

INFORMATIONAL BRIEFING ON HAWAI'I COMPASSIONATE RELEASE

PRESENTED TO: COMMITTEE ON PUBLIC SAFETY

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WHO IS FAMM?

FAMM is a non-profit, non-partisan organization founded in 1991 to elevate the voices of people impacted by the justice system in policy reform spaces.

FAMM has more than **75,000 members** nationwide, including people in Hawai'i who have experienced incarceration and their loved ones.



WHAT DOES FAMM DO?

FAMM's mission is to create a more fair and effective justice system that respects individual accountability and dignity while keeping our communities safe. FAMM advocates in Congress, state legislatures, federal and state agencies, courts, and more to:

- Reform unduly harsh sentences.
- Adopt independent prison oversight.
- Provide opportunities to revisit and review prison sentences for appropriateness.



HOW DID WE GET HERE?



UNIVERSITY *of* HAWAI'I *at* MĀNOA

WILLIAM S. RICHARDSON
SCHOOL OF LAW



**Native
Hawaiian**
LEGAL CORPORATION

**WAIKIKI
HEALTH**

FAMMI



State of Hawaii

Office of the Public Defender

AGENCY COLLABORATION



State of Hawaii

Department of Corrections and Rehabilitation

Ka 'Oihana Ho'omalu Kalaima a Ho'oponopono Ola



Hawaii Paroling Authority



State of Hawaii

**Hawaii Correctional System Oversight
Commission**

This compassionate release effort is in partnership with **The Department of Corrections and Rehabilitation**, the **Hawai'i Paroling Authority**, and the **Hawai'i Correctional System Oversight Commission**.

We are very grateful to these agencies for sharing their expertise and time, and for their support of this effort.

WHAT IS COMPASSIONATE RELEASE?

Compassionate release is an umbrella term for programs authorized by lawmakers that allow people to be considered for early release when continued incarceration no longer serves the purposes of punishment.

Compassionate release is especially important when an individual is:

- too ill or cognitively impaired to be aware of punishment,
- too sick to participate in rehabilitation, or
- too functionally compromised to pose a risk to public safety.

WHY IS COMPASSIONATE RELEASE IMPORTANT?

People who are advanced in years, debilitated by serious medical condition, and/or near the end of life are the most **burdensome** and **expensive** to incarcerate, and the **least likely to reoffend**.

THE LEAST LIKELY POPULATION TO REOFFEND

The overall recidivism rate in Hawai'i is **54%**.

The recidivism rate for people who are sick, elderly, and/or incapacitated nationwide is as low as **less than 1%**.

THE MOST BURDENSOME POPULATION TO INCARCERATE

A small number of people take a disproportionate amount of DCR staff capacity and facility resources:

- Daily care from medical staff
- Acute care needs facilities and staff aren't equipped to provide
- Infirmary space
- External appointments
- Corrections officer supervision

THE MOST BURDENSOME POPULATION TO INCARCERATE

STAFF WELLNESS

60% of corrections staff developed a serious health condition due to job stress.

Over 75% of corrections staff felt emotionally drained.

STAFF VACANCY RATE

29% in non-uniform

28% across all staff

THE MOST EXPENSIVE POPULATION TO INCARCERATE

The average cost of incarceration in Hawai'i is **\$112,505 per person annually**. For incarcerated people who are sick, there are numerous additional costs:

- Prescriptions
- Medical staff time
- Corrections officer overtime
- Medical equipment
- Hospitalizations
- MedEvac
- Imaging
- Surgery
- Specialty appointments off-site

THE COST BURDEN ON HAWAII

One incarcerated individual's medical care has cost over **\$918,000** this year thus far.

