

Aging & Adult Services Agency
Prosecuting Attorneys Association of Michigan Report
(FY2017 Appropriation Act - Public Act 268 of 2016)

March 1, 2017

Sec. 1422. (1) From the funds appropriated in part 1 for aging and adult services administration, the department shall contract with the Prosecuting Attorneys Association of Michigan to provide the support and services necessary to increase the capability of the state's prosecutors, adult protective service system, and criminal justice system to effectively identify, investigate, and prosecute elder abuse and financial exploitation.

(2) By March 1 of the current fiscal year, the Prosecuting Attorneys Association of Michigan shall provide a report on the efficacy of the contract to the state budget office, the house and senate appropriations subcommittees on the department budget, the house and senate fiscal agencies, and the house and senate policy offices.



Michigan Department of
Health & Human Services

RICK SNYDER, GOVERNOR
NICK LYON, DIRECTOR

2016

Elder Justice & At-Risk Adult Project

2016 ANNUAL REPORT

RYAN PAINTER

PAAM 2016 ELDER JUSTICE/AT-RISK ADULT PROJECT (EJP) REPORT

Ryan C. Painter is the director of the Elder Justice & At-Risk Adult Project ("EJP"). He has 13 years of experience in litigation and prosecution, and previously served as an Assistant Prosecuting Attorney in Shiawassee County.



The Prosecuting Attorneys Association of Michigan (PAAM) is a voluntary association of the 83 county prosecutors, the Attorney General, and the U.S. Attorneys serving in Michigan. It is a non-profit Michigan Corporation, and is tax exempt under section 501c(3) of the Internal Revenue Code. PAAM was founded in 1928. Its mission is stated in Michigan Compiled Law Section 49.62: "It shall be the duty of the prosecuting attorneys' association to keep the prosecuting attorneys of the state informed of all changes in legislation, law, and matters pertaining to their office through the department of attorney general of the state of Michigan, to the end that a uniform system of conduct, duty and procedure be established in each county of the state."

PAAM recognizes the critical importance of elder and vulnerable adult abuse, exploitation, and neglect, and the heavy toll they incur on society. PAAM also recognizes that financial crimes against the elder and vulnerable adult population present unique challenges and obstacles to detection, recognition, investigation, and prosecution. As one of the nation's premier statewide prosecutor associations, PAAM is uniquely situated to support the detection and investigation of financial crimes against elders and vulnerable adults, and to provide training and tools to help Adult Protective Services, Law Enforcement, Prosecutors, and other community partners detect and prevent these costly crimes. PAAM was one of the very first prosecutor associations in the country to create an elder and vulnerable adult abuse resource prosecutor position, and is working hard to increase awareness about elder and vulnerable adult abuse in Michigan.

PAAM's Elder Justice Project was formed on October 1, 2012 as a collaborative effort between the PAAM and the Adult Protective Services division of the Michigan Department of Health and Human Services. Its goal is to provide training and support for professionals who identify, investigate, or prosecute the abuse (physical or financial) of vulnerable adults throughout the state of Michigan.

This report will highlight the efficacy of this project during the 2016 fiscal year, i.e. October 1, 2015 to September 30, 2016. The Elder Justice Project is solving problems, educating people, offering training to partners serving vulnerable adults, and assisting people as they prepare for the needs of two million Michigan vulnerable adults.

The primary goals of the project include:

- To solve problems
- Educate people on the issues related to vulnerable adult abuse
- Provide multidisciplinary training to partners serving vulnerable adults
- Assist investigative agencies and prosecutors as they prepare for the needs of what will soon become two million Michigan citizens
- Keep prosecutors current on the latest developments in the law
- Facilitate the flow of information between agencies

- Facilitate communication between counties, professionals and agencies

The EJP continues to act as a liaison between the state's prosecutors, law enforcement and Adult Protective Services as they investigate and prosecute vulnerable adult abuse, neglect and exploitation.

