

107310

PROJECTED HEAD COUNTS AND TOTAL COSTS  
OF HAWAII'S CORRECTIONAL FACILITIES  
FISCAL YEARS 1986-87 to 1996-97

Senate Resolution 53, S.D. 1,  
Thirteenth State Legislature,  
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ACQUISITIONS

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Prepared by  
DEPARTMENT OF SOCIAL SERVICES AND HOUSING  
STATE INTAKE SERVICE CENTERS  
CORRECTIONAL INFORMATION AND STATISTICS OFFICE  
RESEARCH AND STATISTICAL ANALYSIS SECTION

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## I. EXECUTIVE SUMMARY

This report was made to fulfill the requirements of Senate Resolution 53, S.D. 1, Requesting a Study to Predict the Capacity Needs for Hawaii's Correctional Facilities. It focuses on the adult correctional facilities in the State and provides: 1) a description of its current population; 2) an explanation of the method used to project its population and costs; 3) past and projected head counts; and 4) past and projected costs.

### A. Preliminary Study

After reviewing the 1986 amended and new sections of the penal code, it was determined only the change in the sentencing for repeat felony offenders would have an affect on the prison population. Focusing on this change, a preliminary study was conducted. The study found the sentencing changes would probably only have a small effect on the total prison population. This is because:

- 1) Only a small proportion of the projected total number of admissions will be repeat felony offenders;
- 2) Most of the admissions for repeat felony offenders will have only one prior felony conviction;
- 3) Over 8 out of every 10 of the offenders will be admitted with either instant convictions of class B felonies or class C felonies. These classes of felonies will generally have lower mandatory minimums under the new statutes.

### B. Current Population

As of July 1, 1986, there were 1,925 persons in Hawaii's correctional facilities. Of this total:

- 1) About seven out of every ten were sentenced felons;
- 2) A slight majority classified by Offense Type 1 were charged with non-violent crimes;
- 3) A little less than one-half classified by Offense Type 2 were charged with crimes against property. Another one-fifth of them had offenses against persons;
- 4) Over three-fourths classified by Offense Type 3 were charged with a felony.

C. Projection Methodology

Projections were developed for the total population and its two major groups: the sentenced felon population and the jail population.

Moreover, two sets of projections were made for the total population and for the sentenced felon population. One set was based on the current section for sentencing repeat felony offenders. The second set was based on the amended section. Only one set of projections was made for the jail population.

Past and expected trends in admissions and length of stay for sentenced felons and for the jail population were the major factors used to derive the population projections.

D. Population Projections

From a total of 1,181 at the end of fiscal year 1981-82, the head count rose to 1,906 at the end of fiscal year 1985-86. The annual percentage change during this period ranged from a low of -1.8 percent to a high of 26.9 percent. On the average, however, there was a 13.2 percent change in the head count each year.

Based on the current penal code, the total population is expected to climb by 10.3 percent from fiscal year 1985-86 and reach 2,103 by fiscal year 1990-91. By fiscal year 1996-97, the head count will grow by 35.3 percent from 1985-86 and total 2,579.

Based on the revised penal code, the total population will increase by 14.0 percent from fiscal year 1985-86 and total 2,173 by fiscal year 1990-91. By fiscal year 1996-97, the head count is anticipated to climb by 41.4 percent and reach 2,695.

In summary, there is expected to be only a small difference between the two sets of population projections. Consequently, this indicates the impact of the sentencing change for repeat offenders will be minimal.

E. Total, Personnel, and Operating Costs

From fiscal years 1981-82 to 1985-86, total costs steadily grew by 74.5 percent from \$18.4 million to \$32.1 million. During the same period, the actual number of personnel increased by 29.8 percent from 700 to 997.

Based on the population projections resulting from the revised penal code, total costs in fiscal year 1990-91 will have increased by 47.4 percent from fiscal year 1985-86 and is expected to reach \$47.3 million. By fiscal year 1996-97, it is projected to surge by 78.5 percent and equal \$57.3 million. Most of the increase and share of the total costs will be from personnel costs.



## II. INTRODUCTION

### A. Focus of the Report

This report was produced to meet four requirements of Senate Resolution 53, S.D. 1, Requesting a Study to Predict Capacity Needs for Hawaii's Correctional Facilities (Appendix A-1). Each of the four requirements are presented in a section of this report. These four sections are: 1) a description of the status and offenses of the current population; 2) an explanation of the methodology used to develop the projections of the inmate population and total expenditures; 3) a description of the past and projected trends for the total population, sentenced felon population, and jail population; and 4) a description of the past and projected total expenditures.

The scope and detail of the study is limited. This is because: 1) no additional funds, staff, or other resources was allocated to perform the study; 2) only about eight months was allowed to complete the study; and 3) inadequate integration and accessibility to information on offenders collected by the various criminal justice agencies.

### B. Development of a Preliminary Study

To clarify the amendments and new sections to the penal code and the requirements of the study, attempts were made to obtain assistance from the legislature. Unfortunately, these attempts were not successful. As a result, assumptions and decisions were made by the Research and Statistical Analysis Section as to the specific requirements of the study and the impact of the amendments and new sections.

From the initial review of the amendments and new sections, it was determined that only the amendments to Section 706-606.5, Sentencing of Repeat Offenders, might have a significant impact

on the prison population. To assess the impact of the sentencing changes, a preliminary study was conducted (Appendix A-2).

C. Findings of the Preliminary Study

From the preliminary study, it was found that the sentencing changes would probably have only a small effect on the total prison population. This is because:

- 1) Only a small proportion of the projected total number of admissions are expected to be repeat felony offenders;
- 2) Most of the admissions for repeat felony offenders will have only one prior felony conviction;
- 3) Over 8 out of every 10 of the offenders will be admitted with either instant convictions of class B felonies or class C felonies. These class of felonies will generally have lower mandatory minimums under the amended section.

D. Distribution and Feedback of Preliminary Study

In September 1986, copies of the preliminary report were distributed at the Governor's Task Force Committee on Prison Overcrowding. The findings of the report were briefly presented to the Committee. Copies of the report were also sent to other criminal justice agencies.

The only feedback received on the preliminary study was from the Corrections Division at the beginning of January 1987. The Division's comments (in memorandums dated November 20, 1986 and December 3, 1986) in summary stated that "... given the selectiveness of the ISC's assessment as to the [penal] code's

impact, [the Division] cannot place confidence in population projections resulting from that assessment." It also mentioned that the definition of repeat felony offenders erroneously excluded those with felony convictions outside of the State.

E. Second Review of Amendments and New Sections

Because of the Corrections Division's comments, a second review of the amendments and new sections to the penal code was made. This review was more methodical than the initial review. Three sets of criteria were developed to progressively determine the significance and ability to assess the impact of the amended and new sections. The first criteria was degree of change of the amended or new section is expected to have on the definition and conditions of its own or other sections and to the penal code in general. The second criteria was the applicability of the amended or new section to ten or more percent of either the total 1985 admissions or the current population of the adult correctional facilities. The third criteria was the availability of data to assess the impact of the amended or new section to the prison population.

Appendix A-3 provides a detailed list of the reviewed amendments and new sections. The list details the reasons for the inclusion or exclusion of the sections in the development of the projections.

Finally, it was determined the erroneous exclusion of felony offenders with prior out-of-state convictions would not significantly change the findings of the preliminary study. These repeat felony offenders were considered to represent only a very small proportion of the total admissions.

F. Caveats

In some of the amended and new sections of the penal code, the court has the discretion: 1) to sentence or not sentence a convicted offender; and 2) to determine the period confinement for convicted offenders. Consequently, it was not possible to anticipate the effect of these amended and new sections to the prison population.

The definition of a repeat offender as used in this report is a person convicted for a felony offense within specified time periods of at least one prior felony conviction. This definition differs from the one based on the amended Section 706-606.5, Sentencing of Repeat Offenders, subsection (4) (a). In the subsection, it erroneously defines a prior felony conviction as "...a conviction for a felony offense which was committed after a previous felony conviction." Consequently, this subsection infers a repeat offender to be a person with at least two prior felony convictions.

### III. CURRENT POPULATION

This section describes the number, status, and the major types of offenses for the population as of July 1, 1986 in the adult correctional facilities. Within the population are four types of status: sentenced felons; sentenced misdemeanants which includes sentenced petty misdemeanants and sentenced felon probationers; not sentenced persons which includes pretrial felons and pretrial misdemeanants; and other jurisdiction, i.e. persons detained for the federal agencies and for extradition. Also, there are three kinds of classifications which describe the crimes committed by the population. These three classifications are Offense Type 1, Offense Type 2, and Offense Type 3.

#### A. Number and Status

As of July 1, 1986, the total head count in Hawaii's correctional facilities was 1,925. Of this total, about seven of every ten were sentenced felons (Table 1, Figure 1). Of the remaining number, 14.9 percent were not sentenced and 12.4 percent were sentenced misdemeanants.

#### B. Offense Type 1

The two types of classifications comprising Offense Type 1 are violent crimes and non-violent crimes. Violent crimes consist of murders, voluntary manslaughters, forcible rapes, robberies, and aggravated assaults. Non-violent crimes are all other offenses. The largest share (48.3 percent) of the population were charged with non-violent crimes (Table 2, Figure 2). Those charged with violent crimes represented a slightly smaller share with 46.1 percent.

Table 1  
 Distribution of Statewide Inmate Population \*  
 by Status

Status	Number	Percent
All Status	1,925	100.0
Sentenced Felons	1,367	71.0
Sentenced Misdemeanants	239	12.4
Not Sentenced	287	14.9
Other Jurisdiction	21	1.1
Not Reported	11	0.6

\* As of July 1, 1986

Source: Comprehensive Offender Monitoring and  
 Program Assessment System (COMPAS),  
 State Intake Service Centers

Table 2  
 Distribution of Statewide Inmate Population \*  
 by Offense Type 1

Offense Type 1	Number	Percent
All Offenses	1,925	100.0
Violent	888	46.1
Non-violent	931	48.3
Not Reported	106	5.5

\* As of July 1, 1986

Source: Comprehensive Offender Monitoring and  
 Program Assessment System (COMPAS),  
 State Intake Service Centers

