sup>
- **Romance Scam** (*U.S. v. Iro, et al.* (Central District of California))<sup>127</sup>
- **Investment Fraud** (*U.S. v. Cucinella* (Eastern District of New York))<sup>128</sup>
- **Home Repair Fraud** (*U.S. v. Garcia and Smith-Flores* (Middle District of North Carolina))<sup>129</sup>
- **Sweepstakes Scam** (*U.S. v. Brown* (District of Maryland))<sup>130</sup>
- **Tax Fraud** (*U.S. v. Kellem* (District of Massachusetts))<sup>131</sup>

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<sup>118</sup> Source: 2020 Report, available at <https://www.justice.gov/elderjustice/file/1328756/download>, see p. 24 and Appendix A.

<sup>119</sup> <https://www.justice.gov/usao-mdfl/pr/pinellas-man-sentenced-nearly-eight-years-prison-telemarketing-scam>

<sup>120</sup> <https://www.justice.gov/usao-wdnc/pr/north-carolina-man-pleads-guilty-his-role-international-tech-support-scam>

<sup>121</sup> <https://www.justice.gov/usao-edpa/pr/pennsylvania-woman-charged-fraud-perpetrating-grandparents-scheme>

<sup>122</sup> <https://www.justice.gov/usao-edca/pr/indictment-unsealed-following-arrests-international-lottery-fraud-scheme-preyed-elderly>

<sup>123</sup> <https://www.justice.gov/usao-ndil/pr/north-suburban-financial-adviser-charged-fraud-allegedly-swindling-25-million-elderly>

<sup>124</sup> <https://www.justice.gov/usao-nv/pr/las-vegas-man-sentenced-three-years-prison-after-stealing-elderly-victims-identity>

<sup>125</sup> <https://www.justice.gov/opa/pr/list-broker-indicted-facilitating-elder-fraud-schemes>

<sup>126</sup> <https://www.justice.gov/usao-edva/pr/minnesota-couple-charged-international-elder-fraud-scheme>

<sup>127</sup> <https://www.justice.gov/usao-cdca/pr/massive-international-fraud-and-money-laundering-conspiracy-detailed-federal-grand-jury>

<sup>128</sup> <https://www.justice.gov/usao-edny/pr/brooklyn-man-pleads-guilty-investment-scheme-defrauded-elderly-victims>

<sup>129</sup> <https://www.justice.gov/usao-mdnc/pr/chapel-hill-couple-federally-charged-elder-fraud-home-repair-scheme>

<sup>130</sup> <https://www.justice.gov/usao-md/pr/fraudster-convicted-after-federal-trial-scamming-more-100-elderly-victims-through-lottery>

<sup>131</sup> <https://www.justice.gov/usao-ma/pr/newton-accountant-sentenced-wire-fraud-and-filing-false-tax-return>

- **Money Mule** (*U.S. v. Hannan and Jennings* (Eastern District of Texas))<sup>132</sup>
- **Retirement Account Scam** (*U.S. v. Okang, et al.* (Northern District of Georgia))<sup>133</sup>
- **Telemarketing Fraud Targeting Minorities** (*U.S. v. Guerra, Hidalgo, Hermoza, et al.* (Southern District of Florida))<sup>134</sup>

#### FRAUD PERPETRATED BY:

- **Probate Judge/Lawyer** (*U.S. v. Vettori-Carballo* (Northern District of Ohio))<sup>135</sup>
- **Caregiver** (*U.S. v. Williamson* (Eastern District of North Carolina))<sup>136</sup>
- **Guardian** (*U.S. v. Derby* (Northern District of Iowa))<sup>137</sup>
- **Veteran Employee** (*U.S. v. Devore* (Eastern District of Tennessee))<sup>138</sup>
- **Bank Employee** (*U.S. v. Gallego* (Western District of Texas))<sup>139</sup>

#### NURSING HOME CASES

- **False Claims** (*U.S. ex rel. Krauss v. Guardian Elder Care Holdings, Inc., et al.* (Eastern and Western Districts of Pennsylvania and the Civil Division))<sup>140</sup>
- **Controlled Substance Offenses** (*U.S. v. Cruickshank; U.S. v. Howard; U.S. v. Mills; U.S. v. Swenson; U.S. v. Tindall; U.S. v. Weilbrenner* (Southern District of Iowa))<sup>141</sup>

## **AMERICANS WITH DISABILITIES ACT (ADA) ENFORCEMENT**

The Civil Rights Division (CRT) contributes to the advancement of elder justice through its enforcement of the Americans with Disabilities Act of 1990 (ADA) and through its enforcement of the Civil Rights of Institutionalized Persons Act (CRIPA), ensuring that older state and local prisoners receive constitutionally adequate medical care.

<sup>132</sup> <https://www.justice.gov/usao-edtx/pr/two-texas-women-indicted-money-laundering-scheme>

<sup>133</sup> <https://www.justice.gov/usao-ndga/pr/dozens-charged-atlanta-based-money-laundering-operation-funneled-30-million-proceeds>

<sup>134</sup> <https://www.justice.gov/usao-sdfl/pr/three-men-extradited-overseeing-call-centers-threatened-and-defrauded-spanish-speaking>

<sup>135</sup> <https://www.justice.gov/usao-ndoh/pr/former-mahoning-county-judge-sentenced-more-two-years-prison-stealing-100000-deceased>

<sup>136</sup> <https://www.justice.gov/usao-ednc/pr/woman-pleads-guilty-stealing-her-elderly-laws>

<sup>137</sup> <https://www.justice.gov/usao-ndia/pr/dubuque-couple-sentenced-federal-prison-after-stealing-hundreds-thousands-dollars-man-s>

<sup>138</sup> <https://www.justice.gov/usao-edtn/pr/former-va-field-examiner-and-opm-investigator-kenneth-richard-devore-sentenced-serve-96>

<sup>139</sup> <https://www.justice.gov/usao-wdtx/pr/former-bank-employee-austin-sentenced-federal-prison-stealing-over-one-million-dollars>

<sup>140</sup> <https://www.justice.gov/opa/pr/guardian-elder-care-holdings-and-related-entities-agree-pay-154-million-resolve-false-claims>

<sup>141</sup> <https://www.justice.gov/usao-sdia/pr/six-nursing-home-employees-indicted-controlled-substance-offenses>

According to the U.S. Census Bureau's American Community Survey, 34% of people aged 65 and older reported having some type of disability in 2020. CRT works to protect the rights of older Americans with disabilities by, for example, ensuring that counties, cities, towns, and villages comply with the ADA and eliminate physical and communication barriers that prevent people with disabilities from participating fully in community life. CRT's Project Civic Access has ensured the accessibility of a broad range of public facilities, from libraries and parks to courthouses and polling places, in localities in all 50 states, as well as Puerto Rico and the District of Columbia. CRT also works to ensure that people with disabilities, including older Americans, are not unnecessarily institutionalized, in accordance with the ADA's requirement that public entities administer their services, programs, and activities in the most integrated settings appropriate to the needs of individuals with disabilities.

During the 2019 reporting period, the Department entered into 47 ADA settlement agreements and an additional 34 informal ADA resolutions. In addition, the Division litigated two multi-week trials asserting the rights of affected persons with disabilities to receive services in the most integrated setting appropriate to their needs. In March 2019, the Department entered into a settlement agreement with Harris County, Texas. The agreement remedies the lack of accessibility in the County's voting program to voters with disabilities, including accessible polling places, which is vital to protecting the rights of Harris County's older adults and persons with disabilities. Harris County's voting program—the third largest in the country—includes over 750 polling places.

The agreement ensures, among other things, that Harris County will create an effective system for selecting accessible facilities for polling places; survey polling place facilities to identify accessibility barriers; procure and implement temporary accessibility remedies, such as mats or ramps, during elections; and provide effective curbside voting, to provide equal access to the right to vote for people with disabilities in the County.

During the 2020 reporting period, the Department entered into 57 ADA settlement agreements and an additional 16 informal ADA resolutions. For example, in February 2020, the Department entered into a settlement agreement with Tufts Medical Center in Boston, Massachusetts. Among other things, the agreement will increase the availability of patient rooms, accessible bathrooms, and accessible medical equipment. Additionally, as part of the agreement, Tufts will strengthen the hospital's policies and procedures for ensuring that patients and family members or other companions who are deaf or have hearing loss can effectively communicate with hospital staff. This provision will help ensure that individuals with disabilities receive auxiliary aids and services—from written notes to qualified sign language interpreters—when needed to communicate effectively. If auxiliary aids and services are not provided, people with disabilities may not be able to understand, or share critical information with health care providers.

(Recommendation 1)

## **ASSET FORFEITURE**

The Department is using asset forfeiture, wherever appropriate, to seize proceeds from the offenders and apply those proceeds to restitution for older victims. In November 2018, MoneyGram International Inc. (MoneyGram), a global money services business headquartered in

Dallas, Texas, agreed<sup>142</sup> to extend its 2012 deferred prosecution agreement (DPA) and to forfeit \$125 million due to significant weaknesses in MoneyGram's anti-fraud and anti-money laundering (AML) program resulting in MoneyGram's breach of its 2012 DPA. In addition to the monetary payment and extension of the DPA, the company agreed to enhance its antifraud and AML compliance programs. As per the original DPA,<sup>143</sup> MoneyGram was involved in consumer fraud schemes perpetrated by corrupt MoneyGram agents and others. In the fraud schemes, which generally targeted older adults and other vulnerable groups, perpetrators contacted victims in the United States and falsely posed as victim's relatives in urgent need of money, falsely promised large cash prizes, or promised items for sale over the internet at deeply discounted prices. The perpetrators required the victims to send funds through MoneyGram's money transfer system. Additionally, during the course of the term of the 2012 DPA, MoneyGram experienced significant weaknesses in its AML and antifraud program, inadequately disclosed these weaknesses to the government, and failed to complete all of the DPA's required enhanced compliance undertakings. As a result of its failures, MoneyGram processed at least \$125 million in additional consumer fraud transactions between April 2015 and October 2016. While it is unknown the extent to which these additional victims are over the age of 60, the Department will use the \$125 million to provide remission to the victims of this conduct. (Recommendation 1, 2, 7)

## **PROFESSIONAL TRAINING, TOOLS, AND RESOURCES**

In 2019-2020, the Department conducted 1180 trainings and public outreach events, reaching

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<sup>142</sup> <https://www.justice.gov/opa/pr/moneygram-international-inc-agrees-extend-deferred-prosecution-agreement-forfeits-125-million>

<sup>143</sup> This DPA did not meet the specific reporting criteria based on the available facts, but nonetheless likely involved significant numbers of older victims.

nearly 200,000 individuals.<sup>144</sup> Figures 3 and 4 depict the percentage of training and outreach events per participant category. (Note that all are professional categories except general public). A selection of these training events is described below. A description of public outreach activities is provided in a separate section.

Figure 3. Percentage of Elder Justice Trainings by Participant Category, 2018-2019

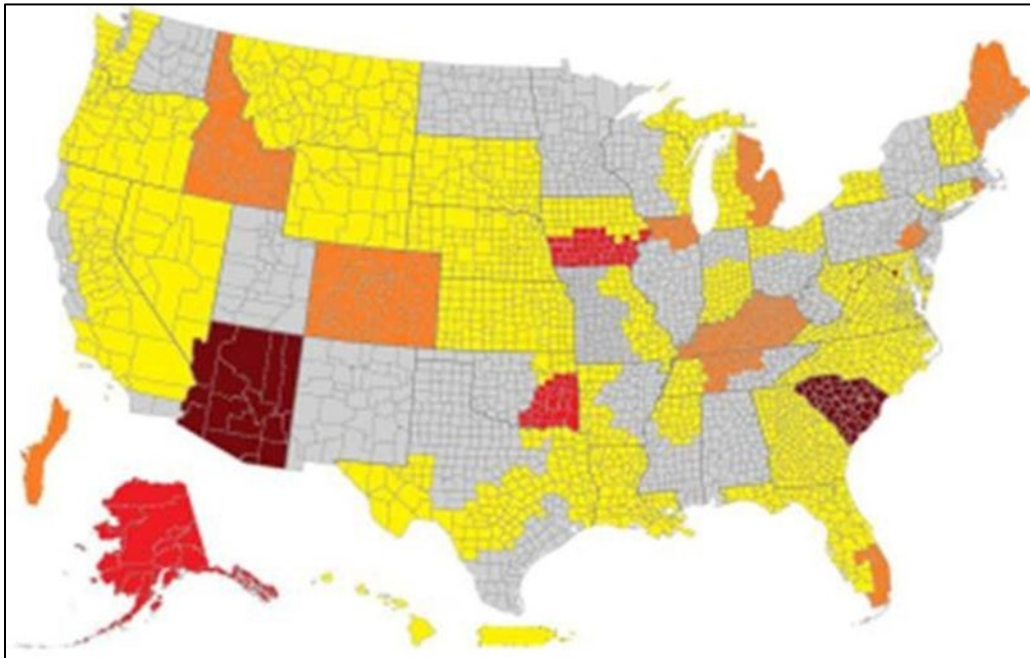


Figure 3 depicts the percentage of elder justice trainings by participant category for 2018-2019. Yellow districts did 1-5 events, orange districts did 6-10 events, bright red districts had 11-15 events, and dark red districts had 16 or more, up to 22 (District of South Carolina).<sup>145</sup>

<sup>144</sup> A listing of all events can be found in the 2019 Report in Appendix B, available at <https://www.justice.gov/file/1211066/download>, and in the 2020 Report in Appendix B, available at <https://www.justice.gov/elderjustice/file/1328756/download>.

<sup>145</sup> Source: Appendix B in the 2019 Report, available at <https://www.justice.gov/file/1211066/download>. Note that many of the training events were attended by multiple types of participants.

Figure 4. Percentage Of Elder Justice Trainings by Participant Category, 2019-2020

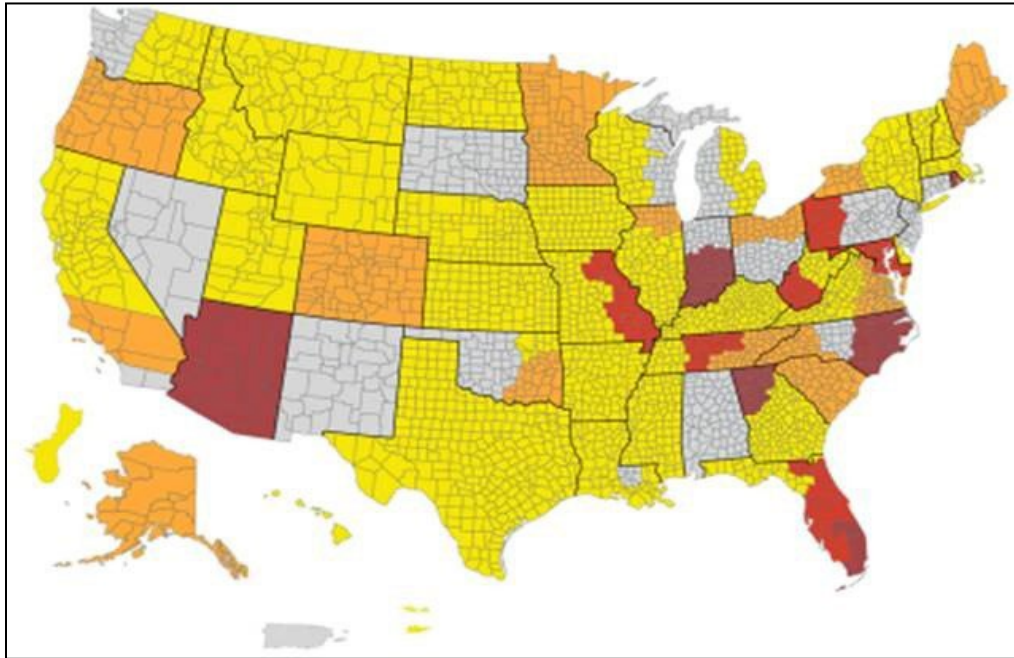


Figure 4 depicts the percentage of elder justice trainings by participant category for 2019-2020. Yellow districts hosted 1-5 events, orange districts hosted 6-10 events, bright red districts had 11-15 events, and dark red districts had 16 or more, up to 31 (Eastern District of North Carolina and Southern District of Indiana).<sup>146</sup>

## **PROFESSIONAL TRAINING**

### NEBRASKA LAW ENFORCEMENT TRAINING (DISTRICT OF NEBRASKA)

In October 2018, the District of Nebraska met with representatives of Nebraska Adult Protective Services, Office of the Public Guardian, U.S. Postal Inspection Service, the Omaha Police Department, and the Lincoln Police Department to conduct law enforcement training and strategize on how best to coordinate federal, state, tribal, and local efforts to combat elder fraud.

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<sup>146</sup> Source: Appendix B in the 2020 Report, available at <https://www.justice.gov/elderjustice/file/1328756/download>. Note that many of the training events were attended by multiple types of participants.

(Recommendation 1, 7)

TRANSNATIONAL MASS MARKETING FRAUD TRAINING (CENTRAL DISTRICT OF CALIFORNIA)

In March 2019, the Elder Justice Coordinator for the Central District of California, the community outreach team, the victim- witness coordinator and one of her staff members, and two other Assistant United States Attorneys put together a full-day of training at a U.S. Marshals Facility in Los Angeles County. Local and state law enforcement officers and first responders learned about transnational mass marketing scams targeting older adults and how these are crimes that should be reported and not “civil matters” they can ignore. The training examined how to identify these scams, how to best intake information about these crimes from victims they encounter, and how to use tools such as Consumer Sentinel and ic3.gov. The event also included a presentation by Dr. Erik Lande, who talked about the normal aging process and how it makes older adults more susceptible to scams. Dr. Lande is a neuropsychologist and the co-author of an article in the December 2018 edition of the Department’s Journal of Federal Law and Practice on working with victims of transnational scams. Finally, there was a panel of victims and relatives of victims, who gave compelling accounts of how these scams affected them and their families. The Elder Justice team received positive feedback from attendees and plans to repeat this training in a different part of the district within the next six months. Also in attendance at the training were FBI representatives, including the Special Agent-in-Charge from the Los Angeles office and the Elder Justice Coordinator from the Northern District of California. (Recommendation 1, 7)

### FBI ELDER JUSTICE INVESTIGATION TRAINING

The Department has been vigorously engaged in training FBI agents and other criminal justice system professionals on investigating elder financial fraud and abuse. The first phase of the training discussed elder abuse and financial exploitation and how to address some of the issues in developing those cases. The second phase also covered those topics, but focused more intentionally on how to work with older victims and their witnesses, including interviewing techniques and health and aging considerations. Well over 1,000 federal, state, and local law enforcement professionals have received this instruction across seven trainings.

(Recommendation 1, 7)

### UNITED STATES ATTORNEY'S OFFICES LAW ENFORCEMENT TRAINING

Most of the districts met more than once during the year with law enforcement to collaborate on elder justice issues, often through established working groups dedicated to combatting elder abuse. Many United States Attorney's Offices also conducted training, sometimes multiple trainings, for federal, state, and local law enforcement on elder abuse issues, for example:

- The United States Attorney's Office for the District of Maine hosted representatives of federal, state, and local law enforcement and government, social service agencies and consumer groups, both at the Elder Abuse Prevention Meeting on September 19, 2019, and the York County Elder Abuse Task Force Annual Conference on October 18, 2019.
- The United States Attorney's Office for the Southern District of Iowa also held several trainings for law enforcement on elder justice issues, including Elder Abuse Training for Law Enforcement on September 11, 2019, and a full day course on White Collar/Elder Financial Exploitation on January 21, 2020. (Recommendation 1)

### OFFICE ON VIOLENCE AGAINST WOMEN ELDER JUSTICE TRAINING

The Office on Violence Against Women (OVW) develops curricula, publications, and multimedia products on identifying, prosecuting, adjudicating, and addressing elder abuse,

neglect, and financial exploitation, and provides training and technical assistance to help improve the response to victims of abuse in later life, including domestic violence, sexual assault, dating violence and stalking. Through OVW's Training and Technical Assistance Initiative, OVW partnered with the National Clearinghouse on Abuse in Later Life, Futures Without Violence, and the National Council of Juvenile and Family Court Judges to develop or update the following to enhance victim safety and offender accountability:

- National Institute on the Prosecution of Elder Abuse;
- Information for judges and magistrates addressing guardianship;
- On-line training modules for front line officers, detectives, and investigators to enhance their ability to respond to and investigate abuse in later life;
- Webinars on creating and enhancing abuse in later life coordinated community response teams; and
- Cross-training for victim service providers, agencies of states or units of local government, and other professionals that provide direct services to older individuals to assist them in better serving victims of abuse in later life.

These resources are expected to be completed by the end of 2021. (Recommendation 1, 2, 7)

## **OFFICE ON VIOLENCE AGAINST WOMEN DISCRETIONARY FUNDING**

The Office on Violence Against Women (OVW) awards discretionary funding through the Enhanced Training and Services to End Abuse in Later Life Program<sup>147</sup> (Abuse in Later Life) to states; units of local government; tribal governments or tribal organizations; population specific organizations; victim service providers; and domestic violence or sexual assault coalitions to support a comprehensive approach to addressing abuse in later life, including domestic violence,

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<sup>147</sup> <https://www.justice.gov/ovw/grant-programs>

dating violence, sexual assault, stalking, neglect, and financial exploitation committed against victims who are 50 years of age or older.

In December 2019, OVW released the FY 2020 Enhanced Training and Services to End Abuse in Later Life Program (Abuse in Later Life) Solicitation. OVW awarded over \$3.8 million to ten grantees to support efforts to increase victim safety and offender accountability. These two- and three-year projects will focus on victims who are 50 years of age or older. Each project will address four mandatory program purpose areas: 1) increase and strengthen training for police, prosecutors, the judiciary, units of local government, victim service providers, relevant officers in federal, tribal, state, territorial, and local courts and other government agencies in recognizing, investigating, and prosecuting instances of elder abuse, neglect, and financial exploitation and including domestic violence, dating violence, sexual assault, and stalking against older individuals; 2) provide or enhance services for older victims; 3) create or support multidisciplinary collaborative community responses to older victims; and 4) conduct cross-training for governmental agencies, courts, law enforcement, and victim service providers serving older victims. The FY 2020 Abuse in Later Life Program grantees<sup>148</sup> are listed below:

- Montana Department of Corrections DBA Montana Board of Crime Control (2016-EW-AX-K001)
- The Associated: Jewish Federation of Baltimore (2017-EW-AX-K001)
- Georgia Criminal Justice Coordinating Council (2020-EW-AX-K001)
- Cleveland Rape Crisis Center (2020-EW-AX-K002)
- Indiana Judiciary Courts of the State of Indiana (2020-EW-AX-K003)
- Arizona Department of Economic Security (2020-EW-AX-K004)
- Ruby's Place (2020-EW-AX-K005)
- County of Contra Costa, California (2020-EW-AX-K006)
- Boulder County (2020-EW-AX-K007)
- Thirtieth Judicial District Domestic Violence - Sexual Assault Alliance Inc. (2020-EW-

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<sup>148</sup> For more information on the OVW Abuse in Later Life Grant Program, see <https://www.ncall.us/for-ovw-all-grantees/ovw-abuse-in-later-life-grant-program/>

AX-K008) (Recommendation 1, 2)

### **THE NATIONAL INSTITUTE ON THE PROSECUTION OF ELDER ABUSE**

On November 6-8, 2019, the Department in partnership with the National Clearinghouse on Abuse in Later Life held the National Institute on the Prosecution of Elder Abuse (NIPEA) in San Antonio, Texas. NIPEA is a three-day course designed to challenge prosecutors to reevaluate their approach to prosecuting elder abuse cases. Participants receive training on the dynamics of elder abuse as well as practical skills to successfully prosecute these cases, balancing offender accountability with the impact of criminal prosecution on older victims. Using a case method where participants work two actual cases – one neglect and one financial exploitation – NIPEA explores the complex issues faced by prosecutors. Beyond just case evaluation and litigation skills, the curriculum examines the benefits of developing a coordinated, victim-centered community response; explains common injuries and relevant medical evidence, provides guidance on the use of medical experts; explores ethical issues confronted by prosecutors; and offers prosecutors the ability to redefine outcomes and the very nature of justice in elder abuse cases. (Recommendation 1, 7)

### **OFFICE FOR VICTIMS OF CRIME**

The Office for Victims of Crime (OVC) awarded close to \$2 million for the development of training for law enforcement to improve identification of and response to older fraud victims. This national-scope training and technical assistance grant was awarded to the National White Collar Crime Center (NW3C) to work with the International Association of Chiefs of Police (IACP) to identify current training, tools, and practices being used to address elder fraud. The project will study current resources available and responses to elder fraud in a rural and an urban

jurisdiction in two of the Department’s Transnational Elder Fraud Strike Force districts and will develop and deliver trainings for law enforcement to improve the response to elder fraud tailored to the particular needs of different types of jurisdictions. The trainings will be tested, evaluated, and revised as needed and then made available to rural and urban law enforcement agencies nationwide.<sup>149</sup> (Recommendation 1, 2)

### **EAGLE-BASED TRAINING**

Based on the EAGLE<sup>150</sup> (Elder Abuse Guide for Law Enforcement), the National Center on Elder Abuse (NCEA) hosted a one-day in-person AZ-POST-certified training for 80 law enforcement and other elder justice professionals in Arizona (November 2019). The evaluations confirmed that law enforcement found the training a valuable experience. *“Nine out of 10 officers who attended the training and responded to our evaluation found the entire EAGLE training to be a valuable resource.”* In addition to this in-person training, NCEA has virtually presented on the EAGLE through a webinar titled “Lifting Up Voices: Law Enforcement WEAAD Celebration” (June 18, 2020) and at the N4A Conference and Tradeshow (September 2020).

