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Commissioner for Older People
for Northern Ireland

A Different Crime

Offending Against Older People

REPORT



“It has broken my heart and confidence. The effects and repercussions are still happening, but who really cares... they all get the choice to walk away from this, but devastatingly my family doesn’t!”

(Respondent, Older Victims of Crime Survey, COPNI, 2022)



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Foreword

There is growing public and institutional consciousness of the importance of supporting victims of crime in our society. A landmark in this process was the *Victim Charter: A Charter for Victims of Crime* (2015), which placed the ‘entitlements and the support’ due to victims onto a statutory base.¹ The appointment of a Commissioner Designate for Victims of Crime in 2022 will contribute further ‘to a more cohesive, coordinated and victim centred criminal justice system’.²

However, this growing consciousness of the need for support for victims has thrown little light on the distinctive experiences of older people. In 2019, I commissioned a wide-ranging technical report, *Improving Access to Justice for Older Victims of Crime* (2019) by Dr Kevin Brown and Dr Faith Gordon of Queen’s University Belfast. The report was widely lauded for its detail and balanced analysis which arose from effective partnership work with statutory agencies across the justice system. Arising from the evidence gathered by the Brown and Gordon study and the work of my office, I published *Crime and Justice: The Experience of Older People in Northern Ireland* with 24 recommendations for the improved support of older people.³ Unfortunately, as the current study, *A Different Crime* suggests, sustained focus on the part of our justice agencies, on the needs of older victims of crime is not yet the norm.

Overall, older victims experience poorer outcomes in terms of the investigation and prosecution of crimes.⁴ People aged 65-74 and 75 plus are more likely than other age groupings to describe the effect of ‘fear of crime’ on quality of life as ‘moderate’ or ‘great’.⁵ Despite such indicators, recommendations which I made in 2019 regarding

¹ See *Victim Charter Summary: A Charter for Victims of Crime*, Department of Justice, 2015, available at: <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter-summary-oct-2015.pdf>

² Statement by Justice Minister Naomi Long MLA, 13 June 2022, available at: <https://www.justice-ni.gov.uk/news/long-welcomes-commissioner-designate-victims-crime-northern-ireland#:~:text=Justice%20Minister%2C%20Naomi%20Long%20today,of%20up%20to%20one%20year.>

³ See *Crime and Justice: The Experience of Older People in Northern Ireland*, COPNI, 2019, available at: <https://www.copni.org/media/1540/206567-online-a4-crime-report-56p.pdf>

⁴ See *Police recorded crime, crime outcomes and population rates by victim age and crime type*, Pivot Table 3, PSNI, November 2021, available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-08%2Fpolice_recorded_crime_in_northern_ireland_1998-99_to_2020-21.xlsx&wdOrigin=BROWSELINK

⁵ See *Findings from the 2020/21 Northern Ireland Safe Community Telephone Survey*, DoJ, March 2022, Table 8c, available at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.justice-ni.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fpublications%2Fjustice%2Ffindings%2520from%2520the%25202020-21%2520niscts%2520-%2520excel%2520tables.xlsx&wdOrigin=BROWSELINK>

the greater monitoring of older victims by justice agencies appear not to have been taken onboard.⁶ Disappointingly, in recent correspondence with my office a number of statutory bodies mentioned the challenge of breaking down statistics by standardised age categories, the limitations of current databases and the prohibitive cost of record searches.

As Commissioner for Older People for Northern Ireland, I have conducted several investigations into issues that have been largely overlooked by other agencies, but which are of fundamental importance to older people and wider society. The issue of older victims of crime is such an area—a major concern hiding in plain sight.

In a recent consultation on hate crime legislation, several organisations suggested there was insufficient evidence on offending against older people to be able to make a determination about whether ‘age’ should be a protected characteristic.⁷ Such recognition among civic society points to what I have stressed for some years, namely, that there are substantial gaps in our knowledge of, monitoring of, and attentiveness to, older victims of crime.

I am grateful for the efforts of my research team, for the assistance of the Probation Board for Northern Ireland, and above all, for the engagement of participants, including people who have experienced crime themselves. This study gives a voice to older victims such as the man who having experienced a crime simply stated, ‘I’ve been given a sentence...I’m not going out, I’ll not go out again.’ Crime has a distinctive significance for older people – it is, in a powerful sense, a different crime. As stakeholders consider measures to support victims of crime, I hope that the words of the ‘sentenced’ older victim, and more broadly, this report echo in our subsequent deliberations.

Eddie Lynch

Commissioner for Older People for Northern Ireland

⁶ See *Crime and Justice: The Experience of Older People in Northern Ireland*, COPNI, 2019, p.51-52, available at: <https://www.copni.org/media/1540/206567-online-a4-crime-report-56p.pdf>

⁷ See *Hate Crime Legislation in Northern Ireland: An Independent Review*, D. Marrinan, 2020, p.221-222, available at: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/hate-crime-review.pdf>

Introduction

In 2019, the Commissioner for Older People for Northern Ireland (COPNI) published both a wide-ranging technical report, *Improving Access to Justice for Older Victims of Crime*; and a synthesis of this study entitled, *Crime and Justice: The Experience of Older People in Northern Ireland*.^{8 9} These reports, developed in partnership with statutory justice agencies, identified structural deficiencies in service provision for older victims and recommended a suite of measures to improve access to justice for this demographic.

A Different Crime, focuses on the personal dynamics of crime against older people.¹⁰ Rather than offering a detailed appraisal of justice agencies' engagement with this demographic, this paper draws on personal experience. The exploration of such views—a Probation Officer advocating for community cohesion networks, an offender reflecting on targeting vulnerable people, and older victims emphasising the lasting damage of crime—aims to focus attention on key themes that require the attention of policymakers. The subject is approached by examining the characteristics of older age; the reverberation of crime on this grouping; and the insights of professionals and older victims. This study distils what is of utmost importance to those with lived experience. *A Different Crime* offers a snapshot of the distinctiveness of crime against older people by recognising the difference in context and perspective of this victim group.

In 2020, the Department of Justice published *Hate Crime Legislation in Northern Ireland*, an independent review led by Judge Desmond Marrinan. Recommendation 9 of the Marrinan Review stated that 'protected characteristics in Northern Ireland'

⁸ See *Improving Access to Justice for Older Victims of Crime: Older People as Victims of Crime and the Response of the Criminal Justice System in Northern Ireland*, COPNI, 2019, available at:

<https://www.copni.org/media/1541/improving-access-to-justice-for-older-victims-of-crime-k-j-brown-and-f-gordon-v1.pdf>

⁹ See *Crime and Justice: The Experience of Older People in Northern Ireland*, COPNI, 2019, available at:

<https://www.copni.org/media/1540/206567-online-a4-crime-report-56p.pdf>

¹⁰ The Commissioner for Older People Act (Northern Ireland) 2011, 25.1-2, states that 'for the purposes of this Act "older person" means a person aged 60 or over', while in certain circumstances, 'the Commissioner may direct that ... "older person" means a person aged 50 or over'.

should include the characteristic of age (p.19). In January 2022, the Department of Justice published its proposals, *Improving the effectiveness of the current Hate Crime Legislation in Northern Ireland*, for consultation. The Department of Justice has opted not to accept Judge Marrinan's recommendation, by choosing not to include the characteristic of age in future hate crime legislation (Consultation Document, 2022, p.14).

While the inclusion or exclusion of 'age' (or 'older people') within hate crime legislation may not be a central element in the narrative of crime against older people in Northern Ireland, the attitude of policymakers to including older people within the designation of 'protected characteristics' is immensely significant. The Marrinan Review illustrates the disagreement among significant voices in public life as to whether or not to consider older victims as a distinct group within the justice process (Marrinan, 2020, p.220-221).¹¹

¹² One submission to the Review warns that:

By aiming to protect everyone under hate crime framework, there is an inherent risk that no one will benefit.

(Marrinan, 2020, p.221)

The Review notes that several 'respondents argued that there was as yet insufficient evidence of a substantive nature to support the inclusion of age as a protected characteristic' (p.221). The Marrinan Review serves to highlight the paucity of evidence in the public domain about the contours of crime against older people. This report serves to provide evidence to developing policy discussions about such crime and to clarify why such offences constitute *A Different Crime*.

¹¹ Victim Support NI stated: 'We are not convinced that age should be included specifically as a characteristic within hate crime law, and believe that further exploration of whether crimes against people on the basis of hatred of their age takes place. While there is no doubt that older people are often the targets and victims of crime, in our experience this is due to their vulnerability, not hatred of their age per se' (*Hate Crime Legislation in Northern Ireland: An Independent Review*, D. Marrinan, 2020, p.221).

¹² The Probation Board for Northern Ireland supported the inclusion of age noting that there is increasing evidence that older people are deliberately targeted by offenders; that the targeting of older people causes wider societal damage; and increases fear of crime amongst the older population (*Hate Crime Legislation in Northern Ireland: An Independent Review*, D. Marrinan, 2020, p.227).

Methodology

This study was initiated by the Commissioner for Older People for Northern Ireland (COPNI) as part of the Business Plan 2020-2021 workstream, 'Crime and Older People: Understanding older people's vulnerability'.

In September 2021, the COPNI research team engaged with the Probation Board for Northern Ireland (PBNI) in order to gain assistance with the study. Following engagement with PBNI's Research Panel, approval for the provision of assistance by PBNI to the research team was granted.

The study was conducted during the Covid 19 pandemic, with various restrictions and alterations to working and social life, which hindered the facilitation of interviews and focus groups. The research team engaged with eight PBNI staff (five Probation Officers; two administrative staff; and a Senior Psychologist). Five of this number were members of the Victim Information Unit.¹³ All PBNI staff participants had significant relevant experience. PBNI participants included people who had worked: in urban and rural areas; within prisons; and several who had served with other justice agencies such as the Prison Service and the Police Service of Northern Ireland.

The research team conducted an in-depth interview with an offender on licence at a PBNI office in the North-West. The offender had been convicted of involvement in a robbery of an older woman and was familiar with the activities of a prolific group of criminals engaged in similar activities across Northern Ireland.

The study included a survey of older victims of crime which was launched in March 2022 and yielded 22 responses. In addition, members of COPNI's Legal Services Unit provided information on relevant cases and issues affecting members of the public who engage COPNI's services.

In addition to published statistics, PBNI's Victim Information Unit, the PSNI, the Department of Justice and the Public Prosecution Service provided information to the research team on aspects of crime against older people.¹⁴

¹³ PBNI's Victim Information Unit operates 'to give victims information about the Criminal Justice System and key stages of the sentence of the person who has offended in a manner which is accessible, understandable and supportive', PBNI website, available at: <https://www.pbni.org.uk/victim-information-scheme>.

¹⁴ Organisations provided information on older victims using a number of different age categories for several reasons. For example, PSNI crime statistics use the categories '60-64' and '65+', while the Department of Justice provided statistics on victims and witnesses 'aged 55 and over'. Consequently, this report does not employ standardised age categories.

Chapter one: The statistics

Introduction

In Northern Ireland, older people are less likely to be victims of crime than younger people.¹⁵ Overall rates of crime recorded by the police steadily decrease across victim age groupings from the 35-39 age category onwards.¹⁶ Relative to other categories, people in older age categories do not experience high rates of recorded crime across several key crime types (Table 1).¹⁷ Older people are less likely to be victims of violence, criminal damage, burglary, stalking and harassment, and robbery in Northern Ireland.

