

How a Systems-Based Approach to Elder Justice and Big-Data Analytics will Help Arrest of and Response to Elder Financial Exploitation

Just as the inaugural WEAA Day was being held in 2005, I was filled with angst, frustration, and a sense of impotence as I watched my grandmother's world, which had spanned the globe and a century, become so diminished and compromised by her own son, my father.

I did not know what to do or who to turn to.

A long year later, after connecting with my grandmother's closest friends—Annette de la Renta and David Rockefeller, to whom I will be forever grateful—I was desperately preparing a petition for guardianship for my grandmother.

In July 2006, I filed a petition seeking guardianship, which saved my grandmother.

Meanwhile, the contents of my petition, which was to have been sealed, were discovered by the press leading to front-page headlines reading "Disaster for Mrs Astor."

My grandmother would certainly never want to be known as one of America's most famous cases of elder abuse.

Nor did she, while in the throes of dementia, choose to be victimized; to be deprived, manipulated, and robbed—all as part of a calculated "scheme to defraud," as later characterized by the [Manhattan District Attorney](#).

Yet, the sad circumstances surrounding my grandmother have informed a timely, and timeless, cause in elder justice. This may be her greatest, most lasting legacy.

Overview

Today, though hard lessons learned, I wish to talk about (1) a system-based analysis of elder justice that involves all sectors with a focus on

partnerships, leadership, and innovation and (2) financial exploitation —with both informed by big-data analytics.

Systems and sectors

Elder justice is in its infancy compared to other realms that define our social, legal, and moral obligations.

At this formative stage, elder justice demands a formative assessment.

This assessment must include our broader relationship with justice to understand how elder justice can help complete, not compete with, other causes—mindful of Hegel’s claim, paraphrased, that, “the conflict is not between good and evil but between goods that are each making too exclusive a claim”([Hegel](#)).

Elder abuse is a pervasive, profound, and systemic problem best addressed through a systems-based approach to understand better our elder-justice universe including its constellations, the alignment of its shining stars, and the forces that draw them together or keep them apart.

This systems-based analysis is both bottom up, starting with a person-centered approach...and top down, with leadership engaging all sectors in what Edwin Walker describes as a, “comprehensive national framework” ([Walker](#), 2015).

Today, private-sector impact investment provides powerful, purpose-driven means of engaging all sectors while leveraging assets to gain robust returns—social and economic. In Jean Case’s words, impact investing is, “new ways to solve old problems”—here, elder problems... with solutions ([Case](#), 2015, cue 0:59).

For measurement, metrics matter more now.

Social impact bonds and other investment vehicles are informed by analytics to measure and guide need, opportunity, intentional implementation, ongoing performance, transparency, and outcomes. All can be better defined and achieved when coupled with a systems-based approach ([GIIN](#)).

Mazzucato writing for Demos ([2011](#), p. 18; see also [2013](#)) notes that there is “value in a cluster” between all sectors and actors, best realized when the public sector serves as catalyst, innovator, and lead investor. Here, we are reminded how by data-analytics seeks to explore relationships and value of clusters, nodes (here, actors), and edges—relationships.

In the public sector, the Administration’s government-wide Cross-Agency Priority Goals will help with greater coordination and collaboration toward meeting needs and realizing defined goals through performance measurement and management—informed by OMB and GAO ([Performance](#)).

DOJ already includes elders along with other vulnerable people in its priority goals ([DOJ](#), 2014). As I now know today, Social Security Administration is doing so much.

Let us hope that elder justice is one of every needed agency’s mission-oriented goals, coordinated in such a constructive context. The Elder Justice Coordinating Council ([EJCC](#)) can help so much here.

All this is bipartisan: the campaign color for elder justice is purple—an equal measure of red and blue.

Follow the money

In early 2006, while still desperate to help my grandmother, I sought advice from several trusted people including a sage high-school friend whose own family had been through a similar experience. He advised, “Philip, follow your heart first; then follow the money.”

In helping my grandmother, I first felt that financials were the fallback.

In fact, financials are at the forefront of our campaign for elder justice.

