

Utah's parole board didn't increase compassionate releases during the pandemic

A third of the prisoners who died of COVID-19 had asked to be set free but never made it out.



(Francisco Kjolseth | The Salt Lake Tribune) Prison staff work to safely move inmates from their cells into the common day room to be vaccinated against COVID-19 during a vaccination event with interested incoming inmates at the Utah State Prison in Draper on Tuesday, July 27, 2021.

<https://www.sltrib.com/news/2021/09/15/utahs-parole-board-didnt/>

By Jessica Miller

and Nate Carlisle | FOX 13 News

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When Leo Bravo had his first compassionate-release hearing last September, COVID-19 had already been raging through Utah communities — but no one knew it had reached inside the prison walls.

He appeared on a video feed from the Gunnison prison Sept. 22, hoping the state would let him go because of his medical issues.

He had diabetes, he told parole board member Denise Porter but had a hard time answering other basic questions. He told Porter he thought his memory was OK, but when she asked what classes he's taking, he struggled.

“Um,” the 72-year-old man said. He paused for more than 10 seconds. “My memory's blank.”

He seemed surprised.

Bravo was one of 68 prisoners whom the Department of Corrections listed as candidates for compassionate release, an effort to reduce the number of people locked up before an outbreak hit.



(Eli Lucero | Pool) Leo Bravo, left, during his preliminary hearing in 2012. Bravo died of Covid-19 in prison.

But Bravo wasn't let out. He stayed inside as case numbers exploded the following month in the Gunnison facility where he stayed, and the main Draper facility. The spread was likely caused, prison officials say, by either staff bringing the virus in or a prisoner taken off campus for medical services who got infected.

Public records show Bravo, who was convicted of sexual abuse, had been granted a parole date in January, as long as he had a long-term care facility that could take him. Instead, he caught the virus and died Dec. 23.

The Corrections Department dramatically increased the number of prisoners, like Bravo, whom it recommended for compassionate release. But the state Board of Pardons and Parole, which makes the final call, didn't free more people than it did in previous years, even after the virus spread rapidly through the confined facilities.

In just a few months, 18 men died of the virus.

The Utah Department of Corrections has not disclosed their names. A joint investigation by The Salt Lake Tribune and FOX 13 confirmed their identities and found that about a third had tried for compassionate release — but never made it out.

Seeking an early release

At the beginning of the pandemic, [county jails across Utah cut down their incarcerated population](#), some by as much as half. They were responding to the fear that the virus could spread quickly among those incarcerated, since most lived in dorm-style housing, and it was impossible to provide the space needed for social distancing.

This was done by letting inmates out early, by prosecutors seeking fewer jail sentences, and by police taking fewer low-level offenders to the jails.

It's a little more complicated for the prison system, in which a judge has ordered them to serve a sentence after they were convicted of more serious crimes.

One avenue to reduce the prison population was giving people a compassionate release, which can be done if the risk to the public from inmates is “significantly reduced” because they are old or sick.

The Department of Corrections is in charge of housing offenders and can request compassionate release for inmates. But it's Utah's Board of Pardons and Parole that says yes or no.

Parole board officials say they don't track how many compassionate-release applications they received, so it's unclear how many total prisoners wanted their cases reviewed during the pandemic.

But the Corrections Department does track how many it requests. That department submitted 68 names to the parole board in 2020. That was four times more than the previous year, when just 17 cases were submitted.

The parole board approved fewer than half, signing off on 31 — though seven were unable to be placed outside the prison and remained incarcerated. This could

happen if they don't have family who are willing to have them live with them, or there isn't a care facility that can take them.

The board denied release for 19 prisoners.

Five others died before the compassionate-release process could be completed, prison officials said, though it's unclear whether those were COVID-related deaths.

The parole board does track how many times it approves a compassionate release.

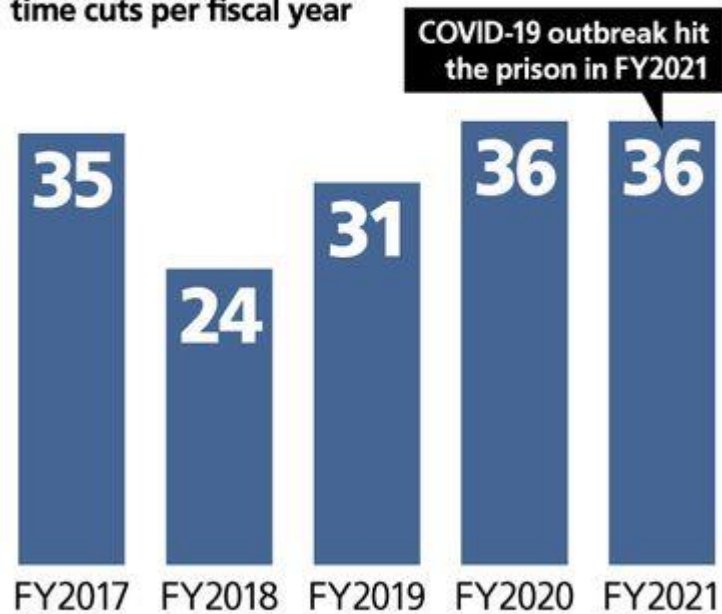
That data shows virtually no increase during the pandemic. During the past fiscal year — which covers June 2020 to July 2021, when the outbreak hit the prison the hardest — the parole board approved 36 compassionate-release requests.

