

## *Interagency Council on Intermediate Sanctions*



HAWAII STATE  
DEPARTMENT  
OF HEALTH

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### **State of Hawaii, FY 2009 Cohort** **2012 Recidivism Update**

This report provides a comparative update to the 2002 Hawaii Recidivism Baseline Study and subsequent updates in 2006 through 2011. Hawaii's statewide recidivism rate is an important indicator of the Interagency Council on Intermediate Sanctions' (ICIS) efforts to reduce recidivism by 30% over a ten-year period. Although this ten-year period ended in 2011, the 30% recidivism reduction benchmark remains an important long-term goal.

This study is comprised of **2,847** offenders from the FY 2009 cohort as compiled from the following State agencies:

1. Hawaii State Probation Services - 1,969 *Offenders Sentenced to Felony Probation*.
2. Hawaii Paroling Authority - 605 *Offenders Released to Parole*.
3. Department of Public Safety - 273 *Maximum-Term Release Prisoners*.

*Background:* ICIS conducted its first recidivism study in 2002. This baseline study monitored sentenced felons on probation and paroled prisoners, for criminal rearrests and revocations/technical violations over a three-year follow-up period, and reported a 63.3% recidivism rate (53.7% for felony probationers and 72.9% for parolees). ICIS has since conducted five additional recidivism updates for the FY 2003, and FYs 2005-2008 cohorts – all of which replicated the methodology and recidivism definition adopted in the 2002 baseline study. These updated studies have retained the methodological consistency required for year-to-year trend comparisons.

### **Methodology**

The current recidivism study analyzed sentenced felon probationers, offenders released to parole, and maximum-term release prisoners in FY 2009. Each individual offender was tracked for recidivism over a precise 36-month period. ICIS defines recidivism as criminal arrests (most recent charge after follow-up date), revocations, technical violations, and criminal contempt of court. The recidivism dataset includes fields from the following Hawaii State information systems: the CYZAP database; Hawaii State Judiciary's Caseload Explorer information system; and the Hawaii Paroling Authority's (HPA) database.

A Criminal Justice Information System (CJIS) download included 28,346 total charges from July 1, 2008 thru June 30, 2012. Probation, Parole, and PSD define, respectively, the *Follow-up Start Date* as the probation sentencing or supervision start date; release to parole date; and prison (maximum-term) release date. These dates help to determine the *Time to Recidivism* (length of time expired from the follow-up date to the arrest charge). In situations involving multiple charges filed on the same arrest date, the most severe charge (i.e., felony, misdemeanor, revocation, or petty misdemeanor) becomes the recorded recidivism event. Vehicular violations are not included as recidivism events. The following paragraphs specify the methodologies employed for each agency:

### **1. Probation Services**

Offenders from Probation included 1,969 felony probationers extracted from the Caseload Explorer information system. The defined *Supervision Start Date* is from July 1, 2008 thru June 30, 2009. Excluded from the analysis were 2,188 non-felon probationers, of which 958 had a Deferred Acceptance of Guilt/No Contest (DAG/DANC) Plea Agreement initiated within the FY 2009 period, and 37 probationers who served (>90 days) jail time during their probation period. These exclusions are consistent with the methodology employed in the five previous recidivism studies, and are critical to this study's internal validity.

### **2. Hawaii Paroling Authority (HPA)**

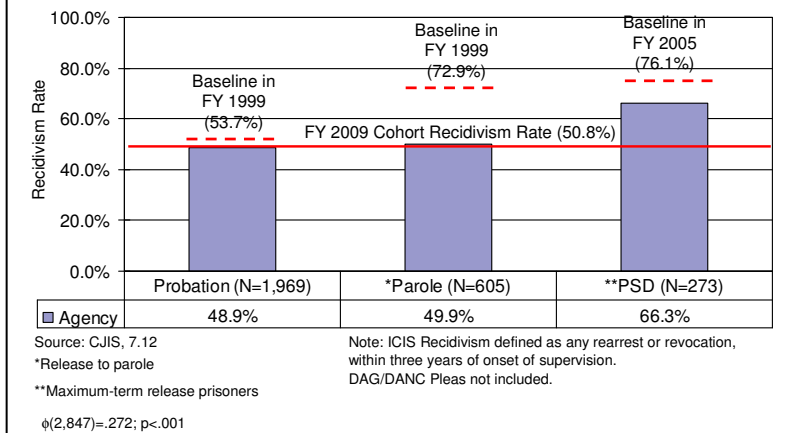
HPA provided a listing of 605 offenders paroled in FY 2009. This listing included parolee identification numbers (SIDs) and release to parole dates (*Follow-up Start Date*). Excluded from the parole count were 16 parolees who served jail time (>90 days), or had duplicate status as a parolee and probationer, and were consequently classified as probationers for the purpose of this study.

### **3. Department of Public Safety (PSD)**

PSD provided a download of 273 maximum-term prisoners released in FY 2009. This download included the offenders' SIDs and release dates (*Follow-up Start Date*). This study helped to analyze the recidivism trends of maximum-term release prisoners since FY 2005. Although PSD recidivism data were not included in the initial FY 1999 baseline study, all subsequent update studies will track the recidivism trends for maximum-term prisoners. Twenty-four offenders had duplicate status as probationers and maximum-term release prisoners, and thus, subsequently classified as probationers for the purpose of this study.

**Summary Findings:** The following data are a compilation of re-offenses committed by offenders from three criminal justice agencies over a follow-up period of 36 months beginning in FY 2009. The figures and analyses included in this study reveal important recidivism trends.

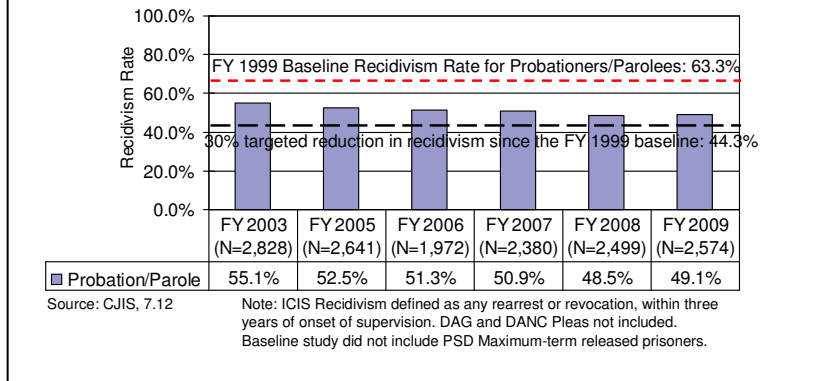
**Figure 1**  
**Recidivism Rates,**  
**by Agency, FY 2009 Cohort**



**Figure 1** depicts Agency (Probation, Parole, and PSD) recidivism rates, which ICIS defines as Criminal Rearrests, Criminal Contempt of Court, and Revocations-Violations. The data reveal a **48.9%** recidivism rate for probationers; **49.9%** recidivism rate for offenders released to parole; and **66.3%** recidivism rate for offenders released from prison (maximum-term release). The differences in recidivism rates between agencies are statistically significant at the  $p < .001$  level.

The overall FY 2009 cohort recidivism rate is **50.8%**, which includes Probation, Parole, and maximum-term release prisoners from PSD.

