

CRIME AGAINST THE ELDERLY

THE ROLE OF THE
CRIMINAL JUSTICE SYSTEM
IN NEW YORK CITY

A Report Prepared For
THE FORD FOUNDATION
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THE NOVA INSTITUTE
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A report prepared by

THE NOVA INSTITUTE

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SUMMARY OF FINDINGS AND RECOMMENDATIONS

Crime against the elderly is of major concern because of the damage it causes to the lives and well-being of particularly vulnerable citizens. Judged solely on the basis of the incidence of crime against them, the elderly do not stand out as a highly victimized category; crime does, however, constitute a major problem of elderly citizens, especially those living in low income areas of the city.

* Recent crime statistics indicate that robberies of the elderly are declining in New York City faster than robberies of other citizens. This decline may be due in part to intensive Police Department efforts to investigate robberies against the elderly. Unfortunately, there are no data currently available from which to judge the degree to which police programs have been responsible for the encouraging downward trend in crime.

* The criminal justice system's potential for ameliorating the effects of crime against the elderly is limited by the small proportion of crimes which are solved and the limited number of offenders who are incarcerated. Victim assistance programs operated by the district attorneys aid primarily that small fraction of elderly victims whose crimes are solved.

Criminal justice system agencies in New York City have developed programs to deal with several aspects of crime against elderly citizens. Some are directed specifically at crime against the elderly; others deal with such crime as part of a broader effort of crime prevention, criminal investigation, or victim assistance.

* Crime prevention activities include decoy operations involving police officers disguised as elderly citizens in addition to traditional preventive patrol. Standard crime prevention techniques such as security checks of residences and educational programs are also used.

* Increasing attention is being given to the provision of post-incident victim assistance. Coordination between the police and social service agencies is improving in this area.

* The police have mounted a major effort to investigate robberies of the elderly and have devoted manpower specifically to this task. The New York City Housing Authority Police operate a similar program.

* Victim and witness assistance projects in three boroughs serve the elderly as part of broader programs. Elderly victims represent a small portion of the work for these projects but are among the victims most in need of aid.

* Some programs in the courts are intended to make the criminal justice system more responsive to the needs of victims. Efforts are under way to limit the number of times victims must appear in court. Court monitoring programs encourage victims to follow cases through to final disposition.

Recommendations

The following program recommendations are made on the basis of an assessment that the programs will help to fill unmet needs in combatting the effects of crime against the elderly and are likely to be cost-effective. Successful programs dealing with crime against the elderly might prove to have wider applicability to other groups of victims or kinds of crime.

* High priority in crime prevention should be given to the distribution of locks to elderly citizens living in the most crime-prone areas. Widespread distribution would be very expensive, so that geographically focused pilot projects appear to be appropriate.

* Post-incident victim assistance programs should focus on providing immediate help to victims. New arrangements to provide emergency financial assistance are needed and should be given high priority.

* The police should experiment with techniques aimed at investigating burglaries of the elderly. Burglaries are typically difficult to solve due to the lack of eyewitnesses. At the same time, the threat of burglary is of great concern to elderly citizens. The existence of police units specialized in investigating robberies of the elderly should make it feasible at least to test investigative techniques applicable to burglary on a pilot basis.

* After an arrest has been made, a concentrated effort should be made to ease the recovery of stolen property for the victim. This will require increased cooperation between the defense and prosecution, the police, and the court.

* Systematic programs should be developed to ensure transportation of elderly victims to and from court when their appearance to testify is required.

* Elderly witnesses should be spared the trouble of appearing in court unless that appearance is essential. Programs currently under way to excuse elderly witnesses from the complaint procedure and to dispense with preliminary hearings in Criminal Court appear to be worthwhile and good candidates for expansion.

* Court monitoring programs, now conducted on a small scale, have the potential for increasing community participation in the criminal justice process and for increasing witness attendance.

* Information concerning case outcomes should be given routinely both to the elderly crime victim and to the arresting police officer. Feedback of this type is an essential component of a responsive criminal justice system.

An appendix to this report summarizes findings and recommendations from a companion Nova study of crime against the elderly that focused on the roles that social service agencies can play in ameliorating the problem.

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INTRODUCTION

In his 1978 "State of the State" message, Governor Hugh Carey re-emphasized the need to develop programs aimed at reducing crime against senior citizens. The Governor ordered that crime against the elderly be given a high priority by the State's criminal justice system and he proposed the addition of 20 courts across the State which, among other things, would contribute to this effort.

In another recognition of the importance of crime against the elderly, Mayor Edward Koch's transition panel on the aging said, "In senior centers and wherever else persons who are 65+ are found, it is apparent that crime is the number one issue for this segment of the population. Far more than additional services or benefits, senior citizens desperately want assurance that they may live securely in the city where most of them have lived for the largest part of their lives."

This report reviews the programs within criminal justice agencies in New York City which are operated to curtail crime against senior citizens or to ameliorate the effects of such crime. Virtually all these efforts are of recent origin.

The Nova Institute's review of criminal justice programs dealing with crime against the elderly had as its objectives:

1. To examine the scope of programs operated by the City's criminal justice agencies, including the police, district attorneys, and the courts;
2. To point out those programs which appear to be particularly effective to help in establishing priorities among the various efforts; and

3. To identify opportunities for promising experiments with new program approaches.

By way of introduction, the initial sections of the report examine recent patterns of crime against senior citizens in New York City and describe the way in which these crimes are processed through the City's complex criminal justice system. Subsequent sections examine programs that are or might be operated by the criminal justice system to deal with crime against the elderly.

This report complements an earlier study by The Nova Institute, Reducing the Impact of Crime Against the Elderly, which examined programs with similar goals operated by social service agencies in New York City. A summary of the principal findings and recommendations of the earlier report is included as an appendix to this report.

Background to this Project

The Nova Institute is a not-for-profit research organization established in 1976 to aid public and voluntary organizations in examining issues of public policy. In addition to its analyses of the problem of crime against the elderly, Nova has undertaken a variety of projects including development of management information systems for Community Boards, review of the allocation formula of the Greater New York Fund, forecasting capital infrastructure needs of New York City and an analysis of State and Federal aid to the City.

Nova's initial work in examining social service agency roles in helping elderly victims of crime was carried out in 1977 for the Federation of Jewish Philanthropies and the Florence V. Burden Foundation. Among the

products of that effort was the planning of a community anti-crime program for the Rockaways area of New York City which included many of the activities identified as effective in reducing the impact of crime against the elderly. The plan received one of the first grants in the nation under LEAA's new Community Anti-Crime Program.

This second look at crime against the elderly, focused on the activities of criminal justice system agencies, has been carried out in cooperation with the Federation of Jewish Philanthropies and with financial support from the Burden and Ford Foundations.

Acknowledgements

The Nova Institute wishes to acknowledge the assistance provided to us in the research leading to this report by many persons in the criminal justice system of New York City and State who gave generously of their time and information. We are heavily indebted to these individuals, the Federation and the supporting foundations for their aid. While acknowledging their counsel and guidance, however, we want to make it wholly clear that The Nova Institute bears full responsibility for the conclusions and recommendations contained in this report.

This report was prepared by Anthony F. Japha, Senior Staff Consultant to Nova, under the direction of David A. Grossman, Nova's President.

PART ONE

PATTERNS OF CRIME AGAINST THE ELDERLY

In 1975, there were roughly 1,320,000 senior citizens living in New York City. This group of citizens aged 60 and over accounted for 17.6% of the City's total population of 7,500,000. A rough idea of the importance of crime against senior citizens can be obtained by comparing the percentage of elderly victims among all crime victims with the percentage of elderly citizens in the population.

Data regarding age of victims are incomplete, but the New York City Police Department does compile information on some of the crimes most likely to concern senior citizens. Currently, data are available for five felonies: pocketbook robberies, purse snatch (classified as grand larceny rather than robbery because no threat of harm was apparent in the act), open area (outdoor) robberies, dwelling (apartment) robberies, and robberies in residential premises (public areas of apartment buildings, including elevators).

The police report that 16% of the nearly 30,000 crimes of these types in the first six months of 1977 were perpetrated against senior citizens. As the following table indicates, the elderly accounted for a much lower share of outdoor robberies than they did of the other four crimes:

City-Wide Crime Complaints, January-June, 1977

<u>Type of Crime</u>	<u>Complaints by Elderly</u>	<u>Complaints by all Victims</u>	<u>Elderly as a Percentage of Total</u>
Pocketbook robbery	1,046	4,352	24.0%
Purse snatch	922	4,904	18.8
Open area robbery	1,099	13,329	8.2
Dwelling robbery	719	2,856	25.2
Residential premise robbery	<u>960</u>	<u>4,203</u>	<u>22.8</u>
TOTAL	4,746	29,644	16.0%

Source: New York City Police Department

As noted in the previous Nova Institute report about crime against the elderly, these data do not necessarily describe true crime patterns. First, the elderly probably account for a larger proportion of the population "at risk" to crime than their 17.6% share of the population suggests because the very young are seldom victims. In 1975, there were roughly 1,100,000 youngsters under 10 years of age in New York City. Second, senior citizens may report their victimizations to the police at different rates than other victims; the consensus is that they report a smaller percentage.

These qualifications notwithstanding, there is nothing to indicate that the police data give a badly false representation of reality. The data do show that the current alarm over elderly victims cannot be based on the frequency of crime alone, but must also rest on humanitarian considerations for victims who are among the most defenseless of our citizens.

The fact that the elderly are "easy targets" for criminals is not manifested only in the incidence of robbery. Police, district attorneys, and judges all report that senior citizens are often the prey of confidence men trying to defraud older citizens of their savings. Apparent , ,

these crimes frequently involve significant amounts of money -- into the many thousands of dollars -- and are perpetrated by offenders who sometimes travel around the country searching for new victims.

While such confidence games result in serious losses to elderly citizens -- indeed the victim of a "con game" might find his life disrupted as much as a victim of a more violent crime -- this report does not concern itself with this type of crime. It is felt that the fear of crime which plagues senior citizens stems more from crimes in which violence, or the perception of a threat of violence, occurs.

Unfortunately, the police do not currently report the number of burglaries that occur in senior citizens' dwellings. Burglary is likely to be a crime feared by senior citizens and others alike. In many instances, it differs from dwelling robbery only because the resident was not at home during commission of the crime. The Police Department's information system is capable of generating reports concerning the age of victim for all crimes, including burglary, on a precinct by precinct basis. Reports of this type are not now being produced because police operations are not generally related to particular victim age classes.

Recent Changes in Crime Against the Elderly

Throughout Nova's survey of ongoing programs, a surprising degree of optimism was encountered among program operators. In part, this positive view towards the potential for reducing the incidence (and impact) of crime against the elderly was probably due to the newness of most of the programs. But there was also one important fact contributing to the outlook:

crime against the elderly dropped very significantly in New York City in the first half of 1977 compared to the first half of 1976.

The total number of incidents against senior citizens of the five crimes enumerated above fell 30% between the two six month periods. Victimizations of other citizens (at least those reported to the police) also fell, but by only 17% over the same period. By comparison, 1976 had seen elderly victimizations rise seven percent compared to 1975 (full year figures), while victimizations of all citizens rose by five percent.

The decline in crime against the elderly during the first half of 1977 appears to have been a city-wide phenomenon. Each of the Police Department's seven patrol boroughs reported a similar change, as the following table shows.

Complaints to the Police of Selected Crimes
Against the Elderly (5 crimes listed in the text)

<u>Patrol Borough</u>	<u>Elderly Victims</u>			<u>All Victims</u>		
	<u>Jan- June 1976</u>	<u>Jan- June 1977</u>	<u>Per- cent Change</u>	<u>Jan- June 1976</u>	<u>Jan- June 1977</u>	<u>Per- cent Change</u>
Brooklyn North	670	480	-28%	5412	4406	-19%
Brooklyn South	1658	1189	-28	7066	5939	-16
Bronx	1191	862	-28	6326	5211	-18
Manhattan North	1407	919	-35	7870	5574	-29
Manhattan South	693	475	-31	4926	4171	-15
Queens	1046	774	-26	4839	3994	-17
Staten Island	75	47	-37	348	349	--
TOTALS	6739	4746	-30%	36,787	29,644	-19%

Source: New York City Police Department

These encouraging figures by themselves do not prove that the programs mounted in the recent past have had an enormous effect. The drop in crime is undoubtedly due to many factors. (The severity of the 1976-77 winter is apparently not a factor; the police report that declines in crime against the elderly continued during the summer of 1977). The recent drop in robberies against the elderly does appear to suggest, however, that a concentration of resources and attention on a particular type of crime -- in this case, crime with a readily identifiable class of victim -- can pay off, even in as large a jurisdiction as New York City.

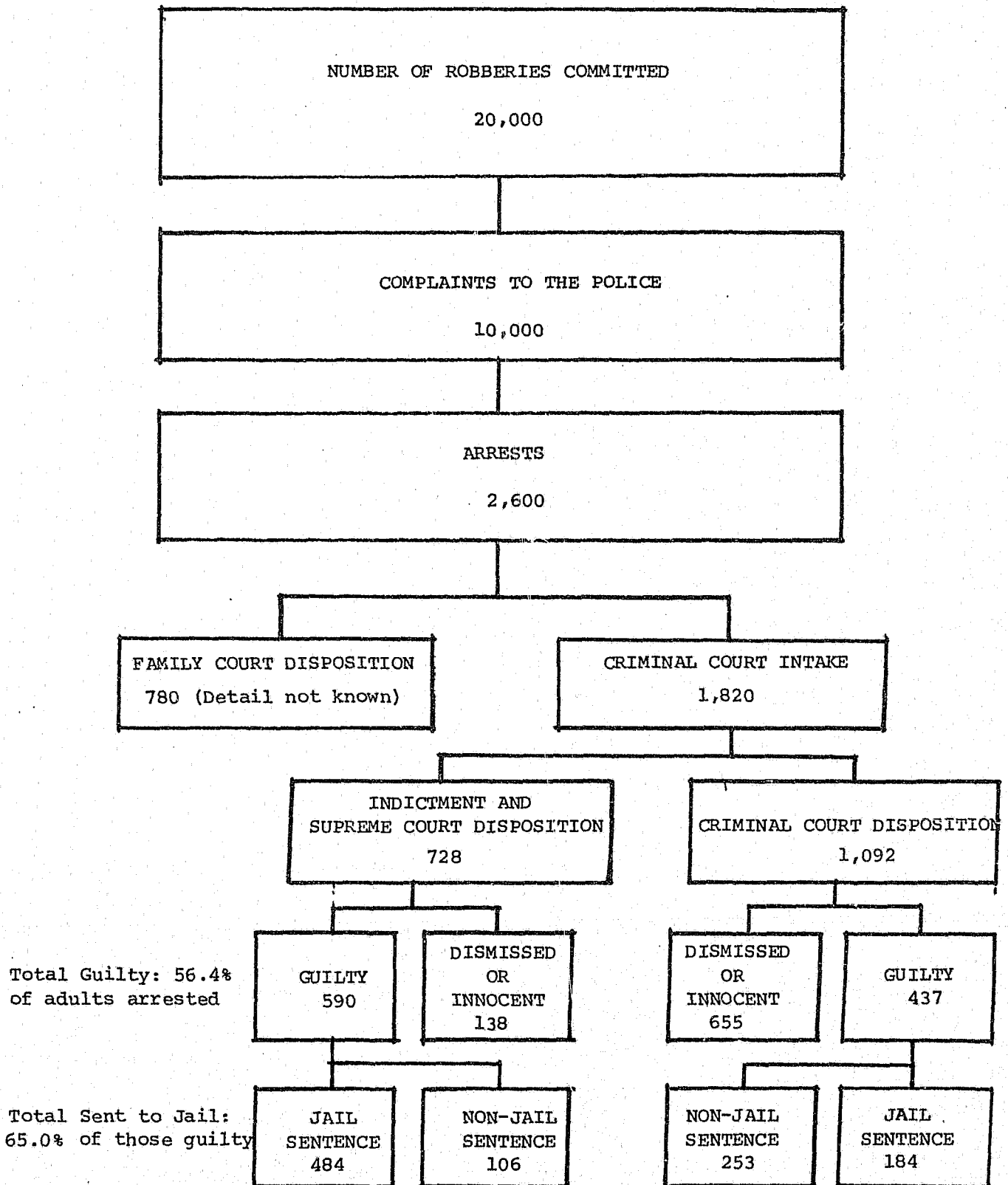
PART TWO

PROCESSING CRIMES AGAINST THE ELDERLY IN THE CRIMINAL JUSTICE SYSTEM

Most criminal justice system programs dealing with crime against the elderly are concerned with ameliorating the effect of crime already committed, finding the criminal and processing the defendant through the courts. This section describes the way in which defendants (i.e., crimes, or "cases") are processed through the courts in order to point out the victim's role in that process. For each of the steps, the special difficulties that senior citizens may encounter are also described.

The accompanying chart depicts the process by which robberies of the elderly are adjudicated. The chart follows the course of 20,000 robberies through the criminal justice system. The 20,000 figure was chosen as a rough approximation of the number of robberies against senior citizens which occur during a year. The steps through which these crimes must pass before adjudication are described in the following sections.

ESTIMATED DISPOSITION OF 20,000 ROBBERIES COMMITTED
AGAINST SENIOR CITIZENS IN NEW YORK CITY DURING A YEAR



Note: See text for basis of estimates.

A. Crimes Known to the Police

The 4,746 robberies actually reported by elderly victims to the police in the first half of 1977 probably represent only about half of the offenses actually committed during that period. Thus, of 20,000 robberies of senior citizens in a year, only about 10,000 will result in complaints to the police. The other robberies are simply not reported by victims. Clearly, the police cannot actively seek to solve crimes they don't know about, although even these crimes may be "cleared" if someone arrested for a known crime admits to having committed an unreported crime.

Problems facing crime victims begin immediately upon the commission of the crime itself; in this respect, senior citizens are no exception. Indeed, the elderly are, by all accounts, more likely to experience severe dislocation as a result of a crime than more vigorous citizens. Seniors are more likely to require immediate post-incident assistance, even though the difficulties they face, e.g. loss of or damage to property, personal injury, loss of documents, are by and large of the same type faced by other victims.

B. Investigation and Arrest

In the first half of 1977, the police made 1,233 arrests for the five crime types listed earlier and these arrests accounted for 26% of the 4,746 complaints. A comparable arrest rate for the 10,000 complaints on the chart would yield 2,600 arrests on an annual basis. Some of those arrested will be found innocent, while others will have committed more than one offense.

The police solve crimes in a variety of ways, ranging from at-the-scene apprehension to investigative techniques. In the past three years a major investigation effort has been mounted against senior citizen robberies. This program is described in Part Three of this report.

Once an arrest has been made, the victim contacts the court system for the first time. The purpose of the visit is to prepare a formal complaint, and, in some cases, to appear in court for the first time during an arraignment proceeding for the defendant. In completing the complaint forms, the victim comes into contact with the district attorney's staff for the first time. Typically, this will also be the victim's first exposure to staff from a victim aid or witness aid bureau, if one exists in the jurisdiction. If the arrest takes place as a result of an investigation, some time will elapse between the crime itself and the victim's first visit to the criminal justice system. (In some cases, the victim will have traveled to a police station to report the crime.)

