

The HOPE Probation Strategy and Fidelity to It: A Summary

A Comprehensive Summary of the HOPE Probation Strategy and a Brief Overview of a Variety of HOPE-Like Strategies Elsewhere in the United States

Final Project Report

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I. Introduction

In 2014, the Institute for Behavior and Health, Inc. (IBH) received a grant from the Laura and John Arnold Foundation for a one-year project to accomplish two objectives: 1) complete a comprehensive examination of HOPE Probation in Honolulu, Hawaii and, 2) briefly examine the fidelity to HOPE of the existent HOPE-like strategies that have proliferated within the criminal justice system across the United States. Two resulting separate reports, *The State of the Art of HOPE Probation* and *HOPE-Like Probation and Parole: 2015 Survey Summary*, directly correspond to these objectives.

The first report, *The State of the Art of HOPE Probation*, defines the essential elements of the HOPE strategy and additional recommended, but not essential, elements that enhance HOPE and ensure its success. It describes appropriate sanctions used for non-compliance, the circumstances under which offenders are referred to treatment and to drug court, and when probation is revoked. Additionally, it describes in detail how HOPE Probation has evolved over 10 years of innovation and practice in Honolulu. Useful tools for practitioners interested in implementing the HOPE strategy in their jurisdictions include a needs assessment worksheet that corresponds to the Essential Elements and Recommended Elements of HOPE as well as a HOPE procedures checklist outlining specific issues that require strategic planning to successfully implement HOPE. Lastly, it includes open letters to judges, probation officers, law enforcement and treatment professionals from these respective leaders in Honolulu about their roles in successfully implementing the HOPE strategy.

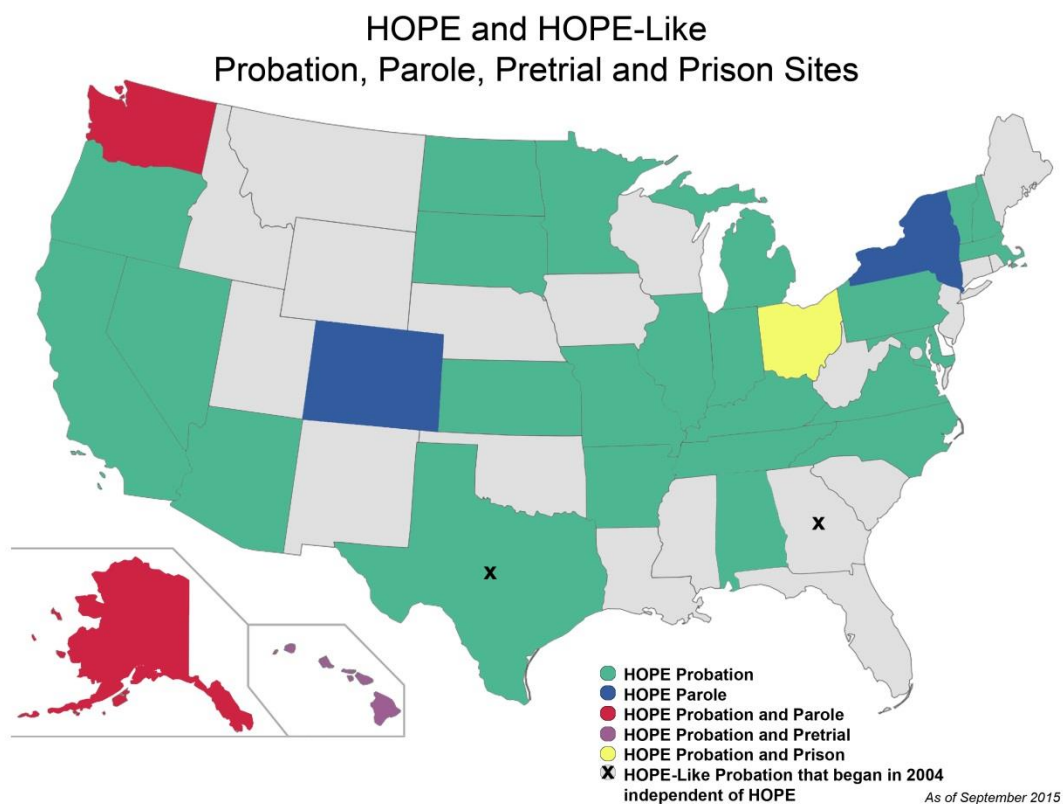
The second report, *HOPE-Like Probation and Parole: 2015 Survey Summary*, describes findings from an online survey of practitioners (i.e., judges, probation/parole officers, and coordinators) representing strategies that are similar to or directly based on HOPE Probation.

This document is the final project summary report. It reviews the core components of the HOPE strategy, the findings of survey research conducted on HOPE-like sites and provides recommendations for further actions, including future extensions of HOPE. This report is intended to provide only a cursory review of the HOPE strategy; for an in-depth description, readers are referred to *The State of the Art of HOPE Probation*.

II. The HOPE Strategy

Founded in Honolulu in 2004, Hawaii's Opportunity Probation with Enforcement, now generally called HOPE Probation, was formally evaluated several years later in a randomized control trial that showed dramatically improved outcomes among HOPE probationers compared to offenders on standard probation.¹ Following the release in 2009 of these results, new strategies based on HOPE began spreading rapidly across the United States. Although first implemented within probation, the HOPE strategy has been adapted widely by other areas of criminal justice (i.e., pretrial, parole, prison and juvenile justice agencies). **Map 1. States with HOPE and HOPE-Like Sites** depicts the many states having at least one site with a strategy that is based on or similar to the HOPE strategy. Many of these states have multiple sites, or have implemented the strategy statewide, and/or extend beyond probation to include parole, pretrial and prison.

Map 1. States with HOPE and HOPE-Like Sites



¹ Hawken, A. & Kleiman, M. A. R. (2009). *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE*. Document No. 229023. Award No. 2007-IJ-CX-0033. Available: <http://nicic.gov/Library/024156>

How HOPE Probation Works

HOPE Probation is a strategy to effect positive behavioral change for those under court supervision. The premise is that clearly stated, easily understood rules are more readily followed by offenders when any rule violation quickly results in a brief stint in jail. Offenders who are willing to roll the dice with repeated violations of probation when the consequences are delayed and uncertain on probation-as-usual are far less likely to risk going to jail *today* even for a single violation as is the case when in HOPE Probation. The logic of HOPE Probation is that clear and easily understood rules are more readily followed by offenders.

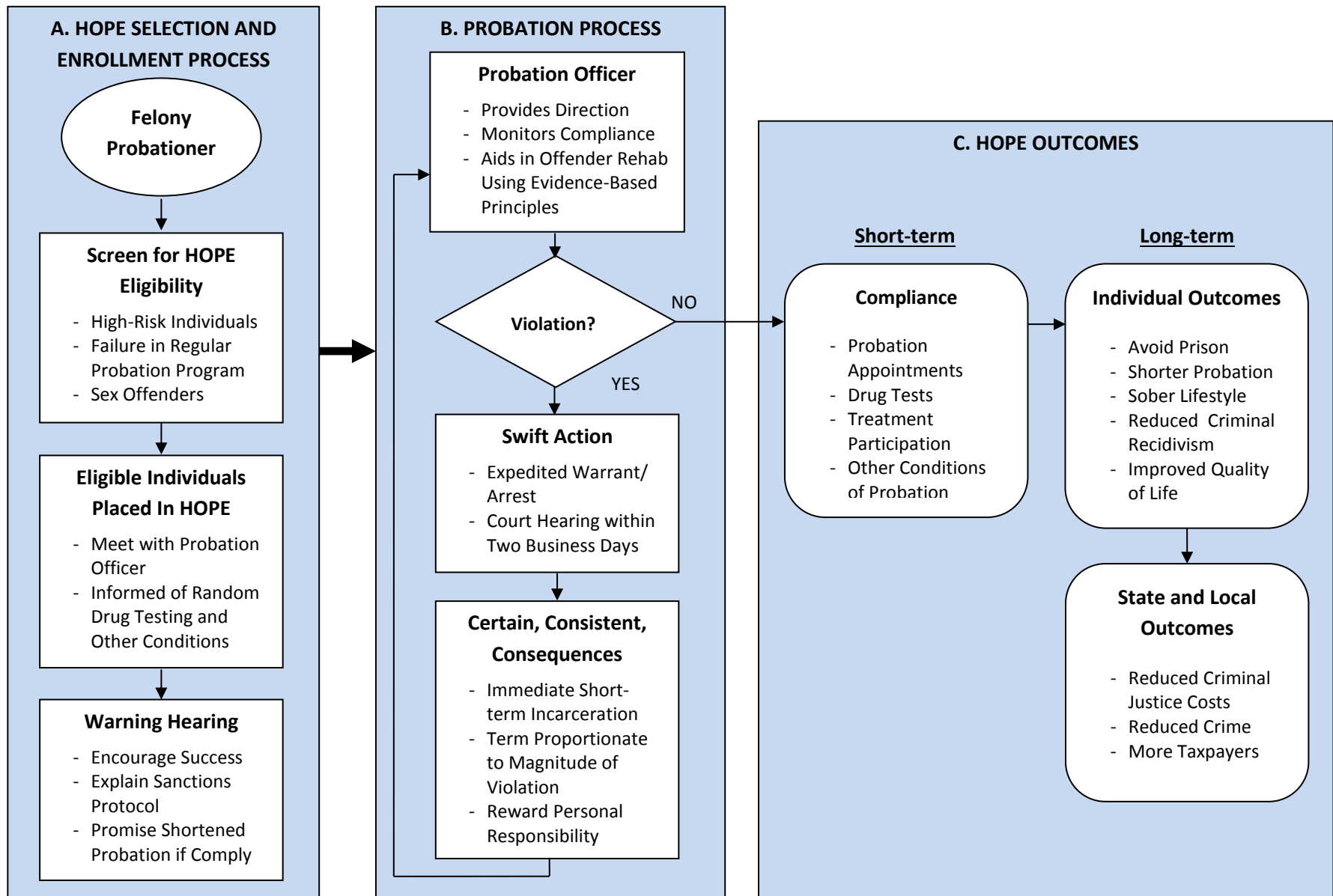
HOPE provides swift, certain, consistent, and proportionate consequences for misbehavior in an environment of caring support. That translates into a system that is seen as fair, both in perception and in reality, and that increases buy-in for those under supervision. HOPE is not meant to be a substitute for any other supervisory strategy (e.g., evidence-based principles for recidivism reduction) but rather complements those efforts and makes them work more effectively. HOPE markedly reduces drug use and increases compliance with the other conditions of community release.

HOPE Probation ideally targets higher risk, felony offenders (this is consistent with the risk principle of targeting those at higher risk of recidivating). This includes probationers with the most serious criminal histories, the worst substance abuse problems, those who have failed at regular probation, as well as those the system is committed to most closely monitoring, including sex offenders.

Often, new start-up correctional programs develop narrow admissions criteria that focuses on the lower-risk population or those who are most likely to succeed (“cherry picking”) to ensure successful results. Research, however, has shown that supervision and treatment resources that are focused on lower-risk offenders tend to produce little, if any, net positive effect on recidivism rates. At the same time, research has also shown that focusing on the higher-risk offenders produces greater recidivism reductions. HOPE effectively targets resources and attention on the higher-risk population (those who are most likely to commit new crimes), thereby achieving a greater “bang-for-the-buck.”

Figure 1. Logic Model for HOPE Probation depicts the principles and procedures under which HOPE Probation operates and is discussed in the following text.

Figure 1. Logic Model for HOPE Probation



A. HOPE Selection and Enrollment Process

HOPE Probation specifically targets higher risk felony probationers.

Probationers at risk for recidivism are identified through validated risk assessment tools (e.g., Level of Service Inventory-Revised [LSI-R]) to identify those with high levels of criminogenic risk factors in multiple areas, including criminal history, substance abuse, attitudes, personal companions, employment, and family and marital relationships. Other felony probationers have demonstrated that they are good candidates for HOPE by multiple failures in regular probation such as missed appointments, continued drug use, and violations of their conditions of probation. Often these individuals are just one violation away from being sent to prison for many years to serve their original sentence. Sex offenders in Honolulu are automatically placed into HOPE because the judiciary is committed to monitoring them as closely as possible.

