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December 23, 2024

**Via electronic submission**

The Honorable Ronald D. Kouchi  
President of the Senate  
State Capitol, Room 409  
Honolulu, HI 96813

The Honorable Nadine K. Nakamura  
Speaker of the House of Representatives  
State Capitol, Room 431  
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Act 179, Session Laws of Hawai'i 2019, Hawai'i Revised Statutes § 614, the Judiciary is transmitting a copy of the *Criminal Justice Research Institute 2024 Annual Report*.

In accordance with Section 93-16, Hawai'i Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: [https://www.courts.state.hi.us/news\\_and\\_reports/reports/reports](https://www.courts.state.hi.us/news_and_reports/reports/reports).

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at 808-539-4896, or via e-mail at [Karen.T.Takahashi@courts.hawaii.gov](mailto:Karen.T.Takahashi@courts.hawaii.gov).

Sincerely,

A handwritten signature in blue ink that reads "Rodney A. Maile".

Rodney A. Maile  
Administrative Director of the Courts

Attachment

c: Legislative Reference Bureau Library



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RESEARCH  
INSTITUTE

# 2024 ANNUAL REPORT

**PREPARED BY**

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and Samuel Choi, PhD



# BACKGROUND

This report is respectfully prepared pursuant to Hawai'i Revised Statutes (HRS) § 614, which requests an annual report from the Criminal Justice Research Institute. The Criminal Justice Research Institute (CJRI) was established with the passage of Act 179 (2019) for the purposes of collecting and analyzing criminal pretrial system data and conducting research for the state to support the criminal justice system. Due to the complexity of the criminal pretrial process and data in the state, HRS § 614-3 acknowledges there are several steps needed before establishing a pretrial database and reporting system, and disseminating pretrial metrics regularly:

“(b) In establishing the system, the institute shall take all necessary and appropriate steps, including: (1) Identifying all current databases utilized by various state agencies to track criminal pretrial information; (2) Determining the administrative and technological feasibility of aggregating and sharing current data; and (3) Identifying critical gaps in data and information collection that are required for a robust assessment of criminal pretrial justice matters.”

This annual report reviews activities related to developing the criminal pretrial database and reporting system in addition to other activities authorized under CJRI according to HRS § 614-3, which states that: “The institute shall compile an annual report that reviews and analyzes data from the system to evaluate the effectiveness of the State's criminal pretrial system and identify possible improvements. The institute shall submit the report, including any proposed legislation, to the legislature no later than twenty days prior to the convening of each regular session.” This year, CJRI provides progress updates related to the development of the centralized statewide



criminal pretrial justice data reporting and collection system, hereinafter referred to as the pretrial database and reporting system.

CJRI is authorized to study all areas of the criminal justice system in order to provide a more comprehensive approach to helping the state protect the rights of individuals, increase system efficiencies, and apply cost controls. HRS § 614-2(b) reviews the scope of CJRI's work, including monitoring data and evidence-based practices of the criminal pretrial system, conducting cost-benefit analysis, monitoring national trends, and issuing reports to the public about the criminal justice system.

The CJRI annual report for 2024 provides an update to the Legislature on the activities of CJRI, including summarizing progress in creating the pretrial database and reporting system, as well as additional activities related to other responsibilities articulated in HRS § 614. A more in-depth report details the advancement of the pretrial database and reporting system, which can be found in "A Report on the Creation of a Centralized Pretrial Justice Data Reporting and Collection System, Pursuant to Act 147, SLH 2023."



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# ADDRESSING OUR RESPONSIBILITIES IN HRS § 614

Before reviewing CJRI activities from the past year, we provide some context for the criminal pretrial system and existing landscape of data that directly impacts our work. The Institute’s main priority is to establish and maintain a “centralized statewide criminal pretrial justice data reporting and collection system” (HRS § 614-3). Without a centralized system, criminal pretrial data is disconnected and scattered across agencies. Siloed data is one of the barriers to studying a system of pretrial decisions and impacts. Creating a centralized source of data therefore provides CJRI with capacity to report out on the pretrial system.

A contract was executed with technology and software partners to initiate the work of the pretrial database and reporting system in Fall 2023 with funds from Act 147 (SLH, 2023). CJRI continues to collaborate with them and several staff at the Department of Corrections and Rehabilitation (DCR), the Hawai‘i Criminal Justice Data Center, the Department of the Attorney General (HCJDC), and the Judiciary, to develop the pretrial database and reporting system. All three agencies have been collaborative in this process, sharing their data and expertise with CJRI research staff. Significant progress has been made on the database, which includes installing software and integrating it with data sources, mapping data pipelines from three sources of data, and developing unified datasets for research purposes. While some of the data proved to be extremely difficult in restructuring for datasets, CJRI has some of the datasets developed that are necessary for research and reporting. Additionally, some metrics have



been piloted with dashboard software, which will provide a snapshot of selected pretrial metrics for regular reporting online. Before the database and reporting system is finished, CJRI will need to validate the unified datasets with source data to make sure it was ingested accurately into the system. Data pipelines map out several steps that restructure and transform information for analysis, and it is important to examine the pipelines for accuracy.

In addition to creating the pretrial database and reporting system, the law describes other activities for CJRI to assist the State with research and data (HRS § 614-2). The scope of CJRI's research support for the state is summarized in the graphic on the following page. CJRI undertakes many research and data activities that inform criminal justice policy discussions across all three branches of government. While CJRI staff prioritize their work to advance the pretrial database and reporting system, additional activities have helped CJRI identify the strengths and barriers of the existing criminal justice data landscape. Based on some of these activities in 2023, some recommendations are made regarding improving data systems and research related to sentencing and diversion data.

The 2024 annual report summarizes the progress toward creating the pretrial database and reporting system, in addition to providing an overview of accomplishments to bring data and research to criminal justice policy discussions. Some highlights from research projects this year are reviewed as well. For a more detailed update on the pretrial database and reporting system, please refer to the supplemental report that was developed to fulfill Act 147, Session Laws of Hawai'i 2023, Year 2. Full length research reports, presentations, and other materials are available on our website at [cjrihawaii.com](http://cjrihawaii.com).



## Scope of CJRI in HRS § 614-2



Collecting data to monitor the overall functioning of the criminal justice system



Monitoring evidence-based practices and reporting out on the effectiveness of practices and policies implemented as a result of the recommendations of the criminal pretrial task force



Conducting cost-benefit analysis on various areas of operation



Monitoring national trends in criminal justice



Issuing public reports to inform all criminal justice stakeholders and the public about the functioning of the criminal justice system





# ACCOMPLISHMENTS AT A GLANCE



CJRI was established by Act 179 in 2019, followed by the appointment of board members and the hiring of the first staff member in November 2020, the second staff member in October 2021, and the third and fourth staff members in September and October 2023, respectively. In CJRI's fourth year, the Institute has accomplished the following:

- Continued to create a data warehouse and software tool that will modernize data sharing and create a centralized source of pretrial data:
  - Received pretrial data from three statewide agencies (about 15 years of historical data) and established process to receive regular data moving forward
  - Installed and received training on Extract, Transfer, and Load (ETL) software used to ingest data into data warehouse.
  - Partnered with program, operations, and information technology (IT) departments in all three agencies to map data with ETL software company to draft data pipelines.
  - Established preliminary unified datasets for pretrial research with the support of the ETL software vendor.
  - Co-created a quality assurance process to validate the unified datasets to ensure data ingested into the data warehouse accurately.



- Piloted artificial intelligence (A.I.) tool in software to improve the accuracy and efficiency of extracting text-based data from pdfs in case management system for data collection.
- Participated in dashboard training for data visualizations related to pretrial performance metrics.
- Established connectivity between data warehouse and data dashboards, and piloted metrics in dashboard software.
- Participated in training on leveraging the software platform to analyze big data.
- Conducted site visits to observe pretrial operational practices at the Third Circuit's Hale Kaulike - Hilo Judiciary Complex, Hawai'i Community Correctional Center (HCCC), and Hilo Intake Services Center.
- Conducted manual data extraction, developed a dataset, and prepared data for statistical analysis of pretrial release and outcomes of pretrial release.
- Established partnership with the Maui County Department of the Prosecuting Attorney to support their work in the Edward Byrne Memorial Justice Assistance Grant (JAG) Prosecutor-Led Diversion Project.
- Participated in the National Center for State Courts (NCSC) *Blueprint for Racial Justice Building Court Data Capacity Lab* to improve the use of court data in analyzing racial disparities.
- Provided technical assistance to the HCSOC in administering correctional staff online survey, manually inputting paper survey responses, data analysis, and data visualizations for correctional staff talk stories and report.
- Attended the Breaking Cycles Symposium Update to continue learning about the jail planning for O`ahu.
- Attended the American Psychology-Law Society annual conference to learn about current research on issues that intersect between law and psychology.
- Participated in training on the Ohio Risk Assessment System - Community Supervision Tool (ORAS-CST) and received certification.



- Provided data collection technical assistance to DCR's Intake Services Center and established process to collect pilot data on the ORAS-CST.
- Participated in the House Concurrent Resolution 23 (HCR 23) Task Force, which was convened to examine and make recommendations regarding existing procedures of the Hawai'i Paroling Authority (HPA) setting the minimum terms of imprisonment.
- Participated in the Hawai'i Data and A.I. Summit and the Hawai'i A.I. and Cloud Innovation Summit to discuss progress towards the pretrial database and reporting system and challenges in modernizing criminal justice data with technology.
- Participated in the *Committee on Artificial Intelligence and the Courts* to address the evolving impact of A.I. on the Judiciary.
- Surveyed published research and provided recommendations on substance abuse screening tools for state corrections agencies to use for the Interagency Council on Intermediate Sanctions (ICIS).
- Attended behavioral health meetings led by the Governor's Office to address competency and other diversion issues.
- Attended the Substance Abuse and Mental Health Services Administration (SAMHSA) *Competency to Stand Trial Policy Academy* with other state criminal justice partners in Washington, D.C.
- Participated in the American Pretrial Policy & Research (APPR) *Pretrial Performance Measures* training to engage with practitioners across the country working to improve their capacity to evaluate their local pretrial systems.
- Conducted manual data extraction, developed a dataset, and prepared data for analysis on pretrial system processes in Hawai'i County.
- Participated in observations of First Circuit Drug Court to learn more about specialty court policies and processes in the state.
- Attended the National Association of Sentencing Commissions (NASC) annual conference and participated as a panelist in the *What can guideline States learn from non-guidelines States?* plenary session.
- Hosted and supervised an undergraduate intern majoring in criminal justice and data visualization from Chaminade University of Honolulu.



