

Not Your Usual Suspect

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Not Your Usual Suspect: Older Offenders of Violence and Abuse

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Durham University, UK



United Kingdom – North America – Japan – India – Malaysia – China

Emerald Publishing Limited
Howard House, Wagon Lane, Bingley BD16 1WA, UK

First edition 2023

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British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

ISBN: 978-1-80071-888-3 (Print)

ISBN: 978-1-80071-887-6 (Online)

ISBN: 978-1-80071-889-0 (Epub)



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Contents

| | |
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| About the Authors | vii |
| Introduction | |
| <i>Hannah Bows</i> | 1 |
| Chapter 1: Exploration of the Pathway of Offending in the Later Life of Older Ghanaian Adults | |
| <i>Delali A. Dovie</i> | 11 |
| Chapter 2. Elder People's Criminality: Analysing Patterns of Offending in Poland | |
| <i>Justyna Włodarczyk-Madejska</i> | 33 |
| Chapter 3: Dangerous or Disregarded: Older Women in Prison | |
| <i>Michelle Carr</i> | 49 |
| Chapter 4: Elderly Offenders of Juvenile Sexual Abuse in Nigeria | |
| <i>Richard A. Aborisade</i> | 65 |
| Chapter 5: Understanding Sexual Abuse Offending Behaviour in Elderly: Psychological Perspective | |
| <i>Ezgi Ildirim</i> | 81 |
| Chapter 6: Resident-to-Resident Elder Aggression in Flemish Long-term Care Homes | |
| <i>Liesbeth De Donder and Bram Claeys</i> | 93 |
| Chapter 7: Not Ageing Out of Violence? Older Men's Biographical Narratives of Their Abuse and Violence in Intimate Relationships With Female Partners | |
| <i>Claire Bellamy, Margaret Struthers and Lorraine Green</i> | 105 |

| | |
|---|-----|
| Chapter 8: Intimate Partner Violence in Later Life From the Male Perpetrator's Perspective: A UK Pilot Study of Age-related Risk and Needs | |
| <i>Jeremy Hawksworth</i> | 121 |
| Chapter 9: 'Older' Offender Management? The Needs and Multi-agency Rehabilitation of Older Probationers | |
| <i>Kyros Hadjisergis</i> | 135 |
| Chapter 10: Concluding Thoughts | |
| <i>Hannah Bows</i> | 153 |

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Introduction

Hannah Bows

Introduction

Globally, the population is ageing – virtually every country in the world is experiencing growth in both the size and proportion of older people in their population (United Nations, 2019). The United Nations (2019) estimates that, by 2050, one in six people in the world will be aged over 65, up from one in 11 in 2019. The proportion of adult life spent beyond the age of 65 stands at a quarter or more at most developed countries (United Nations, 2019). The number of people aged 60 and over now outnumbers children younger than five years (World Health Organisation, 2019).

This ‘longevity revolution’ (United Nations, 2019) has implications for all sections of society. Many of these are positive; older people make up a significant proportion of the formal labour market. For example, Age International (n.d.) reports that half of those in their 60s in the Philippines and Vietnam remain in employment. Meanwhile, in the UK, 31% of 65-year-olds are in employment. Similarly, older people continue to make wider social and community contributions. For example, Age International (n.d.) reports that Research on community engagement in Asia found more than a quarter of Indians and Taiwanese, and a fifth of Filipino and Chinese men and women in their 60s and 70s regularly help with the wider community. In Europe, a significant proportion of older people continue to be actively involved in the community and workforce (European Economic and Social Committee, 2012) with up to 40% of older adults volunteering in their community beyond the age of 50 (Morawski, Okulicz-Kozaryn, & Strzelecka, 2020).

