

Elder Abuse

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Crime Victims' Institute • Criminal Justice Center • Sam Houston State University

...from the Director

Given the aging of the Texas and U.S. populations, this report focuses on crime victimization among persons age 60 and older. It is based on information from the 2005 and 2006 Texas Crime Victimization Surveys. While other reports have come from each of these surveys, this is the first to focus on the crime victimization experiences of senior adults.

Whereas much attention in the late-20th century focused on child abuse, followed by collective efforts to address domestic violence, only recently has there been acknowledgment that we know very little about the abuse and neglect of senior adults in the U.S. In turn, the National Institute of Justice has established a research agenda that includes an understanding of the nature, incidence and prevalence of this problem. This study provides state-specific insight into the risk and protective factors for such victimization and the context in which it happens. These findings are important in and of themselves and will inform future research that focuses upon elder Texas citizens.



Glen Kercher, Director
Crime Victims' Institute



MISSION STATEMENT

The mission of the Crime Victims' Institute is to

- conduct research to examine the impact of crime on victims of all ages in order to promote a better understanding of victimization
- improve services to victims
- assist victims of crime by giving them a voice
- inform victim-related policymaking at the state and local levels.

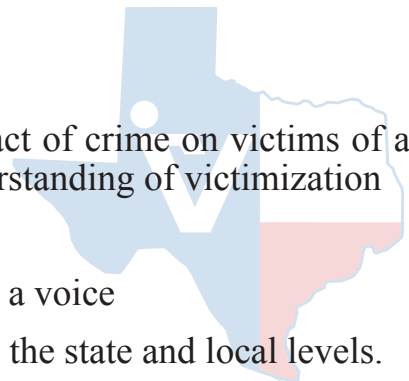


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Executive Summary

This report focuses upon the criminal victimization experiences of persons age 60 or older. It is based upon the results of the 2005 and 2006 Texas Crime Victimization Surveys, administered by the Public Policy Research Institute at Texas A&M University (Crime Victims' Institute 2005, 2006). The surveys in these two years resulted in a total of 1,466 respondents, 280 of whom were age 60 or older.

Both the 2005 and 2006 surveys included questions related to property and violent crimes. Property crimes include theft, burglary, property damage and identity theft. Violent crime in this survey refers to various types of personal assault. In addition, the 2005 survey focused upon identity theft, and the 2006 survey focused on stalking. These surveys also included questions about respondents' lifestyles and feelings of personal safety, as well as crime victims' perceptions of police responses to reported victimization.

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Professor Titterington holds a Ph.D. in Sociology, as well as master's degrees in social work and business administration. Her pre-academic professional experience includes clinical and administrative positions in community mental health, as well as corporate human resource management.

Dr. Titterington's current research focuses upon the intersection of aging and crime, as well as lethal family violence. Research projects include examining right-to-die legislation, eldercide, and intimate partner homicide.

Elder Abuse

Victoria B. Titterington

Review of the Literature

Persons age 60 or older are the fastest growing segment of the population, in Texas and nationally, with the number of older Americans expected to more than double in the next 30 years. The U.S. Census Bureau projects that more than 62 million Americans will be age 65 or older in 2025, an increase of 78% from 2001, and more than 7.4 million will be age 85 or older, an increase of nearly 68% from 2001. (McCoy & Hansen, 2004).

A report of The Texas Department of Aging and Disability Services (2003) indicates that presently over 2.7 million Texans are age 60 or older, representing 13% of the Texas population. In fact, Texas has the fourth largest population of older adults, behind California, Florida and New York. By 2040, this age segment of the Texas population is projected to total 8.1 million, a 193% increase from 2000. At that point, persons age 60 or older will constitute 23% of the Texas population.

For purposes of this analysis, those age 60 and above are designated as elder adults, consistent with the federal designation of 60 being the age that persons are included under the federal Older Americans Act of 1965 and its subsequent provisions.

Defining Elder Abuse

The National Research Council, defines elder abuse and mistreatment as “(a) intentional actions that cause harm or create a serious risk of harm to a vulnerable elder by a caregiver or other person who stands in a trust relationship to the elder, or (b) failure by a caregiver to satisfy the elder’s basic needs or to protect the elder from harm” (National Research Council, 2003). This definition includes financial exploitation of the elderly as well as physical abuse or neglect. It is important to note, however, that many perpetrators of elder abuse are strangers and, for purposes of Texas Crime Victimization Surveys, incidents involving these offenders are also included.

As further clarification, Payne (2005) categorizes three broad types of elder abuse. These include what he refers to as collective abuse (e.g., ageism), institutional abuse (e.g., within nursing home settings) and individual abuse (e.g., when an adult child abuses an elderly person in their own home). The present report focuses upon offenses perpetrated against community-dwelling persons age 60 or older, by individuals whom they may or may not have known prior to the criminal incident.

Elder Abuse and the Law

One of the most important challenges in the field of elder abuse is that, compared to the mistreatment of other vulnerable segments of our population, little is actually known about the nature and scope of this social problem. For example, in the 1970s pediatricians shed light upon the phenomenon now known as “shaken baby syndrome” and were largely responsible for the public’s recognition of this and other forms of child maltreatment. Over the past several decades, Congress has passed significant legislation that supports the states’ duty and power

to act on behalf of children when parents are unable or unwilling to do so, and the federal Child Abuse Prevention and Treatment Act (CAPTA) is one of the key pieces of legislation that guides child protection. CAPTA was originally signed into law in 1974 and was most recently reauthorized by the Keeping Children and Families Safe Act of 2003. In turn, during the 1980s and 1990s, the public began to pay much more attention to the issue of domestic violence, including the discrimination that battered women faced when seeking protection by the criminal justice system. The public intolerance for domestic violence ultimately culminated in the passage of the federal Violence against Women Act of 1994, which was reauthorized in 2000 and again in 2006.

