

**The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:**

**Document Title:** HOPE II: A Follow-up to Hawai'i's HOPE Evaluation

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**Document No.:** 249912

**Date Received:** May 2016

**Award Number:** 2010-IJ-CX-0016

**This report has not been published by the U.S. Department of Justice. To provide better customer service, NCJRS has made this federally funded grant report available electronically.**

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## **HOPE II: A Followup Evaluation of Hawai'i's HOPE Probation**

Award number: 2010-IJ-CX-0016

By

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Submitted to the National Institute of Justice

May 17, 2016

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This project was supported by Award No. 2010-IJ-CX-0016 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

## **ABSTRACT**

Hawai‘i’s Opportunity Probation with Enforcement (HOPE) Hawai‘i’s Opportunity Probation with Enforcement probation relies on a regimen of regular, random drug testing tied to swift and certain, but modest, sanctions to motivate probationer compliance. In two 2007 studies in Hawai‘i, a comparison-group quasi-experiment and a randomized controlled trial, HOPE was demonstrated to improve compliance with terms of probation at 12-month followup, with large reductions in drug use, recidivism, and overall incarceration for offenders assigned to the program.

Following the original evaluations, HOPE expanded from 34 participants in 2004 to approximately 2200 participants in Hawai‘i in 2014, with many replications on the mainland. Several important questions remained. The primary impact of drug treatment is felt during exposure to the treatment program; over half of treatment subjects relapse within a year of ending treatment. The original evaluations of HOPE relied on a relatively short followup period, and it is not clear whether its effects would persist over a longer period. And it is not clear whether implementation would maintain fidelity to the model when no longer being evaluated.

This study extends the original HOPE evaluations to an almost ten-year followup, addressing whether the improvements in criminal-justice outcomes observed during the active HOPE intervention persist after the term of probation. The study also documents changes in HOPE practices and ongoing implementation fidelity to the model.

Administrative data from several sources were collected on HOPE and probation-as-usual (PAU) subjects. These records data were supplemented with in-person surveys with probationers, a probation-officer survey, and interviews with key officials.

Interpretations of outcomes data reported here should take changes in implementation practices into consideration. Tracking and contacting subjects after nearly a decade proved more

challenging than anticipated. Consequently, this study relies more heavily on administrative data, and less on in-person surveys and biospecimen collection, than initially planned.

The principal findings were:

1. HOPE probationers performed better than those supervised under routine supervision. They were less likely to be revoked and returned to prison. They were more likely to be free in the community and therefore at higher risk of committing new offenses; even so, they were less likely to commit new crimes during the followup period, although the difference in reoffending rate was smaller at long-term followup than at 12-month, and the reductions in drug crimes accounted for most of the difference (differences in property crimes were smaller than anticipated). HOPE was also found to economize on supervision resources, as HOPE probationers were more likely to receive successful early terminations from probation.

2. Probationers' perception of risk of punishment given a violation (estimated from the probationer survey) was higher than probation officers' estimates, which in turn were higher than our estimates of the true risk. As the deterrent value depends on perceived risk rather than actual risk, HOPE appears to benefit from a reputation effect that exceeds the certainty delivered in practice.

3. Probation-officer surveys suggest that POs support HOPE: It makes them more effective at their job and their probationers are more likely to succeed on HOPE. POs reported deviation from how HOPE is implemented compared with how it is described in policies and procedures. They agree that positive drug tests are referred to the court, but believe that their colleagues exercise discretion in deciding how to respond to missed appointments (including missed random drug tests). As HOPE relies on swift and certain sanctions, this argues for closer monitoring of implementation fidelity.

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## **EXECUTIVE SUMMARY**

Hawai‘i’s Opportunity Probation with Enforcement (HOPE) relies on a regimen of regular, random drug testing tied to swift and certain—but relatively mild—sanctions to motivate probationer compliance. This approach had been demonstrated to improve probationer compliance with terms of probation at 12-month followup. Probationers assigned to HOPE experienced large reductions in drug use, recidivism, and overall incarceration compared with probationers under routine supervision.

Following the original evaluations, HOPE was substantially expanded. The program grew from 34 participants in 2004 to approximately 2200 participants in 2014. Meanwhile, HOPE began to receive increasing attention from national media and policymakers and the program was soon replicated on the mainland. By January 2015, agencies in 21 states had implemented a swift-and-certain sanctions model modeled closely after, or adapted from, HOPE. Following the evaluation of HOPE in two probation units on O‘ahu, several questions remained. The drug-treatment literature shows that the primary impact of treatment is felt during exposure to the treatment program. For the majority of individuals who are treated for drug dependency, these effects do not persist when the treatment program is terminated—over half will return to drug use within a year. The original evaluations of HOPE relied on a relatively short followup period (12 months), and it was not clear whether its effects would persist over a longer period.

### **Evaluation Goals**

The goal of the long-term followup evaluation is to extend the original research on HOPE in Hawai‘i in a number of ways:

1. Document the modifications made to HOPE since the original evaluation. The HOPE model as implemented in Hawai‘i has undergone several changes. These modifications

have not been formally evaluated and should be taken into consideration when interpreting the long-term followup results reported here.

2. Document the expansion of HOPE to the neighbor islands and summarize the early findings of the experience on those islands.
3. Document challenges to the fidelity of HOPE implementation on O‘ahu as the program has matured.
4. Compare outcomes for probationers assigned to HOPE when the program was first launched in 2004 to a matched group of comparison probationers who were supervised in the same probation unit during the same period (a ten-year followup).
5. Compare outcomes for HOPE probationers assigned to HOPE with those assigned to probation-as-usual (control) from the randomized controlled trial of HOPE that was launched in 2007 (an almost seven-year followup).

## Research Design

To document the modifications made to the HOPE program we draw primarily on a probation-officer (PO) survey, onsite observations, and interviews with key HOPE stakeholders. We also document the successes and difficulties of HOPE’s creation, implementation, and expansion. Here too we rely on our PO surveys and in-person interviews, but we supplement these with fidelity measures that we are able to collect through administrative-data sources. For our assessment of the experience of the HOPE expansion to the neighbor islands we rely on data provided to us from the Hawai‘i Department of the Attorney General and on interviews with representatives of the HOPE courts on each of the islands.



To compare the long-term performance of HOPE to probationer outcomes under routine supervision, we study long-term followup data in two probation units on O‘ahu. First, we look at 10-year followup outcomes for HOPE probationers and a matched group of probationers who were included in the original (small) pilot of HOPE when it was first launched in the Integrated Community Sanctions Section (ICSS) in 2004. This pilot had several methodological limitations. The initial study groups (selected by the Research Division of the Hawaii Department of the Attorney General) were chosen for practical considerations (they wanted to launch a pilot with only a small number of HOPE probationers as they learned how to modify procedures to support the new model of supervision); the result was a small sample size, and although comparison subjects were selected to be similar to the HOPE group (in terms of risk factors), we have concerns about the equivalence of these groups. The HOPE program in the ICSS was expanded after the pilot, and data from the ICSS allow us to compare the experience of subsequent cohorts that entered HOPE. Second, we extend the followup window to 76 months for the randomized controlled trial that was implemented in 2007 in the Adult Client Services unit (ACS). Unlike the selection of HOPE and comparison subjects in the ICSS, subject selection in ACS was purposefully designed to support a rigorous outcomes evaluation of HOPE using an intent-to-treat (ITT) randomized controlled trial.

In 2007, POs in ACS developed their own study-eligibility criteria to identify the probationers in their caseload who were at highest risk of failing probation (risk was based on probationer LSI scores and prior behavior on probation). A study group of 507 probationers was identified by the probation officers. Of this group, 493 were deemed eligible for inclusion in the study by probation-office supervisors. Third-party batch randomization assigned eligible subjects

to HOPE or probation-as-usual (control group). The study groups were well balanced; demographic profiles show no significant differences in age, sex, or race/ethnicity.

LSI scores and prior arrests were used to assess any differences in baseline risk. The average baseline LSI score for HOPE probationers was higher than for control probationers and there was no meaningful difference in the number of prior arrests across the study groups or differences in most-serious prior charge.

We rely on administrative-data sources to measure primary outcomes. PROBER (now Caseload Explorer) is the case-management system used by probation offices in Hawai‘i. It includes detailed records on demographics, probationer-supervision episodes, drug-test results, offenses, motions, and many other probationer interactions with the criminal-justice system. Ho‘ohiki is the Hawai‘i State Judiciary’s court information system, accessible online. Ho‘ohiki includes criminal counts and charges, court dates (including for probation violations), court minutes, related documents, and bail-bond information. To obtain data on all new charges (not only the most-serious charge on a case) incurred after entering probation, we employed eCrim. eCrim is the Hawai‘i Criminal Justice Data Center, in the Department of the Attorney General. eCrim includes convictions and revocations, with associated charges and initial arrest date.

Data on probationer behavior do not tell the entire story of HOPE. Implementing HOPE requires that POs change how they perform their duties from how they may have been accustomed. To assess how HOPE POs feel about their jobs and HOPE in general, a survey was administered. POs were invited to fill out a web-based, anonymous questionnaire. Eleven out of the 16 HOPE POs in the ICSS and ten out of 15 POs in ACS completed the survey.

To better understand fidelity of implementation and implementation challenges surrounding HOPE, we supplemented data collected from administrative records and the PO

surveys with interviews conducted with key HOPE stakeholders (judges, probation supervisors, the dedicated HOPE public defender and prosecutor, treatment providers, and deputy sheriffs).

## Findings

### Modifications to HOPE since the original evaluation (HOPE 2.0)

The HOPE model has seen several major modifications since the original evaluation, none of which has been formally evaluated. The long-term-outcomes data reported here should be interpreted in light of these changes. Several of the more-consequential innovations that have been adopted are: (1) Early termination (also called early discharge) as a reward that may be granted to probationers with a demonstrated history of compliance on HOPE. Compliant probationers have the potential to shave three years off of what is typically a five year sentence (early discharge is not granted for sex offenders). (2) Technical violations, with no aggravating circumstances, by HOPE probationers who have been compliant for a long time are occasionally given a non-jail sanction (instead they are sanctioned to spend the rest of the day in the courthouse cell block). (3) Judge Alm no longer escalates sanctions for most common violations (positive drug tests, with admission, and late or missed office visits with next-day reporting and negative drug test). (4) For routine technical violations, with no complicating circumstances, the violation-hearing schedule has been changed. Court staff now typically schedule violation hearings for the end of the expected jail stay, which saves the burden of transferring the probationer to the court for the violation and then back to the jail. (5) HOPE is now integrated into a continuum of supervision. The supervision-triage structure entails conventional probation for low-risk offenders, HOPE for high-risk and for failures from conventional probation (nearly 30 percent of the felony-probation caseload on O‘ahu), and Drug Court reserved for failures from HOPE. About seven percent of the HOPE

caseload is triaged into Drug Court, which has now been retooled to accept more-serious offenders who would previously have been deemed ineligible.

### HOPE expansion in Hawaii

Shortly after the original evaluation of HOPE on O‘ahu concluded, HOPE began to expand, first by taking in active probationers who were violating frequently and then becoming the standard supervision practice for all high-risk felony probationers on O‘ahu. After consolidating all felony HOPE cases in his court in 2009, Judge Alm and a second, part-time HOPE judge now supervise 2044 out of the 7085 active felony probationers on O‘ahu, plus approximately 200 domestic-violence misdemeanants.

HOPE has expanded to the neighbor islands: to Maui in 2008, now with 219 HOPE probationers; to Hawai‘i (the Big Island) in 2011, now with 95; and to Kaua‘i in 2011, now with about 100. Data provided by the Hawai‘i Department of the Attorney General show that, on all three islands, missed PO appointments and positive drug tests declined markedly in probationers’ first year of exposure to HOPE, compared with their rates in 3-month pre-HOPE baselines.

HOPE has now also been extended to pretrial supervision. With the support of the Laura and John Arnold Foundation, a pretrial pilot is now underway.

### Long-term followup outcomes

Judge Alm originally piloted HOPE on a small group of probationers in the ICSS. For practical considerations, only a small number was oriented into HOPE. The Research Division of the Hawaii Department of the Attorney General was responsible for selecting the study groups. Probation officers in the ICSS were instructed to screen their caseload and identify cases most at risk of failing probation. The names identified were then rank-ordered by risk. The  $n = 34$  highest-

risk individuals were placed into HOPE, and the remaining  $n = 78$  were studied as the comparison group. The 10-year followup evaluation in the ICSS is limited by its small sample size and the selection biases inherent in the selection of the original study groups; this substantially limits the strengths of any conclusions that might be drawn. At 10-year followup the original HOPE pilot group had significantly less criminal involvement as measured by the number of charges for new crimes ( $p = 0.00$ ). The probationers who were referred to HOPE in the original pilot had an average of 0.19 new charges by 10-year followup, compared with an average of 0.78 for those who were in the group that receives routine supervision. Probationers assigned to the comparison group had on average 148 more incarceration days than probationers in HOPE (while the difference in the number of incarceration days is large it is not statistically significant due to the small sample size and large underlying variability in the number of days incarcerated; the original pilot did not provide sufficient sample to reliably detect differences in days incarcerated). Forty-eight percent of the probationers in the comparison group (supervised on routine probation) were later deemed to be failing probation and were transferred into HOPE (the time-to-transfer averaged 2.2 years).

Next we assessed long-term outcomes for probationers who were randomly assigned to HOPE or probation in the ACS unit. At 76-month followup, we find that HOPE subjects have less criminal involvement than those assigned to control, but the magnitude of this difference is smaller than the gap observed in the one-year followup window.

Subjects assigned to control were more likely to have a new charge and were more likely to have multiple charges than subjects assigned to HOPE. Subjects assigned to the control condition had an average of 1.12 new charges over the 76-month followup period, which is significantly higher than the average of 0.91 new charges for subjects assigned to HOPE ( $p = 0.09$ ).

The total number of new charges filed against control subjects was 22 percent higher than for subjects assigned to HOPE.

When disaggregating the charges by four categories—drug, property, violent, and social disorder—we find the difference in recidivism between HOPE and control subjects is primarily due to new drug charges: HOPE subjects were half as likely as control subjects to have a new drug charge during the followup period. The average number of charges for a violent crime trend in favor of HOPE, but this difference is not statistically significant (this speaks to the importance of a well-powered randomized controlled trial [RCT], such as the USDOJ-funded Demonstration Field Experiment [DFE]). Among the more-interesting findings (one that warrants further exploration) is the relatively small difference observed in property crimes.

For subjects assigned to HOPE, the return-to-prison rate was 13 percent compared with 27 percent for subjects assigned to control.

We then considered two subgroups that are of special interest to the Hawai‘ian legislature: Native Hawai‘ians and women. Both Native Hawai‘ians and other ethnic groups experienced a significantly lower revocation rate when assigned to HOPE. Both men and women assigned to HOPE were significantly less likely to be revoked to prison.

### Perceptions of HOPE implementation

Probation-officer surveys suggest that POs support HOPE. They believe that HOPE makes them more effective at their job and that their probationers are more likely to succeed on HOPE than on routine supervision. The HOPE POs reported some deviation from how HOPE is implemented compared with how it is described in policies and procedures. There was agreement that positive drug tests are referred to the court, but POs believe that their colleagues exercise

discretion in deciding how to respond to missed appointments. As HOPE relies on swift and certain sanctions, the PO survey results lead us to conclude that the office would benefit from closer monitoring of fidelity of implementation.

Probationers' self-reported perception of risk of punishment given a violation (estimated from a survey of 38 probationers, out of 387 potentially available for surveying) was higher than POs' estimates of punishment risk, which in turn was higher than our estimates of the *true* punishment risk given a violation (estimated from comparing individual-level administrative records of recorded violations with the matched case file on documented sanctions). We compared punishment risk of HOPE probationers with probationers on routine supervision: punishment risk is much higher under HOPE than routine supervision, but falls well short of the "certainty" bar that the model espouses. The deterrent value depends on the perceived risk, rather than the actual risk. This suggests that HOPE benefits from a reputation effect that exceeds the certainty delivered in practice.

## 1. INTRODUCTION

Nearly five million American adults were being supervised on probation or parole at the end of 2012; 32 percent of probationers and 42 percent of parolees failed the terms of their community supervision (BJS, 2014). These offenders were either re-incarcerated or had absconded (BJS, 2014). A similarly concerning finding is that the rates of successful completion of probation or parole have seen only modest improvement in spite of the myriad local, state, and federal initiatives undertaken to improve offender outcomes. These failure rates highlight the need to develop, implement, and evaluate community-supervision-management approaches that go beyond the status quo, particularly with regard to drug-involved individuals. Despite rules requiring desistance, routine probation practices often effectively allow continued drug use by failing to detect and failing to respond if drug use is detected. In most cases, this means that probationers continue to commit other crimes (Farabee & Hawken, 2009). When sanctions *are* finally employed, they tend to be too severe (months, or occasionally years, in prison), which defeats the rationale for probation as a less costly penalty than incarceration.

Enforcing conditions of probation is a central challenge for the criminal-justice system. Large caseloads, a sanctions process that places substantial demands on probation officers' and judges' time, the scarcity of jail and prison beds, and the low priority many law-enforcement agencies give to the service of bench warrants for probation absconders all make it difficult to actually enforce the terms of probation, and rates of noncompliance are accordingly high. This limits the value of probation as a sanction, and leads to the incarceration of some offenders who might otherwise be placed on community supervision (Clarke, 1979).

HOPE is a community-supervision model that rapidly addresses technical violations. The goal of HOPE is to reduce probation violations and revocations.



HOPE was first implemented by Judge Steven S. Alm of the O‘ahu First Circuit as a pilot program in 2004. Judge Alm observed that Honolulu’s POs were overwhelmed with large caseloads (often over 180:1), and were limited in their ability to detect and respond to violations. These difficulties led to long delays in response to probation violations—including positive urinalyses, missed appointments with POs, and failure to comply with drug-treatment conditions. The typical noncompliant probationer would accumulate a long list of violations before action was taken. In response to these problems, Judge Alm created a probation-modification program—HOPE—starting with three dozen offenders in October 2004. The program has since been expanded; there are now over 2,000 active HOPE cases on O‘ahu.

