



LATE

Committee: Committee on Public Safety, Intergovernmental and Military Affairs
Hearing Date/Time: Tuesday, February 7, 2017, 1:20 p.m.
Place: Room 229
Re: Testimony of the ACLU of Hawaii in Support of S.B. 614, Relating to Public Safety

Dear Chair Nishihara and Committee Members:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 614, which would permanently codify provisions of Act 139 establishing pretrial risk assessment tools.

The ACLU of Hawaii supports commonsense measures to reduce the imprisonment of those who have been accused of low-level offenses. Bail should be tailored to each case, factoring in considerations such as the ability of the accused to pay and an individual’s risk of harming others upon release. Pretrial detentions costs taxpayers thousands of dollars every year and further entrenches legally innocent people in the criminal justice system. The ACLU of Hawaii supports this bill.

Thank you for this opportunity to testify.

Mandy Finlay
Advocacy Coordinator
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.

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Justice Reinvestment in Hawaii

Analyses & Policy Options to Reduce Spending on Corrections & Reinvest in Strategies to Increase Public Safety

Background

IN JUNE 2011, HAWAII GOVERNOR NEIL Abercrombie, Supreme Court Chief Justice Mark E. Recktenwald, and legislative leaders requested technical assistance from the Council of State Governments Justice Center (CSG Justice Center) to employ a data-driven “justice reinvestment” approach to improve public safety, reduce corrections spending, and reinvest savings in strategies that can decrease crime and reduce recidivism. Assistance provided by the CSG Justice Center was made possible through a partnership with and funding support from The Pew Charitable Trusts’ Public Safety Performance Project (Pew) and the U.S. Department of Justice’s Bureau of Justice Assistance (BJA).

To guide the CSG Justice Center’s analysis of the state’s criminal justice system and development of policy options, the State of Hawaii established the interbranch and interagency Justice Reinvestment Working Group. Participants of this group included the Governor’s Office, members of the House and Senate, the State Judiciary, the Department of Public Safety, the Hawaii Paroling Authority, the Department of Human Services, the Office of the Public Defender, county police departments, and four prosecuting attorneys. Over the course of seven months, the working group met to review data analyses and discuss policy options that would address the challenges facing Hawaii’s criminal justice system.

The CSG Justice Center’s analysis included a system-wide examination of reported crime and arrests, court dispositions and sentencing practices, probation and



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parole supervision, the parole review process, and jail and prison admission and release trends. To conduct this analysis, CSG Justice Center staff collected data from the Hawaii Department of Public Safety, the Hawaii Paroling Authority, the Judiciary, the Attorney General’s Office, the Federal Bureau of Investigation’s Uniform Crime Reports, the U.S. Department of Justice’s Bureau of Justice Statistics, along with data from other state and county agencies and organizations.

In addition to conducting quantitative analyses, the CSG Justice Center convened meetings and interviews with criminal justice practitioners and stakeholders from around the state, including circuit and district court judges, prosecuting attorneys, behavioral health treatment providers, law enforcement officials, victim advocates, and probation officers.

In reviewing the data with the Justice Reinvestment Working Group, three priorities for the state emerged: 1) *increase efficiency during the pretrial process*, 2) *reduce recidivism*, and 3) *hold individuals accountable in more meaningful ways*. To address these challenges, the justice reinvestment framework was developed. Many of the policies in the framework were translated into legislation that was enacted in June 2012.

This report summarizes the CSG Justice Center’s findings and describes the data-driven policy framework that was provided to state policymakers and the legislation that was ultimately enacted to address key issues in Hawaii. The 10 distinct policy options outlined in this report are organized around the 3 priorities that emerged from the analyses.

Summary of Challenges

Between 2000 and 2010, Hawaii's total crime index declined 31 percent from 5,199 to 3,577 per 100,000 inhabitants. Between 2007 and 2011, Hawaii sentenced fewer people convicted of felonies to prison, from 41 percent in 2007 to 32 percent in 2011. Despite this, the prison and jail population increased by 18 percent between 2000 and 2011. Due to a lack of space in its correctional facilities, Hawaii contracted with mainland facilities to house approximately one-third of its prisoners. Between FY2000 and FY2010, expenditures made by the Corrections Division of the Department of Public Safety increased 71 percent from \$112 million to \$192 million.¹ In addition, with 95 percent of felony probationers in Hawaii receiving supervision terms of five years or longer, exceptionally long probation terms have resulted in a less effective allocation of supervision resources. Hawaii faced four key challenges to its criminal justice system:

Extensive and increasing delays in the pretrial process

- Despite a stable rate of jail admissions for sentenced individuals, the jail population increased 47 percent from FY2006 to FY2011 due to delays in the pretrial process.²

A growing number of individuals denied parole due to not completing required programming

- The parole approval rate declined from 40 percent in FY2006 to 34 percent in FY2010.
- Of the cases where parole was denied during this period, 65 percent were attributed to delays in completing programming required before release.³

