



CRIMINAL JUSTICE POLICY COALITION

Collective Action for Humane, Healing, and Effective Criminal Justice Policy in Massachusetts

A Quarterly Newsletter

Spring 2010

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Compassionate Release



Compassionate release refers to a court’s authority to permit the early release of a prisoner based on “extraordinary and compelling reasons.” Congress codified the option for compassionate release in federal statute 18 U.S.C. §3582(c)(1)(A)(i), however several states have taken care to create their own compassionate release statutes applicable to state prisoners. Massachusetts, unfortunately, is not one of them. The following is a letter from Timothy J. Muise, a member of the Lifers’ Group at MCI Norfolk. As Mr. Muise states, Massachusetts is in need of compassionate release legislation in order to relieve itself of the cost of medically ailing inmates and allow for the peaceful end to their lives outside the walls of prison.

*Compassionate Release Legislation
 Long Overdue In Massachusetts
 December 2009*

By Timothy J. Muise

Picture 92 year old Nick Montos leaning on his cane, out of breath, in the quad at MCI Norfolk, the state’s largest prison. Nick is making one of his three trips a day across the prison complex to get his life sustaining medications and is forced to ask another prisoner to dig his nitroglycerin out of his pocket so he can address the heart episode he is experiencing.

Now picture Frank Soffen, 70 years old, in his wheelchair, unable to hold an ink pen to write his son to tell him about an argument he had with a guard in the assisted care facility at MCI Norfolk who would not allow him to be wheeled over to a church service.

The Two men I have asked you to picture had a lot of similarities, both were seriously ill prisoners who no longer present a threat to the safety of the public. The one big difference is that Nick died before he could be released under some sort of compassionate vehicle, but Frank is alive and fighting as best he can to succeed at what poor Nick could not.

Massachusetts is one of only ten states that do not have some type of compassionate/medical release law that allows seriously ill prisoners to be released to more appropriate care. The cost to care for our aging prisoners is in a range from \$75,000.00 to \$115,000.00 per prisoner per year, as opposed to about \$44,000.00 for a healthy man or woman. Not only is this type of legislation the moral and merciful thing to do, in these tough economic times it is the only fiscally responsible choice for addressing the problem of our aging prison population. These men are the safest release demographic and the managed care they can receive outside of prison walls is a fraction of the cost the high-end fees applied to correctional setting care.



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The social fiber of our society is sadly diminished by the needless demise of men like Nick Montos. The suffering Frank Soffen must endure behind bars should be repugnant to any caring community. Our elderly and infirm prisoners deserve dignity. The hard working men and women of the Commonwealth deserve to have their tax dollars more frugally spent. Compassionate release legislation is a win-win situation whose time has come.

The push for compassionate release has begun here in the state of Massachusetts. The Lifers' Group, Inc., at MCI Norfolk is working with the End The Odds Coalition and The Criminal Justice Policy Coalition to compel state lawmakers to make this much needed vehicle law. They need the support of the citizens of the Commonwealth to ensure that men like Frank Soffen don't have to suffer the same fate as Nick Montos. Please contact them at the following: friends.of_lifers@yahoo.com, ahmadifar@comcast.net, and infor@cjpc.org. You can also contact your local Senator or State Representative directly and let them know you think that compassionate release legislation is long overdue in Massachusetts.

Authored by
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Facts About Medical Release According To USA Today

Thirty-Six States – Including Four New England States (CT. – N.H. – R.I. & VT.) Have Some Form of Medical Release Program. Massachusetts Does Not.

Massachusetts Tax Payers Spent The Sum Of \$103,989,685 For Prisoner Medical Care Services 2007.

