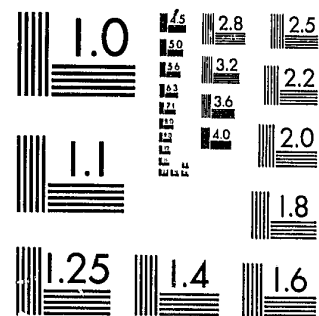


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AT THE "FRONT DOOR"

PROGRAM OPTIONS EARLY IN THE CRIMINAL PROCESS

A TECHNICAL ASSISTANCE REPORT FOR
THE HAWAII INTAKE SERVICE CENTER

BY

NATIONAL COUNCIL ON CRIME AND DELINQUENCY



AUGUST, 1977

78830



NATIONAL COUNCIL ON CRIME AND DELINQUENCY

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AT THE "FRONT DOOR" PROGRAM OPTIONS EARLY IN THE CRIMINAL PROCESS

A Technical Assistance Report
for the
Hawaii Intake Service Center

U.S. Department of Justice
National Institute of Justice

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 - CHARLES B. WILKINSON
 - J. ALBERT WOLL*

*Executive Committee Member

August 2, 1977

Mr. Wayne Kanagawa
Executive Director
Hawaii Intake Service Center
1149 Bethel Street, Room 400
Honolulu, Hawaii 96813

Dear Mr. Kanagawa:

Ever since our first direct involvement in Hawaii in 1968, the National Council on Crime and Delinquency has had a special interest in your state. In perhaps no other place have so many forms of enlightened practice been implemented together. While your criminal justice system is small in comparison to many others, it is large in terms of the inspiration it offers.

Because the Intake Service Center is a critical aspect of your Correctional Master Plan, we are pleased to have this opportunity to contribute to its development. As outsiders to your system, we are very aware of the implications of your experience for the rest of the country.

We hope that this report will be useful in your efforts to better a good system.

Sincerely yours,

Milton G. Rector
Milton G. Rector
President

MGR/gb

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- B. Initial Criteria for Participant Eligibility in Pretrial Intervention Programs
- C. Initial Program Characteristics in Pretrial Intervention Programs
- D. Partial List of Materials Reviewed

NCCD TECHNICAL ASSISTANCE STAFF

Project Director and Author

Edgar W. Brewer
2405 Pioneer Pike
Eugene, Oregon 97401

Consultants

Barry Krisberg, Ph. D., Research Associate
Research Center
National Council on Crime and Delinquency
602 2nd St.,
Davis, California 95616

Clarence Schrag, Ph. D., Professor
Department of Sociology
University of Washington
Seattle, Washington 98195

Project Manager

Donald H. Moore, Director
Hawaii Council on Crime and Delinquency
200 N. Vineyard Blvd.
Honolulu, Hawaii 96817

Project Secretary

Lucia Peterson
Hawaii Council on Crime and Delinquency
200 N. Vineyard Blvd.
Honolulu, Hawaii 96817

Resource Materials

William L. Hickey, Senior Information Analyst
Information Center
National Council on Crime and Delinquency
Hackensack, New Jersey 07601

AD HOC ADVISORY COMMITTEE MEMBERS

Conroy Chow
Office of Correctional Information and Statistics

Earl Chun and Thomas Hugo
Hawaii Paroling Authority

Larry Grean
Office of the Prosecuting Attorney
City and County of Honolulu

Umeo Hashiro
Corrections Division
Department of Social Services and Housing

Hale Hirose
Adult Probation Department
First Circuit Court

Michael Kakesako
Corrections Division
Department of Social Services and Housing

Gene Kassebaum
Department of Sociology
University of Hawaii

Richard Kato
Health and Community Services Council of Hawaii

Edwin Ross
Honolulu Police Department

Ted Sakai
John Howard Association

Donald Tsukiyama
Public Defender

Harold Watanuki
Counseling Services
District Court, First Circuit

INTRODUCTION

This report is the result of a technical assistance contract between the National Council on Crime and Delinquency (NCCD) and the Hawaii Intake Service Center (ISC). It was made possible by funds provided by the Hawaii State Law Enforcement and Juvenile Delinquency Planning Agency.

The purpose of this project was "to develop a series of specific program activities which will facilitate the needs of persons admitted to the Intake Service Center." Initially, the scope of the program activities to be considered were for "those admitted to the Intake Service Center during various stages of the criminal justice system from pretrial to release from incarceration." However, in order to provide the best service within the time and resources available, it was agreed with the ISC Director that emphasis would be placed on front-end or pretrial processes and services. These were seen as the best potential sources for generating program suggestions consistent with ISC responsibilities and early implementation.

The programs suggested in Part I of this report are based on information the NCCD team deemed program-suggestive from among those data the team was able to collect, analyze and interpret within the time and resources available for this project. Additional criminal justice data, interpretations and some research suggestions for the ISC are included in Part II. With further refinement, some of these data could be used to generate additional program ideas.

The team wishes to thank the staff of the ISC, members of the Ad Hoc Advisory Committee and others for their help with orientation to the Hawaii criminal justice system, for furnishing documents and observation and for reviewing preliminary program suggestions.

This report is presented in two main sections, plus Appendices. Some of the latter are attached to each copy of this report. Other materials of a technical assistance nature have been furnished to the ISC Director in single copy. The content of the two main sections is as follows.

PART I

Programs Recommended for ISC Implementation

Program #1--Police Citation in Lieu of Arrest
and Booking

Program #2--Deferred Prosecution of Misdemeanant
and Felony Cases

Program #3--Counseling and Referral Services for
Alcohol and Drug Users

PART II

Hawaii Criminal Justice Data and Research Suggestions.

The NCCD team notes that the ISC mandate, as reflected by the Correctional Master Plan, current legislation, and the ISC Advisory Board statement of goals and objectives constitutes a large, difficult and long-range task. This mandate involves diversion of offenders from the criminal justice system, screening and diagnostic services, evaluation of offender adjustment plus coordination and referral services.

The team found much evidence of progressive thinking and practices in Hawaii among law enforcement, judicial and correc-

tions personnel. It also found interest and support for the ISC and its concepts among representatives of the private service sector. These speak well for the development of diversion and correctional services in Hawaii. The team hopes this report will contribute to these efforts.

PART I

PROGRAMS RECOMMENDED FOR ISC IMPLEMENTATION

PROGRAM NUMBER ONE

POLICE CITATION IN LIEU OF ARREST AND BOOKING

POLICE CITATION IN LIEU OF ARREST AND BOOKING

DESCRIPTION OF PROGRAM

This program consists of police issuance of a citation and notice to appear in court at a specified time in lieu of the traditional arrest, transportation to the police station or police lockup, booking and subsequent holding in police detention or release through bail or other means.

The citation and notice to appear could be issued in petty misdemeanor, misdemeanor and Class C felony cases under certain circumstances as described in the section entitled "Criteria for Use of Police Citation in Lieu of Arrest and Booking".

PROGRAM OBJECTIVES

This program is intended to reduce the incidence of incarceration subsequent to arrest in certain petty misdemeanor, misdemeanor and felony cases. Such a reduction should result in the following benefits:

- (1) reduced police officer time and costs in transporting arrested persons to the police station or police lockup for booking;
- (2) reduced costs for holding arrested persons in custody pending pretrial release or subsequent trial; and
- (3) reduced time and costs for judicial and pretrial service services staff by decreasing the number of cases where pretrial release methods such as bail, ROR, etc., must be considered.

RATIONALE FOR THE PROGRAM

Traditionally, when a police officer concludes that a crime has been committed, connects an individual with that crime and

makes an arrest, the freedom of movement of that individual is obstructed and detention occurs. Unless released by the officer, he is taken to the police station or lockup and booked. He then may be released on bail, ROR or through some other method.

Even though an arrest is made and court action anticipated, in many instances it is not necessary to book and detain pending court action. Generally, a large proportion (and, in many communities, most) of those arrested are released pending trial. Law enforcement personnel should have the authority to release or detain at the point of arrest. The Hawaii State Legislature has given police officers the authority to issue citations in lieu of arrest and detention. The Honolulu Police Department currently is investigating the possibility of instituting such a practice.

It is impossible to judge at this point the exact impact a citation system would have on pretrial incarceration in Hawaii. However, it appears that it could be substantial, considering the numbers now admitted to police lockups and those subsequently transferred to Halawa.

NCCD staff were told that the Honolulu Police Department does not keep a total count of all admissions to their lockup facility, although each admission is recorded in one or more police documents. NCCD staff, therefore, made a tally of all persons placed in secure detention for the week of July 25 through July 31 as reflected in the Honolulu Police Department "Custody Log", "Booking Log" and "Turnkey's Daily Report Sheet for Cellblock". This count of persons in custody showed the following.

TABLE I
Persons in Custody By Day
Honolulu Police Department Cellblock
July 25-31, 1977

Date	Admissions		
	Male	Female	Total
July 25	9	2	11
26	19	3	22
27	18	3	21
28	8	4	12
29	17	1	18
30	13	3	16
31	15	1	16
	<u>99</u>	<u>17</u>	<u>116</u>

Assuming the week of July 25-31, 1977 were typical, a total of about 6,000 admissions to the police lockup in Honolulu would occur annually.

Although the total admissions to the Halawa Correctional Facility are not recorded, the figures for average daily population and average length of stay are available. The Division of Corrections computed the average (mean) daily population of Halawa for FY 1975-76 to be 142.¹ The mean length of stay at Halawa as reflected in two sample groups examined by the Corrections Research and Statistics Bureau (now the Office of Correctional Information and Statistics) was 17 and 31 days.² Assuming a mean length of stay midpoint between 17 and 31 days, the

¹ Hawaii Division of Corrections, "Assigned Count, Head Count Report", FY 1975-76.

² Corrections Research and Statistics Bureau, "A Study on the Length of Presentence Detainment at Halawa Correctional Facility", April, 1977.

average length of stay would be 24 days at Halawa. Multiplying 24 days by the average daily population of 142 would suggest a total of 3,408 annual admissions.³

As reflected elsewhere in this report, Honolulu Police make about 16,000 arrests annually. Based on the above estimates, it would appear that about 6,000 (or 37.5 percent) spend some time in the police lockup, and about 3,400 or 21.25 percent go on to spend some time in Halawa.

The NCCD sample of persons detained in the Honolulu Police Department Cellblock reflected the following lengths of stay.

TABLE II
Persons Detained By Time
Honolulu Police Department Cellblock
July 25-31, 1977

Hours Detained	Number	Percentage
Less than 1	6	5.17
1 through 5	33	28.45
6 through 10	18	15.51
11 through 15	6	5.17
16 through 20	12	10.34
21 through 25	6	5.17
26 through 30	2	1.72
31 through 35	4	3.45
36 through 40	0	0.00
41 through 45	1	0.86
Over 45	0	0.00
Not recorded or not yet released	<u>28</u>	<u>24.14</u>
Total	116	99.99

³ In a very gross sense. We are aware that the population figure includes federal prerelease prisoners and some felons from the state prison, for example, and that this reduces the reliability of the estimate.

Thus, about 33 percent spend less than 5 hours in the police lockup, and a total of 49 percent spend 10 hours or less. Most were released as a result of District Court action, and although the actual release/continue detention decisions on these cases is not known, a great many are released by District Court. We know this because the 6,000 estimated annual lockup admissions shrinks to 3,400 estimated Halawa admissions, and a number of the 3,400 are there serving sentences. A total of 19 of the 116 sample lockup cases (or 16 percent) were shown released on bail at the police station as a separate category from those where the release was listed as "Discharge to District Court".

Although the lack of case details precludes final judgments, the nature of the initial charge of those held at the lockup during the sample period suggests that some might have been handled by citation rather than booking and detention.

TABLE III
Persons Detained By Offense
Honolulu Police Department Cellblock
July 25-31, 1977

	<u>Number of Cases</u>
Loitering, public drunk, disorderly or trespass	11
Driving without license	2
Driving under the influence ⁴	11
Harassment	3
Theft, 3rd degree	10
Discharged, pending investigation	4
Discharged, insufficient evidence	<u>2</u>
	43

⁴ We do not advocate that intoxicated drivers be cited and allowed to drive home, yet a citation may be used. See Appendix A-5 of this report.

These 43 cases represented 37 percent of those admitted to the lockup during the one-week sample period. NCCD is not suggesting that all of these cases should have been given citations rather than being admitted to the lockup, but it seems likely that it would have been appropriate in many. Experience elsewhere supports this conclusion and can serve as encouragement in the use of police citations in Hawaii.

A 1969 California statute, a total departure from traditional arrest legislation, requires that law enforcement agencies investigate the possible use of citation in lieu of arrest procedure in every misdemeanor apprehension. Statistical data on practices under the new law in Contra Costa County, Oakland, and elsewhere in the state demonstrate that many misdemeanor defendants can be released safely on their signed promise to appear in court, that the rate of non-appearance is not directly related to the rate of release, and that the citation procedure seems particularly appropriate when the offense charged is petty theft or shoplifting and may also be appropriate for disorderly conduct.⁵

As part of its mandate to "Establish intake screening that emphasizes the diversion of individuals" and "Monitor the adjustment of individuals and effectiveness of programs",⁶ the ISC should assist law enforcement personnel throughout Hawaii in developing and implementing police citation programs. This assistance should take the following forms:

1. serve as a catalyst in helping law enforcement (in concert with prosecutors and the courts) develop criteria and policies for the use of police citations;
2. assist in the development of forms and other records necessary for operation of the citation system; and

⁵ Hickey, William L. "Depopulating the Jails" (Hackensack, New Jersey: National Council on Crime and Delinquency, 1975), p. 237.

⁶ Hawaii Intake Service Center Advisory Board, "Goals and Objectives, Intake Service Center", developed in 1977 (undated).

3. assist in the creation and application of a re-search design to evaluate the program's ability to meet its objectives, impact on other criminal justice system components, effect on the crime rate, cost factors and so forth.

TARGET POPULATION

Initially, those considered for police citation release might only be those arrested for petty misdemeanors and misdemeanors. Later, as many other jurisdictions have done, more serious offenses such as Class C felonies could be added.⁷

The number of persons handled by citation release in Hawaii could amount to thousands annually, but a precise estimate of the number cannot be made at this time. First, the number of misdemeanor and petty misdemeanor arrests is not known, because the arrest categories used by law enforcement to report arrests do not reflect that information. Police tend to use UCR terminology, not the language of the Hawaii Penal Code. Many of the arrest categories used actually include a combination of felonies, misdemeanors and petty misdemeanors in an unknown proportion. Identifying petty misdemeanor and misdemeanor arrests would currently require checking individual arrest reports, which totalled over 16,000 for the Honolulu Police Department alone in 1976.

