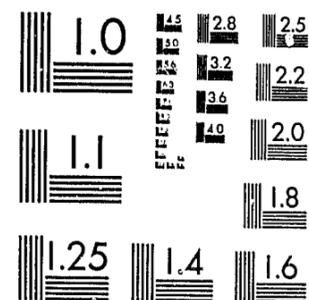


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Department of Justice

STATEMENT

OF

LOIS HAIGHT HERRINGTON
ASSISTANT ATTORNEY GENERAL
OFFICE OF JUSTICE PROGRAMS

BEFORE

THE

SELECT COMMITTEE ON AGING
HOUSE OF REPRESENTATIVES

CONCERNING

CRIME AND THE ELDERLY

ON

OCTOBER 22, 1985

101379

Mr. Chairman, I sincerely appreciate this opportunity to appear before the Select Committee today to discuss the efforts underway at the Department of Justice to protect our Nation's elderly citizens. At the outset, I want to commend you and the Committee for the level of personal interest you have demonstrated in the problems of the elderly as victims of crime.

The Department of Justice is concerned about the criminal victimization of senior citizens as well as the problem of fear of crime among our elderly citizens. The President's Task Force on Victims of Crime, which I had the honor to Chair, during its hearings throughout the country, discovered that nowhere is our society's reaction to the fear of crime more apparent than among the aging. Research by the Department's National Institute of Justice confirms this fact. It found much higher levels of fear of crime among the elderly than among the general population.

This is true, in part, because the elderly are acutely aware both of their vulnerability and of the devastating impact even a so-called "minor" crime may have on their lives. The Department's Bureau of Justice Statistics reports that while the elderly are victimized relatively less for some crimes, they are the victims of a far greater number of crimes against their personal and household property. The Bureau found that from 1973 through 1980, elderly Americans were victims of about 168,500 rapes, robberies, or assaults a year. In that same

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period, they were the victims of roughly 1.4 million personal or household larcenies, some 748,600 residential burglaries, and about 77,000 motor vehicle thefts.

In addition, because of the physical effects of aging, elderly victims are more likely to suffer disabling injuries such as fractured hips or broken bones in an incident that, to a younger victim, might produce little or no injury at all. A BJS study found that one-fourth of elderly robbery and assault victims sustained physical injury and approximately 21 percent of those required hospital care.

Similarly, a significant proportion of the elderly live on very limited or fixed incomes that cover no more than their basic necessities. When crime strikes--the theft of a Social Security check or a purse-snatching--these elderly victims are often unable to absorb the economic loss without tremendous hardship. To an elderly crime victim, this can mean that he or she is unable, at least temporarily, to buy food or pay the rent. And when you are old and alone, where do you turn for help? All too often, the elderly victim becomes even more fearful, and isolated, and alone--helpless to undo the damage inflicted by the crime and traumatized by the awareness that it could happen again.

One of the terrible ironies of this problem, Mr. Chairman, is that on top of the cruel burden inflicted by the criminal act itself, the elderly victim often is one of the most poorly treated client of the criminal justice system.

Time after time, the Victims Task Force was presented with evidence that victims of crime are victimized twice--first by the criminal, and again by the criminal justice system.

After a crime is committed, the victim may be interviewed, photographed, physically examined; the home is dusted for fingerprints. Police officers question the victim at work or call at odd hours to ask that he or she attend a lineup. The victim's name and address appear in the newspapers and on television. When the case moves to court, the victim may have to take time off from work or, in the case of the elderly, find affordable transportation to the courthouse, only to discover that the trial has been rescheduled for the convenience of the judge or one of the attorneys.

If the victim happens to be an elderly citizen afflicted with any of the infirmities typical of the aging process--slow speech or motor reflexes, poor hearing, impaired vision--he or she is all too commonly treated within the criminal justice system with the same insensitivity that abounds elsewhere in our society. Police, judges, and lawyers may discount the elderly as witnesses, failing to distinguish between mental capacity and

physical infirmity, and coldly oblivious to the steps that might be taken to ease the hardship imposed on the elderly victim by the physical ailment.

The result of this callous treatment often is alienation-- alienation to the extent that more than half of violent crimes are never even reported to the police. And, even those victims who do have the courage to report a crime, because of the insensitive treatment they receive, frequently become reluctant and ineffective witnesses, thereby, unintentionally, encouraging plea bargaining by the prosecutor or outright dismissal of the case.

Elderly victims are often hesitant to report crime because they fear reprisal from the defendant. The criminal may have already threatened the victim during the commission of the crime. Police have often failed to investigate reports of harassment. Prosecutors frequently have declined to follow through with charges and if there is a conviction, judges have often sentenced the assailant to a term concurrent with the punishment for his original offense. Thus defendants have nothing to lose if they harass the victim until he becomes too terrified to cooperate. The Office for Victims of Crime is training justice professionals to vigorously investigate, prosecute and sentence intimidation and harassment. Later you will hear more about our new training from Judge John Daffron,

who attended the first National Conference of the Judiciary on Crime Victims sponsored by the Justice Department at the National Judicial College.

As you are aware, Mr. Chairman, the Task Force made a number of recommendations to improve the treatment of crime victims at every level of government and by every segment of society that touches upon this issue. But before I discuss how the Department is implementing those recommendations, I would like to point up another crime against the elderly that until recently has been largely overlooked-- the problem of elder abuse.

While there are no national incidence data available, elder abuse is a serious, and perhaps widespread, problem. According to a recent study by the House Select Committee on Aging, estimates of the extent of elder abuse vary from one-half to one million victims annually, although perhaps as few as one in six cases is ever actually reported. Victims are usually female, over age 75, and with some physical or mental impairment that prevents them from handling the tasks of daily living, such as dressing or preparing meals. A study by the University of Michigan found that sons were more likely to engage in active, direct abuse. They were responsible for two-thirds of the

physical abuse and nearly 30 percent of the emotional abuse. Daughters were most likely to be involved in emotional neglect.

