

Hawai'i HCR 23 Task Force

The background of the slide is a photograph of a modern, multi-story building with a prominent balcony or walkway. Several tall palm trees are in the foreground, partially obscuring the building. The entire image has a blue color cast. The text is overlaid on this image.

Task Force Meeting

September 12, 2024

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The CSG Justice Center's work with the Hawai'i HCR 23 Task Force is made possible through funding from the U.S. Department of Justice's Office of Justice Programs' Bureau of Justice Assistance.



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Justice Center
THE COUNCIL OF STATE GOVERNMENTS

Presentation Outline

- I. Summary of HCR 23 Task Force Meetings
- II. Estimated Trends in Minimum Terms: FY 2006–FY 2024
- III. Additional Opportunities to Advance Safety and Second Chances

The HCR 23 Mandate

- **Examine and make recommendations** regarding existing procedures related to the Hawai'i Paroling Authority setting the **minimum terms of imprisonment** to increase efficiency of the procedures.
- **Study whether parole system models** used by other states might be suited for Hawai'i.
- **Examine and compare the minimum sentences** issued by the Hawai'i Paroling Authority and the courts to determine whether there are significant differences.
- **Recommend** whether the administration of justice may be better served by removing the **responsibility of setting minimum sentences** from the Hawai'i Paroling Authority.

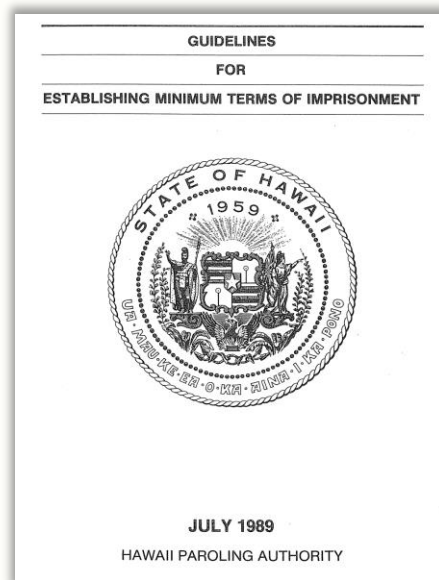
Hawaii HCR 23 Task Force Meetings

- 1** September 2023 – Reviewed the different ways that states arrange their sentencing and prison release systems along with recommendations from the “Model Penal Code: Sentencing.”
- 2** November 2023 – Walked through the state constitutional and statutory provisions for sentencing and minimum setting and the roles of judges, prosecutors, defense counsel, victims, DCR, and the HPA.
- 3** March 2024 – Observed mock scenarios for holding minimum hearings under the guidelines, based on actual cases.
- 4** June 2024 – Discussed the most common feature of other indeterminate systems—the use of fixed minimums.
- 5** July 2024 – Discussed and debated HPA, judicial, and statutory minimum setting options.

HPA uses guidelines for setting the minimum term.

Three levels of severity:

- ❖ Level I (mitigated)
- ❖ Level II
- ❖ Level III (aggravated)



Seven Main Areas of Focus:

- ❖ Nature of the offense
- ❖ Degree of injury or loss
- ❖ Criminal history
- ❖ Character and attitude with respect to criminal activity or lifestyle
- ❖ Efforts made to live prosocial life prior to prison
- ❖ Probation revocation
- ❖ Youth adult offender (HRS Sec. 706-667)
- ❖ Involvement in instant offense

The HPA Minimum Ranges in Years and as a Percentage of the Maximum Sentence

Felony Grade	Mandatory Stat. Max.	Level I	Level II	Level III
1 st Degree Murder	Life without parole	n/a	n/a	n/a
2 nd Degree Murder	Life with parole	5–10	10–20	20–50
Class A	20 years	2–5	5–10	10–20
Class B	10 years	1.5–3	3–5	5–10
Class C	5 years	1–2	2–3	3–5

