

**Contra Costa County Advisory Council on Aging
Elder Abuse Prevention Workgroup Meeting Minutes
Tuesday August 24, 2021**

Call to Order: Chair, Terri Tobey called the meeting to order at 10:00 am

Present: Terri Tobey, Gerald Richards, Jim Donnelly, Jill Kleiner, Marty Aufhauser, Dennis Yee,
Nuru Neemuchwalla

Guests: From DVFA: Jody Iorns, Pete Matthew, MyLiem Truong;
From District Attorney's Office: Mary Knox

Staff: Absent

Announcements

Terri has invited ACOA and AAA to the DVFA Falls Prevention event on 9/23 from 10-2 at Rossmore. Dr. Terry Hill is the keynote speaker.

Approval of Agenda/Minutes

- Approval of Today's Agenda – Marty motioned to approve, Jim seconded, all approved.
- Approval of June Minutes – Gerald motioned to approve, Jill seconded, all approved.

Presentation: Mary Knox, Deputy District Attorney, District Attorney's Office.

- Mary discussed the district attorney's office involvement in elder abuse cases (for example, cases of financial abuse, identity theft, etc).
 - Cases generally reported by the victim and or APS.
 - Once law enforcement is involved with the elder, they conduct investigation, interview witnesses, suspects. Once done, Mary reviews information. The standard for filing is to prove all elements without reasonable doubt. If met, she files complaint and arrest warrant/brought before judge within 48 hours. A criminal protective order is always issued. If felony charges filed, then preliminary hearing held (burden of proof not terribly high during preliminary hearing, which is helpful for victims). The experience of coming to court for elders is very stressful, so great having officer testify on behalf of elder. Often victim doesn't know how financial abuse happened.
 - After hearing, case set for trial. However, it's uncommon to have elder abuse case go to trial. This is due to jurors wanting to protect vulnerable victims, so most frequently settle with restitution. Hope to make elder sound again financially. Victims have constitutional right to be heard in proceeding. Like to do video of elder. Family members have right to come to court and speak at hearing. Judge can refuse plea agreement. Try to make sure elders voices are heard in court and comply with Marci law.
- The workgroup asked Deputy District Attorney, Mary Knox various questions:

- Dennis: how often is restitution fulfilled? Sometimes awards are reached in civil court. If civil remedy sought and judgement reached, then case solved out of court (example, via lien). If criminal case, then looking at state prison (for example, in next 3 years while on probation required to make restitution of \$2k every month. If don't make, then probation requirement violated and could serve up to year in county jail or state jail).
- Terri: if criminal goes out of state what happens? Mary goes into database and starts extradition process. If international, work with us attorney office – goes into international warrant system. Usually work with FBI.
- Marty: know every case is different, but can you give rough idea of length of investigation and how long after is court date? Mary gave examples – Martinez house filled with garbage, victim starved to death – case took about 3 months to investigate, daughter/husband arrested, prosecution pending about 3 years. Cases like that, that result in death generally take 3 years. Financial abuse cases – getting documents can take about 1 year; once filed generally resolved fairly quickly within a year.
- Jody: do they take cases if victim doesn't want to press charges? If financial abuse – generally do. If family case – may not (example, 92-year-old mom and son abusing mom, but no other witnesses, then may not be able to prove)
- Pete: review again what's 1st step on who to contact about abuse? Mary: DA's office can only act once investigation has been completed. To initiate investigation – call PD (ex. Orinda PD) or sheriff's office.
- Marty: on financial side, do any of the parties have to pay back the county? No, your tax dollars at work fund the DA office. Do have elder abuse grant that helps cover cost of forensic accounting (use very carefully).
- Deputy District Attorney Mary Knox is available for questions. She may be reached at: mknnox@contracostada.org
- The workgroup thanked Deputy District Attorney Knox for presenting to the group.

Discuss locations to schedule presentations: The workgroup will schedule presentations to facilitate throughout Contra Costa among the senior population.

- Terri mentioned that APS has been booking presentations into November primarily with credit unions and senior centers. Terri will remind APS to include an ACOA elder abuse workgroup member in the presentations. Terri contacted Orinda community center and may have presentation there. She encouraged us all to help schedule presentations.

Set Topics for next meeting, September 28, 2021: Emily Milstein from Senior Legal Services will present on their program and how they address elder abuse.

Public Comment: None

Adjournment: 10:55am