

# THE DOUBLE PUNISHMENT OF DYING

by Joe Labriola, Prisoner

Compassionate release does not exist in Massachusetts because no one in authority has the guts to blend mercy with judgment. They falsely presume that only they can change with time. That only “they” evolved with the passing of years. No one, and I repeat, NO ONE is the same person they were 25 or 30 years ago. The Parole Board member sitting in judgment today is the same person you saw with the bong or the beer hose during spring break in Ft. Lauderdale 30 years ago. The judge that sentenced us is the same person that took speed to stay awake to study for exams in school. The only perfect man that ever lived was crucified so there is no denying the mistakes or stupidity. We all share in those with abundance.

A prisoner in Massachusetts who has the unmitigated gall to fall seriously ill or God forbid, the audacity to contract a fatal illness and is in the process of death is similarly punished. He will be placed in a crypt – or as they like to call it here, a “ward”. There are five men to each ward and now they are thinking about adding a sixth bed because there is no more room at the inn to handle the constant influx of elderly and dying men. The bright lights are left on until 11:00 pm each night and every 15 minutes the solid metal door is opened so a guard can tromp across the floor, flashlight in hand, to make sure that no one has croaked on his or her watch. For the sick person in the beds it is torture to be awoken every fifteen minutes.

There is a complacency that comes from being medically understaffed in what is now called “the skilled nursing facility” instead of the “health services unit (HSU).” Men lay in soiled diapers for hours and when they are changed by the sick prisoners themselves they are then erroneously deposited in the trash can causing a stench throughout the confined space. There were documented incidences of men with maggots in their diapers and elderly men so feeble they can not even get the lids off their food trays. In the case of Bill “Lefty” Gilday, even if he could get the lid off, his Parkinson’s disease was so advanced that he was unable to lift a spoon to his mouth, When this was reported to Linda Booth, the nurse practitioner, the solution was to bar any of us from being able to go back into the so called “skilled nursing facility” to witness the abuse. It remains that way even as I write this piece. When you get sick you disappear from all your friends that over the years were as important as any family member on the street. I have a couple dear friends that I have known for three or four decades who are dying in the bowels of this prison. I am not allowed to go back and spend any time with them and they in turn are not allowed to come out to population for library, church, or any other programs. It has been to my personal witnessing a downward spiral once men are removed from the general

population and cut off from all their familiar friends and acquaintances. I watch Lefty die. When he was able to come out and be engaged by his friends he was alive and full of vitality. Very shortly after being placed in the back of this skilled nursing facility he gave up. He just gave up....

The other day I saw one of my dearest friends in the world coming back from an outside hospital trip. I wheeled my chair into the hospital corridor and asked the Sergeant on duty if I could go back and say hello for just two minutes and he said – “No!” I then asked if my friend (who is ambulatory) could come out and say hello to me in the corridor and again, he said “NO!” I knew the answer before I even asked the question but I was hoping, foolishly, for just a brief second in time that someone would have the compassion to understand and be mildly understanding. What a dope. I was angry at myself for asking in the first place. Having spent months in the back, I already knew the attitude of the security staff and the medical people that did not want witnesses to see what was really going on back there.

We have had men so seriously demented with Alzheimer’s that they do not even know what planet they are on. Others lay on their pillows with drool coming out of their mouths. No one can go back there and see this and not wonder why Massachusetts does not have compassionate release. What’s the point when men are in the throws of dementia or succumbing to cancer or other diseases? We need oversight in Massachusetts on this issue , and we need it now!

The doctor here knows how bad the hospital is. She will threaten you when you complain of being sick with placement back there. Most, like me, will back off. I’d rather die in agonizing pain than be placed in the back of this “hospital.” Perhaps that is the reason conditions of confinement are so bad back there. It keeps legitimately sick prisoners from seeking medical help. Sick equals punishment – it is that simple.

We need to let these guys go home and die surrounded by family. When a person is dying, all bets are off so far as continued punishment is concerned. I ask anyone who reads these words to get in touch with Senator Patricia Jehlen and let her know that they support her bill on Compassionate release. The more who sign on, the greater power she will have on getting meaningful changes in here. Please do not think you will live forever or that you will never get old or sick because it happens to us all. Do something to effect change now... while you still can.

force.”<sup>14</sup> In the last sixteen years no one has received a commutation for any reason. In addition, from 2004 – 2008, 184 petitions for commutations were filed. Only two were granted a hearing and neither received a commutation in Massachusetts.<sup>15</sup> In effect, the commutation process as a vehicle for a dying person to have leave from prison is a defunct system that exists only on paper.

In the 2013 legislative session, Senator Jehlen plans on filing a new bill, as No. 1213 died in chamber last session. Massachusetts CURE plans on working closely with Senator Jehlen, as well as with the Coalition for Effective Public Safety, on promoting and supporting this measure. The time is long overdue for compassionate medical release here in the Commonwealth. We must temper justice with mercy while ensuring that taxpayer dollars are spent on efforts that will enhance public safety, reduce crime, and move us ahead as a society.

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<sup>14</sup> The Sentencing Project. The Meaning of “Life”: long prison sentences in context. Mauer, M, King R.S., Young M.C. (May 2004) p29

<sup>15</sup> Information provided to the Lifers Group Inc. by the Massachusetts Parole Board pursuant to a public records request

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