

This study focuses on elderly offenders who are incarcerated in federal and state prisons. NCIA surveyed the fifty state and federal correctional systems to determine how many elderly are incarcerated, the number incarcerated for violent or nonviolent offenses, the ways in which “elderly” is defined by states, special programs and services designed for elderly inmates, and the costs of keeping the elderly in prison.

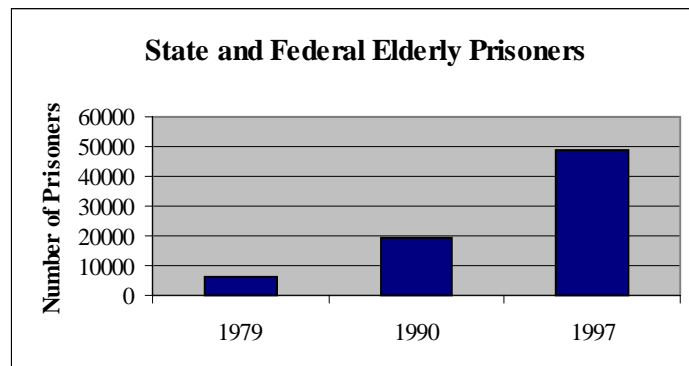
Major Findings

Defining “Elderly” is Difficult

There is great variation in how correctional systems define the elderly. Forty-four states and the Federal Bureau of Prisons (FBOP) have no official definition or classification system based on age. Only six states reported an official classification of “elderly” for their inmates. Three states reported an “unofficial” classification. In these nine states: two states reported age 50 and above as qualifying for elderly, four states used 55 years, one state 60 years, and two states 65 years. Our survey asked correctional officials to use 55 as the lower threshold of classification.

There Has Been a Tremendous Increase in the Number of Elderly Inmates

Results from our research indicate a rapid growth in the number of elderly inmates. We found that 49,013 prisoners over the age of 55¹ are incarcerated in state and federal prisons. This is more than double the 1990 figure of 19,160.² In 1979, at the beginning of the imprisonment boom, there were approximately 6,500 prisoners over 55.³ The number of elderly in America’s prisons is now 7.5 times as large as it was only one generation ago.



¹Data for 12 states include inmates over the age of 50.

²U.S. Department of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics — 1995*, Washington, D.C.

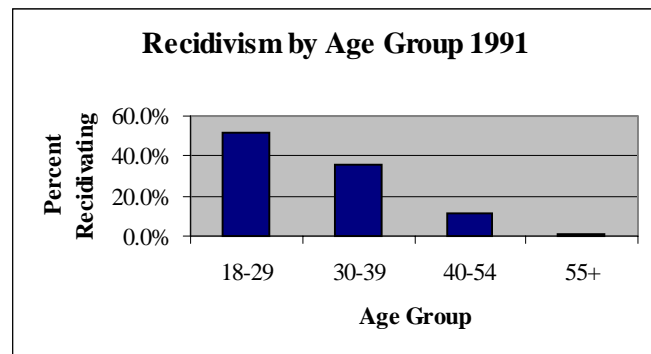
³Estimated from *Survey of State Inmates, 1986*. U.S. Department of Justice, Bureau of Justice Statistics, 1988.

Most Elderly Prisoners are Serving Time for Nonviolent Offenses

Our survey asked states and the Federal Bureau of Prisons to distinguish between violent and nonviolent offenders. The majority of elderly inmates (51.9 percent) are incarcerated for nonviolent offenses, 48.1 percent for violent offenses. There is great variation in the types of inmates incarcerated in federal and state prisons. Of the 34 states able to categorize inmates based on offense, 28 states report that the majority of elderly prisoners are incarcerated for a violent offense. Six states report a majority of nonviolent elderly inmates. Kansas, Massachusetts, Michigan, Minnesota, Idaho, and Oregon report more than 80 percent of their inmates are incarcerated for violent offenses while South Carolina reports only 4 percent of its elderly inmates as violent offenders. **The FBOP reports that 97.4 percent of its elderly inmates are sentenced for nonviolent offenses.**

Elderly Inmates Present a Very Low Risk of Reoffense After Release

The propensity to commit crimes declines with age regardless of sex, race, country of origin, ethnicity, or offense.⁴ According to a federal study of state recidivism statistics, older parolees and probationers are reincarcerated very infrequently. While 51.4 percent of parolees and probationers returned to prison were between the ages of 18 and 29, only 1.4 percent were 55 or older.⁵



Incarcerating Elderly Offenders is Expensive

The confinement of inmates over 55 costs state and federal governments \$2.1 billion annually. The FBOP spent over \$409 million from a \$3.2 billion budget to confine elderly offenders. We calculate the average yearly cost of confining an elderly prisoner

⁴Gottredson, Michael and Hirschi, Travis. "The True Value of Lambda Would Appear to be Zero: An Essay on Criminal Careers, Selective Incapacitation, cohort Studies, and related Topics." *Criminology*. Vol. 24, No 2 (1986): 213-233.

⁵U.S. Department of Justice, Bureau of Justice Statistics, *Probation and Parole Violators in State Prison, 1991* (August 1995).

⁶*Real War on Crime* (1996), NCIA. Other studies have estimated the cost of incarcerating elderly inmates is between \$60,000 and \$80,000 per inmate.

at \$69,000.⁶ This is more than three times the \$22,000 spent to incarcerate ordinary inmates. In comparison, probation is under \$1,000 per year and parole with electronic monitoring costs about \$3,500 per year.

The primary reason for the high cost of elderly inmates is medical care. Inmates age 65 and older are likely to spend twice as much time in medical facilities and have three times the health care costs of younger inmates. These chronic difficulties are often exacerbated by the living conditions found in prison. Many medical problems of the elderly ultimately require constant bed care and intensive medical supervision. These problems stretch the resources and capabilities of correctional institutions while providing no additional safety to the community.

Searching for Alternatives to Prison Nursing Homes

Elderly inmates pose a minimal threat to society, they require special medical attention and care, and as a group they consume a disproportionate amount of correctional funds. We also must realize that excessively long sentences lead to a virtual life sentence for many inmates.⁷

With these factors in mind, we propose it is sound penal and social policy to provide structured supervised release for prisoners who:

- 1) Are 55 years of age or older;
- 2) Committed a nonviolent offense;
- 3) Have served a substantial part of their sentence (one-third or more); and
- 4) Are deemed to not present a significant risk to the community.

If nonviolent offenders over the age of 55 (n=13,146 in 32 states and FBOP) were released from state and federal prisons the savings to correctional budgets would be more than \$900 million in the first year alone. If nonviolent offenders 65 or older (n=2539 in 34 states and FBOP) were released, the savings in the first year would be greater than \$175 million. This process could take place with virtually no threat to public safety. There are alternative measures that can be taken to both protect public safety and humanely deal with an elderly population that is better served outside prison walls.

⁷*U.S. v. Martin*, 63F.3d 1422, 1437 (7th Cir. 1995).