However, the ageing population also presents challenges for sections of society. The increase of older people relative to other age groups means a lower proportion of individuals to pay taxes, work and provide care for those who need it (Government Office for Science, 2016). It is projected that between 2007 and 2032 the number of people aged 65 and over who require unpaid care will grow by more than a million (Government Office for Science, 2016). Additionally, the evidence indicates that those aged 65 and over are spending more time in ill-health compared with their younger counterparts. There has been increased recognition of the impacts of loneliness and social isolation among older people, associated with elevated mortality risk and higher rates of emergency admissions,

Not Your Usual Suspect: Older Offenders of Violence and Abuse, 1–10

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doi:10.1108/978-1-80071-887-620231001

rehospitalisation and earlier entry into care homes (Government Office for Science, 2016).

One part of society to be impacted by ageing which has been met by some surprise is the criminal justice system (CJS). There has been an increase in older offenders within the CJS in recent years, contradicting the reported ‘effect that aging has on offending behaviour’ (Crookes, Tramontano, Brown, Walker, & Wright, 2022, p. 2). The number of people aged 60 or over in prisons in England and Wales rose by 243% between June 2002 and March 2020. In the United States, the population of prisons aged 55 or older in state prisons reached 12% in 2016, meaning for the first time the ageing population in state prisons surpassed the number of young adults aged 18–42 (Li & Lewis, 2020). These increases are also observed in Japan (Bedard, Metzger, & Williams, 2017) and Australia (Baidawi et al., 2011). In New Zealand prison population aged 65 and older increased by 61% between 2013 and 2019 (Office of The Inspectorate, 2020) although they account for only 3% of the total prison population. Consequently, the growing number of older prisoners has been described as an ‘aging prisoner crisis’ (Maschi et al., 2014, p. 534).

Although there is limited evidence on the proportion of offenders in other parts of the CJS, the available research indicates that they make up an increasing proportion. For example, recent analysis of probation data reveals increases in the age of probation clients subject to non-custodial and post-custodial supervision. Cadet (2020) reports that one in six people being supervised following a period in custody is aged over 50 and one in five approved premises (which accommodate offenders who have committed sexual or violence offences) residents are over 50. Interestingly, the proportion of over 50s serving community orders has remained relatively static since 2015, with approximately 11–12% of community orders being served by those aged over 50, whereas the number of people aged of 50 supervised following a period of custody has increased from 14.6% in 2015–2016 to 18% in 2018–2019 (Cadet, 2020).

Age(ing) and Crime

Although the relationship between age and crime, particularly in relation to offending, has occupied criminologists for decades, the focus of both empirical and theoretical inquiry is on the young adults. Early criminological studies on offending reported a negative relationship between ageing and offending; that is, as individuals age, involvement in criminal activity declines – offenders ‘age out’ of crime. The age–crime curve observed in the 1970s (Loeber & Farrington, 2014) which saw offending peak in late adolescence/early adulthood and rapidly fall thereafter has become one of the (few) key social ‘facts’ (Greenberg, 1985). Hirschi and Gottfredson (1983, p. 555) describe the age distribution of crime as a ‘brute fact of criminology’ and despite significant population changes in the 50 years since it was established, this position remains mostly unchallenged. Consequently, age(ing) and maturity (Moffitt, 1997) – and the social institutions and ‘turning points’ associated with adulthood such as marriage, employment and parenthood (Sampson & Laub, 2003) – has been largely considered a

protective factor against crime. In fact, it was declared in the early 1980s that ‘age is the easiest fact about crime to study’ (Allen et al., 1981, p. 235). There exist several strands of criminology which have examined criminal trajectories and how offending changes throughout life, for example, life course and developmental criminology (Farrington, 2003; Laub & Sampson, 1993; Wolfgang, Figlio, & Sellin, 1972) but few studies look at the full life course, with the majority focusing on the onset of offending in youth and early adolescence and the evolution of crime across adulthood and mid-life (see Sampson & Laub, 2005 and Carlsson & Sarnecki, 2015 which are interesting exceptions). Most research efforts have thus been directed at explaining the age–crime distribution of crime rather than testing it and there have been very few studies specifically examining older offenders. As a result, Cullen (2011, p. 287) has called for criminology to move beyond the current ‘adolescent limited’ status.