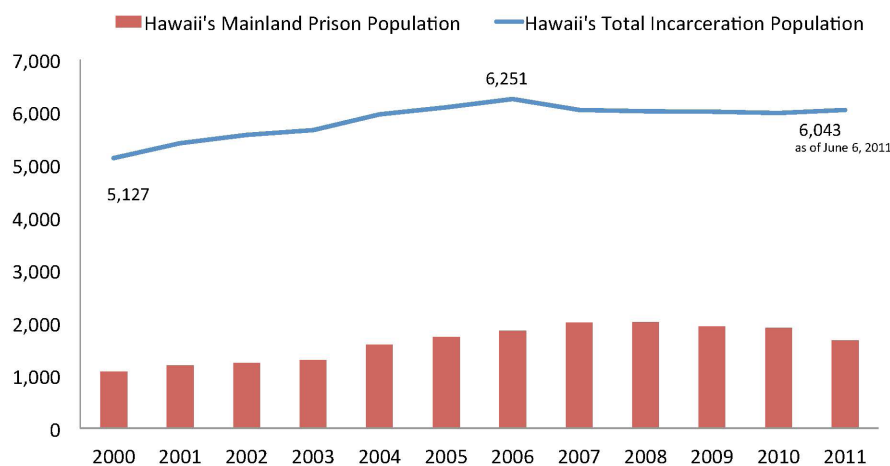
An increase in the average length of stay in prison, including for individuals incarcerated for parole violations and those required to complete their sentences in prison and who are then released without supervision

- The number of admissions to prison for parole violators decreased from FY2006 to FY2010, yet the parole violator population in prison increased due to a longer average length of stay.⁴
- Individuals were increasingly held to their maximum sentence date and released without supervision, despite having been eligible for parole.⁵

Longer terms of supervision for probationers at low risk of reoffending and a lack of discretion in sentencing for low-level drug offenses

- Across all levels of risk of reoffending, individuals were serving longer probation terms. Between FY2006 and FY2011, the average length of probation supervision increased 25 percent.
- Although high-risk probationers have much higher recidivism rates than their low-risk counterparts, low-risk probationers consistently served longer probation terms than high-risk probationers between FY2006 and FY2011.⁶
- Judges lacked discretion in sentencing second-time felony drug possession convictions because of a statute requiring incarceration for such offenses regardless of risk level or circumstances surrounding the offense.

FIGURE 1. TO ADDRESS THE GROWING PRISON POPULATION, HAWAII CONTRACTED WITH MAINLAND PRIVATE PRISONS TO HOUSE A QUARTER TO ONE-THIRD OF ITS INMATES.⁷



Justice Reinvestment Framework

Objectives	1. Increase Efficiency	2. Reduce Recidivism	3. Ensure Accountability
Policies*	<p>1 (A): Reduce delays in the pretrial process by requiring the use of an objective risk assessment tool to inform detention and release decisions.</p> <p>1 (B): Reduce obstacles to paying bail by expanding methods of payment and the hours during which payments can be made.</p>	<p>2 (A): Reduce probation terms for people incarcerated for certain types of offenses.</p> <p>2 (B): Require the Hawaii Paroling Authority to base programming requirements and release decisions on the results of an objective risk assessment.</p> <p>2 (C): Release low-risk individuals at the end of their minimum sentence.</p> <p>2 (D): Limit the term of incarceration for first-time parole violations to six months.</p> <p>2 (E): Allow judicial discretion in sentencing second-time felony drug possession offenses.</p> <p>2 (F): Raise the felony theft threshold.</p>	<p>3 (A): Ensure a minimum period of supervision for all people convicted of felony offenses leaving prison.</p> <p>3 (B): Improve victim restitution collection and increase payments to victims.</p>

* The final legislation did not include policies 1(B), 2(F), and 3(A).

Projected Outcomes

Presented to state policymakers in January 2012, the justice reinvestment framework was developed to address the key challenges facing Hawaii’s criminal justice system at the time. The following projections estimated the potential outcomes of translating these policies into practice.

The state would increase public safety by focusing resources on those whose risk is most likely to be reduced through effective interventions.

- Public safety is increased by improving risk assessment of individuals during pretrial, in prison, and under supervision.
- Effective programming and supervision is focused on those with higher risk and needs in order to reduce recidivism.

The state would reduce spending on corrections by \$130 million between FY2013 and FY2018.

- \$130 million in costs are averted by reducing the need for contracted facilities on the mainland.

The state would reduce bed demand in corrections facilities.

- Bed demand in corrections facilities is reduced by more than 1,000 beds by FY2018 to allow for a gradual reduction in the number of people housed on the mainland from approximately 1,750 to fewer than 600.

