

**CRIME AND THE ELDERLY: NEW JERSEY**

**HEARING**

BEFORE THE

**SELECT COMMITTEE ON AGING  
HOUSE OF REPRESENTATIVES**

NINETY-SEVENTH CONGRESS

SECOND SESSION

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## CRIME AND THE ELDERLY: NEW JERSEY

FRIDAY, AUGUST 27, 1982

U. S. HOUSE OF REPRESENTATIVES,  
SELECT COMMITTEE ON AGING,  
*Englewood, N.J.*

The Committee met, pursuant to notice, at 9:37 a.m., at the Vincent K. Tibbs Senior Citizens Building, Englewood, N.J., Hon. Harold C. Hollenbeck (acting chairman of the committee) presiding.

Members present: Representatives Hollenbeck of New Jersey, Rinaldo of New Jersey, and Fenwick of New Jersey.

### STATEMENT OF CHAIRMAN HAROLD C. HOLLENBECK

Mr. HOLLENBECK. I will now convene the hearing.

This is an official field hearing of the House Select Committee on Aging, authorized by Chairman Pepper. With me today is my colleague, Millicent Fenwick. My colleague, Matthew Rinaldo, the minority leader on the full committee, is expected to appear shortly.

As we all know, the crime issue in general has been the focus of a great deal of attention in the media and in the Congress—and I know you will agree that's deservedly so. We called this hearing today to look at the problem and to highlight what is being done about it, and to examine the suggestions of people in the field of what can or ought to be done in the future.

Now, with these questions in mind, we have brought together a variety of officials from all levels of government and from the private sector, and each one of those has spent a great deal of time and energy and resources on the subject of crime and the elderly. I would like to thank each one of you who are here today for bringing your valuable contributions. I would also like to thank everyone who has come to attend this hearing today, those in this room, and I understand there are people upstairs viewing this on a monitor.

This being, of course, an official hearing, and time restraints as they are, we are unable to hear from as many people as we might like. However, I encourage each of you to maintain your active interest in this issue and to stay in touch with the committee in this regard.

I would also like to thank the city of Englewood and its senior citizens and the management of this facility for welcoming us here.

As I noted earlier, the purpose of the hearing is to provide our Select Committee on Aging with the information that we need for a thorough examination of the problem of crime and the elderly,

and the positive preventive steps which should be taken to minimize this problem.

Available statistics suggest that the elderly are the targets of crime less often than younger persons. In fact, according to the Bureau of Justice Statistics, persons age 65 or older are less likely to be victims of every category of crime except purse snatching and pickpocketing. However, the impact of crime on senior citizens is much, much greater. Physical injuries are slower to heal; the psychological stresses associated with crime are much greater; and economic losses are much more difficult to recoup.

As I am sure my colleagues will agree, although the belief that senior citizens are more often victims than their younger counterparts is a myth, the fear that grips many older Americans is very, very real. The result of this fear is that many older Americans are living under virtual "house arrest," afraid to leave their homes for fear of being mugged, robbed, or ripped off.

The elderly are a sizable segment of our population, on both the State and national levels; 1980 census data indicates that 11 percent, or more than 25 million Americans, are age 65 or older. In New Jersey, close to 12 percent, or almost 900,000 people, are age 65 or older.

Now, these figures may not seem large unless you put them in some sort of perspective. At the beginning of this century only 4 percent of Americans were 65 or older. By 1950, that number doubled. By the end of this century, almost 20 percent, or one-fifth, of the population will be over 65.

These statistics, coupled with the realization that the crime problem on the national level continues to worsen, suggests that the issue of crime and the elderly will become more and more a topic of discussion and concern. Obviously, we, as members of the Aging Committee, are concerned about the vulnerability of the elderly to crime. We believe that the Congress should do more to protect this country's older Americans, and one way to accomplish this is to provide you with the information you need to take precautions and safeguards that are necessary to combat crime. This we can begin to do today.

I will give myself unanimous consent to extend the rest of my remarks in the transcript.

[The prepared statement of Representative Harold C. Hollenbeck follows:]

PREPARED STATEMENT OF CONGRESSMAN HAROLD "CAP" HOLLENBECK

I am pleased that my New Jersey colleagues on the Select Committee on Aging, Ranking Minority Member Matthew Rinaldo and Congresswoman Millicent Fenwick could join me to convene this field hearing on "Crime and the Elderly."

The crime issue has been a focus of a great deal of attention in the media and in the Congress; and deservedly so. We have called this hearing today to take a look at the problem; to highlight what is being done about it; and to examine the suggestions of what can, or ought, to be done in the future.

With these questions in mind we have brought together today a variety of officials, from all levels of government and from the private sector, each of whom has spent a great deal of time, energy and resources on the subject of crime and the elderly. I would like to thank each one of you for bringing to the Committee your valuable contributions.

I would also like to thank everyone who has come today to attend this hearing. This being an official hearing of the Committee, and time restraints as they are, we

are unable to hear from as many people as we would like. However, I encourage each of you to continue your active interest in this issue, and to stay in touch with the Committee in this regard.

Finally, I would like to take this opportunity to thank the City of Englewood, and its senior citizens, for welcoming us to this facility.

As I noted earlier, the purpose of our hearing is to provide the Select Committee on Aging with the information we need for a thorough examination of the problem of crime and the elderly, and the positive preventive steps which should be taken to minimize this problem.

Available statistics suggest that the elderly are the targets of crime less often than younger persons. In fact, according to the Bureau of Justice Statistics, persons age 65 or older are less likely to be victims of every category of crime except purse snatching and pick-pocketing. However, the impact of crime on senior citizens is much greater. Physical injuries are slower to heal; the psychological stresses associated with crime much greater; and economic losses more difficult to recoup.

As I am sure my colleagues will agree, although the belief that senior citizens are more often victims than their younger counterparts is a myth, the fear that grips many older Americans is very real.

The result of this fear is that many older Americans are living under virtual "house arrest," afraid to leave their homes for fear of being mugged, robbed or ripped-off.

The elderly are a sizeable segment of our population, on both the state and national levels. 1980 census data indicates that 11 percent, or more than 25 million Americans, are age 65 or older. In New Jersey, close to 12 percent, or almost 900,000 people, are age 65 or older.

Those figures may not seem large, unless put in some sort of perspective. At the beginning of this century, only 4 percent of Americans were 65 or older. By 1950, that number doubled. In the year 2000, some estimate that senior citizens could make up almost 20 percent, or one-fifth, of the population in many areas of the country.

These statistics, coupled with the realization that the crime problem on the national level continues to worsen, suggest that the issue of crime and the elderly will become more and more a topic of discussion and concern.

Obviously, we, as members of the aging Committee, are concerned about the vulnerability of the elderly to crime. We believe that the Congress should do more to protect the country's older Americans, and one way to accomplish this is to provide you with the information you need to take the precautions and safeguards that are necessary to combat crime.

This we can begin to do today. The printed material available, as well as the testimony we will receive from experts in the field of crime prevention will, I am sure, provide you with valuable information that will help you to "take the bite out of crime."

Perhaps even more importantly, we as legislators can also begin to examine ways to institute legislative proposal at the federal level to ensure that senior citizens are given as much protection as possible against crime. The Aging Committee has addressed itself, in particular, to the serious problem of frauds and swindles against the elderly. Legislation has been introduced to help end mail fraud and insurance swindles. The Committee is also involved in an ongoing effort to examine and report on nursing home frauds, investment swindles, funeral schemes and phony land sales. Unfortunately, although such frauds against the elderly exact a devastating financial toll, the psychological cost incurred is often immeasurable.

Strong laws must also be enacted to fight more violent forms of crime. Legislation is now pending before the House Judiciary Committee which, if enacted, would be very helpful in preventing crime and in providing more adequately for victims of crime. These measures include H.R. 769, The Prevention, Identification and Treatment of Elder Abuse Act; and bill calling for the investigation of causes of elderly abuse and technical assistance to plan and implement programs to stop elderly abuse.

Another bill directed at the special needs of senior citizens is H.R. 2091. This proposal would require that states begin programs to provide police escort services for older residents of high crime areas. In addition, H.R. 4195 would authorize payment under Social Security for the installation of security devices in the homes of eligible beneficiaries.

Legislation is also awaiting consideration which would establish a national crime victims compensation program, providing victims of crime with financial aid for loss of earnings or injury caused by crime. H.R. 2284 also has a special provision to compensate elderly crime victims for major property loss.

Other legislation I supported will provide more than \$300-million in federal aid to states and localities for crime prevention programs. An important provision of this bill calls for a national study of elderly crime to ensure that more future federal dollars are directed to elderly crime prevention. The bill passed the House in February and is now awaiting consideration by the Senate.

The battle against crime is one that must be fought on many fronts. I am confident that, with our distinguished group of witnesses who represent the broad cross-section of professional concern for crime control—we will leave this hearing having made substantial progress:

Progress for the Committee in obtaining new data to assist in our legislative efforts; and progress for our citizens in obtaining valuable, practical information for crime prevention.



Congressman  
Harold "Cap"  
Hollenbeck's  
**Crime  
Prevention  
Guide for  
Senior  
Citizens**

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

Dear Friend:

I often talk with elderly residents who share concerns over crime problems in our communities. Nationwide, senior citizens have rated fear of crime as their number one concern. As a member of the Select Committee on Aging, I am working for legislation that responds to these serious concerns of our older citizens about crime and better orients the criminal justice system towards meeting the needs of crime victims.

I have prepared this "Crime Prevention Guide for Senior Citizens" with the hope that the information will make you, your family and your home more secure. Included are preventive tips to reduce the likelihood that you will become a victim of crime and some suggestions on what to do should the unfortunate occur and you do become the victim of any sort of crime. I have also provided a tear-off sheet listing some important phone numbers you will want to have readily available.

If you should have any questions or would like additional copies of this guide to share with friends, please do not hesitate to let me know. It is always a pleasure to hear from you and to know when I can be of service.

Sincerely,

Please Keep In Touch Through  
These Offices:

1550 Lemoine Avenue  
Fort Lee, New Jersey 07024  
(201) 947-6868

1526 Longworth House Office Building  
Washington, D.C. 20515  
(202) 225-5061

## PROTECTION . . .

### For your money

- If you are receiving any pension, Social Security or Veterans Administration checks, or any other types of regular payments, you should look into having them deposited directly into your bank. This will reduce the risk of having these checks stolen from your home or mailbox, and it will relieve you of the burden of depositing them each month.

- Avoid carrying large sums of money. If you must, keep it in a secure place. Never carry an open purse. Keep your wallet in a secure pocket—one that is difficult for pick-pockets to get to.

- When shopping, never flash large sums of money. Keep all money, checkbooks, and credit cards well-hidden. Never leave your wallet, purse or checkbook in a shopping cart.

- When walking, be alert, and avoid dark places, short-cuts, alleys, and sparsely-populated areas. At night, be sure to stay in well-lit, well-populated areas. Always try to travel with a friend.

- Try not to wait alone at a bus stop, particularly at night. If you are alone, walk to the next bus stop if other people are waiting there.

- NEVER carry a weapon. Chances are, any would-be mugger or robber will have one too, and your weapon would either be useless, or will be used against you. Remember, the attacker has the element of surprise.

- A better idea is to carry a whistle, bell or horn which you could use to call attention to your attacker.

### For your home

- Be sure all outside doors are of solid construction, have firm hinges, and have securely mounted deadbolts or rimlocks.

- A wide-angle lens "peephole" is easy to install in a door, and gives you the chance to see visitors before they see you.

- Sliding glass doors should always remain locked when not in use, particularly at night, and when you are away. Wedging a metal or wooden rod in the bottom track of the door will prevent entry if the lock is picked.

- Be sure that all windows have locks that are securely mounted in the frame. Particular concern should be given to those windows that are accessible from the ground. When not home, make sure all windows are locked. Secure sliding windows in the same manner as sliding doors.

## PROTECTION . . .

### For your property

- Prepare an inventory of all your property (i.e., furniture, appliances, clothing, jewelry, tools, etc.), including their description, purchase date, and estimated value.

- Many appliances (i.e., televisions, dishwashers, lawn mowers, etc.) have serial numbers. Make sure you note these numbers in your inventory. This will make the articles easier to identify if they should be stolen.

- Items of value should also have some type of marking which will make it easy for you to identify as your own. Furniture, appliances, tools and the like, can be marked in an obscure place with your social security number, driver's license number, or initials.

- Certain items (i.e., valuable jewelry, stocks, bonds, important papers, etc.) should be kept in a safe deposit box at your bank. If you need these articles at your home, consider buying a sturdy safe, which you could secure to a shelf or table.

### For your neighborhood

- Neighborhood protection should be a neighborhood project. You can't do it alone.

- Consider a neighborhood crime watch network. Your local police department will be happy to help you organize one.

- Arrange a meeting for you and your neighbors to get together, meet each other, and exchange names and phone numbers of all participants. Make it a point to try to become familiar with your neighbors' routines.

- Be suspicious. Report any unusual behavior to the police. Write down the descriptions of the persons involved and the license numbers of their vehicles.

- Find out if your police department has a crime prevention officer. If there is one, arrange regular neighborhood meetings with the crime prevention officer to find out about local crime trends, and what you can do about them.

- If your town does not have a crime prevention officer, look into it. Your police department will welcome citizens' concern.

(continued on reverse side)

## PROTECTION . . .

### For your car

- Always lock all doors.
- Keep all windows rolled up tight.
- Install tapered interior door lock buttons.
- Make note of your car's serial number, and engrave your own social security number, driver's license number, or initials on a hidden place in your car, as well as on any components in your car (i.e., car radio) to help identify them if they are stolen.
- Don't leave any valuables in sight.
- Don't hide spare keys, (they can be found!), and never leave your keys in the ignition.
- If your car breaks down, get it out of the path of traffic, and turn on your emergency flashers. If you have roadway flares, be sure to use them (particularly at night). If you are near a phone, use it. If not, sit in your locked car and wait for help. If someone stops to offer assistance, it is safer to ask them to get help.

• If you think you are being followed, don't drive home. Flash your lights, and sound your horn long enough to attract attention to yourself, and thus to your follower. Drive to a police station, fire station or other heavily trafficked area, sounding your horn and flashing your lights. Do not leave this area until you are sure your follower is gone.

### When traveling

- If you are away for an extended period of time, it is wise to notify the police and a trusted neighbor, and ask them to keep an eye on your home.
- Arrange to have the post office forward or hold all mail and packages until you return.
- Stop your newspaper deliveries.
- Arrange to have your lawn cut or walk shoveled.
- Use automatic timers to control the lights in your home.
- Make sure a trusted neighbor or relative knows where you will be going.
- Limit the amount of cash you take with you. Travelers checks are always safer.
- If you are traveling with valuables, make sure they are in a safe place. If you are in a hotel, you might want to ask if they have a safe.

## PROTECTION . . .

### Against Swindlers

- Anything that seems too good to be true probably is.
- When ordering through the mail, make sure there is a guarantee.
- Be wary of contests. You probably won't win.
- Always investigate before investing money or signing a contract.
- Be suspicious about extraordinary promises of big profits, or bargains no one else can match.
- Never discuss your personal finances or give cash to strangers.
- Avoid "last chance" or "today only" offers.
- Don't buy appliances from anybody but an authorized dealer. They could be stolen or defective.
- If you are a victim of a swindler, don't hesitate to report it to the police, Better Business Bureau or, if you are swindled through the mail, the Post Office.

• If you are attacked, DO NOT RESIST! Your property might be valuable, but your life is priceless. Give the robber what he wants. Be calm, attentive, and avoid provoking your assailant. Make mental notes of a description of the robber, which you should give to the police as soon as possible.

• If you are the victim of any sort of crime, no matter how small or trivial it may seem, report it to the police at once.

• Tell the police everything you know about the incident, and don't leave out any details. Sometimes the smallest detail can solve a crime.

• If you have been conned or swindled, be sure to report it to the police. If the crime involved a mail solicitation, or money you sent through the mail, notify the Post Office as well.

• Both Bergen County and the State of New Jersey have set up offices to protect consumer rip-offs. I have included their phone numbers in this guide.

• It is sometimes helpful to have legal assistance. Don't be afraid to call a lawyer for advice. If you don't think you can afford one, call the Bergen County Legal Aid Office. This phone number is also in this guide.

• **BE AWARE OF YOUR RIGHTS. TAKE ADVANTAGE OF THEM.**

Mr. HOLLENBECK. Mrs. Fenwick.

### STATEMENT OF REPRESENTATIVE MILLICENT FENWICK

Mrs. FENWICK. This is a very important hearing and I am glad that my good colleague, "Cap" Hollenbeck, has summoned this meeting and that all of you have come. As always, nobody knows the whole truth, but each one of us has some part to contribute. That was said by a Greek many, many years ago. My 2 cents worth I would like to bring to you now.

Yes, crime is terrible, and it is a frightful thing for the elderly because they are frail and they are victimized, curiously enough most often in the street, in public places, and in the daytime. The statistics will show that.

But I am familiar, on account of having been consumer director of this State, with another danger to which the elderly are particularly subject, and that is mail fraud and fraud of that kind. You have a lot of time in your home and you read in the paper that you can make money at home. You find that you are supposed to start off by sending in sometimes as much as \$100. Sometimes it's \$20. It is nothing but a come-on. You are supposed to mail out letters and be paid for this, but you have to buy the envelopes. Don't do it. If you are ever faced with the temptation to send money to one of these mail frauds, get in touch with the consumer director's office in Newark before you do, or the Better Business Bureau. We have a wonderful Better Business Bureau that I always worked with very well.

Another danger is the insurance scheme, which claims it will cover the gap between medicare and what you have to pay. Be very, very careful. Ask your State insurance commissioner before you sign up. Above all, don't sign. If you do sign, within 3 days if you have second thoughts, you still can get off the hook. But the best thing to do is not to sign because many of these are traps. The Consumer Protection Agency will help you, advise you, and so will the Better Business Bureau. Be very, very careful.

Now, that is my 2 cents worth. We are going to hear from important witnesses and certainly each one of you will have something to contribute.

Thank you very much, and thank you, "Cap."

Mr. HOLLENBECK. Thank you.

Our first witness is the attorney general of the State of New Jersey, Irwin Kimmelman.

### STATEMENT OF HON. IRWIN I. KIMMELMAN, ATTORNEY GENERAL, NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY

Mr. KIMMELMAN. Good morning, Congressman Hollenbeck and Congresswoman Fenwick. I am honored to be able to appear before the members of the House Select Committee on Aging and testify at this congressional hearing on crime and the elderly.

We, in State government, look upon our population of older adults not only as people who have contributed to our State, our government, and communities in previous years, but also those who will continue to contribute significantly to society. It is a truism that through the efforts of older people, their time and com-

mitment, especially during the days of their productive lives, that this State has progressed and hopefully will continue to progress with their help.

Older Americans should be looked upon as seniors, people with advanced knowledge and status, people whose roles, contributions, rights, and responsibilities need to be given particular attention. We can only inspire others to build upon their invaluable efforts by employing the benefits of their experience and knowledge, by offering older Americans the respect they deserve.

For these reasons, we—and I know I speak for Governor Kean—must critically examine the many issues that are important to senior citizens.

Society, and State government in particular, has a special responsibility to older Americans—a responsibility to inquire into and address the specific problems they experience as a result of crime and victimization. We also have a responsibility to examine the related issues of crime prevention, victim assistance, and abuse of the elderly.

We are concerned about the impact that crime has on the daily lives of our older citizens. This impact goes well beyond what is indicated by statistics on crime. Criminal victimization of the elderly has not been extensively researched or documented by statistics. What research is available seems to suggest that an elderly person's fear of being victimized by crime, particularly such crimes as murder and rape, is greater than what actual statistics on their victimization would warrant. In fact, it is a paradox that when viewed as a whole, crime statistics reflect that the elderly are less likely than other age groups to be victims of violent crime.

As Congressman Hollenbeck pointed out in his opening remarks, published statistics by the U.S. Bureau of Justice shows that the crime rate for persons of younger ages, such as below the age of 25, is much greater than the rate of crime for persons over the age of 65.

But, nevertheless, there are particular types of offenses for which senior citizens are especially vulnerable. For example, the elderly have the highest victimization rates for nonviolent crimes, such as pickpocketing, purse snatching, frauds, get rich schemes, swindling games, and vandalism.

But what is significant is that while the elderly are not necessarily victimized more than other age groups, crime affects them to a much greater degree. We in the law enforcement community of New Jersey recognize that in the case of the elderly it is not the number of crimes but the terrible and tragic impact that crime has on them that is significant. Crime simply causes much more fear among the elderly and has a far more deleterious impact on the quality of their lives.

