



STATE OF HAWAII
**CORRECTIONS POPULATION
MANAGEMENT COMMISSION**

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CORRECTIONS POPULATION MANAGEMENT COMMISSION (CPMC)

Meeting Minutes

Wednesday, July 11, 2012

Department of Public Safety (PSD)

- Present: Ted Sakai, Interim Director, PSD, CPMC Chair
The Honorable Steve S. Alm, Judge, First Circuit Court
The Honorable Will Espero, Senator, Hawaii State Legislature
Sam Kanagusuku, Golden Castle Foundation
Cheryl Marlow, Administrator, Adult Probation, First Circuit Court
Bert Matsuoka, Chairman, Hawaii Paroling Authority
Keith Kaneshiro, Prosecuting Attorney, Department of the Prosecuting Attorney
Timothy Ho, Chief Deputy Public Defender, Office of the Public Defender
- Absent: Louis Kealoha, Chief of Police, Honolulu Police Department
David Louie, Director, Department of the Attorney General
William A. Mitchell, Salvation Army ATS
The Honorable Henry Aquino, Representative, Hawaii State Legislature
David Keaukulani, PhD, UH-Hilo
- Staff: Rosalina Aipopo, Administrative Assistant, PSD
Joy Windham, Program Specialist, PSD
- Guests: Henry Curtis, Life of the Land
Nathan Foo, ICIS Coordinator, ICIS
Jodie Maesaka-Hirata, Deputy Director for Corrections (Dep-C), PSD
Michael Hoffman, Institutions Division (ID) Administrator, PSD
Frank Lopez, Corrections Program Services (CPS) Administrator, PSD
Max Otani, Intake Service Center (ISC) Division Administrator, PSD
Rhonda Sasaki, Inmate Classification (IC) Officer, PSD
Deanna Espinas, CI Program Administrator, PSD
James Wataru, CI Advisory Committee
Kat Brady, Coordinator, Community Alliance on Prisons
Martha Torney, Deputy Director for Administration (Dep-A), PSD
Toni Schwartz, Public Information Officer, PSD

1. **Opening:**

- CPMC Chair Sakai called the meeting to order at about 1:00 PM.
 - The following handouts were distributed to CPMC members and guests:
 - ❖ PSD Weekly Population Report dated July 2, 2012; PSD - Corrections Division Current Capacities, Head Counts, and Occupancy Rates by Facility dated July 2, 2012; PSD Weekly Population of Sentence Felons, Jail Inmates, Parole Violators, and Probation Violators dated July 4, 2011 to July 2, 2012
 - ❖ CPMC Meeting Minutes from May 16, 2012
 - ❖ 2001 Corrections Population Management Report **only provided to CPMC members*
- Chair Sakai thanked all for their attendance.
- Chair Sakai said this is his first CPMC meeting, and introduced himself as PSD's Director effective June 1, 2012.
- Judge Alm welcomed Chair Sakai back.
- All attendees introduced themselves.

2. **Update on HOPE Probation:**

- Judge Alm said that it's productive when things go well with the Prosecutors, Public Defenders, and private attorneys.
- Judge Alm said that there are a total of about 8,000 on probation.
 - There are about 4,000 who are administratively supervised or banked.
 - The other 4,000 are on active supervision, of which half are in HOPE Probation.
- Judge Alm reported that the Probation Department has been using evidence-based practices, and for the last several years has tried to focus on the high-risk offenders.
- Judge Alm said that offenders enter HOPE through plea agreements, through judges recommending HOPE in sentencing, or through Probation Officers recommending offenders to HOPE if regular probation doesn't work.
 - Sex and drug offenders are in HOPE.
 - HOPE seems to be working well, and there's good research. It takes everybody working smarter and harder.

- Probation Officers end up working a lot closer because the offenders are showing up at their appointments more often, and they're sober.
- Judge Alm said that Probation Officers are able to use their training experience and really change behaviors.
- Judge Alm said that he thinks treatment programs really appreciate it because the offenders that are referred are those who can't stop on their own or request treatment.
 - ❖ Judge Alm said that these offenders tend to persevere longer because they know they're going to get arrested if they quit.
- Judge Alm said that visitors (e.g. Japan) come to visit HOPE all the time, and that individuals from China will soon be visiting HOPE.

3. **Approval of the Minutes:**

- The CPMC meeting minutes for May 16, 2012 were approved.

