



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

**Prepared for the HCR 23 Task Force – September 2024**

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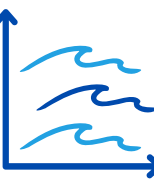
# Overview and Objectives

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



# Objective # 1

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



# Minimum Term Hearings from January – June 2023

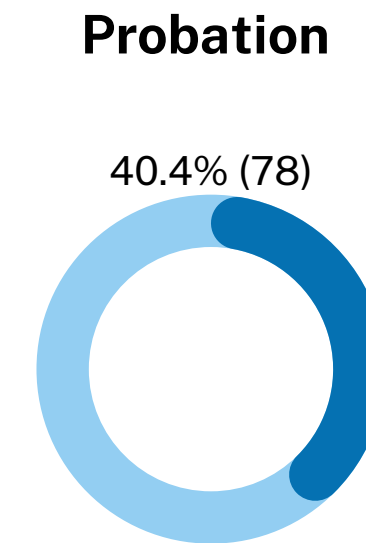
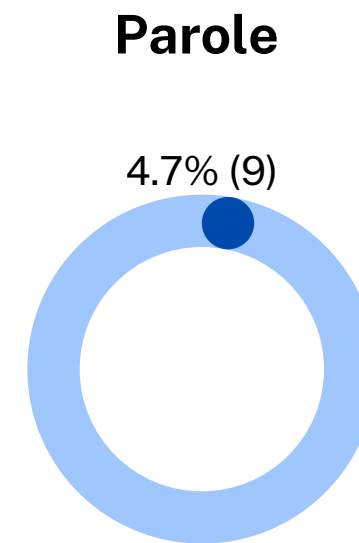
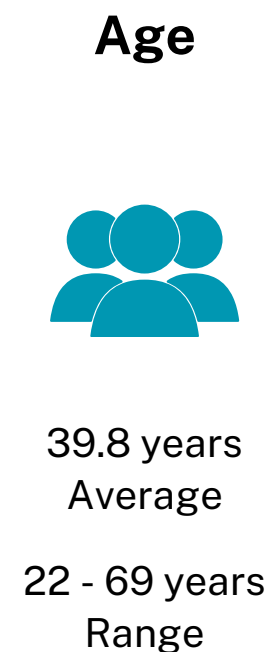
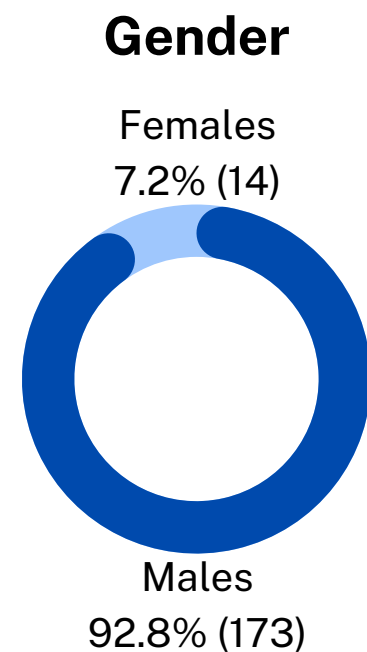


**Data:** 193 individuals who had a minimum term hearing, and minimum terms set for each conviction (3.2 convictions/person on average)

