

# Chapter 1

## Trends in Types of Crimes Committed by the Elderly in the United States



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### Definition of Elderly (Older) Criminal

Research findings on determinates of criminal activity reveal that age is closely related to the amount of crime, the relationship of the criminal and victim of a crime, and even the types of crimes committed by criminal offenders. These findings consistently show that the large majority of crimes are committed by the younger population (18–35) and that the proportion of total crimes gradually decreases in the older age categories (36 and above.) There is a rather dramatic decline in the proportion of the total of crimes committed by those age 65 and older.

Kratcoski and Edelbacher (2016, p. 58) note, “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 infancy, young childhood, adolescence, middle age, and old age, or elderly.” Although these labels signifying different periods of one’s life have been generally defined by those writing about the effects of age at different stages of life such as adolescence, midlife, and old age, they are not usually specifically defined, with the exception of using age for the making of laws, such as defining the legal age to vote, obtain a driver’s license, purchase alcoholic beverages, and, in the case of the elderly, obtain social security benefits.

Those completing research on the relationship of age to crime tend to be even more specific in developing age categories. Some researchers have used the age of 60 and above to designate old age, and others have used 65 and above. Kratcoski and Edelbacher (2016, p. 58) note, “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.”

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When completing empirical research on crime and using age as an independent variable, the age of 65 and above is generally accepted as the age to designate the older criminal. In the FBI's *Uniform Crime Report*, one table provides the number of arrests made by police agencies in a given year by age. The ages of those arrested are separated into 5-year categories. Thus, one has the opportunity to compare those arrested who were 60–65, 66–70, and 71–75 and above. Since government publications, particularly the *Uniform Crime Report*, are the primary sources of statistics on elderly crime used in this chapter, the age 65 and older is used to designate the elderly (older) criminal offender.

## Perspective on Causes of Criminal Behavior by the Elderly

### Box 1.1 Profiles of Elderly Criminals

*Anthony Marshal dead: Son convicted of looting Brooke Astor's money was 90*

“Marshal, who died Sunday, saw his aristocratic life unravel as he was convicted in 2009 of raiding the fortune of his socialite mother, Brooks Astor.”

“Marshal was sentenced to one to three years in prison after he was convicted of exploiting his aged mother's slipping mind to loot her millions. Appeals delayed his incarceration for 3 1/2 years, but Marshal ultimately went to prison in June, 2013.”

(Fox News-Associated Press, 2014.)

*Joseph*, age 73, was arrested for parole violation after only 2 months from being released from a correctional facility. Although he appeared to be in conformity with the conditions of parole and the laws of the state in which he resided, he failed to adhere to one provision of state law pertaining to those convicted of a law pertaining to sex offenders. He failed to register with a law enforcement agency after he was released from prison.

Joseph was arrested for the offense of gross sexual imposition after a girl who lived next door, age 8, informed her mother that Joe had placed his hand under her dress and touched her private parts. The mother informed the police. The investigation of the charge led to a discovery that, over a period of many years, Joe had sexually molested his own daughters and perhaps other children who lived in the neighborhood. His long history of molesting children was never reported to an authority for various reasons, including the shame it would bring to the family as well as the likely loss of income to the family if Joe were sent to prison. Joe was convicted of the charge and given a 5-year sentence in a state correctional facility. Although it was his first criminal conviction, the sentencing judge gave Joe the maximum sentence. The fact that Joe had a long history of molesting children no doubt entered into the decision

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**Box 1.1** (continued)

of the judge to give a long sentence. An interview with Joe revealed that he could not explain why he became sexually aroused when he was around young girls. His problem was well known by the members of his own family. Each of his three daughters had taken their turn being the sexual object of their father until each daughter became of such an age (about the age of puberty) that the father no longer found them desirable. He was able to continue his deviant sexual behavior unnoticed except for members of his family until all of his daughters were no longer of interest and Joe began to seek victims outside his own home. It was sometime later that the incident with the neighbor's daughter led to his arrest.

A hearing on Joe's parole violation resulted in a revision in Joe's case management plan with additional conditions and more supervision by the parole authority.

(Case file of research completed by Peter C. Kratcoski on Older Offenders)  
*Ex-Brazilian President Convicted*

*Rio De Janeiro:* "Former Brazilian President Luiz Inacio de Silva was found guilty of corruption and money laundering Wednesday and sentenced to almost 10 years in prison."

"Brazil's first working class president will remain free while an appeal is heard, but he is now also the country's first ex-president to be convicted in a criminal proceeding at least since democracy was restored in the 1980s."

"In many quarters, the man known to Brazilians simply as Lula remains revered—both for his economic policies and his role in fighting for democracy during the country's dictatorship. The *71-year-old* has been considered a front-runner for next year's presidential election."

