



Eastern Montana Elder Justice Council Report **2020**

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PREAMBLE

PROTECTING VULNERABLE SENIOR CITIZENS: DEVELOPING SENIOR FINANCIAL EXPLOITATION AND ABUSE TEAMS

Financial exploitation of senior citizens is an immense and growing problem which threatens and all-too-often destroys the financial security of millions of older Americans annually. In response to this simmering crisis, jurisdictions around the country have created specialized teams to identify, remedy, and prevent elder financial exploitation, as well as abuse of all types. These multidisciplinary teams often take a holistic approach to the problem, including collaboration, education, and outreach toward the goals of prevention and intervention, and when feasible, prosecution of bad actors. Seniors experience discomfort and shame when victimized by financial exploitation or abuse, which can deter them from discussing these issues with family or friends or reporting to authorities. This can present an obstacle to these multidisciplinary teams. Therefore, it is important that these teams aim to minimize any stigmas and increase awareness and reporting of senior financial exploitation and abuse. These teams can do so by creating and consistently improving responsive community networks.

Elder abuse and exploitation are unfortunately all too common because seniors, who possess the majority of wealth in this country, may tend to be trusting and socially isolated while experiencing physical and cognitive problems which make them especially vulnerable targets. Abuse, including neglect and exploitation, is experienced by about 1 in 10 people aged 60 and older. Studies indicate that only 1 in 14 cases of abuse are reported to authorities.¹ The National Council on Aging estimates that the cost of elder financial exploitation and fraud ranges anywhere from \$2.9 billion to \$36.5 billion annually.² The Centers for Disease Control and Prevention consider the following types of elder abuse to be the most common:

Financial Abuse: illegal, unauthorized, or improper use of an older adult's money, benefits, belongings, property, or assets for the benefit of someone other than the older adult.

Physical abuse: when an older adult experiences illness, pain, injury, functional impairment, distress, or death because of the intentional use of physical force.

Sexual abuse: forced or unwanted sexual interaction of any kind with an older adult. This may include unwanted sexual contact or penetration or non-contact acts such as sexual harassment.

Emotional or Psychological Abuse: verbal or nonverbal behaviors that inflict anguish, mental pain, fear, or distress on an older adult.

Neglect: failure to meet an older adult's basic needs, including food, water, shelter, clothing, hygiene, and essential medical care.³

1 *Elder Abuse Statistics & Facts*, National Council on Aging, <https://www.ncoa.org/public-policy-action/elder-justice/elder-abuse-facts/>.

2 *Id.*

3 *Preventing Elder Abuse*, Centers for Disease Control and Prevention, <https://www.cdc.gov/violenceprevention/elderabuse/fastfact.html> (last updated May 12, 2020).



The U.S. Census Bureau projects that for the first time in U.S. history adults aged 65 and older will outnumber children under 18 by 2034.⁴ From the years 2013-2017, the Census Bureau reported several counties in Eastern Montana where 25 percent or more of the population was aged 65 or older.⁵ The Census Bureau further reports that, over the same time period, the percentage of individuals over 65 who have a disability and live alone exceeded 15 percent in several Montana counties, many of them falling in Eastern Montana.⁶ By 2030, the percentage of individuals aged 65 and older is projected to reach 30 percent in at least a dozen counties in Eastern Montana, with Sheridan County containing the highest percentage of citizens aged 65 and older in the state (41.3%).⁷ The combination of these factors places these individuals at higher risk and warranted action by Governor Steve Bullock.

4 *Older People Projected to Outnumber Children*, United States Census Bureau, <https://www.census.gov/newsroom/press-releases/2018/cb18-41-population-projections.html> (last updated Oct. 8, 2019).

5 *Percentage Population Aged 65 and Over*, United States Census Bureau, <https://www.census.gov/content/dam/Census/library/visualizations/time-series/demo/older-population/Figure%201%20Population%20Aged%2065%20and%20Over.pdf> (last visited Oct. 9, 2020).

6 *Percentage Population Aged 65 and Over with a Disability Living Alone*, United States Census Bureau, <https://www.census.gov/content/dam/Census/library/visualizations/time-series/demo/older-population/Figure%203%20Population%20Aged%2065%20and%20Over%20with%20a%20Disability%20Living%20Alone.pdf> (last visited Oct. 9, 2020).

7 *Maps 65+ 2000-2030*, Montana Department of Health and Human Services, https://dphhs.mt.gov/Portals/85/sltc/documents/AgingReports/Map65_2000-2030.pdf (last updated Aug. 2010).

Section I. INTRO TO THE EASTERN MONTANA ELDER JUSTICE COUNCIL, AND THE MISSION AND VISION OF THE COUNCIL

Governor Bullock created the Eastern Montana Elder Justice Council (hereinafter “EMTEJC” or “the Council”) in Executive Order No. 18-2019 on October 9, 2019.⁸ The Council’s creation recognizes the rapidly growing population of senior citizens in Montana. In 2018, the Population Reference Bureau found that 18.7 percent of Montana’s population was over the age of 65.⁹ Montana was tied with Delaware for the fifth highest percentage of age 65+ citizens in the nation—making Montana the oldest state in the west—behind only Maine, Florida, West Virginia, and Vermont.¹⁰ Because Montana is the oldest state in the west, and this demographic is projected to grow rapidly, urgent action is needed.

The Council’s mission is to provide coordination of agency and community efforts in Eastern Montana to address and reduce abuse, neglect, and exploitation of senior citizens and adults with disabilities in the region. The following three components guide the Council’s work:

Prevention: The Council’s primary task includes education and outreach to agencies, local governments, and the public. The Council’s efforts to discover and disseminate information and strategies to reduce elder exploitation and abuse aim to increase awareness of these issues and promote greater protection for elders’ human rights.

Intervention: Broadly, the Council views intervention as the deployment of community resources to immediately stop elder exploitation or abuse upon receiving and confirming reports involving exploitation or abuse, and to assist in victims’ recovery. The Council’s enumerated duties further include evaluating existing intervention efforts in Eastern Montana and establishing partnerships with governmental, private, and nonprofit organizations and other stakeholders. By strengthening communication and coordination among stakeholders, the Council aims to improve intervention efforts among affected communities.

Prosecution: The Governor’s executive order classifies the Council as a Criminal Justice Agency, designating one of the Council’s principal functions as the administration of criminal justice. The Council is vested with investigatory powers to allow it to assist local investigators and prosecutors in providing justice for victims of elder abuse, including financial exploitation. The overarching purpose of the investigatory and prosecutorial functions of the Council is to punish and deter bad actors.

The Council’s effectiveness rests on the ability to form partnerships across the public and private sectors for the common goal of protecting seniors from exploitation. Council members include representatives in the civil legal field, law enforcement, financial services industry, county attorneys from Yellowstone and surrounding counties, and non-profit senior advocacy groups. The Council’s area of coverage extends to twenty-two counties in Eastern Montana.¹¹ As an initial matter, the Council formed three subcommittees to focus on the components listed above: A Prevention Subcommittee, an Intervention Subcommittee, and a Prosecution Subcommittee.

8 *Governor Bullock Launches Task Force to Combat Crimes against Montana Seniors*, State of Montana Newsroom (Oct. 9, 2019), <https://news.mt.gov/governor-bullock-launches-task-force-to-combat-crimes-against-montana-seniors>.

9 *Which U.S. States Have the Oldest Populations?* Population Reference Bureau, <https://www.prb.org/which-us-states-are-the-oldest/> (last updated March 16, 2019).

10 *Id.*

11 These counties include the following: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, McCone, Musselshell, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Treasure, Valley, Wibaux, and Yellowstone.

Part A. VISION STATEMENT

The Eastern Montana Elder Justice Council is committed to supporting an enjoyable quality of life for Eastern Montana's senior citizens by encouraging zero tolerance for elder abuse and exploitation. The Council is also committed to forming partnerships with local communities in its region in furtherance of its mission. In doing so, the Council's efforts must be crafted to achieve:

- The reduction and/or elimination of elder abuse and exploitation in Eastern Montana.
- A region wherein Eastern Montanans are educated and understand how elder abuse and exploitation occurs.
- A region wherein Eastern Montanans recognize their role in understanding and preventing elder abuse and exploitation.
- A region wherein Eastern Montanans are aware of and able to utilize existing networks to report suspected elder abuse and exploitation.
- An example that all Montanans can point to which recognizes and takes seriously the existence of elder abuse and exploitation and its impacts on victims, families, communities, and the State.
- An example for all Montanans illustrating how we can work together to take personal and professional responsibility to stop the epidemic of elder abuse and exploitation.



The onset of the pandemic did not prevent the Council from seeing to the needs of elderly Montanans.

Part B. LONG-TERM VISION OF COUNCIL: ELDER FINANCIAL EXPLOITATION AND ABUSE RESPONSE TEAMS COVERING ALL OF MONTANA

The Governor's Executive Order envisions the Council as a pilot project for additional elder financial exploitation and abuse response teams in Montana. The Council is intended to be a blueprint for what Montanans can do to meet this challenge in every region of our State.

The Council represents only the latest effort by Montana's leaders to focus on elder abuse and exploitation. The Council's creation followed the creation of the Senior Financial Exploitation Task Force by State Auditor Matt Rosendale in January 2019.¹² Rosendale's task force, in turn, followed the passage of House Bill 24 in 2017, which allows financial professionals to temporarily delay disbursements from vulnerable Montanans' accounts if financial exploitation is suspected and report the issue to the State Auditor's office.¹³

Part C. SUMMARY RECOMMENDATIONS

- Continue education and outreach events during and after the pandemic. During the pandemic, utilize virtual or telephonic platforms. When safe, prioritize in-person outreach in communities around Eastern Montana.
- Montana should develop a guide that comprehensively defines all forms of elder abuse, neglect, and exploitation, including financial exploitation. The guide should identify relevant Montana law and serve as a reference source for Montana citizens and professionals to learn where to find help if an older client, friend, neighbor, or relative is in trouble and needs help.
- Strengthen connections in the delivery of information related to prevention of elder abuse, neglect, and exploitation within the Crow, Northern Cheyenne, and Fort Peck Indian Reservations.
- Expand knowledge and awareness in Eastern Montana of existing Montana laws that allow for opportunities to intervene in cases of elder abuse, neglect, and exploitation.
- Expand knowledge and awareness in Eastern Montana of availability of critical resources for senior and vulnerable adult populations.
- Expand knowledge and awareness amongst the public and private sector in Eastern Montana of the Council as a source for referrals when elder abuse, neglect, or exploitation is encountered or suspected.
- The Prosecution Subcommittee of the Council should coordinate with Montana Analysis & Technical Information Center (MATIC) on at least one case review in 2021.
- Continued collaboration between Montana state agencies, the U.S. Attorney's Office, non-profit senior advocates, and the private sector, particularly private banks, credit unions, financial planners, and private law firms representing seniors.
- The Council supports two full-time positions in the Eastern Montana region: one full-time attorney and one full-time investigator with a focus on elder justice cases.