The EJP director also:

- Participates in the EJP Project Advisory Committee
- Serves as chairperson of the PREVNT Initiative PAAM Project Advisory Committee
- Serves as a member of the Michigan Association of Check Investigators and the Tri-County Loss Prevention Team
- Publishes newsletters
- Serves as a member of the Tri-County Elder Abuse Community Response Team
- Develops training
- Serves as a member of the work group developing the Michigan Elder Justice Coordinating Council

Elder Justice/At-Risk Adult Training and Workshops

EJP has created a workshop for protocol development, and has offered multi-disciplinary trainings for police, prosecutors, and APS workers all across the state of Michigan. EJP has also developed and delivered training to victim advocates helping vulnerable adult receive the crime victim's rights they deserve.

Table 1. Elder Justice/At-Risk Adult Training Program–October 2015 to September 2016.

Seminar	Dates	Participants	Objectives	Topics Included
Presented at Mandated Reporter Training Great Lakes Psychology in Clarkston	10/21/15	Psychologists who treat vulnerable adults	Provide information about elder abuse, as well as mandated reporter statute and scenarios	-Elder Abuse -Mental Health of Elders -Mandated Reporter Duties -Role of Mental Health Professionals in Identifying Abuse
Presented at Mock Testimony Training MSP Academy, Lansing	10/16/15	Law Enforcement	Help law enforcement learn to testify in court	-Report Writing -Courtroom Demeanor -Ethical Duties
Presented at Victim Rights	12/9/15	Victim Rights Coordinators	Introduce victim rights	-Elder Abuse -Financial Abuse

Basic Training Frankenmuth, MI			coordinators to vulnerable adult abuse	-Strategies for Helping Elder Witnesses -Liaising with APS -Model Protocol
Presented at Victim Rights Basic Training Gaylord, MI	12/10/15	Victim Rights Coordinators	Introduce victim rights coordinators to vulnerable adult abuse	-Elder Abuse -Financial Abuse -Strategies for Helping Elder Witnesses -Liaising with APS -Model Protocol
Vulnerable Adult Abuse Roundtable MSP Academy, Lansing	1/29/16	Law Enforcement, Prosecutors, APS	Introduction to vulnerable adult abuse and fraud	-Elder Abuse -Financial Abuse -Roundtable Discussion with Experts -Investigation Techniques
Presented at Kent County Elder Abuse Coalition Grand Rapids, MI	2/16/16	Law Enforcement, Prosecutors, APS, Social Workers, Medical Workers, Attorneys	Explain goals of PREVNT Initiative, upcoming trainings, and answer questions	-Preview Trainings -Community Efforts -Q&A Session
Financial Abuse Training Grand Rapids, MI	3/18/16	Law Enforcement, Prosecutors, APS	Introduction to financial abuse, warning signs and prevention, investigation techniques	-Financial Abuse -Investigation Techniques -Use of Subpoenas / Search Warrants -Law Enforcement & APS Teamwork -Model Protocol
Presented at Financial Exploitation Seminar for UP APS workers St. Ignace, MI	4/19/16	APS Workers	Introduce APS workers to financial crimes against the elderly, warning signs and prevention, guardianship / executorship issues	-Financial Abuse -Legal Update -Model Protocol -Q&A Session
Presented at Lansing Prosecutors Roundtable	4/20/16	Prosecutors	Address common problems with elder abuse cases, including common evidentiary	-Legal Update -Common problems re: bank accounts & powers of attorney -Q&A Session