(Mauricio Savarese and Sarah Dilorenzo, (Associated Press) Akron Beacon Journal, A6 Thurs. July 13, 2017)

*O.J. Simpson Granted Parole in Robbery Case*

Lovelock, Nev.: O.J. Simpson was granted parole Thursday after more than eight years in prison for the Las Vegas hotel-room heist, successfully making his case for freedom in a nationally televised hearing that reflected America's fascination with the former football star.

Simpson, 70, could be released as early as Oct. 1. By then, he will have served the minimum of his 9-to-33 year sentence for a bungled attempt to snatch sports memorabilia he claimed had been stolen from him.

(Abstracted from Associated Press story written by Ken Ritter published in Akron Beacon Journal, Friday, July 21, 2017. A6)

*Greg*, age 76, was arrested on a charge of assault, after he threatened his wife with a knife during an argument. The argument started when Greg, who was eating his lunch, saw the pet cat jump on the table and start to eat from

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**Box 1.1** (continued)

the fried chicken being served. He responded by trying to stab the cat with his knife. The cat did not want to give up the chicken he was eating and Greg kept swinging at him until his wife tried to stop him. At that point, he threatened to kill his wife if she interfered. Thus she backed off and called the police. When they arrived Greg had calmed down. He was not successful in killing the cat, only being able to hit the cat's tail with his knife. His wife tried to convince the police officers that Greg was now under control and did not need to be arrested, but the officers were required to make an arrest and Greg was transported to the county jail. (Personal research—Peter Kratcoski)

## Socialization in a Criminal Culture

These examples of crimes committed by older persons were chosen to illustrate that older criminals commit the same types of crimes as criminals in other age categories. These crimes include crimes against persons such as murder, rape, assault, robbery; property crimes such as theft or property destruction; and public order crimes such as public intoxication, vagrancy, and disturbing the peace. Older criminals are found in most occupations, including professional occupations such as doctors, lawyers, and teachers, and in occupations related to the business and corporate world.

A statistical analysis of crime by the elderly reveals that the amount of crime in the United States committed by the elderly is increasing for most types of crime, and older criminals are represented in all categories. There are several theoretical explanations why crime by the elderly is increasing. Kratcoski and Edelbacher (2016, p. 59) state, "As a result of improvements in health care, communications, and education, changes in life styles, including the type of employment, and changes in social relationships, the life span for the population of most countries of the world has increased. People are living longer, working longer, and in general have more formal and informal contacts with many people outside of their primary social relationships."

## Social Learning Theory Pertaining to the Criminality of the Elderly

Akers et al. (1988, p. 38) contend that social learning theory integrates differential association theory of criminal behavior with behavior modification principles of criminal behavior with the major emphasis on differential reinforcement. The authors state, "According to the theory, social behavior is shaped by the stimuli that follow or are the consequences of the behavior (instrumental conditioning) and by

imitation of others' behavior (observational learning). Behavior is strengthened by rewards (positive reinforcement) and avoidance of punishment (negative reinforcement) or weakened (punished) by aversive stimuli (positive punishment) and lack of reward (negative punishment). By a process of differential reinforcement, deviant behavior is acquired and persists, or conforming behavioral skills do not develop, depending on the anticipated past and present rewards and punishments attached to it and alternative behavior."

While social learning theory I can be used to explain deviant behavior of all types, including drug and alcohol abuse, violent behavior, professional crime, and organized crime, some stimuli and differential reinforcements that may have considerable influence for a young age groups or middle age group such as peer groups, family, school, employment, fellow workers, and neighborhood associates may be of far less importance for elderly persons. Hendricks (1994) observed that the degree to which the older person has become disengaged from the general society and thus is less concerned with succeeding in employment, increasing his or her income, purchasing a home, maintaining a social status in the community, and caring for the needs of children than in the past will also determine the types of groups the older person will interact with and have as positive reinforcements. Older persons who have become disengaged from the general society will not have the same foci concerns as in the past but now may be more concerned with their health and the health of their spouse or significant other, leisure activities, and adjustment in a different residential environment, especially if they are now residing in a nursing home or senior citizen community. The age ranges of the groups with which they interact may become more concentrated in the older age groups as they sever relationships with former coworkers, friends who resided in the old community, and even their own children.

When one has knowledge of the context and circumstances in which social learning theory is applied to an elderly person, one can better understand why the behavior of that person is generally in conformity with societal norms or in conflict with societal norms. For example, if the person primary reference groups are those who are involved in church-related activities and social welfare activities, the elderly person is not likely to engage in deviant behavior that conflicts with the norms of the group. On the other hand, if the elderly person is involved with various political and community action groups that tolerate and even encourage behaviors such as destruction of property and violence, these behavior patterns may carry over into the elderly person's behavior patterns.

