

MAR 10 2023

SENATE 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
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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
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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
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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
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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
33 community, such as in the case of a child molester caught
34 frequenting a youth arcade; and
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1 WHEREAS, according to a 2007 through 2008 evaluation by
2 Pepperdine University and UCLA, First Circuit HOPE probationers
3 at their one-year follow up were fifty-five percent less likely
4 to be arrested for a new crime, seventy-two percent less likely
5 to test positive for illegal drugs, sixty-one percent less
6 likely to skip appointments with their probation officer, and
7 fifty-three percent less likely to have their probation revoked
8 when compared to offenders on regular probation; and
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10 WHEREAS, the research showed that women in HOPE failed at
11 probation and were sent to prison fifty percent less often than
12 women in regular probation, and Native Hawaiian women failed at
13 probation and were sent to prison forty-two percent less often,
14 even though HOPE probationers overall spent no more time in jail
15 than those on regular probation; and
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17 WHEREAS, long-term positive outcomes for HOPE participants
18 include fewer arrests for new crimes, fewer crime victims, fewer
19 multi-year prison sentences, sustained abstinence from alcohol
20 and drugs, improved health, reduced criminal recidivism, greater
21 employments and income, and ultimately an improved quality of
22 life; and
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24 WHEREAS, for state and local communities, these outcome
25 result in reduced crime, reduced need for imprisonments, reduced
26 costs to the criminal justice system, and increase in the number
27 of working individuals who pay taxes and the repayment of court-
28 ordered restitution for victims; and
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30 WHEREAS, one judge can effectively supervise more than two
31 thousand felony HOPE probationers at the same time to ensure
32 that violations are heard and decided on a timely and consistent
33 basis; and
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35 WHEREAS, this level of timeliness and consistency resulted
36 in overall greater "buy-in" from, and greater outcomes for,
37 participants; and
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39 WHEREAS, new HOPE cases are interspersed amongst the
40 existing caseloads of nine judges, which has led to widespread,
41 inconsistent decisions and a much higher percentage of HOPE



1 participants being re-sentenced to multi-year prison sentences
2 than before 2020; and

3
4 WHEREAS, current HOPE probationers are no longer receiving
5 the swift, predictable, and immediate sanctions upon which HOPE
6 was built, as violations are being allowed to accumulate until
7 the probationer absconds, is arrested on a bench warrant, or a
8 revocations hearing is set, and many are then sent to prison;
9 and

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11 WHEREAS, criminal justice system policy should be based on
12 proven and relevant data and research; now, therefore,

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

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

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

34
35 BE IT FURTHER RESOLVED that a certified copy of this
36 Resolution be transmitted to the Chief Justice of the Hawaii
37 Supreme Court.

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40 OFFERED BY: _____

