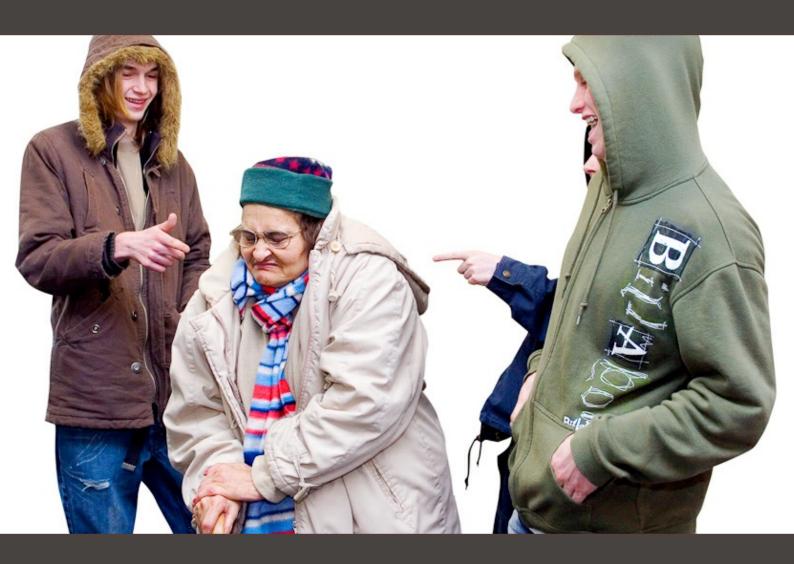


Crimes against older people

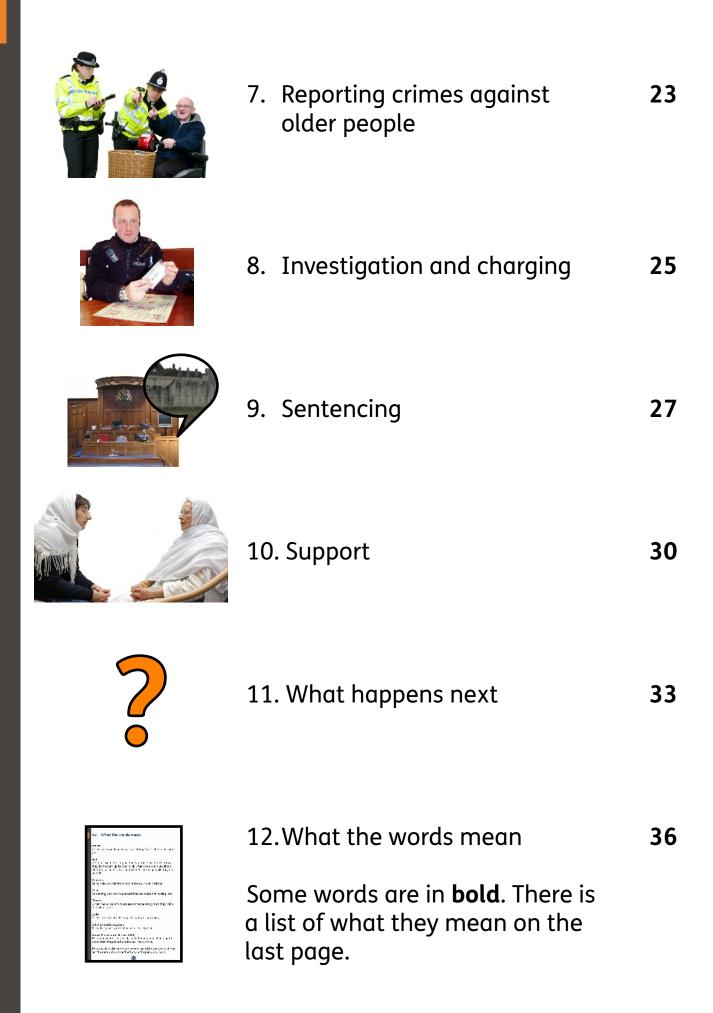


Our plan to support older people who are victims and witnesses of crime.



EasyRead version of:
Policy guidance on the prosecution
of crimes against older people

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1. What this paper is about

The Crown Prosecution Service (CPS) wrote this paper. We work in England and Wales.



We decide if someone should go to court when the police or other organisations think they have done a crime.



Sometimes we decide what crime the person should be **charged** with.



This paper is about our plan to help **prosecutors** decide about:

 crimes against older people because of their age or because they cannot protect themselves



 how to support older people who are victims or witnesses of crime.



We know older people are often **victims** of crime because of their age or because people think they are **vulnerable**.



Crimes against older people are not hate crimes. This means courts cannot give someone a bigger sentence just because the crime was against an older person. But they can if the suspect thought the person was vulnerable because of their age.



All public organisations must follow laws about **equality**. This plan will help older people have the same rights as other people when they are **victims** of crime.

