

# **CRIME AND ELDER ABUSE**

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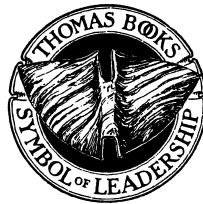
# CRIME AND ELDER ABUSE

An Integrated Perspective

*By*

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*To Kathleen,  
Chloe, Charles, and Claire*



## PREFACE

About thirty-five years ago, the concept of granny battering appeared in British medical journals and was used to describe a host of abusive acts committed against elderly persons. Since then, a number of other concepts have been used to replace this politically incorrect concept. Perhaps the most popular concepts are elder abuse and elder mistreatment. Attention from social scientists from various disciplines has increased in the eighties and nineties. Noticeably rare, however, is criminological input into the study of elder abuse. This book offers a criminological foundation from which increased understanding about elder abuse will evolve.

It is my belief that the interdisciplinary nature of the elder abuse problem requires a cooperative effort among scholars researching the topic. Indeed, elder abuse is an issue that relates to several different disciplines including criminology, gerontology, social work, social welfare, sociology, psychology, victimology, medicine, and a host of other social sciences. Further, an integrated effort among practitioners responding to abuse is needed to effectively handle cases of elder abuse. Given the steady increase in the proportion of older persons in our society, it is expected that there will be more elderly victims in the future. Therefore, it is imperative that attention be given to the victimization experiences of elderly persons.

The reader will note that I refrain from using a specific age to describe when abusive actions become elder abuse as opposed to some other type of crime. I avoid setting an age restriction, such as sixty-five which is the age that the Social Security Administration uses to describe what is meant by "elderly," because I am more interested in the general ways in which older victims (as opposed to younger victims) are perceived, handled, studied, and treated. Also of interest is the way that consequences of victimization are experienced differently by elderly persons. It is my belief, however, that "classifying the elderly into a single group can do more disservice than good" (Doerner & Lab, 1998, p. 204).

The basis of Doerner and Lab's quote is that there is tremendous variation in the characteristics of persons over a certain age, such as sixty-five. Age is certainly a relative concept. As an example, one day I was talking to my

neighbor, Alice, who was in her late seventies at the time, when another neighbor who was in his nineties drove by in his automobile. The neighbor I was talking to quickly said, “I hope I’m like him when I get old. I want to be able to get around the way he does.” Neither of my neighbors defined themselves by their age; rather, they seemed to define themselves by what they were able to do.

So, when I refer to the phrases “crimes against elderly persons” and “elder abuse,” I am talking about general trends and am not suggesting that all persons who are older are going to experience victimization in the same way. In general, though, older victims experience abuse in different ways than younger victims do.

This third edition of *Crime and Elder Abuse: An Integrated Perspective* builds on the earlier edition in five ways. First, new research has been added into each chapter, with more than one hundred new sources added. Second, the tables and figures have been updated, with applied critical thinking questions included in order to make the tables and figures more interactive with readers. Third, Chapters 2 through 8 now include updated box inserts titled “From the Field,” which include brief overviews discussing some aspect of elder abuse. Fourth, Chapter 8 is new to this edition. The chapter provides insight into developing collaborative response systems. Finally, an Appendix including an exercise to understand how older individuals are often trapped in abusive relationships has been added.

B.K.P.



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Also, let me thank the many fine scholars whose works are cited throughout this book. May their efforts continue to expand our understanding of this devastating problem.

Finally, and most importantly, I would like to thank my family—Kathleen, Chloe, Charles, and Claire—for their love and support.



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# **CRIME AND ELDER ABUSE**



## Chapter 1

### THE YOUNG GET OLDER AND THE OLDER GET VICTIMIZED

1. Why is it important to study crime against older adults?
2. How does the demographic makeup of society influence crime?
3. What does the author mean by gero-criminology?
4. What are mandatory reporting laws? How effective do you think they are?
5. How does victimization among older adults compare to the victimization of other groups?
6. Is it ageist to separate out crimes against older adults? Why or why not?
7. Why would people who work in criminal justice be concerned about older victims of crime?

