



FY2014 Geriatric Offenders within the SR Population

Introduction

Older adults are the fastest growing demographic in the prison population. The number of state and federal prisoners age 55 and older nearly quadrupled between 1995 and 2010, while the number of all prisoners grew by less than half (Human Rights Watch, 2012).

In Virginia, the increase in the number of geriatric confined offenders has been dramatic. From FY1990 to 2014, Virginia's State Responsible (SR) Confined population age 50 and older increased over eight-fold from 822 to 7,202, accounting for 19.1% 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 12.6% in FY2014.

This report examines Virginia Department of Corrections' (VADOC) SR Confined, Releases, 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 (Sterns, 2007).

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

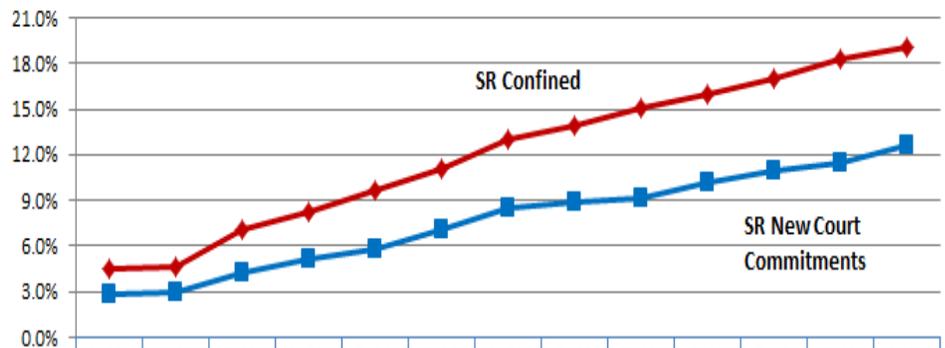
- Population age 65+ is expected to more than double between 2015 and 2060, from 47.8 to 98.1 million.
- For 2015, the 65+ group is projected to be 15% of U.S. population, 17% for 2020, and 21% for 2030.

Source: U.S. Census Bureau

Virginia Age Trends

- Between 2010 and 2040, Virginia's total population is projected to increase by 30%.
- In Virginia, for 2020, the 65+ age group is projected to be 15% of the population, 18% for 2030, and 18% for 2040.

Source: Weldon Cooper Center



	FY90	FY95	FY00	FY02	FY04	FY06	FY08	FY09	FY10	FY11	FY12	FY13	FY14
50+ Confined	822	1328	2,240	2,849	3,537	4,133	5,099	5,009	5,697	5,966	6,283	6,709	7,202
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%	19.1%
50+ New Commitments	265	271	393	566	676	889	1,094	1,113	1,112	1,208	1,254	1,341	1,568
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%	12.6%

SR Confined on June 30, 2014: 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 VA-DOC). However, the percentage of older New Court Commitments (NCC) has almost sextupled since FY1990, showing that more geriatric offenders are being incarcerated today.

age at sentencing was examined and compared to age on June 30, 2014 of the SR Confined offenders.

On June 30, 2014, there were 30,457 SR Confined offenders under the age of 50.

were sentenced between the ages of 18 and 39.

Of the 6,500 SR Confined offenders between the ages of 50 and 64, 9% were sentenced during the crime prone years and 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 or older, and 45% 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 30% of the SR Confined on June 30, 2014 were under 25 years of age at their

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,

Of this group, 36% were sentenced during the crime prone years (under the age of 25). Over half (55%) were sentenced between the ages of 18 and 29, and 84%

time of sentencing, 95% of those were still under age 50, 5% were between the ages of 50 and 64, and less than 1% (24) were 65 or older.

