



CEDAR

COALITION FOR ELDER & DISABILITY RIGHTS

May 9, 2018

Hon. Xavier Becerra
Candidate for Attorney General
777 S. Figueroa Street, Suite 4050
Los Angeles, CA 90017

Re: Protecting civil rights in probate conservatorship

Dear Candidate Becerra:

We are writing both major contenders for the office of California Attorney General. We have the same message for each candidate. We are making the same request of each candidate.

The message: Thousands of Californians who find themselves ensnared in probate conservatorship are victims of heinous abuse and civil rights violations. Judges often disregard the Americans with Disabilities Act in conservatorship proceedings. Respondents are often denied legal representation. When court-appointed attorneys are in place, they routinely surrender their clients' rights. Some court-appointed attorneys actively oppose their clients' rights, presumably to increase billable hours. Court investigators often fail to investigate adequately or at all, and investigators rarely respond appropriately to reports of abuse by conservators. Capacity assessments, if performed at all, are perfunctory and often performed without due diligence or adequate training. Victims' families are financially and emotionally destroyed by the abuse of their loved ones.

The history: In 2011, we asked the AG investigate kidnapping, false imprisonment, isolation, and theft of the estate of Carol Hahn, who was under conservatorship in San Bernardino County. The AG sent a brief letter refusing to investigate.

In 2014, Spectrum requested the AG investigate civil rights violations in conservatorship. The AG failed to respond.

In 2014, we submitted overwhelming evidence of a male caregiver perpetrating multiple sexual assaults on Carol Hahn, while she was under conservatorship and imprisoned and isolated in a San Bernardino County assisted living facility. The facility and the conservator conspired to cover up the evidence. Supervising Deputy AG Vincent DeCarlo wrote: *I am not aware of any recent developments that warrant opening a new investigation.*

In 2017, Spectrum requested the nominee for AG investigate civil rights violations in conservatorship. Spectrum was told the AG has loyalty to the state agencies and officials who are allowing and perpetrating the abuses.

On April 9, 2018, I had an extended conversation with Michael Newman, Director of the Bureau of Children's Justice, Department of Justice. Mr. Newman asked me to contact Director/Senior Assistant Attorney General Saralynn Ang-Olsen.

On April 9, 2018, I sent the attached email to Ms. Ang-Olsen. I requested assistance for three conservatees that are currently victims of abuse.

1. William Ente has been imprisoned and isolated since 2010. William is required to work menial jobs for below minimum wage.
2. Elinor Frerichs has been imprisoned and isolated since 2012. Elinor's estate was formerly valued at around \$6M. Elinor's conservator has depleted the estate to less than \$1M.
3. Martin Bui has been imprisoned and isolated since 2014. There is evidence that Martin is chemically restrained and physically abused.

Ms. Ang-Olsen did not respond to my communication.

The requests:

We join with Spectrum in asking each candidate if he will:

1. Convene a civil rights summit on probate conservatorships to address to address abuse and violations statewide.
2. Following the summit, convene a Civil Rights Task Force on Probate Conservatorships to:
 - a. Identify the prevalence of civil rights violations in conservatorship,
 - b. Determine the extent to which civil rights violations stem from systemic deficiencies in policies and practices, and
 - c. Identify ways to better protect the civil rights of persons under probate conservatorship.

Will you meet with us to discuss our requests?

Respectfully submitted,

Linda Kincaid, MPH

Sent by email on April 9, 2018

Ms. Ang-Olson,

Michael Newman contacted me about conservatorship issues. Then he asked me to contact you about ongoing cases of criminal abuse by conservators and their agents.

We have investigated many cases since 2010. We have never seen law enforcement respond appropriately to crimes against an elder or dependent adult. It is not uncommon for law enforcement to facilitate the abuse.

There are three ongoing cases of heinous abuse by conservators.

- In each case, the victim is imprisoned and isolated.
- In each case, local law enforcement refuses to provide protection of the laws.
- In each case, family is desperate to get help for their abused loved one.

In Alameda County, Elinor Frerichs (93) has been imprisoned and isolated since 2012. Elinor is placed in a locked dementia facility. The conservator allows no visitors or phone calls. The conservator has depleted Elinor's estate from around \$6M to a few hundred thousand.

<http://www.coalition4rights.com/alameda-county/>

Tanya Dennis is the lead advocate in Alameda County.
Tanya Dennis <tanyaddennis@yahoo.com>

In Santa Barbara County, William Ente (25, autistic) has been imprisoned and isolated since 2010. William is required to work at menial jobs for less than minimum wage. He is not allowed to leave his "independent living" home without staff following and monitoring him. He is allowed only rare contact with his mother. He is allowed no friends of his own choosing.

<http://www.coalition4rights.com/santa-barbara-county/>

William's mother is Lynda Ente.
lynda ente <lyndaente@gmail.com>

In Los Angeles County, Martin Bui (34, severely autistic) has been imprisoned and largely isolated for 4 years. On occasions when Martin is allowed to see his family, he has bruises and other injuries that are not explained. Caregivers and the conservator cancel visits arbitrarily, although Martin's sister travels 400 miles to visit.

We are investigating Martin's case, but we have not yet posted any articles.

Martin's sister in Ann Bui.
Ann Hien Bui <hienanne@gmail.com>

We tried bringing cases to BMFEA in the past, always without success. We stopped trying in 2014, after being told that sexual assault on my mother was not a crime. My mother is now deceased and safe from her abusers.

Mr. Newman assured us that BMFEA is more "service oriented" than in the dark days when my mother was a victim.

We would love to work with you in seeking justice for Elinor, William, and Martin. They are still alive. They face physical and mental abuse on a daily basis. I truly hope BMFEA can engage to protect them from further abuse.

Regards,

Linda Kincaid, MPH
Coalition for Elder and Disability Rights