CRIME AND VICTIMISATION OF THE ELDERLY IN JAPAN

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Japan’s Ageing Society

According to the White Paper on Criminality 1989, in 1959 8 million or 8.7 per cent of the Japanese total population of 92 million were 60 years or older. This proportion increased to 10.5 per cent in 1969, 12.6 per cent in 1979 and reached 16.9 per cent in 1989. It is notable that women of 60 years or more account for 19.2 per cent of the total population compared with 14.6 per cent for men. By the beginning of the 21st century the elderly segment of society is expected to exceed 25 per cent.

Crimes of the Elderly

In 1989, the number of elderly individuals apprehended by the police stood at around 12,000 or roughly 3.9 per cent of the total apprehended by police. This ratio is low compared with the percentage of the elderly among the total population, but represents a considerable increase over the 1977 ratio of 3 per cent.

Offences most often committed by the elderly are property offences—for the most part theft, followed by embezzlement and fraud. By sex, women overwhelmingly—at over 92 per cent—commit theft. Among men, this offence accounts for 63 per cent, with fraud and embezzlement being relatively higher.

As to the proportion of elderly offenders in each crime category, the highest proportion is found in murder/manslaughter, although the actual figure is very small. This result might be because of a high number of attempted murder/manslaughter and attempted double suicides, in which only one partner succeeds. By sex, males represent 4 per cent compared to 7.7 per cent female of elderly offenders.

Theft shows the second highest proportion of elderly offenders. Breaking and entering, which require some skill and physical agility, represents only 1.3 per cent of the elderly,

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while shoplifting and bicycle theft, offences which can be committed relatively easily, also comprise a relatively high proportion of elderly offenders.

**Treatment of Elderly Offenders**

*The elderly in the criminal justice process*

A look at the actual number of elderly offenders and their proportion at each stage of the criminal justice process indicates how the agencies involved attempt to solve the problem of elderly offenders.

Police statistics contain no age categories for the various ways of dealing with offences, such as forwarding to the prosecutor or disposal as a misdemeanour, but the fact that more then 90 per cent of the shoplifting and bicycle theft cases are dealt with without detention indicates that a large proportion of the offences committed by the elderly are disposed of without a trial.

At the level of prosecution, in 1989, 12,400 criminal code offences were dealt with by indictment or suspended indictment with elderly offenders accounting for 3.7 per cent. In total, the rate of suspended indictment was 35.8 per cent. The corresponding rate for elderly offenders, however, was much higher, that is 50.6 per cent. For 31.2 per cent of males indictment was suspended, compared to 42.8 per cent of elderly offenders. For women, the rates were 72.4 per cent in total and 80.3 per cent for the elderly. This shows how the instrument of suspended indictment is applied to a great extent to elderly offenders, especially women.

In 1988, approximately 43,000 individuals were found guilty in a trial at a district or summary court. Of these, 1338 or 3.1 per cent were elderly. This ratio has also been increasing gradually. Among the almost 25,000 new convicts in 1989, 849 or 3.5 per cent were elderly. This indicates a fair increase over the last 20 years: in 1967, the elderly accounted for 1.3 per cent and in 1977, for 1.4 per cent. The changes for elderly female new convicts are especially noteworthy: twenty years ago, they accounted for 2.2 per cent, and reached 3.9 per cent in 1986.

Elderly convicts, in accordance with their physical and mental condition, are given special consideration in their treatment and, if necessary, are subject to a reduced workload or undergo medical treatment.

In probation and parole as well, the ratio of the elderly has been increasing steadily. A recent problem is that the increasing number of released elderly prisoners have no place to live and, therefore, have to enter welfare institutions. Thus, the resocialisation within society of elderly ex-convicts without any family ties is faced with numerous obstacles.

**Crime prevention and resocialisation among the elderly**

Offences committed by the elderly are minor and for the most part property related. While large-scale embezzlement and fraud also occur, these offences are limited to a small number of offenders able to take advantage of their social status and position. The majority of offences committed by the elderly, such as theft, involve items of relatively low value and take place in the close environment of the offender amidst a life of narrow confinement. Frequently, reference is made to the prevalence of sexual offences, especially child molestation, among the elderly. This assessment, however, can probably be attributed to prejudice or misinterpretation rather than actual fact.