Most citizens would be taken aback by the apparent disorder in the complaint room and the courts. Many senior citizens, as well as many others, reportedly are disoriented by the early intake stages of the court process. These intake stages are difficult to understand and tiring to experience. It may be several hours, or even days, between the time a victim first arrives to file a complaint and the time he appears before a judge in court.

C. The Court Process

There are three main routes a case may take in court after an arrest is made. In addition, a small number of cases are dismissed by the district

attorney in the complaint room. These cases are never seen in court.

First, defendants under 16 years of age are processed in the Family Court instead of in the adult criminal courts. In the first nine months of 1977, 30% of the 1,566 arrests for the above-listed crimes were processed in the Family Court (or about 780 for the year). Victims typically must appear on three separate occasions in a case that goes through the Family Court: intake, hearing and fact finding. Recently, a system of prosecuting especially severe cases in the Family Court has been established, and elderly victims have been singled out for special attention. This program, known as the "designated felony" program, is described in Part Three below.

The second route a case may take is through the New York City Criminal Court. All cases not processed through the Family Court go into the Criminal Court system (about 1,820 per year in the case of senior citizen robberies). All the crimes listed earlier are felonies under New York State law, and virtually all arrests for these crimes begin as felonies when the case enters the Criminal Court. (A felony is any crime for which a jail sentence of one year or more may be imposed.) The Criminal Court itself, however, may not usually dispose of a felony. It may dispose of a felony case if that case is reduced to a misdemeanor through the plea-bargaining process, or it may dismiss a felony case if it is clear that the arrest was made improperly. An example might be an illegal search. In fact, the great majority (roughly 80%) of felony arrests are disposed by the Criminal Court in one or the other of these ways.

The third route, followed by about one-fifth of all adult felony arrests, is disposition in the New York State Supreme Court, the court of felony jurisdiction. After one or two appearances in Criminal Court

(the arraignment and a preliminary hearing), the case is presented to a grand jury which, in the great majority of all such cases, returns an indictment against the defendant. From that point on, the case is processed in Supreme Court. Criminal Court statistics indicate that during 1976, 40% of all robbery arrests involving adults -- including robberies against the elderly and others -- resulted in an indictment. It is not known whether the indictments result more or less frequently when senior citizens are victims. If they occurred with the same frequency as other robbery indictments, then some 345 indictments for crimes against the elderly would have been handed up during the first half of 1977 (40% of the adult arrests for the above-listed crimes).

Although there are exceptions, the typical case disposed of in Criminal Court (i.e., a case dismissed or disposed of as a misdemeanor) requires a minimum of two court appearances by victims: arraignment and hearing or trial. If the hearing or trial is postponed, the victim may be required to appear at the rescheduled hearing or trial. Two additional appearances are typically required in a case processed in the Supreme Court: grand jury and a hearing or trial.

Scheduling appearances and arranging transportation to court are serious problems when dealing with elderly victims, whether the court of jurisdiction is Family Court, Criminal Court or Supreme Court. Until recently, courts have not been noted for their ability to accommodate to the needs of individual victims or witnesses. As will be noted subsequently, significant advances in this regard are now being made in parts of the court system.

D. Case Outcomes

Unfortunately, neither the Criminal Court nor the Supreme Court assembles data on the basis of victims' age, so it is not possible at present to trace the outcomes of court cases involving elderly victims. A good idea of what happens to these cases can probably be obtained by examining the disposition of cases generally, i.e., without regard to age of victim.

The Criminal Court of the City of New York has made available a summary of the outcomes of felony cases disposed of by the court during 1976 (i.e., felony cases disposed of as misdemeanors or dismissed).

The Court disposed of 13,254 felony robberies during 1976, of which 5,251 (40%) were processed as felonies and presented to a grand jury for an indictment. This indictment rate is twice the rate of cases generally, indicating the high priority prosecutors give to robbery. Of the remaining cases, 3,242 (40%) resulted in a finding of guilty to a reduced charge. There were 19 defendants acquitted at trial. The other 4,741 cases were either dismissed or adjourned in contemplation of dismissal.

In the same year, 3,153 sentences were imposed on defendants who had originally been charged with a robbery. Many of these defendants (42%) received a sentence to jail, ranging in length from one day to one year. The average jail sentence was for 124 days (not including the offenders sentenced to "time served"). Both the rate at which robbers were sentenced to jail and the average length of sentence were higher than for offenders generally. The 58% of robbers not sentenced to jail were either put on probation, fined, or given a discharge.

The net result of the Criminal Court process was that 17% of robbery arrests not taken to the grand jury resulted in a sentence to jail.

Data are also available for cases disposed of in the Supreme Court. In the first six months of 1977, the New York City Supreme Court disposed of 3,133 robbery indictments (felonies committed against citizens of all ages). Fully 81% of these dispositions (2,526 in all) resulted in convictions (although some of these may have been convictions on reduced charges, including misdemeanors). The others were either dismissed (264), resulted in acquittal (123), or resulted in some other disposition (usually a consolidation with another indictment).

Offenders convicted of robbery are most often sentenced to State prison. In the first half of 1977, there were 2,264 sentences imposed for robbery in the New York City Supreme Courts. A total of 1,665 sentences to State prison resulted from these sentences (74%). An additional 8% of offenders were sentenced to terms in local jail (up to one year). Compared to offenders convicted of other felonies, convicted robbers received strict sentencing. The 74% sent to State prison compares to only 44% for other offenders. Only murderers were sentenced to State prison with a higher frequency (87% of 476 sentences).

No specific data are available to indicate comparable conviction rates and sentences for those accused of crimes against elderly citizens. However, the obvious seriousness with which robbery is viewed by the courts is an indication that those committing serious crimes against the elderly are treated with significant severity.

No comparable data are available for cases processed through the Family Court.

Results of the Court Process

The chart that traces the progress of the estimated 20,000 robberies of senior citizens that occur in a year in New York City illustrates some of the complex and sometimes frustrating features of the court system.

While a significant fraction of those arrested are found guilty (56.4%) and a substantial fraction of those found guilty are sent to jail, the numbers of persons arrested, found guilty and sent to jail is a very small number compared to the estimated number of robberies committed against the elderly or even those reported to the police.

As indicated by the chart, only about 668 persons will be sent to jail as a result of commission of 20,000 robberies of the elderly in a single year, or 3.7%. Admittedly, many of the crimes are probably committed by multiple offenders; even so, the contrast is disturbing to the law-abiding citizen.

It is important to point out, in this regard, that the numbers used in this illustration are mostly estimates, and are generally based on experience involving all robberies -- not just those against the elderly. There is little evidence that indicates clearly differences in the way in which the complaint, arrest and adjudication operates with respect to crime against senior citizens as compared to crime in general.

PART THREE

PROGRAMS OPERATED BY CRIMINAL JUSTICE AGENCIES

In New York City today, programs exist in several criminal justice system agencies to deal with crime against senior citizens, either as a primary objective or as part of a broader crime-fighting or victim-aiding effort. This Part outlines the types of program that exist to help the elderly cope with the problems that high levels of crime produce or exacerbate. Descriptions of the larger and more significant programs are also included.

For the purposes of understanding the criminal justice system's response to crime against the elderly, programs have been classified into five categories, as follows:

- A. Crime Prevention
- B. Post-incident Victim Assistance
- C. Investigation and Arrest
- D. Court System Operations
- E. Post-adjudication Dissemination of Information

Each of the categories corresponds roughly to a stage in the criminal justice process.

A. Crime Prevention

Among criminal justice system agencies, only the police are responsible for crime prevention. The New York City Police Department operates several

crime prevention programs. By and large, those efforts designed to protect elderly citizens are the same ones used to prevent crime generally.

These operations include:

1. Preventive patrol is operated by use of squad car and other "beat" or "sector" patrols, which the Department maintains as its primary prevention strategy. Preventive patrol accounts for the bulk of police resources but is only marginally, if at all, concerned specifically with crime against the elderly.
2. Security surveys by the Department's Crime Prevention Section. In 1977, the Crime Prevention Section conducted 4,500 examinations of individual residences as a public service to determine the need for security devices. Residences of elderly citizens accounted for about 1,400 (31%) of these surveys. Senior citizens are clearly important consumers of this police service.
3. Informational lectures by the Crime Prevention Section. Crime prevention officers lectured to over 183,000 citizens in 1977 concerning issues of personal and residential security. Senior citizens accounted for a large share of the audience, with over 50,000 elderly in attendance at these lectures.

Four other police efforts are aimed specifically at preventing crime against elderly citizens. These include decoy work by plainclothes

officers in areas frequented by senior citizens, vertical patrols in buildings where the elderly make up a large share of residents, and escort services.

4. Decoy operations. The Police Department reports that the use of officers disguised as senior citizens has induced attacks on the decoys which have resulted in substantial numbers of arrests. Decoys used in this way may be officers assigned to local precincts or they may be attached to the city-wide Street Crime Unit. The city-wide unit, with a complement of approximately 300 patrolmen plus 40 supervisory officers, includes specially assigned squads which move from precinct to precinct in response to severe local crime problems. Among other objectives, these squads concentrate on crime against senior citizens. Including these squads and other operations, the Street Crime Unit is likely to have an average of between five and ten decoys disguised as senior citizens assigned to street duty on any given day. These men and women prevent crime against the elderly by diverting attacks to themselves and by causing the arrest of criminals who intend to prey on the elderly.

