

# HOPE-Like Probation and Parole: 2015 Survey Summary

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# I. Survey of HOPE-Like Probation and Parole in the United States

## Background

The HOPE strategy was established in 2004 in Honolulu as Hawaii's Opportunity Probation with Enforcement. After a randomized control trial showed dramatically improved outcomes for HOPE probationers compared to offenders on standard probation,<sup>1</sup> new probation strategies based on HOPE spread rapidly across the United States. Additionally, many jurisdictions established HOPE-like supervision strategies in other areas of criminal justice (i.e., pretrial, parole, prison and juvenile justice agencies).

In 2014, the 10<sup>th</sup> anniversary of HOPE Probation in Honolulu, the Laura and John Arnold Foundation provided a grant to the Institute for Behavior and Health, Inc. (IBH) to work collaboratively with Judge Steven S. Alm, the originator of the HOPE strategy, Probation Section Administrator, Cheryl Inouye, and other court staff from the First Circuit Court in Honolulu to develop a comprehensive description of the HOPE strategy. The resulting report, *State of the Art of HOPE Probation*,<sup>2</sup> defines the Essential Elements of HOPE and identifies additional Recommended Elements that enhance HOPE and ensure its success. The report also describes how the original HOPE Probation strategy has evolved through 10 years of innovation and practice.

In addition to documenting the current state of the art of HOPE Probation in Honolulu, IBH also attempted to identify and contact as many as possible of the courts and probation and parole offices that have implemented the HOPE strategy across the country. Judges and other knowledgeable officials in these sites were invited to participate in a national survey studying the extent to which these HOPE-like community corrections strategies are similar to the strategy now operating in Honolulu.

This report summarizes the results of an online survey conducted in spring 2015 of 56 sites in 20 states that have implemented HOPE-like strategies. The focus is on whether sites have incorporated Essential Elements and Recommended Elements of HOPE into their operations. Following a brief description of the survey methodology, results are presented for the 16 Essential Elements and 3 Recommended Elements identified in the *State of the Art of HOPE Probation*.

## Survey Method and Response

### Method

Because currently there is no national listing of community corrections programs that have implemented HOPE-like strategies, IBH researchers relied extensively, but not exclusively, on information provided by Judge Alm to identify sites to participate in this study. A total of 83 sites in 28

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<sup>1</sup> 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>

<sup>2</sup> Institute for Behavior and Health, Inc. (2015). *State of the Art of HOPE Probation*. Rockville, MD: Author.

states were identified as potential participants in the online survey (see **Table 1**). Senior officials at most of these sites were known personally to Judge Alm because he and Cheryl Inouye, Probation Section Administrator, had provided them with on-site training, consulted by telephone and e-mail, or hosted visits by officials from these sites. When contacted by IBH, 68 of the 83 sites expressed interest in taking the online survey. 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.

Beginning on March 18, 2015, designated contacts at the 68 sites were sent e-mails with individualized links to the online Survey of HOPE and HOPE-Like Probation/Parole/Pretrial Strategies. The 95-question survey instrument asked about each site’s staffing, budget, target population, current participation, use of jail time and other sanctions for probation and parole violations, the extent of drug and alcohol testing, availability of treatment, promptness of arrests and hearings for violations, degree of coordination among strategy partners (court, probation/parole, law enforcement, jail, etc.) and with drug courts, and methods used to monitor and evaluate performance. Non-respondents were sent up to three reminder e-mails.

### Response Rate

By the May 31, 2015 survey cutoff date, questionnaires had been completed for 56 sites in 20 states – an 82% response rate. **Table 1** lists the number of invited sites and survey completions by state. Three states had implemented their HOPE-like strategies statewide. Two of these, Georgia and Washington, completed the questionnaire for a

“typical” site in the state. The third, North Carolina, had officials at three representative sites (urban, urban/rural mix, and rural) complete separate questionnaires. In addition, Judge Alm and Ms. Inouye

**Table 1. Online Survey Participation by State**

State	Sites Identified	Sent Survey Link	Completed Survey
Alabama	1	1	1
Alaska	3	3	3
Arizona	13	12	9
Arkansas	6	2	2
California	1	0	0
Colorado	1	0	0
Delaware	1	0	0
Georgia	Statewide	1	1
Hawaii	3	3	2
Illinois	1	1	1
Indiana	1	1	1
Kansas	1	0	0
Kentucky	7	5	4
Massachusetts	3	3	2
Maryland	1	0	0
Michigan	19	17	13
Minnesota	1	1	1
Missouri	1	1	0
New Hampshire	4	4	4
North Carolina	Statewide	3	3
Oregon	1	1	1
Pennsylvania	2	1	1
South Dakota	4	3	3
Tennessee	1	1	1
Texas	2	2	2
Vermont	1	1	0
Virginia	1	0	0
Washington	Statewide	1	1
<b>Totals</b>	<b>83</b>	<b>68</b>	<b>56</b>

jointly completed a questionnaire for Honolulu HOPE Probation to provide standards of comparison when analyzing survey results.

