

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

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No. PSD 2012-52

January 19, 2012

Mr. Daniel Gluck
Senior Staff Attorney
American Civil Liberties Union
P.O. Box 3410
Honolulu, Hawaii 96801

Dear Mr. Gluck:

Thank you for your letter dated January 10, 2012 regarding access to the Department of Public Safety (PSD) and the Hawaii Paroling Authority's (HPA) records relating to Compassionate Releases (CR).

Per your discussion on January 17, 2012, with Wesley Mun, the following information is provided:

Number of cases recommended for CR: (Data from 1/2009 to present)	37
Number of cases approved by PSD: (Cases forwarded to HPA for action)	22
Number of cases released on CR:	14

PSD policy and procedure relating to Compassionate Releases is enclosed for your review. HPA does not have a policy, but adheres to the Hawaii Revised Statutes.


If you need further information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Jodie F. Maesaka-Hirata". The signature is written in a cursive style.

Jodie F. Maesaka-Hirata
Director

Enclosure

	DEPARTMENT OF PUBLIC SAFETY	EFFECTIVE DATE: FEB 02, 2011	POLICY NO.: COR.10.1G.11
	CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	SUPERSEDES (Policy No. & Date): COR.10.1G12 (07/28/2009)	
	SUBJECT: COMPASSIONATE RELEASE FOR THE TERMINALLY ILL		Page 1 of 3

1.0 PURPOSE

To establish guidelines for the recommending of a compassionate release for inmates experiencing terminal or severely disabling conditions.

2.0 REFERENCES AND DEFINITIONS

.1 References

- a. Hawaii Revised Statutes; Section 26-14.6, Department of Public Safety; and Section 353C-2, Director of Public Safety, Powers and Duties.
- b. National Commission on Correctional Health Care, Standards for Health Services in Prisons and Jails, (2008).

.2 Definition

- a. Terminal Illness: Category I. An illness that by its nature, can be expected to cause a patient to die within 1 year
- b. Debilitating Disease or Illness: Category II. A persistent illness or disease causing increasing physical weakness to the extent that the patient's quality of life is compromised and care could better be managed within the community. This may include conditions related to advanced age.
- c. Compassionate Release: A release of an inmate before the expiration of his or her maximum sentence based on the inmate's deteriorating physical condition.

3.0 POLICY

- .1 The compassionate release program contains two category designations:
 - a. Category I –terminal illness
 - b. Category II – severely disabling chronic condition(s) having deteriorated to the extent the patient may be better managed in the community.
- .2 A compassionate release shall only be recommended by a physician.

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4.0 PROCEDURES

- .1 The patient or his or her legal guardian shall be required to sign a Release of Medical Information form, Doc 404A
- .2 The patient's primary care physician shall draft a memorandum to the Health Care Division Medical Director recommending a compassionate release for a patient. At a minimum, the information supplied to the Medical Director shall include the patient's name, SID number, and date of birth. The physician shall indicate the category of the request and a description of the terminal or debilitating medical condition.
- .3 The CSA shall request an abbreviated prescriptive plan (PPU) from the facility where the inmate is housed. At a minimum, the PPU shall include the inmate's prison behavior, participation in required programs, detention charges, sentences, and inmate custody status and conviction history. The PPU shall be attached to the medical recommendation and sent to the Health Care Division Administrator.
4. The Medical Director shall approve or disapprove the physician's recommendation.
 - a. Disapproval – The Medical Director shall inform the requesting physician
 - Approval - The memorandum with the Medical Director's approval shall be forwarded to the Health Care Division Administrator (HCDA).
- .5 The HCDA shall submit the packet with a cover memorandum recommending the compassionate release to the Director through the Deputy Director for Corrections (DEP-C). The cover memorandum shall have a signature line for the Director and the DEP-C to approve or disapprove the HCDA's recommendation.
- .6 If the DEP-C approves the recommendation, the recommendation shall be forwarded to the Director for approval. If approved, the Director shall forward the request to the Hawaii Paroling Authority.
- .7 Recommendations that are not approved shall be returned to the Health Care Division and the Medical Director shall inform the requesting physician of the determination.
- .8 The HCD may resubmit and updated recommendation for a compassionate release should a previously denied inmate's condition or category of condition change.

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5.0 SCOPE

This policy and procedure applies to all correctional facilities and their assigned personnel.

APPROVAL RECOMMENDED:

[Signature] 11/24/10
 Medical Director Date

TA L. [Signature] 11/29/10
 Health Care Division Administrator Date

Jodie Maesaka-Huata 2/2/2011
 Deputy Director for Corrections Date

APPROVED:

Jodie Maesaka-Huata
 Director
2/2/2011
 Date