Tough Love

TIFFANY HILL

Judge Steven Alm may not hold the whole world in his hands, but he does give hope to many probationers on Oahu.

PHOTO: ELYSE BUTLER AND MATT MALLAMS

There are 8,277 people on probation on Oahu for felonies. For many years, the state's probation system has been unsuccessful in getting probationers to become responsible citizens. Along came a revolutionary program called HOPE—the first of its kind in the nation—and now it's not just helping probationers, it's transforming law enforcement.

Being on probation didn't mean jack to Lori Hendrickson. She's been convicted of three felonies and in 2006 was sentenced to probation. Hendrickson has lost count of the number of times she's spent the night at the Oahu Community Correctional Center (OCCC). She started using prescription narcotics and methamphetamine, better known as ice, when she was 9. "I had no desire of stopping," says the 51-year-old with short, spiky hair and tattoos on her neck and hands. "I had injuries from drugs, I tried to kill myself." Her probation officer (PO), police officers and even her family thought she was a lost cause.

Probation is an alternative to prison, but, for many struggling individuals, the system—both in Hawaii and on the Mainland—lacks the level of supervision and enforcement they need. The majority of probationers on Oahu are drug offenders; many are sex and domestic-violence offenders. In traditional probation, men and women are scheduled to meet with their PO at least once a month. Drug offenders must also take a drug test at least once a month, but they know well ahead of time when they will be tested. Even so, many test positive. Other probationers skip appointments with their PO, or quickly relapse after completing sex or drug treatment. Some commit new crimes. For many, probation is not taken seriously, because their violations are not taken seriously.

"There would be multiple violations before any action [was taken]; 10 or 15 violations before the PO finally recommended bringing them back into court. I think the culture was that we have to give the offenders enough chances to keep screwing up and we'll have a good case to argue for the judge to send them to prison," explains First Circuit Judge Steven Alm, who has been a judge for nine years and was previously the U.S. attorney for Hawaii.

"Criminality would increase in the old probation system because of the long lag time between action and consequence," adds Mason Henderson, the director of the Sand Island Treatment Center, a two-year residential drug and behavioral rehabilitation center. Henderson explains that many probationers had the system pegged. They knew that, for most violations, nothing would happen. Eventually they would be taken back to court, and have their probation extended another five years, or it would be revoked altogether and they would go to prison—for a felony, at least a five-year sentence.

Some POs felt that their hands were tied in trying to help the probationers, or clients, as they call them, in their case-loads. Ty Tamasaka is a senior PO in the Adult Client Services' sex-offender unit and deals with high-risk probationers convicted of sex-

Do you know the difference?

Probation is an alternative to a prison sentence. For example, instead of a five-year prison sentence, offenders may be sentenced to five years' probation.

Parole is for those who are released early from prison because of good behavior.

Jails are designed to hold individuals awaiting trial or serving short

offense-related crimes. He's been a PO for seven years and used to work in Hilo. "With regular probation, when someone violates, it would take sometimes a half a year to get a new felony charge and issue a warrant for their arrest," he says. There were times he couldn't sleep at night wondering if his clients were assaulting new victims or hurting previous ones.

sentences, such as when a probationer in HOPE violates.

Prisons are operated by state governments and hold individuals convicted of crimes.

Tired of watching traditional probation methods fail, Judge Steven Alm gathered a team that created a new program, aptly called HOPE.

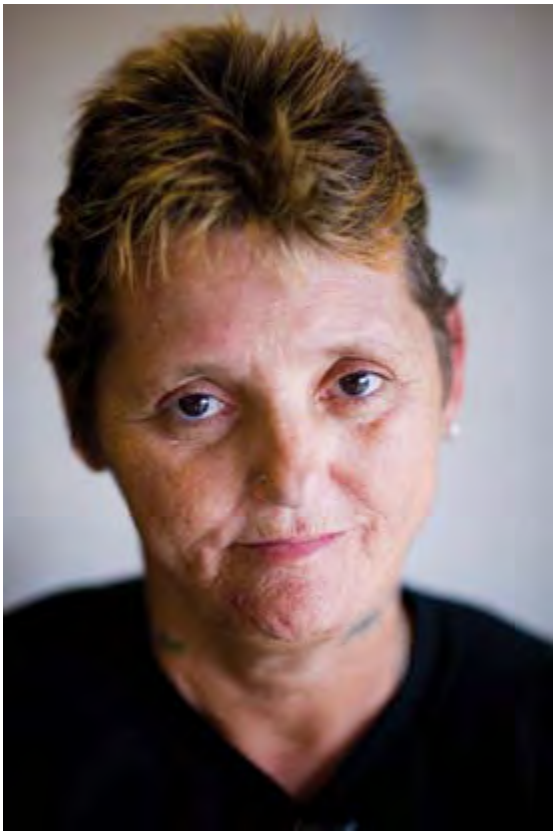
PHOTO: ELYSE BUTLER AND MATT MALLAMS

A New Beginning

Alm sits behind his desk in his chambers at Kaahumanu Hale on Punchbowl Street. Stacks of paper and piles of case files surround him. A bell in the building's PA system sounds, reminding him that court will begin at 8:30 a.m. He slides on his black robe, zips it up and slips out the side door, ready to take on the day's schedule of probation hearings.