By contrast to concerted efforts to protect children and victims of domestic violence, there is neither specific funding nor an agency dedicated specifically to elder abuse at the federal level. In the late 1970s, the late Congressman Claude Pepper took the lead in the effort to address this social problem by way of federal public hearings. In a 1981 report (National Research Council, 2003, p.15), he stated that elder abuse was increasing and recommended immediate action on the part of Congress. Though short of his overall intentions, Pepper succeeded in the creation of what is now known as the National Center on Elder Abuse (NCEA). NCEA serves as a national resource center dedicated to the prevention of elder mistreatment. First established by the U.S. Administration on Aging (AoA) in 1988 as a national elder abuse resource center, the NCEA was granted a permanent home at AoA in the 1992 amendments made to Title II of the Older Americans Act. To carry out its mission, the NCEA disseminates elder abuse information to professionals and the public, and provides technical assistance and training to states and to community-based organizations.

At the state level, what does exist as a partial response to elder abuse is the 1975 stipulation by Congress in Title XX of the Social Security Act that states must provide protective services to children, elderly persons, and disabled individuals in order to receive Title XX funds. But there are no universal definitions of elder abuse, and states create their own legislation in this regard. In forty-two states, including Texas, the laws stipulate that certain professionals must report suspected cases of abuse to the Adult Protective Services (APS) division of the Department of Protective and Regulatory Services (Texas Human Resources Code, Ch 48). Texas is actually among the few states that mandate reporting by any person who witnesses or suspects elder abuse in the community. Importantly, a University of Iowa study based on 1999 data found that significantly higher investigation rates were found for states that require mandatory reporting and tracking of reports (Jogerst, et al. 2003).

Texas Law & Older Citizens

Rights of the Elderly - In addition to the rights of all Texas citizens under state and federal law, Texas law provides special rights for citizens age 60 and over. The first of these rights, found in Section 102.003 of the Texas Human Resources Code, include:

(a) An elderly individual has all the rights, benefits, responsibilities, and privileges granted by the constitution and laws of this state and the United States, except where lawfully restricted. The elderly individual has the right to be free of interference, coercion, discrimination, and reprisal in exercising these civil rights.

(b) An elderly individual has the right to be treated with dignity and respect for the personal integrity of the individual, without regard to race, religion, national origin, sex, age, disability, marital status, or source of payment. This means that the elderly individual:

- (1) has the right to make the individual's own choices regarding the individual's personal affairs, care, benefits, and services'
 - (2) has the right to be free from abuse, neglect, and exploitation; and
 - (3) if protective measures are required, has the right to designate a guardian or representative to ensure the right to quality stewardship of the individual's affairs.
- Persons age 60 or older gain numerous additional rights when they become institutionalized in a nursing home or other facilities, and these are delineated in the balance of Section 102.003.

The Texas Human Resources Code and the Texas Penal Code each have provisions that specifically address the protection from abuse, neglect and exploitation of older persons. We note that for these state provisions, an elderly person is defined as someone age 65 or older.

- The definitions and provisions for reporting suspected abuse, neglect and exploitation of elders in Texas is presently addressed in the Texas Human Resources Code, Title 2, Department of Human Services and Department of Family and Protective Services, Subtitle D. In Chapter 48, Subchapter A:

§48.001. Purpose

The purpose of this chapter is to provide for the authority to investigate the abuse, neglect, or exploitation of an elderly or disabled person and to provide protective services to that person.

§48.002. Definitions

Except as otherwise provided under Section 48.251, in this chapter:

- "Elderly person" means a person 65 years of age or older.
- "Abuse" means:
 - the negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly or disabled person by the person's caretaker, family member, or other individual who has an ongoing relationship with the person; or
 - sexual abuse of an elderly or disabled person, including any involuntary or non consensual sexual conduct that would constitute an offense under Section 21.08, Penal Code (indecent exposure) or Chapter 22, Penal Code (assaultive offenses), committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.
- "Exploitation" means the illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with the elderly or disabled person using the resources of an elderly or disabled person for monetary or personal benefit, profit, or gain without the informed consent of the elderly or disabled person.
- "Neglect" means the failure to provide for one's self the goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain

or the failure of a caretaker to provide such goods or services.

- As stipulated in the Texas Penal Code, Title 5, Offenses Against the Person, Chapter 22 (Assaultive Offenses), the classification for Assault moves from a Class C to a Class A misdemeanor when (among other circumstances) it is committed against an elderly or disabled individual. Sexual Assault is considered “aggravated” when it is committed against an elderly person (age 65 or older), and is classified as a first degree felony. Also in Title 5, Injury to a Child, Elderly Individual, or Disabled Individual pertains specifically to physical assaults or injury to an elderly person by individuals, or by owners, operators or employees of institutions in which these persons reside. It is classified as a first degree felony when committed intentionally or knowingly and a second degree felony when committed recklessly. In Title 7, Offenses against Property, Chapter 29 (Robbery), the offense of robbery is classified as “aggravated” when committed against an elderly person and is a first degree felony.
- Though not unique to older Texas citizens, Identity theft is addressed in Section 32.51 of the Texas Penal Code and through the Texas Identity Theft Enforcement and Protection Act, Section 521.001, of the Texas Business & Commerce Code (Texas Legal Services Center, 2007).

National and State Estimates of Elder Abuse, Exploitation, and Neglect

According to National Crime Victimization Survey (NCVS) reports (Bureau of Justice, 2005), the elderly are less likely than their younger counterparts to be victims of either personal or property crimes. The NCVS data indicate that the elderly, persons age 65 or older, experienced less violence and fewer property crimes than younger persons from 1993 to 2002.

