



FY2018 Geriatric Offenders within the SR Population

Introduction

Older adults are the fastest growing demographic in the prison population. By 2030, the population of people aged 50 and older is projected to account for one-third of all incarcerated people in the U.S., amounting to a staggering 4,400 percent increase over a fifty-year span (The Osborne Association, 2018).

In Virginia, the increase in the number of geriatric confined offenders has been dramatic. From FY1990 to FY2018, Virginia's State Responsible (SR) Confined population age 50 and older increased nearly ten-fold from 822 to 8,028, accounting for 22.4% of the SR Confined population. Similarly, older offenders have been an increasing percentage of New Court Commitments (NCC), increasing from 3.1% in FY1990 to 14.9% in FY2018.

This report examines Virginia Department of Corrections' (VADOC) SR Confined, Releases, New Court Commitment, and Community 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. Offenders are considerably less healthy. Of offenders 65 and older, 82% have a chronic physical problem (Sterns, 2007).

National Age Trends

- Population age 65+ is expected to more than double between 2015 and 2060, from 47.8 to 98.1 million.
- For 2020, the 65+ group is projected to be 17% of U.S. population, 20% for 2030.

Source: U.S. Census Bureau

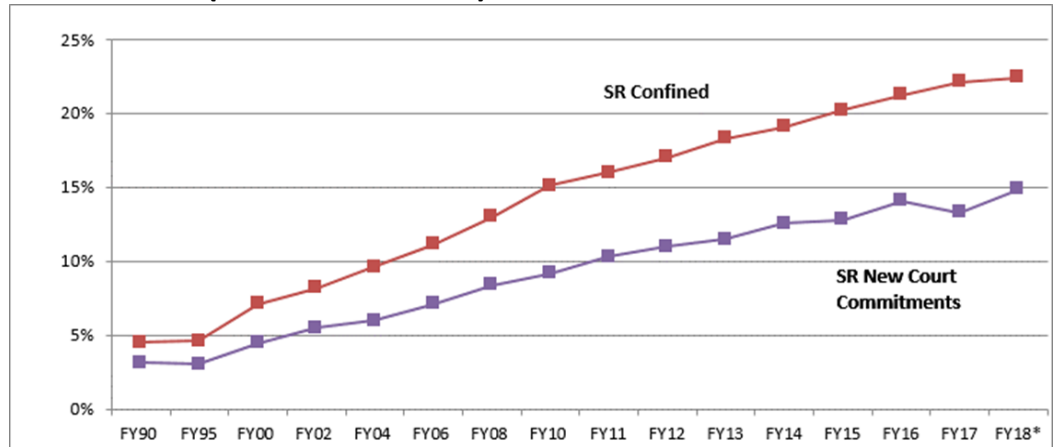
Virginia Age Trends

- Between 2010 and 2040, Virginia's total population is projected to increase by 28%.
- In Virginia, for 2020, the 65+ age group is projected to be 16% of the population, 19% for 2030, and 19% for 2040.

Source: Weldon Cooper Center

Because of the growing number of geriatric confined offenders, increasing medical costs, reentry challenges of geriatric confined offenders are expected to increase the strain on state correctional budgets and present other special challenges.

SR Confined (50 Years or older) versus SR New Court Commitments



	FY90	FY95	FY00	FY02	FY04	FY06	FY08	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18*
SR Confined Aged 50+	822	1,328	2,240	2,849	3,537	4,133	5,099	5,697	5,966	6,283	6,709	7,202	7,607	7,823	7,792	8,028
SR Confined Aged 50+ %	4.5%	4.6%	7.1%	8.2%	9.6%	11.1%	13.0%	15.1%	16.0%	17.0%	18.3%	19.1%	20.2%	21.2%	22.1%	22.4%
SR NCC Aged 50+	266	273	389	564	669	927	1,137	1,104	1,223	1,264	1,351	1,565	1,575	1,630	1,558	1,627
SR NCC Aged 50+ %	3.1%	3.0%	4.5%	5.5%	6.0%	7.1%	8.4%	9.2%	10.3%	11.0%	11.5%	12.6%	12.8%	14.1%	13.3%	14.9%

* FY18 NCC are preliminary

SR Confined as of June 30, 2018: 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 more than quintupled since FY1990, showing that more geriatric offenders are being incarcerated today.

To determine whether the older SR Confined offenders 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 and compared to age on June 30, 2018 of the SR Confined offenders.

Although 26% of the SR Confined on June 30, 2018 were under 25 years of age at their time of sentencing, 92% of that age group were still under age 50, 7% were between 50 and 64, and less than 1% (50) were 65 or older.

On June 30, 2018, there were 27,764 SR Confined offenders under the age of 50. Of this group, 31% were sentenced during the crime prone years (under the age

of 25). Over half (52%) were sentenced between the ages of 18 and 29, and 85% were sentenced between the ages of 18 and 39.