In the first nine months of 1977, Street Crime Unit decoys made 379 arrests for crimes against senior citizen decoys. The Department reports that three-quarters of the defendants arrested for attempting crimes against senior citizen decoys were recidivists, i.e., have been arrested at least once in the past. This statistic suggests that the decoy activity can have a marked effect in removing offenders from the streets.

Decoy operations are also conducted by members of the Senior Citizens Anti-Crime Team (SCAT) units in some boroughs. The SCAT program is discussed below as an investigative activity. The extent of SCAT decoy activity is generally left to the discretion of local SCAT commanders.

There have been reports that the courts frequently dismiss cases which originate as a result of decoy work. Cases have been dismissed on the grounds that arrests were the result of entrapment by the decoy police officer. We know of no data which summarizes the frequency of dismissals in these cases. Data of this type could and should be developed; the value of decoy work could be assessed with more precision if this information were available.

5. Vertical patrols. In the first nine months of 1977, the police made over 8,000 patrols in residential buildings occupied primarily by senior citizens. These patrols, which are conducted as part of the SCAT program, are thought to be a deterrent which can be specifically aimed at those intent on victimizing the elderly. No measures of the success of this activity are available.
6. Escort programs coordinated by the Department's Community Affairs Division. Escort programs depend on volunteers to accompany

elderly on every day chores. According to the Department, 1,500 escorted trips are made each month with the help of 250 volunteers.

New York State Programs

In May 1977, Governor Carey authorized the establishment of the Office of Crime and Delinquency Prevention in the Division of Criminal Justice Services. The new Office was to focus its efforts on preventing crime against the elderly. It is currently financed by a \$484,000 grant from the Law Enforcement Assistance Administration, but the Governor has proposed in his Executive Budget that the cost be picked up by the State during 1978-79.

The Office concentrates on training and technical assistance to local police. Its only identifiable program in New York City has been a \$57,000 grant to pay for several crime prevention officers in the Police Department. The Office is currently looking for promising projects to support.

B. Post-incident Victim Assistance

It is universally agreed among those dealing directly with elderly crime victims that it is important to reach the victim as soon after the crime has been committed as practical. This is because it is important to return the victim to his normal life-style with as little delay and disruption as possible. Immediate intervention on the victim's behalf is desirable.

Criminal justice system agencies reach only a small proportion of victims quickly. In cases where a crime is reported and an arrest is made on short order -- for example, at the crime scene -- the victim accompanies the police to court, and in the complaint room may come into contact with a representative of a victim assistance program. (The operation of these programs is described below.)

Victims of crimes for which arrests are not made quickly may be referred to social services agencies by the police, who are charged with that responsibility, but referral is reported to be spotty. In an effort to systematize the referral of elderly victims, the New York City Department for the Aging has designated a single social service agency in each police precinct area to which victims should be referred. After a slow start, referrals by the police are increasing. However, only a small proportion of elderly victims (probably under 25%) are currently being referred.

In another attempt to reach elderly victims soon after a crime has been committed, the Department for the Aging's Senior Citizens Crime Prevention Program is attempting to contact every elderly crime victim from four pilot precincts on a daily basis. This is being done through contacts with the police officials in the precincts (the 44th and 46th Precincts in the Bronx and the 20th and 24th Precincts in Manhattan). These two outreach programs are in their infancy (the program of daily contacts began in late summer 1977). After a shakedown period, they should provide valuable information regarding both the extent of demand for services by elderly victims and the types of services which can be usefully and effectively rendered.

Senior citizens who fail to report crimes to the police obviously forego any opportunity for assistance that these programs can provide.

Data regarding particular needs of elderly crime victims are scarce, but one program has collected some useful information on the subject. The East Bronx Council on Aging, an association of community organizations, operates a victim assistance program under a grant from several foundations and corporations. The Council's program got under way late in 1976, and results of its first five months of operation provide some measure of the need for services. The Council attempts to contact every elderly crime victim in a three precinct area of the East Bronx. Victims of all reported crimes -- felonies and misdemeanors alike -- are covered. In five months' time, 337 elderly victims were identified and contacted by letter. Follow-up interviews were conducted in 148 cases, and services were provided to 107 of the 148 victims. The ratios of interviews to victims and of services rendered to victims interviewed are impressively high and appear to indicate a substantial need for services.

The 337 crimes were as follows:

Murder	1
Felonious Assault	11
Robbery	76
Burglary	136
Grand Larceny	63
Others	<u>50</u>
TOTAL	337

The overriding importance of burglary is apparent.

The Council tabulated the types of services rendered to the 107 victims. The list is reproduced below:

Security checks	42	
Locks and gates	31	
Social security assistance	23	
Recovery of lost documents	21	
Emergency financial aid	17	
Medicaid assistance	8	
Medical treatment	7	
Housing assistance	7	
Psychiatric counselling	4	
Homemaking services	4	
Food stamp assistance	3	
Crime victim compensation assistance	3	
Chore service	<u>2</u>	
TOTAL	172	(to 107 victims)

The distribution of services is likely to change as the program develops, but it is unlikely that the importance of physical security -- as demonstrated by the first two items on the list -- will diminish.

C. Investigation and Arrest

1. Senior Citizens Anti-Crime Teams. The New York City Police Department has made, over a period of several years, an extensive effort to focus resources directly on crime against the elderly. Originally dubbed Senior Citizens Robbery Units (SCRU) when begun in the Bronx in 1975, the units have recently been renamed Senior Citizens Anti-Crime Teams (SCAT). SCAT units operate in each of the seven patrol boroughs in the City. They constitute the largest single allocation of criminal justice system resources devoted to crime against the elderly.

In the latter part of 1977, slightly more than 100 uniformed personnel were assigned to SCAT units. The South Brooklyn patrol

borough had 26 men and women assigned to its SCAT unit, the largest in the City; it also accounted for the largest number of arrests. Staten Island, with the smallest SCAT unit, had nine officers assigned.

The SCAT units are highly specialized. Their primary activity is to perform investigations of indoor robberies against elderly citizens. All such crimes are reported by precinct personnel to the assigned SCAT unit.

SCAT personnel may also undertake vertical patrols and decoy work (as described above) as part of their crime prevention function, but the bulk of the manpower is assigned to investigation.

The concentration on investigation of indoor robberies is due, at least in part, to the difficulty in solving outdoor crimes. Incidents which occur indoors are far more likely to produce witnesses, and so give an investigator more information as he pieces together any clues. A recent change in policy in the Bronx will apply SCAT expertise to outdoor robberies as well as to indoor crimes, and it will be important to see if the unit can be successful in solving these more difficult cases.

It is hard to assess the effectiveness of these specialized units. During the first nine months of 1977, 2,518 robberies (in an apartment or house, or public area of an apartment building) were reported by elderly victims in New

York City, i.e., between nine and ten a day. Assuming that one-third of the SCAT personnel are assigned to decoy work (this is the practice in Brooklyn South and the Bronx), these incidents were divided among about 67 officers who are engaged primarily in investigations. At this rate, an investigator would be assigned a new case every week or so. While this provides only a crude measure of workload -- the SCAT personnel also appear in court and are responsible for educational and liaison functions with senior citizen groups -- these figures seem to indicate a high concentration of resources.

Over the same nine month period, SCAT units accounted for 444 arrests across the City. When compared to the 2,518 incidents, these arrests imply an arrest rate of 17.6%. Interviews with several SCAT commanders indicate that clearance rates as high as 25% have been achieved. These facts imply that each arrest accounts for about 1.4 crimes, a reasonable figure considering the high concentration of recidivists reported by the Street Crime units. The City-wide clearance rates for robbery (all victims) was 15.2% in the first nine months of 1977. City-wide, the clearance rate was lower than the arrest rate. This suggests that the quality of arrests by SCAT was generally high.

Substantial expansion of the SCAT units took place late in 1976. One important question is the degree to which the concentration of resources in the SCAT units -- and the arrests

made by these units -- was responsible for the substantial drop in crime against the elderly in 1977. Unfortunately, the available data do not lead to a definitive answer.

The following tabulation of complaints filed for robberies against the elderly indicates that the very large drop between 1976 and 1977 was concentrated more heavily in crimes that occur outdoors. Even so, the decline in indoor robberies was greater than the drop in similar crimes against non-elderly citizens.

Type of Crime	<u>ELDERLY VICTIMS</u>		<u>OTHER VICTIMS</u>	
	<u>January-June</u> 1976	1977	Percent Change	Percent Change
Pocketbook robbery	1,681	1,046	-37.8%	-26.8%
Purse snatch	1,518	922	-39.3	-27.8
Open area robbery	1,385	1,099	-20.6	-10.3
Sub-total, Outdoor robbery	4,584	3,067	-33.1	-17.5
Dwelling robbery	918	719	-21.7	-18.4
Residential premise robbery	1,237	960	-22.4	-16.6
Sub-total, Indoor robbery	2,155	1,679	-22.1	-17.3
TOTAL	6,739	4,746	-29.6%	-17.5%

None of these data establish a causal relationship between the assignment of police resources and the drop in crime, but the inference of causality is a temptation. It would benefit Police Department planning if significant programs of the type exemplified by the SCAT units were undertaken in a way which made the evaluation of their results an integral part of the

program. While small in terms of the Department's total budget, the SCAT effort represents a considerable investment of resources toward an identifiable target. It is just the kind of effort which should be subjected to experimental design and evaluation.

2. Housing Authority Police Programs. New York City Housing Authority projects, which contain about 150,000 units of low and moderate rental housing, shared in the city-wide reduction of serious crime during 1977. Total felonies reported to the police dropped nearly 15% in Authority projects during the year. Felonies committed against the elderly (Housing Authority Police data include those aged 62 and over in the elderly category) fell by nearly 25%, from 1,907 in 1976 to 1,434 a year later. Robberies of senior citizens dropped by a third, a rate similar to the city-wide fall in elderly victimizations for the first half of 1977.