There are specific reasons for this heightened impact on the elderly. One, criminals are well aware of the physical limitations of the elderly and are therefore likely to seek them out as easy victims. Two, older people are particularly vulnerable to fraud and confidence schemes, as Congresswoman Fenwick pointed out, and that is because of their fixed incomes. They have limited savings and they desire economic security in their remaining years. As Congresswoman Fenwick pointed out, we have an office of consum-

er affairs in the attorney general's office, located in Newark, and it is available for our senior citizens when they have any problem. They should not hesitate to call the office of consumer affairs for help. They will respond.

Three, older people are more likely to live alone and in high crime areas, where they are in close proximity to the criminal element. This has a chilling effect on their freedom of movement. Often they become prisoners in their own homes. They are afraid to venture out of doors, even afraid to report a crime to the police for fear of retaliation. Criminals play on these fears, which accounts for why so many senior citizens are often repeatedly victimized.

When crime strikes, the trauma is devastating for the elderly. They suffer greater physical injury, especially if they try to resist. Their injuries take longer to heal and often result in long-term or permanent disability.

Stolen or damaged articles, life savings, and property are not easily replaced, given the limited financial resources of the elderly. This is especially true for the elderly poor, who cannot afford to cover their losses, who cannot afford to install security devices, or move to a more secure environment.

Once they have been victimized by crime, the fear of being victimized again often becomes an obsession. The fear of crime upsets the day-to-day life of the elderly victim. It causes many to resort to extreme precautionary measures and negatively colors their outlook on the world.

The impact of crime on the elderly is of such great significance and concern that it warrants our serious attention now. In response, New Jersey has undertaken several important initiatives to address that problem.

Under the direction of my office, the law enforcement community in New Jersey has been effectively seeking to attack the overall problem of crime through vigorous crime prevention, detection, and prosecution, and will continue to pursue these goals. This is being undertaken with increased sensitivity and responsiveness toward the specialized problems faced by the elderly.

At my request, the Division of Criminal Justice recently established a statewide office on crime prevention to coordinate crime prevention activities throughout the State. A major focus of this office will be the enhancement of crime prevention programs which directly benefit the elderly. This includes special outreach efforts and programs such as neighborhood watches, home security checks, and educational programs concerning fraud, flimflam, and get-rich-quick schemes.

Through the division of criminal justice and the county prosecutors, we have also undertaken a statewide effort to provide services for crime victims and witnesses who come in contact with the criminal justice system. This program addresses the special problems which the elderly experience as a result of crime and victimization.

Toward this end, a program development guide for victim/witness services in county prosecutors' offices was developed and promulgated in the spring of this year by the Division of Criminal Justice, with my support and with the support of Governor Kean. The

program development guide sets forth the necessary services not only for victims and witnesses in general, but also for special target groups such as the elderly.

These services are intended to help the victim or the witness overcome the effects of crime, and to minimize the confusion, inconvenience, and anxiety associated with participation in the criminal justice process, such as appearances one or more times before the grand jury or before a trial. Services, in general, include information about the criminal justice process, notification of case status and disposition, crime prevention information, logistic services and referrals. Services specifically recommended for the elderly include transportation to court, escort services during court, a waiting area separate from defendants and defense witnesses, and support services during the entire court process.

In addition, the guide encourages a firm approach to instances of witness intimidation and harassment, and we encourage prosecutors to seek restitution in plea negotiations and sentencing, which is of special importance to our elderly citizens.

The availability of governmental compensation for violent crime victims is another significant response by this State to the impact of crime. New Jersey was one of the first States to take on this initiative, by establishing a Violent Crimes Compensation Board in 1971. Under the aegis of the Office of the Attorney General, this agency assists victims of violent crimes by providing financial compensation for medical expenses and loss of earnings incurred as a result of crime-related injuries. This is particularly important, obviously, for elderly violent crime victims.

In recognition of the financial strains caused by violent crime, recently enacted legislation in this State now allows for emergency awards to be made to crime victims while their applications for compensation are being processed. This directly benefits those elderly applicants who face undue hardships such as inability to purchase food or obtain medical treatment. Further, a special outreach and public awareness program was implemented by the Violent Crimes Compensation Board to insure that brochures and application forms are available to senior citizens.

The Violent Crimes Compensation Board has also recently established a special senior citizens unit to expedite their claims for compensation and provide special attention to their needs. Legislation which I support is currently pending which will eliminate the existing minimum loss requirement for elderly claimants seeking compensation. Presently victims must incur a minimum out-of-pocket loss of \$100 or 2 weeks of lost earnings. In the case of senior citizens, even a relatively minor loss may be extremely difficult to bear. If this legislation passes in our legislature, that will be a thing of the past hopefully.

Law enforcement in this State is becoming more aware of the problems and concerns of the elderly. Our basic training requirements for police officers have been redesigned with their special needs in mind. Training is now focused on the three crime categories to which older persons are most vulnerable—robbery, residential burglary, and fraud schemes. Police also receive specialized in-service training in crime investigation procedures, crime prevention activities, and communication skills. Such training helps to

make police aware of the problems which confront the elderly and respond more effectively to their needs.

New Jersey recently enacted a prevention of domestic violence law which is designed to provide a more effective response to incidents of domestic violence, including the abuse of the elderly at the hands of family members. This is becoming a problem which is no longer hidden. It can't be swept away. The occurrence of these intrafamily offenses tends to be underreported due to the embarrassment and fear, but nevertheless, elderly abuse in the home is now emerging as a societal concern.

At the present time there are several legislative initiatives pending in Congress which will help to lessen the impact of crime on the elderly. There is currently movement to create a Federal program of crime victim compensation. This would provide greater resources for compensating elderly victims.

The "Crime Victims Compensation Trust Fund Act", which is H.R. 6115, proposes to use funds generated by excise taxes on the sale of handguns to provide compensation. The "Victims of Crime Compensation Act of 1982", which is H.R. 6448, would create a Federal program of annual grants to the States to support compensation efforts. The National Association of Attorneys General, of which I am a member, supports these programs and the establishment of a Federal level crime victim compensation program.

The "Omnibus Victims Protection Act of 1982", which is Senate bill 2420, and the "Victim and Witness Protection and Assistance Act", H.R. 6447, and related sections of the "Violent Crime and Drug Enforcement Improvement Act of 1982"—all of which are currently pending in Congress—incorporate anticrime measures and criminal justice reforms which will benefit elderly citizens and all citizens alike. These measures include, for example, provisions for victim impact statements at the time of sentencing; provisions to protect victims and witnesses from intimidation and retaliatory threats; provisions for restitution, and guidelines for fair treatment of crime victims and witnesses.

The reforms which have been undertaken in this State, and the proposals which I mentioned that are pending in Congress, are only a few suggestions of what can be done to address the impact of crime on the elderly. I am sure there are others which merit consideration.

In closing, I want to reassure the members of this House Select Committee on Aging that Governor Kean and my office and the New Jersey law enforcement community will continue to work together with the various local, State, and Federal agencies to examine specific problems which the elderly experience and undertake and do what is necessary to lessen the impact of crime on the elderly.

I want to thank you for this opportunity of appearing before your committee.

Mr. HOLLENBECK. I want to thank you for a very thorough and precise presentation.

I have a couple of short questions to ask. You mentioned that you recently established a senior citizens unit of the Violent Crimes Compensation Board. I am wondering if that unit has had

the opportunity to function yet or approve any compensation awards for the elderly.

Mr. KIMMELMAN. It has, Congressman. One of the principal aspects of this particular program is to give compensation claims by senior citizens top priority before the other claims. We regard for present purposes of this commission anyone over 60 years of age as in this senior category. Approximately 10 percent of the claims received by the Victims Assistance Compensation Board are from people in this age group.

Since February and through June of this year—that's only a 5-month period—a total of 193 claims from senior citizens were processed, and something over \$200,000 was awarded to them. This program will continue.

The average award in the case of compensation is about \$1,500.

Mrs. FENWICK. If I may, Mr. Chairman, I think the \$100 limit and the 2-week period are too high. If you lose \$20 you're going to be in trouble when you're on a tight budget.

Mr. KIMMELMAN. I quite agree.

Mrs. FENWICK. I think that it ought to be a question of the crime and the loss, not some arbitrary limit.

I am horrified by this report of family abuse. In the assembly we studied child abuse and other aspects of child welfare, and I recommended that anybody can call up anonymously. People don't have to give their name and address and telephone number, and report what they think may be abuse of a child. This certainly ought to be true also of the elderly—

Mr. KIMMELMAN. It is.

Mrs. FENWICK. So that you won't get into that embarrassing business of having to give your name or report on a neighbor. But it means the social worker can simply look into the matter and see how things are and take steps, if necessary. Does that apply to the elderly, too, Mr. Attorney General?

Mr. KIMMELMAN. Yes, it does. Senator Wynona Lipman of the New Jersey Senate recently sponsored legislation in that regard, which was signed by Governor Kean, and it will go a long way toward exposing the abuse of the elderly in intrafamily situations.

Mrs. FENWICK. That's what I hoped. Thank you.

Mr. HOLLENBECK. Mr. Attorney General, we have seen a great deal of controversy lately over sentencing and sentencing procedures. Is it your opinion that senior citizens who are victimized by crime should have the opportunity to file a victim impact statement for use by the judge in sentencing determinations?

Mr. KIMMELMAN. Yes, and we are now emphasizing that program in New Jersey because it is extremely important for a judge, when he is faced with the responsibility of sentencing a defendant convicted of a crime, to be very aware and sensitive to the impact of that crime on the victim. So that we ask victims to fill out and supply the probation officer with an impact statement as to how this crime has affected them, physically and financially, as well as with respect to their family relations.

The impact statement is then included by the probation department as part of the presentence report and it is given to the judge. Judges, believe me, should be made aware of and be conscious of

this when they take into account the heavy responsibility of sentencing a defendant.

When this program becomes full swing, hopefully we will not see aberrations in the sentencing process that are now appearing in the newspapers.

Mrs. FENWICK. Are we encouraging restitution, Mr. Attorney General, because I think lots of people would rather get back that TV set.

Mr. KIMMELMAN. Yes, we are. We are also encouraging the judiciary to make use of the fine process, which is a part of the sentencing process. Sometimes it hurts a person more in the pocket-book than it does to spend 30 days or 60 days or whatever time it is in prison.

Mr. HOLLENBECK. I want to thank the Attorney General, if there are no further questions—

Audience Speaker. I have a question.

Mr. HOLLENBECK. I'm sorry. This is an official hearing of the Select Committee on Aging and the only questions that are permitted are from the panel of Members of Congress. If you have a question for the Attorney General, you may pose it to him on the way out or through the chair in writing and I will submit it to him. I'm sorry, I can't allow that under the rules of the House of Representatives.

I want to thank you, Mr. Attorney General. I know you're on a tight schedule.

Mr. KIMMELMAN. I enjoyed being here, Congressman.

Mr. HOLLENBECK. Thank you very much.

Mr. HOLLENBECK. Our next witness is Maryanne Desmond, who is the first assistant U.S. attorney for the district of New Jersey.

#### STATEMENT OF MARYANNE TRUMP DESMOND, FIRST ASSISTANT U.S. ATTORNEY FOR THE DISTRICT OF NEW JERSEY

Mrs. DESMOND. Good morning, Congressman Hollenbeck, Congresswoman Fenwick, ladies and gentlemen: It is a privilege to be here today to address you on a subject that is of deep concern to all caring people. It is, indeed, a privilege to be with you.

I will not take your time to attempt to convince you of the outrage that we in the Federal Government feel when crimes of violence are committed and particularly when they are committed against the aging. But I assure you, we are outraged. Rather, I will spend the time available to me to speak briefly about the problem, to highlight the efforts that are being made by the Federal Government, both in Washington and in this State, through the U.S. attorney's office and Federal law enforcement agencies, to alleviate the problem, and finally, I will attempt to suggest what the elderly can do if they are unfortunate enough to be victimized.

It is of small comfort to recognize what recent studies have shown and what Congressman Hollenbeck and Attorney General Kimmelman have referred to this morning, that those over 65 are less frequently the victims of murder, rape, assault, and auto theft than those under 65. The perception is that the elderly are more frequently the victims of such crimes, a perception in large measure created by the media which heavily publicize such crimes, par-

ticularly when they are committed against the elderly. The result, however, is the same—and that result is fear—a fear which paralyzes the elderly so much so that even if they themselves are not victimized their quality of life is severely impaired. Thus, many elderly are virtually imprisoned in their homes, afraid to go out at night, afraid to answer the doorbell, afraid to go to the food store. At a time in their lives when their lives should be tranquil, they live in fear.

The elderly are more frequently the victims of crimes such as purse snatching, pickpocket, strong-arm robbery, burglary, vandalism, and confidence games than are younger people. Indeed, between 1973 and 1980, elderly Americans were the victims of roughly 1.4 million personal or household larcenies, 748,000 residential burglaries, and 77,000 motor vehicle thefts per year. These crimes may not always involve physical violence, but again, the fear that they will is rampant. What they do involve is financial loss, and with so many of the elderly on fixed incomes, this loss is severe.

In recognition of the tremendous toll exacted by violent crime in terms of physical injury, financial well being, and emotional security, the administration in Washington, at its very inception, set the war against violent crime as one of its highest priorities. Even though violent crime is primarily a State and local responsibility, the administration condemned the apparent epidemic of crime and has taken several major steps to attempt to combat it. Permit me to refer to just two, both highly significant.

First, on April 10, 1981, Attorney General William French Smith appointed a task force on violent crime to determine what we at the Federal level could do in this area. The task force made 64 recommendations to the Attorney General, recommendations which, unlike the results of most studies, were not reviewed and set aside but, rather, are being promoted and have been successfully promoted with a vigor and intensity rarely seen.

Thus, the task force recognized that the efforts of the Federal law enforcement community to control crime would be substantially strengthened if we could secure enactment of urgently needed changes in our Federal criminal laws. In this regard, we have strongly endorsed the Violent Crime and Drug Enforcement Improvements Act of 1982 which has been introduced as S. 2572 and H.R. 6497. This proposal would permit judges to consider the danger that a person poses to the community in setting or denying bail; improve protections for and services to crime victims and witnesses; toughen criminal penalties for drug trafficking; enhance protection for high-level officials; reform our sentencing system to insure more uniform, determinate sentences; strengthen our criminal forfeiture laws; completely overhaul insanity defense procedures; facilitate donation of Federal property to State and local governments for prison construction; and make numerous miscellaneous improvements in Federal criminal laws. Enactment of this legislation, together with proposals for exclusionary rule and habeas corpus reform, would give us the tools that we need to begin to try to roll back rising crime rates.

In this connection, I should note the unequivocal commitment of Federal authorities to combat the drug trade and the toll that narcotics takes not only on the lives of the addicts but, more impor-

tantly, on the lives of innocent people, including the elderly, who are victimized by addicts to obtain the money necessary to purchase drugs. One study has shown that only 250 addicts were responsible for over 500,000 crimes committed in the city of Baltimore over an 11-year period. This is a startling statistic, one which brings home the magnitude of the problem we have committed ourselves to alleviate.

A second major program we in Federal law enforcement are committed to pursue, again on the recommendation of the Attorney General's task force, is the Law Enforcement Coordinating Committee. The U.S. attorney for each district has been mandated to form a committee in his or her district, comprised of high-ranking representatives of Federal law enforcement agencies and State and local prosecutors' offices. The U.S. attorney of New Jersey has thus far held three highly successful meetings, which included as participants the distinguished attorney general of the State of New Jersey, from whom you just heard, and his chief assistants, the head of the State Police, several county prosecutors, and the agents-in-charge of every Federal law enforcement agency in New Jersey.

The purpose of this committee is to enable the free exchange of information and ideas and the development of means by which each group's area of expertise is identified and ways found in which we can assist each other in the investigation and prosecution of all types of criminal activity.

The work, for example, that the U.S. Secret Service has done and is doing with reference to the theft and forging of government checks, more often than not those of the elderly, has received considerable attention in our meetings. Hopefully, the effect of the information we have received and the enormity of the problem that has been described to us—3,500 cases alone last year in New Jersey—will culminate in increased manpower assigned in this area and swift and certain prosecution of offenders.

Separate and apart from whether violence is used in the commission of these thefts, to many of the elderly the loss of that monthly check means rent cannot be paid and food cannot be bought. And here, too, the serious narcotics problem rears its head because all too often the thefts and forgeries of government checks are for the purpose of satisfying an addict's drug habit for yet another day.

What should the elderly do if they are unfortunate enough to be victims of crime? First, they should not attempt to resist, because the possibilities of injury increase dramatically if they do resist, especially given the increased vulnerabilities of the elderly.

Second, they should make noise by calling for help or carrying a whistle and blowing it repeatedly.

Third, they should never pursue their attackers.

Fourth, if one arrives home and suspects a stranger is inside, he or she should not go in.

Fifth, if an elderly person confronts a burglar in his home, he should not attempt to corner him. Most burglars will flee if they can. If the intruder is armed, one should sit down and obey instructions and should not resist.

In all instances, the police should be called as soon as possible. While this does not appear to be a startling or original suggestion,

more than half of all crimes go unreported. Commonsense tells us that the hands of the police are tied unless they know that a crime has been committed, and the criminal will remain free to repeat his crime.

We in the Federal Government are committed to attempt to combat the violent crime so pervasive in our society, and stand ready to assist the House Select Committee on Aging in any way possible.

Thank you.

Mr. HOLLENBECK. Thank you.

I want to note the arrival of our colleague, Matthew Rinaldo of Union County, who is the minority leader on the House Select Committee on Aging.

I have a rather broad question to ask you first. What do you believe is the greatest single deterrent to crime, or could be the greatest single deterrent to crime?

Mrs. DESMOND. I believe, and I believe the Attorney General's task force concluded, that swift and certain punishment is the greatest single deterrent to crime. In fact, this conclusion was the basis for many of the recommendations made by the task force.

Mr. HOLLENBECK. You mentioned, though, that one of the proposals of the violent crime bill pending before us now will allow judges to consider the danger that a person poses to the community in setting or denying bail.

Don't Federal judges have that consideration now?

Mrs. DESMOND. It seems hard to believe, that the only basis for denying bail at this point is a belief that the defendant will not appear at trial. That is the only ground at present. To say that a Federal judge is not permitted to explicitly consider the fact that the man or woman before him is a danger to the community is a fact that we find hard to believe but does exist.

With this change, Federal judges will be permitted to consider for the first time, at least explicitly for the first time, the danger that the defendant presents.

Mr. HOLLENBECK. Thank you.

Mrs. Fenwick?

Mrs. FENWICK. Is this the new bill that you referred to?

Mrs. DESMOND. Yes, it is, Congresswoman Fenwick.

Mrs. FENWICK. Have you any figures as to how many of the social security recipients, beneficiaries, have their checks directly deposited in the bank, which would save them so much hassle, and how many people who receive social security benefits have bank accounts and would be able to avail themselves of this safety? It would be a great protection—

Mrs. DESMOND. It would be an excellent recommendation. We stand ready to support this in any way that we can. Indeed, we do recommend to the elderly to permit this direct deposit right into their banks.

Certainly the statistic that I cited earlier of the 3500 minimum checks that were stolen last year, many of them from the elderly, that problem and that statistic would drop dramatically if this direct deposit system were to be used.

Mrs. FENWICK. Have you any figures on how many are doing it; that's what I wanted to ask.

Mrs. DESMOND. I have no figures. I can attempt to find them and provide them for the committee.

Mrs. FENWICK. I think that would be useful, if you could. Then we could see where maybe in certain areas people aren't doing it as much as in other areas. We have senior citizens centers all over and we should be discussing these things and advising on these things. That really will be helpful.

Thank you.

Mrs. DESMOND. I will provide that information.

Mr. HOLLENBECK. Mr. Rinaldo.

Mr. RINALDO. Thank you very much.

I had the opportunity, although I didn't hear all your testimony, to read it prior to coming. I noted that you stated in your testimony that those over 65 are less frequently the victims of murder, rape, assault, and auto theft than those under 65. Yet I took a look also at a 1977 study taken in New Jersey that showed that while senior citizens comprise only 15 percent of the total State population, they make up 18 percent of the crime victims when one includes in the overall crime picture burglaries, murders, muggings, and purse snatchings.

So these two statements—the statement you made and the 1977 study—seem to be in conflict. Could you elaborate on that point?

Mrs. DESMOND. Well, I am not aware of the study of which you speak. My figures are based on a 1980 study, so perhaps the situation has changed somewhat.

During 1973 to 1980, elderly Americans were the victims of approximately 168,000 violent crimes—murder, rape, assault—per year. These crimes occurred at a rate of 8 per 1,000 elderly people, about one-fifth of the rate against younger people. During that period of time, the elderly were subjected to two and one-quarter million personal or household larcenies, residential burglaries, and motor vehicle thefts annually. There appears to be a special threat to the elderly from economic crimes.