## **Responding Sites**

The 56 responding sites were quite varied in regard to period of implementation, size of jurisdiction, target population, and entity with lead responsibility for the HOPE-like strategy. Half the sites had been established by 2012 with the earliest (Georgia and Texas) beginning contemporaneously with HOPE in 2004. The other half began implementing their strategies after 2012, including two in 2015. About 20% were being pilot tested at the time of the survey; the other 80% were about equally divided between those that had been implemented after a pilot test and those implemented without a pilot test.

The strategies had been implemented in jurisdictions of various sizes:

16%	Large urban
14%	Smaller urban/suburban
38%	Smaller urban/rural mix
32%	Rural

In regard to target populations, 53 of 56 sites (95%) used HOPE-like strategies for felons on probation, 2 targeted misdemeanor probationers only, and 1 was for prison inmates in a halfway house phase of alternative sentencing. Many sites had a mix of groups: 23% had parolees as well as probationers, and 27% applied their strategy to both felons and misdemeanants. Five of the sites targeted or included juveniles.

At 16 of 55 sites (29%) the court had lead responsibility for the strategy; at 17 sites (30%) it was the probation or parole office; and at 21 sites (38%) responsibility was shared between the two entities. The alternative sentencing program for inmates was operated by the state department of corrections.

## II. Survey Results Regarding the Elements of HOPE Probation

It was noted in the *State of the Art of HOPE Probation* that, “No two implementations of the HOPE strategy will be identical due to the needs, constraints, systems, and leadership in place in various jurisdictions; however, HOPE can be implemented with great success in probation, parole, pretrial, and even prison settings with a strong commitment to the core principles of HOPE.” The report then identified 16 Essential Elements of the HOPE strategy and how they fit into a comprehensive system. Three Recommended Elements were also identified. In these Essential Elements and Recommended Elements when “judge” is mentioned, it is equivalent to the relevant sanctioning authority (e.g., parole board, parole chair, or hearings officers).

The online survey completed by the 56 HOPE-like sites contained questions related to most of these elements in an attempt to determine the extent to which they have been applied across these diverse settings. The following sections briefly describe each element and present survey results first for the Essential Elements and then for the Recommended Elements that comprise HOPE Probation.

### Essential Elements of HOPE Probation

Essential Elements 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. Although the specific means by 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.

#### 1. Shared Leadership

HOPE leadership must be a shared responsibility. Typically, this will involve a probation/parole supervisor or administrator and a judge as co-leaders. To maximize effectiveness, the judge and probation/parole co-leader must maintain close contact and collaborate with other key officials to work together to develop and integrate all aspects of a HOPE strategy. Emergent conflicts and barriers should be addressed openly at frequent regularly scheduled meetings of all HOPE principals.

For example, in Honolulu, the two HOPE judges and the probation section administrator provide leadership, serve as the points of contact to respond to questions about HOPE Probation, and hold recurring scheduled meetings of all of

#### 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

key personnel. Regular meetings between the judges and the probation supervisors have been critical to consistency, open communication, and success of Honolulu's HOPE.

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 HOPE 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 kind of feedback and then acting on that feedback 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.

The survey discovered this type of shared leadership in 21 of 55 sites (38%). Of those 21 sites, 18 (86%) have regularly scheduled meetings between the judges and the probation/parole supervisor or administrator.

For sites where the court has leadership responsibility for the HOPE-like strategy, there is still a high degree of coordination with 15 of 16 sites (94%) reporting regular meetings of judges and probation/parole personnel. These types of meetings are less frequent in sites where probation/parole has the leadership role: 10 of 15 of these sites (67%) hold regular meetings (in two parole sites judges are not involved in the strategy).

## **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 statutory mandates and the National Institute of Corrections (NIC) Eight Evidence Based Principles (EBP) 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 statutes call on probation officers to use all suitable methods to assist in the probationer's rehabilitation. Whatever the system, care must be taken to figure out how a HOPE-like strategy and its policies and procedures will fit into and mesh with the current system in place.

Due to the complexity of this issue and the variety of probation systems in which HOPE-like strategies were incorporated, there were no questions on the survey related directly to this Essential Element.

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

There must be statutory provisions in place that allow for jail sanctions for violations of probation or parole. All sites responding to the survey indicated that they met this criterion for adherence to HOPE. Jail sanctions, even for first violations, are used in every site. These ranged from partial-day “cell block” incarceration for relatively minor violations, such as not providing a urine specimen within the time allotted, to as much as 60 days in jail for absconding or tampering with a specimen.

Having a longer sanction available in the case of a revocation can also help compliance. In Honolulu’s HOPE Probation, misdemeanants whose probation is revoked can be jailed for up to 12 months. The survey revealed that this is about the average for other sites as well. For felons in most sites revocation of probation or parole generally results in even longer periods of imprisonment as determined by statutory guidelines, the class of felony, or the amount of unserved time on the original sentence. For Honolulu’s HOPE Probation this could mean indeterminate terms of up to 5, 10, or 20 years in prison (with the parole board setting the minimum terms). Some felons in other sites faced as many as 99 years to life in prison if their probation or parole was revoked.