Of the 7,044 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, 61% were sentenced when they were 50 years-old or older, and 44% were sentenced when they were 60 years-old or older. Only 6% of the offenders in the 65 and older group were serving a sentence that began in the crime prone years.

Age on June 30, 2018							
Age at Sentence	Under 50		50 to 64		65 and Older		Total
	Number	Percent	Number	Percent	Number	Percent	
Under 18	406	1%	52	1%	1	0%	459
18 - 24	8,205	30%	614	9%	58	6%	8,877
25 - 29	6,214	22%	489	7%	50	5%	6,753
30 - 34	5,276	19%	510	7%	57	6%	5,843
35 - 39	3,949	14%	538	8%	78	8%	4,565
40 - 44	2,447	9%	650	9%	69	7%	3,166
45 - 49	1,267	5%	1,177	17%	71	7%	2,515
50 - 54	0	0%	1,762	25%	71	7%	1,833
55 - 59	0	0%	965	14%	93	9%	1,058
60 - 64	0	0%	287	4%	189	19%	476
65 & Over	0	0%	0	0%	247	25%	247
Total	27,764	100%	7,044	100%	984	100%	35,792

SR Confined as of June 30, 2018: 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.

In 2014, the average life expectancy at birth in the United States was 78.8 years. For males, it was 76.4 years and for females it was 81.2 years (NVSR, 2016). 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, 2018, 3% (683) will not be released before age 75. Among those who were between 50 and 64 years of age, 10% (642) will not be released before age 75. Among those who are age 65 or older, 47% (334) will not be released before age 75.

A total of 3,412 SR offenders incarcerated on June 30, 2018 are expected to be released between the ages of 60 and 74. Of these, 1,099 (32%) were under 50 years-old on June 30, 2018. Another 2,008 (59%) of these offenders were between the ages of 50 and 64. The remaining 305 (9%) were at least 65 years-old.

Age on June 30, 2018							
Age at Release	Under 50		50 to 64		65 and Older		Total
Unknown	5,551	21%	920	15%	76	11%	6,547
Under 18	0	0%	0	0%	0	0%	0
18 to 24	946	4%	0	0%	0	0%	946
25 to 29	2,430	9%	0	0%	0	0%	2,430
30 to 34	3,665	14%	0	0%	0	0%	3,665
35 to 39	3,720	14%	0	0%	0	0%	3,720
40 to 44	3,346	13%	0	0%	0	0%	3,346
45 to 49	2,941	11%	0	0%	0	0%	2,941
50 to 54	1,575	6%	996	17%	0	0%	2,571
55 to 59	774	3%	1,443	24%	0	0%	2,217
60 to 64	526	2%	1,121	19%	0	0%	1,647
65 to 74	573	2%	887	15%	305	43%	1,765
75 to 84	318	1%	320	5%	191	27%	829
85 to 94	142	1%	140	2%	70	10%	352
95+	223	1%	182	3%	73	10%	478
Total	26,730	100%	6,009	100%	715	100%	33,454

*excludes offenders serving one or more life sentences

FY2018 SR Releases: Age at Sentencing

Age on June 30, 2018							
Inmate age at sentencing	Under 50		50 to 64		65 and Older	Total	
Under 18	71	1%	5	0%	0	0%	76
18 to 24	2,236	22%	101	5%	5	2%	2,342
25 to 29	2,331	23%	67	3%	14	5%	2,412
30 to 34	2,133	21%	62	3%	17	7%	2,212
35 to 39	1,683	17%	54	2%	12	5%	1,749
40 to 44	1,153	11%	79	4%	7	3%	1,239
45 to 49	566	6%	471	22%	6	2%	1,043
50 to 54	-	0%	779	36%	14	5%	793
55 to 59	-	0%	436	20%	19	7%	455
60 to 64	-	0%	116	5%	76	29%	192
65 to 74	-	0%	0	0%	81	31%	81
75 to 84	-	0%	0	0%	9	3%	9
Total	10,173	100%	2,170	100%	260	100%	12,603

Of the Commonwealth's SR Releases under 50 years-old, 94% were between the ages of 18 and 44 at the time of their sentencing. Nearly half of the releases (45%) were sentenced between 18 and 29. Most older (50+ years) SR released offenders were not sentenced in the crime prone years.

Of the releases between the ages of 50 and 64, 78% were sentenced between the ages of 45 and 59. Over half of the releases (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.

Those 65 and older tended to be the oldest at the time of their sentencing; 64% were sentenced at age 60 or older. A total of 35% offenders released in FY2018 at age 65 or older were also sentenced at age 65 or older.

FY2018 SR Releases: Age at Release 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. To examine this hypothesis, FY2018 SR Release offenders were studied by dividing them into their age at sentencing groups and their number of prior SR incarcerations.

