



VIRGINIA PAROLE BOARD

**Report on the Response
of
the Virginia Parole Board
to the
Impact of the Aging of Virginia's Population**

February 9, 2015

SIGNATURE PAGE

Pursuant to Code of Virginia §§ 2.2-5510 and 51.5-136, the Virginia Parole Board submits this report of its progress in addressing the impact of the aging of Virginia's population.

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2/11/15

Date

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EXECUTIVE SUMMARY

The Report on the Response of the Virginia Parole Board to the Impact of the Aging of Virginia's population provides a summary and evaluation of the issues the Board faces in dealing with aging offenders. Data was collected from Department of Corrections personnel.

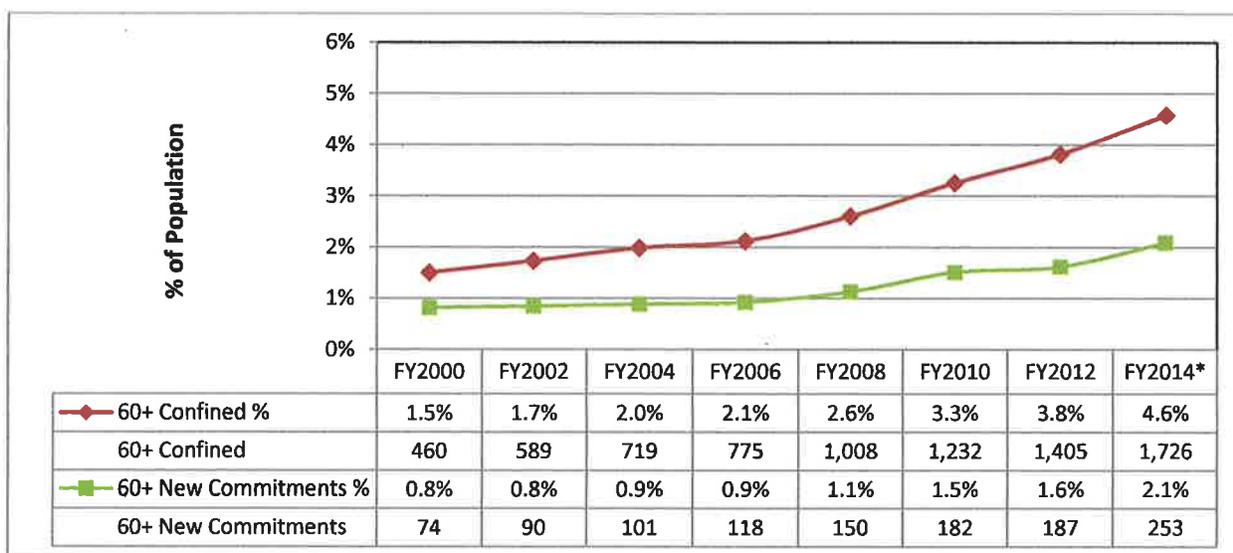
Key findings of this report are as follows:

- Offenders Age 60+ has more than tripled since FY2000.

The geriatric release provision was adopted as part of the truth-in-sentencing (TIS) reform law enacted by the General Assembly in 1994. In 2001, the General Assembly expanded the geriatric release provision to apply to all offenders. The number of offenders eligible for geriatric release consideration is expected to increase significantly, as more inmates reach the age and time served requirements.

State Responsible Offenders Age 60+ FY2000-FY2014*

- SR Confined Offenders Age 60+ has more than tripled since FY2000 (from 460 to 1,726)
- SR New Court Commitments Age 60+ has more than tripled since FY2000 from (74 to 253)
- Over 2% of the SR New Court Commitments and almost 5% of the SR Confined Population are Age 60+



SOURCE: VADOC Statistical Analysis & Forecast Unit, January 13, 2015

*FY2014 SR NCC data is considered preliminary

AGENCY DESCRIPTION

The Virginia Parole Board, established in 1942, governs a parole system that is a vital part of the Virginia justice structure. The Board upholds and enforces all laws pursuant to imposing reasonable and prudent conditions of release and fosters societal progress through the successful transformation and reintegration of men and women.