This in turn has influenced both criminal justice policy and practice, which has been developed using the findings of research conducted on young adult offenders and youth crime. For example, offender behaviour treatment programmes (including general offending and sexual offending) largely follow the risk, needs and responsibility principles and the UK Government identifies that offender behaviour programmes must be evidence based and evaluated. However, as Crookes et al. (2022) point out the absence of empirical evidence on older offenders makes it ‘challenging to tailor treatment to the needs of this population when so little is known about their characteristics and treatment needs’ (p. 3). As Cadet (2020) suggests, ‘traditional notions of defining, and meeting, criminogenic needs may well differ for this cohort’ (p. 122), for example, around education and employment. Similarly, the prison estate has been built for young men, described by Crawley (2005) as ‘institutionally thoughtless’. Many prisons are not accessible for older people who have physical health conditions which limit mobility, or who have sight or hearing impairments, there are limited age-relevant or age-specific programmes for older prisoners (Age UK, 2019) and for older offenders with complex health issues, these are often poorly managed and exacerbated by the prison regime (Age UK, 2019; Prison Reform Trust, 2008). Consequently, it has been argued that older prisoners do ‘harder’ time than their younger counterparts (Mann, 2012) and that there are high human, social and economic costs attached to the warehousing of older adults within the penal system (Maschi et al., 2015).

What Do We Know About Older Offenders?

Nature, Typologies and Discourses of Offending

Older offenders are a heterogeneous group. Broadly, the population can be split into four criminological profiles/typologies (Wahidin, 2004): (i) long-term repeat/chronic offenders who have not aged out of crime; (ii) ageing offenders who committed offences in earlier life for which they are still serving sentences; (iii) those who offend for the first time in later life; and (iv) those who offended in earlier life but only receive a sentence in later life (e.g. for historic offences).

Although early research suggested most older offenders fall into the long-term or ageing offender groups, a growing number of older prisoners are individuals sentenced to prison for the first time in later life (Chua et al., 2018; [Crawley, 2005](#)). However, very little is known about offending trajectories and experiences of older offenders. The first chapter in this collection examines this issue. Delali A. Dovie explores the pathways of offending among 20 Ghanaian adults aged 50 and over. Through qualitative interviews, Dovie found that the nature of offending in later life was typically violent, including murder and other violence against the person and sexual offences against children. The second most common category was theft- or dishonesty-related offences. However, there was interesting gender differences, with women more likely to be serving sentences for violence or dishonesty, whereas the male offenders had primarily committed child sexual offences, drug or dishonesty offences. The participants described being abandoned by family and friends as a result of their incarceration, concerns about the stigmatisation associated with their conviction and a sense of loneliness and isolation. In this chapter, Dovie describes a number of coping strategies and the experiences of older adults in prison.

What is particularly interesting about Dovie's study is that it included an equal number of female and male older offenders, unlike the vast majority of existing research which is limited to older male offenders only (see Wahidin, 2004). As [Cadet \(2020\)](#) points out the majority of previous research on older prisons is concerned only with male prisoners, yet there has been a 26% increase in the number of female prisons over 50 in 2018–2019. In fact, 14% of sentenced female prisoners are aged over 50 (Ministry of Justice, 2019). In fact, three of the chapters in this collection include, or focus on, older female offenders.

The following chapter examines older offenders – both male and female – in Poland. Justyna Włodarczyk-Madejska draws on two datasets to examine crime by older adults aged 60 and over. Her analysis reveals that most offenders are men – consistent with the research mentioned earlier in this introduction – most are retired and have moderate levels of education and income. Interestingly, alcohol features heavily in the offending histories and lifestyles of offenders, and alcohol-related driving offences were the most common offence category. One of the few studies to include older women, Włodarczyk-Madejska reports differences in offending between men and women, with women more likely to commit crimes against property and men more likely to commit violent or drink driving offences.

