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PHENOMENON AND SCALE OF FRAUD BY THE „GRANDPARENT SCAM” METHOD IN THE AREA OF THE SILESIA VOIVODESHIP IN 2017-2022

Abstract

With an ageing population, the issue of safety for older people is becoming increasingly important. This is all the more important as the number of senior citizens is increasing year on year. One particular type of threat affecting seniors is fraud committed against them, in which the perpetrators use the method commonly referred to as „grandparent scam”. This phenomenon is all the more shocking as the perpetrators, using sophisticated manipulation methods, often cause the victims to lose their entire life savings. The scale of the phenomenon in the Silesian Voivodeship in the individual years 2017-2022 was variable. Law enforcement authorities in this period recorded rather negligible success in identifying the perpetrators of this type of fraud.

Key words

Public safety and order, safety of the elderly, crime, grandparent scam

Introduction

One of the most important needs of every human being is the need for security. It is an essential element of the hierarchy of needs that constitute the natural path of human development¹. The modern world is undergoing constant, dynamic change. New, previously unknown challenges and threats are emerging². Experiencing a threat-free environment, an environment perceived as safe, is inscribed in the life of the individual as well as the entire collective³. In 2023, the population of Poland was 37.6 million, of which 9.9 million were people aged 60 and over. This represented 26.3% of the population. Compared to 2022, the number of older people increased by 96,000, or 1%⁴. The range of challenges faced by this social group is broad and includes, inter alia: loss of physical and mental fitness, loneliness, feelings of loneliness as a result of weakened family and social ties, deficiency of economic condition due to lack of sufficient and decent financial resources, loss of social status held before retirement, illnesses resulting from the natural passage of time and lack of care from the immediate family and social services⁵. Seniors, due to their specific health, social and economic needs, are exposed to risks that require appropriate solutions. Particularly noteworthy are crimes in which the perpetrators of fraud use a method of operation commonly referred to as the „grandparent scam” method. Despite widespread prevention activities, the scale of the phenomenon is still large, as evidenced by media coverage⁶ and police communications and statistics⁷.

Methodological and methodological assumptions

The purpose of this publication is to present the scale of the phenomenon of frauds in which cases used the „grandparent scam” method and the effectiveness of the Police in preventing and combating this type of crime in the area of the Silesian Voivodeship in 2017-2022. The adopted objective influenced the formulation of the research problem with the following content: What were the trends and the scale of fraud offences committed by the method „grandparent scam” measured by the number of conducted

1 A.R. Spencer, *Psychologia współczesna*. Gdańskie Wydawnictwo Psychologiczne, Gdańsk 2004, pp. 445-446.

2 R. Socha, *Współczesne postrzeganie zagrożeń*. [in:] *Zarządzanie kryzysowe. Teoria, praktyka, konteksty, badania*. J. Stawicka, B. Wiśniewski, R. Socha (eds.), Szczytno 2011.

3 B. Wiśniewski, *System bezpieczeństwa państwa. Konteksty teoretyczne i praktyczne*, Szczytno 2013, p.31.

4 Ministry of Family and Social Policy, *Informacja o sytuacji osób starszych w Polsce za 2023 r.*, Warszawa, 2024, p. 5, <https://das.mpips.gov.pl/source/2024/Informacja%20o%20sytuacji%20osob%20starszych%20w%20Polsce%20za%202023%20r..pdf> [access: 22.11.2024].

5 J. Mlynski, *Bezpieczeństwo seniorów w kontekście wyzwań polityki lokalnej w Polsce*, „Teologia i Moralność” 2022, 17(2(32), p.231.

6 J. Wilczek, *Metoda na wnuczka, jeszcze nigdy nie była tak popularna. Seniorzy tracą dziesiątki milionów*. <https://bezwprawnik.pl/metoda-na-wnuczka/> [access: 20.11.2024r.] G. Zawadka, *Polacy wciąż dają się oszukiwać metoda „na wnuczka”*, <https://www.rp.pl/przestepczosc/art38425531-polacy-wciaz-daja-sie-oszukiwac-metodana-wnuczka> [access: 20.11.2024 r.].

7 *Są bezwzględni i chciwi- oszuści działający metodą „na wnuczka” wciąż wykorzystują dobre serca seniorów*. <https://www.policja.pl/pol/aktualnosci/119779,Sa-bezwgladni-i-chciwi-oszusci-dzialajacy-metoda-na-wnuczka-wciaz-wykorzystuja-d.html> (access: 20.11.2024).

preparatory proceedings and recorded acts ascertained in the years 2017-2022 in the area of the Silesian Voivodeship? What was the effectiveness of law enforcement agencies in determining the identity of perpetrators of fraud offences by the „grandparent scam” method as measured by the detection rate? The qualitative and quantitative analysis of statistical data provided by the Police Headquarters and the Provincial Police Headquarters in Katowice played a key role in the research process. Statistical results were presented describing the number of prosecutions conducted, the acts found to be frauds committed using the grandparent scam method and the percentage detection rate of the perpetrators. All data pertained to the period from 2017 to 2022. The empirical content is supplemented by the opinions of experts, i.e. superiors of the criminal divisions of the Municipal/Provincial Police Headquarters in the Silesian Voivodeship involved in combating fraud.

