



Research Bulletin

Corrective Services NSW
Corporate Research, Evaluation and Statistics

Offender Population Trends: Aged Offenders in NSW

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This report presents data specifically on the NSW population of aged offenders in full time custody from 1999 to 2009 collected on 30 June of each year. It is based on data extracted from the NSW inmate census series and consists of an overview of demographics and trends in an eleven-year period for aged offenders in custody in New South Wales. Results showed that during the study period the population of aged offenders in full-time custody increased steadily as a proportion of all NSW offenders in custody presenting an average annual percentage increase of 7.1%. A linear projection of the population of aged offenders would see a possible total number of aged offenders in custody of approximately 1100 in the year 2014. During the study period an increase in the proportion of Indigenous aged offenders and in the proportion of female aged offenders were observed. Similarly, an increase in the proportion of aged offenders with a history of prior imprisonment was observed.

KEY FINDINGS

Population of aged offenders

- From 1999 to 2009 the population of aged offenders in full-time custody increased as a proportion of all NSW offenders, from 4.6% to 7.2%.

Five-year projection

- Based on an average annual increase of 7.1% from 1999 to 2009, a five-year projection would see a possible increase from 808 aged offenders in custody in 2009 to approximately 1100 aged offenders in custody in 2014.

Indigenous aged offenders

- There has been an increase in the proportion of aged Indigenous offenders from 16% of the aged offender population in full time custody in 1999 to 26% in 2009.

Female aged offenders

- The proportion of female aged offenders increased from 4.6% of all aged offenders in full time custody in 1999 to 7.4% in 2009.

Prior imprisonment

- The proportion of aged offenders with a history of prior imprisonment increased from 38.5% of the aged offender population in full time custody in 1999 to 54.6% in 2009.

Security classification

- In 2009 'minimum' was the predominant security classification for both aged offenders and general offenders representing 57.9% and 53.0%, respectively.

Most Serious Offence (MSO)

- At 30 June 2009, the most prevalent ASOC group of MSO for aged offenders in NSW correctional centres was sexual assault and related offences (28% of offenders) followed by homicide and related offences (14%). In contrast, the most prevalent MSOs for general offenders were acts intended to cause injury (assault) (19.5%) followed by illicit drug offences (13.2%).

INTRODUCTION

With greater life expectancy, the aging of the population is one of the major transformations being experienced in Australia (ABS, 2004). Not exempt from these transformations is the Australian offender population illustrating similar results to the U.S and U.K offender population. Findings from a current study show national aged offender trends increasing in number (Baidawi et al., 2011), consequently raising issues such as disproportionate strain on correctional centre resources, appropriate management of these 'special needs' offenders, and environmental, legislative and policy level questions (Grant, 1999, Frazer, 2003, Baidawi, 2011). Consequently, there is growing interest in the characteristics of aged offenders within Corrective Services New South Wales (CSNSW).

As stated by Baidawi et al. (2011, p.1) "researchers, policy makers and corrections administrators have yet to reach consensus as to what constitutes an 'older offender'", with definitions varying from 45 to 65 years and above. Although current research on Australian aged offenders has adopted a definition of 'aged offender' as being those who are 50 years of age and over (Baidawi, 2011), for the purpose of this study an aged offender was defined as an offender over 55 years of age for non-Indigenous offenders and over 45 years of age for Indigenous offenders. This definition is based on findings identifying Indigenous Australians as having a shorter life span than non Indigenous Australians and also there being an apparent 10-year differential between the overall health of inmates and that of the general population (Kratcoski and Pownall, 1989). Research on this topic employed the General Growth Balance method, showing life expectancy for Aboriginal and Torres Strait Islander people is 64 years for males and 69 years for females which is seen as being directly attributed to sociosomatic illness arising from factors such as dispossession, disadvantage, forced separation of children from parents and communities, and legislation, consequently affecting their representation in the aged offender group.

In accordance to national trends (Baidawi et al., 2011), results show that from 30 June 1999 to 30 June 2009 the overall population of aged offenders increased not only in numbers but also as a proportion of all full time offenders in New South Wales. In addition, the characteristics of the aged offender population have changed throughout the inmate census series.

Findings from the current study provide a basis for future analysis of trends in the size and characteristics of the aged offender population over time. Additionally, results may assist in providing effective service delivery through addressing specific needs including possible specialised geriatric care, medication, and rehabilitative physical care as well as focusing on future allocation of more expensive resources such as kidney dialysis or heart surgery (Krane, 1999).

DEFINITIONS AND EXPLANATORY NOTES

Aged Offender: For the purpose of this study an aged offender is defined as an offender over 55 years of age for non-Indigenous offenders and over 45 years of age for Indigenous offenders. The chronological age of 65 in the general population is the accepted definition of an aged person. A minimum ten year differential between the general population and the offender population has been identified. Indigenous offenders were considered "aged" at a younger age than non-Indigenous offenders due to the reported declining health status experienced by Indigenous Australians at a younger chronological age and a shorter life expectancy (ABS, 2010, Karmina, Butler, Levy, Grant, Kaldor, and Law, 2007)

Indigenous Offender: An offender was recorded as indigenous where they had self identified as Aboriginal or Torres Strait Islander (ATSI) in any current or past contact with CSNSW.

Most Serious Offence (MSO): The Most Serious Offence is the offence for which the longest sentence was imposed for a single count, regardless of the possible result of appeals categorized by ASOC.