Results from the National Crime Victimization Surveys (Bureau of Justice, 2005) further indicate that, despite their lower relative risk, property crime, not violence, provides the highest percentage of crime against persons age 65 or older nationally. More than 9 in 10 crimes against the elderly, compared to about 4 in 10 crimes against persons age 12 to 24, were property crimes (Bureau of Justice, 2005).

Yet the fear of crime and actual victimization risk are often at odds, particularly with older persons. For example, much of the fear of violent crime experienced by older people is based on their awareness of diminished strength and mobility. It is also the case that, for specific types of crime, elders’ risk exceeds that of younger persons. For example, NCVS statistics indicate that the rate of theft against the elderly is over six times higher than this type of crime victimization for persons age 12-49 (Bureau of Justice, 2006).

One of the major initiatives of NCEA to date has been the National Elder Abuse Incidence Study (1998). Data were gathered on non-institutionalized elderly from a nationally representative sample of 20 counties in 15 states. The research resulted in estimates of the incidence of domestic elder abuse, neglect, and self-neglect in 1996, based upon reports by APS workers as well as “sentinels,” who were specially trained individuals in a variety of community settings. Though dated, this report continues to be an important reference for more recent research efforts.

Results of NCEA’s study of elder abuse occurring in 1996 estimated that nearly 450,000 adults aged 60 and over were abused and/or neglected in domestic settings. Factoring in self-neglect, the total number of incidents was approximately 551,000. In addition:

- Female elders were abused at a higher rate than males, after accounting for their

larger proportion in the aging population

- The oldest elders (80 years and over) were abused and neglected at two to three times their proportion of the elderly population
- In almost 90% of the elder abuse and neglect incidents with a known perpetrator, the perpetrator was a family member, and two-thirds of the perpetrators were adult children or spouses
- Victims of self-neglect were usually depressed, confused, or extremely frail.
- Reports of elder abuse in domestic settings increased 150% from 1986 to 1996.

A recent study from the University of Chicago (Laumann, Leitsch, & Waite, 2008) concludes that 13% of older Americans suffer some form of abuse. The types of elder abuse suffered by aged citizens included 9% who reported verbal mistreatment, 3.5% who were mistreated financially, and 0.2% who reported physical mistreatment. Their findings were based on the National Social Life, Health and Aging Project that included interviews with over 3,000 community-dwelling persons aged 57 to 85. These numbers may be serious underestimates of the real problem, as underreporting of elder abuse, neglect, and exploitation is seen as a major challenge in the attempt to address this issue.

According to the National Center on Elder Abuse (NCEA), in Texas during 2004, Adult Protective Services completed 61,342 investigations of abuse, neglect, or exploitation involving vulnerable adults. Of these, 44,694 were confirmed, representing approximately 1.7% of Texas' elder citizens. However, as alarming as these numbers are, the unfortunate reality is that oftentimes cases of elder abuse go unrecognized or unreported, particularly by elders themselves. It is also troubling that, in many cases, it is difficult to substantiate the abuse or the incidents against elders fall below the level of criminal and are therefore exempt from serious sanctions.

Studies estimate that 50% of elderly Americans are victims of financial exploitation while only 4% to 15 % of cases are ever reported. Financial swindles are one of the fastest growing forms of abuse of the elderly, according to NCEA (2009) statistics. Clearly, during the current economic turmoil nationally, this problem is thought to be growing. One present estimate is the estimated annual loss from financial elder abuse is at least \$2.6 billion (Ramnarace, 2009).

The Problem of Underreporting

It is estimated that for every one case of elder abuse, neglect, exploitation, or self-neglect reported to authorities, about five more go unreported (National Elder Abuse Incidence Study, 1998).

For example, data on elder abuse in domestic settings suggest that only 1 in 14 incidents, excluding incidents of self-neglect, come to the attention of authorities, (Pillemer & Finkelhor, 1988).

Current estimates put the reporting of financial exploitation by victims of all ages at only 1 in 25 cases, suggesting that there may be at least 5 million financial abuse victims each year (Wasik, 2000).

Research Methodology

The present study uses data collected for the 2005 and 2006 Adult Crime Victimization Surveys of the Texas Crime Victims Institute. Previous reports from these two surveys relate to criminal victimization among all Texas adults. This report represents an examination of the criminal victimization of those survey respondents age 60 or older.

Data Collection

The Texas Crime Victims' Institute at Sam Houston State University worked in conjunction with the Public Policy Research Institute (PPRI) at Texas A&M University to collect data for the survey. The PPRI utilized an internet computer assisted telephone interviewing system (ICATI) to conduct phone interviews with Texas residents. The ICATI system allows for computer-generated dialing of phone numbers and reduced operator error. As with the National Crime Victimization Survey, this survey is intended to capture crime and victimization not present in reports based on official statistics. Over these two survey years, over 20,000 phone calls were attempted. Of these attempts, 1,466 completed interviews were conducted. This response rate is not unusual for phone surveys of this length. Among the 1,413 survey respondents who reported their age, 280 (19.8%) were age 60 or older.

In addition to simple descriptions of the data obtained from the surveys, analyses were conducted in order to examine possible relationships between particular variables. Numerous tests of correlation and of group differences were conducted. Additionally, possible explanations for the relationships are provided.

Sample Characteristics

- **Age:**

The average age of the 280 senior adult respondents in the 2005 and 2006 Texas Crime Victimization Surveys was 69.3. This compares to an average age of 70.87 for all seniors in Texas (U.S. Bureau of the Census, 2000)

- **Sex:**

In these 2005 and 2006 surveys of crime victimization, 56.4% of respondents were female, and 43.6% were male (Figure 1). This is comparable to statewide estimates that 57% of persons 60 or older are female and 43% are male.