Old age as a stage in life

As Eurostat projected in 2013, Poland’s population will decline to 35 million in the 2040s of this century, and by 2080, the population will fall below 30 million. The population decline is and will be accompanied by significant structural transformations. Particularly significant are and will be the changes in the age structure of the population associated with its ageing process. As recently as 2013, only 18% of the population was over retirement age (60 for women and 65 for men). In the next 30 years, this ratio may exceed 30%. This means that almost every third Pole will be of retirement age⁸.

People beyond a certain age identified with old age are called old people, aged people, old people or seniors⁹. The term senior citizen is associated with a person who is older in age than another person with whom he or she is compared, a member of some team, a family, someone who is the oldest in age. As indicated in the literature, old age, independent of chronological age, is a multidimensional concept that varies according to cultural context. It refers both to physical conditions to which health corresponds and to specific key events in a person’s life. An example is retirement, the consequences of which are evident in a change in quality of life. In addition, old age can be characterised by specific changes, stressful life events. Examples of this are withdrawal from social life, realising oneself as a grandparent, focusing on family relationships¹⁰. Old age is as important a life stage as any other, i.e.: childhood, youth, adulthood. However, it is the most diverse of them all, and is not subject to rules. Old age depends on the course of the previous stages, and they themselves may take a different form in each individual¹¹.

8 F. Stokowski, *Demografia*, Warszawa 2015, pp. 140-142.

9 A. Nowicka, *Starość jako faza życia człowieka* [in:] *Wybrane problemy osób starszych*, A. Nowicka (ed.), Kraków 2010, p. 19.

10 B. Tobiasz- Adamczyk, *Teoretyczne wyznaczniki przemocy wobec osób starszych* [in:] *Przemoc wobec osób starszych*, B. Tobiasz – Adamczyk (ed.), Kraków 2009, p. 11.

11 A. Nowicka, *Starość jako faza życia ...*, p. 17.

All elements of the process of our life, consequently affect its length, morbidity, degree of disability, independence in activities of daily living, autonomy of decision-making. These circumstances are a source of many stressful situations for older people. It is estimated that 7 per cent of people aged 65 to 74 and 16 per cent of those over 75 are affected by severe visual sensory problems. In the case of hearing, 32% of the population aged 70 to 80 and 50% over 80 struggle with disorders¹². Problems with dementia, understood as a set of disorders caused by a brain disease usually of a chronic or progressive nature, in which higher cortical functions are impaired, i.e.: memory, thinking, understanding, counting, learning abilities and judgement, are also gaining importance. Dementia causes a significant decline in intellectual function and affects basic life activities such as eating, dressing, personal hygiene¹³.

In conclusion, in the light of the above-mentioned circumstances, the elderly population is diverse in terms of health, psychophysical, living, social and economic situations. The ageing process has an individual character, influenced by all the conditions mentioned. Six main areas of social life are identified as being particularly affected by the ageing phenomenon, i.e.: health, family and household, consumption needs and consumption structure, labour market and public policies¹⁴.

Grandchild fraud – characteristics and criminal liability

One particular group of threats that may affect older people are crimes whose perpetrators use elements of psychomanipulation. It is understood as exerting influence on a person, resulting in his/her objectification, deliberate misrepresentation, concealing or omitting inconvenient information or exploiting unconsciousness, used to obtain material or emotional benefits¹⁵. Psychomanipulation, which is a form of psychological violence against older people, can lead to the triggering of a process of victimisation. In the case of its primary form, this can be the loss of property and suffering harm. Secondary victimisation, on the other hand, may be accompanied by the experience of repeated harm, when the victim is much more severely affected. Examples include loss of self-confidence and feelings of guilt. Another manifestation of secondary victimisation can also be the fear of negative evaluation and ridicule. Its consequence will be the failure to report the crime to law enforcement¹⁶. This, in turn, affects the scale of the „dark number of crimes”. This

12 W. Kolodziej, *Bio-psycho-społeczne funkcjonowanie osób starszych a społeczne stereotypy i uprzedzenia dotyczące starzenia się i starości* [in:] *Wybrane problemy osób starszych*, A. Nowicka (ed.), Kraków 2010, p. 57.

13 W. Kolodziej, *Zaburzenia psychiczne i ryzyko samobójstwa u osób w starszym wieku* [in:] *Wybrane problemy osób starszych*, A. Nowicka (ed.), Kraków 2010, p. 90.

14 A. Fihel, M. Okólski, *Przemiany cywilizacyjne, ludnościowe i starzenie się społeczeństwa* [in:] *Wyzwania starzejącego się społeczeństwa. Polska dziś i jutro*, M. Okólski (ed.), Warszawa 2018, p. 52.

15 A. Lisiecka, *Jak obronić się przed psychomanipulacją?* [in:] *Sekty*, A. Lisiecka (ed.), Wrocław 2004, pp. 16-19.

16 A. Lisiecka-Bednarczyk, *Działania upodmiotawiające w profilaktyce manipulacji wobec seniorów*, „Zeszyty Naukowe KUL” 2022, No 65(2022), no. 3 (259), p. 103.

term refers to undisclosed crime, i.e. the set of crimes about which information has not reached and been recorded by law enforcement¹⁷.

