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The Use of Compassionate Release Policies for Elderly Offenders

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Abstract

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Dissertation Submitted in Partial Fulfillment

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Abstract

This research examined the use of compassionate release policy in response to the fastest-increasing segment of the prison population- elderly offenders. Though this policy is an approach to this problem, there was little available research regarding which correctional organizations in the United States adopt compassionate release and how it is used. The purpose of this nonexperimental comparative quantitative study was to examine the use of the policy in neighboring and distant state correctional systems relative to those organizations that used the policy more frequently to determine if the leader-laggard theory of policy diffusion was an effective policy-implementation framework. The research questions were structured to determine if there was a significant difference between the use of compassionate release policy in state and federal prisons and if there was a significantly higher concentration of policy use in states directly neighboring those where the policy was used more-frequently. Data were collected from 31 state and federal correctional agencies' publicly-available records regarding compassionate release policy use. Data were analyzed using a test of differences for the first research question and independent-samples *t*-tests for the second research question. The results suggested that there was significantly higher use of the policy by state correctional organizations compared to the federal prison system and that there were not significant differences in policy use between neighboring and distant states of high-use policy areas. Implications for positive social change include informing prisons about processes that may assist in reducing organizational costs and increase safety of elderly offenders, correctional workers, stakeholders, and community members/taxpayers.

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Chapter 1: Introduction to the Study

Introduction

The amount of elderly prisoners incarcerated within the United States has continued to increase over the past 40 years and there are multiple policy changes suggested by scholars to address this trend in prison population growth including segregation of older offenders in correctional institutions, increasing training among correctional staff in response to this population, and modifying compassionate release policies so as to increase their use among state and federal prison systems (Carson, 2014). Compassionate release programs have been used in several states to alleviate the financial and labor stress on the correctional systems, however in the federal system it remains a little-used policy (Beck, 1999; Ellis & Hurst, 2014).

The increase in the numbers of geriatric prisoners is a costly problem for state and federal correctional institutions in the United States and this creates budgetary challenges for the agencies and in turn, the taxpayers. More recently, steps have been taken to ease the burden on the criminal justice system at the federal level using presidential pardons and commutations, most notably for offenders with nonviolent offense histories. In the 8 years of his presidency, Barack Obama granted clemency and pardons to a total of 1,927 offenders, 603 of which were in his last 3 days of his presidential term and the majority of which were nonviolent drug offenders sentenced under mandatory-minimum sentencing guidelines (United States Department of Justice, 2017). With a new presidential cabinet at the beginning of 2017, it is uncertain if this trend will continue.

This chapter examines background information related to elderly offenders in correctional institutions in the United States, a statement of the problem, and the purpose of this study that will detail the basis for this research. The research questions and alternative hypotheses are stated, nature of the study, and outlined definitions of theoretical constructs and terms are listed. Lastly, the significance of the study and contribution to the field of research is considered while detailing the assumptions and limitations.

Background

In the federal prison system, offenders age 50 and older increased by 27% between fiscal year (FY) 2009 and FY 2014 compared to offenders age 49 and younger which decreased by 3% in the same time period (Office of the Inspector General, 2016). With such an increase in a specific segment of the prisoner population comes a unique set of challenges and corresponding costs to the state and federal institutions that house them because unlike aging individuals in the general population, offenders do not have access to health care services through Medicare, Medicaid, private insurance, retirement, disability, and Veterans Affairs benefits that their nonincarcerated counterparts do. It is estimated that the average prisoner in the United States over the age of 50 has a physiological age of ten to 15 years older due to stressors of incarceration and contributing factors of lifestyle choices prior to incarceration including substance use, nutrition, genetics, and criminal lifestyle dynamics (Kim & Peterson, 2014).

With increased age comes an increased need for medical care for chronic illnesses that are common across the aging population of the United States; however, the cost of

that care for prisoners is absorbed by the institutions in which they are housed at the state and federal levels. The United States Department of Justice estimated that the average cost of housing and caring for prisoners across all levels was $28,893 in FY 2011 compared to housing offenders at medical centers where intensive medical treatment was given at $58,962 in the same year, a cost more than double that of the average offender (United States Department of Justice, 2013). In California prisons, the average annual housing cost of a 30-year-old offender was approximately $21,000 while the housing cost for a 60-year-old offender was $69,000 (Rikard & Rosenberg, 2007).

There are multiple hypotheses for the increase in the elderly prison population in the United States of the past several decades including the trend of an increasing number of elderly people in the community, longer prison sentences, and people living longer than in previous years due to technological and medical advances. When examining this age group of offenders, it is helpful to examine the aging trends of the general public specifically about the Baby Boomer generation. United States Census data projects that 20.3% of the U.S. population will be age 65 and older by 2030 (Colby & Ortman, 2014). Similarly, it is projected that one-third of the U.S. prison population will be over the age of 55 by the year 2030 (Jang & Canada, 2014).

Policy implications related to unintended consequences of sentencing reforms passed in the U.S. in the 1980s and 1990s also account for a substantial portion of aging prisoners. Life imprisonment sentences given for third offenses, or three strikes sentencing, became popular in many states in the 1990s resulting in offenders spending the remainder of their natural lives incarcerated (Kovandzic, Sloan, & Vieraitis, 2004).

Truth in sentencing, where an offender is typically required to serve a minimum of 85% of his or her prison sentence without the possibility of good-time credit and early release accounts for an increase in prison sentence lengths and aging of the offenders serving the sentences (Harmon, 2013). Mandatory minimum sentencing, especially for those convicted of drug offenses, has been demonstrated to account not only for a large portion of the federal and state prison populations, but also for the aging offender population as is seen with three strikes and truth in sentencing reforms (Cassell & Luna, 2011).

Recent increases during President Obama's tenure of sentence pardons and commutations sought to specifically address offenders sentenced under mandatory minimum sentencing guidelines and a notable decrease in federal prisoners occurred as a result (United States Department of Justice, 2017). Also supporting the use of clemency is the theory of criminal desistance, which has been studied with late-adolescent-aged offenders and demonstrated that there is a sharp decrease in law-breaking behavior between this time period and the offenders as they age into their early twenties; similarly, such a sharp decrease in offending behavior is seen in offenders after the age of 55 years (Bushway, Thornberry, & Krohn, 2003). This research fills a gap in the current research as it aims to examine the use of compassionate release policy with older offenders regardless of offense type or commutation requirements.

In 2013, the U.S. Department of Justice Office of the Inspector General (OIG) released a report of their evaluation of the Federal Bureau of Prisons' (BOP) use of compassionate release policy. The OIG found that the policy was not implemented consistently nor was it managed appropriately as several guidelines were misinterpreted

by different BOP officials (United States Department of Justice, 2013). As a result, several policy parameters were revised by BOP in response to the OIG evaluation; however, the revisions resulted in the release of two additional federal prisoners (Office of the Inspector General, 2016). After this minimal increase was noted, OIG made further recommendations to BOP regarding expansion of inclusion criteria of offenders eligible for the compassionate release policy including lowering the age requirement from 65 to 50 years and eliminating the requirement of a minimum of ten years being served on a prison sentence as means to improve cost-savings and prison overcrowding (Office of the Inspector General, 2016). As of 2017, the OIG recommendations have not been implemented by BOP.

The unintended effects of sentencing laws resulted in longer prison sentences and aging offenders who were young when sentenced under these guidelines and have since aged into elderly prisoners resulting in an increase in older offenders in prisons in the United States. Though clemency has been used, this is discretionary to the governor or president at the time whether it is used and as such, was not a reliable policy to rely on to address elderly prisoners. Based on the literature reviewed, it appears that there was not consistent use of compassionate release policy among state or federal correctional systems and as a result, the use of the policy was not able to make a significant difference in the numbers of elderly offenders housed within them.

Problem Statement

The problem of the increased elderly prison population impacts the offenders, correctional staff, policymakers, and taxpayers for many reasons. This population tends

to have costlier medical care and increased risks of financial and physical victimization within prisons creating increased financial and labor burdens for the institutions in which they occur (Kerbs & Jolley, 2009). Likely causes of this population increase include sentencing reform acts and a lack of use of compassionate release programs for elderly offenders. This failure of policy implementation may be due to a lack of knowledge of the program, political influence, or for administrative reasons (Harmon, 2013). By studying the use of the policy in specific states and neighboring states, an effective policy-implementation framework can be utilized to promote increased use of compassionate release policy and the positive consequences of such policy use. Based upon the literature reviewed, there was a meaningful gap in determining if there were effective policy implementation theories that could result in or promote increased use of compassionate release policy to address the increasing number of elderly offenders housed in state and federal correctional institutions in the United States.

Purpose of the Study

The problem of the increased elderly prison population impacts the offenders themselves, correctional staff, policymakers, and taxpayers as this population tends to have costlier medical care that is absorbed by the institution and they have increased risks of financial and physical victimization within prisons, the latter of which creates increased financial and labor burdens for the institutions in which they occur (Kerbs & Jolley, 2009). The purpose of this study was to examine the use of compassionate release policy with elderly offenders in neighboring state correctional systems of those state and federal organizations that used the policy more frequently. Additionally, by

quantitatively studying the use of the policy in specific states and surrounding areas, an effective policy-implementation framework may be utilized to promote increased use of compassionate release policy and the consequences of such policy use with the dependent variable of the use of the policy and the independent variable the location of use.

Research Questions and Hypotheses

Research Question 1: Is there a significant statistical difference in the number of times state and federal prisons use compassionate release policy with elderly offenders?

Null Hypothesis 1 ($H1_0$): There will not be a statistically significant difference between state and federal use of compassionate release policy.

Research Question 2: Is there a statistically significant difference in the concentration of the use of compassionate release policy in directly-neighboring states of states where the policy is used compared to states that are located geographically further away?

Null Hypothesis 2 ($H2_0$): There will not be a statistically significant difference in the use of compassionate release policy based upon distance from high-use policy locations.

Definitions of Theoretical Constructs

The leader-laggard theory framework states that there are jurisdictional leaders in policy change processes and that if one area implements a policy, then others in the area may alter the policy for their specifications and do the same (Sabatier & Weible, 2014). Available research indicated that states where the policy has been implemented tend to be

located near other states where policy implementation followed (Beck, 1999; Gill, 2010). This was relevant to this study because public policy related to offender populations has been criticized for not being used effectively resulting in taxpayers, lawmakers, and community members paying financial, political, and safety-related consequences as a result (Beck, 1999; Ellis & Hurst, 2014).

The leader-laggard theory is drawn from the primary policy theory of policy diffusion and the secondary theory of policy feedback theory. Policy diffusion is where a policy is used in one area and policymakers in another location alter the policy for their stakeholders' needs and use these alterations as a means of learning from the policy implementation elsewhere, using it to facilitate change, many times due to political pressure or lobbyists/activists (Sabatier & Weible, 2014). The policy feedback theory studies the policy process in terms of the impact of policies on future policymaking with an emphasis on financial efficiency, which are key factors of the research questions (Sabatier & Weible, 2014). The leader-laggard theory builds upon this by specifying the policy diffusion to surrounding jurisdictions of areas where the policy is implemented. This is critical to this study because the research questions were specific to the theoretical framework questioning if the policies can "catch on" in neighboring areas where it was used more frequently with success. This theory was an effective framework for this quantitative study as both addressed information about numerical data related to policy use based upon the location of use and not qualitative aspects as the research questions of this research also were based.

Nature of the Study

A nonexperimental comparative quantitative design was used for this study as it was a logical approach for the research questions given that no manipulation of data took place by researcher and the variables of each research question were sought to be compared. The independent variable was the state or location where the policy was used while the dependent variable was the number of times the policy was used in the five-year period. Data was collected from publicly-available archives maintained by each organization that used the policy and was analyzed using IBM SPSS data analysis software.

Definitions of Terms

Clemency: a broad term related to leniency applied to people who have committed federal offenses utilized by the President granted by constitutional power (Office of the Pardon Attorney, 2017).

Commutation of a sentence: a reduction in a prison sentence in partial or totality but does not expunge the conviction of the offense from the offender's record but may include the release of the offender from restitution required to be paid because of the criminal conviction and sentence (Office of the Pardon Attorney, 2017).

Compassionate release policy: the process by which prisoners are released from state and federal correctional institutions based upon a set of criteria set forth by the overseeing housing agency due to extenuating circumstances including aging and health conditions that impact housing and remaining safely housed in the institution (United States Department of Justice, 2013).

Criminal desistance: the decreased rates of offending behavior as individuals age (Bushway, Thornberry, & Krohn, 2003).

Elderly offender: individuals convicted of state and federal crimes age 50 and over due to increased physiological age over chronological age due to criminal lifestyle factors (Kim & Peterson, 2014; Office of the Inspector General, 2016; Rikard & Rosenberg, 2007).

Federal offense: a crime committed in violation of any statute passed by the United States Congress (Carson, 2014).

Pardon of a sentence: a release from a prison sentence and re-establishment of civil rights including the right to vote, hold office, and in some cases, remove the basis for deportation from the United States in exchange for the offender taking responsibility for the crime and good conduct during and/or after incarceration; unlike commutation, the conviction can be removed from the offender's criminal record (Office of the Pardon Attorney, 2017).

State offense: an action in violation of that state's own criminal or public law passed by its legislative branch (Kim & Peterson, 2014). An offender can be convicted of both state and federal offenses and serve prison sentences in both levels of incarceration which can be done concurrently (at the same time) or consecutively (serve a federal sentence prior to serving a state sentence or vice versa) (Kim & Peterson, 2014).

Significance

This research sought to fill a gap in the current literature regarding compassionate release policies and the impact of such on the communities in which it is used. This gap

includes how compassionate release addresses financial, criminological, and public service policy needs. This area of interest lends itself to research-based solutions because it has the capability of exposing policy implementation deficits that can be addressed at the organizational level. It also allowed for organizations to learn from other similar organizations who have used the policy with success or who were using systems to which it may be beneficial. This research can empower various stakeholders, including elderly offenders, to understand and use the compassionate release policy and process despite uncertainty about the outcome.

The Impact of This Study for Social Change

This study has the possibility to implement social change by contributing to the field of research surrounding the prison populations in the United States in general and more specifically, the elderly prisoner population. This change impacts correctional organizations, community members, and offenders, former and current, nationally. This change is more likely to occur at a slow and gradual rate to stakeholders. The criminal justice and correctional systems in the United States are constantly evolving and many of these changes are based upon policies enacted by elected and appointed officials as well as those voted in by constituents.

Though prisoners are the primary focus of compassionate release policy, it cannot be overlooked that there are many workers who are responsible for these offenders' safety, security, and day-to-day living. As of February 2018, the Federal Bureau of Prisons employed 37,195 correctional workers (Federal Bureau of Prisons, 2018). As of April 2017, the Texas Department of Criminal Justice, a large system that includes

correctional, pretrial, and community supervision officers, employed 39,642 individuals (Texas Department of State Comptroller, 2017). These two agencies combined employed more than 75,000 workers, many of whom put their lives at risk daily by working in and with correctional institutions and prisoners. These workers, their friends, and family are community members, constituents, and stakeholders in policies that impact corrections, all of whom hold an interest in ways that prison populations can be addressed effectively.

Correctional workers do their jobs in environments where the safety and security of the institutions and the prisoners who are housed within them are a top priority. There are differing cultural approaches to offender management, but it is a consensus that these institutions need to be safe environments for all who are within its confines at any given time. By addressing research related to compassionate release policy with elderly offenders, a small, but growing, subset of the prison population is being addressed to provide more insight into strategies that may be used to implement further policy changes that can result in positive changes for the correctional agencies and those confined and employed "behind the fences."