ASOC Division: This refers to the Australian Standard Offence Classification; ASOC provides a uniform national framework for classifying criminal behaviour in the production and analysis of crime and justice statistics. The classification makes distinctions based on the most fundamental elements of legal and behaviour criteria (ABS, 2008).

Prior Imprisonment: Prior imprisonment includes any period of adult imprisonment in NSW within periodic detention or full-time custody (including remand) prior to the episode current at census date.

Custody: Any offender who is being held on remand, received a full time sentence, sentence by way of Periodic Detention, is held in a court complex, or being is transferred from one location to another i.e. court to correctional centre.

Periodic Detention Order: A periodic detention order is a sentencing option whereby offenders can be sentenced to a two day per week detention period for terms up to three years.

Compulsory Drug Treatment Order: Compulsory Drug Treatment Orders are orders that have been referred from the NSW Drug Court.

ACKNOWLEDGEMENTS

The author would like to thank Corporate Research, Evaluation and Statistics staff: Stacy Williams for preparing earlier versions of this bulletin; Simon Corben, Gerard VanDoorn and Zachery Xie for extracting the relevant data and providing assistance with statistical analysis; also, the feedback and advice of Simon Eyland, Jennifer Galouzis, Maria Kevin, and Simon Corben have been greatly appreciated.

Aged Offender snapshot

As at 30 June 2009 there were 808 aged offenders in full-time custody in NSW comprising 7.2% of all offenders in custody. Table 1 provides an overview of the characteristics of the NSW population of aged offenders in custody.

Table 1: Comparison summary of key characteristics of offenders and aged offenders serving full-time custodial sentences in NSW as at 30 June 2009

Offender Characteristic	Category	Aged Offender n= %	Category	General Offender n= %
Gender	Male	748 (92.6%)	Male	9558 (92.3%)
	Female	60 (7.4%)	Female	794 (7.7%)
Indigenous Non Indigenous		212 (26.2%)		2170 (21.3%)
		596 (73.8%)		8182 (78.6%)
History of prior imprisonment No prior imprisonment		441 (54.6%)		7060 (67.2%)
		367 (45.4%)		3292 (32.8%)
3 Most common serious offences (MSO) of 16 ASOC groups	Sexual assault and related offences	226 (28%)	Acts intended to cause injury	2094 (19.5%)
	Homicide related offences	113 (14%)	Illicit drug offences	1336 (13.2%)
	Offences against justice procedures etc	49 (6.1%)	Offences against justice procedures etc	1150 (10.3%)
Most common security classification	Minimum	468 (57.9%)	Minimum	5001 (49.1%)

Sourced NSW Inmate Census 2009 (unpublished data file)

NSW aged and general offender population in custody from 1999 to 2009

The proportion of aged offenders increased steadily from 1999 to 2009. Figure 1 illustrates the population of aged offenders increasing across the yearly census series from 387 (4.6%) of a total 8382 offenders on June 30 1999 to 808 of a total 11160 offenders on June 30 2009 (7.2%), representing an average annual percentage increase of 7.1%. Of note, from 1999 to 2009, 76.6% of aged Indigenous offenders were

already 45 years of age or older at the time of last reception into custody (n=1006) whereas 69.2% of aged non-Indigenous offenders were already 55 years of age or older at the time of last reception into custody (n=3296).

Five-year projection

From 30 June 1999 to 30 June 2009 the aged offender population increased at an average annual percentage rate of 7.1%. Based on this rate of increase, a five-year linear projection of the population of aged offenders from June 2009 to June 2014 would see a possible increase in the number of aged offenders in custody from 808 to approximately 1100. Nevertheless, the complexities of the NSW justice system and the changing nature of the offender population make it difficult to accurately project a five-year trend for either aged or general offenders in custody.

Age

As shown in Figure 2 the most predominant age group of aged offenders in custody in 1999 was 55-59 years old representing 44% of the total 387 aged offender population. Similarly, in 2009 the most represented age group was also 55-59 representing 36% of the total population of 808 aged offenders in custody. Also noteworthy was the proportional increase in the population of aged offenders in the 45-49 age category, which increased from 8.3% to 16.0, nearly doubling in the study period. Nevertheless, apart from this increase in the 45-49 age category, there was minimal change in the age profile of aged offenders in custody.

Female aged offenders in Custody

As shown in Figure 3, rather than a general increase, the aged female offender trend shows a jump from 2002 to 2005 and again in 2009. The total population of aged female offenders in custody increased from 18 on 30 June 1999 to 60 on 30 June 2009, an average annual percentage increase of 16.0% compared to 4.0% for the total population of female offenders in custody across the same period. As a proportion of the total aged offenders in custody, the aged female offender population increased from 4.6% on 30 June 1999 (18 of 387) to 7.4% on 30 June 2009 (60 of 808). Finally, as a proportion of the total population of female offenders in custody, the aged female offender population increased from 3.3% on the 30 June 1999 (18 of 552) to 7.0% on 30 June 2009 (60 of 854). It is noteworthy that the aged female population is comprised of relatively small numbers and therefore the size of changes represented as percentages may be magnified.