- **Race/ethnicity:**

Caucasian/non-Hispanics were approximately 80% of older survey respondents; 7% were African-American and 10% were Hispanic (Figure 2).

This compares to a statewide racial/ethnic distribution among persons age 60 or older of 72% Anglo, 9% African-American, and 18% Hispanic (U. S. Bureau of the Census, 2000).

- **Education:**

Approximately 60% of the senior adults participating in these two surveys had completed some college or had at least an associate's degree, with about 33% of the total having a bachelor's degree or higher. As of 2004, statewide, 42% of Texas residents age 60 or older had completed some college, with 33% holding a bachelor's degree or more.

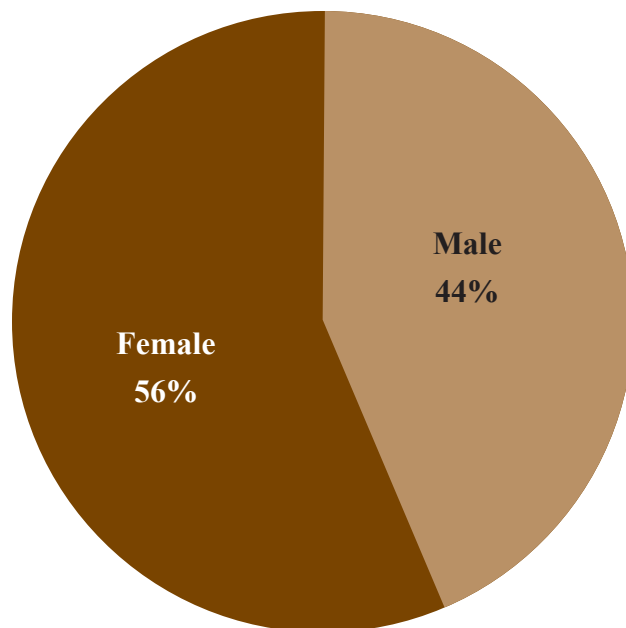


Figure 1. Sex of Survey Respondents Over 60 Years of Age

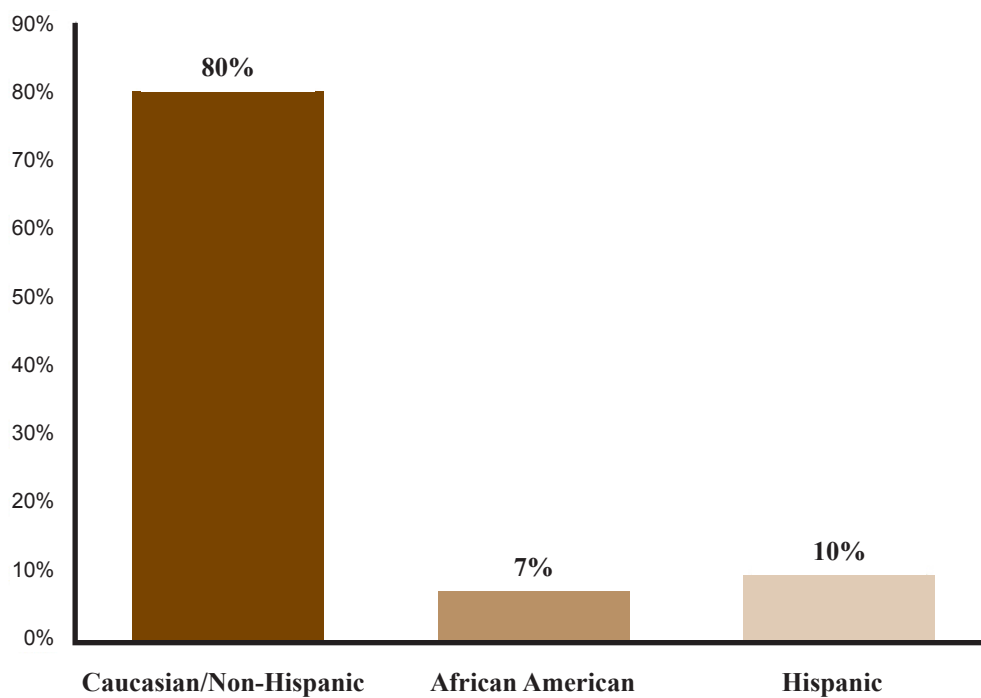


Figure 2. Ethnicity of Survey Respondents Over 60 Years of Age

- **Income**

The reported median income of the households in which the senior respondents in these surveys reside was \$30,000 - \$39,000. This is comparable to data indicating that the median household income in Texas is \$39,927. Also note that of Texas adults age 60 or older, we calculated 19% have household incomes of \$10,000 or less, whereas only 10% of our crime survey respondents age 60 or older were at this income level (Texas State Data Center, 2009)..

- **Marital status**

Fifty-five percent of elder survey respondents were married; the remaining 45% were separated, divorced, widowed, or never married. This approximates the average of 56.5% statewide of married elder adults, with the remaining 43.5% either separated, divorced, widowed or never married (U.S. Bureau of the Census, 2000).

- **Lifestyle**

Living arrangements: Almost 40% of survey respondents age 60 or older lived alone; 60% lived with others. In turn, most respondents had someone at home with them on both weekdays and weekends. Statewide, 39% of senior adults lived alone during this same time period (Texas Department of Aging & Disability Services, 2009).

Home ownership: 84% of respondents age 60 or older owned their homes, and 16 % rented. Across Texas, about 80% of older families own their own homes (Texas Department of Aging & Disability Services, 2009).

