



Geriatric Offenders within the SR Population

Introduction

Older adults are the fastest growing demographic in the prison population. According to the U.S. Bureau of Justice Statistics, the number of people incarcerated aged 55 and older more than doubled from 2000 to 2010 (Guerino 2012).

In Virginia, the increase in the number of geriatric confined offenders has been dramatic. From FY1990 to 2013, Virginia's State Responsible (SR) Confined population age 50 and older increased over eight-fold from 822 to 6,709, accounting for 18% of the SR Confined population. Similarly, older offenders have been an increasing percentage of New Court Commitments (NCC), increasing from 2.8% in FY1990 to 11.4% in FY2013.

This report examines Virginia Department of Corrections' (VADOC) SR Confined Release, and New Court Commitment population at or above age 50.

Although 50 year-olds are generally not considered "elderly" or "geriatric" in the general population, incarcerated individuals have been shown to age more rapidly than those who are not confined. This is partly due to the psychological stressors of prison life. Another factor to consider, though, is the offender's mental and/or physical health prior to incarceration.

In the non-institutionalized U.S. population, one in four adults over the age of 65 has a chronic disease leading to major limitations in activity. Prisoners are considerably less healthy. Of prisoners 65 and older, 82% have a chronic

physical problem (Sterns 2007).

Because of the growing number of geriatric confined offenders, increasing medical costs, and the possibility of longer lifespans with improved medical care, geriatric confined offenders are expected to increase the strain on state correctional budgets and present other special challenges.

National Age Trends

- Population age 65+ is expected to more than double between 2012 and 2060, from 43.1 to 92.0 million.
- For 2015, the 65+ group is projected to be 15% of U.S. population, 17% for 2020, and 20% for 2030.

Source: U.S. Census Bureau

Virginia Age Trends

- Between 2010 and 2040, Virginia's total population is projected to increase by 32%.
- In Virginia, for 2020, the 65+ age group is projected to be 15% of U.S. population, 18% for 2030, and 18% for 2040.

Source: Weldon Cooper Center



50+ Confined	822	1328	2,240	2,849	3,537	4,133	5,099	5,009	5,697	5,966	6,283	6,709
Percent	4.5%	4.6%	7.1%	8.2%	9.6%	11.1%	13.0%	13.9%	15.1%	16.0%	17.0%	18.3%
50+ New Commitments	265	271	393	566	676	889	1,094	1,113	1,112	1,208	1,254	1,341
Percent	2.8%	3.0%	4.3%	5.2%	5.8%	7.1%	8.5%	8.9%	9.2%	10.2%	10.9%	11.4%

FY2013 SR Confined: Age at Sentencing

The typical “crime prone” years are between the ages of 16 and 24 (Diplock 2010). Therefore, one would not expect to see the older SR Confined population increase unless many of those offenders received long sentences at a young age (offenders who have grown old in the VADOC). However, the percentage of older New Court Commitments (NCC) has quintupled since FY1990, showing that more geriatric offenders are being incarcerated today.

To determine whether the older SR Confined were offenders who were sentenced to long sentences during the crime prone

years and then grew old at the VADOC, the age at sentencing was examined by the age in FY2013 of the SR Confined offenders.

Inmate Age at Sentence	FY2013 Age					
	Under 50		50 - 64		65+	
	Number	Percent	Number	Percent	Number	Percent
Under 18	621	2%	41	<1%	-	0%
18-24	10,346	35%	491	8%	22	3%
25-29	6,291	21%	457	8%	29	5%
30-34	4,976	17%	462	8%	48	8%
35-39	3,531	12%	492	8%	37	6%
40-44	2,767	9%	544	9%	40	6%
45-49	1,406	5%	1,159	19%	51	8%
50-54	-	0%	1,520	25%	53	8%
55-59	-	0%	722	12%	75	12%
60-64	-	0%	182	3%	115	18%
65+	-	0%	-	0%	169	26%
Total	29,938	100%	6,070	100%	639	100%

In FY2013, there were 29,938 SR Confined offenders under the age of 50. Of this group, 37% were sentenced during the crime prone years (under the age of 25). Over half (56%) were sentenced between the ages of 18 and 29, and 84%

were sentenced between the ages of 18 and 39.

Of the 6,070 SR Confined offenders between the ages of 50 and 64, less than 9% were sentenced during the crime prone years. Two-thirds (65%) were sentenced between the ages of 40 and 59.

Those offenders aged 65 and up were generally sentenced when they were older. Among those, 64% were sentenced when they were 50 years-old and older, and 44% were sentenced when they were 60 years-old or older. Only 3% of the offenders in the 65 and older group were serving a sentence that began in the crime prone years.

Although 31% of the FY2013 SR Confined were under 25 years of age at their time of sentencing, 95% of those were still under age 50, 4.6% were between the ages of 50 and 64, and less than 1% (22) were 65 or older.

FY2013 SR Confined: Projected Age at Release

Examining the projected age at release is important to planning for the management and re-entry of older SR Confined offenders. The FY2013 SR Confined were studied to determine their expected age at release by their age groups in FY2013.

In 2011, the average life expectancy in the United States was 78.7 years. For males, it was 76.3 years and for females it was 81.1 years (Hoyert & Xu 2012). Some SR Confined offenders will still be incarcerated well into their seventies and eighties.

Among the SR Confined who were under the age of 50 in FY2013, less than 5% (1,238) will not be released before age 75. Among those who were between 50 and 64 years of age, 16% (768) will not be released before age 75. Among those who are age 65 or older, 53% (238) will not be released before age 75.