About a year ago, the Housing Authority Police Department formed a Crime Against the Elderly Squad in the Department's Detective Bureau to combat what was seen as a major problem of elderly victimization. The Squad is under the direction of a Detective Lieutenant and currently includes 14 of the 70 detectives in the entire Department.

Like the New York City Police Department's SCAT program, the Crime Against the Elderly Squad is an investigative unit,

although on occasion its men do undertake decoy work. Like the SCAT program, the Squad deals mainly with robberies. It also investigates other crimes against elderly persons (assault, rape, homicide); but it does not investigate burglaries, which are believed to be largely unsolvable.

The Crime Against the Elderly Squad is troubled by a very low frequency of arrests. For example, out of 354 crimes investigated during the last four months of 1977, only 14 arrests were made. The police believe that this low clearance rate is largely due to the reluctance of victims to identify offenders. Apparently, over half the offenders live in the same housing development as the victim, often in the same building. Victims fear retribution if they become involved in prosecutions against such close neighbors. The police report that less reluctance is encountered with non-elderly victims.

Because of these difficulties, Housing Authority police consider elderly crime as much an educational and public relations problem as a crime-solving task. They have had some success involving elderly tenants in a program developed by an officer who teaches self-defense techniques, but they concede that such "classroom training" is rather impersonal compared to the specific involvement required of a victim or witness.

D. Court System Operations

1. Victim and Witness Assistance Projects. Victim assistance programs currently operate in three of the four largest New York City boroughs. The programs vary considerably in size, and each has developed in its own way, but all have had similar experiences and encountered similar problems in their attempts to serve elderly crime victims. The three programs, discussed below, are:

Brooklyn: Victim/Witness Assistance Project

Bronx: District Attorney Crime Victims Assistance
Unit

Manhattan: District Attorney Witness Aid Bureau

Several unifying factors are apparent among these programs. The most important is the energy and enthusiasm of their young staffs, a quality which appears to make possible levels of service and responsiveness which managers of more bureaucratized organizations might envy. Critical staffing choices seem to have been well made.

A second common factor is the kind of difficulties faced by victims and witnesses with which the projects are asked to deal. These victim needs are invariably the same from borough to borough and include the following, with the most frequently mentioned problems listed first:

- * Emergency financial aid
- * Aid in recovering lost property
- * Information about the judicial process
- * Information about when to return to court
- * Transportation to court for subsequent appearance
- * Aid in recovering lost documents
- * Aid in finding relocation housing

The differences between the order of items on this list and the previously described list compiled by the East Bronx Council on Aging may arise from the elapsed time between the commission of a crime and a victim's contact with the aid program. The programs described in this section become concerned with victims only after an arrest has been made. Further, the victim assistance programs in the district attorneys' offices (including the Brooklyn project operated by the Vera Institute of Justice) generally treat victims in their role of witnesses in the criminal justice process. On the other hand, the primary concern of the East Bronx Council on Aging (and of most other voluntary sector programs) is for the victim as victim.

A third common denominator among these programs is that elderly victims make up only a small part of the workload. All project staff agree, however, that elderly victims as a group require more intensive services than others, although the problems faced by elderly victims are similar to the problems encountered by others.

Operationally, each of these victim assistance projects uses the complaint room in the borough's Criminal Court as its central intake facility. It is thus in the complaint room that the victim, now in the role of a complainant, has his first contact with the district attorney and court system.

a. Bronx District Attorney Crime Victims Assistance Unit:

The victim aid effort in the Bronx began operations in September, 1976 as a project staffed by VISTA volunteers and financed by grants from two private corporations. Three of the unit's five staff members are still VISTA volunteers, while two others are paid through the City budget. The annual budget of the entire unit is less than \$30,000.

As is the case in other boroughs, elderly victims have constituted a relatively small portion of the Bronx unit's clients. One reason for this -- in addition to the fact that senior citizens do not account for a large share of victims as a whole -- may be that the Bronx is well-served by programs geared specifically to aid elderly victims of crime, including the Department of Aging's Senior Citizens Crime Prevention Program and the East Bronx Council on Aging.

Staff of the Crime Victims Assistance Unit attempt to interview every victim of a violent crime in the complaint room and to tailor services to meet the victim's needs. The unit reports that during 1977 assistance was rendered to

703 victims, including senior citizens, with multiple services required in many cases.

Recently, the unit has taken several initiatives to expand its service base and these actions will benefit heretofore unserved elderly victims as well as younger ones. First, unit staff have begun to review court case folders each day to determine if the circumstances of a victim or witness in a case appear to make him a good candidate for their services. When such persons are identified, the unit attempts to contact them. Second, a unit staff member has recently begun a pilot project in one police precinct in which victims of crime for which an arrest has not been made are contacted. There are many more such victims than victims who appear in the complaint room, which is the unit's normal intake center. Finally, a pamphlet describing the unit's services is mailed with every subpoena from the Bronx courts.

Each of these outreach efforts appears on the surface to provide a potentially effective way to identify elderly victims who could benefit from assistance.

- b. Brooklyn Victim/Witness Assistance Project: The first full-fledged victim aid project to be integrated with the City's criminal justice system was initiated by the Vera Institute of Justice. Vera's research into the criminal justice process demonstrated that a large number

of court cases were dismissed because victims failed to appear in court as their cases progressed. In the absence of complaining witnesses, there could be no effective prosecution of these cases.

The Victim/Witness Assistance Project (V/WAP) began operation in mid-1975 with an ambitious program and, by the standards of other victim assistance projects, a large budget of \$1 million per year from the Law Enforcement Assistance Administration. Half of this allocation is spent on a sophisticated witness notification system, designed to make certain that witnesses know in advance of each appearance they are required to make in Criminal Court. The service does not extend to cases in Supreme Court. According to V/WAP's Quarterly Report for July-September 1977, over 16,000 civilians (including elderly) were served by the notification service during that three-month period.

A second aspect of V/WAP is an "alert" program under which police officers and civilian witnesses scheduled to appear in court are allowed to remain on their beat or at home until it is clear that they will be required in court that day. These witnesses are then telephoned and asked to make the trip to court. During the summer of 1977, only 15% of the 1,847 witnesses placed on alert were actually required to come to court.

(Alert programs are operated in the other boroughs by the Police Department.)

Finally, V/WAP includes a series of services for witnesses, including a reception center and children's center in Brooklyn's Criminal Court, a telephone "hot line" for crime victims and an emergency repair program. These services cost roughly \$150,000 yearly.

Transportation for court appearances is arranged for elderly and disabled witnesses by means of a taxi voucher system.

Victims encounter a representative of V/WAP initially in the complaint room, where project staff interview all complaining victims (and a small number of other complaining witnesses). Of all the victim assistance projects in the criminal justice system, V/WAP is apparently the only one to achieve 100% coverage at this stage of the process. Complete coverage is necessary because each witness will be contacted again and notified of future court dates. Referrals for social services are also made by the V/WAP complaint room staff.

Operations of V/WAP have been monitored closely by the Vera Institute. As might be expected from an innovative approach to such complex issues, results have been mixed. According to Vera's own evaluation:

- the notification program has not significantly increased participation of witnesses in the court process. Attendance in Criminal Court remains at roughly 45%;
- the telephone "alert" programs have yielded important savings of both police and witness time by avoiding unnecessary appearances; and
- the reception center (and children's center) are heavily utilized, while the emergency repair service and "hot line" are not.

V/WAP staff report that elderly victims, while not a large share of victims generally, tend to be important consumers of services. For example, the emergency repair component of V/WAP has been under-utilized (69 repairs in the second quarter of 1977 and 99 in the third quarter) but elderly victims apparently are among those most frequently served. As a result of this pattern, V/WAP has begun work with the Senior Citizen Anti-Crime Network (SCAN) in the City's Department for the Aging on a new program that will furnish security devices to elderly citizens as a crime prevention measure.

The V/WAP experience will continue to benefit other boroughs as planning for victim aid programs evolves.

By contrast, current operations in the Bronx and Manhattan are very small in size.

- c. Manhattan District Attorney Witness Aid Bureau: Begun in 1975, New York County's Witness Aid Bureau was originally conceived of as a privately financed pilot project to test the need for services to victims and witnesses. Those needs proved to be so apparent that the \$36,000 project became operational almost immediately with its two staff members. The Witness Aid Bureau is currently financed with City funds with only a full-time director (the second staff person having recently resigned) together with the part-time help of several of the District Attorney's legal paraprofessionals who work in the complaint room.

The work performed with this modest staff is impressive. Between 30 and 40 victims are reportedly interviewed on an average day. The complainants account for perhaps 30% of all victims appearing in the complaint room.

Only a small proportion of these victims is elderly. However, the experience of the Witness Aid Bureau is instructive in several respects. It provides an example of how an innovative program can be started for victims without the investment of large amounts of public funds. Another example is the similar effort in the Bronx District Attorney's office. Second, in a January 1977 Progress Report

concerning the Bureau, some interesting data are presented concerning the needs of victims. In the first six months of operation (during 1975), the largest single category of service was found to be in property release problems (28% of all activity). Information about crime victim compensation was second (20%), followed by locating a witness (15%), and court appearances (13%). Needs of elderly victims may differ somewhat from these proportions, which were drawn from among all victims.

- d. Performance of the Victim Aid Programs: These efforts to aid elderly crime victims are in their early stages, and there are as yet no generally accepted criteria upon which to judge their performance. The several victim assistance projects are still in the process of defining their objectives, and the modest scale of the projects allows this process to occur without major investment.

