



UNITED STATES DEPARTMENT OF JUSTICE

REMARKS OF THE HONORABLE JANET RENO
ATTORNEY GENERAL OF THE UNITED STATES
TO
OUR AGING POPULATION
A NATIONAL SYMPOSIUM SPONSORED BY
THE U.S. DEPARTMENT OF JUSTICE AND
THE US. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Grand Ballroom
Washington Monarch Hotel
2401 M Street, N.W.
Washington, D.C.
Tuesday, October 31, 2000
P R O C E E D I N G S
(12:03 p.m.)

GENERAL RENO: The truth is that I talk a good line, but it's Mary Lou, you and people like you all across this country that make me look good. So you are my heros and heroines.

I'm delighted that so many of you are here to discuss this issue because it is of critical importance to this nation, to me, to all of us, if we care about humanity and if we care about the human spirit. I suggested to Mary Lou that I let you go first because I'm here to learn. But I would like to spend just a few minutes outlining where I think we need to go as a nation to address this issue.

Today about 34 million Americans are over the age of 65. In 30 years that number will more than double. Today too many older Americans are victims of abuse and neglect in places where they should be safe, in their homes, in long-term care facilities, and too many are victims of fraud. We can do a lot better than we have.

That's the reason your work is so important. At the same time that we are supporting collaboration at the state and local levels, Secretary Shalala and I, along with our Departments, are continuing a very productive collaboration that we have pursued for the past seven years, including this symposium. The efforts of the Department of Health and Human Services to promote healthy and safe aging are critical and they work nicely with our efforts in achieving elder justice.

Our justice system, if we are to truly achieve elder justice, must be responsive to the needs of older Americans. There's a wonderful statement on the wall of the Ninth Street side of the Department of Justice that says: "The common law issues from the will of mankind" -- "is derived from the will of mankind, issuing from the life of the people, framed by mutual confidence, and sanctioned by the light of reason."

When too many people do not have access to the law, then the law becomes more meaningless. We have got to make sure that all our elderly have access to the law and to justice. But I never met anybody that would rather achieve justice in a court than achieve it by not having the event happen to them at all. So I think we first have got to look, as I have looked in terms of youth violence or any other initiative: What can we do to prevent it?

I think this nation has got to take this number of people, organize themselves in terms of the economic delivery of services that are designed to keep older people self-sufficient, involved, productive, and I think we can do a lot better than we have. I think we can provide answers to questions that enable people to be productive, how they can stay in their own home, what they can do -- exercising, meals catered, so many other things. But we have got to develop an economy of service that will permit more Americans to afford it.

Old age does not have to be not fun. My mother was dying, but she always liked to go. So I said: Well, we can still go. And she says: Oh. I said: You want to go to the rain

forest in Costa Rica; I'll take you to the rain forest in Costa Rica. You want to travel across Canada by train and stay in the Rockies; we'll go do that. You want to go up the St. John's River in a houseboat; let's go do that. You want to go to Maine to see your brother? I can't do that.

(Laughter.)

Why can't you do that? Because I like to sleep too much. Come on, we'll get in a recreational vehicle and you can sleep whenever you want to.

Now, people say that gets arduous. At the time it seemed arduous, but those are wonderful memories, and she even had fun after Hurricane Andrew. Looking at the desolation, she could recall the first hurricane she was in.

We can do so much to make older years fun, interesting, exciting, and productive. And it was her brother who first taught me about the Internet, he being age 75, so it doesn't take these 17 year olds.

(Laughter.)

So prevention is the first part. It's critical. We need to develop and expand programs that teach older people how to avoid financial exploitation, mistreatment at home, and mistreatment in institutional settings. We should also be creative in thinking about how we tackle these problems, by using the Internet to warn and train people about consumer scams. When people are caring for their loved ones at home, we need to provide these caregivers with training and support to enhance their ability to provide better care.

It was amazing to me to reach out to find out how I made somebody comfortable. She wasn't dying that soon, so there were limited opportunities, but I found some people who could help. It's amazing what one bed, what one shift -- you can do so much, and you can teach people so much, things that they don't learn if they major in chemistry and go to law school and decide to pursue a career in the law and public service.

You can really make a tremendous difference if we start thinking of this part of the economy as an area of a group of people that can still be extraordinarily productive. But there is an increasing recognition that prevention won't do it all, that we need multidisciplinary early interventions in this complex area. Such efforts are vital, not only at the state and local levels, but also at the national level. The quicker you see it, the faster you move, the lesser the problem.

Recognizing this, the Department has supported and pursued a number of multidisciplinary approaches, including the following. In the late eighties, the Department began funding the Triad program, a collaboration of AARP volunteers, the National Sheriffs Association, and the International Chiefs of Police. The goal of Triad, now present in 730 counties, is to reduce victimization of older people, especially by street crime. In 1998 we established five elder fraud prevention teams composed of AARP volunteers and federal, state and local law enforcement officials, to educate older consumers about scams. Our Office of Justice Programs has awarded grants to train lawyers and victims' advocates about elder abuse, to support technical assistance on domestic violence in later life, and through its formula grant programs to support services for victims of elder abuse.

