As America’s baby boomers continue to age, the justice system is having to change to meet the needs of a very different kind of prisoner.

“We are in fact moving toward a geriatric justice system, whether we want to formally call it that or not,” said Ronald Aday, a professor of sociology and anthropology at Tennessee State University who studies gerontology and prisons. He was one of the featured speakers for a recent CSG South webinar “Aging Inmates: The Continual ‘Graying’ of America’s Prisons.”

“In a given year now, we have about 900,000 people age 50 and older that are arrested and a significantly larger number age 45 to 50,” Aday said. “That’s the baby boomer population. About 20 percent of those are committing felonies. As you’re looking at that new elderly offender, ... we’re going to see more and more of those people coming in.”

Aday said those older new offenders are adding to the pressure prisons are facing with more inmates serving longer sentences who are becoming senior citizens behind bars. In the 1970s, he said, only 3,000 inmates throughout the country were older than 50. In 1991, that number rose to about 33,000 and increased to more than 113,000 just 10 years later.

“Between 2001 and today, we’ve gone from 113,000 to 250,000 over age 50,” he said. “You can just see the dramatic increase. Now, about 16 percent of our state (inmate) populations are inmates 50 and over.”

Researchers and corrections officials define inmates as seniors when they reach 50 to 55, Aday said, because the stress of life behind bars typically adds 10 years to a person’s age.

Dr. Donald Sutmiller, chief medical officer for the Oklahoma State Department of Corrections, said the story is much the same in his state.

In 1980, he said, about 1,700 people were incarcerated in Oklahoma and about 5 percent of them were older than 50. By 1994, the total number of inmates had grown to 13,700 people with 6 percent of them older than 50.

“Currently, we have about 26,000 (inmates),” said Sutmiller, “4,223 are over 50. That amounts to about 17 percent of our population. Of those, about 220 at any one time are confined to a wheelchair.”
Sutmiller said the state recently analyzed the ages and sentences of inmates in the prison system. Of the more than 4,000 inmates who are 50 or over, almost 2,000 of them are “serving very long sentences.”

“They estimate or project of these offenders over age 50, on average, they will have at least 19 years left to serve,” Sutmiller said. “I just think that’s remarkable. It shows that even though we have 17 percent now who are over 50, our offender patients are going to be getting older and older and older while they’re in our care.”

Aday said states need to be thinking about making prisons accessible for inmates in wheelchairs or with walkers, what kinds of social programs geriatric inmates need, how to handle inmates with dementia and whether senior inmates should be segregated into special units.

“We have to think about the prison culture itself, looking at how we can encourage healthy aging among our inmates,” Aday said.

Aday said the True Grit program at the Northern Nevada Correctional Center is drawing national attention as a cost-effective program for states. Inmates are screened for their willingness to follow through with the program’s guidelines, like wearing a uniform and participating in therapeutic activities for both physical and emotional well-being.

“It’s cost effective as the program uses entirely outside volunteers,” he said. “There’s been no (state) money whatsoever that’s been dedicated to this program for 160 inmates. ... We know there’s fewer days in medical (care for inmates). They’ve documented a tremendous reduction ... in drug consumption, with almost none of the inmates now on any kind of mood-elevating pills for depression.”

Sutmiller said Oklahoma has looked at a variety of methods to help handle its increasing senior population. Compassionate release or early parole can be used for sick inmates who are at little risk of reoffending. Since 2008, Oklahoma has considered 270 offenders for compassionate release and granted parole for 80 of them.

Oklahoma corrections officials now are looking at Medicaid as possible being a way to help pay for inmate care.

“We did a survey in 2013 and we took Medicaid criteria for nursing home admission and we found 67 offenders who we thought would immediately qualify for nursing home placement,” Sutmiller said. “Would it be to our benefit to be able to place those 67 offenders in a nursing home and to utilize Medicaid to help pay for their care? Medicaid in Oklahoma would pay for about two-thirds of nursing home care and (the Department of Corrections) would pick up one-third of the cost. When you do the math, it looks like it probably would not be a bad strategy for Oklahoma.”

While releasing prisoners to nursing homes may be a good move for Oklahoma, finding a home that will take those offenders is another matter.

“Certainly sex offenders are probably the most difficult to place,” Sutmiller said. “Honestly, we’ve had to go out of state at times to be able to find a nursing home. Oftentimes we can find placement, but it just requires heroic efforts to do so.

“I don’t know that we will build a DOC nursing home in Oklahoma, but I believe if someone did, that if they built it, they would come. Even if it was in a different state, if we could discharge offenders—particularly sex offenders—to nursing homes that would accept the offender, I think people would just break down their doors trying to get people discharged there.”