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United States Government Accountability Office
Washington, DC 20548

November 23, 2004

The Honorable Orin G. Hatch
Chairman
The Honorable Patrick J. Leahy
Ranking Minority Member
Committee on the Judiciary
United States Senate

The Honorable F. James Sensenbrenner Jr.
Chairman
The Honorable John Conyers Jr.
Ranking Minority Member
Committee on the Judiciary
House of Representatives

Subject: *The Protecting Seniors from Fraud Act: Status of the Triad Program*

The Protecting Seniors from Fraud Act of 2000 directed the Comptroller General to submit a report to Congress on the effectiveness of the Triad program by April 4, 2005.¹ The program, sponsored at the national level by the National Sheriffs' Association (NSA), provides advice, training, and technical assistance to community-based crime prevention programs for senior citizens but does not fund them. These community-based groups typically are partnerships among local law enforcement officials, seniors, and sometimes other community members to develop and expand crime prevention programs for seniors in their communities. NSA has sponsored the Triad program with funds provided by various Department of Justice (DOJ) grants.²

The act's provisions included support for the Triad senior fraud prevention program, the dissemination of information to states to raise awareness about the dangers of telemarketing and sweepstakes fraud, and mandates to study crimes against seniors and to collect statistics on crimes disproportionately affecting seniors. With regard to our report, the act specified that it include an analysis of the Triad program and activities, identify impediments to establishing community-based Triad groups across the nation, and make recommendations to improve the effectiveness of the Triad

¹The Protecting Seniors from Fraud Act was passed by Congress on November 22, 2000, as P.L. 106-534 (2000). Section 3 of the act required that the Comptroller General submit a report to Congress 180 days prior to the expiration of the authorization under the act (i.e., the end of fiscal year 2005 or September 30, 2005), which we calculate to be April 4, 2005.

²NSA is a nonprofit national organization of law enforcement and criminal justice professionals, including sheriffs and their deputies, and chiefs of police. NSA's goal is to raise the level of professionalism among those in the criminal justice field.

program. In January 2004, NSA received grant funds to continue its Triad program. However, by October 2004, an NSA official told us that they had not completed all their planned activities. In addition, data were not available to determine the effectiveness of the Triad program. Therefore, this letter describes (1) how the Triad program operates at the local level and (2) the current status of NSA's program implementation. In addition, we are providing information on the status of DOJ mandates in the act regarding data on certain crimes against seniors (see enclosure D).

To describe how the Triad program operates and the status of NSA's program implementation, we interviewed knowledgeable federal officials familiar with, or responsible for, the Triad program, NSA officials, and representatives from national associations affiliated with the Triad program. We also gathered and summarized documents regarding the Triad program, including handbooks, conference brochures, and Web-based information published by NSA. We also interviewed representatives of two local Triad groups to better understand how some local programs operate. To determine the status of the DOJ mandates in the act, we interviewed officials from DOJ's National Institute of Justice and Bureau of Justice Statistics. We asked officials from DOJ and NSA to review excerpts of this letter for accuracy and clarity before its final issuance and these officials agreed with the information as presented. We performed our work between June and November 2004.

Background

According to NSA publications, the Triad program goals are to prevent criminal victimization of older persons and reduce unwarranted fear of crime through partnerships among law enforcement agencies and criminal justice and senior citizen groups. The Triad program was conceived at the national level in 1988 when representatives from AARP, the International Association of Chiefs of Police (IACP), and NSA agreed to partner to help ensure senior safety.³ The term "Triad" derives from the affiliation of these three organizations. At that time, representatives from these organizations agreed that a community-based partnership of law enforcement, seniors, and others working together could reduce crimes against seniors by increasing crime awareness and information sharing among seniors, and enhancing law enforcement services to seniors. The first local, community-based Triad was established in St. Martin Parish, Louisiana, in 1989.

