

Posted on Mon, May. 08, 2006

Growing old behind bars

Aging inmates raise questions from health care to whether they should be sprung

By DANA DiFILIPPO
difilid@phillynews.com 215-854-5934

GEORGE DAVID Smith's home is a 6-by-12-foot concrete cell in Graterford state prison, where his arthritis-crippled hands can barely fasten the ties on his jail-issued jumpsuit and where guards have to shout at him so he can hear.

He's 79 now, the same age as the man he shot dead in a gas-station robbery in 1953. Smith doesn't remember his victim's name, maybe because he chooses not to or because he's grown increasingly forgetful with age.

But he vividly remembers his hometown of Cleveland, Tenn., where he dreams of returning to revive his carpentry business.

After bouncing in and out of jail since the 1940s, he knows he could die here on Cell Block D.

"Me, I can get by on the outside. Most old folks like me can't do nothing - they're lucky they can go to the toilet and use toilet paper. I ain't that messed up," Smith said. "But they won't ever let me out of here."

It costs taxpayers up to three times as much as other inmates to keep seniors like Smith behind bars. As the number of geriatric jailbirds climbs each year, a controversy is brewing over what to do with prisoners like Smith.

Smith and the 2,850 other seniors locked up in Pennsylvania's prisons should be freed, some argue, because they're too old and infirm to kill or maim again, and cost too much to keep them behind bars.

"In addition to the economic burden, the incarceration of the elderly poses fundamental questions of how we as a society treat our elders," wrote Brie Williams, lead author of a study on geriatric prisoners in last month's *Journal of the American Geriatrics Society*. "What do we want to do with a prisoner who is so demented he doesn't remember his name, or who has had a stroke and is completely paralyzed?"

But prosecutors and victims' families say old age can't erase convicts' crimes and shouldn't earn them an early exit from jail.

"Why should they be in a nursing home where their family gets to come and comfort them and say goodbye to them at their death bed? I can't say goodbye to my loved one," said Shawn Chambers-Galis, whose brother and another man were slain by an acquaintance in 2003. "[An early release is] not what my justice system assured me would happen. I will agree with this the day they show me my brother's appeal process to get out of his grave."

The debate promises to deepen as state lawmakers take sides. Pennsylvania legislators now are considering a "compassionate release" bill that would allow judges to free infirm, elderly inmates and others crippled by chronic health conditions.

The bill comes in the wake of a growing, graying trend that has lawmakers racing to contain correctional costs.

Prisons in Pennsylvania and nationwide have more older inmates than ever, as aging baby boomers, stricter laws and mandatory sentencing put more people behind bars into their golden years.

In Pennsylvania, where life sentences don't allow parole, many elderly inmates believe a toe tag is their only ticket out of jail, since paroled killer Reginald McFadden's murderous 1994 crime spree brought commutations to a screeching halt.

Nationally in 2004, about 67,200 inmates were 55 or older - the age most states consider elderly - representing about 5 percent of prison populations, according to the federal Bureau of Justice Statistics.

Experts predict that one third of the nation's prisoners will be geriatric by 2030. Inmates age 50 and older surged from 4.5 percent of Pennsylvania's prison population in 1980 to 13 percent last year, according to state data.

Still, insiders say terror might trump budget concerns when it comes to releasing cellblock seniors.

"About 75 percent of these older inmates are murderers and rapists. That's not a group of people that the community feels real comfortable with," said Jeffrey Beard, superintendent of the state Department of Corrections. "But if nothing changes, an already expensive prison system is going to become more expensive."

Not there for their health

For Smith, it's the stairs.

Graterford is full of them. Navigating the state's largest maximum-security prison, built in 1929, is a workout for inmates with mobility problems. Smith, who shuffles glacially because of his ailments, typically leans on the arm of another inmate on staircases.

For inmates like Thomas Moore and Florence Caesar, it's the feeling that they need to fight for medical care. Moore, 66, a lifer in Graterford for a 1988 Monroeville homicide, has had to file grievances to get contact lenses.

"Medical treatment sucks. They are only going through the motions for elderly lifers," agreed Caesar, 64, serving life at the state prison in Muncy for a 1987 West Philadelphia arson murder.

