

Crime and Elderly: A sociological analysis of ageing and violence

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Abstract

The increasing number of older persons in society requires improving our knowledge about the elderly. One area that has received little attention is crime committed by elderly. Is the number of elderly criminals so low, as stereotypes would suggest that its importance as a social problem could be dismissed? This paper presents a sociological discussion on types of crime committed by old people and their relationship to each other and to other forms of deviance.

Keywords: Ageing, Old people, Deviance, Elderly behavior

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Introduction

As a consequence of the increasing numbers of older persons in society there is a need to fill the gaps in our knowledge about the elderly. One area that has received little attention is crime committed by elderly (Feinberg, 1984: 35; Wilbanks; Murphy, 1984: 79; Fattah; Sacco, 1987). Relevant questions require investigation: How much crime do older persons engage in relative to younger members of the population? Is the number of elderly criminals so low, as stereotypes would suggest, that its importance as a social problem could be dismissed? What are the factors that influence and predict the prevalence and incidence of illegal behavior among older persons? How do the causes and correlates of lawbreaking by elderly differ from the factors that predict and influence more youthful criminals?

Scarce empirical research provides only partial answers to the previous questions. This paper is a review of literature that indicates the methodological problems encountered, pointing to the need of future studies to more fully address outstanding questions concerning illegal behavior of older persons.

The problem of elderly crime

The social problem of elderly crime has produced two scenarios of claims-making activity to account for its emergency. One is called "constructionist" and the other, "traditionalist" (Forsyth; Shover, 1984). The former assumes that there have been no changes in the elderly participation in criminal activities. Proponents of this perspective argue that elderly crime is a product of criminal justice agencies, mass media and scholars. According to them, elderly participation in crime remained unchanged in the last 20 years. On the other hand, the "traditionalist" perspective argues that there is

a significant increase in crimes committed by elderly. Documentation usually involves significant percentage increases in elderly crime (Aday, 1984), as opposed to the constructionist argument that uses small numerical increases.

Forsyth and Gramling (1984) point out that both perspectives can be correct, depending on the point of view. These authors argue that statistics from the US Census Bureau related to crimes committed by elderly show that, from the 1960s to the 1980s, elderly crime rose 322 percent. This increase is partly due to the growth in the elderly population (54.4 percent) and partly to the growth in number of crimes per 100,000 among the elderly population (171 percent). However, this data refer to percentages within the elderly population — they are non-significant if considered as part of the total Index crime. The point is that elderly are 12 percent of the US population but commit less than 1 percent of the total Index crimes.

Before drawing conclusions from these previous observations one point must be considered, which refers to the limitations of official statistics about crime and some specific characteristics of crime committed by elderly.

Accuracy of statistics on age-crime relationship

North American researchers who have attempted to estimate the absolute number and rate of crime committed by various age groups have relied almost exclusively either on national arrest data from the FBI's Uniform Crime Reports (UCR) or on self reported crimes used by National Crime Victimization Survey (NCVS). The first one, UCR, considers reports furnished by the police; the second one, cases reported by people to the police. These official statistics draw a lot of criticism (e.g. Biderman; Reiss, 1967; Black, 1970; Silberman, 1978; O'Brien, 1996). Both sets of data are said to underestimate the extent of the problem. Many crimes are not reported to the police, and many of those reported do not result in arrests (the degree of underestimation of law violation varies by type of offense).

Less certain however, is the accuracy with which official statistics measure the relative rates at which young and old people commit crimes. Regarding arrest statistics, some studies suggest that the police and other agents of the criminal justice system treat the aged more leniently (Wilson, 1968; Bergman; Amir, 1973; Schafer, 1976; Reid, 1979).

The age-crime relationship suggested by official crime statistics may be spurious. Longevity factors associated with crime are one potential source of spurious age effects. For example, being male, black, poor and/or undereducated is associated with shorter life span.

Another aspect that contributes to underestimation of old people participation is that, for certain "know-how" acquired through experience on criminal careers, they can use strategies to hide criminal activities from the police (Steffensmeier, 1986). Usually, young offenders are more easily arrested than old ones (Steffensmeier; Allan, 1995).

