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My View: Probation reform shows audacity of HOPE

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America spends more money to incarcerate more people than any other country in the world, and it has less to show for it than most. This trend is at its most troubling in California, as recent headlines demonstrate.

As a judge and former prosecutor, I know some of these offenders belong in prison to protect public safety. I have sent many there myself. Yet many more have gone into this system unnecessarily, at great expense and with bleak prospects for positive outcomes.

But now there is HOPE – for California and the rest of the nation. It comes in the form of a program, piloted in Hawaii, that demonstrates we can protect public safety while saving millions of dollars a year at the same time. How?

First, we must supervise the more than 5 million people currently on probation or parole in the United States more effectively.

Typically, probation violations – positive drug tests, missed appointments, refusals to attend or complete treatment – are met with a scolding by the probation officer and perhaps a vague threat of future action by the court, but no real consequences. If the court finally does get involved, the offender may be sent to prison for years.

This is akin to parents ignoring their child's misbehavior and then disowning or kicking him or her out of the house the following year. It's a crazy way to operate. But it's the status quo across the country.

In fall 2004, the state of Hawaii tried a new approach: HOPE (Hawaii's Opportunity Probation with Enforcement) Probation. We changed the system to provide for swift and certain consequences for probation violations – and we found that it works.

We targeted the highest-risk offenders on probation: those with the worst drug problems (usually methamphetamine), sex offenders and domestic violence offenders.

Offenders start in HOPE with a warning. Expectations are clear: The probationer is told that any violation will result in a swift and certain jail term (typically a few days to a week to start).

Unlike regular probation, where drug offenders know in advance when they will be tested, HOPE probationers call a drug-test hotline every weekday morning. Some, at random, will have to report to the courthouse that day to be tested. If they test positive, they are arrested on the spot, taken to jail and brought before the judge two business days later. Probationers are randomly tested at least once a week, six times a month. Successful results reward the offender with less-frequent testing.

Failure to appear for a test, a probation appointment or treatment leads to the immediate issuance of an arrest warrant served by law enforcement. Upon arrest, a court hearing is scheduled a few days later.

HOPE began with 34 drug and sex offenders in October 2004 and currently includes more than 1,250

felons. Positive drug tests are down 86 percent; missed appointments are down 80 percent. Revocations of probation and arrests for new crimes have been reduced by two-thirds.

We have discovered that many probationers can stop using drugs on their own in the face of swift and certain consequences. This means the treatment slots they would otherwise take are now available for those with the most serious drug problems. Treatment works, and it works even better when offenders know they face real consequences for failure or lack of compliance. After all, lots of people can do the time when they must, but they don't want to do it today.

Reworking probation was a challenge. Systemic change can be good, but systems resist change. Success requires cooperation and collaboration, and a willingness to try something new. In Hawaii, we asked our public employees (probation officers, court staff, judges, sheriffs, police, corrections, attorneys, etc.) to work smarter and harder, and they have risen to the occasion.

HOPE's success is not isolated. We have seen success when the program is implemented by different judges and with different types of offenders, including those who have been incarcerated before. Now is the time to change the way we supervise offenders, particularly drug offenders, in the United States. When probationers and parolees succeed, we all benefit.

California, with its chronic prison overcrowding and huge budget deficit, is in a position to lead the way on this national reform. America has shown that when we work together, there is very little we can't accomplish. We can meet one of our nation's most persistent challenges – remaking our criminal justice systems – and we can do it in ways that will save money so desperately needed for our other priorities.

But we need HOPE. By taking a cue from Hawaii, California can show the way.

Steven S. Alm is a judge in Hawaii. Prior to his elevation to the bench, Alm served as the U.S. attorney for the District of Hawaii, where he was active in prosecuting cases involving political corruption, organized crime, labor racketeering, civil rights and drug trafficking. He helped design and implement HOPE (Hawaii's Opportunity Probation with Enforcement) Probation.