One of the most common crimes committed against seniors, where perpetrators use manipulation techniques, are frauds carried out using the methods as a „grandparent scam” and as a „fake police officer”. In this case the perpetrators use so-called legends. A scam using the „grandparent scam” method involves the perpetrator making a telephone call to an elderly person. One way of typing the victim is to search for old Polish names in the telephone directory. Once the call is initiated, the perpetrator plays the role of a loved one, such as a grandchild, telling a made-up story. The story may concern a need for financial support in connection with a traffic accident caused by a relative and the need to pay bail, bribes or compensation to a fictitious accident victim. The payment indicated is to prevent further problems. The caller expects funds from the senior citizen and, in the absence of funds, urges him or her to arrange for them. The money allegedly cannot be claimed by the person concerned himself, but he sends a trusted person to collect it. A similar scheme is used in the case of exploitation of the „fake police officer” legend. The perpetrator, claiming to be an officer of the police, the Central Bureau of Police Investigation or other services, presents the legend that the police are investigating fraudsters and therefore asks the potential victim to cooperate in apprehending the criminals. In order to catch the alleged fraudsters, the senior citizen is supposed to hand over the money to them under the control of the Police. The perpetrator assures the victim that the victim’s money will be safe and, thanks to her involvement, the perpetrators will be apprehended “in the act”¹⁸. Experts point out that legends can be modified in various ways. This applies to both the caller and the alleged reason presented for the need to transfer funds. An important element of manipulation associated with this type of fraud is the constant time pressure on the victim. The perpetrators enforce the need to keep going without being able to contact loved ones or acquaintances. The scammers keep the phone call going, do not allow the call to be interrupted in such a way that the victim cannot reflect on their actions, advise anyone about their course of action. The inability to verify the caller’s credibility, the pressure of time, cause seniors to make the wrong decisions¹⁹.

According to data provided by the Police Headquarters, the statistical system recording offences classified as frauds committed using the „grandparent scam” method, in 2022 defined a total of 41 *modus operandi* values, which represented

17 J. Błachut, Czy „ciemna liczba przestępstw” istnieje?, „Archiwum Kryminologii” 2007-2008, T. XXIX-XXX, p. 79.
A. Lisiecka-Bednarczyk, Działania upodmiotawiające ..., p. 105.

18 M. Wojciechowski, M. Hausman, Oszustwa metodą „na wnuczka”. Rola analizy kryminalnej w procesie wykrywczym, Szczytno 2010, no.3, p.7.

19 A. Róžańska, B. Pastwa-Wojciechowska, Mechanizmy wywierania wpływu społecznego wykorzystywane przez sprawców przestępstwa oszustwa metodami „na wnuczka” i „na policjanta”, „Kultura Bezpieczeństwa, Nauka – Praktyka-Refleksje”, 2018, no. 30, p. 198.

the legends used²⁰. The types of legends used are entered into the system by officers conducting pre-trial investigations. Examples of legends recorded in the category of fraud by the ‘grandchild’ method in 2022 were:

- The perpetrator claims to be a police officer – 2289 cases;
- perpetrator claiming to be a grandchild – 539 cases;
- the offender claims to be another family member (e.g. grandparent, cousin, uncle, etc.) – 381 cases;
- the perpetrator claims to be an employee of other professions – 150 cases; – the perpetrator claims to be a relative, acquaintance – 107 cases;
- the perpetrator claims to be a doctor, feldsher, veterinarian – 42 cases.

It is noteworthy that the highest number of cases concerned cases in which the perpetrators used the ‘for a policeman’ legend. This is significant as it is common to use the term ‘on the grandson’ scam to describe all legends used. In 2022, only 539 grandparent scams were recorded, with 2289 cases of offences using the „fake police officer” method.

Offences using the „grandparent scam” method are classified by law enforcement authorities as fraud as defined in Article 286 § 1 of the Penal Code. Pursuant to its content, an offender is liable for the offence of fraud when, in order to gain a pecuniary benefit, he leads another person to an unfavourable disposition of his own or another person’s property by means of misrepresentation or obtaining a mistake or incapacity to comprehend the intended action²¹. The purpose of the perpetrator’s action is to seek a pecuniary gain. Fraud is a substantive offence which results in an adverse disposition of property by the victim. The prerequisite for the criminal liability of the perpetrator of fraud is the identity of the misled entity and the entity disposing of the property, which does not mean that the disposing entity has to be the owner of the property (there are known cases where senior citizens hand over their children’s savings to fraudsters)²².

The offences set out in Articles 286 § 1-3 of the Code of Criminal Procedure are public offences, prosecuted as a rule *ex officio*. The position of the victim is irrelevant in terms of the response of law enforcement authorities. The exceptions are frauds in which the misappropriation occurred to the detriment of a next of kin²³. Then the prosecution takes place at the request of the victim.

In the case of the offences specified in Article 186 § 1 and 2 of the Penal Code, the legislator has provided for the threat of imprisonment from 6 months to 8 years. The privileged type of fraud referred to in Article 286 § 3 of the Code of Criminal

20 Statistical data is processed in the National Police Information System. The system was created to process information in connection with the implementation of the statutory tasks of the Police. The legal basis for the system’s operation is Order No. 70 of the Commander-in-Chief of the Police of 2 December 2019 *on the National Police Information System*. (Journal of Laws of the KGP of 2019, item 114).

21 Act of 6 June 1997 *Criminal Code* (Journal of Laws of 2024, item 17, 1228 – consolidated text).

22 See: P. Zakrzewski, *Kodeks karny komentarz*, J. Majewski (ed.), Warszawa 2024, p. 1344.

23 See: *Ibid*, p. 1350.

Procedure is threatened with three types of punishment: a fine, restriction of liberty or imprisonment for up to 2 years²⁴.