Less easily overcome, however, is the potential bias introduced by cohort effects that may be present in the cross-sectional data upon which official statistics and many self-report studies are based. For example, in his self-report study, Tittle (1980) found evidence that the age-crime relationship can be partially explained by differences between generations in their propensity to violate the law. Therefore, it is important to have longitudinal data to avoid the bias caused by the cohort effects.

In relation to self-reported data on illegal behavior, old people are possibly more reserved to declare involvement in those activities. As old people usually have jobs, a "name" to preserve reputation, families, a past to "preserve", they are possibly less likely to report lawbreaking behavior (Steffensmeier; Allan, 1995).

Another important aspect that can contribute to bias reports about crimes committed by elderly is the fact that those crimes occur generally in private places. Additionally, because the proportion of the elderly population

is steadily rising, their representation among all criminals is also likely to increase over time.

Crime rates for old and young people

According to Steffesmeier (1995), in most forms of crime, especially what in most societies are designated "serious" crime (murder, rape, assault, robbery), the proportion of the population involved in crime tends to peak in adolescence or early adulthood and then decline with age.

This scenario took some authors (Hirschi; Gottfredson, 1983) to affirm that the age-crime relationship is universal and invariant. However, according to Steffesmeier (1995) and Blumstein, Cohen and Farrington (1998), there is, in fact, a variation among offenses and across historical periods in the parameters of the age-crime curve.

Steffesmeier (1995) argues that certain types of crime have somewhat older peak ages and a more gradual decline in rates for older age, particularly crimes not included in statistics that are commonly used to analyze rates of crime (e.g. FBI Crime Index), such as gambling and white-collar crime.

According to Kercher (1987), the evidence showing an inverse relationship between age and crime is consistent with stereotypes of elderly. Due to natural physical decline common in old age one could expect that certain law violations that require greater physical strength are less frequent among old people. Thus the elderly should display the largest decrease in activity level for serious crimes such as murder, robbery, burglary and theft. Conversely, older persons should more closely approximate their activity level at a younger age for such illegal deviance as public drunkenness, gambling, driving while intoxicated, use of banned drugs, vagrancy, lying to one's spouse and so on. However, Steffesmeier (1995) argues that the age of decline in participation in crimes is not the age that coincides with declines in

physical abilities. Shock (1984) argues that the physical decline is gradual and starts in the middle of fifties and goes gradually until the final period of life. So physical decline is not a good argument to explain the abrupt decline in the age-crime curve following the peak age (from the adolescence until 20 years old) in criminal activities.

Kercher (1987) notes that the relative rate at which serious crimes should decrease with age is less certain for such illegal acts as murder, assault and theft. Although murder and assault require some level of physical competence, the target of these violent acts is most likely to be another person of similar age (Hindelang; McDermott, 1981; Fattah; Sacco, 1989).

In relation to the participation of old people in illegal activities, Steffesmeier (1995) points out that, for some specific illegal activities, the participation of old people is more salient. He emphasizes that most gambling and loan shark kingpins are between their mid-forties and mid-sixties, with some continuing to practice their trade well into their seventies. He points out that older persons also largely populate other lucrative rackets in the underworld. Fences of stolen goods, for example, are typically middle-aged or older. With these examples he argues that the age curves for lucrative crimes like racketeering or business crime not only peak much later but tend to decline more slowly with age. Steffesmeier (1995) also emphasizes that less is known about the age distribution of "respectable" or upperworld offenders who commit lucrative business such as fraud, price fixing and bribery. The modal age for these crimes falls between ages 40 and 50. Steffesmeier (1995) points out that these types of crime along with less visible activities and less likely to be reported (such as bookie and fence) are predominant among old people.

Theoretical perspectives on deviant behavior among elderly

Theoretical perspectives are needed to better understand elderly offense behavior and to place disparate findings on socio-demographic and other characteristics of older offenders in a more coherent framework. Also, such theoretical development will help to relate knowledge of elderly crime and deviance to the larger body of criminological knowledge and to guide public policy discourse and recommendations. The purpose of this section is to examine the extent to which current theories of crime and delinquency are adequate for moving toward these goals.

