



Alameda County
District Attorney's Office
Nancy E. O'Malley, *District Attorney*

ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE

H.E.L.P. Program Blueprint

Education, Prevention & Prosecution of Crimes Involving Real Estate

Alameda County District Attorney Nancy E. O'Malley invites you to partner with her in the implementation of the **Homeowner Education and Loan Protection (H.E.L.P.)** Program, the Alameda County District Attorney's Office's model program and innovative blueprint to address crimes involving real estate on a multi-disciplinary, multi-system collaborative basis.

H.E.L.P. is a joint effort of public and private agencies, disciplines, and individuals, facilitated by the District Attorney's leadership. Under the **H.E.L.P.** umbrella, the District Attorney, the California Attorney General, State and Federal Law Enforcement Agencies, Financial Institutions, Non-Profit Housing Counselors, Consumer Protection Groups, and Probation collaborate to address the dangers of real estate fraud against homeowners. **H.E.L.P.** supports an effective response by all those who are working to protect homeowners from fraud. By joining forces, and leveraging financial resources, **H.E.L.P.** strives to address all aspects of real estate fraud, including prevention of the proliferation of real estate schemes, education campaigns to better inform the public of the latest scams, and intervention against con artists through aggressive prosecution and vigorous advocacy for restitution in criminal cases.

MISSION

The mission of **H.E.L.P.** is to build and increase the capacity of law enforcement agencies, financial institutions, and other community groups to effectively respond to and combat real estate fraud in their jurisdictions. The primary goals of **H.E.L.P.** are protection of a victim's home, prevention of large-scale scams, and accountability for individual criminals. **H.E.L.P.** provides law enforcement and community partners with effective and proven strategies to improve local, regional, and national capacity to identify, intervene in, investigate, and prosecute real estate fraud cases while supporting and educating homeowners against fraud.

"Crimes involving real estate strikes at the very heart of the American Dream: Home ownership," says David Lim, Deputy District Attorney and a member of the H.E.L.P. team. "Con artists in the field of real estate fraud design elaborate, complex schemes designed to steal not only money and property, but the basic dignity associated with home ownership." Based on this reality, **H.E.L.P.** combats the real estate fraud epidemic from a collaborative and coordinated multi-system approach. Because of the complexity and scope of real estate fraud, **H.E.L.P.** reaches beyond the local jurisdictions that it serves to collaborate regionally and

nationally, and enable partners who are combating real estate fraud to replicate in their jurisdictions the successes **H.E.L.P.** has achieved in Alameda County.

“Our **H.E.L.P.** blueprint guides other communities in their effort to fight real estate fraud in their communities. This is more than geographic regionalization; this must be an organization of community partners cooperating for one common goal. We extend an invitation to our surrounding counties to participate in **H.E.L.P.**, and join our local, regional and national efforts to combat real estate fraud,” says O’Malley.

STRATEGIES

H.E.L.P. combines three successful strategies that collaboratively embrace and protect real estate fraud victims, prevent real estate fraud, and enhance efforts to investigate and prosecute criminals. The three components of **H.E.L.P.** are:

1. EDUCATION

An active education and awareness campaign is a primary component of **H.E.L.P.** Educating homeowners, community leaders, law enforcement agencies, and consumer protection groups about real estate fraud is vital to protecting our communities from devastating effects of real estate fraud.

“Real estate con artists take advantage of the complex nature of real estate and financial transactions to prey on homeowners,” says O’Malley. “One of the ways to help our communities from being victimized by real estate scams is to empower our communities through knowledge, and to help de-mystify real estate transactions.”

Education of the public is accomplished through community outreach at libraries, community centers, and faith-based organizations. The sad reality is that the majority of real estate scams are “affinity based” – i.e., members of a community preying on members of their own community – so outreach within each local neighborhood is crucial.

H.E.L.P. utilizes a broad range of vehicles to educate the public. Community workshops, language-specific brochures, media alerts, social networking, and a robust internet presence are some examples of ways in which **H.E.L.P.** reaches out to teach the public about the dangers of real estate fraud.

H.E.L.P. is committed to working with financial institutions, private companies, professional organization, and community groups to improve their capacity to educate their communities about real estate fraud. To that end, **H.E.L.P.** provides training and resources on combating real estate fraud that each organization can tailor to the specific needs of their community.

In the area of law enforcement training, **H.E.L.P.** is committed on a local, regional, and national level to enhancing law enforcement efforts to investigate and prosecute real estate fraud. **H.E.L.P.** provides law enforcement trainings on a regular basis through teaching at Police Office Standards and Training (P.O.S.T.) courses, briefings to state and federal law enforcement officials, and presentation at various state-wide conferences for law enforcement officials through the California District Attorney’s Association.

