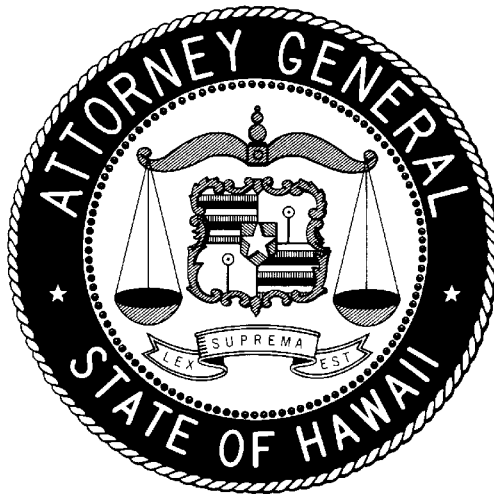


# **SURVIVAL ON PAROLE**

**A Study of Post-Prison Adjustment and the Risk of  
Returning to Prison in the State of Hawaii**



A report by the

**Social Science Research Institute  
University of Hawaii at Manoa**

and the

**Department of the Attorney General  
State of Hawaii**

May 1999

This report can be downloaded from the  
Crime Prevention & Justice Assistance  
Division Web site:  
**[www.cpja.ag.state.hi.us](http://www.cpja.ag.state.hi.us)**

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## **FOREWORD**

Information about the people who are released from prison and how well they fare while on parole is critical to perennial considerations of corrections and the criminal justice system. With corrections options essentially limited to increasing or decreasing the time served for various offenses, building more prisons, and/or finding ways to make prisons less expensive, it is imperative that we seek an understanding of released convicts who are, or are not, returned to secure custody. Those who succeed on parole increase the resources that are available for other offenders, while learning more about parole failures can help guide efforts to decrease their occurrence in the future.

This publication provides a statistical portrait of persons released on parole in the State of Hawaii during Fiscal Year 1995-96, and reports on revocation rates during the subsequent two-year period. Perhaps more importantly, parolee characteristics that are related to parole "survival" (success) or failure are described, along with an in-depth analysis of the factors that can actually be used to predict parole survival or revocation.

The study was funded by an annual U.S. Bureau of Justice Statistics grant that is administered by the Crime Prevention & Justice Assistance Division (CPJAD) of the Hawaii State Department of the Attorney General. For the past year, the Research & Statistics Branch of the CPJAD has used a portion of these funds to work collaboratively with local researchers to conduct a variety of special topic crime studies. For this project our research staff was fortunate to be able to work with one of the nation's foremost corrections experts, Dr. Gene Kassebaum, professor emeritus of the Department of Sociology, University of Hawaii at Manoa. Dr. Kassebaum's dedication to Hawaii's criminal justice system led to this project being a top priority.

Special thanks are due the Hawaii Paroling Authority, without whose assistance this project would not have been possible.

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Attorney General

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The project staff enjoyed the full cooperation of the Hawaii Paroling Authority, from Chairman Alfred K. Beaver, Sr. and Administrator Anthony Commendador to the parole officers who agreed to interviews, and the secretary and clerks who answered our questions and helped locate files. Our understanding of the data in the files was greatly enhanced by interviews with parole officers in the general office and in special units, who were generous in making time for interviews about their work. We wish to express our appreciation for the willingness of heads of special programs to give us their time for interviews and to provide us reports or counts of enrollments in their respective programs. These helpful persons include Dr. Barry Coyne, Director of the Sex Offender Treatment Program, and Alison Dingley and Maureen Tito, Department of Public Safety. Liane Moriyama and Hannah Kawakami of the Hawaii Criminal Justice Data Center, Department of the Attorney General, provided printouts from their OBTS system for more than 600 parolees in our study cohort.

The responsibility for any errors remains ours.

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## **Executive Summary**

The records of a total of 604 persons released from prison between July 1, 1995 and June 30, 1996 were obtained from the Hawaii Paroling Authority, the Department of Public Safety, and the Department of the Attorney General. Two-thirds of those released during this period were released for the first time while one-third had previous parole releases. The cases were tracked for a minimum of two years, and up to a maximum of three years, after the release date. A sample of parole officers was interviewed to clarify the meaning of record entries, and administrators of drug and sex offender treatment and prison educational programs were interviewed to obtain enrollment data for parolees in the study population.

Parolees in the cohort were mostly adult males in their 30s; disproportionately Polynesian (Hawaiian and Samoan) and African American; had been committed to prison for crimes of violence and felony property offenses; were heavy and problematic users of alcohol and drugs; and had extensive records of previous arrests, felony convictions and prior sentences to probation and parole, often with revocation.

### **The study also reveals that:**

- During this two- to three-year window, approximately half of those released were returned to custody and had their parole revoked, mostly for violating the conditions of their parole.
- During the period since their release to parole in 1995-96, 70.7 percent of the parolees had no criminal convictions, 17.9 percent had exclusively misdemeanor and/or petty misdemeanor convictions, and 11.4 percent of the study cohort had one or more convictions on felony charges.
- For 65.1 percent (393 persons) of those released during the study period (FY1995-96), it was their first parole release. For another 20 percent (120 persons), this release was their second parole; for 8.6 percent (52 persons), it was their third release and for the remaining 6.5 percent (39 persons) it was their fourth, fifth or sixth release.
- Parolees who were revoked during the study period were more likely to have previously been on parole. Revocation rates were: 39 percent for first-time parolees, 57 percent for second-time parolees, 71 percent for third-time parolees, and 79 percent for those paroled for the fourth, fifth, or sixth time.

**The likelihood of revocation was higher for parolees:**

- first convicted or adjudicated delinquent at an early age, rather than at later ages.
- released to parole at a younger age.
- assessed as drug addicted at the time of their last prison sentence.
- who had not had regular satisfactory employment in the year prior to entering prison.
- who were property offenders rather than violent, drug, or other offenders.
- convicted of two or more prior felonies.
- who had their probation or parole revoked in the past.
- assessed at release as having major stress and disorganization in marital and family relationships.
- who resisted accepting responsibility for their past life and were rated as having low motivation to change.
- who were Hawaiians or Pacific Islanders (mostly Samoans), rather than Caucasians, African Americans, or Asians/Mixed-Asians.
- who were men rather than women (but the very small numbers of women on parole make this finding quite tentative).

The relationships between these variables and parole revocation are statistically significant, but they may also be reflective of other factors that affect either a given variable and/or the measure of “surviving” (or succeeding) while on parole. To determine how different variables may independently influence parole survival, they were put in multivariate analyses appropriate to these data. The results of these analyses indicate that each of the following characteristics exerts an effect on the likelihood of parole revocation, regardless of the influence of the others.

**The probability of parole revocation is increased if:**

- the release is not the first parole experience for the individual.
- the parolee is known to have been a regular drug user prior to the last prison sentence.

- the parolee had not been employed at least 60 percent of the year prior to the last prison sentence.
- the parolee's last prison sentence had been for a property offense.
- the parolee had been rated as being unwilling to accept responsibility for personal change.

Other variables in the list of bivariate relationships (above) did not show a statistically significant effect on the risk of revocation, net of the influence of other predictors.

**Recommendations from this study are:**

- As a result of enhanced monitoring for drug use, higher rates of return to custody need to be allied with the addition of more effective, more retentive multiphasic programs of drug-use abatement and relapse prevention.
- Job training and employment support should be provided for prisoners and parolees who are assessed as being able to benefit from them.
- Hawaii Paroling Authority should install an adequate computerized management information system.
- A similar analysis of releases under the current parole board should be conducted. This study could focus on, for example, persons released in 1997 who would be out for at least 24 months by late-1999.

In the report that follows, the method of data collection and the measures used in this study will be described, tables and graphs for the factors affecting risk of revocation will be discussed, and the multivariate analyses will be presented. The report is organized into ten sections, indicated by bold type headings. The **Introduction** outlines the focal questions of the study and provides a brief description of parole supervision and decision-making about parolee behavior, which are essential for understanding the parole survival data which follow. The section on **Data Collection** identifies sources of information used in the study. Specific findings are then reported in the following segments: **Characteristics of the Study Cohort, Participation in Treatment Programs, Convictions since Release and Time to Revocation**. An overall assessment is found in the **Multivariate Analysis** section. This is followed by **Recommendations** and a brief **Conclusion**. The **Appendix** offers a more detailed description of the legal responsibilities of the Hawaii Paroling Authority and procedures in the supervision of parolees. Special Units and Educational and Treatment Programs are described in more detail than was possible in the text. A listing of general and special rules or conditions of parole is also reproduced in the Appendix.



## Introduction

Between 1996 and 1997, Hawaii's prison population rose from 4,011 to 4,949, a one year escalation of 23.4 percent—this was the largest percentage increase among the 50 states that year. From 1992 to 1997, Hawaii's rate of imprisonment per 100,000 general population rose 75.6 percent (Bureau of Justice Statistics, 1998: 491-492). These figures are especially noteworthy when considering how post-prison adjustment is affected, as virtually all inmates eventually leave prison, and many will return to prison, only to leave once again. This report describes the salient characteristics of this large volume of released prisoners by summarizing who they are and how well they fare on parole.

The laws of the State of Hawaii provide for sentencing convicted felony offenders to either probation or prison. If the offender is sent to prison, a non-Judicial body, the Hawaii Paroling Authority (HPA), determines the eventual date of release and exercises supervision over the released prisoner. An offender may be on parole in the community for a stipulated period of time and then discharged, or the offender may be found in violation of the conditions of his/her release and is then subject to being returned to prison. The present study deals solely with parole supervision, and:

- (1) describes the characteristics of a cohort of prisoners released from prison from July 1, 1995 through June 30, 1996 and tracked until June 30, 1998
- (2) determines the proportion of this cohort who “survive” or continue without revocation or absconding, and the proportion who are returned to custody for another period of incarceration before again being released
- (3) estimates the factors contributing to the probability of revocation or survival on parole.

Parole is part of the general system of criminal sentencing and corrections in Hawaii. Sentencing is a responsibility divided among all three branches of government— Judiciary, Legislative, and Executive. *Judiciary*: the judge decides if prison confinement or some other alternative sentence is appropriate for a convicted defendant. *Legislative*: if the sentence is a term in prison, the Hawaii Revised Statutes provide that the defendant must be sentenced to the Maximum Term of Confinement for each felony level (Life for murder; 20 years for Felony A; 10 years for Felony B; 5 years for Felony C). Some repeat offenders are subject to enhanced sentences. *Executive*: the Hawaii Paroling Authority reviews the case after the person has been committed to prison, and (1) sets the minimum sentence, the earliest date the prisoner is eligible for release, (2) approves or defers release at that time, (3) if and when the prisoner is released, specifies conditions of parole, and (4) if it is determined that these conditions are violated, returns the parolee to confinement and subsequently decides if the parole should be revoked or if the parolee may be continued on parole. A description of the responsibilities of the HPA and the

major steps in release to parole, subsequent supervision, and, for non-compliance, parole revocation appears in the Appendix.

## **Parole Supervision in Hawaii<sup>1</sup>**

The earliest contact between an offender and the HPA occurs in a hearing that sets the minimum term of imprisonment. After that, as the end of the minimum term approaches, the inmate has a hearing that results in a release date or a decision that the release will be deferred. If a release date is set, the inmate is contacted by one of (currently) three officers in the pre-parole unit. Inmates in this stage are assessed, using a number of factors, on their risk of re-offending and needs for treatment and training. Next, a recommended plan is developed and the inmate is assigned to a particular parole officer's caseload upon release.