Crime type	Age 20-24	Age 60-64	Age 65+	All ages
Violence without injury	17	5	2	10
Violence with injury (inc. homicide & death/serious injury by unlawful driving)	17	3	1	7
Criminal damage	9	6	4	6
Burglary	2	2	2	2
Stalking and harassment	13	4	2	7
Robbery	1	0	0	0
Total police recorded crime	73	26	14	41

Table 1: Police Recorded Crime Population Rate (per 1000 population) June 2021 to May 2022

¹⁵ See *Police recorded crime and population rates by victim age and crime type, Pivot Table 2*, PSNI, June 2022, available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-09%2Fcrime-tables_-_may-22.xlsx&wdOrigin=BROWSELINK

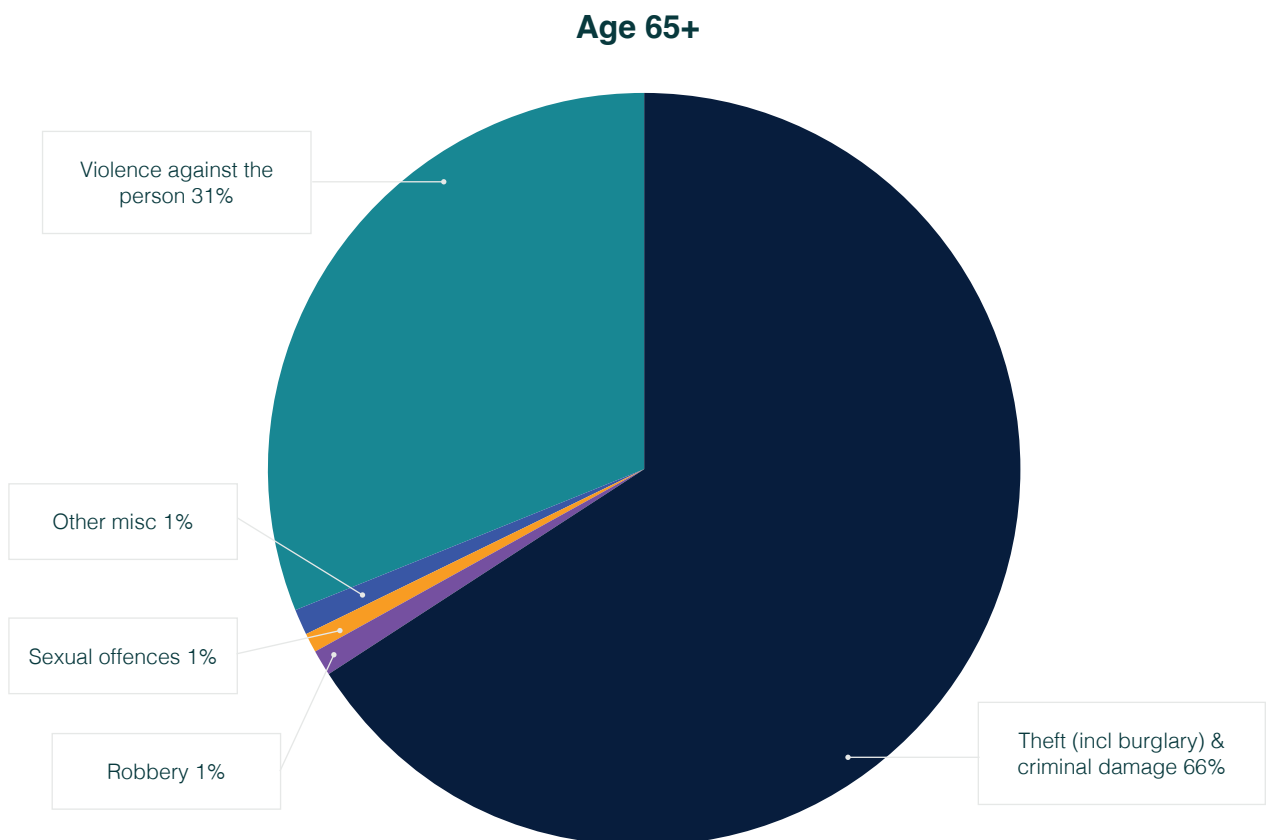
¹⁶ See *Police recorded crime and population rates by victim age and crime type, Pivot Table 2*, PSNI, June 2022, available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-09%2Fcrime-tables_-_may-22.xlsx&wdOrigin=BROWSELINK

¹⁷ See *Police recorded crime and population rates by victim age and crime type, Pivot Table 2*, PSNI, June 2022, available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-09%2Fcrime-tables_-_may-22.xlsx&wdOrigin=BROWSELINK

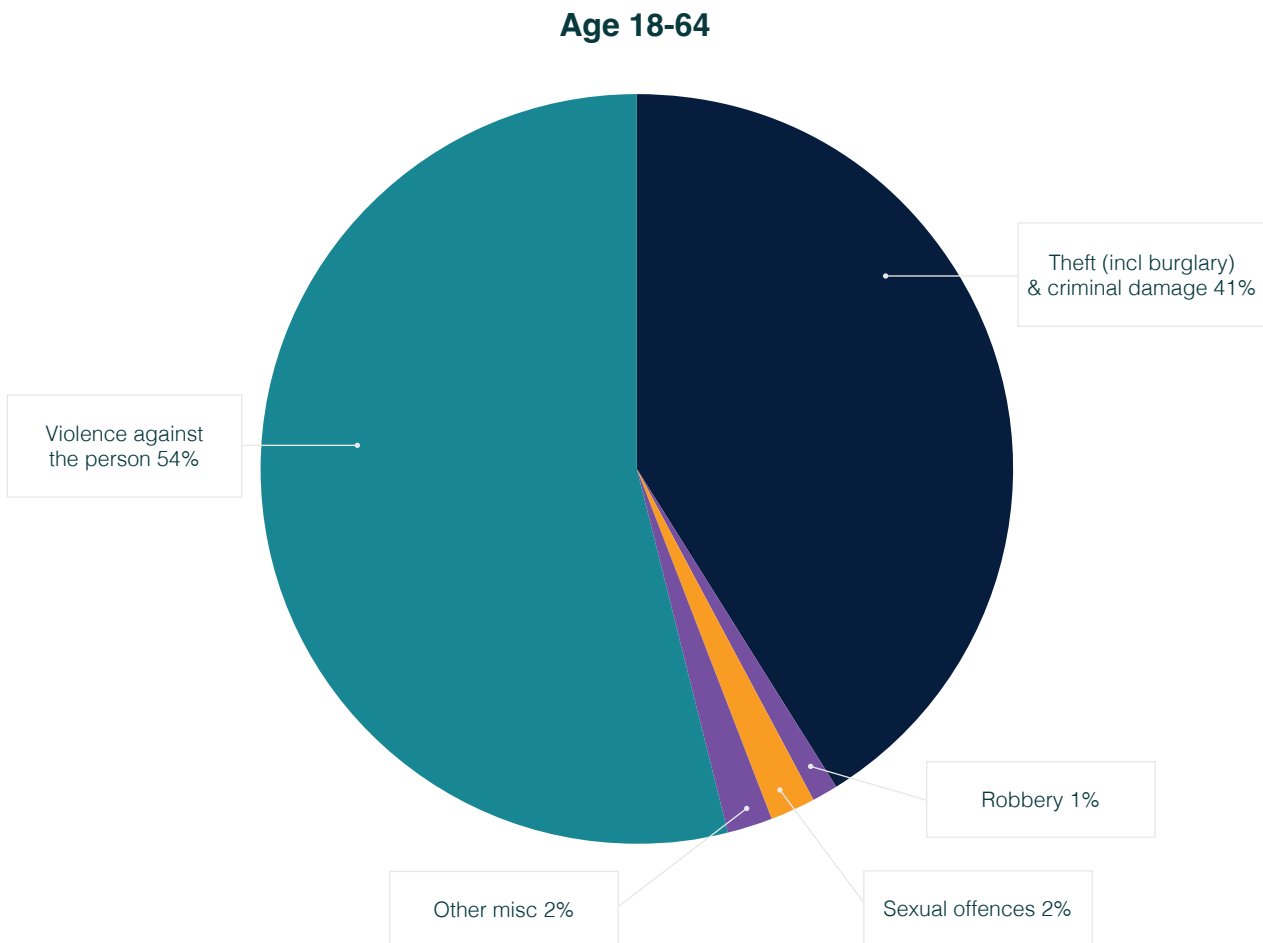
Different ages facing different crimes

Different age groups experience different levels of particular crimes. Figure 1 shows how the nature of crime changes across two age bands 18 to 64 and 65 plus.¹⁸ In 2020/21, almost a third of victims aged 65 plus and nearly three fifths of victims aged 18 to 64 were victims of violence against the person and sexual offences. Two thirds of victims aged 65 plus and two fifths of victims aged 18 to 64 and were victims of theft, burglary, and criminal damage.

Figure 1: Percentage of victims by age band and crime type, 2020/21



¹⁸ See *Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2020/21*, PSNI, 2021, p.29-30, available at: <https://www.psni.police.uk/sites/default/files/2022-08/police-recorded-crime-in-northern-ireland-1998-99-to-2020-21.pdf>



PSNI statistics for 2020/21 outlining the frequency of recorded crime across two broad age bands offer a simple but useful delineation between older and younger victims.¹⁹ There were 12 crime victims aged 65 plus per 1,000 of the population. There were 48 crime victims aged 18-64 per 1,000 of the population. The rate per 1,000 of the 65 plus population for theft (including burglary) and criminal damage was eight, while the rate for violence against the person offences was four. The rate per 1,000 of the population aged 18-64 for theft (including burglary) and criminal damage was 20 and for violence against the person, the rate was 26.

Statistics supplied by PBNI’s Victim Information Unit, show that of the 38 victims aged 60 plus who engaged with its service in 2021, 19 of the victims knew the perpetrator and 9 of these cases involved domestic violence.²⁰

¹⁹ See *Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2020/21*, PSNI, 2021, p.29-30, available at: <https://www.psni.police.uk/sites/default/files/2022-08/police-recorded-crime-in-northern-ireland-1998-99-to-2020-21.pdf>

²⁰ *Registered Victims of Crime aged 60 plus, 2021*, PBNI Victim Information Unit, provided April 2022.

Poorer outcome rates for older victims

PSNI statistics on 'Recorded Crime Outcomes' presented in Table 2, offer an overview of the technical (as opposed to emotional or physical) aftermath of crime.²¹ Outcomes rates indicate the percentage of crimes which have resulted in one of a number of actions. These outcomes include: charge/summons, cautions, community resolutions, penalty notices for disorder, offences taken into consideration and indictable only offences where no action was taken against the offender (died before proceedings or PPS did not prosecute). In lay terms, crime outcome rates indicate a level of resolution or action in response to crime.

The overall Recorded Crime Outcomes rate (2020/21) for victims aged 65 plus is 14%—the poorest rate of all age categories.²² The Crime Outcomes rate (2020/21) for violence without injury, involving victims aged 65 plus is 23.3%—the poorest of any adult age category other than 18-19 year old victims.²³ The Crime Outcomes rate (2020/21) for criminal damage, for victims aged 65 plus is 9.2%—the poorest of all age categories.²⁴ The Crime Outcomes rate (2020/21) for harassment, involving victims aged 65 plus is 8.9%—the poorest of any adult age category.²⁵

²¹ See *Police recorded crime, crime outcomes and population rates by victim age and crime type, Pivot Table 3*, PSNI, November 2021, available at:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-08%2Fpolice_recorded_crime_in_northern_ireland_1998-99_to_2020-21.xlsx&wdOrigin=BROWSELINK

²² See *Police recorded crime, crime outcomes and population rates by victim age and crime type, Pivot Table 3*, PSNI, November 2021, available at:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-08%2Fpolice_recorded_crime_in_northern_ireland_1998-99_to_2020-21.xlsx&wdOrigin=BROWSELINK

²³ See *Police recorded crime, crime outcomes and population rates by victim age and crime type, Pivot Table 3*, PSNI, November 2021, available at:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-08%2Fpolice_recorded_crime_in_northern_ireland_1998-99_to_2020-21.xlsx&wdOrigin=BROWSELINK

²⁴ See *Police recorded crime, crime outcomes and population rates by victim age and crime type, Pivot Table 3*, PSNI, November 2021, available at:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-08%2Fpolice_recorded_crime_in_northern_ireland_1998-99_to_2020-21.xlsx&wdOrigin=BROWSELINK

²⁵ See *Police recorded crime, crime outcomes and population rates by victim age and crime type, Pivot Table 3*, PSNI, November 2021, available at:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-08%2Fpolice_recorded_crime_in_northern_ireland_1998-99_to_2020-21.xlsx&wdOrigin=BROWSELINK

Victim age	2017/18	2018/19	2019/20	2020/21
20-24	17.8	16.9	17.5	20.2
60-64	14.7	16.1	15.9	18.6
65+	12.1	13.1	12.2	14
All ages	17	17	16.7	18.3

Table 2: Total Police Recorded Crime Outcomes (%)

Fear of crime

The 2020/21 Northern Ireland Safe Community Telephone Survey conducted by the Department of Justice found that 11% of respondents aged 75 plus had high levels of worry about crime (presented in Table 3).²⁶ Respondents aged 65-74 and 75 plus were more likely than other age groupings to describe the effect of 'fear of crime' on quality of life as 'moderate' or 'great' (presented in Table 4).²⁷ Older people worry about crime and are impacted by 'fear of crime' more than other age groupings in society.

Age	Percentage with high levels of worry (crime overall)
All adults	5
Age 16-34	3
Age 35-44	4
Age 45-54	6
Age 55-64	3
Age 65-74	4
Age 75+	11

Table 3: Worry about crime by age (%), 2020/21

²⁶ See *Findings from the 2020/21 Northern Ireland Safe Community Telephone Survey*, DoJ, March 2022, Table 7c, available at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.justice-ni.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fpublications%2Fjustice%2FFindings%2520from%2520the%25202020-21%2520niscts%2520-%2520excel%2520tables.xlsx&wdOrigin=BROWSELINK>

²⁷ See *Findings from the 2020/21 Northern Ireland Safe Community Telephone Survey*, DoJ, March 2022, Table 8c, available at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.justice-ni.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fpublications%2Fjustice%2FFindings%2520from%2520the%25202020-21%2520niscts%2520-%2520excel%2520tables.xlsx&wdOrigin=BROWSELINK>

Percentage describing the effect of 'fear of crime' on quality of life as:	Moderate	Great
Age		
All Adults	23	4
Age 16-34	23	4
Age 35-44	23	3
Age 45-54	18	3
Age 55-64	22	3
Age 65-74	25	5
Age 75+	30	7

Table 4: Perceptions of the effect of 'fear of crime' on quality of life, by age (%), 2020/21

Increased vulnerability to offending

A major factor as regards the extent to which crime impacts an individual victim, is the victim's pre-offence status. A victim's health, social and financial situation prior to experiencing a crime provides an indication of how well an individual may weather the impact of a crime.²⁸ Examining health, social and financial resources of older people in general, allows an assessment of the extent to which victims from this demographic are at increased risk of acute impact when they experience crime.

Older people live with poorer health, experiencing significantly higher levels of long term physical or mental health conditions than younger people.²⁹ The Department of Health's report *Health Survey (NI) First Results 2020/21*, notes that 27% of respondents aged 16-24 have a long term health condition rising to 69% of respondents aged 75 plus.

