

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
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Honolulu, Hawaii 96814

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Deputy Director  
Law Enforcement

No. \_

TESTIMONY ON HOUSE 1981  
RELATING TO PUBLIC SAFETY

By  
Clayton A. Frank, Director  
Department of Public Safety

House Committee on Public Safety  
Representative Faye P. Hanohano, Chair  
Representative Henry J.C. Aquino, Vice Chair

Thursday, January 28, 2010; 9:45 AM  
State Capitol, Conference Room 309

Representative Hanohano, Representative Aquino, and Members of the Committee:

The Department of Public Safety (PSD) sincerely appreciates the legislatures interest in medical releases of ill and/or disabled inmates from custody.

However, it should be noted that under the provisions of HRS §353-69 (Parole when) and Chapter 700 of Title 23-700 (Hawaii Administrative Rules, entitled, Hawaii Paroling Authority), the Hawaii Paroling Authority (HPA) already has and uses it's Authority to consider inmates for **compassionate release** for medical reasons as outlined in HB 1981 providing the inmate is not serving any portion of a court imposed mandatory minimum sentence(s).

PSD and HPA already have well-established procedures in place that allows for compassionate release consideration of inmates. These procedures have been in place for years and work well to serve the needs of inmates while simultaneously taking into consideration the welfare and safety of the public.

Therefore, PSD sees no need for HB 1981 and respectfully request that this measure be held. Thank you for the opportunity to provide clarity on this matter.

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**HAWAII PAROLING AUTHORITY**  
1177 ALAKEA STREET, GROUND FLOOR  
Honolulu, Hawaii 96813

ALBERT TUFONO  
CHAIR

DANE K. ODA  
MEMBER

ROY W. REEBER  
MEMBER

MAX OTANI  
ADMINISTRATOR

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 1981  
RELATING TO PUBLIC SAFETY

HAWAII PAROLING AUTHORITY  
Alfred Tufono, Chairman

Committee on Public Safety  
Representative Faye P. Hanohano, Chair  
Representative Henry J.C. Aquino, Vice Chair

Thursday, January 28, 2010, 9:45 A.M.  
State Capital, Conference Room 309

Chair Hanohano, Vice Chair Aquino and Members of the Committee:

The Hawaii Paroling Authority (HPA) does not support House Bill 1981, requiring HPA to establish a medical release program for no-risk inmates who are permanently and totally disabled, terminally ill or geriatric. Under current policy, HPA has the authority to reduce a minimum term and grant parole when an inmate has a serious debilitating medical condition for which treatment is not available in prison or a terminal disease wherein competent medical authorities indicate death is imminent. This request is generated by the medical doctor at the Department of Public Safety and forwarded through the chain of command. HPA will conduct a case review only if the recommendation is endorsed by the Director of PSD. Should it be determined by the paroling authority that parole should be considered, a parole hearing is scheduled. The paroling authority would still need to ensure that the release of this inmate would not compromise public safety.

It should also be noted that under HB 1981, HPA would be required to work under two different operating procedures. The proposed time frame to grant parole would be in conflict with current procedures regarding notification of hearing to the inmate, victim and prosecutor. Given HPA's current resources, we would not be able to meet the fifteen-day time frame to grant parole to a terminally ill inmate.

Finally, there is some concern regarding the return to custody of a parolee who is not in compliance with medical treatment or has made a positive change in medical status. It is recommended that a legal opinion be obtained on this matter if it is this Committee's decision to pass this bill.

We ask that HB 1981 be held and thank you for this opportunity to testify.

# COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454/[kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, January 28, 2010

9:45 AM

Room 309

SUPPORT HB 1981 - Medical Release

[PBSTestimony@capitol.hawaii.gov](mailto:PBSTestimony@capitol.hawaii.gov)

Aloha Chair Hanohano, Vice Chair Aquino and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, enhance our quality of justice, and promote public safety by supporting smart justice policies. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that almost 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

HB 1981 requires the Hawaii paroling authority to establish a medical release program for no-risk inmates who are permanently and totally disabled, terminally ill, or geriatric. It also requires department of public safety to assess and refer inmates to the Hawaii paroling authority and sets conditions for medical release.

