



Financial Exploitation Data Book: A Retrospective Look At Community Based Financial Exploitation in Oregon in 2013

Prepared by Rebecca Feters, The Office of Adult Abuse
Prevention and Investigations

OAAPI



September 10, 2014

Table of Contents

Executive Summary	3
Introduction	4
• Points to Remember	5
• Abbreviations	5
• Local Offices	6
The Complainants	8
• Bankers and Case Managers	9
The Victims	10
• Co-Occurring Abuse	11
• What is Taken	12
• Facility Non-Payment	13
• Medication Theft	14
The Perpetrators	16
• Professional Cons	17
• Fiduciaries	18
The Investigators	20
• Access to Evidence	22
• Law Enforcement Involvement	24
• Regional Variations	25
The Cost	27

EXECUTIVE SUMMARY

A Message from Our Director



In 2013, The Office of Adult Abuse Prevention and Investigations (OAAPI) released its first retrospective study of community based financial exploitation in the state of Oregon. The information contained in the report was based on Adult Protective Services (APS) investigations completed in 2011 and revealed some interesting facts about financial exploitation within our state. However, as a stand alone study, it was not possible to identify trends, variations, or one time anomalies in the data. And, as a first time venture, there were lessons learned and questions left unanswered.

In response, OAAPI has again closely examined the financial exploitation investigations conducted by APS in 2013 and offers the following findings as a means of more closely examining this very costly, prevalent, and disturbing form of abuse of our most vulnerable citizens.

Those of you who have read the 2011 version of this study will find much of this information familiar, but not all remains the same in Oregon. For example, while Financial Exploitation continues to be the most frequently investigated form of abuse in our State in 2013, it no longer holds the dubious distinction of being the fastest growing type of abuse investigated, having been replaced by Physical and Verbal abuse.

INTRODUCTION

Points to Remember When Reading This Report

In 2013, Financial Exploitation allegations increased by 18% over 2012 and represented 42% of all the abuse investigations conducted by Adult Protective services. These 3398 allegations were documented in 2929 individual reports. The discrepancy in numbers exists because one report may include multiple allegations, multiple victims, or multiple perpetrators. Of these 2929 individual reports, 623 were read and hand mined for the data included in this study.

As a reminder, Financial Exploitation continues to be defined under OAR 411-020-002 (1)(e) as:

Wrongfully taking, by means including but not limited to deceit, trickery, subterfuge, coercion, harassment, duress, fraud, or undue influence, the assets, funds, property, or medications belonging to or intended for the use of an adult;

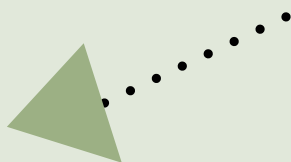
(B) Alarming an adult by conveying a threat to wrongfully take or appropriate money or property of the adult if the adult would reasonably believe that the threat conveyed would be carried out;

(C) Misappropriating or misusing any money from any account held jointly or singly by an adult; or

(D) Failing to use income or assets of an adult for the benefit, support, and maintenance of the adult.

Did You Know?

- If you witness or are aware of a situation that you believe meets the definition of Financial Exploitation, you should call your local APS office or call 1-855-503-SAFE.



INTRODUCTION

Points to Remember When Reading This Report

- ♦ Community based adult protective services generally involve the abuse or exploitation of individuals living in their own homes, apartments, or other non-licensed settings. However, some community investigations do involve reported victims living in facilities. These cases are considered community investigations when the reported perpetrator is not an employee or agent of the facility.
- ♦ The theft of “hours” referenced in the study generally involves privately paid (non-Medicaid) home care workers falsifying their pay records.
- ♦ The category of “free rent” involves reported perpetrators living with the reported victim without contributing to household costs while increasing overall costs to the victim. This would only be substantiated abuse if it were occurring without the victim’s consent, with a victim unable to provide consent, or as a result of undue influence.
- ♦ Case examples and quotes included in this document are from actual 2013 investigations and reports. Identity and minor details have been altered in the interest of confidentiality, but the circumstances in the stories remain accurate.
- ♦ Every effort was made to avoid the use of acronyms in this report, however, space constraints occasionally made it necessary. The following is a list of abbreviations you may encounter:

APS	Adult Protective Services	*Reported Victim and Reported Perpetrator are currently the terms used in the Oregon APS system to identify these parties in an investigation. They are used in this report for the purposes of consistency.
FE	Financial Exploitation	
LEA	Law Enforcement Agency	
MDT	Multi-Disciplinary Team	
NRCG	Non Relative Care Giver	
PoA	Power of Attorney	
RP	Reported Perpetrator*	
RV	Reported Victim*	

INTRODUCTION

Local Adult Protective Services Offices

Data in this report is often divided by Districts. Each District includes the following Counties:

District Number	Counties Included
1	Tillamook, Clatsop
2	Multnomah
3	Marion, Polk, Yamhill
4	Linn, Benton, Lincoln
5	Lane
6	Douglas
7	Coos, Curry
8	Jackson, Josephine
9	Hood River, Wasco, Sherman, Gilliam, Wheeler
10	Deschutes, Jefferson, Crook
11	Klamath, Lake
12	Morrow, Umatilla
15	Clackamas
16W	Washington
16CC	Columbia
17	Wallowa, Union, Baker Grant, Harney, Malheur

There are roughly 140 APS investigators located within these districts. Most conduct a combination of facility and community investigations, although larger counties may have staff that investigate within specialty areas.

Contact information for local offices may be located at:

<http://www.oregon.gov/dhs/spwpd/Pages/offices.aspx>

INTRODUCTION

The Philosophy of Adult Protective Services

Lastly, when reading this report, it is critical to both understand and remember the underlying principles and values of the Adult Protective Services Program. Although the primary focus of the APS process is on the health and safety of the reported victim, this is balanced with the duty to protect their right to self-determination. The fact that

someone is physically disabled or over the age of 65 does not, in and of itself, make them vulnerable or incapacitated.

[Case Example: Mr. A]

When Mr. A's 2013 case of FE came up in the random sample, it was quickly discovered that there had been numerous prior investigations of FE, dating back five years and involving Mr. A's grandchildren as the reported perpetrators.

The investigations involve multiple loans taken out in Mr. A's name, the diversion of Mr. A's government benefits, and obtaining credit and cell phones in Mr. A's name. The total loss to Mr. A over the years is conservatively \$14,343.23.

Despite stating that he is aware that his family is taking advantage of him, Mr. A declines the option of pressing police charges, utilizing representative payee services, or active participation in the APS investigation. Mr. A notes that he prefers to handle the matter himself and states that his grandchildren have enough problems without him making it worse for them by pursuing criminal or civil remedies to their actions.

As long as an individual has the cognitive capacity to understand the consequences of their choices and actions, and provided they are not being subject to the undue influence of others, they retain the authority and right to make those choices.

