'Like a nursing home': The realities of Alaska's aging inmate population

More people are living out their final years in Alaska prisons — testing the balance between prison as punishment for serious crimes and the expensive realities of caring for infirm inmates.

By <u>Michelle Theriault Boots</u> Published: September 23, 2023



A wheelchair-using inmate is pushed by another inmate through the yard at Goose Creek Correctional Center near Point MacKenzie, (Loren Holmes / ADN)

GOOSE CREEK CORRECTIONAL CENTER — A man slumps in a chair in the infirmary, wearing gray sweatpants and covered with a thin blanket. He looks half-asleep. His mouth is open, and his skin has a pallor.

He is among the oldest people in prison anywhere in Alaska. He's only halfway through his sentence.

Alaska's inmates are aging: Over the past decade, the number of people 55 and older incarcerated in the state has increased by 50%, according to data from the Alaska Department of Corrections. As of 2022, the most recent year of data available, roughly 15% of people incarcerated in Alaska are older adults.



Department of Corrections chief medical

officer Dr. Robert Lawrence speaks with an inmate inside the medical unit at Goose Creek Correctional Center. (Loren Holmes / ADN)

The number is expected to continue rising. According to <u>national studies</u>, by 2030 about a third of all inmates will be considered older. It's the <u>fastest growing demographic</u> in the U.S. prison population.

In Alaska and across America, an aging population of incarcerated people tests the balance between prison as punishment for serious and violent crimes and the practical realities of caring for prisoners who are increasingly infirm. Some people at Goose Creek are so frail they can't walk. In the prison yard, prisoners in yellow jumpsuits push their peers in wheelchairs.

Alaska's spending on physical health care for prisoners increased 105% over the past decade, from about \$31.5 million in 2012 to \$64.8 million in 2022. Prison officials say the factors driving the increase are complicated, but include ballooning costs associated with an aging, medically complex inmate population.

"The aging, fragile population drives our budget," said Jen Winkelman, commissioner of the Department of Corrections. "It's huge."



Department of Corrections commissioner Jen Winkelman

speaks during an interview at Goose Creek Correctional Center. (Loren Holmes / ADN)

To address the mounting problems, Alaska created <u>special medical and geriatric parole</u> to potentially release some of the most aged and ill prisoners who have been found to no longer pose a risk to the public. The system has hardly been used.

That means prisons like Goose Creek Correctional Center, a minimum- to medium-security facility in the Matanuska-Susitna Borough, incarcerate more people who are too sick for the hard concrete cells and rigid schedules of prison life. On a day in late August, the prison housed more than 1,200 people — roughly the same population as Skagway.

Today, Alaska prisons are home to more dementia patients than ever, said Adam Rutherford, the department's behavioral health chief. Some don't remember where they are, who they are or what sent them to prison.

"Dementia doesn't show up one day, it's kind of a progression," said Robert Lawrence, the DOC's chief medical officer. "If they're with us for a long time, or even the rest of their lives, it's a real challenge."

Walk around Alaska's largest prison, Lawrence said, and you'll step into areas that "feel a lot like a nursing home."



Patient care attendant Robert Hsu, an

inmate, moves a patient to prevent bed sores inside the medical unit at Goose Creek Correctional Center. (Loren Holmes / ADN)

Harsher sentences, more incarcerated people

In 2012, just 432 Alaska inmates were 55 or older, by the Department of Corrections count. By 2022, that number had grown to 649.

A few factors are driving the increase: In the 1980s and 1990s, harsher sentences and mandatory sentencing sent people to prison for longer stretches, said Mary Price, an attorney with <u>Families Against Mandatory Minimums</u>, a nonprofit advocacy organization based in Washington, D.C. Some of the people who originally went to prison under those tough-on-crime laws are still behind bars.

"There was a real movement of 'do the crime, you have to do the time," she said.



Inmates walk to the dining hall during mealtime at Goose Creek Correctional Center. (Loren Holmes / ADN)

But older adults are also being arrested today at higher rates than they were in the past, said Wanda Bertram, a spokeswoman for the <u>Prison Policy Initiative</u>, a nonprofit prison reform organization based in Massachusetts.