The Average Annual Cost Associated With Treating A Terminally Ill Prisoner In Massachusetts Is Between \$75,000 and \$100,000 And The Cost Is Going Up Each Year

Over 250 Terminally Ill Prisoners Have Already Been Released Under Supervised Parole Conditions In The States Of Louisiana, Maryland, Michigan, North Carolina, Oklahoma And Virginia

Washington State Officials Claim That Their Planned Releases Will Save Their Tax Payers \$1.5million Over The Next Two Years

Legislative Update:

CORI REFORM AND SENATE BILL 2220

Senate Bill 2220 which contains a version of CORI reform drafted primarily by counsel for the Executive Office of Public Safety and drug law sentencing reform has passed the State Senate by a vote of 26 to 12. It is now in the House Ways and Means Committee. Representative Charles Murphy, the Chair of the Ways and Means Committee, has said that the House will act on S.B. 2220, probably this spring, and that the House version is likely to have some changes. CJPC urges its members to let their state representatives know that they want to see CORI reform and drug law sentencing reform enacted in this session. The mandatory post release supervision proposed in S.B. 2220 should be dropped. It will only increase parole case loads, parole revocations and prison overcrowding. Parole can play an important role in reducing recidivism, when evidence based best practices for parole supervision are used, but the version of parole contained in S.B. 2220 does not provide best practices. Similarly the provisions in S.B. 2220 requiring all homeless sex offenders to wear GPS monitoring bracelets are not based on any evidence and will be quite expensive to implement. It is very important that your state representative hears from each of you to maintain the momentum for reform.

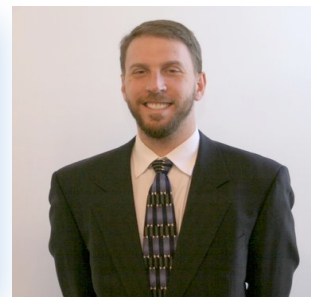
Contact your State Representative and/or Senator. See www.sec.state.ma.us/cis for a listing or call Citizen Information Service 1-800-392-6090 or 617-727-7030

**Call the Office of Governor Deval L. Patrick
617-725-4005**

**Call or E-mail Mary Elizabeth Heffernan, Secretary for Criminal Justice Executive
Office of Public Safety & Security
eopsinfo@state.ma.us
617-727-7775**

**Call Mark Conrad, Chairman of Massachusetts Parole Board
508-650-4500**

Q & A With Chairperson Eric Tennen



How long have you been on CJPC's board and why did you decide to serve?

I have been a board member since summer of 2008; I have been the chairperson since winter of 2008. I decided to become a part of CJPC because, as a criminal defense lawyer, the issues CJPC supports and lobbies for are close to my heart. I have come to understand all too well the various shortcomings with Massachusetts' criminal justice system. I have always had ideas about how to try and fix them and CJPC is a great organization that matches my ideas.

What is one interesting thing about yourself which is not in your bio?

After law school, I spent one year clerking for the High Court of American Samoa. It is the only court in American Samoa, a small American territory in the South Pacific.

What experience(s) in your life most influenced your viewpoint(s) about criminal justice issues?

Without a doubt, my experience as an advocate for persons charged with, and convicted of, criminal offenses. It has given me a unique perspective most people never have. It is easy to see the world through the lens of society trying to deal with "criminals." It is not easy to see the world through the lens of people who are a part of the criminal justice system and are trying to get their lives back on track. My job has given me that unique perspective, and a sense of understanding I think is hard to come by unless you experience the system yourself.

What is the single most important criminal justice issue facing Massachusetts right now?

Money. Money is short and Massachusetts has to make some difficult choices about how to allocate it. It is a great time to reconsider some of our less effective measures and reprioritize our goals. We know that much of our criminal justice policy is ineffective and expensive. Now that we are forced to budget, we can hopefully become more effective at helping rehabilitate and reintegrate ex-felons.

What is one thing that Massachusetts does well when it comes to criminal justice?

Massachusetts has been willing to experiment with some novel approaches to prosecuting non-violent offenders. There are several specialty courts which are extremely effective in helping treat the root of some criminal behavior: mental health and drug courts. These courts focus on treating underlying issues, such as addiction or mental conditions, which are often ignored in the regular criminal courts.

What is one thing that Massachusetts needs to improve when it comes to criminal justice?

