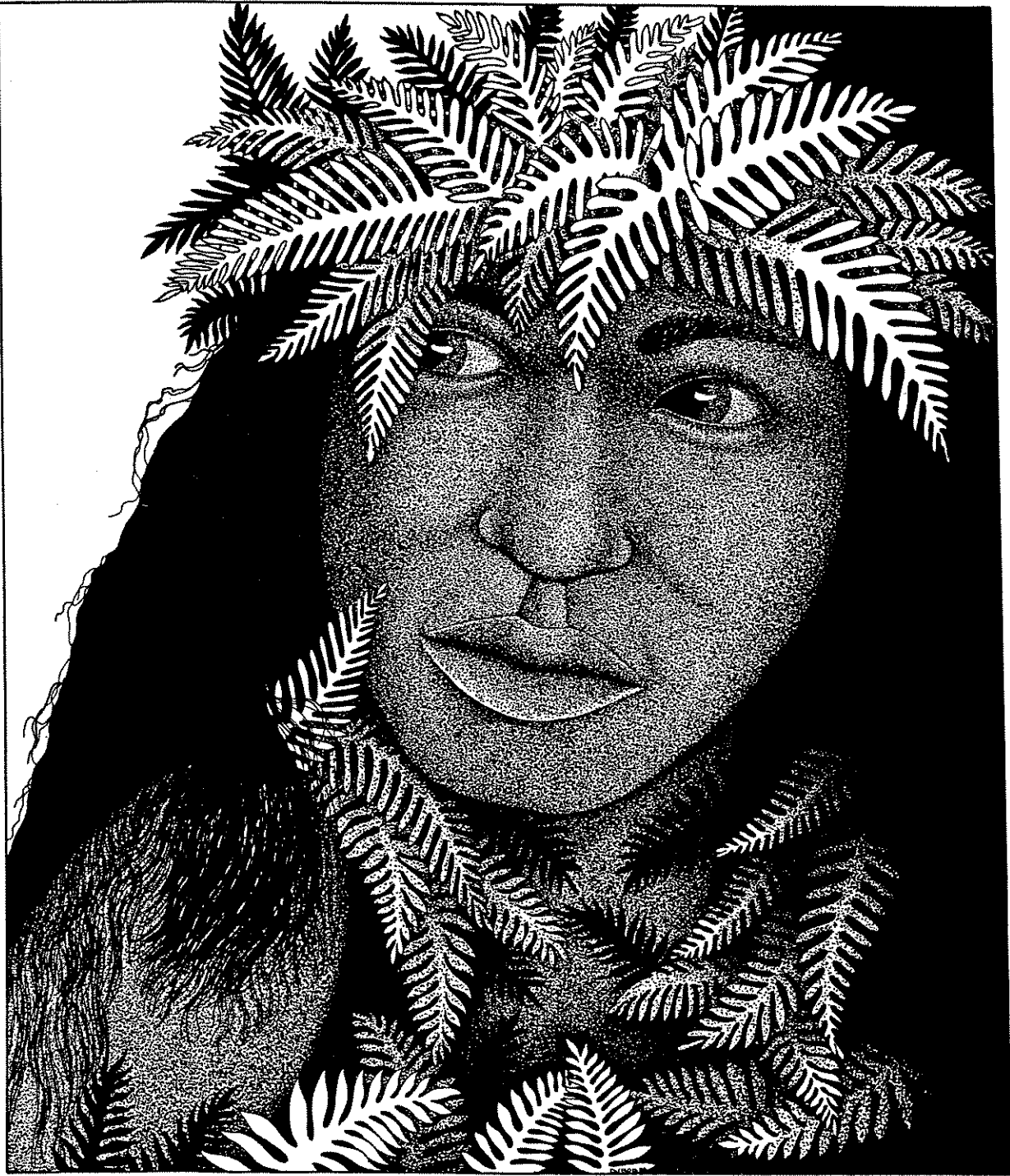
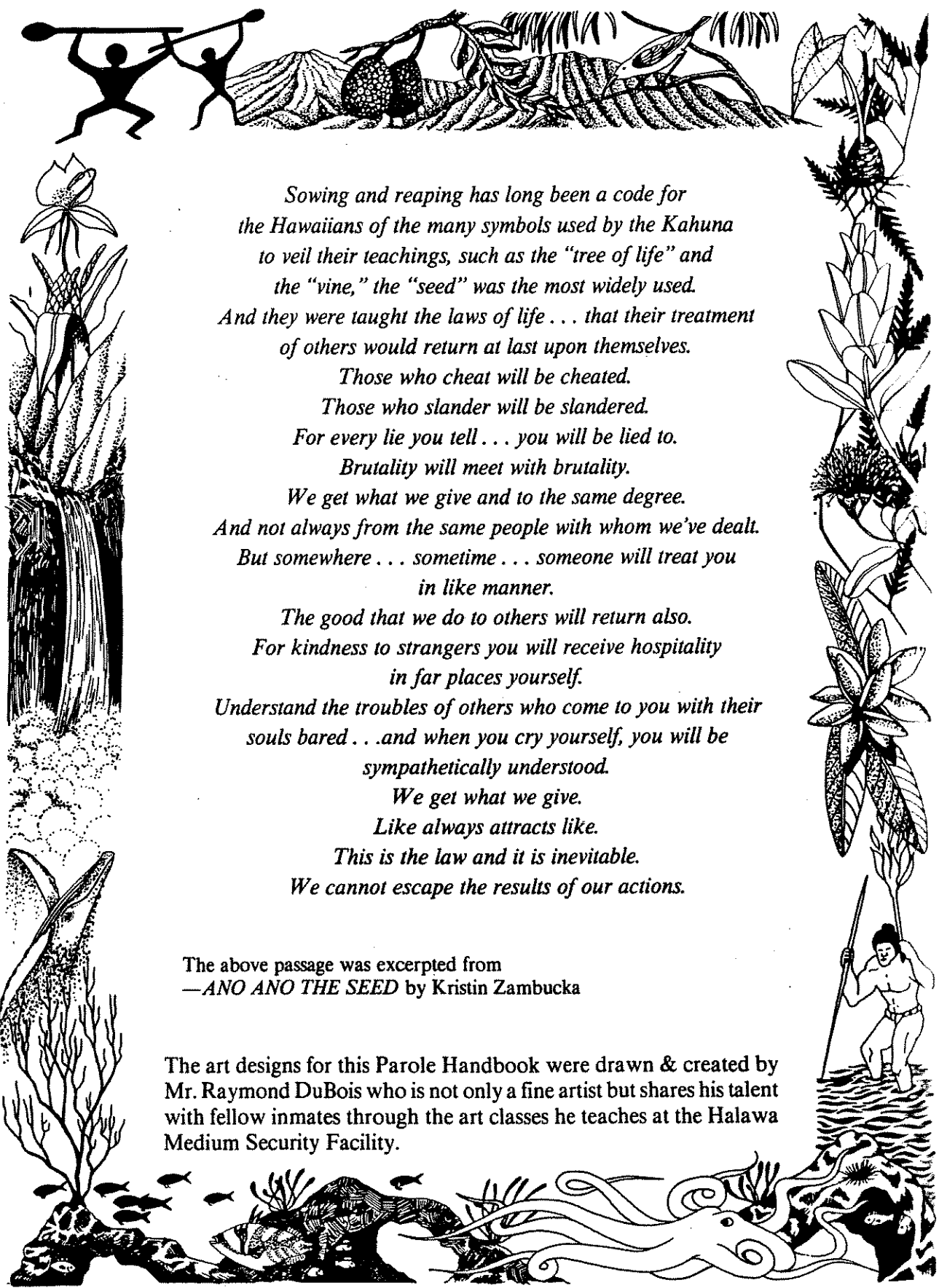


