

Statement of Andy J. Mao, Coordinator, Elder Justice Initiative, United States Department of Justice

The Department of Justice devotes significant resources to enhancing the capacity of prosecutors, law enforcement agencies, and other stakeholders to combat elder abuse, neglect and financial exploitation through training, the dissemination of information, and additional resources. While the Department is currently engaged across many components on this work, I highlight some of those efforts below.

Prosecutors

At the federal level, the Department, through the Elder Justice Initiative, has supported and trained Assistant United States Attorneys (AUSAs) and Department Trial Attorneys on how to investigate and pursue cases against nursing homes and other long term care providers that provide grossly substandard care to Medicare and Medicaid beneficiaries. For example, in June 2015, the Department co-hosted a two day training with the National Association of Medicaid Fraud Control Units in Indianapolis, Indiana, on these cases. Almost 200 federal and state prosecutors, OIG and FBI agents, and others participated in this training that included training on how to identify potential targets, build evidence in failure of care and financial exploitation cases, and work with experts.

Building upon the tremendous interest in that training, on March 30, 2016, the Department launched ten regional Elder Justice Task Forces. These Task Forces will generally bring together federal, state, and local prosecutors, law enforcement, victim service agencies, and others in order to enhance our collective efforts to ensure that nursing homes provide their residents with the nursing care to which they are entitled. To support these Task Forces, the Department will be conducting two regional trainings a year on best practices and developing trends.

The Department has also convened a working group to talk about lessons learned from the Department's prosecutions of nursing home and long-term care providers, as well as prosecutions of the perpetrators of financial scams against the elderly. The working group consists of representatives from the civil and criminal offices that pursue a wide variety of cases on behalf of the elderly, and it has served as an important forum for sharing information and lessons learned, and for generating new ideas to combat fraud against seniors.

The Department has also supported trainings for state and local prosecutors for years on how to investigate and prosecute cases of elder abuse, neglect and financial exploitation. Notably, Congress established the Enhanced Training and Services to End Abuse in Later Life Program to address the unique barriers to receiving assistance faced by individuals 50 years of age or older who are victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking. Through this program, the Department's Office of Violence Against Women (OVW) has supported the development of national curricula for criminal justice professionals and others to enhance their ability to recognize, address, investigate, and prosecute cases of

elder abuse, neglect and exploitation. Since 2006, OVW has provided grant funding to 77 communities in 37 states and the District of Columbia to provide training for thousands of law enforcement officers, prosecutors, judges, victim service providers, and other professionals who work with older individuals (337 prosecutors, 232 judges, and 8,538 law enforcement officers trained). Since 2013, DOJ has trained state and local prosecutors from 26 states and the District of Columbia through its National Institute on Prosecuting Elder Abuse, an intensive four-day training program that covers the essential elements of bringing an elder abuse or financial exploitation case. And, the Department committed, as part of last year's White House Conference on Aging, to enroll prosecutors from the remaining 24 states by 2017. In addition, since 2007, the Department has provided training for judges and magistrates from federal, tribal, state, territorial, and local courts through its Enhancing Judicial Skills in Elder Abuse Cases Workshop, a three-day judicial institute which covers elder abuse, neglect and exploitation, including domestic violence, sexual assault and stalking.

Moreover, for those prosecutors unable to attend the live training, the Department also has been working with OVW, the National Clearinghouse on Abuse in Later Life, and local prosecutors from around the country to develop a video training series that will be made available through the Department's Elder Justice Website in the fall of 2016. The video series will address the critical elements of an elder abuse prosecution including but not limited to investigation and charging decisions, community resources, the use of experts, and working with older victims. In addition to this video series, other resources (such as an extensive federal and state samples database) are also currently available on the Department's Elder Justice Website.

Law Enforcement

As it has with prosecutors, the Department has also devoted significant resources to developing training and resources for law enforcement on elder abuse, neglect and financial exploitation. As mentioned earlier, the Department has provided grant funding to training over 8000 law enforcement officers since 2006 on elder abuse and financial exploitation. To complement those live trainings, the Department has also developed resources, such as the Elder Abuse Pocket Guide, which the Department's Bureau of Justice Assistance developed with the American Bar Association and released in 2014. The pocket guide provides helpful background information on issues such as types of elder abuse, risk factors, and mandatory reporting; easy to understand explanations on documents or tools that are frequently used to commit elder abuse or financial exploitation (*e.g.*, trusts, wills, deeds, powers of attorney); and actions that justice system professionals should consider if they suspect elder abuse has occurred. Over 13,000 pocket guides have been distributed to over 170 law enforcement agencies to date.