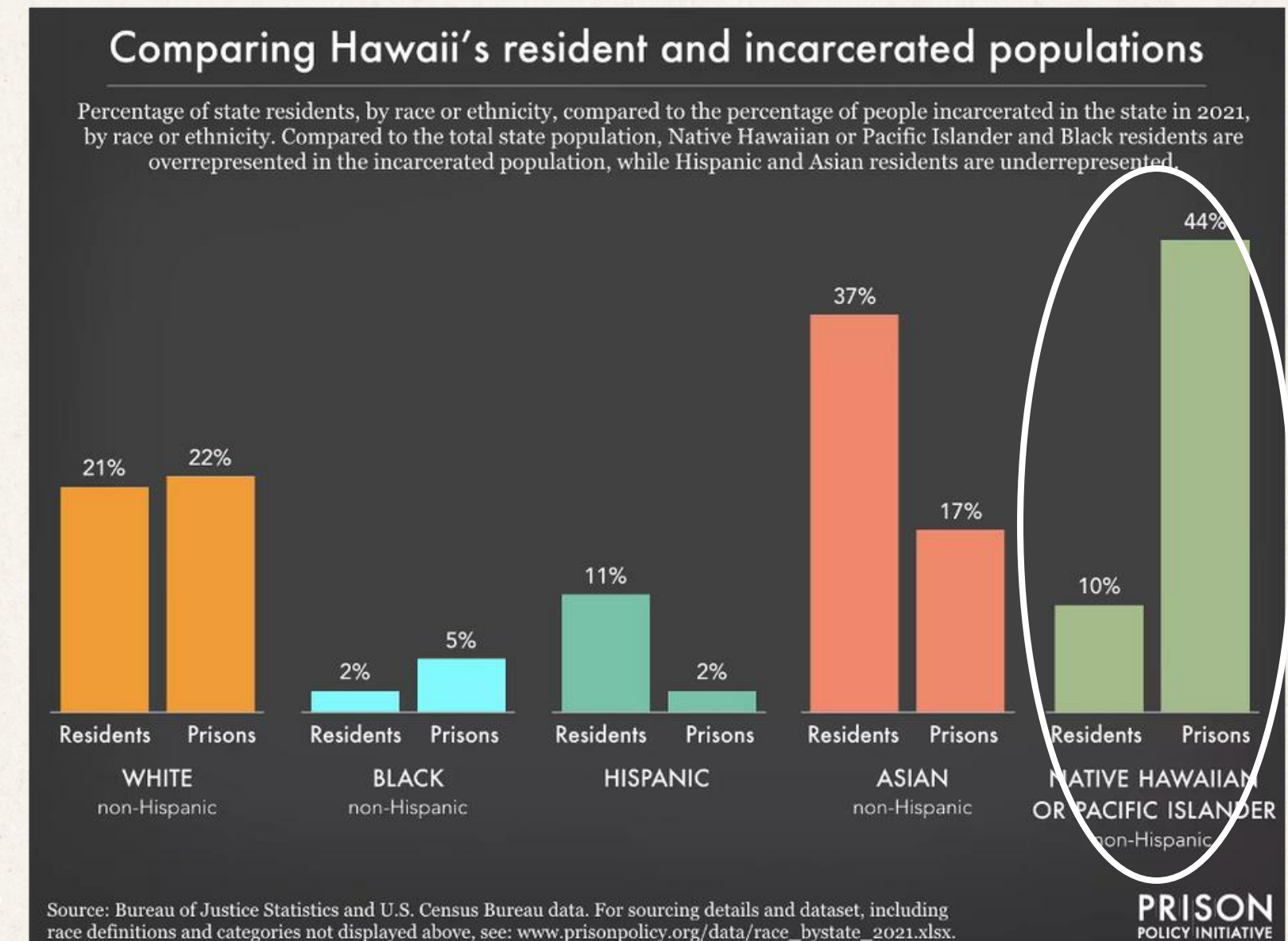
Another incarcerated individual's medical care has cost over **\$2 million in the last quarter.**

An additional individual's single prescription took up **more than 90%** of the entire Department's prescription budget for all people in custody.

BEYOND COST - SICK AND DYING PEOPLE BENEFIT

Native Hawaiians are disproportionately represented among the incarcerated population.

Our assessment is that legal and medical support can lead to release of more eligible people who are sick or dying in prisons.



FAMM AND COMPASSIONATE RELEASE

FAMM has led advocacy efforts for compassionate release for **25 years**. In that time, our work has helped achieve:

- Reforms to federal compassionate release that transformed the statute from among the worst programs in the nation to the best, resulting in the release of **4,500** medically vulnerable people during COVID.
- A federal compassionate release clearinghouse that has led to freedom from incarceration for **hundreds** of sick, dying, and elderly people.
- Strengthened compassionate release programs in **many states**.