Secondly, some cases in the petty misdemeanor/misdemeanor categories would be excluded from citation, as is evident from the section "Criteria for Use of Citations" below. The size of the potential group is also somewhat clouded by the fact that

⁷ Bruce Beaudin, "How to Implement Criminal Justice Standards for Pretrial Release", American Bar Association, 1977.

some cases which might be ruled ineligible for citation at time of initial arrest might still be released on a citation at the police station. These would consist of cases which required arrest and booking to accomplish full identification, or where the individual was not cooperative in establishing identification or determining his degree of risk until that point.

Considering those categories of arrest used by police which apparently include only misdemeanors and petty misdemeanors (that is, classified as such in the Penal Code), there would appear to be a large group of arrested individuals who could be considered for citations as shown by 1976 arrests by the Honolulu Police Department.

TABLE IV
Arrests In All-Misdemeanor Categories
Honolulu Police Department
1976

<u>Offense</u>	<u>Number Arrested</u>
Larceny III, Under \$50	1,194
Larceny III, Under \$ 5	805
Other Assaults	807
Vandalism	183
Gambling	<u>1,272</u>
	4,261

In addition, other arrest categories used by police which include both felonies and misdemeanors/petty misdemeanors would yield some cases for which citation may be appropriate. There are several such categories.

TABLE V
Arrests in Mixed (Misdemeanor/Felony) Categories
Honolulu Police Department
1976

<u>Offense</u>	<u>Number Arrested</u>
Narcotic drug laws	990
Disorderly conduct ⁸	701
All other offenses ⁹	<u>5,982</u>
	7,673

Discounting some of the 4,261 misdemeanor/petty misdemeanor cases which would not be eligible for citation release, and adding some of the 7,673 cases in the mixed felony/misdemeanor categories which would be eligible, there would appear to be a large group of arrested individuals potentially eligible for citation release in lieu of arrest and booking. If it were only half of each group, this would amount to about 5,900 cases annually. This number certainly appears to be large enough to make initiation of a police citation program feasible and profitable. Only experience will tell if there are less or more than this number. It seems clear that the potential target group is sufficiently large to justify at least a pilot project.

⁸ In disorderly conduct cases, a primary (and salutary) police policy is often to separate parties by removing the arrested person from the scene. In many of these cases, however, we feel it may be possible to then cite and release at the police station, the initial separation and transportation having sufficiently served that policy.

⁹ Many cases in this large category, such as those contempt of court cases which are included for failure to appear as scheduled, are clearly in appropriate for citation. Others, such as perjury, harassment with no physical contact and littering, among others, may well be suitable for citation.

CRITERIA FOR USE OF POLICE CITATION IN LIEU OF ARREST

Police citation in lieu of arrest and booking may appropriately be used in several instances.¹⁰

1. For petty misdemeanor and misdemeanor offenses, unless the police officer has reason to believe:
 - a. that the continued liberty of the accused constitutes an unreasonable risk of bodily injury to himself or others;
 - b. that arrest and detention are necessary to carry out legitimate investigative action; or
 - c. there is evidence that there is a substantial risk that the accused will not appear on the basis of the citation (for reasons of no ties to the community, attitudes, or previous failure to appear on the basis of a citation).
2. When the accused offers sufficient identification or cooperates sufficiently to establish his identification.
3. When the accused signifies his acceptance of the summons and his willingness to appear by signing the citation form and accepting a copy of it from the arresting officer.

Later, as experience with the citation system is gained in petty misdemeanor and misdemeanor cases, the criteria may be expanded to many felony cases as has been done in other jurisdictions.¹¹

PROGRAM METHODS

The program method consists essentially of issuing a citation to the arrested individual, specifying the violation(s) of law for which the arrest has been made and the time and place at which the individual is to appear at court.

¹⁰ Paraphrased from the National Advisory Commission on Criminal Justice Standards and Goals, Task Force Report: Corrections, Washington, D. C., 1973, p. 116.

¹¹ Beaudin, *op. cit.*, p. 9.

In the instances in which it is used, the citation replaces the practice of arrest, transportation to the police station or police lockup, booking and subsequent holding or release. Except, as noted earlier, some advantages accrue from a two-tier system. That is, consideration for release may be raised again at the police station and at that level may be applied to some individuals with whom it could not be appropriately used on the street.

A number of the procedural issues and operating problems attendant to a citation system are covered in materials appended to this report and will not be elaborated here. These include: (1) integration of citation forms with other police department forms; (2) problems of identification of the offender; and (3) how to get sufficient information quickly enough at point of arrest to issue a citation in lieu of arrest and booking. Suffice it to say that other jurisdictions have developed solutions to these problems. Also, the issuance of a citation in lieu of arrest and booking is dependent upon the cooperation of the arrested person, and if identification and cooperation are lacking at point of arrest and subsequently, the citation system would not be used.

ESTIMATED COSTS FOR STAFF AND SUPPORT SERVICES

Over a period of several years, the citation system should result in a net saving rather than an increase in costs. Savings should occur in officer time and expense in transporting arrested persons from the point of arrest to the police station or police lockup, in pretrial detention costs, and in court and

service costs necessary for pretrial release consideration. There would also be direct savings to individuals in terms of saving bail costs and wages not lost.

Some staff time would be necessary for developing citation policies, procedures and forms, for training officers in the use of the citation system and for designing and operating a record system to assess the impact of the citation system.

The amount of savings would depend upon a number of factors, including the number and types of cases for which citations are used as well as the number who do not respond to citations and who subsequently must be brought to court on warrants or by other means.

SUMMARY OF POSITION DESCRIPTIONS AND RESPONSIBILITIES

No new positions are anticipated for this program, since regular officers on the beat (perhaps with the assistance of police supervisory personnel) would be making citation decisions. Existing police administrative services and ISC central office staff would be involved in developing the program and maintaining the record system.

SUGGESTED MEASUREMENT OF ACTIVITIES AND OUTCOME

Several performance measures are immediately apparent:

1. measurement of citation use by volume of cases and offenses for which used;
2. comparison of arrests and bookings in a period immediately prior to beginning the citation system with the citations plus arrests and bookings for a comparable period subsequent to initiation of the citation program;
3. a comparison of the number of admissions and average daily pretrial holding population at the

police lockup prior to and subsequent to initiation of the citation system¹²;

4. a count of the number of citation cases which do not appear for court; and
5. comparison of the subsequent arrest records of an experimental and control group.

ISC ROLE IN THE RECOMMENDED PROGRAM

Citation release, being a component of the arrest process, should be administered by the police. As indicated earlier in the section "Rationale for the Program", the ISC role should be facilitative and two-fold:

1. serve as a catalyst in helping develop policies and criteria for use of the citation system;
2. assist in the development of forms and records necessary for operation of the citation system; and
3. assist in program assessment and monitoring, particularly as performance impacts the criminal justice system in general.

To the extent that the ISC can assist law enforcement personnel in the implementation of citation practices, it will have made an important contribution to its responsibilities for diversion, reduction in the use of incarceration and criminal justice system coordination.

¹² NCCD staff were told that currently the Honolulu Police Department does not keep an aggregate count of admissions or the average daily population at the lockup. These data should be kept for a variety of purposes and are a prerequisite to evaluating the impact of the citation system.

PROGRAM NUMBER TWO

DEFERRED PROSECUTION OF MISDEMEANOR AND FELONY CASES

DEFERRED PROSECUTION OF MISDEMEANOR AND FELONY CASES

DESCRIPTION OF PROGRAM

This program consists of the delayed filing of charges by the prosecutor (or delayed action by the prosecutor on charges filed) in selected misdemeanor and felony cases pending the voluntary participation of the arrested person in a designated program. If the individual consents and participates in the program and remains arrest-free for a specified time, the prosecutor drops the charges. If the individual fails to satisfactorily complete the program or is again arrested within the specified period, the prosecutor may proceed with the original charges.

The basic concept of this program is somewhat similar to the "Deferred Acceptance of Guilty Plea" (DAGP) program currently used by the courts in Hawaii. In the case of deferred prosecution, however, the diversion takes place earlier in the criminal justice process--at the point when the decision to prosecute or not prosecute is being made, rather than later at a court hearing.

Various types of services can be linked to the deferred prosecution program. The clusters of services offered should be designed to fit the needs of individuals accepted for deferred prosecution. In actual practice, the types and extent of services provided often are greatly influenced by the availability of funds.

NCCD is suggesting that the services to be provided in conjunction with the Deferred Prosecution Program consist of screening, individual and group counseling, employment counseling,

skill training, job placement and followup.

The primary responsibility for developing and administering these services (either directly or through contract with community agencies) would be that of the Intake Service Center. Criteria for case referral should be developed jointly by the Prosecutor and ISC. Decisions about whether to prosecute or refer individuals to the program would rest with the Prosecutor.

PROGRAM OBJECTIVES

Primary objectives of this program involve both the criminal justice system and individual offenders. At a minimum, this approach should intend:

1. to increase the employability and employment of selected misdemeanor and felony offenders by providing special services in lieu of prosecution and court disposition;
2. to allow the prosecutor (and the courts) more time for handling more serious cases by diverting from prosecution less serious cases and certain first offenders;
3. to reduce the number of cases processed in court and thereby save judicial, prosecutorial, defense, law enforcement, and court service staff time and funds; and
4. to reduce the debilitating (and, some theorists argue, criminogenic) effects of a criminal record for select offenders.

RATIONALE FOR THE PROGRAM

Under our system of criminal justice, the prosecutor has considerable discretion in determining whether a case will be prosecuted or dropped prior to trial. Unless the case is weak in terms of evidence or the charge is insufficient to justify the costs of prosecution, the prosecutor generally feels compelled to prosecute. Growing caseloads and associated backlogs,

however, often preclude effective processing of all cases. Increasingly in the United States, a third alternative has emerged --deferred prosecution under certain conditions.

Many programs which have recently been developed around the country operate on the principle of deferred prosecution in one of its many forms. Much literature has been produced describing the concepts, procedures, legal issues, supporting services and program outcome of these efforts. Some of the more helpful sources and some of their materials include:

1. U.S. National Institute of Law Enforcement and Criminal Justice, Research Operations Division, "Case Screening and Selected Case Processing in Prosecutor's Offices," (Washington, D.C.: U.S. Government Printing Office, 1973);
2. National Center for Prosecution Management, "The Prosecutor's Screening Function: Case Evaluation and Control" (Chicago: National District Attorneys Association, 1973);
3. American Bar Association, National Pretrial Intervention Service Center, Washington, D.C.:
 "Source Book on Pretrial Criminal Justice Intervention Techniques and Action Programs", 1974;
 "Portfolio of Descriptive Profiles on Selected Pretrial Criminal Justice Intervention Programs", 1974;
 "Monograph on Legal Issues and Characteristics of Pretrial Intervention Programs", 1974; and
4. U.S. National Institute of Law Enforcement and Criminal Justice, Research Operations Division, "Pretrial Release Programs: Phase I Summary Report", (Washington, D.C.: U.S. Government Printing Office, April, 1977).

Clearly, there is national experience to demonstrate that selected misdemeanor and felony cases can be diverted successfully at the point of prosecution. Specific examples include:

1. Operation de Novo, Minneapolis, Minnesota, which reported a 64 percent rate of successful project terminations;
2. The Court Resource Program, Boston, Massachusetts, which reported a 64 percent rate of successful terminations also; and
3. The Pretrial Intervention Project in Dade County (Miami), Florida, which reported a 77 percent rate of successful project termination.

"Successful project termination" was defined to mean successful participation in the program and either no new arrests or convictions which excluded them from program participation.¹³

A larger group of pretrial intervention programs with a manpower training and employment focus were evaluated by ABT Associates of Cambridge, Massachusetts.¹⁴ This evaluation covered a twenty-month period of program operation involving 2,684 participants in nine projects. The overall rate of favorable termination was 76 percent. A total of 270 participants, or 10 percent, were re-arrested during their period of program participation. This same evaluation indicates that significant gains in employability and employment of offenders were achieved in these programs:

1. 51 percent of all participants were referred to one or more jobs; and
2. 43 percent of all participants were placed on at least one job.

This evaluation report, however, cautions against over-reliance on these data, because they are drawn from a group which might

¹³ Joan Mullen, "The Dilemma of Diversion: Resource Materials on Adult Pretrial Diversion Programs" (Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, 1975), p. 77.

¹⁴ "Third Interim Progress Report, Pretrial Intervention Program of Manpower Administration, U.S. Department of Labor", reprinted in Diversion from the Criminal Justice System; Technical Assistance Handbook on Pretrial Intervention and Action Programs, *op. cit.*, p. 17.

not be truly representative of all program participants.

A later and more rigorous examination of the employment status of pretrial intervention program participants offered these generalizations.

According to the technical assessment of evaluative research conducted on PTI (pretrial intervention), programs were responsible for changes in employment status, wage, and skill levels of alleged offenders during program participation. Methodological problems limited the certainty with which we could conclude that these changes continued into the post-program period, although some data suggested that the improved employment situation remained stable for up to a six-month postprogram period.¹⁵

Item six of Appendix A contains four descriptive profiles of pretrial intervention programs. The profiles cover the following categories of general program information:

1. authorization and establishment;
2. eligibility criteria;
3. program duration;
4. termination options;
5. staffing patterns;
6. screening and selection process;
7. supportive services;
8. research and evaluation;
9. participant characteristics; and
10. results.

A statement which succinctly summarizes these projects was recently published by the National Pretrial Intervention Service Center.

Functionally, deferred prosecution was the mechanism enabling the pretrial intervention sequence to develop. Prosecutorial discretion in the charging function serves as the triggering device, and screening of accused persons against predetermined eligibility requirements is the quality control measure for exercising this alternative to court processing. Personal

¹⁵ Roberta Rovner-Piecznik, Pretrial Intervention Strategies: An Evaluation of Policy-related Research and Policy-maker Perceptions, (Cambridge, Massachusetts: D.C. Heath, 1976), p. 124.

recognizance is the form of release to intervention services used by most projects at preliminary stages of the criminal justice process. Various legal safeguards to protect constitutional rights of prospective intervention cases have been adopted by several projects (e.g., waiver of right to speedy trial, assistance of counsel, statute of limitations waiver) and use is made of interagency operating agreements to formalize diversionary placement procedures.

Once enrolled, participant progress is gauged using a treatment services plan which keys activities to the usual 3-6 month diversion period. Supportive services follow a standard regimen of counselling/treatment/manpower upgrading utilizing either in-house resources or referral agency options. With few exceptions, projects are situated in the community with administrative and operational links to participant referral sources. Staffing patterns reveal a mix of trained and paraprofessional workers serving a predominantly joint counseling/job development function. Few projects have adequate research and evaluation capabilities beyond periodic statistical reporting of cases admitted and discharged.

