



Compassion vs. safety: Should aging/ill prisoners be released?

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ROME — After 13 years in prison, Ronzell Richardson, 46, is getting out soon.

His 20 years-to-life sentence for arson and other offenses hasn't run out and he's not up for parole until 2018.

But Richardson, an inmate at the Walsh Regional Medical Unit within Mohawk Correctional Facility in Rome, has sarcoidosis and liver failure that eventually will kill him, according to prison staff who spoke with Richardson's consent.

Richardson was granted medical parole earlier this month.

Richardson, who cannot get out of bed without assistance, said he used to assume he would die in prison, an unhappy thought.

"You would like to be around your family when you're sick," he said.

As prisoners age in New York and across the country, officials are searching for innovative and affordable strategies to meet their health care needs.

But a growing number of advocates are calling for greater use of an alternative strategy — releasing older and sick inmates.

In the past 18 months, at least three reports, a medical journal article and a forum have highlighted the crisis of aging in prisons and advocated for greater use of compassionate release, which frees sick prisoners, and geriatric release, which frees older prisoners.

At issue are how to care for these vulnerable prisoners, how to keep that care affordable, and how to balance public safety, justice and compassion.

"When does punishment go too far?" asked Tina Maschi, a professor at Fordham University's graduate school of social service who heads the Aging in the Criminal Justice System project. "If justice is supposed to be fair, there are instances when I would say that crosses over into cruel and unusual punishment."

Compassionate release

Richardson's story is the exception, though. Few prisoners get released under New York's compassionate release program, which includes medical parole for inmates not yet eligible for parole, and full board case review for other inmates.

The medical parole law — which was passed in 1992 and expanded in 2009 — allows for the release of inmates with terminal illnesses or incapacitated by permanent medical conditions if they do not pose a threat to public safety. It excludes prisoners convicted on first-degree murder charges and requires that some other violent offenders have served at least half their minimum sentence.

Since 1992, the state has granted compassionate release to 381 inmates, according to the New York State Department of Corrections and Community Supervision. Eight got out in 2010.

That's as it should be, said state Sen. Joseph Griffo, R-Rome. He said criminals should serve the sentences they were given, and release should remain within the normal parole system.

"The bottom line is, I think, (there is) cynicism publicly because you have a system and a sentencing system and a process. And I think you should follow that," Griffo said.

He acknowledged that the state has no choice but to provide decent health care to inmates, just like it has no choice but to operate prisons, even though both are expensive. But there are places to save money in the prison budget, he said, such as by charging inmates sales tax on commissary items.

And the state Senate recently voted to end inmates' conjugal visits, he said.

"Should we be spending millions of dollars for trailers for conjugal visits?" he asked.

Other states

Across the country, states aren't saving much money on health care by releasing sick prisoners on medical parole with only a relative handful of releases annually.

Geriatric release programs, which have less stringent medical qualifications, also have failed to make a dent in the number of older prisoners, advocates said. New York does not have geriatric release.

The problems, detailed in numerous reports over the past year, include an application process too difficult for many inmates (especially those with dementia), a slow process that lets many prisoners die

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before a decision is given, the use of victim impact statements in making medical and geriatric parole decisions, and concern for public safety.

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What's this?

But advocates argue that releasing sick and elderly prisoners seldom poses much of a public safety risk. The crime rate and the recidivism rate for former inmates drop sharply as people age, said Jamie

Fellner, senior adviser to the U.S. Program at Human Rights Watch.

"There are very few instances when you have to keep somebody in prison until they die because they're a public safety threat," she said.

As prisoners age and get sick, the factors that go into their sentences – justice, public safety, deterrence and rehabilitation – change, Fellner argued.

The problem is fear, said Jack Beck, director of the prison visiting project of the nonprofit New York Correctional Association.

"It really comes down to a criminal justice system that's so risk averse that no one wants to get their name in the paper that (a former inmate) did something, even though there's a very low risk of that," he said. "So they err on the side of not letting people out."

Letting older inmates out does save money, according to an American Civil Liberties Union report released this month. Releasing inmates shifts costs to some extent to programs such as Medicaid, Medicare and the parole system. But when all those expenses are weighed against the savings, releasing elderly inmates could save prisons \$66,294 a year per inmate, the report found.

Paroling patients, however, is not a guarantee that they'll leave prison. First, they have to find somewhere to go.

Richardson still is in prison while officials and his family look for a nursing home in the Syracuse area near his family.

"It's hard to find 24-hour care, a good place, not just someone to stick you in a room," he said.

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Compassion?? Why should people have compassion for these people. I do not want a prisoner next to a love one in a nursing home. He/she receives a sentence for a reason. I guess the next step would be to say if you are sick you can commit any crime you want. Let him die in prison that is what he choose when he committed his crime.

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Compassional release? That is bull. They are serving time for a crime they willfully committed. They could only be released to a nursing home because of their advanced age and illness. I also say I would not want one of them next to a loved one of mine. I doubt they can be trusted. Give them all the care they need at a prison medical facility like Walsh. Did they have compassion on people or property they harmed.

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