The assessed level of risk and needs largely determines an assignment to either General caseloads or one of several Special Units. Caseloads within Special Units consist of about 30 parolees while General caseloads average about 80. Special Units are needed to take mental health cases and some other types who, although undiagnosed, require large amounts of a parole officer's time.

### *Community Supervision*

The majority of parolees are placed under community supervision, which is the regular unit designed to supervise parolees who are not deemed a high risk to public safety and who do not have special needs. When an inmate is released on parole, s/he is assigned to a parole officer on the basis of area of residence. That is, a parole officer's caseload consists of parolees living in a concentrated geographical area.

As a rule, all parolees are to receive maximum levels of supervision for the first six months after release. The parolee is required to meet with the parole officer at the HPA two times per month and is subject to two alternative forms of contact (typically a field visit and a curfew check in the form of a phone call). After 6 months, if the parolee is adjusting well to parole and remains in compliance with the conditions of parole, s/he may be reclassified to a lessened or more moderate level of supervision. Required visits are then reduced to one office visit per month and one alternative type of contact. If the parolee continues to do well, s/he may be reclassified even further to a minimum level of supervision. At the minimum level of supervision, the parolee is required to make office visits once every 2-3 months. Regardless of the level of classification, the parole officer has discretion over the number and types of contacts with the parolee, and may increase or decrease these as deemed necessary. Parole supervision is approached as an interactive process, meaning that supervision varies on a case-by-case basis.

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<sup>1</sup> The following descriptions are meant only as an overview of parole supervision in Hawaii. The actual parole process is more complex and may vary on a case-by-case basis.

Each parolee has a contractual agreement to comply with the terms and conditions of his or her parole status (e.g., curfew). The primary mechanisms by which a parole officer can assess rule compliance are office visits, curfew checks, and urinalysis testings. Failing to attend a scheduled office visit or not being home for a curfew check constitute a violation of one's conditions of parole. Through interviews, parole officers expressed the view that failure to show up for office visits and missing curfew checks are generally related to substance abuse problems (e.g., when parolees are fearful of testing positive for drugs). If a parolee repeatedly fails to show up for office visits and the parole officer is unable to locate him/her on subsequent field visits, the parolee is considered "whereabouts unknown"—also known as absconding. Once a parolee has absconded, the officer will suspend the status of parole and issue a warrant for the individual's arrest. Active searches for absconded parolees are atypical, as most of these parolees do not pose a direct threat to public safety. If a parolee tests positive for drugs (via urinalysis testing), s/he is considered to be in violation of one of the conditions of parole, specifically that s/he not be in possession of a controlled substance. Although the aforementioned violations are the most common, there are numerous conditions that a parolee may violate. In addition, a parolee might be convicted of a new felony while on parole, which usually would result in his/her parole status being revoked.

Nonetheless, once it has been confirmed that a parolee has breached any or all of the conditions of parole, s/he may either be counseled about the misconduct and warned about future consequences, or the parolee may be sent back to prison for violating parole. The parole officer makes the initial recommendation for parole revocation, which is then either approved or disapproved by the supervisor. If the supervisor approves the recommendation to revoke the parolee, a warrant is issued and the parolee is sent back to prison for a parole violation. After the parolee is in custody, a Parole Board Hearing is set in which the members decide whether to revoke the parole status or release the parolee and allow him/her to continue on parole.

The Parole Board holds revocation hearings three days per month. The parolee, his/her attorney (if applicable), and the parole officer may attend these hearings. The parole officer is required to submit a written recommendation for action to the board (either continuance on parole or revocation). If a parole status is revoked, it does not necessarily mean that the parolee must then serve the rest of his or her maximum sentence in incarceration. It is actually more common for the parolee to be re-released on parole after a brief return to prison.

Upon meeting minimum contact quotas, the parole officer has discretion in responding to perceived non-compliance with parole rules. Parolee non-compliance must be formally recorded by the officer. The most common sanctions, short of recommending revocation, are reprimand and counseling. Officers may request a warrant if the parolee absconds (i.e., unknown whereabouts) or commits a number of violations in spite of officer counseling and warnings. The sheriff's department serves the warrant upon apprehension of the parolee, or within the parole office. Police sometimes apprehend a parolee "at-large" or within the community if s/he is stopped on another cause (e.g., traffic violation). Parole officers review police arrest logs on a daily basis to see if any parolees have been arrested.

After the location and intake of the parolee, there are probable cause (often waived by the parolee) and revocation hearings (the acting parole officer is a witness and a deputy public defender is usually present). A small proportion of the revocation hearings allow the parolee to continue on parole, but in most cases the parole board supports the motion to revoke parole.

## **Data Collection**

This study is based on a cohort of prisoners released on parole in the State of Hawaii during the fiscal year 1996 (between July 1, 1995 and June 30, 1996). The final enumeration contained 604 parolees.<sup>2</sup> Most of the data for this study were obtained from individual parole files located at the HPA; several characteristics related to each parolee were obtained from these files. The parolee's gender and ethnicity were coded from the pre-sentence investigation report located in each file. Other information obtained from the files included date of birth, risk and needs assessment scores, initial classification scores, special conditions of parole, and recommended level of parole supervision.

The parole date was obtained from the HPA fact sheet located in the parolee's file. Once the date of release to parole was confirmed, the Order of Parole document was located within each file in order to verify the offense(s) for which the individual was being paroled. If there was more than one offense, the earliest conviction and admission dates were coded. Again, if there was more than one offense, the longest maximum sentence and the greatest number of pre-conviction credit days were coded. Information regarding convictions was obtained from the Department of the Attorney General's *Offender-Based Transaction Statistics / Computerized Criminal History* (OBTS / CCH) files.

## **Characteristics of the Study Cohort**

Parolees in the study cohort had been released from all counties and facilities, but four out of five (79.7%) entered parole from four facilities on Oahu (Table 1). Slightly over eight percent (8.2%) had been released from other islands, and the relevant data were not available for the remainder. Of this pool, usable records were available for 604 parolees whose records were tracked from their individual date of release to June 30, 1998, the study's cutoff date. The amount of time on parole for those in the study cohort ranged from 2 to 3 years, with a median of 2.4 years. The status of the parolees (e.g., revocation versus continuing on parole) was observed within this time frame.

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<sup>2</sup>The HPA provided an initial list of 643 parolees who appeared to meet this criterion. It was subsequently determined that some persons had not actually left prison by June 30, 1996, or were released earlier than July 1, 1995, or had unavailable or incomplete case files; these were eliminated from the study population.



**Table 1: Facilities from which FY1995-96 parolees were released\***

<b>Facility</b>	<b>Persons</b>	<b>Percent of Total</b>
Halawa Correctional Facility	216	34.3
Oahu Community Correctional Center	146	23.2
Waiawa Correctional Facility	99	15.7
Women's Community Correctional Center	41	6.5
<b>Oahu subtotal</b>	<b>502</b>	<b>79.7</b>
Maui Community Correctional Center	33	5.2
Kulani Correctional Facility	15	2.4
Kauai Community Correctional Center	4	0.6
<b>Neighbor Island subtotal</b>	<b>52</b>	<b>8.2</b>
Records not available	76	12.0
<b>Statewide/Total</b>	<b>630</b>	<b>100.0</b>

\* Based on original total of 643 releases, less cases with missing facility data

The men and women released from Hawaii's correctional institutions had been sentenced to statutory maximum terms averaging about ten years (9.8 years), while the minimum terms set by the HPA averaged about 3.3 years across all offense types. Table 2 shows mean values for maximum terms, minimum terms, minimum terms as a percentage of the maximum, and the mean time actually served by parolees in the study cohort, by offense class.

**Table 2: Sentence terms and time served by major offense for which committed to prison**

Offense Class	Average Maximum Term (years)	Average Minimum Term (years)	Proportion of Minimum to Maximum	Average Actual Time Served (years)
Violent	12.6	4.8	36%	6.1
Property	7.8	2.6	34%	3.3
Drug	10.5	2.7	29%	3.1
Other	7.6	2.9	39%	3.3
All Offenses	9.8	3.3	34%	4.1

Differences among offense class categories, as measured by *F* ratios, were statistically significant for maximum terms, minimum terms and minimum as a percentage of the maximum. Average term lengths varied considerably between offense classes: violent offenses incurred longer maximums (12.6 years) and longer minimum terms (4.8 years), drug offenses were given maximum terms averaging 10.5 years but minimums of 2.7 years, and property offenses and other offenses received the lowest mean maximum terms (7.8 and 7.6 years, respectively) and minimum terms of about 2.6 and 2.9 years, respectively.<sup>3</sup>

Parolees coming out of prison do not provide an unbiased estimate of total time served until all persons within the given cohort are finished—persons staying behind in prison will accumulate more time and raise the eventual average of time served by all of a sentenced cohort. Many inmates serve time for the minimum sentence, are released to parole, are revoked and returned to prison to serve another portion of their sentence before again being paroled. The length of stay in prison tabulations here only measure the initial stay between admission and release in the study period. These figures, then, are underestimates of the total time in custody for a given conviction. For the parolees in the study cohort, the average time served was 41.8% of the average maximum term. About one-fourth of the parolees served more than five years before being paroled in the study period. About eight percent of parolees served one year or less. The average actual time served between admission and release dates exceeded the average minimum term, reflecting the HPA’s assessments of prisoners as the sentences continued. While the overall minimum averaged 3.3 years, the mean time served was 4.1 years, which varied from 6.1 years for violent offenses to 3.1 years for drug offenses.

The median age for parolees released was 34.5 years, ranging from 18.5 to 78 years. Fifty percent of the parolees were in their 30s at the time of release. Eleven percent were over 45 years of age, and 8.4% were under the age of 24 (Table 3).

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<sup>3</sup> Cohort size across offenses varied slightly because 14 persons had been sentenced to Life with possibility of parole; they were excluded from numerical computation of the mean Maximum and the Minimum as a percentage of maximum. They are included in other computations.

**Table 3: Age at release to index parole**

Age group (years)	Frequency	Percent	Cumulative percent
18.00 to 25.55	59	9.9	9.9
25.56 to 28.29	60	10.1	20.0
28.30 to 30.88	61	10.2	30.2
30.89 to 32.74	60	10.1	40.3
32.75 to 34.46	59	9.9	50.2
34.47 to 36.34	59	9.9	60.1
36.35 to 38.44	60	10.1	70.1
38.45 to 41.34	59	9.9	80.0
41.35 to 45.29	60	10.1	90.1
45.30 & over	59	9.9	100.0
Total	596	100.0	

*No information on age at release for 8 cases.*

Over 9 out of every 10 parolees (92.4%) were men; women comprised 7.6% of the population. Nearly a third (32.3%) of male parolees had been committed to prison for felony violence (murder, sexual assault, robbery, aggravated assault) and another third (33.8%) for property theft. Females had been sent to prison mostly for property crimes (50.0%) and drug offenses (34.8%) (Table 4).