Thought it may seem easy to view offenders in an us-versus-them viewpoint, many prisoners will be released back into their communities and, once again, assume the role of community members, constituents, and stakeholders, just like us. Though they may be labeled as "inmates," "prisoners," and "offenders," they are still human beings, who when reintegrated to the community, will be like other stakeholders and addressing these individuals prior to and after their release from incarceration in compassionate

ways, as the researched policy notes, may have positive effects on the former offenders and those around them.

Assumptions and Limitations

Assumptions of this research included the standardized and statistically-relevant collection and availability of data related to policy implementation by each state. Since secondary data was used, I assumed that the data published is done in an effective manner to be useful for research and writing purposes. Another assumption was that policy implementation would not be uniform across state and federal agencies. I assumed that causation could not be drawn from data garnered and statistical results of this research. Lastly, I assumed that compassionate release policy was implemented to address prison population, whether that population number was a crisis for the agency or not.

As a quantitative approach was used for this research, there were details regarding the use of compassionate release policy that could not be accounted for solely with numerical data. These details included changes to the political climate of the state that may have impacted the release of offenders from prison, opinions of stakeholders, including community members, that may or may not have favored policy implementation, and other policy implications impacting release of offenders such as clemency being enacted by political leaders and means to address prison overcrowding. This quantitative research did not have the capability of drawing conclusions about why the policy was or was not implemented nor could it answer complex questions about how the policy is implemented in the state or federal agency and how this may impact policy use.

Selection bias was minimized to mitigate its impact by selecting the organizations with highest compassionate release policy use based on the raw data and no other factor and randomly choosing distant states by the criteria that they were not directly adjacent to neighbor states. The results of this research may have the unintended effect, especially considering political belief systems, of giving the impression that this group is not deserving of policy change which may have to do with offense histories or how offenders are viewed in general. On the other side of the continuum, it may harm social services within the community by placing an increased burden on their strained systems while taking some of it off the prison systems; a simple transfer of responsibility from one social entity to another, which may place undue burden elsewhere in the community.

An additional limitation was that of obtaining secondary data from correctional systems as has been the case with the Bureau of Justice Statistics in obtaining simple offender information from these agencies in the past (Carson & Anderson, 2016). The use of compassionate release policy is specifically addressed rather than all clemency, commutation, and medical parole policies to narrow the field of study to a specific policy. Only offenders age 50 and above was included in the data collected. As the specific theoretical framework of the leader-laggard framework was the basis for the research, other theoretical constructs including desistance theory, prison privatization, and other financial frameworks were not investigated for the purposes of the research but are included in the literature review. The research may be able to be generalized to the specific age group and policy being investigated but is limited in further generalizability due to the narrow scope of the research.

Summary

Elderly offenders account for an increased portion of the prison population in the United States in both federal and state institutions resulting in higher fiscal and labor expenditures. When a specific group accounts for those expenditures, it demonstrates the need for policy changes to address the burden on institutions and taxpayers. With recent increases in presidential clemency initiatives by the Obama administration, the possibility of a new precedent was set forth but with changing administrations, this may not be the case in terms of federal clemency. The use of compassionate release policies by state and federal prison systems are suggested to be an effective means to reduce costs and prison overcrowding resulting from sentencing initiatives passed at state and federal levels over the past 30 years (Harmon, 2013; United States Department of Justice, 2013). By implementing the policy in one area of the United States, it has the possibility to set an example of policy implementation processes that can positively impact state and federal correctional budgets (Sabatier & Weible, 2014).

In Chapter 2, I focus on a literature review of existing resources and how gaps in said literature support this research study of compassionate release policy for elderly offenders to alleviate budgetary and staffing concerns in state and federal correctional institutions. I address the increase in elderly prisoners at state and federal levels over the past several decades and sentencing mandates that had the unintended consequence of this population increase that is now a concern for agencies overseeing corrections. Chapter 2 also outlines the cost differential between younger and older offenders. Additionally, the use of clemency and its cost effects are discussed.

Chapter 2: Literature Review

Introduction

With the ever-changing landscape of the prison population in the United States today, it is not viewed holistically without examining the growing trend of prisoners over the age of 50 and how that proportion of this population continues to grow. This is a problem because the elderly population, in general, require increased care for medical, mobility, safety, and cognitive issues, but when the elderly are housed in correctional institutions, the cost is absorbed by taxpayers rather than paid by the individuals.

There are many ways to address the increasing costs of housing this age group of offenders. Specifically, strategies include addressing the implementation of prison-population reduction and management including segregated prison housing, specialized programs, prisons specifically designed to address medical needs of older offenders, and sentence commutation (Chiu, 2010; Jang & Canada, 2014). During the previous presidential administration, President Obama implemented his power of presidential clemency to decrease prison populations within the federal prison system and in turn, provide cost savings to the agency (United States Department of Justice, 2017a). As elderly offenders are at an increased risk of health problems due to advanced age and institutionalization time, compassionate release initiatives are one way to specifically address prisoners in this group in terms of sentence commutation and as a result cost savings to the agencies utilizing the initiative.

The purpose of this study was to examine the rates of use of compassionate release policy with elderly offenders in neighboring state correctional systems of those

state and federal organizations that use the policy more frequently. It was hypothesized that if organizations demonstrated increased use of compassionate release policy with elderly offenders, neighboring organizations may follow that path resulting in effective policy implementation and changes that may have positive results for those agencies with respect to this subset of the prison population.

Multiple contributing factors have resulted in the current problem of increasing numbers of elderly prisoners in the United States including the aging of the Baby Boomer generation, collateral consequences of the Vietnam and Korean Wars resulting in substance use and mental health challenges, and sentence reforms that gained popularity in the U.S. judicial system in the 1980s including truth in sentencing, three strikes, and mandatory minimum sentencing (Reimer, 2008; Rikard & Rosenberg, 2007). I also examine the literature establishing a definition of *elderly offender* to provide context for this problem.

I will survey the Baby Boomer population in the United States in the context of the general population and corresponding prison populations to demonstrate that the problems that impact society are not limited to those not incarcerated. Sentence reforms including truth in sentencing, elimination of parole, three strikes laws, and mandatory minimum sentencing is investigated to support the rationale behind the increasing prison population in general in the United States over the past 40 years. A cost analysis of housing for elderly offenders versus younger prisoners is explained to support the financial aspect of the problem. Finally, the use of public policy to address burgeoning

prison populations, specifically clemency and compassionate release policy, is further examined to address this challenge of the U.S. criminal justice system.

Literature Search Strategy

For the literature cited in this literature review, databases used via Walden Library included Academic Search Complete, Criminal Justice Database, LexisNexis Academic, MEDLINE with Full Text, Political Science Complete, ProQuest Central, PsycARTICLES, and SAGE Journals. Additionally, the Federal Bureau of Prisons website was searched for information pertaining to compassionate release policy. If specific articles were cited in publications, Google Scholar was used to find the specific article for additional reference.

Search terms used included *aging inmate*, *aging prisoner*, *aging offender*, *baby boomer*, *clemency*, *commutation*, *compassionate release*, *compassionate release policy*, *elderly inmate*, *elderly offender*, *elderly prisoner*, *geriatric inmate*, *geriatric offender*, *geriatric prisoner*, *health care corrections, Leader-laggard model, mandatory minimum sentencing*, *pardon*, *policy feedback theory, policy + feedback, policy diffusion, prison health care*, *prison overcrowding, sentence reform, sentencing reform, structured living + prison, three strikes sentencing,* and *truth in sentencing*. Originally, the searches were limited to after 2010, however, due to limited search results, the search was expanded to the year 1990 and later; the searches were expanded further to 1960 when cited sources in policy research indicated studies had originated during this time period and current literature still cited these sources. All databases were limited to peer-reviewed sources. Current events surrounding clemency granted by former President Obama prompted

documented sources of this information to include updated political statistics given the relevance to the topic. Books used in Walden University doctoral classes regarding research, policy evaluation, and the dissertation process were used to support theoretical foundation and research material. I found only one dissertation that focused on the specific topic of compassionate release policy and this was addressed by expanding the length of time of the search for research to 1980 with no additional results. This single dissertation was used as reference, though the focus was on the policy in the state of California thus generalization to the United States was not advisable.

Elderly Population in Prisons in the United States

Elderly individuals in the United States are not a new concern for policymakers, health care workers, financial institutions, family members, or friends of these people. However, in recent years, life expectancy has continued to increase with technological advances, medical interventions, and more research in the areas of aging and gerontology (Colby & Ortman, 2014; Kempker, 2003). In the general population of the United States (U.S.), projections based on 2010 United States Census data, estimate that the number of residents age 65 and older will comprise more than 20% of the U.S. population (Colby & Ortman, 2014). This is an increase of over 40% from 2010 where individuals age 65 and over made up 13% of the U.S. population and an even greater increase from 1970 when 9.8% of Americans were in this age group (Colby & Ortman, 2014). It is estimated that the number of elderly people incarcerated in the U.S. will be over 400,000 by the year 2030, an increase of 4,400% over a 50-year period (De Giorgi, 2016).

Though the population of the United States is not always mirrored in the state and federal prison systems in terms of ethnicity and gender, the age trend of older prisoners comprising an increased portion of the incarcerated population is reflected, possibly to a further degree in that prisoners aged 50 an above are the fastest-growing age cohort in American correctional institutions (Carson, 2014). Not only have the amounts and proportions of prisoners in this age cohort in prisons and jails increased in the past several decades, but what is considered *elderly* in the context of offenders has been updated. In terms of U.S. Census data, elderly individuals age 65 and over are considered of advanced age and this differs in the prison population (Colby & Ortman, 2014; Kim & Peterson, 2014). Prisoners are more likely to have been engaged in factors that can accelerate the aging process that are associated with a criminal lifestyle including substance use, lacking nutrition, minimal medical intervention, increased stress levels, and inadequate sleep (Rikard & Rosenberg, 2007).

When offenders who have histories of these contributing factors are incarcerated, these aging influences do not necessarily evaporate as correctional institution environments tend to be high-stress due to risks of violence, learning new ways of living in an institutional manner, nutrition, and health care services that may not be the same as they would be on a small-scale basis in the community (Kim & Peterson, 2014; Reimer, 2008). For these reasons, older offenders have been proposed to have a physiological age of approximately 10 years older than their chronological age (Kim & Peterson, 2014; Office of the Inspector General, 2016; Rikard & Rosenberg, 2007). This means that a

prisoner who is 45 years old may be, physiologically, like an unincarcerated individual who is 55 years old.

Chiu (2010) suggested an age of 50 years for aging prisoners due to exacerbated health factors associated with incarceration. For these reasons, *elderly offender* in the context of this research is defined as a prisoner who is aged 50 years and older. Due to the varying state and federal statutes, it is suggested that a uniform definition of elderly offender be established to eliminate confusion and standardized policy development (Aging Inmate Committee, 2012; Jang & Canada, 2014; Kim & Peterson, 2014; Kratcoski, 2016).

Baby Boomers

The Baby Boom in the United States that coincided with World War II was defined as the years 1946 through 1964 in which there was a sharp increase in births in the United States (Colby & Ortman, 2014). The year 1946 saw the sharpest birth rate increase in United States Census data history of just under 20% and though this large increase did not continue, the U.S. birth rates remained relatively steady until the mid-1960s (Colby & Ortman, 2014). At the beginning of the Baby Boom, the cohort consisted of approximately 2.4 million people and by the end of 1964, this group was comprised of just under 72.5 million individuals (Colby & Ortman, 2014).

This trend is not unique to the United States as it is estimated that the elderly population in the European Union will increase 77% between 2010 and 2050 (Kratcoski, 2016). As this group continues to age, there is attrition due to death and the individuals born at the beginning of the Baby Boom continuing to advance in age driving the

distribution of American residents upwards chronologically. As time goes on, aging continues, death occurs, and these individuals will no longer be living, and a smaller percentage of the population will comprise the rates of elderly individuals in the general and prison populations.

Sentencing Reforms

Policy implications impacting the increase in the elderly prison population became popular in American sentencing reforms borne of the slogan "tough on crime" in the late-1980s and early-1990s, specifically in implementing sentence reforms such as truth in sentencing, three strikes sentencing reform, and mandatory minimum sentencing (Reimer, 2008). This was further supported by an article by Martinson in 1974 titled, "Nothing Works" which stated that rehabilitation did not have a positive impact in prison settings or after incarceration and these programs lost favor with voters and policymakers alike (Orrick & Vieraitis, 2015). These sentencing reform statutes resulted in an overall increase in prison populations across state and federal jurisdictions, ethnicities, offenses, and age groups (Harmon, 2013). It is a collateral consequence of this that if all age groups have increased rates of incarceration that each age group will progress through the aging process resulting in a cycle of offenders going in and out of all levels of correctional institutions in the country.

Sentencing reforms are determined by local, state, and federal legislation thus they have strong political influences and as elected officials have an occupational obligation to address the safety of their constituents and the crime rates in their areas, it is understandable that there has been little change in the context of sentence reforms in

recent years (Kempker, 2003). As noted earlier, there were multiple collateral consequences resulting from sentence reform that were likely unintended by the lawmakers who passed the reforms. Prison overcrowding is an issue that has received considerable attention in the past 15 years when the longitudinal results of sentence reform became more evident and this issue has been addressed by lawmakers, political officials, and voters in California in recent years (Specter, 2010).

By the early 2000s, California prisons were housing anywhere from 125 to 200% of their capacity for offenders compared to what their correctional institutions were built to house resulting in limited medical and mental health care services, safety concerns for offenders and staff, and several state and federal lawsuits filed by prisoners (Specter, 2010). Beginning in 1976, the enacting of the Determinate Sentencing Act (DSA) in California started the trend of crime bills being passed by legislators in the state and between 1984 and 1991, over 1,000 crime bills were passed in the state resulting in an increase in prisoners housed in the state from approximately 20,000 at the time of DSA to over 173,000 by 2007 (Muradyan, 2008). Though California is a drastic example, it demonstrates the effects of laws passed with minimal insight into the future consequences to the organizations that pass them.

Three Strikes Sentencing. This term was given to sentencing reform policy where an offender is sentenced to life imprisonment after being convicted of a third qualifying offense (Kempker, 2003). This law was first introduced in California in 1994 and was passed under the assumption that an offender who had committed a qualifying offense (drug, violent, or property) was a danger to society and required

institutionalization to guarantee the safety of the community (Reimer, 2008). Not unexpectedly, the prison populations in California increased substantially after this law was passed and this trend was mirrored in other states where the sentencing process was implemented (Auerhahn, 2002; Kempker, 2003).

Due to such a steep increase in prison populations and overcrowding, several state and federal lawsuits were filed, and California Governor Arnold Schwarzenegger declared state prison overcrowding a state of emergency resulting is substantial risk to staff and offenders housed in these institutions (Specter, 2010). Additionally, a U.S. Supreme Court ruling in the case of Brown v. Plata found that prison overcrowding amounted to cruel and unusual punishment, a violation of the Eighth Amendment of the U.S. Constitution (De Giorgi, 2016). Thus, Proposition 47 was passed in California in 2012 that resulted in many felony charges being revised to misdemeanors and many prisoners sentenced under three strikes laws were released and 7,700 fewer prisoners housed in the California Department of Correction and Rehabilitation within the first 9 months of implementation of the new legislation (Orrick & Vieraitis, 2015).

The logic behind three strikes sentencing was not supported in the years after its implementation neither were statistics and crime data effectively used to pass the legislation. Crime rates, including violent crimes and drug crimes, reached a peak in the early 1990s, stabilized for a short time, and then gradually decreased by the first decade of the 2000s (Karadzic, Sloan, & Vieraitis, 2004). It was hypothesized that with the use of three strikes sentencing, crime rates would decrease resulting in safer communities for citizens, but Kovandzic, Sloan, and Vieraitis (2004) indicated that homicide rates,

specifically, increased for those offenders who knew they would be convicted of a crime under the legislation.