Since 1999 our nursing home initiative has sponsored cross-training for more than 1,000 federal, state, and local law enforcement, regulatory, social service, public safety, and health care professionals. We also formed multidisciplinary state working groups to provide infrastructure and focus on these issues at the state and local levels, and we plan to continue our regular productive inter-agency coordination with the Health Care Financing Administration and the Office of Inspector General on case and policy issues.

Earlier this month, the Department sponsored a multidisciplinary roundtable discussion among health care, social service, and law enforcement professionals about medical forensic issues related to elder abuse and neglect. It is very difficult to prosecute a case or to intervene or

to know what the trouble is if you can't identify what the injury is or what the harm is. "She fell out of bed." The good forensic physician can tell you she didn't fall out of bed; that's a blow that caused that injury.

We have got to have the capacity both, for intervention and for prosecution, to be able to prove what happened before we can take effective action in terms of the criminal justice system.

Community advocates also have the potential to play a key role in advancing elder justice. For example, those working in the Senior Corps, the Corporation for National Service, are a tremendous resource. The Corporation for National Service has collaborated with AARP in a demonstration program called Experience Corps for Independent Living, to promote independent living for older persons, provide respite services to caregivers, and supplement the efforts of professional providers.

Older volunteers such as these help prevent elder victimization. With proper training, older Americans can recognize and facilitate interventions when victimization appears to be occurring.

Our elders have so much wisdom. She, my mother, put a sign over where she sat and said: "Treachery and old age will overcome youth and skill." I said: Mother, don't you mean wisdom?

(Laughter.)

Whether it be wisdom or treachery, they have so much to give if only we can ask and make simple arrangements that can facilitate what they do.

Other exciting collaborative approaches are being used by some of our medical schools, where geriatric teams are working with adult protective services and others to provide clinical care, multidisciplinary training, evaluations, interventions, and, where appropriate, referrals to law enforcement where elder abuse or neglect

is suspected.

Community policing is another very valuable tool that can be used. You get a police officer that knows the neighborhood, suddenly realizes that Mrs. Jones hasn't been out, he waved at her, but there's some pattern that's not right, he can intervene or knock on the door or a call to Mrs. Jones' daughter. Or sitting with Mrs. Jones on a door stoop on an afternoon watching the sun go down, he can learn. He can hear the tone. If he's properly trained, he can sense the depression setting in and make recommendations to Mrs. Jones' daughter to do something about it or, if we got ourselves organized right, call somebody, if Mrs. Jones' daughter lived halfway across the country, to make a difference.

But sometimes the appropriate course is going to be tough prosecution, and when I talk to people they say: That's right. And then when I tell them, but there are difficulties: Yeah, you're like those other prosecutors; they say it's impossible to prosecute those cases. It's not impossible to prosecute those cases. I've done it, but they are very difficult.

We have got to remember, when we get into the prosecution we are in a situation where we've got to prove that case beyond and to the exclusion of a reasonable doubt. We have got to be able to prove, not just we think he did it, not just we think she had a blow rather than a fall, but proof beyond and to the exclusion of a reasonable doubt.

So rather than berate prosecutors, we've got to make sure the prosecutors have the tools in terms of forensic expertise, in terms of witnesses skilled in interviewing elderly people, and in terms of prosecutors who have the same skills to make a difference. But it is vital, absolutely vital, that we not shy away from pursuing the hard cases.

The Department is strongly committed to pursuing cases against nursing homes and other health care providers under the False Claims Act and the Civil Rights of

Institutionalized Persons Act where failures of basic care lead to profound malnutrition, pressure ulcers, and other harm. These cases raise novel and complex issues, particularly where there's financial distress or the potential for nursing home closures. We will continue coordinating closely with the Department of Health and Human Services and others to fashion remedies that balance enforcement goals, recouping lost funds, and punishing and deterring wrongdoing with the public health goals of protecting today's and tomorrow's older citizens.

Something else we can do. I have discovered when you go sometimes to a community they will say: We just can't do it; we've tried. The best thing you can show them is something like what they're trying to do that worked, that has a track record, that's overcome the same obstacles that they are faced with. We've got to organize ourselves so that we show nursing homes how you can run a good nursing home or a good long-term care facility the right way, providing appropriate service at a price people can afford, in a humane way. It's possible, but we've got to show the best practices to make people believe that they can do the same.

We've got to develop a comprehensive, coordinated, well-funded national plan to prevent elder abuse in the first place, to pursue it correctly if it has to occur. But we don't have to reinvent the wheel. At the program on medical forensics, it was extraordinarily helpful to have a pediatrician who was an expert in forensic issues there. We can learn so much from one case to the other.