## **Anomie**

The concept *anomie* developed by Durkheim (1951) has been used to describe how a change in the way of life as well as changes in customs, values, and beliefs can result in a state of "aimlessness," a lack of moral convictions, and a disregard for the social controls and influences of neighbors, religious leaders, and government

officials. Merton (1938), building on the concept of anomie, uses the concept *social strain* to illustrate how circumstances within one's physical and social environment can cause confusion, anxiety, fear, disruption, and a general breakdown of the norms and values that were used to provide direction in one's life. Rosow (1974) uses strain theory as the basis for identifying the dimensions of aging that can lead to an *anomic state* for many of the elderly. The older person's retirement from employment, loss of spouse, loss of good health, or reduction in income are all factors that can contribute to the strain the older person experiences. Another dimension of aging discussed by Rosow (1974) is the lack of a socialization process to prepare older persons for the new roles they will play in the community when their old roles are no longer applicable to their life's circumstances. A third dimension of old age applies to the psychological feeling of being powerless, not being considered of any value or use in society, and even being considered a drain on the resources of the community.

It should be noted that the values and norms of any society are in a constant state of change for all age groups, including the elderly. As previously noted in this chapter, the life span has increased, people are retiring at a later age, and even after retirement from one position some assume new employment, often in a completely different line of work than that originally held. Others become involved in volunteer work and community service, and this gives them an opportunity to be useful and develop a sense of being of value to society. It is becoming more common for an older person to take a new spouse or significant other once separated by the death of their previous spouse. However, for many, depending on the circumstances, the adjustment to old age is difficult, and the psychological as well as physical demands of making the transition to everyday life in the new role may result in using escape mechanisms such as alcohol or drug addiction or even self-destruction in the form of suicide. For others, the pressure may be predominately from the constant struggle to obtain the money needed for day-by-day existence. For example, a report on income and poverty in the United States for the year 2015 (Proctor, Sernega, & Kollar 2016, pp. 2–3) indicated that the poverty rate for those aged 65 and above was 8.8% of the total for those in the older age group. However, the incomes of a large percentage of the elderly are tied in with social security benefits and supplementary income programs such as food stamps, Special Supplemental Nutrition Program for Women, Infants and Children, the earned income tax credit, and Medicaid. The Report indicates, "People 65 and older had a supplemental poverty rate of 13.7%, equating to 6.5 million people in poverty. Excluding Social Security from income would more than triple the poverty rate for this group, resulting in a poverty rate of 49.7%." These facts are not presented to imply that the elderly whose income is below the poverty line or whose income is barely sufficient to meet their day-by-day expenses are likely to become criminals, but those on fixed incomes in times of emergencies may resort to unusual methods when they are in desperate situations. A significant proportion of the elderly, particularly men, are homeless and have physical health and mental health problems, and their day-by-day survival might require violation of the law in some capacity (Hunger Notes 2016). The Federal Bureau of Investigation (2015) statistics for the crimes of the elderly (65 and above) reveal their crimes to be predominately related to various forms of

theft, predominately minor theft. For the elderly who are hungry, homeless, and in need of medical care, criminal activity may be considered the most rational solution to their problems.

## **Convenience and Opportunity Theory Pertaining to the Criminality of the Elderly**

The underlying notion of opportunity is that the motivation to commit a crime does not adequately explain why individuals become criminals. Many persons may be motivated and desire to commit crimes, but for one reason or another they do not have the opportunity. According to *opportunity theory* (Cohen, Felson, & Land, 1980; World Encyclopedia of Law, 2000), in addition to the desire to commit a crime, the offender must have an accessible target (victim), must see the target as attractive or worth the effort, must see the potential for numerous victims, and must believe that the potential victim(s) do not have adequate guardians that will prevent the victimization. In short, opportunity theory suggests that offenders will select their victims on the basis of their not having to exert considerable effort, the likelihood of obtaining a high reward, and the possibility of not having a high risk of getting caught and being punished for their crimes. For example, Gottschalk (2016, pp. 5–31) combines convenience theory, opportunity theory, and other theories to explain how motivation, organizational opportunity, and deviant behavior can explain the occurrence of white collar crime.

Other explanations for the increase in the crime rate among the elderly include those related to situational factors affecting the elderly. The poor economic situation of a large proportion of the elderly may be related to the increase in cases of theft, shoplifting, and even fraud. An increase in mental health problems such as depression, psychosis, and radical expressions of anger and aggressiveness could help explain the increases in the rate of violent crime among the elderly.

The Japan Times (2013, p. 1) states several reasons for the increase in crime among the elderly in Japan. They may stem from bad economic conditions. Senior citizens shoplift lunch boxes and bread out of poverty. Social situational factors are also preconditions for the increase in elderly crime. Some steal because they are lonely and isolated.