Mandatory Minimum Sentencing. This term refers to the process where offenders are required to serve a minimum number of years of a prison sentence before they are eligible for parole or release (Kempker, 2003). Mandatory minimum sentencing provisions were passed by Congress, largely in response to increasing federal drug crimes in the 1980s (Gross, 2008). An example of mandatory minimum sentencing is the five-year minimum prison sentence required for the federal offense of possession of crack cocaine, which was recently eliminated as part of the Fair Sentencing Act of 2010 (Cassell & Luna, 2011).

However, mandatory minimum sentencing did not originate in the 1980s, but was first introduced in the United States by Congress in 1951 with the Boggs Act, which was the early beginnings of the War on Drugs with mandatory minimum sentencing for federal drug crimes (Cassell & Luna, 2011; Kempker, 2003). Fifteen years later, President Nixon suggested that tough-on-crime sentencing reforms were not the only approach to crime in the United States and Congress eliminated several provisions of the Boggs Act only to restore them under new legislatures in the 1980s and 1990s (Cassell & Luna, 2011). However, mandatory minimum sentencing was not limited to drug crimes, but was also applied to violent crimes, sex crimes, and property crimes. One criticism of mandatory minimum sentencing is that it did not provide a guideline for sentencing for judges and it allows the sentencing to be guided by the legislative and executive branches of government rather than the judicial branch (Cassell & Luna, 2011).

Truth in Sentencing. This term refers to a collection of sentencing reform terms that generally serve to abolish or curtail the use of parole so that offenders serve their entire, or at least the minimum time, of their prison sentences (Harmon, 2013). Truth in sentencing is related to mandatory minimum and three strikes sentencing as it can be required to be implemented so that offenders sentenced under the latter two guidelines are required to serve an outlined time of incarceration before good time and credit for days can be considered (Wolff & De Muniz, 2009). An example of this is if an offender is sentenced to a 5 to 10-year prison sentence but may be released after 3 years due to good behavior or credit for other time served, truth in sentencing would require that he or she serve the outlined prison term of at least 5 years before he or she would be released.

Many voters and policymakers voiced concern in the 1960s and 1970s that sentencing was too criminal-centered and arbitrary, and offenders were not serving substantial portions of the prison time which they were sentenced (Ditton & Wilson, 1999). In 1984, Washington state first enacted truth in sentencing reforms that required offenders to serve at substantial portion of their prison sentence before parole or release eligibility (Ditton & Wilson, 1999; Harmon, 2013). By 2000, 28 states and the District of Columbia implemented the federal requirement of offenders serving at least 85% of their sentence before parole/release eligibility; four states had requirements of 50%; three states required that offenders serve the minimum sentence; and six states had other requirements ranging from 66% to 100% required time served before parole/release eligibility (Ditton & Wilson, 1999). As a result, 16 states and the federal prison system have abolished discretionary parole (Harmon, 2013).

Ditton and Wilson (1999) estimated that violent offenders sentenced prior to truth in sentencing would serve approximately 50% of their sentence compared to 85% after the enactment of the legislation, translating to an estimated 15-month increase in the length of prison sentences. With more offenders serving longer prison sentences, as with mandatory minimum and three strikes sentencing, the number of prisoners incarcerated naturally increases as does the number of offenders serving longer sentences resulting in an increase of older prisoners.

Health and Mortality of Elderly Offenders

The accelerated physiological age of prisoners has multiple consequences related to health and mortality. Chavez (2016) noted that elderly offenders are more likely to have chronic medical conditions such as diabetes, hypertension, and liver disorders and are 90% more likely to experience a heart attack than nonincarcerated individuals of the same age. Further, mortality rates of offenders who had served a minimum of 10 years in prison was three times that of offenders who had served less than 5 years of incarceration (Mumola, 2007).

Cost of Housing Elderly and Younger Prisoners

The financial impact of housing aging prisoners is a key political and policy-based consideration as the cost of prisoner care is a key budgetary concern for correctional agencies and the political systems that oversee them. As with the general population, as offenders age, they are at increased risks of health conditions that require medical care, the cost of which is absorbed by the correctional agency as prisoners are not eligible for health insurance, Medicare, or veteran health benefits while incarcerated

(Kim & Peterson, 2014). Morton (2005) and the Aging Inmate Committee (2012) outlined the difference in cost between housing elderly and younger offenders and determined that it cost more than three times annually to house the latter group, $69,000 versus $22,000 annually for elderly and young offenders, respectively. When this is combined with the truth in sentencing reforms described previously and offenders being required to serve an estimated 15 months more of a prison sentence, this results in an approximate cost increase of $86,250 for an elderly offender (Aging Inmate Committee, 2012; Ditton & Wilson, 1999; Morton, 2005).

It is noted that medical and mental health treatment bear most the cost differential between the two age groups (Morton, 2005). Since many elderly offenders are serving life sentences in prison, a large portion of those prisoners are housed in high- and maximum-security institutions which require increased staffing as well as medical care. In the California Department of Corrections and Rehabilitation (CDCR), it is estimated that elderly offenders in high-security institutions cost between $100,00 and $150,000 each annually to house (Krisberg, 2016).

Orrick and Vieraitis (2015) reported that state authorities absorb an annual cost of $50 billion to house all state offenders with more financial resources needed to continue to house and care for offenders sentenced to life imprisonment. This study indicated that if the 50,494 offenders in Texas eligible for sentence reductions were retained in correctional institutions for the remainder of their prison sentences rather than released, it would cost the state just over $7 billion for the duration (Orrick & Vieraitis, 2015). De Giorgi (2016) put the cost of incarceration in the United States in perspective by pointing

out that the average annual cost of housing an offender in 2012 was $31,200, approximately three times the average annual tuition cost of a public four-year university.

Approaches to Address Elderly Prison Population Increase

There have been many suggestions and policy proposals in recent years to address the growing population of elderly offenders in American correctional institutions and the resulting financial, training, staffing, and legal costs. There are multiple ways in which this offender population can be addressed while they are still incarcerated including age segregation within correctional institutions so as to address unique needs associated with aging prisoners; structured living programs that also address the unique health, mobility, psychological, and offender-specific needs of the population; and prison hospice programs to attend to the needs of offenders who are in the last stages of life as a result of age and/or terminal illness and will not likely be leaving incarceration prior to death.

Possible approaches to address the aging prison population in terms of releasing offenders from incarceration include clemency and compassionate release policy. Clemency refers to a process in which the President of the United States (for federal offenses) or Governor of the state (for state offenses) may enact leniency or forbearance on an offender and his or her sentence that can result in a prison sentence ending early or ending immediately as allowed by constitutional power (Office of the Pardon Attorney, 2017). Compassionate release refers to offenders being released upon meeting specific criteria set forth by the state or federal government to which the offender is applying for the policy implementation where the offender is no longer housed within a correctional

institution setting, but he or she may remain under correctional supervision in the community post-release (United States Department of Justice, 2013).

Age Segregation, Structured Living, and Prison Hospice Programs

Kerbs and Jolley (2009) recommended segregating older and younger offenders from one another in correctional institution settings to more effectively implement health care services for individuals with chronic health conditions more likely to affect older individuals including diabetes, high blood pressure, high cholesterol, and long-term effects of unhealthy decisions related to substance use that are common among all ages of offenders. Additionally, elderly offenders are more likely to have mobility issues that result in the use of canes, walkers, and wheelchairs and the need for handicap-accessible housing units that comply with legislation outlined by the Americans with Disabilities Act (ADA) (Kerbs & Jolley, 2009).

Though the structural needs of an institution are of concern with elderly offenders, the risk of victimization of this age group is a factor that influences prison staffing, safety, and security policies. It is hypothesized that elderly offenders are at an increased risk of physical and financial victimization by other offenders while incarcerated due to mobility concerns, physical frailty, and financial resources that many older prisoners have due to retirement, pension, and other monetary resources intended to assist them regardless of incarceration status (Kerbs & Jolley, 2009; Kim & Peterson, 2014).

At a convention of 29 experts in the fields of policy, corrections, and health care, nine areas of need in reference to elderly offenders were outlined for correctional

management staff including proper training of correctional staff, the definition of elderly prisoner, identification and assessment of dementia symptoms, correctional housing specific to the needs of geriatric offenders, the concept of functional impairment and its correctional environment context, prison-specific hospice care, compassionate release policy, the distinctive needs of elderly female offenders, and age-specific issues experienced by those offenders releasing from incarceration (Williams, Stern, Mellow, Safer, & Greifinger, 2012).

Though these nine areas summarize distinct areas of concern with this population, because each area is different, it increases the likelihood of being approached in piecemeal by different correctional and executive staff members from each perspective in terms of policy adherence, medical concerns, psychological assistance, structural issues, and safety and security matters (Williams, Stern, Mellow, Safer, & Greifinger, 2012).

There was a specific program cited that was designed to address these nine concerns with offenders age 55 and over at a state prison in Nevada. This program, titled the Senior Structured Living Program (SSLP), allowed offenders in this age group to live in a housing unit that complies with ADA guidelines and prisoners participated in mobility-specific physical fitness activities, psychological care as a staff psychologist was assigned to this program, offender-specific treatment (substance abuse, violent offenses, sex offender treatment, etc.), and diversion therapy activities (Kopera-Frye et al., 2013). This program was started to address the increasing age make-up of the general offender population within the Nevada Department of Corrections and was housed within the institution of the department's regional medical facility so that follow-up with

medical diagnoses and concerns could be addressed in a more-timely manner (Kopera-Frye et al., 2013).

Due to the age of the offenders housed within the SSLP and prisons in the United States, many aging offenders are veterans and this program worked with social workers who assisted in bridging the gap between incarceration and medical and mental health care services with the local Veterans Affairs hospital as this has been shown to be a specific need of elderly offenders, especially those who have served in the Vietnam War (Kopera-Frye et al., 2013; Noonan & Mumola, 2007).

Clemency

Clemency is a general term used to describe the process of leniency given to an offender for his or her prison sentence that is granted federally by the President of the United States or by the governor at the state level and can mean the sentence is completely forgiven and all civil rights are restored (pardon) or a conditional release where the offender is required to complete some task or act prior to his or her release such as a substance abuse treatment program (commutation) (Office of the Pardon Attorney, 2017).

State Use of Clemency. Prisoners sentenced to life imprisonment without the possibility of parole are left with few options to leave incarceration regardless of the sentence structure or offense that preceded their prison stay. Executive clemency is one way to address the increasing rates of offenders with these sentences in state prisons; in states where the governor is not involved in the process, a pardon or parole board is responsible for granting clemency (Gill, 2010). Much like President Obama used

executive clemency to address prison overcrowding and sentencing discrepancies for nonviolent offenders, several governors have used their pardon power in the past 25 years to do the same, specifically in Arkansas, Maryland, Michigan, Ohio, and Virginia (Gill, 2010). Between 2007 and 2010, former Michigan Governor Jennifer Granholm granted commutations and pardons to 124 offenders, giving special attention to those who were aging, ill, and convicted of nonviolent offenses and her transparency as to why she chose or chose not to grant pardon/commutation requests created an open dialogue with community members, especially about public safety concerns (Gill, 2010).

Federal Use of Clemency. In April 2014, a clemency initiative was announced by the United States Department of Justice for offenders serving federal prison sentences that were imparted under much stricter laws, especially those in relation to nonviolent drug offenses in the 1980s and 1990s, as a means to convey that the justice system is intended to be fair, but that some previous sentencing guidelines did not align with the severity of the crimes committed (United States Department of Justice, 2017a). As a result, the number of petitions for clemency increased dramatically with the majority of the commutations granted in the last month of President Barack Obama's term for a total of 1,715 commutations and 212 pardons granted during his 96 months in office (United States Department of Justice, 2017b). This was an effective way to decrease the prison populations at the federal level, especially in response to sentence reforms that had resulted in steep increases in the federal prison population.

Compassionate Release Policy

Compassionate release policies, much like clemency, can encompass a broad spectrum of requirements that may include terminal illness, advanced age, incapacitation, and having served a minimum portion of an offender's prison sentence for an applicant to qualify for it (Demyan, 2013; Ellis & Hurst, 2014). This policy has been proposed as one approach to address the increasing elderly prisoner population in terms of cost savings to state and federal correction agencies as the over-50 age group takes up more budgetary resources of correctional institutions, primarily due to medical costs (Gill, 2010; Rikard & Rosenberg, 2007).

Depending on the agency through which the offender is navigating the process of the policy, he or she may be required to meet age requirements, be faced with offense-specific criteria (for example, nonviolent offense history), may be evaluated for factors that may be viewed as decreasing public safety risks (mobility issues, financial stability, etc.), as well as facing bureaucratic roadblocks and negative public attitudes that may impact the process including prison wardens rejecting applications and/or parole board hearings that may have political interests that impact the decisions made about his or her application (Demyan, 2013; Maschi, Kalmanofsky, Westcott, & Pappacena, 2015; United States Department of Justice, 2013).

Compassionate release is suggested to address the elderly prison population, especially as a cost-saving measure in response to high medical costs, even though it addresses a small portion of the overall prison population. In Demyan's (2013) evaluation of the use of the policy in California, she found that only 0.07% of California

offenders were granted compassionate release, a number unlikely to make a difference, significant or otherwise, even considering California's overburdened and overpopulated correctional and rehabilitation system.

State Use of Policy. In response to the increasing prison populations within state systems, many have sought options to address these financial and criminal justice issues. In Wisconsin, the Legislature passed 2009 Wisconsin Act 28 to address the burgeoning correctional populations and the resulting state budget deficit. Prior to bipartisan opposition of the act after the 2010 election, only eight offenders were released under the revised compassionate release statutes of the act, five of whom died within six months of release and the remaining three had no record of re-offending (Murphy, 2012). After the act was substantially revised in 2011, it became more difficult for offenders to qualify for compassionate release. Murphy (2012) proposed that political and bureaucratic fears impacted the agency that was responsible for granting compassionate release, created to be a separate entity from the parole board, as they were not empowered by legislative members or community stakeholders. The brief period of the use of the policy in Wisconsin did not allow for a demonstration of the effectiveness of the policy, or lack thereof, due to the use of it with only eight prisoners (Murphy, 2012).

In 1992, the New York State legislature passed the Medical Parole Law, the basis for the state's compassionate release law that was passed six years later, specifically for terminally-ill prisoners to address the increasing number of aging prisoners and those with human immunodeficiency virus (HIV) as New York had the highest rate of the virus in state prison populations at the time (Beck, 1999). The process for medical parole in

New York in 1992 was extensive- a physician's determination that the prisoner had a terminal illness from which he or she would not recover and how he or she was incapacitated; this diagnosis then was sent to the commissioner of the New York Department of Correction Services who determined if the applicant was so incapacitated that he or she would present no danger to society if released; if the commissioner verified that the applicant met the criteria, the final decision would then be turned over to the New York State Board of Parole where the process included verifying that the applicant had not been convicted of attempted or completed murder, first-degree manslaughter, or any sexual offense (Beck, 1999).

The first full year the program was in effect, 404 prisoners applied for medical parole of which 35 were approved by the Board of Parole and 107 of which died during the application process (Beck, 1999). Meaning that 8.6% of applicants were granted release while 26.4% died in prison while seeking the process. By 1998, the number of applicants dropped to 89 with 13 being granted medical parole and 42 dying in prison during the application process, a proportional increase in paroles to 14.6% and deaths to 47.2% (Beck, 1999).

