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ELDERLY CRIME

Appearances in N.S.W. Courts of Petty Sessions  
by Persons 60 years of age and over.

Bureau of Crime Statistics and Research

N.S.W. Department of the Attorney-General and of Justice

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Appearances in N.S.W. Courts of Petty Sessions by persons 60 years of age and over

This bulletin contains information on elderly offenders appearing in N.S.W. courts of Petty Sessions and was instigated by an enquiry from the N.S.W. Council of the Ageing who felt that a disproportionate percentage of elderly offenders were appearing in court for shoplifting offences. The following data indicates this was indeed the case in 1978 in N.S.W., but that these offenders generally receive more lenient sentences than younger offenders.

In 1978 there were 7,142 appearances in N.S.W. Courts of Petty Sessions by persons aged sixty years and over. As is shown in Table 1 75.5% of these appearances were for public drunkenness, 7.6% for drink/driving, 16.9% for other offences and only 0.1% for drug offences. In comparing these figures with those for appearances by persons under sixty years of age it is obvious that drunkenness represents a far greater proportion of offences among the older age group. However, as Table 1 indicates, overall appearances by persons over sixty years of age are about one third of the rate of appearances by persons under sixty years of age, the overall appearances by persons over sixty years of age being 10.9/1,000 population compared to 27.7/1,000 population for persons under 60 years of age. Even the offence of drunkenness, which constitutes the bulk of offences for those over 60 yrs. has a slightly lower rate (8.3/1,000 population) than for those under 60 yrs. (10.9/1,000 population).

Table 1 - Appearances in Petty Sessions by Age and offence type in 1978

<u>Offence Type</u>	<u>Over 60 yrs.</u>					
	No.		Rate/1,000*	No.		Rate/1,000*
		%	population		%	population
Drunkenness	5,389	75.5	8.3	44,998	39.3	10.9
Drink Driving	543	7.6	0.8	19,773	16.7	4.6
Drugs	5	0.1	0.01	4,180	3.6	1.0
'Other' offences	1,205	16.9	1.9	46,249	40.4	11.2
<b>Total</b>	<b>7,142</b>	<b>100.0</b>	<b>10.9</b>	<b>114,600</b>	<b>100.0</b>	<b>27.7</b>

\*Rates/1,000 population based on 1976 Census data.

Drunkenness

As shown in Table 2 96% of appearances for drunkenness by persons over 60 yrs. of age were by males, and this is similar to the percentage of appearances by males under sixty years of age (94.5%).

Table 2 - Age and sex of Drunkenness offenders in 1978.

<u>Sex</u>	<u>Over 60 yrs.</u>		<u>Under 60 yrs.</u>	
	No.	%	No.	%
Male	5,176	96.0	42,527	94.5
Female	209	3.9	2,455	5.4
Unknown	4	0.1	16	0.1
<b>Total</b>	<b>5,389</b>	<b>100.0</b>	<b>44,998</b>	<b>100.0</b>

Table 3 shows that the majority (57.5%) of drunkenness offenders over sixty years of age appeared in inner city courts of Sydney, whereas, only 47.5% of younger offenders appeared in these courts. The reason for this larger representation in city courts is probably due to the concentration of older people in city areas and the existence of a 'skid row' population of habitual offenders (See Bureau Report 'City Drunks' 1972).

Table 3 - Age and Court of Appearance for Drunkenness Offenders 1978

Courts	Over 60 yrs.		Under 60 yrs.	
	No.	%	No.	%
City	3,098	57.5	21,364	47.5
Suburban	793	14.7	7,852	17.4
Country	983	18.2	9,483	21.1
'Aboriginal' towns	515	9.6	6,299	14.0
Total	5,389	100.0	44,998	100.0

The outcomes received for drunkenness offenders in 1978 are shown in Table 4. As can be seen slightly fewer offenders over 60 years of age received 'recognizance forfeited' outcomes than younger offenders, 76.8% compared to 80.6%, but more older offenders were 'Fined, in default sentenced to the rising of the court' than younger offenders, 12.4% compared to 8.4%. This again suggests the presence of a group of older habitual offenders, who unable to pay for bail appeared in court and were sentenced to 'the rising of the court.'

