

# Trends in the Criminality and Victimization of the Elderly

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**THOSE DEVOTED TO THE** study of crime and criminal behavior have learned through their research that several variables are fairly reliable in predicting the amount of crime and types of crimes that will be committed by specific categories of offenders. These variables are age, gender, and socio-economic status. The large proportion of violent crimes will be committed by younger (18-45) age males in the lower socio-economic categories. The proportion of violent crimes will decline as the ages of the criminal offenders increase. As the ages of the offenders approach what is referred to as elderly, the proportion of violent crimes committed by those in this category constitutes a very small part of the entire violent crime total. This finding holds true regardless of the gender and socio-economic characteristics of the elderly offenders. However, when the analysis focuses on the victims of crime, the elderly who are victimized are over-represented in several types of criminal victimizations. These include theft, financial fraud, and physical abuse.

## The Elderly

The concept of "age" is generally understood and can be easily measured. It is a continuous variable, but in order to develop a better understanding of how age is related to one's development, emotions, and behavior during different periods of life, age has been conceptualized to include different categories such as infant, young child, adolescence, middle age, and old age or elderly. These categories are often arbitrarily defined, and there is no agreement on the specific age that separates one

category from another. Age is a continuous variable having a definite starting and ending time period, while the categorizations of age are discrete variables. The development of age categories is heavily influenced by the specific socio-economic characteristics of a society during a specific time period. For example, a young person ten or twelve years old may be expected to take on the role of an adult in some societies and work 10 hours or more each day in a factory. In other societies, a person age 15 or 16 may still be considered a child and prohibited by law from engaging in certain types of work. In regard to the elderly, innovations in health care, diet, communications, and types of work performed have resulted in a longer life span and generally a more active lifestyle. While the behavior of persons in specific age groups may differ from that of other age groups, the behavior of those in the same age group may also differ during different periods of time or stages in the economic development of a society.

## Methodology

This paper focuses on changes in the amount and types of crime committed by the elderly and the various methods used to victimize the elderly. The criminal activity and the victimization of the elderly were analyzed by use of statistics and reports from sources in the United States and Europe and comparisons with prior research.

The criminal behavior of those in the age category referred to as the elderly has changed in terms of the proportion of the total amount of crime and specific types of crime. This was demonstrated through a longitudinal analysis

of crime statistics. The changes in the victimization of the elderly were also analyzed, using the same methodology. Since statistics on the crimes or victimization of the elderly were not available for all European countries, an exhaustive comparable analysis between the United States and European countries could not be completed. The proportion of the population in the older age groups is increasing in most of the countries throughout the world, particularly in the economically developed countries, but there is no agreement among researchers on the specific age that should be used to categorize the "elderly." Fattah and Sacco (1989) note that some of the research on older offenders and victims of crime categorizes the older person as age 50 and above; other researchers use 60 years and above as the cut-off point, and still other researchers have used 65 and above as the age to define the elderly. In some of the research, the older criminal offender and older victim are categorized as early old age at 64 to 74, advanced old age as 75 and older, and old-old age as 85 and above. The FBI (Crime in the United States, 2014), in recording arrests made in the United States during a given year, provides a breakdown of arrests by age, but does not use labels to categorize the age groups. The FBI report does not refer to young age, middle age, or elderly. The ages of the arrests made during a given year are categorized into five-year groups, such as 50-54, 55-60, 61-64, 65-70, and 71 and above. In the research presented in this paper, the elderly are defined as being 65 years of age or older. However, the ages 60 and above are used in portions of the analysis.

## Theoretical Perspective

As a result of improvements in healthcare, communications, and education, changes in lifestyles, including the types of employment, and changes in social relationships, the life span for the populations of most countries of the world has increased. People are living longer, working longer, and in general have more formal and informal contact with many people outside their primary social relationships. These changes result in more opportunity for members of the older population to commit crimes, and a higher probability that the older population will be victimized. For example, in the past, a large proportion of the criminal victimization of the elderly was by family members, relatives, and close acquaintances. While this may still be the case, the proportion is not as large as in the past, because the amount of non-primary-group contacts by the elderly has increased through communications, the Internet, and other factors. In terms of criminal activity, these same changes are affording the elderly more opportunities to commit certain types of crime than in the past, including fraud, theft, tax evasion, and even violent crimes.