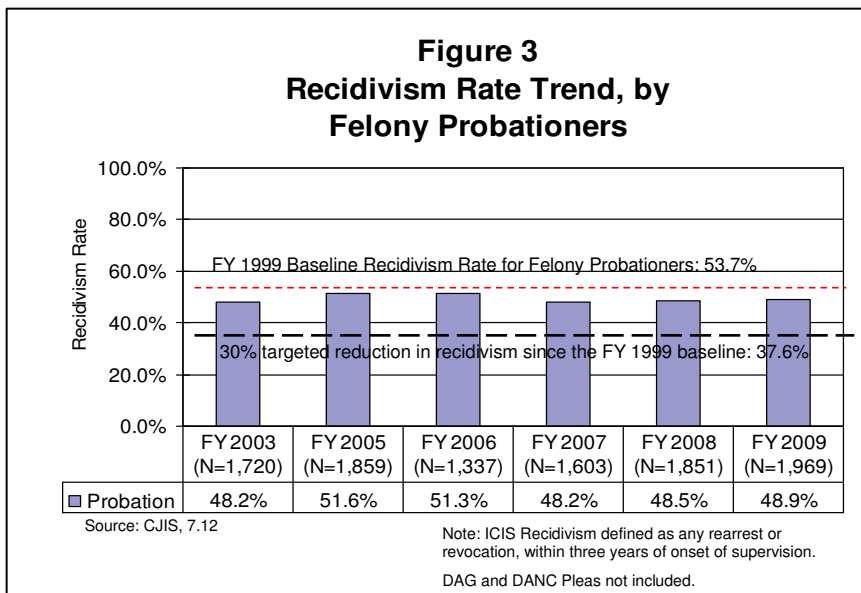
**Figure 2**  
**Recidivism Rate Trend for Probationers**  
**and Parolees**



**Figure 2** reveals the recidivism trend for felony probationers and parolees in the FY 1999 baseline year, and subsequent recidivism rate updates in FY 2003, and FYs 2005-2009 cohort groups.

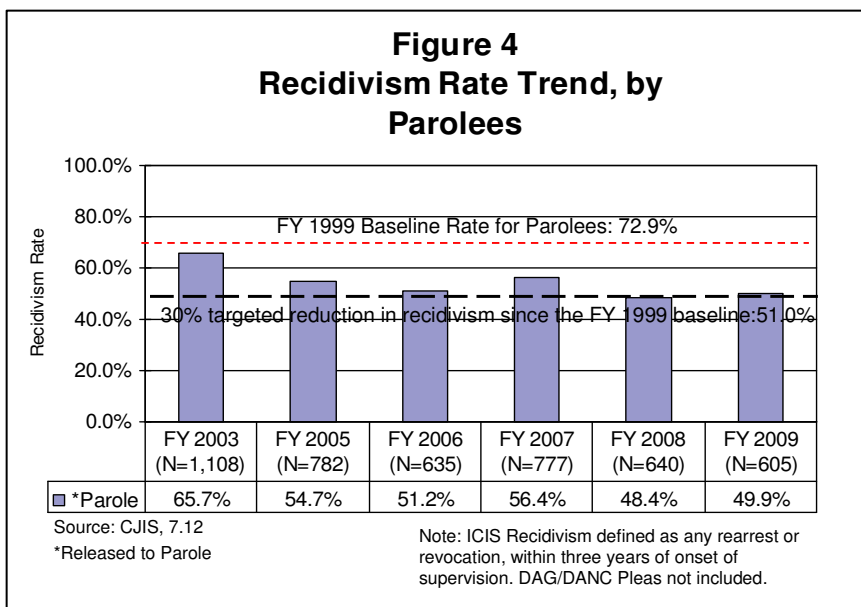
- The **49.1%** recidivism rate for FY 2009 cohort signifies a 22.4% decrease from the 63.3% baseline rate for FY 1999, and is 7.6 percentage points short of the targeted 30% decline.

Note: Figure 2 depicts yearly comparisons to the FY 1999 baseline recidivism rate (63.3%). ICIS has targeted as a goal, a 30% decline in recidivism beginning with this baseline. Included in the baseline and yearly updates are probationers and parolees only. The 1999 baseline study did not include maximum-term release prisoners from PSD.



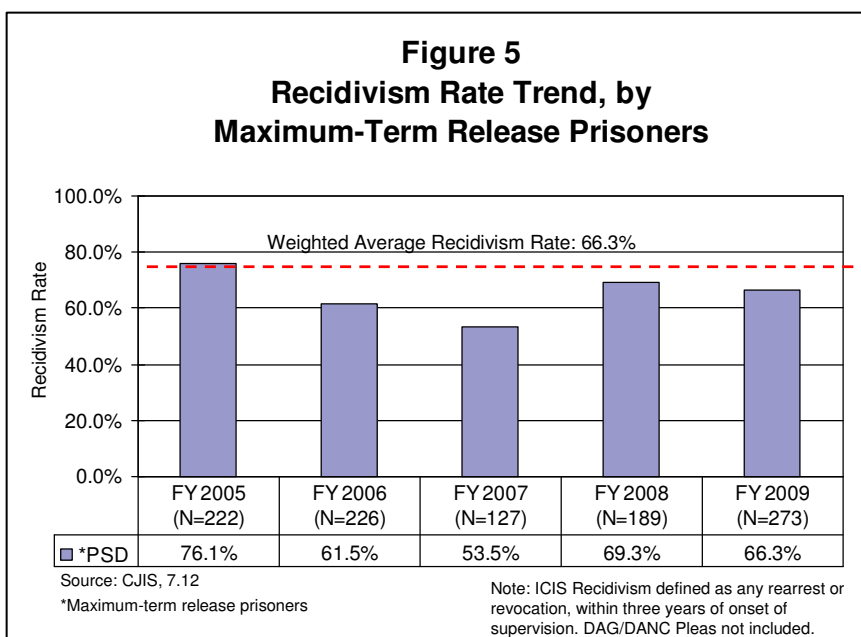
**Figure 3** displays the recidivism trend for felony probationers in the FY 1999 baseline year and subsequent recidivism rate changes.

- The current **48.9%** recidivism rate for FY 2009 is 0.4 percentage points higher than from the previous year (FY 2008). This is 4.8 percentage points below the FY 1999 baseline rate (53.7%).
- The current rate of recidivism decline is **8.9%**, almost one-third the way towards meeting the 30% targeted decline in recidivism.



**Figure 4** examines the recidivism trend for parolees in the FY 1999 baseline year and subsequent recidivism rate updates.