Smith added: "I had a hearing-aid and it went ka-blink. I asked for another one and they won't give me one."

Professional studies suggest such complaints aren't groundless. Elderly prisoners tend to be less healthy than the general population, experts agree. Many led risky lifestyles before incarceration, making them more susceptible to chronic conditions. And institutional settings can exacerbate medical problems, with contagions spreading quickly in close quarters and inmates staying less active than they might in the community.

Consequently, prison life poses big challenges for mature inmates, researchers assert in April's *Journal of the American Geriatrics Society*.

Besides such daily tasks as bathing and using the toilet, they might have trouble hearing orders from correctional officers, standing in line to be counted, walking to dining halls or moving quickly in response to orders or alarms, according to the study.

Older inmates also are vulnerable to attack by younger inmates, said Julia Glover Hall, a Drexel University

criminologist who specializes in gerontology.

Younger inmates "have absolutely no respect for people with age," Caesar agreed. "They stampede through us and knock us down - they don't care you got a cane or a walker."

And while the state considers prisoners geriatric at age 55, "there's no retirement system in the system," said Moore, who heads the senior-advocacy inmate group Gray Panthers at Graterford. "Everyone must work. But everyone's not capable of working."

Prisoners can be excused from working if health problems are verified, said Sheila Moore, a Corrections spokeswoman.

Old age also doesn't guarantee any mercy from prisons' rigid rules, inmates complain. Smith has been sent to "the hole" - solitary confinement, where inmates are freed from their cell an hour a day - four times in the past six years for infractions such as talking back to guards.

Simple policy changes and modest physical improvements can alleviate some problems for elderly inmates, said author Brie Williams, a geriatrician at the San Francisco VA Medical Center and research fellow at the University of California-San Francisco.

Williams recommends that prisons assign elderly inmates bottom bunks, install grab bars near toilets in cells and in showers, house older inmates closer to the cafeteria and give them more time to comply with orders. Such measures already exist at Pennsylvania's Laurel Highlands prison, where many of the state's senior inmates live.

But others insist legislative change is necessary.

State lawmakers in 2002 directed the Joint State Government Commission - the General Assembly's research arm - to study the issue.

A 46-member advisory committee - of prosecutors, judges, victim advocates, health-care experts and criminologists - aims to file a final report by June.

Its 256-page draft report offers three recommendations: Allow judges to release seriously or terminally ill inmates, create mental-health courts that would place mentally ill inmates in community institutions and give lifers the chance for parole.

While lawmakers haven't hurried to help parole elderly lifers, the first option was introduced as a bill and now is in the state House Judiciary Committee.

A "Compassionate Release Act" - enacted in 1919 - already exists, but applies only to infirm inmates whose care can't be accommodated in prison.

The current bill would expand that law to allow the release of seriously sick inmates with little risk of reoffending, without regard to whether the system can accommodate their needs. The proposal also would expedite such releases.

Such a change could save the state millions, its chief proponent argued.

"Sometimes those people cost the state \$100,000 or more - their care is more expensive in the prison" than the community, said state Sen. Stewart Greenleaf, R-Montgomery County, chairman of the task force.

The average inmate cost is \$31,000 a year, but can fluctuate depending on the institution and inmates' needs, according to 2005 state corrections data. The state prison at Albion was lowest at \$21,900, while Laurel Highlands was highest, at \$45,000, according to the data. Laurel Highlands inmates receiving long-term care were even pricier, averaging \$63,500 a year, the task force found.

Prison inmates aren't eligible for Medicaid - but would be, if freed into the community, Greenleaf added.

Critics complain that releasing them would merely shift the cost from the state prison system to other forms of public assistance, meaning taxpayers would still foot the bill. The average cost per patient in a publicly funded county nursing home was \$62,000 in 2004, according to state data.

Greenleaf countered that some could be cared for by relatives - surely cheaper than state incarceration or nursing homes.

Hall agreed: "Statistically speaking, they are not likely to reoffend. The public is paying a premium price for no additional protection."

The other side of the story

Such sentiment inspires a simple gut reaction from Shawn Chambers-Galis that she can express in one emphatic, unapologetic word: "Bull----!"

After the agony of her brother's murder, she has no sympathy for his killer. She hopes he dies in prison.

