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Materials & Resources

- [Hawaii State Judiciary's HOPE Probation Program](#)
- [Center for Court Innovation](#)
- ["Swift and Certain' Sanctions in Probation Are Highly Effective: Evaluation of the HOPE Program,"](#) National Institute of Justice, February 3, 2012.
- ["H.O.P.E. for Reform,"](#) Angela Hawken, *The American Prospect*, April 10, 2007
- ["Community Corrections Practices: 2012 Report to the Legislature,"](#) Angela Hawken, *The American Prospect*, April 10, 2007
- [Prisoners of Parole,"](#) Jeffrey Rosen, *New York Times Magazine*, January 8, 2010.
- ["Triage: A New Medical Model for Sentencing,"](#) Steven S. Alm, *Perspectives*, Winter 2012.
- ["A New Continuum for Court Supervision,"](#) Steven S. Alm, *Oregon Law Review*, Vol. 91 (2013).

"Swift & Certain Probation Sanctions" Expand to 18 States

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Dear Friends,

After decades of frustration with stubbornly high recidivism rates, states across the country are adopting a new paradigm for handling violations of probation and parole. Often referred to as "swift and certain sanctions", these programs are based on the structure created by Judge Steven Alm, a former federal prosecutor, who now sits on a Hawaii state trial bench.

Judge Alm established the [HOPE](#) program (Hawaii's Opportunity Probation with Enforcement) to discourage probation violations. He gives probationers a "warning hearing" to make it clear that he takes the terms of their probation seriously, and that he will enforce them strictly. HOPE participants must call a hotline each weekday morning to learn if they will be drug tested that day. Probationers who fail the drug test are arrested immediately, and find themselves back in jail for at least two days. The only exception is for participants who have a paid job, who are permitted to serve their jail time on weekends, at least initially, to encourage continued employment.

Judge Alm requires drug treatment for those who continue to fail the drug tests, and offers it to other participants who request it, plus mental health counseling if needed. He promises they will get the treatment they need, but they must attend and complete such programs.

Prior to HOPE, probationers often skipped appointments with probation officers, failed numerous drug tests, and even dropped out of treatment programs entirely, with no consequences until they had accumulated multiple violations. Then they were sent to prison for a long time, at great expense to the public. The HOPE approach is to respond immediately to probation violations, emphasizing swiftness and certainty rather than severity.

The [Center for Court Innovation](#) describes what led Judge Alm to develop HOPE:

Judge Steven Alm had been on the bench in Hawaii for 3 years when he was assigned to a felony trial calendar that had a high volume of defendants on probation. "Within my first week, I could tell there was a problem," he said. "Motions came in to revoke offenders' probation that cited 20 or 30 violations, often after the

probationer had absconded." These motions commonly recommended that the probationers should be sent to prison.

"It occurred to me that this is no way to change offender behavior," Alm said, "so I began thinking about what would work. I thought about how I was raised and how I'm trying to raise my own son. I don't let a dozen slip-ups go by unnoticed and then expect my son to learn a lesson with a harsh punishment on the 13th time. That doesn't make any sense."

Alm noticed that many of his cases involved drugs in one way or another, which created an easy opportunity to monitor offender behavior: drug testing. "The idea was that every positive drug test – which constitutes a violation of probation – would have a swift and certain consequence," he said. Usually, this meant a short-term jail sentence.

Alm started his project in 2004, enrolling 34 probationers in what he called HOPE (or Hawaii's Opportunity Probation with Enforcement). At first, Judge Alm's goals may have been modest – after all, he was a single judge dealing with a small number of offenders in a remote part of the country. But, based on promising early results, the model was soon expanded in Hawaii.

Today over 1500 probationers are monitored in as part of the HOPE program, one out of six felony probationers on Oahu. The results are striking: [research](#) has shown that HOPE participants are:

- 55 percent less likely to be arrested for a new crime,
- 72 percent less likely to test positive for drugs and
- 61 per cent less likely to skip appointments with their probation officer.

The authors of that research, Angela Hawkin and Mark Kleiman wrote a thorough analysis of HOPE for the American Prospect, "[What a novel probation program in Hawaii might teach other states](#)." They wrote, "A novel program in Hawaii is demonstrating that it is possible to re-invent community supervision in a way that helps probationers toe the line, cuts recidivism, and curbs their flow to over-crowded jails and prisons. By closely monitoring probationer behavior and rapidly punishing violations with relatively mild sanctions – typically a few days in jail – the program provides much-needed structure to offenders whose lives are often in disarray."