HOPE Probation differs from probation-as-usual in several key ways. While HOPE is much more than just a sanctions strategy, it does include swift, certain, consistent, and proportionate sanctions for targeted violations of probation. First, frequent random drug testing is a condition of HOPE Probation (for those probationers with drug conditions), rather than the typical testing done only at the time of scheduled meetings with probation officers on standard probation. Second, in HOPE Probation, failure to abstain from drugs or failure to show up for random drug testing always results in a brief jail sanction, usually 2 to 15 days depending on the nature and severity of the offense. HOPE probationers are jailed briefly for violating other conditions of probation including not reporting to the probation officer as scheduled. Third, upon placement in HOPE at a Warning Hearing, probationers are encouraged to succeed, are fully informed of the length of the jail sanctions that will likely be imposed for each type of violation, and are assured of the certainty and speed with which the sanctions will be applied. Probationers (apart from sex offenders because their treatment will typically take longer) are told that if they can be compliant with the terms of their probation for two years without a violation, their probation can be terminated early. Fourth, jail sanctions for violations of probation are applied swiftly with certainty. For example, probationers testing positive for drugs and admitting drug use are jailed immediately and court hearings are held within two business days. Bench warrants are also issued and executed promptly when there is a failure to appear for a drug test.

An important part of the HOPE enrollment process is the Warning Hearing. The hearing is typically conducted for multiple probationers at the same time. This is done both to save court time and to send the important message that all probationers will be treated consistently and thus fairly. The hearing functions as an “induction ceremony” for HOPE probationers during which the judge explains their responsibilities for participating in HOPE, describes the likely sanctions that will be imposed for failure to live up to these responsibilities, and obtains probationers’ public affirmation that they understand these rules and conditions. Sanctions are applied consistently and impartially to ensure fairness for all. Offenders are told that everyone – the judge, the probation officers, probationers’ families and taxpayers – wants them to succeed in HOPE Probation and to remain in the community.

B. Probation Process

Probation officers (regardless of whether or not they are part of HOPE Probation) are responsible for two primary supervisory functions. The first primary function of probation officers is to be change agents. The probation officers use the probation process to provide direction and guidance to probationers to help them make positive changes in their lives and thus reduce their chances of criminal recidivism. Probation officers with training in areas including effective case planning, motivational interviewing, cognitive behavioral therapy, and evidence-based practices in recidivism reduction use these skills in combination with referrals to appropriate programs – drug treatment, mental health counseling, domestic violence classes, etc. – to help probationers improve their lives, their ways of thinking, and make better choices that result in improved outcomes.

To assist in this process, the second supervisory function of probation officers is to monitor probationers' compliance with the terms of their probation and take corrective action when there is non-compliance. The ultimate corrective action when there are egregious or repeated violations is to ask the court to revoke probation and send such offenders to prison.

Probation officers and judges working with HOPE probationers can use these skills and tools but they also have the additional tool of swift and certain jail sanctions for all violations. They use this additional tool as a powerful form of operant conditioning to shape positive behaviors and reinforce successful compliance with probation. When there is a violation of probation, including any drug use, action is initiated immediately to arrest or apprehend the probationer and hold a court hearing within two business days of arrest to address the transgression. The penalty is always some period of incarceration; however, the term is proportionate to the magnitude of the violation tempered by the degree to which the probationer takes responsibility for the violation. For example, probationers who test positive for drugs and admit use will be arrested immediately and serve a 2-day jail sentence; probationers who deny drug use after a positive test result will receive a 15-day jail sentence if subsequent analysis by a certified laboratory confirms the positive test result. Probationers who abscond and have to be arrested face a minimum 30-day sanction. Because these sentences are handed out in open court in the presence of other HOPE probationers, by highly visible example, they shape the behavior of others. They also make it clear that sanctions are being applied fairly and consistently to all offenders. The idea is to encourage probationers to make good choices so as to avoid sanctions and to accept responsibility for their bad decisions to avoid the longer sanctions.

Jail sanctions are not incrementally increased for each subsequent violation. For example, a failed drug test with admission of drug use will net a 2-day jail sentence the first time as well as the third time. Repeated failures of this sort over an extended period of time are interpreted by the probation officer and the judge as evidence that sanctions *alone* are not sufficient deterrents to drug use and that other interventions are needed *in addition to sanctions* to help the probationer overcome this problem. Requiring probationers to be evaluated and enrolled when advised to do so in substance abuse treatment and/or move out of housing where others are using drugs are examples of the types of additional interventions used in HOPE Probation. By relying on jail sanctions as the first action, HOPE Probation provides “behavioral triage,” reserving the use of costly substance abuse treatment programs

and other intensive interventions such as drug court for offenders who either request such treatment or who demonstrate through their behavior, through repeated violations, that they require these more expensive programs to succeed.²

C. HOPE Outcomes

Effective implementation of the HOPE strategy produces a series of short-term and long-term positive outcomes for high-risk probationers that also result in positive outcomes for the state and local communities. The logic is that swift, certain, consistent and proportionate sanctions for violations of probation raise compliance so that more probationers keep appointments, participate in mandated drug and alcohol testing, and complete court-ordered treatment, education, and training programs. This allows probation officers to use all of their training in evidence-based principles (EBPs) to be change agents and work more effectively with the probationers. Success in these areas results in long-term positive outcomes for probationers such as prison avoidance, reduced probationary periods, sustained abstinence from alcohol and drugs, improved health, reduced criminal recidivism, greater employment and income, and ultimately an improved quality of life.

State and local communities benefit from the changes produced by HOPE Probation through reduced crime, fewer costly imprisonments, reduced costs to the criminal justice system, and an increase in the number of working individuals who pay taxes. Crime victims also benefit since a common requirement for leaving probation is to complete payment of court-ordered restitution, which HOPE probationers can do more easily because they are more likely to remain drug-free and employed in the community.

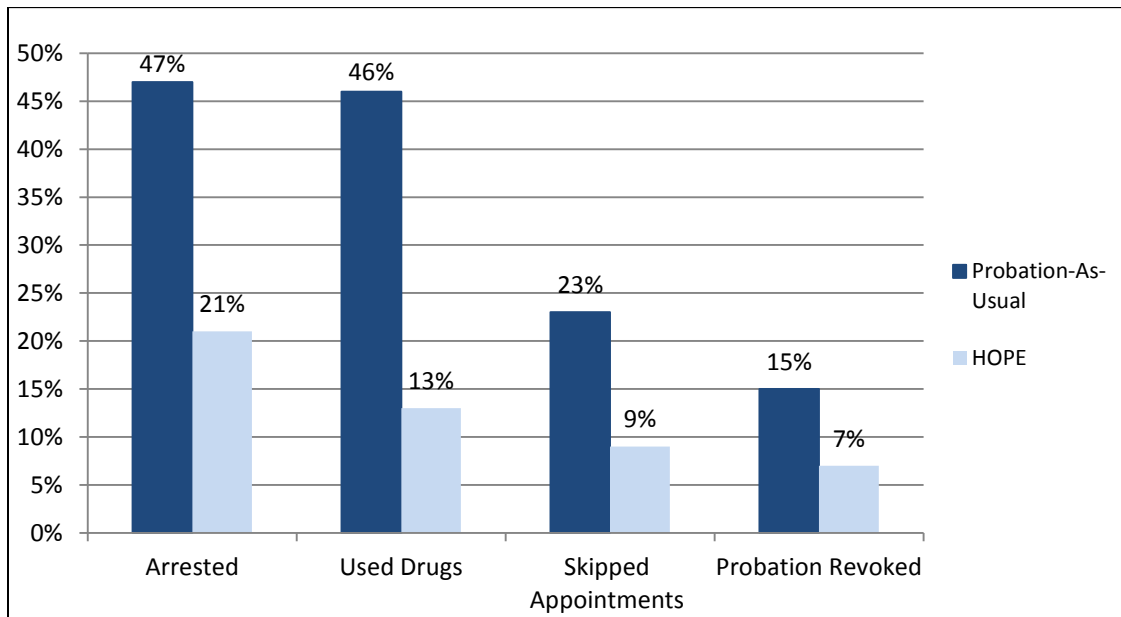
In 2007, the National Institute of Justice (NIJ) and the Smith Richardson Foundation funded a gold standard randomized control trial evaluation of HOPE Probation conducted under the leadership of Angela Hawken, PhD and Mark A. R. Kleiman, PhD.³ Among 493 felony offenders, two-thirds were randomly assigned to HOPE Probation and a control group of the remaining one third was assigned to probation-as-usual. As shown in **Figure 2. Outcomes: HOPE Probation vs. Probation-As-Usual**, compared to offenders on probation-as-usual, HOPE offenders at one-year follow-up were:

- 55% less likely to be arrested for a new crime;
- 72% less likely to test positive for illegal drugs;
- 61% less likely to skip appointments with their supervisory officer; and,
- 53% less likely to have their probation revoked.

² Hawken, A. (2010). Behavioral triage: a new model for identifying and treating substance-abusing offenders. *Journal of Drug Policy Analysis*, 3(1), 1-5.

³ Hawken, A. & Kleiman, M. A. R. (2009). *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE*. Document No. 229023. Award No. 2007-IJ-CX-0033. Available: <http://nicic.gov/Library/024156>

Figure 2. Outcomes: HOPE Probation vs. Probation-As-Usual



As a result, the HOPE probationers were significantly less likely to receive lengthy prison terms (an average of 112 days for the HOPE group compared with 303 days for the standard probation group). The evaluation found that HOPE was “jail-utilization neutral” in that HOPE probationers averaged 19 days in the county jail compared to 20 days for the comparison probationers, despite the fact that HOPE used jail as the universal initial sanction for every violation of probation. These findings indicate that it was the swift and certain use of jail sanctions, coupled with the efforts of the probation officers using the HOPE strategy, rather than the jail time itself, that helped HOPE probationers stay out of prison.

III. Elements of HOPE Probation

The following Essential Elements and Recommended Elements comprise HOPE Probation and are taken directly from *The State of the Art of HOPE Probation*. When “probation” is used, it serves as a placeholder for other areas of community corrections (i.e., pretrial, parole, prison and juvenile justice agencies). Similarly, when “judge” is mentioned, it is equivalent to the relevant sanctioning authority (e.g., parole board, parole chair, or hearings officers).

Essential Elements

Essential Elements should be used as a guide for jurisdictions interested in adopting the HOPE Probation strategy. They serve as benchmarks to which other supervision strategies that aspire to HOPE can compare themselves. They are elements that any successful HOPE strategy should have. Though the specific details in which these elements are implemented differ from jurisdiction to jurisdiction, deviations from the core principles are a cause for concern as such differences may undermine a jurisdiction’s chances of success.

Active monitoring of conditions of community release is crucial, and imposition of brief incarceration is critical to the HOPE mission: swift, certain, consistent and proportionate consequences for every instance of probation violation that has been targeted with zero tolerance.

1. Shared Leadership

To make the HOPE strategy a success takes shared leadership. This leadership is needed in at least four areas. First, someone has to bring all of the criminal justice partners together. A judge is a natural for this, but a well-respected probation supervisor can play this role as well.

Second, the judge needs to show leadership, initially with his or her own staff. Implementing the HOPE strategy will cause more work for the staff, including more hearings; however, if the judge cares about doing something, his or her staff will care about it as well. The judge also needs to show leadership with the prosecution, the defense, law enforcement and the jail. All four groups are critical to the success of HOPE in any jurisdiction.

16 Essential Elements

1. Shared leadership
2. Integrating HOPE into the existing probation/parole system
3. Statutory provisions that allow for sufficient jail terms for non-compliance with conditions of probation/parole
4. Buy-in among key officials
5. Staff training in HOPE principles
6. Identifying the appropriate target population and the means to make referrals
7. Identifying zero-tolerance violations requiring immediate arrest
8. Warning hearing by the judge
9. Drug testing strategy with immediate results
10. Means to effect immediate arrest and take into custody
11. Expedited warrant service
12. Means to hold violation hearings swiftly
13. Means to timely report to the court
14. A sanctions strategy that is consistent and proportionate
15. Continuum of treatment
16. Quality assurance for fidelity monitoring and feedback

Third, the probation officer needs to provide leadership within the probation department. Doing HOPE right means responding swiftly to probation violations and preparing paperwork (but hopefully not having to appear for) for more hearings in court. Doing something new is hard. Deciding to try the HOPE strategy is not a criticism of current probation practice, but a recognition that things could be done better. There is no question that probation officers (like judges) will lose some discretion up front. In order for the sanctions to be consistent, the probation officers need to treat the probationers consistently. The loss of discretion, however, only refers to the initial decision to arrest or not arrest an individual. The probation officers will still have discretion regarding the recommended sanction for the probationer, the appropriate case plan, which treatment program to which the probationer be referred if needed, etc.