A total of 3,009 SR offenders incarcerated in FY2013 are expected to be released between the ages of 60 and 74. Of these, 1,233 (41%) were under 50 years-old in FY2013. Another 1,563 (52%) of these

offenders were between the ages of 50 and 64. The remaining 213 (7%) were at least 65 years-old.

Projected Age at Release*	FY2013 Age					
	Under 50		50 - 64		65+	
	Number	Percent	Number	Percent	Number	Percent
Under 18	2	<1%	-	0%	-	0%
18-24	1,787	7%	-	0%	-	0%
25-29	3,848	14%	-	0%	-	0%
30-34	4,601	17%	-	0%	-	0%
35-39	4,394	16%	-	0%	-	0%
40-44	3,800	14%	-	0%	-	0%
45-49	3,611	13%	-	0%	-	0%
50-54	1,871	7%	1,218	25%	-	0%
55-59	888	3%	1,336	27%	-	0%
60-64	597	2%	894	18%	-	0%
65-74	636	2%	669	14%	213	47%
75-84	309	1%	268	5%	133	29%
85-94	158	<1%	116	2%	46	10%
95+	771	3%	384	8%	59	13%
Total	27,273	100%	4,885	100%	451	100%

*Life sentences and Expected Release Date not yet calculated excluded.

FY2013 SR Releases: Age at Sentencing

Inmate Age at Sentence	FY2013 Age					
	Released Under 50		Released 50 - 64		Released 65+	
	Number	Percent	Number	Percent	Number	Percent
Under 18	73	<1%	1	<1%	-	0%
18-24	2,679	27%	40	2%	-	0%
25-29	2,194	22%	34	2%	2	1%
30-34	1,809	18%	52	3%	1	<1%
35-39	1,319	13%	45	3%	2	1%
40-44	1,168	12%	87	5%	5	4%
45-49	662	7%	395	24%	5	4%
50-54	-	0%	641	40%	5	4%
55-59	-	0%	260	16%	12	9%
60-64	-	0%	63	4%	39	28%
65+	-	0%	-	0%	68	49%
Total	9,904	100%	1,618	100%	139	100%

Of the Commonwealth's SR Releases under 50 years-old, 93% were between the ages of 18 and 44 at the time of their sentencing. Nearly half (49%) were sentenced by age 29. Most older SR released offenders were not sentenced in the crime prone years.

Of the releases between the ages of 50 and 64, 80% were sentenced between the ages of 45 and 59. Over half (60%) were not sentenced until they were at least 50 years-old. Therefore, the vast majority of those released were not sentenced in the crime prone years.

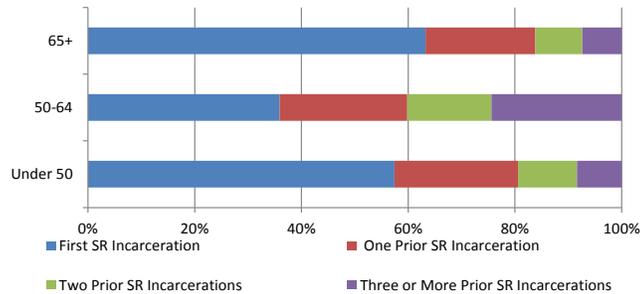
The oldest of the FY2013 releases, those 65 and older, tended to be the oldest at the time of their sentencing; 77% were not sentenced until at least their 60th birthday. A total of 49% offenders released in FY2013 at age 65 or older were also sentenced at age 65 or older.

FY2013 SR Releases: Age at Sentencing and Number of Prior Incarcerations

Some older offenders may have started their incarceration history during the crime prone years but did not spend their entire adulthood as an SR Confined offender. For instance, some may have been

released and then returned either as a technical violator or as a new crime recidivist. To examine this hypothesis, FY2013 SR Release offenders were studied by dividing them into their age at sentencing groups and their number of prior SR incarcerations.

Over one-third (36%) of the 1,020 SR Releases between the ages of 50 and 64 were serving their first SR incarceration. Of those who had recidivated with a new crime or violated technical supervision, 24% had one prior incarceration, 16% had two, and 24% had three or more.



Of the 10,573 SR Releases who were under the age of 50, 57% were serving their first SR incarceration, 23% had one prior incarceration, 11% had two prior incarcerations, and 8% had three or more prior incarcerations.

Only 37% of those sentenced at or above the age of 65 had a prior incarceration. In this age group, 21% had one prior incarceration, 9% had two, and only 7% had three or more. Additionally, 63% of the offenders in the 65 and older age group were serving their first incarceration.

FY2013 SR Confined: Expected Length of Stay

On average, older offenders had longer expected lengths of stay. A higher percentage of the older offenders had life sentences.

The VADOC calculates expected Length of Stay (LOS) for confined offenders. Expected LOS represents the total time it is expected that an offender will be incarcerated from the beginning of his incarceration until his projected release date. Those with life, death, or three time loser sentences are excluded from the projected LOS calculations because it is unknown if or when they will be released.

