

Britain: Court decision to electronically tag dementia sufferer

By Steve James
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A Scottish judge has ordered a dementia sufferer to be electronically tagged. Lord Matthews ruled that Edward Flaherty, who killed his wife in an incident of which he has no recollection, be confined to his tower block flat in Glasgow's east-end.

The case exposes the brutality and callousness with which the Scottish legal authorities treat vulnerable people.

Flaherty, a pensioner and retired scaffolding worker, was convicted of strangling his wife Ina with a tie in April last year, after she refused to give him money to go back to the local public house where they had both been drinking.

The 74-year-old Flaherty, the Glasgow High Court was told, had developed an alcohol problem since retiring and was also seriously mentally ill due to his degenerative mental condition.

A medical report prepared for the court noted that at one point, Flaherty claimed he had killed his sister because she was being cheeky. On another occasion, he took a train to Bristol, 385 miles away, arrived not knowing where he was and had to have money forwarded to pay for his return. He thought the current US president was Richard Nixon. He has had three heart attacks and will ultimately require 24-hour-a-day care.

When he gave evidence, Flaherty accepted that he must have killed Ina. He told the court, "It must have been me. There are no ghosts running about the house who would have done that." He denied a suggestion from the prosecution that he "blocked" memories of the killing.

Members of the jury wept when Flaherty told the court that his 52-year marriage with Ina had been "strong and firm." They had never once struck each other. Medical reports on Ina explained that even slight

pressure on her neck could have caused death because the 69-year-old woman's arteries were badly furred.

The jury found Flaherty guilty of culpable homicide, a charge to which, according to the defence, he was always willing to plead guilty. The Crown, however, had sought a murder conviction and the ordeal of a trial.

Flaherty's terrible circumstances are an expression of the routine, widespread and deliberate neglect of vulnerable older people, particularly those struggling to cope with appalling consequences of dementia. There are estimated to be between 5,776 and 6,475 people with senile dementia in Glasgow City alone, the vast majority over 65. Some 700,000 sufferers are estimated across the UK, with numbers expected to rise as the population ages.

In addition to memory loss and confusion, the complicated condition, mostly Alzheimer's disease, which is associated with a progressive loss of neurons, can dramatically affect behaviour. Each sufferer of dementia is affected in a unique way, as skills and abilities taken for granted become compromised and inhibitions can disappear, for example.

To the extent that an individually tailored and comprehensive support regime is not available for sufferers and their families, which is frequently the case, the disease can place a huge burden on those closest to the patient. This is in addition to the emotional strain on all concerned of seeing a loved one decline.

Flaherty's drinking is also part of a far broader trend of endemic alcohol abuse. Some 789 people died from alcohol-related causes in the Greater Glasgow and Clyde area in 2005. Across the UK, the figure was 8,758 in 2006. Figures between 1998 and 2004 suggested that 15 of the top 20 greatest concentrations

of alcohol-related deaths were in Scotland.

All this was lost on Lord Matthews, whose sole concern was to punish the retired and ailing worker in a manner that did not place any burdens on the prison system.

Lord Matthews informed the court that in normal circumstances “this would attract a prison sentence in double figures.”

He went on, “It is plain to me that...you would be released in a very short time because prison would not be able to cope with your condition. Sentencing you would just be a token gesture. I am anxious to impose a sentence that restricts your liberty.”

The judge concluded that a “more meaningful” punishment would be to electronically tag Flaherty, and to ban him from leaving home between the hours of 11 a.m. and 11 p.m. This would prevent Flaherty from attending the local pub.

Having deprived Flaherty of what is likely one of the few sources of social contact available, Lord Matthews made no attempt at all to ensure that Flaherty received the care he so desperately needs. Instead, Flaherty has effectively been curfewed to his isolated flat in one of the poorest areas in Britain.

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