

Research Department Report 56

Research on Crimes Committed by Elderly or Mentally Disordered Persons and Their Treatment

Outline

This report reveals the current situation regarding crimes committed by elderly (aged 65 or older) or mentally disordered persons, in ways including investigations conducted on released elderly or mentally disordered inmates or ex-prisoners, compiles the situation regarding measures and initiatives implemented for them in the stages of prosecution, correction and rehabilitation and discusses the issues to be worked on. Below is an overview for reference.

1. Purpose and methods of this study

For the past 20 years, the number of elderly or mentally disordered persons in the stages of law enforcement, prosecution, correction or rehabilitation in the criminal justice procedures has been significantly increasing, and there has been a growing concern that a relatively large number of those released from correctional institutions re-commit crimes because living independently is difficult for them, and, recently, measures and initiatives to facilitate their reintegration into society based on the "Comprehensive Measures for the Prevention of Repeat Offenses" decided by the Ministerial Meeting Concerning Measures Against Crime in July 2011 and others have been making progress and expanding. In this situation, this study was conducted upon realization of the necessity for investigation and research on the current situations regarding the measures for support of the reintegration of elderly or mentally disordered offenders into society, in addition to the current situation of crimes committed by these people and the recent trends.

In this study, firstly, the trends of the past 20 years (for the last 10 years for probation) on the number of elderly or mentally disordered offenders cleared, indicted, imprisoned and put under probation, and the tendencies and the characteristics of these people were analyzed.

Next, the measures and initiatives to facilitate the reintegration of elderly or mentally disordered offenders into society implemented in the stages of prosecution, correction and

rehabilitation were outlined and some of their actual situation is revealed through looking into case examples.

Furthermore, the systems and initiatives in Italy where *“misure alternative alla detenzione”* (alternatives to imprisonment) has been utilized to actively implement community-based treatment programs for offenders who need assistance such as elderly offenders and offenders with disabilities were investigated and used as reference when discussing how such offenders should be helped when reintegrating into society in Japan.

Moreover, the results of the special investigations conducted in order to understand the characteristics and the current situations of elderly inmates or mentally disordered inmates in penal institutions were analyzed. The subjects of these special investigations were elderly inmates or mentally disordered inmates who had been released from a penal institution between the 1st February 2014 to the 14th March 2014, and they were conducted in two stages: (1) Their basic characteristics, matters regarding their crimes, the details of correctional treatments, the measures implemented in prisons to facilitate their reintegration into society that were implemented, the situations at the time of release from prison and so on were investigated based on the data entered by penal institution staff members in the questionnaire based on the Inmate Identification records and others, (2) Whether or not these inmates released were re-imprisoned between the time of the investigation and the end of May 2015, and the details of re-offending and others were investigated based on the data entered in the questionnaire based on the finalized criminal case records of prosecutor's offices and others. The aim was to reveal how the measures to facilitate the reintegration of elderly or mentally disordered inmates who were released from prison into society during a certain period, such as *special coordination* (measures to enable elderly or disabled inmates without suitable residence who are released from a correctional institution to receive welfare service such as proper nursing care, medical care or pension soon after the release), were implemented, the situation of and tendencies in their re-offending and so on.

2. Overview of the study results

(1) Trends in elderly or mentally disordered offenders

a. Elderly offenders

The number of elderly offenders in each stage of the criminal justice procedures was increasing and its growth rate was going to far exceed that of the population of elderly people, and, especially, a dramatic increase could be seen in the number

of elderly females and elderlies aged 70 or older. As for the trends in the past 20 years on the numbers of elderly offenders in each stage of the criminal justice procedures, the numbers of offenders cleared for non-traffic Penal Code offense, those conclusively disposed at the Public Prosecutor's Office, those indicted, and inmates newly admitted to penal institutions for reasons such as execution of their finalized sentence (hereinafter referred to as "new inmates") increased by approximately 3.8 times, 6.1 times, 6.9 times and 4.5 times, respectively, and the growth rates of elderly females and elderlies aged 70 years or older in each stage were higher than those of the total elderly offenders.

The numbers of elderly offenders who were re-imprisoned increased by approximately 3.6 times for men and approximately 6.5 times for women for the past 20 years, and the percentages of re-imprisoned inmates in the total number of newly admitted inmates to penal institutions (hereinafter referred to as "the ratio of re-imprisoned inmates") of males was changing at levels higher than that of those younger than 65 years old and it reached 73.0% in 2015. The ratio of re-imprisoned inmates for females remained at around 50% in recent years and it was 48.6% in 2015. As for the reimprisonment rates of released elderlies within 5 years after the release, it was 37.7% among those who were released from prison in 2011, which was slightly lower than that of those younger than 65 years old (38.9%), but the ratios of re-imprisoned inmates within 4 years or sooner were higher in elderlies. The percentage of re-imprisonment of elderly inmates within 2 years after the release, among those who were released from prison between 2005 and 2014, decreased more than that within 5 years, but it was still higher than that of those younger than 65 years old, and it was 20.4% for elderly inmates released in 2014.

