



The Judiciary, State of Hawaii

Testimony to the Twenty-Fifth State Legislature, Regular Session of 2010

House Committee on Public Safety

The Honorable Faye P. Hanohano, Chair

The Honorable Henry J.C. Aquino, Vice Chair

Thursday, March 18, 2010, 9:00 a.m.

State Capitol, Conference Room 309

by

Judge Steven S. Alm

Circuit Court, First Circuit

Bill No. and Title: House Concurrent Resolution No. 187, Requesting the Hawai'i Paroling Authority to Establish a HOPE Parole Pilot Program.

Purpose: Hawai'i Paroling Authority to establish a two-year pilot parole modification project and provide interim and final reports to the 2011 and 2012 Legislature in 2011

Judiciary's Position:

Thank you for the opportunity to comment on House Concurrent Resolution No. 187, requesting the Hawaii Paroling Authority (HPA) to Establish a HOPE Parole Pilot Program.

The Judiciary has been involved in HOPE Probation since 2004. HOPE Probation targets the highest risk offenders on probation, including sex offenders, domestic violence and other violent offenders and those with serious substance abuse problems. HOPE Probation has required a collaborative approach involving probation officers, judges, court staff, prosecution, defense, sheriffs, police, U. S. Marshals and substance abuse providers. HOPE Probation has achieved significant results, culminating in a gold standard, top-of-the-line randomized controlled study by researchers from Pepperdine and UCLA.

Findings included HOPE probationers testing positive 72% less often, and missing appointments 61% less often than those in the control group on probation-as-usual. The HOPE probationers were also 53% less likely to have their probation revoked, and 55% less likely to be



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arrested for a new crime. Overall, HOPE probationers served or were sentenced to 48% fewer days of incarceration than the control group.

Importantly, HOPE probation started without any additional funding. The only additional cost during the first year when HOPE went from 34 to 120 offenders, were a number of additional \$5 rapid drug screen tests, oftentimes paid for by the offenders themselves. Since then, with the help of the Legislature, HOPE has grown to over 1,500 offenders, including more than 1,350 of Oahu's 8,500 felony probationers (the remainder being domestic violence misdemeanants).

HOPE Probation has been a true win-win proposition. Hawaii's citizens have suffered less victimization, the probationers are incarcerated substantially less, and taxpayer dollars have been saved (estimates range from \$4,000 - \$8,000 per offender in prison savings alone).

If the HPA proceeds with a HOPE Parole project, the Judiciary stands ready, willing and able to assist them with that effort.

Thank you for the opportunity to testify.

LINDA LINGLE
GOVERNOR



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No. _____

TESTIMONY ON HOUSE CONCURRENT RESOLUTION 187
REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH
A HOPE PAROLE PILOT PROGRAM

HAWAII PAROLING AUTHORITY
Albert Tufono, Chairman

Committee on Public Safety
Representative Faye P. Hanohano, Chair
Representative Henry J.C. Aquino, Vice Chair

Thursday, March 18, 2010, 9:00 A.M.
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Chair Hanohano, Vice Chair Aquino and Members of the Committee:

The Hawaii Paroling Authority (HPA) strongly opposes HCR 187, establishing a HOPE parole pilot program.

1. It should be noted that HCR 187 as written is in conflict with Section 353-63.5 of the Hawaii Revised Statutes. This law requires the HPA to utilize intermediate sanctions in lieu of incarceration.

2. HPA is familiar with the HOPE program of the First Circuit Court and it's success. However, it is our belief that the success found in probationers would not necessarily be the same for the parole population. Many inmates entering the correctional systems are probation violators who have been given numerous opportunities in various programs within the court system until the probationers are resentenced to prison. It is possible for a probationer to be supervised on regular probation, drug court and possibly HOPE before being resentenced to prison. In comparison to a probationer who has never

been incarcerated, a parolee who has spent years in prison would not have the same fear of a short jail term.

3. HCR 187 is recommending that 30 high-risk parolees be part of this pilot program. Currently on Oahu, highest risk parolees are being supervised by our intensive supervision unit and most of the parolees in this unit have a history of violence. It has been the practice of the HPA to conduct unannounced retakes to prevent parole violators from "running" (absconding) and we have found this practice to be effective. If it was known to the parolees that a "zero tolerance" on parole violations would be implemented, it would be our belief that many violators would avoid reporting to their officer, avoid arrest, and possibly return to criminal behavior to support themselves. These parolees could pose a threat to the community if it was known to them that a parole retake warrant was issued for their arrest.

