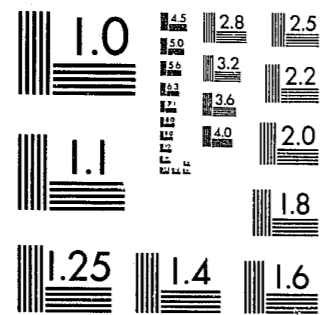


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DIVISION OF PROGRAM PLANNING, RESEARCH AND EVALUATION

✓ SURVEY OF INMATES
 65 YEARS OLD AND OVER
 FEBRUARY 1981
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In response to inquiries from Department staff, the New York State Division of the Aging and the SUNYA School of Criminal Justice, this brief survey was designed to provide an overview of inmates 65 years old or older as of February 1981.

Attached is a one page Executive Summary.

NCJRS

OCT 20 1983

ACQUISITIONS

March 1981

Prepared by:

Jody Grossman
 Donald Macdonald

SURVEY OF INMATES
 65 YEARS OLD AND OVER
 FEBRUARY 1981

HIGHLIGHTS

1. Number of Inmates 65 Years Old and Over. As of February 1981, there were 57 inmates under the Department's custody who were 65 years of age or over.

This group comprises less than one half of one percent of the Department's total inmate population.

2. Current Age and Sex. The majority (36 or 63%) of these 57 inmates are between 65 and 69 years of age.

Only one of these offenders is female.

3. Age on Commitment. Of these 57 inmates, 60% (34) were 65 years old or over at the time of their commitment.

4. Time Served. Of these 57 elderly inmates, 40 (70%) have served 5 years or less. Only seven were committed prior to 1970.

5. Commitment Crime. The majority of these elderly offenders (43 of the 56 for whom information was available) were sentenced for violent personal crimes. Twenty-nine (29) of these offenders were committed for murder or manslaughter.

6. Prior Arrest Records. Of the 56 elderly inmates for whom data was available, 75% (42) had prior arrest records. Some of these records spanned nearly 50 years (from the 1920's).

Of the 8 offenders without a prior record who were committed when over 65 years of age, 5 were committed for murder or manslaughter.

7. Conclusion. In comparison to a 1976 Department on elderly inmates, there are currently fewer inmates 65 years of age or older under the Department's custody than in 1975.

SURVEY OF INMATES
65 YEARS OLD AND OVER
FEBRUARY 1981

The purpose of this brief report is to provide a general overview of those inmates under the Department's jurisdiction as of February 1981 who are 65 years old or over.

This report responds to various information requests from Department staff regarding this subgroup in the inmate population as well as inquiries from the New York State Office of the Aging and the SUNYA School of Criminal Justice.

Inmates 65 Years of Age or Over as of February 1981. A total of 57 inmates who are 65 years of age or over as of March 1981 were identified by a computer search. (One of these individuals is omitted on two tables because complete file information is not available due to the recency of his admission).

This group comprises less than one half of one percent of the Department's total inmate population.

Age and Sex. The table below indicates the sex and age of these individuals as of March 1981.

Sex	Current Age			Total
	65-69	70-74	75&Over	
Males	36	10	10	56
Females	-	-	1	1
Total:	36	10	11	57
Percent:	63	18	19	100

The majority (36 or 63%) of these 57 inmates are between the ages of 65 and 69.

Only one of these offenders is female. A capsule case history of the single female case is provided below.

Case 1: Black female age 74. Committed for murder 1 in 1931 at age 24. This woman was involved in a premeditated murder at a speakeasy along with two male defendants, one of whom was her paramour. She allegedly encouraged him as he stabbed the victim to death for throwing her out of the

speakeasy the previous day. Although she had no prior arrests, she received the death penalty, which Governor Roosevelt had commuted to a life sentence. This offender who was previously released and returned from parole supervision, has refused parole.

Common questions on Age Upon Commitment and Time Served. With respect to elderly offenders under the Department's custody, four related questions are frequently asked:

- a) "How old were these elderly inmates when they were committed to the Department?"
- b) "How many years have these inmates been under the the Department's custody?"
- c) "What crimes are these offenders committed for?"
- d) "Do these inmates have prior records?"