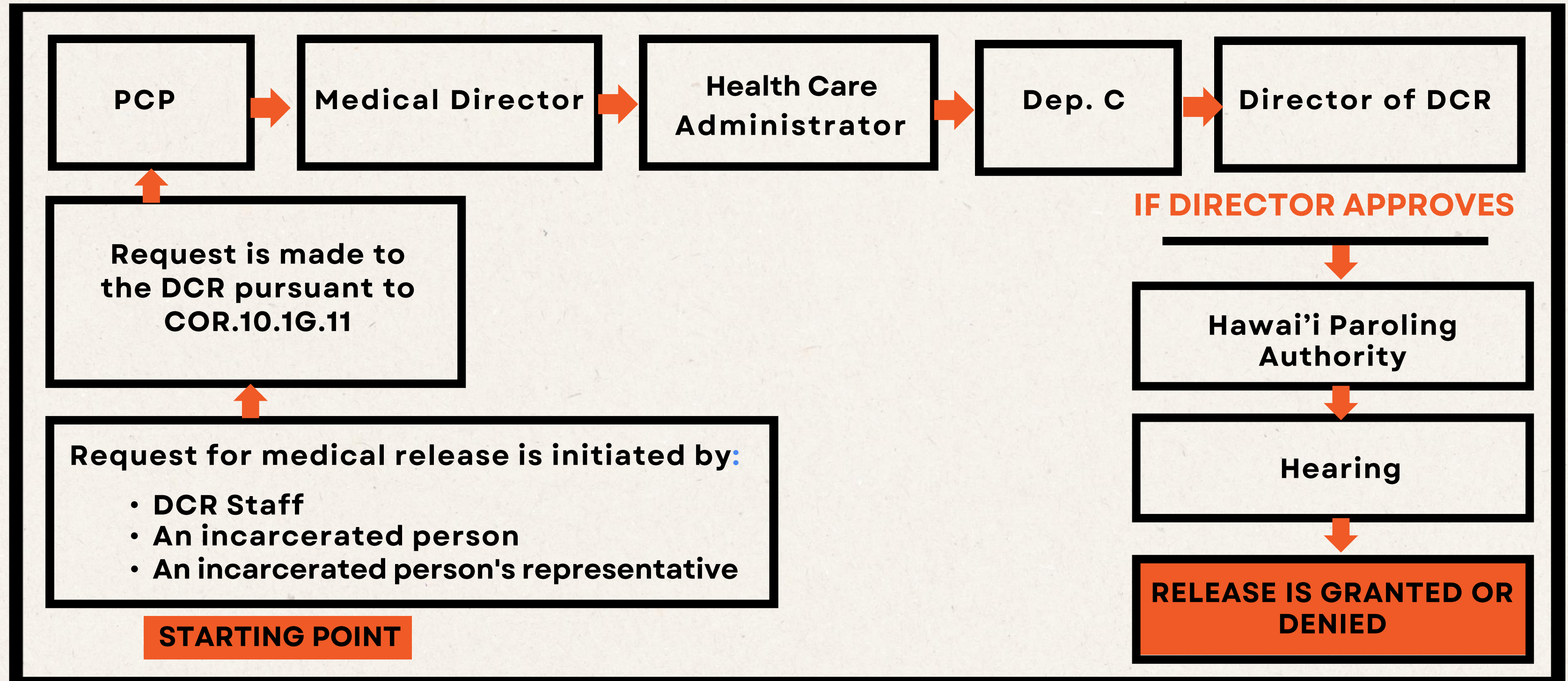
WHY HAWAI'I? - SYSTEMIC REFORM

Did you know that **Hawai'i is the only state in the nation** whose compassionate release program is not governed by statute?

There are profound opportunities to advance systemic change in Hawai'i, including:

- Partnering with agencies to identify and reduce barriers to release and ease the burden on agencies.
- Working with agencies, the legislature, and stakeholders to enact a compassionate release law.

WHAT IS THE CURRENT PROCESS IN HAWAII?

