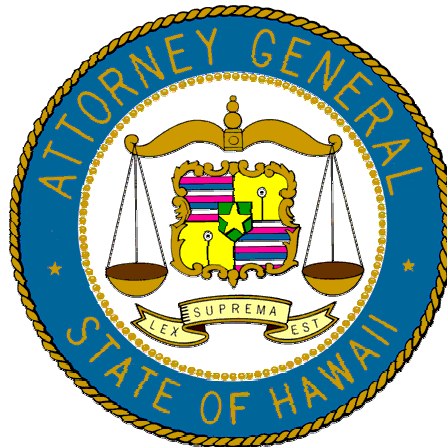

PAROLE DECISION MAKING IN HAWAII

Setting Minimum Terms, Approving Release,
Deciding on Revocation, and Predicting
Success and Failure on Parole



Social Science Research Institute
University of Hawaii at Manoa

&

Research and Statistics Branch
Crime Prevention and Justice Assistance Division
Department of the Attorney General

AUGUST 2001

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AUGUST 2001

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Executive Summary

The substantive focus of this study is the Hawaii Paroling Authority (HPA), and its decisions in setting terms of imprisonment, the release and supervision of offenders and, in many cases, the revocation of parolees' liberty and their return to prison. The data consist of records of 314 offenders leaving prison during a one-year period in 1997-98, placed on parole in the state of Hawaii and tracked for 24 months post-release. The questions asked are: How is current sentencing policy implemented? What are the effects of this policy on the length of time served in confinement? What factors predict return to confinement after release? How can parole success rates be increased? The report first outlines the HPA's policy and the way it is implemented. This is described from a summary of relevant Hawaii Revised Statutes, observations made of a sample of parole hearings, and interviews with the HPA chair and members.

How is current sentencing policy implemented? Observations of the HPA conducting hearings, and discussions with the board chair and members, clearly indicate the extent to which the HPA sees the proper role of corrections as providing treatment programs for criminogenic thinking and alcohol and drug dependency. The HPA dually stresses correctional treatment and returns to prison for parole violations. Arrests and convictions on parole are infrequent (75% of parolees had no felony or misdemeanor convictions and another 15% had only misdemeanor convictions). The total parole failure rate (based on revocations and return to prison, plus a small number of parolees who absconded and presumably would have been revoked once they were located) within 24 months post-release was 43%.

How does HPA policy affect time served? Minimums average 35% of maximum terms but generally understate the length of stay. Total time served averages about one-third longer than the average of minimums and 45% of the maximum.

What predicts parole failure? Risk factors include having previously been on parole, revoked, returned to prison and re-paroled; having a comparatively extensive criminal history; being alcohol and drug dependent in a seriously disruptive way; having a poor record of legal employment; and exhibiting problems of community and personal stability prior to sentencing. The HPA attempts to correct these problems by making referrals to correctional treatment programs.

Considerations of community safety and appropriate legal response to serious law violation temper HPA's policy of correctional treatment. Both the view that criminal behavior can be corrected through appropriate programs, and the policy of promoting community safety by revoking parole when violations of regulations occur, lead to longer periods of incarceration. Length of time in prison is increased by setting longer minimum terms (to enable program completion), denying release at expiration of minimums when the board has reason to believe that the prisoner is not ready for release, and by revoking parole and returning parolees to incarceration. A minority of prisoners serves time in several installments, and overall, time served exceeds the minimum term and approaches fifty percent of the maximum term. The HPA is aware that this impacts prison census, since returned parole violators, in Hawaii as elsewhere in the nation, comprise a rising percentage of prison admissions.

Recommendations

The HPA's work would be considerably enhanced if current resource deficiencies were addressed. On the basis of the current study, the following are suggested:

- Funding should be provided for the purchase and installation of a modern case record information system for parole board actions and parolee supervision.
- Funding should be provided for developing and implementing a reporting system for program operations and effectiveness, including follow-up and outcome assessment.
- Purchase-of-service funds should be provided to the HPA in order to acquire treatment services for parolees determined to be in need of them.
- Increased access to mental health services should be provided for parole supervision.
- Additional parole officer positions should be allocated to accommodate the larger volume of cases reviewed by HPA and assigned to parole supervision.

How Does the Indeterminate Sentence Work in Hawaii?

The substantive focus of this study is the Hawaii Paroling Authority (HPA), and its decisions in setting terms of imprisonment, the release and supervision of offenders and, for many cases, the revocation of parolees' liberty and their return to prison. The data consist of records of 314 offenders leaving prison during July 1, 1997 - June 30, 1998, placed on parole in the State of Hawaii, and individually tracked for 24 months post-release. The questions asked are: How is current sentencing policy implemented? What are the effects of this policy on the length of time served in confinement? What factors predict return to incarceration after release? How can parole success rates be increased?

The relevance of the study derives from the persistence of the indeterminate sentencing model and discretionary parole board in the penal code of the State of Hawaii. Nationally, this correctional policy has been modified in many states and replaced by other sentencing and correctional models. But Hawaii is somewhat unusual in two ways: it continues to vest considerable power in the Paroling Authority and it retains, in statutes and in paroling policy, a strong emphasis on correctional treatment and the rehabilitation of the offender.

The report first outlines the HPA's policy and the way it is implemented. This is described from a summary of relevant Hawaii Revised Statutes, observations made of a sample of parole hearings, and interviews with the HPA chair and members. Information is then described from an analysis of a random sample of 314 persons released to parole in Hawaii in Fiscal Year 1997-98 and tracked for 24 months from each parolee's date of release.

Background

In American criminal justice for most of the twentieth century, the length of a prison sentence was indeterminate at the time of sentencing. A paroling authority decided eventual release, and hence total length of stay in prison. But this policy came under heavy criticism in the early 1970's, and within twenty years only 15 states retained a fully discretionary paroling authority, with 14 states abolishing parole altogether and 21 states, including Hawaii, limiting their powers (Petersilia, 1999:496). However, while responsibility for determining prison time to be served moved from parole boards to legislative determination, most persons released from prison continued to go out on some form of supervised release. The State of Hawaii is one of 36 states that have retained a paroling authority as well as parole supervision. It thus offers an opportunity to clarify the operation of the "mixed indeterminate" scheme of parole board discretion in setting minimums and approving release, within statutory mandates in applicable cases (See Tonry and Petersilia 1999: 1-62; 479-530).

Factors affecting parole survival

Three salient facts are relevant to any contemporary study of parole: (1) a substantial proportion of prison admissions nationally and in the State of Hawaii consists of probation and parole violators; (2) the great majority of these revocations of probation and parole and return to prison are due to failure to comply with the requirements of community supervision; and (3) such non-compliance is significantly related to measured risk factors

known at the time of sentencing and/or release to parole. The response of offenders to punishment or program intervention is known to be contingent on many factors, including the extent of alienation as indicated by previous criminal history, and the presence or absence of commitment to conventional life (often termed “stakes in conformity”). The effects of paroling decisions would therefore likely depend on variations in the risk characteristics. The present study includes an analysis of these factors.

One cluster of risk factors is the length and seriousness of a convict’s criminal history. Reducing the criminogenic situations and developmental influences that lead to a criminal history is the task of prevention efforts and lies beyond the scope of this study. However, other risk factors include alcohol and drug dependence, the failure to develop a pattern of legal employment, and a complex of inappropriate attitudes, inadequate cognitive skills, and residential and emotional instability. This is a set of conditions that could conceivably be modified by appropriate and effective correctional and community treatment.

This somewhat optimistic scenario frames the present inquiry. The State of Hawaii has retained an indeterminate sentencing law, implying an effort at modifying risk levels through correctional sanctions and treatment programs, and a readiness to make release contingent upon evidence of participation in programs and some demonstrable reduction in the risk of re-offending. To do this, the Hawaii Revised Statutes give considerable authority and discretion to the Hawaii Paroling Authority. How is this decision-making exercised? What are the main priorities in parole decision-making? How does the HPA policy translate into average length of stay for various offenses, and the utilization of correctional treatment while in custody? What parolee characteristics are related to either success in the community or return to custody? What are the common sequels of return to prison?

Data collection

The current study is based on a 50% random sample of a cohort of parolees released from prison for parole supervision in the State of Hawaii during Fiscal Year 1997-98 (July 1, 1997 through June 30, 1998). The final sample totals 314 parolees.¹ The majority of the data for this study were obtained from the individual parole files located at the HPA. Basic demographic information, such as ethnicity, sex, and date of birth was also obtained from these files.

Included in these files were the commitment offense, length of sentence, risk and need assessment scores, and information on parole board decisions. If there was more than one offense, the earliest conviction and admission dates, the longest maximum sentence, and the greatest number of pre-conviction confinement credits were coded. If there was more than one commitment offense, the most serious offense in terms of severity (Felony A, B or C) was used. If there were two or more offenses with the same severity level but of different offense types, the rank in terms of seriousness was taken, with order of seriousness as follows: violent offenses, property offenses, drug offenses, and others.

Ethnicity poses a particular problem, as many individuals in Hawaii are identified as being multi-ethnic. For this study, persons identified as a single ethnicity or national

¹ The HPA provided an initial list of 684 parolees released during FY98. A 50% sample, 342 parolees, was drawn to analyze in the current study. However, the end sample size is 314 because of cases lost due to missing files or missing data on variables important to this study.

background are so classified (e.g. “Chinese” or “Caucasian”). Any person with two or more ethnic affiliations, with one of them Hawaiian, is classified as Hawaiian/Part-Hawaiian, regardless of the other ethnicities. An individual with two or more ethnicities and none of them Hawaiian is classified as Mixed. Ethnicities with very small frequency in the parole sample are combined as Other. This accords with coding for the Hawaii Health Surveillance Survey and with common practice in state agencies and local parlance. However it has implications for multiple ethnicities as, for example, persons who are Chinese and Hawaiian, or Filipino and Hawaiian, or Caucasian and Hawaiian are classified as “Hawaiian/Part-Hawaiian” and not Chinese, Filipino, or Caucasian.

Information regarding post-parole arrests and convictions was obtained from the Department of the Attorney General’s Offender-Based Transaction Statistics/Computerized Criminal History (OBTS/CCH) files. The research team provided the list of names in the sample as well as each parolee’s release date. In turn, the Department of the Attorney General provided a file containing all post-parole arrests, offenses, and dispositions for the sample.

Program information was obtained through interviews with the directors and visits to the programs themselves. Finally, the information obtained from the HPA parole files, OBTS/CCH files, and individual programs was merged into one database for analysis in this study. Data entry was subject to 100% verification. The computing algorithms are those of *SPSS*, Version 10.

The Work of the Hawaii Paroling Authority

The primary functions of the HPA are fourfold. First, the board is responsible for setting the minimum terms of confinement for convicted felons sentenced to prison. Second, the HPA decides whether or not to release prisoners to serve a portion of their sentence in the community. Third, the HPA is responsible for the post-prison supervision of parolees. Fourth, the HPA makes parole revocation decisions for those who have violated one or more of the conditions of their release.