Figure 1  
Active Population by Status  
As of July 1, 1986

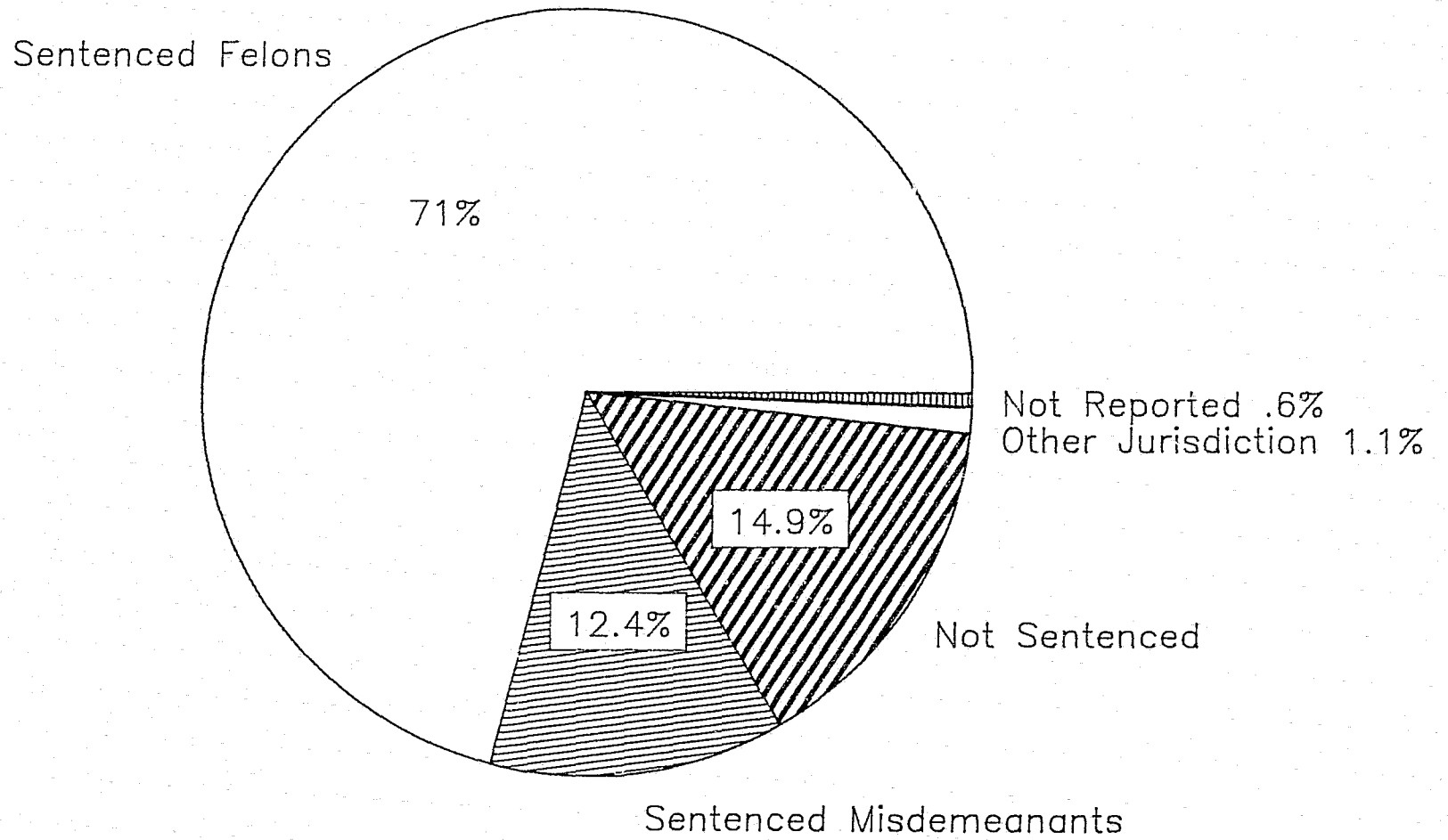
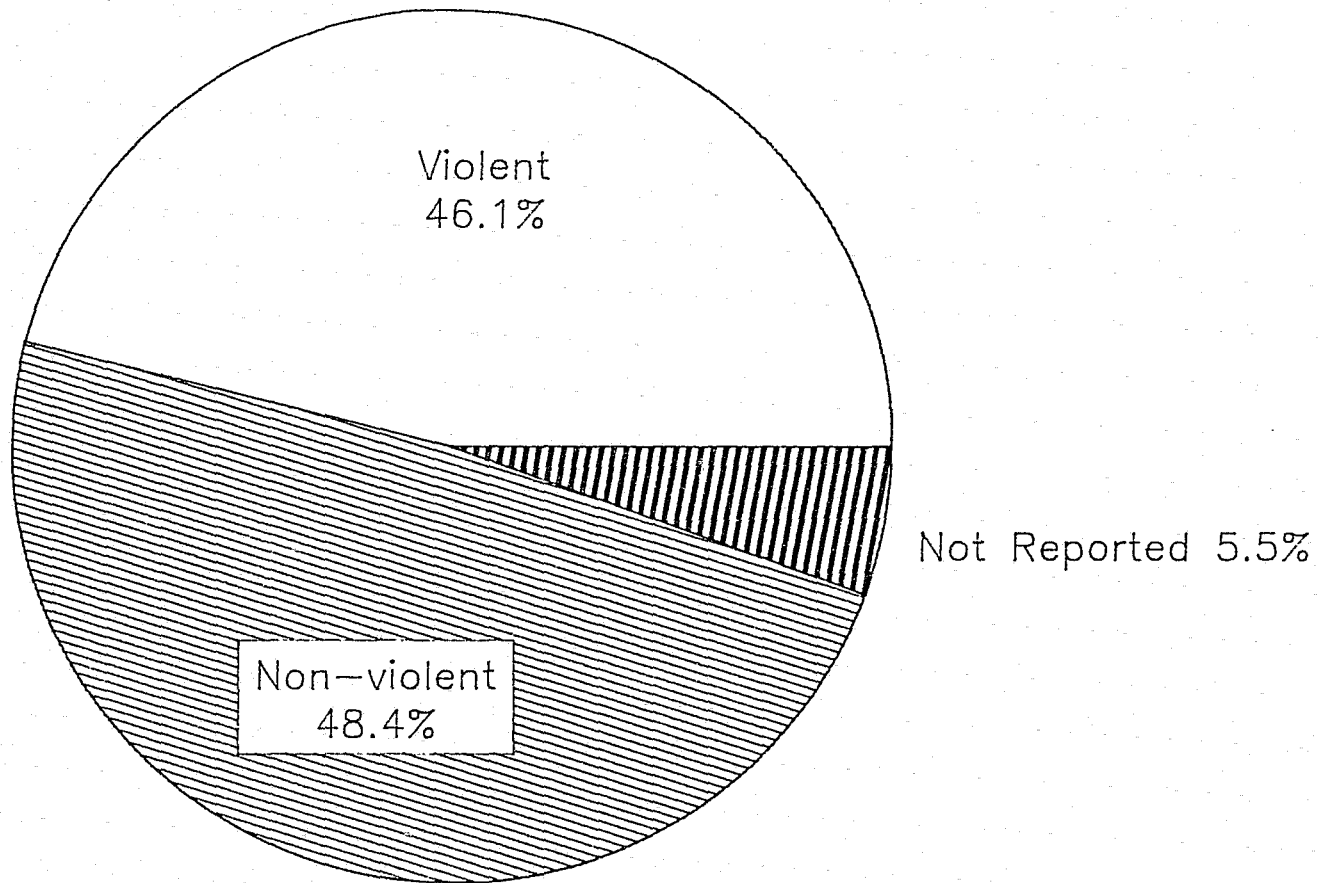


Figure 2  
Active Population by Offense Type 1  
As of July 1, 1986





C. Offense Type 2

Crimes against persons, crimes against property, drug-related crimes, sex-related crimes, and other crimes are the five classifications of Offense Type 2.

Crimes against persons includes homicides, assaults, kidnapping, coercion, child abuse, extortion, and other related crimes. It excludes sex offenses.

Crimes against property involves offenses dealing with money, personal and real property, debts, and contracts. Examples of these crimes are burglary, intrusion, property damage, theft, robbery, forgery, fraud, and computer crimes.

Drug-related crimes involve the unlawful promotion, distribution, or possession of dangerous, harmful, or detrimental drugs.

Sex-related crimes include offenses of sexual nature involving forcible compulsion, imposition without meaningful consent, and offensive conduct.

Other crimes encompass all offenses excluded in the previously mentioned classifications. It also includes charges for persons detained by other jurisdictions.

Slightly less than one-half of the population were charged with crimes against property (Table 3, Figure 3). Another one-fifth of them had offenses against persons.

D. Offense Type 3

Felonies A, felonies B, felonies C, misdemeanors, petty misdemeanors, violations and other offenses represent the classifications of Offense Type 3.

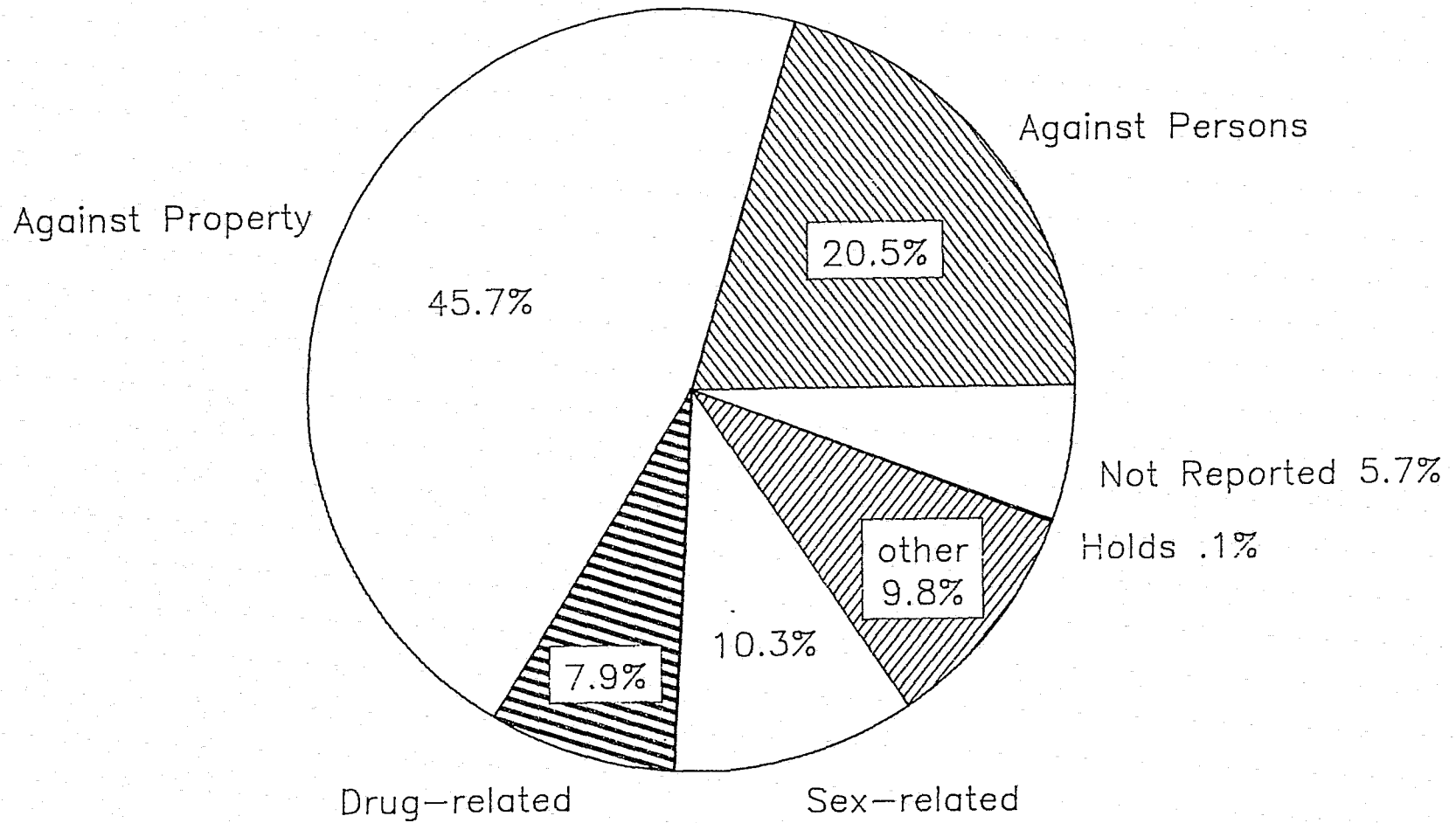
Table 3  
 Distribution of Statewide Inmate Population \*  
 by Offense Type 2

Offense Type 2	Number	Percent
All Offenses	1,925	100.0
Against Persons	394	20.5
Against Property	880	45.7
Drug-related	152	7.9
Sex-related	198	10.3
Other	189	9.8
Holdings	2	0.1
Not Reported	110	5.7

\* As of July 1, 1986

Source: Comprehensive Offender Monitoring and  
 Program Assessment System (COMPAS),  
 State Intake Service Centers

Figure 3  
Active Population by Offense Type 2  
As of July 1, 1986



Felony A offenses are punishable by two kinds of mandatory indeterminate imprisonments. The first is an ordinary term up to twenty years or longer without possibility of suspended sentence or probation. The second is an extended term of a life sentence with or without possibility of parole.

Felony B offenses are punishable by a maximum imprisonment of ten years for ordinary terms and twenty years for extended terms.

Felony C offenses are punishable by a maximum imprisonment of five years for ordinary terms and ten years for extended terms.

Misdemeanors are offenses punishable by not more than one year of imprisonment.

Petty misdemeanors are offenses punishable by not more than thirty days of imprisonment.

Other offenses are charges for persons detained for other jurisdictions and for parole or probation violations.

Of the total population, 28.8 percent had felony A offenses, 25.0 percent had felony B offenses, and 24.9 percent were felony C offenses (Table 4, Figure 4).

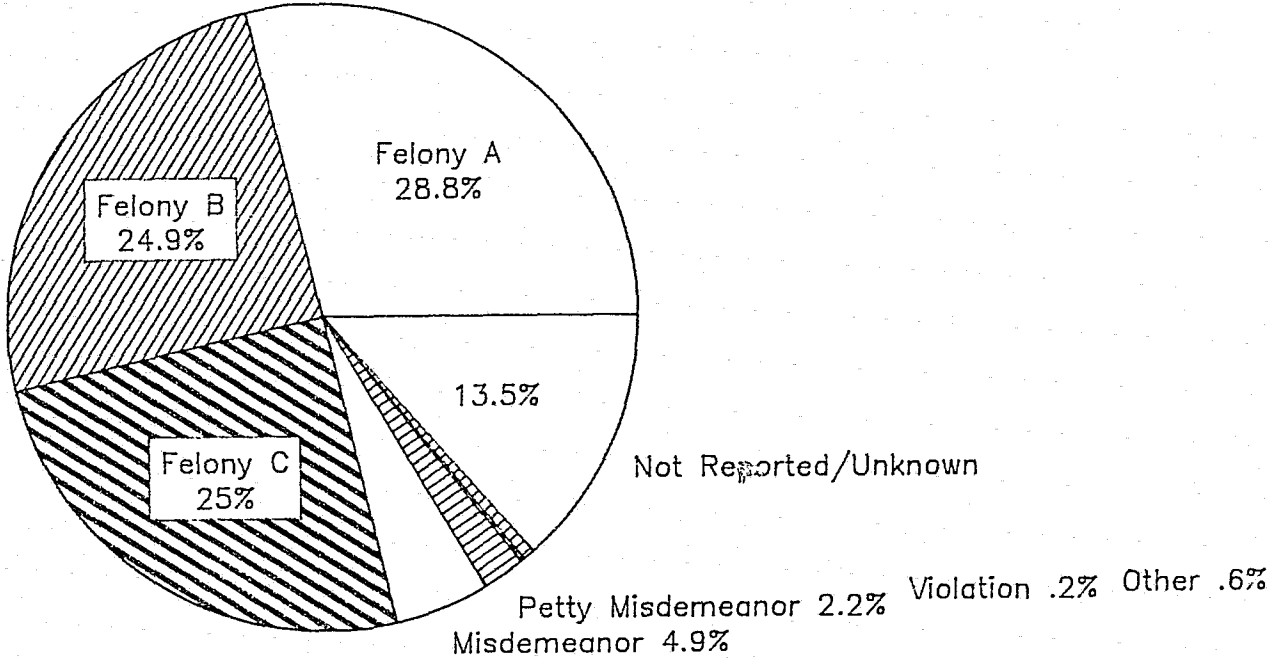
Table 4  
 Distribution of Statewide Inmate Population \*  
 by Offense Type 3

Offense Type 3	Number	Percent
All Offenses	1,925	100.0
Felony A	554	28.8
Felony B	479	24.9
Felony C	481	25.0
Misdemeanor	94	4.8
Petty Misdemeanor	42	2.2
Violation	4	0.2
Other	12	0.6
Not Reported / Unknown	259	13.5

\* As of July 1, 1986

Source: Comprehensive Offender Monitoring and  
 Program Assessment System (COMPAS),  
 State Intake Service Centers

Figure 4  
Active Population by Offense Type 3  
As of July 1, 1986



#### IV. PROJECTION METHODOLOGY

This section describes the assumptions and the models used to project the total population, sentenced felon population, jail population\*. It also outlines the projections model for deriving the total, personnel, and operating costs.