If there is one priority that stands out from the early work of the victim aid projects, it is that clients be given individualized treatment with the needs of each victim being determined through interviews and with services geared to the results of those interviews. It is likely that the array of services currently rendered by the projects can be taken as an accurate representation of victims' needs. What is needed is a better notion of the frequency with which each service is required, and the project's ability either to furnish the service

directly (e.g., escort to court), or to arrange for service delivery by an intermediary (e.g., providing a new lock).

The East Bronx Council on Aging's detailed list of service requirements is an example of the data needed to develop a basis for more precise program planning. It would be also be useful to know the degree of success projects have in meeting those needs. Given that information, comparisons could usefully be made between programs and the value of information exchanges between programs would be enhanced.

A second criteria upon which to judge the success of a victim aid program is the success they experience in increasing a victim's willingness to appear in court. Judging from recent experience, the more individualized the attention given the victim, the more likely it is he will return to court. The intensive support given to a limited number of Bronx elderly victims, partially through the presence of court monitors, has been extremely successful. On the other hand, notification alone has apparently not produced significant results in Brooklyn. Arranging transportation for victims on an ad hoc basis has probably resulted in a degree of success between the two extremes.

One issue which may arise as programs expand is whether responsibility for promoting victim participation should lie in the victim aid bureaus within the district

attorney's office or in a victim aid program operated by a social service agency. The district attorneys have a clear incentive and responsibility to increase court participation; at the same time, it may prove more effective if an agency which furnishes remedial services tries to persuade victims to take the trouble to return to court.

One solution might be to hold the district attorneys responsible for maintenance of a reliable information system concerning the need for witnesses (i.e., a notification system), and to give social service agencies the responsibility for follow up and for providing transportation to court. The prosecutor's concern for reliable service would have to be met by the designated agency. Financing for transportation services should probably come from a criminal justice source. Such a scheme would not diminish the role of the prosecutor's victim aid bureaus in furnishing individualized services on behalf of victims or in providing victims with an understanding of the judicial process.

On the basis of general impressions the victim aid projects certainly appear to warrant continued support. Indications are that with very limited resources the projects have been successful both in providing or arranging for services for substantial numbers of clients and in improving somewhat the likelihood that victims will parti-

cipate as witnesses in the judicial process.

2. Queens District Attorney Special Victims Bureau. The Special Victims Bureau in Queens is the most recent addition to the City's array of prosecutorial efforts to deal with victims. The Bureau began operations in June, 1977. It differs in important respects from the victim assistance operations described above.

As its name implies, the Queens unit was organized to prosecute cases involving particular classes of victim for which prosecution is often complicated: the elderly, victims of sex crimes and child abuse, and battered wives. The unit is the only one in the city to devote resources specifically to particular groups of victims. It is staffed by a Bureau Chief, three additional assistant district attorneys, and a support staff of two investigators and a secretary. The annual personal services budget for the unit is approximately \$100,000.

Of the roughly 50 new cases assigned to the unit each month, approximately 10-15% involve elderly victims. (The predominant type of non-elderly case involves victims of sex crimes).

The chief of the bureau reports that assistant district attorneys spend a good deal of time with elderly victims, and have succeeded in getting them to appear as witnesses in nearly all cases. The high rate of appearances by victims suggests that prosecutions are successful more often than normal, but there are no data available to test this hypothesis.

The bureau is only peripherally involved in referring

victims to social service agencies. It does, where necessary, make special arrangements for transporting elderly victims to court. The bureau also arranges tours of the court for senior citizen groups and conducts numerous lectures in senior citizen centers.

3. Court Actions to Limit Appearances. In addition to the work done by the victim assistance projects to transport and accompany victims to court, the court system itself has begun to adapt to the needs of elderly victims. Prosecutors increasingly seek to avoid the unnecessary appearance of witnesses in court. One way this is accomplished in felony cases is to dispense entirely with the preliminary hearing in Criminal Court and instead to proceed directly to a grand jury for indictment. This practice is followed by the Queens bureau and by the District Attorney in the Bronx. An indictment must be sought very quickly after arrest in these cases (sometimes even on the same day), so that the adjudication process as a whole is speeded up.

It has also been possible on occasion to avoid sending the elderly victim to the complaint room; in these cases the arresting police officer manages the complaint process. This practice is followed for clients of the East Bronx Council on Aging program, but is not widespread. As a rule, prosecutors are reluctant to excuse victims from the complaint process

because a heavy burden is placed on the police officer to obtain a full statement of facts from the victim in these cases.

When victims must appear in the complaint room, it may also be possible to reduce their waiting time considerably. Pre-arraignment processing of victims (and of police officers), a procedure in effect to various degrees in four boroughs, is another method to cut waiting time by excusing victims from appearing before the arraignment judge.

4. Court Monitoring. The East Bronx Council on Aging engages in an extensive program of court monitoring in cases involving its clients. Typically, between four and eight senior citizen observers attend court each day that an appearance is calendared. A larger number of monitors attends during trials and sentencing. The monitors always inform the judge of their presence.

There are no reliable data upon which to judge the effect of court monitoring on case outcome or on sentence length, but the outcomes of cases monitored by the Council suggest that convictions occur more frequently and that sentences are more severe than would be expected otherwise. All eleven cases that have reached final disposition in the Supreme Court have resulted in convictions. Sentences cluster around the maximum permitted by law, suggesting

that the presence of monitors does affect the length of sentence. (Informally -- but not for attribution -- both prosecutors and defense staff appear to feel that judges and juries are influenced by the court monitors.)

It is impressive that 20 of the 22 victims urged by the Council project to continue through the court process have agreed to do so. The two cases in which victims did not go to court were dismissed for lack of prosecution.

The court monitors themselves are volunteers. Paid community workers accompany the victim to court when an appearance is required (but not necessarily every time the defendant must appear). Each time the victim goes to court costs roughly \$20-\$25 in fees paid to community workers. Most cases require only two appearances because appearance at the complaint room is waived and the preliminary hearing is dispensed with. If the case goes to trial, two additional appearances are usually needed.

5. The New York City Family Court. Under legislation which became effective in February 1977, 14 and 15 year old defendants in certain cases are prosecuted in Family Court by the district attorneys rather than by the City's Corporation Counsel. A \$450,000 LEAA grant to the four major borough District Attorneys in the City supports this effort to impose strict treatment on youths who commit the most serious crimes. Youths accused of the "designated felonies" of murder, robbery,

assault, rape, kidnapping, and arson are prosecuted by the district attorneys. The grant currently finances 12 assistant district attorneys plus some support staff in the four counties. One court is set aside in each county to process designated felony cases.

Crimes involving elderly victims have been a relatively small component of offenses processed under this program. Of the 86 designated felony petitions filed by district attorneys through December 31, 1977 (where the age of the victims was known) only six involved victims aged 60 or over. All six designated felonies were robberies.

There is one aspect of the designated felony program that specifically addresses the elderly victim. Enacted during the 1977 legislative session, this controversial provision requires the imposition of a sentence to a secure facility for an offender found to have inflicted "serious bodily harm" upon an elderly victim. The sentence must be for a minimum period of 12 months. Those convicted of similar crimes against non-elderly victims are still eligible for other (non-prison) sentences, including probation and suspended judgment. It is expected that this provision, which singles out the elderly as a high-priority group in need of special treatment, will be the subject of a Constitutional challenge. The question of constitutionality aside, its ability to deter violent crime

perpetrated by youth against the elderly will probably depend heavily on the publicity given to the limited number of sentences likely to be imposed under the provision. It seems likely that there will be too few offenders sentenced to reduce crime by virtue of their isolation from potential victims.

Unfortunately, there are no data to indicate what sentences were imposed on youths committing crimes against the elderly before enactment of the designated felony rule. Data of that kind would have to be developed before the full impact of the recent changes can be assessed.

6. Designating a Special Court to Process Cases with Elderly Victims. There are several arguments in favor of establishing a special court in each borough's Supreme Court to process cases involving elderly victims. The specialization of court resources would both make it easier for elderly victims to understand the court process and to participate in it. It would also develop expertise on the part of judicial and prosecutorial personnel in dealing with the difficult problems of elderly victims as witnesses. Individualized concern for their special needs might ultimately lead to higher conviction rates and stiffer penalties for offenders.

There are also numerous objections to establishing a special court. In fact, most practitioners in the criminal justice system interviewed during this project objected

to the idea on the following grounds. First the appearance of giving priority to any class of victim was found disturbing. Second, it is possible -- and even likely -- that the penalties imposed on those who victimize the elderly are already more severe than penalties imposed on other offenders. Third, most judges prefer to deal with a wide variety of cases instead of a particular sort. Finally, current practices for assigning assistant district attorneys in some boroughs may be incompatible with a designated court. This is true, for example, in Manhattan where each group of new cases is assigned on a chronological basis to a group of assistant district attorneys. They are then expected to follow the cases to their conclusion.

The most telling argument against setting up a special court -- and for the present perhaps a decisive argument -- is that the existence of such a court would stack the deck against the defendant. Prosecutors agree with the defense bar that this would be likely.

E. Post-adjudication Dissemination of Information

In general, it is unusual for an arresting officer to keep in touch with a case throughout the court process. The officer may be required to make several appearances in court, but typically is not informed of the progress of cases unless he is called upon to participate. In most cases, the officer is not present in court when the case is decided. There is no systematic transfer of information about

case disposition between the court and the officer, nor has a method been established to provide victims with information concerning case outcomes.

In Brooklyn, the Victim/Witness Assistance Project provides an exception. The Project makes regular reports available to the police regarding outcomes of cases. Some precincts reportedly filter the information to individual officers while others do not.