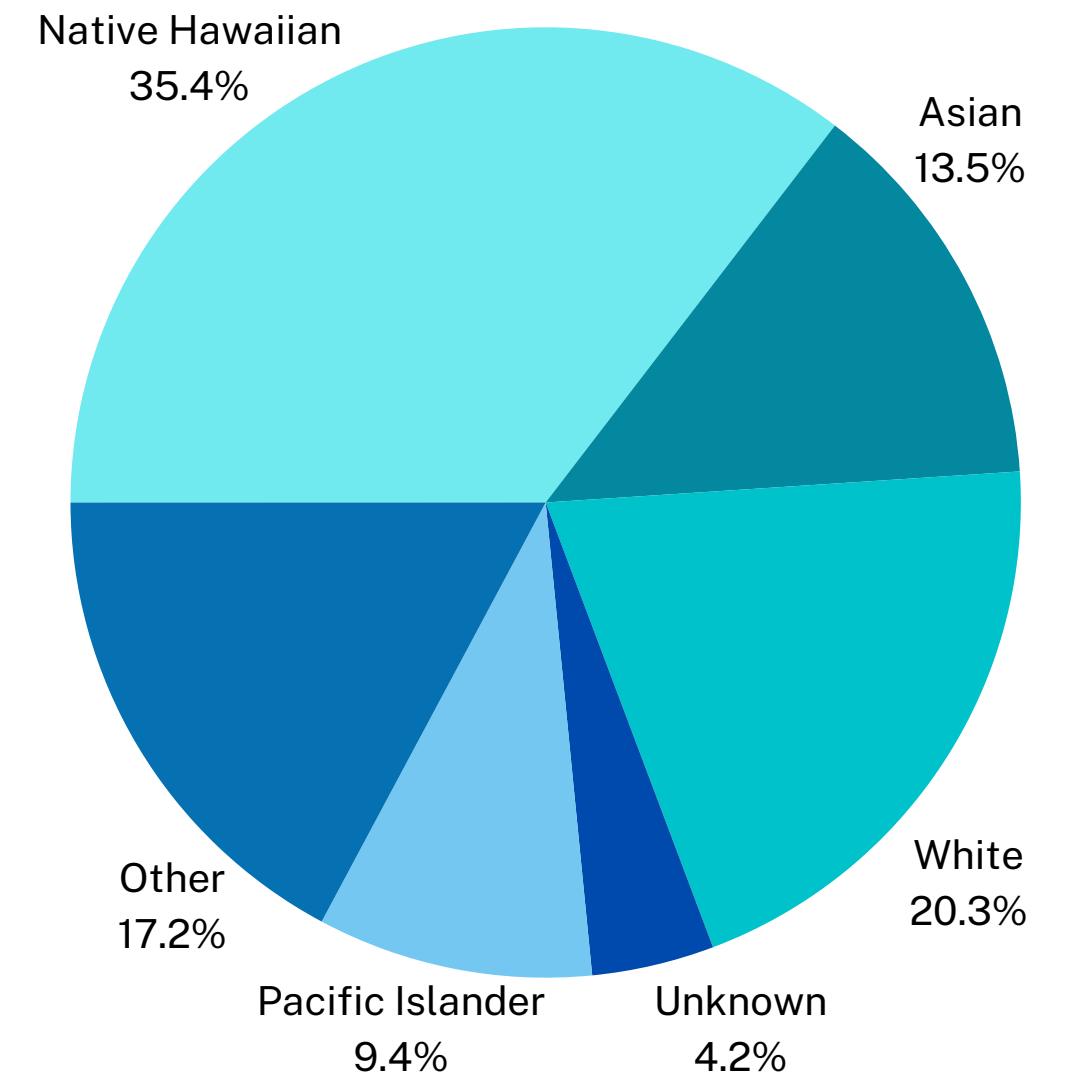


**Source:** Hawai'i Paroling Authority case files (paper documents)

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



## Supervision Status Prior to Prison





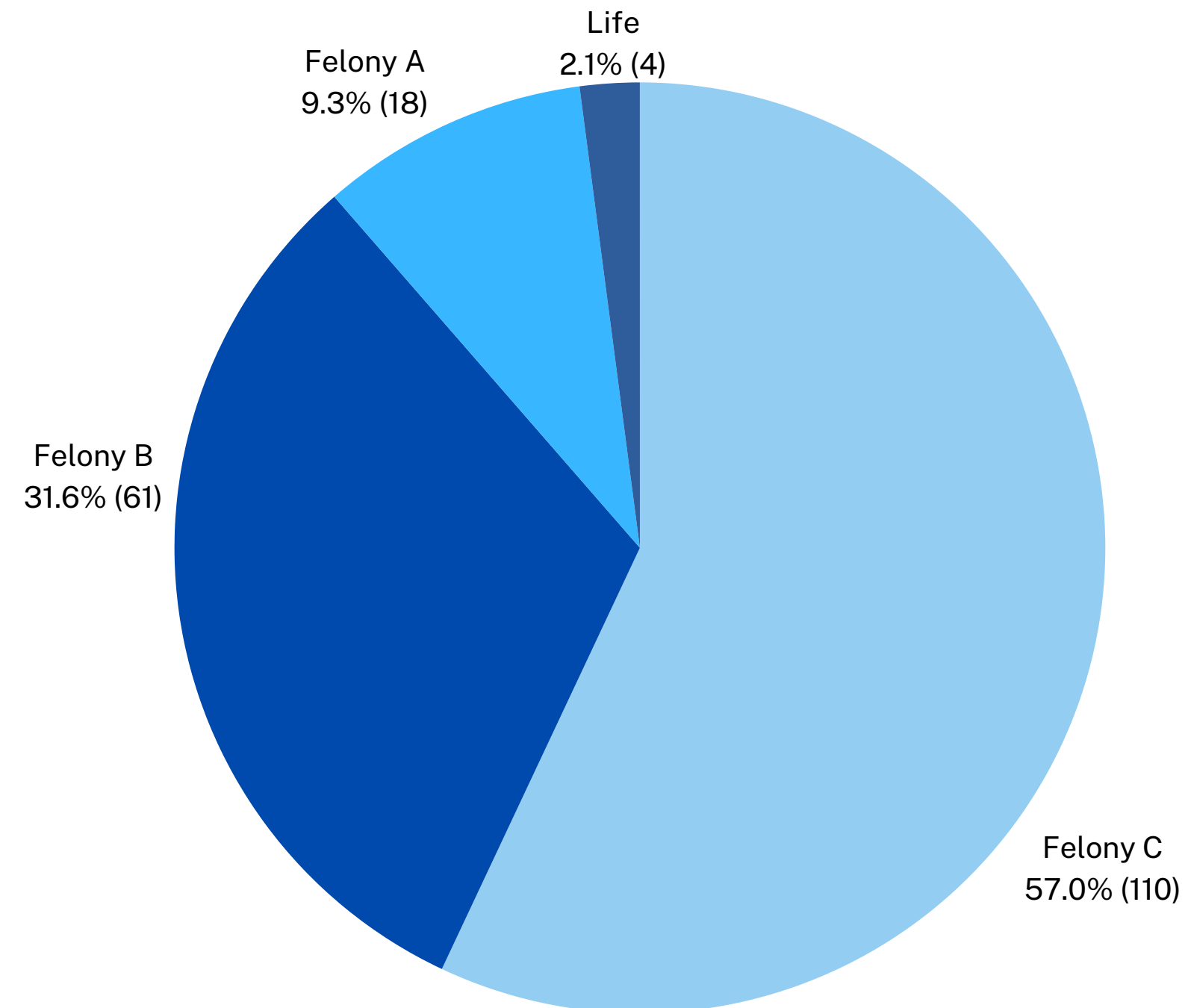
## Objective # 2

**Summarize information on  
convictions for felony class  
and common offenses**



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

Percentage of individuals by felony class for their most serious offense

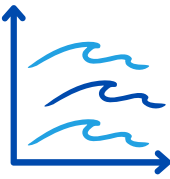




# Offenses with the Most Frequent Convictions

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%

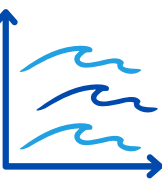




## Objective # 3

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

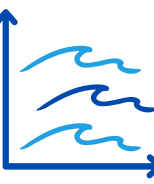




# HPA Policy for Setting Minimum Terms

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>