The next chapter specifically looks at what is currently known about the trajectories, risks and needs of older female prisoners. Michelle Carr draws on the available, though limited, evidence on older female offenders and assesses how we might begin to build understanding of this cohort – who challenge both age and gender stereotypes of the typical offender – and what we will need to rethink at an institutional and policy level in order to build a CJS that can adequately respond to the growing number of older females in the system.

Most of the literature on older offenders has established that offenders are usually male and a significant proportion (around 45% of prisoners aged 50 and over, and 80% of those aged 70 and over in England and Wales) have committed sexual offences – a finding observed internationally (e.g. NZ inspectorate

report, [Human Rights Watch, 2012](#)). The next chapter in this collection focuses on elderly offenders who have committed sexual offences against children. Richard A. Aborisade explores problematic sexual behaviours committed by elderly men against female children. Aborisade examines, through the lens of life course criminology, the narratives of 19 child sex offenders aged 60 and above in Lagos state prisons in Nigeria. This is one of the few studies on older offenders which examines the narratives of their offending. His analysis reveals that offenders are often strategic in their offending, targeting children who they perceived as vulnerable. Several describe engaging in predatory behaviours, grooming children over a period of time and using threats and coercion to ensure the silence of the victims. Although some offenders accepted responsibility for their offending, many blamed the victim and/or minimised their responsibility for the sexual abuse. This was despite many admitting to using physical force, violence, threats or other tactics of exploitation. These narratives are consistent with those of sex offenders of all ages, who often construct their offending as rational, a result of biological urges, and/or place responsibility on victims for ‘seducing’ the offender, or on women more generally for failing to meet the sexual needs of the offender which resulted in their abuse of children (e.g. see [Moertl, Buchholz, & Lamott, 2010](#); [Winder & Gough, 2010](#)).

Sexual offending is also the focus of the next chapter which examines psychological theories and explanations for offending in later life. Interestingly, several proposed theories and frameworks would support the findings presented in the earlier chapters in this collection. Ezgi Ildirim considers behavioural, biological and cultural explanations, and finds that a combination of these may explain continued sexual offending in later life.

Most of the chapters in this collection examine offenders in the community, but the next chapter looks at aggression and violence by older adults in care institutions. Liesbeth De Donder and Claeys Bram examine triggers and risk factors for aggression in care homes in Belgium through interviews with 15 professionals. They found that aggression takes various forms and can be directed at one or more residents. Professionals identified a number of triggers for aggression and violence across four levels: microlevel (e.g. dementia of the resident); mesolevel (e.g. social situation of the resident); exolevel (e.g. architecture of the residential care facility); and macrolevel (e.g. work pressure within the health care sector). De Donder and Bram argue that current policy focuses on individual responsibility, for example, micro- and mesolevel ignoring the importance of the structures and systems which create the conditions for aggression and argue a shift is required which recognise resident aggression as a form of organisational abuse.

Intimate Partner Violence

A growing body of research, primarily focusing on victimisation, has documented the prevalence of intimate partner violence in later life (for review see [Pathak, Dhairyawan, & Tariq, 2019](#); [Roberto, McPherson, & Brossoie, 2014](#)) including domestic homicide ([Bows, 2019](#)). However, few studies have examined the perpetrators of domestic abuse against older adults. Two chapters in this collection

focus on this issue. First, Claire Bellamy, Margaret Struthers and Lorraine Green examine two case studies of men aged in their 60s and 70s who have been violent towards intimate partners. Through a narrative, biographical analysis, they identify several themes in relation to men's understanding of the abuse they perpetrated, in particular how traditional gender norms and understandings of hegemonic masculinity are used to legitimise and normalise their behaviour. Consistent with feminist theory and analysis of violence against women, these men seek to legitimise their violence through tactics of neutralisation, legitimisation and blaming the victim (Romito, 2008). Broader generational and cultural acceptance of violence towards women, particularly in a domestic context, provides the context for their use of control and violence against their wives and partners and supports the linguistic avoidance of responsibility displayed by the men.

