

September 2, 2014

## Joint Study Committee on Emergency Relocation of Abused Adults

The following issues and recommendations were identified by professionals representing state, local and federal agencies, departments, divisions and organizations as part of the Georgia Bureau of Investigation-lead Abuse, Neglect & Exploitation (ANE) Working Group. These professionals are actively involved in the investigation and prosecution of crimes targeting at-risk adults (adults 18 and older with any disability and adults 65 and older).

### Identified Obstacles:

- Training (all responding agencies – especially law enforcement and prosecutors related to GA Law)
- Lack consistent collaboration of core agencies
- Awareness (issues, resources, law, etc.)
- Investigative Assistance (physical/mental healthcare issues, fraud, rules/regulations, etc.)
- Data Sharing (non-law enforcement)
- Data Collection for purposes of analysis related to unPCH locations, owners, operators, & residents
- Lack of affordable housing for adults requiring care who only receive SSI
- Lack of community services for adults with mental illness and/or intellectual disabilities
- Lack of common language (relocation, investigation, etc.)
- Adult victims - cannot "make" adults do anything they do not want to do
- HIPAA
- Owners/operators frequently move residents to other locations when authorities become aware of unlicensed homes
- Multi-jurisdictional investigations
- DHS/DAS and DCH/HFR personnel increasingly pulled from daily mandated work to assist with law enforcement-lead investigations/relocations
- Lack of resources (24/7 response, funding, victim services, APS, HFR, housing, etc.) *Training is planned in October and November that is expected to increase the need for already taxed resources*
- Manpower – time spent before/during/after investigation/relocation may be significant, number of individuals for operations may be significant [some have required up to 70 law enforcement/non-law enforcement personnel]
- Assets – vehicles, hygiene kits [for victims], containers [for personal belongings], etc. needed for responding agencies
- Personal Care Homes are licensed with DCH individually, but owners may have multiple licensed locations (all locations must be licensed).
- Prosecution hurdles related to witnesses and evidence - how to preserve witness testimony for trial before victim dies or further decompensates, due to age, health and/or disability.
- Pre-licensing background investigations standards for personal care home owners and operators are currently very lax and allow parties with significant and relevant criminal histories to be licensed
- When unlicensed personal care homes are closed and residents moved, it is not unusual for operators to track down, reclaim residents and resume business at new and different location
- Placements in unlicensed personal care homes by hospitals, psychiatric facilities and even state agencies
- Victims are often reluctant to report the abuse crimes due to threats, intimidation, fear and shame.
- Financial exploitation abuse is pandemic
- Ongoing training (At-Risk Adult Crime Tactics, ACT) creates more demand on current resources
- Funding –state budget has not kept up with increasing aging population , many federal grants do not address/provide victim services for this population
- Fraud (Social Security, Food Stamps, Veteran's Benefits, overdue rent and utilities) totals are staggering (since

June 2014, of the cases being investigated, three law enforcement agencies have identified three operators who may have stolen more than \$790,000 in SSI, EBT, Medicaid, Veteran's Benefits, Identity Theft, etc.). It is estimated there are hundreds of unlicensed facilities/owners/operators in the state.

- Lack of information for the resident (identification, current medical records, etc.)
- Resident may not have direct access to funds immediately following relocation

#### Recommendations:

- Public education and awareness
- Train all primary/secondary responders especially criminal justice personnel
- Expedite investigation and prosecution of crimes against at-risk adults
- Provide investigative support related to mental/physical health and fraud
- Develop evidence preservation procedures to be codified
- Multidisciplinary cooperation and collaboration must be better developed between law enforcement and non-law enforcement government agencies to ensure equal protection for the elderly and at-risk adult victims
- Memorandum of Understanding (MOU) should be created between the involved agencies to facilitate the sharing of information between agencies to support investigations and enforcement
- Funding resources should be developed to support efforts to train, educate, investigate and respond consistently to crimes against at-risk adults residing in substandard and unlicensed personal care homes

#### Current Initiatives:

- GBI/DAS Abuse, Neglect & Exploitation Work Group
  - Law Enforcement White Paper (completed)
  - HB78 (major revision of law)
  - Roll Call Training Video (completed)
  - GA Public Broadcasting One Hour Program on Abuse, Neglect & Exploitation (completed)
  - Model Protocol (currently in development)
  - Standard Operating Procedure for emergency relocations (currently in development)
  - October 21, 2014 One-Day Training Event: Un-Licensed Personal Care Homes: Investigation/Prosecution
  - Additional legislative issues identified in working new cases
- DHS/DAS
  - Temporary Emergency Respite Funds as of July 1, 2014
  - At-Risk Adult Crime Tactics (ACT) Certification Course – Ongoing, over 1200 ACT Specialists since April 2011.
  - Two basic Abuse, Neglect & Exploitation courses developed for GA Public Safety Training Center's Catalog
- DCH/HFR has taken the position of lead agency for emergency relocations and is working on initial protocol. HFR determines status of a facility's license and determines when to activate the relocation team.
- DBHDD has new updated list of approved providers for easy access
- GBI developing on-line training for law enforcement officers specific to unlicensed personal care homes