Screening, intake, career and counseling services, and followup monitoring are the basic components of pretrial intervention programs. Funding of demonstration projects derives mainly from Labor Department (Manpower Administration) and Justice Department (LEAA) sources with local government sharing in operational costs to institutionalize the innovation.¹⁶

In Hawaii, current data suggest the need for employment and employment training services, particularly for the younger offender. A sample of 159 of the 730 cases referred to the ROR Unit by the First Circuit Court (Honolulu) in 1976 showed that 52 percent of the persons referred were unemployed.¹⁷ About 64 percent of this same group were under age 24.¹⁸

¹⁶ National Pretrial Intervention Service Center, "Portfolio of Descriptive Profiles on Selected Pretrial Criminal Justice Intervention Programs", American Bar Association, Washington, D.C., 1974.

¹⁷ Special ROR Unit Staff/Correctional Information and Statistics Office of ISC Study of ROR Cases, July 1, 1977 (based on 159 case sample of the 730 cases referred in the 1976 calendar year).

¹⁸ *Ibid.*

Data on the educational background and employment history of these individuals is currently not available. However, a high proportion of the general group of the unemployed as well as the arrested unemployed have been found to have lower levels of academic achievement, fewer marketable skills and less work experience than the general population. Given the relatively high current rate of unemployment in Honolulu, the arrested unemployed are not successful competitors.

Communities attempting to increase employment among offenders have generally provided a combination of services which include employment counseling and training, individual and group counseling and education. Some have provided additional services such as housing, stipends, medical and psychological services, loans and transportation.

Based on program experience elsewhere and Hawaii's data on young, unemployed offenders, a program of employment/employment training is recommended as the primary support service for the deferred prosecution program.

TARGET POPULATION AND CRITERIA FOR CASE SELECTION

Choosing the target population for a program of this nature involves a series of issues which are unique to each particular community and to the point in time at which the issues are being addressed. For these reasons, no pre-packaged program which defines the target population and the service methods is suitable. The selected target population, as well as the service methods, should be the result of a planning process among those involved.

Definition of the target population and subsequent specifi-

cation of the case selection criteria are dependent upon the resolution of two general groups of issues. One group concerns the ability of criminal justice agencies to agree upon the cases which are given the opportunity for deferred prosecution.

A second group of problems center around the services which are necessary for program implementation. Sub-issues here concern specification of the service methods to be employed, developing the program service plan and procedures and obtaining the necessary funds to administer the program. Also, if program evaluation is to be considered, the methods of evaluating program outcome, and who is to administer such measurements must be determined.

Clearly, these decisions must be reached through a collaborative process of planning in the community where the deferred prosecution program is to be implemented. However, these decisions should be made to the extent possible within the framework of experience elsewhere, modified as needed to suit local conditions.

The criteria for program eligibility used by a group of 15 pretrial intervention programs are described in detail in Appendix B. The elements considered for eligibility by these projects were:

1. age;
2. sex;
3. charges included;
4. prior record (juvenile and adult);
5. employment status at time of arrest;
6. residence;
7. legal status (on probation, parole, etc.); and
8. special problems, i.e., drug addiction, alcoholism.

As can be seen from the chart in Appendix B, although there are many similarities in eligibility criteria, there are many differences as well. Unfortunately, as Rovner-Pieczenik points out, "A multitude of participant, program, and setting variations cloud any interpretation of which participants were most successful in PTI programs."¹⁹ However, she goes on to say that despite difficulties in "equating" factors such as programs, participants, treatment methods and evaluation methodologies, "individuals who were described by programs as 'best risks' have remarkably similar profiles."²⁰ She describes them as follows:

1. An individual's preprogram employment status is the best predictor of his postprogram status on that variable. A "good" preprogram employment history (e.g., steady employment, relatively high skills and wages, employment at program entry) results in favorable program termination and a relatively good postprogram employment history;
2. Program success is more likely among older, married participants and more educated participants;
3. Minority status may be less related to program success than it is to other variables such as employment, educational achievement, and age;
4. An individual's preprogram arrest history (e.g. number of prior arrests) is a good predictor of his program success and postprogram recidivism;
5. Offense charged at time of arrest does not appear to be related to termination status, although there is a greater tendency toward postprogram rearrest for individuals initially charged with assaultive crimes;
6. An individual's ability to have completed a manpower training program successfully prior to or during program involvement is predictive of favorable termination status;
7. The absence of a prior arrest record is likely to lead to a favorable program termination, but it is

¹⁹ Rovner-Pieczenik, *op. cit.*, p. 77.

²⁰ *Ibid.*, p. 79.

a variable closely linked with employment, stability, educational status and race;

8. Drug addicts who come through intake procedures established to screen them out of program eligibility were a large proportion of the population not effectively served;
9. Favorable program termination is not related to whether a participant is receiving welfare assistance at some time during program participation;
10. Successful juvenile participants appear to come from a background of relative stability, in terms of family environment, the absence of drug use, and consistency in school attendance;
11. Participants who come from a family with a relatively high income are likely to be successful program completers;
12. Sex is related to program success; females are re-arrested less often than are males with a similar criminal history; and
13. Participants who use more self-initiative in finding a job and have a positive emotional involvement with their work are more likely to have completed a program favorably.²¹

These findings would seem to suggest that those individuals who do best in the programs are those who least need the services the program seeks to offer. Improperly applied, these findings could lead to a situation whereby the criteria developed to select program participants could exclude the very people who most need the services--the educationally disadvantaged, unemployed offenders. Or, conversely, criteria could be developed which would select individuals who did not need the services the program offers.

Rovner-Pieczenik's findings do, however, support the efficacy of providing employment and counseling services and offer in addition some guidance on program participant selection criteria.

²¹ *Ibid.*, p. 79.

The Nine-sites (a group of 9 employment-based diversion projects) evaluation, using correlation coefficients and interaction models of analysis to analyze program effects on favorably terminated participants, found systematic variations of service intensity among different types of participants. Programs varied in their services according to participant background. Employment services, training programs, and educational placements, for example, focused on those most in need, that is, the participant with a longer criminal record and history of unemployment. Within this group, however, the "better risk" participant received the most services. Similarly, the delivery of counseling services focused on the more disadvantaged, younger, less educated, lower-wage participant.²²

The report goes on to summarize the impact of the employment and counseling services on the participants in the Nine-sites Programs.

1. The delivery of employment services affects employment-income related outcome measures, although employment services are less effective with females and the older participants.
2. The delivery of employment services has a positive impact on recidivism reduction, and the effects are stronger for groups with the best and the worst employment records.
3. The impact of counseling services is conditioned by the nature of the participant. Having a reasonably stable employment history is positively associated with successful participation in counseling, as measured by subsequent recidivism.
4. The delivery of counseling services may be a means of insuring the good behavior of such low risk participants as males and the employed-at-intake.²³

It appears clear from pretrial intervention program evaluations to date, that research from these programs cannot answer all the questions about which criteria should be used for par-

²² *Ibid.*, p. 84.

²³ *Ibid.*, p. 84.

ticipant selection. However, even if existing data from other projects were to indicate clearly which participants could profit from a deferred prosecution program, data is currently not available in Hawaii to apply to such criteria to determine the specific size of the target group. For example, current data are not available to determine how many individuals meet much combinations of criteria as: (1) unemployed misdemeanants under age 25 who are not alcoholic or regular drug users; or (2) how many unemployed Class C felony first offenders are without serious alcohol or drug problems.

Furthermore, the extent of resources which can be obtained for these problems is unknown at this point. It is probably safe to assume that resources will be limited and would be able to meet only a portion of the need--at least initially.

For these reasons, NCCD suggests that program implementation not await the development of more refined data. Rather, it is recommended that a deferred prosecution program be instituted as soon as possible on the dimensions indicated in the following section, "Program Methods" and with existing, if limited, information.

PROGRAM METHODS

Methods for the Deferred Prosecution Program involve services and considerations primarily by two agencies: (1) the Prosecutor's Office; and (2) the Intake Service Center. While the services are inter-related, they consist of quite different service methods. The role of the Prosecutor's Office should be:

1. to identify the types of cases which will be considered for deferred prosecution and the time period for such deferral;
2. to develop the procedures and forms for such deferral;
3. to select cases and make referral to the ISC support service portion of the program, explain the legal requirements and implications of the Deferred Prosecution Program; and
4. to drop charges or, when necessary, proceed with the charges.

The Intake Service Center should offer a two-stage program consisting of the following.

Stage A. Basic services for all cases referred by the Prosecutor's Office for consideration of deferred prosecution should consist of the following program methods:

1. screening to determine if individual is suitable for deferred prosecution program services;
2. orientation to the program if accepted; referral back to the Prosecutor if not accepted;
3. individual and group counseling, testing, etc., to determine service need, provide insight, motivation, etc.;
4. referral to the appropriate community agency and/or to the Stage B program;
5. case monitoring; and
6. provide feedback to the Prosecutor on the individual's progress in the program.

Stage B. Supplementary employment or employment training assistance for those participants who require help with job finding, motivation, employment placement, or training (educational or vocational):

1. educational/employability assessment and planning;
2. employment counseling and motivation (individual and group approaches);
3. job development and job finding;
4. job placement and followup; and
5. academic or vocational skill training or referral.

During Stage A, ISC or Program staff can determine the number of participants who need the services of the Stage B program, as well as obtain an assessment of the types and extent of em-

ployment and training services the group needs. These determinations can best be made through the steps in Stage A rather than by a retrospective examination of records or by one-time interviews such as might be set up initially at the Prosecutor's Office or at the locus of pre-trial detention.

Only experience with community training/ employment services (state employment service, skill training sites, etc.) and the local and current job market will reveal the full extent of services needed and thus the number and types of staff needed to carry out the five program methods delineated in Stage B above. The evolution of a full complement of employment and training services which will be necessary to implement a large-scale deferred prosecution program will take time both to identify need and develop the necessary resources. Some of the needed services are undoubtedly now available in the community. Others must be developed. Some of these will develop within current agencies or in new agencies which may emerge. Some, undoubtedly, will have to be provided, at least initially, by the Stage B program itself.

It should be noted at the onset of program planning that a number of factors suggest not attempting to provide occupational skill training within the program itself. The multitude of possible occupational roles and trainee interests, the problem of gathering sufficient trainees at a particular time just from the Deferred Prosecution Program and the cost of a basic unit of teaching staff and skill training equipment all indicate using community manpower training resources. These community resources should be viewed as the core manpower services for the Stage B

program, rather than creating duplicating programs.

However, as other manpower training programs for offenders have found, staff will have to be extremely skillful in locating training sites, helping offenders find financial resources to pay the cost of training subsistence, motivating participants and assisting in modifying community programs to better serve offenders.

Many such programs have found that for some participants, a period of combined counseling/education/job finding and application service is necessary before they can make effective use of outside resources. Depending on the size and characteristics of the group, the basic education, remedial education and high school equivalency services may be appropriate for ISC administration within the group of Stage B services.

STAFF AND ESTIMATED COSTS FOR STAFF AND SUPPORT SERVICES

Although complete staff and costs for the Stage A and Stage B program cannot be determined because the size of the target group and service needs are not known, some beginning service program costs can be specified if certain assumptions are made. The following assumptions are for an initial, partial program, based on the first year after staff are employed.

1. Number of participants to be served.

Assuming 300 referrals from Prosecutor's Office.

Stage A: 200 accepted for Stage A counseling and referral services. 100 not accepted due to lack of eligibility (i.e., new arrests, lack of motivation, found employment during intake, etc.).

Stage B: 90 accepted for Stage B employment and employment training services. Other 110 completed service in Stage A through finding employment, enrolling in community training program, etc.

2. Referral rates.

First 2 months-- No referrals, since lead time is necessary for program development, staff training and identifying resources, etc.

Next 10 months-- Average 30 cases per month from Prosecutor's Office for intake screening.

20 cases per month accepted for Stage A counseling and referral.

10 cases per month accepted for Stage B employment and employment training during 9 months from the cases initially accepted for Stage A services.

3. Period of time in the program.

Intake --One month maximum.

Stage A--Three month average.

Stage B--Six month average.

A six month period of deferred prosecution is suggested. However, there should be the possibility of extension for those individuals who require more than two months to complete Intake and Stage A, with the result that they have less than four months exposure to the Stage B program.

For those who complete the service program and obtain employment or enter a training program at Intake or Stages A or B, the period of deferred prosecution should be six months.

4. Worker caseloads.

In actual practice, worker caseloads should vary according to the function they are expected to perform, as well as a host of other variables which affect their productivity (i.e., travel time, degree of support services, etc.). However, with the exception of three pretrial intervention programs which were not typical, the 14 programs described in Appendix C reported caseloads which averaged from 20 to 30, with an average of 25 clients per worker.

For the purpose of computing program costs for the service portion of the Deferred Prosecution Program in Hawaii, an average caseload of 25 is being used overall, although there may be some variation in the actual caseloads assigned to individual workers. The 25 client per worker caseload assumes that a substantial proportion (most) of the employment/employment skill training services are provided by community agencies.

5. Salary levels.

Program Administrator	SR-24 (\$1,359-1,715 monthly)
Professional Service Staff	SR-18 (\$1,037-1,297 monthly)
Paraprofessional Service Staff	Various (some at Hawaii salary levels for BA level staff; some CETA funded staff)
Clerical staff	1 middle grade secretary 1 middle grade clerk/receptionist

Combining the assumptions for referral volume, the monthly referral rate and the average program duration, the following case flow chart can be constructed.

TABLE VI
Case Flow Chart
Deferred Prosecution Program

Service Function	Month of Program Funding												Carry Over	
	1	2	3	4	5	6	7	8	9	10	11	12		
<u>Intake</u>														
300 referrals @ 30/mo.	0	0	30	30	30	30	30	30	30	30	30	30	30	0
<u>Stage A</u>														
200 accepted @ 20/mo., 3-month average service duration.			20	10	10									
				20	10	10								
					20	10	10							
						20	10	10						
							20	10	10					
								20	10	10				
									20	10	10			
										20	10	10		
											20	10	10	
												20	10	10
													20	10
														20
<u>Stage B</u>														
90 accepted @ 10/mo., 6-month average service duration.				10	10	10	10	10	10	10	10	10	10	10
					10	10	10	10	10	10	10	10	10	10
						10	10	10	10	10	10	10	10	10
							10	10	10	10	10	10	10	10
								10	10	10	10	10	10	10
									10	10	10	10	10	10
										10	10	10	10	10
											10	10	10	10
												10	10	10
													10	10
														10
<u>Monthly Caseload</u>	0	0	50	70	90	100	110	120	130	130	130	130	130	70

In the case flow chart above, horizontal columns represent the number and duration of each program group. The vertical columns represent the total program caseload for each month.

As the chart indicates, of the 300 referrals from the office of the Prosecutor, 200 are accepted for Stage A services. The other 100 complete service at intake by referral to a community

agency or are deemed ineligible because of lack of interest, re-arrest, etc. Of the 200 accepted for Stage A services, one-half or 10 per month complete service at Stage A. The other half pass on to Stage B.

Gradually, the total active caseload builds to 130 in the ninth month of program operation and continues at that level until the end of the program year. At that time, there will be 90 cases to be carried over, 40 in Stage A and 50 in Stage B. These cases will then need to be handled by a continuation of the program--or if the program were to be discontinued, and unless they were dropped summarily it would take an additional 5 months to complete the phasing of the last of the Phase B program participants who were accepted in the 12th month of the first year's operation.