The Parole Handbook





Sowing and reaping has long been a code for the Hawaiians of the many symbols used by the Kahuna to veil their teachings, such as the "tree of life" and the "vine," the "seed" was the most widely used. And they were taught the laws of life . . . that their treatment of others would return at last upon themselves.

*Those who cheat will be cheated.
Those who slander will be slandered.
For every lie you tell . . . you will be lied to.
Brutality will meet with brutality.
We get what we give and to the same degree.
And not always from the same people with whom we've dealt.
But somewhere . . . sometime . . . someone will treat you in like manner.*

*The good that we do to others will return also.
For kindness to strangers you will receive hospitality in far places yourself.
Understand the troubles of others who come to you with their souls bared . . .and when you cry yourself, you will be sympathetically understood.
We get what we give.
Like always attracts like.
This is the law and it is inevitable.
We cannot escape the results of our actions.*

The above passage was excerpted from
—ANO ANO THE SEED by Kristin Zambucka

The art designs for this Parole Handbook were drawn & created by Mr. Raymond DuBois who is not only a fine artist but shares his talent with fellow inmates through the art classes he teaches at the Halawa Medium Security Facility.

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To answer questions regarding the information contained in this handbook, the Institutional Services Parole Officer can be contacted at 587-1308.

Written correspondence can be addressed to:

Institutional Services Parole Officer
Hawaii Paroling Authority
~~250 S. King Street, Room 400~~
Honolulu, Hawaii 96813

QUESTIONS & ANSWERS

PAROLE PLANNING

WHAT IS PAROLE?

Parole is an opportunity for a convicted felon to serve a portion of his/her sentence under supervision in the community.

In exchange for this opportunity, the offender agrees to follow certain conditions. If the conditions are violated, the offender may be returned to prison.

Parole can only be granted if the offender is not serving a mandatory minimum sentence of imprisonment established by the court.

Who decides whether I can be released on parole?

Only the Hawaii Paroling Authority (herein known as the Authority) can parole an offender.

The Authority consists of three (3) persons: one (1) full-time and two (2) part-time members, appointed by the Governor and confirmed by the State Senate. Parole can only be granted if the offender is not serving a mandatory prison sentence established by the court.

When am I eligible for parole consideration?

The HPA will meet with the offender within six (6) months after commitment by the court to determine minimum term of imprisonment. At the expiration of the minimum sentence (also called the tentative parole date or TPD) s/he will be eligible for parole consideration.

When can I be considered for parole release?

The offender will have a parole hearing two months or no later than 30 days before the expiration of his/her minimum term. The Authority can set an earlier parole hearing date for the offender, at which time s/he can be considered for parole release.

If the offender is serving a mandatory minimum sentence, the Authority cannot release him/her until the mandatory sentence expires.

Can my family attend my parole and/or minimum hearing?

No. Generally only the offender and his/her attorney are permitted to attend. If the family wishes to communicate with the Authority, the family should write a letter which will be included in the files for the Board members to read.

I will "max out" (serve my full maximum) in six months. Why should I serve the remainder of my sentence on parole when I can walk out of prison and be a free person in six months?

