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Bureau of Justice Assistance



National Institute of Justice

## Demonstration and Evaluation of HOPE: An Innovative Probation Program

### Call for Proposals

Hawaii's Opportunity Probation with Enforcement program (HOPE) uses swift and sure punishment to help probationers abstain from illegal drug use. An evaluation of the program showed that probationers in the program were significantly less likely to fail drug tests or miss probation appointments than were offenders who followed probation as usual. They also were sentenced to less time in prison from probation revocations.

HOPE in Hawaii is a promising program that may be a solution to what can become a revolving door for drug-involved offenders in the criminal justice system.

To realize its full potential, the program needs to be replicated and evaluated elsewhere, and to understand the longer term impact of the program, the offenders need to be followed after they are no longer under probation supervision.

The Bureau of Justice Assistance (BJA) and the National Institute of Justice (NIJ) are teaming up to do just that. BJA intends to provide funds for as many as four jurisdictions interested in implementing Honest Opportunity Probation with Enforcement (HOPE), which will be implemented the same as Hawaii's Opportunity Probation with Enforcement (HOPE).

NIJ will fund an evaluation of the BJA demonstration sites. Sites must agree to participate in the demonstration's rigorous random assignment of offenders to test and control groups. They must be able to assign a total of at least 400 probationers: 200 to the test group and 200 to the control group.

Offenders who are randomly assigned to the test group must follow the HOPE protocol. Offenders assigned to the control group must follow probation as usual. Such randomized control trials can produce solid findings about the impact of an experiment, but the assignment of test and control must be consistent throughout the entire 18-months of the experiment. Evaluators will follow-up with offenders for 12 months after they leave the program.

All demonstration sites must follow the same strict protocols in order to know if the program is having an impact and the exact nature of the impact. This is called "program fidelity." The way the program is implemented is critical and must be identical in all of the sites in order to get solid results from the evaluation.

BJA will select the sites through a competitive solicitation process. NIJ will do the same for the evaluation component. Applications for the BJA solicitation are due June 28, 2011 and applications for the NIJ solicitation are due July 6, 2011.

- Read the [BJA solicitation](#) for demonstration sites.
- Read the [NIJ solicitation](#) for evaluators.
- Read the [Frequently Asked Questions](#).

**Webinars for potential applicants.** Putting together a field experiment is exciting and complicated. Potential sites and evaluators are encouraged to attend webinars that will answer questions about the solicitation process, the demonstration and the evaluation. The webinars will help potential sites understand the selection criteria, the expectations if they are selected and the training and technical assistance that will be available to them. They will also learn what to expect from the evaluation, specifically, the risks and benefits to participating.

June 2: 12:30 - 2:00 (EDT): This webinar focused on aspects of the HOPE program and featured panelist Judge Steven Alm, who started the first HOPE effort in Hawaii. [Click here to view this webinar.](#)

June 7: 12:30 - 2:00 (EDT): This second webinar focused on the evaluation process and featured panelist Angela Hawken, who conducted the evaluation of the Hawaii effort. [Click here to view this webinar.](#)

View [questions and answers](#) from both webinars.

### HOPE's Success: Findings From the Evaluation of Hawaii's HOPE Program

HOPE relies on a mandate to abstain from illicit drugs, backed by swift and certain sanctions and preceded by a clear and direct warning. HOPE is not a diversion program for drug-involved offenders; nor is it a specialized court. Unlike most diversion programs and some specialized courts, it does not attempt to impose drug treatment on every participant. Under HOPE, probationers are sentenced to drug treatment only if they continue to test positive for drug use or if they request a treatment referral. HOPE saves treatment and court resources (probationers appear before a judge only when a violation is detected). HOPE's stated goals are reductions in drug use, new crimes and incarceration.

In Hawaii, evaluators found that HOPE was implemented largely as intended. Sanctions were delivered swiftly and with certainty; there was variation from one judge to the next in the "dose" of the sanctions (defined as the length of the jail sentence), but the variation diminished after judges learned that subsequent violation rates were not affected by the dose.

Judges, probation officers, probationers and defense lawyers in Hawaii were enthusiastic about the program. Prosecutors and court employees were less pleased, with court staff reporting increased workloads.

- Read the evaluation: "[Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE](#)" by Angela Hawken and Mark Kleiman.
- Read a summary of the evaluation from the NIJ Journal: "[In Brief: Hawaii HOPE](#)" by Phil Bulman.
- Watch an [interview with Judge Steven Alm](#) who created Hawaii HOPE.

### How HOPE Works

HOPE begins with an initial warning in open court. The judge tells probationers in no uncertain terms that they must follow the rules of the program or they will be punished—swiftly and certainly. The judge also impresses on probationers that they alone are responsible for their success or failure but that all the members of the probation team are available to help them.

