

# Hawaii

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Hawaii's prison and jail populations<sup>1</sup> experienced rapid growth between 2000 and 2011. This led to overcrowded corrections facilities and by 2011, approximately 1,700 prisoners were housed out of state. With Justice Reinvestment Initiative (JRI) technical assistance from the Council of State Governments Justice Center (CSG Justice Center), stakeholders in Hawaii determined the drivers of the state corrections population as growing pretrial population, long periods of detention for parole violations, mandatory sentencing for drug offenses, and a high number of parole denials. The state passed two pieces of legislation in May 2012 that address these drivers by requiring the use of a pretrial risk assessment tool, reducing sentences for certain parole violations and drug offenses, expanding the parole board, and enhancing community-based treatment and victims' services. After the first year of implementation, the state reduced its corrections population 4 percent, averted \$2.5 million in costs, and allocated \$3.4 million into its reinvestment strategies, which include expanding treatment programs, hiring additional corrections and victims' services staff, and initiating plans to establish a research and planning office in the Department of Public Safety (PSD).

## Impetus for Justice Reinvestment

Between 2000 and 2011, the number of crimes, arrests, and convictions in Hawaii had decreased. During this same period, however, the corrections population increased by 18 percent, which led to overcrowded corrections facilities, reduced funding for programs, parole backlogs, and prisoners being housed in out-of-state facilities. In 2011, Hawaii housed almost a third of its approximately 6,000 inmates in Arizona, which cost the state more than \$40 million.<sup>2</sup>

Previous criminal justice reform efforts include the creation of the Interagency Council on Intermediate Sanctions (ICIS) in 2002 to address the state's corrections inefficiencies and growing population. ICIS informs the use of intermediate sanctions through best practices. Additionally, Hawaii's Opportunity Probation with Enforcement (HOPE) was developed in 2004 to divert offenders from prison while increasing accountability. These programs have contributed to a significant reduction in recidivism and have promoted a data-driven approach to justice reform.<sup>3</sup>

### HIGHLIGHTS

- Prison and jail populations grew 18 percent between 2000 and 2011, and one-third of prisoners were housed out of state.
- JRI legislation requires the use of a pretrial risk assessment, reduces sentences for certain parole violations and drug offenses, expands parole, and enhances community-based treatment and victims' services.
- Hawaii's incarcerated population declined 4 percent after the first year of implementation.
- The state saved \$2.5 million from corrections population reductions in FY 2013.
- The state allocated \$3.4 million in FY 2013 for expanding treatment programs and victims' services, and initiating plans to establish a research and planning office.

Through the efforts of the governor, state officials, and the Community Alliance on Prisons, Hawaii joined the Justice Reinvestment Initiative (JRI) in April 2011. The state's justice reinvestment goals were to reduce the prison population, lower recidivism, improve public safety, and bring prisoners home from mainland facilities.<sup>4</sup>

## Establish Interbranch Bipartisan Working Group

State leaders designated a JRI working group that first convened in June 2011. This initial meeting was attended by nearly 40 members, including key leaders from the governor's office, the state legislature, PSD, the circuit and supreme courts, the state's Crime Victim Compensation Commission, police departments, and prosecutors' offices. At its initial meeting, the working group met with the CSG Justice Center which provided Hawaii and the working group with JRI technical assistance, to discuss preliminary analyses and establish a timeline for developing policy responses.<sup>5</sup>

## Engage Stakeholders

The working group and the CSG Justice Center met bi-monthly from June 2011 through January 2012. During this time, Justice Center representatives also attended a statewide PSD conference, conducted a focus group roundtable with victims' advocates and survivors, and met with additional local criminal justice stakeholders such as mayors, judges, and attorneys.<sup>6</sup>

## Analyze Data and Identify Drivers

In collaboration with members of the working group, the CSG Justice Center collected and analyzed data from the PSD, judicial branch, Hawaii Paroling Authority, and attorney general. These data included information on corrections releases and admissions, court dispositions, probation, granted and denied paroles, and risk assessments. From these analyses, the working group identified key population drivers, including a quickly growing pretrial population, long periods of detention for parole violations, mandatory sentencing for drug offenses, and a high number of parole denials owing to unavailable programming and some unnecessary parole requirements.<sup>7</sup>

## Develop Policy Options

The working group developed policy recommendations in November 2011 and January 2012. The recommendations focused on using risk and needs assessments to inform pretrial, programming, and parole decisions; reducing the length of detention for parole violators and for individuals who are to be released before trial; and improving offender accountability by requiring a period of supervision after release, increasing the tracking and collection of restitution payments, and creating victim liaisons to improve safety planning and notification.<sup>8</sup>

