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# **Who Is Harmed by Elder Abuse and What Do They Need?: A Prosecutor's Evolving Thoughts About Paths to Justice in Elder Abuse Cases**

# Background

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In 2001, appointed to newly-created position of elder abuse prosecutor. Handled cases of elder physical and sexual assault, neglect, and financial exploitation.

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At the time, were only a handful of such positions in the country

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Primary mission was to get elder abuse on radar of law enforcement and mandatory reporters

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Elder abuse was prosecuted like all other crimes

# Focus of Traditional Prosecution is on the Defendant, Not the Victim

- When criminal charges are filed, court gains jurisdiction over the charged person
- Court does not have jurisdiction over the victim or any other involved parties besides the defendant
- Focus of the prosecution is on punishment, rehabilitation of the defendant and protection of the victim and community



# Rights of the Victim in a Traditional Prosecution

- To be informed when charges are filed
- To be updated on progress of case
- To be heard on bond/release
- To be consulted on prosecutor's plea offer
- To address the court at sentencing



# Typical Experience of the Victim in a Traditional Prosecution

- Called by the prosecutor/advocate when charges are filed
- Called periodically with an update on case
- Case drags on for 1-3 years
- Finally, trial or guilty plea
  - If trial, will likely be required to testify

# Typical Experience of the Victim in a Traditional Prosecution

- Sentencing
  - For first time, victim is invited to speak re: impact of crime and their wishes for defendant's sentence
  - Only aspect of sentencing having to do with victim is restitution, no contact order





Unlike in a Civil Case, in a Criminal Case, the Victim Has No Right to Determine:

- Whether or what charges are filed
- Whether they will testify
- What plea offer is made to the defendant
- What sentence is imposed on the defendant

# Bringing Elder Abuse Victims into Focus in King County

- **2011** - Creation of Elder Abuse Case Manager position at AAA
- **2019** - Elder Abuse Multidisciplinary Team funded
- **2022** - Collaboration with RISE Alternative begins
- **2024**- Elder Abuse Multidisciplinary Team is re-funded; new emphasis on victim inclusion, victim services, and prevention



# Elder Abuse Case Managers - AAA

- Originally funded in 2011 by Abuse in Later Life Grant of the Office on Violence Against Women
  - Provides long-term case management, advocacy for victims of all forms of elder abuse
    - Regardless of response of APS, law enforcement
- After grant funds expired, AAA continued to fund
- Are now two full-time case managers



*Aging and Disability Services*  
Area Agency on Aging for Seattle and King County

## King County's Elder Abuse Multidisciplinary Team

### 2019 – Originally Funded

- Staffed cases that were languishing for months or years in system
- Funded capacity evaluations
- AAA obtained VOCA funding for various needs of victims
- No direct victim contact
- Most referrals were from APS
- Chronic issues getting referrals

# King County's Elder Abuse Multidisciplinary Team

## 2024– Re-Funded

- Will reach out proactively to victim, APS, law enforcement, AAA case manager, when case is first reported
- Will reach out on cases screened out by APS
- Will pay for capacity evaluations, money managers for victims
- Will continue to fund various victim needs through VOCA funding
- With funding, will make direct referrals to RISE

# RISE Alternative Collaboration

- In 2022, RISE Team decides to pilot a felony-level criminal case in King County
- Need to partner with a system that has structure, support, and close supervision of defendant
- Choose King County Drug Court
  - Offers extensive supports to defendants:
    - Treatment
    - Housing
    - Drug-Testing
    - Therapy
    - Close supervision



# Grace

- In her 80s, former drug/alcohol abuse counselor
- Has a grandson, Gabe:
  - Longstanding drug addiction
  - For years, has financially exploited Grace
  - Becomes increasingly deceitful, aggressive, and abusive with requests for money
- Most of Grace's life savings have been drained by Gabe
- Grace's daughter finally calls police
- Grace refuses to cooperate, does not want Gabe to go to prison

# Grace

- AAA Case Manager begins to work with Grace
- Gabe steals Grace's wedding rings and pawns them
- Grace finally agrees to cooperate with investigation
- Gabe is arrested, charged with Theft, Violations of No Contact Order
- Due to nature of crime, Gabe is not eligible for Drug Court
  - Could get treatment through DOC programs
- King County Drug Court agrees to pilot Gabe's case in conjunction with RISE

# Grace

## Victim Impact Statement

“Your drug use in my home and car put me at risk of being evicted from my home and impacted my health. The exposure I had to drugs led to me going to urgent care 4 days in a row because my lungs felt like they were on fire. Having you at my home put my other relationships at risk, they are on the mend now but it was hard at the time. Having you arrested was one of the hardest things I’ve done in my life but it felt necessary. I did what I felt needed to be done.”

# Progress

- January 2023 - Gabe opts into Drug Court, is released from jail to in-patient treatment
- February 2023 - Completes in-patient treatment, is released to clean and sober housing, begins out-patient treatment
- February 2024 - Gabe thriving in Drug Court; has been clean for 14 months
- RISE is working with Gabe and Grace individually, will soon facilitate sessions with them together
- April 2024 – Gabe is scheduled to graduate



# RISE's Work with Gabe

- Gabe initially adamant he did nothing wrong
- Now is able to articulate the harm he's done to Grace
- His sense of boundaries and capacity to have a healthy relationship with Grace are improving
- He is addressing the shame he feels for the harm he's caused
- He is beginning to believe that change is possible
- All of this will help him sustain his sobriety and stay out of the system

# RISE's Work with Grace

- At first, felt wholly responsible for Gabe going to jail
- Her boundaries are strengthening
- Is becoming clearer about the role she wants Gabe to play in her life
- Is beginning to address the damage done to other family relationships as a result of Gabe's, and her own, actions
- All of this will increase her self-sufficiency and reduce the likelihood that she will be exploited again
  - By Gabe
  - By anyone

# Conclusion

- Over the past 20 years in King County, we have grown increasingly aware of the ways in which older victims are underserved by the criminal justice system





- Through these and other innovations, we are beginning to create a system that tends not only to the defendant's needs, but to the victim's

- The potential for the new version of our MDT to assist victims through direct contact with them, and through proactive and immediate coordination of agencies and services, is profound





- The potential for RISE to help victims-- whether there is a relationship to restore or not, whether there is a criminal prosecution or not--is endless

• The journey continues...



# Feel free to contact me

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- \*Thanks to NCALL, Patricia Kimball, MT Connolly, Laura Mosqueda