The preceding case flow chart can be used to suggest staffing needs, since it shows the maximum number of participants who must be given service at any one time. As can be seen by the case flow chart, the maximum number of program participants (130) is reached in the ninth month. Based on the 25 cases per worker standard, these 130 cases would require five plus staff members (exclusive of administrative/supervisory and clerical personnel). Obviously, the case flow does not produce units of clients that exactly match the 25-per-worker caseload standard. Some shared tasks would be necessary or less efficient use of staff would occur.

While this method of computation produces a gross number of staff needed, it does not indicate how many of which types of staff are required. There are two primary dimensions to this

latter question: (1) what functions will the staff perform --and thus what training, experience, personal characteristics or special skills should they have; and (2) how should the staff unit be composed in terms of the proportion of professionals, paraprofessionals, volunteers and ex-offenders?

Functions the staff are to perform can be classified according to the three program phases: (1) intake; (2) Stage A; and (3) Stage B. The essential tasks for these three phases are as follows:

Intake. Screen to determine if the individual referred by the Prosecutor meets the eligibility criteria for the Deferred Prosecution program services.

Explain the conditions for participation in the Deferred Prosecution Program, what services are offered.

Collect such intake data as are necessary for program participation and program accountability.

Furnish the Prosecutor's Office with an assessment of the individual's suitability for participation in the Deferred Prosecution Program.

Stage A. Assess the individual's need for employment and/or skill training services.

Provide individual and group counseling, testing, etc. as necessary to provide individuals with insight and motivation concerning their employment problems.

Provide information about community resources for employment and employment training and assist in making referrals to such services.

Determine whether the individual can best be served by a community agency or by referral to the Stage B program.

Collect and record such information as is necessary for program participation, program accountability and referral to community resources.

Furnish the Prosecutor's Office with an assessment of the individual's participation in the Deferred Prosecution Program.

Stage B. Conduct an individual employability assessment of persons referred to the Stage B program, using such vocational, educational and psychological testing as necessary to determine the need for employment counseling, work motivation or skill training.

Conduct individual and group employment counseling interviews to assist individuals in job-finding and employment training.

Provide information to individuals about community employment and training resources and assist in making referrals to these resources.

Collect and record such information as is necessary for program participation, program accountability and referral to community resources.

Furnish the Prosecutor's Office with an assessment of the individual's participation in the Deferred Prosecution Program.

Evidence from evaluations of pretrial intervention programs to date is not very helpful in determining the special type of staff needed, as Rovner-Pieczenik points out.

Whether different degrees of staff professionalism and/or training was, in fact, related to participant success could not be ascertained from program evaluations. Nine-sites,²⁴ the only evaluation that attempted to explore this question, used quantitative data to indicate that the use of ex-offender counselors had a positive impact in the reduction of recidivism among females. This conclusion, however, was based on statistics and was not fully interpreted. The data also indicated that programs generally assigned the most experienced counselors to the higher risk cases. Whether this method of case assignment was related to participant success, again, was not ascertained. Most programs felt that formal educational criteria and work experience were of limited relevance to staffs' ability to fulfill positions successfully.

Programs generally concluded, on the basis of subjective interpretation, that their staff proved excellent in establishing rapport and gaining credibility for the program with its participants (independent of who comprised the staff), or omitted altogether any

²⁴ Nine-sites is a group of 9 employment-focused pretrial intervention programs.

remarks about the quality of staff work. A few programs that used nontraditional staff (e.g., Crossroads and Boston) found such personnel to be very effective, but indicated that such staff needed screening, orientation and in-service training to achieve a high level of proficiency in work. MCEP indicated that ex-offenders were particularly good interviewers who could elicit information important for participant selections, such as drug dependence.²⁵

This does not establish that there is no relationship between the type of staff and participant success. It merely shows that evaluations to date have not established such a relationship. Clearly, some guidelines for the selection of staff can be drawn from the earlier specification of tasks to be performed by program staff. Certain training, skill and personal attributes are required. Ideally, staff should be selected who have already demonstrated their knowledge and skills in interviewing, understanding behavior, eliciting information and motivating people. Also, skill in locating and making use of volunteers and community resources is required. Specific skills in vocational and educational assessment and knowledge of manpower problems and resources are needed. However, all these do not have to exist in each staff member.

There are numerous combinations of possible staff for such a project--using professional, paraprofessional and volunteer staff. A mixed staff, particularly if some ex-offenders are employed, would provide more assurance of a broad range of skills and experience. Volunteers can be particularly helpful in roles as co-counselors, resource locators and, secondarily, by helping interpret the program to others.

²⁵ Rovner-Pieczenik, *op. cit.*, pp. 85-86.

Given the previous estimate of a program with a maximum monthly caseload of 130 program participants and the belief that a mixed, rather than a homogenous, staff is desirable, the following staffing pattern is recommended.

1 Program Supervisor	SR-24
1 Intake worker	SR-18
2 Stage A counselors	One SR-21; one paraprofessional who works under general supervision of SR-21 counselor
2 Stage B Counselors	One SR-21; one paraprofessional who works under general supervision of the SR-21 counselor
1 Educational/employment specialist	One SR-21 or level necessary to obtain individual with educational and vocational assessment experience
2 Clerical positions	One secretary; one clerk/receptionist

This unit of professional and paraprofessional staff should be augmented by the inclusion of volunteers. Volunteers should be used both for internal program services as well as providing linkage to existing community resources and helping to modify current resources or create new ones. Ideally, the program would not institute its own special volunteer program, but rather draw upon the expertise and experience of the justice-related volunteer programs which already exist in the state. Their skill in recruiting and training volunteers should be utilized to the fullest extent. In return for that assistance, the program offers a broader range of experiences for volunteers and an opportunity for volunteer agencies to contribute to the solution of systemwide problems.

MEASUREMENT OF ACTIVITIES AND OUTCOME

1. the number of cases screened for determination of eligibility for deferred prosecution.
2. the number of individuals accepted separately for Stage A and Stage B programs.
3. the number and types of service units provided at intake, Stage A and Stage B (interviews, testing, counseling sessions, referrals).
4. characteristics of cases accepted and rejected for deferred prosecution, including arrest data, employment status and employability.
5. number and types of referrals made, to whom, for which services and the outcome of those referrals.
6. for all program participants, arrest and employment status at beginning and termination of program participation and at a 3 or 6 month intervals after participation.
7. number of individual participants arrested during program participation.
8. rate of absconding for those placed on deferred prosecution.
9. comparison of arrest and employment rates of deferred prosecution participants and a comparable control group.

Extensive material on the evaluation of employment-focused pretrial intervention programs is contained in Roberta Rovner-Piecznik's Pretrial Intervention Strategies, a copy of which has been furnished to the Intake Service Center.

INTAKE SERVICE CENTER ROLE IN THE RECOMMENDED PROGRAM

As indicated in the initial description of this program, the Intake Service Center role consists primarily of developing referral criteria and providing the support services necessary to implement the Deferred Prosecution Program. Essentially, these support services consist of intake screening, individual and group counseling, employment counseling, educational and skill assessment, skill training, job placement and followup.

The services are to be provided through a combination of ISC-administered activities and services provided by community agencies. Depending upon the ISC's ability to obtain resources, some may be provided through contract with community agencies.

Initially, at least, it is recommended that the ISC administer this program. During its developmental phase, particularly the first year, it is important that the program be operated within the general framework of other ISC pretrial services programs. Coordination of the Deferred Prosecution Program with the pretrial release recommendations of other staff is extremely important.

Since the Deferred Prosecution Program has such a high potential impact on the number of individuals coming into the criminal justice system, the ISC should give a high priority to the development of this program and to its implementation during the first year. The first year of operation should provide an adequate demonstration of the worth of the program.

The ISC, in addition, should assume the responsibility for developing an evaluation plan for the program and applying it to monitor its operation in all phases. Careful analysis should help the improvement of selection criteria and produce policy-related data to justify the institutionalization of the program if it meets expectations.

PROGRAM NUMBER THREE

COUNSELING AND REFERRAL SERVICES
FOR ALCOHOL AND DRUG USERS
IN PRETRIAL DETENTION

COUNSELING AND REFERRAL SERVICES FOR ALCOHOL AND DRUG USERS
IN PRETRIAL DETENTION

DESCRIPTION OF THE PROGRAM

This program consists of screening, counseling and referral to community services of persons in pretrial detention who have alcohol and drug use problems.

PROGRAM OBJECTIVES

This program is intended:

1. to reduce the incidence of alcohol and drug abuse among those arrested and detained for misdemeanors and felonies;
2. to reduce the number of individuals arrested and detained for alcohol or drug-related offenses; and
3. to identify any unmet treatment needs for pretrial detainees with alcohol and drug problems.

RATIONALE FOR THE PROGRAM

There is evidence to suggest the need for individual counseling, group counseling and referral services for alcohol and drug users currently in pretrial detention. Data on cases referred to the Circuit Court Adult Probation Division for presentence investigations in the First, Second, Third and Fifth Circuits reflect the following drug use.²⁶

1. of those receiving presentence investigations (N=346):
 - A. 19 percent reported alcohol involved in the present offense;
 - B. 31 percent reported they had used some mind-altering substance within 24 hours of the

²⁶ Hawaii First Circuit Court Adult Probation Statistical System, "Substance Use or Abuse as Reported by Adult Offenders", May 13, 1977.

present offense or use of the substance was connected to the present offense;

- C. in addition, 28 percent were known to abuse alcohol; and
 - D. 72 percent had a previous history of some use of mind-altering substances; also, 18 percent reported some use of opiates.
2. of those placed on probation or sentenced to prison or jail:

	Probation (N=265)	Prison or Jail (N=55)
One type only	39.6%	38.2%
Alcohol	(13.2%)	(7.3%)
Opiate	(0.7%)	(---)
Other	(25.7%)	(30.9%)
Two types used	41.5%	45.5%
Alcohol and other mind-altering	(30.2%)	(29.1%)
Alcohol and opiate	(0.4%)	(---)
Opiate and other mind-altering	(10.9%)	(16.4%)
All three types used	6.4%	9.1%

Thus, self-reported data on the population referred for presentence investigation by probation staff serving the Circuit Court indicate that a substantial number exhibit alcohol or drug problems and that a large group report use of alcohol and some other psychoactive substance.

It is recognized that the group receiving presentence investigations by Circuit Court probation staff represents a more serious group of offenders than does the total population admitted to pretrial detention. Thus, the proportion of those

detained who have alcohol or drug problems may be lower than the statistics above from Adult Probation suggest.

Although the number of individuals with alcohol or drug problems admitted to pretrial detention or who do not receive presentence investigations, probation or sentences to jail or prison is not known. NCCD believes the number to be substantial. For example, there are about 3,400 admissions to the Halawa Correctional Facility per year (this estimate is based on an average daily population of 142 in FY 1975-76 and a 24-day average length of stay during that period). At the time of the NCCD one-day count of the Halawa population on June 20, 1977, about two-thirds of the residents were in an unsentenced status (120 of 182). If this sample is representative, two-thirds of the FY 1975-76 population of 3,400, or about 2,200 individuals in Halawa, were there primarily awaiting sentence. Adjusting for those tried but not yet sentenced would reduce the number some. If only 20 percent of those held in pretrial detention were considered to have alcohol or drug problems, this would result in a group of about 400 individuals with identified alcohol or drug problems. This many individuals would certainly warrant attention. The group is, in fact, probably larger.

According to a study by the Corrections Research and Statistics Bureau, about 50 percent of those currently released from Halawa spend at least five days there.²⁷ This suggests that a

²⁷ Corrections Research and Statistics Bureau, "A Study on the Length of Presentence Detainment at Halawa Correctional Facility", April, 1977, p. 13. This organization is now known as the Office of Correctional Information and Statistics. Reports issued under its previous title are shown as such.

substantial number remain long enough to allow initial screening and one or more individual interviews for purposes of alcohol or drug problem identification and possible referral to a community agency for service.

The NCCD one-day count of the Halawa population on June 20, 1977, indicated that 57 percent were 24 years of age or younger. Of the total Halawa population, 22 percent were under 21 years of age. This youthfulness suggests the wisdom of intervention at this point, before alcohol and drug use become a pattern of long standing.

TARGET POPULATION AND CRITERIA FOR CASE SELECTION

The target population for this program consists of admissions to the pretrial holding facility who have alcohol or drug use problems.²⁸

Excluded from consideration would be those who are the responsibility of probation or parole staff plus those released prior to the time an initial screening interview could be held (hopefully within 24 hours of admission).

PROGRAM METHODS

Program methods consist essentially of case screening, individual and group interviews to provide the individual with insight about his alcohol or drug use problems, motivation and

²⁸ We have occasionally used "Halawa" as the term for the place of pre-trial detention, because that is currently where that activity takes place. More precisely, we mean the locus of detention, and references to "Halawa" may be assumed to apply to the "Community Correctional Facility" when the detention function is transferred there.

assistance in making use of community alcohol and drug treatment services and monitoring to ensure that contact is actually made.

Success of the program is dependent not only upon the ability of the staff to motivate detained persons to seek help for these problems, but also upon staff awareness of the capabilities and limitations of available alcohol and drug treatment services. For this reason, there must be a followup of all referrals to determine: (1) whether the referral was accepted and given service; (2) if not, why not; and (3), if service was given, the outcome. Aggregation of these data after six months of program operation should provide insight for possible re-direction of the program.

STAFF AND ESTIMATED COSTS FOR STAFF AND SUPPORT SERVICES

Staff needs for the beginning program suggested here are based on currently available (and limited) data. The first few months experience with the program may suggest a smaller or larger staff, or the need for staff to function in a different manner, such as an emphasis on resource development (advocacy) for alcohol and drug treatment.

Another important consideration in staffing is the relationship of this drug screening and referral service to other services for detained adults. Many of these individuals will be interviewed by ROR unit staff for pretrial release consideration. Others will be picked up by probation staff for investigation purposes (or by whoever has responsibility for the PSI). Coordination of effort with these other services is important if duplication is to be avoided.

In cases for which a presentence investigation has been ordered (or where probation staff become involved for any reason), the responsibility for alcohol and drug screening and referral should be transferred to probation staff.

The relationship to the ROR Unit is a somewhat different matter. Pretrial release consideration begins virtually at the point of detention--the same time that is suggested for alcohol and drug screening by the newly recommended program. For this reason, it is suggested that these new services and the existing ROR Unit services be unified, that is, performed by a single staff unit working under common direction.