Key Findings

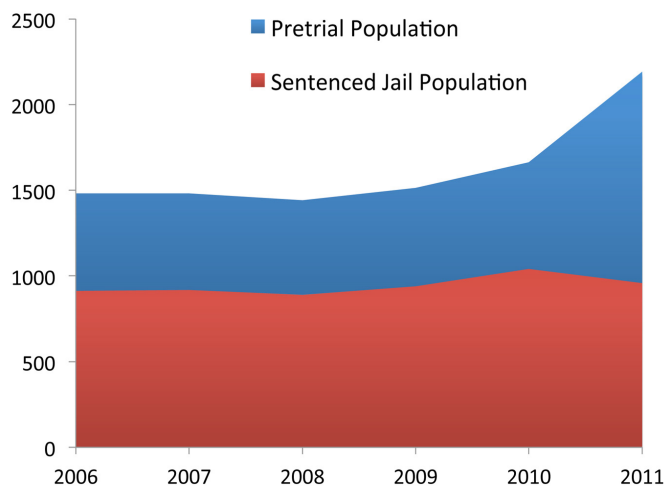
Between June 2011 and January 2012, CSG Justice Center staff conducted extensive data analyses of Hawaii’s criminal justice system to identify criminal justice population and cost drivers in the state. Their analyses are summarized in the findings below.

Crime and Arrest

Crime and victimization rates were declining.

- Between 2006 and 2010, the reported index property crime rate fell 22 percent and the reported index violent crime rate declined by 7 percent.⁸
- Based on a survey of households, the rate of crime victimization declined 18 percent between 1997 and 2010. The property crime victimization rate decreased by 22 percent and the violent crime victimization rate decreased by 6 percent.⁹
- As the rates of crime and victimization fell, felony convictions also declined, especially felony convictions to prison. The number of people sentenced to prison for a felony declined 22 percent between 2007 and 2011.¹⁰

FIGURE 2. DESPITE STABLE JAIL ADMISSIONS FOR SENTENCED INDIVIDUALS, THE PRETRIAL POPULATION INCREASED 117 PERCENT BETWEEN 2006 AND 2011.¹⁵

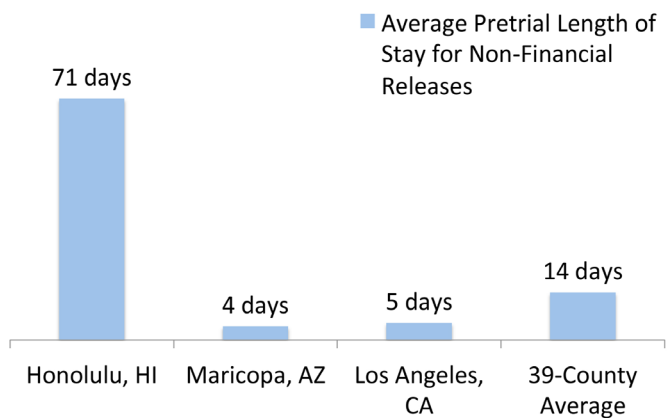


Pretrial

There were extensive and increasing delays in the pretrial process.

- Despite a stable number of jail admissions for sentenced individuals, the pretrial population increased 117 percent from FY2006 to FY2011, which contributed to a 47 percent increase in the jail population.¹¹
- Pretrial releases took three months on average.¹²
- In a 2008 study comparing 2004 data on 39 large U.S. counties, of which Honolulu was one of the largest, Honolulu had the longest average length of stay in jail for those ultimately released during the pretrial stage.¹³ Of the 39 counties, 32 were able to release defendants under non-financial conditions in 15 days or fewer, but Honolulu’s average length of stay for the same type of defendants was 71 days.¹⁴

FIGURE 3. IN A COMPARISON TO OTHER LARGE U.S. COUNTIES, HONOLULU HAD THE LONGEST AVERAGE LENGTH OF STAY IN JAIL FOR PEOPLE ULTIMATELY RELEASED UNDER NON-FINANCIAL CONDITIONS DURING THE PRETRIAL STAGE.¹⁶



Key Findings (continued)

Sentencing

The state's paroling authority's resources were constrained partly due to its unique responsibility to set minimum sentences.

- In contrast to judges elsewhere in the United States, judges in Hawaii do not have the authority to sentence individuals to a minimum term of incarceration. The law directs judges to impose one of four statutorily defined maximum prison sentences depending on the severity of the crime for which an individual has been convicted. Once sentenced to prison, the Hawaii Paroling Authority (HPA) establishes an individual's minimum term of incarceration. HPA is the only parole authority in the country with the responsibility to set the minimum sentence of incarceration.
- When an individual has served his or her minimum sentence, HPA determines if that person shall be released or held for an additional amount of time up to the statutory maximum.

- HPA is also responsible for deciding whether to revoke a person's parole for a violation of conditions of release.

Judges lacked discretion in sentencing low-level drug possession cases.

