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Rodney A. Maile
ADMINISTRATIVE DIRECTOR

Brandon M. Kimura
DEPUTY ADMINISTRATIVE DIRECTOR

December 19, 2023

Via electronic submission

The Honorable Ronald D. Kouchi
President of the Senate
State Capitol, Room 409
Honolulu, HI 96813

The Honorable Scott Saiki
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Saiki:

Pursuant to Section 614-3(d), Hawaii's Revised Statutes (HRS), the Judiciary is transmitting a copy of the *Criminal Justice Research Institute 2023 Annual Report*.

In accordance with Section 93-16, Hawaii's Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Coordinating Office at 808-539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rodney A. Maile".

Rodney A. Maile
Administrative Director of the Courts

Attachment

c: Legislative Reference Bureau Library



CRIMINAL
JUSTICE
RESEARCH
INSTITUTE

2023 ANNUAL REPORT

PREPARED BY

Erin Harbinson, PhD and Aerielle Reynolds, MSCJA



BACKGROUND

This report is respectfully prepared pursuant to Act 179, Session Laws of Hawai'i 2019, Hawai'i Revised Statutes (HRS) 614, which requests an annual report from the Criminal Justice Research Institute. The Criminal Justice Research Institute (CJRI) was established with Act 179 for the purposes of collecting and analyzing criminal pretrial system data and conducting research for the state to support the criminal justice system. Due to the complexity of the criminal pretrial process and data in the state, HRS § 614-3 acknowledges there are several steps needed before establishing a pretrial database and reporting system, and disseminating pretrial metrics regularly:

“(b) In establishing the system, the institute shall take all necessary and appropriate steps, including: (1) Identifying all current databases utilized by various state agencies to track criminal pretrial information; (2) Determining the administrative and technological feasibility of aggregating and sharing current data; and (3) Identifying critical gaps in data and information collection that are required for a robust assessment of criminal pretrial justice matters.”

This annual report reviews activities related to developing the criminal pretrial database and reporting system in addition to other activities authorized under CJRI according to HRS § 614-3, which states that: “The institute shall compile an annual report that reviews and analyzes data from the system to evaluate the effectiveness of the State's criminal pretrial system and identify possible improvements. The institute shall submit the report, including any proposed legislation, to the legislature no later than twenty days prior to the convening of each regular session.” This year, CJRI provides progress updates related to the development of the centralized statewide



criminal pretrial justice data reporting and collection system, hereinafter referred to as the pretrial database and reporting system.

CJRI is authorized to study all areas of the criminal justice system in order to provide a more comprehensive approach to helping the state protect the rights of individuals, increase system efficiencies, and apply cost controls. HRS § 614-2(b) reviews the scope of CJRI's work, including monitoring data and evidence-based practices of the criminal pretrial system, conducting cost-benefit analysis, monitoring national trends, and issuing reports to the public about the criminal justice system.

The CJRI annual report for 2023 provides an update to the Legislature on the activities of CJRI, including summarizing progress in creating the pretrial database and reporting system, as well as additional activities related to other responsibilities articulated in Act 179. A more in-depth report details the advancement of the pretrial database and reporting system, which can be found in "A Report on the Creation of a Centralized Pretrial Justice Data Reporting and Collection System, Pursuant to Act 147, SLH 2023."



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ADDRESSING OUR RESPONSIBILITIES IN ACT 179

Before reviewing CJRI activities from the past year, we provide some context for the criminal pretrial system and existing landscape of data that directly impacts our work. The Institute's main priority is to establish and maintain a "centralized statewide criminal pretrial justice data reporting and collection system" (HRS § 614-3). Without a centralized system, criminal pretrial data is disconnected and scattered across agencies. This disconnection results in difficulty getting a comprehensive picture of criminal justice processes and impedes the evaluation of the criminal justice system in Hawai'i. Creating a centralized source of data therefore provides CJRI with capacity to report out on the pretrial system. Last year, CJRI recommended a solution to the CJRI board that would address these barriers and provide CJRI research staff with a system that could report out on pretrial metrics identified in Act 179 as well as other metrics necessary to evaluate the criminal pretrial system in the State of Hawai'i. With the support of the CJRI board, a recommendation was made to make an appropriation request from the Legislature to receive funds to implement a technological solution. This plan was developed from a feasibility study and in consultation with statewide agencies involved in pretrial decisions, which was developed into House Bill 68 during the 2023 legislative session. The project was developed in collaboration with staff in leadership and administration, information technology (IT), research, legal, and program operations with the Department of Public Safety (PSD), the Hawai'i Criminal Justice Data Center, the Department of the Attorney General (HCJDC), and the Judiciary. Because of prior research, CJRI identified these three agencies as having the data needed to create a statewide pretrial database and reporting system.



CJRI is pleased to have received the appropriation request to accomplish the work needed to create the pretrial database and reporting system. Our staff looks forward to continuing our partnership with all three agencies as we carry out the collaborative plans to provide statewide reporting on metrics and the effectiveness of the pretrial system. This includes several steps such as working with IT departments to establish processes to share data, finalizing data governance agreements that outline data requirements for confidential and secure data, working with staff involved in pretrial decisions and operations to ensure data reflects the pretrial system, as well as many other activities involving all three agencies. Since CJRI must work from other agency data sources, their cooperation and support is essential. Staff and the board of CJRI are grateful for their support of the appropriation request and implementation, with technical implementation beginning in September 2023 after the contract was executed.

In addition to creating the pretrial database and reporting system, the law describes other activities for CJRI to assist the State with research and data (HRS § 614-2). The scope of CJRI's research support for the state is summarized in the graphic on the following page. CJRI undertakes many research and data activities that inform criminal justice policy discussions across all three branches of government. While CJRI staff prioritize their work to advance the pretrial database and reporting system, additional activities have developed important relationships with the many agencies involved in the criminal justice system and have helped inform CJRI staff of the strengths and barriers of the existing criminal justice data landscape.

The 2023 annual report summarizes the progress to creating the pretrial database and reporting system, in addition to providing an overview of accomplishments to bring data and research to criminal justice policy discussions. For a more detailed update on the pretrial database and reporting system, please refer to the supplemental report that was developed to fulfill Act 147, Session Laws of Hawai'i 2023.



Scope of CJRI in HRS § 614-2



Collecting data to monitor the overall functioning of the criminal justice system



Monitoring evidence-based practices and reporting out on the effectiveness of practices and policies implemented as a result of the recommendations of the criminal pretrial task force



Conducting cost-benefit analysis on various areas of operation



Monitoring national trends in criminal justice



Issuing public reports to inform all criminal justice stakeholders and the public about the functioning of the criminal justice system



ACCOMPLISHMENTS AT A GLANCE



CJRI was established in Act 179 in 2019, followed by the appointment of board members and the hiring of the first staff member in November 2020, the second staff member in October 2021, and the third and fourth staff members in September and October 2023, respectively. In CJRI's third year, the Institute has accomplished the following:

- Recommended legislation - House Bill 68 - to develop the pretrial database and reporting system, which passed as Act 147.
- Selected a data warehouse and extract, transform, and load (ETL) tool that will store centralized data and provide appropriate security for research data.
- Executed contract through state procurement to develop pretrial database and reporting system with Act 147 funds.
- Kicked-off pretrial database and reporting project technical work by meeting with essential agency staff at PSD, HCJDC, and the Judiciary.
- Continued data pilot to merge, link, and restructure datasets for the pretrial database and reporting system.
- Began drafting data map and data codebooks for data pipelines for the pretrial database and reporting system in partnership with the IT vendors implementing the ETL tool for the database.



- Collaborated with IT vendors and agencies to draft a data governance policy for the pretrial database and reporting system that reflect ethical data stewardship.
- Developed list of priority metrics for pretrial database and reporting system to target for early implementation and a demonstration for stakeholders.
- Attended task force meetings for House Concurrent Resolution 23 (HCR 23) - which was convened to examine and make recommendations regarding existing procedures of the Hawai'i Paroling Authority (HPA) setting the minimum terms of imprisonment.
- Authored background summary of sentencing research for the HCR 23 task force summarizing sentencing policy locally and nationally.
- Developed data collection and research plan for HCR 23 task force.
- Analyzed data and authored research summary on violent crime histories among women incarcerated at the Women's Community Correctional Center (WCCC), which assisted the Women's Corrections Implementation Commission (WCIC).
- Conducted survey and authored summary on data collection for arrests and violent crime to assist the Gun Violence and Violent Crimes Commission (GVVCC) with understanding the data landscape on violent crime.
- Met with policy interns at the Opportunity Youth Action Hawai'i organization to discuss the pretrial database and reporting system, and engaged with them during the legislative session to discuss the progress of the CJRI appropriation request.
- Participated in interagency working groups on topics such as behavioral health diversion, data sharing, lethality assessments, violent crime, and other criminal justice topics providing insight related to research and data.
- Participated in ongoing meetings with the oversight coordinator of the Hawai'i Correctional System Oversight Commission (HCSOC) to coordinate on projects such as the pretrial database and reporting system, providing research support for the HCR 23 minimum terms



task force, and identifying other ways to ensure the CJRI research agenda support's HCSOC's mission.

- Toured the O`ahu Community Correctional Center (OCCC) with the HCSOC oversight coordinator to learn more about jail oversight and HCSOC's efforts to improve jail conditions.
- Filled two vacant CJRI positions: a secretary and research analyst.
- Hosted an undergraduate intern majoring in criminal justice and data visualization from Chaminade University of Honolulu.
- Launched CJRI's website to disseminate the Institute's work to stakeholders, lawmakers, and the public.
- Met with academic partners at the University of Hawai'i at Mānoa and Chaminade University of Honolulu to plan partnerships for CJRI with students and faculty.
- Presented at the HPA's annual training on trends and evidence-based practices related to parole release decision-making and parole supervision.
- Attended the Breaking Cycles Symposium to engage with community stakeholders and learn more about the jail planning for O`ahu.
- Held quarterly board meetings as required in HRS § 614-2.
- Set-up peer connections with state and local level criminal justice agencies across the country.



HOUSE BILL 68 SIGNED INTO LAW AS ACT 147



In the 2023 legislative session, CJRI recommended an appropriation request be made to fund the creation of the pretrial database and reporting system. This appropriation would cover the costs to create a system that extracts data across the three statewide data sources in PSD, HCJDC, and the Judiciary, and then links and merges data into one data warehouse. With a centralized data source for pretrial data, pretrial metrics could be reported out more efficiently for the Legislature, meeting the goals of Act 179.

House Bill 68, H.D. 1, S.D. 1, C.D. 1 (2023) was signed into law as Act 147 by Governor Josh Green, M.D. on June 29, 2023, and went into effect on July 1, 2023. This act appropriated funds for the creation of a “centralized statewide criminal pretrial justice data reporting and collection system,” pursuant to state law (HRS § 614). This system will collect disconnected data sources across criminal justice agencies in the state and provide CJRI with the technological and research capacity to monitor the effectiveness of the criminal pretrial system. The system will extract, merge, and link pretrial data across criminal



justice agencies in the state, providing CJRI with the ability to produce more comprehensive and timely metrics, as well as analyze more research questions, especially those critical to policymakers.

Furthermore, the database will address many of the barriers identified in the HCR 134 Criminal Pretrial Task Force report [1] that currently limits CJRI's ability to conduct research on the state's criminal pretrial system. This system will also create a platform for more accessible and digestible reporting, such as building out dashboards on key metrics and improving the efficiency of data collection.

CJRI thanks the Judiciary, PSD, and HCJDC, for their support of this bill during the legislative session. Data from these agencies will be merged and linked in the database to produce pretrial metrics, and CJRI is grateful for their collaboration during the project's feasibility planning and for their continued partnership on this project.