(in years)	<50	50-64	65+
Total Expected Length of Stay	11.2	16.2	20.2
Remaining Length of Stay	6.6	8.1	9.4
Already Served	4.6	8.1	10.8

	Under 50 (n=29,938)		50 to 64 (n=6,070)		65 and Older (n=639)	
	Number	%	Number	%	Number	%
Average Expected Length of Stay (in years)	11.2		16.2		20.2	
Median Expected Length of Stay (in years)	6.0		8.4		12.9	
Death Sentences	8	<1%	0	0%	0	0%
Single or Multiple Life Sentences	1,211	4%	846	14%	158	25%
Life Sentences Eligible for Parole	497	2%	632	10%	134	21%
Life Sentences Not Eligible for Parole	714	2%	214	4%	24	4%
Three Time Loser Sentences	153	<1%	154	3%	12	2%

The average expected LOS among FY2013 Confined offenders was 12.1 years. In the under 50 age group, the average projected LOS was 11.2 years. This compares to 16.2 years for the 50-64 age group and 20.2 years for the 65 and older group. Looking at the median (or middle value) can be helpful in determining whether there are extreme (outlying) expected LOS that are driving up the average LOS. While this appears to be

true, especially for the younger groups, the median expected LOS for the 65 and older group is 12.9 years. This compares to 8.4 years for the 50-64 year-old group and 6.0 years for the under 50 group.

In addition, the 65+ population has the longest average remaining length of stay (9.4 yrs) and the highest average time already served (10.8 yrs).

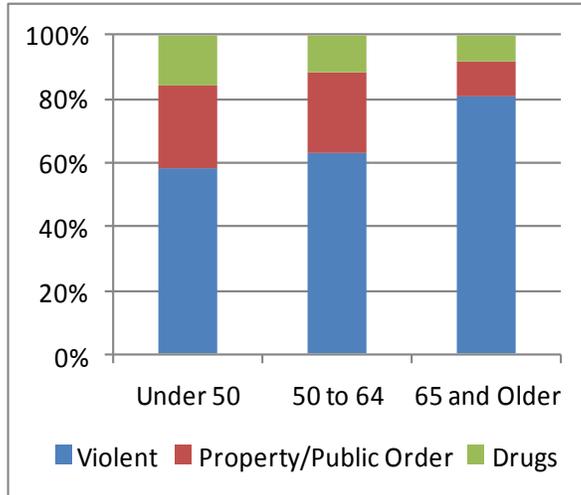
FY2013 SR Confined: Crime Type by Age Groups

The type of crime for which an offender was sentenced greatly impacts how long he will be incarcerated. In general, violent offenders have longer periods of incarceration than property or drug offenders. Among the FY2013 New Court Commitments, the average sentence for a property or public order offender was 3.1 years, compared with 3.2 years for drug offenders and 7.8 years for violent offenders.

Of the offenders that were sentenced for a property or public order crime, 83% were under 50, 17% were between the ages of 50 and 64, and only 1% were 65 or older.

In the SR Confined under age 50 group, 15% were incarcerated for a drug-related crime. This compares with 11% of the 50-64 age group and 8% of the 65 and older age group.

A large majority (80%) of the age 65 and older confined offenders in FY2013 were incarcerated for a violent crime. Violent



crimes accounted for 61% of the 50-64 age group. A smaller percentage (56%)

of younger offenders (under age 50) were incarcerated for a violent crime.

The most common violent crime for older offenders was Rape/Sexual Assault, which accounted for 34% of the age 65 and older age group.

The reason that older SR Confined offenders had relatively long sentences and projected LOS while having relatively fewer prior SR incarcerations is the nature of their committing offense. Older offenders were more likely to have committed violent offenses than younger offenders.

FY2013 SR Confined: Most Serious Offense by Age Groups

For research purposes, the VADOC has created a hierarchy of offenses based on their seriousness. The Most Serious Offenses (MSOs) are ordered in the chart below with the most serious, capital murder, at the top. Each offender is placed into only one category, regardless of the varied crimes he may have committed. For instance, a drug trafficker who was also sentenced for raped and murdered would only be counted in one of the murder categories.

Of the SR confined population in FY2013, 2,588 offenders aged 18-29 were incarcerated with the MSO of robbery. This represents 26% of the 18-29 age group. This percentage decreases with each older age group. For instance, 16% of those offenders in their 30s were serving

time for robbery, 13% in their 40s, 10% between the ages of 50 and 54, 10% from 55 to 59 years-old, 8% between 60 and 64, and just 4% of the 65 or older age group.

Other crimes, though, have trends that

run opposite to the robbery trend. A larger percentage of older offenders had the MSO of rape or sexual assault than did confined offenders of other age groups. Also, a higher percentage of older offenders had the MSO of first degree murder than their younger counterparts.

