

# MERCY BEHIND BARS

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A research report evaluating the Joe Coleman Medical Release Act in Illinois.

By the Future Justice Lawyers of Chicago

## **Introduction**

In January 2022, Illinois enacted the *Medical Release Act*, commonly known as the Joe Coleman Act. Joe Coleman was an Army veteran who died of prostate cancer while incarcerated. Coleman was terminally ill and had petitioned for clemency. While his request was pending, he died in custody, a tragedy that galvanized bipartisan support to codify a legal path for compassionate release for individuals who are terminally ill or medically incapacitated people in prison to be released early so they could live their final days in dignity. It was hailed by advocates as one of the most robust compassionate release laws in the country.<sup>1</sup> Yet, as with many justice reforms, implementation has proven far more complicated than its moral intent.

## **The Joe Coleman Act**

Under the law, individuals can apply for release if they are either terminally ill (with an expected life span of 18 months or less) or medically incapacitated (defined as being unable to perform more than one daily activity without assistance).<sup>2</sup> Applications can be submitted not only by the incarcerated individual but also by family members, prison staff, medical professionals, or attorneys. The Illinois Prisoner Review Board (PRB) is required to evaluate these applications through a three-member panel and must issue a decision within 90 days of receiving a complete application.<sup>3</sup> If approved, the individual is released under mandatory supervision for up to five years. In principle, the structure of the law is humane, inclusive, and clear; a model of legislation can be both precise and effective.

At face value, the Joe Coleman Act is a success as it centers human dignity in the conversation around incarceration. The eligibility criteria are medically grounded and objective, avoiding ambiguous legal thresholds that often lead to inconsistencies. The fact that multiple actors, such as family, attorneys, and healthcare providers, can initiate applications means the law accounts for the incapacitation of applicants who may be unable to advocate for themselves. Additionally, those who apply for medical release do not forfeit their right to pursue other avenues of legal relief such as clemency, parole, or resentencing. The law was also envisioned as a fiscally responsible move; chronically ill or dying individuals are often the most expensive to care for in prison, and releasing them could reduce the state's healthcare burden.<sup>4</sup>

However, the promise of the Joe Coleman Act has not been fully realized. Between its enactment in January 2022 and mid-2023, the PRB granted only 52 petitions for medical release while denying 94, even though all applicants were deemed eligible by medical professionals.<sup>5</sup> Some applicants died waiting. One man passed away just five days before the board officially denied

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<sup>1</sup> Illinois Prisoner Review Board, *Medical Release Act (Joe Coleman Act)*, <https://prb.illinois.gov/medical-release-joe-coleman-act.html>.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Carlos Ballesteros et al., "Dying, Disabled Prisoners in Illinois Not Being Freed Despite Law Calling for Medical Release," *Chicago Sun-Times*, August 30, 2023, <https://chicago.suntimes.com/2023/8/30/23850747/prisoners-joe-coleman-medical-release-act-illinois-prisoner-review-board>.

<sup>5</sup> Michael Tarm, "Dying and Disabled Illinois Prisoners Kept Behind Bars Despite New Medical Release Law," *Associated Press*, September 3, 2023, <https://apnews.com/article/887ed230102324054a0ab15d4232f041>.

his request.<sup>6</sup> The gap between eligibility and release has sparked outrage among families, advocates, and even some state legislators who supported the law.

Part of the issue stems from Illinois' broader prison healthcare infrastructure, which is riddled with deficiencies. Nearly 50% of healthcare positions within the prison system are vacant, according to recent investigative reporting.<sup>7</sup> Prisoners with cancer or other terminal illnesses have been left untreated or misdiagnosed for months. In one case, an individual was unable to walk and required two guards to carry him to his hearing.<sup>8</sup> These conditions emphasize the urgency of early release for those who are medically fragile, yet the law has failed to meet the needs of precisely the people it was designed to serve.

