

## Office of the Kane County State's Attorney



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### FOR IMMEDIATE RELEASE

## **KANE ELDER DEATH REVIEW TEAM EXPANDS TO DEKALB, KENDALL GROUP STARTED IN 2007 TO EXAMINE CERTAIN SENIOR DEATHS, ADVOCATE CHANGE**

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As the population of residents over age 60 grows in Illinois – and in the United States – so has the opportunity for the abuse and neglect of seniors.

In response to the growing population of citizens 60 and older, evidence of abuse and neglect of seniors and the belief that collaborative oversight to appropriately protect vulnerable seniors was systemically lacking, Kane County in 2007 launched the Elder Fatality Review Team, a local interagency group designed to ensure that suspicious deaths of the elderly would be thoroughly examined and evaluated.

In reviewing the deaths, the team sought to determine if the deceased was the victim of abuse or neglect prior to death, and if abuse or neglect played a role in their death. If so, the panel determined what remedies should have taken place and how to ensure that those remedies are not overlooked in future cases, whether locally, statewide or both.

Based on its success and a need to involve more agencies, the team will expand to DeKalb and Kendall counties, and change its name to the Tri-County EFRT. As a result of its work the last four years, the Kane EFRT saw an opportunity to expand to DeKalb and Kendall counties because many of the cases it has examined crossed into those jurisdictions.

“The Elder Fatality Review Team has been very beneficial for various agencies to better evaluate whether a senior was the victim of abuse or neglect prior to death, whether abuse or neglect was a factor in their death, what the signs were of the presence of abuse or neglect, what could have been done to prevent it, and in some cases helping to evaluate the appropriateness of criminal charges,” Kane County State's Attorney Joe McMahon said. “However, the EFRT isn't as much about determining criminal action as it is about ensuring that agencies are collaborating to share information so that suspicious deaths are thoroughly evaluated, systemic changes are made and in the long run seniors receive proper care and treatment.”

Kendall County State's Attorney Eric Weis said, "We have an obligation to do what we can to protect our seniors. As our population ages, we must work to reduce the risk of victimizing an entire generation of Americans. I welcome the Elder Fatality Review Team to Kendall County, and I believe that its work will help implement positive changes in our efforts to bring those who harm our seniors to justice."

DeKalb County State's Attorney Clay Campbell said, "DeKalb County is privileged to join forces with Kane and Kendall counties to create the Tri-County Elder Fatality Review Team. This united commitment allows our counties to pool precious resources and expertise to develop strategies focused on the prevention and investigation of elder abuse. Our goal is nothing less than the utmost protection and safety of our senior citizens throughout the region."

The Kane EFRT, which includes representatives from government and nonprofit social service agencies, was created to address systemic deficiencies in the identification and prevention of elder abuse and neglect. A case came to light within the coroner's and state's attorney's offices regarding an elderly widow who died. After her body was cremated, information surfaced that the woman had been victimized by a family member, and that the woman had a history with an elder abuse agency. Those facts led some to question whether the woman could have been the victim of abuse or neglect, and even whether her death involved criminal activity. However, because no process existed at the time for various health and elder agencies to work collaboratively, her abuse was not known until after her death.

That lack of a tangible evaluation process meant that a viable means to improve the system also was lacking. Although certain agencies did have an evaluation process, an inability to share information with each other was identified as a barrier.

The case of Jane, as she is referred to by those familiar with her case, became a rallying cry to seek changes that would allow multiple agencies to share information in such a means that when abuse and neglect is found, the remedy is a more cohesive and collaborative response.

That launched the Kane County EFRT and its mission, which is to identify whether systems that have the purpose or responsibility to assist or protect elder vulnerable adults were sufficient for the particular circumstances or whether such systems require adjustment or improvement.

The team reviews suspicious deaths of persons age 60 and older who reside in domestic living situations, such as with family, caregiver or board and care home. Suspicious deaths may include deaths that resulted from blunt-force trauma or an undetermined manner. Death reviews also may take place as requested by an attending physician or referral from a health-care provider or law-enforcement agency in a case that involved suspected abuse, neglect, self-neglect or financial exploitation.