Inmate Age at Sentence	Age on June 30, 2014					
	Under 50		50 - 64		65+	
	Number	Percent	Number	Percent	Number	Percent
Under 18	562	1.8%	49	<1%	-	0%
18-24	10,212	33.5%	533	8%	24	3%
25-29	6,519	21.4%	483	7%	30	4%
30-34	5,245	17.2%	477	7%	54	8%
35-39	3,771	12.4%	511	8%	48	7%
40-44	2,745	9.0%	592	9%	46	7%
45-49	1,403	4.6%	1,218	19%	54	8%
50-54	-	0.0%	1,617	25%	57	8%
55-59	-	0.0%	799	12%	71	10%
60-64	-	0.0%	221	3%	126	18%
65+	-	0.0%	-	0%	192	27%
Total	30,457	100%	6,500	100%	702	100%

SR Confined on June 30, 2014: Projected Age at Release

Examining the projected age at release is important in planning for the management and re-entry of older SR Confined offenders. The SR Confined on June 30, 2014 were studied to determine their expected age at release by their age groups on June 30, 2014.

on June 30, 2014. Another 1,767 (55%) of these offenders were between the ages of 50 and 64. The remaining 230 (7%) were at least 65 years-old.

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 on June 30, 2014, less than 3% (770) will not be released before age 75. Among those who were between 50 and 64 years of age, 12% (628) will not be released before age 75. Among those who are age 65 or older, 53% (260) will not be released before age 75.

A total of 3,224 SR offenders incarcerated on June 30, 2014 are expected to be released between the ages of 60 and 74. Of these, 1,227 (38%) were under 50 years-old

Projected Age at Release*	Age on June 30, 2014					
	Under 50		50 - 64		65+	
	Number	Percent	Number	Percent	Number	Percent
Under 18	-	0%	-	0%	-	0%
18-24	1,753	6%	-	0%	-	0%
25-29	3,921	14%	-	0%	-	0%
30-34	4,686	17%	-	0%	-	0%
35-39	4,537	17%	-	0%	-	0%
40-44	3,893	14%	-	0%	-	0%
45-49	3,619	13%	-	0%	-	0%
50-54	1,903	7%	1,328	26%	-	0%
55-59	935	3%	1,477	28%	-	0%
60-64	608	2%	995	19%	-	0%
65-74	619	2%	772	15%	230	47%
75-84	345	1%	308	6%	151	31%
85-94	147	<1%	127	2%	53	11%
95+	278	1%	193	4%	56	11%
Total	27,244	100%	5,200	100%	490	100%

*Only includes offenders with Regular Sentences, Indeterminate Sentences, and Overridden Terms

FY2014 SR Releases: Age at Sentencing

Inmate Age at Sentence	FY2014 Age					
	Released Under 50		Released 50 - 64		Released 65+	
	Number	Percent	Number	Percent	Number	Percent
Under 18	88	<1%	2	<1%	-	0%
18-24	2,656	26%	37	2%	5	3%
25-29	2,124	21%	46	2%	2	1%
30-34	1,872	19%	38	2%	4	3%
35-39	1,338	13%	53	3%	3	2%
40-44	1,249	12%	66	3%	4	3%
45-49	731	7%	424	22%	8	5%
50-54	-	0%	787	42%	7	4%
55-59	-	0%	351	19%	21	13%
60-64	-	0%	88	5%	35	22%
65+	-	0%	-	0%	70	44%
Total	10,058	100%	1,892	100%	159	100%

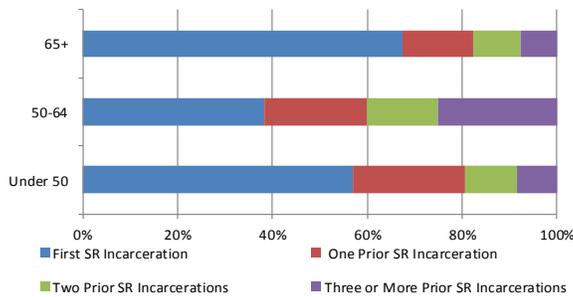
Of the Commonwealth's SR Releases under 50 years-old, 92% were between the ages of 18 and 44 at the time of their sentencing. Nearly half (48%) were sentenced by age 29. There were 5 offenders who were 65 years and older that were sentenced in the crime prone years.

Of the releases between the ages of 50 and 64, 83% were sentenced between the ages of 45 and 59. Almost two-thirds (65%) 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 FY2014 releases, those 65 and older, tended to be the oldest at the time of their sentencing; 66% were not sentenced until at least their 60th birthday. A total of 44% offenders released in FY2014 at age 65 or older were also sentenced at age 65 or older.