- At the time of the analyses, the law required incarceration upon conviction of a second felony drug offense for individuals already on felony probation.
- From FY2006 to FY2011, 26 percent of those who were incarcerated for a lower-level drug offense had no more than 2 prior felony arrests of any offense type.¹⁷ This included the offense for which they were incarcerated at the time.¹⁸
- Of those incarcerated for low-level drug offenses between FY2006 and FY2011, 55 percent were determined to be at low or medium risk of reoffending.¹⁹

Corrections

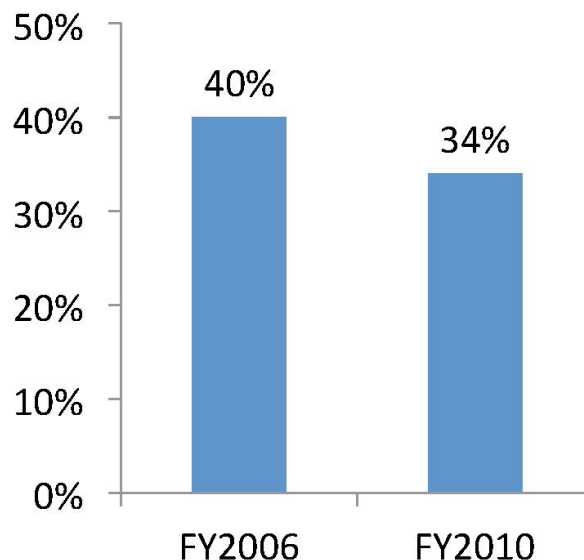
The state prison population increased along with state spending on corrections.

- From FY2000 to FY2010, the state's jail and prison population grew 18 percent, from 5,127 to 6,043.²⁰
- During the same period, expenditures for the Corrections Division of the Department of Public Safety increased 71 percent, from \$112 million in FY2000 to \$192 million in FY2010.
- Approximately half of Hawaii's prison population is housed in out-of-state facilities on the mainland. The cost of out-of-state housing for these individuals was \$45 million in FY2010.²¹

An increasing number of people were denied parole due to delays in satisfying programming requirements.

- The parole approval rate declined from 40 percent in FY2006 to 34 percent in FY2010. Of the reasons for denying parole during this same period, 65 percent were attributed to failure to complete required programs.²²

FIGURE 4. THE PAROLE GRANT RATE DECLINED 6 PERCENTAGE POINTS BETWEEN FY2006 AND FY2010.²³

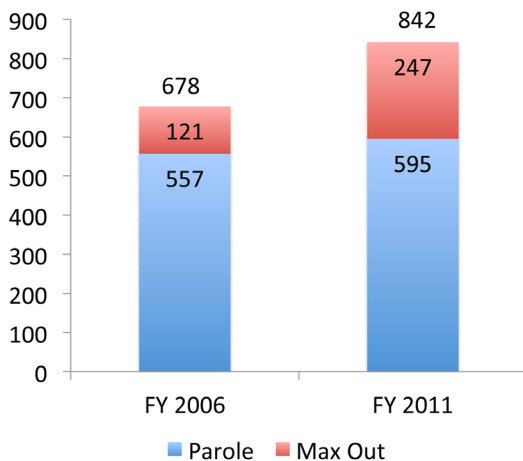


Key Findings (continued)

Individuals were held longer in prison and were increasingly held to the end of their sentences, then released without supervision.

- From FY2006 to FY2010, the number of admissions of parole violators to prison declined by 40 percent. However, from FY2006 to FY2011, the average length of stay for the same population increased by 49 percent. As a result, despite the decrease in the number of parole violator admissions, this population in prison increased by 37 percent during the same period, requiring 154 additional prison beds.²⁴
- The number of people who served their maximum sentences and were released from prison without supervision more than doubled, from 121 in FY2006 to 247 in FY2011.²⁵ Although max-outs composed a small portion (5 percent) of the prison population in FY2011, they represented 28 percent of the people leaving prison.

FIGURE 5. BETWEEN FY2006 AND FY2011, THE NUMBER OF PEOPLE WHO COMPLETED OR “MAXED OUT” THEIR FULL SENTENCES AND WERE RELEASED WITHOUT SUPERVISION MORE THAN DOUBLED.²⁹



- Of the people incarcerated for felony offenses who served their maximum sentences, 55 percent were eligible for parole. Of those individuals who were eligible for parole, but held to their maximum sentence date, 70 percent continued to be held because they were waiting to participate in bottlenecked prison-based programming.²⁶
- Between FY2006 and FY2011, the percentage of individuals who completed their maximum sentences and were released without supervision who were also at high risk of reoffense more than tripled. Of people released in 2008, those who maxed out their sentences and were released without supervision were rearrested within three years of being released at nearly twice the rate of those released to parole.²⁷
- Between FY2006 and FY2011, the number of individuals who remained in prison despite having satisfied their minimum sentence determined by HPA increased 77 percent.²⁸

FIGURE 6. WITHIN THREE YEARS OF BEING RELEASED IN FY2008, 61 PERCENT OF MAX-OUTS WERE REARRESTED, COMPARED TO 35 PERCENT OF PAROLEES.³⁰



Probation and Post-Release Supervision

Probation terms were lengthy in Hawaii compared to other jurisdictions.

- The study of 39 large U.S. counties showed that 83 percent of felony probationers receive supervision terms of 3 years or less. In Hawaii, 95 percent of felony probationers receive supervision terms of five years or more. Out of the felony probationers receiving

terms of more than three years, 60 percent are identified as low risk of reoffending.³¹

- Across all risk levels, FY2011 probationers had been on supervision an average of 61 months. This represents a 25-percent increase in a probationer’s length of supervision when compared to an average period of supervision of 49 months in FY2006.³²

Justice Reinvestment Framework

Over the course of seven months, the Justice Reinvestment Working Group met to review these data analyses and discuss policy options that would address the challenges facing Hawaii's criminal justice system. Presented to state policymakers in January 2012, the policy framework was developed to increase efficiency, reduce recidivism, and hold offenders more accountable.