This report was designed to provide information pertinent to each of these questions.

Age on Commitment. The table below represents the age on commitment of these 57 inmates who are currently 65 years old and over.

Current Age	Age on Commitment						Total
	21-29	30-39	40-49	50-59	60-64	65&Over	
65-69	-	2	-	7	10	17	36
70-74	-	-	-	2	-	8	10
75&over	1	-	-	1	-	9	11
Total	1	2	-	10	10	34	57

Of these 57 inmates, 60% (34) were age 65 or older at the time of their commitment. Seventy-eight percent (77% or 44) were 60 years or older at reception, while 95% (54) were age 50 or older at reception.

Of the 37% (21) of the cases who were at least 70 years old as of February 1981, 81% (17) were 65 years or older at reception.

The data shows that only three of these individuals were received when they were younger than 50 years old. One of these cases is the female whose history was previously described. The following cases

Of the 57 inmates, 65 years or older, 70% (40) have been committed since 1976. Fifty (50) committed since 1970. Only seven were committed prior to 1970.

Reason for Commitment by Age on Commitment. The table below shows the reason for commitment of the elderly inmates under custody with their age at that time.

Reason for Commitment	Age on Commitment						Total
	21-29	30-39	40-49	50-59	60-64	65&Over	
Murder	1	-	-	3	1	6	11
Manslaughter	-	1	-	3	5	9	18
Robbery	-	1	-	1	-	-	2
Felonious Assault	-	-	-	1	2	4	7
Sex Offense (not rape)	-	-	-	1	-	3	4
Burglary	-	-	-	-	-	2	2
Grand Larceny	-	-	-	-	-	1	1
Dangerous drugs	-	-	-	1	2	2	5
Arson	-	-	-	-	-	3	3
Attempted Kidnapping	-	-	-	-	-	1	1
Criminal Usury	-	-	-	-	-	1	1
Gambling	-	-	-	-	-	1	1
Total	1	2	0	10	10	33	56
Percent	2%	3%	0	18%	18%	59%	100%

(Data was unavailable on one case)

Of the 53 offenders of years old or older at commitment, 27 (51%) were committed for murder or manslaughter. Of the 33 who were 65 or older at commitment, 45% (15) were committed for murder or manslaughter.

The following case histories are typical of the inmates committed for murder or manslaughter who are currently over 65 years of age.

Case 4: White male age 70. Convicted in 1970 for murder at age 59. He forcibly raped and murdered a 12 year old girl. He received a sentence of 25 years to life for which he has served eleven years. His prior record includes intoxication, child neglect, assault and incest.

At this time, he is a diabetic with complete paralysis of the left arm and leg, as well as nearly blind due to cataracts.

Case 5: Black male age 69. Committed at the age of 52 in 1964 for manslaughter. While on parole (after an attempted manslaughter) he absconded and beat a man over the head with a pipe, causing death. He is serving a 20 year to life sentence for this murder.

His criminal record dates back to 1934 with offenses ranging from burglary to manslaughter. He has spent 17 years in prison.

Case 6: Black male age 72. Committed in 1979 at age 70 for assault. The offender threw acid on his daughter.. This offender was convicted in 1952 for incest involved this same daughter.

As indicated by the above statistics and case histories, the vast majority of these elderly offenders were committed for violent personal crimes (43 of the total 56).

Prior Record. The table below shows the number of those with prior records convicted of each offense found in this survey.

<u>Offense</u>	<u>Prior Record</u>		
	<u>Yes</u>	<u>No</u>	<u>Total</u>
Murder	7	4	11
Manslaughter	12	6	18
Robbery	2	0	2
Felonious Assault	6	1	7
Sex Offense (not rape)	2	2	4
Burglary	2	0	2
Grand Larceny	1	0	1
Dangerous Drugs	5	0	5
Arson	2	1	3
Criminal Usury	1	0	1
Attempted Kidnapping	1	0	1
Gambling	<u>1</u>	<u>0</u>	<u>1</u>
Total	42	14	56
Percent	75%	25%	100%

(Data was unavailable on one case)

Of those people age 65 or older now under custody, 75% (42) have prior arrest records.