## Codify and Document Changes

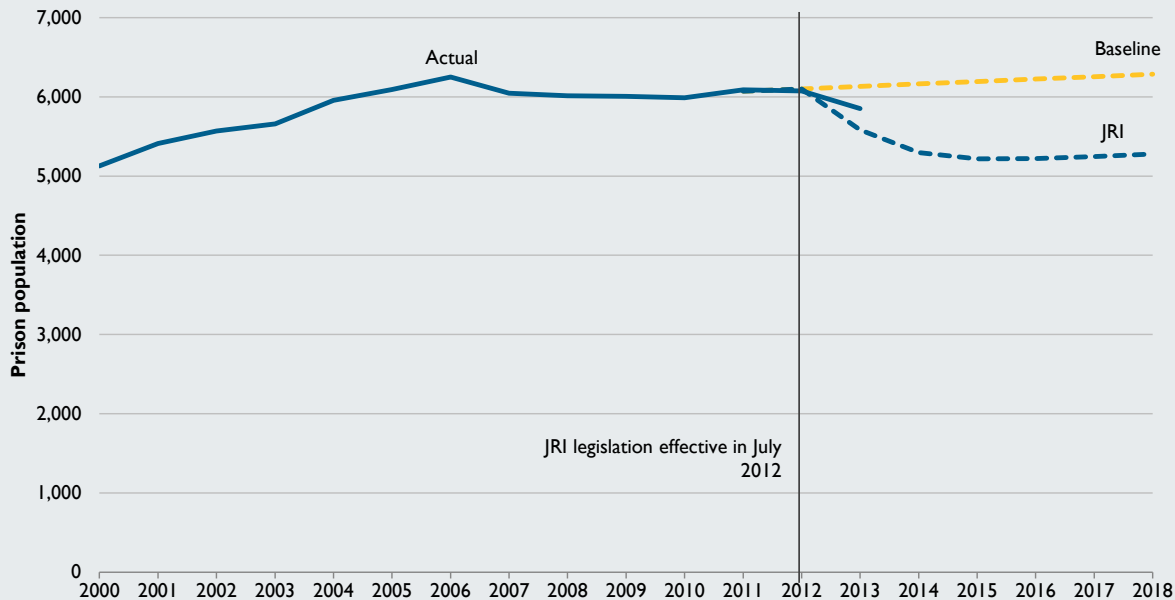
In May 2012, the state passed two pieces of JRI legislation: Senate Bill (SB) 2776 and House Bill (HB) 2515. Both bills were signed into law in June 2012. SB 2776 requires the use of a risk assessment tool to screen pretrial defendants for release, reduces the length of incarceration for first-time parole violations, increases the number of members of the Hawaii Paroling Authority, and provides additional funding to enhance community-based treatment programs. The bill also supports victims' services by increasing the percentage of any deposit made to an inmate's account that goes toward restitution and adding 15 additional victims' service personnel to improve victim notification, restitution, and safety planning.<sup>9</sup> HB 2515 allows judges to use probation for certain second-time drug offenses and shortens the amount of probation given for less serious felonies.<sup>10</sup>

## Implement Policy Changes

To facilitate implementation of these two bills, Hawaii assembled a core implementation team to monitor and assess the overall implementation effort, convened working groups to address specific provisions, and continued to use the CSG Justice Center's technical assistance.<sup>11</sup> The state developed a recertification/training program for corrections staff to improve the fidelity of the Level of Service Inventory-Revised (LSI-R), which is used for offender treatment and planning and, since the enactment of JRI legislation, presumptive parole decisions. In the process of developing a refresher-training curriculum for users of the LSI-R, the state reviewed and updated its LSI-R scoring guide with approval from the author of the tool. More than 200 users of the LSI-R have participated in the recertification process.<sup>12</sup>

# Hawaii

**FIGURE I**  
**Hawaii Prison Population**



Sources: Data are from Council of State Governments Justice Center, email message, July 19, 2013.

Notes: Since prisons and jails form one integrated system in Hawaii, data include total jail and prison population. Dotted lines represent projections.

The state also implemented the Ohio Risk Assessment System Pretrial Assessment Tool (ORAS-PAT) to assess each incoming defendant for risk of flight and risk to public safety. An interagency group of pretrial stakeholders from Oahu, represented by PSD, the judiciary, the Office of the Prosecuting Attorney of Honolulu, and the state public defender, piloted a strategy for using risk assessment information to expedite decisions regarding pretrial detention and release. The interagency group, along with the CSG Justice Center, continues to monitor data to measure progress toward the goal of reducing the average length of stay for pretrial detainees. The group will continue to review its strategy and make adjustments to the pretrial decisionmaking process to ensure that resources are being used effectively and efficiently. To inform stakeholders throughout the state of these changes, Hawaii plans to use subaward funding from the Bureau of Justice Assistance (BJA) to train judges, prosecutors, and public defenders on changes to the pretrial process as well as pretrial principles.<sup>13</sup>

