

**SB72**

**SD1**

**LATE**

**TESTIMONY**



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TO: SENATE COMMITTEE ON JUDICIARY & LABOR

FROM: PAMELA LICHTY, M.P.H., PRESIDENT

DATE: FEBRUARY 24, 2014, ROOM 016, 10:15 a.m.

RE: S.B. 72, SD1 RELATING TO PUBLIC SAFETY – **IN SUPPORT with AMENDMENT**

Good morning afternoon, Chair Hee, Vice Chair Shimabukuro, and members of the Committee. My name is Pam Lichty and I'm President of the Drug Policy Action Group (DPAG), the government affairs arm of the Drug Policy Forum of Hawaii.

First of all, we want to thank you for hearing this bill setting up a program for compassionate release for elderly and infirm patients. The measure itself spells out in a very thorough fashion the rationale for a system of compassionate release – like those in place in the federal prison system and in several states.

The bill is drafted with multiple safeguards according to the best available research. **Since these safeguards are in place, since PSD supports it, and since similar programs are in use in other jurisdictions, we see no reason to set this up as a three-year pilot program.** This is simply unnecessary for a measure that is so well planned and drafted and is based on the best medical and correctional models.

Not only would this bill offer “compassionate release” in keeping with Hawaii’s spirit of aloha, but practically speaking, it would save the state enormous sums which they are currently spending on provision of medical care, provision of special equipment such as wheelchairs, and costly medications.

In sum, we respectfully ask that you remove the pilot program language and then pass this bill out with a strong endorsement.

Thank you for scheduling SB 72, SD1 and for giving us the opportunity to testify today.

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**Date:** Sunday, February 23, 2014 1:42:02 PM

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**SB72**

Submitted on: 2/23/2014

Testimony for JDL on Feb 24, 2014 10:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cathy Tilley	Individual	Support	No

Comments: We are faced with a true problem of an ageing prison population which experts have proven are most unlikely to commit crimes if released it is obvious that inmates who are sick or dying will not commit crimes and it is really the humane thing to do, release them to family or friends who will take care of them until they die. Not only is it the morally right thing to do but it would save the state thousands of dollars. All sick and dying persons should be treated with some compassion

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**SB72**

Submitted on: 2/23/2014

Testimony for JDL on Feb 24, 2014 10:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Marshall	Individual	Support	No

Comments:

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Aloha, Senator Clayton Hee, chair of the Senate Committee on Judiciary and Labor:  
Thank you so much for scheduling this important bill!

I am in **STRONG SUPPORT** of Compassionate Release. It is inhumane to make an individual who presents no threat to the community die alone in prison. The recidivism rates for these prisoners is extremely **LOW**. They are sick and elderly incarcerated persons who would be placed on parole and supervised in the community.

As a matter of fact it would be cost effective for the taxpayer.

Please just fix the system, don't keep limping along on some kind of "pilot" program--we need this, it's humane, it's the right thing to do!

Respectfully,

Renie Lindley

66-627 Haleiwa Rd.

Haleiwa, HI 96712

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**SB72**

Submitted on: 2/23/2014

Testimony for JDL on Feb 24, 2014 10:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kristin Douglas	Individual	Comments Only	No

Comments: Honorable Senator Clayton Hee, Please help pass SB72. In addition to the moral and compassionate weight of this bill, it would save the State of Hawaii a considerable amount of financial resources in medical expenses for a dying inmate. A terminally ill inmate would not be a threat to his or her community, or society at large. To keep a terminally ill inmate incarcerated until death when there is a compassionate alternative is outside the purpose of the inmate's sentence. Please let Hawaii set a moral and compassionate example in this matter. Thank you.  
Respectfully, Kristin Douglas Haleiwa, Hawaii

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**SB72**

Submitted on: 2/23/2014

Testimony for JDL on Feb 24, 2014 10:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sylvia R. Pager, MD, IBCLC	Individual	Support	No

Comments: Show Compassion - they're harmless to society if meet criteria. Mahalo,  
S P

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Committee on Judiciary and Labor

Senator Clayton Hee, Chair

Senator Maile Shimabukuro, Vice Chair

Monday, February 24, 2014, 10:15 am, Room 16

Dear members of the Senate,

Thank you kindly Senator Hee for hearing this bill. I am submitting testimony today in STRONG SUPPORT of SB 72, SD1 Relating to Public Safety, more specifically the potential medical release of those ill while incarcerated.

I am a local hospice Social Services and Bereavement Coordinator. I have been witness to many people passing away as well as been a solid support for the loved ones who are going through the end of someone's life. Death is most gratifying and understood when loved ones are allowed to be a part of it. Supporting a person who is dying is natural instinct and should not be denied. This bill is a humane answer to a natural, daily occurrence, illness and death. A sick, frail, and especially elderly community member need not remain in prison to carry out his or her final days. At this point, their time has been served and there is no longer any logical reason to maintain the sentence; it's all over, there are no more lessons to learn, no more public to protect. If someone is very ill and on the path to their end, Hawai'i should support that dignity and allow someone to pass with comfort, ease, and respect within their community and be monitored appropriately and kindly.