Other explanations for the increase in the crime rate among the elderly pertain to the numerous changes in laws and regulations to which elderly person must adjust. Many of these changes pertain to violations of ordinances or minor misdemeanor offenses, such as not wearing a seat belt while driving, speeding, improper care of property, loud noises, and public disturbances.

Roberts (2017, p. 1) states, “Simply put, *routine activity theory* suggests that a criminal act is likely to occur when an opportunistic offender converges in space and time with a suitable target.” Roberts continues, “It certainly comes as no surprise then that opportunistic criminal predators also engage in routine and

systematic activity patterns when selecting targets.” Traveling familiar corridors, criminals look for targets that will afford easy access and quick escape routes and offer little or minimal chances of resistance, detection, or apprehension. This “risk vs reward” evaluation is sometimes referred to as the “rational choice” perspective.

Wilkstrom (2009, p. 1) in discussing how routine activity theory pertains to criminal activity, suggests that, “Another key idea is that people act in response to situations (including when they commit crimes); therefore, the kinds of situations they encounter in their daily life influence their crime involvement (and, as a result, influence a society’s crime rate) and changes in people’s exposure to situations may lead to changes in their crime involvement (and consequently, changes in a society’s crime rate).”

Opportunity theory, convenience theory, and routine activity theory are helpful in explaining the trend in increases in crime among the elderly as well as why some types of crimes are more frequently committed by the elderly than other types. The advances in communication systems, particularly the internet, provide opportunities to persons to commit sex-related crimes, fraud, extortion, hate crimes, sale of stolen property, and other crimes without having personal contact with a victim. Thus, any person, who is mentally competent, regardless of their age, can partake in most types of criminal acts.

## Disengagement Theory

Cumming and Henry (1961) formulated a theory of disengagement for the elderly in a book titled *Growing Old*. Grounded in the sociological functional perspective of social systems, they based their *disengagement theory* on several postulates relating to growing old in a society. These include the fact that older people begin to prepare for death when they realize that their ability to interact with others has deteriorated. They gradually become excluded from the social norms that guided their interaction when they were of a younger age, and they voluntarily give up their roles and positions in society when they realize they have lost some of their abilities to perform due to physical and mental deterioration. They adopt new social roles that take the place of their former roles in society. They are ready to disengage when they lose their desire to perform their former roles, and they become aware of their current shortcomings, brought on by their deteriorating abilities to perform. The changes that occur when they engage in new roles bring different forms of gratification and rewards than those received from the roles played when they were younger.

The disengagement of the elderly benefits society, since it prepares the way for a younger generation to take on the roles and responsibilities of the society. It occurs in all societies, but the specific process will differ, depending on the development of the society, culture, and even specific circumstances. Also, the disengagement of

elderly men may differ from that of elderly women, depending on the different roles men and women played during their younger years.

The narrow functional perspective of disengagement theory as applied to the elderly received several criticisms. Cornwall et al. (2008) contend that the theory does not adequately take into consideration the changes in societies, the complexity of the social lives of many of the elderly, and the fact that many of the elderly continue to perform roles that they assumed when younger, either out of desire or necessity. For example, many elderly continue to be the predominant economic source for the family, and others assume the role of parent substitute for their grandchildren. Those not forced into retirement or who are independent business owners, professionals, teachers, artists, or writers often work well into the age period considered elderly out of a love for their work, desire to make money, and personal satisfaction. This perspective of the aging process is compatible with continuity theory. Steffensmeier and Allan (2017) notes, "The continuity theory states that individuals who are successfully continue habits, preferences, lifestyle, and relationships through midlife and later.... People who are doing well in midlife, who are happy, healthy, and just plain dandy should carry over the habits and ideals that made them that way." Another criticism of disengagement theory (Crossman, 2017) emphasizes the fact that the theory does not take into consideration the emotional strain that many of the elderly who are forced to retire from their occupations may experience.

Depending on the specific circumstances and situation of the elderly, continuity theory and disengagement theory are relevant in understanding the criminal activity of the elderly. For example, persons who had become relatively skillful in committing criminal acts throughout most of their adult lives will, no doubt, be motivated to continue well into their senior years, providing the opportunity exists, and they have the ability to perform the activity required. On the other hand, disengagement theory may apply to some career criminals who decide to stop engaging in criminal acts for various reasons, including lack of motivation (the criminal activity does not bring on the excitement or monetary reward, produces too much stress) and lack of ability to perform the criminal act. This would be especially important to those engaging in crimes that require a certain amount of physical agility. The factor of lack of opportunity would especially apply to those white collar workers who had engaged in various crimes while employed, such as embezzlement, fraud, price-fixing, extortion, and other crimes for which the opportunity arose from within the context of their occupation.

