



Circuit Court of the First Judicial Circuit — THE JUDICIARY • STATE OF HAWAII

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Steven S. Alm
CIRCUIT JUDGE

April 8, 2009

Hon. Floyd Prozanski, Chair
and Committee Members
Senate Judiciary Committee
Hon. Jeff Barker, Chair
and Committee Members
House Judiciary Committee
Oregon State Legislature
900 Court Street NE
Salem, Oregon 97301

Re: House Bill 3264 Relating to probation and declaring an emergency

Chair Prozanski, Chair Barker and Committee Members,

Thank you for giving me the opportunity to appear before you and speak to you about HOPE Probation.

My name is Steven Alm. I am a Circuit Court (felony) judge from Honolulu, Hawaii.

Hawaii, like many jurisdictions, has a problem with offender compliance on probation. Our probation officers have huge caseloads, many offenders don't comply with their conditions of probation, resulting in many probation revocations and arrests for new crimes. As a new felony trial court judge in June of 2004, I would get motions to revoke probation, often with many listed violations such as positive drug tests, missed probation appointments, and refusals to attend or complete treatment. Typically, the probation officer would be recommending that I sentence the offender to several years in prison.

I thought that there had to be a more effective way to change offender behavior. As a parent, I knew that if my child misbehaved, I would not essentially ignore it repeatedly, and then kick him out of the house a year

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later. Instead, I gave my son swift and certain consequences for his misbehavior and talked to him about it so he could see the cause and effect relationship and learn personal responsibility. I decided to apply the same logic to the probation system. I considered our probationers, looked at the relevant statutes, talked to my staff, and thought long and hard about how to change our system to allow for swift and certain consequences for misbehavior.

I started talking to some open-minded probation officers, and then brought the prosecution and public defender to the table. Then came the sheriffs, the police and the jail administrators. Everyone agreed that what we were doing wasn't working, so they were all willing to try a new approach. And HOPE Probation was born.

I wanted to start small because I knew there would be kinks to work out. I also wanted to focus on the highest risk offenders on probation. That way, and research bears this out, we could get the biggest bang for the buck as those offenders commit the most crimes. On October 1, 2004, we started with 34 offenders in my courtroom: 18 sex offenders and 16 others who had been convicted of a variety of felonies but were failing at probation, had either failed at treatment or failed to attend treatment, and were still testing positive for drugs.

HOPE started then, and it starts now for new offenders, with a formal warning hearing in court. I told the offenders that we wanted them to succeed on probation, but that they had to start following the rules. If not, they would be going to jail, each and every time. I told them they were not 13 years old; that they were adults and were expected to act like it. I said that I could not control what **they** did, but I could control what **I** would do. That if they repeatedly returned to court, they would end up in prison, not just jail, and then the probation officers could work with those folks who wanted to be on probation and follow the rules.

HOPE offenders with drug and alcohol issues (80%+) now call a drug test hotline every weekday morning to see if they have to report to the courthouse for testing the same

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day. If they test positive, they are taken into custody and a hearing is typically set 2 business days later. If they fail to appear for a drug test or a probation appointment or to attend or complete treatment, an arrest warrant is issued immediately, and offenders are picked up as soon as possible. A hearing is scheduled a few days later.

The hearings typically proceed by stipulation (i.e., the offender agrees to the violation) and take about ten minutes.

Sentences start off small, often a few days to a week in jail. Successive violations, if they occur, are met with similar or longer sentences to jail.

The program has grown from 34 felons in my courtroom on October 1, 2004, to now more than 1,400 offenders in six felony and three domestic violence misdemeanor courtrooms. There are now more than 1,250 felons in HOPE.

HOPE has been shown, by a randomized control trial study, to be very effective at reducing positive drug tests and missed appointments. Even more importantly, HOPE has resulted in far fewer probation revocations and arrests for new crimes. Significantly, HOPE works equally well with all types of offenders and when administered by different judges.

I believe HOPE is so effective because it is logical and accounts for human nature. If there are no consequences for rule breaking, you will get more rule breaking. If there **are** swift, certain, and proportionate consequences, you **will** get greater offender compliance. The immediacy of the hearing and the consequence is key. Put another way: Lots of people can do time when they must, but they typically don't want to do it **today**.

The concept of HOPE is simple. Putting it into practice requires people to work harder and smarter and faster. But the results are worth it.

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By helping our offenders to be more responsible and succeed on probation, we reduce victimization and save taxpayer dollars. The offenders are helped and so are their families.

Secretary of State Clinton recently said that the United States has an insatiable desire for drugs. That may have been true until now. But now there is HOPE.

We have had great success with HOPE Probation, and I have every confidence that you in Oregon will, too.

Thank you again for the opportunity to address you re House Bill 3264.