The pretrial database and reporting system will provide information to help policymakers understand the effectiveness of pretrial policies and practices. Additionally, creating this system will provide CJRI with the capacity to report out on data important to the HCSOC. CJRI continues to collaborate with their office to work towards fulfilling goals established in Act 179 (2019) to improve the criminal justice system in the state.

This work builds off the criminal pretrial reform efforts initiated by Chief Justice Mark E. Recktenwald, and will work towards developing better data to improve the criminal justice system. The Institute thanks Chief Justice Recktenwald for his support.

This project was recommended by CJRI to fulfill the intent behind HRS § 614, and H.B. 68 was introduced by Representative Scot Z. Matayoshi on behalf of the Institute. Representative Matayoshi sits on CJRI's board of



directors as the designee of the Speaker of the House. CJRI values the support of Representative Matayoshi and its board members in carrying out this important work.



REVIEWING ACTIVITIES FROM 2023

Engaging with Policymakers and the Community



Creating Opportunities to Disseminate and Learn About Criminal Justice Research

CJRI receives many requests for information on national trends, insight from studies in scholarly and peer-reviewed literature, and data on local practices. CJRI provides trainings and presentations, and can author summaries on policy issues. The CJRI director and board consider all requests, but prioritize those that align with the scope of research outlined in HRS § 614 and with the resources available at the time of the request. Staff also attend national and local convenings on criminal justice topics to keep up-to-date on the latest research and develop a peer network for the state. Below is a list of some of the presentations and conferences CJRI participated in over the past year.



Dr. Harbinson was invited to present at the HPA's annual training conference for HPA staff and parole board members. She presented on current trends and evidence-based practices related to parole release decision-making and parole supervision. A copy of this presentation is available on CJRI's website.

CJRI staff attend conferences on special topics and local issues related to criminal justice. This year, CJRI staff attended the Breaking Cycles Symposium: Re-envisioning a Health, Housing, & Corrections Continuum, the National Association of Sentencing Commissions annual conference, and the National Association of Pretrial Service Agencies annual conference. The Breaking Cycles Symposium was a local opportunity for CJRI staff to talk with several stakeholder groups involved in re-imagining the design for local jails. The other two conferences are annual conferences that bring together national experts in criminal justice policy and research, which provided the opportunity to build peer networks with other criminal justice agencies and learn the latest research on topics such as pretrial supervision monitoring and diversion programming.

In addition to conferences, CJRI staff develop peer connections with other states and national organizations to bring lessons learned or subject matter experts into local conversations. This includes providing service to national organizations involved in criminal justice policy and research. For example, Dr. Harbinson serves as an advisory member to the Council of State Governments Justice Center's Virtual Academy for Corrections Analysts. This academy is funded by the Bureau of Justice Assistance and aims to bring more data literacy and analytic capabilities to department of corrections agencies across the country. Dr. Harbinson also provides feedback to staff at the Center for Effective Public Policy on the development of their Community Supervision Resource Center. This project is funded by the Bureau of Justice Assistance and will create a resource library of probation and parole research to inform policy.



Collaborating with Criminal Justice Agencies

It will take systemwide collaboration to develop, establish, and implement the pretrial database and reporting system. Pretrial data and operations are housed across different agencies, and within two separate branches of government. In order to ensure CJRI conducts this work in an informed and collaborative way, CJRI staff meet frequently with a range of leadership, administrators, researchers, information technology staff, and others across different statewide criminal justice agencies. This includes the Judiciary, PSD, and HCJDC staff involved in research and databases, who are critical to understanding pretrial data for the system. Additionally, key pretrial staff, such as administrators in Intake Services or judges in the criminal courts, are engaged often to ensure that the pretrial database and reporting system is created with input from operations. CJRI staff consults with different criminal justice researchers across pretrial agencies and in local universities to learn from their experiences conducting criminal justice research. Collaborative partnerships will make the pretrial database and reporting system more effective, through better data collection to better data dissemination.

Siloed data and agencies are not unique to the pretrial system, therefore, CJRI staff seek to address the underlying barriers in conducting statewide research to improve criminal justice research more broadly. CJRI staff participate in a variety of criminal justice related committees and working groups to improve cooperation and reduce the disconnect of data and research that exists across the expansive statewide criminal justice system. This includes collaborative meetings on data sharing, diversion, domestic violence, evidence-based practices in corrections, and other areas that extend across the criminal justice system.

Gun Violence and Violent Crimes Commission: Dr. Harbinson is a member of the GVVCC, and is chair of the data permitted interaction group. Dr. Harbinson integrates CJRI's efforts on mapping data sources for pretrial



with mapping data sources for violent crimes in the state. CJRI staff are dedicated to bringing more continuity to criminal justice research in the state, such as improving the way data is collected on violent crime.

CJRI staff conducted a survey of the four county police departments on violent crime data, and prepared a summary which presents the results of this survey. The purpose of the survey was to describe the data landscape on violent crime data for the GVVCC and to assist with other statewide research needs. The survey asked questions about the ways in which police departments collected information and stored data on arrests for violent crimes. Although arrest data is reported at a statewide level to the Department of the Attorney General, police departments operate local information and case management systems to collect arrest information before it is reported to statewide systems. Additionally, there are different policies and procedures for collecting and reporting on violent crimes from arrest information across all four police departments. The summary concludes with recommendations, including a recommendation for the GVVCC to create a clear definition for violent crimes for the state to promote consistent data collection, research, and reporting on violent crimes. A copy of the *Police Survey on Violent Crime Data in Hawai'i – Summary of Results* can be found at the end of this report in Appendix A and on our website.

HCR 23 Task Force: CJRI was tasked with providing assistance to the House Concurrent Resolution No. 23 Task Force. In addition to participating in task force meetings, CJRI staff authored an Executive Summary, reviewing policy and research issues related to HPA's role in setting minimum terms of imprisonment, which is the focus of the task force established through HCR 23. The summary was written to provide task force members, stakeholders, and the public with background information that prepares them to understand the current policies and practices related to the state's approach to setting the minimum amount of time an individual must serve



when they are sentenced to prison. Additionally, it summarizes a few key issues related to sentencing policy and research for broader context. A copy of the *HCR 23 Task Force Executive Summary* can be found at the end of this report in Appendix B and on CJRI's website.

Women's Corrections Implementation Commission: CJRI staff received a request from members of the WCIC to evaluate violent offenses among women at WCCC. Offense information, which was manually extracted from PSD and CJIS records, was classified as violent according to the violent offense definition developed by the WCIC, as well as the violent offense coding used by PSD. This descriptive analysis was intended to provide the WCIC with a better understanding of how many of Hawai'i's female prisoners have committed a violent crime. This analysis uncovered noticeable differences in how violent crime was defined by the WCIC and PSD, as well as how it was measured - using lead offense, all offenses, and conviction history. A copy of *Exploring Violent Offenses Among Incarcerated Women in Hawai'i* can be found at the end of this report in Appendix C and on the CJRI website.

Hawai'i Correctional System Oversight Commission: The CJRI board chair, Judge Matthew J. Viola, and Dr. Harbinson toured OCCC with the Oversight Coordinator, Christin M. Johnson. It was an important and invaluable opportunity to learn more about the role of oversight in jail facilities and view the jail's conditions directly. Since CJRI is collecting data to help inform policies that will reduce pretrial populations in jail and improve the system, CJRI found this opportunity critical to understanding how the jail facility is impacting individuals who are held in jail as well as the correctional staff working there.

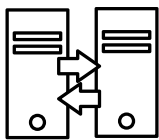
CJRI staff work collaboratively with other agencies and organizations addressing criminal justice topics to ensure that research and data improve the system as a whole.



STRATEGIC PLAN

Presented below are the three primary goals of CJRI, which are part of the strategic plan and were created to meet the requirements in Act 179. They were developed to include goals that would create proactive and innovative research. This strategic plan guides the work of CJRI and helps prioritize requests for assistance from individuals in all three branches and the community. Staff refer to it regularly and use it to measure progress and prioritize requests for research and support. CJRI updates the CJRI Board on goal process regularly at the CJRI board meetings, which meet, at a minimum, quarterly.

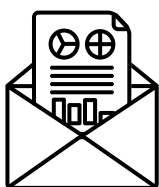
STRATEGIC PLAN GOALS



Goal 1: Establish centralized statewide criminal pretrial justice data reporting and collection system mandated by Act 179.



Goal 2: Identify baseline metrics across the criminal justice system that measure goals of the system, in addition to exploring other measures regarding fairness, justice, and equity that are important to communities and individuals impacted by the system.



Goal 3: Disseminate research and share data on criminal justice topics in a wide range of formats to assist policymakers and the public in making informed decisions.



MISSION AND VALUES STATEMENT

MISSION

The Criminal Justice Research Institute mission statement reflects HRS § 614-2, which establishes CJRI and outlines its' responsibilities for the state of Hawai'i. Our mission is ***to examine all aspects of the criminal justice system for the purpose of assisting the state with a comprehensive approach to using data and research to improve outcomes related to safety, justice, and equity in the state of Hawai'i.***

HRS § 614-2

"a) There is established within the office of the chief justice a criminal justice research institute dedicated to examining all aspects of the criminal justice system, for the purpose of assisting the State in understanding the system in a more comprehensive way and ensuring the protection of individual rights, increasing efficiencies, and controlling costs. The institute shall have the authority to examine all areas of the criminal justice system, including police, prosecutors, defense counsel, courts, pretrial services, probation and parole, jails, and prisons, as well as examine the manner in which related areas, including mental health services and drug treatment services, intersect with the criminal justice system."



VALUES

The Criminal Justice Research Institute staff adhere to values integral to conducting responsible and ethical research that is dedicated to analyzing data to improve the criminal justice system for the state of Hawai'i. CJRI staff will conduct research and serve the state by pursuing:

- **Independent and neutral** analyses that will improve the criminal justice system as a whole, and not favor one agency or perspective.
- **Fairness and equity** in establishing a research agenda.
- **Transparent communication** in the methods, goals, and limitations of the research undertaken.
- **Collaborative partnerships** with agencies, stakeholders, and communities to ensure broad perspectives are included.
- **Impactful work** providing policymakers, decision-makers, and the public with information to enact meaningful change.
- **Ethical and respectful methods** to study individuals involved or working in the criminal justice system.
- **Responsible and trustworthy** stewardship of public resources and data provided by agencies and organizations.





OUR ORGANIZATION

CJRI STAFF

Erin E. Harbinson, PhD

Director

Aerielle Reynolds, MSCJA

Research Analyst

Samuel Choi, PhD

Research Analyst

Mariah A. McCaskill

Secretary

Pamela Oda

Undergraduate Research Intern

The staff at CJRI are proud to announce several staffing updates for our organization from 2023. We are thrilled to welcome our second research analyst and secretary, who began working for CJRI this fall. Through a partnership with Chaminade University of Honolulu, CJRI began hosting an undergraduate research intern this summer. Finally, CJRI would like to thank the legislature for the funding to create an IT program specialist position to support the development and maintenance of the pretrial database and reporting system in the 2023 legislative session. CJRI plans to recruit for this position in concert with the database's development and intends to fill this position with a candidate that satisfies the requirements and will carry out the mission. Learn more about the new staff of CJRI, who are dedicated to conducting research to support and improve the criminal justice system in Hawai'i.



SAMUEL CHOI, PHD, RESEARCH ANALYST

Dr. Samuel (Sam) Choi is a legal psychologist. He earned his MS and PhD in experimental psychology from the University of Wyoming. At the University of Wyoming, he was a member of the Psychology and Law lab, where he conducted studies on a broad range of criminal justice and psycho-legal topics, such as plea bargaining, jury decision-making, policing, and hate crimes.