Firearms: 53.9% of older survey respondents owned firearms; 40.7% of that number kept the guns loaded. A Centers for Disease Control & Prevention-sponsored survey of firearm ownership indicated that 35.9% of Texas respondents reported owning firearms (North Carolina BRFSS, 2001); likely a conservative estimate of the total.

- **Fear of Crime**

Almost 90% of survey respondents age 60 and older reported living in a low crime area.

Overall, they reported knowing their neighbors very well.

Likewise, the better they knew their neighbors, the safer these Texas senior adults felt about walking in their neighborhoods. It remains to be seen whether this actually serves as a protective factor against crime.

Sixty four percent of respondents reported feeling safe walking during the daytime or night in their own neighborhoods.

Thirty three percent of these senior adults lived where neighborhood watch programs were operating.

When they were asked about their perception of any crime change in Texas, a surprisingly large number (n=120) answered that crime had increased. However, from 2004 to 2005, there was an actual decrease of 2% in the violent crime rate and a 3.5% decrease in property crime. Overall crime in Texas decreased another 2.5% from 2005 to 2006, with an increase of .5% in the rate of violent crime and a 2.3 % decrease in the rate of property crime (Texas Department of Public Safety, multiple years).

- **Victimization**

Over one in five (22.5%, n=63) of the 280 survey respondents age 60 or older reported having been the victim of a personal (n=15) or property (n=48) crime within the past 24 months.

Of the 15 elder adults reporting a personal crime, 9 of these were stalking victims.

Of the 48 older persons reporting a property crime, 10 were the victims of identity theft.

Though these are a relatively small number of criminal victimizations, these may seriously underestimate the problem. Research indicates that as many as 25 cases of financial exploitation of elders may occur for every one case that is reported (Wasik, 2000) and that elder abuse in domestic settings is reported at the rate of only 1 in 14 cases (Pillemer & Finkelhor, 1988).

Property Crime, including Identity Theft (n=48)

In the 2005 and 2006 Texas Crime Victimization Surveys, 76% of crime victims age 60 or older reported having been the victims of a property crime, including theft (n=14), burglary (n=21), property damage (n=3), and identity theft (n=10).

Treating identity theft victims as a separate group is discussed below. There were 38 other property crime victims. Over half (58%, n=22) of these older victims reported their crimes to the police. Of these, 60% (n=13) reported being satisfied or very satisfied with police responses to their victimization. This finding is interesting in the context of research indicating that senior adults are more likely than younger crime victims to report their victimization to the police, yet many are reluctant to do so out of embarrassment or fear. Increasingly, police departments and sheriff's offices recognize the need to become better versed in responding to calls for service involving elders (Federal Bureau of Investigation, 1995).

Identity Theft Victimization (n=10)

The 2005 Texas Crime Victimization Survey focused upon identity theft. Among the 163 survey respondents age 60 or older, there were 10 (6.1%) who reported having been the victims of identity theft.

Among these 10 elder victims of identity theft: 60% (n=6) were victims of credit card misuse, including one for whom the credit card had been lost or stolen. This is significantly higher than national estimates for identity theft victims of all ages. In 2004, 28% of identity theft complaints were for credit card related fraud (Federal Trade Commission, 2004). In turn, the National Crime Victimization Survey reports that, among 5.5% of households nationally that had at least one member who was the victim of identity theft, 45% of these victimizations were credit card misuse (Bureau of Justice Statistics, 2007).

Forty percent (n=4) of identity theft victims age 60 or older were victims of misuse of other than credit accounts; this included 3 checking and 1 savings account misuse victims.

Among the 10 victims, eight (80%) of them reported the crime to any authorities. Only half (n=5) reported to the police, with 1 victim reporting to a lawyer, 8 to credit card companies, and 5 to credit reporting agencies.

In these ten cases, the dollar amounts misused by the perpetrators were:

| | |
|---------------------|---|
| \$ 0 - \$100 | 2 |
| \$ 500 - \$999 | 3 |
| \$1,000 - \$4,999 | 2 |
| \$5,000 - \$9,999 | 2 |
| \$10,000 - \$24,999 | 1 |

- Four of the 10 older victims answered that the person who committed the ID theft was a:

| | |
|--|---|
| Stranger | 1 |
| Family Member | 1 |
| Neighbor | 1 |
| A person who worked at a company that has the victim's information | 1 |

- Only 3 of these identity theft victims answered that they knew how the perpetrators obtained their information:

| | |
|----------------------------|---|
| Stolen wallet | 1 |
| Computer access (Internet) | 1 |
| Stolen check | 1 |

- Three of the age 60 or older respondents said that they were harassed due to debt problems, and had bank problems and credit card problems as a result of their criminal victimization.
- Five of these elder identity theft victims were still experiencing problems (e.g., inconvenience) due to their identities having been stolen, and most of them continued to be very concerned about misuse of their identity, well after the initial incident was detected.

Personal Crime Victimization (n=15)

In the 2005 and 2006 Texas Crime Victimization Surveys, approximately 5% (n=15) of all survey respondents reported having been victims of a personal crime. Yet among crime victims age 60 or older, 24% (n=18) had been the victims of a personal crime, including stalking (n=9), verbal assaults (n=3), and threats with a weapon or object (n=3).

• Stalking (n=9)

The 2006 Crime Victimization Survey focused upon stalking. Among the 117 survey respondents age 60 or older, 7.6% (n=9) were victims of stalking.

These older respondents were significantly less likely to be stalking victims, compared to those younger than age 60, almost 21% of whom had been stalked in some way.

Seven (7) of these stalking victims, age 60 or older were female, and two (2) were male.

Only three (3) of the stalking victims age 60 or older lived alone; the other six (6) lived in two- or three-person households.

