

Incarcerated Persons and Dementia: Perspectives on an Expanding Need

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1. Introduction: Dementia and Aging Inmates
2. Social Causes of the Expanding Aging Inmate Population
3. Goals, Problems, and Alternative Options
4. Next Steps: Ideas and Solutions
5. Resources

Agenda

- Today, about 25% of incarcerated adults are 55+ (about 165,000)
- This is a 3 fold increase over the past 20 years, which is attributed to 30% increase in arrests of older adults
- By 2030, the expected number of older adults incarcerated is 400,000
- Also by 2030, between 70,000 and 210,000 may develop dementia
- Currently, the best estimate of of cognitive impairments in state and federal prisons is 23%

Introduction: Dementia & Aging



Photo Credits: ABC News, The Marshall Project, National Geographic

Social Causes of Expanding Aging Inmate Population

These laws are designed to impose harsher sentences on repeat offenders. Typically, they mandate a life sentence (or a long prison term) after a person is convicted of three serious crimes or felonies. The goal is to deter repeat offenders by increasing the penalty after each conviction.

Three strikes laws

These laws require judges to impose a minimum prison sentence for certain crimes as determined by state or federal legislation. Even in cases where a judge might find that the sentence is excessively for the offender, judgements are based on the law. Mitigating circumstances of the defendant are not taken into account.

Mandatory minimums

These laws require a person convicted of certain crimes, such as murder or other serious offenses, to serve a life sentence in prison. In some cases, this means that the person will never be eligible for parole, essentially guaranteeing they will spend the rest of their life in prison.

Mandatory life sentences

These policies refer to strict enforcement strategies where any non-compliance of a rule, no matter how minor, results in a predetermined and often severe consequence.

Zero tolerance policies

The Past Influences the Present

In the 1980s and 1990s certain laws and policies known as “get tough on crime” approaches resulted in higher rates of aging prisoners. These older inmates are mainly incarcerated for drug offenses.

Goals, Problems, and Alternative Options

Goal 1

Incapacitation is to physically confine individuals in prison or through other forms of restriction to protect the public from harm.

Goal 2

Rehabilitation: Rehabilitation aims to reform offenders so they can reintegrate into society as law-abiding citizens. It focuses on addressing the underlying causes of criminal behavior.

Goal 3

Retribution is based on the principle of "just deserts," meaning that offenders should be punished because they deserve it for their wrongdoing.

Goal 4

Deterrence seeks to discourage crime by making the consequences of offending clear and severe.

Goals of Prison

Problem 1

Many aging inmates are unaware of their surroundings or the reason for their presence in a correctional facility.

Problem 2

Prisoners cannot comprehend their living environment as a consequence of their crime, making retribution unfeasible.

Problem 3

incarceration is not an effective deterrent against crime, and may actually serve to increase crime

Problems 4

Dementia has already incapacitated them.

The Problems

Expanding Needs



Photo Credit: Center for American Progress

- Understaffed
- Limited Resources
- Inadequate health care
- Lack of training for COs
- High turnover rate
- COs are ill equipped to recognize, assess, or care for those with dementia.



Photo Credit: Talk Poverty

Safety Concerns & Direct Care Challenges

More and more demands on carceral system



Photo Credit: Milwaukee Journal Sentinel

Alternative Options

1.

Compassionate release is the early release of an incarcerated person due to exceptional circumstances, such as serious illness or severe health conditions.

2.

Second look sentencing is a legal process that allows individuals serving long prison sentences, particularly for non-violent crimes, to have their case reviewed after a certain period.

3.

Sentence reduction reforms refer to changes in laws or policies that allow for the reduction of a prison sentence.

4.

Restorative justice programs: focus on repairing the harm caused by the crime rather than punishing the offender.

Next Steps: Ideas and Solutions

01

Implement routine screening for dementia and other cognitive impairments among older adults in the carceral facilities.

02

Revise medical release laws to ensure individuals with dementia and other cognitive impairments have genuine opportunities for release based on their health conditions.

03

Provide comprehensive release planning services and support reentry programs specifically designed for older adults.

04

For individuals who do not qualify for early release, ensure access to proper medical care for older adults with dementia and other cognitive impairments in correctional facilities.

Ideas & Suggestions

Resources

Resources

- Second Chance Alabama
- Promising Practices and Models for Older Adults Transitioning from Incarceration Back to the Community
- The Visiting Room Project



Thank you! Q&A

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