We have seen that there has been a decrease in the crimes of violence against the elderly, from 8.5 per thousand in 1973 to 6.9 per thousand in 1980, and burglaries have decreased from 55.1 per thousand to 48.3 per thousand. Otherwise, there have been few significant changes in crimes against the elderly. I would suggest that any disparity, Congressman, is because of perhaps the more recent figures I have had made available to me.

Mr. RINALDO. I am encouraged by the fact that you point out there has been a decrease, although it is certainly nowhere near enough. To what do you attribute the decrease? Are there any significant factors that you feel have contributed to that decrease?

Mrs. DESMOND. Oh, it is speculation, but I think the speculation is that perhaps there is increasing honor among criminals to leave the elderly alone. I tend not to believe that. But there is a difference between the two groups in occupation. There is a difference in lifestyle. There is a difference in exposure to threatening situations and patterns of property ownership.

The young seem to feel they are indestructible and the elderly realize what the young should have known, that no one is, in fact, indestructible. The elderly do not place themselves nearly as much into positions of vulnerability.

Why the decrease? I don't know. I can only hope that our law enforcement efforts are helping that decrease continue.

Mr. RINALDO. I have just one further question.

You went on to say in the same vein that the perception that the elderly are more frequently the victims of such crimes is a perception in large measure created by the media, which heavily publicizes such crimes, and the result is fear amongst our senior citizens.

What do you feel the media could do to alleviate these fears?

Mrs. DESMOND. Of course, that is a two-way street, a double-edge sword. We do want the publicity, on the one hand, so that people take precautions. The elderly should not feel that they can walk the streets at all hours of the night. So the publicity forms a useful function.

But, as a result of the publicity, there is the fear. I am not sure we can have it both ways.

Mr. RINALDO. Thank you.

Mr. HOLLENBECK. Thank you very much for your testimony and for your concise answers to our questions.

Mrs. DESMOND. Thank you.

Mr. HOLLENBECK. Before I call the next witness, I would ask Congressman Rinaldo if he has any opening remarks to add to the record.

#### STATEMENT OF REPRESENTATIVE MATTHEW J. RINALDO

Mr. RINALDO. I would like to just submit my opening remarks rather than read them, as I know everyone is anxious to hear the witnesses.

However, I would like to take this opportunity to commend my very able and distinguished colleague, Congressman Hollenbeck, who is chairing this hearing, for requesting this oversight and review and for giving Congresswoman Fenwick, myself, and the House Aging Committee the opportunity to get a closer look at the problem of crime and the elderly. Certainly, as everyone in this room recognizes, it is a real tragedy that so many older Americans today have to be subjected to the types of crimes that are being discussed and live in such a prevalent state of fear. Certainly we have to correct this.

Thank you.

[The prepared statement of Representative Rinaldo follows:]

#### PREPARED STATEMENT OF REPRESENTATIVE MATTHEW J. RINALDO

I would like to commend my colleague, Congressman Hollenbeck, who is chairing this hearing, for requesting this oversight and review and for giving the House Aging Committee the opportunity to get a closer look at the problem of crime and the elderly.

It is a tragedy that so many older Americans today live in fear. A recent Harris poll showed that the elderly consider crime to be their most serious personal problem—above health, lack of financial resources, or loneliness. And this fact was underscored last year by the White House Conference on Aging, which cited crime to be a major issue among seniors. The Conference approved over 20 recommendations to deal with criminal activity, including provision of funding to states for programs to assist victims, compensation for elderly crime victims, and the establishment of neighborhood volunteer programs.

Crimes perpetuated against the elderly range from violent crimes committed by juveniles, to domestic abuse, and an alarming increase in the number of seniors victimized by con schemes and frauds.

I want to stress that statistics cannot capture the impact of crime on the elderly. It can render them so fearful they literally change their lives. They become afraid to leave their homes, to go to the store or visit friends . . . even in the middle of the day.

A 1977 study in New Jersey showed that, while senior citizens comprise only 15 percent of the total state population, they make up 18 percent of crime victims, including burglaries, murders, muggings and purse snatchings. In fact, Tuesday's Star Ledger reported that violent crime in the state has increased 5 percent despite a decrease of 3 percent in the overall crime rate.

Mr. Chairman, I think this is an exceptionally timely hearing and I am confident the testimony we will receive this morning will help us in our work in Washington.

Thank you.

Mr. HOLLENBECK. We have heard from the Attorney General of the State and the first assistant U.S. attorney, who were speaking on behalf of law enforcement.

Our next witness is Gerome R. White, who is the deputy commissioner of the New Jersey Department of Community Affairs.

#### STATEMENT OF GEROME R. WHITE, JR., DEPUTY COMMISSIONER OF THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

Mr. WHITE. My name is Gerome R. White, Jr. I am deputy commissioner of the New Jersey Department of Community Affairs. On behalf of Governor Thomas H. Kean and Commissioner John P. Renna of the department of community affairs, I would like to thank the members of the committee for showing their deep concern for the problem of crime and the elderly by holding this hearing here today. It is my hope that the culmination of today's hearing will give you a new perspective on the criminal problems facing our elderly population.

I came to State government a little over 6 months ago. During this time, I have traveled widely throughout the State and met with many concerned elderly groups and governmental agencies for the elderly. From my short tenure, I have learned a great many facts about the multitude of problems of the elderly and uncovered some very disturbing realities desperately in need of governmental attention.

New Jersey has developed a wide-ranging and growing program to deal with the problems and needs of the elderly. This may be because this State has the second largest elderly population of the 50 States. We have a competent staff within our division on aging which coordinates a vast array of Federal, State, county and local projects and self-help programs as diverse as Meals on Wheels and the RSVP program—the Retired Senior Volunteer program.

The citizens of the State are committed to improving the quality of life for the majority of its elderly population. We have welcomed casino gambling to Atlantic City with the explicit understanding that a percentage of casino revenues be devoted to programs that will assist the elderly. We now have a rental assistance fund as well as low-cost pharmaceuticals for those elderly residents in need of assistance. In coming years, all projections show this fund increasing ever faster with more of it devoted to new and improved social services for the elderly.

From these two commitments, it is apparent that we, in New Jersey, are assisting the majority of the elderly to combat social problems which affect them directly, including crime. A recent survey by our State division on aging has shown that new techniques are being employed to combat crimes against the elderly. Crime protection, utilizing foot patrols and extra policemen, is clearly not enough.

Today, our most effective tool is crime prevention. One such experimental program was developed for a Middlesex County housing authority by the State law enforcement protection agency, commonly known as SLEPA. Titled the "Public Housing Security and Senior Citizen Target Hardening Project," this effective program focused on security improvements, including the installation of dead bolt and window locks, peep sights and closed circuit television monitoring. SLEPA has also undertaken a senior citizens' crime education program to show elderly residents what to beware of and how to effectively protect themselves.

Projects like this, I believe, are being undertaken at a much more rapid pace in this State and have been most effective in combating crime among a vast majority of our State's elderly population. But it is not this vast majority of the aged that I believe this committee should be addressing itself. While we will never concede that we are doing enough for the elderly, we feel that a segment of this group has for too long gone neglected and forgotten altogether. It has no voice because it has few advocates. This segment is that group of elderly citizens who are forced to live out the last years of their lives, because of poverty, in the boarding and rooming houses scattered throughout the State.

Three years ago, after a rash of fires which claimed the lives of over 60 residents of these homes, national attention was focused on New Jersey's shore communities where many of these homes are located. Many of you who serve on this committee today were here for those hearings of 3 years ago, which resulted in decisive legislative action to license and identify these homes statewide and to establish strict fire safety standards for all homes. I am happy to report to you that this department has been successful in closing the very worst of these fire traps and with the implementation of New Jersey's Boarding Home Life Safety Loan Improvement program later this fall, I feel we will have gone a long way toward preventing the fire tragedies of 3 years ago from ever happening again.

But after that rash of publicity, the boarding home problems seemed to slip out of the public eye once again. Little heed is being paid to them and only the vigilant efforts of a few dedicated States employees are witness to the atrocities that continue in some of these homes even today.

It has been said that an injustice does not become a crime unless someone speaks out against it. If this be so, then I state publicly that every day crimes of the severest nature are occurring in boarding homes in this State as well as across this country. I have seen photographs and videotapes of nine elderly residents of one of these facilities who were locked in a room no bigger than a closet, with no light, no ventilation, and with no sanitary facilities. Some of these people have been forced to live like this for over 3 years. I

have met with boarding home residents who attest to the theft of their meager personal needs allowance of \$44 a month by unscrupulous boarding home operators. Others have told me of social security fraud perpetrated by other operators who continue to be a representative payee for residents who have long since moved or passed away.

Many of the residents of these homes have medical ailments far beyond the capabilities of operators with little more than a primary school education. To handle or even understand, persons with diabetes are fed inadequate diets. Former elderly mental patients who need medication in order to stabilize their condition to allow them to function are regularly denied these drugs, causing them to be a danger to themselves, their fellow residents, and society in general.

These are the most heinous crimes committed against any segment of our population. People are terrorized in these homes regularly. In Newark, a woman was rushed from a boarding home to a hospital after suffering a severe beating at the hand of a convicted arsonist who worked as an operator of this home. As recently as May, in Emerson, in Bergen County, a 76-year-old incontinent woman was rushed to a hospital after being beaten by a 72-year old woman who was the owner of the facility.

The litany of crimes committed is endless. I have heard of suspicious deaths in some of these homes. Yet, to my knowledge, none have been investigated or prosecuted for homicides. In one home in East Orange, eight elderly former mental patients died just a few weeks after being moved to the facility. Later, our inspectors closed the facility and fined the owner after it was discovered that the residents were prevented from leaving their rooms at night because the doors were nailed shut.

Many of the residents are placed in these homes because they have no income except for their monthly social security check, and no one is willing to help them. I would say that all of us here today could probably depend on friends and families should we become ill or disabled. These people have no one, no family and no friends except for their fellow boarding home residents. There is no one to look after their interests. They are literally our Nation's most vulnerable citizens.

I believe that now is the time for the Government to become their advocate and to become their protector. I believe that law enforcement officials and local prosecutors should begin an active involvement in these homes to protect these citizens from crimes they have long been subject to.

We in the Department of Community Affairs will continue to actively identify and close the very worst of these facilities. We will be vigilant to insure that the residents of these homes are treated humanely and that the operators of these homes will no longer steal from their tenants what is rightfully not theirs. But we will need the full support of the public and the law enforcement community.

What I have told you in these few minutes I suspect is true not only in New Jersey but across the country. I would urge the members of this committee to relate to your colleagues in Washington what I have briefly described to you this morning. It is my sincere

hope that we in Government can take decisive steps to prevent these crimes from ever happening again.

Thank you for the opportunity of allowing me to speak before you. If you have any question, please feel free to ask them.

Mr. HOLLENBECK. I want to thank you, Mr. White.

Mrs. FENWICK.

Mrs. FENWICK. Mr. White, may I ask you, have you brought this to the attention of the attorney general of this State and to our law enforcement officials in this State?

Mr. WHITE. Yes, we have.

Mrs. FENWICK. The treatment of these people?

Mr. WHITE. That is correct.

Mrs. FENWICK. Have they been prosecuted?

Mr. WHITE. They are being prosecuted. I don't know what the status is of the past. As I say, I have only been here for 6 months. But any problems that we have come across go directly to the attorney general.

Mrs. FENWICK. Three years ago we had a hearing in Asbury Park, where 10 percent of the population have been released from mental hospitals. They have been released from our mental hospitals and put into the community on the theory that they would be happier in the community. Sixty-four of them were burned to death in totally inadequate boarding homes. One released from Graystone, a man 26 years old, on the theory he was no danger to himself or others, committed suicide within 5 days of release. We have one problem after another.

Would not these people who have no families be better off in some Graystone cottage? There's a fence there so they wouldn't be hurt. They wouldn't suffer as they do when they go into these boarding homes. In the community they are marked and made fun of. I don't think the system we have is working, and I would like to draw this to the attention of the people of this State. We had 22,000 people in our mental hospitals at a cost of some \$68 million a year. We now have something over 3,000 at a cost of \$168 million. It is not money that is short. It is concern. It is some common sense.

A friend of mine was killed at the Newark railroad station with a pair of scissors by a man who had just been let out, certified as no danger to himself or others, an elderly woman.

Mr. WHITE. Congresswoman, the word "happiness" is a very strange word. Many of these facilities that I have visited, the individuals get up in the morning, they are given their sedatives, they have their breakfast, they vegetate in front of a television set all day long. They don't go outside. They have their lunch. They vegetate again in front of the television. Then they get a major sedative so they will go through the night. If that is happiness, then I would prefer not to be around.

Mrs. FENWICK. One woman told us that she was so lucky because she had not taken her sedative that night, and she hadn't taken her hearing aid out. So she was the only person not burned to death.

Mr. WHITE. Right.

Mr. HOLLENBECK. Thank you, Mr. White.

Mr. WHITE. Thank you.

Mr. HOLLENBECK. Our next witness is a nationally known leader in this field. George Sunderland, Jr. is the senior coordinator of Criminal Justice Services for the American Association of Retired Persons. Mr. Sunderland.

**STATEMENT OF GEORGE B. SUNDERLAND, JR., SENIOR COORDINATOR, CRIMINAL JUSTICE SERVICES, AMERICAN ASSOCIATION OF RETIRED PERSONS**

Mr. SUNDERLAND. Thank you, Mr. Congressman, Congressman Rinaldo, Congresswoman Fenwick. I appreciate the opportunity to appear before your hearings here and offer a few observations.

In the interest of moving the hearings along, with your permission, sir, I would like to submit a written statement for your perusal later—

Mr. HOLLENBECK. Without objection.

Mr. SUNDERLAND [continuing]. And make some comments and have as much time as you ladies and gentlemen would want for questions.

For more than 45 years I have been involved in law enforcement and security, and for the past 11 years I have been fully engaged with the support of my staff in Washington, D.C. for the sole purpose of studying the criminal victimization of the older persons and what can be done about it.

We have a deep interest in this because, starting in 1969, our surveys of older people showed that crime had risen as No. 2 in the concerns of older persons, coming only after economic problems, such as income maintenance. Over the years, we have visited many locations. We travel extensively and deal with a great number of people in this field. I would like to concur with the testimony that has been given prior to my appearance here and reaffirm a few fundamentals.

Our age group is the most victimized by certain crime types and the least by others. To understand that, I want to emphasize that we must talk about crime types specifically and at specific locations. With that in mind, I will make some general statements.

We are fortunate in most locations to have a very low victimization in the most serious crimes of murder, rape, and aggravated assault. Now, there are exceptions to that, I recognize that. But in most jurisdictions, in most localities, that holds true.

A second thing we have determined in our studies is that even though we do have these low victimizations in these very serious crimes, most often they start as lesser crimes, very often as residential burglaries which escalate to robbery, rape, or murder, or to an older person who is stranded in a high crime area in a disabled vehicle. On the other hand, we have the most victimization by certain crimes such as swindling, pocketbook snatching, and those types of crimes.

Now, I would like to say, without getting too profound in this matter, that there are some reasons I can very briefly recount. Our natural life style tends to cause these victimization patterns. We do not tend to be out late at night alone, as a younger person, who may be a nurse or a waitress and is forced to be on the streets after an evening shift at 1 or 2 o'clock in the morning. We do not

tend to settle our arguments or disputes in violence, and we do not tend to pick up strangers, nor do we tend to hitchhike. All are activities that make other age groups more vulnerable to certain crime types.

The incidious part, however, is there is an imposed life style on our age group, and that is the fear to be abroad in our public parks or in our streets and expose ourselves to potential victimization. We are not at risk, and as I have said many times before, if you isolate yourself in a sterile chamber from all other humans, how can you be victimized? So often researchers overlook this incidious imposed life style upon our age group.

I would like to say in answer to a concern of Congresswoman Fenwick that my assistant, Mrs. Pierson, and another staff member, Mrs. Crowe, have spent the best part of the past year on the study of elderly abuse. I am not an expert on that subject and know very little about it, but we are now in the final stages of preparing a suggested model statute. It is a major problem, we recognize that problem, and we would be pleased to meet with you or any members of the committee, and particularly Mrs. Fenwick, to go over those items and work them to a final conclusion and possibly national implementation.

Relative to solutions, there is some good news. The kinds of crime that are committed with the greatest frequency against us are so opportunistic that they can be reduced and in some cases eliminated by prevention measures. It was discussed briefly here a few moments ago the theft of checks from the mail is a major problem with our population. Many of our people receive annuities and other checks through the mail on a regular basis. This can be completely eliminated by direct deposit.

Residential burglary is pervasive and it is the most frequently committed of the very serious crimes in this country today. And yet we know from experience—and you will hear from another person on this subject more fully—we know from experience that we have reduced residential burglary in some areas 35 percent, 50 percent, 60 percent, and in some cases 100 percent by community action programs. I am urging and suggesting that every community emphasize these police-oriented, police supervised community programs that have been so successful in reducing what we call opportunistic-type crimes.

For the remaining 5 percent I have but one solution—and that is the serious habitual offender—and that is apprehension, conviction and incarceration. Any person who has made a decision to make crime a career and become a professional criminal, to date we have few solutions other than isolation from the noncriminal population.

I would like to pause at this moment and, if there is any time left, respond to any questions that may be directed to me.

[The prepared statement of Mr. Sunderland follows:]

PREPARED STATEMENT OF GEORGE B. SUNDERLAND, JR., SENIOR COORDINATOR, CRIMINAL JUSTICE SERVICES PROGRAM DEPARTMENT, AMERICAN ASSOCIATION OF RETIRED PERSONS

VICTIMS—THE FORGOTTEN ELEMENT IN THE CRIMINAL JUSTICE SYSTEM

For too long the victim of crime has been forgotten in our judicial process. Anyone who follows the victim's path through this tortuous and directionless maze

is struck by the fact that the victim is almost an unwanted actor, non-essential to the plot being developed in the drama. In fact, in the vast majority of cases the victim is non-essential and goes unnoticed and unnotified. Cases are disposed of and the victim is unaware of what has happened.

During the early years of the development of our Criminal Justice System, "making the victim whole", consideration for the victim over the offender, a general compassion for the victim, and the relentless pursuit of the offender were paramount. I would not presume precisely to describe attitudes prevalent in the past century but, if daily journal reports are indicative, the press sympathized with the victims, urged the sheriff on to full pursuit of the offenders and lauded the courts for swift and sure punishment. Why the victim has fallen into obscurity today is subject to much conjecture but it is observable and often the center of comment. The Report of the President's Commission on Law Enforcement and the Administration of Justice noted, "One of the most neglected subjects in the study of crime is victims: the persons, households, and businesses that bear the brunt of crime in the United States."

Let us hope we are seeing the dawn of a new era during which the victim will become the principal actor, will receive the attention rightly due, be made whole by money or service, become the focus of compassion and concern and be restored the rights so long deprived.

For those of us whose employment has brought us into direct contact with many victims, the tragedy and torment is not describable. The printed word cannot convey to the fortunate non-victims the torment, tribulations and torture suffered by the victimized. We have overlooked the rights of the victims to walk their streets in peace and security. Within my personal experience, I have witnessed or listened to endless tales of fear, worry, and apprehension, all justified by the omnipresent spectre of a criminal attack. Fear of crossing the street to post a letter, fear of walking a few blocks to the grocery store, fear of crossing the park at night—all fears resulting from our callous disregard of the rights of the noncriminal citizen and what I view as our lack of will to deal effectively with the violent offender.

There never seems to be a lack of volunteers or organizations to assist and comfort the offender. A book of horrors could be written on the cases brought to my attention by the pleas of the innocent. For example, a criminal with a history of violent behavior tortured an elderly woman who was living in her twilight years in isolation. Failing to get money she did not have from her, he literally nailed her to a chair and burned her house down about her. He then proceeded to another location and raped a young girl so viciously as to leave her permanently invalided. After his apprehension and conviction, four law professors sprang forth voluntarily to his defense.

In another state, a good samaritan came to the rescue of a policewoman and, during the course of his efforts, was shot by the offender. The victim's medical bills climbed into the thousands of dollars. The utter irony was that there were no funds to pay for the victim's medical bills. These had to be raised by public subscription. Of course, any medical treatment for criminal offenders is paid for from taxpayers' dollars. Let us work to turn this around and accord the victim at least equal treatment and equal rights under the law.

Judges, on the whole, are fair, impartial, and compassionate. Unfortunately, they are exposed to but a small portion of the total picture. Most crime is not reported. Obviously, the criminal plies his trade with the compelling thought of not being caught and the criminal has the advantage. Of the crime that is reported, only a small percentage of arrests are made. Of the few caught, very few are tried—as few as 1 percent or 2 percent in urban jurisdictions. Most cases drop out of the system for varieties of reasons or are plea-bargained, leaving only a few to go to trial. So the victim is seldom seen, or needed, or even notified of what is happening. The judge must be made aware of the physiological, psychological, sociological, and economic impact of the crime on the victim. Most judges would take more seriously a simple purse snatch if they were made aware of the consequences to the elderly victim. In all processes, including plea bargaining, the victim should have an opportunity to be a part of the bargain, and not be left completely out of it.

