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## HOPE in Hawaii: Swift and Sure Changes in Probation

### THE ISSUE

A few years ago, the probation system in Hawaii was like many probation systems. Too many convicted felons routinely failed to show up for appointments with their probation officers. Many probationers declined to take mandatory drug tests or took them and failed. Probation officers had a hard time getting others in the criminal justice system to take their concerns seriously. Even the worst offenders among those on probation would have to commit many infractions before the police, probation officers and courts would take action.

### HOW IT WORKS

In 2004, a judge decided to take a new approach. Circuit Judge Steve Alm convinced the police and sheriff, local jail officials, probation officers, drug treatment professionals, prosecutors and defense counsel to collaborate on a “swift and sure punishment” program known as Hawaii’s Opportunity Probation with Enforcement (HOPE).

The judge took a group of high-risk probationers, gave them “warning hearings” and told them that while the rules of probation were not changing, the old rules would now be strictly enforced.

The judge also emphasized that everyone in the system hoped they would succeed on probation, but that for them to remain on probation, they would have to follow the rules.

Those who violated the conditions of probation would be arrested. Probationers who failed a morning drug test would be arrested immediately, appear in court within hours and have the terms of their

supervision modified to include a short stay in jail. To promote ongoing employment, probationers would serve their jail time on a weekend, at least initially.

The court also assured those who needed drug treatment, mental health therapy or other social services that they would get the treatment they needed and were expected to attend and complete the program.

The pool of probationers in the pilot program were “troubled” probationers who had been failing under a “business-as-usual” system. They included people who had been convicted of offenses including sex crimes, domestic violence and other drug-involved felonies.

Perhaps the biggest changes Judge Alm made, in addition to the “warning hearings,” were new drug testing procedures and the handling of probation violations. Probationers had previously received notice of drug tests as much as a month ahead of time. Today, HOPE participants must call a hotline every weekday to learn if they must report for a drug test that day.

In the past, a probationer might have eluded appointments with a probation officer, failed to take a drug test or failed to attend or complete treatment numerous times before facing possible revocation of probation and imprisonment for years. Today, probationers in the HOPE program face the prospect of being jailed almost immediately for violating probation terms. Jail terms are usually only a few days, but sentence length increases for successive violations.

## EARLY SUCCESS

According to Judge Alm, “the traditional paradigm—that if you keep violating, you might get sent to prison next year for 5 or 10 years—was not really working. The new paradigm is that if you test positive this week, you will go to jail this week.”

The Hawaii legislature took notice of the success of the pilot program. They gave the court system more funding to expand the program so HOPE could handle a greater number of troubled cases.

Researchers, also intrigued with the early successes, started a rigorous analysis of the numbers. Researchers from the University of California at Los Angeles and Pepperdine University are collaborating with the Research and Statistics Branch of the Hawaii Office of the Attorney General. They are conducting a thorough outcome analysis of HOPE participants in the Specialized Probation Unit, a randomized controlled trial in the General Probation Unit, a process evaluation of HOPE implementation and a full-cost assessment of the fiscal impact of the program.

A few of the preliminary findings:

- A group of methamphetamine-using probationers with records of poor compliance were put on the HOPE drug-testing-and-swift-sanctions program and given a formal warning by the judge. Overall the rate of missed and “dirty” drug tests went down by more than 80 percent.<sup>1</sup>
- For 685 probationers who were in the program for at least 3 months, the missed appointment rate fell from 13.3 percent to 2.6 percent and “dirty” drug tests fell from 49.3 percent to 6.5 percent.<sup>2</sup>
- The success Judge Alm has had supervising offenders does not appear to be unique to him. When the nine other felony judges began supervising HOPE cases, their success was similar to Judge Alm’s.<sup>3</sup>

The research study’s final report is expected in December 2008.

For more information:

<http://www.courts.state.hi.us - SpecialProjects/HOPE>

<sup>1</sup> Angela Hawken and Mark Kleiman, “What a Novel Probation Program in Hawaii Might Teach Other States,” *The American Prospect*, April 10, 2007.

<sup>2</sup> Research and Statistics Branch of the Hawaii Office of the Attorney General, unpublished report.

<sup>3</sup> Research and Statistics Branch of the Hawaii Office of the Attorney General, unpublished report.



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