12 Rosendale Launches Task Force to Fight Exploitation of Montana's Seniors, Office of the Montana State Auditor (Jan. 29, 2019), <https://csimt.gov/news/rosendale-launches-task-force-to-fight-exploitation-of-montanans-seniors/>.

13 Mont. Code Ann. §§ 30-10-340 through 342 (2019). See also Mont. Code Ann. §§ 32-1-1501 through 1504 (2019) (allowing financial institutions discretion to report and delay transactions when fraud is suspected).

Section II. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS

Part A. PREVENTION SUBCOMMITTEE REPORT

The Prevention Subcommittee's primary purpose is to prevent financial exploitation and other forms of elder abuse before it starts. In carrying out this purpose, the efforts of the subcommittee are severalfold and will continue to develop over the life of the Council. These efforts include an ambitious rollout of public presentations in communities around Eastern Montana and surveying local service providers for their experiences and valuable opinions. The subcommittee has prioritized partnering with local senior centers in the region to disseminate easy-to-understand information that can help seniors protect themselves and others.

After much discussion and deliberation, the Council sees the work of the Prevention Subcommittee as the Council's most important work. Prevention of abuse and exploitation reduces the pain and suffering of older Montanans, which is an overarching purpose of the Council. But it also reduces the need for resources to be diverted towards interventions and prosecutions. The merits of prevention speak for themselves. However, measuring the efficacy of prevention efforts is more difficult. It is easier to count the number of successful interventions and prosecutions than it is to measure harm prevented. When preventative measures are working, there is not likely any report, and oftentimes there is no service-provider involvement at all, let alone any obvious mechanism for measurement. Currently, there is a need for more intervention, investigatory, and prosecutorial resources in Eastern Montana. However, the Prevention Subcommittee's goals go straight to the heart of the Council's purpose in supporting the betterment of older Montanans lives. The old adage that "an ounce of prevention is worth a pound of cure" could be no truer than within the context of elder abuse and exploitation.

The Prevention Subcommittee began meeting monthly starting in March 2020, a few weeks after the Council members were confirmed. Due to the COVID-19 pandemic, subcommittee members had to immediately alter their plans to visit communities with in-person presentations. Early in these meetings, the subcommittee worked to troubleshoot dissemination of information in an environment that did not allow for group gatherings. Going "virtual" with events was only one of the challenges experienced by the subcommittee, and the pandemic forced the subcommittee to be innovative in the ways it delivered information. To summarize, subcommittee efforts *before* the pandemic were largely centered around in-person, public presentations at senior centers in communities in the Council's region. Subcommittee efforts *after* the pandemic were much more diverse and included virtual presentations on video platforms, radio and television interviews, mailings, telephonic presentations, and tele-town hall events.



Part A 1. Milestones

As of the drafting of this report, the Prevention Subcommittee has achieved several milestones,¹⁴ all towards the primary purpose of preventing, through education and outreach, exploitation, fraud and scams that target senior citizens and/or have a disproportionate financial impact on Montanans aged 65 years and older. Below are some examples of the milestones achieved by the subcommittee:

- The Council was assembled on February 14, 2020, just weeks before the pandemic began impacting Montana and shelter-in-place orders and social distancing recommendations became widespread. Prior to the pandemic, the subcommittee had established an ambitious goal to deliver presentations at senior centers in each of the twenty-two counties in the region established by the Governor's executive order by the end of 2020. However, starting in mid-March regional senior centers had dramatically modified in-person operations, delivering meals instead of offering congregate meals, and strictly limiting or altogether halting any forms of social gathering. As of the submission of this report, a large majority of senior centers remain in some stage of suspension regarding social gatherings of local seniors. Despite these challenges (and due to an active rollout of presentations prior to becoming official and during a relatively mild winter travel season before the pandemic), representatives of the subcommittee were able to conduct in-person public presentations in eleven counties of the twenty-two county-area. Additionally, since the pandemic, virtual forms of outreach, education, and presentations have been made in the remaining eleven counties. The Prevention Subcommittee is pleased with how it was able to pivot during the pandemic and still achieve its goal of reaching all twenty-two counties, primarily through contacts with senior centers, with some form of introduction and presentation to help locals recognize, avoid, and help their friends, family, and neighbors with issues involving financial exploitation, fraud and scams that target seniors.
- Another outreach effort conducted by subcommittee participants through their employment at DPHHS is the Legal Service Developer program. The Legal Service Developer Program conducts trainings and in-person legal clinics across Montana to address senior financial exploitation. The trainings focus on educating aging services professionals, health care professionals, businesses, and legal professionals, but any interested Montanans are welcome to attend. The trainings teach attendees about working with individuals with limited capacity and how to spot and address senior financial exploitation, abuse and/or neglect. The trainings are accredited as Continuing Legal Education, Nursing Contact hours, and Continuing Education Units for social workers to encourage broader participation. In the spring and fall of 2020, these presentations were available virtually and in socially distanced in-person sessions. In 2019 and 2020, the Legal Service Developer Program trained a total of 30 individuals in Billings, Glasgow, Hardin, and Plentywood.
- The Legal Service Developer Program also held Legal Document Clinics to assist seniors in completing their estate planning documents. A secondary purpose of these clinics was to identify and address any situations that potentially involve an ongoing exploitation. But the overarching purpose of the clinics is to prevent future exploitation and provide a contact for the reporting of financial exploitation, abuse, and neglect. The clinics provided participants with information about the benefits (and potential risks) associated with estate planning documents, options to add protective measures to their powers-of-attorney, and legal advice on related civil legal issues. In 2019 and 2020, the program served a total of 158 individuals.



¹⁴ The above milestones are examples of efforts by the Council's Prevention Subcommittee. A list of all the Council's education and outreach efforts is included below in Appendix 5.

- The Legal Service Developer Program also hosted a series of seven webinars on adult guardianships. The webinar series focused on alternatives to guardianship, the current state of Montana law, national trends in guardianship, and working with limited capacity clients. The program was offered free of charge to Montana Legal Services Association attorneys and the Office of the Public Defender. Overall, 120 people attended the series across Montana.

Part A 2. Survey of relevant education and outreach existing alongside or independent from the Council's efforts

The Governor's executive order tasked the Council with surveying current prevention efforts already underway in the twenty-two-county region. In furtherance of this task, the Prevention Subcommittee is surveying several local service providers to develop some data on what prevention, education, and outreach efforts were already taking place in the region.

The Council is using the Survey Monkey platform to gather responses. The survey has been distributed widely across the region to develop a better understanding of the existing education and outreach efforts. Though a work in progress, the subcommittee continues its efforts to engage a comprehensive pool of survey participants to develop more complete data.

A related purpose of the survey is to determine geographic or subject matter gaps in education and outreach efforts so those gaps can be bridged. Thus far, survey respondents have reported that where training is being conducted, the topics covered include: (1) general warning signs of elder abuse and exploitation, and (2) scams, frauds, and financial exploitations that impact seniors. The target audience for the outreach and training is broad-based and includes seniors, law enforcement, and various professional groups. Though some respondents indicated they are conducting 20+ training sessions per year, there is a demonstrable need to conduct additional in-person and virtual trainings throughout the region.

Part A 3. Current results of the ongoing survey are as follows:

- 80 percent of the respondents indicated they provided outreach and training on elder abuse and exploitation.
- 100 percent of the respondents had some form of training on scams and fraud.
- 80 percent of the respondents had some training on financial exploitation.
- 50 percent of respondents had some training on different types of elder abuse.
- Respondents' training goals were primarily to increase awareness of some form of elder abuse.
- Respondents' target audiences were seniors and professional groups.
- 50 percent of respondents conducted 20+ presentations per year and 50 percent presented less than 5 per year (April 2019-March2020).
- 75 percent of respondents stated there was a need to increase awareness of elder abuse issues through training and provided their names and contact information.
- The most popular forms of training were virtual and in-person.

Part A 4. Recommendations

On November 16, 2020, a guide entitled Finding Help: Abuse, Exploitation & Neglect in Later Life was released through a collaborative effort between the Vermont Attorney General Office's Elder Protection Initiative and the Vermont Department of Disabilities, Aging & Independent Living.¹⁵ The Prevention Subcommittee believes that Montana entities should undertake a similarly impactful Montana-specific guide. Such a guide should be a well-designed document that comprehensively defines all forms of elder abuse, neglect, and exploitation, including financial exploitation. The guide should also identify relevant Montana law. Such a guidebook could be a reference source for Montana citizens and professionals to learn where to find assistance if a client, friend, neighbor, or relative is in trouble and needs help.

Additionally, in Montana, the Legal Service Developer program, the Office of Consumer Protection, and the Commissioner of Securities and Insurance all plan future clinics, public presentations, and trainings in the Council's twenty-two county region of Eastern Montana. If the COVID-19 pandemic continues to limit in-person attendance, these outreach events will be offered virtually. The Legal Services Developer program also has weekly one-hour trainings planned for Area I and II Agency on Aging staff covering a wide range of topics, including several on exploitation, abuse, and neglect. These trainings are currently and will continue to be offered as live webinars and recordings will be posted for future viewing by interested service-provider staff and volunteers.

Amidst the pandemic, the Prevention Subcommittee has struggled to engage tribal members in the region and wishes to seek tribal representation on the Council. The subcommittee will continue to seek a tribal representative to assist in the delivery of information and resources to Eastern Montanans living in one of the three reservations in the Council's area. Finally, the Council as a whole—particularly the Prevention Subcommittee—recognizes it is important to develop a social media presence and will work to do so.



15 <https://ago.vermont.gov/wp-content/uploads/2020/11/HelpGuide.pdf>

Part B. INTERVENTION SUBCOMMITTEE REPORT

The Intervention Subcommittee's purpose is two-fold: first, when possible, intervene and stop financial exploitation and other forms of elder abuse upon receiving and confirming a report. Second, provide supportive services to victims of abuse or exploitation. The Intervention Subcommittee acknowledges that not every single case of fraud, abuse or exploitation can be prevented, and likewise, not every single case of fraud, abuse or exploitation will be prosecuted. While the Prevention and Prosecution Subcommittees may strive to do their best, it is unrealistic to believe that prevention or prosecution will cover every situation.

The Council's overall intent is not to create a separate entity charged with addressing elder justice issues, but rather to work with appropriate government, non-profit, and private entities already in place. These include government agencies at the Federal (e.g., U.S. Attorney's Office, FBI), State (e.g., DPHHS-Adult Protective Services and Aging Services, Attorney General's Office of Consumer Protection, and the State Auditor's office), and local (e.g., county attorneys' offices, Sheriffs' offices) levels. The Council's makeup includes a number of non-profit agencies specifically focused on providing services to the elderly and vulnerable population, as well as private business representatives from the banking, financial services, and legal industries. One goal of the Council is to develop best practices to coordinate the activities in all these sectors to better serve our vulnerable adult citizens.