In regard to victimization, the lives of a larger proportion of the elderly are now under the direction or care of some person or agency other than members of their family or relatives. The elderly who voluntarily or by circumstances remain in their homes may not have the interaction with or emotional support of close family members. For those physically or mentally disabled, the need to rely on "outsiders" is more apparent. When family members are involved in eldercare, these relatives may abuse or steal from the elderly.

## Trends in Size of the Older Population (U.S.A. and Europe)

The older population of the United States (defined as 65 years of age or older) numbered 39.6 million in 2009. This represented 12.9 percent of the entire population. Aging Statistics (*Administration on Aging, Administration for Community Living: 1*) estimate that in 2030 there will be 72.1 million older persons in the U.S., about 19 percent of the population. The same source reports that, since 2000, the proportion of the U.S. population that is defined as older has grown at a faster pace than other age groups in the U.S., and this drastic increase in the older population is expected to continue to the year 2030 and perhaps longer.

In Austria (CIA World Factbook and Statistik Austria, 2015: 1), the estimated percent of the total population 65 years and older for the year 2014 was 19.2 percent, with the female elderly population exceeding the male elderly population by 15 percent. In a report on the aging of Europe (Carone & Costello, 2006), the increase in the proportion of the population of the European nations that is older is attributed to a decrease in fertility, a decrease in the mortality rate, and a higher life expectancy. In a report by the Economic Policy Committee and the European Commission, it was predicted that the total population of the European Union will decrease by 16 percent between 2010 and 2050, while the elderly population will increase by 77 percent (Eurostat: 2012).

## Crimes Committed by the Elderly

Several researchers have used the statistics from the FBI's Uniform Crime Report to determine the number and types of offenses committed by the elderly in the United States (Moberg, 1953; Keller & Vedder, 1968; Schichor, 1984; Wilbanks, 1984). There were some differences in the findings of the researchers in regard to the amount of crime committed by the elderly as well as the predominate types of crime committed by the elderly. These differences can partially be attributed to the fact that different age brackets were used to identify the elderly. Such offenses as drunkenness, larceny-theft, fraud, disorderly conduct, gambling, disturbing the peace, and some types of sexual offenses were prevalent for the older offenders in the majority of the studies. The amount of violent crime, including murder, was higher than expected for the older offenders. In the United States, the researchers projected that the actual number of crimes committed by the elderly (65 and older) and the proportion of the total amount of crime committed by the elderly will continue to increase during the first part of the 21<sup>st</sup> Century. This does not necessarily mean that there will be an evenly distributed increase in crimes committed by the elderly. Some types of crime will show a decrease in the proportion of the total committed by the elderly, even though the proportion of the total population that is older will increase. This can be explained by the fact that for some crimes the elderly do not have the motivation, opportunity, or ability to commit the act.

## Comparison of Crimes Committed by the Elderly in the U.S.A. (2000-2013)

Based on FBI statistics (Crime in the United States, 2000: Table 38:226-227) for the most serious crimes in 2000, the proportion of arrests for Serious Crimes (Index Crimes) for those in the age category of 65 and older was less than 1 percent. For the violent crimes in the Crime Index (murder, non-negligent manslaughter, rape, robbery, aggravated assault) for the category age 65 and over, the proportion of arrests was also less than 1 percent of the total number of arrests made for violent crimes in 2000. The percent of arrests for Index property crimes (arson, larceny-theft) for the 65 and over age category was 5 percent.

Conclusions based on the number of arrests made for various crimes can be erroneous, since a large proportion of reported crimes are never solved, and it is difficult to determine the characteristics of the persons who committed these crimes. In addition, victims of crime often do not report their victimization for a variety of reasons, including the fact that the offender is a relative, fear of retaliation, or belief that reporting will not stop the victimization.

