



BIRMINGHAM CITY
University

Faculty of Business, Law and Social Sciences

Proposed Title:

COMPASSIONATE RELEASE IN THE UNITED STATES: EXPLORING INTERDISCIPLINARY PERSPECTIVES

School:

SCHOOL OF LAW

Proposed Supervisory Team:

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Abstract:

Compassionate release procedures allow prisoners to apply for release on ill-health grounds. In the light of mass incarceration, and the generally poor health status of prisoners, developing evidence-based recommendations for the enhancement of compassionate release procedures is an urgent issue in the USA. The National Academy of Sciences has specifically called for researchers to “work closely with the national and state governments and nongovernmental institutions to develop an ambitious and multifaceted portfolio of study to fill knowledge gaps in this field.” (NAS, 2014) This includes research that would inform the creation of “a national medical release or so-called compassionate release guideline” (NAS, 2013).

In 2017/18, BCU’s School of Law led a Leverhulme Trust/British Academy-funded study of compassionate release procedures in the USA. The study’s data-set identified a significant range of compassionate release procedures across the USA, including significant variation in eligibility requirements, exclusions, definitions for qualifying medical conditions and terminal illnesses, decision-makers, and release requirements. The study’s provisional report – “*Compassionate Release Procedures for Prisoners with Health Problems in the USA: A Blueprint for Discussion*” - concludes by setting out a ten point plan for achieving effective compassionate release frameworks in the USA.

This PhD project provides the opportunity for a PGR – based on their interests and expertise - to make an interdisciplinary contribution to generating knowledge on compassionate release. The aims of the project are to:

1. Critically interrogate the data-set produced by the Leverhulme Trust/British Academy-funded study, and, as a result, develop an interdisciplinary perspective on a facet of compassionate release in the USA. This could take various forms. For example,
 - a. **A single issue** (e.g., how procedures define illness in the context of compassionate release, and how this sits within medical science constructs)

- b. **A state case study** (e.g., focusing attention on a state that does not have a formal compassionate release procedure, such as Illinois, and interrogating relevant factors i.e., political frameworks, correctional policy etc),
 - c. **A theme-based study** (e.g., an examination of the impact of release requirements across US state procedures through empirical research);
2. Design a project that investigates the issue or theme; and
 3. Produce a model compassionate release policy (or policies) for stakeholders, as appropriate.

Research Environment:

The School of Law has an active research community, hosting three centres for research excellence, namely the Centre for American Legal Studies, Centre for Human Rights, and Centre for Law, Science and Policy. See, <http://www.bcu.ac.uk/law/research> The School has a vibrant PGR community across these centres. See, <http://www.bcu.ac.uk/law/research/our-phd-students>

The successful candidate would join these communities, and specifically contribute to the activities of the Centre for American Legal Studies and Centre for Law, Science and Policy. They would add to the growing expertise these centres have respectively in examining domestic legal and frameworks in the US and how law interacts with other disciplines. They will also be provided teaching, dissemination, and collaboration opportunities. In particular, they will be supported to build a network with stakeholders in the USA.

Applicant Requirements:

The student should have a good first degree in law or other discipline relevant to the interdisciplinary nature of the project (e.g. medical sciences, political science, or criminal justice) and, ideally, a second degree in a related area of study. A reasonably sound understanding of US constitutional arrangements and US legal research is desirable but not essential. Experience of US criminal procedure in terms of study or practice is desirable. A willingness to engage with the complexities of these issues is essential.

Contact: Name, e-mail and telephone number:

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