

CONFIDENCE GAMES AGAINST THE ELDERLY

MICROFILME

HEARING

BEFORE THE

SUBCOMMITTEE ON
FEDERAL, STATE, AND COMMUNITY SERVICES

OF THE

SELECT COMMITTEE ON AGING
HOUSE OF REPRESENTATIVES

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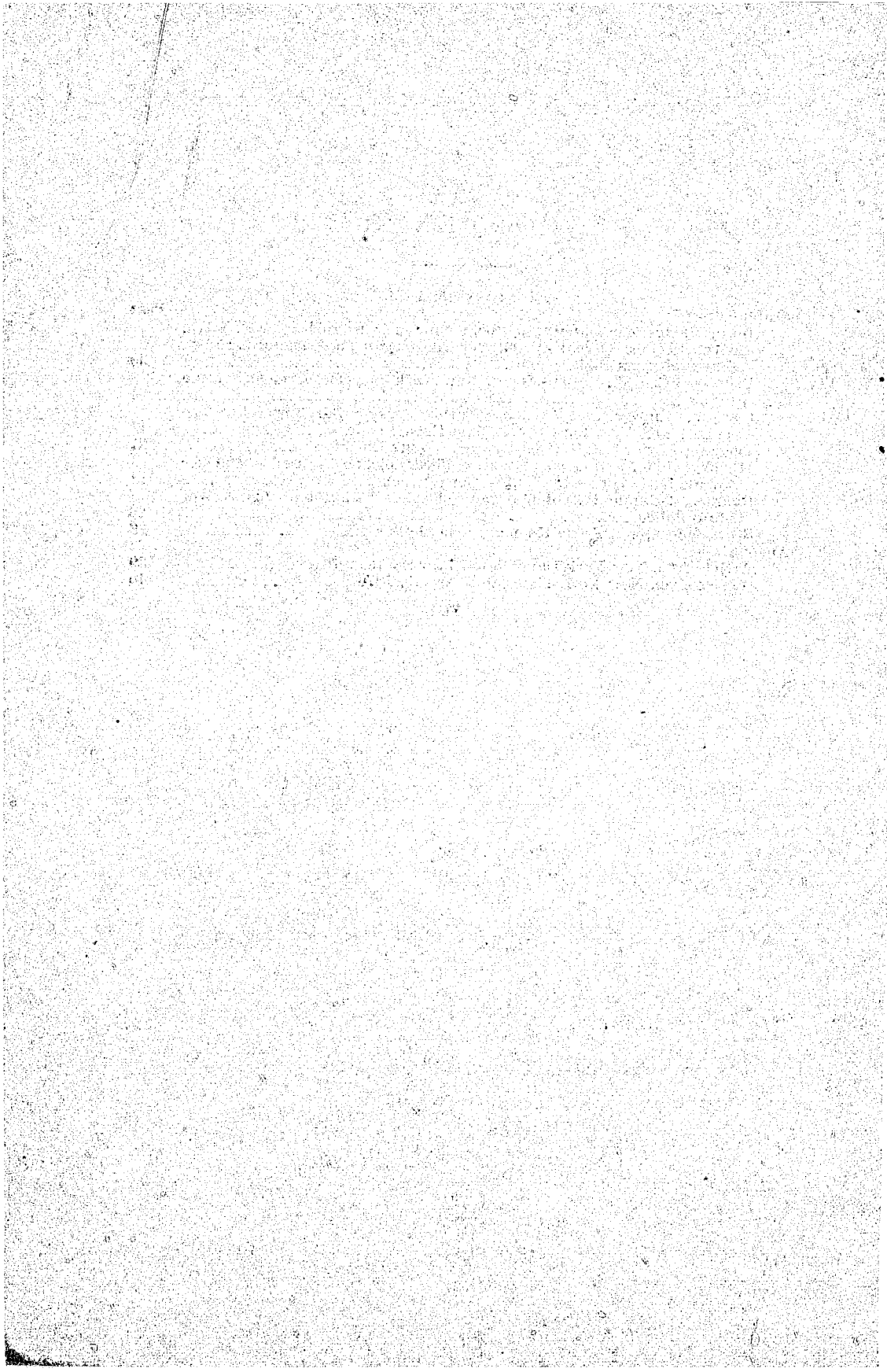
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CONTENTS

JANUARY 13, 1976

Statements of:	Page
Bolte, James, commanding officer, senior citizens robbery task force, 48th Precinct (Bronx); and Gerard Keegan and Donald Gaffney, senior citizens robbery unit-----	30
Brophy, Alice M., commissioner, New York City Department for the Aging-----	4
Camera, Andrew, and Theodore Farace, Queens burglary confidence game team, New York City Police Department-----	18
Duggan, Edward H., retired Supreme Court Clerk-----	37
Murphy, John, acting commanding officer, pickpocket and confidence squad, New York City Police Department-----	11
Ragazzi, Orlando P., chief, organized crime task force, Connecticut State Police-----	26
Scott, Queen, and Freda Koenig, crime victims-----	23
Appendix—	
Article from New York Daily News, January 13, 1976-----	39
Article from New York Times, January 13, 1976-----	40



CONFIDENCE GAMES AGAINST THE ELDERLY

TUESDAY, JANUARY 13, 1976

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FEDERAL, STATE, AND
COMMUNITY SERVICES,
SELECT COMMITTEE ON AGING,
New York, N.Y.

The subcommittee met at 10:10 a.m., pursuant to notice, at 26 Federal Plaza, Mario Biaggi (acting chairman of the subcommittee) presiding.

Subcommittee members present: Representatives Biaggi of New York, and Ronald A. Sarasin of Connecticut.

Full committee member present: Michael T. Blouin of Iowa.

Mr. Biaggi. The meeting of the Subcommittee on Federal, State, and Community Services of the House Select Committee on Aging is called to order.

In addition to myself, I am delighted to have the Representative from Connecticut, my colleague in Congress, who is a very valuable member of the Select Committee on Aging, Congressman Sarasin.

I am pleased to convene this morning's field hearing of the House Select Committee on Aging to discuss the problem of elderly crime.

The House Select Committee on Aging was created under an act of Congress late in 1974. Our purpose is to study and make legislative recommendations about the problems and needs of America's 21 million elderly. Our specific purpose this morning is to discuss one of the most serious problems facing the elderly, crime.

While crime is by no means limited to the elderly, the crimes committed against the elderly are among the most heinous imaginable. They include vicious acts of violence and equally vicious and heartless acts of personal larceny such as confidence games which we will be focusing much of our attention on this morning.

Testimony will be reviewed from elderly individuals who have been victimized by confidence game schemes. We will learn how persons have lost entire life savings, accumulated as a result of a lifetime of work, to unscrupulous con artists who mercilessly swindle these helpless people and leave them destitute for the remainder of their lives.

We will also receive testimony from members of the New York City Police Department specially trained in the areas of elderly crime prevention. We will learn in great detail about the various types of confidence games including the "pocketbook drop," the "handkerchief switch," the "bank examiner" and the "phony home repairman."

Under these con games we find elderly people being duped into departing with large amounts of their money under the misimpression that they are aiding a needy person or will benefit from some hare-brained "get rich quick" scheme.

The bank examiner game merits special attention, for here the con artists oftentimes succeed by disguising themselves as policemen. They begin their game by calling an elderly person, usually a woman. He proceeds to advise the victim that a number of bank accounts including theirs have shown several suspicious withdrawals and a bank employee is being suspected of embezzlement. The elderly victim is then asked to cooperate in finding the suspected thief through withdrawing some or all of their account and turning it over to the con artist or an accomplice. The victim is assured that the money will be redeposited shortly. The victim returns to the bank several days later and discovers that only their account shows a sizable withdrawal, the one they gave to the con artist, and the money is as good as lost.

These are crimes which result in profound and very real human suffering. The elderly person who loses his entire life savings endures a trauma so severe that their only recourse is to isolate themselves in their homes to live out the rest of their lives in desperate poverty and loneliness. For the victim who suffers an act of violence, their problems are compounded by the fact that they are likely not to recover from the injuries inflicted.

The fact that many senior citizens live alone in substandard housing where crime rates are traditionally high helps to explain their special vulnerability to being victimized by con games. Another very serious aspect of the problem is the reluctance of older persons to report crimes to the police. Statistics provided by the New York City Police Department show that of an estimated 5,000 con game complaints filed, resulting in over \$5 million in losses, only 973 victims fully cooperated with the police. Fear of reprisals and the ridicule of their peers inhibit the willingness of elderly victims to cooperate thus hindering the police's ability to apprehend the con artists.

While there are no firm national statistics on elderly crime we can deduce from selected statistics the growing severity of the problem. In the area of personal larceny, which includes con games, nationally elderly persons were found to be victimized by these crimes at a rate of 19 per 1,000 as compared to a rate of 6 per 1,000 for 20-year-olds. In a survey conducted by the Law Enforcement Assistance Administration the rate of robbery among senior citizens in Baltimore was twice as high as among nonelderly citizens.

While we are focusing on New York City, we are aware that the problem is by no means regional. I wish to submit for the record some examples of con game schemes perpetrated against elderly residents of Los Angeles. Just as the problem is national in scope so must be the solutions.

Earlier this year, I recommended that a program be established under the auspices of the Federal ACTION agency to allow retired policemen to be used to educate and protect the elderly from being victimized by con games. The request met with an initially favorable response from ACTION Director Balzano and I intend to pursue the matter further.

I support legislation which has been introduced to require States seeking funds from the LEAA under the Omnibus Crime Control and Safe Streets Act to include a separate elderly crime prevention plan.

A strengthening of our criminal justice system is another basic component needed to solve this problem. As mentioned earlier, senior citizens are also victims of violent crimes. States should consider enacting new legislation providing mandatory penalties for persons convicted of physically assaulting senior citizens. Violent crimes against helpless senior citizens are reprehensible and indefensible. They must be punished by the strongest penalties.

Finally, the Federal, State, and local agencies dealing with the elderly should combine their efforts to develop and disseminate information to senior citizens which will serve to educate the elderly about the realities of crime and how they can prevent it.

I hope these hearings will serve to heighten the interest of the Congress and the Nation to the very serious problem of elderly crime.

We must work to combat this problem before it becomes an epidemic. There is no reason why our Nation's elderly must spend their hard-earned retirement years living in a fear-ridden anxiety, unsure of their Government's ability or willingness to assist them.

We have an added responsibility as a nation to assist those least able to assist themselves. Several months ago in this very room, I conducted congressional hearings into the problems facing America's 350,000 foster children. Today, we are dealing with a much larger group but one which in many ways is defenseless against the evils of crime as those children were. I have long contended that we have spent too much time and money studying crime prevention.

The crime problem has not abated. In fact, serious crimes across the Nation increased 17 percent in 1974; the largest single increase in 45 years. The crime problem cannot be studied away; it is here and we must respond to it. For the elderly the terror of crime is very real. If they themselves do not fall victim their friends and neighbors do. The elderly crime victim becomes a person abandoned and left without hope to live in constant fear. Our elderly certainly deserve better and let us work to improve their quality of life.

I am delighted that we are joined by Congressman Michael Blouin of Iowa.

Mr. Sarasin.

MR. SARASIN. Thank you, Mr. Chairman.

I am also pleased to be present today at these hearings to investigate the serious problem of con games and fraud against our senior citizens.

There is increasing concern on the national level over the problems of older Americans—the condition of their housing; the problems of living on a fixed income in the face of rising prices, health care, transportation and nutrition.

A report by Louis Harris & Associates, Inc., has indicated that elderly people see crime and the fear of crime as the most serious problem confronting them. Yet crime takes many forms and it is not always physical violence which victimizes the elderly.

One area largely ignored and little remedied is that which we will investigate today. Many types of con games are ruthlessly perpetrated against the elderly. There are a variety of ways in which they can be

schemed out of their money. There are the frauds related to health care, the promise of "miracle cures" and useless devices which not only steal money but also may prevent or postpone proper and necessary treatment. There are also land-sale frauds and investment schemes, fraudulent retirement and insurance plans.

As many authorities have noted in the past, because of a high incidence of low income among the elderly, the economic impact of any financial loss is greater. The ripping off and stealing of lifelong savings or monthly checks means insecurity, loss of income, the destruction of hopes for the future.

Old age often brings with it a change in physical capabilities, loneliness, grief, poverty, pain, and anxiety. All of these factors contribute to make older people more vulnerable. This victimization is more often exploitative than illegal. Old people are preyed upon; their loneliness makes them more susceptible to offers of friendship and companionship.

I hope that today's hearings will bring forth witnesses who will help us to seek possible avenues to remedy such hazards of old age and allow us to make steps toward providing the elderly of this country with a secure future.