When analysing the phenomenon of „grandparent scam”, it is worth noting the extreme vulnerability of the elderly to being victims of this type of crime. Reasons for the increased vulnerability of seniors to manipulation include:

- changes in brain function – research has shown that older people may have a reduced ability to assess risk and recognise deception, making them more vulnerable to manipulation. People with mild cognitive impairment (MCI) are particularly vulnerable because their ability to process information is reduced, which can lead them to make decisions based on emotion rather than rational analysis of the situation²⁵.
- Emotional connection – grandparent scams often rely on an emotional connection between the victim and the scammer. Older people can be particularly sensitive to requests for financial assistance, especially when the fraudster claims to be a close family member. In this situation, strong emotions may lead the victim to react quickly and irrationally. Older people who experience loneliness or social isolation may be even more likely to respond to such requests, increasing the risk of fraud²⁶.
- Lack of knowledge and awareness of fraud among the elderly – fraud prevention and education campaigns often fail to reach seniors²⁷.
- Social isolation – social isolation is an important risk factor in the context of financial fraud. Older people who live alone or have limited social contacts may be more susceptible to fraud as they may be more likely to engage with strangers²⁸.
- Influence of authority – people tend to place complete, unreflective trust in people who appear to be authorities on a given issue. Clothing, uniforms, titles and ranks are evidence of being an expert, which can strongly influence other people. Perpetrators impersonate officers, use official ranks, provide information about specific departments, police units. They lend credence to the legend by providing the number of their official ID card. The very figure of a police officer may trigger mechanical submission and, regardless of the content of a given request, its fulfilment²⁹.

24 See: M. Szwarczyk, *Kodeks karny Komentarz*, T. Bojarski (ed.), Warszawa 2012, p. 768.

25 S. Duke Han, P. A. Boyle, B. D. James, L. Yu, D. A. Bennett, *Mild Cognitive Impairment and Susceptibility to Scams in Old Age*, “Journal of Alzheimer’s disease” 2016, Vol. 49, Issue 3.

26 B. K. Payne, S. M. Strasser, *Financial Exploitation of Older Persons in Adult Care Settings: Comparisons to Physical Abuse and the Justice System’s Response*, “Journal of Elder Abuse & Neglect” 2012, Vol. 24, Issue 3.

27 J. Bailey, L. Taylor, P. Kingston, G. Watts, *Older adults and ‘scams’: evidence from the Mass Observation Archive*, “The Journal of Adult Protection” 2021, Vol. 23, Issue 1, pp. 57–69.

28 L. Fenge, S. Lee, *Understanding the Risks of Financial Scams as Part of Elder Abuse Prevention*, “The British Journal of Social Work” 2018, Vol. 48, Issue 4, pp. 906-923.

29 A. Różańska, B. Pastwa-Wojciechowska, *Mechanizmy wywierania wpływu społecznego wykorzystywane przez sprawców przestępstwa oszustwa metodami „na wnuczka” i „na policjanta”*. „Kultura Bezpieczeństwa Nauka – Praktyka – Refleksje” 2018, no. 30, p. 199.

Scale of the phenomenon

In order to make a comprehensive analysis of the scale of the phenomenon of fraud by the „grandparent scam” method in the Silesian Voivodeship, the number of preparatory proceedings initiated and conducted in the selected period 2017-2022 was presented³⁰. Another element characterising the scale of crime in the indicated period was the number of recorded acts found³¹. According to the content of the information provided by the Police Headquarters in Warsaw and the Provincial Police Headquarters in Katowice, the figures include offences referred to as fraud by the „grandparent scam” method, which are qualified respectively as a fraud offence, i.e. defined in Article 286 § 1 of the Code of Criminal Procedure and in Article 286 § 1 of the Code of Criminal Procedure in conjunction with Article 294 § 1 of the Code of Criminal Procedure. The first case involves the basic type of the crime of fraud. The second of the cited facts specifies the qualified type of the crime of fraud, when the perpetrator commits the crime of fraud in relation to property of significant value. In this situation, the legislator provided for an aggravation of the punishability of the perpetrator of the act to 10 years of imprisonment if the object of the act is property of significant value³². Pursuant to the amendment to the Criminal Code made on 5 November 2009, as of 8 June 2010, in order for property to be considered „property of significant value” it must exceed the value of PLN 200,000 at the time the act was committed³³. The data presented refer to the number of all proceedings in which perpetrators used the fraudulent „grandparent scam” method, regardless of the age of the victim.

The number of pre-trial proceedings initiated and conducted in cases of fraud by the „grandparent scam” method in the Silesian Voivodeship in 2017- 2022 in relation to national statistics is presented in Figure 1.