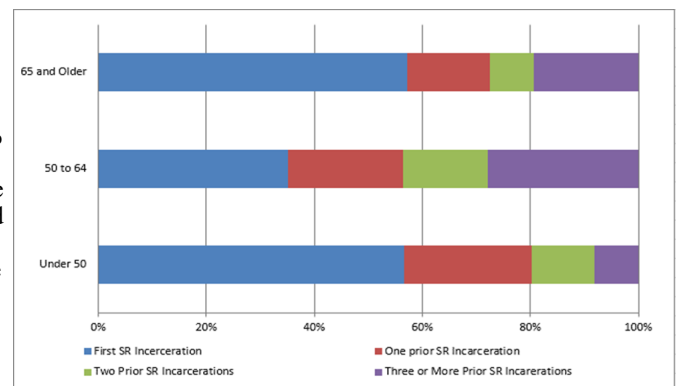
Of the 10,173 SR Releases who were under the age of 50, 57% were serving their first SR incarceration, 24% had one prior incarceration, 12% had two prior incarcerations, and 8% had three or more prior incarcerations. Overall, 44% had at least one prior incarceration.

Of the 2,170 SR Releases who were be-

tween the ages of 50 and 64, 35% were serving their first SR incarceration, 21% had one prior incarceration, 16% had two prior incarcerations, and 28% had three or more prior incarcerations. Overall, 65% had at least one prior incarceration.

Of the 260 SR Releases who were 65 or older, 57% were serving their first SR incarceration, 15% had one prior incarceration, 8% had two prior incarcerations, and 19% had three or more prior incarcerations. Overall, 43% had at least one prior incarceration. Our

conclusion is that offenders over the age of 65 are largely first time offenders and do not have an extensive prior incarceration history.



SR Confined on June 30, 2018: Expected Length of Stay

	Under 50	50 to 64	65 and Older	Total
Average Expected Length of Stay(In years)	12.6	19.1	23.6	14.1
Median Expected Length of Stay(In years)	7.3	12.5	17.6	8.1
Death Sentences	2	1	0	3
Single or Multiple Life Sentences	983	910	245	2,138
Life Sentences Eligible for Parole	233	583	187	1,003
Life Sentences Not Eligible for Parole	750	327	58	1,135
Three Time Loser Sentences	49	124	24	197

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.

The average expected LOS among Con-

finers as of June 30, 2018 is 14.1 years. 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. This appears to be true. In the under 50 age group, the average expected LOS was 12.6 years while the median was 7.3 years. The average LOS for the 50-64 age group is 19.1 years, while the median is 12.5 years. The average LOS for the 65+ group is 23.6 years while the median expected LOS for the 65 and older group

(in Years)	Under 50	50 to 64	65 and Older	Total
Total Expected Length of Stay	12.6	19.1	23.6	14.1
Remaining Length of Stay	8.0	9.6	11.6	8.4
Time Already Served	5.6	10.5	13.0	6.7

is 17.6 years.

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

In addition, the 65+ population has the longest average remaining length of stay (11.6 years) and the highest average time already served (13.0 years).

SR Confined as of June 30, 2018: 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/public order or drug offenders. Among the FY2018 New Court Commitments, the average sentence for a property or public order offender was 2.4 years, compared with 2.5 years for drug offenders and 5.1 years for violent offenders.

Of the SR Confined offenders on June 30, 2018 who were sentenced for a property or public order crime, 81% were under 50, 17% were between the ages of 50 and 64, and only 1% (126) were 65 or older.

In the SR Confined under age 50 group, 14% were incarcerated for a drug-related crime. This compares to 10% of the 50-64 age group and 6% of the 65 and older age group.

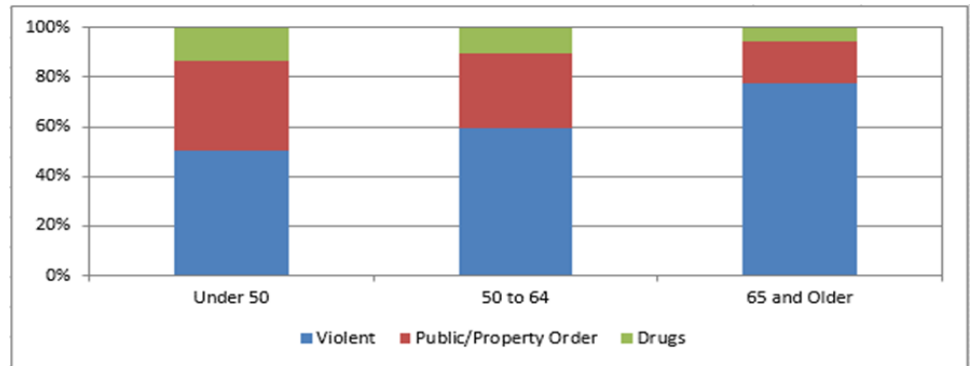
A large majority (760) of the age 65 and older confined offenders on June 30, 2018 were incarcerated for a violent crime. Violent crimes accounted for 59%

of the 50-64 age group. A smaller percentage (50%) 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 39% 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 as of June 30, 2018: Most Serious Offense by Age Groups

