



STATE OF HAWAII  
**HAWAII PAROLING AUTHORITY**  
1177 ALAKEA STREET, GROUND FLOOR  
Honolulu, Hawaii 96813

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No. \_\_\_\_\_

**TESTIMONY ON SENATE CONCURRENT RESOLUTION 160  
REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW PAROLE  
POLICIES IN HAWAII**

**HAWAII PAROLING AUTHORITY**  
Albert Tufono, Chairman

**COMMITTEE ON PUBLIC SAFETY**  
Senator Will Espero, Chair  
Senator Clarence K. Nishihara, Vice Chair

Thursday, March 27, 2008, 2:45 p.m.  
Hawaii State Capital, Conference Room 225

Chair Espero, Vice Chair Nishihara and Committee Members,

The Hawaii Paroling Authority (HPA) supports the intent of Senate Concurrent Resolution 160 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. However, there are some concerns regarding the information contained in this bill.

1. Hawaii's indeterminate sentencing model is also discretionary parole model.

The Urban Institute report entitled "Does Parole Supervision Work?" of Spring 2006, indicated that their research revealed discretionary parolees were rearrested at a lower rate than their mandatory parole and unconditionally released counterparts.

2. The Urban Institute report emphasized the importance of supervision strategies, focusing in on aligning supervision resources with risk; emphasis on both surveillance and treatment; swift and consistent responses for failures; and range of incentives for success. Since 2002, HPA has been an active member of the Interagency Council on Intermediate Sanctions (ICIS) and has adopted and utilized evidence based practices. All parole officers have been trained in the use of the Level of Service Inventory Revised assessment tool, motivational interviewing, cognitive behavior change and case planning. HPA has adopted practices of risk principle, immediate attention to violations and contingency management.
3. While a significant portion of the prison population is comprised of previously parole offenders, HPA has been reducing the number of parole violators in the past years. In fiscal year 2006, the parole board conducted 415 parole violation hearings, in comparison to 304 conducted in fiscal year 2007. Clearer parole violation directives from the parole board in addition to increased supervision strategies from parole officers may have contributed to this decrease. It has always been HPA's objective to allow the offender to receive services in the community as long as it does not compromise public safety. In most of these cases, parole violating offenders are returned to prison before an arrest for a new offense occurs.
4. HPA released more inmates in fiscal year 2007 than in the two previous years. There were 785 inmates released on parole in fiscal year 2007 in comparison to 774 and 659 released in 2005 and 2006, respectively. The parole board has adopted the practice of allowing inmates to seek re-integration through the

furlough process when possible. While this may delay the release of the inmate, it will give the inmate an opportunity to secure employment, housing and reenter the community before being paroled.

The information provided by HPA would contradict the purpose of this bill. During the

past year, more inmates were released from prison and less parolees have been returned for

violating conditions of parole. It is the goal of ICIS to reduce recidivism by 30% by the year

2010. HPA has been making the necessary adjustments to accomplish this goal.

We thank you for this opportunity to testify on this matter.

Ken H. Takayama  
Acting Director

Research (808) 587-0666  
Revisor (808) 587-0670  
Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU  
State of Hawaii  
State Capitol  
Honolulu, Hawaii 96813

## **COMMENTS ON SCR 160**

### **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**

Testimony by the Legislative Reference Bureau  
Ken H. Takayama, Acting Director  
or Charlotte A. Carter-Yamauchi, Assistant Director for Research

Presented to the Senate Committee on Public Safety

Thursday, March 27, 2008, 2:45 p.m.  
Conference Room 225

Chair Espero and Members of the Committee:

Thank you for this opportunity to testify on S.C.R. No. 160. The Bureau takes no position for or against this measure but offers the following comments.

The resolution directs the Bureau to study the effects of parole policies on the prison population in Hawaii.

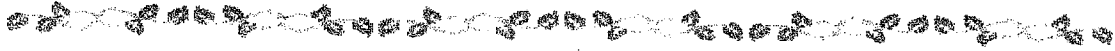
We believe that this study may be more difficult than it appears. As presently drafted, however, the scope of the study requested in this measure appears to be manageable.

Accordingly, if this measure is to pass, we request that it not be modified in any way, as attempts to "clarify" a measure may have the unintended effect of broadening the scope of a requested study in a way that makes it unmanageable.

Thank you very much for this opportunity to testify.

# COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Suite 203, Honolulu, Hawai'i 96817  
Phone/E-mail: (808) 533-3454/communityallianceonprisons@hotmail.com



## **COMMITTEE ON PUBLIC SAFETY**

Sen. Will Espero, Chair

Sen. Clarence Nishihara, Vice Chair

Thursday, March 27, 2008

2:45 PM

Room 225

## **STRONG SUPPORT - SCR 160 - LRB REVIEW OF PAROLE POLICIES**

Aloha Chair Espero, Vice Chair Nishihara and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working on prison reform and criminal justice issues in Hawai'i for a decade. I respectfully offer our testimony always being mindful that Hawai'i has more than 6,000 people behind bars with more than 2,000 individuals serving their sentences abroad, thousands of miles away from their homes and their loved ones.

SCR 160 requests the LRB to review parole policies in Hawai'i and other jurisdictions to determine the extent to which parole policies in Hawai'i contribute to the prison population.

Community Alliance on Prisons stands in strong support of this measure.