The assumptions upon which the staffing needs for the new program are based are the following:

1. an estimated 2,200 pretrial detention cases to be interviewed or records check made to identify alcohol and drug problems;
2. an estimated 400 of the 2,200 cases to be interviewed for exploration of their alcohol and drug problems and for possible referral to community agencies;
3. a mean case duration period of 30 days (to correspond approximately to the 24 day mean length of stay at Halawa). Although many will be released prior to the 24th day, this average time will allow for some post-release contact and followup;
4. a one-month period for initial program development without any case responsibilities to allow staff time to become familiar with the jail setting, personnel and records and the community diagnostic and treatment services for alcohol and drug problems; and
5. caseload sizes (monthly)
 - A. two hundred cases per worker per month (or 9 cases per day for a 22 working day month) for purposes of checking records or interviewing for purposes of case identification; and
 - B. fifteen to 20 cases per worker per month for purposes of more intensive interviewing, motivating and referral.

Based on these assumptions, a service staff of three would be required as illustrated below.

1. For case identification -- 1 worker

Computation

2,200 pretrial detention cases divided by 11 program months equals 200 cases per month

200 cases per month divided by 200 cases per worker per month equals 1 worker

2. For interviewing and possible referral -- 2 workers.

Computation

400 cases divided by 11 program months equals 36 cases per month

36 cases per month divided by (15-20) cases per worker per month equals 2 workers

While a distinction is made here between case identification and interviewing/referral functions for staff computation purposes, in practice no such distinction is recommended. The unevenness of daily pretrial detention admissions and other factors would suggest that both functions be performed by the same worker (also note the earlier recommendation for integration of these functions with the pretrial release functions).

Administration of this program should be under the direction of the administrator/supervisor of the ISC pretrial services (ROR) unit. A data analyst should be assigned to develop data collection instruments for program operation and evaluation and to monitor data collection.

Service staff for this program should be at the full journeyman level (SW III, SR-18: \$1,107-1,297 monthly). One clerical position allocated to this program should be sufficient.

SUGGESTED MEASUREMENT OF ACTIVITIES AND OUTCOME

1. The number of cases screened to identify the incarcerated individuals with alcohol and drug problems.
 - a. The number of record checks.
 - b. The number of individuals interviewed.
2. Demographic data and descriptive data concerning alcohol and drug use (type, frequency) and offenses at time of incarceration.
3. Number of individuals accepted for Stage A services, plus the number of individual and group interviews conducted.
4. The number of referrals made during Stage A, to whom, for which types of service, whether accepted, and outcome.
5. Post-program status at 3 or 6 month intervals with respect to arrest and alcohol and drug use.

ISC ROLE IN THE PROGRAM

As specified earlier, this program should be integrated with other pretrial services for detained persons. Thus, the program should be developed and administered by the Intake Service Center. However, depending upon staff experience in locating and making referrals to community resources, the ISC may find it desirable to develop subcontracts for specialized treatment programs in the community.

CURRENT DATA

The following compilation of Hawaii criminal justice data is the result of efforts of staff of the National Council on Crime and Delinquency (NCCD) to gather information which might be suggestive of programs which could be implemented by the Hawaii Intake Service Center (ISC). The information in this section represents an abstraction of information from numerous public documents and two data collection efforts by NCCD staff.²⁹ One of these latter efforts was an analysis of a one-day sample of the population at the Halawa Correctional Facility, and the other was an analysis of a one-week count of persons detained at the Honolulu Police Department lockup.

Initially, the NCCD staff thought it would be possible to abstract sufficient data from existing sources to construct a system flow of cases which would represent the criminal justice system in Hawaii. This could then be compared to national standards as a basis for identifying major system problems. These problems, in turn, along with certain offender characteristics data, were to be used to indicate needed services or programs.

After a review of the materials the study team was able to collect on the basis of two field trips to Hawaii, it became evident that existing data from which such a system flow could be constructed were not sufficient for more than limited planning purposes.

Initially, it was also thought that the offender profile data

²⁹ A list of the documents examined is shown in Appendix D.

PART II

A REVIEW OF HAWAII CRIMINAL JUSTICE INFORMATION

A. Current Data

B. Research Suggestions for the Intake Service Center

collected in 1971 for Correctional Master Plan purposes might be useful. However, the fact that by 1977 the data were 6 years old, that it included only incarcerated individuals, and that for some individual characteristics data were missing or unknown for 30 percent or more of the offenders, caused NCCD staff to decide not to use the material for present planning purposes. The decision was also influenced by the fact that the present assignment was directed largely toward "front-end" or pretrial services.

By the time the NCCD staff had interviewed principal officials in the criminal justice system and collected and reviewed available data, there was not enough time remaining within the relatively short period allowed for field work in the contract (a total of two months) to plan and collect data from primary sources such as case records, interviews with offenders, and so forth. Also, the limited amount of staff time provided in the contract budget precluded such efforts. With temporary assistance provided by the ISC, NCCD staff did collect data from Halawa and the Honolulu police lockup.

To the extent NCCD staff deemed the data to be relevant, they have been used in formulating the programs recommended in Part I of this report. Each of the three recommended programs includes specific reference to the data used.

The larger mass of data which is presented in this section of the report (Part II) consists of materials which have been abstracted by NCCD from various documents plus two original population counts. This information covers broadly the extent and nature of crime and arrests in Hawaii, some offender characteristics and dispositions of cases by component agencies of the

criminal justice system.

Admittedly, these data are fragmentary and sometimes of questionable reliability. Some require a return to the source document for proper interpretation. In many instances, it is not possible to compare data reported by one criminal justice agency with that collected by another for reasons of varying definitions of terms, differences in reporting methods or periods and so forth. For these and other reasons, the material presented here should be viewed as illustrative, rather than definitive enough for an accurate description of the present system, its problems and client needs. At the same time, however, the limited data do give some insights on the size and nature of the crime problem in Hawaii, something about the characteristics of offenders and how criminal justice agencies handle these cases.

CRIME IN HAWAII

The extent and nature of crime in Hawaii obviously have many implications for the operation of the criminal justice system and for the ISC. However, measurement of the volume of crime and assessment of its causes are complex and difficult. Whether measured by the actual occurrence of criminal acts (which includes a large and unknown amount of unreported crime), or by reported crimes, or by arrests, clearances, or convictions, getting the complete and accurate picture is extremely difficult. Attempts to make comparisons between different geographic areas involve additional problems, reflecting variations in life style, social policy, culture and physical environment.

Additionally, there is little agreement among social scien-

tists about the causes of crime or, even, the conditions which are usually associated with it. However, at the same time, every community faces the problem of crime and tries to measure crime and understand its causes as well as to make some attempts to prevent it and to rehabilitate or redirect some of those individuals involved in criminal behavior.

Judging from some of the variables frequently considered to be indicators of criminality, Hawaii might be expected to have a high crime rate when compared to the United States as a whole. Some of these indicators are contained in Table VII on the next page, and they indicate that these conditions exist to a greater degree in Hawaii than the U.S. in general.

Some other factors not reflected in Table VII which might affect Hawaii's crime rate are tourism and its accompanying transient population, high median income, high property values and the markedly different ethnic composition of the state. Some of the latter would tend to influence Hawaii toward a low crime rate, but the impact of these factors is largely unknown.

Two measures of the crime rate in Hawaii were examined by the NCCD study team: (1) a comparison of Hawaii's crime rate with that of other states (as reflected in the FBI Uniform Crime Reports); and (2) a comparison of crime in Honolulu (as reflected by FBI index crimes) with that in 9 comparably sized cities.

1. Hawaii's Crime Rate as Compared to Other States

Based on reported index crimes, Hawaii ranks 8th highest among the states in such crimes per 100,000 population, with Hawaii being lower in violent crime and higher in property crime, as reflected in Table VIII on page 56.

TABLE VII
Variables Sometimes Considered Indicators of Criminality

Variable	Hawaii	Rank	U.S.
Population density. Number of persons per square mile, 1975.	134.6	15	60.3
Population growth. Percent increase, 1960-1970.	21.5	10	13.8
Residential mobility. Percent changing residence, 1965-1970.	48.0	9	41.8
Migration. Percent migrating (whites), 1960-1970.	28.8	3	1.4
Minorities. Percent nonwhite population, 1970.	61.2	1	12.5
Foreign born. Percent, 1970.	33.4	NA	16.5
Youth. Percent aged 14-21, 1975.	15.14	NA	13.78
Illiteracy. Percent illiterate, 1970.	1.9	9	1.2
Unemployment. Percent labor force unemployed, 1974.	7.6	3	6.1

Source: Statistical Abstracts of the United States, 1976, pp. 11, 12, 26, 28, 30, 32, 125, 361.

From Table VIII it can be seen that Hawaii has less than half of the U.S. rate of violent crime, but approximately 20 percent more property crime. In terms of rankings among the states, Hawaii is 39th for violent crime, but the higher rate of property crimes (which constitute the bulk of index offenses) brings Hawaii up to 8th highest for the total index crime rate.

2. Honolulu Compared with Nine Other Cities of Comparable Size

A considerably different picture emerges when Honolulu (which

TABLE VIII
U.S. and Hawaii 1975 Index Crimes
(Crimes per 100,000 Population)

Crime	U.S.	Hawaii
Violent Crimes	(481.5)	(218.4)
Murder	9.6	7.7
Rape	26.3	24.7
Robbery	218.2	127.6
Assault	227.4	58.3
Property Crimes	(4800.2)	(5808.2)
Burglary	1529.9	1826.8
Larceny-Theft	2804.8	3457.7
Auto Theft	469.4	523.7

Source: Uniform Crime Reports, 1975, Table 3.

comprises about 81 percent of the state's population) is compared to other comparably-sized cities. This comparison reflects a very low rate of crime, as illustrated by Table IX, with Honolulu ranking next to the lowest (only Milwaukee was lower). Honolulu was the very lowest for violent crime. It was higher than about one-third of the cities in property crime.

Whether the Hawaii-U.S. or the Honolulu-other city comparison is the more valid is arguable. The latter does a better job of accounting for the factor of urbanization. The former reflects part of the population not included in the Honolulu-other city comparison. Other factors would have to be considered before settling this issue.

It should be noted that the City and County of Honolulu has



TABLE IX
 1976 Crime Index
 For 10 Cities, Population 660,000-865,000
 (Crimes, per 100,000 Population)

City	1976 Pop.	R	Total Rte.	R	Murder Rte.	R	Forc. Rape Rte.	R	Rob. Rte.	R	Assault Rte.	R	Burg. Rte.	R	Larc. Rte.	R	Auto Theft Rte.	R
Dallas	864,655	1	10550	3	266	2	684	4	361	5	383	3	2652	4	6473	1	593	8
Baltimore	864,100	2	7820	7	234	4	532	5	874	3	686	1	1773	8	3722	6	681	4
San Antonio	768,814	3	8010	6	155	6	332	7	164	9	213	7	2702	3	4392	5	483	9
San Diego	768,713	4	8140	4	077	9	303	8	295	6	202	8	2061	5	4735	4	809	3
Washington D.C.	716,000	5	6940	8	262	3	709	3	984	2	371	4	1658	9	3423	8	412	10
Honolulu	705,252	6	9490	9	057	10	233	10	158	10	054	10	1947	7	3698	7	604	6
Milwaukee	674,369	7	5490	10	085	7	249	9	240	7	125	9	1059	10	3418	9	611	5
San Francisco	669,977	8	11540	1	196	5	924	1	989	1	504	2	3282	1	5126	3	1520	2
Phoenix	668,046	9	10770	2	079	8	359	6	222	8	311	6	3218	2	6372	2	604	7
Cleveland	659,931	10	8050	5	358	1	755	2	876	4	350	5	1992	6	7861	10	1911	1

R = Rank
 Rte. = Rate

about the same rate of index crime as does the remainder of Hawaii, as revealed by Table X.

TABLE X
Comparison of Population and Index Crimes

	Population	%	Index Crimes	Violent	Non-violent
State of Hawaii	886,000	100	100.00%	100.00%	100.00%
City and County of Honolulu	719,919	81.25	79.9	81.9	79.9
Remainder of state	166,081	18.75	20.1	18.1	20.1

Source: Crime Trends in Hawaii; First Quarter, 1977, Hawaii Criminal Justice Statistical Analysis Center, 1977, Table 1.

The most recent crime statistics in Hawaii show some possibly significant developments. In the first quarter of 1977, for example, there was an overall increase of 3 percent in the amount of crime reported to the police. This occurred during a period when many other areas of the country showed a lesser increase, with some showing an actual reduction in the rate of violent crime. During this period in Hawaii, the 3 percent increase in index crime consisted of a 6.1 percent increase in violent crime and a 2.9 percent increase in non-violent crime. Violent crime is somewhat more prevalent in Honolulu than the rest of the state. Hawaii's increase in index crime (if it continues) should be cause for concern, since many other areas of the country are showing lesser increases in index crime or outright decreases in violent crime.

Although Hawaii's comparative standing with other states is important, of more importance is the fact that Hawaii has to contend with a substantial volume of criminal behavior--about 50,000 annual incidents of reported property crimes and about 1,900 violent crimes (1975),³⁰

Crime Clearance Rates.

The above index crime figures reflect reported crime, but do not reflect clearance rates, that is, reported crimes for which an arrest is made. Regarding clearance rates in 1975, Honolulu compared with 19 cities having populations of 500,000 to 1,000,000 as shown in Table XI.

TABLE XI
Percentage of Reported Crimes Resulting in Arrest.

	Index Crimes	Murder	Rape	Robbery	Assault	Property Offenses
Honolulu ^a	21.2	44.8	55.9	30.4	56.3	20.4
19 U.S. Cities ^a	20.2	77.5	51.8	25.8	60.1	17.6
Hawaii ^b	21.6	50.7	56.5	32.8	59.1	^c

^aUniform Crime Reports, 1975, Table 18; Honolulu Police Department Statistical Report, 1975.

^bCrime in Hawaii, 1975, Statistical Analysis Center.

^cBurglary, 19.7; larceny-theft, 21.0; auto theft, 22.9.

This table illustrates the fact that only a fraction of the

³⁰ Hawaii Criminal Justice Statistical Analysis Center, Crime Trends in Hawaii, 1975.

reported crimes result in an arrest. This rate of arrest ranges from about 1 arrest for every 5 reported property crimes to one-half or slightly more for violent crimes.

The fact that 25 percent to 80 percent of reported crimes (depending upon the crime) do not result in arrest is important in a number of respects. Most obviously, it means that only a fraction of offenders come to public attention. Secondly, it means that while a selected group (out of all the offenders) is arrested, it is not known if they are representative of all offenders, or whether they are composed of the "less efficient" or the "most persistent" law violators. These issues are important both in crime prevention as well as treatment of those offenders who are brought into the criminal justice system.

ARREST DATA

In 1975 in Hawaii, a total of 29,706 arrests were made, of which 8,869 involved juveniles and 19,837 were adults. Part I offenses accounted for 9,168 arrests and 14,209 were for Part II offenses. Some 72.5 percent of the arrests were of males. The proportion of arrests accounted for the remainder of the U.S., as shown in Table XII.