A person who has been in prison often encounters difficulties when s/he is released. In addition to a surveillance role, the parole officer is available to help a parolee with family, job, and adjustment problems. The parole officer is also familiar with treatment and social service resources in the community.

Is it possible for me to be paroled to another state for parole supervision?

Yes, but the Authority does not determine whether another state will accept an offender for parole supervision. If accepted, the offender will be asked to abide by the terms and conditions set by the Authority in addition to those set by the receiving state. Many states require parolees to pay a monthly supervision fee (see Appendix for application guidelines).

I know I have more pre-confinement credits than my facility caseworker claims. Can the Authority correct this?

The Authority has no say in pre-confinement credits which are determined by the courts and calculated by the correctional facility.

I am serving "life without parole." Does this mean that I must spend the rest of my life in prison?

Not necessarily. When the offender has served 20 years of his/her sentence, the Authority is required to make a recommendation (regarding the case) to the Governor. The final decision to commute to "life with parole" is up to the Governor.

How can I prepare for parole release?

Parole planning should start from the time the offender enters prison. Ask yourself:

1. Personal strengths and weaknesses:
 - a. What problems (drugs, employment skills, family problems, a bad temper) did I have before I came to prison?
 - b. What strengths and talents do I have?
 - c. How can I address my problems while I am incarcerated? How can I address my problems when I am released from prison? Do I need to participate in community based self-improvement programs?
2. Employment history and skills:
 - a. Do I have a trade or a profession? What job skills do I possess?
 - b. Have I worked regularly prior to coming to prison? What kind of work history do I possess?
 - c. Do I have the discipline to perform a job on a regular basis?
3. Family and community support:
 - a. Where can I live when I am released from prison?
 - b. Do I need a residential drug or half-way house program upon my release?
4. Education:
 - a. What goals do I have?
 - b. Can I read and write?
5. Release plan:
 - a. What do I want to be doing when I am released?
 - b. What do I need to accomplish my release plans?

PAROLE EXPECTATIONS

What does the Authority look for in my record to determine whether I deserve to be paroled?

The Authority looks at everything in the case record to get to know the offender. Also, the Authority seeks information which will help the Authority judge whether s/he no longer poses a risk to the community and is able, willing, and prepared to live up to the terms and conditions of parole for the period of time left on his/her sentence. Examples are the number of misconducts and participation in workline and recommended programming.

When I first came to prison, I had a difficult time adjusting to being locked up. I incurred many serious misconducts and I am now in the high security facility. Is there any chance for me?

Each case is studied and reviewed. Although the offender is in a maximum security facility (or max custody), s/he is not "doomed." The Authority recommends that the offender use his/her time at the facility positively and to improve his/her misconduct record. This will enable him/her to qualify for transfer to less structured phases of the maximum security facility and participate in more programs. It is never too late to modify behavior.

Why does the Authority look at my participation in prison programs?

An offender's participation in programs in prison is one indication that an offender is trying to change the pattern of behavior which brought him/her into prison.

The Authority looks at the number and type of programs and whether the programs will help the offender when s/he returns to the community. Good program participation is not a ticket to parole, but it can't hurt.

Why does the Authority consider my misconduct record?

The Authority will look at: (1) the seriousness of the misconduct; (2) the number and frequencies of misconduct; (3) whether the misconduct indicates that the offender still displays the pattern of behavior which brought him/her to prison; and (4) whether the misconduct record indicates that the offender cannot follow the terms and conditions of parole.

For example, the Authority will be very concerned about an offender serving a sentence for a violent crime who continues to show violent tendencies by fights and assaults in prison.

Likewise, the Authority will be very concerned about a drug addict with numerous drug-related misconducts.

Must I participate in a work furlough program prior to parole?

Not all offenders have the opportunity to participate in work furlough. Generally, the Authority recommends that any offender who does not have a good work history in the community or who has been incarcerated for an extended period of time participates in work furlough or a resocialization program prior to parole.

If the offender has the opportunity to participate in a work furlough program, it will give him/her the chance to show the Authority that s/he is able to function in a less restrictive setting. However, most importantly, it will provide the offender the opportunity to leave prison with money in the bank and a job that s/he can depend on at time of release.

MINIMUM SENTENCES

What is a minimum sentence?

A minimum sentence is the length of time an offender must serve before being considered for parole release.

How does the Authority fix the minimum term?

An offender is given an opportunity to have a hearing. At the hearing, the offender tells the Authority about himself/herself and the offense(s) for which s/he is serving time.

The Authority also has records which include a description of the offense(s), offender's criminal history, psychiatric reports, institutional reports, input from the Prosecuting Attorney, and letters from the victim(s) and other interested parties.

The offender can be represented by an attorney at the hearing. The Authority may have questions for the offender and his/her attorney.

At my minimum hearing, the victim and the prosecutor were present and were allowed to speak. Didn't they have their opportunity during the trial?

State law gives the victim and the prosecutor the opportunity to participate in minimum sentence hearings. The case will not be retried but all parties are given the opportunity to submit information which they feel the Authority should consider in setting the minimum term of imprisonment.

Why did I receive a higher minimum than my codefendant? We both were convicted of the same crime.

The Authority considers six (6) primary factors in setting a minimum: the nature of the offense, the degree of injury or loss to personal property, criminal history, character or attitude of offender with respect to criminal activity or lifestyle, efforts made to live pro-social life prior to commitment to prison, and the level of involvement of the offender in the instant offense. These factors affect the determination of a minimum sentence.