Other states have taken notice. The State of Washington has modified the HOPE program for its community corrections system. The statute, SB 6204, which established this new paradigm states, "Research shows that traditional mechanisms of surveillance-based

supervision and sanctioning are ineffective in reducing recidivism or improving public safety. The legislature is persuaded by recent studies showing that swift and certain sanctions, in combination with treatment-based interventions that address chemical dependency and criminogenic behaviors, are a more effective and efficient use of public resources to affect future crime."

The [report](#) on implementation of swift and certain sanctions in the State of Washington is very informative. I recommend it for all who are interested in establishing a program along the lines of the HOPE program.

The list of states that have modeled court programs on HOPE is growing. The number in parentheses is the number of courts in the states that are implementing a HOPE-type program:

HOPE PROBATION SITES

1. Alaska (3) – Probation Accountability with Certain Enforcement (PACE)
2. Arizona (5) – Swift, Accountable, Fair Enforcement (Project SAFE)
3. Arkansas (6) – HOPE, including one DOJ Demonstration Field Experiment Site
4. California (1) – HOPE
5. Hawaii (8) – HOPE
6. Illinois (1) – Redeploy Illinois
7. Indiana (1) – Hoosier Opportunity Probation with Enforcement (HOPE)
8. Kansas (1) – Probation 180
9. Kentucky (5) – Supervision, Motivation, Accountability, Responsibility, and Treatment (S.M.A.R.T. Probation)
10. Massachusetts (1) – Honest Opportunity Probation with Enforcement (HOPE) – DOJ Demonstration Field Experiment Site
11. Michigan (12) – Swift and Sure Sanctions Probation Program (SSSPP)
12. Missouri (1) – Missouri Augmented Probation Supervision (MAPS)
13. New Hampshire (2) – New HOPE
14. Oregon (1) – Honest Opportunity Probation with Enforcement - DOJ Demonstration Field Experiment Site
15. Tennessee (1) – Tennessee HOPE (T-HOPE)
16. Texas (1) – Honest Opportunity Probation with Enforcement -

DOJ Demonstration Field Experiment Site

17. Virginia (4) – Immediate Sanctions Program

18. Washington (113) – Entire system (probation & parole) now on swift and certain model

HOPE PAROLE SITES

1. California – HOPE

2. Washington – Initially, a pilot in Seattle: Washington Intensive Supervision Program (WISP), now whole state system on swift and certain model.

The HOPE program is gaining national attention. It was lauded in a [piece](#) in the New York Times Magazine: "Alm had stumbled onto an effective strategy for keeping people out of prison...the threat of a mild punishment imposed reliably and immediately has a much greater deterrent effect than the threat of a severe punishment that is delayed and uncertain." The article continued, "...this approach includes elements that should appeal to liberals (it doesn't rely on draconian prison sentences) and to conservatives (it stresses individual choice and moral accountability)."

You will enjoy reading Judge Alm's writings on how he came to create HOPE in two articles: "[Triage](#)" for the American Probation and Parole Association; and, "[A New Continuum for Court Supervision](#)" for the Oregon Law Review.

My Twitter account has changed to PatNolanPFM. I send out quick updates with links like those contained in this eReport. I cover the latest news and research in criminal justice reform. I think you will find my Tweets helpful, and I hope you will add me to the list of those you follow.

And, saving the best news for last, the Harvard Kennedy School of Government has announced that HOPE is among the "[Top 25 Innovations in Government](#)". Congratulations to Judge Alm and the entire HOPE team for this prestigious honor.

In His service,



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Resources

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- "[Community Corrections Practices: 2012 Report to the Legislature](#)," Washington State Department of Corrections, December 1, 2012.
- "[Prisoners of Parole](#)," Jeffrey Rosen, *New York Times Magazine*, January 8, 2010.
- "[Triage: A New Medical Model for Sentencing](#)," Steven S. Alm, *Perspectives*, Winter 2012.
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Justice Fellowship is the criminal justice reform arm of Prison Fellowship.