### **4. Buy-In Among Key Officials**

In Honolulu 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 of officials serves an important role in HOPE Probation. Their buy-in is critical and each group views participation in HOPE as benefitting their own mission in a significant and tangible way.



Figure 1 “Our Strategy has buy-in, with identified roles, from the following entities.”

Figure 1 lists the eight groups that comprise the key stakeholders in Honolulu’s HOPE Probation and the percentage of sites reporting on the survey that they had buy-in from these groups in their jurisdictions. Overall, 24 of the 56 sites (43%) reported buy-in from all eight entities listed; however, for some sites certain groups did not need to be involved due to the nature of their model. It is noteworthy that 41 of the sites (73%) reported buy-in from at least 6 entities, indicating that HOPE-like sites are generally doing well in implementing the Essential Element of stakeholder buy-in.

## 5. Staff Training in HOPE Principles

The Honolulu experience has shown that all staff members who participate in HOPE Probation should be thoroughly trained in HOPE principles, 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.

No questions on the survey specifically addressed the issue of training on HOPE principles, 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 Judge Alm and Ms. Inouye 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.

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

When identifying potential HOPE offenders, whether on probation, pretrial or parole release, the guiding principle should be to target the higher 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 a HOPE strategy should ensure that the offenders admitted are higher risk and therefore will benefit most from the HOPE strategy in comparison to community corrections-as-usual.

The survey found that 44 of the 56 sites (79%) are similar to Honolulu’s HOPE Probation in that they target or include higher-risk and violent offenders (including both domestic violence and other types of violence). Thirty-six of those sites (82%) reported that they use a validated risk assessment instrument to identify the highest-risk offenders.

## **7. Identifying Zero-Tolerance Violations Requiring Immediate Arrest**

Specific zero-tolerance violations must be initially identified and clearly explained in advance to each offender. In Honolulu’s HOPE Probation, these include admissions of drug or alcohol use, positive urinalyses that probationers subsequently admit to, missed drug tests or appointments with their probation officers (as offenders may be avoiding being drug tested), and failure to participate satisfactorily in and complete substance abuse treatment. Additional zero-tolerance conditions have subsequently been added (e.g., repeatedly failing to attempt to find a job, or failure to obtain a substance abuse assessment when ordered to do so). For sex and domestic violence offenders, zero-tolerance violations include failure to satisfactorily participate in or complete treatment and unlawful contact with victims. HOPE probationers are informed that violations of those treatment conditions will not be tolerated and will result in immediate arrest and incarceration.

All 56 of the sites surveyed indicated they have adopted this Essential Element by identifying at least two zero-tolerance violations that require immediate arrest. For example, 46 of the sites (82%) have a policy of immediate (same day) arrest for a positive drug test followed by an admission of use. On average an offender will spend three days in jail for this type of violation.

Sites have generally identified around eight violations that are sanctioned with jail time, but the list of violations varies by site as does the amount of jail time imposed.

## **8. Warning Hearing by the Judge**

The Warning Hearing by a judge marks a probationer’s first day in HOPE Probation in Honolulu. Its first purpose 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. 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. Having a script is particularly important when more than one judge handles HOPE cases.

Survey results indicate that in 45 of 56 sites (80%) this Essential Element of HOPE has been implemented in that a warning hearing is conducted which encourages offenders to succeed and at which likely sanctions and possible rewards of the strategy are explained. In 93% of these 45 sites, the warning hearing is given by a judge and in 78% a consistent script is used.

## **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.

Forty-four of the 56 sites surveyed (79%) reported that there is a drug testing strategy in place using on-site testing with immediate results. When confirmation testing is ordered, 39 of the 53 sites (74%) that place such orders receive the results within seven days.

## **10. Means to Effect Immediate Arrest and Take into Custody**

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

There were no questions in the survey asking specifically who has arresting authority; however, there is some indirect evidence that a large majority of sites have established the capacity to effect immediate arrests for violations. For example, 46 of the 56 sites (82%) report same day arrests for a positive drug test followed by an admission of use. Furthermore, 44 sites provided an estimate when asked what is the typical time before an individual is taken into custody following a violation, with 38 of them (86%) saying it is within the same day. Of those, 71% (27 of 38) said the violator was in custody within 30 minutes.

## **11. Expedited Warrant Service**

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 in Honolulu's HOPE Probation from running away. In implementing the HOPE strategy, the process for issuing bench warrants should be streamlined and the law enforcement officials responsible for serving expedited bench warrants for probationers must be identified from the outset.

On the survey 44 of 54 sites (81%) reported they have taken measures to expedite the process of issuing and serving bench warrants for individuals when they miss appointments or hearings or are otherwise in violation of the terms of their probation/parole.

## **12. Means to Hold Violation Hearings Swiftly**

The HOPE 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.

