

Part III

Introduction: The Criminal Justice Response to the Prevention of Elderly Crime and Treatment of the Elderly Offender

Introduction

The response of the criminal justice agencies to the older criminal offender has not always been consistent. Prior research on sentencing of older persons convicted of criminal offenses reveals that some older offenders have been treated more harshly than younger offenders who had been convicted of the same offense, while other researchers have found that older offenders were treated more leniently than younger offenders who had been convicted of the same offenses.

In Chap. 12, the author examines the situational factors surrounding the offenses of older persons that might have an influence on the way a particular justice agency responds to the older offender. In this chapter, the procedures used by the police, prosecutors, and judges to divert older offenders from formal processing are examined. An explanation of special problem courts, including drug courts, mental health courts, family (domestic violence) courts, and community courts is given and the relevance of these courts to the older offender is also examined. The author provides information and examples of older convicted criminal offenders who are placed on community supervision such as probation and commitment to a residential treatment facility. The special programs offered in community corrections, such as drug and alcohol counseling, mental health counseling, and counseling on making an adjustment in reentry into the community for those older inmates who had been released from prison and placed on parole, are described. Finally the adjustment of the older inmates incarcerated in prisons is examined, specifically focusing on the factors that make prison life difficult and the special needs of older inmates, particularly health care. A description of the characteristics of special programs developed in correctional facilities to accommodate the needs of the older inmates is provided.

In Chap. 13, the author focuses on the special treatment programs developed for offenders with mental health problems. Research reveals that a substantial number of older offenders suffer from dementia, depression, and some form of psychosis. For these older offenders, a mental health approach to treatment may be warranted rather than a criminal justice approach. The author explains several

of the community-based and institutionally based approaches that offer promise for the treatment of older criminals with some forms of mental health problems. Collaboration and cooperation of service agencies, public health agencies, and justice agencies in the development of programs and the supervision and treatment of the criminal offender with special problems are emphasized.

In Chap. 14, the author provides an overview of the trends in the criminal offending of the elderly in the various countries represented by those who have written chapters for the book. Although the trend toward an older population is apparent in all of the economically developed countries, the major forms of criminal behavior of the elderly may be different, depending on the social, economic, and legal systems of the country being considered. For example, countries such as the United States and South Africa have much higher rates of violent crimes by the elderly than most other countries for a variety of reasons, including a tolerance for violent crime and the elderly's opportunity to commit violent crimes by use of firearms. The response to the older offender may vary, depending on the laws and cultures of the countries being considered. The author reviews some of the most commonly used techniques and methods used by criminals to victimize the elderly. With the development of the Internet, the same techniques used by criminals to victimize the elderly through frauds and scams can be employed throughout the world.