Disengagement from occupational role, social relationships, and community activities engaged in during the productive years of the individual may produce many conflicts, emotional strains, and economic hardships for the elderly person who is forced to disengage from the previous lifestyle. The necessity to make adjustments in lifestyles and to find new sources of satisfaction may motivate some elderly to engage in behavior that can become criminal, such as drug and alcohol abuse or deviant sexual behavior. For others their economic situation may motivate them to become involved in various forms of theft as a means for survival. As previously mentioned, old age may open up opportunities to commit some crimes, particularly those related to fraud and theft.

## Growth of the Elderly Population

The population of the United States age 65 years old or older in 2009 was 39.6 million or 12.9% of the total US population. A report by the Administration on Aging/Administration for Community Living (2015, p. 1) estimates that, by 2030, there will be 72.1 million persons age 65 or older living in the United States. This number will constitute approximately 19% of the total population. The older population is expected to increase at a faster rate than any other age groups. Population predictions pertaining to other countries in the European Union (CIA World Factbook and Statistik Austria, 2015, p. 1; Eurostat, 2012) indicate that these countries have experienced considerable growth in their older population and the increase in the proportion of their populations that are defined as elderly will continue well into the future. Such factors as a declining mortality rate, decrease in the fertility rate, a higher life expectancy due to advances in medicine, and improvements in living conditions are the reasons.

## Prior Research on Crime Committed by the Elderly

Several research studies on older offenders (Keller & Vedder, 1968; Shichor, 1984; Wilbanks, 1984) found that “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 cases” (Kratcoski & Edelbacher, 2016, p. 59). The major source of nationwide statistics on crimes committed by the elderly is the Uniform Crime Report. This report, compiled annually by the Federal Bureau of Investigation (FBI), consists of all crimes known to have been reported in the year as well as all crimes cleared during that year as a result of arrests made of the criminal violators or other factors known to the police, such as the death of a known criminal.

Using *the Uniform Crime Report* as a data source for making conclusions on the extent and types of crimes committed by the elderly has several limitations and is not likely to give a totally accurate account. The limitations include errors made by the reporting sources of the data, that being the police agencies that send in their crime statistics to the FBI for tabulation, the fact that many victims of crime do not report that they have been victimized, as well as the fact that a large proportion of crimes do not result in an arrest and thus it is not possible to ascertain information on the characteristics of the criminal offender. Some of the gaps in the information on the crimes of elderly offenders is filled by special reports completed by the FBI on specific types of crimes such as violent crimes and hate crimes (several of these reports will be cited later in the chapter), and nationwide victimization surveys often provide specific information on the characteristics of the offenders as well as the characteristics of the victims of crime.

A comparison of crimes known to have been committed by the elderly (FBI, 2014) in the year 2000 and crimes by the elderly (age 65 and above) in the 2013 revealed that the proportion of total arrests for all categories of serious crimes had increased significantly, with the exception of robbery, and fraud, forgery, embezzlement, drug-related offenses, receiving stolen property, liquor law violations, and family-related crimes were some of the crimes for which the proportion of arrests of the elderly showed significant increases.

Kratcoski and Edelbacher (2016, p. 59) note that the proportion of arrests of the elderly for violent crimes in the United States was less than 1% in 2013 and the proportion of arrests of the elderly for property crimes was 5% in 2013. A report on violent crime trends completed by the Bureau of Justice Statistics (2014) reveals that the violent crime for those aged 60–65 has remained consistently low when 1980, 1994, and 2012 are compared. Steffensmeier and Allan (2017) suggest that the low proportion of arrests for violent crimes among the older population can be explained by the fact that most violent crimes, such as forcible rape, robbery, murder, and aggravated assault, are physically demanding and dangerous and older persons are less likely to have the ability to commit such crimes than those in younger age categories. Kratcoski and Edelbacher (2016, p. 59) contend, “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 person 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 a belief that reporting will not stop the victimization.”

## Characteristics of Elderly Criminals

Many of the unknowns given to determine the characteristics of the older criminal offender are also true when trying to determine the characteristics of the victims of the older criminal. Given the large amount of missing information on those crimes reported, as well as the large numbers of victims of crime who do not report their victimization, often the best that can be ascertained about older criminals victims is by applying theoretical assumptions about elderly crime. Routine behavior theory and opportunity theory may be helpful in explaining some types of crimes and not others. For example, in the case of Joe, the child sexual molester previously discussed in this chapter, the offender had the opportunity as well as the motivation to commit the offense. Older offender cases involving personal crimes reveal the importance of the opportunity and routine activity theories but perhaps demonstrate less motivational and more spontaneous behavior on the part of the older criminal. In research on older homicides completed by Kratcoski and Walker (1988), they found cases in which the offender killed a friend during an argument over a racist remark made by the victim about a relative of his friend and a wife who murdered

her husband because he was complaining about the amount of meat that was in the stew she made for dinner.