More specifically, the HPA operates under Hawaii Administrative Rules 23-700 to set the minimum term of confinement for persons sentenced to prison, to approve or defer release at the completion of that minimum term, and to revoke or continue on parole those recommended for revocation after violating the conditions of their parole. Under Hawaii Revised Statutes §706-669, the board has exclusive authority to set the length of imprisonment, but it must recognize HRS §706-606.5, which provides enhanced length of sentence for certain, repeat offenders. HRS §706-670 provides that the sentence of imprisonment includes the parole term: “If parole is revoked the term of further imprisonment upon such recommitment and by any subsequent re-parole or recommitment under the same sentence...shall not exceed in aggregate length the unserved balance of the maximum term.” At the expiration of the maximum sentence the inmate is discharged unconditionally.

While the responsibilities, duties, and the procedures for release, supervision and recommitment of HPA members are spelled out in the Hawaii Revised Statutes and Hawaii

Administrative Rules, the board has broad discretion within these provisions. Setting minimum terms follows the board's own guidelines which relate to the nature of the offense, the degree of injury to the victim or the property loss, and the prior criminal history of the offender. The HPA may deviate from the guideline sentence lengths with merely a note of reasons. As the guidelines state, "The HPA's interpretations and perceptions of the subjective criteria remain the prerogative of the Authority."

The HPA's insistence on drug testing and participation of specified prisoners and parolees in treatment programs is recognized in the penal code. Hawaii's law authorizes correctional treatment to be imposed on prisoners. HRS §353-G4 states in part, "To be eligible for parole [the prisoner] must have been a participant in an academic, vocational, educational or prison industry program, [unless the prisoner] is in a correctional facility where [such] programs are not available."

HRS §353G, the Criminal Offender Treatment Act, passed in 1998, defines "drug or alcohol dependent" (§353G-2) and §353G-3 provides that any inmate who has been convicted under chapter §329, 329c, 707, 708, 709, 710, 711 or 712 and has one prior conviction under any of these chapters, shall be required to submit to drug testing. It further states that an inmate "...shall be assessed if the department has reason to believe the inmate is drug or alcohol dependent or would otherwise benefit from substance abuse or addiction treatment or related support services" (§353G-4). HRS §353G-5 authorizes placing offenders in treatment as a condition of parole. G-9 provides for sanctions upon a positive drug test and G-12 states that satisfactory progress in treatment shall be considered a "mitigating factor and evidence of the person's amenability to treatment for purposes of determining the terms and conditions of parole." Further details of the authority of the HPA and the procedures of parole supervision are presented in *Survival on Parole* (Department of the Attorney General, 1999, pp. 5-8).

Correctional treatment programs are prominent among the HPA's concerns. Observations of hearings and discussions with the HPA members indicate that they take into account a number of factors in setting a minimum term or parole release. Among the more important factors are the severity of the offense in terms of threat to persons, chronicity of offenses, especially previous violations of probation or parole, and staying in or dropping out of a program once enrolled. But while these past events constitute indications of risk, the board consistently expressed its belief that one goal of prison confinement is for inmates to complete programs that may influence their future behavior. This policy of requiring program participation does not imply a policy of giving shorter sentences or more readily granting release. On the contrary, requiring program participation may lead to longer minimums or increased time served through postponement of release.

Setting minimum terms of imprisonment

Upon an individual's conviction and sentence to incarceration, the HPA must set the minimum time to be served prior to any release to parole. The hearing to set the minimum must be held within 60 days of confinement (HRS §706-669). The prisoner will be given advance notice of the hearing and is allowed to have legal representation at the hearing. In addition, the state will also receive advance notice and is allowed representation at the hearing, in the form of a prosecuting attorney. The HPA is to take into consideration statements made by both representatives when making its decision.

The HPA has guidelines for establishing minimum terms of confinement (HPA, 1989). There are three primary criteria taken into consideration: (1) the nature of the offense, (2) the degree of injury or loss to person(s) or property, and (3) the offender's criminal history. The above considerations, coupled with the maximum term set by the court, place an offender in one of three levels of punishment: I, II, or III, with I being the least punitive and III being the most punitive. A prisoner is more likely to be placed in a higher level of punishment if the record demonstrates a history of increasing criminal justice involvement, greater offense severity in terms of degree of loss, and a lack of commitment to a pro-social lifestyle.

There are factors that may lower the level of punishment an offender receives. Lesser sentences are more likely when: (1) the offender's co-participation in a crime was less extensive, (2) s/he cooperated in the apprehension and/or conviction of other participants in the crime, (3) s/he demonstrated diminished capacity through either mental illness or severe emotional distress, and (4) the victim's involvement in or contribution to the incident is deemed significant. It remains the position of the HPA, though, that a certain amount of subjectivity must remain a part of the board's sentencing efforts. As a result, there may be departures from the established guidelines that are not explained by the above factors. Below is a summary table of the average minimum sentences for the offenders in this sample:

Table 1
Minimum terms of confinement set for
the study cohort by the previous HPA
 number of years (number of parolees)

Offense Level	Person	Property	Drug	Other	Total
Felony A	9.27 (24)	0.00 (0)	3.80 (6)	0.00 (0)	8.12 (30)
Felony B	3.40 (47)	3.1 (40)	2.93 (38)	3.18 (11)	3.15 (136)
Felony C	2.00 (27)	1.82 (84)	1.78 (30)	1.90 (7)	1.85 (148)
Total	4.10 (98)	2.21 (124)	2.50 (74)	2.57 (18)	2.71 (314)

The minimums reflect the HPA Guidelines. More severe offenses and offenses against persons receive more time than do either property or drug offenses at any given level of severity.

The minimum terms for the FY98 study cohort were almost all set prior to 1997 when the current HPA administration took office. In order to compare the minimum terms set by the current board with those set for the study sample, all cases of minimums set in the months January, March, May, and July in 2000 were collected and coded. These minimums were then compared with the study sample. It should be noted, however, that this is a somewhat biased comparison, as the current study cohort consists of individuals released to parole whereas the sample drawn for 2000 was comprised of persons going into

prison. Because the former does not include cases that may have received exceptionally long sentences and thus were not released from prison, the latter sample of prison-bound inmates will likely have longer average minimum terms. To help control this bias, a 5% trimmed mean was used (which excludes the 5% of the cases at the top and bottom of the distribution for each offense category) when comparing the numbers for each set of minimum data. Table 2 shows that the current HPA in early 2000 was setting significantly higher minimum terms than had been set by the previous board a few years ago.

Table 2
Minimum terms of confinement set by the current HPA
 number of years (number of parolees)

Offense Level	Person	Property	Drug	Other	Total
Felony A	18.01 (15)	0.00 (0)	7.33 (3)	0.00 (0)	15.68 (18)
Felony B	4.58 (46)	3.89 (28)	3.58 (17)	3.55 (9)	4.14 (100)
Felony C	2.99 (37)	2.82 (69)	2.19 (65)	2.32 (15)	2.59 (186)
Total	4.75 (98)	3.07 (97)	2.50 (85)	2.76 (24)	3.30 (304)

Parole release and supervision

The HPA determines the amount of time served for a prisoner through, in part, release decisions. As stipulated in HRS §706-670, a prisoner shall receive an initial parole hearing at least one month prior to the expiration of the minimum term set by the HPA. At the hearing, the prisoner is afforded certain rights:

- S/he may consult outside help in the preparation of the pre-parole plan (see below)
- S/he is permitted to be represented by counsel at the hearing (may be appointed if s/he cannot afford)
- S/he is informed of his/her rights as a prisoner

If parole is not granted, the HPA is required to state in writing any reasons for the denial. If parole is not granted at the initial hearing, the HPA must hold additional hearings every 12 months (or less) until either parole is granted or the maximum term of confinement expires.

Prior to release, the prisoner must complete a pre-parole plan specifying how s/he intends to live outside in the community. The pre-parole plan documents such things as where and with whom the prisoner plans to live and where s/he plans to work. The HPA is responsible for parole supervision once a prisoner is released to serve out the remainder of the sentence in the community. Community supervision is dependent upon certain terms and conditions that the prisoner must agree to prior to release from prison (for further

information on the terms and conditions of parole or actual parole supervision, see *Survival on Parole*, 1999).

Revoking parole

If a parolee violates any of the terms and conditions of the parole contract, s/he may be sent back to prison on a parole violation. If this happens, the HPA "...shall hold a hearing within sixty days after his return to determine whether his parole should be revoked" (HRS §706-670). The parolee should be notified of the grounds for revocation and aided, if desired, in preparation for the hearing. At the hearing, the parolee may either be found (1) guilty of the charges and have his/her parole revoked, (2) guilty of the charges and be released back to parole, or (3) not guilty of the charges and released back to parole.

The conduct of hearings

The chair and members of the current HPA rotate the duties of leading the hearing review of particular inmates or parolees. They review the Pre-Sentence report and the Prescriptive Plan Update developed by an officer at the prison. The seriousness of the offense, chronicity of the criminal record, any previous probation or parole violation(s), and the perceived "attitude" of the offender are regarded as important in setting minimum terms. For parole release hearings, the prison disciplinary record is important. For revocation hearings, each member reads the facts of the alleged violation. The board's assessment of the offender's attitude is decisive in revocation reviews. Did the parolee refuse to take part in assigned programs? Did the parolee cooperate with the parole officer?

The HPA permitted the research team to observe several hearings in which the board set minimum terms, approved or deferred release, and reviewed parole violation recommendations for revocation. For one facility, the hearings are conducted via closed circuit video. The rest of the hearings are at the facility in which the inmate is housed or where s/he has been returned from parole in violation cases. Some cases were sent directly from sentencing in court. Some cases were initially probation violation cases that were now being evaluated for minimum terms or for release. Some prisoners had already been released once or twice during the current sentence. Prisoners are told that within two weeks they will receive a letter stating the board's decision on the minimum term. For parole (release) hearings, the decision is stated at the end of the discussion when the inmate is told either the date of release or that the request has been denied. Denial cases are usually seen again after one year.

Eighteen cases were scheduled for one observed hearing, including 10 minimums and 8 parole (release) hearings. The primary concerns of the HPA seemed to be treatment, e.g., whether an inmate had participated in a drug, cognitive skills, or anger management program, whether he would get into one or several such programs before his next hearing, whether the inmate appreciated that he "needed treatment," and/or that he must change. Virtually all cases, whatever the offense, were characterized as alcohol or drug involved. The message from HPA was clear: get active in programs or stay in prison. The following are condensed examples of typical cases observed at the hearings:

CASE 1 - Setting minimum term. The defendant had no prior time in jail but prior arrests for alcohol-related offenses, cocaine and harassment. In the current sentence, the inmate was sentenced on two counts of Assault 1 (in a bar confrontation, he struck a

victim with pool cue, and hit a second victim on the way out; one victim remains in a permanent coma). The judge gave him two consecutive sentences because of the injuries to victims. At the hearing, the defense lawyer asked for a two-year minimum for each consecutive sentence. One board member advises the prisoner to get with “programming” while in prison. The member says prison can be “a positive thing” for the inmate.