Currently, Montana law already contains some provisions that are designed to address abuse or exploitation of vulnerable seniors and disabled adults. These can, if applied, allow for intervention to either stop or mitigate the damage caused by abuse or exploitation. Some examples include:

- Mont. Code Ann. §§ 30-10-340 through 342: To prevent financial exploitation, this provides an investment advisor immunity for reporting suspected financial exploitation and/or delaying a transaction when exploitation or fraud is suspected. Procedures and timeframes are defined.
- Mont. Code Ann. §§ 32-1-1501 through 1504: To prevent financial exploitation, this provides banks and other financial institutions immunity for reporting suspected financial exploitation or fraud, notifying family or other significant others of suspicious activity, and delaying transactions when exploitation or fraud is suspected.
- Mont. Code Ann. §§ 50-5-1301 through 1308: To mitigate possible abuse or neglect, this allows for hospital and other medical care providers to appoint someone (e.g., proxy decisionmakers) to make medical decisions for incapacitated adults when no other individual is identified to make those decisions.
- Mont. Code Ann. §§ 52-3-201 through 207 and 52-3-801 through 825: To investigate, mitigate, and prevent abuse, neglect and/or exploitation of vulnerable adults, including older adults, this establishes Adult Protective Services as the responsible agency within DPHHS. The statutes define authority, processes, and procedures under which APS operates. APS authority does include some limited capabilities to intervene in abuse, neglect, and exploitation cases. For example, Mont. Code Ann. § 52-3-801 et seq. allows for a two-day emergency hold for APS investigators, medical personnel, or law enforcement officers to take immediate action to protect an older person when that person is in harm's way, is believed to lack capacity, and needs immediate action to protect them. The statutes allow for the arrangement or facilitation of emergency protective service placement, temporary guardianship, and the provision of voluntary protective services.
- Mont. Code Ann. §§ 52-3-401 through 410: State Plan on Aging. To prevent and mitigate the potential impacts of abuse, neglect, and exploitation, this law defines the intended activities and services offered through the Area Agencies on Aging and various subcontractors assisting Montana's elder population.
- Mont. Code Ann. §§ 52-3-601 through 605: Ombudsman Services. Ombudsmen provide support to residents within nursing homes and long-term care facilities to protect their rights and address concerns. This has a positive impact on reducing abuse, neglect, and exploitation concerns

within these facilities. It is important to note that ombudsmen cannot report concerns to any other agencies without client permission.

- Mont. Code Ann. §§ 72-5-301 through 325: This statute addresses the procedures and processes to put an adult under Disability Guardianship or Conservatorship. Both are valuable tools in intervening in cases of abuse, neglect, and exploitation when the affected adult is deemed to lack capacity.

In addition to the above statutes, there are other civil legal avenues that can be useful in elder abuse cases. For example, a court can be petitioned to replace an agent or terminate a power-of-attorney if there are concerns about inappropriate behavior. The Social Security Administration allows for the appointment of a representative payee to help monitor funds for vulnerable adults. To some degree, the above provisions provide the basis, process, and procedures, for intervention or mitigation in some cases of abuse, neglect, or exploitation of elders or disabled individuals. However, there are limitations on the authority and application of each of them.

It is important to note that there does exist a network of non-profit, community-based agencies, tribal entities, and other organizations that provide services to the region's elder and vulnerable adult population. Many of these entities could potentially intervene to mitigate the impacts of abuse, neglect, and exploitation. However, the availability of such services varies significantly throughout the counties represented within service area of the Council. Consequently, the Intervention Subcommittee is actively working to assess the availability of services on a county-specific basis. The Area I and II Agencies on Aging, State Aging Services Division, Adult Resource Alliance of Yellowstone County, and Big Sky Senior Services are all represented on the subcommittee and are all actively helping with this effort. The Occupational Therapy Department of Rocky Mountain College is also assisting with the research necessary to provide an accurate picture of the service network throughout Eastern Montana.

Part B 1. Intervention Subcommittee Goals

- a. Determine the efficacy and awareness of existing provisions codified in Montana law (identified above) within the Eastern Montana region. By completing this goal, the Council will be able to document the degree to which these legal protections are effective in reducing elder abuse. It will also help determine how widespread knowledge of these laws is within impacted professions, whether and what barriers exist that may reduce efficacy, and whether corrections or adjustments may be made to the law to improve it.
- b. Determine the availability of critical services available to senior and vulnerable adult populations in each of the counties covered by the Eastern Montana Elder Justice Council. These services include:
 - Housing--emergency and low-income.
 - Transportation--emergency, medical access, etc.
 - Nutrition and dietary supplement.
 - Medical access--Medicaid and Medicare enrollment support.
 - Mental health services.
 - Legal assistance.
 - Tax and accounting assistance.
 - Financial services, e.g., payee, conservatorships.
 - Home health and home care services.
 - Vision and hearing-impaired services.
- c. Develop specific recommendations and actions to improve access to services intended to intervene or mitigate the impact of abuse, neglect, and exploitation by or prior to the 2023 Legislative session.

Part B 2. Successful Intervention Examples

Success Story 1: Financial institution intervention

A banker from northeastern Montana called the Montana Office of Consumer Protection (OCP) about a suspected hybrid investment-romance scam about to occur with one of his bank's customers. The customer was a man and an "older person" under some Montana laws, but relatively young at age 60. The banker was familiar with this customer and reported that he believed the man had a traumatic brain injury in his past that had some impact on the man's cognitive ability. Nonetheless, the bank customer was instructing the banker to carry out an electronic funds transfer of his entire balance on an IRA he held at the bank, an amount consisting of just under

\$60,000. The customer was initially skeptical of the banker's help and was persistent that he wanted the money sent. The OCP confirmed that the banker was correct about the scam and the banker set up a conference call including the bank, the customer, and OCP. The customer was initially frustrated and felt he was being told what to do by people who did not know how close he had become with the person he wanted to send this money to, despite the fact that he had had only had internet or telephonic communications with them. After a significant amount of educating, the customer was ultimately convinced that he should not send his money and it was all saved. No money was lost because of this attempted scam.

Success Story 2: Financial exploitation and mental abuse intervention

A man in his 80's with moderate cognitive decline was living independently in his home with a much younger man as a housemate. The older man was providing housing, food, and paying for all services in the home. The older man has no living family to assist with financial or medical decision making. The younger housemate was remodeling the home while living there (for income) but not keeping receipts. Concerns about financial exploitation and undue influence were made through a report. Ultimately, these concerns were resolved with voluntary appointment through a district court of a third-party conservator. The





older man's resources are now secured, and the housemate remains in the home and has attained outside employment for income. Home care services are being provided to the elderly man by an outside agency, and the housemate has assumed the role of night-time caregiver in exchange for rent.

Success Story 3: Physical abuse with intervention

A woman in her 70's was taken by American Medical Response (AMR) to a regional hospital where it was learned she had been living in an RV with her husband. The woman was non-ambulatory and had been relying on her husband to bring her food. The woman had been found on the floor of the RV covered in feces, urine, and maggots. While in the hospital, the woman informed Adult Protective Services (APS) that her husband had stomped on her legs, causing severe bruising that remained long after the incident. The APS Investigator

(APS-I) reported this to law enforcement, sent pictures of the bruises, and secured a written statement from the woman. Law enforcement issued a warrant request for the woman's husband. APS worked in coordination with a hospital social worker to arrange for a long-term care placement for the woman because she did not want to return to the RV where her husband still lived.

Success Story 4: Caregiver neglect with intervention

A woman in her 80's was traveling with her grandson from their out-of-state home to an unknown destination in a truck and camp trailer. The grandson had assumed all care responsibility and reported being the agent under a power-of-attorney. The grandson parked the camper at a rural fishing access campground. The grandson then left the older woman alone in the camp trailer for an unknown length of time. The woman was found

without food, water, heat, or electricity and in poor physical health. She was transported to a regional hospital for treatment. Upon arrival the woman was malnourished, dehydrated, and in need of medical intervention. The medical documents supported allegations of care-giver neglect. Adult Protective Services intervened by advocating for the facility to provide a safe discharge plan for the alleged victim to ensure she was not discharged into the care of the grandson. A family member from the woman's home state was contacted and traveled to Montana to assume care after the older woman became medically stable.

Success Story 5: Self-neglect with intervention

A man in his 80's was diagnosed with severe dementia. He lived alone and was unable to care for himself and often would not change his clothes. Adult Protective Services (APS) connected the man to Senior Helping Hands who was able to assist him with transportation, meals, and bathing. APS also referred the man to Prevention of Elder Abuse who agreed to act as his payee and help him with his finances. APS was eventually able to locate the man's daughter who lived out of state but was willing to serve as her father's legal guardian. Ultimately it was determined that even this level of support was insufficient for the man's care needs. He was eventually hospitalized, which allowed his daughter to work with hospital personnel to locate a suitable placement for the man. He now resides in a memory care unit and is receiving the level of care he needs.



Success Story 6: Successful scam intervention

A retired widow from the region met a man on an online dating website and her perception was that they were developing an intimate online dating relationship. While they never met in person, the woman genuinely believed she was in a close relationship and plans were made to one day meet and move in together, and even get married. The man claimed to be a successful contractor who had a project overseas that he was busy completing. At some point, he claimed to have encountered some licensing issues where he needed a financial infusion to appease local regulators (he claimed to be in France). He told the woman if she could send him the money he needed, he would

pay her back two-fold when the project was done. The woman went to her bank in Montana where she held substantial funds from a lifetime of saving with her late husband. She requested just under \$500,000 to be transferred. Her bank was suspicious and called a local Adult Protective Services office (APS). APS contacted the Montana Office of Consumer Protection (OCP) and together, APS and OCP were able to convince the woman it was a scam, and the requested transaction was canceled. While upset over the loss of what she perceived to be a budding long-term relationship, she was grateful to have been educated on the scam so that she could make an informed decision to avoid it. No money was lost because of this attempted scam.

Success Story 7: A lottery scam mitigated by intervention

A rancher in his 80's from southeastern Montana was reported to local law enforcement as paying monies to what appeared to be a foreign lottery scam. Local law enforcement engaged with Council member organization, the Montana Office of Consumer Protection (OCP). Local law enforcement explained the man was hesitant to listen to him, and even after the deputy had told him that this was a lottery scam the man continued to forward money. Upon the report to OCP, it was determined that the deputy was correct in his assessment of the scam, and a discussion occurred between OCP and the elderly man, who ultimately agreed to cut off the transfers of funds to the scammer. At this point, an

estimated \$36,000 had been lost, however, the man's net worth was much higher, and this simple form of intervention stopped further losses.

Success story 8: A successful intervention of improper use of POA

At a regional bank with staff membership on the Council, an elderly customer's grandson's girlfriend brought in power-of-attorney (POA) paperwork in September 2020 involving the customer, who had recently been determined unable to live on her own and had moved into a nursing home. The POA agent was dating the elderly customer's grandson and gave the grandson a debit card attached to the customer's account. It was discovered the grandson used the debit card for his own personal expenses dating back to the customer's move into the nursing home. In November 2020, the nursing home and the elderly customer both contacted the bank because they noticed missing funds. The bank recommended the customer formally dispute the debit card charges and connected the customer with Adult Protective Services. Adult Protective Services assisted the customer with a revocation of the POA. Additionally, the local bank's fraud department filed disputes related to the debit card transactions, discontinued the debit card, and consulted with in-house legal counsel to determine whether the bank could honor a verbal revocation of the POA in order to quickly avoid further harm. The POA was revoked and further financial harm from these parties has been prevented for the foreseeable future.