- Provided research support to the HCR 23 Task Force by collecting data and conducting analysis of data from HPA with findings presented in Fall 2024 (*Setting Minimum Terms in Hawai'i: An Examination of Hawai'i Paroling Authority Hearing Data*).
- Attended the National Association of Pretrial Service Agencies annual conference to learn about evidence-based practices and the national policy landscape on pretrial issues.
- Offered technical assistance to the Judiciary's probation administrators who are drafting a statewide early termination policy for probation.
- Invited by Arnold Ventures to receive training in the *Introduction to Causal Inference Workshop*.
- Attended the American Society of Criminology annual conference to learn about contemporary research and evidence on criminal justice practices and policies.
- Toured the O'ahu Community Correctional Center (OCCC) with First Circuit Post-Booking Jail Diversion (JDP) stakeholders, and attended regular meetings with JDP to collaborate on research under CJRI's scope of work.
- Partnered with the Hawai'i Data Collaborative to help the JDP stakeholders identify measures of success to prioritize in data collection and reporting.
- Updated the ICIS Annual Recidivism Study methodology and report with partners from the Judiciary and the AG's office (draft is under review).
- Supported the Probation Subcommittee for the Model Penal Code Review by providing research and policy resources on probation and serving as the committee's reporter.
- Held quarterly board meetings as required in HRS § 614-2.
- Set-up peer connections with state and local level criminal justice agencies across the country.



# REVIEWING ACTIVITIES FROM 2024

## Engaging with Policymakers and the Community



### *Creating Opportunities to Disseminate and Learn About Criminal Justice Research*

CJRI receives many requests for information on national trends, insight from studies in scholarly and peer-reviewed literature, and data on local practices. CJRI provides training and presentations, and authors summaries on policy issues. The CJRI director and board consider all requests, but prioritize those that align with the scope of research outlined in HRS § 614 and with the resources available at the time of the request. Staff also attend national and local convenings on criminal justice topics to keep up-to-date on the latest research and develop a peer network for the State. The list below expands on some of the community engagement CJRI staff participated in over the past year. It is not an exhaustive list but highlights some areas important to many stakeholders in the state.



### *Presentations*

- House Concurrent Resolution 23 (2023) charged the Hawaii Correctional System Oversight Commission (HCSOC) with convening a Task Force to examine and make recommendations regarding existing procedures of the Hawaii Paroling Authority (HPA) in setting the minimum terms of imprisonment [1]. CJRI was tasked with providing the Task Force with research support. CJRI developed research questions and a data collection strategy to analyze data for the Task Force. Along with the Council of State Governments Justice Center (CSG), CJRI analyzed data on descriptive statistics related to minimum terms. In September, Dr. Harbinson presented *Setting Minimum Terms in Hawai'i: An Examination of Hawai'i Paroling Authority Hearing Data* to members of the HCR 23 task force. Though there are several limitations to sentencing and parole data in the state, this analysis provided some baseline information with recent data on minimum terms set by HPA.

### *Conferences*

- Dr. Harbinson attended and was a speaker at the National Association of Sentencing Commissions (NASC) annual conference in Raleigh, North Carolina. This conference brings together staff and commission members from sentencing commissions across the country to discuss national practices in sentencing policy, research, and practice. Dr. Harbinson served as a panelist in the “What can guideline States learn from non-guideline States?” plenary session, along with panelists from the Illinois Sentencing Policy Advisory Council and the College of Behavioral, Social, and Health Sciences at Clemson University. The session talked about how data and research are used in states to inform policymaking in jurisdictions that do not use sentencing guidelines.
- Dr. Harbinson attended two local technology and government summits this year: the Hawai'i Data and A.I. Summit and the Hawai'i A.I. and Cloud Innovations Summit. These local summits brought together



government staff across the State engaged in data modernization projects. Dr. Harbinson participated on panels at both conferences to talk about CJRI's work to bring in siloed criminal justice data into a centralized data warehouse, and the challenges in working with technology in the public sector.

- Dr. Choi attended the National Association of Pretrial Service Agencies (NAPSA) Annual Conference in New Orleans, Louisiana. This is a meeting of legal practitioners and researchers who discuss the latest innovations in pretrial services from their respective jurisdictions. There, Dr. Choi learned about new innovations in diversion programs, data and research on pretrial in other jurisdictions, and learned more about the nuances of pretrial release and bail practices across other states.
- Dr. Choi attended the American Society of Criminology (ASC) Annual Meeting in San Francisco, California. This is a gathering of criminologists and criminal justice scholars and practitioners who present state-of-the-art research in criminology and criminal justice. Dr. Choi was selected by Arnold Ventures to partake in the preconference *Introduction to Causal Inference* workshop. This workshop provided valuable information on statistical techniques to evaluate criminal justice policy. After this pre-conference training, Dr. Choi participated in the main conference, where he familiarized himself with the data landscape and analytic approaches across diverse criminal justice organizations in the U.S.

### *Trainings and Workshops*

- Dr. Harbinson attended the Substance Abuse and Mental Health Services, GAINS Center, and MacArthur Foundation's *Competence to Stand Trial Policy Academy* in Washington D.C. with staff from the Department of the Attorney General, Department of Corrections and Rehabilitation, Department of Health, Office of the Governor, and the Judiciary. The Governor's Office received a grant to send stakeholders



to this workshop that provides States with technical assistance to address behavioral health issues. Many of the challenges surrounding competency and behavioral health impact pretrial detention, case processing, and outcomes of criminal pretrial success. This gathering helped CJRI learn more about effective practices nationwide to address and restore competency, while gaining insight on ways data can support these efforts.

- Throughout the year, Ms. Reynolds participated in the National Center for State Courts *Blueprint for Racial Justice Building Court Data Capacity Lab*. This learning lab provided court professionals with a series of workshops to improve the collection and/or analysis of administrative court data to examine racial disparities. Sessions in the learning labs focused on a variety of topics, including data governance, communication and outreach, data quality, data analysis and interpretation, and data communication and visualization. These workshops also provided the opportunity to engage with court professionals across the country dedicated to Diversity, Equity, and Inclusion (DEI) efforts as they intersect with research.
- Ms. Reynolds participated in the American Pretrial Policy and Research's *Pretrial Performance Measures* training. This training provided pretrial practitioners with workshops aimed at improving the use of local data to better understand their pretrial system through research and analysis. These workshops focused on identifying key pretrial performance measures which evaluate the systemic performance of pretrial systems as justice-involved individuals and professionals interact across agencies and pretrial decision points, and tailoring these measures for specific jurisdictions. This training of national best practices and standards helped inform the development of CJRI's pretrial metrics and reporting.
- Dr. Choi attended a training provided by the University of Cincinnati Corrections Institute on administering the Ohio Risk Assessment System-Community Supervision Tool (ORAS-CST) which correctional





staff uses to assess risk to reoffend and identify criminogenic needs for people in the justice system. This training was offered through DCR's Training Academy. Dr. Choi passed the final examination and earned certification to use the tool after participating in 13 hours of training. This tool is important for DCR's work in corrections including diversion, which CJRI supports through data and research.

## ***Collaborating with Criminal Justice Agencies***

CJRI is collaborating with several agencies across the state to develop and implement the pretrial database and reporting system. Pretrial data and operations are housed across different agencies, and within two separate branches of government. In order to ensure CJRI conducts this work in an informed and collaborative way, CJRI staff meet frequently with a range of leadership, administrators, researchers, information technology staff, and others across different statewide criminal justice agencies. The primary partners in this project include the Judiciary, DCR, and HCJDC. In addition, CJRI collaborates with several other state and local criminal justice agencies to inform their work and help the State's criminal justice system use research to improve the system.

Siloed data is not unique to the pretrial system, as such, CJRI staff addresses these issues in other criminal justice research too. CJRI staff participate in a variety of criminal justice-related committees and working groups to improve coordination and reduce the disconnect of data and research that exists across the State's criminal justice system. Some examples of these collaborations are provided below.

*O`ahu Post-Booking Jail Diversion:* Several stakeholders in the First Circuit have partnered to offer the Post-Booking Jail Diversion Program (JDP) that is modeled after a program in Miami-Dade County, Florida [2]. This diversion approach focuses on people who have serious mental illness (SMI) and are high utilizers of local resources such as emergency services



and the courts. CJRI is coordinating with stakeholders to help the group develop a data strategy to report out on metrics. While many pretrial metrics might provide aggregate, state level metrics relevant to diversion, it will take planning to develop a strategy to collect and evaluate data to understand the effectiveness of this program on O`ahu. Additional detail on diversion metrics and recommendations to evaluate local diversion efforts is available elsewhere [3].

*Maui County Prosecutor- Led Diversion:* The Maui County Prosecutor's Office is developing a diversion program. They are focusing on a data driven approach to creating a program that is based on the needs of their population and the availability of local resources. CJRI has met with their office to help them develop a research plan to conduct this work. This year, they received an Edward Byrne Memorial Justice Assistance Grant to carry out this important effort. CJRI will partner with them by assisting their office with data collection and analysis including supporting their research assistant assigned to the project.

*Implementation of the ORAS-CST in Diversion:* The Intake Services Center Division (ISC) is piloting the use of the Ohio Risk Assessment System - Community Supervision Tool (ORAS-CST). This tool assesses risk to reoffend and identifies criminogenic needs that corrections staff can use to guide their efforts to offer programs and services. The tool was used in Miami-Dade as part of their post-booking jail diversion program and as such, ISC staff received training to help the State pilot this aspect of the program. CJRI is helping ISC collect and analyze this data while it is being piloted. CJRI shared preliminary data with the ISC administrators and is continuing to collect this information. In addition to using the ORAS-CST for the diversion pilot in the First Circuit, the data will be piloted as a tool that could help ISC understand the risk and needs of their pretrial population. Finally, CJRI designed a data collection process that will permit a validation study in the future to ensure the tool is predictive of pretrial and diversion outcomes in the state.