4. **Update on ICIS:**

- Mr. Foo provided the following updates related to training:
 - Statewide Domestic Violence and Safety Simulation Training (SST) for Probation and Parole, July 24-27, 2012.
 - Level of Service Inventory-Revised (LSI-R) training was offered on Kauai in April.
 - LSI-R training will be offered next week on Oahu.
 - Cognitive Behavioral Therapy (CBT) Training was offered on the Big Island in June.
 - Motivational Interviewing (MI) will be on Oahu in September.
 - Collaborative Case Work (CCW) Training on Oahu in January 2013.
- Mr. Foo said that the Correctional Program Checklist (CPC) will be conducted at KASHBOX next week.
- Mr. Foo advised on the following in regards to research:
 - Dr. Tim Wong is currently working on a LSI-R validation analysis.
 - Dr. Tim Wong is updating the recidivism study for the '09 cohort group.

5. **Update on JRI:**

- Chair Sakai reported that the Governor signed 2 bills related to JRI that are now law.
 - Chair Sakai has been in contact with The Council of State Governments (CSG).

- CSG will be providing PSD documents for the continuation of the project, to implement Phase II.
- CSG will need concurrence of the Governor, Judiciary, and 2 Houses of the Legislature.
- If all goes well, CSG will return the week of August 20th.
- CSG has proposed a structure that would be comprised of a Steering Committee, core implementation team, and team for specific areas (e.g. evidence-based risk assessments prior to parole).
- Judge Alm asked if CSG would be meeting the week stated above.
- Ms. Aipopo advised that the CSG tentatively plans to meet with the Steering Committee on August 23, 2012, at the State Capitol, Room 309.
- Judge Alm said that this sounds good.

6. Update on Planning Efforts

- Chair Sakai said that the JRI Initiative is ambitious; however, PSD would like to rise to the challenge
 - PSD has started working on a lot of things to implement the JRI Initiative.
 - PSD is close to implementing the new restitution schedule to levy a 25% charge on all new deposits into the inmate account (includes inmates on mainland) instead of 10%, and is effective July 1, 2012,
 - ❖ Judge Alm noted that this is a huge change because the 10% used to only be on the inmate's wages.
 - ❖ Ms. Brady asked if the restitution is only for court-orders.
 - ❖ Chair Sakai advised Ms. Brady, "Yes."
 - ❖ Judge Alm said that restitution is now seen as mandatory, if there's a claim for it.
 - ❖ Senator Espero asked if the inmates are being notified of the change from the 10% to 25%, and asked how they are being notified.
 - ❖ Mr. Hoffman advised that the inmates will be notified via a memorandum from the Warden.
 - ❖ Mr. Hoffman said that inmates will be deducted 4% on their store orders as well.
 - ❖ Chair Sakai said that clear notification will be given to the inmates.
 - There are a number of reentry and parole positions that came with the bill, and PSD is in the process of establishing these positions.
 - Chair Sakai advised that PSD has started to set up the funds (e.g. 4% on inmate store orders and proceeds from inmate telephone calls) for the SAVIN system.
 - Chair Sakai said that the pre-trial risk assessments must be completed within 3 days, effective January 1, 2013.
 - ❖ Mr. Otani advised that PSD will be ready for this.

- ❖ Chair Sakai advised that he had a conversation with Chief Justice, and was told that Chief Justice will designate a Judge to work with PSD on this.
 - ❖ Ms. Marlow advised that Judge Perkins has been designated.
 - ❖ Chair Sakai said that he will set up a meeting with Judge Perkins, Prosecutors, and Public Defenders, in relation to this.
- Chair Sakai said that in a meeting with PSD Correctional Managers there were 3 identified areas that need to be immediately addressed in relation to the proper implementation of the JRI Initiative:
- ❖ Evidence-based risk assessments prior to parole
 - ❖ Certain parolees do not serve more than 6 months
 - ❖ Bottlenecks in PSD's furlough program: There are a number of inmates who are qualified for furlough with no furlough space. While waiting for furlough, the inmate gets frustrated and commits misconducts.
- Chair Sakai said that PSD will be looking at the programs the inmates will need from entrance to exit from parole, determine which program is needed at what point, and how the programs should be delivered.
- Chair Sakai said that there are a number of inmates who are in prison, who've passed their parole dates because they've not been given the prescribed programs.
- Senator Espero asked for the number of inmates.
- Ms. Torney said that the CSG said that of those who appeared for their first minimum hearing, 65% of those who were denied parole, were denied because the programs weren't completed.
- Senator Espero asked if the programs were "in-house," and further asked if the inmate ready (only lacks programs) could be released and check-in (e.g. day reporting center).
- Senator Espero said that if inmates are within a year of their parole date, the inmate should be in Hawaii and not in Saguaro.
- Mr. Lopez advised that according to Act 139, in regards to first time parole revocation, during the 6 months, there aren't many in-facility programs that PSD can deliver.
- Mr. Lopez said we don't keep stats on inmates refusing programming.
- Senator Espero asked if a cost analysis has been done on money spent upfront vs. back-end.
- HPA Chairman Matsuoka said that a lot of inmates at the first hearing don't complete programming because it's of their own doing (e.g. misconducts).
- Senator Espero asked for the number of inmates who are ready for parole, who have no misconducts, and have not completed their programming.
- Chair Sakai said, "That's been one of the challenges," and that the JRI power point provides the numbers, but PSD is trying to get beneath those numbers (e.g. how many had misconducts that are holding them back, what type of programs are lacking)
- Senator Espero asked which programs are needed.