"One of the sorriest parts of our world is this: Everybody knows the Menendez brothers and Charles Manson. But nobody remembers the victims' names. We as a society have a celebrity culture, where people say: 'Boo-hoo! These poor prisoners!' We have to stop that. We have to put the focus back on the victims," said Chambers-Galis, 43, of Mount Joy, Lancaster County.

The victim Chambers-Galis most mourns is her brother, Mark Edward Chambers, an Alaskan hunting guide who was gunned down at age 42 by Michael DeNeut, an acquaintance who also killed another man and a dog in an ambush in Fairbanks.

DeNeut, a schizophrenic who denies his crime, is 55 - elderly by some states' corrections standards.

He, like other convicts his age and older, doesn't deserve a "free pass" just because he has a few wrinkles, Chambers-Galis said.

When Chambers-Galis heard about the legislative effort under way to free infirm and elderly inmates, she got busy.

She and John Show - father of Laurie Show, a 16-year-old stabbed to death by three classmates in 1991 in Lancaster County - co-founded Justice for Homicide Victims in 2004 and have battled to beat the bill through a letter-writing campaign. Although her brother's killer wouldn't be affected by the legislation because he's in Alaska, Chambers-Galis felt driven to fight it on principle, she said.

"We need to stop running our prisons on a budget," she said. "These people are in jail for horrific acts. They're there for a reason. If in our society, we want to curtail murders and violence, we have to make sure we are clear to people what the consequences will be."

She has the backing of some powerful people.

Philadelphia District Attorney Lynne Abraham called the proposal to release geriatric inmates "a misguided and dangerous attempt to balance the budget on the backs of the victims of crime."

Anyone feeling any sympathy for elderly inmates need only consider their crimes, Chambers-Galis and Abraham said.

After stints in jail for other crimes, Thomas Moore was imprisoned in 1988 for killing Douglas Baskin in a botched Monroeville robbery. Authorities alleged that Moore mistakenly shot Baskin as the duo robbed a homeowner, because he lost his eyeglasses and couldn't see his partner.

Florence Caesar set fire to a friend's West Philadelphia home in 1987 after he tried to settle an argument between her and another woman. The fire spread and burned the homeowner, James Murchinson, who died 11 months later from his injuries.

George David Smith was a career criminal from Tennessee who spent time in prisons in Ohio and Pennsylvania for armed robberies before he killed David Fawber, a Harrisburg gas-station attendant and motel operator, in 1953.

Smith also was a prison rioter and habitual jail escapee who nonetheless had his life sentence commuted in 1973. Since then, repeated parole violations kept him pingponging in and out of prison, with his most recent commitment in 2000 for leaving the state without permission and threatening to kill a prison guard.

Changing profile

In person, Smith is a far cry from the hardened, incorrigible thug his criminal record suggests.

His right arm curls uselessly into his chest, paralyzed from a 1984 mugging and beating that almost killed him. That attack also left him with a severe limp, short-term memory loss, facial scars and a speech impediment that gives him the growl of Karl the slow-witted killer from the 1996 flick "Sling Blade."

He can hear only shouted queries and comments. And with his eyesight eroding, he squints to see, explaining that his eyeglasses are missing a screw and keep falling off his face.

"And I got these knots in my belly - feel 'em, here," he offered, inviting a pat-down of his stout, lumpy torso. He coughed violently into a crumpled, yellowed hanky and shrugged at the cause of both his belly bumps and frequent hacking fits.

Despite his ailments, he expects to be around awhile.

"My mom lived to be 100 years old," he said.

He remains steadfastly unrepentant for his crimes, saying authorities have trumped up his alleged parole violations to keep him behind bars because "they get \$52,000 a year for me."

He's not sure what's in store for him if he's released.

"My wife - she got married three times since I left, I think," he said.

He gets no visitors at prison and doesn't know where his children - "at last count, I had six" - are.

Still, he longs for freedom.

"As you grow older, when you hit that 60-mark, you start forgetting things and you get worse, worse, worse," he said. "But not me. I am getting in better health. I'd like to get out of this dump. I don't like no prisons."

© 2006 Philadelphia Daily News and wire service sources. All Rights Reserved.
<http://www.philly.com>