There is a great need for a variety of agencies, organizations, and individuals to become involved. The first step is to create an informed elderly population so that we can lessen their susceptibility to deception. I hope that we can take that step today.

Thank you, Mr. Chairman.

Mr. Biaggi. Mr. Blouin.

Mr. Blouin. I have no statement, Mr. Chairman. I represent a rural area of this country in the State of Iowa. We have problems with regard to con games with our elderly in that part of the country, too. I think there are many similarities that can be brought out today; and I hope many of the solutions will be common solutions that can apply equally across the country. I am pleased to be here.

Mr. Biaggi. Thank you.

Mrs. Alice Brophy, director, New York City Department for the Aging.

STATEMENT OF ALICE M. BROPHY, COMMISSIONER, NEW YORK CITY DEPARTMENT FOR THE AGING

Ms. Brophy. Mr. Chairman, Congressman Biaggi, Congressman Sarasin, Congressman Blouin, I am Alice M. Brophy, commissioner of the New York City Department for the Aging, an agency that is spokesman and advocate for New York's 1½ million older persons over 60.

I appreciate the opportunity to appear before you today at this important hearing on behalf of these elderly, but I regret the subject that occasions this hearing.

Twenty or thirty years ago, a public hearing concerning crime against the elderly would have been unthinkable. Yet within this relatively brief span of time, a period in which the numbers of older people in our society have increased drastically and in which we have begun to see the development of positive programs and policies for the elderly, we have also seen the growth of an ugly countertrend.

As the incidence of crime has risen throughout society generally, it has become increasingly directed against the older citizen. The respect formerly accorded older people has been eroded. Now they are regarded as fair game for criminal attack so that today crime is a major problem for the elderly. While crime, of course, affects all citizens, its impact on the elderly is distinctive and catastrophic.

Unfortunately, data regarding the victimization of older people are fragmented and incomplete. Relatively few police departments keep information on the age of victims, although more are beginning to do so. Kansas City, Mo., is a notable example.

However, the findings of several studies, including one of our own, indicate the calamitous impact of both actual crime and the fear of crime on the lives of older people.

Louis Harris & Associates, in a study conducted for the National Council on the Aging, found that 23 percent of those over 65 reported that "fear of crime" was a very serious problem for them personally, while another 24 percent considered it somewhat serious. Carl Cunningham, in his study on crime and aging in Kansas City, found that the aging—and particularly the aging poor—are among the most vulnerable segments of society insofar as actual and threatened victimization is concerned. Other studies, such as the Law Enforcement Administration's five-city survey, confirm the excessive victimization of the elderly.

Here in New York City, we have ample and distressing evidence to corroborate all these findings. A series of public hearings, which the New York City Department of the Aging sponsored a little over a year ago, saw a steady progression of senior citizens rise to speak on crime and safety in the streets as one of their major problems. Our study of the "Elderly in the Inner City" indicates a shockingly high proportion of older people living in poverty areas of the city have experienced crime against their persons or property of both. Forty-one percent of our study sample of 1,552 persons over 60 years of age had been victims of crime against their persons or property, including mugging, robbery, and burglary.

As I indicated earlier, crime against the elderly is not a random occurrence. Older people are deliberately singled out as attractive and accessible targets for victimization. The reasons are obvious.

Mr. BIAGGI. It points out what we have come to learn and what you emphasize, that they have become fair game and most vulnerable and the least able to defend themselves.

Ms. BROPHY. They sure have. As I pointed out, older people tend to have diminished strength and stamina, and are thus less able to defend themselves or to escape from threatening situations. Older people are more likely to live alone, increasing their vulnerability to attack, and they are more likely to live in or near high-crime areas and are therefore in close proximity to those most likely to victimize them. Older people are more dependent upon walking or the use of public transportation for mobility, thus increasing their chances of becoming street crime targets. Their habits are often regular and systematic, thus offering a reliable timetable for attack. The dates of receipt of their pension, social security, and SSI checks are well known, offering the criminal still more incentive to attack.

I think you might be interested to know about something I checked out yesterday: Although older people can have their social security checks deposited in the bank in the Northeast region, only 10 percent of the elderly have taken advantage of this. I think it will grow over time, but they are still clutching that check and taking it to the bank to deposit immediately.

Mr. BIAGGI. Is it fair to say that it is a relatively new process and the emphasis of society and Government has to continue?

Ms. BROPHY. Right. I think we have to educate them as to depositing checks and also the ordinary expenditure of funds. Also, older people are more susceptible to certain types of crime such as fraud and confidence games.

Not only are older people singled out as objects of criminal intent to a greater degree than other people, but the effect of victimization upon them is in general far more devastating than upon the younger person. Because an older person is more likely to have a reduced or low income, the impact of any loss of resources through crime is relatively greater for him than for a younger person. Money loss for an older person can actually mean his food and shelter, while money loss for a younger person may be only the postponement of a pleasurable purchase.

Second, because of the greater physical fragility of an older person, he is more easily injured in an encounter, his injuries tend to be more severe, and he recovers more slowly—if at all.

The impact of criminal victimization on older people, however, is not confined solely to financial loss and physical injury, as dreadful as these can be. The social and psychological impact of victimization on the elderly can be as, if not possibly more severe than economic deprivation and physical impairment. The fear of becoming a victim has a disastrous and handicapping effect on the daily life of an older person. Aware of his vulnerability, he restricts his freedom of movement in his own community, thus affecting his quality of life and depriving himself of a basic American right.

This self-imposed isolation and imprisonment is particularly important because in the first place it affects all older people, both those who have actually experienced victimization and those who see themselves as potential victims. And second, the support services which we provide under the Older Americans Act, such as social services, recreation, and the nutrition program, become unattainable for those who are afraid of becoming victims of crime and thus remain in their homes.

Recognizing the seriousness of the problem, the New York City Department for the Aging has been working to combat both crime and the fear of crime among the elderly.

For nearly 3 years, our Bronx office, along with the Bronx Foundation for Senior Citizens and police officers from the 43d and 44th precincts of the West Bronx, have cooperated in a continuing crime education and service program for the elderly of the area that could well serve as a prototype for other programs around the country.

The program began when our staff became aware that not only was there a rising incidence of crime reported by the elderly who came to our office but concern about crime and safety was uppermost in the

minds of those seeking other types of assistance from us. As a result, it was arranged to have police from the 44th precinct come to our office on a regular basis. (The precinct was 20 blocks away and therefore difficult for many elderly of the area to travel to.) The officers advise and counsel the elderly, singly or in groups, in ways to avoid being robbed or swindled and what to do when criminally approached. They also check out complaints.

This program also spurred the publication and distribution of a brochure "Safety Tips for Senior Citizens" which offers commonsense crime prevention advice on behavior in the streets, when entering apartment buildings or elevators, in subways, or inside one's own apartment. Further, a speakers' bureau has now been set up to send speakers to senior centers and other programs for older people to discuss the subject of crime prevention.

There has also been a secondary benefit of the program—the establishment of an effective referral system between our office and the police precincts. Not only do the police refer to us victims of crime who need psychological reassurances as well as aid in recouping lost medicare, medicaid, and social security cards, and sometimes emergency financial assistance, but the police now know exactly where to refer any older person with any kind of problem.

And I must point out that an important aspect of the program, in addition to the reassurance and assistance given crime victims, is the fact that it has required no additional funding.

We also work closely with another Bronx police precinct, the 28th (headquarters of the Bronx Police Department), which last year established a senior citizens' robbery unit to do investigative work on muggings and robberies which occur inside buildings or apartments, rather than on the streets. Here, too, the police refer victims of crimes to us for counseling on the social and psychological problems of victimization.

And this program has stimulated still another program to help older people against crime. Cooperatively, the Bronx Chamber of Commerce, the senior citizens' robbery unit, and our office have purchased nearly 10,000 whistles for distribution by the robbery unit to Bronx senior citizens.

The Department for the Aging, under a grant from the Criminal Justice Coordinating Council, is also beginning another project of even greater scope. This project, known as crime prevention for the elderly, will have three distinct components: Public information, training, and assistance. The public information and training activities will be citywide and will be directed toward helping older people learn how to protect themselves against crime. The victim assistance segment will be rendered through two neighborhood-based prevention and victim treatment centers which will operate in areas of the city with severe crime problems and a high density of elderly. It is anticipated that the project will have a major impact in helping tens of thousands of older people develop effective self-protection strategies as well as provide a replicable model of assistance to actual elderly victims of crime delivered through a neighborhood setting.

At the same time that we are attempting to combat crime against older people with specific programs here in New York City, we have also been active at national levels, joining forces with other concerned

groups to share our experience and plan future program and policy directions. Through the Urban Elderly Coalition, an organization made up of area agencies on aging in major cities across the country, we have been asked to assume a leadership role in the development of strategies to alleviate the problem of crime against the elderly.

And we have also participated in a recent seminar on crime resistance and the elderly sponsored jointly by the Federal Bureau of Investigation, the National Retired Teachers Association, and the American Association of Retired Persons. Attended by law enforcement officers from all parts of the country, the seminar was the first step toward development of a national approach on the part of law enforcement agencies to protect older people against crime.

These programs and activities that I have described are important steps, and we are confident that they will have a positive impact. But there is even more that can and should be done, to protect the older person.

We must continue to focus attention on the existence and extent of crime against the elderly. An essential means of doing so is to improve crime reporting by making the age of the victim a mandatory statistic. This information, rarely obtained up to now, can, when combined with data regarding time and locations and types of crime, offer direction for preventive police measures.

We urge that formal liaison be established between agencies serving the elderly and law enforcement personnel to make physical protection and crime prevention an integral element in planning programs and facilities for older people.

We also urge the expansion of training for those who assist older victims of crime so that they can understand the special susceptibility of the elderly to certain types of crime and what victimization means to older persons.

Finally we urge that positive and innovative roles in crime prevention be developed for older persons themselves.

Only by giving priority to the problem of crime against the elderly and by coordinating efforts to combat it, can we hope to restore to older people the personal security they should be able to take for granted.

Have you all seen this morning's New York Times¹ where detectives seized two confidence men who were preying on the elderly?

Mr. BIAGGI. It is also in the Daily News, the workman's paper.

Ms. BROPHY. Well, whether this will stop immediately, I don't know.

Mr. BIAGGI. I want to thank you very much, Ms. Brophy, for a very comprehensive statement. You obviated the need for some of my questions. There has obviously been a great deal of thought that went into that statement.

What interests me, as you note, is that there is no increase in funding necessary. I know about the 10,000 whistles and I know it was a joint effort, but I also know that you ran out of whistles.

Ms. BROPHY. Yes.

Mr. BIAGGI. I like the total effort that seems to be underway in connection with the law enforcement officials who are finally focusing attention on the problem. I am gratified that the New York City

¹See appendix.

Police Department has taken some very innovative steps. I think we have some units in Queens and the Bronx that are working effectively in this area.

I am going to ask a question, but simply for the record, because I know the answer is quite apparent: Would additional funding materially assist your department?

Ms. BROPHY. Yes; I think it would, Mr. Congressman. I am delighted that we have just received the CJCC¹ grant. Fred Yaeger, who headed up the program in the Bronx, will be heading up that first unit, and the LEAA will be giving us a large grant and seven others of the cities throughout the country. I hope with those two grants we can begin to do more exploration, but, you know, they are just a drop in the bucket.

I hope somebody this morning, either you, Mr. Congressman, because of your background and experience, or the police who are going to testify, might address the article in the New York Times this morning about the civilian patrol that emanated in Queens and says it is now 6,000 strong. It sounds like an excellent idea and I don't know whether this is the kind of thinking that can be useful in an urban area, and whether it has a purpose or meaning. There are some services for the elderly that are excellent.

But, not to lose sight of your question, yes; we can use a great deal more money.

Mr. BIAGGI. To be responsive to the point you just raised, of course civilian patrol is helpful. We have that in various parts of the city. That is the general approach; if you keep crime down generally, of course the elderly benefit. We do have representatives of the police department here this morning that will testify after you finish but, it seems to me, one of the most important things we must do in relation to the elderly, is educate them as to the pitfalls, the things to be aware of about crime. I understand what the different agencies are trying to do in connection with this matter, but, really, it is limited. Its effect is limited.

It occurred to me that years ago we had a television program called "The Bunco Squad." That has long been out of existence, but it was very informative. What it tells me is that the media has a responsibility to assist us in this fashion. Whether they do it with a commercial program or as a public service is of no importance, really, but it is important that they recognize their responsibility. The printed media of course, can write series in connection with this. But, it is so vital that the senior citizens be made aware of the danger, I think, as a single first step, especially in connection with con games. As far as violent crimes are concerned, the approach is more general but we hope to narrow it down with specific units of law enforcement. But, these are some thoughts that occur to me.

