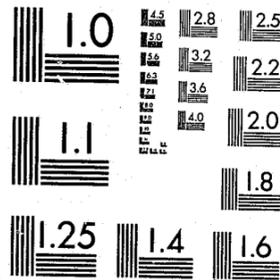


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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

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ANNUAL REPORT



81791

of the
HAWAII PAROLING AUTHORITY
DEPARTMENT OF SOCIAL SERVICES & HOUSING

YEAR ENDING JUNE 30, 1978

GOVERNOR OF HAWAII
George R. Ariyoshi

CHAIRMAN, HAWAII PAROLING AUTHORITY
Thomas K. Hugo, Jr.

MEMBERS OF THE BOARD
Seido Ogawa Schuyler Hoss

ADMINISTRATOR, HAWAII PAROLING AUTHORITY
DEPARTMENT OF SOCIAL SERVICES AND HOUSING
Earl Chun

FIELD SERVICES ADMINISTRATOR
James Nitahara

U.S. Department of Justice 81791
National Institute of Justice

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ANNUAL REPORT

NCJRS
OCT 19 1981
ACQUISITIONS

INTRODUCTION

Parole may be defined as a conditional release of a prisoner from a penal institution, which permits that prisoner to serve a portion of his sentence "outside" the institution to which he was committed. The granting of parole is most often based on a prisoner's demonstration, and/or the Paroling Authority's perception, of his readiness for re-entry into the community, and the belief that the prisoner no longer poses a threat to the community.

Parole does not release a person from further obligations to the State. The parolee remains under the jurisdiction and supervision of the Paroling Authority and must abide by the "terms and conditions" of his parole contract. His parole may be revoked if he fails to live up to the terms of this contract, if he commits a new offense, or it is deemed he has regressed to the point where he again poses a threat to the community.

A parolee may be released from parole supervision and from the balance of his court-imposed maximum sentence if he demonstrates successful community adjustment over a number of years and the Paroling Authority believes he and the community no longer require State controls over him.

Composition of the Hawaii Paroling Authority

Pursuant to Act 92, Session Laws of Hawaii 1976, the Hawaii Paroling Authority is comprised of three persons, appointed by the Governor, to serve four year terms. Initial appointments were for 4, 3, and 2 years in order to establish a rotation. A member may be reappointed once to a four year term. The Chairman serves on a full-time basis while the other members serve on a part-time, paid basis. Salary is established by law, with the part-time members receiving an hourly rate based on a percentage of the chairman's salary.

Duties and Responsibilities

The Hawaii Paroling Authority is a quasi-judicial body which, for administrative purposes only, is attached to the Department of Social Services and Housing. As defined by statute, the major duties and responsibilities of the Authority are:

1. to establish the minimum term of imprisonment that a prisoner should serve before he is considered for parole.
2. to determine whether a prisoner should or should not be granted parole.
3. to ensure that those granted parole receive proper supervision.
4. to revoke parole when violations occur and revocation is in the best interest of society.
5. to determine when parolees no longer need to remain on parole status.
6. to make recommendations to the Governor on petitions for pardon.

Each major action taken by the Authority is preceded by explicit efforts to protect the community and the rights of the prisoner. Formal hearings are held for the setting of minimum terms, determination of parole readiness and consideration of parole revocation. The Authority also considers, without formal hearings, whether minimum terms previously established are still appropriate; whether parolees are deserving of discharge from parole status; whether pardon applications to the Governor are worthy of Authority support; and what course of action to take on any other matter that is brought to its attention.

PAROLE STAFF

The Division of Paroles which consists of classified civil service employees serves as staff to the Paroling Authority. With its main office located on Oahu, the Division maintains field offices on each of the other major islands. There are a total of 19.50 authorized positions, headed by the Executive Secretary to the Authority.

FISCAL YEAR 1977-78

During fiscal year 1977-78 the Hawaii Paroling Authority held 311 formal hearings, on the basis of which

- (1) minimum terms of imprisonment were set for 115 prisoners who had committed a total of 257 offenses;
- (2) decisions to grant or deny parole were made for 149 persons, and
- (3) 47 decisions to revoke or not revoke parole were made.

In these cases, the hearings are mandated by law and the prisoner is entitled to representation by an attorney-at-law and certain due process rights which are set forth by statute.

In addition, 146 administrative decisions, not involving hearings, were made. Applications for reduction of minimum terms previously set were reviewed for 64 prisoners. Twenty-two (22) requests for gubernatorial pardon were investigated and recommendations made. Sixty (60) parolees were determined to be sufficiently redirected and given their final discharge from parole status.