This remains true no matter how harmful or inappropriate those choices may seem to concerned family or community members. This is often a point of great frustration and APS staff frequently hear questions such as, "How can you allow this to happen?" and "Why can't you do something about this?" It is incumbent upon the APS investigator to assess cognitive capacity and the possibility of undue

influence during the course of their investigation. However, if the evidence indicates that an individual has the capacity to make their own choices and is doing so of their own free will, to attempt to infringe upon those rights would be well outside the scope of the APS process.

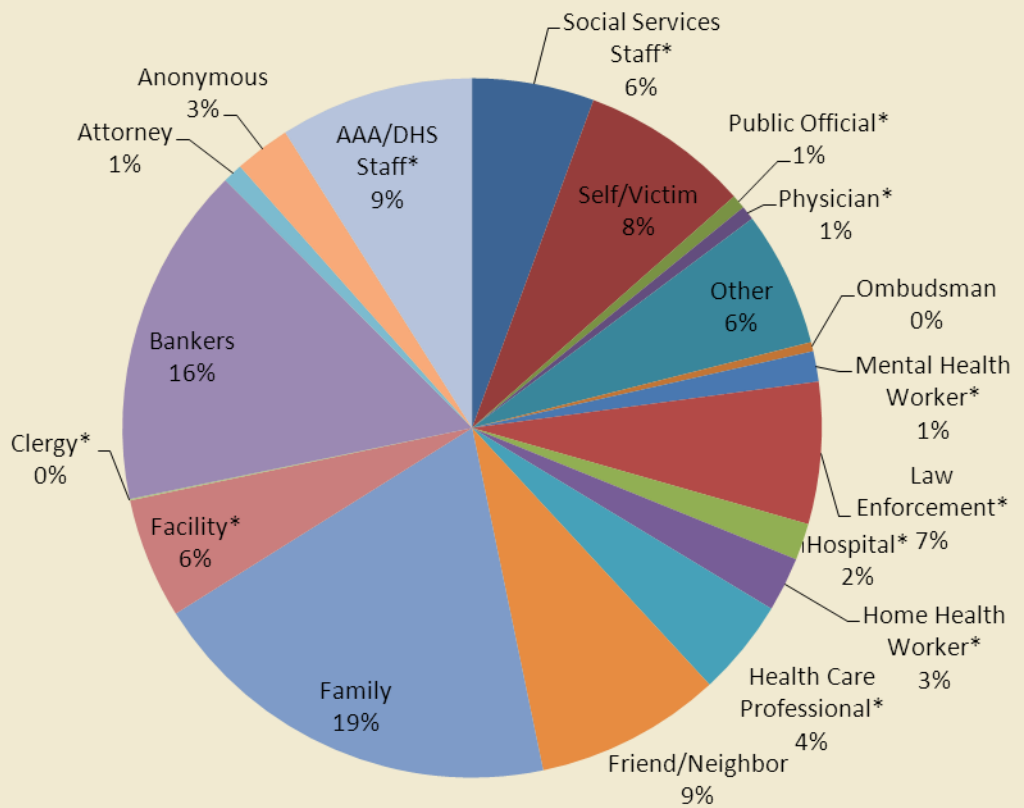
THE COMPLAINANTS

The 2013 OAAPI Financial Exploitation Data Book

Every investigation begins with the concern of a complainant. Without the calls, faxes, e-mails, and other forms of communication received from these individuals, APS would be unable to initiate an investigation or offer protective services.

In Oregon, there are many professionals who are mandated to report suspected elder abuse while acting in their official capacity. These are noted with an asterisk (*) in the chart to the right. However, these were not the most frequent reporters of Financial Abuse

in 2013. In fact, it is those with a non-mandatory duty to report who do so at least 60% of the time.



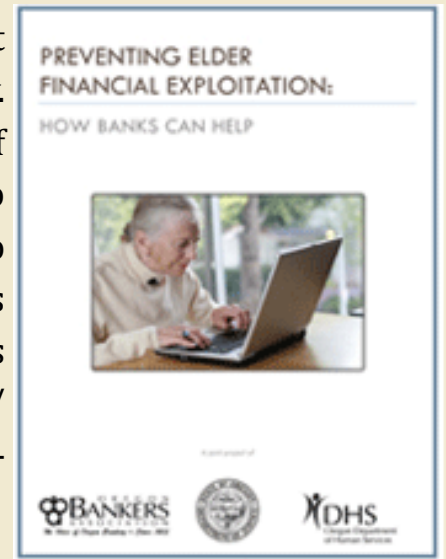
Data Drill Down:

- Just because something is reported to APS does not mean that it actually occurred or that its occurrence constitutes abuse. When *only substantiated allegations* of abuse are examined, the most frequent reporters are bankers followed by family and law enforcement.
- Victims self report only 5.7% of all substantiated financial exploitation cases, as compared to 15.2% of substantiated verbal abuse cases and 11.3% of substantiated physical abuse cases. Only substantiated neglect is self reported at a lower rate. There could be a number of reasons for this such as not wanting the perpetrator of the abuse to be in trouble, shame at being “scammed”, or an actual lack of awareness that the abuse is occurring.

THE COMPLAINANTS

A Closer Look At Bankers and Case Managers

As noted on the prior page, bankers tend to be the most frequent reporters of financial exploitation outside of family. They are in a unique position to see the warning signs of financial exploitation and should ideally receive training to recognize what they're seeing as something to be reported to APS. In an effort to do just that, DHS and the Oregon Bankers Association teamed up to create the Bankers Tool Kit. This product can be located at viewed at <http://www.oregonbankers.com/community/elder-exploitation-prevention>



[Case Example: Mrs. F]

Mrs. F moved to an assisted living in 2010. At the time she had the capacity to appoint her grandson as her Power of Attorney. Since that time she has experienced significant cognitive decline and can no longer remember who has her checkbook or manages her finances.

The facility became concerned when a payment for Mrs. F's care was returned for non-sufficient funds. When they contacted the grandson, he indicated that he would be applying for Medicaid since Mrs. F's resources were depleted.

When Mrs. F's grandson went to the local DHS office to apply for Medicaid to pay for his grandmother's care, the eligibility worker noted that he had sold Mrs. F's house in 2010 for \$200,000. The cost of her care, medication and other personal needs since that time had cost approximately \$100,000. The grandson was unable to adequately explain or provide documentation for the remainder of the funds, and ultimately advised the APS investigator that he had taken the money for his own use.