The rates of medical parole being granted, especially in comparison to the numbers of applicants who died during the process may indicate eligibility criteria that were overly restrictive and/or difficult to determine. Beck (1999) pointed out that a key factor in the process is the need to determine that there is minimal, if any, risk to the public if these offenders were to be released from prison, though the life expectancy of one year or less required to be verified to determine this did not appear to be reasonable

given the lengthy process of commissioner and parole review. It was recommended that if the life expectancy was to remain the same, the review process be re-evaluated, though it was pointed out that many times a terminal illness is not determined until less than one year of life remains leading to the need for a completely revised system to promote the humanitarian, cost-effective purposes for which it was originally intended (Beck, 1999).

A review of all 50 states, Washington, D.C., and the Federal prison system indicated that 48 have compassionate or geriatric release laws in place with 14 of these jurisdictions having laws that specifically cite age with or without disability that justify release (Maschi, Kalmanofsky, Westcott, & Pappacena, 2015). Of these 14 jurisdictions, the age requirement ranges from no specification, age 45 and older if the offender has served at least 20 years of a 30-plus year sentences, to 65-plus (Maschi, Kalmanofsky, Westcott, & Pappacena, 2015).

This indicated the need for consistency as some states specify "advanced" age but do not specifically outline a number or range leading to confusion on who may apply for compassionate release as well as to whom it may be granted. Only four states- Alaska, Georgia, Rhode Island, and Washington- consider the cost of treating and housing an offender as the propagating legal language determining release whereas 15 states require that the applicant be no threat to the public upon release (Maschi, Kalmanofsky, Westcott, & Pappacena, 2015). The state regulations are not consistent thus comparisons can be difficult among national researchers.

Federal Use of Policy. The Federal Bureau of Prisons (BOP) has cited medical costs associated with treating offenders incarcerated as one of the biggest contributing

factors to the increased budgetary burden of the agency in recent years (19% in fiscal year 2013) which has been attributed, in large part, to the steep increase in elderly prisoners housed within the agency's custody in recent years (Office of the Inspector General, 2016). After the United States Department of Justice Office of the Inspector General (OIG) released results of an inquiry made into the implementation of compassionate release policy by the BOP in 2013 and it was determined that the policy was not used in a way that would make significant population or financial modifications, there was a slight increase in the use of the policy in the 13 months that followed the release of the inquiry (Office of the Inspector General, 2016). It was recommended that if the BOP were to release 5% of their elderly offenders housed in minimum- and low-security institutions, the agency could save the agency $21 million per year in incarceration costs and additional $7 million per year if the same percentage of elderly offenders (defined as age 50 and older) were released from the agency's prison medical centers (Office of the Inspector General, 2016).

Recommendations were made as part of the OIG Inquiry in 2013, though few were adopted in ways that would make a reasonable impact in the 2 years that followed. The BOP policy outlining the use of compassionate release policy was revised and 83 offenders were granted compassionate release, though without the few adopted revisions, there were over 4,000 offenders over the age of 65 incarcerated, less than half of whom qualified to apply for the policy (Office of the Inspector General, 2016). Many may cite concern about recidivism with offenders granted release under this policy as a basis for its minimal use, however, it was found that prisoners released per compassionate release

had a re-offense rate of 3.5% compared to the general recidivism rate for federal prisoners of 41% (Office of the Inspector General, 2016).

OIG inquiry. Due to overcrowding in federal prisons leading to threats of safety and security of these correctional institutions and increases in medical costs to treat offenders, the Office of the Inspector General (OIG) conducted an evaluation of the BOP's implementation of the compassionate release program from 2006 to 2011 to determine if it was a cost-effective means to address both issues and published the findings in 2013 (Office of the Inspector General, 2016).

The overall findings of the program use were not positive nor cost-effective in addressing the agency's budgetary constraints or population increases. It was determined that the program guidelines in place did not have specific time standards for completion of each step of the application and approval/denial process, offenders were not informed of the availability of the process in an effective or uniform way among different institutions, the standards for when compassionate release was warranted were not clear, and there was not a tracking system in place for the review process, the timeliness of the process, or notifying offenders of the process (United States Department of Justice, 2013).

The OIG recommendations included that the minimum age for compassionate release from BOP be lowered to age 50 to align with research regarding aging in prison and eliminating the 10-year minimum required time served to include those offenders serving shorter prison sentences resulting in a seven-fold increase in eligible offenders (United States Department of Justice, 2013). This statistic remains valid as the BOP

prison population age 65 and older accounted for 2.6% population whereas offenders age 50 and older accounted for 18.7% of the overall population as of August 2017 (Federal Bureau of Prisons, 2017a).

After the results of the OIG Inquiry were released, BOP revised the Program Statement, or policy, outlining the criteria and process for compassionate release policy. Updated Program Statement 5050.49 indicates the only change made from the previous revision of the policy 2 years prior in 2013 was, "The BOP Medical Director will develop and issue medical criteria to help evaluate the inmate's suitability for consideration under this RIS [reduction in sentence] criteria" (United States Department of Justice, Federal Bureau of Prisons, 2015, pg. 4). There were no changes made to the age requirement as it remained age 65 and served a 10-year minimum prison sentence or 75% of original sentence served if the offender does not have a qualifying medical condition; if the offender does have a qualifying medical condition, the age requirement remained age 65, having served at least 50% of prison sentence, and "experiencing a deteriorating mental or physical health that substantially diminishes their ability to function in a correctional facility" (United States Department of Justice, Federal Bureau of Prisons, 2015, pg. 4).

There has been an overall decrease in the BOP prison population since 2014 from 214,149 to 185,530 prisoners due to multiple sentence reduction methods, changes in sentencing structures, and release methods including clemency (Federal Bureau of Prisons, 2017). It is uncertain if, under a new federal administration, this trend will continue.

Strengths and Limitations of Existing Policies

Current policies in federal and state prison systems do not appear to have a consistent age threshold for determining appropriateness for application and/or administration as evidenced by cited literature and recommendations of Be the Evidence International (Maschi, Kalmanofsky, Wescott, & Pappacena, 2015). The implementation process of the policies was also found to be inconsistent across jurisdictions resulting in minimal use of the policies due to the applicant being required to go through several steps and officials in the procedure, the length of time that it may require to go through every step, and the subjectivity of medical requirements for the policy among jurisdiction in terms of what "debilitating," "deteriorating," and "disabling" means as has been cited in the policy language.

Compassionate release policy is demonstrated to reduce prison populations that have increased over the past 35 years. When compassionate release policy is used to release offenders with debilitating medical conditions that are costly to treat, it can serve as a cost-saving measure for the departments regulating the institutions (Chiu, 2010). It has also been cited that utilizing such a policy specifically with elderly offenders can have minimal impact on community safety as offenders in older age groups have been shown to have lower recidivism rates than younger offenders overall (Aging Inmate Committee, 2012).

The research available on specific state use of compassionate release policy is limited as the policy is not consistent among states, political influence changes between municipalities in addition to stakeholder interests, and acceptable approaches to

addressing prison population statistics is unpredictable from one locale to the next in the United States. The strengths of the overall research indicate that most states and the federal prison systems have policies in place to address compassionate release with many of these policies being revised over the past 20 years (Maschi, Kalmanofsky, Wescott, & Pappacena, 2015). Concern for community well-being is addressed in all policy implementation processes addressed and many jurisdictions require that offenders released under compassionate release policies still be monitored by community supervision officials (parole or probation officers, typically) as safety of citizens is, in theory, a primary interest of elected politicians (Maschi, Kalmanofsky, Wescott, & Pappacena, 2015).

Theoretical Foundation

The leader-laggard model framework assumes that for a policy to diffuse from one area, state, country, or jurisdiction to another that one agency is a leader in the process and is willing to take risks to implement a policy while the other agency is a laggard in that the policy is implemented there once some benefit has been demonstrated to be gained from the original implementation (Sabatier & Weible, 2014). An agency may modify the policy to fit the needs of the population served by the agency and this is a further use of leader-laggard theory (Sabatier & Weible, 2014). This theory is commonly used to study education policies when one higher education institution uses a policy with success and neighboring higher education institutions adopt the policy for use in hopes of similar achievements with it (Orkodashvili, 2011). This theory can be utilized to explore the use of compassionate release policy with elderly offenders by determining if it is an

effective policy implementation strategy in response to the growing proportion of prisoners over the age of 50 in state and federal prisons. Similar to how the theoretical basis is used to study and implement educational policies, it may be possible to generalize the use of it to correctional policies in response to prison overcrowding and a population that may be costlier to house.

The leader-laggard model was first cited in research in 1969 as a branch of *diffusion theory* where improvements in many areas are communicated to others via systemic transmission (Sabatier & Weible, 2014). This can mean word-of-mouth, journals and publications, published successes, and in recent times, social media. Within the notion of diffusion, there are multiple facets that may have different consequences to those organizations where it is used. For instance, *horizontal diffusion* operates when there is lateral transfer of policy to similar organizations facing the same challenges which is commonly used in similar cities within a region (Fay & Wenger, 2016; Orkodashvili, 2008). This can result in more motivation among agencies to improve, however, horizontal diffusion can also result in increased competition between agencies (Orkodashvili, 2008). This model is commonly used in smoking-regulation policies and laws; if one city implements a law that citizens cannot smoke cigarettes within a certain distance of a building, neighboring cities are likely to follow suit and implement similar, if not identical, laws (Fay & Wenger, 2016). Orkodashvili (2011) cited the leader-laggard model as a horizontal diffusion model as it was more likely to be used among jurisdictions with similar circumstances and challenges.

Unlike horizontal diffusion, the *vertical influence model* is a top-down model for policy implementation when a government typically implements new policies that spread gradually, typically first implemented in state government and spread nationally or vice versa (Orkodashvili, 2008). This form of policy diffusion allows more resources to be introduced by an administration which can decrease motivation of stakeholders and create a proverbial hierarchy of power in terms of policy implementation (Orkodashvili, 2011). This type of policy diffusion took place with same-sex marriage where many states did not implement the law, but national case law determined that the states needed to implement the law or be in violation of federal regulations (Orkodashvili, 2011).

The leader-laggard model is further exploration of the concepts of *policy regionalism* first cited by Foster in 1978. This idea is that of policy diffusion within a certain region, however, with the added notion that when the policy spreads from one area to another within the same region, it strengthens the political power of said region (Foster, 1978). This can be commonly seen in larger regions and states, especially California and Texas. This type of policy diffusion can increase financial responsibilities and strengthen economies within the region, but, like horizontal diffusion, can result in strengthened competition between regions with the possibility of competition within the country (Foster, 1978).

On the other end of the spectrum is *organizational diffusion* where policies proliferate from one organization to another regardless of success rates among the organizations (Orkodashvili, 2011). This is unlike the leader-laggard model because there is neither a laggard nor a leader among the agencies, though this type of policy

diffusion can foster competition between the organizations where one or both strive to be the leader over the laggard in terms of policy implementation.

Policy feedback theory includes alterations to policies to tailor them to the stakeholders as well as the needs of those whom the policy is serving, in this case, taxpayers, correctional institutions, and elderly offenders (Fay & Wenger, 2016). Policy feedback is a further utilization of responses and criticism to policies implemented to gain the most benefit from the policy while having it serve the specific needs of all stakeholders which can result in political strengthening and fiscal savings (Sabatier & Weible, 2014). There was no research found where the leader-laggard or policy diffusion models were used to study compassionate release policy indicating a gap in the literature. This has the capacity to contribute to future research not only in policy implementation but also compassionate release policy, specifically.

This theory was appropriate for the study as the hypotheses attempted to determine if policies implemented for the purposes of maintaining fiscal responsibility in terms of prison overcrowding and costs of caring for and housing elderly offenders were applied more consistently in a cluster within the same regions as well as among regions in the United States. As noted previously with use of the leader-laggard theory in educational policies, it is possible that correctional institutions may alter policies for the benefit of the stakeholders if success is seen in neighboring organizations' use of the same policy. The use of the policy has the possibility of decreasing prison population numbers of elderly prisoners which can impact correctional workers, prisoner safety, use

of medical care within correctional institutions, and ultimately, impact financial situations of the institutions housing these offenders.

Implications of Past Research on Present Research

With available research conducted on state and federal use of compassionate release policy, it is evident that there are inconsistencies in use among the jurisdictions cited. It was hypothesized that, consistent with policy diffusion theory, if one state used the policy with success, neighboring states would follow in using the policy. Included in the use of the policy were the criteria required for policy implementation including age threshold, medical certifications, sentence conditions such as length and type of crime, and steps and officials required for the application process by the offender. With the use, or lack thereof, of the policy among states, it was hypothesized that if success, typically determined in terms of population decline and financial savings, was gained with policy use in one state, it was more likely to be used in neighboring states. If a policy was not determined to be beneficial to stakeholders, it was less likely to be used, likewise, if it is process-intensive, it may impede applicants utilizing it.

Summary

There was inconsistent use of state and federal policy cited in this literature. Specifically, in terms of age threshold, policy implementation process, and policy use among states and federal penal systems (Maschi, Kalmanofsky, Westcott, & Pappacena, 2015). The use of the policy has not been demonstrated to be consistent, increasing and decreasing, throughout years implementation was studied with increased use of clemency with elderly offenders in Michigan, but low rates of compassionate release policy

implementation in New York, Wisconsin, and the Federal Bureau of Prisons (Beck, 1999; Gill, 2010; Murphy, 2012; Office of the Inspector General, 2016). It did not appear that policy use, in state or federal jurisdictions, has made a substantial population or financial impact to correctional institutions or departments. It appeared that when a policy was used by political leaders, it could be implemented at higher rates than if a lengthy application process was required by the offender (Beck, 1999; Gill, 2010; Office of the Inspector General, 2016). Consistency in policy implementation may have the effect of increased policy use in multiple jurisdictions (Maschi, Kalmanofsky, Westcott, & Pappacena, 2015).

The problem of aging prisoners was a consistent concern among state and federal prison systems that cost agencies, and in turn taxpayers, millions of dollars each year. Elderly offenders have also been shown to have lower recidivism rates than younger prisoners upon release from incarceration (Aging Inmate Committee, 2012). Addressing this problem with this specific age group may result in cost savings to these agencies. It was uncertain if one state's use of the policy could serve as a springboard for surrounding agencies to use such a policy to address increasing prison populations and budgetary concerns. By doing so, this study aimed to fill a gap in the available research about compassionate release policy in determining if increased use of it in one location resulted in similar policy use in neighboring states utilizing quantitative comparative analysis. In Chapter 3, I examine methodology, sample, data accessed and utilized, and analysis that I used to conduct this study.

Chapter 3: Research Method

Introduction

This chapter outlines the design of the study, the population, the sampling method including a description of the archival data retrieval process, data analysis plan, threats to validity, and ethical considerations. The study's design provides a summary of reasoning supporting the use of the quantitative analysis. I also present a description of the population and sample. In my data analysis plan, I include rationale for the use of the chosen statistical analyses.

Purpose of the Study

The purpose of this quantitative study was to investigate the use of compassionate release policy in states based upon the use of the same policies in neighboring areas to determine if policy feedback theory is an effective outline to facilitate implementation of this policy with elderly offenders. Though compassionate release policies have been researched in the past, there is a gap in the literature regarding the policy implementation approach to it being used in specific areas of the United States. Additionally, there was a gap in the literature regarding the cost savings associated with the use of the policy as the bulk of the research focuses on the cost to house elderly offenders.

Research Design and Rationale

A nonexperimental comparative quantitative design was used for this study as it was a logical approach for the research questions. In the context of this research, it was not possible to manipulate components of policy, political involvement of stakeholders, institutional policies, or policy implementation on the part of an organization or the

individuals involved as this was unlikely and could be unethical (Simon, 2011). A quantitative approach was rational opposed to qualitative or mixed methods as the data sources were numerical secondary data that interviews, and survey data were not likely to garner to effectively address the research questions (O'Sullivan, Rassel, & Berner, 2008; Walden University, 2010). Based on the dependent and independent variables of the research questions, comparative analysis was the most appropriate approach to investigate differences in policy use based on location of the data to be gathered (Simon, 2011). The independent variables of the study were the states where the policy was used. The dependent variables of the research were the number of times the policy was implemented. There was no known covariate examined.