	Age on June 30, 2018																	
	Under 18		18 to 29		30 to 39		40 to 49		50 to 54		55 to 59		60 to 64		65 and up		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Capital Murder	0	0%	22	0%	99	1%	169	2%	61	2%	68	3%	38	3%	32	3%	489	1%
Homicide—1st	1	9%	315	4%	715	6%	770	10%	298	9%	249	10%	190	14%	188	19%	2,726	8%
Manslaughter	0	0%	150	2%	158	1%	74	1%	35	1%	32	1%	7	1%	11	1%	467	1%
Abduction	1	9%	336	4%	646	6%	496	6%	232	7%	250	10%	166	13%	93	9%	2,220	6%
Rape/Sexual Assault	0	0%	484	6%	789	7%	894	11%	534	16%	424	17%	260	20%	300	30%	3,685	10%
Robbery	5	45%	1,774	22%	1,653	14%	942	12%	360	11%	241	10%	128	10%	51	5%	5,154	14%
Assault	2	18%	1,069	13%	1,462	13%	784	10%	285	9%	157	6%	97	7%	62	6%	3,918	11%
Weapons	1	9%	315	4%	214	2%	83	1%	22	1%	24	1%	14	1%	10	1%	683	2%
Homicide—2nd	0	0%	160	2%	286	2%	191	2%	74	2%	51	2%	33	2%	32	3%	827	2%
Arson	0	0%	40	0%	44	0%	28	0%	14	0%	5	0%	5	0%	5	1%	141	0%
Burglary/B&E	0	0%	805	10%	913	8%	514	6%	214	7%	147	6%	38	3%	15	2%	2,646	7%
Larceny/Fraud	0	0%	942	12%	1,582	14%	1,114	14%	436	13%	289	12%	112	8%	48	5%	4,523	13%
Conspiracy	0	0%	5	0%	12	0%	13	0%	8	0%	5	0%	2	0%	2	0%	47	0%
Sex Offense	0	0%	118	1%	187	2%	151	2%	65	2%	78	3%	35	3%	36	4%	670	2%
DUI	0	0%	26	0%	100	1%	104	1%	55	2%	37	2%	18	1%	9	1%	349	1%
Habitual Offender	0	0%	38	0%	68	1%	78	1%	38	1%	40	2%	15	1%	6	1%	283	1%
Other Non-Violent	0	0%	11	0%	12	0%	6	0%	1	0%	2	0%	1	0%	1	0%	34	0%
Drug Sales	0	0%	607	8%	1,464	13%	984	12%	283	9%	220	9%	105	8%	45	5%	3,708	10%
Drug Possession	0	0%	342	4%	675	6%	385	5%	124	4%	66	3%	29	2%	17	2%	1,638	5%
uncoded	1	9%	529	7%	498	4%	306	4%	117	4%	78	3%	32	2%	21	2%	1,582	4%
Total	11	100%	8,088	100%	11,577	100%	8,086	100%	3,256	100%	2,463	100%	1,325	100%	984	100%	35,790	100%

The most serious offense for 18-29 and 30-39 year olds is robbery. The most serious offense for age 40-49 year olds is Larceny/Fraud. The most serious offense for all age ranges over 50 is Rape/Sexual Assault.

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

with the most serious at the top. Each offender is placed into only one category, regardless of the crimes he may have committed. For example, a robber 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, 2018, 1,774 offenders aged 18-29 were incarcerated with the MSO of robbery. This represents 22% of the 18-29

age group. This percentage decreases with each older age group. For instance, 14% 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, 10% between 60 to 64 years-old, and just 5% of the 65 or older age group.

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 30, 2018, Deerfield housed 1,053 offenders.

While Deerfield is designed to care for male offenders with special needs, a large part of this group is older offenders. Only 27 offenders at Deerfield (3%) were under the age of 40 on June 30, 2018. Two-thirds (66%) of Deerfield's population was between the ages of 40 and 59. Another 31% of Deerfield's offenders were 60 years-old or older.

Deerfield's Assisted Living Unit (ALU)

is in demand. Currently, the ALU is using 53 out of 57 of its beds.

Many of those incarcerated at Deerfield

have physical disabilities or other medical issues. A total of 170 offenders are wheelchair-bound. Two dorms have nurse's stations.



Deerfield Correctional Center

With the added medical needs of its confined offenders, Deerfield is more expensive to operate than other Medium Security Dormitories (MSDs). The FY2018 per capita expense at Deerfield was \$44,881, while most other MSDs average \$31,610 per capita (MIS Annual Report).

