

SR 90

SCR 191

Measure 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

Senate Committee on Judiciary and Government Operations
The Honorable Brian T. Taniguchi, Chair
The Honorable Dwight Y. Takamine, Chair

Monday, March 29, 2010, 10:00 a.m.
State Capitol, Conference Room 016

by
Judge Steven S. Alm
Circuit Court, First Circuit

Bill No. and Title: Senate Concurrent Resolution No. 191 / Senate Resolution No. 90,
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.

Judiciary's Position:

Thank you for the opportunity to comment on Senate Concurrent Resolution No. 191 / Senate Resolution No. 90, 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.



Senate Concurrent Resolution No. 191 / Senate Resolution No. 90
Senate Committee on Public Safety and Military Affairs
Senate Committee on Judiciary and Government Operations
Monday, March 29, 2010
Page 2

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.

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 SENATE CONCURRENT RESOLUTION 191
AND SENATE RESOLUTION 90
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

Committee on Judiciary and Government Operations
Senator Brian Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

Monday, March 30, 2010, 10:00 A.M.
State Capital, Conference Room 016

Chairs Espero and Taniguchi, Vice Chairs Bunda and Takamine and Committee Members:

The Hawaii Paroling Authority (HPA) strongly opposes SCR 191, 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 SCR 191 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. SCR 191 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. SCR 191 has no funding provided to implement this program. Should this committee decide against our recommendation and pass SCR 191, 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 to 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

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COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Sen. Brian Taniguchi, Chair

Sen. Dwight Takamine, Vice Chair

Monday, March 29, 2010

10:00 a.m.

Room 016

SUPPORT – SCR 191/SR 90 – Pilot HOPE Parole Program

PSMTestimony@capitol.hawaii.gov

Aloha Chairs Espero and Taniguchi and Members of the Committees!

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.

SCR 191/SR 90 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).

Parole has been improving its numbers and Community Alliance on Prisons acknowledges that, yet we believe that it is always good to be open to a number of different approaches to a problem. We should not be satisfied with a recidivism rate of 50% - it's better than it was, but it should not be acceptable.

The preliminary classification report shows that 84% of incarcerated women and 63% of incarcerated men are nonviolent and 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.

We understand the concerns raised by the Hawai'i Paroling Authority and hope that a small pilot program to test its efficacy on parolees would be a good idea. It would definitely save taxpayers money since many revoked parolees generally go back to prison to finish their entire sentence, which can be years.

HOPE probation started small and now has more than 1,500 probationers. Increasing the number of individuals released 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 hawai'i

March 29, 2010

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

To: Senator Brian Taniguchi, Chair
Senator Dwight Takamine, Vice Chair and
Members of the Committee on Judiciary and Government Affairs

From: Jeanne Y. Ohta, Executive Director

RE: SR 90 and SCR 191 (HOPE Parole)
Hearing: Monday, March 29, 2010, 10:00 a.m., Room 016

Position: Support

The Drug Policy Forum of Hawai'i writes in support of SR 90 and SCR 191 which request 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 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

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Topic: SR 90 Requesting the Hawaii Paroling Authority to establish a HOPE parole pilot program.

To: COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS: Senator Will Espero, Chair; Senator Robert Bunda, Vice Chair

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS: Senator Brian Taniguchi, Chair; Senator Dwight Takamine, Vice Chair

When: April 1st, 2010, Thursday at 1:20 pm

Place: Conference Room 229

Aloha Chair Espero, Chair Taniguchi and Distinguished members. My name is Alan Johnson, I am the Chairperson of the Hawaii Substance Abuse Coalition, a hui of about 20 alcohol and substance abuse treatment agencies in Hawai'i.

HSAC Supports SR 90

HOPE has proven that a combination of immediate sanctions and treatment effectively reduces recidivism for offenders, Mandated treatment is just as effective as voluntary treatment and in the case of HOPE and treatment combined, we are more effective.

