



Testimony submitted to the Joint Committee on the Judiciary  
In Support of S.874 – An Act Relative to Medical Placement of Terminal and Incapacitated Inmates  
By Colleen Kirby, LWVMA Specialist on Courts and Criminal Justice Reform  
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The League of Women Voters of Massachusetts does not think it is good policy to keep terminally ill or incapacitated people who are no longer a threat to the public in prisons or jails. The state spends \$100 million a year in health care for those in custody, while it is much less expensive and more compassionate to provide care in alternative locations, such as nursing homes or hospice care, since prisons are not set up to care for severely ill people.<sup>1</sup> Forty-five other states allow for early release or release to alternative locations due to health issues or advanced age.<sup>2</sup>

The League of Women Voters of the United States “believes alternatives to imprisonment should be explored and utilized” and the League of Women Voters of Massachusetts supports protecting “individual rights of the offender and to promote the offender’s rehabilitation through individualized treatment.” By implementing compassionate release, this bill would address increasing numbers of severely ill or aging individuals in custody who could be more efficiently taken care of without increasing the risk to public safety.<sup>3</sup>

This bill regulates the conditions of release for compassionate release, and allows individuals in need of medical care during their incarceration to request a medical parole plan to receive needed treatment and have access to health insurance when they are terminally ill or otherwise medically incapacitated. It also provides for an assessment of risk to society. The parole board would need to decide within 45 days, and would maintain supervision until such time as a sentence would have expired. If release is denied, there is a mechanism for appeal with rapid turnaround as this is a medical issue. Data will be collected and filed annually, along with statistics about denials.

This is the same bill that Sen. Jehlen sponsored last session and that was passed by the Senate. If it were in place, it would benefit cases such as that of former Speaker Sal DiMasi.<sup>4</sup> Several sheriffs are on record in support of having a mechanism for compassionate release.<sup>5</sup>

Thank you for your consideration. We hope that this bill is passed to make Massachusetts a more compassionate state and to reduce incarceration costs.

<sup>1</sup> [http://www.osborneny.org/images/uploads/printMedia/Osborne\\_Aging\\_WhitePaper.pdf](http://www.osborneny.org/images/uploads/printMedia/Osborne_Aging_WhitePaper.pdf)

<sup>2</sup> [https://www.prisonlegalnews.org/media/publications/Analysis\\_of\\_United\\_States\\_Compassionate\\_and\\_Geriatric\\_Release\\_Laws,\\_Be\\_the\\_Evidence\\_Press,\\_2015.pdf](https://www.prisonlegalnews.org/media/publications/Analysis_of_United_States_Compassionate_and_Geriatric_Release_Laws,_Be_the_Evidence_Press,_2015.pdf)

<sup>3</sup> <http://healthaffairs.org/blog/2017/02/06/for-seriously-ill-prisoners-consider-evidence-based-compassionate-release-policies/>

<sup>4</sup> <https://www.bostonglobe.com/metro/2016/10/19/program-that-could-benefit-dimasi-has-stalled-state-level/EmrtDbksrMS9jQ9jL7qycM/story.html>

<sup>5</sup> <https://www.bostonglobe.com/opinion/letters/2016/11/07/dimasi-case-underscores-need-for-state-guidelines-ill-inmates/5WkcydFDG3IR7vdStyMqnM/story.html>