²⁸ See *How Can Crime Affect You?*, Victim Support, available at: <https://www.victimsupport.org.uk/help-and-support/coping-crime/how-can-crime-affect-you/>

²⁹ See *Health Survey (NI) First Results 2020/21*, DoH, December 2021, p.4-6, available at: <https://www.health-ni.gov.uk/sites/default/files/publications/health/hsni-first-results-20-21.pdf>

The *Poverty Bulletin: Northern Ireland 2019/20* produced by the Northern Ireland Statistics and Research Agency (NISRA) states that ‘18% of pensioners were in relative poverty’ and ‘14% of pensioners were in absolute poverty’.³⁰

The NISRA bulletin, *Northern Ireland Household Projections (2016-based)*, notes that the ‘older population predominantly live in one or two adult households’.³¹ There is an increase in the number of smaller households in Northern Ireland, with people aged 65 plus representing 41% of all people living alone in 2016, projected to rise to 48% in 2041.³²

While ‘loneliness’ does not directly correlate to social disconnectedness, it is an indicator of levels of social connectivity. A NISRA study entitled *Loneliness in Northern Ireland 2019/20*, reports that older people experience comparatively high levels of loneliness (2020, p.6). Respondents in both the 65-74 and 75 plus age categories, reported being ‘more often lonely’ at levels above the Northern Ireland average.³³ Of respondents in the 75 plus category, 43.2% were ‘more often lonely’.³⁴

‘Self-efficacy’ is a concept describing a person’s beliefs about their capability to produce results or effects, and their ability to exercise influence over events that affect their lives. The Executive Office’s report, *Wellbeing in Northern Ireland, 2020/21*, records low self-efficacy among many in the 75 plus age category.³⁵ The occurrence of low self-efficacy among 18.4% of respondents aged 75 plus (compared with 12.8% of respondents aged 25 - 34) indicates an increased sense of disempowerment in this older demographic.³⁶ The *Wellbeing in Northern Ireland* report also employs a ‘locus

³⁰ See *Poverty Bulletin: Northern Ireland 2019/20*, NISRA, 2021, p.3, available at:

<https://www.communities-ni.gov.uk/system/files/publications/communities/ni-poverty-bulletin-201920.pdf>

³¹ See *Northern Ireland Household Projections (2016-based)*, NISRA, 2018, p.5, available at:

<https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/HP16-bulletin.pdf>

³² See *Northern Ireland Household Projections (2016-based)*, NISRA, 2018, Data F4: ‘Projected Population living alone by age and sex, 2016-2041’, available at:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.nisra.gov.uk%2Fsites%2Fnisra.gov.uk%2Ffiles%2Fpublications%2FHHP16_Figures.xls&wdOrigin=BROWSELINK

³³ See *Loneliness in Northern Ireland 2019/20*, NISRA, December 2020, p.6, available at:

https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/Loneliness%20in%20Northern%20Ireland%20201920_0.pdf

³⁴ See *Loneliness in Northern Ireland 2019/20*, NISRA, December 2020, p.6, available at:

https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/Loneliness%20in%20Northern%20Ireland%20201920_0.pdf

³⁵ See *Wellbeing in Northern Ireland, 2020/21*, The Executive Office, 2021, p.8-11, available at:

<https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/wellbeing-in-ni-2020-21.pdf>

³⁶ See *Wellbeing in Northern Ireland, 2020/21*, The Executive Office, 2021, p.10, available at:

<https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/wellbeing-in-ni-2020-21.pdf>

of control' measurement to assess the extent to which a person feels they have control over their life.³⁷ Overall, those aged 65-74 and 75 plus, indicated that external factors were more influential in their lives than was the case for those aged 16-24, 25-34 and 35-44.³⁸

Conclusion

Overall, older people are less likely to be victims of crime in Northern Ireland than younger people. When crimes are committed against older people, the crimes are more likely to be theft, including burglary, and criminal damage (66%), than crimes of violence against the person (31%).

When crimes are committed against victims aged 65 plus (and recorded by the PSNI), the Crime Outcomes rate is the poorest of any age category—14%.

Older people worry about crime and are impacted by 'fear of crime' more than other age groupings in society. 11% of people aged 75 plus have high levels of worry about crime. People aged 65-74 and 75 plus are more likely than other age groupings to describe the effect of 'fear of crime' on quality of life as 'moderate' or 'great'.

³⁷ See *Wellbeing in Northern Ireland, 2020/21*, The Executive Office, 2021, p.21-22, available at: <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/wellbeing-in-ni-2020-21.pdf>

³⁸ See *Wellbeing in Northern Ireland, 2020/21*, The Executive Office, 2021, p.22, available at: <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/wellbeing-in-ni-2020-21.pdf>

Chapter two:

The context

Introduction

Northern Ireland is a relatively safe place to live.³⁹ Many of us go through life untroubled by crime. It is people in their twenties and thirties who are most likely to become victims of crime.⁴⁰ Yet the impact of crime upon people who are older, generally speaking, appears to be acute.⁴¹ Before examining precisely why older victims may be impacted so acutely by crime, it is vital to recognise the policy context in which crime and the state's response to crime occur.

By outlining the policy context in which the issue of older victimhood sits, one can identify how institutional and societal attitudes shape, help, and hinder the tackling of crime against older people. This chapter explores the policy landscape in which the subject of older victims is considered; the importance of giving adequate consideration to older victims; and the current paucity of information on older victims.

A discernible theme in some public policy discussions is a feeling that giving attention to a particular policy matter can, in certain circumstances, risk exacerbating that problem. As regards the impact of crime on older victims, this concern is three-fold: i) that focussing on the different context of older people will promote a view of older people as frail, isolated and dependent; ii) that highlighting older victims may contribute to increased fear of crime among older citizens; and iii) that recognition by

³⁹ The crime rate in the United Kingdom was 79.52 per 1,000 people in 2021–2022. The crime rate in England was 77.49 crimes per 1,000 people, in Wales 75.16 per 1,000 people and in Northern Ireland 52.44 per 1,000 people during this period, according to the open data processing website CrimeRate.co.uk, available at: <https://crimerate.co.uk/>

⁴⁰ See *Police recorded crime and population rates by victim age and crime type, Pivot Table 2*, PSNI, June 2022, available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-09%2Fcrime-tables_-_may-22.xlsx&wdOrigin=BROWSELINK

⁴¹ Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) report *The Police and CPS Response to Crimes against Older People* states '[B]eing victimised can have a significant and often long-lasting impact on older people... While there is apparently less likelihood of older people becoming victims of crime, the effect on these victims may therefore be more severe', HMICFRS, July 2019, p.30, available at: <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/charges-against-older-people.pdf>

justice agencies of distinctions among victims of crime may prove unworkable and/or unhelpful. The nature and influence of these themes in addressing the issue of crime against older people is discussed below.

Promoting a negative view of older people

While a crime perpetrated against two people may attract the same technical criminal charge or description (e.g., 'burglary', 'robbery' or 'criminal damage'), the impact on two individuals is likely to differ (among other factors) according to the victims' personal circumstances. The personal circumstances of older victims of crime (as a grouping) include increased occurrences of physical and mental infirmity; decreasing social engagement; greater likelihood of living alone; and decreasing financial resources.^{42 43} An older victim of crime may be subject to the same crime as a younger victim but frequently, she or he, experiences a greater impact from that crime due to pre-existing issues.

Recognising, or even discussing the proposition, that older people are at increased risk of being acutely impacted by crime is somewhat counter-cultural. With the (welcome) development of a more rights conscious society which focuses on autonomy and individual capacity, addressing the increased vulnerabilities of a particular demographic could be interpreted as an act of disempowering that same grouping. A rights-based society properly focuses on enabling people to engage in all aspects of life insofar as they can and wish so to do. As a society, we celebrate examples of active ageing: the 86 year old marathon runner, the 78 year old swimming champion, or an older relative/acquaintance who lives happily and independently. A consequence of this positive attitude is that there is a widespread tendency to overlook the challenges (and the statistical reality) that membership of particular demographics may come with increased challenges. Not all older people are represented by idealised

⁴² Regarding the social context of older victims see *The Police and CPS Response to Crimes against Older People*, HMICFRS, July 2019, p.28, available at:

<https://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/crimes-against-older-people.pdf>

⁴³ NISRA's *Poverty Bulletin: Northern Ireland 2019/20* states that '18% of pensioners were in relative poverty' and '14% of pensioners were in absolute poverty' (2021, p.3), available at:

<https://www.communities-ni.gov.uk/system/files/publications/communities/ni-poverty-bulletin-201920.pdf>

depictions of active ageing such as the greying, energetic couple climbing Slieve Donard one day and trekking in the Kalahari the next. 'Older people' as a grouping in Northern Ireland includes those who are active, socially engaged, and financially secure, but it also includes a great many people who have poor health, are less mobile, are socially disconnected and have limited resources.

The recognition that people within a particular grouping in society may face specific challenges as a consequence of their membership of a specific grouping, is the basis of equality legislation and policy. While we are all members of various social groupings—distinguished by gender, race, religion, physical/mental ability, nationality, etc—as a society, we recognise that some groupings require specific consideration and sometimes legal protection. In the case of older people (and as outlined in Chapter One), health, social and crime performance indicators are relatively poor. Undoubtedly, policymakers have a duty to avoid promoting or reinforcing negative representations of older people, but such a caveat should not prevent policymakers accurately (i.e., based on evidence) outlining the challenges facing older people. Without an accurate survey of these challenges, effective measures to address issues facing this demographic are unlikely to be identified let alone introduced.

Increasing the fear of crime

A concern when discussing criminal acts perpetrated against older people is that it risks embedding a view among older citizens that crime is ubiquitous and society in general is hostile. In turn, these views of our society could lead some older people to disconnect from society in an attempt, as one research participant put it, to 'lock the door' to the outside world literally and metaphorically.

A Probation Officer interviewed for this study, speculated on whether media reporting of crimes against older people 'sometimes makes it worse' by hindering the development of inter-generational relationships. The Officer cited a case of perceived anti-social behaviour by young men. He described how the teenagers would have ceased congregating at a particular street corner if they had known they were a

nuisance to the older residents. He observed that ‘the residents feared the consequences, probably because of the stories they see in the media’.

Yet, it is important to distinguish between individual stories of crime that, through facile media reporting, do little else but shock the public consciousness and on the other hand, public discussions which analyse the complex issues attendant to older victimhood. Indeed, this was the view taken by the same Probation Officer, who had previously served in the PSNI, and who stressed the importance of looking in depth at the ‘complicated story’ behind offending against older people.

The reporting of a robbery of an older person accompanied by images can have an extraordinarily powerful impact on an audience—stirring revulsion in the wider public and often provoking fear among older people. Setting aside a desire that media reporting on this issue should be sensitive and proportionate, as several members of PBNI stressed, the experience of the victim needs to be heard more prominently in public and in the justice system. A PBNI psychologist, discussing work with offenders on victim awareness, noted the lack of attention to older victims and the need for a corrective to raise:

...awareness of impacts crime has on older people. You don't tend to see the impact of older victims in public...just imagine how older people feel if someone has been in their home and the lasting impact it could have on them...

As older people frequently have fewer resources to ‘get over’ a crime, consideration of the particular impact of crime among this grouping is vital if tailored, ameliorative measures are to be identified. By considering the impact of crime on this cohort of victims, it is more likely that society will be able to shape the interventions necessary to reduce the effect of crime on older victims.

Recognition of older victims within the criminal justice system

The Public Prosecution Service (PPS)—the principal prosecuting authority, which takes prosecution decisions in cases investigated by the police in Northern Ireland—has indicated its reluctance to differentiate between different types of victims and witnesses within its current Victim and Witness Policy.⁴⁴ In the consultation process on its own Victim and Witness Policy, the PPS states:

The PPS Victim and Witness Policy is a standalone policy that is deliberately silent on specific case type / victim categorisation to ensure ease of reference for all users.

(PPS Victim and Witness Policy: Summary of Consultation Responses, PPS, 2017, p.1)⁴⁵

Admirably, the PPS has expressed its determination to avoid any approach which might contribute to a ‘hierarchy of victims’ (COPNI, 2019, p.25).⁴⁶ The PPS’ position has an attractive simplicity and coalesces comfortably with the principle of equality before the law. However, the Prosecution Service does provide distinct policy guidance on supporting victims and witnesses of human trafficking, sexual offences, domestic violence and hate crime.^{47 48 49 50} So, while there may be a reticence to single out particular groups of victims as requiring distinctive provisions and support, the Public Prosecution Service evidently does recognise the distinct impact of certain types of crime.

