Justice Reinvestment in Hawaii

Initial Work Group Meeting

June 28, 2011

Council of State Governments Justice Center
Marshall Clement, Project Director
Anne Bettesworth, Policy Analyst
Andy Barbee, Senior Research Associate
Jessy Tyler, Senior Research Associate
Robert Coombs, Senior Policy Analyst

CSG Justice Center

• National non-profit, non-partisan membership association of state government officials

• Represents all three branches of state government

• Justice Center provides practical, nonpartisan advice informed by the best available evidence
Overview

1. Justice Reinvestment Process & Data To Be Analyzed

2. Case Studies

3. Initial Hawaii Analysis

4. Proposed Timeline & Next Steps

Funders and Partners

Justice Reinvestment

a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease crime and strengthen neighborhoods.

Bureau of Justice Assistance  U.S. Department of Justice

PEW Center on the States
### Justice Reinvestment Strategy

#### Bipartisan, inter-branch, bicameral structure

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Analyze Data &amp; Develop Policy Options</strong></td>
<td><strong>Adopt New Policies</strong></td>
<td><strong>Measure Performance</strong></td>
</tr>
<tr>
<td>• Analyze data to look at crime, court, corrections, and supervision trends</td>
<td>• Identify assistance needed to implement policies effectively</td>
<td>• Track the impact of enacted policies/programs</td>
</tr>
<tr>
<td>• Solicit input from stakeholders</td>
<td>• Deploy targeted reinvestment strategies to increase public safety</td>
<td>• Monitor recidivism rates &amp; other key measures</td>
</tr>
<tr>
<td>• Map allocation of resources</td>
<td>• Review implementation progress</td>
<td></td>
</tr>
<tr>
<td>• Develop policy options &amp; estimate cost savings</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Data Requested in Hawaii

<table>
<thead>
<tr>
<th>Data</th>
<th>Source</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrests</td>
<td>CJIS</td>
<td>Pending</td>
</tr>
<tr>
<td>Felony Court Dispositions</td>
<td>AOC</td>
<td>Pending</td>
</tr>
<tr>
<td>Probation</td>
<td>AOC</td>
<td>Pending</td>
</tr>
<tr>
<td>Prison Admissions, Releases &amp; End of Year Population Snapshots</td>
<td>PSD</td>
<td>Received (adms and rels), Pending (pop snapshot)</td>
</tr>
<tr>
<td>Parole</td>
<td>HPA</td>
<td>Pending</td>
</tr>
</tbody>
</table>

Overview

1. Justice Reinvestment Process & Data To Be Analyzed

2. Case Studies

3. Initial Hawaii Analysis

4. Proposed Timeline & Next Steps
Expanding Capacity of Treatment & Diversion Programs

- Probation Residential Treatment
  - Present Capacity: 2,045
  - 800 Beds $32.2M
- Probation Intermediate Sanction Facilities
  - Present Capacity: 439
  - 700 Beds $17.0M
- Substance Abuse Felony Punishments (Mainly in lieu of revocation)
  - Present Capacity: 3,250
  - 1,500 Beds $62.1M
- Probation Outpatient Treatment
  - Present Capacity: 3,563
  - 3,000 Slots $10.0M
- Transfer Two TYC Units
  - 1,200 Beds $15.8M
- In-Prison Therapeutic Treatment
  - Present Capacity: 537 Beds/Slots
  - 1,000 Slots $21.7M
- DWI Treatment Facility
  - No Current Capacity
  - 500 Beds $22.2M
- State Jail Therapeutic Treatment
  - No Current Capacity
  - 1,200 Slots $5.8M
- Halfway Houses
  - Present Capacity: 1,199
  - 300 Beds $5.6M
- Parole Intermediate Sanction Facilities
  - Present Capacity: 1,802
  - 700 Beds $11.7M

Expand Capacity of Treatment & Diversion Programs

PAROLE REVOCATIONS TO PRISON: DOWN 25% FROM 2006
PROBATION REVOCATIONS TO PRISON: DOWN 4% FROM 2006

$241 million to expand in-prison and community-based treatment and diversion programs

Actual Population
$443 million in savings from 2008-2009

Texas

2007 Baseline Projection
North Carolina

North Carolina Prison Population
FY 1997 - 2009

DOC Expenditures:
- $899 million – FY00
- $1.51 billion – FY09

68% Increase

North Carolina Policy Framework

Strengthen probation supervision
Enable swift & certain administrative sanctions.
Focus supervision resources on those most likely to commit crime.

Hold offenders accountable in more meaningful ways
Ensure all offenders released from prison serve a period of mandatory supervision
Sentence second time B&E offenders more harshly and modify habitual offender law
Increase time served for inmate misconduct.