DHS and AAA eligibility workers and others in case management positions are also in a unique position to spot cases of financial exploitation, and specifically cases that might have a negative fiscal impact on Medicaid or other government funded benefit programs. In fact, of these types of cases seen in this year's sample, **72% were spotted and reported by these workers.**

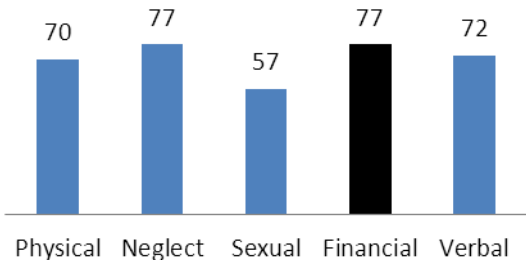
THE VICTIMS

General Demographics

Victims of financial exploitation are far more than numbers and graphs can adequately depict, but there are some general demographics that are important when trying to understand this complex issue. For example:

The average age of an individual who was found to have been the victim of financial exploitation in 2013 was 77. In comparison to victims of other types of abuse, this is the oldest age represented, tied only with victims of neglect. Victims of physical and verbal abuse were generally in their early 70's with victims of sexual abuse being substantially younger

with an average age of 57.

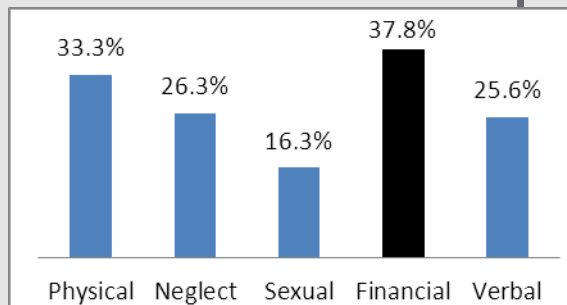


There were gender differences when looking at victims of financial exploitation as compared to other types of abuse. 37.8% of substantiated victims of financial exploitation were male, which is the highest male victim representation across all abuse types,

the lowest being victims of sexual abuse.

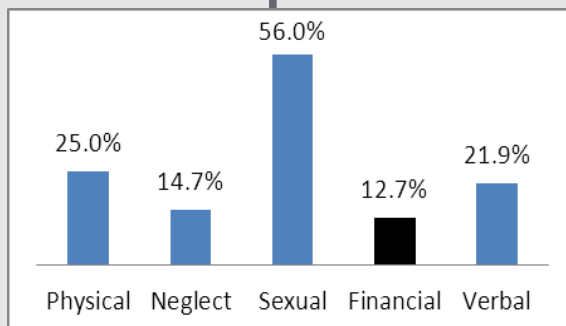
(See OAR

411-020-002 for abuse definitions.)



APS works with individuals over the age of 65 and with individuals ages 18-64 with physical disabilities. Across all community APS investigations in 2013, 21% of the cases

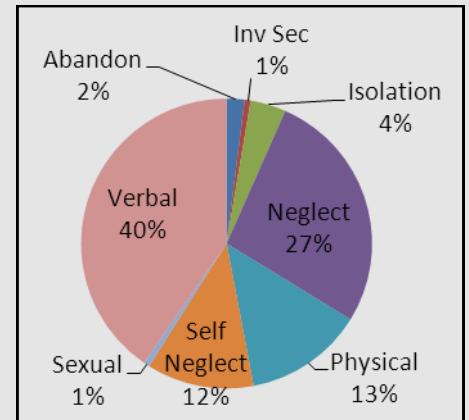
involved individuals with physical disabilities. However, when looking at victims of financial exploitation, there is a much lower representation.



THE VICTIMS

Co-Occurring Abuse

The issue of co-occurring abuse during financial exploitation investigations was not a data point that was explicitly noted when the 2011 study was completed, although it was evident that it was occurring. Thus, during the 2013 study, this data was specifically collected from the sample. It was found that roughly 17% of the cases involved a second allegation of abuse, most commonly verbal abuse, while an additional 3% involved two additional allegations.



Although it is difficult to obtain co-occurring abuse information for other abuse types from the current data system without hand mining, the data that is available indicates that the rate of co-occurring abuse may actually be higher in these other groups, approaching 27%.

[Case Example: Mrs. B]

Mrs. B is a 77 year old woman who recently relocated to OR from CA at the encouragement of her daughter. She is now living with her daughter and three grandchildren in a home on which she made the down payment. But things have not gone exactly as planned.

Mrs. B continues to make the house payment despite her daughter's assurances that she would do so. Mrs. B's daughter believes that the home should be transferred into her name as compensation for the work she has done to the home, but Mrs. B has confided in a family member that the work is not completed nor done well and that the grandchildren have caused substantial damage to the home including broken windows, doors, and holes in the walls. Mrs. B also pays \$600 per month toward food and purchased all of the furniture and appliances.

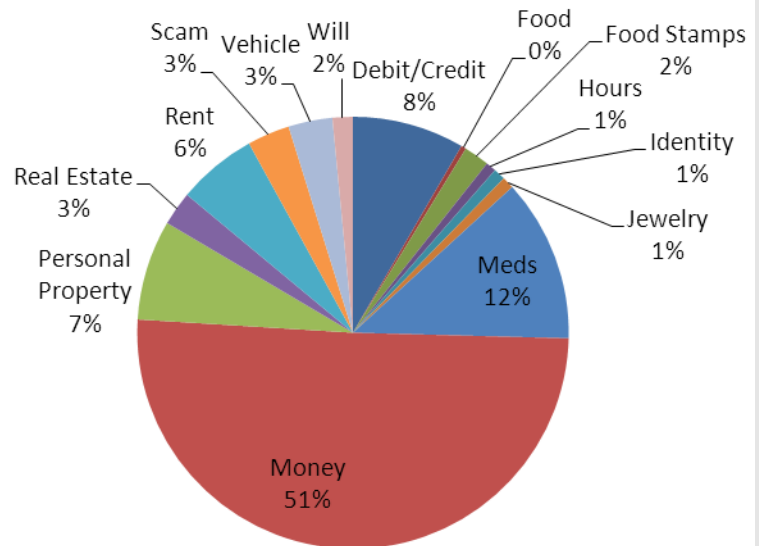
In addition, Mrs. B's grandchildren have proven challenging to live with. She often locks herself in her room in an effort to feel safe and has spent the night out in her car for the same reason. During a recent altercation with one of the grandchildren, Mrs. B was grabbed by the arm and thrown to the floor. Mrs. B reports that all of the grandchildren make demeaning comments to her, including calling her "crazy", and have threatened to shoot her dog.

Mrs. B was ultimately able to live in the home, still in her name, by herself, but stopped short of obtaining a restraining order against any of her family members.

