

MT DOJ/DCI

Elder Justice Unit

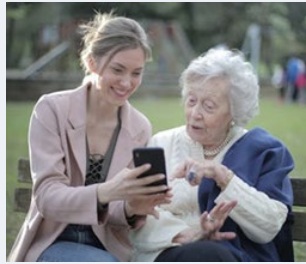
Update



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INTRODUCTION



Baby Boomers and the Silent Generation make up 25% of our population. The accumulation of wealth during these generational eras has become a hunting ground for criminals preying on an aging population. As adults become more vulnerable physically and mentally, they become easy targets of abuse, financial exploitation, manipulation, neglect and deprivation. Beyond an aging population, our families and communities maintain an ongoing responsibility to protect vulnerable adults who may not be physically or mentally able to act in their best interests. Montana's Elder Justice Unit in the Division of Criminal Investigation was created through partnership with the Montana Department of Public Health and Human Services, Adult Protection Services (DPHHS/APS) to combat this escalating criminal trend and restore justice. The Montana Legislature provided General Fund dollars in 2023 to more permanently support this mission.

PROGRAM INFANCY

DCI's Elder Justice Unit (EJU) was created through a Memorandum of Understanding, dated October 25, 2021, between DOJ and APS. APS received a \$645,450 grant from the American Rescue Plan Act (ARPA) under SSA Title XX Section 2042(b). APS supplied \$354,000 to DOJ for the 20-month Elder Justice program. Assistant Attorney General Mike Fanning was appointed as the program's prosecutor.

MOU Terms:

- Two installment payments November 1, 2021 (prosecutor) and October 1, 2022 (Investigator)
- Maintain and lead the Eastern Montana Elder Justice Council
- Establish and lead three new regional Elder Justice Councils
- Work with Multiple partners to investigate and prosecute crimes against the elderly

- Collaborate with APS on improvements to processes
- Train law enforcement officers and prosecutors
- Provide public outreach and education
- Complete quarterly and year-end reports to DOJ, DPHHS, Governor and Legislature

GAINING INVESTIGATIVE TRACTION

The EJU's investigative funding did not begin until October 2022. In preparation of MOU compliance, DCI launched its hiring process and selected Agent Chris Benson for the position on September 26, 2022. Due much to the collaboration and preparation Mike Fanning performed in the early stages, Agent Benson immediately developed a substantial caseload as the EJU actively announced its investigative role. Case referrals came flooding in.

- Abuse and neglect investigations often involve medical records reviews, witness capacity limitations and differentiating between inflicted and accidental trauma.
- Financial exploitation crimes are complex, labor intensive inquiries involving investigative subpoenas, search warrants, phone records, digital evidence and analyses of complex layers of records often tied to estate planning and varying levels of authorization.
- Witness, victim and suspect interviews are always challenging due to the nature of the offense, family structures, and complexity of schemes.
- 31 cases were accepted in 2022.

A BUMP IN THE ROAD

Shortly after hiring Agent Benson, DOJ learned that although the MOU allowed for an extension of another year, APS opted not to apply ARPA funds to the EJU. The MOU expired on September 30, 2023. DOJ worked with the 68th Montana Legislature in 2023 to secure more permanent funding of the program to retain the investigative and prosecutorial functions of the unit.

A NEW ERA BEGINS... Investigations, Prosecutions and Convictions

DCI has assembled a total of 82 criminal investigations since staffing of the unit in 2022. With the uncertainty of funding resources removed, we are able to operate at an effective bandwidth to make a real difference in crimes impacting our aging population. Even without an MOU, DCI continues to collaborate with APS as a partner to aggressively investigate criminal referrals. In addition to its formal criminal investigations, the EJU has served as a legal resource, information clearinghouse, and a point-of-contact for Montana citizens. EJU receives inquiries from state and federal civil agencies, law enforcement officers from in-state and out-of-state agencies, federal criminal justice agencies, as well as ordinary citizens. We de-conflict cases of abuse within group homes and assisted-living facilities by regularly consulting with our Medicaid Fraud Unit and partner with our Office of Consumer Protection to prevent and reduce scams perpetrated on the elderly.

Criminal Investigations Undertaken

2022 31

27 exploitation, 3 neglect, 1 abuse

2023 39

34 exploitation, 1 neglect, 4 abuse

2024 12 cases to date

Not all completed investigations can or should be charged: some are unfounded, some lack proof beyond a reasonable doubt, some need only an appropriate referral, and some may be more suited to a civil remedy.

CONVICTIONS

Exploitation	Neglect	Deceptive Practices	Forgery
Carbon County Custer County (2) Richland County Petroleum County (3)	Chouteau County	Petroleum County Custer County	Petroleum County (2) Custer County (2)

Presently, our prosecutor has adjudicated cases with 14 felony convictions and has 10 open cases at various stages from investigation support to pending charges. One recent conviction yielded a 17-year sentence of imprisonment for a repeat offender who exploited an elderly victim while on federal supervision for previously committing the same crime.

EJU SUCCESS REQUIRES A COMMUNITY APPROACH THROUGH OUTREACH

The MOU required EJU to offer training to professionals and public outreach to citizens to help prevent crimes. EJU accepted every speaking opportunity available. Though no longer compelled by the MOU, DOJ remains committed to continue public outreach to prevent elder crimes, educate citizens and deliver training to improve the success rate of investigations and prosecutions across Montana. We are forming alliances and partnerships across communities and public safety organizations to engage resources and deliver our goal of ensuring that older people and vulnerable adults have the right to be free of abuse, neglect and exploitation.



EJU's Training and Public Outreach Programs					
2022		2023		2024	
June	World Elder Abuse Awareness Day Helena, Billings	Feb.	Mont. Bd. Crime Control Abuse Investigations, Missoula	Feb.	DPHHS Legal Services Developer Romance Scams
June	Montana Bd. of Crime Control Competency and Capacity	Mar.	Consumer Protection/Scams, Helena	May	AG Elder Justice Summit Lewistown
July	Mont. County Attorneys' Assoc., Fairmont H.S.	June	World Elder Abuse Awareness Day, Helena, Polson	Oct.	Governor's Conf. on Aging, Billings
Oct.	Montana Bd. of Crime Control, Fairmont H.S	Aug.	AG Presentation, Billings		
Oct.	Governor's Conf. on Aging, Butte	Oct.	Governor's Conf. on Aging, Great Falls		
Oct.	DPHHS Legal Services Developer Basics of Crim'l Law, Zoom	Oct.	Exploitation, White Sulphur Springs		
Nov.	DPHHS Legal Services Developer Basics of Crim'l Law, Zoom	Dec.	Elder Abuse, Belt		
					Mass Media Presentations
				May 2022	Aging Horizons Television
				Oct. 2023	AG's Telephone Townhall
				Apr. 2024	Purdue University Podcast
				Apr. 2024	Aging Horizons Television