Ms. BROPHY. I think it is a good idea because our recent studies indicate that senior citizens do listen to the radio or watch television three hours a day. They are very tuned in to the media so that would have great significance to them.

Mr. BIAGGI. I want to thank you.

¹ Criminal Justice Coordinating Committee.

Congressman Sarasin.

Mr. SARASIN. I would also like to compliment you on a very fine statement.

One of the things that strikes me with regard to con games is that we are talking about classics. The banker's game is a classic; the pigeon drop is a classic. In spite of the repetitive aspect of these, the fact that it is happening day after day or hour after hour, probably, it still continues to happen. It disturbs me that either the greed overcomes commonsense, the possibility of making a quick dollar, or somehow we are just not getting the information across. I agree with Congressman Biaggi, how do we do that? How best do we notify people? I know you discussed this in your statement and I wonder if you might expand on it.

Ms. BROPHY. It could be greed, but I think rather it is tremendous fear and insecurity. I think you are dealing on a whole with a not too sophisticated group, very frankly. Coming into the fore with the agency right now is a much more sophisticated group that we can reach better. Now with that very lean funded program for the comprehensive Older Americans Act, we can get at people so much more easily than we ever could in the past. We have to stress this again and again and again, that there is no easy way to make money, that they have to be aware of these kinds of things that are happening. These booklets that we got through the cooperation of the Dollar Savings Bank, the Bronx County Office of the Aging, and the kind of booklets that are now being printed in various agencies throughout the country are going to help bring about a change, but we have to keep hammering at it.

Mr. SARASIN. I am not aware of any effort that the Social Security Administration might be making in this direction. If they are not, they should be. That check that comes out every month is an important envelope. The information could be put into that envelope concerning con games. I wonder if you think this might be helpful?

Ms. BROPHY. We could talk to the Social Security Administration about this. They have been most cooperative about getting the kinds of information to senior citizens which is important and cogent in their lives and I think that is a good idea.

Mr. SARASIN. Did I understand you correctly to state that 41 percent of all of the elderly were at some time, a victim of some type of crime?

Ms. BROPHY. They were burglarized, mugged, robbed, yes. We had a big sampling and projected the findings. These were the elderly living in the poverty areas of the city, yes, indeed.

Mr. SARASIN. Thank you, Mr. Chairman.

Mr. BLOUIN. I have a couple of questions also. I suppose maybe just one comment. Rather than greed, I would think the typical older person lives in constant fear of being unfunded, seeing what few dollars they saved drying up and a lifetime opportunity hits them in the face to relieve all of that pressure and fear, it probably leads more of them to take a chance on a get rich quick scheme, without thinking of it in a negative sense at all.

Ms. BROPHY. Yes.

Mr. BLOUIN. Putting too much faith in that kind of an opportunity.

In regard to that 41 percent, do you have any idea what the price tag is on that in terms of the cost to these individuals and the cost to society as a whole?

Ms. BROPHY. No, we don't have any price tag on it. This came from actual interviews with older people themselves. This was from hard data kept on crime.

Mr. BLOUIN. I see. Have you broken it down into categories of crime?

Ms. BROPHY. Yes.

Mr. BLOUIN. What is the percentage of con games?

Ms. BROPHY. Not as great as burglaries or robberies. We were dealing with the poor. Most of the con games seem to be directed to those slightly more affluent than the group that we were interviewing.

Mr. BLOUIN. Do you have any idea what the percentage of apprehension has been? Maybe we can get down to that with the detectives later on. I know where I come from it is extremely difficult to catch these con artists.

Ms. BROPHY. I think the police can talk about that much better than I can.

Mr. BLOUIN. All right, thank you.

Ms. BROPHY. Thank you.

Mr. BIAGGI. You made reference to the comprehensive Older Americans Act, for the record and for my own say, I want you to know I was a member of the Education and Labor Committee which produced that act, as we all are.

Ms. BROPHY. Congratulations to all of you. It made a tremendous change not only in this city, but nationally.

Mr. BIAGGI. I want to congratulate the Mayor for appointing you.

Ms. BROPHY. Thank you. I think we have 600 area agencies throughout this country and the problems of the aging being made visible; that alone is the most tremendous change in the whole field, in addition to all the service programs.

Thank you, gentlemen, for what you are doing.

Mr. BIAGGI. Sgt. John Murphy, acting commanding officer, Pickpocket and Confidence Squad, New York City Police Department.

**STATEMENT OF JOHN MURPHY, ACTING COMMANDING OFFICER,
PICKETPOCKET AND CONFIDENCE SQUAD, NEW YORK CITY
POLICE DEPARTMENT**

Mr. MURPHY. Good morning.

My squad is the Pickpocket and Confidence Squad and we handle con games citywide. You will have other people who work in Queens who handle them also.

I can probably give you an answer to your question, not this year's figures, of course—1975 hasn't been finished—but I can give you some figures. The last full year that we had figures for, there were 5,915 reported con games. That is, reported.

The number of arrests made in New York by everybody, uniformed force and detectives, came to 1,365. So you are dealing with one out of five, possibly.

Mr. BLOUIN. How many convictions out of that?

Mr. MURPHY. Our particular squad does very well in convictions. We convict over 95 percent. But before I mislead you, we will get a con woman—by the way, I would rather say “con woman” than “con man.” There are way more “con women.”

Mr. BIAGGI. Well, they are liberated now.

Mr. MURPHY. And they are doing a great job of liberating us from our money.

Most people think of con men; they are not. For every man working, there are 30 con women. Detectives from Queens will tell you they lock up way more women than men. It is the same all through the city.

When we get a con woman or lock up a team, we might arrest them for five or six different con games stretching over a year. They will get convicted. One conviction to cover the crimes. So five, we are convicting 95 percent in our squad. But it is not really the answer. They are going to jail for one crime to cover five. Plea bargaining is the reason.

Mr. BIAGGI. While we are on that, what is the size of your squad?

Mr. MURPHY. I would rather not say. I will tell you the reason, we are very short-handed. I hate to bring in every con man in the country.

Mr. BIAGGI. All right. Let me rephrase it. Does your squad have fewer personnel today than it had 20 years ago?

Mr. MURPHY. Yes, substantially. In the cutbacks we lost a great percentage of our squad. So did every other detective squad.

What hurts us is it takes about 1 year to train a detective. An experienced detective comes into our squad and it takes a year to learn the ins and outs of confidence games. To lose one of these men hurts.

Mr. BIAGGI. I am aware that this is a specialty operation. You had some of the best in the world in that squad in my time on the job.

Mr. MURPHY. Yes. As a matter of fact, some of them who were there then are still there. We have a squad that has very senior men. They come in, learn their specialty and they stay. One man of our squad has been a detective there for 22 years in the same squad. Tremendous expertise—you don't get that every day. I am very fortunate to be the sergeant there. I am a newcomer. I am there only 6 years. I am considered a rookie in that squad. So I am lucky.

Before I came over today, I took 29 con games that had been reported. I didn't handpick them to make them look good. I took them in order.

The game I picked is the most common of all, the “pocketbook drop.” The “bank examiner” is getting the publicity today because of the arrest yesterday. But the moneymaking game is the “pocketbook drop.” Out of the 25 cases I took, 15 of the victims were over 55, if you want to count that as a senior citizen threshold. Five of those people out of the 15 were in their seventies, one was in her eighties. Out of the 25 cases, 10 of them were people under 55. I totaled up the amount of money stolen. For the 15 people over 55, the amount of money came out to \$89,000. For the 10 people under 55, the amount of money came out to \$7,700.

You see what I am getting at? When the younger people get taken, they lose a few hundred, a thousand, sometimes four or five, but the

older people will give up just about every cent they have in the bank. They get wiped out.

Most of these people have given up life savings to the "pocketbook drop." The con girls, not the con men. If I could convince people that most confidence agents are women, I think I would have made a big step forward. When I tell this to people in senior citizen groups, they stare at me because we are a little brain washed from the TV shows. You always see con men. It is not true. Con women by far are the predominant breed.

So, as I say, we do not have figures for 1975 yet, but in 1974 we did a computation of how much money we know was stolen in con games in New York City and we came up to \$51½ million reported in New York City. Congressman, I just put it to you, if that is reported, how much was actually stolen? I do not know. The best estimate is two out of three people report it. Sometimes you hear people say one out of three report the crimes; I do not know.

Mr. BIAGGI. Experience tells you, however, that many have not reported.

Mr. MURPHY. We made the arrest yesterday on the bank caper. These two men made \$400,000 in the last 6 months. Did very well. Before I came over here this morning, I had a call that a woman had been victimized last week by the same two for \$4,800. But she is 80 years old. She did not even bother coming in. Now my problem is to get to court and try to rearrest them and prove they took her money.

One of our problems also is in the age of our victims. When we get a person victimized in con and they are in their sixties and seventies they go to court and they are poor witnesses in court. It is easy for counsel to tear into them about their eyesight, their memory, what progression of events first took place. They forget. They make poor witnesses in court. The only time we get good convictions is when there is a detective observing the crime or occurrence. Then we get the high conviction rate.

Talking about how to prevent this, in the picketpocket squad we started heavily about 5 or 6 years ago going around to citizens' groups. We solicit these talks. It is not something I shrug about and say I cannot get out of. We solicit them. So we get to the senior citizen organizations, Catholic Charities, JSA,¹ and we say, "If you have a group and you want someone to talk about con games, please call us."

We started doing about 100 talks a year and I found this was very effective, because that was a face-to-face thing and you rap with them and tell them how the game works. To tell one con game really takes about 15 or 20 minutes. It is not one game. You have to hear all the nuances of the game. On the face of it, it sounds very silly. How can you go for the game? But in actuality, they are very, very slick games.

Why do people get taken? It was brought up before. I do not feel it is greed. I honestly feel the reason elderly people get taken in con games is because they are lonely. If they find someone to talk to them on the street, a stranger, some new person who will talk with them, they like this. That is how con games work. That is the reason it is con women usually, because the average victim is a woman and she

¹ Jewish Social Agency.

will relate to another woman, one-two-three, no fear. A man in the street has no fear of a woman. He will just start talking with her. Very relaxed with a woman.

Mr. BIAGER. Was it not always thus?

Mr. MURPHY. Always thus, right. As we went ourselves. Well, marriage is not a real con game, is it? I do not think so. [Laughter.]

How could we have told people, "Never talk to a stranger, regardless of who he is, whether he says he is a policeman or anybody." That is not sensible. People do not change their way of life. I tell people, very simply:

If you meet somebody on the street and if they found money and they are going to share it with you or if they want you to go to the bank and take out money of your own to show good faith, or if a man says he is a policeman and wants you to go to the bank to take out money to help him make an arrest, do not do that. Never take money out of the bank for anybody. No policeman is going to ask you to take funds out of a bank.

No matter how wild a scheme of an arrest I want to make, I would never ask a person to take real money out of a bank. I might ask him to go into a bank and take out a "mich," fake money, but not real money.

The older people are not so much gullible as they want to meet somebody new. They want to be helpful. That is why they go for these games. If they did not talk to people, they would not be taken. Of course, they want to talk. The fact is that they have no fear of the confidence woman. She's a nice-looking, well-dressed, reputable woman, and there is no fear of her.

The con people, as you know, are tremendous psychologists. They could do a 2-minute appraisal and know a lot about you.

Mr. BIAGER. What is being done is that the elderly are being victimized and are lonely, and in their desire to communicate, they are being exploited by the con person.

Mr. MURPHY. That is true. If you want to see a horror story, when we get a victim down at the office, a victim in her seventies, she comes in and she will sit there. First of all she has tremendous shame that she was conned. It is almost like a crime of rape. She will sit down and start telling the story and she is embarrassed and shaken. When you realize they just lost their life savings or that crutch that helps them stave off poverty; when you see the realization hitting them that they are going to have to move; the few extra measures they are getting they are going to lose; they have nothing to leave to their grandchildren; things like that—you can see a dead person in front of you, as brutal as it sounds.

We had a woman last week who lost like \$33,000. That is a lot of money but she is not a wealthy woman. Her life savings, insurance payments when her husband died, things like that. She sat there and we had to shake her by the shoulders to question her. She stared into nothing. I asked her if she had somebody to go home to that night, somebody we could call. I was afraid this poor woman was going out of a window. She did not, but I was afraid she would get sick. I think they die more quickly when they've lost their pride.

I think it is a terrible crime. I have worked in homicide, narcotics, Harlem. I worked in every facet of police work. I get used to it but the con suffering is worse than anything. I think possibly it is because

when you look at the victim you see your mother or you see yourself in 15 or 20 years. I am on the force 20 years next month and without trying to con you, I go home at times and I am nauseated. It is a terrible feeling watching these people sitting there really lost to the world. They feel they have been abandoned by everybody. It is a terrible thing to watch. That is all I can think to say unless you have some direct questions.

