

Commentary

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Hawaii's HOPE Probation Featured in New Publication that Identifies Innovative Programs that Advance Criminal Justice Reform

A new publication from the Center for Court Innovation and the US Department of Justice's Bureau of Justice Assistance, entitled *Small Experiments, Big Change*, features a remarkable program in Hawaii developed by Judge Steven S. Alm.¹ Hawaii's Opportunity Probation with Enforcement (HOPE) is an example of how a small, local initiative can have the potential for far-reaching and transformative large scale reform within the criminal justice system. Five years ago the Institute for Behavior and Health, Inc. (IBH) identified HOPE Probation and its management of offenders at high-risk of violating probation – including those with histories of substance abuse – as a model program for wide implementation in the criminal justice system.

HOPE Probation utilizes the leverage of the criminal justice system to enforce a zero tolerance standard for drug use through frequent random drug testing linked to swift, certain, but brief incarceration for drug use or any other program violation. Probationers call a designated hotline to find out if they are subject to a random drug test each day while in the program. Immediately following a positive drug test result (or other violation), an arrest warrant is issued, the probationer is arrested and a hearing is scheduled. At the hearing sanctions for drug use or for any other violation are immediately imposed, commonly resulting in a short-term jail stay. HOPE Probation has been rigorously evaluated and the results are impressive. HOPE participants, compared to a control group of standard probation, were 55% less likely to be arrested for new crimes, 72% less likely to use drugs, 61% less likely to miss appointments with probation officers, and 53% less likely to have their probation revoked.² HOPE probationers also spent or were sentenced to on average 48% fewer days of incarceration.

While the other pioneering criminal justice programs mentioned in the recent publication can be replicated in some communities, only HOPE Probation is scalable to the entire 5 million people under community supervision on probation and parole. Nonetheless, all of these criminal justice programs are worthy of note and are shaping criminal justice reform.

IBH focuses on ideas that are practical, affordable and scalable to the size of the substance abuse problem. HOPE Probation fits those exacting requirements. HOPE is scalable to the larger populations under community supervision because it requires fewer resources. A single judge is able to supervise a great number of probationers under HOPE because the judge only sees offenders when they violate their probation for any reason, including a positive drug test (an uncommon event) and because few hearings are contested. In addition to being the Drug Court judge, Judge Alm single-handedly supervises over 1,850 felony probationers in HOPE.

The challenge for tomorrow's drug policy is not a choice between the criminal justice system and treatment; it is to find better ways to link the criminal justice system to treatment to achieve

positive goals – including reducing crime and reducing illegal drug use – that neither criminal justice programs nor treatment can achieve alone. Over a third of all admissions to prison in 2009 were parole violators³ and about half of offenders in jail are there because of violations of probation and parole.⁴⁵ Drug use is a common problem among this population, often leading to violations. HOPE Probation keeps people in community corrections out of prisons and thereby reduces incarceration by reducing drug use and by reducing new crimes.

HOPE Probation is especially innovative in the way in which it utilizes substance abuse treatment. HOPE Probation provides treatment to offenders who request it and to those who demonstrate the need for treatment in a process called “Behavioral Triage.” While most offenders forego treatment, HOPE participants who do not abstain from drug and alcohol use are referred to treatment, with incarceration consequences for participants who refuse treatment. Behavioral Triage conserves resources, thus freeing scarce and expensive treatment slots for the substance abusers who most need and who are most likely to benefit from those services.

HOPE Probation costs about \$2,000 per probationer each year, including the cost of treatment.⁶ Regular probation costs about \$1,000 per probationer each year, but also incurs higher judicial and criminal justice costs. There are fewer judicial costs in HOPE because hearings only take place when offenders violate their probation. Behavioral Triage makes HOPE more affordable for all offenders in community corrections.

IBH commends the Center for Court Innovation and the Bureau of Justice Assistance for their outstanding promotion of innovative and effective criminal justice programs including HOPE Probation.

For more information on the Institute for Behavior and Health, Inc., visit www.ibhinc.org. For more information about HOPE Probation, visit www.hopeprobation.org.

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¹ Fox, A., & Gold, E. Small Experiments, Big Change: HOPE Probation and the Use of Demonstration Projects to Advance Criminal Justice Reform. New York: Center for Court Innovation; Washington, DC: Bureau of Justice Assistance, U.S. Department of Justice. Retrieved November 28, 2011 from http://www.courtinnovation.org/sites/default/files/documents/HOPE_0.pdf

² Hawken, A., & Kleiman, M. (2009). Managing drug involved probationers with swift and certain sanctions: Evaluating Hawaii’s HOPE. Award Number 2007-IJ-CX-0033. Washington, DC: National Institute of Justice, Office of Justice Programs, U.S. Department of Justice.

³ West, H. C., & Sabol, W. J. (2010). Prisoners in 2009. Bureau of Justice Statistics Bulletin. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. NCJ 231675. Retrieved November 28, 2011 from <http://bjs.ojp.usdoj.gov/content/pub/pdf/p09.pdf>

⁴ Burke, P., Gelb, A., & Horowitz, J. (2007). When Offenders Break the Rules: Smart Responses to Parole and Probation Violations. Public Safety Policy Brief. Washington, DC: The PEW Charitable Trusts. Retrieved November 28, 2011 from http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/sentencing_and_corrections/Condition-Violators-Briefing.pdf

⁵ Allen J. Beck, “The Importance of Successful Reentry to Jail Population Growth,” presented at the Corrections Statistics Program, Bureau of Justice Statistics, U.S. Department of Justice, June 27, 2006, Washington, D.C.

⁶ S. S. Alm, personal communication, November 23, 2011.