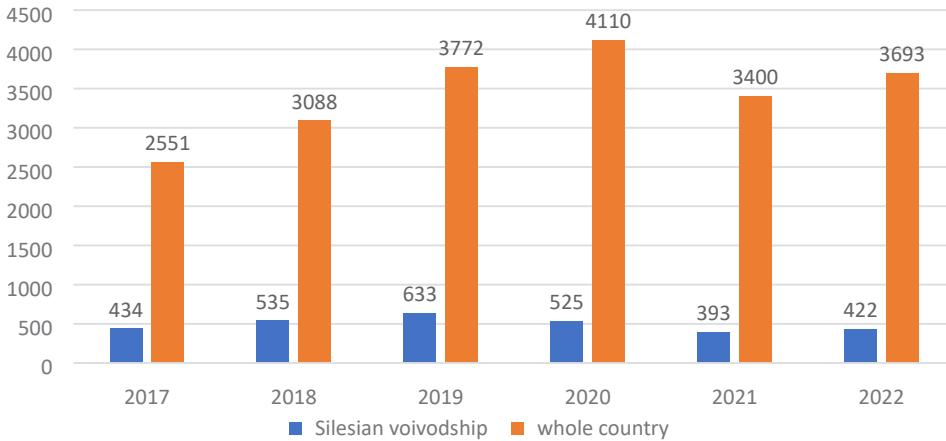
30 An initiated pre-trial investigation is an investigation initiated by a police organisational unit in relation to an event suspected to be a crime, or initiated by the public prosecutor's office and handed over to the police for further direct investigation. Source: <https://statystyka.policja.pl/st/przestepstwa-ogolem/121940,Przestepstwa-ogolem.html> [access: 26.11.2024].

31 An ascertained offence is an offence that is a crime or misdemeanour prosecuted by public indictment, including a fiscal offence, covered by pre-trial proceedings concluded as a result of which the criminal act was confirmed. Source: <https://statystyka.policja.pl/st/przestepstwa-ogolem/121940,Przestepstwa-ogolem.html> [access: 26.11.2024].

32 Act of 6 June 1997 *Criminal Code*.

33 T. Oczkowski, *Kodeks karny Komentarz*, R. Stefański (ed.), Warszawa 2015, p. 1709.

Chart 1. Number of pre-trial proceedings initiated and conducted in cases of fraud by the „grandparent scam” method in the Silesian voivodeship in 2017-2022.



Source: own elaboration based on information provided by KGP and KWP in Katowice.

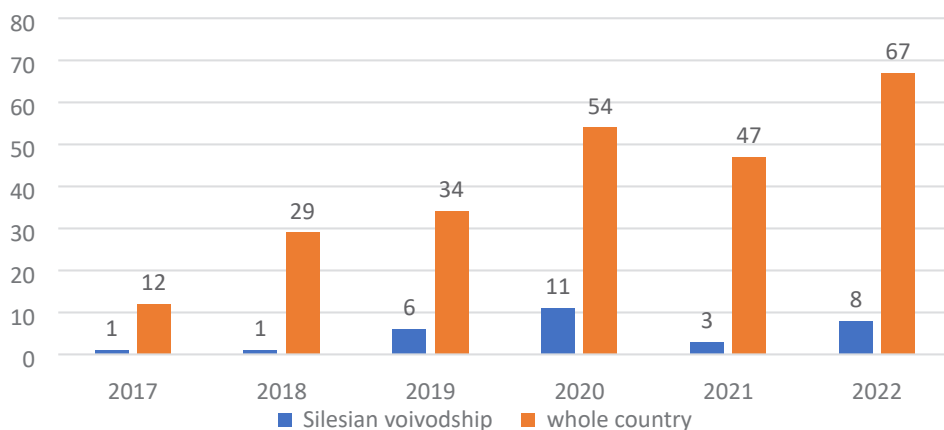
As can be seen from the presented results, the trends in fraud by the „grandparent scam” method in the area of the Silesian Voivodeship in 2017-2022 partly coincided with the trends recorded at the national level. In 2017-2019, the trends were upward, both in the Silesian Voivodeship and nationwide. In 2020, Silesian voivodeship recorded a decrease by 108 in the number of pre-trial proceedings initiated in relation to 2019. In percentage terms, this meant a decrease of 17% in this type of proceedings. At the same time, nationally, there were 338 more pre-trial proceedings being conducted, which meant an 8% increase in relation to 2019. It is difficult to unequivocally identify the reasons for the differences in the trend in 2020 within the province and across the country. In the following years, i.e. 2021-2022, the trends in the number of pre-trial proceedings initiated and conducted were similar. In 2021, there was a significant decrease in the number of preparatory proceedings conducted, both in the area of the Silesian Voivodeship (decrease by 132, i.e. 25%) and in the area of the whole country (decrease by 710, i.e. 17%). One of the reasons for the reduction in the number of frauds using the „grandparent scam” method may have been the then prevailing state of the COVID-19 pandemic. It was a period of introducing various restrictions, restrictive solutions, arousing much controversy and significantly limiting social activity in public space (e.g. ban on the use of parks, boulevards, promenades, and city bicycles, definition of the minimum distance between pedestrians, limits on persons in public transport, in commercial facilities)³⁴. In a national and provincial perspective, the number of proceedings initiated and conducted in 2022 had an upward trend and corresponded to that of 2020. In summary, the trends in

34 R. Socha, *Działania Policji w zapobieganiu i zwalczaniu chorób zakaźnych ludzi*, Warszawa 2020, pp. 144-145.

the number of grandchild fraud cases initiated and pursued in the 2017-2022 perspective were variable.

The number of pre-trial investigations into fraud by the „grandparent scam” method involving property of significant value, conducted in 2017-2022 in the Silesian voivodeship, in relation to the nationwide results is presented in Figure 2.

Chart 2. Number of pre-trial proceedings initiated and conducted in cases of fraud by the „grandparent scam” method concerning property of significant value, in the area of Silesian voivodeship in 2017-2022.