# 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
<b>Class C Felony</b> <i>5 years (60 months)</i>	<i>1 - 2 years (12 - 24 months)</i> <b>1.0-2.0 years</b> N = 10	<i>2.1 - 3 years (24 - 36 months)</i> <b>2.0 - 3.0 years</b> N = 36	<i>3.1 - 5 years (36 - 60 months)</i> <b>2.0 - 5.0 years</b> N = 64
<b>Class B Felony</b> <i>10 years (120 months)</i>	<i>1.5 - 3 years (18 - 36 months)</i> <b>2.0 - 2.8 years</b> N = 3	<i>3.1 - 5 years (36 - 60 months)</i> <b>3.0 - 5.0 years</b> N = 13	<i>5.1 - 10 years (60 - 120 months)</i> <b>3.1 - 10.0 years</b> N = 44
<b>Class A Felony</b> <i>20 years (240 months)</i>	<i>2 - 5 years (24 - 60 months)</i> <b>4.0 - 4.0 years</b> N = 1	<i>5.1 - 10 years (60 - 120 months)</i> <b>5.0 - 10.0 years</b> N = 2	<i>10.1 - 20 years (120 - 240 months)</i> <b>5.1 - 20.0 years</b> N = 14
<b>Life with the Possibility of Parole</b>	<i>5 - 10 years (60 - 120 months)</i> <b>N/A</b> N = 0	<i>10.1 - 20 years (120 - 140 months)</i> <b>20.0 - 20.0 years</b> N = 1	<i>20.1 - 50 years (240 - 600 months)</i> <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