##### A. Assumptions

Five assumptions were made about the trends in admissions, length of stay, and repeat felony offenders during the projection period.

1. The annual rate of change in sentenced felon and jail admissions will be similar to the average rate from fiscal years 1981-82 to 1985-86;
2. The annual percentage of repeat felony offenders admitted will be similar to the percentage in calendar year 1985.
3. For the set of projections based on the current section, the annual proportion of sentenced felon releases for each length of stay will be similar to the actual proportions for the calendar year 1985.
4. For the set of projections based on the amended section, the annual proportion of sentenced felon releases for each length of stay will be similar to the adjusted proportions for the calendar year 1985.

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\* The population refers to the head counts at the end of each fiscal year. The jail population is comprised of not sentenced persons, sentenced misdemeanants, sentenced felon probationers, and persons detained for other jurisdictions.

5. The annual proportion of releases for each length of stay for the jail population will be similar to the proportions for fiscal year 1985-86;

B. Total Population Projections

Two sets of projections were made for the total population. Each set represents the sum of separate projections for the sentenced felons and for the jail population. However, one set was based on sentenced felon projections based on the current section related to the sentencing of repeat offenders. The other set used sentenced felon projections based on the amended section.

C. Sentenced Felon Model

The sentenced felon projections represent the expected head counts at the end of each fiscal year. The count for each projection year were derived by 1) summing the sentenced felon head count at the start of the fiscal year with its number of admissions during the year, then 2) subtracting its number of releases during the year from this sum. The number of releases was computed by using expected lengths of stay, i.e., sentences.

Moreover, to assess the effect of the change in the sentencing of repeat felony offenders, two sets of projections were developed. One set used the expected length of stay based on the current section for sentencing repeat offenders to derive the projected number of releases. The length of stay and computed number of releases for the other set was based on the amended section.



The steps are symbolically depicted below:

$$Plx = P0 + A - Rlx$$

Where:

Plx = head count at the end of the fiscal year

where x is either: a: based on current section for  
sentencing repeat felony offenders

or

b: based on revised section for  
sentencing repeat felony offenders

P0 = head count at the start of the fiscal year

A1 = number of admissions during the fiscal year

Rlx = number of releases during the fiscal year

where x is either: a: based on current section for  
sentencing repeat felony offenders

or

b: based on revised section for  
sentencing repeat felony offenders

The start of year of sentenced felon head count (P0) for each projection year represents the end of year count for previous fiscal year. For example, the start of year count for fiscal year 1987-88 is equal to 1,434, the end of year count for fiscal year 1986-87.

The total number of admissions\* (A1) for the initial projection year 1986-87 represents the sum of its expected monthly number

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\* The number of sentenced felon admissions represents both new admissions and status changes.

of admissions. These monthly admissions were produced by averaging the number of admissions for each month for the fiscal years 1981-82 to 1985-86. For example, the expected number of admissions for July 1986 is the average of the number of admissions for July 1981, July 1982, July 1983, July 1984, and July 1985.

After fiscal year 1986-87, the projected annual increases in the number of admissions were based on the average percent change in the annual number of admissions from fiscal years 1981-82 to 1985-86. Table B-1\* shows the past and projected number of sentenced felon admissions.

Two sets of the projected number of releases were developed. One set of releases (R1a) was based on the current section for sentencing repeat felony offenders. The other set (R1b) used the revised section.

To develop the projected number of releases (R1a), a matrix was needed to detail the rates and number of releases for each projection year. The rates of release were based on the proportion of sentenced felons released during calendar year 1985 for each length of stay (Table B-2).

When applied to the matrix, the rate in each cell of the matrix represents the proportion of admissions for the current or a previous fiscal year to be released during the current fiscal year (Table B-3). For example, of the total number of admissions for fiscal year 1986-87, 20.0 percent are expected to be released within the same year, i.e., 0 and less than 1 year; 20.6 percent will be released during the next fiscal year, i.e., 1 and less than 2 years; 15.3 percent will be released during the second fiscal year, i.e., 2 and less than 3 years.

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\* See Appendix B.

To produce the number of releases, the rates in each cell was multiplied by its applicable number of admissions. The number of releases for each of the projection years is illustrated in Table B-4.

The rate of releases for R1b represent adjustments in the number of releases for each length of stay depicted in Table B-2. Generally, the adjustments provide for slightly more of the releases to occur a few years later. Table B-5 illustrates the adjusted rate of sentenced felon releases for each length of stay.

The matrix depicting the rate of releases for R1b is shown in Table B-6. In this table, a diagonal line was made to separate one half of the matrix from the other half. The upper half represents the expected rates which will apply due to the change in the repeat felony offender penal code. These rates will apply only to admissions starting from initial projection year (fiscal year 1986-87). The rates in the lower half of apply to admissions prior to the initial projection year.

The projected end of year head counts (Pla and Plb) are presented in Tables B-8 and B-9. In these tables, the start of year head counts (P0), number of admissions (A1), number of releases (R1a or R1b), and resulting end of year head counts (Pla or Plb) are shown.

D. Jail Model

The projected jail population represents the head counts at the end of each fiscal year. The count for each year were derived by 1) summing the jail head count at the start of the fiscal year with its number of admissions during the year, then 2) subtracting its number of releases during the year from this sum.

These steps are symbolically depicted below:

$$M1 = M0 + A1 - R1$$

Where:

M1 = head count at the end of the fiscal year

M0 = head count at the start of the fiscal year

A1 = number of admissions during the fiscal year

R1 = number of releases during the fiscal year

The start of year of jail head count (M0) for each projection year represents the end of year count for previous fiscal year. For example, the start of year count in all the community correctional centers for fiscal year 1987-88 is expected to equal 491, the end of year count for fiscal year 1986-87.

The projected statewide number of jail admissions\* (A1) represents the total of separate projections made for the following five community correctional centers: Oahu Community Correctional Center (OCCC), Women's Community Correctional Center, Hawaii Community Correctional Center (HCCC), Kauai Community Correctional Center (KCCC), and Maui Community Correctional Center (MCCC).

For each community correctional center, the annual number of admissions (A1) for the initial projection year 1986-87 was derived by first averaging the number of admissions for each month of fiscal years 1981-82 to 1985-86. These monthly averages were then used as the expected monthly admissions for the initial projection year. Finally, the expected monthly admissions were combined to produce the total for the year.

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\* The number of jail admissions represents only new admissions.

Projected monthly admissions were used to generate the annual number of admissions after fiscal year 1986-87. Monthly projections were used because of monthly variations in the admissions. These projections were based on the average percent change in admissions for each month from fiscal years 1981-82 to 1985-86. Table B-10 shows the past and projected annual number of jail admissions.

To develop the projected number of releases (R1), a matrix was needed to detail the rate and number of releases for each projection year. The rate of release was based on the median length of stay for the jail population in each facility during fiscal year 1985-86. Table B-11 shows the type of sentence term (one or more months and less than one month), status, proportion of releases, and median length of stay.

From Table B-11, the rate and number of release matrices similar to those for the sentenced felons were generated for each community correctional center. Because the matrices were based on monthly releases rather than annual releases, the resulting tables were very large. Consequently, these matrices could not be included in the appendix. Instead, only the projected number of releases for each facility is presented in Table B-12.

The projected end of year head count (M1) are presented in Table B-13. In this table, the start of year head counts (M0), number of admissions (A1), number of releases (R1), and resulting end of year head counts (M1) are shown.

E. Total Costs, Personnel Costs, and Operating Costs Model

Total costs as used in this report was comprised of the costs for the administration, staff, and operation of the adult facilities. It represented the sum of personnel or "A" costs and operating or "B" costs. Costs for capital improvements,

motor vehicles, and equipment were not included. In addition, only costs based on the Plb projections were made.

The current and requested appropriations for the Corrections Division were used as the projected costs for fiscal years 1986-87 to 1988-89. It includes the costs for the nearly completed Halawa Medium Security Facility.

1. Personnel Costs Model

The method used to determine personnel costs for fiscal years 1989-90 to 1996-97 were based on two assumptions. First, a three percent increase in personnel costs will annually occur. Secondly, the number of personnel, i.e., number of authorized positions would not increase unless the ratio of inmates to personnel exceeded two to one. For each of the projection years, the ratio was less than two to one. Consequently, the projected personnel costs from fiscal years 1989-90 to 1996-97 presented only a percentage increase from the previous fiscal year. The symbolic steps for computing the personnel costs are presented below:

$$P(y+1) = (P(y) \times .03) + P(y)$$

Where:

$P(y+1)$  = Personnel costs for a projection year  
(excluding fiscal years 1986-87 to 1988-89).

$P(y)$  = Personnel costs for the fiscal year prior to  
 $P(y+1)$

2. Operating Costs Model

The method used to compute operating costs after fiscal year 1988-89 required two steps. First, the average operating costs per inmate for the three appropriation

years was derived. Next, this average cost was applied to the average head counts of each projection year. The symbolic steps for computing the personnel costs are presented below:

$$O = A \times H$$

Where:

O = Operating costs for a projection year

A = Average operating costs per inmate  
for fiscal years 1986-87 to 1988-89

H = Average head count for a projection year

V. PAST AND PROJECTED POPULATION TRENDS

This section describes the past and projected trends for the total population, sentenced felon population, and jail population.

For the total population and sentenced felon population, two sets of projections are presented. One set used the current section for sentencing repeat felony offenders. The other set was based on the amended section.

A. Past Trends (Table 5, Figure 5)

From a total of 1,181 at the end of fiscal year 1981-82, the head count rose to 1,906 at the end of fiscal year 1985-86. The annual percentage change during this period ranged from a low of -1.8 percent to a high of 26.9 percent. On the average, however, there was a 13.2 percent change in the head count each year.

Most of the increase in the total population resulted from the rise in the sentenced felon population. From 771 in fiscal year 1981-82, this population grew to 1,407 in fiscal year 1985-86. Moreover, its annual gains ranged from a low of 6.5 percent to a high of 22.7 percent. On the average, the sentenced felon count increased by 16.4 percent each fiscal year.

From 410 in fiscal year 1981-82, the jail population increased by 51.2 percent and reached 620 in fiscal year 1983-84. The head count remained the same the following year then dropped by 19.5 percent in fiscal year 1985-86 to 499. The annual average change in the head count was 7.8 percent.