THE VICTIMS

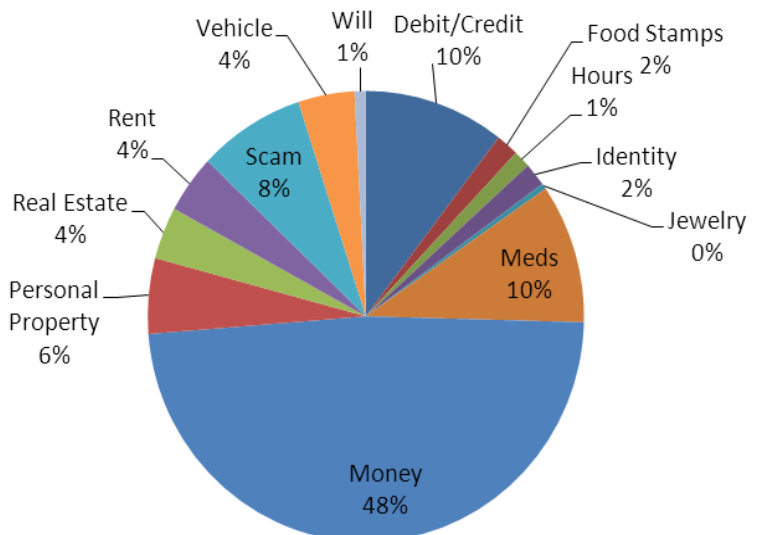
What is Taken From Them

The 2011 study let us know that financial exploitation in Oregon consists of much more than the theft of monetary assets. It can take many forms and that trend continued in 2013 with the alleged unauthorized use of debit and credit cards making up an even larger portion of this year's study. At the same time, the alleged theft of money (cash, bank and investment accounts) dropped from 60 to 51% of the sampled investigations. And, although it still remains a very small portion of the sample, pressuring someone to change their estate plan more than doubled in prevalence.



Data Drill Down:

- How does the picture of financial abuse alter when we look at only substantiated cases instead of all the investigations conducted? The trend away from the theft of money and toward the unauthorized use of debit and credit cards becomes even more evident, as does the vulnerability of this population to fall victim to professional scammers.



THE VICTIMS

Facility Non-Payment

A category not explicitly noted in the charts on the prior page is that of facility non-payment. In both studies this has been a sub-set of the “money” category as it generally involves the client’s money not being used on their behalf and instead being used by a third party for their own benefit. However, in reality this is a much more complicated issue that deserves a closer look.

In the 2013 sample, close to 20% of the reported victim’s lived in a facility. As previously noted, these cases are considered community investigations when the reported perpetrator is not an employee or agent of the facility.

Not all of the facility residents in the sample fell into the “facility non-payment” category, however, close to 30 were, which represents 4% of the overall sample. Extrapolated out to all FE cases, this is an issue that could impact as many as 133 individuals.

Of the substantiated (69%) victims of this type of exploitation, the average loss to them was **\$12,601**. If applied to all FE cases, this could amount to an annual loss of **\$1,146,691** that is absorbed by victims, their families, facilities, and the Medicaid system.

Case Example: Mr. M

Mr. M has lived in a memory care facility for close to a year. He has advanced dementia and is unable to manage his own finances, nor provide any information as to how they are managed. However, when he moved to the facility, his son signed paperwork indicating that he was the responsible financial party. Mr. M’s monthly cost of care is debited automatically from his checking account, but recently has been returned to the facility as having non sufficient funds. The facility is owed thousands of dollars and has issued a 30 day move out notice.

Mr. M’s son initially states that he was unaware that the facility was not being paid and had been using funds in the account for items that he felt Mr. M would wish to purchase such as gifts for his grand children. When he is presented with bank statements that show expenses for travel, gambling, restaurants and hotels that in no way benefitted Mr. M, he is alternately belligerent and remorseful but is unable to repay the missing funds.

THE VICTIMS

What is Taken From Them: Medication Theft

Did You Know?

- Seniors represent just over 13% of the population, but consume 40% of prescription drugs and 35% of all over the counter drugs
- On average, individuals 65 to 69 years old take nearly 14 prescriptions per year, individuals aged 80 to 84 take an average of 18 prescriptions per year.

-The Food And Drug Administration

The issue of medication theft remains an active one in Oregon. Although not dramatically more prevalent in this study than the last, it did increase slightly from 11 to 12% of the allegations and represents 10% of substantiated financial exploitation cases.

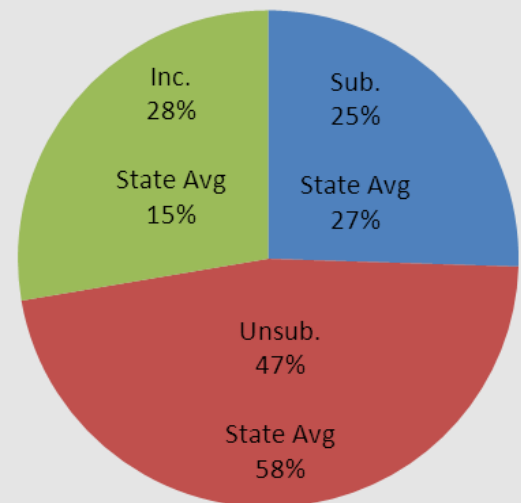
Unfortunately, medication theft continues to be a difficult type of abuse to investigate in a community setting, based in large part on the lack of documentation (such as that seen in facility settings) that monitors medication counts and administration.

Also a factor is the generally unsecured nature of medication in a private home. In

2013 substantiated outcomes of these cases decreased, but more significantly, the inconclusive finding rate remained significantly higher than is seen with other types of abuse cases.

When looking at specific perpetrator types, substantiated cases of medication theft were most frequently perpetrated by non-relative care givers. However, when all family relationships were combined (daughter, granddaughter, son, grandson, sibling and spouse) they accounted for 50% of the cases.

Individuals with physical disabilities are represented at a higher rate in this theft type group than they are in other investigation types. While they comprise only 12.7% of all financial exploitation cases, they make up 31% of the medication theft cases.



THE VICTIMS

What They Have to Say

When asked if victim knew who might be taking the medication:

Yes, there is someone I suspect, but I depend on him. Please do not talk to him about this; I really don't need him mad at me right now. I'm not feeling well and have to rely on him to get me to the doctor.

If he just got a job, I wouldn't have to help so much. I've already given around \$20,000. This time he started screaming at me and wouldn't leave. We fought about it, but then I just gave in.

When asked why victim had previously denied that abuse was occurring: ***Why? It's complicated, but when you reach my age, you just choose to put up with the little things to keep the peace.***

My granddaughter has been guilt tripping me and pressuring me for money. It always comes back to playing on the kids. I don't want my great grandchildren to go into foster home and she keeps reminding me of that.

