

**Aging in prisons:
An examination of compassionate release programs and
recommendations for Massachusetts**

***Results of 2001 Criminal Justice Institute Survey (NIC, 2004)
and Recent Internet Search for
Compassionate Release/Medical Parole Provisions***

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March 28, 2008

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State	Provisions (2001) ¹	Internet (2008) ²	Name of program/policy	Specifics of program/policy	Source
Alabama	Yes	N/A ³			http://www.doc.state.al.us/
Alaska	Yes	Yes	Special Medical Parole	No detailed policy found online.	http://www.correct.state.ak.us/
Arizona	Yes	Yes	Compassionate Leave	"An authorized temporary absence from prison for the purpose of receiving specialized health care for verified terminal illness...escorted only."	http://www.azcorrection.s.gov/ http://www.azcorrection.s.gov/adcdatasearch/release_types.htm#compassionate
Arkansas	Yes	Yes		Incurable illness or permanently incapacitated. Physician notifies medical director. Decided by post prison transfer board.	http://www.state.ar.us/doc/
California	Yes	Yes	Recall of Commitment	If terminal ill, policy allows director to recommend recall of commitment to parole board.	http://www.cdcr.ca.gov/
Colorado	Yes	N/A			http://www.doc.state.co.us/
Connecticut	Yes	Yes	Medical Parole	Parole Board can grant release of a terminally ill inmate (who is incapacitated).	http://www.ct.gov/doc/cwp/view.asp?a=1520&q=270074
Delaware	Yes	N/A			http://doc.delaware.gov/
Florida	Yes	Yes	Conditional Medical Release	Chief Health Officer recommends to parole board those who are permanently physically incapacitated or terminally ill.	http://www.dc.state.fl.us/

¹ Criminal Justice Institute survey results as reported in National Institute of Corrections. (2004). *Correctional Health Care: Addressing the Needs of Elderly, Chronically Ill, and Terminally Ill Inmates*. (NIC Accession No. 018735). Washington, DC: U.S. Department of Justice.

² Internet searches conducted in February and March 2008. Search strategy included broad-based searches on Google, Google Scholar, Lexis Nexis and targeted searches of each state's department of corrections' public internet site.

³ N/A means that we were unable to find a specific mention to a release policy online. It **does not** mean that there is not a policy.

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State	Provisions (2001) ⁴	Internet (2008) ²	Name of program/policy	Specifics of program/policy	Source
Georgia	No mention ⁴	N/A			http://www.dcor.state.ga.us/
Hawaii	No mention	N/A			http://hawaii.gov/psd
Idaho	No mention	N/A			http://www.idoc.idaho.gov/
Illinois	No	No		In reference to older inmates, an FAQ mentions special housing but doesn't mention release.	http://www.idoc.state.il.us/
Indiana	Yes	Yes	Special Medical Clemency	Commissioner can recommend those with medical conditions to parole board for a grant of clemency. For clemency, they consider seriousness of medical condition, inmate status, and ability to engage in crime.	http://www.in.gov/indcorrection/
Iowa	No	N/A			http://www.doc.state.ia.us/
Louisiana	Yes	Yes	Medical Parole	For permanently incapacitated inmate or terminally ill inmate. Department of Public Safety and Correction identifies inmates and Board of Parole makes final decision.	http://www.doc.louisiana.gov http://law.justia.com/louisiana/codes/145/79226.html
Kansas	No	N/A			http://www.dc.state.ks.us/
Kentucky	Yes	Yes	Geriatric Parole and Medical Parole	Medical staff and warden recommend. Parole board makes decision. Release if condition will result in death in one year or severe chronic lung disease, end-stage heart disease, MS, or paralysis. Other consideration is that inmate is not a threat to society.	http://www.e-archives.ky.gov/Pubs/Public_Adv/july98/legislation.html

⁴ No mention means that the state was not listed in the Criminal Justice Institute (2001) survey results (NIC, 2004).