One might ask what factors can explain why the arrests for all types of crimes were very small for those persons age 65 and above. Several factors must be considered in analyzing crime, including motivation, opportunity, and the ability to complete the act. For those in the elderly age group, the motivation to commit a crime may be there, but the opportunity is not available or the person may not have the ability to complete the act. For example, an elderly person may think twice about trying to commit a crime such as robbery, when there is a good chance that their own personal safety may be threatened. A person might have a desire to commit fraud, embezzlement, or forgery, but for a retired person not actively involved in a company or organization the opportunity does not exist. The proportion of arrests of the elderly for some property crimes such as shoplifting or minor theft, although 5 percent of the total, is somewhat larger than the proportion for other crimes, and this can be explained by the elderly having the opportunity and ability to complete the act. Strain theory, as it is applied to older persons on fixed lower incomes who are faced with constantly rising cost of living expenses, can provide an explanation for some forms of crimes committed by the elderly, such as theft, larceny, shoplifting, and fraud. Salzman (1963, p. 54)

suggests that the high incidence of sex crimes among older men may be explained by the needs of some older men to compensate for feelings of being unattractive, rejection, and impotence. In a study of homicides among the elderly (Kratcoski & Walker, 1988, pp. 74-75), it was found that the “routine activities” theory provides a framework for understanding elderly homicides. The research revealed that the majority of the homicides committed by elderly persons occurred in the home and involved family relationships, with the spouses of the offenders most often being the victims, and with the incident leading up to the act being an argument over a family-related matter, such as money, drinking, or the quality of the meals served.

### Analysis of Trends in Elderly Crime

When the 2013 FBI arrest statistics are compared with the 2000 arrest statistics, with age being the variable used in the comparisons (Crime in the United States, 2013: Table 38:46), we find that the proportion of all Index Crimes arrests for the 60-64 age category and the 65 and over age category increased from less than 1 percent to 2.2 percent. While the percentage of arrests for Index Crimes for the elderly is still small, it is important to note that the proportion increased significantly over the more than 10 years between the two time periods. Arrests for specific violent crimes (murder and non-negligent manslaughter) for those in the age category of 65 and older were significantly higher in 2013, as were arrests for property crimes such as larceny-theft, compared with the arrests for these crimes in 2000. When a comparison of property crime arrests for the two time periods (2000-2013) was made, the same trend of an increase in arrests for those in the older age categories was manifested. The proportion of the total arrests for fraud, forgery/counterfeiting, embezzlement, receiving stolen property, and commercial vice, and arrests for family-related offenses was not significantly different when the 65 and older age groups were compared for 2000 and 2013. For the 60 and above offenders, there was a slight increase in the proportion of arrests made in 2013 for driving under the influence, liquor law violations, and vagrancy, compared to 2000.

### Crimes by the Elderly in Europe

It is difficult to obtain reliable statistical data on elderly offenders in Europe for several reasons. As in the United States, the clearance

rates for such crimes as theft and burglary may be less than 10 percent. Thus, the characteristics of the offenders for the unsolved crimes are not known. Other crimes such as robbery and murder have a much higher clearance rate (60-80 percent), but the specific age of the persons arrested is not reported. For example, a police statistical report for the Federal Republic of Germany (Bundeskriminalamt, Police Statistics 2014, Federal Republic of Germany) categorizes suspects by age as children (less than 14), juveniles (14-18), young adults (18-21) and adults (22-and older). The report indicates that almost 28 percent of the suspects for 2014 were in the adult category, a 3.2 percent increase over 2013. However, the report does not reveal what proportion of these adult suspects were in the “elderly” age category. Several of the crimes that showed significant increases in 2014, such as fraudulent obtaining of services (15 percent increase), fraud using unlawfully obtained credit cards (10.2 percent increase), shoplifting (2.6 percent), account opening and transfer fraud (33.9 percent), and drug offenses (9.2 percent), are all crimes that the elderly might be motivated to commit or would likely have the opportunity to commit.

Many of the countries of Europe have experienced increases in street crimes such as robbery and gang fighting, in which some of the participants are “elderly.” Some of the violence may be the result of fights between elderly couples and friends originating from arguments over small matters that become physical and others may be the result of clashes between ethnic and racial groups. These violent encounters, often between the native population and a recent immigrant group, will generally include participants from several age groups, the young as well as the old. The increase in the life span and the accompanying physical and mental disabilities many elderly persons experience have resulted in some acts of violence between intimates such as mercy killing and homicide-suicide pacts.

The number of cases of robbery, burglary, and fraud (Edelbacher, 2015: Personal Observations) has increased as a result of older persons losing their employment, losing their homes, being neglected by their families, and not having any secure source of income. For example, Edelbacher recalls:

A group of elderly men who had engaged in burglary when they were young decided to start the “Gang of the Elderly” and resume the type of criminal activities they had engaged in when they were young

because they had no other way to improve their living conditions.