Part B 3. WHY EDUCATION AND INTERVENTION ARE SO IMPORTANT: AN EXAMPLE OF A LOTTERY SCAM WITH NO INTERVENTION

A retired widower received a call from a lottery scammer. He was told he won a large sum of money. He was promised significant winnings would be delivered after he paid taxes and fees upfront. He was instructed to pay those taxes and fees in cash and that he should mail the cash overseas. After he sent an initial sum of cash, the scammer identified him as a lucrative mark and continued to instruct him to send money. He was instructed to continually withdraw sums from his bank, often being told he won more and more money. Over the course of several weeks starting in spring of 2019, he withdrew money from various personal investment and savings accounts he had accumulated from a lifetime of working in the oil industry and being frugal. Tragically, he ultimately mailed over \$1.5 million dollars in cash to Asia. The scam was not reported until well after the funds were gone. This money has never been recovered. While both the Commissioner of Securities and Insurance and Office of Consumer Protection intervened immediately upon learning of the scam, the losses were already catastrophic. The agencies were able to save further losses of a few tens of thousands of dollars, which represented only a pittance of this elderly Montanan's savings prior to this scam. Since the Council was assembled it has been assisting the man with tax liability issues for the investments he cashed out to pay the scammers.

Part C. PROSECUTION SUBCOMMITTEE REPORT

The Council established the Prosecution Subcommittee to assist in the execution of the Council's duties in the Governor's Executive Order. The subcommittee's primary purpose is to assist in punishing and deterring bad actors who seek to abuse and/or exploit seniors in Eastern Montana. In furtherance of its purpose, thus far, the subcommittee has acted in several counties supporting the investigation, referral, and prosecution of cases and it is the subcommittee's intention that these efforts will continue over the duration of the Council's existence.

The subcommittee members may include elected county attorneys, deputy county attorneys, local and state law enforcement officers and investigators, Adult Protective Services investigators and leadership, Assistant United States Attorneys (AUSA), and Montana Department of Justice Prosecution Services Bureau attorneys. Actions taken by the subcommittee aim to support investigation and prosecution in communities in the Council's region to bring some measure of justice to victims and deter those who would take advantage of older Montanans.

Part C 1. Best practices for Subcommittee Review of Referrals

In keeping with the Governor's Executive Order, the subcommittee has focused on developing a system to facilitate its duties and processes, aimed at reviewing and aiding in investigation and prosecution of abuse, neglect, and financial exploitation, or other crimes perpetrated against older persons.

a. Initial matters

Organizational structuring of the subcommittee required several decisions. The first decision was choosing a method by which the subcommittee could meet (in-person vs. virtually), and how often. The Council was assembled with members on February 14, 2020, and starting in March, Prosecution Subcommittee members met at least once per month, and often communicated ad hoc. Further tasks to get up and running included deciding: (1) the flow of referrals and where referrals would come from (e.g., APS, law enforcement, county attorneys); (2) how referrals would get to the subcommittee; (3) what the subcommittee's role is upon reviewing referrals; and (4) the turn-around time for completing reviews and/or providing aid to the agency or entity who made the referral.

The Council reached out to United States Attorney Kurt Alme, who immediately responded by helpfully recommending a Billings-based Assistant U.S. Attorney for Council membership whose

caseload already included elder abuse and exploitation cases at the federal level. This addition has enhanced communications and information-sharing between the jurisdictions. It also serves to coordinate and expedite responses in the community to prevent abuse or exploitation and prosecute bad actors. Recommendations as to which jurisdiction might be best suited to prosecute a given case is also a subject of the subcommittee's consideration. The subcommittee concludes that the U.S. Attorney's Office should be a part of the process of a systematic review of cases that fall within its jurisdiction.

The subcommittee learned that the process of conducting outreach to law enforcement partners such as local law enforcement agencies and county attorneys was time-consuming, yet it is one of the most important steps in pulling together an effective team. Thus, a thoughtful approach to including professionals from different geographical areas is recommended for any future efforts in other parts of Montana.

b. Reviewing and Prioritizing Referrals

Regarding Adult Protective Services (APS) referrals, the subcommittee discussed the role, if any, of the county attorney in the county from which the referral was generated. The subcommittee has concluded that, at a minimum, the county attorney in the county from which a referral generates should be made aware of the referral. In addition, if requested, the subcommittee should brief the county attorney on its review of any given referral. The subcommittee of course recognizes and respects the independent prosecutorial discretion of a county attorney who is the ultimate arbiter of whether a case is charged.

The subcommittee believes the referral process is an area in which it can improve and work to formalize, not only in identifying referral sources, but establishing a systematic approach in which cases are brought to the subcommittee for review. The successful case review process has been to answer initial evidentiary questions and then advance the referral after a determination that the information supports the elements of a crime. Not all investigations will require involvement by a county attorney due to the potential for resource-drain. One subcommittee member opined that the best process might be for APS to receive all such investigations for initial review, and as needed, refer them to the subcommittee for review and recommendations for next steps.



The consensus was that the subcommittee should aid an investigating agency in sorting information, identifying key facts and issues, recommending investigatory leads, and identifying and quantifying the need for financial analysis. Again, because of the potential for local resource-drain, there is no need to involve the county attorney at early stages of an investigation because the goal is to help the investigator put together a solid referral for the county attorney's review.

c. Confidentiality Considerations

As discussed above, the Executive Order creating the Council established the Council as a Criminal Justice Agency. As such, it may review information that is considered confidential criminal justice information under Montana law.

Being privy to confidential criminal justice information, the subcommittee needed a secure method to transfer this criminal justice information. At the suggestion of the Adult Protective Services (APS) subcommittee members, the subcommittee tapped into an existing resource through which it can securely transfer criminal justice information to subcommittee members for their review as time permits. That resource is the electronic Montana File Transfer Service. By using the File Transfer Service, the subcommittee is assured it is receiving and reviewing information from pending APS investigations in a secure manner. The subcommittee's usage of this service should remain flexible in the event other more advanced services become available.

Part C 2. The Subcommittee's Accomplishments Thus Far

As of the drafting of this report, the subcommittee has made several accomplishments toward its goals, and has several efforts in progress. To date, the subcommittee has reviewed several ongoing investigations, discussed below. Some of the referrals came from Adult Protective Services (APS). As stated above, when APS made referrals, the subcommittee received investigative materials through the Montana File Transfer Service. Each subcommittee member logged into the service and reviewed the materials with the assigned investigator's questions and concerns in mind. The subcommittee identified key facts, missing information, and made suggestions as to how to obtain information. With APS referrals, the subcommittee gave APS a general assessment of each case.

Accomplishment example 1:

The subcommittee reviewed a Custer County police lieutenant's ongoing investigation after his request for support from a Billings Police Department investigator who serves on the subcommittee. The lieutenant was seeking assistance with a potential power-of-attorney fraud and felony elder exploitation investigation. He requested assistance in determining the legal veracity of the power-of-attorney document. Subcommittee members enlisted another Council member, a highly experienced private civil attorney versed in power-of-attorney legal issues. That member reviewed the document and relayed his assessment of its legality, which was conveyed to the lieutenant. The lieutenant took guidance and integrated the information into his investigation. The information expedited his investigation.

Accomplishment example 2:

Several referrals were received from the Musselshell & Golden Valley County Attorney who sought assistance from a Council member agency, the Department of Justice's Office of Consumer Protection (OCP). The referrals were related because they stemmed from a hailstorm which caused widespread damage to property in Musselshell County. After the hailstorm, a few unscrupulous contractors offered hail repair services in the community. The OCP assisted the county attorney by investigating the contractors' business practices. This collaboration led to a Council member, who is also an OCP attorney, becoming deputized and serving as co-counsel in several felony theft, deceptive practices, and elder exploitation cases in Musselshell County. Through the subcommittee's information sharing it was discovered that for years two of the involved contractors had been perpetrating similar criminal schemes throughout several of the region's counties, related and unrelated to hail damage, as well as into the State of Wyoming. Most of the victims involved with these referrals were senior citizens.

Accomplishment example 3:

During recruitment, Council members contacted the Sheridan and Rosebud County Sheriffs to inquire about the volume of elder abuse and exploitation investigations they conduct, and to seek their participation in the subcommittee. One sheriff agreed to be a member, and the other agreed to participate on an ad hoc basis. Both expressed a great need for investigative resources and assistance to investigate elder abuse and exploitation cases. The greatest need expressed was for forensic analyses of bank and estate records and understanding the dynamics between powers-of-attorney and estate wills, and the requisite proof of a crime. Another issue they discussed was cooperation with bank personnel and the legal challenges presented. In addition to their input into the subcommittee's goals, both officers were introduced to the Council and its purpose as a resource. One sheriff agreed to spread the word about the Council as a resource to his colleagues as a part of his role as president of the Montana Peace Officers Association.

Accomplishment example 4:

Another success was timely aid from Council and subcommittee members to a Dawson County Adult Protective Services investigator and banker to identify an on-going elder exploitation case. The Council intervened and the bank did not release the funds of the intended victim. As a result of the subcommittee's involvement in the case, the Internal Revenue Service responded to assist the county attorney.

Part C 3. Efforts in Progress

Overall, efforts are underway to continue to establish a smooth and clear referral process for elder abuse and exploitation cases from varying agencies to the Prosecution Subcommittee. As part of a pilot project, the subcommittee's methods of operation remain open to improvement. Should any other Montana-based elder justice teams materialize in other parts of the state, those teams should look to the Council's experience while recognizing that certain components of their referral process may be unique to their team and region.

Another effort in progress is by a law enforcement member involved in a pilot project with an Assistant U.S. Attorney (AUSA) who has volunteered to review local law enforcement financial cases that could be prosecuted under the Federal Aggravated Identity Theft statute. Prospective submissions include elder financial exploitation investigations. The purpose of this effort is to screen local elder financial exploitation investigations for federal prosecution under the federal aggravated identity theft statutes if identity theft is indicated. The federal statute provides for a mandatory minimum sentence of two (2) years. The AUSA has received approval to prosecute these cases federally even if the dollar figure is below the historical threshold for prosecutorial resources.

Finally, a Billings police detective on the subcommittee drafted an *Adult Protective Services Investigator Guide to Law Enforcement Referrals* for training and continuity purposes. Based on his training and experience, he identified improvements that could be made to APS investigations for consistency and with the goal of submitting complete investigations to law enforcement. The detective submitted the guide to Montana's Adult Protective Services Bureau Chief, who is also a subcommittee member. The guide has been modified and is continuing to be finalized for dissemination to all Montana APS investigators. The draft guide is attached to this report as Appendix 8.



Part C 4. Recommendations

Recommendation 1: A dedicated attorney and investigator for elder justice cases in Eastern Montana.