### **Description of HOPE Model**

Two circuit court judges oversee the O‘ahu HOPE caseload. The HOPE program starts with a formal warning to orient probationers into the program. The warning hearing is delivered by a judge in open court, and whenever feasible warning hearings are scheduled so that probationers are oriented in groups. The judges generally prefer group orientations as they (1) allow probationers to observe that other HOPE participants are being treated equivalently and (2) economize on court time.

The opening statement in the HOPE court warning hearing is, “Everybody in this courtroom wants you to succeed.” (An example warning hearing script is provided in Appendix A.) Probationers are told that violations of probation conditions will not be tolerated and that each violation will result in an immediate, brief jail stay. An example warning-hearing script is provided in Appendix A. Each probationer is assigned a color code at the warning hearing. The probationer is required to call the HOPE hotline each morning, and must appear at the probation office before 2 pm that day for a drug test if his or her color has been selected. During their first two months in

HOPE, probationers are randomly tested six times per month (good behavior through compliance and negative drug tests is rewarded with an assignment of a new color associated with less-regular testing).

A failure to appear for testing leads to the rapid issuance of a bench warrant, which the Honolulu Police Department serves. Probationers who test positive for drug use or fail to appear for probation appointments are brought before the judge. When a violation is detected, the PO completes a “Motion to Modify Probation” form and transmits this form to the judge (a Motion to Modify is much simpler than a Motion to Revoke Probation; see example in Appendix B). The hearing on the Motion to Modify is held promptly, with the probationer confined in the interim. A probationer found to have violated the terms of probation is immediately given a short jail stay (typically several days, servable on the weekend if employed), with credit given for time served.

The probationer resumes participation in HOPE and reports to his/her PO on the day of release. Unlike a probation revocation, a HOPE modification order does not sever the probation relationship. Treatment features prominently within HOPE (75 percent of the money appropriated for HOPE is directed to drug-treatment services). A HOPE probationer may request a treatment referral at any time (and will receive it); probationers with multiple violations are mandated to intensive substance-abuse-treatment services. Probationers who do not request treatment and are otherwise able to refrain from drug use are not mandated to attend a treatment program; this approach is now known as “behavioral triage,” with observed behavior an important factor in treatment decisions (Hawken, 2010a). The court continues to supervise the probationer throughout the treatment experience, and sanctions noncompliance (positive drug tests, no-shows for probation appointments, and unsuccessful termination from drug treatment). Probationers who are

not assigned to HOPE are supervised under probation-as-usual (PAU). HOPE deviates from PAU on O‘ahu in several ways.

### Probation as usual (PAU)

Probationers who are not assigned to HOPE are supervised under PAU, which on O‘ahu deviates from HOPE in several ways. PAU entails supervision by a PO who has received training in cognitive behavioral therapy (CBT) and motivational interviewing (MI) (HOPE and PAU POs receive equivalent training in CBT and MI). There is no random drug testing under PAU. Probationers are required to appear for scheduled appointments with their POs, typically once per month. Drug tests are administered only at those scheduled appointments. If the probationer violates the conditions of probation, the PO has two choices: “work with” the probationer and encourage the probationer to comply with the conditions of probation, or deem the offender “not amenable to probation” and recommend initiating a motion to revoke probation. (Section 3 [Punishment Risk] compares the sanctions risk (the risk of being sanctioned if a violation has been committed) for HOPE probationers with that for probationers supervised under PAU.)

PAU probationers are significantly less likely to face a consequence if they violate. (Section 3 [Revocations to prison] compares revocation rates, by group.) Although PAU probationers are less likely to be sanctioned for any given violation, they are significantly more likely to be revoked and returned to prison (unchecked violations accumulate to the point of triggering a motion for revocation).

### How HOPE differs from Drug Court

Drug courts vary in how they manage their caseloads, in the ancillary services they offer, and in the testing-and-sanctions schedules they apply. They have in common the provision of

ongoing supervision from a judge, with probationers appearing before the judge for regularly scheduled updates. The drug-court movement has been very successful; many evaluations demonstrate the success of this approach to managing probationers in the community (Belenko, 2001, Rossman et al., 2012) and there are now nearly 3000 such courts across the country serving about 136,000 clients annually (National Association of Drug Court Professionals, 2014). Nonetheless, there are many more candidate offenders for drug-court supervision than the number of available slots; over a million individuals supervised in the community had a drug charge as their most serious offense (BJS, 2014) and the overall number of drug-involved offenders is substantially higher than that, on the order of two million (Huddleston, 2005).

Two key differences between HOPE and a drug court are the role of the judge and the role of drug treatment. In a drug court, probationers appear regularly before the judge for status hearings. Under HOPE, probationers appear before a judge (or hearings officer, in some implementations) only if they have violated a term of their probation. This has significant implications for caseloads and costs. The intensive judicial supervision in drug courts constrains the caseloads drug-court judges can manage. Under HOPE, probationers appear before a judge only in response to violations. As a consequence, a dedicated HOPE court could manage multiple thousands of probationers (the HOPE court in Honolulu currently oversees approximately 2200 HOPE probationers, with one nearly full-time and one part-time judge, and is anticipated to oversee 3000 HOPE probationers when operating at scale), whereas the typical drug court has a smaller capacity (typically fewer than 100 cases). HOPE does not mandate formal treatment for every participant. Rather, HOPE relies on the results of regular random drug testing and probationer requests for treatment referrals to indicate treatment need. Probationers who are able to remain drug free on their own are not required to enter a drug-treatment program, reserving

intensive service provision (intensive outpatient or residential treatment) for those who do need help.

## **Hawai‘i’s New Continuum of Supervision Model**

The O‘ahu First Circuit now provides a continuum of court supervision that includes (1) routine probation, (2) HOPE probation (for those not performing well under routine supervision), and (3) drug court. Probation referrals to drug court are reserved for those who are at risk of failing out of HOPE or who are deemed in need of more-intensive services than the relatively lean HOPE court is able to provide. About seven percent of HOPE cases are referred to drug court. As part of the new continuum of supervision, the O‘ahu First Circuit drug court (with Judge Alm presiding) was modified to accept higher-risk individuals who would previously have been excluded from drug-court eligibility (Alm, 2013).

## **Literature Review**

### **The theoretical underpinnings**

HOPE was designed to improve the swiftness and certainty of responses to probation violations. The key tenets of the program have solid theoretical underpinnings.

#### *The behavioral contract (the HOPE warning hearing)*

In HOPE, probationers are oriented into the program through a court appearance known as a warning hearing. Probationers are given clear instructions on the content and implications of their community supervision and the supervising judge articulates the rules of the supervision program. A clearly defined behavioral contract has been shown to enhance perceptions of the certainty of punishment, which deters future violations (Grasmick & Bryjak, 1980; Nichols & Ross, 1990; Paternoster, 1989; Taxman, 1999).

### *Swift responses*

Probationers who violate the terms of HOPE probation are immediately arrested and are brought before a judge. A swift response to infractions improves the perception that the sanction is fair (Rhine, 1993), and the immediacy, or celerity, of a sanction is important for shaping behavior (Farabee, 2005; Steiner, Makarios, Travis, & Meade, 2012).

### *Consistency*

HOPE policy requires that every sanctionable violation (for example, *every* positive drug test and missed appointment) is met with a sanction. The *consistent* application of a behavioral contract improves compliance (Paternoster, Bachman, Brame, & Sherman, 1997), as does the perceived certainty of a violation being detected and sanctioned (Pitcher, 2013).

### *Proportionate responses*

In HOPE, probationers are given brief jail stays (typically a few days in jail) for violating the terms of their probation. *Parsimonious* use of punishment enhances the legitimacy of the sanction package and reduces the potential negative impacts of tougher sentences, such as long prison stays (Tonry, 1996).

A large body of literature indicates that sanctions alone (without concern for swiftness or certainty) have little deterrent effect, and may instead be criminogenic (Nakamura & Bucklen, 2014). The governing principle of HOPE is that sanctions are delivered swiftly, with certainty, and that the sanction “dose” should be proportionate to the underlying misstep.

### The early outcomes data on Hawai‘i’s HOPE model

From the date of its initial launch in 2004, the research unit at the Department of the Attorney General in Hawai‘i agreed to collect performance data on HOPE. Early outcomes data

provided by the Attorney General’s office were promising and, with support from the Hawai‘i legislature, the program was expanded. In October 2007, evaluations of HOPE were launched in two probation departments on O‘ahu (Adult Client Services [ACS] and the Integrated Community Supervision Section [ICSS]), with the support of the National Institute of Justice and the Smith Richardson Foundation, to determine the HOPE program’s capacity for increasing probationary compliance and reducing recidivism for drug-abusing probationers. HOPE as implemented in the Adult Client Services unit was evaluated using a randomized controlled trial; the evaluation in the Integrated Community Supervision Section (the first unit to implement HOPE) was evaluated using a matched-comparison group. In both studies, high-risk, primarily methamphetamine-using probationers assigned to HOPE were compared to probationers supervised on PAU (Hawken 2010b; Hawken 2012; Hawken & Kleiman, 2009). Probationers assigned to HOPE had significant reductions in drug use, missed appointments, new arrests, revocations, and incarceration. The HOPE findings were robust across probation units (Hawken & Kleiman, 2009).

### Review of findings from other HOPE evaluations

Many jurisdictions on the mainland have sought to adopt or adapt HOPE for community supervision (Blair, 2012; Pearsall, 2014). Judge Alm did not invent the notion of swift, certain, and proportionate sanctions, nor was he the first to attempt to implement a program that embodies those principles. The Drug Reduction on Probation (DROP) program in Coos County, Oregon; Project Sentry in Michigan; and Break the Cycle in Maryland all predate HOPE (Norman-Eady, 1998), but none demonstrated great success or were sustained.

The longest-established programs on the mainland that closely resemble HOPE are SWIFT in Texas and Alaska’s PACE. The Special Sanctions Court (SSC) in Fort Bend County, Texas, began at about the same time as—and with no knowledge of—HOPE (Snell, 2007), and today is

the SWIFT (Supervision with Intensive Enforcement) program in Tarrant County, Texas, having independently arrived at policies and procedures that are nearly identical to HOPE (Martin, 2013). Evaluation outcomes for SSC/SWIFT are similar to those for HOPE in Hawai'i. Compared to a matched comparison group, subjects in SSC were significantly less likely to violate the terms of their probation, half as likely to be revoked, and half as likely to be convicted for new crimes (Snell, 2007). In a pre-post study, subjects in SWIFT reduced their general technical violations by a fifth and their positive drug tests by a quarter, but the probability of a jail sanction as well as the average number of jail days increased (Martin, 2014).

The performance of Alaska's PACE (Probation Accountability and Certain Enforcement), implemented in 2010 and closely modeled after HOPE, is yet to be clearly established. Preliminary results released in 2011 indicated significant reductions in positive drug tests and in missed appointments, but there was an increase in the number of overall documented technical violations (Carns & Martin, 2011). The evaluators attribute this finding to closer monitoring of violations and more careful recording of those violations under PACE (Carns & Martin, 2011). They also noted concerns about data quality (inconsistencies in the reporting of comparison-group data, and in some cases a lack of data) and have recommended a longer-term followup with more-clearly defined outcome measures and better-quality data.

In the past three years there has been a growing interest in employing structured programs of swift and certain sanctions, similar to the HOPE model, with variations accounting for local circumstances. These efforts include:

- single judges deciding to adopt HOPE in their court (e.g., in Allen County, Indiana), much as Judge Alm did in the inception of HOPE;<sup>1</sup>

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<sup>1</sup> Zimmerman (2013)



- an Administrative Office of the Courts leading statewide efforts and in some cases probation chiefs leading efforts to adopt HOPE in their county, with the cooperation of judges (e.g., Arizona (SAFE));<sup>2</sup>
- state-level initiatives to conduct pilot programs in multiple jurisdictions (e.g., in Michigan (SSSPP)<sup>3</sup> and Virginia (ISPPP));<sup>4</sup>
- state-supported county-level initiatives to conduct pilot programs for juvenile probation (in Arizona (JUST));<sup>5</sup>
- a federal assistance program for states to conduct pilot programs in multiple jurisdictions (JRI in South Dakota, Kentucky, and Arkansas);<sup>6</sup>
- a federally funded program to conduct pilots and RCTs in counties in four states (the DOJ Demonstration Field Experiment);<sup>7</sup> and
- legislatively mandated, statewide implementation for felony supervision (in Washington (SAC)).<sup>8</sup>

All told, as of January 2015, HOPE or similar SCF programs<sup>9</sup> are now employed in some twenty-eight states, one Indian nation, and one Canadian province, with even more jurisdictions considering doing so.<sup>10</sup> These programs have been or are being evaluated with varying degrees of rigor. Foreign criminal-justice and corrections agencies are also demonstrating considerable interest in adopting HOPE for their own purposes—most notably in the United Kingdom (Lockyer, 2014).

The Supervision Motivation Accountability Responsibility and Treatment (SMART) program in Kentucky was evaluated using a matched-comparison quasi-experimental design (n = 307 in treatment group, n = 300 in comparison group). The evaluators found that, in the first

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<sup>2</sup> Woodhouse (2013)

<sup>3</sup> Michigan Supreme Court (2012)

<sup>4</sup> Virginia Criminal Sentencing Commission (2014)

<sup>5</sup> Hawken, Farabee, & Kulick (2011)

<sup>6</sup> LaVigne et al. (2014)

<sup>7</sup> Fox & Gold (2011)

<sup>8</sup> Spitzer (2014)

<sup>9</sup> We regard the essential elements of HOPE qua HOPE as (1) frequent, random drug testing and (2) swift, certain, and modest sanctions for technical violations. Some SCF implementations do not include (1), and some implementations that are arguably SCF include the *option* for flash incarceration but do not require that every violation be met with a sanction.

<sup>10</sup> For a partial list, see interactive map at [pbs.org/newshour/rundown/innovative-justice-program-sweeping-the-usa](https://pbs.org/newshour/rundown/innovative-justice-program-sweeping-the-usa).

year of the program, the SMART group had—compared with the comparison group—half as many violations, one-fourth fewer subjects with a positive drug test, and two-thirds fewer subjects with a new charge (Shannon et al., 2015).

The Swift & Sure Sanctions Program in 18 counties in Michigan was evaluated using a matched-comparison quasi-experimental design ( $n = 379$  in treatment group,  $n = 379$  in comparison group). The evaluators found that, in the 24 months of the evaluation, the Swift & Sure group was—compared with the comparison group—36 percent less likely to reoffend (and less likely in six of eight categories, not including violent crimes and traffic offenses), 37 percent less likely to receive a jail sentence, and equally likely to receive a prison sentence (DeVall, Lanier, & Hartmann, 2015).

Hawken and Kleiman (2011) report on a pilot study of the Washington Intensive Supervision Program (WISP) for parolees in Seattle. An RCT ( $n = 35$  in treatment group,  $n = 35$  in control group) found, at six-month followup, that the treatment group had 61 percent fewer missed appointment and half as many arrests, revocations, and days served in jail.

A pilot evaluation of Arkansas' SWIFT Courts used a matched-comparison quasi-experimental design ( $n = 54$  in treatment group,  $n = 54$  in comparison group). At six-month followup, it found that the SWIFT group was—compared with the comparison group—one-third less likely to test positive for drug use, one-third less likely to be arrested on a misdemeanor charge and half as likely to be arrested on a felony charge (Kunkel & White, 2013).

A retrospective pre-post study ( $n = 409$ ) of Manitoba's Criminal Organization High Risk Offender Unit (COHROU) finds a 24 percent decline in days in custody (three years pre vs. three years post) and a decline in severity of offenses for those who reoffend (Weinrath, Doerksen, & Watts, 2015).

Grommon and colleagues (2013) report shorter and longer-term results for a HOPE-like intervention targeting parolees in a “Midwestern industrialized state.” Their study involved a randomized controlled trial with individuals assigned to the intervention condition (HOPE-like),  $n = 136$  in control group I (this included a hotline with a four-day wait for lab results, and standard sanctions), and  $n = 112$  in control group II (no hotline and standard sanctions). Their findings were similar to those found for the first evaluation of HOPE in Hawai‘i. The HOPE-like group “showed substantially lower rates of drug use” and “was significantly less likely to have recidivated during the first 6 months” (p. 160). But of particular interest to the long-term followup study we report here:

“Unfortunately, the short-term findings did not translate to long-term effects. Behavioral changes observed from participation in the conditions dissipated once participants were not subject to testing and sanction protocols. It should be of no surprise that the removal of swift and certain consequences would dramatically influence learned processes and allow for reversions to past behavior. Swiftiness and certainty of sanction are critical components of deterrence theory (Boyum, Caulkins, & Kleiman 2010; Durlauf & Nagin, 2011; O’Connell et al., 2011). The deterrent value of the experimental conditions were weakened and replaced by standard parole supervision where the threat of consequences was not as imminent” (p. 163).

The results reported by Grommon and colleagues raise interesting questions regarding the duration of a testing-and-sanction protocol. Probationers in Hawai‘i face long supervision terms. Consistently testing negative reduces the frequency of drug testing over time, but removal from

the random testing hotline (and the reinforcement of the daily call to the hotline) occurs only after several years of demonstrated desistance from drug use.

Hamilton et al. (2015) evaluated Washington's Swift and Certain (the first statewide implementation, for nearly all felons on community supervision). Violations (both non-serious and serious) declined after the imposition of Swift and Certain. The reform yielded a sizable benefit-cost ratio with substantial correctional savings for the state.