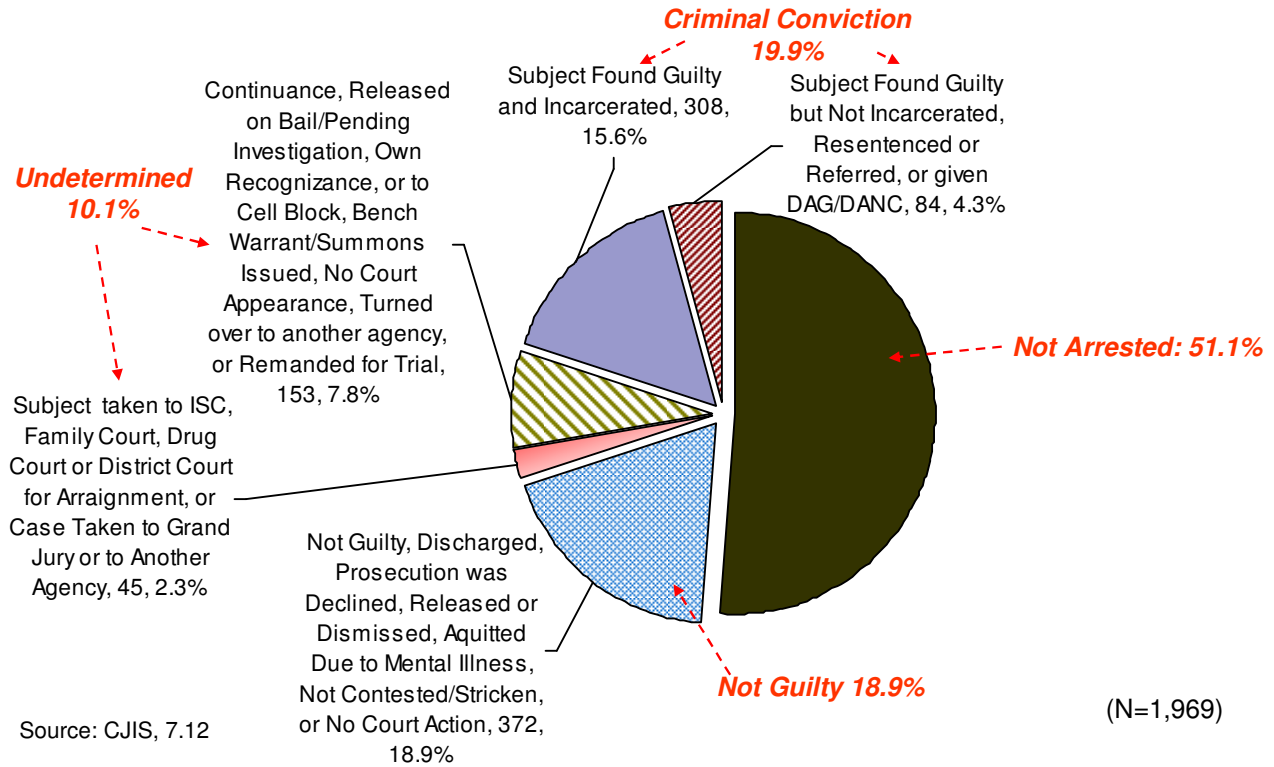
- The current **49.9%** recidivism rate for FY 2009 is 1.5 percentage points higher than from the previous year (FY 2008). This is 23.0 percentage points below the 72.9% recidivism rate reported in the FY 1999 baseline year.
- Recidivism has declined **31.6%**, surpassing the 30% targeted decline in recidivism.



**Figure 5** depicts the recidivism trend for maximum-term release prisoners in FYs 2005-2009.

- The **66.3%** recidivism rate for FY 2009 is 3.0 percentage points lower than the FY 2008 rate (69.3%).
- Recidivism has declined **12.9%** since FY 2005.

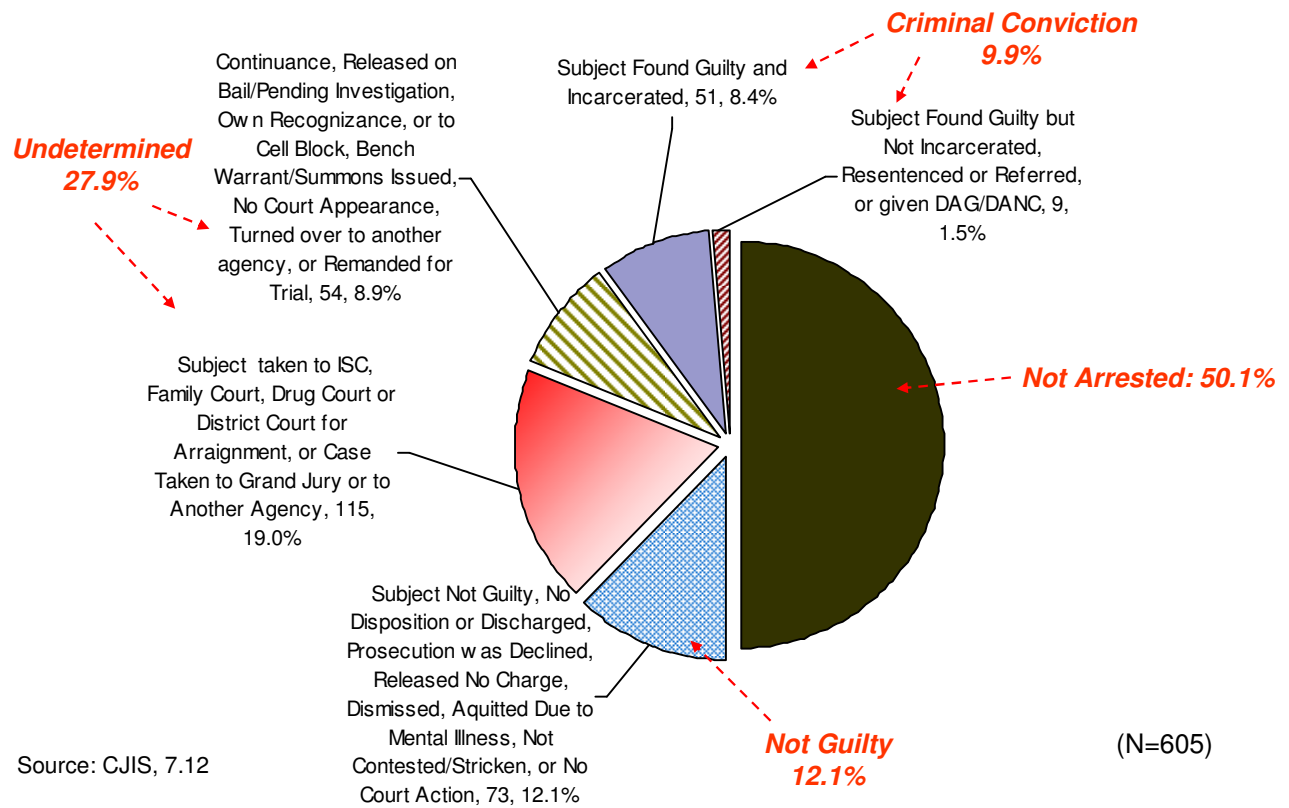
**Figure 6**  
**Disposition Status and Criminal Conviction Rate for**  
**Felony Probationers Released in FY 2009**



**Figure 6** reveals the disposition status and criminal conviction rate for felony probationers under supervision in FY 2009 and tracked over a 36-month period.

- Felon probationers who were convicted of a new criminal offense comprised 19.9% of the cases, whereby 15.6% were incarcerated, and 4.3% were convicted but not incarcerated.
- The proportion of felon probationers with dismissed charges (no court action) was 18.9%, or 372 out of 1,969 probationers.
- Dispositions that were undetermined accounted for 10.1% of the cases, due to pending arrest investigations, arraignment, offenders released on their own recognizance, or case continuance.

