

Collaboration Is Essential: King County's Response to a Case of Elder Abuse and Exploitation

After multiple missed opportunities for intervention, a community finally responds—and an offender is held accountable.

In July 2008, 68-year-old Mr. S appeared on the doorstep of his longtime friend, Virginia, carrying a garbage bag that contained everything he owned. Despite the fact that he lived just a few miles away, Virginia hadn't seen him in well over a year. She invited him inside. In halting, labored speech, he told her about having been abused and financially exploited by a woman he'd met in a bar months earlier.

Mr. S is not alone. Millions of older adults are abused, neglected, and exploited in the United States every day (Lachs and Berman, 2011; Acierno et al., 2010). Only one in twenty-three

for these agencies and systems have specialized training on how to recognize and respond to elder abuse cases, and on how to address the needs of these victims. It is a rare community that has a coordinated response where agencies work together and policies and protocols are in place to enhance the safety of elder abuse victims and hold offenders accountable.

For these and other reasons, the response to these cases differs tremendously from jurisdiction to jurisdiction.

King County, Washington, where Mr. S lives, has a relatively long history of collaboration

between agencies on cases of elder abuse, neglect, and exploitation. It has an established multi-disciplinary team that meets to improve the coordinated response to elder abuse, and to staff

Only one in twenty-three cases of elder abuse ever comes to the attention of authorities.

cases ever comes to the attention of authorities (Lachs and Berman, 2011). That so many cases go unreported is partially due to the fact that older victims are so often isolated, or are unaware of or unable to access available services.

Elder abuse, neglect, and exploitation cases are often extremely complex, requiring the response of multiple agencies and systems, including victim services, criminal justice, healthcare, and social services. Few professionals who work

cases. The King County Prosecutor's Office has two attorneys who specialize in these cases. The Prosecutor's Office, Seattle Police Department, Adult Protective Services (APS), and the Domestic Abuse Women's Network (DAWN) were awarded a grant by the Office on Violence Against Women's Abuse in Later Life Program to train criminal justice system professionals and victim-service providers on how to identify and respond to cases of elder abuse. Professionals

The Case of Mr. S, Part 1: A Sad Genesis of Abuse

Married at a young age, Mr. S. and his wife raised two children in a suburb south of Seattle. He worked at a local auto body shop and his wife worked at a seafood processing plant. Mr. S is a quiet man, slight in stature and missing the forefinger of each hand due to a birth defect. He is also mildly developmentally delayed. As a result, his wife handled all of the financial matters during their thirty-four-year marriage. The couple owned their home, had life insurance policies and health insurance, and very little debt.

In 2005, his wife was struck and killed by a drunk driver. In an instant, Mr. S's life changed. Not long after his wife's death, he began to frequent a bar near his house; there he would talk to anyone who would listen about his grief, his confusion about how to go on, and the insurance settlement he would soon receive.

Lisa O'Neill, age 43, lived alone in a rental house in a working-class suburb of Seattle. She had a boyfriend of fourteen years' duration, sporadic employment, and a great deal of debt. In August 2006, O'Neill approached Mr. S at the bar. After a few drinks, she convinced him to come home with her. Full of hope, he agreed. At O'Neill's invitation, Mr. S slept in a bedroom in her basement that night. Within a couple of weeks, she invited Mr. S to move into her basement. He accepted, excitedly telling his daughter that O'Neill might be her new stepmother.

A month later, Mr. S told O'Neill's father that he wanted to marry her. Rather than buying O'Neill a ring, the father suggested that Mr. S pay off her truck loan. Mr. S agreed, cashing out a CD, in which he had invested some of the insurance monies from his wife's death, to pay off O'Neill's \$23,000 loan. Thus began a pattern of Mr. S giving O'Neill money. He wrote checks to pay off her loans, gave her cash, and bought her a computer and anything else she wanted—all with the belief that they would eventually marry. Mr. S recalls talking to O'Neill about these hopes: "She said someday we might get married, that age don't make a difference."

from these and other agencies in King County were involved or came into contact with Mr. S at various times, both during and after his victimization. Using the case of Mr. S as a backdrop, this article describes the agencies and systems in King County, and throughout the country, that might respond to a case of elder abuse.

