

Evidence

Prison or Parole

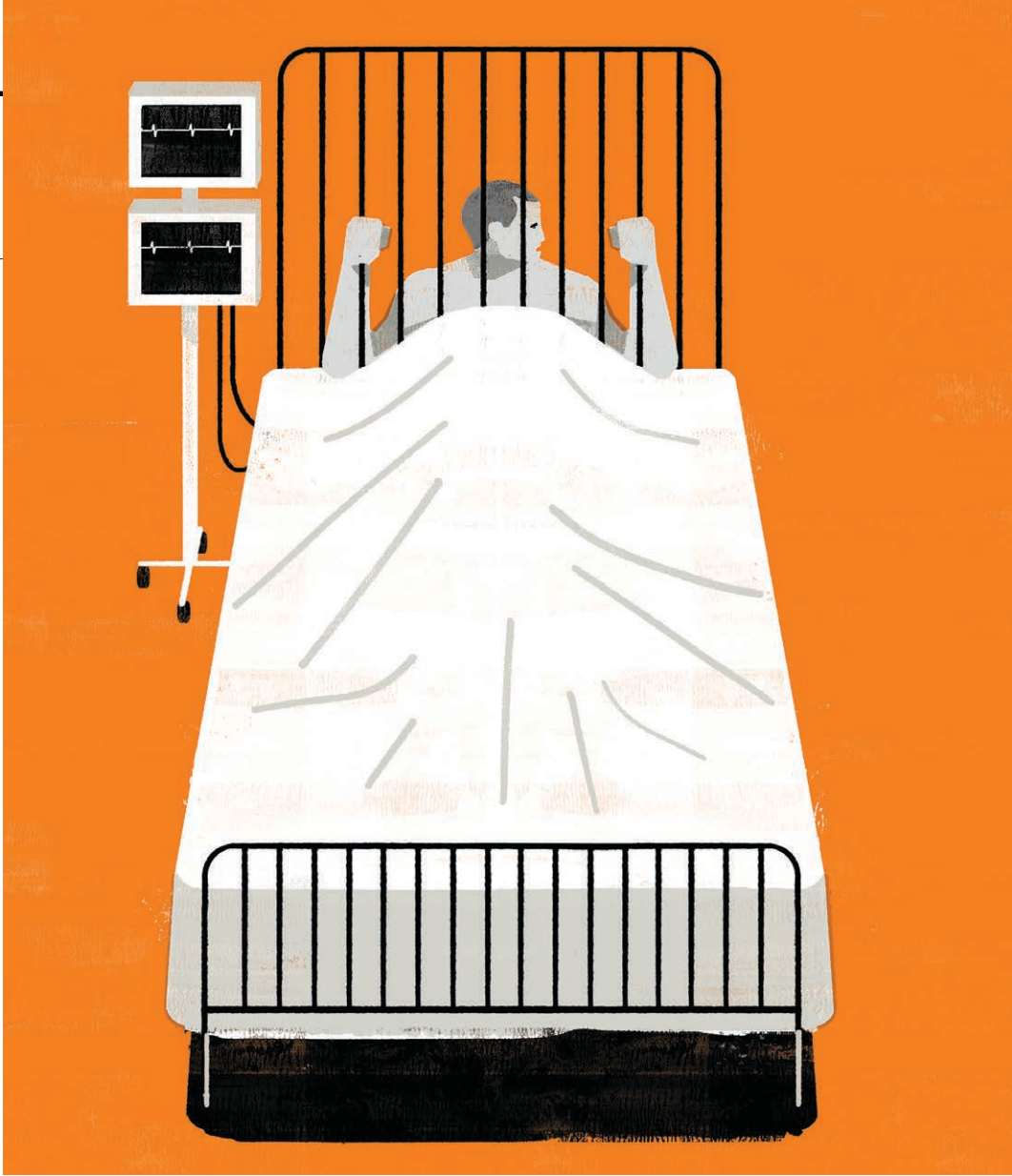
Medical release and the parole system.
BY SEAN DOOLITTLE '24

The COVID-19 pandemic hit our nation’s prisons hard, highlighting the ballooning costs of incarcerated medical care and renewing calls for expanded medical release. Besides the humanitarian justifications for medical release—a kind of end-of-life parole—many of its proponents point to the cost savings associated with making parole more widely available for those who are permanently incapacitated by a medical condition.