HOPE-style supervision is relatively new and only a handful of studies (of varying quality) assess the effectiveness of this approach. This underscores the importance of the HOPE DFE (in four states) that is supported by DOJ (the evaluation is led by RTI and Penn State). This experiment entails a 1600-subject randomized controlled trial, with findings expected in 2016 (Zajac et al., 2015).

The HOPE principles and some of the procedures developed on O'ahu have been adopted for purposes other than general probation or parole; most notably, for South Dakota's 24/7 Sobriety, which itself is expanding to North Dakota, Alaska, and other western states. In 24/7 subjects who have been convicted of alcohol-related offenses are required to submit to twice-daily breathalyzer tests or wear a SCRAM bracelet. A positive test results in 24 hours of incarceration, served immediately (Caulkins & DuPont, 2010). An initial analysis of South Dakota data found that DUI 2<sup>nd</sup> offenders in 24/7 were half as likely as those not in 24/7 to receive another DUI conviction at three-year followup (Loudenburger, Drube, & Leonardson, 2010). A large-scale natural experiment found a 12-percent reduction in repeat DUI arrests and a nine-percent reduction in domestic-violence arrests in South Dakota counties with the program (Kilmer, Nicosia, Heaton, & Midgette, 2012). A North Dakota pre-post study found substantial reductions in new DUI offenses (Kubas, Kayabas, & Vachal, 2015).

The diverse array of jurisdictions and agencies adopting HOPE or other SCF models, and the evaluations that accompany them, will yield further assessments of the performance of HOPE/SCF, under what circumstances it might yield successful outcomes, which elements are most critical to its success, and a better understanding of its suitability for varying local circumstances. Particular attention will be paid to implementations that are responsive to local circumstances and which expand the scope of possible approaches within HOPE/SCF, which the Bureau of Justice Assistance is actively supporting. Notable examples include the Ohio Department of Rehabilitation and Correction, which is piloting SCF probation in four counties, each with a different sanction means (jail, halfway house, direct-intervention day reporting center, and electronic home monitoring); and the New York State Department of Corrections and Community Supervision, which is piloting SCF parole in two bureaus as part of a comprehensive reforms program that includes place-based supervision and individualized case management.

## **Research Objectives**

Many questions remain regarding challenges to implementing a HOPE model, as well as the long-term effectiveness of the program. As noted in our review of the literature, Grommon and colleagues' study of a testing-and-sanctions model applied to parolees showed sizable differences (in favor of those assigned to the testing-and-sanctions condition) during the first six months of participation, but that the outcomes gap dissipated over time, as the parolees were no longer subjected to the testing regimen. The drug-treatment literature shows that the primary impact of treatment comes during exposure to the treatment program. For the majority of those treated for a substance-abuse disorder, these effects do not persist when the treatment program is terminated—over a half will return to drug use within a year (Simpson, Joe, Lehman, and Sells, 1986). The original evaluation of HOPE relied on a relatively short followup period (12 months), and it was

not clear whether the effects of HOPE would persist over a longer period. Nor was it clear whether HOPE would maintain high fidelity of implementation (consistent application of swift, certain, and modest sanctions in the event of a detected violation) as the program matured.

The goal of the research presented here is to extend the original research on HOPE in Hawai‘i in a number of ways:

1. Document the modifications made to HOPE since the original evaluation. The HOPE model as implemented in Hawai‘i has undergone several changes. These modifications have not been formally evaluated and should be taken into consideration when interpreting the long-term followup results reported here.
2. Document the expansion of HOPE to the neighbor islands and summarize the early findings of the experience on those islands.
3. Document challenges to the fidelity of HOPE implementation on O‘ahu as the program has matured.
4. Compare outcomes for probationers assigned to HOPE when the program was first launched in 2004 to a matched group of comparison probationers who were supervised in the same probation unit during the same period (a ten-year followup).
5. Compare outcomes for HOPE probationers assigned to HOPE with those assigned to probation-as-usual (control) from the randomized controlled trial of HOPE that was launched in 2007 (an almost seven-year followup).

## **2. METHODS**

As part of our research we document the modifications made to the HOPE program. For this we draw primarily on our PO survey (described below), onsite observation, and interviews

with key HOPE stakeholders. We also set out to document the successes and difficulties of HOPE's creation, implementation, and expansion. Here too we rely on our PO surveys and in-person interviews, but we supplement these with fidelity measures that we are able to collect through administrative-data sources (described below). For our assessment of the experience of the HOPE expansion to the neighbor islands we rely on data provided to us from the Hawai'i Department of the Attorney General and on interviews with representatives of the HOPE courts on each of the islands.

The primary purpose of our long-term followup study is to compare outcomes for probationers supervised under HOPE with probationers supervised under PAU. The original evaluations of HOPE (in two probation units on O'ahu) were limited to 12-month followup periods. The evaluation reported here extends the followup window to nearly ten years for the small group of probationers and matched-comparison subjects who were assigned to HOPE when the program first launched in the ICSS in 2004. It extends the followup window to 76 months for the randomized controlled trial that was implemented in 2007 in the ACS.

The RCT reported here continues to apply an intent-to-treat (ITT) design (i.e., all offenders assigned to the HOPE condition are included in the HOPE group, even if they failed to appear for their warning hearing to formally enter the program). This distinction bears heavily on our study, as 30 percent of the offenders who had their probation revoked and were sentenced to an open term under HOPE had never appeared for a warning hearing and were thus never formally exposed to HOPE. Methodological challenges associated with the evaluation of HOPE in the ICSS (concerns about selection bias in the selection of the original study groups when the program was first launched, and small sample sizes) limit the conclusions that can be drawn about the relative effectiveness of HOPE compared with PAU in the ICSS. Consequently, we draw more heavily on

the findings of the RCT implemented in ACS, which has several methodological advantages (external researchers involved in selection of study groups, random assignment, balanced study groups, and larger sample sizes) over the data derived from the quasi-experimental evaluation in ICSS.

## **Settings and Locations Where the Data Were Collected**

HOPE was originally launched in 2004 in the ICSS, an intensive-supervision probation unit overseeing higher-risk individuals, whose POs typically have smaller caseloads than in the general probation unit. When HOPE was launched in 2004, POs in the ICSS had an average total caseload of 87 clients and an average of 4.3 years of experience working as a PO.<sup>11</sup>

The RCT was launched in 2007 in ACS. The POs in ACS had an average total caseload (study and non-study participants) of 176 clients and an average of 11.2 years of experience working as a PO.<sup>12</sup>

Hawai‘i benefits from a cadre of well-qualified POs; most have an MSW. All POs (those supervising HOPE probationers, those supervising control probationers, and those supervising mixed caseloads) had undergone training in CBT and MI, and were given additional training covering the logistics and new paperwork required for managing a HOPE caseload.

## **Study Participants**

All probationers who were included in this study were men and women, over eighteen years of age, under community supervision by the ICSS or ACS in Honolulu.

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<sup>11</sup> PO caseloads and workloads were estimated from the ICSS probation-officer survey, collected as part of the original evaluation (n = 20).

<sup>12</sup> PO caseloads were estimated from the ACS probation-officer survey.



## Description of subjects from the ICSS

The selection of subjects in the ICSS predates our involvement with HOPE (we first learned of HOPE in 2006, two years after its launch). Whereas our team was directly involved with study design, and with randomization and selection of study groups for the evaluation of HOPE in ACS (described below), we had no role in the selection of the study group of HOPE subjects or in the selection of the original matched comparison group, in the ICSS.

In October 2004, POs in the ICSS developed criteria to identify a list of probationers from their caseloads who were at highest risk of failing probation through continued drug use, missed appointments, or reoffending. The criteria included LSI scores and prior behavior on probation. The research division at the Hawai'i Department of the Attorney General was responsible for selecting study groups for the initial HOPE pilot in the ICSS. When the Attorney General's office selected study groups, the intent was for the HOPE group to be similar to a comparison group (in terms of risk factors), which they also selected. The identified probationers were rank-ordered based on risk. The top three dozen on the list were assigned to HOPE. The number assigned to HOPE was small by design (dominated by practical programmatic concerns rather than the future needs of an evaluation); a small group on whom the new program would be piloted. Judge Alm was new to the bench and had no prior experience with implementing this sort of probation reform. The goal at the time was to start small, debug as needed, and expand if they managed to achieve early successes. The probationers selected for HOPE were contacted by their POs and given a date to appear in open court for their warning hearing.

The remainder of the probationers on the list were studied as the comparison group ( $n = 78$ ). Those assigned to the comparison group continued on PAU.

Since 2004, as part of the HOPE expansion, more high-risk probationers were added to HOPE. Despite the limitations surrounding the selection of the original study groups, data from probationers supervised by the ICSS give us the longest possible followup window on HOPE probationers (ten years), and an opportunity to observe differences among successive cohorts entering HOPE. In addition to the initial HOPE subjects selected by the AG's office, we study all subjects assigned to HOPE in the ICSS during the first three years following the launch of HOPE ( $n = 427$ ). Studying these early cohorts provides for a sufficiently long followup window within the context of a long-term followup evaluation. Probationers assigned to HOPE were on average slightly younger than comparison offenders when they entered HOPE (here we report age at entry into the study, not present age, 37.6 versus 39.8, but the difference is not statistically significant).<sup>13</sup> A larger share of the HOPE program was male (85 percent) than the comparison group (79 percent), but the difference is not statistically significant.<sup>14</sup> There were slight differences by race/ethnicity: A smaller share of HOPE participants was Caucasian than in the comparison group, but this difference was not statistically significant ( $p = 0.34$ ); a larger share of HOPE participants was black ( $p = 0.09$ ) and a larger share was Hawai'ian ( $p = 0.04$ ).

As HOPE expanded, many high-risk probationers in the ICSS caseload were moved into HOPE. Comparison group switching to HOPE was an added challenge to evaluating HOPE within ICSS. Forty-nine percent of comparison-group subjects were ultimately transferred into HOPE. A transfer to HOPE from the comparison group is an indication that the probationer was considered

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<sup>13</sup> Two-tailed test of means shows the difference in age-at-entry is not statistically significant ( $p = 0.11$ ).

<sup>14</sup> A chi-square test of independence showed the relation between group assignment and gender was not statistically significant ( $p = 0.20$ )

to be failing on PAU and that a revocation was likely. Of those who were transferred to HOPE, the average time-to-transfer was 2.2 years (SD = 0.85).<sup>15</sup>

Men who were originally in the comparison group were more likely to be transferred into HOPE than women (51% v 38%), but the difference is not statistically significant.<sup>16</sup> Native Hawai‘ians had the same transfer rate into HOPE as Asians (58%). Whites had a lower transfer rate (39%), but the race/ethnic differences were not statistically significant. The transfer rate for younger offenders (under 30) was similar to older offenders (30 and older), 47 percent versus 49 percent.

Due to methodological weaknesses in the original selection of the study samples, and due to the large share of comparison subjects transferred to HOPE, we find the data from ICSS to be unsuitable for comparing the long-term outcomes for HOPE subjects with the comparison probationers who remained on PAU. We use ICSS data to study the long-term experience of each successive cohort entering HOPE during the first three years of HOPE implementation, but rely on data from the HOPE randomized controlled trial (described below) to compare differences in outcomes for HOPE and control probationers.

### Description of study subjects from randomized controlled trial in ACS

Unlike the selection of HOPE and comparison subjects in the ICSS, subject selection in ACS was purposefully designed to support an outcomes evaluation (this included providing detailed baseline information on subjects).

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<sup>15</sup> Median was similar to mean at 2.3 years.

<sup>16</sup> Only 21 percent of the original comparison group was female. The small sample of women in the original group makes it difficult to finding statistically significant differences in outcomes by gender.

Probation officers in ACS developed their own study-eligibility criteria to identify the probationers in their caseload who were at highest risk of failing probation (risk was based on probationer LSI scores and prior behavior on probation). A study group of 507 probationers was identified by the POs. Of this group, 493 were deemed eligible for inclusion in the study by probation-office supervisors.

In October 2007, the study group was randomized to one of two conditions: HOPE or PAU (control group). Those probationers assigned to HOPE were contacted by their probation officers and given a date to appear in open court for their warning hearing. The RCT makes use of an ITT design; all subjects assigned to HOPE are included in the HOPE outcomes data, whether or not they appeared for their warning hearing (93 percent of the probationers assigned to HOPE were contacted by their probation officers and appeared for their warning hearing).

The randomization used “third-party” assignment. On the morning of random assignment, the research team was presented with an electronic list of eligible probationers to be included in the study. Probationers were then allocated to HOPE and control by the research team, through simple batch randomization. The randomization was conducted by computer, and was witnessed by representatives of the probation office and judiciary.

Simple batch randomization was used to select study groups. The characteristics of the groups are described in Table 1. The demographic profiles of probationers in HOPE and the control group were similar. The average age of HOPE probationers was 36.2 and control probationers was 35.4. The difference in age across the two groups was not statistically significant ( $p = 0.44$ ).<sup>17</sup> Nearly three quarters of the study sample were male (75% for HOPE and 71% for control). The

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<sup>17</sup> For quantitative variables the p-values reported reflect results of t-tests; for qualitative variables, the p-values refer to Chi-2 tests.

sex difference across groups was not statistically significant ( $p = 0.16$ ). The race/ethnic profiles of the groups were similar, with no meaningful differences across groups.

LSI scores and prior arrests were used to assess any differences in baseline risk. The average baseline LSI score for HOPE probationers was higher than for control probationers, 27.8 percent versus 26.8 percent ( $p = 0.07$ ). A slightly higher percentage of HOPE probationers was assessed as high risk on the LSI, 46.7 percent versus 44.1 percent for control probationers, but this difference was not statistically significant ( $p = 0.57$ ). The average number of prior arrests at baseline for HOPE probationers was 17.0, compared with 16.4 for control probationers; this difference was not statistically significant ( $p = 0.66$ ) and we found no statistically significant differences in the most-serious prior charges across the groups.<sup>18</sup>

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<sup>18</sup> p-values ranged from 0.33 to 0.93. None of the tests showed statistically significant differences.

**Table 1. Description of Study Participants**

	<b>HOPE (N = 330)</b>	<b>Control (N = 163)</b>
<b><i>Demographics</i></b>		
Age	Mean = 36.1 (SD = 10.9)	Mean = 35.4 (SD = 10.1)
Sex		
Male	75%	70%
Female	25%	30%
Race/ethnicity		
Black	5%	3%
Caucasian	17%	14%
Asian/Polynesian	65%	64%
Other/Unknown	13%	18%
<b><i>Assessment</i></b>		
Baseline LSI	27.8	26.8
% Assessed Level High	46.7%	44.1%
<b><i>Prior Criminal History</i></b>		
Prior Arrests	Mean = 17.0 (SD = 14.2)	Mean = 16.4 (SD = 14.4)
Most Serious Prior Charges		
Drug	35%	33%
Property	30%	34%
Violent	22%	22%
Other	14%	11%

*Note: Data were obtained from CE and Criminal Justice Information Services. The median number of prior arrests for probationers assigned to HOPE was 13, and for control was 12. The median age of HOPE probationers was 35.2, and of control was 34.4. The median LSI for HOPE probationers was 28, and for control was 27.*

Probation officers were provided with lists of names of probationers in their caseloads who had been assigned to HOPE. Probation officers contacted probationers to inform them of their transition to HOPE and the court date to appear for their HOPE warning hearing. Those assigned to the control group continued on PAU.

The RCT used an ITT design. The study start date for all study participants was the same—the date of randomization. The followup period for all subjects is equivalent, ending in June 2014 (a 76-month followup).

## Administrative Data Sources

We rely on administrative-data sources to measure primary outcomes. PROBER (now Caseload Explorer) is the case-management system used by probation offices in Hawai‘i (and in many other probation offices around the country). It includes detailed records on demographics, probationer-supervision episodes, drug-test results, offenses, motions, and many other probationer interactions with the criminal-justice system. Access to PROBER was granted to a research-team member working on a dedicated terminal in the O‘ahu First Circuit courthouse. Ho‘ohiki is the Hawai‘i State Judiciary’s court information system, accessible online. Ho‘ohiki includes criminal counts and charges, court dates (including for probation violations), court minutes, related documents, and bail-bond information. Ho‘ohiki is organized by case ID numbers, so events associated with one offender but different cases are not cross-linked. To obtain data on new charges incurred after entering probation, we employed eCrim. eCrim is the Hawai‘i Criminal Justice Data Center, in the Department of the Attorney General. eCrim includes convictions and revocations, with associated charges and initial arrest date.

## Probation Officer Survey

Data on probationer behavior do not tell the entire story of HOPE. Implementing HOPE requires that POs change how they perform their duties from how they may have been accustomed, as much as it requires probationers to pay greater heed to their conditions of probation and to take greater responsibility for their actions.

The first HOPE evaluation included an anonymous survey of HOPE POs, gauging their perceptions of, and attitudes about, HOPE. At the time, the program was still relatively new and subject to considerable scrutiny—and the subject of two external evaluations, no less. Having

undergone a difficult transition from PAU, HOPE POs were perhaps especially vigilant. As radically transformative as HOPE was, it was not at all clear how sustainable would be the focus and effort that contributed to the program's success, evident in the HOPE I results. As HOPE became routine, would POs find it easier to implement, having worked out the challenges surrounding implementation and established standard procedures? Would they benefit from probationers knowing what was in store and therefore being more compliant? Or, would fatigue set in, as novelty became routine and the attention from researchers abated?

To assess how HOPE POs feel about their jobs and HOPE in general, a survey was administered. POs were invited to fill out a web-based, anonymous questionnaire. Eleven out of the 16 HOPE POs in the ICSS and ten out of 15 POs in ACS completed the survey.

## **Stakeholder Interviews**

To better understand fidelity of implementation and implementation challenges surrounding HOPE, we supplemented data collected from administrative records and the PO surveys with interviews conducted with ten key HOPE stakeholders (judges, probation supervisors, the dedicated HOPE public defender and prosecutor, treatment providers, and deputy sheriffs).