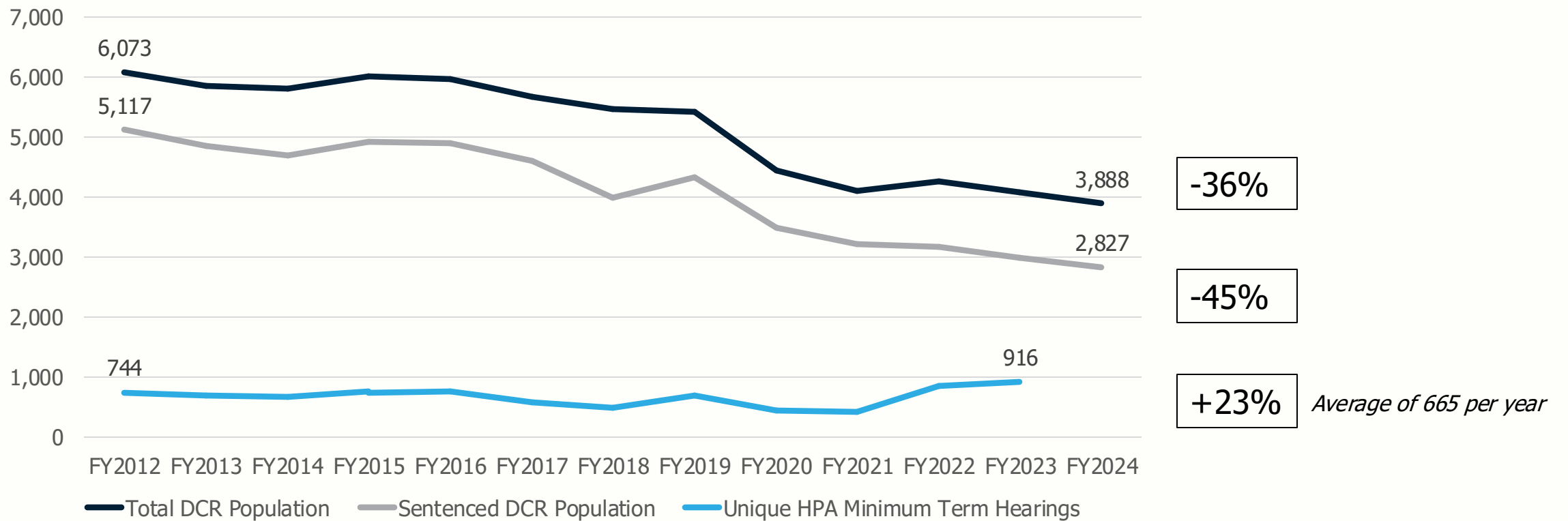
Absolute Minimum Sentence in Relation to Maximum Sentence		
I	II	III
10%	25%	50%
15%	30%	50%
20%	40%	60%

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Prison and HPA Minimum Term Hearing Trends