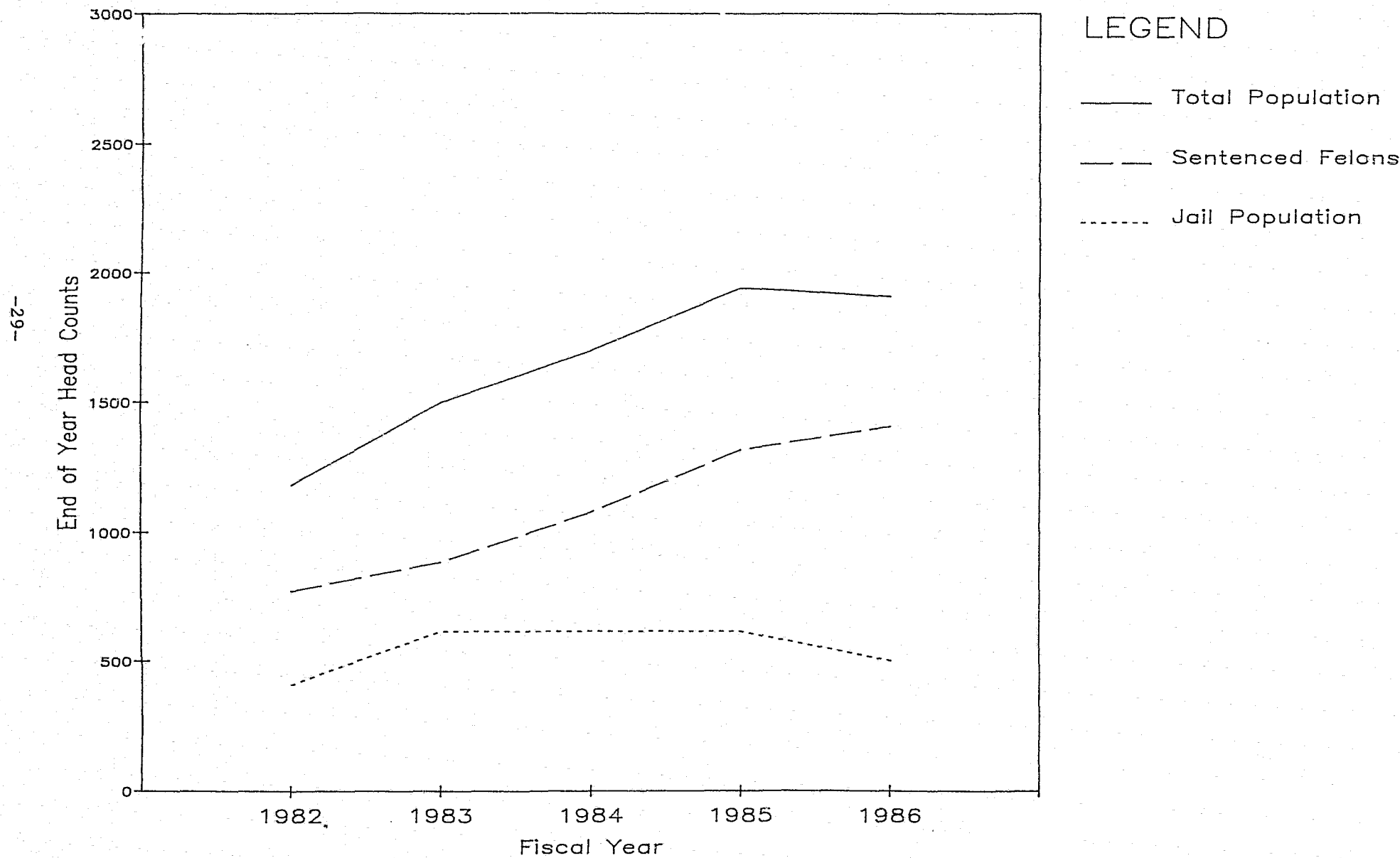


Table 5  
 Statewide Inmate Population by Status  
 Fiscal Years 1981-82 to 1985-86  
 End of Year Head Counts

	Fiscal Year				
	1981-82	1982-83	1983-84	1984-85	1985-86
Total Population	1,181	1,499	1,697	1,941	1,906
Sentenced Felon	771	884	1,077	1,321	1,407
Jail	410	615	620	620	499

Source: Daily Population Movement Reports,  
 State Intake Service Centers.

Figure 5  
Past Population Trends  
Fiscal Years 1981-82 to 1985-86



B. Projected Total and Sentenced Felon Trends (Based on Pla)  
(Table 6, Figure 6)

Based on the current penal code, the total population is expected to climb by 10.3 percent from fiscal year 1985-86 and reach 2,103 by fiscal year 1990-91. By fiscal year 1996-97, the head count will grow by 35.3 percent from 1985-86 and total 2,579.

The number of sentenced felons is expected to continue to increase. Its annual gains will initially be less than those for the jail population but will slightly outnumber them during the last years of the projection period. From fiscal year 1985-86, the sentenced felon population is projected to rise by 8.7 percent and total 1,529 by fiscal year 1990-91. By fiscal year 1996-97, it will surge by 30.6 percent from 1985-86 and total 1,837.

C. Projected Total and Sentenced Felon Trends (Based on Plb)  
(Table 7, Figure 7)

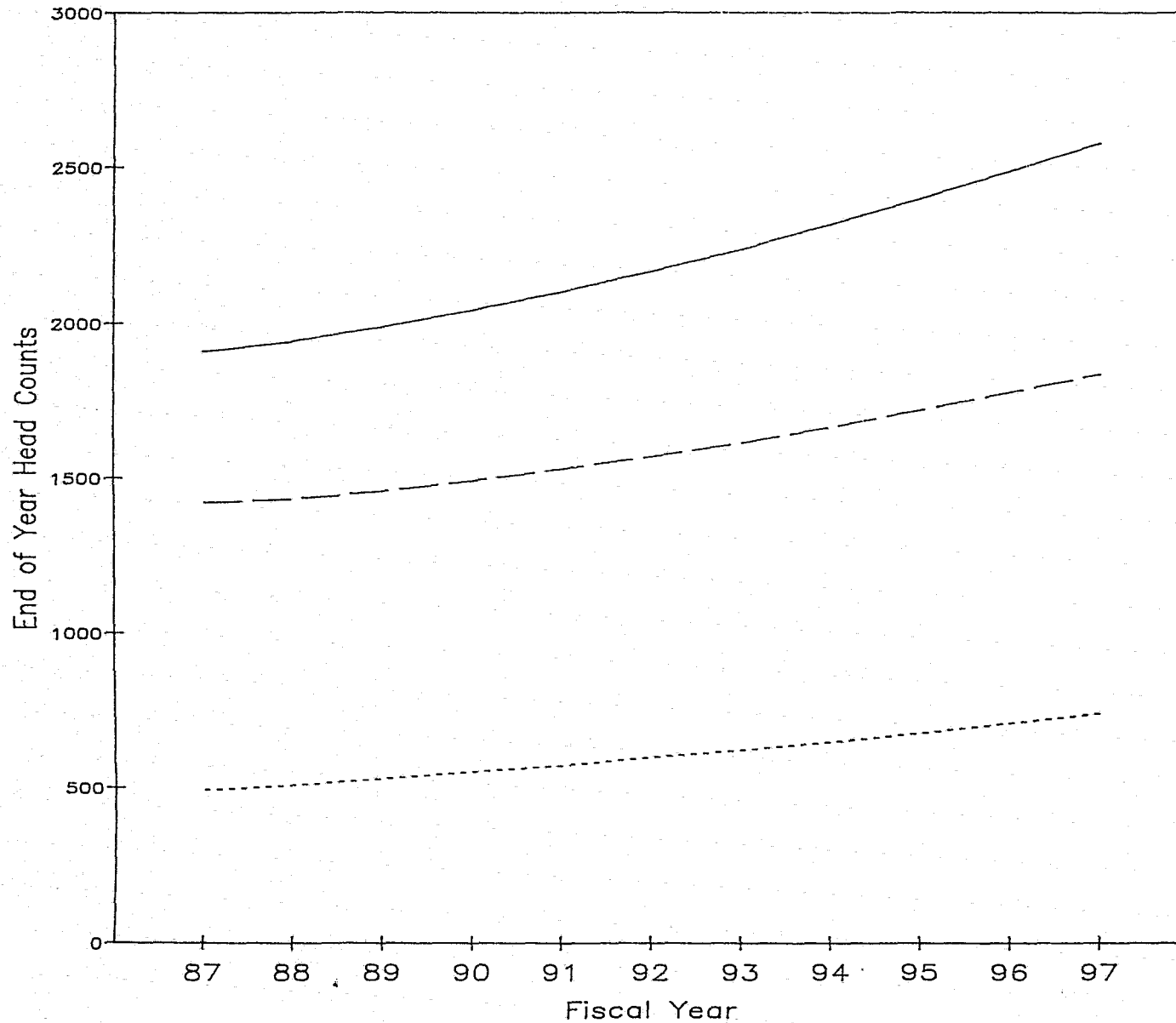
Based on the revised penal code, the total population will increase by 14.0 percent from fiscal year 1985-86 and total 2,173 by fiscal year 1990-91. By fiscal year 1996-97, the head count is anticipated to climb by 41.4 percent and reach 2,695.

Compared to the Pla set of projections, the number of sentenced felons based on Plb is projected to grow only slightly faster. From fiscal year 1985-86, its population is expected to increase by 13.6 percent and total 1,599 by fiscal year 1990-91. By fiscal year 1996-97, there will be 1,953 inmates, representing a gain of 38.8 percent from fiscal year 1985-86.

Table 6  
 Projected Statewide Inmate Population (Pla) by Status  
 Fiscal Years 1986-87 to 1996-97  
 End of Year Head Counts  
 (Based on current statutes)

	Fiscal Year					
	1986-87	1987-88	1988-89	1989-90	1990-91	
Total Population	1,911	1,944	1,989	2,044	2,103	
Sentenced Felon	1,420	1,434	1,459	1,492	1,529	
Jail	491	510	530	552	574	
	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97
Total Population	2,168	2,238	2,316	2,400	2,488	2,579
Sentenced Felon	1,570	1,615	1,666	1,721	1,778	1,837
Jail	598	623	650	679	710	742

Figure 6  
Projected Trends Based on Current Statutes  
Fiscal Years 1986-87 to 1996-97



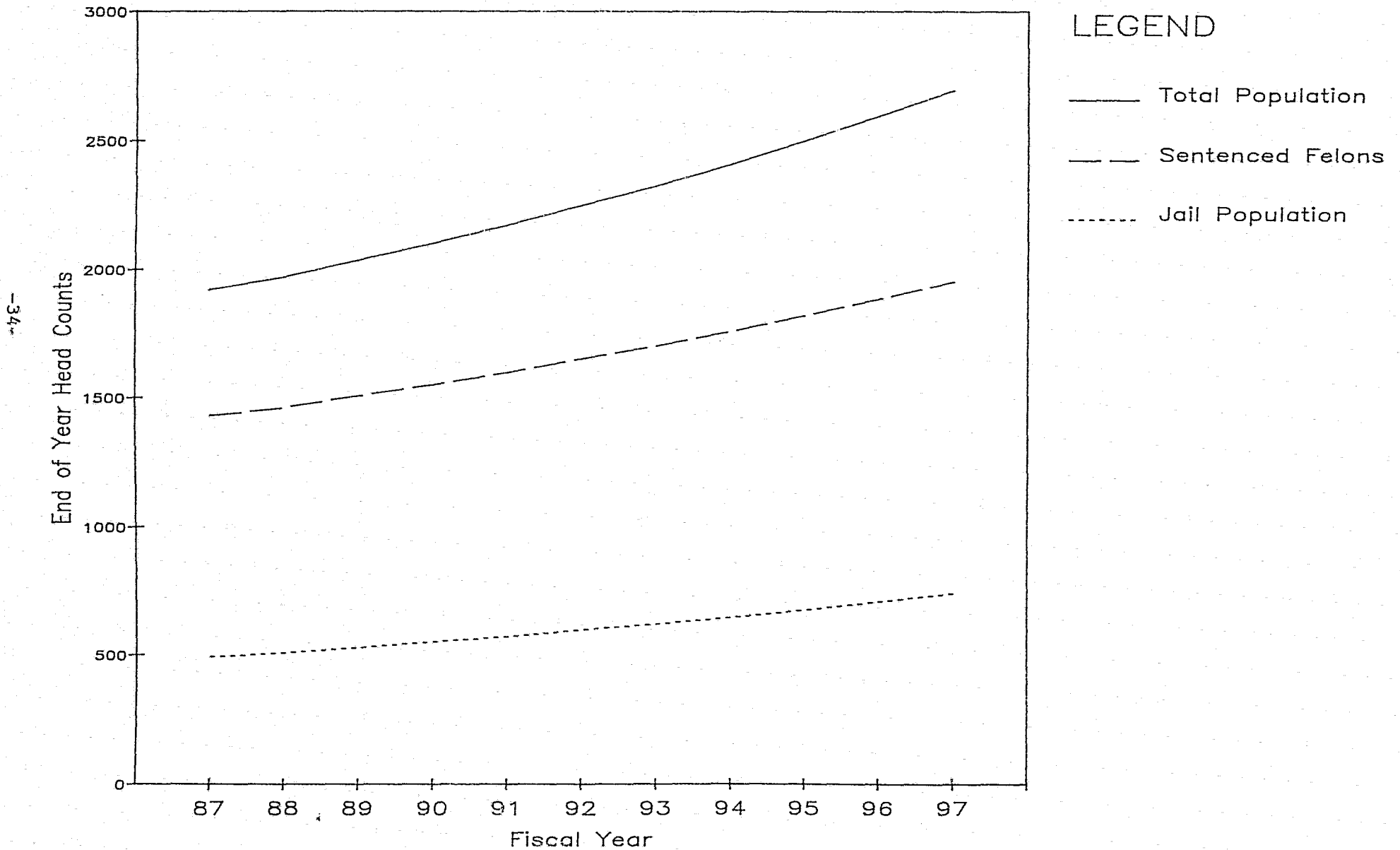
LEGEND

- Total Population
- - Sentenced Felons
- ..... Jail Population

Table 7  
 Projected Statewide Inmate Population (P1b) by Status  
 Fiscal Years 1986-87 to 1996-97  
 End of Year Head Counts  
 (Based on revised statutes)

	Fiscal Year					
	1986-87	1987-88	1988-89	1989-90	1990-91	
Total Population	1,921	1,971	2,038	2,103	2,173	
Sentenced Felon	1,430	1,461	1,508	1,551	1,599	
Jail	491	510	530	552	574	
	Fiscal Year					
	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97
Total Population	2,250	2,326	2,410	2,501	2,596	2,695
Sentenced Felon	1,652	1,703	1,760	1,822	1,886	1,953
Jail	598	623	650	679	710	742

Figure 7  
Projected Trends Based on Revised Statutes  
Fiscal Years 1986-87 to 1996-97



D. Jail Population Trends

By the first five years of the projection period, the jail head count will grow by 15.0 percent and reach 574. By fiscal year 1996-97, it is expected to grow by 48.7 percent and total 742.



