Applying Routine Activity Theory to Crimes Against Vulnerable Adults and The Elderly

Submitted To The Department of Public Safety

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Contents

Acknowledgements

Executive Summary

Routine Activity Theory, a criminological theory that describes the circumstances in which crime occurs, can be applied to crimes against vulnerable adults and the elderly. Using a variety of data sources this report examines this theory and finds:

1. Vulnerable Adults are more likely to be victimized by someone they know.
2. People charged with violating the Vulnerable Adult statutes have criminal histories that indicate a specialization in criminal activity, compared to those of the general offending population.
3. People charged with violating the Vulnerable Adult statutes are significantly older than the general offending population.
4. Most crimes against the vulnerable and the elderly take place in a private home.
5. The elderly are more likely to be victims of larceny, while the vulnerable adults are more likely to be victims of fraud.

Routine Activity Theory can explain the victimization against the vulnerable and elderly. Using this framework, policy makers and stakeholders can begin to create policies and programs that can help keep vulnerable and elderly Vermonters safe.

Introduction

Vermont is committed to providing a safe environment for our elderly and vulnerable adult populations in which to live and thrive. Vermont agencies and stakeholders work to ensure that the most vulnerable Vermonters are protected from criminal activity and regularly examine polices and laws to ensure best practices in independent and safe living.   Understanding how and why offenders engage in criminal behavior can help policy makers design policies targeted at reducing victimization. This study looks at Vermont data relating to crime and victimization of elder and other vulnerable adults to determine whether routine activity theory works as a framework for understanding the behavior of offenders and the circumstances that allow the crimes to occur.

Routine Activity Theory is a criminological theory that looks at crime from the offender's perspective. It posits that crime happens within the normal structure of society and for a crime to occur there must be a motivated offender, a suitable victim, and no guardian[1] capable of deterring the crime (Felson & Cohen, 1980). As applied to vulnerable adults, the theory says that a motivated offender chooses a victim based on easy and unguarded access (DeLima, 2018) (Payne & Gainey, 2006). For example, if an offender wants to steal property to sell for drug money, it is easier to steal from family while visiting than to steal from a jewelry store.

Therefore, the offender will choose to steal from family as opposed to the jewelry story simply because it is easier, and there is better access during routine daily activities. Routine activity theory applies to crimes of violence as well as property crimes. Scholars have found support for this theory when examining sex offenses and assaults. Beuaregard and Martineau (2015) found that motivated sex offenders target victims and are successful in the absence of a capable guardian. Others have produced similar findings for domestic assaults and stalking (Mannon, 1997), (Mustaine & Tewskbury, 1999). If committing violence is the reward, the offender will commit violence if the other two prongs are present (Payne & Gainey, 2006). If routine activity theory helps explain the
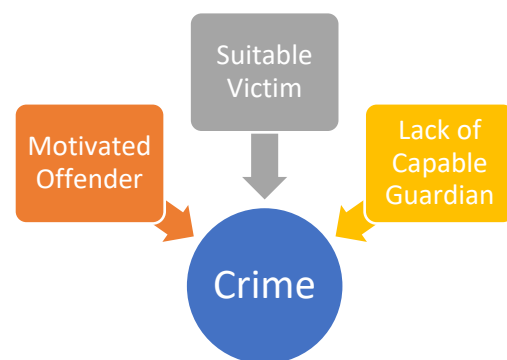

Figure 1 Routine activities theory

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[1] Guardian in routine activities theory is not referring to a legal guardian, although that role is included in the definition. In routine activities theory, a guardian could be police, a parent, a dog, security cameras, policies that require two signatures, etc.

victimization patterns in Vermont, then policy solutions can be designed based on any of the three factors of routine activity theory to reduce victimization.

Datasets

For this study four datasets were used to study crimes against the vulnerable or the elderly: the National Incident Based Reporting System (NIBRS), Vermont criminal histories, Vermont adjudication data, and National Abuse and Maltreatment Reporting System (NAMRS). Each dataset captures different information about victims and/or offenders. Table 1 illustrates the data elements each dataset records.

