

Strategy to Reduce Health Care Cost by Expanding Offender Release Policies

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graph TD; A[Offender Release Policies] --> B[Geriatric Release]; A --> C[Compassionate Release];
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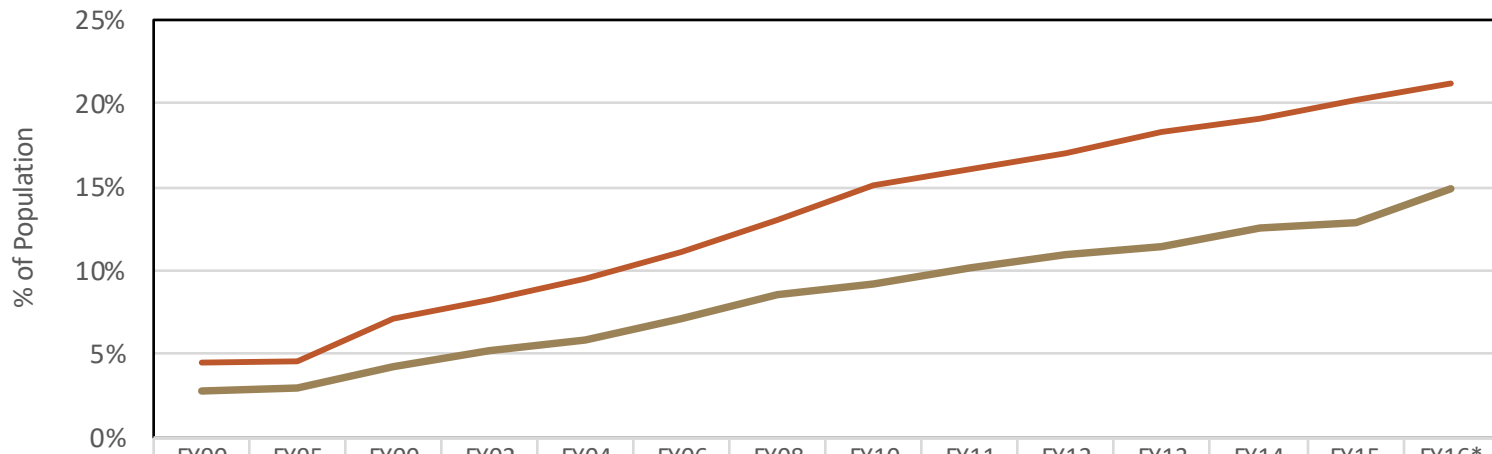
Offender
Release Policies

Geriatric
Release

Compassionate
Release

Background: Virginia Trends

Offenders Aged 50+



	FY90	FY95	FY00	FY02	FY04	FY06	FY08	FY10	FY11	FY12	FY13	FY14	FY15	FY16*
50+ Confined	822	1,328	2,240	2,849	3,537	4,133	5,099	5,697	5,966	6,283	6,709	7,202	7,607	7,823
— Confined Percent	4.5%	4.6%	7.1%	8.2%	9.6%	11.1%	13.0%	15.1%	16.0%	17.0%	18.3%	19.1%	20.2%	21.2%
50+ New Commitments	265	271	393	566	676	889	1,094	1,112	1,208	1,254	1,341	1,568	1,545	1,212
— NCC Percent	2.8%	3.0%	4.3%	5.2%	5.8%	7.1%	8.5%	9.2%	10.2%	10.9%	11.4%	12.6%	12.9%	14.9%

Rising Health Care Complexity

Incarcerated individuals in prison experience the impacts of aging earlier than the general public.

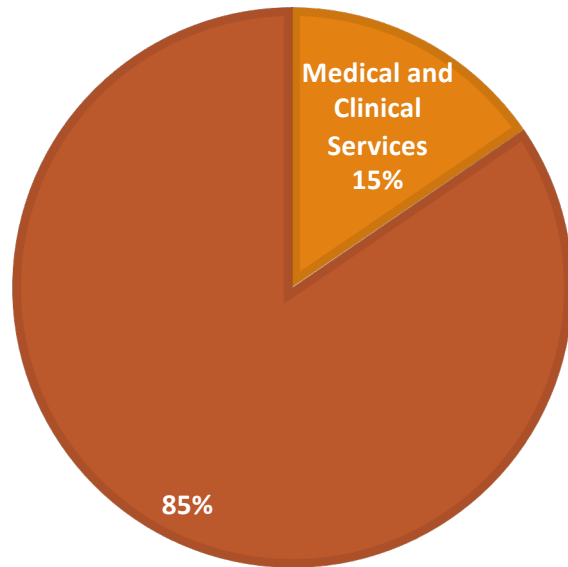
Many serving long sentences have worse ailments than similarly aged individuals outside the criminal justice system.



