

# Elder Abuse and Dementia: A Prosecutor's Perspective

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# King County Prosecutor's Office Elder Abuse Project

- Formed in 2001 to prosecute cases of elder financial exploitation, neglect, sexual assault, and homicide
- Trains first responders, medical community, and public
- Works to improve systemic response to elder abuse

A Typical Case

**STATE V.**

**ROYA SARDARPOUR**

# Case example

- Evelyn B.
  - 85 years old, recently widowed
  - Living in own home
  - Grown children nearby
  - Mild undiagnosed dementia
  - Never handled own finances

# Case example

- Roya Sardarpour
  - Mid-40s
  - Married, with children
  - Long history working as caregiver

# Case example

- Evelyn's husband becomes ill
- Sardarpour provides care to him
- After his death, Evelyn's children hire Sardarpour to provide care, be companion to her
- Over the years, Sardarpour becomes Evelyn's "best friend"

# Case example

- Evelyn's children ask Sardarpour to handle their mother's bill paying
- Sardarpour begins to write checks to herself
  - Enters legitimate payees in check ledger
- Sardarpour begins to use Evelyn's Nordstrom card on purchases for herself, her family and friends
- Evelyn suffers a stroke, is hospitalized
- Children discover excessive spending, cash withdrawals, missing jewelry and credit cards

# Case example

- Family confronts Sardarpour
- Sardarpour admits to taking “a few thousand”
- Family fires her
- Three days later, at family’s request, Sardarpour returns Evelyn’s missing jewelry and credit cards

# Case example

- Next night, Sardarpour enters Evelyn's hospital room late at night, unannounced
- Grabs arm, insists she sign pre-written letter saying all transactions were gifts
- Photographs victim with letter



To whom it may concern;

I, Evelyn Bekins, confirm that I signed checks to Roya Sardarpour, my care giver, as gifts. These checks are not her payroll checks and are simply gift to her.

Also I let her use my credit cards to purchase for me and for herself, again as gifts.

I, Evelyn Bekins, have done this with total confidence. Roya Sardarpour has done many good things to me and my late husband and she deserve all these gifts.

Evelyn Bekins

*Evelyn B. Bekins*

*12/10/08*

# Case Example

- Evelyn is told about Sardarpour's actions, is devastated
- Discharged to an adult family home
- Dies a few months later

# Case Example

- Stolen assets:
  - \$38,000 in checks
  - \$64,000 in unauthorized charges
    - \$20,000 for jewelry
  - ~\$10,000 in cash withdrawals

# Case Example

- Theft 1 and Identity Theft counts with Vulnerable Victim Aggravator filed
- Trial
  - State's case: Significant hearsay issues
  - Defendant testifies, claims consent
- Verdict: Guilty
- Standard Range: 6-12 Months
- Sentence: Exceptional – 18 Months

# Most Elder Abuse Crimes are Never Prosecuted, Due To:

- Long history of criminal justice system treating these cases as civil
- Victims often unavailable to participate due to dementia, illness, death
- Lack of training of law enforcement, prosecutors, 911 dispatchers
- Lack of coordination with APS, medical field, financial industry, capacity experts
- Lack of proper assessment of victims' cognitive impairment at time of takings

# Types of Elder Abuse

- Physical/Emotional Abuse
- Neglect/Abandonment\*
- Financial Exploitation\*
- Sexual Assault

# Elder Abuse is a Growing Crisis

- \$18 Trillion or more will move between the generations in the next 20 years
- 10,000 people turn 65 every day and will do so during the next 17 years
- 10% will be victims of elder abuse
- 20% will be victims of financial exploitation

# Elder Abuse is Devastating

- Even mild abuse, neglect, or exploitation increase premature deaths in the elderly by 300%.
  - Mark Lachs, MD

# It is Committed Most Often by Someone the Elder Trusts

- Caregiver
- Family member or close friend
- Fiduciary or other person in position of trust
- Stranger who targets elder, develops trust relationship



For every one case  
of elder financial  
exploitation that is  
reported,

**1**

another forty-three cases  
never come to light.

**43**

# Victims Often Don't Report Due to:

- Fear of losing independence
- Fear of retaliation by perpetrator
- Lack of knowledge or disbelief that exploitation is occurring
- Emotional dependence on perpetrator
- Dementia

# Two Main Risk Factors of Victims of Elder Abuse

- Dementia
- Social isolation

# Older Victims with Dementia

- May be unable to recognize abuse
- May be unable to report abuse
- May be the perpetrator of abuse
- May not be believed



# Early Alzheimer's Disease

## Symptoms:

- Short-term memory loss
- Word loss
- Judgment impairment

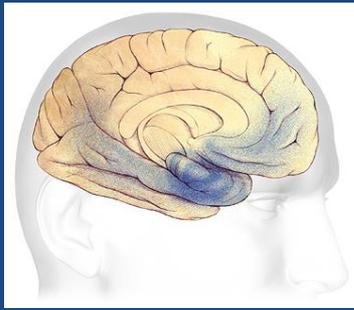
## Common Dilemmas:

- Driving
- Finances

## **Financial Abuse**

# Financial Capacity

- One of the first abilities to decline as cognitive impairment and early dementia occur
  - Triebel et al, 2009
- Declining skills are often detectable before a diagnosis of dementia
- Older adults may suffer impaired judgment even without a dementia diagnosis



# Mid Alzheimer's Disease

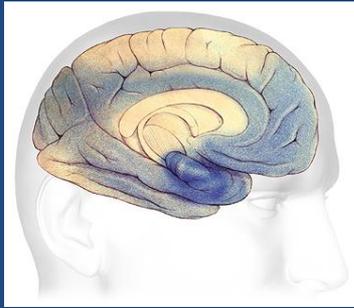
## Symptoms:

- Behavior changes
- Loss of Insight

## Common Dilemmas:

- Explaining
- Moving

**Physical abuse**



# Severe Alzheimer's Disease

## Symptoms:

- Loss of ability to communicate
- Loss of mobility
- Swallowing impairment

## Common Dilemmas:

- Risk/benefit of medical treatment
- Nutrition

**Neglect**

# A Few of the Things We Need

- Better criminal laws (HB 1499)
- Dedicated, trained detectives, prosecutors
- Better response by APS and RCS
- Oversight of Powers of Attorney
- Better oversight of guardianships
- Better capacity screening tools and evaluations
- Training of health care professionals
- Mandatory reporting by financial institutions

# Feel Free to Contact Me

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\*Thanks to Laura Mosqueda, MD