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

Criminal Justice / Mental Health Consensus Project
Reentry Policy Council
Justice Reinvestment
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.*
Justice Reinvestment Strategy

Bipartisan, inter-branch, bicameral structure

1. Analyze Data & Develop Policy Options
   - Analyze data to look at crime, court, corrections, and supervision trends
   - Solicit input from stakeholders
   - Map allocation of resources
   - Develop policy options & estimate cost savings

2. Adopt New Policies
   - Identify assistance needed to implement policies effectively
   - Deploy targeted reinvestment strategies to increase public safety
   - Review implementation progress

3. Measure Performance
   - Track the impact of enacted policies/programs
   - Monitor recidivism rates & other key measures
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)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pending (pop snapshot)</td>
</tr>
<tr>
<td>Parole</td>
<td>HPA</td>
<td>Pending</td>
</tr>
</tbody>
</table>

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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

- Incarceration
  - 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

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
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.

Source: North Carolina Department of Correction, Annual Statistical Reports and online Prison Offender Population Statistics; http://www.doc.state.nc.us/rap/index.htm
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# Hawaii Compared to U.S. and Select States

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>HI</td>
<td>1,288,198</td>
<td>+ 6%</td>
<td>276</td>
<td>+ 13%</td>
<td>3,689</td>
<td>- 26%</td>
<td>317</td>
<td></td>
</tr>
<tr>
<td>US</td>
<td>307,006,550</td>
<td>+ 9%</td>
<td>429</td>
<td>- 15%</td>
<td>3,036</td>
<td>- 16%</td>
<td>442</td>
<td></td>
</tr>
<tr>
<td>AK</td>
<td>698,473</td>
<td>+ 11%</td>
<td>633</td>
<td>+ 12%</td>
<td>2,946</td>
<td>- 20%</td>
<td>357</td>
<td></td>
</tr>
<tr>
<td>CT</td>
<td>3,518,288</td>
<td>+ 3%</td>
<td>299</td>
<td>- 11%</td>
<td>2,336</td>
<td>- 16%</td>
<td>382</td>
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</tr>
<tr>
<td>DE</td>
<td>885,122</td>
<td>+ 13%</td>
<td>637</td>
<td>- 7%</td>
<td>3,350</td>
<td>- 12%</td>
<td>447</td>
<td></td>
</tr>
<tr>
<td>RI</td>
<td>1,053,209</td>
<td>&lt; 1%</td>
<td>253</td>
<td>- 15%</td>
<td>2,611</td>
<td>- 18%</td>
<td>211</td>
<td></td>
</tr>
<tr>
<td>VT</td>
<td>621,760</td>
<td>+ 2%</td>
<td>131</td>
<td>+ 16%</td>
<td>2,401</td>
<td>- 16%</td>
<td>277</td>
<td></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

Violent crime rate declined 15% nationally, but increased by 13% in Hawaii.


Property Crime and Arrests Declined Significantly

Property crime rate dropped 16% nationally, but by 26% in Hawaii.

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

ICIS Recidivism Rates

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>63.3%</td>
</tr>
<tr>
<td>2003</td>
<td>55.1%</td>
</tr>
<tr>
<td>2005</td>
<td>52.5%</td>
</tr>
<tr>
<td>2006</td>
<td>51.3%</td>
</tr>
<tr>
<td>2007</td>
<td>50.9%</td>
</tr>
</tbody>
</table>

30% Targeted 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?

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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

Prison population increases, exacerbating budget pressures

Budget Pressures = Program Cuts

Fewer programs causes the parole board to delay releases

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## 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; 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

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