The contention here is that special theories of elderly crime and deviance are not needed; new perspectives must be designed to understand why some elderly persons violate the law or social norms. The intent of this section is to present strain theory (anomie), differential association (learning) and social control perspectives — three of the most important theoretical perspectives on deviant and criminal behavior. These theories are not necessarily age-specific; they can be applied to the later end of life cycle as they have been applied to account for the behavior at the adolescent or young adult stages.

Because the principal theoretical perspective on crime and deviance have largely focused on the youthful stage of the life cycle, much of the discussion revolves around modifying concepts or measures to apply these perspectives to the older stage of the life cycle. But for many of the differences in the societal location and social context of adolescence and old age there are also some similarities. Feinberg (1984) summarizes some of the more salient similarities and differences between the two age statuses. He notes, for example, that old age groups when contrasted with young and middle-aged adults share a certain exemption from work responsibilities, relatively unstructured time schedules, limited financial independence,

relative freedom from family responsibilities, de-emphasis on production and emphasis on consumption, and emphasis on play and leisure as a way of life. However, he notes as well important differences between the elderly and the juvenile. These differences are related to promoters and deterrents of crime. The promoters factors are related to some fragility present in old age related to disengagement from roles common in advanced age; old people can lose social contacts; they can be under mandatory retirement; they can have poor health; with high levels of depression, they can lose status and emotional appeal. On the other hand, they have families, they have a past to preserve, they have descendants, so they have different sources of social support and control in comparison to young people.

One important point is that the old population is not a homogenous population, there is a huge difference between people in their 60s and people in their 80s. Therefore, the process of disengagement from society, which is emphasized by Feinberg (1984), does not have necessarily to happen before advanced age. So, probably the opportunities within mainstream society are several for old people in comparison to youth, mainly because of opportunities that old people have.

Anomie, strain and deviant behavior among elderly

Beginning with Durkheim's classic study of suicide (1951), anomie as a social structural condition has been a pivotal perspective on deviance. But its special application to a range of conforming and deviant adaptations stems primarily from Merton's (1938) "means/ends" paradigm, which moved toward the contemporary elaboration of anomie to what is often referred as "strain theory". From this perspective, the gap between culturally induced success and the acceptable means to achieve these goals, as well as the relative inaccessibility of acceptable means to certain segments of society, places strain on individuals to deviate from norms by pursuing illegitimate means to achieve success.

Merton's references were to deviance in general without special emphasis on youthful populations. However, subsequent theorizing and empirical research in this tradition has been with special reference to juvenile delinquency and delinquent subcultures. In Cohen's (1955) strain theory, the anomic situation producing participation in the delinquent subculture results from the fact that lower class boys are judged by unattainable middle-class criteria. In Cloward and Ohlin's (1959;1960) version — differential opportunity theory —, the discrepancy between educational and occupational goals and the legitimate opportunities to achieve them, to which the adolescent have realistic access, exerts strain to commit deviant acts by utilizing illegitimate means. The deviant type of behavior chosen or type of delinquent subculture in which the adolescent becomes involved depends upon the availability of illegitimate opportunities. Those who experience "double failure" in both opportunity structures will take on Merton's "retreatist" adaptation by becoming involved in drug and alcohol abuse.

The anomie perspective has predominantly focused on delinquency. But there is little theoretical reason to confine its application to adolescents. Much of the thinking related to strain for the elderly comes from inferential formulations found in Rosow's (1974) classic work *Socialization to Old Age*. Rosow discussed a rather dark picture of aging that revolved around three key dimensions of aging. First, retirement, loss of spouse, and other events associated with aging all represent a change of role(s) and status for the elderly. Second, American society does little to socialize people to the new status of retirement and aging. Roles are lost but there is little substantive new role activity to take their place. The participation that is there for the elderly often revolves around leisure/recreational activity that has little intrinsic, meaningful content. Third, Rosow saw that growing old was a devalued status in a youth-oriented society. All of these factors of aging have been hypothesized as predictors of anomie in older adults.

