Investigating and Prosecuting Financial Crimes Against People with Disabilities
Multidisciplinary Team Approach

• Adult Protective Services
• Office of the Ombudsman
• Office of Consumer Affairs
  • County Clerk’s Office
  • Senior Services
• GlouCo Housing Authority
• South Jersey Legal Services
• Local Medical Institutions
• And other local agencies and community partners  
  And growing....
With Goals of:

• Providing Education and Safeguards for the Senior Community

• Encouraging reporting by Victim(s), Families and the Community

• Working with local Financial and Medical Institutions to protect Gloucester County Seniors

• Identifying disconnects in the systems and collaborating on addressing those disconnects
Who is a Vulnerable Adult?

A vulnerable adult is usually defined by social or medical care agencies and the definition can vary from one to another. In general terms, it is an adult who has a learning, physical or mental disability or one who has limited physical or mental capacity.
Who is a Vulnerable Adult?

- Person over 18 who has a developmental disability
- Person who is found to be “incapacitated” by a court subsequently having a guardian assigned
- Person over the age of 60 years old who has a functional, mental or physical disability to care for self
Elder Abuse is a largely unrecognized and untreated social problem that threatens the right of elderly people to lead a dignified life.

Shame is one of the most common psychological effects of Elder Abuse which includes feelings of:

- Learned helplessness
- Humiliation
- Indignity
- Damaged self-esteem

A Sense of Worthlessness
A Belief that the elder contributed to or caused the abuse in some way
Rates of Victimization for People with Disabilities

People with disabilities are two and a half times more likely to be the victim of abuse, violent crime or exploitation than people without disabilities.

People with disabilities are more likely to be victimized by someone they know well, a caregiver, family member or acquaintance.

People with disabilities, like elderly persons, often do not report their victimization—Many people report that they simply do not know how or where to report.
Seniors/Vulnerable Adults fail to report for a number of reasons:

**No Family To Report Abuse To** – May not have family members to talk to about abuse. If the abuse is occurring at the hand of a caretaker in a nursing home facility for example, and the person has no remaining family, they may not report the abuse.

**Fear Of Retaliation** – Being abused in a residential nursing facility may be fearful that reporting the abuse will only result in worse abuse from their caregivers. Fear of retaliation effects people living in all institutional or residential settings.

**Shame In Regards To Abuse** – May feel ashamed of abuse being directed towards them, and feel too embarrassed to talk about it with someone they trust. This is a common phenomenon that victims of any type of abuse may experience.
Seniors/Vulnerable Adults fail to report for a number of reasons (cont’d):

**Fear Of Loss Of Independence** – This is particularly true of elders who still live alone, but have a caregiver who comes to their home. Because of a fear that they will be forced into a residential facility, they often don’t report abuse at the hands of family members or private caregivers.

**Lack Of Understanding Of How To Report** – People may be reluctant to report abuse simply because they don’t know who to report it to, or how to file a report.
Abuser could be:

- Family Member/Friend
- Caregiver/Neighbor
- Financial Advisor
- Contractor/Serv Providers

MOST SUSPECTS ARE KNOWN TO THE VICTIM
Examples of Financial Exploitation
Financial Exploitation:

- Forgery
- Identity Theft
- Theft
- Scams
- Predatory Lending
- Telemarketing fraud
- Misuse of Power of Attorney
A person who obtains power of attorney over the affairs of another has the ability to withdraw unlimited sums of money from the person’s bank account and can sign important financial documents on the person’s behalf.

Powers of attorney can be beneficial when the person appointed as attorney is in fact acting in the best interest of the individual, but when they are fraudulently obtained, they can wreak havoc on finances.
Misuse of Power of Attorney

Improper use of Guardianship or Power of Attorney is misusing the powers provided in a legal document by exceeding the authority or scope of the power expressed in the agreement for the purpose of economic benefit.
Identity Theft

occurs when a person
steals personal information such as

*social security number*

*bank account information*

*credit card numbers*

*passwords*

for the purpose of using identity to commit fraud or other crimes.

**See this most commonly with opening new credit card accounts**
Some of these scams have been around for ages
Others have kept up with today’s technology

- The Tree Cutting Scam
- The Driveway Coating Scam
- The Utility Scam
- The Lottery Scam
- The Grand Mother Scam
What Signs should be looked for?

- Deviations in financial habits
- Numerous unpaid bills
- Checks made to cash
- Disparity between lifestyle and assets
- Personal belongings missing
- Unprecedented transfer of assets
- Person unaware of monthly income
Financial Abuse Prevention Steps
Best Practices

• Get Background information
• Prepare Advanced Planning Tools
• Secure Valuables/Check on Valuables
• Monitor Bills and manage personal finances
• Maintain control of credit and debit cards
• Get a free copy of your credit report
Financial Abuse Prevention Steps

Best Practices

• Shred, tear into small pieces, or cut up documents that contain Social Security, bank and credit cards
• Pay attention to accounts
Are there any special considerations?

Complexity of Financial Exploitation Cases

- These type of cases can be very complex involving a number of accounts/multiple banks and institutions and/or frequent fund transfers.

- Victims may not know how long the exploitation has been going on so how far back are the requests for records? If know when the suspect became involved with the victim, investigation will subpoena records 6 months prior to help establish the victim’s spending patterns before exploitation.

Civil Matter versus Criminal Matters

- Many times there will be components of both Civil and Criminal.

- not necessarily exclusively just one or the other.
Is there Mandatory Reporting?

In 2010, New Jersey’s APS law (N.J.S.A. 52:27D-406 to 426) was amended to require health care professionals, law enforcement officers, firefighters, paramedics or emergency medical technicians who have reasonable cause to believe that a vulnerable adult is the subject of abuse, neglect or exploitation to report that information to the county Adult Protection Services.
**Peggy’s Law Legislation**
(Effective October 2017)

Under the new law, caretakers, physicians, nurses, social workers and other staff members are required to report suspected cases of elder abuse or exploitation of elders in long term facilities to the Ombudsman for the Institutionalized Elderly AND Police.
Stephen Komninos Law

(effective October 2017)

Takes effect in May 2018

Intended to strengthen oversight for people living in supported settings

Dept. of Human Services is required to make two annual unannounced visits to community-based, licensed residential programs, such as group homes and supervised apartments to look for instances of abuse, neglect or exploitation of people with disabilities
Questions?????

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