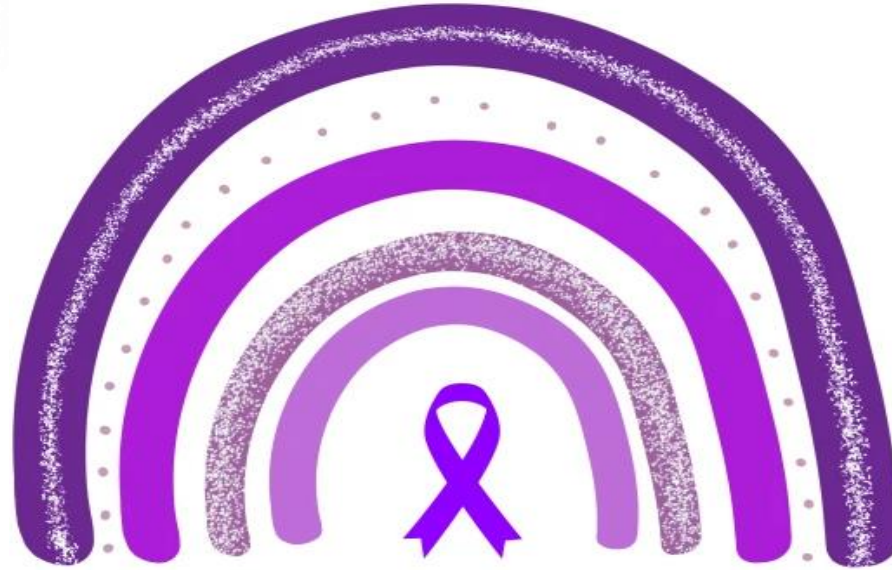


# Hidden Crimes. Hidden Victims. *(Working with Older Adults in Ohio)*



**Presented By:**

**The Elder Justice Unit –**

**The Ohio Attorney General Office**



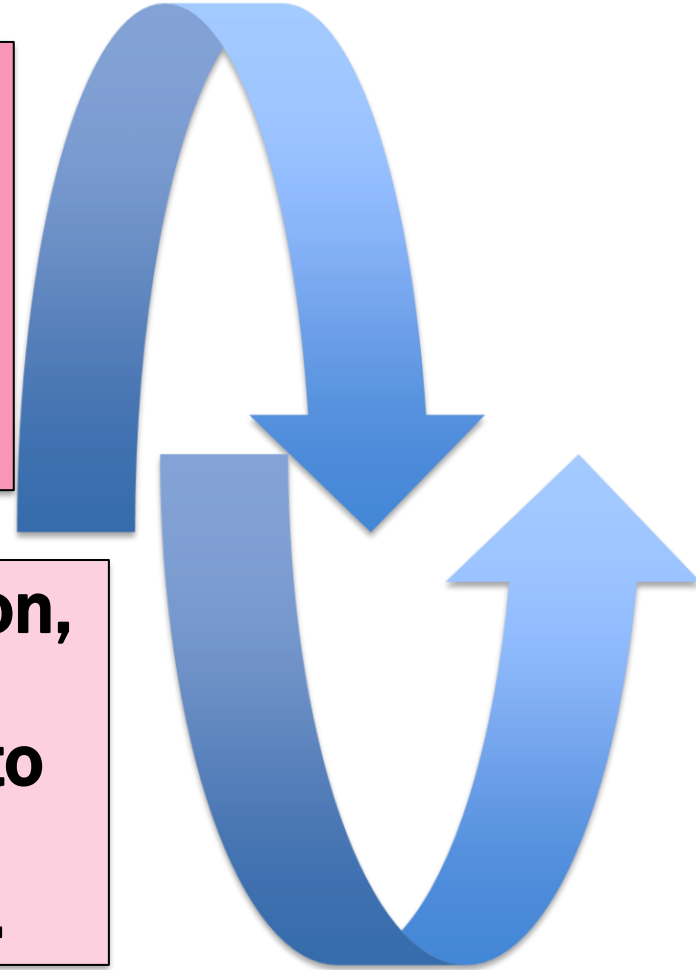
**DAVE YOST**

OHIO ATTORNEY GENERAL

# HOUSEKEEPING

**The terms “victim”, “survivor” and “alleged victim” are all used to describe an individual who has been affected by crime.**

**During this presentation, terms will be used interchangeably due to diverse cultural populations.**



# IMPORTANT FACTS

1 in 10  
older  
adults will  
be victims  
of elder  
abuse

Ohio has  
the 7th  
largest  
elder  
population  
in the USA

Cybercriminals  
steal at least  
\$40 billion  
yearly from  
older adults in  
the US