#### INTRODUCTION

I was working on this edition of *Crime and Elder Abuse* in my office one day when I received a call from a woman wanting to talk about elder abuse. While it is not entirely uncommon that I receive these calls, this particular telephone call was disconcerting. The woman shared that her 92-year-old aunt was assaulted by her daughter-in-law. The assault stopped when the older woman's son walked in the room and saw his wife holding a pillow over his mother's face. He quickly stopped his wife from smothering his mother. The woman calling me told me that the case was in jeopardy of being dropped from the criminal justice system because (1) the husband did not want to participate as a witness, (2) the older woman was in denial about the victimization, and (3) the authorities did not believe the case actually rose to the legal standards for assault. Understandably, the caller wanted to make sure her aunt was safe. I asked her if the authorities had contacted adult protective services. She indicated that they had not, and that she was not aware that such workers were available, nor did she think the police were aware of their existence. Upon hanging up, she promised to call protective services and I asked her to let me know how things turned out for her.

While it is unfortunate that this woman had to turn to a middle-aged, untalented academic for recourse, I understood that all of us are part of the integrated response to elder abuse. Still, it is problematic that no one else had told her about the availability of services provided by adult protective services workers. Also problematic is the fact that hundreds of thousands, if not millions, of older persons find themselves in similar situations each year.

Consider the case of Mary Ann, a seventy-seven-year-old, retired real estate professional, the widow of a judge, and the parent of a prosecutor. She and her husband had built up a respectable amount of savings that should have ensured that Mary Ann would live comfortably for the rest of her life. Con artists who swindled Mary Ann out of \$74,000 with bogus investments and promises of phony prizes nearly shattered that comfort. Not long thereafter, she moved to North Carolina and got an unlisted phone number. One day a man identifying himself as Virgil Hastings called Mary Ann to say that he was a lawyer who was in charge of her case and that he had recovered her lost money, and that he would be able to send her the money if she sent Hastings \$1,950 to cover legal fees. She sent the money and, as you may have guessed, never heard back from Hastings. This scam is referred to as a “recovery room scam” in that persons who are known to have already been scammed are targeted, contacted, and promised reimbursement in exchange for legal fees (Church, 1997).

Mary Ann is not alone. A 2009 Department of Justice study estimated that one in nine older persons are abused at some point during their latter stages of the life course. Consider also that elderly persons make up only 12 percent of the population but 30 percent of fraud victims (Wangrin, 1994). Fraud, however, is not the only type of crime committed against older adults. Indeed, there is great variation in the kinds of offenses that threaten the financial, physical, and emotional lives of older adults. Consider the following examples:

1. A woman paid roofers \$4,000 for getting a layer of tar in one spot on her roof. The tar left the roof in worse condition than before (Calvan, 1998).
2. A nursing home worker was convicted for abusing four different residents—pushing, slapping, and throwing food at them (Griffiths, 2010).
3. “A Port Carbon woman admitted that she took almost \$200,000 from an elderly nursing home resident” (Bortner, 2009).
4. The 37-year-old woman “befriended the elderly man in the early stages of dementia” and stole thousands (Marrero, 2010).
5. A home care provider pleaded guilty to stealing a woman’s credit card and running up a \$1,500 bill. The same caregiver had previously been charged with stealing rings from nursing home patients (*St. Petersburg Times*, 2003: 3).

6. "A clerk stole more than \$200,000 from the safe of an elderly couple and spent half of the money on lottery tickets" (Thrash, 2010).
7. "Two brothers have been arrested for allegedly beating their elderly mother into unconsciousness and stealing her credit cards" (Yarbrough, 2009).
8. A man "allowed a woman to remain in her own waste to the point that she developed skin conditions that required hospitalization" (*St. Petersburg Times*, 2010).
9. "Three women have been jailed for allegations they were involved in a scam that bilked an elderly man out of more than 150,000 dollars (Daily, 2009).
10. A man was arrested and convicted after his brother turned him in for selling their mother's farm with her permission (Levy, 2010).
11. Jennifer Nesta Hodges, the live-in caretaker of an elderly woman, was arrested for "leaving the victim laying on the floor in her own feces for more than an hour" (*Daily News Staff*, 2009).

