



JB Pritzker, Governor
 Paula A. Basta, M.Div., Director

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ELDER ABUSE TASK FORCE MEETING
Friday, November 15, 2019
9:30– 11:00 AM

Chicago Location: IDoA Offices 160 N LaSalle St., 7th Floor Chicago, IL 60601	Springfield Location: IDoA Offices One Natural Resources Way Springfield, IL 67202
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<u>Members in Attendance:</u> Co-Chair Sen. Rachele Crowe Co-Chair Rep. Katie Stuart Sen. Craig Wilcox Cordelia Coppelson Barbara Eskildsen Brian Fengel Tonya Genovese Lori Hendren Paul Isaac Aimee Isham Eric Lane Bill Langheim Lois Moorman Beth Menz Kelly Richards Gene Seaman Ashley Snavelly Lt. Kristopher Tharp Debra Vershelde Michelle Weinberg Dawn Wells Aimee Winebaugh	<u>Department on Aging staff:</u> Director Paula Basta Chief of Staff Selma D’Souza Deputy Director Lora McCurdy Rhonda Armstead Amber Bolden Sue DeBoer Lisa Zuurbier Paulette Dove Amy Brennan Russ Kemple Karen Alice Kloppe Terry Haynor Jeanice McDade Carla Rapps Troy Yancy Gloria Simmons Lisa Zuurbier Samantha Brill	<u>Guests:</u> Sandy Baksys Patricia Morton ShaTonya Herring Natasha Belli Donald Weiss
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Members Unable to Attend

None

Welcome and Introductions

Rep. Katie Stuart called to order the meeting at 9:35 am. She welcomed everyone and thanked them for traveling to attend and acknowledged the good work accomplished at the last meeting.

Rep. Stuart noted there was a quorum. Brian Fengel made a motion to approve the minutes. The motion was seconded. The motion carried, and minutes were approved.

Review of Agency procedures related to Elder Abuse

Rep. Stuart thanked everyone for emailing their submissions to the Task Force. Rep. Stuart stated there would be an open discussion regarding Goal #1: Investigate the Effectiveness of Elder Protective Services and Laws. Packets were given out containing materials provided by the Office of Adult Protective Services, the Long-Term Care Ombudsman Office, the Dept. of Public Health, the Dept. of Human Services, the Illinois Guardian and Advocacy, and the Attorney General's Office.

A quick synopsis was given by Aimee Isham (IL Dept of Public Health), Gene Seaman (Illinois Guardianship and Advocacy), Lois Moorman (IL Dept on Aging/Adult Protective Services), Cordelia Coppelson (IL State's Attorney General), and Kelly Richards (IL Dept on Aging/Long Term Care Ombudsman) related to the information provided in the packet.

Questions and comments from the discussion

1. What is the protocol if the self-neglect victim does not want to cooperate? Lois Moorman replied that this is the biggest challenge to self-neglect; people are resistant to assistance. APS exercises due diligence and makes repeated visits to the client. The biggest hurdle for the caseworker is to gain the confidence of the client. The caseworker works on relationship building, which sometimes is not 100% successful, but is a slow process to get the client to accept assistance and agree to change. Ultimately there is the possibility that the alleged victim does not accept services. APS does not accept their refusal at the first face-to-face contact and caseworkers continue to try to intervene and engage other partners in the process.
2. Sandy Baksys inquired about the frequency of face-to-face visits for other types of abuses reported. Lois Moorman replied that the minimum is to have one face-to-face visit, however that doesn't mean that multiple attempts are not made before APS is successful with conducting that face-to-face, nor does it mean that there is only one face-to-face visit. Each case has different variables.
3. Rep. Stuart asked a question regarding the ESO Training Program. Is there any type of requirement or minimum number of officers per county or is it just voluntary? Cordelia Coppelson responded that there is no required minimum number of ESO officers. The curriculums are approved through the Illinois Training and Standards Board to ensure that officers get as many of their mandatory credits as possible.
4. Rep. Stuart asked if anyone can call the Identity Theft Hotline on behalf of someone else? Ms. Coppelson replied that anyone may call and, after the information is collected, the appropriate steps will be determined.
5. Rep. Stuart indicated that the presentations on Senior Consumer Fraud are well attended and the information is appreciated. Ms. Coppelson indicated that presentations will be done anywhere the need is and that the presentations help get the word out and start a conversation among seniors about fraud.
6. Gene Seaman asked if ESO Training is only available for police officers? Those who received training thus far are 1200 law enforcement officers and senior advocates. A participant stated the ESO training was opened to APS caseworkers too. Ms. Coppelson noted that no one involved in elderly service would be turned away from the training.

7. Lori Hendren recommended Terry Warman (AARP) as an exemplary trainer. AARP has community educational resources available and is available to help.

Barriers to Prosecution presented by Lt. Kristopher Tharp and ASA Tonya Genovese

Lt. Tharp indicated that outstanding training of law enforcement leads to outstanding investigations and are more likely to result in successful prosecutions. Illinois mandates 560 hours of training while in the academy; 4 hours relate specifically to issues dealing with senior citizens. Lt. Tharp stated that there is no mandated training for law enforcement, as it relates to senior citizens, after graduation from the academy. Elderly Service Officer (ESO) training can make a difference. There are approximately 1200 trained officers in Illinois.

Lt. Tharp went on to say that there is a fragmentation of communication between law enforcement and Adult Protective Services. Work needs to be done on improving and redefining the relationship to communicate on a better level. Lt. Tharp indicated there are times when APS will encounter a client who has had a crime committed against them, but law enforcement is not notified since the victim makes the decision if they will allow APS to call or not. Lt. Tharp suggested putting a metric in place, so APS professionals can measure using their knowledge, experience, observations and expertise to gauge whether law enforcement should be called. A participant asked what the metric would look like? Lt. Tharp answered that he envisions it along the same lines as officer discretion. Officer discretion is their most powerful tool.

ASA Tonya Genovese started her part of the presentation by stating that APS is amazing, and they work with her office often. ASA Genovese presented a case of an elderly client living with her son, who was not able to provide the level of care the mother needed, specifically personal care. There was a home healthcare worker is coming in weekly to assist to keep the mother in her home. APS was called due to the issues found in the home and determined at that visit that the mother had capacity to make her own decisions. During the subsequent weeks, the client's condition rapidly declined, within 2-3 weeks, and the client passed away. Since APS does not make weekly visits, could there be a way that APS can call law enforcement and ask if someone can come out and look at this situation to see if charges can be filed to get the client out of the home?

ASA Genovese continued the presentation indicating that the statutes for prosecution in Illinois are good; however, there is language in financial exploitation that is very broad. The state can use undue influence, yet the state must be able to prove that the individual stood in a position of trust or confidence (Parent, spouse, related by blood, legal or fiduciary duty, joint tenant, paid or unpaid caregiver; friends not included) to prove financial exploitation. For home repair fraud, the state must prove that the individual at the time the contract was signed did not intend to complete the work. The statute of limitations for financial exploitation has changed from 3 years to 7 years and ASA Genovese suggested that all statutes should be reviewed to ensure that the statute of limitations are the same. State police in Madison County had 2 retired individuals dedicated to working up financial exploitation cases because they are time consuming. As detectives do not have time to do this, forensic auditors have been used for this purpose. The funding for this program in Madison County was through the state police, who in turn designated these individuals to working financial exploitation cases. ASA Genovese indicated that she does not know if funding is still available.

Mr. Langheim suggested that this was a State grant funding mechanism possibly named CAS, Crimes Against Seniors. Mr. Langheim indicated he would need to investigate this further but believes the grant was stopped a few years ago, possibly longer.

