

# CPS consultation on crimes against older people policy guidance: Northumbria Police & Northumbria Police and Crime Commissioner Response

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VERA BAIRD QC  
POLICE & CRIME COMMISSIONER



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This response to the CPS consultation on their policy guidance on crimes against older people is submitted on behalf of:

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## Executive Summary

- The population of England and Wales is ageing. While research shows that those in this age group are less at risk of crime overall than other groups, some crime types - such as those linked to physical, mental, or financial abuse - disproportionately affect older people. The average age of victims of scam mail, for example, has recently been put at 74 years.
- This CPS policy is welcome, in its ability to set out clearly the recognition of crimes against older people, the process and considerations to be taken in prosecution and the support available.
- Though the policy broadly meets its aims, it may benefit from some additional explanation, as set out below.
- The CPS should work with key partners, such as police forces, to increase understanding of crimes against older people – patterns, motivations, dynamics and barriers to reporting.

**Q1. Does the section on 'CPS Policy' address the key issues in prosecuting crimes against older people and clearly explain the public interest factors to be taken into consideration by prosecutors?**

- The Policy guidance clearly outlines that older people can be targeted by criminals due to the perception of some that their age makes them somehow vulnerable.
- Whilst there is no statutory definition of 'older people' or crimes against them, the policy guidance clearly shows that the CPS has a good understanding of the dynamics of crime against older people which may make it different to the same crime against somebody of a different age. This is likened to hate crime to demonstrate this.
- The guidance could benefit from more explanation about how age is a protected characteristic and thus crimes against older people due to their age may be taken more seriously for this reason.
- CPS policy considerations on prosecuting are clearly set out and references to intersectionality are promising. This term might be explained more fully however.
- Relevant factors in the public interest are clearly set out.

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- The policy outlines the responsibility to invite the courts to increase sentences that take into account the impact of the crime on the victim and that the targeting of an older person is an aggravating factor. This is a welcome addition and linked to a key priority in the Northumbria Police and Crime Plan regarding building community confidence and trust. Acknowledging the impact of crimes on the victim and the wider community aid this confidence in the police and wider criminal justice system.

**Q2. Does the section 'Monitored crimes against older people' clearly explain the types of cases the CPS wishes to flag and monitor? Do you think this flagging definition will capture the relevant cases? Is the age limit appropriate?**

- The CPS definition for flagging a crime against an older person appears sensible, given the lack of statutory or agreed definition of such crime.
- The flagging process appears a good way to monitor this crime type, given that it is not a specific category.
- However, given that this policy guidance appears to be aimed at the public, it may be beneficial to clearly explain what 'flagging' means.
- Flagging may cause the prosecutor to think more carefully about whether there is a vulnerability or whether the victim as targeted because of a perceived vulnerability
- Northumbria Police similarly take each older victim as they presented and provide suitable safeguarding in accordance with their needs. The police would do this through their definition of 'vulnerability': *"A person is vulnerable if as a result of their situation or circumstances, they are unable to take care of, or protect themselves or others, from harm, exploitation or other adverse impact on their quality of life"*.
- Any resulting safeguarding decision taken by Northumbria Police will follow the 'Making Safeguarding Personal' definition to shape the approach: *"Any Adult Safeguarding incident response, referral or investigation which should be person-led and outcome focused. MSP aims to ensure equality of service provision and police response to all adults at risk within the remit of this procedure regardless of their race, gender, class, culture, disability, sexuality, age, or religion / belief"*.
- The CPS approach appears to mirror NP's and presumably most forces in the country.

**Q3. Do the sections on 'Offending behaviour' and 'Vulnerability of older victims' reflect and address the types of crime older people can experience and the diversity of circumstances of older people?**