In addition, as Honolulu and other jurisdictions have found, a benefit of HOPE is that the probation officer is no longer the “bad guy” who decides to revoke the offender’s probation. The HOPE strategy requires an arrest every time and it is not a personal decision on the part of the probation officer. This also improves officer safety as both the probation officer and the probationer know that it is the offender’s behavior that drives the outcome and any arrest, and not the individual decision-making of the probation officer. This leads to less projection of blame by the offender onto the probation officer.

Finally, and perhaps most importantly, planning for and implementing the HOPE strategy takes shared leadership by the judge and probation. As co-leaders, the judge and probation supervisor will work with all of the other criminal justice partners to develop and integrate all of the moving parts of HOPE Probation to work together. Everyone’s concerns and issues should be addressed openly at frequent regularly scheduled meetings of the HOPE principals.

In Honolulu, such meetings have been held once a month since November, 2004. The felony HOPE judge and the probation section administrator provided leadership from the start, serving as the points of contact to respond to questions about HOPE Probation and to participate actively in these scheduled meetings.

A central aspect of this joint leadership between the judge and the probation supervisor is to establish, from the start, an environment of mutual respect allowing for ongoing frank communication. Thus, if a judge is not following the appropriate sanctions strategy in court (e.g., giving a single father of three a stern “verbal reprimand” while giving a childless young male three days in jail for the same violation), the probation supervisor has to feel it’s OK to call the judge and point out the lack of consistency. At the same time, the judge has to be willing to take that call and let it be known that he or she is open to getting that type of feedback and then acting on it to fix the inconsistency. Similarly, the judge should feel free to talk to the probation supervisor when he or she sees issues regarding probation officer performance and the probation supervisor has to be open to that feedback and act on it accordingly.

This frank give-and-take may not come naturally to some but it is absolutely critical to the success of the HOPE strategy. After all, if these two leaders cannot be honest with each other, nobody else will.

2. Integrating HOPE into the Existing Probation System

All probation systems have a mission or system or theoretical construct which guides their operations. It may, for example, be based on the National Institute of Corrections (NIC) Eight Evidence Based Principles (EBPs) for Recidivism Reduction (as is the case in Honolulu) or it may be based on restorative justice or some other construct. Indeed, in Hawaii and elsewhere, the penal code itself calls on probation officers to use all suitable methods to assist in the rehabilitation of probationers.

Whatever the system, care must be taken to figure out how HOPE and its policies and procedures will fit into and mesh with the system already in place. Unless and until that is done, the HOPE strategy cannot be implemented.

As Honolulu discovered, HOPE was a natural fit with the existing EBP culture in probation, though initially not an easy fit. While HOPE only directly addresses the substance abuse risk factor, its ability to reduce drug use, increase appointment attendance with probation officers, and reduce denial about substance abuse problems, helps to create an environment in which probation officers can more effectively work with offenders. For example, HOPE probationers have a more difficult time reporting to their probation officers that their substance abuse use is well-managed if they have tested positive multiple times in short succession followed by a brief stint in jail following each violation.

Other jurisdictions have similarly found that with the right initial upfront planning, discussion, and training with their probation officers and judges, HOPE can be made to work well with their existing systems and, indeed, make their systems work more effectively.

HOPE Probation is a tool for probation officers because it helps to make probationers amenable to change as opposed to continuing on with the status quo. While HOPE often serves as an external motivator initially (“I don’t want to go to jail”), many offenders later experience the rewards of a clean and sober lifestyle, thereby impacting their values and intrinsic motivation. For example, they now find rewards in being good role models for their children, having stable employment and money in their pockets, and having long-term, meaningful relationships. With HOPE, probation officers can be more effective at helping the offenders examine the merits of change and facilitate the offenders’ movement from a pre-contemplation stage of change toward one of action and maintenance.

3. Statutory Provisions that Allow for Sufficient Jail Terms for Non-Compliance with Conditions of Probation

There must be statutory provisions in place that allow for jail sanctions for violations of probation. Having a longer sanction in the case of a revocation can help compliance but shorter terms have been found to be effective as well.

It is helpful if the probation term can be extended (e.g., by continuing it or by revoking probation and imposing a new term of probation), when either of these two conditions are present: 1) when the probation officer wants to continue the offender on HOPE Probation but the offender has depleted the jail terms allowable for that probation sentence; and 2) when a probationer will not complete treatment within the current probation period and successful completion of treatment is a condition of probation.

In the latter case in Honolulu, for example, a new term of probation can be imposed and then if the probationer successfully completes treatment and has a specified period of “good behavior” time afterwards, a Motion for Early Termination of Probation may be considered.

4. Buy-In Among Key Officials

Consensus and support for the HOPE strategy is essential among the judges, court staff, probation supervisor and officers, prosecutors, public defenders, defense attorneys, the jail, treatment providers, and law enforcement (e.g., police, sheriffs, marshals—those who serve arrest warrants and those who take probationers into custody for violations at the probation office/drug testing site). Each of these groups serves an important role in HOPE Probation. Their buy-in is critical. All roles need to be identified and clarified. Each group must view their participation in HOPE as benefitting their own mission in a significant and tangible way. This will take leadership by the judge and probation supervisor. Change is hard, but often “a crisis can be an opportunity,” and a shared understanding that supervision practices can be improved may well lead all of the criminal justice partners to give the HOPE strategy a try.

5. Staff Training in HOPE Principles

All staff members who participate in HOPE Probation should be trained, in particular probation officers, judges, court staff, drug testers, and treatment providers. Training is especially critical because HOPE Probation is so different from probation-as-usual.

To ensure fairness at all times, emphasis must be placed on consistency and maintaining fidelity to the HOPE strategy. It is by treating all HOPE probationers in a consistent manner that fairness is achieved. Leniency is not kindness and bending the rules for one probationer will not help that individual and acts to undermine HOPE Probation when that offender speaks to his fellow probationers. As we know, the probationers are in constant contact with each other in waiting rooms, treatment, jail, Alcoholic Anonymous meetings, and on the street. They will pick up on any inconsistencies in the process. Every sanction should be viewed as a learning opportunity for the offender. The concept of swift, certain, consistent and proportionate sanctions administered consistently over time is a new experience for most offenders.

Consistent and persistent leadership by probation and the judge are important to maintain this consistent approach both with new employees as well as to prevent backsliding by current ones.

Visual Aids. The development and use of visual aids, specifically flow charts, is advantageous to HOPE personnel, and facilitates a better understanding of the HOPE process. These should be continually updated and the steps needed to ensure that key personnel—judges, probation officers, drug testers, and clerical staff, and the various law enforcement offices—have a solid grasp of how their role contributes to the smooth functioning of HOPE.

6. Identifying the Appropriate Target Population and the Means to Make Referrals

When identifying potential HOPE offenders, the guiding principle should be to target the highest-risk population using a validated risk assessment instrument. Other offenders may be considered such as

those needing to be watched more closely, including sex offenders. The principle of “behavioral triage” may also be used to identify HOPE participants; offenders who are failing at probation-as-usual have demonstrated the need for closer supervision and would likely benefit from HOPE. Jurisdictions seeking to implement HOPE Probation should ensure that the offenders entering HOPE are higher risk and therefore will benefit most from the HOPE strategy in comparison to probation-as-usual. HOPE Probation applies a stricter regimen for higher risk offenders, in keeping with a strategy designed to get “more bang for the buck.” There must be agreement between the judge and probation regarding the target population.

HOPE was created for offenders on probation; however, it can be applied to any criminal justice population. For example, a pilot of HOPE for pretrial is now underway in Honolulu for a limited caseload of offenders awaiting trial for serious felony crimes. Other jurisdictions, including Washington State, Colorado, Alaska and New York, are applying the HOPE strategy to high-risk parolees.

HOPE primarily targets felony offenders on probation convicted of various offenses, including violent crimes, drug crimes, and sex offenses; however, for example, there is also a separate HOPE effort for domestic violence misdemeanants in Honolulu.

The following three methods of referral to HOPE Probation in Honolulu can be used as a useful example for other jurisdictions implementing the HOPE strategy. First, probation officers can recommend placement in HOPE at any time during the course of the offender’s probation term. Following the assessment of offenders for risk and criminogenic needs, probation officers weigh the nature of the presenting offense, substance use problems, and probationer’s history, to determine which offenders are at the highest risk for recidivism and shall thus be placed in HOPE. In addition, those failing probation-as-usual are good candidates to be referred to HOPE Probation. In such cases, referral to HOPE Probation serves as an alternative to revoking probation-as-usual and thus serving a full prison term. Second, any judge, at sentencing, may recommend an offender to HOPE Probation for a felony conviction or misdemeanor domestic violence conviction.

Third, all offenders assigned to the Sex Offender Unit in Honolulu are automatically placed in HOPE after being sentenced to probation. These offenders include those whose instant offense is sexual in nature (e.g., Sexual Assault and Electronic Enticement of a Minor), and those who were previously convicted of a sexual-related offense and/or who are currently exhibiting inappropriate sexual behaviors.

7. Identifying Zero Tolerance Violations Requiring Immediate Arrest

When starting a HOPE strategy, it is important to identify those violations that will be targeted on a zero tolerance basis. In Honolulu, the initial zero tolerance conditions included admissions of drug or alcohol use, positive urinalyses that probationers subsequently admit to, missed drug tests or appointments with probation officers (as offenders may be avoiding being drug tested), and failure to participate satisfactorily in and complete treatment. For sex and domestic violence offenders in HOPE, zero tolerance violations include failure to satisfactorily participate in or complete treatment and unlawful contact with victims. Similarly, for HOPE offenders referred to substance abuse treatment, participation and successful completion of treatment is a requirement of their probation. HOPE probationers are

informed that such violations will not be tolerated and will result in immediate arrest and incarceration. As time goes on and a HOPE strategy becomes more established, additional zero tolerance violations can be added.

8. Warning Hearing by the Judge

The Warning Hearing by a judge marks a probationer's first day in HOPE Probation. A primary purpose of the Warning Hearing is to encourage probationers to succeed and to convey the expectation that they will, in fact, succeed. The judge also explains how HOPE works, and answers any questions the probationers may have about the strategy. The Warning Hearing offers HOPE probationers the opportunity to face the judge with counsel present and understand the expectations for their behavior while on probation, as well as the likely expected consequences – jail sanctions – for not meeting those expectations.

Placement into HOPE (probationers are not given a choice), probationers are informed in writing of the Warning Hearing date, time, and location, and sign an acknowledgement of receipt of this information. The HOPE judge is provided the pre-sentence investigation report, the probation officer's recommendation for original sentencing, and any applicable prior motions to revoke probation. Offenders may be scheduled for the Warning Hearing individually or as a group; however, the HOPE judge typically holds Warning Hearings for several probationers at the same time, both to save court time and to send the important message that all of the probationers will be treated the same.

The court begins every Warning Hearing by addressing each probationer by name and stressing to the group of offenders that everyone – the judge, their probation officers, the prosecutor, defense attorneys, the probationers' families and taxpayers – all want them to succeed on probation.

The judge explains how HOPE Probation is different from probation-as-usual, and how there will now be a jail consequence for every single violation of probation, giving examples of the sanctioning system in place. The judge's message is that by abstaining from substance use, checking every weekday to see if they will be randomly drug tested, showing up for drug tests as needed, making probation appointments, working and paying their restitution, and otherwise adhering to the conditions of probation, the offenders will do well. Probationers will be treated as adults responsible for their own actions – adults who know what is expected of them and that they will be held accountable immediately if they do not live up to their commitments. The HOPE judge acknowledges that as human beings we all make mistakes, but if probationers make mistakes while on HOPE Probation and promptly take responsibly for their mistakes, then the resulting jail sanction for violations of probation will be brief.

