



Geriatric Offenders within the SR Population

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Introduction

Older adults are the fastest growing segment of 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 1990 to 2011, Virginia's State Responsible (SR) Confined population age 50 and older increased over seven-fold from 822 to 5,966, accounting for 16% of the SR Confined population. Similarly, older offenders have been an increasing percentage of New Court Commitments (NCC), increasing from 3% in FY1991 to 10% in FY2011.

This report examines Virginia

Department of Corrections' (VA DOC) SR Confined 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

National Age Trends

- From 1990 to 2010, the 65+ age group has grown from 4% to 13% of the U.S. population
- Since 2000, the 65+ group has remained around 13% of the U.S. population

Virginia Age Trends

- Between 2000 and 2030, Virginia's total population is projected to increase by 39%
- In Virginia, the 65+ age group is projected to increase by 133% between 2000 and 2030

Source: U.S. Census Bureau

longer lifespans with improved medical care, geriatric confined offenders are expected to increase the strain on state correctional budgets and present other special challenges.



RMS Inmate Data File, August 1, 2012.

FY2011 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 a growing older SR confined population unless many of those offenders received long sentences at a young age. In other words, the offender may have grown old in the VA DOC. However, the percentage of older New Court

Commitments (NCC) has also tripled since FY 1990. 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 VA DOC, the age at sentencing was examined by

the age in FY2011 of the SR Confined offenders.

In FY2011, there were 31,401 SR Con-

Inmate Age At Sentence	Under 50		50 - 64		65+	
Under 18	713	2%	30	<1%	-	0%
18-24	11,015	35%	423	8%	13	2%
25-29	6,717	21%	405	7%	20	4%
30-34	4,921	16%	410	8%	34	6%
35-39	3,805	11%	418	8%	38	7%
40-44	2,962	9%	523	10%	34	6%
45-49	1,488	5%	1,108	20%	40	7%
50-54	-	0%	1,351	25%	41	8%
55-59	-	0%	804	11%	53	10%
60-64	-	0%	154	3%	99	18%
65+	-	0%	-	0%	187	31%
Total	31,401		5,427		539	

finer 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 83% were sentenced between the ages of 18 and 39.

Of the 5,427 SR Confined offenders between the ages of 50 and 64, less than 9% were sentenced during the crime prone years. Two-thirds (66%) were sentenced between the ages of 40 and 59.

Those offenders aged 65 and up were generally sentenced when they were older. Among those, 67% were sentenced when they were 50 years-old and older, and 49% were sentenced when they were 60 years-old or older. Only 2% of the offenders in the 65 and older group were serving a sentence that

began in the crime prone years.

Although 33% of the FY2011 SR Confined were under 25 years of age at their time of sentencing, 96% of those were still under age 50, 4% were between the ages of 50 and 64, and less than 1% (13) were 65 or older.

FY2011 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 FY 2011 SR confined were studied to determine their expected age at release by their age groups in FY2011.

In 2009, the average life expectancy in the United States was 78.2 years. For males, it was 75.7 years and for females it was 80.6 years (NCHS 3).

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 FY2011, less than 3% (725) will not be released before age 75. Among those who between 50 and 64 years of age, 11% (477) will not be release before age 75. Among those who are age 65 or older, 49% (182) will not be released before age 75.

A total of 2,811 SR offenders incarcerated in FY2011 are expected to be

released between the ages of 60 and 74. Of these, 1,256 (45%) were under 50 years-old in FY2011. Another 1,360 (48%) of these offenders were between the ages of 50 and 64. The remaining 195 were at least 65 years-old.