Table 4 - Age and Outcome for Drunkenness Offenders 1978

Outcome	Over 60 yrs.		Under 60 yrs.	
	No.	%	No.	%
Recognizance Forfeited	4,144	76.8	36,294	80.6
Admonished and Discharged	423	7.8	3,243	7.1
Fined in default, sentenced to the rising of the Court	670	12.4	3,830	8.4
Recognizance	1	0.1	5	0.1
Fined and Recognizance	4	0.1	37	0.1
Remanded for inebriate action	3	0.1	8	0.1
Fined, in default, 24 hrs. imprisonment	79	1.5	1,017	2.3
Fined, in default, 48 hrs. imprisonment	65	1.2	564	1.3
Total	5,389	100.0	44,998	100.0

Drink/Driving

As shown in Table 1, 7.6% of appearances by persons over 60 yrs. of age were for drink/driving offences. Table 5 shows the breakdown by sex for this offence and as can be seen, 97.2% of appearances for persons over 60 yrs. of age were by males, which is almost identical with the percentage of male appearances by persons under 60 yrs. of age.

Table 5 - Age and Sex of Drink/Drive Offenders 1978

<u>Sex</u>	<u>Over 60 yrs.</u>		<u>Under 60 yrs.</u>	
	No.	%	No.	%
Male	528	97.2	18,656	97.3
Female	15	2.8	517	2.7
Total	543	100.0	19,173	100.0

Table 6 shows the Blood Alcohol Level (B.A.L.) for appearances by persons over 60 yrs. of age where it was known. A slightly smaller percentage (5.7%) of older offenders had high blood alcohol levels than those under 60 yrs. of age, (8.0%), but a larger percentage (40.8%) had medium blood alcohol levels than those under 60 yrs. of age (37.2%) while a similar percentage of both groups had low blood alcohol levels.

Table 6 - Age and Blood Alcohol Level for 1978 Drink/Drive appearances

<u>Blood Alcohol Level</u>	<u>Over 60 yrs.</u>		<u>Under 60 yrs.</u>	
	No.	%	No.	%
Low (0.80-0.155)	260	53.1	9,393	53.6
Medium (0.156-0.225)	200	40.8	6,529	37.3
High (0.226 plus)	28	5.7	1,410	8.0
Unknown	2	0.4	190	1.1
Total	490	100.0	17,522	100.0

The percentage of drink/drive appearances by persons over 60 yrs. of age with previous drink/drive convictions is shown in Table 7. Only 14.8% had a previous drink/drive conviction compared to 21.7% of offenders under 60 years of age.

Table 7 - Age and Previous Drink/Drive Convictions\* for Drink/Drive Appearances in 1978.

<u>Previous Drink/Drive Convictions</u>	<u>Over 60 yrs.</u>		<u>Under 60 yrs.</u>	
	No.	%	No.	%
None	75	85.2	2,458	78.3
1 or more	13	14.8	683	21.7
Total	88	100.0	3,141	100.0

\* A sample of 1 in 6 cases are checked for previous convictions.  
Percentages are therefore estimates for the whole years appearances.

Tables 8 and 9 respectively, show the court outcomes and length of licence suspension received by persons appearing on drink/drive charges in 1978. With regard to court outcomes the most dramatic difference between offenders over 60 years of age and the rest is that a significantly larger percentage of older offenders received a Section 556A outcome than younger offenders. A section 556A outcome means that although the offence was proven no conviction is entered on the defendants record. 38.5% of appearances by persons over 60 years received a S.556A compared to only 5.9% of younger offenders, while 80.3% of younger offenders, and only 51.0% of those over 60 years were fined. Similarly Table 9 shows that significantly more older offenders (50.5%) received no license suspension, compared to those under 60 years (8.9%) while 43.6% of the younger offenders and only 25.9% of the older offenders received suspensions in excess of 6 months.

Table 8 - Age and Outcome for Drink/Drive Appearances in 1978.

<u>Court outcome</u>	<u>Over 60 yrs.</u>		<u>Under 60 yrs.</u>	
	No.	%	No.	%
Dismissed	5	0.9	299	1.6
Recognizance forfeited	2	0.4	189	1.0
Not Guilty	5	0.9	78	0.4
S.556A	209	38.5	1,135	5.9
Rising of the Court	5	0.9	244	1.2
Probation	37	6.8	1,347	7.0
Fine	277	51.0	15,391	80.3
Prison	3	0.6	490	2.6
Total	543	100.0	19,173	100.0

Table 9 - Age and length of licence suspension for Drink/Drive  
Appearances 1978

<u>Length of License Suspension</u>	<u>Over 60 yrs.</u>		<u>Under 60 yrs.</u>	
	No.	%	No.	%
Rising of the Court	16	2.9	445	2.3
Less than 1 mth.	54	9.9	2,410	12.6
1 mth. to less than 6 mths.	111	20.4	6,127	32.0
6 mths. to less than 1 yr.	26	4.8	1,894	9.8
1 yr. to less than 2 yrs.	74	13.7	4,144	21.6
2 yrs. plus	40	7.4	2,330	12.2
No suspension	220	40.5	1,708	8.9
Unknown	2	0.4	115	0.6
Total	543	100.0	19,173	100.0

Table 10 shows that 81.4% of appearances by persons over 60 years of age had legal representation compared to 74.7% of appearances by persons under 60 years of age. Previous Bureau reports have found that legal representation is correlated with more lenient outcomes, however, the slightly higher percentage of older offenders with legal representation would not seem sufficient to explain the relatively greater frequency of S.556A outcomes for older offenders shown in Table 8. Rather, factors such as likelihood to reoffend and previous record probably influence magistrates more.