⁴⁴ See *Victim and Witness Policy*, Public Prosecution Service for Northern Ireland, June 2017, available at: <https://www.ppsni.gov.uk/sites/ppsnifiles/publications/PPS%20Victim%20and%20Witness%20Policy%20%28June%202017%29.pdf>

⁴⁵ See *PPS Victim and Witness Policy: Summary of Consultation Responses*, PPS, 2017, available at: <https://niopa.qub.ac.uk/bitstream/NIOPA/9016/1/2017%20PPS%20Victim%20and%20Witness%20Policy%20-%20Summary%20of%20Consultation%20responses.pdf>

⁴⁶ See *Crime and Justice: The Experience of Older People in Northern Ireland*, COPNI, 2019, p.25, available at: <https://www.copni.org/media/1540/206567-online-a4-crime-report-56p.pdf>

⁴⁷ See *Policy for Prosecuting Cases of Modern Slavery and Human Trafficking*, PPS, 2022, available at: <https://www.ppsni.gov.uk/sites/ppsnifiles/publications/PPS%20Policy%20for%20Prosecuting%20Cases%20of%20Modern%20Slavery%20and%20Human%20Trafficking%20%28Updated%20May%202022%29.pdf>

⁴⁸ See *Policy for Prosecuting Sexual Offences*, PPS, 2022, available at: https://www.ppsni.gov.uk/sites/ppsnifiles/publications/PPS%20Policy%20for%20Prosecuting%20Sexual%20Offences%20-%20Draft%20for%20Consultation_0.pdf

⁴⁹ See *Policy for Prosecuting Cases of Domestic Violence*, PPS, 2016, available at: <https://www.ppsni.gov.uk/sites/ppsnifiles/publications/PPS%20Domestic%20Violence%20Policy.pdf>

⁵⁰ See *Hate Crime Policy*, PPS, 2010, available at: <https://www.ppsni.gov.uk/sites/ppsnifiles/publications/PPS%20Hate%20Crime%20Policy.pdf>

In contrast to the Public Prosecution Service, the Crown Prosecution Service (CPS) in England and Wales has issued *Policy Guidance on the Prosecution of Crimes against Older People* (2019) stating that:

[O]lder people are often targeted because of their age and a perception that they are vulnerable. This can have a devastating impact on the victim because they are being targeted for a personal characteristic. Whilst there is no statutory definition of crimes against older people, nor legislation allowing for a sentence uplift to be applied as in hate crime cases, we are committed to ensuring that justice is delivered for older people by prosecuting offences against them and supporting victims and witnesses throughout that process.⁵¹

The CPS has opted to keep under review the criminal justice experience of older victims and witnesses. The concern with the PPS' policy of not specifically monitoring the experience of older victims and witnesses is that issues which could be uncovered and addressed, if existing, are neither uncovered nor addressed.

COPNI's 2019 report, *Crime and Justice: The Experience of Older People in Northern Ireland*, made 24 recommendations.⁵² Among the more rudimentary (and low cost) recommendations were two focussed on the collection and publication of data on older victims:

Recommendation 10:

The PPS should prioritise taking action to be able to include as part of its regular statistical publications, statistics relating to caseload and complainant age. The age of the complainant should be recorded in all cases.

Recommendation 13:

Consideration should be given to instigating a recording practice which allows data on levels of engagement with the [PPS'] Victim and Witness Care Unit by different demographic groups to be gathered and published to inform research and practice.

(COPNI, 2019, p.51-52)

Promisingly, the Public Prosecution Service has recently commenced publishing the overall number of victims by age category, on files received by the PPS, within its

⁵¹ See *Policy Guidance on the Prosecution of Crimes against Older People*, CPS, 2019, available at: <https://www.cps.gov.uk/publication/policy-guidance-prosecution-crimes-against-older-people-0>

⁵² See *Crime and Justice: The Experience of Older People in Northern Ireland*, COPNI, 2019, p.51-52, available at: <https://www.copni.org/media/1540/206567-online-a4-crime-report-56p.pdf>

annual Statistical Bulletin.⁵³ However, the PPS does not provide data linking age of victim to offence type. In the conduct of the present research several statutory organisations and units within the criminal justice system proved unable to provide information relevant to the experience of older victims of crime.⁵⁴ The Public Prosecution Service and its Victim and Witness Care Unit, treated several requests for information about older victims within the limits of Freedom of Information legislation:

Information that links victims (and their age profile) with suspects / offences are not held in a format which is easily extracted from the PPS Case Management System (CMS), therefore, to respond to your request would require a manual search of all cases. This would easily exceed the cost limit as defined in Section 12 of the Act which makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit; for the PPS as a Government Department the limit is set at £600.

(Letter from Information Management Team, PPS, 14/04/22)

By not providing detailed information on older victims of crime, on the basis of limiting costs, the PPS makes it more difficult to monitor this at-risk cohort. Such an approach appears at odds with the legal entitlements of victims as specified in the *Victim Charter* (DoJ, 2015).⁵⁵ The *Charter* states that service providers which includes the Public Prosecution Service must⁵⁶:

take appropriate measures to help you understand what they are telling you and make sure they understand what you are telling them; [and] have your need assessed to identify if you need extra help to give evidence to the police or at court (p.5-6).

The PPS' own website states that the organisation acts 'impartially and in the interests of justice at all times, applying the highest professional standards and treating everyone fairly and with respect'.⁵⁷ Such a statement is in keeping with the duty on public authorities in Section 75 of the Northern Ireland Act 1998, to 'have due regard

⁵³ See *Statistical Bulletin 2021/22, 1 April 2021 to 31 March 2022*, PPS, June 2022, p.11, available at: <https://www.ppsni.gov.uk/sites/ppsni/files/publications/Statistical%20Bulletin%202021-22.pdf>

⁵⁴ One unit within a statutory organisation, rather than provide the requested information on victims, suggested accessing the unit's webpage which contained, among other documents, out-of-date information and held no relevant statistics on service use.

⁵⁵ See *Victim Charter: A Charter for Victims of Crime*, Department of Justice, 2015, available at: <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf>

⁵⁶ See *Who has to provide services under the Charter?*, *Victim Charter: A Charter for Victims of Crime*, Department of Justice, 2015, p.17, available at: <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf>

⁵⁷ See Public Prosecution Service website, available at: <https://www.ppsni.gov.uk/>

to the need to promote equality of opportunity' 'in carrying out its functions' 'between persons of different...age...'. However, without the collection, analysis and publication of comprehensive data on older victims of crime, it is unclear to what extent this cohort retains equal access to justice.

Conclusion

The development of effective public policy and practice requires sufficient information, transparency, and engagement with stakeholders. Currently, these vital elements in discussions on older victims of crime are not always present, as outlined above. Some barriers to open discussion on this matter arise from social conventions such as the desire not to characterise all older people as 'at risk' or to increase fear among this demographic. However, the greatest challenge to addressing crime against older people is a lack of consideration of the matter by statutory bodies. As it stands, with some exceptions such as the PSNI, there is limited information and focus on older victims of crime in the criminal justice system in Northern Ireland. In order to address more effectively crime against older people and provide appropriate support to older victims, justice agencies must examine the experiences of this cohort of victims. Without a concerted effort by all justice agencies to survey the experiences of older victims of crime, ameliorative interventions are unlikely to succeed.

Chapter three:

Offending against older people

Introduction

This chapter explores offending against older people by looking at crime statistics, offender motivation, and the response of justice agencies. By obtaining an overview of offending against older people, it is possible to draw conclusions as to the uniqueness or otherwise of this victim cohort.

Much as there is not a single type of victim, there is not a single type of crime. If one is a victim of a particular crime—regardless of one’s age category or the frequency of that crime in society—one remains impacted in a distinctive and personal way. However, there are identifiable trends in the statistics on offending against older people. These trends can provide general insights that are useful in reducing crime against, and the impact of crime on, this grouping.

Of all recorded crimes committed against people aged 65 plus in 2020-2021, 66% were theft and criminal damage offences, compared with a rate of 41% experienced by victims aged 18 to 64.⁵⁸ While 31% of offending against victims aged 65 plus involved violence against the person offences, the rate experienced by people in the 18 to 64 age range was 54%.⁵⁹ In sum, crimes of theft and criminal damage are the crimes that most commonly face older victims, as opposed to violence against the person type crimes which are more common among younger victims.

⁵⁸ See *Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2020/21*, PSNI, 2021, p.29-30, available at: <https://www.psni.police.uk/sites/default/files/2022-08/police-recorded-crime-in-northern-ireland-1998-99-to-2020-21.pdf>

⁵⁹ See *Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2020/21*, PSNI, 2021, p.29-30, available at: <https://www.psni.police.uk/sites/default/files/2022-08/police-recorded-crime-in-northern-ireland-1998-99-to-2020-21.pdf>

Victimhood in a risk averse demographic

A cursory reading of the statistics on the occurrence of police recorded crime by age reveals little that is extraordinary; rates of particular crimes broadly in keeping with expectations.⁶⁰ Yet, if one factors into the analysis that older people have higher levels of worry and fear of crime than other groupings—which will likely increase their risk avoidance—the levels of crime among older people are quite remarkable.⁶¹

The comparatively low levels of ‘violence against the person’ offences experienced by older people likely speaks to increased levels of personal stability and risk avoidance among this grouping.⁶² ⁶³ Given this context, the fact that recorded levels of burglary (presented in Table 5) remain at significant levels among older people is noteworthy.⁶⁴ This suggests that even though older people make efforts to avoid circumstances or behaviours that increase their risk of crime (most obviously violence against the person), this victim cohort experiences significant levels of intrusive personal crimes such as burglary.

Victim Age	Crime Type	May'20 to Apr'21	May'21 to Apr'22
<18	Theft – burglary	7	1
18-19	Theft – burglary	69	63

⁶⁰ See *Police recorded crime and population rates by victim age and crime type, Pivot Table 2*, PSNI, June 2022, available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-09%2Fcrime-tables_-_may-22.xlsx&wdOrigin=BROWSELINK

⁶¹ See *Findings from the 2020/21 Northern Ireland Safe Community Telephone Survey*, DoJ, March 2022, Tables 7c and 8c, available at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.justice-ni.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fpublications%2Fjustice%2Ffindings%2520from%2520the%25202020-21%2520niscts%2520-%2520excel%2520tables.xlsx&wdOrigin=BROWSELINK>

⁶² See *Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2020/21*, PSNI, 2021, p.29-30, available at: <https://www.psni.police.uk/sites/default/files/2022-08/police-recorded-crime-in-northern-ireland-1998-99-to-2020-21.pdf>

⁶³ Older people ‘behaved considerably more cautiously (e.g., avoiding going out at night, installing burglar alarms etc....) than their younger counterparts’ (Greve, Leipold, Kappes, Fear of Crime in Old Age: A Sample Case of Resilience?, *The Journals of Gerontology: Series B*, Volume 73, Issue 7, October 2018, P. 1224–1232), available at: <https://academic.oup.com/psychsocgerontology/article/73/7/1224/2770513>

⁶⁴ See *Police recorded crime and population rates by victim age and crime type, Pivot Table 2*, PSNI, June 2022, available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-09%2Fcrime-tables_-_may-22.xlsx&wdOrigin=BROWSELINK

20-24	Theft – burglary	290	258
25-29	Theft – burglary	340	345
30-34	Theft – burglary	373	358
35-39	Theft – burglary	338	315
40-44	Theft – burglary	299	261
45-49	Theft – burglary	250	237
50-54	Theft – burglary	283	241
55-59	Theft – burglary	251	227
60-64	Theft – burglary	178	180
65+	Theft – burglary	554	497
Age unknown	Theft – burglary	5	3
All ages	Theft – burglary	3237	2986

Table 5: Police recorded crime (burglary) by victim age

With the limited statistics and analyses available on older victims, a facile reading of the situation would be that: *older people are less likely to be victims, and when older people do represent a significant number of all victims of a particular crime type, it is at a similar ratio to other age categories.* Such a simplistic presentation leads one to the equally simplistic conclusion that as an older person is less likely to be a victim of crime, older people have less reason to be fearful of crime. In contrast, the proposition (outlined above) that older people actively attempt to insulate themselves from the risk of crime, and yet experience similar levels of crime as other age groupings, suggests a distinctive vulnerability to crime. In-depth research on the experiences of crime among older people is vital to the better understanding of this phenomenon.

Targeting older people

The factors contributing to offending behaviour are individual to each crime. Some criminal conduct is random while some has an internal (albeit criminal) logic. Nevertheless, when viewed from a macro level, there are significant, identifiable trends and recurring attitudes underpinning much offending against older people.

An offender interviewed for this study explained that stealing from the older woman targeted in the offence for which she was convicted, was opportunistic:

She was a wee old woman by herself. She was kind of like my granny... and it was late in the evening and there was no one around... She got suspicious but what could she do?

The offender described the targeting of people and places by the small criminal gang she was a part of:

He [the decision-maker] would just drive round, all over the place – every town and village. Anything or anywhere. If he thought, he could get away with it... He'd steal anything, especially in rural areas. Like the old woman, it was easy... she couldn't do anything.

The interviewee emphasised that the targeting of the older woman by her companions was primarily based on it being 'easy' and that 'there was no one going to stop him [the decision-maker]'.

Probation Officers concurred that only rarely did an offender admit to targeting older people in 'victim impact' discussions. Probation staff noted that great stigma was attached to any person suspected of targeting older people including among offenders and as such, recognition of the extent of the issue could be under-estimated. The study participants emphasised that offenders who acknowledged that they targeted older people were ashamed because of the perceived vulnerability of the victims. Two Probation Officers alluded to offenders empathising with their victims on the basis of their age and similarity to older relatives.⁶⁵ This was the case with the offender-interviewee, who stressed the seeming powerlessness of the older victim and the victim's similarity to her own grandmother.

Significantly, several Probation Officers who, while reluctant to ascribe 'age' per se as an element in targeting, did believe that offenders often felt that committing crimes against older people involved fewer risks. Exploring the distinction, one Probation Officer stated that the targeting was more about issues that increase with age generally:

It's the living alone. Maybe having bad health. And a smaller social circle...being cut-off a bit. That's what makes you vulnerable. Obviously, all older people are very different...

