

Prosecuting Elder Abuse

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I. Philadelphia District Attorney's Office, District Attorney R. Seth Williams

- 1) "Zone" or "Vertical Prosecution"
- 2) Bureaus by geographic area
- 3) Allows for more community involvement/interaction

II. Types of Elder Abuse

1) Financial

- a. Family Members
 - Comm v. Lucente – Grandparents, jewelry
- b. Caretaker, such as Home Health Care worker, Neighbor, Handyman
 - Comm v. Stanley Jackson
- c. Stanger crimes – SCAMS
 - Pray on the loneliness & vulnerability of victim
 - Ex. Comm v. Laverne Taylor case
 - Pigeon Drop Scam, Kidnapping, Bank
- d. Fraudulent Deeds
- e. Takes place in the form of Cash, Checks, ATM/MAC cards, Credit Cards, Stocks/Bonds, and Deeds to properties.
 - Restitution can be complicated. If Social Security Checks, can be reimbursed through state crime victim compensation fund.
 - Banks will reimburse but not always.

2) Physical Violence

- a) Assaultive behavior
 - Can escalate from financial to physical violence if victim begins to speak up.
 - Ex. Comm v. Dominic Maraldo – 87 yr old Grandmother
 - Stanger Crimes – Comm v. Schenevelyn Milligan
 - Mr. Johnson 94 year old Burglary/Robbery Victim
- b) Family members who physically abuse elderly victims/relatives due to misplaced resentment of victim's physical care needs
 - Ex. Hitting victims, locking in rooms/basement, starvation, dehydration.

- Northeast Zone case: Daughter & Son-in-law were locking Elderly Mother in basement, beating her with hairbrushes and other objects. She was taken to hospital due to her injuries being so severe & she disclosed to Nurse/Dr's that she was beaten because she snuck upstairs to use the computer.
- c) Home Health Care Workers

3) Verbal & Emotional Abuse

- a) Perpetrator/Defendant will breakdown victim emotionally so that he/she can have mental control over them to the point that victim feels that he/she can't survive without the Defendant, and thereby move susceptible to Defendant's illegal plans.
- b) Huge concern – Medical POA
 - Comm v. Johnson – Dorothy Johnson 84 years old.

III. Warning Signs

- 1) withdrawn
- 2) stops socializing
- 3) little or no eye contact
- 4) appearance
- 5) medically unstable – new Doctors, new diagnosis, additional medication
 - Are Meds causing the victim to be less alert, sluggish, and unable to comprehend thoughts and concepts? Dementia?
- 6) Changes in routine -- elderly are creature of habits.
- 7) Perpetrator/Defendant and/or others suddenly coming into victim's life and assuming a large role in the decision making for said victim.
 - Especially if family members live out of state/town.
- 8) Victim wants to make drastic changes to long standing legal documents, POA, Living Wills, when current documents have been in effect for decades.

IV. Reporting a Crime & the Judicial Process

- 1) Dial 911 – Police respond and fill out a police report, also known as a 75-48
- 2) Police report/75-48 now goes to a Detective for investigation
- 3) “Site” arrest or Arrest Warrant submitted for defendant
- 4) Defendant arrested, arraigned, bail set and a preliminary hearing scheduled within 21 days.
- 5) ADA assigned & prep of Elderly Victim begins
 - a) Meet with victim in his/her own environment
 - ✓ Lighting
 - ✓ Life history of victim – get to know your victim
 - ✓ Talk about victimization
 - ✓ Compound issues with Elderly victims:

1. Victim feels afraid, scared, feels in trouble with relatives, fear of losing their freedom, being taken away & put in a Nursing Home.
- ✓ Assess mental & physical health especially for a Preservation Preliminary Hearing.
- b) Preservation Prelim
 - 1) Videotape
 - 2) All discovery passed for full & fair cross examination
- 6) After victim testifies at Prelim, charges are held for court and defendant moves onto trial stage.
- 7) Pre-Trial Conference (PTC): offer conveyed & if rejected then scheduling conference
- 8) Scheduling Conference with assigned Trial Judge and Waiver Trial or Jury Trial date set
- 9) Request priority jury due to age and health of victim
- 10) Verdict – Presentence Report (PSI) and Mental Health Evaluation ordered (MHE)
- 11) Sentencing – 60 days after verdict
- 12) Appeals – Direct & PCRA

V. Mandatory Sentences for Crimes Against the Elderly

- Elderly person defined as individual 60 years of age and above
- ❖ Rape (F1) 5-10 years
- ❖ IDSI (F1) 5-10 years
- ❖ Aggravated Assault 2-4 years
- ❖ Theft by Deception (M1) or (F3) 1-2 years

VI. Resources

1. District Attorney's Office:
 - i. Chief Caroline Keating-McGlynn, South Bureau 686-8935
 - ii. Chief Mark Gilson, Northeast Bureau 686-8931
 - iii. Chief Angel Flores, East Bureau 686-9676
 - iv. Chief William Davis, Southwest 686-9694
 - v. Chief Deb Naish, Northwest 686-9964
 - vi. Chief Michael Barry, Central 686-9962
 - vii. Chief Lisa Caufield, Economic Crime 686-9900
 - viii. ADA Noel Ann DeSantis, South Bureau Major Trials & Elder Abuse 215-686-8986; Noel.DeSantis@phila.gov
 - ix. Karina Puttieva, Elder Victim/Witness Coordinator 686-8035
2. Philadelphia Police Department
 - i. Detective Maggie Nix, CARE Unit – Major Crimes 215-686-3396/3397
 - ii. Detective Frank Straup, Fraud Investigations, 215-686-3013/3014

3. Senior Law Center
 - i. Karen C. Buck, Executive Director 215-701-3212
 - ii. Dana Goldberg, Esquire, Staff Attorney 215-701-3202

4. CARIE (Center for Advocacy for the Rights & Interests of the Elderly)
 - i. Bill McNeill, Victim Advocate, 267-546-3430
 - ii. Diane Menio, Executive Director
 - iii. Hotline: 1-800-306-3606
 - iv. Main Number: 215-545-5728

5. Philadelphia Corporation for Aging (PCA)
 - i. Joe Snyder, Director of Protective Services 215-765-9000 x 4457
 - ii. Carlotta Bulls, Financial Exploitation Specialist 215-765-9000 x 4451
 - iii. PCA also created and hosts monthly meetings of the Financial Exploitation Prevention Task Force

6. Pennsylvania Attorney General Elder Abuse Unit
 - i. Hotline: 1-866-623-2137
 - ii. Email: elderabuse@attorneygeneral.gov

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