**Table 4: Committed offense class by gender (Percent)**

Offense Class	Male (n=557)	Female (n=46)	Total (n=603)
Violent	32.3	10.9	30.7
Property	33.8	50.0	35.0
Drug	20.8	34.8	21.9
Others	13.1	4.3	12.4

More than half of all parolees (53.6%) had first been convicted (or adjudicated delinquent) at or before 19 years of age. Almost one-fifth (18.2%) had first been convicted between about the ages of 20 and 23, while about one-fourth (28.1%) had first been convicted at 24 years of age or older (Table 5).

**Table 5: Age at first conviction by gender (Percent)**

<b>Age</b>	<b>Male (n=531)</b>	<b>Female (n=45)</b>	<b>Total (n=576)</b>
19 or younger	55.4	33.3	53.6
20-23	18.3	17.8	18.2
24 & over	26.4	48.9	28.1

Nine out of ten parolees (89.3%) were rated as experiencing at least some life disruption as a result of drug use, and fully two-thirds (67.7%) were rated as having serious drug problems. Problematic drug use was more prevalent among men than it was among women (Table 6).

**Table 6: Drug problem by gender (Percent)**

<b>Drug Problem</b>	<b>Male (n=530)</b>	<b>Female (n=45)</b>	<b>Total (n=575)</b>
no life disruption	10.2	17.8	10.8
some life disruption	20.2	37.8	21.6
serious life disruption	69.6	44.4	67.7

About three-eighths of the parolees (37.8%) had no prior felony conviction before their current prison term, one-eighth (13.1%) had one prior felony conviction, and nearly half (49.1%) had two or more prior felony convictions (Table 7).

**Table 7: Number of prior felony convictions by gender (Percent)**

<b>Number of Convictions</b>	<b>Male (n=534)</b>	<b>Female (n=45)</b>	<b>Total (n=579)</b>
None	37.3	44.4	37.8
One	13.1	13.3	13.1
Two or more	49.6	42.2	49.1%

For more than one-third of the parolees in this study, the index release (between July 1, 1995 and June 30, 1996) was not their first release to parole. For one-fifth (19.9%) it was their second parole, for 8.6% it was their third and for 6.5% of the parolees (36 men/3 women), it was their fourth, fifth, or sixth release (Table 8).

**Table 8: Release status by gender (Percent)**

<b>Release Status</b>	<b>Male (n=558)</b>	<b>Female (n=46)</b>	<b>Total (n=604)</b>
First Parole	64.3	73.9	65.1
Second Parole	20.4	13.0	19.9
Third Parole	8.8	6.5	8.6
Fourth, Fifth, or Sixth Parole	6.5	6.5	6.5

Slightly more than 48% of those released from prison during the study period were returned to custody to serve more of their sentence (Table 9).

**Table 9: Parole termination and parole survival**

<b>Parolee Status (n=599)</b>	<b>Percent</b>
Returned to Custody—Parole Revoked	48.2
Not returned to custody	43.9
Returned to Custody—Released Shortly & Continued on Parole	5.7
Absconded (whereabouts unknown)—Parole Suspended	2.2

Many factors affect the probability of parolees being returned to custody; a number of these characteristics are identifiable at the time of their release to parole (Tables 10-21).

The likelihood of revocation is higher for persons with prior parole experience. Table 10 shows the percentage of parolees terminated, continued, or absconded versus those who were not terminated (uninterrupted parole status), classified according to previous histories of being on parole. For nearly two-thirds (65.0%), the release within the study period (FY1995-96) was their first parole release. For about one-fifth (19.9%), this release was their second parole, 8.6% were on their third release and for the remaining 6.5% it was their fourth, fifth or sixth release. For those released in FY1995-96, the rates of revocation increased as prior parole experiences

increased: first time paroled—39.3%, second time—57.1%, third time—71.2%, and fourth, fifth, or sixth time—79.5%.

**Table 10: Release status by termination status**

	Termination Status (Percent)				
Release Status	Returned & Terminated	Returned & Continued	Not Returned	Absconded & Suspended	Row Total (Number/Percent)
First Parole	39.3	4.6	54.0	2.1	389 / 64.9
Second Parole	57.1	9.2	31.1	2.5	119 / 19.9
Third Parole	71.2	7.7	19.2	1.9	52 / 8.7
Fourth, Fifth, or Sixth Parole	79.5	2.6	15.4	2.6	39 / 6.5
<b>Column Totals (Number/Percent)</b>	289 / 48.2	34 / 5.7	263 / 43.9	13 / 2.2	599 / 100.0

Both the age of the parolee when s/he was first convicted as an adult or adjudicated delinquent as a minor and the age at the time of their current release on parole were factors in determining the probability that the parolee would be revoked or not (i.e., “parole survival”). Tables 11 and 12 show that revocation rates are significantly higher for (1) persons first convicted at age 19 or younger and (2) for those under age 28 at the time of release to their current parole.

**Table 11: Age at first conviction by termination status**

	Termination Status (Percent)				
Age	Returned & Terminated	Returned & Continued	Not Returned	Absconded & Suspended	Row Total (Number/Percent)
19 or younger	57.1	4.9	36.7	1.3	308 / 54.0
20-23	49.0	9.6	36.5	4.8	104 / 18.2
24 & over	32.7	5.0	59.7	2.5	159 / 27.8
<b>Column Totals (Number/Percent)</b>	279 / 48.9	33 / 5.8	246 / 43.1	13 / 2.3	571 / 100.0

**Table 12: Age at index release by termination status**

	Termination Status (Percent)				
Age at Index Release	Returned & Terminated	Returned & Continued	Not Returned	Absconded & Suspended	Row Totals (Number/Percent)
18.0-27.8 years	58.8	3.4	34.5	3.4	148 / 25.1
27.9-33.1 years	47.7	6.0	44.3	2.0	149 / 25.3
33.2-38.4 years	45.6	6.8	44.2	3.4	147 / 25.0
38.5+ years	40.7	6.2	53.1	0.0	145 / 24.6
<b>Column Totals (Number/Percent)</b>	284 / 48.2	33 / 5.6	259 / 44.0	13 / 2.2	589 / 100.0

By a wide margin, parolees who were known to have a serious drug problem were more often returned to custody and terminated from parole (57.8%) than were inmates with no drug problem (17.7%) or a less serious drug problem (35.5%) (Table 13).

**Table 13: Drug problem by termination status**

	Termination Status (Percent)				
Drug Problem	Returned & Terminated	Returned & Continued	Not Returned	Absconded & Suspended	Row Totals (Number/Percent)
no life disruption	17.7	4.8	72.6	4.8	62 / 10.9
some life disruption	35.5	5.6	56.5	2.4	124 / 21.8
serious life disruption	57.8	6.0	34.4	1.8	384 / 67.3
<b>Column Totals (Number/Percent)</b>	277 / 48.6	33 / 5.8	247 / 43.3	13 / 2.3	570 / 100.0

Parolees serving a sentence for a property offense were more likely to be revoked than were those serving sentences for violent, drug, or other offenses (Table 14).

**Table 14: Offense class on which committed to prison by termination status**

Offense Class	Termination Status (Percent)				Row Totals (Number/Percent)
	Returned & Terminated	Returned & Continued	Not Returned	Absconded & Suspended	
Violent	45.4	7.0	46.5	1.1	185 / 31.0
Property	58.2	5.8	33.2	2.9	208 / 34.8
Drug	37.7	4.6	55.4	2.3	130 / 21.7
Other	45.3	4.0	48.0	2.7	75 / 12.5
<b>Column Totals (Number/Percent)</b>	288 / 48.2	34 / 5.7	263 / 44.0	13 / 2.2	598 / 100.0

Persons who had no felony convictions prior to their current sentence and parole were less likely to have their parole status revoked: 40.6% of those with no prior felony convictions were revoked compared to 45.9% of those with one prior felony conviction and 56.2% of those with two or more (Table 15).

**Table 15: Number of prior felony convictions by termination status**

Number of Prior Felonies	Termination Status (Percent)				Row Totals (Number/Percent)
	Returned & Terminated	Returned & Continued	Not Returned	Absconded & Suspended	
None	40.6	5.5	50.7	3.2	217 / 37.8
One	45.9	5.4	47.3	1.4	74 / 12.9
Two or more	56.2	6.0	36.0	1.8	283 / 49.3
<b>Column Totals (Number/Percent)</b>	281 / 49.0	33 / 5.7	247 / 43.0	13 / 2.3	574 / 100.0



Having prior parole revocations was another indicator of higher risk for subsequent parole revocation. Only 27.9% of the parolees with no prior parole revocations were returned to custody and revoked in the index release, compared with 55.0% of those with one or more prior parole revocations (Table 16).

**Table 16: Number of prior parole revocations by termination status**

	Termination Status (Percent)				
Number of Prior Revocations	Returned & Terminated	Returned & Continued	Not Returned	Absconded & Suspended	Row Totals (Number/Percent)
None	27.9	4.7	65.9	1.6	129 / 22.5
One or more	55.0	6.1	36.5	2.5	444 / 77.5
<b>Column Totals (Number/Percent)</b>	280 / 48.9	33 / 5.8	247 / 43.1	13 / 2.3	573 / 100.0

While Tables 13-16 focus on characteristics of parolees' criminal records as indicators of parole risk, there are also other risk factors. Inmates rated as having stress or disruption in their marital and/or family relations did not fare as well as other parolees. Forty-five percent (44.9%) of those rated as having relatively stable marital relationships were revoked, compared with 49.7% of those with some familial stress and 63.4% for those with major stress (Table 17).

**Table 17: Marital and family relationships by termination status**

	Termination Status (Percent)				
Relationships Status	Returned & Terminated	Returned & Continued	Not Returned	Absconded & Suspended	Row Totals (Number/Percent)
relatively stable relationships	44.9	4.8	46.4	3.9	207 / 36.6
some disorganization or stress	49.7	6.9	41.7	1.7	288 / 50.9
major disorganization or stress	63.4	4.2	32.4	0.0	71 / 12.5
<b>Column Totals (Number/Percent)</b>	281 / 49.6	33 / 5.8	239 / 42.2	13 / 2.3	566 / 100.0

Inmates who were rated expressing a motivation for personal change were revoked less often than were others (44.1% compared to 56.8% for those not so motivated and 65.7% for those unwilling to accept responsibility for own actions) (Table18).

**Table 18: Parolee attitude by termination status**

	Termination Status (Percent)				
Parolee Attitude	Returned & Terminated	Returned & Continued	Not Returned	Absconded & Suspended	Row Totals (Number/Percent)
motivated to change	44.1	6.4	46.9	2.6	424 / 74.7
unwilling to accept responsibility	65.7	3.0	29.3	2.0	99 / 17.5
negatively or not motivated	56.8	6.8	36.4	0.0	44 / 7.8
<b>Column Totals (Number)</b>	277 / 48.9	33 / 5.8	244 / 43.0	13 / 2.3	567 / 100.0

Inmates who had been employed at least 60 percent of the year before entering prison did significantly better on parole than did those who were less consistently employed (33.9% of those employed at least 60 percent had their parole revoked, compared with 53.8% to 64.0% of those employed less than 60 percent) (Table 19).