Direct research on anomie and the aged is characterized by some sense of dealing with ideas formulated by Rosow and predicting work that parallel Rosow's thinking. The operational link to anomie is taken from two of the main empirical formulations of anomie, Seeman's (1979) and Srole's (1966). Seeman proposed that anomie was characterized by five recurring modes or components: powerlessness, meaninglessness, isolation, and self-estrangement.

One important point is that anomic responses are not inherent in growing older process (Pope; Ferguson, 1982). Greater level of anomie among the elderly can be related to opportunity variables (SES, race, gender) and with the cultural values of society toward old people (Fischer, 1977). Most of the literature on anomie and old age relates to describing or trying to account for the social psychological condition of anomie among elderly as the dependent variable rather than using it as an independent variable in the explanation of elderly deviance or crime. One area in which there has been some attempt to relate deviant response to anomic strain among elderly is alcohol abuse. Indeed, this seems to be the area where the anomie perspective is most apt to be applied to adult populations; the most common explanation of alcoholism or problem drinking is that it is a response to stress, normlessness, alienation, and external locus of control (Seeman; Anderson, 1983; Williams; Calhoun; Ackoff, 1992). As applied to the elderly this perspective emphasizes the stress that is believed to accompany the occurrence of "life crises" or "life events" associated with growing old, retirement, death of loved ones, health deterioration, lowered standard of living, social isolation and so on.

So, Strain Theory can be applied to understand old people participation in crime, but not necessarily in the same way that is commonly applied to youth delinquency. Assuming that generally old people have acquired resources that youths did not yet, one plausible explanation for elderly crime, controlling for SES, race and gender, can lie in the strain produced by

negative interactions experienced in old age in Western Societies. This explanation follows one derivation of Strain Theory used by Agnew (1992), who emphasizes that, for this general strain theory, reasons for delinquency must include not only the failure to achieve positively valued goals (Merton) and the removal of positive valued goals (Social Control) but also the actual or anticipated presence of negative stimuli. So, General Strain Theory focuses also on negative relationships. Agnew (1992) criticizes studies that focus on failure to achieve goals, as the empirical studies mentioned above, defending that the presence of noxious stimuli may lead to aggression and other negative outcomes. These negative stimuli can be child abuse, criminal victimization, and negative relations with parents, negative relations with peers or negative school experiences. In the case of the elderly, can be elderly abuse, ageism, negative interactions with relatives, loss of friends or spouse, mandatory retirement, health deterioration and so on.

Another aspect is that the availability of resources to cope with strain is very important to the development or not of deviant behaviors (structural opportunities). Regarding this, Cloward and Ohlin (1960) point that distinctions between rates of any kind of deviance or crime results not only from strain, but also from two other factors: level of strain and the extent to which adaptation is available depends on location in the social structure. The authors show that both the level of strain and the opportunity variable may account in large part for higher involvement of women in certain deviant or criminal forms, and men in others.

In conclusion, it is possible to say that those elderly experiencing high level of strain (ageism and scarce resources) and specific opportunities favorable to engage in deviance are more likely to engage in criminal or other deviant activities. And, among those that are engaged, the differences between old and young criminals are related also with illegitimate opportunities in the social structure, such as professional activities and facilities to commit crime (Steffesmeier, 1995).

Social Learning Theory, differential association, and deviant behavior among the elderly

According to the Social Learning theory, social behavior is shaped by the stimuli that follow or are consequences of the behavior (instrumental conditioning), by imitation of others' behavior (positive reinforcement) and avoidance of punishment (negative reinforcement) or weakened (punished) by aversive stimuli (positive punishment) and lack of reward (negative punishment). By a process of differential reinforcement, deviant behavior is acquired and persists, or conforming behavioral skills do not develop, depending on the anticipated, past, and present rewards and punishments attached to it and alternative behavior. The person learns definitions (attitudes, orientations, and evaluative knowledge) of the behavior as good or bad, right or wrong, or otherwise favorable or unfavorable. These definitions are themselves verbal and cognitive behavior which can be directly reinforced and are also cue or discriminative stimuli for other behavior. The balance of favorable and unfavorable definitions affects behavioral outcomes. The more individuals hold positive definitions that view the behavior as desirable, or neutralizing definitions that justify or excuse the behavior rather than negative definitions of it, the more likely they are to engage on it.