Other activity included action to suspend paroles in 16 cases in which the whereabouts of the parolees were unknown, and consideration of progress reports or delinquent reports on various parolees whose situations required close monitoring. The above data can be seen in tabular form under Comparative Statistics. Other observations are as follows:

- the number of minimum terms set (and persons for whom terms are set) reflects the number of judicial commitments made both during the fiscal year and during the prior fiscal year, since (as prescribed by law) minimum terms are set within six months from date of commitment.
- the number of persons for whom minimum terms were set ranges from a low of 74 in FY 1972-73 to a high of 137 in FY 1975-76.
- of the 149 persons considered for parole 72 were granted parole and 77 were denied. This represents a change, e.g. in comparison to the previous year when 91 were granted and 40 denied. The change can be interpreted in different ways, as a toughening of parole authority attitudes, as a greater reluctance to take

risks, as a demand for more assurance that paroled prisoners are likely to make good on parole. It can also reflect an increasing confidence on the part of the parole authority members in their decision-making and a shift from "granting parole at the expiration of minimum unless there are clear contraindications" to "granting parole only if and when the chances of success appear to be reasonably good". One thing that can be said is that the decision-making regarding parole has not been routine or automatic. It represents a case by case determination of readiness. It should be noted also that in many cases a denial was coupled with the scheduling of a rehearing to allow for the strengthening of parole plans or correction of weaknesses in those plans.

—There has been a significant reduction in the number of persons whose minimum terms (previously set) were reconsidered. This is the result of a purposeful change instituted by the paroling authority, in consultation and with the cooperation of the Corrections Division. Prior to the current fiscal year, prisoners were allowed to request consideration for reduction of minimums, at their initiative, at six month intervals. A considerable number of such applications were made, since there was nothing to be lost, but most of them lacked substantive bases for their requests and the paroling authority was not provided with sufficient information on which to make deliberate judgments. The current arrangement calls for

- (1) the Corrections Division to take the initiative in recommending "cut time" for certain prisoners, or
- (2) the Corrections Division supporting the initiatives of those prisoners that the Division feels to be entitled to consideration.

In either case the Corrections Division submits a formal recommendation

- (1) for refixing of minimum term(s) and immediate parole, or
- (2) for refixing of minimum term(s), accompanied by information detailed by the paroling authority.

—the reduction in number of progress reports/delinquent reports on parolees reflects a number of things, among them

- (1) greater care exercised in screening prisoners for parole, and
- (2) better supervision by parole officers.

—finally, it is noted that the institution and expansion of the Corrections Division's furlough program, which places selected prisoners out into the community for increasing time periods, has significantly assisted the paroling authority in determining a person's readiness for parole.

EXPENDITURES

During the year, the per capita cost of supervising one parolee was \$679.75 or \$1.86 per day. Total expenditures of the Paroling Authority was \$335,796.74.

COMPARATIVE STATISTICS

Actions	Fiscal Year	
	76-77	77-78
1. Minimum terms fixed	158	257
a. Number of persons for whom minimum fixed.	78	115
2. Number of persons considered for parole.	131	149
a. Number of paroles granted	91	72
b. Number of paroles denied	40	77
3. Number of persons reconsidered for minimum terms previously set.	169	64
a. Minimum terms reset	5	6
b. Minimum terms undisturbed	139	47
c. Number deferred for reconsideration	25	11
4. Parole violations hearings	44	47
a. Parole revocations	30	29
b. Continued on parole	3	9
c. Decision deferred	11	9
5. Pardon Investigation	16	22
6. Suspended paroles because persons' whereabouts unknown (number of persons)	16	16
7. Progress reports on parolees and inmates	81	32
8. Delinquent reports on parolees	66	21
9. Discharged from parole	55	60
10. Miscellaneous Board actions, i.e., response to inquiry, sought special evaluations, etc.	16	10

TABLE I

STATISTICAL SUMMARY

*Number of Parolees on July 1, 1977	516	
Number Paroled July 1, 1977 to June 30, 1978	<u>67</u>	583
Separation July 1, 1977 to June 30, 1978:		
Discharged from Parole	20	
Final Discharges	36	
Deceased	<u>4</u>	60
Recommitted to Prison	31	
Returned to Parole Status	<u>2</u>	29
		<u>89</u>
TOTAL ON PAROLE AS OF JUNE 30, 1978	<u>494</u>	

