

EXECUTIVE OFFICE



INTER-COMMUNICATION

From: JOSEPH C. SALEMA

Chief of Staff

October 15, 1990

Date: _____

To: Jon Shure

Dir. of Communications

(Institution or Department)

Re: Attached Memorandum

Attached please find a draft press release from Attorney General Del Tufo regarding his interest in seeing the Legislature enact a statutory measure related to the protection of the elderly. His desire for this action stems from a case related to abuse of residents of a boarding home in Monmouth County. The Attorney General would like to see changes in our current laws to extend protection to the elderly.

Please review this draft release and give me your thoughts as to the possibility of us involving JJF in this effort.

J.C.S.

JCS/cl
Attachment

FOR IMMEDIATE RELEASE
October 15, 1990

DRAFT

10/11/90
To: File
From: RWT
We should issue
subject only to whether
the Governor would
like to be
the proposer
or to participate
in some way

FOR FURTHER INFORMATION CONTACT:
Chris Florentz (609) 292-4791

In the wake of Rosemary Scorp's conviction last week on charges that she abused residents of her boarding home in Monmouth County, Attorney General Robert J. Del Tufo today called for the Legislature to enact a statutory measure that will "afford special protection to one of our most vulnerable groups -- elderly, mentally ill and handicapped persons."

Del Tufo said that though the state's prosecution succeeded in obtaining a conviction on most of the charges against Scorp, the case brought to light a serious statutory weakness in the state's criminal code. "There is, at present, no statute that specifically applies to the abuse of a population that is one of the most powerless segments of society," he stated.

The director of New Jersey's Division of Criminal Justice, Robert T. Winter, said that he is satisfied with the guilty verdicts the jury returned against Scorp, including a third degree violation which carries a maximum sentence of three to five years imprisonment.

However, he explained that in its attempt to convict Scorp of kidnapping, "the state was in the position of not having a statute that specifically applied to the kind of abuse of elderly and mentally ill victims that took place in Scorp's boarding home." Kidnapping, he said, ill-suited though it is, remains the

possible arrangement by NJ. ~ ~ ~

most applicable charge in cases involving the coercion and restraint of the deinstitutionalized elderly.

"We need a tool similar to the child abuse statute that applies to the abuse of a specific population," Winter said. "Such a tool would consist of a minimum third degree violation, which carries a maximum sentence of three to five years imprisonment," he added.

According to John Monahan, assistant director of licensing and inspections in the Division of Codes and Standards, Department of Community Affairs, 90 percent of the boarding home population in New Jersey is comprised of the de-institutionalized elderly. Monahan, whose division regulates boarding homes in New Jersey, views this population as even more vulnerable than children.

"Most youngsters," Monahan said, "have a parent or guardian who cares about them. The deinstitutionalized elderly have no one." He pointed out a further distinction. "Because of their psychiatric histories, there is a tendency to give even less credence to their complaints than to those made by children.

He also noted that a child is not required to face the person he or she is accusing of abuse, whereas an elderly, mentally ill or handicapped person must face the person who allegedly victimized them.

Winter agreed with the significance of this distinction, pointing out that in the Scorp case, the victims frequently asked if the defendant would be present in court. "Clearly the victims feared the defendant, and were intimidated by the prospect of

having to confront her in court," Winter said.

Michael McConnell, the deputy attorney general who prosecuted the Scorp case, said that a new category of criminal violation should not only cover physical abuse, but also the kind of substandard living conditions that affect a victim's health and mental well-being.

"A victim's demise can result from inhumane treatment that stops short of physical assault," McConnell said. "Abuse, even when it is not physical, can be just as deadly."

Winter said that a deputy attorney general in the Division of Criminal Justice will be assigned to research the extent of the problem, and to work towards developing a statutory solution. ^a ~~m~~ deinstitutionalized persons statute that would approach, but not equal, the degree of seriousness attached to kidnapping and that would take into account the special needs of this population.