The most prominent time constraint associated with the research design was the availability of data as it can take extended periods of time to collect data associated with the research questions and some was dated several years. It was my intent to use data available from the most recent 5-year period available for the purposes of this study. A possible resource constraint, again, was related to availability of data as some agencies did not readily track and/or publish data related to compassionate release policy within the agency.

A quantitative analysis aligned with advancing knowledge in this field as comparisons of use between federal and state agencies could provide a basis for change that other agencies may use to compare to the use of the policy within their means to determine if change is warranted with policy use. In terms of use in a political or

stakeholder arenas, concise figures can be used to support or debilitate policy change or legislation, which is more effectively achieved with a quantitative study.

Population

The target population for this research consisted of states where offenders age 50 and older have been released from incarceration in state and federal correctional institutions due to compassionate release being granted by the appropriate entities of the agency. As the theoretical foundation focuses on the states using the policy and the use of policy "catching on" in surrounding locations, the locations were a central focus of the samples studied. Additionally, the age of the offenders released were of importance in evaluating the data from each agency. It was planned that six centrally-located states' data would be analyzed as well as a minimum of three neighboring states' data for a minimum total of 24 states and the federal prison system use of compassionate release policy with elderly offenders for the purposes of this research.

Sampling

As there was a finite number of state and federal prison systems that use compassionate release policy, there was a countable number of sampling units (Frankfort-Nachmias & Nachmias, 2008). Previous research from The Be the Evidence Project noted the states, as of 2015, that had public record available for data related to compassionate release policy in each state, the federal prison system, and Washington, D.C. (see Table 1, Maschi, Kalmanofsky, Westcott, & Pappacena, 2015, p. 9). From Table 1, a complete sampling frame list was available, though all 52 agencies and states listed were not used.

Table 1

States with Compassionate Release Policies in the United States

State	Compassionate Release Policy	State	Compassionate Release Policy
Alabama	Yes	Nebraska	Yes
Alaska	Yes	Nevada	Yes
Arizona	Yes	New Hampshire	Yes
Arkansas	Yes	New Jersey	Yes
California	Yes	New Mexico	Yes
Colorado	Yes	New York	Yes
Connecticut	Yes	North Carolina	Yes
Delaware	Yes	North Dakota	Yes
Florida	Yes	Ohio	Yes
Georgia	Yes	Oklahoma	Yes
Hawaii	Yes	Oregon	Yes
Idaho	Yes	Pennsylvania	Yes
Illinois	No	Rhode Island	Yes
Indiana	Yes	South Carolina	Yes
Iowa	Precedent	South Dakota	No
Kansas	Yes	Tennessee	Yes
Kentucky	Yes	Texas	Yes
Louisiana	Yes	Utah	No
Maine	Precedent	Vermont	Yes
Maryland	Yes	Virginia	Yes
Massachusetts	No	Washington	Yes
Michigan	Yes	West Virginia	Yes
Minnesota	Yes	Wisconsin	Yes
Mississippi	Yes	Wyoming	Yes
Missouri	Yes	Federal	Yes
Montana	Yes	Washington, D.C.	Yes

From *An analysis of United States compassionate and geriatric release laws: Towards a rights-based response for diverse elders and their families and communities* by Maschi, Kalmanofsky, Westcott, & Pappacena, 2015, Be the Evidence Press, Fordham University, p. 9.

Despite this, data was garnered from each available state or agency to facilitate sampling. The states that did not have compassionate release procedures in place were excluded from the sampling as there was no data to be garnered on offenders utilizing the policy if it does not exist in the state. Inclusion in the sampling included all states that implemented compassionate release procedures with elderly offenders and provided data for the research.

A probability sample design was used, specifically, a stratified sample. Prior to determining the rates of use of compassionate release policy, all agencies utilizing the policy had an equal probability of being chosen. Once this information was determined, a stratified sample design was used to guarantee that different groups were represented in the sample, specifically states where the policy was used most and states where the policy was used less frequently (Frankfort-Nachmias & Nachmias, 2008).

For the purposes of this quantitative research study, an alpha level of .05 was used for a confidence interval of 95% as this was noted to be standard practice in psychological and social science quantitative analysis (Burkholder, n.d.). Likewise, according to Burkholder (n.d.), an accepted statistical power value of .80 and a moderate effect size of .50 was used as information from references did not provide specific effect sizes and this was the typical acceptable value for the research being conducted. Utilizing this information into Cochran's Formula for determining proportion of population to determine sample size in the formula $[Z^2 (p (1\text{-}p))/\alpha^2]$ with a 95% confidence interval, .05 alpha level, a *Z*-score of 1.96, and an effect size of .5 $[(1.96^2 \text{ x } .25)/.0025]$ provided a sample size (n_0) of 385. However, this size was much larger than

the known population of 46. Thus, a Cochran's correction was done for the known population to determine population sample, $n_1 = n_0/[1+[(n_0-1)/N)]]$ with data input as $n_1 = (385)/[1+(384/46)] = 41.18$; when rounded to whole numbers, this indicated a minimum sample size of 42 for reasonable effect size, alpha level, and confidence interval (Israel, n.d. & Pennsylvania State University, 2018).

Archival Data Retrieval

Data retrieval processes for this research entailed seeking publicly-available data regarding policy use in each state selected for the research. Typically, this information was found on prison websites, through state statisticians, and through published legislative data. Additionally, resources garnered from previously-retrieved data in the same field by Maschi, et al. (2015) was utilized to assist with data retrieval. If public data from the state was not available, the state was eliminated from the data set to limit the time constraint of requesting data from each state source to expedite the research process. Permissions were not required for most publicly available data; thus, none was intended to be used; however, some states required that a Freedom of Information Act (FOIA) Request be submitted by the researcher for data to be provided. All data was accessed through published online archives and figures and requesting such data from statisticians if not able to be readily retrieved online. The reputability of the data is sourced from the agencies which published and disseminated them indicating a certain level of accountability to the agency, the employees, and statisticians who gather, calculate, and present the data.

Operationalization of Variables

The independent variables of the study were the states where the policy was used and was defined by state name and location in relation to which state it directly neighbors. The dependent variables of the research were the number of times the policy was implemented and were described in terms of times used over the five-year period from which data was garnered. These were the most appropriate variables as the change in the dependent variable (number of times policy was used) was intended to be explained by the independent variable (location of policy use) (Frankfort-Nachmias & Nachmias, 2008). The dependent variable was calculated in terms of raw use of the policy. For example, if State A had granted compassionate release to elderly offenders three times in Year One, five times in Year Two, and four times in Year Three, those numbers were combined in data analysis for State A for Years One, Two, and Three for a total of twelve. There was no covariate examined within the context of the research questions and hypotheses.

Data Analysis Plan

As a nonexperimental comparative quantitative design was conducted for both research questions and respective hypotheses, *IBM SPSS Statistics* statistical analysis program was utilized to input the data and conduct statistical analyses of variables. Data was screened in that a state was not used if the policy was not available for use. If a state did not use the policy for a five-year time period, but had provisions for implementation, that did not eliminate it from the data set as that still provided useful information

regarding policy use or lack thereof. The research questions and hypotheses were as follows:

Research Question 1: Is there a significant difference in the number of times state and federal agencies use compassionate release policy with elderly offenders?

Null Hypothesis 1 ($H1_0$): There will not be a statistically significant difference between state and federal use of compassionate release policy.

Research Question 2: Is there a statistically significant difference in the concentration of the use of compassionate release policy in directly-neighboring states of states where the policy is used compared to states that are located geographically further away?

Null Hypothesis 2 ($H2_0$): There will not be a statistically significant difference in the use of compassionate release policy based upon distance from high-use policy locations.

The differences between two populations was explored for Research Question 1 and a simple statistical test of differences (*Z*-score)was conducted (Frankfort-Nachmias & Nachmias, 2008). Since differences between two categorical independent groups (state vs. federal prison systems; neighboring states and those located further away from a chosen centrally-located state) in terms of one continuously-measured dependent variable (number of times policy was used) utilizing independence of observations/measurements, an *independent samples t-test* was used for Research Question 2 given the null hypothesis and variables present (Frankfort-Nachmias & Nachmias, 2008; Laerd Statistics, 2015). Results were interpreted based upon the significant level (*p*) of the *t*-test performed on the

difference between mean use of policy of neighboring and distant states of the centrally-located state for each state analyzed (Laerd Statistics, 2015).

Threats to Validity

Threats to validity were minimized by utilizing a nonexperimental quantitative research design. Data transformation was not necessary as is commonly used in qualitative data analysis thus minimizing threats to construct validity (Creswell, 2009; Frankfort-Nachmias & Nachmias, 2008). A possible threat to external validity was that of generalizability to locations throughout the United States based on data obtained from a specific location which was addressed by examining several different states located in multiple regions of the United States. Another possible threat to external validity was specificity of variables which could occur with available data on clemency and compassionate release policy, especially if ages of offenders who have been granted release under the policies was not specified (Frankfort-Nachmias & Nachmias, 2008). This was addressed by seeking data specifically related to policy use and the age of the offender as has been outlined in operationalization of variables previously. As no experiments were being conducted, there was no threat to test reactivity, multiple-treatment interference, or test-retest that needed to be addressed.

Because archival, publicly-available data was used, there were possible threats to internal validity in terms of data availability. Data was only available for specific years from certain agencies and some of these years did not align with other agencies' data availability. This was addressed in that only data in the past 15 years was collected from each agency. Another threat to internal validity was other policy implementation and

prison population factors that could not be controlled for by the author of this research including funding changes, policy implementation processes, and rates of elderly offenders incarcerated and applying for the policy. Though it could not be controlled for in this research, if available, information regarding policy change timelines and population statistics would be disclosed if it appeared it had factored into the data collected.

Construct validity in terms of this research refers to whether the data gathered measured what it intended to measure, in this case the number of times compassionate release policy was used in a specified location, and also if the theoretical framework applied to the data, in this case the leader-laggard design of policy diffusion theory, was an accurate basis for the conclusions I posited based on the research (Frankfort-Nachmias & Nachmias, 2008). It is possible that there were other underlying factors that may have impacted the results of the research besides the leader-laggard framework and I did not draw definite causal inferences about the research but use them as a basis for future research and policy implementation data for stakeholders.

Ethical Procedures

I obtained approval from Walden University Institutional Review Board (IRB) prior to collecting any data for the purposes of this research (Walden University, 2015). As only secondary, publicly-available data was obtained, this process did not require participation agreements from agencies that have published data (Walden University, n.d.). For the purposes of this research, the only demographic information that was garnered were the age of offender and state where compassionate release was granted,

thus no identifying information was necessary. Regardless, all data obtained was stored electronically in a data storage cloud under password-protected means only accessible by me to be kept for 5 years after collection. Printed data obtained was kept in a locked safe, which only I have access, to be kept for 5 years after collection. I have no control over data availability by other agencies.

Research was not conducted within my place of employment or during work hours, though data was obtained from the umbrella agency for which I was employed at the time of data collection. However, I did not hold interest or a position that was directly impacted by the policy being investigated nor the results of the research. No incentives were used during the data collection process.

Summary

A nonexperimental quantitative study was conducted to examine the use of compassionate release policy with elderly offenders in state and federal correctional systems that implemented the policy in the United States using the basis of the leader-laggard model of policy diffusion theory (Sabatier & Weible, 2014). Only publicly-available, anonymous archival data was used to minimize ethical impacts of the research. All IRB processes were followed and obtained prior to data collection. In Chapter 4, I examine data collection, data analysis, and results of the study.

Chapter 4: Results

Introduction

The purpose of this study was to examine the variables that may impact the use of compassionate release policy with elderly offenders in neighboring state correctional systems of those state and federal organizations that use the policy more frequently. Specifically, Research Question 1 asked: Is there a significant statistical difference in the number of times state and federal prisons use compassionate release policy with elderly offenders? I hypothesized that state correctional institutions would demonstrate significantly higher use of the policy with elderly offenders over the federal prison system due to the published research. Research Question 2 inquired: Is there a statistically significant difference in the concentration of the use of compassionate release policy in directly-neighboring states of states where the policy is used compared to states that are located geographically further away? Based on the leader-laggard theory, I hypothesized that states directly neighboring those that used the policy frequently would have higher use of the policy than those states located further away. In this chapter, I discuss the data collection process and response rates. Then, I address the potential limitations of the data collection. Finally, I present the results of the data analysis utilizing SPSS software and summarize the results.

Data Collection

The data collection process consisted of seeking publicly-available data from state and federal correctional institutions regarding the number of times compassionate release/medical furlough/medical parole (dependent on the specific policy used in the

selected state) was granted in the most recent five-year period available, typically the years 2013, 2014, 2015, 2016, and 2017. No demographic or identifying information was requested from any data source as that information was not pertinent to this study. I collected data over a four-month period from May 2018 through August 2018. Some research was available online directly from the correctional institutions or parole/probation offices. Some research was acquired by contacting various agency research and planning divisions. Many agencies responded directly with the requested raw data. Several agencies required FOIA requests to be submitted including Alabama, Arizona, Delaware, Michigan, Minnesota, Missouri, New Mexico, Ohio, and the Federal Bureau of Prisons, even if no data was tracked or available.

Limitations of Data Collection

The most abundant limitation of the data collection process was that of the time that agencies took to respond to data requests. Some agencies (see Figure 1, Table 2) did not track the specific data requested and some did not respond to multiple requests for data (see Figure 1, Table 2). The California Department of Correction and Rehabilitation (CDCR) had a time-intensive, multi-step process that requires the researcher to first obtain approval from the California Committee for the Protection of Human Subjects (CPHS), that which only meets quarterly, in order to facilitate the request. Additionally, two more requests for clarifying data were requested by the agency that required information (letter from university Chief Information Officer) regarding data protection in a brief time frame that would not allow me to provide such data to the source. As a

result, data from the state of California was not able to be obtained as of this writing and is considered a data collection limitation for the purposes of this research.