Table 1. Data Included in Datasets

	NIBRS	VT Criminal Histories	Adjudication Data	NAMRS
Disability Status of Victim			X	X
Age of Victim	X			X
Location of Incident	X			X
Relationship of Victim to Offender	X			
Other Circumstances of the Offense	X			
Offender's Demographics	X	X	X	
Offender's past arrests/charges/convictions		X		

Crime Research Group (CRG) first identified cases where there was a defendant charged with violating laws relating to the abuse, neglect, and exploitation of vulnerable adults (13 V.S.A. §§ 1375-1386. CRG then obtained the offenders' criminal histories, and, using the incident number, tracked these cases into NIBRS to understand the circumstances of the offense. The victims in this dataset presumably meet the definition of "Vulnerable Adult" as set forth in 13 V.S.A. § 1375. (Changed in part for clarity):

> (8) "Vulnerable adult" means any person 18 years of age or older who:
>
> > (A) is a resident of a licensed care facility;
> >
> > (B) is a resident of a psychiatric hospital or a psychiatric unit of a hospital;

(C) has been receiving personal care and services from an agency certified by the Vermont Department of Disabilities, Aging and Independent Living or from a person or organization that offers, provides, or arranges for personal care; or

(D) regardless of residence or whether any type of service is received, is impaired due to brain damage, infirmities of aging, or a physical, mental, or developmental disability that results in some impairment of the individual's ability to:

> (i) provide for his or her own care without assistance, including the provision of food, shelter, clothing, health care, supervision, or management of finances; or
> (ii) protect himself or herself from abuse, neglect, or exploitation.

13 V.S.A. § 1375(8).

The analysis on the merged dataset is supplemented with the NAMRS data to provide more understanding about the offenses, including whether they happened in a residential care facility or were committed by a service provider.

Using NIBRS data, the crimes committed against individuals who are age 60 and above were analyzed separately. Not all of these victimizations[2] could be matched into the court data. Those that were matched were either in the cohort of vulnerable adults identified above or there were too few cases to perform an informative analysis. This NIBRS analysis still helps evaluate routine activity theory as a framework for understanding crime against this population.

Routine Activity Theory and Crimes Against Vulnerable Adults

Vermont punishes certain crimes against vulnerable adults as defined statutorily differently than crimes against non-vulnerable adults. These crimes are codified in 13 V.S.A. § 1375-1386. Using the Court Adjudication database, all individuals were identified who had charges disposed for these statutes. For the years 2015-2019, there were 124 defendants with cases in the database, 107 were matched into VCIC and their rap sheets were obtained. Of the 107, 51 were matched to an incident in NIBRS.[3] This section examines these data for the three prongs of routine activity theory: victim

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[2] NIBRS is crimes reported to the police and not all crimes reported result in arrests. Not all arrests result in prosecutions, and only prosecuted cases appear in the court data. The low number of matches was not surprising.
[3] There should have been a NIBRS entry for most of the incidents. All the crimes in the vulnerable adult statutes are reportable under NIBRS. Some charges were missing because the incident date was before 2015, the start of Crime Research Group's access to full NIBRS data. Other charges may be missing because of previously identified data quality issues discussed here: CRG's data quality assessment.

vulnerability, offender motivation, and lack of guardian to protect the victim. Each incident had one victim and one offender.

Characteristics of Victims

There were 51 victims in the dataset. Table 2 presents information on their demographics and victimizations.

Table 2. Victim Characteristics

Characteristics	Number of Victims	Percent of Total
Average Age	68.21	
Gender		
Male	23	45.10%
Female	26	50.98%
Missing	2	3.92%
Race		
White -Non-Hispanic	48	94.11%
All Other	3	5.8%
Offenses[4]		
Fraud Offenses	25	37.37%
Larceny/Theft Offenses	12	17.91%
Assaults	9	13.43%
Counterfeiting	8	11.94%
All Other Offenses[5]	13	19.40%

Victims ranged in age from 18 to 93, however, 56.86% were over the age of 70. Crimes of violence were committed against all age groups except those over 90. Younger victims were more likely to be victims of a crime of violence only and not fraud or other property offenses.