Figure 1: Number of NSW aged offenders and general offenders in custody as at 30 June

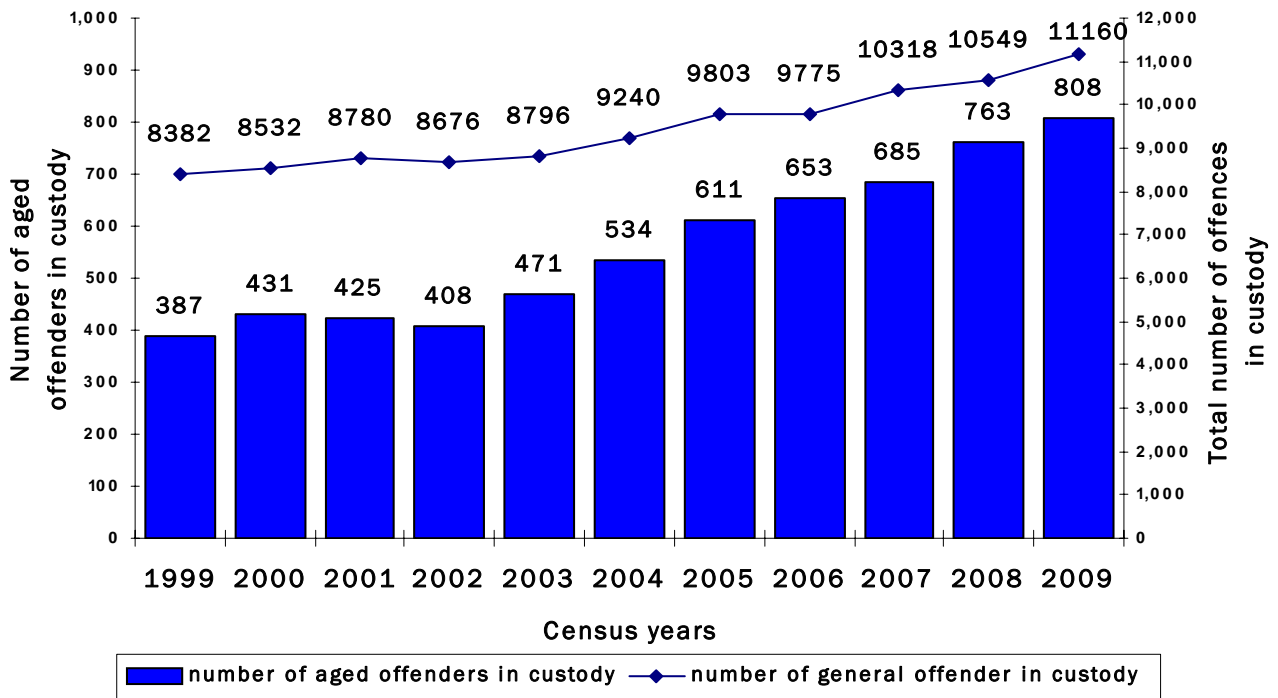


Figure 2: Number of aged offenders by age category by year

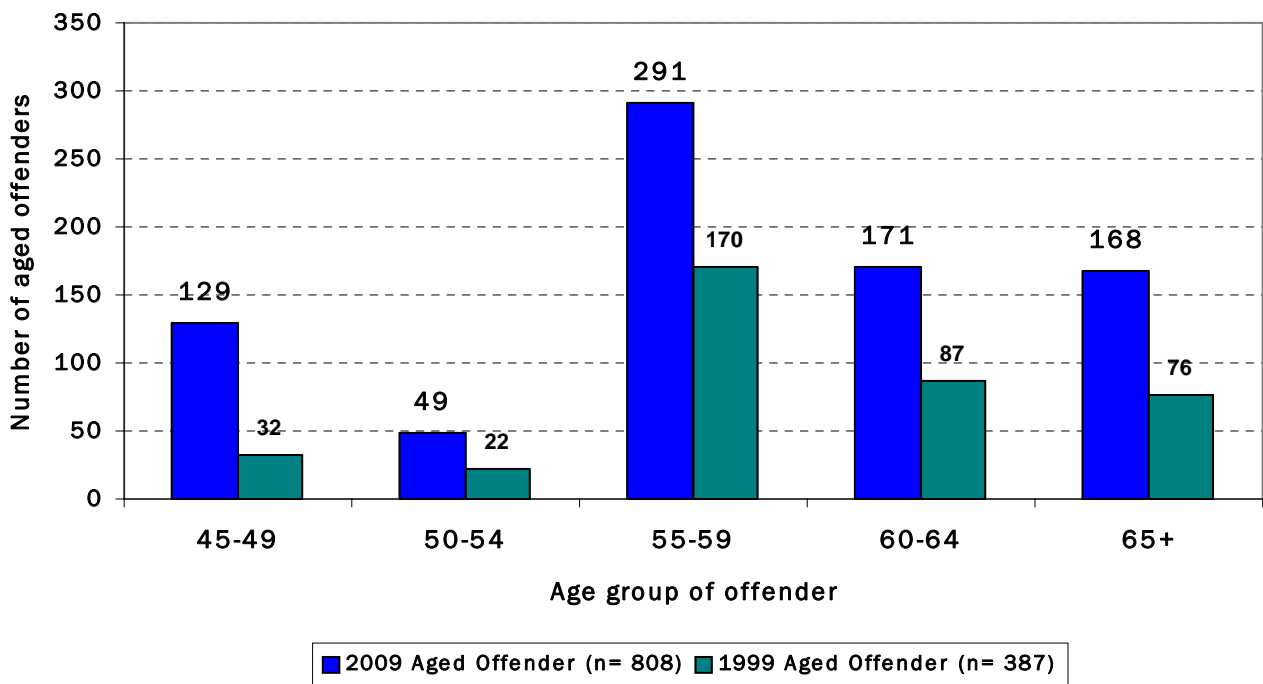


Figure 3: Number of aged female and general female offenders in NSW correctional centres by year, as at 30 June