In our early development restitution was fundamental to the settlement of a criminal complaint, but now it is almost totally forgotten. Volumes could be written on the reasons advanced as to why restitution is not possible in most cases. But fairness demands that restitution be made to the victim. It can be done, and must be done. After objections are overcome many will seize upon this as an opportunity to create a vast new bureaucracy supervising an unprofitable business. Such a development is not necessary. First if the offender has assets, the restitution can be a money award. Most offenders get off free by pleading poverty and by being judg-

ment proof. These should be made to make restitution by service. This can be done without the need of a burdening administration. A little ingenuity can devise the means. One example came to my attention while I was inspecting a sheriff's program on the West Coast. The sheriff, tiring of seeing nothing done to juvenile offenders until they escalated into very serious criminals, asked the judge to release convicted juveniles to his custody for work programs. The Judge did so and the sheriff assigned the juveniles to worthwhile public service, such as painting public beach property, cleaning up public parks, cutting timber pathways through forests, and other chores needed to entice resort vacationers. The sheriff told me he never had a juvenile return to the system and that many had thanked him for diverting them from minor criminal activities.

Too many "professionals" cite too many objections to restitution programs. Perhaps we should replace them with managers who have the initiative to develop innovations to overcome the obstacles without great investments of public funds.

Those whose daily routine brings them into contact with the Criminal Justice System overlook the complexities of what is, to them, a simple procedure. Court officials should take a look at the system through the eyes of the forgotten victim. For most victims, appearance at a trial is a new experience. They receive a formal notice to appear at a strange location and report to a particular office or court. All of this is a mystery. The first problem is transportation. Is there cheap and convenient public transportation? Often not. If the victim drives, there is no place to park. The victim goes through a wilderness of strange names to get to the proper court in the proper location. This bewildering process can go on almost indefinitely. The ultimate insult is to comply with the requirements and then be told, after a long wait, that the case has been postponed. This happens over and over again. All of it could be changed if we viewed the victim as a valued customer coming to our place of business.

There are many changes that can be made to make our system more responsive to society, to take the profit out of crime and to provide the victim and witness with the rights due.

Many have observed that the victim is twice victimized, once by the offender and again by the Criminal Justice System. I say the victim is thrice victimized, the third time by the tax collector.

So often our response to a problem is to throw money at it; the bigger the problem the larger the sum. And just as often, money is not the solution. We have been affluent enough in recent decades to prove that. Briefly, some suggested changes are noted for consideration:

We must face the fact at the outset that even with the best trained and most experienced police, prosecutors and judges, the performance of the Criminal Justice System is very poor.

In relation to total crime, few criminals are caught, fewer are convicted and only a minute number face consequences of any deterring degree. We cannot deal with the volume of crime being committed, so it seems reasonable we should sort out the crimes and criminals so as to have the maximum effect by selective prevention, deterrence, incapacitation, and rehabilitation. Our first and greatest priority should be against the serious, habitual offender and the criminal who commits stranger-to-stranger violence. These types must be removed from society so as to allow our non-criminal, productive citizens to go about their daily affairs in peace and security. Model management programs, such as the Integrated Criminal Apprehension Program and others, must be supported and extended until they become the norm and not the exception.

Fortunately, if such a word can be used to describe any criminal activity, most of the common and bothersome crimes are so opportunistic in nature that they can be reduced and even eliminated by community prevention programs. Perhaps as much as 90 to 95 percent of our most bothersome crimes fall within this category. They are nearly always committed by young males who can be deterred by well known techniques that reduce or remove the opportunity. These prevention programs are either low-cost or no-cost but they do need national leadership and national direction. As experience shows, we must be wary of emissaries bearing proposals for large sums of money lest these funds be diverted for political or other purposes not essential to the crime reduction process.

The juvenile justice system encourages crime. Most often we do nothing to discourage the juvenile offender until very serious crimes are committed and even then the action can be of a minor nature. Even for murder, the juvenile may not serve more than two years. All offenders, and especially the young offender, must be held accountable for their actions. For minor offenses, certainly community services programs should be of such a nature as to outweigh the pleasures and rewards

of committing crime. The juvenile who commits violent crime must be dealt with in a manner commensurate with the crime.

During our recent period of great affluence, we have spent vast sums of money pursuing the elusive causes of crime. We have not found the roots. Huge sums of money for additional searches are only another such assault upon the taxpayer. We should bend greater efforts to those actions that have proved successful. We have the experience now to do so.

We have also had the luxury of appropriating huge sums for rehabilitation. Such efforts have observably been failures. Leading penologists and researchers are now saying we do not know how to rehabilitate a criminal. Rehabilitation must come from within and it can only be achieved by the offender.

The extensive abuses in our judicial process are no secret. A casual review of available studies or a brief exposure to the court room drama will reveal this. We must limit continuances, motions, and appeals to bring the process back into balance. We are well aware that continuances are used to grind down the victims, witnesses, and prosecutors. Often motions are made to harry and harass, and to obstruct justice. It is a common court house saying that the trial of a guilty offender is a means of laying the groundwork for successful appeals. A former state attorney general, after twelve years in office, stated that 90 percent to 95 percent of the cases he lost on appeal had nothing to do with guilt or innocence but were matters of procedure. We are truly more interested in the medium than the message. Polls clearly show the public is becoming increasingly disenchanted with the ponderous processes and diversions that have crept into the court proceedings. We should strive to restore confidence or risk the very destruction of our instrument for the maintenance of order.

Polls over the past decade have clearly emphasized the high level of concern held by the public over this debilitating problem. Crime has caused "fright flight" from our urban centers, has severely limited the mobility of our city dwellers, has drastically changed the daily routine of our citizens and has eroded the tax base causing a blight upon our cities. Even worse is the debilitating effects upon our nation as a competitor in the world market place. Crime in the United States today diverts more than a trillion dollars from legitimate channels. The effects upon our economy cannot be realized or fully grasped. Our underground economy is now estimated to be larger than the gross national product of Canada. To such an extent, this drain reduces our competitive advantage with our foreign competitors.

Crime does pay. It is easy, profitable and today, it involves very little risk. Every city has ample evidence that even the unskilled common street criminal can "earn" from \$40,000 to \$70,000 per year. A noncriminal would have to earn far more to net these amounts after taxes. Studies of habitual offenders disclose that habitual criminals may commit from 2 to 4 crimes a day, or 100 habitual criminals may likely commit between 50,000 to 100,000 crimes per year.

We must take the profit out of crime. We must hold criminals accountable for their actions. They must be made to do more to support themselves in prison and to make restitution to the victim. For too long the victim has been out in the cold.

Mr. HOLLENBECK. Yes, Mr. Sunderland. We are hearing today a recurring theme that I think that for too long the victim has been out in the cold, and clearly more must be done to insure that victims are protected under the law and, as you say, not victimized by our own criminal justice system.

Can changes be legislated in order to insure that the system is more responsive, and is legislation now before the Congress, as the Attorney General outlined, which compensates victims financially for a loss of earnings or for an injury, necessarily a good idea?

Mr. SUNDERLAND. Yes, I think so. I would like to first quote from my prepared testimony, where I state that the report of the President's Commission on Law Enforcement and the Administration of Justice, which was issued about 12 or 13 years ago, "One of the most neglected subjects in the study of crime is victims: the persons, households, and businesses that bear the brunt of crime in the United States."

In response to the specific question, let me say that I have testified in the past before the Attorney General's task force, I have tes-

tified on the Senate side before the committee chaired by Senator Heinz of Pennsylvania, and in all cases I have recommended that there be impact statements so that the court does know the impact upon the victim. The court does not see the victims. Few people are arrested, and very few are brought to trial.

Example. At high noon in Washington, D.C., an older lady who was working, productive, and supporting herself, was knocked down in a purse snatch. She is now disabled, she has now lost her job, and she is now living with her children. And what happened to the hoodlum? Fortunately he was apprehended. He was given a suspended sentence and a \$300 fine. Well, that is one afternoon's work, one burglary. He can make that up in one burglary. That's no punishment.

So I say we must strive toward restitution to the victim. I think the victim should be brought in. This lady didn't even know what happened. It was a plea bargained case. She had to force the knowledge from the courts as to what happened to her offender. I think the victim should have the opportunity and have some decision in this bargaining. The bargaining is one-sided.

I hope that I have answered your question, Mr. Congressman.

Mr. HOLLENBECK. Yes, you have.

Mrs. Fenwick.

Mrs. FENWICK. I believe that the law provides that the jury can't hear the record of 50 or 100 previous arrests or convictions because it might influence the jury in deciding the guilt in the case that is presently before them. I believe that is the law.

Mr. SUNDERLAND. Yes, ma'am.

Mrs. FENWICK. Would it be possible for the judge alone to know the previous record, so that in sentencing he would be taking that into account? I think that recommendations from the U.S. attorney that the person would be a danger to the community should be taken into account by the law. It would seem to me that that would be the only way we could do it.

Do you know of any such provision?

Mr. SUNDERLAND. Certainly I think the sentencing judge should be provided with the criminal history of the convicted offender and should certainly give that more consideration than happens in some of our courts and in some places in our country today.

Mrs. FENWICK. That would be within the law?

Mr. SUNDERLAND. Yes, ma'am.

Mrs. FENWICK. Whereas giving it to the jury is not in the law.

Mr. SUNDERLAND. No, ma'am, you can't do that.

Mrs. FENWICK. Thank you.

Mr. HOLLENBECK. Congressman Rinaldo.

Mr. RINALDO. Thank you very much.

You point out very properly that there never seems to be a lack of volunteers, organizations, attorneys or anyone else, to aid and comfort the offender and the criminal, and I have to agree with you completely. One of the jobs that I think is incumbent upon us to do is to turn the whole thing around so that the victim at the very least gets equal treatment and equal rights under the law, because right now the victim, as you very properly put it, is not receiving equal rights.

On the other hand, you also point out that the victim should have an opportunity to be a part of the plea bargain. We just mentioned a plea bargaining case. How would you do this? Do you think legislation is needed in order to accomplish that end? Second, you speak about restitution or money award to the victim by the offender. Right now most offenders, as you point out, get off free by pleading poverty. They are judgment proof. They don't have any assets. But they could also make restitution, as you state in your testimony, by service.

Now, does this require legislation in your opinion?

Mr. SUNDERLAND. Most of the things that I am recommending in my testimony can be done administratively. But it seems that sometimes we have to put force behind it with legislation. I think that depends upon the locality and the situation.

I am not accusing the officials of the court, whether it be prosecutors or judges, of any neglect. Prosecutors are so overburdened that very often they must be very selective about the cases that they try. As a matter of fact, Senator Biden said in testimony a few months ago that 60 percent of the cases brought to the Federal prosecutors have to be rejected. When I talk with the U.S. Army, they tell me that perhaps 90 percent of their cases are rejected.

But most of these things can be done administratively, and whenever we suggest these changes, there are more people who come forth and tell you why they can't be done. I think they should be replaced with managers, business managers, who can tell you how it can be done.

As an example, I met with a sheriff in Oregon. He was having a problem, as many police officers have, with the same juveniles getting into the same trouble and nothing happening. He went to the juvenile court judge on his own and said, "Judge, in these cases that are not very serious cases, other than shootings and stabbings, those are the ones that I think ought to go to jail. If it is that serious, they ought to go in prison. I don't think the misdemeanors should be released."

Those juveniles who commit the lesser crimes, instead of nothing being done and releasing them back into the community, the sheriff asked that they be assigned to him for a period of work that the judge would decide. These youngsters were then put about cleaning up the resort beaches, painting public buildings, cutting grass, under the sheriff's jurisdiction, no bureaucracy. This sheriff told me that he had not one single juvenile come back into the system.

That is not harsh; that is not cruel; that is just the plain old family way of dealing with the youngster. I think there is a lot of testimony today in the national and local legislatures that juveniles who do commit serious crimes, knifings and shootings, they have got to be dealt with and held accountable. There are bills now before the national Congress that will do that, that juveniles must be held accountable if they're going to use knives and guns against other persons.

Mr. RINALDO. Unfortunately, the legislation you just mentioned applies only to Federal crimes. On the other hand, if my recollection is correct, we already have State laws which allow the judge to take into consideration the type of weapon used to commit the

crime. Certainly I would think that all of us would agree it's about time they did.

Mr. SUNDERLAND. Yes, I am aware of that. What I am saying is—and I am aware of the limitations of the Federal system—but I think the Federal Government historically leads the way and then lesser jurisdictions, State and local, very often will follow.

Mr. HOLLENBECK. Thank you, Mr. Sunderland.

Mr. SUNDERLAND. Thank you, sir.

Mr. HOLLENBECK. Testifying in concert with Mr. Sunderland is Mack Gray, who is the director of crime prevention, of the National Commission on Crime and Delinquency. Mr. Gray, if you will.

**STATEMENT OF B. M. GRAY II, DIRECTOR OF CRIME PREVENTION, NATIONAL COUNCIL ON CRIME AND DELINQUENCY; AND SECRETARIAT, CRIME PREVENTION COALITION**

Mr. GRAY. Thank you, Congressman.

I would like to submit my written testimony for the record and I would like to expand on these remarks.

Mr. HOLLENBECK. Without objection.

Mr. GRAY. I concur with the testimony that you have already heard concerning the fear of crime against the elderly and the facts of crime against the elderly, the losses, the situations contributing to that problem. The vulnerability factors affecting crime and the elderly are physical, psychological, environmental, and situational. All four of these can be positively altered with the development of crime prevention programs, as you have already heard very briefly. They reduce the incidence of and the harm caused by crime.

Individual actions taken by elders can help them avoid being victims of crime, and most importantly, decrease the amount of harm that occurs if they are the victim of crime, that is, reduce the amount of money stolen or reduce the level of personal injury.

Community action programs do that, plus much, much more. This is the area to which I direct my comments.

They help reduce the fear of crime that may exist. They help to develop a spirit of community, particularly in the inner city areas, where the elderly are victimized the most in terms of the percentage of their age group. That is the focus of my testimony.

I would like to talk about what the Federal Government is helping to do along those lines in partnership with State government, local law enforcement agencies, and perhaps most importantly, in a coalition with over 40 national membership organizations. It includes George Sunderland's American Association of Retired Persons, the National Council of Senior Citizens, the AFL-CIO, the Jaycees, the Urban League, the NAACP, almost all of the national organizations that have major constituencies.

Regardless of whether they agree on the varying philosophies of crime deterrence and punishment or corrections, all agree on the need for crime prevention. It is the one issue that they can gather around, and they have done so by joining the Crime Prevention Coalition.

The Nation's most visible program to catalyze citizen action in crime prevention is called the National Citizens' Crime Prevention

Campaign and features McGruff, the Crime Dog. It is jointly funded by the U.S. Department of Justice—the Office of Justice Assistance, Research and Statistics—and private contributions. I would like to emphasize that it is a joint public and private sector activity. It is not maintained simply with Government funding. It is conducted in cooperation with the Advertising Council, Inc., which also does the Federal Direct Deposit program, the National Council on Crime and Delinquency, and the Crime Prevention Coalition.

This 4-year-old program has three components. Before I get into those, I would like to mention some of the findings of the research that we conducted as we began planning the program.

We conducted "focus group interviews" in five cities across the country, and interviewed persons of all ages, economic levels, and a cross-section of races. The research showed that too many people accepted the fact that crime was going to occur and labeled it inevitable. We disagree with that. Crime is not inevitable. As Mr. Sunderland said, we know that residential burglary can be dramatically reduced; we know that street robberies can be dramatically reduced, and frauds can be dramatically reduced, as examples.

We found there was a lack of the true facts, that too many folks had an image of crime and criminal justice based on television—glamour shows, not necessarily news shows—and that they really didn't understand the police role in terms of the amount of time that police officers must spend in service activities and not simply apprehension activities. They really thought that more criminals were apprehended than is true, if you look at our national statistics.

In essence, we knew that there was a massive need for a technically accurate and catchy, motivating public education program. So the campaign was begun.

I emphasize the need for technically accurate information in a form that is acceptable, because when you are trying to disseminate information to the public, you are up against all kinds of other stimulus primarily from products for sale. So you must have an attention-getter.

This 4-year-old program has three components: public service advertising, which is, according to a recent Roper Survey, recognized by 52 percent of all Americans over 17. We have received about \$100 million worth of public service space and time donated to this campaign by the media.

We have printed materials. Several million have been distributed, and we have program development staff services.

I would like to move to the message of the medium, and then I would like to actually show you two of the television spots.

The program's message is very simple. It is that crime can only be reduced by the active involvement—and I underscore "active"—of citizens individually and collectively.

The two television spots that I will show you now were developed by the Advertising Council with the help of a volunteer advertising firm, Dancer, Fitzgerald, Sample, Inc., which also does Leggs and Toyota commercials. In case you don't recognize their name, it is a top talent agency. I advise you that these public service announce-

ments are based on case studies and are not made up. These are not fictional. The people that you see are real.

[Short TV film presentation.]

Mr. GRAY. A bit about those spots may be helpful. Mimi Marth, who was depicted in the second spot was 83 years old at the time it was filmed. She led a citizens' patrol for 3 years in Hartford, Conn. John Petross, featured in the first spot in Detroit last year, is 65 years old and was the victim of a crime worse than what was depicted in the spot. He was actually shot. His thumb was blown off and someone forced his door open and pointed a rifle at him.

He tried to leave his neighborhood out of fear. He wanted to get out. He wanted to escape. He found that he couldn't even sell his house because of the crime rate in his area. He got mad and he decided that he was going to stay and that the citizens of that community were going to take the streets back from the thugs. That's what they did. The results are documented. Major crimes are down by half. Property values have doubled according to the Real Estate Board. These figures were all checked out by the Ad Council prior to any airing.

I guess I would like to emphasize that people can make a difference and that they don't have to say crime is inevitable and not take action.

I would like to conclude by mentioning the publications which are available and which I have submitted for the record. The publications were prepared originally through the Department of Justice. They are distributed through the National Criminal Justice Reference Service free of charge to citizens. But more importantly than that, because there is an end to the money for printing, is the reprinting of our materials. This booklet on preventing crime against senior citizens was reprinted by the Commission on Aging in Philadelphia. We provided the camera-ready materials.

The Steelworkers Union just reprinted 100,000 to give to their retired members. Those are the kinds of actions that can occur because of leadership at the national level. The kinds of actions that were depicted in the spots were at the local level.

In closing, I would like to stress the need for citizens to work with their law enforcement agencies because it can reduce crime, it truly can.

Thank you, sir.

[The prepared statement of Mr. Gray follows:]

PREPARED STATEMENT OF B. M. GRAY, II, DIRECTOR OF CRIME PREVENTION, NATIONAL COUNCIL ON CRIME AND DELINQUENCY, SECRETARIAT, CRIME PREVENTION COALITION

My testimony today is presented in concert with that of Mr. George Sunderland, Senior Program Coordinator of the American Association of Retired Persons, a nationally known leader in the field of crime and the elderly.

The following information is commonly known to crime prevention and law enforcement executives who have studied or worked with the problem of crime and the elderly:

Crimes against the elderly (who make up about 10 percent of our population) are generally less than for the population as a whole; however,

The elderly suffer a proportionately higher victimization rate than the general population for strong-arm robbery, larceny with contact (purse snatching and pick pocketing) and fraud.

Older Americans suffer a residential burglary rate about half that of younger individuals, but it is a frequent crime to them in contrast to other Part I (FBI Index) crimes.

The fear level of the elderly is disproportionately high for their actual victimization as a whole, but those living in the inner cities accurately perceive their level of jeopardy.

When elders are victimized the harm from crime is often greater than when younger persons are victimized, i.e., the economic loss is harder to replace, the psychological trauma often results in negative behavior changes, physical injuries take longer to heal and are sometimes permanent in nature.

The vulnerability factors affecting crime and the elderly are physical, psychological, environmental and situational. All four of these can be positively altered through the development of crime prevention programs that reduce the incidence of and harm caused by crime. Individual actions taken by elders can help them avoid victimization and decrease the harm they suffer but community action programs accomplish that, plus more. They help reduce the fear of crime that may exist and help to develop a spirit of community—particularly in inter city areas where the elderly are victimized the most.

That, ladies and gentlemen, is the focus of my testimony today. Community crime prevention programs should be reviewed by this Committee because of their importance to the elderly.