Objective 1: Increase Efficiency

1(A): Reduce delays in the pretrial process

- Require the use of an objective risk assessment tool to inform pretrial detention and release decisions.
- Conduct risk assessments within three days of admission to jail.
- Set goals to reduce the average length of time individuals spend in detention awaiting a release decision.

Rationale

Extensive delays in the pretrial process added time to the average length of stay for pretrial detainees. A swift pretrial process that requires the use of a validated risk assessment tool will ensure the prompt and careful determination of who should stay in jail to await trial and who should be released to supervision in the community. Reducing delays in the pretrial process will alleviate jail capacity constraints and enable the state to save money by moving individuals currently incarcerated in correctional facilities on the mainland to in-state jails.

In addition to the Department of Public Safety instituting more efficient assessment processes, public defenders, prosecutors, and the judiciary must also play key roles in using risk assessment information to realize a more efficient pretrial process overall.

1(B): Reduce obstacles to paying bail

- Expand methods of paying bail and the hours during which payments can be made to 24 hours a day, 7 days a week.

Rationale

In FY2011, the average length of stay for pretrial detainees ultimately released on money bail in Hawaii was 32 days compared to an average of 12 days for the 39 large U.S. counties.³³ Removing obstacles to posting bail by expanding methods of payment and the period of time during which payment can be made will expedite the bail process and reduce inefficiencies.

Objective 2: Reduce Recidivism

2(A): Reduce probation terms for people incarcerated for certain types of offenses

- Cap length of probation at three years for Class B/C felony offenses.
- Offer time credits as an incentive for successful probationers.

Rationale

Research shows that nearly two-thirds of recidivism that takes place within the first three years after release occurs within the first year.³⁴ Focusing resources during the initial period of supervision—when an individual is most likely to commit new crimes or violate their conditions of supervision—is an effective practice that will maximize the likelihood of recidivism reduction.

Shortening the length of time spent actively supervising low- and medium-risk probationers and parolees who have complied with their conditions of supervision allows resources to be focused on individuals who are more likely to reoffend and therefore are in need of intensive monitoring.

2(B): Require the Hawaii Paroling Authority to base programming requirements and release decisions on the results of an objective risk assessment

- Ensure that risk assessments, criminal history, and computation of pretrial credits be provided to HPA no later than 45 days after admission to a Department of Public Safety post-adjudication facility.
- Add two full- or part-time members to the Parole Board to minimize delays in the parole process.

Rationale

Objective risk assessment instruments have been shown to be more effective than individual judgment in identifying an individual's risk of reoffense.³⁵ Determining parole eligibility and programming requirements based on the results of an objective risk assessment rather than a "gut feeling" would help minimize the likelihood of a high-risk individual being prematurely released into society. Objective risk assessments would also best inform HPA in creating

Justice Reinvestment Framework (continued)

the most effective parole plan for each parolee in order to increase the likelihood of success in the community. Furthermore, increasing the number of members of the Parole Board would allow the Board to hold more eligibility hearings, which would reduce inefficiencies without sacrificing a comprehensive approach to parole decision making.

2(C): Release individuals who are identified as being at low risk for recidivism at the end of their minimum sentence

- Grant parole to low-risk individuals at the minimum sentence date established by HPA unless the individual commits an act of serious misconduct in prison.

Rationale

HPA plays a unique and key role in determining the amount of prison time an individual serves. Once someone is sentenced to prison, HPA conducts a hearing no later than six months from the sentencing date to determine the minimum term of imprisonment the individual must serve before being eligible for release on parole. Later, HPA also determines whether that person will be paroled when his or her minimum sentence is completed.

Low-risk individuals would not benefit from further incarceration beyond what HPA has already determined to be an appropriate minimum sentence. Furthermore, granting parole to low-risk individuals at their minimum sentence date would allow the Department of Public Safety to focus resources on high-risk individuals in prison.

2(D): Limit the term of reincarceration for first-time violations of conditions of parole

- Shorten the length of stay for a parolee who has been reincarcerated for violating conditions of parole to no more than six months unless the individual has absconded or has been charged with a new crime.
- Apply a model of swift and certain sanctions to address violations more cost effectively.

Rationale

Limiting the length of stay for parole violators who are not charged with new crimes can ensure more appropriate and effective consequences for these individuals. Launched in 2004, Hawaii's Opportunity Probation with Enforcement (HOPE) program, which aims to reduce crime and drug use among probationers, has demonstrated the benefits of applying a model of swift, certain, and proportionate sanctions to address probation violations. In a one-year randomized controlled trial, HOPE probationers were 55 percent less likely to be arrested for a new crime, 72 percent less likely to use drugs, 61 percent less likely to skip appointments with their supervisory officers, and 53 percent less likely to have their probation revoked.³⁶

2(E): Allow judicial discretion in sentencing second-time felony drug possession offenses

- Extend judicial discretion in sentencing individuals convicted of second-time felony drug possession offenses to prison or probation, in a manner similar to the existing guidelines for first-time felony drug possession offenses.