When the President's Task Force on Victims of Crime studied the experience of crime victims in this country, it recognized that violence within the family often is much more complex in causes and solutions than crimes committed by unknown attackers. Because of this realization, the President's Task Force recommended that a separate study be undertaken to give this problem the individualized consideration it requires.

The Attorney General's Task Force on Family Violence was established and conducted six regional hearings during which hundreds of professionals with expertise in the field testified, as did a similar number of victims of child abuse and molestation, spouse abuse, and elder abuse. We found it to be more difficult to obtain testimony from elder victims than from any other kind of family violence victims. Admitting the problem is extraordinarily embarrassing and emotional for older people. They are very fearful, especially if they depend on the family for income.

Because of this fear and dependency, abuse of the elderly is much like child abuse. But in many ways, elderly victims are more trapped than child victims. Children go to schools regularly, where teachers may recognize the signs of beatings; while the elderly are often home bound.

Victims of family violence often feel guilty for their situation. For elderly victims of abuse, this blame is often intensified. Many have said, "I'm the one who produced this monster. I am responsible. My family is my sole source of support, and I must live with their behavior."

The Final Report of the Family Violence Task Force calls on law enforcement officers, prosecutors, and judges to intervene vigorously in cases of family violence such as the mistreatment of elderly relatives. It recommended that the legal system treat assaults within the family as seriously as it would treat the same assault if it occurred between strangers.

The Office of Justice Programs has been given the responsibility within the Department of Justice to implement, to the fullest extent possible, the recommendations of both the Victims and Family Violence Task Forces. Its Office for Victims of Crime is working closely with a number of national criminal justice professional organizations to develop and deliver training to police officers, sheriffs, judges, prosecutors, defense attorneys and others on the treatment of crime victims, emphasizing the particular needs of the elderly. The Office also is developing programs to sensitize hospital personnel to the needs and fears of victims and has established a separate division to initiate programs for victims of family violence.

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The Office also is discussing legislative proposals which would incorporate many recommendations of the Task Forces, such as, legislation requiring victim impact statements at sentencing; and protection against the disclosure of victims' addresses and telephone numbers.

In addition, the Office is developing procedures for the administration of programs authorized under the Victims of Crime Act of 1984. As you know, Mr. Chairman, this legislation is a part of the Comprehensive Crime Control Act that was signed by the President on October 12, 1984. It authorizes Federal financial assistance to state crime victim compensation programs, state victim assistance providers, and increased services for victims of Federal crimes.

The Act establishes a Crime Victims Fund in the United States Treasury to support the program. Grants from the Fund will be awarded to state crime victim compensation programs and to the states for award to local crime victim assistance programs. In addition, the Act provides that 5 percent of the Fund may be allocated each year for programs to assist victims of Federal crimes. Monies in the Fund come from criminal fines and penalties collected from Federal defendants and through the forfeiture of convicted criminals' literary profits that arise from the sale of the story of their crimes.

The new compensation program will help elderly crime victims, in particular, recover from the financial hardships resulting from their victimization. To be eligible for a grant from the Victims Fund, state victim compensation programs must offer compensation for some portion of medical expenses, including mental health counseling, lost wages, and funeral expenses. The program also must compensate nonresident victims in the same manner as victims who are residents of the state, compensate victims of exclusively Federal crimes committed in the state in the same manner as victims of state crimes, and agree not to use Federal funds to supplant state funds available for victim compensation.

To be eligible for victims assistance grants, states must agree to give priority to programs providing assistance to victims of family violence or sexual assault. Services covered under the program include crisis intervention, emergency transportation to court, short-term child care, temporary housing and security measures, assistance in participating in criminal proceedings, and payment for forensic rape exams.

I am pleased to inform you, Mr. Chairman, that implementation of the new legislation is well underway. Final guidelines for the Crime Victims Compensation Program have been announced and final guidelines for the Crime Victims Assistance Program should be released within the next several weeks. The Crime Victims Fund currently totals \$65 million.

While the new program created by the Victims of Crime Act will help those elderly citizens already victimized by crime, the National Institute of Justice is working to promote crime prevention competence among the elderly. A recently initiated NIJ project is studying the most effective ways of encouraging elderly citizens to practice crime prevention.

In New York City, for example, elderly tenants of a public housing project serve as receptionists to monitor persons entering and leaving their apartment buildings and patrol elevators and stairwells to discourage and report crime and vandalism. In Miami, elderly citizens are being recruited and trained to serve as victim assistance specialists who will function as a referral source for police and the courts.

On our administration of the Justice Assistance Act of 1984, we've seen the states choose to spend the majority of their block grant funds on crime prevention programs. These projects are also promoted through our support of the National Crime Prevention Coalition, which I chair. Our theme this year is to encourage teenagers to join this effort, especially by providing safe escorts for seniors.

With their extra time and concern for their neighbors, the elderly have been among the most ardent practitioners of crime prevention. It restores a sense of control for these citizens who may lack the agility that is needed to cope with the omnipresent crime threat.

Through the various initiatives I have discussed today, Mr. Chairman, the Department of Justice is working to collect information about elderly crime victims, improve criminal justice and other services for them, and help make their communities less frightening and safer places to live. You may be assured, that we will continue to do everything possible to represent the interests of elderly victims of crime and to encourage the implementation of the kinds of measures that will provide for victims of crime what we seek for all--justice.

Thank you, Mr. Chairman. I will be happy now to respond to any questions you or Members of the Select Committee may have.

END