Criminalization of homelessness, rising mental illness and drug addiction, and a gap between the time people 55 and older stop working and when safety net benefits such as Social Security kick in all contribute, she said.

Aging in prison is hard: Research suggests that <u>every year a person spends</u> in prison takes two years off their life expectancy.

People who are incarcerated already tend to have health issues, said Lawrence, the DOC's top physician.



Goose Creek Correctional Center .

(Loren Holmes / ADN)

Visit an Alaska jail or prison and you'll find people with terminal cancer, neurological disorders, heart conditions, diabetes and an array of other chronic health problems, he said. It all adds up to a huge price tag for the state, which pays for virtually all health care rendered in jails and prisons. Most private insurance policies won't cover health care

rendered in correctional institutions, Lawrence said. Medicare and Medicaid don't cover health care for incarcerated people either.

Because of this, the state pays the costs for in-prison medical staff as well as inmate visits to outside specialists such as cardiologists and orthopedists. A review committee decides whether the state will pay for such care, Lawrence said. (Prisoner advocates have long complained that it can be difficult to get outside medical appointments, and the Corrections Department has been repeatedly sued over allegations of substandard medical care. Among them: One 2022 suit alleges a man with aggressive cancer had his surgery delayed until his eye had to be removed.) The state does not pay for outside hospitalizations of more than 24 hours.



A wheelchair-using inmate talks on the phone in the

common area inside inside Delta Mod, the sober living mod at Goose Creek Correctional Center. (Loren Holmes / ADN)

The department has taken steps, like building its own dialysis clinic within Goose Creek's infirmary, to streamline the need for outside health care. Still, between eight and 10 inmates make the 150-mile round-trip secure van ride to Anchorage every day for medical appointments, said superintendent Sarah Angol. The department also has invested millions in <u>medication for hepatitis C</u>, a treatable but potentially fatal liver disease that about 22% of all Alaska inmates are positive for.

For the last fiscal year, the department spent \$64.8 million on physical health care. The department's behavioral health budget was about \$9.5 million. The Department of Corrections said it didn't have a way to determine its spending on health care by inmate age, but in a budget request, the department listed "containment of health care costs for an aging offender population, increased chronic health conditions, and increased acute cases" as one of its key challenges.

Incarcerating older people is much more expensive, researchers have found: The <u>National</u> <u>Institute of Corrections</u> found the annual cost of incarcerating prisoners over 55 as two to three times as expensive as housing someone in a younger age group.

Parole rarely used

States, including Alaska, have created mechanisms to allow inmates who are elderly, terminally ill or have severe cognitive impairments out of prison. Research has shown older people have the <u>lowest risk of any age group</u> to re-offend when released.

Price, the attorney with Families Against Mandatory Minimums, found that while most states have some mechanism to apply for the release of terminally ill or elderly prisoners, they are rarely used.

That's the case in Alaska: The state instituted a geriatric parole option as part of <u>a suite of</u> <u>criminal justice reforms</u> in 2016, as a path for some low-risk prisoners to be released before the end of their sentence and as a way of trimming a burgeoning inmate population. John Coghill was one of the architects of those criminal justice reforms, as a longtime Republican state legislator from North Pole. At the time, prison costs were going up and pretrial facilities were overcrowded.

The geriatric parole option was meant to take a hard look at whether some elderly inmates no longer posed a safety risk for the public, and whether the correctional system could save money by releasing them to assisted living, shifting the burden of care costs to Medicare or other programs, Coghill said.

But even though the criminal justice reform bill was signed into law, it generated backlash and <u>parts were repealed</u>. Coghill lost his bid for reelection and now works at the Fairbanks Rescue Mission, a shelter.

The Alaska Board of Parole has considered only two applications for geriatric parole in the past seven years. Neither was granted.

"That's really stunning to me," said Price, the attorney.

Her organization <u>gave Alaska an "F" grade</u> for its medical and geriatric parole systems.