Looking ahead, the Department has begun to explore additional ways to make the training and resources more accessible and available to interested law enforcement personnel unable to participate in the live training. To that end, the Department is working with national law enforcement organizations (like the International Association of Chiefs of Police, National Sheriffs Association, and the International Association of

Directors of Law Enforcement Standards and Training) to determine what elements of the elder abuse, neglect and financial exploitation training can be provided through webinars, videos, or other online resources. Likewise, given the increased use by law enforcement of handheld devices, the Department is collaborating with the National Center on Elder Abuse on a law enforcement resource app that is expected to launch in 2017.

In addition to helping to support training for state and local law enforcement, the Department has begun training federal agents and crime victim specialists. The Department recently conducted separate training webinars on elder abuse and financial exploitation for AUSAs and victim witness coordinators, as well as the U.S. Postal Inspection Service. Both of these trainings were taped and will be made available for those unable to attend the live webinars on the Department's Elder Justice Website, among other locations. The Department has similar trainings scheduled for the Federal Bureau of Investigation and the Department of Homeland Security in late April and May, respectively.

Civil Legal Assistance Services

The Department has invested significant resources to enhance the capacity of civil legal services providers to identify and address elder abuse and financial exploitation. Civil legal aid agencies are often a frontline responder to elder abuse and ensuring they are sufficiently equipped is critical. To that end, in June 2014, the Department launched a series of free online elder abuse training modules for civil legal service providers. These training modules assist providers with identifying the signs of elder abuse; identifying older adults at risk; understanding legal remedies available to elder abuse victims, and addressing financial exploitation. Since its launch, over 4,125 individuals have registered for training modules, and 6,247 modules have been completed. In January 2015, the Department piloted a five-part webinar, developed in conjunction with the American Bar Association and the National Clearinghouse on Abuse in Later Life, for civil attorneys and legal advocates to address the needs of older victims of domestic violence and sexual assault. Five hundred individuals registered for the webinar.

Further, in September 2015, the Department announced the launch of its Elder Justice AmeriCorps program. The Department of Justice collaborated with the Corporation for National and Community Service on this new grant program in order to provide legal assistance and support services to victims of elder abuse, neglect, and financial exploitation, and to promote pro bono capacity building in the field. The Elder Justice AmeriCorps program, which is intended to complement existing Office for Victims of Crime grants supporting the development of legal assistance networks providing comprehensive, pro bono legal services for victims of crime, and it will consist of a single grant to an intermediary organization that will support approximately 60 full-time AmeriCorps attorneys or paralegals during the two-year program. In order to help train the Elder Justice AmeriCorps lawyers and paralegals, they will be encouraged to use the online elder abuse training modules, and the Department is working with the American Bar Association's Commission on Law and Aging to develop an elder justice track for this year's National Aging and the Law Conference. This training will be

videotaped and posted on the Elder Justice Website so legal aid workers nationwide can participate.

Public Outreach

In addition to the above activities, the Department has engaged in a number of outreach efforts to raise the public's awareness of elder abuse and financial exploitation. For example, United States Attorney's Offices have engaged in extensive outreach efforts to educate and assist the elderly, including recent investment fraud education events at assisted living facilities in Minnesota; an annual Rocky Mountain Fraud Summit, co-sponsored by the U.S. Attorneys in Colorado and Wyoming, and held at an assisted living facility in Denver; public service announcements about senior identity theft and health care fraud by the U.S. Attorney's office in Tulsa, Oklahoma; and press releases advising taxpayers about the IRS impersonation scam and how to avoid it. Moreover, in honor of the 2015 National Consumer Protection Week the Department's Consumer Protection Branch organized a meeting between government enforcers and approximately ten non-profit organizations to call attention to – and educate elderly and Spanish-speaking individuals about – frauds against these communities. Lastly, in May 2015, the Consumer Protection Branch conducted a webinar for more than 500 participants on fraud schemes targeting older Americans. The webinar, attended by representatives of state attorneys general offices, local law enforcement, and groups that advise and care for the elderly, advised participants of new schemes targeting the elderly and provided tips on how to enhance prevention efforts.