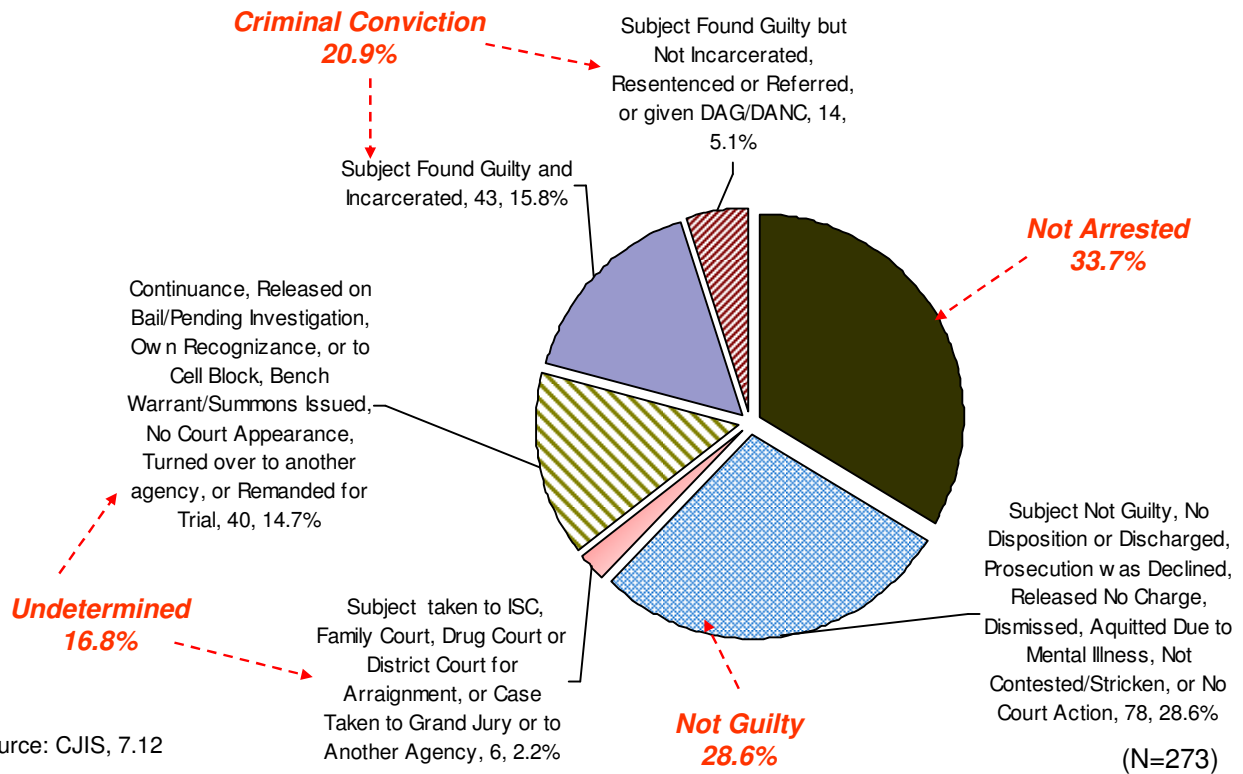
**Figure 7**  
**Disposition Status and Criminal Conviction Rate for Parolees Released in FY 2009**



**Figure 7** reveals the disposition status and criminal conviction rate for prisoners released to parole in FY 2009 and tracked over a 36-month period.

- Parolees who were convicted of a new criminal offense comprised 9.9% of the cases, whereby 8.4% were reincarcerated, and 1.5% were convicted but not reincarcerated.
- The proportion of parolees with dismissed charges (no court action) was 12.1%, or 73 out of 605 offenders released to parole.
- Dispositions that were undetermined accounted for 27.9% of the cases, due to pending arrest investigations, arraignment, pretrial release, or case continuance.

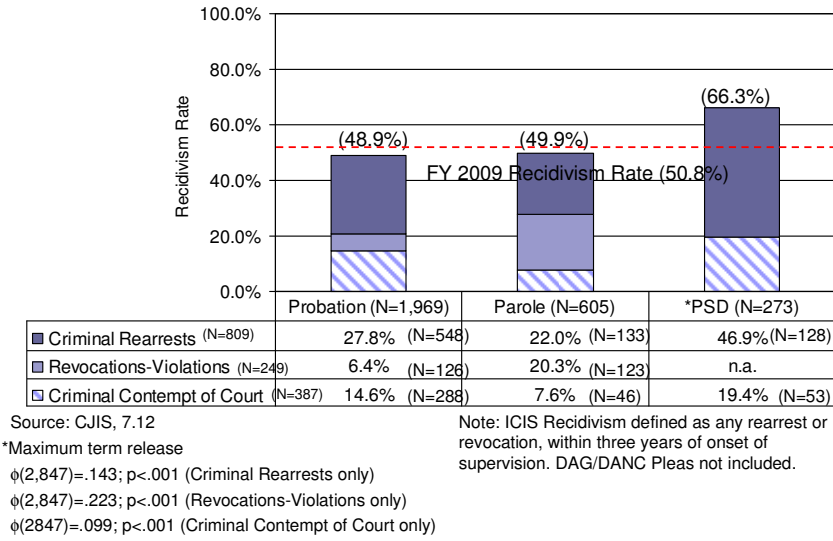
**Figure 8**  
**Disposition Status and Criminal Conviction Rate for**  
**Maximum-Term Release Prisoners in FY 2009**



**Figure 8** reveals the disposition status and criminal conviction rate for maximum-term release prisoners in FY 2009 and tracked over a 36-month period.

- Maximum-term release prisoners who were convicted of a new criminal offense comprised 20.9% of the cases, whereby 15.8% were re-incarcerated, and 5.1% were convicted but not incarcerated.
- The proportion of maximum-term release prisoners with dismissed charges (no court action) was 28.6%, or 78 out of 273 maximum-term release prisoners.
- Dispositions that were undetermined accounted for 16.8% of the cases, due to pending arrest investigations, arraignment, pretrial release, or case continuance.

**Figure 9**  
**Recidivism Rates, by Agency and Recidivism Type, FY 2009 Cohort**

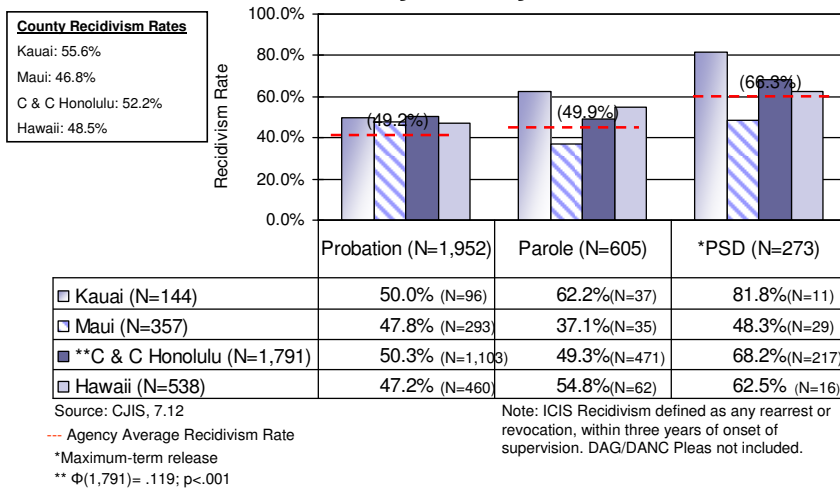


Note: Revocations-Violations represent the following: parole and probation revocations, summons arrest in probation, and bail release violations.