SR Confined at Deerfield CC on June 30, 2018: Most Serious Offense by Age Groups

This chart shows the Most Serious Offense (MSO) of each Deerfield offender on June 30, 2018 by his age group.

The most common MSO among the Deerfield population is Rape/Sexual Assault, accounting for 24% of all Deerfield offenders. Only four in this group were under 40 years-old. Robbery is the second-most common MSO, accounting for

15% (159) of the Deerfield population. The third most common MSO accounting for 11% (116) of the Deerfield population is Abduction.

Rape/Sexual Assault was the most prevalent MSO at Deerfield on June 30, 2018 for the over 50 age group, while the three youngest age groups had different MSOs. Among those under age 40, the most

common MSOs were Assault (7), Robbery (5), Homicide (4), and Rape/Sexual Assault (4). The 18-29 age group (also the age group with the fewest offenders) had zero offenders with the MSO of Rape/Sexual Assault. The 30-39 age group (the second-smallest age group) had four offenders with the MSO of Rape/Sexual Assault.

MSO	Age on June 30, 2018														Total	
	18 to 29		30 to 39		40 to 49		50 to 54		55 to 59		60 to 64		65 and up		Number	Percent
Capital Murder	0	0%	0	0%	1	1%	0	0%	2	1%	1	1%	1	1%	5	0%
Homicide—1st	0	0%	4	17%	17	9%	14	6%	13	5%	18	12%	27	15%	93	9%
Manslaughter	0	0%	1	4%	1	1%	5	2%	2	1%	1	1%	5	3%	15	1%
Abduction	0	0%	0	0%	20	10%	24	10%	40	16%	16	11%	16	9%	116	11%
Rape/Sexual Assault	0	0%	4	17%	36	18%	55	22%	54	21%	38	26%	70	39%	257	24%
Robbery	1	33%	4	17%	36	18%	38	15%	46	18%	23	16%	11	6%	159	15%
Assault	1	33%	6	25%	25	13%	27	11%	14	6%	17	12%	12	7%	102	10%
Weapons	0	0%	1	4%	0	0%	3	1%	2	1%	1	1%	2	1%	9	1%
Homicide—2nd	0	0%	0	0%	8	4%	9	4%	4	2%	4	3%	7	4%	32	3%
Arson	0	0%	0	0%	0	0%	2	1%	1	0%	0	0%	0	0%	3	0%
Burglary/B&E	0	0%	1	4%	10	5%	18	7%	17	7%	8	5%	1	1%	55	5%
Larceny/Fraud	0	0%	2	8%	15	8%	25	10%	15	6%	7	5%	4	2%	68	6%
Conspiracy	0	0%	0	0%	0	0%	1	0%	0	0%	0	0%	0	0%	1	0%
Sex Offense	0	0%	0	0%	5	3%	5	2%	13	5%	3	2%	11	6%	37	4%
DUI	0	0%	0	0%	2	1%	3	1%	0	0%	1	1%	0	0%	6	1%
Habitual Offender	0	0%	0	0%	2	1%	0	0%	2	1%	0	0%	0	0%	4	0%
Drug Sales	0	0%	0	0%	12	6%	13	5%	22	9%	7	5%	5	3%	59	6%
Drug Possession	1	33%	1	4%	4	2%	3	1%	5	2%	1	1%	7	4%	22	2%
uncoded	0	0%	0	0%	2	1%	4	2%	2	1%	1	1%	1	1%	10	1%
Total	3	100%	24	100%	196	100%	249	100%	254	100%	147	100%	180	100%	1,053	100%

FY2018 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 over twenty years ago, it is not surprising that 21% of the 65 and older age group released in FY2018 were released to parole, compared to 9% of the 50 to 64 year-olds and 2% of those under age 50.

While 92% of those in the under 50 age group were released to supervision in FY2018, only 88% of the 50 to 64 year-olds and 82% of the 65 and older age group were released to supervision.

Among the age 65 and older releases, 12% died in VADOC incarceration, compared to 2% of the 50 to 64 age group and less than 1% releases under the age of 50.

ReleaseType	Age on June 30, 2018							
	Under 50		50 to 64		65 and Older		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Direct Discharge	822	8%	213	10%	14	5%	1,049	8%
Release to Supervision	9,152	90%	1,717	79%	159	61%	11,028	88%
Mandatory Parole	87	1%	81	4%	18	7%	186	1%
Discretionary Parole	72	1%	112	5%	37	14%	221	2%
Death	23	<1%	46	2%	32	12%	101	1%
Other Release Type	17	<1%	1	<1%	0	<1%	18	<1%
Total	10,173	100%	2,170	100%	260	100%	12,603	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 FY2014 releases were re-incarcerated than younger offenders.