By the mid-1990s, AARP and IACP had decided to curtail active involvement at the national level. AARP and IACP representatives told us that at that time, their organizational priorities had shifted to other projects. NSA, however, remained active in sponsoring the Triad program and received several DOJ grants in varying amounts.⁴ These grants supported various efforts over the years to develop and

³AARP was formerly known as the American Association of Retired Persons.

⁴DOJ officials identified two of the most recent grants to NSA for the Triad program. Starting in fiscal year 1997, BJA awarded grants to NSA under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, 42 U.S.C. §§ 3750-3766b, and NSA used these grant funds totaling \$1,140,000 to, among other things, sponsor 13 training conferences, publish a Triad implementation manual, and produce a training video. In fiscal year 2002, NSA received a grant of \$200,000 from DOJ's Community Oriented Policing Services (COPS) office, which supported a national Triad conference, 10 state conferences and participation in events sponsored by other national associations, the development of a Triad Web site, and the development of magazine articles and congressional testimony. COPS awarded this grant under Title I of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. §§3796dd-3796dd-8.

expand the Triad program by increasing its capabilities in information sharing, technical assistance, and training. According to NSA publications, by 1999 there were an estimated 600 communities in 47 states that had started local Triad programs. That same year, NSA formed a tax-exempt affiliate, the National Association of Triads, Inc. (NATI), as a vehicle to accept charitable donations, solicit corporate support, and apply for foundation grants. NATI provides training and technical assistance to community-based senior crime prevention programs. NSA and its affiliate, NATI, do not provide funding to local community-based Triad groups. Local Triad groups may be supported with direct funding from federal, state, or local government sources, as well as other funding.

In November 2000, Congress passed the Protecting Seniors from Fraud Act of 2000 citing concerns that seniors—one of the most rapidly growing segments of our society—are too frequently the victims of violent crime, property crime, and consumer and telemarketing fraud. Congress found that seniors are often targeted and retargeted in a range of fraudulent schemes. The findings section of the act stated that Congress should continue to support Triad and similar community partnerships that improve safety and quality of life for seniors. Among other things, the act directed DOJ

- to conduct a study relating to crimes against seniors in order to assist in developing new strategies to prevent and reduce the incidence of these crimes and
- to include statistics in its National Crime Victimization Survey regarding crimes disproportionately affecting seniors, crime risk factors for seniors, and specific characteristics of victims of crimes who are seniors.⁵

How Does the Triad Program Operate at the Local Level?

NSA publications note that local Triad groups focus on developing partnerships between law enforcement officials and seniors to reduce crime by increasing crime awareness and enhancing law enforcement services, and the structure of these partnerships varies by community. According to NSA's Triad handbook, local Triad groups can develop and implement different programs to meet their respective communities' needs regarding senior crime prevention. The handbook notes that some local Triad groups have developed adopt-a-senior programs, in which law enforcement officers "adopt" one or more seniors in vulnerable situations with limited family support or who are confined to their homes because of limited mobility or medical problems. Officers are expected to visit or call once a week and make referrals to appropriate service agencies if necessary. Further, the handbook cites other programs such as the "file of life" program, which is a brightly colored card with medical and other vital information to be mounted magnetically on the seniors' refrigerators for use by emergency personnel.

⁵P.L. 106-534, sec. 5 and 6. The act also directed the Department of Health and Human Services to provide and publicly disseminate information to each state designed to educate seniors and raise awareness about the dangers of fraud, including telemarketing and sweepstakes fraud (sec. 4).

According to NSA Triad publications, the structure of local Triad groups is flexible and can vary by the senior population and jurisdiction of law enforcement authorities in the geographic area. In less populated rural areas, there may be only a few law enforcement officers from a single organization available to be involved with Triad activities. In urban areas, there are potentially dozens of law enforcement agencies that could participate in Triad activities. NSA officials told us that in addition to linking law enforcement officials and seniors, local Triad groups could also include other community members, such as social service providers for seniors, local government representatives, business community members, health care providers, and clergy. Local Triad groups have also included officials from prosecutorial agencies, such as district attorneys and attorneys general. These officials have assisted in prosecuting crimes against seniors who have been victimized. NSA's Triad handbook encourages local Triad groups to have a signed formal agreement outlining responsibilities for each member and to form a senior advisory council that could assess the needs of the community and collaboratively develop ways to meet those needs. Further, Triad publications state that partnerships can be formed at the city, county, or state level.