# **THE ELDER JUSTICE UNIT (EJU)**

- ▶ **Established in 2014 for Ohio's complicated system**
- ▶ **From 2014 - 2023, EJU has;**
  - ▶ **assisted with more than 2,854 cases,**
  - ▶ **trainings with public/professionals, reaching:**
    - ▶ **2022-> 3,160 attendees**
    - ▶ **2023-> 3,402 attendees**
- ▶ **Provide leadership**
- ▶ **Advocate for funding & programming**
- ▶ **Improve victims' access to services**
- ▶ **Increase collaboration among systems & partners**
- ▶ **Liaison & peer support to state and local partners**

# **ELDER ABUSE TYPES**

**Physical Abuse**

**Sexual Abuse**

**Emotional Abuse**

**Exploitation: Financial & Human**

**Neglect by Others: Including abandonment**

**Self-Neglect**

# OHIO'S STRUCTURE

**Adult  
Protective  
Services  
(community)**

**Law  
Enforcement  
(anywhere)**

**Long-Term  
Care  
Ombudsman  
(facility)**

# REPORTED

- ▶ Abuse is rarely reported
- ▶ Only 1 in 24 cases are reported to authorities



# THE CALL

- ▶ **Call 1-855-OHIO-APS (1-855-644-6277)**
- ▶ **Contact your county Job and Family Services office (Adult Protective Services)**
- ▶ **<https://aps.jfs.ohio.gov>**

**Ohio**

Department of  
Job and Family Services



# CONTINUED...

- ▶ After hours or if you feel that someone is in immediate danger, call local law enforcement immediately.
- ▶ **To report incidents of abuse in long-term care facilities, contact the Ohio Department of Health's complaint hotline online or by calling 1-800-342-0553. You may also contact the Office of the State Long-Term Care Ombudsman.**



MANDATED  
REPORTING

MANDATED  
REPORTING

# ORC 5101.63

Any mandatory reporter who has reasonable cause to believe that an adult is being abused, neglected, or exploited; or is in a condition which is result of abuse, neglect, or exploitation shall immediately report to the County Department of Jobs and Family Services or the local designated Adult Protective Services agency.

- ▶ ONLY A SUSPICION IS REQUIRED
- ▶ Immune from civil/criminal liability

# FAILURE TO REPORT

- ▶ **Penalty for not reporting:**
- ▶ **ORC 5101.99 –**
  - ▶ finer up to \$500.00 and
  - ▶ guilty of a misdemeanor of the fourth degree
- ▶ **Licensing board disciplinary action**



# THE ROLE OF APS



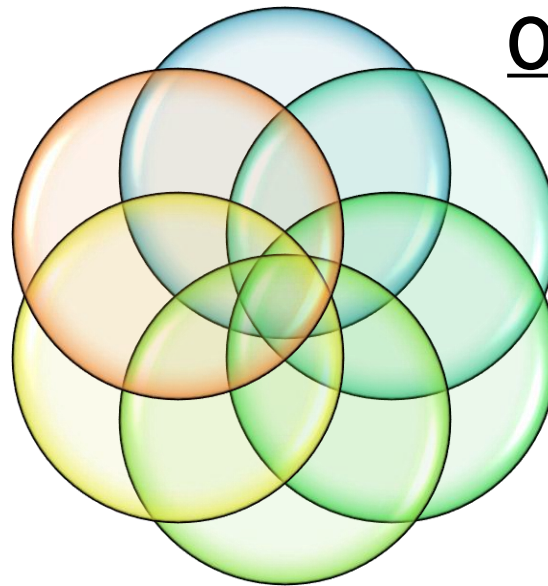
# ADULT PROTECTIVE SERVICES

(APS)

