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Spotting and Stopping Elder Fraud and Abuse -

An Interview with Orinda Police Chief Scott Haggard

By Laurie Snyder

The State Bar of California reports, "As many as one in seven senior citizens nationwide falls victim to some type of elder abuse - usually at the hands of a family member." Much as Orindans would like to believe that this type of crime can't happen in America's second friendliest city, it can and does. Two cases were just recently prepared for the District Attorney's office by the investigations unit of the Orinda police department.

"There are two types of crimes that typically upset me more than others. Crimes against children, and a very close second is abuse of the elderly or dependent adults," says Scott Haggard, Orinda's police chief. "I have seen both of these types of crimes way too often, and categorize it in two different ways.

One is physical." Seniors may be neglected or left alone by their caregivers, may not be fed properly, or might even be beaten.

"The other kind is financial abuse, which is probably more prevalent." Someone could be attempting to leverage the senior out of his or her home, or a nanny or caregiver might be caught stealing. A third category - mental abuse - occurs when seniors feel threatened enough to acquiesce to whatever demands are being made by an individual who has been bullying them.

Many times, adds Haggard, it's "a silent, kept-in-the-family thing - kind of like child abuse." Incidents may increase gradually as the perpetrators grow more confident, continuing unchecked until finally caught by clergy or physicians who frequently function as the failsafe for the seniors they serve.

Unfortunately, elder and dependent adult abuse remains challenging to prosecute. Victims are often isolated and, even with anonymous tips, police may be unable to gain access. Successful intervention generally happens when there is a 911 call. Plus, knowledge that a family member or caregiver is not behaving as usual may also make some reluctant to reach out for relief. In the cases he has investigated, Haggard has noticed that those harming elders would never normally behave in an abusive manner, but are often being driven by an addiction to alcohol or drugs.

And even when police do connect, the person in trouble may still refuse to take action. "Many elders are unwilling to cooperate with law enforcement because they're afraid that the alternative means being separated from their families and placed in nursing homes," he says. This hesitancy is particularly frustrating because there are trustworthy resources available to help. Contra Costa County operates several hotlines, including the Senior Fraud Fighter Bureau, Senior Legal Services and Seniors Against Investment Fraud.

"If we can get them into the system and work with Adult Protective Services and provide a pathway to sobriety - or maybe even skills in handling finances," Haggard explains, families can turn challenging situations around. "The object is certainly not to punish. It's to try to stop it and repair it - and heal the family."

The point of all this, reads the Adult Protective Services website, is to keep seniors independent and in their homes as long as possible. "One thing APS cannot do is take an elder or dependent adult out of the home and place them in 'protective custody.' All services provided by APS are voluntary and can be declined by the elder or dependent adult." If need be, the reporting party's identity can be kept confidential.

"If you see a recurrent pattern, it warrants an investigation," urges Haggard. "The problem needs to end. It's a serious and severe crime."

To learn more about how you can keep the seniors in your life safe, call Orinda police at: (925) 254-6820, or visit the State Bar of California: www.calbar.ca.gov/Public/Pamphlets/ElderAbuse.aspx. To contact Adult Protective Services in Contra Costa County, call: (925) 646-2854, or visit: www.co.contra-costa.ca.us/index.aspx?NID=914.

Potential Signs of Financial Abuse:

- Signatures on checks not resembling the senior's signature, checks signed by a senior but filled out by someone else, or checks made out to "cash" at the request of someone with a caretaker responsibility for that elder.
- Signatures on financial or legal documents when the elder is physically incapable of writing, or writing of a will when the adult is mentally incapable.
- Unusually large withdrawals from a bank, withdrawals from automated teller machines when an elder is unable to visit the bank, or a sudden surge of activity in accounts which have seen little to no activity in prior years.
- Contributions made to newly formed charitable or religious organizations, or investments made in annuities or other financial products.
- Investments or large loans made in time shares or other real estate.

Sources: California Advocates for Nursing Home Reform (www.canhr.org), Investor Protection Trust (www.investorprotection.org), State Bar of California (www.calbar.ca.gov).

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[back](#)

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