Projected Age At Release	Under 50		50 - 64		65+	
Under 18	1	<1%	-	0%	-	0%
18-24	2,162	8%	-	0%	-	0%
25-29	4,339	16%	-	0%	-	0%
30-34	5,003	18%	-	0%	-	0%
35-39	4,382	16%	-	0%	-	0%
40-44	3,925	14%	-	0%	-	0%
45-49	3,898	14%	-	0%	-	0%
50-54	1,982	7%	1,172	28%	-	0%
55-59	886	3%	1,217	29%	-	0%
60-64	592	2%	770	18%	-	0%
65-74	664	2%	590	14%	195	52%
75-84	308	1%	222	5%	116	31%
85-94	163	<1%	104	2%	36	10%
95+	254	<1%	151	4%	30	8%

FY2011 SR Releases: Age at Sentencing

Inmate Age at Sentencing	Released Under 50		Released 50-64		Released 65+	
Under 18	92	1%	1	<1%	0	0%
18 - 24	2,917	27%	50	3%	1	1%
25 - 29	2,308	22%	34	2%	2	2%
30 - 34	1,735	16%	50	3%	3	2%
35 - 39	1,490	14%	62	4%	3	2%
40 - 44	1,363	13%	87	4%	5	4%
45 - 49	710	7%	377	23%	7	5%
50 - 54	0	0%	841	39%	10	8%
55 - 59	0	0%	289	18%	11	8%
60 - 64	0	0%	62	4%	28	21%
65+	0	0%	0	0%	62	47%
Total	10,615	100%	1,633	100%	132	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 (49%) were sentenced by age 29. Most older SR released offenders were not sentenced in the crime prone years.

Of the releases between the age of 50 and 64, 80% were sentenced between the ages of 45 and 59. Over half (61%) 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 FY2011 releases, those 65 and older, tended to be the oldest at the time of their sentencing. 68% were not sentenced until at least their 60th birthday. A total of 62 offenders released in FY2011 at age 65 or older were also sentenced at age 65 or older.

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

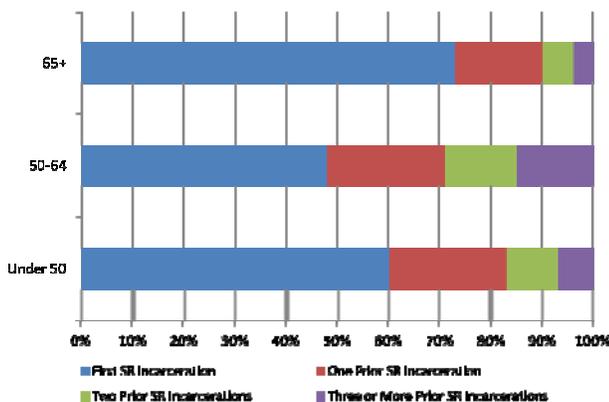
entire adulthood as an SR Confined-offender. For instance, some may have been released and then returned either as a supervision violator or as a recidivist. To examine this hypothesis, FY2011 SR Confined offenders were studied by dividing them into their current age groups and their number of prior SR incarcerations.

Of the 31,401 offenders who were under the age of 50, 60% were serving their first SR incarceration, 23% had one prior

incarceration, 10% had two prior incarcerations, and 7% had three or more prior incarcerations.

Almost half (48%) of the 5,427 confined offenders between the ages of 50 and 64 were serving their first SR incarceration. Of those who had recidivated or violated supervision, 23% had one prior incarceration, 14% had two, and 15% had three or more.

Only 27% of those sentenced at or above the age of 65 had a prior incarceration. In this age group, 17% had one prior incarceration, 6% had two, and only 4% had three or more. Almost three out of every four offenders in the 65 and older age group were serving their first incarceration.



FY2011 SR Confined: Projected Length of Stay

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

The VA DOC calculates projected Length of Stay (LOS) for confined offenders. Projected 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. The average projected LOS among FY2011 Confined offenders was 12.8 years. In the under 50 age group, the average projected LOS was

11.7 years. This compares to 16.5 years for the 50-64 age group and 18.0 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 13 years. This compares to 8.8 years for the 50-64 year-old group and 6.5 years for the under 50 group.