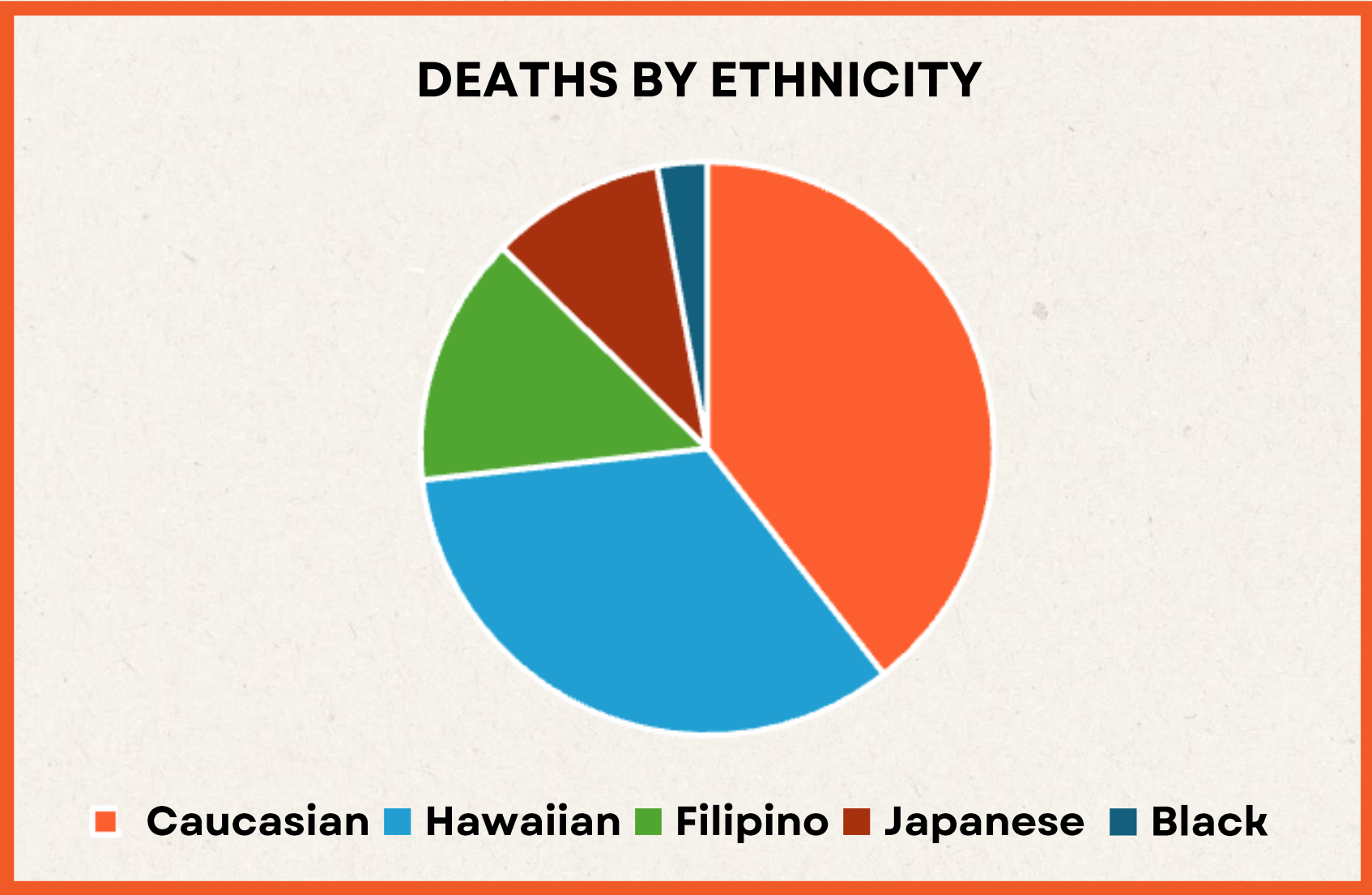
