

Public Testimony for H.150

March 2, 2017

My name is Meg McCarthy. I am a board member of Vermonters for Criminal Justice Reform, but I speak here as a concerned citizen and NOT as a representative of VCJR.

I want to speak a little about my husband. We have been married for 28 years, and he is a good, generous, and peaceful man — except for a terrible day in 2011 when a perfect storm of depression, despair, and fear took hold of him. On that day, he took a life.

My husband was 59 years of age on that day, and a plea bargain resulted in a 20 years to life sentence, all suspended except 17 years to serve. He would be released from prison in 2028, at the age of 76. From the very start I worried about him becoming serious ill in that time. From the very start, I was afraid he would die in prison. I still am.

He was sent to the CCA prison in Beattyville, Kentucky, and while he was there, he developed neck cancer. My big fear had come true. We are very grateful that the DOC chose to return him to Vermont for treatment instead of keeping him in Kentucky and setting up treatment there. Being in Vermont ensured that we would have better care, but also that he would be closer to loved ones as he went through the ordeal of chemotherapy and radiation.

But even though he was in Vermont, he went through cancer treatment on his own. Anyone who has had a loved one with cancer or another serious illness knows how important it is to provide support and care for that person. When my husband had cancer, he went to his chemo and radiation treatment in shackles, accompanied by corrections officers who stood by and fiddled with their smartphones. I couldn't be with him. I couldn't feed him good, healthful foods, make him tea, make him comfortable while he was ill. I would visit him on Saturdays, and my usually animated, talkative husband sat on the other side of the table, looking distant and glassy-eyed. I wasn't allowed to give him as much as a squeeze of the hand. He went through cancer treatment without a single caring touch. I despaired that anyone could fight cancer in these circumstances.. Yet he did: he has been cancer-free for a year and a half.

And now I worry about the cancer returning... while he is in prison.

But I'm not here to speak only of my husband. Because there are many many other men and women in our Vermont prisons aging, with failing health. The aging process happens earlier to incarcerated people because of the stress and the generally unhealthy lifestyle that institutionalization creates. My husband currently lives in Charlie unit, the long-term care unit at SSCF. When I visit him on Saturdays, the other inmates coming in for visits include men with walkers, men in wheelchairs, occasionally someone pulling an oxygen tank along with him. My husband tells me he sees people's overall

health deteriorate quickly there. One night, a man died in his cell and my husband woke to the sounds of the COs putting the man into a body bag and hauling him away. And as these men in Charlie die, or are released, other men in falling health take their place.

I have learned a lot from my association with VCJR. One thing I have learned is that people “age out” of crime, that for the most part older prisoners, upon release, do not recidivate. I’ve come to believe that holding low-risk inmates in prison for long periods of time is ineffective, even counter-productive. I’ve come to believe that our criminal justice system should be less about punishment and more about keeping our communities safe and helping people become better people, better members of our communities.

All that said, the inmate I know the best is my husband. I know that he is no threat to our community, that the reason he is being imprisoned is to punish him. Many people will say it’s not punishment enough. But they don’t know him, they don’t know what he’s been through, they don’t know that he will be haunted the rest of his life for this act, for the pain he caused the victim’s family, the pain he has caused his family and friends. He will punish himself for the rest of his life. It is not necessary for the state of Vermont to spend a half million dollars to make him feel the full weight, the full horror, of this event.

When I became involved with VCJR, one of my goals was to put a human face on the hundreds of people and families caught up in the system. That is why I am here today.

I understand that DOC has a medical furlough policy, though I can’t find it on line. I believe that it is meant to release terminally ill inmates to their families to die. H.150 would allow inmates of any age who have a “serious medical condition” — not just a terminal illness — to be eligible for medical parole. But also, it would allow people like my husband, who has been a model prisoner, and was in fact a model citizen until he experienced this moment of breakdown, also to be eligible for early parole. It doesn’t guarantee that he’ll get it, but the fact that he poses no risk to anyone would actually matter —and maybe he’d be able to live his remaining years living the constructive, generous life he was meant to live.

Thank you for allowing me to speak to you today, and thank you also for the work you do for the people of Vermont.