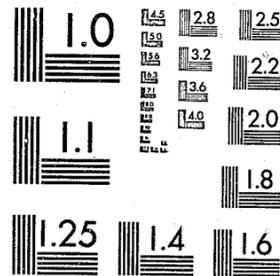


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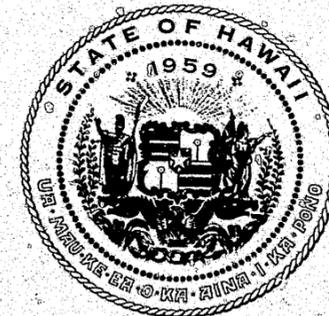
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ANNUAL REPORT



81798

of the
HAWAII PAROLING AUTHORITY
DEPARTMENT OF SOCIAL SERVICES & HOUSING

YEAR ENDING JUNE 30, 1979

U.S. Department of Justice 81798
National Institute of Justice

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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



STATE OF HAWAII
HAWAII PAROLING AUTHORITY
DEPARTMENT OF SOCIAL SERVICES AND HOUSING

Honorable George R. Ariyoshi
Governor of Hawaii
State Capitol Building
Honolulu, Hawaii

Dear Governor Ariyoshi:

We present herewith the Fortieth Annual Report of the Hawaii
Paroling Authority for the fiscal year July 1, 1978 to June 30, 1979.

We trust you will find the information presented informative
and of value.

Respectfully submitted,

Thomas K. Hugo, Jr.
Chairman

ANNUAL REPORT

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. These 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. 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.

EXPENDITURES

During the year, the per capita cost of supervising one parolee was \$722.71 or \$1.98 per day. Total expenditures of the Paroling Authority was \$339,675.22.

COMPARATIVE STATISTICS (Commentary on following pages)

ACTIONS	Fiscal Year	
	77-78	78-79
1. Minimum Terms Fixed	257	407
a. Number of Persons for whom Minimum Fixed	115	149
2. Number of Persons Considered for Parole	149	149
a. Number of Paroles Granted	72	66
b. Number of Paroles being Granted (pending)	N/A	3
c. Number of Paroles Denied	77	80
3. Number of Persons Reconsidered for Minimum Terms Previously Set	64	54
a. Minimum Terms Reset	6	5
b. Minimum Terms Undisturbed	47	46
c. Number Deferred for Reconsideration	11	3
4. Parole Violations Hearings	47	45
a. Parole Revocations	29	23
b. Continued on Parole	9	4
c. Decision Deferred	9	18
5. Pardon Investigation	22	14
6. Suspended Paroles because Persons' Whereabouts Unknown (Number of Persons)	16	15
7. Progress Reports on Parolees and Inmates	32	6
8. Status Reports on Parolees	21	112
9. Discharged from Parole	60	65

FISCAL YEAR 1978-79 Commentary and Analysis

During fiscal year 1978-79 the Hawaii Paroling Authority held 343 formal hearings, on the basis of which

- (1) minimum terms of imprisonment were set for 149 prisoners who had committed a total of 407 offenses;
- (2) decisions to grant or deny parole were made for 149 persons;
- (3) 45 decisions to revoke or not revoke parole were made.

Applications for reduction of minimum terms previously set were reviewed for 54 prisoners. Fourteen (14) requests for gubernatorial pardon were investigated and recommendations made. Sixty-five (65) parolees were determined to be sufficiently adjusted in the community to receive their final discharge from parole status.

Minimum Terms

The number of persons for whom minimum terms were set ranges from a low of 74 in FY 1972-73 to a high of 149 in FY 1978-79. (The previous high of 137 was in FY 1975-76). This means that the number of persons for whom minimum terms were set in FY 1978-79 doubled the FY 1972-73 figures. This reflects the increased number of judicial commitments made during the current and preceding fiscal years, since (as prescribed by law) minimum terms are set within six months from date of commitment. It also helps to explain the overcrowding and taxing of facilities, for which projections were made in a period (early '70's) when commitments were at a low.

It is noted that the number of minimum terms established (the total number of offenses involved) increased substantially, from 257 in FY 1977-78 to 407 in FY 1978-79.