Of the 12,021 offenders released in FY2014 with the opportunity to recidivate, 2,815 (23.4%) were re-incarcerated within three years. There were 1,978 offenders released in FY2014 who were 50 years or older. Only 342 (17.3%) of these releases recidivated within three years. This rate is 6.1 percentage points lower than the overall three-year recidivism rate for FY2014 releases.

Lower re-incarceration rates of older

offenders, however, cannot be interpreted as those offenders being at 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.

Within three years after SR Release in FY2014:

- *23.4% of all offenders were reincarcerated*
- *17.3% 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 intellectually disabled offenders returning to the community. 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 convicted of a Class 1 felony to be reviewed 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.

Between 2007 and 2018, there has been a 159% increase in the number of offenders eligible for geriatric release (511 to 1,323). The majority of released older offenders were released after completing their sentence and not through a special release mechanism like geriatric release. From FY2011 through FY2018, SR offenders granted geriatric release comprised approximately 0.1% of all SR of-

fenders released annually.

SR Offenders Granted Geriatric Release

Release FY	Geriatric Releases	Total SR Releases
FY2011	7	12,380
FY2012	1	11,585
FY2013	8	11,661
FY2014	14	12,109
FY2015	12	12,490
FY2016	15	12,650
FY2017	14	12,539
FY2018	55	12,603

Age	CY2007		CY2009		CY2011		CY2013		CY2014		CY2015		CY2016		CY2017		CY2018	
60 to 64	250	49%	311	50%	380	53%	448	50%	478	49%	523	49%	615	51%	628	49%	646	49%
65+	261	51%	309	50%	339	47%	441	50%	491	51%	535	51%	594	49%	651	51%	677	51%
Total Eligible	511	100%	620	100%	719	100%	889	100%	969	100%	1,058	100%	1,209	100%	1,279	100%	1,323	100%

SR Confined as of June 30, 2018: Expected Release Dates

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

In FY2018, there were 597 offenders who were parole eligible as well as eligible for geriatric release consideration. A total of 103 offenders became eligible for geriatric release consideration in FY2018 and will become parole eligible at a future date. An additional 555 offenders were eligible for geriatric release consideration, but will never be eligible for parole. In FY2017, the Parole Board began automatically reviewing all geriatric eligible offenders regardless of whether they had applied.

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 555 in FY2018 to 1,277 in FY2022. For the FY2018 SR Confined offenders who were not parole eligible, 38% (12,353) will become eligible for geriatric release consideration prior to their release.

Geriatric Eligibility Release Date	Currently Parole Eligible		Parole Eligible in the Future		Not Parole Eligible		Total	
	Cumulative		Cumulative		Cumulative		Cumulative	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Geriatric Eligible on/before 6/30/18	530	1%	84	<1%	444	1%	1058	3%
Geriatric Eligible FY2018	597	2%	103	<1%	555	2%	1,255	4%
Geriatric Eligible FY2019	676	2%	125	<1%	700	2%	1,501	4%
Geriatric Eligible FY2020	752	2%	161	<1%	892	2%	1,805	5%
Geriatric Eligible FY2021	833	2%	191	1%	1091	3%	2,115	6%
Geriatric Eligible FY2022	923	3%	224	1%	1,277	4%	2,424	7%
Geriatric Eligible after FY2022	1,698	5%	624	2%	12,353	35%	14,675	41%
Expected to be Released Prior to Geriatric Eligibility	478	1%	290	1%	19,861	55%	20,629	58%
Not Eligible for Geriatric Release	145	<1%	29	<1%	314	1%	488	1%
Total	2,321	6%	943	3%	32,528	91%	35,792	100%

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 needs. 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 chal-

lenges for providing programming and treatment. VADOC provides programming that helps these offenders have a seamless transition upon release.

SR Confined as of June 30, 2018: 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 considered "mentally impaired" if the offender has a documented history of mental health treatment within the past two years.

Mental impairment was less prevalent among older offenders in FY2018. Only

30% of the SR Confined offenders under age 50 had a mental impairment. Of the 9,843 SR Confined offenders on June 30, 2018 with a mental impairment (past or present), 1,855 were between the ages of 50 and 64. This accounts for 27% of that age group. Of the age 65 and older group, 236 offenders (24%) were mentally impaired.

Mental Health Impairment Among Confined Offenders								
Age on June 30, 2018								
	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)	17,913	70%	4,932	73%	734	76%	23,579	71%
Mental Impairment (at any time and at any level)	7,752	30%	1,855	27%	236	24%	9,843	29%
Total	25,670	100%	6,790	100%	970	100%	33,430	100%

SR Confined as of June 30, 2018: 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 (Sterns, 2007). This can be associated with the risky lifestyles they adopted prior to being incarcerated.

Two such risky lifestyles are drug abuse and alcohol abuse.