### **LEGAL AID INTERAGENCY ROUNDTABLE MEETING ON ELDER JUSTICE**

On April 1, 2019, members of the Legal Aid Interagency Roundtable (LAIR) met at the Department of Justice to discuss the importance of cross-agency collaboration on the priority issue of elder justice. The meeting focused on ways to enhance elder justice by connecting federal agencies with broad investigatory and enforcement authority with providers of civil legal aid. (Recommendation 2)

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<sup>149</sup> <https://www.justice.gov/opa/pr/office-victims-crime-awards-nearly-2-million-respond-elder-fraud>

<sup>150</sup> <https://eagle.usc.edu/>

#### DISTRICT OF MINNESOTA ELDER JUSTICE ROUNDTABLE

On February 4, 2020, the United States Attorney's Office for the District of Minnesota hosted approximately 40 members of federal, state, and local government and law enforcement officials, for a Roundtable discussion on local and national efforts to combat elder abuse and financial fraud targeted at older adults. Also, on April 8, 2020, Minnesota United States Attorney MacDonald gave a presentation on the newly-formed MN COVID-19 Action Team (MCAT) to approximately 30 people assembled for the Minnesota Elder Justice Center Partner's Roundtable regarding the impact of COVID-19 on older adults and their families.

#### ELDER ABUSE SUMMIT (DISTRICT OF MAINE)

In May 2019, the United States Attorney's Office for the District of Maine participated in the Elder Abuse Summit at the Augusta Civic Center in Augusta, Maine. In addition to the United States Attorney's Office, the 200 attendees included social service agencies, adult protective services, state and local law enforcement, Legal Services for the Elderly, medical professionals, and state regulators. At the Summit, stakeholders discussed ways they can work together to prevent elder abuse. (Recommendation 1)

#### ELDER JUSTICE GROUP CHATS

For the two-week period beginning on April 13, 2020, during the pandemic shutdown, the Elder Justice Coordinators (EJCs) engaged in a series of small group virtual chats, designed to facilitate connecting the EJCs to share ideas, brainstorm on new ideas, and touch base to continue the strong sense of community among EJCs from around the country. The EJCs were

broken into 16 groups of about 8 prosecutors each, with a cross-section from around the country. Each small group had a group leader assigned. The group leader facilitated a virtual EJC group chat, through Skype or another medium, for 45 minutes to an hour, where the EJs shared ideas, connected, and renewed their sense of community and commitment to the Elder Justice Initiative. After, each group sent an email to the leadership, summarizing the EJC group chat, including any ideas discussed for elder justice. The responses were overwhelmingly positive, demonstrating a renewed energy in these challenging times. (Recommendation 1)

**ASSISTANT ATTORNEY GENERAL FOR THE OFFICE OF LEGAL POLICY BETH A. WILLIAMS' REMARKS AT THE ABA'S NATIONAL AGING AND LAW CONFERENCE**

On October 31, 2019, Assistant Attorney General for the Office of Legal Policy Beth A. Williams delivered remarks at the American Bar Association's (ABA's) National Aging and Law Conference.<sup>151</sup> Assistant Attorney General Williams outlined the Department's access to justice work, focusing on the Department's commitment to elder justice. She stressed the importance of cooperative relationships between the Department and providers of civil legal aid, who can connect victims of crime with needed information and services. Assistant Attorney General Williams also highlighted the Department's record-setting investigation and prosecution of elder fraud cases, including the hugely successful 2018 and 2019 Elder Fraud Sweeps, which resulted in criminal and civil actions against more than 500 defendants responsible for defrauding over \$1.5 billion from at least 3 million victims.

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<sup>151</sup> <https://www.justice.gov/opa/speech/assistant-attorney-general-beth-williams-office-legal-policy-delivers-remarks-american>

## **PROFESSIONAL TOOLS AND RESOURCES**

### **TRIBAL ACCESS PROGRAM FOR NATIONAL CRIME INFORMATION**

The U.S. Department of Justice (DOJ) launched the Tribal Access Program for National Crime Information (TAP) in August 2015 and has expanded yearly to provide Tribes access to national crime information systems for federally authorized criminal justice and non-criminal justice purposes. TAP allows selected federally recognized Tribes to more effectively serve and protect their nation's citizens by ensuring the exchange of critical data across the Criminal Justice Information Services (CJIS) systems and other national crime information systems.

TAP is funded by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), the Office of Community Oriented Policing Services (COPS), the Office for Victims of Crime (OVC), and the Office on Violence Against Women (OVW).

The Department's Tribal Access Program (TAP) for National Crime Information has been deployed at over 90 Tribal sites and provides critical criminal justice information to authorized Tribal government agencies for use in protecting older Native Americans and other purposes.

The Office of Tribal Justice (OTJ) provides staff and policy support for TAP. TAP provides a means for tribal law enforcement agencies to access critical national criminal justice information maintained by the FBI Criminal Justice Information Services Division (FBI CJIS). One of the systems housed at FBI CJIS is the National Data Exchange (N-DEx), a national investigative information sharing system which allows criminal investigators to share information such as police reports across jurisdictional lines. For example, an actual case involved a vulnerable elder

living in Indian country who had disappeared. Investigative leads led the tribal police department to the name of a person of interest. The location of the person of interest was not known. However, it was believed that the person lived outside of the tribe's jurisdiction. A tribal police officer utilized software provided by TAP to access the FBI CJIS N-DEx system. The tribal police officer ran a search based on the name of the person of interest. The N-DEx search produced a police report from a nearby jurisdiction which included the name and possible address of the person of interest. Law enforcement officers were sent to the address listed and rescued the vulnerable tribal elder. (Recommendation 1)

### **EAGLE (ELDER ABUSE GUIDE FOR LAW ENFORCEMENT)**

The EAGLE is a web module for law enforcement to use at their desk or while in the field. The EAGLE features a host of resources including a first responder checklist; evidence collection tips; information on how to recognize an abuser; a zip code locator for community resources; a list of state statutes and possible charges; training activities such as law enforcement-tailored webinars; and much more. The Department continues to build out the EAGLE.<sup>152</sup>

(Recommendation 1)

### **SAFTA (SENIOR ABUSE FINANCIAL TRACKING AND ACCOUNTING) TOOLKIT**

Developed by the International Association of Chiefs of Police (IACP), the Senior Abuse Financial Tracking and Accounting (SAFTA) tool provides law enforcement with a simplified forensic instrument for illuminating suspicious financial patterns thereby facilitating the prosecution of suspected elder financial exploitation. The tool is an Excel macro-enabled worksheet into which financial records are entered and pivot tables and graphics are automatically

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<sup>152</sup> <https://eagle.usc.edu/>

created to provide a visual depiction of financial data. The toolkit includes the SAFTA tool, training materials, and subpoena templates.<sup>153</sup> (Recommendation 1, 7)

## **ROLL CALL VIDEOS**

Produced by the International Association of Chiefs of Police (IACP), this series of six roll call videos covers five types of elder abuse, each in 5 to 8 minutes. Through interviews with elder justice professionals and reenactments of actual cases, these engaging videos train law enforcement officers to recognize and respond appropriately to suspected cases of elder abuse.<sup>154</sup> (Recommendation 1)

## **FINDING THE RIGHT FIT: DECISION-MAKING SUPPORTS AND GUARDIANSHIP**

Finding the Right Fit is an online training designed to assist individuals in finding the right level of support (informal supports, legal options, and/or adult guardianship) for older adults who may need help in making decisions.<sup>155</sup> (*Recommendation 7*)

## **OVC'S ONLINE CIVIL LEGAL AID TRAINING**

OVC's Training and Technical Assistance Center hosts a series of online training modules for legal aid attorneys to detect and address elder abuse, neglect, and exploitation. In 2019, there were 4,973 total completions for all four training modules, and in 2020, there were 5,154. (Recommendation 2)

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<sup>153</sup> <https://www.justice.gov/elderjustice/safta-senior-abuse-financial-tracking-and-accounting-tool-toolkit>

<sup>154</sup> <https://www.justice.gov/elderjustice/roll-call-videos-and-other-media>

<sup>155</sup> <https://eji.courtllms.org/catalog/info/id:140>

## THE COPS OFFICE LAW ENFORCEMENT WEBPAGES AND OTHER EFFORTS

The COPS Office has created a single place that brings together a summary of elder justice resources on the COPS Office Training Portal<sup>156</sup>, with links to the Elder Justice Initiative resources, the relevant COPS Office *The Beat* podcasts, *Community Policing Dispatch* articles, and current and older COPS Office elder justice publications.

The COPS Office's monthly electronic newsletter, the *Community Policing Dispatch*, was successfully delivered to over 8,000 subscribers from local law enforcement and community partners. *Dispatch* articles about resources and the trends to improve the safety of older community members included the following:

- World Elder Abuse Awareness Day (WEAAD) (June 2020 | Volume 13 | Issue 6)
- Serving the Needs of the Older Adult Community: Ways to Handle Elder Abuse Calls (May 2020 | Volume 13 | Issue 5)
- Elder Justice Resources (June 2019 | Volume 12 | Issue 5)
- Teaming Up to Fight Financial Abuse of Older Adults (November 2017 | Volume 10 | Issue 11)
- Exploitation of Seniors: A Training Opportunity for Law Enforcement on Financial Crimes Against the Elderly (June 2017 | Volume 10 | Issue 6)

The COPS Office also developed, printed, and have available in hard copy an Elder Justice Initiative Resources brochure designed to share information on Department elder justice tools and resources with law enforcement. The COPS Office distributed the Elder Justice Initiative Resource brochure at the COPS Office booth at the International Association of Chiefs of Police's Annual Conference and Training held on October 26-29, 2019. The COPS Office also

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<sup>156</sup> <https://copstrainingportal.org/elder-justice-resources/>

distributes hard copies of the brochure to the field or events through its Resource Center.

*(Recommendation 1, 7)*

## **RAISING AWARENESS OF LAW ENFORCEMENT RESOURCES – NATIONAL DISSEMINATION OF THE LAW ENFORCEMENT FLYER**

To ensure the field is aware of the Department’s elder justice resources for law enforcement, in January 2020, the Department blanketed the country with a Law Enforcement Flyer<sup>157</sup> featuring a summary of the Department’s elder justice resources for law enforcement. The flyer was disseminated both through national law enforcement organization partners as well as at least one law enforcement training entity in each state. *(Recommendation 1)*

## **MULTIDISCIPLINARY TEAM TECHNICAL ASSISTANCE CENTER (MDT TAC)**

### CONSULTATIONS

Holding an average of five per month (via phone, email, or video conferencing), MDT consultations generally cover information regarding the planning and implementation of an elder abuse case review MDT such as:

- Understanding community needs
- How to develop an MDT
- Problem solving and discussing common challenges and barriers
- Referral to other professionals or teams
- Connecting teams to resources and education
- Other issue as needed<sup>158</sup>

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<sup>157</sup> <https://www.justice.gov/file/1174026/download>

<sup>158</sup> These, and other MDT resources, can be accessed at <https://www.justice.gov/elderjustice/mdt-tac>

## BUILDING AN ELDER ABUSE MDT COMMUNITY AND FOSTERING COLLABORATION

The MDT TAC promotes the development of MDTs and other collaborations through several initiatives, including:

- National Elder Abuse MDT Peer Support Community: Launched June 2022, this web-based community allows for peer learning and information sharing among elder abuse MDT members nationally. Membership is free.<sup>159</sup>
- Elder Justice Networks Locator Map: Launched November 2019, the Elder Justice Networks Locator Map is designed to enable elder justice professionals to locate and collaborate with elder justice networks/teams across the nation by displaying their location and contact information on the map.<sup>160</sup>
- Highlighted Networks: Highlighted Networks is a component of the MDT website that showcases promising and novel elder justice networks, while connecting and educating professionals in the field.<sup>161</sup>

## DEVELOPING MDT EDUCATIONAL MATERIALS

The MDT TAC has created a series of educational materials to facilitate the development of MDTs and to enhance their functioning (Recommendation 6). For example:

- Elder Abuse MDT Quick Start Guide: The MDT Quick Start Guide<sup>162</sup> highlights the most important steps needed to start an MDT and provides links to the corresponding subject matter in the MDT Guide and Toolkit.
- MDT Statutes Update: The state MDT statutory review<sup>163</sup> was updated in January 2020 to provide the field with the most current information regarding their elder abuse MDT laws.
- Updating the MDT Guide and Toolkit: The MDT TAC continues to promote and update the MDT Guide and Toolkit<sup>164</sup>, a web-based toolkit for starting and enhancing an elder abuse MDT.

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<sup>159</sup> <https://www.justice.gov/elderjustice/national-elder-abuse-mdt-peer-support-community>

<sup>160</sup> <https://www.justice.gov/elderjustice/elder-justice-network-locator-map>

<sup>161</sup> <https://www.justice.gov/elderjustice/highlighted-networks>

<sup>162</sup> <https://www.justice.gov/file/1284316/download>

<sup>163</sup> <https://www.justice.gov/elderjustice/file/960791/download>

<sup>164</sup> <https://www.justice.gov/elderjustice/mdt-toolkit>

- MDT-Related Webinars: In 2020, the MDT TAC hosted three webinars:<sup>165</sup>
- Mapping Elder Justice Networks (January 21, 2020)
- Introducing the National Elder Abuse MDT Peer Support Listserv Community (June 22, 2020)
- Adapting Your MDT to a Virtual Environment (June 15, 2020)

## **PUBLIC OUTREACH AND PREVENTION**

Outreach includes public education events and other forms of outreach to the general public. A selection of the Department's outreach efforts is described below.

### **ELDER JUSTICE WEBSITE**

The Elder Justice website<sup>166</sup> is the Department's central hub for elder justice training, resources and public outreach information on elder abuse and financial fraud, with over a half million page views between July 2019 and June 2020. The Elder Justice website supports the Department's enforcement and programmatic efforts to combat elder abuse, neglect and financial fraud and scams that target our nation's older adults. The website's primary audience includes elder justice professionals such as prosecutors, law enforcement officers, victim specialists, and multidisciplinary teams.

The Department also seeks to use its website to provide information directly to older Americans. Therefore, the website provides information and resources for older adults and their loved ones in four sections of the website: About Elder Abuse provides warning signs and scenarios for

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<sup>165</sup> These and other MDT webinars can be viewed at <https://www.justice.gov/elderjustice/mdt-webinars>

<sup>166</sup> <https://www.justice.gov/elderjustice>

different types of abuse; the Neighborhood Map provides access to different types of help in every state; Find Help or Report Abuse connects older adults with reporting agencies and available services in each state; and finally, a series of informative elder abuse pamphlets is available in English and Spanish. (*Recommendation 1, 2, 6, 7*)

## **NATIONAL CRIME VICTIMS' RIGHTS WEEK RESOURCE GUIDE**

Each year, OVC produces the National Crime Victims' Rights Week Resource Guide to help communities and victim assistance providers promote awareness of crime victim issues by providing a wide array of free-of-charge and downloadable outreach tools and sample materials. In 2019, the Resource Guide featured a public awareness poster (in English and Spanish),<sup>167</sup> highlighting critical messages about elder abuse, including financial exploitation, neglect, and psychological abuse. In 2020, the Resource Guide featured a public awareness poster (in English and Spanish)<sup>168</sup> that highlighted elder fraud and the National Elder Fraud Hotline. In April 2020, hard copies of this poster were disseminated to over 8,000 constituents nationwide.

## **FRAUD BINGO (DISTRICT OF SOUTH CAROLINA)**

In South Carolina, the United States Attorney's Office developed an outreach tool called "FRAUD Bingo." FRAUD Bingo delivers practical tips for older adults to use to prevent falling prey to scams and financial exploitation. FRAUD Bingo is modeled on traditional Bingo, but the columns spell out FRAUD rather than BINGO, and as each number is called out, the caller provides a corresponding tip on how to avoid becoming a victim of elder fraud – for example,

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<sup>167</sup> [https://ovc.ojp.gov/sites/g/files/xyckuh226/files/ncvrw2019/awareness\\_posters.html](https://ovc.ojp.gov/sites/g/files/xyckuh226/files/ncvrw2019/awareness_posters.html)

<sup>168</sup> [https://ovc.ojp.gov/sites/g/files/xyckuh226/files/ncvrw2020/awareness\\_posters.html](https://ovc.ojp.gov/sites/g/files/xyckuh226/files/ncvrw2020/awareness_posters.html)

calling “R-17 – be leery when contacted about an opportunity by someone you don’t know” or “D-61 – do not wire money to someone you do not know.” Each square has a message about fraud, identity theft, and scams. When there is a winner, the shouts of “Fraud Bingo” ring out. FRAUD Bingo provides a way to engage older adults in a fun activity while also providing them with valuable advice on ways to avoid being victimized. Individuals from the United States Attorney’s Office have found FRAUD Bingo to be an effective outreach tool. Since its implementation of the program in late spring 2019, the United States Attorney’s Office has delivered the presentation on three separate occasions to groups of older adults across South Carolina, including in Lyman (200+ people), Columbia (20+ people), and Florence (15+ people). The program has received very positive feedback. (*Recommendation 7*)

#### **LOCAL PRO BONO ACTIVITIES IN COMMEMORATION OF WEAAD**

The Department’s Elder Justice Coordinators in Maryland, the District of Columbia, and Virginia, along with members of the Department’s Elder Justice Initiative, engaged in special elder justice pro bono activities to commemorate WEAAD. These activities focused on educating older adults in long-term care facilities, senior centers, and in the community about financial scams and how to combat financial exploitation. Specifically, the United States Attorney’s Office for the District of Maryland and the Maryland Attorney General’s Office held an event at the Charlestown Retirement Community in Catonsville, MD to educate older adults on financial fraud and identity theft. The United States Attorney’s Office for the District of Columbia presented information about elder abuse prevention with a focus on financial exploitation at the Kenilworth Senior Center in Northeast Washington, DC. The presentation highlighted common scams that older adults should be aware of and provided tips for how to avoid becoming a victim

of these scams. The United States Attorneys' Offices for the Eastern District of Virginia and the District of Columbia gave a joint presentation on elder abuse prevention to pastoral staff and congregants at the Alfred Street Baptist Church in Alexandria, VA. This presentation focused on understanding, recognizing, and reporting all types of elder abuse. Finally, members of the Department's Elder Justice Initiative shared information about financial scams at senior centers throughout Montgomery County, MD. (*Recommendation 7*)

### **FRAUD AND SCAMS TARGETING THE ELDERLY SEMINAR (DISTRICT OF KANSAS)**

In May 2019, the District of Kansas participated in a seminar titled "Fraud and Scams Targeting the Elderly." The seminar was organized by the Johnson County Sheriff's Department. The event was open to the public and included presenters from federal and local law enforcement agencies (including the Elder Justice Coordinator for the District of Kansas), local banks, and Kansas Legal Services. Approximately 30 older adults attended the event, where they heard from experts on how they can avoid becoming victims of financial scams. (*Recommendation 7*)

### **MEDIA OUTREACH (FBI – PHOENIX, ARIZONA)**

To coincide with WEAAD 2019, FBI Phoenix conducted an extensive public outreach effort to drive awareness of the financial frauds and exploitations targeting the older population throughout Arizona. The strategic objectives of these efforts were aimed at 1) educating the public on the top threats targeting older adults, 2) providing the public with resources to defend against and report fraudulent activities, 3) preventing further victimizations and 4) disrupting the growing elder fraud threat in the Phoenix area. SSA Capello utilized IC3 data and collaborated with the PX Media Coordinator to develop a comprehensive elder fraud press release which was issued to

various Arizona media outlets on June 10, 2019. The press release was widely received by the media and numerous press events were subsequently held at FBI Phoenix. The message ultimately reached millions of Arizonians across the entire state due to the extensive online, television, and radio coverage. The news outlets below broadcasted news coverage of PX's elder fraud message; most segments ran repeatedly on the June 10 and June 11 nightly news rotations in the Phoenix metro area, Tucson, and Flagstaff areas (as well as on the radio and online). This listing is not inclusive all of media coverage: KTVK Channel 3 News Phoenix (CBS), KPNX Channel 12 News Phoenix (NBC); KGUN Channel 9 News Tucson (FOX); KVOA Channel 4 Tucson (NBC); KTAZ Channel 39 Phoenix (Telemundo); AARP.com; YourVallen.net; KAFF News; and Arizona Daily Independent News Network. (*Recommendation 7*)

#### **FRAUD PREVENTION OUTREACH (NORTHERN DISTRICT OF FLORIDA)**

On April 17, 2019, Assistant United States Attorney Michelle Daffin spoke at a fraud prevention community event at the Bay County Sheriff's Office. Federal, state, and local agencies participated to reach older adults in the community who have been impacted by Hurricane Michael. The primary topic was disaster fraud; however, the majority of attendees were older adults. Daffin's presentation also included other scams such as tech-support, lottery, and romance scams. (*Recommendation 7*)

#### **MULTIDISCIPLINARY TEAM WEAAD WEBINAR SERIES (EASTERN DISTRICT OF MISSOURI)**

In honor of WEAAD, the United States Attorney's Office for the Eastern District of Missouri joined federal and state law enforcement partners, social service agencies and consumer groups for a webinar series designed to educate older adults and their loved ones about financial

exploitation. Overall, the United States Attorney's Office for the Eastern District of Missouri reached over 300 people through these webinars. *(Recommendation 7)*

#### **WEAAD WEBINAR AND FLYERS (EASTERN DISTRICT OF NORTH CAROLINA)**

In honor of WEAAD, on June 15, 2020, the United States Attorney's Office for the Eastern District of North Carolina hosted a webinar with the FBI, U.S. Postal Inspection Service, and Internal Revenue Service, to educate older adults about how to avoid fraud schemes. The United States Attorney's Office for the Eastern District of North Carolina further marked WEAAD by distributing approximately 300 brochures through the Martin Street Baptist Church, warning older adults about financial scams and exploitation, elder abuse, and COVID-19 scams.

