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March 14, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Lynch:

Earlier this year, a judge in Champaign County Illinois issued a warrant for the arrest of Channing J. Butler who was accused of soliciting men to have sex with elderly women at Bickford Cottage – a memory care facility for seniors – where Butler was an employee.¹ During their investigation, police learned that Butler recruited these men so that he could videotape them having sex with the elderly women aged 88, 90, and 95 whose memories were failing.² Butler has since been charged with solicitation to commit aggravated criminal sexual assault, a Class 1 felony.³ Additionally, a news outlet published a story in December 2015 outlining 36 instances of elder abuse beginning in 2012 perpetrated through the use of cell phone technology like Snapchat.⁴ For example, at a nursing home in New Jersey, a nursing assistant photographed a resident's genitals and sent it to a friend.⁵ The friend then uploaded the picture to Facebook. In

¹ Mary Schenk, *Man arrested over alleged plot to videorecord sex with memory-care patients*, THE NEWS GAZETTE (Jan. 19, 2016), <http://www.news-gazette.com/news/local/2016-01-19/man-arrested-over-alleged-plot-videorecord-sex-memory-care-patients.html>.

² *Id.*

³ *Id.*

⁴ See Charles Ornstein, *Inappropriate Social Media Posts by Nursing Home Workers, Detailed*, Pro Publica (Dec. 21, 2015), <https://www.propublica.org/article/inappropriate-social-media-posts-by-nursing-home-workers-detailed>.

⁵ *Id.*

Wisconsin, two workers took photos and videos of nude or partially nude elderly residents and shared them on Snapchat.⁶ And a similar abuse occurred in New York.⁷

Although many offenders have been fired and prosecuted by state authorities, there may be many more unreported incidents of abuse. The Centers for Disease Control and Prevention (CDC) reports that the “physical and psychosocial consequences of elder abuse are numerous and varied.”⁸ It is unclear what is being done to ensure that these consequences are avoided. But, what is clear is that the federal government must use all the tools at its disposal to protect the elderly in this country. For example, if the Department of Justice (DOJ) is cooperating with states and local governments, this Committee would appreciate an update with respect to the Department’s ongoing role in that regard.

The National Center on Elder Abuse (NCEA), a program directed by the U.S. Administration on Aging (AOA) under the purview of the Department of Health and Human Services (HHS), prominently displays this definition on its website: “[e]lder abuse is a violation of human rights and a significant cause of illness, injury, loss of productivity, isolation and despair.”⁹ Simply acknowledging this truth, however, is not enough. As technology and social media expand, we owe it to our nation’s elderly population to ensure quality nursing home care, which debasement of patients does not fulfill. Therefore, I would like to know more about what the DOJ is doing to protect the elderly in nursing homes, both in terms of social media exploitation and in general. Please answer the following questions and provide the requested information.

1. With respect to the apparent increase in the use of social media and electronic devices to record elderly residents in compromising situations, what steps has the DOJ taken, or intends to take, to combat this illegal activity? Please explain in detail.
2. Please provide the steps the Department will take, or has already taken, to prosecute individuals that are criminally injuring the elderly in nursing homes. In your answer please place special emphasis on social media and electronic abuse as described in the first paragraph of this letter.
3. Please provide the number of criminal and civil fraud cases relating to nursing home abuse, in particular cases involving the use of social media and electronic abuse, in the past 5 years. Please list the cases by state.

⁶ *Id.*

⁷ *Id.*

⁸ *Elder Abuse: Consequences*, Centers for Disease Control and Prevention, Injury Prevention & Control: Division of Violence Prevention, <http://www.cdc.gov/violenceprevention/elderabuse/consequences.html> (last visited Jan. 28, 2016).

⁹ *Id.*

4. Please detail how each criminal and civil case was resolved.
5. Please detail the number of ongoing nursing home abuse investigations, again with particular attention to cases involving the use of social media and electronic abuse, by state.

Thank you in advance for your cooperation with this request. Please number your responses according to their corresponding questions and respond no later than March 29, 2016. If you have questions, please contact Josh Flynn-Brown or Paul Junge of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary