

NLWJC - Kagan

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Crime - Senior Crimes



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Subject: Senior Crime Ideas

BR/EK:

I've come up pretty dry on things to do w/seniors and crimes, and don't think we really have anything for Tuesday. As Leanne mentioned to Christa, DOJ has about \$260,000 in its account of \$2.5 million to give local law enforcement for training related to elderly crime and fraud, but this won't be ready until September. And with respect to increasing penalties, the bill the President signed a few weeks ago on telemarketing fraud did just that. Building on the seniors provision in the '94 crime bill, this new law:

- directed the US Sentencing Commission to increase penalties for telemarketing fraud (4 levels generally, 8 levels for seniors);
- provided for civil and criminal forfeiture of the ill-gotten gains from telemarketing scams; and
- made certain clarifications to the Crime Bill's provisions requiring mandatory restitution in telemarketing fraud cases.

The bills introduced in Congress on this topic are very inspiring either. One bill, introduced by Rep. Weygand, would authorize \$10 million for HHS to disseminate information and do more to educate seniors about telemarketing fraud. Another, by Rep. Ackerman, would increase penalties (by at least 5 levels) for violent crimes against "vulnerable victims" -- defined as persons under 14 and over 65 years of age -- as well as for crimes committed against "vulnerable victims" while using a bullet-proof vest or laser sight (interesting angle, no?). Generally, the more substantive bills (penalties, restitution, forfeiture) were rolled into the "Telemarketing Fraud Prevention Act" signed into law by the Pres. on June 16th.

Some ideas for model state legislation that the AARP has promoted include: requiring registration and bonding of telemarketers; requiring disclosure of the caller and company's name and sales purpose upfront; requiring details of prize offers and no-purchase means of contest entry; banning courier pick-up of payments; and a three-day cancellation right. I imagine, but don't know for sure, that the FCC and/or FTC may have existing policies on some of these areas. A national three-day cancellation right sounds pretty appealing, though...but I'm a crime fighter, not a consumer advocate.

Some other ideas for the future, but probably not Tuesday, could include: more and better training for police and prosecutors to work with elderly on a variety of crime issues (senior volunteers, community policing focused on senior issues (Alzheimer's patients, safe passage programs, etc.) more funds for the feds, working with AARP and other similar groups, to reach out and notify seniors on so-called "mooch lists" before they're victimized; more support for national and state 800 lines to answer Q's about telemarketing fraud and other senior scams;

and targeting internet fraud before it becomes as widespread as fraud by telephones.

Jose'