VI. PAST AND PROJECTED TOTAL COSTS

The past and projected trends in the total cost are presented in this section. The projections represent costs resulting only from the revised penal code.

A. Past Total Costs (Table 8, Figure 8)

From fiscal years 1981-82 to 1985-86, total costs steadily grew by 74.5 percent from \$18.4 million to \$32.1 million. During the same period, the actual number of personnel increased by 29.8 percent from 700 to 997. (A breakdown by personnel costs and operating costs was not available).

B. Projected Expenditures and Costs (Revised statutes)  
(Table 9, Figure 9)

Largely because of personnel requirements for Halawa Medium Security Facility, an initial surge of 4.9 percent in total costs is expected to occur after fiscal year 1986-87.

Thereafter, it will grow less than two percent annually. By fiscal year 1990-91, total costs will increase by 47.4 percent from fiscal year 1985-86 and is expected to reach \$47.3 million. By fiscal year 1996-97, it is projected to climb by 78.5 percent and equal \$57.3 million. The largest gains and major share of the total costs will be from personnel costs.

Table 8  
 Total Costs, Personnel Counts, and Average Head Counts  
 Fiscal Years 1981-82 to 1985-86

		Fiscal Years				
		1981-82	1982-83	1983-84	1984-85	1985-86
Total Expenditures	1/	18.4	21.0	22.9	26.9	32.1
Personnel Count	1/	700	764	799	828	997
Average Head Count	2/	1,066	1,366	1,579	1,818	1,921

Notes: 1. From Program Planning Office, Corrections Division.  
 2. From Facility Population Statistics,  
 State Intake Service Centers.

Figure 8  
Past Total Costs  
Fiscal Years 1981-82 to 1985-86

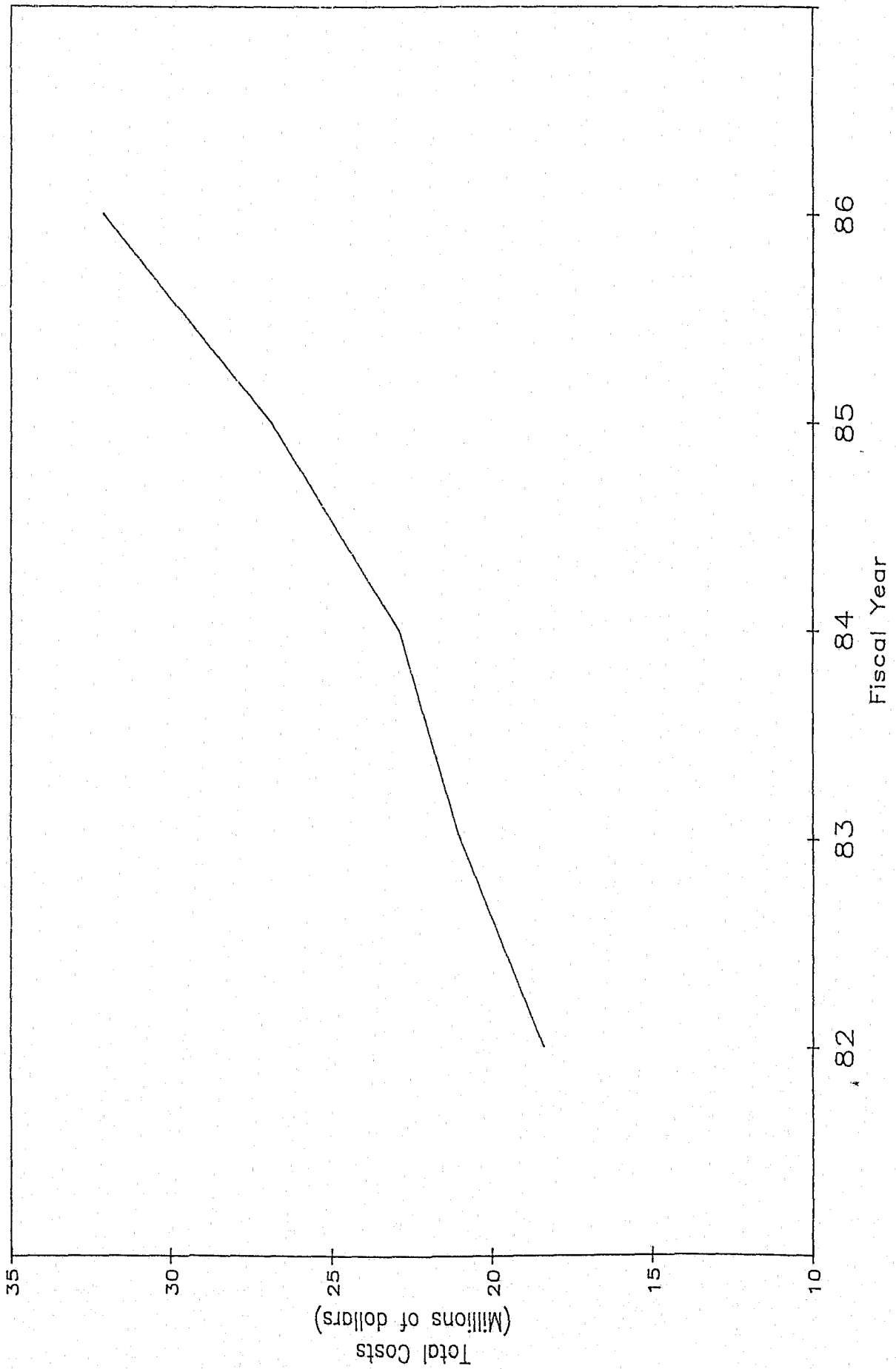


Table 9  
 Projected Costs, Personnel Counts, and Average Head Counts  
 Fiscal Years 1986-87 to 1996-97

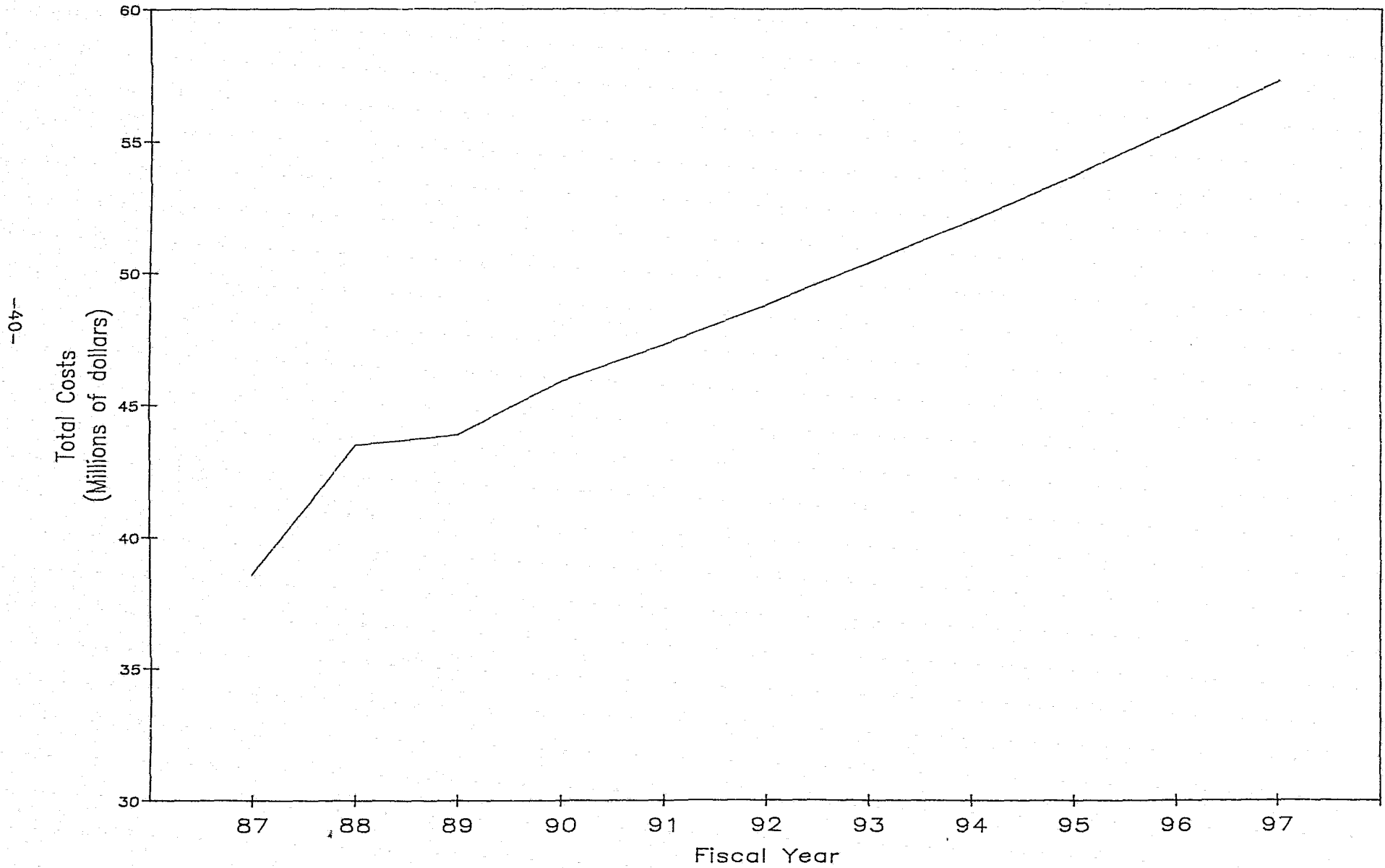
	Fiscal Years				
	1986-87	1987-88	1988-89	1989-90	1990-91
Total Costs	38.6	43.5	43.9	45.9	47.3
Personnel (A) Costs	22.1	28.1	28.1	29.0	29.9
Operating (B) Costs	16.5	15.4	15.8	16.9	17.5
Personnel Count	1,363	1,382	1,382	1,382	1,382
Average Head Count	1,921	1,971	2,038	2,103	2,173

	Fiscal Years					
	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97
Total Costs	48.8	50.4	52.0	53.7	55.5	57.3
Personnel (A) Costs	30.7	31.7	32.6	33.6	34.6	35.6
Operating (B) Costs	18.1	18.7	19.4	20.1	20.8	21.6
Personnel Count	1,382	1,382	1,382	1,382	1,382	1,382
Average Head Count	2,250	2,326	2,410	2,501	2,596	2,695

Notes:

Costs stated in millions of dollars.  
 Head counts based on P1b population projections.

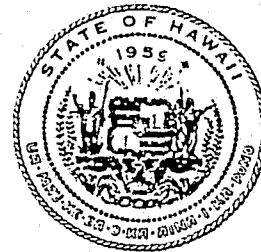
Figure 9  
Projected Total Costs  
Fiscal Years 1986-1987 to 1996-1997



APPENDIX A-1

Senate Resolution 53, S.D. 1

The Senate  
The Thirteenth Legislature  
of the  
State of Hawaii



STATE CAPITOL  
HONOLULU, HAWAII 96813

April 23, 1986

RICHARD S. H. WONG  
PRESIDENT

DUKE T. KAWASAKI  
VICE-PRESIDENT

JOSEPH T. KURODA  
MAJORITY LEADER

GERALD T. HAGINO  
ASSISTANT MAJORITY LEADER

STEVE COBB  
MAJORITY FLOOR LEADER

NORMAN MIZUGUCHI  
ASSISTANT MAJORITY FLOOR LEADER

PATSY K. YOUNG  
MAJORITY POLICY LEADER

RICHARD HENDERSON  
MINORITY LEADER

W. BUDDY SOARES  
MINORITY FLOOR LEADER

FIRST DISTRICT  
RICHARD HENDERSON

SECOND DISTRICT  
RICHARD M. MATSUURA

THIRD DISTRICT  
MALAMA SOLOMON

FOURTH DISTRICT  
MAMORU YAMASAKI

FIFTH DISTRICT  
GERALD K. MACHIDA

SIXTH DISTRICT  
BENJAMIN J. CAYETANO

SEVENTH DISTRICT  
GERALD T. HAGINO

EIGHTH DISTRICT  
CHARLES T. TOGUCHI

NINTH DISTRICT  
CLAYTON H. W. HEE

TENTH DISTRICT  
MARY GEORGE

ELEVENTH DISTRICT  
W. BUDDY SOARES

TWELFTH DISTRICT  
STEVE COBB

THIRTEENTH DISTRICT  
BERTRAND KOBAYASHI

FOURTEENTH DISTRICT  
ANN KOBAYASHI

FIFTEENTH DISTRICT  
MARY-JANE McMURDO

SIXTEENTH DISTRICT  
NEIL ABERCROMBIE

SEVENTEENTH DISTRICT  
ANTHONY K. U. CHANG

EIGHTEENTH DISTRICT  
MILTON HOLT

NINETEENTH DISTRICT  
DUKE T. KAWASAKI

TWENTIETH DISTRICT  
RICHARD S. H. WONG

TWENTY-FIRST DISTRICT  
NORMAN MIZUGUCHI

TWENTY-SECOND DISTRICT  
JOSEPH T. KURODA

TWENTY-THIRD DISTRICT  
PATSY K. YOUNG

TWENTY-FOURTH DISTRICT  
JAMES AKI

TWENTY-FIFTH DISTRICT  
LEHUA FERNANDES SALLING

SENATE CLERK  
T. DAVID WOO, JR.

