

# A Typical Case of Elder Neglect

## Hannah Sinnett

- 92 years old, advanced dementia
- Widow, no children
- In 2006, brother-in-law Sam places her in Seattle Heights Adult Family Home
  - Total Residents: 3 (elderly & bedbound)
  - Total caregivers: 1 (24/7)
  - Rate: \$3600/month



# 2006-2009

- Hannah's health and cognition decline
- Spends entire day in wheelchair or bed
- No physical therapy
- Few if any activities
- Pressure sores (bedsores) begin to develop

# December 2009 – January 2010

- 12/22/09:** Karen Morgan, RN for AFH, is called to Hannah's bedside
- Sees large pressure sores on buttocks, hips
    - Stage IV and infected
  - Keeps Hannah in AFH
  - Charges \$400/day for “wound care”
- 12/27/09:** Morgan finally calls 911, has Hannah taken to hospital
- 1/6/10:** Hannah is discharged to NH on hospice
- 1/12/10:** Hannah dies





# What Was Done in Response

- **Hospital:** Reported neglect to DSHS
- **DSHS:** Reported case to law enforcement
- **Law Enforcement:** Did not initially respond because did not recognize case as criminal
- **Nursing Home:** Did not report death to DSHS, law enforcement, or Medical Examiner
- **Death Certificate:** Did not mention pressure sores or neglect
- **Autopsy:** None. Body was cremated

# The Investigation

- Gloria Morrison, investigator for DSHS' Resident and Client Protection Program (RCPP) conducts full investigation of what occurred
- Re-contacts law enforcement, hands over her case file
- Convinces detective to open investigation

# Criminal Charges Filed by King County Prosecutor's Office

- Regina Daniels – Owner of AFH
  - Charged with Criminal Mistreatment 1\*
- Karen Morgan, Nurse at AFH
  - Charged with Criminal Mistreatment 2\*

\*Unable to charge them for Hannah's death due to lack of autopsy

# State v. Daniels & Morgan

- Regina Daniels: pled guilty to Criminal Mistreatment 2
- Morgan: set case for trial
  - Jury Trial - August 2013
    - 3 weeks long
    - Numerous medical witnesses
    - Out of state expert geriatrician
    - DSHS and DOH investigators

# State v. Morgan – Jury Verdict

- **Criminal Mistreatment 2: Not guilty**
  - Felony
  - Caregiver recklessly created imminent risk of death by failing to provide basic necessities of life
- **Criminal Mistreatment 3: Guilty**
  - Gross Misdemeanor
  - Caregiver, with criminal negligence, created imminent risk of death by failing to provide basic necessities of life

# State v. Morgan

- Jurors' comments
  - Never doubted that Morgan had neglected Hannah
  - Could not agree that her failure to act was “reckless”
  - Appalled that Criminal Mistreatment 3 is only a gross misdemeanor
- Sentence
  - 4 months of electronic home monitoring

# State v. Morgan - Not an Unusual Case

- **Juries do not think of caregiver who fails to provide care as “reckless”**
  - Even in death cases, find “criminal negligence,” a gross misdemeanor
- **Law Enforcement often fails to respond to DSHS reports**
  - Lack of training on elder neglect and financial exploitation
  - Belief (often accurate) that prosecutors won’t file case
  - Lack of coordination with DSHS
- **Mandatory Reporters often fail to report**
  - Statute is complicated, difficult to understand
  - Insufficient training



For every one case  
of elder abuse that  
is reported,

**1**

another twenty-three cases  
never come to light.

**23**

# King County Prosecutor's Office Elder Abuse Project

- One of a few counties in State with dedicated Elder Abuse prosecutors
- Dramatic increase in caseload over the years
- Increased calls from:
  - Detectives needing help with cases
  - Community members frustrated by lack of response from law enforcement and DSHS
- Increased requests for trainings from across the community

# What We Need Most Urgently

- An effective felony Criminal Mistreatment statute
  - Improve intent element in CM 1 and 2 by changing “recklessness” to “criminal negligence”
    - “Criminal Negligence” makes more sense in context of failure to act
  - Keep same bodily injury requirements

# What We Also Need

- **Comprehensive Criminal Elder Abuse Statute, to include:**
  - Financial exploitation crimes
  - Neglect crimes
  - Authority/funding for specialized, trained detectives & prosecutors
  - Legal authority for multidisciplinary teams
  - Clear and understandable mandatory reporting statute
    - **Mandatory reporters to include:**
      - Funeral homes
      - Notary publics

# Feel Free to Contact Me

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