

AGEING PRISONERS

Significant cohort or forgotten minority?

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DEDICATION

This thesis is dedicated to my parents, Ronald Edward Morrison and Gwendoline Eva Morrison [nee Pulman], who never grew old.

ABSTRACT

In 2006 rising numbers of older offenders represent a significant strategic issue for prisons in the United Kingdom, Canada and the United States. A statistical analysis of the number of older prisoners in Australia reveals similar trends. For the purpose of this research 'ageing prisoner' means a man or women aged 45 or above.

This thesis seeks to contribute to an understanding of what it means to age in prison, and explores ageing in the context of population demographics, Aboriginality, ethnicity, social class, gender, deviance, and the 'positive ageing' concepts that inform twenty-first century discourse. A discussion on the concept of 'ageing in place' in the prison environment draws on national and international literature to identify the experiences of older prisoners, and highlight the emerging challenges for prison administrators.

This thesis involved an extensive analysis of prison statistics from Tasmania, Victoria, South Australia and New Zealand. It provides an extended discussion of the dynamics and challenges of ageing in prison and concludes with a synopsis of the issues confronting service provision and prison processes in the light of the offence profiles and special needs of older inmates.

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Statement of Authority of Access

This thesis may be made available for loan and limited copying in accordance with the Copyright Act 1968.

Diane Heckenberg

Declaration of Authorship

This thesis contains no material which has been accepted for a degree or diploma by the University or any other institution. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the text of the thesis.

Diane Heckenberg

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Introduction

‘If we are to understand what it is like to age [in prison], we must ask very old [inmates] about the road they travel’ [emphasis mine] (Vaillant 2002).

In 2003, Ronald Aday, author of *Of Ageing Prisoners : A Crisis in American Corrections*, observed that ‘perhaps the most interesting aspect of the problem of elderly crime and resultant greying of [the] nation’s prisons, was the fact that researchers and the media were predicting this new challenge for well over a decade’ (Aday 2003 : 8). Similarly, in the mid to late 1990’s, the Australian media were predicting the ‘greying of the Australian population’ (*The Australian* 17/4/96 : 3; *The Weekend Australian* eight page pullout 16/8/97) and some were raising the issue of the economic challenges for prisons in the face of increased numbers of ageing inmates (*Courier Mail*, 1999).

The lack of research in the area of ageing offenders has been described as ‘an implicit form of ageism, that implies the problems of this group can be disregarded, or that ageing criminals are simply not worth discussing’ (Powell & Wahidin cited in Wahidin & Cain 2006 : 31). This thesis hopes to re-focus attention on ageing offenders in Australian prisons and by so doing, contribute to a greater understanding of who this group are, what it means to age in prison, what the critical issues are, and how correctional administrators might best respond to their needs.

For the purpose of this research ‘ageing prisoner’ means a person aged 45 years or over, for the reasons outlined in paragraph one of the Methodology. Phillips (2006) has observed that ‘since age is often subjective, “ageing” is a better, more inclusive and non-stigmatising term because ‘ ... it engages younger prisoners who may need to think long-term as lifers or about their trajectory in their life of crime’ (cited in Wahidin & Cain 2006 : 59).

Although the term 'ageing' is used where possible, much of the literature that informs this thesis inevitably refers to inmates 50-55 years and over and variously uses the terms, 'aged', 'old', 'older', 'elderly' and 'geriatric'. Except where the work of others is cited, the term 'geriatric' has been avoided because of its correlation with disease and disorder; stereotypical concepts of debilitation and decline and its derogatory use as slang for an old person.

The topic of ageing offenders grew out of an awareness of the steady flow of men in mid to late life, being adjudicated in the Supreme Court of Tasmania, for sexual assault. Often convicted for 'retrospective' crimes (some dating back 20 or 30 years), these men were frequently entering prison for the first time and depending on the severity of their crime(s), receiving fairly lengthy sentences. Initial reading focused on sexual deviance, sex offender treatment, risk assessment, relapse prevention and the management of sex offenders in the community. Rather than focus solely on this group, my attention shifted to older offenders in general. This shift was driven by an image of the mid to late-life offender catapulted from lounge-room to prison cell, at a time of life when the freedom to make choices and decisions about one's remaining years are most valued.