Mr. Kendrick S.S. Wong  
Executive Director  
Intake Service Center  
2199 Kamehameha Highway  
Honolulu, Hawaii 96819

Dear Mr. Wong:

I transmit herewith a copy of Senate Resolution No. 53, S.D. 1, which was this day adopted by the Senate of the State of Hawaii, Regular Session of 1986.

Respectfully,

T. David Woo, Jr.  
Clerk of the Senate

STANDING COMMITTEE REPORT NO. *1166-36*

Honolulu, Hawaii

APR 23 1986

Honorable Richard S. H. Wong  
President of the Senate  
Thirteenth State Legislature  
Regular Session of 1986  
State of Hawaii

Sir:

RE: S.R. No. 53, S.D. 1

Your Committee on Legislative Management, to which was referred S.R. No. 53, S.D. 1, entitled:

"SENATE RESOLUTION REQUESTING A STUDY TO PREDICT CAPACITY NEEDS FOR HAWAII'S CORRECTIONAL FACILITIES",

begs leave to report as follows:

The purpose of this resolution is to request that the Intake Service Center, in consultation with the Corrections Division of the Department of Social Services and Housing, the Hawaii Paroling Authority, the Judiciary, and other agencies from the criminal justice system, conduct a study to develop a formula to project inmate population and the commensurate capacity requirements of the State's correctional facilities for five- to ten-year time frames. The Intake Service Center is also requested to analyze the fiscal impact of the new amendments to the Hawaii Penal Code on the correctional system, including an analysis of the present number of offenders and the types of offenses committed.

Your Committee on Legislative Management concurs with the intent and purpose of S.R. No. 53, S.D. 1, and recommends its adoption.

Respectfully submitted,

*Patsy K. Young*

PATSY K. YOUNG, Chairman



Gerald T. Hagino  
GERALD T. HAGINO, Vice Chairman

Mary George  
MARY GEORGE, Member

(To be made one and several copies)

THE SENATE

THIRTEENTH LEGISLATURE, 1986

STATE OF HAWAII

S. R. NO.

53  
S.D. 1

## SENATE RESOLUTION

REQUESTING A STUDY TO PREDICT CAPACITY NEEDS FOR HAWAII'S  
CORRECTIONAL FACILITIES.

WHEREAS, the correctional system in Hawaii consists of nine facilities which provide residential custodial care and services for more than 2,000 adult inmates; and

WHEREAS, for many years, the system has been criticized for its overcrowded conditions and in efforts to alleviate such conditions, the State authorized the construction of a medium security facility in Halawa which will provide an additional 500 cells and the purchase of the Waiawa Military Reservation which is expected to house about 150 low-security inmates by 1988; and

WHEREAS, at the Oahu Community Correctional Center where overcrowding has been most severe, the State entered into an agreement with the American Civil Liberties Union to limit the population to 1,270 until the Halawa Medium Security Facility is completed after which the maximum would be lowered to 1,018; and

WHEREAS, if the inmate population continues to increase at the same rate, Hawaii will still have an overcrowding problem even after the Halawa Medium Security Facility is completed and the State's correctional facilities construction program will still be a step behind;

WHEREAS, the amendments to the Hawaii Penal Code contained in H.B. No. 100, H.D. 1, S.D. 2, will affect the number of offenders imprisoned and the length of time offenders will spend in prison, causing the state's correctional facilities program to fall even further behind in housing the inmates; now therefore,

BE IT RESOLVED by the Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, with the House of Representatives concurring that the Intake Service Center, in consultation with the Corrections Division, the Hawaii Paroling Authority, the Judiciary, and other agencies from the criminal justice system, is requested to conduct a study to develop a formula to project inmate population and the commensurate

capacity requirements of the State's correctional facilities for five- to ten-year time frames; and


BE IT FURTHER RESOLVED that the Intake Service Center is requested to study, analyze and determine the fiscal impact the enactment of H.B. 100, H.D. 1, S.D. 2, would have on the State correctional system;

BE IT FURTHER RESOLVED that the study include an analysis of the present number of offenders and the types of offenses committed;

BE IT FURTHER RESOLVED that the Intake Service Center submit a report of its findings and recommendations to the legislature no later than twenty days prior to the convening of the Regular Session of 1987; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Executive Director of the Intake Service Center, the Director of Social Services and Housing, the Chair of the Hawaii Paroling Authority, and the Chief Justice of the Supreme Court of Hawaii.

I hereby certify that the foregoing is a true and correct copy of Senate Resolution No. 53, S.D. 1 which was duly adopted by the Senate of the State of Hawaii on April 23, 1986

Dated: April 29, 1986  
  
Assistant Clerk of the Senate

APPENDIX A-2

Preliminary Study on the Impact of the New Amendments  
to the Hawaii Penal Code on the Correctional System

A PRELIMINARY REPORT ON THE IMPACT OF THE NEW AMENDMENTS  
TO THE HAWAII PENAL CODE ON THE CORRECTIONAL SYSTEM

INTRODUCTION

In April 1986, a Senate Resolution 53, S.D. 1 was adopted by the Legislature requesting that the State Intake Service Centers (SISC) conduct a study to predict capacity needs for Hawaii's Correctional Facilities. This resolution specified that "the Intake Service Center, in consultation with the Corrections Division of the Department of Social Services and Housing, the Hawaii Paroling Authority, the Judiciary, and other agencies from the criminal justice system, conduct a study to develop a formula to project inmate population and the commensurate capacity requirements of the State's correctional facilities for five to ten-year time frames." The Intake Service Center was also requested "to analyze the fiscal impact of the new amendments to the Hawaii Penal Code on the correctional system, including an analysis of the present number of offenders and types of offenses committed."

A review was made of the amendments to the Penal Code. From this review, it was determined that the amendment of the repeat offender statutes (Section 706-606.5) would have the most impact on the prison population.

Repeat offenders under both the current and new statutes (see attachment) are defined as those previously convicted for all Felony A, all Felony B, and enumerated Felony C crimes. These prior convictions must have occurred within the time periods as specified in the statutes. Felons with any prior misdemeanor convictions or with felony convictions in jurisdictions outside the State are not considered as repeat offenders.

There are two major differences between the current and new statutes. First of all, the current statutes provide for one and for two or more prior convictions. The new statutes mandate sentencing for one prior, for two priors, and for three or more priors. Secondly, the current statutes does not consider the class of the offender's instant or current conviction. In the new statutes, the mandatory minimum is based on both the number of prior convictions and the class of the instant conviction.

To ascertain the impact of the changes in the repeat offender statutes, a study was done on the repeat offenders sentenced during Calendar Year 1985. The findings of this study is presented in this report.

A more extensive report on the future impact of the amendments to the repeat offenders statutes is currently being developed. It will present projections of the State's prison and jail populations. The projections will be based primarily on the trends in the admissions and releases and the current average length of stay. Also included in the study will be a projection of the fiscal costs using current facility per capita costs and inmate-to-correctional officer ratios.

## PRELIMINARY FINDINGS

Calendar Year 1985 was selected for the study because it was the most recent 12-month period with adequate data. During the year, there was a total of 408 offenders who were admitted or who changed status to sentenced felons. Of the 408 admissions, only 70 or 17.2 percent met the criteria as repeat offenders under the new statutes.

Table 1 shows that 65 of the repeat offenders had only one prior felony conviction. The remaining five offenders had two priors. Moreover, 12.9 percent of the 70 had instant Felony A convictions, 42.9 had instant Felony B's, and 44.3 percent had instant Felony C's.

Table 2 shows that the overall difference between the median sentences of the current and new mandatory minimums for the 70 felons was only four months. However, the new statutes significantly increased the mandatory sentences for those with Class A offenses. For those with Class B and class C offenses, the mandatory minimums decreased under the new statutes.

Table 3 presents a detailed list of the lead charge, felony class, sentences, and number of prior felony convictions of the repeat offenders used in the study.

## CAVEATS

The repeat offenders were identified using the Comprehensive Offender Monitoring and Program Assessment System (COMPAS), the Offender-Based Transaction Statistics and Computerized Criminal History System (OBTS/CCH), the Oahu Community Correctional Center (OCCC) Prisoner Files, and the Hawaii Paroling Authority (HPA) files. To substantiate the accuracy and completeness of the sample and data used in the study, cross checks were made using these various files. The cross checks were made because many of the case records had missing mandatory minimums, no repeat offender indicator, and minimum sentences lower than the current mandatory minimums.

## SUMMARY

If the findings of this study remains basically the same for future admissions, the change in the sentencing of repeat offenders will probably not have a marked impact on the prison population. This projection is based on a combination of factors.

First of all, only a small proportion of the total admissions will be repeat offenders. Consequently, a substantial number of the admissions will not have mandatory minimums imposed on them.

Secondly, most of those repeat offenders admitted will have only one prior felony conviction. Sentences for them will not be as severe as those with two prior convictions or with three or more prior convictions.

Finally, over 8 out of every 10 of the offenders will be admitted with either instant convictions of class B felonies or Class C felonies. These class of felonies will generally receive lower mandatory minimums under the new statutes.

TABLE 1

NUMBER OF REPEAT OFFENDERS ADMITTED IN CALENDAR YEAR 1985  
BY FELONY CLASS AND NUMBER OF PRIOR CONVICTIONS

FELONY CLASS OF INSTANT CONVICTION	REPEAT OFFENDERS WITH ONE PRIOR CONVICTION	REPEAT OFFENDERS WITH TWO PRIOR CONVICTIONS	REPEAT OFFENDERS WITH THREE PRIOR CONVICTIONS
A	7	2	0
B	28	2	0
C	30	2	0
ALL	65	5	0

TABLE 2

SUMMARY OF PRIOR FELONY CONVICTIONS AND SENTENCES  
FOR FELONS ADMITTED IN CY 1985 UNDER THE  
CURRENT REPEAT OFFENDER STATUTES

FELONY CLASS OF INSTANT CONVICTION	NO. OF ADMS	MEDIAN NO. OF PRIOR CONVICTIONS	MEDIAN MAX SENT*	MEDIAN MIN SENT*	MEDIAN CURRENT MAND MIN*	MEDIAN REVISED MAND MIN*
A	9	1	240.0	60.0	60.0	80.0
B	30	1	120.0	36.0	60.0	40.0
C	31	1	60.0	36.0	36.0	20.0
ALL	70	1	120.0	36.0	36.0	40.0

\* Expressed in months.

[doc# 1285c]

TABLE 3

DETAILED LIST OF LEAD CHARGE AND SENTENCES FOR  
FELONS ADMITTED IN CY 1985 UNDER THE CURRENT  
REPEAT OFFENDER STATUTES

LISTED ALPHABETICALLY BY HRS OFFENSE

PAGE 1 OF 2

<u>LEADCHARGE FOR INSTANT CONVICTION</u>	<u>FELONY TYPE</u>	<u>MAX SENT*</u>	<u>MIN SENT*</u>	<u>CURR MAND MIN*</u>	<u>NEW MAND MIN*</u>	<u>DIFF BET CURR &amp; NEW</u>	<u>NO OF PRIOR CONVS.</u>
ASSAULT 2	C	60.0	42.0	36.0	20.0	16.0	1
ASSAULT 2	C	60.0	36.0	36.0	20.0	16.0	1
AT MURDER	A	240.0	240.0	60.0	80.0	-20.0	1
BURGLARY 1	B	120.0	65.8	60.0	40.0	20.0	1
BURGLARY 1	B	120.0	60.0	60.0	40.0	20.0	1
BURGLARY 1	B	120.0	36.0	60.0	40.0	20.0	1
BURGLARY 1	B	60.0	36.0	60.0	40.0	20.0	1
BURGLARY 1	B	120.0	48.0	60.0	40.0	20.0	1
BURGLARY 1	B	120.0	36.0	60.0	40.0	20.0	1
BURGLARY 1	B	120.0	48.0	60.0	40.0	20.0	1
BURGLARY 1	B	60.0	36.0	60.0	40.0	20.0	1
BURGLARY 1	B	240.0	120.0	60.0	40.0	20.0	1
BURGLARY 1	B	120.0	6.2	60.0	40.0	20.0	1
BURGLARY 2	C	60.0	30.0	36.0	20.0	16.0	1
BURGLARY 2	C	60.0	36.0	36.0	20.0	16.0	1
BURGLARY 2	C	60.0	18.0	36.0	20.0	16.0	1
BURGLARY 2	C	60.0	22.3	36.0	20.0	16.0	1
FRAUD USE CC	C	60.0	60.0	0.0	20.0	-20.0	1
FRAUD USE CC	C	60.0	48.0	0.0	20.0	-20.0	1
KIDNAPPING	A	240.0	60.0	120.0	160.0	-40.0	2
KIDNAPPING	B	120.0	30.0	60.0	40.0	20.0	1
KIDNAPPING	B	120.0	96.0	60.0	40.0	20.0	1
KIDNAPPING	A	240.0	36.0	60.0	80.0	-20.0	1
MANSLAUGHTER	B	120.0	20.0	36.0	40.0	-4.0	1
MANSLAUGHTER	B	120.0	120.0	36.0	40.0	-4.0	1
MANSLAUGHTER	B	240.0	180.0	60.0	80.0	-20.0	2
MURDER	A	420.0	84.0	60.0	80.0	-20.0	1
NEG HOM 1	C	60.0	48.0	36.0	20.0	16.0	1
POSS OF FA FUGTV	C	120.0	60.0	36.0	20.0	16.0	1
POSS OF FA FUGTV	C	120.0	30.0	36.0	20.0	16.0	1
POSS OF FA FUGTV	C	60.0	30.0	36.0	20.0	16.0	1
POSS OF FA FUGTV	C	12.0	12.0	36.0	20.0	16.0	1
POSS OF FA FUGTV	C	120.0	30.0	36.0	20.0	16.0	1
PROM DANG DRUGS 2	B	120.2	24.0	60.0	40.0	20.0	1
PROM DANG DRUGS 2	B	120.0	30.0	120.0	80.0	20.0	2
PROM DANG DRUGS 2	B	120.0	6.0	60.0	40.0	20.0	1
PROM DANG DRUGS 2	B	120.0	24.0	60.0	40.0	20.0	1
PROM DANG DRUGS 3	C	60.0	36.0	0.0	20.0	-20.0	1
PROM DANG DRUGS 3	C	60.0	24.0	0.0	20.0	-20.0	1
PROM DETRI DURGS 1	C	120.0	60.0	0.0	20.0	-20.0	1
PROM HARM DRUGS 1	A	240.0	24.0	60.0	80.0	-20.0	1



