

# Elderly sex offenders: causes, crimes and punishments



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## **Introduction**

In the recent years, the number of reported crimes involving geriatric offenders has increased, especially in sex related offences. Although there is a recent spate of sex offences, there has been minimal discussion with regard to sex offenders who commit their crimes in their golden years. Furthermore, the media has been seen to portray the elderly as feeble and delicate targets for criminals, more than a perpetrator of crimes. This essay will firstly define the “ground rules” and establish a common understanding of the age range of the elderly. Part II of the essay will examine and discuss the types of offences committed by elderly sex offenders, follow by the reasons for committing the sexual crimes. Part III of the essay will delve at the current punishments and treatments for geriatric sex offenders based on classical and positivist approach. Finally, Part IV will offer some recommendations on the way forward of elderly sex offenders.

## **Definition of an Elderly Person**

According to the World Health Organization (WHO), most of the countries worldwide have accepted the chronological age of 65 years as a definition of elderly person (WHO, 2010). This definition also coincides with the definition of elderly in United States. In Singapore, however, the elderly, or otherwise known as senior citizen, own their status once they have reached the age of 55. Although senior citizenship starts from the age of 55, it is worthy to note that Singaporeans retired at the age of 62 and statistics from the government actually delineate age 65 and above from the others when determining the age structure for the purpose of statistics (Statistic Singapore, 2010). Ironically, criminals whose age are 50 and above are not <https://assignbuster.com/elderly-sex-offenders-causes-crimes-and-punishments/>

subjected to canning regardless of the offences committed, though the average life expectancy of Singaporeans is 81. 4 (Male: 79 and female: 83. 7). For the purpose of this essay, we will define age 65 and above to qualify as elderly.

## **Offenses Perpetrated by Elderly Sex Offenders**

While the majority of the sex offenders are still committed by younger men, statistics show that nearly 4 percent (2858 persons) of the sexual crimes in United States in 2006 were age 60 and above (Sullivan, 2007). Whereas in Singapore, there were 50 over sexual crimes in 2009 and out of the 50 over cases, less than 5 cases are elderly offenders. Generally, sex offences committed by elderly are more passive sexual activities as compared to younger sex offenders. Research has shown that elderly sex offenders are more likely to commit non-violent sexual offences such as pedophilia, fondling or molest, statutory rape, exposing of the genitals and other acts of exhibitionism (Eysenck & Gudjonsson, 2000). For example, a recent case of 90 year-old Australian arrested and charged for raping four young sisters (age 5 to 7) whom he allegedly lured to his home in Thailand with imported chocolates and English lessons (Suchaovanich, 2010). In Singapore, a 68 year-old magician was arrested and charged for molesting a 12 year-old apprentice (SSN, 2009). Although there are many different scenarios of elderly sex offenders, these 2 incidents seem to suggest that elderly sex offenders frequently choose children as their victims and are more likely to do so than younger offenders. Potential reasons postulated that the elderly men have lost their charisma and are generally unattractive to females. Also, the fact that ' grandfather' image tend to be more trust worthy than younger

men and this increases the opportunity of committing sexual crimes.

Besides, young victims are less able to defend themselves and easier to bribe and less likely to report such incidents (Hucker, 1984).

## **Possible Reasons for Sexual Crimes**

Other possible reasons seem to indicate that elderly sex offenders may be suffering from a “lost sense of masculinity.” Furthermore, sexual crimes are committed by elderly offenders who are feeling less potent and less active in their golden age. It is postulated that by victimizing someone less powerful, the elderly is able to recover his lost self-esteem (Benett, 1987). Another postulation by Hucker and Ben-Aron (1987) seems to suggest that “they are unable to physically live out their fantasies and hence, only capable of performing their desires in a limited sexual capacity.” Additionally, it is also hypothesized that the elderly sex offenders are overwhelmed by typical problems such as social isolation and loneliness due to separation from grown up kids, death of spouse or even poverty. One of the prison psychologists, Susan King felt that elderly offenders are still sexually driven. However, due to their health condition and potency, they become frustrated and therefore acted on children simply because they are easy targets. Moreover, elderly sex offenders do not want to seek counseling or treatment (Rayburn, 2007).

## **Punishment or Treatment of Elderly Sex Offenders**

According to the Penal Code (Chapter 224, Section 375 and 376), the penalty for sex offences is imprisonment of not less than 8 years and not more than 20 years, and shall also be punished with not less than 12 strokes of cane.