The following table presents prior records with commitment age of those age 65 and older now under custody.

<u>Commitment Age</u>	<u>Prior Record</u>		
	<u>Yes</u>	<u>No</u>	<u>Total</u>
21-29	0	1	1
30-39	1	1	2
40-49	0	0	0
50-59	8	2	10
60-64	8	2	10
65&Over	<u>25</u>	<u>8</u>	<u>33</u>
Total	42	14	56

Of the 8 offenders without a prior record who were committed when over 65 years of age, 5 were committed for murder or manslaughter.

The two cases below are illustrative of these homicide commitments who were committed when they were over 60 years of age and had no prior arrest records.

Case 7: White male age 66. Committed in 1978 for manslaughter at the age of 63. Following the discovery of his wife's infidelity and a long history of domestic quarrels, he fatally shot his wife five times in the head while in his daughter's presence.

He claims that his wife, who was reportedly a professional model, had threatened his life and allegedly had ties with organized crime.

He has no prior record and was sentenced to an indeterminate sentence of five years.

Case 8: Black male age 69. He was convicted at the age of 68 for manslaughter with a sentence of 2 to 6 years. After all night of drinking and playing cards with his sister and her boyfriend, he shot the other man in the head. The offense occurred after an argument, but he claims it was an accident; he only meant to scare the other. He has no prior record.

One of the remaining 3 cases committed after the age of 65 years for other than a homicide is the arson case summarized below. (The other two offenders were committed for assault and sodomy).

Case 9: White male age 66. This man was committed in 1980 at age 65 for arson for setting his private business on fire. The fire resulted in the destruction of a number of adjacent stores as well as injuries to numerous firemen. A review of the case folder indicates that the individual was well-regarded in his community. He has no prior record.

The review of the case folders of these individuals identified a number of offenders with arrest records spanning nearly 50 years (from the 1920's).* As noted above, the vast majority of these individuals had prior arrest records. These elderly first offenders are thus typical cases.

CONCLUSION

This survey found that 57 inmates (less than one-half of one percent of the Department's total population) were 65 years or older as of February 1981.

With respect to the previously cited questions that are frequently asked by elderly inmates, this survey reported the following findings.

- a. Age on Commitment. 77% (44) of these 57 inmates were 60 years old or over upon reception.
- b. Time Served. Of these 57 inmates, 40 have served five years or less.
- c. Conviction Crimes. Of the 56 offenders for whom data was available, 43 were committed for violent personal crimes (including 29 murder/manslaughter commitments).
- d. Prior Record. Approximately 75% (42) of these 56 inmates had prior arrest records.

In broad terms, the elderly inmates currently under the Department's custody have generally been committed in recent years for violent personal crimes. Typically, these individuals were already over 60 years old upon commitment and had prior arrest records.

* Of historical curiosity is the case record of a recently deceased inmate (who is thus not included in this report) which includes a 1939 commitment for stealing chickens at night from a chicken coop which was owned by a Mr. Fox. This individual, who was previously committed for rape, was sentenced to 10 to 20 years for this chicken theft.

Those individuals without prior arrest records who were committed after their sixty-fifth birthday were generally convicted of murder or manslaughter.

This study's findings generally correspond with the findings of a previous (1976) office report on elderly inmates in terms of the conviction crimes involved, age upon commitment and time served. Two notable differences are (a) there are presently fewer inmates over 65 years old under the Department's custody than during 1975 (57 in 1981 as opposed to 69 in 1975); and (b) there are currently fewer elderly inmates under the Department's custody who have served over 10 years (8 in 1981 as opposed to at least 18 in 1975).*

* The categories in the 1975 study do not permit a determination of the time served by certain inmates age 65 or over.

END