Sam's work has been interdisciplinary as he has published research in both criminal justice and psychology journals, including Psychology, Psychiatry, and Law, Journal of Social Psychology, Journal of Police and Criminal Psychology, Criminal Justice Review, and Race and Justice. In addition, he has orally presented his work at multiple professional conferences across the US.

MARIAH A. MCCASKILL, SECRETARY

Prior to moving to Hawai'i, Mariah managed an environment exclusively designed for the facilitation of events that helped client teams navigate large-scale complex business challenges at a global consulting firm specializing in technology services and digital transformation.

Mariah earned an A.S. in paralegal studies from Kapi'olani Community College in 2020 and completed undergraduate studies in administration of justice and political science at the University of Hawai'i at Hilo in 2023. Mariah's academic experience includes internships with the Hawai'i Innocence Project and the Hawai'i State Legislature.

PAMELA ODA, UNDERGRADUATE RESEARCH INTERN

Pamela Oda is currently an incoming fifth-year undergraduate student pursuing her Bachelor of Science in criminology and criminal justice and data science, analytics, and visualization from Chaminade University of



Honolulu. Pamela is also highly involved in extracurricular activities on campus, as the President of the Chaminade Student Government Association, Club President of the Restauranteeres Club, Treasurer of the Psi Chi Chaminade Chapter, as well as an Institutional Ambassador for the University's Strategic Plan Steering Committee. Her research experience includes her time as a student researcher and Mentor with the Supporting Pacific Impact through Computational Excellence (SPICE) Data Science Summer Institute, as well as a research student with the REU Program at Chaminade University of Honolulu.

Her research experience includes sentimental analysis of COVID-19 pandemic tweets in the State of Hawai'i and thematic analysis of disciplinary offenses and outcomes within a major metropolitan police department. Additionally, her experience includes coding and data visualization in Excel, R Studio, SQL, Python, and Tableau.

I ka nānā no a 'ike.

By observing, one learns.
-ʻŌlelo noʻeau

Through observing, or researching, Hawai'i's criminal justice system, CJRI is dedicated to helping stakeholders, lawmakers, and the public learn more about Hawai'i's criminal justice system.



BOARD MEMBERS

Judge Matthew J. Viola*CJRI Board Chair*

Senior Family Court Judge

*Judiciary***Nicole C. Fernandez**

Corrections Program Specialist

Department of Public Safety

*Governor's Office***Rep. Scot Z. Matayoshi**

District 49

*Hawai'i House of Representatives***Peter Wolff**

Federal Public Defender (Retired)

*Hawai'i Senate***Francis Young**

Intake Service Centers Division

Administrator

Department of Public Safety

(Term starting August 1, 2023)

Shelley Harrington

Department Human Resources Officer

Department of Public Safety

(Term ending July 31, 2023)

The staff at CJRI could not accomplish their work successfully without the expertise of the board. Each of the board members brings valuable knowledge from their respective roles and experience across the criminal justice system and the policymaking realm. The criminal justice system is wide-ranging, and the board is essential in helping prioritize projects and providing feedback on ways to communicate research. Their collective experience has improved the work of CJRI in several ways. The CJRI staff thank the board members for their ongoing work and support.



ENDNOTES

1. *Hawai'i Criminal Pretrial Reform: Recommendations of the Criminal Pretrial Task Force to the Thirtieth Legislature of the State of Hawai'i (2018)*: https://www.courts.state.hi.us/wp-content/uploads/2018/12/POST_12-14-18_HCR134TF_REPORT.pdf

ACKNOWLEDGEMENTS

Representative Scot Matayoshi has provided essential support to help us develop a recommendation for the Legislature to establish the pretrial database and reporting system and sponsoring H.B. 68.

We are grateful for the input from many individuals across the criminal justice system, and would like to recognize staff that have spent a considerable amount of time sharing their knowledge with us this past year:

Hawai'i Correctional System Oversight Commission: Christin M. Johnson

Department of Public Safety: George King, Frank Young

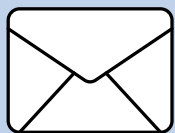
Judiciary: Adam Cohen, Judge Shirley M. Kawamura, Brandon Kimura

Judge Trish K. Morikawa, Mai NguyenVan, Ginger L.M. Pana

Hawai'i Criminal Justice Data Center: Philip Higdon



CONTACT INFORMATION



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<https://cjrihawaii.com/>

<https://www.courts.state.hi.us/criminal-justice-research-institute-cjri>



POLICE SURVEY ON VIOLENT CRIME DATA IN HAWAII

SUMMARY OF RESULTS

Submitted to the Gun Violence and Violent Crimes Commission, State of
Hawaii, Department of the Attorney General

August 22, 2023

Erin Harbinson, PhD, Pamela Oda, and Aerielle Reynolds, MSCJA

Criminal Justice Research Institute, State of Hawaii Judiciary

Background

The Gun Violence and Violent Crimes Commission (GVVCC) was established to address gun violence and violent crimes by "providing coordination, facilitation, and planning among state and county agencies, federal agencies, and other partners as appropriate to carry out its purpose. The GVVCC shall endeavor to: (1) Identify relevant data that may be used to reduce gun violence and violent crimes; (2) Identify areas in which relevant data is not available; (3) Maximize the sharing between the agencies represented on the commission and other appropriate stakeholders of data relevant to reducing gun violence and violent crimes; and (4) Coordinate and conduct research on gun violence and violent crimes." As part of the GVVCC, a permitted interaction group was established to look at data sources in the state (hereinafter referred to as "data group"). The data group is chaired by the director of the Criminal



Justice Research Institute (CJRI), which is engaged in statewide efforts to map data as part of their statutory responsibilities and is a separate effort from the GVVCC (HRS 614). Because the CJRI is conducting similar work to understand data sources for statewide research purposes, the CJRI's staff developed and administered a survey on arrest data across all four county police departments. With the CJRI's prior data mapping work, they found that arrest data was one of the most valuable sources for statewide research due to existing technology infrastructure to aggregate and centralize information about crimes. However, they also found in their review of criminal justice data sources that data dictionaries and data definitions did not exist for most of the state's criminal justice information systems. It is important to fill in these gaps to understand how information from a case management or operational system like an arrest records system can be transformed into data for reporting on crime rates. In order for the GVVCC to study and report out on violent crimes, it is essential to understand the operational nature of these systems to inform the strengths and limitations of data sources for research purposes.

In the State of Hawai'i, police departments are operated at the county level. Though crimes are defined under state statute (Hawai'i Revised Statutes), each police department has its own policies and procedures, and resources to carry out their duties. This includes how they arrest and report crimes, and the way in which information is collected and stored. As a result, different practices at the county level could impact data collection when it is aggregated at the state level. Each police department reports arrest data to statewide sources, though not all information from police department systems is shared with statewide databases. This includes arrest data that is submitted to the Hawai'i Criminal Justice Data Center (HCJDC) as part of the statewide criminal history record information system (CJIS), as well as the Crime Prevention & Justice Assistance Division, which reports out on state crime trends and operates the National Incident-Based Reporting System (NIBRS) program. Both of

these divisions are located in the Department of the Attorney General's office. While CJIS and NIBRS collect statewide data on crimes, including violent crimes, it is critical to understand how data is collected and measured by each police department in order to use the data from these two sources for studying violent crimes. It should be acknowledged that CJIS and NIBRS exist for different purposes, and have different policies and procedures for their crime data. This includes the way in which they collect police data and aggregate it for research and reporting.

Methods

Research staff at CJRI distributed a survey to all four county police departments to learn more about the process used to collect and report arrest data at the county and statewide levels. The survey was distributed in early 2023 to each police chief, which was then distributed to relevant staff in each department that may have had subject matter expertise on arrest data collection and reporting. Survey results were provided to CJRI research staff to review and summarize.

Survey responses were compiled in narrative form to summarize the current data collection and reporting practices for arrest data in the state with specific attention focused on violent crimes. Results are discussed below to provide an overview of the different ways in which arrest information is stored by police departments in order to understand the strengths and limitations of using arrest data for research, particularly for studying violent crimes. CJRI research staff recommended actions to ensure more accurate and valid measures for violent crime should arrest data be used as a statewide source for violent crime reporting and research. Given the considerable resources devoted to aggregating arrest data at the statewide level, CJRI recommends starting with this course of data for violent crime research in the state of Hawai'i.

Survey Results Summary

The following section reviews the main findings from the survey and are organized to help the GVVCC understand the landscape for arrest data including the strengths and limitations for using this data for violent crime and gun violence research. While reviewing these results, it is important to acknowledge a few limitations in conducting surveys. First, it can be difficult to translate complex topics like information systems, databases, and criminal justice laws into written survey questions. There may be instances in which respondents interpreted questions differently based on their own perceptions or circumstances. For example, "database" might mean one thing in one police department and something entirely different in another, such as distinguishing between a records management system operated through software or an Excel spreadsheet that someone enters data into manually. Another limitation is that the answers refer to a certain point in time. Given that technology, laws, and operations change frequently some answers may not be applicable at a later date. Police departments had a chance to review the summary to ensure the CJRI interpreted responses correctly, therefore this summary should reflect the survey results accurately. However, some technical aspects of understanding arrest data might require further discussion with police departments directly. The purpose of this summary is to provide an overview of one main source of violent crime data for the state to consider when conducting research and reporting on the topic.

Data Collection on Arrest Records

The methods to collect data can impact data quality and the timeliness of data reporting. Each county has different resources and databases, and understanding the process by which data is entered is valuable for understanding limitations of data sources. For instance, directly inputting arrest data in the field by the arresting officer might increase data reliability and validity, where the officer can enter all information related to the arrest not long after the incident occurred whereas entering



information later might result in fewer details or missing information. However, having one person collect and enter police reports could improve the consistency of information for reporting purposes if they review and enter all reports for the agency. Data collection procedures must balance two goals, which is to ensure police departments have a functional *information* system in the field for them to do their job (which may include looking up agency records, documenting information for legal purposes, etc.) while also storing information that can be transformed for *data* reporting and analysis (i.e., metrics and statistics).

The survey found that arrest records, including information on violent arrests, are entered in the following way across departments in the state of Hawai'i:

- **Hawai'i** and **Honolulu** have systems set up that allow officers to input arrest data directly into their database while out in the field.
- **Kauai** completes a paper form in the field and a staff person at the station enters it into the database.
- **Maui** completes paper forms and reports on-site/duty, and are uploaded into the database after approval.

Police Department Ability to Report Out on Violent Crimes

Police departments may collect and report out on violent crimes for their own purposes. Depending on the way this information is stored and reported, it may be more accurate to work directly with police departments to collect and study violent crime if statewide systems do not aggregate the information on violent crimes in a way that is useful for GVVCC research. However, this may depend on their ability to extract and share data with others. Additionally, for some research it may be helpful to work directly with the local police department if some research or policy questions are unique to the jurisdiction.



The survey asked police departments about their ability to collect and report out on violent crime:

- All four police departments collect this information systematically in their electronic database and can report statistics on violent crime in some capacity.

Barriers to Reporting Out on Violent Crime

Though the prior question found all four departments could report out on violent crimes, there are likely varying degrees of how easily this information can be reported out or analyzed for metrics or research purposes. The ability to report out on statistics is dependent on the way in which databases are structured to capture information. Sometimes, information is stored in a way that is difficult to retrieve but with manual work (i.e., reading through paper files, it is possible to collect information for data analysis. Other times, information is stored in a way that it cannot be used for statistical analysis or may take some effort to transform into something that can be quantified. To illustrate these barriers, take for example a study on gang violence that might rely on arrest information. The police may not have a field or flag to track that specific information in their information or reporting system. As a result, researchers may need to read arrest reports to collect that information from a narrative or written description. However, sometimes information is missing because an agency does not collect it and it remains a gap. Take for example housing status, where police might not systematically collect that information on individuals they arrest because it is not relevant to their arrest procedures. If a significant amount of information is missing on an important variable, you cannot use it in certain statistical analyses and it will be limited in its use for other research.