That was more than the year before, but nearly the same as its fiscal 2017 total, when it approved 35 releases.

Utah's compassionate releases

The number of people the parole board released did not increase significantly during the pandemic.

Number of compassionate release time cuts per fiscal year



Source: Utah Board of Pardons and Parole

GRAPHIC BY CHRISTOPHER CHERRINGTON
The Salt Lake Tribune

(Christopher Cherrington | The Salt Lake Tribune)

There were just over 4,000 people incarcerated in Utah's prisons last November. They were five times more likely to die of COVID-19 than the state's general population.

While the number of people who got out didn't rise significantly, the parole board did cut more time off the sentence of those who were let out. In fiscal 2017, inmates who received compassionate release had a total of 8,807 days cut. In fiscal 2021, that number jumped to nearly 24,000 days.

The parole board approved eight releases in September 2020, the highest number for a month since the pandemic started. This was the same month the virus first entered the prison.

The bulk of prisoners who died of COVID-19 died in November. That month, the parole board approved three releases.

Sara Wolovick, an American Civil Liberties Union of Utah Equal Justice Works fellow, said her organization doesn't believe every person who was denied release needed to be incarcerated.

"There were people who were extremely medically vulnerable — who were frail, who were elderly — who passed away," she said. "And this really begs the question of, 'Was there no other way to keep the public safe when it came to these really medically vulnerable people?'"

Who qualifies?

Mike Haddon was the executive director of the Department of Corrections at the start of the pandemic. He left in November to take over the Utah parole board.

He refused interview requests from The Tribune and FOX 13 seeking to discuss either his time running the prison or the parole board's work. He did provide data to the news organizations and explained basic processes.

It is unclear whether the parole board changed the criteria for compassionate release in reaction to the pandemic.

The standard criteria is also hard to nail down.

Both the parole board and Department of Corrections referred a reporter to a rule that says little about how a person qualifies. It says only that people can be considered for a compassionate release “if an offender’s public safety and recidivism risk is significantly reduced due to the effects or symptoms of advancing age, medical infirmity, disease, or disability, or mental health disease or disability.”

It also says a compassionate-release request can be submitted if an offender has a “serious and persistent medical condition” that requires nursing home care or if a person’s immediate family member dies within 120 days of a previously scheduled release.

Brandy Gillespie, whose husband was one of the 18 men who died of COVID-19, said she couldn’t get a good answer on what the parole board’s criteria was either.



(Trent Nelson | The Salt Lake Tribune) Brandy Gillespie in Logan on Wednesday, July 7, 2021. Her husband Jerry died of COVID in December at the prison. He was 48. At right is Arianna Gillespie.

Her husband, Jerry, was 48 years old and terminally ill. He was serving a prison sentence of up to five years for assault and unlawful weapons possession.

She had tried to get Jerry Gillespie released, but the prison's medical director told her over email last summer that he "does not meet the criteria" for compassionate release.

Brandy asked what the criteria was. She never got a response.

"I'm just wondering [how] somebody who is in heart and double lung failure with diabetes would not meet your criteria," she recalled. "Because in my mind, he would be the highest risk of catching COVID."

No rubber stamp

Brian Nielson, the current corrections boss, said his department isn't upset that the parole board failed to release more inmates referred for compassionate release.

"It's designed to be that way," he said. "If someone meets our criteria to be referred, they're referred. They may not meet the board's criteria. So it shouldn't be a rubber stamp ever."



(Trent Nelson | The Salt Lake Tribune) Utah Department of Corrections director Brian Nielson in Draper on Wednesday, July 28, 2021.

One of the men whom the parole board wouldn't let out was 84-year-old Jesus Gomez.

He had his compassionate-release hearing in August 2020, a date that was moved up because of his health concerns and the threat of COVID-19.

He told the hearing officer he has had a number of heart attacks and strokes, according to a recording, which paralyzed him.

His memory was bad, he told the parole board officer, and he didn't remember committing the sex crimes for which he was convicted.

"I don't deny it," he said. "I came to the conclusion that I'm here for a reason, and that was because I did something wrong. I broke the law."

Gomez said he wanted to take the life-skills classes the prison offered but couldn't get to them for a while.

"I couldn't for the only reason that I couldn't climb stairs with my [wheel]chair," he said. "They had all the classes upstairs."

The classes eventually went online, he said, but they were canceled after the pandemic began. Gomez was in prison for attempted child sex abuse, and he knew he needed to finish sex offender treatment as part of his sentence.

"I hope they can make a decision toward letting me go and take [sex offender treatment] on the outside," he told the parole board officer.

The board denied the Corrections Department's request that Gomez be released.

He died of COVID-19 three months later.