Why do the elderly turn to criminal behaviour?
The elderly are forced to retreat from social life against their will, which leads to resentment and further, for many means a serious economic and psychological deprivation. The result may be deviant behaviour.

The elderly, still in possession of their physical and psychological capabilities, have to maintain a way of life appropriate to their age. However, if the loss of work due to retirement is not compensated for by another energy outlet, this energy may be directed towards deviant behaviour.

Those with a long criminal career and a history of recidivism, who have been alternating between life in prison and outside, have lost contact with their families and in their old age are without any social ties. These individuals face numerous problems when released into society. Women offenders in particular have little chance of resocialisation as they increasingly have no relatives to turn to once they reach middle age. Here extensive help is necessary in order to provide satisfactory living conditions to released elderly recidivists in combination with measures of resocialisation.

Victimisation of the Elderly

There are few data available on elderly victims of crime. The mass media frequently report on large-scale fraud cases involving elderly individuals living by themselves, particularly females. It seems necessary to clarify the actual incidence of victimisation among the elderly.

In 1988, 1,632,795 criminal cases involving damage to individuals were registered. Of these, 117,018 or 7.2 per cent of the total involved elderly victims. The so-called intellectual offences (fraud, embezzlement and forgery) accounted for 123,675 cases. Of these, 12,715 cases, that is 10 per cent, involved elderly victims. Thus, the proportion of elderly victims in this crime category is twice that for criminal offences in total. In this context, it is interesting to note that in 7.1 per cent of the theft cases in 1988 the victims were elderly, while among persons detained for theft 5.2 per cent were elderly. This shows that the elderly are more likely to be victims than perpetrators.

Offences where the elderly are most likely to become victims are connected with unlawful business practices such as sales of counterfeit goods, multiple sales, investment fraud, etc.

This high level of victimisation might be due to several factors. The elderly, having accumulated savings over the years, depositing their retirement allowance and living off the interest, have a considerable amount of money at their disposal. As well, in addition to declining health and reduced living options the elderly are prone to feelings of financial insecurity, fear that inflation will diminish their savings, etc. Furthermore, they often have no close relatives such as children or siblings living nearby to turn to for advice owing to the increasing number of nuclear families. Parallel to this, the prevailing overall financial situation with its unstable interest rate resulted in an investment boom. Interest in this was fanned further by the mass media, which also directed interest to the elderly as likely targets for fraudulent activities.

Victimisation Prevention

To protect the elderly from fraudulent schemes, detailed preventive measures are necessary. Advancing urbanisation and industrialisation and the influx of new residents have weakened the feeling of community in residential neighbourhoods and diminished their informal crime
control and mutual support function. This facilitates victimisation of citizens, especially of the elderly. On the perpetrators' side, business morale has declined to the extent that even exploiting the socially weak such as children and the elderly for profit is no cause for embarrassment. In terms of counter-measures, unlawful business practices must be strictly controlled and offenders must actually be punished, not given suspended sentences. Further, penalties close to the upper legal limit should be imposed in order to be effective with respect to general prevention. In order to protect victims, the following measures should be implemented:

- the creation of comprehensive crime prevention activities involving the residents in the neighbourhood;
- local networks to distribute information and offer advice in case of problematic incidents;
- a coordinating agency to analyse the accumulated data and distribute information on those incidents to citizens via a nationwide network, making use of counselling centres, consumer advice centres, neighbourhood crime control posts etc.;
- special supervision, using high-grade information systems, of households with elderly and handicapped individuals living by themselves.

The prevention of victimisation among the elderly is not a problem of criminal policy alone. It has to be examined from an all-encompassing point of view that takes the welfare and safety of the population sufficiently into account. Further, suicide among the elderly is a serious social problem. To solve this, policies that enable the elderly to lead a meaningful life by actively participating in society are needed.

**Select Bibliography**


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