The Role of First Responders

Not long after Mr. S. had moved into O'Neill's basement, his daughter was reviewing her father's bank statements and noticed a number of uncharacteristically large withdrawals. She tried to call her father, but he didn't answer. She and her brother went to their father's bank to see if there was anything they could do to protect his assets. As they drove into the parking lot, they saw their father's truck parked, with

him in the passenger seat and O'Neill in the driver's seat. As the siblings sat there, unnoticed, they overheard O'Neill instruct their father to cash out the remainder of his bank accounts. Not knowing what else to do, his daughter called 911.

As in many elder abuse cases, the first call for help in Mr. S's case was that 911 call. Emergency dispatchers often play a crucial role in these cases, sending law enforcement and emergency medical technicians to the scene when needed. When dispatched to a report of elder abuse, law enforcement's role is to investigate, determine whether a crime has been committed, and, in some cases, arrest the suspect. In most states, law enforcement officers are mandated to report elder abuse cases to APS agencies.

APS responds to reports of potential abuse, neglect, or exploitation of older or vulnerable

adults. After conducting an investigation, the APS worker determines whether abuse occurred and, if so, offers referrals for services. Whether or not a particular APS agency will conduct such an investigation usually depends on its finding that the alleged victim meets the definition of “elder,” “vulnerable,” “at risk,” or “dependent” adult under its state law.

The Role of Healthcare Providers

While living with O’Neill, Mr. S stopped taking the medications that had been prescribed after his stroke, stopped attending physical therapy sessions, and never returned to his physician for follow-up visits. Mr. S’s medical providers did not report his lack of follow up to APS.

Healthcare providers can play an essential role in identifying elder abuse. Because many older victims are isolated, an illness or medical event may be one of the few occasions where an older victim surfaces and comes in contact with someone with the potential to intervene. Further, the trust that one so often feels toward his or her healthcare provider may inspire older victims to confide in their providers about the abuse.

Healthcare providers should ask their older patients questions to elicit information about possible abuse, and should consider the possibility of exploitation, abuse, or neglect as an

‘She said someday we might get married, that age don’t make a difference.’

explanation for worrisome signs or symptoms. If an elder shows signs of having been victimized, healthcare providers should document and conduct any necessary follow-up. They should assess the older adult’s mental capacity if concerns arise about the possibility of dementia or other cognitive impairment. Another role for some healthcare providers is to collect evidence, such as photographing injuries or conducting sexual assault exams. In most states, healthcare providers are required to report concerns of elder abuse, neglect, and exploitation to APS and, in some states, also to law enforcement.

The Role of the Criminal Justice System

Mr. S’s case was assigned to a domestic violence detective. Having had no training on elder financial abuse crimes, the detective called the

The Case of Mr. S, Part 2: The Downward Spiral

A patrol officer responded to the 911 call and interviewed the parties. O’Neill, angry and shouting, claimed that Mr. S’s children were trying to prevent him from accessing his own money. Mr. S, shaken and upset, insisted that he had the right to give his money to O’Neill. Not trained on how to respond to such a situation, the officer determined that the matter was “civil” rather than criminal. He advised Mr. S’s daughter to move the money to another account to protect it from O’Neill. He did not write a report, and neither he nor the bank reported the case to APS.

A short time later, O’Neill announced to Mr. S that they were moving his accounts to a bank where his money would “do better.” By this time, she had taken over Mr. S’s finances and responsibility for paying his bills. After moving his money, she began systematically to drain his assets, transferring money to her own account whenever a check was deposited into Mr. S’s account. Not knowing how to use a computer, Mr. S was completely unaware of what was happening to his money.

In January 2007, Mr. S suffered a stroke while at work. His speech significantly impaired, his left side weak, he was eventually discharged from the hospital back to his own home and was under his son’s care. A week later, on Mr. S’s first day back at work, O’Neill approached him and asked him to move back in with her, promising that she would take care of him. He agreed. Mr. S was not to see his children again for the next eighteen months.

