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Published in:
Transnational Criminology Manual, Volume 2 (Crime)

Publication date:
2010

[Link to publication in Tilburg University Research Portal](#)

Citation for published version (APA):
van Alphen, S. P. J., & Oei, T. I. (2010). Elderly people: The increase of over-60 crime in The Netherlands: An exploration. In M. Herzog-Evans (Ed.), *Transnational Criminology Manual, Volume 2 (Crime)* (pp. 491-496). Wolf Legal Publishers (WLP).

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4. Elderly people - The increase of over-60 crime in The Netherlands: an exploration

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Abstract

The past year 4000 cases were expected with over-sixties as the accused. This explosive growth cannot be the result of coincidence but seems to be of a structural nature. What is the matter with these over-sixties? This article will especially go into a number of possible explanations of the aforementioned problematic.

Résumé

Au cours de l'année récente, 4000 affaires pénales ont été jugées pour lesquelles des personnes âgées de plus de soixante ans étaient accusées. Cette augmentation explosive ne saurait résulter d'une coïncidence ; elle semble bien avoir une nature structurelle. Quel peut bien être le problème avec ces personnes âgées de plus de soixante ans ? Ce chapitre s'attachera notamment à une série d'explications possibles de cette problématique.

1. Introduction

It was only very recently that the growth of criminal behaviour among Dutch elderly people drew the attention of the media. Some newspaper titles of the past year were: '86-year-old man with no previous record is caught shoplifting'; 'an elderly couple, never having had anything to do with the law', 'sells weed to the youngsters of their village'; '78-year-old man suspected of cocaine smuggling'; 'senior citizen (84) confesses to several cases of arson'. Recently, in a 'Zembla' broadcast (4 November 2007) it was stated that with increasing frequency elderly people have to account for their activities to a judge in the Netherlands. The Public Prosecution Service (PPS) expects this trend to continue in the coming years. One of the questions asked during the broadcast was whether the time had not come for a special penal code for the elderly.

Figures from the Penitentiary Service (PPS) show that the number of over-sixties in the Dutch penitentiaries has risen sharply since 1994. In 1994 there were only 60 over-sixties serving a prison sentence, in 2002 there were 119 and by the end of 2006 the service counted 234 over-sixty detainees¹. This still only accounts for 1.6% of the total number of detainees. That there are relatively speaking fewer older detainees is explained by Bleeker (Bleeker, 2003): on the one hand, offences at an advanced age occur less frequently; on the other hand, penalties for the offences are more frequently alternatives to detention. The PPS, however, does not agree with this second viewpoint. According to the PPS, age is not taken into account in sentencing.² The figures from the PPS also show that in the past four years there has been a marked growth in the influx of over-55s that have had to appear in court: from 12,187 in 2002 to 16,073 in 2006. This is a 32% increase, compared to a total number of court cases which only rose by 6.1% (PPS, 2007). What is judicially speaking to be expected in The Netherlands when the present baby boomers reach their third and fourth stages of life?

In the 'Zembla' broadcast mentioned before, possible causes were also suggested. The increased number of offences by elderly people cannot only be explained on the basis of the so-called double ageing². But then what is the true cause of the increased number of offences committed by Dutch elderly people? What are the offences involved? What links can be made with the psychology and psychiatry of the aged? Should we anticipate this with special laws and penitentiaries for the aged? (Oei, 2007).

2. Possible causes

A number of reasons can be given why so-called over-sixty first timers commit offences, such as psychiatric problems perhaps in combination with addiction problems, socio-economic reasons, judicial aspects or psycho-social

¹ See www.dji.nl.

² Double ageing means that the absolute number of elderly people has risen and life expectancy has risen as well.

explanations appearing during the third and fourth stages of life. In the following, these possible causes of over-sixty crime, which may also overlap, are further elaborated.

As of *psychiatric problems* we may think of a (fronto-temporal) dementia syndrome. The Americans Hucker and Ben-Aron (1984: 69-81) concluded from their studies that 69% of violent elderly criminals suffered from a degenerative process of the brain or from a functional psychosis. In the non-violent elderly delinquents this is 19%, in the young control group this is 0%. Also in violent elderly offenders significantly more cases of schizophrenia and bi-polar disorders were identified. It was further remarkable that of these violent elderly offenders half were first-time offenders, whereas in the violent young people this only accounted for a quarter (Hucker and Ben Aron, 1984). There are, however, similar studies in which there is only a marginal number of elderly offenders with organic cerebral problems. Additionally in this kind of research it is important to differentiate between the various offences (Zoutendijk, 2007). Nevertheless, in the period 1990-2004 there has been a growth of the total number of patients with dementia and also of the number of new patients per year on account of the growth and the ageing of the Dutch population. But even when allowances are made for these demographic developments, an increase can be seen. In the period 1990-2004 the prevalence grew by about 50%. It is arguable to speak of a rising trend³. Whether this trend offers an explanation for the increase in the number of Dutch elderly first-time offenders, should be further investigated.

Also addiction problems among the elderly could possibly account for the increase in over-sixty crime. Addiction is on the increase among the elderly; on top of increased alcohol consumption there is also an increase in the use of hard drugs. There is for instance a number of special relief centres for elderly addicts. Dependence on often expensive drugs in addition to a lack of ready funds, may lead to criminal behaviour such as violence and theft. For the time being, however, data in the literature about ageing in hard drug abuse are scarce and far between.