Table 2

Data Obtained for Agencies Utilizing Compassionate Release Policy in Last Five Years

State or Agency	Five-Year Total Policy Use
Alaska	11
Arkansas	19
Colorado	16
Connecticut	7
Federal Bureau of Prisons	312
Florida	62
Georgia	178
Hawaii	10
Idaho	13
Kansas	7
Kentucky	10
Louisiana	53
Maryland	171
Mississippi	28
Missouri	22
Nevada	2
New Hampshire	32
New Jersey	3
New Mexico	1
New York	28
North Carolina	40
Oregon	1
Pennsylvania	12
Rhode Island	4
South Carolina	12
Tennessee	3
Texas	100
Virginia	50
Washington	7
West Virginia	2
Wisconsin	24

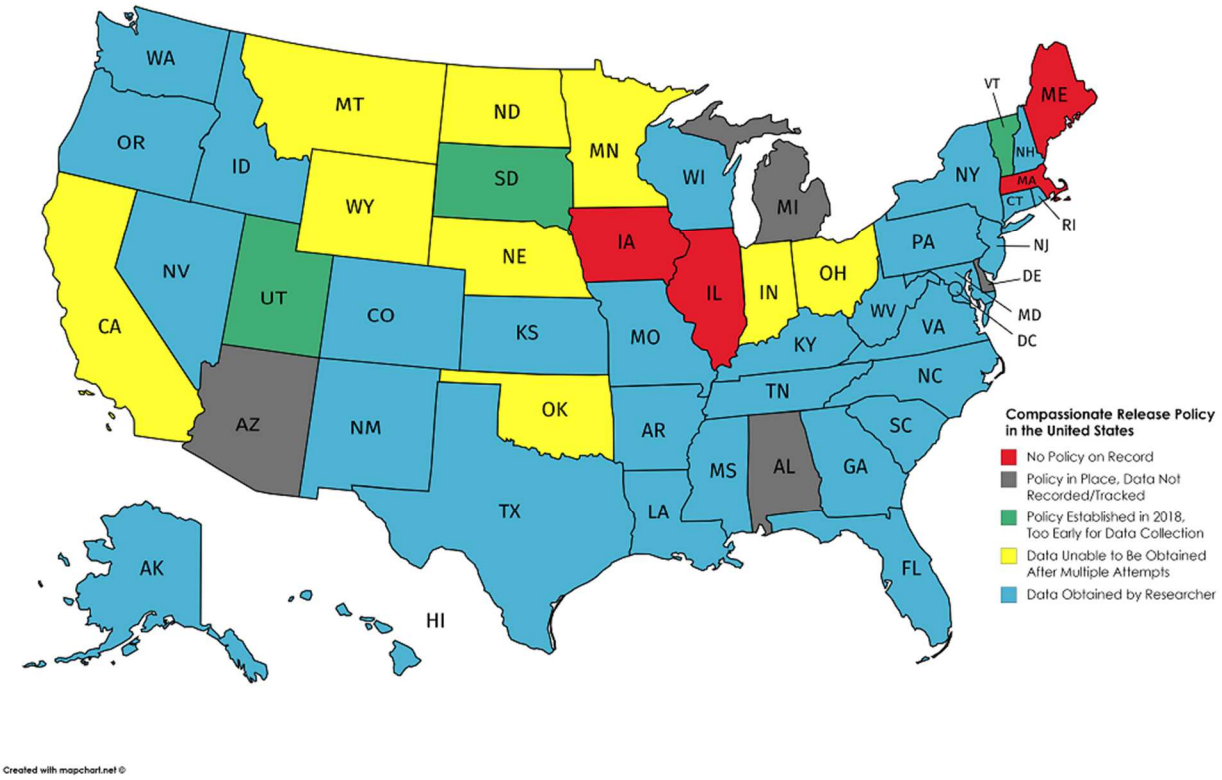

Figure 1. Compassionate release policy data collection.

In total, 47 agencies were contacted for data regarding compassionate release policy statistics. After reviewing the available research from 2015, I sought legislative information to determine if any policy implementation changes had occurred since Maschi, Kalmanofsky, Westcott, and Pappacena published their data that year (2015). There were three states, South Dakota (July 1, 2018), Utah (May 1, 2018), and Vermont (July 1, 2018), that had implemented Compassionate Release policy during the time of the data collection process, thus data was unable to be garnered from these agencies as there was not 5 years' worth of data available (South Dakota State Legislature, 2018; Utah Office of Administrative Rules, 2015; Vermont Legislature, 2018).

Four states that I contacted for data responded that data regarding medical parole/compassionate release was not tracked, thus data from these states (Alabama, Arizona, Delaware, and Michigan) was not obtained. Eight states (Indiana, Minnesota, Montana, Nebraska, North Dakota, Ohio, Oklahoma, and Wyoming) did not respond to multiple requests for data and as such, no data for these states was included in the data analysis. One agency, Alabama Department of Corrections, required a minimal payment of $25 to process the FOIA request; after I obtained approval from Walden University IRB to submit payment, it was submitted and several weeks later, I received a letter indicating that Alabama did not track the requested data.

In total, data was obtained for 31 organizations. Though it was cited in Chapter 3 that a minimum sample size of 42 would be adequate for an alpha level of .05, a medium effect size of .5, and a 95% confidence interval for reasonable effect size, alpha level, and confidence interval, after accounting for agencies that had policies too-recently-

established for published data, agencies that did not have the policy yet implemented or any policy at all, and agencies that did not track this data, the total available population size was determined to be 41 agencies (Israel, n.d. & Pennsylvania State University, 2018).

A Cochran's correction was done for the newly-determined population size ($[Z^2 (p (1-p))/\alpha^2]$ with a 95% confidence interval, .05 alpha level, a *Z*-score of 1.96, and an effect size of .5 $[(1.96^2 \times .25)/.0025]$, sample size ($n_0$) of 385, $n_1 = n_0/[1+[(n_0-1)/N]$ with data input as $n_1 = (385)/[1+(384/41)] = 37.14$; when rounded to whole numbers, this indicated a sample size of 37 for reasonable effect size, alpha level, and confidence interval (Israel, n.d. & Pennsylvania State University, 2018). If the effect size was increased to a large effect size of .8 rather than .5, using $[Z^2 (p (1-p))/\alpha^2]$ with a 95% confidence interval, .05 alpha level, a *Z*-score of 1.96, the equation $[(1.96^2 \times .16)/.0025]$ provided a sample size (n_0) of 245. Utilizing Cochran's correction of $n_1 = n_0/[1+[(n_0-1)/N]$ with increased power data input as $n_1 = (245)/[1+(244/41)] = 35.25$, rounded to 35 imparted minimal change to the desired sample size and one that would still not meet the obtained sample size of 31, thus this was not imparted and the revised desired sample size of 37 was retained. Because only approximately 84% of the sample size was met, external validity and generalizability is decreased for the overall research and it is best viewed as the power and confidence are not as robust as if the sample population would have been larger.

Results

For Research Question 1, a simple statistical test of differences was conducted to determine if there was a difference between federal and state use of compassionate release policy (Frankfort-Nachmias & Nachmias, 2008). The results of the equation utilizing raw use of the policy, $z = [(928 – 312)\sqrt{(928 + 312)}]$ resulted in a *z*-score of 17.49 where 928 was state use of the policy and 312 was federal use of it. When an alpha level of .05 is a z-score of 1.96, it appeared that the state use of the policy was significantly higher than that of the federal prison system. However, it is noted that there are significant population differences from which policy use could be drawn. According to the most recent published data from the Federal Bureau of Prisons and Bureau of Justice Statistics, at year's end 2016, there were 192,170 offenders incarcerated under federal jurisdiction and 1,506,757 offenders incarcerated under state jurisdiction (Federal Bureau of Prisons, n.d. & Carson, 2018). As clear, consistent data was not able to be garnered for population numbers, a proportional difference was not conducted for the purposes of this research.

After the statistical analysis, the conclusion of Research Question 1: Is there a significant statistical difference in the number of times state and federal prisons use compassionate release policy with elderly offenders? was that there was a significant statistical difference in the use of the policy between the two overall agencies. Null Hypothesis 1 stated: There will not be a statistically significant difference between state and federal use of compassionate release policy. It was expected that states would demonstrate significantly higher use of the policy with elderly offenders over the federal

prison system. Based on the statistical analysis of this research, the hypothesis failed to be rejected as the state correctional agencies had a significantly higher use of compassionate release policy than the Federal Bureau of Prisons for the most recent 5 years of data availability.

For Research Question 2, an independent-samples *t*-test was run to determine if there were differences in use of compassionate release policy between states neighboring those where the policy was used more frequently compared to states located further away from those same states. The six states with the most-frequent use of compassionate release policy were used for analysis of this question based upon the data garnered and presented (Table 2). The states that were utilized for *neighboring states* and those located *further away* were determined utilizing the data map (see Figure 1) and the states with available data that were directly neighboring the state being analyzed were used. The states used for the locations further away for analysis purposes were taken from the data map (see Figure 1) of those states not directly neighboring the state being analyzed and located in each direction (north, south, east, and west) from the state being analyzed.

All information regarding data locations is presented visually in Figure 2 (Georgia), Figure 3 (Maryland), Figure 4 (Texas), Figure 5 (Florida), Figure 6 (Louisiana), and Figure 7 (Virginia). The statistical data is presented in Table 3 as the same statistical analysis (independent-samples *t*-test) was completed on the six states where the policy was used most frequently in the previous 5 years. These states were, in order of decreasing policy use frequency, Georgia, Maryland, Texas, Florida, Louisiana, and Virginia.

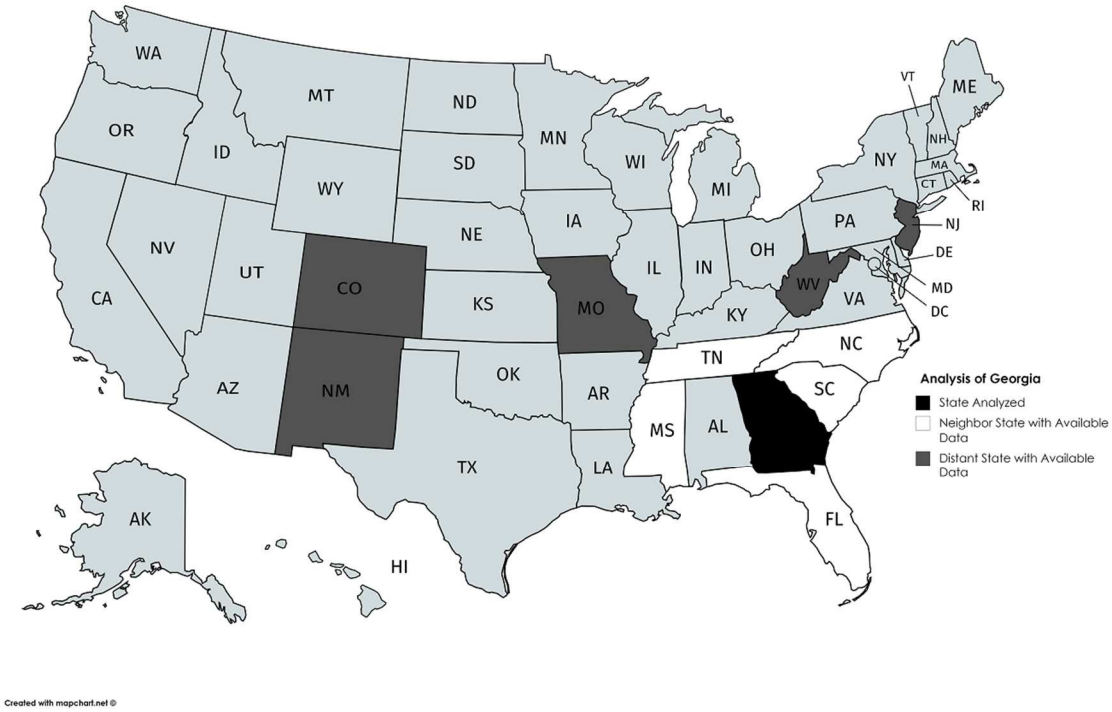

Figure 2. Data analysis of Georgia.

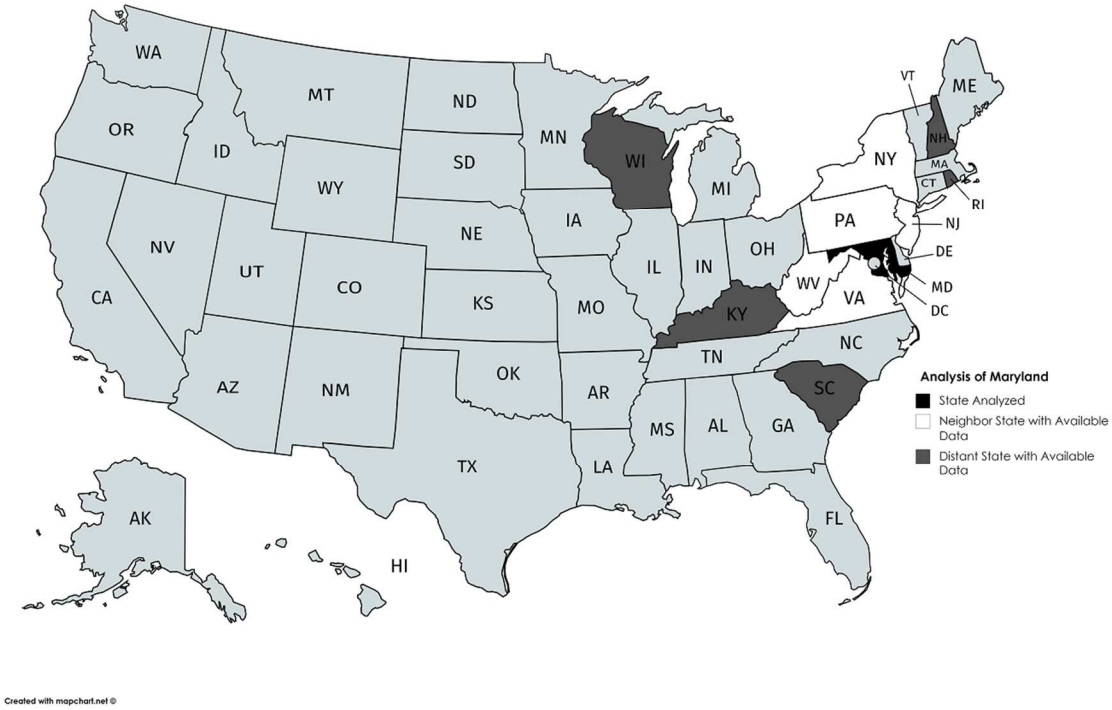

Figure 3. Data analysis of Maryland.

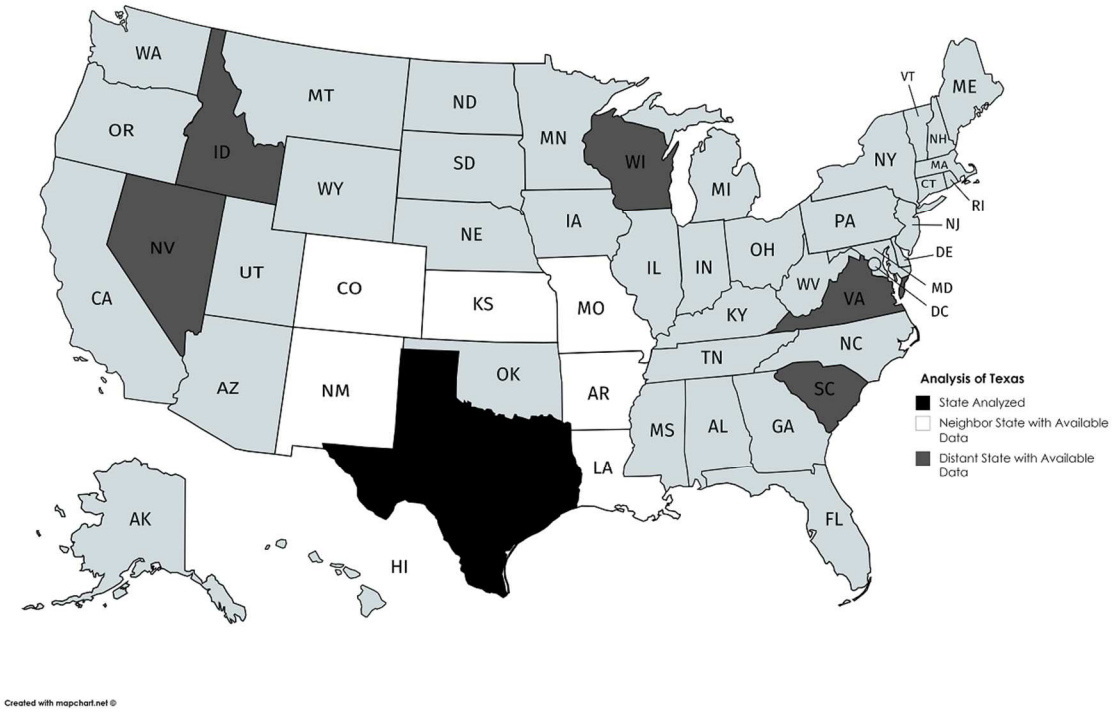

Figure 4. Data analysis of Texas.