Table 10 - Age and Legal Representation for Drink/Drive Appearances in 1978.

<u>Legal representation</u>	<u>Over 60 yrs.</u>		<u>Under 60 yrs.</u>	
	No.	%	No.	%
Yes	442	81.4	14,316	74.7
No	101	18.6	4,857	25.3
Total	543	100.0	19,173	100.0

Other Petty Sessions Appearances

As indicated in Table 1 16.9% of appearances by persons over 60 years of age were for other Petty Sessions offences. The major categories of these offences and their frequency of occurrence are shown in Table 11.

Table 11 - Age and Offence for Petty Sessions Appearances in 1978

<u>Offence type</u>	<u>Over 60 yrs.</u>		<u>Under 60 yrs.</u>	
	No.	%	No.	%
Against the person	52	4.3	7,157	15.5
Sexual offences	9	0.7	246	0.5
Prostitution	1	0.1	1,833	4.0
Fraud	19	1.6	1,798	3.9
Break, enter and steal	2	0.2	1,070	2.3
Larceny	686	56.9	9,792	21.2
Unlawful possession	17	1.4	1,351	2.9
Found with intent	1	0.1	75	0.2
Driving offences	56	4.6	4,267	9.2
Betting and Gaming	66	5.5	1,553	3.4
Firearms offences	13	1.1	1,121	2.4
Environmental	0	0.0	173	0.4
Damage Property	19	1.6	2,033	4.4
Vagrancy	69	5.7	649	1.4
Offensive behaviour	151	12.5	8,992	19.4
Other	44	3.7	4,139	8.9
<b>Total</b>	<b>1,205</b>	<b>100.0</b>	<b>46,249</b>	<b>100.0</b>

The most common offences for persons over sixty years of age in 1978 were larceny (56.9%), offensive behaviour (12.5%), vagrancy (5.7%) and Betting and Gaming (5.5%), whereas for defendants under 60 yrs. of age they were larceny (21.2%), offensive behaviour (19.4%), offences against the person (15.5%) and driving offences (9.2%). Although the offences of larceny and offensive behaviour were the most common offences for both age groups the proportion of larceny offences in the over 60's age group is almost three times that of the younger group.

As can be seen from Table 12 91.2% of female appearances and 43.3% of male appearances by persons over 60 years of age were for larceny, the bulk of other offences were committed by males, the 862 male appearances representing 71.5% of all appearances by persons over 60 years of age. The overrepresentation of larceny offences amongst the older offenders, particularly females, compared to younger defendants, is the most striking feature of this data.

Table 12 - Sex and Offence for persons over 60 yrs. of age appearing in 1978.

Offence Type	Male		Female	
	No.	%	No.	%
Against the Person	49	5.7	3	0.9
Sexual offences	9	1.0	0	0.0
Prostitution	0	0.0	1	0.3
Fraud	16	1.9	3	0.9
Break, enter and steal	2	0.2	0	0.0
Larceny	373	43.3	313	91.2
Unlawful Possession	15	1.7	2	0.6
Found with intent	1	0.1	0	0.0
Driving offences	52	6.0	4	1.1
Betting and Gaming	64	7.4	2	0.6
Firearms offences	13	1.5	0	0.0
Environmental	0	0.0	0	0.0
Damage Property	19	2.2	0	0.0
Vagrancy	66	7.7	3	0.9
Offensive Behaviour	141	16.4	10	2.9
Other	42	4.9	2	0.6
<b>Total</b>	<b>862</b>	<b>100.0</b>	<b>343</b>	<b>100.0</b>

#### Larceny

The category of larceny includes a number of offences which may conveniently be broken up into simple larceny (eg. theft of goods left in a public place), shoplifting and other larceny (which includes vehicle theft). Table 13 shows this breakdown of the category of larceny for the years 1975-1978 for persons over 60 years of age. As can be seen the offence of shoplifting has increased dramatically over these years. This increase may in part reflect changes in charging procedures by the police, in that in previous years shoplifters may have been charged with simple larceny, as the drop in simple larceny charges between 1976 and 1977 suggests. However, the fact remains that in 1978 nearly 80% of all persons over 60 years of age charged with larceny were for shoplifting offences, and it appears that there has been a substantial increase in this type of offence since 1975.