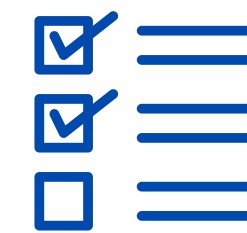
Outside guidelines



# 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)



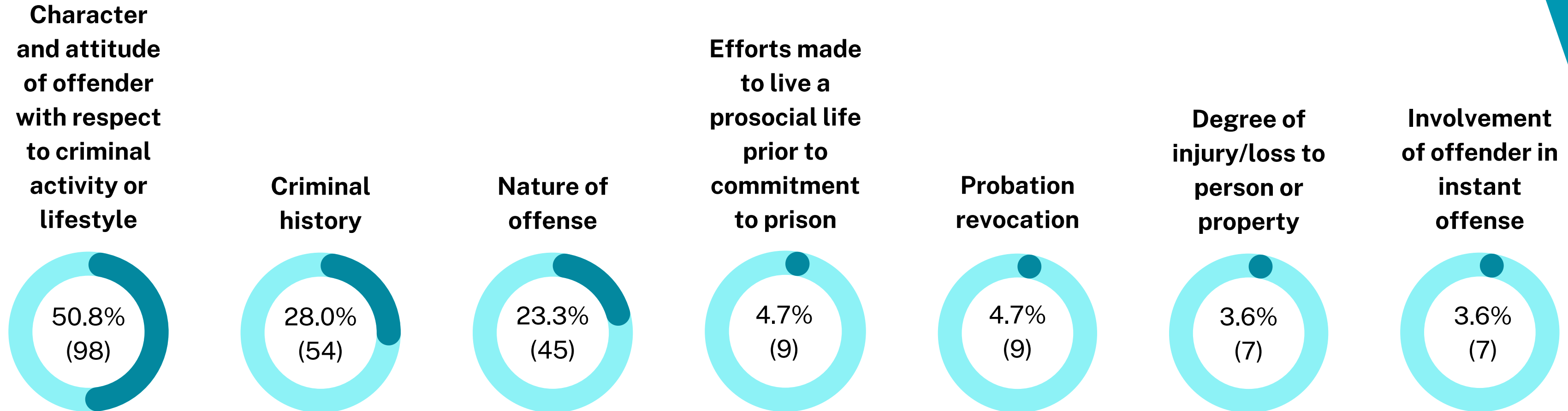
On average, 1.2 criteria recorded per case



# 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





# 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>	13	58	158



# Objective # 4

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



# Minimum Terms Relative to the Maximum

The average minimum term length respective to statutory maximum term

**57.5%**



Life with the Possibility of Parole

Average Minimum Term: 28.8 years

Minimum Term Guideline Range Maximum: 50 years

Sample Size: 4\*

**56.7%**



Class A Felony

Average Minimum Term: 11.3 years

Statutory Maximum: 20 years

Sample Size: 18\*

**59.5%**



Class B Felony

Average Minimum Term: 6.0 years

Statutory Maximum: 10 years

Sample Size: 61

**61.4%**



Class C Felony

Average Minimum Term: 3.1 years

Statutory Maximum: 5 years

Sample Size: 110

\*Indicates small sample sizes



# Average Minimum Terms Relative to the Level Range

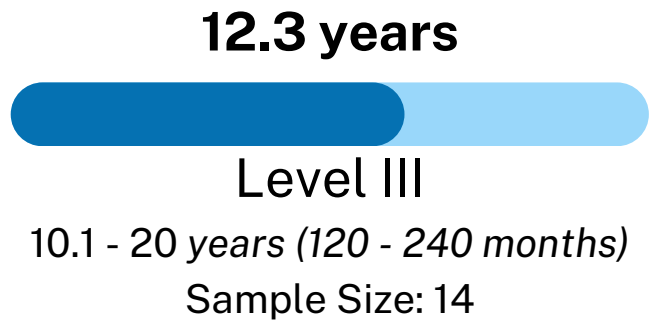
## Class C Felonies



## Class B Felonies



## Class A Felonies



The average minimum term within each felony class and punishment level

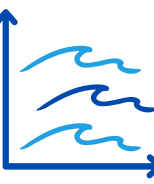
\*Some felony classes/levels were not included in the infographics presented above due to small sample sizes.