Mr. BIAGGI. If you would, would you describe the "pocketbook drop"?

Mr. MURPHY. That is the classic, as you were saying. That is the best con game in the country, the one that makes the most money. It is primarily done by two con girls. As far as what they look like, it could be anything, black and white, two whites, two blacks. Black and white is a very popular team in New York because of the mixed neighborhoods. What the con girls do is usually go in a car and start driving up and down a neighborhood. They are looking for a woman alone. They prefer an older woman. They work during the early part of the day, banker's hours—they have to work during the time the banks are open. They are looking for a woman alone, not one with a child by the hand because she is in a hurry.

When they spot her, one gets out of the car and approaches. She will start a conversation, the number one girl, as we call her. She will start a conversation with the possible victim, ask directions in the neighborhood: "Excuse me, I am looking for an address, 4922 Fifth Avenue." There will be no such address. They will start gabbing about this address and the young girl will probably say, "I was looking to get an apartment in their neighborhood and it looks like such a lovely neighborhood. I was looking to move in."

They start gabbing for a few minutes and the victim finds this is a lovely young woman she is talking to. Very friendly. The victim might say, "I have been living in the neighborhood for 30 years." In the conversation the girl brings out the fact that she has to move because where she is living now there are too many bad memories because she only lost her husband a couple of months ago; he died in a car accident. A couple of years ago it was Vietnam.

She would say, "Yes I was hoping to move in today and I was going to get an apartment in this block and I was going to put my money in the bank," and she pulls out a load of money and it is a fake roll of money, what we call a "mich." She shows that she has a lot of money and she puts it back in the purse and forgets about it. She keeps talking.

If the victim is friendly enough and the con girl figures she is a possible sucker she gives a sign to her partner who comes out of a car. The partner walks down usually carrying a plain white envelope or brown envelope and as she is going by and she sees the two women and says, "Can you help me. I was just on my lunch hour and I found this envelope and I wonder if there is a lost-and-found in the neighborhood."

Her partner says, "I don't live here but this lady does." Now the conversation starts. Eventually the girl will open the envelope to see what is in it. She opens it up and it is loaded with money, \$40,000 or \$50,000. Again a "mich." When the con girl opens it she doesn't take it out of the envelope; she goes part way and closes it again.

Inside that envelope there is always a note and the note will say, "Dear Brother: I did it again, I hit the OTB¹ for \$50,000. I have to take off because the Internal Revenue are on my back, send me the money . . ." usually next month to Switzerland or Cuba. If it is a Jewish neighborhood it says, "Send me the money next month to Egypt." A cute little twist to it.

The one girl who found the money will almost always work for a lawyer. It is almost a guarantee. She says, "Let me ask my boss what to do." She "goes to the boss" and she comes back and says, "This money will never be claimed by the people who lost it. So my boss says we can share this money among ourselves three ways but we have to agree to put the money in the bank 3 months because that is how long it takes him to legally make it ours. So we have to put it in for 3 months." So with \$50,000, the lawyer gets \$5,000 for his share and they get \$15,000 each. So they have to agree to only one thing, put it in the bank and not spend it. Because he is a lawyer he wants a little guarantee that the money will not be spent, it will be saved for 3 months. How do you do that? You show them that you have money of your own in the bank to live on for 3 months. One girl says, "I don't have to show him because he pays me a salary every week so you two have to show."

The little widow says, "I have my husband's insurance money, will that be enough?" The one who works for the lawyer says, "I will take it up and show it to my lawyer." She comes back and says, "Here is your \$5,000 back and here is your \$15,000".

Now they look at the victim. That woman's heart is going. I do not think it is greed to want to share in \$15,000 legitimate money. We are all out there trying to make money and this is a way of making it legitimately. The woman's heart is pounding, she is all excited and she doesn't have anybody around here. These girls keep talking with her; they will take her home, get her bankbook. They have a cup of tea with her while she is getting dressed, so they can go to the bank.

She will have about \$10,000. They tell her to take out about \$7,000. They give the banker a story; tell him you are going to buy property or real estate or jewelry. Sometimes the banks insist on giving a check so they take it to another bank and cash it. So she takes the money out and gives it to the woman who is to go up and give it to the lawyer.

There are many ins and outs to it but that is how they do it. We felt one of the best defenses was to go to the banks and speak to the bank managers and the clerks so if a woman wanted a lot of money out of the bank they would stop her. But of course that doesn't work all the time. What the answer is I do not know. I say, as you did, education. We found by going to these groups and talking, we did make an inroad. But with the financial crisis that we have today, a lot of people are going into crime who never did it before and the amount of crimes is going up.

Mr. BIAGGI. Mr. Sarasin.

Mr. SARASIN. Thank you, Mr. Chairman, very much.

Sergeant, I am very impressed with the way you were able to explain the "pocketbook drop" and also your explanation of what was

¹ Off Track Betting.

going through the mind of the victim. I did not mean the word "greed" in the derogatory sense before.

You talk about many people getting into con games. Does it take a lot of time to become an expert con artist or is it fairly easy?

Mr. MURPHY. Well, most con artists do not start as con artists, they start as more conventional criminals. Most of the females start in prostitution and when they are in the house of detention they will talk to a girl who was in con and if they are smart enough they will go out in the field and learn the game. If the criminal is smart and glib—they have to be good talkers and be a little quick. If they have that going for them they can learn it quickly.

They actually take their act out on the road. We have had them going out into other cities and when they get good enough they come to New York. It is like bringing in a Broadway show.

Mr. BIAGGI. You will excuse us for laughing but my colleague made a very salient observation. When you said "... if they have a quick mind and are glib ..." they would be good con women. I think we agree they would not have much difficulty in politics.

Mr. MURPHY. I am glad you said it and not me. [Laughter.]

Mr. SARASIN. With regard to the number of arrests that you make in your work, are they primarily the result of a suspicious individual who was halfway through the con game and then gets word to the Department that they are not sure what is happening and they want some advice or is there another way that leads you to the arrest?

Mr. MURPHY. That does not usually happen. If a person gets suspicious halfway through, about the moment that suspicion has dawned on the victim the con man knows about it.

The way we make our arrests is the same way the fellows in Queens do, driving up and down the streets, looking for a couple of people in conversation, going through our photo files. If we see that a con team is locked up in California we send and ask for those pictures. We know eventually those people will end up in New York. We know this.

So our detectives spend hours just looking through those people hoping to recognize them in the street and also their M.O. But as far as the victim going halfway, it happens, but not often. That is usually not the way.

Mr. SARASIN. With the \$400,000 that was apparently taken by the individuals in this morning's newspapers, will any portion of that be recovered?

Mr. MURPHY. As an educated guess, no. Quite a bit of that was in diamonds and stocks; that is good. Some piece may be recovered; I do not hold much hope for it. As far as the cash, no way. They are not going to make restitution to reduce their sentence. They will just take their chances in the courts. They will not make restitution. I try not to hold out false hope to a victim when they come down. You know, to say we may get your money back. I think it is a cruel hoax and I do not believe in saying it.

One of the few confidence games where you can get your money back is when it is perpetrated by gypsies. If you get a gypsy con game and it is the last victim, they have a chance of getting restitution in court.

Mr. SARASIN. Thank you.

Mr. BLOVIN. No questions.

Mr. BIAGGI. The amount of money taken from a rather small number of victims probably is more money than 100 victims of the elderly who were mugged.

Mr. MURPHY. Yes, way more.

Mr. BIAGGI. Because ordinarily the mugging jobs come to a paltry sum.

I want to congratulate you on the manner in which you described the consequence of the crime on the physical and mental health of the victim because I think that is where it is at. You said to a large extent some of them die at that moment. If they do not they begin to die. That is where the real shock is and trauma and the sadness of the whole situation. That is why the con artist, in my judgment, is probably one of the vilest and basest of human beings working his unlawful will on these helpless victims.

Thank you very much.

Mr. MURPHY. Thank you.

Mr. BIAGGI. Detective Andrew Camera and Theodore Farace, Queens burglary confidence game team, New York City Police Department.

STATEMENT OF ANDREW CAMERA AND THEODORE FARACE, QUEENS BURGLARY CONFIDENCE GAME TEAM, NEW YORK CITY POLICE DEPARTMENT

Mr. CAMERA. Chairman Biaggi, other Congressmen, people of the media, and other interested people: Basically, Detective Farace and I work as a Queens confidence team. It is a real privilege for us to be here because we have been working in confidence for the past 4 years and really putting a lot into it. We feel it is a long overdue hearing, really honestly, because from our experience—and we are strictly street cops, as well as other things we have done—it is a vicious crime and to us the criminal justice system is very much at fault. We are here zeroing in on the legislative process. We also need an educational process. We must educate our judiciary, our ADAs,¹ our correctional institutions, educate our police departments, because this is a nationwide type of crime.

We recently published an article in Police Chief magazine; that was January of 1975. This is a nationwide magazine, considered the most professional in the field. We were very much taken aback by the lack of response from some police departments. We did receive many inquiries but we were amazed to find out there is not much being done in terms of putting police officers in the confidence area. When you assume there are approximately \$2 million taken in robberies, we have to sort of take a different approach than what the woman did earlier, suggesting that much more money is taken in robberies. We feel much more is taken in confidence games. Just dealing in the Queens area—we have been doing this for 4 years, very successfully, making over 300 arrests; just my partner and I—we feel there has been \$150,000 taken just this past year, but going back to 1972 there was half a million dollars taken. Later on we will have two elderly citizens who we were fortunate enough to help arrest people involved in their cases, and they can tell

¹ Assistant district attorneys.

their story. But it is a very vicious crime and we feel it should be approached legislatively as well as educationally.

This poster you see right here—my partner and I made this up ourselves, I would say 2 years ago. We propositioned this to the banking sector and I am very sorry to say we must have had maybe 15 responses. Just to post something like this, just a basic caption, “found money,” there is no such thing. This basically tells the whole story. The senior citizen walks into a bank and sees a poster such as this, you have to believe she is not going to withdraw her money. It is a visual thing; it depicts the confidence game in four illustrations telling the essential points. If she does not want to read it, all she has to do is look at the caption. Many of the people in the banking sector did nothing with this thing. Why? Because it cost \$15. We put the thing together, we got nothing out of it, presented it to the banking industry, not for us—and we were appalled by the people in the banking industry who did not think enough to put this in.

My partner here will discuss other proposals we made and sent to the Federal Government that they did not think enough of to implement.

Mr. FARACE. Congressman Sarasin said earlier in his statement in reference to the Social Security Administration about furnishing some kind of a letter instructing senior citizens relative to confidence games. There was a similar idea we suggested about 2 years ago to the Social Security Administration. We simply suggested inserting a card similar to the one I am holding here which comes with the social security checks now. It is printed by the Department of Health, Education, and Welfare, instructing the senior citizens relative to different benefits and medicaid and medicare plans. We asked that they insert a card similar to this on a nationwide level, to send one of these cards with all checks with little tips warning them about confidence games. In our experience people sometimes do not have the time to read it. There is a lot of information relative to confidence games applied to different banks. Something like this—when someone gets money in the mail, the first thing a person is going to look at is, if there is a letter or card with it, maybe there is an increase in my check—let me read it. But reading this it may be enough to warn somebody of a confidence game that is going on. This is not a local problem; it is nationwide. The “pocketbook drop” game is played all over the country. Many of the female con women travel from State to State. Presently there are two or three we are looking for who are in California now. There is no limit to where these people go. We have had reports they even go to other countries.

Mr. BRAGG. If you find them in California, do you have the power to extradite?

Mr. FARACE. It depends on the District Attorney's office. Identifications on these type of games are from photos.

Mr. BRAGG. What I am trying to find out is, is this one of the crimes that is extraditable?

Mr. FARACE. Yes, it is a felony; it is at the discretion of the District Attorney. All of the factors are waived before extradition is started.

Mr. BRAGG. It has to be a crime in the State where the person is located; is that a fact?

Mr. FARACE. In this State.

Mr. BIAGGI. If a person commits a crime here and he goes to Arkansas, it must be a crime of similar gravity in that State.

Mr. FARACE. Yes.

Mr. BIAGGI. My understanding is that all the States do not place the same gravity on the offense.

Mr. FARACE. That is right. We feel Federal legislation relative to confidence games should be started because these people travel from State to State and the laws are not the same in every State. In New York State we suggested 2 years ago in the Legal Bureau that we amend the penal law in New York State. For example, the approach in the confidence game. Just by stopping the victim and talking to her, displaying the paraphernalia—this is a crime in New York State. It is a misdemeanor crime punishable by up to 1 year in jail. Just making the statements. What is required for conviction, an expert is best to observe such a thing so they can testify in court. We have instituted a recommendation to amend this to make it a felony, the mere approach. Because when they are arrested on a misdemeanor case most of the people pay a fine for the approach, \$100 or \$200 and they are released. It is not stiff enough to keep them in there, or to tell them not to do this in New York State. I cannot quote what the other laws are in other States but they are stiff. If we had some kind of a universal law where it is nationwide on a Federal level, I think these people would be a little more leery about pulling a confidence game.