Adult has  
the right to  
refuse  
services

ORC 5101.60 - .73

Autonomy/self-  
determination



Not a  
criminal  
investigation

Primary mission  
is to put services  
in place

# SCREENING REFERRALS

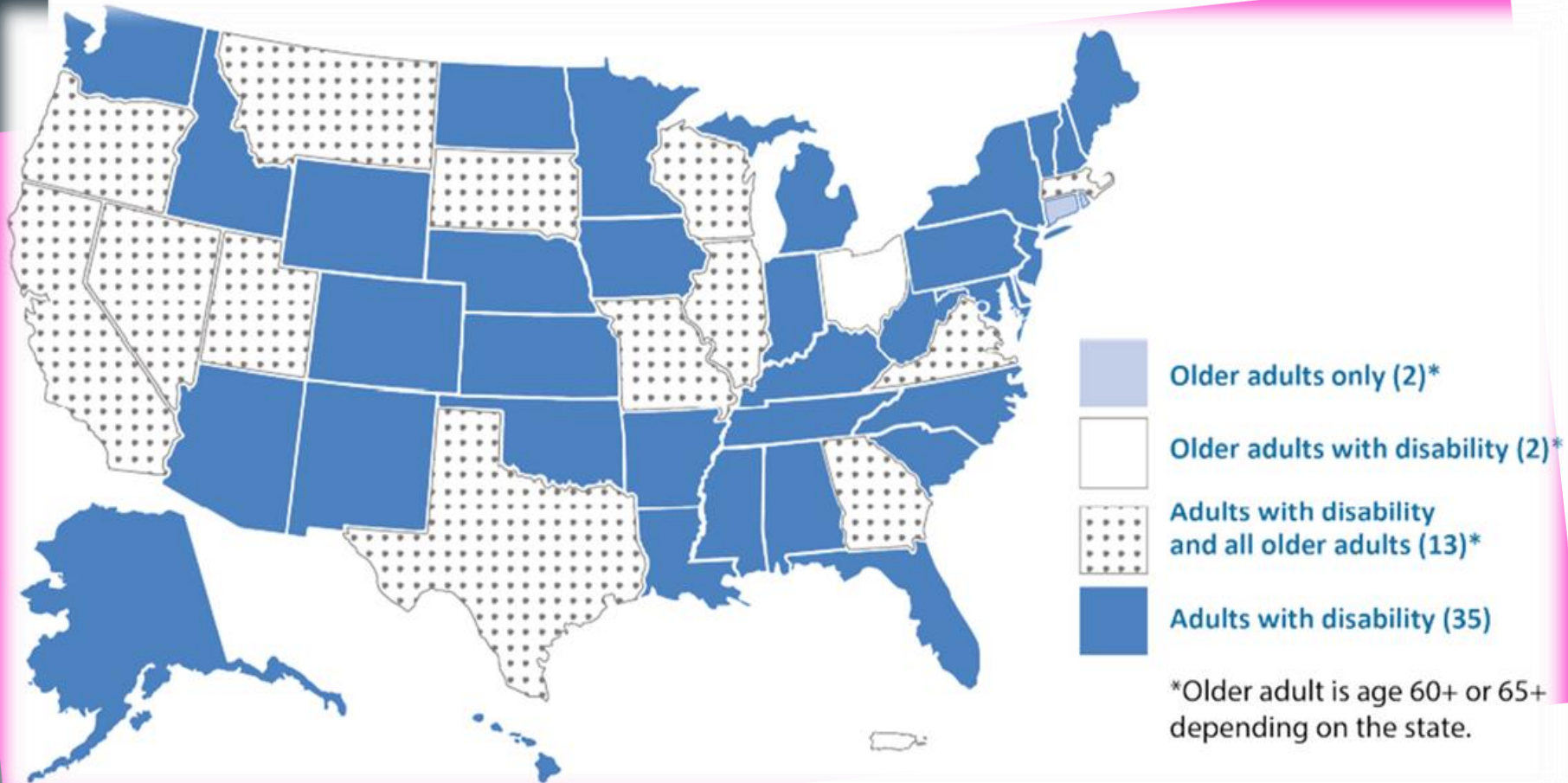
**Case Acceptance-** assist adults who are in danger of harm, unable to protect themselves and have no one else to assist them

## **Age 60 and....**

- 1. Must have an impairment and/or be disabled**
- 2. An allegation**
- 3. Must reside in the community**

# APS ELIGIBILITY BY STATE

DEPARTMENT OF JUSTICE DEPARTMENTAL ETHICS OFFICE





# DATA FOR SFY 2022

- ▶ Data from all 88 Ohio county APS departments
- ▶ A total of 36,016 were referrals received
  - ▶ Self-Neglect- 16,234 referrals
  - ▶ Exploitation- 9,545 referrals
  - ▶ Neglect by Others- 6,534 referrals
  - ▶ Emotional Abuse- 3,858 referrals
  - ▶ Physical Abuse- 2,791 referrals
  - ▶ Sexual Abuse- 205 referrals
- ▶ 1 worker per county

# I-TEAMS

- ▶ **Interdisciplinary Teams**
  - ▶ **ORC 5101.621**
- ▶ **There are mandated participants**