**Table 19: Percent of time employed in year prior to prison by termination status**

	Termination Status (Percent)				
Percent of Time Employed	Returned & Terminated	Returned & Continued	Not Returned	Absconded & Suspended	Row Totals (Number/Percent)
60% or more	33.9	5.4	58.3	2.4	168 / 29.5
40-59%	64.0	0.0	34.0	2.0	50 / 8.8
39% and less	53.8	6.8	37.0	2.3	351 / 61.7
<b>Column Totals (Number/Percent)</b>	278 / 48.9	33 / 5.8	245 / 43.1	13 / 2.3	569 / 100.0

Finally, ethnicity and gender were related to rates or risk of parole revocation. Table 20 displays the ethnicity of the parolees and the likelihood of parole revocation. The highest rates of revocation were observed for Pacific Islanders (60.5%), while Caucasians had revocation rates of 46.1% and African Americans 45.2%. The lowest rates of revocation were recorded for Asian/Asian mix (38.5%) and Hispanic (30.9%) groups (Table 20). When analyzing the data by gender, women had significantly lower parole revocation rates, 23.9% versus 50.3% for men (Table 21).

**Table 20: Ethnicity by termination status**

Ethnicity	Termination Status (Percent)				Row Totals (Number/Percent)
	Returned & Terminated	Returned & Continued	Not Returned	Absconded & Suspended	
Caucasian	46.1	1.1	50.6	2.2	89 / 15.3
Asian or Asian mix	38.5	8.7	51.9	1.0	104 / 17.8
Hawaiian/ Part-Hawaiian	54.4	7.6	35.2	2.8	250 / 42.9
Pacific Islander	60.5	4.7	34.9	0.0	43 / 7.4
Hispanic	30.9	1.8	63.6	3.6	55 / 9.4
African American	45.2	6.5	45.2	3.2	31 / 5.3
Others	54.5	0.0	45.5	0.0	11 / 1.9
<b>Column Totals (Number/Percent)</b>	280 / 48.0	34 / 5.8	256 / 43.9	13 / 2.2	583 / 100.0

**Table 21: Gender by termination status**

Gender	Termination Status (Percent)				Row Totals (Number/Percent)
	Returned & Terminated	Returned & Continued	Not Returned	Absconded & Suspended	
Male	50.3	6.1	41.6	2.0	553 / 92.3
Female	23.9	0.0	71.7	4.3	46 / 7.7
<b>Column Totals (Number/Percent)</b>	289 / 48.2	34 / 5.7	263 / 43.9	13 / 2.2	599 / 100.0

## Participation in Treatment Programs in Prison and on Parole

Nearly one-fourth (24.3%) of the parolees in the study cohort had been enrolled, for some period of time, in Level II drug treatment prior to their release in FY1995-96. Seven percent (7.1%) had been in the KASHBOX therapeutic community program, and over forty percent (40.5%) of the parolees had been in the Treatment Alternatives program while on parole (Table 22). Descriptions of these treatment programs appear in the Appendix.

**Table 22: Participation in Level II Drug Treatment in Prison, KASHBOX, and HPA Treatment Alternatives (n=604) (Number/Percent)**

Participation Level	Level II	KASHBOX	HPA-TA
No participation	457 / 75.7	561 / 92.9	359 / 59.5
Some participation	147 / 24.3	43 / 7.1	245 / 40.5

Unfortunately, although large numbers of parolees are known to have passed through these treatment programs, it is not possible to discern program impact on parolees and infer any sort of measure of effectiveness on revocation rates.<sup>4</sup>

For inmates rated as not seriously drug dependent, inmates who were in Level II programs in prison were less often revoked on parole (27.3% of program participants versus 31.6% of non-participants). For parolees rated as having more serious life disruptions due to heavy drug use, again slightly fewer Level II participants than non-participants were revoked on parole (56.7% as compared to 60.0%). Neither difference is statistically significant, however (Table 23).<sup>5</sup>

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<sup>4</sup> Without randomly composed treatment and control samples, or at least a quasi-control group, program impact cannot be assessed. Moreover, the length of participation and/or the mode of separation from the program is not precisely known, hence it is not possible to compare program graduates, program attrition (drop-out or expelled) and non-enrollment. From a risk-need assessment item, available on almost all parolees, it is possible to divide both program participants and non-participants into assessed “high level of disruption from heavy drug use” versus parolees who were rated as “no interference from drug use” or only “occasional” use. This, however, still does not allow an objective comparison because participation levels and progress within the program are not recorded.

<sup>5</sup> There were only 43 parolees from the study cohort who participated in KASHBOX, a prison-based therapeutic community. Given that a serious drug use history and problem are required for admission into this program, conclusions drawn from comparisons of participant to non-participant revocation rates are at best tentative.

**Table 23: Number and percentage of parolees revoked by drug treatment program, rated level of drug use, and program participation**

<b>Drug Use / Program Participation</b>	<b>Level II</b>	<b>KASHBOX</b>	<b>HPA-TA</b>
Low-level drug use / Non-Participant	54 / 31.6	59 / 29.8	42 / 24.7
Low-level drug use / Participant	9 / 27.3	Insufficient cases	21 / 61.8
High-level drug use / Non-Participant	157 / 60.0	191 / 57.5	80 / 47.9
High-level drug use / Participant	59 / 56.7	25 / 73.5	136 / 68.3

Low-level and high-level drug users had differing revocation rates depending on whether or not they were enrolled in Treatment Alternatives (TA) while on parole, but the difference was in the reverse direction from what might be expected—parolees who had been in TA had much higher rates of revocation (64.1%) than those who had not (34.0%). Much of this seemingly contrary effect is likely due to the high risk level of inmates entering TA and the large percentage who terminated program participation early or undesirably.

Slightly more than half of the Level II participants completed their program, but about 15 percent did not finish because they were transferred to another facility and another 23 percent were terminated without completion. The tabulation of entries in the Treatment Alternative records shows substantial numbers who appear to have been “retaken” or revoked while in the TA program. For some of the cohort parolees, participation in KASHBOX occurred several years previously and only about half of the parolees who had been enrolled in the program actually completed it.

Due to missing and ambiguous entries, the figures presented here are best considered as merely suggestive. However, these cursory data indicate that substantial proportions of inmates and parolees are at one point or another engaged in some kind of treatment program. The mere proliferation of such programs may not be sufficient; research elsewhere has suggested that effective treatment programs (1) retain participants, (2) are immediately responsive to relapse or non-compliance, and (3) support and monitor post-program behavior.

## **Convictions for Felonies and Non-Felonies Since Release**

The Department of the Attorney General’s *Offender-Based Transaction Statistics/Computerized Criminal History* (OBTS/CCH) system provided basic printouts for studying the FY1995-96 parolee cohort. The OBTS/CCH data are useful in two ways: first, they show the extensive criminal history of parolees and, second, they provide a history of convictions acquired by parolees during the study period.

For the study cohort, the average parolee was first arrested in 1984 (one-fourth were first arrested before 1979). These arrests, however, were a mixture of offenses ranging from felonies to ordinance violations, and the recorded dispositions included many dismissals, releases pending investigation, decisions not to prosecute, and acquittals. A conservative criterion was therefore adopted to count convictions, classified into felony and non-felony (misdemeanor, petty misdemeanor and ordinance violations). Felonies and non-felonies were further classified into violent, property, drug, and all others. In addition, contempt of court convictions were tabulated separately.

The main use of the OBTS/CCH figures in this study is to provide an indication of the convictions acquired by parolees after release in the study period. Table 24 displays the count of individuals, the percentage these form of the total of all parolees, and the total number of offenses parolees were convicted of committing while on parole.

**Table 24: Post-parole convictions (n=598)**

<b>Felony Offenses</b>	<b>Individuals</b>	<b>Percent</b>	<b>Number of Offenses</b>
Violent	20	3.3	30
Property	31	5.2	51
Drug	22	3.7	25
All Others	6	1.0	10
Total Felonies	68	11.4	117
<b>Non-Felonies</b>	<b>Individuals</b>	<b>Percent</b>	<b>Number of Offenses</b>
Violent	17	2.8	18
Property	58	9.7	43
Drug	14	2.3	33
All Others	73	12.2	59
Total Non-Felonies	141	23.6	223
<b>Contempt of Court</b>	57	9.5	72

Sixty-eight parolees, 11.4% of the study cohort, had one or more felony convictions after their release to the studied parole period. The offense type varied as only 3.3% of the parolees acquired a conviction for a felony offense against a person, while 5.2% were convicted of a felony property offense. Nearly a quarter (23.6% or 141 parolees) were convicted of a non-felony offense (misdemeanor, petty misdemeanor or ordinance violation). Of the 68 parolees convicted on felony charges, 86.7% (59 parolees) were returned to prison for the new conviction. Of the remaining 13.3% (nine parolees), three were returned to prison after the study ended, one received an alternative punishment (deportation), another had been returned to prison before this

most recent crime “caught up” with him in prison, one had a conviction date which appeared to be in error, and the last three parolees formally completed the sentences for which they were on parole within the study period, and are now back in prison on the new felony convictions obtained after completing parole.

Seven out of every ten parolees (70.7%) had no convictions after their release; 17.9% had one or more convictions on non-felony charges only (misdemeanor, petty misdemeanor and ordinance violations), 5.7% had one or more convictions on felony charges only, and another 5.7% had convictions on both felony and misdemeanor charges. (Table 25)

**Table 25: Convictions after being released to parole July 1, 1995 - June 30, 1996 and tracked through June 30, 1998 (Number/Percent)**

<b>Charges</b>	<b>No Misdemeanor Convictions</b>	<b>One or More Misdemeanor Convictions</b>	<b>Row Total</b>
No Felony Convictions	423 / 70.7	107 / 17.9	530 / 88.6
One or More Felony Convictions	34 / 5.7	34 / 5.7	68 / 11.4
Column Total	457 / 76.4	141 / 23.6	598 / 100.0

These data are illustrative of the finding that the majority of returns to prison were not for newly acquired felony or misdemeanor convictions but because of the HPA determining that the parolee had failed to comply with the rules of his/her parole.

## **Parole Rules Cited in Revocation Recommendations**

Revocation is an organizational decision based on the parolee’s conduct and the parole officer’s estimate of actual or imminent re-offending. This determination is heavily influenced by the compliance or non-compliance of the parolee with the general rules of parole (applicable to all parolees) and special rules (imposed selectively on a case-by-case basis).

The great majority of revocation recommendations involve any of three rule violations.<sup>6</sup> The most frequently cited violation was for *Rule 1d*, which stipulates that a parolee may not possess a controlled substance in any amount; of 315 cases where a rule violations was cited in the return recommendation, *Rule 1d* was cited 38.7% of the time. The second most frequently cited violation was for *Rule 3*, which requires a parolee to maintain regularly scheduled contact with his or her parole officer and to be available at curfew checks; this was cited in 25.7% of the cases. If a second rule violation was cited in a recommendation for revocation, it was most likely for *Rule 1d* (23.8%) or *Rule 3* (20.9%). Violations of *Rule 5*, which requires parolees to notify

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<sup>6</sup> A complete listing of the rules is reproduced in the Appendix.

their parole officer of any impending change of address, were cited in 11.7% of the cases. Most parolees did not have violations cited for more than two rules, but if they did, *Rules 1d, 3, and 5* constituted the majority (in fact, for the very few parolees who had violation of a fourth rule cited, these three most common rules were always present). Most cases recommended for revocation are referred for parolee behavior directly related to the possession of drugs or the failure to maintain contact with the parole officer.

## Time to Revocation

For those parolees who had their parole revoked within the study period, the average elapsed time until parole termination was 252 days. Only 8% of those who were revoked were terminated within the first 90 days of their release; however, by 180 days this figure reached 30%, and increased to 69% by the end of one year (Table 26).

