

Dear members of the Senate Judiciary Committee,

I am writing today to express our support for the inclusion of compassionate release language in S.18. We strongly supported the inclusion of this program in S.338 last year's justice reinvestment bill and appreciate the committee's efforts to advance it once again this year. We remain opposed to the remainder of S.18, though we appreciate the changes that have been made to limit the number of people who would not be eligible to earn time. Below is the testimony we offered to the House last year regarding our support for the compassionate release provisions passed by your committee and the senate last year.

"We support the language contained S.338 as passed by the senate. This provision would allow people over the age of 65 to apply for parole if they have served five years of their sentence and have met programing requirements. This provision does not presume that the person would be paroled if they meet the conditions laid out in the bill, but simply gives them the ability to be considered by the Parole Board.

We know from social science research that people age out of crime. In their 2017 report "The Effects of Aging on Recidivism Among Federal Offenders" The United States Sentencing Commission found "*Older offenders were substantially less likely than younger offenders to recidivate following release. Over an eight-year follow-up period, 13.4 percent of offenders age 65 or older at the time of release were rearrested compared to 67.6 percent of offenders younger than age 21 at the time of release. The pattern was consistent across age groupings, and recidivism measured by rearrest, reconviction, and reincarceration declined as age increased.*" ^[i] https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171207_Recidivism-Age.pdf.

We also know that older people are more expensive to incarcerate and present more complex needs than younger people. This was illustrated in a report by the Office of Inspector General for the U.S. Department of Justice that found "*Aging inmates are more costly to incarcerate, primarily due to their medical needs*" and "*Aging inmates could be viable candidates for early release, resulting in significant cost savings*".^[ii] <https://oig.justice.gov/reports/2015/e1505.pdf>

The provisions in section six recognize the reduced threat to public safety posed by older people and the increased costs of incarcerating them and still maintains protections for the public by allowing the Parole Board discretion to deny any applications. We request that the committee reincorporate the relevant language contained in the Senate passed version of S.338."

Thank you for your consideration. I would have been happy to offer these thoughts to the committee during todays committee meeting but unfortunately I am scheduled to testify in another committee at the same time.

Sincerely,

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⁽ⁱ⁾ https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171207_Recidivism-Age.pdf.

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