I really think that this whole effort is about thank you defense of the human spirit. There is nothing so wonderful as an old person talking to that child and telling them what it was like to grow up long ago, when there were not all the things that we have now, to tell them what it was like to go fishing in a stream or to go scuba diving when they got older.

We've got to make sure that this nation is not just focused on its future, but on its present, the present in terms of the remarkable human spirit, the wisdom, the greatness of

older people. They will overcome if we give them half a chance.

(Applause.)

(Following reports from state and tribal representatives, the Attorney General made the following closing remarks.)

GENERAL RENO: I couldn't write fast enough to get all the points down, so I do want to get your notes and comments, and I understand that that will be available. First of all, I want to pay tribute to the state attorneys general. They have been in this issue for some time now and you can see the impact in attorney general's offices across the country, and you all have done a great job.

I want to pay my respects to the tribes who are here. It is wonderful that you are here. I made the comment about the basketball court. When I was at the Northern Cheyenne Reservation, it was wonderful, and I am on the front page of the Billings newspaper with a basketball shot like that (indicating). How are the tee shirts going?

One of the points that I think is overwhelming and the message is loud and clear and we need to figure out how we can organize op-ed pieces and comments and how we can raise public awareness and put it in very graphic terms so that people will understand.

Secondly, I think your point about age-ism is correct, but one of the things that I have discovered is that young people are far more idealistic than we give them credit for, certainly than the media gives them credit for. They are yearning for opportunities to help others. They oftentimes have a particular affinity for the elderly. They can be kind and supportive and they are really very special. Don't ignore young people as a source of tremendous compassionate service to the elderly.

I think we can do more in terms of training and I'd like to see what we can do in terms of distance learning, in terms of interactive video, in terms of video conferencing, and

see if we can't get ourselves organized across this country in a way that provides a web site that lists the latest training opportunities, then refers you to helpful hints to caregivers that you can follow, and then you can have resources and materials that you can follow that list the videos, that provides everything in terms of resources, expertise, training, the latest technology, all of these on the web and otherwise available.

I think research is key. I would like to see the medical schools of the country joining with other professional schools in our university system to really focus on this issue. I think it is imperative that we figure what can be done in terms of technology, what can be done in terms of psychological and other supports.

Let me ask you one question. Is there any institute in this country that is doing something in terms of the whole approach of prevention, intervention, and prosecution?

MS. CURTIS: I'm Lisa Curtis with the Denver District Attorney's Office. I'm with the economic crime unit. My position in that unit is strictly to do crime prevention. We also have something we call a SWAT team approach to elder abuse, financial abuse, where our investigators immediately go out and do emergency intervention involving financial exploitation. Prosecution of elder abuse cases takes the highest priority in our unit.

GENERAL RENO: What I'm interested in, though, is an institute, both academic and otherwise, that is developing the latest technology or finding the latest technology that's elderly-friendly, that is developing the latest research in terms of geriatrics and the issues associated with it, that is collecting it and then distributing it across the nation, because I think, in addition to raising public awareness, we've got to look for something that can address -- let's put it this way: There are veterinarian schools in a number of universities across this country, but there is none, there is no institute or university that has become the specialist on these issues that we have discussed today.

Think of what we could do if we organized ourselves in that way. There would be tribally sensitive issues, there would be suggestions to the private sector as to what could be done. You could have a business school operating with some of these issues in mind.

Just don't put any boundaries on your thoughts. Let's see what we can do to really address the issue and create an economy, an infrastructure, an approach, an academic approach to the issues of the elderly that can ensure appropriate service.

One of the things I thought about in justice training is seeing what can be done in terms of the State Justice Institute and otherwise, and we will explore that, what can be done in terms of the multidisciplinary efforts through, again, the community police. I'm going to go back -- I thought the points with reference to the community police were extremely important.

I've got the other notes here. I will try to do everything I can in the three months that I have left before I go home. I'm going to go home, figure out what I'm going to do when I grow up, get settled, and then get in my red truck and go. So, Northern Cheyenne, just wait; the red truck's coming.

(Laughter.)

But one of the things I do not intend to do is stop my concern and my interest in this area, and I want to continue to do everything I can after I leave office, because this is extremely important to me and I think we have so much to do.

I would appreciate any suggestions you have. I think we need to follow through with these symposiums with an op-ed piece and other pieces carefully placed across the country to spur concern. One of the things we might do, Mary Lou, is maybe with the state AG's, the state aging offices, have an organized effort around the country on a Thursday morning for my Thursday morning press availability, talking

about the results of these conferences, talking about the demographics, talking about what can be done, and that we do not have to see what's happening.

Now, with public awareness, I suggest to you that America is far more aware of what's happening than it lets on, because there are too many people that just feel like they're at the end of their rope, that they can't cope, that they don't know where to turn or where to go. There are too many care-givers that are at the end of their rope, that don't know how to cope and don't know where to go, and they are yearning for answers. Let's provide them the answers.

(Applause and, at 1:31 p.m., end of remarks.)