The Prosecution Subcommittee has identified a clear need for more investigative and prosecutorial resources focused on elder justice in Eastern Montana. Law enforcement and prosecutor offices are significantly limited in the time and resources they can dedicate to elder abuse and exploitation cases due to large criminal and child abuse and neglect caseloads in their jurisdictions. In addition, although not an issue in every case, a lack of auditing and/or forensic accounting investigators has severely limited law enforcement efforts, especially in rural communities, to find and develop evidence in what are often complicated and difficult financial investigations. Furthermore, delayed intervention and detection of fraudulent diversion of an elder victim's financial resources can thwart law enforcement's ability to build a case meriting prosecution.

Consequently, the Prosecution Subcommittee strongly supports two full-time positions in the Eastern Montana region.¹⁶ First, we recommend that one full-time attorney be dedicated to working elder justice cases, ideally based in Billings, due to its central location and proximity in the region the Council serves. The attorney would work as lead and co-counsel on elder abuse and exploitation cases in Eastern Montana. Second, the subcommittee strongly urges support for or the hiring of at least one full-time investigator, based again in Billings. The investigator's focus would be on elder abuse and exploitation referrals. The investigator would assist local investigators and prosecutors in building prosecutable cases in Eastern Montana. In addition, the investigator could be a dedicated auditing and/or forensic accounting investigator, able to conduct financial analyses. The investigator would collect and organize financial documents for local law enforcers. The prosecutor and investigator should be members of the Prosecution Subcommittee. The nature of both positions would require travel between the twenty-two-county region.

Recommendation 2: Further exploration of existing legal tools and recommendations for legislation; conducting a review with MATIC.

The Council has identified the need to review current laws related to the Council's and Prosecution Subcommittee's purpose to review cases of elder abuse, neglect, and financial exploitation, or other crimes perpetrated against elders. This may require creation of a separate legislative subcommittee. A legislative subcommittee within the Council could identify existing statutory resources and organizations with whom the Council could coordinate efforts. For example, the Council's Prosecution Subcommittee is exploring coordination with the Montana Analysis & Technical Information Center (MATIC) in the Department of Justice, Division of Criminal Investigation. MATIC can provide analytic case support for review of financial records obtained by investigators, among other tasks. In 2021, the Council's Prosecution Subcommittee intends to coordinate with MATIC on an elder exploitation case review.

A legislative subcommittee could also identify gaps in existing legislation and investigate how to better coordinate the duties and purposes of other Montana statutory schemes aimed at preventing elder abuse, neglect, and financial exploitation. For example, Mont. Code Ann. § 52-3-805, provides that the county attorney or DPPHS *shall* convene one or more temporary or permanent interdisciplinary adult protective services teams. A legislative subcommittee could explore how to coordinate efforts between the APS Adult Protection Team ("APT"), each county within the Council's region, and with the Council itself.

CONCLUSION

Despite the pandemic, the Council has begun the work of putting together a multidisciplinary and multijurisdictional team dedicated to serving a growing and sometimes vulnerable population of Montana seniors. Our experience as a pilot multidisciplinary team can be a model for the creation of other similar teams in Montana. Although Eastern Montana is aging rapidly, its demographics are not unique. Counties from every region in Montana are aging at similar rates, and other regions need to address this reality. As this report goes to print, COVID-19 rates in Montana are surging, and the isolation of many seniors has been intensifying problems they were experiencing prior to the pandemic. Although this work has never been more important, pre-pandemic elder financial exploitation and abuse was already its own national epidemic. Consequently, the challenges ahead will not wane when the dust from the COVID-19 pandemic settles. Montanans have proven, time and again, that together we can solve difficult problems through innovation, hard-work, and Made-in-Montana collaboration. We must confront these problems and in doing so we can provide an example for the nation. We owe it to our senior citizens, our communities, and our own families.

16 See Appendix 7, attached letters in which nineteen County Attorneys in the Council's twenty-two county region also support this.

Appendices

Appendix 1. GOVERNOR'S EXECUTIVE ORDER

STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 18-2019

EXECUTIVE ORDER CREATING THE EASTERN MONTANA ELDER JUSTICE
COUNCIL

WHEREAS, the State of Montana has a rapidly growing population of senior citizens, defined as "older persons" under the laws of the State of Montana, §§ 52-3-803 and 45-6-333, MCA;

WHEREAS, senior citizens play a key role in the vitality of our neighborhoods, family, and social networks, and as they age or become disabled, they become vulnerable to abuse, neglect, and exploitation;

WHEREAS, multidisciplinary agencies and organizations work in partnership to protect the wellbeing, safety, quality of life, and dignity of Montana's senior citizens who require assistance and support in meeting their ongoing needs, including health and mental health care providers, financial advisors, law enforcement, the courts, and community groups;

WHEREAS, agencies that provide oversight and services to senior citizens have reported an increasing number of elder abuse, neglect, and exploitation cases being investigated and prosecuted in Montana;

WHEREAS, outreach and education efforts are critical to inform families, the public, and professionals of elder abuse signs and are effective ways to increase awareness, protect vulnerable senior citizens, and end abuse, neglect, and exploitation;

WHEREAS, interagency coordination is necessary in order to strengthen the effectiveness of educational, prevention, and intervention efforts implemented in Montana for the protection of Montana's senior citizens; and

WHEREAS, centralized leadership is essential to ensure the oversight and interface of agencies' efforts in Montana, which requires access to confidential criminal justice information from criminal justice agencies to evaluate and guide current processes to address and reduce the occurrence of elder abuse, neglect and exploitation.

NOW, THEREFORE, I, STEVE BULLOCK, Governor of the State of Montana, pursuant to the authority vested in me under the Constitution and the laws of the State of Montana, do hereby create the Eastern Montana Elder Justice Council (Council) and pursuant to the Montana Criminal Justice Information Act of 1979 (Title 44, Chapter 5, MCA) do hereby designate the Council as a Criminal Justice Agency, as that term is used in Title 44, Chapter 5, MCA, as follows:

PURPOSE

1. The purpose of the Council is to provide coordination of agency and community efforts implemented in eastern Montana to address and reduce the abuse, neglect and exploitation of senior citizens and adults with disabilities within the region.
2. The Council's work shall serve as a regional pilot project to provide recommendations and a framework for the State of Montana to establish effective statewide oversight in the future.

DUTIES AND PROCESS

1. The Council shall evaluate elder abuse prevention and intervention efforts currently being implemented within the eastern Montana region.
2. The Council shall research strategies and best practices that aim to reduce the occurrence of elder abuse.
3. The Council shall identify and promote educational, outreach and prevention strategies to increase awareness of elder abuse and ensure the protection of elders' human rights.
4. The Council shall establish partnerships with governmental, private and nonprofit organizations and other stakeholders.
5. The Council shall ensure the appropriate dissemination and coordination of information between agencies, local governments, and the public.
6. The Council may review cases of abuse, neglect, and financial exploitation, or other crimes perpetrated against older persons, to aid in the investigation and prosecution of alleged bad actors.
7. The Council may handle and receive confidential information in the fulfillment of its duties, consistent with its designation under this executive order and all other applicable laws. The Council shall follow protocol for using confidential criminal justice information and may not use the information, records, or data for purposes other than those designated by this executive order.
8. The Council shall prepare and deliver a report on its activities to the Governor, the Attorney General, the Commissioner of Securities and Insurance, and the Legislature by December 31, 2020.

COMPOSITION AND ORGANIZATION

The Council will include at least 10 multidisciplinary experts to serve as advisors, including members from both the public and private sectors, that will offer expertise in a variety of areas, including criminal and civil law, investigation and enforcement, accounting, banking, fiduciary, guardianship, healthcare, insurance, and general senior and disability adult services.

1. The Council members shall be appointed by and serve at the pleasure of the Governor.
2. The Governor will designate one council member as chairperson.
3. The Council membership shall include at least four Ex-Officio members to support and inform the work of the Council, including the directors or their designees, from the following state agencies:
 - a. Department of Administration
 - b. Department of Public Health and Human Services

- c. Department of Justice
 - d. Commissioner of Securities and Insurance
 - e. Other agencies of state government, at the discretion of the Governor
4. The Council shall include state government program specialists dealing with senior and disabled adult abuse, exploitation, and neglect.
 5. In making appointments to the Council, the Governor will consider stakeholders from local or county governments, and/or private sector, serving the elder population in the eastern Montana region, as well as members of the public and stakeholders in the following disciplines:
 - a. Law enforcement/investigator
 - b. County attorney
 - c. Licensed private attorney
 - d. Medical/mental health care provider
 - e. Senior advocacy
 - f. Private financial institution
 - g. Licensed certified public accountant and/or licensed certified financial planner
 - h. Representative(s) of Montana Indian tribes
 - i. Community and faith leaders
 6. The Council may establish sub-committees to assist in the execution of its duties. The subcommittees shall be given specific deliverables within definite timetables.
 7. The Council is administratively attached to the Montana Department of Public Health and Human Services.

STATE AGENCY ROLES AND RESPONSIBILITIES

The Department of Administration, the Commissioner of Securities and Insurance, the Department of Justice, and the Department of Public Health and Human Services shall assist the Council in its formation and duties, making available staff who can support the Council with technical, policy, social, scientific, and legal matters.

COMPENSATION

Council members eligible for reimbursement shall be reimbursed pursuant to § 2-15-122(5), MCA.

DURATION

The Council shall come into existence on October 9, 2019, and expire on or before December 31, 2020, unless rescinded or renewed by subsequent executive order.

This Order is effective immediately.



GIVEN under my hand and the GREAT SEAL of
the State of Montana this 9th day of
October, 2019.