TABLE 3

DETAILED LIST OF LEAD CHARGE AND SENTENCES FOR  
FELONS ADMITTED IN CY 1985 UNDER THE CURRENT  
REPEAT OFFENDER STATUTES

LISTED ALPHABETICALLY BY HRS OFFENSE

PAGE 2 OF 2

<u>LEADCHARGE FOR INSTANT CONVICTION</u>	<u>FELONY TYPE</u>	<u>MAX SENT*</u>	<u>MIN SENT*</u>	<u>CURR MAND MIN*</u>	<u>NEW MAND MIN*</u>	<u>DIFF BET CURR &amp; NEW</u>	<u>NO OF PRIOR CONVS.</u>
RAPE 2	B	240.0	216.0	36.0	40.0	-4.0	1
RAPE 2	B	120.0	0.0	36.0	40.0	-4.0	1
ROBBERY 1	A	480.0	480.0	60.0	80.0	-20.0	1
ROBBERY 1	A	240.0	0.0	60.0	80.0	-20.0	1
ROBBERY 1	A	240.0	60.0	120.0	160.0	-40.0	2
ROBBERY 1	A	120.0	6.0	60.0	80.0	-20.0	1
ROBBERY 2	B	120.0	60.0	36.0	40.0	-4.0	1
ROBBERY 2	B	120.0	96.0	36.0	40.0	-4.0	1
ROBBERY 2	B	240.0	60.0	36.0	40.0	-4.0	1
ROBBERY 2	B	120.0	0.0	36.0	40.0	-4.0	1
ROBBERY 2	B	120.0	24.0	36.0	40.0	-4.0	1
ROBBERY 2	B	120.0	12.0	36.0	40.0	-4.0	1
ROBBERY 2	B	120.0	12.0	36.0	40.0	-4.0	1
ROBBERY 2	B	120.0	42.0	36.0	40.0	-4.0	1
ROBBERY 2	B	120.0	72.0	36.0	40.0	-4.0	1
TERROR THREAT 1	C	120.0	120.0	36.0	20.0	16.0	1
THEFT 1	C	60.0	36.0	36.0	20.0	16.0	1
THEFT 1	C	120.0	36.0	36.0	20.0	16.0	1
THEFT 1	C	60.0	18.0	36.0	20.0	16.0	1
THEFT 1	C	60.0	36.0	36.0	20.0	16.0	1
THEFT 1	C	120.0	60.0	60.0	40.0	20.0	2
THEFT 1	C	120.0	48.0	36.0	20.0	16.0	1
THEFT 1	C	60.0	36.0	36.0	20.0	16.0	1
THEFT 1	C	60.0	48.0	36.0	20.0	16.0	1
THEFT 1	C	60.0	30.0	36.0	20.0	16.0	1
THEFT 1	C	240.0	120.0	36.0	20.0	16.0	1
UCPV	C	60.0	18.0	0.0	20.0	-20.0	1
UCPV	C	120.0	6.0	0.0	20.0	-20.0	1
UCPV	C	120.0	36.0	0.0	20.0	-20.0	1

\*Expressed in months.

Note: This listing excludes 7 parole violators who might have been considered as repeat offenders. However, data was lacking to verify their status.

Source of data: HRS, COMPAS, OBTS, OCCC records, and HPA records.

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APPENDIX A-3

List of Selected Amended and New Sections

LIST OF SELECTED AMENDED AND NEW SECTIONS

Section 706--(numbers to be assigned) (new)

Title: Terms of imprisonment for first and second degree murder and attempted first and second degree attempted murder.

Assessment: Setforths terms of imprisonment for Section 707-701, Murder in the first degree and Section 707-701.5, Murder in the second degree. Basically replaced the terms setforth in repealed Sections 706-601, Sentence for offense of murder and 706-601.1, Sentence for offense of attempted murder. Consequently, the sentencing guidelines for both types of murder basically remain the same.

Section 706--(numbers to be assigned) (new)

Title: Multiple sentence of imprisonment

Assessment: Cannot determine whether courts will be more likely or less likely to impose concurrent or consecutive sentences. Largely dependent on Section 706-606, Factors to be considered in imposing a sentence.

Section 706-606.5 (amended)

Title: Sentencing of repeat offenders

Assessment: Major changes were made to the sentences for repeat offenders. Also, about 17 percent of the 1985 admissions were repeat offenders. Median length of stays were used to evaluate the impact on the prison population.

Section 706-620 (amended)

Title: Authority to withhold sentence of imprisonment

Assessment: The section was changed to prescribe four specific conditions when a sentence of imprisonment is required. In the current penal code, mandatory sentences are already required for these four conditions.

Section 706-662 (amended)

Title: Criteria for extended terms of imprisonment

Assessment: Text was slightly changed. The original conditions of the Section basically remained the same.

Section 707-701 (amended)

Title: Murder in the first degree

Assessment: Specifies five conditions when Section can be applied. These five conditions are murder of: more than one person; a peace officer; judge, or prosecutor; a witness known by the defendant; a person by a hired killer; and a person while defendant was imprisoned. Basically replaced conditions setforth in repealed Sections 706-601, subsection 1 (a), Sentence for offense of murder and 706-601.1, subsection 1 (a), Sentence for offense of attempted murder. Also, admissions for murder represented only 6.6 percent of the total (27 of 408) for 1985.

Section 707-701.5 (new)

Title: Murder in the second degree

Assessment: Applies to intentionally or knowingly causing the death of a person other than those specified in Section 707-701. This section replaced part of Sections 706-601, subsection 1 (b) and 706-601.5, subsection 1 (b).

Section 707-711 (amended)

Title: Assault in the second degree

Assessment: Text was slightly changed. The term "substantial" was included in subsection 1 (a). However, the original conditions of the Section basically remained the same.

Section 707-720 (amended)

Title: Kidnapping

Assessment: Text was slightly changed. The term "knowingly" was included in subsection 1. Also, the term "substantial" was added to subsection 3. However, the original conditions of the Section basically remained the same. Also, there was no change in two class of felonies related to kidnapping.

Section 707-726 (amended)

Title: Custodial interference in the first degree

Assessment: Basically only minor changes were made. Added to subsection 1 was the condition of enticing a person less than eleven years old. Also, there were no admissions related to this offense during 1985.

Section 707-730 (new)

Title: Sexual assault in the first degree

Assessment: Replaced rape in the first degree and sodomy in the first degree (Class A felonies).

Section 707-731 (new)

Title: Sexual assault in the second degree

Assessment: Replaced rape in the second degree and sodomy in the second degree (Class B felonies).

Section 707-732 (new)

Title: Sexual assault in the third degree

Assessment: Replaced rape in the third degree, sodomy in the third degree, and sexual abuse in the first degree (Class C felonies).

Section 707-733 (new)

Title: Sexual assault in the fourth degree

Assessment: Replaced sexual abuse in the second degree (misdemeanor).

Section 707-734 (new)

Title: Sexual assault in the fifth degree

Assessment: Replaced indecent exposure (petty misdemeanor).

Section 708-8100 (new)

Title: Fraudulent use of a credit card

Assessment: Renumbered Section 851-2.

Section 708-8101 (new)

Title: Making a false statement to procure issuance of a credit card

Assessment: Renumbered Section 851-3.

Section 708-8102 (new)

Title: Theft, forgery, etc., of credit cards

Assessment: Renumbered Section 851-4.

Section 708-8103 (new)

Title: Credit card fraud by a provider of good or services

Assessment: Renumbered Section 851-5.

Section 708-8104 (new)

Title: Possession of unauthorized credit card machinery or incomplete cards

Assessment: Renumbered Section 851-6.

Section 708-8105 (new)

Title: Credit cards list prohibited; penalty

Assessment: Represents a completely new section. Consequently, cannot determine impact on prison population.

Section 707-830.5 (new)

Title: Theft in the first degree

Assessment: This Section applies to theft of property exceeding the value of \$20,000. First degree theft was upgraded from a class C felony to a class B felony. However, only 2.5 percent of the

total admissions (5 out of 408) in 1985 had a theft offense involving property valued over \$20,000.

Section 708-831 (amended)

Title: Theft in the second degree

Assessment: Only the term "first" was replaced with "second". In subsection 1 (b), the value of property or services was changed from "more than \$200" to "more than \$300". Otherwise, the conditions of the Section and class of the offense remained the same.

Section 708-832 (amended)

Title: Theft in the third degree

Assessment: Only the term "second" was replaced with "third". In subsection 1 (b), the value of property or services was changed from "more than \$50" to "more than \$100". Otherwise, the conditions of the Section and class of the offense remained the same.

Section 708-833 (amended)

Title: Theft in the fourth degree

Assessment: Only the term "third" was replaced with "fourth". In subsection 1, the value of property or services was specified as "not more than \$100". Otherwise, the conditions of the Section and class of the offense remained the same.



Section 708-833.5 (amended)

Title: Shoplifting

Assessment: Only minor changes were made. In the first subsection, property value was changed from "more than \$200" to "more than \$300". Also, the minimum fine would only be four times the value of the property value. In the second and third subsections, the dollar amount of the property was increased by \$50.

Section 708-840 (amended)

Title: Robbery in the first degree

Assessment: Only the term "dangerous instrument" was expanded to include any firearm whether loaded or not, and whether operable or not. Otherwise, the conditions of the Section and class of the offense remained the same.

Section 709-903.5 (new)

Title: Endangering the welfare of a minor in the first degree

Assessment: Distinguishes intentional or knowing endangerment as a class C felony. However, there were no admissions in 1985 related to this offense.

Section 707-904 (amended)

Title: Endangering the welfare of a minor in the second degree

Assessment: Distinguishes reckless endangerment as a misdemeanor. However, there were no admissions in 1985 related to this offense.

Section 710-904.5 (new)

Title: Compensation by an adult of juveniles for crimes

Assessment: Represents a completely new section. Consequently, cannot determine impact on prison population.

Section 712-1249.5 (new)

Title: Commercial promotion of marijuana

Assessment: Represents a completely new section. Consequently, cannot determine impact on prison population.