	FY2013 Age															
	18-29		30-39		40-49		50-54		55-59		60-64		65+		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Capital Murder	37	<1%	135	1%	139	2%	65	2%	47	2%	22	2%	18	3%	463	1%
Homicide—1st	388	4%	853	8%	729	8%	291	9%	243	13%	157	17%	126	20%	2,788	8%
Manslaughter	165	2%	145	1%	90	1%	37	1%	13	<1%	8	<1%	11	2%	469	1%
Abduction	477	5%	653	6%	593	7%	292	9%	202	10%	93	10%	54	8%	2,365	6%
Rape/Sexual Assault	619	6%	849	8%	1,160	13%	501	16%	304	16%	191	21%	219	34%	3,843	10%
Robbery	2,588	26%	1,761	16%	1,109	13%	331	10%	189	10%	71	8%	23	4%	6,078	17%
Assault	1,281	13%	1,314	12%	792	9%	271	8%	154	8%	80	9%	32	5%	3,930	11%
Weapons	322	3%	174	2%	97	1%	41	1%	15	<1%	13	1%	7	1%	670	2%
Homicide—2nd	191	2%	302	3%	188	2%	67	2%	40	2%	17	2%	25	4%	830	2%
Arson	53	<1%	53	<1%	37	<1%	10	<1%	9	<1%	5	<1%	2	<1%	169	<1%
Burglary/B&E	1,194	12%	952	8%	657	8%	257	8%	100	5%	33	4%	6	<1%	3,199	9%
Larceny/Fraud	1,135	11%	1,538	14%	1,403	16%	468	14%	249	13%	72	8%	30	5%	4,896	13%
Conspiracy	-	0%	8	<1%	4	<1%	1	<1%	1	<1%	1	<1%	-	0%	15	<1%
Sex Offense	80	<1%	103	<1%	90	1%	36	1%	39	2%	17	2%	15	2%	380	1%
DUI	29	<1%	121	1%	146	2%	57	2%	45	2%	10	1%	7	1%	415	1%
Habitual Offender	1	<1%	41	<1%	113	1%	65	2%	33	2%	12	1%	2	<1%	267	<1%
Other Non-Violent	102	1%	108	<1%	74	<1%	30	<1%	19	<1%	12	1%	6	<1%	351	<1%
Drug Sales	871	9%	1,291	12%	786	9%	245	8%	143	7%	60	7%	36	6%	3,432	9%
Drug Possession	468	5%	776	7%	469	5%	149	5%	69	4%	30	3%	16	3%	1,977	5%
Not Reported	9	<1%	29	<1%	29	<1%	18	<1%	12	<1%	8	<1%	4	<1%	109	<1%
Total	10,011	100%	11,206	100%	8,705	100%	3,232	100%	1,926	100%	912	100%	639	100%	36,647	100%

Deerfield Correctional Center

Located about 20 miles east of the City of Emporia, Virginia, Deerfield Correctional Center is dedicated to housing male offenders with special needs. Deerfield Correctional Center has seen its Average Daily Population (ADP) more than double since it opened in 1994. When it opened, Deerfield housed 497 offenders. In December 2013, Deerfield housed 1,021 offenders.

While Deerfield is designed to care for male offenders with special needs, a large part of this group is older offenders. Only 28 offenders at Deerfield (3%) were under the age of 40 in FY2013. More than half of Deerfield's population was between the ages of 40 and 59. Another 28% of Deerfield's offenders were 60 years-old or older.

Deerfield's Assisted Living Unit (ALU) is in demand. Currently, the ALU is using 52 out of 57 of its beds.



Deerfield Correctional Center

Many of those incarcerated at Deerfield have physical disabilities or other medical issues. A total of 64 offenders are wheelchair-bound. Of the seven housing units at Deerfield, three are equipped with a nurses' station.

With the added medical needs of its confined offenders, Deerfield is more expensive to operate than other Medium Security Dormitories (MSDs). The FY2013 per capita expense at Deerfield was \$33,265, while most other MSDs average \$21,314 per capita (MIS Annual Report).

FY2013 SR Confined at Deerfield CC: Most Serious Offense by Age Groups

This chart shows the Most Serious Offense (MSO) of each Deerfield offender in FY2013 by his age group.

The most common MSO among the Deerfield population was Rape/Sexual Assault, accounting for 25% of all Deerfield offenders. Only one in this group was under 40 years-old. Robbery is the second-most common MSO, accounting for 154 (15%) of the Deerfield population. Third was assault at 101 offenders (10% of the Deerfield population).

Though Rape/Sexual Assault was the most prevalent MSO at Deerfield in FY2013 for nearly every age group, the two exceptions were the two youngest age

groups. The 18-29 age group (also the smallest age group) had no offenders with the MSO of Rape/Sexual Assault. The 30-39 age group (the second-smallest age group) only had one offender with the

MSO of Rape/Sexual Assault. Among those under age 40, the most common MSOs were Assault (with seven offenders) and Robbery (with five offenders).

	FY2013 Age										Total					
	18-29		30-39		40-49		50-54		55-59		60-64		65+		Number	Percent
Capital Murder	0	0%	0	0%	0	0%	2	<1%	0	0%	2	2%	4	3%	8	<1%
Homicide—1st	0	0%	2	8%	19	8%	18	7%	20	10%	17	13%	21	14%	97	10%
Manslaughter	0	0%	0	0%	9	4%	2	<1%	2	1%	3	2%	3	2%	19	2%
Abduction	0	0%	2	8%	20	8%	34	13%	21	11%	8	6%	10	7%	95	9%
Rape/Sexual Assault	0	0%	1	4%	51	20%	59	22%	44	22%	34	26%	62	42%	251	25%
Robbery	0	0%	5	21%	54	22%	46	17%	27	14%	17	13%	5	3%	154	15%
Assault	1	25%	6	25%	20	8%	27	10%	20	10%	18	14%	9	6%	101	10%
Weapons	0	0%	0	0%	1	<1%	2	<1%	2	1%	2	2%	3	2%	10	<1%
Homicide—2nd	1	25%	0	0%	5	2%	3	1%	3	2%	1	<1%	5	3%	18	2%
Arson	0	0%	0	0%	0	0%	0	0%	1	<1%	1	<1%	0	0%	2	<1%
Burglary/B&E	1	25%	2	8%	17	7%	18	7%	18	9%	8	6%	0	0%	64	6%
Larceny/Fraud	1	25%	1	4%	26	10%	15	6%	13	7%	6	5%	5	3%	67	7%
Conspiracy	0	0%	0	0%	0	0%	1	<1%	0	0%	0	0%	0	0%	1	<1%
Sex Offense	0	0%	0	0%	3	1%	4	2%	4	2%	2	2%	7	5%	20	2%
DUI	0	0%	0	0%	1	<1%	4	2%	1	<1%	0	0%	0	0%	6	<1%
Habitual Offender	0	0%	0	0%	0	0%	2	<1%	1	<1%	1	<1%	0	0%	4	<1%
Other Non-Violent	0	0%	0	0%	0	0%	0	0%	2	1%	2	2%	3	2%	7	<1%
Drug Sales	0	0%	3	13%	16	6%	21	8%	11	6%	7	5%	6	4%	64	6%
Drug Possession	0	0%	2	8%	8	3%	7	3%	5	3%	3	2%	6	4%	31	3%
Not Reported	0	0%	0	0%	0	0%	0	0%	1	<1%	1	<1%	0	0%	2	<1%
Total	4	100%	24	100%	250	100%	265	100%	196	100%	133	100%	149	100%	1,021	100%

