Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

https://www.vera.org/publications/compassionate-release-aging-infirm-prison-populations

Policy Isssue Resources

Publication

Developing effective policies and practices to respond to elderly and infirm prison populations is a critical issue for all state corrections departments, which are facing a growing number of older people in prison and the associated costs of medical care. Through the Justice Reinvestment Initiative (JRI), some states are working to expand a policy known as compassionate release, which allows people who meet certain aging or medical criteria to be released earlier than their statutory release dates. Yet significant challenges remain in designing policies that maximize this type of release. This report takes a review of compassionate release policies adopted by two states through the JRI, and offers suggestions that target the most common challenges faced by states that adopt or modify these policies.

The implementation of compassionate release policies is a significant step forward in expanding medical and geriatric release. But the impact of these policies remains limited because so many people are ineligible, the criteria for release are so restrictive, and the process for approval is so burdensome.

JRI is a data-driven approach to criminal justice policy that seeks to improve public safety, curb corrections costs, and reinvest the savings in evidence-based public safety strategies.

This report offers case studies of Mississippi and South Carolina, and illustrates both the shape that compassionate release laws take and the barriers faced in designing and implementing these policies.

The growing size of the elderly population is driven both by long sentences, particularly for violent offenses, and an increase in admissions of people who are age 55 or older.

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