



Compassionate Release in California by the Numbers

Background: In California, the courts have the authority to recall the sentence of an individual with a terminal illness or permanent medical incapacitation and resentence them to time served, allowing them to live their remaining days outside of a prison facility. Unfortunately, due to flaws in the current system, too few people are being released and far too many are dying before the process is completed. Below is an analysis¹ of Compassionate Release outcomes for people in California based on two separate trackers obtained through a California Public Records Act request.²

The Bottom Line - Between January 2015 and April 2021:

- **329 applications** began for **304 people** seeking Compassionate Release.
- Only **53 people** were released through the courts.
- **91 people died before the process could be completed** (which includes people approved for release by the courts but died before their release could be finalized).

Reasons for Rejection:

- The most common reason for rejection was a denial by the Secretary of the California Department of Corrections and Rehabilitation. **52 applications for people** considered medically eligible by CDCR physicians for compassionate release were denied referral to the courts by the Secretary.
- **48 applications** were unable to reach the courts due to a lack of a post-release plan.
- **25 applications**³ were denied referral to the courts by the Board of Parole Hearings. As of Aug. 2020, the Board of Parole Hearings no longer has a role in the Compassionate Release process.
- **18 applications** were denied resentencing by the courts.
- **14 applications** were found not medically eligible by the CDCR's medical body.

Secretary's Rejection:

- Between January 2015 and April 2021, the Secretary rejected **25 percent of all applications** that reached the Secretary's desk.
- Between January 2015 and April 2021, **31 people** died following a rejection from the Secretary.

¹ This fact sheet was originally published on May 23, 2022. Following an in-depth analysis of the data by Riya Desai, adjustments to the originally reported figures were made on August 1, 2022. Figures found here:

<https://docs.google.com/spreadsheets/d/137OhhGgyjh35cz5111-iTzZuE9NbATZPJQNYqEJpjuE/edit#gid=1562650914>

and data protocol found here:

<https://docs.google.com/document/d/1XF5ZHL9-VDosbNBTXUUecr52ZtxfTjDcQHbFucRrznQ/edit?usp=sharing>

² Public Records Act request submitted by Leah Daoud On February 3, 2021 and was fulfilled by a CDCR PRA Coordinator on April 29, 2021.

³ 27 entries had a rejection from the Board of Parole Hearings but 2 were after a rejection by the Secretary.