Trends in DCR Population and HPA Minimum Term Hearings

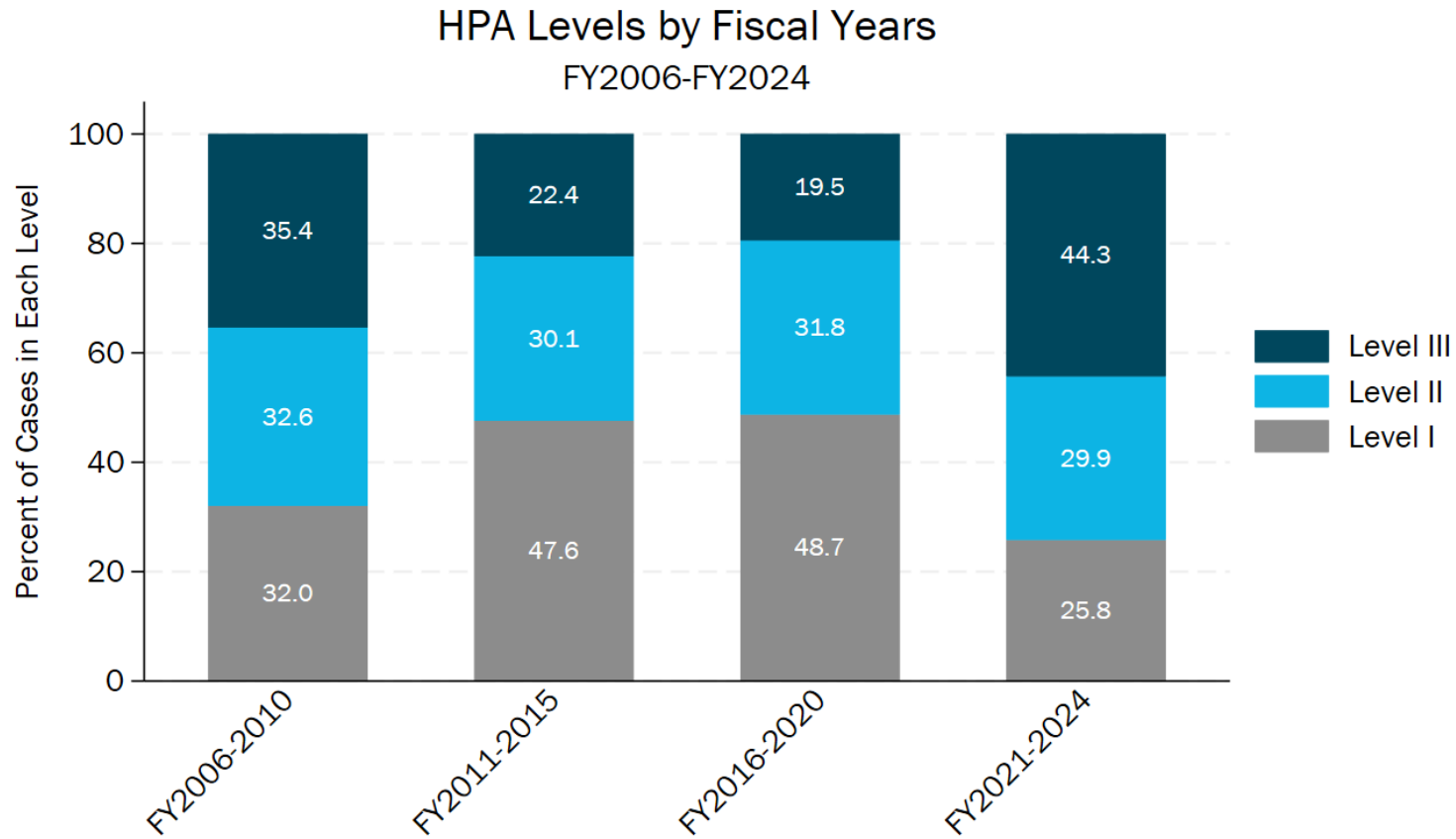


Source: Department of Corrections and Rehabilitation End-of-Month population reports (June 2012-June 2024) and Hawaii Paroling Authority fiscal year reports (FY2012-FY2023)

