



Older inmate population grows, puts strain on system

Justin Murphy The Citizen | Posted: Sunday, April 17, 2011 3:00 am

AUBURN — One hundred ninety-two-year-old Auburn Correctional Facility is graying, and it's not just the weather-worn stone walls.

In New York as across the country, the inmate population is aging rapidly. The trend mirrors what's happening among the country's free population and creates many of the same fiscal dilemmas due to rising health care costs.

Take Bernard Hatch, a 71-year-old ACF inmate whose gray beard reaches his navel.

He suffered his first heart attack in 1979 and has lost track of how many came after that. He's had two quadruple-bypass surgeries and a stroke and sports two stents in his heart.

His cholesterol levels are good, he said, "but my arteries want to block up every chance they get."

Hatch takes nitroglycerin through a patch all day to control his constant angina, part of his "unbelievable list of medicine." His arms are covered in unsightly black and blue blotches, the result of blood clots.

He's had cataracts removed in both eyes. His back hurts and a nerve in his hip is pinched. A scheduled interview with The Citizen got canceled due to a conflict with one of his frequent doctor's appointments outside prison.

"They claim the only reason I'm alive is that I used to be very physically strong," he said. "Not anymore."

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An older inmate population is the natural result of the strict sentencing that prevailed across the country in the 1980s and 1990s, researchers and advocates say.

Offenders who previously would have received short sentences, or "skid bids," as they're known behind bars, instead found themselves locked up for decades or life.

One example in New York was the Rockefeller drug laws, which from 1973 until their repeal in 2009 mandated sentences of 15 years to life for possessing more than four ounces of "narcotic drugs" such as heroin and cocaine.

As a result of such "get tough" sentencing guidelines, the state prison population grew dramatically from about 10,000 in 1973 to over 70,000 in 1992.

Many of the inmates who received life sentences as young men in the 1970s are reaching their 60s this decade.

In New York, there are 847 inmates age 65 and older. They make up about 1.5 percent of the overall prison population, a proportion that has been rising steadily for several years, state Department of Corrections and Community Services spokesman Peter Cutler said. As recently as 1992, it had been just 0.3 percent.

Nationally, the 55-and-older segment of the prison population grew by 77 percent from 1999 to 2007, according to a study by the Pew Center on the States.

The change is important because elderly inmates like Bernard Hatch are much more costly to house, mostly because of health care.

A 2010 report by the Vera Institute for Justice cited studies showing that elderly inmates make five times as many trips to health facilities and cost three times as much to incarcerate as their younger counterparts.

Elderly inmates average three chronic conditions and 20 percent suffer from mental illness, according to the report.

In New York, 71 percent of the 306 inmates housed in regional medical units at the end of 2010 were over age 50 and 34 percent were over age 65, Cutler said.

The demographic change and the attendant cost spike has sent some states scrambling for ways to handle older inmates.

As of 2008, six states had a dedicated prison for the elderly, eight had hospices and 13 had dedicated elderly units, according to the Vera report.

In general, elderly inmates in New York are not segregated out, Cutler said.

“There is no real policy in the department in terms of elderly inmates and any kind of special treatment,” he said. “What it boils down to is, what are their health needs?”

Accommodations are made in each facility when necessary, Cutler said. For instance, inmates who can’t climb stairs get cells on a lower level.

Hatch, the sixth-oldest inmate at Auburn, said he’s glad to be part of the general population.

“Old-timers have a tendency to take and feel sorry for themselves and talk about all their ailments and everything,” he said. “If I was put with a bunch of old-timers, I don’t think I’d last six months.”

The only dedicated place for elderly inmates is the 30-bed Unit for the Cognitively Impaired at medium-security Fishkill Correctional Facility in Dutchess County.

That unit, which opened in 2006, is designed for inmates with dementia, Cutler said. Twenty-nine of the 30 beds are currently occupied.

There are no plans for any other facilities or programs geared toward elderly inmates, Cutler said.

New York is also among the 15 states with some sort of geriatric release process. Such programs are usually based on inmates’ terminal illnesses, and advocates point out that recidivism rates plummet as offenders age.

One study showed a one-year recidivism rate of 3.2 percent for released inmates age 55 and older compared to 45 percent for people between 18 and 29 years old.

The compassionate release program in New York, however, results in very few releases: just eight in 2010 out of 140 applicants, Cutler said.

“All the studies show that recidivism is virtually non-existent once a person gets over 45,” said Soffiyah Elijah, director of the Correctional Association, a non-profit prison advocacy group. “I think it would be smart for us to take another look at how we’re spending taxpayers’ dollars to keep those individuals incarcerated.”

People in their 70s and 80s are expensive to incarcerate, but prison officials see a tradeoff in having “elder statesmen” in the general population.

“The younger inmates look up to them,” Cutler said. “They have a calming influence in some respects.”

Hatch has been behind bars since 1973, including about 15 years at ACF. He was convicted of a grisly Oneida County murder that he says he did not commit.

He’s been denied parole seven times, in part because of vocal opposition from victims’ rights advocates.

His resume behind bars has enough activities and volunteer work to make any college applicant green with envy: president of Vietnam Veterans Chapter 205, co-clerk of the Quaker religious group, a facilitator for the Alternatives to Violence Project and a spot on the Jaycees’ board of directors.

“A lot of times I feel it’s undue, but I get tremendous respect from the officers,” Hatch said. “And any time the superintendent’s around, he calls me ZZ Top. ... People treat me very well in here.”

Many older inmates request transfers out of Auburn because they’re afraid of younger inmates and gangs, Hatch said.

“A lot of older people are incapable of defending themselves against a younger person. And it’s not one person – most of the problems we have out here in the yard are three or four on one. And older people don’t want to be involved with that,” he said. “So you’re taking the stabilizing effect out and replacing them with the hotheads and the crazies ... and that’s making it worse for the rest of us.”

Still, Hatch said, he sees it as his responsibility to help younger inmates turn their lives around.

“In prison, a convict is his worst enemy,” he said, tears welling in his eyes. “When you have a chance to reach an individual – especially a younger man who’s young enough to make a difference in his life if he straightens himself out – it feels good. You feel you’re making a difference in a way in which society is improved.”

Hatch was a mechanic before he was incarcerated. If he ever gets out, he hopes to move to South Carolina and help his blind brother-in-law rebuild classic cars – “They were new when I worked on them,” he pointed out.

As time passes and his health continues to decline, though, Hatch has resigned himself to dying behind bars, part of a growing elderly cohort hobbling toward the end in New York prisons.

“It’s in the Lord’s hands,” he said. “I used to control everything about me and my life, and probably my first mistake was that I was proud of that. ... I can pass away right now here today, and I’m satisfied with that.”

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