On June 30, 2018, there were 10,181 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 37% of the all confined offenders under age 50. This rate is higher than that of the 50-64 age group, which includes 1,388 known drug users (20% 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 77 (8%) are known to have used drugs.

On the other hand, 12,484 or 35% of the SR Confined population on June 30, 2018 had a known history of using alcohol.

On June 30, 2018 there were a total of 3,026 offenders known

to have heavily used alcohol. The 65 and older age group had the lowest rate of heavy drinkers. In this age group, 36 offenders (4%) had a known history of heavy alcohol use. This compares with 535 (8%) in the 50-64 age group and

2,455 (9%) in the under 50 age group.

Drug Use History Among Confined Offenders								
Age on June 30, 2018								
	Under 50		50 to 64		65 and Older		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Drugs Not Used	5,653	20%	1,501	21%	255	26%	7,409	21%
Occasional Use	1,889	7%	296	4%	18	2%	2,203	6%
Moderate Use	1,890	7%	282	4%	11	1%	2,183	6%
Heavy Use	5,770	21%	699	10%	40	4%	6,509	18%
Drugs Used, Extent Unknown	632	2%	111	2%	8	1%	751	2%
Not Reported	11,930	43%	4,155	59%	652	66%	16,737	47%
Total	27,764	100%	7,044	100%	984	100%	35,792	100%

Alcohol Use History Among Confined Offenders								
Age on June 30, 2018								
	Under 50		50 to 64		65 and Older		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol Not Used	5,446	20%	972	14%	153	16%	6,571	18%
Occasional Use	5,205	19%	825	12%	94	10%	6,124	17%
Moderate Use	2,236	8%	442	6%	45	5%	2,723	8%
Heavy Use	2,455	9%	535	8%	36	4%	3,026	8%
Alcohol Used, Extent Unknown	492	2%	115	2%	4	0%	611	2%
Not Reported	11,930	43%	4,155	59%	652	66%	16,737	47%
Total	27,764	100%	7,044	100%	984	100%	35,792	100%

Medical Expense

Over the past nine fiscal years, the cost of incarcerating Virginia's SR Confined offenders has become increasingly expensive due to their increasing medical costs. On average, an offender's medical costs in FY2018 were \$2,904 more than in FY2009.

Year	Medical Cost per Capita	Percent of Total
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%
FY2015	\$5,749	14.9%
FY2016	\$6,420	16.0%
FY2017	\$6,554	15.7%
FY2018	\$7,226	16.7%

The VADOC devoted an additional 3.5% of its operating expenditures in FY2018 to medical costs for confined offenders than it did in FY2009.

In FY2018, the VADOC spent more than \$72 million in off-site medical expenditures. Offenders under age 50 cost the VADOC \$28 million in off-site medical expenditures (38.8% of all off-site expenditures) and represented 77.2% of the SR Confined population. Offenders ages 50 and older represented 22.8% of the SR confined population, but they cost the

VADOC \$44.5 million (61.2% of the off-site expenditures).

Off-Site Medical Expenditures by Age Group - FY2018*

Age Group	Total Combined Expense**	Percent of Total Expense	Percent of Total Offenders
Under 30	\$4,020,224	5.53%	21.96%
30-34	\$4,165,228	5.73%	16.66%
35-39	\$5,267,433	7.24%	15.81%
40-44	\$5,993,976	8.24%	12.41%
45-49	\$8,789,130	12.09%	10.36%
Total Under 50	\$28,235,990	38.83%	77.20%
50-54	\$9,433,409	12.97%	9.16%
55-59	\$13,529,153	18.60%	6.88%
60-64	\$10,327,532	14.20%	3.79%
65+	\$11,196,973	15.40%	2.97%
Total 50 and Older	\$44,487,066	61.17%	22.80%
Total	\$72,723,056	100.00%	100.00%

* The data in this chart represents the time of July 2017-June 2018.

** Age bands for expense are at time of incurred, and at close of period for offender count

Community Population

On June 30, 2018 the VADOC had 54,733 State Responsible offenders on community supervision across the Commonwealth. These represent offenders supervised on parole, probation, post-release, conditional release, and those with a supervision type not yet listed (excludes Absconders, Fugitives, Detention & Diversion Center, Drug Court, and Interstate Compact supervision level).

Supervision Type*	Age as of June 30, 2018						Total	
	Under 50		50 to 64		65 and Older		Number	Percent
Parole	529	1%	729	8%	197	19%	1,455	3%
Probation	42,235	94%	7,559	87%	821	77%	50,615	92%
Post-Release Supervision	336	1%	106	1%	14	1%	456	1%
Conditional Release	11	0%	20	0%	6	1%	37	0%
Other (SupervisionType=1,6,7,33)	0	0%	0	0%	1	0%	1	0%
Supervision Type Not Listed	1,871	4%	275	3%	24	2%	2,170	4%
Total	44,982	100%	8,689	100%	1,062	100%	54,733	100%

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

The majority of offenders on community supervision are on probation, 94% for the 50 and under group, 87% for 50-64, and 77% for the 65+ age group. The older population (65+) has the highest percentage of parolees (19%). This is because only offenders who committed their offense before January 1, 1995 are parole eligible.

offenders compared with the younger population. Within the 65+ age group, 16% have a Rape/Sexual Assault or Other Sex Offense, compared to 6% for the 50 to 64, and 2% for the under 50 population.

are in the Violent group; 39% of those 65 and older, 23% of those 50 to 64, and 20% for the 50 and under age group.