Paroles

One hundred and forty-nine persons (149), the same as in the previous fiscal year, were given consideration for parole. And for the second consecutive year the number of paroles denied exceeded the number granted. In FY 1977-78 seventy-two (72) were granted and seventy-seven (77) were denied, and in FY 1978-79 sixty-six (66) were granted and eighty (80) were denied. This represents a change, e.g. in FY 1976-77 ninety-one (91) paroles were granted and forty (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, resulting in a shift from a tendency to "grant parole at the expiration of the minimum sentence unless there are substantive contra-indications" to "granting parole only if the probability of success appears to be reasonably good."

In this connection it can be noted that the change-over from the previous Board of Paroles and Pardons (volunteer) to the Hawaii Paroling Authority took place between Calendar Years 1976 and 1977. While it is too soon to draw conclusions, it may be informative to follow this incipient change in parole decision-making to see what the implications are, whether the change reflects a difference between a volunteer board and a full-time (paid) board, what the difference (if any) might be, and how significant.

Reconsideration of Minimum

The number of persons receiving reconsideration for minimum terms previously established has declined for the second successive year. This has resulted from a change instituted by the paroling authority, with the cooperation of the Corrections Division. Prior to FY 1976-77 prisoners were allowed to request consideration for reduction of minimums, on their own initiative, at six month intervals. A considerable number of such applications (e.g. 169 in FY 1976-77) 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 base its decisions.

The current arrangement calls for (1) the Corrections Division to take the initiative in recommending "cut time" (or immediate parole) for certain prisoners, or (2) the Corrections Division responding to and supporting the initiatives of those prisoners that the Division feels to be entitled to reconsideration. In either case supportive documentation is submitted. The increased efficiency of this new procedure can be seen as follows:

	FY 76-77	FY 77-78	FY 78-79
No. of requests received	169	64	54
No. of requests granted	5	6	5
No. of requests denied	139	47	46
No. of requests deferred	25	11	3

Parole Violation

Parole violation hearings remain at pretty much the same level — 44, 47, 45, respectively for the past three fiscal years. (The high year was FY 1975-76 with 82). Paroles revoked for the past three years are 30, 29, and 23, respectively. It should be noted that no correlation can be made on a year to year basis between number of revocation hearings and/or paroles revoked *and* annual figures for paroles granted because violation hearings involve persons who have been on parole for varying lengths of time. In any event the number of revocation hearings and actual revocations remain relatively low.

Added Observations: Two other observations are appropriate

- (1) The sizeable increase in number of status reports (on parolees), which are prepared by parole staff for the Paroling Authority (increase from 21 in FY 1977-78 to 112 in FY 1978-79), suggests increasing contact between parole staff, paroling authority, and parolees in an effort to make parole work.
- (2) The implementation and expansion of the Corrections Division's various furlough programs, placing selected prisoners out into the community for increasing time periods and for different purposes, has significantly assisted the paroling authority in determining a person's readiness for parole.

TABLE I

STATISTICAL SUMMARY

*Number of Parolees on July 1, 1978	492		
Number Paroled July 1, 1978 to June 30, 1979	<u>66</u>		
			558
Separation July 1, 1978 to June 30, 1979:			
Discharged from Parole	25		
Final Discharges	36		
Deceased	<u>4</u>		
		65	
Recommitted to Prison	23		
Returned to Parole Status	<u>0</u>		
		<u>23</u>	
			88
TOTAL ON PAROLE AS OF JUNE 30, 1979			<u>470</u>

*Adjusted

TABLE II

GEOGRAPHICAL WHEREABOUTS OF PAROLEES

WITHIN THE STATE OF HAWAII:			
Island of Oahu	264		
Island of Hawaii	39		
Island of Maui	10		
Island of Kauai	2		
Island of Molokai	<u>1</u>		316
OUTSIDE THE STATE OF HAWAII:			
Continental U. S.	33		
State of Alaska	1		
Canada	2		
Philippines	1		
Germany	1		
Samoa	1		
Absconders	<u>115</u>		<u>154</u>
TOTAL ON PAROLE JUNE 30, 1979			<u>470</u>