## **Data-Quality Assurance**

As criminal behavior and criminal-justice proceedings are often complicated and subject to interpretation, so are the administrative data that reflect them. To ensure accuracy of data collection and coding from the administrative-data sets, a data supervisor from the research team was assigned to oversee quality control. The primary data source for probation histories (e.g., entries into probation, entries into HOPE, violations, sanctions, revocations, and terminations) was



Ho‘ohiki, in which most of the needed data are in free-text fields (rather than hard coded against a codebook), and which is not readily queryable or sortable. That is, reconstructing a subject’s probation history entails going through his or her entire record associated with the case ID, and extracting the relevant data from text fields. These data are often incomplete, ambiguous, or internally inconsistent, so it was imperative that the team of data collectors be well trained and consistent in their interpretation and recording of data.

Six Ho‘ohiki-data collectors were trained for this task. Their supervisor was the research team’s data manager, with broad experience with criminal-records databases and data-quality assurance. The research team’s senior project director oversaw all data collection.

The supervisor and project director conducted a half-day training with the data collectors, covering the purpose of the study; the measures of interest; the structure and content of the administrative databases; and data extraction, coding, and interpretation. To improve and ensure inter-rater reliability, the data-collection team conducted an iterative data-extraction-and-entry exercise prior to data collection.

Ten subjects were chosen at random, and the data collectors, supervisor, and project director all independently entered data from the subjects’ case histories. The supervisor’s and project director’s entries agreed in all substantive measures, including judgments that data were missing, misentered, or too ambiguous to code for. The supervisor marked up the collectors’ entries, and the team met to review their entries against the standard, and to discuss techniques for navigating Ho‘ohiki and interpreting entries. This procedure was repeated twice more; on the third set of entries, all collectors agreed on all substantive measures.

As the collection proceeded, the supervisor conducted routine random audits of the collectors’ entries, and conferred with the collectors on any discrepancies, so they could recheck

their entries to date to correct any errors. Given the complexity of criminal histories and vagaries of recordkeeping, cases arose that entailed novel and unforeseen circumstances; collectors brought these to the attention of the supervisor, who, together with the project director, made final decisions on interpretation.

Data collected from PROBER and Caseload Explorer (by a research-team member based in Honolulu) and eCrim (by the data manager) were much more uniform and required little interpretation. Data from different sources were merged and reconciled by the data manager, senior project director, and principal investigator.

### **3. RESULTS**

#### **Modifications to HOPE (HOPE 2.0)**

The HOPE model has seen several major modifications since the original evaluation. The long-term-outcomes data reported here should be interpreted in light of these changes. Here we profile several of the more-consequential innovations that have been adopted, and note that none has been formally evaluated. The descriptions of HOPE reforms reflected here are based on interviews conducted with key HOPE stakeholders in 2014. Our PO Survey provided an opportunity for POs to provide their perspective on several of these modifications.

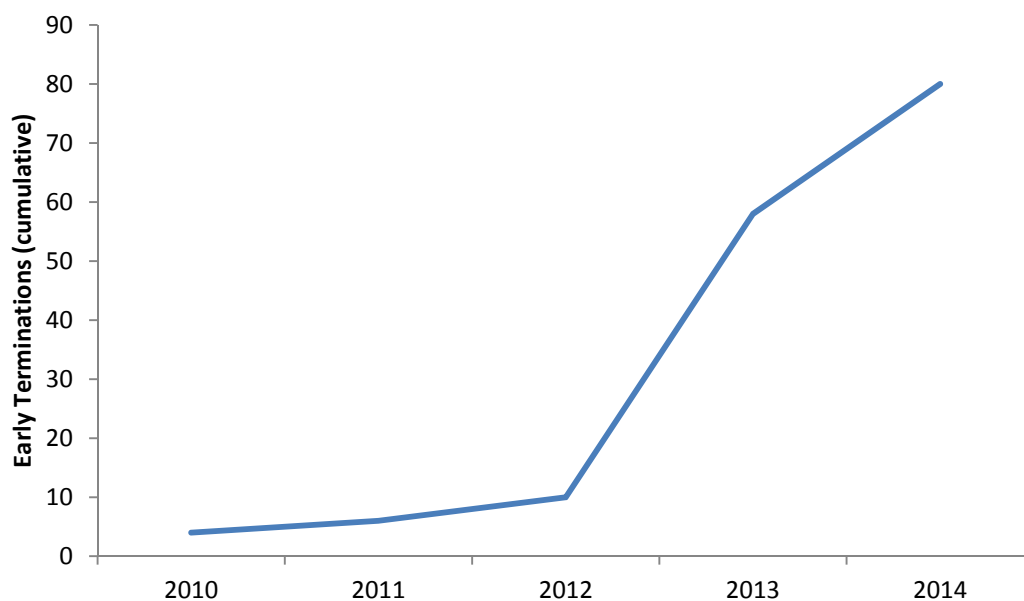
#### **Early termination (also called early discharge)**

Since 2010, the HOPE courts in Honolulu grant early discharge to probationers with a demonstrated history of compliance on HOPE. The opportunity to earn an early termination is an important extension to the HOPE model, as a mechanism for incentivizing and rewarding compliance. Motions for early probation termination had previously been available within the court system in Hawai'i, but there was no mechanism to operationalize it. During the warning

hearing, probationers entering HOPE (with the exception of sex offenders) are notified that, with good behavior, they are able to earn an early termination, potentially shaving as much as three years off of supervision (probation terms in Hawai‘i are long—five years is typical).

Figure 1 shows the cumulative number of early HOPE probation terminations from April 2010 to April 2014 (a total of 84 early terminations).

**Figure 1. Early Probation Terminations (Cumulative) from 2010 to 2014**



*Data note: case files on early termination were provided by the HOPE court on O‘ahu.*

There is, however, no automatic mechanism for identifying cases that are eligible for early termination (as a result, there is no way to know how many early-termination-eligible cases there are, and no way to know how large a share of the eligible caseload has indeed received an early termination). Identifying early-termination candidates currently requires close and time-consuming manual review of case files, a task assigned to court staff “in their spare time.” An essential feature of the HOPE model is that probationers are treated equally (HOPE-style interventions are now commonly referred to as “Swift, Certain, Fair” or SCF). A system to

automatically identify offenders for early termination as they become eligible would give all probationers a fair opportunity to benefit from an early dismissal if earned, and if eligible cases can be more-easily identified the early-termination rate will likely increase.

## Sanctions

Technical violations, with no aggravating circumstances, by HOPE probationers who have been compliant for a long time are occasionally given a non-jail sanction. An example would be if a probationer who has had no violations for a year and is employed full-time misses an office visit appointment, calls his PO before he is contacted, and comes in the next morning and tests negative. At the violation hearing he may be sanctioned to spend the rest of the day in the courthouse cell block (the probationer does not check into the jail and there is no overnight stay). These sanctions reinforce the HOPE principles that *every* violation is sanctioned and that sanctions are to be proportional to the violation, while not needlessly disrupting the lives of well-performing probationers and saving the jail the burden of processing inmates (checking an inmate in and out of jail takes the same amount of work whether the sanction is one day or 30 days).

In the original implementation of HOPE, Judge Alm employed escalating sanctions (i.e., sanctions for a given violation type would increase with the number of violations an offender had amassed). In keeping with some research findings that swiftness and certainty of sanctions are more important to effective deterrence than is severity, as modest sanctions both reinforce the sanction regime's legitimacy and spare the negative impacts of severe sanctions that work against the goals of behavior change and rehabilitation (Tonry, 1996), Judge Alm no longer escalates sanctions for most common violations (positive drug tests, with admission, and late or missed

office visits with next-day reporting and negative drug test).<sup>19</sup> This has the added benefit of reducing criminal-justice costs.

### Violation-hearing scheduling

For routine technical violations, with no complicating circumstances, the sanction is entirely predictable. For these, the court staff now typically schedule violation hearings for the end of the expected jail stay (with the probationer in custody in the interim). At the hearing, the probationer is given the sanction, with credit for time served, and released. This practice saves the burden of transferring the probationer to the court for the violation and then back to the jail.

### Triage to Drug Court

HOPE probation triages offenders into treatment based on their observed behavior. The concept of behavioral triage is now instantiated more broadly, with a continuum of supervision.

On O‘ahu, HOPE is now integrated into a supervision-triage structure, with conventional probation for low-risk offenders, HOPE for high-risk and for failures from conventional probation (nearly 30 percent of the felony-probation caseload), and Drug Court reserved for failures from HOPE (revocation to prison remains an option for those deemed unsuited to additional opportunities for stricter supervision in the community) (Alm, 2012). About seven percent of the HOPE caseload is triaged into Drug Court, which has now been retooled to accept more-serious offenders who would previously have been deemed ineligible (Alm, 2013).

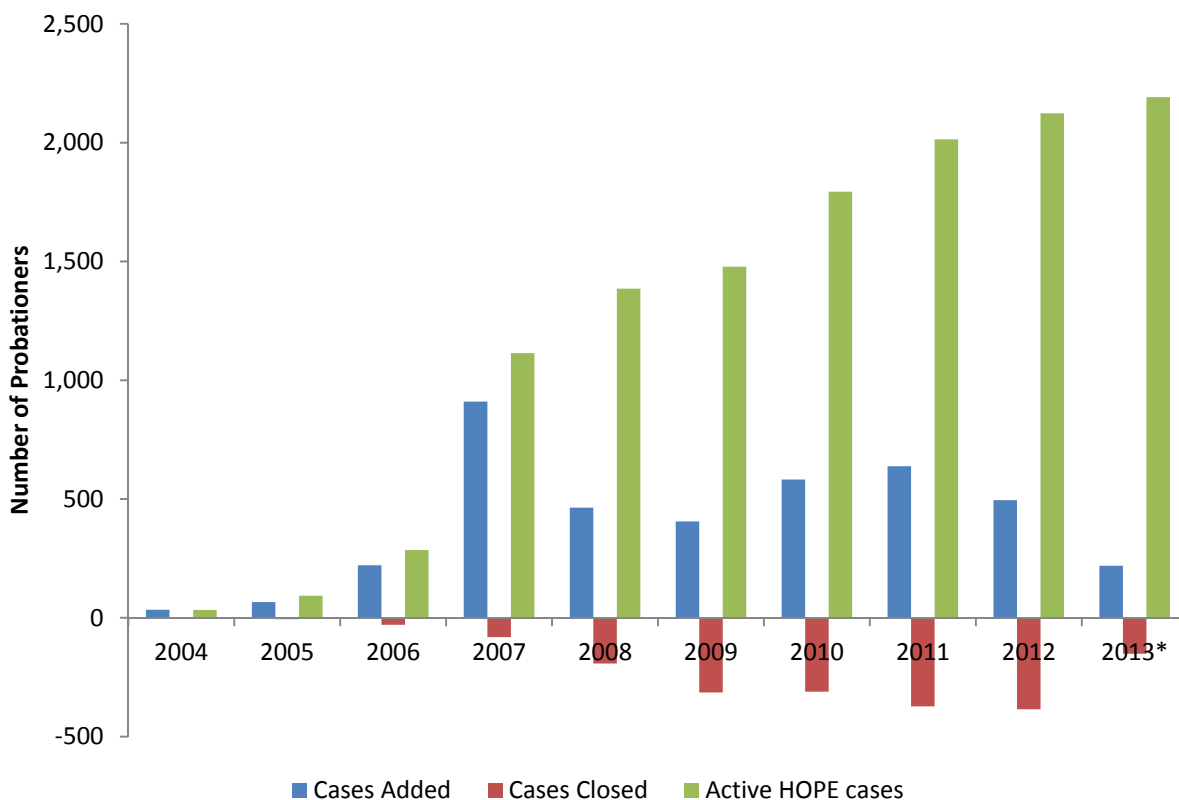
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<sup>19</sup> We note that the evidence on sanction severity is not dispositive to the question of escalation. The HOPE I study found that subsequent violation behavior was insensitive to the duration of the sanction for a first violation, over a very broad range. But most offenders in HOPE violate not at all or only once, so it is not evident whether those who are most prone to violate and least responsive to the HOPE precepts are more deterrable with escalating sanctions following a brief initial sanction. This question yields itself to a fairly simple experiment, given a jurisdiction or agency willing to conduct it.

## Expansion of HOPE in Hawai‘i

Shortly after the original evaluation of HOPE on O‘ahu concluded, the program began to expand, first, by taking in active probationers who were violating frequently and then becoming the standard supervision practice for all high-risk felony probationers on O‘ahu (see Figure 2). After consolidating all felony HOPE cases in his court in 2009, today Judge Alm and a second, part-time HOPE judge supervise 2044 out of the 7085 active felony probationers on O‘ahu, plus approximately 200 domestic-violence misdemeanants.

**Figure 2. HOPE Caseload on O‘ahu**

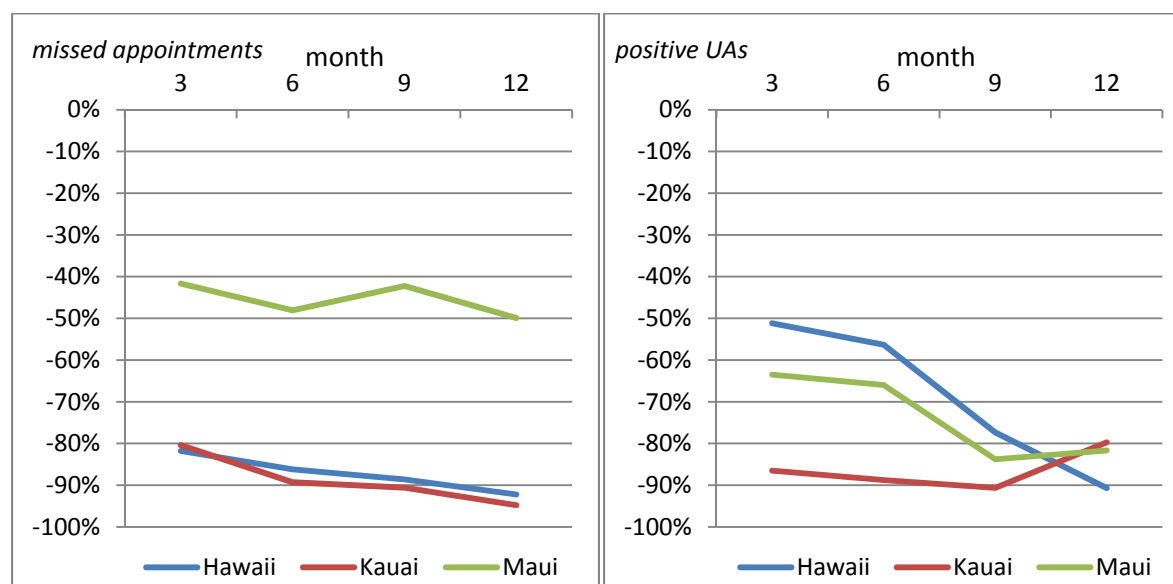


*Notes: Data are from the Crime Prevention and Justice Assistance Division, Department of the Attorney General, State of Hawai‘i. The values shown for 2013 reflect caseload through August 2013 (the latest data provided).*

HOPE has expanded to the neighbor islands: to Maui in 2008, now with 219 HOPE probationers; to Hawai‘i (the Big Island) in 2011, now with 95, and to Kaua‘i in 2011, now with

about 100. The HOPE practices on the neighbor islands vary somewhat from those on O‘ahu; for instance, POs have greater discretion than on O‘ahu whether to recommend a sanction for technical violations. On Maui assignments are based on LSI-R risk scores; and Maui only recently instituted a color-code urinalysis (UA) hotline. Data collected and reported by the Hawai‘i Department of the Attorney General show that, on all three islands, missed PO appointments and positive drug tests declined markedly in probationers’ first year of exposure to the program, compared with their rates in three-month pre-HOPE baselines (see Figure 3.)

**Figure 3. Missed Appointments and Positive UAs on Neighbor Islands (compared with baseline)**



Source: Crime Prevention & Justice Assistance Division, Department of the Attorney General.  $N_{Hawaii} = 74$ ,  $N_{Kauai} = 61$ ,  $N_{Maui} = 241$ .

In 2013, planning was announced for a two-year pilot project for HOPE pretrial supervision on O‘ahu (Laura and John Arnold Foundation, 2013). This pilot is now underway.

### Probationer Outcomes from the Original Pilot in the ICSS

Judge Alm originally piloted HOPE on a small group of probationers in ICSS. For practical considerations, only a small number was oriented into HOPE. The Research Division of the Hawaii

Department of the Attorney General was responsible for selecting the study groups. Probation officers in the ICSS were instructed to screen their caseload and identify cases most at risk of failing probation. The names identified were then rank-ordered by risk. The  $n = 34$  highest-risk individuals were placed into HOPE, and the remaining  $n = 78$  were studied as the comparison group. Here we provide 10-year followup information on recidivism and incarceration (the two primary outcome variables) for this initial pilot group, but note that the small sample size and the selection biases inherent in the selection of these study groups substantially limit the strengths of any conclusions that might be drawn.

At 10-year followup the original HOPE pilot group had significantly less criminal involvement as measured by the number of charges for new crimes ( $p = 0.00$ ). The probationers who were referred to HOPE in the original pilot had an average of 0.19 new charges by 10-year followup, compared with an average of 0.78 for those who were in the group which receive routine supervision (see Table 2). Probationers assigned to the comparison group had on average 148 more incarceration days than probationers in HOPE (while the difference in the number of incarceration days is large it is not statistically significant due to the small sample size and large underlying variability in the number of days incarcerated; the original pilot did not provide sufficient sample to reliably detect differences in days incarcerated).