HOPE Probation in Honolulu typically holds hearings for violations and non-compliance within two to three days following arrest. The survey revealed that this standard of conducting a violations hearing within 72 hours of arrest was met in 41 of 55 sites (75%) and that half the sites reported generally holding hearings within two days.

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

A timely report by probation and parole 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. Honolulu's HOPE Probation is structured so that the judge receives all pertinent information the day before the scheduled hearing.

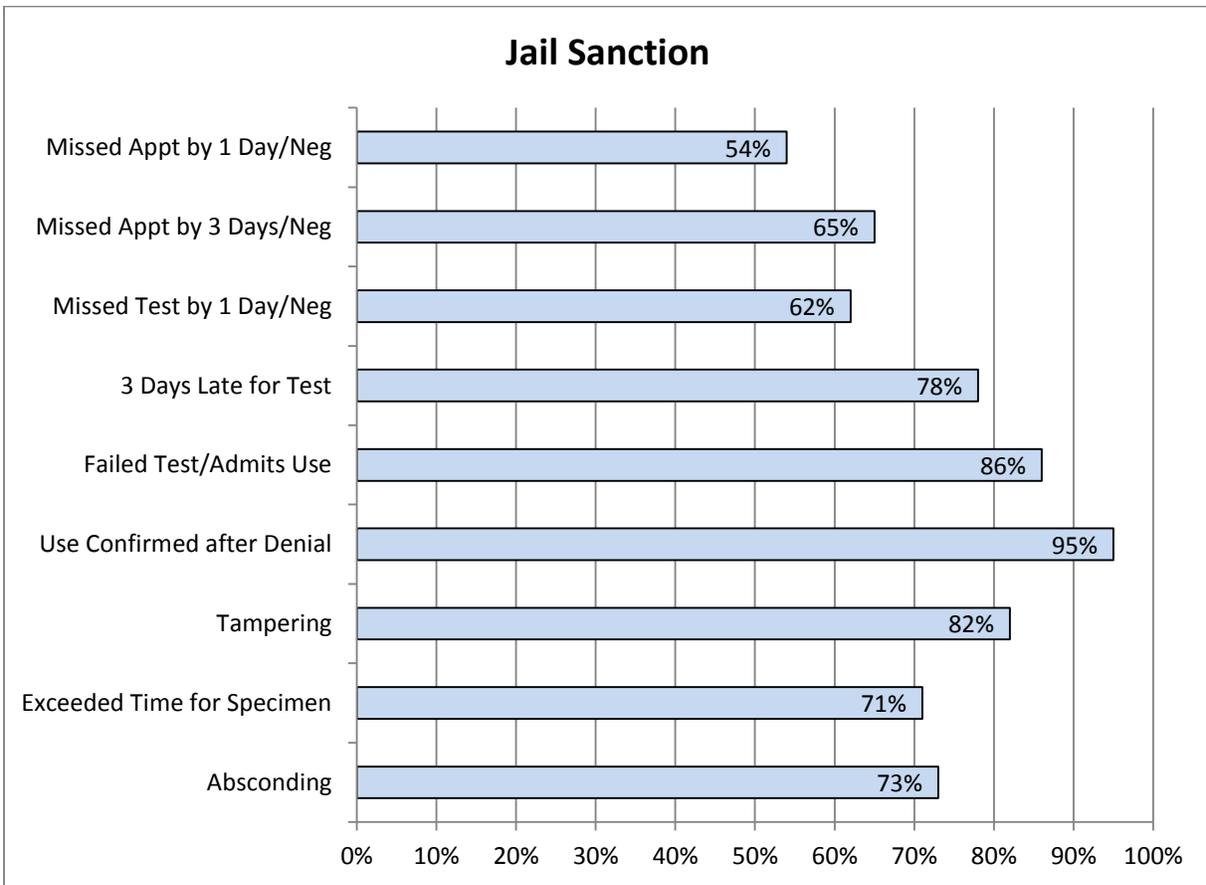
The survey found that in 36 of 55 sites (65%) the probation/parole/pretrial officer reports circumstances of the violation and their recommended sanction to the judge in a timely manner – defined as at least the day before the hearing, or prior to the hearing if it is held the same day as the violation occurs.

## **14. A Sanctions Strategy that is Consistent and Proportionate**

Sanctioning guidelines should be developed to ensure that HOPE probationers and parolees are subject to swift, certain, consistent – and proportionate – sanctions for every targeted violation of probation or parole. In Honolulu's HOPE Probation the sanction is always jail time, even for a first violation. The amount of jail time is 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 jail sanction will be brief; if not, the sanction will be meaningfully longer. For instance, immediately acknowledging responsibility for a positive drug test and admitting to drug use will result in an immediate arrest and net a 2-day sentence; if use is denied but later confirmed through laboratory testing the sentence will be 15 days. More egregious violations such as tampering with a urine specimen or absconding result in 30-day sentences.