TABLE III
DISTRIBUTION OF OFFENSES COMMITTED
BY 470 PERSONS ON PAROLE
ON JUNE 30, 1979

149 or 32%	<p>OFFENSES AGAINST PERSONS: Attempted Murder; Accessory After the Fact; Accomplice; Aggravated Assault; Assault w/Intent to Rob; Assault and Battery w/Dangerous Weapon; Battery with a Weapon; Manslaughter; Murder; Robbery; Criminal Conspiracy; Negligent Homicide</p>
234 or 50%	<p>OFFENSES AGAINST PROPERTY: Burglary; Embezzlement; Forgery; Gross Cheat; Larceny; Malicious Conversion; Illegal Possession of Two or More Credit Cards; Malicious Burning; Theft; Unauthorized Control of Propelled Vehicle</p>
44 or 9%	<p>SEX OFFENDERS: Assault with Intent to Ravish; Carnal Abuse; Indecent Assault; Sex under 16; Assault with Intent to Rape; Attempted Rape; Sexual Abuse; Rape; Sodomy; Promoting Prostitution</p>
43 or 9%	<p>OTHER OFFENSES: 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; Carrying Firearm without License or Permit; Promoting Prison Contraband</p>

TABLE IV
AGE DISTRIBUTION OF TOTAL PAROLE
POPULATION AS OF JUNE 30, 1979

Age Group	Within State	Out of State	Total
Over 20 to 22 Years	3	0	3
Over 22 to 24 Years	14	0	14
Over 24 to 26 Years	21	1	22
Over 26 to 28 Years	33	4	37
Over 28 to 30 Years	43	4	47
Over 30 to 32 Years	31	4	35
Over 32 to 34 Years	18	7	25
Over 34 to 36 Years	28	11	39
Over 36 to 38 Years	30	7	37
Over 38 to 40 Years	20	10	30
Over 40 to 45 Years	26	23	49
Over 45 to 50 Years	20	22	42
Over 50 to 60 Years	29	61	90
TOTALS	316	154	470
On 1st Parole	206	96	302
On 2nd Parole	64	35	99
On 3rd Parole	32	19	51
On 4th Parole	7	1	8
On 5th Parole	4	2	6
On 6th Parole	2	1	3
On 7th Parole	0	0	0
On 8th Parole	1	0	1
TOTALS	316	154	470

TABLE V

**TYPES OF OFFENSES AND AVERAGE MINIMUM SENTENCES
FIXED FOR PERIOD JULY 1, 1978 THROUGH JUNE 30, 1979**

Offenses	Number Cases	Average Term Yrs/Mos
Accomplice to Robbery First Degree	1	4/0
Assault First Degree	6	7/0
Assault Second Degree	6	4/6
Attempted Murder	2	7/0
Attempted Rape	1	18/0
Bail Jumping	1	2/6
Burglary First Degree	71	5/0
Burglary Second Degree	57	3/3
Carrying Firearms w/o Permit or License	1	5/0
Criminal Coercion	2	2/6
Criminal Property Damage	2	4/0
Escape Second Degree	12	4/0
Failure to Render Aid	2	6/6
Felon in Possession of Firearm	2	5/3
Forgery Second Degree	23	4/3
Intimidating a Witness	1	5/0
Kidnapping	3	7/6
Manslaughter	11	5/6
Murder	7	16/4
Ownership of a Shotgun w/Barrel less than 18 inches	1	4/0
Possession of Firearm by a Person Convicted of Certain Crimes	3	4/6
Possession of Prison Contraband	1	3/0
Possession of Prohibited Firearm	1	4/0
Promoting Dangerous Drug	22	5/4
Promoting Harmful Drug	2	5/0
Rape First Degree	6	13/3
Rape Second Degree	1	4/0
Robbery First Degree	32	5/4
Robbery Second Degree	18	5/0
Sexual Abuse	1	4/0
Sodomy	5	14/6
Theft First Degree	86	4/0
Unauthorized Control of Propelled Vehicle	16	3/6
Unlawful Imprisonment	1	5/0
	<u>407</u>	