**Table 2. Original ICSS HOPE Pilot Recidivism and Incarceration at 10-year Followup**

	Number of New Charges		Incarceration Days	
	Mean	Std Error	Mean	Std Error
HOPE	0.19	0.11	317	171
Comparison	0.78	0.15	465	248

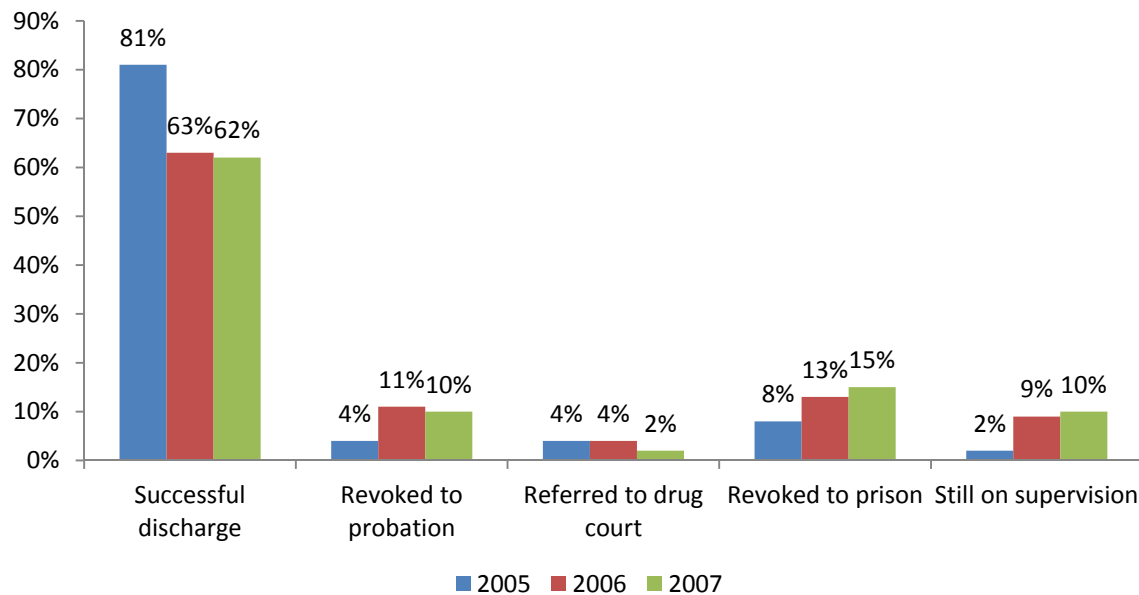
Forty-eight percent of subjects in the pilot comparison group identified as performing poorly on routine supervision and were later transferred into HOPE. On average, these subjects had been transferred to HOPE after 818 days (about 26 months following the launch of the pilot).



Probationers who were not transferred to HOPE (i.e., they remained in the comparison condition for the entire duration of the followup period), had an average of 0.52 (SE = 0.12) new charges over the followup period. Probationers who were switched to HOPE had an average of 1.3 (SE = 0.27) new charges over the followup period. The higher rate of criminal involvement in this group indicates that more-troubled probationers in the comparison group were later triaged into HOPE.

Data from the ICSS allows us to compare the long-term performance of successive cohorts entering HOPE as the program matured. To support a long-term evaluation we study probationers assigned to HOPE in the ICSS during the first three calendar years following HOPE implementation (2005–2007). Figure 4 shows five-year-followup outcomes for the three cohorts. The 2005 cohort showed superior outcomes compared with the 2006 and 2007 cohorts. Two issues should be considered when assessing these results: (1) As HOPE was expanded in the ICSS the caseload mix changed and (2) there were fidelity losses in the implementation of HOPE over time (this is described in Section 3 [HOPE fidelity to swiftness, certainty, and consistency]). The differences in outcomes observed here might be due to a change in the case mix, or they might reflect outcome shifts in response to fidelity losses. Whatever the driver, HOPE cohort effects merit closer scrutiny in future research.

**Figure 4. Long-Term Outcomes for Successive Cohorts Entering During the First Three Years Following HOPE Implementation**



## Probationer Outcomes from the Randomized Controlled Trial in ACS

### New charges

The 12-month evaluation of HOPE found differences in criminal involvement by subjects assigned to HOPE compared with those assigned to control. At 76-month followup, we find that HOPE subjects have less criminal involvement than those assigned to control, but the magnitude of this difference is smaller than the gap observed in the one-year followup window. Our goal is to estimate the impact of HOPE as a policy. Therefore, we do not adjust the number of new charges reported here by the difference in time-at-risk for HOPE versus control subjects; HOPE subjects were significantly less likely to be revoked to prison, and as a result spent more days on street (and were therefore more at-risk for being implicated in a crime).

Subjects assigned to control were slightly more likely to have a new charge (47% vs. 42%), but were significantly more likely to have multiple charges (29% vs. 21%,  $p = 0.03$ ) than subjects assigned to HOPE. Subjects assigned to the control condition had an average of 1.12 new charges

over the 76-month followup period, which is significantly higher than the average of 0.91 new charges for subjects assigned to HOPE ( $p = 0.09$ ). The total number of new charges filed against control subjects was 22 percent higher than for subjects assigned to HOPE.

We disaggregated the charges by four categories: drug, property, violent, and social disorder. Subjects differed in how likely they were to be charged with a new crime, but also in the number of new charges. Table 3 shows the average number of new charges, per offender, by crime category, for HOPE and control subjects. The difference in recidivism between HOPE and control subjects is primarily due to new drug charges. The average number of charges for a violent crime and property crime trend in favor of HOPE, but this difference is not statistically significant.

**Table 3. Average Number of New Charges, by Crime Category**

	Drug	Property	Violent	Social disorder
Control	0.27	0.36	0.20	0.26
HOPE	0.12	0.34	0.17	0.26
% difference	-55%***	-9%	-14%	0%

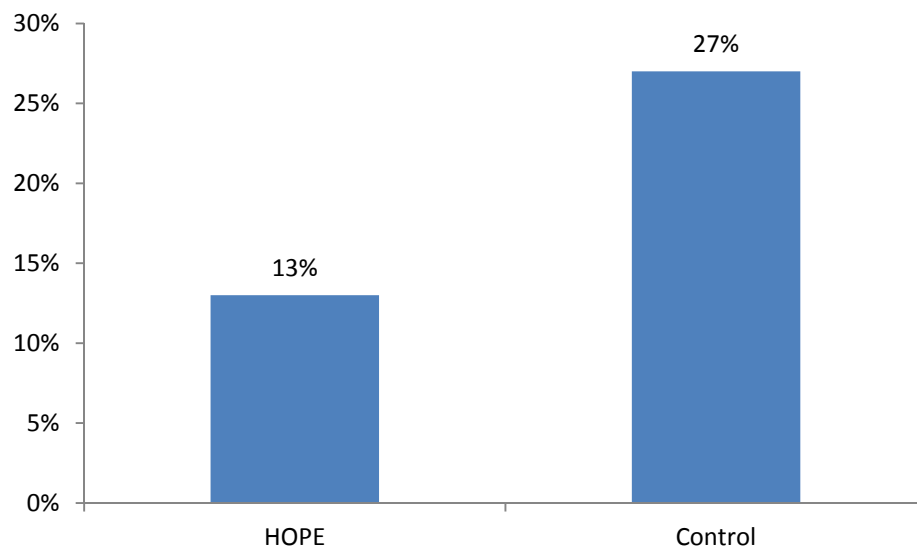
*Data note: There is a large statistically significant difference in criminal behavior at long-term followup is for drug charges ( $p=0.008$ ). Property and violent crime trend in favor of HOPE but the differences are not statistically significant.*

### Revocations to prison

As primary outcomes, we report data using an ITT design. That is, outcomes are analyzed according to the initial condition assignment at the time of randomization. Figure 5 shows the differences in returns to prison for HOPE and control according to the ITT RCT. For subjects assigned to HOPE, the return-to-prison rate was 13 percent compared with 27 percent for subjects assigned to control. Thirty-five percent of subjects originally assigned to the control group were later transferred to the HOPE-supervision caseload. If we disaggregate subjects into three categories, HOPE, control, and transfer (where transfers are control subjects who were later

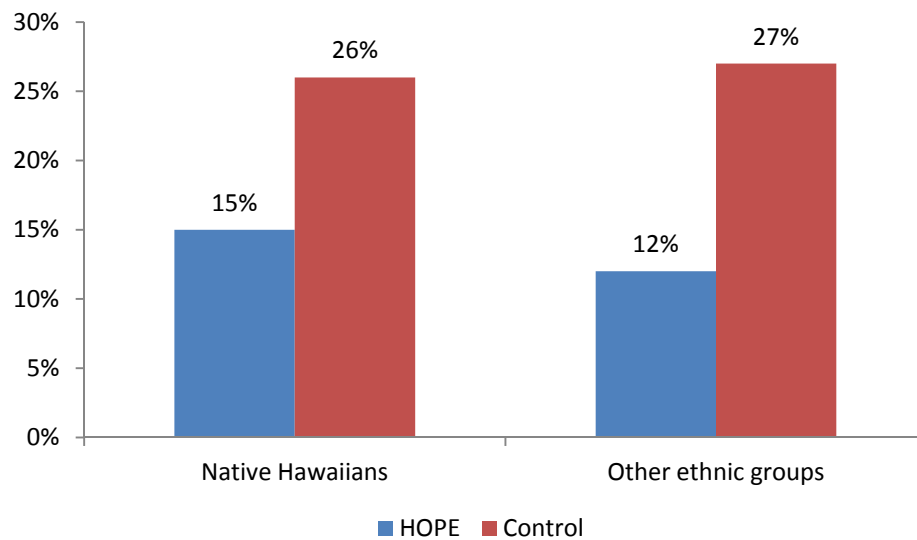
transferred to HOPE due to failures on probation), we find: HOPE, 13 percent; control (not transferred), 32 percent; and control (transferred), 15 percent. That is, subjects who were identified as failing on probation and transferred into the HOPE caseload yielded revocation and return-to-prison profiles that more-closely mirrored those of the HOPE group than their original assignment.

**Figure 5. Returns to Prison, HOPE and Control**



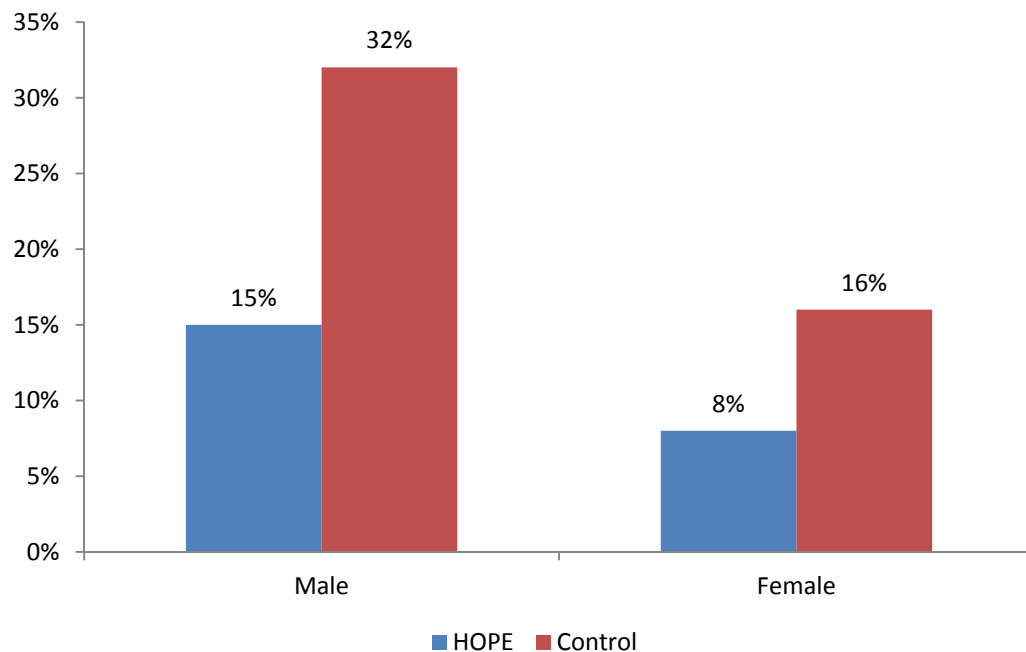
The Hawai‘ian legislature has expressed an interest in the relative effectiveness of HOPE for two subgroups: Native Hawai‘ians and women. Figure 6 shows revocations and returns to prison for Native Hawai‘ians compared with other ethnic groups.

**Figure 6. Returns to Prison: Native Hawai‘ians and Other Ethnic Groups**



Both Native Hawai‘ians and other ethnic groups experienced a significantly lower revocation rate when assigned to HOPE. The revocation rate for Native Hawai‘ians assigned to the control group was 26 percent, compared with 15 percent for those assigned to HOPE. For other ethnic groups assigned to the control group, the revocation rate was 27 percent, compared with 12 percent for those assigned to HOPE. Figure 7 shows returns to prison for men compared with women, by study condition. Both men and women assigned to HOPE were significantly less likely to be revoked to prison.

**Figure 7. Returns to Prison: Males and Females**



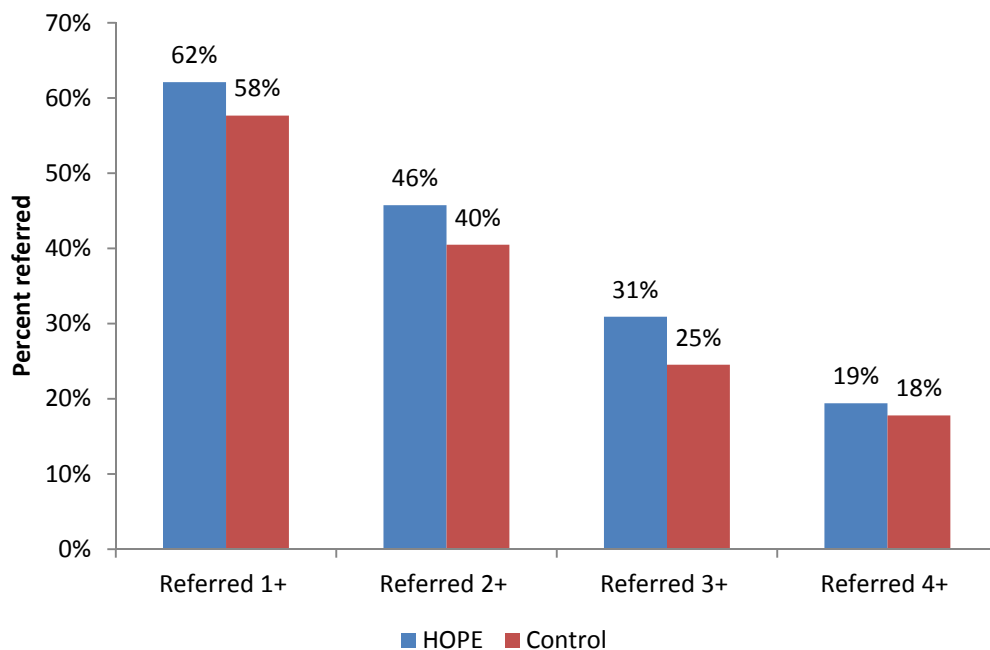
### Probation violations

Subjects assigned to HOPE were required to attend routine office visits with their POs, and to submit to regular random drug testing when under active supervision (with testing frequency reduced if compliant). As a consequence, HOPE probationers had more probation requirements to fulfill than control probationers, and therefore more opportunities to violate probation. However, a central purpose of HOPE is to reduce violating behavior. It is difficult to make head-to-head comparisons of HOPE and control subjects, as probation-violation reporting under HOPE is likely superior to PAU (HOPE policies mandate careful reporting of probation violations, although in practice these policies were not always upheld). Nonetheless, we find that the average number of recorded probation violations for HOPE probationers was lower than for control probationers (6.3 vs. 7.1;  $p = 0.09$ ).

## Substance-abuse treatment

Figure 8 shows the distribution of referrals, by group. HOPE subjects were slightly more likely to be referred to some form of substance-abuse treatment than were subjects assigned to control (62% vs. 58%), but the difference is not statistically significant. There was also no meaningful difference in the number of treatment referrals across groups. HOPE subjects were given 1.9 treatment referrals on average, and control subjects 1.7. While there were no meaningful differences in the rate of referral across groups, HOPE subjects were more likely to appear for the treatment they were referred to (average number of treatments attended was 1.5 for HOPE subjects compared with 1.2 for control subjects,  $p = 0.04$ ).

**Figure 8. Treatment Referrals, HOPE and Control**



## Findings from the Probation-Officer Surveys

The PO surveys gave POs (who are on the frontlines of delivering HOPE) an opportunity to reflect on the program, and provide their perspective on the HOPE reforms that have been implemented since the first HOPE evaluation, and on the strengths and challenges of HOPE implementation. We distinguish the responses of the two probation units: (1) the ICSS, the intensive-probation unit and (2) the ACS unit, the general-probation unit where POs supervise larger caseloads. Eleven out of the 16 HOPE POs in the ICSS completed the survey (69%), and 10 out of 15 HOPE POs in the ACS unit completed the survey (67%).

### HOPE caseloads

HOPE POs in ACS supervise mixed caseloads (HOPE and non-HOPE). On average, HOPE probationers constitute 45 percent of a PO's caseload. By contrast, HOPE cases dominate the caseloads of POs in the ICSS. Although the ICSS also supervises some probationers who are not in HOPE (examples include probationers who are pending a transfer to the mainland, or if the sentencing judge specifically orders that the probationer is not to be placed in HOPE), many carry HOPE-specific caseloads. On average, HOPE probationers constitute 92 percent of a PO's caseload in ICSS (the smallest share is 85 percent).

### HOPE suitability for drug-involved probationers

We asked the POs for their perspective (on a five-item scale) on how well HOPE is suited to probationers with serious drug issues, compared with those with milder problems. POs in the ICSS believe HOPE is well suited to both. Eighty-three percent responded that HOPE was “very suitable” and 17 percent that HOPE was “suitable” for probationers with serious drug problems.



Seventy-five percent responded that HOPE was “very suitable” and 25 percent “suitable” for probationers with milder drug problems.