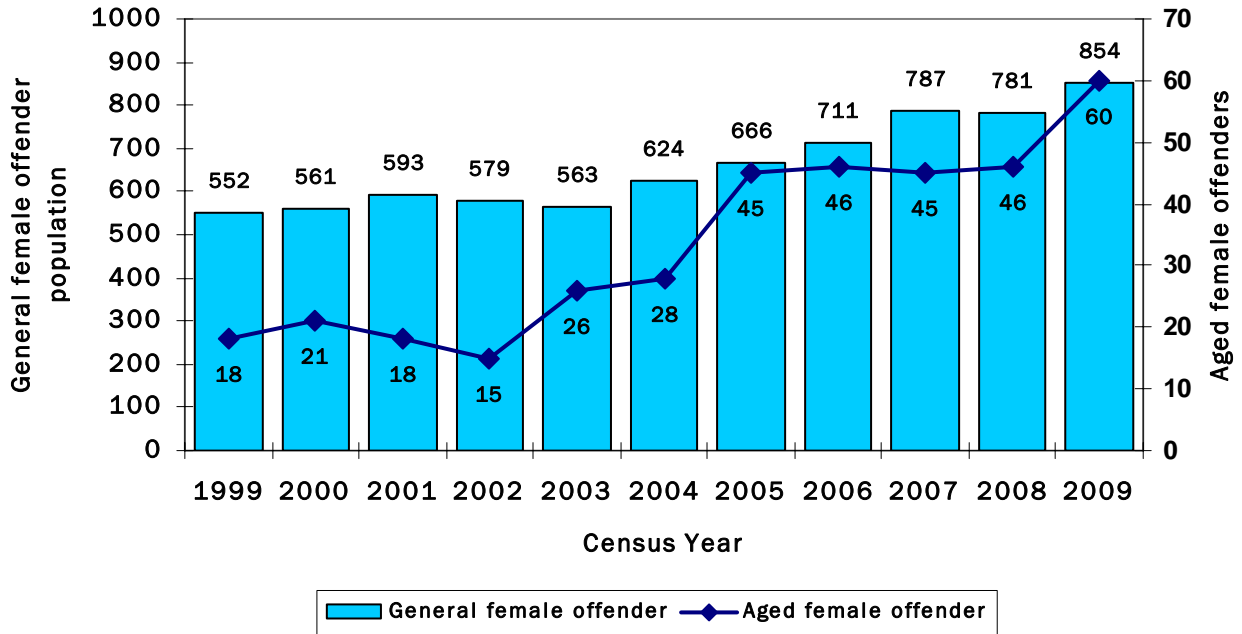
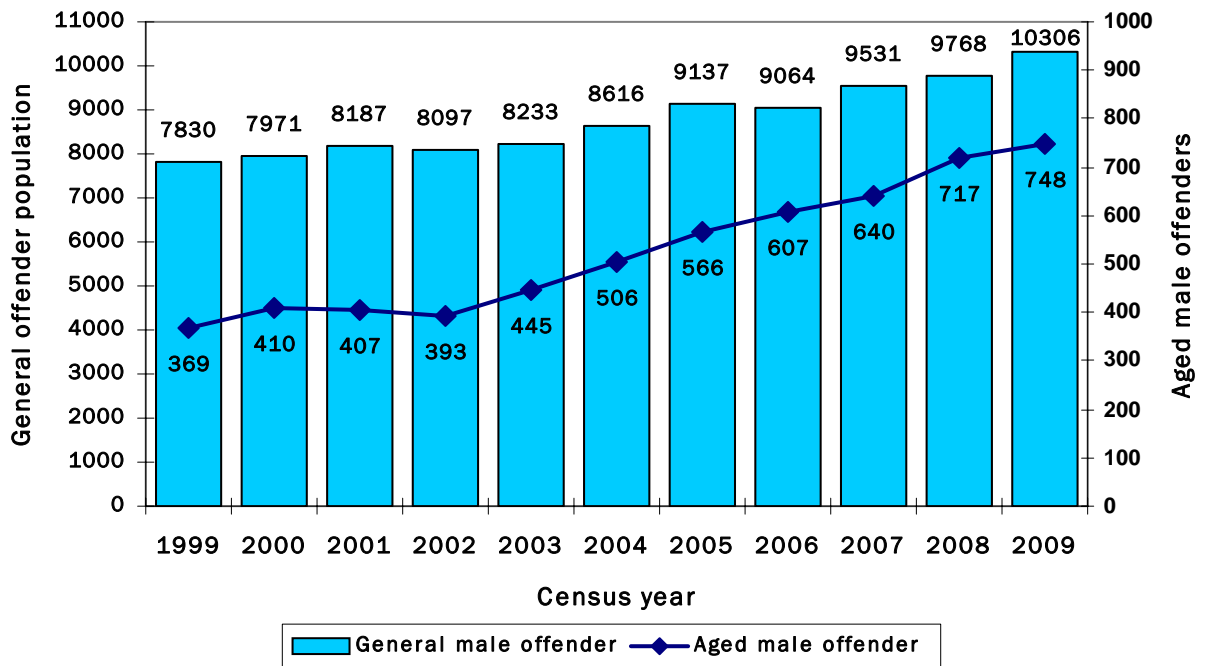