Community Alliance on Prisons supports this compassionate bill. This is a humane bill that amends the law to allow for an individual who poses no risk to public safety and is elderly, chronically ill or infirm to be released.

We have worked with a family that is now suffering through their grief. This woman's husband was diagnosed with bone cancer and advised that he had only a few months to live. He wanted to die at home surrounded by his wife and children. Despite pleas from his `ohana, the paperwork took so long that he died alone in prison. The man was bedridden, posed no risk to public safety as he couldn't even walk.

California is going broke because they find it necessary to open prison hospices and nursing homes as well as provide very expensive medical care for its old and infirm incarcerated individuals. This is the result of three strikes laws that have put many low level and nonviolent lawbreakers behind bars for 25 years to life.

Community Alliance on Prisons respectfully asks the committee to pass HB 1981 to allow families to be together at the last moments of life.

Mahalo for this opportunity to testify.



Committee: Committee on Public Safety  
Hearing Date/Time: Thursday, January 28, 2010, 9:45 a.m.  
Place: Room 309  
Re: Testimony of the ACLU of Hawaii in Support of H.B. 1981, Relating to Public Safety

Dear Chair Hanohano and Members of the Committee on Public Safety:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of H.B. 1981, which seeks to require the Hawaii Paroling Authority to establish a medical release program for no-risk inmates who are permanently and totally disabled, terminally ill or geriatric and requires the Department of Public Safety to assess and refer inmates to the Hawaii Paroling Authority.

This smart and compassionate program could provide relief to a prison system dealing with increasingly older population subject to more medical issues and higher treatment costs. Releasing those inmates who are determined to be no-risk could save the state millions of dollars in health care costs, relieve prison overcrowding, and offer a more dignified and more humane death to those who would otherwise die in prison.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple  
Staff Attorney  
ACLU of Hawaii

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

**aquino1-Ruffalyne**

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**From:** lmau [lynnettemau@gmail.com]  
**Sent:** Wednesday, January 27, 2010 11:46 AM  
**To:** PBStestimony  
**Subject:** Fwd: support of sb1981

**COMMITTEE ON PUBLIC Safety**

Rep. Faye Hanohano, Chair  
Rep. Henry Aquino, Vice Chair  
Thursday, January 28, 2010  
9:45 AM  
Room 309  
SUPPORT SB1981

I GIVE MY TOTAL SUPPORT TO THIS SB 1981.

AND please include: WHY IS THERE A LIMIT ON AGE WHEN WE ARE TALKING ABOUT DEATH AND TERMINALLY ILL. i dont understand. there should NOT be any LIMIT ON AGE when it comes to death or terminally ill. their right to where they should die is their will & human given right.

sincerely,  
LynnetteMAU  
[lynnettemau@gmail.com](mailto:lynnettemau@gmail.com)  
808.285.2500

You are the VARIABLE - NOT anything else outside of YOU.

You cannot xplain what life IS - you need to FEEL IT.  
You cannot xplain breath - you need to BREATH IT.  
you cannot xplain water - you need to drink & BE QUENCHED.  
You cannot xplain food - you need to eat & BE NOURISHED.

UNDERSTAND ..THIS EXISTENCE NEEDS TO BE FELT - THE PRECIOSNES OF THIS LIFE THE JOY

THE GRATITUDE TO THAT MAGNIFICENT POWER THAT HAS MADE IT POSSIBLE...  
FOR YOU TO BE ALIVE.

PREM RAWAT  
[wopg.org](http://wopg.org)  
words of PEACE global

**aquino1-Ruffalyne**

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**From:** Mary Elizabeth [nugayou@yahoo.com]  
**Sent:** Wednesday, January 27, 2010 4:11 PM  
**To:** PBStestimony  
**Subject:** SB 1981  
**Attachments:** --static--liam\_crowdsurfer\_bottom.gif

**COMMITTEE ON PUBLIC Safety**

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, January 28, 2010

9:45 AM

Room 309

**SUPPORT SB1981**

**Medical release of ill or disabled inmates**

**Dear Chair Hanohano, Vice Chair Aquino and members of the committee:**

**A very humane proposal. I fully support this bill so the inmates can be with their loved ones during their last phase of their lives.**

**Thank you for considering this bill.**

**Aloha,  
E. Funakoshi**