"Society, appropriately, has systems in place to identify and report child abuse and domestic abuse," said Linda Voirin, Seniors and Persons with Disabilities Victim Advocate for the Kane County State's Attorney's Office. "But we are lacking an interagency approach to tackle elder abuse. We are working hard to change that."

“Our intent is not to be intrusive, and confidentiality is key. We would like to see seniors aging in place, and aging in peace,” Voirin said.

Ultimately it is the desire of the cooperative entities that by carefully examining these fatalities and implementing necessary system changes, the resulting outcome will lead to improvement in the response to elder victims of abuse and prevent similar outcomes in the future.

Not long after the Kane EFRT was formed, it helped to organize a training seminar for law enforcement, first-responders, service providers for the elderly, medical providers and social workers to learn to better detect signs of abuse and neglect. As a result of the training, Senior Services Associates, the elder service provider for Kane and Kendall counties, has reported an increase in alerts from EMTs.

Also, parameters were established by the Illinois Legislature for the creation of other EFRTs in the state. The Kane EFRT wrote the legislation and submitted it to the Illinois Department on Aging. [HB 95-402](#), approved in 2007, amending the [Illinois Elder Abuse and Neglect Act](#) to include the parameters for EFRTs in Illinois.

EFRTs must include representatives from the Department on Aging, coroners or medical examiners offices, state’s attorney’s offices, local police departments, forensic units and providers of services for persons age 60 or older in domestic living situations. The legislation does not mandate EFRTs in any jurisdiction, however.

DuPage and Madison counties since have launched EFRTs, and others, including Winnebago County, have inquired with the Illinois Department on Aging.

The Tri-County EFRT will be comprised of but not limited to:

- A representative from each state’s attorney’s office
- A representative from each coroner’s office
- A representative from Senior Services Associates, Kane and Kendall counties
- A representative from Elder Care Services, DeKalb County
- A representative from the Illinois Department on Aging
- A representative from the Illinois Department of Public Health
- A law-enforcement representative from each county

The team will meet seven times annually, twice in each county and once as part of a large year-end meeting to review all recommendations. Recommendations from the group are forwarded to the Illinois Department on Aging, which then determines how to implement the changes.

In addition, with [HB 96-526](#) the Illinois Department on Aging changed its rules to allow designated elder abuse agencies to share with coroners information regarding vulnerable seniors. The information could be used to help determine manner of cause and death.

“The elder abuse fatality review statute makes the creation of these teams a matter of local initiative,” said Lee Beneze of the Illinois Department on Aging. “These are not mandated by the Elder Abuse and Neglect Act. The department is pleased when local officials, particularly the county coroner and local law enforcement officers, take the initiative to create a review team. Today the department looks forward to working

with this elder abuse fatality review team in a collaborative effort that will lead to better ways to protect seniors.”

Locally, the reviews can prompt a new approach from a specific agency or even lead to criminal charges.

“Senior Services is excited about the Elder Fatality Review Team and the opportunity it provides our elder abuse investigators to share information and respond to suspicious deaths,” said Bette Schoenholz, Executive Director, Senior Services Associates. “It is extremely important that elder victims be identified and justice served. This program will play a key role in that success.”

## **Facts, statistics and additional information**

### **Facts**

- The EFRT team does not review the facts every death. For example, the case a person who died of a known terminal or long-term illness who showed no signs of abuse or neglect in the final weeks or months of their life is not reviewed.
- Since its inception, the Kane EFRT has reviewed 21 cases. Although no criminal charges have directly come as a direct result of a specific case, more has been learned about how to improve the system and to identify abuse/neglect, and more first responders now are familiar with the signs.
- Although the federal government determines someone to be a senior citizen at age 65, Illinois laws with regard to the elderly generally begin at age 60
- Studies have shown that once a senior has been victimized, their health begins to decline, often rapidly.