The list could go on and on; the point is that older adults are victimized in a variety of ways. While official statistics show older adults are less likely to be victimized than younger individuals, the very nature of aging in the United States creates certain situations where older adults are more likely to be targeted for certain crimes than younger people. For example, children and younger adults would rarely, if ever, be victims of patient abuse in nursing homes. Likewise, younger adults are less likely to need health care; therefore, they are less likely to be victims of medical crimes (see Jesilow, Pontell, & Geis, 1985; Geis, Jesilow, Pontell, & O'Brien, 1985; Rosoff, Pontell, & Tillman, 2003). Further, fraudulent telemarketers, repair technicians, and investors are more likely to target older adults who have more money saved for their future (Church, 1997). These offenses (telemarketing fraud, occupational fraud, patient abuse, and medical crimes) are typically not included in official crime statistics. Conversely, older adults are not as apt to join gangs, do drugs, and engage in other risk-taking activities that ultimately lead to much of the crime and the subsequent victimization that official statistics measure. Thus, assumptions about the victimization of older adults should not be made from official statistics.

Rather, what is needed are focused examinations that isolate and specifically consider the social and political ramifications of crimes against older adults. This book represents one of the first discourses that integrates elder abuse issues within the framework of a criminological paradigm. To adequately integrate these issues, the way that the victimization experiences of elderly persons can be conceptualized as involving various types of abuse warrants consideration. This will be followed by a discussion of various

myths about elderly victimization that continue to limit our understanding about this important issue.

## INTEGRATING CRIME AND ABUSE

A *social harm* approach is useful in integrating the notions of crime and abuse. A social harm definition of crime argues that criminal acts are best defined as “activities that involve demonstrable harm to human beings” (Friedrichs, 2003, p. 6). Because many abuses against older adults are not universally defined as illegal, a social harm conceptualization of crime offers a broader base from which we can begin to understand abuses against older adults. This is important because states vary in their definitions of abuse, and it would be virtually impossible to get all to agree on a consistent legal definition of what many refer to as elder abuse (Macolini, 1995; Wolf, 1996a). Indeed, every state in the U.S. has adopted legislation addressing abuse of elderly persons. The complexity and breadth of the statutes are evidenced by the fact that the state laws vary in at least six important ways: (1) their definitions of elderly; (2) their definitions of abuse; (3) whether the abuse is classified as criminal or civil; (4) their standards for reporting the abuse; (5) how the abuse should be investigated; and, (6) their recommended sanctions for the abuse (Stiegel, 1995). Because of the variation in the legal statutes, a broad social harm definition of crime allows the integration of diverse criminological concepts and abuse themes. Also note that legal definitions fail to accurately conceptualize the types of harmful behaviors experienced by older victims (Daly & Jogerst, 2006). A model proposed by Drowns and Hess (1990) that addresses child abuse can be used to better understand elder abuse. Specifically, they (1990) argue that three types of child abuse exist: *collective abuse*, *institutional abuse*, and *individual abuse*. This typology is useful in showing how elder abuse themes fit within this broader conceptualization of crime.

Table 1 outlines the way that these three types of abuse can be used to address crimes against elderly persons. Each type of abuse will be discussed in detail in later chapters but warrants a brief introduction at this point. At the broadest level, *collective abuse* (*a.k.a.* societal abuse) refers to instances where society as a whole undertakes activities that result in harm (or victimization) against elderly persons. For instance, many argue that policies and legislation are often systematically biased against older adults (Butler, 1987). The following comments from a nursing home director reflect the view that society’s treatment of institutionalized elderly is ageist: