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The Senior Class: Older Homicide Offenders

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The Senior Class: Older Homicide Offenders

Older offenders are becoming a greater concern for criminal justice policymakers and practitioners (Goetting In press; Kratcoski 1990; Newman, Newman, and Gewirtz 1984; Wilbanks and Murphy 1984). Evelyn Newman and her associates tried to explain this when they wrote, "although the number of crimes committed by elderly persons is currently small, the problem is bound to increase simply because our population is getting older" (Newman, Newman, and Gewirtz 1984:xxiii). As older people become a greater proportion of all offenders, we will be faced with "some basic questions about the appropriateness of our crime control system" (Newman 1984:13). Concerns such as the need to deal with the medical and social problems of elderly arrestees, defendants, and inmates will be "especially acute when the elderly person has committed a serious offense" (Kratcoski 1990:421). Such cases will require extensive and extraordinary services and resources from the criminal justice system, most notable in areas such as the care of elderly prison inmates (see Rubenstein 1984).

Given these concerns of policy and practice, there is a need for research that addresses questions about older offenders, particularly older people who commit more serious and even violent offenses. Official statistics and prior research do provide some measure of the extent of crime and violence by older people. So the greater need is for research and theory that can

explain the involvement of these people in crime and criminal violence. This paper presents an analysis of qualitative data for a subsample of older inmates from among a larger sample of persons sentenced to prisons in New York State for a homicide committed in 1984. An explanation for the involvement of these older persons as perpetrators of homicide will be considered as a possible direction for research and theory construction.

Toward a Theory of Violent Offending By Older People
Most of the criminological and criminal justice literature
on older people is about older victims of crime (compare Goetting
In press; Wilbanks and Murphy 1984). This is useful in that it
has helped to dispel certain myths, such as the belief that older
people are more likely than younger people to be the victims of
homicide (see Levin and Fox 1990). But research is also needed
on older offenders, and there has not been much, even relative to
the small proportion of offenders who are elderly. What there is
has most often focused on white-collar crime by older business
people or on minor crimes, especially shoplifting, by senior
citizens (see Newman 1984). When Wilbanks and Murphy conducted
their study of older homicide offenders in the mid-1980s, their
literature review "failed to find even one article dealing with
elderly homicide offenders" (1984:79).

What research there has been on older homicide offenders has provided a fair amount in the way of descriptive statistics, but little in the way of explanation. Wilbanks and Murphy argued

that the data available when they did their research could not avail researchers of the "types of facts that we would need to draw [theoretical] conclusions or to build a theory" (1984:89). They examined a listing of eight different hypotheses about elderly homicide offenders, such as: "The homicide offender rate for the elderly will be relatively stable across jurisdictions (states), whereas the overall offender rate will fluctuate sharply" (1984:83). However, they explicitly did not offer an explanation for elderly homicide offending and as a result their hypotheses are not integrated or guided by an explanatory or theoretical framework.

Despite conducting a largely descriptive analysis for her study of homicide among older people, Goetting did try to identify an overall theoretical explanation (In press). Based on her findings, she argues for a "routine activity" explanation of criminal behavior by the elderly. By this she meant that criminal activity is like any other activity. Under the right circumstances, people "inclined" to such activity will engage in it. She suggests, "Perhaps the elderly perpetrate less homicide because their place in the social structure is less conducive to such activity" (In press). Thus Goetting proposes a theoretical explanation for why so few homicide offenders are older. However, except for her vague reference to "criminal inclination," she does not offer an explanation for the involvement in homicide of those older people who do kill. And

they are the people who the criminal justice system most needs to prepare to deal with in years to come.

Kratcoski did discuss different theories that might help to explain homicide by older offenders (1990). First he noted that "[a] portion of violent criminal activity by the elderly can be attributed to mental illness or deterioration" (1990:422). he identified two other possible theoretical explanations. was "disengagement theory," which suggests that as elderly people "become increasingly isolated from persons and organizations outside the home" they feel useless and rejected and this "may result in feelings of bitterness or failure which are manifested when the elderly person lashes out through aggressive violence" (1990:422). The other was "stress theory," which "holds that violence is a possible outcome when the defenses against stress of persons subjected to high levels of stress are inadequate" (1990:422-3). But like Wilbanks and Murphy, Kratcoski's findings are largely descriptive. Using descriptive statistics, he does try to link his findings to particular theoretical positions. But they do not allow him to propose an overall theoretical perspective that explains first whether or not and second how older people become homicide offenders.