Also, which is amazing to us when we started in this field, that possession of the paraphernalia used in the confidence game is not a crime. When you think about this, in narcotics, for example, in New York State, possession of a syringe, glassine envelopes—that is a crime. Possession of confidence paraphernalia is not a crime. Ninety-five percent of the teams who operate use paraphernalia.

I will show you what the material is. Sergeant Murphy described a Michigan roll or a "mich." We call it a "mich" on the street. This is a Michigan roll. It is a roll of bills. A team may use real money—most teams use play money—folded with a rubber band, and usually a \$50 or \$100 bill is placed on the outside. If you stop somebody and find this in his possession—a 55-year-old man carrying a roll of play money in his pocket—that should be a crime. He cannot say he is going to play Monopoly, but they do say that, and we know why he has it.

Mr. BIAGGI. In pursuit of that notion, it is not a fact that generally the con man has a series of arrests on his record?

Mr. FARACE. Yes.

Mr. BIAGGI. Well, just a thought that you would have to consider in the promulgation of legislation. A man with a previous record in these areas found with this would be subjected to arrest and violation of the law, because you may find somebody actually playing Monopoly.

Mr. FARACE. Very true. This displaying envelope is used also in the "pocketbook drop" and the "handkerchief switch." This is basically called a "pack" that they show the women on the street. There are men and women playing it but predominantly female. It is usually a plain white envelope, no address, no name. Once it is opened, inside they find a note. It indicates there is \$30,000, proceeds of a race track or hitting a number. There is an envelope in here with a glassine

window and this is usually sealed and it may say \$30,000. We have had teams use \$100 bills, real money in there. She looks at this and is allowed to believe there is \$30,000 in there. This is the paraphernalia that all confidence women carry.

There are some teams that do not use any paraphernalia. They are very well versed. We arrested one, a 60-year-old woman. She had been doing this all her life. She does not even have to show the woman a pack; she just tells her she found it and "it is my bag." But generally speaking most confidence women will carry a pack. Also, I think Sergeant Murphy talked about men posing as detectives. A lot of these will carry phony shields or identification. All of this paraphernalia—there is no crime about it. If you look at this, it is a \$50 bill inside of a change purse that a woman is carrying.

Mr. CAMERA. A lot of the money is really fantastic. A lot of people do not report this. We have a woman here who actually got her money back who was a victim. We arrested that team. She was told she would get her money back. It was acceptable in court. However, the two girls got out on bail and are gone. There are lawyers there for the purpose of getting these people out on bail and then they jump. We think the legal system should be made aware of victimization here. Once out these people will go to another State and perpetrate the same crime.

The big thing here, gentlemen, is the fact that you have no violence. You are dealing with a crime that is nonviolent. We have had judges who took a very apathetic point of view, we had a judge who tended to smile on the bench when the person related the story. This is what you are dealing with. They tend to feel the victim is a little gullible. We have a Spanish con game where one of the perpetrators can actually vomit or cut their leg. They are professional people. I am sure Congressman Biaggi is very concerned about this. You are dealing with aliens—they come here and take a great deal of money and they are gone. Illegal aliens.

Mr. BIAGGI. Where are they from?

Mr. CAMERA. Normally Colombia.

Mr. BIAGGI. Don't they have schools there that teach this to them?

Mr. CAMERA. Yes. Again, it is a lack of knowledge by the senior citizens of how much is brought out in the news media. But it is not done on a general type of situation. They contact us and it is put in the paper. If not, nobody is made aware of it.

Mr. FARACE. Getting back to the poster, we feel if something like this can be instituted nationwide—

Mr. BIAGGI. Let me comment on that. My colleagues and I suggested that we recommend to the National Bankers Association that they undertake this type of program.

Mr. FARACE. Thank you, I think it will save a lot of people.

Mr. BIAGGI. And we will once again contact the Social Security Administration. That suggestion you made some time ago and we made effort in that direction but we will do it again.

One point, to reinforce the fact, the con game business is a very lucrative business. They forfeit their bond money irrespective of the amount set by the court.

Mr. FARACE. Definitely. We had a case where they forfeited \$10,000 cash bail and the person fled the country.

Mr. BIAGGI. I got the impression that what you said was that the judiciary is soft on con game artists.

Mr. CAMERA. I think it is more a question of lack of knowledge. I hate to make that kind of a statement but I feel that possibly many judges and many district attorneys have not had the time perhaps, or not been schooled in this type of crime.

So if you are saying they are irresponsible or do not know all the facts or have been soft, I have to say you are correct, but I think it is a lack of knowledge. I do not think they realize the ramifications and I feel it is an oversight on somebody's part.

Mr. FARACE. The bail is the factor involved. The crime is a misdemeanor, basically, if nothing is taken from the victim. The bail is set at a nominal fee which they can make and these people never come back. If the crime is more serious, if the law is more serious, the attempted con game, why let the woman lose her money and then worry about the crime, let's make it more serious before the victim loses her money. Then these people will not come into New York State and perpetrate a con game. Now, if you get caught on the approach the bail is a minimal amount.

Mr. CAMERA. When they are paying a fine for this thing, they are using the money they have taken from the victim to pay the fine. So it is like giving them a green light. They take the money and pay back the same money.

Mr. BIAGGI. They are in the business of larceny and they have to stay in money. In order to stay in business they will hit the street.

Mr. SARASIN. Do you agree with the description by Sergeant Murphy of the victim after the crime?

Mr. CAMERA. Unfortunately we were out of the room but let me say without even knowing it, I have to feel that the victim is a lonely person, much by herself; this is what they look for. A person who, when they go home, will not have a man at home to question why she is suddenly home.

So if she is lonely, it is not that much of a tendency to be greedy as much as she is lonely. These people approach her; she talks about her family and they talk about their family—

Mr. BIAGGI. I think what the Congressman wants to elicit is the consequence on the mental and physical health of the person.

Mr. CAMERA. I think it takes a tremendous toll. They will make you withdraw from the bank right up to perhaps \$100 of your balance. You have to realize these people are losing their whole life savings and have nothing to fall back on.

Mr. FARACE. Once the victim loses her savings, I think Sergeant Murphy emphasized, she is very embarrassed and ashamed to come forward. Also, at her age, she worries that possibly her family will think she is becoming senile and cannot make it on her own and cannot take care of herself. A lot of women feel that way and it affects them that way also. They are afraid their family is going to find out what has happened. This one particular lady we have here with us today is very upset about it. She lost \$2,000 and that just about wiped her out completely. She was not about to let her family know about it for fear of what I just said, that possibly they might think she is becoming senile.

Mr. CAMERA. In fact, we had to talk her into actually making a report. She did not want to come down and do it but when she did, she actually got her money back and it worked out very well.

Mr. SARASIN. Thank you, gentlemen.

Mr. FARACE. May I introduce these ladies: This is Ms. Queen Scott and Ms. Freda Koenig.

Mr. BIAGGI. I understand both of you have been victimized.

Ms. SCOTT. Yes.

Mr. BIAGGI. Why don't you tell your story, each of you, as quickly as possible but just take it easy and be comfortable.

STATEMENT OF QUEEN SCOTT AND FREDA KOENIG

Ms. SCOTT. Well, one day I was going to work about 1 o'clock. I was running for my bus and these two ladies came up in a car and they stopped me and asked me for an address. I wanted to help them find their address. So I went over to them and they said, "We are looking for this address; we have been looking all morning."

So I went over to them and I said, "I will try to help you if I can." They showed me this envelope and there was no address on the envelope at all and I said, "I think you better take it to the Post Office."

There was another lady on the other side in the car. The first lady who was driving the car said, "I picked this lady up and said we were looking for the address. We went to the Post Office already and they said they did not know about the address." I said, "Why don't you go into the housing people here; they will show you what it is." The other lady said, "Open up the envelope and see if the address is inside."

So she opened it up and another envelope was inside and it had a window with money and it said "a drop" and it said "\$30,000 inside." She picked it up at a telephone booth. So I said, "You better take it to the police station because if this is a drop, probably whoever dropped it is looking for this money and you are going to be in trouble. Aren't you afraid?"

So they said, "Will you come and go with us?"

So I got in the car and went with them and they stopped and said, "Let's stop and count and see if the money is in here." She said, "I will tell you what, my boss is a lawyer. I will take the money to him and see what he says. Do you mind waiting?"

I said, "I don't mind waiting." They were young girls, dressed nice. They showed me their identification that they had and where they worked and all and I believed them. She came back, and the lawyer said, "What we will do is divide the money between the two of you so you get \$10,000 each."

She said, "The lawyer will take care of everything. You don't have to go to the Police Department because he is a lawyer and he knows what to do."

So I said, "OK." They said, "The only thing is, you have to go to the bank, he said, and take out \$4,000."

I said, "Why do I have to go to the bank? Can't he take my word that I have money?" and she said, "No, he has to be sure that you won't use this \$10,000 for 90 days because this has to go through some process of law."

So I said, "I don't mind, I will go to the bank." I went home, got my bankbook, and I went to the bank with them. They went in with me and I made out the slip and took my money out. The lady from the outside, she came over and said, "Oh, no, Ms. Scott, you are not taking out this amount of money," and I said, "Why? I want it like this."

So she insisted I shouldn't take it like this; I should take my money out in a check. I said, "No, these girls are nice. There is nothing wrong." I didn't know they were con artists. I didn't hear about it; I didn't know. I was just running to work and I didn't realize these things. This was the first I knew they had this kind of way of getting money. So I went and got the money. I went out and she wanted to write on the envelope I had.

So she went and wrote the address where I am to go speak to the lawyer. So she writes the address on the envelope and gives it back to me. So I got out of the car to go to the lawyer and when I got there I couldn't find the lawyer's office so I am petrified, I didn't know what to do.

I went back to the girls to tell them that they have the address wrong. But they were gone. So I went home. I got home, opened up my purse and looked inside. As I opened it up I said, "At least I got my envelope of money," and I opened it up and all I had was play money. Believe me, I didn't know what to do. I hit the ceiling. I didn't know what to do. I was petrified, scared, ashamed. I called the police right away and said, "Come fast."

They came right away. They said, "What happened?" and I explained to them what happened.

Mr. BIAGGI. What do you do for a living?

Ms. SCOTT. I am an X-ray technologist.

Mr. BIAGGI. How long did it take you to save that money?

Ms. SCOTT. A long time, many years.

Mr. BIAGGI. Have you recovered any of your money?

Ms. SCOTT. No.

Mr. BIAGGI. Any arrest made in this case?

Ms. SCOTT. Yes. I went down to court each time. But they weren't nice to me at the court. I can understand why a lot of people don't want to go and not be bothered because they weren't nice to me.

Mr. BIAGGI. What do you mean by that?

Ms. SCOTT. Each time I went there, they promised they are going to give me my money back.

Mr. BIAGGI. You mean the people who are arrested?

Ms. SCOTT. Yes; and each time I go there is a different lawyer and different judge. Some of the judges are good about it, some are not. The lawyers, some are good and some are not.

Mr. BIAGGI. It is like life.

Ms. SCOTT. Right. One of the lawyers gave me his telephone number and told me to call anytime I want to find out about getting the money back. Each time I called, he said, "You are going to get your money back, don't worry about it. We are going to send it to you certified mail." Every day I am running to the mailbox, listening for the man to come, nothing. But in court one day, he said, "That lady is calling me up all the time, and bothers me about the money." So I

didn't call him any more; I stopped calling. I went to the court again and the judge said to him, "You are going to have to stop with this. I want the money back."

So the last time I went back, the girls never showed up, the lawyer didn't show up, or anything. They didn't tell me anything.

Mr. BIAGGI. Thank you. By the process of elimination, I have to assume you were the lucky one, Freda.

Ms. KOENIG. Well, it is exactly the same as Ms. Scott told you, and whenever I have to repeat it, I get so excited.

Mr. BIAGGI. It was the same process as Ms. Scott?

Ms. KOENIG. Yes.

Mr. BIAGGI. Two women?

Ms. KOENIG. Yes.

Mr. BIAGGI. And the same story?

Ms. KOENIG. Yes.

Mr. BIAGGI. How did you get your money back?

Ms. KOENIG. Well, Detective Camera. I have to be so thankful to him.

Mr. BIAGGI. How much money was involved?

