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Ending Elder Abuse

Prosecutor Paul Greenwood is on a mission to protect older Americans from swindlers

By: [Cynthia Ramnarace](#) | Source: AARP Bulletin Today | February 22, 2010



Photo: Getty Images

Fifteen years ago, the bosses at the San Diego County District Attorney's Office told Paul Greenwood that he would begin prosecuting elder abuse cases.

"What is elder abuse?" he recalls asking. "And they all looked at me and said, 'Well, we don't know much about it either, but we want you to go find it and go prosecute it.'"

Prosecute he did. To date, Greenwood and his colleagues have prosecuted more than 350 felony cases. The San Diego office is among only a handful of official elder abuse units in the country, and Greenwood has made it one of the most aggressive and respected foes of the crime.

In his free time, Greenwood travels the country educating the public on how to protect against abuse. He also teaches those on the frontlines how to better enforce laws and prosecute offenders.

Creating a new division about a little-known crime was a tall order for the native Brit. But Greenwood knew something about career challenges. He spent the first 12 years of

his legal career as a barrister in England, defending and prosecuting criminal cases. Then in 1991, with his wife homesick for her native San Diego, Greenwood moved to the States.

The transition from British barrister to American litigator was “a nightmare for me,” Greenwood, 57, says. “I didn’t know what a written constitution was. I didn’t know what the Fifth or the Sixth Amendment was. I went to this crash course: How to Pass the California Bar in Seven Weeks. I devoted 17 hours a day to studying, and it paid off.”

That determination now fuels his search for justice on behalf of the many older Americans he sees abused, swindled and taken advantage of daily.

Greenwood briefed the *AARP Bulletin* on how to spot elder abuse and what you can do about it.

Q. Profile an elder abuser.

A. My number one perpetrator of physical elder abuse is the son living at home with his widowed mother. He is between 35 and 50. He is either a single son who has never ever left home, or a divorced son who complains that he cannot pay alimony so he comes back home. Or he has just returned from prison. In every case he is lazy and unemployed.

Q. Any specific traits?

A. He’s addicted to drugs, alcohol or gambling. He steals from his mother in order to feed his addiction. The first thing he takes is her jewelry, which he pawns. Then he steals her checkbook and cashes her pension checks. When his mother finds out, and she confronts him, he hits her in the face.

Q. When you make presentations, how does your audience respond?

A. Many listeners are shocked, but others start whispering. “He just described so-and-so.” So I say, if you think I just described a family you know, I want you to [call Adult Protective Services](#).

Q. You talk about other types of abuse too, correct?

A. A lot of financial abuse scenarios involve unlicensed contractors who rip off elderly homeowners. The opportunistic thief comes to the door looking for an easy target. I show them [examples of the telemarketing sweepstakes scams](#).

I bring in [bogus checks](#) and let the audience handle them and look at them.

Q. Why don't victims report these crimes?

A. Embarrassment. Fear of retaliation. Concern that the adult children or the police will try to remove the victims and put them into a nursing home.

Q. Is that fear justified?

A. It's a misconception, but it's out there. Part of my message is to say that it is wrong to stay silent because it gives the crooks more encouragement. They are going to do it again to somebody else.

Q: You also educate professionals.

A. I speak at banks and credit unions. I get very upset when I read crime reports showing that an elderly person walked into a bank and asked to withdraw \$5,000 in cash. I call the manager and ask, "What are you doing allowing your customers to pull out this kind of money?" And they say, "Well, it is none of our business." I say, "Yes it is your business." I just try to make it as difficult as I can for them sometimes.

Q: [The Elder Abuse Victims Act](#), which would provide some funding for prosecution, is winding its way through Congress. What impact would its passage have on these crimes?

A. First, it would be a tremendous morale booster to the local Adult Protective Services caseworker. As I travel around the country, I see a growing sense of pessimism among people on the frontlines. Their resources are being cut as more and more cases are coming to light. If the feds do pass legislation, it will put on the table that elder abuse is a serious, serious problem. It's escalating and we need to give the people on the frontlines some resources.