Data Overview—Estimating HPA Minimum Levels

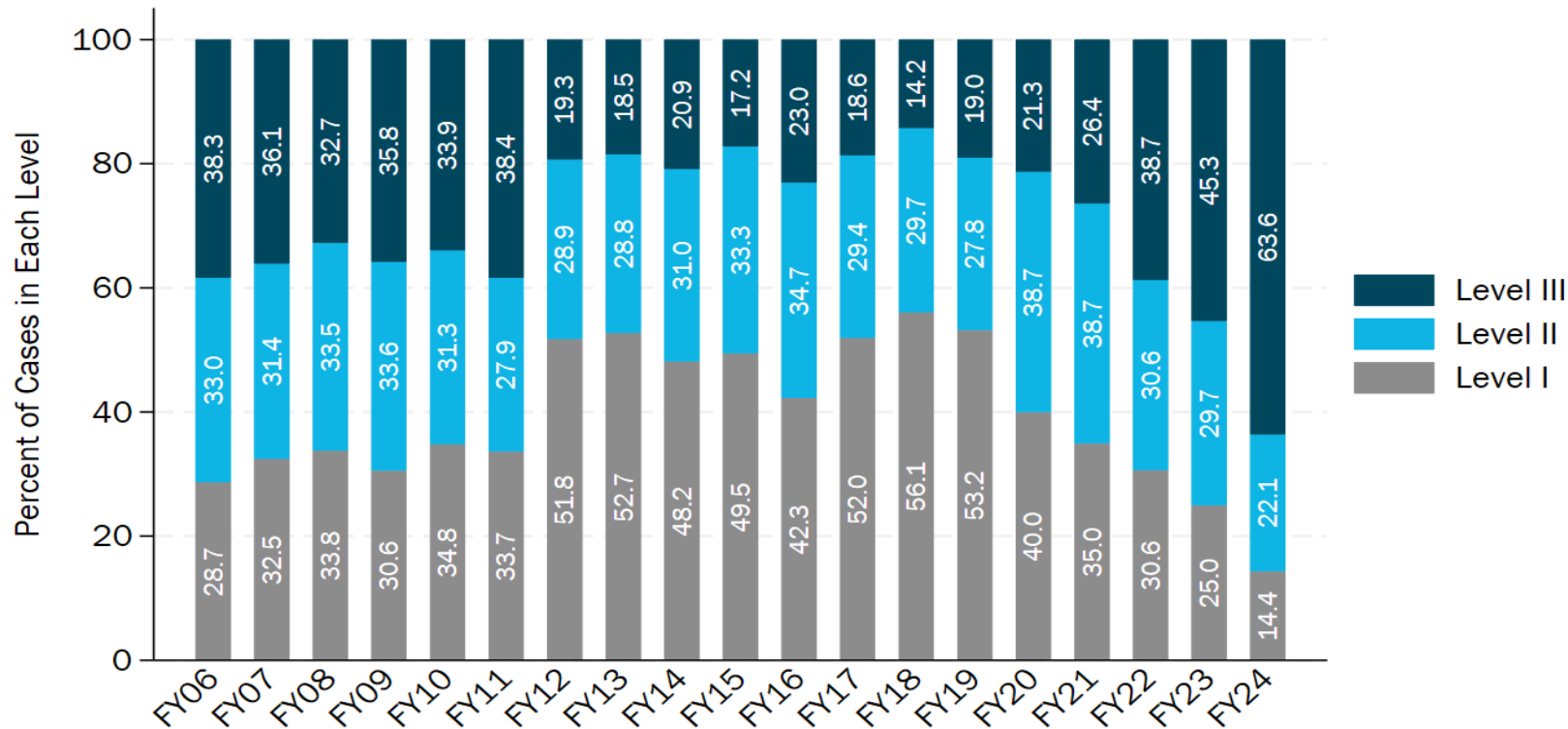
1. **Admissions data was provided** by the Department of Corrections and Rehabilitation (DCR) for January 2000 to May 2024.
 - a) Our analysis included new commitments to prison for CY 2005–CY 2023, allowing HPA minimum term decisions to be estimated for FY 2006–FY 2024, accounting for the lag between commitment and the HPA hearing.
 - b) HPA minimum terms were estimated based on sentence start date, minimum parole eligibility date, maximum release date, and date of admission (to estimate time in custody on pretrial status). It was not possible to replicate the process of setting minimum terms for each offense in a sentence. Only the most serious offense was available in the DCR data.
 - c) Admissions of people who violated parole were excluded to avoid problems with dates in the data file.
2. **No additional data was available** that would have enabled a more robust analysis.
 - a) Prior criminal history: it was possible to estimate the prior criminal history using the number of unique admission events in the file, but this potentially biases older cases in the dataset.
 - b) Risk and needs data were not available to provide more meaningful information about the individuals in minimum term hearings.

A higher proportion of people are receiving a Level III minimum term than in prior years.



FY 2024 decisions had fewer Level I outcomes and more Level III outcomes than all prior years.