The judge individually asks all probationers when they last used drugs or alcohol and tells them (at least those who are not in custody) that they will be drug tested immediately after the hearing. If offenders are honest with the judge about recent drug use, they will not be arrested that day if they test positive. This is fair from a "notice" standpoint for the probationers and also serves to encourage personal responsibility and "coming clean" with the court. Probationers who admit to recent use, and test positive, however, will not be allowed to drive home from the courthouse if they brought their car.

The Warning Hearing is also the time in which the judge explains that succeeding on probation for an extended period of time without a violation may result in eligibility for early probation termination. For example, this is true for probationers in Honolulu who succeed on probation for two years without a violation with the exception of sex offenders whose treatment typically lasts longer than two years.

Other potential positive consequences for probationers in the HOPE strategy include reductions in the frequency of random drug testing and probation appointments once a pattern of abstinence and compliance with the terms of their probation has been established.

To ensure successful, consistent Warning Hearings, a script or checklist should be developed for the judge's use to ensure that each offender is provided the same information (the judge will no doubt find it useful in the future to remind certain probationers of what the judge had told them at the Warning Hearing). Having a script is particularly important when more than one judge handles HOPE cases.

After the Warning Hearing, probationers meet with their probation officers both for drug testing and to review, sign and date a document detailing specific conditions and sanctions for new HOPE probationers and confirming that they are aware of the strict and fair requirements of HOPE Probation.

If offenders believe the system is treating them fairly, they are much more likely to buy into that system. That is at the core of procedural justice.⁴ HOPE Probation is procedural justice in action and starts at the Warning Hearing. HOPE Probation strives to be clear, transparent and predictable to offenders.

The consistent and proportionate treatment of probationers is a cornerstone of the HOPE strategy's success. HOPE Probation is both perceived by offenders and is, in fact, consistent and fair. Even offenders serving a jail sanction for a HOPE Probation violation told leading HOPE researcher Angela Hawken, PhD they felt HOPE Probation was firm but fair and accepted responsibility for their poor choices.⁵ This language of personal responsibility by probationers for their actions will be heard on a regular basis in HOPE court.

On probation-as-usual, judges often receive requests from offenders that their probation officer be changed because they feel their probation officer is too strict and that they are not being treated fairly. In Honolulu, HOPE probationers feel they are treated fairly and consistently regardless of the probation officer handling their case as demonstrated by near absence of requests to change probation officers. In addition, since 2004, Judge Alm has only had approximately 30 contested HOPE hearings.* In the

⁴ Meares, T. L., & Tyler, T. R. (2014, March 24). Justice Sotomayor and the jurisprudence of procedural justice. *Yale Law Review*, 123. Available: <http://yalelawjournal.org/forum/justice-sotomayor-and-the-jurisprudence-of-procedural-justice>

⁵ Kornell, S. (2013, June 5). Probation that works: Swift and certain punishment reduces crime. Parolees love it. *Slate*. Available: http://www.slate.com/articles/health_and_science/science/2013/06/hawaii_hope_probation_program_reduces_crime_drug_use_and_time_in_prison.html

* A contested hearing is where a probationer chooses to have the prosecutor try to prove the motion. Witnesses are called, cross-examination is provided for, arguments are made and then the judge decides if the state has proven the violation.

thousands of other hearings, the probationers have taken responsibility for their behavior, admitting to the violation of probation and proceeding to sentencing. This has been true even if the probationers will be sent to prison. They know that at that point they have had multiple chances and that it was their own behavior and choices that led to that result.

As Honolulu HOPE probationer Michelle F. put it, "They have faith in you. They not only make it harder for you to use because of the hotline but HOPE Probation also gives you a chance to want to get a life. It's the best program in the world. This program is designed to help anybody who wants to help himself [sic]... It saved my life because I would still be running hard out there."⁶ HOPE probationer Jonathan T. felt similarly, stating, "If you cannot love yourself, then the program, or your probation officer, or the judge will love you until you can love yourself. I started to experience that. I really felt that...HOPE helped me. It helped me change. Become more honest. Keep me in check."⁷

9. Drug Testing Strategy with Immediate Results

The most critical issues in establishing an effective HOPE drug testing strategy are making the tests random and the results immediate. Sanctions can then be applied for drug use swiftly, making offenders more likely to connect the jail time with their behavior. The strategy of performing a screening process first (e.g., with the use of a rapid urine drug screen cup or onsite oral fluid test) is cost-effective. Offenders often admit to substance use after seeing the immediate results, thereby reducing the time and expense for confirmatory testing. Urine tests must be observed by same-sex drug testers to try to avoid tampering with the testing process by the probationers.

There are other issues to consider when establishing a HOPE drug testing strategy to ensure that testing is routine, effective and truly randomized. The first issue is the identification of substances to screen or test; these may include but not be limited to cannabis, cocaine, methamphetamine, inhalants, prescription stimulants (e.g., Ritalin, Adderall, etc.), sedatives or sleeping pills (e.g., Valium, Ativan, Xanax, Librium, etc.), hallucinogens (e.g., LSD, acid, PCP, ecstasy, PCP, etc.), street opioids (e.g., heroin, opium, etc.), prescription opioids (fentanyl, oxycodone, methadone, buprenorphine, etc.). Check with drug test providers to be sure which drugs are identified and which are not. Second, consensus must be reached as to whether to establish a drug testing hotline for probationers to call on a regular basis to find out whether and when they should report for a drug test. Third, the randomization and frequency of drug testing must be established. How will testing be randomized? Will it be driven by phases? According to risk classification, or need? It is important to test often enough but not too often so that it becomes difficult to separate out which drug use event caused the positive drug test. After all, the primary purpose of the drug testing is not to catch the probationers but rather to deter them from using. Fourth, if the strategy is to screen first, a confirmation process must be established with procedures to follow when the screening test is positive and the probationer denies substance use. Related issues to a test which yields positive results include the standard of measurement to be used

⁶ California Correctional Peace Officers Association. (2012). *Beyond Prison* (documentary). Available: <http://www.ccpoa.org/beyond-prisons-video-2012/>

⁷ Ibid.

(e.g., Federal Workplace Guidelines or the Limit of Quantitation [LOQ], the latter being strongly preferred), as well as the acceptable turnaround time for laboratory confirmation.

Honolulu's HOPE Probation has a robust drug testing system in place which serves as a useful example to other jurisdictions implementing the HOPE strategy and is described in detail in *The State of the Art of HOPE Probation*.

10. Means to Effect Immediate Arrest and Take into Custody

Timeliness in effecting the arrests and transporting the offenders into custody is critical. The arresting authority must be identified with this in mind. If the authority is not vested in the probation officer, the appropriate agency and officers must be designated to ensure that offenders who have violated the conditions of their probation are swiftly taken into custody, either at the probation office or apprehended for non-appearance.

Immediate arrests should be made for zero tolerance violations such as a positive drug test with admission of drug/alcohol use by the probationer. This procedure promotes public safety (e.g., release of a probationer that recently used drugs, as indicated by a positive drug test and admission of use with an instruction to report later to court could result in death or serious injury of innocent others such as in a traffic collision).

Procedures must also be developed to deal with any children the offender brings to the office and they should not be used as a "shield" to delay arrests.

In some jurisdictions, the available testing site and/or probation office may be some distance from available law enforcement resources. Efforts should be made to have probationers taken into custody or ordered to report to the courthouse for arrest as soon as possible.

Following positive drug tests results and offender admission to recent drug use, probation officers or drug testers contact law enforcement. The law enforcement officers then report to the probation office as quickly as possible to take probationers into custody. During this time, personal items and inventory should be collected from offenders, questions answered and appropriate information provided to offenders as needed particularly when it is a first-time arrest on HOPE. Probation officers should recommend to their probationers to bring their daily medications with them to every probation office visit. This ensures the inventorying of their medications and uninterrupted use of prescription drugs when offenders are taken into custody (the jail will not let probationers take their own medications but will know which ones are appropriate to give them). HOPE probation officers must always have a backup individual designated in the event the probation officer is absent. Offenders are brought directly to a holding cellblock onsite at the courthouse which is managed by the sheriffs to be held until transfer to the jail later that day.

It is beneficial, though not necessary, to separate the administration of random drug testing from the duties of probation officers. Such action, with adequate funding and when geographically possible for taking offenders into custody, serves to both separate out the enforcement function from the counseling function for probation officers and frees up their time to meet with offenders.

11. Expedited Warrant Service

The law enforcement officials responsible for serving expedited bench warrants for probationers must be identified from the outset. It is essential that the perception among probationers, beginning from the time of the Warning Hearing, is that they will be found and arrested swiftly if bench warrants are issued. That perception, and the communicated fact that they will serve at least 30 days in jail for absconding, generally deter offenders from running away.

The arrest warrant and attachments in files provided by probation officers should include necessary information regarding the absconder's full name, social security number, date of birth, health or any injury, prescribed medications, and property, and a recent digital photograph of the probationer.

There is no question that a HOPE strategy will result in more warrants being issued and served than in probation-as-usual. That will take a dedicated commitment by law enforcement. That is their role in a successful HOPE strategy. It may well be helpful to share the research from HOPE in Honolulu to show that HOPE results in less victimization and crime, and fewer probationers failing and being sent to prison. The fewer arrests for new crimes also mean that the police or sheriff detectives will have fewer time-consuming investigations to do.

12. Means to Hold Violation Hearings Swiftly

The HOPE Probation strategy requires violation hearings to be held swiftly with predictable consistency. Transport of offenders to jail and the scheduling of hearings must be prompt. Furthermore, statutory requirements must be met including providing proper notification of hearing dates to defense and prosecution.

Following a violation, probation officers prepare and file a Motion to Modify or Revoke the terms and conditions of probation and the court sets the hearing date. Prosecution and defense counsel are notified. Hearings for violations and non-compliance are typically held within two to three days following arrest. (The evaluation of HOPE Probation in Honolulu found that 70% of the hearings were held within 72 hours of arrest.⁸) In the event of absconding, where the sanction will be longer, this quick setting of hearings is not as important. The swiftness of the process contributes to probationers' perceptions that their violation or non-compliance will receive immediate attention and appropriate sanctions, as promised.

For jurisdictions interested in implementing HOPE, there may be concerns about overtaxing judges' schedules. While there is no question that HOPE will make the judges' calendars busier, judges can manage large caseloads of HOPE offenders because these offenders are seen at the initial Warning Hearing and following, only when they violate the conditions of probation. Judges, while busier, typically like HOPE because they now feel like they are actually involved in the supervision of probationers and they enjoy seeing them succeed.

⁸ Hawken, A. & Kleiman, M. A. R. (2009). *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE*. Document No. 229023. Award No. 2007-IJ-CX-0033. Available: <http://nicic.gov/Library/024156>

13. Means to Timely Report to the Court: Probation Officers' Violation Reports and Recommendations

A timely report by probation officers of violations (including history of violations and sanctions, the circumstances of the current violation and a treatment plan) as well as their recommendations to the court are essential. Their distribution to relevant parties must be consistently prompt.

The experience of Honolulu's HOPE provides an example for how this process can work successfully. The violation report and sanction recommendation are transmitted to the HOPE judge at the same time via email. The recommendation is provided in the text of an email with the violation report as an attachment; however, the recommendation is made available only to the judge and chamber staff. A template violation report has been developed to list prior violations and sanctions, the current violation, and the probation plan. After the original template is created, the probation officer only has to update the report for subsequent violations for the individual offender. The violation report is then distributed to counsel in hardcopy by court staff.

In any HOPE strategy, milder sanctions (i.e., shorter jail stays) should be recommended by probation officers to reward HOPE offenders who accept personal responsibility for their offense (e.g., if offenders admit to drug use after screening positive rather than requiring a laboratory confirmation, and when offenders turn themselves in right away rather than requiring a law enforcement search and arrest to be consistent with the judge's sanctioning guidelines). Recommendations may also include an assessment for substance abuse treatment or placement in clean and sober housing in cases where probationers repeatedly test positive for recent substance use, an assessment for a mental health evaluation, or participation in domestic violence batterer classes.

14. A Sanctions Strategy that is Consistent and Proportionate

The sanctions strategy for violations of HOPE Probation must be consistent and proportionate, and recognize that in HOPE, offenders are held accountable by the court and take personal responsibility for misconduct. There needs to be a sharp distinction between sanctions administered for immediately acknowledging responsibility for a violation such as producing a positive drug test and admitting to drug use on the one hand, and, on the other hand, absconding (e.g., 2 days vs. 30 days in jail).

