

Two ATI models:

# HOPE Probation Back on Track

High Level Dialogue on  
Alternatives to Incarceration

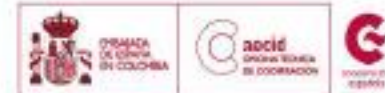
Cartagena, Colombia 20 Oct 2014

Julius Lang  
Center for Court Innovation

CENTER  
FOR  
COURT  
INNOVATION

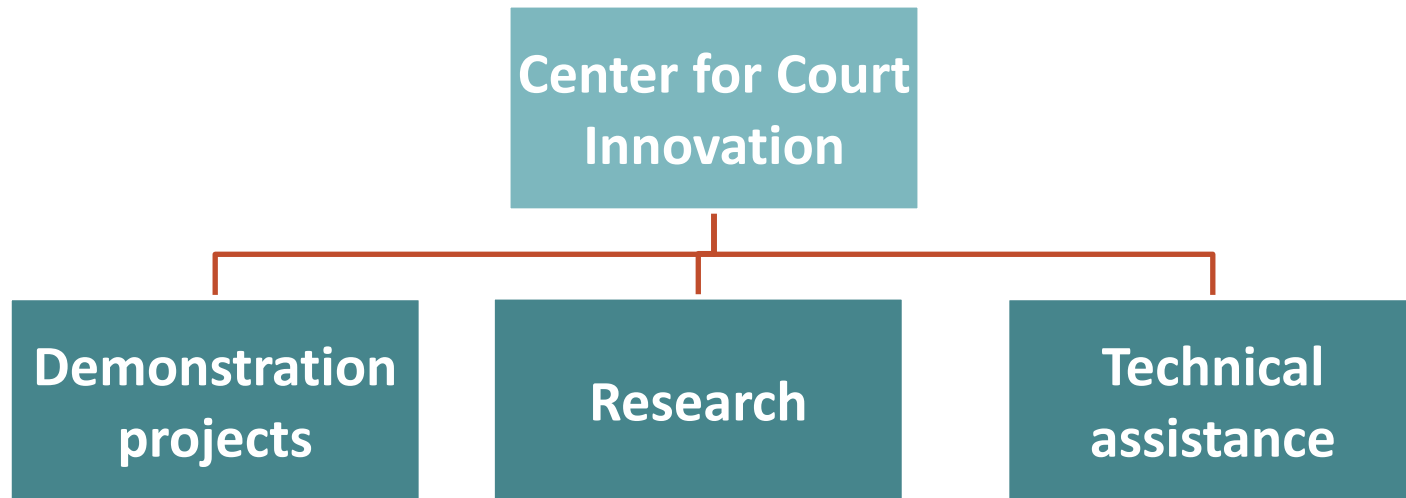


PROSPERIDAD  
PARA TODOS



# Center for Court Innovation

reduce crime and incarceration • increase public trust in justice



CENTER  
FOR  
COURT  
INNOVATION

Two ATI models:

# HOPE Probation

## Back on Track

---

- ▶ Both post-conviction, with judicial supervision
- ▶ Both rely on swift, certain, and fair (proportionate, moderate) justice system responses
- ▶ One focuses on *consumers*, other on *micro-traffickers*

# HOPE (Honest Opportunity Probation with Enforcement)

- ▶ Launched in Hawaii in **2004**
- ▶ Procedural stage: **Post-conviction**
- ▶ Target population:
  - ▶ Probationers:
    - ▶ at high risk for reoffending, or
    - ▶ showing repeated noncompliance, or
    - ▶ **having drug/alcohol problems as a top criminogenic need**
- ▶ Goals: **reduce recidivism** and **probation violations**



# HOPE Probation

- ▶ Theory:
  - ▶ *Swift*ness and *certainty* of responses more important than *severity*
- ▶ How it Works:
  - ▶ Program starts with **warning hearing**: conditions and consequences



