

Interviews with Experts – Working with the Criminal Justice System

An interview with Paul Greenwood on improving outcomes of shared adult protective services and criminal justice cases.



Paul Greenwood recently retired from his 22-year role as San Diego County Deputy District Attorney in charge of the elder abuse division. He is now a consultant and educator on the topic of elder abuse.

Adult protective services (APS) commonly complains that law enforcement doesn't investigate or prosecute abuse cases. Do you think these complaints are justified?

This is consistent with what I have heard from APS and there is a lot of truth in this statement. Law enforcement can be resistant to taking a case directly from a social services agency. Such cases are often seen as “not real crimes” or not worth investigating.

Why do you think that law enforcement often does not investigate cases referred by APS?

I think there are several reasons that may come into play here.

Number one: it may be that the officer is untrained and unaware of the subtleties of elder abuse.

Number two: that department may not have a specialized unit trained to investigate elder abuse to whom the patrol cops can refer the case. In San Diego, when APS referred a case over to the division, they immediately sent the case to the detectives who were committed to investigating elder abuse.

Number three: it has to do with misconceptions, law enforcement may believe, wrongly, the alleged referral is “just a civil matter”. Or, they may say “why bother” because they believe the District Attorney (DA) will not take the case because of the age or frailty of the victim.

And there is another factor: law enforcement may want to investigate these cases, but they may say there are not enough resources. “We don't have the time; we can only investigate the real crimes like robberies and assaults.” For these reasons, these cases often get overlooked.

What can individual APS workers do to increase the likelihood that law enforcement will accept their cases for investigation?

I believe that APS caseworkers can increase the likelihood of law enforcement taking their cases. You have to create within your county - not city driven, not state or federally driven but within your county community - a multidisciplinary environment. And it may be that APS is the one that has to take the lead in making that happen. That's what happened in San Diego. APS went to the DA and gave him an earful and that's why my boss appointed me to work in the brand-new position in the Elder Abuse Prosecution Unit.

The APS program manager needs to make an appointment and sit down with the police chief or the local sheriff and have a heart-to-heart discussion. Say, "Look, I have caseworkers that are frustrated because your men and women won't open these cases. Your office is ignoring this problem. Do something about it. What is preventing your staff from investigating elder abuse cases?" Tell them, "Let's work together to prove to your officers that we are not all 'wishy-washy' types. We are serious people. We do investigate these cases. We do believe in justice. We want these people to be held accountable." When you do get them to the table, that's when I think you'll see a response. If the chief of the police is convinced that this is the way forward, then patrol officers will follow.

This also involves teamwork with the local DA. You have got to get their buy-in. Without investment from the DA, the police will soon get very frustrated. Then they will be saying what I said earlier, "Why bother because the DA won't prosecute?"

What can APS programs do to improve the rates of law enforcement investigations of abuse cases?

I think what you are really asking is how can we make these cases more attractive to law enforcement. And there are ways to do that. If the caseworker really believes in the case, it requires a phone call to law enforcement. It can't just be a faxed report. The worker needs to try to speak to a detective or a captain or someone up the chain of command. Ask them to please have someone take a look at the case. Have someone read the report and then give you a call back so that you can tell them why you believe this case can go forward. Explain that you have met with the victim and you believe that this is a provable case. And, if you don't hear back within 48 hours, call them back. And, I know this is a lot of extra work, but when you're developing a protocol, this is what you need to do. In the beginning you need to be pushy and convince them that APS is not going away. It can be done in a pleasant way but that is the message you want to get across.

By the way, I encourage both law enforcement and APS to put a photograph of the victim right on top of the case. Let the reader see straightaway who we are talking about. It has a dramatic effect on the person reading the report. The detective or prosecutor needs to identify with the victim right up front so he or she knows a

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little bit about the alleged victim before reading what happened. And, as we both know, so many of these victims - I call them "Agnes" - are just delightful and have real jury appeal! They could be the reader's grandmother.

What can law enforcement agencies do to increase the frequency with which abuse cases are investigated?

In a large police agency, it is imperative that the chief understands how widespread elder abuse really is. And in those large departments, you really need a unit that specializes in elder abuse. That way APS has a unit to go to that recognizes the problem and appreciates how to work with APS.

That specialized unit should be tasked with training the first responder officers. They should help those officers know what to ask when they get an elder abuse case. They should help those officers know what to screen for and what facts to bring back to the specialized unit.

And there's a big fallacy I'd like to address - that there are not enough resources within the police department. No police chief would ever say that there are not enough resources to investigate DUI [driving under the influence] cases - and those are just misdemeanors. There would be a media storm if law enforcement stopped investigating DUIs. They would ignore those cases at their peril. So, we should never use budget constraints as a reason for not investigating elder abuse.

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What can be done to increase successful prosecutions?

I would challenge prosecutors to take on these cases. There are many misconceptions about elder abuse cases. The biggest is that they are hard to prosecute. Most are not that hard. Many of the reasons given for not prosecuting these cases are based upon honest but mistaken concepts. They think that the victims are too old, too unreliable, or too weak to testify or endure the rigors of a jury trial. Sometimes they express doubt about the victim's poor memory. But these are just excuses. If they can avoid these classic misconceptions, they will be pleasantly surprised at the jury appeal of their victims.

APS needs to show prosecutors just how wide-spread elder abuse is and how often it is not prosecuted. And APS should not accept excuses. If the DA says there aren't enough resources, push back.

APS also needs to help with the development of training for prosecutors and to educate DAs on the availability of resources like the [Elder Abuse Guide for Law Enforcement](#) (EAGLE) website.

And APS needs to invite law enforcement and prosecutors to be a part of their MDTs (Multidisciplinary Teams). Once they see the value of these teams, they will start dealing with all of these cases.

One final question, are there any legislative changes that you think are needed?

I would rather spend 60 seconds proving beyond a reasonable doubt that my victim is over 65 than to spend 3 hours proving that my victim is impaired. I actually think that an age criterion is less demeaning than a requirement to show a vulnerability. I would love to see greater uniformity among the 50 states - showing an aged based definition for our victims instead of a vulnerable adult definition.

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