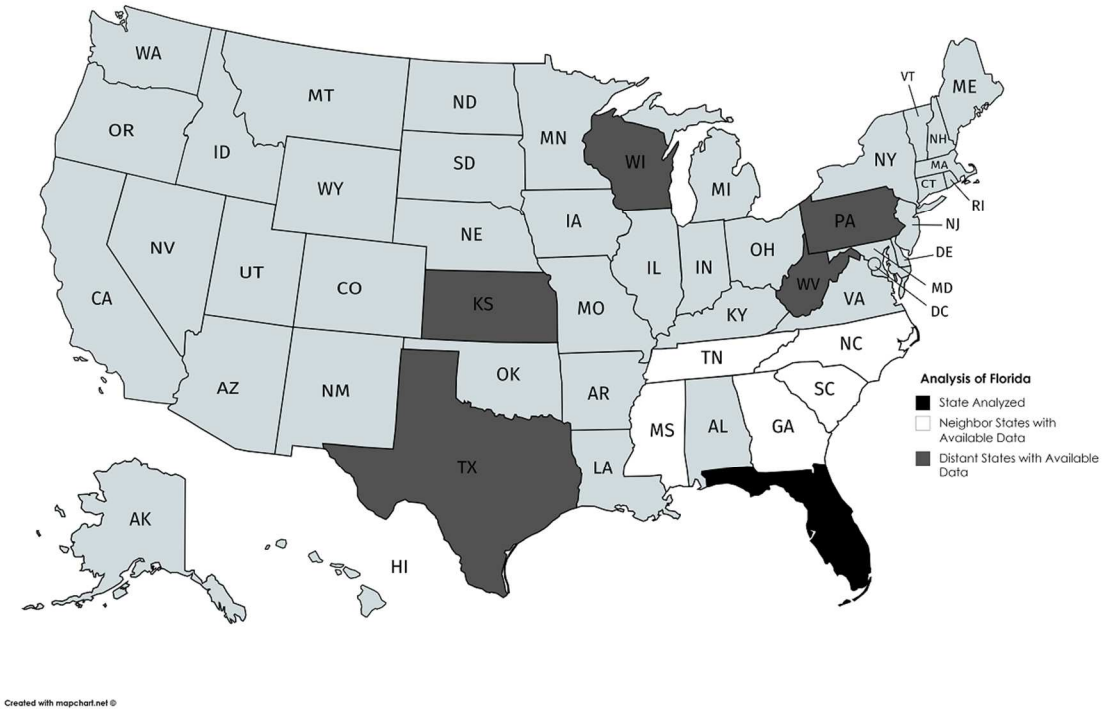

Figure 5. Data analysis of Florida.

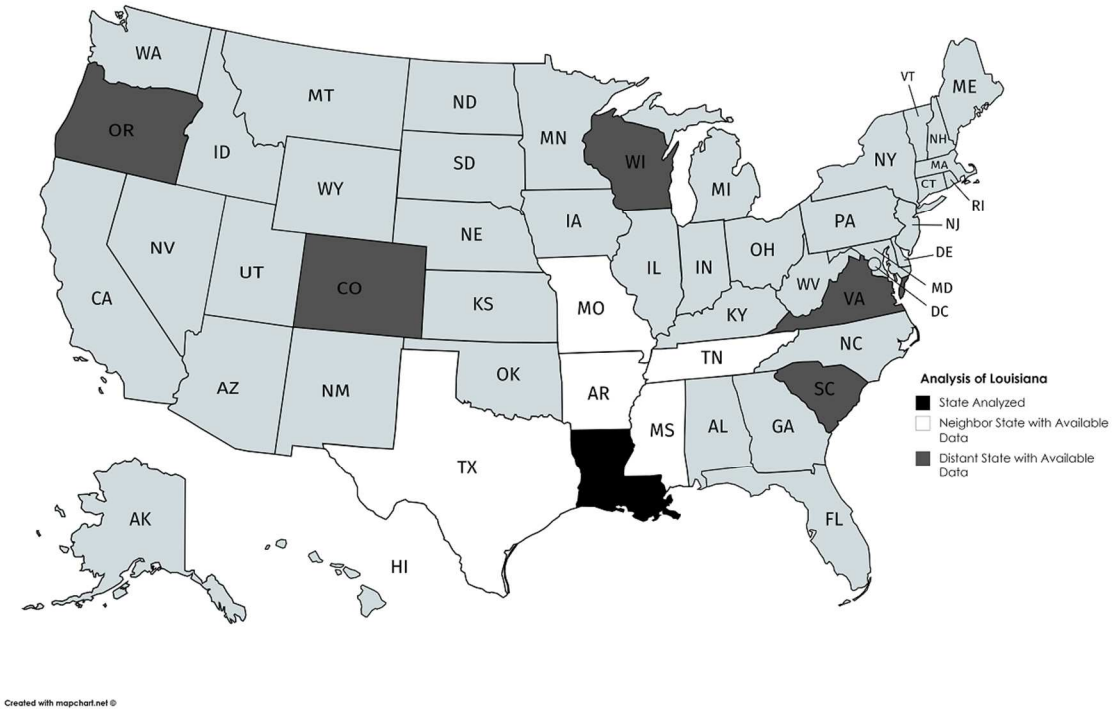

Figure 6. Data analysis of Louisiana.

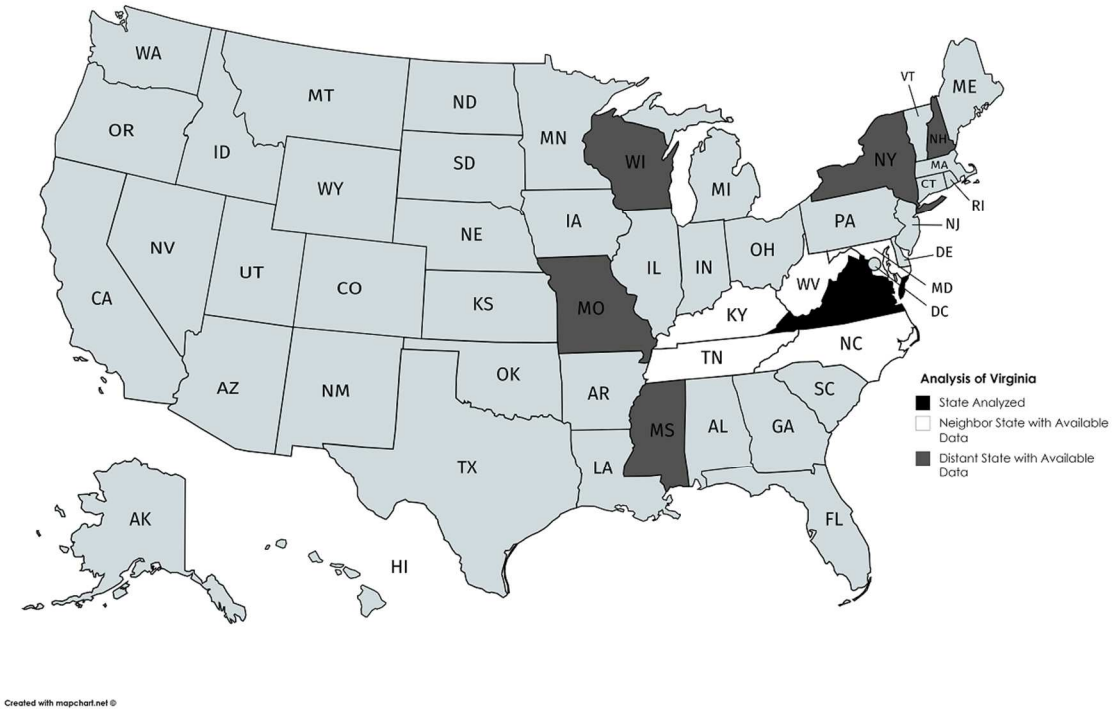

Figure 7. Data analysis of Virginia.

Table 3

Independent Samples t-test for Results of Research Question 2

	Neighbor State Mean and Standard Deviation	Distant State Mean and Standard Deviation	Mean Difference Between Scores	95% Confidence Interval	Levene's Test	*t*-score	*t*-score Significance	Cohen's *d*
Georgia	μ = 29.00 σ = 23.32	μ = 8.80 σ = 9.58	20.20	-5.80 to 46.20	$p = .14$	$t(8) = 1.79$	$p = .11$	$d = 1.13$
Maryland	μ = 19.00 σ = 20.22	μ = 16.40 σ = 11.35	2.60	-21.32 to 26.52	$p = .19$	$t(8) = .25$	$p = .81$	$d = .16$
Texas	μ = 19.67 σ = 18.11	μ = 20.20 σ = 18.39	-0.53	-25.51 to 24.44	$p = .83$	$t(9) = -.05$	$p = .96$	$d = .03$
Florida	μ = 20.75 σ = 16.48	μ = 11.25 σ = 9.43	9.50	-13.73 to 32.73	$p = .16$	$t(6) = 1.00$	$p = .36$	$d = .71$
Louisiana	μ = 18.00 σ = 10.68	μ = 20.60 σ = 18.41	-2.60	-27.30 to 22.10	$p = .40$	$t(7) = -.25$	$p = .81$	$d = .17$
Virginia	μ = 13.75 σ = 17.86	μ = 26.8 σ = 3.90	-13.50	-32.18 to 6.08	$p = .05$	$t(7) = -1.61$	$p = .15$	$d = 1.08$

There were two states analyzed, Georgia and Maryland, that did not appear to have outliers as part of the data sets. Regarding analysis of the state of Georgia, there was not a statistically-significant difference between neighboring states and states located further away. There were no outliers in the data as assessed by inspection of a boxplot by researcher. Policy use was normally distributed as assessed by Shapiro-Wilk's test ($p > .05$), and there was homogeneity of variances as assessed by Levene's test for equality of variances. For Maryland, there was not a statistically-significant difference between neighboring states and those located further away. There were no outliers in the data as assessed by inspection of a boxplot by researcher. Policy use was normally distributed as assessed by Shapiro-Wilk's test ($p > .05$), and there was homogeneity of variances as assessed by Levene's test for equality of variances.

Texas, Florida, Louisiana, and Virginia all appeared to have outliers as part of their data sets. In reference to data analysis for Texas, there was not a statistically-significant difference between neighboring states and states located further away as evidenced by *t*-test data and significance noted above. There were two outliers in each data set as assessed by inspection of a boxplot by researcher. However, when a nonparametric test (Mann-Whitney U test) was run, it was determined that the distribution of the data across both data sets was the same and the test would retain the null hypothesis ($p = 1.00$), thus the outliers were included in the data analysis; Texas was the only state with outliers in which the data was retained for analysis. Policy use was normally distributed as assessed by Shapiro-Wilk's test ($p > .05$), and there was homogeneity of variances as assessed by Levene's test for equality of variances.

For Florida, there was not a statistically-significant difference between neighboring states and states located further away. There were two extreme outliers in each data set as assessed by inspection of a boxplot by researcher. Since each outlier, when examined, was determined to be two states of which were statistically analyzed for being part of the six with highest use of compassionate release policy in this research (Georgia and Texas), it was determined that eliminating each of these states from the data sets would be in the best interest of the analysis. When a nonparametric test (Mann-Whitney U test) was run, it was determined that the distribution of the data across both data sets was the same and the test would retain the null hypothesis ($p = .42$), however, when the outliers were included, the data was not normally distributed as assessed by Shapiro-Wilk's test ($p < .05$), thus the outliers were eliminated. When this occurred,

policy use was normally distributed as assessed by Shapiro-Wilk's test ($p > .05$), and there was homogeneity of variances as assessed by Levene's test for equality of variances.

For Louisiana data, there was not a statistically-significant difference between neighboring states and states located further away. There was one extreme outlier in the neighbor data set as assessed by inspection of a boxplot by researcher. Due to the fact that the outlier, when examined, was determined to be one state that which was statistically analyzed for being one the six with highest use of compassionate release policy in this research (Texas) and was eliminated from analysis of another state (Florida) for the same reason, it was determined that eliminating this state from the data set would be in the best interest of the analysis. When a nonparametric test (Mann-Whitney U test) was run, it was determined that the distribution of the data across both data sets was the same and the test would retain the null hypothesis ($p = .55$), however, when the outliers were included, the data was not normally distributed as assessed by Shapiro-Wilk's test ($p = .05$), thus the outlier was eliminated. When this occurred, policy use was normally distributed as assessed by Shapiro-Wilk's test ($p > .05$), and there was homogeneity of variances as assessed by Levene's test for equality of variances.

Lastly, with data from Virginia, there was not a statistically-significant difference between neighboring states and states located further away. As with Texas, Florida, and Louisiana, there was one extreme outlier in the neighbor data set as assessed by inspection of a boxplot by researcher. Due to the fact that the outlier, when examined, was determined to be one state that which was statistically analyzed for being one the six

with highest use of compassionate release policy in this research (Maryland) and such extreme outliers were eliminated from analyses of other states (Florida and Louisiana) for the same reason, it was determined that eliminating this state from the data set would be in the best interest of the analysis. When a nonparametric test (Mann-Whitney U test) was run, it was determined that the distribution of the data across both data sets was the same and the test would retain the null hypothesis ($p = .69$); however, when the outliers were included, the data was not normally distributed as assessed by Shapiro-Wilk's test ($p < .05$), thus the outlier was eliminated from the data set. When this occurred, policy use was approximately normally distributed as assessed by Shapiro-Wilk's test (p .>05), and there was homogeneity of variances as assessed by Levene's test for equality of variances.

The overall analysis of the six states was in reference to Research Question 2: Is there a statistically significant difference in the concentration of the use of compassionate release policy in directly-neighboring states of states where the policy is used compared to states that are located geographically further away? The statistical results of all six states indicated the same results- that there was not a statistically-significant difference between the states located geographically near the states and those located further away. The Null Hypothesis 2: There will not be a statistically significant difference in the use of compassionate release policy based upon distance from high-use policy locations was failed to be rejected due to the analysis and results of Research Question 2.

Though not part of the specific research questions, additional analyses were conducted on the opposite end of the spectrum of policy implementation in that two of

the lowest-use of policy states were analyzed utilizing the same methods as described with the six highest-use states above to determine if statistical differences existed. As there were two states each that had policy use of one or two times during the five-year period of data collection, so one of each state was chosen and to diversify the analyses, one state from the Western United States (Oregon) and one state from the Eastern United States (West Virginia) were chosen for this supplementary analysis. Both states were statistically analyzed in the same manner as the higher-use policy states where five neighboring and five distant states were chosen from which to complete a comparative analysis of policy use (see Figure 8 and Figure 9) using an independent-samples *t*-test. The results of this abbreviated analysis are listed in Table 4.

Table 4

Independent Samples t-test Results for Low-Use States

	Neighbor State Mean and Standard Deviation	Distant State Mean and Standard Deviation	Mean Difference Between Scores	95% Confidence Interval	Levene's Test	*t*-score	*t*-score Significance
West Virginia	μ = 18.75 σ = 21.88	μ = 20.60 σ = 10.67	-1.85	-27.30 to 23.60	*p* = .24	*t*(7) = -.17	*p* = .89
Oregon	μ = 7.80 σ = 6.61	μ = 12.80 σ = 6.91	-5.00	-14.86 to 4.86	*p* = .73	*t*(8) = -1.17	*p* = .28

For West Virginia and Oregon, there were not statistically-significant differences in policy use between neighboring states and states located further away. There was one extreme outlier in the data set for West Virginia as assessed by inspection of a boxplot by researcher.