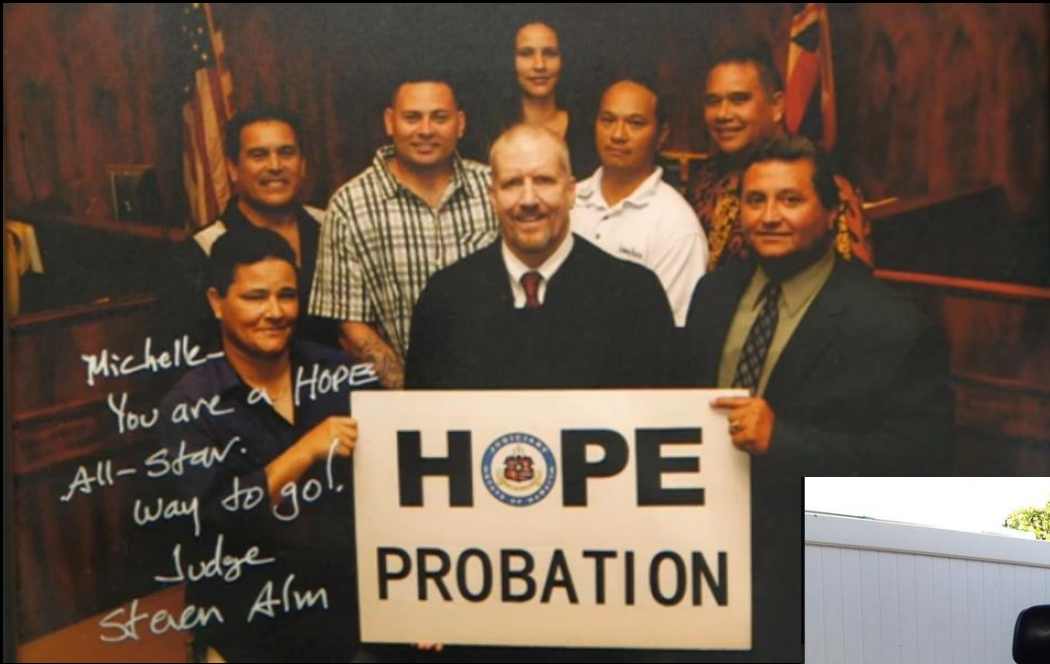
# HOPE Probation

- ▶ Judge emphasizes:
  - ▶ We want you to succeed
  - ▶ Must comply with conditions
  - ▶ Each participant: call every morning to find out whether drug test that day
  - ▶ Each missed appointment or failed drug test: brought before judge within 72 hours
  - ▶ Every positive drug test or missed appointment met with sanction (short term jail)



# HOPE Probation

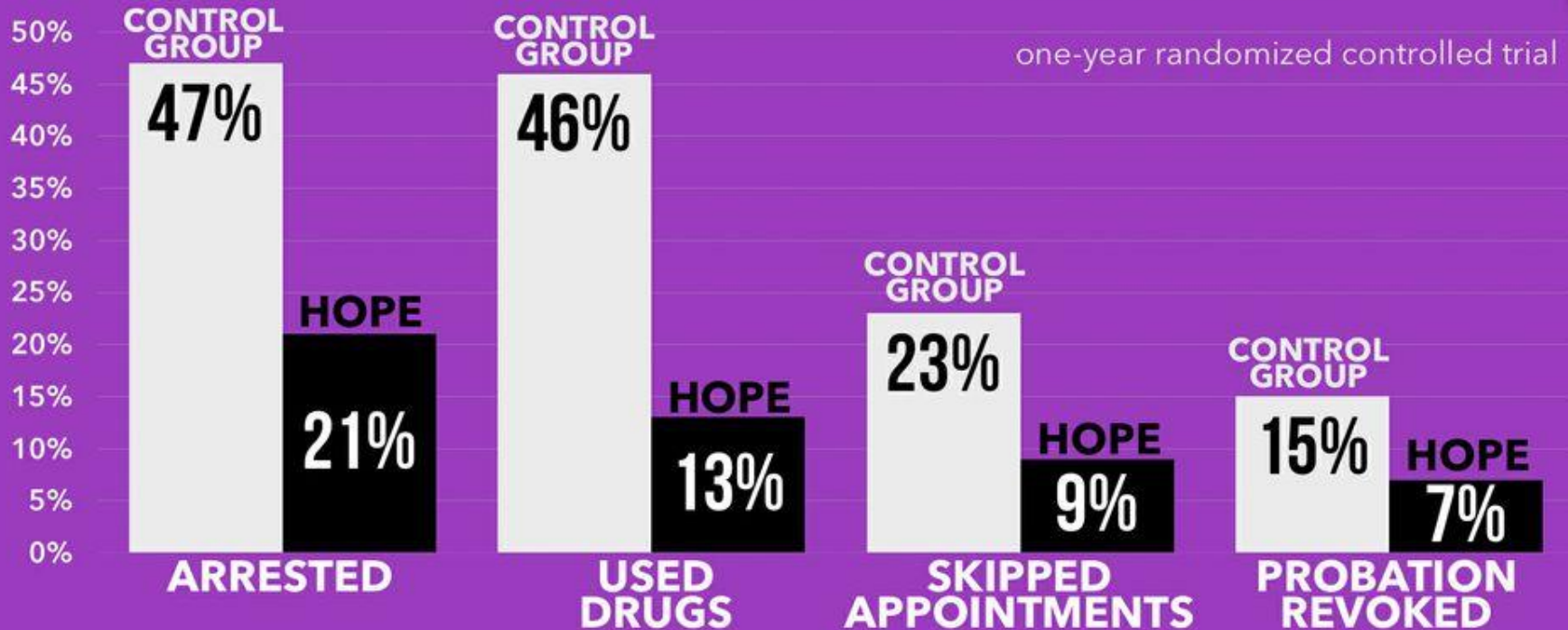
- ▶ Every positive drug test or missed appointment results in prompt **return to judge**, and swift **short term jail**
- ▶ Role of drug treatment
  - ▶ Available at any time **upon request**
  - ▶ Required if **continued positive drug tests (ex: 3)**
- ▶ Key difference from other models
  - ▶ Idea: conserve treatment for those who demonstrate need, or make request