1. The Ages of Arrested Persons

The ages of arrested persons are examined in Table XIII. It is apparent that more of the individuals arrested in Hawaii are under the age of 18 than is the case nationally.

An analysis of the reasons for arrest by age was not made. Hence, no conclusions can be drawn as to whether these differences represent a real age difference in individuals arrested

TABLE XII
1975 Arrests, by Sex of the Offender

Type of Offense	Percentages	
	Male	Female
Index Offenses		
Hawaii	72.5	27.5
U.S. Total	80.0	20.0
Total Offenses		
Hawaii	79.0	21.0
U.S. Total	83.3	16.7

Source: Uniform Crime Reports, 1975, Table 31; Crime in Hawaii, 1975, Tables 11 and 13.

TABLE XIII
Arrests 1975, by Age of Offender

Type of Offense	Percentages	
	Under 18	Over 18
Index Offenses		
Hawaii	55.1	44.9
U.S. Total	42.7	57.3
Total Offenses		
Hawaii	33.2	66.8
U.S. Total	26.1	73.9

Sources: Uniform Crime Reports, 1975, Table 31; Crime in Hawaii, 1975, Tables 11, 13.

for comparable offenses or whether the differences reflect practices in the arrest of juveniles in Hawaii differing from those

in the rest of the United States (see later information on age of individuals referred to pretrial release and those committed to the Division of Corrections).

2. Ethnicity of Arrested Persons

The ethnicity of arrested persons in 1975 differed markedly from that reported for the remainder of the United States, as reflected in Table XIV shown below. These rate differences by racial groups are attributable in part to the different ethnic composition between Hawaii and the rest of the U.S. For Hawaii alone, it is possible to compute ethnic-specific arrest rates, which are as follows (expressed in terms of arrests per 100,000 persons in each group in the general population).

TABLE XIV
1975 Arrests, by Race of Offender

	White	Negro	Indian	Chinese	Japanese	Others
Hawaii (%)	35.5	4.3	--	2.1	8.5	49.7
U.S. Total (%)	72.2	25.2	1.5	.1	.1	.9

Sources: Uniform Crime Reports, 1975, Table 39; Crime in Hawaii, 1975, Table 9.

<u>Race</u>	<u>Arrests per 1,000 persons of each group in the general population.</u>
White	34.95
Negro	168.55
Chinese	11.70
Japanese	11.61
Other	77.87

PERSONS DETAINED AT THE HONOLULU POLICE DEPARTMENT LOCKUP

NCCD staff were told by representatives of the Honolulu Police Department that no annual count is made of the number of individuals admitted to and released from the police lockup. With the cooperation of the Honolulu Police Department and with temporary assistance from staff of the ISC, NCCD examined a one-week sample of the persons detained at the police lockup in Honolulu. Using the period July 25-31, 1977, a check was made of the "Custody Log", "Booking Log", and "Turnkey's Daily Report Sheet for Cellblock" to obtain a count of the persons admitted, their sex, the date and time released and the initial charge.

TABLE XV
Admissions to Police Lockup
July 25-July 31, 1977

<u>Date</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>
July 25	9	2	11
26	19	3	22
27	18	3	21
28	8	4	12
29	17	1	18
30	13	3	16
31	15	1	16
Total	99	17	116

As can be seen from Table XV, a total of 116 persons were admitted during the week of July 25-31, 1977. If this one-week sample were representative of the rest of the year (and this is not known), there would be a total of 6,032 annual admissions to the police lockup in Honolulu. Eighty-five percent were male and 15 percent female.

A comparison of admission and release dates and hours for individuals released from the police lockup during the week of July 25-31, 1977 revealed the following.

TABLE XVI
Persons Released from Police Lockup
July 25-31, 1977

	Number	Percentage	Adjusted Percentage
Less than 1	6	5.17	6.82
1 through 5	33	28.45	37.50
6 through 10	18	15.51	20.45
11 through 15	6	5.17	6.87
16 through 20	12	10.34	13.63
21 through 25	6	5.17	6.82
26 through 30	2	1.72	2.27
31 through 35	4	3.45	4.55
36 through 40	0	--	--
41 through 45	1	0.86	1.14
46 through 50	0	--	--
Not recorded or not yet released	38	24.14	
Total	116	99.99%	Total 100.00%

As can be seen, 34 percent were released within 5 hours (5.17 plus 28.45). A total of 49 percent were released within 10 hours. Discounting the group for whom the release time was not shown or who were not yet released, the periods of detention would be even shorter, as the "adjusted percentage" column above shows. Those released within 5 hours increases to 44 percent and those within 10 hours to 55 percent.

Tabulations were not made on all initial charges which were recorded, but as pointed out in the program recommended for the use of police citation, 37 percent of those in the same group admitted to the police lockup appeared to NCCD to be possible

candidates for police citation rather than booking and cell-block detention.

RESULTS OF THE NCCD ONE-DAY SAMPLE OF INDIVIDUALS HELD AT HALAWA

The original plan was to take a random (serial order) sample of three subpopulations at Halawa on June 19, 1977--detention cases, committal cases (those scheduled for circuit court) and sentenced misdemeanants. However, because of difficulties in locating many of the files, the method used was to record data from all available files. Individual files and the daily report log were used. The population at Halawa on June 19, 1977, totalled 182, consisting of 158 males and 24 females. Only one file on a female inmate could be located, so the data reported here consist of that for males only.

The sample examined consisted of 73 of the total of 182, except, as noted above, the characteristics do not represent the 24 females who are not included. The sample distribution was: 7 of detained males; 32 of 103 male committals (selected randomly); and 35 of 41 sentenced male misdemeanants (all available records).

It is difficult to assess the possible bias in the sample, which turned out to be essentially a "convenience" sample. Except for committals, however, the sample size is large enough to reduce the effects of bias.

Table XVII shows the classification of those at Halawa on June 19, 1977.

The age distribution of persons residing at Halawa on June 18, 1977, is included in Table XVIII.

TABLE XVII

Halawa Correctional Facility Inmate Population, June 19, 1977

Unsentenced Inmates			Sentenced Inmates		
Category	Numbers		Category	Numbers	
	M	F		M	F
Detention	7	1	Misdemeanants	29	4
Committals	97	6	Federal misdemeanants	9	
Federal detainees	9		Felons	8	13
Subtotal	120		Subtotal	62	
Grand Total	182. Males = 158, females = 24.				

Source: Halawa CF Daily Report, 6-19-77.

TABLE XVIII

Age Distribution of Halawa Sample

Age	Detention	Committals	Sentenced Misdemeanants	Total
18	0	0	3	3
19	1	4	4	9
20	0	2	0	2
21	0	2	4	6
22	1	3	3	7
23	0	0	1	1
24	0	4	4	8
25	0	2	1	3
26	1	2	0	3
27	0	0	0	0
28	0	0	2	2
29	0	3	2	5
30	0	1	3	4
31	0	1	0	1
32	0	0	0	0
33	0	1	0	1
34	0	0	1	1
35	0	0	0	0
40	0	1	1	2
45	0	1	1	2
48	1	0	1	2
50	0	1	0	1
Unknown	-	-	-	10
Totals	4	28	31	73

Computations based on this age distribution reveal that 22.2 percent were less than 20 years of age and 57 percent were less than age 24.

Among the unsentenced inmates, 60.5 percent were listed as residents of Hawaii, 21 percent were nonresident and 19 percent had no data on residence.

Time spent in confinement at Halawa this instance is shown in Table XIX.

TABLE XIX

Time Spent at Halawa in Current Confinement

Time	Detention	Committal	Misdemeanant Sentences	Total
0-7 days	0	1	2	3
8-14 days	2	2	4	8
15-30 days	1	4	7	12
1-2 months	1	3	9	13
2-3 months	0	4	5	9
3-6 months	0	9	7	16
6 months-1 year	0	2	0	2
1-2 years	0	0	0	0
2-3 years	0	2	0	2
Unknown	0	2	0	8
Totals	4	27	34	73

Table XIX indicates that for committal cases the mean time spent at Halawa in current confinement (as of the date of the sample) was three months, and for sentenced misdemeanants it was between one and two months. Seventeen, or half, of the misdemeanor sentences (less than one year) were pronounced in Circuit Court.

The offenses for which those in the detained population were charged are contained in Table XX.

TABLE XX

Offense Charged for Halawa Sample Population
(N=50)

Offense	Det.	Com.	Sent.	Total	Offense	Det.	Com.	Sent.	Total
Murder		3		3	Forgery		1	1	2
Rape	2	1	3	6	Welfare fraud			1	1
Assault		2	2	4	Drugs	2		5	7
Robbery		8	4	12	Disorderly			1	1
Kidnap			1	1	DWD*			1	1
Weapon	1		3	4	DW/OLic.**			1	1
Burglary		4	5	9	Property				
Theft		2	2	4	damage	1			1
Auto theft		1	2	3					

* Driving while drunk.

** Driving without license.

The sentences given the 34 sentenced misdemeanants housed at Halawa are shown in Table XXI.

TABLE XXI

Sentences Given the Halawa Population
(Sentenced Misdemeanants)

Sentences	Number	Comment
Under 1 mo.	2	
1 month	5	Three are for extradition, one on weekends only
2 months	3	Two are for weekend confinement only
3 months	9	Three are for weekend confinement only
6 months	9	
1 year	5	One is for weekend confinement only
Over 1 yr.	1	Three yrs. for weapons poss., 1 yr. and 9 mo. susp.
	34	Sentence not recorded in one case (N = 35)

An analysis of time remaining before discharge revealed that 44 percent of sentenced misdemeanants were scheduled to be released in less than one month.

TABLE XXII

Amount of Bail
Halawa Unsented Offenders
(N=38)

Amount	Number	
\$ 1,000	10	
1,500	1	
2,000	7	
5,000	7	
7,000	1	
20,000	4	(1 reduced to \$5,500)
25,000	4	(1 reduced to \$5,000, another to \$20,000, one up from \$5,000)
50,000	2	(Reduced to \$50,000)
300,000	1	
Unknown	1	
Total	38	

In 6 of the 37 cases where bail was known, bail was increased or decreased from the initial bail set. The reductions in these instances did not result in release.

Most striking among the observations that can be made regarding this sample of persons held at the Halawa Correctional Facility are:

1. the seriousness of the offenses, especially among those awaiting trial in Circuit Court; this suggests a judicious use of pretrial release by the courts through bail or other means;
2. the long time in jail, particularly among those awaiting trial; this would be expected, given the seriousness of offenses among those being held awaiting trial;
3. the youthfulness of the population held at Halawa; and
4. the large number of convictions by court trial (as

contrasted with those sentenced on the basis of a guilty plea) among those sentenced to Halawa.

Because of sampling problems, the lack of opportunity to investigate the validity of some of the findings, and because there was no opportunity (due to time constraints) to check possible interpretations, many of these data are merely presented in non-interpreted form. Some additional items such as the frequency of multiple charges, reduced charges and appeals had too high a proportion of missing cases to include here.

CRIMINAL ACTIONS FILED AND DISPOSITIONS OF THOSE ACTIONS³¹

In FY 1975-76, there were a total of 19,006 criminal actions filed in all circuits in Hawaii as shown below:

TABLE XXIII Total Criminal Actions Filed FY 1975-76		
District Court	17,018	(2,809 Part I; 14,209 Part II)
Circuit Court	1,988	(864 Part I; 1,124 Part II)

Circuit court dispositions for FY 1975-76, as evidenced by the 717 cases which received presentence investigations by the Adult Probation staff (statewide), are shown in Table XXVI.

³¹ Data in this section was taken from The Annual Report, The Judiciary, State of Hawaii, July 1975-June 1976.

TABLE XXIV
District Court Case Dispositions
FY 1975-76
(N=16,409)

Misdemeanors (15,671)	
Discharge or dismissed	3,500
Nolle pros.	891
Stricken	1,125
Bail forfeiture	1,097
Committed to Circuit Court	392
Convictions	8,666
Felonies (728)	
Stricken or discharged	231
Committed to grand jury	312
Committed to Circuit Court	195

TABLE XXV
Circuit Court Case Dispositions
FY 1975-76
(N-1, 638)

	Part I	Part II	Total
No service	124	336	460
Dismissal by judge	14	69	83
Non-jury trial	27	54	81
Non-jury trial, not compl.	2	0	2
Jury trial, verdict	106	94	200
Jury trial, not compl.	10	17	27
No trial held (guilty plea)	335	310	645
Other	36	104	140
	<u>654</u>	<u>984</u>	<u>1,638</u>

TABLE XXVI
Circuit Court Dispositions
FY 1975-76

	<u>Number</u>	<u>Percentage</u>
Prison	104	14.5
Jail, plus jail with probation	67	9.34
Probation, plus probation with other conditions	476	66.39
Fine only	27	3.77
Suspended sentence	43	6.00
Total	717	100.00

SPECIALIZED STAFF OF THE DISTRICT AND CIRCUIT COURTS

Currently, both the District Court and Circuit Court have specialized staff attached to them, performing functions which were included in the Master Plan as ISC responsibilities. At the present time, some pretrial and post-trial services are under court administration and some pretrial services (the circuit court pretrial release program) have been transferred to the ISC.

The two groups of staff still attached to the courts are used somewhat differently. The volume and nature of their activities are illustrated by the following data (which includes the Pretrial Services Unit currently attached to ISC).

1. District Court Counseling Services (Data for 1st district only)

FY 1975-76. (From Quarterly Reports prepared by the Counseling Service, District Court of the First Circuit)

Criminal case referrals	2,167
Dispositions	1,478
Presentence reports completed	972
Supervision cases discharged	483
Alternative community service placements monitored (ACS)	356
Active caseload March 1977:	
Cases on supervision	150
Cases on DAGP*	481
Cases awaiting presentence	428
Cases awaiting post-sentence (ACS)	248

*DAGP--Deferred acceptance of guilty plea.

2. Circuit Court Adult Probation Services, FY 1975-76

(Data taken from The Annual Report, The Judiciary, July, 1975 to June, 1976)

Cases pending at start of year	1,814
New placements	888
Terminations	764
Cases pending at end of year	1,938
Investigation activity	1,028
Presentence reports	907
Post-sentence reports	86
Other	35
Total cases on 12-31-76, including DAGP and conditional release supervision	2,395

3. Circuit Court Pretrial Services Unit (1st Circuit only)

a. From reports furnished by Adult Probation staff:

	1974	1975 ³²	1976	Jan/Mar ³³
	N=642	N=473	N=730	N=132
	%	%	%	%
Approval of ROR	26.6	24.5	43.0	29.5
Supervised release	--	--	8.5	6.8
Denied ROR/Bail red.	19.6	35.9	--	--
Bail reduced	27.6	19.5	9.2	12.9
Bail before compl. of report	7.0	7.4	3.7	7.6
Initial bail confirmed	--	--	20.4	31.1
Released to appear (District court)	12.1	3.4	0.7	6.1
Discharged (District court)	5.6	1.3	3.4	1.5
Other	1.4	8.0	--	2.3
	99.0	100.0	99.9	100.0

b. From Dr. Gene Kassebaum's study of 1974-75 cases which were investigated by Adult Probation Office and received sentences

³² Eleven months only. If average monthly totals were added, yearly total would be 516.