**Table 26: Elapsed time from release date to parole revocation**

Time to Termination	Number of Cases	Percent of Cases	Percent of Terminations	Cumulative Percent of Terminations
90 days or less	20	3.3	8.0	8.0
91-180 days	54	8.9	21.6	29.6
181-360 days	99	16.4	39.6	69.2
361+ days	77	12.7	30.8	100.0
Not revoked or no data	354	58.6		

However, these data do not take into account all cases, since many parolees had not been revoked or discharged by the end of the study period. A better representation of the overall elapsed time until parole termination is achieved through a biostatistical technique called survival analysis, discussed in the following section.

## Multivariate Analysis

There are two reasons why the analysis of parole survival is incomplete using the bivariate relationships reported in the previous section. First, some of the parolees had been neither revoked nor discharged by the study’s arbitrary cutoff date (June 30, 1998), but rather were still on parole. What happened (or may yet happen) to such cases after the cutoff date is unknown. Statisticians refer to these unknown cases as “censored” because they did not proceed to a “terminal event” (i.e., final outcome) within the study’s time frame. Secondly, tables which show



that a single characteristic, such as being convicted at an early age or being drug dependent, predicts parole survival may not be indicative of how a specific characteristic influences parole survival *in combination with* other factors.

For both of these reasons (the influence of censored data and the need to look at the effect of the variables taken together), the predictors of parole survival were put into a multivariate model to analyze their joint effect on parole revocation and/or return to custody rates.

The preferred multivariate techniques for examining censored data are collectively called *survival analysis* (Ibid., 1993). Survival analysis examines the rate at which cases, exposed to certain risks over time, experience a terminal event. The first step was to limit the included variables to those which had reached statistical significance in the bivariate analysis. Survival analysis was then conducted in a form known as *Cox Regression*, which allows a determination of the extent of contribution of each predictor variable to the overall rate of attrition, or survival, over the period of the study; it also takes into account the proportion of the cases which does not experience the terminal event before the end of data collection (the “censoring date”).

In the “proportional hazard” model used in the present analysis, survival on parole is regarded not only as a function of elapsed time since release, but also of the influence of predictor variables (Retherford & Choe, Chapter 8). Of course, only a limited number of predictor variables are available. If more were known (and recorded) about the situation of the parolee, it is likely that a better and more comprehensive model would emerge. The multivariate analysis herein described included three kinds of information:

### ***Criminal Record***

- Prior parole experience
- Age at which first convicted or first adjudicated delinquent
- Offense for which committed to the index (or last) imprisonment
- Drug dependency

### ***Personal characteristics***

- Ethnicity (African-American, Asian or Asian-Mixed, Caucasian, Hawaiian or Part-Hawaiian, Hispanic, Pacific Islander)
- Employment history during the year prior to imprisonment
- Attitude (motivation for personal change, versus being unwilling to accept responsibility for change)

### *Sentence Length*<sup>7</sup>

- Minimum term as a percentage of the maximum term
- Actual time served

Cox Regression is then used to estimate the relative risk of a parolee having his/her parole revoked, along with the influence of various predictor variables on that risk (Table 27). This estimate is called a “hazard function.”

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<sup>7</sup> These variables were not found to be significant predictors in the bivariate tables but are included in the multivariate analysis because of the interest in length of stay in sentencing policy.

**Table 27: Hazard coefficients and measures of significance for nine predictor variables for parole revocation or survival <sup>8</sup>**

Predictor Variable	B	Standard Error	Significance	R	Exp. (B)
Prior Parole Experience	.6996	.1565	.0000*	.0755	2.013
Age at First Conviction	.3036	.1625	.0617	.0217	1.348
Property Offense	.3916	.1320	.0030*	.0464	1.479
Drug Problem	.6186	.1480	.0000*	.0700	1.856
Caucasian	-.4280	.4562	.3481	.0000	.6518
Asian/Asian-Mixed	-.6272	.4557	.1687	.0000	.5341
Hawaiian/Part-Hawaiian	-.3061	.4371	.4838	.0000	.7363
Pacific Islander	-.0086	.4675	.9853	.0000	.9914
Hispanic	-.8196	.4912	.0952	-.0158	.4406
African-American	-.5000	.5073	.3243	.0000	.6065
<60% Employment	.4777	.1555	.0021*	.0486	1.6123
Negative Attitude	.4049	.1352	.0027*	.0470	1.4992
Minimum/Maximum	.0083	.0050	.0965	.0156	1.0084
Time In Prison	-.0234	.0219	.2846	.0000	.9768

\* Significant at .05 level

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<sup>8</sup> In Table 27 the *B*'s are coefficients for the predictor variables. The column labeled "significance," calculated from the size of *B* relative to the standard error, tabulates statistical departure from chance expectation for a given predictor of parole survival. *R* is an estimate of multiple correlation and *Exp. B* is a measure of the relative risk between the two categories of each dichotomized predictor variable. Larger values of *Exp. B* indicate greater predictive value for the variable. Choosing a conservative criterion of .05 for statistical significance, the variables with the asterisk (\*) in the significance column may be understood as having less than five chances in a hundred of being a chance difference between cases revoked and cases continuing on parole to the end of the study period, or to the end of the sentence, whichever occurs first.

**Characteristics that are statistically significant predictors of parole revocation:**

1. having prior parole experience
2. having a disruptive drug use problem
3. being committed for a property offense at the last commitment
4. being unwilling to accept responsibility for personal actions
5. not being steadily employed in the year prior to the last commitment

Note: being first convicted or adjudicated at a young age almost reaches the level of statistical significance, but at .0617 falls just short of the .05 criterion.

**Characteristics that are not significant predictors of parole revocation/survival:**

1. time served
2. minimum term as a percentage of the maximum
3. ethnicity

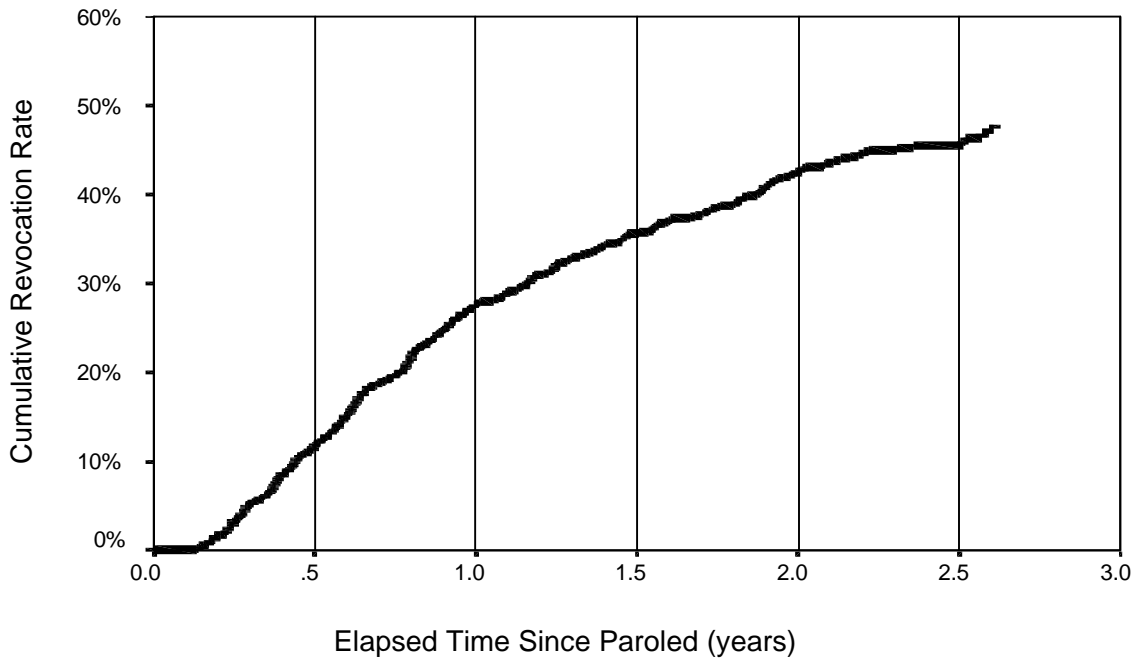
Note that while the bivariate tables presented earlier showed significant differences in revocation rates by ethnic group, ethnicity does not emerge as a significant predictor of parole revocation when an allowance is made here for the influence of other variables.

Gender could not be included in the multivariate analysis because females comprised too small a percentage of the study population.

Virtually the same results are obtained if instead of parole revocation, return to custody is used as the criterion for survival. Since almost all parolees returned to custody are revoked, the same variables predict both outcomes. When using return to custody, however, age at first conviction reaches significance as a predictor.

Chart 1 displays a curve plotting the cumulative probability of parole revocation against elapsed time since release from prison to parole.

Chart 1: Parole Revocation Rate & Elapsed Time Since Paroled



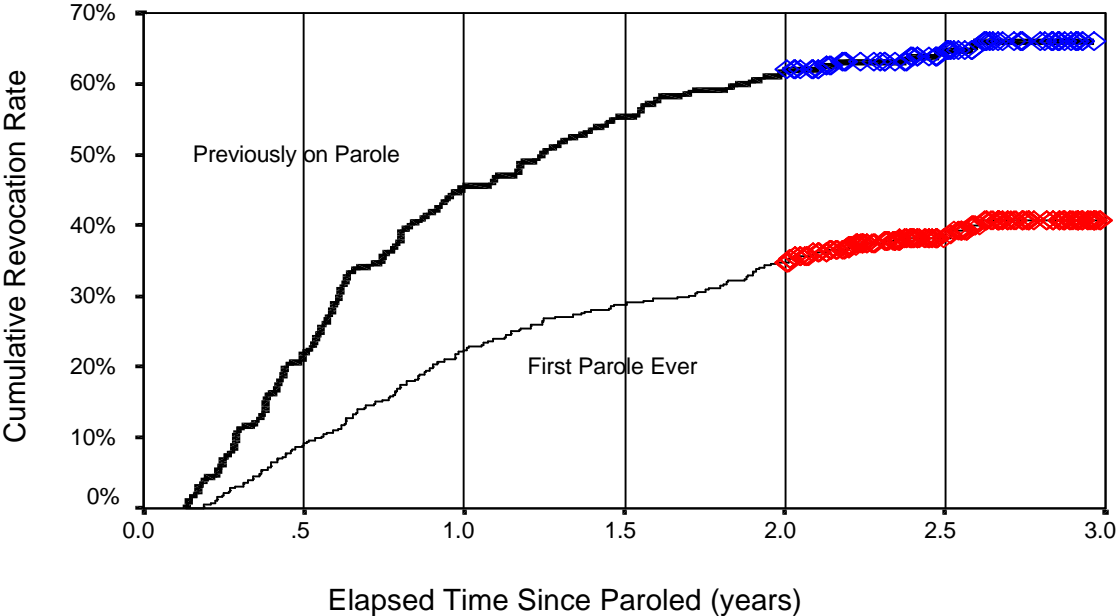
Another form of survival analysis, known as *Kaplan-Meier* analysis, contrasts cumulative survival curves for significant predictors. Cox Regression and Kaplan-Meier show different aspects of the same phenomenon. The former uses a set of predictor variables to show net contributions of characteristics such as age at beginning of criminal record, prior parole experience, problems of drug dependency, and past success at maintaining employment. Kaplan-Meier distinguishes the survival curves for persons who differ on one of the predictors. The strength of survival analysis (i.e., Cox Regression plus Kaplan-Meier) over simple crosstabulations (previous section) is that the former takes into account censored cases, which is appropriate for a study period that ends prior to the last terminal event.