This is a common element in characterisations of offending against older people—a distinction between the categorisation ‘older people’ and statistical trends in older age groups.⁶⁶ This reluctance to recognise increases in physical, mental, social, and financial challenges as aspects of older age, means that justice agency professionals and offenders are inclined to attribute the targeting of a particular victim to a perceived vulnerability rather than age per se. The consequence of this approach is that the distinctive trends in offending against older people may go unrecognised and unaddressed by relevant bodies.

In contrast, study participants indicated that recurring factors in the targeting of, and offending against older people included:

- The perception of physical weakness of the victim;
- The perception of the victim’s limited social connectedness during and after offending;
- The perception of the victim’s increased fear to report a crime and to pursue criminal proceedings; and
- The perception of increased obstacles for authorities to gather evidence and prosecute crimes.

While not all of these elements are present in all crimes against older people, they recur in conversations with research participants discussing a range of offence types. An offender acknowledged that her perception of her victim’s physical weakness and social isolation made the victim vulnerable to robbery. Statistics from PBNI’s Victim Information Unit, show that of the 38 victims aged 60 plus who engaged with its service in 2021, 19 of the victims knew the perpetrator and nine of the cases involved domestic violence.⁶⁷ Probation staff perceived an increase in reporting of crimes by family members and carers despite such cases leaving the older victim in a difficult position, as the victim often relied on the perpetrator for help. When there is deliberate targeting of older people, the offender has often perceived a weakness on the part of the victim that they believe means that the victim will not be able to thwart the offending. The

⁶⁶ Several responses to the Marrinan Review illustrate a reluctance to recognise a relationship between the categorisation ‘older people’ and demographic trends in older age groups which increase victim vulnerability (*Hate Crime Legislation in Northern Ireland*, D. Marrinan, 2020, p.49-51).

⁶⁷ See *Registered Victims of Crime aged 60 plus, 2021*, PBNI Victim Information Unit, provided April 2022.

perpetrator, also, frequently perceives that statutory agencies are less likely to pursue a successful criminal case involving an older victim.

Justice agencies unattuned to the needs of older victims

The Police Service of Northern Ireland (PSNI) and the Public Prosecution Service (PPS) face significant challenges with finite resources. However, while it is important to recognise the context in which these agencies operate, it is reasonable to raise questions as to the effectiveness of their service provision. Both bodies, at times, exhibit an institutional posture which regards adjusted service provision for older people as unnecessary.^{68 69}

COPNI's 2019 report, *Crime and Justice*, identified barriers faced by older victims needing to engage with the justice system, following the initial reporting of a crime. These include fear of giving evidence in court especially as older people are more likely to know the perpetrator; concerns that the offender may know where the victim lives; and difficulties arising from delayed reporting of a crime by older victims because they are unaware it has occurred or are embarrassed (COPNI, 2019, p.23). Significantly, these obstacles to justice, while directly related to attitudes and experiences of older victims are also directly related to the effectiveness of current service provision. The state—in the form of criminal investigation and prosecutorial organisations—has a responsibility to assist victims in overcoming barriers to the successful investigation and prosecution of offences.^{70 71}

⁶⁸ See *Case Studies*, Appendix 1

⁶⁹ 'Information that links victims (and their age profile) with suspects / offences are not held in a format which is easily extracted from the PPS Case Management System (CMS)' (Letter from Information Management Team, PPS, 14/04/22).

⁷⁰ The *Police Service of Northern Ireland Code of Ethics* states 'Police officers shall treat all victims of crime and disorder with sensitivity and respect their dignity. Police officers shall consider any particular needs, vulnerabilities and concerns which victims may have. Subject to the rules governing confidentiality, victims shall be updated on the progress of any relevant investigations in accordance with Police Service policy and procedure', Northern Ireland Policing Board, 2008, p.10, available at: <https://www.nipolicingboard.org.uk/files/nipolicingboard/publications/code-of-ethics.pdf>

⁷¹ The PPS' *Code for Prosecutors* states that 'The PPS also recognises the need for a partnership approach to ensure that victims and witnesses are given accurate and timely case-progression information and that victims and witnesses are listened to regarding their particular circumstances and needs', PPS, 2016, p.35, available at: <https://www.ppsni.gov.uk/sites/ppsni/files/publications/PPS%20Code%20for%20Prosecutors.pdf>

i) Police Service of Northern Ireland

In a submission to the Marrinan Review, the PSNI stated that:

As a police service we deal with crimes against older persons under the wider category of vulnerability. There is a dedicated lead in PSNI for crime against older persons and this approach appears to meet the needs both of the victims and the police service.

(Marrinan, 2020, p.50)

The two notable elements of this statement are: i) that older people are considered ‘under the wider category of vulnerability’; and ii) the view that this approach ‘appears to meet’ the needs of the victims. A reasonable summation of this attitude is that the PSNI views its own practice as effectively addressing the needs of older victims of crime. However, the outcomes rate for all police recorded crimes committed against people aged 65 plus is 14% for the 2020/21 period (presented in Table 6) - the lowest of any age category.⁷² In effect, older victims are less likely to gain a resolution to their cases than other age groupings.⁷³

Victim Age	Crime Type	2017/18	2018/19	2019/20	2020/21
20-24	Total police recorded crime	17.8	16.9	17.5	20.2
60-64	Total police recorded crime	14.7	16.1	15.9	18.6
65+	Total police recorded crime	12.1	13.1	12.2	14
All ages	Total police recorded crime	17	17	16.7	18.3

Table 6: Police Recorded Crime Outcomes (rate %)

Referring to the PSNI’s crime statistics, COPNI’s Legal Officers interviewed for this study, suggested that aspects of offending against older people may go unmonitored and unscrutinised. One Legal Officer commented:

⁷² See *Police recorded crime, crime outcomes and population rates by victim age and crime type, Pivot Table 3*, PSNI, November 2021, available at:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-08%2Fpolice_recorded_crime_in_northern_ireland_1998-99_to_2020-21.xlsx&wdOrigin=BROWSELINK

⁷³ For a full description of crime outcomes, see *Outcomes of Crimes Recorded by the Police in Northern Ireland 2015/16 to 2020/21*, PSNI, 2021, p.16, available at:

<https://www.psni.police.uk/sites/default/files/2022-08/police-crime-outcomes-in-northern-ireland-2015-16-to-2020-21.pdf>

What the figures don't capture is the first stage of reporting an incident to the police, which the police then rebuff. It's not uncommon for older people or representatives to tell us that when they reported an issue to the police, they were told it was not a criminal law matter. If that's the case and I am thinking in particular about issues such as financial abuse and abuse by a carer, then I think there may be a significant under-estimation of the level of offending against older people in our society.

Police Officers have highlighted the challenges of engaging with older victims in terms of receiving, processing, and pursuing a complaint of criminal behaviour. The 2019 report, *Crime and Justice: The Experience of Older People in Northern Ireland*, notes that PSNI focus group participants:

Identified a number of issues that can make gathering sufficient evidence more difficult in cases involving older victims. As people get older, they are more likely to have issues with sensory impairment, memory recall and communication. This can impact on their ability to provide witness testimony necessary to meet the standards required to secure a conviction.
(p.24)

At one level, this is a reasonable description of the challenges of investigating crimes against older people, a demographic with increased health issues which may affect standard evidence gathering.⁷⁴ Yet, at another level, referring to the character traits of a victim group and simply noting that 'this makes our job more difficult' is an insufficient institutional response. In contrast to this approach to older victims, the PSNI currently adjusts its procedures automatically for evidence gathering when dealing with some other groups of victims, for example with non-English speakers or children.⁷⁵

Another issue identified as a barrier to older people's engagement with the justice system is intimidation – the fear of further victimisation if a complainant pursues a case. Crucially, if an individual doesn't feel safe after a crime has been committed against them, then it is not primarily the individual victim's responsibility to 'feel safe'. This responsibility to ensure public safety belongs to the institutions of state which assume the duty of civil protection. In this light, if the low Crime Outcomes rate for

⁷⁴ For example, each cognitive domain (attention, memory, executive cognitive function, language, and visuospatial abilities) exhibits 'measurable declines with age' (*The Impact of Age on Cognition*, Seminars in Hearing, Daniel Murman, 2015), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4906299/>

⁷⁵ See *Information for Victims of Crime*, DoJ, 2022, p.2-3, available at: <https://www.psni.police.uk/sites/default/files/2022-09/information-for-victims-of-crime.pdf>

older people is attributable to a loss of confidence in the justice system, it falls to the justice agencies to address this situation.

The PSNI's Vision Statement includes the declaration that: 'We will prevent crime, detect offenders and protect the most vulnerable in our society'.⁷⁶ Given this ambition, it is problematic that, according to this research and previous studies, a significant percentage of older citizens are reluctant to engage with the criminal justice system for fear of further negative consequences.⁷⁷ A PSNI focus group participant in COPNI's 2019 study described the dilemma of older victims and witnesses:

One point we need to remember is it's not just the getting to court and whether we get a prosecution... these people have to live with it afterwards... once the court case finishes, they walk out of court, they have to go back to their lives... and that's very daunting for people who are feeling vulnerable and victimised anyway. It's not just whether we actually get something reported, it's what happens after. (COPNI, 2019, p.24)

Statistics provided by the Department of Justice derived from the survey, *Victim and Witness Experience of the Northern Ireland Criminal Justice System 2019-2020*, suggest that respondents aged 55 and over, have significant safety concerns relating to participating in the justice system.⁷⁸ One in five respondents in this grouping stated that they or their family had felt intimidated at some point in the criminal justice process.⁷⁹ Of those who felt intimidated during the justice process, 95% located this feeling of intimidation to places 'outside court/in the community'. In effect, among victims and witnesses 55 and over, who have opted to engage with the justice system (and therefore, have not been discouraged by various barriers), a significant number encounter intimidation despite the involvement of the PSNI in their cases.

The PSNI publish a wide range of statistics on recorded crime, much of which is disaggregated into age categories.⁸⁰ These statistics are a valuable resource for

⁷⁶ See *Our Strategies and Vision*, PSNI, available at: https://www.psnipolice.uk/inside-psni/our-strategies-and_vision/

⁷⁷ See *Crime and Justice: The Experience of Older People in Northern Ireland*, COPNI, 2019, p.23, available at: <https://www.copni.org/media/1540/206567-online-a4-crime-report-56p.pdf>

⁷⁸ Data from respondents aged 55 and over, to *the Northern Ireland Victim and Witness Survey 2019/20*, provided by Analytical Services Group, Department of Justice, January 2022.

⁷⁹ Data from respondents aged 55 and over, to *the Northern Ireland Victim and Witness Survey 2019/20*, provided by Analytical Services Group, Department of Justice, January 2022.

⁸⁰ See *Police Recorded Crime Statistics*, PSNI, available at: <https://www.psnipolice.uk/about-us/our-publications-and-reports/official-statistics/police-recorded-crime-statistics>

stakeholders wishing to identify challenges and solutions pertinent to the issues of crime in our society. Nevertheless, these statistics may not represent the full picture of offending against older people especially in light of the suggestion that police ‘rebuff’ complaints with an unconsidered ‘that’s not a criminal law matter’ (COPNI Legal Officer). Such concerns about PSNI operational procedures persist despite individual PSNI personnel identifying the distinctive challenges of working with older victims.

ii) Public Prosecution Service

The PPS plays a vital role in attempting to fulfil the justice system’s *raison d’être*—creating a safe society for all. The PPS takes prosecution decisions in cases investigated by the police in Northern Ireland. Prosecutions are initiated or continued by the PPS only where it is satisfied that the two-stage Test for Prosecution is met.⁸¹ The two stages are: i) The Evidential Test – the evidence which can be adduced in court is sufficient to provide a reasonable prospect of conviction; and ii) The Public Interest Test – prosecution is required in the public interest. Both Tests must be separately considered and passed before a decision to prosecute can be taken. However, if the Evidential Test is not met the case cannot proceed, no matter how serious or sensitive it may be.

The public rely on the PPS to prosecute criminals, working ‘impartially and in the interests of justice at all times...treating everyone fairly and with respect’ (PPS Website, 2022). Understandably, the PPS’ core business—taking prosecution decisions and conducting prosecutions—leads to a focus on criminal behaviour and the criminal. It seems likely that such a focus, on occasion and with limited resources, may lead to a lack of regard for victims’ needs.⁸²

However, more significant than individual instances in which victims and witnesses may not have been given due regard, is the corporate position of the PPS. The Public Prosecution Service states that it is not possible to provide ‘information that links victims (and their age profile) with suspects / offences’ (PPS, 14/04/22) and it is ‘not possible to provide statistics on decisions not to prosecute by age category of complainant/victim’ (PPS, 28/06/22). By leaving unexamined and unexaminable the statistics on cases involving older victims, the PPS is less likely to be able to address poorer outcomes for this demographic.