Wilbanks and Murphy have suggested that to build a theory about violent offending among older people a number of questions need to be addressed (1984). Statistics alone cannot answer these questions. Qualitative analyses are needed of data on individuals and instances of violence by older people. That is,

there is a need for the construction of theory to guide research that is grounded in what people are doing and saying.

According to Glaser and Straus, the testing or verification of theory, as important as it may be, has been overemphasized at the expense of "the prior step of discovering what concepts and hypotheses are relevant for the area that one wishes to research" (1967:2). If hypotheses are to be generated and tested, they need to be derived from theoretical explanations that are grounded in the experiences of people participating in the phenomenon under study. That is, insights need to gained from the experiences of others, and through those insights the experiences serve as "springboards to systematic theorizing" (Glaser and Strauss 1967:252).

Sample Selection and Data Collection

The data and cases for this analysis are from a study of 268 inmates incarcerated in New York State prisons for 269 homicides committed in the state in 1984. Interviews were conducted at 37 different correctional facilities during the year beginning March, 1989. Each lasted about one to one and a half hours and most were held in counselors' offices or empty classrooms. The interview schedule was structured, but many questions were openended. Questions were asked about the homicide event, the involvement of drugs in the event, and about the respondent's prior experience with drugs, drug treatment, criminal behavior, and the criminal justice system.

The determination of what age should be used to classify a person as older or elderly is not simple (see Newman 1984:4). Considering things like type and availability of data, purpose of research, and so on, different studies have used different cut points. For example, Goetting (In press) used 55 and Kratcoski (1990) and Wilbanks and Murphy (1984) used 60. The classification is complicated by the fact that older people account for only a small percentage of all arrestees (Shichor 1984:29). This problem was taken into consideration when selecting a sample for this analysis.

If a person was arrested for a crime committed in 1984, he or she was most likely to have been arrested in 1984 or 1985. Of all 1,071,729 arrestees in New York State in 1985, only 4,141 (0.4%) were 65 or older and only 63,056 (5.9%) were 45 or older. (See Table 1.) In 1984 the numbers were comparable: 0.5 percent of all arrestees were 65 or older; 6.0 percent of all arrestees were 45 or older.

TABLE 1 GOES ABOUT HERE

Of all 1,376 persons arrested for homicide in New York State in 1985, only ten (0.7%) were 65 or older and 120 (8.7%) were 45 or older. In 1984, 1,409 people were arrested for homicide in New York and 0.9 percent were 65 or older while 8.2 percent were 45 or older. Given these percentages, by arrest type, persons 45 or older were best represented among homicide arrestees.

Individuals 65 or older were best represented among larceny-theft arrestees (for both 1985 and 1984, 1.2%), but even there they accounted for very few of the total arrestees. The representation of people older than 65 or older than 45 among robbery and drug arrestees was smaller.

Of the 268 inmates sentenced for homicide from whom respondents for this analysis were selected, only one was older than 65 years of age. An additional three were between 55 and 64 and nine more were between 45 and 54. Consequently, all 13 respondents aged 45 or older were included for this analysis.

This is not a quantitative analysis and the establishment of statistical comparability of these 13 cases to the full sample of 268 homicide offenders, or to any other sample or population, is not a primary goal. Rather, these data are used for an in-depth qualitative analysis the purpose of which is to identify directions for research and the construction of theory about older people who participate in homicide.

Detailed information is available for each case from the data collected by the interview schedule and from narratives written by interviewers following each meeting with a respondent. The data is rich in terms of the responses to questions but, given the difficulty of interviewing older people, not always as complete or clear as we would like it to be. In the worst case:

The subject was in the "A" block housing area for protective custody reasons. He was old and feeble and restricted to a wheelchair, and therefore totally defenseless. He tended to be uncooperative throughout the interview, and even when he was cooperative he seemed unable to remember certain periods

or to be bewildered by certain questions. (#328)

Nonetheless, there are valuable things we can learn from these respondents which will help us to develop grounded notions which in turn will suggest directions for the development of research and theory about why older people commit homicide.