Ms. KOENIG. \$2,000. I didn't even tell my daughter in California, I was so ashamed. I told her afterward, and I said, "I feel so stupid," and she said, "Well, what is \$2,000? It is only money. Don't get a nervous breakdown."

But I had to go to the doctor and it is still not out of my system.

Mr. BIAGGI. And you got your money back?

Ms. KOENIG. Yes.

Mr. SARASIN. No questions.

Mr. BLOUIN. Thank you very much. It is really difficult to come here and tell your story. It takes a lot of courage on your part and I want to commend you for it.

Ms. KOENIG. Well, I thought it was the least thing I could do.

Mr. BIAGGI. Detective Farace, can you tell us about the arrest and the restitution?

Mr. FARACE. The arrest involved a female white and a female black. They had taken approximately \$25,000 in the Borough of Queens in the matter of a month. We had seven cases reported to us of larcenies taken. Two were attempted larcenies and my partner and myself finally apprehended them playing this game on a 10th victim attempting to take her money, and through the investigation, we managed to identify them on all the previous cases. They were indicted in the county of Queens on nine telephone indictments. The case went to the Supreme Court—on a case of this type, when it goes to the Supreme Court, we are not present at the proceedings.

There was restitution agreed to in the court to pay the money back to all the victims. I personally feel in this particular incident that it warranted paying the money back. These women really needed their money. I understand the sentence was 5 years of probation. These women didn't have that many previous arrests where it wouldn't come under a probation type of thing and they are on probation previously. This happened in 1973. But the other women received their money back also.

In the case of Ms. Scott, those two women pleaded guilty in court and jumped bail. They forfeited the money they put up for bail.

Mr. BLOUIN. Did I understand you correctly in the first case, these women were found guilty of nine counts of felony?

Mr. FARACE. No, they were indicted on nine counts and took a plea with the understanding of restitution.

Mr. SARASIN. Were those two women released during that period of time?

Mr. FARACE. Well, the black con woman was on bail and she appeared during the adjournments of the court. The white female con girl jumped bail. She forfeited, I think, \$10,000 cash bail. She fled the country, through investigation, we found out she was in Barbados in the West Indies.

Mr. SARASIN. I meant the two who made the restitution.

Mr. FARACE. Yes, she came back and surrendered herself to me in Queens, went to court and pleaded guilty to a lesser charge, I understand, in Supreme Court.

Mr. BIAGGI. Thank you, Ms. Scott and Ms. Koenig. I am happy for your good fortune, Ms. Koenig. Not Ms. Scott, you are a lot younger.

Ms. SCOTT. Yes. I had no idea there were so many people interested in this.

Mr. FARACE. We are going to make them even more interested.

Mr. BIAGGI. The committee will stand in recess for 5 minutes.

[A recess was taken.]

Mr. BIAGGI. We are ready to reconvene.

I would like to show that the matter of the two arrested for the \$400,000 bilking of elderly women as reported in today's News and Times, was the result of a unified effort. One of those responsible is a gentleman who is here, John J. Maloney, protective division, Chase Manhattan Bank. He was helpful in obtaining witnesses for identification.

I think we will submit for the record a copy of this case as an illustration and we will have a copy of the Times and the News introduced into the record. [See appendix, pp. 39-40.]

We have with us from a neighboring State—and thereafter we will be concluding with further testimony from representatives of the New York City Police Department, or as far as the list is concerned, whom we will permit to testify—the chief of organized crime task force, Connecticut State Police, Major Orlando P. Ragazzi.

STATEMENT OF MAJOR ORLANDO P. RAGAZZI, CHIEF, ORGANIZED CRIME TASK FORCE, CONNECTICUT STATE POLICE

Mr. RAGAZZI. I want to thank you very much for inviting a member of the Connecticut State Police here to testify.

I have a prepared statement that I will read. Besides being easy prey for street criminals, America's elderly increasingly are the helpless victims of white collar criminals. From unscrupulous home improvement salesmen to peddlers of overvalued retirement estates, our senior citizens are preyed upon by hucksters of every stripe. Especially during hard economic times, America's elderly living on a fixed income can least afford to be victimized.

At present, law enforcement efforts to protect the elderly are fragmented and largely confined to State and local jurisdictions. But while

law enforcement efforts are mostly localized, the merchants of fraud are ranging across State boundaries and operating on the national level. For that reason, the problem must be approached on a comprehensive State and Federal level, if we are to protect the defenseless from spending their golden years in tarnished neglect. Of course, the responsibility of protection must necessarily lie with State authorities, with the Federal Government filling in the cracks.

Of course, the best way to deal with crime is to prevent it from ever happening, in the case of the elderly, we in Connecticut would like to see a national intelligence clearinghouse, to alert the various States to the types of fraud prevalent nationwide. This is essential for us, to protect our elderly from the traveling "scams" that begin in one State and move on to others.

A national intelligence clearinghouse, using modern computer technology, would also benefit prosecution. Most times, local prosecutors have no idea how many persons have been victimized by the accused. With information on past ripoffs, State prosecutors could pattern the sentence to fit the magnitude of the crime. And, while prevention and quick arrest are essential, there is another consideration that is even more important—especially to the victims. Convicted frauds must be made to repay their victims in full. The cost of crime should be borne by the convicted—not by the law-abiding members of society.

In addition to a national intelligence clearinghouse, the States and Federal Government must make every effort to alert our senior citizens to the types of crime to which they are likely to fall victim. A massive education campaign on Federal, State, and local levels is the best way. The media and existing organizations for the elderly could provide invaluable assistance in sounding the alarm. The States could provide special information services for the elderly through telephone hotlines and consumer advice.

Our response to this problem, protecting our defenseless elderly, is only limited by the degree to which lawmakers and law enforcers are willing to work on behalf of the millions of citizens who built our society and are now taking a well-deserved rest.

Again, it would just be redundant for me to repeat anything beyond what some of my brothers have said prior to my testifying here, that we have the same con games and nothing has been changed as far as the games themselves are concerned, other than the people and the victims.

Mr. BIAGGI. Thank you, Major.

Mr. SARASIN. Major Ragazzi, I want to thank you and the Connecticut State Police Department for allowing you to be here today. I wonder if you would agree with Sergeant Murphy in his description of the victim after he was victimized.

Mr. RAGAZZI. I couldn't agree with him more in the explanation of the traumatic experience it must be on an elderly person being bilked out of his life savings.

Mr. SARASIN. And I think the courts just aren't aware of the full problem here, and perhaps the public isn't aware of it either. It is not just a question of someone not being gullible enough not to allow that to happen again. We are talking about somebody being virtually destroyed.

Have you in your experience had any occasion where a victim of a con game found themselves a victim again?

Mr. RAGAZZI. Yes, in one very outstanding case. This happened in the town of Middletown where a woman was taken by a con woman for \$700 on the flim-flam. Approximately 2 weeks later, a man called up and said he was an IRS agent and they had some information on the individual who perpetrated the con on her. Subsequently, the man showed up with a confederate. They showed the victim a picture of the confidence person and the victim identified her. Now, the second time they said—

We understand she had a confederate at the bank. In order to get that particular confederate, we would like to have you go down and draw out another \$2,000. Turn the bills over to us; we will sign a receipt for you for these bills that will automatically be returned to the bank.

She went down. She wanted to assist. She wanted to get this person arrested and get her original \$700 back—but she ended up being a loser of \$2,700 as opposed to the original \$700.

Mr. SARASIN. Combining the two classic con games?

Mr. RAGAZZI. Yes.

Mr. SARASIN. What is the experience in regard to arrest and recovery?

Mr. RAGAZZI. The data are very fragmented. I don't have any hard facts or statistics now. I know on the home improvement con, we do have an influx in the early spring where the men will come in to do the driveways, but we haven't been fortunate enough to make many arrests.

Mr. SARASIN. With the kind of con games that we have here, the "pigeon drop" and the "banker game," has it been your experience that recovery is seldom a result of an arrest?

Mr. RAGAZZI. It happens very, very infrequently. I went through approximately 300 cases over the weekend statewide, and I believe there were two cases where reimbursements were made. There could have been others, but from the records I had, I saw only two cases.

Mr. SARASIN. Do you agree with the thread running through the testimony that perhaps the best way to get at the problem is a program of awareness and education, informing people of the types of games that are being played so they may be on the look-out?

Mr. RAGAZZI. Yes; I whole-heartedly support such a program. At the present time, the Connecticut Police Department is operating under a Federal grant through the Crime Prevention Bureau, attempting to reach as many of the elderly as possible.

Mr. SARASIN. I would suggest to this committee that we take as strong steps as possible to try to get some information into that social security envelope. That, perhaps, is the best way of reaching these people.

Mr. BLOVIN. How much cooperation is there to your knowledge, across States, as far as con artists?

Mr. RAGAZZI. Other than the fact it is entered into the CIC,¹ which is very helpful to the police, we don't have anything specifically to do with the con men or fraud-type schemes. It is just an information service, primarily, that we have.

Mr. BLOVIN. And it is a general fact that the pros are multistate operators, right?

¹ Criminal Information Center.

Mr. RAGAZZI. That is right. They also operate seasonally. They will hit a certain part of the Connecticut area and leave. Recently, they had a group come down from Canada that pulled the "bank inspector routine" and left after about a week.

Mr. BLOUIN. Are they generally experts of all different approaches or do they try to specialize in one particular kind of con game?

Mr. RAGAZZI. Whatever will turn them a buck in a certain area, they will implement that particular scheme in that area.

Mr. BLOUIN. We found the typical con game in the midwest rural areas in the home improvement or the IRS kind of thing. We find it is almost impossible to track them down. I think that is a terrific suggestion, to come up with some kind of a national coordinated effort. It is probably going to have to take some Federal coordinated help to begin with.

Mr. SARASIN. Isn't there a reluctance on the part of some people in the country to allow this dissemination of information on a nationwide basis? The comment is made, "Big Brother is getting too big with computers and we don't want the police in one part of the country to know what another part means."

Mr. RAGAZZI. And there is going to be a big problem in keeping the wrong people away from the information that is being disseminated.

Mr. BLOUIN. One of the suggestions I have heard is that the compilations will be over a length of time, and after a certain number of months or a year or so, that information ought to be dropped. It seems to me con artists can't wait that long before getting back. They need that kind of flow across the country. As long as those arrests and convictions are possible and being made, I don't think you would find the same kind of objection.

Mr. RAGAZZI. That could be a problem. For instance, if you limit how long we are going to keep a file on a certain individual, this man may go back to another field and then come back to his old profession.

Mr. BLOUIN. Thank you.

Mr. BIAGGI. I want to congratulate you on your statement, specifically your suggestion about a national register has merit in that it is worthy of consideration. One of the chief difficulties has been that many of the areas of information that we have used over the decades have been abused. If people could be assured that that information could be dealt with in the purest professional manner, I am sure the objection might be obviated. We have civil rights questions that obviously come into play. But, in any event, information of this type should be complemented in one way or the other.

You also said that this con business is not a new game. It has been around I guess, since man started to think about material things.

Mr. SARASIN. Since Eve convinced Adam to bite into that apple.

Mr. BIAGGI. Well, you regard that as an evil. [Laughter.]

The fact is it has been going on for ages. It has been obscured in this whole criminal picture, but the attention we focus on crimes of violence. We can understand that that is one of our major problems, projecting this type of crime into the forefront so it can be dealt with. One of the most important things we can be doing is to educate the potential victims. If we can do that effectively, I am sure there will be a diminution in the successful operation of the con men. I think

that is important. Another factor that came to light, and I would like to re-emphasize this, and I was aware of it. For the record, I was once assigned to the Pickpocketing and Confidence Squad at the twilight of my career. I wasn't aware that women, con women, outnumber men as they did. I think Sergeant Murphy testified they were about 20 to 1. That being the obvious, men should have equal rights. But it is an important factor, most people think of con men, which leaves them wide open to women.

I want to thank you for appearing here today, Major.

Mr. RAGAZZI. Thank you for having me.

Mr. BIAGGI. Sergeant James Bolte, Detective Gerard Keegan, and Donald Gaffney of the Senior Citizens Robbery Task Force.

STATEMENTS OF SGT. JAMES BOLTE, COMMANDING OFFICER, SENIOR CITIZENS ROBBERY TASK FORCE, 48TH PRECINCT (BRONX), NEW YORK CITY POLICE DEPARTMENT; AND DETECTIVES GERARD KEEGAN AND DONALD GAFFNEY, SENIOR CITIZENS ROBBERY UNIT, NEW YORK CITY POLICE DEPARTMENT

Mr. BOLTE. Mr. Chairman, Congressman Sarasin, Mr. Blouin. I have a prepared statement I would like to read.