Questions and comments regarding the presentation

1. Rep. Stuart asked if a “wellbeing check” could be done so that a second set of eyes (law enforcement) could see the situation once APS has done what they are able to do. Lt. Tharp replied that it is not uncommon for APS and Law Enforcement to be working the exact same case at the same time and not know it each other is involved. Since law enforcement does not report to APS, law enforcement may see things that APS would benefit from knowing. Lt. Tharp emphasized that the relationship between law enforcement and APS needs to be redefined.
2. Rep. Stuart asked if there were privacy law issues that would prevent this type of communication between law enforcement and APS from happening? Lt. Tharp discussed from the law enforcement standpoint, if priority 1 and priority 2 calls came into the police department anywhere in the state, it would result in an immediate response to the home. The allegations are serious, and law enforcement would continue to go to the home until contact is made with the client. He is not aware of any laws that would prevent communication between APS and Law Enforcement but will defer to Ms. Moorman and others for that information.
3. Amy Brown added that CRIS has had a 3-year grant through the Department of Justice to specifically work with police officers, the sheriff’s department, investigators, state’s attorney office, and judges, within the community to do training. Through this process, CRIS identified 27 statutes that fit within 7 different categories of the Illinois state definition of elder abuse. What they found is parallel to what Lt. Tharp is talking about and police officers have stated that if they cannot define it and fit it under a specific statute they move on and do not refer to APS unless they can pinpoint the statute. The training has helped correct this and the APS team has learned the 27 statutes as well and this triggers them to contact law enforcement.

Lt. Tharp added that services from both law enforcement and APS could be improved with better communication between both agencies. Working together in a way not previously seen will improve the services that are provided by law enforcement and APS.

4. Lois Moorman reported she is familiar with the case example mentioned earlier and respects their perspective. A couple of things stood out to her. The client was having a good day when APS saw her. Ms. Moorman stated that the client’s condition can change dramatically and quickly. There are considerations for the client’s desire to remain in the home, however, there are circumstances where APS is required to call law enforcement. Had APS come into the situation when the client’s condition was deteriorating, then law enforcement would have been called. Situations where severe neglect and abuse or sexual assault are present, law enforcement would be called.
5. Sen. Crowe asked for ASA Genovese and Lt. Tharp to describe how time intensive it is to work up a financial exploitation case.
Lt. Tharp indicated he spoke at the Adult Protective Services Conference recently and tried to impress upon everyone that from the moment the call is made to APS or law enforcement the clock is ticking. He added that evidence is time sensitive and perishable. Cross training is important. APS are the first line who start to collect evidence, facts, and statements and this evidence must be secured. Video surveillance may be the only evidence and this needs to be secured. The moment APS leaves the house

people know they are suspects and begin to try to cover their tracks and hide evidence. Lt. Tharp further stated that it is not what is known that makes a case a successful prosecution, but it is what can be proven in court.

ASA Genovese has a day each week in the afternoon where local police department front line detectives can come to discuss and walk through these types of cases and come up with a game plan. ASA Genovese indicated that it can take months to collect the evidence.

Mr. Langheim also stated that it is important to have the Bankers Association involved. Training the tellers and making them aware of how to identify the signs of possible financial exploitation that they may not already be aware of is important.

A participant mentioned the B-Safe program that is currently in place. The tellers are getting the training as much as can be pushed out. There was a mandate that tellers have these trainings. The participant indicated that the banks are an amazing way to get that information so that APS and Law Enforcement can get ahead of the issues and (sweetheart) scams.

6. A participant mentioned that beginning a multidisciplinary team where everyone is on the same page might be a good starting place.
7. A participant suggested putting together a standard police policy or best practice that includes all 27 statutes or aspects when dealing with elderly citizens. The participant suggested that there would not be cost incurred and it would not be mandated.

Mr. Fengel added that looking at a model policy would be very good to get everyone on the same page with the police and sheriff's departments, like how the Silver Search Committee Task Force has a tool kit that they are pushing out to help get everyone on the same page. The US Attorney's office throughout the state is also pushing financial investigations, so possibly they could be brought to the table to look at investigations.