Edelbacher observed that those who have had a life-long criminal career will generally change their mode of operations and the kind of criminal offenses they engage in once they become older. For example, the elderly will not engage in robbery and burglary, but will still be involved in drug trafficking and all types of fraud, including financial and credit-card fraud, cybercrime, and identity theft (Edelbacher, 2015 Personal Observation).

### Elderly Victims of Crime (United States)

In the National Elder Abuse Incident Study—1996, completed by the United States Administration on Aging, the federal agency responsible for policy matter in elder abuse, it was concluded that, “The types of elder abuse from the most common to the least common were neglect, emotional/psychological abuse, financial/material exploitation, and physical abuse” (Fryling, 2009: 84). In addition, it was concluded that probably only 20 percent of the actual number of elder abuse cases are reported and substantiated.

Mason and Morgan (Crimes Against the Elderly, 2003-2013) developed estimates of the property crime and nonfatal violent crime victimization of the elderly (age 65 and older) for the years 2003 to 2013. In their report, it was found that:

- Elderly homicides rates declined 44 percent, from 3.7 homicides per 100,000 persons in 1993 to 2.1 per 100,000 in 2011;
- More than half (56 percent) of the elderly violent crime victims reported the victimization to the police, compared to more than 1/3 (38 percent) for persons age 12 to 24; and
- Among the elderly violent crime victims, about 59 percent reported being victimized at or near their home.

The matter of elder abuse is becoming more important as people are now living longer and thus the elderly make up a larger percentage of the entire population of most nations. It is predicted (National Institute of Justice, Elder Abuse, 2015: 1) that by 2025 more than 62 million Americans will be 65 years old or older and 7.4 million will be 85 years old or older. The expected 62 million elderly (65 and older) in 2025 will be a 78 percent increase over the number of elderly in the U.S. in 2001. In a study of the extent of elder abuse victimization (National Institute of Justice, Extent of Elder Abuse Victimization, 2015: 1), it was

found that 11 percent of the elderly reported at least one form of maltreatment—emotional, physical, sexual, or potential neglect—during the past year. Financial exploitation by a family member in the past year was reported by 5.2 percent of the elderly. The risk for elderly maltreatment is higher for:

- Individuals living in low income households;
- Individuals who are unemployed or retired;
- Individuals who report being in poor health;
- Individuals who had experienced prior traumatic experiences; and
- Individuals who have low levels of social support.

### Case Study: Serial Murder in a Hospital

During the years 1988 and 1989, in a hospital in Vienna, four nurses killed more than thirty elderly patients who were very ill and weak, rather than providing these patients with the support and treatment they needed. When investigating these murders, the Major Crime Bureau in Vienna investigated 385 reports of suspicious death cases. After the news media revealed the circumstances of the murders, a general fear of being mistreated in the hospitals arose among the public and the public felt that there probably were many more cases of maltreatment of the elderly that were never detected. During a two-year investigation period, the Vienna Faculty of Medicine, the Department of Forensics, and the Prosecutor's Service collected all of the relevant literature and evidence about killing of the elderly in which the *modi operandi* that characterized killings by the nurses were used, and in the trial twenty cases of murder by the nurses were substantiated. By receiving worldwide media coverage, this case created an awareness of the vulnerability of the elderly and a call for the passage of laws to protect the elderly, not only in Austria, but for other countries. It became very clear that, as the populations of the nations in most of the developed countries of the world are becoming older, providing humane medical treatment, economic care, and protection for the elderly will become an increasingly difficult challenge (Edelbacher, 2015).

### Victimization of the Elderly by Fraud and Scams

The National Council on Aging (2015: 1-3) has compiled a list of the top 10 scams targeting the elderly. These include:

- Health Care/Medicare/Health Insurance Fraud;
- Counterfeiting Prescription Drugs;
- Funeral and Cemetery Scams;
- Fraudulent Anti-Aging Products;
- Telemarketing Scams such as the “The Pigeon Drop,” “The Fake Accident Play,” and “Charity Scams”;
- Internet Fraud and Email Phishing Scams;
- Investment Schemes;
- Homeowner/Reverse Mortgage Scams; Sweepstakes and Lottery Scams; and The Grandparent Scam.