*(Recommendation 7)*

#### **WEAAD WEBINARS ON COVID-19 (MIDDLE DISTRICT OF FLORIDA)**

In conjunction with WEAAD, the Middle District of Florida United States Attorney's Office participated in two virtual outreach events regarding Elder Abuse Trends in the COVID-19 Era – one on June 12, 2020, for the Orlando, FL area (hosted by AARP Orlando) and one on June 15, 2020, for the Tampa, FL area (hosted by the Senior Connection Center). More than 230 devices logged into the events, which were also broadcasted and are still available on social media.

*(Recommendation 7)*

#### **COVID-19 FRAUD AWARENESS FLYERS (SOUTHERN DISTRICT OF FLORIDA)**

In honor of WEAAD, the United States Attorney's Office for the Southern District of Florida mailed flyers to approximately 300 older adults educating them about fraud schemes and how to

protect themselves, and informing them about the Department's National Elder Fraud Hotline and the Department's COVID-19 Hotline. (*Recommendation 7*)

## **AARP TOWN HALLS**

Throughout 2019 and 2020, many United States Attorneys' Offices partnered with AARP's Fraud Watch Network to produce Town Halls on how to avoid financial scams, with a particular focus on avoiding COVID-19 scams. A number of these events is briefly described below.

CALIFORNIA UNITED STATES ATTORNEYS' OFFICES & AARP TOWN HALL ON COVID-19 FRAUD. On April 20, 2020, prosecutors from the four United States Attorney's Offices in California, along with representatives from the FBI, participated in a virtual Town Hall coordinated by AARP to provide information to California's older residents to help them identify and avoid fraudulent schemes related to Coronavirus and COVID-19. AARP's Fraud Watch Network provided the infrastructure for the event. Approximately 100,000 AARP members received an invitation to the event. During the Town Hall, federal officials discussed the disruption, investigation and prosecution of crimes related to Coronavirus and COVID-19, including fraudulent schemes, unapproved treatments, and scams related to stimulus money. Federal officials discussed the types of schemes being perpetrated, along with tips on how to avoid becoming a victim. Older residents from across California asked questions to a panel of Assistant United States Attorneys from the four federal prosecutors' offices that serve California.<sup>169</sup>

## DISTRICT OF ALASKA.

On June 1, 2020, AARP hosted a virtual Town Hall featuring the United States Attorney's Office

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<sup>169</sup> <https://www.justice.gov/usao-cdca/pr/federal-prosecutors-team-aarp-provide-californians-information-scams-related>

for the District of Alaska and a Special Agent from the FBI. The discussion focused on COVID-19 fraud, with an emphasis on fraud targeting older adults, including the types of schemes involved and how to avoid them.

DISTRICT OF ARIZONA.

On June 9, 2020, prosecutors from the United States Attorney's Office for the District of Arizona, along with a special agent from the FBI, participated in a virtual Town Hall coordinated through AARP to provide information to Arizona residents to help them identify and avoid fraudulent schemes, including scams related to COVID-19. The FBI special agent and the federal prosecutors discussed various scams relating to COVID-19 and provided tips for avoiding them. They highlighted scams targeting older adults. Approximately 100,000 AARP member households received a phone call Tuesday morning inviting them to participate in the Town Hall.

DISTRICT OF DELAWARE.

On May 12, 2020, the United States Attorney's Office for the District of Delaware hosted a virtual Town Hall to discuss fraud schemes related to the COVID-19 pandemic. The event, co-hosted by AARP, had an audience of approximately 75.

DISTRICT OF MARYLAND.

On February 6, 2020, the United States Attorney's Office for the District of Maryland joined officials from the Treasury and the Social Security Administration in a virtual Town Hall to discuss how to protect against government imposter scams, including those claiming to be from the IRS and the Social Security Administration. On April 8, 2020, the District of Maryland participated in another virtual AARP Town Hall on COVID-19 scams with an audience of approximately 3,000.

DISTRICT OF MINNESOTA.

On August 5, 2019, the United States Attorney's Office for the District of Minnesota partnered with the FBI for a virtual Town Hall to discuss fraud scams and other financial exploitation targeting older adults. The Town Hall invited more than 30,000 individuals.

DISTRICT OF NEBRASKA.

On March 17, 2020, the United States Attorney's Office for the District of Nebraska teamed up with the FBI for an AARP virtual Town Hall on Facebook. The United States Attorney's Office and the FBI discussed the latest scams targeting Nebraska's older residents, including telling older adults how to protect against fraud and how to report it.

DISTRICT OF NEVADA.

On June 16, 2020, the United States Attorney's Office for the District of Nevada hosted a statewide virtual Town Hall to discuss fraud schemes related to the COVID-19 pandemic. The event, co-hosted by AARP Nevada, the Nevada United States Attorney's Office, and the FBI, provided tips on how to avoid becoming a victim.

EASTERN DISTRICT OF NORTH CAROLINA.

On July 19, 2019, the United States Attorney's Office for the Eastern District of North Carolina joined state and local law enforcement and other government officials, consumer groups and industry representatives in an AARP virtual Town Hall focusing on elder fraud that attracted more than 2,500 participants.

NORTHERN DISTRICT OF OHIO.

On June 2, 2020, the United States Attorney's Office for the Northern District of Ohio co-hosted a

virtual Town Hall with AARP to discuss fraud schemes related to the COVID-19 pandemic. The event had an audience of approximately 14,000.

MIDDLE DISTRICT OF PENNSYLVANIA.

On January 28, 2020, the United States Attorney's Office for the Middle District of Pennsylvania partnered with the FBI and AARP for a virtual Town Hall to raise awareness and to educate older adults about the latest scams so they do not fall victim. Over 9,500 older adults in Pennsylvania participated in the interactive telephone Town Hall as part of the Department's Elder Justice Initiative.

DISTRICT OF SOUTH CAROLINA.

On October 1, 2019, the United States Attorney's Office for the District of South Carolina co-hosted with AARP a virtual Town Hall in which 30,000 attendees were educated about the dangers of elder fraud.

DISTRICT OF WYOMING.

On September 30, 2019, the United States Attorney's Office for the District of Wyoming joined the AARP in a virtual Town Hall in which 600 attendees listened to a discussion about how to recognize and prevent becoming a victim of fraud.

AARP 12 TIPS FROM TOP FEDS TO AVOID FRAUD DURING THE PANDEMIC

On June 17, 2020, AARP published a Coronavirus Scam Alert titled, "12 Tips from Top Feds to Avoid Fraud during the Pandemic." Sheri Mecklenburg, an Assistant United States Attorney with a leadership role in the Department's Elder Justice Initiative, urged those with knowledge of elder fraud to call the National Elder Fraud Hotline. Mecklenburg stated, "We are committed to

outreach to seniors to warn them of fraud schemes and to let them know not to give information, money or otherwise engage with anyone they do not know — by phone or by mail. With every case [prosecuted], DOJ seeks to send a message to the fraudsters that we will not tolerate fraud against our seniors. We need your help to send this message.”<sup>170</sup>

#### MIDDLE DISTRICT OF PENNSYLVANIA ELDER FRAUD OP-ED

On June 17, 2020, the United States Attorney for the Middle District of Pennsylvania, David Freed, published an Op-Ed in the Times Leader, titled “Seniors Face Another Challenge: COVID-19 Fraud.” Freed acknowledged the vulnerability of older adults to fraudsters during the pandemic, writing “While anyone can be a fraud victim, we have seen that many COVID-19-related fraud schemes will target or heavily affect the elderly.” Freed further stated, “Protecting seniors from fraud crimes is a priority for me, especially during this health emergency. I am all in. So is the rest of my office and the federal, state, and local agents with whom we work.”<sup>171</sup>

#### NORTHERN DISTRICT OF IOWA ELDER FRAUD OP-ED

On March 5, 2020, the United States Attorney for the Northern District of Iowa, Peter Deegan, published an Op-Ed in the Sioux City Journal, titled “Elder Fraud: An Unconscionable Crime.” After discussing the vulnerability of older Americans to fraud schemes, and the types of schemes perpetrated on older Americans, Deegan stated, “Our diligence is needed now more than ever. Iowans 65 and older account for more than 16 percent of the state’s total population. Throughout the country, there are roughly 10,000 people turning 65 every day. The DOJ is dedicated to criminally prosecuting elder fraud, but it’s everyone’s duty to help prevent these unconscionable crimes.”

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<sup>170</sup> <https://www.aarp.org/money/scams-fraud/info-2020/expert-tips-fraud-pandemic.html>

<sup>171</sup> <https://www.timesleader.com/opinion/op-ed/788288/their-view-seniors-face-another-threat-covid-19-fraud>. The next day, the Op-Ed ran in the York Dispatch.

#### SOUTHERN DISTRICT OF FLORIDA OP-ED

On May 22, 2020, the United States Attorney for the Southern District of Florida, Ariana Fajardo Orshan, published an Op-Ed in the Miami Herald, recognizing “seniors’ heightened vulnerability during the pandemic.” Orshan urged older adults to report fraud to the DOJ Hotlines. Orshan concluded, “Protecting seniors from fraud crimes is a priority for me, especially during this health emergency. If it requires my committing more resources to the area, enhancing social-media warnings, or writing more articles, I will do it. I am all in. So is the rest of my office and the federal, state, and local agents with whom we work.”

#### DISTRICT OF MARYLAND VIRTUAL PRESS CONFERENCE

On June 15, 2020, the United States Attorney for the District of Maryland, Robert K. Hur, kicked off Maryland PROTECT Week, a week that starts with WEEAD and focuses on protecting older adults from fraud and abuse, by participating with other government officials in a virtual press conference hosted by AARP, aimed at educating older adults on strategies to protect themselves from financial fraud. Hur discussed robocalls, imposter scams, fraudulent email scams, and computer and phone scams. Hur also urged victims to call the Department’s National Elder Fraud Hotline to report elder fraud.<sup>172</sup>

#### OAK RIDGE BOYS PUBLIC SERVICE ANNOUNCEMENT

On October 4, 2019, the Department unveiled a public service announcement (PSA) created in collaboration with AARP and the Oak Ridge Boys. The PSA educates the public on elder fraud

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<sup>172</sup> <https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-0615-elder-abuse-20200615-xhnenofi5ze6xptile3keumtpy-story.html>

and urges people to report such fraud.<sup>173</sup>

#### DISTRICT OF PUERTO RICO AND ELDER JUSTICE TASK FORCE LAUNCH NURSING HOME TESTING INITIATIVE

On April 20, 2020, the United States Attorney’s Office for the District of Puerto Rico and the Puerto Rico Elder Justice Task Force announced the launch of an island-wide COVID-19 testing initiative for all residents and employees in Puerto Rico’s long term care facilities. This multi-agency, multi-sectoral initiative planned to cover more than 1,000 facilities, 28,000 residents and 9,000 employees and caregivers. The Elder Justice Task Force, led by a member of the Puerto Rico United States Attorney’s Office, spent weeks developing protocols and guidelines to prevent and contain the spread of COVID-19 in Puerto Rico’s long term care facilities.<sup>174</sup>

### **VICTIM SUPPORT**

The Department is committed to making resources readily available to older adults who are abused and is taking new steps to help victims rebuild their lives, both financially and emotionally. From increased grant programs to employing Victim Specialists, the Department offers direct support to a wide variety of organizations dedicated to providing services and assistance to older victims. Through these programs, the Department hopes to help victims recover and regain their sense of well-being.

### **VICTIM SPECIALISTS**

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<sup>173</sup> <https://www.justice.gov/opa/pr/justice-department-teams-aarp-and-oak-ridge-boys-launch-public-service-announcement-raise> The 30 sec PSA is available to view at <https://www.youtube.com/watch?v=Ssh-pdCs2y4>

<sup>174</sup> <https://www.justice.gov/usao-pr/pr/puerto-rico-us-attorney-s-office-and-elder-justice-task-force-launch-nursing-home-testing>

Victim Specialists work closely with prosecutors, law enforcement, and other staff members to ensure that elder abuse victims are treated with respect, know their rights, and understand their role within the criminal justice system. In addition to the Victim Specialist section<sup>175</sup> of the Elder Justice website, the Department has engaged in a number of activities to enhance the assistance provided by Victim Specialists to victims of elder abuse.

## **VICTIM SPECIALIST INFORMATION AND TRAINING**

In addition to an article in the Executive Office for United States Attorneys (EOUSA) Victim Specialists Newsletter titled “Elder Abuse Resources”, informing Victim Specialists of available elder abuse resources and where to find them (January 2020), the following trainings were provided in 2020:

- EOUSA hosted a webinar titled “Back to Basics: Restitution, Restoration and Remission” (September 13, 2019)
- A session titled “The Intersection Between Domestic Violence and Elder Abuse” was presented at the NCVC Training Institute (July 2020)
- A workshop titled “Understanding Normal Cognitive Aging, Mild Cognitive Impairment, and Dementia” was presented at the NAC Training, Working with Vulnerable Victim Populations in Department Priority Cases (September 27, 2019)
- A workshop titled “Elder Abuse Through an Advocacy Lens” was presented at the NAC Training, Working with Vulnerable Victim Populations in Department Priority Cases (September 27, 2019)
- A session titled “Serving Vulnerable Victims” was presented at the Southern States Victim Advocate Conference (August 2019) (Recommendation 2)

## **VICTIMS OF CRIME ACT (VOCA) FUNDING**

OVC’s Victims of Crime Act (VOCA) Formula Grant Program provides funding for crime victim

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<sup>175</sup> <https://www.justice.gov/elderjustice/victim-specialists-0>

compensation and victim assistance, which is awarded through subgrants to state and local agencies and local service providers. VOCA supports direct services to crime victims in every state, the District of Columbia, and every territory.

More than 5,540 VOCA-funded organizations provided services—ranging from individual advocacy, crisis intervention, and therapy to civil legal assistance, transportation, and emergency shelter—to over 357,500 victims aged 60 and older in fiscal year (FY) 2019. In FY 2019, VOCA-funded programs reached more than 7.2 million victims and VOCA awards to the states totaled more than \$2.3 billion. Through these programs, OVC hopes to improve case outcomes while minimizing additional trauma and restoring safety and security to older victims of crime and holding more offenders accountable.

ADDITIONAL HIGHLIGHTS:

- The number of victims aged 60 and older served by VOCA-funded victim service providers in FY 2019 increased 17 percent from the number served in FY 2018.
- VOCA-funded victim assistance organizations allocated \$67 million to specifically serve victims of elder abuse in FY 2019, representing a 28 percent increase from FY 2018.
- In each quarter of FY 2019, an average of 27,958 victims sought services for elder abuse or neglect. This represents an increase of 40 percent from FY 2018.
- In FY 2019, the three most common types of victimization among older adults were 1) elder abuse or neglect, 2) identity theft, fraud, or financial crimes, and 3) domestic or family violence.
- There were 13,361 individuals aged 60 and older who applied for compensation benefits in FY 2019.
- In FY 2019, VOCA-funded organizations paid 1,430 compensation claims related to elder abuse or neglect, an 11-percent increase from FY 2018. (Recommendation 2)

## **OVC DISCRETIONARY FUNDS**

In FY 2019, OVC made multiple, three-year awards under three new national-scope programs geared toward “Transforming America’s Response to Elder Abuse.”

- **Enhanced Multidisciplinary Teams (E-MDTs) for Older Victims of Abuse and Financial Exploitation Program:** focused on the development and/or enhancement of multidisciplinary teams (MDTs); and strengthening the capacity of developing and enhanced MDTs to better identify and respond to cases of abuse and more comprehensively serve and support victims of elder abuse and financial exploitation by funding a National Elder Abuse Training and Technical Assistance Center.
- **Mobilizing Attorneys for Older Victims of Abuse & Financial Exploitation Program:** to provide increased legal services for older victims of crime - particularly in rural areas - to educate attorneys and allied professionals about the needs of older victims, and to increase coordinated multidisciplinary responses in supporting older victims of crime.
- **Building State Technology Capacity and Elder Abuse Hotlines Program:** to support statewide hotlines, and other technology to connect older victims to direct resources and referrals.

## **ELDER JUSTICE RESEARCH AND DATA**

### **ELDER JUSTICE RESEARCH: THE NATIONAL INSTITUTE OF JUSTICE**

As the research arm of the Department of Justice, the National Institute of Justice (NIJ) has supported an active portfolio of research on elder abuse, neglect, and financial exploitation over the past 15 years.<sup>176</sup> During the reporting period, NIJ funded 6 new grants and 1 supplemental award totaling \$4,831,084 awarded to research universities and nonprofit think tanks covering a range of research and evaluation activities.

### UNIVERSITY OF ILLINOIS, FINANCIAL EXPLOITATION INTERVENTION TEAM EVALUABILITY ASSESSMENT (2019-V3- GX-0005)

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<sup>176</sup> For a complete listing of NIJ-funded elder justice research, visit [https://nij.ojp.gov/funding/awards/list?field\\_award\\_status\\_value=All&state=All&field\\_funding\\_type\\_value=All&fiscal\\_year=&combine\\_awards=elder+abuse&awardee=&city=#awards-awards-list-block-esjidpmytmaxu7sr](https://nij.ojp.gov/funding/awards/list?field_award_status_value=All&state=All&field_funding_type_value=All&fiscal_year=&combine_awards=elder+abuse&awardee=&city=#awards-awards-list-block-esjidpmytmaxu7sr)

The study aims to evaluate a current OVC demonstration project designed to combat elder financial exploitation. The Metropolitan Family Service (MFS) Legal Aid Society (LAS) Innovations in Addressing Elder Financial Exploitation Project funded by OVC has developed the Financial Exploitation Intervention Team (FEIT) program. This program is a closed-loop referral system, which is incorporated into the workflow of adult protective services (APS), banks, law enforcement, and legal services. This referral system aims to establish a continuity of services between MFS and community-based resources to fight financial exploitation and fraud. Closed loop refers to the ability to identify financial exploitation and fraud and measure their severity, designing services based on that information, and subsequently assessing outcomes of those services and reporting them to service providers.

The ultimate FEIT will be a system that includes a team of representatives from all providers to inform decisions about system development and functioning. This grant involves two projects: (1) To conduct an evaluability assessment of the FEIT program that would include a detailed, accurate logic model, practice-based measures, and a FEIT program manual; and (2) To pilot-test the FEIT system using the new measures and FEIT protocol in a six-month, small-sample evaluation of the proof of concept. The evaluability assessment will be conducted through participant observation, focus groups, and interviews. The ultimate goal of this initial assessment will be a subsequent full-scale evaluation study. Ultimately, a full evaluation of the FEIT will serve as the first rigorous, comprehensive, empirical test of an integrated, multidisciplinary team including APS, banks, law enforcement, and legal aid. Deliverables of note include (1) A suite of measurement instruments, (2) A description of a coordinated training and service system, (3) An outcome assessment to provide feedback on effectiveness and accountability; and (4) An

evaluability assessment report. Findings from this phase will provide a tested system for the field to use or adapt, as well as a foundation on which researchers can build.<sup>177</sup>

UNIVERSITY OF MICHIGAN, PREVENTION OF FINANCIAL ABUSE AMONG ELDERS AFFECTED BY COGNITIVE DECLINE: A RANDOMIZED CONTROL TRIAL – THREE RURAL COMMUNITIES (2019-MU-CX-0094)

This randomized controlled trial will test the efficacy, effectiveness, and cost benefit of a financial abuse prevention model for older adults living in rural Michigan who experience cognitive decline. The intervention targets elders, their caregivers, and service professionals providing psychosocial education, case management, and local Financial Abuse Specialist Teams (FASTs) to raise awareness, build competence, and provide coaching and consultation to safeguard against, and intervene in, financial abuse.<sup>178</sup>

RESEARCH TRIANGLE INSTITUTE, MASS MARKETING ELDER ABUSE FRAUD INTERVENTION STUDY (2019-R2- CX-0053)

This study will be conducted in collaboration with the U.S. Postal Inspection Service (USPIS), the law enforcement arm of the U.S. Postal Service. The project will involve secondary data analysis of the USPIS investigatory data using a randomized controlled trial to test the efficacy of several variations on a USPIS-mailed intervention for preventing the re-victimization of older adults; and a follow-up survey to a subsample of participants.<sup>179</sup>

EDUCATION DEVELOPMENT CENTER, INC., PATHWAYS TO SAFETY: AN EXAMINATION OF FEDERAL AND STATE- LEVEL BARRIERS AND FACILITATORS TO ELDER ABUSE REPORTING AND RESPONSE (2020-75-CX-0003)

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<sup>177</sup> <https://nij.ojp.gov/funding/awards/2019-v3-gx-0005>

<sup>178</sup> <https://nij.ojp.gov/funding/awards/2019-mu-cx-0094>

<sup>179</sup> <https://nij.ojp.gov/funding/awards/2019-r2-cx-0053>

This project aims to fill gaps in current knowledge and facilitate improved communication between APS and reporters by examining the legal, ethical, and practical barriers and facilitators to communication at key points along the reporting and response pathways. This two-year project will include two primary parts: (1) an environmental scan of policies and practices related to APS and reporter communication in each of the 50 United States; and (2) an in-depth case study to analyze the impact of policy changes made on this issue in Massachusetts in 2017.<sup>180</sup>

ARIZONA STATE UNIVERSITY, A SKELETAL ATLAS OF ELDER ABUSE: ESTABLISHING MARKERS OF PHYSICAL ABUSE AND DEVELOPING A DIGITAL DIAGNOSTIC TOOL FOR EDUCATION AND SCREENING (2020-75-CX-0005)

The goals of this study are to (1) establish a skeletal atlas of elder abuse; (2) address the critical gap in current knowledge of how the aging process affects healing times following a fracture; (3) aid in education and improved criminal justice procedures; and (4) elucidate how differentiation of physical abuse from accidental injury contributes to the identification of modifiable risk factors for prevention of abuse. This project will provide a new standard of scoring and callus formation, demonstrate healing rates and stages in bone in individuals older than 60, and develop a baseline for diagnosing physical abuse in elders. The project is intended to produce physical and radiographic standards built upon forensic research, as well as an advanced bioinformatics approach to diagnosis, designed with usability and availability as key features.<sup>181</sup>

UNIVERSITY OF SOUTHERN CALIFORNIA, PILOTING A COMPREHENSIVE CAREGIVER INTERVENTION: A PATHWAY TO PREVENTING ELDER MISTREATMENT (2020-75-CX-0001)

USC in partnership with subaward recipient KP are carrying out a pilot test of a program designed

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<sup>180</sup> <https://nij.ojp.gov/funding/awards/2020-75-cx-0003>

<sup>181</sup> <https://nij.ojp.gov/funding/awards/2020-75-cx-0005>

to prevent elder mistreatment. This program builds on lessons learned from preventing other forms of family violence, such as child maltreatment and intimate partner violence, as well as listening to the concerns and ideas of health and social service providers and older adults. The program is designed to serve people aged 65 and older at risk of elder mistreatment because of health care transitions as well as changing health and supportive care needs. Individuals who qualify receive a variety of tools to help prevent mistreatment. They are randomized into a control group or a treatment group which receives additional support that includes up to 12 home visits from a Care Coach who provides information, support, guidance, and techniques to reduce the risk of mistreatment. Intervention effectiveness will be judged by its success in preventing elder mistreatment during the study period, and its effectiveness in reducing problems such as stress, depression, and misinformation about the impact of chronic illness which may increase the risk of elder mistreatment. The current project was supported by NIJ through a supplemental award that built on an initial planning grant which was used to develop the program. During this second phase, the program is being pilot tested to assess effectiveness and the factors that lead to increased risk for or protection against mistreatment.<sup>182</sup>

THE RAND CORPORATION, EVALUABILITY ASSESSMENT OF THE WEINBERG CENTER FOR ELDER JUSTICE'S ELDER ABUSE SHELTER SERVICES (2020-V3-GX-0077)

This study will conduct an evaluability assessment of the Weinberg Center's comprehensive elder abuse shelter and the shelter model overall. This will involve interviews with key informants at the shelter and in other similar agencies to understand the path that victims may take after experiencing elder mistreatment, whether going into the shelter, a hospital, or other type of facility.