First APS investigation: ***This is harassment and a violation of my privacy. There is no theft or fraud. This person and I are in a relationship and this is no one's business but mine.***

Second APS Investigation two months later: ***I feel so stupid. I signed my house and car, everything, over to this person. I only knew this person four months. I was just so lonely.***

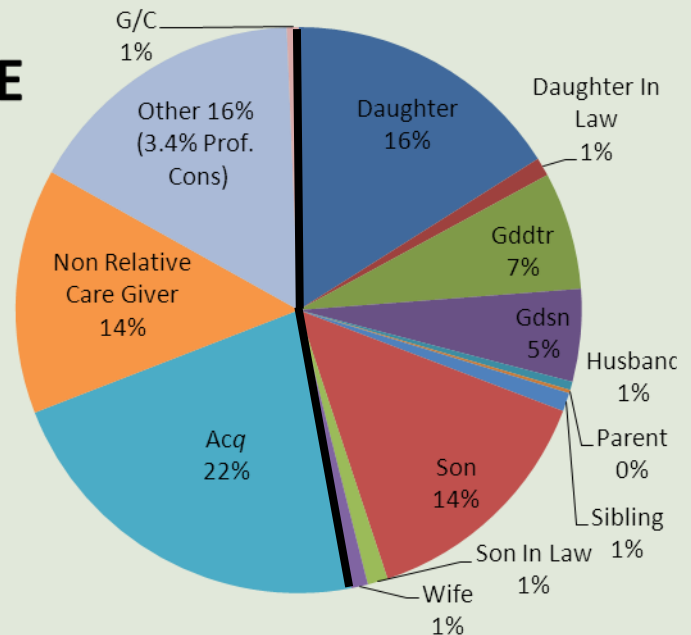
This whole thing shakes me to the core. Whom can we trust?

THE PERPETRATORS

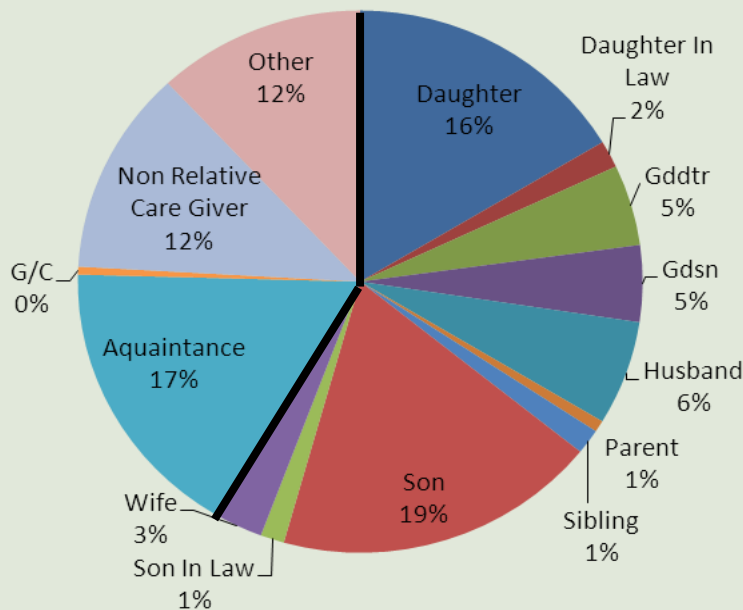
Who Are They?

This year's study confirms what the prior study, as well as most other studies of financial exploitation tell us, that perpetrators of this type of abuse are often a family member of some sort. In 2013, 50% of all alleged and **46% of all substantiated financial exploitation was committed by someone with a familial relationship.**

FE



ALL ABUSE TYPES



What is important to note, however, is that this is not exclusive to financial exploitation and, in fact, is actually less common in financial cases than other abuse types. In 2013, **substantiated perpetrators of all types of abuse were comprised of 59% family members.**

It is important to remember that, although not family, most perpetrators have a trusted relationship with their

victim. **Less than five percent of the sample were victimized by someone who was truly a stranger, i.e. someone previously unknown to them.**

Data Drill Down:

There is surprisingly little difference between family and non-family perpetrators when it comes to what is taken.

- Both take money most frequently, 69% and 72% of the time respectively.
- The average substantiated loss to the client is \$21,219 when the perpetrator is a family members vs. \$21,265 when the perpetrator was a non-family member.

THE PERPETRATORS

The Professional Con

Of the cases sampled, approximately 5% were professional scams and cons. These cases vary from other financial exploitation cases on many levels.

- Substantiation rates are 80% vs. 29% for all other FE types.

[Case Quotes]

- *"I'm not stupid; I know there are scams out there. But I decided to go ahead and see if there really was some money in an inheritance that I could get." - Victim who sent \$6,500 to Nigeria*
- *"I've been a victim of scams in the past, but haven't sent any money for months. I did recently deposit checks in my account that were fraudulent and am now getting threatening e-mails from the FBI." -Victim who had to apply for Medicaid to pay medical bills as a result of fraud loss*
- *"He seemed like a nice young man. I thought I was helping get magazines to veterans overseas." -Victim who later had her ATM card used to withdraw all the money in her*

- Reported perpetrators are rarely known by name or able to be interviewed.
- Based on the sample, the revictimization rate is nearly five times higher than other FE victims.
- This is a type of financial exploitation that fits relatively easily into a criminal framework for law enforcement. These cases in the sample had some level of law enforcement involvement 80% of the time.

In addition to the above variations, the 2013 study shows:

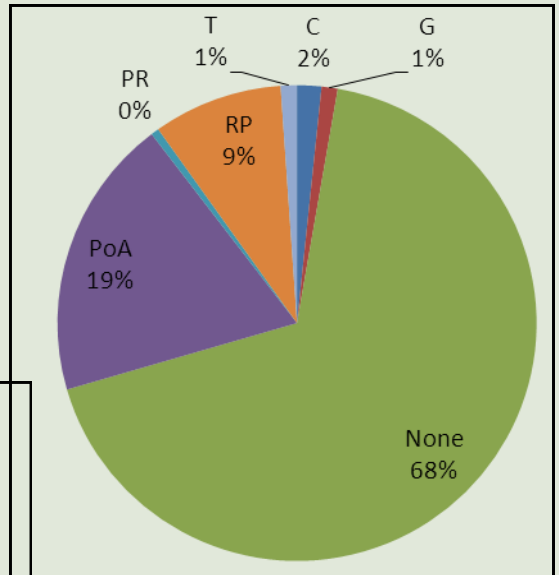
- The victims lost an average of \$17,664 per case. Some, as noted in the "Case Quotes", needed to apply for Medicaid following the fraud while others took out loans to send the scammers.
- Scams in this sample originated in Jamaica, Nigeria, The Czech Republic, Malaysia and the local community. Vehicles such as the phone, internet, mail and door to door visits were all seen.
- Bankers are well trained and situated to spot this abuse, accounting for reporting 40% of all substantiated cases.