The nation's most visible program to catalyze citizen action in crime prevention is the National Citizens' Crime Prevention Campaign featuring McGruff, the Crime Dog. It is jointly funded by the U.S. Department of Justice (Office of Justice Assistance, Research and Statistics) and private monies. It is conducted in cooperation with the Advertising Council, Inc., the National Council on Crime and Delinquency and the Crime Prevention Coalition (a joining of forces of over 40 national constituency agencies, 12 federal agencies and twenty-one states).

This 4-year old program has three components: (1) public service advertising (now recognized by 52 percent of adult Americans); (2) printed materials (over 1.3 million distributed by the National Criminal Justice Reference Service/600,000 sold by the Government Printing Office/thousands reprinted by private groups) and; (3) program development staff services.<sup>1</sup>

The program's message is that crime can only be reduced by the active involvement of citizens, both individually and collectively. Two of our television public service announcements featured elders and their contribution to crime decreases in their neighborhoods. (Television storyboards will be distributed at the hearing if the 16mm projector requested is not present.)

All of the eleven booklets we produced are useful to elders. One has been written specifically for senior citizens. A copy is attached. It deals with the crimes that most affect elders, provides advice in case they are the victim of a crime and presents several ideas for work as volunteers to help reduce crime and to assist law enforcement agencies.

This mass media public education program, which has obtained over \$100,000,000 worth of donated space and time from the nation's media, is deserving of your attention and support. It addresses many of the needs of the elderly regarding the prevention of, and response to, crime and is the type of public/private sector initiative that should show positive results for many years in the future.

Mr. HOLLENBECK. Thank you, Mr. Gray.

We have seen examples of McGruff, the Crime Dog, and I think we have heard them on the radio and seen them on television as well. We probably all agree that your public information program is, indeed, effective.

How much longer is that program going to be operational or, more specifically, what is the outlook for continued funding from both public and private sectors?

Mr. GRAY. Congressman, we have been working very hard to continue the program with the help of the OJARS staff and the Ad Council. We are forming the National Crime Prevention Council to

<sup>1</sup> Important reference materials for this issue include the recent Bulletin(s) of the Bureau of Justice Statistics, Law Enforcement and Older Persons by the American Association of Retired Persons (1980) and "Effective Responses to the Crime Problem of Older Americans" by the National Council of Senior Citizens (1982).

begin October 1 with one more phase of grant funding from the Department of Justice, through OJARS, as seed money to get that program going. We have a board of directors of committed individuals who have pledged over \$250,000 of private money already. We intend to see it be a long-term program. We intend to out-smokey Smokey.

Mr. HOLLENBECK. I note that there are many communities in Bergen County who are participating in the Crime Watch program. We are going to be hearing from officials from Bergen County in the second segment of this hearing.

What can be done, in your opinion, to help spread this program to other neighborhoods and other communities, in the counties?

Mr. GRAY. I think working through the State offices of crime prevention, such as the Attorney General mentioned, is most effective. Also, there are police chiefs associations and sheriffs associations that meet periodically and there are about 30 State level crime prevention officers associations that meet and have publications. I think as long as people communicate about effective programs, it will keep spreading.

There is no question about people's fear of crime and a desire to do something. They just want to know what they can get their hands on, what little peace they can effect.

Mr. HOLLENBECK. Thank you.

Congressman Rinaldo.

Mr. RINALDO. I want to compliment you on the program. It certainly is very effective and is a necessary adjunct to the programs of increased law enforcement and more detention, whenever appropriate. I think it is a good program and it is working. I appreciate your coming here today to tell us about it.

Mr. GRAY. Thank you, Congressman.

Mrs. FENWICK. I would like to applaud the use of citizens in those movies. I think the impact is enhanced even when the citizen does not want to be named. "This lady is 83 years old and has lived in this place for X years," or "this man was robbed and was planning to leave"—the details are convincing. By the way, I am going to be leaving now. I have an appointment down in New Brunswick with the Steelworkers Union, and I am going to compliment them on copying your brochure.

I wish I didn't have to go. This has been a wonderful hearing, Cap. I am sorry to leave you. I do think it has been very fruitful.

Thank you all.

Mr. HOLLENBECK. Thank you, Millicent. [Applause.]

I am going to declare a 5-minute recess until 11:20, at which time we will hear from the segment of local and county officials. Thank you.

[Whereupon, the committee was in recess.]

Mr. HOLLENBECK. If you will all be seated, we will continue the hearing.

Our next group of witnesses are all from the county and the agencies within the county. Our next witness is Richard Mola, who is currently the mayor of Elmwood Park, and is a member of the Bergen County Board of Freeholders.

#### STATEMENT OF RICHARD MOLA, BERGEN COUNTY BOARD OF CHOSEN FREEHOLDERS

Mr. MOLA. Thank you very much.

May I say that I address you this morning in a dual capacity, first as Bergen County Freeholder and liaison to the Bergen County Office on Aging, and second, I am also the mayor, as was stated, of the borough of Elmwood Park, a community of 19,000 residents with approximately 4,000 senior citizens. I have served as mayor for the past 11 years.

Obviously, by holding both offices, I have had the opportunity over the years to speak to our senior citizens about some of their concerns. Aside from financial worries, the problem they talk most about is better or more police protection and what happens to a criminal once he or she is caught. Their desire for more police presents a conflict to them. More police will cost more tax dollars, which they do not want, and yet, if they do not have more police protection, there is a fear of having their homes burglarized or being physically robbed and brutalized.

They also understand that a policeman cannot be at every corner or in front of every house. They indicate that yes, they want more policemen that are visible in their neighborhoods, but more importantly, they want punishments to fit the crime. They want to be assured that if a crime is committed and they testify against that criminal, they will not have to fear that the criminal will get only a short jail sentence or possibly no sentence at all. They are afraid of retribution by the convicted person.

Many senior citizens believe very strongly that criminals get away with too much and make it difficult for them, the senior citizen, to live without the fear of losing their life savings or, in fact, their life. The complex area of criminal justice and the inadequate prison space that almost forces the release of convicts annoys and angers them. It is their opinion that if someone commits a crime, he or she should be properly punished for that crime and not allowed to go back on the streets with just a slap on the hand and the idea that nothing will happen if they repeat that crime again.

These areas of police protection, less lenient sentences, and more prison space must be acted upon with firm and positive action. Your committee, I am sure, has the statistics of how crime is increasing and, accordingly, how crimes are increasingly terrifying the elderly.

As a freeholder, and as a past president of the Bergen County Republican Mayors Association, I have discussed the problem of crime and the elderly with many other mayors and public officials. I have asked what their respective communities are doing to combat this menace. The unanimous response has been that the police departments in all the towns have instituted speaking programs aimed at the senior citizens to inform them on what they can do for themselves to deter a criminal from attacking them and vandalizing their homes.

The programs include, but are not limited to, how to lock and safeguard their homes, advice on how to reduce purse-snatching, and what tricks a confidence person will use to get their bank savings or other life securities.

The response to these programs is enthusiastic, and the knowledge learned by the seniors is an effective deterrent. But, unfortunately, the programs do not reach the majority of senior citizens. Many of them are not joiners or are physically unable to get out to club functions or where these presentations are made. A greater effort must be made via radio, TV, and the press to educate the elderly on the techniques used by the criminals and the how, when, where, and why crimes are committed. If a greater emphasis is placed on this educational aspect, more senior citizens can learn how to reduce the possibility of a crime being committed against them. This will not only give them a greater sense of security, but it will also help reduce the crime rate by making it more difficult for crimes to be successfully executed.

As an educator by profession, I know the value of learning from the experience of others. Government and private enterprise must join hands in using the tool of public information to make the act of committing a crime more difficult and thus reducing the frequency with which crime occurs.

This approach is sensible and economically sound. I ask you to explore it and I thank you for allowing me to participate this morning.

Mr. HOLLENBECK. Thank you, Dick, for your informative statement.

As a freeholder, one of your responsibilities is for the county jails. We hear the argument made so often that we can't incarcerate convicted criminals because the jails aren't adequate, or where they are too crowded.

I wonder if you could comment on that insofar as Bergen County is concerned?

Mr. MOLA. Well, we have had tremendous improvement in the last 6 to 8 months. We have had a new sheriff come in and the Bergen County Board of Freeholders has allocated in their budget this year financial funds to employ—I believe it was 43 new officers at the jails. This we hope will allow—I wouldn't say a greater population to be housed, but it will allow greater security so that we would be able to keep people in the jail without running the risk of having a riot like we had I guess a year ago. So we are looking into this.

Again, it costs money. The freeholder board is not shirking that responsibility and are allocating money for this particular purpose. I believe everyone on the board feels that the best criminal code you can have only hinges on the fact that if you sentence someone there is a place for them to go and to stay and not be released early.

Mr. HOLLENBECK. Thank you.

Mr. Rinaldo.

Mr. RINALDO. I have no questions. I just want to thank you for your testimony.

Mr. MOLA. Thank you.

Mr. HOLLENBECK. Our next witness is a well-known figure in law enforcement, one of the best known in the East, if not the country, Chief Joseph Delaney, the chief of the Paramus Police Force. [Applause.] He is chairman of my own Commission on Crime.

**STATEMENT OF JOSEPH J. DELANEY, CHIEF OF POLICE, PARAMUS, N.J., AND CHAIRMAN, LAW ENFORCEMENT POLICY COMMISSION TO CONGRESSMAN HAROLD HOLLENBECK**

Chief DELANEY. Thank you, Congressman. Good morning, ladies and gentlemen, Congressman Rinaldo.

We have heard a lot here today, and I would submit to the committee the position paper that I have made. I would like to make comments to you directly.

I think when you hear about crime and the elderly, and we talk about just what we can do and not do, it appears that we all have at least the same solutions, do this and that, lock your doors, and what we are really saying, in effect, is that you can no longer be a human being in our society, that you must, in fact, lock yourselves in your homes, that you must go in pairs to shop for fear that you're going to be ripped off of whatever you have, by way of jewelry or your purse.

At a recent worldwide symposium held at Vienna, it was ascertained that in 25 years from today one out of every four people will be a senior citizen. That is a startling revelation, when you think that the people sitting at this table right here in that amount of time will be senior citizens. So we are an aging nation, rapidly approaching an aging nation.

Some other statistics that were interesting were that the elderly over 60, that 14 percent live with relatives, 81 percent live alone, and 5 percent are in nursing homes or boarding homes. To me, that tells me something else. What we have done, unfortunately, with the elderly people is almost, in fact, put them out to pasture. What we have said to our elderly is that OK, after you have given to us your children, everything that you could possibly give, we now have our own lifestyle and we now have our own commitments and we don't have the time for you. That's unfortunate.

What you have done for your country over these years, we have said to you thanks a lot, but no more. Why not use the very expertise that we have in dealing with the elderly. They are only old in years; they are not old in ideas or in their mind. We have to show them that we care for them, because we have, unfortunately, in our society shown a great deal of indifference to our elderly population.

If you look at other societies, other countries, you will find that we, the alleged mainstream of society, look upon those people in those other countries as wise. In the great Indian nations of the past the elderly were the people that were looked upon for guidance, for their wisdom. Why not in America? Why have we told our elderly "thanks a lot, but we're not going to give you any more."

The fear that we talk about, when we talk about violent versus nonviolent crimes against the elderly—and you have heard statistically that allegedly there are less crimes committed against the elderly, which may be a truism, unfortunately that is very little by way of solace to you, the elderly. Why, then, is this fear so prevalent in our society with the older person? Why? Very simply. Dick Mola touched on it, Jerry White touched on it, and the Attorney General touched on it.

We can do anything we want with numbers, by the way. The old saying is that figures can lie and liars can figure. We can do a lot with statistics. I think we should be very basic in how we approach this problem. But again, the fear comes out of what happens with the system, the criminal justice system itself. Why are you fearful? Mainly because you read where a 500-pound rapist can only serve 1 week in jail, after committing such an atrocity. Why does that happen? Why is it that somebody can go before a judge and say, "Hey, the air-conditioner doesn't work." He didn't give a damn about the air-conditioner when he committed his sexual violent act. Why is it difficult for him to walk to the bathroom? It didn't matter to him that he could perform the act with little or no difference to his victim and her breathing capacity.

So why is it that the system takes a look at the criminal and says, "Hey, criminal, we're going to take care of you, and the hell with the rest of the people in society." That, to me, is the igniter of the fear, not only in the elderly but in this society of ours. So we have to take a look at the system closely. There may be mitigating circumstances, but I don't see them in this case.

Why is it that somebody like Thomas Trantino can brutally and sadistically kill two people—forget that they're police officers; they are two human beings—and be released at this point pending probation or parole? Why is it that somebody can kill a young girl well on her way to becoming a beautiful model, murdered her, and in 6 years be released on parole? Why is that? What's wrong with the system?

So yes, we are here to talk about crime and the elderly, but it seems to me that we had better get back to basics. Just look at what we are doing to ourselves as a society.

The elderly are not brought into the mainstream of our society. Why not use their expertise. The very people we are bringing forth here to give testimony, they may have some expertise, but why not tap that wealth which you, the people who are at that point in your later years, who do have that wisdom, who can offer that wisdom, why not tap that wealth and why not bring you forward to give testimony. You tell us, because all we are looking at is figures on a piece of paper.

We do good at talking at; we do great at talking to; we do lousy at talking with. We must communicate with each other. We must communicate with you. We must look to you because you people can give us what we don't have—your years of experience.

I do not consider the elderly weak. They may be susceptible and vulnerable only for one reason, because we have shown them that with that love and tenderness that they once had while they were giving to us, that it is no longer there. So yes, they become susceptible, because they are lonely. It is easy for a con artist to win his way into the heart of an elderly person, because he gives to that elderly person love and affection, the things that they are so much wanting and they don't have. Let this society show that they care for their elderly. Let this society show that we know you have something to offer and not that we're going to put you out to pasture, not that we're going to put you in some fortress and forget about you. Personally, I think that we literally do care, but unfortunately, we have only given you lip-service. We must act as not

only a nation, but we must act in a very viable way to include you to become yet again part of the mainstream of our society. That, to me, is the essence of what this committee should really do, and that is why I would take this opportunity to use this forum to say to those of you who are elderly that you should not be put out to pasture and that we should use you, use your expertise.

We have already seen that there are people beyond certain years—Miss Fenwick is an ideal example. Those people should be used, and I personally do give a damn.

Thank you very much.

[The prepared statement of Chief Delaney follows:]

CRIME AND THE ELDERLY—A PROBLEM FOR THE 80'S

(By JOSEPH J. DELANEY, CHIEF OF POLICE, PARAMUS, N.J.)

At a recent United Nations' World Assembly on Aging, held in Vienna in early August, 1982, a startling fact was learned. It was ascertained by many experts that by the year 2025 one of every four people will be over 60 years of age. It appears that we are rapidly becoming an elderly nation. In the United States it was determined that 14 percent of the aging live with relatives, 81 percent live alone and the remaining 5 percent are in nursing homes or other institutions.

The most startling fact, aside from a nation that is growing older, is that 81 percent of the aging population live alone. This statistic in and of itself lends itself to what this seminar on the aging and their susceptibility to becoming victims is all about.

If we look closely at what crimes affect the elderly we will find that there are two categories that are very prevalent. The first, and probably that which gets the most media attention, is violent crimes committed upon the aging. Crimes such as mugging or chain snatching, or where crimes in which the elderly are beaten, in some cases unmercifully, for very little amount of money or valuables that they may have in their possession.

The second category is that which many in law enforcement call nonviolent. This area of non-violent crime against the elderly is more particularly pointed out in the area of fraud or "con artists." The "con artist" knows his business well. Aside from being very adept and very glib, he also realizes that the elderly are extremely vulnerable and especially in one area that he preys on.

This one area is that of loneliness and need of love or friendship. The elderly very often feel that they are left alone. When we say left alone we don't literally mean that they are put into an iron fortress and left alone by their loved ones. But we do find for the most part that once we have grown to a certain age that our children or loved ones have a great reluctance to be with us that often because of their own lifestyle and their own commitments, and that the elderly feel that they are no longer a viable part of our society.

If we look to other nations we would find that the elderly are looked upon as sages. People who do have, based upon their past experiences, very much to offer to those other societies. The great Indian nations of the past probably gave the best example of the elderly who counseled the many tribes we found throughout this great country.

Here in America crime has always been talked about, and unfortunately very little has been done to combat it. When we talk about the elderly we talk with great emotion. We find that we tug at the heart strings of America when we show an elderly person battered and beaten and his wallet, or her pocketbook stolen. What action, if any, have we really taken to combat crime, not only in the nation, but crime, in particular, against the elderly.

Just recently, within the last week, a man was accused, right here in Bergen County, and more particularly in Maywood, New Jersey, of bilking an elderly couple out of thousands of dollars. If you look closely at the allegation, it would appear that this individual perpetrated a fraud on an elderly couple regarding the paving of their driveway. In most instances we, the so-called sophisticated people in our society, check things twice and maybe three times, because, in fact, we are very skeptical of people. We are not trusting in any fashion at all. The elderly, however, as I mentioned earlier, are in need of friendship and love.

So that the "con-artist" knows that he can prey on these people by using just what they need the most—friendship, friendly talk and, if you will, friendly persuasion. The end result of all of this is that the "con-artist" has in effect not just conned the elderly couple, as in this case, but has literally won himself into the hearts of this elderly couple.

As a result of what he has done in by way of winning them over, he is now in a position to easily charge them 5, 10 or 20 times the amount of money that it would take to pave their driveway. He has literally stolen their money but in reality, he has stolen their heart. He has taken the one thing that the elderly look for, he has taken their pride, he has taken their emotions and he has played upon that which we all want so very much—communicating with each other.

The "con artist" is that, a very good communicator. He has, in the elderly, a willing ear and they will listen. Unfortunately when the listening is over their money is gone.

These particular "con artists" come in various forms, shapes and manners. They are not all alike. They are different in sex, they are different in age, they are different in race and religion. The one commonality that they all have is that they realize that the elderly are susceptible and vulnerable to friendship and to love. We have seen many forms of "con artists", particularly in the northeast, where elderly are bilked of hundreds of thousands of dollars.

We have seen elderly couples stripped of their life savings. We have also seen the elderly whereby the young glib, and very sharp, individuals have literally all but taken the roof from over the heads of these elderly people. All because of one common thread that runs through this unscrupulous act of dwelling on one's emotions.

When we talk about violence, the elderly become easy targets. No different than in any other culture. When the elderly are in a position not to fight back, or if they choose not to fight back, they become the weak ones. They become the ones that are easy to hit or to strike out at and to get from them whatever they have by way of valuables.

If we look closely the crime statistics throughout America, and more particularly, dealing with the elderly, we will find that the acts of violence that are committed are many in nature. The violence that the elderly suffer are long lasting. They have endured a lifetime of trials and tribulations just in the mere growing in our society.

The elderly have also seen that after whatever they had to do for their loved ones and giving whatever they had to give for their country, they find themselves in a very precarious position. They are left for the most part to gather at senior citizen centers, play bingo, take trips to Atlantic City where they may squander whatever money they do have for that particular day, or they only talk with each other. We must, as an American society, first recognize that the elderly and the senior citizen of our country are yet something else than just people who have grown old and placed in out-of-the-way areas. We must make them a very strong and viable part of our society. They may be part of the problem regarding crime in America, but they should become part of the solution.

The only way to make them part of the solution is to once again, as in the past, bring them back into the mainstream of society. Make them aware of the problems that we have in America. Make them part of solving these problems that we have in America. We must call upon our senior citizens to help us in the many social ills that we are faced with in today's society. We must show them that we care for them. We must allow them to realize that we know they have something to contribute to this great country of ours. So that when we talk about Crime and the Elderly we must realize on one hand that although they are very susceptible and very vulnerable to the criminal element, that they are also a very strong part of our society.

Unfortunately, it is a sad commentary in America today to have to give tips to the elderly on how not to become a victim. It is unfortunate that we must tell them not to wear their jewelry in public. It is horrendous to tell them they must shop in pairs, either with peers or with younger people who can assist them. It is also very sad to have to tell them that their home is not their home but that they should make it a fortress.

Why must we have to tell them to buy so many locks so that an intruder cannot gain entry to their house and steal their belongings. Elderly already have become prisoners of our society. And, yes, we must still tell them how to protect themselves. We must tell them that if they are home, and if they do go out, to leave a light lit. We must tell them that if they can afford it to buy a dog so that he can become a watchperson for the elderly. We must have certain things by way of guidelines for law enforcement in local communities to be in touch with the elderly who are residents of that community. We must set up hot-lines so that if that person is in trou-

ble they can immediately reach out for assistance and receive it immediately. We must have seminars for the elderly within each community so as to give them that intelligence that they need to combat crime.