In this realm we can better connect the dots with the decimal points—the three sectors: dot com, dot gov, dot org—with the decimal points, the financials: both the elders’ life savings at risk and the capital ready to invest in innovative ideas to protect and preserve assets, while realizing returns—for all sectors.

From biotech to the Internet, government has been an innovator and lead investor that then spurs and benefits the private sector; May it do so, more, to combat elder financial exploitation.

This will lend new meaning to the act, “Google elder justice.”

Innovation must be grounded in trust, starting with existing institutions and initiatives. This is why our work combatting exploitation is helped by cooperative efforts, coupled with mandates.

I applaud the work of the CFPB; SEC, FinCEN, DOJ, OCC; quasi-governmental FINRA; the nonprofit Investors Protection Trust (IPT)—and others working with private financial institutions.

To combat exploitation of customers, elder engagement is achieved space to space (in the digital domain) and face to face — as over half our seniors rely on bank tellers. ([FDIC](#), 2013, p.10)

To face-up to elder abuse we need to face elders, reminded of Hillman’s emphasis on, “the ethical claim of the face on another person” ([Hillman](#), 2000).

The National Community Reinvestment Coalition’s [National Neighbors Silver](#) program has done so much to make elders empowered, while [AARP](#) and the American Bankers Association [Community Engagement Foundation](#) are reaching out to bank branches, bringing research-based training to tellers and others on the front line ([AARP](#), 2014).

Here, we could “greenline” the elder justice movement under the Community Reinvestment Act if credits were provided to the banking industry to engage and invest in detection and response through staff training.

Above all, big data must be cradled in a legally and ethically constituted “trust framework” as defined by ID3 [ID Cubed] and the MIT Media Lab ([Hardjono, Deegan and Clippinger](#), 2014)

Emphasized by the President’s Council of Advisors on Science and Technology, we must “advance the agenda of strong privacy values and the technological tools needed to support them,” ([PCAST](#) 2014, p. 50; and see [DARPA](#), 2015).

There are already several startups. Next, we need to scale up. And data-driven efforts are so scalable.

To realize elder justice on the financial front our awareness must be achieved by detection...and rapid response made possible through planning, permission, protection, capacity, consistency, and coordination.

Critically, federal agencies have released interagency guidance clarifying that financial institutions and their employees who report suspected elder financial exploitation are not violating privacy rules under the Gramm-Leach-Bliley Act.

Critically, FinCEN has issued advisories to provide guidance to financial institutions toward filing Suspicious Activity Reports when elder financial exploitation is suspected (FinCEN, [2011](#) and [2013](#)).

Before the decade is done I so hope...

That, nationwide, in every state, all persons who have knowledge of suspected elder financial exploitation are mandated to report.

That, nationwide, we provide civil and criminal immunity for reporters and institutions that hold transactions, file reports, and participate in investigations in good faith.

That there is a national reporting form—for consistency, to catalyze coordinated response, and to inform iterative assessment and planning. CFPB, FDIC, OCC, and others will so help here.

That institutions proactively disclose financial records to social-services agencies when they suspect abuse.

It is my hope that big data analytics will help stop elder financial abuse through pattern recognition used to detect irregular activity—including rapid and large cash withdrawals, sudden closings of CDs and similar accounts without regard to penalties, uncharacteristic purchases, or money transfers...the same way credit card companies currently monitor personal account activity to stop identity theft and credit card fraud.

Detection must be matched by resources for rapid response and coordinated care on the ground at the state and local level—otherwise these efforts will only frustrate dedicated workers and re-victimize elders.

Beyond Brooke

By 2030 in the US there will be over 70 million shades of gray ([Profile](#), AOA, 2014); the world will have a billion ([Maisano](#), 2014), each one with its own hue, value, and chroma to color our world far beyond that provided by the polarizing perceptions of a black-and-white approach to graying, to individuals, and to age. Elders all have John Burroughs’s “light and color,” as expressed by Nora Super.

Our “global,” today, is our global, 360-degree perimeter protection and care of elder’s financial assets—and their lives, with awareness year round.

Thank you for inviting me to share my story and dreams.

Thank you, more, for sharing your experience—and for all you do every day for elders.