Traditionally, senior citizens in America have been a neglected segment of our society. This is especially true when the elderly are confronted with our system of criminal justice. The elderly are robbed and severely assaulted by the criminals in our society and then suffer further hardships inflicted by procedures of the police, courts, and other well-intentioned agencies. Elderly victims of crime seldom report the offenses committed against them, principally because of their fragile physical condition and lack of mobility. In addition, the perpetrators of these crimes are comforted with the realization that not only will they meet little or no physical resistance when they attack the elderly, but that their crimes will probably not be reported to the police. The police are severely handicapped attempting to control and eliminate crimes against the elderly. Crime patterns are not detected when these incidents are not reported and when offenders are arrested, prosecution is difficult because the elderly are reluctant to cooperate with the police.

In October 1974, the Senior Citizens Robbery Unit was established in the county of the Bronx, utilizing one sergeant, six detectives, and two police officers. Their objectives were to bring the police to the elderly, concentrate on groups that robbed senior citizens, and coordinate intelligence matter on a countywide program. The following innovations were a direct result of the Senior Citizens Robbery Unit:

CRIME ALERT BULLETIN

The patrol force is alerted to the current crime patterns against senior citizens by means of a countywide Crime Alert Bulletin. This bulletin describes the method of operation and the locations where these crimes are committed; also included are arrests and descriptions of persons wanted for these crimes.

PORTABLE SUSPECT PHOTO FILE

The Senior Citizens Robbery Unit investigates and follows up robberies against senior citizens in a manner that will cause little hardship and a minimum of inconvenience to the victims. Photographs of prime suspects are brought to the residence of the senior citizen to spare them the inconvenience of traveling to police precincts or other locations.

COURT STANDBY

A telephone alert system has been established with the cooperation of the district attorney's office whereby the complainant remains at home on telephone alert, and is brought to court when an appearance is absolutely essential. In addition, members of the unit will pick up the complainant at their residence and drive them to and from court, and assist them with their physical needs throughout the ordeal.

CRIME PREVENTION LECTURES

The senior citizens are educated at senior citizen centers by the unit so that when crime patterns or modus operandi of the criminals are identified, senior citizens may be alerted and avoid becoming a victim. A "buddy system" for traveling has been encouraged so that elderly persons will not be isolated from others and become an easy target for the criminal. The Bronx Chamber of Commerce has purchased whistles which the unit distributes at crime prevention meetings for the senior citizen to utilize to secure assistance in any emergency. Additionally, a brochure is distributed to every person attending a meeting, and the brochure contains suggestions on how to avoid being a victim of crime and also contains emergency telephone numbers plus the phone number of the local police precinct.

This unit has assisted the Bronx homicide units in their investigations involving homicides of the elderly. They have also assisted the Social Security Administration in coordinating the investigation of various social security con games perpetrated against the elderly.

The Senior Citizens Robbery Unit has, as a result of the aforementioned innovations, identified 35 perpetrators from the photo book, investigated 450 robbery cases out of 900 reported, and arrested 96 perpetrators that have been responsible for at least 150 of these crimes. The court standby, and crime prevention lectures, have renewed the confidence of the senior citizen that the police are concerned about their problems. Many of the perpetrators arrested have come from social groups that have been preying on the elderly, and as a result of these arrests and the notoriety given them, the criminal element can no longer believe that their crimes against the elderly will go unreported to the police.

Bronx County is one of five counties that comprise New York City. According to the 1970 census, the population of the Bronx is 1,471,701, of which 245,077 or 16.7 percent are 60 years of age or older. It has been analyzed and found that of this age group in a 9-month period, 900 have been the victims of robberies within buildings and 15 additional have been robbery homicides. The elderly residents in the Bronx have enjoyed some unexpected benefits from the Senior Citizens Rob-

bery Unit. When a detective assigned to a specific case discovers a hardship, other city agencies will be contacted to assist the victim. Sometimes, victims are brought directly to the mayor's office of the aging and arrangements made for emergency assistance. It is generally accepted that crimes of this nature are commonplace in all of these urban areas. The chamber of commerce, the mayor's office of the aging, and numerous social, religious, and philanthropic groups have already expressed their interest, appreciation, and willingness to participate in this program.

Mr. BIAGGI. Thank you, Sergeant. I believe Detectives Keegan and Gaffney are going to testify.

Mr. KEEGAN. Yes. I noticed from listening today about the con games, there is a large amount of money and no violence. It is a dramatic experience for the complainant. Conversely, a robbery has the violence with very little money. The average is about \$10. But it has the same effect on the victim. The problem that we had was to convince them to report it to the police. They would be robbed, they would go home, and stay home. They wouldn't come out any longer. We went out to senior citizen centers and spoke to them. While we were talking to them, they would say five people were robbed last month. How many reported it? None. They don't want to go to court. They are fearful of the court procedure. If you mention the words "grand jury," they will fall apart. There is no procedure to explain how it operates. When we tell them to come with us to the grand jury, we actually have to take them ourselves or they won't go.

You send a subpoena; be at a special place at 9 o'clock. Their half-fare busfare takes effect at 10. They go to a big complex; they have no knowledge of law. So it is incumbent upon us to take a personal interest, get an identification, have an arrest made, and bring them with us to court.

We also found that neighbors will report it for them, sometimes family. The hospital has reported also. They will not open the door for us or a uniformed policeman. We have cases where one particular woman was the victim of a crime. The neighbor notified us. We went over. This woman would not leave her apartment. She lived by herself; she had a 5-room apartment and set one aside for garbage. Fortunately, we went through JSA during the summer, and they corrected that problem. They got her a telephone, established credit at the supermarket, and cleaned up the apartment.

What we do deal with are not really police problems. We come up with the social aspect. We go and give it to other agencies. But these agencies are limited in their funds and their scope. Thank you.

Mr. GAFFNEY. My name is Detective Gaffney. Our unit was primarily started because of these cases that were inside the building line—in the hallway, in an elevator, in apartments. Generally, the robberies on the street were spotted by anticrime units or police patrol cars. But the robberies within the building lines where the police weren't able to see what was going on, these were the brutal robberies. Generally, a person robbed in the street is robbed quickly and left without any severe beatings. The robberies that we deal with are the ones inside apartments where the perpetrators enter in hopes of finding the pot of gold that doesn't exist. They go into these buildings and

beat on these elderly people unmercifully to find out where the pot of gold is hidden. When we spoke of 1,800 robberies, we are talking about the ones that occur inside the building line.

The robberies that were referred to us were about 640 that the police officer who took the initial report felt could be followed up. The others, about 1,200, were not considered sensible to pursue because of possibly the person's eyesight or the fact that they were attacked from behind. But the robberies that were referred to us were robberies that the police officer felt could be followed up.

As to the description of the robberies, you find the elevator and hall job were quite similar. They would follow these people from banks and supermarkets; when they got to the hallways, they would leap to their backs, beat them to the ground, and take what they could from them, usually \$10 or \$15.

The other types were pushed robberies where they wait for the person to open the door to enter. Once the door opened, they would shove the old person into the apartment. Generally, this was two or three individuals. While one would beat the victim, the other two would ransack the apartment.

We have specific cases that we could speak to you about, but I imagine the time is limited. Most of these victims are alone; they have no family. A lot of them are bachelors or old maids; others are people whose daughters and sons don't want to bother with them anymore. They are left alone in an environment that is completely foreign to them. They have been robbed several times, and they don't want to go out in the street any more. They go out very rarely.

We have problems that arise in our investigations of these cases. These problems are fundamentally with the courts. For instance, it would be very good to have an assistant district attorney from the office of the district attorney assigned to these particular cases.

As I said, we have had 96 arrests concerning robberies of elderlies. But each one of these is handled by a different DA. They don't really have a feeling for the victim.

Mr. BIAGGI. Are you suggesting that they have special Assistant DAs assigned to this?

Mr. GAFFNEY. Yes.

Mr. BOLTE. In fact we just approached Assemblyman Marrolla where he will set up two DAs assigned to prosecute our unit. In the arrests we have made, we have never had a trial yet. They all copped out. We had such tight cases against them.

We do find the elderly in their apartments, dying of malnutrition, almost dead. They live among the garbage, the filth. Some of the cases we have—the perpetrators have taken a woman 75 years old and put her in a closet and barricaded the door. We had another woman who sat in the bathroom for 2 days and wouldn't get out. It is terrible up there now.

Mr. GAFFNEY. Getting back to the district attorney problem, this problem might be a funding problem where we can't have a DA to handle these cases. We have had 96 cases to prosecute in about a 13-month period. There must be an additional 200 cases in the Bronx that were prosecuted by different district attorneys. These are uniform arrests made out in the street or inside buildings on elderly people.

So, if you put them together, there are about 296 cases prosecuted, or where there was an attempt to prosecute. All done by different DAs. We felt that possibly some Federal aid to the district attorney offices throughout the city to handle all of these cases in one manner, have one or two assistants assigned—

Mr. BIGGER. If my memory serves me correctly, some grants have been made to the Bronx district attorney's office in connection with another phase of the criminal justice system. But when you talk about 296 cases, you are talking about an awful lot of cases. They would supervise them anyway.

Mr. KEEGAN. What we wanted was one where this woman would relate on a 1-on-1 relationship. She would no longer be going to see the district attorney of Bronx County. She would be going to see Jeff or John or whatever it would be, and it would be more of an experience for them in terms of a day's outing.

One thing I would like to mention is that females do these type crimes, too. We had one particular girl who would knock on the door of your apartment, and by subterfuge, she had your mail by mistake and would ask, "Can you tell me who lives in the next apartment? Where can I find the super?" The elderly person would be automatically disarmed by the female and open the door, and two guys would go in with her. You mentioned one case where a woman opened the door, and two men came in and beat her with a cane, and the woman went through the apartment. It took the woman an hour to get to the next door neighbor and have the police summoned. We went down to the Morrison National Hospital, and we spoke to her. She was actually reliving the incident. She was telling us not to beat her any more. We dusted everything in that apartment, and we came up with one fingerprint. It belonged to the girl. The girl was charged with robbery, one among other charges. She pleaded guilty for robbery. When it came time for sentencing, it was zero to 10 years which means she had to do 1-year in prison. For what reason the judge made his decision, I don't know. We had 17 similar cases.

People can't get to their courts. We had only that one case. But I can't agree more with a mandatory sentence for robbing or injuring a senior citizen.

Mr. GATFNEY. That particular young woman was arrested for homicide of an elderly woman—she and her brother—on a prior occasion. She went to court on that case, and she beat it because of technicalities, unfortunately, but these are safeguards, that the Constitution affords everybody. We know she was responsible for that woman's death. Unfortunately, she pleaded guilty in the face of overwhelming forensic evidence to a robbery. Apparently, these facts were overlooked, and she was given a sentence of zero to 10 years.

Mr. KEEGAN. We had a case of an 81-year-old man in the Bronx. He has been robbed three times in 1975 that I know of. He tells me four times, but I never found the fourth case. The first case he ended up in the hospital for emergency treatment. That was in April. In June, he had his jaw broken in a robbery going into his building. The one in September was an attempted robbery in his hallway. A neighbor came out and scared the guy off, and he ran away. I tried my best to have him come down here to tell you what his experience has been. On Friday he agreed; yesterday he refused. He is so fearful of coming out. His medical bills came to \$1,600 when he had his jaw broken. He

filed for the crime victim's compensation. You would have to be a college graduate to fill out the form. They want him to get police reports, doctor's statements, hospital bills. This man is 81; he couldn't do it. He told me in disgust he paid the bill. He sent them the bill; he couldn't be bothered.

JSA did a project comparing the three districts, Brooklyn, Bronx, and Manhattan, where different crimes are similar. As far as we know, we are the only unit of our type in the Nation; we don't know of any others. Certainly I can't help but feel there is a problem. I know Houston, Tex. has made inquiry; so has Columbus, Ohio. Maybe other urban police departments have no problem, but I can't believe this robbery of the elderly is confined to New York City and Bronx County. Maybe somewhere along the line down in Congress, we can find out if Los Angeles, Chicago, and Baltimore have problems, because if there is a problem, these people are being neglected in these major cities.

Mr. GAFFNEY. We have had a lot of success with forensic evidence. We have gone to scenes, knowing full well that the elderly are hard pressed to identify perpetrators. But we have had a certain amount of success. I don't know if you are aware of this Microquick. It is a program where they microfilm fingerprints of suspects. In the Bureau of the Bronx we have accumulated a photo file of 600 suspects with B numbers. This is what they do. They rob elderly people. This is exactly what they do. They get locked up and they are back out on the street robbing elderly people.

Mr. BIAGGI. What you are saying is that their criminal activity is limited to a large extent to robbing elderly people?