³³ If first 3 months experience were extended for full year, total would be 528. Projected total for approval of ROR would be 156 and for supervised release, 36.

TABLE XXVII
Actions on ROR Requests
1974-75

ROR recommended & granted	ROR recommended & denied	ROR not recommended but granted	ROR not recommended and not granted	ROR application withdrawn
N = 58 46.0%	N = 2 1.6%	N = 4 3.2%	N = 36 28.6%	N = 26 20.6%
Felonies: N = 33 41.3%	N = 2 0.3%	N = 2 0.3%	N = 23 28.7%	N = 20 25.0%
Misdemeanors: N = 24 55.8%	N = 0 0.0%	N = 2 4.7%	N = 11 25.6%	N = 6 14.0%

The preceding table covers 126 randomly selected cases involving ROR applications taken from a total of 851 cases handled by Adult Probation staff for presentence investigation. Where ROR recommendations were made by staff, the court concurred in 94 percent of the cases. In only 2 out of 100 cases was ROR denied when it was recommended; and in 4 cases, ROR was granted even though staff did not recommend it. The rate of concurrence was equally high for felonies and misdemeanors. Overall, staff recommended ROR in slightly less than 50 percent of cases, recommended against it in about 1/3 of the cases, and in the remaining 20 percent the ROR application was withdrawn.

The outcome for a group of 819 cases in the Kassebaum study was as follows.

Bail release (N = 466)	56.9%
ROR release (N = 227)	27.7%
Detained in jail (N = 126)	15.4%

Within the same group, but for felonies only, the data are similar.

Bail release (N = 314)	54.0%
ROR release (N = 155)	26.7%
Detained in jail (N = 112)	19.3%

Since analysis of cases (misdemeanors and felonies) indicated that 227 persons received ROR and only 126 ROR applications were reported, it would seem that almost half the cases given ROR received it without being screened by staff.

c. The Special ROR Staff Correctional Information and Statistics Office study of ROR cases.

A special study of a 159 case sample (21.78 percent) of the 730 cases referred to the Pretrial Release Unit in 1976 produced the following data (data items from the study were selected and interpreted by NCCD Staff).

1. ROR decisions: 41.5 percent granted; 58.5% not granted (N = 159)
2. Length of time from arrest to ROR application: (N = 73)
median time 8 days;
37 percent were over 50 days; reasons not known; and only 24 percent were 3 days or less.
3. Length of time from ROR application to release: (N = 82)
median time 6 days;

27 percent took over 10 days; reasons not known; and only 16 percent were 3 days or less.

4. Bail amounts (N = 102) (mean for all cases \$3,864):

a. Employment

	<u>Mean Bail</u>
Employed	\$3,711
Not employed	\$4,000

b. Bail amount according to VERA score

<u>Vera Score</u>	<u>Mean Bail</u>
0 or minus	\$6,426
1	2,812
2	3,250
3	3,133
4	3,028
5	3,046
6 or more	3,857

c. Bail amount by type of offense

<u>Offense</u>	<u>Mean Bail</u>
Homicide	\$20,000
Assault	2,000
Kidnapping	3,000
Sex	5,244
Burglary	3,112
Theft	1,658
Robbery	5,020
Drug	4,333
Other	2,278

5. Marital status (N = 159)

Single	74.8%
Married	11.3%
Divorced	6.3%
Unknown	7.5%

6. Employment status (N = 159)

Employed	48.4%
Not employed	51.6%

7. Age (N = 77)³⁴

³⁴ Thus, those referred for pretrial services are a very young group, with almost 2/3 being under 24 and 85 percent under age 30.

18-20	31.2%
21-23	32.5%
24-26	11.7%
27-29	9.1%
30--	15.6%

B. Length of residence in Hawaii (N = 159)³⁵

1 month or less	20.1%
2-6 months	18.2%
7-12 months	8.2%
1-5 years	17.0%
over 5 years	36.5%

DIVISION OF CORRECTIONS

Assigned Count in State Institutions (FY 1975-76)

	<u>High</u>	<u>Low</u>	<u>Mean</u>
Halawa	167	118	142.35
Hawaii State Prison	289	243	267.05
Kūlani Honor Camp	59	44	49.66
Conditional Release Centers	40	30	35.72
Community Correctional Facilities	<u>52</u>	<u>14</u>	<u>30.99</u>
	607	448	525.77

Source: Division of Corrections, "Assigned Count, Head Count Report", FY 1975-76.

Incarceration and Commitment Rates

Compared to other states, Hawaii has a very low rate of commitment to state institutions and a low number of inmates held in state institutions.³⁶

	<u>United States</u>			<u>Hawaii</u>
	<u>High</u>	<u>Low</u>	<u>Mean</u>	
1975 projected commitments per 100,000 population	254.43	17.26	81.46 ^a	23.89

^aFor 36 states.

³⁵ Thus, slightly less than half (46.5 percent) were reported to be residents of Hawaii for 1 year or less, with 20 percent being residents for 1 month or less at time of arrest.

³⁶ National Clearinghouse for Criminal Justice Planning and Architecture, "U.S. Incarceration and Commitment Rates, 1974 and 1975", Urbana, Illinois, 1976.

1975 inmates per 100,000 population	237.99	27.11	91.71 ^b	39.02
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^bFor 48 states.

Hawaii was the second lowest of all the states in commitments and third lowest in incarcerated inmates.

When crime index, commitments and incarceration in state institutions are compared, Hawaii's standings in relation to the average (mean) of the U.S. are as follows:

1. Based on information furnished NCCD by the Honolulu Police Department, Honolulu had 84 percent as great an incidence of reported index crimes as the average of 9 comparably sized cities in 1976 (6,490 per 100,000 in Honolulu compared to 7,730 for the 9 cities).
2. Commitment rate (Hawaii) is only 29 percent of the average (mean) for the U.S. (23.89 per 100,000 for Hawaii as compared to 81.46 for the U.S.).
3. Inmates held in state institutions in Hawaii is 42.5 percent of the national average (39.02 per 100,000 as compared to 91.71 for the U.S.).

Length of Stay at Halawa Based on Two Samples

Sample one consists of all releases in 1974, 1975 and the first 6 months of 1976. Sample two is 50 percent of 1976, consisting of all cases in uneven months. Both are shown in Table XXVIII.

Ages of Offenders Committed to the Division of Corrections

Younger offenders are responsible for a disproportionate number of commitments to the Division of Corrections (1961-1975). Fifty-four percent are 25 or younger.

TABLE XXVIII
Length of Stay at Halawa

	Sample 1 (N = 884)	Sample 2 (N = 427)
Mean	17 days	31 days
Median	4 days	6 days
Mode	less than 1 day	less than 2 days
10 days or less	75.3%	63.4%
less than 1 5 days or less	(18.2%) (60.9%)	(12.6%) (49.7%)
11 to 90 days	18.6%	24.3%
over 90 days	6.1%	12.2%

Source: Corrections Research and Statistics Bureau, "A Study on the Length of Presentence Detainment at Halawa Correctional Facility", April, 1977

TABLE XXIX
Commitments to Corrections
Division By Age

Age	Percent of Commitments to D.C.
21 and under	29.2
22 through 25	24.7
26 through 35	36.6
36 and over	19.5

Source: Corrections Management Data Book, 1976, Figure 8.

Offenses on Which Commitments to the Division of Corrections Are Based

During the past 10 years there has been a decided shift in the type of offenses for which individuals have been committed

to the Division of Corrections. Offenses against persons have gradually increased and offenses against property have decreased. "Other" offenses have more than tripled. In terms of numbers, the ratio of person/property offenses has reversed--from 36/51 to 50/36.

TABLE XXX
Comparison of Offense Groups
1966-1975

Year	Offenses against Persons	Offenses against Property	Other
1966	38.7%	54.8%	6.5%
1975	44.5%	32.1%	23.2%

Source: Corrections Management Data Book, 1976.

A comparison of arrest data for 1966 and 1975 should be made to determine the degree to which this shift is due to a change in the types of arrests, changes in sentencing practices or other factors.

USE OF ALCOHOL, OPIATES AND OTHER SUBSTANCES

Although the frequency of use and the amount of dosage is not known, there is a high reported incidence of alcohol, opiate and mind-altering drug use among those offenders referred to the Adult Probation Department for felony presentence investigations (statewide).

CONTINUED

1 OF 2

1. Of Those Receiving Pre-sentence Investigations (N = 346)

Use of alcohol	46.8%
Known to abuse alcohol	27.7%
Alcohol involved in present offense	19.1%
Any known use of opiates	17.9%
Other mind-altering substance	
Previous history	72.5%
Used within 24 hours of present offense or connected to present offense	30.9%

2. Of Those Being Placed On Probation Or Incarcerated In
Prison Or Jail

	<u>Probation</u> (N = 265)	<u>Prison or Jail</u> (N = 55)
No use	12.4%	7.3%
One type only	39.6%	38.2%
Alcohol	(13.2%)	(7.3%)
Opiate	(0.7%)	--
Other	(25.7%)	(30.9%)
Two types used	41.5%	45.5%
Alcohol and other mind-altering	(30.2%)	(29.1%)
Alcohol and opiate	(0.4%)	--
Opiate and other mind-altering	(10.9%)	(16.4%)
All three types used	6.4%	9.1%

Source: Adult Probation Statistical System, "Substance Use or Abuse as Reported by Adult Offenders", May 13, 1977.

RESEARCH SUGGESTIONS FOR THE INTAKE SERVICE CENTER³⁷

Each of the following research suggestions is aimed at enhancing some aspect of the planning capacity of the ISC. The data generated by these efforts constitutes the minimum set of information requirements, especially in the pre-trial and community corrections areas. Some of these data may ultimately be included in one of the several large-scale automated data systems currently being developed. But the study team received estimates that completion of these automated systems is at least three to four years in the future. Moreover, it is unclear exactly how the ISC will coordinate its own planning activities with the routine functioning of the computerized data systems for corrections, the courts and the prosecutor's office.

A number of issues should be considered in the implementation of the proposed research program. The first issue involves whether the ISC should conduct these studies with available staff or contract with local universities or others for specific research products. The contract route often produces faster results but may postpone the development of a fully operational in-house research capability. A mixed approach that involves outside researchers in collaborative research ventures with ISC staff is proposed. The outsiders bring specific skills, and the ISC staff can facilitate access to data and interagency cooperation.

Another issue surrounds the appropriate managerial responsibility for the proposed research. At present, it appears that

³⁷ Barry Krisberg, Ph.D., Research Center, National Council on Crime and Delinquency, August, 1977.

the director of the Office of Correctional Information and Statistics represents the logical leader of this research program, but we recognize that his unit is vastly overtaxed in its current responsibilities. The ISC must clarify the role and objectives of this office in the immediate future. This clarification might result in the appointment of a research director within the ISC planning component who would take principal responsibility for planning-focused research within the ISC. Under this approach, the Office of Correctional Information and Statistics would continue its work with the large scale data systems currently being developed.

Implicit in all of the proposed research projects is extensive cooperation among agencies. Other agencies must be involved in the design and implementation of these studies. We recommend that a research advisory committee similar to that which assisted the NCCD study team be permanently established or that the ISC Advisory Board perform that function. The ISC research advisory group would assure the needed levels of interagency support and cooperation necessary to advance the research and planning activities of the ISC.

1. A Cohort Study of Persons Arrested

This study consists of selecting a sample of 3000-5000 persons who were arrested during a specific time period and tracking them through the entire criminal justice process. The study should focus upon dispositional outcomes of different types of offenders (e.g., felons vs. misdemeanants) and should examine data such as time intervals between various steps in the legal

process. Information should include decisions made from arrest through final disposition of the case. Theoretically, data on costs and resource allocation could be included with the time and outcome data. This is a difficult study to conduct, requiring careful planning and necessitating a high degree of cooperation from other agencies. We suggest that the ISC consider contracting with a university-based team of criminal justice researchers to accomplish this study. It is estimated that such a cohort analysis would take 18-24 months to complete but would be the single most useful planning document for the various functions of the ISC.

2. Developing a Needs Assessment Instrument

The ISC should develop a needs assessment instrument keyed to the development of community-based programming. The needs assessment instrument should help identify different types of program needs and help link offenders to available relevant services. The needs instrument should be administered to the entire confined population in Hawaii and could be accomplished through interviews with individual inmates. The instrument requires thoughtful design work and would benefit from input by Corrections Division personnel. The needs assessment should not focus exclusively upon psychological profiles of inmates but center upon the practical needs of inmates such as health care, educational needs, civil legal problems, counseling needs and related social service requirements. The needs assessment should attempt to gauge inmate interest and willingness to participate in a range of existing and contemplated programming. This instrument might also prove

useful for planning purposes in probation services, pretrial services and the district court counseling services.

3. Study of the ROR Program

This study involves a simple tabulation of the Vera score sheets used in ROR decisions. The tabulation should reveal the characteristics of the individuals who receive pretrial release and those denied this option. Results of this tabulation will reveal program operation and identify special groups that need additional kinds of support to make ROR. To complete this study, a sample of persons (both released on ROR and not) should be selected. Police records should be collected to determine if re-arrests occurred during the pretrial period. The same procedures could be applied to examine the workings of the DAG program and the Alternative Community Service program.

4. Intensive Study of DAG and Alternative Community Service (ACS)

An evaluation of the DAG and ACS programs should develop both process and impact data on these efforts. The main issue would be to identify bases for program expansion and/or enhancement. The research would seek to identify what kinds of services for what kinds of offenders produce the maximal results. This study might provide an excellent opportunity for ISC planners to routinize evaluation procedures into their planning processes.

5. Study of Term-Setting Practices of The Hawaii Paroling Authority

The ISC should develop a research design to monitor significant changes in term-setting by the Hawaii Paroling Authority.

Changing policies should be examined in light of changes in the size of the institutionalized population. The ISC may have to establish a new data collection method yielding numbers on parole and average lengths of stay. This study should examine parole practices and their impact on the incarcerated population over a 5-year period. Interviews with Paroling Authority members, parole agents and selected inmates could supplement the statistical data and generate ideas for ISC program development in the post-release area.

6. Survey Existing Private Community-Based Services

An integral part of the ISC mandate is the effective utilization of community resources. A prerequisite of effective planning is a thorough inventory of existing resources, particularly those offered by the private sector. The survey should yield a complete listing of agencies as well as information on their availability, capacities and geographic location. The survey should be geared to offender needs at various points in the criminal justice process. Representatives of the private sector would be crucial resources in compiling an accurate and updated inventory of community resources. Part of this study would entail an assessment of critical areas for program development by the ISC.