FY2014 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 of-



fender. 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, FY2014 SR

Release offenders were studied by dividing them into their age at sentencing groups and their number of prior SR incarcerations.

Of the 10,058 SR Releases who were under the age of 50, 57% were serving their first SR incarceration, 24% had one prior incarceration, 11% had two prior incarcerations, and 8% had three or more prior incarcerations.

Over one-third (38%) of the 1,892 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, 22% had one prior incarceration, 15% had two, and 25% had three or more.

Only 33% of those sentenced at or above the age of 65 had a prior incarceration. In this age group, 15% had one prior incarceration, 10% had two, and only 8% had three or more. Additionally, 67% of the offenders in the 65 and older age group were serving their first incarceration.

SR Confined on June 30, 2014: 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	17.1	20.9
Remaining Length of Stay	6.5	8.2	9.9
Already Served	4.7	8.9	11.0

	Age on June 30, 2014					
	Under 50 (n=29,938)		50 to 64 (n=6,070)		65+ (n=639)	
	Number	%	Number	%	Number	%
Average Expected Length of Stay (in years)	11.2		17.1		20.9	
Median Expected Length of Stay (in years)	6.0		9.1		14.7	
Death Sentences	8	<1%	0	0%	0	0%
Single or Multiple Life Sentences	1,173	4%	869	13%	181	26%
Life Sentences Eligible for Parole	455	1%	631	10%	151	22%
Life Sentences Not Eligible for Parole	718	2%	238	4%	30	4%
Three Time Loser Sentences	126	<1%	161	2%	14	2%

The average expected LOS among Confined offenders on June 30, 2014 was 12.3 years. In the under 50 age group, the average projected LOS was 11.2 years. This compares to 17.1 years for the 50-64 age group and 20.9 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

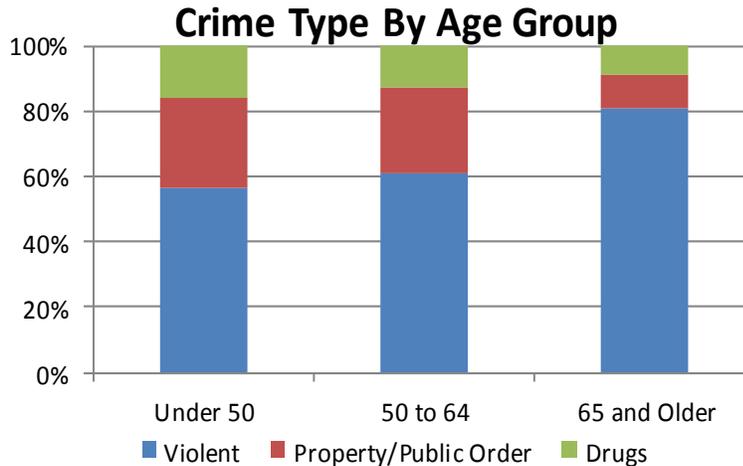
true, especially for the younger groups, the median expected LOS for the 65 and older group is 14.7 years. This compares to 9.1 years for the 50-64 year-old group and 6.0 years for the under 50 group.

In addition, the 65+ population has the longest average remaining length of stay (9.9 yrs) and the highest average time already served (11.0 yrs).

SR Confined on June 30, 2014: 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 FY2014 New Court Commitments, the average sentence for a property or public order offender was 3.0 years, compared with 3.0 years for drug offenders and 7.6 years for violent offenders.

Of the SR Confined offenders on June 30, 2014, who 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, 16% were incarcerated for a drug-related crime. This compares to 13% of the 50-64 age group and 9% of the 65 and older age group.

A large majority (80%) of the age 65 and older confined offenders on June 30, 2014 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 32% 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.

SR Confined on June 30, 2014: 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 rape and murder would only be counted in one of the murder categories.

Of the SR confined population on June 30, 2014, 2,585 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, 15% of those offenders in their 30s were serving time for robbery, 12% in their

40s, 11% between the ages of 50 and 54, 9% from 55 to 59, 9% between 60 to 64 years-old, and just 4% of the 65 or older age group.

Other crimes, though, have trends that run opposite to the robbery trend. A large

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.