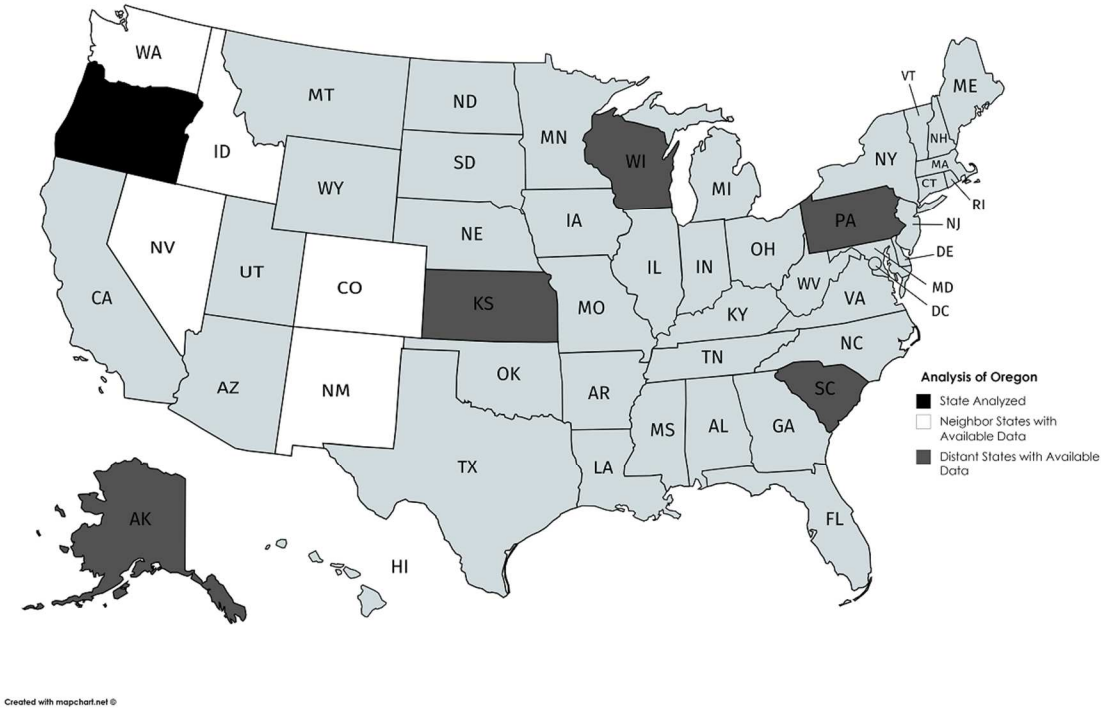

Figure 8. Data analysis of Oregon.

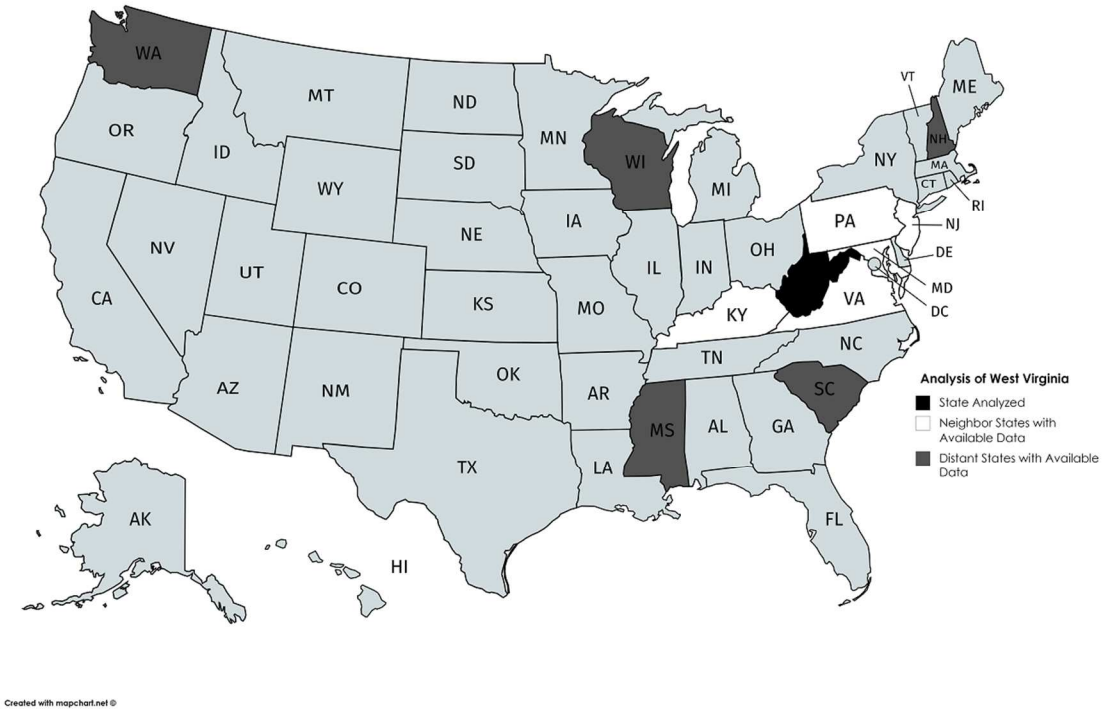

Figure 9. Data analysis of West Virginia.

Due to the fact that this outlier was determined to be one of the highest-use states that was previously statistically analyzed (Maryland), it was determined that eliminating this data point was in the best interest of the analysis and when the outlier was included, the data was not normally distributed as assessed by Shapiro-Wilk's test ($p < .05$), thus the outlier was eliminated. When this occurred, policy use was normally distributed as assessed by Shapiro-Wilk's test ($p > .05$), and there was homogeneity of variances as assessed by Levene's test for equality of variances. There were no outliers for the data set for Oregon as determined by inspection of boxplot by researcher and the data set was retained with normal distribution as assessed by Shapiro-Wilk's test ($p > .05$, and homogeneity of variances as assessed by Levene's test for equality of variances.

Summary

The statistical analysis indicated that Research Question 1: Is there a significant statistical difference in the number of times state and federal prisons use compassionate release policy with elderly offenders? was that there was a statistically-significant difference between the use of compassionate release policy in state agencies compared to the federal prison system. Null Hypothesis 1 was rejected as it stated: There will not be a statistically significant difference between state and federal use of compassionate release policy and it was determined that state correctional agencies implemented compassionate release policy at a statistically-significantly higher rate than the Federal Bureau of Prisons implemented it based upon the most-recent 5 years of data available.

Alternately, there were different results found in reference to Research Question 2: Is there a statistically significant difference in the concentration of the use of

compassionate release policy in directly-neighboring states of states where the policy is used compared to states that are located geographically further away? None of the six states evaluated resulted in statistically-significant differences in policy use between states located neighboring to and further away from those states that use the policy most-frequently. Thus, the Null Hypothesis 2: It was expected that states directly neighboring those that use the policy frequently would have higher use of the policy than those states located further away was failed to be rejected. Additional analysis of low-use states garnered similar results in that there was not a statistically-significant difference in policy use between states located geographically closer to and further away from states that had lower compassionate release policy implementation.

In Chapter 5, I examine interpretation of the statistical findings, the impact of study limitations on the results and generalizability of the results. Furthermore, I make recommendations for future research in this field based on the research results. Additionally, I discuss the impact of this research on social change. Lastly, I present research conclusions.

Chapter 5: Discussion, Conclusion, and Recommendations

Introduction

The purpose of this study was to quantitatively examine the use of compassionate release policy with elderly offenders in neighboring state correctional systems of those state and federal organizations that used the policy more frequently to determine if the leader-laggard theory was an effective means to facilitate policy implementation specific to compassionate release. This was done by implementing a nonexperimental comparative analysis between state and federal correctional institutions for the first research question; and neighboring and distant states of the six states with the highest use of compassionate release policy in the previous 5 years of tracked data for the second research question. The comparative analysis resulted in significant differences between state and federal use of compassionate release policy, however, this was based upon raw data and not population-proportional analysis for the first research question. This study did not result in statistically-significant differences in policy use between neighboring and distant states of those with the highest use of compassionate release policy for the second research question.

Interpretation of Findings

The individual statistical analyses of the six states with the highest policy use in the most-recent five-year period available (Georgia, Maryland, Texas, Florida, Louisiana, and Virginia) did not result in statistically-significant differences in mean use of the policy between states directly-neighboring the state and those located geographically further away. The leader-laggard model posits that one agency is a leader and another is

a follower/laggard in implementing the policy, sometimes with changes to accommodate the following agency and that this is done after the leader has demonstrated some benefit from the policy (Sabatier & Weible, 2014). In the context of the states analyzed, it was hypothesized that those states that implemented the policy more frequently, under the assumption that this was done with some success, and neighboring states may follow in implementation if a benefit was demonstrated. The results of the statistical analysis did not demonstrate any significant differences in policy use between neighboring states and those located further away from the high-use state, and in several cases, the data (policy use) was spread out among a large span of results.

As clusters of data points were not evident, nor was significance of data presented statistically, it did not appear that there was a pattern of policy use relative to states with high policy implementation. An additional statistical analysis of two states with the lowest recorded use of compassionate release policy during the most-recent five-year period (Oregon and West Virginia) to compare statistical differences resulted in no significant difference in policy use between neighboring and distant states. Utilizing this research and available data, it did not appear that the leader-laggard model was an effective means to determine or promote compassionate release policy.

Though the null hypothesis of the second research question failed to be rejected, there is still utility in examining the use of compassionate release policy across multiple agencies in the United States. It is possible that other theoretical frameworks may be feasible options to promote policy use among agencies, whether those states are located close to or further away from states with higher policy implementation. As this research

only focused on the leader-laggard model, it is out of the scope of this research to result in generalizations or correlational assumptions about additional theoretical frameworks.

Limitations of the Study

There were several limitations of the research that may have impacted results including the lack of data able to be obtained from nine state agencies (California, Indiana, Minnesota, Montana, Nebraska, North Dakota, Ohio, Oklahoma, and Wyoming) that may have provided more robust results and a broader pool of data sets for dependent and independent variables. As many of these states are in the Western and Midwest United States, the generalizability of the results was limited to the Eastern and Southern states from which data was obtained. The research may be generalized to the specific age group and policy being investigated but is limited in further generalizability due to the narrow scope of the research.

Several other external validity limitations, including test-retest, test reactivity, and multiple-treatment interferences, were eliminated from the research since there was no experiment conducted. Due to the use of a quantitative analysis of the data, more-detailed information about why states did or did not implement compassionate release policy could not be drawn or generalized to multiple locations. Another limitation of the research was the political climate in multiple state and federal agencies between when the research began and was completed as the federal Executive branch went through several policy changes and disruptions between President Barack Obama and President Donald Trump, which could not be accounted for by this research. The Federal Bureau of Prisons' offender population continued to decrease during this research and it is unknown

if policies regarding release from incarceration were prioritized during this brief time (Federal Bureau of Prisons, n.d.).

Threats to internal validity existed specific to the years of available data- many states provided data on the most-recent five-year time period recorded (2013, 2014, 2015, 2016, and 2017); however, several states (Alaska, New York, Tennessee) did not have this data for these years yet recorded and some data was from 2005 to 2010 and recent changes in policy use may have occurred but statistical data was not yet available to integrate into the analysis and research process. Policy change was another threat to internal validity and information regarding policy implementation in South Dakota, Utah, and Vermont was previously discussed as beginning during the course of data collection for this research. Though it may have strengthened the study, seeking proportional data regarding policy implementation related to both research questions may have allowed for more generalizability among state and federal agency policy use; however, conflicting offender population data was found and it was not within the confines of the original research questions to address policy use in terms of rates of use and proportions of policy implementation with respect to overall offender population over age 50 years.

Construct validity remained valid in terms of this data measuring what it intended to measure, which was the number of times compassionate release policy was used by a specific agency. Some agencies provided information on the number of compassionate releases that were granted versus the number of applicants who were released. For the purposes of this research, only those compassionate release offenders who released from incarceration were included as factors such as death during the application process,

administrative reasons, and hearing agendas were not always accounted for in the data provided.

Recommendations

Recommendations for further research in compassionate release policy implementation expand upon data not available to this researcher including researching policy use rates per population as this may provide more robust comparisons between agencies, especially those with largely-different offender populations over the age of 50 years. Additionally, if data can be obtained from agencies from which this researcher received no response to data inquiries, it may provide a larger sample pool and a broader geographical basis for the leader-laggard model and compassionate release policy implementation.

Utilizing a qualitative approach to research compassionate release policy, rather than a quantitative approach as was done with this research, may provide more-detailed information about policy use as was done with the OIG Inquiry into Federal BOP compassionate release policy implementation (Office of the Inspector General, 2016). Even at a small scale, detailed information about reasons behind high- or low-policy use in different locations may lay the groundwork for use of the leader-laggard theory in policy implementation in neighboring locations.

Implications for Social Change

This study has implications for social change at multiple levels, most of which are smaller-scale rather than global. At an individual level, it has the potential to empower individuals, whether offenders or their loved ones, to engage in the process of

compassionate release application and engagement, especially with elderly offenders. Many times, offenders require the assistance of others in the application process for policy consideration and this may impact those individuals, especially given the information about how frequently the policy is used in agencies where the offender is incarcerated.

At a broader, but still small-scale level, education about compassionate release policy has the potential to impact how the policy process is facilitated by different agencies, especially considering additional research on agency policy implementation as has been done with the OIG Inquiry of the BOP's approval process for it (Office of the Inspector General, 2016). Continued research in a specific area, such as compassionate release policy, with specific populations, such as elderly offenders, contributes to the limited field of information as this research has provided recommendations for future research and a basis for alterations to future research in the area.

Correctional agencies can utilize information regarding policy implications and use by other agencies in a quantitative way to facilitate more effective policy implementation. Though it may not provide immediate change, smaller steps in the policy implementation process can provide the basis for long-term change over an extended period. Policy changes, especially those implemented by government organizations, can take several years for results to be evident as has been seen with the continued offender population decreases in the federal prison system between 2013 and 2017 (Federal Bureau of Prisons, n.d.).

Another systemic level change that can be impacted by research regarding compassionate release policy, specifically in reference to decreasing prison populations, relates to correctional workers who are responsible for the safety and security of correctional institutions and the offenders housed within them. When prison populations decrease, there is a smaller ratio of offenders to staff within correctional institutions, which are known to be places where safety is of the utmost importance. When those law enforcement officers experience increased levels of safety, there are benefits to the officers, the offenders, and the communities in which the officers live. With elderly offenders, especially those with health and mobility concerns, it can put a strain on labor resources within a correctional institution and decreasing this strain within the confines of an already high-stress environment can have positive effects on job satisfaction and overall individual safety.

Conclusion

Compassionate release policy could address the increasing aging prison population in the United States, however, the implementation of the policy has not been shown to be consistent among correctional agencies. Though the leader-laggard policy theory has been shown to be an effective means to facilitate policy diffusion from one agency to another in the field of education, it did not appear to be an efficient means of compassionate release policy "catching on" from one state correctional agency to another nearby. Statistically-significant differences between neighboring states and those located further away from states that have the highest use of compassionate release policy were not found by the analysis completed as part of this research.

Even though statistically-significant patterns were not determined, other useful information about policy implementation was found including that three states have implemented compassionate release policy within correctional agencies during the time of data collection. States implementing compassionate release policy demonstrates a willingness to address the overwhelming prison populations in state and federal correctional agencies in the United States, specifically with elderly offenders who tend to be costlier offenders than younger age groups simply due to the unique facets of the aging process including health decline and mobility concerns.

The number of elderly offenders in prisons in the United States continues to increase, even as overall prison populations decrease, and approaching this issue with a multitude of public policy approaches including compassionate release, medical parole, and geriatric release demonstrate policymakers' and stakeholders' motivation to address this problem. The problem of higher numbers of elderly offenders in American correctional institutions is in the early stages of being addressed. With continued research in this field, the problem can continue to be addressed in terms of social change to provide humane, respectful treatment and outcomes to elderly offenders, correctional workers, policymakers, and stakeholders in the process.

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