The Authority scheduled a "Board Interview" with me. Must I attend? What is a board interview and what is its purpose?

A board interview is an informal opportunity for the Authority to meet with the offender sometime between the minimum hearing and the parole hearing. It is an opportunity for the Board to discuss and evaluate the offender's institutional adjustment and programming, and parole plans.

An offender can refuse to attend a board interview. However, the offender should remember that a board interview is usually for the offender's benefit. Oftentimes, the Authority may reconsider the minimum which was originally set shortly after the offender entered prison.

The Authority gave me a thirty year minimum. On the Notice and Order Fixing Minimum Term(s) of Imprisonment document, the Authority scheduled an "administrative review" in ten years. What is the purpose of the administrative review?

If the Authority gives an offender a thirty year minimum, s/he is probably serving time for a very serious crime. The Authority recognizes that a person changes and wants to monitor his/her progress in prison. At ten years, the Authority will request reports from the institution which will describe his/her behavior, adjustment, program participation, and progress. At the time of the review, the Authority may wish to interview the offender to determine whether the minimum which was set shortly after s/he entered prison remains appropriate.

I have no misconducts and feel I have served my "time." Doesn't the Authority have to give me a chance on parole when my minimum expires?

No. There are other factors the Authority looks at when considering a parole release. In general, parole is denied when an individual continues to pose a risk to the community, as demonstrated by a refusal or an inability to alter negative behavior patterns, and/or has not yet constructed a parole plan which appears to provide an opportunity for parole success. No parole shall be granted unless, in the Authority's opinion, release is compatible with public safety.

For example, a person who is convicted of a sexual offense and refuses to participate in appropriate sex offender therapy upon release may be denied parole in spite of good institutional performance.

In the event parole is denied, a rehearing is usually scheduled within a year.

EARLY PAROLE CONSIDERATION

Can the Authority reduce my minimum sentence?

Yes. The Authority can reduce previously established minimum sentences provided that 1) the inmate submits a written request; and 2) none of the conditions outlined in the Appendix are present. (See Appendix - Reduced of Previously Established Minimum Term(s) of Imprisonment (ROM) - Guidelines and Procedures).

I am suffering from a terminal illness. I don't want to die in prison. Can I be considered for early parole?

The Authority will consider paroling an offender who has a seriously debilitating medical condition for which treatment is not available in prison or a terminal disease when competent medical authorities indicate death is imminent.

The offender should submit a request for a reduction in his/her minimum term with the appropriate supportive evidence of his/her medical condition. The Authority will consider the request and determine whether an early parole is appropriate (See Appendix - Reduction of Previously Established Minimum Term(s) of Imprisonment (ROM) - Guidelines and Procedures).

Will I be released earlier if I am planning to be paroled out of state?

No. The Authority must be satisfied that the offender does not pose a significant risk to the community, whether s/he is supervised on parole in this state or another state.

Will I be released earlier if I go into a drug program?

Not necessarily. The Authority may consider giving the offender an earlier hearing only to consider parole to a residential drug program. However, the Authority must be convinced that s/he needs a residential program and that s/he is committed to complete the program. If an offender is paroled early to an alcohol or drug program and fails to satisfactorily complete that program, the Authority is likely to revoke his/her parole.

I have been ordered deported by immigration. Since I won't be residing in this community, can the Authority parole me shortly after it sees me at my minimum term hearing?

Generally, every offender must serve "punishment time." The Authority probably would consider an earlier parole after s/he has served some prison time.

I am doing very well in prison. My work evaluations are excellent. I have completed all my recommended programs and have not incurred any misconducts. I want to be transferred to the work furlough program but do not qualify because I have too much time left on my minimum. Why won't the Authority reduce my minimum term?

The Authority recognizes that there are many model inmates with long minimum terms. In setting the minimum term of imprisonment, the Authority considers the offense which was committed. Generally, the Authority will not consider reducing the minimum until the offender has served at least one-third of his/her sentence or ten years, whichever is shorter. An early reduction in the minimum term would depreciate the seriousness of the crime and promote disrespect for the law (See Appendix for Reduction of Previously Established Minimum Term(s) of Imprisonment (ROM) - Guidelines and Procedures).

Further, the Authority does not feel that an inmate should be placed in a community release program until shortly (no longer than one to two years) before s/he is to be considered for parole release.

PRE-PAROLE PROCESS

I have questions about parole. When will a parole officer be assigned to my case?

A parole officer is assigned approximately six (6) weeks prior to the scheduled parole hearing. The Institutional Services Parole Officer periodically offers workshops for parole planning.

How can my parole officer assist me in preparing for parole?

The assigned parole officer can assist an inmate in any area that s/he may be having trouble. The parole officer can provide information on a variety of community resources which can aid in locating employment, programs, and support groups.

Why is the Authority putting so many *special conditions* on my parole?

When a person is released on parole, the Authority looks at the offender's pattern of behavior before s/he committed the crime(s) and came to prison. The special conditions are ways of redirecting an offender and monitoring his/her behavior to decrease the probability of future law violations and risk to society. The special conditions also help a parolee avoid temptations and pitfalls which may lead to revocation.

It is difficult to find a job from prison. Employers want to be given a specific date when I can start and want to interview me. Does this mean that my parole will be denied?