Probationers are given a color code at their first hearing. They must call the HOPE hotline each morning. If their color comes up, they must report that day before 2 p.m. for a drug test. The test results are available within three days. If they test positive for drug use, they are arrested and sanctioned. Punishment is applied on an escalating scale with a day in jail over the weekend being the lightest sanction with longer incarceration being the most severe. Reward is applied in the same fashion: Probationers who consistently appear for testing and stay clean are given fewer and fewer appointments and tests.

During their first two months in HOPE, probationers are randomly tested at least once a week at the probation office. Warrants are immediately issued for probationers who do not appear for their appointment.

For probationers who repeatedly fail their tests or fail to appear for their appointment, drug treatment may be ordered by the judge. Treatment is considered an alternative to probation revocation. Once a HOPE client is mandated to treatment, his success in abstaining from illicit drug use—not merely his compliance with the order to appear for treatment—is a necessary condition for his avoiding a prison term.

See "[Differences between HOPE and Probation As Usual](#)"

### HOPE Team Members

Teamwork is a key to success. Members must agree to act on the case as soon as it arrives on their desk. Team members include: the judge and court administrator, probation office, sheriff or police, defense bar and prosecutor.

Judge - Takes the lead in stating the rules and the sanctions to the probationer. Applies sanctions and rewards.

Court administrator - Processes multiple motions to appear.

Probation administrator - Provides training to probation officers in the program.

Probation officer - Issues motions to modify the terms of probation when violations occur; for example if a probationer's drug test is positive or if the probationer fails to appear for an appointment.

Sheriff or police - Acts swiftly to serve bench warrants and take probationers into custody when a violation occurs.

Jail administrator - Ensures that probationers are present in court within 72 hours of a violation.

Prosecutor - Prepares each motion to modify the terms of probation when a probationer violates the existing terms.

Public defender and defense attorney - Prepares each motion to modify the terms of probation when a probationer violates the existing terms.

### Differences between HOPE and Probation as Usual

<b>Components</b>	<b>HOPE</b>	<b>Probation as Usual</b>
<b>Purpose of Sanctions</b>	To modify offender behavior within probation.	Sanctions are imposed on offender when probation is revoked. The offender is not deemed suitable for probation.
<b>Timing of Sanctions</b>	Immediately after every violation. Usually imposed within 72 hours.	Probation revocation will likely be imposed after repeated violations, at times as many as 16 violations.
<b>Severity of Sanction</b>	Brief jail stays, initially 1-3 days, increasing in severity with each subsequent violation.	Incarceration in jail/prison for the diverted sentence or the remainder of sentence (parole).
<b>Required Adjustments to Probation Conditions</b>	Motion to modify. A simple fillable form that outlines basics of offense and violation.	Motion to Revoke. A more lengthy form since the sentence may be more severe.
<b>Frequency of Drug Testing</b>	Drug testing is done at random. An offender checks in daily and is notified to appear in the afternoon for a drug test if chosen. At first, offenders are tested about once-a-week, which can be reduced to once-a-month with repeated negative tests.	Drug testing is usually done at the regularly scheduled monthly meeting with the probation officer.

<b>Timing of Drug Treatment</b>	Drug treatment is not initially mandated although an offender can request it at any time. If an offender violates a third time then treatment is mandated.	Treatment may be mandated for all participants in a drug focused intervention program.
<b>Role of Judge</b>	Will warn each probationer that unlike probation as usual, sanctions will be immediate. Judge will apply swift sanctions immediately after violation.	Will decide on a probation revocation after repeated violations.
<b>Probation Officer</b>	Will issue a motion to modify immediately after each violation and continue probation relationship.	Will determine arbitrarily at what point to end probation relationship and revoke the conditions of probation.
<b>Jail Administrator</b>	Will ensure probationer is present at court within 72 hours of violation.	Will ensure the probationer is at court once the bench warrant is served.
<b>Police/Sheriff's Office</b>	Will serve bench warrants immediately.	Will serve bench warrants as needed when time allows.
<b>Court Clerk</b>	Will process multiple motions to modify, an increase in workload.	Will prepare for singular violation hearings.
<b>Prosecutor</b>	Will prepare for each motion to modify, an increase in workload.	Will prepare for each revocation hearing.
<b>Defense Counsel</b>	Will prepare for each motion to modify.	Will prepare for each revocation hearing.

## Bureaus and Offices

- Bureau of Justice Assistance
- Bureau of Justice Statistics
- National Institute of Justice
- Office for Victims of Crime
- Office of Juvenile Justice and Delinquency Prevention
- Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking

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