

MAR 13 2008

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## SENATE CONCURRENT RESOLUTION

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REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW PAROLE  
POLICIES IN HAWAII AND OTHER JURISDICTIONS TO DETERMINE THE  
EXTENT TO WHICH PAROLE POLICIES IN HAWAII CONTRIBUTE TO THE  
PRISON POPULATION.

1           WHEREAS, Hawaii follows an indeterminate sentencing model  
2 in which an offender, if sentenced to prison for a felony  
3 offense, is sentenced to the maximum term authorized by law, and  
4 thereafter, a minimum term is established that the offender must  
5 serve before being eligible for release on parole; and

6  
7           WHEREAS, the Legislature has enacted numerous provisions  
8 requiring the imposition of a mandatory minimum term of  
9 imprisonment for a variety of felony offenses, and under these  
10 provisions, an offender may not be paroled from prison until, at  
11 the earliest, the mandatory minimum term has been served; and

12  
13           WHEREAS, the operational capacity of Hawaii's prison  
14 facilities is 1,878 inmates; however, those facilities housed an  
15 average of 1,691 inmates during fiscal year 2007, while  
16 approximately two thousand three hundred inmates were housed in  
17 mainland correctional facilities at an annual cost in excess of  
18 \$56,000,000, with another two hundred inmates housed at the  
19 Federal Detention Center in Honolulu at an annual cost of  
20 \$8,000,000; and

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22           WHEREAS, the Hawaii Paroling Authority has established  
23 policies by which it sets the minimum term that an offender must  
24 serve prior to release on parole, reviews the offender's case  
25 immediately prior to release on parole, and also acts to take  
26 back into custody those offenders who violate the terms and  
27 conditions of the offender's release on parole; and  
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1           WHEREAS, the Hawaii Paroling Authority has approximately  
2 forty-five parole officer positions authorized, each of whom  
3 carries an approximate caseload of sixty to eighty parolees; and  
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5           WHEREAS, many offenders have difficulty maintaining stable  
6 housing, employment, and sobriety and may fail to comply with  
7 the terms of conditions of parole by neglecting to advise their  
8 parole officer of a change of address or employment, fail drug  
9 or alcohol tests, or even commit another crime; and  
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11           WHEREAS, a 2005 study by the Urban Institute suggests that  
12 supervised parole may not play a significant role in reducing  
13 recidivism; and  
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15           WHEREAS, the Urban Institute study shows that, while  
16 supervised parole works best with female offenders, offenders  
17 with few prior arrests, public order offenders, and those  
18 imprisoned for violating a condition of earlier parole, the  
19 difference was a matter of percentage points; and  
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21           WHEREAS, a significant portion of the prison population is  
22 comprised of previously paroled offenders who have been returned  
23 to prison for violating one or more terms and conditions of  
24 parole; and  
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26           WHEREAS, the growth of Hawaii's prison population continues  
27 unabated, with increasing demands for more mainland and local  
28 prison space; now, therefore,  
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30           BE IT RESOLVED by the Senate of the Twenty-fourth  
31 Legislature of the State of Hawaii, Regular Session of 2008, the  
32 House of Representatives concurring, that the Legislative  
33 Reference Bureau is requested to review parole policies in  
34 Hawaii and in other states to determine the extent to which  
35 Hawaii's parole policies contribute to Hawaii's burgeoning  
36 prison population; and  
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38           BE IT FURTHER RESOLVED that the Legislative Reference  
39 Bureau is also requested to review:  
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- 41           (1) Criteria used to consider offenders for release on  
42 parole;  
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- 1           (2) Criteria used to determine terms and conditions of
- 2           parole and level of supervision;
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- 4           (3) Criteria used to determine whether a parole violator
- 5           will be taken back into custody for a parole
- 6           violation; and
- 7
- 8           (4) Rates of recidivism for offenders according to gender,
- 9           prior criminal history, substance abuse history, type
- 10          of offense for which paroled, type of supervision, and
- 11          new offense; and
- 12

13           BE IT FURTHER RESOLVED that the Department of Public Safety  
 14 and the Hawaii Paroling Authority are requested to cooperate  
 15 with the Legislative Reference Bureau in performing the review  
 16 by providing access to policy materials and information and  
 17 aggregated, non-confidential statistical information about  
 18 paroled offenders; and

19  
 20           BE IT FURTHER RESOLVED that the Legislative Reference  
 21 Bureau is requested to submit a report to the Legislature of its  
 22 findings no later than twenty days prior to the convening of the  
 23 Regular Session of 2009; and

24  
 25           BE IT FURTHER RESOLVED that certified copies of this  
 26 Concurrent Resolution be transmitted to the Director of the  
 27 Legislative Reference Bureau, the Director of Public Safety, and  
 28 the Chair of the Hawaii Paroling Authority.

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 for  
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