With minor exceptions, the same lack of "feedback" applies to crimes with elderly victims. On the police side, the commander of one of the borough SCATs encourages his officers to obtain disposition data about their cases. The value of this information lies both in giving the officer a sense of responsibility about the quality of his arrest, and in providing, through the prosecutor, information which may help the officer in the future. For example, if the case was dismissed because of an illegal search, the officer could determine the action which constituted the illegality. The quality of future arrests might thus be improved. The requirement that officers discover the final disposition of their arrests appears to be unusual rather than widespread.

The most comprehensive attempt to inform victims about the outcomes of cases is probably that undertaken by the East Bronx Council on Aging, which contacts each of its clients with disposition information. Brooklyn's Victim/Witness Assistance Project notifies victims of case outcomes when the victim was on "alert" but was not required to appear in court when the case was disposed of. It is likely that the absence of this knowledge further alienates senior citizens (and indeed victims and witnesses of all aged) from an already bewildering criminal justice process.

PART FOUR

RECOMMENDATIONS

The recommendations that follow are grouped into the same categories as those in which the operating programs were discussed: crime prevention; post-incident assistance; investigation and arrest; court system operations; and post-adjudication dissemination of information. These recommendations are based on observations by the investigators and do not represent the results of formal evaluations.

The criteria for choosing the recommended approaches were similar to those employed in the previous Nova Institute study of social agency programs concerned with crime against the elderly: probable cost-effectiveness and relevance to crime against the elderly. Because the present survey covers criminal justice agencies concerned with crime against all citizens, the feasibility of establishing pilot efforts aimed specifically at senior citizens was a primary concern.

A. Crime Prevention: Distribution of Security Devices

All those who deal with senior citizens comment on their preoccupation with crime. And although there might be some danger of isolation in the name of security, police and social service workers agree that senior citizens find some comfort in improved locks and other security devices. We believe that a high priority should be given to the distribution of these devices to elderly citizens, particularly those living in high crime areas.

The market cost of a lock installation is on the order of \$50, a sum too large for many elderly persons to afford. Even at half that price, the funds required for widespread distribution would be significant. For example, a \$10,000 pilot program covering a single precinct would fund only between 200 and 400 installation. Many precincts have that many elderly burglary victims during the course of a year. Thus, a city-wide program of lock distribution would probably be too expensive to mount.

Still, a well coordinated program for distributing security devices to elderly in a small geographic region would be a good candidate for experimental funding, possibly through the Criminal Justice Coordinating Council. For a price equivalent to one police man-year, roughly \$30,000, a meaningful project could be undertaken. The program should be monitored for its effects on elderly victimization and also on the fear of crime displayed by those senior citizens being assisted.

One possible choice of an operating entity for such an effort is the Department for Aging's Senior Citizens Anti-Crime Network. SCAN, in turn, could subcontract the program on a precinct-by-precinct basis to the social service agencies designated by it as first-line referral agencies.

The program might operate in the following way. The police precinct crime prevention officer and the local designated social service agency would jointly identify apartment buildings in which concentrations of senior citizens live. The police would announce, e.g., by means of posters placed in a hallway, the availability of security surveys and the dates and times the surveys are to be made.

Tenants would sign up for surveys by phoning the designated agency. The surveys could be available to all tenants, not just the elderly; only elderly tenants would be eligible for free locks. The police would conduct the surveys and then recommend to the designated agency those apartments for which new locks (or gates or other equipment) are required. It would be the agency's task to arrange for installation.

In a program of this type it would probably not be feasible to discriminate among elderly tenants on the basis of income. Locks should be distributed to all elderly tenants needing additional protection. General criteria regarding income, however, can be considered implicitly when choosing buildings to be surveyed.

A program which combines police expertise in security systems with a social service agency's ability to reach elderly clients would have the side benefit of reinforcing links between these agencies which are important in delivering other services to elderly victims as well.

B. Post-incident Victim Assistance

1. Provision of immediate help. Elderly victims facing the most acute needs for service must be reached quickly once a crime has been committed. The police are normally the first representatives of the criminal justice system a victim encounters, and it is important that police officers refer victims to an agency charged with delivering social and health services.

The two-prong approach currently taking shape in some parts of the City has a lot to commend it. The police are responsible for referring elderly victims to designated agencies on a precinct-by-precinct basis. At the same time, agencies are reaching out to victims within a day or two after the crime occurs. This dual process should lead to nearly complete coverage of victims.

Neither the police nor other criminal justice system agencies are equipped to deliver social services. After the important work of explaining the workings of the criminal justice system to a victim has been done, it would be best for the police to continue to rely on others to follow up on the needs of individual victims.

2. Emergency financial assistance stands out as the most often mentioned need of elderly citizens who have been victims of robbery and burglary.

For victims in cases where arrests are not made quickly, distribution of aid should be managed by a local social service agency to which victims are referred by the police precinct. This procedure may also be the most effective to help victims of rapidly solved crimes (and other solved crimes) who are interviewed by victim aid bureaus in the district attorney offices.

Alternatively, arrangements with local Income Maintenance Centers might be developed. The Manhattan Witness Aid Bureau has made an arrangement with the Lower Manhattan

Income Maintenance Center under which needy victims are given interviews at the Center either on the same day or on the following day that they appear at the complaint room. Victims are not required to be welfare recipients to receive emergency aid. For reasons unknown, there have been only a tiny number of referrals under this arrangement. The willingness of a local Income Maintenance Center to entertain the program, however, may indicate that similar arrangements can be made to work with local centers in the other boroughs.

The need of elderly victims for immediate financial assistance is also being explored in a project being developed by the Community Service Society under the auspices of the Burden and Ford Foundations and the Fund for the City of New York. It may well be that experience arising from this pilot effort will suggest different and more effective means of meeting this need.

3. Building an information base. The prospect that victim aid programs will expand in the near future makes it important that future programming be based on solid information about victim needs. Each of the victim assistance projects should begin now to collect data concerning the types of aid victims require and the degree of success the programs achieve in furnishing that aid.

C. Investigation and Arrest

1. Increased police attention for burglary of senior citizens.

Currently, the Police Department's SCAT units are concerned solely with robbery against senior citizens. Within the various categories of robbery, investigation of indoor crimes takes precedence over outdoor incidents. Yet the volume of burglaries against senior citizens is probably several times that of robberies. And while a burglary is not a violent crime, it is nonetheless a crime which causes fear and trauma. There is no such thing as a "crime against property;" only people are victims.

A feasible approach to incorporating burglary into the jurisdiction of the SCAT units might be the addition of burglary as a responsibility in one patrol borough and a close analysis of the results the SCAT unit achieves in solving these crimes. If the caseload is too great to incorporate burglaries from an entire borough, then a particular precinct or two might be singled out for a pilot project.

The Police Department should also begin to generate data about burglary of senior citizens in the same way it has successfully distributed data about robbery.

2. The importance of experimentation and evaluation. The

devotion of significant resources to solution of robberies against the elderly, both in the SCAT units and through the Street Crime Unit's decoy work, may be in large part responsible for recent reductions in such crime. As far as we have

been able to determine, however, evaluations of these units' effectiveness have not been formally undertaken.

Ideally, new programs of patrol and investigation should be initiated with built-in evaluation plans. This has not been the case for programs dealing with crime against the elderly. It may still be possible to conduct useful analyses, however, by a historical look at the incidence of robbery against senior citizens while the Bronx SCRU team alone was functioning (comparing changes in the Bronx with changes in other boroughs). The work of the roving Street Crime Unit's decoy teams might also be analyzed by comparing changes in on-going crime against the elderly in precincts where the teams were assigned with changes in nearby precincts. These evaluative efforts may be successful enough to guide future changes in operational practices by these police units.

The volume of resources devoted exclusively to combatting robbery against the elderly (100 men in the SCATs plus those in the mobile Street Crime Unit) is large enough to permit a variety of experiments to be performed within these units. Assigning the Bronx SCAT responsibility for outdoor robberies and the suggested assignment of burglaries are two examples of new approaches which can and should be tried. Each should be designed in a way which allows evaluation of its results.

D. Court System Operations

1. Non-judicial operations

- a. Easing the reclaiming of stolen property. Recovery of stolen property by victims is conceded to be an enormous headache, both because of the burden of formal approvals and paperwork, and because of the frequent difficulties of physically tracking down the property.

Solution of these difficulties appears to be an obvious candidate for a modest short term interagency task force approach. Members of the task force should include the police property clerk and patrol bureau, the prosecutors, legal aid society, court administration, and representatives of the victim aid offices. Problems of property recovery have been known for years. What has been lacking up to now is a strong advocate to take the victim's point of view in proposing solutions. The emergence of the victim aid programs has filled this gap.

Particular reforms which would speed the property recovery process include (1) routine negotiations between prosecutor and defense attorney regarding release of property in cases still active in the courts and (2) the designation of an agent for the victim who would physically recover the property from the police. The victim aid bureaus might fill this role as a designated agent,

thus saving the victim the trouble of tracking down his property. In some cases the property might be brought to court for the first arraignment to have it easily available to the victim once a release is obtained.

The auspices of the Deputy Mayor for Criminal Justice might be employed to coordinate this effort.

- b. Non-judicial operations: financial aid. For those victims who require emergency financial aid when they appear in court for the first time (mainly because an arrest has been made soon after commission of a crime), the coordinated approach described under Recommendation B.2. above would prove helpful.
- c. Non-judicial operations: transportation to court. An important part of each victim assistance program is arranging for private transportation for witnesses. Elderly victims are often escorted to court as well, either by community workers, staff of the victim assistance program, or even by the police. Prosecutor's staff, in particular, report the frequent assignment of police to this function.