Figure 4: Number of aged male and general male offenders in NSW correctional centres as at 30 June



Male aged offenders in custody

As shown in Figure 4, the population of aged male offender in custody increased from 369 on 30 June 1999 to 748 on 30 June 2009, an average annual percentage increase of 7.0%. Interestingly, as a proportion of the total aged offender population in custody, the male aged offender population decreased from 95.3% on 30 June 1999 (369 of 398) to 92.6% on 30 June 2009 (748 of 808) reflecting the proportional increase in the aged female offender population in custody. Finally, as a proportion of the total population of male offenders in custody, the aged male offender population increased from 4.7% on 30 June 1999 (369 of 7830) to 7.3% on 30 June 2009 (748 of 10,306).

Indigenous aged offenders in custody

As shown in Table 2, the number of Indigenous aged offenders (45 years older or older) in custody increased steadily from a total of 62 on 30 June 1999 (16%) to a total of 212 on 30 June 2009 (26.2%), with an average annual percentage increase of 12.4%. In comparison, Indigenous offenders increased from 15% to 21.3% of the total offender population over the same period. The highest percentage of Indigenous aged offenders was recorded in 2009 at 26.2% with the lowest being recorded in 2000 at 15.5%. The number of aged offenders with unknown Indigenous status was minimal with highest proportion observed in the year 2009 (2.8%) and the lowest in the year 2000 (0.2%). These findings somewhat reinforces the fact that Indigenous offenders are over represented within the NSW criminal justice system.

Table 2- Number and proportion of aged offenders in NSW custody by Indigenous status and census year, as at 30 June

Census Year	Indigenous	Non Indigenous	Unknown	% Indigenous	Total
1999	62	323	2	16.0%	387
2000	67	363	1	15.5%	431
2001	73	348	4	17.2%	425
2002	76	329	3	18.6%	408
2003	108	350	13	22.9%	471
2004	107	416	11	20.0%	534
2005	120	472	19	19.6%	611
2006	140	504	9	21.4%	653
2007	169	513	3	24.7%	685
2008	179	570	14	23.5%	763
2009	212	573	23	26.2%	808

Most Serious Offence (MSO) Category

The Most Serious Offence (MSO) was identified by using the ASOC categories as outlined in the explanatory notes (ABS, 2008). This criminogenic characteristic illustrates why aged offenders are coming into custody and what offences are most prevalent among them. Appendix A contains an overview of aged offenders in custody and their most serious offences, as per ASOC 2008.

On June 30 1999, 36.7% (n=142) of aged offenders in custody had sexual assault or a related offence recorded as their MSO, whereas, on June 30 2009 the proportion of aged offenders in custody with this MSO had decreased to 28% while increasing in number to 226 of the total 808 aged offenders in custody. As shown in appendix B, aggravated sexual assault was the most common sexual assault or related offence committed by aged offenders over the study period representing 82.4% of the aged offender population in 1999 and 92.5% in 2009.

Of note is the proportion of aged offenders who committed 'acts intended to cause injury' which nearly doubled during the study period increasing from 4.9% to 9.8%. Aged offenders who committed homicide or a related offence increased from 12.7% on 30 June 1999 to 14% on 30 June 2009. Although the proportional increase for the homicide or related MSO is minimal (1.3% over 11 years), the actual number of aged offenders charged with this offence more than doubled from 1999 to 2009.

Classification of aged offenders

As shown in Figure 5, in 2009 the predominant security classification for aged offenders was the 'minimum security' classification representing 57.9% of the total aged offender population (n = 468) followed by offenders on remand (19.2%), whereas the least represented classification category among aged offenders was that of 'unclassified'. This security classification pattern was somewhat similar to that observed among offenders in the 18-45 age group whose minimum security was also the most represented classification (49.1%), followed by offenders on remand (24.9%), with the least represented security classification being offenders on CDT with (0.6%).

Known prior imprisonment of aged offenders in custody

Figure 6 shows that the number and proportion of aged offenders with a history of prior imprisonment increased steadily from 1999 to 2009. On 30 June 1999 38.5% of a total of 387 aged offenders had a history of prior imprisonment compared to 54.6% of a total of 808 aged offenders in 2009. This increase was not observed in the population of offenders in the 18 to 45 age group, with 65.6% of this population having a

Figure 5: Security classification or status of aged and general offenders as at 30 June 2009