	Age on June 30, 2014																	
	<18		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	Number	Percent
Capital Murder	-	0%	33	<1%	124	1%	139	2%	70	2%	51	3%	24	2%	20	3%	461	1%
Homicide—1st	-	0%	370	4%	845	7%	739	9%	281	8%	239	12%	181	18%	141	20%	2,796	7%
Manslaughter	-	0%	158	2%	156	1%	85	<1%	39	1%	14	<1%	8	<1%	8	1%	468	1%
Abduction	1	8%	470	5%	686	6%	547	6%	304	9%	223	11%	98	10%	64	9%	2,393	6%
Rape/Sexual Assault	1	8%	612	6%	897	8%	1,133	13%	547	16%	307	15%	205	20%	227	32%	3,929	10%
Robbery	8	67%	2,585	26%	1,739	15%	1,056	12%	371	11%	186	9%	90	9%	31	4%	6,066	16%
Assault	1	8%	1,317	13%	1,359	12%	810	9%	286	8%	149	7%	82	8%	35	5%	4,039	11%
Weapons	-	0%	333	3%	189	2%	86	1%	36	1%	21	1%	18	2%	10	1%	693	2%
Homicide—2nd	-	0%	186	2%	299	3%	193	2%	70	2%	38	2%	21	2%	26	4%	833	2%
Arson	-	0%	65	<1%	57	<1%	32	<1%	10	<1%	6	<1%	4	<1%	1	<1%	175	<1%
Burglary/B&E	1	8%	1,195	12%	1,027	9%	631	7%	243	7%	113	6%	35	3%	5	<1%	3,250	9%
Larceny/Fraud	-	0%	1,179	12%	1,642	14%	1,393	16%	516	15%	268	13%	85	8%	34	5%	5,117	14%
Conspiracy	-	0%	2	<1%	8	<1%	5	<1%	3	<1%	1	<1%	1	<1%	-	0%	20	<1%
Sex Offense	-	0%	84	<1%	116	<1%	85	<1%	36	1%	40	2%	18	2%	12	2%	391	1%
DUI	-	0%	22	<1%	130	1%	132	2%	64	2%	37	2%	13	1%	10	1%	408	1%
Habitual Offender	-	0%	2	<1%	33	<1%	124	1%	70	2%	36	2%	12	1%	6	<1%	283	<1%
Other Non-Violent	-	0%	130	1%	130	1%	91	1%	33	<1%	21	1%	15	1%	7	<1%	427	1%
Drug Sales	-	0%	916	9%	1,482	13%	858	10%	302	9%	175	9%	69	7%	42	6%	3,844	10%
Drug Possession	-	0%	459	5%	770	7%	417	5%	161	5%	76	4%	38	4%	18	3%	1,939	5%
Not Reported	-	0%	16	<1%	34	<1%	32	<1%	21	<1%	12	<1%	7	<1%	5	<1%	127	<1%
Total	12	100%	10,134	100%	11,723	100%	8,588	100%	3,463	100%	2,013	100%	1,024	100%	702	100%	37,659	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. On June 30th, 2014, Deerfield housed 1,069 offenders.

While Deerfield is designed to care for male offenders with special needs, a large part of this group is older offenders. Only 40 offenders at Deerfield (4%) were under the age of 40 on June 30, 2014. 70% of Deerfield's population was between the ages of 40 and 59. Another 26% of Deerfield's offenders were 60 years-old or older.

Deerfield's Assisted Living Unit (ALU) is in demand. Currently, the ALU is using 55 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 45 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 FY2014 per capita expense at Deerfield was \$36,220, while most other MSDs average \$22,212 per capita (MIS Annual Report).

SR Confined at Deerfield CC on June 30, 2014: Most Serious Offense by Age Groups

This chart shows the Most Serious Offense (MSO) of each Deerfield offender on June 30, 2014 by his age group.

The most common MSO among the Deerfield population was Rape/Sexual Assault, accounting for 23% of all Deerfield offenders. Only two in this group were under 40 years-old. Robbery is the second-most common MSO, accounting for 154 (14%) of the Deerfield population. Third was assault at 103 offenders (10% of the Deerfield population).

