Florida’s Elderly Inmates

A Presentation to the Senate Appropriations Subcommittee on Criminal and Civil Justice

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Section 944.02, F.S., defines elderly inmates as prisoners ages 50 or older

Source: All analyses conducted by OPPAGA using Florida Department of Corrections data unless otherwise indicated.
Age Distribution of Florida’s Inmate Population

24% of the total inmate population is 50 years of age or older. (N = 23,045 inmates)

- 80+: 190 Inmates
- 70-79: 1,355 Inmates
- 60-69: 5,807 Inmates
- 50-59: 15,693 Inmates
- 40-49: 20,864 Inmates
- 30-39: 28,778 Inmates
- 20-29: 23,070 Inmates
- ≤19: 1,033 Inmates
Gender and Race of Elderly Inmates

The majority of inmates are men and whites are the largest proportion.

- Gender: 95% of elderly inmates are men, 5% are women.
- Race: 47% white, 42% black, 11% Hispanic, 0.4% other.
Over 40% of all elderly inmates are serving sentences for sexual/lewd behavior or murder/manslaughter

<table>
<thead>
<tr>
<th>Offense</th>
<th>Inmates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual/Lewd Behavior</td>
<td>5,098</td>
</tr>
<tr>
<td>Murder/Manslaughter</td>
<td>4,935</td>
</tr>
<tr>
<td>Burglary</td>
<td>2,805</td>
</tr>
<tr>
<td>Drugs</td>
<td>2,645</td>
</tr>
<tr>
<td>Other Violent Offenses</td>
<td>2,294</td>
</tr>
<tr>
<td>Robbery</td>
<td>2,229</td>
</tr>
<tr>
<td>Property Theft/Fraud/Damage</td>
<td>1,601</td>
</tr>
<tr>
<td>Other Offenses</td>
<td>949</td>
</tr>
<tr>
<td>Weapons</td>
<td>489</td>
</tr>
</tbody>
</table>

3,990 (17%) elderly inmates never had a violent offense; 1,434 of these inmates have a primary drug offense.
### Types of Beds Occupied by Elderly Inmates

<table>
<thead>
<tr>
<th>Category</th>
<th>Beds Occupied</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Population</td>
<td>17,782</td>
<td>77%</td>
</tr>
<tr>
<td>Elderly</td>
<td>1,656</td>
<td>7%</td>
</tr>
<tr>
<td>Faith and Character</td>
<td>1,457</td>
<td>6%</td>
</tr>
<tr>
<td>Protection/Suicide Prevention</td>
<td>417</td>
<td>2%</td>
</tr>
<tr>
<td>Disciplinary</td>
<td>316</td>
<td>1%</td>
</tr>
<tr>
<td>Substance Abuse Services</td>
<td>310</td>
<td>1%</td>
</tr>
<tr>
<td>Infirmary</td>
<td>192</td>
<td></td>
</tr>
<tr>
<td>Death Row</td>
<td>187</td>
<td></td>
</tr>
<tr>
<td>Close Management</td>
<td>187</td>
<td></td>
</tr>
<tr>
<td>Transitional Care Unit and Residential Treatment</td>
<td>132</td>
<td></td>
</tr>
<tr>
<td>Intensive Medical Care</td>
<td>129</td>
<td></td>
</tr>
<tr>
<td>Serious Mental Health</td>
<td>90</td>
<td></td>
</tr>
<tr>
<td>Reception and Orientation</td>
<td>68</td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td>57</td>
<td></td>
</tr>
<tr>
<td>Palliative</td>
<td>41</td>
<td></td>
</tr>
<tr>
<td>Outside Hospital</td>
<td>19</td>
<td></td>
</tr>
</tbody>
</table>

Most Elderly Inmates are in the General Population; however, inmate characteristics dictate different placements.
Designated Facilities Serving Elderly Inmates

These facilities serve a relatively large population of elderly inmates at every custody level.

Inmates must meet the following criteria for placement:

- Ages 50 and older
- No violent disciplinary reports in the last three years
- Not a management or discipline problem

There are a total of 1,785 beds for elderly inmates throughout the state:

- Union CI (1,055 beds)
- Lowell CI Annex (87 beds for female offenders)
- Zephyrhills CI (159 beds)
- South Florida Reception Center South Unit (484 beds)
Estimated Elderly Inmate Growth

Without Accounting for New Admissions, the Number of Older Elderly Inmates is Projected to Grow Substantially

- Without accounting for new admissions, there are estimated to be more inmates in the 70 to 79 age bracket and the 80 and older age bracket than the current number of elderly inmates in those brackets¹

<table>
<thead>
<tr>
<th>Ages 70-79</th>
<th>Ages 80+</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,355</td>
<td>190</td>
</tr>
<tr>
<td>2017</td>
<td>2017</td>
</tr>
<tr>
<td>2,944</td>
<td>711</td>
</tr>
<tr>
<td>2027</td>
<td>2027</td>
</tr>
</tbody>
</table>

¹This estimate relies on the life expectancy and projected release dates for current inmates provided by the Department of Corrections and does not factor in new inmates who will be admitted during the next 10 years, changes in release dates, or unanticipated deaths.
Elderly Inmates’ Health Snapshot
Health Care Services Include

- **Periodic Screenings**: Inmates under 50 years of age receive physical examinations and health screenings every five years; elderly inmates receive them annually.

- **Sick Calls**: Addresses inmates with acute and non-emergency medical complaints.

- **Chronic Illness Clinics**: These clinics are for inmates with chronic health care issues.

- **Infirmary Care**: Addresses inmates who require skilled nursing services.