"I can guarantee you that everyone in this courtroom wants you to succeed," he begins. The men and women who pass through the almost claustrophobically small courtroom with retro orange chairs might not know this, but Alm says this to every person on probation who stands before him. And he means it. So sincerely, in fact, that he created and implemented an innovative probation program on Oahu that shakes up the old model of probation.

The program, aptly named HOPE, Hawaii's Opportunity Probation with Enforcement, was started in October 2004. Unlike traditional probation, HOPE relies on swift and certain action when a person violates his or her probation. For example, if a drug offender submits a positive urine sample, or a sex offender fails to register for the sex-offender registry, that person will be arrested, taken to OCCC and a court hearing will be scheduled two business days later. The probationer will spend at least a few days in jail, and, as a result of the court hearing, may go into treatment, have his or her probation extended or both.



Convicted of three felonies, Lori Hendrickson struggled with substance abuse while on traditional probation.

PHOTO: ELYSE BUTLER AND MATT MALLAMS

In the past six years, HOPE has proven itself to be strikingly effective. While the program isn't perfect, its offenders have a better track record than those in regular probation. After one year in HOPE, probationers were 55 percent less likely to be arrested for a new crime, 72 percent less likely to test positive for drugs and 61 percent less likely to skip appointments with their probation officer, according to research done by Angela Hawken at Pepperdine University. In addition, for every dollar spent on HOPE, the judicial system saves $3.

Everyone we talked to says Alm has been crucial to the program's success; if it weren't for him, HOPE would still be a lofty idea. Armed with an obvious passion, a persuasive tone, a muscular build and a no-nonsense buzz cut, he pulled together the organizations required for the island's new probation program. Alm met with the state public defender's office, the prosecuting attorney's office, POs, judges, law-enforcement agencies and the Adult Client Services branch. He listened to their concerns and, in the end, created a new probation strategy. HOPE started with 34 probationers—18 sex offenders and 16 drug offenders—from the Adult Client Services' high-risk probation units.

"It was a group effort, and getting government agencies involved is no small feat," says Natalie Ornellas, the supervisor of the Adult Client Services' sex-offender unit.

"The appeal of HOPE was that there was a guaranteed sanction," adds Cheryl Inouye, the section administrator of the high-risk units of Adult Client Services. "It had to be really streamlined, because you have to act immediately."

The team Alm assembled vowed to implement its immediate-punishment protocol, but not without some trepidation. "This was a lot different then what had been done before. I was skeptical at first," says Jack Tonaki, the Hawaii state public defender. Tonaki was concerned about the amount of jail time the probationers would receive when they violated. In reality, the time spent in jail is shorter than on regular probation, because there is less wait time to schedule a court hearing. It also saves the state thousands of dollars by sending fewer people to prison. The immediate, but short, stints in jail let offenders know that, each time they violate their probation in this program, the consequence is jail. Violations can be as minor as skipping an appointment with a PO, or as serious as committing a property crime or an assault. "With HOPE, with each violation, they have to be taken in," explains Alm.

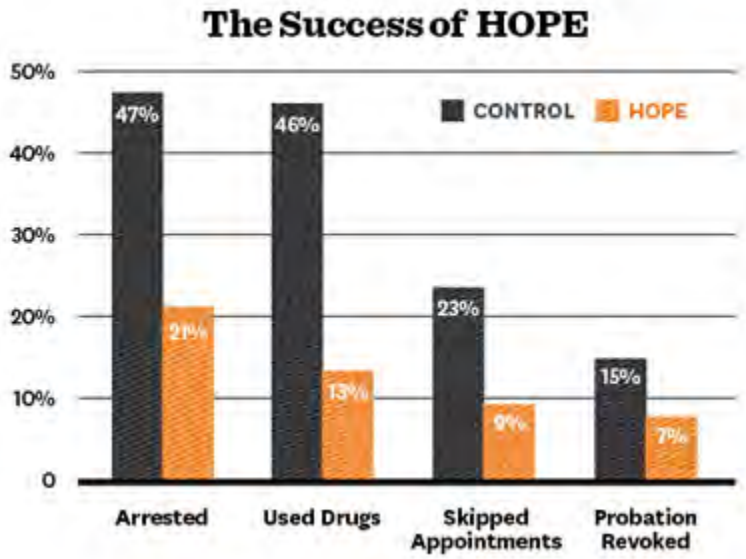
Shown with her probation officer, Kathi Fujii, Lori Hendrickson credits the HOPE program with getting her clean and saving her life.