TABLE VI

**OFFENSES OF THOSE PAROLED AND DISCHARGED
FROM PAROLE
JULY 1, 1978 TO JUNE 30, 1979**

Offenses	Paroled	Discharged
Aggravated Assault	0	1
Assault with Intent to Ravish/Rape	0	1
Assault Second Degree	2	0
Attempted Assault First Degree	1	0
Attempted Murder Second Degree	0	3
Attempted Rape Second Degree	4	0
Attempted Robbery First Degree	1	0
Battery w/Weapon Obviously and Imminently Dangerous to Life	0	3
Burglary First Degree	5	11
Burglary Second Degree	5	15
Carrying Firearm by a Person Convicted of Certain Crimes	2	0
Carrying Firearms on Person w/o Permit	1	1
Criminal Conspiracy to Commit Theft	0	1
Felon in Possession of Firearm	1	0
Forgery and Passing a Forged Writing	1	1
Kidnapping	1	0
Larceny First Degree	0	4
Malicious Conversion	0	2
Manslaughter	2	3
Murder Second Degree	1	0
Possession of Ammunition by Person Convicted of Certain Crimes	1	0
Possession of Harmful Drug	0	1
Promoting a Dangerous Drug	6	2
Promoting Prison Contraband	1	0
Rape	0	1
Robbery First Degree	6	4
Robbery Second Degree	14	2
Sexual Abuse	1	2
Sodomy	2	0
Theft First Degree	7	4
Unauthorized Control of Propelled Vehicle	1	0
Unlawful Possession of Firearm by Person Convicted of a Felony	0	1
Unlawful Sale/Possession of Narcotic Drug	0	2
	<u>66</u>	<u>65</u>

TABLE VII

REASONS FOR WHICH PAROLES WERE REVOKED

Reasons	Numbers
New Felony Convictions	5
Technical Violations of Parole Contract	18
TOTAL	23

Recidivist Rate:

1. Based on Total Parole Population of 470

a. Parole Revocations	23 or 4.8%
New Crime	5 or 1.0%
Technical Violations	18 or 3.8%

2. Based on Parole Population less Suspensions and Absconders of 260

a. Parole Revocations	23 or 8.8%
New Crime	5 or 1.9%
Technical Violations	18 or 6.9%

TABLE VIII

TIME SERVED IN PRISON OF THOSE WHOSE PAROLES WERE REVOKED

Period	Number
Under 6 Months	1
Six Months to 1 Year	1
Over 1 to 2 Years	6
Over 2 to 3 Years	3
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	0
TOTAL	23

TIME SERVED ON PAROLE OF THOSE WHOSE PAROLES WERE REVOKED

Period	Number
Under 6 Months	2
Six Months to 1 Year	2
Over 1 to 2 Years	6
Over 2 to 3 Years	5
Over 3 to 4 Years	6
Over 4 to 5 Years	1
Over 5 to 6 Years	0
Over 6 to 7 Years	1
Over 7 to 8 Years	0
Over 8 to 9 Years	0
Over 9 to 10 Years	0
TOTAL	23

TABLE IX

ORIGINAL OFFENSE OF THOSE
WHOSE PAROLES WERE REVOKED

Offense	Number	Repeat of Offense
Burglary First Degree	6	1
Burglary Second Degree	1	0
Carrying Firearm without Permit or License	1	0
Forgery	1	0
Kidnapping	1	0
Larceny First Degree	2	0
Malicious Conversion	1	0
Murder Second Degree	1	0
Ownership of Automatic Rifle	1	0
Possession of Dangerous Drug	1	0
Possession of Firearm	1	0
Robbery First Degree	2	0
Robbery Second Degree	3	0
Sodomy	1	1
TOTALS	<u>23</u>	<u>2</u>

TABLE X

PARDONS GRANTED BY THE GOVERNOR
JULY 1, 1978 TO JUNE 30, 1979

Offenses	Number Persons
Aggravated Battery	1
Burglary First Degree	4
Larceny	1
Misdemeanors	2
Murder Second Degree	1
Promoting Dangerous Drug	1
Theft First Degree	1
Unlawful Sale of Narcotic Drug	1
TOTAL	<u>12</u>

END