HPA Levels by Fiscal Years
FY2006-FY2024



Estimated Number of Cases Annually

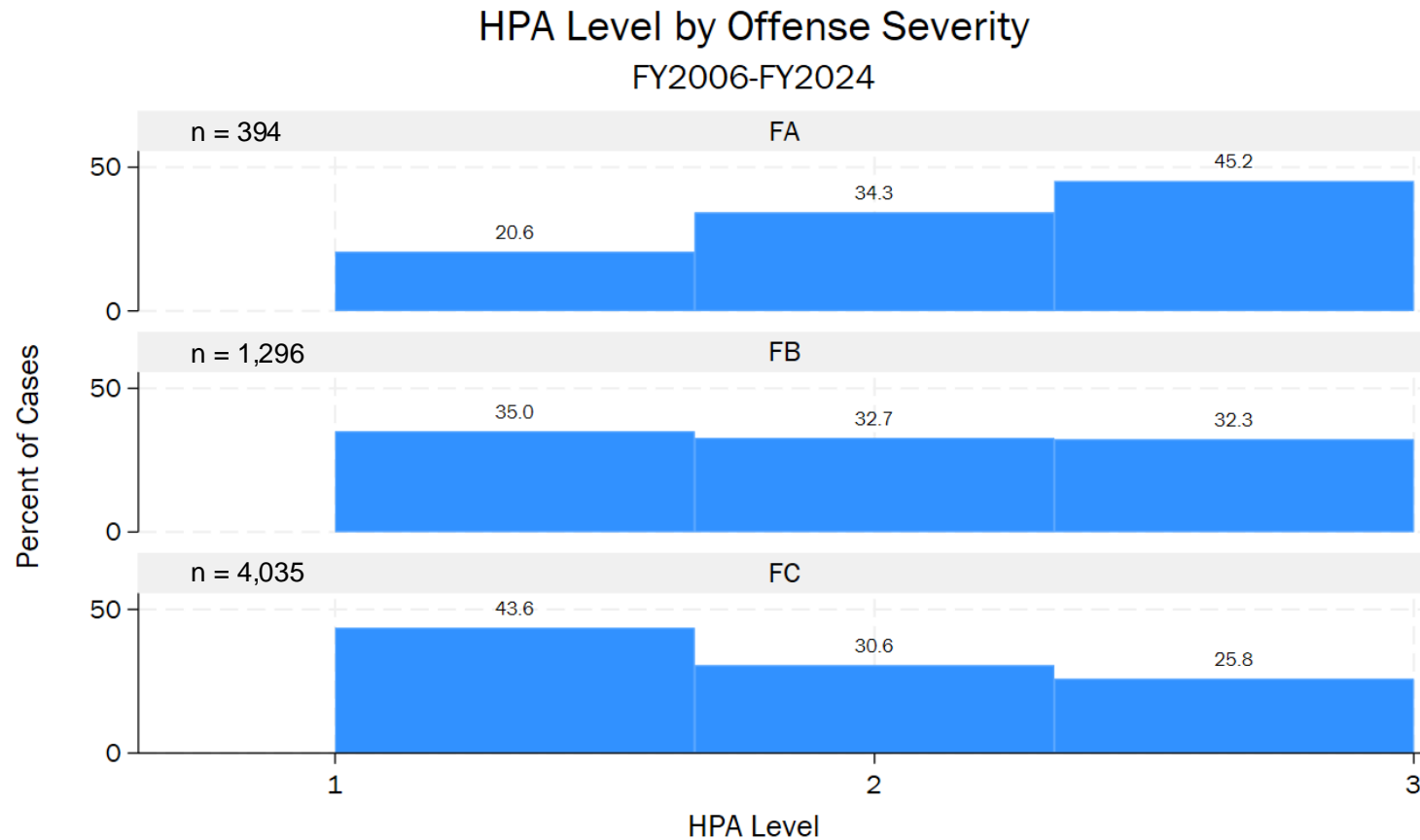
FY2006	373	FY2016	343
FY2007	388	FY2017	306
FY2008	376	FY2018	239
FY2009	366	FY2019	342
FY2010	339	FY2020	235
FY2011	297	FY2021	163
FY2012	363	FY2022	186
FY2013	330	FY2023	192
FY2014	326	FY2024	195
FY2015	366		

Individuals convicted of Felony A and B offenses have longer minimum terms than in prior years.

Average Minimum Term Percentage by Offense Class, FY 2006–FY 2024

	Felony A n=394	Felony B n=1,296	Felony C n=4,035	Overall
FY06–FY10	48.62%	45.03%	52.04%	50.16%
FY11–FY15	48.20%	39.84%	42.84%	42.52%
FY16–FY20	48.56%	39.86%	42.03%	41.88%
FY21–FY24	64.75%	55.58%	53.96%	55.11%
Overall Average	50.70%	43.51%	46.96%	46.43%