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Maine	No mention	N/A			http://maine.gov/corrections/
Massachusetts	No	No			
Maryland	Yes	N/A			http://www.dpscs.state.md.us/
Michigan	No	N/A			http://www.michigan.gov/corrections
Minnesota	Yes	N/A			http://www.doc.state.mn.us/
Mississippi	No	Yes	Conditional Medical Release	In 2004, 8 people were released. Strong hospice program in Angola for those not eligible. It appears to be initiated by physician and commissioner grants the request.	http://www.mdoc.state.ms.us/ http://www.mdoc.state.ms.us/medical_services.htm
Missouri	Yes	Yes	Medical Parole	Parole board makes decision. Conditions include advanced age requiring long-term nursing care, or endangered/life shortened by confinement.	http://www.doc.missouri.gov/
Montana	Yes	Yes		Due to "Incapacitating physical condition, disease or syndrome". Parole board is involved. In 2007, this policy was amended to give more flexibility to board.	http://www.cor.mt.gov/
Nebraska	Yes	N/A			http://www.corrections.state.ne.us/
Nevada	No mention	Yes	Pardon	Medical Director recommends inmates with terminal illness or medical hardship to Pardons Board. Executive secretary has to be involved.	http://www.doc.nv.gov/
New Hampshire	Yes	N/A			http://www.nh.gov/nhdosc/

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New Jersey	Yes	Yes	Medical Parole	Amended in 2002. Family, inmate, attorney and administrator can all make request. Parole Board makes decision. Must be terminally ill.	http://www.state.nj.us/corrections/index.shtml
New Mexico	Yes	N/A			http://corrections.state.nm.us/
New York	Yes	Yes	Medical Parole	Inmate or representative recommends request to health services. The CMO then refers those who are eligible to parole board. Parole board, CMO and central health services all are involved in making decision and plan. Terminal illness only. Last update 2000.	http://www.docs.state.ny.us/docs.html
North Carolina	Yes	N/A			http://www.doc.state.nc.us/
North Dakota	Yes	N/A			http://www.nd.gov/docr/
Ohio	Yes	N/A		Not mentioned in parole policy	http://www.drc.state.oh.us/
Oklahoma	Yes	N/A			http://www.doc.state.ok.us/
Oregon	Yes	Yes	Advancing release date	Parole Board makes decision. Can be seriously ill, elderly or terminally. Unsure who makes request.	http://www.oregon.gov/DOC/ http://www.leg.state.or.us/ors/144.html
Pennsylvania	Yes	N/A			http://www.cor.state.pa.us/portal/site/default.asp www.pbpp.state.pa.us/pbpp/site/default.asp
Rhode Island	Yes	N/A			http://www.doc.ri.gov/index.php
South Carolina	Yes	N/A			http://www.doc.sc.gov/
South Dakota	Yes	N/A			http://www.state.sd.us/corrections/corrections.html

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State	Provisions (2001)¹	Internet (2008)²	Name of program/policy	Specifics of program/policy	Source
Tennessee	Yes	Yes	Medical Furlough	Medical director recommends; it is granted by commissioner. Terminal illness or deteriorated condition so there is no threat to public.	http://www.state.tn.us/correction/
Texas	Yes	Yes	Medically Recommended Intensive Supervision	Parole Board makes final decision. Applies to mental retardation, elderly, long term care, physical disability and terminally ill. There is no 6 months limit.	http://www.tdcj.state.tx.us/index.htm
Utah	Yes	N/A			http://corrections.utah.gov/
Vermont	No mention	Yes	Medical Parole	Medical Practitioner makes request to parole board.	http://www.doc.state.vt.us/
Virginia	Yes	Yes	Geriatric Parole	Inmates age 60 (served 10 yrs) or age 65 (served 5 years) can petition to parole board for release.	www.vadoc.state.va.us
Washington	Yes	Yes	Extraordinary Medical Placement	Health care staff recommends seriously ill or terminally ill who are low risk and require costly care. Screening Committee reviews; final review goes to the Operations Deputy Secretary.	http://www.doc.wa.gov/
West Virginia	Yes	N/A			http://www.wvdoc.com/wvdoc/
Wisconsin	No mention	N/A			http://www.wi-doc.com/
Wyoming	No mention	N/A			http://doc.state.wy.us/