Though Rape/Sexual Assault was the most prevalent MSO at Deerfield on June 30, 2014 for nearly every age group, the two exceptions were the two youngest age

groups. The 18-29 age group (also the age group with the fewest offenders) had one offender with the MSO of Rape/Sexual Assault. The 30-39 age group (the second-smallest age group) also only had one offender with the MSO of Rape/

Sexual Assault. Among those under age 40, the most common MSOs were Assault (with eight offenders), Drug Sales (with seven offenders), and Robbery (with six offenders).

	Age on June, 30, 2014															
	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	0	0%	0	0%	1	<1%	1	<1%	1	<1%	0	0%	0	0%	6	<1%
Homicide—1st	0	0%	4	12%	20	7%	19	8%	12	6%	18	15%	18	15%	97	9%
Manslaughter	0	0%	0	0%	7	2%	4	2%	1	<1%	2	2%	2	2%	16	1%
Abduction	0	0%	1	3%	14	5%	37	15%	22	10%	12	10%	12	10%	97	9%
Rape/Sexual Assault	1	14%	1	3%	63	22%	48	19%	49	23%	26	21%	26	21%	250	23%
Robbery	3	43%	3	9%	51	18%	40	16%	34	16%	18	15%	18	15%	154	14%
Assault	0	0%	8	24%	25	9%	27	11%	23	11%	12	10%	12	10%	103	10%
Weapons	0	0%	0	0%	3	1%	1	<1%	0	0%	2	2%	2	2%	10	<1%
Homicide—2nd	0	0%	1	3%	5	2%	5	2%	2	<1%	2	2%	2	2%	21	2%
Arson	0	0%	0	0%	0	0%	1	<1%	1	<1%	1	<1%	1	<1%	3	<1%
Burglary/B&E	2	29%	2	6%	16	6%	17	7%	25	12%	7	6%	7	6%	69	6%
Larceny/Fraud	0	0%	3	9%	38	13%	22	9%	10	5%	7	6%	7	6%	86	8%
Sex Offense	0	0%	0	0%	5	2%	3	1%	4	2%	3	2%	3	2%	20	2%
DUI	0	0%	0	0%	0	0%	0	0%	2	<1%	1	<1%	1	<1%	5	<1%
Habitual Offender	0	0%	0	0%	0	0%	2	<1%	1	<1%	0	0%	0	0%	5	<1%
Other Non-Violent	0	0%	0	0%	5	2%	0	0%	1	<1%	2	2%	2	2%	11	1%
Drug Sales	1	14%	6	18%	26	9%	16	6%	19	9%	5	4%	5	4%	81	8%
Drug Possession	0	0%	4	12%	9	3%	7	3%	5	2%	2	2%	2	2%	31	3%
Not Reported	0	0%	0	0%	0	0%	2	<1%	0	0%	1	<1%	1	<1%	4	<1%
Total	7	100%	33	100%	288	100%	252	100%	212	100%	121	100%	121	100%	1,069	100%

FY2014 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 14% of the 65 and older age group released in FY2014 were released on pa-

role, compared to 8% of the 50 to 64 year-olds and 3% of those under age 50.

While just over 90% of the under 50 age group were released to supervision, only 82% of the 50-64 year-olds and 75% of the 65 and older group were released to supervision. For those age 65 and over, 9% were directly discharged, compared

to 11% for the 50-64 age group and 9% for under 50 age group.

Among the age 65 and older releases, 15% died in VADOC incarceration, compared to 3% of the 50-64 age group released and less than 1% of releases under age 50.

ReleaseType	Age on June 30, 2014						Total	
	Under 50		50 to 64		65+			
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Direct Discharge*	862	9%	217	11%	15	9%	1,094	9%
Release to Supervision*	8,839	88%	1,475	78%	95	60%	10,409	86%
Mandatory Parole**	232	2%	98	5%	14	9%	344	3%
Discretionary Parole **	89	<1%	47	2%	9	6%	145	1%
Death	15	<1%	49	3%	24	15%	88	<1%
Other Release Type	21	<1%	6	<1%	2	1%	29	<1%
Total Releases	10,058	100%	1,892	100%	159	100%	12,109	100%

* With the maturation of offender transfer history data in VirginiaCORIS, as of FY12 VADOC can identify offenders Released to Supervision; offenders in the Direct Discharge Category are artifacts of the legacy data system (87% of these offenders are estimated to have a supervision obligation after release)

** identified offenders Released to Supervision

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 FY2011 releases were reincarcerated than younger offenders.