It is the responsibility of the Parole Board to make decisions regarding whether offenders convicted of serious crimes should be released from incarceration prior to the completion of the sentence imposed by the court. It also has to decide whether offenders released on parole and have violated conditions of their parole supervision, should be returned to prison. In making each decision, the Board must weigh numerous competing factors:

- The interests of society in seeing that justice is served for the commission of a criminal offense
- The interests of victims of crimes
- Whether public safety would be compromised by the release of an offender
- The interests of the offender and the extent of his rehabilitation in addition to these factors

It is in everyone's interests that decisions be made as expeditiously as possible to minimize uncertainty. This goal is directly related to the Board's mission of protecting public safety and contributing to a fair and effective justice system.

The Board reviews all parole eligible and geriatric eligible offenders in state correctional facilities operated by the Virginia Department of Corrections. Per the legislative directive that abolished parole effective 1994, offenders that committed felonies on or after January 1, 1995 must serve at least 85% of their sentence(s).

The Code of Virginia sections establishes the Virginia Parole Board:

1. § 53.1-134. Creation of Parole Board; appointment of members.
2. § 53.1-136. Powers and duties of Board; notice of release of certain inmates.
3. § 53.1-139. Powers and duties of Chairman.

The mission of the VPB is as follows:

It is the mission of this agency to protect public safety and contribute to a fair and effective justice system by ensuring that persons who continue to be a threat to society remain incarcerated and those who have been sufficiently punished and no longer present a risk are released to become productive citizens.

The VPB role is to protect the citizens of the Commonwealth by governing a parole system that is a vital part of the Virginia justice structure. The Board addresses the needs of long-term safety

by imposing reasonable and prudent conditions of release and fosters societal progress through the successful transformation and reintegration of men and women entrusted to our care.

INFORMATION REQUESTED

1. *If your agency has undertaken any actions to respond to the current and future impact of an aging population, such as needs assessments, strategic planning, or use of best practices, please briefly describe those actions. Please indicate what assistance from DARS could help your agency as it prepares to serve an aging Virginia population.*

The Virginia Parole Board works primarily with aging offenders. The geriatric release provision was enacted as part of the abolition of parole and truth-in-sentencing reform package passed by the General Assembly in 1994. Under §53.1-40.01, any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, (i) who has reached the age of sixty-five or older and who has served at least five years of the sentence imposed or (ii) who has reached the age of sixty or older and who has served at least ten years of the sentence imposed may petition the Parole Board for conditional release..

Originally applicable only to offenders sentenced under truth-in-sentencing laws, the 2001 General Assembly expanded this provision to apply to all prison inmates.

Effective July 1, 2014, The Virginia Parole Board was required to begin interviewing and considering all eligible geriatric offenders for conditional release. Prior to July 1, eligible geriatric offenders needed to apply for consideration; however, due to this change truth-in-sentencing (TIS) offenders are scheduled by the Parole Board and reviewed annually. Offenders eligible for discretionary parole must still apply.

The Department of Corrections, Statistical Analysis and Forecast Unit has published a report titled "Geriatric Offenders within the SR [State Responsible] ¹ Population." The Board utilizes this report and additional agency specific reports generated by the Statistical Analysis and Forecast Unit to educate and inform members of the public and other criminal justice agencies.

¹ Statistical Analysis and Forecast Unit (July 2014). *Geriatric Offenders within the SR Population*. P.7.

SR Offenders Eligible for Geriatric Release Consideration

- Between 2006 and 2014 the number offenders eligible for Geriatric Release has more than doubled (454 to 1,011).
- 223 of PE inmates applied for Geriatric Release in CY2014 and 6 were granted.
- 72 TIS offenders were reviewed and 6 were granted, for a total 4% grant rate.
- The majority of geriatric inmates released were released after completing their sentence, NOT through a special release mechanism.