Rationale

Judges should have discretion in second-time felony drug possession cases to consider the circumstances of each individual case to determine whether probation or prison would be the most effective rehabilitative path. Mandatory sentencing for second-time drug possession cases does not allow for this consideration.

2(F): Raise the felony theft threshold

- Raise the felony theft threshold from \$300 to \$750 to reduce the number of felony cases and convictions.

Rationale

The current felony theft threshold in Hawaii is among the lowest in the U.S. The average level across the 50 states is above \$700. Raising the felony theft threshold will prevent lower-level offenders from receiving a felony charge.

Justice Reinvestment Framework (continued)

Objective 3: Ensure Accountability

3(A): Ensure a minimum period of supervision for all people convicted of felony offenses leaving prison

- Mandate a period of parole supervision for everyone convicted of a felony.
- Determine length of supervision by maximum sentence discharge date: 18 months for Class A felony offenses, 12 months for Class B felony offenses, and 9 months for Class C felony offenses.

Rationale

Mandatory parole supervision will ensure that individuals who complete their full sentences in prison are not released to the community without supervision. Mandatory supervision would require that discharged individuals meet certain conditions in the community while maintaining contact with a parole officer. Individuals on parole supervision would also receive assistance in transitioning back to the community, reducing the risk of reoffense.

3(B): Improve victim restitution collection and increase payments to victims

- Increase victim restitution collection from 10 percent of inmate wages to 25 percent of all wages and cash deposits to inmate accounts.
- Satisfy outstanding restitution orders with the collected monies.
- Develop a victim liaison within the Department of Public Safety to assist with safety planning and other vital services.

Rationale

A recent assessment of restitution collection for victims of crime in Hawaii revealed problems in collection processes that contributed to significant restitution collection shortfalls. Increasing victim restitution collection to 25 percent of all funds deposited into an inmate account will ensure accountability and help restore financial losses to victims.

Creating a unit in the Department of Public Safety dedicated to coordinating with victim service providers to support victim notification and safety planning would increase public safety and strengthen victim services.

Understanding Risk Assessment

Risk assessment tools help users sort individuals into low-, medium-, and high-risk groups. They are designed to gauge the likelihood that an individual will come in contact with the criminal justice system, either through a new arrest and conviction or reincarceration for violating the terms of supervision. They usually consist of 10 to 30 questions designed to ascertain an individual's history of criminal behavior, attitudes and personality, and life circumstances. Risk assessments can be administered at any time during a person's contact with the criminal justice system—from first appearance through pre-sentencing, placement on probation, admission to a correctional facility, the period prior to release, and post-release supervision. They are similar to tools used by an insurance company to rate risk: they predict the likelihood of future outcomes according to their analysis of past activities (e.g., criminal history) and present conditions (such as behavioral health or addiction). Objective risk assessments have been shown to be generally more reliable than any individual professional's judgment. Too often, these judgments are no more than "gut feelings" that vary from expert to expert about the same individual.

Projected Impact of the Enacted Legislation

Unaddressed, the inefficiencies identified in this report were projected to cost Hawaii \$25 million annually. As a package, the recommended policies in this report could generate significant savings for Hawaii. State legislators translated policies in this framework into Senate Bill (SB) 2776 and House Bill (HB) 2515. These bills increase efficiency by requiring timely risk assessments of pretrial defendants to lessen the costly delays in the pretrial process. To reduce recidivism, the legislation required focusing probation and parole resources on individuals who are most likely to reoffend, and permitted more judicial discretion at sentencing to select the most appropriate sanction for people convicted of their second felony. To hold individuals more accountable for their actions, the amount that they must pay toward victim restitution was increased to 25 percent of inmate account deposits. SB 2776 and HB 2515 were passed with bipartisan support by unanimous votes in the Senate and votes of 42–9 and 49–2 respectively in the House and signed into law in June 2012.³⁷

By reducing the number of inmates housed in correctional facilities on the mainland, Hawaii is

projected to avert an estimated \$130 million in spending between FY2013 and FY2018. The figures below illustrate the projected impact on the prison population of SB 2776 and HB 2515.³⁸ Cost savings and proposed levels of reinvestment were based on projected savings as calculated by the CSG Justice Center in consultation with Hawaii’s Department of Public Safety. The model assumed that policy implementation would begin in FY2013 and be completely phased in by the end of FY2017.

After the enactment of justice reinvestment legislation in June 2012, the state began to convene meetings of key interbranch, interagency work groups tasked with ensuring that the policies in the framework are translated into practice. In its ongoing effort to implement the legislation, Hawaii is receiving technical assistance from the CSG Justice Center and funding from the Bureau of Justice Assistance to support training, education, and upgrades to data systems, as well as to provide periodic updates regarding the impact of the justice reinvestment legislation in the state.