The survey sought to determine how similar the 56 sites are to HOPE Probation in their use of jail sanctions. The questionnaire listed nine violations that always result in a jail sanction in Honolulu and asked if jail time or another type of sanction would be imposed if it was the individual's first violation while participating in their HOPE-like strategy. **Figure 2** shows for each type of violation the percentage

of sites that said the violator would be jailed. For example, 95% of the sites indicated that a jail sanction would be used if a positive drug test was confirmed after the individual denied drug use. Sixteen of the 56 sites (29%) said a jail sanction would be used for all nine types of violations. On average, sites would use a jail sanction for 7 of the 9 violations.



**Figure 2 "If this was an individual's first violation while in the Strategy, what sanction would be imposed?"**

When jail sanctions are not used for these first violations, the sites frequently reported using other types of sanctions. These ranged from imposing community service hours for missed appointments to removal from the program or even revocation of probation for absconding.

Consistency is maintained in HOPE Probation by keeping the jail time the same for each type of violation: a violation that merits a 2-day sentence the first time will result in 2 days in jail the next time it occurs. This is not the case in most of the sites surveyed: 64% said the judge can decide whether to increase jail time or keep it the same and 23% of the sites said they must increase the number of jail days for subsequent violations.

Also in HOPE Probation there is no maximum number of times an individual can be in violation before being terminated from the strategy. Rather, the probation officer and judge use the pattern of violations to determine whether the probationer is making progress. A pattern of less frequent violations with more acceptance of personal responsibility for their actions indicates positive progress.

A pattern of continued drug use violations, even after being required to participate in substance abuse treatment, indicates the individual may need the more intensive services of a drug court. In any event, even with continued positive drug tests, the court will continue to work with the offender. When probationers fail at HOPE Probation, it is typically due to repeated absconding or being convicted of a new felony.

In the survey 41 of the 56 sites (73%) said that, just as HOPE Probation, they do not have a maximum number of times that an individual can be sanctioned before being terminated from the strategy. For those that did, the average number of sanctions was about five.

In regard to proportionality of jail sanctions – using longer jail terms for more serious violations – the survey found 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. For example, the range was from 1 to 30 days in jail for being three days late for a drug test, and 2 to 60 days for absconding. In Honolulu’s HOPE Probation these sanctions are 15 days and 30 days, respectively.

Thirty-day jail sanctions are imposed in HOPE Probation both for absconding and for tampering with a urine specimen, which is seen as an equally serious violation. Jail sanction days for tampering were equal to or more than those for absconding in 7 of the 32 sites (22%) that reported jail sanction days for both types of violations.

## **15. Continuum of Treatment**

A continuum of drug treatment services is essential to HOPE. More options provide better matching between the level of treatment and the needs of the offenders. These could include education, one-on-one counseling, outpatient, intensive outpatient, and residential treatment. In Honolulu, probation officers place probationers in varying levels of treatment as needed. Treatment levels are reevaluated and adjusted periodically through the use of validated risk/needs assessments, a review of drug test results, an assessment of the probationer’s situation, and in collaboration with treatment providers. Satisfactory treatment participation by the probationer can be required as part of HOPE Probation and monitored. Special circumstances (e.g., rural and/or sparsely populated areas) may prevent the provision of a continuum of treatment; however, key stakeholders must collaborate in finding ways to remedy the situation.

In the survey, 55 of 56 sites (98%) reported having substance abuse treatment readily available to individuals in their HOPE-like strategy. Of these 55 sites: 100% have outpatient treatment, 89% have intensive outpatient treatment, and 76% have residential treatment options. Overall, 53 of 56 sites (95%) have at least two levels of treatment available and 70% have all three types available.

## **16. Quality Assurance for Fidelity Monitoring and Feedback**

For a HOPE strategy to work, it is essential that jail time and other sanctions are applied in a swift and certain manner each time there is a violation and that these sanctions are applied consistently by all authorities. 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.

The survey revealed that 50 of 56 sites (89%) monitor some aspects of their HOPE-like strategies to improve performance and ensure that sanctions are being applied in a swift, certain, and consistent manner. These include monitoring the consistency of judges and probation/parole/pretrial officers in applying sanctions, how quickly bench warrants are issued, length of time from arrest to hearing, and feedback from stakeholders and offenders regarding the effectiveness and fairness of the 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-like 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.

Forty-seven of the 56 sites (84%) reported on the survey that they track some measures of offender compliance and outcomes such as missed appointments and hearings, positive and negative drug test results, completion rates for drug treatment, criminal recidivism, and percentage of individuals in the strategy sent to prison.

### Total Number of Essential Elements Implemented per Site

The survey addressed 14 of the 16 Essential Elements of the HOPE strategy. Survey results indicate that on average, the sites had adopted 10 of these 14 (mean = 10.3, median = 10, range: = 5 to 14) (see Figure 3).

