



Missouri

Overall Grade for Missouri

Total Grade

22 /100

Letter Grade

F

Program Grades

	Total Grade	Letter Grade
Medical Parole	12/100	F
Executive Clemency/ Commutation Due to Illness or Age	31/100	F

Medical Parole

Total Grade

12

 /100

Letter Grade

F

Eligibility Criteria

12/30

6/10 Clearly set out with understandable and measurable standards.

3/10 Generous or not unduly restrictive.

3/10 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

0/10

0/5 UTD Documentation and assessment are straightforward, lacking multiple or redundant reviews and authorizations.

0/5 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

0/15

0/5 UTD* Clinical and other staff can identify potentially eligible individuals and initiate the process.

0/5 UTD 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

0/10

0/5 UTD 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. **0**

0/5 UTD Release planning begins early in the process.

Agency Policy Design

0/15

0/5 Agency rules exist for all stages of identification, initiation, assessment, and decision-making.

0/5 Agency rules are consistent with and/or complement the statute, are up to date, and internally consistent.

0/5 Rules provide clear guidance to reviewers and decision-makers about steps to take and standards to apply.

Data Collection and Public Reporting

0/10

0/5 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.

0/10

Right to Counsel and Appeals

0/5 Program allows counsel to represent people before decision-maker (i.e., parole board, commissioner, or court).

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

0/5 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**

* UTD stands for "Unable to Determine" and is graded zero. This is when there are no rules, guidelines, regulations, or other authority that FMM could find addressing the graded category. For example, if there are no published provisions for release planning or telling an agency how it is to evaluate an incarcerated person's eligibility, that results in a zero UTD grade.

The Numbers

The Missouri Parole Board denied FMM's request for information about Medical Parole in 2019 and 2020, explaining the records are closed to the public. A Department of Corrections publication states simply that Medical Parole does "not normally occur."

High and Low Marks

HIGH MARKS

- None

LOW MARKS

- **Overall**, Missouri's Medical Parole program is among the most poorly designed that FMM rated. The agencies responsible for implementing it have only the scantest of rules or guidance, and what they have includes inconsistent and contradictory information. The program **failed** across the board, including in a number of categories where FMM simply could not find anything explaining how the agencies do their jobs.
- Missouri's Medical Parole is one of only a handful of state programs that requires even the terminally ill to serve a minimum term in prison before being considered eligible for Medical Parole. That **eligibility** standard undermines the program's purpose. Were the program's grades not already so poor, we would have deducted penalty points for making dying people serve a term they will likely not live to fulfill before being eligible to be considered.
- The program flunked **policy design** and **procedures**. We could not find any **policy** governing Department of Corrections referrals. Moreover, Parole Board **procedures** differ from those outlined in the Medical Parole Board statute with respect to referrals from the Department to the Board.
- A Department publication says that individuals cannot be released to Medical Parole without an "acceptable" home plan. Neither the statute nor the Board procedural manual contain that requirement, and FMM could not find a definition of "acceptable." We could not locate any other mention of **release planning**.

Executive Clemency/ Commutation Due to Illness or Age

Total Grade

31

 /100

Letter Grade

F

Eligibility Criteria

26/30

6/10 Clearly set out with understandable and measurable standards.

10/10 Generous or not unduly restrictive.

10/10 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

0/10

0/5 UTD* Documentation and assessment are straightforward, lacking multiple or redundant reviews and authorizations.

0/5 UTD 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

5/15

0/5 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

0/10

0/5 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. **0**

0/5 Release planning begins early in the process.

Agency Policy Design

0/15

0/5 Agency rules exist for all stages of identification, initiation, assessment, and decision-making.

0/5 Agency rules are consistent with and/or complement the statute, are up to date, and internally consistent.

0/5 Rules provide clear guidance to reviewers and decision-makers about steps to take and standards to apply.

Data Collection and Public Reporting

0/10

0/5 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.

0/10

Right to Counsel and Appeals

0/5 Program allows counsel to represent people before decision-maker (i.e., parole board, commissioner, or court).

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

0/5 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**

* UTD stands for "Unable to Determine" and is graded zero. This is when there are no rules, guidelines, regulations, or other authority that FAMM could find addressing the graded category. For example, if there are no published provisions for release planning or telling an agency how it is to evaluate an incarcerated person's eligibility, that results in a zero UTD grade.

The Numbers

Missouri does not provide public information about Executive Clemency/Commutation Due to Illness or Age, and the Governor's office did not respond to FAMM's request for information about grants in 2019 and 2020.

High and Low Marks

HIGH MARK

- Missouri's Executive Clemency/Commutation Due to Illness or Age **eligibility criteria** are for the most part strong; they are relatively clear and very generous and do not exclude anyone from consideration.

LOW MARKS

- **Overall**, unfortunately, the good grades end with eligibility, and Missouri's Executive Clemency **fails** in all other measures.
- The Parole Board, which recommends individuals for Executive Clemency to the Governor, does not have Executive Clemency regulations. Instead, it provides an application and an informational webpage devoted to the program. Those resources include some information for the public but do not substitute for the **policy** or **procedures** necessary to guide agency staff and officials in their work. Moreover, the information provided on the webpage does not reflect the statutory criteria. The webpage states that an individual who is at least 70 years old and has served at least 12 years may petition for Executive Clemency, but the very sparse Executive Clemency statute does not mention that criteria. And the application the Board provides makes no mention of the statutory criteria of terminal illness, need for nursing home care, or the danger of continued confinement – all of which are included in the statute as qualifying conditions. Instead, the application lists the age and time-served standard from the webpage. That dissonance between the statute and the application helped the program earn one of its many zeroes.
- FAMM noted that despite the fact that terminal illness is one of the criteria, no provisions exist to ensure that dying applicants receive prompt consideration. The Board's webpage only says there is no set **time frame** for completion of the process and the Governor's decision.
- FAMM could not locate any **release planning support** at all.
- People denied Executive Clemency must wait five years to **reapply**, and no exception to that waiting period exists for aging, ill, or dying people.