On the curves presented in Charts 2-7, cases not terminated during the study period (censored cases), are represented by overlapping diamonds ( $\diamond$ ) at the ends of the curves; these are projections. In Chart 2, parolees released on their first parole (the lower curve) are compared with parolees whose FY1995-96 release was not their first time on parole (the upper curve). The latter parolees have a more rapid revocation rate (i.e., the curve is steeper) and a higher percentage revoked within the study period than do those released for the first time. This is a substantial difference—the revocation rate for first releases is 39.3%, while the rate for those released for a second, third, fourth, fifth, or sixth time is 64.8%. (Note: Though not presented here, the results shown in Charts 2-7 are virtually unchanged if return to custody, rather than parole revocation, is used as the dependent variable.)

As shown in Chart 3, being rated as a previously problematic drug user produces a different survival curve than does being rated as not, or only occasionally, having used drugs. The upper curve for those frequently using drugs in the past has a steeper slope, indicating more rapid attrition and a higher rate of revocation over time. Chart 4 shows similar cumulative survival curves for those employed 60 percent or more of the year prior to the last prison sentence, versus those employed less. The attrition curve for the latter is much steeper, and shows a higher rate of revocation. Chart 5 displays the cumulative survival curves of parolees classified by age at first conviction (those first convicted younger than age 24 are represented by the upper curve), with more rapid attrition over time than those first convicted at older ages. The offense class for which the parolee is sent to prison also influences the probability of survival (those whose most severe offense in the index conviction was for property crime are represented by the upper curve on Chart 6). Similarly, those parolees rated as unwilling to accept responsibility for personal change are represented by the upper curve on Chart 7, which shows a markedly higher rate of revocation over time. All differences as measured are statistically significant (Charts 2 through 7).

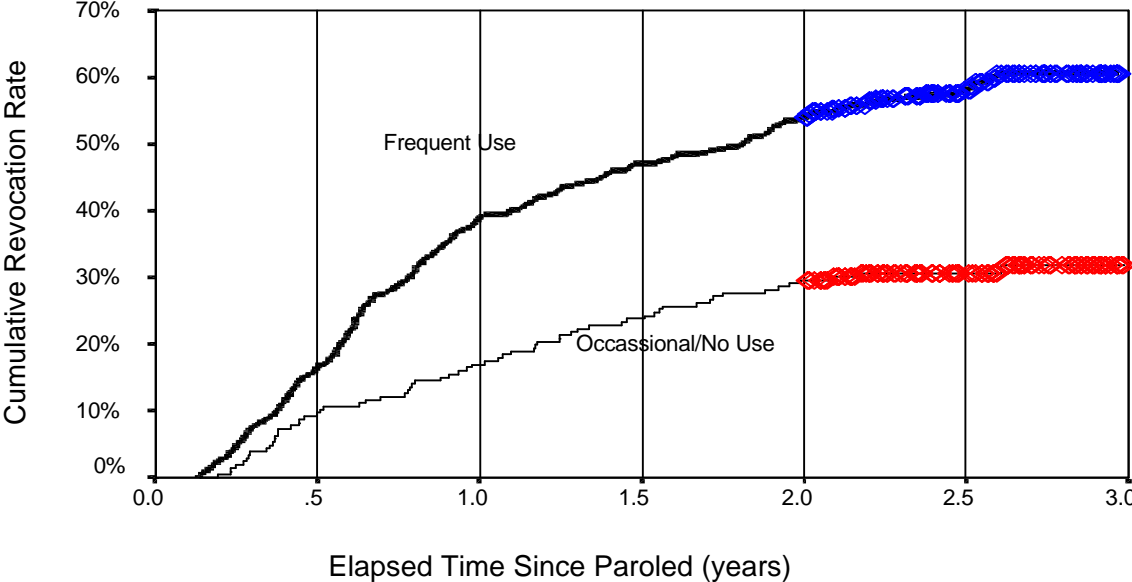
These results confirm several crosstabulations presented in the earlier tables, while eliminating spurious associations, such as ethnicity, that in fact reflect other variables (i.e., this study found significant differences in parole revocation rates by ethnicity (Table 20), but did not find evidence that ethnicity is a useful predictor of parole revocation if other factors are considered concurrently). The results suggest that increased risk is associated with a history of drug use, a prior parole record, the inability to maintain consistent employment, an unwillingness to accept responsibility for personal change, and, to a lesser degree, having a criminal record that began at an early age. Although limited by the range of information currently captured in the parolees' records, these statistical results are consistent with interviews conducted with parole officers and are in general consensus with the factors that are commonly focused on when considering the broad issue of crime and imprisonment.

Chart 2: Parole Revocation Rate by Prior Parole Experience



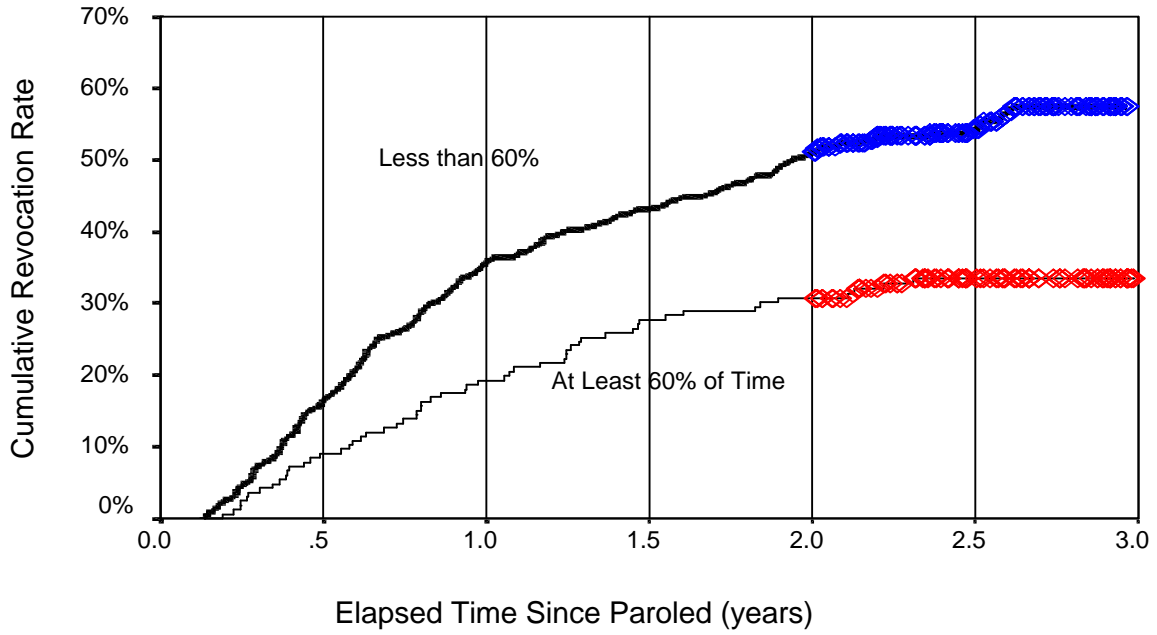
Note: Year 2.0 to 3.0 is projected using Kaplan-Meier analysis.

Chart 3: Parole Revocation Rate by Prior Drug Abuse



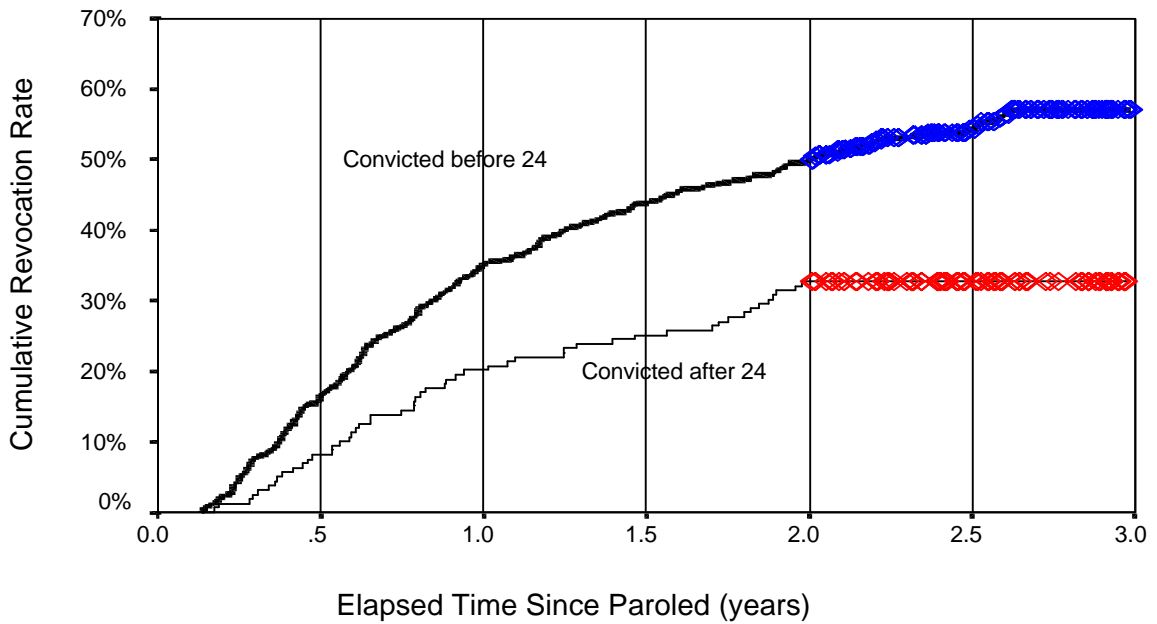
Note: Year 2.0 to 3.0 is projected using Kaplan-Meier analysis.

Chart 4: Parole Revocation Rate by Employment in Year Prior to Prison



Note: Year 2.0 to 3.0 is projected using Kaplan-Meier analysis.

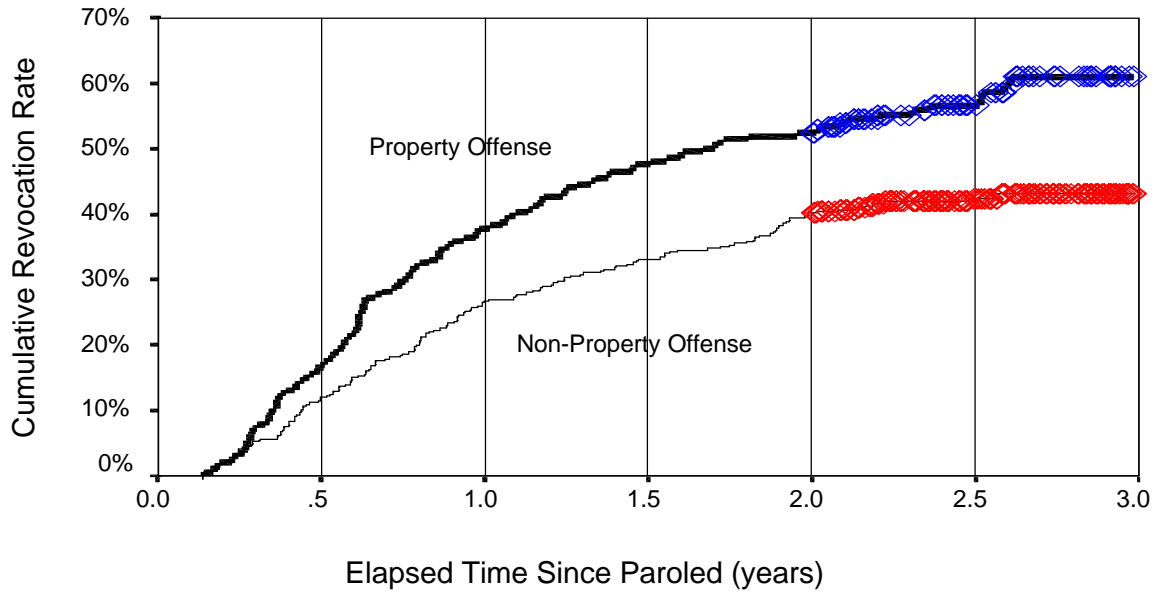
Chart 5: Parole Revocation Rate by First Conviction by Age 24



Note: Year 2.0 to 3.0 is projected using Kaplan-Meier analysis.