HOPE Probation requires a comprehensive, utterly consistent and widely understood sanctioning strategy. Discussion of the sanctions and encouraging the probationers to make good decisions begins at the Warning Hearing and is continually reinforced at subsequent violation hearings. To be successful, there must be an immediate sanction for *every* detected zero-tolerance violation of probation. That requires the probation officer to take action every time there is such a violation *and* it requires the judge to impose a jail sanction for every violation. Immediate arrest is remarkably effective, even when the sanction may last only a few days in jail. Offenders benefit more from the structure and certainty of the sanction that is immediate and predictably proportionate to the specific violation than to a much longer term of imprisonment (e.g., for the remaining portion of the prison sentence) that is long-delayed and uncertain as is typically the case with probation-as-usual. If short jail sentences seem too harsh for violations, recall that the randomized control trial of HOPE in Honolulu showed that the strategy

reduced the likelihood of a long prison term by half,⁹ which is clearly a much harsher and more expensive punishment.

At the outset, it is imperative that clearly described sanctions for HOPE violations be established. The sanction administered for violations of HOPE Probation is always jail. It is immediate, impactful, and unpleasant.

Sanctioning guidelines should be developed to ensure that HOPE probationers are subject to swift, certain, consistent – and proportionate – sanctions (i.e., jail time) for every targeted violation of probation. Sanctions are directly related to how offenders conduct themselves in the aftermath of a violation. If offenders violate the terms of probation and take responsibility right away for their actions, the resulting sanction of jail will be brief; if not, the sanction will be meaningfully longer.

Where multiple judges are supervising HOPE probationers, it is imperative that the sanctions remain swift, certain, consistent, and proportionate. Otherwise, any inconsistencies, if outside the range of appropriate sanctions, may erode the foundation upon which HOPE is based. Probationers find HOPE to be fair because it is consistent.

15. Continuum of Treatment

A continuum of drug treatment services is essential to HOPE, although special circumstances (e.g., rural and/or sparsely populated areas) may make this difficult. In such circumstances, key stakeholders must collaborate in finding ways to remedy the situation.

Resources and funding must be identified and sought and, if possible, having available a continuum of graduated treatment services is ideal. A probation condition should be established to allow HOPE offenders who want treatment and those with substance use problems that cannot be managed without it to progress between varying levels of treatment. These may include drug education classes, one-on-one counseling, outpatient, intensive outpatient, and residential treatment. If treatment services are unavailable, strategic interventions should be initiated by the probation officer. HOPE probation officers should ideally be skilled in substance use relapse prevention, cognitive behavioral therapy, and motivational interviewing.

One of the features of the HOPE strategy is that offenders who need or ask for substance abuse treatment receive it. It is possible, as is the case in Honolulu, that a general special condition may allow probation officers to place probationers at varying levels of treatment. Needs may change over time and probationers' levels of treatment are reevaluated periodically through the use of validated risk assessments, a review of drug test results, and in collaboration with treatment providers. Satisfactory treatment participation by the probationer can be required as part of HOPE Probation and monitored.

⁹ Hawken, A. & Kleiman, M. A. R. (2009). *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE*. Document No. 229023. Award No. 2007-IJ-CX-0033. Available: <http://nicic.gov/Library/024156>

A continuum of care of drug education classes, one-on-one counseling, outpatient, intensive outpatient and residential treatment can be provided through contracted and non-contracted providers. Contracted providers may be required to exhaust all insurance coverage before using purchase of service funds. HOPE probation officers and the court must work with treatment providers to create and maintain good lines of communication about how HOPE Probation works. Care should be taken to inform treatment providers that HOPE sanctions should not be used in lieu of administering their own internal sanctions for treatment program rule infractions.

The treatment providers should also be made aware, however, of the benefits of short jail “time-outs,” if internal measures like behavioral contracts are not successful in ensuring program compliance by HOPE Probationers. In such cases, the treatment provider should contact the probation officer to address the matter and the probation officer may file a Motion to Modify/Revoke on the grounds that offenders are not adhering to treatment program requirements. It is imperative that probation officers, the court, and service providers have a shared understanding of how to address offenders’ shifts from in and out of treatment and relapses. Probation officers and treatment providers should collaborate as much as possible in treatment planning.

Treatment programs in Honolulu are very supportive of HOPE Probation. They appreciate its model of “behavioral triage”. Probationers are typically first given the chance, if they request it, to prove that they can abstain from drugs on their own without treatment by showing up for all HOPE drug tests and testing negative. If they are successful, then they are not referred for a substance abuse assessment or treatment. The randomized controlled trial of HOPE in Honolulu showed that most of the 330 probationers in the HOPE study group, selected for the study because they were active drug users, were able to stop using drugs on their own without going to treatment (51% had zero positive drug tests the first year and 28% had one).¹⁰

When probationers test positive two or more times in short order with corresponding jail sanctions, they are then referred for a substance abuse assessment and instructed to follow any recommended treatment. These substance abuse assessments can be arranged by probationers. If probationers fail to follow through, assessments can either be done at the jail or by the probationers on a temporary pass provided by the court. Treatment programs like HOPE because the probationers are more likely to be honest at their assessments (when denial has been reduced) and more likely to attend and persevere in treatment as they know there are certain jail consequences for failing to report to, stay in, and participate satisfactorily in treatment.

This close coordination among the judge, probation officers and the treatment providers has resulted in the HOPE judge becoming very familiar with the various treatment programs. This helps to support the probation officers and their choice of specific programs. It also reduces the likelihood of the offender misleading the judge in court.

¹⁰ Hawken, A. & Kleiman, M. A. R. (2009). *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii’s HOPE*. Document No. 229023. Award No. 2007-IJ-CX-0033. Available: <http://nicic.gov/Library/024156>

For offenders in HOPE having difficulty refraining from drug use even with treatment (but not repeatedly absconding or they would be in prison), drug court may be an option for the probation officer and judge to consider.

16. Quality Assurance for Fidelity Monitoring and Feedback

During the strategy implementation period and beyond, monitoring should be conducted to ensure fidelity to HOPE and feedback provided to relevant parties, particularly to the judge and probation officers. For example, probation officers' case actions should be monitored to ensure that every zero-tolerance violation is brought before the court and sanctioning recommendations are appropriate. Similarly, judges' rulings should be reviewed to ensure that every violation is sanctioned according to the sanctioning strategy. Other key components of the HOPE strategy (e.g., a court hearing conducted within 72 hours of arrest) should be monitored continuously to ensure that standards are being met and remain consistent over time. There must be preliminary consensus as to who will check compliance, and how and the frequency to which such information will be communicated to the judge and probation. As a new HOPE strategy proceeds, it is important to continue this fidelity monitoring as there will always be the tendency for probation officers and judges to start to let violators "slide" and not be sanctioned. All parties need to be reminded that a bedrock principle of the HOPE strategy is consistency. That consistency is crucial to the perception among the probationers that HOPE is fair.

Following implementation of a HOPE strategy, it is also essential to gather and periodically review statistics on offenders' degree of compliance with those conditions of probation or parole that are being targeted as well as on key outcome variables such as criminal recidivism and imprisonment. These statistics can be used to identify problems and improve performance in a HOPE strategy as well as demonstrate its effectiveness to stakeholders, funders, and the public. HOPE Probation in Honolulu, for example, has been able to use measures of its success (e.g., decline in positive urinalyses, increased attendance at appointments and hearings, and reduced imprisonment) to secure legislative funding and support.

Recommended But Not Essential Elements

The following Recommended Elements of HOPE Probation are not essential but greatly enhance HOPE Probation and help ensure its success. Not all jurisdictions may be able to implement these recommended elements. They may be considered "best practices" for implementing the Essential Elements of HOPE Probation. They are offered as a framework for thinking through what processes and tools may be useful in other jurisdictions seeking a better way to provide probation services to high-risk offenders. To the extent these recommended elements are incorporated, efforts to implement HOPE Probation will be improved.

3 Recommended Elements

1. Pilot period: Start small
2. Probation/parole officers skilled in evidence-based principles (EBPs) for recidivism reduction
3. Evaluation component

1. Pilot Period: Start Small

Ideally, a HOPE strategy will begin with a pilot of no more than 30-50 offenders. This will allow “bugs” to be worked out and changes to procedures made. Initially, staff will need to be identified and designated to work with the pilot. This can be done either with designated HOPE probation officers or a number of probation officers can have mixed caseloads of HOPE and probation-as-usual cases. If probation officers are designated to HOPE, staff resentments toward perceived caseload disparities can be expected and need to be addressed. Challenges in implementation will need to be confronted and resolved. New procedures will need to be established and solidified.

Following the conceptualization of HOPE Probation in Honolulu, HOPE began on October 1, 2004 with only 34 probationers. HOPE has been so successful there that it has now expanded to include as of June 30, 2015, over 2,200 felony probationers out of approximately 8,000 in Honolulu County. In order to start the initial effort, input was sought from all relevant stakeholders: the judge, probation supervisor and officers, court staff, jail officials, prosecutors, public defenders, and other defense attorneys, police, sheriffs, marshals, as well as cellblock officers and treatment providers. All suggestions, concerns, and complaints were addressed to obtain the commitment and support of these stakeholders.

2. Probation Officers Skilled in Evidence-Based Principles (EBPs) for Recidivism Reduction

Probation officers skilled in EBPs will avoid the dangers of implementing HOPE as a punitive strategy. Evidence-based principles and practices in Risk-Needs-Responsivity (RNR), developing a working alliance, motivational interviewing (MI), cognitive behavioral therapy (CBT), and assessing risk/needs and targeting criminogenic needs are crucial skills/interventions for working with offenders. Cognitive skills deficits (e.g., in problem solving) must be addressed. The appropriate use of HOPE sanctions is helpful for moving the probationer through stages of change that will help to change behavior, but the probation officer must also have a range of skills that are not simply instinctive or “common sense.” Officers with EBP training are better able to help offenders see and appreciate the merits of change by using motivational techniques. They can also more effectively assist them in connecting thoughts, feelings, attitudes and beliefs with behaviors and consequences—skills that many offenders lack, and all offenders need.

Honolulu’s HOPE Probation reaps the benefits of a probation department that has sought and received numerous training programs (often through technical assistance provided by the National Institute of Corrections [NIC]) in techniques found to be especially helpful in working with offenders, including those outlined above. In addition, many probation officers have master’s degrees in social work or criminal justice. HOPE Probation strives to optimize the efficacy of the sanctioning process by linking tools for probation officers to use with offenders to change negative behavior with the use of NIC’s EBPs model and it is facilitated by the four core training curricula for staff: (1) the Level of Service Inventory-Revised (LSI-R) and other validated risk instruments for specific populations; (2) motivational interviewing; (3) cognitive behavioral therapy; and (4) collaborative case work (case planning).

Jurisdictions will no doubt vary in the degree to which they have adopted EBPs for use by their probation officers. Wherever they are in that process, HOPE can be a useful strategy to improve outcomes by offenders, and appropriate training to combine HOPE with the EBPs is important. Figuring out how to integrate the HOPE strategy into an existing probation system is so important that it is listed as the second of HOPE's Essential Elements. After all, it was the combination of the HOPE strategy working together with probation officers using EBPs that produced the best research outcomes in Honolulu.¹¹

3. Evaluation Component

HOPE functioning and results can be enhanced by implementing a strong evaluation component. A randomized controlled trial (RCT) study conducted by an independent evaluator or researcher is the best way to assess effectiveness; however, such studies can be expensive, time consuming, and impractical to carry out in some settings. Even if an RCT is not possible, other evaluation designs using comparison groups or pre- and post-implementation comparison of results can be used to demonstrate effectiveness. It is recommended that the evaluation be conducted by an independent agent or agency to ensure objectivity and lend credibility to findings when they are used to make programmatic changes or secure more funding for the strategy. However, even an in-house evaluation, if done properly, can provide much useful information and should be performed if there is no independent alternative. Continuous data feedback can be used to inform criminal justice partners as to its progress and to provide quality assurance. For example, the Hawaii Department of the Attorney General provided data on the effectiveness of Honolulu's HOPE from inception for several years. Feedback was routinely provided to probation staff when there were inconsistencies in applying the HOPE strategy. A Likert survey was conducted to assess probation officer satisfaction with HOPE Probation and challenges they identified. HOPE probation officers in Honolulu are now among the staunchest supporters of the HOPE strategy.