*HCR 23 Task Force:* In 2023, the State legislature established a task force to study the setting of minimum terms by HPA. It was chaired by the HCSOC and tasked CJRI with providing research assistance. That year, CJRI authored an executive summary which provided task force members with the background information reviewing existing procedures of setting minimum terms in Hawai'i [4]. This year, CJRI analyzed and produced statistical data regarding the HPA's minimum term setting practices. Data was collected from HPA's hearing files to create a dataset on minimum terms set over the first six months in 2023. Descriptive statistics were analyzed, such as the most frequent criterion parole board members used to determine the severity of a minimum term sentence and the length of minimum terms set by various relevant factors (e.g., felony class). This data was presented at the September 2024 meeting. All presentations, reports, and other HCR 23 Task Force related materials can be found on the HCSOC website [5].

*Hawai'i Correctional System Oversight Commission's Survey:* In early 2024, the HCSOC conducted a survey of correctional staff in jails and prisons across all counties in Hawai'i based on the Vermont Prison Climate Survey [6]. To support this project, CJRI built an online form for the survey in Qualtrics, which was shared with correctional staff who preferred to take the survey online. CJRI staff also manually transferred data from completed paper surveys to the online form to create a centralized source of survey data. Additionally, CJRI created data visualizations for the HCSOC to use in reporting. The correctional staff climate survey report from the HCSOC is forthcoming.

*Committee on Artificial Intelligence and the Courts:* CJRI staff are one of the members appointed to the Committee on Artificial Intelligence and the Courts, which was established by Chief Justice Recktenwald to address the evolving use of artificial intelligence (A.I.) and its use in court proceedings and other sectors of the judicial branch. As committee members, CJRI staff



are focusing, in particular, on the role of A.I. in improving the Judiciary's capacity to conduct more in-depth research and analysis using court administrative data and electronic files of documents (pdfs). A.I. technology could be used by the courts to answer policy questions that are important to stakeholders across the criminal justice system in a more timely and accurate manner, which would have previously required extensive manual data collection by staff (e.g., reading court filings and inputting information into a spreadsheet). The committee will remain active through the end of 2025, and is engaged in authoring a report on recommendations related to the use of A.I.

*Penal Code Review - Probation Subcommittee:* Act 245 (2024) established a process to review the penal code through an advisory council [7]. The advisory council includes representatives across the criminal justice system and relevant community members. Members will make recommendations to the penal code that consider issues of proportional and consistent offense classifications, alignment of best practices and evidence-based strategies, and how goals of punishment are accomplished. CJRI board chair Judge Matthew Viola is chairing a subcommittee on probation, and CJRI is providing administrative and research support.

*Interagency Council on Intermediate Sanctions:* The Adult Substance Use Survey (ASUS) is a validated substance abuse assessment tool that assesses substance use needs and was used by Hawai'i's correctional staff to address treatment needs. The ASUS will no longer be used at the end of the calendar year and a replacement tool was needed. CJRI conducted a review of the research literature to help identify an evidence-based tool and narrowed down to two options: the Texas Christian University-Drug Screen (TCU-DS) and the Alcohol, Smoking, and Substance Involvement Screening Test (ASSIST). This information was presented to ICIS in early May to help them select a tool supported by research and would work effectively with the population.



*Pretrial Site Visits - Hilo:* In early 2024, CJRI staff conducted site visits at the Third Circuit's Hale Kaulike - Hilo Judiciary Complex, Hilo Intake Service Center, and Hawai'i Community Correctional Center. These site visits provided CJRI staff with the opportunity to observe key pretrial processes and decision making points, including the preparation of pretrial bail reports, watching arraignment and plea hearings and other pretrial proceedings, and data entry procedures related to jail facility intakes. CJRI staff were also able to engage with staff from the Judiciary and DCR, allowing them to gain greater insight into pretrial practices within the state. These site visits have helped to inform the metrics that CJRI reports out on through the pretrial database and reporting system.

CJRI staff work collaboratively with other agencies and organizations addressing criminal justice topics to ensure that research and data improve the system as a whole.



# RESEARCH TAKEAWAYS

CJRI is involved in many other projects throughout the year that help criminal justice agencies use data and research to improve criminal justice outcomes. A summary of findings are presented below along with recommendations to bridge data, policy, and practice. Final reports and presentations can be found on [cjrihawaii.com](http://cjrihawaii.com).

## *HCR 23 Data Analysis*

The HCR 23 Task Force was established to “examine and make recommendations regarding existing procedures of the Hawai‘i Paroling Authority setting the minimum terms of imprisonment” [8]. As CJRI provided research support for the task force over this past year, staff identified recommendations to improve data on sentencing issues. First, HPA does not have a data system that can extract data files (i.e., excel sheets). As a result, CJRI staff spent time in an office over the course of several weeks reading paper files and collecting data manually for critical information, such as the minimum terms set by HPA or the criteria used to set them. Second, there were significant limitations to collecting sentencing data within the timeframe allotted to the task force. The Judiciary’s case management system is not designed for data extractions for research or policy questions around sentencing. Because of this, the data prioritized for the task force was limited to descriptive statistics that could be produced within the year from available data sources. Despite challenges in data collection, CJRI was grateful for the collaboration from HPA and DCR to provide data where feasible. Additionally, CJRI had invaluable support from other research staff from the Research and Statistics Branch of the Crime Prevention and Justice Assistance Division in the AG’s office for data collection and analysis of HPA data. The Task Force also benefitted from the support of the Council of State Governments Justice Center (CSG), who analyzed DCR data to examine minimum term trends over time.

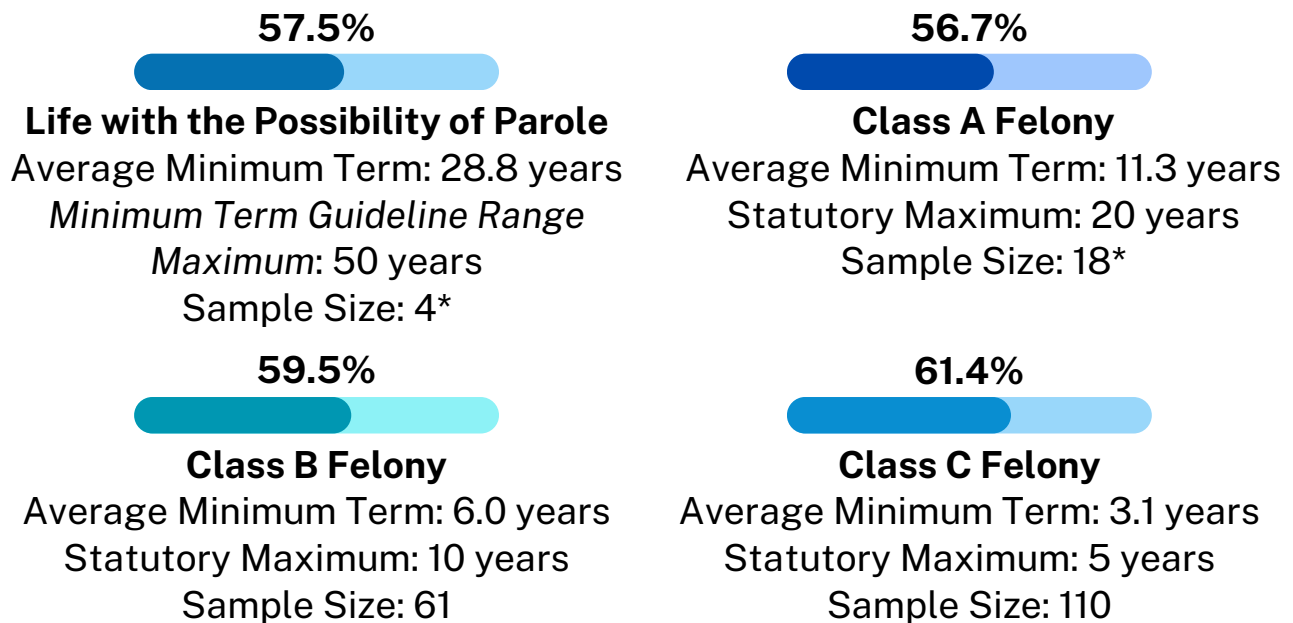


CJRI analyzed data that was collected from HPA for the task force. More detail on the analysis and findings can be found in task force materials, but a summary is provided in this report to highlight a few takeaways. The data was collected on HPA minimum term hearings held in the first six months in 2023. Analyses focused on two broad questions, which provided some baseline information on minimum terms that had not been explored for almost a decade [9]:

1. *What minimum terms do people get?*
2. *How is HPA policy implemented in the setting of minimum terms?*

For the first question, the data revealed that sentenced individuals served more than half of their maximum term in prison through their minimum sentence regardless of the severity of their most serious offense (e.g., Felony A, B, C). For example, the average minimum term set for class C felonies was 3.1 years, which is 61.4% of the five year maximum allowable. People convicted of a Felony B as their most serious offense received a minimum term of 6.0 years out of the 10 year maximum on average (59.5%).