Of the 12,263 offenders released in FY2011 with the opportunity to recidivate, 2,816 (23.0%) were reincarcerated within three years. There were 1,659 offenders released in FY2011 who were 50 years or older. Only 278 (16.5%) of these releases recidivated within three years. This rate is 6.5% lower than the overall three-year recidivism rate for FY2011 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 FY2011:

- **23.0% of all offenders were reincarcerated**
- **16.5% 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 of the *Code of Virginia* (§53.1-40.01) allows certain offenders who were not

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

Only 207 of the 969 eligible offenders applied for geriatric release in CY2014, and only seven of those 207 were granted

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

	CY2007		CY2009		CY2011		CY2013		CY2014	
60 to 64	250	49%	311	50%	380	53%	448	50%	478	49%
65+	261	51%	309	50%	339	47%	441	50%	491	51%
Total Eligible	511	100%	620	100%	719	100%	889	100%	969	100%

Between 2007 and 2014, there has been a 90% increase in the number of offenders eligible for geriatric release (511 to 969).

early release. The majority of released older offenders were released after completing their sentence and not through a special release mechanism like geriatric release.

SR Confined on June 30, 2014: Expected Release Dates

Offenders who are 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 FY2014, there were 509 offenders who were parole eligible as well as eligible for geriatric release consideration. A total of 92 offenders became eligible for geriatric release consideration in FY2014 and would become parole eligible at a future date. An additional 330 offenders were eligible for geriatric release consideration, but will never be eligible for parole. Therefore, of the 931 geriatric release eligible offenders in FY2014, 35% were not heard by the Parole Board in FY2014 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 330 in FY2014 to 812 in FY2018. Nearly 30% of the FY2014 SR Confined offenders who were not parole eligible will become eligible for geriatric release consideration prior to their release. 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 FY2014	438	1%	78	<1%	231	<1%
FY2014	509	1%	92	<1%	330	<1%
FY2015	596	2%	110	<1%	429	1%
FY2016	684	2%	137	<1%	560	1%
FY2017	761	2%	161	<1%	691	2%
FY2018	831	2%	192	<1%	812	2%
After FY2018	2,002	5%	921	2%	6,441	17%
Scheduled to Be Released Prior to Geriatric Eligibility	753	2%	785	2%	26,298	70%
Not Eligible for Geriatric Release	113	<1%	82	<1%	264	<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.

SR Confined on June 30, 2014: 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 alco-

hol or substance abuse treatment alone.

Mental impairment was more prevalent among older offenders in FY2014. Only 20% of the SR Confined offenders under age 50 had a mental impairment. Of the 7,700 SR Confined offenders on June 30,

2014 with a mental impairment (past or present), 1,458 were between the ages of 50 and 64. This accounts for 22% of that age group. Of the age 65 and older group, 150 offenders (21%) were mentally impaired.

	Age on June 30, 2014							
	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)	24,365	80%	5,042	78%	552	79%	29,959	80%
Mental Impairment (at any time and at any level)	6,092	20%	1,458	22%	150	21%	7,700	20%
Total	30,457	100%	6,500	100%	702	100%	37,659	100%

SR Confined on June 30, 2014: 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.

On June 30, 2014, there were 20,100 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 66% of the all confined offenders under age 50. This rate

is similar to that of the 50-64 age group, which includes 4,411 known drug users

Drug Use History Among Confined Offenders

	Age on June 30, 2014					
	Under 50		50 to 64		65 and Older	
	Number	Percent	Number	Percent	Number	Percent
Drugs Not Used	2,853	9%	1,076	17%	321	46%
Occasional Use	2,610	9%	358	6%	18	3%
Moderate Use	2,805	9%	391	6%	11	2%
Heavy Use	7,333	24%	1,039	16%	46	7%
Therapeutic Community	1,250	4%	310	5%	10	1%
Drugs Used, Extent Unknown	6,102	20%	2,313	36%	170	24%
Not Reported	7,504	25%	1,013	16%	126	18%
Total	30,457	100%	6,500	100%	702	100%

(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 255 (36%) are known to have used drugs.

