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## <u>State of Hawaii, FY 2016 Cohort</u> 2019 Recidivism Update

This report provides a comparative update to the *2002 Hawaii Recidivism Baseline Study* and subsequent updates in the 2006 through 2018 reporting years. Hawaii's statewide recidivism rate is the key indicator of the Interagency Council on Intermediate Sanctions' (ICIS) efforts to reduce recidivism by 30% over a 10-year period. Although this period ended in 2011, reaching the 30% recidivism reduction benchmark remains an important long-term goal.

This study is comprised of **2,149** offenders from the Fiscal Year 2016 cohort, as compiled from the following State agencies:

- 1. Hawaii State Probation Services 1,301 Offenders Sentenced to Felony Probation.
- 2. Hawaii Paroling Authority (HPA) 531 Offenders Released to Parole.
- 3. Department of Public Safety (PSD) 317 Maximum-Term Released Prisoners.

*Background*: ICIS conducted its first recidivism study in 2002. This baseline study monitored probationers and parolees for criminal rearrests and revocations/technical violations over a three-year follow-up period. ICIS has since conducted additional recidivism update studies, for the FY 2003 and FYs 2005-2016 cohorts, all of which replicated the methodology and recidivism definition adopted in the 2002 baseline study. These update studies retain the methodological consistency required for year-to-year trend comparisons.

# Methodology

This study examines felony probationers, prisoners released to parole, and maximum-term released ("maxed-out") prisoners. It tracks recidivism for each offender over a precise 36-month period. ICIS defines recidivism as arrests (most recent charge after supervision start date, excluding criminal contempt of court offenses), revocations, technical violations, and/or arrests for criminal contempt of court. The study data set includes fields from the following information systems: the Hawaii Department of the Attorney General's Criminal Justice Information System (CJIS); the Community Corrections Adult Assessment information system; and the Department of Public Safety's (PSD) Offender Track system.

The recidivism data come from a June 2019 CJIS download, which included the listing of any and all state charges reported since each offender's respective community supervision start (follow-up) date within Fiscal Year 2015 (July 1, 2015 through June 30, 2016). Probation, Parole, and PSD define their recidivism follow-up date, respectively, as the *Supervision Start Date* for probationers under community supervision; release to parole date; and maximum-term prison release date. These dates help to determine the *Time to Recidivism* (length of time elapsed from the follow-up start date to the arrest date). In situations involving multiple charges filed on the same arrest date, the most severe charge (i.e., felony, misdemeanor, petty misdemeanor, or revocation) becomes the recorded recidivism event. Traffic and vehicular violations are not included as recidivism events.

The following paragraphs specify the data and methodologies employed for each agency:

### 1. Felony Probation

Included in this study are 1,301 felony probationers. The defined *Supervision Start Date* is from July 1, 2015 through June 30, 2016. Note: There are 4,848 unduplicated counts of probationers in the FY 2016 cohort, of which 1,732 are felony probationers. The 431 probationers with Deferred Acceptance of Guilty (DAG) or Deferred Acceptance of Nolo Contendere (DANC), i.e., "No Contest" pleas, were excluded from the probation cohort.

### 2. Hawaii Paroling Authority (HPA)

This study includes 531 offenders who were released from prison to parole from July 1, 2015 through June 30, 2016.

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

Also included in this study are 317 maximum-term released ("maxed-out") prisoners who completed their entire sentenced term of incarceration at a point between July 1, 2015 and June 30, 2016. ICIS has tracked the recidivism trends of maximum-term released prisoners since FY 2005.



**Figure 1** depicts probationer, parolee, and maximum-term released prisoner recidivism rates. Recidivism is defined as any new arrest, or the revocation of probation or parole, within three years of the start of supervision, released to parole, or prison release date. The data reveal a 54.6% recidivism rate for probationers; a 50.1% recidivism rate for parolees; and a 57.1% recidivism rate for maximum-term released prisoners. The differences in recidivism rates by offender type are statistically significant at the p<.01 level. The overall recidivism rate for the entire FY 2016 study cohort is 53.8%.



**Figure 2** examines the time-period recidivism rates for probationers, parolees, and maximumterm released prisoners. From the supervision start date, 859 (39.9%) offenders recidivated within the first 12 months of supervision, 272 (12.7%) recidivated between 12 through 24 months (52.6% cumulative recidivism rate), and 26 (1.2%) offenders recidivated between 24 through 36 months (53.8% cumulative recidivism rate) from the follow-up start date.