FY2013 Release Types by Age Groups

Since January 1, 1995, Virginia has been a Truth-In-Sentencing (TIS) state. SR Confined offenders that were convicted of crimes committed on or after that date are not eligible for parole. They must complete at least 85% of their sentence prior to release.

Offenders who committed their offenses prior to January 1, 1995, may be parole eligible depending on the offense and how much time they have served. Typically, parole eligible confined offenders were given much longer sentences than TIS offenders because it was anticipated that these offenders could get paroled in the future.

Considering parole was abolished nearly twenty years ago, it is not surprising that 12% of the 65 and older age group released in FY2013 were released on parole, compared to 9% of the 50 to 64 year-olds and 5% of those under age 50.

While 86% of the under 50 age group were released to supervision, only 76% of the 50-64 year-olds and 61% of the 65 and older group were released to supervi-

sion. For those age 65 and over, 11% were directly discharged, compared to 12% for the 50-64 age group and 9% for under 50 age group.

Among the age 65 and older releases, 14% died in VADOC incarceration, compared to 3% of the 50-64 age group released and less than 1% of releases under age 50.

ReleaseType	FY2013 Age						Total	
	Under 50		50 to 64		65 and Older		Number	Percent
Direct Discharge	875	9%	191	12%	15	11%	1,081	9%
Release to Supervision	8,512	86%	1,229	76%	85	61%	9,826	84%
Mandatory Parole	284	3%	100	6%	8	6%	392	3%
Discretionary Parole	174	2%	50	3%	9	6%	233	2%
Death	22	<1%	43	3%	20	14%	85	1%
Other Release Type	37	<1%	5	<1%	2	1%	44	<1%
Total Releases	9,904	100%	1,618	100%	139	100%	11,661	100%

Recidivism Among Older Offenders

The VADOC measures offender recidivism by looking at who has been re-incarcerated with an SR sentence within three years of their release date. In general, fewer older FY2009 releases were reincarcerated than younger offenders.

Of the 12,885 offenders released in FY2009 with the opportunity to recidivate, 2,934 (22.8%) were reincarcerated within three years. There were 1,929 offenders released in FY2009 who were 50 years or older. Only 292 (15.1%) of these releases recidivated within three years. This rate is 7.7% lower than the overall three-year recidivism rate for FY2009 releases.

Lower re-incarceration rates of older offenders, however, cannot be interpreted as lower risk. First, the higher risk offenders may not be released on parole, geriatric release, or other discretionary release methods. Second, higher risk offenders may have received longer sentences. As previously mentioned, when compared with other age groups, a larger percentage of older offenders are incarcerated for more serious crimes such as first degree murder, rape, and sexual assault. Third, because of the age of the

offenders at release, health issues may interfere with their criminal activity. An offender's frailty, however, does not indicate that he is rehabilitated.

Within three years after SR Release in FY2009:

- **22.8% of all offenders were reincarcerated**
- **15.1% of all offenders 50 years-old or older were reincarcerated**

Re-entry Challenges

Throughout incarceration, the goal of the VADOC is to prepare each offender for a successful release and return to a productive life in society. The VADOC strives to provide a seamless transition from incarceration to the community. Successful re-entry is vital to promoting public safety.

Older offenders pose specific challenges to successful re-entry. Today there is an increasing number of medically and mentally disabled offenders returning to the community. Also, there is a shrinking number of Assisted Living Facility (ALF) beds and an inadequate number of Medicaid nursing home beds. There is also a

lack of specialized housing for violent sex offenders.

Offenders Eligible for Consideration for Geriatric Release

The Conditional Geriatric Release Clause (§53.1-40.01) allows certain offenders who were not convicted of a Class 1 felony to apply for early release. To be eligible for geriatric release, an offender must meet one of the following two criteria: be at least 60 years-old and served at least

ten years, or be at least 65 years-old and served at least five years.

	CY2007		CY2009		CY2011		CY2013	
60 to 64	250	49%	311	50%	380	53%	448	50%
65+	261	51%	309	50%	339	47%	441	50%
Total Eligible	511	100%	620	100%	719	100%	889	100%

Between 2007 and 2013, there has been a 74% increase in the number of offenders eligible for geriatric release (511 to 889).

Only 212 of the 889 eligible offenders applied for geriatric release in CY2013, and only eleven of those 212 were granted early release. The majority of released older offenders were released after completing their sentence and not through a special release mechanism like geriatric release.