NSA representatives told us that local Triad groups are one of many approaches and programs providing crime prevention education, awareness training, and assistance services to seniors at the community level. Some other crime prevention programs for seniors use a similar approach by creating multiagency task forces with law enforcement and others to combat crime against seniors. For example, multiagency task forces have been created to investigate financial exploitation cases and include local representatives from law enforcement, insurance, real estate, criminal law, investment, and social service providers for seniors. The NSA handbook encourages local Triad groups not to duplicate existing services provided in their communities, but to work on "filling in the gaps" in existing services, such as identifying senior victims who may not be reporting crimes or developing strategies to determine how seniors can be better served.

What Is the Current Status of NSA's Program Implementation?

An NSA official told us that they are currently taking steps to support local Triad groups by increasing training opportunities and further expanding the number of communities participating in the Triad program. Specifically, in November 2003, NSA had received a grant in the amount of \$993,497 from DOJ's Office of Community Oriented Policing Services (COPS) for the Triad program, but as of October 2004, an NSA official told us that they had not yet implemented all of the activities outlined in the grant documents, such as revising the Triad handbook. This grant resulted from a recommendation in a House conference report accompanying the 2003 appropriation directing that DOJ review a proposal to provide \$1 million dollars for the Triad senior fraud prevention program and provide a grant if warranted.⁶ An across-the-board

⁶H. R. Conf. Rep. 108-10, accompanying the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations, 2003, P.L. 108-7. Although the conference report included the grant as part of the Office of Justice Program's Byrne discretionary grant program, DOJ officials told us that the Triad grant was awarded by and administered through DOJ's COPS office because Triad's activities align with COPS community policing programs.

The Protecting Seniors from Fraud Act, P.L. 106-534, the statute that requires this study on the Triad program, authorized appropriations for programs for the National Association of Triad in the amount of \$1,000,000 for each of the fiscal years 2001

rescission included in the fiscal year 2003 appropriation reduced the \$1 million amount to \$993,497.⁷ NSA officials told us that they began using these funds in January 2004. As of June 2004, NSA had expended about \$182,000, or about 18 percent of its grant funds awarded, on activities such as sponsoring conferences for local Triad groups, making improvements to its Web site, and revising its program handbook.

As stated in NSA's implementation plan for the grant, the objectives were to support local Triad groups by increasing the number of training opportunities and expand the number of communities participating in the Triad program. To accomplish these objectives, NSA outlined four initiatives:

- *Model program guides.* Develop model program guides to highlight about a dozen model community programs that lend themselves to replication in other communities. These model programs include adopt-a-senior, elder lecture series, and senior police academies.
- *Publications and Web site.* Disseminate information on Triad, including the Triad implementation handbook, brochures, and listing of existing Triad groups through hard-copy publications and its Web site. Redesign the Triad Web site to provide information for local Triads.
- *Information sharing and technical assistance.* Sponsor conferences to train and assist local Triad groups and develop curricula to help law enforcement work with seniors and senior groups to combat financial crime against seniors.
- *Building community.* Contact existing Triad groups to ascertain their status and, if they are active, capture information regarding leadership, programs, and activities. Develop protocols for membership or registration of individual local Triad groups.

In August 2004, COPS approved a no-cost extension of the NSA grant agreement through August 2005 in order to complete the Triad program objectives over a longer time period and produce additional resource materials beyond those originally agreed to in the implementation plan. These materials include publishing a series of Triad fact sheets on the program's Web site to increase awareness of particular issues, such as identity theft, elder abuse, and telemarketing fraud. As of October 2004, an NSA representative reported, among other things, that the Triad model program guides and Triad handbook were in the process of being developed, the program's Web site was in the process of being redesigned, three of the four planned Triad conferences had been held, and eight statewide Triad conferences had been supported in varying degrees by NSA representatives.