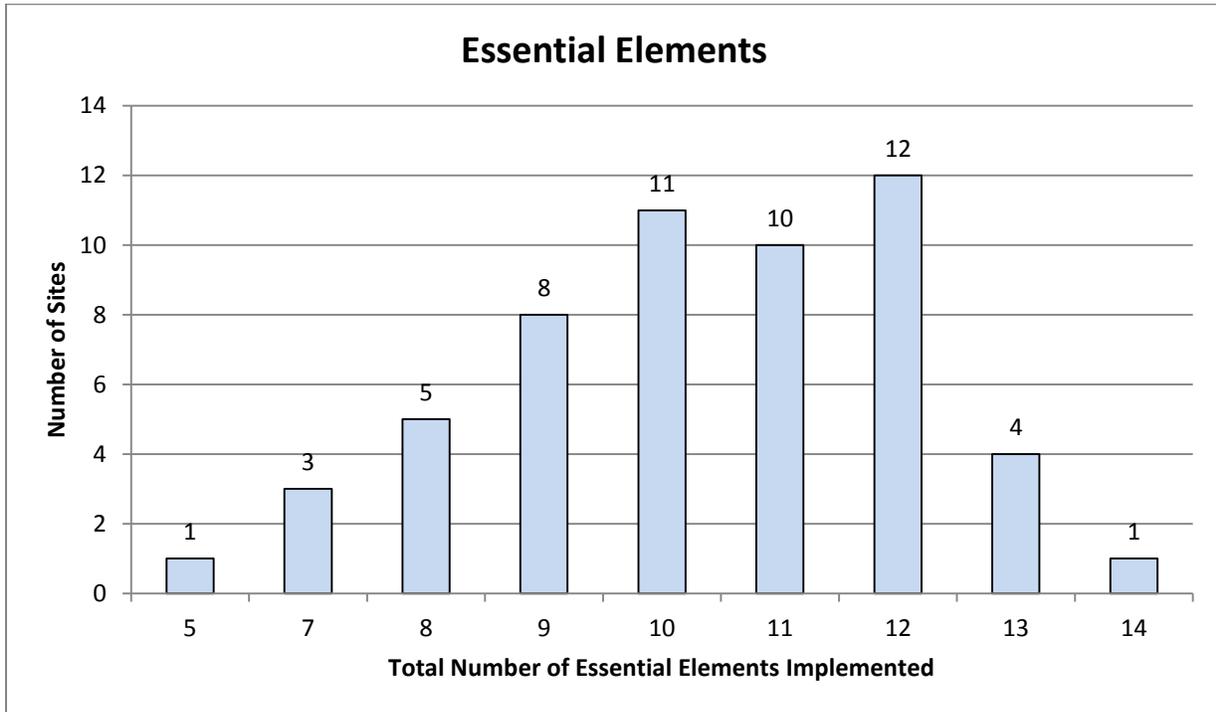


Figure 3 Number of Essential Elements implemented by the sites

## Recommended Elements of HOPE Probation

The following Recommended Elements of HOPE Probation are not essential to HOPE but can greatly enhance a HOPE strategy and help ensure its success. Not all jurisdictions may be able to implement these Recommended Elements.

### 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. In Honolulu, the initial HOPE pilot began in 2004 with only 34 probationers. HOPE has been so successful that by June 30, 2015 it expanded to include over 2,200 felony probationers out of approximately 8,000 in Honolulu County.

On the survey 23 of 55 sites (42%) reported that their HOPE-like strategy had been implemented following a pilot test. Another 10 sites (18%) said they are currently in the pilot test phase. Eight of those in the pilot phase reported group size. Three of them have 19 to 40 participants (in the recommended range); the others range from 68 to 562.

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

The appropriate use of HOPE sanctions is critical for moving the probationer or parolee through stages of change that help to change behavior, but the probation/parole officer must also have a range of skills that are not simply instinctive or “common sense.” Evidence-based principles and practices in Risk-Needs-Responsivity (RNR), developing a working alliance, motivational interviewing (MI), cognitive behavioral therapy (CBT), and case planning that targets criminogenic needs are important skills for working with offenders. 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.

The survey found strong evidence that this practice is already widespread among the sites implementing a HOPE-like strategy. In 51 of 56 sites (91%) probation/parole/pretrial officers supervising individuals in the strategy are trained in EBPs.

### 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 study is not possible, other evaluation designs using comparison groups or pre- and post-implementation comparisons of results can be used to demonstrate

#### 3 Recommended Elements

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

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.

Twenty-nine of 55 sites (53%) reported that they have completed an evaluation or are currently undergoing evaluation. Among the 29 evaluated sites, 5 of them (17%) have used the “gold standard” RCT methodology. Other methods employed by the sites include process evaluation of strategy implementation, comparing outcomes before and after implementation, comparisons to those receiving probation/parole services as usual in the same jurisdiction, and cost-benefit studies.

Most of the 29 evaluations (69%) were conducted by an independent party; 21% were done in-house; and 10% used a combination of independent and in-house evaluators.

### Total Number of Recommended Elements Implemented per Site

On average the sites had implemented 2 of the 3 Recommended Elements (mean = 2.0, median = 2, range: 1 to 3). See **Figure 4**.

