

Compassionate Release Report Card • October 2022

# Rhode Island

Overall Grade for Rhode Island

Total Grade

96 /100

Letter Grade

A

Program Grades

**Medical Parole**

Total Grade

**96/100**

Letter Grade

**A**



# Medical Parole

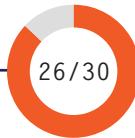
Total Grade

96 /100

Letter Grade

A

## Eligibility Criteria



**10/10** Clearly set out with understandable and measurable standards.

**7/10** Generous or not unduly restrictive.

**9/10** No categorical exclusions/everyone is eligible for consideration.

× **Extra credit:** Terminal illness time-left-to-live provisions are reasonable and sufficiently long to permit the completion of the review and decision-making processes. **0**

## Procedures

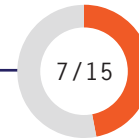


**5/5** Documentation and assessment are straightforward, lacking multiple or redundant reviews and authorizations.

**5/5** Time frames for completing review and/or decision-making exist and are designed to keep the process moving along.

× **Extra credit:** Expedited time frames exist for terminal cases. **0**

## Engaging the Process



**2/5** Clinical and other staff can identify potentially eligible individuals and initiate the process.

**5/5** Incarcerated people, their loved ones, and advocates can initiate the process.

**0/5** Corrections staff have an affirmative duty to identify incarcerated people eligible for compassionate release and take the steps necessary to begin the process.

## Release Planning Support

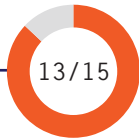


**5/5** Agencies provide comprehensive release planning.

+ **Extra credit:** Release planning includes helping the incarcerated person apply for benefits prior to release, including housing, Medicaid, Medicare, and/or veterans benefits. **+5**

**5/5** Release planning begins early in the process.

## Agency Policy Design

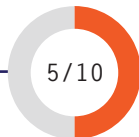


**5/5** Agency rules exist for all stages of identification, initiation, assessment, and decision-making.

**3/5** Agency rules are consistent with and/or complement the statute, are up to date, and internally consistent.

**5/5** Rules provide clear guidance to reviewers and decision-makers about steps to take and standards to apply.

## Data Collection and Public Reporting



**5/5** Agencies are obliged to gather, compile, and report release data to legislature.

**0/5** Reporting is made available to the public via annual reports or other means.

## Right to Counsel and Appeals

15/10

**5/5** Program allows counsel to represent people before decision-maker (i.e., parole board, commissioner, or court).

✘ **Extra credit:** Denials are appealable. 0

**5/5** Individuals have the right to reapply should conditions change.

✘ **Extra credit:** Revocations are not used to return people to prison because their condition improves or goes into remission or because the individual outlives the prognosis. 0



## Overall Extra Credit

**+5** Individuals are entitled to counsel, including to a public defender if they qualify.

## The Numbers

In response to FAMM's request for data, the Department of Corrections reported that in 2019, seven individuals applied for Medical Parole and four were granted. In 2020, three individuals applied and two were granted; the third died before a hearing could be held.

## High and Low Marks

### HIGH MARKS

- **Overall:** There is much for which to commend Rhode Island's Medical Parole program, from expansive and well-explained eligibility standards to deadlines that keep the application moving forward and the inclusion of representation and reapplication rights. In light of the well-designed program, the relatively small number of Medical Parole applications and grants concerned FAMM.
- Medical Parole includes clear and measurable **eligibility criteria**. The only people categorically exempt are individuals serving sentences of life without parole. Some aspects, such as the requirement that those seeking release due to permanent physical incapacitation must require help with most activities necessary for independence, strike FAMM as unduly strict, and we marked the program down somewhat.
- **Agency policy design** earned a good grade. The policy is quite thorough and well-presented and provides clear guidance for every step of the process. The definitions section, for example, goes so far as to define "reasonable degree of medical certainty."
- Medical Parole **procedures** are quite good and include deadlines for every important step of the process.
- Rhode Island's Medical Parole provides for comprehensive **early release planning**, including ensuring a post-release placement and a means to provide funding for medical expenses for which it received **extra credit**.
- Individuals considered for Medical Parole are **entitled to counsel**, including a public defender for qualified applicants. Those denied parole may **reapply** 60 days after the decision should they experience a material change in circumstances.

### LOW MARK

- The grade for **agency policy design** would have been perfect except for the fact that the policy and statute differ in a couple of important respects. The most notable difference concerns the prognosis requirement for terminal illness. The statute says one must be within 18 months of death to qualify, while the regulation limits eligibility to those with only six months remaining to live.