APPENDIX B

Tables B-1 to B-13

Table B-1  
 Sentenced Felon Admissions  
 Fiscal Years 1975-76 to 1996-97

Current	Number	Percent Change
1975-76	184	--
1976-77	157	-14.7%
1977-78	183	16.6%
1978-79	202	10.4%
1979-80	176	-12.9%
1980-81	171	-2.8%
1981-82	240	40.4%
1982-83	262	9.2%
1983-84	458	74.8%
1984-85	483	5.5%
1985-86	437	-9.5%
Projected	Number	Percent Change
1986-87	376	-14.0
1987-88	389	3.5
1988-89	403	3.6
1989-90	417	3.5
1990-91	431	3.4
1991-92	447	3.7
1992-93	462	3.4
1993-94	478	3.5
1994-95	495	3.6
1995-96	512	3.4
1996-97	530	3.5

Table B-2  
 Number of Releases (R1a) by Length of Stay  
 Fiscal Year 1984-85

Number of Releases	Length of Stay in Years	Percent of Total Releases
64	0 and less than 1	20.0
66	1 and less than 2	20.6
49	2 and less than 3	15.3
46	3 and less than 4	14.4
35	4 and less than 5	10.9
13	5 and less than 6	4.1
14	6 and less than 7	4.4
12	7 and less than 8	3.8
6	8 and less than 9	1.9
3	9 and less than 10	0.9
7	10 and less than 11	2.2
1	11 and less than 12	0.3
2	12 and less than 13	0.6
0	13 and less than 14	0.0
1	14 and less than 15	0.3
1	15 and less than 16	0.3
=====		
Total	320	100.0

Table B-3  
 Projected Proportion of Expected Releases (R1a)  
 for Sentenced Felons by Length of Stay and Fiscal Year of Release  
 Fiscal Years 1986-87 to 1996-97  
 (Based on current statutes)

	Fiscal Year											
	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	
Proportion of Releases After Time Served in Years												
0 and less than 1	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
1 and less than 2	0.206	0.206	0.206	0.206	0.206	0.206	0.206	0.206	0.206	0.206	0.206	0.206
2 and less than 3	0.153	0.153	0.153	0.153	0.153	0.153	0.153	0.153	0.153	0.153	0.153	0.153
3 and less than 4	0.144	0.144	0.144	0.144	0.144	0.144	0.144	0.144	0.144	0.144	0.144	0.144
4 and less than 5	0.109	0.109	0.109	0.109	0.109	0.109	0.109	0.109	0.109	0.109	0.109	0.109
5 and less than 6	0.041	0.041	0.041	0.041	0.041	0.041	0.041	0.041	0.041	0.041	0.041	0.041
6 and less than 7	0.044	0.044	0.044	0.044	0.044	0.044	0.044	0.044	0.044	0.044	0.044	0.044
7 and less than 8	0.038	0.038	0.038	0.038	0.038	0.038	0.038	0.038	0.038	0.038	0.038	0.038
8 and less than 9	0.019	0.019	0.019	0.019	0.019	0.019	0.019	0.019	0.019	0.019	0.019	0.019
9 and less than 10	0.009	0.009	0.009	0.009	0.009	0.009	0.009	0.009	0.009	0.009	0.009	0.009
10 and less than 11	0.022	0.022	0.022	0.022	0.022	0.022	0.022	0.022	0.022	0.022	0.022	0.022

Table B-4  
 Projected Number of Releases (R1a)  
 for Sentenced Felon Population  
 by Expected Length of Stay and Fiscal Year of Release  
 Fiscal Years 1986-87 to 1996-97  
 (Based on current statutes)

Time Served in Years	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97
0 and less than 1	75	78	81	83	86	89	92	96	99	102	106
1 and less than 2	90	77	80	83	86	89	92	95	98	102	105
2 and less than 3	74	67	58	60	62	64	66	68	71	73	76
3 and less than 4	66	70	63	54	56	58	60	62	64	67	69
4 and less than 5	29	50	53	48	41	42	44	45	47	49	50
5 and less than 6	10	11	19	20	18	15	16	17	17	18	18
6 and less than 7	8	11	12	20	21	19	17	17	18	18	19
7 and less than 8	7	6	9	10	17	18	17	14	15	15	16
8 and less than 9	4	3	3	5	5	9	9	8	7	7	8
9 and less than 10	2	2	2	2	2	2	4	4	4	3	4
10 and less than 11	3	4	4	4	4	5	6	10	11	10	8

Table B-5  
 Expected\* Number of Releases (R1b) by Length of Stay  
 Fiscal Year 1984-85

Number of Releases	Length of Stay in Years	Percent of Total Releases
55	0 and less than 1	17.2
61	1 and less than 2	19.1
45	2 and less than 3	14.1
57	3 and less than 4	17.8
34	4 and less than 5	10.6
12	5 and less than 6	3.8
15	6 and less than 7	4.7
17	7 and less than 8	5.3
6	8 and less than 9	1.9
3	9 and less than 10	0.9
7	10 and less than 11	2.2
1	11 and less than 12	0.3
2	12 and less than 13	0.6
3	13 and less than 14	0.9
1	14 and less than 15	0.3
1	15 and less than 16	0.3
Total	320	100.0

\* Number of releases expected to occur for each length of stay when new repeat felony offender statutes take effect.



Table B-6  
 Projected Proportion of Releases (R1b)  
 for Sentenced Felons  
 by Expected Length of Stay and Fiscal Year of Release  
 Fiscal Years 1986-87 to 1996-97  
 (Based on revised statutes)

	Fiscal Year										
	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97
Proportion of Releases After Time Served in Years											
0 and less than 1	0.172	0.172	0.172	0.172	0.172	0.172	0.172	0.172	0.172	0.172	0.172
1 and less than 2	0.206	0.191	0.191	0.191	0.191	0.191	0.191	0.191	0.191	0.191	0.191
2 and less than 3	0.153	0.153	0.141	0.141	0.141	0.141	0.141	0.141	0.141	0.141	0.141
3 and less than 4	0.144	0.144	0.144	0.178	0.178	0.178	0.178	0.178	0.178	0.178	0.178
4 and less than 5	0.109	0.109	0.109	0.109	0.106	0.106	0.106	0.106	0.106	0.106	0.106
5 and less than 6	0.041	0.041	0.041	0.041	0.041	0.038	0.038	0.038	0.038	0.038	0.038
6 and less than 7	0.044	0.044	0.044	0.044	0.044	0.044	0.047	0.047	0.047	0.047	0.047
7 and less than 8	0.038	0.038	0.038	0.038	0.038	0.038	0.038	0.053	0.053	0.053	0.053
8 and less than 9	0.019	0.019	0.019	0.019	0.019	0.019	0.019	0.019	0.019	0.019	0.019
9 and less than 10	0.009	0.009	0.009	0.009	0.009	0.009	0.009	0.009	0.009	0.009	0.009
10 and less than 11	0.022	0.022	0.022	0.022	0.022	0.022	0.022	0.022	0.022	0.022	0.022

Table B-7  
 Projected Number of Releases (R1b)  
 for the Sentenced Felon Population  
 by Expected Length of Stay and Fiscal Year of Release  
 Fiscal Years 1986-87 to 1996-97  
 (Based on revised statutes)

Time Served in Years	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97
0 and less than 1	65	67	69	72	74	77	79	82	85	88	91
1 and less than 2	90	72	74	77	80	82	85	88	91	95	98
2 and less than 3	74	67	53	55	57	59	61	63	65	67	70
3 and less than 4	66	70	63	67	69	72	74	77	80	82	85
4 and less than 5	29	50	53	48	40	41	43	44	46	47	49
5 and less than 6	10	11	19	20	18	14	15	15	16	16	17
6 and less than 7	8	11	12	20	21	19	18	18	19	20	20
7 and less than 8	7	6	9	10	17	18	23	20	21	21	22
8 and less than 9	4	3	3	5	5	9	9	8	7	7	8
9 and less than 10	2	2	2	2	2	2	4	4	4	3	4
10 and less than 11	3	4	4	4	4	5	6	10	11	10	8

Table B-8  
 Projected Head Counts (PlA), Admissions, and Releases (R1a)  
 for Sentenced Felons  
 Fiscal Years 1986-87 to 1996-97  
 (Based on current statutes)

	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97
Head Count, Start of Year	1,407	1,420	1,434	1,459	1,492	1,529	1,570	1,615	1,666	1,721	1,778
Number of Admissions	376	389	403	417	431	447	462	478	495	512	530
Number of Releases	363	375	378	384	394	406	417	427	440	455	471
Head Count, End of Year	1,420	1,434	1,459	1,492	1,529	1,570	1,615	1,666	1,721	1,778	1,837

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Table B-9  
 Projected Head Counts (Plb), Admissions, and Releases (R1b)  
 for Sentenced Felons  
 Fiscal Years 1986-87 to 1996-97  
 (Based on revised statutes)

	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97
Head Count, Start of Year	1,407	1,430	1,461	1,508	1,551	1,599	1,652	1,703	1,760	1,822	1,886
Number of Admissions	376	389	403	417	431	447	462	478	495	512	530
Number of Releases	353	358	356	374	383	394	411	421	433	448	463
Head Count, End of Year	1,430	1,461	1,508	1,551	1,599	1,652	1,703	1,760	1,822	1,886	1,953

Table B-10  
 Number of Jail Admissions by Community Correctional Centers  
 Fiscal Years 1981-82 to 1996-97

Current	Fiscal Year				
	1981-82	1982-83	1983-84	1984-85	1985-86
Oahu CCC	1,935	2,262	2,564	2,591	2,525
Women's CCC	409	489	586	538	426
Hawaii CCC	791	859	813	760	866
Kauai CCC	537	618	518	597	501
Maui CCC	452	572	547	531	501
<b>Total</b>	<b>4,124</b>	<b>4,800</b>	<b>5,028</b>	<b>5,017</b>	<b>4,819</b>

Projected	Fiscal Year				
	1986-87	1987-88	1988-89	1989-90	1990-91
Oahu CCC	2,375	2,547	2,732	2,930	3,142
Women's CCC	489	501	514	527	540
Hawaii CCC	819	841	863	886	910
Kauai CCC	553	553	553	553	553
Maui CCC	520	538	556	575	594
<b>Total</b>	<b>4,756</b>	<b>4,980</b>	<b>5,218</b>	<b>5,471</b>	<b>5,739</b>

Projected	Fiscal Year					
	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97
Oahu CCC	3,370	3,614	3,877	4,158	4,459	4,782
Women's CCC	553	567	581	596	611	626
Hawaii CCC	934	959	985	1,011	1,038	1,066
Kauai CCC	553	553	553	553	553	553
Maui CCC	615	636	657	679	703	726
<b>Total</b>	<b>6,025</b>	<b>6,329</b>	<b>6,653</b>	<b>6,997</b>	<b>7,364</b>	<b>7,753</b>

Table B-11  
 Proportion of Jail Releases by Type of  
 Sentence Term, Status, and Length of Stay  
 For Each Community Correctional Center  
 Fiscal Year 1985-86

Sentence Term and Status	All CCCs		Hawaii CCC		Kauai CCC	
	Percent of Releases	Median Length of Stay in Months	Percent of Releases	Median Length of Stay in Months	Percent of Releases	Median Length of Stay in Months
<b>One or More Months</b>						
Sent. Felon Probationers	10.1	5.9	14.0	6.1	3.0	6.0
Sent. Misdemeanants	4.0	2.1	3.0	2.0	4.0	2.0
Pretrial Felons	5.7	2.2	2.0	2.2	2.0	2.2
Pretrial Misdemeanants	0.6	2.5	1.0	1.4	1.0	3.6
Holds and Others	2.9	3.2	0.6	2.0	0.3	1.7
<b>Less than One Month</b>						
		Median Length of Stay in Days		Median Length of Stay in Days		Median Length of Stay in Days
Sent. Felon Probationers	2.9	21.4	2.0	29.0	0.8	25.0
Sent. Misdemeanants	22.7	7.5	25.7	3.0	17.0	9.0
Pretrial Felons	17.3	3.0	17.0	2.0	34.4	2.0
Pretrial Misdemeanants	24.2	1.6	30.7	1.0	36.5	1.0
Holds and Others	9.4	4.8	4.0	1.0	1.0	12.0
<b>TOTAL</b>	<b>100.0</b>		<b>100.0</b>		<b>100.0</b>	

Sentence Term and Status	Maui CCC		Oahu CCC		Women's CCC	
	Percent of Releases	Median Length of Stay in Months	Percent of Releases	Median Length of Stay in Months	Percent of Releases	Median Length of Stay in Months
<b>One or More Months</b>						
Sent. Felon Probationers	16.0	6.6	9.0	5.6	15.7	5.5
Sent. Misdemeanants	3.0	2.0	5.0	2.2	3.0	2.3
Pretrial Felons	10.0	2.8	7.0	2.3	4.0	2.2
Pretrial Misdemeanants	0.3	1.3	1.0	2.9	0.3	1.9
Holds and Others	0.3	2.7	5.0	3.3	3.0	2.9
<b>Less than One Month</b>						
		Median Length of Stay in Days		Median Length of Stay in Days		Median Length of Stay in Days
Sent. Felon Probationers	4.0	24.0	3.0	19.0	4.0	19.0
Sent. Misdemeanants	16.7	9.0	25.0	6.0	17.0	10.0
Pretrial Felons	42.7	3.5	10.0	4.0	9.0	3.0
Pretrial Misdemeanants	6.0	2.0	22.0	2.0	29.0	2.0
Holds and Others	1.0	14.0	13.0	5.0	15.0	5.0
<b>TOTAL</b>	<b>100.0</b>		<b>100.0</b>		<b>100.0</b>	

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Table B-12  
 Projected Number of Jail Releases by Community Correctional Centers  
 Fiscal Years 1986-87 to 1996-97

Community Correctional Centers	Fiscal Year										
	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97
All CCCs	4,764	4,961	5,198	5,449	5,717	6,001	6,304	6,626	6,968	7,333	7,721
Oahu CCC	2,388	2,535	2,719	2,916	3,127	3,354	3,597	3,858	4,137	4,437	4,759
Women's CCC	492	502	514	527	540	554	568	582	596	611	627
Hawaii CCC	810	839	861	884	908	932	957	983	1,009	1,036	1,064
Kauai CCC	555	555	555	555	555	555	555	555	555	555	555
Maui CCC	519	530	548	567	586	606	627	648	670	693	717

Table B-13  
 Projected Statewide Jail Head Counts, Admissions, and Releases  
 Fiscal Years 1986-87 to 1996-97

	Fiscal Year										
	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97
Start of Year Head Count	499	491	510	530	552	574	598	623	650	679	710
Number of Admissions	4,756	4,980	5,218	5,471	5,739	6,025	6,329	6,653	6,997	7,364	7,753
Number of Releases	4,764	4,961	5,198	5,449	5,717	6,001	6,304	6,626	6,968	7,333	7,721
End of Year Head Count	491	510	530	552	574	598	623	650	679	710	742