	CY2006		CY2008		CY2010		CY2012		CY2014	
60 to 64	232	51%	295	51%	330	51%	398	50%	499	49%
65+	222	49%	283	49%	323	49%	399	50%	512	51%
Total Eligible	454		578		653		797		1,011	

Source: Statistical Analysis and Forecast Unit, January 2015

Offenders Considered for Geriatric Release By Most Serious Offense CY2006 - CY2014

- Most offenders considered for Geriatric Release between CY2006 and CY2014 committed either Homicide or Rape/Sexual Assault

	CY2006		CY2008		CY2010		CY2012		CY2014	
Homicide	15	42%	28	47%	58	45%	63	36%	86	29%
Rape/Sexual Assault	10	28%	14	24%	37	29%	53	30%	63	21%
Abduction	1	3%	2	3%	2	2%	4	2%	5	2%
Robbery	1	3%	3	5%	9	7%	21	12%	43	15%
Assault	4	11%	9	15%	2	2%	10	6%	18	6%
Weapons	1	3%	0	0%	4	3%	1	<1%	3	1%
Burglary/B&E	0	0%	0	0%	2	2%	2	1%	9	3%
Larceny/Fraud	1	3%	1	2%	6	4%	6	3%	20	7%
Sex Offense*	0	0%	1	2%	3	2%	4	2%	7	2%
DUI/Habitual Offender	0	0%	0	0%	0	0%	0	0%	7	2%
Drug Sales/Possession	3	8%	1	2%	6	4%	1	7%	20	7%
Other Property	0	0%	0	0%	0	0%	0	0%	1	<1%
Not Yet Reported**	0	0%	0	0%	0	0%	0	0%	13	4%
Total	36		59		129		176		295	

Source: Virginia Parole Board Geriatric Caseload Summaries

2. Briefly describe your agency's services that are used primarily by older Virginians and the funding streams (types and amounts) that support those services. If these particular services or funding streams are provided in conjunction with other state or local agencies or other for profit or non-profit organizations, please list them.

The Virginia Parole Board funding streams are not affected by the costs to manage geriatric offenders. However, recent budget reductions in the Commonwealth have put a strain on the Department of Corrections ability to provide medical care for offenders.

Costs of Managing Geriatric Inmates

- **Facilities:** The FY2014 per capita expense at Deerfield was \$36,220 while most other Medium Security Dormitories (MSD) average \$22,545
- **Medical:**
 - Medical expenditures have comprised 13% to 15% of the DOC's Operating expenditures between FY2007 and FY2014
 - Most medical expenditure data is not available by age

	Medical Cost per Capita	% of Total DOC Operating Expenditures
FY2007	\$4,059	12.9%
FY2008	\$4,393	12.9%
FY2009	\$4,322	13.2%
FY2010	\$4,827	14.9%
FY2011	\$4,870	14.7%
FY2012	\$5,195	15.0%
FY2013	\$5,463	14.6%
FY2014	\$5,120	13.6%

SOURCE: VADOC FY2014 Management Information Summary Report, pages 18, 34 and 37

3. *Identify current agency programs specifically designed to serve older Virginians that fall into any of the following eight categories:*

- *Health Care/Wellness*
- *Education*
- *Public Safety (including Adult Abuse Prevention)*
- *Recreation*
- *Housing*
- *Accessibility (include Livable Communities <http://www.vadars.org/vblc>)*
- *Financial Security*

Public Safety – The Parole Board must consider the aging inmate population, as the costs involved to taxpayers for medical services will increase. The Board must give this consideration but never at the expense of public safety.

Offenders released on parole pose a risk to public safety, especially considering that the majority for parole have committed violent crimes. In the process of making decisions, the Board must weigh numerous competing factors, including the interests of society in seeing that justice is served for the commission of a criminal offense, the interests of victims of crimes, whether public safety would be compromised by the release of an offender, and the interests of the offender and the extent of his/her rehabilitation. The decisions must be made expeditiously as possible to minimize uncertainty from inmates, victims, and inmate advocates.