2. How we will decide what to do



Our plan says we will:

 make sure older people have the same chance to get justice as younger people



 find out quickly if a crime happened because the victim was an older person



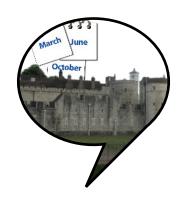
 find out if the crime is also something else like a hate crime or domestic abuse



 help prosecutors use their Code to build strong cases against suspects



support **victims** and **witnesses** to give good **evidence**



 ask courts to give more severe sentences when people commit crimes because victims are vulnerable



 work with the police and other organisations to deal better with crimes against older people



 help the public understand crimes against older people and who to tell about them



check how this plan is working.



We will think about whether:

 the crime happened because of prejudice against older people



 some criminals think older people are weak, easy to pick on or steal from and might have money saved up



 older people with dementia or other illnesses might be able to understand things sometimes but that this might change.



being older does not mean a witness or victim cannot give good evidence or say what happened to them.



Prosecutors use the **Code** to help them think about 2 things:

1. Whether there is enough **evidence** to **prosecute**.



2. If it is in the **public interest** to take the case to court.



Prosecutors think about how serious the crime is and whether the person who did the crime:

 built up the older person's trust and planned the crime



 thought the older person was vulnerable



threatened or hurt the victim



used a weapon



will do the crime again to the **victim** or other **vulnerable** people



has done crimes against older people in the past



 has hurt the physical or mental health of the victim.



Prosecutors must think about how it might affect the **victim** if the **case** goes to court.



They must think about what the **victim** wants and how they could support them.



Sometimes the **CPS** might decide not to **prosecute**.

3. Information about crimes against older people



We flag (mark) crimes against older people in our files and computers.



This helps us check what is happening and collect information about these crimes.



It also means anyone dealing with the case thinks about whether the **victim** needs any extra support.



But there are no clear definitions to say what we mean by an older person or a crime against them.



Most countries say an older person is someone over 65.



But all older people are different and we need to know which cases to look at and collect information about.



We say a crime against an older person is when:

The person is 65 and a **victim** because of their age or because people think they are **vulnerable** because of their age.



Older people aren't always vulnerable. They might be vulnerable if:

they are on their own



they are lonely



 someone close to them has died or moved away



 they cannot read information, understand money or use computers



 they live somewhere that is difficult for them to manage.



Crimes like this **discriminate** against older people. It is important to treat them seriously and think about what the **victim** needs.



4. What the law says

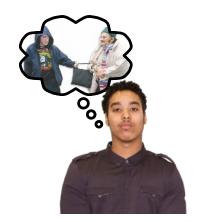
At the moment the law gives some groups of people extra protection if someone commits a **hate crime** against them.



Older people are not in one of these groups.



We know some types of crime happen more to older people because people think they cannot stand up for themselves.



When we decide how to **charge** someone, we must think about:

whether they planned the crime



whether they will do it again



how badly the crime affected the victim.

5. Different types of crime



Crimes against older people include:

 neglect – not giving someone the care they need



 financial abuse – taking someone's money or things without asking them or by lying or tricking them



 verbal abuse – saying something that upsets or frightens the person



physical abuse



sexual abuse



 domestic abuse - when the person's partner, a family member or someone else they trust hurts them or makes them scared in their own home



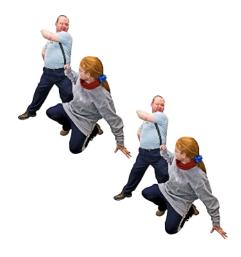
theft – taking something without the person's permission



 burglary – breaking into the person's home to steal things



 criminal damage – deliberately damaging something that belongs to the person, like their home or car.



The crime might just happen once or happen regularly.





Crimes can happen in the person's home, care homes, hospitals or other public places.



Older people can be abused by their family, a friend or a care worker. We have a guide to help **prosecutors** work with **victims** of **domestic abuse**.



Older people are often **victims** for other reasons too.



It is a **hate crime** if the crime is also because of their:

disability



 race – the country they were born in or their family come from



religion



sexual orientation – whether they are gay, straight or bisexual



 transgender identity – being born a woman and living as a man or born a man and living as a woman.



If this happens, a court can give someone a longer time in prison or larger fine for the crime.



6. Vulnerable older people

Not all older people are vulnerable.



Many do not need any support to live independently and make their own decisions.



But they can be **vulnerable** if they are lonely or on their own and cannot protect themselves.



This can make them trust someone they do not know who is trying to harm or trick them.



Just because an older person trusts the wrong people or makes a poor decision, they can still give good **evidence** about what happened.



The law says we must believe the person has **capacity** and understands and can make their own decision. Unless there is evidence that they cannot.



We will always:

 start by thinking we can believe what the person says and give them the right support to give good evidence

 expect other people and organisations to work in this way



prosecute cases where there is
evidence the crime happened because
the victim was older and vulnerable



be careful how we use the word vulnerable to describe older people. This can make others believe all older people cannot stand up for themselves.

7. Reporting crimes against older people



It is important that everyone reports crimes against older people to the police.



This can help the police see if more than one crime happens to the same **victim** or are done by the same person.



The police will **investigate** what happened. They will work with other organisations like the NHS to collect **evidence**.



