

PROCEDURES MANUAL	
SUBJECT:	Elder/Vulnerable Person Abuse Recognition
Area of Responsibility:	Security
Last Revision Date:	March 2018
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Policy Statement / Purpose:

The purpose of this policy/procedure is to provide guidelines on how to properly identify possible victims of Elder/Handicapped Exploitation and reporting guidelines.

Definitions:

Elder – Any person aged 60 and above.

Vulnerable – A person with an intellectual disability and/or, deaf or hearing impaired, speech-impaired, blind or visually disabled, seriously emotionally disturbed or orthopedically impaired.

Abuse – Physical, sexual and/or emotional abuse of an elderly or vulnerable person.

Exploitation - Fraudulent or otherwise illegal, unauthorized or improper act or process of an individual, including, but not limited to, a caregiver or fiduciary, that uses the resources of an elder or vulnerable for monetary or personal benefit, profit, gain, or that results in depriving an elder or vulnerable person of rightful access to, or use of, benefits, resources, belongings, or assets by use of influence, harassment, duress, deception, false representation or false pretenses.

Self-Neglect – A pattern of behavior in an elder or vulnerable person that directly, imminently and significantly threatens his/her own health and/or safety. Self-neglect includes, but is not limited to, an inability to provide self with food, water, shelter or safety to the point of establishing imminent risk of any of the harm(s) described in the immediately preceding sentence.

Considerations:

Elder or vulnerable persons may be subject to abuse and/or exploitation:

- Socially isolated - lonely;
- Afraid to report or complain;
- Embarrassed;
- Trusting;
- Cognitively and/or physically declining;
- Unaware they are being exploited.

Exploiters/Abusers:

- Family member;
- Acquaintance;
- Fiduciary – (guardian, representative payee or Power of attorney);
- Stranger;
- Caregiver;
- Neighbor;
- Repair persons or contractors;
 - E.g. - Unscrupulous roofers and driveway sealers
- Internet, mail, text or email scammer
 - Unfamiliarity with technology can increase vulnerability.

What Does Exploitation Look Like:

- Misappropriating or mismanaging income or assets;
- Improper or fraudulent use of Power of Attorney or fiduciary authority;
- Obtaining money or property by undue influence, misrepresentation or fraud;
- Signing documents without member's consent;
- Charging excessive rent or fees for services

Warning Signs:

Withdrawal activity:

- Large cash withdrawals;
 - Member doesn't want to discuss, is cagey or has implausible explanation.
- Increased frequency of withdrawals;
- Increased use of bank checks;
- Increased use of personal checks;
 - Signature is not member's
- Request for debit card not previously issued and increased use of debit card
- Closing of CDs or accounts without regard to penalties

Third party interference:

- Member wants to add co-signer to accounts;
 - Concerns are if there is not a viable explanation such as their own ability to handle their own banking needs; be especially cautious of non-relative, neighbors, etc.
- Unusual interest by a third-party entering the picture;
 - Third-party wants to handle financial affairs without viable explanation.
- New friend is unusually interested in member's financial affairs;
 - Offers investment advice, appropriate or not
 - New friend begins cashing on us checks.
- Unable to speak to member without interference from third party

Member concerns:

- Member exhibits increased confusion about banking and financial issues;
- Does not remember previous transactions or accounts;
- Member frequently calls or visits credit union with financial concerns;
- Member states they are not receiving financial statements;
- Member requests notarization of forms they do not understand;
 - Again, be cognizant of third party influence.
- Member's explanation for unusual financial activity is implausible;
 - Member is withdrawing \$100,000.00 to purchase new furniture
 - Member is wiring \$50,000.00 to attorney because grandson is being detained in a foreign country for a crime.

Additional concerns:

- Risky investment or member does not understand investment opportunity;
 - Gold
 - Foreign investment
- Dream opportunities unknown to other family members or caregivers;
 - Eighty-five year old member wants to invest in a gas station.
- Won lottery or prize and needs to send money to claim prize;
- Depositing questionable checks outside of their norm or pattern;
 - Asking for holds to be removed from large checks
- Member states they have been asked for personal and/or banking information.
 - Advise member to never give personal or banking information to unsolicited callers.
- Bogus charities;
- Mystery Shopper
- Bank Examiner Scam
- Work at Home Scam
- Once an elder or vulnerable person has been scammed, they are often targeted for additional scams by the same or new scammers.
 - "Recover your money from the scammers" is another scam.

These signs don't necessarily mean an elder/vulnerable person is being exploited.

- A competent elder or vulnerable person can consent to a transaction even if it is a poor choice.
 - E.g. – A competent elder or vulnerable person wants to withdraw \$100,000.00 to purchase a luxury automobile. It may not seem logical, but it is legal as long as there is no intimidation, threat, coercion or question of competency.
 - An example of an exploitative situation would be the same person withdrawing \$100,000.00 to wire to a person that contacted them by phone informing them of a grandson under arrest in a foreign country and needing bail money and legal representation.
 - While this conceivably could happen and the member can insist on making the withdrawal, if they wanted to, we would do our best to confirm the scenario before completing the wire.

However, if you do suspect any type of abuse or exploitation, there is a duty to report abuse, neglect, exploitation and self-neglect of elderly persons under Rhode Island General Laws Section 42-66-8:

§ 42-66-8. Abuse, neglect, exploitation and self-neglect of elderly persons – Duty to report. Any person who has reasonable cause to believe that any person sixty (60) years of age or older has been abused, neglected, or exploited, or is self-neglecting, shall make an immediate report to the director of the department of elderly affairs, or his or her designee, or appropriate law enforcement personnel. In cases of abuse, neglect, or exploitation, any person who fails to make the report shall be punished by a fine of not more than one thousand dollars (\$1,000)...

Additionally, FinCEN issued advisory FinCEN, FIN-2011-A003 which provided guidance for filing a Suspicious Activity Report (SAR) for “Red Flag” indicators for elderly abuse that is believed to be suspicious activity. Subsequent clarifications were issued.

Finally, it is generally not considered to be a violation of Right to Financial Privacy or Gramm-Leach-Bliley Acts to report suspected abuse as long as account numbers, member numbers and balances are not disclosed.

If you do suspect any type of abuse or exploitation, the following steps must be taken:

Procedures when possible elder/vulnerable person detected:

- If a situation arises requiring an immediate assessment, call the Chief Security Officer.
 - E.g. – A confused member is attempting to withdraw \$50,000.00 cash and reveals she is having her driveway sealed.
 - Enter brief note in Member Diary to establish continuing patterns and alert other branches.
- Notify Chief Security Officer by email for cases that have been detected through investigation and, while ongoing, don't represent an immediate threat.
 - CSO will begin an immediate investigation to determine if the possible victim is being exploited or abused. If exploitation and/or abuse is determined:
 - CSO will contact Law Enforcement, Department of Elderly Affairs or RIAG Elder Abuse Unit.
 - Trusted family members, guardian or others with substantiated good standing may be contacted if concerns do not arise to exploitation/ abuse levels.
 - Family may be made aware of competency concerns observed when performing or attempting to perform banking activities.
 - CSO will notify Compliance Officer who will direct the creation of a SAR if the situation does meet the standard for reporting.
 - SAR will be followed-up in normal fashion for any other suspicious activity.
 - Initial reporter (BM, ABM, MSR or Teller) should create brief notation in the Member Diary that establishes the reason or concern and to alert other branches in case of any further activity.