The crimes against these victims were prosecuted under the vulnerable adult statutes, and these victims need some form of assistance in their daily lives (i.e., a "vulnerable victim"). As such, within the routine activity theory criteria, the first prong constituting a "suitable victim" is met. However,

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[4] A victim may be a victim of more than one offense. Numbers will not add up to total number of victims.
[5] Includes NIBRS offense categories: Sex Offenses, Destruction of Property, Narcotics Offenses, Robbery, and Kidnapping.

the nature of the disabilities these victims experience and how the disabilities impact their victimization is unknown.[6]

The NAMRS data has the potential to record more information on victims experiencing maltreatment as to the nature of their disabilities, and their demographics including marital status, employment status, guardianship, and case management services provided. This data source could help inform policies and programs for this population and the state is strongly encouraged to invest in data systems that will allow the Department of Disabilities, Aging and Independent Living (DAIL) to fully participate in this valuable data source.

Characteristics of Defendants Charged with Vulnerable Adult Abuse

Routine activity theory requires motivation on the part of the offender to commit the offense as well as access to the victim. Administrative data do not include the reason an offender committed a crime but do assist in understanding who commits crimes against vulnerable adults. Table 3 provides information on the 98 defendants whose data were matched into Vermont Crime Information Center to obtain their criminal histories as well as additional information on 51 of the 98 offenders from NIBRS data.

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[6] Victims Compensation Program data was received relating to the disability status of claimants. However, the data do not capture whether the disability was a result of the crime, but that the person asserts disability at the time of the claim.

Table 3. Defendant Characteristics

Characteristics	Number of Defendants	Percent of Total
Age		
20-25	7	7.14%
25-29	11	11.22%
30-39	24	22.49%
40-49	28	28.57%
50-59	19	19.39%
60-69	5	5.10%
Over 70	4	4.08%
Gender		
Male	58	59.18%
Female	39	39.80%
Missing	1	1.02%
Race		
White	72	86.73%
All Other	3	3.06%
Missing	10	10.20%
First Time Vermont Offender		
Yes	31	31.63%
No	67	68.36%
Prior Vulnerable Adult Charge		
Yes	4	4.08%
No	94	95.91%
Relationship to Victim[7]		
Family[8]	7	13.72%
Friend/Acquaintance [9]	9	17.64%
Missing/Unknown [10]	35	68.62%

[7] The relationship to the victim is from the NIBRS data. N= 51.
[8] Includes the following NIBRS Categories: Boyfriend/Girlfriend, Spouse, Grandparent, Parent, Other Family Member.
[9] Includes the following NIBRS Categories: Friend, Acquaintance, Neighbor, Otherwise Known.
[10] The missing data for relationship to victim is high, given that there was an arrest and prosecution in all cases. This is an indication that perhaps an investigation is still ongoing when the NIBRS victim segment is submitted and not updated for the relationship status.

Women offenders were more likely to victimize people over 60, while male offenders made no distinction on the age of the victim. This indicates that female offenders may be choosing victims based on a specific factor, such as proximity, as opposed to random selection. If routine activity theory is not explaining this behavior, a normal distribution of the age of the victims would be expected and not targeted as it appears.

Males were the only defendants who were accused of sex crimes, and their victims ranged in age. The sex offenders were serial sex offenders and had multiple past charges of sex offenses in their record, indicating that the male sex offenders are polished, are not choosing their victims randomly, or that the sex offense is the result of another offense such as in the context of domestic violence. Male defendants who were over the age of 60 who committed violence did so against friends, acquaintances, and otherwise known individuals. Only one violent offense committed by a person over 60 was committed against a family member.

