

HCR 187

Measure Title:

HOPE PAROLE PILOT PROJECT

Report Title:

REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE
PAROLE PILOT PROGRAM.



THE JUDICIARY, STATE OF HAWAII

Testimony to the Senate Committee on Public Safety and Military Affairs

The Honorable Will Espero, Chair
The Honorable Robert Bunda, Vice Chair

Wednesday, April 21, 2010, 1:40 p.m.
State Capitol, Conference Room 312

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



House Concurrent Resolution No. 187
Senate Committee on Public Safety and Military Affairs
Wednesday, April 21, 2010
Page 2

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



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

ALBERT TUFONO
CHAIR

DANE K. ODA
MEMBER

ROY W. REEBER
MEMBER

MAX OTANI
ADMINISTRATOR

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 and Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

Wednesday April 21, 2010, 1:40 P.M.
State Capital, Conference Room 312

Chair Espero, Vice Chair Bunda and Committee Members:

The Hawaii Paroling Authority (HPA) strongly opposes HCR 187, establishing a HOPE parole pilot program. It is our belief that this resolution is in conflict with current laws, addresses a different population than probation, may pose a risk to public safety, requires additional funding, and is not needed at this time.

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 that has never been incarcerated, a parolee that 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. Wayman Kaua, Dominic Kealoha, and Ronald Lowery are examples of parolees that went on the run after learning that a parole retake warrant had been issued. All three cases ended in gun violence with two of these men dying. According to the Honolulu Advertiser, there were three cases of homicide involving HOPE probationers with outstanding warrants. Two of the three men had a prior history of being sentenced to prison before being placed on HOPE.

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. Additional funding would also be needed for drug testing and over-time to have deputy sheriffs available for make arrests. Funding for contract

services would have to be increased to immediately address the violation. It is estimated that an episode of substance abuse treatment for each violator would cost \$3000.00.

5. 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.

It is difficult for HPA to comprehend spending additional state funds and resources to attempt a pilot program that may have potential for risk to the parole staff, law enforcement personnel and general public when current practices are showing positive results. We thank you for your support and ask that his resolution be held.

We thank you for this opportunity to testify.

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454/kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY and MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Wednesday, April 21, 2010

1:40 p.m.

Room 312

SUPPORT - HCR 187 - Pilot HOPE Parole Program

PSMTestimony@capitol.hawaii.gov

Aloha Chair Espero, Vice Chair Bunda 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.

In 2008, HPA revoked the parole of 244 individuals. The combined length of time that these 244 individuals were given for what HPA calls 'technical violations' was 467 years. That means that HPA committed the taxpayers to more than \$21 million in parole revocations in just 1 year. This is not sustainable.

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.



the
**Drug Policy
Forum**
of hawaii

April 21, 2010

To: Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair and
Members of the Committee on Public Safety and Military Affairs

From: Jeanne Y. Ohta, Executive Director

RE: HCR 187 (HOPE Parole)
Hearing: Wednesday, April 21, 2010, 1:40 p.m., Room 312

Position: Support

The Drug Policy Forum of Hawai'i writes in support of HCR 187 which requests that the Hawaii Paroling Authority establish a HOPE parole pilot program.

This pilot program would be patterned after the HOPE Probation program which has been shown to be successful in reducing arrests for new crimes; reducing drug use; reducing skipped appointments with probation officers; and reducing rates of probation revocation.

The HOPE program is based on the premise that violations of probation should be met with consequences that are immediate and proportionate to the violation. Interviews with those under the HOPE program feel that the program is fair and the consequences are fair. This belief leads to a respect for the system and to following the rules that are set for them.

In the same way, we have the opportunity to turn the parole system into a system that is more effective in reducing recidivism and the return to crime. It is unfortunate that technical violations of parole can lead to incarceration for several years. These sanctions are expensive and ineffective in reducing recidivism. Hawai'i cannot afford to waste money on ineffective prison programs while needed education, health and human service programs are cut.

We urge the passage of this resolution. Thank you for allowing us to testify in support of this measure.

Board of Directors

Pamela Lichty, M.P.H.
President

Kat Brady
Vice President

Heather Lusk
Treasurer

Katherine Irwin, Ph.D.
Secretary

Michael Kelley, D.Phil.

Richard S. Miller, Prof. of
Law Emer.

Robert Perkinson, Ph.D.

Donald Topping, Ph.D.
Founder 1929-2003

P.O. Box 61233
Honolulu, HI 96839

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

Email: info@dpfhi.org
Website: www.dpfhi.org

LORENN WALKER, J.D., M.P.H.

COMMITTEE ON PUBLIC SAFETY

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair
Wednesday, April 21, 2010
1:40 p.m.

HCR 187 - REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM.

I STRONGLY SUPPORT this measure requesting the Paroling Authority to pilot a HOPE program for parolees.

The HOPE program is well established as more effective in reducing recidivism than regular probation, parole, prison (<http://www.hopeprobation.org/about/program-evaluation-results>). HOPE probationers have 86% reductions in substance abuse, 50% re-arrest reductions, 80% less missed probation appointments, and 50% less probation revocations. The few high profile HOPE re-offending cases are tiny in comparison to the thousands of HOPE participants who have desisted from crime, and compared to the rate of repeat offenses of people on parole and regular probation.