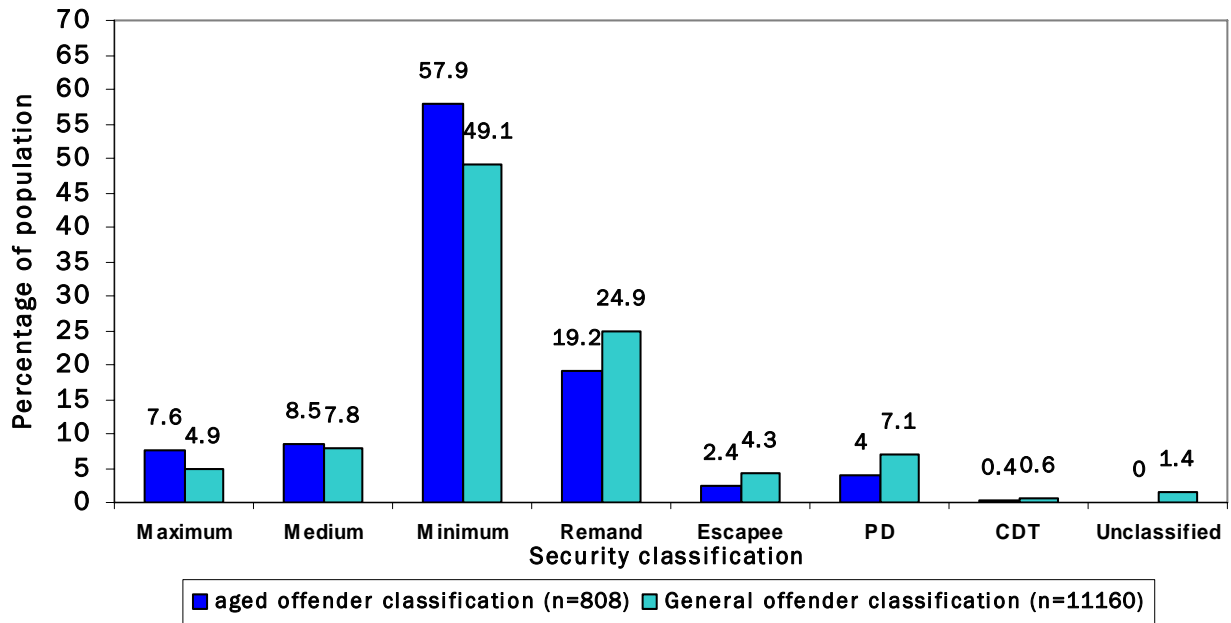
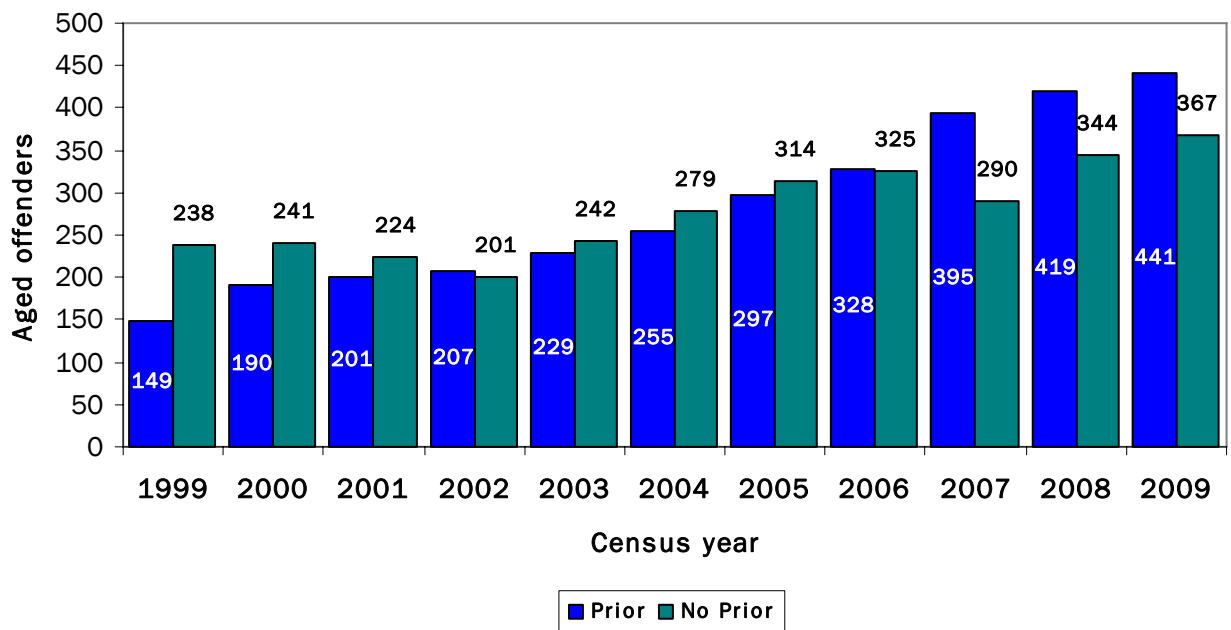


Figure 6: Number of aged offenders in custody in NSW by history of prior imprisonment as at 30 June



history of prior imprisonment on 30 June 1999 and 67.2% on 30 June 2009.

Aggregate sentence terms for aged offenders in 2009

As shown in Figure 7, the most represented aggregate sentence category among aged offenders on 30 June 2009 was the 'not under sentence' category, with the least represented being the 1 to 3 month term (0.2%). Life sentenced aged offenders represented 4% or 36 of a total of 808 aged offenders; interestingly this representation accounts for 36% of life sentenced inmates in NSW for 2009.