Reduce risk of re-offending
Create a new misdemeanor class for nonviolent drug possession offenders.
Provide incentives to inmates identified by judges to complete risk reduction programs.
Focus CJPP resources on those programs that use proven models and practices that will have the biggest impact on reducing crime.
Overview

1. Justice Reinvestment Process & Data To Be Analyzed

2. Case Studies

3. Initial Hawaii Analysis

4. Proposed Timeline & Next Steps
## Hawaii Compared to U.S. and Select States

<table>
<thead>
<tr>
<th>State</th>
<th>Population</th>
<th>Violent Crime Rate</th>
<th>Property Crime Rate</th>
<th>Incarceration Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>HI</td>
<td>1,288,198</td>
<td>+ 6%</td>
<td>276</td>
<td>+ 13%</td>
</tr>
<tr>
<td>US</td>
<td>307,006,550</td>
<td>+ 9%</td>
<td>429</td>
<td>- 15%</td>
</tr>
<tr>
<td>AK</td>
<td>698,473</td>
<td>+ 11%</td>
<td>633</td>
<td>+ 12%</td>
</tr>
<tr>
<td>CT</td>
<td>3,518,288</td>
<td>+ 3%</td>
<td>299</td>
<td>- 11%</td>
</tr>
<tr>
<td>DE</td>
<td>885,122</td>
<td>+ 13%</td>
<td>637</td>
<td>- 7%</td>
</tr>
<tr>
<td>RI</td>
<td>1,053,209</td>
<td>&lt; 1%</td>
<td>253</td>
<td>- 15%</td>
</tr>
<tr>
<td>VT</td>
<td>621,760</td>
<td>+ 2%</td>
<td>131</td>
<td>+ 16%</td>
</tr>
</tbody>
</table>


### Primary Areas to Investigate

- **Violent Crime Rate Increasing**
- **Prison Population Growth**
- **Recidivism and Alternative Sanctions**
- **Unique Role of Paroling Authority**
Violent Crime and Arrests Increased Significantly


Property Crime and Arrests Declined Significantly

Number of Drug Arrests Has Recently Decreased

Source: Crime in Hawaii 2009, Department of the Attorney General

Need to Analyze Violent Crime Trends

- What specific types of violent crime have driven Hawaii's rate higher?
  - Rape and Aggravated Assaults are up by 11% and 46% respectively since 2000
  - Clearance rates for Rape are higher than in 2005, but 30% lower than in 2000

- Are there variations in violent crime rate trends across the state?

- What challenges do police, prosecutors and communities face in reducing violent crime?
Primary Areas to Investigate

- Violent Crime Rate Increasing
- Prison Population Growth
- Recidivism and Alternative Sanctions
- Unique Role of Paroling Authority

Hawaii’s Prison Population Has Increased 18% from 2000 to 2011

Hawaii has contracted with mainland facilities to house from 1/4 to 1/3 of its inmates.

Need to Analyze Prison Population Growth

• What factors explain what percent of the growth in the prison population over the past 10 years?
  – New Sentences vs. Revocations of Probation and Parole

• How do the parole process and mandatory minimums interact to affect time served and supervision upon release?

• To what extent is prison space focused on incapacitating the most violent and highest risk offenders?

• Is the population projected to increase?

Primary Areas to Investigate

• Violent Crime Rate Increasing

• Prison Population Growth

• Recidivism and Alternative Sanctions

• Unique Role of Paroling Authority
Goal of Reducing Recidivism by 30%, Set by ICIS in 2002

- Baseline rate of 63% established by tracking 1999 cohort for 3 years
  - Cohort consists of felony probationers, parolees, and offenders maxing out of PSD
  - Recidivism consists of criminal re-arrests or contempt of court, technical supervision violations, or revocation

- Interagency Council on Intermediate Sanctions (ICIS) has conducted regular updates on the recidivism rates.
  - 2003 cohort (report in 2007)
  - 2005 cohort (report in 2009)
  - 2006 cohort (report in 2010)
  - 2007 cohort (report in 2011)

Most Recent Update Indicates 20% Reduction

Potential for Drilling Down Into Specific Areas

- How does risk assessment align with actual recidivism rates?
  - Are higher risk offenders rearrested at higher rates?

- What proportion of “recidivism” is due to rearrest? Technical violations of supervision? Reincarceration?
  - Not all arrests result in charges being filed or determination of guilt.

- How do recidivism rates of probationers compare to parolees and those maxed out from PSD?

Hawaii Has Experience with Effective Alternative Approaches

Hawaii HOPE
Court-run intensive, random drug testing with swift, certain, and brief jail sanctions.

To what degree has Hawaii used other alternative sanctions programs?