⁸¹ See *How we reach decisions*, PPS, available at: <https://www.ppsni.gov.uk/how-we-reach-decisions>

⁸² See *Case Studies*, Appendix 1

Even without the provision of current PPS statistics, there are indicators that give cause for concern in light of the PPS' duty to (older) victims.⁸³ COPNI's 2019 study found that in cases where the complainant was identified as being 75+ there was a 'noticeably higher no prosecution rate' in comparison to the other older age categories.⁸⁴ The 2019 study also found that there was a higher percentage of PPS requests for additional information on files sent by the PSNI before taking a decision on whether to prosecute, in cases involving victims in the 65-74 and 75+ age categories than most of the other age categories.⁸⁵ Again, by not routinely collecting, analysing and publishing statistics on the older victim cohort, opportunities to assess the effectiveness of evidence gathering procedures, prosecutorial effectiveness and victim/complainant support are lost to the PPS.

Aside from operational usefulness, statistics offer insight into the effectiveness of strategic priorities, such as the extent to which the PPS meets its duty under Section 75 of the Northern Ireland Act 1998 and its obligations outlined in the PPS' *Code for Prosecutors* public interest considerations.^{86 87} The PPS' public interest considerations include circumstances where the suspect was in a position of authority or trust and the offence is an abuse of that position; and where the offence was motivated by hostility against a person because of their race, ethnicity, sexual orientation, disability, religion,

⁸³ See *Victim Charter: A Charter for Victims of Crime*, Department of Justice, 2015, available at: <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter.pdf>

⁸⁴ See *Crime and Justice: The Experience of Older People in Northern Ireland*, COPNI, 2019, p.28, available at: <https://www.copni.org/media/1540/206567-online-a4-crime-report-56p.pdf>

⁸⁵ 'The PPS can request additional information on a file sent to it by the PSNI before making a decision on whether or not to prosecute. This is called a 'Decision Information Request'. During the period 2013/14 to 2017/18 the 65-74 and 75+ age categories tended to have a higher percentage of Decision Information Requests than most of the other adult victim age categories. Only the youngest adult age category (18-24) showed a similar pattern' *Crime and Justice: The Experience of Older People in Northern Ireland*, COPNI, 2019, p.27, available at: <https://www.copni.org/media/1540/206567-online-a4-crime-report-56p.pdf>

⁸⁶ 'Statutory duty on public authorities... A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity—(a)between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation...', *Northern Ireland Act 1998*, Section 75, available at: <https://www.legislation.gov.uk/ukpga/1998/47/section/75>

⁸⁷ See *Code for Prosecutors* PPS, 2016, available at: <https://www.ppsni.gov.uk/sites/ppsni/files/publications/PPS%20Code%20for%20Prosecutors.pdf>

political beliefs, age or the like.⁸⁸ Given that the PPS identifies offending ‘motivated by hostility against a person’ because of their ‘age’ as a public interest consideration, it is surprising that the organisation appears not to scrutinise systematically statistics on older victims. Without information on prosecutions by victim/complainant age category, the public is unable to assess the extent to which the PPS is meeting its duty to all sections of our society.

In blunt terms, the PPS may argue that their job is to ‘punish wrongdoing and put criminals behind bars’ and that victims of crime can access a range of support from other organisations. This approach is to ignore the huge organisational gain offered by analysing victims’ outcomes and experiences. By monitoring the older victim cohort, the PPS is more likely to be able to collaborate with the police on more effective evidence gathering, adapt its own prosecutorial practice, and encourage older people to engage with the justice system. Monitoring the outcomes and experiences of older victims, would not lead to a distraction from prosecuting criminals but rather it would likely hone the techniques necessary to do so more effectively.

Support for victims in the justice system

There are many support services for victims of crime in Northern Ireland.⁸⁹ The provision, effectiveness, accessibility, and resources of these service providers will likely vary according to provider and victim profile. Nevertheless, considering (only) services provided by statutory organisations (and the main state-supported victims organisation, Victim Support NI) offers a snapshot of what a victim may routinely be offered.

Members of PBNi’s Victim Information Unit highlighted a common misconception that ‘support services’ for victims meant only counselling or other therapeutic assistance. In contrast, study participants—older victims and Probation staff—stressed the value

⁸⁸ See *Code for Prosecutors*, PPS, 2016, p.17, available at: <https://www.ppsni.gov.uk/sites/ppsnifiles/publications/PPS%20Code%20for%20Prosecutors.pdf>

⁸⁹ See list of victim support services on the NIdirect website, available at: <https://www.nidirect.gov.uk/articles/support-services-victims#toc-1>

⁹⁰ 94% of funding for Victim Support NI’s core work is provided by the Department of Justice Victims and Witnesses Branch, see *Victim Support Northern Ireland, Financial Statements*, 31 March 2021, available at: https://apps.charitycommission.gov.uk/ccni_ar_attachments/0000103651_20210331_CA.pdf

of timely information about the progress of a case which could enable victims to prepare for various outcomes. The receipt of regular updates on the progress of a case was considered by participants to be a critical element of victim support. A survey respondent described his experience of seeking information on a case as follows:

Having waited some months and hearing nothing and still no contact from my named police support contact and no access to the supposed online case information, I emailed the Detective enquiring of the case development. The Detective phoned me back, would say nothing, only that it was with the PPS. I contacted the PPS immediately and they said they were not proceeding due to lack of evidence and stated a few areas of weakness. I ... explained that I had submitted a lot of that evidence via Emails to the Detective... So much for good communication with the victim! (Respondent 7, COPNI Survey, 2022)

Staff within the Probation Board's Victim Information Unit described the confusion of many victims regarding organisations' various roles and the consequence for communicating information about a case:

A lot of times on the phone [to a victim of crime], the person will say 'Oh I have spoken to you before', even though we hadn't been in touch. They confuse us [the Victim Information Unit] with the Victim and Witness Care Unit or sometimes even the police. You forget how confusing all of these different organisations can be for people who have never had to deal with the justice system before, especially for older people who may be hard of hearing... It's a bit of a patchwork, who do people go to and when... (PBNI focus group participant)

A member of the Victim Information Unit described victims as often being 'out of the loop' about what is happening 'in their case'. Another Probation Officer made the point in a focus group that:

The justice system has focussed on the offenders. And we have left the victims to their own devices. Hopefully we are starting to see a change in that, so victims are at the heart of the process. This [Victim Information] Unit, its work and of course the new Victim and Witness Strategy for Northern Ireland, should all make a difference...

The inability of agencies within the justice system to systematically communicate with victims of crime, is apparent in a finding from the *Northern Ireland Victim and Witness Survey 2019-2020*.⁹¹ Respondents who were victims or witnesses aged 55 and over,

⁹¹ Data from respondents, aged 55 and over, to the *Northern Ireland Victim and Witness Survey 2019/20*, provided by Analytical Services Group, Department of Justice, January 2022.

cited a range of sources (and none) which had kept them informed about the progress of their case (presented in Table 7).⁹²

Source of Information	%
Victim and Witness Care Unit (VWCU)	2
PPS	21
Police	51
Other CJS source	15
% citing CJS source	72
Not kept informed	20
Don't know	7
Base (n)	188

Table 7: Percentage of respondents, aged 55 and over, kept informed about case progress (i.e., whether a suspect had been identified, what any charges were, what the next developments would be) by the various sources. (N.B. Respondents could make multiple responses to this question)

Table 7 illustrates a justice system which provides information to victims of crime in an unsystematic manner, where victims obtain information from a number of different sources. Figures from the *Victim and Witness Survey* also show that 23.5% of respondents aged 55 and over, were 'dissatisfied' with how they were kept informed about the progress of their case.⁹³

Attempts to provide a more cohesive approach to information dissemination such as the Victim and Witness Care Unit (VWCU) appear not to be achieving significant progress, being cited by only 2% of the cohort presented in Table 7.⁹⁴ Similarly, other

⁹² Data from respondents, aged 55 and over, to the *Northern Ireland Victim and Witness Survey 2019/20*, provided by Analytical Services Group, Department of Justice, January 2022.

⁹³ Data from respondents, aged 55 and over, to the *Northern Ireland Victim and Witness Survey 2019/20*, provided by Analytical Services Group, Department of Justice, January 2022.

⁹⁴ 'The Victim and Witness Care Unit (VWCU) provides you with a single point of contact from when an investigation or charge file is submitted to the Public Prosecution Service (PPS), through to and including the outcome of any court proceedings' *Victim and Witness Care Unit*, PPS website, available at:

<https://www.ppsni.gov.uk/victim-and-witness-care-unit>

statutory support initiatives appear to engage limited numbers of older victims.^{95 96} The Registered Intermediary Schemes intended to 'assist vulnerable victims, witnesses, suspects and defendants...to communicate their answers more effectively during police interview and...at trial' provided assistance to 30 'over 60s' during 2020-2021.^{97 98} Even allowing that the Scheme is for people 'with significant communication deficits', it appears to engage with a strikingly small proportion of the 6,405 victims of crime aged 60-64 and 65 plus, recorded during the same period.⁹⁹

While it is likely that the provision of services to victims by justice agencies is restricted by limitations in resources, strategically this patchy approach to victim engagement could be counterproductive. Inadequate support to victim cohorts which are statistically more vulnerable, has a two-fold impact. Firstly, victims from such cohorts remain less likely to engage with justice agencies and as a result, some crime will go unaddressed. Secondly, when victims from such at risk cohorts do engage with police and prosecution services, they may be less able to provide best evidence, hindering evidence-gathering and prosecution. As participants in a PBNI focus group on the issue made clear, putting victims 'at the heart of the process' is a crucial part of any effective strategy to tackle and reduce offending against at risk groups in society.

Conclusion

Offending against older people has myriad dimensions and facets, varying from one incident to another. There is no single older victim type, no single offence type, no

⁹⁵ There is a range of supports intended to enable vulnerable and intimidated witnesses give their best evidence, termed 'Special Measures'. See *Witness Services and Special Court Measures*, NI Direct website, available at: <https://www.nidirect.gov.uk/articles/witness-services-and-special-court-measures#toc-1>

⁹⁶ The Public Prosecution Service (PPS) may consider applying for special measures to help a witness when giving evidence in court. The PPS advised that there were 682 special measures applications in total in the year 2020/21 (PPS, 14/04/22).

⁹⁷ See *Registered Intermediary Schemes*, DoJ website, available at: <https://www.justice-ni.gov.uk/publications/registered-intermediary-schemes>

⁹⁸ Email response from *Registered Intermediary Schemes*, (01/04/22).

⁹⁹ See *Police recorded crime, crime outcomes and population rates by victim age and crime type, Pivot Table 3*, PSNI, November 2021, available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-08%2Fpolice_recorded_crime_in_northern_ireland_1998-99_to_2020-21.xlsx&wdOrigin=BROWSELINK

single offender motivation and no single statutory response. Nevertheless, there are frequently recurring features in this offending narrative.

Older victims of crime are from a social grouping that is pre-disposed (i.e., pre-offence) to be fearful of crime. Older victims are frequently targeted because of an offender's perception of weakness, and an offender's belief that there will be fewer legal repercussions. Statutory agencies indicate that engaging with older victims for the purposes of evidence gathering and criminal prosecution can be more complex than for other cohorts. The PSNI and PPS are less likely to achieve a 'Crime Outcome' in cases involving older victims. Initiatives to provide support to victims, including older people, during the processing of a criminal case, appear to be delivered in an unsystematic manner.

Older victims of crime are often targeted by offenders because there's an expectation that 'they'll get away with it'. Perhaps, at least in part, as a consequence of statutory services not adjusting support provision for this cohort, criminals often do 'get away with it'.

Chapter four:

The societal impact of crime on older people

Introduction

The previous chapters have addressed the experience of older people subjected to crime—a case's progression through the justice system and a crime's personal repercussions. However, offending against older people causes two additional and far-reaching social ills—damaging the lives of all older people in society and exacerbating society-wide frictions. The Marrinan Review references the Probation Board for Northern Ireland's support for the inclusion of age as a protected characteristic in Hate Crime legislation.¹⁰⁰ The PBNI's position is based on the rationale that:

[1] There is increasing evidence that older people are deliberately targeted by offenders;

[2] When older people are targeted, this causes wider societal damage and that increases fear of crime amongst the older population;

[3] It is important as a society to communicate the message that targeting older people is unacceptable; and

[4] There is a perception among older people that crimes targeting their age group are not currently being treated sufficiently seriously by authorities and not being sentenced appropriately.

(Marrinan, 2020, p.227)

The Probation Board's contribution reflects the two major societal impacts of offending against older people—points one and four address the damage to older people (including those who are not directly impacted by a specific crime); and points two and three, address the harm to community cohesion. This chapter explores in further detail these two significant, but often overlooked aspects of offending against older people.

¹⁰⁰ See *Hate Crime Legislation in Northern Ireland: An Independent Review*, D. Marrinan, 2020, p.227, available at: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/hate-crime-review.pdf>

The damage to the current older population

While older people are statistically less likely to be victims of crime, older people as a section of society are impacted more widely than younger groupings.¹⁰¹ This phenomenon can be seen in ‘fear of crime’ statistics.^{102 103} The *2020/21 Northern Ireland Safe Community Survey* found that 11% of respondents aged 75 plus had high levels of worry.¹⁰⁴ Respondents aged 65-74 and 75 plus were more likely than other age groupings to describe the effect of ‘fear of crime’ on quality of life as ‘moderate’ or ‘great’.¹⁰⁵

Crucially, fear of crime is not just an emotional sensation nor simply a negative psychological experience. It can have serious practical consequences in an individual’s life such as changing if and when a person goes outside their home, be it for shopping or socialising. Levels of ‘fear of crime’ presented in the *2020/21 Northern Ireland Safe Community Survey* give an insight into people’s sense of vulnerability to crime but also likely offer an indication of behavioural change caused by concern about crime.¹⁰⁶

¹⁰¹ See *Police recorded crime and population rates by victim age and crime type, Pivot Table 2*, PSNI, June 2022, available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-09%2Fcrime-tables_-_may-22.xlsx&wdOrigin=BROWSELINK

¹⁰² Much emphasis in the presentation of ‘fear of crime’ statistics resides on the distinction with victimisation statistics (for example, *Police Recorded Crime* statistics, PSNI, 2022). It is often suggested that ‘fear of crime’ statistics represent a measurement of irrational fear, in contrast with, actual levels of recorded crime. However, when ‘fear of crime’ is construed not as an irrational sensation but more as a valid manifestation of people’s concern about the fact of crime, it serves as a useful measurement of the impact of crime itself.