FY2013 SR Confined: Expected Release Dates

Offenders who were parole eligible were heard by the Parole Board regularly once they reached their parole eligibility date (Column 1). However, offenders who had not reached their parole eligibility date (Column 2) or were not parole eligible (Column 3) were not heard by the Parole Board unless they apply for geriatric release.

In FY2013, there were 500 offenders who were parole eligible as well as eligible for geriatric release consideration. A total of 78 offenders became eligible for geriatric release consideration in FY2013 and would become parole eligible at a future date. An additional 273 offenders were eligible for geriatric release consideration, but will never be eligible for parole. Therefore, of the 851 geriatric release eligible offenders in FY2013, 32% were not heard by the Parole Board in FY2013 unless they applied for geriatric release.

As truth-in-sentencing continues to mature, the number of geriatric eligible offenders who are currently confined and are not otherwise eligible for parole will increase from 273 in FY2013 to 749 in FY2017. Nearly 27% of the FY2013 SR Confined offenders who were not parole eligible will become eligible for geriatric release consideration prior to their release. Starting in FY2015, the Parole Board began reviewing all geriatric eligible offenders regardless of whether they apply.

Geriatric Release Eligibility Date	1 Currently Parole Eligible		2 Parole Eligible in the Future		3 Not Parole Eligible	
	Cumulative Number	% of Total SR	Cumulative Number	% of Total SR	Cumulative Number	% of Total SR
Before 2013	432	1%	66	<1%	209	1%
2013	500	1%	78	<1%	273	1%
2014	574	2%	93	<1%	384	1%
2015	661	2%	112	<1%	484	1%
2016	752	2%	139	<1%	616	2%
2017	837	2%	162	0%	749	2%
After 2017	2,202	6%	856	2%	4,985	14%
Scheduled to Be Released Prior to Geriatric Eligibility	1,000	3%	824	2%	26,318	72%
Not Eligible for Geriatric Release	117	<1%	82	<1%	263	1%

Offenders with Special Needs

VADOC is legislatively obligated to meet offenders' special needs under the Eighth Amendment to the U.S. Constitution, the Americans with Disabilities Act (ADA) as amended and the Civil Rights of Institutionalized Persons Act (CRIPA).

All SR Confined offenders, regardless of age, are assessed for physical and mental health problems and accommodated accordingly.

Proportionately, older offenders have more special needs relating to physical or mental health than younger offenders.

Problems with mobility, medical conditions, hearing, vision, and diet create special housing and care struggles. In addition, these offenders may be vulnerable and need protection from victimization by younger and/or healthier offenders. Physical and mental health limitations also create

challenges for providing programming and treatment. Moreover, the VADOC provides programming that helps these offenders have a seamless transition upon release.

FY2013 SR Confined: Mental Impairment by Age Groups

With the aging of the U.S. population, researchers are finding that mental health problems are on the rise. According to the U.S. Surgeon General, nearly 20% of the American public at or above age 55 experiences mental disorders that are not part of normal aging (U.S. Dept. of Health and Human Services). This increasing trend in the prevalence of mental illness is not absent from Virginia's SR Confined geriatric offenders.

In Virginia, a confined offender is labeled "mentally impaired" if the offender has a documented history of

mental health treatment within the past two years. This is not limited to alcohol or substance abuse treatment alone.

Mental impairment was more prevalent among older offenders in FY2013. Only 20% of the SR Confined offenders under age 50 had a mental impairment. Of the

7,628 SR Confined offenders in FY2013 with a mental impairment (past or present), 1,348 were between the ages of 50 and 64. This accounts for 22% of that age group. Of the age 65 and older group, 151 offenders (24%) were mentally impaired.

	FY2013 Age							
	Under 50		50 to 64		65 and Older		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
No Evidence of Mental Impairment (at any time and at any level)	23,809	80%	4,722	78%	488	76%	29,019	79%
Mental Impairment (at any time and at any level)	6,129	20%	1,348	22%	151	24%	7,628	21%
Total	29,938	100%	6,070	100%	639	100%	36,647	100%

FY2013 SR Confined: Substance Abuse by Age Groups

As previously noted, it is widely recognized that confined offenders tend to age more rapidly than those who are not incarcerated.

This is generally due to the risky lifestyles they adopted prior to being incarcerated. Two such risky lifestyles are drug abuse and alcohol abuse.

Some offenders are eligible to participate in a VADOC initiative called Therapeutic Community (TC). This is an intensive substance abuse treatment program in which offenders live together to form a supportive environment.

In FY2013, there were 20,285 SR Confined offenders under 50 years-old who were known to have used drugs to some extent at some point in their lives. This represents 68% of the all confined offenders under age 50. This rate is similar

Drug Use History Among Confined Offenders

	FY2013 Age					
	Under 50		50 to 64		65 and Older	
	Number	Percent	Number	Percent	Number	Percent
Drugs Not Used	3,413	11%	1,154	19%	324	51%
Occasional Use	2,444	8%	309	5%	9	1%
Moderate Use	2,495	8%	304	5%	11	2%
Heavy Use	7,266	24%	1,002	17%	41	6%
Therapeutic Community	1,414	5%	280	5%	7	1%
Drugs Used, Extent Unknown	6,666	22%	2,211	36%	148	23%
Not Reported	6,240	21%	810	13%	99	15%
Total	29,938	100%	6,070	100%	639	100%

to that of the 50-64 age group, which includes 4,106 known drug users (68% of the total 50-64 age group). This rate, though, sharply decreases for the oldest age group. Of those offenders at or above age

65, only 216 (34%) are known to have used drugs.