Prior Criminal History

Individuals charged with violating the vulnerable adult statutes have a different criminal history than the general offending population in Vermont. Defendants committing crimes against vulnerable adults were more likely to have a criminal history prior to the offense. Almost 32% of defendants in these cases had a prior criminal history, compared to 20% of the general offending population. They also appear to start their criminal careers later in life, the average age of first conviction was 27 compared to 25 in the control group. Fifty percent of the defendants committing crimes against vulnerable adults were under the age of 24 when they earned their first conviction compared to fifty percent of the control group being under 22 when the first conviction was earned.

The nature of the prior charges is also different.[11] The most common prior charge for the defendants was a fraud charge. Twenty-two of the 67 defendants with a criminal history accounted for 500 prior charges of a fraud crime. Fraud crimes include identity theft, bad checks, false pretenses, and other crimes involving trick or subterfuge. The most common prior charge for the

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[11] For purposes of this analysis, charges of 13 V.S.A. § 7559(e) - violations of conditions of release while on bail were excluded. It is not ascertainable from the data if there is an actual substantive offense associated with each charge.

control group was a charge against public order, such as disorderly conduct or unlawful trespass. Defendants committing crimes against vulnerable adults also had more extensive criminal histories with the defendants having an average of 32 prior charges versus 9 prior charges for the control group. The differences between the control group and the defendants committing crimes against vulnerable adults are outlined in Table 4.

Table 4. Defendants Offending Against Vulnerable Adults vs. Control Group

Characteristics	Defendants Offending Against Vulnerable Adults	Control Group
Total Number in Cohort	98	523
Average Age of Cohort	42.31	26.29
Average Age of First Conviction	26.84	24.76
Gender (%)		
Male	59.18%	69.40%
Female	39.80%	30.21%
Missing	1.02%	.38%
Race (%)		
White	86.73%	86.45%
All Other	3.06%	8.03%
Missing	10.20%	4.78%
First Time VT Offender %		
Yes	31.63%	19.31%
No	68.36%	80.68%
Average number of prior charges	33	9
Most Common Prior Charge Type	Fraud	Public Order

People who are charged with violating vulnerable adult statutes are more specialized in their criminal history than the general offending population in that they focus more on financial crimes.[12] Further, they are more likely to be older than the general offending population, with a higher ratio of female offenders. This could represent the feminization of care, both in the profession and in

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[12] A next step in analysis should be creating a control group of defendants charged with fraud/embezzlement crimes as opposed to the general offending population. A prior study on property offenders arrested by Vermont State Police in 2017 found that the most common charge in criminal history records was public order offenses, the average age of the offender was 31, and 29% were first-time Vermont offenders. See CRG's report on property crimes and opiates. The age/criminal history differences noted in this study may be attributable to the type of offenses committed by the cohort group, which was largely fraud and other property crimes. However, there are differences in the populations that VSP patrols/has primary jurisdiction vs. the rest of the state. And the age/criminal history distinction in that study may be based on location and not criminogenic behavior. More research is needed.

home life. The differences between the control group and the defendants charged with the vulnerable adult statute indicate that the offenders are motivated and specialized, further supporting routine activity theory as an explanation.

Guardianship

The third prong of routine activity theory is lack of a capable guardian to protect the victim. Guardianship here can mean many different things including an actual court-appointed or other guardian, observation by others, cameras to protect property, accounting controls, etc. The NIBRS data supplemented with NAMRS data suggest that people are victimized in private spaces by people who are allowed access or at least for whom access is not questioned.

Using the combined dataset of the 51 offenders matched into NIBRS, the location of the offenses against vulnerable adults can be identified. The 51 offenders committed 73 offenses against people as opposed to the government or a business.[13]

Victims were overwhelmingly victimized in their homes, with 63% of the victimizations occurring there. A bank was the next most common place of victimization, with 23% of victimizations happening at a bank. The place of victimization is where the crime is completed. For example, if a person steals and writes checks that are cashed at a bank , then the location of the crime would be a bank.

The NAMRS data, collected by DAIL, records allegations of abuse. The data suggest that crimes against the elderly or vulnerable happen largely out of the public view. Of the 903 alleged abuse incidents reported to NIBRS, 60% were reported to have occurred inside a private home, only 5% in residential care, and 4% in a nursing home. The remaining allegations were mostly in "other" or "unknown."