¹⁰³ ‘From this perspective, it is assumed lay people...should use these probabilities [crime statistics] rationally to calculate whether or not they should feel apprehensive about becoming the victim of a crime... Lay people are seen as unfortunately often failing to achieve this ideal, behaving ‘irrationally’ by responding with an inappropriate level of fear to crime’, (*Theorizing fear of crime: Beyond the rational/irrational opposition*, Lupton, D., and Tulloch, J., 1999, p.507).

¹⁰⁴ See *Findings from the 2020/21 Northern Ireland Safe Community Telephone Survey*, DoJ, March 2022, Table 7c, available at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.justice-ni.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fpublications%2Fjustice%2Ffindings%2520from%2520the%25202020-21%2520niscts%2520-%2520excel%2520tables.xlsx&wdOrigin=BROWSELINK>

¹⁰⁵ See *Findings from the 2020/21 Northern Ireland Safe Community Telephone Survey*, DoJ, March 2022, Table 8c, available at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.justice-ni.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fpublications%2Fjustice%2Ffindings%2520from%2520the%25202020-21%2520niscts%2520-%2520excel%2520tables.xlsx&wdOrigin=BROWSELINK>

¹⁰⁶ See *Estimating the Economic and Social Costs of the Fear of Crime*, Dolan, P., and Peasgood, T., in *The British Journal of Criminology*, Vol 47, Issue 1, Jan 2007, p.121-132.

Interviews and survey responses for the current study highlight the far-reaching impact of crime (and fear of crime) on older people's lives. One Probation Officer observed that crime and fear of crime, led not only directly to psychological and physical damage, but changed the behaviour of people who felt vulnerable. The Officer noted that fear of crime contributes to a vicious cycle of social disconnectedness that leads to further crime and more fear. The Officer described the damage of this cycle:

For many older people ... living alone, fear can last longer as it's not emotionally resolved, there's no one talking them through it. The isolation and impact can be huge. If there is a lack of family or community contact, older people can sit and ruminate [when] there is no family, friends or social outlet. They don't get over it like me or you would, talking to our family or friends. It stays with them...

Social isolation can significantly impair victims' ability to cope with the aftermath of a crime. Research on older victims of crime commissioned by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services, concluded that:

Older participants [in the study] were more likely to have less social support networks and circles which may change considerably through bereavement or spouses moving into care homes. The research found that poor health and reduction in mobility or 'slowing down' physically and mentally which can come from increasing age could have an impact on participants ability to deal with challenges.¹⁰⁷

In a survey of 22 older victims of crime, 19 people said they were/their behaviour was, 'significantly' or 'moderately' changed by their experience of crime (COPNI Survey, March 2022). One victim in the 70-74 age bracket remarked of the crime that:

It has broken my heart and confidence. The effects and repercussions are still happening, but who really cares... they all get the choice to walk away from this, but devastatingly my family doesn't!
(Respondent 21, COPNI Survey, 2022)

Several survey respondents who had been victims of crime referenced making physical changes in their lives but also gaining an increased wariness of people they did not previously know:

¹⁰⁷ See *Crimes Against Older People*, Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services, 2019, p.6, available at: <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/crimes-against-older-people-research.pdf>

We had lighting put in around the house and alarms put on downstairs windows and doors and are careful about answering the door. We also leave lights on all night inside the house. All costly on a pension.
(Respondent 3, COPNI Survey, 2022)

Several large-scale research studies have found higher levels of psychological distress, mental health issues, and depression in older individuals who have experienced crime in comparison with those who have not.¹⁰⁸ Preliminary results from a study funded by the National Institute for Health and Care Research found that almost one in five older victims of crime continue to experience distress three months after the event, with continued depressive or anxiety symptoms.¹⁰⁹ The principal investigator for the research remarked that:

*Victims of crime are often deeply affected, and the crime can trigger mental illness for some people. Older adults are often more vulnerable, partly due to social and physical problems associated with old age, but there isn't enough data on just how common crime-induced mental health issues are for older people.*¹¹⁰

A Probation Officer participating in a focus group for this study, discussed how he had spoken with an older man who was a victim of an assault. The victim felt that he himself had been 'given a sentence' due to his fear of further victimisation:

The gentleman had been assaulted in the street and he said to me that he had been 'given a sentence'... 'I'm not going out. I'll not go out again'
(PBNI focus group participant)

During the conduct of the qualitative research, there was recurring reference to significant behavioural change caused by crime against older people. Given that the older population predominantly live in one or two adult households, and that those aged 65 plus represent over 41% of all people living alone, the implications of such behavioural change among this demographic are striking.^{111 112} If as the study

¹⁰⁸ For example, *Association of Elder Abuse, Crime Victimhood and Perceived Neighbourhood Safety with Major Depression among Older Adults in India: A Cross-Sectional Study Using Data from the LASI Baseline Survey 2017–2018*, Muhammad T., Meher T., Sekher T.V., 2021, available at:

<https://bmjopen.bmj.com/content/11/12/e055625>

¹⁰⁹ See *Improving Mental Health for Older Victims Of Crime*, National Institute for Health and Care Research, 2019, available at: <https://www.nihr.ac.uk/news/improving-mental-health-for-older-victims-of-crime/21951>

¹¹⁰ See *Improving Mental Health for Older Victims Of Crime*, National Institute for Health and Care Research, 2019, available at: <https://www.nihr.ac.uk/news/improving-mental-health-for-older-victims-of-crime/21951>

¹¹¹ See *Northern Ireland Household Projections (2016-based)*, NISRA, 2018, p.5, available at: <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/HP16-bulletin.pdf>

¹¹² See *Northern Ireland Household Projections (2016-based)*, Data F4: 'Projected Population living alone by age and sex, 2016-2041', NISRA, 2018, available at:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.nisra.gov.uk%2Fsites%2Fnisra.gov.uk%2Ffiles%2Fpublications%2FHHP16_Figures.xls&wdOrigin=BROWSELINK

participants suggest older people are tending to live restricted social lives as a consequence of crime and fear of crime, there are likely to be significant health implications for older sections of society.

Chronic social isolation increases the risk of morbidity and mortality similar to other factors such as smoking, high blood pressure and obesity.¹¹³ Persistent loneliness can have an adverse impact on physical and mental health including an increased risk of heart disease, stroke, and depression.^{114 115 116}

As regards the older population of Northern Ireland, the consequence of crime and fear of crime, is not limited to those who are or have been directly affected by a criminal incident. The reverberations of crime among the older population are seen in the widespread concern about safety which results in restricted social lives and in turn, increased physical and mental ill health.

The damage to wider society

Crime against older people causes widespread damage to the older population but also society as a whole. This societal harm has two aspects: i) friction between generations; and ii) a degradation of older age. The first of these aspects— friction between generations—results in societal fractiousness with widespread social, health and economic consequences across all age bands. The second aspect—degradation of older age—promotes a negative picture of older age as a socially restricted and limiting phase of life to be endured.

i) A fractious society

The older victim, whether in a domestic abuse situation or in a burgled household, (frequently) is or is perceived to be the weaker party in the power dynamic. The perpetrator feels able to victimise the older person with fewer consequences than

¹¹³ See *Loneliness, Social Isolation, and Cardiovascular Health*, Xia N., and Li H., 2018, available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5831910/>

¹¹⁴ See *Social Isolation, Loneliness in Older People Pose Health Risks*, National Institute on Aging, 2019, available at: <https://www.nia.nih.gov/news/social-isolation-loneliness-older-people-pose-health-risks>

¹¹⁵ See *Loneliness and Social Isolation as Risk Factors for Coronary Heart Disease and Stroke: Systematic Review and Meta-Analysis of Longitudinal Observational Studies*, Valtorta N.K., Kanaan M., Gilbody S., Ronzi S., and Hanratty B., 2016, available at: <https://heart.bmj.com/content/102/13/1009>

¹¹⁶ See *Older Adults Reporting Social Isolation or Loneliness Show Poorer Cognitive Function 4 Years Later*, Cacioppo J.T., and Cacioppo S., 2014, available at: <https://ebn.bmj.com/content/17/2/59>

might otherwise be the case (see Chapter Three). Beyond the individual older victims, older people in general, feel and act differently as a consequence of this power dynamic.¹¹⁷

There are indications that older victims are targeted in part due to demographic traits; there is widespread behavioural change across this demographic due to crime; and yet, there are limited attempts at systematic reform of this inequality in social protection. Society—in the guise of legislation, policies and institutions—in some respects, fails to acknowledge let alone challenge offending of this type.¹¹⁸

Of course, even if legislation, policies and the institutions of state are directed at tackling the impact of crime against older people, it is likely that there will continue to be some older victims of crime. However, the quantity and impact of crime on society can be altered by political, legal, social and economic interventions.¹¹⁹ The development or absence of such interventions, including those focussed on at risk groups, is in itself, a gauge of social cohesiveness—indicating the type of value system and society in which citizens choose to live. The Organisation for Security and Co-operation in Europe (OSCE) has highlighted how such interventions play not simply a direct, practical role in tackling certain types of crime but how they serve to reinforce the values of a cohesive society:

*Laws—especially criminal laws—are an expression of society’s values. Hate crime laws both express the social value of equality and foster the development of those values.*¹²⁰

Of course, repeating terms such as ‘cohesive society’ and ‘equality’ does not explicitly address why policymakers should tackle social ills that disproportionately impact specific groups in society. The influential work, *The Spirit Level: Why Equality is Better*

¹¹⁷ See *Findings from the 2020/21 Northern Ireland Safe Community Telephone Survey*, DoJ, March 2022, Tables 7c and 8c, available at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.justice-ni.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fpublications%2Fjustice%2Ffindings%2520from%2520the%25202020-21%2520niscts%2520-%2520excel%2520tables.xlsx&wdOrigin=BROWSELINK>

¹¹⁸ For example, the PSNI submission to the *Hate Crime Legislation in Northern Ireland Independent Review* stated, ‘As a police service we deal with crimes against older persons under the wider category of vulnerability...this approach appears to meet the needs both of the victims and the police service’ (Marrinan, 2020, p.50).

¹¹⁹ For example, *Beating Crime Plan*, Home Office, 2021, available at: <https://www.gov.uk/government/publications/beating-crime-plan/beating-crime-plan#executive-summary>

¹²⁰ See *Hate Crime Laws: A Practical Guide*, OSCE, 2009, p.7, available at: <https://www.osce.org/files/f/documents/3/e/36426.pdf>

for Everyone (2009) by Richard Wilkinson and Kate Pickett, based on numerous data sources, offers a concise answer:

It is clear that greater equality, as well as improving the wellbeing of the whole population, is also the key to national standards of achievement and how countries perform in lots of different fields.
(p.29)

The disproportionate impact of offending against older people, represents an inequality which impacts not one part of society alone but rather the entire population. Societies with higher levels of social, health and economic inequality are societies in which everyone—including those with substantial resources—endures a swathe of poorer social, health and economic outcomes.¹²¹ Thus, it is reasonable to maintain that no one in society escapes the impact of poorer experiences of older victims. Conversely, societies committed to tackling the poorer experiences of older victims, societies which are committed to ‘reducing inequality would increase the wellbeing and quality of life for all of us’ (Wilkinson and Pickett, 2009, p.33).

ii) A restricted older age

A curious aspect of considering whether older people as a grouping require special protection from discrimination or other social ills, is that by and large we either are or will become members of this grouping. Unlike membership of, for example, a disadvantaged ethnic minority, a discriminated religious group or an unfavoured political faction, we all become older.

In the context of crime against older people, the fact that we are all likely to be part of the older population at some stage in our lives has society-wide ramifications. A self-interested formulation of the challenge this presents could be put to people in their twenties, thirties and forties, as follows: *Do you want to be treated by justice agencies in the same way that they treat the current generation of older people when you become older?* Putting aside individual examples of good practice, a rational answer would be ‘No, I want better service provision in my older age’. Individuals in advance of becoming older, would likely prefer monitoring of older victims, specific policies to

¹²¹ See *The Spirit Level: Why Equality is Better for Everyone*, Wilkinson R., and Pickett K., 2009, p.173-196.

address needs, improved crime outcomes, reduced levels of fear of crime and reduced levels of crime.

A major implication of crime being more impactful on older people, is that older age becomes a less attractive stage of life. Indeed, there is a significant risk of normalising the proposition that older age is a stage in which one will experience poorer service from justice agencies, and that one should stay at home to avoid harm. The acceptance of the view that older age is a stage of life in which one receives and deserves less protection from social ills, causes harm not just to people who are currently older but to our future selves. Effectively addressing crime against older people would protect not only today's older population but would ensure that our own older age is lived in wellbeing, rather than endured in restriction and fear.