Massachusetts has extremely harsh laws against sex offenders, none of which are empirically based on what we know about sex offenders. We have draconian measures in place to deal with a problem that is perceived by the media and society to be worse than it is. What we are learning is that so-called protective measures, such as mandatory GPS and registration for all sex offenders does nothing to actually prevent crime and, in fact, makes matters worse for all involved. We need to separate our emotion from the reality of the situation and look to put in place evidence based ideas that may really make a difference for offenders and victims alike.

What other causes or organizations do you support outside of CJPC?

I am a strong supporter of the St. Francis House, a day shelter that wrote the book on effective management of the homeless population. I am also a member of the ACLU and various legal criminal defense organizations.



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“Reaching Out”

As a Program Director for a human service organization whose mission, in part, is to reach “in” to the prison population and offer hope and help to those approaching release, I receive hundreds of letters from inmates “reaching out” for help. These letters run the gamut from self-pity to selfless resignation. Through the CJPC Newsletter I would like to share some of these stories that give the reader some insight into life behind bars. These letters and portions of letters are unedited. We have chosen to hide identities unless we have specific permission to attribute.

Fred Smith, Director of Program Development, Research and Evaluation
St. Francis House, Inc.
Board Member, The Criminal Justice Policy Coalition

[This letter is from a second degree lifer from MCI Norfolk who attended a presentation by Mr. Smith at Norfolk]

Dear Mr. Smith

...Truly, life in prison can be likened to living with the emotional extremes of a life in a war zone. There is almost no one who selects this lifestyle by choice; instead, people inside live with a consuming desire of again becoming a person outside. So when positive opportunities (such as St. Francis) toward release become available in a prison setting, they often become the focus of a person’s entire energy. This penalty we call “incarceration” cannot, therefore, be so simplistically equated with the passage of time alone. Clearly the psychological toll is actually co-equal.

Over the last five years here, more and more viable rehabilitative type programs have simply disappeared from this security. The inmate ratio to available prison jobs and scant vocation programs is woefully disproportionate. Consequently, the degree of inmate idleness is rampant, and detrimental to many an inmate’s mental outlook, which then manifests into self-destructive behavior. However, on the other hand, there exist more inmates, who keep a tight grip on optimism. Some of these optimistic men attend, support, and believe in the Lifers Group agenda, and had shown up to hear you.

Sir, we in the Lifers Group are driven by the belief that, we can atone for our crime by becoming a better person. We sincerely don’t want to be remembered for our worst moment. We’ve accepted the consequences for our worst moment, without minimizing the seriousness of our crime(s). We realize further, that it’ll be irresponsibly counterproductive, for us not to be cognitive of our overall mental outlook. The point is, regardless of our current circumstances, we are holding out hope for a better life, because we do believe in second chance. Everyday we do our best not to fall. In addition, we realize also, that sincere intentions alone may not be enough. However, having knowledge and access to resources comparable to those of St. Francis House, significantly eases the burden.

Wherefore, on behalf of all members of the Lifers Group, I extend our profound appreciation for all of your efforts and services. You’ve solidified our belief, that there is hope. Thank You!



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A Final Word On Compassionate Release:

This newsletter is dedicated to an important, but largely quiet issue: compassionate release. The lack of compassionate release is a great example of how criminal justice issues are not always designed by common sense or reason. Understandably, no one wants to give an inmate a "free pass." But compassionate release is not that. Persons who would qualify would do so only because they are so sick or nearing life's end. Releasing someone to be treated medically is not, then, a free pass. As a society, we have an obligation to care for incarcerated individuals; compassionate release simply redefines how we do that. Because persons released pursuant to compassionate release would still be monitored by parole, there is no merit to the idea that we are "freeing" them. Rather, we are simply redefining their custodial status. Compassionate release saves money, it saves resources, and it is a morally right answer to a medically complicated question. Compassionate release should be the kind of straightforward issue that everyone can support. However, because few people talk about it, the issue has little momentum. Given the recent pledges for common sense criminal justice practices by the Governor and others, the time for compassionate release may be near. CJPC encourages everyone to start a dialogue about this issue. We have provided a how-to list, along with compelling stories and statistics. We hope this will give you the motivation needed to make the hope of compassionate release a reality.

Eric Tennen



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