Cases of Older Offenders

Of the 13 inmates incarcerated for homicide included in this sample, seven reported having been arrested prior to the homicide. For six, the homicide was their first arrest. Only three said they had been in jail or prison prior to their current term. Three denied involvement in the homicide, despite having been convicted and sentenced to prison. Four said that the homicide was drug-related, all but one of those saying that it was due to drug ingestion. Five are white, four are African American but not Hispanic, and the remaining four are Hispanic. The youngest was 45 at the time of the killing, the oldest was 71. All are men.

While every homicide event is unique, there are certain common characteristics that permit the classification of homicide by type (see, for example, Nettler 1982; Reidel, Zahn, and Mock 1985; Wolfgang 1958; Wolfgang and Ferracuti 1982). Most classifications distinguish cases in terms of specific variables, such as motive, circumstance, location, or the relationship between the victim and the perpetrator (compare Brownstein and Goldstein 1990). Using a variety of such variables, Smith and

Parker have suggested a more comprehensive classification scheme (1980).

Following the work of Smith and Parker, homicides may be primary or not. A primary homicide is one that occurs "in the context of interpersonal relationships with intimates, and are often acts of passion" (1980:139). In their application of the Smith and Parker classificatory scheme, Jason, Strauss, and Tyler (1983) proposed a more general definition for primary homicides. They suggested that a homicide is primary whenever it is the "main reason for the offender's assault" (1983:310).

Homicides that are not primary were called "non-primary" by Smith and Parker (1980). Such homicides, which they argued most often involve people who do not know each other, "usually [occur] in the course of another crime, such as robbery or rape, but also [include] murders by snipers and hired assassins" (1980:139). That is, non-primary homicides are more "instrumental in nature" and often involve some measure of "premeditation" (1980:139). Jason and his associates called these homicides "secondary" in that the homicide occurs "secondary to" some other activity (1983:139).

Smith and Parker noted that most homicides are primary (1980). That is, in most cases, people are killed by someone whose action is oriented specifically toward killing them and not toward something else. Other research has supported this conclusion both for general samples of homicide offenders (see Brownstein and Goldstein 1990; Reidel, Zahn, and Mock 1985;

Jason, Strauss and Tyler 1983; Wolfgang 1958) and for samples of older offenders (Goetting In press; Kratcoski 1990; Wilbanks and Murphy 1984).

Primary homicides often begin as disputes. Most of the homicides involving the 13 people in this sample did not follow this pattern. In fact, only two began as disputes that evolved until one person intentionally killed the other.

In one case, number 142, the killer was a 46-year-old immigrant from Ecuador. One evening, after smoking and snorting cocaine heavily all day, he went to a bar where he began drinking. A man sitting at a table, a man who was known to him to be a drug dealer and who had already thrown a few chairs around the bar that night, started to call him disparaging names. He called him a "maricon" (a derogatory term implying he was a homosexual). Already edgy, paranoid, and loose from the cocaine and alcohol, he defended himself. The argument became a fight. Fearing for his life, he took out a gun he always carried in his sock and shot the man who was insulting him.

This pattern of a primary homicide emerging from a dispute in which someone, particularly someone who is high, feels he or she is defending his or her honor, is not uncommon in general populations of homicide offenders (Brownstein and Goldstein 1990; Luckenbill 1977). But, as noted above, disputes of this nature were related to only two of the 13 cases of older homicide offenders in this sample.

Four of the 13 cases could be classified as domestic disputes in that in each of these cases, the respondent was incarcerated for killing his spouse. But only one was clearly a dispute.

In case number 56, the respondent and his wife were not

happily married. They had been fighting for some time, each fight more violent than the last. They fought over foolish things and talked of divorce. One night she said she would never give him a divorce. He lost his temper and pushed her hard against the refrigerator. She hit her head, staggered to the garage, and fell dead.