b. Offenders with mental disorders

The number of offenders with mental disorders cleared for non-traffic Penal Code offense almost doubled in the past 20 years. The percentage of offenders with mental disorders among those cleared for non-traffic Penal Code offense also increased and it was 1.7% in 2015. The number of inmates with mental disorders increased by approximately 2.5 times in the past 20 years, and when looking at the types of mental disorders, the number of those with neurotic disorders significantly increased by approximately 8 times. The percentage of inmates with

mental disorders among inmates admitted in 2015 increased to 13.1%. The number of female inmates with mental disorders increased by approximately 6 times in the past 20 years, and when looking at the types of mental disorders, the number of those with neurotic disorders dramatically increased by approximately 28.8 times. Among female inmates admitted in 2015, the percentage of those with mental disorders was over 20%. In addition, among parolees and persons granted suspension of execution of the sentence and placed under probation (hereinafter referred to as "probationers"), the number of those with mental disorders other than those with intellectual disabilities saw a remarkable increase, and in 2015 compared to 1998, the number of these parolees increased by approximately 6.8 times (approximately 15.3 times in women) and the number of these probationers increased by approximately 4.5 times (approximately 6.3 times for women). Among parolees and probationers, the percentages of those with mental disorders other than intellectual disabilities increased to 10.7% for the former and 18.7% for the latter in 2015. The percentages of these women saw a significant increase to 30.0% for the former and 39.2% for the latter.

(2) The results of analysis in this study

a. The characteristics of trends in elderly offenders

The results of analysis in this study showed that the number of elderly offenders cleared for non-traffic Penal Code offenses had remained high in general in recent years, while the numbers of those conclusively disposed at the Public Prosecutor's Office and those indicted had significantly increased and the number of newly admitted elderly inmates also had had a gradual upward trend. Furthermore, it can be said that the issue of elderly re-offenders was becoming apparent based on two points: among elderly offenders who were indicted, the number of those previously convicted saw a rapid increase, and the number of elderly inmates who were re-imprisoned remained high with a percentage of approximately 70%. In addition to these, based on a prediction that the elderly population will continue to grow until 2042, the number of elderly offenders in each stage of the criminal justice procedures is expected to increase and attention must be paid to the fact that the majority of elderly offenders is going to be those aged 70 or older.

b. Increase in the number of female elderly offenders

As for female elderly offenders, the growth rates of the numbers of those cleared for non-traffic Penal Code offenses, those indicted, new inmates and probationers were higher than that of the female elderly population in the past 20 years (for probationers, in 1998 and later), and aging of female offenders is striking with those aged 70 or older who were significantly increasing. In addition, the ratio of re-imprisoned female elderly inmates remained at around 50% in recent years, that of those under 65 years old showed an upward trend, and the percentage of re-imprisonment of female elderly parolees within 5 years after release is higher than that of those under 65 years old. Therefore, attention must be paid to the increase in the number of offenders aged 70 years or older and the trend in the percentage of re-imprisonment of female elderly offenders.

c. Increase in the number of offenders with mental disorders

As for offenders with mental disorders, the number of those cleared for non-traffic Penal Code offenses doubled in the past 20 years, and the percentage of those was high among new inmates and probationers. The increase in the number of new inmates with mental disorders was caused by the increase in the number of those with mental disorders other than intellectual disabilities, and among those, those with neurotic disorders and women rapidly increased. Other characteristics, that the ratios of re-imprisoned inmates of both those with intellectual disabilities and those with mental disorders other than intellectual disabilities were higher and the ratios of committing a crime in less than 6 months after their release were also higher than those without mental disorders, can be pointed out. However, it was not possible to show the backgrounds of and the causes for these increases in this study and it is suggested that it will be necessary to get more detailed information on mental disorders and discuss how guidance and support should be provided depending on the characteristics of mental disorders with assistance from experts in psychiatry.

d. Support of reintegration into society in the criminal justice system such as special coordination

According to the results of the special investigations, those for whom special coordination was taken were mostly those who had repeatedly returned to penal institutions and their foundations and environments of living that enable them to

be independent such as housing, work and families who help their rehabilitation were extremely weak. In addition, it became clear that the number of those who were re-imprisoned during the investigation period among those for whom special coordination was taken was smaller than the number among those who declined special coordination and those who were not either. Even if one takes into consideration that the investigation was conducted with a small number of people, the follow-up period after release was short, those for whom special coordination was taken asked for assistance themselves and other factors, it can be said that the special coordination is working effectively.

(3) Issues and prospects for the future

While further aging is expected in each stage of the criminal justice system, it seems to be of increasing necessity to accurately understand the needs of offenders related to welfare assistance and consideration in the medical and treatment areas and start support for them to reintegrate into society at an early stage.

On the other hand, there are quite a few cases where those eligible for support decline it because they don't understand the welfare services correctly even though they are deemed to require it and enhancing resources for preparing for the implementing support system and understanding and cooperating with welfare organizations, etc. are needed as the number of those eligible for support increases. Those issues should be properly addressed.

In the future, the public prosecutor's offices, correctional institutions and probation offices, etc. will need to share information in a good network with welfare organizations, etc., gain understanding from those eligible who need support and provide effective and continuous assistance to them. To this end, it is essential for people concerned in each organization to fully understand, through work on various cases, that they must provide treatments and support appropriate for the nature of the issues unique to each elderly or mentally disordered offenders.

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