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<sup>182</sup> <https://nij.ojp.gov/funding/awards/2020-75-cx-0001>

Using this information, they will create a logic model. They will use data collected by the program and by other relevant agencies to assess evaluability and identify comparison sites. They will determine whether there are individuals eligible to use the shelter who choose not to and could therefore comprise an appropriate comparison group to shelter clients. Finally, they will determine whether a cost evaluation is possible.<sup>183</sup>

## **LAW ENFORCEMENT DATA COLLECTION BEST PRACTICES**

The Attorney General understands that combatting elder abuse requires law enforcement to have the information necessary to develop effective prevention and intervention strategies. The Attorney General therefore directed the Department to establish best practices for elder abuse data collection for state, tribal, and local law enforcement agencies. Building off of the National Incident-Based Reporting System (NIBRS), these best practices, which can be found on the Elder Justice website's EAPPA Data Collection Best Practices webpage,<sup>184</sup> were detailed in the 2018 Elder Justice Report to Congress. Implementing these best practices will ensure that law enforcement—the first line of support in the criminal justice system for elder abuse victims—has the comprehensive and detailed information they need to investigate cases and hold elder abuse perpetrators accountable.

The best practices included a set of data elements that, when collected and recorded by law enforcement agencies, will provide significant insight into elder abuse occurring in local communities across the nation. To understand the nature and characteristics of elder abuse, the

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<sup>183</sup> <https://nij.ojp.gov/funding/awards/2020-v3-gx-0077>

<sup>184</sup> <https://www.justice.gov/elderjustice/eappa#DataCollection>

Department's data collection best practices included the recording of information about known incidents involving an older victim, specifically capturing data on the type of offense or abuse; characteristics of the victim; characteristics of the alleged perpetrator; and outcomes associated with the incident, such as case clearance, referral to services for the victim or the perpetrator, and referral of the case for prosecution.

#### NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS).

The FBI's Uniform Crime Reporting program maintains NIBRS, a system designed to collect detailed data about crime incidents known to law enforcement. NIBRS data can be used to describe the nature of criminal events brought to the attention of police and how the attributes of these events relate to police response and incident outcomes. NIBRS data can also be used to describe criminal victimization in local communities and support law enforcement efforts to implement evidence-based strategies to prevent crime and improve public safety.<sup>185</sup>

Building off this already existent data collection practice, law enforcement agencies can use NIBRS as the method to report their additional information on elder abuse cases. The NIBRS data standard requires that participating agencies report data on a wide range of different offense types, the demographic characteristics of victims and alleged offenders, and clearance and arrest outcomes of incidents, among other data elements in the system. While not all of the elder abuse data collection best practices are included in NIBRS, the system offers agencies the data infrastructure to collect more timely and accurate data that is consistent over time and from place to place.

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<sup>185</sup> <https://ucr.fbi.gov/nibrs/2018/resource-pages/methodology-2018.pdf>

The FBI has NIBRS resources devoted to helping tribal and local police departments and sheriffs' offices make the conversion to NIBRS reporting. In addition, the Department's Bureau of Justice Statistics (BJS), in partnership with the FBI, is implementing the National Crime Statistics Exchange (NCS-X) Initiative to increase the number of agencies reporting to NIBRS and to use the NIBRS data to develop national estimates of reported crime at the national level. The Department, through the NCS-X partnership between BJS and the FBI, supports tribal and local law enforcement agencies in their transition to NIBRS reporting through grant funding, technical assistance, and training.

## **FEDERAL ELDER JUSTICE DATA COLLECTION EFFORTS**

Several federal agencies currently collect elder abuse data (including physical abuse, neglect, and financial exploitation) on an ongoing basis at different points in the process of a case. The Elder Justice website's EAPPA Data Overview webpage<sup>186</sup> displays statistical snapshots of elder abuse through the lens of four distinct federal data sets:

- National Adult Mistreatment Report System (NAMRS)<sup>187</sup> collects state-level adult protective services data.
- National Incident-Based Reporting System (NIBRS)<sup>188</sup> collects state-level law enforcement data.
- FTC Consumer Sentinel Network<sup>189</sup> collects consumer complaints from multiple sources.
- Financial Crimes Enforcement Network (FinCEN)<sup>190</sup> collects data on suspected elder financial exploitation submitted by financial institutions.

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<sup>186</sup> <https://www.justice.gov/elderjustice/eappa-data-overview>

<sup>187</sup> <https://www.justice.gov/elderjustice/eappa-data-overview#NationalAdult>

<sup>188</sup> <https://www.justice.gov/elderjustice/eappa-data-overview#NationalIncident>

<sup>189</sup> <https://www.justice.gov/elderjustice/eappa-data-overview#FederalTrade>

<sup>190</sup> <https://www.justice.gov/elderjustice/eappa-data-overview#ElderFinancial>

## **COLLABORATIONS HIGHLIGHTS**

### **TRANSNATIONAL ELDER FRAUD STRIKE FORCE**

In 2019, the Department marked WEAAD with a week-long calendar of activities designed to raise awareness of the abuse, fraud, neglect, and schemes perpetrated against older persons, and to highlight the Department's work to combat elder abuse. The Attorney General capped off the week with a special press release announcing the formation of the Transnational Elder Fraud Strike Force,<sup>191</sup> reaffirming his commitment to protecting older Americans.

The Transnational Elder Fraud Strike Force is comprised of prosecutors and data analysts from the Consumer Protection Branch, prosecutors with six United States Attorneys' Offices (Central District of California, Middle and Southern Districts of Florida, Northern District of Georgia, Eastern District of New York, Southern District of Texas), FBI special agents, Postal Inspectors, and numerous other law enforcement personnel. The Strike Force also collaborates with the Federal Trade Commission (FTC) and industry partners, who have pledged to engage with the Department to help end the scourge of elder fraud. It further benefits from the help of the Elder Justice Coordinators now assigned in every United States Attorney's Office.

Using analytical tools and sophisticated investigative approaches, the Strike Force identifies those responsible for foreign fraud schemes affecting older Americans, as well as those individuals and entities facilitating such schemes. The Strike Force coordinates closely with foreign law enforcement and uses all available criminal and civil tools to stop victims from losing

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<sup>191</sup> <https://www.justice.gov/opa/pr/justice-department-announces-new-transnational-elder-fraud-strike-force>

money and to hold wrongdoers responsible.<sup>192</sup>

## **2019 AND 2020 FRAUD SWEEPS**

On March 7, 2019, the Attorney General and multiple law enforcement partners announced the largest coordinated sweep of elder fraud cases in history,<sup>193</sup> surpassing the 2018 nationwide sweep. The cases during the 2019 sweep involved more than 260 defendants from around the globe who victimized more than two million Americans. In each case, offenders allegedly engaged in financial schemes that targeted or largely affected older adults. In total, the charged elder fraud schemes caused alleged losses of millions of more dollars than the 2018 sweep, putting the total alleged losses at the 2019 sweep at over three fourths of one billion dollars.

As part of the 2019 sweep, the Department and its law enforcement partners announced a technical-support fraud takedown, designed to combat an increasingly common form of elder fraud in which criminals trick victims into giving remote access to their computers under the guise of providing technical support. Technical-support fraud involves a fraudster, often claiming to work for a well-known technology company, contacting a consumer, claiming that viruses have been detected on the consumer's computer or other electronic device, and alleging they can remotely remove the virus for a fee. In 2018, technical-support schemes generated over 142,000 consumer complaints to the FTC's Consumer Sentinel Network. Consumers 60 years of age and over filed more loss reports on technical-support scams from 2015 to 2018 than on any other

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<sup>192</sup> Information on the Department's Transnational Elder Fraud Strike Force is available at <https://www.justice.gov/civil/consumer-protection-branch/transnational-elder-fraud-strike-force#:~:text=The%20Transnational%20Elder%20Fraud%20Strike,that%20>

<sup>193</sup> <https://www.justice.gov/opa/pr/justice-department-coordinates-largest-ever-nationwide-elder-fraud-sweep-0>

fraud category reported to the Consumer Sentinel Network. As part of the 2019 sweep, the Civil Division's Consumer Protection Branch, the Criminal Division's Computer Crimes and Intellectual Property Section, and 10 United States Attorneys' Offices brought cases against perpetrators of technical-support fraud. The FBI, U.S. Postal Inspection Service, and HSI partnered with the Department in investigating these cases, and the FTC, several state Attorneys General, and the United Kingdom's City of London Police joined the effort by initiating their own cases. The Department and its law enforcement partners also engaged in a public education campaign on technical-support fraud as part of the 2019 sweep. The FTC and State Attorneys General played an important role in designing and disseminating messaging material intended to warn consumers and businesses about emerging scams. Various state and federal agencies, including Senior Corps, a national service program administered by the federal Corporation for National and Community Service, joined in this effort to educate older adults and to prevent further victimization.

The following year (March 2020), the Attorney General, the FBI Director, and Chief Postal Inspector announced the results of the largest coordinated sweep of elder fraud cases in history. From March 2019 through March 2020, prosecutors charged more than 400 defendants, far surpassing the 260 defendants charged in cases during the 2019 sweep. In each case, offenders allegedly engaged in financial schemes that targeted or largely affected older adults. In total, the charged elder fraud schemes caused alleged losses of over a billion dollars.<sup>194</sup>

The Transnational Elder Fraud Strike Force prosecuted more than one quarter of the defendants

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<sup>194</sup> <https://www.justice.gov/opa/pr/departments-justice-charges-unprecedented-number-elder-fraud-defendants-nationwide-and>

charged as part of the announced sweep. Prosecutors in Strike Force districts brought cases against more than 140 sweep defendants.

The Civil Division’s Consumer Protection Branch coordinated the 2020 Elder Fraud Sweep and United States Attorney’s Offices in every federal district took part in the sweep. Many federal prosecuting offices filed cases against perpetrators and/or facilitators of elder fraud. Others conducted outreach to law enforcement, community groups, older Americans, or private industry. Other United States Attorney’s Offices demonstrated exceptional devotion to the cause of elder justice by both filing cases and conducting outreach.<sup>195</sup>

#### **ELDER JUSTICE SUMMIT: KEEPING SENIORS SAFE**

On March 3, 2020, the Attorney General, the Florida Attorney General, the United States Attorneys for all four Districts in Florida, and other government officials spoke to older adults at a Florida senior community center on combatting elder fraud schemes.

The Attorney General reiterated the elder fraud sweep achievements described above, stating “It has become clear that a substantial part of the fraud against elders is conducted by transnational criminal organizations. For this reason, we have now expanded our enforcement efforts to have global reach.” In addition to the Department’s unprecedented criminal actions against the perpetrators, the Department also used civil enforcement tools, bringing landmark civil actions against those allegedly responsible for carrying out hundreds of millions of fraudulent robocalls, leading to massive financial losses to older adults across the nation. “In a one- week period, they

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<sup>195</sup> State by state information on the elder fraud cases and education and prevention outreach efforts highlighted by the sweep announcement can be found at <https://www.justice.gov/civil/elder-fraud-sweeps-2020>

placed over 13 million fraudulent robocalls in Florida alone,” the Attorney General said. He also described the Department’s Initiative to halt the flow of money to the foreign perpetrators by going after “money mules” who send the money to the foreign perpetrators, disrupting more than 600 money mules during the two-month initiative. Finally, stressing the need to report fraud committed against older adults, the Attorney General announced the launch of the Department’s National Elder Fraud Hotline, where case managers provide services and referrals to victims as needed. The number is 1-833-FRAUD-11 (1-833-372- 8311).<sup>196</sup> (Recommendation 1, 6, 7)

### **NATIONAL NURSING HOME INITIATIVE**

On March 3, 2020, the Attorney General announced the launch of the Department’s National Nursing Home Initiative,<sup>197</sup> which coordinates and enhances civil and criminal efforts to pursue nursing homes that provide grossly substandard care to their residents. This Initiative is focused on some of the worst nursing homes around the country and the Department has initiated investigations into multiple individual nursing facilities as part of this effort.

The Department considers a number of factors in identifying the most problematic nursing homes. For example, nursing homes that consistently fail to provide adequate nursing staff to care for their residents, fail to adhere to basic protocols of hygiene and infection control, fail to provide their residents with the minimum caloric or nutrient intake sufficient to meet daily requirements, or inappropriately use physical or chemical restraints to restrain or otherwise sedate their residents.

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<sup>196</sup> <https://www.justice.gov/opa/speech/attorney-general-william-p-barr-announces-results-department-justices-2020-elder-fraud>

<sup>197</sup> <https://www.justice.gov/opa/speech/attorney-general-william-p-barr-announces-results-department-justices-2020-elder-fraud>

The National Nursing Home Initiative reflects the Department's larger strategy and commitment to protecting our nation's older adults and is coordinated by the Department's Elder Justice Initiative in conjunction with the United States Attorney's Offices. The Department has assembled teams of prosecutors and investigators in multiple districts nationwide prepared to take on these cases. In a series of webinars and discussion sessions since March 3, 2020, the Department has trained Health Care Fraud Coordinators and other Assistant United States Attorneys nationally on matters related to case development and investigation. The Department has engaged in significant outreach and coordination with our federal partners at the Department of Health and Human Services Office of Counsel to the Inspector General, Centers for Medicare & Medicaid Services (CMS), and the Regional CMS offices, to identify nursing homes that have significant quality issues necessitating investigation. The Department also supports the efforts of state and local prosecutors, law enforcement, and other elder justice professionals to combat elder abuse, neglect, and financial exploitation, with the development of training, resources, and information. The Department has provided training to and coordinated with the Medicaid Fraud Control Units and other state partners to ensure that federal and state entities are working together to identify appropriate targets and coordinate investigative efforts.

#### **ROUNDTABLE WITH AG BARR AND GENERAL COUNSELS OF FINANCIAL INSTITUTIONS**

The Attorney General and leadership of the Transnational Elder Fraud Strike Force convened with general counsels from several financial institutions to address elder financial exploitation. The meeting centered on promoting collaboration between the Department and major banks to apply successful programs and protocols to identify and to prevent international criminals from

targeting Americans at home. The banks are committed to building upon their already successful partnerships with law enforcement in the United States and the United Kingdom to combat transnational organized crime. In order to fight increasing international financial exploitation, the financial industry and the Department agreed to continue communication and increase collaboration efforts in order to fight this critically important issue ensnaring citizens that are among the most vulnerable in our society.<sup>198</sup> (*Recommendation 7*)

### **US TELECOM FORUM: TURNING THE TIDE ON ILLEGAL ROBOCALLS**

Senior Counsel for Complex Litigation Rich Goldberg and Trial Attorney Daniel K. Crane-Hirsch from the Department's Consumer Protection Branch participated in US Telecom's Forum on Illegal Robocalls on June 11, 2019. Mr. Goldberg and Mr. Crane-Hirsch presented a high-level overview of the Department's authority, involvement, and enforcement actions relating to elder fraud and illegal robocalls. Illegal robocalls are often used in fraud schemes targeting older adults, which the Department is committed to disrupting and prosecuting. Other regulators, such as the Federal Communications Commission, Federal Trade Commission, and two State Attorneys General also spoke on their ongoing enforcement efforts. Regulators further discussed protocols and legal avenues available to industry experts to improve collaboration between industry and government agencies to identify illegal robocallers and put an end to such activity. (*Recommendation 7*)

### **JUDICIAL ROUNDTABLE ON ELDER ABUSE AND FINANCIAL EXPLOITATION**

The Department, in commemoration of WEAAD 2019, hosted a Roundtable discussion with

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<sup>198</sup> <https://www.justice.gov/archives/opa/blog/justice-department-recognizes-world-elder-abuse-awareness-day-week-events>

judges from around the country who shared their views and experiences from the bench presiding over elder abuse or financial exploitation cases. The Roundtable was organized by the Elder Justice Initiative and moderated by Katharine Sullivan, then-Acting Director of OVW.

The Roundtable discussion covered a wide array of issues including the types of financial exploitation cases over which the judges were presiding, the role of guardianships and assisted decision-making, the unique challenges of dealing with elder abuse in tribal lands, and tools and resources the judges would find useful in presiding over their elder abuse related cases.

The judges participating in the Judicial Roundtable were the Honorable Craig Block, Judicial District 5C, Probate Court, Des Moines IA, Honorable Frances Doherty, Second Judicial District Court, Washoe County, NV, Honorable Mark Juhas, Los Angeles County Superior Court, Los Angeles, CA, Honorable William Koch, Fourth District Court, Minneapolis, MN, Honorable Michael Long, Grand Traverse Band of Ottawa and Chippewa Indians Tribal Court, Peshawbestown, MI, Honorable Michelle Morley, Fifth Judicial Circuit, Bushnell, FL, and the Honorable Patricia Roe, Ocean County Superior Court, Toms River, NJ.<sup>199</sup> (Recommendation 1)

## **RURAL AND TRIBAL ELDER JUSTICE SUMMIT**

Rural and tribal communities face unique challenges in their efforts to combat elder abuse, neglect, and financial exploitation. Broader geographical areas can mean higher rates of social isolation, scattered resources, and fewer services in rural communities. These factors can increase the risk of elder abuse and financial exploitation. As part of that commitment to rural America,

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<sup>199</sup> The Judicial Roundtable is available for viewing at [https://www.youtube.com/watch?v=\\_37cJ8Xvvv0](https://www.youtube.com/watch?v=_37cJ8Xvvv0)

the Department hosted the first Rural and Tribal Elder Justice Summit on November 14–15, 2018, in Des Moines, Iowa.

The Summit, organized by the Elder Justice Initiative and OVC, with assistance from the Department’s Office of Tribal Justice (OTJ) (e.g., developed a list of tribal contacts that served as a primary source of tribal invitees and participants in the conference), brought together a diverse group of over 260 subject matter experts and elder justice professionals to: (1) identify the challenges rural and tribal communities face in responding to elder abuse; (2) identify promising practices, resources, and tools available to rural and tribal communities; and (3) explore what more can be done to break down silos and foster greater collaboration at the tribal, local, state, and federal levels.

At the Summit, the Acting Attorney General highlighted the Department’s many elder justice efforts but noted that everyone has an important role in combatting elder abuse and fraud and ensuring that every older adult has the safety and peace of mind they deserve. Senator Grassley graciously addressed attendees via a short video expressing his unwavering commitment to rural elder justice and received a spirited round of applause.

The Master of Ceremony for Day 1 of the Summit was Antoinette T. Bacon, National Elder Justice Coordinator and Associate Deputy Attorney General, and for Day 2, Marc Krickbaum, United States Attorney for the Southern District of Iowa. Throughout the day and a half of the Summit, in addition to moderators, over 40 elder justice experts informed the audience about what is known about rural elder justice, resources available for rural and tribal service providers,

and innovations in services for rural older adults and tribal elders. A featured presenter, June Sivilli, described the Administration’s efforts to help rural and tribal communities address the opioid epidemic. The Office of Tribal Justice (OTJ) joined a panel presentation titled “Harnessing the Power of Technology to Respond to Elder Abuse in Rural and Tribal Communities”, focused on the Tribal Access Program (TAP, described elsewhere). At the Summit, OTJ also participated in a session titled “Tribal Talking Circle: Health Care Challenges and Solutions in Tribal Communities.” The agenda and all PowerPoint presentations are available in the Rural and Tribal Elder Justice Summit Materials<sup>200</sup>; speaker biographies are available in the Rural and Tribal Elder Justice Resource Guide<sup>201</sup> (beginning on p. 39).

The Elder Justice Initiative created the Rural and Tribal Resource Guide for professionals in rural and in tribal communities to quickly access useful information and resources. In addition to including information about the Summit, the Guide provides a directory of federal resources by agency, an extensive list of resources specific to each elder justice profession, and an inventory of tribal resources. In the following section of the Resource Guide is a variety of downloadable community outreach materials, and the Resource Guide concludes with a curated list of elder justice and tribal research citations. The Resource Guide is available on the Elder Justice website.<sup>202</sup>

Following the Summit, the Elder Justice Initiative has continued to raise awareness of rural and tribal elder justice issues through numerous presentations at local and national conferences, as

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<sup>200</sup> <https://www.justice.gov/file/1149591/download>

<sup>201</sup> <https://www.justice.gov/elderjustice/book/file/1110846/download>

<sup>202</sup> <https://www.justice.gov/elderjustice/book/file/1110846/download>

well as developing materials and resources to support elder justice professionals in rural and tribal communities. For example, the Elder Justice Initiative developed a series of state- and territory- specific elder abuse resource flyers specifically for rural service providers. Links to these flyers have been disseminated through the National Organization of State Offices of Rural Health (NOSORH) to the State Offices of Rural Health (SORH) and through the National Institute of Food and Agriculture (NIFA) within the United States Department of Agriculture to their grantees. These flyers are posted on the Elder Justice website.<sup>203</sup> (Recommendation 1, 6, 7)

### **ELDER JUSTICE CASES MONEY MULE INITIATIVE**

A money mule is a person who transfers illegally acquired money on behalf of or at the direction of another. The FBI, the U.S. Postal Inspection Service, and the Civil Division's Consumer Protection Branch coordinated the Money Mule Initiative,<sup>204</sup> which brought together a broad coalition of additional law enforcement partners, including the U.S. Secret Service, the IRS Criminal Investigation, the Department of Treasury Inspector General for Tax Administration, the Social Security Administration Office of Inspector General, and the Office of the Attorneys General for the States of Indiana and Wyoming. The United States' Initiative was timed to coincide with the European Money Mule Action (EMMA).

During the 2019 Money Mule Initiative, actions ranging from search warrants, criminal charges, interviews, and warning letters were taken to halt the conduct of over 600 domestic money mules, spanning over 85 federal districts, exceeding the 2018 Money Mule Initiative. Law enforcement conducted interviews with more than 500 individuals who recently served as money

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<sup>203</sup> <https://www.justice.gov/elderjustice/responding-elder-abuse-your-state>

<sup>204</sup> <https://www.justice.gov/opa/pr/justice-department-announces-landmark-money-mule-initiative>

mules for fraud schemes and served warning letters on most of those individuals. The letters warned recipients that they could be prosecuted if they continue aiding and abetting fraud schemes. The Department also tripled the number of criminal prosecutions brought against money mules as compared to 2018. Ultimately, more than 30 individuals were criminally charged, at least in part for their roles in receiving victim payments and providing the fraud proceeds to accomplices, including the following cases brought by members of the Department's

#### Transnational Elder Fraud Strike Force:

- On November 27, 2019, the United States Attorney's Office for the Northern District of Georgia announced an indictment against Nnamdi MgBodile for his alleged role in a romance scam and business email compromise fraud;
- On November 25, 2019, the United States Attorney's Office for the Southern District of Florida announced an indictment against alleged perpetrators of a veteran and social security benefit redirection scam, which involved extensive use of money mules; and
- On November 14, 2019, the Department's Consumer Protection Branch announced the indictment of six individuals for an alleged mass mailing fraud scheme in which a co-conspirator was charged with knowingly receiving payments from older victims and supplying them to scheme leaders.