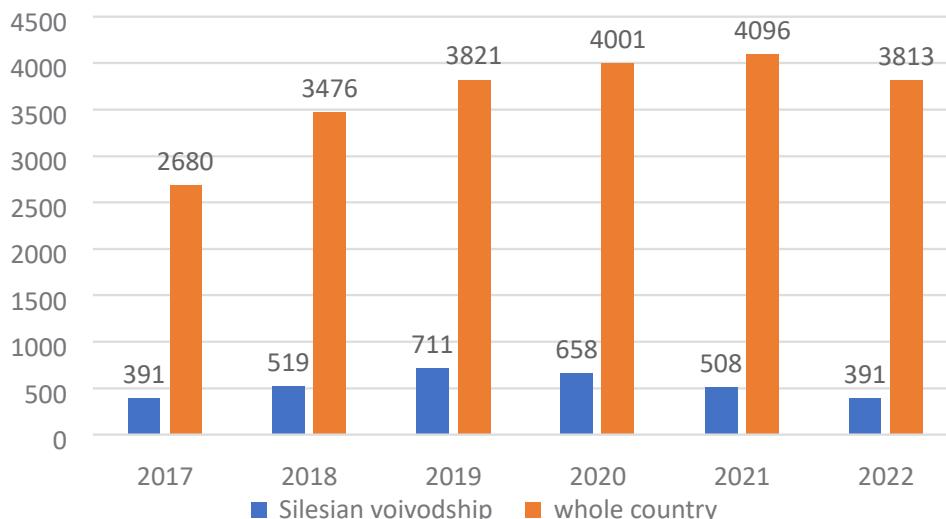


Source: own elaboration based on information provided by KGP and KWP in Katowice.

The cited values indicate that proceedings concerning property of significant value constitute a small part of all cases. In the case of the Śląskie Voivodeship the largest number of cases was registered in 2020 (11), where they constituted only 2% of all proceedings conducted in this period. In the nationwide perspective, the largest number of proceedings qualified under Article 286 § 1 of the Code of Criminal Procedure in connection with Article 294 § 1 of the Code of Criminal Procedure was conducted in 2022 (67) and they constituted 1.8% of all proceedings.

Another parameter characterising the scale of the grandchild fraud phenomenon is the number of ascertained offences. Trends in this area are shown in Figure 3.

Figure 3. Number of offences recorded in the category of „grandparent scam” in the Silesian voivodeship in 2017-2022.



Source: own elaboration based on information provided by KGP and KWP in Katowice.

The trends in the number of offences ascertained in the category of „grandparent scam” differ slightly from the results of the analysis of pre-trial proceedings initiated. In the Silesian voivodeship, an increase in the number of ascertained offences was recorded between 2017 and 2019, only to record a significant decrease in the following period from 2020 to 2022. In the case of nationwide statistics, the number of crimes increased between 2017 and 2021, only to record a decrease in the number of crimes in 2022. Similarly as in the case of the number of pre-trial proceedings initiated, the number of offences found may indicate a more effective prevention and fight against the procedure in question on the territory of the Silesian Voivodeship in the years 2020-2022. When analysing the values of initiated proceedings and ascertained offences in individual years on the territory of the Silesian Voivodeship, it is worth noting that they are divergent. While in 2017-2018 the number of pre-trial proceedings initiated is greater than the number of ascertained offences recorded at that time, in the following years 2019-2022 this trend is reversed, i.e. a greater number of ascertained offences were recorded than the number of initiated proceedings. These discrepancies, according to the information provided by the experts, may be due to reasons, two of which are of particular importance, viz:

- preparatory proceedings in cases related to fraud could be concluded by issuing a decision on discontinuance pursuant to Article 17 § 1 item 2 of the Code of Criminal Procedure. Pursuant to this provision, preparatory proceedings shall not be instituted, and instituted proceedings shall be discontinued,

in a situation where the act does not contain the statutory attributes of a prohibited act or the act provides that the perpetrator has not committed an offence³⁵. It happened that preparatory proceedings were initiated in the situation when the perpetrator made a telephone call initiating a legend which constituted an element of fraud. The call was then dropped, usually by the potential victim. The justification for the discontinuation was that the offender's action was in the form of preparation. In 2017-2018, in the area of the Silesian Voivodeship, the number of initiated proceedings was higher than the number of acts of established offences, which could be due to the conduct of proceedings in which the facts indicated a form of preparation. This, in turn, was the basis for discontinuation of cases. In this case proceedings were registered, but no criminal act was registered;