CASE 2 - Setting minimum term. This inmate was convicted and sentenced on Burglary 2 with a five-year maximum, plus attempted robbery which carries a 10-year maximum, but at the trial he had been sentenced to probation. This was subsequently revoked for moving from a neighbor island to Honolulu against his probation officer’s directive. While in Honolulu, he was arrested on a charge of domestic assault for which he served 60 days in jail and probation was revoked. The inmate has a substance abuse history. The defense lawyer requested a three-year minimum because he was “immature.” The defendant had not completed any drug treatment program. One HPA member recommended the in-prison drug treatment program KASHBOX.

CASE 3 - Parole release case. The inmate was initially sentenced for Assault 1, was paroled, and then violated parole. He was again applying for release. He had no full time job awaiting him (few offenders do) but cited an offer from his parents — part time work “arranging concerts.” One member commented that this did not sound like a steady income. Release was denied at this time.

CASE 4 - Quick review for parole release. An inmate’s recent prison misconduct, no completion of programs, and no prison work-line were cited. Release was denied and another hearing was set for one year later.

CASE 5 - Parole release hearing. A prisoner who served over ten years on a murder sentence was approved for release for the following month.

CASE 6 - Parole release hearing. This prisoner was returned as a parole violator last year. A counselor from the Crossroads program said that the prisoner is ready to leave the program but has no home address, so the board recommended Laumaka (a furlough center). The board asked the prisoner about his plans, to which the inmate replied, “I’m thinking about going back to school.” The prisoner has some income from a federal entitlement but it is not sufficient to live on. The board denied parole and instructed the inmate to go to the furlough center. The board will see him again later this fall.

CASE 7 - Parole release hearing. An inmate approaching the expiration of his minimum term was reviewed for release. He had been in KASHBOX since March 2000 and was scheduled to finish program in March 2001. The board denied release, with instructions that he return before them after he has completed the program. The inmate agreed with the decision.

CASE 8 - Revocation hearing. A licensed mechanic, this parole violator was returned to prison for failure to remain in contact with his parole officer. He made a long, articulate statement. The board left the hearing room for a private conference and returned to approve parole to a drug treatment program.

CASE 10 - Revocation hearing. This, like most revocations, went quickly. The inmate waived formal reading of the charges and pleaded guilty. The board revoked parole.

CASE 11 - Revocation hearing. The inmate waived reading of charges (use of alcohol and failure to report to the parole officer) and pleaded guilty. Parole was revoked. There are other pending charges so the board set a date for another hearing in one year.

Hearings setting minimum terms and parole release were observed at several prisons. The board members took turns presenting and managing cases, but each member said something about each case. In cases where the board denied release, the members often give advice to the prisoner on what he should do to make parole next time. There was almost always an emphasis on program participation and completion. In all hearings observed, although not in all cases, program completion was crucial. Some prisoners are held beyond the minimum term so they can complete KASHBOX or other programs. Some prisoners, and especially chronic offenders, are urged to take a "cognitive skills" program. Parole release is the leverage for getting prisoners to enroll and complete programs in prison. Revocation is the leverage for sanctioning non-compliance in the community.

Program staff have input at hearings. They supply characterizations of the inmates. In one hearing, counselors from a drug treatment program described a prisoner as "having a lot of work to do" in a program, and another prisoner as "sticking with it to completion." One HPA member stated: "It is not the past crime but recovery that is the name of the game." Another member, glancing at a record, asked an inmate, "Have you completed Level 2 Cognitive Skills?"

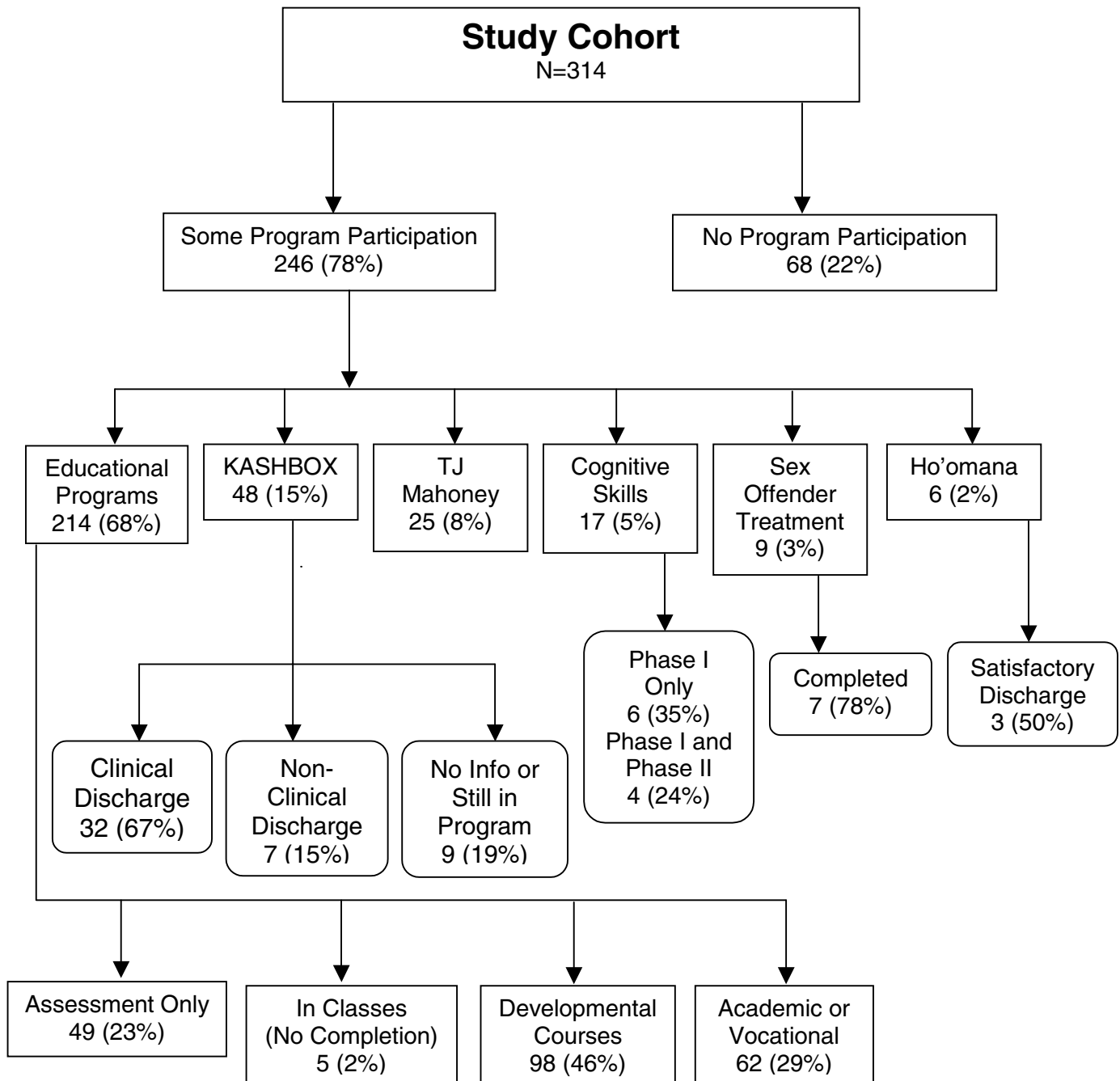
A hearing at the women's facility proved to be very similar to those observed at three other sites: there was an emphasis on enrollment in and completion of programs for substance abuse, alcohol problems and cognitive skills. Almost all inmates have used drugs, and this is usually seen as a primary problem in their criminal record and likelihood of parole survival. But it is clear that compliance with probation and parole regulations, such as reporting to the supervising officer, remaining in an assigned program, and maintaining a residence, are immediate problems in many cases.

In all of the hearings, the cases were discussed in terms of the importance of correctional treatment programs, such as behavioral modification in the areas of substance abuse and sex offenses. Here there are three assumptions. The first is that criminal conduct basically is the result of the psychological processes of learning and impulse control. Inadequate childhood socialization leads to attitudes favorable to law violation; inadequate adult supervision increases the probability of alcohol and drug use and lowered compliance and performance in school, leading to increasing social marginality and reduced stakes in conformity. Second, although it is assumed that correctional treatment programs are effective in reducing the level of these psychological factors, it is recognized that other factors may affect a case. Third, it is implied that such programs are available to inmates and parolees. Clearly, then, treatment should be available if it is deemed so important to getting out of prison, and thus access to relevant programs at the various facilities is important. It follows that accurate information on the extent of participation in these programs, inmates' clinical status at discharge, and information on program effectiveness for various classes of offenders should be available to parole decision-makers.

Participation in Correctional Treatment Programs

Chart 1 displays the distribution of study cohort cases in major treatment programs operated by the Department of Public Safety for persons in prison or on furlough, and, in one instance (Cognitive Skills) by the Parole Division for parolees.

Chart 1
Participation in major programs operated by the Department of Public Safety



The current HPA places a strong emphasis on participation in programs aimed at inmate rehabilitation. A full 78% (246 persons) of the sample was involved in one or more rehabilitative program(s) during his or her felony sentence. Although conclusions cannot be drawn with regard to program effectiveness, it is possible to describe inmate involvement in programs prior to release to parole and, for a few cases, once released to parole. The preceding diagram outlines the flow of this sample through the various major programs run by the Department of Public Safety. The research team visited the programs and met with the program directors. A brief synopsis of each of the programs and sample parolee involvement follows.

Educational programs

The major components of the educational programs in prison are preparation for the General Education Diploma (GED), Adult Basic Education, and vocational training. The goals of the educational/vocational programs within prison are to ensure that inmates receive a basic education or a skill useful in finding employment once released back into the community. Programs typically run in 11-week cycles with two (4- to 6-hour) meetings per week. There are usually waiting lists for entry into these programs.

Of the 246 individuals of the sample cohort who were involved in a program, the majority (68%) were involved in educational or vocational programs offered inside prison. In turn, almost half (46%) of these were involved in courses classified as developmental. These are aimed at cognitive skills, self-development and personal growth, including a “cultural” activity, such as guitar. Another 29% were enrolled in courses identified as either academic (typically basic literacy or GED) or vocational. A substantial portion (23%) of the parolees in the educational program files were listed as assessment only.

KASHBOX

KASHBOX is an in-facility therapeutic community-type drug treatment program started by the Hawaii Department of Public Safety in March 1990 and located in the Waiawa Correctional Facility. For much of this period, it had 15 beds. It has recently been expanded to 200. Corrections Program Services estimated that the recidivism rate (measured by return to prison) for KASHBOX clinical discharges (graduates) in 1996 was approximately 30%. Non-clinical discharges (participants who failed to complete the program) had a higher return rate, 36%.

KASHBOX served 15.3% of the parolees in the study cohort who were involved in programs. Of that number, a majority (76%) received a clinical discharge from the program. The remainder of the KASHBOX participants either received a non-clinical discharge, were currently in the program at the time the data were collected, or the records were lacking information.

Sex offender treatment

The Sex Offender Treatment Program (SOT) is a major program effort in Hawaii prisons. Since it was established in 1988, 1153 offenders have entered the SOT program. As of October 2000 there were 657 in prison (357 in Hawaii, 300 boarded in prisons on the mainland), and 192 on parole (171 in Hawaii, 21 out-of-state). Of the total 1153 participants, 104 had completed their sentence and 86 completed their parole. A total of 52 were deported, 18 died in prison or parole, 11 were extradited to other states, 9 escaped or absconded, and 24 are classified as “other” (sentence overturned, resentenced to probation, convicted of a new crime on the mainland, or other). SOT served 2.9% of those enrolled in programs. This number is smaller because very few of the parolees in this sample were convicted sex offenders. Nonetheless, of those that did enter SOT, 78% successfully completed the program.