4. *Is your agency able to meet all of the service demands of older Virginians for the services listed above, if there are any instances where the demand for services exceeds your agency's ability to meet the demand, please indicate the service and the extent of the unmet demand. Also, if your agency maintains waiting lists for services, please provide this information, including the waiting list numbers for each service.*

N/A

5. *Provide the number of persons, by gender if available, who received services from the agency in each of the past five state fiscal years (FY2010 through FY2014) who fell into the following age ranges: 60-64; 65-74; 75-84; and 85 and older. If your agency lacks specific information about the numbers of older Virginians it serves but has other evidence indicating that it is serving more or fewer older Virginians that it has in the past, please describe the basis for that estimation.*

N/A

6. Referring to the services or funding you described in item two, describe any services or funding provided to older Virginians for which the accessibility or availability varies considerably in different parts of the Commonwealth.

N/A

7. Over the next five to 10 years, in what ways do you anticipate that an aging population will impact your agency's services, funding streams, or policies? Consider the impact from an increase in the number of older Virginians and whether the needs of older Virginians will differ from those of today's older adults. Please include any anticipated impacts upon the cost of services, changes in type of services, or the manner of service delivery, or modifications to agency policies, staffing needs, or procedures.

As the number of geriatric eligible offenders will increase dramatically due to truth-in-sentencing, the Parole Board and staff will need to obtain additional resources to adequately evaluate each offender.

Geriatric Release Eligibility of SR Confined Population As of June 30, 2014

- 3% of the SR Confined Population will be eligible for Geriatric Release consideration by the end of FY2015
- Almost three-quarters of the SR Confined Population (74%) is expected to be released prior to becoming eligible for Geriatric Release Consideration

Geriatric Release Eligibility Date	Currently Parole Eligible		Parole Eligible in the Future		NOT Parole Eligible		Total	
	Cumulative #	% of Total SR	Cumulative #	% of Total SR	Cumulative #	% of Total SR	Cumulative #	% of Total SR
Through FY2015	610	2%	96	<1%	429	1%	1,135	3%
FY2016	701	2%	120	<1%	560	1%	1,381	4%
FY2017	782	2%	140	<1%	691	2%	1,613	4%
FY2018	854	2%	169	<1%	812	2%	1,835	5%
FY2019	933	2%	199	<1%	1,012	3%	2,144	6%
FY2020	1,011	3%	232	<1%	1,167	3%	2,410	6%
After FY2020	1,117	3%	563	1%	5,274	14%	6,954	18%
Expected Release Prior to GE Date	841	2%	697	2%	26,298	70%	27,836	74%
Not Eligible for GE Release	120	<1%	75	<1%	264	<1%	459	1%
Total	3,089	8%	1,567	4%	33,003	88%	37,659	100%

SOURCE: VADOC Statistical Analysis & Forecast Unit, January 7, 2015

NOTE: The numbers in the Cumulative # columns are running totals through the FY2020 row, meaning the newly eligible for that year are added to the number already eligible; as a result the Total figures are arrived at by adding the last four rows in the table together (FY2020 + After FY2020 + Release Prior to GE + Not Eligible)

8. Please describe the primary steps that should be taken at the federal, state, or local levels to meet the future demands of older Virginians and to make services delivery more effective and efficient.

Continue to provide ongoing coordination between the agencies delivering services to geriatric patients.

9. Identify the extent to which your agency provides "customer-oriented" publications and websites that are designed to be "senior-friendly." If the information you currently provide is not readily accessible to older Virginians, please identify any steps your agency is taking to improve their access to this information.

N/A

10. Describe any other services or programs that your agency plans to implement in the future to address the impact of the aging of Virginia's population.

N/A

11. Please indicate if your agency is experiencing an increase in employees retiring later and describe any actions your agency is taking or plans to take to accommodate its aging workforce with innovative practices.

N/A

References

Statistical Analysis and Forecast Unit (July 2014). Geriatric Offenders within the SR Population. Retrieved from <http://vadoc.virginia.gov/about/facts/default.shtm>.

State Analysis and Forecast Unit (August 20, 2014). VADOC FY2014 Management Information Summary Report, pages 18, 34 and 37.

Statistical Analysis and Forecast Unit, Virginia Parole Board Geriatric Caseload Summaries

Statistical Analysis and Forecast Unit (January 2015).