One-third (n=3) of these older stalking victims had some college education, and 45 % (n=4) held bachelor's or graduate degrees.

Eight of the nine elder stalking victims reported their income. Two had incomes less

than \$10,000 annually, three had \$30,000 to \$50,000 annual incomes, and three had annual incomes between \$50,000 and \$100,000.

Stalking of these senior adults included unwanted phone calls (n=4), stealing something from their car (n=3), and threatening them in public (n=2). This is in keeping with the total of 128 stalking victims from the 2005 survey, wherein the two most frequently reported stalking acts were receiving repeated phone calls and having things stolen from the victim (Kercher & Johnson, 2007, p.3).

Related to the victim-offender relationship, two of the elder victims of stalking knew the perpetrator: in one case, this was a co-worker, and in the other the offender was an acquaintance. The remaining seven victims reported believing that the perpetrator was a stranger. Only one of these victims had been previously verbally threatened by the offender.

Only four (4) of these nine (9) older stalking victims reported the crime to the police, two (2) of whom reported being very satisfied with the police response.

In the aftermath of their stalking victimization, only one of the nine older adults filed charges, two moved to a different location, one added a home security system, and one changed his/her phone number.

Summary of General Findings

The objective of this analysis has been to gauge the extent of the problem of self-reported elder crime victimization in Texas, as indicated in the 2005 and 2006 Texas Crime Victimization Surveys. The socio-demographic profile of these respondents is comparable to overall Texas residents age 60 or older, including average age, sex, marital status, and income. The older survey respondents as a group had more education than elder Texans in general, with some college having been completed by 60% and 48%, respectively. As for race/ethnicity, non-Hispanic Whites were slightly overrepresented, and Hispanic senior adults were somewhat underrepresented.

Among 280 respondents age 60 or older, 63 (22.5 %) had been the victims of a personal or property crime in the previous year. We focused in this report particularly upon the ten (10) older victims of identity theft and the nine (9) older victims of stalking. Though these are relatively small numbers of victims, we remind the reader that results of formal surveys and official records are thought to be serious underestimates of the real extent of elder abuse, neglect, and exploitation. Considering the experiences of the 63 elder crime victims as a snapshot of the problem, several issues emerged from their experiences.

Race/Ethnicity and Victimization

Contrary to crime victimization more generally, race/ethnicity was not significantly related to crime victimization among this older age group. Also, though marriage is often considered a protective factor, marital status was not significantly related to crime victimization among senior survey respondents.

Education and Crime Victimization

Another unexpected finding from these surveys was related to education. Because persons with more education generally have lower rates of criminal victimization, not surprisingly older persons with more education believed they are safe from crime. This is likely attributed to the ability to own/live in safer housing, in neighborhoods that might generally have lower levels of crime. However, results from this analysis indicated that the education levels of persons age 60 and older were not significantly correlated with their crime victimization, suggesting a difference between how safe these elders felt and the actual threat of victimization.

Lifestyle and Victimization

Findings related to lifestyle reinforced what was expected from this analysis. As would have been the case in previous decades, knowing your neighbors still matters among older persons. Results suggest that they feel safer and actually are safer with greater familiarity of people living around them. The issue of surveillance/guardianship serves as a protective factor for this age group. Related to this, among these 280 elder survey respondents, approximately one-third lived where neighborhood watch programs are operating.

Based upon the survey respondents age 60 or older, police may assume that older persons are more than likely firearm owners. In turn, it was found that respondents who owned one or more firearms felt significantly safer than those who did not own any firearms. However, no significant relationship was found between gun ownership and reported victimization. These results contradict the popular belief that firearm ownership results in increased safety, though the issue calls for more research as it relates specifically to older persons.

Identity Theft

Among all types of crime, results indicated that identify theft is clearly troublesome for older persons. This is not without cause, based upon the finding that this was the type of crime perpetrated against 16% of self-reported elder crime victims, with questions about this specific crime having only been asked in one of the two survey years. The perceived seriousness of this type of victimization is also reflected by the fact that 80% of identity theft victims reported their experiences to police or other authorities, whereas only 54.6% of other property crime victims and 44.4% of stalking victims reported these crimes to the police or other officials.

Recommendations for Strategic Responses

Based upon the results of these surveys and the research literature on elder abuse, neglect, and exploitation, continued efforts to ensure the safety and well-being of senior adults in Texas should include several initiatives. These interventions are variously aimed at preventing, reducing, or responding to crimes against the elderly.

Education for Senior Citizens

It is critical to better educate senior citizens. For example, local and national fraud fighting campaigns can and do make a difference. Research conducted by the U.S. Department of Justice indicates that such interventions can reduce victimization from fraud by 50% or

more. This is important, given that the tenuousness of the economic well-being of older persons renders them particularly fearful of property crime, especially identify theft.

The state and Title III of the federal Older American's Act of 1965 provides funding for Area Agencies on Aging (AAA). A major theme of the Benefits Counseling/Legal Protection services of these agencies is consumer protection (Texas DADS, 2008). In turn, a fruitful collaboration has developed between Area Agencies on Aging (AAA) and Better Business Bureaus (BBB). One such example is in the Galveston-Houston Area Agency on Aging collaboration with the Education Foundation of Houston's Better Business Bureau to provide public education on financial and medical fraud against the elderly.

In Texas, the Office of the Attorney General has numerous resources on the "Senior Texans" portion of their website (<http://www.oag.state.tx.us/elder/abuse.shtml>), with particular emphasis upon identify theft, scams, and other frauds perpetrated against older citizens. There is a variety of written and video resources available for use by professionals and seniors, though increasing awareness of this material seems called for.