- HPA Chairman Matsuoka said that usually substance abuse or sex offender treatment is lacking.
- Mr. Lopez said that PSD doesn't keep statistics on inmates refusing to participate in programs.
- Senator Espero said that statistics should be kept.
- HPA Chairman Matsuoka said that it's complex as to why inmates aren't completing their programming by the time they reach their first parole hearing.
- Chair Sakai said that there's a lot more analysis that needs to be done, and PSD is pushing hard to do this.
- Chair Sakai said that the Legislature budgeted a million dollars for programs, and he'd like to make sure that this money is spent in the right places.
- Mr. Kanagusuku said that a lot of the inmates coming out aren't prepared/ready:
 - ❖ Some inmates should be kept in longer, some inmates are hardened, some inmates have bad attitudes, and some inmates are only doing what they need to do (e.g. finish programs) to get out.
 - ❖ Mr. Kanagusuku knows of an inmate in the furlough program who isn't ready to be released.
 - ❖ Mr. Kanagusuku tries to "weed out" a majority of the inmates in his support group.
 - ❖ HPA Chairman Matsuoka said that each case needs to be looked at individually: For example, an inmate may have completed all programs, but there's "just something about them" where the public safety issue comes into play. There's "a good feeling" that if they're released on parole, they're going to come back because they're going to violate. HPA Chairman Matsuoka asked, "Do we want to set them up to fail?"
 - ❖ Mr. Kanagusuku asked how PSD can evaluate the inmates who are really dangerous from being sent out.
 - ◇ Some inmates don't want to go back to jail, unless it's a shootout.
 - ❖ HPA Chairman Matsuoka said that some inmates have attended every program (e.g. Sand Island, Habilitation, Ho'omau Ke Ola); so, he then asked if the inmate be sent back to the same place?
 - ❖ Mr. Kanagusuku said that when inmates get to Laumaka, they have a different attitude (e.g. "nobody watching...so what they cannot see not going hurt")
- HPA Chairman Matsuoka said that outside programs really have to develop "strong programs" and not just provide a bed.
 - ❖ Some inmates quickly want to go to a program because it's a way to parole.
 - ❖ Some inmates go to the program and leave after a few days.
- Mr. Lopez provided an update on PSD's Risk Assessment Work Group:

- ❖ PSD has implemented and is trying to improve staff's use of the validated risk assessment, and is now trying to match this with proper evidence-based programming to change the inmate's thinking and behavior.
 - ❖ Mr. Lopez said that in the last few years, PSD had a reduction in budget for programs because of the economic downturn.
 - ❖ Mr. Lopez said that it's important that PSD stay with the evidence-based risk assessment and programming so that parole can have better information to make these decisions.
 - ❖ HPA Chairman Matsuoka said that this needs to be shared with the outside programs, and there needs to be a continuation from the programs inside.
 - ❖ Mr. Lopez said that PSD has taken a proactive role in requiring contracted programs to be evidence-based.
 - ❖ Chair Sakai said that PSD will be utilizing the LSI-R because it's validated and the law requires the use of a validated instrument; however, PSD wants to make sure that it's being used properly and that it works for PSD.
 - ❖ Mr. Lopez said that through ICIS, there's been LSI-R training provided to PSD, Judiciary, and Parole staff.
 - ❖ HPA Chairman Matsuoka said that the outside programs need to be structured.
 - ❖ PSD is looking at retraining PSD staff and other criminal justice staff in the use of the LSI-R.
 - ❖ Funding is an issue in providing the training; however, PSD will do the best it can.
 - ❖ Chair Sakai said that we can identify the risk, work to minimize the risk, and the Case Manager can help.
- Mr. Hoffman provided an update on PSD's Furlough Work Group:
- ❖ In relation to JRI, PSD is looking at where needs are better served. PSD recognized that there's a "bottleneck," 80-100 inmates who are furlough-ready, but aren't in furlough because there's a lack of furlough beds.
 - ❖ PSD would like to increase furlough beds by 120 in OCCC's Module 20.
 - ❖ Module 20 is located at Puuhale @ Dillingham, and is a stand-alone, community-dorm setting.
 - ❖ The resources and appropriate staffing are being gathered for this, prior to implementation.
 - ❖ Senator Espero asked when this project, expansion of furlough beds, would be implemented.
- ◇ The written proposal for this project should be submitted by July 15, 2012.
 - ◇ If the resources are provided, the project may be implemented some time in Winter 2012.