To summarize, there are several reasons information is missing, or if



available, it is difficult to transform into data for statistics. Information systems and record keeping are one of the biggest barriers when conducting research in criminal justice: "data" is collected for operations, and not for research. It is important the police have an information system that is effective and efficient for carrying out their duties, however, information systems might not be designed to report out on data that can be analyzed with metrics and analysis very easily because of this.

The survey identified the following barriers for reporting information on violent crime, which overlapped to some degree across departments:

- Related to the arrest process itself, in which it is sometimes difficult for the police to obtain information about violent crime because of intimidation and retaliation (or fear of intimidation and retaliation) from suspects towards complainants and witnesses. In other words, the police may not be able to collect all of the information they need for the arrest report or other records related to violent crime(s) (i.e., some information may be missing).
- The lack of training and police officer consistency to define "violent crime."
- One department did not identify any barriers to reporting out on violent crimes.

Categories of Violent Crimes

There may be differences by departments when collecting information on the types of violent crimes or sub-categories of violent crimes. Crimes against persons or crimes that involve weapons can encompass a broader range of behaviors that may overlap with violent crime or be separate from what the GVVCC would study. Additionally, the GVVCC may want to have the ability to focus on specific sub-categories of violent crimes. Having the ability to specify these subtypes in data can be particularly helpful since



crime trends or effective policy solutions might differ from those related to the broader category of violent crime.

The survey found that police departments tracked information on sub-categories of violent crime in the following way:

- All departments tracked categories including domestic abuse (could include intimate partner, family, or others), physical assault, aggravated assault, sexual assault, and weapon present or used in commission of offense.
- **Hawaiʻi, Honolulu, and Maui** collected information on intimate partner violence.
- **Hawaiʻi and Kauai** tracked information on gang-related crimes.
- **Hawaiʻi, Honolulu, and Kauai** tracked crimes against persons.

Violent Crimes Involving Weapons Including Guns

Not all violent crimes involve weapons and not all crimes with weapons might be viewed as violent (i.e., unregistered weapon in home). Given the focus of the GVVCC, information on weapons may be needed. This may also include the ability to specify the type of weapon, in particular guns, used in violent crimes.

The survey asked police departments about the type of information they collected on weapons:

- Information on weapons is inputted into the database systematically for all four departments, but there is some variation by department in terms of reporting about weapons. For example, one department follows the NIBRS reporting for weapons and another department tracks a range of possible weapons categories. It is unclear how easily information about weapons could be reported from the police



department systems; police department staff or researchers may need to read the arrest report to get specific details about weapons and how they were used in the commission of a crime.

Defining Violent Crime

A challenge in conducting research and reporting out on crime relates to identifying data that provides an accurate and reliable representation of the criminal behavior (related to reliable and valid concepts in research methodology). There can be a disconnect between staff in the field and researchers in addition to the data sources used to collect and interpret them. For instance, sometimes the offense information at charging or in plea negotiations is not directly or clearly tied to the specific behavior. Additionally, it is complicated translating a behavior of a person to an arrest report with specific violations outlined in HRS, which is then turned into an offense category in a statistics or research report. For example, someone who assaulted a family member could be placed in many different categories in a research report, such as committing an assault, domestic abuse or violence incident, or intimate partner violence. For the prosecutor, there may be specific violations in HRS they use to charge the case and by the time the case is adjudicated, the violation from HRS might change into something else in the conviction record. Furthermore, not all domestic abuse incidents are intimate partner violence, and some researchers may not even categorize them under the broader definition of violent crime (say for example, if a researcher was focused on gun violence occurring in urban areas). To summarize, it can be difficult to use legal definitions for understanding behavior, and this ignores another complication in which many individuals engage in a range of offenses that they might get arrested or charged for at one time. Using administrative data to describe human behavior is challenging when conducting research.



Despite the limitations of administrative data sources, developing definitions on behaviors and identifying common practices for using administrative data can aid in translating data into generalizable research. This might include developing an operational definition for some concepts or creating policies and procedures that specify how certain information is entered and categorized in information systems for police departments. Or, organizations can work from the more granular information to "roll up" the categories into a concept. For example, a researcher might work with specific offense names in a tracking system to create one overall category. A researcher could ask for all offenses that include violence of some kind and then select and combine the offenses they would use and combine it into one variable or data field. When this approach is used, it is most effective for the researcher to show how they coded and defined their offense categories and share it with practitioners in the field for feedback.

Police departments were asked about how they define violent crime and provided the following:

- Responses ranged from no definition provided, offering NIBRS categories, or referring to the Hawai'i Revised Statutes.

Data and Statistics to Help Reduce Violent Crimes in the Community

Police departments use data and metrics to inform their policing practices, and certain information on violent crimes and/or gun crimes could assist them with carrying out their work more successfully. While police departments might already be coordinating with their own research and analytics staff, they might not have the capacity or resources to take on additional research in this area. Additionally, it is important to bring in their expertise to inform the collection of data and research for understanding and responding to violent crimes effectively at the state level.

Police departments were asked what type of data and statistics would assist them in reducing violent crime in their community, and departments had similar responses that could be organized in the following way:

- Automating data on crime trends for more efficient identification of "hot spots."
- More violent crime data in-real time.
- Consistent, reliable data which could be broken into categories like location, time of occurrence, victim demographics, offender demographics, and weapon information.

Crime Analysis or Research and Statistics Unit

Police departments often employ their own staff to conduct research and analytics. Staff may help with reports and statistics that are shared with stakeholders and the community in order to share information on local crime trends. Additionally, police rely on data and analytics to carry out policing strategies that are effective at reducing crime in the community. These strategies often include community policing models and approaches such as "hot spots," where police will use data to target their resources in high crime areas. Similar to other criminal justice agencies, many police departments may vary in their resources and capabilities to conduct research and analytics with policing information and data.

Police departments were asked about their research capacity:

- Hawai'i and Maui have a single person conducting research and/or statistics who is embedded in another unit.
- Honolulu has five analysts in a research and/or statistics unit.
- Kauai has someone who handles statistics as a collateral assignment.

Recommendations

One important role of the GVVCC is to identify existing data sources and data gaps for violent crime in the state of Hawai'i. To aid in this effort, CJRI research staff conducted a survey of the four county police departments in the state to learn more about the collection, sharing, and reporting of arrest information. Based on the CJRI staff's prior experience with statewide data, they developed a survey that focused on documenting the local collection and sharing of arrest information with systems located in the AG's office. Since there are statewide systems that already aggregate and report out on statewide crime trends, it is likely most effective to use the existing technological infrastructure to share data with the state as well as any sources already used for statewide crime reports. However, local data collection and reporting can impact the accuracy and reliability of statewide data for research on violent crimes. The recommendations below identify ways to address limitations and gaps in current data.

Recommendation #1: Develop a statewide operational definition for violent crimes to guide the research and policy of the GVVCC.

This definition should include clarifying or delineating aspects of violent crime, including the role of gun crimes and/or other weapons, and any sub-categories of violent crime such as domestic abuse, assault, etc. It is unclear if other types of gun violence, such as self-inflicted or any gun related deaths will be included under the GVVCC's scope of research. If the definition includes these areas, then the GVVCC will need to identify other agencies that track these records since arrest reports do not include information on these types of injuries. Creating a clear operational definition of offenses and/or behaviors will help ensure research is aligned to address the GVVCC's priorities, and all data sources are identified.

Recommendation #2: Create a codebook or coding guide that links the operational definition of violent crime from the GVVCC to information systems and data sources.



The survey identified some of the local circumstances that might impact the strengths and limitations of using existing data sources for violent crimes. As research is undertaken, there may be others identified, yet at this time, the most likely reliable and valid source of information on violent crimes would be found in either CJIS or NIBRS data systems. These systems are valuable sources of data since they centralize and aggregate arrest information, and technological infrastructure already exists to share arrest information from all four police departments with a statewide source.

However, the GVVCC must clarify their operational definition in order for the most appropriate data source to be identified. Currently, NIBRS collects information on crime rates for the state and their violent crime categories might be useful for the GVVCC to use for research. However, NIBRS has structured guidelines on what categories are used and GVVCC may not agree with the categories of NIBRS since those are created for federal reporting. The members of the GVVCC may want to create their own state specific categories of violent crimes, in which case it may be necessary to rely on CJIS data. With CJIS data, it may be possible to create a data coding structure that would link specific offense descriptions or HRS violations to violent offense categories that reflect the GVVCC's definition. This might not even require police departments to alter their information sharing since researchers can work with the original offense information to collapse that data into one category of crime. Specifically, if the GVVCC can identify the violent offenses they want to focus on and link those offenses to the specific offense descriptions and/or HRS violations tracked in CJIS data (which reflect state laws), this coding structure could be provided to researchers to create consistent categories. Often, researchers will create codebooks for datasets that include this type of coding, and a statewide codebook on violent crime concepts that maps out offense descriptions and/or HRS codes would promote consistent use of arrest data for violent crime across researchers. The data systems

collecting arrest information for NIBRS or CJIS may be a primary source for studying violent crime [1].

Recommendation #3: Coordinate and collaborate with other statewide efforts to improve data collection in the state.

There are many organizations and individuals in the state working to improve data and research in criminal justice issues. To the extent possible, the GVVCC should share information about their data, research, and policy findings on violent crime with other agencies and working groups. Research staff at the CJRI are creating a pretrial database and reporting system as tasked in HRS 614, which includes reporting out on pretrial metrics for the state. This system could report out on aspects of violent crime consistent with the violent crime definitions created by the GVVCC, such as using the same definitions and coding structure when calculating the rate at which individuals released pretrial commit new violent crimes. Related, this information could assist the data working group established from SB 210 during the 2023 legislative session to help provide continuity in working with violent crime information and data for the state.

Recommendation #4: Identify top priorities for the GVVCC research agenda to ensure other necessary information and data sources are identified to conduct research.

Just as definitions on violent crime can help the GVVCC identify specific information systems and databases for violent crimes and related incidents, understanding the types of research questions prioritized by the GVVCC would aid the permitted interaction group focusing on data in identifying other data sources that might be needed for violent crime research. Most social and human service agencies have more than one information system capturing data needed for this type of research, therefore narrowing down the topics would assist in identifying data sources. As this survey demonstrates, not all information can be translated



easily into data for research. Therefore it is necessary to narrow down categories of the types of data that would be needed so agencies can talk to their information technology and operations departments to find the sources needed for data. It is impractical to ask agencies to report out on all data they might be able to share especially if the goal is to narrow down the data that can be extracted for research, but providing them with the ability to review their sources of information and report back with what is available.

ENDNOTES

1. These two sources centralize arrest data for the state, but have different information systems, data structures, and security protocols. The CJIS system can have data extracted for data analysis at the case level and allows researchers to specify specific offense information in HRS. However, this data is protected with strict security rules and anyone accessing it must adhere to rigorous protocols established since it includes confidential information that is not part of public records. The NIBRS system collects data on crime trends in a standardized way as well, but follows categories established at the federal level.



HOUSE CONCURRENT RESOLUTION

NO. 23 TASK FORCE

EXECUTIVE SUMMARY

The House Concurrent Resolution (HCR) 23 Task Force was established in the 2023 legislative session and requests members to examine and make recommendations regarding the existing procedures of the Hawai'i Paroling Authority (HPA) in setting minimum terms of imprisonment. This includes exploring the sentencing and parole systems of other jurisdictions and best-practices, evaluating the minimum terms issued by the HPA and the courts for significant differences, as well as recommending whether the setting of minimum terms should remain vested in the HPA's responsibilities or with another entity. Provided below is a background on relevant parole and sentencing issues for task force members.