			pitfalls	
Presented at Kalamazoo Prosecutors Roundtable	4/22/16	Prosecutors	Address common problems with elder abuse cases, including common evidentiary pitfalls	-Legal Update -Common problems re: bank accounts & powers of attorney -Q&A Session
Presented at Munising Prosecutors Roundtable	4/26/16	Prosecutors	Address common problems with elder abuse cases, including common evidentiary pitfalls	-Legal Update -Common problems re: bank accounts & powers of attorney -Q&A Session
Presented at Gaylord Prosecutors Roundtable	4/27/16	Prosecutors	Address common problems with elder abuse cases, including common evidentiary pitfalls	-Legal Update -Common problems re: bank accounts & powers of attorney -Q&A Session
Presented at Prosecutor Basic Training Okemos, MI	5/18/16 – 5/19/16	(New) Prosecutors	“Boot Camp” for new assistant prosecutors	-Trial Techniques -Courtroom Strategies -Elder Abuse Issues
Elder Justice Summit Lansing, MI	6/14/16	Law Enforcement, Prosecutors, APS, social workers, general public	Present Relevant Topics about Vulnerable Adult Abuse	-Healthcare Fraud -Financial Abuse -Investigation Techniques -Estate Planning Issues -Victim Rights
APS Training Marquette, MI	7/14/16	APS Workers	Focus on relevant topics to assist APS workers	-Scene Photography -Report Writing -Witness Interviewing -Personal Safety on the Job
APS Training Gaylord, MI	7/15/16	APS Workers	Focus on relevant topics to assist APS workers	-Scene Photography -Report Writing -Witness Interviewing -Personal Safety on the Job
Financial Abuse Training Kalamazoo, MI	7/29/16	Law Enforcement, Prosecutors, APS	Introduction to financial abuse, warning signs and prevention, investigation	-Financial Abuse -Investigation Techniques -Use of Subpoenas / Search Warrants -Law Enforcement & APS

			techniques	Teamwork -Model Protocol
Presented at Victim Rights Basic Training Lansing, MI	9/13/16	Victim Rights Coordinators	Introduce victim rights coordinators to vulnerable adult abuse	-Elder Abuse -Financial Abuse -Strategies for Helping Elder Witnesses -Liaising with APS -Model Protocol
Presented at Victim Rights Basic Training Traverse City, MI	9/15/16	Victim Rights Coordinators	Introduce victim rights coordinators to vulnerable adult abuse	-Elder Abuse -Financial Abuse -Strategies for Helping Elder Witnesses -Liaising with APS -Model Protocol
Advanced Seminar for Elder Abuse Investigations Lansing, MI	9/19/16	Law Enforcement, Prosecutors, APS	Introduction to advanced investigation techniques, assuming basic knowledge	-Elder Abuse -Financial Abuse -Use of Subpoena / Search Warrants -Preserving Evidence

Technical Assistance

The EJP provides technical assistance to prosecuting attorneys, adult protective service workers and law enforcement by providing resource material, consultations, newsletters, webinars, and listserv. We also assisted investigators and prosecutors as they solved problems on individual cases. We also helped develop a *Vulnerable Adult Incident Report* to help law enforcement during the initial investigations. We have been promoting this tool at our trainings, and a copy is available for download on the new and improved PAAM website.

Vulnerable Adult Abuse Protocol Development

43 Counties with a Protocol for the Investigation of Vulnerable Adult Abuse

When we began the Elder Justice Project none of Michigan's 83 counties had a protocol for the investigation of vulnerable adult abuse. After training, Michigan now has 43 counties with a multi-agency protocol for the investigation of vulnerable adult abuse. Many other counties are in the process of adopting a protocol.

Listserv

EJP created a listserv for individuals involved in the investigation and prosecution of vulnerable adult abuse. The purpose of the listserv is to provide immediate updates regarding legislation, case law, and current scams. We pool our knowledge to answer questions regarding current investigations, find solutions to recurring problems and share information.



We currently have approximately 150 subscribers. Membership includes; law enforcement, adult protective services, state ombudsman, MI Department of Licensing and Regulatory Affairs (LARA), prosecutors, forensic pathologists, medical death investigators and members of American Indian Tribal Law Enforcement.

PREVNT PREVENT ELDER AND VULNERABLE ADULT ABUSE, NEGLECT AND EXPLOITATION TODAY

The Aging & Adult Services Agency, formerly Office of Services to the Aging, has granted funding for a third time to the Prosecuting Attorneys Association of Michigan to continue its work on the PREVNT Initiative, and expand on our efforts in 2015-2016 to work closely with banks and credit unions. The original award was a nine-month pilot program begun back in 2014-2015. Primarily it allows PAAM to hire an investigator to provide investigative assistance on a statewide basis to prosecutors as well as law enforcement and APS workers. PAAM has also continued to promote increased reporting and the use of multidisciplinary teams. PAAM hired retired police detective Thomas Holcomb from the Owosso PD as its new PREVNT Initiative Elder Justice Financial Abuse Investigator in 2015, and he continues in this role.