Inmates wait in line to receive medicine at

Goose Creek Correctional Center. (Loren Holmes / ADN)

"The parole board is risk adverse to the point of not being able to see what the (parole applicant's current) public safety issue is, only what the previous charges are," Coghill said. Coghill says he understands victims may have legitimate concerns about even the oldest prisoners being released on geriatric parole. "You need to factor that in," he said. "I still think there would be some benefit to society, individuals and costs to the system."

Since his retirement from the Legislature, he hasn't seen the systemic changes the reforms were aiming for.

"It was trying to do a little bit of a paradigm shift and it just didn't work," Coghill said. "But these questions still need to be answered."

One reason so few Alaska prisoners have applied for geriatric or medical release is the narrow definition of who can be considered, Price said. Another factor may be the application process itself.

"If it's not clear who gets the process going and so if you don't make it incumbent on the people in the Corrections to ... begin the process, you're relying on people who may have limited ability to do this because of their illness," she said.

Federal prisoners have a much better chance of being let out of prison on compassionaterelease grounds, said Daniel Poulson, an assistant federal defender in Anchorage. In Alaska, dozens of federal inmates have been released based at least partly on their age or medical condition, or both, Poulson said. He's personally been involved with 18 cases in which a federal inmate won compassionate release. They include a Fairbanks man who was sentenced to 60 years for crimes including crack cocaine distribution, money laundering and firearm possession. He was 81 and had served more than 20 years of his sentence when he was granted compassionate relief, suffering from prostate cancer, diabetes and the effects of a stroke.

"No matter how aggravated his past crimes may have been, he can barely walk and think straight now, much less mastermind a criminal enterprise or pose a physical threat to anyone," a petition filed on his behalf in federal court said. An Alaska federal judge ordered another man, 64, immediately released because he had advanced cancer that had metastasized and gave him only months to live.

The federal compassionate release system puts the decision in the hands of a judge, not the parole board, Price said. And inmates can file an appeal for compassionate release with the help of an attorney, rather than having most of the burden placed on the disabled, elderly, impaired inmates themselves, said Price.

Those opportunities are far fewer in the Alaska system, so inmates age — and die — in institutions. Of the record 18 people who died in state custody in 2022, several died from what the department classified as "expected deaths" due to terminal illnesses. The oldest was 91.

Poulson said he gets calls from a 75-year-old state inmate who wants his help. The man has been in and out of the hospital for a heart condition and still has a lengthy term left on his sentence. If he were a federal inmate, he might well have won compassionate release by now, Poulson said.

'Compassion'

Inmates are the ones who care for other prisoners who've become too frail or sick to navigate daily life in prison on their own. On a recent afternoon in the infirmary at Goose Creek, inmates sat in wheelchairs watching a TV mounted in the corner of a room, with their younger caregivers nearby. The walls are painted with murals of Alaska wilderness scenes: Snowy cabins under auroras. Mountain lakes.



Colorful Alaska-themed murals

decorate the walls inside the medical unit at Goose Creek Correctional Center. (Loren Holmes / ADN)

At Goose Creek, inmates can apply to become "personal care attendants," providing the kind of round-the-clock caregiving that one might find in an assisted-living home. There's a rigorous application process, and the inmate has to show they aren't a security risk and don't have a history of preying on others while incarcerated, said Goose Creek superintendent Angol. It's a job that's seen as a privilege, she said. Personal care attendants are paid between 40 cents and \$1.35 an hour. Of 86 inmate personal care attendants statewide, 59 are at Goose Creek.



Patient care attendant Robert Hsu inside

the medical unit at Goose Creek Correctional Center. (Loren Holmes / ADN)

Robert Hsu is also a personal care attendant. Before he went to prison, he helped care for his grandmother, so he had some idea of an older person's needs. He finds his work as a caregiver an island of compassion in a place that can be hard, and make people hard. "I don't want them to just be forgotten," he said.

Personal attendants help fellow inmates bathe, use the bathroom, get dressed and eat meals. Sometimes that means feeding someone forkful by forkful. It can mean hospice care, and being present for the end of life.

Last year, a 76-year-old man who'd been in prison for decades grew ill from a terminal disease while in the Goose Creek infirmary, an official report said. When he died, his inmate caregiver was by his side.