Our community suffers from recidivism. People can be treated more effectively with HOPE than current parole and prison interventions. Even long time repeat offenders can be influenced by the positive motivation HOPE would provide with parole board supervision, and the never-ending desire to avoid incarceration.

Providing drug treatment that this resolution suggests too is also a key to its success. While people who violate parole have the responsibility to deal with their destructive behaviors, our state and paroling authority also have the responsibility to ensure treatment is provided for substance abusers to deal with their addiction. Most people in prison have serious histories of substance abuse problems, which are substantially unaddressed by our correctional institutions (Travis, 2005, *But They All Come Back*, The Urban Institute Press: Washington D.C.).

If the money is not spent to stop recidivism and treat substance abuse during parole, and to support other rehabilitation measures, with programs like HOPE, the money will be spent on further prison costs, and more damaged and dangerous people in the future.

Recidivism hurts our community and makes it less safe. It is short sighted to ignore rehabilitation. In the long run we will suffer the consequences. We must address recidivism and find evidence-based ways to prevent repeat crime and substance abuse relapsing, which HOPE does.

I am a public health educator and long time criminal justice practitioner and researcher who defended state agencies including the department of public safety. I also defended and prosecuted a number of criminal cases. Please see www.lorennwalker.com for my current publications and for further review of my experiences and work.

Thank you for this opportunity to testify and for your hard work.

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV
[MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: MONDAY, APRIL 19, 2010 9:49 AM
TO: PSM TESTIMONY
CC: ERINANN815@AOL.COM
SUBJECT: TESTIMONY FOR HCR187 ON 4/21/2010 1:40:00 PM

TESTIMONY FOR PSM 4/21/2010 1:40:00 PM HCR187

CONFERENCE ROOM: 312
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: ERIN RUTHERFORD
ORGANIZATION: INDIVIDUAL
ADDRESS:
PHONE:
E-MAIL: ERINANN815@AOL.COM
SUBMITTED ON: 4/19/2010

COMMENTS:

HOPE HAS BEEN QUITE A SUCCESS THUS FAR, CONSIDERING THE STATS OF RECIDIVISM AND RECURRENT DRUG USE IN OTHER PROBATION PROGRAMS. IT ONLY MAKES SENSE TO RUN A PILOT PROGRAM THAT MAY BE SUCCESSFUL BECAUSE IF THIS PROGRAM IS SUCCESSFUL, A LOT OF TAXPAYERS MONEY COULD BE SAVED AND A LIFE OF CRIMINALITY FOR ONE CONVICT COULD BE TURNED AROUND TO A LIFE OF BEING A PRODUCTIVE MEMBER OF SOCIETY.

THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010
COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

AMENDED NOTICE OF HEARING

DATE: Wednesday, April 21, 2010
TIME: 1:40 p. m.
Conference Room 312
PLACE: State Capitol
415 South Beretania Street

A M E N D E D A G E N D A

HCR 123
(HSCR1305-10)
Testimony
Status

RECOGNIZING AEROSPACE AS A STRATEGIC AND TIMELY GROWTH INDUSTRY FOR HAWAII AND REQUESTING THE STATE ADMINISTRATION TO TAKE PROACTIVE, COORDINATED, AND SUSTAINED ACTION TO FULLY REALIZE THE SIGNIFICANT SCIENTIFIC, EDUCATIONAL, AND COMMERCIAL BENEFITS THE AEROSPACE INDUSTRY CAN BRING TO THE STATE. PSM
NO. The state is over militarized as it is today. We need to direct our attention to agriculture to sustain ourselves.

HCR 223, HD1
(HSCR1341-10)
Testimony
Status

REQUESTING THE LEGISLATIVE REFERENCE BUREAU, WITH ASSISTANCE FROM THE DEPARTMENT OF DEFENSE, TO CONDUCT A STUDY ON THE FEASIBILITY OF USING LUALUALEI NAVAL ROAD AS AN EVACUATION ROUTE IN THE EVENT OF AN EMERGENCY OR NATURAL DISASTER ON THE LEEWARD COAST. PSM
YES. It makes more sense to use that exit plan.

HCR 187
(HSCR1320-10)
Testimony
Status

REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM. PSM
YES. It will help reverse negative mentality and attitude. change of mindset to a positive is always beneficial o the community at large.

HCR 139
(HSCR1316-10)

REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO WORK WITH THE HAWAII LAW PSM
[Measure added

Testimony
Status

ENFORCEMENT MEMORIAL FOUNDATION, THE COUNTY POLICE DEPARTMENTS, THE DEPARTMENT OF PUBLIC SAFETY, THE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII, THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, AND THE CONCERNS OF POLICE SURVIVORS INCORPORATED, TO PLAN AND CONSTRUCT A HAWAII STATE LAW ENFORCEMENT MEMORIAL.

on 04-16-10)

NO. Under the current economic conditions, it's best to put this off to a better circumstance where it can be afforded. A complete audit of ALL the state's expenditure should be done and nefarious practices should stop. Such as spending the allotted budget so the following year it can be maintained.

Mahalo for allowing me to share my mana'o on these items.

David M. K. Inciong, II

Pearl City, HI 96782-2581

tane_1@msn.com