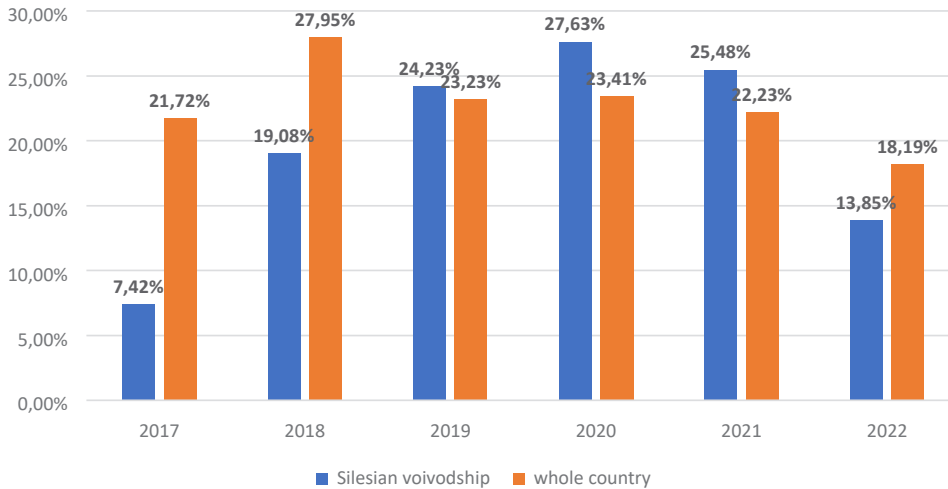
- It happens that there is more than one established crime in pre-trial proceedings (this may explain the higher number of established crimes than pre-trial proceedings initiated). This applies to cases that end with a decision to discontinue the proceedings due to failure to detect the perpetrators, as well as to proceedings conducted *ad personam*. The evidence of more than one act is based on circumstances indicating that the perpetrator(s) may have been the same person, which was confirmed by the duration of the perpetrators' activity (e.g. within the period of several hours), the place of crime (one city), similar manner of activity (the same legend used), description of the perpetrator („collector”). Combining several offences in one proceeding was also due to the economy of the criminal process. In these cases, establishing the identity of the perpetrator, provided a positive rationale for combining all proceedings for the offences he or she had committed. The cases indicated resulted in discrepancies between the number of proceedings and the number of offences found. An example can be the years 2019-2021, when in the area of the Silesian Voivodeship a higher number of ascertained acts was recorded than the number of preparatory proceedings conducted.

The indicator describing the effectiveness of the Police in terms of preventing and combating the crime of fraud by the „grandparent scam” method is the detection rate³⁶. The value of the detection rate of fraud by the „grandparent scam” method in the Silesian Voivodeship in relation to the national results in 2017-2022 is presented in Figure 4.

35 Act of 6 June 1997 – *Code of Criminal Procedure* (Journal of Laws of 2024, item 37, 1222, 1248 – consolidated text).

36 The detection rate, expressed as a percentage, is the number of offences detected (including those detected after taking proceedings discontinued) divided by the total number of offences ascertained plus the number of offences detected after taking proceedings discontinued in the previous year or years – expressed as a percentage. Source: <https://statystyka.policja.pl/st/przestepstwa-ogolem/121940,Przestepstwa-ogolem.html> [access: 26.11.2024].

Figure 4. Detection rate of perpetrators of „grandparent scam” in the Silesian voivodeship from 2017 to 2022



Source: own elaboration based on information provided by KGP and KWP in Katowice.

As can be seen from the above summary, the effectiveness of the Police in establishing the identity of the perpetrators of fraud by the „grandparent scam” method is variable and appears to be negligible. In the case of the Silesian Voivodeship, in the perspective of 2017-2022, its average value was 19.6 per cent. In the same period, the average detection rate for the national territory was 22.7 %. The highest detection rate on the territory of the Silesian Voivodeship was recorded in 2020 and amounted to 27.6%. This value corresponded to a significant reduction in fraud in 2020. For the national territory as a whole, the highest rate was recorded in 2018 and was 27.95 %. According to the information provided by experts, the detection process in the case of grandchild fraud is particularly difficult. This is due to several factors. Among other things, the age and psycho-physical state of the victims is a problem. They are unable to provide circumstances that are important from the point of view of the detection process, e.g. the lack of an accurate description of the perpetrator, which would allow the drawing of a memory portrait or effective and unambiguous recognition during an appearance, the lack of important details of a telephone conversation. These are most often people living alone, which may hinder the speed of response after the crime has already been committed. Another problem is the advanced degree of organisation of the fraud criminal groups themselves. Apart from increasingly sophisticated methods of manipulation, the perpetrators operate in an organised manner, with each member of the group carrying out strictly defined tasks. Law enforcement agencies usually apprehend the last link in the operation, which are the so-called „takers”. They collect funds from the victims. The collector passes the money on. Often he or she has no direct contact with the next

link in the group, or even if he or she does, he or she is unable to provide details that would allow him or her to be identified. There are cases where „pick-ups” are recruited through online portals and employed as couriers. Usually, the subject development of police investigations ends with the apprehension of the „pickup” person. Other members of the group operate outside the scene of the crime, they are the persons who initiate telephone calls and make the calls. They often carry them out while staying abroad (e.g. from the territory of England, Germany). One widely used tool to support law enforcement agencies is video surveillance. This applies to both the detection process and the evidence stage. In the detection process, the video material makes it possible to identify the perpetrators, the vehicles they are driving. The evidential function of CCTV systems is realised, among other things, by performing anthroposcopic examinations³⁷.

Summary

To sum up, perpetrators of fraud crimes by the „grandparent scam” method are still active, both in the Silesian Voivodeship and nationwide. Over the period 2017-2022, the scale of the phenomenon was of a variable nature and no consistent trends can be identified, both in terms of pre-trial investigations conducted, offences ascertained and detection rates. In the area of the Silesian Voivodeship, a slight decrease in this type of crime has been recorded since 2020. All the circumstances of committing fraud by the „grandparent scam” method make the detection process much more difficult, which makes one reflect that the only effective means of preventing them is large-scale preventive activity.