Mr. GAFFNEY. That is correct. When we go to the scenes and we come up with forensic evidence, we have to wait until we find a prime suspect to submit it for analysis and identification. Whereby if we had their fingerprints on microfilm, all we have to do is microfilm the one print from the scene and put it in the machine and it would possibly hit on one of the 600.

Mr. BIAGGI. What suggestions do you have to improve the situation as far as the safety of the senior citizens is concerned and the effect of your group?

Mr. GAFFNEY. I would think possibly the disposition of guilty cases. I think the sentences in most of these cases are quite light. Also, the cases in New York State are not prosecuted by district attorneys; they are prosecuted by corporation counsel, as they are called. The disposition of the children involved, who are the perpetrators, the disposition of them are very, very lenient. Unfortunately, we have a 14- or 15-year-old who is 6 feet tall, who doesn't act like a child any more. When he is 13 years old he might pass you by on the street; he might want to rob you; but he isn't big enough to take you on. Now, when they look at you a year later they say, "I think I can take him" and they go after you. Now, the sentences of these children in these violent or more brutal crimes is very, very easy. In most cases it is three or four times before they are placed in any type of institution.

Mr. BIAGGI. There has been a national survey report that recommends that young people who fit in this category should be punished as adults and Governor Carey announced this would be part of his legislative program.

Mr. GAFFNEY. Yes, sir, that was very encouraging.

Mr. KEEGAN. What I wanted to say in reference to your question, I am in favor of that mandatory sentence. If you convince the kids who are doing it that they are going away for a certain period of time and publicize it and discourage them from committing these types of crimes, it would help. Right now these kids feel this is a terrific crime. "I am going to get some money and probably they are not going to identify me and even if they do I won't be arrested or convicted." This is not drug related at all. They tell us they take the money and buy clothes and take their girl friends to the moon and for 2 days they are a big shot on the block. When they run out of money they go back to the well and rob another elderly person.

A mandatory sentence I am sure will discourage it. Another thing we do is with the New York City Police Department.

Mr. BIAGGI. Would you give the reporter a copy of that pamphlet? ¹

Mr. KEEGAN. Sure.

Mr. BOLTE. We also ran out of money, we had no more money for the whistles that we were handing out. We handed out almost 20,000 in the senior citizen centers in the Bronx. We ran out of money. You know, we could come and beg for money to see if we could get the money we need.

Mr. BLOUIN. Can you tell me what these whistles are for and how they work?

Mr. KEEGAN. When I first heard of it I said, "What are you going to do with a whistle? They are going to knock it down your throat and we have to get it out of your stomach." The whistle is not intended to be used while you are being robbed. If you think you are being followed, we want you to break your normal habit, get out in the middle of the road, and hopefully it will discourage him. The other useful thing is after you are robbed. It is very common; they rob you on the street and knock you down. If you can reach your whistle somebody might hear it and call the ambulance for you. Otherwise you might lie there for hours.

Mr. BLOUIN. The whole community knows what this is for?

Mr. BOLTE. Yes.

Mr. BLOUIN. The purpose then, as I understand it, is not to attract the police, but rather it is used as a scare factor; is that correct?

Mr. KEEGAN. Yes.

Mr. BLOUIN. Did you ever hear of an incident involving an elderly man?

Mr. GAFFNEY. We had an incident of a man who fell down the stairs in his backyard and he hollered and nobody heard him and he remembered he had his whistle and he started to blow it. It worked.

Mr. BOLTE. It brings a sense of security for the old people. Psychologically. As long as we can get the money to keep buying them we will keep handing them out.

Mr. BLOUIN. How many of these do you have around the city?

Mr. BOLTE. We handed out about 20,000 in the Bronx. I think they ran 22 cents apiece.

Mr. BLOUIN. Thank you.

¹To be obtained for committee files.

Mr. SARASIN. You still have the problem, which is not just a New York City problem, of people not wanting to get involved.

Mr. BOLTE. Yes.

Mr. SARASIN. So you have another Kitty Genovese situation?

Mr. KEEGAN. Not so much along that line. I find when somebody is robbed in a building everyone is a little concerned and hurt. Sometimes the wrong apartment is listed on a police report and they will tell you, Mrs. So-and-so lives in an apartment here and it was a terrible thing that happened to her. I have had neighbors chase people. There was a robbery in the hallway and the neighbor came out and chased the guy. We don't have that problem. But the problems arise from the people themselves who are victims of the crime, their reluctance first to report it and then to assist in the prosecution.

Mr. SARASIN. Do you feel you are getting more information from persons who might have observed the crime?

Mr. GAFFNEY. With regards to an elderly person. Generally if they see some younger person out there in distress they might misunderstand it. They might take it as a lovers' quarrel or an argument between two men and they want no part of it. If they see it is an older person getting knocked down by the younger person they realize this isn't the norm, and they do come to the assistance of the elderly people. But it is the elderly people who go home and lick their wounds and don't want to bother. They tell us they go to court and perpetrators are let go and things like that.

Mr. BOLTE. In family court in the Bronx the facilities are so bad there that the complainants, the perpetrator—everybody stands in the hallway right across from each other. When a perpetrator stands and looks at him for awhile the victim starts to worry and starts to think and we have had them pull out.

Mr. BIAGGI. Thank you very much, Sergeant and Detectives Gaffney and Keegan. I want to thank you very much. I appreciate the work you are doing up there. We will notify the police commissioner in terms of your valuable contributions.

That is the end of our list of witnesses but we have one gentleman here who we would be delighted to listen to for a very brief time, Mr. Duggan. I would like to submit his credentials for the record.¹

STATEMENT OF EDWARD H. DUGGAN, RETIRED SUPREME COURT CLERK

Mr. DUGGAN. Thank you. I am very pleased to have an opportunity to speak. I am a retired Supreme Court clerk. I am out 10 years. I do nothing about senior citizen advocacy. Every once in a while I threaten to go back to court where I had it easy. This retirement is murder. But on every level that was testified to here today I find, of all the problems of seniors, particularly now the growing one is crime. I am from Westchester County, so-called affluent. We didn't have this kind of crime 2 years back; we do now. The bulk of them picked up and unfortunately came from the city of New York. We have one column in our local paper called "Street Scenes." If you go through 10 crimes, 6 of them will be seniors. I am pleased I was here. At the end of this month we are having a "Crime for Seniors" program. God willing,

¹ Retained in committee files.

Congressman Biaggi will grace us. A local sheriff was recently out on the west coast and he was so pleased with a program he saw called "Protection for Seniors."

The big thing that I see is the lack of education. What I heard here today, I heard 40 years ago in the court. The same program, the M.O. identical. The people don't seem to realize this is happening. Another thing I picked up and believe me I will use it within the month, is this chart in the bank, where the bank won't go along with it. One of the victims who testified said, "Had I seen that in the bank, that would have smarted me up; nothing else."

But I am very pleased to have been here. As I say, I learned something, and I am going to go back and tell seniors that there is hope. This home improvement bit—since I was a kid I knew the same thing. I could recite to you how they approach you. Still this goes on. I hope this program we are putting on out there is going to bring out something on all levels. State level for crime. We touched on youths attacking seniors. It kind of rubs me that you can't give the name of this animal because he is under 16. Does that burn me up. I want to know who that is if he is in my area. A person capable of doing crimes like that should have no protection at all, no more than any other criminal. I think you will recall, Mario, Walter Newberger. He was a great advocate and I hope to partially fill his shoes. I think it will take 10 people to do that.

Mr. Biaggi. I want to thank you, Ed, for your presence and I am glad that you have been asked to follow in Walter's footsteps. He was quite a man, but by the same token you come extremely well qualified.

Mr. Sarasin. I have no questions.

Mr. Blouin. No questions. Thank you very much.

Mr. Biaggi. The subcommittee stands in recess until next we meet. Thank you very much.

[Whereupon, at 1:35 p.m., Tuesday, January 13, 1976, the subcommittee was recessed, to reconvene at the call of the Chair.]

APPENDIX

[from New York Daily News, 1/13/76]

Two Are Seized In 400G Bilking Of Elderly Women

By MARTIN GOTTLIEB

A former Atlantic City police officer and his pal were arrested on the West Side early yesterday after detectives had identified them as the city's premier team of con artists. The police said the two men had bilked as many as 15 elderly East Side matrons of up to \$400,000 in the last year.

They were seized by the pick-pocket and confidence squad as they were allegedly attempting to set up a victim through a call from a pay telephone in the Hotel Euclid Hall, 85th St. and Broadway.

Spurred by a growing number of such incidents, Rep. Mario Biaggi (D-Bronx) acting chairman of the House Select Committee on the Aging, is holding a hearing today at 26 Federal Plaza on developing national legislation to combat criminals who prey on the elderly.

Sgt. John Murphy of the confidence squad, who will testify at today's hearing, said that his unit began watching the two men last week after a shaken 72-year-old widow, who lives in an opulent building on 68th St. off Fifth Ave., had told the police that she had been bilked of \$5,000. With photographs, the woman identified the two suspects as the bilkers, Murphy said.

The police identified the two as Fred Walker, 37, of Atlantic City, a cop there for 11 years before he retired on disability pay last Sept. 1, and George Walker, 50, of Los Angeles. The two men are not related, the police said.

According to Murphy, the two played what is known as "the bank examiner con game," which allegedly went this way:

George Walker would call a woman he believed to be wealthy and possibly a widow and would identify himself as a police lieutenant.

He would tell her that he was working with bank examiners and that bank employees were raiding savings accounts to play the stock and gold markets before returning the money at night and keeping the profits.

Said Sgt. Murphy: "They

would tell them that, aside from performing a public service in withdrawing money which could then be dusted for fingerprints, they would receive \$500 from the grateful banks. Of course, the women wouldn't tell any of the employees, because they saw them as the enemy."

Murphy said the squad was investigating one case in which a widow was bilked of \$300,000 in cash, negotiable securities, in much the same manner. None of the money in any of the cases has been recovered yet, detectives said.

[from New York Times, 1/13/76]

2 Held Here as Confidence Men; Victims' Loss Put at \$400,000

By ROBERT D. McFADDEN

Detectives seized two alleged confidence men here yesterday and said they were believed to have fleeced rich widows and other women who live alone of more than \$400,000 over the last six months in a low-risk, big-money swindle called "The Bank Examiner Game."

In this, con men posing as policemen working for the State Bank Examiner tell the victims by phone that their savings accounts and safe-deposit boxes are being looted by crooked bank clerks.

To help catch the culprits and get a reward, the victims are asked to withdraw cash and other valuables, ostensibly because they bear the crooked clerks' fingerprints. This "evidence"—which the victims are told is destined for the police laboratory—is then picked up

by a "detective," who furnishes a signed receipt and vanishes.

The suspects, Fred Walker, a 37-year-old former Atlantic City police officer, and George Walker, 50, of Los Angeles, no relation, were arrested by detectives of the pickpocket and confidence squad at noon in the lobby of the Euclid Hall Hotel, 2345 Broadway, near 86th Street.

The arresting officers said

Continued on Page 29, Column 7

CONFIDENCE GAME LAID TO TWO HERE

Continued From Page 1, Col. 5

the two suspects were placing a telephone call to a potential victim at the time. Both were charged with grand larceny and fraud, and Fred Walker was charged also with possession of a .25-caliber pistol.

A spokesman for the Atlantic City Police Department said Fred Walker had retired as a patrolman last Nov. 1 with a medical disability suffered in an auto accident. The spokesman said that Mr. Walker had been on leave for a number of months before his formal retirement.

According to Sgt. John Murphy, who made the arrests with Detectives Michael Rogan, Edward Coyne and Edward Berrigan, the larceny and fraud charges lodged against the suspects apply only to the bilking of a 72-year-old widow of \$5,000 last Wednesday.

She was said to have identified the suspects from pictures that the police had taken of them during a six-month investigation in which they were at times under surveillance. The detectives declined to say how the suspects had first come to their attention.

But they said that the same

confidence game had been used against at least 15 women here over the last six months and that victims' descriptions and other evidence indicated that the suspects in custody were responsible.

A \$300,000 Victim

In most cases, they said, victims lost sums of \$5,000 in cash. But an elderly widow, was said to have surrendered \$300,000 in money, jewels and stocks taken out of her savings and deposit boxes.

No money was recovered in the suspects' arrest, the police said.

The police withheld the identities of the victims, saying their investigation was continuing, but they described the con game in detail.

The Manhattan telephone directory supplies the names of victims living at fashionable addresses, they said. Because single women often list only their first initial and last name and because widows often list themselves as "Mrs." followed by their late husbands' names, such listing help con men select women who live alone.

The con man then calls, posing as a policeman with the Bank Examiner's office, and tells the tale about crooked clerks who take money from savings accounts to play the stock market, or who take diamonds or stock certificates from safe-deposit boxes and leave paste replicas and forget certificates in their place.

END