Moreover, although HOPE Probation was started in Honolulu without any new funding, subsequent legislative funding has been based on measures of success (e.g., decline in positive urinalyses and failure to report by HOPE probationers) identified and recorded by the Hawaii Department of the Attorney General. These data were critical when the state legislature was approached in 2006 for funding to increase the number of probationers served. The RCT study was very important in demonstrating the effectiveness of the HOPE Probation strategy in showing fewer arrests for new crimes and in sending half as many probationers to prison when compared to probation-as-usual, saving taxpayers millions of dollars.¹² This research ensured continued funding by the Hawaii State Legislature. A follow-up study was completed in the fall of 2014 and its forthcoming results should provide useful information on offender outcomes and longer-term effectiveness.

¹¹ Hawken, A. & Kleiman, M. A. R. (2009). *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE*. Document No. 229023. Award No. 2007-IJ-CX-0033. Available:

<http://nicic.gov/Library/024156>

¹² Ibid.

HOPE Implementation Needs Assessment Worksheet

The following planning worksheet developed by Probation Section Administrator Cheryl Inouye and Judge Steven S. Alm can be used by jurisdictions as they implement the HOPE strategy. This needs assessment is aligned with the Essential Elements and Recommended Elements of HOPE and can be useful for jurisdictions to identify their strengths and weaknesses in implementing the strategy. It is now an integral part of training all new HOPE sites. The worksheet is designed to allow for continuous charting of a jurisdiction's progress in each of the Essential and Recommended Elements.

HOPE Implementation Needs Assessment Worksheet: Essential Elements and Recommended Elements

	ESSENTIAL ELEMENT	SITE STATUS	%	√
1	<p>Shared Leadership</p> <ul style="list-style-type: none"> Judge and probation provide leadership and collaboration to drive the process Each open to constructive criticism from the other regarding fidelity to the HOPE strategy Address emergent issues Hold regular meetings 	<p>Status:</p> <hr/> <p>Judge (POC):</p> <p>Probation/Parole (POC):</p> <p>Comments:</p> <hr/> <p>Follow Up:</p>		
2	<p>Integrating HOPE into the Existing Probation System</p> <ul style="list-style-type: none"> Ensure congruency of HOPE with the system’s vision and mission Integrate HOPE procedures into the system’s policies and procedures Integrate HOPE with other efforts (e.g., evidence-based principles) 	<p>Status:</p> <hr/> <p>Comments:</p> <hr/> <p>Follow Up:</p>		

	ESSENTIAL ELEMENT	SITE STATUS	%	√
3	Statutory Provisions that Allow for Sufficient Jail Terms for Non-Compliance <ul style="list-style-type: none"> • Maximum allowable jail term with probation • Maximum amount of prison time possible in the event of revocation of probation • Means to add more, if necessary and possible (e.g., revocation and resentence to probation) 	Status: Statute(s): Comments: Follow Up:		
4	Buy-in Among Key Officials (probation, court, corrections staff, prosecutor/defense counsel, jail administrators, sheriffs/police, treatment providers) <ul style="list-style-type: none"> • Identify roles of each participant • Ensure challenges/barriers are addressed 	Status: Comments: Follow Up:		
5	Staff Training in HOPE Principles <ul style="list-style-type: none"> • Include all key staff (probation officers, judges, clerical staff, drug testers, law enforcement, etc.) • Emphasize consistency and the need to maintain fidelity to the HOPE strategy to promote fairness 	Status: Comments: Follow Up:		

	ESSENTIAL ELEMENT	SITE STATUS	%	√
6	Identifying the Appropriate Target Population and the Means to Make Referrals <ul style="list-style-type: none"> Higher risk offenders (validated risk instrument) and/or high needs in alcohol and other drugs (AOD) domain Nature of crime (e.g., drug offenders, sex offenders, violent offenders) Poor probation adjustment 	Status:		
		Comments:		
		Follow Up:		
7	Identifying Zero Tolerance Violations Requiring Immediate Arrest for Non-Compliance <ul style="list-style-type: none"> Positive urinalysis for illicit and unprescribed drugs Missed probation appointments Failure to attend, satisfactorily participate in, or complete treatment Unlawful contact (e.g., victim) 	Status:		
		Comments:		
		Follow Up:		
8	Warning Hearing by the Judge <ul style="list-style-type: none"> Encourage success Identify likely sanctions for non-compliance Procedural justice 	Status:		
		Comments:		
		Follow Up:		

	ESSENTIAL ELEMENT	SITE STATUS	%	√
9	Drug Testing Strategy with Immediate Results <ul style="list-style-type: none"> • Screen first • Randomness (hotline?) • Targeted substances (include EtG?) • Frequency (phase-driven, risk classification or need?) • Confirmation process when positive result is denied (turnaround time, Fed Workplace Guidelines or LOQ) 	Status:		
		Comments:		
		Follow Up:		
10	Means to Effect Immediate Arrest and Take into Custody <ul style="list-style-type: none"> • Arresting authority? If not the probation officer, who will take the offender swiftly into custody. How much time will it take? • Immediate arrest for zero tolerance violations 	Status:		
		Comments:		
		Follow Up:		
11	Expedited Warrant Service <ul style="list-style-type: none"> • Who is responsible (e.g., police, sheriff) • Offender's perception (that s/he will be found and arrested) is key 	Status:		
		Comments:		
		Follow Up:		

	ESSENTIAL ELEMENT	SITE STATUS	%	√
12	Means to Hold Violation Hearings Swiftly <ul style="list-style-type: none"> • Statutory requirements met (e.g., proper notification) • Jail/detention facility transport • Calendaring hearing 	Status:		
		Comments:		
		Follow Up:		
13	Means to Timely Report to the Court: Probation Officers' Violation Reports and Recommendations <ul style="list-style-type: none"> • Short form probation officer violation report and recommendation • Distribution to parties 	Status:		
		Comments:		
		Follow Up:		
14	A Sanctions Strategy that is Consistent and Proportionate <ul style="list-style-type: none"> • Sharp distinction between immediately taking responsibility and absconding (e.g., 2 days vs. 30 days) • Immediate sanction for every targeted violation 	Status:		
		Comments:		
		Follow Up:		

	ESSENTIAL ELEMENT	SITE STATUS	%	√
15	Continuum of Treatment (resources, funding, probation condition that allows movement between levels of treatment) or, if Absent, Treatment Strategy (e.g., interventions by PO) <ul style="list-style-type: none"> • Individual counseling, outpatient, intensive outpatient, residential • Statutory provision and means to order treatment • If treatment unavailable, probation officers skilled in relapse prevention, cognitive behavioral therapy 	Status:		
		Comments:		
		Follow Up:		
16	Quality Assurance for Fidelity Monitoring and Feedback <ul style="list-style-type: none"> • Probation officer: every target violation brought before sanctioning authority • Judge/hearings officer: every target violation sanctioned according to sanctioning strategy • Good internal communications on fidelity and responsiveness to shortcomings • Examine possibility of ongoing monitoring 	Status:		
		Comments:		
		Follow Up:		

	RECOMMENDED ELEMENT	SITE STATUS	%	✓
1	Pilot Period: Start Small <ul style="list-style-type: none"> • 30-50 offenders • Designated staff: weigh pros/cons (e.g., staff resentment toward caseload disparities) • Identify and resolve challenges • Solidify procedures 	Status: Comments: Follow Up:		
2	Probation Officers Skilled in Evidence-Based Principles for Recidivism Reduction (e.g., RNR, working alliance, MI, CBT, case plans that target criminogenic needs) <ul style="list-style-type: none"> • Use of sanctions in moving offender through stages of change • External motivator to internal motivators (values/appreciates the merits of change) • Connecting thoughts, feelings, attitudes/beliefs with consequences • Address cognitive-skills deficits (e.g., problem solving) 	Status: Comments: Follow Up:		
3	Evaluation Component <ul style="list-style-type: none"> • Continuous data feedback to evaluate and report program results 	Status: Comments: Follow Up:		

HOPE Procedures Checklist

There are many specific issues that require strategic planning for any jurisdiction interested in implementing HOPE Probation to have success. The following HOPE Procedures Checklist can be used as a checklist for jurisdictions of such issues.

HOPE Procedures Checklist

Collaboration	Develop planning and implementation committees	<ul style="list-style-type: none"> • Inclusive membership from various areas including judges, probation supervisors and officers, law enforcement, prosecutors, public defenders and treatment programs • Schedule ongoing meetings between judge and probation following HOPE start-date
Target Population	Identify target population	<ul style="list-style-type: none"> • Determine the maximum number of cases for HOPE • Determine how offenders will be selected for HOPE • Align protocols with evidence-based practices • Determine if HOPE will include new and/or old probation cases • Develop referral process to HOPE
Implementation Strategy	Timeline	<ul style="list-style-type: none"> • Develop initial pilot first and determine timeframe for implementation and pilot period
	Staffing	<ul style="list-style-type: none"> • Determine if there will be dedicated probation officers for HOPE probation or if probation officers will have cases in HOPE and in probation-as-usual
	Target violations	<ul style="list-style-type: none"> • Identify target violations for HOPE with zero tolerance (e.g., positive urine drug test, failure to report, etc.)
	Quality assurance	<ul style="list-style-type: none"> • Develop system to monitor HOPE procedures and outcomes (e.g., tracking number of violations, responses to violations, sanctions, treatment completion, etc.) • Develop means of reporting on quality assurance to academia/relevant government offices
	Court response	<ul style="list-style-type: none"> • Determine turnaround time for hearings following violations • Consider availability of court staff and counsel • Determine if there will be a dedicated public defender and/or dedicated prosecuting attorney for HOPE cases • Identify defense counsel to serve as backup for private counsel • Develop procedure for defendants to waive counsel when given sanction by judge • Determine any exceptions to arrest for violations of probation (e.g., positive drug test awaiting confirmation by laboratory)

Motion Declaration / Affidavit	Development of motion and declaration/affidavit	<ul style="list-style-type: none"> • Identify means to initiate action; develop necessary paperwork form(s) • Procedure for prosecutor and defense counsel to review motions • Determine violations to include in motion and ability to add “other” violations with explanations • Determine if the same form can be used for Motion to Modify (or declaration) as Motion to Revoke with appropriate box selected • Determine timeline for when motions are to be developed – same day as violation or next day? • Determine electronic filing system of motions to provide access to clerical staff, probation officers and drug testers
	Initiating party	<ul style="list-style-type: none"> • Determine who has the statutory authority to initiate motion • Determine if notary is required and notary availability
	Tolling	<ul style="list-style-type: none"> • Identify statutory mandates regarding tolling time served • Determine how time is tolled (e.g., between filing date of motion and filing date of dispositional order) • Determine who is responsible for calculating toll time and mechanism for reporting
	Jail credits	<ul style="list-style-type: none"> • Identify statutory mandates regarding jail time • Determine how jail credits are calculated and who is responsible for reporting jail credits • Ensure that motions for revocation are initiated when maximum allowable jail term has been served and inform judge when filed for sole purpose of providing more jail days to probation term
Warning Hearing	Preparing and scheduling	<ul style="list-style-type: none"> • Develop letter for probationers to sign acknowledging date, time and location of Warning Hearing • Provide judge with list of cases, including pre-sentence investigation and synopses of probation adjustment • Develop script for judge to use to ensure Warning Hearings are consistent
Urinalysis	Court order	<ul style="list-style-type: none"> • Determine special conditions for HOPE probationers related to drug test specimen collection: providing valid samples, time restrictions for sample collection and no tampering