In 2015-2016 PAAM worked with the Michigan Banker's Association and numerous banking and credit union partners to develop a quick reference card for use by bank and credit union tellers. This tool was designed to allow them to spot elder financial abuse and take appropriate measures to stop the abuse before a loss is incurred. The card was carefully crafted with input from the Michigan Banker's Association, law enforcement, prosecutors, and APS. PAAM is now in the implementation phase, and provides a one-hour training to bank employees to accompany the card. So far it has been a great success.

PAAM is also working on expanding its training inside the police academies, and the PREVNT Initiative Investigator has developed a one-day training for police recruits as well as current police officers. So far the training module has been presented once at the academy in Clio, and there is another presentation tentatively planned for Spring 2017 in West Bloomfield. PAAM hopes to provide this training in every academy before the close of FY2017.

Future

SUMMIT – The 5th Annual Michigan Elder Justice/At-Risk Adult Summit is scheduled for June 21st, 2017 at the campus of Central Michigan University, Mount Pleasant, MI.

TRAINING & MORE – EJP is embarking on an ambitious training schedule for 2017. Future trainings have been scheduled throughout the year, with multi-disciplinary seminars as well as material intended solely for prosecutors, APS, and law enforcement, respectively. Please see the new and improved PAAM website for a complete list of trainings, as well as online content including power points and research. EJP is also going to be placing our first webinars on the PAAM website in the near future.

ATTACHMENTS

Vulnerable Adult Incident Report

NAME	AGE	DOB	EMERGENCY CONTACT	PHONE
DATE REPORTED	TIME REPORTED	DATE AND TIME INCIDENT OCCURED		FILE NO:
INCIDENT LOCATION			REPORTING OFFICER	

VULNERABLE + HARM = MANDATORY Reporting to Adult Protective Services at (855) 444-3911

WHEN ABUSE/NEGLECT/EXPLOITATION IS SUSPECTED

- | | |
|---|--|
| 1. Determine if the victim is a Vulnerable Adult (VA)
2. Determine whether the VA can see, hear and communicate ideas. Cognition may be diminished before competency (see below).
3. Determine harm, if any to the VA | 4. Determine whether you are required to report to APS or others
5. Evidence and forms for collection
6. Crimes and elements |
|---|--|

1A. Is the Victim a vulnerable Adult? (Documenting lack of ability to care for self can be important)

Victim over 18

Victim needs help with ADLs (Activities of Daily Living):

<input type="checkbox"/> Walking	<input type="checkbox"/> Sitting
<input type="checkbox"/> Cooking	<input type="checkbox"/> Getting Water
<input type="checkbox"/> Bathing	<input type="checkbox"/> Getting out of bed
<input type="checkbox"/> Transportation	<input type="checkbox"/> Taking medication
<input type="checkbox"/> Doctor visits	

Unable to protect self from abuse, neglect or exploitation (Vulnerable Adult MCL 750.145m(u))

Comments (if the victim is not vulnerable, continue with normal investigation): _____

1B. Activities of Daily Living (ADL'S)
 Ability to Care for Self (bathing, grooming, transportation, walking, toileting etc.)
 Level of Function: Independent Needs Support Needs Assistance
 Total Care Describe: _____

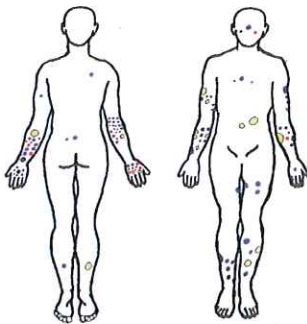
1C. Instrumental Activities of Daily Living (IADL'S)
 Financial Decision-Making (bills, donations, investments, real estate, wills, protect assets, resist fraud etc.)
 Level of Function: Independent Needs Support Needs Assistance
 Total Care Describe: _____

1D. Medical Decision-Making (express a choice and understand, appreciate, reason about health info, etc.)
 Level of Function: Independent Needs Support Needs Assistance
 Total Care Describe: Guardian Conservator