Table 13 - Appearances by persons over 60 yrs. of age for larceny 1975-1978

	1975		1976		1977		1978	
	No.	%	No.	%	No.	%	No.	%
Simple larceny	111	22.9	120	23.8	70	11.8	76	11.1
'other' larceny	174	35.9	118	23.5	84	14.1	63	9.2
Shoplifting	200	41.2	265	52.7	440	74.1	547	79.7
Total	485	100.0	503	100.0	594	100.0	686	100.0

As shown in Table 14, 50.5% of convicted shoplifting offenders over 60 yrs. of age were male, whereas in all other age groups, except the 18-20 yrs old group which is similar to the over 60's, the percentage of male offenders was approximately 40%. In the Bureau's 1975 Court Statistics a chapter on shoplifting offenders found the same trend and suggested as an explanation that in the older age group more men spend time shopping due to retirement.

Table 14 - Age and Sex of convicted shoplifting offenders 1978

Sex	Age													
	18-20		21-25		26-30		31-40		41-59		60+		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Male	356	51.6	304	39.8	222	35.8	385	38.3	677	43.2	265	50.5	2732	42.6
Female	334	48.4	460	60.2	398	64.2	619	61.7	889	56.8	260	49.5	3007	57.4
Total	690	100.0	764	100.0	620	100.0	1004	100.0	1566	100.0	525	100.0	5239	100.0

As shown in Table 15, for both persons over and under 60 yrs. of age convicted of shoplifting offences, males were more likely to have a previous conviction than females. However, a higher percentage of both males and females in the over 60 age group were more likely to have had a previous conviction (54.3 of males and 31.1% of females) than those defendants under 60 years of age (48.6% of males and 27.6% of females).

Table 15 - Previous Convictions\* and sex of shoplifting offenders 1978.

Previous convictions	Over 60 years						Under 60 years					
	Male		Female		Total		Male		Female		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
None	16	45.7	31	68.9	47	58.8	166	51.4	330	72.4	496	63.7
1 or more	19	54.3	14	31.1	33	41.2	157	48.6	126	27.6	283	36.3
Total	35	100.0	45	100.0	80	100.0	323	100.0	456	100.0	779	100.0

\* Criminal records are checked for a sample of 1 in 6 cases. Percentages are therefore estimates for whole years convictions.

Table 16 shows that the percentage of shoplifting offenders over 60 years of age with previous convictions has increased significantly since 1975, from 26.5% to 41.2% in 1978. This suggests that these offenders may be a particular sub-group of people over 60 years of age who appear in court regularly.

Table 16 - Percentage of shoplifting offenders over 60 years of age with previous convictions 1975-78

	Percentage with previous conviction
1975	26.5
1976	32.1
1977	30.0
1978	41.2

As can be seen in Table 17 the most common outcome for larceny offenders of all ages was a fine, with 50.4% of persons over 60 years of age and 61.3% of younger offenders receiving this outcome. However, the next most common outcome for older offenders was a S556A (27.3%) which was received by only 7.6% of offenders under 60 years of age. This would seem to indicate a more lenient attitude, by magistrates, to older larceny offenders.

Table 17 - Age and Outcome for Larceny Appearances in 1978

<u>Outcome</u>	<u>Over 60 yrs.</u>		<u>Under 60 yrs.</u>	
	No.	%	No.	%
Dismissed	10	1.4	242	2.5
Recognizance Forfeited	9	1.3	217	2.2
Not Guilty	12	1.8	339	3.5
S.556A	187	27.3	747	7.6
Rising of the Court	8	1.2	81	0.8
Recog. with/without Probation/Fine	70	10.2	1,367	13.9
Fine	346	50.4	6,009	61.3
Prison	44	6.4	790	8.1
Total	686	100.0	9,792	100.0

Table 19 shows the outcomes received by persons over 60 years of age for all other petty sessions offences. Imprisonment was greatest for the offences of break enter and steal, fraud and vagrancy. Overall the most common outcomes for persons over 60 years of age were Fines (44%), S.556A (20.6%), Recognizance (8.5%) and imprisonment (7.9%).

Table 18 shows the overall rate of legal representation for petty sessions offences excluding Drunkenness, Drink/Driving and Drug offences for persons appearing in 1978. The over 60 age group being slightly less likely to have legal representation (48.5%) than those under 60 years of age (53.4%).

Table 18 - Age and Legal Representation for 1978 Petty Sessions appearances

<u>Legal Representation</u>	<u>Over 60 yrs.</u>		<u>Under 60 yrs.</u>	
	No.	%	No.	%
Yes	585	48.5	24,694	53.4
No	620	51.5	21,555	46.6
Total	1,205	100.0	46,249	100.0