	Urinalysis/specimen collection	<ul style="list-style-type: none"> • Determine location of specimen collection (on- or off-site from probation offices) • Determine schedule for testing (days of the week and testing hours) • Ensure male and female collectors are available for testing and prepare backup plan • Develop procedures for observed testing collection • Develop procedures for tracking and reporting known prescribed medications • Provide offenders with written procedures related to determining testing days, testing requirements and collection procedures
	Drug testing frequency	<ul style="list-style-type: none"> • Identify testing frequency categories • Determine how offenders will be classified into testing frequency categories • Determine how testing groups will be identified (color-coded, numbers, etc.) and develop a corresponding matrix
	Testing strategy	<ul style="list-style-type: none"> • Determine the substances that will be tested (e.g., 6-drug test panel or 10-drug test panel), other illicit drugs (e.g., prescription drugs, Spice/K2) • Ensure contract allows variances for specific drugs (e.g., if alcohol use is suspected, ability to conduct alcohol breath test) • Determine process for confirmatory laboratory testing • Develop admission of substance use form for offenders • Develop procedures for addressing diluted samples and unclear screening results (e.g., faint positive result)
	Process for confirmation testing	<ul style="list-style-type: none"> • Determine cut-off levels for testing (e.g., limit of quantitation) • Identify laboratory to conduct confirmation testing with firm turnaround time • Develop procedures for transporting samples for confirmation testing (e.g., FedEx for off-site testing or staff daily transport of samples to local confirmation testing facility)
	Randomization	<ul style="list-style-type: none"> • Determine how testing will be randomized • Develop testing schedule (e.g., month-by-month)

	Hours of operation	<ul style="list-style-type: none"> • Specify drug testing collection hours • Determine any allowances for employed offenders (e.g., early morning collection)
	Master list of offenders	<ul style="list-style-type: none"> • Develop master list of HOPE offenders and ensure access by probation officers and drug test collectors • Determine who maintains list • Develop protocol for informing drug test collector of relevant information regarding testing (e.g., if offender should be tested for an additional substance or if offender should not be arrested for positive for specific drug)
	Reporting results	<ul style="list-style-type: none"> • Determine how drug test results are transmitted to probation officer (e.g., saved to server, sent as email, etc.) • Identify who initiates a motion when substance use violation occurs • Develop protocol for attempting to contact offenders when they fail to report for drug test
Failure to Report	Procedures	<ul style="list-style-type: none"> • Determine if there is a grace period for testing hours/appointments and threshold for repeat tardiness • Determine provisions for turning self in, including taking offender into custody and recalling bench warrants • Determine who is responsible for following up and making contact with offenders when they fail to report
Arrest	Responsible party	<ul style="list-style-type: none"> • Determine who is the arresting party • Determine how long it will take for arresting party to report to probation officer's office or drug testing center • Identify safety issues related to transporting offender • Determine the expectations of the probation officer when awaiting arrest of offender • Identify who assumes responsibility of the offender when the probation officer is absent • Determine if there are time limitations to transporting offenders to the cellblock/jail • Develop procedure for incident reports regarding arrest (e.g., resisting arrest or cooperative)

	Information for arresting party	<ul style="list-style-type: none"> • Determine what information the arresting officer needs from the probation officer regarding the offender (e.g., name, social security number, date of birth, medical status/injuries, prescriptions, and property) • Develop process for communicating this information (e.g., oral communication or form to complete)
	Court notification	<ul style="list-style-type: none"> • Determine how the court is notified of an arrest • Determine if an order pertaining to bail can be issued the same day
	Special issues	<ul style="list-style-type: none"> • Develop plan for handling children accompanying offenders (e.g., child protective services) • Develop plan for handling offenders' motor vehicles (e.g., telephone call to have someone pick up the vehicle) • Develop plan for handling offender personal property • Develop procedures for security offender property, including develop property inventory list for arresting officer • Develop plan for addressing medication needs of offenders
Court Information for Dispositional Purposes	Violation reports	<ul style="list-style-type: none"> • Determine what information is needed by the judge (e.g., history of violations and sanctions, drug test results and offender responses, circumstances of violations, treatment plan) • Determine deadline for submitting violation reports • Develop transmission procedures (e.g., email, fax) • Determine how report is provided to counsel
	Probation officer recommendation	<ul style="list-style-type: none"> • Determine what information is needed by the judge • Determine deadline for submitting probation officer recommendation • Develop transmission procedures (e.g., email, fax) • Determine if probation officer recommendation will be available to counsel and how it will be delivered • Recommendations should reflect lesser sanctions for offenders taking responsibility for actions (e.g., admitting drug use vs. denying use and confirmatory testing resulting in positive; turning self in vs. arrested by law enforcement on bench warrant) • Provide probation officers with judge's sanctioning guidelines

	Bench warrant information	<ul style="list-style-type: none"> • Determine what information the court needs to issue bench warrants (e.g., last known address, telephone number)
Disposition	Court order	<ul style="list-style-type: none"> • Develop template for Court Order Granting Motion to Modify with options for special conditions • Develop sample court orders for reference
	Information loop	<ul style="list-style-type: none"> • Determine how the court disposition is reported back to the probation officer (e.g., court minutes, court orders, email) • Consider timeliness in maintaining information loop
	Reporting instructions	<ul style="list-style-type: none"> • Determine who instructs offenders to report to their probation officer and when, if the probation officer is not present in court
Treatment	Court order	<ul style="list-style-type: none"> • Determine how probation officers can add treatment as a special condition of probation and require satisfactory participation • Consider change in treatment needs over time
	Services	<ul style="list-style-type: none"> • Determine the treatment programs available for HOPE offenders and levels of care (e.g., outpatient, intensive outpatient, residential) • Develop treatment options for indigent offenders
	Collaboration	<ul style="list-style-type: none"> • Educate treatment program providers about HOPE probation • Determine how treatment programs will address relapses to drug use and treatment program infractions (which are separate from HOPE) • Develop communication strategies for shared treatment planning with treatment program and probation officers
Training	Training plan	<ul style="list-style-type: none"> • Determine who needs to be trained on what areas of HOPE and when training will take place (e.g., one-time, monthly, ongoing) • Consider training and education for probation officers, judges, judicial clerical staff, drug test collectors, sheriffs, jail staff, et al. • Identify appropriate points of contact for various groups to manage troubleshooting
	Aids	<ul style="list-style-type: none"> • Develop, update and revise flow charts of the HOPE system to ensure that all parties understand the process • Include flow charts for addressing positive drug test results, failure to report, and referral process to HOPE

Research	Outcome measurements	<ul style="list-style-type: none"> • Determine if there are outcome measurement requirements to secure/maintain HOPE funding • Identify measures of HOPE success • Determine how information is collected and by whom • Develop protocol for conducting analysis and collecting feedback • Areas of measurement may include: <ul style="list-style-type: none"> ○ Likert survey of probation officers to determine satisfaction with HOPE ○ Active case summary totals ○ Quality assurance report on probation officers ○ Quality assurance report on judges ○ Outcome measures (e.g., positive drug test results, failure to report) ○ Randomized control trials
Maintain Congruency Between HOPE and Other Evidence-Based Practices	Optimizing efficacy of sanctioning process	<ul style="list-style-type: none"> • Provide tools for probation officers to use with offenders to effect behavioral changes • Assess offenders' motivation to change • Use motivational interviewing techniques to move offender from one stage to another • Use decisional balance scale to assess pros and cons of changing behavior and pros and cons of maintaining status quo • Use cognitive restructuring techniques to show the relationship between thoughts, feelings, attitudes, beliefs that drive substance use and criminal behavior • Teach offenders cognitive skills such as problem solving and impulse control through rehearsal and coaching

IV. Assessing the Implementation of the HOPE Strategy: A Survey of HOPE-Like Sites

Across the country, scores of jurisdictions have implemented new strategies for criminal offenders on probation, parole, pretrial, or in prison settings based directly on Honolulu's HOPE Probation. This survey of HOPE-like sites offers insights as to how these strategies are similar to and different from HOPE Probation that has been developed and honed through 10 years of innovation and practice in Honolulu.

To meet this need, the Institute for Behavior and Health, Inc. conducted an online survey of HOPE-like sites (including the two sites that were created at the same time but independent from HOPE in Honolulu). A detailed description of the survey, administration and findings are described in the report, *HOPE-Like Probation and Parole: 2015 Survey Summary*.

A total of 83 HOPE and HOPE-like probation, parole, and/or pretrial strategies were identified in 28 states. Sixty-eight sites expressed interest in participating in the survey and were sent links to the online questionnaire. The remaining 15 sites were ineligible to participate because the strategy was still under development, the strategy was no longer active, or personnel did not indicate an interest in participating. Fifty-six sites from 20 states completed the online survey, reflecting an 82% response rate.

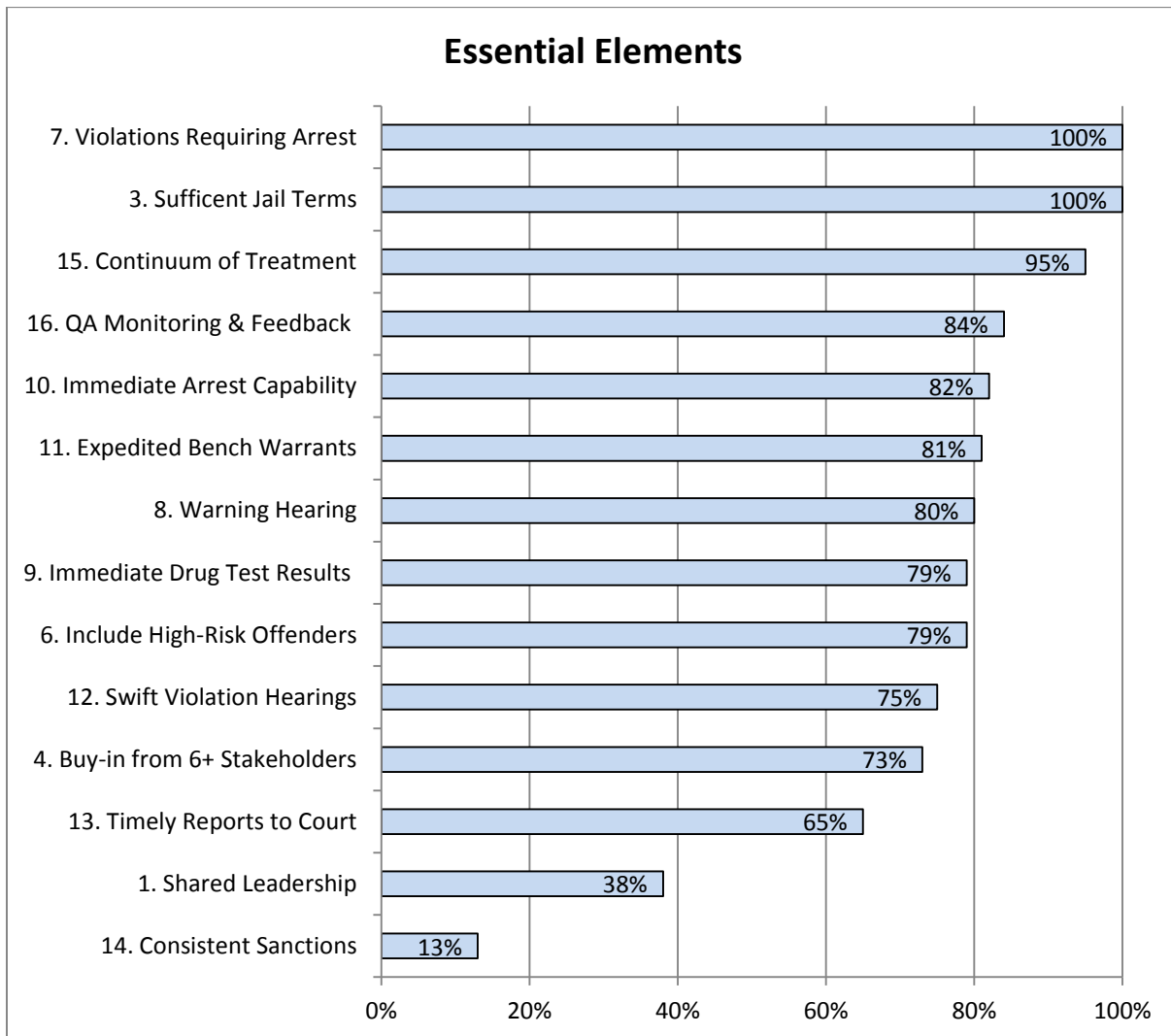
Implementation of Essential and Recommended Elements

The survey sought to determine the extent to which the sites have implemented 14 of the 16 Essential Elements of HOPE Probation as well as the 3 Recommended Elements. There were no questions on the survey related directly to Integrating HOPE into the Existing Probation System [*Essential Element 2*] due to the complexity of the issue and the variety of probation systems in which HOPE-like strategies were incorporated. Additionally, no questions on the survey specifically addressed Staff Training in HOPE Principles [*Essential Element 5*], in part because it was not known *a priori* the extent to which the sites surveyed had intended to emulate these principles. However, requests to HOPE Probation leadership for training and technical assistance from many of these sites and elsewhere around the country indicate that formal training often is not provided when probation/parole systems initiate a HOPE-like strategy.

