

County of Santa Clara

Office of the District Attorney

County Government Center, West Wing
70 West Hedding Street
San Jose, California 95110
(408) 299-7400
www.santaclara-da.org

FILED

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DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY BRITNEY HUEBIG DEPUTY



Jeffrey F. Rosen
District Attorney

June 30, 2015

Ms. Elaine K. Larson, Foreperson
2014-2015 Civil Grand Jury
191 North First Street
San Jose CA 95113

Re: 2014-2015 Final Report: Protecting Our Most Vulnerable Residents

Dear Ms. Larson,

I have read and reviewed the above-referenced report. Thank you for looking into this important issue. As requested in your letter of June 15, 2015, here are my responses to Findings 6 and 7 and to Recommendations 6m and 7.

Finding 6: The Elder and Dependent Adult Abuse Protocol for Santa Clara County Law Enforcement, dated July 2010, has not been revised in five years, is over 100 pages long, and should be revised and shortened.

Response: Disagree partially with the finding.

I agree that Santa Clara County's Elder and Dependent Adult Abuse Protocol has not been revised in 5 years and that it should be revised. The part of this finding with which I hesitate to agree to readily is the finding that the Protocol should be shortened. I am told that the revision efforts already underway have uncovered duplicative sections which will be eliminated and will result in some shortening of the Protocol. However I am also informed that the agencies who use the Protocol find much of the information too useful to eliminate. Instead the suggestion on their end has been to add reference charts to the appendix and to put the revised document in a more user-friendly form electronically. Nevertheless I am assured that revision efforts will try to shorten the document wherever possible without sacrificing important content.

Recommendation 6m: The County of Santa Clara Office of the District Attorney, as a member of the Police Chief's Association of Santa Clara County, should advocate for revision of the Elder and Dependent Adult Abuse Protocol for Santa Clara County Law Enforcement.

Response: The recommendation will be implemented in 2015.

As noted above, efforts to revise and shorten the Protocol are already underway. An Assistant District Attorney chairs the Elder Abuse Death Review Team which has undertaken this project. The revisions will be completed in 2015.

Finding 7: There is no document to be given to elder and dependent adult abuse victims containing a list of available resources.

Response: Disagree partially with the finding.

If the Grand Jury had in mind something similar to the resource card given to domestic violence victims by responding law enforcement and is concluding that no such document is given to elder and dependent adult abuse victims, then the finding is correct. However, unlike DV cases, every elder or dependent adult abuse case triggers mandatory reporting to Adult Protective Services. An APS social worker then makes contact with the victim, assesses the need and makes the appropriate referral(s).

Recommendation 7: The County, through County of Santa Clara; Social Services Agency; Adult Protective Services, and the County of Santa Clara Office of the District Attorney should collaborate on a document for law enforcement agencies to provide elder and dependent adult abuse victims advising them of available and applicable resources.

Response: The recommendation requires further analysis.

As noted above, victims of this type of abuse are provided with resources and referrals from Adult Protective Services. This seems to be the most appropriate way to handle cases with vulnerable victims who may be unable to reach out on their own for help. Help comes to them. Moreover, handing a card to every victim of this type of abuse means many will be given to victims who are medically or mentally fragile, with the potential for causing unintentional negative consequences.

Nevertheless we will study the issue over the next six months. We will place the issue on the agendas of elder/ dependent adult abuse multidisciplinary team meetings including the Elder Abuse Death Review Team and Financial Abuse Specialist Team to solicit input from law enforcement, the Social Services Agency, the Public Guardian's Office and other service providers to see whether this recommendation should be implemented and whether it can be implemented without adverse consequences to those we are trying to serve.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey F. Rosen".

Jeffrey F. Rosen
District Attorney