The next chapter looks at intimate partner violence written by Jeremy Hawksworth, who examines risk and factors that may reduce perpetration through a case study analysis of two men aged in their 60s. While studies on age and crime generally, and violence specifically, have traditionally suggested risk decreases, Hawksworth finds that the risk of harm remains high with the two men he interviewed. Age intersects with gender to reduce social networks and increase social isolation increase the risk of perpetration and can create barriers to accessing support to prevent offending. Both men subscribed to traditional understandings of gender and masculinity which served to justify their violence and/or control of their partners as well as creating barriers to taking responsibility for their behaviour and seeking support to prevent the abuse continuing.

Rehabilitation and Managing Older Offenders in the Community

Much of the research to date has focused on older offenders in or post-prison, examining characteristics and health and social care needs (e.g. Canada, Barger, Robinson, Washington, & Mills, 2020; Forsyth et al., 2015; Hayes, Burns, Turnbull, & Shaw, 2013; Maschi et al., 2014; Wyse, 2018). Little is known about older offenders who are involved in different stages of the CJS. There have been few, in any, studies that look at older offenders in the community (Bows & Westmarland, 2018; Codd & Bramhall, 2002), for example, or those who receive non-custodial sentences (Cadet, 2020). This is the focus of the last chapter in this collection, which examines what is known about older offenders on probation – their characteristics, backgrounds and criminogenic needs – and considers the national probation service multi-agency public protection arrangements (MAPPA) as a risk management framework. Kyros Hadjisergis finds that the principles and focus of the framework present considerable limitations that may disproportionately affect older offenders, particularly current risk assessment tools and risk management approaches and programmes which may not be inclusive of age and age-related issues and needs.

This edited collection represents the first piece of work dedicated to exploring current evidence and approaches to older offenders, but it is clear that much more needs to be done. While some of the chapters in this book include a comparison of male and female older offenders, we have very limited understanding

of the trajectories, characteristics and criminogenic profiles of female offenders. Consequently, most of the current policy focus on ageing offenders neglects older women. Similarly, while the chapters in this book give some insight into the way older offenders construct their identities and offending, few studies have considered the life histories and offending patterns of older offenders, and fewer still examine the narratives of offenders (of any age) both in terms of offending and desistance. As older offenders contradict the dominant understandings of the relationship between age and both onset of, and desistance from, offending, there is a need to examine these trajectories both quantitatively and qualitatively.

There are also significant theoretical gaps. Most criminological theory is based on empirical research with younger adults and fails to consider the applicability to those who offend beyond middle age. Some theories are notably more age-limited than others— for example, social learning theories and labelling theories – whereas others such as strain may explain offending in later life but have not been sufficiently tested (see [Piquero, 2016](#) on criminological theories). Similarly, life course and developmental theories of crime need to be tested with older cohorts to enhance understandings of the evolution of offending and how these theories may be helpful in understanding those who commence offending, or begin for the first time, in later life. Some important longitudinal work has already been done which appears to show desistance processes have effect across the life course for most offenders (Sampson & Laub, 2005), but there remain gaps in our understanding of offenders who commence – or recommence – offending in later life.

Finally, rehabilitation and management of offenders in prison and the community is a critical area of both research and policy, but most of this currently neglects older adults. As the chapters in this book demonstrate, the needs, life-styles and causes of offending in later life may be different to those in earlier years. Current institutions and systems of offender management have not been designed with older people in mind, and as such they may not be suitable for older offenders. As we develop our evidence of the profiles, trajectories and causes of offending in later life, we must use this evidence to reform our prisons and wider criminal justice estates and systems to ensure these are capable of meeting the needs of older offenders and supporting them to desist from crime.

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