Defining Parole

The National Institute of Corrections defines *parole* as both a procedure by which a board administratively releases individuals from prison as well as a provision for post-release supervision [1]. The HPA defines parole as a privilege that if granted, provides an opportunity for a person convicted of a felony to serve a portion of their sentence under the supervision of the HPA in the community [2].

Overview of the Hawai'i Paroling Authority

In Hawai'i, the HPA is responsible for the protection of the community and reintegration of an individual from prison into the community, which is accomplished by fixing an appropriate minimum term of imprisonment,



granting or denying parole, revoking parole, and supervising the individual on parole (Hawai'i Administrative Rules § 23-700-2). When carrying out these duties, the HPA makes other decisions that impact minimum terms and parole supervision. For example, they can grant a reduction of minimum terms (Hawai'i Revised Statutes § 706-669). Related to parole supervision, they can revoke parole (HRS § 353-66) or grant early discharge (HRS § 353-70) from parole supervision. The HPA is also involved in medical and compassionate release, pardons and clemency (HRS § 353-72), suspension of parole (HRS § 353-66), and program determination for sex offender treatment (HRS § 353E-1).

Nominees to the parole board are selected by a panel consisting of the chief justice of the Hawai'i Supreme Court, or the chief justice's designee, the director of the Department of Public Safety (DPS), or the director's designee, the president of the Hawai'i State Bar Association, or the president's designee, a representative designated by the head of Interfaith Alliance Hawai'i, a member of the general public appointed by the governor, and the president of the Hawai'i chapter of the National Association of Social Workers, or the president's designee (HRS § 353-61). The parole board consists of five members who are appointed by the governor and confirmed by the Senate (HRS § 353-61) - the chairperson, who serves full-time, and four part-time members (HRS § 353-63). The HPA functions as a quasi-judicial body and is administratively attached to the DPS (HAR § 23-700-2). In addition to parole board members, the HPA also consists of parole officers who supervise individuals who have been released into the community on parole supervision (HRS § 353-71).

Each parole board hearing shall consist of a panel of three of its members (HRS § 353-62). In addition to the person who is incarcerated and parole board members, other individuals that might be present at minimum term hearings include defense counsel, a prosecutor, victim and/or family advocates, and the DPS, who provides an initial prescriptive plan (IPP) and risk assessment [3]. Those present for parole consideration hearings, in

addition to the person who is incarcerated and parole board members, could include defense counsel, DPS case managers, who provides a prescriptive plan update (PPU), and a pre-parole officer, who provides a pre-parole report; the prosecutor's attendance at these hearings is optional. If the individual is participating in the Bridge Program or work furlough, a case manager or representative, respectively, will attend the parole consideration hearing.

While the HPA has a range of duties that impact prison terms, what is most important to understand regarding the HPA's responsibilities for the purposes of the HCR 23 Task Force is that HPA board members conduct minimum term hearings for individuals sentenced to prison.

There are some exceptions to their role in setting minimum terms. Additional information on sentencing and minimum terms relevant to the task force is provided below.

Indeterminate and Determinate Sentencing Systems in the United States

In the United States, sentencing practices are classified as either indeterminate or determinate. *Indeterminate* prison sentences are those in which an individual's date of release cannot be predicted with fair accuracy from the court's sentence at the conclusion of a criminal trial [4]. An indeterminate sentence has discretionary parole release eligibility prior to the expiration of its maximum term, and the individual's length of term is not fixed in a manner that is routine or reasonably knowable in advance [5]. For example, an individual may be eligible for their first parole hearing after one year, but they will not know if they are serving more than one year until they attend their first parole hearing. *Determinate* prison sentences are those in which an individual's date of release can be predicted with fair accuracy from the court's judgement at the conclusion of the criminal trial [6]. A determinate sentence has no parole-release eligibility, and the individual's length of term is adjusted in a manner that is

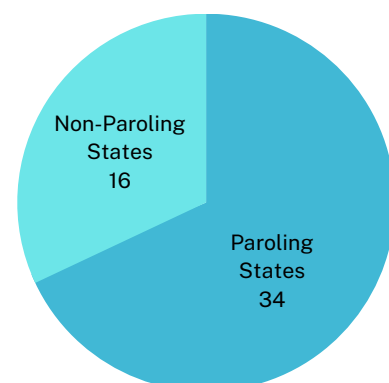
routine and reasonably knowable in advance [7]. The actual length of a prison term in states with determinate sentencing practices is not determined by later-in-time decision makers, such as parole boards [8]. For instance, a determinate sentence might include five years with a mandatory release at four and a half years with six years of post-release supervision. In practice, determinate sentences tend to carry more certainty around time served, whereas indeterminate sentences might be less predictable since an individual is subject to a release date that is set at the discretion of the paroling authority.

Furthermore, sentencing practices have varying *degrees of indeterminacy*, or unpredictability, of actual time served in prison from the moment of judicial sentencing [9]. In practice, sentencing systems are never purely determinate or indeterminate, and the amount of time served can vary because of a range of sentencing decisions. When exploring sentencing and prison-release systems across the United States, it is important to remember that each system is unique, and comparing the practices and outcomes of different systems requires caution [10]. Even within the state of Hawai'i, sentencing differs based on the offense level and offense type, and the degree of certainty can vary across sentences depending on statute or decisions made by the HPA and the courts.

HPA's Role in Setting Minimum Terms of Imprisonment

In Hawai'i, the HPA has the responsibility of setting minimum terms of incarceration for persons convicted of a felony and sentenced to prison with some exceptions to this process. Hawai'i is one of 34 paroling states (see Figure 1), however, it is one of

Figure 1. Paroling and Non-Paroling States



Hawai'i is one of 34 paroling states.



the few paroling authorities that sets minimum terms [11]. Minimum terms in other states are set by the sentencing judge with mandatory minimum sentencing laws, sentencing guidelines, or a statutory formula, often taking the form of a fixed ratio [12]. For most felony sentences, sentencing judges in Hawai'i identify the maximum term of incarceration according to statute, which takes into account offense seriousness (see Table 1). Judges have a limited in role in setting the minimum term except under certain circumstances in the law [13].

Table 1. Mandatory Maximum Prison Sentences and Determination of Minimum Sentences for Most Felony Offenses

For many felony offenses in Hawai'i, the HPA sets the minimum term at a hearing and the maximum amount of the term is set in law. An individual might be released before their maximum term ends if the HPA grants them parole at a parole hearing. The maximum terms vary by felony grade.

Felony Grade	Minimum Term	Mandatory Judicial Maximum Term
First-degree murder	None without commutation	Life without parole
Second-degree murder	Set by parole board	Life with parole
Class A	Set by parole board	20 years
Class B	Set by parole board	10 years
Class C	Set by parole board	5 years

Table adapted from Reitz et al., 2023. *Prison-release discretion and prison population size: State report: Hawaii*.

The exceptions to this process depend on the specific offense and grade. For example, judges can set a maximum term within a statutory range



for many class B and C felony drug offenses, but HPA will still set the minimum term (HRS § 706-660(2)), or there are other statutory requirements for mandatory minimums such as those outlined under the “sentencing of repeat offenders” (HRS § 706-606.5). Additionally, unlike many individuals convicted of felonies, those convicted of misdemeanors in Hawai‘i are given determinate sentences fixed by the sentencing judge (HRS § 706-663) [14]. When reviewing the role of the HPA in setting minimum terms, it is important to acknowledge that certain offenses and grades have different practices related to sentencing and time served, and sentences for some offenses may not be impacted as much by minimum term hearings.

The HPA issues a tentative parole date - effectively an individual's minimum term length - through a minimum term hearing, which is held no later than six months after commitment to incarceration (HRS § 706-699) [15]. The parole release hearing is a different type of review that determines whether someone is ready for release from prison after they have served the required minimum amount of their sentence. There are administrative rules for the HPA that include factors that should be considered for setting the minimum term, however, these factors are not the same as those used for determining the actual date of release [16]. In Hawai‘i, most felony prison sentences have no statutory minimum, and discretionary parole release is allowed, in theory, on the day of admission to prison [17]. In other words, the parole board could set actual sentence length served within a range of a few minutes to the full maximum term [18]. It should be noted that neither HRS Chapter 706 or Chapter 353 prohibits the HPA from setting a prisoner’s minimum term at a period equal to their maximum sentence, effectively eliminating parole release.

To summarize, the HPA holds hearings for both setting minimum terms and for prison release for many individuals sentenced for felony offenses. This sentencing practice could be classified as having a high

degree of indeterminacy since individuals must serve time based on a series of HPA decisions, which have criteria in policy but allow for HPA discretion [19]. Though there are exceptions, the HPA has a prominent role in impacting an individual's time served with each hearing.

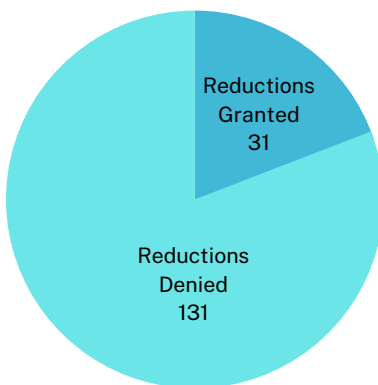
In Fiscal Year 2021-2022, the HPA fixed 1,337 minimum terms for 488 individuals (see Figure 2) [20]. Over the three most recent fiscal years for which data is available, the HPA fixed an average of 1,337 minimum terms for an average of 430 individuals. In any given fiscal year, there are more minimum terms fixed by the HPA than persons who had a minimum term fixed - each charge that a person is convicted of is associated with its own minimum term, and a person convicted of multiple charges will subsequently be assigned multiple minimum terms.

Figure 2. Minimum Terms of Imprisonment Set by the HPA in FY 2021-2022



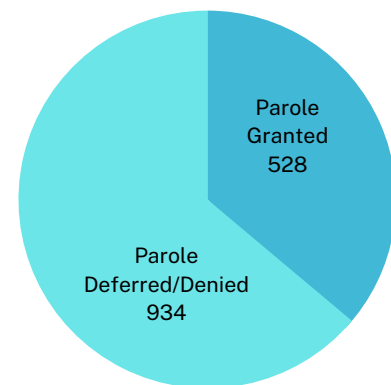
The HPA received 162 applications for a reduction of minimum sentence in FY 2021-2022, of which 31 (19%) reductions were granted (see Figure 3). Reductions of a minimum sentence may be granted based on factors related to treatment, programming, or other improvements in prosocial behavior (HAR § 23-700-29). The HPA also held 1,861 parole consideration hearings in FY 2021-2022, considering 1,462 persons for parole, in which 528 persons were granted parole (see Figure 4). If parole is denied, the HPA must hold additional hearings at least every 12 months, until parole is granted or the maximum term of imprisonment expires (HRS § 706-670(1)) [21].

Figure 3. Applications for Reduction of Minimum Term Received in FY 2021-2022



Out of 162 applicants, 31 individuals were granted a reduction of minimum sentence.

Figure 4. Individuals with Parole Consideration Hearings in FY 2021-2022



Out of 1,462 persons considered for parole, 528 persons were granted parole.

Parole administrative rules outline reasons someone might be denied parole including factors such as institutional misconduct or refusal to engage in prison programming, to illustrate a few (HAR § 23-700-33).