- **Hospitalization**: Inmates who require hospitalization can receive care in the department’s Reception and Medical Center hospital or in a contracted facility in the community.
Elderly Inmates Are More Likely to Have Conditions That Need More Intensive Care

1 As inmates age, fewer of them receive only routine care

2 Elderly inmates are much more likely to need long-term intensive care

3 Data does not include medical grades for 14 inmates.
A higher proportion of elderly inmates went to a clinic relative to non-elderly inmates.

Only 25% of non-elderly inmates went to a clinic, compared to 67% of elderly inmates.
A medical pass is a written authorization from health services to the other institutional offices that will allow an inmate certain relief from a departmental or institutional requirement that affects a special medical problem. Examples include:

- Adaptive devices
- Inmate guide or attendant assigned
- Low bunk pass
- Prescribed special shoes
- Hearing aid

### Percentage of Age Group That Had a Medical Pass

<table>
<thead>
<tr>
<th>Ages</th>
<th>≤49</th>
<th>50-59</th>
<th>60-69</th>
<th>70-79</th>
<th>80+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passes</td>
<td>13%</td>
<td>32%</td>
<td>41%</td>
<td>44%</td>
<td>52%</td>
</tr>
</tbody>
</table>
Percentages of Inmates Who Had a Permanent Physical Impairment

Permanent physical impairments include loss of limb(s), paraplegia, or quadriplegia and require assignment of an adaptive device such as a cane, walker, or wheelchair.
Conditional Medical Release
Conditional Medical Release is a form of early prison release that may be granted to certain inmates due to their medical conditions. Per s. 947.149, F.S., inmates must either be

- **Permanently Incapacitated:** Inmate has a condition caused by injury, disease, or illness which renders them permanently and irreversibly physically incapacitated to the extent that they do not constitute a danger to self or others.

- **Terminally Ill:** Inmate has a condition caused by injury, disease, or illness which renders the inmate terminally ill to the extent that there can be no recovery and death is imminent, so that the inmate does not constitute a danger to self or others.
Conditional Medical Release Process

**Department of Corrections**
- Health care staff identifies inmates who meet the medical criteria.
- Department Health Services Director reviews inmate cases for referral.
- The inmate cases are referred to the Florida Commission on Offender Review for consideration.

**Florida Commission on Offender Review**
- Reviews the inmates’ criminal histories, institutional disciplinary reports, medical records, and release plans.
- Determines whether to grant conditional medical release and establishes release conditions.
- Monitors the progress of released offenders.
### Elderly Inmates Referred for Conditional Medical Release

<table>
<thead>
<tr>
<th>Year</th>
<th>Number ages 50 or older on date of referral</th>
<th>Total number of referrals</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2016-17</td>
<td>24 (71%)</td>
<td>34</td>
</tr>
<tr>
<td>FY 2015-16</td>
<td>36 (71%)</td>
<td>51</td>
</tr>
<tr>
<td>FY 2014-15</td>
<td>26 (72%)</td>
<td>36</td>
</tr>
<tr>
<td>FY 2013-14</td>
<td>12 (57%)</td>
<td>21</td>
</tr>
<tr>
<td>FY 2012-13</td>
<td>13 (57%)</td>
<td>23</td>
</tr>
</tbody>
</table>

On average, elderly inmates accounted for **67%** of the conditional medical release referrals over the past 5 years. (N=111 elderly inmates)

Source: Florida Commission on Offender Review.
The percentage of elderly inmates who received CMR ranged from 38% to 69% over the past 5 years (N=46 elderly inmates).
Options
Options

1. Expand or modify early release programs

2. Evaluate use of an alternative funding source for some inmate hospitalizations

3. Diversify programs and services for elderly inmates
Expand or Modify Early Release Programs

Clarify Statutory Definition of Terminally Ill Inmate

- Amend s. 947.149, F.S., to define imminent death as within 12 months to ensure inmates are referred in sufficient time for release

The Florida Department of Corrections Could Coordinate With the Contracted Health Care Services Provider to Ensure Timely Release Referrals

- About half of inmates released on conditional medical release die within three months of referral
- The department, in conjunction with the health care services contractor, should review conditional medical release policies, staff training, and data to help ensure eligible inmates are referred to the Florida Commission on Offender Review and to aid in increasing inmates’ length of time in the community before death
### Consider Adding Authorized Methods for Elderly Inmate Release Programs

- Some states give authority to entities other than their paroling or release authority in release determinations.
- Florida could authorize additional methods for approval of the discretionary release of inmates.

### Consider Expanding Release Programs for Elderly Inmates Through Amending Existing Statute or Creating a Geriatric Release Program

- Amend s. 947.149, *F.S.*, to expand medical criteria to include non-terminal, physically or cognitively debilitated low-risk inmates.
- Create a geriatric release program for elderly inmates using criteria such as amount of time served and criminal history.
Evaluate Use of an Alternate Funding Source for Some Inmate Hospitalizations

Require the Department of Corrections and the Agency for Health Care Administration to Review the Feasibility of Billing Medicaid for Hospitalizations

- Some other states bill Medicaid for inmate inpatient hospitalizations that exceed 24 hours. Currently, Florida does not use this practice to reduce state payments for inmate hospital costs. The department, their contracted health care services provider, and the agency should determine Florida’s potential costs and benefits.
Expand Options for Serving Elderly Inmates

Diversify Programs and Services for Elderly Inmates

- In light of the projected growth of elderly inmates, the Department of Corrections should determine the potential cost savings and other benefits of providing a continuum of care to address the specialized needs of elderly inmates. This continuum of care could include expansion of:
  - Specialized Programming
  - Elderly Specific Housing
  - Long-Term Care Medical Services
Questions?
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