On the other hand, 26,070 or 71% of the FY2013 SR Confined population had a

known history of using alcohol. The group of offenders under 50 used alcohol at nearly the same rate; 70% had a history of alcohol use. This compares with 77% of the 50-64 age group and 65% of the 65 and older age group.

In FY2013, there were a total of 7,458 offenders known to have heavily used alcohol. Interestingly, the under 50 age group had the lowest rate of heavy drinkers. In this youngest age group, 5,733 offenders (19%) had a known history of heavy alcohol use. This compares with 1,591 (26%) in the 50-64 age group and 134 (21%) in the 65 and older age group.

Alcohol Use History Among Confined Offenders

	FY2013 Age					
	Under 50		50 to 64		65 and Older	
	Number	Percent	Number	Percent	Number	Percent
Alcohol Not Used	3,136	10%	762	13%	147	23%
Occasional Use	8,420	28%	1,551	26%	149	23%
Moderate Use	4,512	15%	1,014	17%	87	14%
Heavy Use	5,733	19%	1,591	26%	134	21%
Therapeutic Community	983	3%	208	3%	14	2%
Alcohol Used, Extent Unknown	1,354	5%	287	5%	33	5%
Not Reported	5,800	19%	657	11%	75	12%
Total	29,938	100%	6,070	100%	639	100%

Medical Expense

Over the past six fiscal years, Virginia's SR Confined offenders have become increasingly expensive due to their increasing medical costs. On average, an offender's medical costs in FY2013 were over \$1,000 more than in FY2008. The VADOC devoted an additional 1.7% of its operating expenditures in FY2013 to medical costs for confined offenders than it did in FY2008.

	Medical Cost Per Capita	% of Total DOC Operating Expenditures
FY2008	\$4,393	12.9%
FY2009	\$4,322	13.2%
FY2010	\$4,827	14.9%
FY2011	\$4,870	14.7%
FY2012	\$5,195	15.0%
FY2013	\$5,463	14.6%

Most medical expenditure data is not available by age. However, the off-

site portion, which is almost 37% of total medical expenditures for the VADOC, is available by age group.

In FY2013, the VADOC spent over \$58.1 million in off-site medical expenditures. Offenders under age 50 cost the VADOC \$31.8 million in off-site medical expenditures (54.8% of all off-site expenditures). Offenders age 50 and older represented 18.2% of the SR Confined population in FY2013, but they accounted for 45.2% of the off-site medical expenditures the VADOC made.

Off-Site Medical Expenditures by Age Group - FY2013*

Age Group	Total Combined Expense**	Percent of Total Expense	Percent of Total Offenders
Under 30	\$6,396,779	11.0%	26.8%
30-34	\$5,548,430	9.6%	16.9%
35-39	\$4,235,764	7.3%	13.5%
40-44	\$5,889,845	10.1%	12.5%
45-49	\$9,766,401	16.8%	12.0%
Total Under 50	\$31,837,219	54.8%	81.8%
50-54	\$8,361,855	14.4%	8.9%
55-59	\$8,109,842	14.0%	5.0%
60-64	\$4,390,244	7.6%	2.5%
65+	\$5,423,975	9.3%	1.9%
Total 50 and Older	\$26,285,916	45.2%	18.2%
Total	\$58,123,135	100.0%	100.0%

* The data in this chart represents the time of May 2012-April 2013.

** These costs are for off-site expenses only, excluding the costs of drugs and dental care.

Community Population

In FY2013, the VADOC had 53,634 State Responsible offenders on community supervision across the Commonwealth (excludes Absconders, Fugitives, Detention Center, Diversion Center, Drug Court, and Interstate Compact supervision level). These represent offenders supervised on parole, probation, post-release, conditional release, and those with a supervision type not yet listed.

The majority of offenders on community supervision are on probation, 91%

for the 50 and under group, 85% for 50-64, and 79% for the 65+ age group. The older population (65+) has the highest percentage of parolees (15%). This is because only offenders who committed their offense before January 1, 1995 are parole eligible.

The majority were on medium level of supervision. However, a disproportionate percent of the younger offenders fall into this group; 71% of those under 50, 59% of those 50 to 64, and 38% of those 65 and older. While the majority of older offenders were on low or medium supervision level, a dis-

Supervision Type*	FY2013 Age							
	Under 50		50 to 64		65 and Older		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Parole	1,033	2%	630	8%	103	15%	1,766	3%
Probation	41,539	91%	6,325	85%	552	79%	48,416	90%
Post/Conditional Release	363	<1%	139	2%	15	2%	517	<1%
Supervision Type Not Listed	2,560	6%	343	5%	32	5%	2,935	5%
Total	45,495	100%	7,437	100%	702	100%	53,634	100%

*Excludes Level A, Level F, Detention Ctr, Diversion Ctr, Drug Ctr, and Interstate Compact.

proportionate percent of older offenders were on elevated supervision. Elevated su-

Older offenders are disproportionately sex offenders compared with the younger population. Within the 65+ age group, 22.4% have a Rape/Sexual Assault or Other Sex Offense, compared to 7.6% for the 50 to 64, and 3.2% for the under 50 population.

While the majority of offenders have committed a Property/Public Order offense, a disproportionate percent of older offenders are in the Violent group; 34% of those 65 and older, 20% of those 50 to 64, and 16% for the 50 and under age group.

There were 1,408 offenders (of which 1,196 graduated) in the Detention and Diversion facilities that were released in FY2013. Of those, 94% were under 50, 5% were between 50 and 64 and only one person was above 65.