Cognitive skills

Cognitive Skills is a program run through the HPA. The main focus of this program is on the alleviation of “thinking errors that lead to criminal activity.” The activities in this program include keeping a personal journal and writing reports designed to locate thinking errors, plus group discussions for support.

A strong emphasis is placed on cognitive skills in HPA recommendations. However, only 5.4% of the study cohort who were in programs were enrolled in the Cognitive Skills program. Of those who entered this program, 59% successfully completed one or more phases. It should be noted, however, that prisoners might enter cognitive skill classes through educational courses while in prison, and that elements of the program are often found as part of the general curriculum in drug treatment programs.

Ho’omana therapeutic community (WCCC)

Ho’omana is a 15-bed therapeutic community located on the grounds of the Women’s Community Correctional Center. The components of the program include treatment and attention to substance abuse, domestic violence, family issues, and criminal thinking. The major activities designed to address these issues are group discussion, a 12-step program, written assignments, exercise, and a certain level of self-governance. The program is composed of three phases, with an expected total length of 9 to 15 months. Clinical discharge is dependent upon completion of all three phases as well as a favorable evaluation by the program director.

The records for Ho’omana show that 6 women from the study cohort entered this program, with 3 confirmed successful completions. One participant dropped out of the program and information is missing on the other 2 participants. The 6 female participants represent 14% of the female parolees in the sample.

TJ Mahoney

This residential program for women on furlough status from the prison consists of 36 beds in a multi-story building in Honolulu. Residents secure outside employment, are subject to house rules and over time progress to 24- and 48-hour passes. Residents stay in the program for six months. The objective is broader than simply substance abuse treatment; it is “to make the transition from a criminal life style to a law abiding and sober life” (interview with program director, December 13, 2000). Of the 78% of parolees in the study sample who entered a program, 25 (8%) entered TJ Mahoney. Among all of the female parolees in the sample, the majority (57%) entered TJ Mahoney.

Characteristics of Parole and Parolees

Facility from which released

About four out of five parolees in the study cohort were released from Oahu facilities. Most (51.9%) are from the two largest of these facilities: 37.3% from the Halawa Correctional Facility and 14.6% from the Oahu Community Correctional Center. Another 18.2% were from the Waiawa Correctional Center, a minimum-security facility, and 8.9 percent were from the Women’s Community Correctional Center. Most of the Neighbor Island releases were from the Maui Community Correctional Center (9.6% of the total). The Kauai Community Correctional Center and the Kulani Correctional Center on the Big Island each released 2.5% of the state total. There were ten persons paroled from the mainland (3.2%) and there were ten whose release institution could not be ascertained.

Table 3
Sentence time, by facility from which parolees were released

Facility	Number Persons	Percent of Total	Length of Stay (years)	Percent of Min/Max
Halawa Correctional Facility	117	37.3	5.0	35.7
Oahu Community Correctional Center	46	14.6	4.1	36.6
Waiawa Correctional Facility	57	18.2	3.8	33.0
Women’s Community Correctional Center	28	8.9	2.8	31.4
Oahu subtotal	248	79	4.3	34.8
Maui Community Correctional Center	30	9.6	3.5	34.1
Kulani Correctional Facility	8	2.5	3.9	43.0
Kauai Community Correctional Center	8	2.5	2.9	41.8
Neighbor Island subtotal	46	14.6	3.5	37.0
Out of state	10	3.2	4.6	33.2
Records not available	10	3.2	—	—
Statewide/Total	314	100.0	4.2	35.1

Time served

The modern prison sentence is not always served in a one-time commitment. A prisoner may be released to parole, have his/her parole revoked, serve additional time in prison, be released to parole a second time, have parole revoked, and once again serve additional time in prison. For many parolees, there is a revolving door between the prison and the community. Chart 2 shows the number of parolees with one, two, and three or more periods of incarceration on the original offense, and Chart 3 shows the duration of segments of parole time for persons with one or more revocations of parole on the original offense.

Chart 2: Periods of incarceration on the original sentence
number of parolees

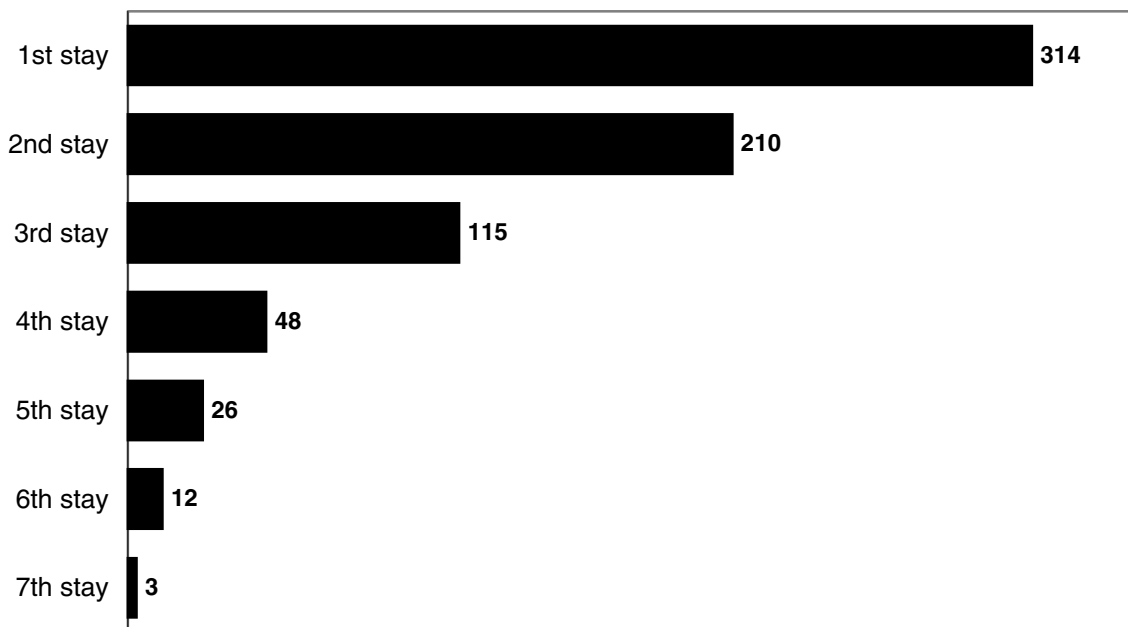
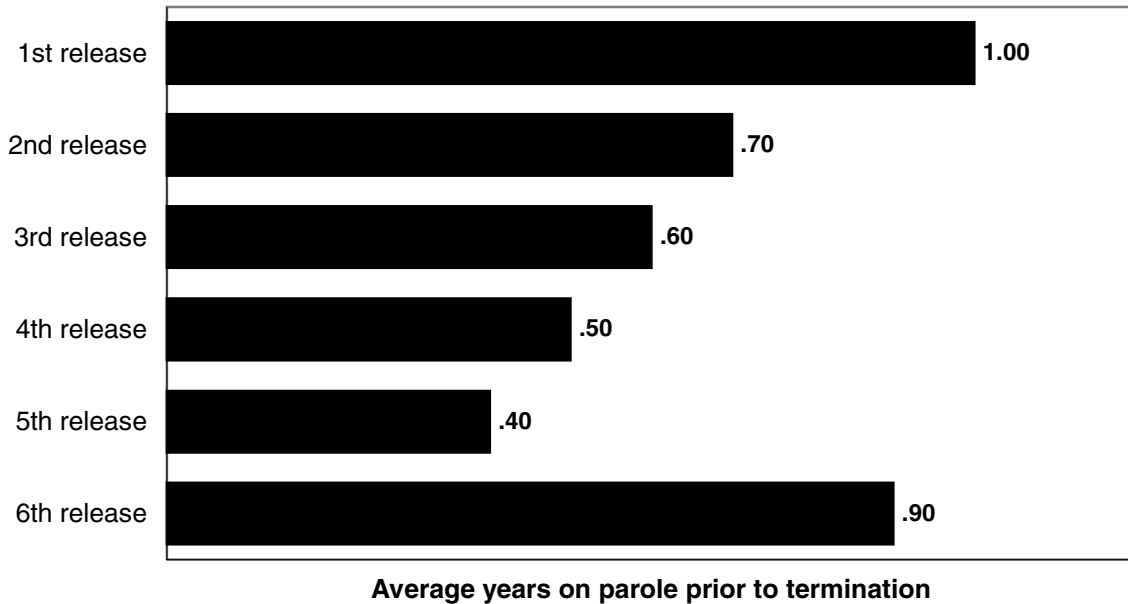


Chart 3: Periods of parole on the original sentence



Since prisoners do not always serve a sentence in one installment, the measurement of time served is not a simple calculation. Aggregating the time served is necessary to conceptualize the indeterminate sentence and parole supervision. To get the most accurate account of time served for this study, all of the actual time spent in prison, including the numerous “in’s and out’s” that many prisoners experience through parole releases and revocations, was calculated. In addition, many inmates receive pre-confinement credits – time they served while they were awaiting trial. This was also added to the overall time served for individuals in the study cohort.

Even with careful calculation of all time spent in prison, time served will be an underestimate of the actual time served in prison. Some prisoners are serving life sentences without the possibility of parole and are thus not represented in these numbers. Too, many offenders have maximum sentences of 10, 20 or more years and can possibly enter and exit prison via parole release and revocation over a great number of years; their potential future time in prison cannot be counted given the study’s time interval.

Table 4 displays the average maximum, minimum, and actual time served for the study cohort. The average of maximum terms excludes persons serving a life sentence or a sentence for murder (there were five such cases). Actual time served includes custody credit for pre-sentence confinement. The effect of HPA deferring release at the minimum term for some prisoners is tangible, overall increasing the length of stay by 35% over average minimum sentence. Violent crimes not only have a comparably longer average maximum but also receive a higher percentage of that maximum as the minimum.

Table 4
Sentence terms and time served, by major offense for which committed to prison (study cohort)

Offense Class	Average Maximum Term (years)	Average Minimum Term (years)	Proportion of Minimum to Maximum	Average Actual Time Served (years)	Proportion of Maximum Served
Violent	10.6	4.5	38%	5.6	51%
Property	6.6	2.2	35%	3.1	48%
Drug	8.8	2.6	32%	3.6	44%
Other	8.1	2.7	35%	4.0	54%
All Offenses	8.4	3.1	35%	4.2	49%

Whereas Table 4 displays sentence data for the study cohort, Table 5 provides data for inmates entering prison during four months of Calendar Year 2000 (see page 7 for details). As a result, only the maximum, minimum, and proportion of the minimum to the maximum sentence set could be calculated at the time the data were collected. Nevertheless, this is a useful comparison as it provides information on the sentencing practices of the current parole board.