The elderly are susceptible. They are vulnerable. They are, however, also very strong when banded together. You will find as you go throughout the northeast, and more particularly here in Bergen County, that the elderly are also very vocal. They speak out on social issues. They are concerned about what is going on in this society. They are extremely concerned about crime and how they perceive it to be as shown through the eyes of the media. They are also very frightened. We have led them to believe that they are preyed upon by every criminal element within our society. Although we have ascertained that they are susceptible and vulnerable, we must also ascertain just what it is that makes them an easy mark for a "con artist" or a ready victim for a mugger.

As stated earlier, I feel strongly that until the day comes that we make the elderly a very viable part of what happens in our society, and that includes making them part of the solutions to the problems we face that they will forever be vulnerable to the "con artist", they will forever be preyed upon by those who seek to commit crimes against the elderly.

This particular hearing that is being held today is a step in the right direction. If nothing else, at least awareness is a beginning in combating crime against the elderly. There must be much done in the area of taking concerted steps to help the elderly in combating the criminal element. If we are to believe the statistics that were related in Vienna at the United Nations' World Assembly on Aging, then we must also be ready to accept the fact that as we sit here today each and everyone of us will be an elderly citizen in no time at all. We too will be susceptible. We too will be vulnerable to that criminal element that preys upon that particular segment of our society that they view as weak.

I feel very confident that the senior citizen of today is not weak. He or she is a very strong-willed person, as witnessed by 81 percent of the population living alone. What we must do is bring back into our society the feeling that the elderly are not to be cast out but rather be brought back in. They should be made to be looked upon as the wise, as those who have learned by their experiences and can lend to us what we must use to combat, not only crime, but other social ills. The elderly are only old in years. They are not old in their minds or their ideas.

I would suggest to this committee that aside from the experts that you have brought forth today to give testimony, that you strongly look into the area of taking the elderly and using them to help you do the very thing you are trying to do today. Have them bring forth to you the ideas that they have, the feelings that they have, and the wisdom that they possess and can share with all of us.

There are many things that we can do by way of helping the elderly regarding crime in America. But if we only set down guidelines for them to follow that is what they will do, they will follow. Whether or not this will in fact stop crime against the elderly, I doubt very seriously. Whether or not the elderly will be able to take these guidelines and enforce them for themselves may be debatable. The main thrust of this hearing should be to once and for all face the fact that we, as a society, must once again recognize the elderly for what they really are—a very viable part of our great nation. They have a lot to offer. We must once again realize that as in the past that they are our elderly statesmen and statespeople. They are the ones from whom we can learn a great deal. In closing, I would say that probably the most impact regarding the elderly has to be in the area of communication. We must communicate to the elderly that we do care. We must communicate to the elderly that we will make them part of this great society. Yes, there are those who are like wounded birds that must be helped and nurtured back to health. But by and large the elderly, if they knew they had a place in our society, and knew that we could count upon them to give us what they have—their expertise—that they would not be so susceptible and so vulnerable to any criminal element. The old saying—the chain is only as strong as its weakest link—is a very apt one regarding crime and the elderly. If we were to strengthen that weak link and bring forth the very people that have set this country on its course, then they will, in conjunction with us, find the answers to the many problems that we are faced with, including crime against the elderly.

This paper is respectfully submitted by Chief Joseph J. Delaney, Paramus Police Department, Chairman of the Law Enforcement Policy Commission to Congressman Harold Hollenbeck, United States Congress, Washington, D.C.

Mr. HOLLENBECK. Thank you, Chief Delaney.

Chief, there were a couple of suggestions made earlier today and I wonder if you could comment on them. One was in the area of setting bail, and that was the court's consideration of the potential danger to the community. The other was in the area of sentencing, and I believe you heard the discussion on that and on allowing the victim to file a crime impact statement.

I wonder if you could address yourself to both those points.

Chief DELANEY. No question, Mr. Congressman. I think in the area of bail, aside from the fact that we have come full circle to the point where we say now the only need for bail is to guarantee the appearance of that particular criminal in court, I think it is ludicrous that when somebody commits such an atrocity, such a heinous crime, and a bail is placed on him or her, we know very well that that person is not going to be in court. In very many instances that is true.

I think that bail, no different than sentencing, should fit the nature of the crime. Forget whether he or she will appear in court, because I can cite case by case right now where the crimes have been of such an atrocity that they will not appear in court.

In the area of sentencing, I think the people should no longer be duped or fooled as to what sentencing is all about. When the judge says 25 to life, that may mean 6 years. That, to me, is being hoodwinked. When a judge says 10 to 20 and the person is out in 2, that means that the public is being fooled. Let the sentence be just what it is.

Yes, there is minimum mandatory in this State, but nowhere near what it should be. The laws in this State are very strict, very stringent. The meting out of justice, unfortunately, is very lenient. That is the area we have to be concerned about. If it means building more prisons, I understand that may be costly, but at what price? Should we now say that the person will be let loose? I think it is ridiculous in our society that we have to now let loose certain types of criminals because of overcrowding. There must be more prisons built. Money must be found somewhere.

If it were I, I would take the very element itself. Take drug trafficking in particular, in the area of smuggling, there is an individual who is about to be released from prison right now named Frank Lucas, who is a multibillion dollar drug dealer here in the United States, more particularly here on the East Coast. If the judge at the time he sentenced Frank Lucas said that "we are going to fine you \$1 million in addition to your 25 years, or you will get an additional 5 years," Frank Lucas would come up with it like that, because Frank Lucas has the money. Then take that money and dedicate it to certain areas, particularly in the area of rehabilitation, education, law enforcement, or the building of prisons. We can do that.

We, unfortunately, look at things in such a complex manner. We should be somewhat more simplistic. We don't have to be Einsteins to address this problem. Sentencing should be, as the woman from the Federal Government said, swift and just, and that sentence should equal the crime and don't kid us any more. Don't tell us it's going to be 25 years and the next thing he is walking the street in 6 years. That's ridiculous.

Mr. HOLLENBECK. When Congresswoman Fenwick was here, she expressed a very deep concern over the bilking of the elderly in fraudulent schemes. In your prepared testimony, which without objection will be submitted for the record, you made reference to an incident in Maywood, where an elderly couple was bilked out of some several thousand dollars.

I wonder what you can recommend to be done on the local level to prevent such crimes and also to assist victims such as the Maywood couple.

Chief DELANEY. In the case of the Maywood couple, it was a driveway scheme, and many people fall prey to this. They use a very inexpensive sealant and it cost them \$5,000. You could put in 20 driveways if you're going to use that type of sealant.

What I would suggest is again in the area of communicating with people, including the elderly, that they not be falling prey to that which the con artist has the most tools for—your loneliness, your need for friendship.

In the areas of communities—and I can only speak for Paramus—we are starting programs geared not just to the elderly but everybody in the town, particularly in the area of con-artistry. There are certain things that happen, even with the person who finds a pocketbook or a wallet and there is allegedly \$50,000 in it, and they say to that person who they're with, "Hey, if you show good faith and put up X-number of dollars, I will share the \$50,000 with you." Now, initially you may think that whoever the other person is, the elderly person, that they are looking to make some money. That's not the case because I have dealt in a number of those cases. What it means is—the key word here is "share". That person is going to share with you something. It just happens to be money in this particular case, and then they wind up taking your life savings because you are susceptible to friendship and caring.

But I would suggest that each and every community have programs of this nature, whereby they can show the people this is what happens at any given time regarding a con artist with driveways or finding money. Let's face it; people just don't find money and want to sit down along side of you and share \$50,000. It doesn't happen. What they are looking for is something else, and it's your money. But I would suggest that each community have those programs available all the time, not just piecemeal, but have it available all the time and then reach out and go to the people.

Mr. HOLLENBECK. Congressman Rinaldo?

Mr. RINALDO. Thank you very much.

Chief, I want to thank you for your testimony. It has been very enlightening.

We have had, for example, hearings in Washington on con schemes affecting the elderly, and there has been legislation introduced and we're hoping to get it moved this session, H.R. 3973, which we feel would get at the heart of the problem, at least where the scheme takes place through the mail. What it does give subpena power to the Inspector General in the Postal Service—something he lacks at the present time. Testimony at our hearings indicated this would be a valuable asset in the fight against some of the con games that are currently taking place.

I might point out to everyone here that I am the principal Republican sponsor of that and Congressman Hollenbeck is a sponsor. There are only 435 Members of the House, but we already have over 300 sponsors. So I think that is a good sign that that legislation is going to move and get enacted into law. It has already passed the Senate, I might add, so it only has to pass the House this year and it will go to the President. I think that is another step in doing exactly what you're talking about.

We are Federal representatives. What other legislation do you think is necessary at the Federal level? Do we need legislation for stronger penalties and greater minimum sentences? Certainly every member of this committee wants to get any con artist, anyone who bilks the elderly, in particular people who commit violent crimes against the elderly, into jail for as long as possible. I feel that a jail sentence is a strong deterrent, and I don't personally go along with the bleeding hearts who say that a jail sentence is not a deterrent. In my view it is.

Please comment as to whether or not additional Federal legislation is required.

Chief DELANEY. I think that is correct, Congressman. I think additional legislation is required, because the people of this society view what is happening at the criminal justice level to be totally inadequate. I think if law enforcement is to be honest and candid they will also say the very same thing. I think what we are talking about here is to show the people that we mean business. If somebody does commit that particular crime—and it doesn't have to be murder. I mean, murder is murder. When we talk about that and we talk about restitution, I have great difficulty with that. How can you pay back the life once it has been taken?

We talked about restitution here today, and Millicent Fenwick talked about it, that yes, the elderly couple would like to get back their TV. Well, if we took the elderly person's spouse and killed her, I don't think we could return her. So I think restitution, although applicable in certain crimes, should not be in the case of murder.

Further Federal legislation in the area of minimum sentences would be important. I think that is where the people really see that you, who represent us, give a damn, and that you will have stronger legislation on minimum sentences and show the people that we care enough to take that element off the street and not recycle him back to do again what they did before, commit crimes against the elderly.

Mr. RINALDO. I am sponsoring a bill right now for a minimum 5-year mandatory penalty, and that is 5 years in jail for anyone convicted of committing a felony with a gun. Do you feel that is adequate?

Chief DELANEY. I feel that is adequate as I see it now—

Mr. RINALDO. That is in addition to any other penalty.

Chief DELANEY. In addition to any penalty they receive for the crime committed, I think that is adequate now. I think what we have to do is—and I don't know if you can do it legislatively—is to impose upon judges that discretion in the area of parole. Although we may say there is a minimum sentence of 10 years, a judge can also add to that that you will not be eligible for parole for, let's

say, 9 years. I think that is where we really need some teeth put into sentencing, where the judges are told this guy or gal does not belong on the street so don't just arbitrarily say 10 years. Say that, in addition to the 10 years, you will not be eligible for parole until 9 years, and in my estimation, 10 years.

Mr. RINALDO. In the legislation introduced at the Federal level there is no parole until the sentence is completed.

Chief DELANEY. That's beautiful. You couldn't ask for anything more.

Mr. RINALDO. Just for the benefit of the people in this room who probably are unaware of it, the Chief mentioned putting elderly citizens out to pasture. I can say that while a lot more remains to be done, we can thank God that a lot has been done in the past few years.

You know, prior to 1974 there wasn't even a Select Committee on Aging. There was no committee in the Congress of the United States that people, elderly citizens, could come to. There were no hearings conducted such as this hearing here today anywhere in the country. There was no staff in Washington such as we now have. Since 1974, we have seen the growth of this committee to where it is probably one of the most sought after committees by Members of Congress to get on.

We have seen the establishment of senior citizens interns. Now many Congressional offices participate where senior citizens come to Washington and can serve in a Congressman's office. They have been exceedingly productive and helpful and by the benefit of their experience have done quite a bit in the office.

We have seen an increase in the section 202 elderly housing program, although, nowhere near what we need. I might say that it looks very good this year that we will even get rid of the mandatory retirement age. In the 1978 amendments the cap was moved up to 70. This year, along with Congressman Pepper, I introduced legislation to remove the age all together, and it looks exceptionally good and that we will get that bill through this year.

So while certainly we may all share your thoughts that a lot more has to be done to give our senior citizens the kind of life they deserve and are entitled to and have earned in this country, I want you to know that this committee is moving ahead and that is one of the reasons why Congressman Hollenbeck should be complimented for having this type of hearing today in his district.

Thank you.

Chief DELANEY. I think that is complimentary, Congressman. There is no question but that we are taking steps in the right direction. As I indicated in my paper to you, I think more has to be done.

I think another area that you should be aware of, that I think is extremely crucial, is the area—and this means money; everybody is looking to make money today. But if we have a problem and a solution, the symbol of it would be strictly the dollar sign. Unfortunately, the problem is money and the solution is money. But there are many areas where the senior citizens are susceptible, not just by way of being conned, but by way of being literally taken from their place of living.

What you are finding rapidly growing throughout the Northeast, and in Hackensack I know it exists, is unscrupulous landlords who literally do things to put elderly people in a position where they wind up losing their homes or they move out. They are literally put in fear, and the next thing you see is a condominium. That's big money, and as far as I'm concerned, if there is any legislation in that area, Congressman, lend yourself to that, because those people are being pushed out and big money is coming in. We have to attack that very strongly.

Mr. RINALDO. Thank you.

Chief DELANEY. Thank you very much for your patience.

Mr. HOLLENBECK. Our next witness is the director of public safety for the city of Englewood, Donald Rowan. His paper was prepared along with and in conjunction with the efforts of Lieutenant Walter Wyssenski.

**STATEMENT OF DONALD ROWAN, DIRECTOR OF PUBLIC SAFETY,  
CITY OF ENGLEWOOD, N.J.**

Mr. ROWAN. Thank you very much.

I would like to indicate that the primary police interaction as to senior citizens, it seems that the fear of crime is the overriding fear, not the actual crime itself. The fear is of sustaining injury during the course of a robbery and of losing hard-to-replace resources. The national crime statistics show that the elderly sustain injuries during the commission of crimes at a far lower rate than the population in general. But national crimes do not necessarily fit Englewood.

Specifically, in Englewood, we have a rather high incidence of robberies and purse snatchings. With 2.8 percent of the population of Bergen County, we have 14 percent of the robberies. However, in the past 12 months the victimization rate of the elderly is slightly below that of the general population. There are over 3,300, or 14 percent, of the residents of Englewood who are over 65, and they were victims of 13, or 12 percent of the robberies and purse snatchings. Since last October we have only had one incident, so statistics can be very misleading as to what is happening on the street on any given day. But all too often the fear of crime adversely affects the life of the elderly, in that they become prisoners in their own homes.

One of the major areas of concern—and Chief Delaney started to allude to it—is the crime perpetrated on the elderly in the area of fraud or bunco. This is an area that is not reported to police with the same frequency as a burglary or the theft of an automobile. The senior citizen is embarrassed. He is taken and he doesn't report it. Many times people lose thousands of dollars in various bunco schemes. It may be reported by a friend or a relative but it is rarely reported by the individual himself in the first instance. They are really ashamed of themselves, they should have known better, and they get caught.

One of the problems in police work is to get accurate statistics to see what the level of police effort should be. In this area some of the most common schemes are the pigeon drop or handkerchief switch. Chief Delaney explained this, in which a friendly person

comes up and offers to share. It's a very quick thing. When the individual looks back on it, they can't believe how they were taken. But it happens and it happens in Englewood, and it happens regularly.

Another is a dishonest teller. Here a person purports himself to be a bank examiner or a detective and he asks your support in arresting a dishonest teller. All you have to do is go to the bank and withdraw your money, put it in a particular envelope, let him count it for a moment and he will give it right back to you. There is no way you can get hurt. Except when he counts it, he switches the envelopes and again you end up with nothing.

The home repair inspector. This is something that is rarely reported. Here an individual drives by and he sees an elderly person in the yard. He stops and says, "Gee, I was just going by and I noticed this terrible problem in your chimney." He may come and ring your doorbell and say he is from the building department or he's a housing inspector or electrical inspector. He gets access and explains that you have a very dangerous condition, but you are very fortunate because he has the time or he has somebody that he can call to correct it right away before any major damage is done to you.

If he obtains money to buy the parts—sometimes he takes off and he's gone. You may wait a day or two and he doesn't come back. You may have been hit for a few hundred dollars. You're embarrassed and you don't report it. If he comes back, because he wants to charge you not only for parts but for labor, he will dab a little paint or a little plaster or cement around it. What happens, if he says you have a problem in your heating unit, he will dab some plaster on there, some oil on some parts, charges \$700, and you feel very good because that oil burner works perfectly. Well, it worked perfectly before. A lot of people don't realize they were ripped off. Those that talk to friends and relatives and realize they have been, they are too embarrassed to report it.

Any contact made by telephone or any door-to-door canvasser or through the mail which alludes to some of the very popular scams today is the working at home. The elderly always seem to be looking for a way to work for a dollar, and these get-rich-quick schemes of working at home, or to sell you health insurance, to close the gap between your medicare, your medicaid coverage, and various insurance policies that are completely worthless. Energy conservation, that's another big thing today. New health related cures, they have a new machine or a new pill or new something you can get through the mail, that alludes to doing a great number of things but it is just a ripoff. Any free gift offer, look at them very carefully. Basically, any get-rich-quick scheme you have to beware.

The recipient of any of these contacts should discuss the issue before they take any steps of spending money or entering into contracts with the Better Business Bureau on the county level or the consumer affairs department on a State level. If you feel there is any type of fraud involved, you should certainly call the police and request that a detective be assigned.

Some points in avoiding becoming a crime statistic—many of these are defensive points, but the crime is out there. Try not to travel alone. Avoid deserted areas. Carry valuables in an inside

pocket, not in your purse. If grabbed in a mugging or purse snatching, sit down. Don't get knocked down. Elderly people receive more damage in purse snatches by being swung around trying to hold on to their purse and they end up breaking their shoulders and their hips. If you are grabbed, let it go. Sit down. That is the best way not to get hurt.

Don't resist under any circumstances. All you should do is scream as loud as you can. That money is gone. There may be an arrest made, but you can guarantee the money will not be recovered. If any deal offered to you is too good to be true, it probably is, so avoid it.

You should closely check the credentials of any official or an individual alluding to the fact that he is a city or utility official. Check those credentials. Don't let him in if there is any doubt in your mind. Call his employer and have this verified. Lock up your house if you're leaving for a few minutes. And don't sign any contract from door to door or mail unless it is closely reviewed.

In conclusion, I would like to say that crime is not equally distributed nationally. In some areas, Englewood versus some of the towns around here, the amount of crime in some towns—our town in particular—is two or three times the amount of crime in an adjoining town. The amount of money spent on police work is two or three times the amount. In one town nearby they have 36 police employees. Englewood has maybe 7. So the cost to the community to pay for this amount of crime—and crime is committed by our local residents on our local residents. These are not outsiders. Most of the people arrested in Englewood are Englewood residents. We have a very high criminal residential population.

The amount of money spent in law enforcement is directly reflected in the amount of money that is raised in taxes. The primary source of revenue for any city is taxes. The problem of taking this double and triple expenditure for law enforcement is a great burden.

Our revenue sharing—and I raise this point in summation—is given entirely to the police. There is a lot of talk now of reducing revenue sharing. That will really hurt. The Englewood Police have been reduced 15 percent in the last year. The city agencies have been cut equally. But revenue sharing is a major thrust in our fight against crime.

Thank you.

Mr. HOLLENBECK. Thank you very much.

Mr. ROWAN. Thank you.

Mr. HOLLENBECK. Our next witness is Ronald Calissi, who is the Director of the Bergen County Police and Fire Academy in Mahwah.

**STATEMENT OF RONALD CALISSI, DIRECTOR, BERGEN COUNTY  
POLICE AND FIRE ACADEMY, MAHWAH, N.J.**

Mr. CALISSI. Thank you, Congressman Hollenbeck, Congressman Rinaldo, for inviting me here to your House Select Committee on Aging.

I have been involved in law enforcement and public safety education for the past 10 years with the New Jersey Attorney General's

Office, Division of Criminal Justice, the prosecutor's office and sheriff's office in this county, and as Director for the past 3 years of Public Safety Education in the Police and Fire Academy in Mahwah.

The preceding speakers are notable people and prominent people and went through the various tips and suggestions that are all very, very important and should be taken very seriously. All of these do's and don'ts are basically common sense.

I want to say—and this isn't for political reasons, believe me—that this is a terrific brochure. I had the opportunity to see it for the first time today. Anybody who doesn't read this would be foolish because it has practically—if you followed every rule in this brochure that Congressman Hollenbeck has printed here—and this just wouldn't apply to the elderly but to any age group—you would reduce drastically the chance of being ripped off or assaulted. This is the thrust of the training that we at the Bergen County Police and Fire Academy have embarked upon and are getting across to the police officers who are designated as crime prevention officers in any municipality.

