

MAR 10 2023

SENATE CONCURRENT RESOLUTION

URGING THE JUDICIARY TO IMPLEMENT THE HOPE PROBATION PROGRAM AS
IT WAS CONCEIVED AND IMPLEMENTED FROM 2004 TO 2020.

1 WHEREAS, in 2004, then First Circuit Judge Steven Alm and
2 the Probation Section Administrator Cheryl Inouye launched
3 Hawaii Opportunity Probation with Enforcement ("HOPE") to
4 address high rates of recidivism among sex offenders, domestic
5 violence offenders, drug users, and other probationers at high
6 risk of recidivating; and
7

8 WHEREAS, in regular probation no action is typically taken
9 immediately after a probation violation, and the probation
10 officer has total discretion on how to handle any given
11 violation and when to refer a case back to the judge for action;
12 and
13

14 WHEREAS, regular probation typically allows multiple
15 violations to occur before any consequences are imposed, and
16 consequences are imposed months after violations occur, which
17 may appear to probationers to be entirely unpredictable and
18 subjective; and
19

20 WHEREAS, HOPE was designed to effect behavioral change in a
21 supportive environment created by the probation officer and the
22 judge that teaches participants to correlate poor choices with
23 negative consequences by imposing swift, predictable, and
24 immediate sanctions on a consistent basis in the form of a few
25 days in jail for lower level violations such as drug use or
26 missed appointments with a probation officer and tougher
27 sanctions for higher level violations such as being terminated
28 from treatment; and
29

30 WHEREAS, in addition to reinforcing the behavioral change
31 process, HOPE also provides a mechanism by which offenders who
32 present a risk to the public can be immediately removed from the



1 community, such as in the case of a child molester caught
2 frequenting a youth arcade; and

3
4 WHEREAS, according to a 2007 through 2008 evaluation by
5 Pepperdine University and UCLA, First Circuit HOPE probationers
6 at their one-year follow up were fifty-five percent less likely
7 to be arrested for a new crime, seventy-two percent less likely
8 to test positive for illegal drugs, sixty-one percent less
9 likely to skip appointments with their probation officer, and
10 fifty-three percent less likely to have their probation revoked
11 when compared to offenders on regular probation; and

12
13 WHEREAS, the research showed that women in HOPE failed at
14 probation and were sent to prison fifty percent less often than
15 women in regular probation, and Native Hawaiian women failed at
16 probation and were sent to prison forty-two percent less often,
17 even though HOPE probationers overall spent no more time in jail
18 than those on regular probation; and

19
20 WHEREAS, long-term positive outcomes for HOPE participants
21 include fewer arrests for new crimes, fewer crime victims, fewer
22 multi-year prison sentences, sustained abstinence from alcohol
23 and drugs, improved health, reduced criminal recidivism, greater
24 employments and income, and ultimately an improved quality of
25 life; and

26
27 WHEREAS, for state and local communities, these outcome
28 result in reduced crime, reduced need for imprisonments, reduced
29 costs to the criminal justice system, and increase in the number
30 of working individuals who pay taxes and the repayment of court-
31 ordered restitution for victims; and

32
33 WHEREAS, one judge can effectively supervise more than two
34 thousand felony HOPE probationers at the same time to ensure
35 that violations are heard and decided on a timely and consistent
36 basis; and

37
38 WHEREAS, this level of timeliness and consistency resulted
39 in overall greater "buy-in" from, and greater outcomes for,
40 participants; and



1 WHEREAS, new HOPE cases are interspersed amongst the
2 existing caseloads of nine judges, which has led to widespread,
3 inconsistent decisions and a much higher percentage of HOPE
4 participants being re-sentenced to multi-year prison sentences
5 than before 2020; and
6

7 WHEREAS, current HOPE probationers are no longer receiving
8 the swift, predictable, and immediate sanctions upon which HOPE
9 was built, as violations are being allowed to accumulate until
10 the probationer absconds, is arrested on a bench warrant, or a
11 revocations hearing is set, and many are then sent to prison;
12 and
13

14 WHEREAS, criminal justice system policy should be based on
15 proven and relevant data and research; now, therefore,
16

17 BE IT RESOLVED by the Senate of the Thirty-second
18 Legislature of the State of Hawaii, Regular Session of 2023, the
19 House of Representatives concurring, that in judicial circuits
20 of five hundred thousand or more residents, the Judiciary is
21 urged to return to implementing HOPE the way it was conceived
22 and implemented from 2004 to 2020, by assigning one judge and
23 one back-up judge to handle all HOPE cases; and
24

25 BE IT FURTHER RESOLVED that the HOPE judge and back-up
26 judge, while always retaining discretion and always providing
27 encouragement and support to probationers, are strongly urged to
28 follow the HOPE sanctions guidelines to ensure consistency and
29 hear cases in an expedited and timely manner; and
30


31 BE IT FURTHER RESOLVED that the Adult Client Services
32 Branch of the First Circuit is urged to follow HOPE procedures
33 as implemented from 2004 to 2020, including by focusing on the
34 higher risk offenders as identified by a validating risk
35 assessment instrument and by taking immediate action when
36 probationers violate; and
37



1 BE IT FURTHER RESOLVED that a certified copy of this
2 Concurrent Resolution be transmitted to the Chief Justice of the
3 Hawaii Supreme Court.

4
5
6

OFFERED BY:



A handwritten signature in black ink, consisting of several loops and flourishes, is written over a horizontal line.