STEVE BULLOCK, Governor

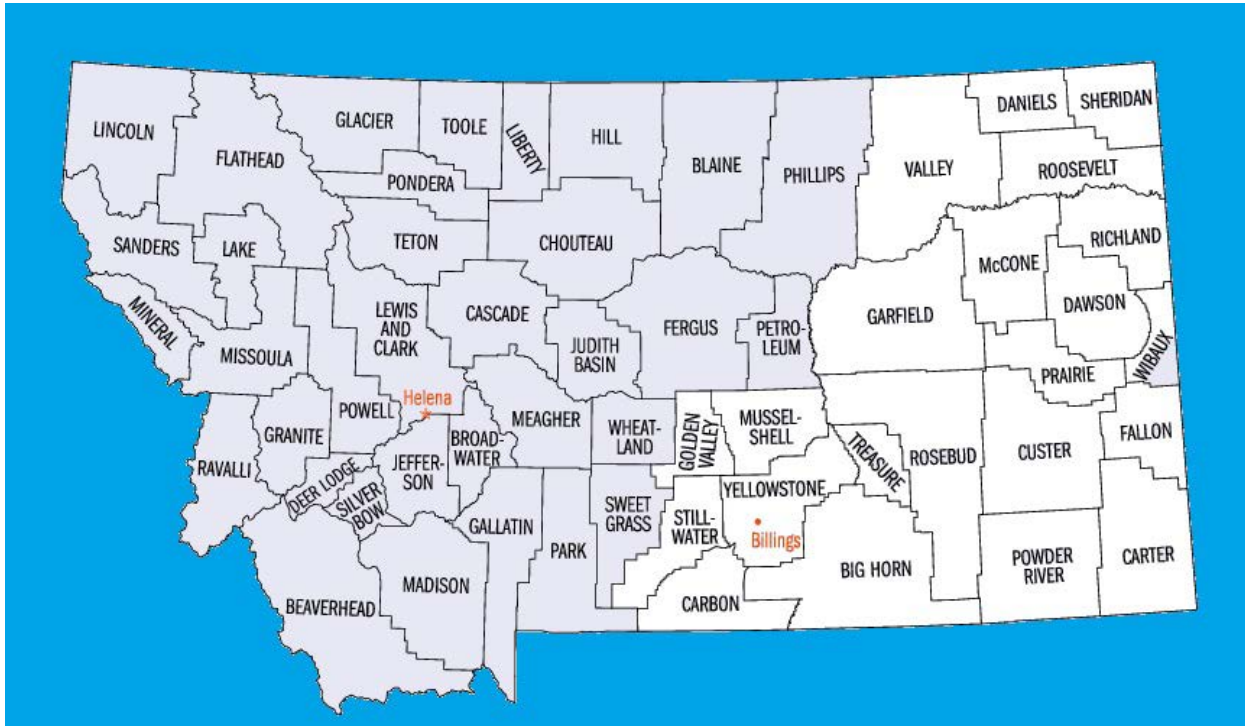
ATTEST:



COREY STAPLETON, Secretary of State *deputy*

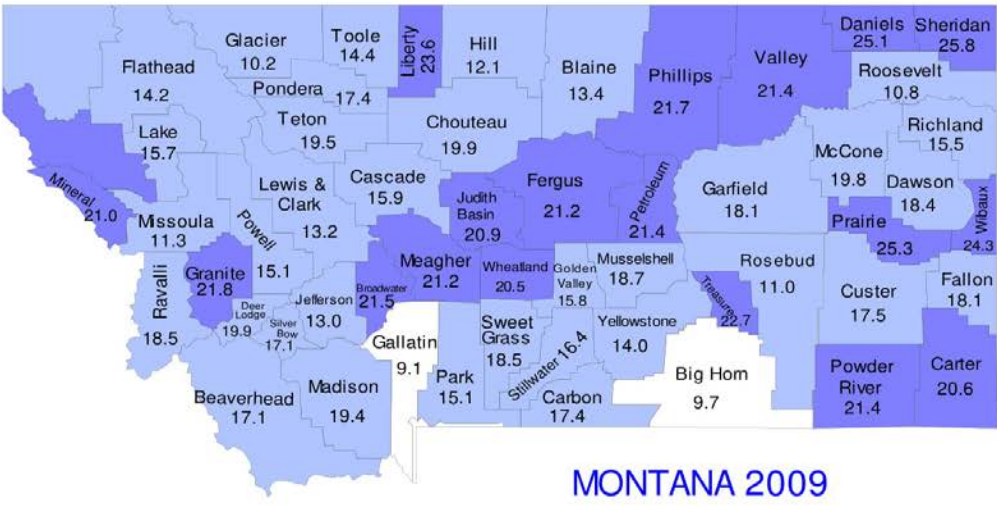
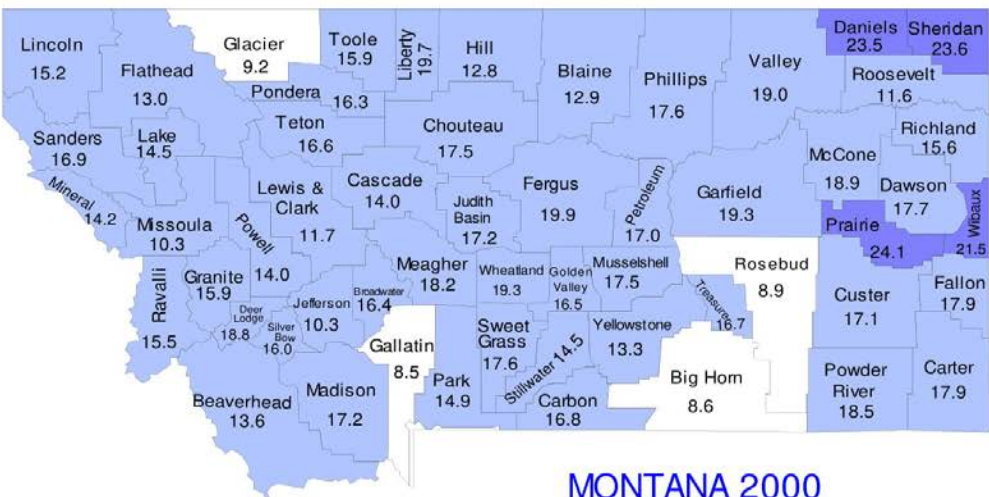
Appendix 2. MAP OF COUNTIES COVERED BY EMTEJC

The Council's area of coverage extends to the following counties: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, McCone, Musselshell, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Treasure, Valley, Wibaux, and Yellowstone.

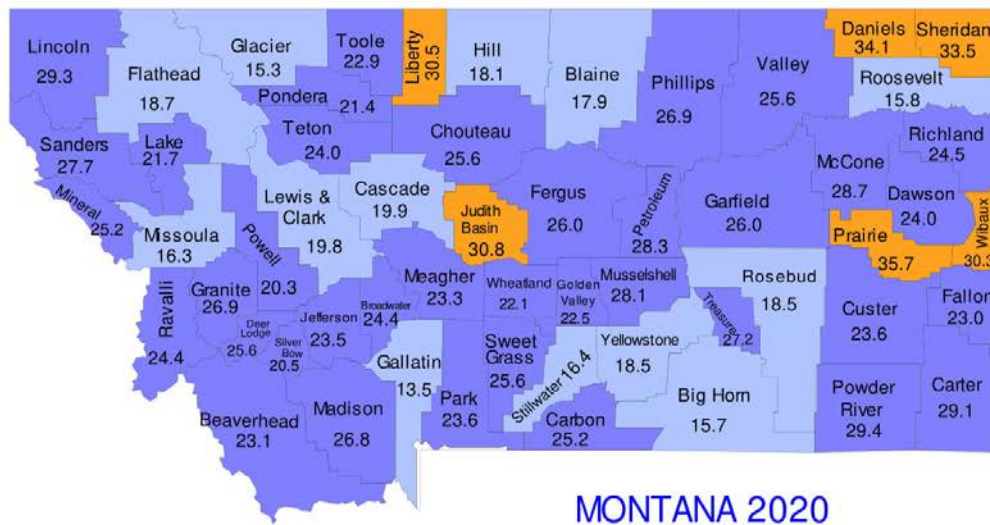
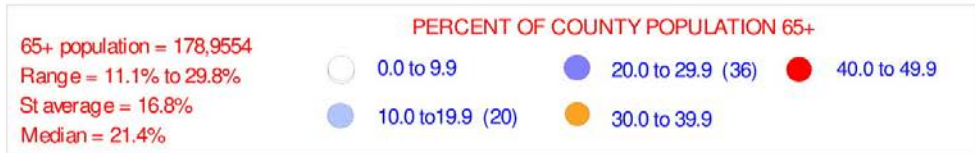
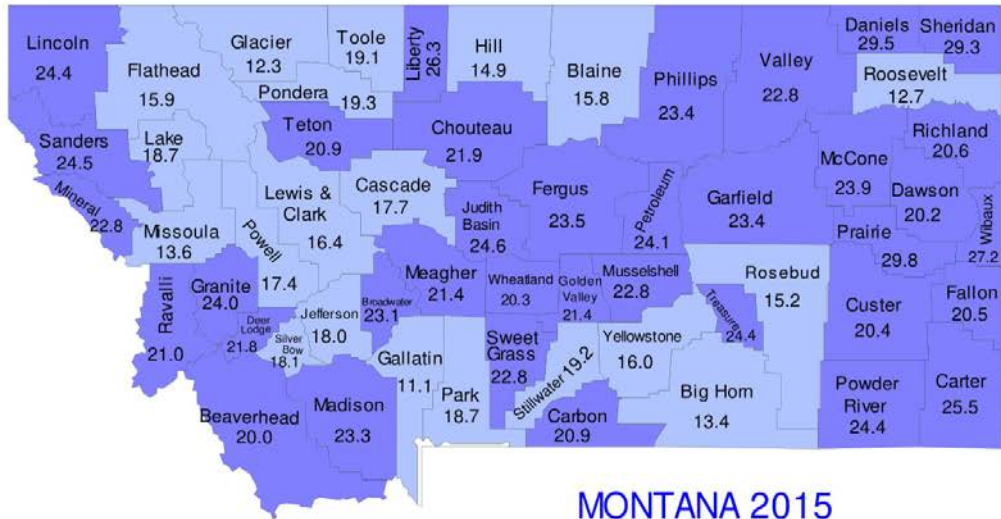


Appendix 3. MAP OF DEMOGRAPHIC SHIFT FROM 2000-2030 IN MONTANA

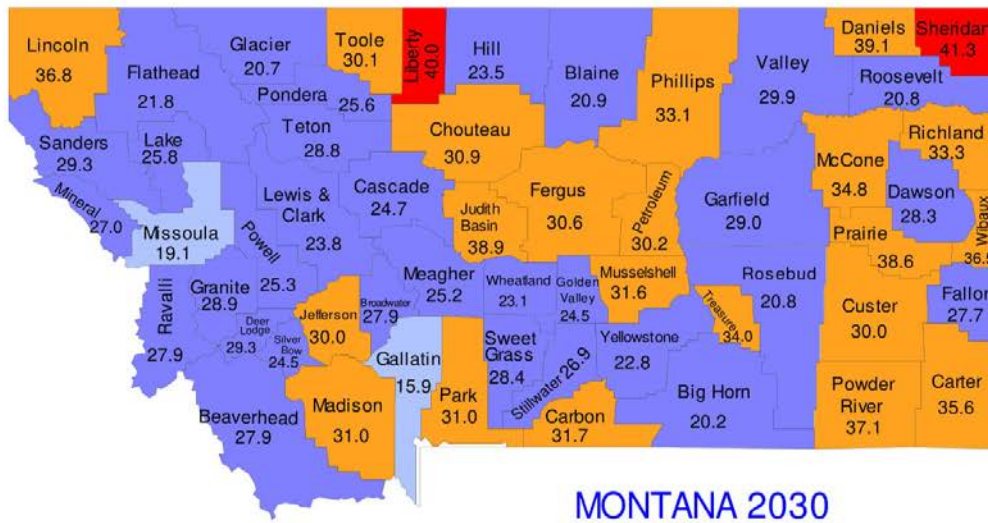
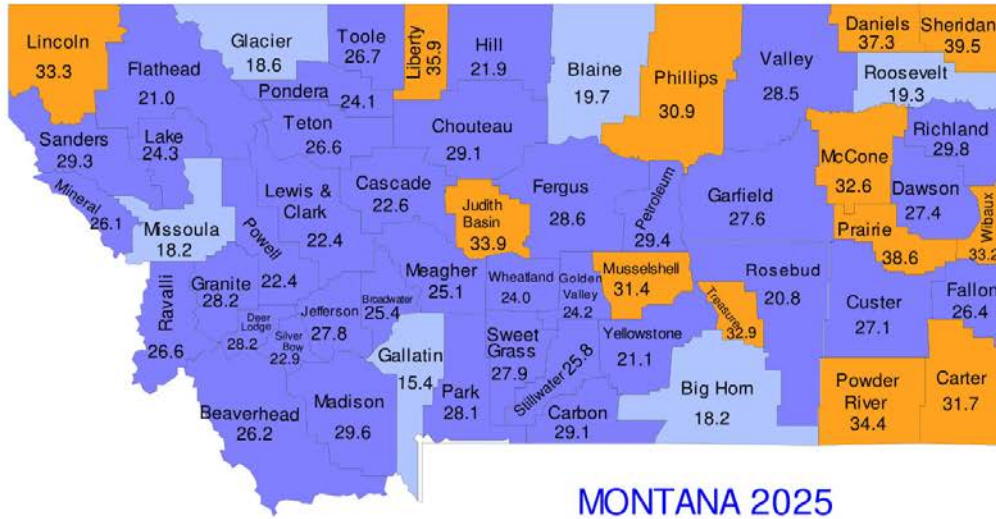
Maps 65+ 2000-2030