Additional criminal cases were brought as part of the two-month initiative by the United States Attorney's Offices in the Eastern District of Texas, the Eastern District of Kentucky, the District of Alaska, the District of Arizona, the Criminal Division's Fraud Section, the Northern District of Oklahoma, the Southern District of New York, the District of Puerto Rico, the Eastern District of Missouri, the District of Delaware, and the District of Rhode Island.

## **HEALTH CARE FRAUD**

The Department's Criminal and Civil Divisions investigate and prosecute health care fraud schemes that cause harm to federal health care program beneficiaries and those that involve

substantial losses to federal health care programs such as Medicare, Medicaid, TRICARE, and the Veterans Health Administration.

Every instance of health care fraud has a detrimental effect on older adults in the United States as health care fraud reduces the limited resources available to provide health care to older adults through programs such as Medicare. In many cases, health care fraud results in older adults receiving unnecessary medical services and/or not receiving the medical attention they actually need.

One of the largest health care fraud schemes investigated by the FBI and the U.S. Department of Health and Human Services Office of the Inspector General (HHS-OIG), and prosecuted by the Department's Criminal Division's Fraud Section was announced on April 9, 2019.<sup>205</sup> The nationwide takedown charged 24 defendants, including the CEOs, COOs and others associated with five telemedicine companies, in connection with a \$1.2 billion health care fraud scheme targeting older and disabled Medicare beneficiaries. The defendants controlled an international telemarketing network in the Philippines and throughout Latin America that used the telephone, television advertisements, the internet, and direct mail to solicit hundreds of thousands of beneficiaries for free or low-cost orthotic back, knee, wrist, and shoulder braces. The telemarketing network used deceptive "up-selling" marketing techniques to attempt to induce each beneficiary to agree to receive the "Iron-Man kit" of braces that, if worn, would cover a beneficiary's entire body. The defendants allegedly paid kickbacks and bribes to doctors to prescribe these medically unnecessary braces either without any patient interaction or with only a

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<sup>205</sup> <https://www.justice.gov/opa/pr/federal-indictments-and-law-enforcement-actions-one-largest-health-care-fraud-schemes>

brief telephonic conversation with patients they had never met or seen. The scheme not only harmed the Medicare trust fund, but also exhausted the beneficiary's Medicare benefits and thereby prevented them from receiving the same or similar braces within the following five years. In connection with the takedown, the government was able to locate and seize proceeds of the scheme that had been used to purchase exotic automobiles, yachts, and luxury real estate in the United States and abroad. These proceeds will be used to compensate the Medicare trust fund. (Recommendation 1, 7)

## **PROFESSIONAL TRAINING, TOOLS, AND RESOURCES**

### ELDER JUSTICE COORDINATOR TRAINING AT THE NATIONAL ADVOCACY CENTER

On November 13-15, 2019, the Department held an Elder Justice Coordinators (EJCs) Conference at the National Advocacy Center in Columbia, South Carolina, where EJCs from around the country gathered for two and a half days of intense learning through classroom instruction, collaboration, and small-group discussion on elder justice issues. The topics included Money Mules, Mass Mailing cases, International Call Center cases, Cyber Fraud, Working with Older Victims, Nursing Home cases, Outreach, Working with State & Local Partners, Elder Justice Strike Forces, and Ethics. Department attorneys from a variety of United States Attorney's Offices and Main Justice components taught the classes and shared their knowledge and experience. The EJCs left with additional knowledge, new ideas, and a strong continuing commitment to elder justice.

### FINRA WEBINAR: EXPOSED TO SCAMS: WHAT SEPARATES VICTIMS FROM NON-VICTIMS

On May 21, 2020, EOUSA hosted a webinar for the EJCs titled "Exposed to Scams: What

Separates Victims from Non-Victims”, featuring Christine Kieffer and Rob Mascio of FINRA Investor Education Foundation. FINRA Investor Education Foundation has conducted significant research on older victims of financial fraud, very relevant to the EJC roles in interviewing victims and witnesses, arguing at sentencings, and conducting education and outreach. The webinar presented research on the significance of outreach and education to older adults, and on understanding the victims in elder fraud cases.

Victimization by scams and fraud depends, in part, on two-way engagement between the target of the scam and the fraudster. Some individuals simply do not engage with a scammer; others engage but at some point recognize the deception and cease engagement. Still others engage with the fraud and lose money (sometimes a lot of money). This webinar discussed the factors that differentiate these three groups and described the new research and the resulting implications for protecting older adults from scams and fraud.

#### ELDER JUSTICE SPECIAL ISSUE OF THE JOURNAL OF FEDERAL LAW AND PRACTICE

In December 2018, the Department published an issue of its Journal of Federal Law and Practice focused on elder justice. Each issue of the Journal, published six times a year by the EOUSA, contains scholarly and practical articles on a topic of interest to attorneys in the Department.

The Elder Justice issue of the Journal contained 15 articles, and at 305 pages, is the longest edition of the Journal the Department has ever published. In assembling this special issue, the Department called on a variety of experts from across the Department. The topics covered in the Journal included the use of civil injunctions to stop fraud, an examination of the role of older

Americans as “money mules” (often unknowingly) to transmit funds from victims to fraudsters, an examination of the effects of the opioid epidemic on older Americans, and guidance on responding to elder abuse and neglect in American Indian and Alaska Native communities.

The Department was particularly proud of the special issue because it serves as a tangible demonstration of our commitment to addressing the pressing issues of elder justice. But the Journal was not merely symbolic – the articles it contained have been invaluable in educating lawyers and other professionals on a myriad of issues related to elder justice, better equipping them to meet the Department’s goals in this area. With the passage of EAPPA, many United States Attorneys’ Offices appointed EJs for the first time. The guidance in the Journal has allowed those newly appointed EJs to hit the ground running and provided them with a ready-made manual to jump-start their elder justice practices.<sup>206</sup>

#### RECOGNIZING LAW ENFORCEMENT WEAAD WEBINAR

In celebration of WEAAD 2020, the Department’s Civil Fraud section, in conjunction with the COPS Office and the National Center on Elder Abuse, presented a webinar titled “Lifting Up Voices: Law Enforcement WEAAD Celebration”<sup>207</sup> (June 18, 2020) to a national audience in appreciation of law enforcement’s elder justice work during COVID-19. The webinar featured Officer Steven McGhee of Paradise Valley, Arizona, describing a day-long elder abuse AZ-POST-certified training conducted in his state based in part on the EAGLE (Elder Abuse Guide for Law Enforcement). The National Center on Elder Abuse, the Elder Justice Initiative, and the COPS Office each enumerated their elder abuse tools and resources for law enforcement. The

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<sup>206</sup> <https://www.justice.gov/usao/page/file/1121446/download>

<sup>207</sup> <https://www.justice.gov/elderjustice/video/lifting-voices-law-enforcement-weaad-celebration>

COPS Office also promoted the webinar through social media on Facebook (with over 9,700 followers) and Twitter (over 16,400 followers).

#### COPS OFFICE’S “THE BEAT” ELDER ABUSE PODCAST

The COPS Office, in collaboration with the Elder Justice Initiative, released a three-part podcast series<sup>208</sup> that takes a closer look at law enforcement’s role in elder abuse cases. The series features interviews with active-duty law enforcement officers from across the country as they discuss the various forms of elder abuse, provide insight on identifying instances of elder abuse, and offer advice on responsive measures. The series delves into practical tactics for collecting evidence in cases of financial crimes committed against older victims or when an older victim may have suffered from physical or sexual abuse and/or caregiver neglect. Released in 2019 during WEAAD, the content is reflected in the episode titles:

- The Role of Law Enforcement in Recognizing and Responding to Elder Abuse
- Collecting Evidence in Elder Abuse and Neglect Cases
- Financial Exploitation & Scams are a Crime: Correcting Misperceptions and Collecting Evidence

#### **PUBLIC OUTREACH AND PREVENTION**

##### BAYSHORE POINTE NURSING AND REHAB CENTER IN TAMPA

On Monday, March 2, 2020, the Department’s Civil Fraud section held an outreach and training event at the Bayshore Pointe Nursing and Rehab Center in Tampa, FL to educate residents, caregivers, and families about how to avoid and where to report financial scams. The Department was joined by their elder justice partners, including the Department of Health and Human

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<sup>208</sup> <https://copstrainingportal.org/elder-justice-resources/>

Services, National Consumer Voice, the West Central District Florida Ombudsman, and volunteer ombudsman.

NATIONAL ELDER FRAUD HOTLINE AWARENESS RESOURCES

In April 2020, through an interagency agreement with the U.S. Postal Inspection Service, the National Crime Victims' Rights Week Theme Poster and a complementary hotline flyer were displayed in thousands of post offices throughout the Nation. The flyer included the phone number for the Department's National Elder Fraud Hotline. (*Recommendation 7*)



## AMERICORPS

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AmeriCorps, through AmeriCorps Seniors, engages adults aged 55 and over through three volunteer programs: the Foster Grandparent Program, whose volunteers serve children and young adults; the Senior Companion Program, whose volunteers serve frail older adults to help them live independently; and RSVP, whose volunteers help increase the capacity of local organizations that support the critical needs of local residents. These programs provide a dual audience (older adults who serve as well as those elders being served) to increase awareness and educate local communities about detecting, reporting, and preventing elder financial and other forms of elder abuse. Senior volunteers in these programs create strong connections with their peers which allow them to conduct outreach efforts that educate and create awareness.

In 2017, AmeriCorps Seniors issued a Notice of Funding Opportunity for FY2018 grants, citing Elder Justice as a priority area to focus more volunteer efforts on activities that help detect, prevent, and mitigate the effects of elder financial fraud and abuse activities. This grant competition yielded eight new organizations that chose elder abuse as a primary focus area for their RSVP grant program focus activities for communities in California, Illinois, Indiana, Ohio, Pennsylvania, Texas, West Virginia, and Wisconsin. The AmeriCorps Seniors investment of an additional funding allowed these programs to recruit and train additional volunteers who can be

leveraged to help educate other older adults in their communities. (Recommendation 1, 2)

Through a monthly webinar series titled “Tuesday Talks”, AmeriCorps Seniors has been highly proactive in training the directors of its local grantee programs, on issues of elder abuse, fraud, and scams. In collaboration with other federal agencies, i.e., the Federal Trade Commission (FTC), and the Social Security Administration (SSA), and CFPB, AmeriCorps Seniors trains its grantees on a broad spectrum of elder justice issues and resources that can be used to support peer volunteer education and other interventions on these issues. Webinars included such topics as:

- Protecting Older Americans from Scams and Financial Exploitation;
- Managing Someone Else’s Money and Money Smarts for Older Adults;
- How to Work with Elder Justice Professionals in Your Community;
- How to Use the Federal Trade Commission’s “Pass It On” Initiative to Protect Older Adults; and
- Working with Adult Protective Services in Your Community.

These webinars served as a train-the-trainer model for these project directors who, in turn, educate their volunteers on these issues and also use the webinar training to develop local volunteer-led programming and initiatives that educate other older adults in the community about scams targeting the elderly, prevention techniques, and community resources that can be used as support. When COVID occurred and older adults were encouraged to quarantine, AmeriCorps Seniors programs pivoted much of this training to virtual online webinars to ensure that volunteers remained informed.

In addition to the online webinar series, during the summer of 2018, AmeriCorps Seniors held a

national convening for its grantees at which staff from the Department of Justice, the Administration for Community Living and the Federal Trade Commission staff conducted face-to-face workshop presentations and conducted listening sessions to learn other resources that might be developed to support older adult volunteer interventions on elder abuse issues.

(Recommendation 6)

To ensure that older adults remain informed, AmeriCorps Seniors, using the information that is distributed through other federal agencies, continues to educate its network on new scams or new versions of scams through its “Elder Justice Corner” that is included as its own section in the monthly Director’s Notes that is sent to all of its 1,100 grantees who then share this information through their monthly trainings with their volunteers who then share the information with those they serve and their other peers in the community.



## CONSUMER FINANCIAL PROTECTION BUREAU

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### DIVISION OF CONSUMER EDUCATION & ENGAGEMENT

#### OFFICE OF FINANCIAL PROTECTION FOR OLDER AMERICANS

Money Smart for Older Adults: The Consumer Financial Protection Bureau (CFPB) continues to distribute its Money Smart for Older Adults (MSOA) program, in collaboration with the FDIC.

MSOA is an instructor-led training module within the FDIC's Money Smart program. It provides older consumers and their families, friends, and caregivers with information on preventing and responding to elder financial exploitation. In April 2019, the American Society on Aging presented CFPB and FDIC the Gloria Cavanaugh Award for Excellence in Training Older Adults for our work on this fraud-prevention tool. This Award is presented to an individual or program that exemplifies continued excellence in training and education in the field of aging.

(Recommendation 5, 7)

Managing Someone Else's Money: The Bureau's Managing Someone Else's Money (MSEM) guides<sup>209</sup> help financial caregivers understand their responsibilities and protect their loved ones from financial harm. In July 2020, the Bureau issued an email invitation to elder services

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<sup>209</sup> <https://www.consumerfinance.gov/msem>

stakeholders inviting them to co-brand the MSEM guides. Also, in July 2020, the Bureau conducted user testing of the guides, the results of which will help shape updates and new resources. In 2020, the CFPB continued to increase awareness about MSEM through presentations with the Better Business Bureau (BBB), Administration for Community Living (ACL), and Centers for Medicare & Medicaid Services (CMS) Caregiving Working Group.

*(Recommendation 7)*

Elder Fraud Prevention and Response Networks: The Bureau continues to promote and support the development of elder fraud prevention and response networks. These community-based networks offer a range of activities including community education, case review, and professional training and other collaborative activities and initiatives. Stakeholders include adult protective services, law enforcement, financial services, legal services, and other aging providers. In 2019, the Bureau facilitated stakeholder convenings in New Hampshire, Vermont, Wisconsin, and Michigan (which we achieved in collaboration with the Department of Justice Office for Victims of Crime). In May 2019, we released Convening communities to build elder fraud prevention and response networks summarizing findings from earlier convenings. In June 2020, the Bureau released an Elder Fraud Prevention and Response Networks Development Guide, a step-by-step resource to help stakeholders launch networks in communities where they don't currently exist and to support existing networks to expand their capacity. (Recommendation 6, 7)

Coronavirus Response: During 2020, the CFPB provided consumers with up-to-date information and resources to protect and manage their finances during the pandemic. The Bureau created a

central hub of information on [consumerfinance.gov/coronavirus](http://www.consumerfinance.gov/coronavirus)<sup>210</sup>. There are clear and concise videos on some of the more complicated topics, like mortgage forbearance and the economic impact payments. To address COVID-19 scams, the Bureau drafted emails and blogs on topics such as vaccine scams and errand helper scams. (Recommendation 5, 7)

Fraud Prevention Resources: The Bureau's [fraud prevention placemats](#) and handouts are a simple and engaging way to empower older adults to protect themselves from scams. In 2019, the CFPB worked with the Federal Trade Commission (FTC) and the Social Security Administration (SSA) to create a Social Security imposter placemat with tips on how to recognize, prevent, and report this type of scam. In just the first few months after its release, nearly 300,000 placemats were ordered - making this placemat one of the most successful in the series. In September 2020, we created placemats on disaster-related scams for Disaster Preparedness month. In October 2020, the Bureau published a placemat with cybersecurity tips to help older adults play it safe online, in connection with National Cybersecurity Awareness Month. During the pandemic, the Bureau created downloadable versions of the placemats that are easy to print or share online.

(Recommendation 6, 7)

Suspicious Activity Reports Research: In February 2019, the Bureau released a report that summarized key facts, trends, and patterns revealed in Suspicious Activity Reports--or SARs--filed by banks, credit unions, casinos, and other financial services providers regarding suspected elder financial exploitation. The Bureau analyzed 180,000 elder financial exploitation SARs filed with the Financial Crimes Enforcement Network (FinCEN) from 2013 to 2017, involving more

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<sup>210</sup> <http://www.consumerfinance.gov/coronavirus>

than \$6 billion. The Bureau found that SAR filings on elder financial exploitation quadrupled from 2013 to 2017. The study also found that monetary losses were common and substantial. Nearly 80 percent of EFE SARs involved a monetary loss to older adults and/or filers (i.e., financial institutions). Finally, the study found that while financial institutions are increasingly filing elder financial exploitation SARs, fewer than one-third of those SARs specify that the financial institution reported the activity to adult protective services, law enforcement, or other authorities. (Recommendation 1, 4)

Reverse Mortgages: In August 2019, the CFPB launched a dedicated section of our website<sup>211</sup> to help older homeowners understand reverse mortgages. It provides the basics about reverse mortgages, understanding common issues, borrowers' rights, and a glossary of key terms. Along with the launch of the reverse mortgage landing page, the Bureau updated its 20+ consumer-facing Q&As on reverse mortgages. In September 2019, the Bureau released a just-in-time resource, *Your reverse mortgage after a natural disaster*<sup>212</sup>. This one-of-a-kind guide helps reverse mortgage borrowers meet the requirements of their loan while recovering from a natural disaster. It is available in both English and Spanish. (*Recommendation 7*)

Age-friendly Banking: In July 2019, the Bureau released an update to the 2016 CFPB Advisory and Recommendations for banks and credit unions on how to prevent, recognize, report, and respond to elder financial exploitation. It reiterates key recommendations from the 2016 Advisory and Recommendations regarding reporting because many financial institutions remain unsure of whether to report suspected financial exploitation due to privacy concerns. In addition, this

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<sup>211</sup> <https://www.consumerfinance.gov/consumer-tools/reverse-mortgages/>

<sup>212</sup> [https://files.consumerfinance.gov/f/documents/cfpb\\_OA\\_natural\\_disaster\\_bifold.pdf](https://files.consumerfinance.gov/f/documents/cfpb_OA_natural_disaster_bifold.pdf)

update provides new information on reporting based on federal and state legislative changes. It also highlights findings from the CFPB's 2019 analysis of Suspicious Activity Reports (SARs) on elder financial exploitation, which underscores the widespread and damaging impact of elder financial exploitation. *(Recommendation 7)*

Outreach: The Bureau shared insights from its elder financial exploitation research and its educational resources with groups of older adults, caregivers and intermediaries through webinars and conferences. In the past two years, those included webinars with the Department of Labor (DOL), Social Security Administration (SSA), Centers for Medicare & Medicaid Services (CMS), National Center for Law & Elder Rights (NCLER), National Indian Council on Aging (NICOA), AARP, the BBB, the Office of Veterans Affairs, ACL, FTC, Federal Communications Commission (FCC), the National Alliance for Caregiving, St. Louis University, the HUD Xchange, the National Association of Realtors, NeighborWorks, Hispanic Federation, National Adult Protective Services, state and local partners, and CFPB's own FinEx program for financial educators. It also included speaking at annual conferences such as National Council on Aging (NCOA), Meals on Wheels, Home and Community Based Services (HCBS) and ABA National Aging and (the Law Conference (NALC)). *(Recommendation 5)*

In 2019, the CFPB joined with the SSA and the FTC in a public awareness campaign that focused on Social Security imposter scams. In collaboration with SSA and FTC, CFPB created a placemat to accompany home-delivered meals, for distribution by Meals on Wheels America and other groups, focused on making older consumers aware of SSA imposters. *(Recommendation 5, 7)*

To combat COVID-19 related scams, CFPB has been collaborating with FTC, FCC, and ACL on outreach about how to prevent vaccine scams and other COVID-related elder financial exploitation. In October 2020, FTC, ACL and CFPB offered two webinars on COVID scams, each with 1,000 registrants. The federal partners have also coordinated on vaccine scam messaging. (Recommendation 5, 7)

To improve awareness and prevention of elder abuse, neglect, and exploitation, CFPB routinely collaborates with the FTC in its outreach efforts. Over the past two years, CFPB and FTC co-hosted resource tables at national conferences. The agencies co-authored and published several blogs related to COVID 19 financial issues. The agencies also each promoted the other agency's resources in presentations at national conferences. (Recommendation 5, 7)

In 2018, the CFPB convened two Town Hall meetings with state attorneys general to join forces with the nation's AGs and all who work with older adults to fight elder financial exploitation by initiating or expanding community networks in their states. In October 2018, the CFPB and Louisiana AG Jeff Landry convened a Town Hall in Baton Rouge to shine a light on these efforts. They were joined by the Elder Justice Coordinators from two Louisiana US Attorneys' offices. At least 10 Louisiana television stations covered the Town Hall and increased the visibility of elder financial exploitation around the state. (Recommendation 6, 7)



## **FEDERAL COMMUNICATIONS COMMISSION**

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The Federal Communications Commission (“FCC” or “Commission”) regulates interstate and international communications by radio, television, wire, satellite, and cable in all 50 states, the District of Columbia and U.S. territories. An independent U.S. government agency overseen by Congress, the Commission is the United States’ primary authority for communications law, regulation, and technological innovation. The agency’s strategic goals are to:

- Pursue a “100 Percent” Broadband Policy
- Promote Diversity, Equity, Inclusion, and Accessibility
- Empower Consumers
- Enhance Public Safety and National Security
- Advance America’s Global Competitiveness
- Foster Operational Excellence

### **MENTAL CHALLENGE**

The FCC participated in the Mobilizing and Empowering the Nation and Technology to Address Loneliness & social isolation (MENTAL) Health Innovation Challenge. Launched June 23, 2020, the MENTAL challenge sought to encourage innovation in technology to combat social isolation and loneliness through Challenge.gov. The Commission provided technical expertise and

outreach support with respect to the challenge. (Recommendation 6)

## **LIFELINE AND THE EMERGENCY BROADBAND BENEFIT**

The FCC currently administers two programs designed to directly help consumers, including Older Americans, struggling to stay connected – “Lifeline” and the Emergency Broadband Benefit Program. These programs help Older Americans stay connected to family, friends, healthcare services, and other critical resources.

- The Lifeline Program for Low-Income Consumers provides a discount on phone service for qualifying low-income consumers to ensure that all Americans have the opportunities and security that telecommunications service brings, including being able to connect to jobs, family and emergency services. More information about the Lifeline Program can be found online.<sup>213</sup>
- The Affordable Connectivity Program provides help to families and households struggling to afford internet service. More information about the Affordable Connectivity Program can be found online.<sup>214</sup>

## **ROBOCALLS AND COVID-19 SCAMS**

The FCC has made combatting unlawful robocalls and malicious caller ID spoofing a top consumer protection priority. By proposing and implementing impactful policy initiatives and pursuing strong enforcement actions, the FCC takes action to protect and empower consumers. Being aware of the disproportionate impact that these scams can have on Older Americans, in 2020 the FCC utilized outreach events and online education content to share consumer protection tips and explanations of emerging scams with them.

FCC outreach activities provide information on unwanted calls as well as information that can

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<sup>213</sup> <https://www.fcc.gov/lifeline-consumers>

<sup>214</sup> <https://www.fcc.gov/broadbandbenefit>

help address telecommunication issues that may arise in the day-to-day life of Older Americans. This began pre-pandemic, with an in-person Rural Tour,<sup>215</sup> part of a series designed to expand outreach to consumers in rural areas and underserved communities.

During Older Americans Month (May 2020), the FCC participated in AARP's "Slam the Scam" - a series of consumer protection videos featuring representatives from AARP's partners. The series provided information on how to avoid fraud during the pandemic. Separately, the FCC highlighted unwanted call and text content for Older Americans, including a downloadable flyer, on its outreach page.<sup>216</sup> The information was also shared with the FCC's outreach partners via an email messaging campaign.