This dispute was not a primary homicide; he did not, he says, intend to kill her. Another case (218) involved a well-educated man who was angry that his younger wife was spending time with other people. One day he walked up to her on the street, did not say a word, and shot her: a primary homicide but not necessarily a dispute. A third man (252) admitted he killed his wife but said that was all he could remember. The fourth man (246) denies involvement in his ex-wife's death.

So perhaps six of the 13 homicides by older offenders were related to a dispute, though not all of these were primary homicides.

Secondary homicides usually start as another crime, such as a robbery or rape (see Brownstein and Goldstein 1990; Reidel, Zahn, and Mock 1985, Smith and Parker 1980). This was not true for any of the 13 cases in this sample. In fact, in most of these cases the person who committed the homicide did take steps that they had to know could result in the victim's death. But the primary goal in these cases, while not another crime, was something other than the killing.

From the qualitative interview data available for this analysis, an interesting pattern was observed, one that is not often considered in homicide research. (Other than the obvious

explanation of small sample size, this may explain the difference between the findings for this sample and other research in terms of the proportion of cases related to disputes.) At least six and perhaps seven of the 13 older homicide offenders killed someone as a result of an action or series of actions that began as or with an attempt to help someone else. There are several examples of these "good samaritan" killers.

In case number 65, the respondent had retired with plans to build a log cabin. Meanwhile, he was living on his land in an old trailer. One day at a card party at hotel he met and became friends with a woman. She had two grown daughters and lived with one of them; the other would not allow her in her home. One cold winter day, after the daughter with whom she lived moved away and left her, the woman showed up at his house and asked to stay. From that time, the daughter who would not allow her in her home would regularly come with her husband to the man's land to party and drink. Whenever the woman received her social security check, they would take her out and take her money from her. He feared for her safety. Eventually, the man told them to stay off They refused and he called the police. As he waited for the police, the daughter and her husband became angry over something they claimed the man had said and threatened to kill him. The man got his gun and when they came into the house, he shot them both.

In case number 138, a man was trying to help his brother.

This was his second sentence for homicide. One day some guys came after his brother. He did not know why then and still does not know. He tried to help his brother and became involved in a fight with these two younger men. He was 56 and they were 28 and 29. He used his knife to defend himself and his brother. With it he cut one of the younger men and that man died.

Cases like these, which account for about half of all of the 13 cases in this sample, suggest that older people who kill may do so for what they consider to be altruistic reasons. And since only ten of the respondents admitted having committed the

homicide, the classification of six as altruistic killers is remarkable.

When Older People Kill

Killing is used to resolve personal and social struggles, from internal psychological crises (Guttmacher 1960) to interpersonal (Reidel, Zahn, and Mock 1985; Wolfgang 1958) and domestic disputes (Browne 1987; Goetting 1988; Jones 1980; Walker 1989) to business disagreements over things like drugs (Brownstein et al. 1992; Goldstein et al. 1992; 1989). Certainly older people may experience these same conflicts and may or may not be in a social position or may or may not have the inclination (see Goetting In Press) to resolve them with violence. But when older people are driven to homicidal violence, what social and personal forces provoke them?

Kratcoscki (1990) proposed that older people who kill may do so because they feel "disengaged" from society. They have become isolated and experience feelings of uselessness and rejection. People engage or connect with society through their experiences with other people around them. These experiences are mediated by social institutions, such as family, work, and neighborhood.

The data from the 13 cases of older homicide offenders suggests that most of them experienced some level of disengagement from social life. In terms of family, only five of the 13 respondents lived with a spouse (though one of these admitted to spending time also at his girlfriend's house) and

four others lived alone prior to their arrest for homicide.

Eight had been divorced or separated from their spouse. In terms of their relationship to others through work, six respondents were unemployed or retired at the time of their arrest.

Kratcoski's argument continues by positing that people disengaged from society may become violent as a result of feelings of bitterness or a sense of failure (1990). His alternative position is that they become violent because they have lost their ability to deal with high level of stress. The data from the 13 cases suggests another possible explanation for older homicide offenders.

