



# Justice Reinvestment in Hawaii

## Overview

There is consensus among policymakers in Hawaii that the state needs to reduce its dependence on out-of-state prisons, where, as of 2011, approximately one-third of the state's adult prison population is housed. At the same time, state leaders are determined to reduce violent crime, which, like the state prison population, has increased significantly over the last decade.

Governor Neil Abercrombie, Chief Justice Mark Recktenwald, Senate President Shan Tsutsui, House Speaker Calvin Say and Department of Public Safety Director Jodie Maesaka-Hirata seek to employ a data-driven justice reinvestment strategy to bring out-of-state prisoners back to Hawaii, reduce spending on corrections, and reinvest savings generated in strategies that would reverse recent crime trends.

To this end, they sought assistance from the Bureau of Justice Assistance, a division of the U.S. Department of Justice, and the Pew Center on the States. The state leaders agreed to establish a bipartisan, inter-branch Justice Reinvestment Working Group comprising leading state and local officials which would receive intensive technical assistance from the Council of State Governments Justice Center, in partnership with the Pew Center on the States. The CSG Justice Center will assist the working group in analyzing data and developing a comprehensive set of policy options.



## Criminal Justice Trends in Hawaii

### Property crime has declined, but violent crime has increased.

- Hawaii's violent crime rate was relatively low in 2009, at 275 reported incidents per 100,000 residents, which ranks it thirty-fifth among the states. This crime rate, however, is up from what it was in 2000. Hawaii was one of only twelve states to experience an increase in violent crime rates during this period.<sup>1</sup>
- Violent crime increases were driven by a significant rise in the reported rape rate, up five percent from 2000, and aggravated assaults, up 37 percent from 2000. Murder and robbery rates dropped by 38 percent and 14 percent, respectively.<sup>2</sup>
- During the same period, the number of arrests for reported rape offenses relative to the number of offenses fell by 30 percent. In 2009, the Honolulu Police Department estimated the department has a backlog of somewhere between 143 and 203 sexual assault kits left unexamined.<sup>3</sup>
- Between 2000 and 2009, the property crime rate dropped 26 percent in Hawaii, from 4,955<sup>4</sup> to 3,661<sup>5</sup> reported crimes per 100,000 residents. Despite this decline, Hawaii's property crime rate remains above the national average; it is the twelfth highest in the nation.<sup>6</sup>

### **The state prison population has increased, along with state spending on corrections.**

- From FY 2000 to FY 2010, the state's prison population grew 16 percent, from 5,118 to 5,921.<sup>7</sup>
- During the same period, expenditures for the Corrections Division of the Department of Public Safety increased 63 percent, from \$112 million in FY 2000 to \$192 million in FY 2010.<sup>8</sup>
- Approximately one-third of Hawaii's prison population is housed in out-of-state facilities on the mainland. The cost of housing these offenders out-of-state was \$45 million in FY 2010.<sup>9</sup>

### **Hawaii policymakers currently do not have a sophisticated projection to forecast the growth of the state's prison population.**

- Prison population projections that are not a simple straight line projection, but instead use a simulation methodology are based on trends in prison admissions, releases, and lengths of prison stay, in addition to trends in other parts of the criminal justice system.
- In 2007, 36 out of the 50 states used an advanced simulation projection methodology for this purpose.<sup>10</sup> Hawaii, however, does not use such a projection. Consequently, policymakers cannot make informed decisions about the capacity necessary for the state prison system in future years. Similarly, without this type of sophisticated prison population projection model, state officials cannot project the impact of recent policy changes on the state prison population.

### **The state uses an indeterminate sentencing and parole system unlike any other in the country.**

- In contrast to judges elsewhere, judges in Hawaii do not sentence offenders to a minimum term of incarceration; they can impose only one of four statutorily-defined maximum prison sentences, depending on the severity of the crime of which the offender has been convicted. Once sentenced to prison (as opposed to probation), the Hawaii Paroling Authority (HPA) establishes an offender's minimum term of incarceration.
- The HPA determines if an offender shall be released having served their minimum sentence or be held for an additional amount of time up to the statutory maximum provided by the felony class for which the offender was sentenced.
- The HPA is responsible for deciding whether to revoke a person's parole when he or she violates a condition of release.