Q. What other impact?

A. Elder abuse needs a national discussion and a national agenda, like ones we've had for child abuse and domestic violence for so long. But when was the last time you saw,

for example, Oprah talking about elder abuse? I mean, it's just not being discussed in the same manner—and it needs to be.

Q. Does your team address nursing home issues as well?

A. That's always been a sticky situation. Nursing homes typically are reluctant to report immediately. The only way I sometimes hear about these cases is by asking the state department that oversees nursing homes to send me copies of citations that they have already issued on specific homes. Then I phone or e-mail someone and ask, what happened to that investigation? In my view, there is a crime here.

Q. That's scary. So if you didn't pick up the phone, these crimes would just go unprosecuted?

A. Exactly. In fact, if I hadn't pestered the state department, they wouldn't have been sending me these citations anyway.

Q. Is elder abuse seen as a non-crime and not serious enough to be prosecuted?

A. Very much so. When I speak, my most popular message is destroying the misconceptions. And one of the biggest is that this is just a civil matter.

Q. By that you mean because it involves money?

A. Yes, that it involves a contract, maybe an unlicensed contractor who has done some work but who has either reneged on the agreement or disappeared with the money.

Q. Which is more common, physical or financial abuse?

A. Out of all my cases I would say about 65 percent have a financial exploitation component. I get many calls from people who are frustrated because they tried to report a financial exploitation case and were told they had to sue.

Q. Is that a bias against older people who law enforcement believes might have been confused—or is that a matter of law enforcement not being educated enough about the law?

A. It's a mixture. Many police officers and detectives are not trained to understand what constitutes theft. There are many ways—subtle, manipulative ways—to steal from an elder, some subtle, manipulative ways.

Q. An example?

A. Say the suspect meets the elderly victim and starts to build a friendship, showering the unsuspecting victim with kindness and companionship. The suspect then tells the victim that his car has been stolen and that he needs to borrow \$17,000 to purchase a car. The victim willingly writes out a check for \$17,000. The suspect makes no repayments.

When this scenario is shared with the police, they say, "I don't see a crime here. That's a consensual transaction, and if you now have a dispute over it, you need to sue that person."

Q. What's your advice?

A. Dig deeper. Ask more questions. Look at the whole picture. Has this person done this to other people?

Q. Do you have any recent cases that made your job feel particularly worthwhile?

A. We had a case that received a lot of local attention, and the primary perpetrator received two consecutive life sentences plus nine years on top of that.

Q. Elaborate.

A. He was a salesman who sold a vacuum cleaner to a charming, sweet 75-year-old woman. Six weeks later he came back, knocked on her door at 10 o'clock at night and said he had broken up with his girlfriend and could he come in and use her telephone to call his mother. Of course, my victim recognized him and without hesitation let him in. As he was being led to the telephone, he jumped her from behind. When she woke up, she had been duct-taped from head to foot. He put her in the trunk of her own car for 26 hours without food, without water, without restroom breaks and drove off.

Q. What happened?

A. Eventually she felt she was dying and she cried out to her late husband to send an angel to rescue her. An hour and a half later, the vacuum cleaner salesman blew through a red light and when the car stopped, a deputy sheriff opened the trunk and found the woman almost dead. The jury only took about an hour and 15 minutes to convict him of torture and attempted murder.

Q. How do you remain upbeat about your job?

A. I love what I do. I am very proud and passionate about pursuing justice for all victims. But there is an extra emphasis when I see victims in the latter stages of their life. They are typically the most endearing, trusting, wonderful, charming people and don't deserve this. And in many of the cases, the defendants targeted them because they expected to get away with it.

I can honestly say in 14 years I have never been bored. I have been worn out. But I have never ever gotten burned out.

Q. What have you gained personally from defending elder abuse victims?

A. I have learned a great deal from the victims. A majority of them are astonishing; they are not entirely bitter about what has happened to them. They have been through World War II, and they don't hold grudges. Many times they are devastated, but not vindictive. It has also taught me a lot, I am afraid, about human nature, that a lot of human beings are willing to go as far as exploiting the generosity and the kindness of older people. It's taught me a lot about perseverance with cases. Ultimately, many times, the truth will prevail.

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