Throughout FY 2020 spoofing and robocalls were a main education topic for the FCC, including the growing trend of text scams, with an emphasis on scams related to the COVID-19 pandemic.<sup>217</sup> In order to keep consumers, including Older Americans, informed about the latest scams, the FCC maintains a continually updated Scam Glossary. The Scam Glossary and consumer help guides are some of the FCC's most often accessed online content.

To ensure that our materials are available to a wide audience, all of the FCC's consumer-facing resources are available in English, Spanish, Traditional Chinese, Korean, Tagalog and Vietnamese, plus other languages on request and accessible formats. Voice translation services are also available. A partial list of relevant consumer posts is below.

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<sup>215</sup> <https://www.fcc.gov/rural-tour-dispatches>

<sup>216</sup> <http://www.fcc.gov/outreach>

<sup>217</sup> <https://www.fcc.gov/covid-scams>

- Consumer Help Center<sup>218</sup>
- Stop Unwanted Robocalls and Texts<sup>219</sup>
- Caller ID Spoofing<sup>220</sup>
- Call Blocking<sup>221</sup>
- Scam Glossary<sup>222</sup>

In conjunction with consumer education efforts, the Commission continued to pursue policies designed to prevent scam callers from reaching potential victims, including Older Americans who often lose greater sums to phone based scams.

First, the Commission has taken steps to expedite the implementation of Caller ID authentication, also known as STIR/SHAKEN. Caller ID authentication allows voice service providers to verify that the caller ID information transmitted with a particular call matches the caller's real number, which in turn helps to determine whether the call should be blocked or labeled. Widespread deployment of caller ID authentication will reduce the effectiveness of illegal spoofed caller ID, allow law enforcement to identify ad actors more easily, and better enable phone companies to block illegal calls before those calls reach consumers.

- The Commission adopted a Report and Order<sup>223</sup> on March 31, 2020, mandating that originating and terminating phone companies implement STIR/SHAKEN in the IP (internet protocol) portions of their networks by June 30, 2021.
- The Commission adopted a Second Report and Order<sup>224</sup> on September 29, 2020, that further promoted implementation on STIR/SHAKEN across the voice network and

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<sup>218</sup> <https://www.fcc.gov/consumers>

<sup>219</sup> <https://www.fcc.gov/robocalls>

<sup>220</sup> <https://www.fcc.gov/spoofing>

<sup>221</sup> <https://www.fcc.gov/call-blocking>

<sup>222</sup> <https://www.fcc.gov/scam-glossary>

<sup>223</sup> <https://docs.fcc.gov/public/attachments/FCC-20-42A1.pdf>

<sup>224</sup> <https://docs.fcc.gov/public/attachments/FCC-20-136A1.pdf>

protected consumers against malicious caller ID spoofing.

Second, the Commission has taken steps to both allow and, in some cases require, voice service providers to block illegal voice traffic on their networks. Call blocking is a tool used by phone companies to stop illegal and unwanted calls from reaching your phone. A report<sup>225</sup> released in June 2020 found that call blocking tools were substantially available to consumers. Billions of unwanted calls to American consumers are being blocked each year. In July 2020, the Commission took additional steps<sup>226</sup> to enhance the effectiveness of call blocking.

Under the direction of the TRACED (Telephone Robocall Abuse Criminal Enforcement and Deterrence) Act and in collaboration with the FTC, the FCC also established the Hospital Robocalls Protection Group (HRPG)<sup>227</sup> to develop best practices to protect hospitals and other care facilities from robocalls. (Recommendation 1, 7)

## **ROBOCALL ENFORCEMENT**

To protect potential victims from a new wave of COVID-19 related phone scams, the FCC coordinated with the FTC to issue joint letters in both April of 2020<sup>228</sup> and May of 2020<sup>229</sup> demanding that gateway providers allowing pandemic related scam robocalls into the United States cut off this traffic or face serious consequences.

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<sup>225</sup> <https://docs.fcc.gov/public/attachments/DOC-365152A1.pdf>

<sup>226</sup> <https://docs.fcc.gov/public/attachments/FCC-20-96A1.pdf>

<sup>227</sup> <https://www.fcc.gov/hospital-robocall-protection-group>

<sup>228</sup> <https://www.fcc.gov/document/fcc-ftc-demand-gateway-providers-cut-covid-19-robocall-scammers>

<sup>229</sup> <https://www.fcc.gov/document/fcc-ftc-demand-robocall-enabling-service-providers-cut-scammers>

The FCC also adopted an Order<sup>230</sup> on May 1, 2020, to implement the enhanced enforcement capabilities provided by Congress in TRACED Act that:

- allow the FCC to impose a penalty for robocall violations without first issuing a citation;
- provide additional penalties for intentional unlawful robocall violations;
- extend the statute of limitations period to four years for intentional robocall violations; and
- extend the statute of limitations period to four years for any spoofing violations.

In June of 2020 the FCC proposed its largest fine ever, \$225 million,<sup>231</sup> against Texas-based health insurance telemarketers for apparently making approximately 1 billion illegally spoofed robocalls. This builds a number of very large fines and proposed fines for spoofing violations that the FCC has issued in the past. To further enhance enforcement efforts, the Commission selected USTelecom – the Broadband Association’s Industry Traceback Group<sup>232</sup> to conduct private-led efforts to trace back the origin of suspected unlawful robocalls. Traceback efforts have accelerated the investigative process and are an important tool to unmask the identities of those entities making illegal robocalls.

The FCC also continues to participate in DOJ’s Interagency Working Group to study Government prosecution of violations of Sec. 227(b) of the Communications Act and works collaboratively with DOJ, the FTC, States Attorneys General, and other enforcement entities to combat scams targeting Older Americans. (*Recommendation 7*)

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<sup>230</sup> <https://docs.fcc.gov/public/attachments/DA-20-460A1.pdf>

<sup>231</sup> <https://docs.fcc.gov/public/attachments/DOC-364824A1.pdf>

<sup>232</sup> <https://docs.fcc.gov/public/attachments/DA-20-785A1.pdf>

EJCC Delegated Chairman Lance A. Robertson invited the FCC to join the Council on June 19, 2020. In extending the invitation, Delegated Chairman Robertson specifically cited the potential for impactful collaboration with the Commission’s Consumer and Governmental Affairs Bureau in addressing, “the serious problem of scams and frauds targeting older Americans through robocalls and spoofing.” The Commission formally accepted the invitation and was introduced to the Council at the fall 2020 meeting. The FCC has been an active participant in EJCC working group meetings since joining.

The FCC participated in the Mobilizing and Empowering the Nation and Technology to Address Loneliness & social isolation (MENTAL) Health Innovation Challenge. Launched June 23, 2020, the MENTAL challenge sought to encourage innovation in technology to combat social isolation and loneliness through Challenge.gov. The Commission provided technical expertise and outreach support with respect to the challenge. (Recommendation 6)

Under the direction of the TRACED (Telephone Robocall Abuse Criminal Enforcement and Deterrence) Act and in collaboration with the FTC, the FCC also established the Hospital Robocalls Protection Group (HRPG)<sup>233</sup> to develop best practices to protect hospitals and other care facilities from robocalls. (Recommendation 1, 7)

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<sup>233</sup> <https://www.fcc.gov/hospital-robocall-protection-group>

targeting Older Americans. (*Recommendation 7*)



## FEDERAL TRADE COMMISSION

### FRAUD AND OLDER ADULTS

The Federal Trade Commission (FTC) focuses on strategies to combat unfair, deceptive, abusive, and fraudulent practices that affect older adults. These strategies include maintaining a strong enforcement presence, developing education materials to promote awareness of frauds that commonly affect older adults, and collaborating with community-based organizations to enhance outreach about the FTC's programs and consumer rights. The FTC's elder justice work relates to EJCC. (*Recommendations 1, 5, 7*)

### FRAUD AND OLDER ADULTS

In its past two Protecting Older Consumers reports (2018-2019 and 2019-2020), the FTC described its enforcement, education, and research work to protect older consumers from fraud, identity theft, and other problems in the marketplace.<sup>234</sup> The reports presented analysis of the FTC's 2018 and 2019 Consumer Sentinel Network consumer complaint data, showing that people over age 60 reported fraud at a higher rate than people under age 60. And, while people over age 60 reported losing money to fraud less often than those under 60, when older people lost

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<sup>234</sup> [https://www.ftc.gov/system/files/documents/reports/protecting-older-consumers-2019-2020-report-federal-trade-commission/p144400\\_protecting\\_older\\_adults\\_report\\_2020.pdf](https://www.ftc.gov/system/files/documents/reports/protecting-older-consumers-2019-2020-report-federal-trade-commission/p144400_protecting_older_adults_report_2020.pdf) and [https://www.ftc.gov/system/files/documents/reports/protecting-older-consumers-2018-2019-report-federal-trade-commission/p144401\\_protecting\\_older\\_consumers\\_2019\\_1.pdf](https://www.ftc.gov/system/files/documents/reports/protecting-older-consumers-2018-2019-report-federal-trade-commission/p144401_protecting_older_consumers_2019_1.pdf).

money, the amount was significant. In 2019, the median dollar loss reported by people over age 80 was \$1,600 — about two to four times the median loss reported by other age groups.

The reports also highlighted scams that affected older adults during those years, including technical support scams, prize, sweepstakes, and lottery scams, and family or friend imposter scams. In 2019, older adults reported losing money most often to online shopping fraud, instead of to technical support scams, as in prior years. This mirrored a significant increase in that type of scam reported across all ages.

#### EDUCATION AND INFORMATION

To augment the agency's enforcement efforts, nearly every FTC enforcement action is accompanied by relevant, targeted education in English and Spanish. In addition, the FTC distributes information in print and electronically, and shares it with websites, the media, libraries, legal services groups, law enforcement, and other community-based organizations for the broadest possible reach. The FTC has more than 310,500 subscribers for its consumer blog in English, and 54,000 for its blog in Spanish.

Local media and community partners that subscribe to the blogs, including local law enforcement, library staff, educators, and banks share and forward the information to their members and expand the reach of the messages. Consumer blog posts have covered, among many other topics, fake COVID-19 treatments and cures, scams related to economic impact payments and other financial relief from the pandemic, and government imposters who lie and tell people their Social Security number is suspended.

Pass It On is the FTC’s ongoing fraud-prevention education campaign for older adults. Pass It On’s online and print materials show respect for the readers’ life experience and accumulated knowledge, and provide resources they can read and “pass on” to family and friends to start conversations about fraud. The FTC has distributed 14 million Pass It On items since the campaign began in 2014, including 4.3 million in the period covered by this report, to libraries, adult protective service offices, police departments, banks, state attorneys general, military support groups and a variety of educational and community groups. Campaign materials are available online.<sup>235</sup> at [ftc.gov/PassItOn](https://ftc.gov/PassItOn), [ftc.gov/pasalo](https://ftc.gov/pasalo) (Spanish), and [ftc.gov/Bulkorder](https://ftc.gov/Bulkorder).

The FTC also created educational videos to underscore the importance of talking about fraud as a prevention measure. Using the first-hand stories of older adults who faced the threat of losing money to a tech support scammer and Social Security imposters, these videos reveal the scammers’ tactics, and the value of talking about experiences to help people recognize and avoid a scammer’s calls, texts, or emails. The FTC distributes the videos through partners including ethnic and mainstream media, legal aid offices, consumer advocacy groups, and fellow law enforcement agencies

#### COVID-19 EDUCATION AND OUTREACH

From the very beginning of the COVID-19 pandemic, the FTC shared information about a range of emerging COVID-19-related scams and issues. The FTC created a multimedia consumer education campaign in English and Spanish, available at [ftc.gov/coronavirus](https://ftc.gov/coronavirus). It gives advice on

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<sup>235</sup> [ftc.gov/PassItOn](https://ftc.gov/PassItOn); [ftc.gov/pasalo](https://ftc.gov/pasalo) (Spanish), and [ftc.gov/Bulkorder](https://ftc.gov/Bulkorder).

how to stay safe, and connects people to blog posts, sharable infographics, and information about law enforcement actions related to the pandemic. The FTC has issued more than 120 blog posts about pandemic-related topics, including stimulus payments, fake health and treatment claims, charity fraud, government imposter scams, and contact tracing. While most of the consumer posts are broadly applicable to all audiences, some specifically addressed issues affecting older adults. One consumer post covered what to do if a nursing home or care facility wrongfully took a resident's stimulus check -- and another, directed to business, warned nursing facilities that having residents sign over their check to the facility contradicts the CARES Act. Another consumer post warned about "grandparent scam" calls with a coronavirus twist.

Staff in Washington, DC and eight regional offices conducted local and national outreach related to the pandemic with partners, and engaged ethnic media, community organizations, and many others through webinars, tele-town halls, Twitter chats, Facebook Live events, and media interviews. Staff participated in more than 30 coronavirus education and outreach events with older adults and the people who work with them, including task force partners, legal service providers, aging service providers, and state agency staff. FTC staff talked about coronavirus scams during national and statewide AARP tele-town halls, one of which reached 850,000 participants, and included coronavirus information in the home delivered meals taken to people in three locations.

The FTC actively collaborates with many organizations across the country to deliver its consumer education messages. Staff in Washington DC and eight regional offices present, exhibit, and participate in outreach events with the public, other law enforcement agencies, and other

stakeholder agencies that share their goal of protecting people in various communities. During the reporting period, staff participated in more than 170 events that directly served older adults and the people who work with them, or engaged partner organizations in discussions about issues that adversely affect older adults.

FTC staff participated in events with local, state, and federal organizations, including the National Association for Area Agencies on Aging, Better Business Bureau, Senior Medicare Patrols, as well as adult housing communities, public libraries, consumer organizations, legal services providers, and law enforcement task forces. Staff joined in more than a dozen events with AARP, including nationwide webinars about imposters and tax identity theft, and national and statewide tele-town halls about how to spot and avoid charity scams, tax identity theft, cybersecurity threats, and holiday scams. In response to an increase in Social Security imposter scams, the FTC joined other agencies and non-profit organizations to alert consumers about government imposter calls.

During the reporting period, staff attended workshops and expos to meet and distribute educational information to older adults in their communities, and joined webinars hosted for older adults to deliver information about robocalls, among other topics. FTC staff discussed scams that affect older adults with advocates, professionals, and intermediaries at several conferences, including the Home and Community Based Services Conference, National Aging and Law Conference, American Society on Aging Conference, ABA Equal Justice Conference, Elder Abuse conferences with the Federal Bureau of Investigation, and the Washington State Criminal Justice Center. Staff also spoke about frauds that affect Asian American and Pacific

Island elders at a University of California, Berkeley, School of Law event and presented on a National Caucus and Center on Black Aging Senior Day webinar.

The FTC continued its state webinar project to reach people in communities and rural areas. Since October 2018, staff organized and co-presented to people in eight states with local, state, and federal consumer experts and stakeholders, often including representatives from Senior Medicare Patrols and the Centers for Medicare & Medicaid Services. Presenters shared news and information about fraud and scams affecting residents, and where to find help. (Recommendation 5, 7)

In this reporting period, the FTC convened six Ethnic Media Briefings with community leaders, local law enforcement, consumer education professionals, and ethnic media outlets around the country. The groups discussed fraud and consumer issues targeting diverse communities and resources available for media, civic leaders, and their communities. During the same period, the FTC held three, one- or two-day Common Ground conferences with legal service, law enforcement, and consumer protection professionals to discuss, among other things, how to reach and protect older adults and people in underserved communities from consumer fraud.

Protecting older consumers in the marketplace is one of the FTC's top priorities. Unfortunately, in numerous FTC cases, older adults have been targeted or disproportionately affected. The 29 enforcement actions highlighted in the FTC's Protecting Older Consumers reports for the current reporting period illustrate some of the key issues affecting older adults in this way. They include deceptive telemarketing of credit card interest rate reduction schemes; a fake medical insurance

scheme; a technical support scam; business opportunities, pyramids and money-making schemes; anti-aging products; and unsubstantiated health claims for products that supposedly treat or cure medical conditions that affect older adults. The agency also sued two payment processors for assisting and facilitating payments for deceptive schemes affecting older adults.

(Recommendation 1, 7)

The FTC also coordinates with federal, state, and international law enforcement agencies, including agencies with criminal authority, to leverage resources to track down scammers, and build actions to stop them. The FTC, with the US Department of Justice (DOJ), organizes and participates in the International Mass Marketing Fraud Working Group, a multilateral network of agencies that enforces laws that prohibit mass marketing fraud. The Working Group has been pivotal in enforcement actions against entities that have allegedly defrauded millions of older adults out of hundreds of millions of dollars. (Recommendation 1, 7)

#### ENFORCEMENT ACTIONS AND COLLABORATION WITH LAW ENFORCEMENT PARTNERS

In March 2019, the FTC, the DOJ, the U.S. Postal Inspection Service, and a number of other domestic and foreign law enforcement partners announced civil and criminal actions against a host of defendants, with a focus on technical support scams. As part of this effort, the FTC filed an action seeking to shut down a technical support scheme that tricked older consumers into believing their computers were infected with viruses in order to sell them costly computer repair services. In December 2019, as part of a settlement with the FTC, the company and its owner were permanently banned from offering tech support products and services to consumers. The order also imposes a \$13.5 million judgment against the defendants, which will be suspended

upon payment of \$173,000 and the turnover of other assets due to inability to pay.

(Recommendation 1, 7)

In November 2018, the FTC settled charges in MoneyGram International over allegations that the company failed to take steps required under a 2009 FTC order that requires the company to protect consumers from fraud through its money transfer system. The original FTC case described several scams perpetuated through the MoneyGram payment system, including lottery or prize scams that particularly impact older adults. In its new filing addressing violations of the 2009 order, the FTC alleged that MoneyGram failed to implement the comprehensive fraud prevention program mandated by the 2009 order, which requires the company, among other things, to promptly train, investigate, restrict, suspend, and terminate high-fraud agents.

MoneyGram agreed to a \$125 million payment as part of a global settlement, which resolved allegations that MoneyGram also violated a separate 2012 deferred prosecution agreement with the DOJ. (Recommendation 1, 7)

In March 2020 and September 2020, refund administrators mailed approximately \$300 million in refunds to 142,000 consumers in the actions filed by the FTC and the DOJ against the Western Union Company. The refunds were based upon the 2017 FTC and DOJ \$587 million settlements with Western Union, alleging that massive fraud payments flowed through its money transfer system for many years. Many of these frauds harmed older adults. (Recommendation 1, 7)

In November 2019, staff presented information about the FTC's work to protect older adults at the DOJ's Rural and Tribal Elder Justice Summit in Des Moines, Iowa. This work connects the

agency with other government offices working to combat elder abuse and facilitates information sharing and coordination. (Recommendation 5, 7)

In March 2020, FTC and Social Security Administration (SSA) staff held a Facebook live event to talk about scammers who pretend to be Social Security officials. To further spread the warning about Social Security imposter scams, the FTC, SSA, and Consumer Financial Protection Bureau collaborated to create a fraud prevention placemat for use in group meal centers for older adults. More than 56,000 placemats were ordered the week it was printed. (Recommendation 5, 7)

To help older adults avoid scams during the pandemic, the FTC and Consumer Financial Protection Bureau published joint alerts about the latest caregiving scams and government imposter scams. The FTC also presented a webinar to alert FDIC staff and FEMA emergency responders to pandemic-related scams, and joined with the DOJ and HHS to warn people about contact tracing scams. (Recommendation 5,7)



## SOCIAL SECURITY ADMINISTRATION

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### OFFICE OF COMMUNICATIONS

The Social Security Administration (SSA) engaged in numerous activities and initiatives to improve awareness and prevention of, intervention in, and response to, elder abuse, neglect, and exploitation during the period from October 2018 to September 2020. Older Social Security beneficiaries are among those most at risk of falling victim to Social Security-related scams. In fiscal year (FY) 2020, older beneficiaries lost more money to Social Security scams than any other age group. Fraudsters seek out victims, who are typically older adults, to (a) disclose personally identifiable information; or (b) purchase fraudulent products or services. The fraudsters lure their victims by claiming either that they represent SSA, or that their service or product is endorsed by SSA.

Additionally, SSA's Office of the Inspector General (SSA OIG) conducts criminal investigations of imposter scams and representative payee fraud. SSA OIG works with Federal, State, and local authorities to develop criminal cases and to prosecute wrongdoers. SSA OIG collaborates with Federal and State law enforcement to identify potential cases of elder abuse, such as the discovery of unlicensed nursing homes, and shares data with those agencies to the extent permitted by law.

## OVERVIEW OF SSA ACTIVITIES

SSA continues to implement a comprehensive anti-fraud public outreach and education campaign that focuses on prevention and early intervention to minimize harm to the public, particularly older people, and to maintain public trust in the agency. (Recommendation 5, 6, 7)

- Created a national phone scam awareness outreach and education initiative, including a social media campaign that reached over half a million viewers. Produced and aired Social Security scam awareness television and radio public service announcements (PSAs), which garnered over 1.9 billion public impressions from October 2018 to September 2020. Additionally, members of SSA's External Affairs Team (EAT) and the agency's Public Affairs Specialists conducted scam awareness outreach via telephone calls, emails, television and radio appearances, meetings, conferences, seminars, webinars, and presentations. These activities resulted in over 4,800 phone scam awareness outreach events nationwide from October 2019 through September 2020. New PSAs have been produced and are scheduled to begin airing in late December 2021.
- Created the [Scam Awareness Material for Groups and Organizations](#)<sup>236</sup>. The web page provides an up-to-date list of resources and materials that partner organizations can use to help combat Social Security scams for those they serve and the communities they represent. For example, the web page includes infographics, and links to websites and blog posting.
- Created Social Security Television (SSTV) slides on imposter scams and elder abuse prevention and reporting. SSTV plays in over 1,200 field offices nationwide. The number of customers visiting SSA field offices was more than 168,000 daily pre-pandemic.
- Published, during FYs 2019-2020, 25 scam- or fraud-related blog posts on the Social Security Matters blog<sup>237</sup>, which has 464,000 subscribers. In total, these blog posts generated 1.3 million pageviews. In one blog post, SSA OIG warned the public about scammers using Social Security in COVID-19 scams and encouraged the public to view AARP's scam awareness webinar.
- Added guidance for the public in several highly visible areas on SSA.gov (e.g., FAQs, homepage, and publications). SSA provides the public with information about potential scams and scam variations in both English and Spanish.
- Sent an informational notice to advocacy groups and other organizations across the country to help raise awareness about recent SSA scams and disseminate information on

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<sup>236</sup> <https://www.ssa.gov/thirdparty/groups/scam-awareness.html>

<sup>237</sup> <https://blog.ssa.gov>

how to contact SSA OIG.

- Developed elder abuse prevention and reporting information for inclusion in SSA’s Universal PowerPoint Slide Deck. SSA’s Public Affairs Specialists and Field Office Managers used the information in this slide deck at nearly 3,000 local events from October 2019 to September 2020. SSA also developed new marketing materials (i.e., infographics) for distribution in various formats at public outreach events.
- Partnered with the American Association of Motor Vehicle Administrators (AAMVA) to place an anti-scam article in their public-facing newsletter and information on their social media channels. AAMVA also sent a special alert message titled “Help Social Security Raise Awareness About SSA Impostors” to all their Public Affairs and Consumer Education department of motor vehicle contacts nationwide.
- Released articles for third party groups and organizations. Shared article on fraud guidance with multiple organizations, including:
  - The Centers for Medicare & Medicaid Services (CMS), reaching approximately 1,500 viewers;
  - Advancing States, reaching approximately 15,000 viewers; and
  - AmeriCorps Senior, reaching approximately 200,000 viewers.

