

Expanding Parole for Elderly and Seriously Ill Prisoners: A Common-Sense Reform

By Larry Lewack – Op Ed / Commentary, 2.17.17

A recent study by the ACLU documents that elderly prisoners are the least dangerous group of people behind bars, but the most expensive to incarcerate. Yet the number of elderly prisoners in Vermont correctional facilities is on the increase, due in part to a legacy of harsh sentences for less serious crimes that is a legacy of our failed ‘war on drugs.’ According to the ACLU report, a typical aging prisoner costs taxpayers about twice as much to incarcerate. With typical costs of housing an inmate now estimated above \$50,000/year, this trend does not bode well for taxpayers.

According to the Vermont Dept. of Corrections, Vermont’s older prison population has nearly doubled in size over the past 11 years. As of July 1, 2014, 16.1 percent of Vermont inmates were age 50 or older, up from 8.8 percent a decade earlier. According to Human Rights Watch, Vermont is part of a national trend. Between 2007 and 2010, the number of prisoners age 65 and up grew by 63 percent, while the total incarcerated population increased by just 0.7 percent. The *Economist* reported that a third of American inmates will be over age 55 by 2030.

In 2013, the federal Bureau of Prisons recognized this problem when it greatly expanded the criteria under which federal prison inmates would be eligible for early release. Federal inmates can now apply for “compassionate release” for a diagnosis of a serious terminal illness, medical incapacity from aging, and the death of an inmate’s partner who is caring for a minor child when no other family caregiver is available. Several other states have since followed suit, including Louisiana and Idaho.

Beyond the obvious humanity of releasing elderly and very ill prisoners from incarceration, this also reduces costs to taxpayers, even when the social costs of health care and benefits in the community are taken into account. The ACLU report estimates that states would save an average estimated \$28,362 per year for each prisoner who is released to community care.

What about public safety risks from releasing offenders who are older, but may still pose a threat? The ACLU report notes that statistics show these inmates are much lower risk: “Research has conclusively shown that by age 50 most people have significantly outlived the years in which they are most likely to commit crimes. For example, arrest rates drop to just over 2 percent at age 50 and are almost nil at age 65. In other words, there is no value to the continued incarceration of a large majority of our aging prisoners.” Also, released inmates are generally placed on parole, probation or other form of ongoing monitoring or supervision, to ensure their accountability.

Rep. Mollie Burke of Brattleboro recently introduced a bill in the Vermont House of Representatives that would broaden the criteria under which prisoners are deemed eligible for parole. H. 150 would declare inmates with no minimum sentence, inmates 65 or older, who have served 5 or more years of their sentence, or who have a terminal or serious medical condition as categorically eligible for parole. (A similar proposal was passed by the House last year, but was never taken up in the Senate.)

As the ACLU report suggests, “Aging prisoners pose little threat to the public’s safety, and incarcerating them is breaking our collective bank. Furthermore, it is inhumane to keep people locked up when there is no compelling societal justification to do so.” Given all the demands on state funding this year, and uncertainty about future federal funding, our leaders would do well to expand compassionate release as a means to significantly reduce the burden of incarceration on taxpayers, and strengthen our ability to bring home most or all of our prisoners who are currently jailed at a private prison in Michigan.