Maps 65+ 2000-2030



Maps 65+ 2000-2030



Data from MT DOC/Census and Economic Information Center - 8/2010

Appendix 4. LIST OF COUNCIL MEMBERS

- Denise Armstrong, Executive Director, Big Sky Senior Services
- Marcy Brookie, Director, Area 2 Agency on Aging
- Neil Brunett, Fraud Investigator, Designee of the Commissioner of Securities and Insurance
- Todd Buchanan, Licensed Certified Financial Planner, Buchanan Capital
- Renee Buhmann, Fraud/Deposit Compliance Officer, Stockman Bank
- Gary Connelley, Senior Counsel, Crowley Fleck
- Allen Fulton, Sheriff, Rosebud County
- Margaret Gallagher, Senior Deputy Yellowstone County Attorney
- Wyatt Glade, Custer County Attorney
- Michael Hagenlock, Bureau Chief, Adult Protective Services, Designee of Department of Public Health and Human Services
- Thomas Kuntz, Business Owner, Chief, Red Lodge Fire Department (resigned as of August 2020)
- Brett Lapham, Detective, Billings Police Department
- Mike Larson, Co-Chair, Executive Director, Adult Resource Alliance
- Chris McConnell, Assistant Attorney General, Prosecution Services Bureau, Designee of Department of Justice
- Chuck Munson, Co-Chair, Assistant Attorney General, Office of Consumer Protection, Designee of Department of Justice
- Karla Painter, Assistant U.S. Attorney, U.S. Attorney's Office
- Tammy Peltomaa, Senior Certified Fraud/Compliance/Finance Examiner, Designee of Department of Administration
- Al Ward, Montana State President, AARP

Appendix 5. PREVENTION SUBCOMMITTEE’S OUTREACH AND EDUCATION EFFORTS

<ul style="list-style-type: none"> EASTERN MONTANA ELDER JUSTICE COUNCIL Fraud Outreach		
Venue	Date	Number of Attendees
Valley County Senior Center, Glasgow, MT	Prior to Operative Order	15
Forsyth Senior Center, Rosebud Co., MT	Prior to Operative Order	50
Colstrip Senior Center, Rosebud Co., MT	Prior to Operative Order	25
Stillwater Co. Senior Citizens Center, Absarokee, MT	Prior to Operative Order	20
Musselshell Co. Senior Center, Roundup, MT	Prior to Operative Order	30
Shiloh United Methodist Church, Billings, MT	10/9/2019	13
Alliance “New to Medicare” Presentation, Billings, MT	10/15/2019	18
Riverstone Health - Hospice Volunteers	10/17/2019	18
Elder Exploitation 101, Billings, MT	10/22/2019	35
Urban Indian Wellness Clinic Staff, Billings, MT	10/25/2019	9
Billings Kiwanis	10/28/2019	18
Billings Heights Kiwanis	10/29/2019	35
Fraud Watch Friday (Northwest Broadcasting throughout Montana & Wyoming) (1 hour)	11/1/2019	~30,000
Mission Ridge Senior Housing, Billings, MT	11/8/2019	30
Yellowstone Financial, Billings, MT	11/12/2019	21

Venue	Date	Number of Attendees
Alliance “New to Medicare” Presentation, Billings, MT	11/19/2019	50
Morning Star Senior Living, Billings, MT	11/13/2019	40
Billings Gazette SHIP article	12/9/2019	~135,000
Alliance “New to Medicare” Presentation, Billings, MT	12/17/2019	19
Resource Center Provider Newsletter	1/1/2020	262
Alliance Sr. New Newsletter	1/1/2020	~8,500
Red Lodge Senior Citizens Center, Red Lodge, MT	1/8/2020	45
Alliance “New to Medicare” Presentation, Billings, MT	1/21/2020	27
Treasure County Senior Center, Hysham, MT	1/29/2020	30
Richland County COA-Savage, MT	1/30/2020	22
Alliance Sr. New Newsletter	2/1/2020	~8,500
McCone County Senior Center, Circle, MT	2/4/2020	30
Roosevelt County COA-Froid, MT Town Center	2/5/2020	40
Alliance “New to Medicare” Presentation, Billings, MT	2/18/2020	33
Alliance Sr. New Newsletter	3/1/2020	~8,500
Resource Center Provider Newsletter	3/1/2020	262
West Park Village Senior Living, Billings, MT	3/6/2020	16
Elder Exploitation 101, webinar	3/18/2020	5
Alliance Sr. New Newsletter	4/1/2020	~8,500
TeleTown Hall Call (Statewide) (CSI/DOJ)	4/9/2020	~12,100
Billings Gazette SHIP article	4/20/2020	~135,000

Venue	Date	Number of Attendees
Resource Center Provider Newsletter	5/1/2020	262
Billings Gazette SHIP article	5/11/2020	~135,000
USDOJ Press Release, Twitter and Website Posts	6/15/2020	Unknown
Resource Center Provider Newsletter	7/1/2020	263
Fraud Watch Friday - Affinity Fraud w/ Charles Harwood, Seattle Regional FTC Director	7/3/2020	~13,000
AARP Tele Town Hall w/ Paul Greenwood - Elder Abuse and CoVID-19 Pandemic	7/8/2020	750
Radio Show w/ Chuck Harwood	7/9/2020	~13,000
Fallon County, Baker Senior Center	7/20/2020	1
Prairie County, Terry, MT Senior Center	7/21/2020	1
Carter County, Ekalaka, MT Senior Center	7/21/2020	1
AARP Webinar - Covid-19 Scams	7/29/2020	16
Alliance Senior News Aug/Sept	8/1/2020	~8,700
Fraud Watch Friday	8/4/2020	~30,000
Area I Agency Advisory Council Meeting	8/6/2020	12
Fraud Watch Friday - Reverse Mortgages	8/7/2020	~30,000
Aging Horizons - COVID-19 Scams	8/11/2020 and 8/12/2020	~600,000
Fraud Watch Friday - Reverse Mortgages	8/7/2020	~30,000
Resource Center Provider Newsletter	9/1/2020	263
Fraud Watch Friday	9/4/2020	~30,000
Aging Horizons	9/12- 13/2020	~30,000

Venue	Date	Number of Attendees
Montana Credit Union Network Training on MT's New Elder Financial Exploitation Reporting Law	9/24/2020	35
Statewide Tele Town Hall Call (CSI/DOJ)	9/29/2020	11,855
Fraud Watch Friday - Cyber Crime	10/3/2020	~30,000
Dawson County, Glendive, MT Senior Center	10/6/2020	1
Montana Crime Prevention Conference (virtual)	10/7/2020	61
Big Horn County, Hardin, MT Senior Center	10/7/2020	1
Garfield County, Jordan, MT Senior Center	10/8/2020	2
Wibaux County, Wibaux, MT Senior Center	10/8/2020	1
Fraud Watch Friday	11/6/2020	~30,000
Area II Agency on Aging Teletown Hall (DOJ)	11/10/2020	799
AARP Webinar - Cyber Crime	11/25/2020	30

Appendix 6. FACILITATORS/TECHNICAL SUPPORT/OTHER TEAM MEMBERS NOT OFFICIALLY ON THE COUNCIL

- Sue Bailey, Resource Center and Community Services Director, Adult Resources Alliance
- Steve Barclay, Montana Department of Justice, Medicaid Fraud Control Unit
- Kalyn Briggs, Ph.D., Assistant Professor, Rocky Mountain College, Occupational Therapy Program
- *Buffy Ekola, Paralegal, Office of Consumer Protection. *The Council's ability to meet and communicate effectively are in large part due to Buffy's assistance.
- Barbara Entl, Physician, Indian Health Services
- Kimmee Everman, Montana DPHHS, Senior and Long-Term Care, Aging Services
- Pam Goldammer, Region 1 Supervisor, Adult Protective Services.
- Heather Handran, Director, Area I Agency on Aging
- Jacob Johnson, Equal Justice Works Fellow, Montana Legal Services Association
- Katy Lovell, Legal Service Developer, Montana DPHHS, Senior and Long-Term Care
- Loren Mardis, Montana Department of Justice, Medicaid Fraud Control Unit
- Mark Mattioli, Chief, Office of Consumer Protection
- Mark Murray, Montana State Auditor's Office, Securities Department
- Katy Proctor, Montana Department of Justice, Medicaid Fraud Control Unit
- Justin Redeen, 3L Intern, Alexander Blewett III School of Law at the University of Montana
- Trevor Tangen, DPHHS, Adult Protective Services
- Sheriff Heidi Visocan, Sheridan County Sheriff

Appendix 7. COUNTY ATTORNEY LETTERS IN SUPPORT OF COUNCIL'S RECOMMENDATION FOR PLACEMENT OF AN ATTORNEY AND INVESTIGATOR TO WORK ELDER JUSTICE CASES IN THE REGION.

December 8, 2020

Dear Eastern Montana Elder Justice Council,

We the County Attorneys of Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Richland, Rosebud, Sheridan, Stillwater, Treasure, Valley, Wibaux, and Yellowstone Counties write you in support of the Council's recommendation that resources be placed toward a locally situated elder abuse and exploitation prosecutor and investigator that would focus on building and prosecuting cases in Eastern Montana involving elder abuse, neglect, and exploitation, and particularly financial exploitation. It was been our observation that our counties are populated with a high proportion of senior citizens and that our communities are getting older by the year. The need for focused efforts towards prosecuting elder abuse and exploitation has become clear. These cases can often be resource intensive, and many require financial investigative expertise. The additional help that could come from an investigator and/or prosecutor focused on these types of cases in this particular region would be welcome by my office.

Thank you for your consideration.