If the offender has a work history in the community, work skills, good workline performance in prison, or a good attitude toward obtaining employment, the Authority will allow him/her a certain period of time to find employment after s/he is released from prison.

I am participating in a work furlough program, and I am doing well. The Authority denied my parole and is requiring me to finish the program. Why?

The Authority may deny parole release to an offender who is doing well in prison if the Authority feels that continued corrections treatment, such as a work furlough program or a program for sexual offenders, will **substantially** enhance the offender's capacity to lead a law-abiding life when s/he is released at a later date.

If my parole is denied, when can I be considered again for parole?

In its notice to the offender, the Authority will specify a hearing date, at which time it will hear him/her again for parole. Unless s/he is serving a new or mandatory minimum for a new offense, s/he will be heard no later than one year after the last hearing.

I am scheduled to be paroled and received a misconduct. Can my parole be stopped?

Yes. A decision regarding parole can be deferred or delayed due to any significant and/or previously unknown information. If this happens, the offender will be notified in writing of the reason for deferral and be given another hearing within 30 days, if possible. Should the Authority not meet the 30 day deferral, a preliminary hearing to determine probable cause will be held.

I am scheduled to be released soon. I have no money and need to buy some clothes. Does the State provide these?

Any prisoner, upon parole or full discharge from his/her maximum sentence, is eligible for cash and clothing allowance (under Section 353-14 of the Hawaii Revised Statutes) based on immediate need. The Authority determines the amount to be granted by taking into consideration resources obtained by an individual while incarcerated and available resources upon his/her release. The amount awarded is not based on length of time served or good behavior. Every effort is made to have the predetermined funds available upon release from custody.

At my parole hearing, the Authority wanted to know how I get along with my spouse (parents, girlfriend etc.) Isn't this rather personal?

Through the Authority's experience, it finds that relationships create significant problems on parole. The "significant others" in a parolee's life can oftentimes create unneeded stress or trigger violent reactions.

The Authority would like to see the transition to parole be as smooth as possible. By identifying potential problem areas, the Authority and the parole officer can discuss options in dealing with them. Hopefully, everything will go smoothly, but if it doesn't, the parolee can be counseled in dealing with the problems.

PAROLE SUPERVISION

Problems of parolees are as varied as the number of parolees! This section will address some often heard questions and complaints related to parole.

My parole officer doesn't seem to understand me. Can I change my parole officer?

The answer is generally "NO" but a parolee having problems or conflicts with an officer is encouraged to request/arrange a meeting with the parole officer and the Field Parole Branch Administrator to discuss the problems and work on some solutions or compromises.

My parole document requires a "clinical discharge" from a drug program. I want to leave because I can't get along with my counselor. Will my parole be revoked?

The Authority will decide that at a revocation hearing. The parolee should discuss the problem with his/her parole officer and arrange a meeting between the program counselor and his/her parole officer to see if these problems can be worked out before deciding to leave.

My parole officer drug tested me during my visit. I know the test was positive. Does this mean that my parole is going to be revoked? What should I do?

The parolee should discuss the situation with his/her parole officer. Parolees, whatever you do, do not run. You will just make the situation worse as your parole officer may then issue a warrant for your arrest.

The parole officer is there to help as well as supervise.

What happens if my parole is revoked?

Parole is revoked for the balance of the parolee's term. The Authority can schedule an earlier hearing at its discretion. Generally, the Hearing is scheduled within one year of the parolee's return to prison.

The Authority revoked my parole for not reporting to my parole officer and not informing my officer of my change of residence. I was working and I didn't get charged with any new crimes.

The Authority considers reporting to be a critical condition of parole. When the parolee accepts parole, s/he agrees to be supervised. It is important that the parole officer know exactly where the parolee is and what s/he is doing.

My sentence doesn't expire for another 10 years. Will I have to be on parole for that long?

Not necessarily. When the parolee has demonstrated pro-social attitudes and behavior for at least three consecutive years, s/he may apply for an early discharge through the parole officer. In any event, parolee will be considered for discharge upon the completion of five (5) years.

My maximum sentence is due to expire in six months. Why can't I choose to not report to my parole officer and "lay low" until I "max out"?

Again, when the parolee accepted parole, s/he agreed to be supervised. If s/he does not report as instructed, the Authority is authorized to issue a Warrant of Arrest. Furthermore, if the parolee's whereabouts is unknown, the Authority may suspend or stop his/her parole term until s/he is returned to custody. This means that the time between the effective date of suspension and the date of return to custody will be added to the maximum term of sentence.

I have violated my terms and conditions of parole. I know the Authority is going to send me back to prison. What have I got to lose if I just have a good time before I get caught?

The Authority has a number of options in sanctioning a violation of parole. In deciding the sanction, the Authority considers such factors as: 1) Did the parolee turn himself in when he knew there was a warrant for his arrest? 2) Was the whereabouts of the parolee known to the parole officer prior to the parole revocation hearing? 3) What police contacts did the parolee have while on parole? 4) What efforts did the parolee make to abide by the terms and conditions of parole?

Generally, in deciding on the sanction, the Authority looks at a parolee's overall adjustment.

I violated my terms and conditions of parole. I don't want to go back to prison. Will it help my case if I hide for a while, get a job, attend a program, and get off drugs before my parole revocation hearing?

It is very important for the parole officer to know where the parolee is residing and what s/he is doing. You will be making matters worse by hiding, even if you stay out of trouble.