As discussed above, the relationship of the victim to the offender is missing in too many cases to draw a clear conclusion. However, family, friends and acquaintances make up 30% of the known offenders in the victimizations of vulnerable adults. These people would not be out of place in a person's home or near them. Trusted individuals with proximity to vulnerable persons can provide

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[13] Offenses where the victim was the government or a business were excluded.

place and opportunity ripe for victimization. As such, these victimizations can often be less publicly visible.

Routine Activity and Crimes Against the Elderly in NIBRS

Although routine activity theory has been applied to elder abuse, research has largely focused on specific settings (e.g., residential) or specific populations involving cases handled by a financial auditor (Payne & Gainey, 2006), (DeLima, 2018). NIBRS data is used to explore crimes against those over 60 to determine if routine activity theory can apply more broadly.

From 2015-2019 there were 12,000 victims over the age of 60. The age of victims further breaks down as follows:

Table 5: Victimization Number and Rate for Victims over 60

Age Group	Number of Victims	Rate per 1,000 of Population
60-69	7,219	80.35
70-79	3,428	62.16
80-89	1,172	42.01
Over 90	242	54.54

The rate of victimization is highest for those aged 60-69. The number and rate of victimization declines throughout the age bands. However, victims over ninety are victimized at a rate higher than that of the 80-90 years old people. Table 6, on the next page, illustrates the differences in victimization patterns between victims who are over 60 and those who were identified as vulnerable adults:

Table 6. Victimization Patterns of Victims >60 v. Vulnerable Adults

Characteristic	Over 60	Vulnerable Adult
Offenses[14]		
Larceny	36.95%	17.91%
Fraud	14.09 %	37.37%
Destruction of Property	21.16%	1.39%
Burglary	17.62%	0 %
Location[15]		
Residence	62.23%	63.01%
Bank	2.93%	23.29%
Roadway	7.35%	0%
Parking Lot/Garage	6.58%	0%
Relationship to Offender[16]		
Family	37.76%	13.72%
Friend	44.18%	17.64%
Stranger	12.80%	NA

There are differences in the victimization patterns for vulnerable adults versus people over 60. Most notably, the types of crimes experienced by people over 60 are different than for those individuals defined as vulnerable under Vermont law. The differences in the victimization patterns also support the theory of routine activity. For example, the statutory definition of a vulnerable

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[14] Only the most common are listed, does not add up to 100%.
[15] Only the most common are listed, does not add up to 100%.
[16] Only the most common are listed, does not add up to 100%.

person is that their daily life is impacted by their disability or age. They may be more likely to have formal or informal fiduciary relationships, and this explains why fraud is the most common crime.

People over 60 who are not considered vulnerable under the statutes are more likely to have mobility and the ability to move out and about in the community. This makes them susceptible to being victimized in parking lots and roadways, as opposed to the vulnerable who may be limited in their capacity to be mobile, or they may be accompanied (with a capable guardian) when they are out in the community. Looking at the age bands in the NIBRS data, the over-60 data support this. Seventy percent of crimes against those over 90 occurred in the home compared to 65% of those 60-69. There were no victimizations of those over 90 in parking lots or roadways.

Conclusion

Routine activity theory works as a framework for understanding crimes against the vulnerable and elderly. The vulnerable and elderly are victimized in their homes by people they know and offenders who are adept at offending.   Starting with this framework, policy makers and stakeholders can begin to craft policy that addresses the three prongs of routine activity theory to help reduce victimizations.[17] Policies and practices that increase support and capable guardians for elders and vulnerable populations in their homes will help reduce victimization. Such policies or practices may include encouraging strong social networks acting as capable guardians, personal finance multifactor authentication, or other strategies that increase the number of people who can protect the person. As the population of Vermont ages, its vulnerable population will increase. Working now to have supports in place will help reduce the impact of crime on the vulnerable and elderly in the future.

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[17] It is incumbent upon society, not victims, to reduce victimizations.

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