**Figure 1. HPA Average Minimum Terms Relative to the Statutory or Administrative Maximum**

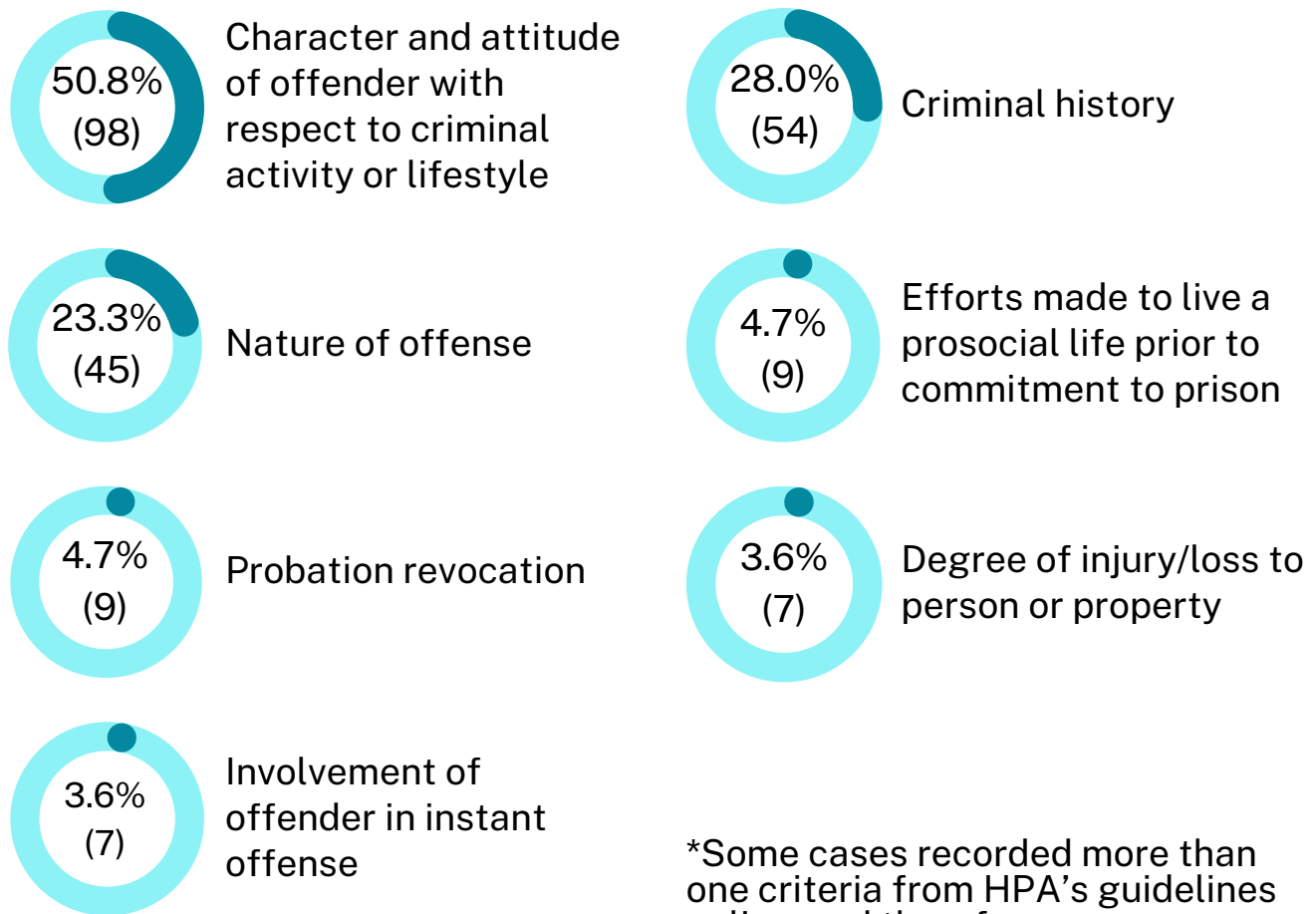


\*Indicates small sample sizes



For the second question, the data was analyzed to examine what criteria board members use as the most applicable in setting a minimum term based on their administrative policy. Out of seven criteria used to set punishment, an average of one criterion was reported per case in practice as the most applicable criteria in setting a minimum term. Further, the most utilized criterion, in approximately half of the cases, was the *Character and Attitude of Offender with Respect to Criminal Activity or Lifestyle*. These are just a few findings that highlight trends in minimum terms based on analyses conducted by CJRI for the HCR 23 Task Force.

**Figure 2. Frequency of HPA Criteria Usage in Setting Minimum Terms**



\*Some cases recorded more than one criteria from HPA’s guidelines policy, and therefore one case may have been counted more than once in the infographics presented here.





## ***Recommendations***

The HCR 23 Task Force report summarizes the meetings and data findings [10]. However, a summary of recommendations are provided below. The summary focuses on key takeaways about the criminal justice system and research that can be improved in the state. The recommendations are limited to data improvements since many barriers to the case management system prevented analyses that would inform policy changes.

- *Upgrade or replace HPA's case management system:* HPA does not have a case management system that permits someone to extract electronic data records for research or analysis purposes. This means any statistics or analysis on HPA decisions requires manual data collection where someone reads files and enters data in a spreadsheet. HPA should consult an IT systems expert to identify what improvements can be made to their system to allow for electronic data extracts. If it is not possible to make these upgrades to the system, HPA should identify a new case management system that supports the work of their board members and parole officers, while also allowing them to extract data for statistics and analysis.
- *Improve data collection or leverage IT to report out on sentencing data from the Judiciary:* The Judiciary case management system, JIMS, contains information on sentencing. For example, a judge's decision to sentence someone to prison or probation is located in a pdf document and there is no field that tracks this decision in a way statistics can be generated directly. On the one hand, the Judgment of Conviction is the formal document that has the most accurate information on someone's sentence [11]. Yet to generate statistics on this sentencing outcome, it requires a manual review of documents or technology upgrades. Sometimes, this type of data can be analyzed with the use of A.I. techniques like natural language processing models or intelligent document processing tools. However, relying on this can be costly or time consuming to set-up. Instead, it may be better to invest in an upgrade to the JIMS system that creates a standardized process to



collect this information or to use technology like an ETL tool to streamline data restructuring (similar to the work CJRI is doing for the pretrial database). In terms of sentencing, the in/out decision (prison or probation) and sentence length are two of the most important sentencing outcomes the courts can report on [12], yet it is not possible to extract this information from the JIMS system without significant manual labor.

Based on the data from the task force, CJRI recommends the following research agenda to evaluate minimum terms and the larger sentencing context. Many of these research questions would not be possible to examine without significant changes to data collection, technology, and planning in order to evaluate them. Regardless, prioritizing these in future research would help the State understand how sentencing practices impact the administration of justice and the use of resources (i.e., time served in prison).

### **What goals are most important when setting a minimum term?**

Sentencing is very complex and is designed to accomplish several goals, many of which can conflict with each other in practice. It is important to clarify desired outcomes in order for researchers to develop measures of the system's effectiveness based on the priorities of the State. In other words, what is the purpose of the length of a prison sentence? Should the length of time be sufficient to prepare someone for release, which would be a rehabilitative goal? Or, should the sentence length reflect the harm done to the community? Depending on the goal, the minimum term could look very different for the same conviction depending on the purpose of a term length.

### **How do minimum terms relate to the larger sentencing context established in law?**

If minimum terms have increased (i.e., as suggested by the increase in punishment level III's), it is plausible that they have increased because



people are convicted of more serious offenses and people with less serious offenses receive probation terms. But this cannot be understood without studying how people are sentenced at the in/out stage (or when judges set a prison or a probation sentence). It is important to understand the larger context when examining policy trends in case there have been changes in the population or other laws that have impacted the way in which cases arrive at the HPA board.

### **What factors, legal and extralegal, predict minimum terms?**

Sentencing studies collect a range of variables to develop predictive models, and many of these models require complex statistical analysis to evaluate. For example, some sentencing studies use multi-level modeling to understand sentencing outcomes due to the ways in which individual, court, legal, and community level factors can interact to produce sentencing decisions [13]. Though not all policy questions require a complex statistical model, it is important to ensure enough data and variables are collected to use statistical techniques for prediction. Future studies on the length of minimum terms or even those that predict the type of sentence (prison or probation), should collect information beyond offense seriousness or criminal history. Additionally, barriers will need to be addressed to ensure adequate sample sizes are collected.

### **Is there consistency in sentencing and minimum term outcomes, i.e., do similarly situated people receive similar minimum terms?**

One critical question in sentencing and punishment is fairness and equality, which means that people who commit similar crimes in similar circumstances should receive similar types of punishment. Additional data should be collected to permit analyses that would allow researchers to understand if people who are convicted of similar types of offenses, with similar criminal histories, and other shared legal factors receive similar sentencing punishments and minimum term lengths.



### **How do minimum terms impact overall time served?**

The minimum term that an individual receives from the HPA board is only one decision that impacts the length of time someone serves in prison, as it only represents the date that an individual is first eligible for parole release. Evaluating parole release dates in relation to minimum terms can provide insight into how variance in minimum term length impacts the actual length of time spent in prison. In other words, it is important to understand how different decisions impact someone's time served in prison relative to the maximum time allowable under law.

### ***O`ahu Post-Booking Jail Diversion (JDP)***

There are several diversion efforts underway in the State, yet it will require additional planning and collaboration to evaluate them. Some of the pretrial metrics in regular CJRI reporting will help since they represent key metrics at a system level and can serve as baseline data over time. For example, CJRI will track pretrial admissions to jail and jail detainment by island as part of their scope under HRS § 614. Since diversion programs are intended to hold people accountable while using less criminal justice resources, Hawai`i should see fewer arrests, jail bookings, days in jail, and case filings over time. Case dismissals could go up if they are provided for people who complete the diversion program successfully. While these metrics are informative at a statewide level, they are limited in their ability to assess the direct impact of a diversion program on outcomes because they will be presented at the aggregate level. In addition, there may be data gaps. Some programs target specific needs such as serious mental illness (SMI), however, this data is not part of the pretrial database and reporting system since it is not primarily criminal data. It will take additional work by diversion stakeholders to evaluate their programs such as additional data collection or data sharing with CJRI when conducting evaluation of specific diversion initiatives.



The Miami-Dade program, on which the First Circuit's JDP program pilot is based, has reported on several metrics for their program in Florida [14]. The program is intended not only to conserve resources and generate cost-savings, but also provide a rehabilitative path to people who are higher risk to reoffend and have SMI [15]. Specifically, the program targets a small number of individuals who are higher risk to reoffend and have SMI. This group of individuals cycles through the jails, the courts, and has disrupted or no access to treatment and housing. Therefore, the diversion alternative targets this population in need of services and can make a large impact on resource utilization while improving treatment outcomes. To illustrate, the Eleventh Judicial Circuit of Florida has reported data on reductions in jail bookings and jail days as an outcome measure [16]. This metric is helpful for understanding ways in which the program might have reduced crime and resource use at the county level, and is something CJRI has capacity to report out on in the aggregate with the pretrial database and reporting system.

Because there are several stakeholders involved in JDP and a range of potential metrics, they engaged in a facilitated discussion to prioritize measures of success in Fall 2024. CJRI is grateful for the Hawai'i Data Collaborative (HDC) who led this discussion and for representatives of the JDP agencies for taking the time to participate. HDC has led important work with the local public sector to understand their data landscape and develop better data capacity to answer critical policy questions for the State [17]. This discussion included representatives from the Judiciary (First Circuit), DCR, the City and County of Honolulu Prosecutor's Office, Office of the Public Defender, and State of Hawai'i Department of Health Adult Mental Health Division (ADMH). Often, criminal justice agencies can prioritize goals and metrics differently especially when some actors are set-up to be adversarial (i.e., prosecutors and defense attorneys). The discussion was helpful in creating a priority list since it is not feasible to collect and report on all data at this time. Based on the discussion,

stakeholders prioritized reducing recidivism as a measure of success for JDP. With this in mind, CJRI has developed recommendations for the stakeholders of JDP for data collection in order to create a source of data for future evaluation.