	Under 50 (n=27,667)	50-64 (n=4,119)	65+ (n=370)
Average Projected Length of Stay (in years)	11.7	16.5	18.0
Median Projected Length of Stay (in years)	6.5	8.8	13.0
Death Sentences	10 (<1%)	0 (0%)	0 (0%)
Single or Multiple Life Sentences	1322 (5%)	745 (18%)	125 (34%)
Life Sentences Eligible for Parole	616 (2%)	578 (14%)	105 (28%)
Life Sentences Not Eligible for Parole	706 (3%)	167 (4%)	20 (5%)
Three Time Loser Sentences	194 (<1%)	146 (4%)	7 (2%)

FY2011 SR Confined: Crime Type by Age Groups

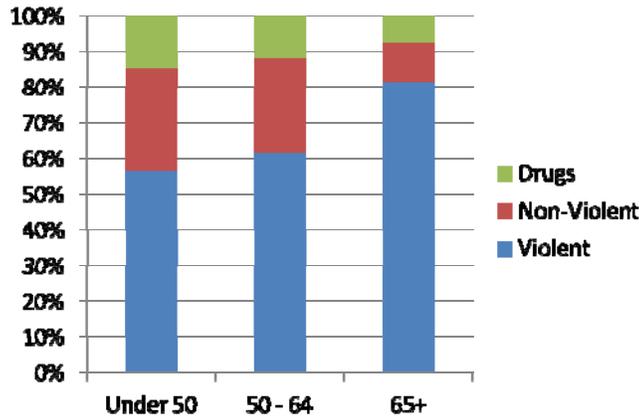
The type of crime for which an offender was sentenced greatly impacts how long he will be incarcerated. In general, violent offenders have longer periods of incarceration than property or drug offenders. Among the FY2011 New Court Commitments, the average sentence for a property or public order offender was 3.0 years, compared with 3.1 years for drug offenders and 8.4 years for violent offenders.

Of the SR Confined offenders sentenced for a non-violent or property crime, 29% were under 50, 27% were between the ages of 50 and 64, and only 11% were 65 or older.

In the under age 50 group, 15% were incarcerated for a drug-related crime. This compares with 12% of the 50-64 age group and 8% of the 65 and older age group.

A large majority (81%) of the age 65 and older confined offenders in FY2011 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 crime for older offenders was Rape/Sexual Assault, which accounted for 36% 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.

This higher rate of violent behavior among older individuals could partly be attributed to the mental health conditions that tend to afflict people over 65, such as Alzheimer's Disease and other forms of dementia. Alzheimer's Disease, for instance, can impair one's judgment and cause an individual to become more aggressive or even violent (Alzheimer's 2012).

Note: See Page 8 of this report for more information on the mental impairment of geriatric offenders.

FY 2011 SR Confined: Most Serious Offense by Age Groups

For research purposes, the VA DOC 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 also raped and murdered someone would only be counted in one of the murder categories.

Of the SR confined population in FY2011, 2,741 offenders aged 18-29 were incarcerated with the MSO of robbery. This represents 25% 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, 10% from 55 to 59 years-old, 7% 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, more older offenders had the MSO of first degree murder than their younger counterparts.