Note: Figure 3 depicts yearly comparisons to the FY 1999 baseline recidivism rate (63.3%). ICIS targeted as a goal, a 30% decline in recidivism in comparison to this baseline. Included in the baseline and yearly updates are probationers and parolees only. The 1999 baseline study did not include maximum-term released prisoners. In order for ICIS to reach the 30% decline in recidivism, the current recidivism rate of 61.4% will need to fall an additional 17.1 percentage points to reach the 44.3% targeted recidivism rate.

• **Figure 3** reveals the recidivism trend for felony probationers and parolees for FYs 2003-2016. The recidivism rate for FY 2016 is 53.3% (8.1 percentage points) lower than the FY 2015 rate. Since FY 1999, the recidivism rate has declined 15.8% (10.0 percentage points), far from the goal of reducing recidivism by 30%.



**Figure 4** displays the recidivism rates for felony probationers in the FY 1999 baseline study and subsequent years. The FY 2016 felony probationer cohort's recidivism rate (54.6%) is 10.1 percentage points lower than the FY 2015 rate, but remains considerably higher than the rates for previous cohorts. The FY 2016 recidivism rate for felony probationers is 0.9 percentage points higher than the FY 1999 baseline rate.



**Figure 5** portrays the recidivism trend for parolees in the FY 1999 baseline year and subsequent years.

- The parolees' recidivism rate for FY 2016 is 50.1%, which is 0.2 percentage points lower than the FY 2015 rate.
- Since FY 1999, the recidivism rate for parolees has declined 31.3%, which meets the goal of reducing recidivism by 30%.



Figure 6 shows the recidivism trend for maximum-term released prisoners in FYs 2005-2016.

- The maximum-term released prisoners' recidivism rate for FY 2016 is 57.1%, which is 6.9 percentage points lower than the FY 2015 rate.
- Since FY 2005, the recidivism rate for maximum-term released prisoners has declined by 25.0%, which is 3.8 percentage points short of meeting the goal of reducing recidivism by 30%.



**Figure 7** illustrates the disposition status and criminal reconviction rate for 707 offenders who were sentenced to felony probation in FY 2016 and subsequently recidivated within a 36-month period.

- Those convicted of a new criminal offense comprised 38.4% of the probationer recidivists.
- New criminal cases that led to acquittals, dismissals, or not guilty verdicts accounted for 32.2% of the probationer recidivists.
- Undetermined dispositions, due to pending investigations, arraignments, case continuance, or being remanded to other courts, accounted for 29.5% of the probationer recidivists.



**Figure 8** identifies the disposition status and criminal reconviction rate for 266 prisoners who were released to parole in FY 2016 and subsequently recidivated within a 36-month period.

- Parolees convicted for a new criminal offense comprised 17.3% of the parolee recidivists.
- Cases that led to acquittals, dismissals, or not guilty verdicts accounted for 16.5% of the parolee recidivists.
- Undetermined dispositions, due to pending investigations, arraignment, case continuance, or offenders remanded to other courts, accounted for 66.2% of the parolee recidivists.



**Figure 9** portrays the disposition status and criminal reconviction rate for 181 maximumterm prisoners who were released in FY 2016 and subsequently recidivated within a 36month period.

- Those convicted for a new criminal offense comprised 38.1% of the maximum-term released offender recidivists.
- Cases that led to acquittals, dismissals, or not guilty verdicts accounted for 34.8% of the maximum-term released offender recidivists.
- Undetermined dispositions due to pending investigations, arraignment, case continuance, or offenders remanded to other courts, accounted for 27.1% of the maximumterm released offender recidivists.



Note: Revocations-Violations include the following: parole and probation revocations, summons arrest in probation, and bail release violations. Also, policy analysts need to be cautious when comparing the recidivism rates between agencies, as there are many complex and interacting factors that can affect recidivism rates. For instance, revocations-violations for probationers and parolees contribute to the total recidivism rate, but not for maximum-term released prisoners who have few revocation-violations.

**Figure 10** reveals the FY 2016 recidivism rates for probationers, parolees, and maximumterm released prisoners, by recidivism type. The differences in recidivism rates between offender types (probationers, parolees, and maximum-term released prisoners), are statistically significant at the p<.001 level for arrests, revocation-violations, and criminal contempt of court.