4. HCR 187 has no funding provided to implement this program. Should this committee decide against our recommendation and pass HCR 187, additional resources would be needed to fulfill this mandate. Under the current law, the part-time parole board members are limited to only 128 hours of work each month. With 300 to 400 hearings each month, it will not be possible to stay within the limits of the law if additional hearings will be added to address the HOPE population. Also, additional funding would be needed for drug testing and overtime to have deputy sheriffs available to make arrests.

In closing, it should be noted that HPA has made significant strides in reducing recidivism in the parole population. In a recent study released by the Interagency Council on Intermediate Sanctions, the recidivism rate of 51.2% for parolees released statewide in 2006 was lower than the 52.2% of all felons placed on probation with the First Circuit Court in the same year.

We thank you for this opportunity to testify.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, March 18, 2010

9:00 a.m.

Room 309

SUPPORT - HCR 187 - Pilot HOPE Parole Program

PBSTestimony@capitol.hawaii.gov

Aloha Chair Hanohano, Vice Chair Aquino and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a diverse community initiative working to improve conditions of confinement for Hawai'i's incarcerated individuals, enhance the quality of justice, and promote public safety by supporting smart justice policies. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that almost 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

HCR 187 requests the Hawai'i Paroling Authority to establish a HOPE Parole pilot program.

Community Alliance on Prisons supports this measure.

The first evaluation of HOPE project (probation) was pretty remarkable as the resolution states:

- 55% fewer arrests for a new crime
- 72% less likely to use drugs
- 61% less likely to skip appointments
- 53% less likely to have their probation revoked

This evaluation, done by an economist from Pepperdine (Angela Hawken) shows remarkable outcomes for individuals in the HOPE (probation) program compared to the cohort on regular probation. We earnestly hope that the effects of the HOPE program persist after an individual leaves the program.

Parole has been doing better in terms of recidivism, but is still the bottleneck of the system. Parole's rate of recidivism is 51.2% according to an October 23, 2009 presentation made by the Interagency Council on Intermediate Sanctions Research Group. This is far better than Public Safety's recidivism rate - 61.5%.

Reincarcerating individuals for technical violations (not calling parole officer, dirty drug screen, etc.) is costly and has not proven to be effective.

Many jurisdictions are NOT returning technical violators to prison as a cost-saving measure, but using alternatives (treatment, community programming).

The preliminary classification report shows that 68.1% of the women and 62% of the men incarcerated were projected to be classified as either Minimum or Community custody, the least restrictive levels in prison.

HOPE probation started small and is now up to 1,500 probationers. Increasing the number of individuals on parole and establishing a Hawai'i Opportunity Parole Enforcement (HOPE) would help to free up bed space in Hawai'i. This would reduce the number of individuals transferred to Arizona private prisons and keep *our* money circulating in *our* economy.

Although Community Alliance on Prisons has not been a fan of flash incarceration, research is showing that swift and certain consequences are more effective than long prison terms.

Hawai'i must be open to a range of options to appropriately address crime and help individuals become contributing members of our communities.

Mahalo for this opportunity to testify.

March 18, 2010

TO: Representative Faye P. Hanohano, Chairman
And members of the House Public Safety Committee

FROM: Loren Okimi, BA
MSW Student at Myron B. Thompson School of Social Work, University of
Hawaii at Manoa.

RE: HR 120- Requesting the Hawaii Paroling Authority to Establish a Hope Parole Pilot
Program

Chairman Hanohano and members of the House Public Safety Committee, my name is Loren Okimi and I am a student at the Myron B. Thompson, School of Social Work at the University of Hawaii. I am testifying in SUPPORT of HR 120, Requesting the Hawaii Paroling Authority to Establish a Hope Parole Pilot Program.

For the past 5 years, I have been working for a non-profit organization. Recently, several of my clients have been involved with the HOPE program. My clients have shared that they believe that the program is fair and most importantly hold them accountable for their actions. I believe that this feeling of accountability has supported these clients in making healthier choices in their lives.

I believe that individuals who are placed on probation should be held accountable for their actions. If probation is violated, there should be immediate and fair consequences. The HOPE program offers immediate and concrete sanctions to support individuals in making healthier choices.

I urge you to support HR 120. Thank you for the opportunity to testify on this measure.