Table 5
Sentence terms, by major offense for which committed to prison (CY 2000 sample)

Offense Class	Average Maximum Term (years)	Average Minimum Term (years)	Proportion of Minimum to Maximum
Violent	9.0	6.4	52%
Property	6.5	3.2	52%
Drug	6.5	2.7	43%
Other	6.9	2.8	43%
All Offenses	7.3	4.1	49%

Note: Numbers exclude cases in which the minimum was set for time served or where prisoners were serving life sentences.

In and out of prison

As noted in the previous section, total time served is the sum of periods of incarceration. Although the total of prison time and parole time cannot exceed the maximum term set by statute, some prisoners with long maximums accumulate a number of periods in and out of confinement on the same sentence.

Table 6 displays periods of incarceration on the original sentence, by offense type. It shows the number of cases doing only one period, the number doing a second, a third, and so on.

Table 6
Average periods of incarceration on the original sentence, by offense on which sentenced
 number of years (number of parolees)

Most Serious Offense	1 st Release	2 nd Release	3 rd Release	4 th Release	5 th Release	6 th Release	7 th Release
Person	5.0 (98)	.92 (50)	.76 (24)	.88 (15)	1.3 (12)	1.4 (2)	2.6 (1)
Property	2.7 (124)	.94 (65)	1.1 (24)	.91 (7)	.61 (1)	.55 (1)	—
Drug	3.0 (74)	.89 (39)	1.13 (20)	.82 (8)	1.0 (5)	.59 (2)	—
Other	3.3 (18)	.73 (8)	1.3 (5)	.88 (4)	1.9 (1)	—	—
Totals	3.5 (314)	0.9 (162)	1.0 (73)	0.9 (34)	1.3 (19)	0.9 (5)	2.6 (1)

Consider three cases from this table, all sentenced for robbery in the 1980s and each released to parole in December 1997 and entering the study cohort. The first case, originally sentenced for Robbery 1, had a life sentence maximum and a 10-year minimum. He served nearly all of the minimum, 9.7 years, and was released in December 1997 and had not been arrested or returned by late 2000. The second case was admitted to prison in 1982, paroled the first time in 1987 (serving 5.5 years), then revoked and returned to prison in January 1993, paroled again in 1994, readmitted in early 1996 and paroled again in December 1997. The third case was first admitted to prison in 1989, paroled in 1990, revoked and returned to prison ten months later, paroled after three months, revoked a third time and readmitted to prison in mid-1992, serving 154 days and then again being paroled in December 1992. He was revoked in mid-1993, paroled again in September 1994 (a stay of 1.4 years), revoked in spring 1995, this time remaining 2.7 years before release in December 1997. He was once again revoked in May 1998. In sum, the first individual served 9.7 years in one stretch, the second served 8.9 years in three installments, and the third served 8.3 years in six installments.

Two types of parole decisions affect time served: setting the minimum term of imprisonment, and approving or deferring release at expiry of the minimum. If a prisoner's release at the minimum date is deferred, it adds to the time served. Revocation of parole and return to prison also adds to the time served. To separate the effect of the former

parole decision from revocation (which largely reflects parolee compliance with the conditions of release), minimums and time served were tabulated for first paroles only (see Table 7). Across all levels of offense severity, minimum terms averaged 2.8 years, which is 36% of the average maximum terms. The actual time served is higher because it includes additional time served when release at the minimum date was denied. Actual time served averaged 3.4 years, which is 44.7% of the maximum term. The actual time served exceeded the minimum term by an average of 21%.

Table 7
Sentence terms and time served, by major offense for which
committed to prison for persons on first parole release

Offense Class	Average Maximum Term (years)	Average Minimum Term (years)	Proportion of Minimum to Maximum	Average Actual Time Served (years)
Violent	9.2	4.0	38%	4.8
Property	6.3	2.2	36%	2.7
Drug	7.8	2.6	32%	3.6
Other	8.5	3.0	36%	3.6
All Offenses	7.6	2.8	36%	3.4

Characteristics of parolees

Differences in commitment offense (lead charge) are quite marked between males and females (Table 8). More than half of the females were serving time for property crimes and relatively few for violent offenses, with about a third serving time for drug offenses. Although the greatest proportion of males were incarcerated for property crimes, the figure is much smaller than the comparable one for females. Versus females, males were also more often incarcerated for violent crimes, and less often for drug offenses.

Far more males than females were first convicted or adjudicated at an early age (Table 9). Approximately equal percentages of males and females were rated as having a seriously disruptive drug problem (Table 10).

Table 8
Commitment offense class, by gender
 percent

Offense Class	Males n=270	Females n=44	Total n=314
Violent	34.8	9.1	31.2
Property	36.7	56.8	39.5
Drug	21.9	34.1	23.6
Others	6.7	0.0	5.7

Table 9
Age at first conviction, by gender
 percent

Age	Males n=270	Females n=44	Total n=314
19 or younger	54.8	38.6	52.5
20-23	19.6	25.0	20.4
24 & over	25.6	36.4	27.1

Table 10
Drug problem, by gender
 percent

Drug Problem	Males n=270	Females n=44	Total n=314
no life disruption	8.9	6.8	8.6
some life disruption	13.3	13.6	13.4
serious life disruption	77.8	79.5	78.0

More females than males had no felony convictions prior to the current conviction (Table 11). However the difference is mostly in those with one prior conviction, as almost equal percentages of males and females had two or more prior felony convictions.

Table 11
Number of prior felony convictions, by gender
 percent

Number of convictions	Males n=269	Females n=44	Total n=313
None	38.3	47.7	39.6
One	19.0	11.4	17.9
Two or more	42.8	40.9	42.5

The data set for this study focuses on prisoners released to parole supervision in Hawaii. For each release, the original offense for which the inmate was sentenced and released (from July 1997 through June 1998) was collected. The date of convictions for the sentence offense ranged from September 1977 to June 1997. The dates of admission to prison also extended back many years, the earliest in April 1979. Fifty percent of the study sample were admitted to prison on the current sentence before April 1995, another quarter from April 1995 through May 1996, and the remaining quarter were incarcerated after May 1996. If the offender had been previously sentenced, released and successfully discharged from that sentence, and then was subsequently sentenced for a new offense, s/he would still be regarded as a first release for the current offense (these are both measured in the data set). Approximately 71% entered the study cohort on their first release on the current sentence. The remaining 29% of the study had been released more than once on this sentence. Table 12 shows that more females than males were doing their first parole release for the current offense (86% of females versus 68% of males).

Table 12
Release status, by gender
 percent

Release status	Males n=270	Females n=44	Total n=314
First Parole	68.1	86.4	70.7
Second Parole	15.2	9.1	14.3
Third Parole	7.8	2.3	7.0
Fourth, Fifth, or Sixth Parole	8.9	2.3	7.9

Predicting Survival on Parole

New convictions following an arrest while on parole are relatively infrequent. Three-quarters of the parolees had no post-release convictions, 14.6% had misdemeanor convictions only, 7% had felony convictions only, and 3.2% had both felony and misdemeanor convictions (Table 14). In sum, about one-quarter of the parolees were convicted of new offenses while on parole. Of the 33 parolees (10.5% of the cohort) with a new felony conviction while on parole, most were for property or drug offenses (Table 13).

Table 13
Type of offense for which convicted
 n=314

Felonies	Number of Parolees	Percent	Number of Offenses
Violent	4	1.3	14
Property	15	4.8	17
Drug	11	3.5	15
All Others	3	1.0	4
Total Felonies	33	10.5	50
Non-Felonies	Number of Parolees	Percent	Number of Offenses
Violent	11	3.5	13
Property	23	7.3	30
Drug	1	0.3	1
All Others	22	7.0	28
Total Non-Felonies	57	18.2	72
Contempt of Court	10	3.2	12

Note: This table only reflects total convictions for each offense type; one parolee was convicted for both violent and "other" offenses, thus he is counted twice in Table 13.

Table 14
Convictions and conviction types after release to parole
 Percent (number of parolees)

Charges	No Misdemeanor Convictions	One or more Misdemeanor Convictions	Row Total
No Felony Convictions	75.2 (236)	14.6 (46)	89.8 (282)
One or more Felony Convictions	7.0 (22)	3.2 (10)	10.2 (32)
Column Total	82.2 (258)	17.8 (56)	100.0 (314)

About two-fifths of the sample were revoked and returned to prison within 24 months of their release, and another 1.6% absconded and were suspended, for a total parole failure rate of 43%; 45% were never returned to custody within 24 months and the remaining 11.8% were returned to custody for a parole violation but were not revoked, and instead released shortly thereafter to continue on parole (Table 15).

Table 15
Parole outcomes
 n=314

Parole Status	Percent
Not returned to custody	45.2
Returned to custody — parole revoked	41.4
Returned to custody — released shortly & continued on parole	11.8
Absconded (whereabouts unknown) — parole suspended	1.6

As in the earlier (FY1996 cohort) parole study, revocations of parole in the current study were largely for failure to comply with parole regulations, rather than for new convictions. The great majority of revocations cite infractions of rules relating to possession of controlled substances (usually illegal drugs), detection of drug use (usually by urine tests), failure to maintain contact with the parole officer, failure to notify the parole office of a change of address, or absconding. It is the view of parole officers that failure to report is very often an indication of resumed drug use and/or because of a desire to avoid drug testing (for details see *Survival on Parole 1999*).

An effect of previous parole and return to prison is to significantly increase the probability of subsequent parole revocation. Persons going out on the first parole release of the current sentence had parole revoked and were returned to custody in 34% of the cases.

This probability of termination nearly doubles for persons on a second, third, or subsequent parole. Put simply, more than half of first-time parolees are not returned to custody; about one-third of second and third time releases are not returned, and of those with even more parole releases for the current sentence only about a quarter are not returned.

Table 16 shows that 81 of 135 (60%) parolees who were revoked in the 24-month follow up were not convicted of either a felony or a misdemeanor, and another 20.7% had only a misdemeanor conviction. About four-fifths of the parolees who were convicted of felonies or felonies plus misdemeanors were revoked, as were about three-fifths of those convicted of misdemeanors only. Importantly, the “not-revoked” parolees who were convicted of felonies or felonies plus misdemeanors were most likely either missing relevant data or pending a final disposition for revocation at the time the data were collected.

Table 16
Parole status, by felony and misdemeanor convictions

Convictions	Parole Status (number / row percent)			Row Totals number / percent
	Returned & Revoked	Returned & Continued	Not Returned	
Felony Only	18 / 81.8	2 / 9.1	2 / 9.1	22 / 7.0
Misdemeanor Only	28 / 60.9	6 / 13.0	12 / 26.1	46 / 14.6
Both Felony and Misdemeanor	8 / 80.0	0 / 0.0	2 / 20.0	10 / 3.2
No Convictions	81 / 34.3	29 / 12.3	126 / 53.4	236 / 75.2
Column Totals number / percent	135 / 43.0	37 / 11.8	142 / 45.2	314 / 100.0

Table 17 summarizes individual risk items and their correlation with subsequent revocation of parole in the cohort. The detailed tables are in Appendix A.