- Parolees had the highest revocations-violations rate (30.9%), the lowest criminal arrest rate (13.7%), and the lowest criminal contempt of court rate (4.9%). The high revocation-violation rate negatively correlates with the low arrest and criminal contempt of court rates. This correlation is consistent with parole's aggressive response to dealing with parolee violations, or infractions, which results in a lower potential for new criminal offenses.
- Probationers had the highest criminal contempt of court rate (15.5%), as compared to parolees, and maximum-term released prisoners.
- Maximum-term released prisoners had the highest arrest rate (43.8%), as compared to probationers and parolees.



Note: Revocations-Violations include the following: revocations, bench warrant/summons, 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 for total offenders was conducted at the request of the Hawaii State Judiciary.

**Figure 11** examines the FY 2016 recidivism rates for felony probationers, parolees, and maximum-term released prisoners, by county. The differences in recidivism rates between Hawaii's four counties are statistically significant for each of these offender types. With respect to county-level recidivism rates, Maui County had the overall highest recidivism rate (64.3%) for total offenders across all agencies, and the highest recidivism rates for probationers (62.7%), parolees (60.4%), and maximum-term released prisoners (80.0%). Kauai County had the lowest overall recidivism rate (45.7%) across all agencies, as well as the lowest recidivism rate for probationers (41.0%) and parolees (43.8%). The City and County of Honolulu had the lowest recidivism rate for maximum-term released prisoners (49.8%)



**Figure 12** displays the FY 2016 recidivism rates for felony probationers, by county and recidivism type. The differences in recidivism rates for probationers between counties are statistically significant, for arrests (p<.001) and total recidivism (p<.001).

- Hawaii County probationers had the highest recidivism rates for revocations-violations (16.6%) and other violations (2.0%).
- Maui County probationers had the highest recidivism rate for total recidivism (62.7%) and arrests (33.2%), but the lowest recidivism rate for revocations-violations (11.9%).
- The City and County of Honolulu had the highest recidivism rate for criminal contempt of court (17.5%).
- Kauai County probationers had the lowest recidivism rates for total recidivism (41.0%), arrests (16.9%), criminal contempt of court (9.6%), and other violations (1.2%).



Note: Revocations-Violations include the following: revocations, bench warrant/summons, and bail release violations.

**Figure 13** displays the FY 2016 recidivism rates for parolees, by county and recidivism type. The differences in recidivism rates for parolees between counties are statistically significant for arrests (p<.001), revocations-violations (p<.001), and total recidivism (p<.001).

- Maui County had the highest recidivism rates for total recidivism (60.4%), arrests (37.5%), and other violations (2.1%), and the lowest recidivism rate for revocations-violations (16.7%).
- Kauai County had the lowest recidivism rates for total recidivism (43.7%), criminal contempt of court (0.0%), and other violations (0.0%).
- The City and County of Honolulu had the lowest recidivism rate for arrests (10.0%).



**Figure 14** shows the average time in months elapsed from the *Follow-up Start Date* to the *Recid-ivism Event Date*, by recidivism type, for recidivists in the FY 2016 cohort of probationers, parolees, and maximum-term released prisoners. The average elapsed time to recidivism in FY 2016 is 8.2 months. There were no statistically significant differences in elapsed time to recidivism between probationers (7.8 months), parolees (8.7 months), and maximum-term released prisoners (8.6 months), regardless of recidivism type.

Within individual recidivism types, the differences in the average elapsed time to recidivism between probationers, parolees, and maximum-term released prisoners are statistically significant for arrests (p<.001), with probationers having the shortest elapsed time to arrest (7.2 months), as compared to parolees and maximum-term released prisoners. The differences in average elapsed time to recidivism between offender types for revocations-violations and criminal contempt of court were not statistically significant.

With respect to individual agencies, there were no statistically significant differences in the average elapsed time between individual recidivism types.



Note: Revocations-Violations include the following: revocations, bench warrant/summons, 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 15** shows the average time in months elapsed from the *Follow-up Start Date* to the *Recidivism Event Date*, by recidivism type, for recidivists in the FY 2016 cohort, by counties. There were no statistically significant differences in elapsed time to recidivism between counties after averaging all elapsed times to recidivism, regardless of recidivism type.

With respect to individual recidivism types, the differences in the average elapsed time to recidivism, by counties, are statistically significant for revocations-violations (p<.05), and criminal contempt of court (p<.05), with Kauai County having the shortest elapsed time to recidivism for revocations-violations (4.2 months), and criminal contempt of court (6.1 months), as compared to the other counties.