APPENDIX

HPA HEARINGS: GUIDELINES AND PROCEDURES

1. Minimum Hearing

Inmates are scheduled for a minimum hearing within six (6) months after sentencing. The purpose of this hearing is to determine when an inmate will be eligible for parole by the fixing of a minimum term of imprisonment.

- a. No parole officer is assigned;
- b. Inmate has the right to an attorney;
- c. Prison counselors submit an Individual Evaluation Summary;
- d. Inmate has a right to appear (most choose to appear);
- e. The result of the minimum term hearing will be forwarded to the inmate within 60 days of the minimum hearing. A copy will be forwarded to prison administration.

The Minimum Term Hearing is usually the Authority's first contact with an inmate. It is often used as an opportunity to review the offender's history, to note problem areas, and to inventory strengths. This marks the beginning of parole planning by the Authority.

2. Administrative Review

Administrative Review is usually scheduled in advance of minimum term expiration date to review an inmate's status and adjustment while incarcerated. Administrative Review is not scheduled for every inmate but generally for those who have lengthy minimum sentences.

- a. No parole officer is assigned;
- b. Inmate **does not** have the right to an attorney;
- c. Inmate **does not** attend;
- d. Prison counselor is required to submit updated report on inmate's status and adjustment;
- e. If favorable, inmate may be scheduled for early parole hearing or Board interview. Otherwise inmate will wait for regular parole hearing;
- f. The Authority's decision is forwarded to the inmate by mail within 60 days of the Administrative Review. A copy is sent to prison administration.

3. Board Interview

Board interview is usually scheduled in advance of an inmate's minimum expiration date and is designed to discuss problem areas, parole plans, and to re-evaluate the minimum sentence.

- a. No parole officer is assigned;
- b. Inmate **does not** have the right to an attorney;
- c. Inmate has right to appear (most choose to appear);
- d. Prison counselor is required to attend, no written report needed unless requested;
- e. If the result of the interview is favorable, an early parole hearing may be scheduled, the minimum sentence may be reduced or further interview or administrative review may be scheduled. If not, inmate will wait for regular parole hearing;
- f. The Authority's decision is forwarded to inmate by mail no later than 60 days following the interview. A copy is sent to prison administration.

4. Scheduled Parole Hearing

Parole hearing is usually scheduled two (2) months prior to the expiration of the minimum sentence or as ordered earlier by the Hawaii Paroling Authority. The intention is to consider parole.

- a. Parole officer is assigned to assist the inmate approximately six (6) weeks **before** the hearing date or approximately 14 weeks prior to the expiration of the minimum term;
- b. Inmate has the right to an attorney;
- c. Prison counselor submits an Individual Evaluation Summary;
- d. Inmate has the right to appear (most choose to appear);
- e. The Authority's decision is forwarded by mail no later than 60 days following the date it was made (usually the hearing date unless a decision was deferred to a later date);

- f. A parole decision can be deferred to a later date. This can result from: incomplete parole plans; the accumulation of additional information required by the Authority; awaiting inmate acceptance by outside programming, etc. Although it is not common practice, the decision can be deferred until the inmate's tentative parole date, at which time a decision must be made;
- g. Parole which has been tentatively approved can be deferred before the actual release date due to any significant and/or previously unknown information. The inmate will be notified in writing of the reason for deferral and be given another hearing within 30 days, if possible. Should the authority not meet the 30-day requirement, a preliminary hearing to determine probable cause will be held;
- h. If parole is **denied**, the next parole hearing must be scheduled within one year.

5. Preliminary Hearing

A preliminary hearing is an **informal** inquiry conducted by an impartial and neutral hearings officer. Generally, this hearing is conducted when the parolee is arrested on the strength of a parole warrant.

The purpose is to determine whether there are in fact reasonable grounds or probable cause(s) to believe that the parolee has violated the terms and conditions of parole. It is not to determine if parole should be revoked.

- a. A parolee must be given 24 hours notice of such hearing;
- b. Parolee has the right to waive the preliminary hearing;
- c. If not waived, the hearing must be held within 4 working days of notice of reincarceration;
- d. Supervising parole officer will attend the hearing. The parole officer serves as the prosecutor. The parole officer's job is to convince the hearings officer that there were probable violations of parole and the arrest warrant was legitimate.
- e. Parolee, on his own, has the right to secure an attorney to represent him/her;
- f. Parolee has the right to be heard in person and present witnesses and documentary evidence which addresses the issue of the alleged parole violation;
- g. The Hearings Officer will render an oral decision. The hearings officer's decision is final at this stage and not subject to anyone's approval or disapproval. The hearings officer **does not** make a recommendation. Instead, a **decision** is rendered;
- h. Should reasonable grounds or probable cause for parole violation be found, the parolee will then be ordered to remain in confinement based upon the findings of the hearings officer. The arrest warrant, at that point, becomes void. The parolee then remains confined for a revocation hearing to be held within 60 days of reincarceration;
- i. Should no reasonable grounds or probable cause(s) be found, the parolee shall immediately be released from confinement and the arrest warrant will be rescinded by the hearings officer. However, the Authority may reconsider the entire case at its discretion.

6. Parole Revocation Hearing

Parolees are scheduled for a parole revocation hearing in one of the following ways: 1) issuance of the Authority's Warrant of Arrest. Upon execution of the warrant, a parole revocation hearing is scheduled within 60 calendar days of reincarceration; 2) a "walk-in" revocation hearing; 3) parolees convicted of a new felony charge(s) and sentenced to imprisonment are subject to automatic parole revocation.