Akers and associates incorporated four principal concepts of the social learning theory as main sets of independent variables: differential association, differential reinforcement, definitions and imitation¹. Almost all empirical

¹ Social learning theory begins with Sutherland's (1947) theory of differential association. This turns out to be so inspirational that Sutherland's model for learning in a social environment is still the most recognized model within the social learning perspective. Sutherland (1947) reasoned that all criminal and deviant behavior is learned through interaction with intimate personal groups (imitation). Through this learning process, individuals absorb techniques, motives, drives, rationalizations and attitudes for committing crime. As people are exposed to these associations, they start defining laws and rules on basis of favorable or unfavorable. Finally, at the stage where an excess of definitions (self-made) in favor of law or rule violation is met, criminal behavior occurs.

studies that give support for this theory have come from studies of delinquency, gender differences, drug use, smoking and drinking by teenagers (Akers, 1985; Zhang; Messner, 1995; Maher; Doly, 1996; Athens, 1998). Nevertheless, the social learning model should be applicable to any age group, including the elderly. Nothing in the theory restricts the application to youth.

However, when the model is applied to elderly subjects some of the empirical referents or measures of the theoretical constructs have to be modified somewhat to make them more applicable to elderly samples. For example, it is not expected that parents or peer models have a current effect on old people involvement in alcoholism for example. However, one could ask about recollection of parental drinking behavior when respondents were growing up. Also, old people can receive the influence of social interactions with deviant people in their communities for example. However, those reference models do not have strong effect as they have for young (Cotton, 1979).

According to Akers, La Greca and Sellers (1984), the norms to which one is exposed, the definitions favorable and unfavorable to deviance adopted by the individual and the balance of reinforcement for conformity and deviance are as important for the elderly as for adolescents, but the relevant reference groups are different. Whereas for youths peer groups are mainly school-related, the relevant groups for the elderly are leisure, social work and political groups. For both, the family is important, though for youngsters it is parents and siblings and for elders, spouse, adult children and perhaps siblings.

Rewards and costs attached to behavior are important for both age groups. As with younger age groups, there are social rewards for drinking among the elderly, but the reasons will vary. Alcohol can promote sociability in fairly restrictive residential settings such as nursing homes (Chien; Stotsky; Cole, 1973).

Akers, La Greca and Sellers (1984) argue that social learning would explain the deviant (as well as conforming) behavior of the elderly just as it explains that of adolescents and youths.

In conclusion, while the overall social learning model is the same for all age groups, the relative explanatory power of the theoretical variables in the best fitting empirical model may differ somewhat for elderly and youthful behavior.

Social Control Theory and elderly behavior

Although control theories have long made reference to other populations, they have mainly been formulated for and tested with juvenile delinquency in mind. Social bonding theory, which has become the most influential control theory of deviance, was originally formulated by Hirschi (1969) specifically as an explanation of juvenile delinquency.

However, according to Akers, La Greca and Sellers (1984), social binding's underlying logic is applicable to deviant and/or conforming behavior at any age. These authors point out that there is little reason to believe it cannot be more broadly applied, beyond the law-abiding or unlawful behavior of juveniles. The bonding principles should be able to produce the same explanation for similar behavior among juveniles or the elderly.

The basic principle is that "delinquent acts result when an individual's bond to society is weak or broken" (Hirschi, 1969, p.16-30). The bond is comprised of various elements or subsets, the stronger the bonds are, more the person will conform to social norms; the weaker they are, the more likely one is to violate the rules. Hirschi identifies the elements of social bond, which constrain individuals from the inclination to deviate, as attachment, commitment, involvement, and belief.

Attachment to social groups creates sensitivity to other's opinions, which binds the individual to social norms. The stronger the attachment to others, the greater the extent to which general social norms exert a constraining power over the individual. *Commitment* refers to investment in conventional lines of action and attainment of a reputation or status in society that would be jeopardized by the commission of delinquent acts. When these stakes in conformity are low, there is less to lose if caught in deviant behavior, and therefore, less control on deviant behavior. *Involvement* refers to engrossment in or preoccupation with conventional activity. *Belief* refers to the degree of acceptance of the norms and values of society. The less one believes in obedience to the rules the greater the likelihood to violate them.