### **Statistics**

#### **According to the most recent statistics available from the U.S. Department of Health and Human Services Administration on Aging**

- In the U.S. in 2009, 18 percent, or 55 million of 307 million residents are 60 or older
- In 2009, 17.2 percent, or more than 2.2 million of Illinois' 13 million residents, are age 60 or older
- One of every eight Americans is 65 or older
- One in 13 Americans 65 or older is the victim of abuse, neglect or exploitation
- One in 23 cases of elder abuse or neglect is reported
- These numbers are expected to double by 2030.
- By 2030, when the last of the baby boomers will have reached 65, approximately 18 percent of Illinoisans will be 65 or older
- According to the World Health Organization, by 2025, the global population of those 60 and older will be 1.2 billion

### **Additional protection for seniors in Illinois**

- The Illinois Legislature has established aggravating factors when the crime victim is a senior, and in many cases the severity of the charge increases incrementally. For example:

- **Financial exploitation of an elderly or disabled person:** as the age of the victim increases, so does the class of felony.
- To meet the basic requirement for the felony charge the victim must be **60** years older.
- If the victim is **70** years old and the value of the property is **\$15,000** or more, the charge becomes a Class 1 felony.
- If the victim is **80** years old and the value of the property is **\$5,000** or more the charge is becomes a Class 1 felony.
- **Theft by deception** if the victim is **60** years or older, the charge increases to a **Class 2 felony** from a Class 3 felony.
- **Aggravated Battery of a Senior Citizen** is a Class 2 felony if the victim is **60** years or older and suffered great bodily harm or permanent disability.
- The crime of **Sexual Assault** is **Aggravated Criminal Sexual Assault** if the victim is 60 years of age or older.
- The crime of **Identity Theft** is **Aggravated Identity Theft** if the victim is 60 years of age or older
- The crime of **Home Repair Fraud** is enhanced to **Aggravated Home Repair Fraud** if the victim is 60 years of age or older.

### **Cases for review**

EAFR teams shall review cases of deaths of persons 60 years or older in domestic living situations, such as:

- Blunt force trauma or an undetermined manner or suspicious cause of death
- Requested by the deceased's attending physician
- Referral by a health care provider
- Constituting an open or closed case from a senior protective services agency, law-enforcement agency, or State's Attorney's office that involves alleged or suspected abuse, neglect or financial exploitation
- Deaths of persons 60 years of age or older if the alleged abuse or neglect occurred while the person was residing in a domestic living situation.

### **Definitions**

According to the Illinois Department on Aging, elder abuse is the least recognized form of family violence. It takes on many forms and in most cases victims are subjected to more than one type of mistreatment. In Illinois, 58 percent of elder abuse reports allege financial exploitation; approximately 22 percent allege physical abuse; 39 percent allege active or passive neglect; and 43 percent allege emotional abuse.

- **Physical abuse** – causing the infliction of physical pain or injury to an older person.
- **Sexual abuse** – touching, fondling or any other sexual activity with an older person when the older person is unable to understand, unwilling to consent, threatened or physically forced.

- **Emotional abuse** – verbal assaults, threats of abuse, harassment or intimidation so as to compel the older person to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which the older person has a right to engage.
- **Confinement** – restraining or isolating an older person for other than medical reasons.
- **Passive neglect** – the failure by a caregiver to provide an older person with the necessities of life including, but not limited to, food, clothing, shelter or medical care, because of failure to understand the older person’s needs, lack of awareness of services to help meet needs or lack of capacity to care for the older person.
- **Willful deprivation** – willfully denying assistance to an older person who requires medication, medical care, shelter, food, therapeutic device or other physical assistance, thereby exposing that person to the risk of harm.
- **Financial exploitation** – the misuse or withholding of an older person’s resources to the disadvantage of the elderly person and/or the profit or advantage of another person.

### **For more information on aging, and elder abuse and neglect**

- **U.S. Department of Health & Human Services’ Administration on Aging**  
<http://www.aoa.gov/>
- **Illinois Department on Aging** <http://www.state.il.us/aging/>
- **Illinois Attorney General** <http://illinoisattorneygeneral.gov/seniors/index.html>
- **Web resources for Seniors** [http://www.state.il.us/aging/2wwwlinks/links\\_list.htm](http://www.state.il.us/aging/2wwwlinks/links_list.htm)
- **Eldercare** <http://www.eldercare.gov/Eldercare.NET/Public/Index.aspx>
- **Senior Services Associates** <http://www.seniorservicesassoc.org/>

### **To report suspected abuse or neglect**

- Call 911 or call the statewide, 24-hour Elder Abuse Hotline at 1-866-800-1409, 1-800-544-5304 (TTY)