An independent review or outside look at policies and practices can vastly approve the efficiency and performance of an agency. Parole serves a very important function in protecting communities and is generally the last stop in the criminal justice continuum.

Community Alliance on Prisons suggests that making the LRB review available on the web would be helpful to the community in understanding how decisions are made by HPA.

Mahalo for this opportunity to share our thoughts on SCR 160.



the  
**Drug Policy  
Forum**  
of hawaii

March 27, 2008

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P.O. Box 61233  
Honolulu, HI 96839

Phone: (808)-988-4386  
Fax: (808) 373-7064

Email: [info@dpfhi.org](mailto:info@dpfhi.org)  
Website: [www.dpfhi.org](http://www.dpfhi.org)

To: Senator Will Espero, Chair  
Senator Clarence K. Nishihara, Vice Chair  
And Members of the Committee on Public Safety

From: Jeanne Y. Ohta  
Executive Director

Re: SCR 160  
REQUESTING THE LRB TO REVIEW PAROLE POLICIES  
Hearing: March 27, 2008, 2:45 p.m., Room 225

Position: Support

The Drug Policy Forum of Hawaii writes in support of this resolution which asks 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.

The LRB is also asked to review several criteria used by the paroling authority and examine rates of recidivism for offenders according to gender, prior criminal history, substance abuse history, type of offense, type of supervision and the new offense.

As we ask the Department of Public Safety to implement reentry programs and other programs to reduce recidivism, we must also consider whether paroling policies reduce recidivism, improve public safety, and to what extent those policies increase our incarceration costs.

Examining paroling policies is an important part of analyzing the big picture of Hawaii's incarceration policy which costs in excess of \$50 million per year.

Please pass the resolution so that we can know more about how well our paroling policies compare with other jurisdictions and whether those policies are effective.

CARRIE ANN SHIROTA, ESQ.  
1839 Wells Street  
Wailuku, Hawaii 96793  
Phone: 808-269-3858

Committee on Public Safety  
Sen. Wil Espero, Chair  
Sen. Clarence K. Nishihara, Vice-Chair  
Thursday, March 27, 2009  
2:45pm in Conference Room 225

**SUPPORT: SCR 160 REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW PAROLE POLICIES IN HAWAII AND OTHER JURISDICTIONS TO DETERMINE THE EXTENT TO WHICH PARLE POLIICES IN HAWAII CONTRIBUTE TO THE PRISON POPULATION**

Aloha Chair Espero, Vice Chair Nishihara and Members of the Committee:

My name is Carrie Ann Shirota, and I am writing in support of SCR 160. My experience as a former Civil Rights Enforcement Attorney and Public Defender, and current staff of a reentry program on Maui have shaped my advocacy efforts to promote accountability and transparency within our correctional system, and better prepare incarcerated persons for their return home as law-abiding, contributing members of their 'ohana and our community.

I support SCR 160 that would require the LRB to review parole policies in Hawaii to determine the extent to which parole policies contribute to the prison population for the following reasons:

1. **Parole Release Rates.** A close examination of trends in parole release rates would prove helpful in assessing whether parole release rates have increased in relation to the growing prison population, and the reasons for denial of parole.
2. **Parole Revocation Rates.** Although there is no universal definition of "recidivism" in the limited studies examining recidivism in Hawai'i, recidivism generally includes new arrests, convictions and revocation of legal supervision under parole or probation. In 2006, the State of California returned 68,000 persons to prison for violations of their terms of release after having served an average of only four months on parole. This rate translates to approximately 2/3rds of person on parole having their supervision revoked for either a technical violation or the commission of a new offense. Similarly, we should closely examine the parole revocations rates in Hawai'i. This will allow policy makers and the community to determine if parole revocation rates is a significant contributor to our state's expanding prison population.
3. **Minimum sentences.** The Hawaii Paroling Authority has unparalleled authority compared to parole boards in other jurisdictions because of its power to determine minimum sentences. It would be valuable for the LRB to examine whether HPA has been setting higher minimum sentences that than imposed by the Courts.
4. **Reduction of Minimum Sentences.** HPA has a statutory mechanism to reduce minimum sentences. However, HPA rarely grants reductions in minimum sentence. It would be valuable for LRB to explore the reasons why HPA rarely uses this authority, and whether the failure to do so contributes to the expanded population, particularly in cases where HPA sets a minimum sentence higher than that set by the Judge or requires the individual to serve the full sentence, with no opportunity for parole.
5. **Successful Parole/Revocation Trends by Island.** It would be fruitful for the LRB to compare parole revocation rates by island. For example, are there lower rates of recidivism/more success on parole for individuals under parole legal supervision on a particular island? If so, why is that the case? What lessons could other parole offices learn from?

Mahalo for this opportunity to submit testimony in support of SCR 160!

TESTIMONY FOR SCR 160  
SENATE COMMITTEE ON PUBLIC SAFETY  
MARCH 27, 2008, 2:45 PM, CONF RM 225

Thank you for this proposal and I support its passage.

The paroling authority has a daunting task of sorting through reams of papers concerning an individual and making a decision based on what they read, followed by an interview. However, their criteria may not give enough credence to other factors, i.e., attitude, progress, motivation, etc.

By having the LRB reviewing the policies, it may also help to update an old process and give an "outsider's" viewpoint.

Submitted by: Elayne Funakoshi

3/25/08