

HOPE

Hawaii's Opportunity Probation with Enforcement

BENCHMARKS FOR SUCCESS

August 2010

HOPE Probation involves swift and certain, but typically mild, sanctions (jail time) for each detected violation of probation. When properly done, HOPE results in greatly reduced drug use, missed probation appointments, probation revocations and arrests for new crimes.

These Benchmarks should be used as a guide for programs using the HOPE model. Any deviations should be a cause for concern. Doing so could undermine the active monitoring of the conditions of community release and the critical imposition of brief incarceration as a swift and certain consequence for every instance of probation violation/noncompliance.

- (1) The players listed below must be involved, make a long-term commitment, and agree to the new, quicker procedures:
 - _ The Chief Justice and all Judges participating in the program
 - _ Probation Administrators and Officers
 - _ Jail Administrators
 - _ Prosecutors
 - _ Public Defenders/Defense Attorneys
 - _ Sheriff/Police to take offenders into custody who fail drug testing, and to serve arrest warrants for absconders
- (2) A judge should be in charge of the program in order to answer questions, quickly address emergent issues and provide the necessary leadership and collaboration to drive the program. Regular meetings (e.g., monthly) with the judge, probation administrators, and other key personnel are very helpful for identifying and addressing problems and concerns.
- (3) The most difficult, high risk probationers should be targeted for HOPE, including violent, domestic violence, and sex offenders.
- (4) Start small! Begin with no more than 30-50 offenders so as to readily identify and resolve the inevitable challenges that arise.

- (5) It is critical to hold a brief warning/notification hearing by the judge, with counsel present, at the start of HOPE Probation for each offender to clearly communicate program expectations and consequences and to encourage his or her compliance and success.
- (6) Routine, effective, timely and, ideally, randomized drug testing (with a confirmation process when positive results are disputed) is key. A drug testing hotline is a good way to ensure that every supervised offender is aware he or she is subject to testing every week day, with the number of tests varying from a maximum of six per month to a minimum of once per month. The frequency of the randomized testing is gradually reduced for offenders who consistently report for testing and have negative results.
- (7) Positive drug tests and/or admissions to drug and/or alcohol use should result in an immediate, on-the-spot arrest. Non-appearance for a drug test or a probation appointment should result in the immediate issuance of a bench warrant.
- (8) Violation/noncompliance hearings should be held swiftly (within two business days of the arrest date is ideal; it should be possible to hold three-quarters of the hearings within three days). High bail is set, and offenders are usually held in custody pending the hearing.
- (9) A brief – but virtually certain – jail sentence as a consequence for probation violation/noncompliance is a central tenet of HOPE. In most cases, the initial sanction should be for a few days to one week, with subsequent violations resulting in similar or longer sentences. Exceptions should only be made for rare and compelling reasons (e.g., documented hospitalization excusing a missed probation appointment).
- (10) Expedited warrant service is needed to ensure absconders are apprehended as quickly as possible.
- (11) Resources and funding for a continuum of care (e.g., outpatient and residential substance abuse treatment) should be available for offenders who request treatment and/or fail to achieve and sustain abstinence with monitoring and consequences alone.
- (12) An independent research component is needed to compile, evaluate, and publicly report program results. Statistical updates should be provided to key stakeholders on a monthly or quarterly basis, at least during the first 24 to 36 months of program implementation.