

Incarceration of Elderly Inmates: Research and Data Points

Life Without Parole (LWOP) Population:

- A recent Sentencing Project report found that one in nine prisoners in the United States, and one in six Washington State prisoners, is serving a life sentence. These figures do not include individuals serving de facto life sentences, i.e., sentences that are so long that prisoners are not expected to leave prison alive.
 - There are currently at least 1,383 individuals serving an official or de facto life without parole sentence in Washington State. Of these, 704 are serving an official LWOP sentence and 679 are serving a de facto LWOP. The LWOP population represents 8% of the Washington State prison population as of 2013.
- The Washington State LWOP population is primarily male and disproportionately black. Relative to the general population, black individuals are overrepresented among those sentenced to prison. Black men are even more disproportionately represented among those serving LWOP sentences in Washington State. According to Washington State census data, approximately 4% of the general state population identifies as black or African American, while 15% of felony cases involve black defendants. **An even greater share of defendants (28%) serving LWOPs in Washington State are black.** By contrast, white individuals are notably underrepresented in Washington State prisons and among lifers specifically: approximately 85% of the state population is white, but 58% of all LWOP cases involved white defendants.
- In Washington, from July 1985 to June 2013 71 individuals were sentenced to life without parole as minors.
- Not all LWOP sentences are for homicide offenses. Over half (61.5%) of all LWOP sentences were imposed in cases involving some type of homicide. However, a substantial percentage (39%) of prisoners serving life were sentenced for non-homicide offenses. One in five (20%) of those serving an official LWOP committed robbery. About one in ten (11%) were convicted of some type of assault.
 - There are 128 individuals currently serving de facto life without parole sentences solely due to weapons enhancements. These individuals account for nearly 20% of the de facto LWOP population. Although prisoners in only 1.5% of felony cases received weapons enhancements, 40% of all LWOP sentences and 61% of de facto LWOP sentences include weapons enhancements.
- Half (50%) of those serving official life without parole sentences in Washington State were sentenced under the Persistent Offender Accountability Act (three strikes) law.
- There appears to be a correlation between LWOP sentences and the trial process which **may** indicate that people who take their case to trial are being penalized for doing so. Only 5% of cases that did not result in an LWOP went to trial. By contrast, two-thirds, or 67%, of all LWOP cases went to trial.
 - The sentences were significantly greater for cases involving plea bargains versus trials is greater when the charge was a less serious offense. If the offense was more serious, there was a great a difference in the sentence between those who when to trial and those who did not.

Elderly LWOP Inmates:

- The average age of incarceration is 25. The average prisoner dies behind bars at age 64. Thus, the average time served by people serving LWOPs is thus 39 years.
- Inmates older than 55 have an average of three chronic conditions and as many as 20% have a mental illness.
- Older offenders are less likely to commit additional crimes after their release than younger offenders.
- Older offenders have consistently had a lower recidivism rate than younger offenders.
 - A 1998 study found that only 3.2 percent of offenders 55 and older returned to prison within a year of release, compared with 45 percent of offenders 18-29 years old.
 - More recent data indicates that while prisoners under 25 have a re-offense rate of over 34%, those over age 50 have a re-offense rate of only 10% **Moreover, prisoners over age 55 have a recidivism rate of less than 2%.**

Cost to Incarcerate elderly LWOP Inmates:

- Each LWOP sentence will cost Washington State \$51,193 each year for 30 years (until age 55). Elderly prisoners over 55 are at least twice as costly to incarcerate as their younger peers. From age 55 until their death at approximately age 64, this prisoner will cost Washington State \$102,386 each year, for a total of nine years. Based on these calculations, the sum of the average cost of a life without parole sentence in Washington State is \$2,457,264 per prisoner.
 - Taxpayers are now paying over \$1.4 million more for each LWOP compared with the cost of life sentences prior to the enactment of the SRA when the average life sentence cost taxpayers \$767,895 per prisoner (in 2014 dollars).

Washington's Geriatric Release Statute:

- RCW 9.94A.728 authorizes release of offenders who have a serious medical condition that is expected to require costly care or treatment and the offender is physically incapacitated due to age or a medical condition. BUT, this release option is not available to persistent offenders.

Blagg, D., Brown, M., Buchanan, A., et al (2015). *Life Without Parole Sentences in Washington State*. Seattle: University of Washington, Law, Societies, and Justice Program.

Nellis, A. (2013). *Life Goes On: The Historic Rise in Life Sentences in America*. Washington, D.C.: The Sentencing Project.