- ❖ Chair Sakai said the resources are important because the more inmates placed on furlough, the more load (e.g. need for programs) will be placed on parole.
- ❖ HPA Chairman Matsuoka said that this is great news because there are inmates that they'd like to put on work furlough, but hesitate to do so because of the long waitlist.
- ❖ Mr. Hoffman said he'd like to have discussions with HPA Chairman Matsuoka in regards to what the Parole Board looks at in regards to paroling an inmate at the parole hearing.
 - ◇ HPA Chairman Matsuoka said that the Parole Board considers the inmate's length of time on furlough, place to live, adequate bank account, continuity of services, etc.
 - ◇ HPA Chairman Matsuoka said that the staff's (e.g. staff working with inmate) input/feedback is taken into consideration.
 - ◇ Prosecutor Kaneshiro thanked HPA Chairman Matsuoka for his good feedback.
- ❖ Prosecutor Kaneshiro asked what the supervision levels would be.
 - ◇ Mr. Hoffman responded the following:
 - The staffing levels will be the same as Laumaka (e.g. 1 Social Worker per 30 inmates).
 - There will be additional Social Workers.
 - The community-based at Annex I currently houses furlough ready inmates awaiting furlough beds, and Module 20 currently houses sentenced misdemeanants and sentenced jail.
 - A "flop" will be done, and the staffing will be coming to Module 20, in order to implement the furlough process.
- ❖ Prosecutor Kaneshiro asked how many of the 120 are sex offenders.
 - ◇ Mr. Hoffman responded that he doesn't have the numbers; however, this number would fluctuate depending on when the inmate comes in and where they're at in their progress through the system.
 - ◇ Mr. Hoffman said that he could take a look at the numbers for Prosecutor Kaneshiro.
- ❖ Prosecutor Kaneshiro asked about the proximity of sex offenders in the furlough program to the Puuhale Elementary School.
 - ◇ Mr. Hoffman responded with the following:
 - He'd share this concern.
 - There are sex offenders currently in Laumaka.
 - The proximity is the distance from Nimitz to Dillingham, a couple

blocks, a quarter mile.

- ❖ Prosecutor Kaneshiro asked, “What is the level of custody?” (e.g. out all day? out during week? return on weekend?)
 - ◇ Mr. Hoffman responded with the following:
 - Inmates would work during the day, and return at night.
 - Basically, it’s the same program at Laumauka, that’ll be instituted at Module 20.
- ❖ Prosecutor Kaneshiro said he’s concerned with the supervision, and provided an example an escapee held someone hostage about 2-3 days ago.
 - ◇ Mr. Hoffman responded with the following:
 - He wished we could say that all inmates could be a 100% successful. (Prosecutor Kaneshiro said he doesn’t expect 100%.)
 - We share Prosecutor Kaneshiro’s concerns, and certainly don’t want to put individuals into the community that we feel will create harm or victimize somebody else, or even return to prison for another charge.
 - The best thing we can do is attempt to good case management (e.g. supervise and follow-up while in community, stay in contact with employers, do actual physical checks of inmates at work), and continue to give the inmate the appropriate supervision to keep the inmate on track.
 - Depending on funding, we can provide the inmate a continuity of services when the inmate is handed off to parole.
- ❖ Chair Sakai said that what he’s told PSD’s Furlough Work Group is to look at the necessary resources (e.g. from washing machines to staffing), because we don’t want to expand the program just for the sake of expanding, and we want to make sure that it’s done right.
- ❖ Prosecutor Kaneshiro asked if notification has been given for the 120.
 - ◇ Mr. Hoffman said, “Yes.”
 - ◇ Chair Sakai said, “We’re creating furlough beds, not furlough inmates.”
- ❖ Senator Espero asked how many inmates are currently in Laumaka.
 - ◇ Mr. Hoffman responded, “96.”
- ❖ Senator Espero asked, “How many today, are furlough-ready?”
 - ◇ Mr. Hoffman responded, “...about 90.”
- ❖ HPA Chairman Matsuoka asked if this is in addition to what’s at Waiawa.