Figure 9 displays the FY 2009 recidivism rates, by agency and recidivism type. The differences in recidivism rates between agencies with respect to recidivism type (Criminal Rearrests, Revocations-Violations, and Criminal Contempt of Court) are statistically significant at the  $p<.001$  level.

- PSD had the highest Criminal Rearrest rate (46.9%) and Criminal Contempt of Court rate (19.4%).
- Parole had the highest Revocation-Violation recidivism rate (20.3%) and the lowest Criminal Contempt of Court rate (7.6%).
- Probation had the lowest Revocation-Violation recidivism rate (6.4%).

**Figure 10**  
**Recidivism Rates for Felony Probationers, Parolees, and Maximum Term Released Prisoners, by County, FY 2009 Cohort**



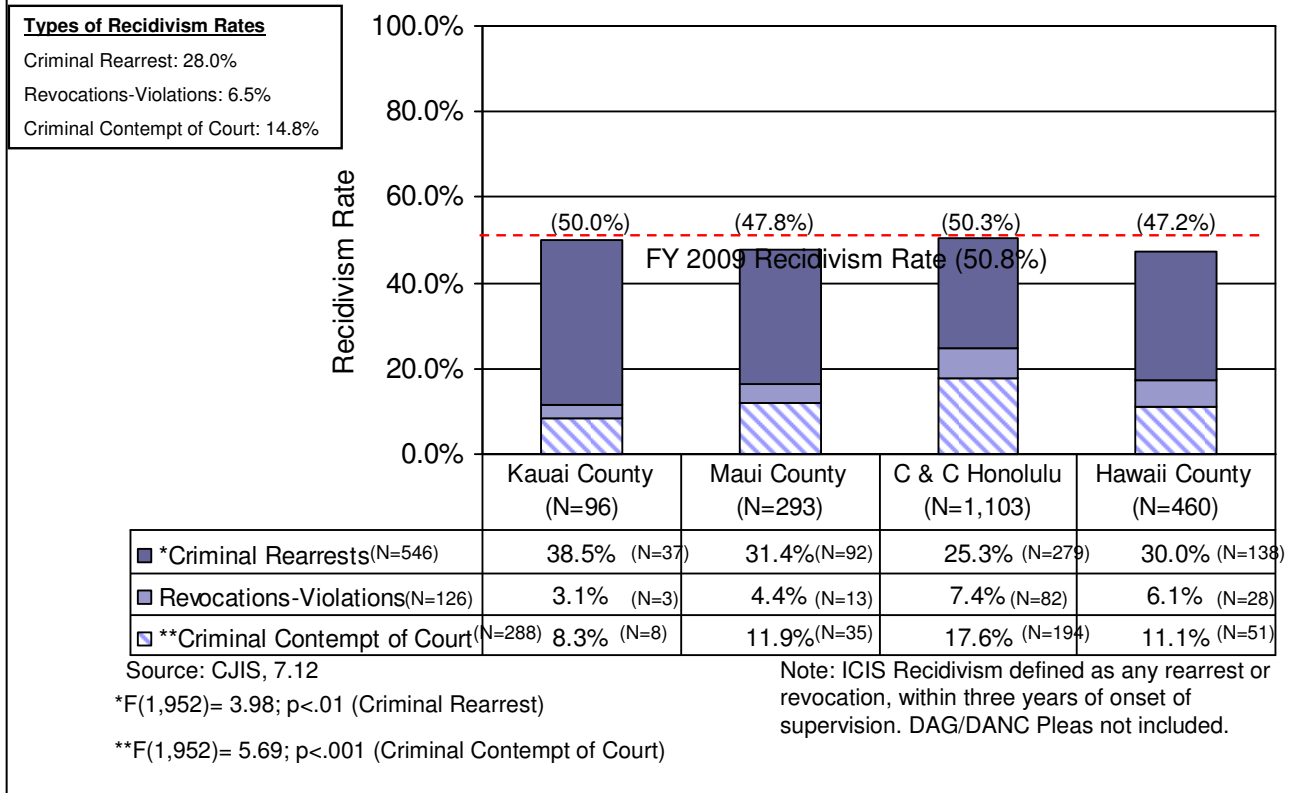
Note: This table reveals insignificant statistical differences in recidivism rates between agencies except for the City and County of Honolulu. There were no significant differences in recidivism rates between counties for probation, parole, or PSD. The offender's resident address, place of supervision, or location of the arresting agency helped to determine the offender's county.

Note: There is a need to take precautions when comparing recidivism rates between agencies. Revocations-Violations for parole and probation contribute to the recidivism rate, while Revocations-Violations do not apply to maximum-term release prisoners.

Figure 10 examines the FY 2009 recidivism rates for felony probationers, parolees, and maximum-term release prisoners, by county. The differences in recidivism rates between agencies are statistically insignificant, with respect to individual counties, except for the City and County of Honolulu. The recidivism rate for maximum-term release prisoners in the City and County of Honolulu is almost 19 percent greater than for parolees and nearly 18 percent greater than for probationers.



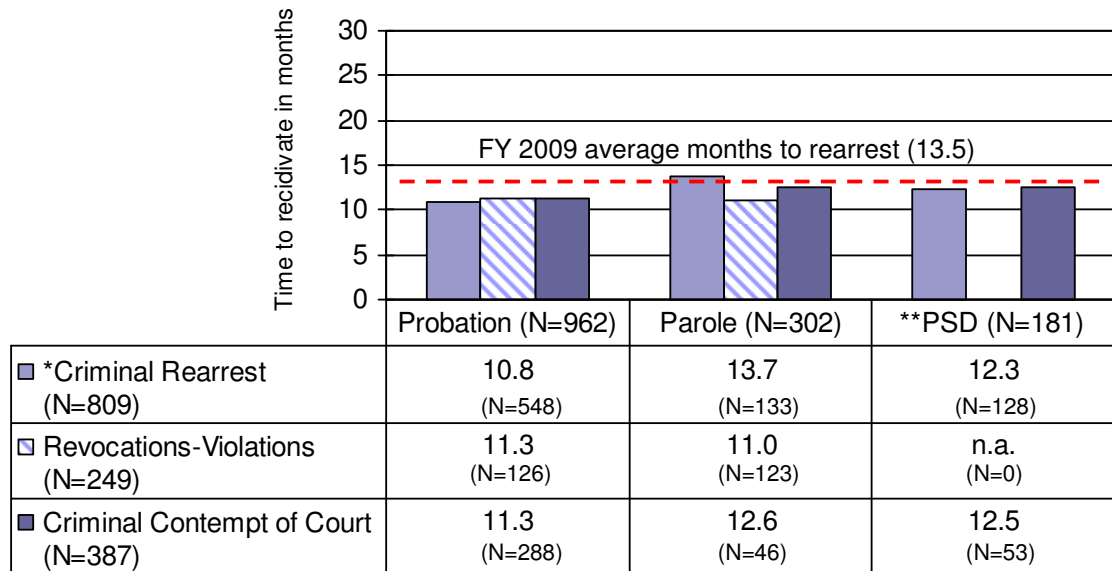
## Figure 11 Recidivism Rates for Felony Probationers, by County and Recidivism Type, FY 2009 Cohort



Note: Revocations-Violations represent the following: parole and probation revocations, summons arrest in probation, and bail release violations. The offender's resident address, place of supervision, or location of the arresting agency helped to determine the offender's county. This analysis of county-level recidivism was added upon request of the Hawaii State Judiciary. Additionally, the small number of parolees or maximum-term release prisoners did not require a county-by-county recidivism analysis.

