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## **Bipartisan HOPE**

By David Keene - 12/14/09 06:40 PM ET

Bipartisanship seems a quaint concept in today's Washington, where Democrats and Republicans routinely question each other's motives and integrity. Still, as 2009 winds down, we should be thankful that a few here occasionally manage to put partisanship aside in an honest quest for solutions to real problems.

You won't find many of them standing up during the healthcare debate, but there are other issues of incredible importance that don't receive daily front-page treatment in The Washington Post or even the passing attention of the White House or the president's water-carriers in the House and Senate. On some such issues, thoughtful members are working across party lines in a bipartisan search for meaningful solutions to real problems.

In the Senate, for example, Virginia's Jim Webb (D), whom most think of as mainly interested in defense issues — and who is currently in hot water for daring to question the wisdom of his "leaders" on some aspects of the healthcare bill — actually spends more time pondering the shortcomings of our dysfunctional criminal justice system.

About 5 percent of the world's people call the U.S. home, but we account for almost 25 percent of the world's prisoners. An American is roughly five times more likely to end up behind bars at some point than others, and one in three black men can expect to spend some part of their adult lives in prison. Building and maintaining a prison system that doesn't really work (two-thirds of those we lock up will be rearrested after release) is breaking the budget of many states.

We are today releasing hundreds of thousands of prisoners a year from seriously overcrowded, dehumanizing institutions — who are then barred from most legitimate work after their release. In decades past, released felons were rationally barred from jobs as, say, bank tellers, but could work in many jobs with a future. That is no longer the case. Today they are relegated to jobs as janitors, car washers or day laborers with little chance of putting their lives back together.

Webb and congressmen as diverse as Ted Poe (R-Texas), a former judge, and Democrat Adam Schiff (Calif.) think we can and must do better. Webb wants a national commission to look at the problem, while Poe and Schiff want to encourage other states to try a program that has worked wonders in Hawaii. Both of these efforts deserve support.

The Hawaii program, begun by a former Clinton U.S. attorney-turned-criminal court judge, is both innovative and promising. Judge Steven Alm was, as U.S. attorney, one tough prosecutor. As a judge, he

discovered that something like half of the men and women appearing before him were there for probation violations, and he began asking why.

It turned out that in Hawaii, as in most states, probation officers labor under such heavy case loads that neither they nor the courts on whose behalf they work can deal with "clients" who violate the terms of their release. The result is that minor violations pile up, and since there seems to be no penalty, violators begin simply to ignore the rules. When action is finally taken, the violator is sent off to prison to serve his or her full sentence.

Alm believed, correctly, as it turned out, that if a violator knew for a virtual certainty that a rules violation would lead to immediate incarceration, even for a few days, the system might actually work and alter the behavior that led folks back to prison. If he was right, such a program might reduce crime, give those arrested a second chance and save the state money at the same time.

Alm began with drug offenders who appeared before him, and with the cooperation of prosecutors and police began a program that included random but mandatory drug tests and a requirement that rules violators be picked up and locked up within 48 hours. The program was built on the long-known fact that to be effective, punishment must be certain and quick, and that that certainty and quickness are more important than its severity.

It worked. Alm called the program Hawaii's Opportunity Probation with Enforcement, or HOPE. Probation violations dropped by 80 percent, the program spread to other courts and Hawaii's prison population and the costs actually began to decrease.

Reps. Poe and Schiff have introduced a bill that would, they hope, replicate Alm's success elsewhere by encouraging other states to emulate the program. They likewise call it HOPE, for Honest Opportunity Probation with Enforcement.

It's a serious bipartisan bill that deserves a serious bipartisan look.

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