7. Analysis of Jail Data

The ISC should set up a simple, yet accurate, system of data on admissions and releases from the police and the detention facility. Data to be collected include volumes of admissions,

status of confinement, length of stay and characteristics of the confined population. A jail information system is central to the ongoing development of pretrial services and monitoring of system changes effecting the incarcerated population. The location of the ISC within the CCC complex poses an obvious opportunity for the ISC to operate and maintain a carefully designed data system.

8. Study of Population Serving Time in Jail as a Condition of Probation

The goal of this study is to determine the characteristics and special needs of those in this group who might better be served by community alternatives. Data should include offense characteristics, background variables on the offender, length of jail sentence, prior criminal record and any history of drug or alcohol related problems. The probation data currently collected and stored by the Court Information System would be an appropriate source for specifying the nature of the jailed probation group.

APPENDICES

APPENDIX A
 MATERIALS DELIVERED IN SINGLE COPY
 TO THE
 DIRECTOR OF THE INTAKE SERVICE CENTER

- (1) Beaudin, Bruce, "How to Implement Criminal Justice Standards for Pretrial Release", American Bar Association, Second Printing, 1977.
- (2) Hickey, William L., "Depopulating the Jails: A Special Report from Crime and Delinquency Literature", National Council on Crime and Delinquency, Hackensack, New Jersey, 1975.
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2. The Boston Court Resources Project, Boston, Massachusetts.
3. Dade County Pretrial Intervention Project, Miami, Florida.
4. Operation de Novo, Minneapolis, Minnesota.

APPENDIX B

INITIAL CRITERIA FOR PARTICIPANT ELIGIBILITY
IN PRETRIAL INTERVENTION PROGRAMS

INITIAL CRITERIA FOR PARTICIPANT ELIGIBILITY IN PRETRIAL-INTERVENTION PROGRAMS

B-1

Eligibility Criteria	Atlanta, Georgia (Pretrial Intervention Project)	Baltimore Md. (Pretrial Intervention Project)	Boston, Mass. (Court Resource Project)	San Jose, Ca. (Project Intercept)	Santa Rosa, Ca. (Project Intercept)	Hayward, Ca. (Project Intercept)	Cleveland, Ohio (Offender Rehabilitation Project)	Minneapolis Mn. (Operation DeNovo)
Age	17-18	16-17 (expanded to 15)	17-26	18-26	18-26	18-26	18+ (expanded to serious cases under 18)	18+
Sex	M & F	M (expanded to F)	M (expanded to F)	M & F	M & F	M & F	M & F	M & F
Charge: Included	Misdemeanors, felonies (including marijuana possession)	All juvenile complaints, except those listed below	Misdemeanors, felonies, under District Court jurisdiction	Misdemeanors (primarily petty theft)	Misdemeanors; minor felonies.	Misdemeanors (primarily petty theft, intoxication from drugs, alcohol)	Misdemeanors including A&B, petit larceny, receiving stolen property); 1st offender felonies (including auto theft, possession drugs)	Misdemeanors (expanded to selected felonies)
Specifically Excluded	Age, assault, robbery and other crimes of violence; sex offenses; drunkenness or intoxicated driving; narcotics; prostitution	Armed robbery; narcotics; offenses with likelihood of significant restitution	Serious felonies of violent nature	All felonies	Serious misdemeanors; most felonies	Felonies	All misdemeanors, felonies not listed above	Serious crimes of violence; welfare board; use of weapons, prostitution; drugs, alcohol, (exclusions overtime dropped)
Prior Record	No incarceration of 6 mos. +	Minor arrest and conviction record acceptable	Not more than one prior record (restitution later lifted)	Not more than one charge pending, nor evidence of referred crime pattern	No prior record of convictions; juvenile record acceptable	No serious prior juvenile offenses; no multiple offenses nor previous convictions	First offenders only; juvenile record and traffic offenses accepted, unless aggravated	No extensive prior record
Labor force Status at Arrest	Unemployed or underemployed; full-time students accepted	Unemployed or originally in school	Unemployed or underemployed; no full-time students	Must meet poverty guidelines	Those permanently employed with good job security excluded	Unemployed or underemployed or job threatened by arrest; welfare clients accepted	Unemployed or underemployed	Unemployed or marginal employment
Other	Charged in Fulton Co.; no drug addicts, alcoholics, mentally ill, confirmed homosexuals, prostitutes	Residence in project areas	Residence in Boston (restriction lifted); no drug addicts	No drug addicts or alcoholics	No drug addicts or alcoholics; no parolees or probationers	No drug addicts or alcoholics; no parolees or probationers	No drug addicts, alcoholics, persons with personality disorders	No drug addicts, alcoholics, persons with personality disorders

Eligibility Criteria	San Antonio, Tx. (Project Detour)	Washington, D.C. (Project Crossroads)	New York, N.Y. (Manhattan Court Employment Project)	New Haven Conn. (Pretrial Diversion Program)	Nassau County, N.Y. (Operation Midway)	Flint, Mich. (Genesee County Citizens Probation Authority)	Miami, Fla. (Dade County Pretrial Intervention Program)
Age	17-46	16-25 (expanded to 45)	16-25 (expanded to 45)	16+	16-25	17-21 (expanded to 17+)	17-25
Sex	M & F	M & F	M (expanded to F)	M & F	M & F	M & F	M & F
Charge: Included	Misdemeanors; Domestic rel. cases (excluded overtime); selected felonies, (expanded to include marijuana possession)	Misdemeanors (including petit larceny, auto theft, simple assault, marijuana possession, prostitution, burglary)	Misdemeanors; lesser felonies (including marijuana possession)	Misdemeanors; Class D felons	Felonies (each case considered individually)	Nonviolent crimes	Misdemeanors, non-violent 3rd degree felonies (including grand larceny, auto theft, marijuana possession)
Specifically Excluded	Serious crimes of violence; armed robbery; intoxicated driving	All felonies	Violations; homicide; rape; kidnapping; arson	Serious felons	Misdemeanors; homicide	Crimes against persons of assaultive nature	No automatic exclusions
Prior record	Minor misdemeanors acceptable; exclusion of habitual criminal	No prior criminal record as adult, or juvenile record in past year	Not more than 1 year incarceration	1 felony or 3 misdemeanor convictions in past 5 years acceptable; no pending charges	Previous record acceptable	No felony record (later limited to pattern of anti-social behavior)	No prior criminal record
Labor force status at arrest	Unemployed or earning less than \$70/week; full-time students accepted	Unemployed or underemployed, tenuous school-employment situation for juveniles	Unemployed or underemployed (less than \$125/week)	Unemployed or underemployed	No restrictions	No restrictions	Unemployed, underemployed, or tenuous school enrollment
Other	Resident of Bexar Co.; no drug addicts or alcoholics; ROR eligible	No drug addicts or alcoholics, serious emotional disturbances; ROR eligible	Residence in NYC; no drug addicts or alcoholics	6 mos. residence in New Haven	Resident of Nassau County	Residence within feasible supervision area; informal but written admission of guilt (later limited to accepting moral responsibility); restitution when appropriate	Domiciled in Dade County; no drug addicts

Source: Roberta Pieczenik-Rovner, Pretrial Intervention Strategies (Lexington, Massachusetts, D.C. Heath and Company, 1976), pp. 190-192.
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INITIAL PROGRAM CHARACTERISTICS

C-1

Program Characteristics	Boston, Mass. (Court Resource Project)	San Jose, Calif. (Project Intercept)	Santa Rosa, Calif. (Project Intercept)	Hayward Calif. (Project Intercept)	Atlanta, Ga. (Pretrial Intervention Project)	Baltimore, Md. (Pretrial Intervention Project)	Nassau, N.Y. (Operation Midway)
Funding dates	U.D. DOL, May 1971-Feb. 15, 1973, \$552,478. Refunded 2/16/73-2/15/74, DOL, LEAA, in-kind-match from Somerville, Lynn, Malden counties	3/71 to 3/74, DOL. Refunded with Revenue Sharing money	3/71 to 3/74, DOL, refunded by LEAA	3/71 to 3/74 DOL. Refunded by California Department of Education	9/71 to 6/74 by DOL	9/71 to 12/74	7/70 to 11/30/71 Refunded
Sponsor	Technical Development Corporation	Foundation for Research and Community Development of San Jose	North Bay Human Development Corporation	Southern Alameda Co. Economic Opportunity Agency of Hayward	Georgia Department of Labor	Services subcontracted to Learning Systems, Inc., private profit making	Nassau County Probation Department
Relationship to court	Independent, nonprofit corporation	Independent	Independent	Independent	Part of Fulton County Superior & Criminal Court	Independent	Part of Probation Department
Advisory board	X	X	X	X	No	No	No
Length	90 days	90 or 120 days	90 or 120 days	90 or 120 days	90 days	90 days	Discretionary, up to staff
Continuance possible	Yes	Yes	Yes	Yes	Yes	Yes (1 yr. max.)	1 year
Recruitment	Probation card of arrestees reviewed by screener	County court arraignments; ROR, D.A.'s defender referrals	County court arraignment, ROR, D.A. defender referral	County court arraignment, ROR, D.A. defender referral	Defendants charged in hearing to establish probable cause	Police arrest or complaint brought to Youth Services Division of Police Department	Defendants aged 16-25, charged with felonies, are informed about Midway at their postindictment arraignment. Defense counsel must file for enrollment within 30 days

Program Characteristics	Flint, Mich. (Genesee County Probation Authority)	Miami, Fla. (Dade County Pretrial Intervention Project)	San Antonio Tx. (Project Detour)	Washington, D.C. (Project Crossroads)	Cleveland, Ohio (Cleveland Offender Rehabilitation Project)	Minneapolis, Mn. (Operation DeNovo)	New York, N.Y. (Manhattan Court Employment Project)
Funding dates	11/68 to present	1/72 to present	3/71 to 8/73 Not refunded	1/68 to 2/71 refunded	11/15/71 to present	1/71 to 11/30/72 DOL funded	11/67 to 9/70
Sponsor	Genesee County Board of Commissions	Dade County Board of Commissions	Jobs for Progress, Inc. (Operation SER)	National Committee for Children and Youth	City of Cleveland, Department of Human Resources and Economic Development	Urban Coalition of Minneapolis	U.S. Department of Labor
Relationship to court	Part of prosecutor's office	Part of prosecutor's office	Independent	Independent	Independent	Independent	Independent
Advisory board	X	No	X	X	No	Yes	Yes
Length	12 mos.	3 mos. to 6 mos.	90 days	90 days	90 days	6 mos.	90 days
Continuance possible	Up to 1 year	Yes (1 yr. agg.)	Yes	Yes	Yes	Yes (1 yr. max.)	Yes (3 yrs. max.)
Recruitment	Automatic references of those who meet eligibility criteria	Bail bond hearings, interviews, with prospective clients, arresting officer and victim	Arraignment, ROR, forwarded by DA; direct referrals by bench and DA	Probation Division U.S. Attorney, Citation cases, lock-up, former clients, defender	Staff examination of papers at arraignment	Nonparticipant from referral, walk-in Juvenile Court referrals, 10-day investigation for felons; arrest docket received.	Arraignment; ROR

Program Characteristics	Boston, Mass. (Court Resource Project)	San Jose, Calif. (Project Intercept)	Santa Rosa, Calif. (Project Intercept)	Hayward, Calif. (Project Intercept)	Atlanta, Ga. (Pretrial Intervention Project)	Baltimore, Md. (Pretrial Intervention Project)	Nassau, N.Y. (Operation Midway)
Selection	Advocate Supervisor determines service plan for perspective client, assessment made for 14 days, after which project makes recommendations to the court	10-day assessment period; request for jury trial postponement made; court accepts	10-day assessment period; report for jury trial postponement; court accepts	10-day assessment period; report for jury trial postponement; court accepts	Screening from arrest dockets interviews with prospective participant approval from prosecutor for program entry	Screener select divertable cases, followed by interviews with juvenile and parent; written consent from parent and juvenile	If there is an opening in the program, and provided defendant is charged with a crime for which he would be eligible for parole if convicted, assessment interviews are conducted with the defendant, his family and defense counsel.
Service emphasis: In-house Referral	X	X	X	X	X	X	X
Services offered: Employment							
Counseling	X	Referral	Referral		X	X	X
Training	Referral	Referral	Referral	Referral	X	X	Referral
Counseling Individual	X	X	X	X	X	X	X
Group	X	X	X		X	X	X
Education	Referral	Volunteer and referral	Volunteer and referral	X	X	X	
Other	Emergency housing fund; residential advisor program	follow-up interviews; emergency houses	follow-up interviews; emergency loans		Fund for food, clothing, transportation, loan fund for rent, tuition, etc.	Fund for clothing, transportation, etc. Follow-up on successful participants	Psychological and vocational tests
Staff: Professional							
Paraprofessional							X
P & P	X	X	X	X	X	X	
Volunteer		X	X	X			
Caseload	25	25	25	25	35	15	20
Staff training Initial	X	X	X	X	X	X	X
Ongoing			X	X	X	X	X
Group	X						X
Individual					X		X

Program Characteristics	Flint, Mich. (Genesee County Citizens Probation Authority)	Miami, Fla. (Dade County Pretrial Intervention Project)	San Antonio, Tx. (Project Detour)	Washington, D.C. (Project Crossroads)	Cleveland, Ohio (Cleveland Offender Rehabilitation Project)	Minneapolis, Mn. (Operation DeNovo)	New York, N.Y. (Manhattan Court Employment Project)
Selection	Interview and investigation; prosecutor makes decision to include participant in program	With consent of all parties, waiver of right to speedy trial is executed	Interview with counselor, career developer, educational coordinator	Eligibility check on defendants interviews, consent for diversionary placement obtained	One week continuance permits assessment by project	Interview to assess behavioral charge capability through project services	Paper eligibles interviewed twice, information verified
Service emphasis: In-house Referral	X	X	X	X	X	X	X
Services offered: Employment							
Counseling	X	X	X	X	X		X
Training	Referral	Referral	Referral	Referral	Referral	Referral	Referral
Counseling							
Individual	X	X	X	X	X	Referral	X
Group	X	X	X	X	X	Individual only	X
Education			Referral primarily				
Other	Referral	Referral	Discretionary emergency fund	Scholarship, emergency fund, supervisor of out-of-state participants	Medical welfare referral; emergency loans	Intake assessment using Personality Inventory and vocational, educational skill level	Social Services Center provides petty cash, medical, housing aid
Staff							
Professional	X						
Paraprofessional							
P & P		X	X	X	X	X	X
Volunteer				X			X
Caseload	100 or less	20	25	30	30	25	20
Staff training							
Initial	X	X	X	X	X	X	X
Ongoing	X	X		X		X	X
Group			X	X			
Individual				X	X		

Source: Roberta Pieczenik-Rovner, Pretrial Intervention Strategies (Lexington, Massachusetts, D.C. Heath and Company, 1976), pp. 200-206.
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APPENDIX D

Partial List of Materials Reviewed

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