As indicated in the beginning of this chapter, there are several factors that account for the increase in the amount of crime committed by the elderly as well as the changes in the types of crimes they commit. The facts that people who reside in the United States have a longer life expectancy than those who lived in the past, that many are still employed at the age of 65 and older, and that a larger number of older residents are receiving some form of government entitlement than in the past lead to opportunities for the elderly to commit crimes that were not present for past generations. For example, the increasing number of older persons involved in social security fraud illustrates this opportunity for an older person to victimize the government.

## Types of Older Criminal Offenders

Kratcoski and Edelbacher (2016) and Kratcoski and Walker (1988) found that older criminal offenders can be found in most of the criminal acts categories. They discovered that some of the older criminals fit the definition of career criminal, while others would be considered situational offenders. Kratcoski and Walker (1988), in their research on older sexual offenders housed in a correctional facility, found that some of the older sexual offenders, perhaps the majority, had long history of sexually molesting children, typically their own children or grandchildren, but in other cases the prisoners' only offense occurred late in their life and seemed to be related to some dramatic crisis in their lives such as a death of a spouse, onset of mental illness, depression, and isolation. Arlune Culler, Director of Intensive Supervision Probation, Stark County, Ohio, noted that some of the older offenders who had served long sentences in prison on various offenses, but specifically serious sexual offenses, often have a difficult time adjusting to probation or parole and were charged with a new offense because they do not adhere to specified regulations such as not registering and reporting to a law enforcement agency as required or who live closer to a school zone than what is allowed for those convicted of serious sexual offenses. Culler contends that they do not commit new sexual offenses but often were confused about rules and requirements, thus causing violations of community supervision rules. (Personal interview by author—3/18/2017)

Kratcoski (2017) noted this dichotomy of career and situational types was also found in the cases of those older offenders who committed crimes against persons. Most of the older criminals in prison who were convicted of such crimes as murder, manslaughter, or aggravated assault had criminal histories of crimes against persons, but others charged with similar offenses were serving sentences for their first criminal conviction, in which there were situational factors surrounding the incident, such as an argument between the offender and victim over some trivial matter.

In regard to property offenses among the older offenders (particularly those in the federal system), many of the criminals had long histories of various property offenses such as drug trafficking, fraud, tax evasion, embezzlement, and numerous other

property offenses, while other older inmates were first-time offenders. The Federal Bureau of Investigation (2015) shows a significant increase in arrests of older persons (65 and above) for drug abuse charges. According to Arlune Culler, a large proportion of the older drug abuse offenders supervised by the Intensive Supervision Program of Stark County, Ohio, are situational offenders, and their drug offense is in some way connected to situational factors. (Personal interview by author—3/18/2017)

## Victimization Surveys

National Crime Victimization Network (2014, p. 1) in a study by the Michigan Research Center on Victimization of the Elderly for the years 2005–2009, reported, “One study examining police reported homicides in several states highlighted the variations across age groups typically combined as “elderly.” When disaggregating the average 65 population into three categories, victim and incident characteristics differ between the “oldest old” victims (age 85 and older) and the “young old” victims (age 65–74). A higher percentage of the oldest victims are female (60.6% compared to 41.0%) killed by family members (30.0% compared to 15.8%) and killed by personal contact weapons (37.5% compared to 15.8%).” In a study of elderly victims (Smith 2012), it was reported that 30% of the victims age 65 and older who had reported that they were violently victimized stated that they were violently victimized by their own child or grandchild (Truman & Langton, 2015, p. 6).

## Elderly Victim-Offender Relationship for Elderly Homicides

Van Ginneken (2013, p. 36) states “When lecturing about risk, I often show audiences a dart board bearing in the middle, a red dot with the number (1) and the mention: You. Surrounding this, in ever wider concentric circles are (2) other members of your household, (3) further family and friends, (4) people from your neighborhood and town, and finally (5) immigrants and (6) foreigners.” After some discussion with the audience on “who is the most likely to kill you,” he provides the evidence that self is the most likely killer of oneself, followed by close family, other relatives, friends, and neighbors, and the least likely to kill you are strangers and immigrants from foreign countries.

Kratcoski and Walker (1988, p. 70, 71, 74) researched all of the criminal homicide cases from the Cuyahoga County, Ohio, Prosecutor’s Office and the files in the Cuyahoga County Coroner’s Office for a time period extending for 15 years. Of the 1578 cases of which the relationship between the offender and victim(s) was known, 77 (13.3%) of the offenders were age 60 or older at the time the criminal homicide offenses were committed.

Of the 77 older homicide offenders, Kratcoski and Walker (1988) found:

- 24% of the older homicide offenders killed their spouses.
- 9% of the older homicide offenders killed a relative.
- 57% of the older homicide offenders killed an acquaintance.
- 10% of the older homicide offenders killed a stranger.