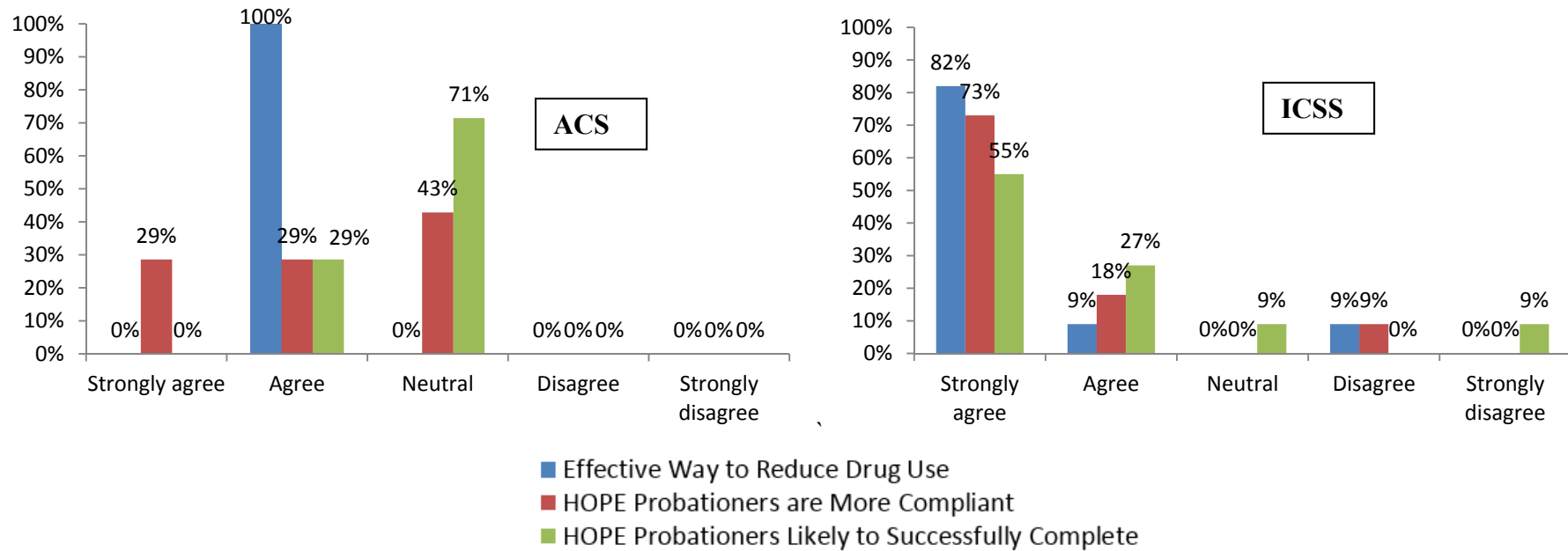
By contrast, in ACS, 30 percent of POs surveyed believe that HOPE was “very suitable” and 50 percent “suitable for probationers with serious drug problems; 20 percent considered HOPE “very suitable,” 60 percent “suitable,” and 10 percent “equally suitable” (as regular probation) for probationers with milder drug problems.

### Views on the effectiveness of HOPE

Perceptions of the effectiveness of HOPE were somewhat varied across the two probation units (see Figure 9). In ACS, all respondents agree that HOPE is an effective way to reduce drug use, and 58 percent said that HOPE probationers are more compliant than similar drug-involved offenders who are not supervised under HOPE. Fewer than one-third of POs reported that HOPE probationers were likely to successfully complete their supervision term; most (71%) are neutral regarding the likelihood of HOPE probationers successfully completing.

We are not able to tell whether these responses reflect underlying differences in the HOPE caseload (noncompliant offenders are more likely to be referred to HOPE) or differences in the perceptions of the effectiveness of HOPE supervision per se. By contrast POs in ICSS gave more-favorable responses about HOPE. Ninety-one percent said that HOPE probationers are more compliant than similar drug-involved offenders who are not supervised on HOPE and 83 percent reported that their HOPE cases were likely to successfully complete their supervision term.

**Figure 9. Views on HOPE's Effectiveness**



## Job satisfaction under HOPE

The two probation units also varied substantially in how they regarded their job satisfaction under HOPE. POs in the ICSS reported personal satisfaction with HOPE, with no respondents negative about their own effectiveness as a PO, their job satisfaction, or their clients' performance, and more than 80 percent feeling positive on all counts. By contrast, POs in ACS reported mixed personal satisfaction with HOPE. When asked whether HOPE made them more effective as a PO, most (73%) responded neutrally, while 17 percent said that HOPE made them more effective at their job, and 17 percent think that HOPE makes them less effective. The majority (67%) feel their HOPE cases have improved since being placed onto HOPE.

## Challenges to HOPE operations

POs were asked to reflect on the sorts of issues that might present challenges to HOPE operations. The responses of POs in ACS are shown in Figure 10. Of the items listed, facilitating access to drug-treatment assessments is regarded as the most problematic. This has been a longstanding problem in the probation department that is now being addressed, with occasional assessments in the jail (although these are logistically difficult) and an effort to provide for remote assessment via videolink. None of the other items is regarded as a serious problem.

**Figure 10. Views on Challenges HOPE Presents - ACS**

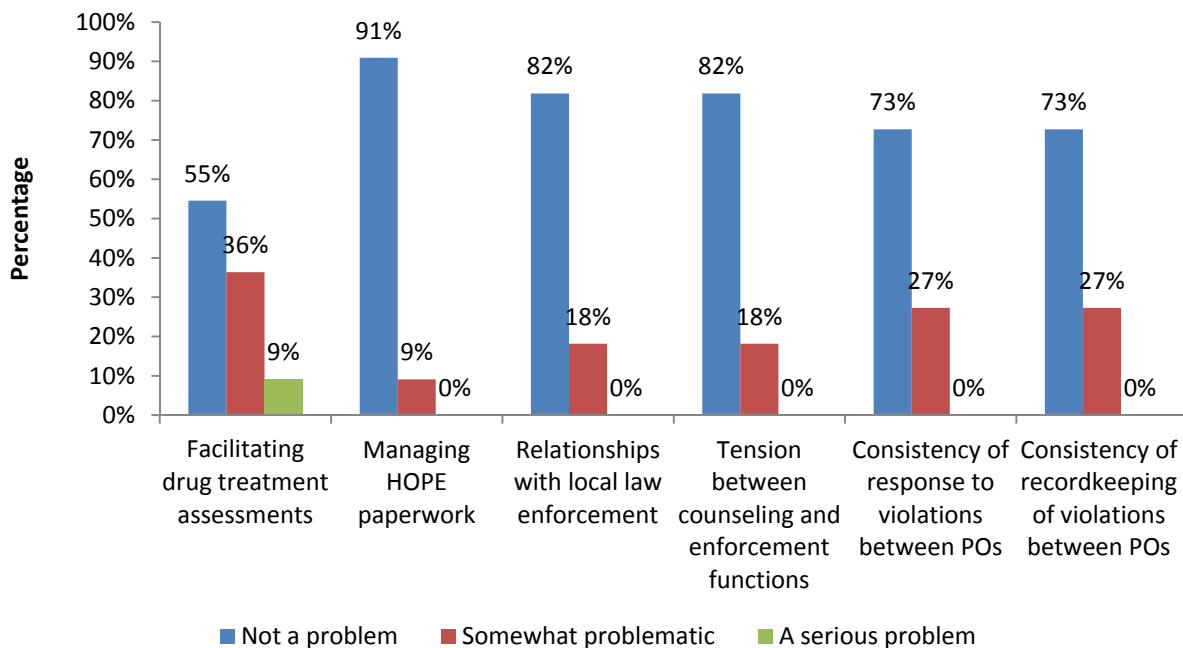
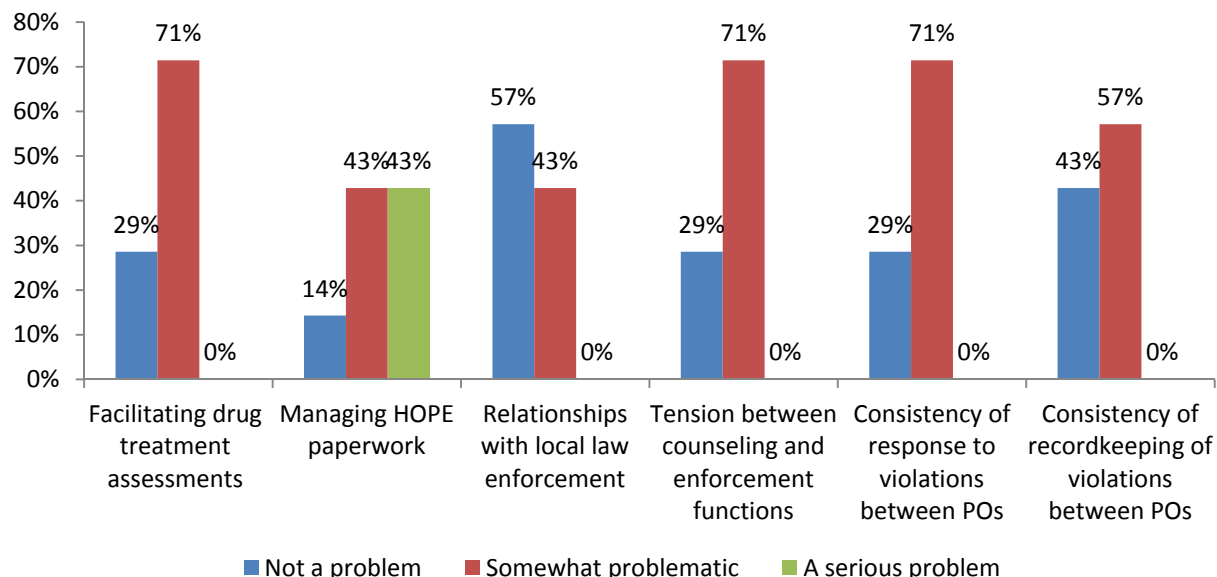


Figure 10 also shows that few POs in ACS find the HOPE paperwork to be challenging. While HOPE may entail more hearings per probationer because every violation is to be responded to, the paperwork for a motion to modify is much simpler than that for a motion to revoke. Overall, only 11 percent of POs reported that HOPE cases are a greater workload than PAU cases.

In the ICSS, of the items listed, managing HOPE paperwork is regarded as the most problematic (see Figure 11). Although none of the other items is regarded as a serious problem, consistency of PO responses to violations, tensions between enforcement and counseling functions, and facilitating drug-treatment assessments are regarded as somewhat problematic.

**Figure 11. Views on Challenges HOPE Presents - ICSS**



### HOPE fidelity to swift, certainty, and consistency

POs were asked to reflect on how HOPE in their unit complies with the “swift,” “certain,” and “consistent” tenets of the model.

#### *Swiftness*

The current speed of operations under HOPE (how quickly an offender is brought before the judge) as perceived by the POs is somewhat slower than under HOPE I (and is equivalent across probation units). About two-thirds of HOPE cases are brought before the judge within three days (the HOPE benchmark is 75 percent). In part, this might reflect a reform described in HOPE 2.0 (that, when the likely sanction is already known, violation hearings are often scheduled for several days after the violation, with the offender given credit for time served and released).

### *Certainty*

The “certainty” component requires that all violations be detected and acted upon; fidelity monitoring requires that they all be recorded properly. POs in both units are of mixed opinions on whether *every* violation should be brought before a HOPE judge, or whether POs should be able to exercise some discretion as to which violations can be handled administratively. Roughly half of the POs in both units feel that violations should be brought before the judge at the discretion of the PO.

PO responses to how positive drug tests are responded to suggest fidelity losses in both units, but with fidelity to the “certainty” standard under HOPE being higher in the ICSS than in ACS. One third of the POs in the ICSS, and none in ACS, responded that positive or missed drug tests are “always” accurately reported. Open-end responses in both units suggest that POs tend to refer if a test is positive, but don’t always refer if a probationer misses a test and later comes in and tests clean. They are considerably more confident that positive tests that are recorded are referred to the judge; 100 percent of POs in the ICSS and 83 percent in ACS report that recorded violations are referred to the judge.

To further assess fidelity to HOPE principles, POs were asked:

*Imagine that there were 100 detected violations among the HOPE probationers in [insert unit name, ACS or ICSS] this year (across all of the HOPE caseloads in your office). How many of these 100 violations would you say were formally recorded? (In other words, how many of the 100 detected violations were written up?)*

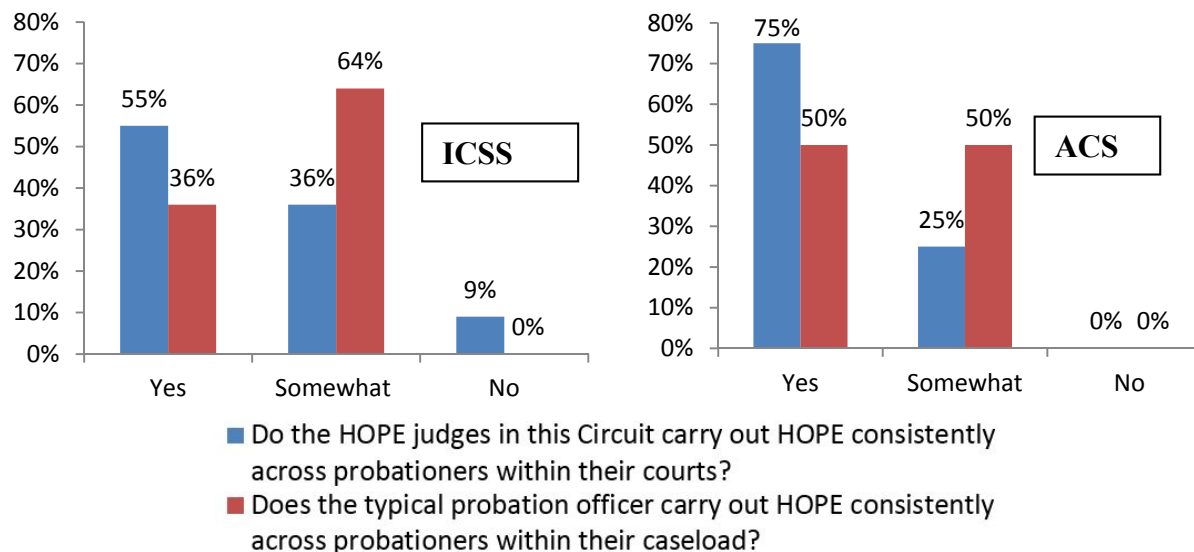
Responses suggest that the probation department might benefit from fidelity monitoring. The perception is that many HOPE violations go undocumented and unsanctioned: Averaging

responses suggests that between ten and twenty percent of violations are unreported, but several POs suggested that as many as half are not responded to according to HOPE policies and procedures. When elaborating further, these same POs indicated that they did not think this inconsistency was a concern; their open-ended responses suggest that POs are using their discretion about which cases justify referral to a HOPE judge. There is agreement that positive UAs are routinely referred to the HOPE judge but that there is much greater discretion regarding how to handle late/missed appointments and missed random UAs. Several POs indicated that they would work directly with the probationer and refer to the court only if they observed a pattern of late or missed appointments/UAs.

### *Consistency*

Probation officers were asked whether they see the HOPE judges as consistent within each of their courts, and whether POs are consistent within each of their caseloads (see Figure 12). POs see the judges as mostly internally consistent, and see other POs as only moderately so.

**Figure 12. Views on Internal Consistency**



They were also asked whether the HOPE judges are consistent with one another, and whether HOPE POs are consistent with one another. Judges are regarded as differing somewhat in their management of HOPE cases in (1) how much jail time they order and (2) how closely they follow the recommendations of the PO (how much jail time as well as decisions regarding whether a probationer should go to treatment, and if so, what treatment modality).

POs are regarded as handling their HOPE cases differently in (1) how closely they follow HOPE policies and procedures, (2) how much jail time they recommend, and (3) their communication styles (how much of their time they spend engaging their probationers and discussing events surrounding the violation).

### Overall impressions

The POs surveyed in both units regard HOPE positively (no respondent is dissatisfied with the program). When asked to comment on the strengths of HOPE compared with PAU, they noted that offenders are treated more consistently and more fairly under HOPE and are held accountable for their actions. “There’s no ‘playing favorites’ when there is no discretion on whether to



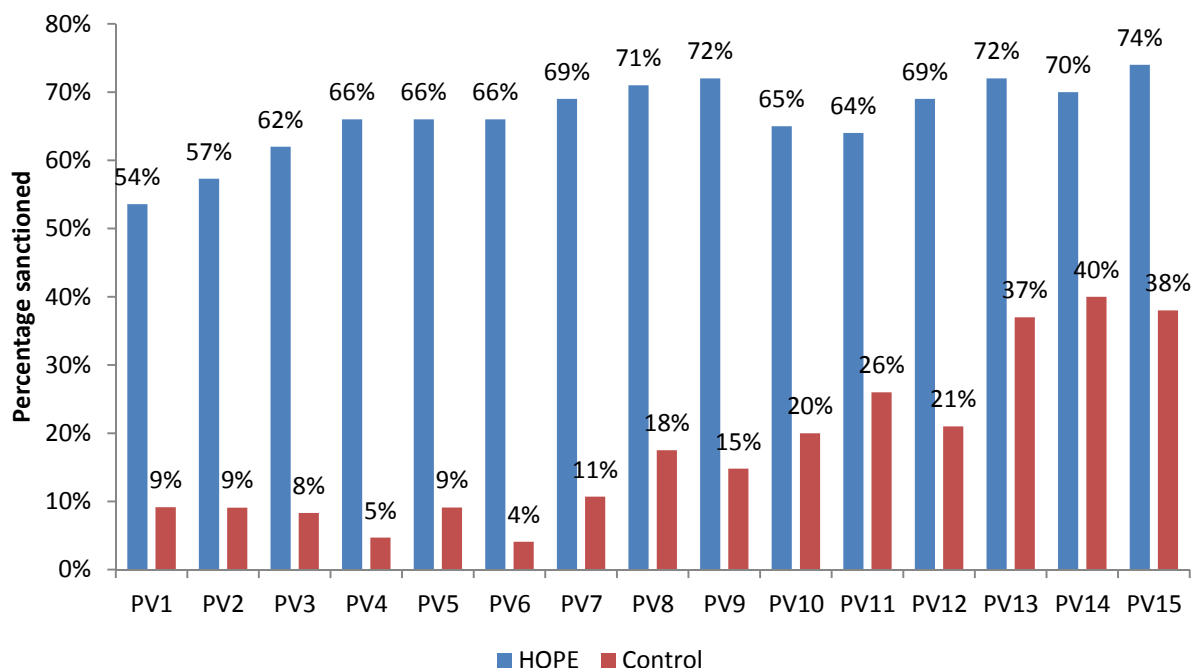
arrest/sanction,” one commented. The regular random drug testing helps “bring substance-abuse issues quickly to light and gives a starting point for case/treatment planning.” Probation officers value the clearly articulated rules and consequences and noted that it is helpful for probationers to know what to expect. Several POs noted the importance of the immediacy of the sanction, that it helps motivate compliance and gets the attention of their clients. “Immediate sanctions: for the most part, defendants understand the sanctions, and consequences of their actions, which I feel increases their responsibility and self-determination.” They were also of the opinion that immediate arrests help to reduce victimization (especially by sex offenders).

