



TONY RACKAUCKAS
ORANGE COUNTY DISTRICT ATTORNEY

ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE
401 CIVIC CENTER DRIVE WEST • SANTA ANA, CA 92701 (714) 834-3636

September 11, 2012

The Honorable Thomas J. Borris
Presiding Judge
Orange County Superior Court
700 Civic Center Drive West
Santa Ana, California 92701

RE: Response to Orange County Grand Jury Report

Dear Judge Borris:

Enclosed please find the Office of the District Attorney's responses to Finding F3 and Recommendations R6 through R7 of the 2011-2012 Orange County Grand Jury Report, "**Elder Abuse: The Perfect Storm.**"

Sincerely,

Tony Rackauckas
District Attorney

TR:vlb
Enclosure

2011-2012 Orange County Grand Jury Report:
"Elder Abuse: The Perfect Storm"

Response to Finding 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.

Response: The Office of the District Attorney agrees with this finding.

Response to Recommendation R6

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

Response: This recommendation continues to be the current practice of the District Attorney's Office. Felony elder abuse cases are prosecuted through either the Family Protection Unit or Major Frauds. Each of these units employ "vertical" prosecution which means one Deputy District Attorney prosecutes the case from filing review to sentencing. These "vertical" DDAs are among the most experienced in the office and are quite familiar with the special issues that arise in elder abuse cases. Attorneys and investigators in these units attend regular training in the area and stay current with case trends in physical and financial elder abuse. OCDA has been notably successful in prosecuting financial crimes targeting seniors. Several examples of these prosecutions include:

People v. Cassini - Financial victimization of vulnerable senior by home healthcare aide who stole \$640,000 from an elderly, bedridden Laguna Woods woman through fraud and identity theft. OCDA responded quickly to file criminal charges and freeze assets of defendant as well as charging defendant's husband and daughter who were also involved in the thefts. Defendant was convicted of felony elder abuse, grand theft and identity theft and was sentenced to 13 years in state prison.

People v. Butler - OCDA received national recognition for this case involving 150+ vulnerable senior victims who were defrauded out of \$16 million in an annuity/Ponzi scheme by an investment advisor who targeted seniors. After a 9 month jury trial, defendant was convicted of 700+ felony fraud and elder abuse counts and was sentenced to 86 years in state prison, one of the largest sentences in state history for these crimes.

Response to Recommendation 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.

Response: The recommendation continues to be the current practice of the District Attorney's Office which includes aggressive prosecution of elder abuse, outreach to seniors through presentations at senior centers and residential communities, and offering training for law county law enforcement agencies on physical and financial elder abuse. The Orange County District Attorney's Office is a founding partner and current member of the Elder Abuse Forensic Center. This center, the first of its kind in the country, works collaboratively with numerous other agencies in addressing elder abuse and neglect. The Assistant District Attorney supervising elder abuse attends frequent meetings at the Center where, among other tasks, innovation from other jurisdictions throughout the country is discussed. The Assistant District Attorney then shares with the DDAs prosecuting elder abuse the pertinent new information and procedures. District Attorney personnel participate in countywide task forces focused on Financial Elder Abuse such as the Financial Abuse of Seniors Team (FAST) and provide regular training to that group, working with them to get suspected abuse to the appropriate agency for investigation. OCDA has held training on elder abuse for law enforcement detectives and bank investigators. In addition to this, District Attorney Tony Rackauckas and the Assistant District Attorneys in the Family Protection Unit and the Major Fraud Unit have spoken to large groups of seniors in Laguna Woods and other communities to warn seniors about fraud schemes and educate them about how to avoid victimization.