**Figure 11** depicts the FY 2009 recidivism rates for felony probationers, by county and recidivism type. The differences in recidivism rates for probationers between counties with respect to recidivism type are statistically significant for Criminal Rearrests ( $p < .01$  level), and Criminal Contempt of Court ( $p < .001$ ). Kauai County had the highest recidivism rate for Criminal Rearrests (38.5%), while the City and County of Honolulu had the highest Revocation-Violation recidivism rate (7.4%), and Criminal Contempt of Court rate (17.6%).

**Figure 12**  
**Average Time to Recidivism in Months,**  
**by Agency, FY 2009 Recidivists**



Source: CJIS, 7.12

\*F(809)=5.44; p<.01

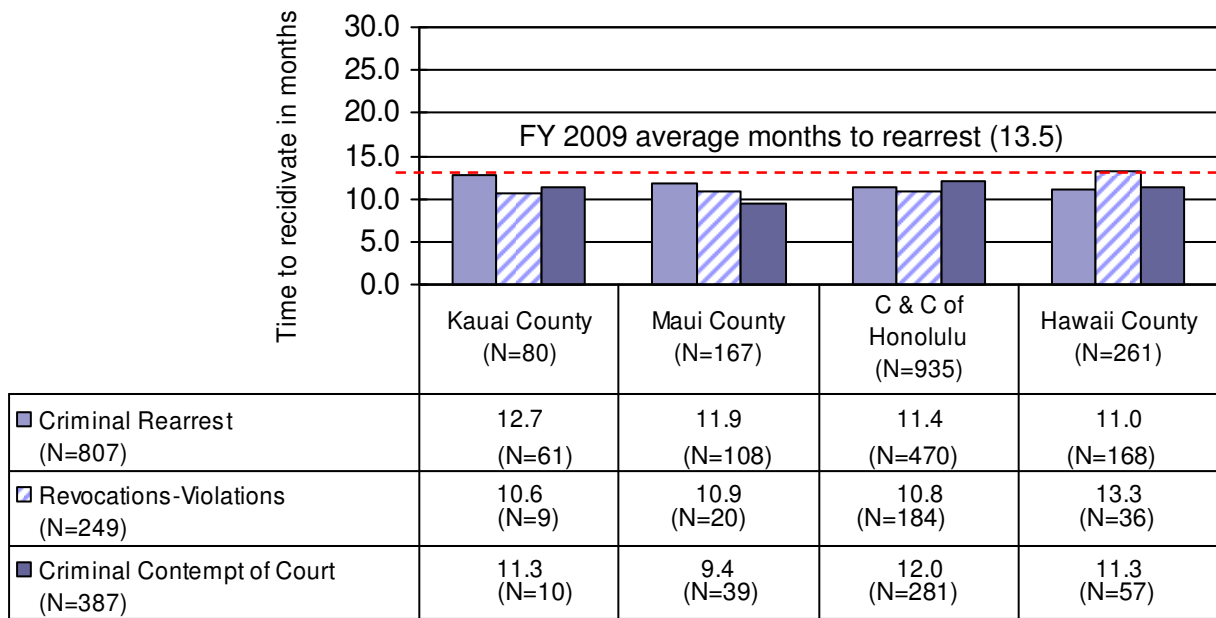
\*\*Maximum-term release prisoners

Note: ICIS Recidivism defined as any rearrest or revocation, within three years of onset of supervision. DAG/DANC Pleas not included.

Note: Revocations-Violations represent the following: parole and probation revocations, summons arrest in probation, and bail release violations.

**Figure 12** reveals the FY 2009 average time in months for recidivists between the *Follow-up Start Date* and the *Recidivism Event Date*, by recidivism type and agency. The differences in the average time to recidivism between agencies are statistically significant for only Criminal Rearrest (p<.01). The longest average time to criminal rearrest was for parolees (13.7 months), as compared to probationers, with an average time to rearrest of 10.8 months. All other differences in time to recidivism for Revocations-Violations or Criminal Contempt of Court are not statistically significant.

**Figure 13**  
**Average Time to Recidivism in Months,**  
**by County, FY 2009 Recidivists**



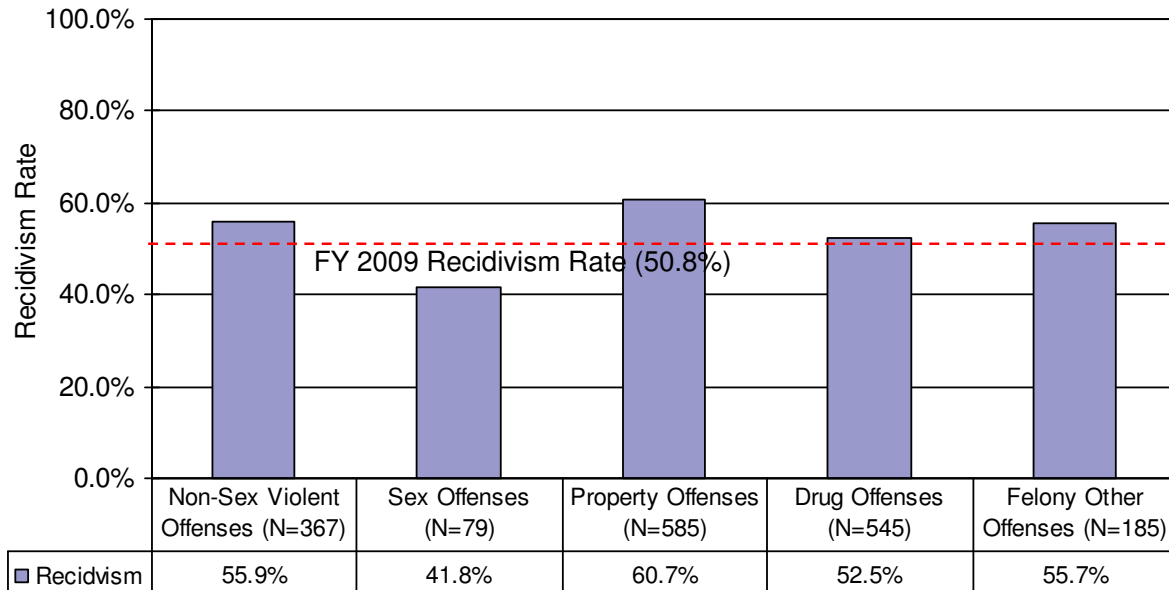
Source: CJIS, 7.12

Note: ICIS Recidivism defined as any rearrest or revocation, within three years of onset of supervision. DAG/DANC Pleas not included.

Note: Revocations-Violations represent the following: parole and probation revocations, summons arrest in probation, and bail release violations. The offender's resident address, place of supervision, or location of the arresting agency helped to determine the offender's county.

**Figure 13** examines the FY 2009 average time in months for recidivists between the *Follow-up Start Date* and the *Recidivism Event Date*, by recidivism type and county. The differences in the average time to recidivism between counties are not statistically significant for Criminal Rearrests, Revocations-Violations, or Criminal Contempt of Court.