When POs were asked to comment on weaknesses of the program, several issues were highlighted. POs are concerned about testing for alcohol in general and that not testing for drugs/alcohol on weekends creates a “safe window” for use. Concerns were also raised about drug use in the jail, which undermines the usefulness of a jail sanction in deterring drug use. Several POs expressed disappointment with ongoing changes to HOPE, which they perceive were implemented without the input of line staff, and they perceive that implementation and fidelity to the original HOPE program is drifting. The issue of inconsistent adherence to HOPE policies and procedures across POs was raised as a concern. Several POs raised the issue of discretion, and believe that POs should have discretion regarding the handling of minor violations. The POs also expressed frustration that judges do not pay sufficient attention to their recommendations regarding sanctions. The POs noted that they would value strengthening communication between the HOPE judges, the court staff, and the probation offices. Several also noted that the program could be improved by introducing positive-reinforcement strategies, and diversifying the non-confinement sanctions responses for offenders who are otherwise doing well.

## Punishment Risk

Here we show data on relative punishment risk for probationers supervised in ACS as part of the randomized controlled trial (where we are confident there was balance across study conditions). Figure 13 shows that the probability of a sanction, contingent on a recorded probation violation (PV), varied substantially by group. HOPE subjects were much more likely to be sanctioned for a probation violation. For both groups, punishment risk increased as the number of recorded violations increased; for control probationers, punishment risk increased substantially after a dozen violations. The punishment-risk differential between HOPE and control subjects declines as the number of violations increases. For the first five recorded violations, HOPE subjects are about eight times more likely to be sanctioned for a violation than control subjects. For violations six through ten, HOPE subjects are about five times more likely to be sanctioned, and for violations 11 through 15, HOPE subjects are twice as likely to be sanctioned.

**Figure 13. Probability of a Sanction Given a Probation Violation, HOPE and Control**



*Data note: for ease of presentation we show only the first 15 violations.*

## Perceived versus actual risk

We were able to record three measures of risk of sanction given a violation for HOPE probationers: two perceived measures and one measure of actual risk. We estimate probationers' perception of risk from a survey of 38 HOPE probationers and POs' perception of risk from the PO survey. HOPE probationers perceived a near certainty of consequences in the event of a violation (i.e., the perceived probability of a sanction given a violation is close to 100 percent). HOPE POs perceive that the probability of a sanction given a violation is about 90 percent (that is, roughly nine of every ten detected violations were appropriately recorded and sanctioned according to HOPE policies).

Our measure of actual risk, based on administrative data, calculates the risk of a sanction given a *recorded* violation (this is an upper bound on a risk estimate as some violations are undocumented). The actual risk of a sanction for HOPE probationers was about 65 percent. HOPE therefore benefits from a reputation effect whereby probationers perceive the program to be somewhat more credible than is warranted by the fidelity data.

## 4. CONCLUSIONS

### Discussion of Findings

An outstanding question in criminology is how to motivate behavioral change in offenders (to reduce reoffending, drug use, and criminal thinking) and, in particular, whether the credible threat of sanctions (punishment) can motivate behavioral change. This study found that HOPE is more effective than PAU in reducing reoffending, in the long-term after termination from supervision. However, most of that effect follows from a lower rate of new drug charges (which *probably* reflects reduced drug use—the small sample of subjects tested for drugs is not

dispositive), whereas the incidence of new property-crime charges is about the same in the two groups. This result speaks to the drug-crime nexus: It suggests that (1) targeting drug use, as HOPE does, yields a reduction in drug use but this (2) does not translate into a reduction in property crime (i.e., property crime is less associated with drug use, either as a consequence or in order to secure funds than is often supposed).

Disparate treatment and impact by race and ethnicity is also a prominent concern. HOPE, which mandates a swift, certain, and modest response to every violation, reduces the discretion of POs, law-enforcement officers, and the courts in how they respond to violations. This study found no difference in outcomes by race and ethnicity, suggesting that more-prescribed responses can reduce disparate impacts.

## **Implications for Policy and Practice**

As noted, SCF programs similar to or inspired by HOPE are rapidly being tested, adopted, and, in some locales, mandated across the country. The outcomes findings of the original HOPE studies are widely cited in support of these implementations; this study may inform policy and practice as it suggests what the long-term benefits may be, if some subpopulations on community supervision may be better or worse suited to SCF supervision, and what challenges a similar program may encounter as it matures. In addition, this study informs the practitioner community, much of which has based new SCF programs on the original Hawai‘i model, of subsequent changes in HOPE implementation that may be promising for them to adopt. The results of the project should inform legislation, policies, and practices in community supervision, as they show that (1) the better outcomes in HOPE versus PAU persist to a large degree in some measures, (2) modest sanctions can be effective in a HOPE probation program, and (3) fidelity of implementation can decline once implementation is routine.

The principal limitations of our planned long-term study of HOPE in the ICSS were contamination of the comparison group and loss to followup. As noted, following the positive findings of the original HOPE studies, HOPE expanded rapidly in the ICSS, so that nearly all of the comparison-group (PAU) subjects were transferred to HOPE at some point after the original study ended, obviating a direct comparison of HOPE with PAU in the long term in that unit. As a result, our assessment of the impact of HOPE compared with PAU draws largely from the long-term followup of a randomized controlled trial conducted in ACS, which had several methodological advantages and was substantially less affected by contamination. Our original research plan included an extensive probationer survey and included the collection of saliva swabs and hair assays to test for long-term followup drug use. Tracking and locating study subjects proved to be far more challenging than originally anticipated. Criminal-justice-involved subjects are difficult to track if they are no longer under supervision and thus no longer obligated to inform of their whereabouts (Kleschinsky et al., 2009); a long-term followup from a remote location only magnifies the difficulty (Hawken, 2012 describes the particular challenges involved with tracking the subjects included in this study). Systematic differences between respondents and non-respondents (including those that might be associated with being hard to locate) can bias a study's findings (Odierna & Schmidt, 2009). The followup rate was too low to justify including the long-term-followup drug-use data obtained from the biospecimens collected. Our evaluation report relies more heavily on administrative data (which could be collected consistently on all subjects) than was originally planned.

Our cohort analysis in ICSS shows that subjects assigned to HOPE during its first year performed better than subsequent cohorts. We are cautious about drawing strong conclusions as these cohort differences may be attributable to changes in the case mix as the program expanded,

and to changes in the fidelity of implementation (we observed losses in program fidelity as HOPE matured). Future research should pay close attention to cohort effects.

The external validity of these results may be limited. Delivering HOPE-style sanctions in a swift-and-certain manner requires interagency cooperation and coordination and a willingness to change work practices. Whether this structural shift can be accomplished in other jurisdictions remains an unresolved issue. The research team conducting this study is also providing training and technical assistance to the U.S. DOJ-funded HOPE DFE, an attempt to replicate HOPE in four diverse mainland jurisdictions. The jurisdictions vary in institutional structures, statutory environments, and resources; these factors, as well as the usual variation in personalities and interpersonal relationships, present a different set of challenges to implementing HOPE in each jurisdiction.

## **Implications for Further Research**

While it is now fairly well established that a regime of swift, certain, and fair responses to violations of conditions of supervision can be effective in improving offender outcomes, these results follow from testing a package of policies and procedures. Little is known about the relative importance of swiftness, certainty, and fairness themselves (although the last is to be pursued independent of its instrumental value), or about their optimal or satisficing values.

Further research should explore “how swift is swift enough?” All else equal, of course, swift justice is preferred to delayed justice, but greater swiftness typically entails costs and logistical challenges. Does, for example, dedicating resources to execute warrants within two days, on average, yield better outcomes than if the average is four days, and are those outcomes worth the cost?

Research should also explore “how certain is certain enough?” The probability of detecting prohibited drug use (and thus the certainty of such use being sanctioned) increases with the frequency of random drug testing; what frequency is sufficient to deter drug use in the deterrable population, and are those outcomes worth the cost? Does adding periodic hair testing amplify the effectiveness of regular urine testing?

Lastly, research should explore the minimum sanction needed to yield a desired behavior change. The experience in HOPE, and in 24/7 Sobriety and other programs, suggests that quite modest sanctions, applied immediately, may be just as effective as severe sanctions (without the negative consequences of long incarceration stints). However, the effects of different sanctions within a HOPE program have not been rigorously tested. The magnitude of outcomes differences reported in our evaluation of HOPE fall squarely between outcomes magnitudes reported in evaluations of similar programs that have been conducted by other researchers. Our estimate of the “HOPE effect” in Hawaii on reducing recidivism and incarceration is smaller than results reported by Shannon and colleagues in their evaluation of SMART in Kentucky (which is modeled closely after HOPE), but larger than the differences reported by Grommon and colleagues in 2013 in an evaluation of parolees subjected to a HOPE-style testing-and-sanctions model.

As the number of evaluations of HOPE-style programs increases, it will be important to reconcile the differences in the magnitude of outcomes observed. In the evaluation by Grommon and colleagues, parolees were subjected to HOPE-style testing-and-sanctions for six months (the researchers’ six-month evaluation findings were similar to our initial findings for the evaluation of HOPE in Hawaii). After the six-month period, parolees were then supervised under business-as-usual (without the testing and sanctions regimen). By the 18-month mark the researchers found that the differences in outcomes for the testing-and-sanctions group had dissipated.

This speaks to an important area for future research: “How long is long enough to break a cycle of drug use?” In Hawai‘i, the window of desistance was several years (HOPE-style testing and sanctions continues for several years, albeit with a step down in testing frequency if a probationer demonstrates continued desistance from drug use), compared to the six-month window in the evaluation performed by Grommon and colleagues. By varying the duration of the testing-and-sanctions regimen, research can also speak to the importance, if any, of creating a sufficient “window of desistance” in ensuring long-term behavior change.

In all these explorations, it is essential to bear in mind that circumstances vary substantially from one implementation to another, in offender demographics, statutes, institutional structures and relations, resources, and prosecution and sentencing practices, to name a few areas. External validity (generalizability) of research findings should therefore be considered with great caution—and the variation in outcomes among evaluations in different jurisdictions should be assessed for evidence of “what works *in which circumstances*.” If there is opportunity to consider policies and practices prior to evaluation, or to revise them after a pilot period, do so.

In creating HOPE probation in Hawai‘i, Judge Alm and Ms. Inouye did more than offer an alternative approach to community supervision. They inspired criminal-justice practitioners and policymakers across the country to rethink management of offenders more generally, and the role of sanctions and incentives in motivating behavioral change. More than a decade since the launch of HOPE, the “Alm Effect” that we see is less the widespread adoption of the particular design of HOPE in Hawai‘i but rather the growing willingness to consider bold innovations to address nagging failures in corrections and the effort to involve all stakeholders in design, implementation, and evaluation.



## 5. REFERENCES

- Alm, S.S. (2012). "Triage: A new medical model for sentencing and probation," *APPA Perspectives*, Winter:43–51.
- \_\_\_\_\_. (2013). "A new continuum for court supervision," *Oregon Law Review*, **91**:1181–1190.
- Belenko, S. (2001). "Research on drug courts: A critical review 2001 update," *National Drug Court Institute Review*, **4**:1–60.
- Blair, C. (2012). "The man from HOPE," *Honolulu Civil Beat*, August 31. [civilbeat.com/articles/2012/08/31/16982-the-man-from-hope](http://civilbeat.com/articles/2012/08/31/16982-the-man-from-hope).
- Boyum, D.A., Caulkins, J.P., & Kleiman, M.A.R. (2010). "Drugs, crime, and public policy," in J.Q. Wilson & J. Petersilia (Eds.), *Crime and Public Policy* (2nd ed., pp. 368–410). New York: Oxford University Press.
- Blumstein, A. (2002). "Prisons: A policy challenge," in J.Q. Wilson & J. Petersilia (Eds.), *Crime: Public Policies for Crime Control* (pp. 451–482). Oakland: Institute for Contemporary Studies.
- Bureau of Justice Statistics (2014). Probation and Parole in the United States, 2013. NCJ 248029.
- Carns, T.W. and Martin, S. (2011). Anchorage PACE: Probation Accountability with Certain Enforcement. A Preliminary Evaluation of the Anchorage Pilot PACE Project. Anchorage: Alaska Judicial Council.
- Caulkins, J., and DuPont, R. (2010). "Is 24/7 sobriety a good goal for repeat driving under the influence (DUI) offenders?" *Addiction*, **105**:575–577.
- Clarke, S. (1979). "What is the purpose of probation and why do we revoke it?" *Crime & Delinquency*, **25**(4):409–424.
- Dekel, R., Benbenishty, R., and Amram, Y. (2004). "Therapeutic communities for drug addicts: Prediction of long term outcomes," *Addictive Behaviors*, **29**(9):1837–1883.
- DeVall, K., Lanier, C., and Hartmann, D. (2015). Evaluation of Michigan's Swift & Sure Sanctions Probation Program. Lansing: Michigan Supreme Court Administrative Office.
- Durlauf, S.N., & Nagin, D.S. (2011). "Imprisonment and crime: Can both be reduced?" *Criminology and Public Policy*, **10**(1):13–54.
- Farabee, D. (2005). *Rethinking Rehabilitation: Why Can't We Reform Our Criminals?* Washington: American Enterprise Institute.

- Farabee, D., and Hawken, A. (2009). "Methamphetamine and crime," in J.M. Roll, R. Rawson, W. Ling, & S. Shoptaw (Eds.), *Methamphetamine Addiction: From Basic Science to Treatment* (pp. 157–171). New York: Guilford.
- Fox, A., and Gold, E. (2011). *Small Experiments, Big Chance: Probation and the Use of Demonstration Projects to Advance Criminal Justice Reform*. New York: Center for Court Innovation.
- Grasmick, H.G. and Bryjak, G.J. (1980). "The deterrent effect of perceived severity of punishment," *Social Forces*, **59**(2):471–491.
- Grommon, E., Cox, S.M., Davidson, W.S., II, and Bynum, T.S. (2013). "Alternative models of instant drug testing: Evidence from an experimental trial," *Journal of Experimental Criminology*, **9**(2):145–168.
- Hamilton, Z., van Wormer, J., Kigerl, A., Campbell, C., and Posey, B. (2015) "Evaluation of Washington State Department of Corrections (WADOC) Swift and Certain (SAC) policy process, outcome and cost-benefit evaluation," Pullman: Washington State University.
- Harrell, A. (2003) "Judging drug courts: Balancing the evidence," *Criminology & Public Policy*, **2**(2):207–212.
- Hawken, A. (2010a). "Behavioral triage: A new model for identifying and treating substance-abusing offenders," *Journal of Drug Policy Analysis*, **3**(1):Article 1, n.p.
- \_\_\_\_ (2010b). "HOPE for probation: How Hawaii improved behavior with high-probability, low-severity sanctions," *Journal of Global Drug Policy and Practice*, **4**(3) n.p.
- \_\_\_\_ (2012). "Lessons from a field experiment involving involuntary subjects 3,000 miles away," *Journal of Experimental Criminology*, **8**(3):227–39.
- Hawken, A., Farabee, D., and Kulick, J. (2011). *Juveniles Under Supervision and Treatment (J.U.S.T.) COURT: Implementation, Process, and a Proposed Evaluation Plan*. Arizona Administrative Office of the Courts.
- Hawken, A., and Grunert, J. (2010). "Treatment for all means real treatment for few," *Offender Programs Report*, **13**(6):81–96.
- Hawken, A., and Kleiman, M. (2009). *Managing Drug-Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE*. Evaluation Report. NCJ 229023. Washington: National Institute of Justice.