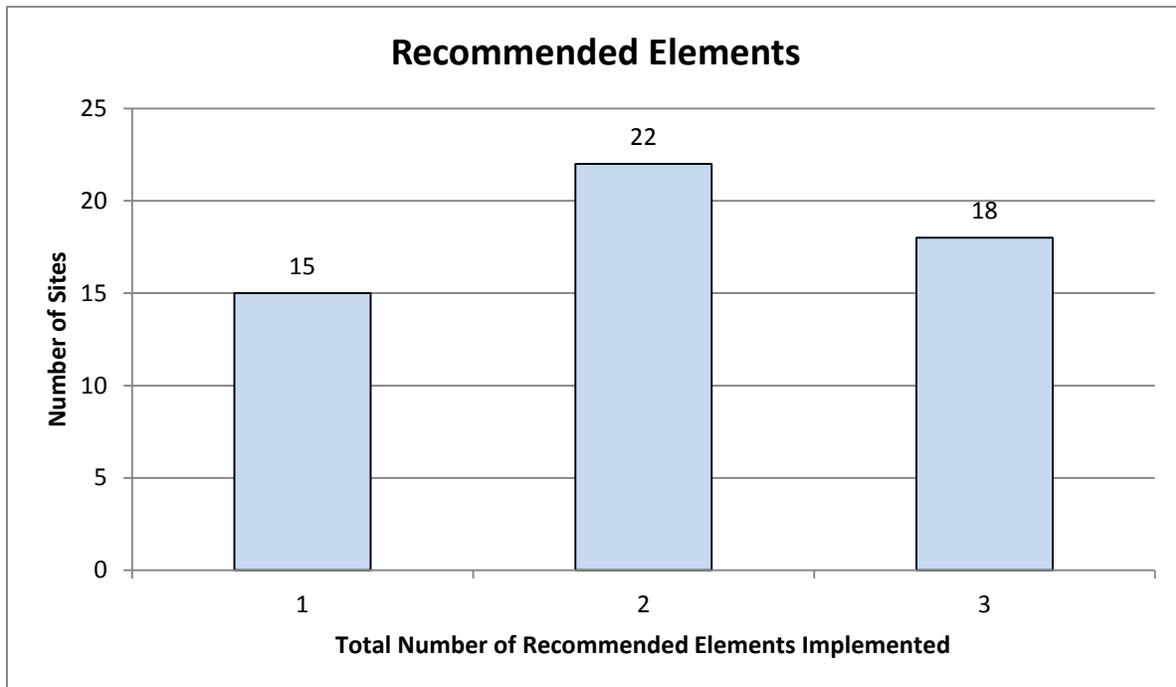


Figure 4 Number of Recommended Elements implemented by the sites

### III. Summary and Conclusions

#### Summary of Findings

The online survey was completed by 56 sites in the United States that have implemented a HOPE-like strategy to their local community supervision programs in the areas of probation, parole, and pretrial services. The survey assessed the extent to which the sites have implemented 14 of the 16 Essential Elements of HOPE as well as 3 Recommended Elements.

#### Implementation of Essential Elements

Survey results indicate that on average 10 of the 14 Essential Elements addressed in the study were implemented by the sites. Three of the Essential Elements have been adopted in all or nearly all of the sites; eight others have been implemented in about 75-85% of the sites; and three of the Essential Elements in fewer than two-thirds of the sites (see **Figure 5**).