Bibliography

- Act of 6 June 1997 – *Code of Criminal Procedure* (Journal of Laws of 2024, item 37, 1222, 1248 – consolidated text).
- Act of 6 June 1997 *Criminal Code* (Journal of Laws of 2024, item 17, 1228 – consolidated text).
- Bailey J., Taylor L., Kingston P., Watts G., *Older adults and ‘scams’: evidence from the Mass Observation Archive*, “The Journal of Adult Protection” 2021, Vol. 23, Issue 1.
- Błachut J., *Czy „ciemna liczba przestępstw” istnieje?*, „Archiwum Kryminologii” 2007-2008, T. XXIX-XXX.
- Duke Han S., Boyle P.A., James D.B., Yu L., Bennett D.A., *Mild Cognitive Impairment and Susceptibility to Scams in Old Age*, “Journal of Alzheimer’s disease” 2016, Vol. 49, Issue 3.
- Fenge L., Lee S., *Understanding the Risks of Financial Scams as Part of Elder Abuse Prevention*, “The British Journal of Social Work” 2018, Vol. 48, Issue 4.

37 See: G. Matuszek, *Praktyczne aspekty wykorzystania monitoringu wizyjnego w kontekście funkcji wykrywczej i dowodowej*, [in:] *Racjonalizacja zarządzania jednolitymi formacjami umundurowanymi odpowiedzialnymi za bezpieczeństwo wewnętrzne*, B. Wisniewski, R. Gwardyński, T. Zwęgliński (eds.), Warszawa 2021.

- Fihel A., Okólski M., *Przemiany cywilizacyjne, ludnościowe i starzenie się społeczeństwa*. [in:] *Wyzwania starzejącego się społeczeństwa. Polska dziś i jutro*, M. Okólski (ed.), Warszawa 2018.
<https://www.bezprawnik.pl/>.
<https://www.das.mpips.gov.pl/>.
<https://www.statystyka.policja.pl/>.
<https://www.policja.pl/>.
<https://www.rp.pl/>.
- Kołodziej W., *Zaburzenia psychiczne i ryzyko samobójstwa u osób w starszym wieku* [in:] *Wybrane problemy osób starszych*, A. Nowicka (ed.), Kraków 2010.
- Kołodziej W., *Bio-psycho-społeczne funkcjonowanie osób starszych a społeczne stereotypy i uprzedzenia dotyczące starzenia się i starości* [in:] *Wybrane problemy osób starszych*, A. Nowicka (ed.), Kraków 2010.
- Lisiecka A., *Jak obronić się przed psychomanipulacją?* [in:] *Sekty*, A. Lisiecka (ed.), Wrocław 2004.
- Lisiecka-Bednarczyk A., *Działania upodmiotawiające w profilaktyce manipulacji wobec seniorów*, „Zeszyty Naukowe KUL” 2022, no. 3 (259).
- Matuszek G., *Praktyczne aspekty wykorzystania monitoringu wizyjnego w kontekście funkcji wykrywczej i dowodowej* [in:] *Racjonalizacja zarządzania jednolitymi formacjami umundurowanymi odpowiedzialnymi za bezpieczeństwo wewnętrzne*, B. Wisniewski, R. Gwardyński, T. Zwęgliński (ed.), Warszawa 2021.
- Młyński J., *Bezpieczeństwo seniorów w kontekście wyzwań polityki lokalnej w Polsce*. „Teologia i Moralność”, 2022, no 17(2(32)).
- Nowicka A., *Starość jako faza życia człowieka* [in:] *Wybrane problemy osób starszych*, A. Nowicka (ed.), Kraków 2010.
- Order No. 70 of the Commander-in-Chief of the Police of 2 December 2019 *on the National Police Information System*. (Journal of Laws of the KGP of 2019, item 114).
- Payne B.K., Strasser S.M., *Financial Exploitation of Older Persons in Adult Care Settings: Comparisons to Physical Abuse and the Justice System’s Response*, “Journal of Elder Abuse & Neglect” 2012, Vol. 24, Issue 3.
- Kodeks karny Komentarz*, J. Majewski (ed.), Warszawa 2024.
- Różańska A., Pastwa-Wojciechowska B., *Mechanizmy wywierania wpływu społecznego wykorzystywane przez sprawców przestępstwa oszustwa metodami „na wnuczka” i „na policjanta”*. „Kultura Bezpieczeństwa, Nauka-Praktyka-Refleksje”, 2019, No. 30.
- Socha R., *Współczesne postrzeganie zagrożeń*. [in:] J. Stawicka, B. Wiśniewski, R. Socha (red.), *Zarządzanie kryzysowe. Teoria, praktyka, konteksty, badania*, J. Stawicka, B. Wiśniewski, R. Socha (ed.), Szczytno 2011.
- Socha R., *Działania Policji w zapobieganiu i zwalczaniu chorób zakaźnych ludzi*, Warszawa 2020.
- Spencer A.R., *Psychologia współczesna*, Gdańsk 2004.
- Stokowski F., *Demografia*, Warszawa 2015.
- Tobiasz-Adamczyk B., *Teoretyczne wyznaczniki przemocy wobec osób starszych* [in:] *Przemoc wobec osób starszych*, B. Tobiasz-Adamczyk (ed.), Kraków 2009.
- Wiśniewski B., *System bezpieczeństwa państwa. Konteksty teoretyczne i praktyczne*, Szczytno 2013.

Wojciechowski M., Hausman M., *Oszustwa metodą „na wnuczka”. Rola analizy kryminalnej w procesie wykrywczym*, Szczytno 2010.

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