



**Criminal Justice in  
National Dementia Strategies:  
A Review**

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This review analyzed 23 of 29 national dementia strategies from around the world to see whether they mention criminal justice, in the context of people with dementia coming into conflict with the criminal justice system as accused persons, offenders, or prisoners. Six of the 29 strategies had no English translation and were therefore unanalyzed.

Based on an earlier preliminary review, our hypothesis was that criminal justice largely goes unmentioned in national dementia strategies. This review supports that position. Only two strategies (Cuba and England) explicitly refer to criminal justice. Two others (Greece and Ireland) implicitly refer to a narrow criminal justice issue by mentioning the medical-legal issues of driving.

Canada has the opportunity to be an international leader on dementia and criminal justice. In June 2017, it passed legislation calling for “a comprehensive national dementia strategy to address all aspects of Alzheimer’s disease and other forms of dementia.” The new law limits the advisory board’s mandate to “any matter related to the health care” of persons with dementia; however, in our view, to be truly comprehensive, the strategy must extend beyond health care and address other matters that affect this population, including criminal justice.

**ABOUT DEMENTIA JUSTICE**

The Dementia Justice Society of Canada is a federally incorporated non-profit society dedicated to advancing the rights, needs and dignity of people with dementia who are, or are at risk of becoming, involved with the criminal justice system. We strive to achieve our objectives through public advocacy, awareness-raising, education and research.

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## Criminal Justice in National Dementia Strategies

This review is based on national dementia strategies available on the Alzheimer’s Disease International (ADI) website as of June 20, 2017. ADI uses the word “plan” to refer to dementia policies created by government, and “strategy” to refer to documents generated by non-governmental groups; however, we have decided to use the word “strategy” to refer to government dementia policies. This aligns with the dominant language used in Canada, including the *National Strategy for Alzheimer’s Disease and Dementias Act*, the new legislation which calls for the federal government to develop and implement a national dementia strategy.

We used the following search terms: criminal justice; criminal law; justice [criminal, not civil]; crime [accused, not victim]; offender; jail; prisoner; and medico-legal or medicolegal [if in relation to criminal justice].

COUNTRY	STRATEGY TITLE	YEAR	NOTES	REFERENCES TO CRIMINAL JUSTICE
Argentina	<a href="#">National Strategic Plan for a Healthy Brain 2016-2019</a>	2016-2019	No English translation.	
Australia	<a href="#">National Framework for Action on Dementia 2015-2019</a>	2015-2019		Nil.
Costa Rica	<a href="#">National Plan</a>	2014	No English translation.	
Cuba	<a href="#">National Dementia Strategy 2013</a>	2013	Unofficial translation.	<i>“b. Criminal law</i>

				<p>- As an author or accomplice to the offense (Art.18 Criminal Code)</p> <p>From the point of view of criminal law, is exempt from criminal liability committing the criminal act in a state of mental [impairment], if for that reason does not have the ability to understand the scope of their action or directing their behavior (art. 20 Penal Code).”</p>
Czech Republic	<a href="#">National Plan</a>	2016-2019	No English translation.	
England	<a href="#">Living Well with Dementia: A National Dementia Strategy</a>	2009		<p>“People with dementia access all services and so need informed understanding and support from all the services they come into contact with, not only from specialist dementia services. Awareness and skills are therefore needed in all sections of the workforce and society (eg housing, emergency services, employers, utilities, public sector services, GP receptionists, <b>criminal justice system staff</b>), not just those involved with dementia care. “</p>
Finland	<a href="#">National Memory Programme</a>	2012-2020		Nil.
France	<a href="#">National Plan for “Alzheimer and Related Diseases”</a>	2008-2012		Nil.

Greece	<a href="#">National Action Plan for Dementia- Alzheimer's Disease</a>	2015-2020	Official translation.	<p><i>"5. The freedom of movement of the patient.</i></p> <p>The legislator needs to balance this right with the security of public traffic, providing a mechanism for mandatory annual driving rating, from the time of first diagnosis of possible symptoms of the disease, regardless of whether the patient has exceeded a certain age limit or not. The responsibility for this assessment should be long to the patient himself/herself (to protect medical confidentiality), by express provision, however of <b>severe sanctions against offenders.</b>"</p>
Indonesia	<a href="#">National Dementia Strategy</a>	2015-2019		Nil.
Ireland	<a href="#">National Dementia Strategy</a>	2011-2016		<p>"The information needs of people with dementia and their families [following a diagnosis] include:-</p> <p>...</p> <ul style="list-style-type: none"> <li>• <b>medico-legal issues, including driving...."</b></li> </ul>
Israel	<a href="#">National program for Addressing Alzheimer's Disease and Other Types of Dementia</a>	2013		Nil.
Italy	<a href="#">National Dementia Strategy 2014</a>	2014	Unofficial translation.	Nil.
Japan	<a href="#">Orange Plan 2015</a>	2012-2015	One-slide summary.	Inconclusive.