Table 17
Predictors of parole survival

Item	Difference on Parole Outcome
Release status (Table A-1)	Parolees with 2 or more parole releases are about twice as likely to be revoked
Age at first conviction (Table A-2)	Parolees first adjudicated or convicted at an early age are more likely to be revoked
Age at index release (Table A-3)	Parolees in their 30's are more likely to be revoked than are either younger or older parolees
Drug problem (Table A-4)	Parolees with disruptive drug problems are about twice as likely to be revoked
Offense type (Table A-5)	Persons sentenced for a violent crime are more likely to be revoked
Prior felony convictions (Table A-6)	Parolees with prior felony convictions are more likely to be revoked
Prior parole revocations (Table A-7)	Previous parole revocations more than double the probability of revocation
Marital and family relationships (Table A-8)	Parolees rated as having disorganization in marital or family relationships are more likely to be revoked
Parolee attitude (Table A-9)	Parolees deemed un-motivated to change are more likely to be revoked
Percent time employed prior 12 months (Table A-10)	Those without regular employment prior to prison are more likely to be revoked
Race / Ethnicity (Table A-11)	Contrary to previous study findings, Caucasians, Asians, and Hispanics are more likely to be revoked
Gender (Table A-12)	There are no significant differences in probability of revocation between males and females

Time from release to revocation (Table 18) obviously applies only to those who are revoked. For those parolees, about a quarter are revoked in the first 90 days of release; approximately 70% are revoked within the first year.

Table 18
Elapsed time from release date to parole termination

Time to Termination	Number of Cases	Percent of Cases	Percent of Terminations	Cumulative Percent of Terminations
90 days or less	32	10.1	23.7	23.7
91-180 days	30	9.6	22.2	45.9
181-360 days	32	10.1	23.7	69.6
361 days - 2 years	41	13.1	30.4	100.0
Not revoked or no data	179	57.0	—	—

Risk scores as measures of strength of ties to conventional society and alienation via criminal experience

DeJong, in an article on the effect of incarceration on the probability of re-arrest, cites studies establishing that, “The strength of ties to conventional society and the experience of criminal behavior may affect response to incarceration. Those more strongly bonded to conventional society may be more easily deterred than experienced criminals” (DeJong 1997:561). She goes on to note that “stakes in conformity or the strength of ties to conventional society” are usually indexed by marital or family relationships, employment status and regularity, and the acquisition of educational and vocational skills. The current parole study includes data on these social ties.

In the Department of the Attorney General’s study of felony probation, based on a FY1995-96 cohort of persons sentenced to probation, items from the Risk and Needs scales were grouped into five clustered factors (see *Felony Probation in Hawaii*, June 2000, pages 17-18 and pages 55-56 for a discussion of the statistical technique of factor analysis). These 20 items and their correlations with parole success or revocation, are troublesome to use in an analysis. For one thing, a large number of items are difficult to simultaneously interpret. For another, they are almost certainly redundant because some degree of inter-correlation exists between items — each item is not making an entirely independent contribution to the prediction of parole success. Single items, such as being first convicted at an early age or having been previously a probation or parole violator, share an unknown amount of common variance, hence their overlapping relationship to parole survival is less than the sum of their individual effects. Put another way, the separate correlations between individual Risk/Need items and parole outcome are unlikely to contribute independently to the prediction of parole survival because the items are themselves correlated with one another. For the current study, a statistical procedure was

conducted to construct five factors (i.e., groups/clusters) that summarize the 20 individual Risk/Need items. Table 19 shows the components of each of the five factors. (Copies of the correlation matrix, the principal component matrix and the rotated factor loadings are available upon request.)

Table 19
Risk factors and components

Criminal History	Human Capital	Conventional Life Style	Community and Personal Stability	Alcohol Problem and Self Control
prior felony convictions	reasoning and intellectual skills	suitable companions	suitability of residence	alcohol use problem
prior conviction on selected property offenses	educational and vocational skills	drug use problems or dependence	number of address changes in year prior to sentence	sexual conduct
prior probation or parole revocations	attitude toward personal change	percent of time employed in year prior to sentence	marital and family relationships	
age at first conviction or adjudication	emotional stability	quality of employment	personal financial management skill	

The “Criminal History” factor is determined by strong correlations between the number of prior felony convictions, number of prior probation or parole revocations, age at first conviction or adjudication and conviction for one of several property offenses and hence may be regarded as a measure of criminal history. The “Human Capital” factor is determined largely by correlations between reasoning and intellectual needs, educational and vocational needs, attitude toward personal responsibility and personal change, and emotional stability. These traits constitute a measurement of the ability to deal with instrumental tasks and personal problems. “Conventional Life Style” measures the interviewer’s ratings on the suitability of companions, drug use problems, and two indicators of legitimate employment: percent of the year prior to the sentence that the inmate was employed, and the quality of that employment. “Community and Personal Stability” summarizes the association between items measuring the suitability of the offender’s last residence, the number of address changes in the year prior to sentencing, the quality of marital and family relationships, and personal financial management skill. The fifth factor, “Alcohol Problem and Self Control,” only indexes two items: whether the offender has a serious alcohol abuse problem and a rating of his/her pattern of sexual conduct.

For each parolee, a score was computed for each of the five factors by summing the scores on the component items and dividing by the number of items. The list of all the factor scores was then divided at the midpoint, with individual scores falling into either the “low risk” or “high risk” half. These scores were used in the multivariate analysis described

below. Variables measuring ethnicity (Asian, Caucasian, Hawaiian/Part-Hawaiian, Pacific Islander, and "Other") were included with the risk measures. The type of sentence offense was also included, and characterized as an "Offense Against Person," "Property Offense" or "Drug Offense," and "Other" again as the reference category. Finally, two measures of prison time were included: the minimum sentence divided by the maximum for that offense, and the total length of stay. The latter measurement included pre-sentence credit time, time between admission and release, and any cumulative prison time from parole revocations (excluding time on parole).

A multivariate analysis of parole survival

For the purposes of this study, the term "multivariate analysis" designates a form of statistical analysis that assesses the relationship between more than two predictive factors (in the current example, Criminal History, Conventional Lifestyle, etc.) and an outcome (parole survival/revocation). Instead of merely measuring the individual relationship between each predictive factor and the outcome, which can be confounded by the influence of other predictors — for example, studying the relationship between ethnicity and crime may be tenuous if economic factors are not considered) — multivariate analysis measures the contribution of each predictor while holding the other predictors constant.

Event history analysis is a family of statistical procedures that measure time from a starting date (such as release from prison) to a termination date within a period of observation (such as return to custody within two years of release to parole). The most appropriate multivariate model for data of this type is survival analysis, its use justified in *Survival on Parole*, page 15 and page 19. Cox regression is the specific form of survival analysis chosen for the study. Table 19 shows the basic results of that analysis for the current parolee cohort. The "B" coefficient indicates the net strength of the predictor variable; the larger the absolute value of B, the larger the contribution of the predictor. "Standard error" is a measure of the variation; the smaller the value, the less variation there is in the contribution of the predictor. "Significance" is an estimate of the likelihood that the results could have occurred merely by chance; the smaller the value, the less likely the predictor's contribution occurred by chance. Significance values of .05 and less are required in order to be deemed "statistically significant" in this study, implying a 5% or less likelihood that a predictor's contribution occurred by chance. "Odds for revocation" is a calculation of the likelihood of parole revocation for a high score as compared to a low score on a given predictor. Odds larger than 1 to 1 indicate a greater than even chance for parole revocation, while odds smaller than 1 to 1 indicate a less than even chance for parole revocation. The "odds for revocation" provides the clearest indication of the contribution of a predictor net of the others.

As shown in Table 20, neither the percentage of the maximum sentence set as the minimum term nor the total length of stay in prison significantly affect the odds of revocation. Two of the five risk factor scores (Criminal History and Conventional Life Style) each significantly influence the odds of survival. Parolees scoring in the high risk range of Criminal History were 1.65 times more likely to be revoked within 24 months than were parolees scoring at the low risk end, and parolees at high risk on Conventional Life Style were 1.55 times more likely to be revoked than were low risk scorers. Ethnicity shows a notable effect, in that Caucasians were more likely to be revoked and Hawaiian/Part-Hawaiian and Pacific Islander parolees had lower odds of revocation; these results are somewhat puzzling since they were not found in the earlier parole study (1999). However,

as these particular findings did not attain statistical significance, it is not possible to rule out that they occurred merely by chance.

Table 20
Cox regression coefficients and measures of significance
for twelve predictor variables of parole revocation

Predictor Variable	B	Standard Error	Statistical Significance	Odds for Parole Revocation
Criminal History	.4980	.1945	.0105	1.65 to 1
Human Capital	.1178	.1900	.5355	1.13 to 1
Conventional Lifestyle	.4352	.1950	.0256	1.55 to 1
Community Stability	.0953	.1964	.6274	1.10 to 1
Alcohol/Self Control	.0684	.1887	.7169	1.07 to 1
Caucasian	.3081	.3162	.3298	1.36 to 1
Asian/Asian-Mixed	.1376	.2861	.6307	1.15 to 1
Hawaiian/Part-Hawaiian	-.4028	.2340	.0852	0.67 to 1
Pacific Islander	-.3955	.4652	.3952	0.67 to 1
Minimum/Maximum	-.0015	.0084	.8599	1.00 to 1
Time in Prison	-.0033	.0359	.9259	1.00 to 1

A variant of survival analysis, known as Kaplan-Meier analysis, permits the display of differences in a terminal event (in this case, parole revocation) over time for cases classified as either “high risk” or “low risk” for individual predictor factors. Charts 4 through 9 display Kaplan-Meier curves for each of the predictor factors. For each chart, the horizontal axis shows elapsed time on probation, to the measured limit of two years. Charts 5 through 9 also include a statistical estimate out to three years. The vertical axis shows the cumulative probability of revocation.

Chart 4 shows the cumulative percentage of cases revoked (including a small number of parolees who absconded and presumably would have been revoked once they were located), against a time scale of two years. Twenty percent of the cohort were revoked in the first six months of release. At the one-year mark, another 10% were revoked. By the end of the second year and the close of the follow up period, the total revocation rate was 43%.

Chart 4: Parole Revocation Rate

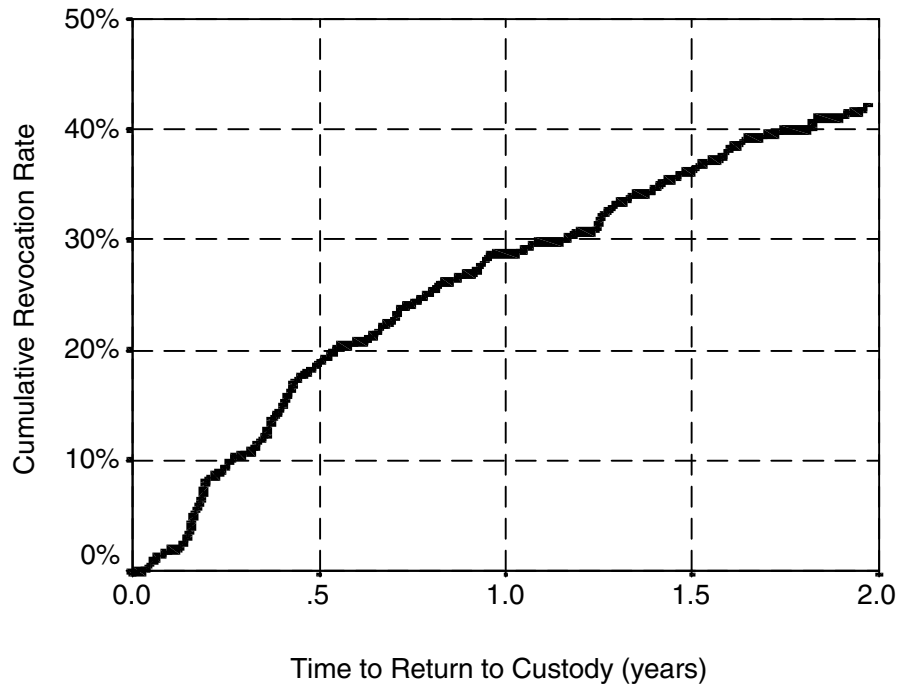


Chart 5 displays revocation curves for high and low risk scores on the Criminal History factor. From the first month of release, high risk and low risk curves separate. By the end of the first six months they are widely divergent, and the gap widens by 1.5 years. Net of other influences, parolees with an extensive criminal history were revoked earlier and in larger cumulative numbers than were those with a less extensive criminal history (53.9% versus 34.1% revocation rates at 2 years for high risk and low risk parolees, respectively).