# WHEN THEY SAY “NO”



# AMERICAN PHILOSOPHY

## Autonomy- the right to make one's own decisions:

- ▶ The highest principle in legal, psychological & medical issues
- ▶ Adults are allowed to make bad decisions
- ▶ Adults are presumed to have capacity until determined otherwise

## Decision-making is taken away only when it is proven that one does not have capacity



# CAPACITY

- ▶ **ORC 5101.60**
- ▶ **Determined by a clinician based on the adult's ability to demonstrate specific knowledge or task**
- ▶ **Determined in medical setting**
- ▶ **No immediate judicial oversight**
- ▶ **Can fluctuate with different factors**
- ▶ **An evaluation can be used in court**

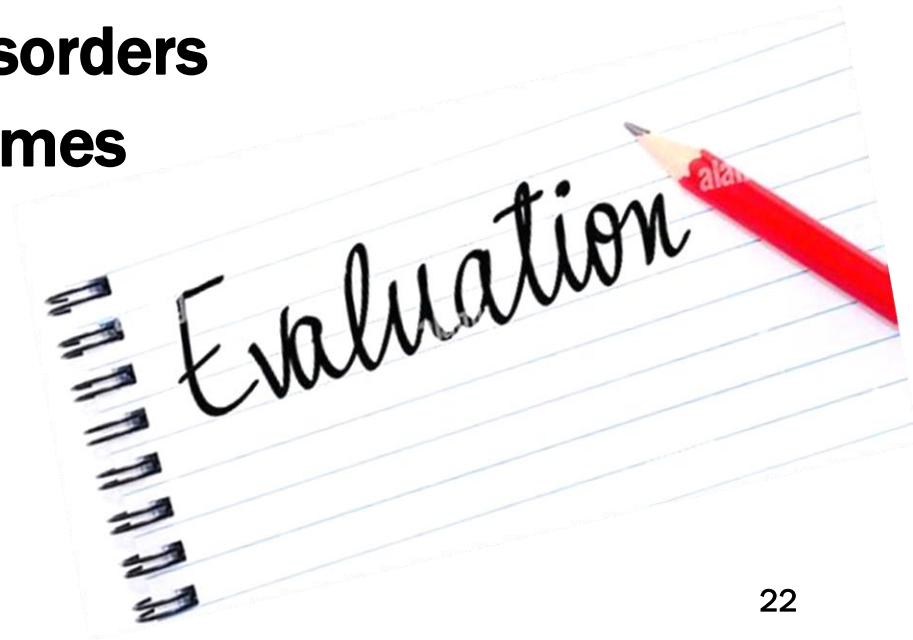


# CAPACITY EVALUATION

**A complete capacity evaluation usually includes:**

- ▶ **Physical examination**
- ▶ **Neurological examination**
- ▶ **Short- and long-term memory**
- ▶ **Executive function**
- ▶ **Existing psychological disorders**
- ▶ **Existing addictive syndromes**

*Source: Oklahoma APS 2005*



# COMPETENCY

- ▶ **ORC 2111.02**
- ▶ **Law presumes competence**
- ▶ **Determined in a court of law**
- ▶ **Contestable**
- ▶ **Due process protections**
- ▶ **A clinician's recommendation can impact a court ruling**
- ▶ **Legal procedure, established by the courts**



# AV/VICTIM





# RISK FACTORS



- ▶ **Social isolation**
- ▶ **Physical illness**
- ▶ **Cognitively impaired**
- ▶ **Drug/alcohol dependency**
- ▶ **Frightened**
- ▶ **Dependency upon caregiver**
- ▶ **Shared living arrangement**