2. PREVENTION

A primary goal of **H.E.L.P.** is to stop a real estate fraud scheme from taking root in the community and affecting hundreds, if not thousands, of homeowners. Through vigorous monitoring of real estate fraud trends, analysis of economic condition, and collaboration between regional and public/private entities, **H.E.L.P.** presents an aggressive prevention campaign designed to prevent homeowners from becoming victims of real estate fraud.

“Economic conditions often play a role in what schemes con artists will implement to defraud homeowners,” says Lim. “From 2006-2008 when the housing market was hot and the value of homes was rising exponentially, con artists implemented aggressive ponzi schemes designed to strip the equity from the homes of victims. Forgery of a victim’s signature, filing of false deeds, and identity theft of a victim’s personal identifying information were wrapped in elaborate ploys designed to give the con artist an air of legitimacy.”

Today, notes Lim, “With the bursting of the housing bubble, and the deep and continued economic recession, con artists have shifted their scams to prey on the desire of homeowners to save their homes from foreclosure. Programs touted as ‘loan modification’, ‘principal loan reduction’, or ‘lawsuits against lenders’ are the programs being pitched to victims with the sole goal of separating homeowners from their money with the false promise of saving the victim’s home.”

By monitoring the trends in real estate, **H.E.L.P.** works to identify schemes as they appear in our community, and formulate an appropriate response to prevent homeowners from becoming victims.

Collaboration is a critical component of prevention of real estate fraud schemes. **H.E.L.P.** coordinates with local, state, and federal law enforcement agencies, financial institutions such as bank, title companies, and escrow companies, and with professional associations such as the National Association of Realtors to identify emerging real estate fraud trends. Much like the successful Neighborhood Watch Programs, **H.E.L.P.** brings in all members of a community to be the eyes and ears that spot, identify, and call attention to new real estate fraud schemes before they can take root in the community.

An example of **H.E.L.P.'s** success in prevention of real estate fraud schemes is the approach used by **H.E.L.P.** to address the use of mass mailers by con artists to contact victims. One of the most effective ways that con artists find victims is through the use of mass mailers that offer "programs" designed to help save a homeowner from foreclosure.

H.E.L.P. has taken the lead in creating group message boards on the internet that allow agencies and jurisdictions throughout California to instantly collaborate when mass mailers pitching suspect real estate fraud schemes are mailed to homeowners. Using a collaborative approach, **H.E.L.P.** is able to coordinate with all jurisdictions to initiate a warning to consumers about the fraudulent program. Outreach to community groups and professional organizations help spread the word about the mass mailer. And finally, through regional efforts, the source of the mass mailer is identified and appropriate steps to stop the mass mailer are taken.

3. PROSECUTION

H.E.L.P. is committed to a robust investigation and prosecution against con artists who perpetrate real estate fraud crimes. The goal is to hold criminals accountable for their actions while providing restitution for victims.

H.E.L.P. investigates all reports of real estate fraud through a dedicated team of police inspectors and prosecutors who handle only real estate fraud cases. Handling the cases from initial complaint, through the investigative process, through all Court proceedings, and to its final conclusion of sentencing and restitution ensures that these complex cases are handled professionally at every stage of the proceeding.

Through **H.E.L.P.**, victims are provided with assistance and referrals to outside agencies to help them unwind the illegal real estate transactions that rob them not only of their money and property, but also of their dignity. **H.E.L.P.** provides a full range of services to homeowners which helps them get past the trauma associated with real estate fraud and allows them to move on with their lives.

Realizing the devastation that real estate can cause victims and their families, **H.E.L.P.**'s assistance does not end with a conviction of the con artist. **H.E.L.P.** works to guide victims through the process of obtaining as much restitution as possible. In cases where property is irrevocably lost, **H.E.L.P.** works to restore the dignity of the victim by giving them honest answers and referrals to partners who can help them move on with their lives.

The term "real estate fraud" includes, but is not limited to the following types of crimes:

- Any crime involving the value of a home or other real property
- Fraud or forgery of documents related to real estate
- Identity theft to purchase real estate
- Elder financial abuse to steal the identity or property of an elder
- Mortgage fraud
- Foreclosure rescue fraud
- Fraud against a lender, bank, or private lender
- Loan modification involving payment of upfront or advanced fees
- Bankruptcy fraud to delay a foreclosure
- Ponzi or Pyramid schemes purporting to invest in real estate deals
- Trust or Wills designed to transfer ownership of property illegally

CONCLUSION

Crimes involving real estate fraud are varied and complex. Addressing the issue requires a dynamic response involving **Education**, **Prevention**, and **Prosecution**. **H.E.L.P.** is that response.

H.E.L.P. is a program that can be replicated in any community.

For more information on **H.E.L.P.**, contact the **H.E.L.P.** Coordinator at (510) 383-8600 or go to

www.alcoda.org