SOMETIMES IT'S A CRIME
Older Adult = 65
What Types of Crimes involve the Elderly?

ALL OF THEM*

*That apply to adults in general
Categories

• Financial
• Physical
• Emotional
Financial Abuse
Financial Abuse Crimes

- Larceny (Misdemeanor & Felony)
- Larceny by Employee
- Embezzlement by Agent or Fiduciary
- Obtain Property by False Pretenses
- Obtain Signature by False Pretenses
- Forgery of Financial Transaction Card
- Obtain Advance by False Promise to Work
- Exploitation of Older or Disabled adult
- Theft of Financial Transaction Card
Financial Abuse Crimes

- Uttering Forged Checks
- Computer Fraud
- **Failure to Support a Parent**
- Common Law Forgery
- Financial Transaction Card Fraud
- Financial Identity Theft
- Extortion
- Forgery of Notes, Checks
Embezzlement of property received by virtue of office or employment

• A person guilty of this offense
  1. fraudulently or knowingly and willingly
  2. uses for a purpose other than that for which the defendant received it
  3. the property of another
  4. held by the defendant under his or her care.
Embezzlement of property received by virtue of office or employment

• This section applies to any person...
  “who is a guardian, administrator, executor, trustee, or any receiver, or any other fiduciary...”
Obtaining property by False Pretense

• A person guilty of this offense:
  1. makes a representation about a past or existing fact or future event
  2. that is false and
  3. is calculated and intended to deceive,
Obtaining property by False Pretense

4. the representation does in fact deceive another person, *and*

5. the person thereby obtains, or attempts to obtain, money, goods, property, services, choses in action, or any other thing of value from that other person.
Exploitation of an Older Adult

• Older Adult is defined as:
  • A person 65 years of age or older

• Disabled adult is defined as:
  • A person 18 years of age or older or a lawfully emancipated minor who is present in the State of NC and who is physically or mentally incapacitated
Two types of offenders:

(b) Person who:
- stands in a position of trust and confidence, OR
- has a business relationship
- Knowingly AND
- By deception or intimidation
- Obtains and uses, \( \text{or tries to} \), \( \text{or conspires to} \) funds, assets, or property

- With intent to:
  - temporarily or permanently deprive the older or adult of the use, benefit, or possession of funds, assets, or property, OR
  - benefit someone other than the older adult
Two types of offenders:

(c) Person who:
• Knowingly AND
• By deception or intimidation
• Obtains and uses, (or tries to), (or conspires to) funds, assets, or property

• With intent to:
  • temporarily or permanently deprive the older or adult of the use, benefit, or possession of funds, assets, or property, OR
  • benefit someone other than the older adult
Failure to Support a Parent

A person guilty of this offense
1. is 18 years of age or more and
2. has sufficient income after providing for his or her immediate family and
3. without reasonable cause
4. neglects to support his or her parent
5. when the parent is sick or unable to work and support himself or herself.
SCAMS
(Call the Attorney General’s Office)

• Telephone/Computer Fraud
  • Phony lottery
  • Grandparents Scam
  • Credit Card or Identity Theft Insurance
    • Guaranteed Government Grants
    • Recovered Assets
    • Medicare Discount Drug Cards
    • Phony Bank Security Officer
  • Phony IRS Agent
    • Jury Duty
    • “Your Telephone/Power/Gas Service Will Be Disconnected”
    • Abusive Bill Collector
    • Death Threats

• Sweepstakes, Sweethearts & More
  • Sweepstakes Mailings
  • Check Processing and Check Overpayment Scams
  • “Your Distant Relative Has Died In Our Country”
  • Health-Related Frauds and Scams
  • Phony Police Detectives/FBI
    • Woman In Distress At The Front Door
    • Sweetheart Scams (Face-to-Face or Internet & Telephone)
    • Work At Home Scams

• Predatory Lending Practices
  • Predatory Mortgage Lending
  • Payday Loans

• Other Troublesome or Deceptive Business Practices
  • Unauthorized Credit Card Charges and Add-Ons
  • “Certified Senior Financial Advisor” and Other Impressive Titles
  • Annuity Sales and Estate Planning Seminars
  • Sound-Alike Charities and Law Enforcement Groups
  • Phony Charity Pleas
  • Timeshares, Campgrounds and Land Development Schemes
  • Expiring Auto Warranties
  • Security System Upgrades

• Door-To-Door Home Repair Fraud
  • Falling Chimney
  • “My Leg Went through Your Roof, Sir”
  • Roof repair Scam
  • Attic Bracing Scam
  • Toilet Bowl Scam
  • Floor Jack Scam
  • Inspector Scam
  • Driveway Paving Scam
  • Tree Service Scam
Physical Abuse
Physical Abuse Crimes

- Murder
- Rape
- Assault w/Deadly Weapon w/Intent to Kill/Injury
- Assault w/ Deadly Weapon Inflicting Serious Injury
- Assault
- Assault on a Handicapped Person
- Patient Abuse and Neglect
- Abuse of Disabled or Neglected Adult
- Assault Inflicting Serious Bodily Injury
Physical Abuse Crimes

- Assault Inflicting Serious Injury
- Assault w/ Deadly Weapon
- Assault on a Female
- Kidnapping
- Felonious Restraint
- Larceny (of Medications)
- Domestic Criminal Trespass
- Trespass
- Indecent Exposure
Assault on Handicapped Person (F)

• A person guilty of this offense
  1. commits and assault or battery
  2. on a handicapped person
  3. knowing or having reason to know that the person is handicapped
  4. and
     • (a) uses a deadly weapon or other means of force likely to cause serious injury or serious damage to a handicapped person,
     • (b) inflicts serious injury on a handicapped person, or
     • (C) intends to kill a handicapped person
Assault on Handicapped Person (F)

• For purposes of this section, a “handicapped person” is a person who has:
  1. A physical or mental disability, such as decreased use of arms or legs, blindness, deafness, mental retardation or mental illness; or
  2. Infirmity-- which would substantially impair that person’s ability to defend himself.
Domestic Abuse, Neglect, and Exploitation of Disabled or Elder Adults

• (a) Abuse—
  • A person is guilty of this offense
    1. is a caretaker of
    2. (a) a disabled adult or
       (b) and elder adult
    3. who is residing in a domestic setting and
    4. with malice, knowingly and willfully

5. (a) assaults the adult, (b) fails to provide medical care or hygienic care to the adult, or (c) confines or restrains the adult in a place or under a condition that is cruel or unsafe and

6. as a result the adult suffers serious mental or physical injury
Domestic Abuse, Neglect, and Exploitation of Disabled or Elder Adults

- (b)Neglect—
  - A person is guilty of this offense
    1. is a caretaker of
    2. (a) a disabled adult or (b) an elder adult
    3. who is residing in a domestic setting and
    4. wantonly, recklessly, or with gross carelessness
    5. (a) fails to provide medical or hygienic care to the adult or (b) confines or restrains the adult in a place or under a condition that is unsafe and
    6. as a result the adult suffers serious mental or physical injury.
Emotional Abuse
Emotional Abuse Crimes

- False Imprisonment
- Communicating Threats
- Cyber Stalking
- Harassing Phone Calls
Emotional Abuse Crimes

• Injury to Personal Property
• Injury to Real Property
• Stalking
• Domestic Abuse, Neglect, or Exploitation of Elder Adults
Domestic Violence

- Physical but often mental and emotional
- Caregiver is often the offender
- 50B personal relationships
  - Parent-child
  - Grandparent-grandchild
  - Current or former household members
    - Could include and family member, friend, caretaker or roommate who has lived with the victim
  - Romantic relationships