While the majority of offenders have committed a Property/Public Order offense, a disproportionate percent of older offenders

There were 1,164 offenders (of which 947 graduated) in the Community Corrections Alternative Program facilities that were released in FY2018. Of those, 92% were under 50 and 8% were between 50 and 64.

The majority of offenders on community supervision were on a medium level of supervision. However, a disproportionate percent of the younger offenders fall into this group; 64% of those under 50, 54% of those 50 to 64, and 43% 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 supervision level includes detention and diversion graduates, gang members, and sex offenders. Among the 65 and older group, 17% were on elevated supervision compared to 11% of 50 to 64 year olds and 11% of those under 50.

Supervision Level*	Age as of June 30, 2018						Total	
	Under 50		50 to 64		65 and Older		Number	Percent
High	2,017	4%	182	2%	14	1%	2,213	4%
Elevated	5,089	11%	980	11%	179	17%	6,248	11%
Medium	28,618	64%	4,659	54%	455	43%	33,732	62%
Low	9,164	20%	2,862	33%	413	39%	12,439	23%
Not Reported	94	0%	6	0%	1	0%	101	0%
Total	44,982	100%	8,689	100%	1,062	100%	54,733	100%

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

Supervision Level*	Age as of June 30, 2018						Total	
	Under 50		50 to 64		65 and Older		Number	Percent
Violent	8,843	19.7%	1,955	22.5%	417	39.3%	11,215	20.5%
Non-Violent	20,415	45.4%	4,292	49.4%	420	39.5%	25,127	45.9%
Drugs	15,134	33.6%	2,374	27.3%	212	20.0%	17,720	32.4%
Not Reported	590	1.3%	68	0.8%	13	1.2%	671	1.2%
Total	44,982	100.0%	8,689	100.0%	1,062	100.0%	54,733	100.0%

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

Older offenders are disproportionately sex

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 2018, Virginia's SR Confined population aged 50 and over increased nearly ten-fold from 822 to 8,028 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, 61% were sentenced when they were 50 years-old and older, and 44% were sentenced when they were 60 years-old or older. Only 6% of the offenders in the 65 and older group were serving a sentence that began in the crime prone years.

Some of the 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, 2018, 3% are projected to be released after reaching 75 years of age. Among those who were between 50 and 64 years of age, 10% will not be released before age 75. Among those who are age 65 or older, 47% will not be released before age 75.

Of the FY2018 SR Releases who were between the ages of 50 and 64, 78% were sentenced between the ages of 45 and 59. Over half (61%) were not sentenced until they were at least 50 years-old. Of those released who were 65 or older, 64% were not sentenced until at least their 60th birthday.

Over one-third (35%) of the SR Releases between the ages of 50 and 64 were serving their first SR incarceration. Only 43% 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 (77%) of the 65 and older confined offenders on June 30, 2018 were incarcerated for a violent crime. Violent crimes accounted for 59% of the 50-64 age group. A smaller percentage (50%) 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 (497) to 2018 (1,053). A large part of this group are older offenders.

There were 1,978 offenders released in FY2014 who were 50 years or older. Only 342 (17.3%) of these releases recidivated within three years. This rate is 6.1 percentage points lower than the overall three-year recidivism rate for FY2014 releases. Lower re-incarceration rates of older offenders, however, cannot be interpreted as lower risk.

Between CY2007 and CY2018, there has been a 159% increase in the number of offenders eligible for geriatric release (511 to 1,323). While many are eligible for geriatric release, very few receive it (15 in FY2016, 14 in FY2017 and 55 in FY2018).

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.

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 FY2018, the VADOC spent over \$72.7 million in off-site medical expenditures. Offenders age 50 and older represented 23% of the SR Confined population on June 30, 2018, but they accounted for 61% of the off-site medical expenditures.

Of those on community supervision, the majority were on medium supervision level. However, a disproportionate percent of older offenders were on elevated supervision. Among the 65 and older group, 17% were on elevated supervision compared to 11% of 50 to 64 years-olds and 11% of those under 50. Additionally, older offenders are disproportionately sex offenders compared to younger offenders.

There were a total of 1,164 released offenders in CCAP facilities (947 graduated) in FY2018 of which 92% were under 50 years of age.

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