Dr. Name and number: _____

PHYSICAL RISK ASSESSMENT

- If the adult is vulnerable, is there harm? Abuse Neglect Financial
- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Extremely soiled bedding | <input type="checkbox"/> Lock on victim's door | <input type="checkbox"/> Smell of rotting flesh | <input type="checkbox"/> Narcotic medication |
| <input type="checkbox"/> Soiled Bandages | <input type="checkbox"/> Bilateral grip marks | <input type="checkbox"/> Evidence of cleaning prior to arrival | <input type="checkbox"/> Filthy living conditions for victim |
| <input type="checkbox"/> Victim is in pain | <input type="checkbox"/> Foul Smell | <input type="checkbox"/> Inconsistent explanation of care | <input type="checkbox"/> Unusual physical signs |
| <input type="checkbox"/> Dehydrated | <input type="checkbox"/> Stopped seeing doctor | <input type="checkbox"/> Lack of food/malnutrition | <input type="checkbox"/> No sign of pain reliever (aspirin etc.) |
| <input type="checkbox"/> Medication /lack or improper | <input type="checkbox"/> Lack of access to mobility | | |



Body Image Diagram
 Describe injury (redness, bruising etc.)

Older adults can experience bruising in dotted areas - Note anything unusual or outside the area.

Medical Treatment

None

Will seek own doctor

First Aid

EMT* EMT at scene Yes No

Name(s): _____

Hospital ** Name: _____

Attending Physician: _____

Refused Medical Aid

Medical Release Form from victim Yes No

Medical Release Form from Guardian or conservator? Yes No

Crime victim information given to victim? Yes No

Protective Services Referral? Yes No

Residence Type? (When victim is found)

Private

Public Housing

Assisted Living

Licensed Nursing Home

Hospital

Homeless

Unknown

AFC Home (Licensed or not)

Other: _____

If the adult is vulnerable and has been harmed, consent is often an issue. It is important to ask the right questions.

- Confusion Possible Intimidation Possible Infection or Fever

Possible questions include:

- Are you in pain? Would you like to be cleaned up? When was the last time you ate?
 Are you thirsty? Would you like salve for your wound? Would you like to see a doctor?

****If the adult has open wounds and is refusing to see the doctor it may be because they have been told the caregiver will go to jail and the adult will be in a nursing home. See Parasitic Living**

FINANCIAL HARM- APS also takes reports of financial harm to vulnerable adults

- Parasitic Living: "Caregiver" sole source of income is the victim
 One person controls the money
 Poor or no care being given to the victim
 Not providing adequate care to the victim because it would require "caregiver" to pay for care instead of spending money on the "caregivers" desires or needs
 "Caregiver" may fail to seek adequate medical attention to avoid criminal charges of vulnerable adult abuse neglect

Other Financial Harm

Controlled by Victim Other:
 Bank Account (Institution): _____
 Bank Account Number: _____

- Ownership of property damages (deeds, car titles, accts)
 Misuse of legal documents (DPOA, guardianship, conservatorship – depleting VA assets)
 New friend – church, grocery store, estranged family member
 One person controls money, no audit, no second look
 Power of Attorney- Since 2012 DPOA require a signed acknowledgement to keep receipts, no joint account and no gifts to self
 Second mortgage or reverse mortgage
 Quit Claim deed
 New auto the victim does not drive
 New or missing credit cards
 Missing valuables or antiques

COGNITION is not an all or nothing matter. Current research shows that financial savvy may decline in every human brain after the age of 60 regardless of how smart you are. Ask questions that help you find out if the person understands the consequences of their actions.

