

# HOPE Probation

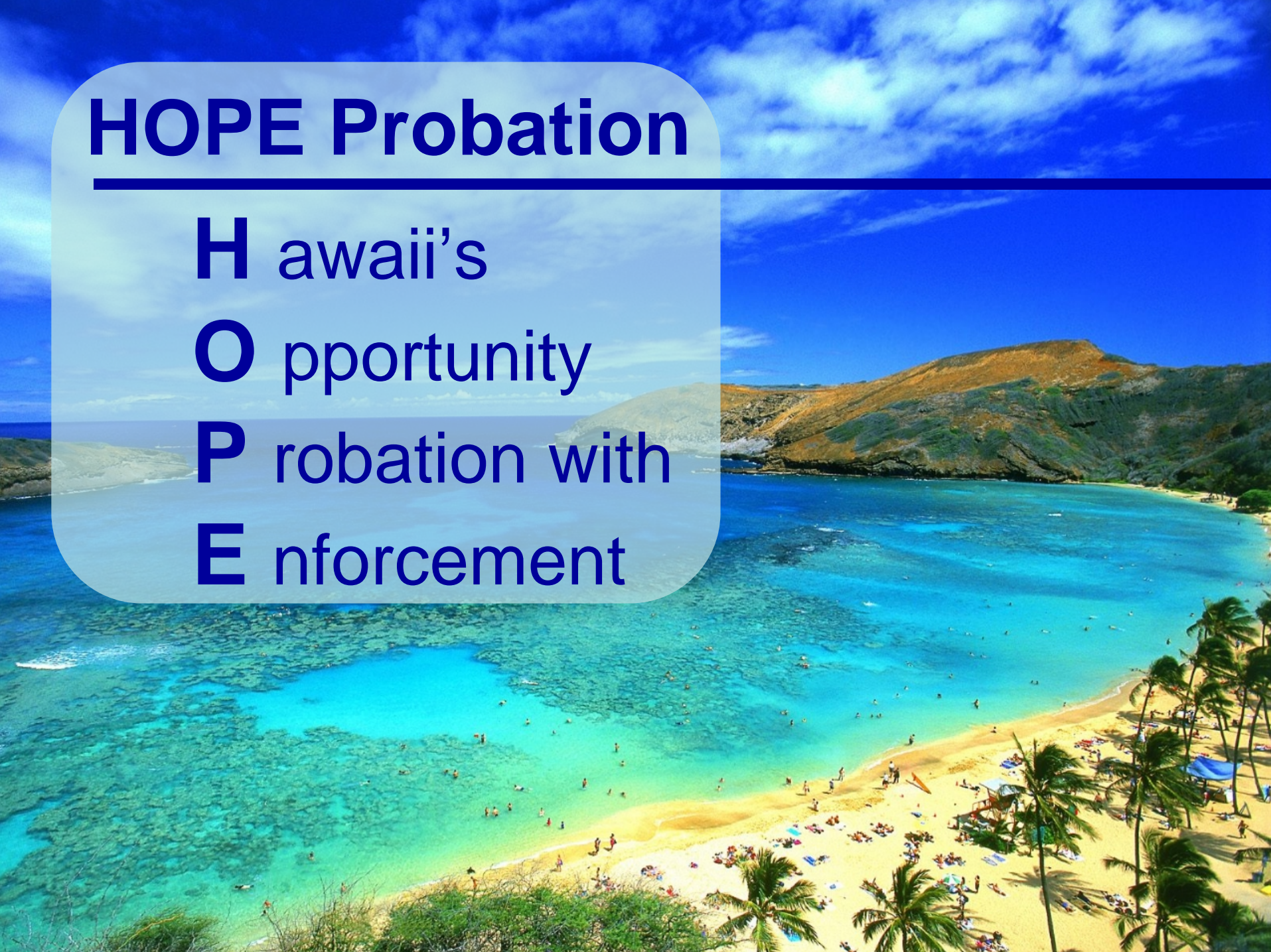
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**H**awaii's

