General Description of *Felony* Probation In Hawaii

**Felony Probation** in Hawaii

Source for this lecture available online at
www.cpja.ag.hawaii.us

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**Introduction**

- The goal of this lecture is to provide a general description of the FELONY probation system specifically in Hawaii.
- Data come from mid 1990’s but most up to date that are publicly available to describe Hawaii.
- Recall the differences between “parole” and “probation”
- Probation = never incarcerated & in community under a set of conditions
- Parole= incarcerated, but “let out early” into the community under a set of conditions

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**How Felony Probation “Works” in Hawaii**

- Laws of HI allow a convicted felon to be sentenced to either probation or prison
- If assigned to probation sentence they are assigned a “Probation Officer” or "PO."
- Probation is organized under the 4 county court systems
- Probation falls under the “Judiciary Branch” of government
  - Note: Parole lecture series shows that parole in Hawaii is organized under the Executive Branch of government – unique!
- Most commonly used criminal sanction in the US ~60%
- Probation is unique criminal sanction as they serve their sentences in the community.
  - Note error: probation costs found and included on VERY last slide of this lecture

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**Probation Requirements Pretty Common Sense**

<table>
<thead>
<tr>
<th>Mandatory Conditions of Probation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) does not commit another federal or state crime during the term of probation; 2) reports to a probation officer as directed by the court or the probation officer; 3) remains within the jurisdiction of the court, unless granted permission to leave by the court or a probation officer; 4) notifies a probation officer prior to any change in address or employment; 5) notifies a probation officer promptly if arrested or questioned by a law enforcement officer; 6) permits a probation officer to visit the defendant at the defendant's home or elsewhere as specified by the court.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Discretionary Conditions of Probation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Appendix A for full list, but range from fines, to counseling, to staying clean and sober, etc.</td>
</tr>
</tbody>
</table>

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**Revoking Probation**

- “Free” if you follow the conditions of probation
- Revocation = incarceration or more probation
- Revocation process complex, time consuming, and expensive to tax payers
  - Quote from page 6

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**Life as a PO in Hawaii**

- How PO’s receive probation clients
- Initial meeting with PO
- Three levels of probation supervision
- What 3 levels entail
- How supervision level is determined
- Typical Case Loads of PO’s in Hawaii
- Revocation Process Revisited
  - Most common reasons for revocation
Conclusion

- Purpose: general description of felony probation in Hawaii.
- Probation under what branch of government in Hawaii?
- Conditions of Probation
- Revocation of Probation Process
- Life as PO in Hawaii
- Remember to look at next slide for probation vs prison costs!

### Prison vs. Probation Costs

<table>
<thead>
<tr>
<th>Prison Inmates</th>
<th>Daily Cost Per Inmate</th>
<th>Per Inmate Each Year</th>
<th>Total Yearly Cost to HI</th>
</tr>
</thead>
<tbody>
<tr>
<td>~ Half in Hawaii (~half)</td>
<td>$110.00</td>
<td>$40,150</td>
<td>$77,288,750.00</td>
</tr>
<tr>
<td>~ Half Out of State</td>
<td>$56.00</td>
<td>$20,440</td>
<td>$39,347,000.00</td>
</tr>
<tr>
<td>Average inmates</td>
<td>$83.00</td>
<td>$30,295.00</td>
<td>$116,638,750.00</td>
</tr>
</tbody>
</table>

| Increased costs of prison | $81.94 | $29,578.57 |

Prison data is 2006 dollars and comes from Star Bulletin, Feb 20, 2006. # of probationers in Hawaii from BJS 2004 (includes non-felony cases). The average yearly cost of probation was $600/year from (Kassebaum, 2000: 32); I assumed a 3% rate of inflation from 200-2006 to come up w/ $716/year. Note verbal caveats about data sources!