Alcohol Use History Among Confined Offenders

	Age on June 30, 2014					
	Under 50		50 to 64		65 and Older	
	Number	Percent	Number	Percent	Number	Percent
Alcohol Not Used	2,764	9%	738	11%	160	23%
Occasional Use	8,651	28%	1,728	27%	174	25%
Moderate Use	4,406	14%	1,137	17%	94	13%
Heavy Use	5,527	18%	1,604	25%	139	20%
Therapeutic Community	927	3%	234	4%	15	2%
Alcohol Used, Extent Unknown	1,279	4%	299	5%	36	5%
Not Reported	6,903	23%	760	12%	84	12%
Total	30,457	100%	6,500	100%	702	100%

On the other hand, 26,250 or 70% of the SR Confined population on June 30, 2014

had a known history of using alcohol. The group of offenders under 50 used alcohol at nearly the same rate;

68% 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.

On June 30, 2014 there were a total of 7,270 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, 5,527 offenders (18%) had a known history of heavy alcohol use. This compares with 1,604 (25%) in the 50-64 age group and 139 (20%) in the 65 and older age group.

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 FY2014 were over \$700 more than in FY2008. The VADOC devoted an additional 0.7% of its operating expenditures in FY2014 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%
FY2014	\$5,120	13.6%

Most medical expenditure data is not available by age. However, the off-site portion, which is just over 37% of total medical expenditures for the VADOC, is available by age group.

In FY2014, the VADOC spent over \$57.1 million in off-site medical expenditures. Offenders under age 50 cost the VADOC \$27.3 million in off-site medical expenditures (47.9% of all off-site expenditures). Offenders age 50 and older represented 31.5% of the SR Confined population in FY2014, but they accounted for 52.1% of the off-site medical expenditures the VADOC made.

Off-Site Medical Expenditures by Age Group - FY2014*

Age Group	Total Combined Expense**	Percent of Total Expense	Percent of Total Offenders
Under 30	\$ 4,915,986	8.6%	17.6%
30-34	\$ 4,815,211	8.4%	12.8%
35-39	\$ 4,272,094	7.5%	11.9%
40-44	\$ 5,200,009	9.1%	12.5%
45-49	\$ 8,136,999	14.2%	13.6%
Total Under 50	\$ 27,340,300	47.9%	68.5%
50-54	\$ 8,461,991	14.8%	13.0%
55-59	\$ 8,645,943	15.1%	8.9%
60-64	\$ 6,286,429	11.0%	5.2%
65+	\$ 6,401,535	11.2%	4.3%
Total 50 and Older	\$ 29,795,898	52.1%	31.5%
Total	\$ 57,136,198	100.0%	100.0%

* The data in this chart represents the time of May 2013-April 2014.

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

Community Population

On June 30, 2014 the VADOC had 54,193 State Responsible offenders on community supervision across the Commonwealth (excludes 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, 92% for the 50 and under group, 86% for 50-64, and 79% for the 65+ age group. The older population (65+) has the highest percentage of parolees (16%). 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; 69% of those under 50, 55% of those 50 to 64, and 39% of those 65 and older. While the majority of older offenders were on low or medium supervision level, a disproportionate percent of older offenders were on elevated supervision. Elevated su-

Supervision Type*	Age on June 30, 2014							
	Under 50		50 to 64		65 and Older		Total	
Parole	974	2%	661	8%	120	16%	1,755	3%
Probation	42,051	92%	6,834	86%	597	79%	49,482	91%
Post/Conditional Release	351	<1%	149	2%	18	2%	519	<1%
Supervision Type Not Listed	2,163	5%	259	3%	16	2%	2,438	4%
Total	45,539	100%	7,903	100%	751	100%	54,194	100%

*Excludes Level 1, Level A, Level F, Detention Ctr, Diversion Ctr, Drug Crt, and Interstate Compact.

