


DRUG & ALCOHOL FINDINGS *Research analysis*

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▶ [Managing drug involved probationers with swift and certain sanctions: evaluating Hawaii's HOPE.](#)

Hawken A., Kleiman M.

Report submitted to the US Department of Justice, 2009.

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Intensive testing allied with swift and certain but not severe sanctions for non-compliance dramatically curbed drug use, prison time and re-arrest rates among a high risk group of drug using US offenders; most did not need treatment to help them comply with the court orders.

SUMMARY The rates of successful completion of probation and parole have remained stable – at levels that few consider satisfactory (roughly one-third for parole, roughly three-fifths for felony probation) – in spite of many local, state, and federal initiatives to improve offender outcomes, including diversion-to-treatment programmes. The robustness of these failure rates suggests a need for an offender-management and service-delivery approach which goes beyond the status quo, particularly for drug-involved offenders.

This report describes an evaluation of a community supervision strategy called HOPE (Hawaii Opportunity Probation with Enforcement) for substance abusing probationers. HOPE began as a pilot in October 2004 and has expanded to more than 1500 participants, about one out of six felony probationers on Oahu.

HOPE relies on a mandate to abstain from illicit drugs, backed by swift and certain sanctions and preceded by a clear and direct warning. Under HOPE, offenders are frequently and randomly tested for use of illicit drugs and sentenced to brief jail stays (typically only a few days in jail) for each violation of the terms of their probation; continued violations result in lengthier sentences. Unlike most diversion programmes and drug 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 is distinct from drug courts in economising on treatment and court resources (probationers appear before a judge only when a violation is detected).

HOPE's goals are reductions in drug use, crimes, and incarceration. Those goals were shown to have been achieved, both in the initial pilot programme among high-risk probationers, and in the randomised controlled trial, for which probationers assigned to HOPE were compared to probationers assigned to probation-as-usual. In drug tests conducted during the three months prior to their assignment to HOPE, the average HOPE offender tested positive 53% of the time compared to 22% for comparison offenders. HOPE caused a reversal: after being placed on the programme, the HOPE group become much less likely to test positive than the comparison group. After being warned, just 10% of all HOPE offenders had at least a further three positive tests. Thus HOPE identified a minority of probationers who did not desist from drug use under sanctions pressure alone – a kind of 'behavioural triage'.

Probationers assigned to HOPE also had large reductions in missed appointments, and were dramatically less likely than comparison offenders to be arrested during follow-up at three months, six months, and 12 months. They averaged approximately the same number of days in jail for probation violations, serving more but shorter terms, but spent much less time in prison because HOPE probationers were significantly less likely to be revoked from probation.

The randomised trial randomly allocated 493 probationers to HOPE versus probation-as-usual. They had been selected by their probation officers as being at the highest risk of failing probation, and averaged about 17 prior arrests. In the follow-up year 21% of HOPE probationers were rearrested compared to 47% allocated to usual probation. HOPE's lead was just as substantial in the tally of drug-free urine tests, days not spent in prison, and in avoiding revocation of the probation sentence.

HOPE was implemented largely as intended. Sanctions were delivered swiftly and with certainty; there was variation across judges in the sanction 'dose' (the length of the jail sentence), but that variation diminished after judges learnt that subsequent violation rates proved unrelated to the length of the sentence. The original inconsistency among judges occasioned some discontent among probation officers and probationers, but overall they and defence lawyers were enthusiastic about the programme. Prosecutors and court employees were less pleased, court staff reporting increased workloads.

FINDINGS COMMENTARY In 2014 the lead researcher of the featured study [knew of](#) "at least 40 replications of HOPE-style models on the [US] mainland". Whether they were producing the results seen in the original was unclear and dependent she thought on adherence to the strategy's core principles: "swift, certain and proportionate sanctions". From her account it seems that generating and maintaining this approach is not straightforward and cannot be expected to work everywhere, requiring a committed judge, the cooperation of probation and other partners, effective, engaging leadership, and increased efforts to detect probation violations. Implementing HOPE entails substantial reorganisation of procedures.

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