	18-29	30-39	40-49	50-54	55-59	60-64	65+	Total
Capital Murder	52 <1%	146 1%	140 2%	54 2%	39 2%	17 2%	13 2%	460 1%
First Degree Murder	427 4%	861 8%	692 8%	269 9%	233 14%	128 16%	101 19%	2,711 7%
Second Degree Murder	227 2%	277 2%	184 2%	54 2%	29 2%	18 2%	22 4%	611 2%
Manslaughter	174 2%	118 1%	92 1%	23 <1%	14 <1%	9 1%	10 2%	440 1%
Abduction	522 5%	643 6%	662 7%	272 9%	179 11%	60 8%	41 8%	2,379 6%
Rape/Sexual Assault	612 6%	902 8%	1,250 14%	447 15%	284 17%	183 23%	194 36%	3,872 10%
Robbery	2,741 25%	1,710 15%	1,139 12%	314 11%	165 10%	56 7%	19 4%	6,144 16%
Assault	1,370 12%	1,261 11%	814 9%	255 9%	132 8%	56 7%	24 4%	3,912 10%
Weapons	372 3%	160 1%	117 1%	28 <1%	22 1%	12 2%	7 1%	710 2%
Arson	54 <1%	47 <1%	46 <1%	15 <1%	10 <1%	5 <1%	- 0%	177 <1%
Burglary/B&E	1,136 10%	863 8%	728 8%	187 6%	99 6%	20 3%	9 2%	3,042 8%
Larceny/Fraud	1,113 10%	1,504 13%	1,397 15%	425 14%	174 10%	58 7%	28 5%	4,699 13%
Conspiracy	3 <1%	4 <1%	5 <1%	- 0%	- 0%	1 <1%	- 0%	13 <1%
Sex Offense	55 <1%	57 <1%	82 <1%	32 1%	28 2%	15 2%	12 2%	281 <1%
DUI	48 <1%	142 1%	169 2%	68 2%	26 2%	10 1%	3 <1%	446 1%
Habitual Offender	1 <1%	80 <1%	151 2%	56 2%	24 1%	11 1%	2 <1%	325 <1%
Other Non-Violent	119 1%	90 <1%	72 <1%	17 <1%	11 <1%	8 1%	5 <1%	322 <1%
Drug Sales	867 8%	1,090 10%	651 7%	212 7%	80 5%	64 8%	23 4%	2,987 8%
Drug Possession	642 6%	849 8%	518 6%	166 6%	70 4%	33 4%	17 3%	2,295 6%
Not Yet Reported	506 5%	359 3%	298 3%	95 3%	46 3%	20 3%	9 2%	1,333 4%
Total	11,041 100%	11,163 100%	9,197 100%	2,979 100%	1,564 100%	784 100%	539 100%	37,367 100%

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 2011, Deerfield housed 1,065 offenders.

While Deerfield is designed to care for male offenders with special needs, a large part of this group is older offenders. Only 38 offenders at Deerfield (4%) were under the age of 40 in FY2011. More than half of Deerfield's population was between the ages of 40 and 54. Another 24% of Deerfield's offenders were 60 years-old or older.

Deerfield's Assisted Living Unit (ALU) is in demand. Currently, the ALU is using all 57 of its beds. It been at full ca-



Deerfield Correctional Center

capacity for the past two years.

Many of those incarcerated at Deerfield have physical disabilities or other medical issues. A total of 55 offenders are wheelchair-bound. Of the six 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 FY2011 per capital expense at Deerfield was \$31,000, while most other MSDs average \$18,000 per capita.

FY2011 SR Confined at Deerfield CC: Most Serious Offense by Age Groups

This chart shows the Most Serious Offense (MSO) of each Deerfield offender in FY2011 by his age group.

The most common MSO among the Deerfield population was Rape/Sexual Assault, accounting for 25% of all Deerfield offenders. Only two in this group were under 40 years-old. Robbery is the second-most common MSO, accounting for 130 (12%) of the Deerfield population. Third was abduction at 109 offenders (10% of the Deerfield population).