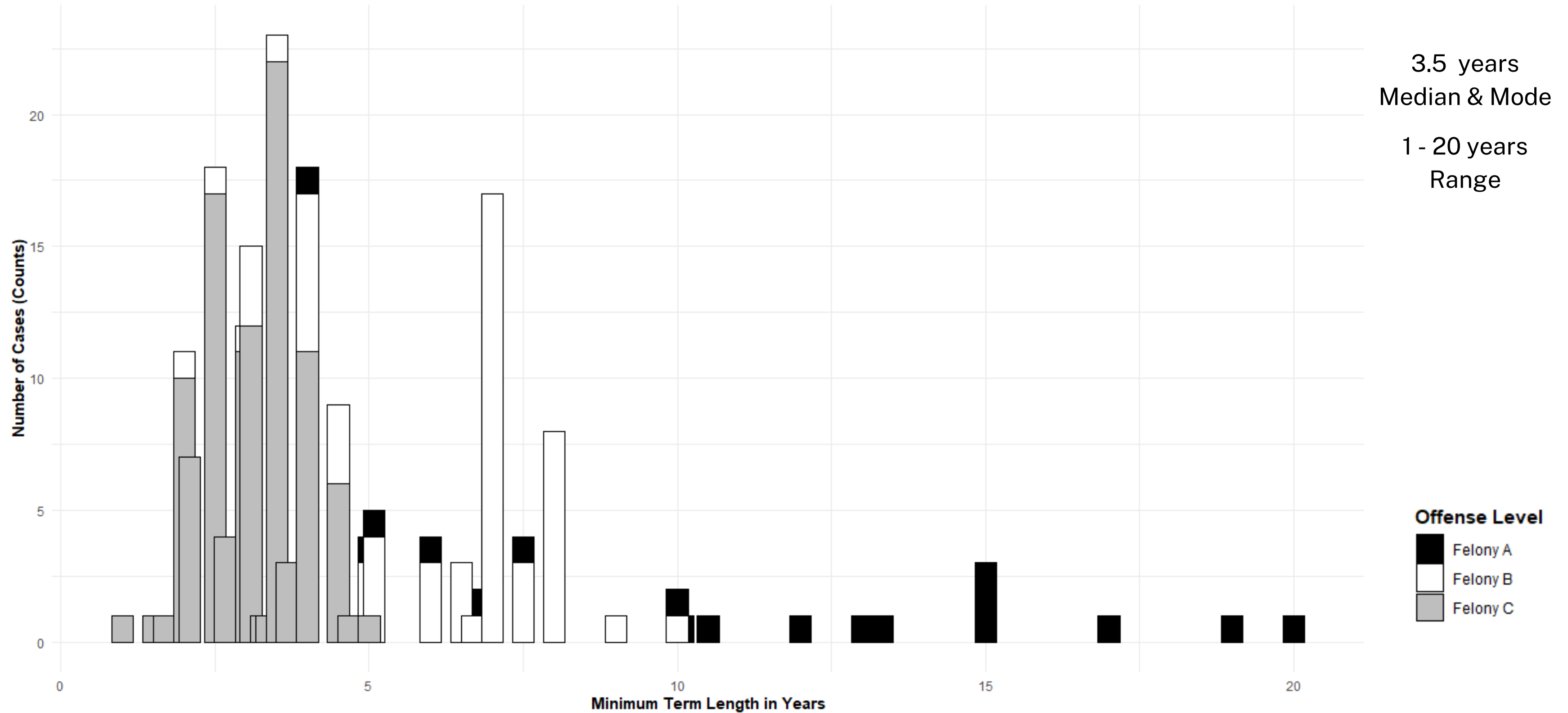


# Objective # 5

**Review the distribution of  
minimum terms across 6  
months of hearings**



# The Distribution of Minimum Terms Set Across Individuals





# Objective # 6

**Conclude with limitations  
and an overview of findings**



# 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





# 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





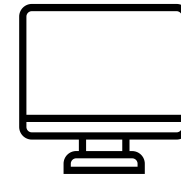
# Mahalo!

Feel free to contact us  
if you have any questions.

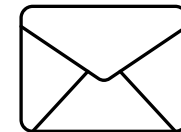


# Contact Information

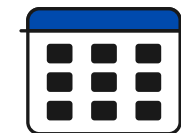
Please contact me any time  
for questions or to learn  
more about what we are  
doing.



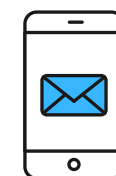
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