✓ Given the role of parole in terms of how inmates are released and supervised in the community, are there any alternatives sanctions short of revocation for responding to violations of parole?
## Primary Areas to Investigate

- Violent Crime Rate Increasing
- Prison Population Growth
- Recidivism and Alternative Sanctions
- Unique Role of Paroling Authority

---

## Hawaii Paroling Authority

Has Key Role in Determining Time Served

- Determines minimum sentence lengths
- Makes the release decision once the minimum sentence length is served
- Reviews violations in the community and decides whether to revoke an offender to prison
Minimum Terms Have Increased Slightly

The minimum term punishment falls into one of three levels based on maximum term imposed by court and implementation of guidelines.

<table>
<thead>
<tr>
<th>Maximum Term Imposed by Court</th>
<th>Level I</th>
<th>Level II</th>
<th>Level III</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 Years</td>
<td>1 – 2 yrs</td>
<td>2 – 3 yrs</td>
<td>3 – 5 yrs</td>
</tr>
<tr>
<td>10 Years</td>
<td>1.5 – 3 yrs</td>
<td>3 – 5 yrs</td>
<td>5 – 10 yrs</td>
</tr>
<tr>
<td>20 Years</td>
<td>2 – 5 yrs</td>
<td>5 – 10 yrs</td>
<td>10 – 20 yrs</td>
</tr>
<tr>
<td>Life w/ Parole</td>
<td>5 – 10 yrs</td>
<td>10 – 20 yrs</td>
<td>20 – 50 yrs</td>
</tr>
</tbody>
</table>

Average Minimum Terms Set

<table>
<thead>
<tr>
<th>Offense Category</th>
<th>FY 2006</th>
<th>FY 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person</td>
<td>5.1</td>
<td>9.4</td>
</tr>
<tr>
<td>Property</td>
<td>3.6</td>
<td>3.7</td>
</tr>
<tr>
<td>Sex</td>
<td>6.3</td>
<td>9.7</td>
</tr>
<tr>
<td>Drug</td>
<td>3.6</td>
<td>3.4</td>
</tr>
</tbody>
</table>

Note: The above represents total minimums set by charges, not persons. Only select offenses are reflected.

Reducing Funding for Programs Can Trigger Parole Backlogs and Inefficiencies

Budget Pressures = Program Cuts

Prison population increases, exacerbating budget pressures

Fewer programs causes the parole board to delay releases
Overview

1. Justice Reinvestment Process & Data To Be Analyzed

2. Case Studies

3. Initial Hawaii Analysis

4. Proposed Timeline & Next Steps

Proposed Hawaii Justice Reinvestment Process

1. Analysis
   - Collect & examine quantitative data
     - Reported crime & arrests
     - Court disposition & sentencing
     - Probation and community corrections programs
     - Prison admissions, population & releases
   - June-August

2. Implementation
   - Engage input from stakeholders
     - Behavioral health & treatment providers
     - Law enforcement
     - Judges
     - Prosecutors
     - Defense bar
     - Victim advocates/survivors
     - County officials
     - Community corrections
     - Probation
   - August-October

3. Accountability
   - Develop & present a comprehensive analysis of the state’s criminal justice system
   - Develop a framework of policy options that together would increase public safety and reduce/avert taxpayer spending
   - October-December

Council of State Governments Justice Center | 33
## Proposed Timeline

<table>
<thead>
<tr>
<th>Dates</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>June</td>
<td>• Data Collection</td>
</tr>
<tr>
<td>June 28</td>
<td>• Initial Working Group Meeting</td>
</tr>
<tr>
<td></td>
<td>• Press Conference Kick Off</td>
</tr>
<tr>
<td>July-September</td>
<td>• Finish Data Collection</td>
</tr>
<tr>
<td></td>
<td>• Begin Detailed Data Analysis</td>
</tr>
<tr>
<td></td>
<td>• Begin Soliciting Stakeholder Input</td>
</tr>
<tr>
<td>September 28</td>
<td>• Working Group Meeting</td>
</tr>
<tr>
<td>October-November</td>
<td>• Additional Data Analysis</td>
</tr>
<tr>
<td></td>
<td>• Meetings with Stakeholders</td>
</tr>
<tr>
<td>November TBD</td>
<td>• Working Group Meeting</td>
</tr>
<tr>
<td>November-December</td>
<td>• Policy Development &amp;</td>
</tr>
<tr>
<td></td>
<td>Stakeholder Consultation</td>
</tr>
<tr>
<td>January 25</td>
<td>• Working Group Meeting</td>
</tr>
</tbody>
</table>

---

**Thank You**

**Anne Bettesworth**
Policy Analyst, Justice Reinvestment
abettesworth@csg.org

This material was prepared for the [insert name of contractor/congressional committee/government agency]. The presentation was developed by members of the Council of State Governments Justice Center staff. Because presentations are not subject to the same rigorous review process as other printed materials, the statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of the Council of State Governments, or the funding agency supporting the work.