Essential Elements

Survey results indicate that on average, the sites had adopted 10 of the 14 Essential Elements (mean = 10.3, median = 10, range: = 5 to 14). Three of the Essential Elements were adopted in all or nearly all of the sites; eight others were implemented in about 75-85% of the sites; and three of the Essential Elements in fewer than two-thirds of the sites (see **Figure 3**. Percentage of Sites Adhering to Each Essential Element).

Figure 3. Percentage of Sites Adhering to Each Essential Element



The following two Essential Elements were adopted by 100% of sites:

- The identification and establishment of a set of zero-tolerance violations that will result in immediate arrest [*Essential Element 7*], and
- Statutory provisions that establish sufficiently long jail terms for the identified violations so as to serve as deterrents to non-compliance [*Essential Element 3*].

One widely adopted Essential Element serves to support a well-functioning HOPE-like strategy:

- 95% of sites reported having a continuum of drug treatment services readily available to individuals in the strategy, defined as having outpatient treatment available plus at least one additional level of care [*Essential Element 15*].

Another eight Essential Elements have been implemented in about 75-85% of the sites and are primarily the operational aspects of HOPE:

- 79% of the sites target or include higher risk and violent offenders, usually using a validated risk assessment instrument to identify them [*Essential Element 6*].
- 80% of sites have instituted a Warning Hearing, which is nearly always conducted by a judge. Most of these sites (78%) also use a standard script for the Warning Hearing as recommended in HOPE [*Essential Element 8*].
- 79% reported that there is a drug testing strategy in place using on-site testing with immediate results [*Essential Element 9*].
- 82% of the sites have established the capacity to effect immediate, or at least same-day, arrests for positive drug tests and other zero-tolerance violations [*Essential Element 10*].
- 81% of sites reported that they have taken measures to expedite the process of issuing and serving bench warrants for individuals when they miss appointments or hearings, abscond, or otherwise cannot be arrested immediately [*Essential Element 11*].
- 75% of the sites hold violations hearings swiftly, within 72 hours of arrest, and half the sites reported generally holding hearings within two days [*Essential Element 12*].
- 73% of sites have gotten buy-in from six or more of the key stakeholder groups whose consensus and support is essential to the success of a HOPE strategy. Buy-in was always achieved from judges and probation/parole personnel, and nearly always from the prosecution and defense. However, buy-in from law enforcement was only reported by 55% of the sites, indicating that more effort may be needed to bring this group on board [*Essential Element 4*].
- 84% of sites have established systems that allow them to gather statistics on offenders' degree of compliance with the terms of their probation or parole as well as on key outcome variables such as criminal recidivism and imprisonment. In addition, 89% say they have a means of monitoring various aspects of their HOPE-like strategies to ensure that sanctions are being applied in a swift, certain, and consistent manner [*Essential Element 16*].

Three Essential Elements were less likely to be fully implemented across sites:

- 65% of the sites indicated that the probation/parole/pretrial officer reports circumstances of the violation and their recommended sanction to the judge in a timely manner [*Essential Element 13*].
- The standard set by Honolulu's HOPE Probation of having the court and probation/parole share the leadership responsibility for a HOPE-like strategy is met in only 38% of the sites. However, even when one party has lead responsibility there is still a high-level of coordination exhibited as

evidenced by most of these sites reporting that the two groups hold regularly scheduled meetings [*Essential Element 1*].

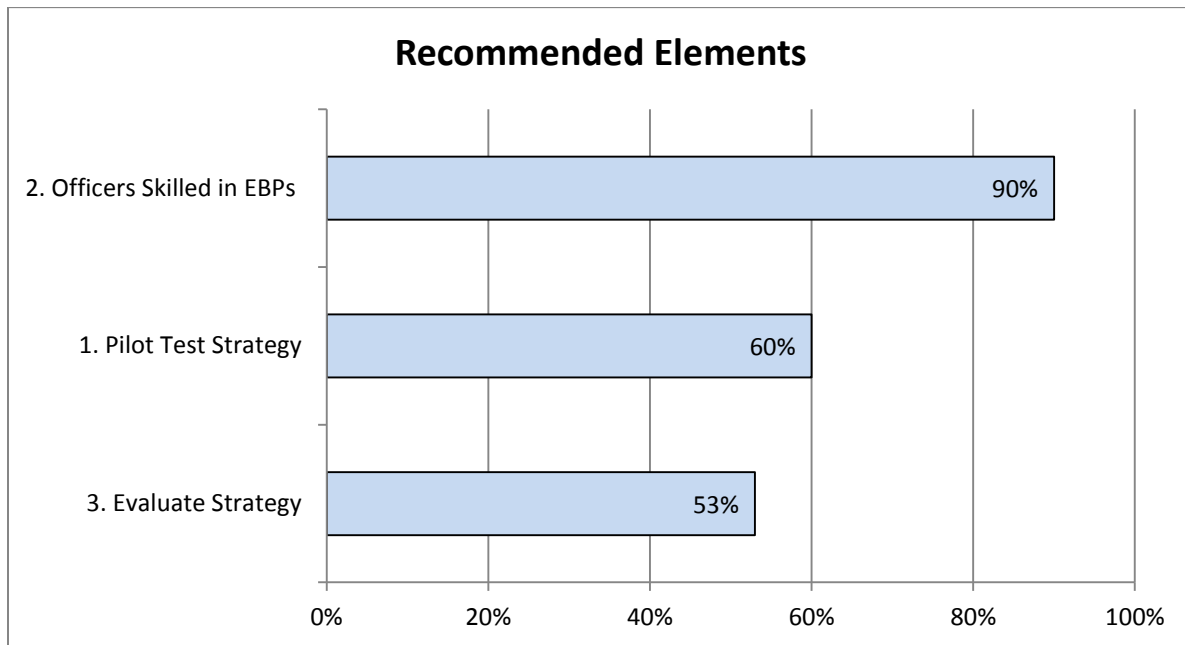
- Consistency in sanctioning (i.e., using the same length jail sanction every time for the same offense), which is a cornerstone of HOPE, has been adopted in just 13% of the sites. In 64% of the sites the judge can decide whether to increase jail time or keep it the same each time, and 23% of the sites said they must increase the number of jail days for subsequent violations. Survey results on the proportionality of jail sanctions – i.e., using longer jail terms for more serious violations – revealed that the sites *on average* tended to use proportional sentencing; however, there was great variation across sites in the number of jail days used for each type violation examined [*Essential Element 14*].

Recommended Elements

Survey results indicate that on average, sites adopted 2 of the 3 Recommended Elements (mean = 2.0, median = 2, range: 1 to 3). One of the three was widely implemented and the others were implemented by a majority of the sites (see **Figure 4**. Percentage of Sites Implementing Each Recommended Element):

- 90% of sites reported having a cadre of probation (and/or parole) officers who are not only trained in how to implement the HOPE-like strategy but are also skilled in applying evidence-based principles (EBPs) for recidivism reduction, such as motivational interviewing and cognitive behavioral therapy [*Recommended Element 2*].
- 60% of the sites indicated that they had either pilot tested their HOPE-like strategy prior to implementation or were currently pilot testing it as recommended for a HOPE strategy [*Recommended Element 1*].
- 53% of the sites reported that they have completed an evaluation or are currently undergoing evaluation, usually conducted by an independent party. Five sites have used the “gold standard” randomized control trial methodology [*Recommended Element 3*].

Figure 4. Percentage of Sites Implementing Each Recommended Element



Conclusions from Survey Findings

Survey findings show that overall most sites have implemented the majority of the Essential Elements of HOPE, albeit to varying degrees. While all sites have established the ability to use jail sanctions for identified zero-tolerance violations, between 15% and 25% of the sites have not implemented each of the individual Essential Elements related to the operational aspects of a HOPE-like strategy, such as expediting bench warrants or conducting warning hearings.

The two elements of HOPE that are least likely to be in place elsewhere reflect how difficult it is to change traditional approaches in community corrections. The first is the need for the court and probation/parole to share leadership and responsibility for implementing the local HOPE-like strategy. Although there is generally good communication between the two entities, as evidenced by regular meetings, only 38% of the sites report that leadership is truly shared.

The other is the need for sites to apply jail sanctions consistently and in proportion to the seriousness of the violation. The survey found that most sites in implementing their HOPE-like strategies have retained the flexibility for judges and probation/parole officers to adjust the amount of jail time case-by-case, thus negating the key element of consistency. Consistency and proportionality are also not adhered to in the 23% of sites that increase jail time when the same violation is repeated. Across sites, the wide variation in the amount of jail time given for essentially the same violation (e.g., 1 to 30 days for being three days late for a drug test) indicates that for many violations there is little consensus nationally about what constitutes a proportionate sanction.

These findings suggest that jurisdictions that intend to implement the HOPE strategy would likely benefit from reading the *State of the Art of HOPE Probation*, getting hands-on training and technical assistance throughout the implementation process – first to help them adequately establish the operational

aspects, and secondly to assist in the more difficult tasks of instituting shared responsibility and establishing and using consistent and proportionate sanctions. The same training and assistance would be beneficial to jurisdictions that have active HOPE-like strategies and wish to be recognized as successfully implementing the HOPE strategy as developed in Honolulu.

V. Identifying Next Steps for the HOPE Strategy

HOPE Probation has attracted substantial interest from policymakers and criminal justice professionals and practitioners across the United States and around the globe. There are a significant number of jurisdictions implementing strategies directly based on and inspired by HOPE in the United States. Heretofore there has not been a comprehensive, detailed description of HOPE Probation. *The State of the Art of HOPE Probation* fills that gap, providing the Essential Elements and Recommended Elements that are central to the HOPE strategy. It also describes how HOPE has evolved and been refined in the course of a decade, the challenges surmounted and lessons learned by the pioneering HOPE Probation strategy in Honolulu, Hawaii.

The primary audience for *The State of the Art of HOPE Probation* is criminal justice professionals including representatives from the judiciary, probation supervisors and officers, prosecutors, public defenders, defense attorneys, law enforcement (e.g., police, sheriffs, marshals), and substance abuse treatment providers – all of whom play important roles in the successful implementation of HOPE. At the same time, it can also be a valuable resource for legislators and other policymakers who are considering changes to criminal justice systems. *The State of the Art of HOPE Probation* can be used as a tool for all criminal justice professionals and jurisdictions seeking to implement the HOPE strategy as well as by existent HOPE-like strategies that would be more effective with some refinement. Although each HOPE strategy will be adapted to the specific jurisdiction, maintaining fidelity to HOPE, along with basic evaluation measures, will add to the aggregate body of evidence about this criminal justice innovation.

Most jurisdictions that have implemented HOPE-like strategies for various criminal justice populations have done so without training or technical assistance. Based on the survey HOPE-like strategies conducted by the Institute for Behavior and Health, Inc. (IBH), and on regularly scheduled hours of multi-site project conference calls chaired by IBH President, Robert L. DuPont, MD and HOPE creator Judge Steven S. Alm, it is clear that there is wide variety of structure and policy among the many proliferating HOPE-like sites. Many of these site practitioners have expressed a desire for regular contact with Judge Alm for guidance and on-site training. They have also expressed desire for continued mutual discourse and problem solving through face-to-face annual or regional meetings rather than by teleconference. Such experiences would both promote fidelity to HOPE and offer the promise of outcomes similar to that of HOPE Probation in Honolulu.

Given the successful outcomes of HOPE Probation to reduce drug use, incarceration and recidivism compared to standard probation in Honolulu,¹³ and with more randomized control trial studies of HOPE strategies currently under way, there is little doubt that HOPE will continue to spread across the United States. As it does, it is imperative that fidelity is maintained.

¹³ Hawken, A. & Kleiman, M. A. R. (2009). *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE*. Document No. 229023. Award No. 2007-IJ-CX-0033. Available: <http://nicic.gov/Library/024156>