Supervision Level*	FY2013 Age							
	Under 50		50 to 64		65 and Older		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
High	533	1%	48	<1%	6	<1%	587	1%
Elevated	4,602	10%	935	13%	160	23%	5,697	11%
Medium	32,183	71%	4,373	59%	266	38%	36,822	69%
Low	8,115	18%	2,074	28%	268	38%	10,457	19%
Not Reported	62	<1%	7	<1%	2	<1%	71	<1%
Total	45,495	100%	7,437	100%	702	100%	53,634	100%

*Excludes Level A, Level F, Detention Ctr, Diversion Ctr, Drug Ctr, and Interstate Compact.

proportionate percent of older offenders were on elevated supervision. Elevated supervision level includes detention and diversion graduates, gang members, and sex offenders. Among the 65 and older group, 23% were on elevated supervision compared to 13% of 50 to 64 year olds and 10% of those under 50.

Crime Type*	FY2013 Age							
	Under 50		50 to 64		65 and Older		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Violent	7,483	16%	1,489	20%	236	34%	9,208	17%
Property/Public Order	25,013	55%	4,046	54%	295	42%	29,354	55%
Drug Sales/Possession	12,166	27%	1,776	24%	143	20%	14,085	26%
Not Yet Reported	833	2%	126	2%	28	4%	987	2%
Total	45,495	100%	7,437	100%	702	100%	53,634	100%

*Excludes Level A, Level F, Detention Ctr, Diversion Ctr, Drug Ctr, and Interstate Compact.

Summary

Older adults in the U.S. today represent a rapidly growing segment of the nation's population. For VADOC facilities, this trend holds true. From 1990 to 2013, Virginia's SR Confined population aged 50 and over increased over eight-fold from 822 to 6,709 offenders.

The majority of older SR Confined offenders are not serving sentences that were rendered during the crime prone years. Of the SR confined offenders between the ages of 50 and 64, less than 9% were sentenced during the crime prone years. Two-thirds (65%) were sentenced between the ages of 40 and 59. Those offenders aged 65 and up were generally sentenced when they were older. Among those, 64% were sentenced when they were 50 years old and older, and 44% were sentenced when they were 60 years old or older. Only 3% of the offenders in the 65 and older group were serving a sentence that began in the crime prone years.

Some of SR Confined offenders will still be incarcerated well into their seventies and eighties. Among the SR Confined who were under the age of 50 in FY2013, less than 5% are projected to be released after reaching 75 years of age. Among those who were between 50 and 64 years of age, 16% will not be released before age 75. Among those who are age 65 or older, 53% will not be released before age 75.

Of the FY2013 SR Releases who were between the ages of 50 and 64, 80% were sentenced between the ages of 45 and 59. Over half (60%) were not sentenced until they were at least 50 years-old. Of those released who were 65 or older, 77% were not sentenced until at least their 60th birthday.

Over one-third (36%) of the SR Releases

between the ages of 50 and 64 were serving their first SR incarceration. Only 37% of those sentenced at or above the age of 65 had a prior incarceration.

On average, older offenders had longer expected lengths of stay. A higher percentage of the older offenders had life sentences.

Older offenders are proportionately more violent. A large majority (80%) of the 65 and older confined offenders in FY2013 were incarcerated for a violent crime. Violent crimes accounted for 61% of the 50-64 age group. A smaller percentage (56%) of younger offenders (under age 50) were incarcerated for a violent crime.

The most common offense among older offenders are rape, sexual assault and first degree murder.

Deerfield Correctional Center, a facility that houses male offenders with special needs, has seen its ADP more than double since it opened in 1994. A large part of this group are older offenders.

There were 1,929 offenders released in FY2009 who were 50 years or older. Only 292 (15.1%) of these releases recidivated within three years. This rate is 7.7% lower than the overall three-year recidivism rate of 22.8% for FY2009 releases. Lower re-incarceration rates of older offenders, however, cannot be interpreted as lower risk.

Between CY2007 and 2013, there has been a 74% increase in the number of offenders eligible for geriatric release (511 to 889). Many are eligible to apply for geriatric release, but few do and even fewer receive it. Of the 889 eligible offenders in FY2013, 212 applied for geriatric release. Only eleven of these offenders were granted geriatric release.

Since the parole was abolished in 1995, offenders who committed their offense before January 1, 1995 are parole eligible. Offenders who were parole eligible were heard by the Parole Board regularly once they reached their parole eligibility date. However, offenders who had not reached their parole eligibility date or were not parole eligible were not heard by the Parole Board unless they apply for geriatric release. Starting in FY2015, the Parole Board began reviewing all geriatric eligible offenders regardless of whether they apply.

Older offenders are often less healthy than their younger counterparts. This is evidenced through the VADOC's increasing medical expenses over the past six years. In FY2013, the VADOC spent over \$58.1 million in off-site medical expenditures. Offenders age 50 and older represented 18.2% of the SR Confined population in FY2013, but they accounted for 45.2% of the off-site medical expenditures.

Of those on community supervision, the majority were on low or medium supervision level. However, a disproportionate percent of older offenders were on elevated supervision. Among the 65 and older group, 23% were on elevated supervision compared to 13% of 50 to 64 years olds and 10% of those under 50. Additionally, older offenders are disproportionately sex offenders compared to younger offenders.

There were a total of 1,408 released offenders in D&D facilities (1,196 graduated) in FY2013 of which 94% were under 50 years of age.

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