Republic of Korea	<a href="#">Dementia Comprehensive Management Measures</a>	2008	Unofficial summary chart.	Inconclusive.
Luxembourg	<a href="#">National Dementia Action Plan</a>	2013	Unofficial translation.	Nil.
Macau SAR	Government Policy on Dementia		No English translation.	
Malta	<a href="#">Empowering Change: A National Strategy for Dementia in the Maltese Islands 2015-2023</a>	2015-2023		Nil.
Mexico	<a href="#">Plan de Acción Alzheimer Y otras Demencias</a>	2014	Unofficial translation.	Nil.
Netherlands	<a href="#">Guideline for Integrated Dementia Care: An aid for the development of integrated dementia care</a>	Revised May 2009		Nil.
Norway	<a href="#">Dementia Plan 2015: Making the most of the good days</a>	2015		Nil.

Northern Ireland	<a href="#">Improving Dementia Services in Northern Ireland: A Regional Strategy</a>	November 2011		<p>Nil. But see:</p> <p><i>“Justice &amp; Equality</i>  People with dementia are protected under the law to ensure their <b>human rights</b>, their physical, social, emotional and sexual health and well-being and their property rights are upheld.”</p> <p><i>“Rights of People with Dementia</i>  4.5 Building on these findings on what matters to people living with dementia, a number of values and principles have been identified which will inform future service redesign and development. These values and principles <b>aim to uphold the rights of people with dementia</b> and promote their social inclusion. This is in keeping with the UN Convention on the Rights of Persons with Disability which seeks to promote, protect and ensure full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity.”</p>
Puerto Rico	<a href="#">Alzheimer’s Disease Action Plan for Puerto Rico 2015-2025: Executive Summary</a>	2015		<p>Nil. But see:</p> <p>“Objective 1.1: <b>Analyze current laws to determine if they meet the needs of people living with AD</b> and their caregivers.”</p>
Scotland	<a href="#">Scotland’s National Dementia Strategy 2017-2020</a>	June 2017		<p>Nil. But see:</p> <p>“<b>Police Scotland</b> have developed and piloted protocols, with partners, for three high-risk groups, including adults who go</p>

				missing from care homes in Scotland. The pilots began in 2015 in three Police Scotland divisions with the aims of safeguarding and preventing people at risk of going missing, and of activating the appropriate response when they do go missing to ensure they are found safe and well.”
Slovenia	<a href="#">Strategija Obvladovanja Demence v Slovenij do leta 2020</a>	April 2016	No English translation.	
Switzerland	<a href="#">Stratégie nationale en matière de démence 2014–2019</a>	November 2016	No English translation.	
Taiwan	<a href="#">Taiwan Dementia Policy: A Framework for Prevention and Care</a>	September 2014		<p>Nil. But see:</p> <p><i>“VII. To protect human rights of individuals with dementia and their family</i></p> <p>...</p> <p><b>2. Reviewing current law to ensure rights of individuals with dementia</b> and their caregivers.</p> <p>...</p> <p>4. Engaging non-government organizations in discussions on dementia related issues, such as ethics, <b>law, human rights protection and promotion.</b>”</p>
USA	<a href="#">National Plan to Address Alzheimer’s Disease</a>	2013 Update		<p>Nil. But see:</p> <p><i>“Department of Justice</i></p>

				<p>In FY2010, the <b>Department of Justice</b> operated the Missing Alzheimer's Disease Patient Alert Program. This community-based program supports state and local projects that aid in the protection and location of missing persons with Alzheimer's disease and related dementias and other missing elderly individuals.”</p> <p>“Action 3.D.1: <b>Educate legal professionals about working with people with Alzheimer's disease</b> HHS will work to educate legal service professionals about the vulnerabilities of people with Alzheimer's disease and how to most effectively serve this population by developing and providing AD-specific training through AoA's National Legal Resource Center (NLRC).”</p>
Wales	<a href="#">National Dementia Vision for Wales: Dementia Supportive Communities</a>	2011		<p>Nil. But see:</p> <p>“There has been a significant amount of work undertaken in Wales, including a full public consultation, to identify the actions that are required to deliver better quality of life for people with dementia in Wales immediately. Four priority areas have been identified for improvement:</p> <p>1. Improved service provision through better joint working across health, social care, the third sector and <b>other agencies...</b>”</p>

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