**O**ppportunity

**P**robation with

**E**nforcement



# **HOPE Presentations in Virginia**

**Judge Steven Alm,  
First Circuit Court, Honolulu, Hawaii**

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- **June 17, 2009 – Governor’s Task Force on Alternatives for Non-violent Offender**
- **December 16, 2009 – some members of the House Courts of Justice Committee**
- **December 17, 2009 – some members of Virginia’s Circuit Court Bench**
- **January 28, 2010 – Fairfax County Officials**

# **The Logic behind Project HOPE**

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- **Crime attracts reckless and impulsive people for who deferred and low probability threats of severe punishment are less effective than immediate and high probability imposition of mild punishment**
- **Delivering a relatively mild sanction swiftly and consistently is both more effective and less cruel than sporadically lowering the boom**
- **Classical deterrence theory has long held that the threat of a mild punishment imposed reliably and immediately has a much greater deterrent effect than the threat of a severe punishment that is delayed and uncertain**

# **Project HOPE Formula**

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- **A formal warning to probationer in court that any violations will have swift and certain consequences**
- **Quick service of bench warrants on those who abscond**
- **Violation hearings held swiftly (usually within 48 hours)**
- **A brief, but certain, jail sentence for noncompliance**
- **Funding and resources for a continuum of care for offenders who need treatment**

# Project HOPE Evolution

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- **Launched in 2004 in one court with just 34 probationers**
- **By 2009, more than 1,500 probationers (one in every six felony probationers in Oahu) enrolled in Project HOPE**
- **Hawaii legislature funds Project HOPE at \$1.2 million**