**Figure 3: Snapshot of outcomes measured by Miami-Dade for their post-booking jail diversion program**



*Note: Snapshot from Florida’s Eleventh Circuit 2021 report on the Criminal Mental Health Project Recommendations*

**Recommendations**

The JDP program relies on several agencies to work together and as a result, several data sources exist. The pretrial metrics from the pretrial database and reporting system will provide some general indication of the program’s impacts. Specifically, JDP should reduce jail admissions and jail days at OCCC, and case filings in the First Circuit for the program’s targeted offenses should go down as well. However, to evaluate the program’s impact, some additional work will be required of stakeholders. This is summarized below.

- Each agency will have to find a way to track JDP participants in their case management/records system along with their unique state identifier, either through an indicator in the case record that can be included in a data extract or a program list (i.e., spreadsheet of names) to ensure it is clear who was referred to the program and was accepted (and who was denied or declined). The unique identifier and name is



needed to extract participants in the program from the statewide data and to match across data sources. Even though CJRI is collecting data from DCR and the Judiciary, a data entry plan is needed to ensure participant information is in the records.

- Data should be collected on assessments like the ORAS-CST (DCR) and the SMI diagnosis (ADMH). CJRI has data on demographics and charges from their data sources, but the data on risk level and SMI are not available in CJRI data extracts. At this time, DCR is working with CJRI to collect the ORAS-CST data. However, more planning is needed for the SMI data. Specifically, CJRI will need to establish a data sharing agreement and data sharing protocol with ADMH that is in alignment with HIPAA and other data governance rules for their agency. Risk level and mental health information is needed for understanding the target population, and will be needed for matching of treatment and comparison groups (i.e., for example, differences-in-differences design may be needed for statistical analysis of data) [18].
- Information should be tracked on the programs that the participants engaged in such as the type of program they were referred to (i.e., inpatient, outpatient, counseling). Since services are matched to the client's needs, the diversion "program" is delivered in different modalities for participants. The type of treatment could make a difference in outcomes [19]. Most likely, this information would be captured by ADMH since they are making the referrals for treatment.
- The First Circuit in the Judiciary will need to use consistent codes and/or fields in their court's case management system to track important case related information such as when a diversion participant was accepted into the program, when they were discharged, and if they were successful or unsuccessful. The Judiciary has offered to work with CJRI to do this. CJRI has information on charges associated with a case, and can extract some case information, but the First Circuit will need to develop a data entry plan to ensure all program information is captured consistently and tracked



in the JIMS fields CJRI receives for the pretrial database and reporting system.

- Finally, agencies participating in the JDP that do not already have a data sharing memorandum of agreement (MOA) with CJRI will need to provide approval to share data and set expectations around the data exchange. This would include ensuring that human subjects information is managed according to social science protocols and adhering to rules set in State law, HIPPA, and other regulations that protect information. CJRI has MOAs with DRC, HCJDC, and the Judiciary for pretrial data collection, but CJRI will write up a letter regarding specific data elements and their use for the purposes of this evaluation to ensure all agencies are in agreement on the research and reporting plan.

The stakeholders of JDP can use the statewide pretrial metrics to gain some insight into the impacts the program has on the criminal justice system, but it will take collaboration from the agencies to carry out an outcome evaluation. The agencies must track the necessary data for evaluation and for agencies like ADMH, a data sharing agreement will need to be developed. Should these recommendations be carried out, CJRI can conduct an evaluation of JDP after sufficient time (i.e., evaluating recidivism as a success measure will require a follow-up period of at least two years, ideally three to understand the effectiveness of the program). CJRI will continue to partner with the JDP stakeholders by analyzing pretrial metrics for the First Circuit and will help plan for a future evaluation of the program's impacts on recidivism. These activities will allow CJRI to carryout research support according to the scope of work outlined under HRS § 614.

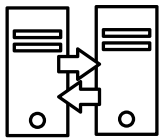




# STRATEGIC PLAN

Presented below are the three primary goals of CJRI, which are part of the strategic plan and were created to meet the requirements in HRS § 614. They were developed to include goals that would create proactive and innovative research. This strategic plan guides the work of CJRI and helps prioritize requests for assistance from individuals in all three branches and the community. Staff refer to it regularly and use it to measure progress and prioritize requests for research and support. CJRI updates the CJRI Board on goal process regularly at the CJRI board meetings, which meet, at a minimum, quarterly.

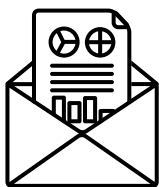
## STRATEGIC PLAN GOALS



Goal 1: Establish centralized statewide criminal pretrial justice data reporting and collection system mandated by HRS § 614.



Goal 2: Identify baseline metrics across the criminal justice system that measure goals of the system, in addition to exploring other measures regarding fairness, justice, and equity that are important to communities and individuals impacted by the system.



Goal 3: Disseminate research and share data on criminal justice topics in a wide range of formats to assist policymakers and the public in making informed decisions.



# MISSION AND VALUES STATEMENT



## MISSION

The Criminal Justice Research Institute mission statement reflects HRS § 614-2, which establishes CJRI and outlines its' responsibilities for the state of Hawai'i. Our mission is ***to examine all aspects of the criminal justice system for the purpose of assisting the state with a comprehensive approach to using data and research to improve outcomes related to safety, justice, and equity in the state of Hawai'i.***

## HRS § 614-2

"a) There is established within the office of the chief justice a criminal justice research institute dedicated to examining all aspects of the criminal justice system, for the purpose of assisting the State in understanding the system in a more comprehensive way and ensuring the protection of individual rights, increasing efficiencies, and controlling costs. The institute shall have the authority to examine all areas of the criminal justice system, including police, prosecutors, defense counsel, courts, pretrial services, probation and parole, jails, and prisons, as well as examine the manner in which related areas, including mental health services and drug treatment services, intersect with the criminal justice system."



## VALUES

The Criminal Justice Research Institute staff adhere to values integral to conducting responsible and ethical research that is dedicated to analyzing data to improve the criminal justice system for the State of Hawai'i. CJRI staff will conduct research and serve the State by pursuing:

- **Independent and neutral** analyses that will improve the criminal justice system as a whole, and not favor one agency or perspective.
- **Fairness and equity** in establishing a research agenda.
- **Transparent communication** in the methods, goals, and limitations of the research undertaken.
- **Collaborative partnerships** with agencies, stakeholders, and communities to ensure broad perspectives are included.
- **Impactful work** providing policymakers, decision-makers, and the public with information to enact meaningful change.
- **Ethical and respectful methods** to study individuals involved or working in the criminal justice system.
- **Responsible and trustworthy** stewardship of public resources and data provided by agencies and organizations.





# OUR ORGANIZATION

## CJRI STAFF

**Erin E. Harbinson, PhD**  
Director

**Aerielle Reynolds, MSCJA**  
Research Analyst

**Samuel Choi, PhD**  
Research Analyst

**Mariah A. McCaskill**  
Secretary

**Pamela Oda**  
Undergraduate Research Intern

**I ka nānā no a 'ike.**

By observing, one learns.  
-`Ōlelo no`eau

Through observing, or researching, Hawai'i's criminal justice system, CJRI is dedicated to helping stakeholders, lawmakers, and the public learn more about Hawai'i's criminal justice system.



## BOARD MEMBERS

### **Judge Matthew J. Viola**

*CJRI Board Chair*

Judge, First Circuit Criminal Division

*Judiciary*

### **Nicole C. Fernandez**

Offender Services Section

Administrator, WCCC

Department of Corrections and

Rehabilitation

*Governor's Office*

### **Rep. Gregg Takayama**

District 34

*Hawai'i House of Representatives*

(Term starting July 31, 2024)

### **Peter Wolff**

Federal Public Defender (Retired)

*Hawai'i Senate*

### **Francis Young**

Acting Corrections Program

Services Division Administrator

*Department of Corrections and*

*Rehabilitation*

### **Rep. Scot Z. Matayoshi**

District 49

*Hawai'i House of Representatives*

(Term ending July 30, 2024)

The staff at CJRI could not accomplish their work successfully without the expertise of the board. Each of the board members brings valuable knowledge from their respective roles and experience across the criminal justice system and the policymaking realm. The criminal justice system is wide-ranging, and the board is essential in helping prioritize projects and providing feedback on ways to communicate research. Their collective experience has improved the work of CJRI in several ways. The CJRI staff thank the board members for their ongoing work and support.



## ACKNOWLEDGEMENTS

We are grateful for the input from many individuals across the criminal justice system, and would like to recognize staff that have spent a considerable amount of time sharing their knowledge with us this past year:

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*Hawai'i Correctional System Oversight Commission:* Cara Compani, Christin M. Johnson

*Hawai'i Criminal Justice Data Center:* Wendy Char, Philip Higdon

*Judiciary:* Irene Mae Abut, Jennifer Awong, Adam Cohen, Daylin-Rose Heather, Terrence Lee, Lisa Lum, Ariel Maeda, Judge Trish K. Morikawa, Mai NguyenVan, Ginger L.M. Pana, Sanghoon Yun





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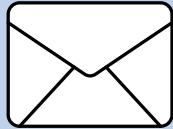
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# DIVERSION METRICS


## DATA AND METRICS TO MONITOR AND EVALUATE CRIMINAL JUSTICE DIVERSION STATEWIDE IN HAWAII

### ROLE OF CRIMINAL JUSTICE RESEARCH INSTITUTE


The Criminal Justice Research Institute (CJRI) is responsible for creating a centralized source of pretrial data to evaluate Hawai'i's criminal pretrial system (HRS § 614-3). With Act 147 (2023), funds were appropriated to establish the *pretrial database and reporting system*. CJRI will use this data system to help the state monitor and evaluate diversion efforts at a statewide level. When implemented effectively, diversion programs can conserve resources in the criminal justice system and improve public safety outcomes [1].

### DATA SOURCES

The pretrial database and reporting system is centralizing de-identified case level data by linking records across three statewide agencies. This data is for research, and not a source for looking up individual records.