Methodology

In the early stages of this research it became clear that one of the first tasks was to settle on a chronological age for this study, one that would take into account Australia's ageing population, the reduced lifespan of Indigenous men and women and the 'accelerated' ageing of prisoners consistently referred to in the literature. Apart from the obvious questions such as who this group were and what crimes they had committed, it was also important to understand more about the ageing process, what concepts attach to ageing in today's society; how ageing might be experienced in confinement; what the important concerns are for ageing prisoners, and how prisons are addressing these issues.

At the outset, I had no concept of what it might be like to age in prison, how many people over the age of 45 were in prison, or what crimes they had committed (apart from sexual offending) to end up in such a situation. The journey began with an exploration of literature on the ageing process including books such as *'Issues in Ageing'* (Novak 2006), *Ageing Well* (Vaillant 2002) and *'Later Life'* (Cox 2006). Australian perspectives on ageing were gleaned from Government literature such as *The National Strategy for an Ageing Australia* (2002); *Australia's Health* (2004); and the *Indigenous InfoNet*.

This literature raised awareness of the 'losses' of ageing, the impact of social class, gender and ethnicity on the experience of ageing; the link between changing roles and status; physical, mental and emotional health issues; lifecourse perspectives; theories of ageing; issues surrounding victimization, death and dying, and elder abuse, to name a few. Awareness of abuse in community institutional settings such as nursing homes naturally raised the question of human rights. Unlike nursing homes, older prisoners represent a minority in the midst of a youth-dominated majority. To specifically place human rights in the Australian context, I drew on a copy of the Human Rights Act (HRA 2004) which had been enacted into law in the Australian Capital Territory (ACT), as well as discussion notes from an ACT Corrective Services forum (ACTCS 2004), which explored the idea of developing a human rights framework in the correctional setting.

Knowledge specific to ageing and crime focused on books such as *Ageing, Crime and Society* (Wahidin & Cain 2006) and *'Ageing Prisoners : Crisis in American Corrections* (Aday 2003). Studies from England, Canada and the United States, specific to older prisoners included *Ageing Inside* (Frazer 2003, UK); *'No problems – old and quiet': Older prisoners in England and Wales* (A thematic review by HM Chief Inspector of Prisons, UK 2004) and *Older Offenders : Where do we stand?* (Uzoaba 1998, Correctional Services, Canada). A good source of information on

Australian prisoners as a unique cohort was the *Victorian Inmate Health Study* (Deloitte Consulting 2003). The more widely I read, the more I began to realize that ‘ageing’ issues were more complex than I had first imagined.

Statistical analysis took place in several stages, beginning with the Australian Bureau of Statistics *Prisoners in Australia* (4512.7 2001-2005), Table 1. Figures were tabulated by grouping prisoner numbers into the following age-bands – ≤24, 25-29, 30-34; 35-39; 40-44; 45-49; 50-54; 55-59; 60-64 and 65+. This facilitated examination of trends in total numbers across the age-brackets and for the under 45/over 45 cohorts as a whole. Some difficulties arose with data by age *and* gender and by age *and* Indigenous status for 2004/2005 because of the randomization of small numbers for confidentiality, so that 1’s or 2’s appear as either 0’s or 3’s (ABS Email 23/05/06). This needs to be borne in mind when reading ABS data by *age and gender* or by *age and indigenous status* for 2004/2005 only. Data for 2001 to 2003 was not subject to this process.

The need for further knowledge about offence patterns led to collation of data for all defendants over 45 adjudicated in the Higher and Magistrates Courts, using the *Criminal Court Statistics* (ABS 4513.0 2001 to 2005). Again, no gender breakdown by age was available for 2004/2005. For this reason and because of the small numbers of women over the age of 45 in prison (approximately 268 in 2005), this thesis focuses predominantly on male prisoners.