## **SSA’S OFFICE OF THE INSPECTOR GENERAL**

SSA’s OIG engaged in several important activities. The SSA OIG:

- Designated March 4, 2020, as the first annual National “Slam the Scam” Day. SSA OIG contacted hundreds of press outlets and interest groups, including 13 elder care organizations, and encouraged them to share scam awareness information with their audiences. SSA OIG did a press call and media outreach that led to widespread coverage from major outlets such as CNBC, The New York Times, and Forbes, as well as many local TV stations and newspapers. SSA also conducted a Facebook Live event, engaged in Twitter chats, and participated in webinars hosted by agency partners.
- Created a dedicated [Scam Awareness webpage<sup>238</sup>](https://oig.ssa.gov/scam/) to share information about Social Security-related scams and other fraud, fraud advisories, and additional resources.
- Conducted an outreach campaign to major retail, gift card, and Internet search companies to inform them about the dramatic increase in scams and the potential for fraud loss. SSA OIG encouraged companies to share scam information with their customers. During this reporting period, Wal-Mart began displaying SSA-related scam warnings nationwide as part of the rotation on their in-store television messaging system.
- Contacted 52 bar associations nationwide to share information with their members about

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<sup>238</sup> <https://oig.ssa.gov/scam/>

consumer protection and misleading advertising pertaining to Social Security. Section 1140 of the Social Security Act is a consumer-protection tool against misleading advertising that prohibits the use of Social Security's words and symbols in a manner that conveys the false impression that Social Security issued or approved the communication. Section 1140 prohibits non-government use of official symbols, emblems, or names in reference to Social Security or Medicare.

- Identified more than 300 registered internet domain names, many newly registered, with names that suggest they are SSA-related. Sent letters to the domain name owners about Section 1140 prohibitions and potential fines and informed the owners how they could seek further information. SSA OIG's goal is to intervene before violations and harm to the public occurs. (Recommendation 5, 6, 7)
- Published two Commissioner's Broadcasts, about the problem of fraudulent calls, to over 76,000 SSA and Disability Determination Services (DDS) employees combined. SSA shared information and resources with its employees to ensure they could effectively handle public inquiries regarding fraudulent calls. (Recommendation 6)

## **SOLO ACTIVITIES**

SSA added security features to the agency's 1-800 number:

- Implemented a "Do Not Originate" request for SSA's 1-800 Number. This request: Informs phone carriers that SSA's number is exclusively for inbound calls; and Allows carriers to block calls displaying SSA's number on an outbound call appearing to be from SSA. When a caller receives a scheduled callback via the 1-800 number, the caller will hear their recorded name, in their own voice. This provides confidence that the call is legitimate.
- Developed and shared guidance and informational materials to ensure appropriate usage of Economic Impact Payments (EIPs) during the coronavirus pandemic. These materials reduce the likelihood that representative payees and other fiduciaries will misuse beneficiary funds. SSA shared, via email, the Internal Revenue Service's (IRS) EIP guidance for nursing homes and other care facilities. It reached over 12,000 advocates, representing over 3,800 organizations. Developed the "Economic Impact Payments Paid by the CARES Act" webpage, which contains information about EIPs for beneficiaries with representative payees. Posted blogs for beneficiaries with representative payees about the proper use of the EIPs SSA presumes that a legally competent adult beneficiary can manage or direct someone else to manage his or her benefits unless there are indicators or evidence to the contrary.

SSA pays legally incompetent adult beneficiaries and most children under age 18 through a representative payee (payee). Our primary goal is to select a payee that will best serve a

beneficiary's interest; therefore, we evaluate all payee applicants' suitability to act as payee before we appoint an applicant. The Strengthening Protections for Social Security Beneficiaries Act of 2018 (SPSSBA) made a number of changes to the Social Security Act to improve and strengthen the payee program. For example, Section 202 of the SPSSBA codified our criminal background checks for certain individual payee applicants and expanded on that by requiring us to conduct a background check on current non-exempt payees who have not had a background check. Additionally, the SPSSBA requires us to conduct follow-up checks on all non-exempt payees at least once every five years to determine if the payee has been convicted of a barred felony. Through an annual accounting process and payee site reviews, we monitor payees to ensure they continue to meet our qualifications and appropriately spend benefits on behalf of the beneficiary. Section 101 of the SPSSBA requires us to make annual grants to the Protection and Advocacy agencies in each state to conduct, for SSA, all payee site reviews and educational visits. When we become aware of circumstances that suggest a payee is no longer suitable or is no longer able to serve, we stop sending benefits to the payee and develop for a successor payee. While we develop for a successor payee, we pay all legally competent beneficiaries directly unless we determine doing so would cause substantial harm. For legally incompetent beneficiaries and children under age 15, we suspend benefits while developing for a successor payee. (Recommendation 7)

SSA OIG monitors scam trends and updates resources and reporting mechanisms accordingly. For example, SSA OIG updated its online scam reporting form to incorporate a question specific to COVID-19 scams SSA and SSA OIG supported and expanded the agency's network of Cooperative Disability Investigations (CDI) Units across the country. CDI Units identify,

investigate, and help prevent Social Security disability fraud, and are a very successful part of the agency's anti-fraud initiatives. They address representative payee fraud and elder abuse cases through appropriate internal and external processes. The CDI Program consists of 49 units covering 44 States, the District of Columbia, and the U.S. territories. SSA and SSA OIG have opened many units in the last few years as they work together to provide CDI coverage for all 50 States by 2022. (Recommendation 7)

SSA produced a questionnaire to study the administrative feasibility of improving data sharing with State adult protective services to enhance representative payee oversight. The National Adult Protective Services Association distributed questionnaires to 54 APS agencies located in the 50 States, the 4 entities of Guam, Puerto Rico, U.S. Virgin Islands, and the District of Columbia as Phase I of the feasibility study. SSA stakeholders determined the need for a more in-depth Phase II study after careful analysis of the Phase I questionnaire results. We identified nine States that met all the specific criteria (shown below) for a more in-depth feasibility study:

- Ability to share the victims' and perpetrators' Personally Identifiable Information (PII),
- a higher number of allegations of abuse, as well as higher numbers of confirmed cases; and
- the fewest legal and technical impediments to data sharing

SSA released the Phase II questionnaire in Summer 2021.

SSA provided financial support for research related to elder justice through the Retirement and Disability Research Consortium (RDRC), an interdisciplinary extramural research program.

Relevant studies included:

- Consequences of and Response to Identity Theft Victimization among Older Americans
- Contextual and Social Predictors of Scam Susceptibility and Fraud Victimization
- Epidemiologic Study of the Correlates of Scam Susceptibility, Financial Exploitation, and Fraud in Older Adults (Recommendation 4)

SSA's Office of the General Counsel (OGC) continued efforts to prosecute SSA program fraud through SSA's Special Assistant United States Attorneys (SAUSAs), who are located in U.S. Attorney Offices across the nation. In instances where SSA program fraud is committed and an older beneficiary is the victim of fraud, the agency's SAUSAs prosecute these cases in Federal district court. (Recommendation 1)

SSA OIG conducts criminal investigations of imposter scams and representative payee fraud. It also develops cases and works with Federal, State, and local authorities to prosecute wrongdoers. Significant SSA OIG investigations and prosecutions include: Worked alongside the St. Louis County Police Department to investigate a nursing home Social Services Director who defrauded older nursing home residents. He had impersonated an older resident during a telephone call with SSA, changed the resident's direct deposit information to his personal bank account, and received payments for that resident in his personal bank account. Additionally, he purchased items on behalf of older residents, returned the merchandise, intercepted the refund checks, forged endorsements, and deposited the checks into his personal bank account. In October 2018, the Social Services Director pleaded guilty to aggravated identity theft. He was later sentenced to 24 months of incarceration and one year of supervised release and was ordered to pay combined restitution of \$29,673 to the victims.

Completed two reviews of representative payees who served a high number of individuals—one in the Chicago region and one in Connecticut—yielding 17 recommendations to help ensure Social Security payments are used for beneficiaries’ current maintenance, including food, shelter, clothing, medical care, and personal comfort items.

Investigated the owner and operator of a guardianship organization for disabled and vulnerable adults. The investigation revealed that the owner stole Social Security benefits from at least 13 clients who required a representative payee to help manage their benefits. In January 2020, the owner pleaded guilty to Social Security fraud-representative payee fraud. He was later sentenced to 12 months and one day in prison and three years of supervised release and was ordered to pay combined restitution of \$256,336 to the victims. (Recommendation 1)

SSA hosted two Facebook Live Events with the Federal Trade Commission (FTC), reaching approximately 15,800 total viewers. FTC joined SSA to discuss scams involving people impersonating SSA officials and how to protect yourself from scammers. SSA collaborated with the Consumer Financial Protection Bureau (CFPB) in the creation of fraud prevention placemats. The placemats provide information on what to do if an SSA impersonator contacts you. The placemats are accessible from [CFPB’s website](https://www.consumerfinance.gov/practitioner-resources/resources-for-older-adults/financial-education-placemats)<sup>239</sup> for interested parties to download. About 100,000 placemats were ordered in the first two weeks following its release. SSA conducted seminars with caregiver groups hosted by CMS and the National Council on Aging’s advisory committee. SSA worked with the Administration for Community Living, the Department of Justice (DOJ), the Securities and Exchange Commission, and the CFPB to design and implement

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<sup>239</sup> <https://www.consumerfinance.gov/practitioner-resources/resources-for-older-adults/financial-education-placemats>

a communications campaign around World Elder Abuse Awareness Day (WEAAD). SSA actions in support of WEAAD included:

- Published original social media posts, including through Facebook Live.
- Featured EJCC members as guest writers on SSA’s blog, which has more than 464,000 subscribers.
- Co-presented with other federal partners at a webinar– Coming Back Stronger After COVID-19: Federal Elder Justice Innovations and Resources Participated in the National Center on Elder Abuse’s Twitter Chat (#WEAADwave).
- Displayed informational SSTV slides in over 1,200 field offices throughout the country – with a potential reach of more than 168,000 customers a day (prior to the pandemic).
- Communicated information to stakeholder groups through Dear Colleague Letters.
- Drafted and released a Commissioner’s Broadcast to all SSA and DDS employees. (Recommendation 5, 6)

SSA, SSA OIG, and United States Postal Inspection Service signed a memorandum of understanding for the United States Postal Service to display anti-fraud posters in every Post Office in the country. SSA shipped 31,500 posters to Post Offices. The posters remained on display until May 20, 2021.

SSA OIG participated in a scam awareness webinar with AARP titled “Slam the Scam: Coronavirus Edition.” Several other Federal agencies (including many EJCC partners) were involved with the webinar, during which participants shared information on how to identify and report scams. (Recommendation 5, 6)

In coordination with the DOJ, SSA OIG announced two landmark civil complaints against five telecommunications companies and their owners allegedly responsible for carrying hundreds of

millions of fraudulent scam calls to U.S. consumers, many of whom were older. The complaints led to temporary and permanent injunctions against “gateway carriers” that facilitated millions of scam calls each month.

SSA OIG participates in the DOJ’s Transnational Elder Fraud Strike Force. The Strike Force investigates and prosecutes individuals and organizations engaged in foreign-based fraud schemes that disproportionately affect American seniors. (Recommendation 1)



## UNITED STATES DEPARTMENT OF HOMELAND SECURITY

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Each of the federal awards and programs overseen by FEMA’s Community Services Section (i.e., Disaster Case Management, Crisis Counseling Program, Disaster Legal Services, and Disaster Unemployment Assistance) is required to provide services to every eligible survivor, regardless of age or residence in a senior living facility or home.

FEMA coordinates closely with AARP on public messaging efforts that target senior communities to address two key priorities: Registration- Senior populations are one of the harder target populations for FEMA to provide disaster assistance, as many of them distrust the government and are also reluctant to seek assistance when they have been impacted by disasters. To address this shortfall, FEMA leverages trusted partners like AARP and other voluntary and faith-based organizations to reach out to those individuals and help them understand how to make informed decisions about their disaster needs and the resources that can help make them independent again.

Fraud Prevention- Senior disaster survivors are often disproportionately targeted by fraudulent individuals and organizations after a disaster. FEMA and AARP work together to get out anti-

fraud messaging in these communities and help protect individuals as they seek to recover from the disaster. (Recommendation 2)

FEMA's Disaster Survivor Assistance (DSA) team's mission focuses on addressing the needs of vulnerable populations within the disaster impacted community to include elderly survivors. DSA utilizes a variety of resources to identify areas where vulnerable populations may reside such as the use of the CDC Social Vulnerability Index census tracts and when available the Prioritizing Operations Support Tool. Both sources provided detail vulnerable population demographics. DSA also coordinates with internal and external partners to identify vulnerable populations that were not identified through available resources. (Recommendation 2)

FEMA's Disaster Recovery Centers (DRC) are facilities that are equally accessible to all visitors. All DRCs are equipped with communication and accessibility kits that encompass assisted listening devices, reading glasses, digital readers, and etc. The placement of DRC locations is a collaboration between FEMA and SLTT in which the locations are generally in the affected area of the incident. (Recommendation 2)



## UNITED STATES DEPARTMENT OF LABOR

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The Department of Labor’s Employee Benefits Security Administration (EBSA) conducted 36 events focused on older Americans and saving and planning for a secure retirement. This outreach included information on avoiding scams. Three events were national webcasts with the Social Security Administration, the Centers for Medicare and Medicaid Services and the Consumer Financial Protection Bureau to provide comprehensive information for older Americans as they approach and begin their retirement. This popular webcast is held every year.

The Department of Labor’s Employee Benefits Security Administration (EBSA) assisted workers impacted by the COVID-19 pandemic. This included providing COVID-19 relief for workers to extend the timeframes for required notifications to exercise their rights to continue health coverage after job loss or reduced work hours. This allowed workers more time to make decisions in a challenging time. EBSA also implemented the relief provided by the CARES Act for a range of diagnostic and treatment items and services related to COVID-19 that plans and issuers must cover without any cost-sharing requirements or prior authorization or other medical management requirements. EBSA also issued FAQs for workers on key questions to safeguard their retirement and health benefits.

The Department of Labor's Employee Benefits Administration (EBSA) administers and enforces the Mental Health Parity and Addiction Equity Act (MHPAEA), which aims to ensure that health plans treat mental health and substance use disorder benefits as they do other health issues. The Consolidated Appropriations Act of 2021 (CAA) gave the Department important new tools for MHPAEA enforcement, including additional resources. EBSA enforces MHPAEA by targeting and conducting investigations of employee benefits plans and service providers, including insurance companies. EBSA investigators identify and evaluate potential violations and work to obtain voluntary compliance and full correction.



## **UNITED STATES DEPARTMENT OF VETERANS AFFAIRS**

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### **VETERANS HEALTH ADMINISTRATION (VHA)**

In December 2018, the VHA took various actions to ensure the best protection for Veterans and beneficiaries which included the following:

- Gerofit, Geriatric Fitness Program provides physical activity therapy to elderly rural Veterans using telehealth technology.
- Geriatric Scholars Program addresses the shortage of specialized geriatric skills and knowledge in rural VA clinical settings by training VA general clinicians in the treatment of older rural Veterans.
- Geriatric Research Education and Clinical Center Connect Program trains VA providers to manage medically complex cases through case-based conferences, electronic consultations, virtual meetings, and clinical video telehealth.

In December 2019, the VA served many Veterans and beneficiaries across many programs. By the conclusion of Fiscal Year 2018, Veterans Health Administration (VHA), served 9.17 million enrollees and serves as our first line of defense for neglect, abuse, and fraud prevention. VHA takes various actions to ensure the best protection for Veterans and beneficiaries which include the following:

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- Geriatric Research Education and Clinical Center Connect Program trains VA providers to manage medically complex cases through case-based conferences, electronic consultations, virtual meetings, and clinical video telehealth.

In June 2020, The Older Veteran Behavioral Health Resource Inventory was developed in partnership with a variety of government agencies. This serves as a resource for mental health professionals who work with Veterans and provides them with information about VA benefits and resources. The inventory provides mental health professionals with a long list of resources for connecting older Veterans with behavioral health conditions to resources that they may be entitled to. There are many benefits that VA offers alongside other programs like Medicaid and Medicare, this inventory helps the mental health professional connect the Veteran to the appropriate program(s).

VHA started a National Social Work Tiger Team for Elder Abuse that was formed in July 2020.

The Tiger Team will be working throughout the Fiscal Year 2021. More updates will be provided at the next EJCC meeting. (Recommendation 2)

The Veterans Health Administration (VHA) formed the National Social Work Elder Abuse Tiger Team in July 2020 and is led by a licensed clinical social worker, under the direction of the

National Director of Social Work, Fisher House & Family Hospitality and Intimate Partner Violence Assistance Programs in Care Management and Social Work Services. There are 16 members of the team representing eleven Veterans Integrated Service Networks (VISNs). The vision of the team is that all Veterans age with dignity in a safe environment. The mission of the team is to improve the health and well-being of elderly Veterans by increased awareness of risk factors, prevention through standardized screening mechanisms, and promoting resources for Veterans and caregivers. The National Social Work Elder Abuse Tiger Team sponsored a series of live trainings during the month of October 2020 for VA Social Workers that focus on financial protection and empowerment of Veterans. The trainings were presented in collaboration with the Consumer Financial Protection Bureau (CFPB) and provided Social Workers with resources and tools to help Veterans with financial empowerment and avoidance of financial exploitation.

## **PENSION AND FIDUCIARY (P&F) SERVICE**

In December 2018, the VBA recognized a population of underserved Veterans, Pension and Fiduciary (P&F) Service partnered with VA's Tribal Affairs Office, Center of Minority Veterans, and Benefits Assistance Service to provide pension outreach and education to Native American Veterans. During fiscal year (FY) 2018, VA participated in over 30 outreach events and claim clinics reaching approximately 3,400 Native American Veterans, their family members, and survivors. Continuing this commitment, VA's senior leadership team along with state and local government officials are attending the Chickasaw Nation Town Hall Engagement to discuss issues and challenges related to this population. VBA plans to continue this initiative into this year and establishing more events to reach the Native American populations.

Pension and Fiduciary Service published final rules regarding pension poaching and providing

additional protection to Veterans. These rules protect beneficiaries from organizations attempting to manipulate elderly and disabled individuals into transferring and/or hiding assets. Pension created educational materials to further warn the public regarding the predatory practices of some organizations. Pension and Fiduciary Service also, published final rules, that increased and clarified the protections of VA's most vulnerable beneficiaries. Major changes included: Shifting program values to where VA expects fiduciaries to take more action than just paying bills,

When VA appoints the beneficiary's guardian as a fiduciary, VA's regulations will apply, not competing state laws, to the appointment and oversight of that fiduciary. This includes taking of fiduciary fees and the fiduciary's management of VA funds. VA now provides clear bars to service as fiduciaries for those who have specific charges in their criminal background.

In June 2019, the VA Pension and Fiduciary (P&F) Service takes a multi-prong approach to protecting elderly beneficiaries. One measure is requiring annual accountings of certain fiduciaries. Updates to the accounting process to protect beneficiaries include:

- Reduction in the time for lack of or insufficient response from a fiduciary to 54 days rather than 120 days, for VA to take action, working on developing a system for electronic submission, with eventual integration of an analysis piece to the system.

In December 2019, Under Pension and Fiduciary Service, Fiduciary Service updated procedures to take a more proactive approach in the annual accounting process. The requirement to account annually is one of VA's defenses against the financial exploitation of the vulnerable population served and leads to most allegations of misuse. Therefore, Fiduciary Service shortened the removal and replacement process of a potentially misusing fiduciary from 120 days to 54 days. Also, Fiduciary Service is developing a portal to allow for electronic submission of annual

accountings, which will potentially reduce insufficient responses and allow for an even more reduced period for appropriate submission of accountings. The long-term goal is to integrate an analysis feature to assist in further detecting irregularities in annual accountings that could signify financial exploitation. P&F Service, Pension Service is developing a referral process and procedures to direct VA beneficiaries to the Federal Trade Commission (FTC), and to publicize the referral process to the VA beneficiaries regarding financial scams. Data collection will be executed utilizing the existing FTC Consumer Sentinel complaint databases. By providing a link to this database on the VA.gov Web site for Veterans or other beneficiaries, the submitted information would provide VA's Office of Inspector General (OIG) access to the data on potential exploitation for review and to support investigations. Pension Service is placing additional warnings on VBA Forms 21P-527, 21P-527EZ, 21P-534, and 21P-534EZ, regarding applicable fees that may be charged, as they are submitted for regularly scheduled updates or needed changes. Pension Service is updating its guidance to clarify the definition of questionable medical expenses as well as providing examples in the guidance. Further, Pension Service is reviewing its processes to determine the most efficient and cost-effective means of verifying direct deposit information provided by claimants on their applications to ensure it is for the appropriate party.

In June 2020, the VA's Pension and Fiduciary Service has partnered with other VA business lines to conduct interviews for new fiduciaries and beneficiaries virtually. Pension and Fiduciary Service uses a telehealth platform to conduct interviews virtually on a smart phone or computer, ensuring the safety of VA employees, beneficiaries, and fiduciaries.

Pension and Fiduciary Service has vastly improved the background investigation process. The program used to run a fiduciary's information now analyzes the records found and gives the Field Examiner a red, yellow, or green rating. This allows for a reduction in human error and makes it easier for Field Examiners to reassess a fiduciary's ability to serve on a more frequent basis.

The improvements made by Pension and Fiduciary Service align with Recommendation 7: Combat Elder Financial Exploitation, Including Abuse by Fiduciaries. The ability to conduct interviews via the telehealth platform has ensured that Field Examiners can continue to conduct thorough examinations and screen fiduciaries. The improvements to background checks enables Field Examiners to conduct background checks more frequently and makes the checks less subject to human error. (Recommendation 7)

In October 2020, the VA's Pension and Fiduciary Service expanded the use of its CLEAR contract, a resource used for completing criminal background investigations on potential fiduciaries for Veterans and beneficiaries who are unable to manage the VA benefits. The enhanced functionality allows VBA to conduct a batch review of all existing fiduciaries on an annual basis to take proactive measures to protect the VA's most vulnerable Veterans and beneficiaries.

In October 2020, the VA's Insurance Service staff members met with VHA Caregiver Support Program team members on September 30, 2020, to discuss the Beneficiary Financial Counseling Service (BFCS) program that is available to the beneficiaries of the Servicemembers' Group Life

Insurance (SGLI) family of programs, and the Traumatic Injury Protection (TSGLI) recipients. A regulation change published on July 31, 2020, to 38 CFR Part 71 authorizes that VHA provide financial counseling and legal services to Primary Family Caregivers by contracting with outside entities. The VHA is in the fact-finding stage of this initiative and is exploring these types of services. Insurance Service provided the Caregiver Support representatives with an informal briefing on this service.

## **LOAN GUARANTY**

In December 2018, the VA Loan Guaranty with Consumer Financial Protection Board (CFPB) issued their first, “Warning Order,” to service members and Veterans with VA home loans. If you have a VA home loan, then there is a good chance that you have already come into contact with unsolicited offers to refinance your mortgage that appear official and may sound too good to be true. Some lenders marketing VA mortgage refinances may use aggressive and potentially misleading advertising and sales tactics. Also, Loan Guaranty published a blog providing guidance on those Veterans that desire to cash-out the equity of their homes to assist in living expenses or other needs.

Also, VA participated in Rural and Tribal Summit by providing a speaker from Veterans Benefits Administration (VBA) and tables with written information and employees to further describe benefits available at both VBA and Veterans Health Administration.