Though Rape/Sexual Assault was the most prevalent MSO at Deerfield in FY

	18-29	30-39	40-49	50-54	55-59	60-64	65+	Total
Capital Murder	0 0%	0 0%	0 0%	0 0%	1 <1%	0 0%	2 1%	3 <1%
Homicide—1st	0 0%	3 11%	18 7%	21 7%	19 9%	11 9%	21 15%	93 9%
Homicide—2nd	1 10%	0 0%	8 3%	4 1%	2 <1%	5 4%	10 7%	30 3%
Manslaughter	0 0%	1 4%	5 2%	2 <1%	2 <1%	2 2%	4 3%	18 2%
Abduction	0 0%	2 7%	33 12%	31 11%	28 14%	4 3%	11 8%	109 10%
Rape/Sexual Assault	0 0%	2 7%	68 25%	60 21%	40 20%	38 33%	60 43%	270 25%
Robbery	1 10%	5 18%	44 16%	41 14%	27 13%	9 8%	3 2%	130 12%
Assault	3 30%	3 11%	28 10%	32 11%	21 10%	11 9%	9 8%	105 10%
Weapons	3 30%	0 0%	2 <1%	4 1%	3 1%	1 <1%	2 1%	15 1%
Arson	0 0%	1 4%	0 0%	2 <1%	3 1%	1 <1%	0 0%	7 <1%
Burglary/B&E	1 10%	4 14%	22 8%	24 8%	21 10%	3 3%	1 <1%	76 7%
Larceny/Fraud	0 0%	2 7%	19 7%	27 9%	18 8%	12 10%	4 3%	80 8%
Sex Offense	0 0%	0 0%	2 1%	2 <1%	5 2%	0 0%	4 3%	13 1%
DUI	0 0%	0 0%	1 0%	5 2%	0 0%	0 0%	1 <1%	7 <1%
Habitual Offender	0 0%	0 0%	1 0%	0 0%	1 <1%	2 2%	0 0%	4 <1%
Other Non-Violent	0 0%	0 0%	1 0%	1 <1%	1 <1%	1 <1%	2 1%	8 <1%
Drug Sales	0 0%	5 18%	12 4%	19 7%	9 4%	10 8%	3 2%	58 5%
Drug Possession	1 10%	0 0%	9 3%	14 5%	5 2%	8 7%	3 2%	40 4%
Not Yet Reported	0 0%	0 0%	1 0%	1 <1%	1 <1%	0 0%	0 0%	3 <1%
Total	10 100%	28 100%	273 100%	290 100%	205 100%	119 100%	140 100%	1065 100%

2011 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 two offenders with the MSO of Rape/Sexual Assault. Among those under age 40, the most common MSOs were first Robbery and Assault (with six offenders each) and Burglary/B&E and Drug Sales (with five each).

FY2011 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 seventeen years ago, it is not surprising that 24% of the 65 and older age group released in FY2011 were released on parole, compared to 12% of the 50 to 64 year-olds and 8% of those under age 50.

While 91% of the under 50 age group

received a direct discharge, only 84% of the 50-64 year-olds and 58% of the 65 and older group were released as a direct discharge.

Among the age 65 and older releases, 17% died in DOC, compared to 3% of the 50-64 age group released and less than 1% of releases under age 50.

Release Type	Under 50 Years Old		50 - 64 Years Old		65+ Years Old		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
TIS Direct Discharge	9,709	91%	1,367	84%	76	58%	11,152	90%
Mandatory Parole	421	4%	100	6%	11	8%	532	4%
Discretionary Parole	399	4%	101	6%	21	16%	521	4%
Death	39	<1%	56	3%	22	17%	117	1%
Other Release Type	47	<1%	9	1%	2	2%	58	<1%
Total Releases	10,615	100%	1,633	100%	132	100%	12,380	100%

Recidivism Among Older Offenders

The VA DOC measures offender recidivism by its reincarceration rate. In general, fewer older offenders were reincarcerated in FY2010 than younger offenders.

Of the 12,361 offenders released in FY2007, 3,229 (26%) were reincarcerated within three years. There were 1,171 offenders released in FY2007 who were 50 years-old or older. Only 212 (18%) of these releases recidivated within three years. This rate is 8% lower than the overall three-year recidivism rate for FY2007 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 FY2007:

- **26% of all offenders reincarcerated**
- **18% of all offender 50 years-old or older were reincarcerated**

Re-entry Challenges

Throughout incarceration, the goal of the VA DOC is to prepare each offender for a successful release and return to a productive life in society. The VA DOC 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: at least 60 years-old and served at least ten years,

or at least 65 years-old and served at least five years. Between 2005 and 2011, there has been a

74% increase in the number of offenders eligible for geriatric release (413 to 719). Only 129 of the 719 eligible offenders applied for geriatric release in CY2011, and only 3 of those 129 were granted early release. The majority of released older offenders were release after completing their sentence, not through a special release mechanism like geriatric release.