A study by the Princess Clark-Wendel Companies (Financial Fraud: The Top 4 Scams Against the Elderly, 2015: 1) lists the top four scams against the elderly as:

- The Home Repair Scam;
- The Magazine Subscription Swindle;
- The Uncollected Derby Winnings Scam; and
- The Phony Bank Inspector Scam.

### Crimes Against the Elderly in Europe

The crime rates in many countries of Europe increased dramatically after the break-up of the Soviet Union. With the uniting of East Germany and West Germany and the opening of the borders of Western Europe with Eastern European countries, there was an influx of immigrants from many of the Eastern countries. Most of these immigrants were law abiding and were motivated by employment and opportunities to improve their living conditions. However, conflicts with the native population were inevitable, since the new groups generally had a different culture and adhered to a set of traditional values and legal standards.

As the gap between the rich and poor increased during the latter part of the 20<sup>th</sup> century and the early part of the 21<sup>st</sup> century, some groups, particularly the very young and the elderly, became more vulnerable. The elderly in particular became the targets for all types of crime, including robbery, theft, burglaries, and fraud. As many of the elderly are physically handicapped and not able to defend themselves if attacked, gangs of youngsters and single offenders seek out elderly persons to rob, steal from them, or to burglarize their homes. Elderly persons who are coming from a financial institution or grocery store are often selected as victims. Reflecting on experiences with his mother, Edelbacher recalls,

I remember very well as a son and police officer the talks with my mother about her

safety. She was living alone, having been a widow for many years. At the beginning of each month, she would go out with her dog, her shopping bags, and the keys to her flat in one hand through an alleyway that went directly to the bank to cash her pension check. Although I explained to her several times that she was an easy target for robbers, she did not want to change her pattern of behavior” (Edelbacher-Personal Observations).

This example illustrates why the elderly are vulnerable to crime. They are trusting, set in their behavior patterns, and often not aware of the changes that have occurred in their communities that might make them more vulnerable to becoming victimized. There is also speculation that the amount of violence and neglect of the elderly who are housed in hospitals and nursing homes or under the care of their children has increased. These crimes are often not reported, since the elderly victims are afraid of accusing their children, relatives, or other persons caring to them. Even in cases in which the elderly are the victims of various types of fraud and scams, the elderly do not report the victimization for various reasons, including admitting to others that they were tricked.

### Response to Elderly Crime by Criminal Justice Agencies

With the exception of children and juveniles, the criminal codes do not make allowance for decreasing culpability for crimes committed based on age. An elderly person who is physically and mentally handicapped is still subject to the same punishment as any other person who is found guilty of a comparable crime. For example, there are a number of cases of “elderly” persons being given long-term prison sentences for mercy killings. In a study of elderly homicide victims (Kratcoski & Walker: 1988), homicide-suicide pacts between elderly couples were made when one or both of the elderly partners suffered from terminal illness or was in extreme pain. In regard to financial scams and frauds, the criminal offenders are often older persons who have been swindling and scamming people most of their adult lives and thus, when finally brought to justice, should not be given any special consideration, regardless of their older age. In another study of older inmates (Kratcoski, 1992) it was found that several categories of male offenders, such as pedophiles, had been sexually molesting children, including their own children and grandchildren,

most of their adult lives. Other cases of older offenders arrested for such offenses as public intoxication, disturbing the peace, and theft have probably been in and out of the courts and jails most of their adult lives.

The courts and law enforcement officials recognize that the crimes of many elderly, such as shoplifting of food, receiving unqualified services, and even violent acts against another person, are the result of recent circumstances, and these persons are more in need of assistance than punishment. The diversion of older offenders from the criminal justice system is becoming an accepted norm. Police transport offenders suspected of being mentally ill to a mental health center rather than to jail. The older offender who is a substance abuser is eligible for "drug court" processing rather than the normal court processing, and the older financial crime offender is often allowed to make restitution rather than being given a criminal sanction.

### Crime Prevention Strategies for the Elderly

The methods being employed to prevent the victimization of the elderly and to assist those who have been victimized consist of both information giving and operational programming. In the United States, the National Crime Prevention Council (2015:1) states that the key components of a viable crime prevention plan for the elderly should include:

- A communications network to keep the elderly alert to potential crime;
- Information and training on how to report crime;
- Services to support elderly victims in dealing with the physical, emotional and financial impacts of crime; and
- Access to products, training, and other services to help prevent victimization.