Compounding these problems is the lack of transparency in the decision-making process. The PRB is not required to provide reasons for denial, and its hearings are held behind closed doors.<sup>9</sup> There is no publicly accessible record of the rationale behind the board's decisions, making it difficult to challenge or even understand why most applications are denied. Critics argue that this lack of access not only undermines public trust but also makes the process susceptible to bias and partisanship. Reports created by Injustice Watch, show that Republican members of the board were far more likely to vote against release than their Democratic counterparts, raising concerns that political ideology, rather than medical evidence or public safety, may be influencing outcomes.<sup>10</sup>

There are additional procedural issues as well. Even when applications are eventually granted, the process often takes so long that families are left scrambling to arrange care and hospice services within a matter of days. When an application is denied, the individual must wait six months before reapplying, unless granted a waiver by the board.<sup>11</sup> For someone with a terminal illness, a six-month delay can be effectively a death sentence.

## **Recommendations**

To restore integrity to the Joe Coleman Act, reforms must be made. First, the law should require the PRB to issue written explanations for each denial. Transparency is essential for public accountability and ensures that decisions are based on consistent standards. Second, board members should be mandated to visit prison infirmaries to see firsthand the conditions in which people are living and dying.<sup>12</sup> Direct exposure to those environments might foster a deeper sense of urgency and empathy. Third, PRB members need basic medical training so they can make

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<sup>6</sup> Ibid.

<sup>7</sup> Shannon Heffernan, "Medical Release Law Failing to Free Terminally Ill Prisoners," *WBEZ / Injustice Watch*, August 30, 2023, <https://www.wbez.org/criminal-justice/2023/08/30/medical-releases-for-dying-disabled-prisoners-fall-short>.

<sup>8</sup> Ibid.

<sup>9</sup> Michael Tarm, "Dying and Disabled Illinois Prisoners Kept Behind Bars Despite New Medical Release Law," *Associated Press*, September 3, 2023, <https://apnews.com/article/887ed230102324054a0ab15d4232f041>.

<sup>10</sup> Carlos Ballesteros, "Pritzker Defends Denials of Medical Release Requests from Dying and Disabled Prisoners," *Injustice Watch*, August 31, 2023, <https://www.injusticewatch.org/criminal-courts/parole-and-clemency/2023/pritzker-defends-medical-release-law/>

<sup>11</sup> Michael Tarm, "Dying and Disabled Illinois Prisoners Kept Behind Bars Despite New Medical Release Law," *Associated Press*, September 3, 2023, <https://apnews.com/article/887ed230102324054a0ab15d4232f041>.

<sup>12</sup> Ibid.

informed decisions about complex health conditions.<sup>13</sup> Advocates have also called for legal counsel to be provided to applicants who cannot navigate the system on their own.<sup>14</sup> Finally, the reapplication period should be shortened, particularly for those with terminal illnesses, to ensure that no one dies waiting for mercy.

Despite the shortcomings of enforcement of the Joe Coleman Act, other states considering similar reforms can learn a great deal from Illinois. First, a strong law on paper means little without accountability mechanisms. The medical criteria and humanitarian logic of the Joe Coleman Act are sound, but implementation falters without transparency and oversight. Second, laws like this must remain insulated from partisan politics. Compassionate release should not become a political football. It is a matter of basic human dignity. Third, states should collect and publish detailed data about eligibility, application, and outcomes. Without such data, evaluating the success or failure of compassionate release is impossible.

## **Conclusion**

In the end, the Joe Coleman Act represents both the possibilities and perils of legislative reform. Its intentions are unimpeachable, and its passage was a moral and political victory. However, as the cases of those denied are left to die in the prison system, the work of justice does not end with good intentions. Implementation is everything. Unless the law evolves to address its shortcomings, it risks becoming a symbol of what could have been, a statute with heart but no teeth. The challenge now is not whether to keep the law, but whether we have the courage to make it work the way it was always meant to.

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid.



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This report was researched and written collaboratively by the members of the Future Justice Lawyers of Chicago.



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