The Texas Department of Family and Protective Services (TDFPS), Adult Protective Services also hosts a website entitled, "It's Everybody's Business." This site serves as an information and referral source for protection from abuse and financial exploitation of senior adults in Texas (TDFPS, 2009a).

Peer Counseling

Persons age 60 or older who are potentially victimized, as well as those already caught up in fraud victimization may be helped via peer or professional counseling. In the first instance, such persons have been shown to be less likely to respond to fraudulent solicitations following peer counseling. For those older persons already victimized, professional intervention can be an effective way of equipping them with the skills necessary to fend off further victimization (AARP, 2006).

Training for Professional Service Providers

A need for education and training has been identified by the National Institute of Justice, which points out that little is known about how to recognize, prevent, or prosecute incidences of elder abuse. Elder experts nationally believe that determining whether abuse or neglect has occurred is a challenging process and that there is a lack of training in elder abuse and neglect, even among those who most frequently encounter victims. These professionals include geriatricians, police officers, social workers, and even APS workers (NIJ, 2000).

A recent illustration of this issue is found in the fall 2008 survey that was jointly administered by the Texas Crime Victims' Institute and the Texas Council of Family Violence (Titterington & Rivolta, 2009). The vast majority of family violence administrators who were surveyed expressed an interest in training that would include general information about gerontology as well as specific information about the detection and response to family violence in which the elderly are victims.

Police-Citizen Interaction

With physical and mental compromises that often accompany aging, fear of crime increases. As one way of countering this concern, the surveys we analyzed indicated that knowing their neighbors was a significant protective factor for elder adults. Also, senior citizens are

thought to trust and rely upon police more than younger persons. In fact, police responses may be critical in the aftermath of crime victimization among older persons. However, our surveys indicated that only one-third of senior respondents lived in an area with a Neighborhood Watch program and that, overall, only about half of the elder crime victims reported their crimes to the police. This suggests the need for increased emphasis upon the following:

Home Security Assessments – Many police departments across the state offer free home security assessments for seniors or others who may request one. One such example is that provided by the Plano Police Department Crime Prevention Unit (2009), wherein the assessment focuses on how a potential burglar, prowler, ex-spouse, etc. may gain unlawful entry into someone's house and how to slow down that process. The assessment usually takes about 1.5-2 hours to do. Some of the areas covered include interior/exterior lighting, landscaping, fencing, doors, windows and window coverings, alarm systems, 911, garage burglaries, and so forth.

Police Training - Anecdotal evidence suggests that police officers, particularly younger officers who are new to law enforcement, may lack both an understanding of critical issues of aging and the necessary sensitivity to adequately respond to calls for service involving older citizens. While some local jurisdictions statewide have in-service training about working with older crime victims, there is no mandated training about elders and elder crime victimization within the Texas Law Enforcement Officer Standards and Education (TCLEOSE) program.

Both the Police Executive Research Forum (PERF) and the National Sheriffs' Association have developed training materials that focus specifically upon the interaction of law enforcement and senior citizens. In the *First Response to Victims of Crime; a Guidebook for Law Enforcement Officers* (Office for Victims of Crime, 2008), the National Sheriff's Association offers basic guidelines for approaching and interacting with older crime victims. Originally produced by the USDOJ Office for Victims of Crime (OVC) in 2000, this guidebook has become one of the most requested resources produced by OVC.

Focusing specifically upon domestic abuse of elders, OVC also funded the development by PERF (in collaboration with Lisa Nerenberg) of a training curriculum, Innovative Training Package for Detecting and Aiding Victims of Domestic Elder Abuse. This program provides practical information about the police response to domestic elder abuse, from the initial call for service to the closing of the case. The training package includes model roll-call training, procedures, response, and investigative protocols and policy, as well as a review of previous research and an assessment of other training materials. Originally developed in the 1990s, this program continues to be used in statewide trainings nationally.

TRIADS - As described by the Texas Department of Aging & Disability Services (DADS), one of the more comprehensive efforts to increase senior citizen-police collaboration is through TRIADS. This national effort involves police chiefs, sheriffs, and senior citizen representatives who collaboratively address a broad range of crime-related issues affecting older adults, such as burglary and personal assaults. TRIAD programs also address abuse, neglect, and exploitation of older adults in the community and in nursing facilities through education and advocacy. According to DADS, Texas leads the nation with the highest number of TRIADS, with over 100 active TRIADS in Texas and 630 operating nationwide. Most TRIAD groups have steering committees called Senior and Law Enforcement Together (SALT) Councils to plan activities and promote safety throughout the community. (DADS, 2009). These programs may not only enhance police-citizen interaction but may also serve as a way for more seniors to know one another. This is important in light of the finding that survey respondents age 60

or over were significantly less likely to have been crime victims if they knew their neighbors well.

Multi-Agency Collaborations

Increasingly, law enforcement, APS, district attorneys' offices and businesses are teaming up to combat crime, particularly financial exploitation, against the elderly. The police departments of Austin, Corpus Christi, Houston, and San Antonio, among others, have initiated such partnerships. A specific example is that of the Austin Police Department, which has worked successfully with APS to investigate a case that resulted in charges of auto theft, forgery, credit card abuse, and fraudulent use of identifying information. Also, the APS region serving Bexar County is presently working with the San Antonio Police Department and local banks by training law enforcement and banking personnel to recognize that financial exploitation is a crime (Texas Department of Family and Protective Services, 2009).

Texas Elder Abuse & Mistreatment (TEAM) Institute – This unique collaboration among the Baylor College of Medicine Geriatrics Program, the Harris County Hospital District, and Texas Adult Protective Services provides a comprehensive and systematic approach to identification, intervention, and risk reduction for the abused/neglected elderly of Texas. The TEAM's interdisciplinary approach includes geriatric medical treatment, referrals, training, data collection and research that alleviate or decrease the potential for further abuse, neglect or exploitation of the elderly patient.