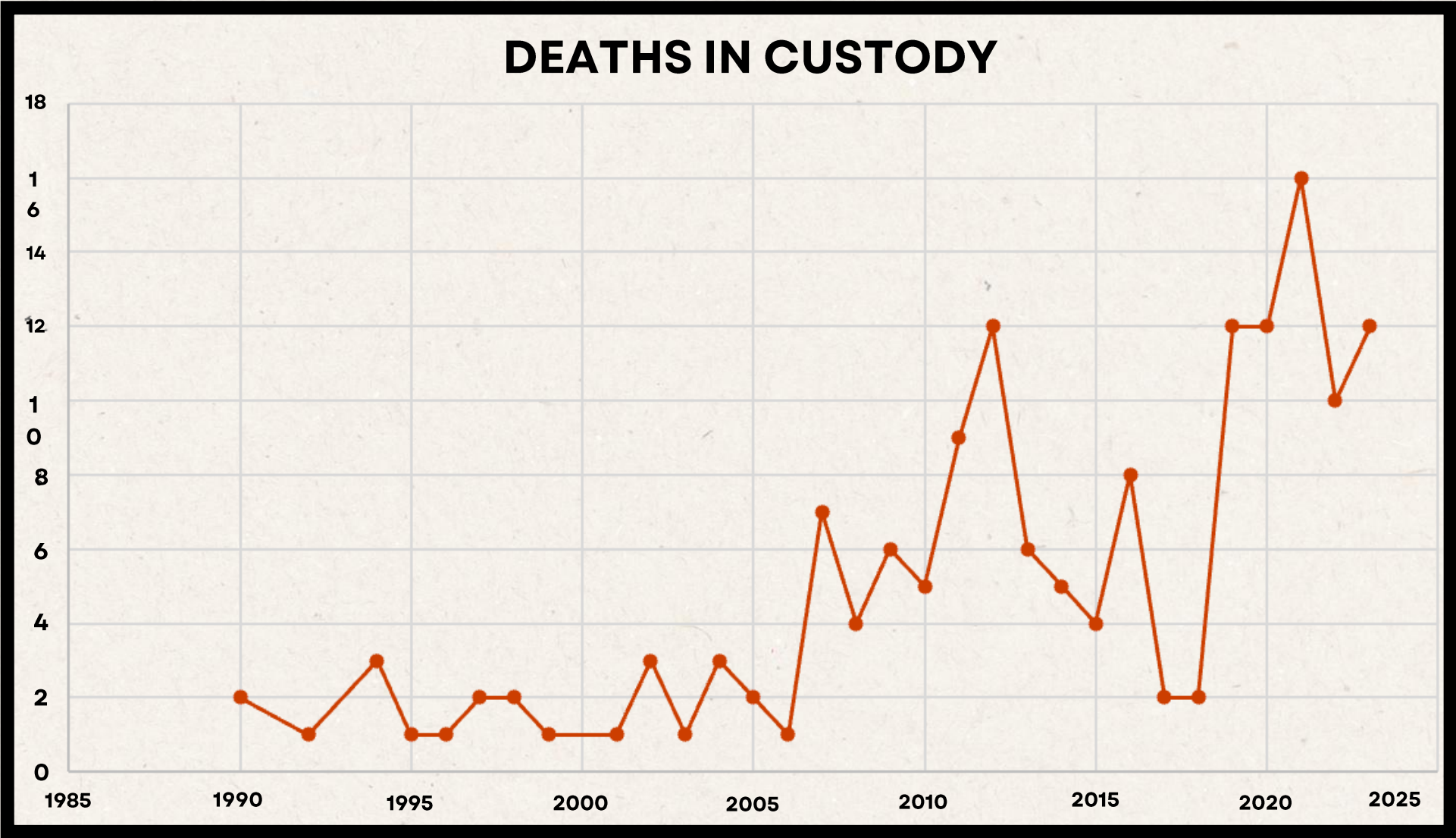