PHOTO: ELYSE BUTLER AND MATT MALLAMS

Inouye says that some POs were hesitant about the program's new regulations because it meant giving up their power of discretion with clients. However, POs can now more easily recommend sanctions to the courts for probationers in violation.

"It's a team approach, it's not me against them," says Kathi Fujii, a senior PO in the Adult Client Services' drug-offender unit. Before HOPE, says Fujii, probationers would often take it personally when their PO recommended that they go to prison or have their probation extended. "With sex offenders, community safety is huge," adds Tamasaka. "With HOPE I can go home with no concerns."

To probationers like Hendrickson, being in HOPE feels vastly different from regular probation. In fact, 30 percent don't violate the terms of their probation at all after entering HOPE and, for others in the program, it takes only one mistake to learn. For some like Hendrickson, it takes several times. "I hated HOPE at first because I couldn't stay clean," she says. Once, she even threatened to kill Fujii, her PO. "But HOPE and Kathi made me realize I can love myself, then I was willing to do whatever it took. It saved my life; I have so much gratitude," she says. Hendrickson underwent drug treatment at Poailani and now has been clean for almost two years. She also volunteers at Alcoholics Anonymous and Narcotics Anonymous meetings and at Poailani.



Year-long monitoring of HOPE probationers and regular probationers has shown that those in HOPE are more successful than their counterparts. HOPE probationers were 55 percent less likely to be arrested for a new

crime, 72 percent less likely to test positive for drugs, 61 percent less likely to skip appointments with their PO and 55 percent less likely to have their probation revoked.

SOURCE: NATIONAL INSTITUTE OF JUSTICE AND THE PEW CENTER ON THE STATES. RESEARCH BY DR. ANGELA HAWKEN.

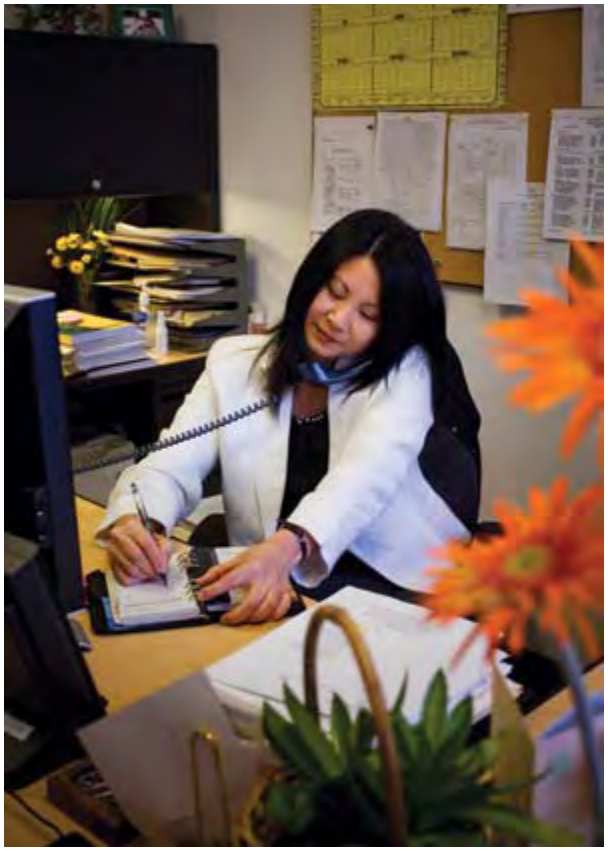
With proof of HOPE's success, the Legislature allocated the program $1.2 million after its first year. Alm and Inouye also started the drug-offender hotline. Probationers with drug-related offenses call the hotline at 6 a.m. Monday through Friday. They listen to a recording listing combinations of colors and numbers, such as Red 1 or Blue 2. Probationers who hear their code listed must submit to an observed urine test at the Circuit Court building between 6:45 a.m. and 2 p.m. Everyone starts off with red, which is listed the most often. They can move to another color when they consistently test negative. If a probationer tests positive, he or she is arrested on the spot. "We used a poker-chip methodology," laughs Inouye, explaining that she and Ornellas originally determined the color codes for probationers using a bag of red, white and blue chips.