FIGURE 7. PROJECTED IMPACT OF THE ENACTED LEGISLATION ON THE DEPARTMENT OF PUBLIC SAFETY POPULATION³⁹

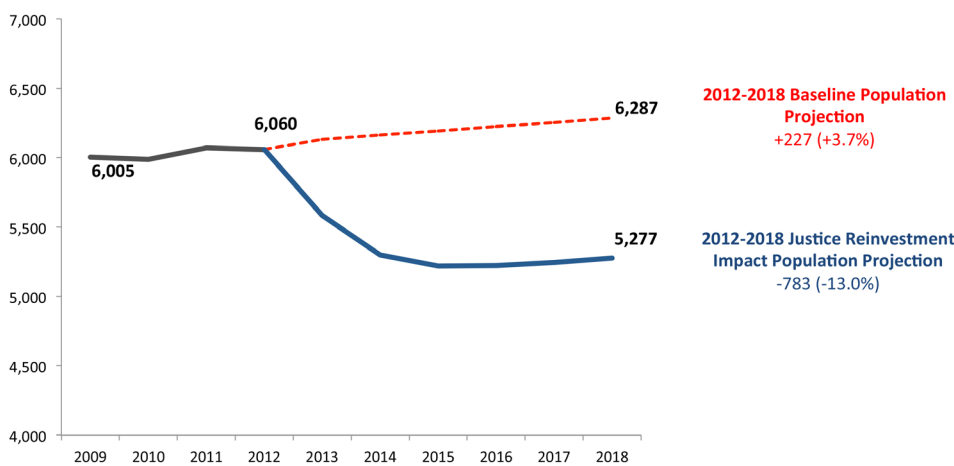


FIGURE 8. ESTIMATED COST SAVINGS AND REINVESTMENT SUGGESTED⁴⁰

	FY2013	FY2014	FY2015	FY2016	FY 2017	FY2018	Total
Working Group Framework Estimated Fewer Beds	-410	-794	-1,051	-1,162	-1,191	-1,195	-1,195
HB 2515 & SB 2776 Estimated Fewer Beds	-384	-719	-928	-992	-1,006	-1,010	-1,010
Impact on Projected Costs	-\$9.2M	-\$17.7M	-\$23.4M	-\$25.7M	-\$26.7M	-\$27.4M	-\$130.1M
Reinvestment	\$3.4M	\$3.4M	\$3.4M	\$3.4M	\$3.4M	\$3.4M	\$20.4M
Net Impact on Projected Costs	-\$5.8M	-\$14.3M	-\$20.0M	-\$22.3M	-\$23.3M	-\$24.0M	-\$109.7M