It can be very scary for anyone to go to court and give **evidence**. This can be even more difficult for older people who might:

 feel foolish for being a victim of a crime



 have problems with walking or transport



 be worried about speaking up against someone they know. Especially if they are lonely and this person spent time with them.



The police think about what support the **victim** might need to cope with the **investigation**.



The **CPS** thinks about what support the **victim** might need to cope with going to court and giving **evidence**.

8. Investigation and charging



Investigation

We can ask the police to look for **evidence** that the crime happened because the **victim's** age made them **vulnerable**.



This includes checking if there have been other crimes against the same **victim** or by the same **suspect**.



The police can collect information from the person's family and organisations like the local council or NHS.



Deciding what crime to charge the person with

Prosecutors use the **Code** to decide which crime to **charge** the **suspect** with.



They look at how the crime affected the **victim** and whether it happened because the suspect thought they were old and **vulnerable**.



We can ask for **bail** if there is a risk the **suspect** will harm or threaten the **victim** while they wait to go to court. The court might say the **suspect** cannot talk to the **victim** or go anywhere near their home.



Sometimes the **victim** will ask the police to stop the **investigation**. The **prosecutor** can decide not to do this and go ahead if they think people will be at risk if the case does not go to court.



If they do not agree with our decision to end or carry on with a case, the **victim** can ask us to look at it again.

9. Sentencing



The **sentence** is the punishment a court gives someone when they decide they are guilty of a crime.



Crimes against older people are not **hate** crimes.



But a court can give a bigger sentence if the crime was because the person was **vulnerable** because of their age.



It is the **prosecutor's** job to help the court decide the right sentence by telling them about:

 any evidence that shows the crime happened because the victim was old and vulnerable



 The Victim Personal Statement that gives the victim a chance to say how the crime affected them



 A Community Impact Statement that says how it affects the community if the suspect has picked on old and vulnerable people.



We will always think about what the **victim** needs. This includes how to protect them in the future and stop the crime happening again.



We can ask the court to make an order to stop certain people talking to the **victim** or going near them.



We can also ask for money to pay for anything the **victim** has lost or had damaged because of the crime.

10. Support



The police and **CPS** must let **victims** know what is happening with their **case** and what this means for them.



In most crimes against older people the **suspect** pleads guilty. This means **victims** and **witnesses** might not have to give **evidence** in court.



If they do have to give **evidence** in court, we will support older people to be treated fairly and with respect.



Some **victims** might be frightened to give **evidence** against someone they know or depend on for their care.



The **CPS** can ask for Special Measures to help them. These are changes to help them give evidence in court and include:

screens so the victim does not see the other person



giving evidence by video from another room



 asking newspapers, radio and TV not to name the victim when they talk about the case.



If an older person does not have the **capacity** to decide about the **case**, we follow the law and work with people who know them well. They will say what the person might choose if they could decide for themselves.



There is a guide for **victims** and **witnesses** who have disabilities and it tells them what support they can have.



Other organisations like Age UK can also support older people who are victims and witnesses of crime.

11. What happens next



We will work with police and other organisations that deal with crimes against older people.



We will also work with older people, community groups and people who study these types of crime.



This will help us understand more about crimes against older people and how we can deal with them better.



We will check how this plan and guide help **prosecutors** work on cases of crimes against older people.



We will do this by:

 looking at our cases and how we flag (mark) them on our computers



 getting ideas from local and national panels that check our decisions about cases



looking at the plan and guide each year



 writing a report each year to show how we have worked on crimes against older people.





We can only check what the **CPS** does. We cannot check how other organisations work.

12. What the words mean

Abuse

When someone does or says something that frightens or harms you.

Bail

When a suspect has to pay money to the court that they lose if they do not turn up for their trial. Often there are rules about what the suspect can do and where they can go while they are on bail.

Capacity

Being able to understand and make your own decision.

Case

Something that has happened that the police are looking into.

Charge

When the police or CPS accuse someone or say that they think they did a crime.

Code

A set of rules that tells people how to do something.

Criminal Justice System

The police, courts, probation service, CPS and prisons.

Crown Prosecution Service (CPS)

The organisation that decides whether someone should go to court after the police have looked into a crime.

They decide which crime the person should be charged with and get the information together to take the person to court.

Dementia

A disease of the brain that can affect the way you think, understand and remember things.

Domestic abuse

When a partner, family member or someone else they trust hurts someone or makes them scared in their own home.

Evidence

Facts and information that prove whether something has happened.

Hate crime

When someone commits a crime against another person because of their race, religion, sexual orientation, disability or transgender identity.

Investigate

Look into a crime and try to find all the facts about what happened.

Prejudice

Thinking badly about a person or group of people without knowing them or having any information about them.

Prosecutor

Prosecutors work for the government and CPS. They decide what crime someone should be charged with.

Public interest

Good for the public or the rest of society.

Sentence

The punishment a court gives someone when they decide they are guilty of a crime.

Suspect

A person the police think might be guilty of a crime.

Victim

Someone who is harmed, injured or killed because of a crime.

Vulnerable

A person is vulnerable if they are not able to take care of or protect themselves from harm or abuse. Or if someone thinks they can't do these things even if they can.

Witness

A person who sees a crime happen.

Credits



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