THE PERPETRATORS

The Fiduciary Relationship

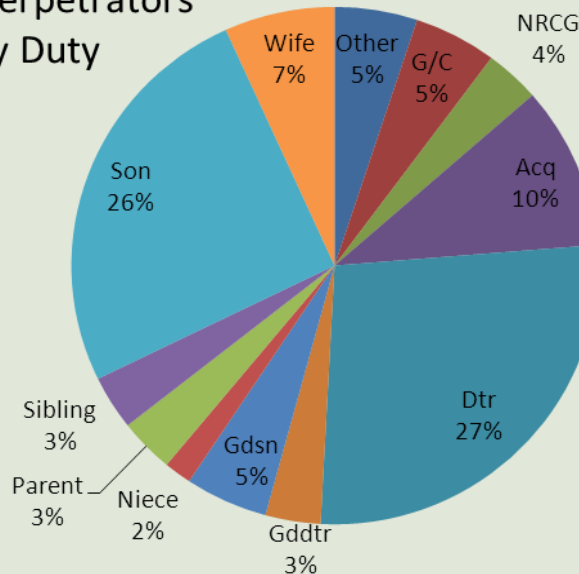
33% of all the of the substantiated perpetrators in the 2013 sample had a fiduciary relationship with their victim, up from 25% in the prior study.

For the purposes of this study that could mean they were acting as a Power of Attorney, Guardian, Conservator, Trustee, Representative Payee for government benefits, or as Personal Representative of an estate.



While individuals with a familial relationship make up 46% of all substantiated financial exploitation, they made up 85% of the substantiated cases in which the perpetrator had a fiduciary duty. In other

Substantiated Perpetrators With A Fiduciary Duty to their Victim



words, in addition to being related to the victim, they had also assumed a duty and responsibility for the management of some or all of that victim's assets and/or income.

Did You Know?

- The Uniform Power of Attorney Act was passed in 2006 in an attempt to increase Power of Attorney consistency across states and increase protections for incapacitated individuals.
- The Act applies only to financial PoAs, not medical.
- The Act is only applicable in a state if it has been adopted into state law.
- As of July, 2014, fourteen states had adopted the Act with another four having it introduced to their legislature to do so. Oregon is not yet one of those states.

- The Uniform Law Commission

THE PERPETRATORS

What They Have to Say

Had we known that using mom's money was a problem we wouldn't have. We didn't see this as taking her money because she didn't see it that way. She has always given us money.

When PoA was asked why payments to the facility for grandmother's care were not made: "I've had a lot going on in my personal life and have gone through a divorce. I just let payments from the facility slide. I did use about \$20,000 of her money for myself during that time and haven't paid it back yet, but I did do a promissory note."

I thought this was all resolved. Can't the State just leave me alone? This is harassment. I produced the documentation you all wanted, but I don't have receipts for everything.

I don't work for the State so I don't have to keep receipts for the money I spend from his account.

I had planned to move into Ms. D's home to be her caregiver. That didn't work so I became her PoA. I did this because her kids were taking financial advantage of her. I used \$80,000 of her money but it was with her permission. There is no written contract or agreement, just verbal. Ms. D felt I should be rewarded for taking care of her before she went to the facility. I was really misguided and misinformed. I was of the impression that once her money was gone, she'd qualify for Medicaid. I didn't realize there would be a question about where her money went.

I have Power of Attorney so I can say "yes" or "no" to just about anything.

I feel like everyone thinks I'm the bad guy, but I took care of my dad for many years and you don't know how hard that was. I never took a dime of his money for myself.

THE INVESTIGATORS

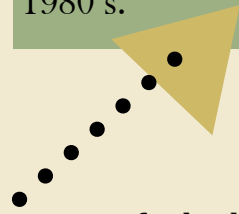
Oregon has high expectations of its Adult Protective Services staff. They are mandated to respond quickly to the calls of concern received in their offices, assuring first and foremost the safety of the reported victim. They are charged with investigating allegations of abuse, often complicated by witnesses who are unwilling participants in the process, complex and long standing personal and family dynamics, and limited authority to obtain evidence or cooperation. They frequently enter victim, perpetrator, and witness' private homes unannounced and often unwelcome, and encounter challenging if not dangerous environments along the way. When this process is complete, they are asked to write a report that is detailed enough to withstand the scrutiny of law enforcement, administrative law judges, probate courts, and other parties while still maintaining the confidentiality of the participants in the investigation. For community APS investigations, this should all occur within 120 calendar days.

APS services are provided in 16 districts throughout the state, some of which may have multiple offices. Some local offices are operated by the Department of Human Services and others are operated by local Councils, Area Agencies on Aging or Counties under a contract with the Department of Human Services.

In addition to investigating allegations of community based financial exploitation, local APS staff are also responsible for investigating allegations of abandonment, verbal and emotional abuse, physical abuse, neglect, wrongful restraint, involuntary seclusion, sexual abuse, self neglect and abuse taking place in licensed care settings. In 2013, local APS staff investigated over 14,000 such allegations.

Did You Know?

The history of Adult Protective Services on a national level dates back to 1960 when the National Council on Aging conducted a study on adult abuse issues. By 1981 all states had some mechanism to provide protective services to vulnerable adults and a decade later, 42 had mandatory reporting laws. Oregon's Adult Protective Services system can be traced back to the early 1980's.



THE INVESTIGATORS

Investigating Financial Exploitation

Each type of abuse investigated by APS has its unique characteristics and complexities. However, APS staff have often noted that financial exploitation cases tend to take the longest. This may be due to time spent waiting for requested documents and letters to arrive. It may be due to the time it takes to review and analyze that information. Whatever the reason, 2013 data confirmed that ***the average financial exploitation case takes 26% longer to complete than other abuse investigations.***

Did You Know?

All of the Oregon Administrative Rules that govern the Adult Protective Services investigative process may be located at:
http://www.dhs.state.or.us/policy/spd/rules/411_020.pdf

Financial exploitation cases are ***substantiated at a slightly higher rate than other community abuse types (28% vs 27%).*** The Oregon Administrative Rules that govern investigations indicates that an investigation is substantiated when the preponderance (majority) of the evidence gathered and analyzed indicates that the allegation is true.