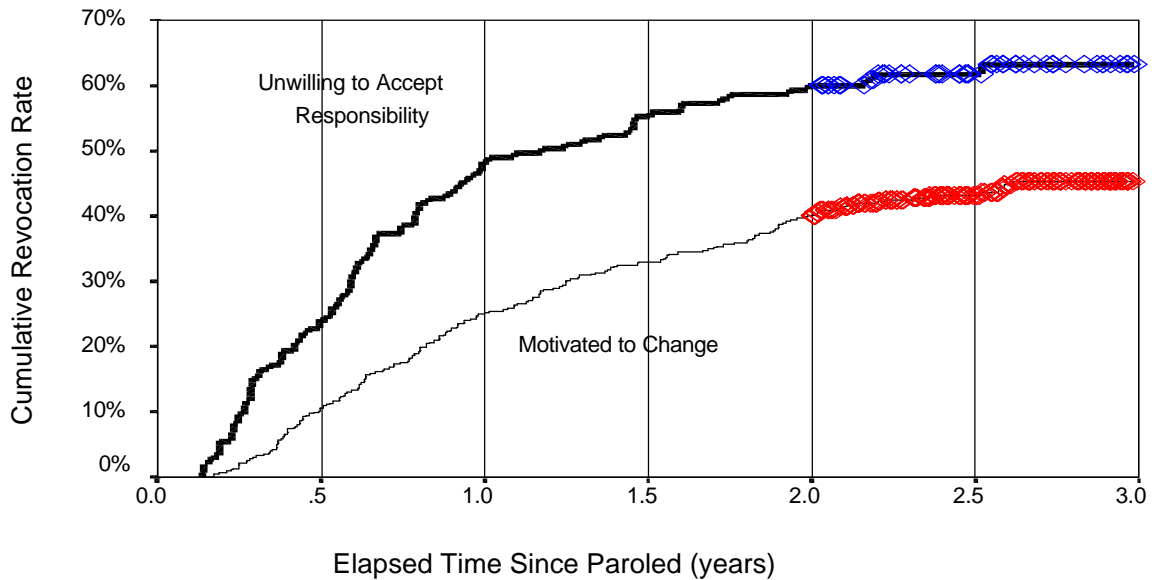


Chart 6: Parole Revocation Rate by Most Recent Prison Commitment  
for Property Crime versus Other Crimes



Note: Year 2.0 to 3.0 is projected using Kaplan-Meier analysis.

Chart 7: Parole Revocation Rate by Parolee Attitude



Note: Year 2.0 to 3.0 is projected using Kaplan-Meier analysis.

## **Recommendations**

Given the fiscal situation of the State of Hawaii, recommendations that stay within current budgets must be modest indeed. The following suggestions would require some increased funding for parole, justified on the basis of the seriousness of the limitations and the importance of the agency's mission for public safety.

First, drug and alcohol abuse and dependency are clear contributors to parole revocation and return to custody; while various treatment programs exist, these programs must be strengthened, particularly for parolees. Many of the parolees who were revoked were in drug treatment programs for at least some time. However, they often terminated without graduation or clinical discharge. Program attrition must be reduced, and post-program follow-up, both for aftercare and for program evaluation, should be implemented. Closer monitoring of drug use via low cost urinalysis kits has raised the level of drug use detection, and this in turn has increased returns to custody for violation of parole rules. Higher recidivism rates will likely result from this better monitoring unless accompanied by multiphasic programs of drug use abatement and relapse prevention. This requires frequent contact and immediate short-term sanctions, as well as referral options for parole officers and better retention of parolees in the programs themselves. Frequent contact is difficult if limited parole officer staffs have large caseloads.

Second, parolees just released from institutional life need gainful employment. The difficult task of providing job training and employment support should be seriously reviewed for prisoners and parolees. Persons who have developed a history of gainful employment do better when they are released on parole, while data and interviews with program administrators and parole officers indicate that parolees who do not obtain and maintain a decent job are at risk of either securing income through theft or escaping frustrations through drug and alcohol use. As an example of a successful employment program, RIO (Re-Integration of Offenders), a collaboration between the Texas Workforce Commission and the Texas Department of Criminal Justice, prepares prison inmates for employment and is a referral option for parole officers. An independent evaluation showed program participants, compared with matched controls, had higher rates of post-prison employment and lower rates of return to prison (Finn, 1998).

The data in the present report are from parolees released during fiscal year 1996; the HPA should consider doing a similar analysis of parolee releases under the current parole board, for example, persons released in 1997, who would all be out at least 24 months by late 1999.

Finally, an adequate computerized information system for parole should be funded, installed, and maintained. The current database does not capture important information found in hard copy file folders and is not useful for aggregate data analysis or program evaluation nor, as can be inferred, for timely (online) caseload management. Such a system not only requires acquiring software and equipment but also personnel to do data entry and system maintenance.

## Conclusions

The data compiled on persons released in Hawaii during FY1995-96 and followed through mid-1998 are consistent with other studies of parole survival that extend back nearly thirty years. In 1971, Kassebaum, Ward, & Wilner reported a three-year return to prison rate of nearly 50 percent for a medium security prison in California, and found narcotic use history to be a significant contributor to return to custody. Beck & Shipley (1989) report that of a series of 108,580 parolees from 11 states in 1983, 41 percent were re-incarcerated, and those with drug histories were significantly more likely to be re-incarcerated. The Bureau of Justice Statistics, in a recent review, concluded:

In recent years the number of offenders admitted to prison after revocation of probation or parole appears to have risen sharply...In many states, more persons are admitted to prison after revocation than are sentenced directly for new crimes (BJS 1994: ix).

Hser, Longshore & Anglin (1994) reviewed many studies showing that drug dependent offenders are specifically responsible for an extraordinary proportion of crime. Likewise, the recommendation to improve retention and program follow-up in drug treatment in Hawaii has been argued in major studies by Inciardi, McBride & Weiman (1993), Petersilia & Turner (1993), and Hanlon, Nurco, Bateman & O'Grady (1998). The latter researchers conclude:

Greater treatment retention and amount of time employed during parole and greater amount of time employed and less deviance displayed prior to the first (ever) episode of heavy drug use were the principal components of success (Hanlon, et al., 1998: 31).

Parole is a continuation of surveillance and supervision intended to permit convicted felons to serve part of their sentence outside prison. Many of the parolees, particularly those without certain risk characteristics, succeed or survive on parole while some released prisoners are convicted of new felonies. Even more parolees are determined to be out of compliance with the restrictive conditions of their parole contract, and are returned to prison on recommendation of parole officers to the HPA.

There is no simple interpretation of the revocation rate. From one point of view, any percentage is too high. But from another vantage point, the absolute percentage of parolees revoked is not necessarily a report card on corrections. Case in point, to lower any given revocation rate would only entail the relaxation of the requirements of supervision. The revocation rate is a policy indicator, a reflection of how long-term chronic offenders are to be managed in the community, with the goals of public protection and, for the offenders, eventual desistance from law violation. Parole supervision, with the authority to refer parolees to various programs, to exercise surveillance and, when necessary, to return persons to custody is, in the act of revocation, a decision made in the interest of the community. The revocation rate must be seen in the context of the risks posed by the offender population and the policy of the State toward long term incarceration and community supervision.



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## APPENDIX

### The Hawaii Paroling Authority and the Supervision of Parolees

#### Special Units in HPA

- Intensive Supervision
- Mental Health Unit

#### Educational and Treatment Programs in Prison and on Parole

- Educational
- Substance Abuse Treatment
- Sex Offender Treatment

#### General Terms and Conditions of Parole

#### Special Rules of Parole

#### Coding Ethnicity in Hawaii

### **The Hawaii Paroling Authority and the supervision of parolees<sup>9</sup>**

*General Responsibilities of the Paroling Authority* (from Hawaii Administrative Rules 23-700)—To provide for protection of the community and reintegration of an inmate into the community, the Hawaii Paroling Authority's (HPA) formal responsibilities include

...fixing or reduction of a minimum term of imprisonment, a decision on a request for reduction of minimum term of imprisonment, a pardon or commutation recommendation and granting, denying, revoking, suspending or reinstating parole.

The HPA consists of one full time chairperson and two part time members, appointed by the Governor and confirmed by the State Senate. The HPA is attached to the Department of Public Safety for administration purposes but decisions of the HPA are not subject to the approval of the Department of Public Safety.

The Hawaii Administrative Rules provide: (1) Except where an inmate is not eligible for parole, the Authority shall within six months of commitment (to prison) hold a hearing...fixing a minimum term of imprisonment, (2) An inmate shall be given at least seven calendar days written notice of this hearing. The inmate may be represented by counsel and be afforded an opportunity

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<sup>9</sup> The following is taken from September, 1998 interviews with Tony Commendador, Administrator, and Max Otani, Parole Supervisor, of the Hawaii Paroling Authority, and from Chapter 23-700, Hawaii Administrative Rules, entitled "Hawaii Paroling Authority," adopted by the Department of Public Safety in January of 1991.

to be heard. The state is represented at the hearing by the Office of the Prosecuting Attorney, and  
(3) There shall be a verbatim record of this hearing.

Factors to be considered in fixing a minimum sentence include the nature and circumstances of the offense and the history of the inmate, the need for the sentence imposed to reflect the seriousness of offense, promoting respect for the law, and providing just punishment. The sentence must further afford deterrence to criminal conduct, protect the public from further crimes by this inmate, and provide educational or vocational training. Mitigating factors are spelled out in Section 24 of Chapter 23-700.

The HPA shall afford an inmate a parole hearing no later than thirty days prior to the expiration of the longest minimum term of imprisonment. If parole release is denied, another hearing shall be scheduled within twelve months. Parole may be denied if the Authority finds that the inmate does not have a viable parole plan,<sup>10</sup> has been a management or security problem in prison, has refused to participate in prison programs, has behaved in prison in a manner similar to the behavior that led to the his/her imprisonment, or has pending criminal charges. Release on parole is conditional on an inmate's written acceptance of the "Terms and Conditions of Parole."<sup>11</sup> The Administrator (as Administrative Secretary) is authorized to issue a warrant of arrest for probable cause to believe that the terms and conditions of parole have been violated. Upon re-imprisonment of the parolee, a preliminary hearing is conducted within five days to confirm probable cause. Parolees may, and often do, waive this hearing.