Socio-economic reasons or the motive for financial gain might be another plausible reason for the increase in elderly criminal behaviour. According to the Social and Cultural Planning Agency (SCP) the position of the elderly has seen a positive development over the past fifteen years. The percentage of low incomes in the over-65 age group is said to be lower by now than in that of those not yet enjoying their pensions. In comparison with younger people, the over-65 are less faced with material arrears, lack of access to authorities and unsafe environments (SCP, 2005). Of course this does not hold good for all elderly people. There is that group in The Netherlands that only has a state pension (which is also subject to inflation and reductions). Furthermore, statistics of the SCP indicate that 200,000 over-65s live below the poverty line.

³ www.nationaalkompas.nl, version 3.13, 17 April 2008.

Apart from this, relative deprivation may offer an explanation. Relative deprivation refers to the fact that subjective satisfaction is not so much determined by the objective situation in which the individual finds himself, as by the relative position of the individual regarding relevant others to which he or she compares themselves. In other words: these elderly people suppose that the people around them make greater material advances compared to their own situation. Extra income for instance generated by the sale of controlled substances provide an alternative for these elderly people. Furthermore the present decay in The Netherlands of moral principles (moral concepts becoming weaker) could now also have reached the older cohorts and as a result may remove inhibitions for the trade in for instance drugs. Although the decay of moral principles is hard to check, in particular research into the character of and the motives for the offences committed by elderly people can shed more light.

Judicial aspects could also explain the increase of over-60 crime in The Netherlands. In how far has the penal code for the elderly been toughened in recent years, whether or not accompanied by the hypothesis that fewer cases involving elderly people are dropped?

A fourth explanation is of a *psycho-social nature*, such as a cry for attention and to break the loneliness of the aged. The problems of loneliness are steadily increasing for the elderly also because of double ageing. On 1 January 2007 there were almost 2.4 million elderly people. This amounts to 14% of the total population. On top of that there is 'double ageing'. This means that within the over-65 age group the number of over-80s rises most strongly. On 1 January 2007 there were almost 601,000 people of 80 and up, amounting to 4% of the Dutch population. From the age of 70 the proportion of single people is growing. These are mainly older women, who have become widows⁴.

Boredom and social isolation by the loss of or conflicts with relatives might also be a motive for first-time offending at a more advanced age. In these situations these offences probably mainly consist in repetitive petty theft. Mostly it concerns non-valuable items in for instance supermarkets and shops. Its function is not financial gain, but creating new impulses and breaking the everyday routine. Perhaps there is also room here for indecency offences, among them those with minors.

3. A penal code and penitentiaries for the elderly

The increase in over-60 crime appears to be founded on a multiformity of motives, nature and seriousness of offences. This multiformity is further complicated because the elderly are pre-eminently a heterogeneous research group, characterised by a great inter-individual variability.

Introducing a penal code for the elderly, for example for an age limit of 75 and up, would not only be stigmatising but would also be very difficult to apply because of the enormous mutual differences among the elderly.

⁴ www.nationaalkompas.nl version 3.13, 17 April 2008.

In 2007, The New York Times published a long article on special prisons for the elderly in Japan. The Japanese elderly offenders specifically go in for shoplifting and petty crime. The cost of health care for these elderly delinquents put huge claims on the available budget. To lower these costs and to better deal with this target group, the Japanese Justice Department has decided to build more separate, wheelchair-friendly cellblocks with lifts (Veldkamp and Boefjes, 2008). Moreover, the Japanese point out a number of essential causes of 'grey crime', namely poverty, loneliness and the breakdown of the traditional family and social relations. Perhaps this is also the case in our country.

For the time being, however, there are too few indications to initiate special penitentiaries for elderly people in The Netherlands because the number of older aged people (>75 years of age) with problems regarding care in our penitentiary institutions is marginal. It also appears that the small number of justiciables with serious geriatric defects or illnesses is not sentenced to detentions or are transferred from detention to a psycho-geriatric institution (Bleeker, 2008).

4. Conclusion

A multifactorial explanation model for the increase in criminal behaviour among Dutch elderly people appears to be the most obvious. An unambiguous definition of the cause of criminal behaviour that first manifests itself at an advanced age is lacking. Nor is there a conclusive explanation for the increased elderly offences described above. There are indications that not only demographic factors, such as double ageing, but also psychiatric, psychological, financial-economic, judicial and psycho-social aspects among which stage-of-life problems can play an important role.

Should we anticipate this right away by introducing new legislation? Or provide special prisons for the elderly, such as in England, Germany and Japan? Thorough scientific investigation of among other things the nature, seriousness and the motives of the offences should be the first step. It is for example of importance to differentiate offences. Is there a link between geronto-psychiatric disorders and violence, relative deprivation among the elderly and an increase in offences against property or the problems of loneliness and petty shoplifting?

Whatever the case may be, it is desirable first to research these hypotheses in the psychiatric, socio-economic, legal and psycho-social field in an epidemiological study. Depending on the results it can then be determined whether a penal code for the elderly or specific prisons for elderly delinquents could be meaningful exercises.

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