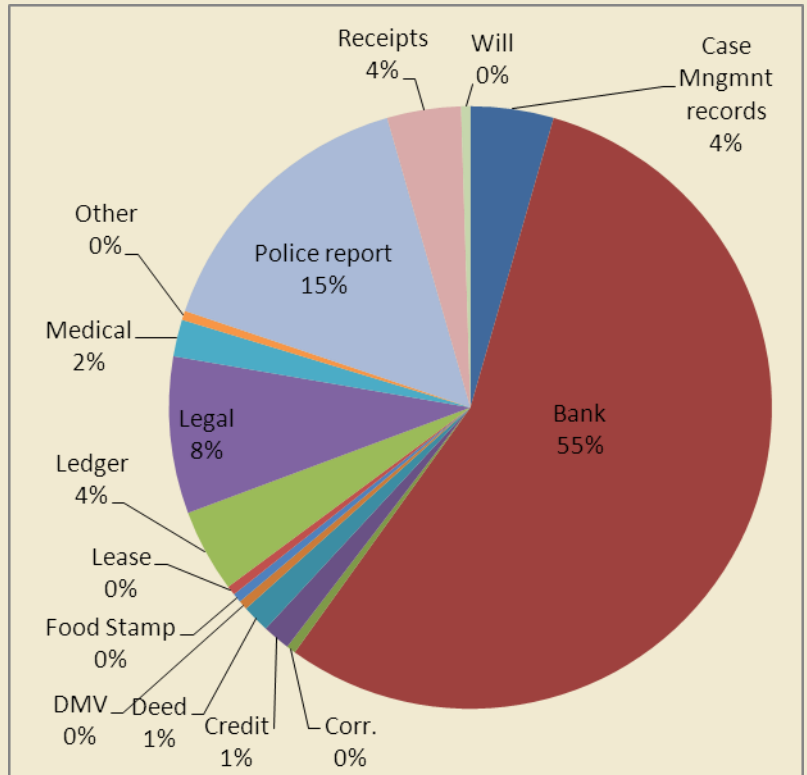
• • • • •
Financial exploitation cases also tend to have a ***higher rate of inconclusive findings (20% vs 15%).*** Inconclusive means that after a careful analysis of the evidence gathered in an investigation, a determination of whether wrongdoing occurred cannot be reached by a preponderance of the evidence.

As with all types of abuse, the Oregon Administrative Rules requires that investigations are conducted in an professional, objective, and complete manner. Complete means that all parties to the investigation such as reported victims, reported perpetrators and witnesses with knowledge of the allegation have been interviewed. This is often easier said than done. While ***95% of all reported victims were available for interview in the sample cases, it was only possible to interview the reported perpetrators 60% of the time.*** They were often unable to be located, unwilling to participate in the process, or simply unknown to the victim and investigator.

THE INVESTIGATORS

Investigating Financial Exploitation: Access to Evidence

Conducting a complete and thorough investigation also means that all available or relevant documentary or physical evidence has been obtained and reviewed. Not surprisingly, in financial exploitation cases, this very often means bank or investment records. However, this is not exclusively the case. Receipts, ledgers, estate documents, and other sources of information can prove equally as valuable. Such records were available to investigators in 33% of the cases sampled, essentially unchanged from the prior study.



The value of some level of documentary evidence cannot be understated when it comes to financial exploitation investigations. When such evidence is available, substantiation rates not only rise, but inconclusive rates drop by nearly 36%.

Although very difficult to assess, it appeared that in 14% of the sample cases in which records were not available, access to them likely would have changed the outcome of the investigation.

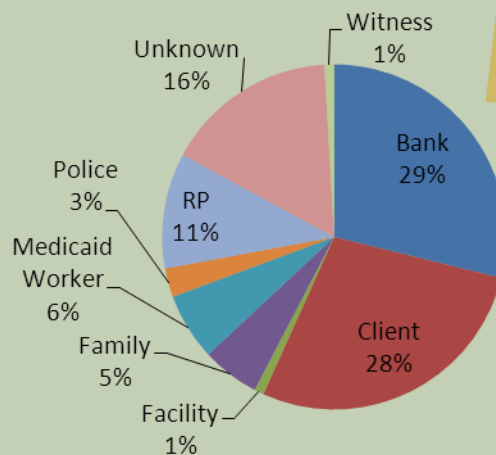
	Substantiated	Unsubstantiated	Inconclusive
All Community APS	27%	58%	15%
All FE Cases	29%	51%	20%
All of Sample	30%	51%	19%
Sample with Records	47%	39%	14%

THE INVESTIGATORS

Investigating Financial Exploitation: Access to Evidence

Data Drill Down:

- How do investigators gain access to financial records? Very often it is the reported victim themselves that provide the records or consent to the investigator obtaining them. Similarly, it can be the reported perpetrator who provides the records as evidence that they did not commit the abuse of which they are accused.



The importance of access to financial records has not gone unnoticed. In 2012 the legislature adopted HB 4084 which allowed APS to work with law enforcement to obtain a subpoena to access records in cases where a victim is incapable of authorizing access. In the course of case review, however, there was only one case in the sample where it was evident that this had occurred.

It is reported that limited resources at the law enforcement level make it difficult for them to accommodate the number of requests that could be made by APS for assistance.

Local APS staff also report that law enforcement often has to prioritize their efforts and thus are generally only able to assist with a subpoena for cases that appear to rise to the level of a crime. This creates something of a catch-22 for investigators since it is difficult to make a compelling case to law enforcement that a crime may have been committed without the documents to begin to make the case.

However, local APS staff also report that this comprises less than 5% of their perceived barriers to obtaining evidence, a much larger portion (54%) being attributed to banks choosing not to honor signed releases of victims/customers or being unwilling to share records even when they are the reporting complainant.

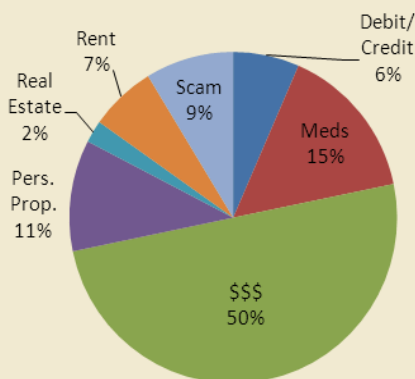
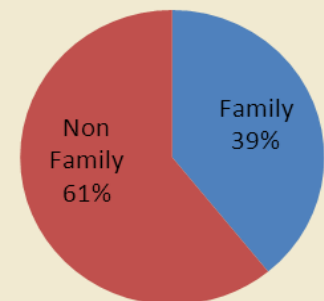
THE INVESTIGATORS

Investigating Financial Exploitation: LEA Involvement

The involvement of law enforcement in financial exploitation cases is not only necessary for the purposes of obtaining records, but also for holding substantiated perpetrators accountable for their actions. In this year's study, 28% of the cases sampled had some level of law enforcement involvement, up from 24.1% in the 2011 study.

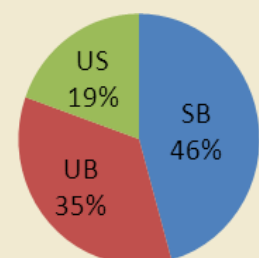
Per Oregon Administrative Rule, APS investigators are required to cross report to law enforcement at the point in an investigation that they have reasonable cause to believe a crime may have been committed. In 16% of the cases sampled, such referrals were documented to have occurred.