If your town does not have a crime prevention officer, like a juvenile officer, whether it be full time or part time, you should encourage your mayor, council and police chief to have someone be responsible for that kind of work. That person would be able to communicate with you and explain the points that are basically in this brochure, so that you will protect your home, your person, and your material things, your car and money.

This is very, very important. As Chief Delaney mentioned, we have difficulty communicating. The reason for that is that we need your help. We need to know what you want. We can give it to you. We in public safety education can train police, the legislators can legislate all they want; but unless people understand what we're doing and what you need and what you want, it is not going to be effective. So your involvement is very, very necessary.

Now, with regard to the training programs and the crime prevention course that we have at the Academy, it is a one-week training program. Over 100 police officers of all different ranks have been trained in the past year in Bergen County as crime prevention officers. They are persons who will address your particular problem, will address you and speak to your group, senior citizens or whatever, PTA, and explain security surveys, neighborhood watch, and community action involvement programs. They will also speak to you when you become a victim. So it is very important that you reach out to this particular person.

We also are producing public service announcements on television. You might have seen some of them. We have a few that are geared toward the elderly. They are on national television and cable. These are free of charge because the networks are responsible to put on these public announcements. We produce these thanks to Congress and LEAA, which is the Law Enforcement Assistance Administration, providing funds to the State law enforcement planning agencies. We purchased \$100,000 worth of video equipment and we have production and post-production equipment. That is what we are doing in educating the public directly. This is our direct way of getting through and communicating with the

public, following these tips similar to what Mr. Gray had on TV with the "Take a Bite out of Crime". They are very, very important messages to be listened to and followed.

These public service announcements will be expanded. We will have dozens of them on tape throughout the country. We received this equipment in 1981 and we are vigorously pursuing having broadcast as many as possible. This will help.

We will be providing a crime prevention course for all age groups at the Academy, and within the municipalities with the assistance of the crime prevention officer assigned by the chief of police to answer questions on the local level and to help out.

We are very concerned, though—when I say "we", I know the Bergen County Police Chiefs Association, the Bergen County Freeholders, support tremendously the programs at the Academy. You should be very fortunate for that. We have a great deal of latitude given to us to create the necessary courses, like crime prevention. But we are very concerned about the sentencing that has been taking place, and I have to disagree with, I guess, Mr. Sunderland—the thrust of his speech I thought was very excellent—but I disagree when we don't take exception with regard to the judiciary.

I happen to be a lawyer, my father was the county prosecutor for 16 years and he was a judge and a great man. When I see these judges, with this 500 pound rapist, who—you know, as far as I'm concerned, it's 500 pounds just from eating and I don't feel sorry for him at all, and I hope he doesn't go to the emergency room of the Hackensack Hospital.

You know, this shows the weakness of these individuals. These men, the state legislators can legislate all they want, but the sentences are passed by the judges. In a sense, we have quasi-judges on the parole board, who reverse the judges, so to speak, by paroling somebody in less time than the weakling judge sentenced him to in the first place. So we have this revolving justice and it's a very serious problem. It has gotten so bad that the examples that the Chief gave are true examples.

Trantino, my father prosecuted that animal, who should have been killed with Falco in New York. You know, all these cases, we can go on and on, and we can mention the kinds of cases that are happening every day when you turn on the television set. Until some type of a process or procedure or public opinion in mass numbers gets on the judiciary and the parole system, we are going to continue to have this revolving door justice and you're going to let these animals out on the street who are going to rip you off and me and everyone else.

I'm not just talking about the elderly. I know this is toward the elderly. The elderly people are the weakest in the sense of physical, not in mental or spirit. You have the most experience and we should be listening to the senior citizens more than anyone. But they are the most vulnerable, and the animals that we speak about take the most advantage of you people.

Now, it has been proven in statistics that far less than 1 percent of the population commits more than 90 percent of the crimes. These people, whether we have a criminal justice statute for the repeaters, the career criminal type of statute, where after so many crimes, whatever they may be, burglary, purse snatching, car theft,

they reach a certain point and they get 25 years without parole. States have done that. Some of them have done it and taken it away because of some weaklings who turned around saying there wasn't enough money to keep them in jail. The point is it worked. It was a deterrent.

Just like the prevention programs are a deterrent, because you reduce the opportunity, whether it's an alarm system or a whistle that we talked about, or the neighborhood watch, people don't want to get caught. Or, if they do get caught, they don't want to go to jail for 25 years. So we have to get tough. Just like my father used to say—and I can't mention the term here. I will just say "glands". If you're not born with the glands and you end up on the judiciary, we have problems. What we have to do is make the legislation airtight so that in certain crimes the judge is there like a robot and he says "You get 25 years because that's all I can do. I'm sorry, there aren't going to be any mitigating circumstances."

What I am saying is, fix sentencing for certain crimes or after a certain number of crimes. This, I think, is where the thrust should be, because you don't change people, never. I don't care who it is. We know that. We change ourselves on our own type of program, whatever we want to do to improve ourselves. But if we have people like "Turn 'em loose, Bruce" or a judge who won't sentence a 500-pound guy who rapes somebody, you know, what are you going to do there? Are you going to impeach them or whatever? It is going to be a continuing thing. So let's take the discretion out of these people's hands, and the parole officer's, who most of the time are misinformed and don't really understand what the serious problem is, the ramifications of letting these people loose, because they do commit crimes again—Edgar Smith did it; he's in California again, another famous case in this county. I mean, this gets to be ridiculous. How many times do we have to learn the lesson? We know it, the public knows it, but yet people on the judiciary and the parole board, whether they know it or not, they are shirking their responsibility.

The legislators I think are doing a fine job. The statutes, as Chief Delaney pointed out, the laws are tough. But there is this parole system and there is the chance for the judge to give a more lenient sentence. So we have to take some of that away.

I want to mention another thing. Maybe some people will be offended by this, I don't know, but I speak in terms of facts. We teach the police officers, whether they be veteran cops or new police officers—we're talking about training 200 police officers a year—in every instance, no matter what the situation involves, you are to treat the suspect, the potential defendant, with courtesy, whether you stop him for a motor vehicle violation or whatever. You can still give him the ticket, you can still lock him up and file a complaint. There is one exception to that rule. That is when you are faced with deadly force.

Now, under the law, when a person is faced with deadly force, a police officer or anybody else, you can return deadly force. I'm going to tell you something. The police are going to do that in those situations.

I'm serious about this. You know, if you get bitten by a mad dog or a snake or something, you don't say we can get you rehabilitat-

ed. You do away with it. I mean, these aren't pets. These are animals, and the taxpayers of this county have provided us with \$400,000 and we built the best firing range in the United States at Mahwah, and we will have an intensive firearms training.

Now, we are not encouraging police officers to go out and shoot people, don't misunderstand what I'm saying. All I am saying is—and we're not looking for an opportunity to shoot anyone. We want to train the police officer to protect themselves and the innocent person. If someone pulls a gun, he doesn't have to say he's going to shoot. If the police officer is trained, that man or woman is going to get shot. That is what we will encourage because these animals are never going to be rehabilitated, no system has ever worked yet, no one ever gets rehabilitated in anything, whether it is outlaw, drugs, anything, overweight, unless they want it themselves. They don't want to be rehabilitated because they enjoy what they are doing, mugging you and everything else. So this is another area of our concentration.

You take the one case of the A&P robbery over there in Lodi, that woman who was sedated, a nurse, had just come off work at Hackensack Hospital. Her husband was dying of cancer and was involved in this robbery, you know, suffered very serious psychological effects from that incident. This is happening all the time. We could give thousands of examples here. These people have had, if you check, long records of attacking, ripping off senior citizens and all kinds of groups, until this other crime, this armed robbery with guns and machineguns and everything else. There has to be an end to all this, and if that is the ultimate end, that's what will be encouraged, believe me, because that is our responsibility and that is my responsibility.

So we are going to get tough, I know the legislators are going to get tough, and with the support of the Bergen County Police Chiefs Association, the Attorney General, it's a three-pronged thing. We have crime prevention. Please get involved. Form those neighborhood watches. Get in touch with your police department. Get involved. Be curious. Get down license plate numbers.

A famous case—a famous case. They're all famous, I guess. A girl by the name of Gaas, I think, G-a-a-s or something, she and her sister were walking through a park. Two fellows from New York tried to pick them up. They resisted and were shot and killed, and the other sister I think lost her spleen. A curious neighbor, like any one of us, didn't hear any shots, nothing, several blocks away noticed a car backing up into a hedge of people on vacation. That's not very nice. She wrote down the license plate and the man is still in jail today who killed that woman. Those people probably wouldn't have been caught in a million years. That's a vivid example, and whether it is a purse snatching or a bicycle theft that you saw on the film or anything, believe me, it works. That's the ultimate example. So get involved in that sense and we should be able to do something in prevention.

On the law enforcement end, we need more means of detection and prosecution. We are talking about sentencing. Most of all, the sentencing I feel is very, very critical. So your public opinion, whether you write or whether you get up and speak—you know, no one goes against public opinion. Hitler didn't win and no judge is

going to win. So this is very important. Everybody backs down when it comes to public opinion. It's a great country and we can talk and we can say what we think in a dignified way, and it will make a difference. It will make a difference and I hope we will get your support.

Thank you.

[The prepared statement of Mr. Calissi follows:]

PREPARED STATEMENT OF RONALD CALISSI, DIRECTOR, BERGEN COUNTY POLICE AND FIRE ACADEMY, MAHAH, N.J.

At our police and fire training facility in Mahah, we are dedicated to the concept of education with direct relation to public safety. Our commitment goes beyond the discipline of effective law enforcement officials right to the public. This is done in the form of public service announcements, which are channeled through local cable and public access stations. Through this means, we presently provide the public with information in such areas as: crime against the elderly, burglary prevention, rape prevention, auto theft and others.

Our video production unit is equipped with the finest hardware to facilitate the continued production and postproduction of public safety education. Through LEAA, we hope to continue to produce and expand our productions gearing even more toward educating older Americans.

Our educational base continues to expand with public need. With that in mind, additional training programs need to be implemented for police officers to effectively communicate with the ever growing elderly population both to prevent crime and for post crime; training which is in tune and sensitive to the needs of older Americans. Your help is needed. Your life experiences, skills and dependability. And, of course, your desire to participate in the overall safety objective will help us to provide better service to you.

Police officers need to know how to teach the elderly how to protect themselves by way of a security survey directed toward safe-guarding the self and home. This can be addressed at senior centers, at senior group meetings and coalitions and if necessary after a crime by a public safety advocate in a clear and systematic presentation. In order to effect this type of educational program the cooperation of county, State and National concerns would have to be enlisted.

In the meantime, you can take immediate action to protect yourself against the most common types of crime affecting the lives of seniors—larceny, which consists of purse-snatching, pocket-picking, consumer fraud and con games plus burglary.

To help avoid becoming a potential target for crime, you might try:

1. Not to carry a purse and keep money and other valuables in an inside pocket whenever possible;
2. Keeping flashy jewelry and other items which may draw attention to you in a safe place;
3. Try to walk with a friend, sticking to well-lighted areas and main streets. Do not leave yourself vulnerable by walking on dark deserted streets especially alone.
4. When in a car, keep locked at all times with purse and valuables out of sight, and don't leave windows open wide enough for someone to reach in. Note all places which are open 24-hours in the event you need assistance. Include convenience stores, gas stations along with our local police;
5. Be suspicious of any get-rich-quick schemes, and all strangers no matter how official they look when it comes to you handing over cash for some deal.
6. Make sure all possible entrances such as doors and windows to your home are of solid construction. Keep them well lit, and see that they cannot be entered by removing hinges. It is also helpful to install a deadbolt and peephole. Never rely on a chain latch to keep an intruder out. Also, always ask the caller to identify themselves and do not open the door if your unsure. Having your home and street number clearly visible will deter an intruder and help police locate you if needed.
7. Have your social security check sent directly to your bank for deposit; this will prevent it from being stolen from your mailbox.
8. Organize a community coalition, where telephone numbers are exchanged and each neighbor looks out for the other, and finally.
9. Be in contact with your local police for help, advise and reporting suspicious characters in your neighborhood.

If you are victimized, try to stay calm, so you can remain in control. Be observant. Try to remember what the person looked like, if there was anything unusual about

them. And don't be afraid to report it to the local authorities. By your involvement with the criminal justice system, you can help prevent future crimes.

To close, I suggest that you contact your community office on aging or other senior agencies and ask for publications that deal with crime and safeguards. Now that you've entered this phase of life, it's nice to know that there are people who care.

Mr. HOLLENBECK. I want to thank you for that presentation. I want to also enter your prepared remarks for the record, without objection.

I was going to point out the long background that you have had personally in law enforcement matters on top of your father who, as you said, was indeed a great man. I always considered him a friend and I followed his prosecution of many of those "famous" murder cases. So I want to thank you.

Congressman Rinaldo.

Mr. RINALDO. I certainly want to compliment you on your testimony. It has come out, ever since I have been at this hearing, over and over again, what the senior citizens and elderly have to do to avoid becoming potential targets for crime, what they have to do to protect themselves, and I think also the fact that we need minimum mandatory penalties without any parole.

Unfortunately, despite the fact—and I know Congressman Hollenbeck is for minimum mandatory penalties at the Federal level, and I am, and many of our legislators at the Federal level are not. Some at the State level are not. I would hope that each and every person here who feels that is one of the solutions—and I certainly advocate that as a response to the ever-growing menace of violent crime—I would hope that you would communicate with your respective legislators and ask them to support minimum mandatory sentencing bills at the Federal and State level without any parole. I think it is particularly important in the case of people who rob or mug or commit any crime with a handgun, because they're just going to do it again. One way to stop it is to take away the discretion from the judge so that they are automatically sentenced, and when they know they are going to get 5 years without any parole, I think they will think twice before pulling that gun.

Thank you.

Mr. HOLLENBECK. Thank you very much.

Our final witness is William Edmunds, a substitute for Thomas McNiff, a supervisor of investigators with the Office of the New Jersey Ombudsman. Perhaps you can explain what the ombudsman is and what he does at the outset. It's a relatively new office.

**STATEMENT OF WILLIAM EDMUNDS, ASSISTANT SUPERVISOR IN CHARGE OF INVESTIGATIONS, NEW JERSEY OMBUDSMAN'S OFFICE**

Mr. EDMUNDS. Thank you very much.

Ombudsman is a Swedish word that means "guardian". What our office is involved with is the institutionalized elderly, anyone over the age of 60 that's in a nursing home or a boarding home or a residential health care facility. We investigate all types of complaints. We have a staff consisting of eight investigators. Four of them are criminal investigators, retired State police officers, re-

tired FBI agents. The other four members of our staff are all registered nurses. We have a toll free hot line number which, by State law, must be posted in all long-term care facilities.

Our office has been in existence for approximately 4 years, and we have investigated complaints involving fraud, many complaints involving physical abuse of the elderly residents. One of the other members testified earlier about the situation we found where nine residents were locked in a room approximately the size of a closet. This occurred in Sussex County, N.J. These individuals ranged in age from 26 years old up to 75 years of age. They had been up there for a period of 2 years. A lot of them had to work in the kitchen, 40 or 50 hours a week, and they were compensated \$10 a month. I don't want to scare you people, but these places do exist.

We see many situations that are just unbelievable. We had a situation in Newark, N.J., where we had a double leg amputee who was kept in a basement, without any lights, without any facilities at all, along with another woman that had been repeatedly beaten with a baseball bat. Fortunately, these people that committed this crime were recently sentenced to 6 months incarceration and fined \$500. A minimum sentence, but unfortunately it is the maximum sentence that is allowed by law. So we were fortunate that they were incarcerated.

I would like to state that the men and women who reside in boarding homes and residential health care facilities, not only in New Jersey but in every State of the Union, are by far the most vulnerable, defenseless and easily abused people in the Nation. As a group, they are easy prey and have hardly any protection in relation to their SSI check. In New Jersey, which probably has the strongest network with our new boarding home law, SSI residents for the first time are designated to receive \$44 a month. That's not a lot of money, but before they were getting \$25 a month. On September 1 they will get a raise of \$46 a month. This is not enough money, but at least now they are getting this money. With this money, they are expected to buy their clothing and any other incidentals, such as cigarettes or even a candy bar. Right now there are people in these facilities that are not receiving any money. The owner-operator is taking it.

I would like to report to this committee, almost verbatim, what John J. Fay, Jr., the State ombudsman, said in March of 1981—and I quote.

It is not just death by fire that terrorizes these people, but also the threats that they will go back to the mental institution or out on the streets, or they will not receive their supper or their medicine if they complain. These are the constant threats made to this population.

Our office, the State department of health, the department of human services, county welfare, and the department of community affairs, have documented numerous cases of fraud, theft, and improper nursing home care, poor diet, inadequate heat in the winter, and suffocating hot conditions in the summer.

The State of New Jersey has come to recognize these problems and in recent years has taken major steps toward resolving them. We are one of the few States in the Nation that has a boarding home law. This requires the licensing of every type of facility. Equally important, it enables State and county agencies to follow

up on individual placements and to provide needed social services. But this is not enough.

Once again, the Federal Government must take the initiative in effecting change. The Social Security Administration must be more sensitive to the plight of SSI recipients in boarding homes who are its intended beneficiaries. The shocking facts are that such individuals are often times simply warehoused, like we had in Sussex County, often without benefit of family or friends, and at the mercy of the owners of the facility. Social security checks are cashed and often used by these people to whom they are not intended. Such indifference to the actual benefit received is the height of fiscal irresponsibility.

For example, the last 2 years "energy checks" totaling \$7.5 million have come into the State of New Jersey for boarding and care residents who are SSI recipients. Our office received numerous complaints that this money was not getting to the intended recipients. Most certainly the State and Federal Governments should work together to see that this money is put to its best use. In addition, stricter controls over the designation of representative payees and automatic referral of abuses to the U.S. attorneys office would go far toward curtailing such economic abuse.

Furthermore, we believe that the Federal Government should implement a Federal bill of rights both for nursing home patients and residents of boarding and care homes. We are submitting to the committee a copy of the New Jersey bill of rights, which we believe are the only ones in existence in the 50 States. As an example of the type of violations occurring, we are also submitting a New Jersey State Department of Health report of a case we investigated, which I previously pointed out, where there were nine people locked in this room. These cases are ongoing investigations and we are constantly getting toll-free calls over our hot line.

One thing I would like to point out, on our toll-free hot line you are not required to give your name, so if you know of any of these situations that exist, just call the number. We will be glad to investigate it. By State law, we are mandated to investigate any complaint or any crime of physical abuse. Within 24 hours we will have two investigators out in the field to respond to that type of complaint.

The New Jersey State assembly recently passed assembly bill 455, which would provide a reporting system for the protection of elderly persons who are patients and residents of facilities in the State of New Jersey. This bill is slated to be acted upon in the Senate Health Committee and the full Senate during the coming months this fall.

One of the growing and festering social problems in our Nation and our State is the abuse of the elderly, especially between the age of 75 to 90, and particularly the frail, defenseless men and women in our institutions, both public and private.

The need for this type of legislation is long overdue. As recently as June 1982, the State department of health, local authorities and the State ombudsman's office investigated a case in which a 77-year-old woman was allegedly strapped in her chair with many bruises covering her body.

In Essex County, a verdict was recently handed down of guilty on 11 counts of assault on an elderly incontinent woman. The two defendants in this matter were each sentenced to 18 months in prison and fined \$1,500.

This May, the Department of Community Affairs found 20 elderly women in a boarding home in Monmouth County, 5 of them victims of malnutrition.

Also in May the State ombudsman and members of his staff testified as to physical abuse cases at the county hospital in Mercer. Since that testimony, the Mercer County grand jury issued a presentment in this matter which outlined the horrible situations at this facility.

This bill would provide the same structure and provisions that the present child abuse law has in New Jersey, which is immunity for all, especially the professionals, the M.D.'s, the R.N.'s, and the L.P.N.'s. The obligation and duty to report all suspected physical and mental abuses to the State ombudsman for the institutionalized elderly would be required under this act. What this office would suggest respectfully to you is that legislation such as this should be considered for Federal legislation.

In conclusion, we, the government officials, both State and Federal, must work together in support of these basic reforms. Should we fail or refuse to do so, the abuses will go on, fires will burn, more criminal acts will take place, and people will continue to perish.

I would like to thank the committee for giving me this opportunity.

[The prepared statement of Mr. Edmunds follows:]

PREPARED STATEMENT OF WILLIAM EDMUNDS

I would like to thank Congressman Hollenbeck, Congressman Rinaldo and Congresswoman Fenwick, and the House Select Committee on Aging, for again allowing my office to testify on our mutual concerns.

There are many types of different crimes committed against our frail, elderly citizens. Today I will outline for you what my office has come in contact with and hopefully offer some solutions that can be considered by your Committee.

