

VUNERABLE ADULTS – EXPLOITATION OF THE ELDERLY
EDINA PARK PLAZA
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The Hennepin County Attorney's Office Vulnerable Adult Initiative brings together different areas of criminal prosecution to harmonize efforts and resources to ensure those perpetrators who prey on the vulnerable and the elderly are brought to justice. In Violent Crimes, a team of prosecutors handles crimes ranging from robbery, assault sexual assault and homicide against these victims. Cases are referred buy police departments and the offenders include strangers, family members, trusted acquaintances, private caregivers, and facility employees.

In Violent Crimes, the majority of cases we see are sexual assault cases. The victims are vulnerable or elderly men and women in the community, in facilities, or at home with caregivers or parents. Most of the victims have mental, versus physical, limitations. Often, the vulnerable adult is selected for this reason: the offender knows that it is unlikely that the vulnerable adult will understand that he or she is being victimized and therefore, he or she does not make a report. Another issue is that the offender promises love or affection or provides gifts to victims to secure their silence and compliance. These cases usually come to light when the vulnerable adult mentions a suspicious relationship to another adult, parent, conservator, etc.

Another "common" type of sexual assault case we see is in facilities where staff members (sometimes nurses, sometimes other workers) sexually assault/touch a resident. Many times the victims are completely mentally or physically incapacitated and therefore cannot report themselves. These cases usually require eyewitnesses, other staff or visitors/other residents.

In terms of assault, certainly some elderly/vulnerable adults are burglarized or robbed by strangers because they are "easy targets". Another category of cases is the assault of elderly mothers by adult sons. Certainly adult daughters can commit assaults, as well, but we see them significantly less frequently. Often the son lives in the home and has been dependent on his mother for shelter and income. Financial exploitation is a common component of these cases, as well.

The Victim/Witness Division provides victim services and advocacy to these victims, as well as doing community outreach on particular issues that might affect the vulnerable adult/elder communities.

The Property Crimes Section has a prosecutor specializing in theft and exploitation cases where these victims are selected and exploited by strangers, acquaintance, family members, private caregivers, or facility employees. The Complex Crime section handles similar cases where the loss is comparatively larger and the prosecution involves a thorough handling of large volumes of financial records. This unit typically handles

cases of theft and exploitation of large sums of money occurring over long periods of time.

The Drug Prosecution Team has a dedicated prosecutor to handle cases involving the theft of controlled substances. Often, these cases present after a caregiver (private, paid or family) is found to have stolen drugs that the victim needs either to sell or for the perpetrator's own consumption.

Generally, victims in these cases may be unable to report the crimes they have suffered due to physical or mental condition or they may be reluctant to report a trusted family member or caregiver's malfeasance. They may also feel a sense of loyalty to the perpetrator, not unlike victims of child abuse or domestic violence. Because of this, these prosecutions often draw on the special skills of our colleagues in law enforcement, Adult Protection, and the caregiver community to secure successful, just outcomes.

The Verne Gagne case brought to light the issue of a vulnerable adult victimizing other vulnerable adults. It is important to be cognizant of the issues of offenders, as well, particularly in facilities. The issues of security and training in the facility are left to the Office of Health Facility Complaints/Minnesota Department of Health. We consider whether the offender has the mental capacity to form intent and be responsible for the consequences of his or her actions.