The Case of Mr. S, Part 3: Escape and Prosecution

In the following months, O'Neill increasingly subjected Mr. S to emotional and sometimes physical abuse. She called him "moron," "faggot," and "leprechaun." When they went out with her friends, Mr. S reported, "[She told me] not to say nothing to nobody else. Don't talk. Don't talk at all . . . I couldn't talk good anyways, so she told me to be quiet." When O'Neill became frustrated with Mr. S, she would hit or shove him. Over time, she turned Mr. S against his children, convincing him they were after his money, and that she was his protector.

A number of months after she obtained control of Mr. S's financial accounts, O'Neill stopped paying his bills. Eventually, foreclosure proceedings began on his home. O'Neill returned Mr. S's truck to the dealership, telling them he couldn't afford the payments. Mr. S's cell phone service was eventually cut off, leaving him without a means of communicating with anyone besides O'Neill and her social network.

One morning in July 2008, Mr. S woke up early; he felt full of shame, anger, and grief—so much so that he packed his things, slipped out O'Neill's front door, and began the long walk to his friend Virginia's home. After sharing his story with her, Virginia contacted his children. His daughter insisted on taking her father to the local police department to report what O'Neill had done.

county's elder abuse prosecutor. Together they collaborated on what evidence and interviews were necessary on the case. After a lengthy investigation, the King County Prosecutor's Office filed charges against Lisa O'Neill for the financial exploitation and abuse she inflicted on Mr. S.

The role of the criminal justice system is to hold offenders accountable and protect the community, and to protect crime victims and give them a voice in the process. When a 911 call is made, patrol officers respond, conduct an initial investigation, and, if further investigation is required, forward the case to a detective. Detectives gather evidence, execute search warrants, and interview the victim, suspect, and other witnesses. At the conclusion of their investigation, if the evidence is sufficient, detectives forward the case to the prosecutor's office for the filing of criminal charges.

In more complex cases, prosecutors often work with detectives as the investigation progresses, advising them on what additional evidence is needed, and occasionally participating in witness interviews. Once a case is referred to them by law enforcement, prosecutors determine whether sufficient evidence exists to file charges. After charges are filed, prosecutors

appear at the various hearings on the case, negotiate a possible resolution, and, if the defendant chooses not to plead guilty, try the case. In a criminal trial, it is the prosecutor's burden to prove the case beyond a reasonable doubt. The defendant need not put on any evidence, present any witnesses, or testify.

The Role of Victim Services

Besides involving the police department, Mr. S's daughter had also reported her father's case to APS. In response to the report, an APS worker interviewed Mr. S and his son. After finding that Mr. S was oriented to person, place, and time, and was able to perform his activities of daily living without assistance, the APS worker reluctantly concluded that Mr. S was not a vulnerable adult under Washington State law and closed the case. But as the criminal case was pending, DAWN, a local shelter for battered women, obtained funding from the Office on Violence Against Women for an elder abuse victim advocate. That advocate worked with Mr. S and, over time, developed a strong relationship with him. However, by January 2012, when the case finally went to trial, DAWN had lost its funding for the advocate's services.

Victim service providers may provide an array of services to promote safety and healing for older victims of abuse, neglect, and exploitation. The network of aging services also has a range of programs that can help these individuals (e.g., Meals on Wheels, home health, and social programs) and ameliorate their isolation. Many faith communities also offer support programs. Domestic violence programs generally offer emergency shelter, information and referrals, twenty-four-hour crisis lines, individual and group counseling, and legal advocacy. Sexual assault advocates may accompany victims to medical appointments and to court, provide counseling, and staff twenty-four-hour crisis lines. Systems-based advocates often work in sheriffs' or prosecutors' offices. Their role is to give support to victims as they navigate their way through the legal process and, in some cases, to assist them in obtaining compensation. Whether victim services agencies offer programs tailored to older victims, and whether their staff is trained on elder abuse issues, varies throughout the country.