Conclusion

Offending against older people is not simply an older people's issue. Inequality in a society—such as disproportionate, negative impacts of crime experienced by a particular grouping—contributes to a more fractious society with widespread health, social and economic side-effects. When one group has significantly unequal experiences, everyone—including those outside the particular group—suffers the negative repercussions in terms of life outcomes.

More obviously, almost all of us are, or will be, an older person. Consequently, offending against older people becomes a personal matter in which we are confronted with a choice as to whether older people's experience of crime today and current service delivery from justice agencies, are what our future selves will tolerate.

Summary

People in older age groupings experience lower rates of crime than those in younger age categories.¹²² However, when older people are victimised the overall Crime Outcomes rate (broadly speaking, whether or not there is an investigative/prosecutorial resolution of a case) is lower than for younger age groupings.¹²³

Older people are more concerned about crime than younger people and are affected as a consequence of this concern more than other age groupings.^{124 125}

There is a lack of in-depth research on the targeting of older victims in Northern Ireland. Several statutory bodies who assist older victims of crime have identified a connection between some offending against older victims and the perpetrator's perception of a victim's vulnerability due to age.^{126 127} There are indicators that in some instances older people are being targeted because they are old.

¹²² See *Police recorded crime and population rates by victim age and crime type, Pivot Table 2*, PSNI, June 2022, available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-09%2Fcrime-tables_may-22.xlsx&wdOrigin=BROWSELINK

¹²³ See *Police recorded crime, crime outcomes and population rates by victim age and crime type, Pivot Table 3*, PSNI, November 2021, available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-08%2Fpolice_recorded_crime_in_northern_ireland_1998-99_to_2020-21.xlsx&wdOrigin=BROWSELINK

¹²⁴ See *Findings from the 2020/21 Northern Ireland Safe Community Telephone Survey*, DoJ, March 2022, Table 7c, available at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.justice-ni.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fpublications%2Fjustice%2Ffindings%2520from%2520the%25202020-21%2520niscts%2520-%2520excel%2520tables.xlsx&wdOrigin=BROWSELINK>

¹²⁵ See *Findings from the 2020/21 Northern Ireland Safe Community Telephone Survey*, DoJ, March 2022, Table 8c, available at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.justice-ni.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fpublications%2Fjustice%2Ffindings%2520from%2520the%25202020-21%2520niscts%2520-%2520excel%2520tables.xlsx&wdOrigin=BROWSELINK>

¹²⁶ See the Probation Board for Northern Ireland's support for the inclusion of age as a protected characteristic in *Hate Crime Legislation in Northern Ireland*, DoJ, 2020, p.227, available at: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/hate-crime-review.pdf>

¹²⁷ In the course of the current research, staff within the Legal Services Unit of the office of the Commissioner for Older People for Northern Ireland indicated that key factors in the targeting of older victims included a perception of a victim's vulnerability, and a perception that the PSNI and PPS are less likely to pursue effectively such offending.

Key findings

i) Increased vulnerability to crime

Statistically, older people in Northern Ireland experience poorer health, possess fewer material resources and retain fewer social networks than younger people.^{128 129 130} Likely as a consequence of these factors, older people who become victims of crime, commonly emphasise the acute and long-lasting impact of crime on their lives. People aged 65 plus are more likely than younger people to describe the effect of ‘fear of crime’ on quality of life as ‘moderate’ or ‘great’.¹³¹

ii) Poorer experiences in the justice system

When victims aged 65 plus experience crime (and it is reported to police), the outcome of any investigation and prosecution is poorer than for any other age grouping.¹³² The Crime Outcomes rate for violence without injury, involving victims aged 65 plus is 23.3%—the poorest of any adult age category other than 18-19 year old victims.¹³³ The Crime Outcomes rate for criminal damage, for victims aged 65 plus is 9.2%—the

¹²⁸ See *Health Survey (NI) First Results 2020/21*, DoH, December 2021, p.2-4, available at: <https://www.health-ni.gov.uk/sites/default/files/publications/health/hsni-first-results-20-21.pdf>

¹²⁹ See *Poverty Bulletin: Northern Ireland 2019/20*, NISRA, 2021, p.3, available at: <https://www.communities-ni.gov.uk/system/files/publications/communities/ni-poverty-bulletin-201920.pdf>

¹³⁰ See *Loneliness in Northern Ireland 2019/20*, NISRA, December 2020, p.6, available at: https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/Loneliness%20in%20Northern%20Ireland%20201920_0.pdf

¹³¹ See *Findings from the 2020/21 Northern Ireland Safe Community Telephone Survey*, DoJ, March 2022, Table 8c, available at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.justice-ni.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fpublications%2Fjustice%2Ffindings%2520from%2520the%25202020-21%2520niscts%2520-%2520excel%2520tables.xlsx&wdOrigin=BROWSELINK>

¹³² See *Police recorded crime, crime outcomes and population rates by victim age and crime type, Pivot Table 3*, PSNI, November 2021, available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-08%2Fpolice_recorded_crime_in_northern_ireland_1998-99_to_2020-21.xlsx&wdOrigin=BROWSELINK

¹³³ See *Police recorded crime, crime outcomes and population rates by victim age and crime type, Pivot Table 3*, PSNI, November 2021, available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-08%2Fpolice_recorded_crime_in_northern_ireland_1998-99_to_2020-21.xlsx&wdOrigin=BROWSELINK

poorest of all age categories.¹³⁴ The Crime Outcomes rate for harassment, involving victims aged 65 plus is 8.9%—the poorest of any adult age category.¹³⁵

iii) Limited monitoring, limited adjusted services

The Probation Board for Northern Ireland (PBNI), at staff and corporate level, has raised concerns that older victims may be targeted because they are older.^{136 137}

The Legal Services Unit of the office of the Commissioner for Older People for Northern Ireland, has received several reports of alleged criminal incidents involving older victims, which have not been pursued by the Police Service of Northern Ireland (PSNI) on the basis of not being designated ‘a criminal law matter’.

The PSNI does not gather, publish or provide statistics on contacts made by the public which are unprocessed on the basis of not being designated ‘a criminal law matter’. The PSNI does not have or operate an older victims’ policy to support this victim cohort while gathering evidence during the investigation of cases.

The Public Prosecution Service (PPS) does not gather, publish or provide statistics linking the age of a victim to crime category. The PPS does not have or operate an older victims’ policy to support this victim cohort in providing best evidence for the prosecution of cases.

¹³⁴ See *Police recorded crime, crime outcomes and population rates by victim age and crime type, Pivot Table 3*, PSNI, November 2021, available at:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-08%2Fpolice_recorded_crime_in_northern_ireland_1998-99_to_2020-21.xlsx&wdOrigin=BROWSELINK

¹³⁵ See *Police recorded crime, crime outcomes and population rates by victim age and crime type, Pivot Table 3*, PSNI, November 2021, available at:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.psni.police.uk%2Fsites%2Fdefault%2Ffiles%2F2022-08%2Fpolice_recorded_crime_in_northern_ireland_1998-99_to_2020-21.xlsx&wdOrigin=BROWSELINK

¹³⁶ In the course of the current research, several staff members of the Probation Board for Northern Ireland indicated that an element in some targeting of older victims included a perception of a victim’s vulnerability due to their age.

¹³⁷ See *Hate Crime Legislation in Northern Ireland*, DoJ, 2020, p.227, available at:

<https://www.justice-ni.gov.uk/sites/default/files/publications/justice/hate-crime-review.pdf>

Appendix 1:

Case studies

Case study one: *A victim without capacity*

Client A's father was diagnosed with dementia in 2015. The father did not have legal capacity and therefore, was unable to provide the requisite consent to obtain a debit card. It was alleged that Client A's brother fraudulently acquired a bank card for his father's account. A sum of approximately £20,000 was withdrawn from the father's account.

The matter was reported to both the bank and the Police Service of Northern Ireland (PSNI) by Client A. The Public Prosecution Service (PPS) initially refused to prosecute Client A's sibling.

The office of the Commissioner for Older People for Northern Ireland (COPNI) repeatedly requested that the PSNI and the PPS review their decisions not to pursue prosecution in light of the weight of evidence. This evidence included a telephone recording with the bank indicating that Client A's father did not provide consent for the money to be withdrawn from his own account.

Subsequently, the PSNI charged Client A's brother with theft and the case has now been committed to the Crown Court for trial.

Analysis: *The case highlights the reluctance of statutory agencies to pursue complex matters involving a victim without capacity and allegations of family perpetrated abuse.*

Case study two: *Evidence gathering*

Client B's father lived with dementia and resided with another son and daughter-in-law until he passed away in 2017. Client B's father did not have legal capacity. It was alleged that Client B's brother and sister-in-law, fraudulently obtained approximately £44,000 of his father's money using a third-party bank mandate. It was also alleged that Client B's brother compelled his father to change his will at a time when he did not have capacity to do so. These allegations were reported to the bank and the PSNI.

The PSNI concluded that there was insufficient evidence to pursue fraud and theft charges on the basis that it was not clear whether the deceased lacked capacity at the time of the allegedly fraudulent transactions. However, the father's diagnosis of dementia was recorded in detail in his medical records, which noted that he had a history of cognitive impairment. There was no indication that the PSNI took steps to obtain or investigate these records to establish whether the father possessed legal capacity to authorise transactions.

Analysis: *The case highlights the reluctance of statutory agencies to pursue complex matters involving a victim without capacity and allegations of family perpetrated abuse.*

Case study three: *A deceased victim*

Person C had lived with dementia since 2009. He was deemed no longer to have capacity by a medical specialist in 2019. The solicitor representing Person C had also recorded his concerns regarding Person C's capacity in an attendance note. It was alleged that two daughters of Person C fraudulently withdrew monies from their father's bank account amounting to between £70-£80,000.

The alleged theft was reported to a social worker, but no steps were taken by the Health and Social Care Trust to investigate or to protect Person C's assets. The alleged theft was reported to the PSNI but the investigation was closed shortly after Person C passed away.

The PSNI failed to interview Person C at the time the theft was reported, which could have aided in determining Person C's capacity.

The Police Ombudsman have advised COPNI that they will investigate the complaint.

Analysis: The case highlights the reluctance of statutory agencies to pursue complex matters involving a victim without capacity and allegations of family perpetrated abuse. It also highlights a reluctance by agencies to pursue an investigation when the victim has passed away.

Case study four: *Poor institutional understanding*

It was alleged that Person D had been sexually assaulted in an Intermediate Care Centre. Person D did not have legal capacity. The PSNI interviewed the suspect and a staff member who witnessed the incident.

Person D had an Enduring Power of Attorney (EPA) in place to allow her daughter to make certain decisions and communicate with different organisations on her behalf. The PSNI refused to acknowledge the EPA and would not update the family in respect of the ongoing investigation, asserting that to do so would be a breach of data protection laws. Despite requests by a COPNI Legal Officer acting on behalf of a family member, the PSNI refused to provide the prosecutor's contact details to enable direct contact with the PPS.

After prolonged engagement between COPNI and the PSNI, the police acknowledged the EPA and agreed to retrain staff on procedures that ought to be followed when dealing with cases involving older people who do not have capacity.

The PPS took the decision not to pursue prosecution citing insufficient evidence and asserting there was no reasonable prospect of conviction. The PPS indicated that their decision was taken on the basis that Person D did not have capacity. COPNI argued that as the incident was witnessed and reported by an independent medical professional there was sufficient grounds to proceed.

The PPS sent correspondence advising of their decision not to prosecute to Person D, despite Person D's vulnerability and lack of legal capacity.

Analysis: The case highlights poor understanding on the part of statutory agencies, of the needs of older victims who are vulnerable or are without capacity.

Case study five: *Protection of older victims*

Person E was residing in a Nursing Home when her estranged husband entered her room and allegedly raped her. The PSNI arrested and interviewed the suspect shortly after the incident. The Custody Sergeant decided that the suspect would be released on bail with a condition that further contact with Person E would be allowed under strict supervision.

COPNI lodged a complaint in respect of the bail condition on behalf of Person E's daughter, with the Police Ombudsman for Northern Ireland. The Police Ombudsman held that the bail restrictions provided the necessary levels of protection and that there was no evidence that they put Person E at risk.

COPNI appealed the Police Ombudsman's decision on behalf of Person E's daughter. The Police Ombudsman concluded that as the Police Officers involved in the decision to grant bail had already been advised that no further action would be taken and no new evidence had come to light, there was no legal pathway to progress the complaint.

Nevertheless, the Director of the Police Ombudsman stated that it would investigate and assess PSNI policies and their implementation of safeguarding of vulnerable adults.

Analysis: The case highlights gaps in the protection of older victims/complainants during an investigation.

Case study six: *Evidence gathering*

Money was allegedly stolen from Person F by a family member. The matter was reported to the PSNI by another relative of Person F. The PSNI failed to provide investigation updates to the family member who reported the issue or COPNI which acted on behalf of the complainant.

The PSNI did not interview the victim and did not obtain relevant records. The PSNI advised that Production Orders would be sought for bank statements as part of their investigation. However, after a period of four months a different Investigating Officer assigned to the case advised that Production Orders would not be sought.

Analysis: The case highlights limited efforts to gather evidence in cases involving older victims and allegations of family perpetrated abuse.