### **Hawaii's innovative approach to supervising people on probation and enforcing conditions of their community supervision has gained national recognition.**

- Launched in 2004, Hawaii's Opportunity Probation with Enforcement (HOPE) program aims to reduce crime and drug use among criminal offenders. It targets the highest-risk offenders on probation and provides for swift, certain and proportionate consequences for probation violations.
- In a one-year, randomized controlled trial, HOPE probationers were 55 percent less likely to be arrested for a new crime, 72 percent less likely to use drugs, 61 percent less likely to skip appointments with their supervisory officer and 53 percent less likely to have their probation revoked.<sup>11</sup>

### **Hawaii's recidivism rate has declined.**

- Hawaii's statewide recidivism rate has declined substantially since 2002. Of sentenced felony probationers, offenders released to parole and maximum term prisoners released in FY 2007, the recidivism rate was 51 percent. This includes those who were arrested, whose probation or parole was revoked, or who were convicted of a new crime within a period of three years; it is about 12 percentage points lower than the 2002 baseline recidivism rate of 63 percent.<sup>12</sup>

# The Justice Reinvestment Approach

## STEP 1

### Analyze data and develop policy options

The CSG Justice Center will comprehensively analyze Hawaii’s crime, arrest, conviction, prison, behavioral health and probation and parole supervision data. This analysis will include a system-wide examination of the prison population, drivers of prison growth and strategies used currently by policymakers to increase public safety.

To incorporate perspectives and recommendations from across the criminal justice system, the CSG Justice Center will solicit input from stakeholders, including: prosecuting attorneys; public defenders; judges; corrections and law enforcement officials; service providers and community leaders; victims and their advocates; and health, housing, human service, education and workforce professionals.

The CSG Justice Center will collaborate with the Justice Reinvestment Working Group to analyze data and develop a set of comprehensive policy options that increase public safety and reduce spending on corrections.

## STEP 2

### Adopt new policies and put reinvestment strategies into place

Once the policy options have been enacted, Hawaii policymakers will need to verify that the policies are adopted effectively. Policymakers may request continued assistance from the Bureau of Justice Assistance to help translate the new policies into practice and ensure that related programs and system investments achieve projected outcomes.

## STEP 3

### Measure Performance

Finally, the CSG Justice Center will ensure that Hawaii officials receive brief, user-friendly, and up-to-date information that explains the impact of enacted policies on jail and prison populations, and on rates of reincarceration and criminal activity. Typically, this includes a “dashboard” of multiple indicators that make it easy for policymakers to track—in real time—the changes in various components of the criminal justice system.

1. United States Department of Justice, Federal Bureau of Investigation. (September 2010). Crime in the United States, 2009. Retrieved (May 1, 2011), from <http://www.fbi.gov/ucr/09cius.htm>.

2. Attorney General of Hawaii, Crime Prevention & Justice Assistance Division, Research & Statistics Branch. (2010). Crime in Hawaii 2009: A Review of Uniform Crime Reports. Retrieved (June 16, 2011) from [hawaii.gov/ag/cpja](http://hawaii.gov/ag/cpja).

3. Ibid.

4. United States Department of Justice, Federal Bureau of Investigation. (September 2001). Crime in the United States, 2000. Retrieved (May 1, 2011), from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2000/toc00.pdf>.

5. United States Department of Justice, Federal Bureau of Investigation. (September 2010). Crime in the United States, 2009. Retrieved (May 1, 2011), from <http://www.fbi.gov/ucr/09cius.htm>.

6. Ibid.

7. Hawaii Department of Public Safety. (2011). Internal Memo to the CSG Justice Center. Department of Public Safety, End of Month Population Report from December 31, 2000 and December 31, 2010.

8. Hawaii Department of Public Safety. (2011). Internal Memo to the CSG Justice Center. Department of Public Safety Corrections Division Actual Expenditure, FY 2000 and FY 2010.

9. Hawaii Department of Accounting and General Services, State Procurement Office. (2011). Contract 55331. Retrieved (June 17) from <http://webdev5.hawaii.gov/spo2/health/contracts/index.php>.

10. Pew Center on the States, Public Safety Performance Project. (Revised June 2007). Public Safety, Public Spending: Forecasting America's Prison Population 2007-2011. Retrieved (June 13, 2011) from <http://www.pewcenteronthestates.org/uploadedFiles/Public%20Safety%20Public%20Spending.pdf>.

11. Pew Center on the States. (2010). The Impact of Hawaii's HOPE Program on Drug Use, Crime and Recidivism. Retrieved (June 14, 2011) from [http://www.pewcenteronthestates.org/uploadedFiles/PSPP\\_HOPE\\_Brief\\_web.pdf](http://www.pewcenteronthestates.org/uploadedFiles/PSPP_HOPE_Brief_web.pdf).

12. Timothy Wong for the Interagency Council on Intermediate Sanctions. (2010). State of Hawaii, FY 2007 Cohort: 2010 Recidivism Update. Retrieved (June 14, 2011) from <http://hawaii.gov/icis/documents/Recidivism%20Update%202010.pdf>.

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## JUSTICE CENTER

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To learn more about the justice reinvestment strategy  
in Hawaii and other states, please visit:  
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### Council of State Governments Justice Center

The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities.

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To learn more about the Public Safety Performance Project, please visit: <http://www.pewpublicsafety.org/>.