I disagree with the three-year pilot program proposed in this bill and feel that this it should be removed. A humane act as thus need not be "tested" and it should be a given from here on out. When someone is ill and dying, their mind and physical body's goal is to do just that. This is not a safety risk.

Denying families and loved ones of attending someone's death is culturally disrespectful as well. There are many cultures, Micronesian is one example, that a person dying must be surrounded and supported 24 hours a day by their family until the day the person dies. To deny a culture of their ritual and belief is incomprehensible and irreverent.

Thank you again for taking the time to consider this very important bill.

Sincerely with aloha, Dina Lloyd, LSW

Hospice Social Services and Bereavement Coordinator, Honolulu, 96817

\*\*For more education, please reference "Culture and Death: A Multicultural Perspective by Panagiotis Pentaris.



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**SB72**

Submitted on: 2/24/2014

Testimony for JDL on Feb 24, 2014 10:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Maurine Kling	Individual	Support	No

Comments: Dear Sen. Hee, Thank you for scheduling this bill, which is long overdue. I understand compassionate release is part of a 3-year pilot program. Please dispense with that and move on to create a reasonable system.

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**SB72**

Submitted on: 2/24/2014

Testimony for JDL on Feb 24, 2014 10:15AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jenny Lee	Individual	Support	No

Comments: Please support this important bill to grant Hawaii's correction system the discretion to grant medical release to incarcerated persons. I strongly urge the committee to amend the bill to create a permanent program rather than a pilot. This bill gives us the opportunity to correct the system permanently. Sick and elderly incarcerated persons would be placed on parole and supervised in the community. Please take the humane approach and let those who present no safety risk to the community rejoin it during these periods of serious vulnerability and suffering. Ailing and elderly incarcerated persons would be supervised in the community to ensure compliance, and the recidivism rate for these individuals are very low. So many have families and friends who ardently desire to provide support and care to the incarcerated individual during their suffering. And for all of these individuals, incarceration will only unnecessarily exacerbate this suffering. Please take this opportunity to create a more compassionate system that will help reduce the unnecessary suffering experienced by ailing incarcerated individuals and their families. We should recognize the dignity of all people and this bill gives us a chance to further this community value.

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CARRIE ANN SHIROTA, JD  
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COMMITTEE ON JUDICIARY AND LABOR  
Sen. Clayton Hee, Chair  
Sen. Maile Shimabukuro, Vice Chair  
Monday, February 24, 2014 at 10:15am  
Room 016

**SUPPORT WITH AMENDMENT: SB 72 SD1 Compassionate Release Program**

Aloha Chair Hee, Vice Chair Shimabukuro, and Members of the Committee:

I am writing in support of SB 72 SD1 Compassionate Release Pilot Program that requires the Department of Public Safety to assess and refer inmates to the Hawaii Paroling Authority (HPA) for possible medical release, but **am requesting the deletion of Section 6 of the bill that makes it a three year program.**

As a former Deputy Public Defender and Director of MEO's Being Empowered and Safe Together (BEST) Reintegration Program, Soros Justice Advocacy Fellow, and as a member of Community Alliance on Prisons, I support correctional policies that are based on "best practices" that have proven effective in reducing our overall incarcerated population, while maintaining public safety.

I support this bill with the suggested amendment for the following reasons:

- 1) Our prisons continue to fill with the elderly. Elderly persons behind bars have higher rates of chronic disease and infirmities and require more medical care and hospitalizations.
- 2) Keeping the elderly and infirm in prison is extremely costly. Nationally, the average cost of incarceration is \$43,000 per prisoner. In contrast, the cost is even higher for the elderly and infirm, exceeding \$100,000 per year for prisoners over 55. We, as taxpayers, shoulder these additional costs.
- 3) Recidivism studies consistently show declining rates of crime with age. Individuals released under compassionate care pose little risk to the public because of factors like their age and/or poor health. (The recidivism rates within three years for all former federal inmates is around 41%. By contrast, just 5 out of the 142 inmates released for compassionate reasons – or 3.5%-- in the studied period were re-arrested in three years. Bureau of Prisons Report, 2013).
- 4) Persons released per the Compassionate Care Program will continue to be under legal supervision (parole). Parole supervision is far less costly than incarceration.
- 5) Our prisons are overcrowded. Rather than spending millions of dollars building "new" prison beds and transferring persons to out-of-state prisons, we should enact and implement comprehensive policies that will reduce our overall incarcerated population. Implementing a compassionate release program will contribute to a reduction in overcrowding.

Please support a comprehensive Medical Compassionate Care law for Hawai'i, and delete the provision limiting this legislation to a three year pilot project.

Sincerely,

*Carrie Ann Shiota*