The use of police for this job appears inappropriate and costly. It would be highly preferable to arrange this service through social service agencies,

and to use police only as a last resort. A precinct-by-precinct or borough-level approach to the coordination of transportation between the police and social service agencies seems to be appropriate.

- d. Non-judicial operations: general comment. The need for close working relationships between the police, the victim aid programs, and social service agencies serving elderly victims arises throughout the process of dealing with the effects of crime. It is apparent both in prevention activities and in dealing with victims. This need suggests that there are important roles to be taken both by the victim assistance projects within prosecutors' offices and by programs in the social service sector.

If there is a logical division of responsibility between the two types of operations it would be that the prosecutor-based operations have a comparative advantage in witness education in the operations of the criminal justice system, witness notification, and possibly in arranging transportation services. Social service-based victim assistance programs appear better equipped to provide outreach to contact victims, to arrange for the provision of direct services, and to conduct court monitoring operations. But these divisions are by no means clear cut, and particular arrangements may have to evolve, probably on a borough-by-borough basis.

2. Judicial operations

- a. Minimizing the number of court appearances required of a victim. Prosecutors in the Bronx, Manhattan and Queens report success in processing strong felony cases by moving directly to the grand jury stage following arraignment, thereby skipping a preliminary hearing. Further, the East Bronx Council's efforts to excuse victims from the complaint room process achieves another saving of victim's time. These efforts warrant close examination to see if they can be expanded. It will be important to trace the outcomes of cases using these short-cut procedures to ensure that they do not result in dismissals with greater frequency than otherwise would be expected.
- b. Judicial operations: court monitoring. The presence of observers in court who have an interest in particular cases can accomplish several valuable purposes. Perhaps most important is the support observers provide to victim-witnesses who are asked to return to court on several occasions to pursue a case. The presence of observers indicates to a victim that there are other citizens with a significant interest in the victim's plight. A broad purpose is then served by a victim's persistence in following a case to its conclusion.

Second, the interest and education of the community at large is served by having its members observe what must appear to many as the mysterious operations of the court.

The observers also appear to represent an interest for relatively stern treatment of offenders. Their interest is independent of the prosecutor's own predilection toward punishment which is often tempered by the need to dispose of cases quickly and get on with other business.

Court observer programs, when operated on a case-by-case basis, seem to have the potential for aiding in each of these purposes. The low cost of these programs give them good potential for increasing community involvement in the criminal justice system.

E. Post-adjudication Dissemination of Information

1. Victims should be given information concerning case outcomes.

Prosecutors, probably through their victim assistance programs, should inform elderly victims of the final outcomes of their cases. This is not now done routinely. Information should include both the type of disposition (guilty, not guilty, charge reduced, dismissed, etc.), and the sentence imposed in cases where the defendant is judged guilty.

Benefits from this information flow would include less estrangement on the part of court system participants and possibly a deeper sense of commitment by the prosecutor to his client. The workload for victim aid projects would not be great if the effort were limited initially to elderly victims.

2. Police should obtain information regarding the final disposition of cases involving elderly victims. It is rare that police officers follow the results of court cases which they initiate by an arrest. Often, officers appear to view the arrest itself as the end of their substantive responsibility in a case. Some observers suggest that police practice would be improved if officers received information about the outcomes of their own cases. In this way, the police would view their task as one integrated with the court system. This might lead, for example, to greater attention being paid to the quality of arrests, and even to the eventual grading of police performance in part on the basis of the final outcome of cases.

The creation of the specialized SCAT units, with their highly motivated men and women, seems to present an ideal opportunity for the Police Department to focus attention on case outcomes. Mechanisms for routinely informing the arresting officer of the disposition of SCAT cases, and for consultation between the officer and the assistant district attorney, should be developed.

F. Next Steps

Several of the recommendations made here could be carried out quickly and with moderate or little cost. These include:

- * Coordination of emergency financial assistance;
- * Coordination of property recovery process;
- * Dissemination of burglary data by the police;
- * Arranging for information regarding case outcomes to be given to victims and the police.

Two recommendations require some planning prior to implementation, but it is likely that a relatively short lead time will be needed:

- * Adoption of procedures to minimize the number of court appearances;
- * Assignment of transportation function to social service agencies.

The following recommendations will require a longer planning period but the planning effort for each could begin immediately:

- * Developing a program to distribute security devices;
- * Assigning burglary to SCAT units on an experimental basis;
- * Extending court monitoring.

We think each of these recommendations is realistic and within reasonable financial constraints (the only one likely to require a significant amount of new funds is the program to furnish locks). We hope that implementation will both ease the burden which crime places on the elderly, and, through experimentation, will teach us more about how such crime can be prevented.

G. A Good Beginning

During the period that this report was in preparation, Mayor Koch announced that on the basis of a recommendation from Herbert Sturz, Deputy Mayor for Criminal Justice, the formation of a new city agency to focus directly on services to victims of crime. This new agency should be able to coordinate the many useful programs concerned with elderly victims of crime. It appears to be a sensible move in the right direction.

APPENDIX

SUMMARY OF PREVIOUS STUDY

The following is a summary of the principal findings and recommendations of a report entitled "Reducing the Impact of Crime Against the Elderly," prepared by The Nova Institute for the Federation of Jewish Philanthropies of New York and the Florence V. Burden Foundation. The report on the study was published in September, 1977; copies are available from the Burden Foundation, 630 Fifth Avenue, New York, New York 10020.

Scope of Study

The previous study covered the activities of public and voluntary agencies in New York City dealing with one or another aspect of crime against the elderly. For purposes of analysis, agency activities were divided into four major categories, some of which were further subdivided as noted below:

1.0 Crime Prevention Programs

1.1 Accompaniment programs

- 1.11 Personal escort
- 1.12 Transportation
- 1.13 Safe corridors

1.2 Home security systems

- 1.21 Home security devices
- 1.22 Communication and signal systems
 - 1.221 Telephone
 - 1.222 Burglar alarms
 - 1.223 CB radios
 - 1.224 "Buddy buzzer" systems

1.3 Other crime prevention activities

- 1.31 Education
- 1.32 Mail deposit of funds
- 1.33 "Target hardening"
- 1.34 Personal alarms
- 1.35 Tenant and home owner patrols

1.4 Police-operated crime prevention programs

2.0 Relocation Programs

3.0 Victim Assistance Programs

- 3.1 Victim identification
- 3.2 Immediate post-incident aid
- 3.3 Social and medical assistance
- 3.4 Financial support
- 3.5 Document replacement
- 3.6 Premises protection

4.0 Criminal Justice System Programs

- 4.1 Witness assistance programs
- 4.2 Monitoring programs

Method of Assessment

At the time of the study the problem of crime against senior citizens was just beginning to be given wide recognition in New York City -- and subsequent communication with persons and programs in other cities indicates that this was generally the case elsewhere in the nation as well. Thus, the study took as its focus both a description of as many program models as could be identified (some of which were actually operating while others were only planned or proposed for operation at the time) and made a preliminary assessment of program potential.

A special focus of the project was on the problems faced by low income elderly persons living in high crime areas and in relative isolation

from their ethnic and religious groups.

The assessment was primarily based on three criteria:

1. Probable cost-effectiveness: This aspect had to be estimated rather than measured because of the lack of data on most program concepts.
2. Relevance: Some of the programs identified were more focused on the problem of crime in general or the needs of the elderly in general than on the specific issue of crime against the elderly.
3. Voluntary sector potential: A principal concern of the sponsors of the study was to identify meaningful roles for non-public agencies as well as for other than criminal justice system agencies.

Principal Findings and Recommendations

On the basis of the assessment criteria noted above, The Nova Institute divided program models into two classes: those of apparently high potential in reducing the impact of crime against the elderly and those that were estimated to have, at best, low to moderate potential. Program models were grouped into these classes of potential as follows:

Programs of High Potential

1.0 Crime Prevention

- 1.224 Buddy Buzzer systems to link adjoining apartments through a low-cost signal system.

- 1.221 Telephones for those low-income elderly persons who do not have them.
- 1.21 Home security devices (locks, door bars, window gates, etc.).
- 1.31 Education in crime avoidance.
- 2.0 Relocation Assistance to help isolated elderly individuals move out of high crime areas and into housing where there are other elderly persons of similar ethnic and religious background.
- 3.0 Victim Assistance
 - 3.2 Immediate post-incident aid to focus attention and help on senior citizens at a time when they are apt to be most disoriented and in need.
 - 3.44 Financial support to provide modest amounts of money in the form of loans or grants to meet the immediate needs of persons robbed of their only available cash.
 - 3.5 Document replacement assistance to replace lost documents such as Medicaid eligibility, Social Security and reduced fare identification.

Programs of Low to Moderate Potential

1.0 Crime Prevention

- 1.11 Personal escort programs were found to meet, at best,

only part of the crime prevention needs of some elderly persons.

- 1.12 Transportation programs may have significant values for elderly persons but are unlikely to afford crime protection.
- 1.13 Safe corridor programs can be effective at selected times and places but, as with escort programs, appear difficult to arrange on a widespread or continuous basis.
- 1.22 Technological devices such as burglar alarms and CB radios and signal devices such as whistles do not appear to possess significant advantages.

3.0 Victim Assistance

Case finding programs such as "Mail Alert" have encountered resistance and/or disinterest on the part of many elderly persons.

4.0 Criminal Justice System Program

The earlier report raised questions about the potential effectiveness of elderly victims as witnesses and of elderly groups as monitors of court processes. These issues, as well as the roles of criminal justice system agencies in dealing with crime against the elderly, are dealt with in more detail in the current report.

END