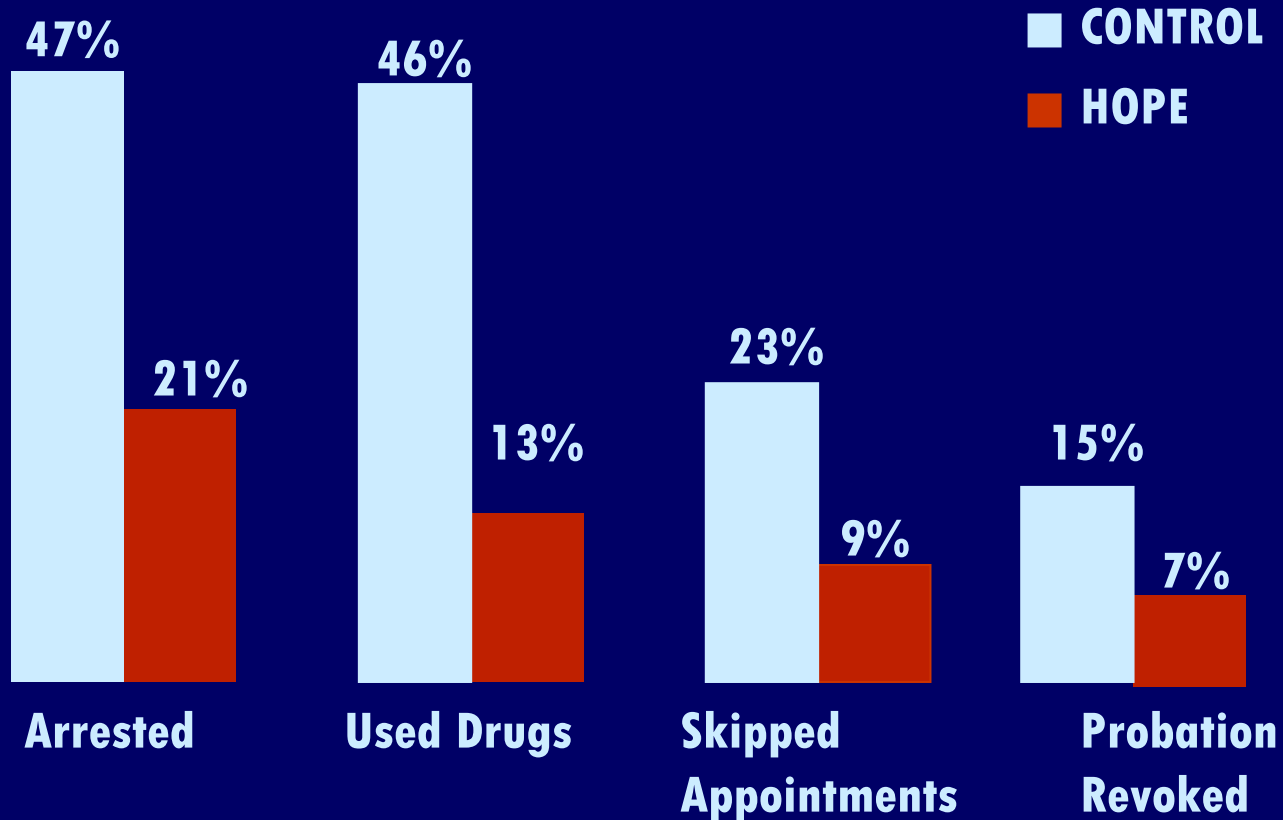
# Evaluation of Project HOPE

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- **Pepperdine University with funding from the National Institute of Justice conducted an evaluation of Project HOPE (published December, 2009)**
- **Evaluation design employed a random assignment of 493 probationers:**
  - 330 (two-thirds) were placed into Project HOPE**
  - 163 (one-third) were placed into regular probation**

# Project HOPE Evaluation Outcomes

## HOPE Program Outcomes (One Year Follow-up)



# National HOPE Legislation & Possible Funding

- **Rep. Adam Schiff (D-CA) and Rep. Ted Poe (R-TX) have introduced a bill to create a national HOPE (Honest Opportunity Probation with Enforcement) program**
- **This legislation creates a competitive grant program to award grants to state courts to reduce drug use, crime and recidivism by requiring swift, predictable, and graduated sanctions with conditions of probation**
- **This national program would have an annual authorization of \$25 million providing grants to up to 20 pilot sites around the country**



# **HOPE Pilot Project in Fairfax County?**

- **Judge Steve Alm, Hawaii, met with Fairfax County criminal justice system officials on January 28, 2010**
- **In attendance were the circuit court judges, the Commonwealth's Attorney, the Public Defender, the Sheriff and his chief deputies**
- **All parties expressed great interest in trying Project HOPE but issues were raised and remain**

# **HOPE Pilot Project in Fairfax County?**

## **Issues**

- **Money – additional funds required, at a minimum, for probation department, Sheriff's office, and additional drug testing facility**
- **Defense Counsel – practicality of having defense counsel at each hearing on very short notice**
- **VCSC's revocation sentencing guidelines – currently each violation is a new revocation case under the sentencing guidelines system**

# **HOPE Pilot Project in Fairfax County?**

## **Issues (continued)**

- **Law enforcement involvement – Sheriff's office concerned about the increased workload on intake from booking people into custody**
- **Probation revocations – concern about the possibility that Program HOPE sanctions may be recorded onto State Police criminal history records (RAP sheets) as new activity and treated in the same fashion as all other probation revocations**
- **Probationer mobility – concern about offender's moving within the state or out of state and its interaction with Project HOPE requirements**

# **Project Hope Actions in 2010 General Assembly Session**

## **House Bill 927 (Patroned by Delegate Robert Bell)**

- **HB 927 provides for an immediate sanction probation program modeled after Project HOPE**
- **HB 927, as originally proposed, was amended several times by both the House and Senate Courts of Justice committees**
- **Approved bill not placed in statute but as an un-codified provision of the Acts of Assembly (Section One) requiring VCSC to report on a pilot project by January 12, 2012**

# Project Hope Actions in 2010 General Assembly Session

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## HOUSE BILL NO. 927

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee for Courts of Justice  
on March 3, 2010)

(Patron Prior to Substitute—Delegate Bell, Robert B.)