**Figure 16** identifies the FY 2016 recidivism rates, by initial offense type. The data show that the differences in recidivism rates, by initial offense type, are statistically significant at the p<.001 level. Offenders initially convicted for misdemeanors had the highest recidivism rate (68.3%), while convicted sex offenders had the lowest recidivism rate (20.4%).



**Figure 17** portrays the FY 2016 recidivism rates, by initial offense type and recidivism type. The recidivism rates for offenders charged with criminal arrests, revocations-violations, and criminal contempt of court differed significantly between initial offense types.

- Property crime offenders had the highest recidivism rates for total recidivism (62.7%), arrests (26.0%), and criminal contempt of court (18.2%).
- Sex offenders had the lowest recidivism rates for total recidivism (20.4%), arrests (5.6%), revocations-violations (11.1%), and the criminal contempt of court (3.7%).
- Felony "Other" offenders had the highest recidivism rate for revocations-violations (24.8%).



**Figure 18** examines the FY 2016 recidivism rates for probationers, parolees, and maximum-term released prisoners, by gender. The differences in recidivism rates between males and females are statistically significant for total offenders (54.8% versus 51.3%, respectively) and for parolees (51.7% versus 47.5%), but not for probationers or maximum term released prisoners.



**Figure 19** shows the FY 2016 recidivism rates for probationers, parolees, and maximumterm released prisoners, by ethnicity. The differences in recidivism rates between ethnic groups are not statistically significant for any of the offender types (i.e., probationers, parolees, and maximum-term released prisoners).



**Figure 20** illustrates the FY 2016 recidivism rates for probationers, parolees, and maximumterm released prisoners, by offender age range. The differences in recidivism rates between offender age ranges are statistically significant for probationers, maximum-term released prisoners, and total offenders, but not for parolees. Offenders in the 60+ years-old age group (40.0%) had the lowest recidivism rate.



**Figure 21** depicts the FY 2016 recidivism rates between the two types of maximum-term released prisoners. Parole Violators (57.8%) and Sentenced Felons (57.8%) recidivated at an identical rate of 57.8%.

## Summary

The FY 2016 offender cohort's recidivism rate aggregated from all three ICIS agencies is 53.8 percent (Figure 1), which is 7.9 percentage points lower than the FY 2015 cohort's recidivism rate (61.7%). The decline in the FY 2016 cohort recidivism rate is primarily due to a 10.1 percentage point reduction in the probation recidivism rate, and a 6.9 percentage point decrease in the recidivism rate for maximum-term released prisoners (Figures 4 and 6). The FY 2016 cohort of probationers and parolees had the second highest recidivism rate (53.3%) since FY 2005 (Figure 3). The FY 2016 recidivism rate was 8.1 percentage points lower than the FY 2015 rate, and reflects a 15.8% reduction in recidivism since the FY 1999 baseline, far below ICIS' targeted goal of reducing recidivism by 30%.

Recidivism Rates, by Agency: The 54.6% recidivism rate for probationers in the FY 2016 cohort remained at a historical high point (second highest recidivism rate since the FY 2005 cohort) (Figure 4), and reveals a high number of arrests (319), which account for nearly half (45.0%) of the total recidivism occurrences for probationers (Figure 10). The FY 2016 parolee recidivism rate (50.1%) is relatively unchanged from FY 2015, and remains short of the 30% targeted reduction in recidivism since the FY 1999 baseline (Figure 5). The parolee recidivism rate includes a high number of revocations-violations (164), which accounts for 61.7 percent of the total recidivism occurrences for parolees (Figure 10). The large number of parolee revocations is consistent with the Hawaii Paroling Authority's aggressive response to dealing with technical violations. The 57.1% recidivism rate for FY 2016 maximum-term released prisoners is at its lowest point since FY 2008 (Figure 6). As shown in Figure 10, maximum-term released prisoners had the highest criminal arrest recidivism rate (43.8%) in the FY 2016 offender cohort.

Recidivism Rates, by County: The FY 2016 recidivism rate for Maui County offenders (64.3%) was significantly higher than the other counties' rates (Figure 11). Maui County also showed significantly higher recidivism rates for all three offender types (probationers, parolees, and maximum-term released prisoners) (Figure 11), and a significantly higher recidivism rate for arrests (Figure 12).