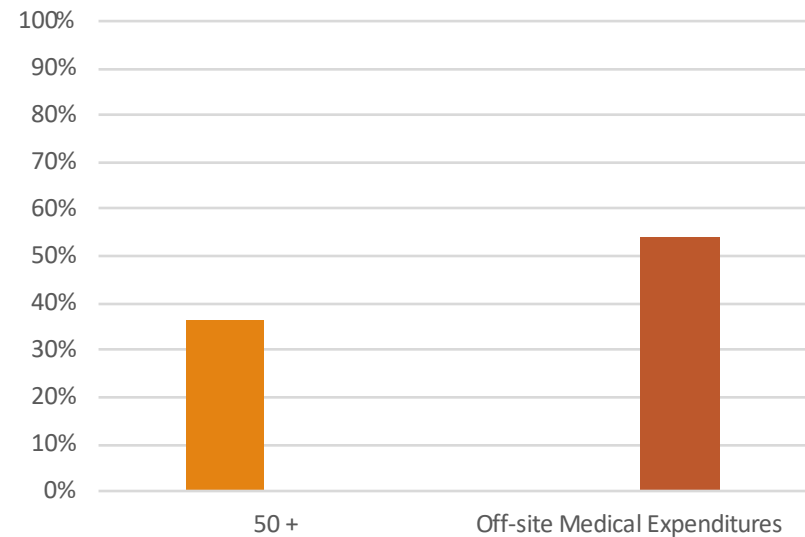
Source: The Ungers, 5 years and counting Report: A case study in safely reducing long prison terms and safely reducing taxpayer dollars, Justice Policy Institute, November 2018

Associated Costs for Offenders

VADOC OPERATING BUDGET (\$1.2B)



Percent of Population vs Percent of Expenditures



Virginia's Current Release Policies

Background: Virginia abolished parole in 1995 in favor of Truth in sentencing

Conditional release of geriatric prisoners, VA Code §53.1-40.01

- Age 60 or older, having served at least 10 years of their sentence; or
- Age 65 or older, having served at least 5 years of their sentence
- This is only for review by the Parole Board, not automatic release

Executive medical clemency (Medical Pardon)

- Terminally ill - Defined as illness is expected to result in death within 10 to 12 months of the medical clemency report;
- Death is imminent - defined as an estimated three months or less to live;
- Family members or others must be willing and assume responsibility for prisoner's care, as well provide a statement to that effect.

Virginia's Current Release Policies

Virginia has the nation's second-most restrictive compassionate release policy for inmates with terminal illness.

Virginia is the only state that does not have a policy under which offenders who have a serious medical condition or permanently incapacitated may be considered for release.



Policy Proposal Recommendations

Have a policy for release for those who have serious illnesses or are permanently physically disabled or incapacitated

- Definition of serious illness or permanently physically disabled or incapacitated would have a significant effect on any cost savings
 - South Dakota (broad definition)
 - North Carolina (narrow definition)

Include terminally ill with death within 12 months


Expand geriatric parole to include:

- 55 years old and served 15 years
- 50 years old and served 20 years

Policies must be used!



Public Safety Implications

- Compassionate release policies enable offenders to be *considered* for conditional release; must meet the same criteria as any other offender eligible for release.
 - Offenders who have committed serious or violent offenses are unlikely to be released;
 - Offenders who have behaved poorly while incarcerated are unlikely to be released;
 - Released offenders are monitored by probation and parole; those who violate the conditions of release may be re-incarcerated.
 - Seriously ill inmates would not be released unless there is a place in the community for them to receive appropriate care.
 - Victim impact is considered.
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Conclusion

Allowing more offenders to be released under compassionate release/geriatric parole would:

- Save the Commonwealth money: Shifts burden of cost from the general fund to Medicaid (Federal/State)
- Lessens the burden and strain on VADOC and may improve efficiency and quality of health care
- No increase in risk related to public safety
- Compassionate/humane

QUESTIONS?