The Role of Geriatric Psychologists and Psychiatrists

As a key witness for the prosecution, Mr. S was on the witness stand for almost a day and a half and was subjected to hours of aggressive cross-examination by the defense attorney. Another significant witness at the trial was a geriatric psychiatrist who had evaluated Mr. S. Although Mr. S did quite well on the Mini Mental Status Exam, indicating that his memory was intact, the psychiatrist's other testing revealed that Mr. S was suffering from impaired executive function due to frontal lobe vascular dementia. As a result, the psychiatrist concluded that Mr. S lacked the mental capacity to handle his own finances and was vulnerable to undue influence.

Whether a victim of elder financial exploitation and other crimes has capacity is a crucial question in the prosecution of many elder abuse crimes. As in Mr. S's case, the most common defense is consent—that the victim wanted the act to occur. Whether the victim had capacity to

give the alleged consent is best assessed by a geriatric psychologist or psychiatrist. A Folstein Mini Mental Status Evaluation and brief questions about a victim's orientation rarely provide a complete picture of the degree of an older victim's cognitive impairment. A complete evaluation of the victim by such a specialist often plays a key role in a case's successful prosecution.

The Importance of Collaboration

O'Neill's trial lasted four weeks, with the jury finally returning a guilty verdict on fourteen counts of felony theft. The jury also found that Mr. S was unusually vulnerable, thereby justifying an exceptional sentence above the standard range on each count. The jury acquitted O'Neill of the misdemeanor assault charge that had been filed. In February 2012, Lisa O'Neill was sentenced to sixty-two months in prison. Mr. S attended the sentencing hearing and, when asked if he wanted to say anything, he simply said, "Thank you."

As Mr. S's story demonstrates, elder abuse cases are often tremendously complicated, and collaboration between agencies and systems is vital. In many communities, professionals collaborate informally by making referrals and consulting with each other on cases. In some communities, formalized teams have been organized to respond. Examples of these teams include inter-disciplinary/multi-disciplinary case review teams, financial abuse review teams, elder fatality review teams, and coordinated community response councils. These groups promote collaboration among various disciplines and, in some cases, address systemic issues that limit effective responses to victims.

Conclusion: Elder Abuse Is Everyone's Business

Mr. S lives in a community with a long history of collaboration between agencies on elder abuse cases and an abundance of resources—relatively speaking. Had it not been for this collaboration and these resources, Mr. S's case would almost certainly have gone the way of so many of these cases—closed out by law enforcement or the

How YOU Can Take a Stand Against Elder Abuse


By working collaboratively and raising our voices together, everyone can make a difference in the fight against elder abuse. The following are some actions to take a stand against abuse.

- **Learn the indicators of elder abuse, neglect, and exploitation.** Contact victim service organizations (such as domestic violence and sexual assault programs) if you have questions about potential indicators or about what to say to someone who may be at risk for abuse.
- **Watch out for the older adults in your life.** Pay attention to changes in their behavior, living arrangements, physical conditions, spending habits, and who they socialize with. Ask questions if you have concerns.
- **Report suspected abuse to law enforcement and APS.**
- **Learn more about the work being done in your community to address elder abuse.** Join multidisciplinary teams that focus on elder abuse. Work collaboratively with community members to promote victim safety and offender accountability.
- **Promote raising public awareness about elder abuse.**

prosecutor's office due to a determination that it is a "civil matter" rather than criminal.

Still, despite all that King County has to offer older victims, Mr. S endured months of abuse and exploitation. During and after his exploitation, numerous professionals and agencies had the opportunity to report and intervene and did not. Whether due to limited budgets, lack of training, or inadequate laws, the system simply did not respond as well as it could and should have.

As the number of older adults in this country increases and as public awareness of the issue is on the rise, we must overcome our denial and

reprioritize this issue as the critical public health, criminal justice, and social issue that it is. Everyone has an opportunity to make a difference in the lives of elder abuse victims. 

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Authors' Note

This article describes an actual case that occurred in King County, Washington. The plaintiff is referred to as Mr. S in order to protect his privacy.

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