Supervision level includes detention and diversion graduates, gang members, and sex offenders. Among the 65 and older group, 22% were on elevated supervision com-

pared to 11% of 50 to 64 year olds and 9% of those under 50. Older offenders are disproportionately sex offenders compared with the younger population. Within the 65+ age group, 18.6%

have a Rape/Sexual Assault or Other Sex Offense, compared to 7.1% for the 50 to 64, and 2.8% 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; 38% of those 65 and older, 21% of those 50 to 64, and 17% for the 50 and under age group.

There were 1,434 offenders (of which 1,157 graduated) in the Detention and Diversion facilities that were released in FY2014. Of those, 94% were under 50, 6% were between 50 and 64 and no offenders above 65.

Supervision Level*	Age on June 30, 2014							
	Under 50		50 to 64		65 and Older		Total	
High	1,108	2%	88	1%	3	<1%	1,199	2%
Elevated	4,125	9%	880	11%	166	22%	5,171	10%
Medium	31,356	69%	4,360	55%	295	39%	36,011	66%
Low	8,792	19%	2,558	32%	287	38%	11,637	21%
Not Reported	158	<1%	17	<1%	1	<1%	176	<1%
Total	45,539	100%	7,903	100%	752	100%	54,194	100%

*Excludes Level 1, Level A, Level F, Detention Ctr, Diversion Ctr, Drug Crt, and Interstate Compact.

pared to 11% of 50 to 64 year olds and 9% of those under 50.

Older offenders are disproportionately sex offenders compared with the younger population. Within the 65+ age group, 18.6%

Crime Type*	Age on June 30, 2014							
	Under 50		50 to 64		65 and Older		Total	
Violent	7,923	17%	1,621	21%	286	38%	9,830	18%
Property/Public Order	24,171	53%	4,228	53%	307	41%	28,706	53%
Drug Sales/Possession	12,698	28%	1,932	24%	135	18%	14,765	27%
Not Yet Reported	747	2%	122	2%	24	3%	893	2%
Total	45,539	100%	7,903	100%	752	100%	54,194	100%

*Excludes Level 1, Level A, Level F, Detention Ctr, Diversion Ctr, Drug Crt, 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 2014, Virginia's SR Confined population aged 50 and over increased over eight-fold from 822 to 7,202 offenders.

The majority of older SR Confined offenders are not serving sentences that were imposed during the crime prone years. Of the SR confined offenders between the ages of 50 and 64, 9% were sentenced during the crime prone years and 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 45% 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 on June 30, 2014, less than 3% are projected to be released after reaching 75 years of age. Among those who were between 50 and 64 years of age, 12% 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 FY2014 SR Releases who were between the ages of 50 and 64, 83% were sentenced between the ages of 45 and 59. Almost two-thirds (65%) were not sentenced until they were at least 50 years-old. Of those released who were 65 or older, 66% were not sentenced until at least their 60th birthday.

Over one-third (38%) of the SR Releases between the ages of 50 and 64 were serving

their first SR incarceration. Only 33% 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 were proportionately more violent. A large majority (80%) of the 65 and older confined offenders on June 30, 2014 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 offenses among older offenders were 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 1,659 offenders released in FY2011 who were 50 years or older. Only 278 (16.5%) of these releases recidivated within three years. This rate is 6.5% lower than the overall three-year recidivism rate of 23.0% for FY2011 releases. Lower reincarceration rates of older offenders, however, cannot be interpreted as lower risk.

Between CY2007 and CY2014, there has been a 90% increase in the number of offenders eligible for geriatric release (511 to 969). Many are eligible to apply for geriatric release, but few do and even fewer receive it. Of the 969 eligible offenders in CY2014, 207 applied for geriatric release. Only seven of these offenders were granted geriatric release.

Since parole was abolished in 1995, offenders who committed their offense before January 1, 1995 are parole eligible. Offenders who are 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. 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 FY2014, the VADOC spent over \$57.1 million in off-site medical expenditures. Offenders age 50 and older represented 31.5% of the SR Confined population on June 30, 2014, but they accounted for 52.1% 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, 22% were on elevated supervision compared to 11% of 50 to 64 years-olds and 9% of those under 50. Additionally, older offenders are disproportionately sex offenders compared to younger offenders.

There were a total of 1,434 released offenders in D&D facilities (1,157 graduated) in FY2014 of which 94% were under 50 years of age.

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