Violation of parole requires a finding that there is a preponderance of evidence that the parolee has violated the terms of parole. Where there has been such a finding, the Authority may revoke parole, defer revocation or continue on parole. Successful completion of the term of parole results in being discharged, which relieves a person from the sentence.

## **Special Units**

The frequency of contacts between parole officer and parolee is a function of whether it is a special unit or the general parole office, there being much more frequent contact in the special units. The basic design of community supervision is maintained by the Intensive Supervision, Mental Health, and Sex Offender Units. However, there are some basic differences worth pointing out. The parolees in these units have greater needs and/or pose a greater risk to public safety. As a result, the parolees are more closely monitored and are subject to more special conditions of parole.

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<sup>10</sup> The prisoner does not have to have a job waiting when she or he is released, but must have a credible plan for living upon release.

<sup>11</sup> See below in this Appendix.



### ***Intensive Supervision Unit (ISP)***

There are two parole officers in the ISP unit. The officers in this unit work as a team when at all possible. This unit has stricter rules than other programs and parolees are subject to more special conditions of parole. The ISP parolees meet with their parole officers twice a week for office visits in addition to alternative visits. As with the other units, the number and/or frequency of contacts may be increased or decreased as deemed necessary. The ISP parolees typically have earlier curfew hours and more curfew checks than parolees under community supervision.

The ISP unit targets the parolees for an initial 6-month routine of intensive supervision. After six months, the parole officers may phase the parolee into regular supervision, the Community Supervision Unit. One of the goals of the ISP unit is to give the parolee a sense of discipline and respect for rule compliance that would make a transition to community supervision realistic.

Complying with the conditions of parole tends to be difficult for these parolees. Many of these parolees lack the job skills needed to gain and maintain employment. At the same time, many of these parolees are dealing with substance abuse problems.

If a parolee absconds from ISP supervision, a greater effort is made to locate him/her than would be the case with community supervision parolees. Again, the threat to public safety, whether perceived or real, is greater for these parolees.

### ***Mental Health Unit (MH)***

The HPA staff review the Risk Needs assessment from the pre-parole unit and identify mental health cases (which consume a disproportionate amount of officer time relative to community protection risk)<sup>12</sup> and other special supervision cases.

There are two parole officers and a psychiatric social worker in this unit. The parolees under MH supervision are also subject to more rigid office and field visits than are community supervision parolees. Curfews are earlier for MH parolees than they are for community supervision parolees.

One of the special conditions for MH parolees is to comply with mental health treatment, including taking all prescribed medications. This is typically the biggest issue in remaining in compliance with parole. Generally, these parolees only become a danger to themselves or others if they stop taking their medications.

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<sup>12</sup> In the past, prison inmates and parolees with diagnosed mental health problems had received some services from the State Hospital. This is no longer the case. The Special Needs unit in the parole office has parole officers and a psychiatric social worker to coordinate mental health services.

As a condition of parole, confidentiality is waived between the parole officer, the psychiatric social worker, and the doctor. All three meet regularly and discuss the concerns and progress of the parolee. In addition, there are monthly mental health meetings held at the Halawa Correctional Facility to discuss the concerns of mental health patients in the community as well as those still incarcerated.

There is a community program available for the MH parolees. *Fresh Start*, located in Waipahu, is a residential treatment program that provides 24-hour supervision. In addition, the program maintains an aftercare program, and is only for mental health patients. This program is under contract with the HPA to provide services to MH parolees.

Some parolees have a diagnosed mental illness and many are on psychotropic medication. When such parolees get into an acute psychiatric episode, often when they go off medication against medical and court orders, there is no crisis center to which a parole officer can refer them. Return to prison is often the only option. That, by all accounts, offers little prospect of remission and a considerable risk of further deterioration.

### **Educational and Treatment Programs in Prison and on Parole**

The Department of Public Safety, in compliance with Act 147 of the Hawaii State Legislature, operates academic programs at prisons and community correctional centers in 11-week semesters, preparing inmates for the GED (the examinations for which, as well as the GED award itself, come from the Department of Education). The Department of Public Safety also provides courses in vocational training (e.g., automotive and food service) as well as cultural studies (Hawaiian language, music, etc.) and self-development. These programs were severely impacted by the lock-down at Halawa Correctional Facility during much of 1996. Currently (late-1998) there are about 1,700 inmates (unduplicated count) enrolled statewide. Overall attrition is about 30 percent, largely because of changes in inmate work schedules or transfers to other institutions or camps. There are also contracts to two job development programs, *Worknet* and *Insight to Success*.

A substantial proportion (43.7%) of the 604 inmates paroled in the study period (July, 1995 through June, 1996) had participated in one or more educational courses, often in addition to vocational, self-development, or cultural courses. Of the 264 inmates who were in courses in prison, 217 (82.2%) were in one or more academic courses. The remainder of those enrolled were exclusively in vocational, self-development or cultural courses. Thus, the 217 inmates who had taken academic courses in prison constituted more than one-third (35.9%) of the study cohort.

Substance Abuse Treatment programs in Hawaii's correctional facilities, according to a Department of Public Safety administrator, begin with assessment by a standardized interview questionnaire (the Substance Abuse Assessment Instrument), taken by all incoming sentenced felons. It deals both with alcohol and drug use history and recommends a level of treatment for any inmate who meets diagnostic standards for substance abuse.

Level II treatment programs are operated on contract with the Salvation Army Addiction Treatment Services at the minimum-security facility at Waiawa, Women's Community Correctional Center, Kulani Camp, and Laumaka Furlough Center. Public Safety staff provides the program at Halawa. On Maui, a program is offered under contract with Aloha House (county funds) at the Maui Community Correctional Center. The Level II programs provide 80 hours of education and group and individual counseling, meeting twice weekly. Members are housed in the general inmate population. There were a total of 288 placements in the Level II programs at the time this study was conducted. A Department of Public Safety plan calls for the introduction of programs on Kauai and the Big Island by the end of 1999.

Level III programs are residential, therapeutic community programs that house members apart from the general institution population and are intended to last between 9 and 15 months. KASHBOX at Waiawa, a smaller program at Kulani Correctional Facility, a furlough center-based Project Bridge at Laumaka, and a program at Women's Community Correctional Center (Ho'omana) enroll 179. A considerably expanded building nearing completion at Waiawa will add 200 more beds to KASHBOX.

Treatment Alternatives, a low intensity outpatient program, was supported by the Edward Byrne Memorial State and Local Law Enforcement Assistance Program through the State Department of the Attorney General to compensate for losses in drug treatment medical insurance coverage which occurred when managed care was introduced. Treatment Alternatives was ended in February, 1997 when the 48-month federal limit on Byrne funds was reached and a State appropriation was not available to continue the program.

### ***Sex Offender Treatment Program (in prison) — SOTP***

The prison-based Sex Offender Treatment Program (SOTP) has operated since 1988. The HPA requires all convicted felony sex offenders to participate in the SOTP in order to qualify for parole release. The SOTP has evolved from a 25-week program to the current 70-week schedule that emphasizes relapse prevention. Completion of the program is based on a clinical discharge, rather than a graduation. Paroled sex offenders are required to participate in group therapy in the community until clinical discharge. The Sex Offender Unit of the HPA supervises such parolees. According to a report by director Dr. Barry Coyne, from 1988 to 1993 a total of 192 sex offenders were released from the SOTP. Fifty-four or 28% had their parole revoked, with only 3 revocations for new felony sex offenses (12 were for other felonies, with the remainder for technical violations). Of those revoked during this period, 38% were returned for further SOTP in prison.

Treatment in SOTP entails a minimum of 60 to 70 sessions, done once or twice a week. In January, 1997 the average was 66 sessions. Actual time in the program varies widely, since completion is a clinical discharge (versus a graduation). Clients may be and are terminated because of unsatisfactory conduct or individuals may drop out, but they may and often do re-enter. A person is designated a sex offender if committed to prison because of conviction for a sexual offense, or if the offense was sexually motivated, or if there was a prior sex offense

conviction as an adult or an adjudication as a juvenile or prior sex offense charge as adult or juvenile. The chair of the HPA is authorized to designate a person as a sex offender. The HPA may require a sex offender to participate in SOTP as a condition of parole. This has been challenged but upheld by the Hawaii Supreme Court (See Neil v. Shimoda et al., 1997 and Rogers v. Department of Public Safety, 1998).

Of 265 sex offenders paroled by the HPA since the inception of SOTP in 1988, about two-thirds (66%) had some portion of SOTP before release and 39% completed the program before parole. In recent years these percentages were much higher. Since 1995, between 80 and 100 percent of sex offender parolees have had the program to some extent.

There were 24 designated sex offenders released from prison in FY1995-96. Of that number only 8 were released on parole. The remainder exited for other reasons: 5 because the original sentence was reconsidered, 5 were deported, 2 completed the maximum sentence and one died in prison. Thus, very few parolees in the study cohort had completed the SOTP in prison.

### ***Sex Offender Treatment Unit (on parole) — SOT***

At present there are two parole officers in this unit. The parolees in this unit are viewed as in need of intensive supervision. Each parolee is required to report to the office once per week for the first six months on parole. The SOT parolees are also subjected to alternative forms of contact, such as field visits and curfew checks.

A unique aspect of this unit is the use of the polygraph, which is employed as a therapeutic tool designed to encourage parolee truthfulness in addressing problems with sexual deviance. The results of these polygraph tests cannot be legally used against parolees in legal proceedings, nor can any results be used as evidence of non-compliance with conditions of parole.

The HPA has contracts with private, not-for-profit sex offender treatment centers. Funding by the HPA lasts for the first 14 sessions (3 months). All SOT parolees are subject to this treatment as a special condition of parole. The parolees must remain in this program until they are clinically discharged. Should the parolee not be clinically discharged at the end of the funded 14 sessions, he must complete treatment at his own expense until he is clinically discharged. Again, due to concern for public safety, SOT parolees are immediately sent back to prison if they are terminated from SOT treatment—only a clinical discharge is acceptable. Like the MH unit, the parole officers in this unit meet once per week with the primary SOT therapist. Concerns and issues regarding the parolee are addressed in these meetings.

### **Coding Ethnicity in Hawaii**

Ethnicity is complicated in Hawaii for three reasons. First, there are a great number of socially significant ethnic groups and communities. Second, multi-ethnicity within an individual (that is, a person claiming two or more ethnic descent lines) is very widespread because of a historically high rate of inter-ethnic marriage. Third, some multi-ethnic people may self-report a

primary ethnicity based upon bloodline, while others may base their self-report on cultural upbringing. The parole study followed the coding observed in the Health Surveillance Survey of the State of Hawaii and other state agencies. If native Hawaiian is claimed, either exclusively or in combination with one or more other ethnic lines, the case is coded as Hawaiian. The rule is “any part Hawaiian is Hawaiian.” If two or more ethnic lines are claimed but neither is Hawaiian, the case is classified as Mixed. If one ethnic line is claimed, the major categories are coded as in Table 20.



# PAROLE RULES AND CONDITIONS

Not available in  
electronic version

In accordance with the Americans with Disabilities Act, P.L. 101-336, this material is available in an altered format, upon request. If you require an altered format, please call the Department of the Attorney General, Crime Prevention and Justice Assistance Division at (808) 586-1150. TDD: Oahu, 586-1298; neighbor islands, 1-877-586-1298.