In a number of the cases pulled for this study, law enforcement declined to pursue a case referred by APS, feeling that the matter constituted a domestic or civil dispute rather than a crime. This is most frequently seen in cases where there is a familial relationship between the alleged victim and perpetrator. In fact, law enforcement is nearly twice more likely to get involved in a case when the alleged perpetrator is not family.



When law enforcement does work with APS on a case, it tends to involve the theft of financial assets, with medication and personal property theft well represented in the sample as well.

The positive effect of having law enforcement involved in a case is evident when looking at substantiation rates, which increase by 58% (29 vs 46%) when compared to other financial exploitation cases.



THE INVESTIGATORS

Regional Variations

There are regional variations in data throughout our state, and some notably large ranges in substantiation rates, access to record rates, and loss amounts. And, while we typically expect that Multnomah County (District 2) to have a large percentage of the cases that are investigated in the state, in 2013 they exceeded the 65+ percentage of their population. In every District, money was the most commonly investigated type of exploitation.

District	Number of Staff (average)	FE Cases in 2013	% of State FE Cases	% of 65+ in OR	Substantiation Rate	Access to Records	Avg. Amount of Loss	Most Common RP Relationship
1	2	64	2%	2%	14.1%	15.8%	\$9,532	Non Relative Care Giver (NRCG)
2	30	704	21%	15%	30.7%	32.9%	\$45,011	Acquaintance
3	9	432	13%	12%	26.6%	30.6%	\$14,648	Daughters
4	8	98	4%	7%	30.6%	20.8%	\$21,387	Acquaintance
5	10	342	10%	10%	23.4%	32.6%	\$5,916	Daughters
6	7	145	4%	4%	23.4%	48.4%	\$11,301	Acquaintance
7	6	157	5%	4%	22.9%	37.5%	\$8,081	NRCG
8	14	314	9%	10%	24.2%	24.1%	\$26,868	Acquaintance
9	3	93	3%	2%	45.2%	45.0%	\$11,001	Acquaintance
10	7	141	4%	6%	19.9%	34.3%	\$11,721	Daughters
11	4	150	4%	2%	32.0%	50.0%	\$10,628	Daughters
12	3	91	3%	2%	24.2%	50.0%	\$15,093	NRCG
15	9	359	11%	10%	42.6%	26.2%	\$12,029	Sons
16	10	154	5%	10%	32.5%	40.0%	\$11,939	Sons & Dtrs (Tie)
16CC	2	21	1%	1%	23.8%	20.0%	Ins. Data	Daughters
17	6	73	2%	3%	24.7%	29.2%	\$11,624	Acquaintance

THE INVESTIGATORS

What They Have To Say

A troubling issue is the police have to prove beyond a reasonable doubt that the abuse occurred, then sell it to a jury. Unless it's a rock solid case the DA is hesitant to prosecute. So, we see perpetrators of abuse getting away with it. It's sad and expensive for our society.

The idea that our elders who have been financially exploited are sick more often or die earlier than their peers who have not been similarly victimized has always been a striking statistic for me - this is NOT just a property crime or victim-less crime.

Our clients are embarrassed and ashamed to the point of not wanting anybody to know. Not the bank or family members. I have had 1 client who accepted counseling from our mental health specialist to deal with the trauma.

This is going to be one of those cases that the more you dig, the uglier it is going to get.....

It's clear to me that something has occurred in the past with this family, which I believe is the reason for none of the kids caring that their mother is being mistreated by their sibling.

In many of my cases, the effects on our vulnerable adults manifests in poor health, fear to continue living alone, and the devastation of learning that a loved-one has perpetrated a crime that impacts trust and on-going family relationships. In one case, my client had nightmares of such significance, she moved in with her son and daughter-in-law when her favored granddaughter took all of her \$25,000.00 in savings - truly her life savings.

We have a monthly meeting with all of the bankers in the area. The bankers discuss concerns with customers and we consult on the possible signs of abuse. We have also conducted trainings at a local CPA's office. This contributes to our high reporting rate.

THE BOTTOM LINE

Doing the Math

While most people would likely agree that financial exploitation is “wrong” or “bad” many might also feel that it doesn’t impact them directly. But, in fact, the fiscal impact of this abuse type affects us all.

Based on analysis using the current data collection system, approximately 3% of the cases in the sample were noted to have a negative fiscal impact on the Medicaid system or some other government funded entity such as food stamps or the VA. The total loss to the system attributed to this portion of the sample cannot fully be calculated due to limitations in documentary evidence, but would be no less than **\$407,000**. Extrapolated out to all 2013 FE cases that would conservatively equal **\$1,882,267**.

Did You Know?

For each case of financial exploitation that reaches the attention of APS or other authorities, an estimated 44 cases went unreported.

-The New York State Elder Abuse Prevalence Study

While not all financial exploitation has a direct, immediate, or documentable impact to government funded programs, the loss to the individual victim cannot be ignored and quite possibly does lead to a need for government assistance at a later date.

If this study, is applied to these numbers, the annual impact to Oregonians of Financial Exploitation is

20% of the sample experienced substantiated financial exploitation for which it was possible to assign a specific dollar amount, although in many cases this amount is grossly under-representative of the actual loss. That said, the total for these individuals in 2013 exceeded **\$3,189,121** with the average loss for these cases being **\$24,915**. If this average is applied to all 969 of the substantiated case of financial exploitation in **Oregon** in 2013, and we assume that 48% of those involve the theft of money, the loss reaches a staggering **\$11,585,475**.

439,257,487

HOW TO GET INVOLVED

Be Part of the Solution

Familiarize yourself with the warning signs of financial exploitation by visiting:

⇒ http://www.preventelderabuse.org/elderabuse/fin_abuse.html

Or call your local APS office or OAAPI for additional resources and information or to request a presentation for your agency or organization.

Know how to report abuse by visiting:

⇒ <http://www.oregon.gov/DHS/abuse/Pages/report.aspx>

Or call 1-855-503-SAFE

Are you a mandatory reporter? Find out by visiting:

⇒ <https://apps.state.or.us/Forms/Served/de9373.pdf>

Educate yourself, your agency and your co-workers about the mandatory duty to report using the Mandatory Reporting brochure located at the above link.

Are you an elder law attorney, bank employee, notary, realtor, case manager or other professional that has frequent contact with individuals appointed as Power of Attorney for an elder? Consider distributing this guide to individuals you encounter that have been placed in a position of responsibility for someone else's assets:

⇒ <http://www.consumerfinance.gov/blog/managing-someone-elses-money/>

Do you or someone you know have medications, cash or other valuables in easily accessible, non-secure locations? Whether you or someone you know are living at home or in a licensed care setting, obtaining and utilizing a lock box, safe or locked medication dispenser will go a long way toward preventing the theft of pills, debit/credit cards, cash and other items. A quick internet search or call to your local DHS office, senior center, or police department should provide you with any number of resources for such products.