**ARREST RECORDS**  
Hawai'i Criminal  
Justice Data Center




**COURT RECORDS**  
Judiciary



**JAIL RECORDS**  
Department of  
Corrections &  
Rehabilitation

### DIVERSION GOALS

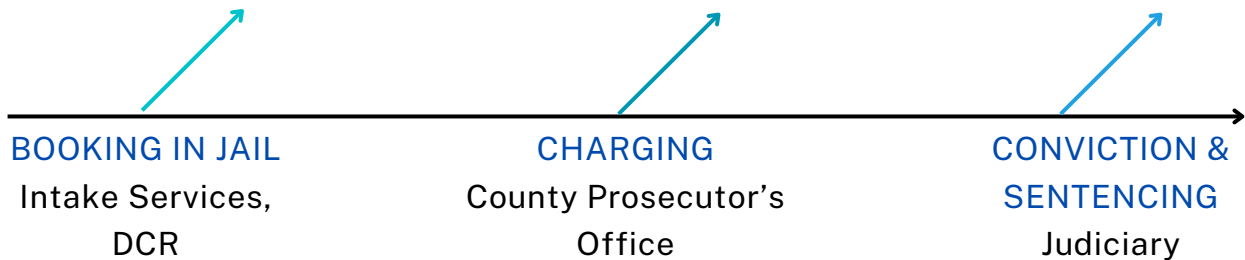


Diversion redirects individuals from traditional criminal case processing by offering an alternative pathway to hold individuals accountable. It can include a broad range of criminal justice partners and decision points. Some diversion policies have multiple goals, such as improving access to treatment or reducing recidivism. Diversion programs often reduce the use of resources.



### DIVERSION PATHWAYS

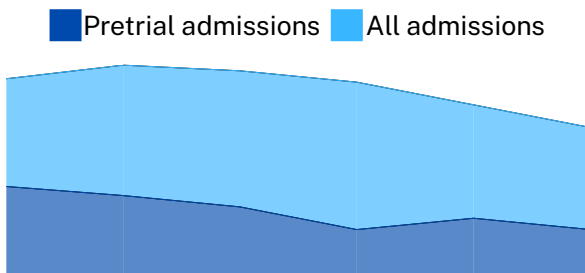
Diversion effort can occur at various stages of the criminal justice system [2]. Diversion refers to those made during post-arrest decisions and prior to case adjudication[3].



### SYSTEM IMPACT METRICS

As diversion programs are implemented in Hawai'i, metrics can be monitored to examine how programs reduce the use of resources. At a statewide level, there should be reductions in jail admissions, length of detainment, and court case processing in the aggregate. To better understand local efforts, they can be reported at the county level.

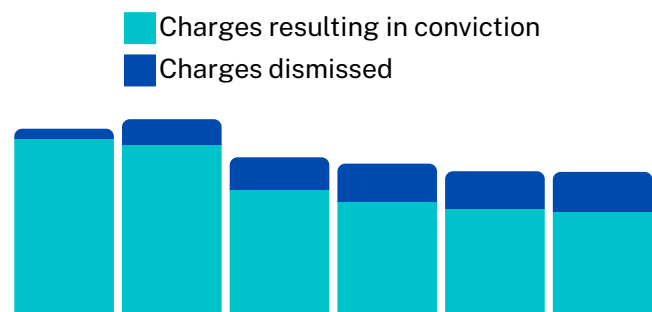
#### MONITORING JAIL ADMISSIONS OVER TIME



If the county has a pre-booking diversion model, pretrial *jail admissions* could go down. If post-booking, the *average / median length of detainment* might decrease.

Diversion programs often require someone to complete a treatment program in lieu of typical pretrial case processing. This could create a reduction in *charges resulting in conviction* and an increase in case *dismissals* for eligible charges.

#### MONITORING CONVICTIONS OVER TIME

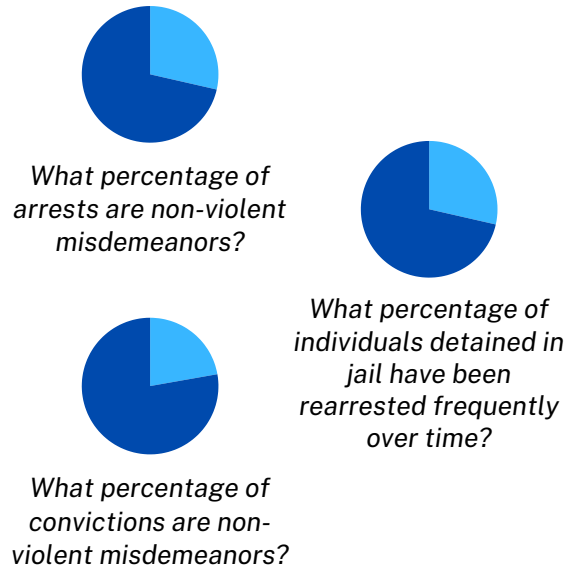




### TARGET POPULATION METRICS

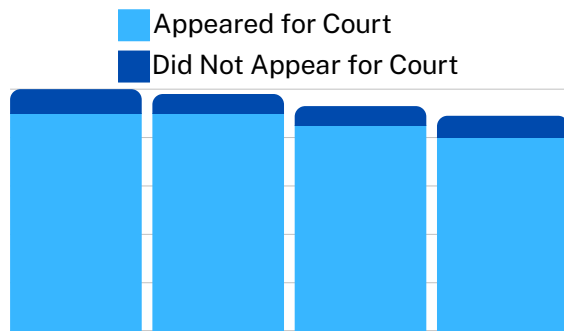
Diversion programs often target certain offenses people are charged for or specific needs in the population.

#### ESTIMATING ELIGIBILITY AND RESOURCES



Statewide data can show the volume of cases and people that might be impacted by diversion. This can help jurisdictions identify approaches that match their needs better and estimate resources needed to carryout diversion programs effectively. Or, it might provide insight into resource use such as identifying a targeting a high volume of cases or a small population that uses a lot of resources [4].

#### PRETRIAL RELEASE SUCCESS



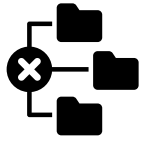
Diversion efforts provide more avenues to release and supervise people into the community with treatment and services. There could be an improvement in pretrial outcomes such as increased court appearances and fewer new crimes as more people are connected to services.

### SYSTEM IMPACT METRICS

As diversion programs are implemented in the state, there should be a decrease in the number of admissions to jail, jail days, and convictions for people targeted by diversion programs. Tracking these trends can help the state create a baseline before implementation of a new program, and track trends over time.



## LIMITATIONS TO DATA



The data for the pretrial database and reporting system does not include information from Hawai'i Department of Health, which provides assessment and treatment services for mental health. Additionally, most statewide systems are not easily modified to track individuals at the program level, making it difficult to use statewide data sources to monitor or track program effectiveness. All data is at the aggregate level, and therefore additional planning should occur for evaluations of specific programs.

## PLANNING FOR FUTURE RESEARCH

In order to evaluate the impact of specific diversion efforts, agencies will need to identify a way to track individuals participating in diversion programs. Information about an individual will need to be used to link to other records for any evaluation or analysis that requires additional sources of data. Related, agencies that provide services or interact with the individual in the program will need to create a data sharing agreement with the evaluator giving them permission to collect case level data from different sources. Some of this data might be subject to restrictions or confidentiality, and the evaluator will have to work with each agency to adhere to information sharing rules.

CJRI can help with developing a research plan from the local and state data landscape. For more information, please email [cjri@hawaii.courts.gov](mailto:cjri@hawaii.courts.gov).

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# Setting Minimum Terms in Hawai'i: An Examination of Hawai'i Paroling Authority Hearing Data

Prepared for the HCR 23 Task Force – September 2024

Presented by Erin Harbinson, PhD  
Prepared by Samuel Choi, PhD, Michelle Masters, PhD (CPJAD), and  
Aerielle Reynolds, MSCJA



## Overview and Objectives



1. Describe the sample to understand the characteristics of individuals who are sentenced to prison and have minimum term hearings
2. Summarize information on convictions for felony class and common offenses
3. Explore how HPA's policy on setting minimum terms is applied in practice
4. Examine the length of minimum terms people receive across felony class and punishment levels
5. Review the distribution of minimum terms across 6 months of hearings
6. Conclude with limitations and an overview of findings

Slide 2



# Objective # 1

Describe the sample to understand the characteristics of individuals who are sentenced to prison and have minimum term hearings

Slide 3



## Minimum Term Hearings from January – June 2023

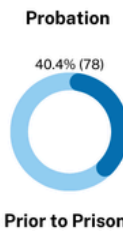
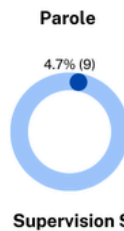
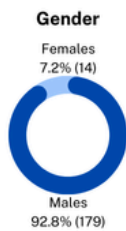


**Data:** 193 individuals who had a minimum term hearing, and minimum terms set for each conviction (3.2 convictions/per person on average)

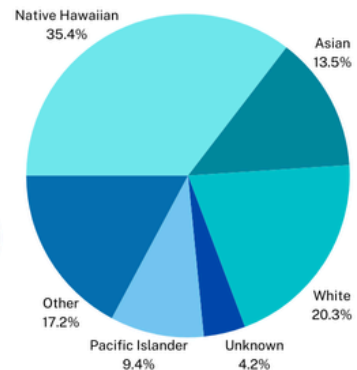


**Source:** Hawai'i Paroling Authority case files (paper documents)

Sentenced Individuals with Minimum Term Hearing January - June 2023, by Race



Supervision Status Prior to Prison



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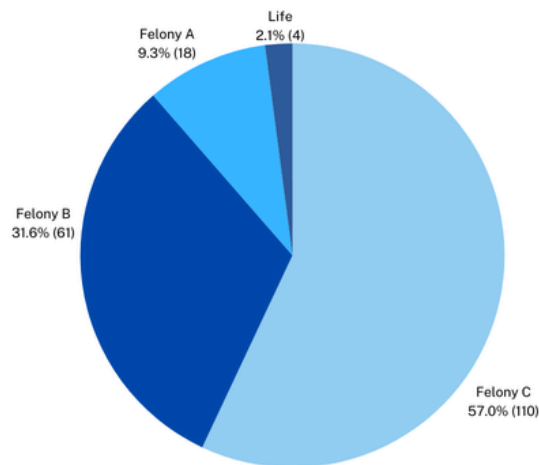
## Objective # 2

Summarize information on convictions for felony class and common offenses

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### Felony Class for Most Serious Offense (N = 193)