Since demographers identified Tasmania and South Australia as the two ‘ageing states’, those states were approached for 2006 snapshots of their prison populations by five year age-band, by offence. The Tasmanian data also included classification, Indigenous status, sentence, marital status, education, in prison occupation, prior imprisonment, offence context and parole eligibility. Data was sub-totalled and percentages tabulated for each variable, to provide a comparative picture of the under 45/over 45 cohort.

Getting the South Australian data into shape required merging two spreadsheets, using the DCS ID number to correlate offence and socio-demographic information. Data was initially sorted by gender and then by status (sentenced or unsentenced). Four separate files were created - males (sentenced); males (unsentenced); females (sentenced); females (unsentenced). Each file was subsequently sorted into five year age-groups and variously thereafter by ethnicity, offence type, occupation, education and so forth. It was finally decided to focus on male sentenced prisoners only.

Although this went some way to developing a profile of the crimes and characteristics of the ageing prisoner, a larger sample was necessary to confirm emerging offence trends. An approach to Victorian Corrective services produced offence data on their over 45 population by five year age-band. Contact with Queensland Corrective Services revealed that ‘... a comprehensive research project into the needs of older prisoners in Queensland Correctional Centres was currently being undertaken by the Research Services Branch’ (Spence Email 2006), however an email to the research leader received no response.

In search of an international comparison, I contacted New Zealand Corrective Services, who responded with an electronic file containing de-identified information on over 7,000 prisoners. Because of the size of the file, data relating to prisoners aged 15-19 was excluded. The remaining information was sorted in the same manner as the other examples. To maintain consistency, offences types for the various jurisdictions were re-coded according to the Australian Bureau of Statistics ‘Australian Standard Offence Classification’ (ASOC) and keyed into a standard spreadsheet.

I also contacted the Home Office in the United Kingdom, the Human Rights and Equal Opportunity Commission in Australia, the International Federation on Ageing in the United States, and Corrective Services Canada. The Australian Human Rights and Equal Opportunity Commission provided links to age discrimination material, but had no publications directly related to ageing prisoners. The International

Federation on Ageing was aware of the growing pressures on correction systems, but had not come across any published research in the area. However, they did make the comment that ‘in Australia on occasions there had been requests to local Home and Community Care (HACC), providers and Community Aged Care Package (CACP) providers to support residents of prisons’ (Shaw, Email 19/7/2006). All of these organizations provided useful links to Reports and Journal articles.

The literature overwhelmingly supports the view that prison is a harsh environment for the young, let alone those who are ageing. Men, in particular, are often growing old in overcrowded, architecturally archaic institutions with less freedom of movement than women. Older people are being incarcerated at a time when, as a group, they are likely to experience some negative spin-off from community abhorrence of the late-life sex offender. Yet, ‘regardless of the type of crime committed and the criminal history of the offender, growing old in prison is not easy’ (Aday 2003 : 114).

Outline of Chapters

Chapter 1 opens with an introduction on Australia's ageing demographics, followed by a discussion on ageing in relation to Aboriginality, ethnicity, gender, social class and deviance. This leads into an exploration of defining the ageing offender, exploring factors such as chronological age as a classificatory tool, 'accelerated ageing', the notion of 'ageing in place', and a discussion on the 'positive ageing' concepts that inform twenty-first century discourse.

Chapter 2 tracks statistical trends in Australian prisoners over the age of 45 between 2001 and 2005, utilising age-specific data from the Australian Bureau of Statistics, *Prisoners in Australia* (ABS 4517.0 2001-2005), and *Criminal Courts* (4513.0 2001/2002 – 2004/2005). This is supplemented by 2006 snapshots of total prisoners over the age of 45 in Tasmania, South Australia, Victoria and New Zealand.

Chapter 3 focuses on prisoner profiles including the categories, classifications and characteristics of older offenders, drawn from local and overseas literature and 2006 prison snapshots from Tasmania, South Australia, Victoria and New Zealand.

Chapter 4 explores the experiences of ageing inmates and the major issues surrounding growing old in prison

Conclusion – the conclusion provides an overview of key findings, and a review of the major issues arising out of this study and in the light of the literature.