I would like to state unequivocally and as strongly as I can, that the men and women who reside in boarding homes and home care facilities, not only in New Jersey, but in every State of our Union, by far are the most vulnerable, defenseless and easily abused people in our Nation. As a group they are the easiest prey in having hardly any protection at all in relation to their SSI check. In New Jersey, which probably now has the strongest network, with our new Boarding Home Law, residents are for the first time by law designated \$44 per month. This is \$528 per year. I do not know anyone in our Nation, who are supposed to live on this figure. With this money they are supposed to buy their own clothing, blankets, and whatever else they can afford, whether it be a pack of cigarettes or a candy bar. After four years of operation of the Ombudsman's office, I can state that there are people who do not even receive this amount.

I would like to report to this Committee, almost verbatim, what John J. Fay, Jr., the State Ombudsman said in March of 1981, "that it is not just death by fire that terrorizes these people, but also the threats that they will go back to the mental institution or out on to the streets ("the big ladies" of urban areas), or they will not receive their supper or their medicine if they complain. These are the constant and insidious threats made to this population and there are few, if any, agencies that will go to their defense.

Our office, the State Department of Health, the Department of Human Services, County Welfare and the Department of Community Affairs, have documented numerous cases of fraud, theft, improper nursing care, poor diet, inadequate heat in the winter and suffocating hot conditions in the summer, truly a litany of horrors, as well as physical and mental abuse. Contributing to the economic hardship is the

total indifference of the Social Security Administration to the abuses within its system.

The State of New Jersey has come to recognize these problems and in recent years has taken major steps towards revolving them. We are one of the few states that have a Boarding Home Law. This law requires the licensing of every facility. Equally important, it enables state and county agencies to follow up on individual placements and provide needed social services; but this is not enough.

Once again, the federal government must take the initiative in effecting change. The Social Security Administration must be more sensitive to the plight of SSI recipients in boarding homes who are its intended beneficiaries. The shocking facts are that such individuals are often times simply "warehoused", often without benefit of family or friends and at the mercy of the owners of the facility. Social Security checks are cashed and often used by people other than those to whom they were intended. Such indifference to the actual benefit received is the height of fiscal irresponsibility.

For a horrible example, the last two years "energy checks" totaling approximately 7.5 million dollars have come into the State of New Jersey for boarding and care residents who are SSI recipients. Our office was inundated last winter with numerous complaints that this money was not getting to the intended recipients. Most certainly the state and federal governments should work together to see that this money is put to its best use. In addition stricter controls over the designation of representative payees and automatic referral of abuses to the United States Attorneys office would go far toward curtailing such economic abuse.

Furthermore, we believe that the federal government should implement a Federal Bill of Rights, both for nursing home patients and residents of boarding and care homes. We are submitting to the Committee copy of the New Jersey Bill of Rights, which we believe are the only ones in existence in the 50 states. As an example of the type of violations occurring we are also submitting a New Jersey State Department of Health Report of a case we had worked on where nine old men were kept locked in an attic with little or no recognition of their rights. Our office and county welfare offices have documented numerous cases of such violations of civil and human rights.

Some of the instances of abuse of the representative payee designation which have come to the attention of this office have been documented and are:

1. Frequent instances in which eligible recipients in boarding and care homes, were not receiving from operators, who had representative payee designation, the monthly stipulated personnel needs monies to which they were entitled. Some were receiving as little as \$10 a month to survive.

2. With regard to the federal energy checks received by eligible boarding and care home residents, particularly in 1980, there were many reported instances where eligible residents received none or little of such checks. In many instances the eligible resident never saw the check, nor did he/she know that such a check had been mailed to him/her. This office introduced a class action suit on behalf of such residents.

3. A boarding and care home operator in 1980, was indicted for criminal mismanagement of residents Social Security money. In November, 1981, evidences was uncovered by indicating that the Personal Needs Money of eligible residents were either withheld or reduced. The Essex County Grand Jury investigated information that this operator made withdrawals in the amount of \$3,800 from the bank passbook of one resident.

4. A boarding and care home operator until inquiry was made by this office, refused to turn over to families, valuables and bank passbooks of deceased residents. On another investigation conducted by this office in 1980, this operator admitted she did not maintain records and was holding residents energy checks because they would either squander the money or steal from one another.

The same operator also admitted to forcing residents to work in a boarding and care home without providing proper remuneration. These are just several examples of the horrors that exist within many facilities throughout the State of New Jersey. There is a very crucial need to tighten up the Social Security Laws with regard to the representative payee options.

The State of New Jersey, particularly the New Jersey State Assembly has recently passed Assembly Bill 455 which would provide a reporting system for the protection of elderly persons who are patients or residents of facilities in the State of New Jersey. This bill is slated to be acted upon in the Senate Health Committee and the full Senate during the coming months this fall.

One of the growing and festering social problems in our Nation and our State is the abuse of the elderly, especially the 75 to 90 year old and particularly the frail, defenseless men and women in our institutions, both public and private.

The need for this type of legislation is long overdue. As recently as June of 1982, in Bergen County, the State Department of Health, local authorities and the State Ombudsman's office investigated a case in which a 77 year old woman was allegedly strapped in her chair with many bruises covering her body.

In Essex County, a verdict was recently handed down of guilty on eleven counts of assault on an elderly incontinent woman. The two defendants in this matter were each sentenced to eighteen months in prison and fined \$1,500.

This May, the Department of Community Affairs found 20 elderly women in a boarding home in Monmouth County, five of them victims of malnutrition.

Also in May, the State Ombudsman and members of his staff testified as to physical abuse cases at the County Hospital in Mercer. Since that testimony, the Mercer County Grand Jury issued a presentment in this matter which outlined the horrible situations at this facility.

This Bill would provide the same structure and provisions that the present Child Abuse Law has in New Jersey immunity for all, especially the professionals, the M.D.s, R.N.s, and L.P.N.s. The obligation and duty to report all suspected physical and mental abuses to the State Ombudsman for the Institutionalized Elderly would be required under this Act. What this office would suggest respectfully to you, is that legislation such as this, as outlined, should be considered for federal legislation.

In conclusion we, government officials, both state and federal, must work together in support of these basic reforms. Should we fail or refuse to do so, the abuses will go on, fires will burn, more criminal acts will take place and people will continue to perish.

The following is a reprint from the Manual of Standards for Licensure of Long Term Care Facilities effective July 1, 1978.

3.19: The facility shall conspicuously post a notice that the following information is available in the facility, during business hours, to patients, their next of kin and/or sponsors and/or guardians, and the public.

3.19.1: All waivers granted by the Department (of Health).

3.19.2: The name and address of any person, partnership or corporation having an ownership interest in the facility.

3.19.3: Any proposed change in ownership.

3.19.4: All records, reports, documents, policies and procedures, and manuals required by the standards in this document.

3.19.5: A list of deficiencies from the last annual licensure inspection and certification survey report (if applicable).

3.19.6: A list of the facility's committees, including but not limited to the Patient Care Policy, Evaluation, Pharmaceutical, Discharge Planning and Infection Control Committees, and the membership minutes, and annual reports of each.

3.19.7: The names and addresses of members of the governing authority.

3.19.8: Any changes of membership of the governing authority, within 30 days of the change.

3.19.9: Policies and procedures regarding patient rights, obligations and prohibitions, as set forth in N.J.S.A. 30:13-1 et seq.; and

3.19.10: Visiting hours and business hours, including the policies of the facility regarding limitations and activities during these times.

3.20: Copies of the documents listed in 3.19-3.19.10 shall be provided upon request within a reasonable time, and at a reasonable charge payable in advance.

All nursing homes licensed by the State of New Jersey are required to comply with these standards. If you are unable to obtain this information from a nursing home, please contact the Ombudsman Office's toll free telephone Hot Line 800 792-8820.

#### STATE OF NEW JERSEY, PUBLIC LAW 1976—CHAPTER 120

An Act concerning the responsibilities of nursing homes and the rights of nursing home residents. Approved November 30, 1976.

*Be it enacted by the Senate and General Assembly of the State of New Jersey:*

1. The Legislature hereby finds and declares that the well-being of nursing home residents in the State of New Jersey requires a delineation of the responsibilities of nursing homes and a declaration of a bill of rights for such residents.

2. For the purposes of this act:

a. "Administrator" means any individual who is charged with the general administration or supervision of a nursing home whether or not such individual has an

ownership interest in such home and whether or not his function and duties are shared with one or more other individuals.

b. "Guardian" means a person, appointed by a court of competent jurisdiction, who shall have the right to manage the financial affairs and protect the rights of any nursing home resident who has been declared a mental incompetent. In no case shall the guardian of a nursing home resident be affiliated with a nursing home, its operations, its staff personnel or a nursing home administrator in any manner whatsoever.

c. "Nursing home" means any institution, whether operated for profit or not, which maintains and operates facilities for extended medical and nursing treatment or care for two or more nonrelated individuals who are suffering from acute or chronic illness or injury, or are crippled, convalescent or infirm and are in need of such treatment or care on a continuing basis. Infirm is construed to mean that an individual is in need of assistance in bathing, dressing, or some type of supervision.

d. "Reasonable hour" means any time between the hours of 8:00 a.m. and 8:00 p.m. daily.

e. "Resident" means any individual receiving extended medical or nursing treatment or care at a nursing home.

3. Every nursing home shall have the responsibility for:

a. Maintaining a complete record of all funds, personal property and possessions of a nursing home resident from any source whatsoever, which have been deposited for safekeeping with the nursing home for use by the resident. This record shall contain a listing of all deposits and withdrawals transacted, and these shall be substantiated by receipts given to the resident or his guardian. A nursing home shall provide to each resident or his guardian a quarterly statement which shall account for all of such resident's property on deposit at the beginning of the accounting period, all deposits and withdrawals transacted during the period, and the property on deposit at the end of the period. The resident or his guardian shall be allowed daily access to his property on deposit during specific periods established by the nursing home for such transactions at a reasonable hour. A nursing home may, at its own discretion, place a limitation as to dollar value and size of any personal property accepted for safekeeping.

b. Providing for the spiritual needs and wants of residents by notifying, at a resident's request, a clergyman of the resident's choice and allowing unlimited visits by such clergyman. Arrangements shall be made, at the resident's expense, for attendance at religious services of his choice when requested. No religious beliefs or practices, or any attendance at religious services, shall be imposed upon any resident.

c. Admitting only that number of residents for which it reasonably believes it can safely and adequately provide nursing care. Any applicant for admission to a nursing home who is denied such admission shall be given the reason for such denial in writing.

d. Ensuring that discrimination based upon age, race, religion, sex or nationality with respect to participation in recreational activities, meals or other social functions is prohibited. However, the participation of a resident in recreational activities, meals or other social functions may be restricted or prohibited if recommended by a resident's attending physician in writing and consented to by the resident.

e. Ensuring that no resident shall be subjected to physical restraints except upon written orders of an attending physician for a specific period of time when necessary to protect such resident from injury to himself or others. Restraints shall not be employed for purposes of punishment or the convenience of any nursing home staff personnel. The confinement of a resident in a locked room shall be prohibited.

f. Ensuring that drugs and other medications shall not be employed for purposes of punishment, for convenience of any nursing home staff personnel or in such quantities so as to interfere with a resident's rehabilitation or his normal living activities.

g. Permitting citizens, with the consent of the resident being visited, legal services programs, employees of the Department of Public Advocate, and employees and volunteers of the Office of the Nursing Home Ombudsman Program in the Department of Community Affairs, whose purposes include rendering assistance without charge to nursing home residents, full and free access to the nursing home in order to visit with and make personal, social and legal services available to all residents and to assist and advise residents in the assertion of their rights with respect to the nursing home, involved governmental agencies and the judicial system.

(1) Such access shall be permitted by the nursing home at a reasonable hour.

(2) Such access shall not substantially disrupt the provision of nursing and other care to residents in the nursing home.

(3) All persons entering a nursing home pursuant to this section shall promptly notify the person in charge of their presence. They shall, upon request, produce identification to substantiate their identity. No such person shall enter the immediate living area of any resident without first identifying himself and then receiving permission from the resident to enter. The rights of other residents present in the room shall be respected. A resident shall have the right to terminate a visit by a person having access to his living area pursuant to this section at any time. Any communication whatsoever between a resident and such person shall be confidential in nature, unless the resident authorizes the release of such communication in writing.

h. Ensuring compliance with all applicable State and Federal statutes and rules and regulations.

i. Ensuring that every resident, prior to or at the time of admission and during his stay, shall receive a written statement of the services provided by the nursing home, including those required to be offered by the nursing home on an as-needed basis, and of related charges, including any charges for services not covered under Title XVIII and Title XIX of the Social Security Act, as amended, or not covered by the nursing home's basic per diem rate. This statement shall further include the payment fee, deposit and refund policy of the nursing home.

4. The responsibilities of nursing homes shall include, but shall not be limited to, those enumerated in this act.

5. Every resident of a nursing home shall:

a. Have the right to manage his own financial affairs unless he or his guardian authorizes the administrator of the nursing home to manage such resident's financial affairs. Such authorization shall be in writing and shall be attested by a witness that is unconnected with the nursing home, its operations, its staff personnel and the administrator thereof, in any manner whatsoever.

b. Have the right to wear his own clothing. If clothing is provided to the resident by the nursing home, it shall be of a proper fit.

c. Have the right to retain and use his personal property in his immediate living quarters, unless the nursing home can demonstrate that it is unsafe or impractical to do so.

d. Have the right to receive and send unopened correspondence and upon request to obtain assistance in the reading and writing of such correspondence.

e. Have the right to unaccompanied access to a telephone at a reasonable hour, including the right to a private phone at the resident's expense.

f. Have the right to privacy.

g. Have the right to retain the services of his own personal physician at his own expense or under a health care plan. Every resident shall have the right to obtain from his own physician or the physician attached to the nursing home complete and current information concerning his medical diagnosis, treatment and prognosis in terms and language the resident can reasonably be expected to understand, except when the physician deems it medically inadvisable to give such information to the resident and records the reason for such decision in the resident's medical record. In such a case, the physician shall inform the resident's next-of-kin or guardian. The resident shall be afforded the opportunity to participate in the planning of his total care and medical treatment to the extent that his condition permits. A resident shall have the right to refuse treatment. A resident shall have the right to refuse to participate in experimental research, but if he chooses to participate, his informed written consent must be obtained. Every resident shall have the right to confidentiality and privacy concerning his medical condition and treatment, except that records concerning said medical condition and treatment may be disclosed to another nursing home or health care facility on transfer, or as required by law or third-party payment contracts.

h. Have the right to unrestricted communication, including personal visitation with any persons of his choice, at any reasonable hour.

i. Have the right to present grievances on behalf of himself or others to the nursing home administrator, State governmental agencies or other persons without threat of discharge or reprisal in any form or manner whatsoever. The administrator shall provide all residents or their guardians with the name, address, and telephone number of the appropriate State governmental office where complaints may be lodged. Such telephone number shall be posted in a conspicuous place near every public telephone in the nursing home.

j. Have the right to a safe and decent living environment and considerate and respectful care that recognizes the dignity and individuality of the resident.

k. Have the right to refuse to perform services for the nursing home that are not included for therapeutic purposes in this plan of care as recorded in his medical record by his physician.

l. Have the right to reasonable opportunity for interaction with members of the opposite sex. If married, the resident shall enjoy reasonable privacy in visits by his spouse and, if both are residents of the nursing home, they shall be afforded the opportunity, where feasible, to share a room, unless medically inadvisable.

m. Not be deprived of any constitutional, civil or legal right solely by reason of admission to a nursing home.

6. Any nursing home resident may discharge himself from a nursing home upon presentation of a written release and if the resident is an adjudicated mental incompetent upon the written consent of his guardian. In such case, the nursing home is free from any responsibility for the resident upon his release. When a nursing home wishes to transfer or discharge a competent or an adjudicated mental incompetent resident on a nonemergency basis, it may do so for medical reasons or for his welfare or that of other residents upon receiving a written order from the attending physician, or for nonpayment of his stay, except as prohibited by Title XVIII or Title XIX of the Social Security Act, as amended, and such action shall be recorded in the resident's medical record. When a transfer or discharge on a nonemergency basis of a resident is requested by a nursing home, the resident or, in the case of an adjudicated mental incompetent resident, the guardian, shall be given at least 30 days advance notice of such transfer or discharge.

7. The administrator of a nursing home shall ensure that a written notice of the rights, obligations and prohibitions set forth in this act be given to every resident or his guardian upon admittance to the nursing home and to each individual already in residence or to his guardian. The administrator shall also post this notice in a conspicuous public place in the nursing home.

8. Any person or resident whose rights as defined herein are violated shall have a cause of action against any person committing such violation. The Department of Health may maintain an action in the name of the State to enforce the provisions of this act and any rules or regulations promulgated pursuant to this act. The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual and punitive damages for their violation. Any plaintiff who prevails in any such action shall be entitled to recover reasonable attorney's fees and costs of the action.

9. Nothing in this act shall be construed to require the provision of any medical care or treatment by any nursing home operated by and for the members or adherents of any well recognized church or religious denomination which relies upon spiritual means through prayer alone for healing, where such care of treatment is contrary to the tenets of such church or religious denomination.

10. The Commissioner of Health is hereby authorized to adopt reasonable rules and regulations, in accordance with the provisions of the Administration Procedure Act, P.L. 1968, C. 420 (C.52:14B-1 et seq) to carry out its functions and duties under this act and to effectuate its purposes.

11. If any section, subsection, paragraph, sentence or other part of this act is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this act directly involved in the controversy in which said judgment shall have been rendered.

12. This act shall take effect immediately.

#### PURPOSE AND PROVISIONS

Residents of nursing homes are all too often given inferior treatment because they are old, feeble or poor. They are in need of a bill of rights similar to the bill recently passed by the Legislature and signed into law, enumerating certain rights of the mentally ill.

This bill not only declares that nursing homes have certain rights: it also lists a number of responsibilities that nursing homes have with regard to the care of the residents.

The Federal government has established clear standards of care for residents of skilled and intermediate care nursing facilities who are Medicaid or Medicare recipients. However, this bill makes similar standards of care applicable to all nursing homes and nursing home residents in the State and moreover makes such standards an expression of legislative policy and intent.

The responsibilities of nursing homes under the provisions of the bill include the following:

1. Maintaining a complete record of all funds and possessions deposited by residents for safekeeping.

2. Providing for the spiritual care of residents, if such care is desired.

3. Admitting only that number of residents which can be safely accommodated.

4. Ensuring that no physical restraints are used, except upon written order of a physician, and that drugs are not used for purposes of punishment.

5. Permitting members of certain groups which render assistance without charge to nursing home residents, full access to nursing homes at reasonable hours and under specific conditions: and

6. Ensuring compliance by the nursing home with all applicable State and Federal statutes and rules and regulations.

The rights of nursing home residents under the provisions of the bill include the following:

1. To manage their own financial affairs.

2. To wear their own clothing and retain their own possessions, unless unsafe or impractical.

3. To have mail delivered unopened, have access to a telephone and be allowed personal visitation by any person of their choice.

4. To present grievances to the nursing home administrator, without threat of discharges or reprisal: and

5. To discharge themselves upon presentation of a written release, under certain circumstances.

If the rights of any persons or residents as defined in the bill are violated, they would have a cause of action against any person violating such rights.

Mr. HOLLENBECK. Thank you very much. I thank you for your patience and the patience of the other witnesses who waited around for so long. Without objection, your entire written testimony, along with the appendix that you mentioned, the Bill of Rights and other materials will be submitted for the record.

Maybe you could tell me briefly what efforts the ombudsman's office has made to alert our seniors of the potential dangers of living in institutions, and likewise, what has your office done and what do you think you can do in the future to increase public awareness of the services that the office provides?

Mr. EDMUNDS. Mainly what we do right now, we have a toll-free hot-line number. We also have pamphlets available. We have a flier that is posted in each of the nursing homes and long-term care facilities.

If you have any problems, or if you think a relative or a friend has any problems, don't hesitate to call. Our number is right in the phone book, right on the front page. It is a toll-free number and just pick up the phone and call us and we will respond.

What I would like to emphasize is that anyone contemplating going into a nursing home, before you even think of going in, or if you have anybody that has to go in a nursing home, you want to get a copy of a contract. You want to have your attorney check over the contract. It's an awful expensive proposition and once you sign the contract you are more than likely obligated by that agreement. It is astronomical what it costs to stay in a nursing home today. \$1,500 to \$2,000 a month is the average figure. So before you lock yourself into a contract, make sure that you read it. If you have a question, please give us a call.

Mr. HOLLENBECK. Thank you very much.

I want to thank all of you who attended and were so patient. I want to thank Vision Cable for being so courteous and to provide monitoring service to the room upstairs for those who couldn't fit in downstairs.

With that, the hearing is adjourned.

[Whereupon, at 12:35 p.m., the hearing was adjourned.]

**END**