WHAT WE'VE LEARNED SINCE LAUNCHING IN HAWAII

The greatest challenges to the success of the existing program:

- People who should be identified can sometimes **slip through the cracks**
- Long-term care facilities are **reluctant to accept people who need this support**

HAWAI'I DEATHS IN CUSTODY BY AGE AND ETHNICITY



STORIES OF PEOPLE IMPACTED BY SYSTEM BARRIERS

Incarcerated people

Family members

Medical staff

Corrections staff

COMPASSIONATE RELEASE COALITION EFFORTS IN HAWAII

SYSTEMIC EFFORTS

Built **relationships with agencies** to understand barriers to compassionate release.

Visited Halawa to understand the experiences of people in custody who are critically ill.

Partnered closely with agencies to develop **compassionate release legislation.**



COMPASSIONATE RELEASE COALITION EFFORTS IN HAWAII

IMPLEMENTATION EFFORTS

Recruited and trained **pro bono lawyers** to represent individuals in need of compassionate release.

Contacted all Medicaid-approved nursing homes and **identified placements** willing to accept people granted compassionate release.

Begun receiving **referrals** for individuals in need of compassionate release.



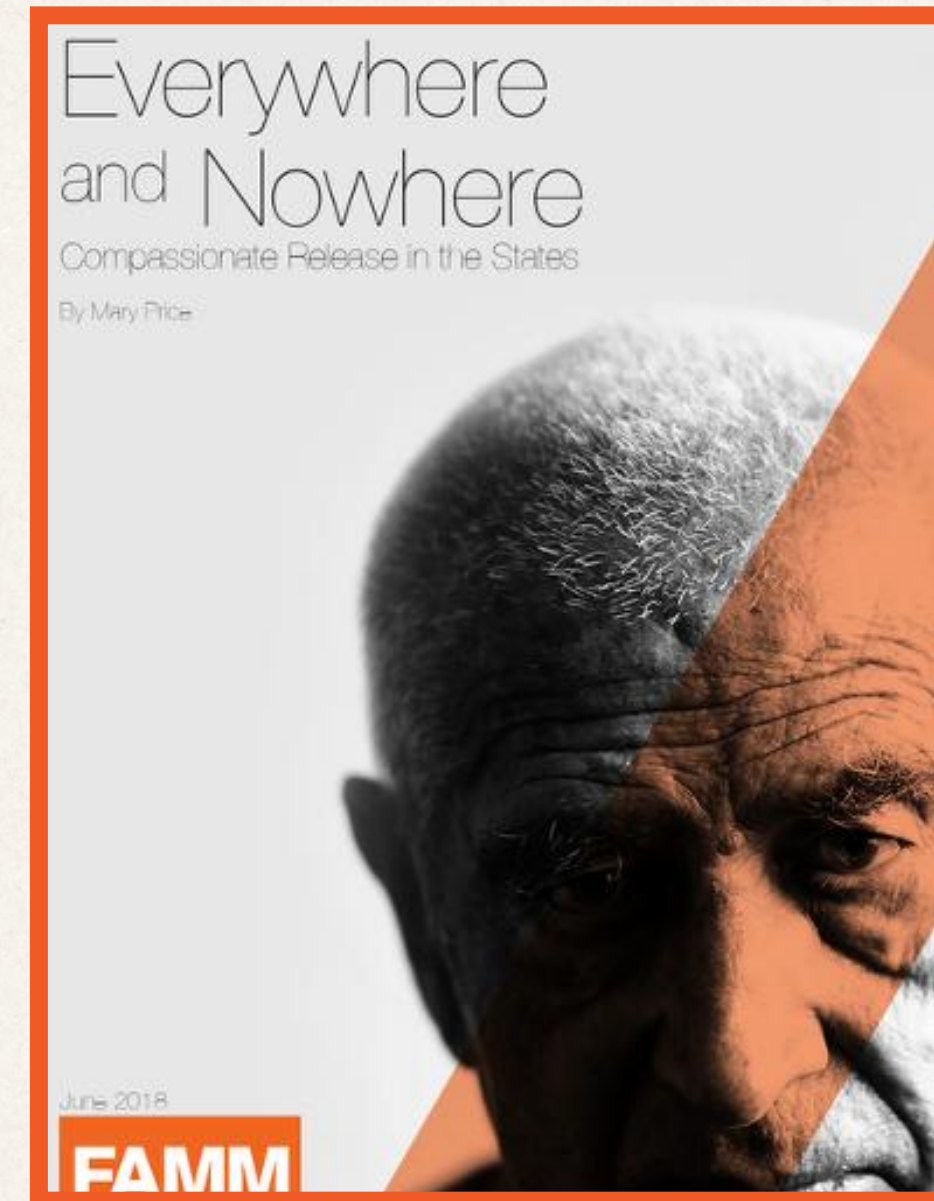
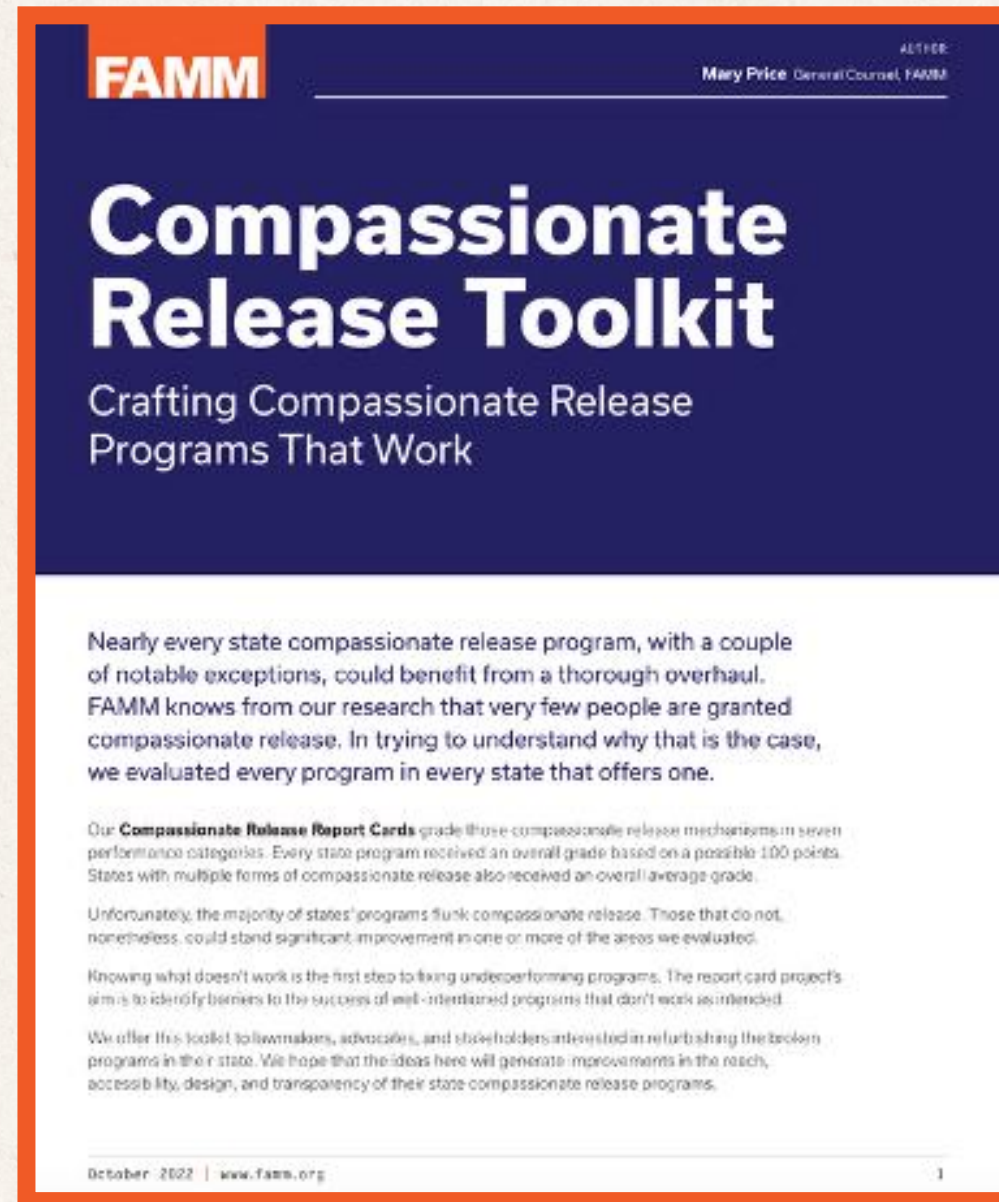
HAWAI'I COMPASSIONATE RELEASE BILL

FAMM, our Hawai'i partners, and engaged agencies have drafted a bill to govern compassionate release. The bill would:

- Establish **clear eligibility criteria** so the right people can be considered for compassionate release;
- **Streamline** the compassionate release **process**;
- **Reduce the burden** of caring for sick and dying people **on DCR**;
- Provide for **parole supervision** for people who are granted compassionate release;
- **Collect and report data** on demographics and numbers of applicants, grants and denials.

**WE ARE SO GRATEFUL TO DCR, HPA, AND HCSOC FOR
THEIR CLOSE PARTNERSHIP IN DRAFTING THIS BILL!**

ADDITIONAL RESOURCES ON COMPASSIONATE RELEASE



FAMM IS SO GRATEFUL TO BE WELCOMED IN HAWAI'I!

An outline map of the Hawaiian Islands, showing the main islands of Hawaii, Maui, Oahu, and the smaller islands of the Line Islands and the Phoenix Islands.

ANY QUESTIONS?



MAHALO!

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