Amy Brown said she believes this is exactly a good place to start; the policy would be well-served if the policy stated that if there is a police report (not charges) that involves a senior citizen or person with a disability then that report would be referred to APS. Ms. Brown suggested that everyone is not getting the information. If law enforcement receives a call where a crime has not been committed, but the case falls within APS guidelines, then APS could follow up with the citizen.

8. ASA Genovese stated that many times their office has been very proactive in working with law enforcement and letting them realize they are willing to prosecute these cases; but a lot of prosecutors do not have time to work these cases up.

Director Basta stated that IDoA is a partner in this process as well and if IDoA needs to look at training or policies to strengthen the process, then IDoA will work with all agencies to improve communication and provide our citizens with the best programs.

Lt. Tharp added that in working around so many of Director Basta's people, he has seen the most dedicated, passionate people who want to learn and want to do their best to protect and advocate for seniors. He advised Director Basta that this is a testament to her leadership. It is not a matter of fixing things that are broken, but how to make improvements. Director Basta thanked Lt. Tharp.

Lt. Tharp advised that he and ASA Genovese are not being critical of any one organization but are looking for ways to meet in the middle to come to a better understanding of each other. Triad is a joint effort of Law Enforcement, Senior Citizens, and Senior Citizen Support/Protection/Provider Agencies. Lt. Tharp encouraged everyone to support the Triad Conference in 2020 at SIU Edwardsville on October 13-14, 2020.

Public Comment

Ms. Patricia Morton stated her focus is emotional elder abuse since it is particularly hard to define and can be dangerous to this vulnerable part of our population. Ms. Morton indicated that the elderly are weak; their families are declining which can make them targets for unscrupulous people. During his campaign, Gov. Pritzker showed a film about his mother and Lt. Governor Stratton told Ms. Morton how she cared for her invalid mother. She looks forward to the work of the task force and the Governor's comments.

Sha Tonya Herring with DuPage County Community Services Adult Protective Services spoke in Chicago: DuPage County would like to share their innovative practices, one of which is a strong relationship with the State's Attorney's office. Due to this strong partnership 60 APS cases were referred to the State's Attorney with 11 prosecuted and closed, 5 have pending charges. Fatality Review team and DuPage County APS have developed an "at risk" list. The list includes clients that have an active or closed APS case that is a substantiated case of abuse, neglect or exploitation. The list is shared with all first responders. If there are no concerns, nothing needs to be done. If there is a concern, law enforcement contacts DuPage County Community Services for a referral for services/report. APS and DuPage County's Coroner's Office have partnered together when a vulnerable adult passes away and APS is notified, and they provide feedback about their involvement. The Coroner's office decides whether or not to pursue a death investigation. Data bases are connected. Ms. Herring thanked everyone. Her statement was requested to be submitted in writing to the Task Force.

Don Weiss spoke in Chicago. He voiced his concern regarding DuPage county's handling of his mother's estate. He indicated that he has been fighting this for 9 years. His mother suffered from dementia. There was a guardianship issue with Mr. Weiss and his sister. He stated that DuPage county funded his sister's case - a non-senior. He wants to meet with someone in Springfield about this problem to prove what is happening in this state. He is leaving documentation with the task force.

Amy Delaney with National Academy of Elder Law Attorneys spoke in Chicago. The group is interested in the Task Force because they are civil and public servants with a focus on seniors and persons with disabilities. The group is interested in capacity issues and formulating a metric for determining undue influence. They would love to work with the Elder Abuse Task Force to help formulate policies and practices to better serve seniors.

Rep. Stuart thanked everyone who testified and reminded them that written testimony may be submitted to the committee. She requested that Ms. Morton submit her written testimony. Rep. Stuart turned the meeting over to Sen. Crowe.

Closing Remarks

Sen. Crowe thanked everyone for their attendance and continued commitment. The next meeting will be on January 28, 2019 from 9:30 – 11:00. The topic for the next meeting is studying training, resources and best practices in other states. Please submit any ideas to the task force. She wished everyone Happy Holidays and safe travels.