The Relationship Between Sentencing, Time Served, and Rehabilitation

Sentencing is designed to accomplish multiple goals for the criminal justice system which can make it difficult to create or evaluate an "effective" sentencing structure. For example, a probation sentence might be the most effective way to reduce recidivism for one person, but their crime might have been severe enough to result in incarceration. Regardless of how prison terms are set, they are part of a larger framework that must consider the correctional goals of deterrence, rehabilitation, incapacitation, retribution, restoration, and restitution for the state to administer justice [22]. Because the HPA sets the minimum term *and* decides when someone is ready for release, for most felony sentences, HPA board members have the most discretion to impact someone's time served in prison and to fulfill the state's goals in sentencing. While reviewing the state's current process to establish

minimum terms and reviewing the sentencing structures of other states, task force members may want to consider the following:

- *Utilization of resources and planning:* Hawai'i's current process for setting minimum terms is a two-step process involving judicial sentencing and the HPA's minimum term hearing. Coupled with the parole release process, the HPA holds at least two or more hearings that can impact an individual's time served. This process might also limit the DPS's ability to project its future capacity, resource, programming, and staffing needs. When examining sentencing decisions, it is important to consider how policies impact the ability to plan and gather resources that create continuity for programming and services for individuals in prison through release into the community.
- *Impact on providing timely programming:* The current minimum term hearing process could result in undue delays related to prison programming, since an individual's admittance to a program can depend on time of sentence remaining. Prisons often place individuals in programs closer to their projected release, therefore individuals with shorter sentences may have difficulty getting into programs on time in order for them to be eligible for parole release.
- *Degree of predictability for time served:* Indeterminate systems have less predictability in time served, which can have consequences for people who are incarcerated, their families, victims, and the community. Family members may be unsure how to plan and prepare for an individual's release. Related, less certain sentences may not be as effective at deterring individuals if they are unclear about consequences post conviction. However, determinate systems might lack flexibility, which can be helpful for rehabilitative aims such as incentivizing individuals to participate in programming that reduces their recidivism.
- *Creating an effective sentencing process to achieve sentencing goals:* In theory, it does not matter who sets terms to accomplish sentencing goals; instead, the focus should be on developing laws and policies



that align with these goals. For example, a state with a paroling authority could still implement punitive policies if laws permitted excessive term lengths and the paroling authority did not release individuals who participated in programs. Conversely, a state with sentencing guidelines could be rehabilitative by setting reasonable term lengths and requiring prisons to offer rehabilitative programs. Regardless of what entity sets the minimum terms, these decision-makers should carry out the state's vision of sentencing and corrections, and state policy should identify the best entity to do so.

- *Role of time served in achieving sentencing goals:* There is no clear evidence that suggests certain term lengths are more or less effective at reducing recidivism or deterring individuals from crime [23]. Rather, sentence lengths are a reflection of multiple goals and the value the community places in these goals. Sentencing systems must balance providing the best processes for holding people accountable to accomplish these goals while also ensuring that evidence-based rehabilitative services are timed effectively to prepare individuals for release in order to reduce recidivism.
- *Factors that impact minimum term lengths:* Currently, the HPA has policies that include different factors (e.g., nature of offense) board members use to set minimum terms [24]. The decisions of the HPA at the minimum term hearing function similar to other sentencing policies such as sentencing guidelines that judges might use in other states. Regardless of who makes the decision to set the minimum term, it is important to examine what factors are used to set the minimum term and consider whether they are relevant to shortening or lengthening someone's time served. Additionally, it is helpful to understand how often the HPA adheres to the guidelines. Most communities expect consistent sentences for similarly situated individuals, and guidelines can assist with that if they are followed.



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Prepared for the HCR 23 Task Force

Aerielle Reynolds, MSCJA, Erin Harbinson, PhD, and Pamela Oda

September 2023



EXPLORING VIOLENT OFFENSES AMONG INCARCERATED WOMEN IN HAWAII

Prepared for the Women's Corrections Implementation Commission

October 2023

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Criminal Justice Research Institute, State of Hawai'i Judiciary

BACKGROUND

Most research on crime and offense patterns focuses on men, not women [1]. When gender is examined, most studies find that men engage in crime at much higher rates than women in all crime categories except prostitution [2]. Although many offenses are committed by both genders and demonstrate some similar patterns, the gender gap between men and women is most noticeable for serious crimes such as murder and robbery [3]. Since research studies include mostly men in their samples and policymakers focus on crimes that are violent or occurring at higher rates, little is known about gender differences [4]. Yet, some research suggests that women involved in the justice system have different pathways to criminality related to their histories of trauma, abuse, poverty, mental illness, substance abuse, and interpersonal relationships [5]. It is usually assumed that few women are violent, and yet very little quantitative data is evaluated to understand the extent of women's involvement in violent offending and the ways in which their histories and pathways intersect



with violence. This information is critical to understanding how best to work with women effectively, especially incarcerated women, to reduce their engagement in criminal activity.

The public and policymakers place great emphasis on the incidence and impact of violent crime in society. Statewide and national sources demonstrate the lower rates of involvement among women in violent crime. In 2020, four women committed murder in Hawai'i, while 38 (82.6% of all murders in the state) were committed by men [6]. Data analyzed from the National Crime Victimization Survey in 2020 found that 22% of all violent incidents were committed by women [7]. Additionally, data from the Bureau of Justice Statistics indicated that 38% of women in state prisons nationwide were sentenced for a violent offense as their most serious offense in 2018 [8]. While the rates are lower, violent offenses among females are not a rare occurrence and many are sentenced to prison. Understanding violent crime patterns is important for other reasons. Violent offense history is one of a myriad of factors taken under consideration by correctional systems when making security level classification decisions for both men and women, which can impact an individual's housing and access to programs while incarcerated.

This descriptive analysis by the Criminal Justice Research Institute stems from a request by the Women's Corrections Implementation Commission (WCIC) to explore the extent of violent crime among female prisoners in the state of Hawai'i. The WCIC was established by Act 244 (2022) to "(1) Develop and implement an evidence-based, gender-responsive plan to divert non-violent women offenders, especially those with minor children, from the criminal justice system" (Hawai'i Revised Statutes § 615-1). Therefore, it is important to examine incarcerated women to learn more about their engagement in violent crimes.



METHODS

Data was collected on 200 women who were incarcerated in September 2022 at the Women's Community Correctional Center (WCCC), the only prison housing women operated by the Hawai'i Department of Public Safety. This information was manually extracted from the Department of Public Safety (PSD) and the Hawai'i criminal history record information system (CJIS). Offenses were coded as violent according to two definitions or classifications of violent offenses: (1) WCIC, and (2) PSD. It is important to note that Hawai'i currently has no statewide definition of violent crime, and other agencies may use different categorizations for violent offenses than the ones used in this analysis. When reporting violent crime rates, it is important to understand how violent crime is defined, as the inclusion or exclusion of specific offenses in a definition can impact the analysis. The more offenses considered violent, the more a study sample might grow or the more a violent crime rate might increase from a definition alone. Moreover, this analysis reflects the population of the WCCC at a specific point in time, and violent offenses among this population may vary over time, regardless of how violent crime is defined.

The *WCIC* defines violent crime as murder, manslaughter, robbery in the first degree, sexual assault in the first degree, kidnapping, and promoting child abuse in the first degree. According to this definition, all other offenses were categorized as non-violent for this analysis.

PSD uses four classification categories for violent offenses which are based on the Federal Bureau of Investigation's (FBI) definition of violent crime, with HRS codes assigned pursuant to the FBI's definition. The "major violent" category includes murder, manslaughter, negligent homicide, and negligent injury. The



“robbery” category includes robbery and extortion involving firearms, explosives, and dangerous weapons. The “sexual assault” category includes sexual assault, continuous sexual assault of a minor under the age of 14 years, indecent exposure, and incest. The “other violent” category includes assault, reckless endangering, terroristic threatening, kidnapping-related offenses, child abuse-related offenses, extortion-related offenses, and labor trafficking-related offenses. Among these offense classifications, all offense severity levels (i.e. first degree, second degree, etc.) are included when classifying an offense as violent. For this analysis, all offenses included in these four categories were collapsed into one violent category, and all other offense were classified as non-violent.

Analyses were conducted with both definitions for violent crime in order to compare the violent offenses focused on by PSD, which houses women at WCCC, and WCIC, which is focusing on diverting non-violent women from WCCC.

Measures

Violent offense information was analyzed using three different measures in this analysis. Both the lead offense for current stay of incarceration and all offenses for current stay of incarceration were extracted from PSD data. It is important to note the PSD data reflects convictions in most, but not all cases, as PSD records may not always be updated to reflect convictions associated with the instant offense. However, conviction history is from CJIS, and only includes charges that resulted in a conviction.

Lead offense was considered violent *if the violent offense was the first charge in the case* that resulted in the individual’s current incarceration. It

is important to note, however, that lead offense reflects the most serious charge in most, but not all cases. This could be due to a more serious charge being added to a case at a later date or due to data entry error.

All offenses refers to capturing a violent offense across all offenses in the case for which an individual is currently incarcerated, since many individuals are charged with more than one offense. Therefore, an individual had to have *at least one violent offense* across their convictions associated with their current stay of incarceration.

Conviction history was coded as violent if the individual was *convicted of a violent charge at any time*, not just from charges related to their current stay of incarceration. For the purposes of this analysis, it is important to explore an individual's entire conviction history, as convictions from prior cases may be considered by criminal justice actors when making decisions related to sentencing, eligibility for community supervision, programming, and risk to public safety.

Convictions may reflect a somewhat more conservative account of an individual's criminal history than their charge history - charges may be dropped or reduced during plea negotiations or trial proceedings. As such, we caution against comparing rates of violent offenses using convictions with other measures of offending, such as charges and local arrest rates. Moreover, convictions impact sentencing and policy decisions differently than other measures of crime.

Analyses

Descriptive statistics were used to explore the involvement of women in violent crimes across all three measures with each of the two definitions for violent crime. In some analyses, women are counted and only included once in the count, whereas in other analyses, they may be counted more than once since one woman could have been convicted of more than one

offense in a case. For example, an individual may have been charged with or convicted of more than one type of violent offense such as kidnapping and assault, and therefore each offense was counted in that analysis.

Offense severity - A, B, or C felony, misdemeanor, petty misdemeanor, or violation - was analyzed according to HRS designations. For all offenses and conviction history in which an individual may have been convicted of more than one violent offense, the highest offense severity level was used in these analyses. Offense severity is important as it relates to sentence length. Maximum sentence lengths in Hawai'i vary by felony grade according to statute (HRS § 706-656, 706-659, & 706-660).

RESULTS

The following section presents the main findings of this descriptive analysis of violent offenses among female prisoners in the state of Hawai'i. In addition to exploring violent crime rates among women in the state, this analysis highlights the need for a clear and consistent statewide definition for violent crime that can be utilized by all criminal justice agencies in Hawai'i. Designating an offense, and subsequently the individual accused, charged, or convicted of a violent offense as a violent offender, has implications across all stages of the criminal justice system.

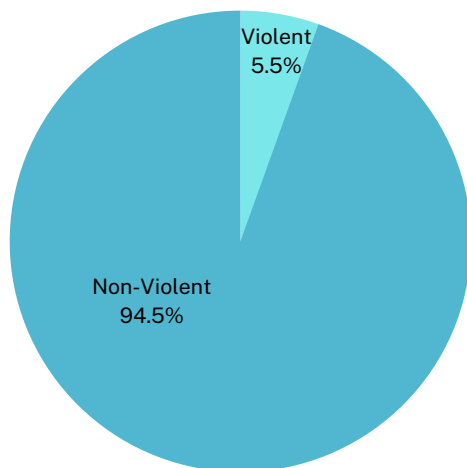
Comparing Rates of Violent and Non-Violent Offenders at WCCC

Lead Offense for Current Stay of Incarceration

According to the WCIC's definition of violent crime, 11 women (5.5%) had a lead offense for their current stay of incarceration that was classified as a violent offense and 189 (94.5%) women had a lead offense that was non-violent (see Figure 1). In comparison, 38 women (19%) had a lead offense that was classified as a violent offense and 162 women (81%) had a lead offense that was non-violent according to PSD's violent offense classifications (see Figure 2).