Other facts that help one to understand the nature of homicides committed by older offenders are:

- More than two thirds of the older offenders killed their victim in either their own homes or the homes of the victim.
- Almost 90% of the older offenders used a firearm to kill their victims.
- In more than two thirds of the cases, the killing occurred during or shortly after an argument between the offender and the victim.

The authors found that in only 10% of the cases of the 60-year-old or older homicide offenders, the victim was a stranger, compared to 18.5% of the other age groups in which the victim was a stranger. Also, a significant proportion of the older homicide offenders committed suicide (19%) after they killed their victim.

In other characteristics such as the type of weapon used, the location where the criminal act occurred, and the circumstances related to the homicide, the older offenders were very similar in characteristics as all other age groupings.

## **Weapons Used by Older Offenders**

The rate of crime for violent offenses, particularly the most serious violent offenses such as homicide and aggravated assault, may differ significantly by age group as a result of opportunity as well as situational factors. For example, the physical contact required between the offender and the victim in crimes such as homicide, aggravated assault, and robbery against persons might dissuade the older person from thinking about engaging in such acts simply from fear of being hurt. However, if the older person has access to a firearm, the fear of being physically hurt during the course of committing a violent criminal act may diminish, since a firearm has been described as the “great equalizer” in reference to personal contact in a confrontational situation. A review of arrests for homicide in the United States using the FBI’s Uniform Crime Report (2015) as the basis for comparisons reveals that there are significant differences between the younger age groups and the elderly group in homicides. Many of these differences can be explained by such factors as motivation, opportunity, and fear of the confrontation. Access to a firearm by the older offender as well as the younger offender might be a major factor in explaining the similarity of the characteristics of the older and younger age groups in homicide cases.

Gun ownership does not necessarily result in higher rates of homicide by any age group, either the very young or the old. There are many factors to consider when one tries to determine the causes for homicide crimes other than gun ownership (ABC News Network 2013). For example, in the United States Larsen (2011, pp. 1–2) in

a summary of a global study on homicide noted that of the almost half million homicides states “In 2010 the total number of homicides estimated from the global research, “More than a third (36%) were estimated to have occurred in Africa, 31% in the Americas, 27% in Asia, 5% in Europe and 1% in the tropical Pacific region.” Guns were used in the largest share of the firearms. Larsen states, “Factors contributing to the homicides include: economic crisis; food insecurity due to environmental changes; and weak or limited rule of law In deed, these patterns are reflected in the fact that the “largest shares of homicides occur in countries with low levels of human development, and countries with high levels of income inequality are afflicted by homicide rates almost four times higher than more equal societies.” In another study, it was found (Templeton (2015)) that other countries with a sizable proportion of the population who owned a firearm had rather small number of deaths by a firearm. In Germany, 30.3% of the adult population owned a firearm, but the firearm deaths per 100,000 population was only 1.1, and in France 31.2% of the population owned a firearm, but the firearm deaths per 100,000 population was only 3.0. To determine the relationship between gun ownership and violent crime in any country, the laws, societal norms, and culture must be considered.

A study comparing the homicides in New York City with that of Chicago in 2015 showed that New York, with a population of 8.2 million, had 419 homicides in 2012 compared to Chicago, a city of 2.7 million, that had 506 homicides in 2012 (Lidgett 2016). In New York, the proportion of homicides for which a gun was used was 56.3%, while in Chicago the proportion of homicides in which a gun was used was 87.5%. It is difficult to explain why the proportion of homicides in which a firearm was used is so different in the two cities. Such factors as the size of the police department, gun control laws in the city, and overall crime rates must be considered. For example, determining the proportion of the homicides that were felony-related crimes and knowing the offender-victim relationship and the circumstances surrounding the homicides are all important in understanding the criminal behavior. Although neither of the studies cited focus on the older homicide offender, they do tend to confirm the notion that having access to a firearm is related to an increase in the number of homicides in the United States in recent years. A handgun was the predominate weapon used in the large majority of the homicide cases in the United States. A World Health Organization study stated “Compared to 22 high income nations, the United States gun-related murder rate is 25 times higher.” Quoting a World Health Organization study published in 2010, Grinsteleynl (2010, p. 1) notes that, “Even though it (the research study) has held the population of the other 22 countries combined, the United States accounted for 82% of all gun deaths.” In a study that included 27 developed countries of the world, Bangalore and Messerli (2013, p. 837, 838) found that, “In a linear regression model with firearm-related deaths as the dependent variable with gun ownership and mental illness as independent covariates, gun ownership was a significant variable.” Applying these findings to opportunity theory and the older homicide offenders, given the high proportion of the population in the United States that owns one or more firearm, it is reasonable to conclude that guns play a significant role in the homicides committed by elderly offenders.

