

ELDER ABUSE: THE PERFECT STORM

“A nation’s greatness is measured by how it treats its weakest members.” Mahatma Gandhi

SUMMARY

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

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

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

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

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

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

REASON FOR STUDY

“...the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; those who are in the shadows of life; the sick, the needy and the handicapped.” Hubert Humphrey²

¹ Orange County Adult Protective Services Fact Sheet., Last updated 02/02/12

² Humphrey, Hubert, last speech, November 1, 1977

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

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

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

METHODOLOGY

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

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

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

BACKGROUND AND FACTS

Overview

- **Sources**

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

- **Prevalence of Elder Abuse**

Orange County Adult Protective Services (APS) is the first line of defense in combating elder abuse cases. APS receives more than 600 reports of abuse each month³ and national experts estimate that for every report of abuse, 23 are unreported⁴. The U.S. Senate Special Commission on Aging reports that victims of elder abuse, neglect and exploitation are not only subject to injury from mistreatment, they are approximately three times more likely to die at an earlier age.⁵

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

Orange County Adult Protective Services (APS) noted a steep increase in the reported incidents of elder abuse in recent years that may stem from an actual expansion of abuse or an improvement in reporting methods⁶. Many years ago, legislators became aware of the prevalence of elder abuse and enacted laws requiring mandated reporters to notify authorities if they suspect abuse is responsible for injuries to elders. Mandated reporters include social workers, clergy, doctors, nurses and caregivers. On January 1, 2007, through California Senate Bill 1018,

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

⁴ New York State Life Span; Cornell; 2012.

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

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

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

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

- **Impact of Elder Abuse**

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

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

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

- A. Oversight

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

- B. Public Access

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

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

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

C. Investigation/Prosecution

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

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

The Grand Jury recognizes the difficulty of investigation and prosecution:

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

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

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

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

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

D. Information Technology

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

E. Definitive Study

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

Factors in Elder Abuse

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

- **Demographics**

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

- **Economics**

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

¹⁰ 2008-2009 Grand Jury Report, “Guardian of Last Resort”

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

- **Ethnicity**

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

- **Family**

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

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

- **Risks of Abuse**

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

Comparative age plays a role in the incidents of elder abuse with the very oldest being the most vulnerable. Those over 85 have a 50% chance of suffering incapacitating dementia¹² and also have a six-fold increase in the incidents of abuse compared with seniors in the 65-84 age bracket.¹³

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

Types of Elder Abuse

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

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

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

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

1. Financial Abuse

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

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

Story: The Loving Daughter

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

Story: The Grandma Scam

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

Story: The Good Samaritan

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

2. Physical Abuse

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

Story: Fathers and Sons

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

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

Red flags of physical abuse:

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

3. Emotional Abuse

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

¹⁵ Orange County Adult Protective Services Fact Sheet., Last updated 02/02/12

Story: The Scapegoat

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

Red flags of emotional abuse are the appearance of:

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

4. Sexual Abuse

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

Story: The Home Owner

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

5. Neglect

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

Story: The Meth Lab Home

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

Story: The Unaware Caregiver

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

Red Flags of Neglect

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

6. Self-Neglect

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

Red Flags of Self Neglect

Inability to:

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

Story: The Greatest Generation

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

7. Abandonment

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

8. Abduction

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

9. Isolation

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

¹⁶ Council on Aging; “OC Senior Guide 2012”

FINDINGS/CONCLUSIONS

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

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

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

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

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

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

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

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

RECOMMENDATIONS

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

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

¹⁷ 2008-2009 Grand Jury Report, "Guardian of Last Resort"

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

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

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

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

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

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

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

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

REQUIREMENTS AND INSTRUCTIONS:

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

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

(a.) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b.) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not warranted or is not reasonable, with an explanation therefore.

(c.) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /

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

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

Elder Abuse in Orange County

Table No. 1 – FINDINGS – RESPONSE MATRIX

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

Elder Abuse in Orange County

Table No. 2 – RECOMMENDATIONS – RESPONSE MATRIX

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

APPENDIX A

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

Myth 1: Elderly people are bad witnesses.

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

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

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

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

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

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

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

Myth 9: All elderly people die from natural causes.

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

APPENDIX B

References:

- Center of Excellence on Elder Abuse and Neglect Fact Sheet; University of California, Irvine
- California State Guide to Elder Abuse, 2011
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APPENDIX C

“Our society must make it right and possible for old people not to fear the young or be deserted by them, for the test of a civilization is the way it cares for helpless members.” Pearl S. Buck¹⁸

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

Adult Mental Health Services

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

Adult Protective Services

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

The Coroner/Medical Examiner

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

¹⁸ Pearl S. Buck; *My Several Worlds*: 1954

The District Attorney's Office

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

Law Enforcement

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

Office on Aging

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

The Public Guardian

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

Orange County Private Resources

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

Adult Day Services

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

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

Council on Aging

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

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

Elder Abuse Forensic Center

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

¹⁹ Council on Aging; “*OC Guide 2012*”

²⁰ Grand Jury Report *The Long-Term Care Ombudsman Program*; 2005-2006

Human Options

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

Meals on Wheels

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

Senior Centers

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

APPENDIX D

Legal Remedies for Elder Abuse

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

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

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

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