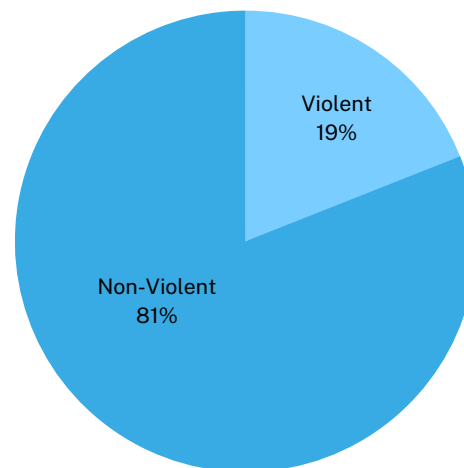


Figure 1. Lead Offense - WCIC Violent and Non-Violent



Among the 200 women at WCCC, the lead offense for 11 women was classified as a violent offense according to the WCIC's definition of violent offenses.

Figure 2. Lead Offense - PSD Violent and Non-Violent



Among the 200 women at WCCC, the lead offense for 38 women was classified as a violent offense according to PSD's classification of violent offenses.

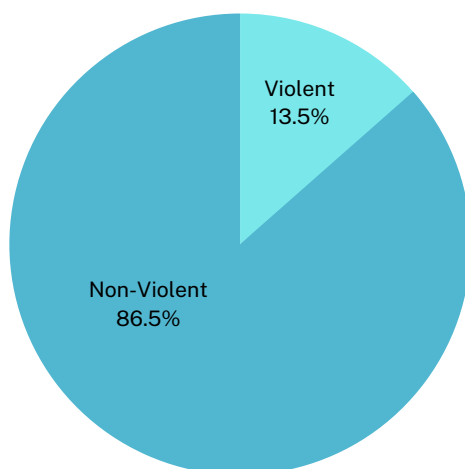
All Offenses for Current Stay of Incarceration

According to the WCIC's definition of violent crime, 27 women (13.5%) had at least one violent offense among all offenses related to their current stay of incarceration and 173 women (86.5%) had no violent offenses (see Figure 3). In comparison, 81 women (40.5%) had at least one offense that was classified as violent among all offenses related to their current stay of incarceration and 119 women (59.5%) had no violent offenses according to PSD's violent offense classifications (see Figure 4).

When comparing the classification of women as violent using all offenses as opposed to lead offense, an additional 16 women are classified as violent according to the WCIC definition of violent offenses, and an additional 43 women are classified as violent according to PSD's classification of violent offenses. This finding highlights the importance of examining all offenses related to an

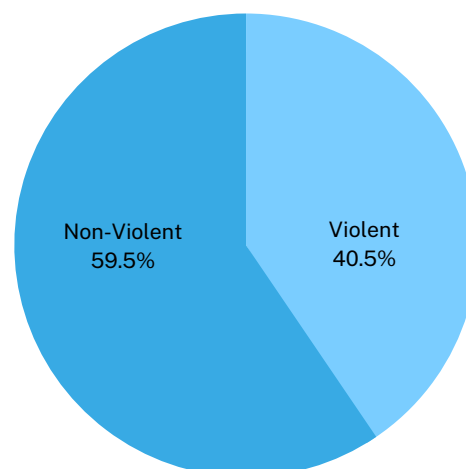
individual's stay of incarceration when determining violent offense classifications, as a violent offense may not always be captured by an individual's lead offense.

Figure 3. All Offenses - WCIC Violent and Non-Violent



Among the 200 women at WCCC, 27 women had at least one violent offense among all the offenses for which they were currently incarcerated for according to the WCIC's definition.

Figure 4. All Offenses - PSD Violent and Non-Violent



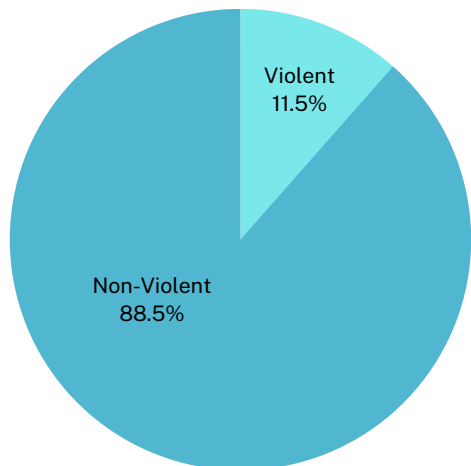
Among the 200 women at WCCC, 81 women had at least one violent offense among all the offenses for which they were currently incarcerated for according to PSD's classifications.

Conviction History

According to the WCIC's definition of violent crime, 23 women (11.5%) had at least one violent offense among their conviction history and 177 (88.5%) had no violent offenses in their conviction history (see Figure 5). In comparison, 102 women (51%) had at least one violent offense among their conviction history and 98 women (49%) had no violent offenses in their conviction history according to PSD's violent offense classifications (see Figure 6).

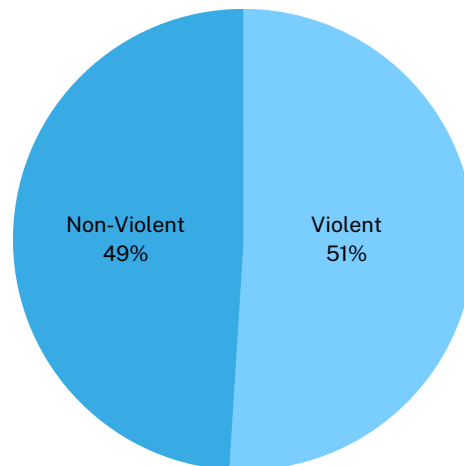


Figure 5. Conviction History - WCIC Violent and Non-Violent



Among the 200 women at WCCC, 23 women had at least one violent offense among their conviction history according to the WCIC's definition.

Figure 6. Conviction History- PSD Violent and Non-Violent



Among the 200 women at WCCC, 102 women at WCCC had at least one violent offense among their conviction history according to PSD's classifications.

Using the WCIC's definition of violent offenses, there are slightly fewer women who are classified as violent when using conviction history compared to using all offenses for current stay of incarceration. This finding, however, demonstrates the need for caution when comparing rates of violent crime across different data sources, in which the updating of records may suffer from potential lag time or data entry error.

Violent Offense Characteristics

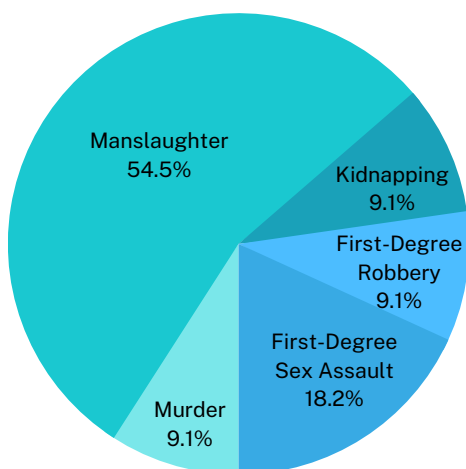
Lead Offense - Offense Types

Among the 11 women with a violent lead offense according to the WCIC's definition of violent offenses, manslaughter (6) was the most frequently occurring lead offense, followed by first-degree sexual assault (2), murder (1), first-degree robbery (1), and kidnapping (1) (see Figure 7). Among the 38 women with a violent lead offense according to PSD's classification of violent offenses, assault (15) was the most frequently occurring lead



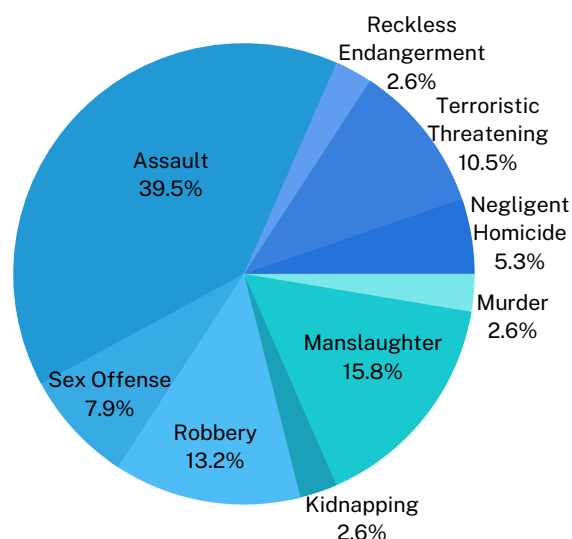
offense, followed by manslaughter (6), robbery (5), terroristic threatening (4), sex offenses (3), negligent homicide (2), murder (1), kidnapping (1), and reckless endangerment (1) (see Figure 8).

Figure 7. Lead Offense - WCIC Violent Offense Type



Among the 11 women at WCCC with a violent lead offense according to the WCIC's definition, manslaughter was the most frequently occurring type of violent offense, followed by first-degree sex assault.

Figure 8. Lead Offense - PSD Violent Offense Type



Among the 38 women at WCCC with a violent lead offense according to PSD's classifications, assault was the most frequently occurring type of violent offense, followed by manslaughter and robbery.

All Offenses - Offense Types

Among the 27 women with at least one violent offense among all the offenses related to their current stay of incarceration according to the WCIC's definition of violent offenses, murder (13) was the most frequently occurring violent offense, followed by first-degree robbery (9), manslaughter (8), kidnapping (4), first-degree sexual assault (2), and first-degree child abuse (1) (see Table 1). Among the 81 women with at least one violent offense among all the offenses related to their current stay of incarceration according to PSD's violent offense classifications, assault (34) was the most frequently occurring violent offense, followed by



robbery (26), terroristic threatening (18), murder (13), manslaughter (8), negligent homicide (5), kidnapping (4), sex offenses (3), unlawful imprisonment (3), reckless endangering (2), negligent injury (1), and child abuse (1) (see Table 2).

Table 1. All Offenses - WCIC Violent Offense Types

Offense Type	Frequency
Murder	13
First-Degree Robbery	9
Manslaughter	8
Kidnapping	4
First-Degree Sex Assault	2
First-Degree Child Abuse	1

Among the 27 women at WCCC with at least one violent offense according to the WCIC's definition, murder was the most frequently occurring type of violent offense, followed by first-degree robbery.

*Some women had more than one type of violent offense among all the offenses related to their current stay of incarceration, and therefore may have been counted more than once in the tables presented here.

Table 2. All Offenses - PSD Violent Offense Types

Offense Type	Frequency
Assault	34
Robbery	26
Terroristic Threatening	18
Murder	13
Manslaughter	8
Negligent Homicide	5
Kidnapping	4
Sex Offenses	3
Unlawful Imprisonment	3
Reckless Endangering	2
Negligent Injury	1
Child Abuse	1

Among the 81 women at WCCC with at least one violent offense according to PSD's classifications, assault was the most frequently occurring type of violent offense, followed by robbery.

When classifying an individual as violent based only on lead offense information, even serious forms of violent offending can fail to be captured, potentially resulting in the misclassification of offenders, as demonstrated by the higher numbers of murder and manslaughter charges among all offenses when compared to lead offense.



Conviction History - Offense Types

Among the 27 women with at least one violent offense in their conviction history according to the WCIC's definition of violent offenses, murder (8) and manslaughter (8) were the most frequently occurring violent offenses, followed by first-degree robbery (5), kidnapping (3), first-degree sexual assault (2), and first-degree child abuse (1) (see Table 3). Among the 102 women with at least one violent offense in their conviction history according to PSD's violent offense classifications, assault (55) was the most frequently occurring violent offense, followed by robbery (27), terroristic threatening (20), murder (8), manslaughter (8), reckless endangerment (6), negligent homicide (5), sex offenses (3), kidnapping (3), child abuse (1), negligent injury (1), unlawful imprisonment (1), and custodial interference (1) (see Table 4).