"Not knowing when I'll get called helps me stay clean," says 24-year-old probationer Shanghai Ah Cheung. She has been drug-free for a little more than a year and has graduated to White 1, which means she gets tested once or twice a month.

Amazingly, many people who know they will test positive come in regardless. They know that, whether they show up or not, they will most likely be arrested. "In HOPE, there's no escape," says Ornellas. "When Judge Alm says 'swift and sure,' it is swift and sure."

"The results have wildly exceeded expectations," says Paul Perrone, chief of research and statistics for the department of the state attorney general. Perrone has been studying the program since it started. He and his team track the number of probationers going in and out of HOPE, record the types of violations probationers have and the number of new crimes they commit, as well as conduct PO surveys. "Our data shows that HOPE works remarkably well."

The program eventually expanded into 10 courtrooms, but now the majority of the cases are back in Alm's court. This way, there is more consistency with sentencing, and it's easier for deputy public defenders and prosecutors to have the hearings in one courtroom. "But by conducting HOPE across the board with other judges, it proved that it wasn't Judge Alm alone who made the difference," says Inouye. Perrone's office tracked the conduct of probationers assigned to each judge; probationers performed equally well in each courtroom.



Cheryl Inouye is section administrator of high-risk probation units and has been involved with HOPE since the beginning.

PHOTO: ELYSE BUTLER AND MATT MALLAMS

The state also recently allocated funding to employ one full-time deputy public defender and one full-time deputy prosecutor to handle HOPE cases. Kevin Takata, the senior deputy prosecuting attorney, says it will make the short-notice court hearings easier to attend. "[In HOPE] you have to come down to court at a moment's notice and often our schedules don't allow for that."

HOPE Is in the Air

Since the program's inception, the number of people in HOPE has grown from 34 to 1,518. Of that number, 1,350 are on probation for felonies. "We're trying to get the folks that have the most problems," says Alm. He adds that every other week new people are being enrolled into HOPE during the program's group warning hearings, at which Alm explains the program to offenders; many end up appreciating the program later.

"Regular probation will give you the rope to hang yourself, give you the slack. There's no slack in HOPE," says Robert Pestana Jr., a HOPE probationer in Tamasaka's sex-offender unit.

"Judge Alm and Kathi had the trust and faith in me that I didn't have [in myself]," adds Hendrickson, who is in her final year on probation. She says her biggest fear is finishing her sentence and no longer having the structure of HOPE. "I don't want to get off HOPE. I tell Kathi I'm still going to call her!"

The Mainland has taken notice of the program's success. Alm has positioned himself not only as the state's strongest advocate for HOPE, but its spokesperson to other states. He met with Nevada officials and the state recently started its own nontraditional probation program. Oregon and Alaska want to start their own programs this summer.

"What struck me was the swift and certain aspect," says Carmen Gutierrez, the special assistant to the commissioner for the Alaska department of corrections. "I found no other program that was producing these kinds of results." Gutierrez and other Alaska officials came to Oahu in April and met with their counterparts involved in HOPE to get a first-hand look at how the program operates.

Alm even took the program to Washington, D.C., in May and met with Eric Holder Jr., the U.S. attorney general. Alm also testified in

support of a Congressional bill introduced last November to create 20 new probation pilots across the country using federal funds. He and other Hawaii officials will be on hand for training if it passes. At home, he is dedicated to expanding HOPE to the Neighbor Islands. Currently, there are 108 HOPE probationers on Maui. The Legislature is also considering funding a pilot project similar to HOPE for people on parole on Oahu.

While HOPE is obviously a more effective program than regular probation, it is not perfect. “The theory and the program itself are very good, but you have to be careful of who should be admitted into HOPE,” says Takata. “HOPE is not a substitute for incarceration.” Last year, explains Takata, two people in the program were charged with murder. “They should have been in prison.”

But, says Perrone, “The only way to avoid that is to take every person convicted of a crime and execute them, banish them or [give them] life time imprisonment. New crimes are going to be committed.”

Many POs, state officials and even probationers would like to see HOPE become standard probation in the state. “There’s not one bad thing I can think of about this program,” says Ornellas. “Probation is a gift, not a privilege. And these conditions aren’t that hard.” HOPE not only benefits the people in it, but the POs who work with them, the prison system and the community at large.

Hendrickson is using her last year in HOPE to provide support for other probationers in the program. Afterward she wants to get her own place and work on getting her high school GED. “For a long time I had nothing,” she says. “I don’t want to ever go back to that. HOPE gave me positive thinking.” Alm was right, she adds; he did want her to succeed. And his program helped her do just that.