	2005		2007		2009		2011	
60 to 64	206	50%	250	49%	311	50%	380	53%
65+	207	50%	261	51%	309	50%	339	47%
Total Eligible	413	100%	511	100%	620	100%	719	100%

Expected Release Dates

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

In FY2011, there were 441 offenders who were parole eligible as well as eligible for geriatric release consideration. A total of 68 offenders became eligible for geriatric release consideration in FY2011 and would become parole eligible at a future date. An additional 196 offenders were eligible for geriatric release consideration, but will never be eligible for parole. Therefore, of the 705 geriatric eligible offenders in FY2011, 37% were not heard by the Parole Board in FY2011 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 196 in FY2011 to 591 in FY2015. Nearly 12% of the FY2011 SR Confined offenders who were not parole eligible will become eligible for geriatric release consideration prior to their release.

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 FY2011	379	1%	56	<1%	143	<1%
FY2011	441	1%	68	<1%	196	1%
FY2012	512	1%	92	<1%	278	1%
FY2013	584	2%	109	<1%	361	1%
FY2014	660	2%	135	<1%	485	1%
FY2015	756	2%	156	<1%	591	2%
After FY2015	2,461	7%	1,044	3%	3,643	10%
Scheduled to Be Released Prior to Geriatric Eligibility	1,336	4%	1,135	3%	27,615	74%
Not Eligible for Geriatric Release	39	0%	2	0%	208	1%

Offenders with Special Needs

VA DOC 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 in 2008 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 VA DOC provides programming that helps these offenders have a seamless transition upon release.

FY2011 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 does not include alcohol or substance abuse treatment alone.

Mental impairment was more prevalent among older offenders. Only 20.9% of the SR Confined offenders under age 50

had a mental impairment. Of the 7,472 SR Confined offenders in FY2011 with a mental impairment (past or present), 1,234 were between the ages of 50 and 64. This accounts for 22.1% of that age group. Of the age 65 and older group, 136 offenders (24.2%) were mentally impaired.

	Under 50 n=31,401		50-64 n=5,427		65+ n=539		Total
	Number	%	Number	%	Number	%	
No Evidence of Mental Impairment (at any time and at any level)	23,140	79%	4,344	78%	425	76%	27,909
Mental Impairment (at any time and at any level)	6,102	21%	1,234	22%	136	24%	7,472
Total	29,242		5,578		561		35,381

FY2011 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 VA DOC initiative called Therapeutic Community (TC). This is an intensive substance abuse treatment program in which offenders live together to form a supportive environment. Offenders who are eligible for TC are included in the "Used, But Extent Unknown" category in the tables in this section of the report.

In FY2011, there were 19,555 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 62% of the all confined offenders under age 50. This rate is similar

to that of the 50-64 age group, which includes 3,280 known drug users (61% of the total 50-64 age group). This rate, though, sharply decreases for the oldest

used alcohol at nearly the same rate; 42% had a history of alcohol use. This compares with 40% of the 50-64 age group and only 31% of the 65 and older age group.

In FY2011, there were a total of 6,398 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, 5,092 offenders (16%) had a known history of heavy alcohol use. This compares with 1,208 (22%) in the 50-64 age group and 98 (18%) in the 65 and older age group.

Alcohol Use Among Confined Offenders

	Age Group					
	Under 50		50-64		65+	
	Number	%	Number	%	Number	%
Not Used	12,704	40%	2,657	49%	294	55%
Occasional Use	4,537	14%	452	8%	37	7%
Moderate Use	2,258	7%	317	6%	19	4%
Heavy Use	5,092	16%	1,208	22%	98	18%
Used, But Extent Unknown	1,235	4%	201	4%	13	2%
Not Reported	5,582	18%	585	11%	78	14%
Total	31,408	100%	5,420	100%	539	100%

age group. Of those offenders at or above age 65, only 138 (26%) are known to have used drugs.