*Adjusted

TABLE II

GEOGRAPHICAL WHEREABOUTS OF PAROLEES

WITHIN THE STATE OF HAWAII:		
Island of Oahu	277	
Island of Hawaii	47	
Island of Maui	12	
Island of Kauai	<u>2</u>	338
OUTSIDE THE STATE OF HAWAII:		
Continental U.S.	35	
State of Alaska	1	
Canada	2	
Philippines	1	
Germany	1	
Samoa	1	
Absconders	<u>115</u>	<u>156</u>
TOTAL ON PAROLE JUNE 30, 1978		<u>494</u>

TABLE III

**DISTRIBUTION OF OFFENSES COMMITTED
BY 494 PERSONS ON PAROLE
ON JUNE 30, 1978**

145 or 29%	<p>OFFENSES AGAINST PERSONS</p> <p>Attempted Murder; Accessory After the Fact; Accomplice; Aggravated Assault; Assault w/Intent to Rob; Assault & Battery w/Dangerous Weapon; Battery w/a Weapon; Manslaughter; Murder; Robbery; Criminal Conspiracy; Negligent Homicide.</p>
266 or 54%	<p>OFFENSES AGAINST PROPERTY</p> <p>Burglary; Embezzlement; Forgery; Gross Cheat; Larceny; Malicious Conversion; Illegal Possession of Two or More Credit Cards; Malicious Burning; Theft.</p>
41 or 8%	<p>SEX OFFENDERS</p> <p>Assault w/Intent to Ravish; Carnal Abuse; Indecent Assault; Sex under 16; Assault w/Intent to Rape; Attempted Rape; Sexual Abuse; Sodomy; Promoting Prostitution.</p>
42 or 9%	<p>OTHER OFFENSES</p> <p>Escape; Perjury; Unlawful Sale or Possession of Narcotic Drug; Unlawful Possession of Firearms; Receiving Stolen Goods; Unlawful Use of Explosives; Promoting Dangerous Drug; Unlawful Possession of Harmful Drug.</p>

TABLE IV

**AGE DISTRIBUTION OF TOTAL PAROLE POPULATION
AS OF JUNE 30, 1978**

Age Group	Within State	Out of State	Total
Over 20 to 22 Years	7	0	7
Over 22 to 24 Years	11	2	13
Over 24 to 26 Years	31	2	33
Over 26 to 28 Years	35	4	39
Over 28 to 30 Years	47	3	50
Over 30 to 32 Years	23	5	28
Over 32 to 34 Years	24	10	34
Over 34 to 36 Years	32	11	43
Over 36 to 38 Years	25	6	31
Over 38 to 40 Years	20	12	32
Over 40 to 45 Years	32	21	53
Over 45 to 50 Years	23	30	53
Over 50 to 60 Years	28	50	78
TOTALS	338	156	494
On 1st Parole	225	98	323
On 2nd Parole	63	35	98
On 3rd Parole	36	19	55
On 4th Parole	6	1	7
On 5th Parole	5	2	7
On 6th Parole	2	1	3
On 7th Parole	0	0	0
On 8th Parole	1	0	1
TOTALS	338	156	494

TABLE V

TYPES OF OFFENSES AND AVERAGE MINIMUM SENTENCES
FIXED FOR PERIOD JULY 1, 1977 THROUGH JUNE 30, 1978

Offenses	Number Cases	Average Term Yrs/Mos
Assault First Degree	4	6/0
Assault Second Degree	4	3/0
Attempted Manslaughter	2	4/0
Attempted Murder	11	15/0
Burglary First Degree	35	4/1
Burglary Second Degree	37	4/1
Carrying Firearms w/o Permit or License	2	4/6
Criminal Property Damage	2	5/0
Criminal Trespass	1	1/0
Escape Second Degree	8	4/0
Failure to Render Aid	1	5/0
Felon in Possession of Firearm	1	5/0
Forgery Second Degree	14	3/6
Fraudulent Use of Credit Card	1	3/0
Fraudulent Obtaining of Controlled Substances	1	3/0
Kidnapping	11	6/0
Manslaughter	12	6/6
Murder	4	14/0
Possession of Firearm by a Person Convicted of Certain Crimes	3	5/0
Prohibited Act	1	4/0
Promoting Dangerous Drug	7	4/3
Rape First Degree	7	13/3
Rape Second Degree	3	4/0
Robbery First Degree	27	12/0
Robbery Second Degree	16	6/0
Sexual Abuse	2	4/6
Sodomy	4	11/6
Theft First Degree	23	3/0
Unauthorized Control of Propelled Vehicle	13	3/1
	<u>257</u>	