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- This section sets out various crimes that older people can experience and essentially states that older people can be victims of almost any crime – there is no specific types of elder crime. It may be clearer to state this at the beginning of the section.
- The CPS guidance recognises that prosecutions reflect the seriousness of the offence, which is welcomed. Any evidence of pre-mediated or persistence is also taken into account in decision making. Provable intent and the severity of an injury also contribute to how a case is presented.
- Northumbria Police have been able to map where crimes occur and what types of crime relate to older people. They know that crimes against older people take place not only in their own homes but other places such as communal homes and hospitals as well as public places. This is described in the policy from the CPS as well.
- Within this crime data, the police flag the victims as ‘vulnerable’ based on the wider vulnerability definition above. It should be noted that there is no age limit (minimum or maximum) where a victim will be flagged as vulnerable simply due to their age.
- The CPS sets out promising commitments in the ‘vulnerability’ section – especially to not make assumptions regarding an older person’s reliability or credibility and challenge this practice and to recognise that assumed vulnerability can be a motivating factor for a perpetrator to target an older person.
- The CPS in this section also commit to ensuring that ‘older people are aware of the support that is available’. To demonstrate this it would be useful to set out/insert a link to available support services and to the VCOP etc. The VCOP is set out later in the guidance but more explanation and a link to the Code would be helpful to ensure older people can obtain information all in one place.
- On the subject of ensuring support – the CPS should work with key partners, such as police forces, to identify where crimes against older people are most prevalent and ensure they get the information needed to recognise and report any crime. For example, using Northumbria Police findings and analysis, the following types of crime are prevalent amongst older people and often not widely acknowledged:

**Acquisitive crime** – In distraction burglaries for example, the known MO of this type of offender is to target elderly victims who live alone. This is demonstrated in the higher number of distraction burglary victims being over 60 in NP data sets. Professional judgement can be applied to this crime category as one in which assailants seek out vulnerable people who they can easily overpower and manipulate.

**Domestic abuse** - There is literature available which focuses on domestic abuse as a subset of elder abuse in which the victim is a vulnerable individual rather than as described above where older victims are seen as a subset of domestic violence. A Domestic Homicide Review (DHR) from Essex found that because the couple were elderly and frail, the police were inclined to treat the domestic violence within the relationship as social care issues rather than possible crimes. Practitioners across Northumbria Police area have commented on the lack of older people being referred into MARAC,

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suggesting this particular group are invisible as victims of domestic abuse and figures above over the two years could suggest that the small numbers of domestic abuse records support these comments.

**Rape** – Societal understandings of rape and sexual violence view younger people as the typical victims. However, research undertaken at Durham University and elsewhere suggests that there is a huge underreporting of sexual violence by older people. According to NP data analysed, 9% of offences recorded as occurring within a communal setting were rape. This can include perpetrators as family members, staff, visitors and other care home residents, suggesting the need to raise more awareness of violence and abuse of older people in such settings, where they may be reliant on their perpetrators, or otherwise unable to report due to communication issues, reliance on the perpetrator, fear or intimidation. CPS should work with key partners and agencies such as Rape Crisis to ensure understanding of such crimes. Specialist support – such as ISVA services – should also be referred to.

**Communal homes** – Research carried out by Action on Older People from a 2015 data sample suggests that care homes are the second most common crime locations after the victim's own home address. This study also identified that in rape offences carers unrelated to the victim were the fourth most common relationship group to the victim and that rape offences occur in communal homes. A limited look at local authority data in the Northumbria police force area would suggest that the primary locations of alleged abuse in concerns raised to partners are permanent care homes and the individual's own home.

**Q4. Does the policy guidance accurately reflect the barriers to justice older people can face as well as the support that can be put in place to mitigate this?**

- The policy makes some reference to some barriers – fear of repeat victimisation, continuing dependency on the perpetrator, removal from their home and being placed in an institution or care home, fear, intimidation etc.
- The policy outlines charging decisions and briefly refers to the Code of Crown Prosecutors. However does take the time to describe circumstances where a victim is in further danger and in such cases would support the police in applying for a remand in custody if appropriate, for example.
- The CPS have a duty to ensure a victim can provide a Victim Personal Statement (VPS). This is briefly mentioned in the policy but this could be explained more. As could the support which is available to draft this statement and ensure continuing support – via a Victim Needs Assessment for example. The policy does not expand on the work involved in the background to the document and reference should be made in relation to this point.

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**Q5. Do you have any further comments on the CPS policy guidance on prosecuting crimes against older people?**

- The policy is a good starting point of information for older victims of crime and those interested. However, further information and explanation could be given or signposted, as set out above.
- Northumbria Police's position is that whilst they accept that the CPS will use an age of 68 years as a means to track and monitor crimes against the elderly, they will always treat each crime individually and assess each victim based on their needs. It is anticipated that there would be few cases where there would be a conflict, and in all cases the victim would be treated as a vulnerable adult and afforded the necessary victim care.