**Figure 14**  
**Recidivism Rates, by Initial Offense Type,**  
**FY 2009 Cohort**



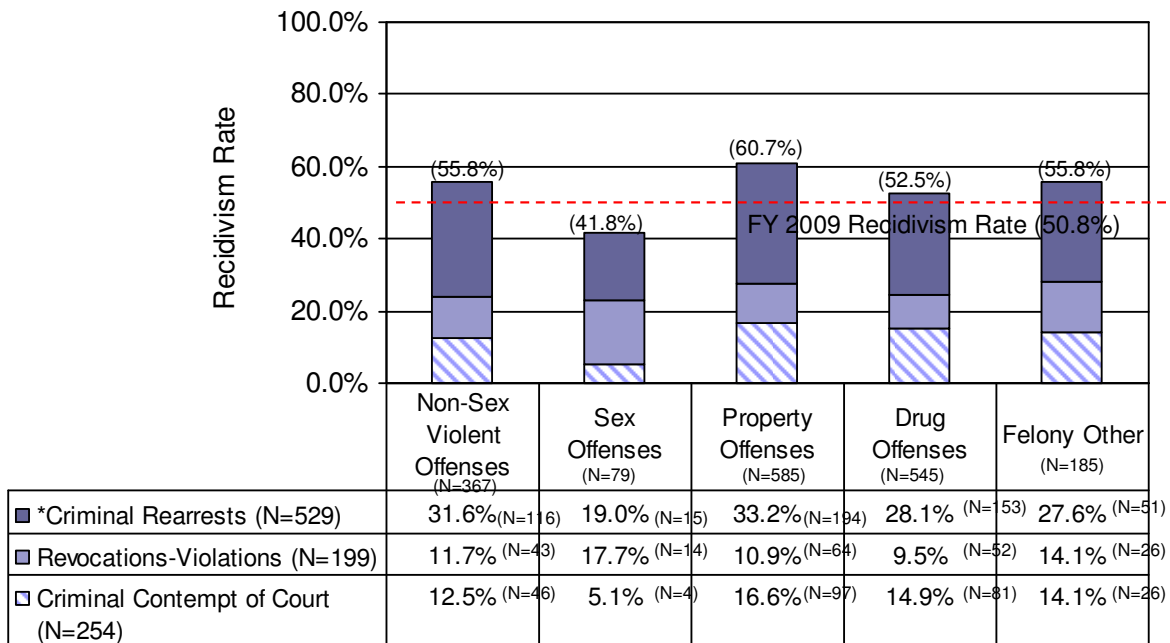
Source: CJIS, 7.12  
 $\Phi(2,011)=.111; p<.001$

Note: ICIS Recidivism defined as any rearrest or revocation, within three years of onset of supervision. DAG/DANC Pleas not included.

Note: Listed are the following offense types: Non-Sex Violent Offenses, Sex Offenses, Property, Drug Offenses, and Felony Other Offenses.

**Figure 14** examines the FY 2009 recidivism rates, by initial offense type. The data show that the differences in recidivism rates, by initial offense type, are predictive of recidivism at the  $p<.001$  level of statistical significance. Offenders convicted for criminal property offenses had the highest recidivism rate (60.7%), as compared to sex offenders, who had the lowest recidivism rate (41.8%).

**Figure 15**  
**Recidivism Rates, by Initial Offense Type and**  
**Recidivism Type, FY 2009 Cohort**



Source: CJIS, 7.12  
 \* $\Phi(2,011) = .106$ ;  $p < .001$

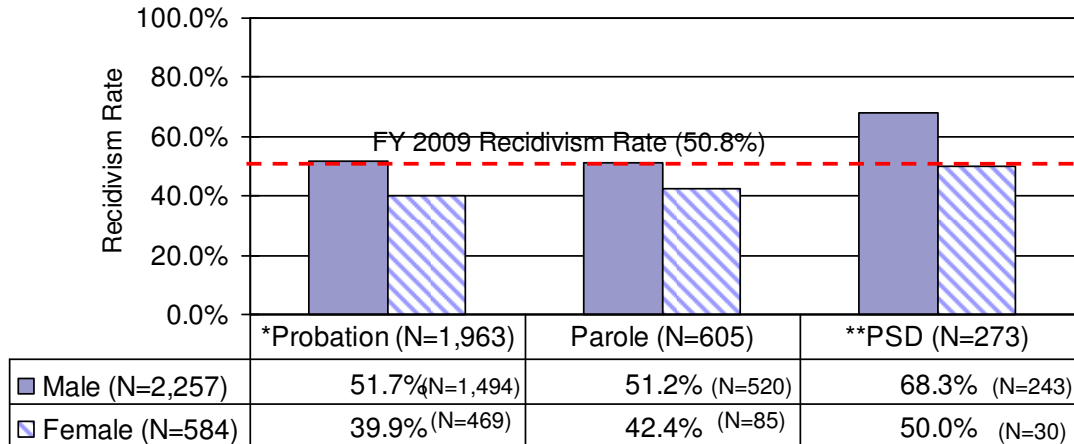
Note: ICIS Recidivism defined as any rearrest or revocation, within three years of onset of supervision. DAG/DANC Pleas not included.

Note: Revocations-Violations represent the following: parole and probation revocations, summons arrest in probation, and bail release violations.

**Figure 15** displays the FY 2009 recidivism rates, by initial offense type and recidivism type. Only the differences in Criminal Rearrest recidivism rates are statistically significant ( $p < .001$ ).

- Property Offenses had the highest Criminal Rearrest recidivism rate (33.2%).
- Sex Offenses had the lowest Criminal Rearrest recidivism rate (19.0%).

**Figure 16**  
**Recidivism Rates, by Agency and Offender Gender, FY 2009 Cohort**



Source: CJIS, 7.12

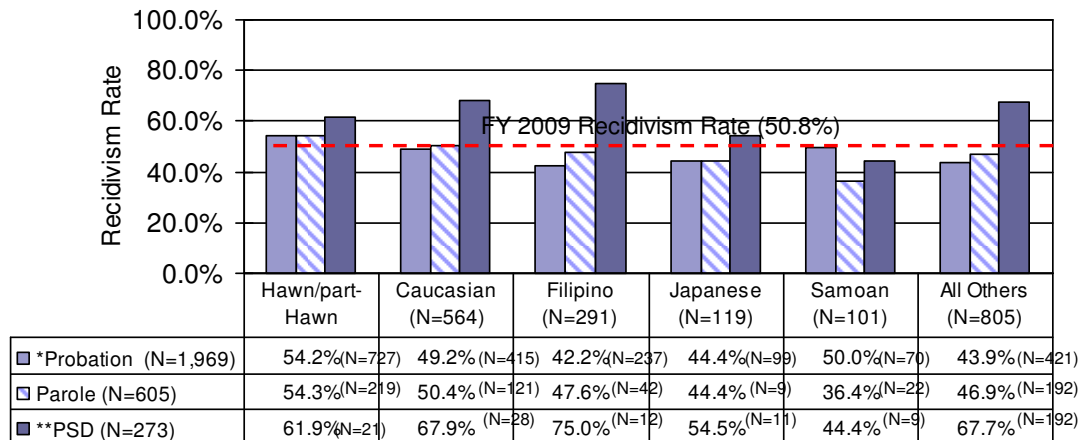
\*Probation:  $\chi^2(1,963)=20.12$ ;  $p<.001$

\*\*Maximum-term Release Prisoners:  $\chi^2(273)=4.01$ ;  $p<.05$

Note: ICIS Recidivism defined as any rearrest or revocation, within three years of onset of supervision. DAG/DANC Pleas not included.