TABLE VI

OFFENSES OF THOSE PAROLED AND DISCHARGED FROM
PAROLE
JULY 1, 1977 TO JUNE 30, 1978

Offense	Paroled	Discharged
Aggravated Assault	0	1
Aggravated Battery	0	6
Assault with Intent to Ravish/Rape	2	1
Assault First Degree	1	0
Attempted Assault First Degree	1	0
Attempted Murder First Degree	0	1
Attempted Rape Second Degree	0	2
Attempted Sodomy	1	0
Burglary First Degree	11	20
Burglary Second Degree	6	3
Carnal Abuse	1	0
Carrying Firearm by a Person Convicted of Certain Crimes	2	0
Carrying Firearms on Person w/o Permit	2	0
Criminal Conspiracy to Commit Theft	1	0
Forgery & Passing a Forged Writing	2	3
Indecent Assault	0	1
Larceny First Degree	0	1
Manslaughter	6	5
Murder First Degree	0	1
Murder Second Degree	1	1
Possession of Harmful Drug	0	2
Promoting a Dangerous Drug	5	2
Promoting Prostitution	1	0
Robbery First Degree	4	4
Robbery Second Degree	8	4
Sexual Abuse	1	0
Sexual Intercourse w/Female under 16	0	1
Sodomy	1	0
Theft First Degree	6	0
Unauthorized Control of Propelled Vehicle	2	1
Unlawful Possession of Firearm by Person Convicted of a Felony	<u>2</u>	<u>0</u>
TOTALS	<u>67</u>	<u>60</u>

TABLE VII

REASONS FOR WHICH PAROLES WERE REVOKED

Reasons	Numbers
New Felony Convictions	9
Technical Violations of Parole Contract	20
TOTAL	29

Recidivist Rate:

1. Based on Total Parole Population of 494

a. Parole Revocations	29 or 5.8%
New Crime	9 or 1.8%
Technical Violations	20 or 4.0%

2. Based on Parole Population less suspensions and absconders of 284

a. Parole Revocations	29 or 10.2%
New Crime	9 or 3.2%
Technical Violations	20 or 7.0%

TABLE VIII

TIME SERVED IN PRISON OF THOSE WHOSE PAROLES WERE REVOKED

Period	Number
Under 6 Months	1
Six Months to 1 Year	0
Over 1 to 2 Years	6
Over 2 to 3 Years	9
Over 3 to 4 Years	6
Over 4 to 5 Years	3
Over 5 to 6 Years	2
Over 6 to 7 Years	1
Over 7 to 8 Years	0
Over 8 to 9 Years	0
Over 9 to 10 Years	1
	<u>29</u>

TIME SERVED ON PAROLE OF THOSE WHOSE PAROLES WERE REVOKED

Period	Number
Under 6 Months	7
Six Months to 1 Year	6
Over 1 to 2 Years	3
Over 2 to 3 Years	5
Over 3 to 4 Years	0
Over 4 to 5 Years	3
Over 5 to 6 Years	2
Over 6 to 7 Years	1
Over 7 to 8 Years	1
Over 8 to 9 Years	1
Over 9 to 10 Years	0
	<u>29</u>

TABLE IX

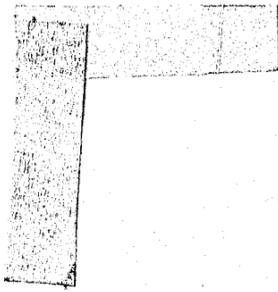
ORIGINAL OFFENSE OF THOSE
WHOSE PAROLES WERE REVOKED

Offense	Number	Repeat of Offense
Assault & Battery w/Dangerous Weapon	2	0
Assault with Intent to Rape	1	0
Burglary First Degree	5	2
Burglary Second Degree	3	0
Carnal Abuse	1	0
Gross Cheat	1	0
Larceny First Degree	1	0
Manslaughter	1	0
Murder Second Degree	1	0
Possession of Automatic Rifle	1	0
Rape	2	0
Robbery First Degree	1	0
Robbery Second Degree	6	3
Sodomy	2	0
Theft First Degree	1	0
TOTALS	<u>29</u>	<u>5</u>

TABLE X

PARDONS GRANTED BY THE GOVERNOR
JULY 1, 1977 TO JUNE 30, 1978

Offenses	Number Persons
Burglary First Degree	2
Larceny	2
Malicious Conversion	1
Misdemeanors	4
Negligent Homicide	1
Sex w/Female under 16	<u>1</u>
TOTAL	<u>11</u>



END