LIMITATIONS

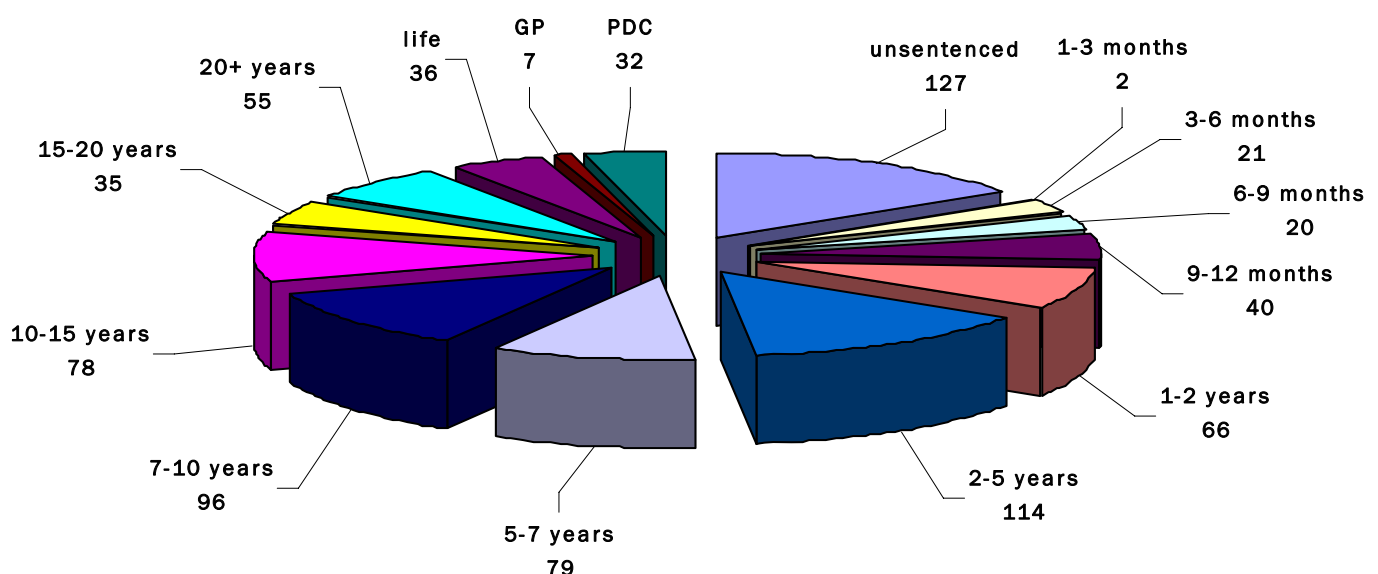
There is paucity in research and statistics relating to aged offenders serving sentences in Australia. Due to this, findings in this report are predominantly based on annual census series data from 1999-2009 for New South Wales offenders. The definition of age used in this report may represent an inflated or reduced representation of aged offenders compared to other studies where the selected chronological age is either higher or lower than 55 years of age. Projecting a five-year trend for this study is limited due to the previous irregular growth of the inmate population. Therefore, projected figures should be approached as approximations only.

DISCUSSION

In accordance to national trends (Baidawi et al., 2011), results from the current study show that the overall proportion of aged offenders in NSW correctional centres increased steadily across yearly censuses, with the most represented age group in the aged offender population being 55 to 59 years of age. If the aged offender population in NSW custody continues to increase at the rate observed in this study, this population will reach approximately 1100 by 2014.

The characteristics of the aged offender population have also changed across yearly censuses. The representation of the 45 to 49 age group nearly doubled as a proportion of the total aged offender population during the study period. The proportion of female aged offenders also increased as a proportion of the aged offender population. There has also been an increase in the proportion of Indigenous offenders within the aged offender population strengthening the argument that indigenous Australians are over represented within the NSW criminal justice system. In relation to nature of offence, the pattern of MSO for aged offenders in custody also varied from 1999 to 2009, with sexual assault being the most represented MSO but declining from 36% to 28% across yearly censuses. In contrast, 'acts intended to cause injury' nearly doubled in the same time period, increasing from 5% to approximately 10%, whereas the MSO of 'property offences' remained stable across yearly censuses. The proportion of aged offenders with a history of prior imprisonment also increased steadily over the study period. This increase in prior imprisonment history took place at a faster rate for aged offenders than for the general offender population. It is noted that prior imprisonment has been identified as key predictor of recidivism (Ellsworth and Helle, 1994).

Figure 7: Aged offenders aggregate sentence terms for 2009



In summary, the current findings show that the population of aged offenders in custody increased from 30 June 1999 to 30 June 2009 and that the characteristics of aged offenders did not remain static across census years. Therefore it is important to understand the changing characteristics of this population in order to adequately provide responsive services when managing these 'special needs' offenders. The need for 'specialised' resources targeting the specific characteristics of aged offenders such as medical, mental health and welfare needs will become more apparent as this population of offenders continues increase.

In New South Wales, Australia, in recognition that some older inmates can no longer be managed alongside younger, more active inmates, in February 2010, CSNSW reopened the Kevin Waller Unit for older and elderly inmates at the Long Bay Correctional Complex (CSNSW, 2010). The Unit works closely with staff from Justice Health and Statewide Disability Services (SDS) to determine which inmates move into the unit. In addition, for aged offenders that need physical assistance with personal care CSNSW has the Aged Care and Rehabilitation Unit located at Long Bay Hospital.

Outside Australia a number of strategies have been introduced to the correctional systems to manage the population of aged offenders in custody. Several countries have introduced compassionate release programs. The POPS (Project for Older Prisoners) program in the US has reduced recidivism rates, overcrowding of correctional facilities, and has assisted in the establishment of a re integrative support base for the aged offender population. Aged offenders who seek early release through this program are selected after completing a rigorous screening process and must suitably fill the programs selection criteria (Rickard and Rosenberg, 2007).