Current contact with Adult Protective Services

- The matter has been reported to APS
 APS has determined the victim is an adult in need of assistance
 A case worker is assigned
 Contact information for APS provided: _____

Describe: Add name and contact information for APS and the date an oral referral was made to APS at 1-855-444-3911

Evidence:

- A copy of all purportedly legal documents obtained
 A copy of financial statements obtained
 Vehicles owned by victim
 Vehicles owned by person in charge of the money
 Photographs of living conditions, wounds, evidence destruction, locks, location of mobility devices, victim injuries
 When appropriate, consent to lease medical records by victim or by conservator
 Photographs taken by: _____

Lethality Assessment

- Intimidation by threats, yelling
 Suspect has used or threatened to use a weapon
 Suspect abuses Alcohol/Drugs
 Victim is unable / not allowed to perform Activities of Daily Living (ADLs)
 Victim has opened / untreated wounds, lack of ADLs
 Suspect controls finances of the victim
 Victim isolated from friends, relatives, activities
 Victim's physical condition poor/declining
 Victim's mental conditions poor/declining
 Victim living conditions poor/subs.
 Prior incidents involving APS/Law Enforcement

At the Death Scene of An Older Adult

- What would you see at the scene if the victim was 20 instead of 87?
 Who was the last person to see the deceased?
 Who would benefit from death Is there obvious neglect?
 Was the person responsible for the care in a parasitic living arrangement with the victim?

POSSIBLE ACTIONS TO BE TAKEN

- In an emergency medical situations call an ambulance
- Report to APS when necessary
- When necessary, ask APS to freeze assets in Probate Court
- Evidence of spending may be the motive for physical abuse, obtain consent or search warrants when necessary to obtain financial evidence
- Give all information to medical examiner (request autopsy)

STATUTES TO KNOW

- | | |
|--------------------------------------|--------------------------------------|
| Embezzlement of Vuln. Adult 750.174a | Embezzlement 750.174 |
| Obtaining a False Signature 750.273 | Fraud / False Pretenses 750.218 |
| Racketeering 750.159i | Embezzlement / Joint Account 750.181 |
| Identity Theft 445.65 | Caregiver Commingling 750.145p |

Source: Emerson, C. – Elder Justice Project funded by the State of Michigan
 Teter, S. – Michigan Attorney General's Office



WHERE TO REPORT HEALTH CARE FRAUD OF MICHIGAN'S OLDER ADULTS

Attorney General's Health Care Fraud Division Hotline:
 1-800-24-ABUSE or 1-800-242-2873

FEDERAL TRADE COMMISSION

Call 1-877-987-3728 (Telemarketing, collection agencies, money scams, fraud)

SIGNS OF SUSPECTED VULNERABLE ADULT FRAUD

Does the customer/member appear to be:

- Confused?
- Frightened?
- Timid?
- Under duress?

Customer/member appears to be a vulnerable adult because of:

- Advanced age?
- Physical disability?
- Developmental disability?
- Mental illness?

Transaction request:

- Is inconsistent with banking history?
- Involves a large amount of money?
- A result of coaching/prompting by a third party?

Is the transaction attempted by a third party with a Power of Attorney?

Recently has the customer/member:

- Made withdrawals from accounts or transfers between accounts that cannot be explained?
- Failed to pay any loan obligations in a timely manner?
- Written checks with insufficient funds in the account?
- Written excessive number of checks, or made an unusual number of ATM withdrawals?
- Added a new Power of Attorney or joint owner to the account?
- Found a new "best friend?"

IF "YES" TO ANY OF THESE, REFER TO INSTRUCTIONS ON REVERSE

HOW TO RESPOND TO VULNERABLE ADULT FRAUD

Begin by asking the customer/member relevant questions, such as:

- How are you today, is everything satisfactory?
- I see you've made some changes to your account, is there anything I can do to help?
- I see you've added a joint owner to your account, are you satisfied with that new arrangement?
- You brought a new friend/relation with you today, is he/she helping you with your banking?
- This is a very large transaction, are you sure this is the amount you want to withdraw/transfer?

If the customer/member did not answer those questions satisfactorily, you should:

- Alert your supervisor about a potential fraud
- Follow your office policy re: handling possible fraudulent transactions
- Suggest the customer/member call law enforcement

Financial abuse of a vulnerable adult can be reported to Adult Protective Services Central Intake:

1-855-444-3911

Remember, "[a] person acting in good faith who makes a report... shall be immune from civil liability..." and "... shall be presumed to have acted in good faith." MCL 400.11c

