MAINE STATE PRISON BRANCH OF THE



N.A.A.C.P.



807 CUSHING ROAD WARREN, ME 04864-4600

Santanu Basu 1st Vice President **Leo Hylton** Executive Secretary

Foster Bates President

Jeffrey Taylor 2nd Vice President **Shawn Tuttle** Treasurer

Senator Susan Deschambault, Representative Charlotte Warren and Honorable Members of the Criminal Justice Committee

The Maine State Prison Branch of the NAACP

Supports LD 476 An Act to Provide Assisted Living and Long-term Nursing Home Care for Incarcerated Persons

The Maine Department of Corrections (DOC) elderly population has rapidly increased over the past 40 years due to longer prison terms, abolishment of parole, the lack of utilization of the Supervised Community Confinement Program (S.C.C.P/Home Confinement), no Transition Houses, no Halfway Houses, and no Assisted-living homes. As a result, Maine has the eighth highest percentage of an elderly prison population in the country, with a staggering 15.2% of the population over 50 years of age. Is it truly necessary to compel an incarcerated citizen to take his or her last breath behind the fences and doors of the Department of Corrections? There is overwhelming research and data that show a significant decline in recidivism for people age 50 years and older. The arrest rate for people age 50 is barely 2% and nearly 0% for people 65 years of age and older. The research and data clearly show that elderly residents in the DOC pose little to threat to public safety.

Being removed from society, and separated from loved ones and friends is psychologically and emotionally traumatic. This distressing and painful experience leads to melancholy, loneliness, hopelessness, anxiety, dejection, and despair, which are exacerbated when a resident is on his or her deathbed dying a lonely death, usually in the care of a complete stranger. MDOC has a statute that states that it's the policy of the Department of Corrections to provide fair and equal treatment to all residents. Allowing a deathbed resident to be comforted by a loved one(s) or close friend(s) in an assisted living or long-care facility environment is in keeping with MDOC statute and policy.

The philosophical approach of the Maine Criminal Justice system, like other states, has become more punitive with an increase in harsher sentences compounded by a lack of rehabilitation and reentry programs. This methodology has failed and the results of this 40-year tough-on-crime approach has almost quadrupled the prison population-with unprecedented expansion in the number of elderly people in prison in the U.S. (124,900). Criminologists and legal scholars have estimated that the prison elderly population will increase nationwide by 4,400% by 2030.

Despite the astronomical increase of the elderly population, in 2011, Maine spent \$17 million dollars on DOC residents' healthcare-a 16% increase from 2007. Notwithstanding this considerable investment, DOC residents are still not receiving the care they need. That reason alone provides justification for passage of LD 476.

In 2018, the Maine prison system had 2,378 people in the custody of the Department of Corrections. Maine State Prison housed just slightly over 1000 residents. There were 310 residents state-wide with serious unresolved health issues, 58% of that number were residents over the age of 50. The realization of an aging population within the DOC led the State to add an assisted living unit at Mountain View Correctional facility and a much needed hospice program at Maine State Prison. Even with the two additions, the MDOC is still not equipped to accommodate an aging populace. Passing LD 476 would help address that concern. The Bill will permit residents and their advocates (including family members and friends) to petition the MDOC for a Medical Eligibility Determination that will authorize the DOC to evaluate the need for assisted living or long-term care in a nursing home for qualified elderly residents.

Wherefore, the MSP NAACP supports LD 476 in its totality.

Respectfully submitted,

Fester Bates

MSP NAACP President, Foster Bates