- a. Supervising parole officer will attend the hearing;
- b. Parolee has the right to an attorney;
- c. Parolee shall be afforded the opportunity to be heard in person and present witnesses and documentary evidence;
- d. The parolee will be orally informed of the Authority's decision, unless deferred to a later date;

- e. Should parole be revoked, the Authority will furnish the parolee with a brief written statement which shall generally include the evidence relied upon and the reasons for revoking parole within 60 days of hearing date;
- f. Should parole not be revoked, the parolee shall be returned to his/her previous status prior to the revocation proceeding.

DETERMINATION OF MINIMUM SENTENCES: GUIDELINES

The guidelines are available upon written request to the Institutional Services Parole Officer.

REDUCTION OF PREVIOUSLY ESTABLISHED MINIMUM TERM(S) OF IMPRISONMENT (ROM) - GUIDELINES AND PROCEDURES

Reducing Previously Established Minimum Terms of Imprisonment - Guidelines

- a. Guidelines are established to provide for rational, consistent, and equitable decisions without removing the opportunity for consideration of individual case factors. The following guidelines set forth the major elements considered in the reduction of minimum decisions.
 1. A reduction of the minimum term of imprisonment will not depreciate the seriousness of the offense or promote disrespect for the law; or
 2. The inmate has demonstrated over a sustained period of time that s/he can lead a law-abiding life; or
 3. The person has participated in and benefited from all recommended programming which are likely to enhance reintegration as a law-abiding citizen; or
 4. The Authority has received significant information about the offender and/or the offense which was not available at the time the minimum was established and such information significantly mitigates the nature and circumstance of the offense or the history and characteristics of the inmate; or
 5. The person has received appropriate treatment for a disorder which substantially contributed to the commission of the offense or has a release plan which provides for such treatment in the community; or
 6. The person desires to enter a residential treatment program which is not available while incarcerated; or
 7. The court-imposed mandatory minimum has been reduced or removed; or
 8. The person has a seriously debilitating medical condition for which treatment is not available in prison or a terminal disease when competent medical authorities indicate death is imminent.

Request for Reduction of Minimum Term(s) of Imprisonment - Submission Guidelines

- a. The Authority will reconsider its previously fixed minimum term provided that: 1) the inmate submits a written request; and 2) none of the following conditions are present:
 1. The Authority set the minimum term within six months prior to receipt of the request;
 2. The inmate served less than one-third of the longest minimum term or served ten years, whichever is shorter;
 3. The Authority considered a request for a reduction of minimum within the twelve month period preceding the request;
 4. The inmate is serving a mandatory minimum term;

5. The Authority held a parole hearing within the twelve month period preceding the request;
 6. The inmate is scheduled for a parole hearing or an administrative review in the six month period subsequent to the request.
- b. The Director of the Department of Corrections or his/her designee may submit a written request stating reasons why the Authority should reconsider its previously fixed minimum term.

Request for Reduction of Minimum Term(s) of Imprisonment - Procedure

- a. The inmate must complete and transmit to the Institutional Services Parole Officer (ISPO) one copy of HPA # 10029, **Request to Initiate Reduction of Minimum Term**. The ISPO will review the request to determine whether the inmate qualifies for reconsideration of previously fixed minimum. If the inmate does not qualify, no further investigation will be conducted. The inmate shall be advised in writing of the reason for not qualifying and the earliest date s/he will be able to resubmit an application.
- b. When the inmate qualifies for reconsideration of previously fixed minimum, the ISPO shall request written information from the Department of Corrections (HPA #10032) and the inmate (HPA #10031). The forms shall be completed and returned to the Authority within sixty (60) days of their receipt.
- c. Upon receipt of completed forms, the Authority will consider the request for reduction of minimum term within sixty (60) days and will render a decision.

Issuance of Decision

The decision reached will be reflected by one of the following dispositions:

1. Deny Request - Minimum term(s) remains appropriate.
2. Deny Request - Early parole hearing scheduled.
3. Deny Request - Administrative Review scheduled.
4. Approve Request - Minimum term(s) reduced to _____ .

APPLICATION FOR OUT-OF-STATE PAROLE SUPERVISION: GUIDELINES AND PROCEDURES

In order for inmates to make early application for out-of-state supervision, the following criteria must be met:

- a. The inmate is scheduled for a parole hearing and/or the inmate has a tentative parole date within six (6) months of the application;
- b. The inmate has a firm home offer in the state to which the application is to be made;
- c. The inmate meets at least one of the following:
 1. Has verifiable employment in the state to which application is to be made;
 2. Has family that resides in the state to which application is to be made;
 3. Has "resident" status in the state to which application is to be made.
- d. If all of the above conditions are met, the application must be made in writing (Form #10034). Forms can be obtained from the Institutional Services Parole Officer, 250 South King Street, Room 400, Honolulu, Hawaii 96813.

Parolees on active supervision status must meet the criteria for (b) and (c) of the above guidelines and request application through their parole officer.

States vary on length of time for investigation and decision. Two months is an average time from the date the parole officer submits the application.