Most of the countries have average sentence of 12 years for rapists but <https://assignbuster.com/elderly-sex-offenders-causes-crimes-and-punishments/>

caning is not commonly used in some countries such as United States and some African nations. Usually, a criminal justice system is more inclined towards the classical approach as this theory is very “ policy oriented and concentrates on establishing and operating a criminal justice system that is rule-based, consistent and predictable” (Joyce, 2006). Punishments meted out by such system are usually acted as a form of deterrence to members of public from committing crimes. Other than the classical approach, positivist theory is another approach to deal with crimes. Rather than focusing on the law and the offence committed, this approach looks into the contributing factors leading to the crime. It advocates treatment and rehabilitation over punishments. However, more often than not, when elderly sex offenders are convicted of their crimes, the question that will be normally raised, “ what to do with these criminals?” “ Which approach to be used?” While there is a strong disinclination of locking the feeble and frail elderly into the prison and spend his final years, nobody would allow a sex offender to be roaming in the streets and inflicts harm on the children. In United States, sex offenders are banished from the towns and they are restricted from living 750 meters within the streets and schools. They were forced to live under bridges and homeless (Kelley, 2010). In fact, many of these elderly sex offenders are first timer with no prior criminal record of any sexual or other offense (Hart, 2008). If Singapore were to impose such restrictions, we will see sex offenders congregating outside the city and this would have other repercussions and inadvertently create other social problems in the society.

Another important aspect that influence and shape the public’s perception is the power of media as it exerts an imperative influence on the popular

perception of the nature and effect of crime. Just because “ sex, violence and controversy sells newspaper”, it actually enables profit-run mass media companies to publish and sensationalize stories that the public would generally be interested in reading and watching so as to boost the sales and advertising revenue. However, the media is not providing an accurate portrayal of the news and allows deviance amplification and moral panic to set in. In essence, the members of public forms their opinions of the offences and crimes based on what they read and watch. Take it for instance, the media in Singapore has always portrayed the elderly as frail and frightened, being the victims of robbery rather than perpetrators of crimes.

## **Recommendations**

Besides the usual classical system meted to punish elderly offenders, the system should advocates for a sympathetic treatment of elderly sex offenders because the elderly offenders tend to be non-aggressive in their acts, possess low recidivism rate and deprived of notable social, health and mental problems (Hucker, 1984). In fact, evidence from Steffensmeier (1995) seems to imply that elderly sex offenders receive more lenient sentences than the younger offenders. One possibility for reconciling the differences in sentencing might be due to the fact that elderly sex offenders are generally less aggressive towards their victims and are more likely to commit “ non-violent” sexual offenses when compared to younger sex offenders. Some of the elderly sex offenders suffer from sicknesses such Parkinson disease, Alzheimer’s, dementia and other elderly illnesses. As such, by sending the elderly sex offenders to the prison may aggravate their health condition because the prisons are geared primarily for young offenders and it has little

emphasis placed on special problems of incarcerating the elderly offenders. Moreover, increased numbers of elderly offenders will equate to an increased in the medical cost and facilities required for the elderly.

With the increase in elderly offenders, setting up an elderly prison might be worthwhile considering as the prison can be tailored to the elderly offenders' special needs such as medical and psychological facilities and equipment available for the offenders. In the state of Nevada in United States, the governor implemented a special needs program for different groups of offenders such as the elderly offenders, pregnant offenders, sex offenders and etc (NDOC, 2007). The Ministry of Home Affairs could perhaps set aside certain percentage of the allocated funds to run such program when elderly offenders have increased substantially.

For a stronger deterrence message to prevent elderly offenders from committing sexual crimes, the government should also review the Penal Code and relook into the caning requirements, if the country's law and order is based on classical approach. As brought up earlier, caning for age 49 and below does not coincide with the life expectancy as well as the criteria age for elderly. The government should revise the mandatory caning requirement to age 64 and below for serious offences and caning can still be carried out for age 65 and above subjected to medical examination. In this way, the punishment meted can transmit a stronger deterrence signal to future elderly sex offenders. For a justice system to be more effective and encompassing, the government should consider a mixture of both the classical and positivist approaches.

## **Conclusion**

While elderly sex offenders only account for a small percentage of sexual crimes committed, it is definitely alarming that an elderly who has lived within the norms of society for their entire life can commit such horrendous acts at such a late stage in their life and turn into a “dirty old man.” Nevertheless, elderly sex offenders are generally less violent and their intention is never to harm their victims, the crime is committed purely out of personal gratification. With the increase in elderly offenders, dedicated prisons are recommended for elderly offenders and they can make use of the medical facilities for their health and mental treatment.