



Compassionate Release Report Card • October 2022

Georgia

Overall Grade for Georgia

Total Grade

28
/100

Letter Grade

F

Program Grades

	Total Grade	Letter Grade
Medical Reprieve	35/100	F
Parole Due to Disability or Advanced Age	20/100	F

Find all compassionate release resources on FAMM's site →

famm.org



Medical Reprieve

Total Grade

35 /100

Letter Grade

F

Eligibility Criteria

17/30

7/10 Clearly set out with understandable and measurable standards.

0/10 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 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

4/15

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

2/5 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 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 Release planning begins early in the process.

Agency Policy Design

3/15

1/5 Agency rules exist for all stages of identification, initiation, assessment, and decision-making.

1/5 Agency rules are consistent with and/or complement the statute, are up to date, and internally consistent.

1/5 Rules provide clear guidance to reviewers and decision-makers about steps to take and standards to apply.

Data Collection and Public Reporting

6/10

1/5 Agencies are obliged to gather, compile, and report release data to legislature.

5/5 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**



Overall Extra Credit

+5 Board of Pardons and Paroles representatives or members are available even on weekends and official holidays for “emergency” Medical Reprieve requests. FAMM knows of no other state that offers this much access.

* 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.

** Given that there may be a second ground for Medical Reprieve having to do with the need for medical care outside the prison, it is not clear whether the reported numbers cover reprieves under the statute or those to secure necessary medical care.

The Numbers

The Board of Pardons and Paroles published the following information about the number of Medical Reprieves:

2019 The Board granted 25 Medical Reprieves.

2020 The Board granted 41 Medical Reprieves.**

High and Low Marks

HIGH MARKS

- **Eligibility criteria:** The program is open to all incarcerated people no matter the nature of their conviction or sentence or time left to serve. Categorical exclusions can defeat the goals of compassionate release, but most states use them to some extent.
- The Board publicly reports **Medical Reprieve** data.

LOW MARKS

- **Overall, Medical Reprieve flunked.** While everyone is eligible, other eligibility criteria are narrow, rules are sparse and internally inconsistent, and FAMM could not locate guidance for reviewers and decision-makers about steps to take and standards to apply.
- FAMM found the terminal illness **eligibility criteria** unnecessarily and cruelly strict. A dying person must be both within 12 months of death and “entirely incapacitated” from a progressively debilitating terminal illness, requiring help with performing two or more daily life functions (such as eating, breathing, dressing, walking, etc.) or completely immobile. In addition, the person must have such limited physical or mental capacity that the person poses an extremely low risk of physical threat to others. That is one of the strictest standards for terminal illness in the nation.
- The program failed **agency policy design**. While the Department of Corrections assesses and decides which terminally ill individuals to refer to the Board, which makes the final decision, no guidance exists explaining how either agency accomplishes those jobs. There are also two different definitions of eligibility, leading to concerns about inconsistency. One is the statutory definition, discussed above. The other is found in a Department publication that says the Board may grant Medical Reprieve to individuals suffering from a condition for which treatment is only available outside the prison. The latter authority may explain the relatively large number of Medical Reprieves reported for 2019 and 2020.
- The Medical Reprieve program lacks **procedures**, and FAMM could not find standards governing the Board’s decision-making process.
- While **release planning support** may be available (and given how debilitated eligible people are, it should be), we could not locate any mention of it.

Parole Due to Disability or Advanced Age

Total Grade

20 /100

Letter Grade

F

Eligibility Criteria

20/30

5/10 Clearly set out with understandable and measurable standards.

5/10 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 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 Clinical and other staff can identify potentially eligible individuals and initiate the process.

0/5 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

0/10

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**

The Numbers

The Board of Pardons and Paroles does not publish statistics on individuals released on Parole Due to Disability or Advanced Age. In response to FAMM's request for information on the number of people paroled in 2019 and 2020, the Board responded that it had "no documents responsive to [the] request."

High and Low Marks

HIGH MARK

- FAMM gave Georgia Parole Due to Disability or Advanced Age partial credit for **eligibility criteria**. The Georgia Constitution provides that any incarcerated person age 65 or older is eligible. That criterion is both clear and generous. In addition, no one is excluded from eligibility due to the offense of conviction or type or length of sentence. On the minus side, Georgia law explains that the Board of Pardons and Paroles may grant parole to any aged or disabled person, and while that standard appears generous, no information exists on how the Board determines who is aged or who is disabled or how the Board carries out its authority to parole such individuals.

LOW MARK

- **Overall**, there is no information available about engaging the process, policies, procedures, release planning, right to counsel or appeals, or data gathering and reporting. No regulations or guidance exist explaining how to grant Parole Due to Disability or Advanced Age. The program **flunks** due to the utter lack of information about it, including whether it is ever used.