Prosecution of Cases of Elder Abuse, Neglect, and Exploitation

Following crime victimization, the role of criminal justice agents may be critical in the older person's resumed sense of well-being following crime victimization. Along with training for law enforcement officers in the initial response to suspected crimes against the elderly, what is also needed is training for prosecutors so that cases of elder abuse, neglect and exploitation can be properly investigated and elder abusers can be legally held accountable. In cases of physical abuse of the elderly, this also requires a sufficient number of qualified medical professionals who can testify to a reasonable medical certainty that the injuries were the result of abuse or neglect.

As described by Heisler (2000, p.52), criminal investigation and prosecution of elder abuse is a recent phenomenon. Traditionally, abuse, neglect, and financial exploitation of elderly and vulnerable adults were reported to adult protective services agencies or long-term-care ombudsman programs, community organizations, and professional licensing boards. Because elder abuse was rarely viewed as criminal conduct, litigation historically has been brought in civil courts as applications for guardianship, civil suits for damages, and will contests (Heisler, 1991; Heisler & Tewksbury, 1991; U.S. Department of Justice, 1998a).

Though professionals in a variety of fields have come to believe that in serious cases, only the criminal justice system may be capable of stopping the abuse, protecting the victim, and holding the offender accountable (U.S. Attorney General's Task Force on Family Violence, 1984; Heisler 1991; U.S. Department of Justice, 1998a), "prosecution remains an exceptional outcome" (Heisler, 2000, p. 52).

Prosecutors are increasingly receiving training in handling elder-abuse cases. Texas is among the states where courses have been offered and the National College of District Attorneys offers workshops on elder abuse as part of its annual conference on domestic violence.

Prosecutors are also establishing specialized elder-abuse responses including vertical prosecution, whereby one attorney handles the same case and victim from beginning to end (Nerenberg and Heisler, 1998; U.S. Department of Justice, 1998a). The attorneys receive specialized training to increase their success in prosecuting cases. In addition, as in all other states, Texas has a Medicaid fraud unit in the state attorney general's office, to handle violations in institutional settings.

Heisler (2000) also discusses the recent development of victim-witness assistance programs specializing in elder cases. These programs provide training and recruitment of older employees and volunteers, set up offices away from the courthouse or in office locations frequented by older people, and use forms, brochures, and posters suited to the needs of the target population (Nerenberg, 1999; U.S. Department of Justice, 1998b). The California Victim Witness Coordinating Council now mandates elder-abuse training for all advocates at entry and advanced levels. In addition, the American Bar Association Commission on the Legal Problems of the Elderly has developed a training curriculum on elder abuse for victims' advocates.

Federal Legislation

By contrast to concerted efforts to protect children and victims of domestic violence, there is neither specific funding for nor an agency dedicated specifically to elder abuse at the federal level. The Elder Justice Act, which would amend the Social Security Act, is intended to create national initiatives to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation. This act would elevate attention to elder justice through the creation of (1) Offices of Elder Justice at the Departments of Health and Human Services and Justice to serve programmatic, grant-making, policy and technical assistance functions relating to elder justice, (2) a public-private coordinating council to coordinate activities of all relevant federal agencies, states, communities, and private and not-for-profit entities, and (3) a consistent funding stream and national coordination for Adult Protective Services (APS). Among the other stated objectives of this proposed legislation would be providing victim assistance resources to law enforcement to support elder justice cases, including increased prosecution of cases involving elder victims. Elder victimization prevention efforts would also be enhanced by supporting community policing efforts to protect at-risk elders. Though this proposed legislation has been introduced annually to Congress since 2003 and as recently as April of 2009, it has yet to become federal law.

Research

Within the social sciences, - including the field of criminology, - elder abuse, neglect, and exploitation is among the least studied areas. As part of its sweeping mandate to profile elder mistreatment nationally, the federally-sponsored Panel to Review Risk and Prevalence of Elder Abuse and Neglect of the National Research Council (2003) highlighted a number of deficits in our understanding of elder mistreatment. This includes the need for elder mistreatment prevalence and incidence studies, risk indicators and protective factors, new methods for detecting possible elder maltreatment, as well as research on the effects of elder mistreatment interventions.

The analysis described in this report provides a modest view of elder mistreatment in Texas. But in recognition of the fact that these findings were gleaned from general Texas Crime Victimization surveys of all Texas adults, subsequent elder-specific research may be

conducted. An especially fruitful direction, for example, would be a focus upon both risk indicators and protective factors for our senior citizens.

Reporting Elder Abuse

The law requires any person who believes that a child, or person 65 years or older, or an adult with disabilities is being abused, neglected, or exploited to report the circumstances to the Texas Department of Family and Protective Services (TDFPS). A person making a report is immune from civil or criminal liability provided they make the report in good faith, and the name of the person making the report is kept confidential. Any person suspecting abuse and not reporting it can be held liable for a Class B misdemeanor. Time frames for investigating reports are based on severity of allegations.

To report suspected abuse, neglect or exploitation of community-dwelling elders, call:

1-800-252-5400

A report to Adult Protective Services may also be made online at www.txabusehotline.org. This is a secure web site and you will receive a response within 24 hours.

To report suspected abuse, neglect, or exploitation of elders within assisted living or long-term care facilities, contact the Texas Department of Aging and Disability Services:

1-800-458-9858

To report instances of fraud (home equity fraud, telemarketing fraud, mail fraud, health fraud), contact the Consumer Protection Division of the State of Texas Attorney General's office at:

1-800-621-0508

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