Chart 5: Revocation rates, by criminal history

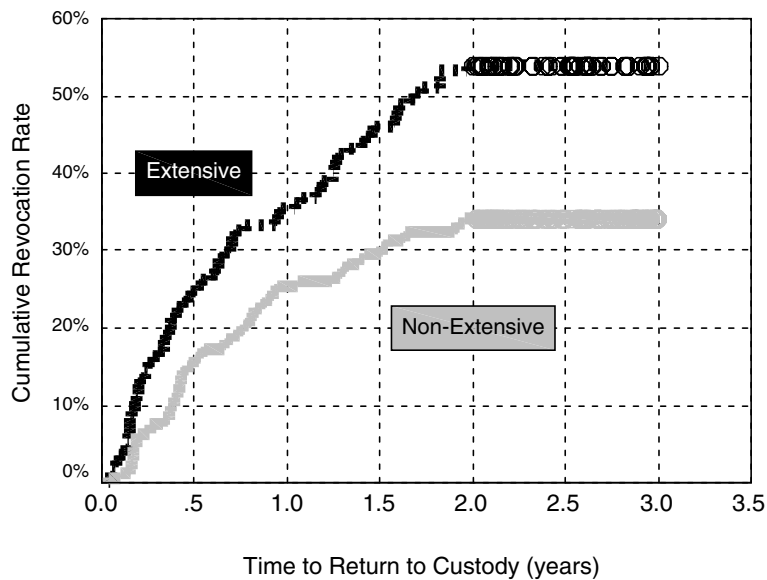


Chart 6 shows revocation curves for the Human Capital factor. In this case, the curves for high risk and low risk cases do not separate until near the end of the two-year follow up (46.1% versus 39.5% revocation rates at 2 years for high risk and low risk parolees, respectively).

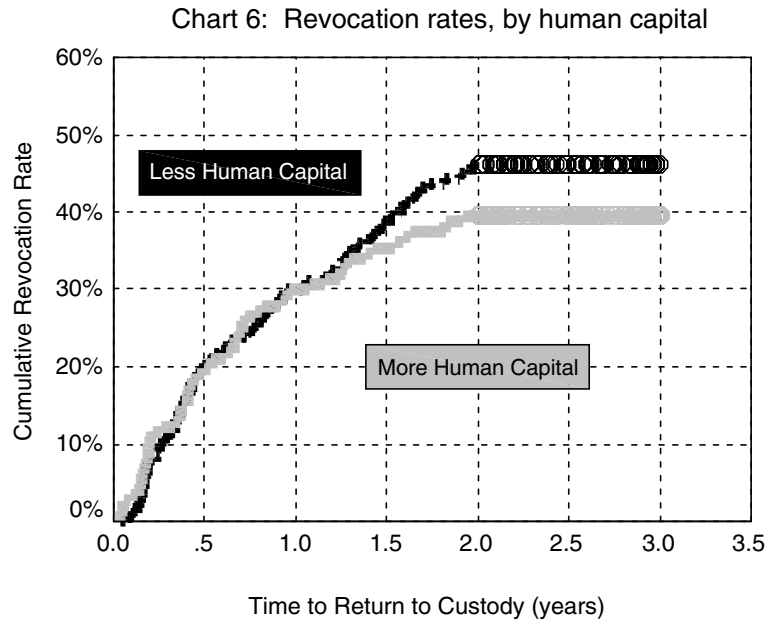
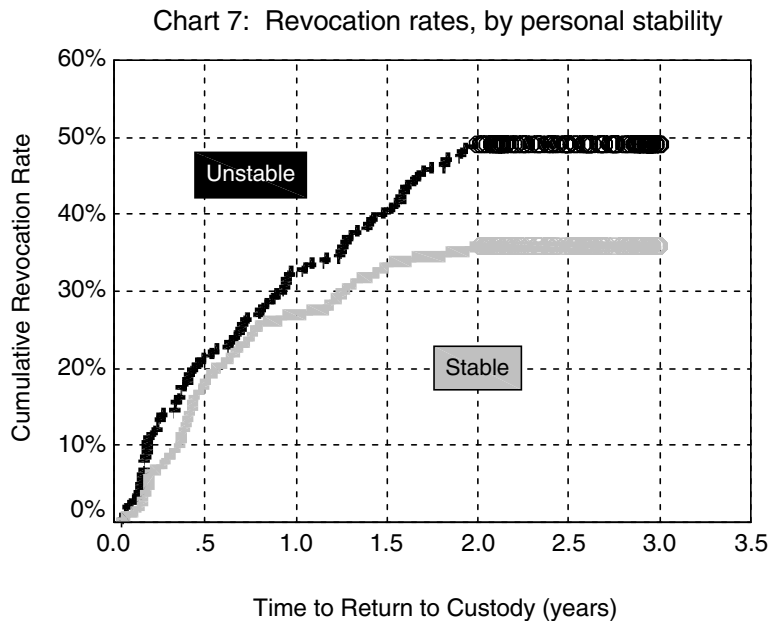
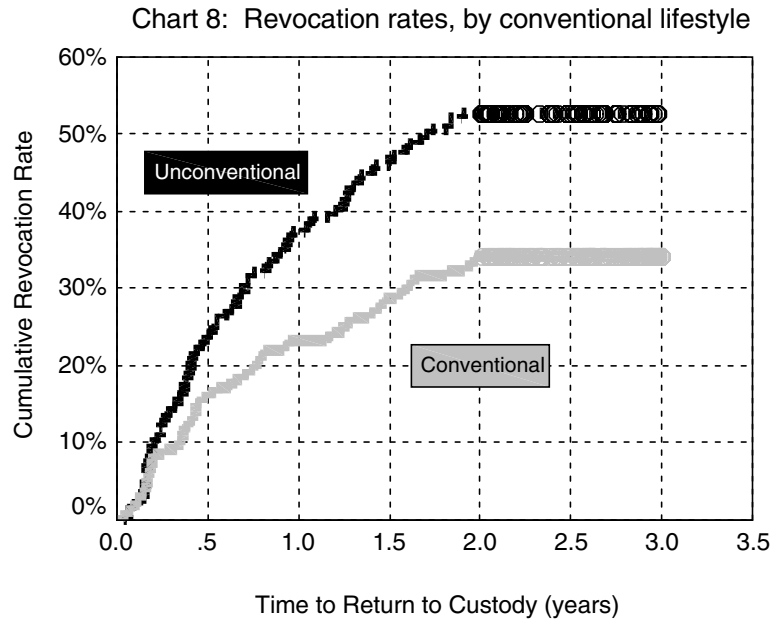


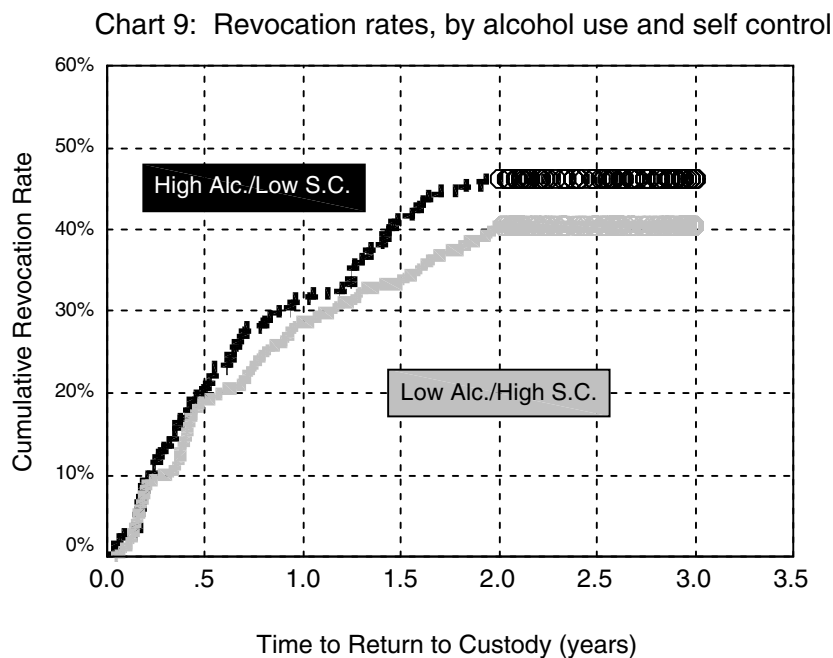
Chart 7, highlighting the Personal Stability factor, shows no separation in the revocation curves of high risk and low risk parolees until after one year post-release, yet is ultimately a strong predictor of revocation (49.1% versus 35.9% revocation rates at 2 years for high risk and low risk parolees, respectively). This factor was not statistically significant in the Cox regression table (Table 20).



Conventional Lifestyle is a major predictor of revocation (Chart 8). High risk parolees were revoked earlier and at a much higher cumulative rate than were low risk parolees (52.7% versus 34.1% revocation rates at 2 years for high risk and low risk parolees, respectively).



The Alcohol and Self Control factor does not discriminate revocation curves for high risk and low risk parolees until near the end of the two-year follow up (46.2% versus 40.4% revocation rates at 2 years for high risk and low risk parolees, respectively).



Summary and Recommendations

Policy implementation and effects on time served and parole survival rates

At the outset of this report, several questions were posed. How is current sentencing policy implemented? As spelled out in some detail in the Hawaii Revised Statutes, the HPA makes decisions concerning the time a convicted offender spends in prison by setting minimum terms of incarceration, approving or deferring release at completion of the minimum sentence (or subsequent hearings), and deciding whether to return parole violators to secure custody. The result of this sentencing model is that many offenders serve the total time for a sentence in several installments. A sentence for an offense is the aggregate of one or more periods in prison and one or more periods on parole, until discharge or the expiration of the maximum sentence. Total time served in custody must be calculated across all periods of incarceration on the original sentence offense, plus credited pre-sentence time. Observations of the HPA conducting hearings, and discussions with the board chair and members, clearly indicate the extent to which the HPA sees the proper role of corrections as providing treatment programs for alcohol and drug dependency and for criminogenic thinking. The HPA stresses correctional treatment and returns to prison for parole violations. Arrests and convictions on parole are infrequent, but revocation for failure to comply with parole conditions returns more than two-fifths of parolees within 24 months. How does policy affect time served? Minimums are almost 35% of maximum terms but understate the actual length of stay; total time served is about one-third longer than minimums and 45% of the maximum. What predicts parole failure? Risk factors include having previously been on parole, returned to prison and re-paroled; having a more extensive criminal history; being alcohol and drug dependent in a seriously disruptive way; and having a poor record of legal employment and community/personal stability prior to the sentence. The HPA attempts to correct these problems by referral to correctional treatment programs.