It is recommended that the information provided on the victimization of the elderly be factual and truthful. It is important to avoid creating such a fear of crime that the elderly are afraid to leave their homes to shop, go to church, or engage in social activities. It was suggested that the elderly engage in social interaction with family, friends, and others in the community to the extent possible.

### Strategies Involving Action Programs

The action strategies for preventing victimization of the elderly consist of legislation, providing services, and law enforcement programs.

The major legislation pertaining to victims of crime that was passed by the federal government and the state legislations did not pertain specifically to elder victims of crime, but took in all victims of crime. The Victims of Crime Act was passed by the U.S. Congress in 1984. This Act established the Crime Victim Fund. The funds are used to support victim assistance and compensation programs throughout the country. All victims, regardless of their age, can apply for assistance and compensation if having received physical or material harm from a criminal act. The Office of Victims of Crime was established in 1988. This federal agency provides grants to victim assistance programs and training for service providers. Other legislation, such as the Violence Against Women Act (1994), does not specifically pertain to older women, but older women who qualify are eligible for the mandatory restitution required by the Act.

The United Nations has begun to recognize the extent of criminal victimization throughout the world and the need to support victims of war and crimes committed by corrupt leaders of nations. In 1985, The United Nations adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Wilson, 2009: ix-xii).

### Crime Victim Assistance Agencies

Victim Service Programs were established throughout the United States during the 1980s. Most of the agencies providing these programs were initially funded by grants from the Office of Victims of Crime. These agencies are either independently administered or are attached to a government agency, most often the state or county prosecutor's office. Victim assistance agencies provide a variety of services to those victims of crime who ask for assistance. These services include assisting the victim through the court system, providing assistance in crisis intervention situations, assisting the victim with the completion of the forms for requests for compensation, assistance with the completion of impact statements, engaging in crime prevention programs, providing training in personal safety, visiting victims at their homes, making referrals of victims to counseling agencies, and even locating housing and funds for victims who need to satisfy immediate needs relating to food and shelter. (Tontodonato & Kratcoski, 1995:16)

The findings of the research on crime victims' utilization of services completed by Tontodonato and Kratcoski (1995: iii)

revealed that crime victims typically obtained support from both public and private sources. The majority of the victims (the respondents were predominately younger women) tended to rely on their family and friends for the emotional support needed in dealing with the trauma that is often experienced when one is victimized, particularly in those cases when the action involves violence, loss of life of a family member, or bodily harm. They suggested that the victim service agency can be an important intermediary between the victim and the criminal justice system by providing a communication link to the system and by educating the victim on how the system operates and what to expect from the system at various stages of the process. (Tontodonato & Kratcoski, 1995:35.)

In many police jurisdictions, the security needs of the elderly have been recognized, resulting in the development of programs to assure the safety of older citizens. These programs include the assignment of police officers to housing complexes for older residents, providing crime prevention education for the elderly, and establishing community policing programs in neighborhoods where the large majority of the residents are senior citizens.

### Conclusion

The proportion of the population that is considered elderly has increased rather significantly in most of the countries of the world during recent years. This increase in the elderly population is expected to continue well into the 21<sup>st</sup> century. This change in the elderly portion of the population has led to increases in the amount of crime committed by the elderly, as well as increases in the number of elderly persons who have become victims of crime.

The amount and types of crimes committed by older offenders is related to several factors, including the older offenders' motivation, opportunities, and ability to commit the crimes. The majority of property crimes committed by the elderly may be motivated by a desire to fulfill their basic needs, such as food and shelter. The mental state of the older offender may explain the causes of sex-related crimes, violent crimes, public order crimes, and crimes relating to drug and alcohol abuse.

In regard to providing assistance to elderly victims of crime, although crime victim assistance programs have been in operation for several decades, the elderly victims of crime have not received special attention until

recently. It is now recognized that some older victims have needs for assistance that are quite different from the needs of younger victims. These include assistance with transportation, special housing, financial security, personal physical care, and psychological counseling. Having a sense of security and being able to live without fear for one's personal safety are also major concerns.

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