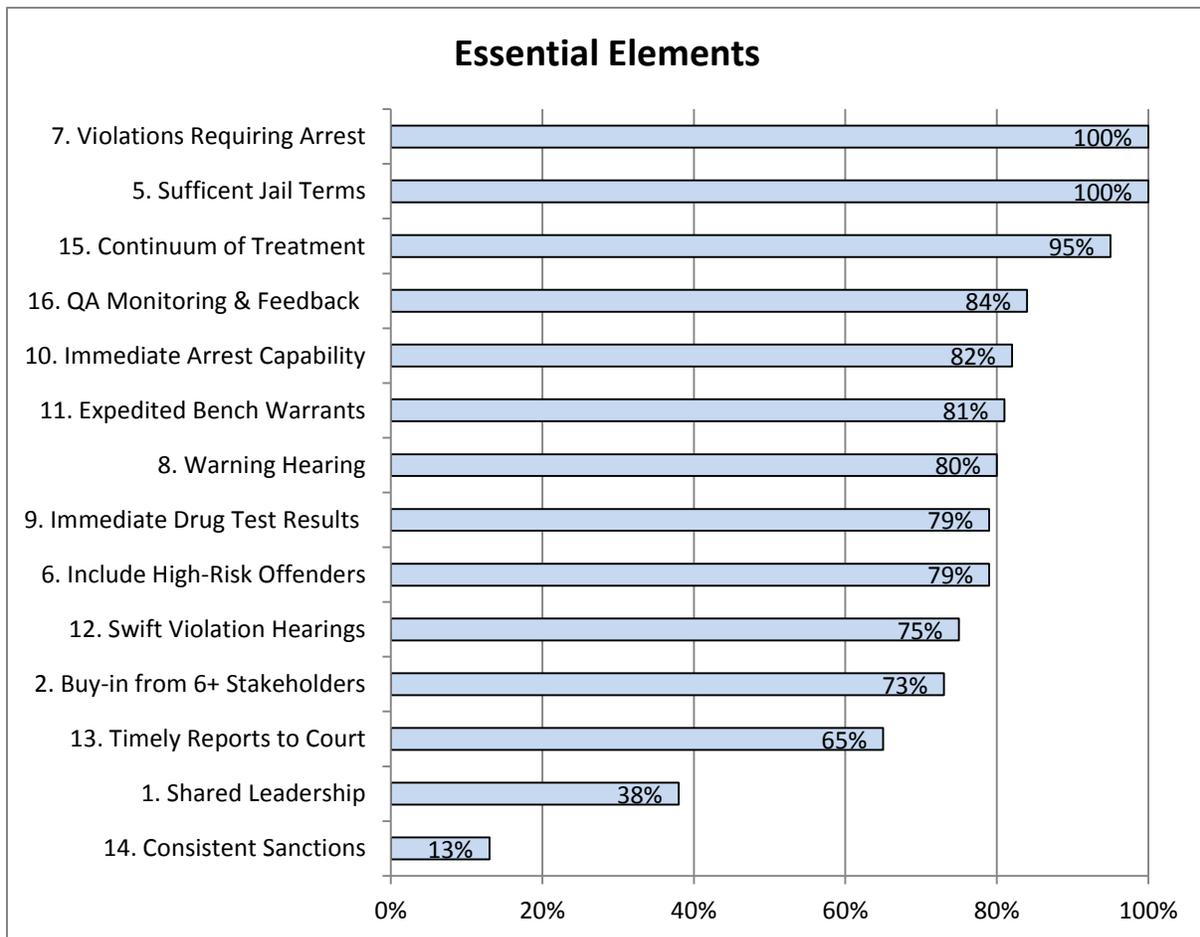


Figure 5 Percentage of sites adhering to each Essential Element

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 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 Probation, 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*].

## **Implementation of Recommended Elements**

On average, sites implemented 2 of the 3 Recommended Elements. One of the three was widely implemented and the others were implemented by a majority of the sites (see **Figure 6**):

- 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*].

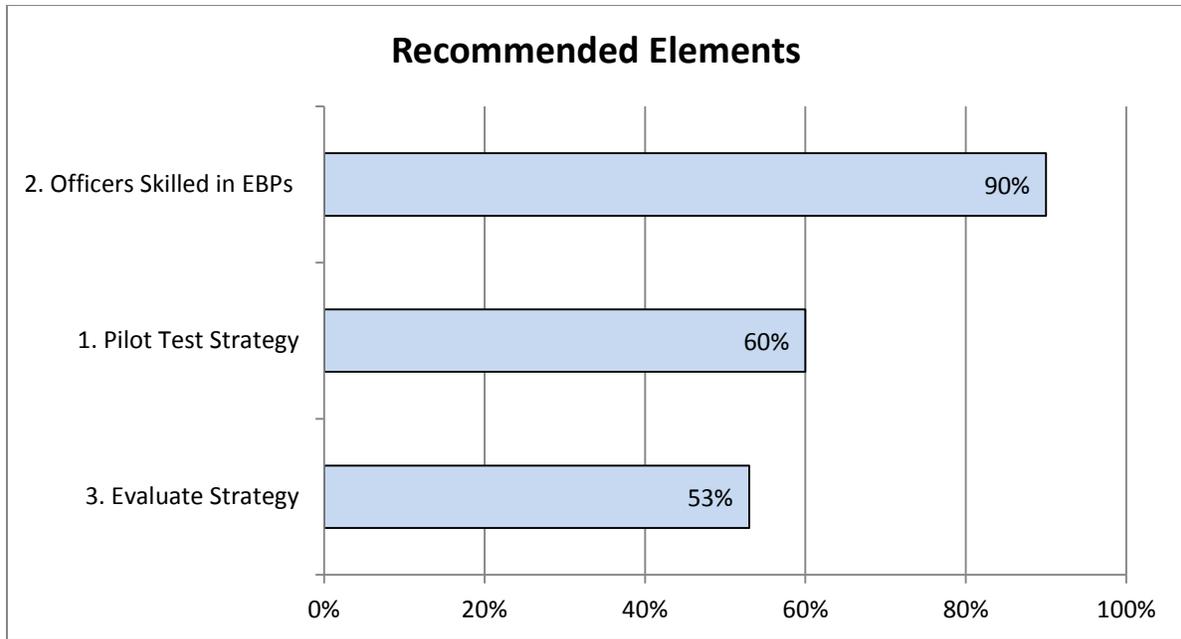


Figure 6 Percentage of sites implementing each Recommended Element

## Conclusions

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.

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.