Just under half (15,467 or 41%) of the FY2011 SR Confined population had a known history of using alcohol. The group of offenders under 50

Drug Use Among Confined Offenders

	Age Group					
	Under 50		50-64		65+	
	Number	%	Number	%	Number	%
Not Used	6,057	19%	1,429	26%	339	63%
Occasional Use	1,883	6%	199	4%	7	1%
Moderate Use	1,408	4%	131	2%	5	1%
Heavy Use	7,809	25%	850	16%	19	4%
Used, But Extent Unknown	8,455	27%	2,100	39%	107	20%
Not Reported	5,796	18%	711	13%	62	12%
Total	31,408	100%	5,420	100%	539	100%

Medical Expense

Over the past five 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 FY2011 were over \$800 more than in FY2007. The VA DOC devoted an additional 1.8% of its operating expenditures in FY2011 to medical costs for confined offenders than it did in FY2007.

Most medical expenditure data is not available by age. However, the off-site portion, which is almost 23% of total medical expenditures for the VA DOC, is available by age group.

	Medical Cost Per Capita	% of Total DOC Operating Expenditures
FY2007	\$4,059	12.9%
FY2008	\$4,393	12.9%
FY2009	\$4,322	13.2%
FY2010	\$4,827	14.9%
FY2011	\$4,870	14.7%

In FY2011, the VA DOC spent over \$60 million in off-site medical expenditures. Offenders under age 50 cost the VA DOC nearly \$33.7 million in off-site medical

expenditures (54% of all off-site expenditures). Offenders age 50 and older represented 16% of the SR Confined population in FY2011, but they accounted for almost 46% of the off-site medical expenditures the VA DOC made. Interestingly, the VA DOC spent more on those 65 and older, who represent only 1.5% of the SR Confined population than those under age 30 (28.8% of the SR Confined population).

Off-Site Medical Expenditures by Age Group - FY2011*

Age Group	Total Combined Expense**	Percent of Total Expense	Percent of Total Offenders
Under 30	\$5,542,553	9.2%	28.8%
30-34	\$5,067,120	8.4%	16.6%
35-39	\$5,318,109	8.8%	13.5%
40-44	\$6,766,653	11.2%	13.0%
45-49	\$9,984,672	16.5%	12.1%
Total Under 50	\$32,679,107	54.1%	84.0%
50-54	\$9,729,334	16.1%	8.0%
55-59	\$7,750,663	12.8%	4.5%
60-64	\$4,625,085	7.7%	2.1%
65+	\$5,633,499	9.3%	1.5%
Total 50 and Older	\$27,738,581	45.9%	16.0%
Total	\$60,417,688	100.0%	100.0%

* The data in this chart represents the time of May 2010-April 2011.

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

Summary

Older adults in the U.S. today represent a rapidly growing segment of the nation's population. For VA DOC facilities, this trend holds true. From 1990 to 2011, Virginia's SR Confined population aged 50 and over increased over seven-fold from 822 to 5,966 people.

Older offenders are often less healthy than their younger counterparts. This is evidenced through the VA DOC's increasing trend of medical expenses over the past five years. Physical and mental health limitations also present challenges for providing effective programming and treatment for this group.

The majority of older SR Confined offenders are not serving sentences that were rendered during the crime prone years.

Of the FY2011 SR releases between the ages of 50 and 64, 80% were sentenced between the ages of 45 and 59. Over half (61%) 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. Of those released who were 65 or older, 68% were not sentenced until at least their 60th birthday.

Older offenders are proportionately more violent. On average, older offenders have longer projected lengths of stay. A higher

percentage of the older offenders have life sentences.

A larger percentage of older offenders have the MSO of rape or sexual assault or first degree murder than do confined offenders of other age groups.

Deerfield Correctional Center, a facility that houses male offenders with special needs, stayed at full capacity in FY2011.

Many are eligible to apply for geriatric release, but few do and even fewer receive it.

Even though there were 99 more offenders eligible to apply for geriatric release in FY2011 than there were in FY2010, the same number (129) still applied. Only three of these offenders were granted geriatric release.

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