The average elapsed time to recidivism for the FY 2016 offender cohort was 8.1 months (Figure 14), where half (median) of all offenders recidivated within six months from the date of probation supervision, release to parole, or maximum-term prison release. The differences in average elapsed time to recidivism with respect to individual agencies are not statistically significant. However, with respect to criminal arrests, parolee recidivists had a significantly longer elapsed time to recidivism (9.6 months), as compared to probationers and maximum-term released prisoners (Figure 14). Figure 16 shows statistically significant differences in recidivism rates between the various initial offense types, whereby misdemeanants had the highest total recidivism rate (68.3%), followed by property crime offenders (62.7%), while sex offenders had the lowest rate (20.4%). The analysis of offender demographics reveals significantly higher recidivism rates for male offenders (54.8%) as compared to females (51.3), and for 20-29-year-old offenders (63.9%) as compared to the other age groups (Figures 18, 20).

# Discussion

The study results show that, similar to the previous year's offender cohort, the FY 2016 cohort included a large proportion of high- and surveillance-risk level probationers, as compared to cohorts from previous years, beginning with the FY 2014 cohort. Appendix A shows that in the FY 2014 probationer cohort, high- and surveillance-risk level probationers accounted for 28.5% of the total probationers, and which was similar to the proportions reported in earlier studies. However, the proportion of high- and surveillance-risk probationers increased substantially in FY 2015 (48.3%) and in FY 2016 (44.3%). The decline in the probationer recidivism rate for the FY 2016 cohort is attributed to a lower recidivism rate for high- and surveillance risk probationers (67.6% for FY 2016, versus 73.6% for FY 2015). By definition, recidivism rates are expected to be higher for offenders who are assessed at the high or surveillance level of risk. Appendix B shows a similar pattern when the data for probationers' most recent (as opposed to initial) LSI-R assessments are examined.

There are considerable extenuating factors that can influence offender-related behaviors that trigger recidivism. Probationers and parolees need regular monitoring, assessment, and supervision due to the considerable external (environmental) and criminogenic factors that contribute to recidivism. ICIS agencies need congruent policies and procedures that are conducive to, and supportive of evidence-based practices (EBPs). This includes continued adherence to the Risk, Needs, and Responsivity (RNR) Principles, and ensuring that officers are fully trained and skilled in EBPs, such as motivational interviewing, cognitive behavioral treatment, and collaborative case planning. ICIS should also continue its efforts to assess, monitor, and evaluate contracted offender treatment programs. While probationer recidivism rates are not decreasing sufficiently to reach the goal of reducing recidivism by 30 percent, the parolee recidivism rates have reached this goal over the past two cohort years. There are multiple factors within the criminal justice system in Hawaii that are associated with the recent rise in probationer recidivism, especially with high- and surveillance-risk level probationers. In particular, probation officers' average caseload sizes remain very high in Hawaii, whereas the Hawaii Paroling Authority was able to subsequently reduce caseloads by establishing additional parole officer positions.

> 2019 Recidivism Update is available electronically at the ICIS web site: <ICIS.hawaii.gov>



Based on initial LSI-R assessments, the proportions of probationers at the high- and surveillance risk levels in the FY 2016 cohort were at their second-highest level on record, accounting for 37.1% and 7.2%, respectively, of the total offender cohort. Combined, high- and surveillance-risk level probationers represented 44.3% of the probationers in the FY 2016 cohort, as compared to 48.3% of the FY 2015 cohort.

- High- and surveillance-risk level probationers in the FY 2016 cohort had a 67.6% average recidivism rate, as compared to 73.6% for the FY 2015 cohort.
- High- and surveillance-risk level probationers in FY 2015 and FY 2016 cohorts accounted for over half, (52.9% and 51.8%, respectively,) of the total recidivism.
- High- and surveillance-risk level probationers in FYs 2010-2014 accounted for well under 40% of each cohort's total probationers.



Based on the most recent LSI-R assessments, the proportions of probationers at the highand surveillance-risk levels in the FY 2016 cohort were at their highest level on record, accounting for 40.3% and 10.9%, respectively, of the total offender cohort. Probationers at these combined risk levels represented 51.2% of the total probationers, as compared to only 35.5% in FY 2015.

- High- and surveillance-risk level probationers in the FY 2016 cohort had a 68.3% average recidivism rate, as compared to 82.6% for the FY 2015 cohort.
- High- and surveillance-risk level probationers in FY 2016 accounted for 60.2% of the total recidivism, while probationers at these risk levels in FY 2015 accounted for only 43.6% of the total recidivism.