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## Briefing: Age-related Hate Crime

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There is an increasing problem across Wales and the rest of the UK where older people are being specifically targeted by criminals due to their supposed vulnerabilities. Despite this, there remains a gap in the law that does not recognise these crimes committed against older people because of their age as hate crimes.

Crimes committed against someone because of their disability, gender-identity, race, religion or belief, or sexual orientation are recognised in legislation as hate crimes. These types of crimes are included in S. 145 and 146 of the Criminal Justice Act 2003 as hate crimes due to their motivating factors and, as a consequence, additional penalties are considered.

Despite 'Age' being recognised in the Equality Act 2010 as a protected characteristic, alongside those prescribed in the Criminal Justice Act 2003, there is no existing legislation that would enable an uplift to be applied when sentencing the perpetrator of a crime against an older person.

Distraction burglaries and rogue trader offences are in the main directed at older people and they are becoming an increasing problem. The financial gains for the criminals are considerable when measured against other serious crimes such as armed robbery and potential penalties are much lower.

On average, the amount obtained by criminals as a result of an armed robbery is £6,500 and the maximum penalty on conviction is 15 years imprisonment. However, crimes relating to distraction burglaries and those associated with rogue traders will on average result in £25,000 being obtained by the perpetrators and the penalty if convicted is usually only up to 2 years imprisonment.

The penalties and the risk of being apprehended provide the criminals with a significant motivation to actively seek out older people to perpetrate their crimes.

**Casework examples:**

- Ronald Connors, a 'cowboy builder', targeted a number of older people including making one victim pay £140,000 for work worth £6,000. He was only jailed for 15 months.
- A 78 year old victim in Barry was quoted £500 to power wash his driveway. He was then subjected to constant phone calls and visits which left him fearful and subsequently he handed over £16,000 in cash.

My office has held discussions with the four Police and Crime Commissioners across Wales, as well as senior police officers who specialise in public protection. They have agreed there is logic to recognise these crimes against older people as 'hate crimes' and produce age-related hate crime indicators, mainly due to the increasing problem of age-related hate crimes and the devastating effect it can have on victims' lives.

Hate crimes committed against older people have a significant and long lasting impact on their health and well-being. Older people that have been victims of hate crime can lose their self-confidence and self-esteem leading to a risk of them becoming increasingly vulnerable. Many victims have gone on to experience physical abuse, severe depression and loneliness as a result of the crime committed against them, and sadly some cases have resulted in suicide.

This is an area of the criminal law that needs urgent attention, not only to discourage and properly penalise those criminals that commit these crimes against older people but also to raise awareness with the police and other agencies that these crimes are motivated primarily by someone's age.

I have been working with members of the Law Commission for England and Wales to draw up proposals that would amend the Criminal Justice Act 2003 to include age-related crime as legally recognised hate crime. This amendment would bring parity in the eyes of the law to older people that are victims of hate crime.

Whilst this currently remains a matter for the UK Parliament, the National Assembly for Wales can make a strong statement on its commitment to equality and parity for older people that are the victims of crime by supporting my call for change.



# Older People's Commissioner for Wales Comisiynydd Pobl Hŷn Cymru

## The Older People's Commissioner for Wales

The Older People's Commissioner for Wales is an independent voice and champion for older people across Wales, standing up and speaking out on their behalf.

The Commissioner and her team work to ensure that older people have a voice that is heard, that they have choice and control, that they don't feel isolated or discriminated against and that they receive the support and services that they need.

The Commissioner and her team work to ensure that Wales is a good place to grow older – not just for some but for everyone.

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