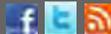




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Getting Tough on Drug Crimes

A radical program in the Pineapple State is shattering myths about how to deal with drug offenders who violate probation. If only the rest of the country would catch on.

When I was a kid, my mom would often ask me to clean my room. Most of the time, I agreed without too much fuss. But on days when I was playing *The Legend of Zelda* or busy shooting hoops with friends, she would use modest and credible threats to get me to act – and they almost always worked. “Kevin,” she would say, “If you don’t clean up your room right now, you



Hawaii is revolutionizing probation

can’t have friends over tonight and you can forget about going to that movie you wanted to see tomorrow. So get to work!” That got me every time. The godfather of public policy, Thomas Schelling, used to say that the best threat is the one which is *never carried out*. And my mom was a pro at making that happen.

In my work with criminal populations, I have learned that criminals are a lot like kids: both groups have poor impulse control, a propensity to attribute their misfortunes in life to either bad luck or actions beyond their own control, and a tendency to value immediate gratification even if delaying gratification would result in a bigger payoff. So for both kids and crooks, psychologists and criminologists have long known that credible threats – usually swift, certain, but modest sanctions that are imposed very soon after the time of offense – are much more effective at changing behavior than, say, severe threats to be carried out in the distant future (or not carried out at all). Therefore it comes as no surprise that the largest segment of our criminal justice system – those in the community on probation or parole – often do not heed severe threats issued by the bench. Instead, they go on re-offending at the cost of billions of dollars to society. They are expected to change their behavior after hearing this from the equivalent of mom: “If you don’t clean up your room right now, there is a 45 percent chance that in nineteen and half months you will be grounded for three whole years!” It is these kinds of threats that have resulted in today’s broken probation system.

With HOPE, missed parole appointments and positive drug tests fell by over 80%. Jail stays decreased, and real dollars were saved. The traditional probation

That is why a once obscure program in Hawaii, aptly titled HOPE (Hawaii’s **Opportunity Probation with Enforcement**), has received a lot of notice lately. Tired of seeing the same offenders relapsing in his Hawaiian circuit court, Judge Steve Alm decided that he was

By **Kevin A. Sabet**

12/15/11



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group—surprise—found no improvement in drug use.

going to start getting smart about sanctioning his probationers. Applying what we know about deterrence, he started issuing *swift, certain, and modest* sanctions *every time* one of his probationers re-appeared before

him. Beginning with a formal warning hearing, Judge Alm openly explained to his probationers that continued violations would not be tolerated and that each violation would result in an immediate jail stay. To track their behavior, offenders were assigned a color and had to call in every morning to see if their color was mentioned by the automated system. If it was, they had to report at once for a drug test; no-shows were treated as positives and a warrant was immediately issued. Re-offenders appeared before Judge Alm within 1-2 days and were offered treatment first. If they refused, they immediately spent the next two days (not years or decades) in jail (weekends for employed probationers). After they served their time, they continued in the program, with sanctions slowly escalating (repeat offenders were referred to a drug court or other treatment option). Skeptics worried that without mandating treatment for all probationers at the start, many would re-offend and take up drugs again. Others were concerned that the jail population would skyrocket—now that, you know, the law was *actually being carried out*.

What resulted was nothing short of revolutionary. Transforming the criminal justice system in a way unseen since drug courts (which also owe their success to applying these principles of deterrence), HOPE shattered myths about sentence length, drug use behavior, and the ability of offenders and public administrators to change their ways. In a randomly controlled trial, HOPE far outperformed traditional probation. Missed appointments and positive drug tests fell by over 80%. Positive findings persisted for those who were in the program longer. Jail stays decreased, and real dollars were saved. The traditional probation group – surprise – found no improvement in drug use, and their percentage of missed appointments actually increased. HOPE probationers viewed their sentences as fair, **crime fell** (arrests for new crimes was cut in half, to be exact), and, best of all, people's lives turned around. Additionally, scarce treatment slots were reserved for those with the most serious addictions (those who could not stop through HOPE). A one year **randomized control experiment done by the National Institute of Justice** confirmed these results.

HOPE may be Hawaii's best export since pineapples. Faced with overcrowding criminal justice systems and continued drug-related crime, several jurisdictions around the country have implemented similar programs. In Alaska, the Probationer Accountability with Certain Enforcement (PACE) program reduced drug use and helped offenders stay out of court. Results are now in from the Washington Intensive Supervision Program (WISP) program in Washington State: Offenders supervised under the intensive model were two-thirds less likely to test positive in randomly assigned drug tests than offenders in a control group. In Delaware, the White House/Justice Department funded Decide Your Time program looks promising, as does Arizona's Swift, Accountable, Fair Enforcement (SAFE) program. This pioneering approach is also being applied in California, Alabama, Arkansas, Georgia, Kentucky, Louisiana, Montana, and Virginia. The Office of National Drug Control Policy (ONDCP) and National Institute of Justice (NIJ) just announced four new HOPE (renamed nationally as the "Honest Opportunity Probation with Enforcement") program sites: Clackamas County, OR; Essex County, MA; Saline County, AR; and Tarrant County, TX. We owe much to Directors Gil Kerlikowske (ONDCP) and John Laub (NIJ) for making that happen in this funding environment.

While applying HOPE principles to probation programs around the country is new, the underpinnings of the program are well established. The first Director of the National Institute on Drug Abuse, Bob DuPont, a national treasure, utilized similar strategies with resounding success among a population of drug-using physicians through the Physician Health Program. Additionally, as mentioned, thousands of drug courts across the country are predicated on swift and certain sanctions, combined with treatment, and have been extremely successful in reducing drug use and reshaping lives and communities.

HOPE and similar programs like drug courts shatter the myth that the criminal justice system can play no positive role in changing behavior, lowering drug use, and making our communities safer. The only real issue that remains is whether those we entrust with running the criminal justice system – the Steve Alms of the world – will try something new or stick with business as usual. As an evaluation of a HOPE-like program once concluded, "Changing addict behavior is easy. Changing



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