With lower recidivism that happens immediately, the cases loads go down freeing resources to be used to fund more HOPE and treatment programming, thus reducing more recidivism, creating a cycle of better outcomes and more cost-effective savings.

We recommend that the HOPE program can start small as it did for probation and be expanded only as it offsets costs in the current year.

We appreciate the opportunity to testify and are available for further discussion.

Topic: SCR 191 Requesting the Hawaii Paroling Authority to establish a HOPE parole pilot program.

To: COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS: Senator Will Espero, Chair; Senator Robert Bunda, Vice Chair

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS: Senator Brian Taniguchi, Chair; Senator Dwight Takamine, Vice Chair

When: April 1st, 2010, Thursday, at 1:20 pm

Place: Conference Room 229

Aloha Chair Espero, Chair Taniguchi and Distinguished members. My name is Alan Johnson, I am the Chairperson of the Hawaii Substance Abuse Coalition, a hui of about 20 alcohol and substance abuse treatment agencies in Hawai'i.

HSAC Supports SCR 191 with recommendations:

Add new language on Page 3 line 22 to include that the court may refer to treatment as Project HOPE does now. Some offenders are motivated yet sanctions alone are not enough such that treatment and sanctions can achieve desired outcomes.

BE IT FURTHER RESOLVED that the Legislature requests that:

- (1) Parolees involved in the parole modification program be made aware of the sanctions that will be imposed for violating the conditions of their parole;
- (2) Sanctions be imposed within a short period of time from the occurrence of the violation; and
- (3) Sanctions include the modification of the terms of parole to include short terms of incarceration, which may be increased if a parolee continues to violate the conditions of parole; and
- (4) [If offender is motivated and sanctions alone do not suffice, the Court may direct the offender to treatment.]

We appreciate the opportunity to testify and are available for further discussion.

From: Mary Elizabeth
Sent: Thursday, March 25, 2010 6:58 PM
To: PSM Testimony
Subject: SCR 191/SR 90

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Sen. Brian Taniguchi, Chair
Sen. Dwight Takamine, Vice Chair

Monday, March 29, 2010

10:00 a.m.

Room 016

SUPPORT FOR SRCR 191/SR 90 – Establishing HOPE Parole

SCR 191 (PSM/JGO,WAM)

HOPE Parole Pilot Project

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

Dear Chairs Espero and Taniguchi, Vice Chairs Bunda and Takamine, and Committee
Members:

I am writing to support SCR 191 because it has proven to benefit both the state and the
inmates. The resolution contains the information as to why this program is so highly
acclaimed.

Mahalo and Aloha,
E. Funakoshi

From: Mary K. Dias **Sent:** Friday, March 26, 2010 7:48 AM
To: PSM Testimony
Subject: Support for SCRC 191/90

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
Senator Brian Taniguchi, Chair
Senator Dwight Takamine, Vice chair

Monday, March 29, 2010
10:00 a.m.
Room 016

SUPPORT FOR SCRC 191/SR 90

Dear Senators,

Please support SCRC 191/SR 90 – Establishing HOPE Parole

Sending technical violators back to prison to finish the rest of their sentence is expensive and, in many cases, counter-productive. HPA's recidivism rate is 51.2%, while PSD's recidivism rate is 61.5%. 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

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. The preliminary classification report shows that 84% of incarcerated women and 63% of incarcerated men are nonviolent. Research is showing that swift and certain circumstances are an effective strategy. With rising correctional costs and a shrinking budget, we must explore every strategy that can help reduce the incarcerated population.

Mahalo,

Mary K. Dias

The following adults have asked that I add their names as they do not have email:

Kekoa A.K. Dias
Earl Peahi Jr.
Lucille Etse
Regina Dias Tauala
Totie Tauala

Keoki A.W. Dias
Sterling Reid
Margaret Dias Pilago
Tara Tauala
Raymond Tauala