Disclosure Requirement for Cash Out Loans: In February 2019, VA issued policy guidance for VA Cash-Out Refinance Loans (VA Circular 21-19-5) as a result of P.L. 115-144: The Economic

Growth, Regulatory Relief, and Consumer Protection Act. This legislation required that VA develop regulations requiring lenders to provide a loan comparison to Veterans within 3 days of the loan application and again at closing. Veterans having this information earlier in the loan process enables them to make a better- informed decision regarding their refinance.

Disclosure Requirement for Interest Rate Reduction Refinance Loans: In February 2018, VA issued policy guidance for VA IRRRLs (VA Circular 26-18-1) requesting lenders to provide a loan comparison to Veterans within 3 days of the loan application and again at closing. Veterans having this information earlier in the loan process enables them to make a better-informed decision regarding their refinance.

Coordination with the Consumer Finance Protection Bureau (CFPB): When VA is apprised of deceptive communications as it relates to mortgage advertisements, VA refers these cases to CFPB to be addressed. A number of these advertisements feature senior citizens.

In December 2019, the VA Loan Guaranty refers deceptive communications related to mortgage advertisements to Consumer Finance Protection Bureau (CFPB) for warnings and enforcement. A number of these deceptive advertisements features senior citizens. To counter act some unscrupulous mortgage lenders regarding refinancing and cash-out home loans, VA finalized regulations that require more information provided up front to those borrowing funds to ensure an informed decision can be made. For example, some instances require a net tangible benefit test which compares the proposed new loan and the current loan at two separate stages of the loan process. Additionally, under Title 38, Chapter 21, the Specially Adapted Housing Program

administers home modification projects as required for Independent Living program participants in the Vocational Rehabilitation and Employment Program. (Improving Awareness and Prevention: Home Modifications may result in a decrease in elder abuse as it supports independent living that accommodates the individual's specific needs.)

VA is further interested in potential collaboration with CFPB (Consumer Financial Protection Board) for possible review of financial privacy regulations and potential for updates in cases where a third party is managing someone's funds. Additionally, a partnership with HHS regarding potential training on VA beneficiaries and actions they can take to stop or even prevent financial exploitation of Veterans and beneficiaries. We are also open to other potential collaborations to increase protections for Veterans and beneficiaries, who are vulnerable to abuse, neglect, and financial exploitation.

In October 2020, the VA's Loan Guaranty Service has identified potentially unlawful advertising aimed at Veteran borrowers (to include elder borrowers) and has worked with the Consumer Financial Protection Bureau (CFPB) to address. This partnership led to an ongoing sweep of investigations that reflects CFPB's commitment to enforcing the laws that ensure the financial marketplace is fair and accurate for all consumers, including Servicemembers, Veterans, and surviving spouses whom VA-guaranteed mortgages are designed to benefit. As of September 14, 2020, there have been eight settlements resulting in \$2.645 million in civil penalties which impose injunctive relief to prevent future violations.

## **INSURANCE SERVICE**

The VA's Insurance Service staff members met with VHA Caregiver Support Program team members on September 30, 2020, to discuss the Beneficiary Financial Counseling Service (BFCS) program that is available to the beneficiaries of the Servicemembers' Group Life Insurance (SGLI) family of programs, and the Traumatic Injury Protection (TSGLI) recipients. A regulation change published on July 31, 2020, to 38 CFR Part 71 authorizes that VHA provide financial counseling and legal services to Primary Family Caregivers by contracting with outside entities. The VHA is in the fact-finding stage of this initiative and is exploring these types of services. Insurance Service provided the Caregiver Support representatives with an informal briefing on this service.



## UNITED STATES POSTAL INSPECTION SERVICE

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In FY 19 and FY 20, the Postal Inspection Service provided both informal and formal training to local, state, and federal law enforcement officers and prosecutors throughout the country on a variety of elder fraud topics, including lottery fraud schemes, money mules, and COVID-19 consumer fraud. Through the delivery of this training, Postal Inspectors and subject matter experts enhance and improve local and state law enforcement's response to reports of elder fraud.

(Recommendation 1)

The Postal Inspection Service employs Victim Services Specialists who specifically enhance the agency's response to elder fraud victims. In FY 20, the Postal Inspection Service expanded these services to include victims of any elder fraud scheme type. The Postal Inspection Service had previously limited these services to victims of specific elder fraud scheme typologies. This has greatly expanded the Postal Inspection Service's capabilities to serve older Americans who fall victim to elder fraud schemes. The Victim Service Specialists are tasked with making initial contact with victims and skillfully asking follow-up questions to identify any social services needed, such as assistance with food and utilities. If social services are needed, the victims are put in contact with local agencies. The Victim Services Specialists may also contact the victim's

family if permission is received from the victim and the coordinator estimates that it is safe to do so. The Postal Inspection Service's Victim Service Specialists also deliver elder fraud prevention material to the elder fraud victims and, in some cases, their family members. (Recommendation 2)

The Postal Inspection Service has focused its investigative efforts on data brokers and marketers who have knowingly sold elderly Americans' personal information to perpetrators of elder fraud schemes. Some of these cases have resulted in landmark settlements with the United States government and remission to elder fraud victims.

- United States of America v. KBM Group LLC<sup>240</sup> (\$33.5 million remission to victims)
- United States of America v. Epsilon Data Management<sup>241</sup> (\$127.5 million remission to victims)
- United States of America v. Macromark Inc.<sup>242</sup> (Recommendation 7)

The Postal Inspection Service has continued its work with the Department of Justice to remit funds to victims, many of whom were elderly, of fraud schemes facilitated by Western Union, bringing the compensation total to more than \$365 million.<sup>243</sup> (Recommendation 7)

The Postal Inspection Service conducted an investigation of a \$300 million nation-wide telemarketing fraud scheme that targeted elderly and other vulnerable victims, and which has resulted in federal criminal charges against 60 defendants.<sup>244</sup> (Recommendation 7)

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<sup>240</sup> <https://www.justice.gov/civil/case/united-states-v-kbm-group-llc>

<sup>241</sup> <https://www.justice.gov/opa/pr/marketing-company-agrees-pay-150-million-facilitating-elder-fraud-schemes>

<sup>242</sup> <https://www.justice.gov/opa/pr/list-brokerage-firm-pleads-guilty-facilitating-elder-fraud-schemes>

<sup>243</sup> <https://www.justice.gov/opa/pr/departement-justice-begins-third-distribution-forfeited-funds-compensate-victims-fraud-scheme>

<sup>244</sup> <https://www.justice.gov/usao-mn/pr/sixty-defendants-charged-300-million-nationwide-telemarketing-fraud-scheme>

The Postal Inspection Service conducted an investigation of the hoarding and price gouging of personal protective equipment (PPE) by a New York man during the COVID-19 pandemic, including price gouging that affected organizations serving the elderly.<sup>245</sup> (Recommendation 7)

In FY 19 and FY 20, the Postal Inspection Service placed particular emphasis on addressing “money mules,” those unwitting and witting individuals who facilitate the movement and transfer of fraud victim funds. In many cases money mules are unwitting elder fraud victims who are further victimized by scammers. In other cases, money mules knowingly collaborate with co-conspirators to conceal and move victim funds, often overseas. Money mules are frequently utilized to facilitate the movement of elder fraud victim funds and, more recently, government pandemic relief funds. The Postal Inspection Service has sought to address the challenges created by money mules through a comprehensive enforcement and prevention campaign. The Postal Inspection Service, along with the Federal Bureau of Investigation (FBI) and the Department of Justice (DOJ), is a lead agency in the U.S. Money Mule Initiative, an annual effort by federal law enforcement to disrupt money mule activity. In 2020, the U.S. Money Mule Initiative addressed the conduct of over 2,300 money mules nationwide. Between 2020 and 2021, the Postal Inspection Service has brought awareness to over 18,000 individuals about their potential role as money mules through an innovative Postal Inspection Service initiative to identify and address money mule activity. This initiative has led to an appreciable decline in parcels within the U.S. Mail associated with money mules, as well as a reduction in money mule recidivist activity. The Postal Inspection Service has delivered training on money mules and its innovative

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<sup>245</sup> <https://www.justice.gov/usao-edny/pr/long-island-man-charged-under-defense-production-act-hoarding-and-price-gouging-scarc-0>

techniques to local, state, and federal law enforcement officers in numerous forums.  
(Recommendation 1)

The Postal Inspection Service continues to employ a “best in government” fraud prevention campaign to raise awareness among the American public about scams, especially those that target older Americans. The Postal Inspection Service’s public awareness efforts in FY 19 and FY 20 especially focused on COVID-19 scams and “money mule” awareness. These efforts included public service announcement videos, both in English and Spanish, social media posts, and printed materials. The Postal Inspection Service has also leveraged the Postal Service’s unmatched network size and physical footprint to deliver its prevention messaging to the American public. For example, in FY 20, the Postal Inspection Service utilized the Postal Service’s Informed Delivery service to deliver fraud prevention messaging on COVID-19 scams to nearly 30 million Informed Delivery subscribers. In FY 20, the Postal Inspection Service also teamed up with the Social Security Administration to place Social Security “imposter scam” prevention posters in over 25,000 postal facilities throughout the country.



## **UNITED STATES SECURITIES AND EXCHANGE COMMISSION**

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The mission of the U.S. Securities and Exchange Commission (SEC) is to protect investors, maintain fair, orderly, and efficient markets, and facilitate capital formation. As part of this mission, the agency participates in initiatives to protect older Americans from abusive sales practices and investment fraud. This work includes educating senior investors so they can better protect themselves and regulating the sales practices of financial professionals, with a particular focus on sales practices associated with products and services frequently marketed to seniors. In addition, the SEC identifies violations against seniors as a priority for its enforcement actions and brings enforcement actions against individuals or firms for defrauding seniors.

All of the elder justice work undertaken by the SEC relates to EJCC. This summary was compiled by the staff of the U.S. Securities and Exchange Commission. The Commission has expressed no view regarding the contents of this section. (Recommendation 7)

### **EDUCATING SENIORS THROUGH OUTREACH**

In FY 2019 and 2020, the staff of SEC's Office of Investor Education and Advocacy (OIEA) and regional offices, participated in in-person and virtual outreach events to older Americans that

focused on senior investor issues, including the October 2019 Roundtable on Combatting Elder Fraud at the SEC. The roundtable focused on the types of fraudulent and manipulative schemes currently targeting elder investors. Panel discussions included, preventative and remedial measures targeted at improving gatekeepers' ability to identify, address and mitigate elder exploitation and financial fraud (with speakers from the financial services industry, regulators, associations, law schools, centers for brain and behavior, and experts in neuroscience, advocacy, and education). SEC Staff also participated in virtual and in-person presentations for seniors through senior communities, senior- focused organizations and tele-town halls coordinated with AARP and hosted by some of the SEC's regional office directors and other senior staff. Of note, the SEC's Philadelphia regional office hosted a Senior Financial Fraud Seminar discussing current types of investment frauds and ways to avoid being a victim of fraud. SEC senior staff also participated in the Senior Zone and the AARP Fraud Watch Radio programs focusing on how to protect your hard-earned money and how to identify the red flags of fraud.

With a continued focus on educating military personnel and veterans, in April of 2019 the SEC's New York Regional Office staff participated in a well-attended military retiree appreciation event held at Joint Base McGuire-Dix-Lakehurst that included the distribution of a new "Saving and Investing" for Veteran's" brochure. SEC staff across the country also participated in several outreach events held for veterans. OIEA staff regularly collaborates with other regulators and organizations to help protect seniors, including joint educational programs for older Americans and training programs for law enforcement personnel and victim advocates. OIEA distributes hard-copy brochures on investing and fraud to older Americans and others at outreach events and through various distribution channels, including, among others, libraries, senior centers, and

military bases.

## **RAISING ELDER ABUSE AWARENESS**

In June of both 2019 and 2020, the SEC helped to coordinate a Global Summit to recognize World Elder Abuse Awareness Day (WEAAD). The event was convened by the National Adult Protective Services Association, the National Center for Victims of Crime, and the International Network for the Prevention of Elder Abuse, in collaboration with national and international partners. The SEC was also a participant in a WEAAD public/private partnership coordinated by the University of Southern California's National Center on Elder Abuse to help raise awareness of elder abuse. SEC staff participated in the annual WEAAD panel discussing resources and initiatives at the SEC that help to highlight the issue of elder abuse.

## **ISSUING INVESTOR ALERTS AND BULLETINS AND INFORMATION**

During 2019 and 2020 OIEA staff issued a new series of anti-fraud videos, available on investor.gov<sup>246</sup> for seniors and other investors to learn ways to avoid fraud. The Atlanta Regional staff participated in a public broadcasting television outreach called "When I'm 65"<sup>247</sup>, for senior investors and SEC staff utilized Twitter and other social media to help investors be aware of important information on Investor.gov.

## **INVESTOR ASSISTANCE**

OIEA assists senior investors who contact the SEC's Office of Investor Education and Advocacy with investment-related complaints or questions. OIEA staff handles nearly 20,000 files annually

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<sup>246</sup> <https://www.investor.gov/protect-your-investments/fraud/how-avoid-fraud/how-avoid-scams-videos>

<sup>247</sup> <http://www.wi65.org>

relating to investor complaints and questions, and other contacts received from investors.

(Recommendation 7)

## **INVESTOR ADVOCACY FOR OLDER INVESTORS**

Following the report entitled *Elder Financial Exploitation: Why it is a concern, what regulators are doing about it, and looking ahead*<sup>248</sup>, which was published in June of 2018, the staff of the SEC’s Office of the Investor Advocate (OIAD) developed a companion report in May of 2019, entitled *How the SEC Works to Protect Senior Investors*<sup>249</sup>, which described what the SEC was doing to protect senior investors. The report attempted to capture the multifaceted work being conducted by the Commission, including public education and outreach, examinations, enforcement, and regulatory policy, as well as providing some suggestions for financial firms and professionals.

Additionally, the SEC’s Investor Advisory Committee (IAC)<sup>250</sup> has maintained that protecting older investors is central to its efforts in making recommendations to the Commission, including maintaining a statutory member on the IAC who represents “the interests of senior citizens.”

## **CONDUCTING EXAMINATIONS**

In 2019 and 2020, the Commission’s Division of Examinations (EXAMS) stated that it would continue to prioritize the examination of firms’ interactions with senior investors, including identifying financial fraud, abuse, and exploitation of seniors, and to establish effective supervisory programs and compliance controls relating to products and services directed towards

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<sup>248</sup> <https://www.sec.gov/files/elder-financial-exploitation.pdf>

<sup>249</sup> <https://www.sec.gov/files/how-the-sec-works-to-protect-senior-investors.pdf>

<sup>250</sup> <https://www.sec.gov/spotlight/investor-advisory-committee.shtml>

senior investors. Examinations have focused on, among other things, sales of variable insurance products and sales and management of target date funds, mutual funds, and exchange traded funds. Examinations have also focused on how firms implemented and are complying with SRO rule changes related to the financial exploitation of seniors (i.e. temporary holds on disbursements and trusted contacts), as well as the registrant compliance policies and procedures that address, among other things, possible issues associated with diminished capacity; change of beneficiaries, power of attorney, and/or trustees; what happens when a client transitions to retirement; what happens to an account upon a client's death; communication with senior clients; and any specialized training for employees related to senior clients.

In addition, EXAMS has been focusing on broker-dealers' and investment advisers' standard of care as a result of the Commission's June 2019 adoption of Regulation Best Interest, the Interpretation Regarding Standard of Conduct for Investment Advisers, and the Form CRS Relationship Summary. These regulations have a direct impact on the retail investor experience, including seniors. Specifically, the staff is examining for compliance with the requirement under Regulation Best Interest that a broker-dealer, or a natural person who is an associated person of a broker or dealer, among other things, acts in the best interest of its retail customers when making a recommendation of any securities transaction or investment strategy involving securities without placing their financial or other interests ahead of the interests of the retail customer

## **BRINGING ENFORCEMENT ACTIONS**

Deterrence through strong enforcement action has been an important part of the SEC's efforts to protect senior investors from fraud. The Enforcement Division places a high priority on investigating such frauds and has taken action in multiple cases. A few examples are described

below.

On May 22, 2020, the SEC filed an emergency action<sup>251</sup> and obtained a temporary restraining order and asset freeze against a California-registered investment adviser and his entities to halt an ongoing Ponzi scheme targeting senior citizens. According to the complaint, the defendants through free workshops and other investor events allegedly promised investors guaranteed annual interest payments between 3 percent and 10.5 percent if they invested in so-called “private annuity contracts.” In reality, the complaint alleges that the defendants did not invest the funds raised in any securities and instead used new investor funds to pay investor returns in a Ponzi-like fashion.

On March 31, 2020, the SEC filed a complaint<sup>252</sup> against four individuals for conducting a fraudulent unauthorized trading scheme through retail customer accounts at their Commission-registered brokerage firm. According to the SEC’s complaint, the defendants engaged in a scheme to conduct voluminous unauthorized trading in over 360 customer accounts, many belonging to seniors, as the New York broker dealer they were associated with at the time was going out of business. As alleged, this unauthorized trading resulted in over \$4 million in net losses for their customers.

On November 27, 2019, the SEC filed an emergency action and obtained an asset freeze against the operators of a South Florida- based investment scheme that defrauded over 100 individual investors, many of whom are seniors. According to the complaint<sup>253</sup>, defendants raised nearly \$5

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<sup>251</sup> <https://www.sec.gov/litigation/complaints/2020/comp-pr2020-120.pdf>

<sup>252</sup> <https://www.sec.gov/litigation/complaints/2020/comp24788.pdf>

<sup>253</sup> <https://www.sec.gov/litigation/complaints/2019/comp-pr2019-245.pdf>

million from investors while making misrepresentations, including about the use of proceeds and future profitability of a penny stock company.

On October 3, 2018, the SEC announced 228 charges<sup>254</sup> and asset freezes against a U.K. citizen, his Swiss-based company, and other defendants for a scheme that allegedly generated more than \$165 million of illegal stock sales in at least 50 microcap companies. On January 10, 2020, the SEC announced charges<sup>255</sup> against fifteen defendants for a similar scheme that allegedly generated more than \$35 million of illegal stock sales in at least 45 microcap companies. As alleged in the complaints, these illegal stock sales in both cases came at the expense of individual investors, many of them seniors.

To uncover the types of misconduct that most affect individual investors, the Division's Retail Strategy Task Force (RSTF) develops and implements strategies for identifying potential violations, with a focus on data-driven approaches. The RSTF also investigates cases such as Ponzi schemes, "pump and dump" frauds, and sales of unsuitable complex products. These schemes frequently target the most vulnerable members of the investing public, often including senior investors. (Recommendation 7)

## **RULEMAKING**

In 2019, the SEC adopted a package of rulemakings and interpretations designed to enhance the quality and transparency of retail investors' relationships with investment advisers and broker-dealers, bringing the legal requirements and mandated disclosures in line with reasonable

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<sup>254</sup> <https://www.sec.gov/news/press-release/2018-228>

<sup>255</sup> <https://www.sec.gov/news/press-release/2020-1>

investor expectations, while preserving access (in terms of choice and cost) to a variety of investment services and products. Specifically, these actions include Regulation Best Interest (“Reg BI”), Form CRS Relationship Summary, and two separate interpretations under the Investment Advisers Act of 1940 (“Advisers Act”). Individually and collectively, these actions were designed to enhance and clarify the standards of conduct applicable to broker-dealers and investment advisers, help retail investors better understand and compare the services offered and make an informed choice of the relationship best suited to their needs and circumstances, and foster greater consistency in the level of protections provided by each regime, particularly at the point in time that a recommendation is made.

Although the regulations and interpretations apply to retail customers more broadly, seniors represent an important subset and therefore benefit from these protections. Under Reg BI, when making a recommendation about a securities transaction or an investment strategy involving securities to a retail customer, a broker-dealer must act in the best interest of the retail customer at the time the recommendation is made, without placing the broker-dealer’s financial or other interests ahead of the retail customer’s interest. Recommendations covered under Reg BI include roll overs or transfers of assets from one type of account to another, which may be an important protection for seniors. Reg BI recognizes the importance of rollover recommendations, which are frequently provided at a critical juncture in an investor’s life and are often irrevocable decisions. Reg BI’s disclosure obligation also works to inform retail customers of their account options and what they are paying for.

Form CRS and its related rules require SEC-registered investment advisers and SEC-registered

broker-dealers to deliver to retail investors a brief customer or client relationship summary that provides information about the firm. Firms must file their relationship summaries with the Commission. The relationship summary is designed to assist retail investors with the process of deciding whether to (i) establish an investment advisory or brokerage relationship, (ii) engage a particular firm or financial professional, or (iii) terminate or switch a relationship or specific service. Firms must write their relationship summaries in plain English, taking into consideration retail investors' level of financial experience. Investment advisers must deliver a relationship summary to each retail investor before or at the time the firm enters into an investment advisory contract with the retail investor, even if the agreement is oral. Broker-dealers must deliver a relationship summary to each retail investor, before or at the earliest of (i) a recommendation of an account type, a securities transaction, or an investment strategy involving securities; (ii) placing an order for the retail investor; or (iii) the opening of a brokerage account for the retail investor. The fiduciary interpretation under the Advisers Act reaffirms, and in some cases clarifies, certain aspects of the fiduciary duty that investment advisers owe their clients under the Advisers Act. This duty—comprised of both a duty of care and a duty of loyalty—is principles-based and applies to the entire relationship between the investment adviser and the client. The investment adviser must, at all times, serve the best interest of its client and not subordinate its client's interest to its own. (Recommendation 7)

## **COLLABORATION AND PARTNERSHIP WITH OTHERS FOR ELDER JUSTICE**

OIEA and SEC divisions and offices, including regional offices, regularly collaborate with other regulators and organizations to reach seniors, including FINRA and its Investor Education Foundation, the Federal Retirement Thrift Investment Board, the CFPB and NASAA, among

others. Topics include information on investment products, red flags of fraud and resources relating to the prevention of elder abuse.

### **FINRA – BROKER-DEALER SELF-REGULATION ORGANIZATION (SRO)**

FINRA maintains a dedicated page on its website with information relative to seniors including, but not limited to, rules, guidance, news releases and investor education. In 2019, FINRA conducted a retrospective review to assess the effectiveness and efficiency of its rules and administrative processes that help protect senior investors from financial exploitation and requested responses to questions related to the financial exploitation of seniors. (See FINRA Regulatory Notice 19-27). FINRA also issued a report in April 2020 to recognize the 5-year anniversary of its securities helpline for seniors. The report provides insight into FINRA's ongoing work to protect senior investors and shares effective practices from member firm senior investor protection programs. FINRA also makes available podcasts and virtual conference panels that cover topics such as *Social Distancing and the Impact on Older Investors* and an Overview of FINRA Senior Exploitation Rules. (Recommendation 7)

### **OUTSMARTING INVESTING FRAUD PROGRAMS**

OIEA conducts educational programs with the FINRA Investor Education Foundation, state securities regulators, and AARP on how to identify the red flags of fraud and the common persuasion techniques used by con artists. (Recommendation 7)

### **TRAINING FOR NATIONAL WHITE COLLAR CRIME CENTER AND NATIONAL CENTER FOR VICTIMS OF CRIME**

OIEA partners with the FINRA Investor Education Foundation and state securities regulators to

train law enforcement personnel and victim advocates on how best to identify and investigate investment fraud and how to help individuals who have been victimized by investment or other financial fraud. (Recommendation 7)

### **DISTRIBUTION OF INVESTING GUIDES FOR SENIORS**

In conjunction with the Consumer Financial Protection Bureau's library publication distribution program, OIEA provided over 30,000 free copies of A Guide for Seniors: Protect Yourself from Investment Fraud to libraries and their patrons for financial education activities and events.

(Recommendation 7)