The research by Kratcoski (1992) showed that almost 90% of the older homicide offender used a firearm, a proportion very close to that of the other age groups included in the study. In that same study, when the circumstances of the homicides were inspected, it was found that the large majorities of the homicides occurred in either the offender's or the victim's home; the offender and victim were either married, relatives, or close acquaintances; and in the majority of cases, the homicide occurred during or shortly after a quarrel or altercation over a trivial matter. The database for the study did not address the matter of the presence of mental illness in the older homicide offenders. However, one can surmise that, in the cases of homicide-suicide that predominately related to a spouse who was suffering from a fatal painful illness being killed by a marital partner who committed suicide using the same weapon used in the homicide, the offender was deeply emotionally and psychologically disturbed.

A number of reports on inmates in jail and in prisons (give some references) imply that as many as one third of the inmates in jail and inmates in prisons have substantial mental health problems. Unfortunately, most of the research does not specify the ages of those with mental health problems. Thus, it is not possible to determine if mental health problems for the elderly are substantially different from those of other age groups, either in frequency or in severity.

Handling of older offenders will be based on either the policies of the criminal justice agency or the use of discretion on the part of the criminal justice agents. Research by Fattah and Sacco (1989, Cutshell and Adams (1983)) found that the police response to the older offenders who were arrested for such offenses as shoplifting, vagrancy, public intoxication, and family violence was generally sympathetic. The police officers viewed most older offenders as being mentally confused and in need of assistance and supervision rather than harsh punishments. On the other hand, some researchers (Aday & Krabill, 2006) found that some judges give harsher sentences to older offenders than they give to offenders in other age groups who were convicted of the same offense.

Vinyard (2016), in a study of child pornography offenders who have been convicted under federal statutes, found that older age was a predictor of being given a harsher sentence than that which was given to younger offenders convicted of the same offense. Vinyard (2016, p. 51) concluded, "Of all the extra-legal factors considered in this study, age exerted a significant effect in predicting those child pornography offenders sentenced to a life term of supervised release. The result is contradictory to findings in the most recent extant sentencing literature on the effects of age and sentencing, which finds that the younger offenders are more likely than older offenders to be punished more harshly." The author provides several speculations for the reasons for older child pornography offenders to be treated more harshly than younger offenders. He suggests that the older offender may be perceived as a greater threat to society. He states (p.55), "The idea of an offender over age 50 receiving sexual gratification from images depicting the sexual assault of children under the age of twelve, including infants and toddlers, may be unsettling for judges."

## Summary

The manner in which age is conceptualized must be considered in relationship to the specific culture and time period of a society. For purposes of research in the present-day United States, old age (elderly) is generally considered to begin at age 65 and older.

The amount of crime committed by the elderly, while a small proportion of the total crime, has been increasing in recent years, and it is expected to continue to increase well into the twenty-first century. The reasons for this increase in crime by the elderly include a longer life span of the population and more opportunities for the elderly to commit criminal acts, particularly for those elderly persons who are involved in property crimes such as theft, fraud, and corruption.

Various theories explaining the causes of criminal activity, such as social learning theory, routine activities, opportunity theory, anomie, and convenience theory, that apply to other age groups also apply to the elderly, although in a different context.

In researching the crimes of the elderly, it is important to distinguish between those elderly offenders who are habitual criminals and have spent most of their lifetimes engaged in criminal behavior from the situational older offenders whose crimes are related to a recent situation or event that occurred in their lives.

## Discussion Question

1. Explain how the conceptualization of the concept of age can be affected by the specific time period and society in which it is being applied.
2. Discuss social learning theory and how it applies to the criminal behavior of the elderly.
3. Discuss the concept “anomie” in reference to the criminal behavior of the elderly.
4. Discuss the reasons why an older person might be motivated to commit crimes.
5. Discuss how the access to firearms is related to the violent crimes of the elderly in the United States.
6. Based on the research presented in the chapter, discuss the reasons for an elderly person to commit a homicide.
7. Discuss “opportunity theory” as it applies to the elderly who commit “white collar” crimes.
8. Discuss the relationship between the mental illness of the elderly and their deviant behavior.
9. The husband of Mrs. Jones, age 83, died at the age of 85. He and his wife were married for 42 years before his death. Both of the Jones were receiving social security, and Mr. Jones was also receiving a pension from the automobile corporation where he was employed until his retirement. After his death, the checks from social security and the pension continued to be sent. Mrs. Jones signed her

former spouse's name and cashed the checks. What types of crimes is Mrs. Jones committing? What theories of crime causation are applicable to this case?

10. Discuss disengagement theory. What are some of the means older persons who have disengaged from their predominate status in society use to re-engage. What types of criminal activity might be engaged in by elderly persons during the re-engagement process?

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