The Crime Victim Compensation Commission (CVCC) is also using BJA funds, in addition to reinvestment funds, to

develop a restitution database to collect restitution data that will help paint a comprehensive picture of restitution collection that can highlight opportunities to improve collection processes. To ensure that the database will capture a comprehensive range of data, CVCC has been drawing on technical assistance from the CSG Justice Center. In its role as a technical assistance provider, the CSG Justice Center has had the opportunity to help broker agreements between CVCC and other agencies for data sharing. The restitution development project has already garnered national attention.<sup>14</sup>

## Reinvest Savings

The impact of Hawaii's JRI legislation is expected to result in a savings of \$130 million by 2018. For these saving to be realized, Hawaii will reinvest \$42 million during the same period into victims' services, prison and community-based treatment programs, and probation and parole supervision. While it is too early to determine the direct effects of the JRI legislation, Hawaii has already seen some promising signs of success. During the first year of implementation,

Hawaii averted \$2.5 million in costs based on the projection of costs that the state would have incurred without JRI. Also during this time, Hawaii allocated \$3.4 million into its reinvestment strategies, which include expanding treatment programs, hiring additional corrections and victims' services staff, and initiating plans to establish PSD's research and planning office.<sup>15</sup>

## Measure Outcomes

Part of Hawaii's JRI legislation allocated resources to staff a research department within the PSD. The state also created several databases and dashboards to measure incarcerated and supervised populations and victim restitution. These systems have been used to conduct analyses on the placements, terminations, and lengths of stay for the pretrial, probation, and prison populations.<sup>16</sup> Figure 1 depicts the actual and projected corrections population in Hawaii.

Hawaii's incarcerated population was projected to increase 3 percent between 2012 and 2018.<sup>17</sup> Preliminary numbers from FY 2013 suggest that Hawaii has begun to experience population reductions that can be attributed to JRI policy changes, such as permitting judges to sentence second-time drug offenders to probation rather than incarceration. Between July 2012 and May 2013, Hawaii reduced its total corrections population by 4 percent, from 6,073 to 5,848. This included a 15 percent drop in the number of prisoners housed in out-of-state facilities, which saved the state an estimated \$2.5 million in FY 2013.<sup>18</sup> As of June 30, 2013, Hawaii's pretrial population remained at the December 31, 2010, levels.<sup>19</sup>

A portion of the \$2.5 million in savings is due to the redefinition of space for low-risk offenders to complete work-release programs on the island of Oahu, a policy that was created outside of JRI. Hawaii's population reduction is not yet large enough to reduce costs by closing a unit or facility.<sup>20</sup>

## Notes

1. Hawaii has a unified corrections system, which means the state operates both the prison and the jail systems.
2. Bureau of Justice Statistics. 2013. *Prisoners Series*. Washington, DC: Bureau of Justice Statistics.; Council of State Governments Justice Center. 2012a. *Justice Reinvestment in Hawaii: Improving Public Safety by Expanding Treatment Programs and Strengthening Victims Services*. New York: Council of State Governments Justice Center.; Clement, Marshall, Andy Barbee, and Robert Coombs. 2012. "Justice Reinvestment in Hawaii: Analysis & Policy Framework." Pre-

3. Maesaka-Hirata, Jodie. "Phase I Letter of Interest." January 31, 2011.
4. Ibid.
5. Council of State Governments Justice Center (2012a).
6. Council of State Governments Justice Center. "Hawaii July Technical Assistance Monthly Tracking Form." August 15, 2011a; Council of State Governments Justice Center. "Hawaii September Technical Assistance Monthly Tracking Form." October 15, 2011b.
7. Council of State Governments Justice Center (2012a); Clement et al. (2012).
8. Ibid.
9. Hawaii Senate Bill 2776, 2012.
10. Hawaii House Bill 2515, 2012.
11. Council of State Governments Justice Center, "Justice Reinvestment in Hawaii: Phase II Implementation & Capacity Building Plan." 2013.
12. Council of State Governments Justice Center. Email message. September 13, 2013.
13. Ibid.
14. Ibid.
15. Council of State Governments Justice Center. Email message. July 19, 2013.
16. Council of State Governments Justice Center, "Hawaii February Technical Assistance Monthly Tracking Form." March 15, 2013.
17. Council of State Governments Justice Center (2012a).
18. Council of State Governments Justice Center. Email message. July 19, 2013. Savings were estimated by the CSG Justice Center based on the reduction of offenders housed in mainland prisons. The number of offenders by which the mainland population decreased was multiplied by the number of days (based on when reduction occurred) and by the per diem cost to house an offender.
19. Hawaii Department of Public Safety. "End of Month Population Report: December 31, 2010." 2010; Hawaii Department of Public Safety. "End of Month Population Report: June 30, 2013." 2013.
20. Hawaii Department of Public Safety. Email message. July 29, 2013.

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