Sincerely,

/s/ Jay Harris
Big Horn County Attorney

/s/ Alex Nixon
Carbon County Attorney

/s/ Corbit Harrington
Carter County Attorney

/s/ Wyatt Glade
Custer County Attorney

/s/ Brett Irigoien
Dawson County Attorney

/s/ Darcy Wassmann
Fallon County Attorney

/s/ Kevin Peterson
Golden Valley County Attorney

/s/ Kevin Peterson
Musselshell County Attorney

Eastern Montana Elder Justice Council
December 8, 2020
Page 2

/s/ Jeffrey Noble
Powder River County Attorney

/s/ Janet Christoffersen
Richland County

/s/ Kristine White
Rosebud County Attorney

/s/ Benjamin J. Fosland
Sheridan County Attorney

/s/ Nancy Rohde
Stillwater County Attorney

/s/ Hanna Schantz
Treasure County Attorney

/s/ Dylan Jensen
Valley County Attorney

/s/ Ronald Efta
Wibaux County Attorney

/s/ Scott Twito
Yellowstone County Attorney

GARY A. RYDER

Garfield County Attorney

P.O. BOX 33 • JORDAN, MONTANA 59337 • TELEPHONE (406) 557-2480 • FAX (406) 557-2595 • E-MAIL GARFIELDCA@MIDRIVERS.COM

December 2, 2020

Eastern Montana Elder Justice Council
Chuck Munson
Assistant Attorney's General
555 Fuller
Helena, Montana 59601

Dear Eastern Montana Elder Justice Council:

I, the County Attorney of Garfield County, write you in support of the Council's recommendation that resources be placed toward a locally situated elder abuse and exploitation prosecutor and investigator that would focus on building and prosecuting cases in Eastern Montana involving elder abuse, neglect, and exploitation, and particularly financial exploitation. It has been our observation that our counties are populated with a high proportion of senior citizens and that our communities are getting older by the year. The need for focused efforts towards prosecuting elder abuse and exploitation has become clear. These cases can often be resource intensive and may require financial investigative expertise. The additional help that could come from an investigator and/or prosecutor focused on these types of cases in this particular region would be welcome by my office.

Thank you for your consideration.

Sincerely,



Gary Ryder
Garfield County Attorney

GR/cm

DANIELS COUNTY ATTORNEY

213 Main Street
PO Box 687
Scobey, MT 59263
Ph: 406.487.2641 Fax: 406.487.5583

December 1, 2020

Dear Eastern Montana Elder Justice Council,

We the County Attorneys of Daniels County write you in support of the Council's recommendation that resources be placed toward a locally situated elder abuse and exploitation prosecutor and investigator that would focus on building and prosecuting cases in eastern Montana involving elder abuse, neglect, and exploitation, and particularly financial exploitation. The counties of eastern Montana are populated with a high proportion of senior citizens and our communities continue to get older by the year. With more and more stories of fraudulent calls and emails, as well as social security scams at the hands of younger relatives cropping up each year, the need for focused efforts towards prosecuting elder abuse and exploitation has become clear. These cases can often be resource intensive, and many require financial investigative expertise. The additional help that could come from an investigator and/or prosecutor on these types of cases in our region would be welcomed by our office.

Thank you for your consideration.

Sincerely,

/s/ Ken W. Hoversland
Ken W. Hoversland

/s/ Logan P. Olson
Logan P. Olson

APSI Guide to Law Enforcement Referrals

As an APSI for APS, you have now completed your investigation and have indicated that adult maltreatment has occurred (Abuse, Neglect, or Exploitation). You have done a great job and should be proud of the work you did to protect an at-risk adult. Now we need to make a referral to law enforcement. No matter your personal opinions about the case, or the individuals involved, your responsibility is to make a report to law enforcement if indicated and/or a crime has been identified. Throughout this process you have demonstrated empathy and practiced a trauma informed approach. Your responsibility has been to gather evidence, find facts to support or refute the allegation, made referrals for protective services, and documented what you learned. The following is a guide to completing an at-risk adult maltreatment referral to law enforcement. While no document can cover every eventuality, this guide should assist the APSI in gathering significant information and allow the APSI to present it in a manner that will greatly contribute to the investigation.

1. Financial Records and Review.

- a. Every effort should be made to obtain financial records for the time-frame in question. Include copies of any letters, emails, releases, etc used to obtain the records. Records should include bank statements, copies of checks (front and back), deposit and withdrawal slips, any documentation that shows changes to accounts, additions of signers, etc. If other accounts such as retirement accounts, credit card accounts, or any other type are involved in the case, those records should be sought as well. Records should include a period of time before the exploitation began to further illustrate the change in financial activity.
 - i. Obtain full contact information for any banking witnesses. These may be personnel that were involved with the victim or perpetrator and may have expressed concerns regarding potential exploitation.
 - ii. If the APSI is unable to obtain the above listed information. The efforts taken and persons communicated with should be documented in the APSI report.
- b. Copies of any authorizing paperwork should be collected if they exist. These would include Financial Powers of Attorney (as well as any signed Agent Responsibilities forms), Conservatorships, Guardianships, or other written agreements, as well as any revocation documents. If available, copies of any Last Will and Testaments should be collected. Provide full contact information for other persons or programs that may be involved such as attorneys, payees, other witnesses or information sources, etc.
- c. Review of the records in the report to show what the extent of the crime is. APSI will use the Financial Exploitation Investigation Suite of Tools (FEIST). FEIST steps may be used individually but are intended to be used together. Steps 1 through 4 create expectations about a case; Steps 5 through 7 guide the investigation; and Step 8 summarizes the results of the investigation by comparing the expectations developed in Steps 1 through 4 to the APSI's findings in Steps 5 through 7. The FEIST steps, when assembled with supporting documentation, comprise a complete package to assist with making a successful referral to law enforcement. It is important to note that these steps are not meant to be rigidly applied. They are simply a helpful structure for conducting investigations. A narrative description as to why these indicated transactions are questioned must be a part of the APSI report.

- d. Documents should be collected regarding any property sales (land, vehicles, and other property). Any paperwork regarding transfers of ownership, photographs of said items and any other documents relating to property that may have been stolen, sold, pawned, or otherwise disposed of to the gain of the suspect.

2. Medical Information.

- a. Capacity or lack thereof is often the cornerstone piece of information regarding adult maltreatment investigations. Every effort needs to be made to obtain diagnosis, evaluations, testing, medical notes regarding capacity, etc. Obtain names and contact information for any medical providers the victim may have seen during the relevant time frame. Any other relevant medical information can also be included in this section.
- b. Copies of any authorizing paperwork should be collected if they exist. These would include Medical Powers of Attorney (as well as any signed Agent Responsibilities forms), Guardianships, or other written agreements, as well as any revocation documents. If available, copies of any living wills, advance directives, POLST, Last Will and Testaments should be collected. Provide full contact information for other persons or programs that may be involved such as attorneys, payees, other witnesses, or information sources, etc

3. Alleged Victim Profile

- a. The victim profile is essential to all reports and needs to be completed with all relevant detail. Full name and any nicknames or other names used, date of birth (age) education, employment status, gender, marital status, physical and mailing address, phone number, etc. This all is gathered on the LEAPS Detail page and needs to be completed 100%.

4. Alleged Perpetrator Profile

- a. The perpetrator profile is essential to all reports and needs to be completed with all relevant detail. Full name and any nicknames or other names used, date of birth (age) education, employment status, gender, marital status, physical and mailing address, phone number, relationship to the alleged victim. This all is gathered on the LEAPS Detail page and needs to be completed 100%.

5. Interview Log.

- a. APS reports have an interview for all persons contact. This log includes your summary of the interview information that is relevant, date and time of interview/contact, person contacted and information about that contact; location of the interview, the APSI's observation of the person and place, and others who may have been present during the interview. Provide complete details of the interaction and be as specific in these entries as possible. Fully identify each and every person contacted including their name, address, phone number, agency (if applicable), and email address.

6. Statements.

- a. APSI will attempt to get written statements whenever possible and record interviews of each person. When meeting with a victim or witness to discuss a case, a recording can be a good idea to capture as much information as possible. It is one thing to document that a person is suffering from an abuse, but it can be much more powerful to hear it in their own words. When a case is referred to law enforcement, follow up statements can be taken, but initial recordings are quite helpful. This is particularly true with cases in which the victim passes away before the case is sent to law enforcement.

7. Reports.

- a. Reports come in the form of an allegation to APS Intake. Throughout the investigation the APSI has been documenting each step, each interview, uploading documents, gathering information on collaterals (witnesses) information, risk assessment, APSI observation, records of others involved in the adults life, service plan, monitoring notes and a case closure Summary. The case closure summary is the reason for the investigation and the facts supported by evidence of abuse, neglect or exploitation identified. These need to contain a great deal of detail clearly describing your entire investigation and findings. The narrative needs to review all documents obtained, including the financial analysis. The analysis needs to describe what financial documents were obtained and what they show. Reports should summarize any contact the APSI had with victims, witnesses, other information sources, and if there was contact with the alleged perpetrator.
- b. Anything the APSI investigation alleges to be of concern or criminal needs to be detailed in these reports.
- c. Reports need to establish jurisdiction. The APSI report needs to clearly state where the offense(s) took place to ensure the referral is going to the proper agency.

8. Law Enforcement Case File Referral

- a. The case file or referral needs to be organized in a manner that allows the reader to understand the APSI investigation. The use of electronic file transfer, Thumb Drive, Binders with tabs make organizing the various pieces of information easier. In the file label each folder or the divider sheets with the type of information contained. Files, or Tabs and sections can be added or eliminated depending on the specifics of your referral. The following is an example as to how a case could be organized:
 - i. Tab 1. Your initial referral information and narrative report with contact information for relevant persons. Include a list of contacts and their information here. Your Investigative Summary has all this pertinent information
 - ii. Tab 2. Banking records and spreadsheets – FEIST information, copies of bills, institution financial statements
 - iii. Tab 3. Medical/Mental Health documentation that is relevant, any information related to the case, any sort of medical information including capacity assessments can go here.
 - iv. Tab 4. Documentary evidence, can include releases, POA, Conservatorship/Guardianship documents or other related authority documents, , witness statements, etc. This section can be separated into additional tabs if the information gathered is voluminous.

9. Cover Letter to Law enforcement Agency

- a. Utilize the APS letter head
- b. Date the letter
- c. Name of person you are writing this to with address
- d. RID Number
- e. Greeting
 - i. A short introduction of who you are, RID #, and reason for sending this to them.
i.e
Good afternoon Detective.

I am APSI Feelgood and I am submitting Referral ID# XXXX for your review. This investigation began on 01/01/2020 after a report was made to APS Intake. The allegation reported to APS was that an 89-year-old male was exploited by his granddaughter. The investigation revealed that there was approximately \$89,000 in cash removed from the 89-year-old males bank account without his authorization or knowledge. Further investigation identified the alleged perpetrator as the granddaughter and evidence collected supported the allegation. I have concluded that the APS investigation is indicated and appears to be a crime. Please review and provide your thoughts on this matter.