**Figure 16** examines the FY 2009 recidivism rates, by agency and offender gender. The differences in recidivism rates between males and females are statistically significant for Probation ( $p<.001$ ) and Maximum-term release prisoners ( $p<.05$ ), but not for Parole.

**Figure 17**  
**Recidivism Rates, by Agency and Offender Ethnicity, FY 2009 Cohort**



Source: CJIS, 7.12

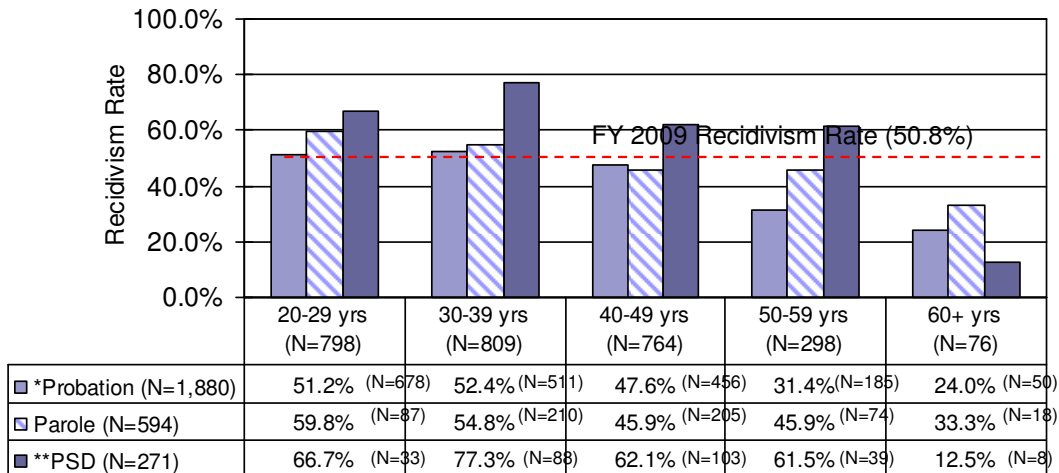
\*Probation:  $\phi(1,969)=.094$ ;  $p<.01$

\*\*Maximum-term release prisoners

Note: ICIS Recidivism defined as any rearrest or revocation, within three years of onset of supervision. DAG/DANC Pleas not included.

**Figure 17** depicts the FY 2009 recidivism rates, by agency and offender ethnicity. The differences in recidivism rates between ethnic groups are statistically significant for Probation ( $p<.001$ ), but not for Parole and PSD.

**Figure 18**  
**Recidivism Rates, by Agency and Offender Age Range, FY 2009 Cohort**



Source: CJIS, 7.12

\*Probation:  $\phi(1,945)=.166$ ;  $p<.001$

\*\*PSD (Maximum-term prisoners:  $\phi(271)=.245$ ;  $p<.01$ )

Note: ICIS Recidivism defined as any rearrest or revocation, within three years of onset of supervision. DAG/DANC Pleas not included.

**Figure 18** reveals the FY 2009 recidivism rates, by agency and the offender age range. The differences in recidivism rates between offender age ranges are statistically significant for Probation ( $p<.001$ ), and Maximum-term release prisoners ( $p<.01$ ), but not for Parole.

## Summary and Discussion

The 50.8% recidivism rate for the 2012 reporting period included offenders from Probation, Parole, and PSD (Figure 1).<sup>1</sup> With respect to year-to-year recidivism rates (see Figure 2), the 49.1% recidivism rate update for probationers and parolees was slightly higher than from the previous year, but remained lower than the 2002 baseline rate (63.3%). This translates into a 22.4% cumulative decrease in recidivism (2002-2012), which falls short of the ICIS's primary goal of reducing recidivism in Hawaii by 30%.<sup>2</sup> With respect to individual agencies, probation had a 48.9% offender recidivism rate in 2012, which is a 0.4 percentage point increase in recidivism from the previous year (Figure 3). Parole had a 49.9% offender recidivism rate in 2012, which is 1.5 percentage points higher than the previous year (Figure 4). With respect to the specific types of recidivism, by agency (see Figure 9), PSD had the highest offender recidivism rate for criminal rearrests (46.9%) and for criminal contempt of court (19.4%), while Parole had the highest offender revocation-violation rate (20.3%).

<sup>1</sup> The 2012 statewide recidivism rate comes from the FY 2009 cohort, which compiled offenders from all agencies (Probation, Parole, and PSD) followed up over a 36-month period.

<sup>2</sup> Year-to-year trend analysis started with the 2002 baseline year, and only included probationers and parolees. Subsequent recidivism updates have continued over a ten-year period, with 2012 being the most recent year studied (49.1% recidivism rate).

Criminal reconviction rates (offenders found guilty as charged or resentenced) varied widely between agencies (Figures 6-8). Felon probationers had the highest criminal reconviction rate (41.0%), followed by maximum-term release prisoners (31.5%), and parolees (19.8%). The high reconviction rates for probationers may be due to the large number of probationers resentenced for either criminal offenses or revocations-violations.

The differences in recidivism rates between agencies (Probation, Parole, and PSD), and within counties, are statistically significant only for the City and County of Honolulu (Figure 10); while county-level differences in probationer recidivism rates for Criminal Rearrests and Criminal Contempt of Court are statistically significant (Figure 11). Probationers in Kauai County had the highest recidivism rate for Criminal Rearrests (42.4%), while probationers in the City and County of Honolulu had the highest recidivism rates for Criminal Contempt of Court (15.7%) and Revocations-Violations (10.3%). Parolees and maximum-term release prisoners did not have statistically significant county-level differences in recidivism rates.

Parolees charged with new criminal offenses had the longest average time to recidivism (13.7 months), while probationer reoffenses had the shortest average time to recidivism (10.8 months). The differences in time to recidivism between agencies are statistically significant ( $p < .01$ ) for criminal rearrest (Figure 12).

Figure 14 demonstrates statistically significant differences between the type of offense committed and recidivism rates, whereby property crime offenders had the highest recidivism rate (60.7%) and sex offenders had the lowest rate (41.8%). Likewise, as shown in Figure 15, there are statistically significant differences ( $p < .001$ ) in criminal arrest recidivism rates only, particularly for offenders convicted for property offenses (33.2%) versus sex offenses (19.0%).

Based on the recidivism trends in the State of Hawaii, ICIS must be careful to avoid making premature recidivism predictions. There are unknown, or at least, currently undocumented factors that contribute to upward or downward pressures in the recidivism rate. Probationers and parolees also need regular monitoring and supervision because of the considerable external (environmental) and internal (individual) factors that may contribute to recidivism risk. Furthermore, ICIS agencies must have in place congruent policies and procedures that are conducive to, and supportive of, evidence-based practices. This includes continued adherence to the risk, needs, and responsivity principles. ICIS should also strive to improve the offender classification system by minimizing classification errors, and employing a classification system that is both predictive of recidivism, and useful for offender management. Finally, ICIS agencies must be vigilant in employing quality assurance methods, which include accuracy and consistency in adhering to prescribed data collection routines, and commitment to ongoing officer training and recertification efforts.

*Hawaii Recidivism Update*  
is available electronically at the ICIS web site:  
<[hawaii.gov/icis](http://hawaii.gov/icis)>.