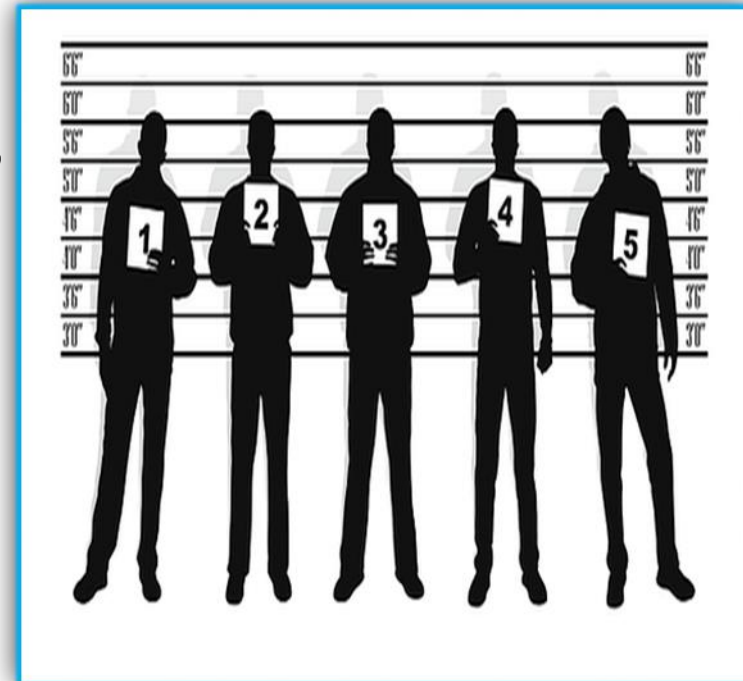
# POSSIBLE CONSEQUENCES

- ▶ Elder abuse can be life-threatening
- ▶ Shame
- ▶ Fear of losing independence
- ▶ Rejection by loved ones
- ▶ Denial
- ▶ Bereavement
- ▶ Cognitively impaired
- ▶ Fear of retaliation, threats
- ▶ Economic insecurity
- ▶ Medical conditions/disabilities
- ▶ Deportation
- ▶ Isolation - no access to phones/visitors



# WHO COMMITS ABUSE

- ▶ 80-90% of abusers are known to the victim
- ▶ Caregivers (paid & non-paid)
- ▶ Spouses or intimate partners
- ▶ Adult children
- ▶ Residents in facility settings
- ▶ Acquaintance
- ▶ Faith leaders
- ▶ Family members
- ▶ Trusted individuals
- ▶ Professionals



# ABUSE IN FACILITIES



# POSSIBLE DYNAMICS..

**Many possible suspects**



**Victim may not be able to report or may not be believed**



**Perpetrators may be residents**



**A disability does not exclude an individual from being a perpetrator or a victim**



**Certain types of dementia may display inappropriate sexual behaviors**

# AGO'S HEALTHCARE FRAUD UNIT

- ▶ The **Medicaid Fraud Control Unit** is responsible for the investigation and prosecution of health care providers accused of defrauding the state's Medicaid program.
- ▶ In addition, this Unit enforces **Ohio's Patient Abuse and Neglect Law**, which protects the mentally and physically disabled and the elderly from neglect and abuse in Ohio's long-term care facilities.



# MOST COMMON SCAMS

▶ *Rampant after high-profile events*

- ▶ Grandparent
- ▶ Computer tech
- ▶ Home improvement
- ▶ COVID
- ▶ Cryptocurrency
- ▶ Prizes/sweepstakes
- ▶ Investment
- ▶ Romance
- ▶ Spoofing
- ▶ Imposter
- ▶ Charity



# CONTINUED...

**Use a code word**

**May threaten arrest, deportation or benefits stopping unless paid or given personal information**

**May use “spoofing”, an actual phone number of an agency or the same ZIP code, making victims believe the caller is valid**

**Increasing reports of scammers going to victim’s homes, to pick up money**



# WHAT CAN YOU DO?

- ▶ **Stay in touch; social isolation is the greatest risk for elder abuse**
- ▶ **Encourage older adults to stay involved with others**
- ▶ **Collaborative Approach:**
  - ▶ **Common goals**
  - ▶ **Requires a trusting relationship**
  - ▶ **Share expertise**
  - ▶ **Open communication**
  - ▶ **Motivated partners**
  - ▶ **Action plan/results**
  - ▶ **Utilize your county APS I-Teams**

# REMEMBER.....

- ▶ **Guardianships & Powers of Attorney are not a license to steal**
- ▶ **Victims may be reluctant to report**
- ▶ **The perpetrator may justify and excuse their behaviors**
- ▶ **Collaboration works best**
- ▶ **Exploiters may use various tactics to unlawfully obtain a victim's "consent" to obtain assets**
- ▶ **A victim will likely return/maintain contact with an abuser**

# PHONE NUMBERS

Long-Term Care Ombudsman: (800) 282 - 1206

ODJFS Adult Protective Services: (855) 644 - 6277

AGO Elder Justice Unit: (614) 466 - 0722

Pro-Seniors: (513) 345 - 4160

# CONTACT

Call: (800) 282-0515 for any AGO unit



*April Wehrle*

Senior Elder Services Coordinator  
Elder Justice Unit – Crime Victims Section  
Office of Ohio Attorney General Dave Yost

[april.wehrle@OhioAGO.gov](mailto:april.wehrle@OhioAGO.gov)

# QUESTIONS