- Hawken, A., and Kleiman, M. (2011). Washington Intensive Supervision Program Evaluation Report.
- Hawken, A., and Poe, A. (2008). "Sanctions," in Evaluation of the Substance Abuse and Crime Prevention Act: 2007 Final Report. Sacramento: California Department of Alcohol and Drug Programs.
- Hilbe, J.M. (2011). *Negative Binomial Regression*, New York: Cambridge University.
- Huddleston, C.W., III (2005). *Drug Courts: An Effective Strategy for Communities Facing Methamphetamine*, Washington: Bureau of Justice Assistance.
- Humphreys, K. (2012). "Bringing swiftness and certainty to community supervision of drug-involved criminal offenders," *Crossbow*, September:24–26.
- Kilmer, B., Nicosia, N., Heaton, P., and Midgette, G. (2013). "Efficacy of frequent monitoring with swift, certain, and modest sanctions for violations: Insights from South Dakota's 24/7 Sobriety Project," *American Journal of Public Health*, **103**(1):e37–43.
- Kleiman, M. (1993). "Enforcement swamping: A positive-feedback mechanism in rates of illicit activity," *Mathematical and Computer Modelling*, **17**(2):65–75.
- \_\_\_\_\_. (2001). "Controlling drug use and crime among drug-involved offenders: testing, sanctions, and treatment," in P.H. Heymann and W.N. Brownsberger (Eds.), *Drug Addiction and Drug Policy*, Cambridge: Harvard University.
- Kleiman, M., and Kilmer, B. (2009). "The dynamics of deterrence," *Proceedings of the National Academy of Sciences*, **106**(34):14230–14235.
- Kleschinsky, J.H., Bosworth, L.B., Nelson, S.E., Walsh, E.K., and Shaffer, H.J. (2009). "Persistence pays off: Follow-up methods for difficult-to-track longitudinal samples," *Journal of Studies on Alcohol and Drugs*, **70**(5):751–761.
- Kubas, A., Kayabas, P., and Vachal, K. (2015). Assessment of the 24/7 Sobriety Program in North Dakota: Participant Behavior During Enrollment. Fargo: Upper Great Plains Transportation Institute, North Dakota State University.
- Kunkel, T.L., and White, M.T. (2013). Arkansas SWIFT Courts: Implementation Assessment and Long-Term Evaluation Plan. Williamsburg: National Center for State Courts.
- Laura and John Arnold Foundation. (2013). "Hawaii Department of Public Safety, Hawaii State Judiciary, and Laura and John Arnold Foundation partner on first-ever HOPE Pretrial pilot program," press release, July 22.

- LaVigne, N., et al. (2014). Justice Reinvestment Initiative State Assessment Report. Washington: Urban Institute.
- Loudenburg, R., Drube, G., and Leonardson, G. (2010). South Dakota 24/7 Sobriety Program: Evaluation Findings Report. Salem, SD: Mountain Plains Evaluation.
- Lockyer, K. (2014). *Swift and Certain: A New Paradigm for Criminal Justice*. London: Policy Exchange.
- Martin, K.D. (2013). Supervision with Immediate Enforcement (SWIFT) Court Program: An Overview of Outcomes for the Initial Pilot Program. Fort Worth: Tarrant County CSCD.
- Martin, K.D. (2014). “The Supervision with Immediate Enforcement (SWIFT) Court: Tackling the issue of high-risk offenders and chronic probation violators,” *Corrections Today*, September/October, 74–77.
- Michigan Supreme Court. (2012). Swift and Sure Sanctions Pilot Program (SSSP).
- Nakamura, K., and Bucklen, K.B. (2014). “Recidivism, redemption, and desistance: Understanding continuity and change in criminal offending and implications for interventions,” *Sociology Compass*, 8(4):384–397.
- National Association of Drug Court Professionals. (2014). “About NADCP” webpage. [nadcp.org/learn/what-are-drug-courts/types-drug-courts](http://nadcp.org/learn/what-are-drug-courts/types-drug-courts), accessed April 25, 2014.
- Nichols, J., and Ross, H.L. (1990). “Effectiveness of legal sanctions in dealing with drinking drivers,” *Alcohol, Drugs, and Driving*, 6(2):33–60.
- Norman-Eady, S. (1998). Drug Testing. Connecticut General Assembly, Office of Legislative Research, 98-R-0099.
- Odierna, D.H., and Schmidt, L.A. (2009). “The effects of failing to include hard-to-reach respondents in longitudinal surveys,” *American Journal of Public Health*, 99(8):1515–1521.
- Office of Hawai‘ian Affairs, Justice Policy Institute, University of Hawai‘i, and Georgetown University. (2010). *The Disparate Treatment of Native Hawai‘ians*. Honolulu: Office of Hawai‘ian Affairs.
- Osgood, D.W. (2000) “Poisson-based regression analysis of aggregate crime rates,” *Journal of Quantitative Criminology*, 16(1):21–43.

- O'Connell, D., Visser, C.A., Martin, S., Parker, L., & Brent, J. (2011). "Decide your time: testing deterrence theory's certainty and celerity effects on substance-using probationers," *Journal of Criminal Justice*, **39**(3):261–267.
- Paternoster, R. (1989). "Decisions to participate in and desist from four types of common delinquency: Deterrence and the rational choice perspective," *Law and Society Review*, **23**(1):7–40.
- Paternoster, R., Bachman, R., Brame, R., and Sherman L.W. (1997). "Do fair procedures matter? The effect of procedural justice on spouse assault," *Law and Society Review*, **31**(1):163–204.
- Pearsall, B. (2014). "Replicating HOPE: Can others do it as well as Hawaii?" *NIJ Journal*, 273 [NCJ 244148].
- Petersilia, J., and Turner, S. (1991). "Evaluation of intensive probation in California," *Journal of Criminal Law and Criminology*, **82**(3):610–658.
- Pitcher, A.B. (2013). "Optimal enforcement expenditure for a model of rule-breaking when sanctions are costly to impose," *Mathematical and Computer Modelling*, **57**(11–12):2961–2970.
- Rhine, E. (1993). *Reclaiming Offender Accountability: Intermediate Sanctions for Probation and Parole Violators*. Laurel, Mary.: American Correctional Association.
- Rossman, S.B., Roman, J.K., Zweig, J.M., Rempel, M. and Lindquist, C.H. (2011). *The Multi-Site Adult Drug Court Evaluation: Executive Summary*, Washington: Urban Institute.
- Shannon, L. (2013). *Kentucky SMART Probation Program: Year One Report*. Kentucky Administrative Office of the Courts.
- Shannon, L., Hulbiga, S.K., Birdwhistell, S., Newella, J., and Neal, C. (2015). "Implementation of an enhanced probation program: Evaluating process and preliminary outcomes," *Evaluation and Program Planning*, **49**:50–62.
- Simpson, D.D., Joe, G.W., Lehman, W.E.K., and Sells, S.B. (1986). "Addiction careers: Etiology, treatment, and 12-year followup outcomes," *Journal of Drug Issues*, **16**(1):107–121.
- Snell, C. (2007). *Fort Bend County Community Supervision and Corrections Special Sanctions Court Program: Evaluation Report*. University of Houston.

- Spitzer, G. (2014) “Washington’s ‘Swift And Certain’ parole reforms getting results and attention,” KPLU-FM, Seattle. [kplu.org/post/washingtons-swift-and-certain-parole-reforms-getting-results-and-attention](http://kplu.org/post/washingtons-swift-and-certain-parole-reforms-getting-results-and-attention).
- Steiner, B., Makarios, M.D., Travis, L.F., III, and Meade, B. (2012). “Examining the effects of community-based sanctions on offender recidivism,” *Justice Quarterly*, **29**(2):229–257.
- Taxman, F. (1999). “Graduated sanctions: Stepping into accountable systems and offenders,” *Prison Journal*, **79**(2):182–205.
- Tonry, M. (1996). *Sentencing Matters*. New York: Oxford University.
- Urada, D., and Longshore, D. (2007). “SACPA offenders,” in Evaluation of the Substance Abuse and Crime Prevention Act: Final Report. Sacramento: California Department of Alcohol and Drug Programs.
- Virginia Criminal Sentencing Commission. (2014). Immediate Sanction Probation Pilot Project. April 14.
- Weinrath, M., Doerksen, M., and Watts, J. (2015). “The impact of an intensive supervision program on high-risk offenders: Manitoba’s COHROU program,” *Canadian Journal of Criminology and Criminal Justice*, **57**(2):253–288.
- Wilson, J.Q. (1997). “Making justice swifter,” *City Journal*, **7**(4):30–35.
- Woodhouse, M. (2013). “Swift sanctions for probationers on Project SAFE,” *Nogales International*, August 13. [nogalesinternational.com/news/swift-sanctions-for-probationers-on-project-safe/article\\_615e0eba-0691-11e3-84d7-0019bb2963f4.html](http://nogalesinternational.com/news/swift-sanctions-for-probationers-on-project-safe/article_615e0eba-0691-11e3-84d7-0019bb2963f4.html).
- Zajac, G., Lattimore, P.K., Dawes, D., and Winge, L. (2015) “All Implementation Is Local: Initial Findings from the Process Evaluation of the Honest Opportunity Probation with Enforcement (HOPE) Demonstration Field Experiment,” *Federal Probation*, **79**(1):31–36.
- Zimmerman, G. (2013). “Judge extending hope to meth addicts,” *Fort Wayne Journal-Gazette*, April 18. [journalgazette.net/article/20130418/EDIT05/304189940/-1/EDIT01](http://journalgazette.net/article/20130418/EDIT05/304189940/-1/EDIT01).

## **6. DISSEMINATION**

Angela Hawken and Mark Kleiman (2015) “Celerity and Deterrence” in Frank Cullen, Cheryl Lero Jonson, and Daniel Nagin (eds.), *Deterrence, Choice, and Crime: Contemporary Perspectives*, New Brunswick, NJ: Transaction. In press.

- Angela Hawken (2014) “Replicating HOPE: Can Others Do It as Well as Hawaii?” Interview with Beth Pearsall. *NIJ Journal*. 273:36–41.
- Angela Hawken (2014) “Is Less More? Strategic Sanctions in Community Corrections,” Association for Public Policy and Management, Albuquerque.
- Jonathan Kulick (2014) “Challenges to Implementing HOPE/SAC in Diverse Jurisdictions,” Association for Public Policy and Management, Albuquerque.
- Angela Hawken and Bernie Warner (2014) “When Less is More: The Power of Swift and Certain but Modest Sanctions,” International Corrections and Prisons Association, Windhoek, Namibia.
- Angela Hawken, Steven Alm, and Bernie Warner (2014) “The Evidence Behind Swift and Certain Sanctions in Community Supervision,” National Criminal Justice Association, webinar.
- Angela Hawken, Steven Davenport, and Mark A.R. Kleiman (2014) “Managing Drug-Involved Offenders. Evaluation Report. NCJ 247315,” Washington: National Institute of Justice. Federal support acknowledged.
- Angela Hawken (2014) “(Less) ‘Crime and Punishment’: The Revolution in Community Corrections,” Jacob Marschak Interdisciplinary Colloquium, UCLA, Los Angeles.
- Angela Hawken (2014) Policy Dialogue on Criminal Justice, RAND Corp., Santa Monica.
- Jonathan Kulick (2013) “Challenges to Implementing HOPE in Diverse Jurisdictions,” American Society of Criminology, Atlanta.
- Angela Hawken (2013) Testimony before the U.S. Sentencing Commission, Washington.
- Angela Hawken (2013) “Less Crime and Less Incarceration: Improving Community Supervision with Swift and Certain Sanctions,” International Corrections and Prisons Associations, Colorado Springs.
- Angela Hawken (2012) “HOPE and Behavioral Triage,” National Institute on Drug Abuse, webinar.
- Angela Hawken (2012) “Swift, Certain and Consistent Sanctions—An Examination of HOPE and Similar Promising Strategies.” National Criminal Justice Association, Advancing the Business of Public Safety: Rethinking, Realigning, Restructuring, Realizing, Santa Ana Pueblo, New Mexico.
- Angela Hawken (2012) “Implementing HOPE in Different Jurisdictions,” American Society of Criminology, Chicago.

Angela Hawken (2012) “Managing Drug Involved Offenders,” National Institute of Justice,  
Research for the Real World Seminar Series, Washington.



## **Appendix A: Sample Warning Hearing Script**

Good morning. My name is Judge Steven Alm, and I am the primary judge for the HOPE Probation program. I will be your judge who will conduct the hearings for this program.

You have been selected for participation in the HOPE probation program. You were selected for this program because you met the criteria for the program. This means you have struggled with traditional probation, or you were deemed to be at risk of failing traditional probation. Participation in this program is not optional.

Let me start off by saying that everyone in this room wants you to succeed on probation. I want you to succeed on probation, the prosecution and defense want you to succeed, and your family wants you to succeed.

Probation is difficult; it means that you are responsible for making your own decisions. Jail or prison is easy. They tell you when to get up, when to eat, when to shower. On probation, you are responsible for making your own decisions. You decide whether or not your probation is going to be a success.

How do you succeed? You meet our expectations. If you fail to meet our expectations on these items, you will be arrested and placed in jail. Let me explain these expectations to you, so that you can make the decision whether or not to succeed.

We expect you to report to your probation officer when required. The expectation is that you will show up when you are supposed to show up. If you miss a meeting with your probation officer, you will be arrested and you will be sent to jail.

We expect you to refrain from using drugs or alcohol. You will be tested regularly and at random. The second expectation is that your urine tests will be clean. If you test positive for drugs or

alcohol, you will be arrested and taken to jail. If you refuse to provide a sample, what do you think I would assume? [Pick a client and ask them to answer]. Correct, that you are using. If you refuse to provide a sample, you will be arrested and sent to jail.

If you are in a treatment program, the expectation is that you make all of your treatment appointments. This is true for drug/alcohol treatment, anger management, domestic violence, and/or any other type of counseling or treatment program. If you fail to attend one of your appointments, you will be arrested and taken to jail.

The goal is that you will be responsible for your actions during this program. Act and behave responsibly, and you have nothing to worry about. Being responsible means that you show up when you are asked, that you remain drug and alcohol free, and that you make your treatment appointments. If you do these things, you won't have to see me again. Seeing me means that you have failed to meet these expectations. Seeing me again means that you will have been arrested and sent to jail.

Are these expectations clear to you? [Ask everyone to verbally agree to that]

Now, we understand that things happen. Sometimes your car breaks down, sometimes something comes up. However, that is no excuse for missing your appointment. You need to make sure that you can comply. We can't do this for you. The only excuse is a note from a hospital, not a doctor. If you are well enough to go to the doctor, you are well enough to make your probation appointment or your drug-test appointment. If you show up without a note from a hospital you will be going to jail.

Sometimes, however, people make mistakes. You miss an appointment, or you slip and use drugs. How you handle yourself in that situation says a lot about you. How you address the fact that you

made a mistake, and whether or not you take responsibility for it, will determine how long you are in jail.

Let's say you get a call from a friend who is being evicted, and they ask you to help them move. You're a good friend, so you agree, and spend all day helping them move, and at six p.m., you realize "Oh no, I missed my probation appointment!"

How you handle yourself in this situation will dictate how I handle this situation. If you show up the next day and turn yourself in—that is taking responsibility for your actions. That's admitting that you made a mistake and owning up to it. You are going to be arrested for missing your probation appointment, and you are going to be placed in jail. But you showed up anyway, taking responsibility for your actions, and that will say to me that you are trying. That says you are making an effort. And I would probably give you credit for time served.

Another option in that situation is to say, "well, I missed my appointment, I'm going to jail anyway, so I might as well smoke that joint or drink that beer. I'm going to be arrested, so I'll just misbehave until they come get me." Make no mistake, we will come find you. A warrant will be issued for your arrest. That's not being responsible, though. And I'll take that in mind and give you more time.

Is that understood?

The goal is that you don't come back here. The goal is that you successfully complete probation. Now, if you miss an appointment for a drug test, what do you think I'll think about you? [To a probationer] Mr. Smith, what do you think I'll assume? [*I'm using*] Correct, I'll assume you are using and you'll be arrested and placed in jail.

Does everyone understand? Are there any questions?

Do you get the impression that this is serious business? This is no joke. Ok, thank you. Please report to your probation officer.

**Appendix B: Sample Motion-to-Modify Form and Declaration of Probation Officer**

Adult Client Services Branch  
777 Punchbowl Street  
Honolulu, Hawaii 96813

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII

v.

Defendant.

CR. NO.

- ☐ MOTION FOR MODIFICATION OF  
THE TERMS AND CONDITIONS OF  
PROBATION, DEFERRED  
ACCEPTANCE OF GUILTY PLEA, OR  
DEFERRED ACCEPTANCE OF NO  
CONTEST PLEA,  
☐ MOTION FOR REVOCATION OF  
PROBATION,  
☐ MOTION TO SET ASIDE ORDER FOR  
DEFERRED ACCEPTANCE OF  
GUILTY PLEA, OR DEFERRED  
ACCEPTANCE OF NO CONTEST  
PLEA, AND ACCEPTANCE OF  
DEFENDANT'S PLEA FOR  
JUDGMENT OF CONVICTION AND  
SENTENCE;

DECLARATION OF PROBATION  
OFFICER

Date: \_\_\_\_\_  
Judge: \_\_\_\_\_

- ☐ MOTION FOR MODIFICATION OF THE  
TERMS AND CONDITIONS OF  
PROBATION,  
DEFERRED ACCEPTANCE OF GUILTY PLEA OR  
DEFERRED ACCEPTANCE OF NO CONTEST PLEA  
☐ MOTION FOR REVOCATION OF PROBATION  
☐ MOTION TO SET ASIDE ORDER FOR DEFERRED  
ACCEPTANCE OF GUILTY PLEA, OR  
DEFERRED ACCEPTANCE OF NOT CONTEST PLEA,  
AND ACCEPTANCE OF DEFENDANT'S PLEA FOR JUDGMENT OF  
CONVICTION AND SENTENCE

Probation Officer \_\_\_\_\_ hereby moves this Honorable Court for an order

- ☐ modifying the terms and conditions of probation, deferred acceptance of guilty plea, or deferred acceptance of not contest plea,
- ☐ revoking probation,
- ☐ setting aside the order for deferred acceptance of guilty plea, or deferred acceptance of no contest plea, and accepting Defendant's plea for judgment of conviction and sentence,

imposed on Defendant \_\_\_\_\_ due to violation(s) of his/her terms and conditions.

This Motion is based upon Sections 706-625 and 853-3, Hawaii Revised Statutes, and the attached Declaration, and is brought pursuant to Rule 47, Hawaii Rules of Penal Procedure.

Dated at Honolulu, Hawaii: \_\_\_\_\_.

\_\_\_\_\_  
Senior Probation Officer