*A BILL to establish a pilot immediate sanction probation program.*

### **Be it enacted by the General Assembly of Virginia:**

**1. § 1.** *That there may be established in the Commonwealth one immediate sanction probation program in accordance with the following provisions:*

*A. As a condition of a sentence suspended pursuant to § 19.2-303 of the Code of Virginia, a court may order a defendant convicted of a crime, other than a violent crime as defined in subsection C of § 17.1-805 of the Code of Virginia, to participate in an immediate sanction probation program.*

*B. If a participating offender fails to comply with any term or condition of his probation and the alleged probation violation is not that the offender committed a new crime or infraction, (i) his probation officer shall immediately issue a noncompliance letter pursuant to § 53.1-149 of the Code of Virginia authorizing his arrest at any location in the Commonwealth and (ii) his probation violation hearing shall take priority on the court's docket. The probation officer may, in any event, exercise any other lawful authority he may have with respect to the offender.*

*C. When a participating offender is arrested pursuant to subsection B, the court shall conduct an immediate sanction hearing unless (i) the alleged probation violation is that the offender committed a new crime or infraction; (ii) the alleged probation violation is that the offender absconded for more than seven days; or (iii) the offender, attorney for the Commonwealth, or the court objects to such immediate sanction hearing. If the court conducts an immediate sanction hearing, it shall proceed pursuant to subsection D. Otherwise, the court shall proceed pursuant to § 19.2-306 of the Code of Virginia.*

*D. At the immediate sanction hearing, the court shall receive the noncompliance letter, which shall be admissible as evidence, and may receive other evidence. If the court finds good cause to believe that the offender has violated the terms or conditions of his probation, it may (i) revoke no more than 30 days of the previously suspended sentence and (ii) continue or modify any existing terms and conditions of probation. If the court does not modify the terms and conditions of probation or remove the defendant from the program, the previously ordered terms and conditions of probation shall continue to apply. The court may remove the offender from the immediate sanction probation program at any time.*

**2.** *That the Virginia Criminal Sentencing Commission shall report to the Chairmen of the House and Senate Courts of Justice Committees on or before January 12, 2012, on the operation and costs of the immediate sanction probation program, including statistics on the characteristics of the participants and the outcomes of their participation.*

**3.** *That the Virginia Criminal Sentencing Commission may calculate the impact of a revocation of a suspended sentence pursuant to this section differently than the revocation of a sentence pursuant to § 19.2-306 of the Code of Virginia.*

**4.** *That the provisions of this act shall expire on July 1, 2012.*

SENATE SUBSTITUTE

# Project Hope Actions in 2010 General Assembly Session

ITEM 39.		Item Details(\$)		Appropriations(\$)	
		First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012
<b>Supreme Court (111)</b>					
39.	Administrative and Support Services (39900).....			\$27,833,906	\$27,833,906
	General Management and Direction (39901).....	\$27,833,906	\$27,833,906		
	Fund Sources: General.....	\$17,388,300	\$17,388,300		
	Special.....	\$174,375	\$174,375		
	Trust and Agency.....	\$104,280	\$104,280		
	Dedicated Special Revenue.....	\$9,000,000	\$9,000,000		
	Federal Trust.....	\$1,166,951	\$1,166,951		

Authority: §§ 16.1-69.30, 16.1-69.33, 17.1-314 through 17.1-320 and 17.1-502, Code of Virginia.

J. There is hereby established, in two circuit courts, pilot programs for dealing with probation violations, to be based on the principles used for the HOPE program developed in Hawaii. The Chief Justice shall designate the circuits in which the programs will be implemented. To the extent feasible, such circuits should be served by probation and parole district offices that have adopted, or are in the process of adopting, evidence based practices. The Department of Corrections and the respective sheriffs and Commonwealth's attorneys shall cooperate with the Supreme Court in developing the procedures to be used in these pilot programs. The Executive Secretary of the Supreme Court shall submit an annual report on June 30 of each year on the progress of the pilot programs to the Chairmen of the Senate and House Committees on Courts of Justice, the Chairmen of the Senate Finance and House Appropriations Committees, the Secretary of Public Safety, and the Director, Department of Planning and Budget.