Percentage of individuals by felony class for their most serious offense



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# Offenses with the Most Frequent Convictions

This table reflects the 12 most frequently occurring offenses in the sample, among 73 total offense types across 634 total offenses



Class	Offense	Frequency	Percentage
FC	Promoting a dangerous drug, 3rd degree	78	12.3%
FC	Unauthorized control of a propelled vehicle, 1st degree	72	11.4%
FC	Theft, 2nd degree	47	7.4%
FC	Burglary, 2nd degree	37	5.8%
FC	Unauthorized possession confidential personal information	33	5.2%
FC	Unauthorized entry into motor vehicle, 1st degree	32	5.1%
FB	Burglary, 1st degree	25	3.9%
FC	Assault, 2nd degree	24	3.8%
FB	Promoting a dangerous drug, 2nd degree	20	3.2%
FC	Terroristic threatening, 1st degree	19	3.0%
FB	Robbery, 2nd degree	18	2.8%
FB	Criminal property damage, 1st degree	15	2.4%

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# Objective # 3

Explore how HPA's policy on setting minimum terms is applied in practice



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# HPA Policy for Setting Minimum Terms

Maximum Term in Years/Months Imposed by the Court	Level of Punishment Range in Years/Months		
	LEVEL I	LEVEL II	LEVEL III
Class C Felony 5 years (60 months)	1 - 2 years (12 - 24 months)	2.1 - 3 years (24 - 36 months)	3.1 - 5 years (36 - 60 months)
Class B Felony 10 years (120 months)	1.5 - 3 years (18 - 36 months)	3.1 - 5 years (36 - 60 months)	5.1 - 10 years (60 - 120 months)
Class A Felony 20 years (240 months)	2 - 5 years (24 - 60 months)	5.1 - 10 years (60 - 120 months)	10.1 - 20 years (120 - 240 months)
Life with the Possibility of Parole	5 - 10 years (60 - 120 months)	10.1 - 20 years (120 - 240 months)	20.1 - 50 years (240 - 600 months)

Source: Table adapted from Hawaii Paroling Authority (1989). *Guidelines for Establishing Minimum Terms of Imprisonment*. Retrieved from: <https://dcr.hawaii.gov/wp-content/uploads/2012/09/HPA-Guidelines-for-Establishing-Minimum-Terms-of-Imprisonment.pdf>

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## Examining How Often Minimum Terms Fall within HPA Policy (N = 193)

Statutory Maximum Imposed by the Court	Level of Punishment (HPA Minimum Term)		
	Level I	Level II	Level III
Class C Felony 5 years (60 months)	1 - 2 years (12 - 24 months) <b>1.0-2.0 years</b> N = 10	2.1 - 3 years (24 - 36 months) <b>2.0 - 3.0 years</b> N = 36	3.1 - 5 years (36 - 60 months) <b>2.0 - 5.0 years</b> N = 64
Class B Felony 10 years (120 months)	1.5 - 3 years (18 - 36 months) <b>2.0 - 2.8 years</b> N = 3	3.1 - 5 years (36 - 60 months) <b>3.0 - 5.0 years</b> N = 13	5.1 - 10 years (60 - 120 months) <b>3.1 - 10.0 years</b> N = 44
Class A Felony 20 years (240 months)	2 - 5 years (24 - 60 months) <b>4.0 - 4.0 years</b> N = 1	5.1 - 10 years (60 - 120 months) <b>5.0 - 10.0 years</b> N = 2	10.1 - 20 years (120 - 240 months) <b>5.1 - 20.0 years</b> N = 14
Life with the Possibility of Parole	5 - 10 years (60 - 120 months) <b>N/A</b> N = 0	10.1 - 20 years (120 - 240 months) <b>20.0 - 20.0 years</b> N = 1	20.1 - 50 years (240 - 600 months) <b>20.1- 50.0 years</b> N = 3

The ranges for minimum terms are presented for each level recommended by the HPA guidelines policy

Small sample size      Outside guidelines

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# Criteria in HPA Policy to Set Minimum Terms

1. Nature of Offense
2. Degree of Injury/Loss to Person or Property
3. Criminal History
4. Character and Attitude of Offender with Respect to Criminal Activity of Lifestyle
5. Efforts Made to Live Prosocial Life Prior to Commitment to Prison
6. Probation Revocation
7. Involvement of Offender in Instant Offense(s)

In practice, HPA records the criteria most applicable to the minimum term setting



1 - 3 criteria recorded in the guidelines per case (n = 193)



On average, 1.2 criteria recorded per case

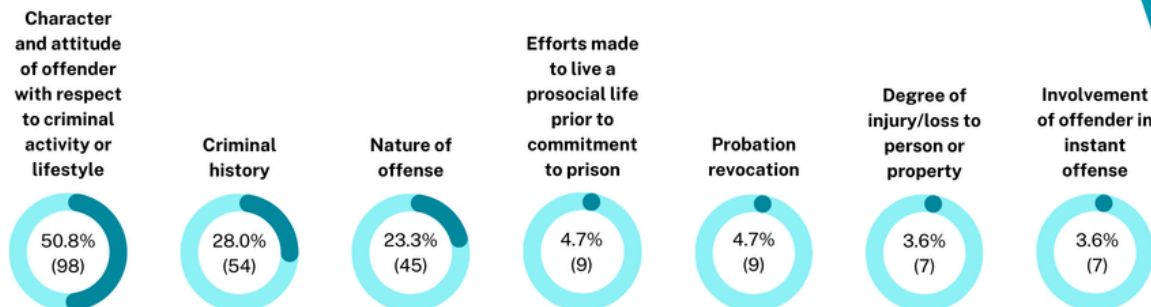
Source: Table adapted from Hawaii Paroling Authority (1989). *Guidelines for Establishing Minimum Terms of Imprisonment*. Retrieved from: <https://dcr.hawaii.gov/wp-content/uploads/2012/09/HPA-Guidelines-for-Establishing-Minimum-Terms-of-Imprisonment.pdf>

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# Criteria Used to Set Minimum Term

Percentage of cases where the criteria was recorded for setting the minimum term (N = 193)



\*Some cases recorded more than one criteria from HPA's guidelines policy, and therefore one case may have been counted more than once in the infographics presented here

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## Number of Minimum Term Policy Criteria for Each Level

Factor	Level I	Level II	Level III
Character and attitude of offender with respect to criminal activity or lifestyle	4	34	60
Criminal history	0	3	51
Nature of offense	2	14	29
Efforts made to live a prosocial life prior to commitment to prison	1	2	6
Probation revocation	6	3	-
Degree of injury/loss to person or property	0	0	7
Involvement of offender in instant offense	0	2	5
<b>Total</b>	<b>13</b>	<b>58</b>	<b>158</b>

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## Objective # 4

Examine the length of minimum terms people receive across felony class and punishment levels

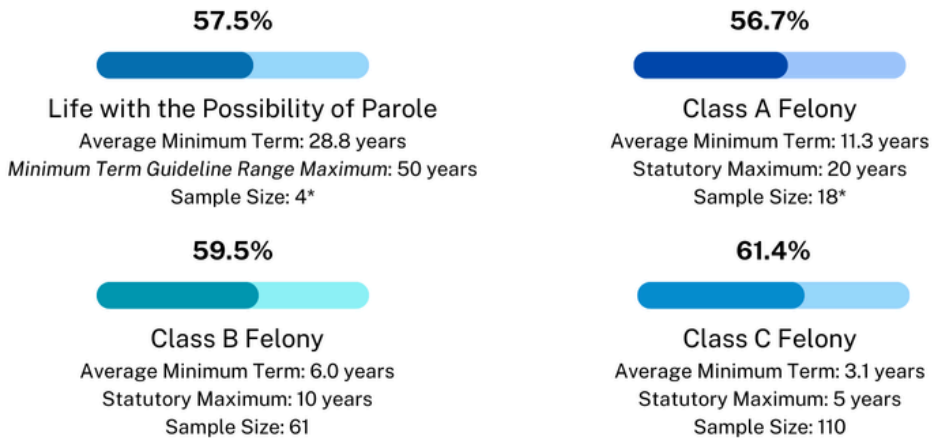


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# Minimum Terms Relative to the Maximum

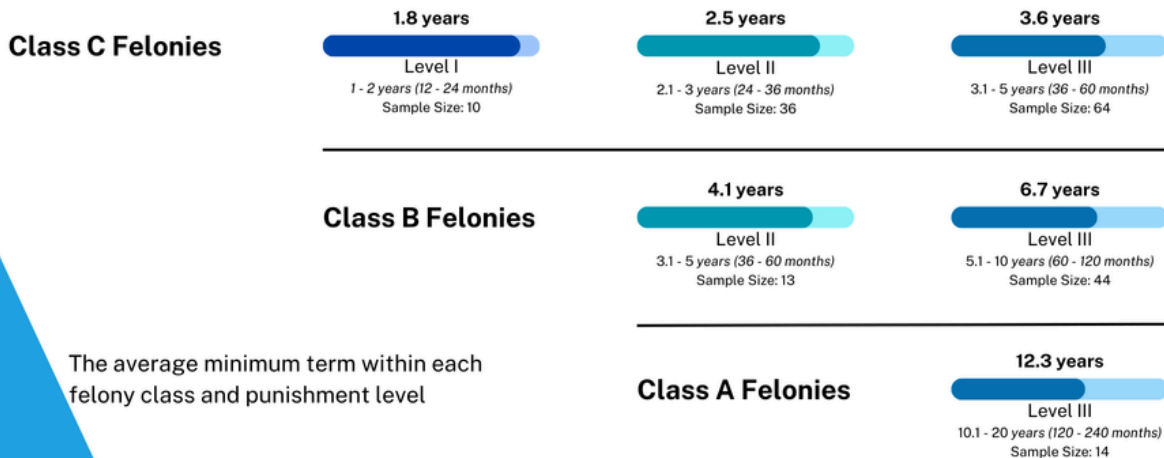
The average minimum term length respective to statutory maximum term



\*Indicates small sample sizes

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# Average Minimum Terms Relative to the Level Range



The average minimum term within each felony class and punishment level

\*Some felony classes/levels were not included in the infographics presented above due to small sample sizes.