Notes

1. U.S. Department of Justice, Federal Bureau of Investigation, *Crime in the United States* (2000, 2010) (Washington, DC: U.S. Department of Justice, 2000, 2010); CSG Justice Center analysis of Hawaii Administrative Office of the Courts FY2007-FY2011 felony case disposition data and Hawaii Department of Public Safety FY2006-FY2011 end of year snapshot data; Hawaii Department of Public Safety, *Annual Report* (2000-2008) (Honolulu: Department of Public Safety, 2000-2008); Department of Public Safety *Weekly Population Report* (Honolulu: Hawaii Department of Public Safety, 2011); Hawaii Department of Public Safety, *End of Month Population Report* (December 2000, December 2010); communication with Hawaii Department of Public Safety staff (2009-2010).
2. CSG Justice Center analysis of Hawaii Department of Public Safety FY2006-FY2011 end of year snapshot data.
3. Hawaii Paroling Authority, *Annual Report* (2006-2011) (Honolulu: Hawaii Paroling Authority, 2006-2011); CSG Justice Center analysis of Hawaii Parole Board FY2006-FY2010 decision summaries data.
4. Hawaii Department of Public Safety, *Annual Report*; CSG Justice Center analysis of Hawaii Department of Public Safety FY2006-FY2011 end of year snapshot data and Hawaii Department of Public Safety FY2006-FY2011 annual release population data.
5. CSG Justice Center analysis of Hawaii Department of Public Safety FY2006-FY2011 annual release population data.
6. CSG Justice Center analysis of Hawaii Interagency Council on Intermediate Sanctions data, Hawaii Administrative Office of the Courts FY2007-FY2011 probation placement data, data from the Department of the Attorney General, data from the Hawaii Criminal Justice Data Center, and Hawaii-CJIS data.
7. Hawaii Department of Public Safety, *Annual Report* (2000-2008); Department of Public Safety *Weekly Population Report*; communication with Department of Public Safety staff (2009-2010).
8. U.S. Department of Justice, Federal Bureau of Investigation, *Crime in the United States* (2006, 2010).
9. Hawaii Department of the Attorney General, *Household Survey Report* (2011) (Honolulu: Department of the Attorney General, 2011).
10. CSG Justice Center analysis of Hawaii Administrative Office of the Courts data.
11. CSG Justice Center analysis of Hawaii Department of Public Safety FY2006-FY2011 end of year snapshot data. Pretrial population includes: pretrial felons, pretrial misdemeanor offenders, probation violators. Sentenced jail population includes: sentenced misdemeanor offenders, sentenced misdemeanor probationers, and sentenced felon probationers.
12. CSG Justice Center analysis of Hawaii Department of Public Safety FY2006-FY2011 annual release population data.
13. U.S. Department of Justice, Bureau of Justice Statistics, "Felony Defendants in Large Urban Counties, 2004," NCJ 221152 (Washington, DC: U.S. Department of Justice, 2008).
14. *Ibid.*
15. CSG Justice Center analysis of Hawaii Department of Public Safety FY2006-FY2011 end of year snapshot data.
16. U.S. Department of Justice, Bureau of Justice Statistics, "Felony Defendants in Large Urban Counties, 2004."
17. The lower-level offenses for which these individuals were incarcerated were "Promoting a Dangerous Drug 3" and "Prohibited Acts Related to Drug Paraphernalia."
18. CSG Justice Center analysis of Hawaii Department of Public Safety FY2006-FY2011 end of year snapshot data and Hawaii Interagency Council on Intermediate Sanctions data.
19. *Ibid.* CSG Justice Center analysis on Hawaii Interagency Council on Intermediate Sanctions LSI-R Risk data.
20. Hawaii Department of Public Safety, *Annual Report*; Hawaii Department of Public Safety, *Weekly Population Report*; communication with Department of Public Safety staff (2009-2010).
21. *Ibid.*
22. Hawaii Paroling Authority, *Annual Report* (2006-2011); CSG Justice Center analysis of Hawaii Parole Board decision summaries data.
23. Hawaii Paroling Authority, *Annual Report* (2000-2008) (Honolulu: Hawaii Paroling Authority, 2000-2008); CSG analysis of Hawaii Department of Public Safety FY2006-FY2011 end of year snapshot data and Hawaii Parole Board FY2006-FY2010 decision summaries data.
24. Hawaii Paroling Authority, *Annual Report*; CSG Justice Center analysis of Hawaii Department of Public Safety FY2006-FY2011 end of year snapshot population data and Hawaii Department of Public Safety FY2006-FY2011 annual release population data.
25. CSG Justice Center analysis of Hawaii Department of Public Safety FY2006-FY2011 annual release population data and Hawaii Interagency Council on Intermediate Sanctions data.
26. CSG Justice Center analysis of Hawaii Department of Public Safety FY2006-FY2011 annual release population data and Hawaii Paroling Authority FY2011 sentenced felon max-outs data.
27. CSG Justice Center analysis of Hawaii Department of Public Safety annual release population data and Hawaii Interagency Council on Intermediate Sanctions data. Rearrest analysis examined both felony and misdemeanor arrests recorded for people released in FY2008, and examined a three-year follow up period.
28. CSG Justice Center analysis of Hawaii Department of Public Safety FY2006-FY2011 end of year snapshot data. Pre- and post-minimum offenders include those sentenced for a new conviction or a probation revocation.
29. CSG Justice Center analysis of Hawaii Department of Public Safety FY2006-FY2011 annual release population data and Hawaii Interagency Council on Intermediate Sanctions data.
30. CSG Justice Center analysis of Hawaii Department of Public Safety annual release population data and Hawaii Interagency Council on Intermediate Sanctions data. Rearrest analysis examined both felony and misdemeanor arrests recorded for people released in FY2008, and examined a three-year follow-up period.
31. CSG Justice Center analysis on Hawaii Interagency Council on Intermediate Sanctions LSI-R Risk data and Hawaii Administrative Office of the Courts FY2007-FY2011 Probation Placement data.
32. CSG Justice Center analysis of Hawaii Interagency Council on Intermediate Sanctions data, Hawaii Administrative Office of the Courts FY2007-FY2011 probation placement data, data from the Department of the Attorney General, data from the Hawaii Criminal Justice Data Center, and Hawaii-CJIS data.
33. U.S. Department of Justice, Bureau of Justice Statistics, "Felony Defendants in Large Urban Counties, 2004."
34. Patrick A. Langan and David J. Levin, *Recidivism of Prisoners Released in 1994* (NCJ 193427) (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2002).
35. CSG Justice Center, *The National Summit on Justice Reinvestment and Public Safety: Addressing Recidivism, Crime, Corrections Spending*, (New York: CSG Justice Center, January 2011).
36. Angela Hawken and Mark Kleiman, *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE* (NCJ 229023, 2009).
37. The final legislation did not include the following policy changes that were originally recommended: 1(B) Reduce obstacles to paying bail by expanding methods of paying bail and the hours during which payments can be made to 24 hours a day, 7 days a week; 2(F) Raise the felony theft threshold from \$300 to \$750; and 3(A) Mandate a period of parole supervision for all felons leaving prison.
38. The projected impact reflects the impact of adopting the legislation that was eventually passed in the State of Hawaii. CSG Justice Center baseline projection January 2012 and estimated impact of legislation April 2012.
39. *Ibid.*
40. Projected savings estimate includes both averted costs and reductions in spending on corrections.

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