The major obstacle to the full implementation of this intervention policy is that the HPA does not have sufficient treatment resources to meet the perceived demand. The HPA has instead another resource, prison time, which it allocates as a possible route to treatment. Prison time is regarded as a means by which the inmate can be exposed to change efforts through various correctional programs. The HPA cannot directly assign a prisoner or parolee to treatment programs; instead, it sets prison time and advises the offender to enroll and participate in the programs. If a parolee violates conditions of parole, the HPA can allocate additional prison time and further recommend treatment participation.

Considerations for community safety and an appropriate legal response to serious law violation temper HPA's policy of correctional treatment. Both the view that criminal behavior can be corrected by appropriate programs, and the policy of promoting community safety by revoking parole when violations occur, lead to longer periods of incarceration. Length of time in prison is increased by setting longer minimum terms (to enable program completion), denial of release at expiry of minimums when the board has reason to believe that the prisoner is not ready for release, and by returns to custody if parole is revoked. A minority of prisoners serve time in several installments and, overall, the length of stay exceeds minimums and approaches 50% of maximum terms. The HPA is aware that this

impacts prison census, since returned parole violators comprise, in Hawaii as elsewhere in the nation, a rising percentage of prison admissions. In the recommendations that follow, five steps are suggested which would likely improve the implementation of the HPA's policy.

Recommendations

1. The Hawaii Paroling Authority is a small, decision-making group, continually dealing with hundreds of new and old cases moving from court to prison, to the community, and often, back to prison. Tracking cases and assessing records of performance for prisoners and parolees are intrinsic to the work of the parole board and parole supervision. It is therefore a distinct disadvantage that the HPA does not have a functioning management information system, that is, an online computerized case record system which can be accessed by the HPA and the parole officers, providing up-to-date information on parolees' legal, social and clinical situations, recording participation in correctional treatment programs, and profiling contacts between parolees and their supervising officer. Currently, records are manually maintained, and some up-to-date information is only found in the supervising officer's file. Sharing information across offices or within the main parole organization is usually a matter of moving paper. Data for this study had to be manually extracted and coded from hard copy files in the central office. Computers are not networked and there are no personnel with technical expertise to develop and maintain a modern information system. The HPA depends upon information and assessments and would immediately utilize such an information system. Therefore the first recommendation is that funding be provided for the purchase and installation of a modern case record information system for parole board actions and parolee supervision, and a position be provided for technical support and necessary staff training.
2. This report has stressed the extent to which the HPA is oriented to correctional treatment as a means of reducing the risk of future offending by former prisoners. This assumes that such programs are effective. Yet HPA has no systematic information available on the relative effectiveness of treatment programs, or even on the various programs' completion and attrition rates. In an interview in August 2000 an HPA member stated that, "We try to meet with programs once a year. We have asked for but have not received information from programs about completion and drop-out rates and evaluations of program effectiveness [and outcomes]." Program outcome evaluations using standard techniques and appropriate designs can be obtained on contract and will aid the management of both HPA and the treatment-providing organizations. It is therefore recommended that funding be provided for developing and implementing a reporting system for program operations, including follow-up and outcome assessment.
3. The HPA depends upon referrals of parolees to specific program services in the community, particularly substance abuse treatment, yet it has no purchase-of-service funds of its own. Parole officers must locate programs that are able to provide services using Quest or other general insurance funds available to specific parolees. These often limit the kind of services obtained, particularly treatment in residential programs. Purchase of service funds have the additional advantage of enabling HPA to negotiate and enforce contract requirements on treatment programs for information reporting and

treatment effectiveness assessment. It is recommended that *purchase-of-service funds be provided to HPA.*

4. Referral options for parolees who appear to be in need of psychiatric evaluation or services are not available to parole officers. Recognizing and evaluating symptoms, monitoring medications, and making treatment or custody referrals require professional personnel. It is recommended that *increased access to mental health services be provided for parole supervision.*

5. Although a thorough discussion of caseload management (that is, the number of active cases per parole officer) was beyond the scope of this study, it is apparent that the value of the above recommendations could be diminished if caseloads remain as high as they are. One HPA member stated, "You cannot do street work in parole supervision with too heavy a caseload. With smaller caseloads and more contact, technical violations might go up but offenses should go down. And PO's would do a better job on referrals [to treatment]." The frequency of contact with parolees, assessments of their living and working arrangements, and problems with their immediate families could be better dealt with if caseloads were reduced. It is recommended that *additional parole officer positions be allocated to accommodate the large volume of cases assigned to parole supervision.*

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Appendix

Table A-1
Parole status, by release status

Release Status	Parole Status (percent)			Row Totals number / percent
	Returned & Revoked	Returned & Continued	Not Returned	
First Parole	34.2	14.4	51.4	222 / 70.7
Second Parole	66.7	2.2	31.1	45 / 14.3
Third Parole	59.1	4.5	36.4	22 / 7.0
Fourth, Fifth, or Sixth Parole	64.0	12.0	24.0	25 / 8.0
Column Totals number / percent	135 / 43.0	37 / 11.8	142 / 45.2	314 / 100.0

Table A-2
Parole status, by age at first conviction

Age	Parole Status (percent)			Row Total number / percent
	Returned & Revoked	Returned & Continued	Not Returned	
19 or younger	50.3	13.3	36.4	165 / 52.5
20-23	48.4	6.3	45.3	64 / 20.4
24 & over	24.7	12.9	62.4	85 / 27.1
Column Totals number / percent	135 / 43.0	37 / 11.8	142 / 45.2	314 / 100.0

Table A-3
Parole status, by age at index release

Age at Index Release	Parole Status (percent)			Row Totals number / percent
	Returned & Revoked	Returned & Continued	Not Returned	
18.0 - 29.3	43.6	10.3	46.2	78 / 24.8
29.4 - 34.4	58.2	7.6	34.2	79 / 25.2
34.5 - 40.6	35.4	19.0	45.6	79 / 25.2
40.7 + years	34.6	10.3	55.1	78 / 24.8
Column Totals number / percent	135 / 43.0	37 / 11.8	142 / 45.2	314 / 100.0

Table A-4
Parole status, by drug problem

Drug Problem	Parole Status (percent)			Row Totals number / percent
	Returned & Revoked	Returned & Continued	Not Returned	
no life disruption	22.2	7.4	70.4	27 / 8.6
some life disruption	35.7	2.4	61.9	42 / 13.4
serious life disruption	46.5	13.9	39.6	245 / 78.0
Column Totals number / percent	135 / 43.0	37 / 11.8	142 / 45.2	314 / 100.0

Table A-5
Parole status, by offense class on which committed to prison

Offense Class	Parole Status (percent)			Row Totals number / percent
	Returned & Revoked	Returned & Continued	Not Returned	
Violent	49.0	8.2	42.9	98 / 31.2
Property	44.4	12.9	42.7	124 / 39.5
Drug	35.1	16.2	48.6	74 / 23.6
Other	33.3	5.6	61.1	18 / 5.7
Column Totals number / percent	135 / 43.0	37 / 11.8	142 / 45.2	314 / 100.0

Table A-6
Parole status, by number of prior felony convictions

Number of Prior Felonies	Parole Status (percent)			Row Totals number / percent
	Returned & Revoked	Returned & Continued	Not Returned	
None	32.3	7.3	60.5	124 / 39.6
One	41.1	12.5	46.4	56 / 17.9
Two or more	54.1	15.8	30.1	133 / 42.5
Column Totals number / percent	135 / 43.1	37 / 11.8	141 / 45.0	313 / 100.0

Table A-7
Parole status, by number of prior parole revocations

Number of Prior Revocations	Parole Status (percent)			Row Totals number / percent
	Returned & Revoked	Returned & Continued	Not Returned	
None	19.1	4.4	76.5	68 / 21.7
One or more	49.6	13.8	36.6	246 / 78.3
Column Totals number / percent	135 / 43.0	37 / 11.8	142 / 45.2	314 / 100.0

Table A-8
Parole status, by marital and family relationships

Relationships Status	Parole Status (percent)			Row Totals number / percent
	Returned & Revoked	Returned & Continued	Not Returned	
relatively stable relationships	33.8	7.5	58.8	80 / 25.5
some disorganization or stress	47.3	13.3	39.4	188 / 59.9
major disorganization or stress	41.3	13.0	45.7	46 / 14.6
Column Totals number / percent	135 / 43.0	37 / 11.8	142 / 45.2	314 / 100.0

Tables A-9
Parole status, by parolee attitude

Parolee Attitude	Parole Status (percent)			Row Totals number / percent
	Returned & Revoked	Returned & Continued	Not Returned	
motivated to change	40.8	10.6	48.6	218 / 69.4
unwilling to accept responsibility	48.1	11.1	40.7	81 / 25.8
negatively or not motivated	46.7	33.3	20.0	15 / 4.8
Column Totals number / percent	135 / 43.0	37 / 11.8	142 / 45.2	314 / 100.0

Table A-10
Parole status, by percent of time employed in year prior to prison

Percent of Time Employed	Parole Status (percent)			Row Totals number / percent
	Returned & Revoked	Returned & Continued	Not Returned	
60% or more	31.1	9.5	59.5	74 / 23.6
40-59%	40.0	5.0	55.0	20 / 6.4
39% and less	47.0	13.2	39.7	219 / 70.0
Column Totals number / percent	134 / 42.8	37 / 11.8	142 / 45.4	313 / 100.0

Table A-11
Parole status, by ethnicity

Ethnicity	Parole Status (percent)			Row Totals number / percent
	Returned & Revoked	Returned & Continued	Not Returned	
Caucasian	57.1	14.3	28.6	28 / 9.2
Asian/Asian-mixed	50.0	7.7	42.3	26 / 8.6
Hawaiian/ Pt-Hawn	38.8	13.7	47.5	139 / 45.7
Pacific Islander	31.6	5.3	63.2	19 / 6.3
Hispanic	55.6	0.0	44.4	9 / 3.0
African American	50.0	12.5	37.5	16 / 5.3
Filipino	47.8	8.7	43.5	23 / 7.6
Others	43.2	15.9	40.9	44 / 14.5
Column Totals number / percent	132 / 43.4	37 / 12.2	135 / 44.4	304 / 100.0

Table A-12
Parole status, by gender

Gender	Parole Status (percent)			Row Totals number / percent
	Returned & Revoked	Returned & Continued	Not Returned	
Male	43.3	11.5	45.2	270 / 86.0
Female	40.9	13.6	45.5	44 / 14.0
Column Totals number / percent	135 / 43.0	37 / 11.8	142 / 45.2	314 / 100.0

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