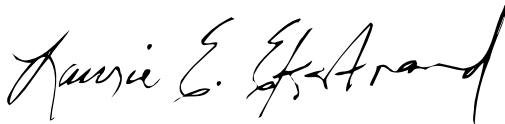
through 2005. However, according to a COPS official, the COPS office did not fund the Triad program using this authority. Rather, COPS used its authority under Title 1 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. §§3796dd-3796dd-8, to award this grant.

⁷Consolidated Appropriations Resolution, 2003, P.L. 108-7, Division N, sec. 601, 117 Stat. 11, 550 (2003).

An NSA representative told us that by the end of the grant period, in August 2005, NSA expects to have an up-to-date listing of active Triad groups nationwide. The representative told us that NSA's list of over 840 local Triad groups as of July 2004 was not current, and the representative estimates that about 50 percent of these Triad groups are active. He said that since funding levels for the Triad program have not been consistent over the years, NSA has not had the staff to maintain contact with local Triad groups to know how many active Triad groups exist nationwide. The representative estimated that in addition to these local Triad groups, about 10 to 15 statewide groups are active.

As agreed with your office, we are sending copies of this letter to the Attorney General, interested congressional committees, NSA, and other interested parties. We will also provide copies to others on request. In addition, the letter will be available at no charge on the GAO Web site at <http://www.gao.gov>.

If you or your staff have any questions or need additional information, please contact me at (202) 512-8777, ekstrandl@gao.gov, or John Mortin at mortinj@gao.gov. Major contributors to this letter were Nancy Kawahara, Dorian Dunbar, Wil Holloway, Nancy Finley, and Amy Bernstein.



Laurie E. Ekstrand
Director, Homeland Security and Justice

Enclosure

**Status of DOJ Mandates in the Protecting Seniors
from Fraud Act of 2000**

Among other things, the Protecting Seniors from Fraud Act directed the Department of Justice (DOJ) to (1) conduct a study relating to crimes against seniors in order to assist in developing new strategies to prevent and reduce the incidence of these crimes and (2) include statistics in its National Crime Victimization Survey regarding crimes disproportionately affecting seniors, crime risk factors for seniors, and specific characteristics of victims of crimes who are seniors.⁸

Regarding the first mandate, DOJ's National Institute of Justice officials told us that they have two projects under way. The first project is to identify best practices for responding to crimes against seniors and for preventing the occurrence of these crimes, as well as an overview of the effectiveness of damage awards in court actions and other means by which seniors may receive reimbursement for losses due to fraud. The second project is to measure the nature and extent of fraud against seniors using national crime data. Specifically, the study is to examine (1) the most common types of crimes that affect seniors; (2) the nature and extent of telemarketing, sweepstakes, and repair fraud against seniors; (3) the nature and extent of financial and material fraud targeting seniors; and (4) the risk factors associated with seniors who have been victimized. According to a National Institute of Justice official, these projects are expected to result in two reports scheduled for issuance in February 2005.

With regard to the second mandate, DOJ officials noted that National Crime Victimization Survey (NCVS) statistics related to crimes against seniors were posted on their Bureau of Justice Statistics Web site as of July 2004. DOJ officials also noted a 2000 DOJ study, which reported that while persons aged 65 and older experienced less crime in general than others, the elderly were disproportionately affected by property crimes. Using NCVS data, the report indicated that 9 out of 10 crimes against the elderly were property crimes, compared with 4 in 10 crimes against persons aged 12 to 24 years.⁹ These data and other statistics on crimes against seniors can be found at <http://www.ojp.usdoj.gov/bjs/abstract/cpa6597.htm>.

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⁸P.L. 106-534, sec. 5, and 6.

⁹*Crimes against Persons Age 65 and Older, 1992-97* (Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, February 2000).

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