Similar success has been reported by the HMP Kingston correctional facility in the U.K. This correctional facility segregates aged inmates from 'mainstream' inmates providing aged offenders with an age "friendly" environment which addresses their safety needs and physical limitations. This 'elderly friendly' environment has been successful in limiting victimisation, allowing a more comprehensive medical attention and reducing feelings of despair, loneliness, and depression among the older inmates (Rickard and Rosenberg, 2007).

Results from this report provide a basis for analysing trends and measuring trends over time. These results may also be of assistance in the development of new service delivery to the growing population of aged offenders in NSW custody.

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APPENDICES

Appendix A: Trend and proportion of aged offenders in custody by Most Serious Offence category by census year.

Census Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
MSO											
Homicide & related	49 12.7%	58 13.5%	59 13.9%	65 15.9%	72 15.3%	79 14.8%	82 13.4%	95 14.5%	100 14.6%	123 16.1%	113 14%
Acts intended to cause injury	19 4.9%	26 6%	36 8.5%	23 5.6%	33 7%	49 9.2%	45 7.4%	45 6.9%	54 7.9%	55 7.2%	79 9.8%
Sexual assault & related (see appendix B)	142 36.7%	158 36.7%	149 35.1%	140 34.3%	141 29.9%	152 28.5%	176 28.8%	193 29.6%	194 28.3%	222 29.1%	226 28%
Dangerous or negligent acts endangering persons	1 0.3%	3 0.7%	1 0.2%	3 0.7%	5 1.1%	2 0.4%	3 0.5%	5 0.8%	3 0.4%	8 1.0%	6 0.7%
Abduction & related	3 0.8%	2 0.5%	1 0.2%	2 0.5%	1 0.2%	5 0.9%	5 0.8%	5 0.8%	8 1.2%	9 1.2%	4 0.5%
Robbery, extortion & Related offences	5 1.3%	6 1.4%	7 1.6%	11 2.7%	12 2.5%	16 3%	22 3.6%	17 2.6%	20 2.9%	18 2.4%	21 2.6%
Unlawful entry with Intent/burglary, break & enter	3 0.8%	6 1.4%	4 0.9%	5 1.2%	11 2.3%	6 1.1%	10 1.6%	5 0.8%	11 1.6%	19 2.5%	18 2.2%
Theft & related Offences	5 1.3%	8 1.9%	13 3.1%	7 1.7%	8 1.7%	15 2.8%	17 2.8%	8 1.2%	18 2.6%	7 0.9%	13 1.6%
Deception & related	34 8.8%	33 7.7%	32 7.5%	34 8.3%	37 7.9%	34 6.4%	46 7.5%	54 8.3%	55 8%	49 6.4%	45 5.6%
Illicit drug offences	47 12.1%	49 11.4%	50 11.8%	49 12%	60 12.7%	72 13.5%	84 13.7%	97 14.9%	88 12.8%	120 15.7%	140 17.3%
Weapons & explosives	1 0.3%	0 0%	4 0.9%	0 0%	8 1.7%	16 3%	14 2.3%	12 1.8%	6 0.9%	4 0.5%	7 0.9%
Property damage & Environmental pollution	3 0.8%	6 1.4%	2 0.5%	3 0.7%	3 0.6%	1 0.2%	3 0.5%	2 0.3%	3 0.4%	4 0.5%	7 0.9%
Public order	27 7%	26 6%	26 6.1%	23 5.6%	27 5.7%	22 4.1%	26 4.3%	28 4.3%	30 4.4%	31 4.1%	32 4%
Road traffic & motor Vehicle regulatory Offences	18 4.7%	16 3.7%	22 5.2%	25 6.1%	24 5.1%	26 4.9%	35 5.7%	35 5.4%	34 5%	46 6%	38 4.7%
Offences against justice procedures, government security	13 3.4%	19 4.4%	8 1.9%	12 2.9%	20 4.2%	18 3.4%	22 3.6%	30 4.6%	42 6.1%	32 4.2%	49 6.1%
Miscellaneous offences	17 4.4%	15 3.5%	11 2.6%	6 1.5%	9 1.9%	21 3.9%	21 3.4%	22 3.4%	19 2.8%	16 2.1%	10 1.2%
Total	387 100%	431 100%	425 100%	408 100%	471 100%	534 100%	611 100%	653 100%	685 100%	763 100%	808* 100%

Appendix B: Trend and proportion of aged offender in custody by sexual or related offences as the MSO by census year

Sexual related offence	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Aggravated sexual assault	117 82.4%	136 86.1%	134 89.9%	119 85%	119 84.4%	131 86.1%	160 91%	173 89.6%	177 91.2%	199 89.6%	209 92.5%
Non aggravated sexual assault	19 13.4%	17 10.7%	13 8.7%	12 8.6%	15 10.6%	13 8.6%	10 5.6%	12 6.2%	9 4.6%	13 5.9%	7 3.1%
Non assaultive sexual offences against a child	1 0.7%	0 0%	0 0%	4 2.8%	4 2.8%	3 2%	3 1.7%	6 3.1%	4 2.1%	8 3.6%	8 3.5%
Non assaultive sexual offences	5 3.5%	5 3.2%	2 1.4%	5 3.6%	3 2.2%	5 3.3%	3 1.7%	2 1.1%	4 2.1%	2 0.9%	2 0.9%
Total	142	158	149	140	141	152	176	193	194	222	226

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Research Bulletin No. 30
ISSN 0729-2422
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