Table 3. Conviction History - WCIC Violent Offense Types

Offense Type	Frequency
Murder	8
Manslaughter	8
First-Degree Robbery	5
Kidnapping	3
First-Degree Sex Assault	2
First-Degree Child Abuse	1

Among the 23 women at WCCC with at least one conviction for a violent offense according to the WCIC's definition, murder and manslaughter were the most frequently occurring violent offenses.

*Some women had more than one type of violent offense among their entire conviction history, and therefore may have been counted more than once in the tables presented here.

Table 4. Conviction History - PSD Violent Offense Types

Offense Type	Frequency
Assault	55
Robbery	27
Terroristic Threatening	20
Murder	8
Manslaughter	8
Reckless Endangerment	6
Negligent Homicide	5
Sex Offenses	3
Kidnapping	3
Child Abuse	1
Negligent Injury	1
Unlawful Imprisonment	1
Custodial Interference	1

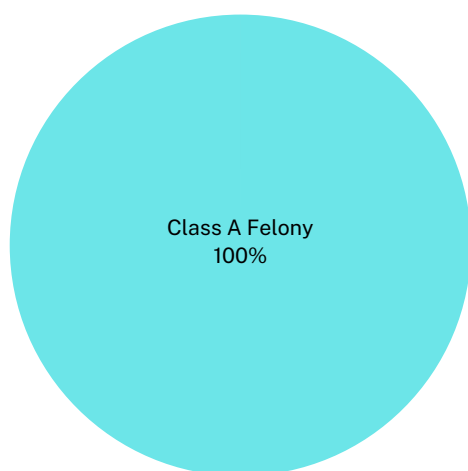
Among the 102 women at WCCC with at least one conviction for a violent offense according to PSD's classifications, assault was the most frequently occurring violent offense, followed by robbery.

When exploring specific offenses when classifying an individual as violent, the decrease in murder and first-degree robbery charges when using conviction history compared to all offenses further demonstrates the impact of using different data sources to make such determinations.

Lead Offense - Offense Severity

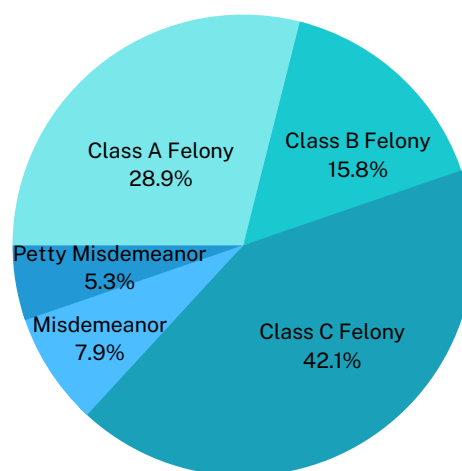
Among the 11 women with a violent lead offense according to the WCIC's definition of violent offenses, all lead offenses (11) were class A felonies (see Figure 9). Among the 38 women with a violent lead offense according to PSD's classification of violent offenses, lead offenses were most frequently class C felonies (16), followed by class A felonies (11), class B felonies (6), misdemeanors (3), and petty misdemeanors (2) (see Figure 10).

Figure 9. Lead Offense - WCIC Violent Offense Severity



Among the 11 women at WCCC with a violent lead offense according to the WCIC's definition, all lead offenses were class A felonies.

Figure 10. Lead Charge - PSD Violent Offense Severity

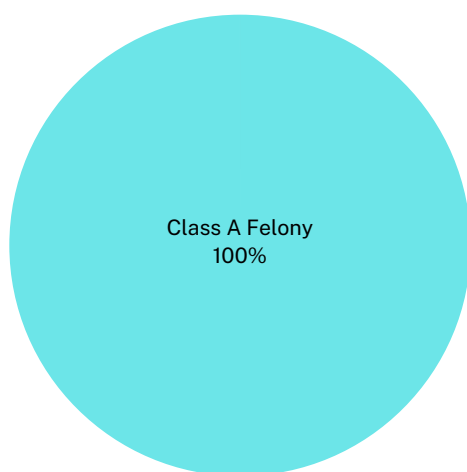


Among the 38 women at WCCC with a violent lead offense according to PSD's classifications, lead offenses were most frequently class C felonies, followed by class A felonies.

All Offenses - Offense Severity

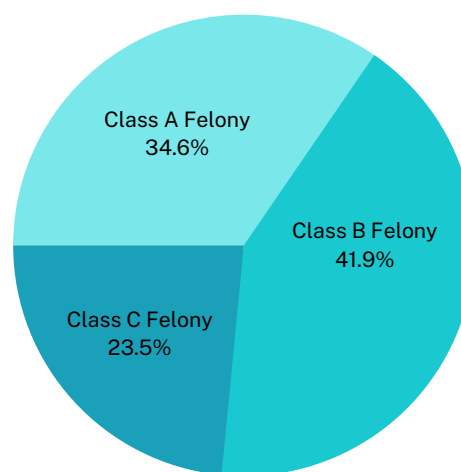
Among the 27 women with at least one violent offenses among all the offenses related to their current stay of incarceration according to the WCIC's definition of violent offenses, all (27) had at least one offense that was a class A felony (see Figure 11). Among the 81 women with at least one violent offense related to their current stay of incarceration according to PSD's violent offense classifications, class B felonies (34) were the most frequently occurring highest offense level among all offenses, followed by class A felonies (28), and class C felonies (19) (see Figure 12).

Figure 11. All Offenses - WCIC Violent Offense Severity



Among the 27 women at WCCC with at least one violent offense according to the WCIC's definition, all had at least one offense that was a class A felony.

Figure 12. All Offenses - PSD Violent Offense Severity



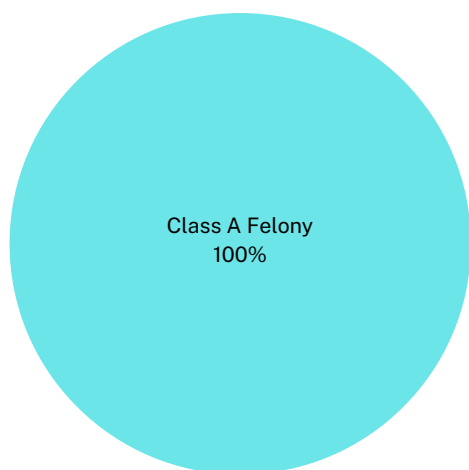
Among the 81 women at WCCC with at least one violent offense according to PSD's classifications, class B felonies were the most frequently occurring highest offense level, followed by class A felonies.

Conviction History - Offense Severity

Among the 23 women with at least one violent offense in their conviction history according to the WCIC's definition of violent offenses, all (23) had at least one violent offense that was a class A felony (see Figure 13). Among the 102 women with at least one violent offense in their conviction history according to PSD's violent offense classifications, class B

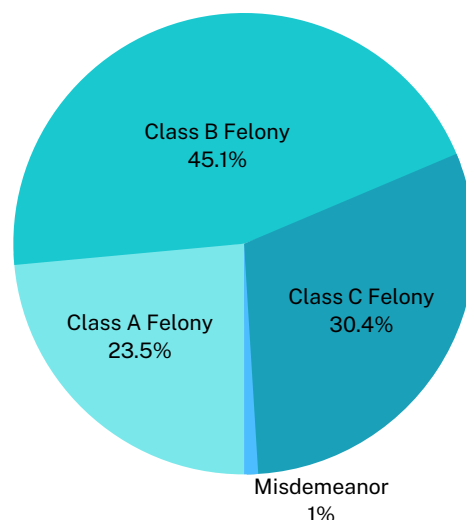
felonies (46) were the most frequently occurring highest offense level among convictions, followed by class C felonies (31), class A felonies (24), and misdemeanors (1) (see Figure 14).

Figure 13. Conviction History - WCIC Violent Offense Severity



Among the 23 women at WCCC with at least one violent charge according to the WCIC's definition, all had at least one charge that was a class A felony.

Figure 14. Conviction History - PSD Violent Offense Severity



Among the 102 women at WCCC with at least one violent charge according to PSD's classifications, class B felonies were the most frequently occurring highest offense level, followed by class C felonies.

CONCLUSION

Determining whether an individual is considered a violent offender is critical to a myriad of decisions across the criminal justice system, including those made at arrest, during the pretrial phase, sentencing, incarceration, and in rehabilitative programming. While similar rates of violent female offenders in Hawai'i were found when using PSD's violent offense classifications in comparison to nationwide statistics, this was not the case with the WCIC definition, suggesting that narrowing down eligible offenses also narrowed down the population in a meaningful way. The findings of this study highlight two considerations when studying violent offenders. First, how violent offenses are measured, such as the use of



lead offense, all offenses, or conviction history, can play a prominent role in how many individuals are considered violent offenders. Second, the way in which violent crime is defined by criminal justice agencies plays an important role in how individuals are classified, which impacts how they are affected by decisions across the criminal justice system. In order to divert non-violent women from prison effectively, the WCIC should develop a clear approach to identifying non-violent women offenders in the system by (1) creating a well-defined policy and (2) creating a consistent definition to use in data collection and research.

When comparing the two approaches by the WCIC and PSD to measure “violent” offenses, there is a noticeable difference between the two outcomes. Regardless of the way violent crime was measured with lead offense, all offenses, or conviction history, each time fewer women are considered “violent” according to the offenses identified by the WCIC. This alone is not an issue, since sometimes non-violent offenses are targeted because there is more consensus to diverting individuals who have not harmed victims or the community as seriously. And, people often view non-violent offenders differently in regards to public safety. It may be worth the tradeoffs of potential future criminal activity with keeping women with their families and jobs. However, the PSD definition uses the FBI definition, which is likely followed by other state agencies. The WCIC approach raises the possibility that for certain policies, it may be worthwhile to examine other approaches to identifying non-violent women and men depending on your goals or research questions.

The analyses in this study demonstrate that regardless of your approach of identifying or defining violent crime, many women in WCCC are non-violent and may be appropriate for sentences in the community.

The data suggest that even with the broader definition of violent crimes that includes more offenses, there are still a number of women likely eligible for diversion from prison. Developing more community-based options for this group of female offenders might reduce the prison population over time. Should diversion opportunities be created, the WCIC has the potential to increase the number of women who are sentenced with options that permit them to remain with their children and in the community. Further, creating a better understanding on violent crimes may assist with larger efforts in reforming the criminal justice system. Though men are more likely to engage in violent crimes than women, creating more clarity around the role of violent crimes in considering policies and punishment could assist with larger system changes.

Additional Considerations

Though the WCIC is focusing on non-violent women offenders for diversion, there is more that could be done to learn about women who engage in violent offenses and the policies most effective for them. When looking at population data for WCCC it might seem that there are a certain percentage of violent women in prison, but it changes depending on the measure, data source, or approach. It could be important to classify women as violent in different ways for different decisions. Some criminal justice actors may only consider offenses related to an individual's instant case important to decision making, while others may take an individual's entire criminal history under consideration. For example, prisons and jails may need to consider specific behaviors, assessments, or other histories when classifying women in facilities to ensure that the women housed and staff working in facilities are safe. Or, depending on women's pathways into crime, it may be important to work with women in different ways depending on the nature of their violent offense history. A woman who



engaged in crime with her male partner might have different treatment needs than a woman who engaged in violent behavior to protect herself from an abusive partner.

Finally, many of the practices that address institutional safety and related issues were developed out of research and studies for men [9], and it is important to consider that prison policies designed for men may not apply in the same way given the different pathways into crime or different safety risks in facilities unique to women. Therefore, it is critical to consider how violent offense history is used in the classification or programming practices used with women in facilities. Policies should reflect what works best for women at all stages of the system including decisions about facility classification, identifying appropriate programs and services for rehabilitation goals, and creating a system of support through reentry to ensure they return to the community and do not continue to engage in crime. Whether violent or not, most women will return to the community, their families, and their children one day. Identifying effective practices from diversion through reentry are essential for their success and safe communities.



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