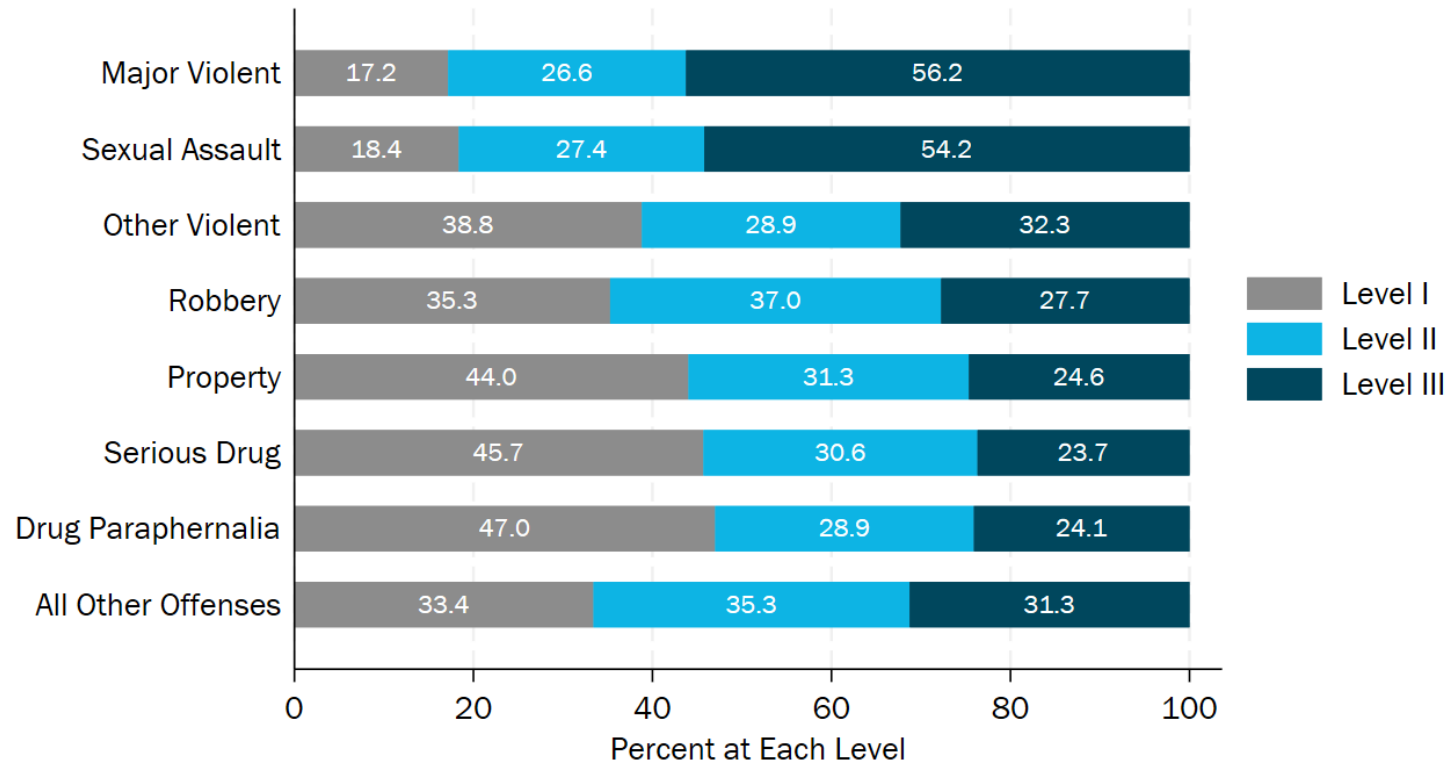
Over time, Felony A offenses more often receive a Level III minimum, while Felony C offenses more often receive a Level I minimum.



For **Felony A (FA)** and **Felony C (FC)** decisions, there is a pattern to the setting of minimum terms related to severity of the offense.

The most serious offenses more frequently receive a minimum term that falls under Level III.

Type of Offense by HPA Levels
FY2006-FY2024



Case Count by Offense Type

Major Violent	128
Sexual Assault	321
Other Violent	564
Robbery	292
Property	2,289
Serious Drug	908
Drug Paraphernalia	436
All Other Offenses	787

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The Justice Reinvestment Initiative has two types of free technical assistance available.

Justice Reinvestment Initiative (JRI)

State leaders work with experts to conduct agency-spanning data analysis and develop and implement data-driven, tailored solutions to address complicated criminal justice challenges.

- Bipartisan
- Interbranch
- 2–3-Year Process

JRI Assessment Center (JAC)

Targeted short-term technical assistance tailored to state and/or agency needs.

- Streamlined application process
- Can be with one or more agencies
- Typically, up to a 6-month process

Reentry 2030

Reentry 2030 is an initiative—led by [The Council of State Governments Justice Center](#), the [Correctional Leaders Association](#), and [JustLeadershipUSA](#)—that seeks to **dramatically scale up reentry services** and **supports** and **break down barriers to reintegration** by the end of this decade. The result will be significant gains in safety and success for people in reentry and our communities.



Reentry 2030 can provide a range of tailored technical assistance free of charge.

Technical Assistance Areas



Housing



**Behavioral
Health**



**Economic
Mobility**



**Budget
Investments**



**Policy and
Program
Evaluation**

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For more information, please contact:

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