



**DEPARTMENT OF PUBLIC SAFETY
REPORT TO THE 2018 LEGISLATURE**

**RESPONSE TO SENATE RESOLUTION 147, SENATE DRAFT 1
REGULAR SESSION OF 2014**

December 2017

Response to Senate Resolution 147, Senate Draft 1 Regular Session of 2014

In an effort to respond to Senate Resolution (SR) 147, SD1, the Department of Public Safety (PSD) and the Hawaii Paroling Authority (HPA) reviewed HPA's Administrative Rule 23-700 and PSD's internal policies as they relate to consideration of parole for offenders with various medical conditions.

As a result of the review of each agency's respective Administrative Rules, Policies, and Practices, the PSD and the HPA have agreed to address the Legislature's concerns by implementing a more permanent medical release consideration program. PSD has amended and republished policy COR. 10.1G.11 (Medical Releases), which further expands the categories of offenders who may be considered for medical/compassionate release.

In addition, the HPA has agreed to utilize the broader language of PSD's amended policy COR.10.1G.11 by amending its Administrative Rules §23-700-26(c) and §23-700-29(b), to significantly broaden and increase the number of offenders qualifying for consideration of reduction in minimum terms of imprisonment for medical reasons. At present, HPA's Administrative Rules (HAR §23-700-26(c) and §23-700-29(b)) state, in part, "The Authority may also reduce a minimum term when an inmate has a seriously debilitating medical condition for which treatment is not available in prison or a terminal disease wherein competent medical authorities indicate death is imminent."

The amended language of PSD Policy No. COR. 10.1G.11 and the proposed amendment to HPA's HAR §23-700-26(c) and §23-700-29(b) cited above now reads as follows:

"The Authority may also reduce a minimum term when an inmate has a seriously debilitating medical condition for which treatment is not available in prison or the inmate's condition is such that the inmate's medical condition renders the inmate too cognitively impaired and/or functionally compromised to pose a significant risk to public safety. This also applies to inmates who have a terminal disease wherein competent medical authorities indicate death is imminent."

As a result of the collaborative efforts of PSD and HPA, the amended language of PSD Policy No. COR. 10.1G.11 and HPA's proposed amendments to HAR §23-700-26(c) and §23-700-29(b) address the concerns the Legislature expressed in SR 147, SD1 (2014). PSD's and HPA's initiative greatly expands, beyond the three-year pilot program suggested by the Senate, the number of offenders who would qualify for early release consideration. The HPA's proposed amendments to its HAR are currently with the Department of the Attorney General and should be finalized soon. In light of these actions, a pilot project would not appear to be necessary at this time, as the goals of such a program are being adopted on a non-pilot project basis.