THE STANDARD TERMS AND CONDITIONS OF PAROLE

The terms and conditions of parole are designed to enhance the dual mission of the Hawaii Paroling Authority - rehabilitation and community protection. This is a CONTRACT between the Authority and an individual parolee; release is conditional based on the acceptance and understanding of this document by the parolee. Any condition that is violated can be used as grounds for parole revocation. Ideally, these conditions serve as guidelines to positive community reintegration. Most are common sense guidelines to staying out of trouble, i.e. no law violations, no weapons, no violence or threats of violence, no illegal drugs, curfew, etc. Other conditions provide opportunities which allow parolees to stop and think before making major decisions and also serve as supervision aides for the parole officer, such as reporting procedures, residence conditions, curfew and travel restrictions.

1. Laws and Conduct

- a. You shall comply with and not violate any county, state, or federal ordinances, statutes, and laws.
- b. You shall not have in your possession or control any firearm. In addition, you shall not own or possess any weapon, device, instrument, materials or substances whether animate or inanimate which in the manner it is used or is reasonably intended to be used is known to be capable of producing death or bodily harm on other person.
- c. You shall not threaten to or inflict bodily harm on other persons.
- d. You shall not have in your possession or control any drug which otherwise would be contrary to any law.
- e. You shall immediately notify your parole officer of any contacts you have with any law enforcement office pursuant to an authorized investigation.
- f. You shall not return to or be in the immediate vicinity of any correctional institution unless permission has first been granted by your parole officer.
- g. You shall not intentionally or knowingly be away from your reported home between the hours of 11:00 p.m. and 6:00 a.m. If it becomes necessary for you to be away from your home during these hours, you shall seek and receive permission from your parole officer prior to the act. Extremely emergent situations involving personal life, health, or safety may require your absence from your home during those hours without your receiving prior permission and approval. In such case, you shall inform your parole officer immediately after the act.

2. Association

You shall not, without prior approval of your parole officer, associate or be in the company of any person convicted of a criminal act, including anyone under the active supervision of the Hawaii Paroling Authority.

3. Reporting

You shall report to and maintain contact with your parole officer in the manner your parole officer specifically prescribes.

4. Employment

- a. You shall actively seek and retain employment. You shall immediately notify your parole officer in the event of termination of employment and be governed by your officer's instructions.
- b. You shall obtain the permission of your parole officer before you accept or change any employment.

5. Residence

You shall always keep your parole officer informed as to your whereabouts. You shall notify and obtain the permission of your parole officer before changing your place of residence. Such notification shall include exact new address and, if available, telephone number. Your place of residence must meet with the approval of your parole officer.

6. Travel

You shall not leave the State or the island in which you reportedly reside without first obtaining permission from your parole officer.

7. Obligations

You shall support and maintain your legal dependents.

Special Conditions of Parole

The Special Condition section (Condition #8) is where the Authority can be creative in designing guidelines which enhance the mission of the Hawaii Paroling Authority. There is always a level of risk associated with parole release. To respond to individual differences in levels of risk, the conditions of parole may need to be increased to protect society and to assist in the reintegration of the offender.

Examples of Special Conditions are: Participation in an alcohol or drug program until clinically discharged, AA/NA meetings, employment within 30 days, alcohol/drug testing.

PARDON APPLICATION: ELIGIBILITY AND PROCEDURES

Individuals are entitled to be pardoned of their criminal record once they have demonstrated, over time, their community reintegration through law abiding behavior. The granting of a pardon by the Governor upon the recommendation of the Authority is an acknowledgment of law-abiding behavior.

1. Eligibility:

All convicted felons who have been discharged from probation or parole who have demonstrated the motivation and ability to continue law-abiding behavior.

2. Procedure:

- a. Pardon application forms are located at the Kamamalu Building, 250 S. King Street, Room 400. Interested parties are to submit the completed form to the same office.
- b. Upon receipt of the completed pardon application form, a parole officer will be assigned to conduct an investigation after which s/he will submit a report to include the Authority's recommendation to the Governor within 45 days.
- c. Applicants will be informed of the decision by the Governor's office.

INSTITUTIONAL SERVICES PAROLE OFFICER (ISPO)

The ISPO is designated to assist the Authority in ensuring its active participation in the corrections continuum and providing a continuous flow of information.

The ISPO is available to:

1. Assist the Authority in processing Reduction of Minimum applications;
2. Process Out-of-State Supervision Requests;
3. Act as the contact person for correctional staff and inmates regarding information about the Authority's procedures, policies, expectations, etc., pertaining to parole and minimum sentencing;
4. Assist the inmate population in parole preparation through provision of pre-parole workshops offered to interested inmates who are within 6 months of their parole hearing date. Workshops consist of practical parole planning, review of Authority expectations, review and discussion of the Terms and Conditions of Parole, and other parole related matters;
5. Keep abreast of all Correctional programs and activities for the purpose of interpreting, in operational and functional terms, these programs as they apply to parole;
6. Attend meetings or conferences with representatives of public and/or private agencies who are involved with parole activities. Act as a liaison and information officer;
7. Assist in conducting research and/or studies for the Authority and the parole division;
8. Serve notices of hearings on inmates, informing their rights, options and consequences of their choices.



*Forgive yourself for past mistakes.
Let them go from your mind . . . the only place they ever were . . .
hanging on like gnawing aches that spoil your present experience of
life.*

*Stop imposing the agony of remorse on yourself,
and see yourself acting back then as a child . . . without insight
. . . without maturity*

You have grown since.

The mistakes contributed to that growth.

You will not act the same way now.

*You cannot change the past . . . but you can change your thoughts
about it.*

An attitude is ours to control.

We are the creators.

Change your thoughts and you change your world.

The above passage was excerpted from
—*ANO ANO THE SEED* by Kristin Zambucka