- ◇ Mr. Hoffman responded “No,” and that there’s going to be a program realignment; so, Waiawa will go back to being a minimum security facility.
 - ◇ Chair Sakai said that Waiawa is an “awkward place” because Waiawa staff has to drive the inmates to the nearest bus stop, which is at the Regional Park, which takes a lot of manpower and gas.
 - ◇ Chair Sakai said that Waiawa is not an ideal site because inmates are sitting at a bus stop in the middle of nowhere waiting at the bus stop before/after work for staff’s pickup.
- ❖ Prosecutor Kaneshiro said he wants to see the list of 120.
- ◇ Mr. Hoffman said he’ll provide this list to Prosecutor Kaneshiro.
 - ◇ Chair Sakai said that the plans have to come to him for approval, staffing has to be established, etc.
 - ◇ Mr. Hoffman said that 120 inmates won’t be moved at once, and further said that it’d be phased over a period of time.
- ❖ Mr. Kanagusuku said that the staff should invest some time in the inmates to get quality (e.g. Laumaka staff, Wendell Yoda, rode the bus to see who was riding the bus, and to verify the length of the bus ride.)
- Mr. Lopez provided an update on PSD’s 6 Month Parole Violate Work Group in relation to Act 139:
- ❖ Discussions are focused on providing the 6 month Parole Violators with CBT to address the parolee’s criminal thinking and behavior because there’s insufficient amount of time to provide Relapse Prevention services, especially if there are substance abuse issues.
 - ◇ Chairman Matsuoka said that it’s a huge challenge.
 - ◇ Chairman Matsuoka said that the Parole Board essentially sees the 6 months as a “time out.”
 - ❖ PSD doesn’t know how many 6 month Parole Violators there will be.
 - ◇ Chairman Matsuoka said that at today’s parole violation hearings, there were about a dozen parolees who qualify under Act 139, and that the majority of these have substance abuse issues.
 - ❖ A validated risk assessment must be applied.
 - ❖ Chair Sakai said that PSD has some issues (e.g. neighbor island) that need to be tackled because we don’t know where to house the 6 month Parole Violators.
 - ❖ Senator Espero said that Act 139 is intended for 6 month parolees with technical violations, not for those parolees committing a new crime.

- ❖ Chairman Matsuoka said that a parolee with a Temporary Restraining Order (TRO) does not constitute a new crime.
 - ❖ Chairman Matsuoka said that some changes may need to be made to the law.
 - ❖ Chairman Matsuoka said that the parolee has a right to wave for 60 days.
 - ❖ Mr. Lopez said that Act 139 says the law shall be enacted in “2018” and thinks it should read “2012.”
- Chair Sakai said the implementation of this new, extensive law is going to be challenging.

7. **Population Projections & Capacities of Facilities**

- Dep-A reviewed the 2001 Corrections Population Management Report.
 - The Sentencing Simulation Model Project lasted for 3 years, and provided population projections.
 - The JRI is an example of proposed changes to policy and practices.
- PSD is in the process of contracting with Dr. Joseph “Joe” Allen to conduct a baseline study.
- PSD’s data (e.g. Offendertrak) has not been audited since 1995.
 - PSD is in the process of completing a Request for Proposal (RFP) to have someone audit this data.
- PSD’s capacity to provide food and medical services, sewer and water, lighting power, space standards, programs, etc.
- Chair Sakai has suggested that PSD seek assistance from the Federal Government, National Institute of Corrections, in having another population projection and capacity analysis conducted to see what PSD’s facilities’ need are.
 - JRI isn’t going to be enough to bring the inmates home.
 - We need to see if the plans are going to be viable given our projected inmate population.

8. **PSD’s Weekly Population Report**

- Chair Sakai reviewed PSD’s Weekly Population Report.

9. **Other Business**

- Senator Espero asked on the status of the Reentry Committee.
 - Chair Sakai said that the Governor’s Office is taking applications.

- HPA Chairman Matsuoka said that with the new JRI law, it requires 3 of 3 members of the Parole Board to be present.
 - Chair Sakai said that the Governor is aware of this.
 - From the list of applicants, the committee needs to recommend 3 names to the Governor.
 - Chair Sakai said that in order for an interim appointment is made to the Parole Board, the AG's have advised that PSD has to go through the hiring process first.

10. **The next meeting is scheduled for Wednesday, September 12, 2012 at 2:00 PM.**