With the prison population expected to continue growing—and aging—over the coming decades, the need for novel solutions to incarcerated medical care will only become more urgent. Boston College Law School became a player in the matter in 2019, founding the Medical Parole and Release Clinic when provisions for medical release in a new state law the previous year elevated demand for legal aid. Some fifty students have participated to date (see story page 16).

Here’s a quick breakdown of how medical parole in the United States works, and how Massachusetts might be leading the way for other states to follow.

Sources: National Institute of Corrections; Families Against Mandatory Minimums; PrisonPolicy.org; The Sentencing Project-No End in Sight: America’s Enduring Reliance on Life Sentences; Mass. Department of Correction-Report on Medical Parole.



PAROLE DEFINED

Parole

A procedure by which a board administratively releases inmates from prison as well as a provision for post-release supervision; comes from French word parol, referring to “word,” as in giving one’s word of honor or promise.

Medical Release

Also known as compassionate release; a release on parole due to terminal illness or permanent debilitation, often granted on humanitarian grounds.

Permanent Incapacitation

In Massachusetts, physical or cognitive incapacitation that appears irreversible, as determined by licensed physician, and that is so debilitating the individual does not pose a public safety risk.

Terminal Illness

In Massachusetts, condition that

appears incurable, as determined by licensed physician, that will likely cause death in 18 months or less, and that is so debilitating the person does not pose a public safety risk.

LWOP

Life without the possibility of parole, one of highest punishments in criminal justice system.

Incarcerated individuals serving these life sentences are typically ineligible for medical release.

Mandatory Minimum

Pre-determined sentence for certain crimes as set by statute, restricting judge’s ability to use discretion in rendering punishment; a direct cause of aging prison population.

AGING PRISON POPULATION

As the wider population of the US continues to age, prisons will be forced to contend with an older population of incarcerated individuals. That means more spending on medical care and greater stress on the prison system.

400 Thousand

Estimated number prisoners over age 55 by 2030

\$80.7 Billion

US government spends on public prisons per year

\$16.1 Billion

Medical expenses for (often aging) incarcerated individuals

One Thousand Percent

Increase in prison medical care spending 1976-2013

Life Sentence Factor

1 in 7

Incarcerated individuals (200,000) serving life sentences in US

66%

Increase in life without parole

500%

Increase in life sentences since 1984 (compared to general prison population)

61,417

Lifers already 55 or older (Every one year spent in prison reduces incarcerated person’s life expectancy by two years.)

BC LAW CLINIC

2019

Year Medical Release and Parole Clinic was established (6-8 students enrolled per semester)

13

Hours typical student spends on clinical work per week

75

Approximate number of lifer and medical release cases considered; status and outcomes vary

MEDICAL RELEASE

In the U.S.

49

States (plus DC) that have enacted medical release laws; Iowa is lone holdout

3.1%

Medical release parolees’ recidivism rate

68%

Average parolees’ recidivism rate

PAROLE IN MASSACHUSETTS

1837

Year Massachusetts enacted nation’s first law authorizing parole

1,581

Successful parole applications, 2021

49%

Parole-eligible life-sentence holders paroled

One Percent

Paroles granted for medical reasons

In Massachusetts

A-

Grade given to Massachusetts for compassionate release efforts

56

Medical release petitions granted in MA since 2018

Petitioners

211

Medical release petitions filed July 2020 to June 2021

60% White

33% Black

7% Asian/Hispanic/Native American/Other

17

Medical release petitions granted during the same period

16

Petitioners granted medical release were White

Fifteen

Number of grantees who left prison alive (2 died in custody)