

Summer 2014

## **Older Prisoners**

by

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Tougher sentencing guidelines and a wave across the country of life without parole legislation in the 1990s have produced a growing number of older inmates. While individual states define "older" differently (e.g., 55, 60, 65), the trend among those incarcerated is clear. The number of Americans in prison who are 55 years old or older is substantial and growing at a much faster rate than others, according to a report by Human Rights Watch in 2012. The impact of more gray within the walls is causing consternation and concern, for varying reasons, among different stakeholders, including prison officials, legislative bodies, clergy, and some gerontologists.

The Human Rights Watch report, "Old Behind Bars," the first of two planned, reflected the group's visits and interviews with people at 20 federal and state prisons in nine states; these included officials, corrections officers, prisoners, and gerontologists. The report found that the number of prisoners who are 65 years of age and older grew by more than 90 times the rate of the total prison population from 2007 to 2010. Specifically, the number of these older inmates increased by 63 percent during this time, while the total prison population rose by just 0.7 percent. One in 10 state prisoners is serving a life sentence. These people and others with lengthy sentences are not likely to be released before they have become frail or infirm, physically or mentally. Prison officials are "scrambling" to accommodate the numbers and needs of older inmates but they are confounded by constrained budgets, inappropriate prison architecture, lack of gerontologically and geriatrically trained staff members, indifferent legislative bodies, and a general lack of awareness among the public of these problems.

Prison architecture that reflected the physical abilities and agility of younger prisoners, such as flights of stairs and distances to work sites and common areas within the prison, pose difficulties for older prisoners with disabilities. Tiered bunks may be daily obstacles. Arthritis and movement-related disabilities may make older prisoners vulnerable to exploitation by other inmates. Add to these the fact that more older inmates are expressing signs of cognitive impairment, Alzheimer's disease or other dementias and there's figuratively a "time" bomb that's ticking.

To accommodate increases in older prisoners, prisons have to initiate far ranging changes, from adopting structural modifications in building designs and housing, to making allowances for those with Alzheimer's or dementia, to finding sufficient ground-floor cells for inmates in wheelchairs, and ensuring that older prisoners are not exploited or robbed by younger inmates.

The report notes that, between 1995 and 2010, the number of state and federal prisoners ages 55 and older nearly quadrupled, to about 124,400 inmates, with some 26,200 of them being 65 years old and older. The growth in numbers of prisoners ages 55 and above is six times that of the rest of the prison population. While most of the older inmates have been in prison for years, the

numbers of older adults just entering have also been increasing. Together, these raise the cost of incarceration.

“Age should not be a get-out-of-jail-free card, but when prisoners are so old and infirm that they are not a threat to public safety, they should be released under supervision,” said Jamie Fellner, the author of the study. “Failing that, legislatures are going to have to pony up a lot more money to pay for proper care for them behind bars.”

“Prison officials,” the report states, “are hard-pressed to provide conditions of confinement that meet the needs and respect the rights of their elderly prisoners.” These officials see that the projected increase in aging prisoners in their systems means that in the very near future they will have to operate special geriatric facilities. Some states already do. As for costs, the report notes that, in Michigan, the annual cost of health care for the average inmate was \$5,800, which increased to \$11,000 for prisoners ages 55 to 59; costs rose steadily with age, reaching \$40,000 a year for inmates 80 years and older, more than seven times the average cost.

There are many who will die incarcerated. Between 2001 and 2007, 8,486 prisoners ages 55 and above died in prison. Numbers will increase as younger offenders sentenced to 30 or 40 years grow old, likely showing what some have called an accelerated presentation of the chronic conditions that affect many in the outside older population. As California's prison population has aged, so has the incidence of chronic and highly complex health conditions. Having only three hospitals for prisoners, totaling some 120 beds, California has had to contract with private operators for inpatient care, with the cost of a hospitalized inmate in such a facility being about \$850,000 a year.

In Virginia today, about 1,000 of its 33,000 prisoners are older. While the average age of Virginia's prisoners today is about 37 and the average length of stay is five years, tougher sentences and life without parole spell increasing amounts of age-related problems for the corrections system. It pursued legislation in the 2007 session of the General Assembly to establish a memory care unit at Deerfield, its *de facto* geriatric prison. Legislation never advanced.

Aged inmates share many of the same needs as the general older population, not just the need to have adequate health care. These include interpersonal and spiritual needs. My gerontologist colleague Joe Hendricks, then at the University of Kentucky, published perhaps 20 years ago a paper anticipating the manifold implications of sentences of life without parole. It's now apparent that he called it right: our states need not only retrofitted and newly designed physical facilities but also staffs and providers with gerontological and geriatric training, from corrections personnel to health care providers to clergy and mental health workers. At the same time, our legislative bodies should become aware of the consequences of the graying behind the walls.

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To read the report, go to: <http://www.hrw.org/reports/2012/01/27/old-behind-bars-0>