

Summary of a Presentation by Mr. James Tierney
Director of the National State Attorneys General Program and
Lecturer-in-Law, Columbia University
At the U.S. Court of Appeals for the Armed Forces
Continuing Legal Education and Judicial Conference
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Sentencing Issues and Elder Prisoners

Mr. Tierney discussed various aspects of sentencing issues related to elder prisoners. The passage of mandatory sentencing guidelines around the country, which included longer sentences for more crimes resulted in a dramatic increase in the number of elderly prisoners in prisons around the country. That increase will continue into the foreseeable future.

More elderly prisoners is changing the type of health care required for prisoners as the elderly prisoners need different types of health care than younger prisoners. Mr. Tierney summarized the types of health issues typically experienced by an aging population. The change in the type of health care required to care for elderly prisoners also is increasing the cost of health care for prisoners, and thereby increases the cost of keeping people in prison for longer periods.

One of the unique health care issues for elderly prisoners involves health issues such as Alzheimer's disease or dementia in the prison population. As prisoners age, those who develop these types of problems may no longer have any recollection of why they were first incarcerated. An issue then arises of whether they should be released from prison, and if so, to what type of facility should they be released? Should they be confined in mental institutions for the

remainder of their lives, or should they be kept in prison? If sent to mental institutions who should pay for the cost of that care?

Mr. Tierney then took questions from the audience.