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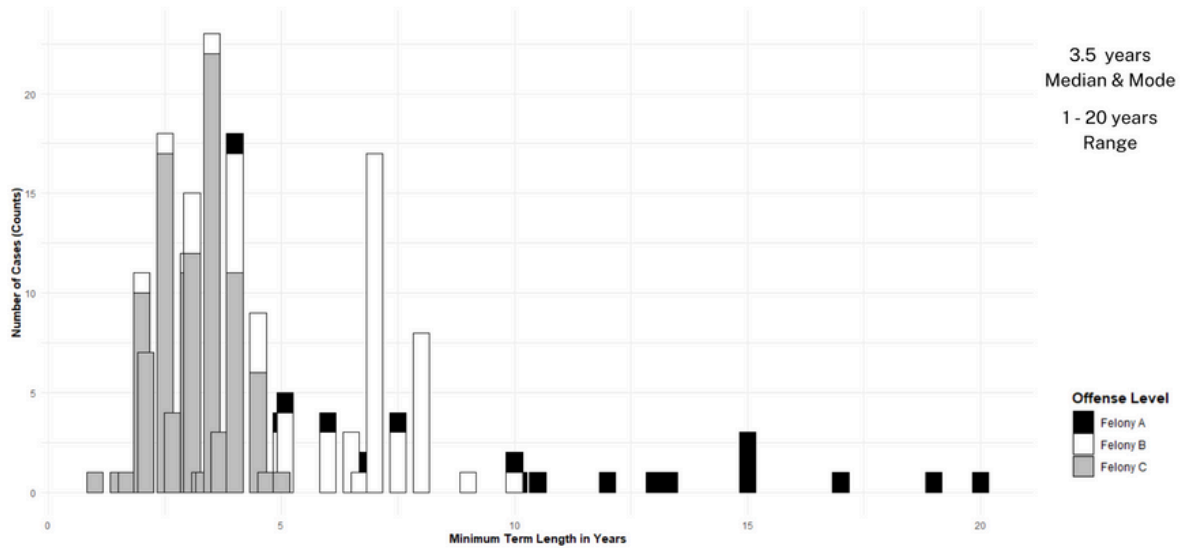
# Objective # 5

Review the distribution of minimum terms across 6 months of hearings

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## The Distribution of Minimum Terms Set Across Individuals



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## Objective # 6

Conclude with limitations and an overview of findings

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## Summarizing Findings

*Gained insight on the characteristics of individuals who were sent to prison and received minimum terms from HPA*

- Over 75% were medium or higher risk to reoffend
- Almost half had been on post-conviction supervision prior
- Felony C's comprised a large proportion of cases, but need to understand how Felony C cases are sentenced more generally (i.e., in/out decision, not just sentence length)

*Examined the use of HPA's policy for setting minimum terms*

- Character and attitude most applicable factor recorded for setting minimum terms

*Investigating trends on minimum terms*

- Minimum terms tend to be set slightly over 50% relative to the max, on average
- Median minimum term is 3.5 years across 6 months of hearings

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# Limitations & Considerations

## Data Barriers

- Challenges in measuring validity of criteria in minimum term setting
- Case management system and not a data system
- Lack of other predictor or explanatory variables

## Prioritizing Research Questions to Improve System Effectiveness

- Linking the importance of minimum term lengths to larger system issues
  - Purpose of term length in punishment
  - Impact on overall time served



## The Frequency of Convictions

For Minimum Term Hearings Held Between January – June 2023

Class	Offense	Frequency	Percentage
FC	Promoting a dangerous drug, 3rd degree	78	12.3%
FC	Unauthorized control of a propelled vehicle, 1st degree	72	11.4%
FC	Theft, 2nd degree	47	7.4%
FC	Burglary, 2nd degree	37	5.8%
FC	Unauthorized possession confidential personal information	33	5.2%
FC	Unauthorized entry into motor vehicle, 1st degree	32	5.1%
FB	Burglary, 1st degree	25	3.9%
FC	Assault, 2nd degree	24	3.8%
FB	Promoting a dangerous drug, 2nd degree	20	3.2%
FC	Terroristic threatening, 1st degree	19	3.0%
FB	Robbery, 2nd degree	18	2.8%
FB	Criminal property damage, 1st degree	15	2.4%
FC	Fraudulent use of a credit card	10	1.6%
FC	Resisting an order to stop a motor vehicle, 1st degree	10	1.6%





### The Frequency of Convictions (cont.)

Class	Offense	Frequency	Percentage
FA	Robbery, 1st degree	10	1.6%
FB	Sexual assault, 2nd degree	10	1.6%
FC	Abuse of family and household member	9	1.4%
FC	Identity theft, 3rd degree	9	1.4%
FB	Place to keep pistol or revolver	9	1.4%
FC	Theft of credit card	9	1.4%
FC	Escape, 2nd degree	8	1.3%
FB	Ownership or possession prohibited firearm; ammunition by a person convicted of certain crimes	8	1.3%
FC	Sexual assault, 3rd degree	8	1.3%
FC	Criminal property damage, 2nd degree	7	1.1%
FB	Assault, 1st degree	6	0.9%
FC	Habitual property crime	6	0.9%
FB	Identity theft, 2nd degree	6	0.9%
FC	Forgery, 2nd degree	5	0.8%

Additional data for the HCR 23 Task Force Presentation - September 2024

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### The Frequency of Convictions (cont.)

Class	Offense	Frequency	Percentage
FC	Habitually operating a vehicle under the influence of an intoxicant	5	0.8%
FB	Ownership or possession prohibited	5	0.8%
FC	Assault against a law enforcement officer or a police officer, 1st degree	4	0.6%
FA	Carrying or use of firearm in the commission of a separate felony	4	0.6%
FB	Computer fraud, 2nd degree	4	0.6%
FA	Manslaughter	4	0.6%
FC	Attempted theft, 2nd degree	3	0.5%
FC	Felony abuse of family household member	3	0.5%
FC	Negligent injury, 1st degree	3	0.5%
FB	Theft, 1st degree	3	0.5%
FC	Unauthorized entry into a dwelling, 2nd degree	3	0.5%
MD	Unauthorized entry into a motor vehicle, 2nd degree	3	0.5%
FB	Attempted burglary, 1st degree	2	0.3%

Additional data for the HCR 23 Task Force Presentation - September 2024

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### The Frequency of Convictions (cont.)

Class	Offense	Frequency	Percentage
LWP	Attempted murder, 2nd degree	2	0.3%
FC	Computer fraud, 3rd degree	2	0.3%
FC	Intimidating a witness	2	0.3%
FA	Kidnapping	2	0.3%
LWP	Murder, 2nd degree	2	0.3%
FC	Reckless endangering, 1st degree	2	0.3%
FB	Accomplice to computer fraud, 2nd degree	1	0.2%
FC	Accomplice to unauthorized entry into a motor vehicle, 1st degree	1	0.2%
FB	Accomplice to identity theft, 2nd degree	1	0.2%
FB	Accomplice to sexual assault, 2nd degree	1	0.2%
FB	Accomplice to theft, 1st degree	1	0.2%
FA	Arson, 1st degree	1	0.2%
FB	Arson, 2nd degree	1	0.2%
FC	Arson, 3rd degree	1	0.2%

Additional data for the HCR 23 Task Force Presentation - September 2024

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### The Frequency of Convictions (cont.)

Class	Offense	Frequency	Percentage
MD	Assault against a law enforcement officer, 2nd degree	1	0.2%
FC	Attempted burglary, 2nd degree	1	0.2%
FC	Attempted felony abuse of a family or household member	1	0.2%
FA	Attempted manslaughter	1	0.2%
FB	Attempted promoting a dangerous drug, 2nd degree	1	0.2%
FC	Attempted unauthorized control of propelled vehicle, 1st degree	1	0.2%
FC	Bail jumping, 1st degree	1	0.2%
FC	Bribery of or by a witness	1	0.2%
FB	Burglary of a dwelling during an emergency period	1	0.2%
FB	Carrying or possessing a loaded firearm on a public highway	1	0.2%
FA	Continuous sexual assault of a minor under the age of 14 years	1	0.2%
FC	Extortion, 2nd degree	1	0.2%
FA	Manslaughter based on extreme mental or emotional disturbance	1	0.2%

Additional data for the HCR 23 Task Force Presentation - September 2024

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### The Frequency of Convictions (cont.)

Class	Offense	Frequency	Percentage
FB	Negligent homicide, 1st degree	1	0.2%
FC	Negligent homicide, 2nd degree	1	0.2%
FB	Place to keep unloaded firearms other than pistols & revolvers	1	0.2%
FB	Unauthorized entry into a dwelling, 1st degree	1	0.2%
FC	Unlawful imprisonment, 1st degree	1	0.2%

Additional data for the HCR 23 Task Force Presentation - September 2024

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### The Number of Punishment Levels Selected by Factor and Offense Class For Minimum Term Hearings Held Between January – June 2023

Factor	Offense Level	Level I	Level II	Level III
Character and attitude of offender with respect to criminal activity or lifestyle	Felony C	3	25	31
	Felony B	1	8	22
	Felony A	0	1	7
	Life w. Parole	0	0	0
Criminal history	Felony C	0	2	31
	Felony B	0	0	15
	Felony A	0	1	5
	Life w. Parole	0	0	0
Nature of Offense	Felony C	1	6	7
	Felony B	0	6	12
	Felony A	1	1	7
	Life w. Parole	0	1	3

Additional data for the HCR 23 Task Force Presentation - September 2024

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### The Number of Punishment Levels Selected by Factor and Offense Level (cont.)

Factor	Offense Level	Level I	Level II	Level III
Efforts made to live a prosocial life prior to commitment to prison	Felony C	1	2	3
	Felony B	0	0	2
	Felony A	0	0	1
	Life w. Parole	0	0	0
Probation Revocation	Felony C	5	1	-
	Felony B	1	2	-
	Felony A	0	0	-
	Life w. Parole	0	0	-
Degree of injury/loss to person or property	Felony C	0	0	3
	Felony B	0	0	2
	Felony A	0	0	2
	Life w. Parole	0	0	0

Additional data for the HCR 23 Task Force Presentation - September 2024

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### The Number of Punishment Levels Selected by Factor and Offense Level (cont.)

Factor	Offense Level	Level I	Level II	Level III
Involvement of offender in instant offense	Felony C	-	1	3
	Felony B	-	1	0
	Felony A	-	0	1
	Life w. Parole	-	0	1

Additional data for the HCR 23 Task Force Presentation - September 2024

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