

## **Statement of Randolph W. Thomas**

Mr. Chairman, members of the committee, my name is Randy Thomas. I am a law enforcement officer and instructor at the South Carolina Department of Public Safety, Criminal Justice Academy. I would like to thank the committee for holding this hearing and giving me the opportunity to provide input on this important issue. I supervise the instructional unit responsible for training in the areas of child abuse, sexual assaults, domestic violence and behavioral science. However my primary instructional interest has been in the area of elder abuse. I was one of a group of individuals that created South Carolina's Omnibus Adult Protection Act and I currently represent my agency on the Adult Protection Coordinating Council as well as assist agencies in elder abuse investigations. My experience is not limited to South Carolina because I also present training in elder abuse investigations throughout the United States. My experience in teaching and investigating elder abuse, complimented by my knowledge of what works in child abuse and domestic violence, gives me insight into the problems that law enforcement and other agencies face in addressing this devastating problem.

My experience as a detective has shown me that elder abuse cases are one of the most complex criminal incidents that an officer can face. In my travels around the United States to provide training to the law enforcement and social services communities, I have found that we share a common set of challenges due to a lack of resources and a resulting lack of training and collaboration. Senator Breaux's Elder Justice Proposal provides an excellent framework for meeting these challenges and improving the response of those communities to elder abuse and neglect. I have structured my presentation around three of the goals, enhancing detection, collaboration, and prosecution. All are common issues to every level of the criminal justice system. While my major focus will be the linkage between training and an improved response by law enforcement, it is certainly not the only issue.

The key barriers to an effective law enforcement response to elder abuse are the lack of resources, training and interest and support of some law enforcement leadership. As one of the only public service agencies with a 24-hour, 7 days a week response capability, law enforcement is a critical component of any effort to address elder abuse and neglect. But there are many competing demands for the time of law enforcement officers and the majority of law enforcement agencies in the United States serve small to medium jurisdictions with less than 30 officers. All agencies, whether large

or small, urban or rural, have limited resources. Training about elder abuse has not been a priority. Interest in addressing elder abuse has not been institutionalized resulting in a loss of expertise through personnel turnover. Each of these factors impedes an effective, quality response by law enforcement.

As we have learned from our experiences in addressing child abuse and domestic violence, law enforcement can only improve its response by providing officers with the necessary skills. This can only be accomplished by presenting routine, comprehensive training throughout the system and such training requires resources and support from agency leadership. Unlike child abuse, which calls forth instant law enforcement and community response, elder abuse is a largely a hidden problem that has received little attention from the criminal justice system. Training can only increase awareness and understanding within this community. This training must incorporate the latest in information with a firm foundation in well-researched and tested techniques. Our experience in South Carolina has demonstrated the effectiveness of this approach. We have been training officers and social service providers for the past 10 years in elder abuse investigations. This training has been provided in a multidisciplinary environment by our agency, the state's Medicaid Fraud Control Unit and the United States Attorney's Office. It is our contention that this has produced a gradual increase in reporting, law enforcement involvement and prosecution. Very simply, increasing officer awareness of the vulnerability of this population and the crimes that can be perpetrated against them has contributed significantly to our success. Similar efforts are also taking place in other states such as California, Florida and Louisiana with the same results. However, there are other issues of equal concern.

It is critical that we protect the victims and hold the offenders accountable. These goals can be accomplished by addressing three major areas: detection, collaboration and prosecution. However, these are not stand-alone issues. Successful intervention requires a continuing effort, from initial response to successful prosecution. Law enforcement officers must be able to identify a crime, collect the evidence, build a prosecutable case and protect the victim(s).

As I mentioned earlier, elder abuse cases are often very complex. Law enforcement first responders and investigators are faced with the need to understand difficult medical issues (i.e. dementia, pressure sores, etc.) as

well as specialized interview techniques and other more complicated issues not often confronted by law enforcement. This is particularly true of nursing home cases that require a sophisticated understanding of medical issues, standards of care and the general operating environment of a nursing facility. All of these factors can overwhelm the majority of police officers. The forensic component is absolutely critical if we are to be able to detect abuse, neglect and exploitation as well as collect critical evidence. Officers must possess the necessary knowledge to determine whether a criminal act has taken place and to recognize the evidentiary possibilities. These issues are time sensitive and can be extremely problematic. Nursing home cases can be overwhelming if there is any delay in reporting to law enforcement. Cases outside a nursing home environment are equally time-sensitive. Early detection and reporting are the cornerstones to success in elder abuse cases in any setting, but those actions must be backed up by forensic expertise in the law enforcement and health care communities and access to that expertise. In order to improve law enforcement's response to victims of elder abuse and neglect, Congress needs to fund more and better training of law enforcement officers and the development of forensic expertise to support their work.

Collaboration with other professionals and agencies addressing elder abuse and neglect is critical. It is absolutely imperative that law enforcement establishes a continuing and productive relationship with those professional that can provide the necessary expertise essential to successful case building. Child abuse and domestic violence have provided us with a successful model of collaboration including multidisciplinary teams, specially trained investigators and prosecutors. This same approach works in elder abuse and neglect cases. A major obstacle to that approach is the lack of resources devoted to adult protective services. When one considers the Federal dollars that flow to child abuse and violence against women, it becomes readily apparent that elder abuse receives little support. The situation is worsening as many states, like South Carolina, struggle with resource constraints. There has already been a shifting of resources from adult protective services to child protective services in our state and further budget cuts and declining revenue make it difficult to argue with this decision. Cuts in adult protective services means that law enforcement is increasingly finding it difficult to access the social services that victims need. For example, if law enforcement arrests the caregiver for abuse or neglect, then the victim may be in further jeopardy unless social services is available to fill the breach in care. To enhance the response of law enforcement, Congress should

authorize legislation and appropriate funding that will support and foster collaboration with a strong adult protective services system, just as it has done in child abuse and violence against women.

Finally, prosecution is a key component of the criminal justice response. Until we improve our ability to hold the offender accountable, society will not recognize the importance of this problem. This can lead to deterrence and a subsequent reduction in economic and human cost to society.

Successful prosecution at the Federal, state and local level requires trained law enforcement officers and investigators who can build quality cases for trained prosecutors who will bring these cases to the courts. Once again, child abuse and violence against women provide effective models, such as the national resource center and specialized training and support provided to prosecutors by the American Prosecutor's Research Institute. Trained prosecutors also benefit law enforcement by providing guidance in the investigative effort.

Several law enforcement experts have had the opportunity to address the Senate Special Committee on Aging at its recent hearings on elder abuse. Both St. Martin Parish (LA) Sheriff Charles Fuseliar and retired Los Angeles Detective Chayo Reyes emphasized the key role that law enforcement training plays in improving the response to elder abuse and neglect. It provides the firm foundation upon which we can build a system that protects the victims while holding the offenders accountable. Our experience in South Carolina as well as my experience providing training throughout the United States demonstrates law enforcement's strong desire to "do the right thing" and a recognition that they need the training to be able to detect, collaborate and prosecute elder abuse and neglect cases. The Elder Justice Proposal of 2002 provides a comprehensive structure to address many of the concerns of law enforcement and prosecutors. Once again, thank you for the opportunity to express my thoughts on this issue.