Many of the respondents had been disengaged from society in one way or another. Perhaps this did make them experience feelings of isolation and rejection and even uselessness. Perhaps they had become unable to deal with stress. But the proportion of these admittedly few homicide offenders who believed or at least argued that their violent action was motivated by altruism is too great to ignore.

Among this group of older people who have committed homicide, why would so many believe, or at least claim, that they killed for altruistic reasons? Their detachment from society may in fact be an important part of the explanation. Altruism is defined by unselfishness and a caring for others. Possibly it is through this concern for others that people detached from society seek to reattach themselves to social experience. Sometimes, when the circumstances are right, as when the detached person is

highly intoxicated or when weapons are available, the effort to reaffirm one's connection to society may turn violent.

This explanation suggests several questions for research and theory building. Are older people generally disengaged from society and do they seek ways to reestablish their connection? What about other people, younger people, similarly disengaged by social or cultural forces? If disengagement does help to explain violence, and if older people do tend to be disengaged from society, why do so few older people commit violence? What circumstances or conditions provoke people who feel disengaged to violent action?

Obviously the list of possible questions is endless. It begins with questions that measure the extent and validity of the phenomenon of altruistic homicide among older people who feel isolated from society. Then, if the phenomenon is found to be real, it turns to questions about the reasons for its existence. Then are questions about appropriate responses. In this way, the explanation provides a direction for future research and theory.

Conclusion

As the U.S. population ages, the involvement of older people as homicide offenders is likely to grow over the next few decades. While they are not likely to come to dominate the ranks of homicide offenders, the growing number of older killers will require a response from criminal justice policymakers and practitioners. Criminal justice practices, policies, and

institutions will need to adapt to the special needs and concerns of an older arrestee, defendant, jail, and prison population. A greater understanding of older offenders is needed.

This paper represents a preliminary effort to develop an explanation of why older people commit homicide. From a small sample of older though not old offenders, it considers one possible explanation. This explanation can serve as the basis for the generation of hypotheses that can be tested about violent crime by older people.

The explanation presented in this paper agrees with the proposal by Kratcoski (1990) that older offenders have experienced disengagement from society. Given the death of lifelong friends and family members, retirement from employment, diminishing physical capabilities, separation from offspring and community, and so on, the isolation of older people is to be expected. The more difficult questions will involve the consequences of this isolation, and the circumstances under which it is translated into violent outcomes.

If we learn that disengagement and the resultant isolation from society does serve as a source of violent outcomes among older people, then policy makers need to establish programs and policies that will provide a legitimate and productive place for older people in society. In fact, if such proves to be the case, then finding a legitimate and productive place for all people in society should be a national priority.

TABLE 1

New York State Arrestees, 1984 and 1985

TABLES

و من وقت الله على من الله على وقت الله	<u> 1985</u>	1984	
All Arrestees	•		•
Total	1,071,729	1,015,526	•
65 and older	4,414	4,736	
60-64	5,443	5,577	
55-59	9,874	10,024	
50-54	16,036	16,060	
45-49	27,289	24,908	
•	•		
<u> Homicide Arrestees</u> *			
Total	1,376	1,409	
65 and older	10	12	
60-64	14	10	
55-59	23	25	
50-54	30	20	
45-49	43	49	
*Murder and Non-negligent			
Total Drugs			
Total	91,219	81,555	
65 and older	65	56	
60-64	118	93	
55-59	278	265	
50-54	610	558	
45-49	1,252	1,240	
	1,232	2/270	
Robbery			
Total	. 20,636	21,368	
65 and older	13	15	
60-64	20	12	
55-59	37	30	
50-54	80	7 C	
45-49	138	179	
45-49	138	1.75	
<u>Larceny-Theft</u>		•	
Total	65,720	63,678	
65 and older	783	777	
60-64	783 582	647	
55 - 59	873	860	
50-54			
45-49	1,123	1,145	
4J-47	1,561 	1,493	

Source: NYS Division of Criminal Justice Services, <u>Crime and Justice</u>, Annual Reports, 1985 and 1984.

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