The literature indicates that attachment to delinquent peers increases the probability of delinquency. Those findings show that attachment, commitment, beliefs and involvement are negatively related to delinquency (Agnew, 1995; Krohn *et al.*, 1985; Elliot *et al.*, 1985) although research has concentrated on juveniles. According to Akers, La Greca and Sellers (1984), despite limitations of the previous studies, there is no reason to believe a priori that the social bonding theory cannot explain conforming or deviant behavior of older people. These authors argue that stronger bonds ought to produce greater conformity in any segment of society. Weaker ties to family, friends and society should free individuals of any age to deviate. The authors point that this does not mean that older and younger age groups undergo identical social processes or that social context of the two are the same. While adolescents may be tied to certain specific institutions in the conventional order, very different types of institutions may be more salient for older people. There may be great differences between adolescents and older adults in the specific kinds of attachments, commitments, and involvement in which they take part.

Thus, while attachment to family is expected to be important for both adolescents and the elderly, Hirschi places heavy emphasis on the adolescent's attachment to parents and peers. For the senior person, attachment would be to spouse, adult children and siblings as well as to elderly peers. Although Hirschi asserts that commitment refers to one's stake in conformity in general, such that one's actual accumulations can be jeopardized by deviance, he rationalizes that the concept can be applied to a juvenile's ambitions for the future which may also be threatened by deviance. Whenever studying adolescents, future ambitions and status is, then, what one must measure to understand conformity. Future status has greater significance for teenagers. For the elderly, commitment is more past and present oriented. An older person's stake in conformity rests on what has already been achieved in investment and reputation in conventional society. It is possible to argue that old people have more to lose; whatever is presently achieved is more concrete than abstract future.

In relation to involvement, older people rarely engage in degree-earning educational pursuits, but they do become involved in various other activities that require an investment on time and energy, such as hobbies, volunteer service, church activities, and work. These should produce the same constraints on deviance among the elderly that school work and extra curricular activities produce for adolescents.

Akers, La Greca and Sellers (1984) tested social bonding model for elderly drinking, problem drinking and law violation. They found that the level of explained variance for elderly drinking was similar to that for bonding models of adolescent substance use (27 percent); the model was also supported, although more weakly for problem drinking and the contact with the criminal justice system (law violation). Based on the previous information, it is possible to argue that the more integrated or bonded the elderly person, the more likely he or she is to refrain from deviant behavior and continue to conformity.

Conclusions

Given the evidence that the causes of crime are mostly similar for younger and older groups (strains, structural opportunities, criminal associates, attachment to significant others, beliefs and so on) the hypothesis that elderly would be less sensitive to social and cultural factors than younger persons is rejected. Conversely, one could agree with Hirschi and Gottfredson (1983) in the consideration that factors predicting illegal behavior at one age would also predict lawbreaking at other ages.

However, one must exercise caution in claiming that the theoretical and empirical review of literature demonstrated similar causes for crime in different age groups. Those researches cited above are, in general, studies based on juveniles and few are not cross-sectional studies. As it was mentioned, the theoretical reasons can be the same for young and old people, however, the empirical indicators of those reasons are not necessarily the same.

Future investigations will also require greater use of longitudinal designs (more than one point in time, i.e., panel data) that incorporate tests for bidirectional causality (reciprocal causality). Both theory and empirical findings suggest a reciprocal relationship between crime and its predictors, such as the relationship between differential association (criminal associates) and crime; criminal beliefs and crime and so on. Cross-sectional designs (one point in time) are simply inadequate to control for the spurious effects (no true effect, but a random one) introduced by a non-recursive causal order (Heise, 1970).

Although there is no need for specific theoretical approach to understand elderly involvement in crime, conceptual and/or measurement modifications must be made when general theoretical models applied to adolescents are applied to the elderly. This requires the researcher to be aware about the specific way some general variables related to crime manifest

among the old population. This specificity is related to particular life events typical in adult age, such as parenthood, professionalization, health impairment, retirement, income reduction, loss of social ties and widowhood (Kersher, 1987).

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