Raymond Eisey, Jr. is a HOPE Probation graduate who conducts AA meetings and runs a clean and sober house in Makaha.  
Credit Wayne Yoshika

# HAWAII

Hawaii's Opportunity Probation with Enforcement (HOPE) emphasizes the delivery of "swift and certain" punishment when a probationer violates conditions of probation.



Source: National Institute of Justice, "Swift and Certain" Sanctions in Probation Are Highly Effective: Evaluation of the HOPE Program (February 3, 2012).







# HOPE Probation

---

- ▶ US Department of Justice's **Demonstration Field Experiment:**
  - ▶ Replication in **4 different settings**
  - ▶ **Randomized control trial** evaluations
  - ▶ Results **expected in 2015**

# Back on Track

U.S. Department of Justice  
Office of Justice Programs  
*Bureau of Justice Assistance*



## **BJA** Fact Sheet

FS 000316 • SEPTEMBER 2009

BUREAU OF JUSTICE ASSISTANCE • OFFICE OF JUSTICE PROGRAMS

JAMES H. BURCH, II, ACTING DIRECTOR

## **Back on Track: A Problem-Solving Reentry Court**

*By Jacquelyn L. Rivers, BJA, and Lenore Anderson, San Francisco District Attorney's Office*

Program Overview

### MESSAGE FROM THE DIRECTOR

The Bureau of Justice Assistance (BJA) strongly supports the use of problem-solving and community courts and the implementation of such strategies through communitywide collaborations. Research has demonstrated that, if implemented properly, the problem-solving approach<sup>4</sup>



# Back on Track

- ▶ Launched in San Francisco in **2005**
- ▶ Procedural stage: **Post-conviction**
- ▶ Target population:
  - ▶ Young adults (18-30, primarily 18-24)
    - ▶ Charged with possession with intent to sell (up to 5 grams)
    - ▶ No prior convictions
    - ▶ No violence (no history of guns or gangs)
- ▶ Goals: **reduce recidivism** among **micro-traffickers**

# Back on Track

## How it Works:

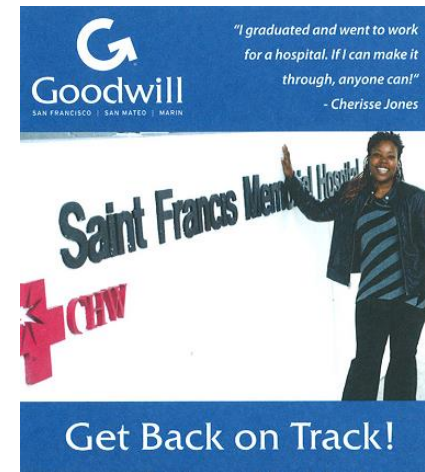
- ▶ Participants referred by prosecutors
- ▶ Orientation phase: **6 weeks** of assessment + educational activities; 30 hours of community service
- ▶ Enrollment: Participants **plead guilty** to charges; sentencing deferred
  - ▶ **12-18 month** mandate: concrete achievements in employment, education, parenting, and child support and total of 220 hours of community service.

# Back on Track

▶ Two **key partners**:



Judge: ongoing monitoring



NGO: job training, etc.



SEARCH

## Collaborative Courts Programs

San Francisco's Collaborative Courts are a multi-agency problem-solving approach to specific drivers of criminal activity. These programs are a collaboration of the District Attorney's Office, Superior Court, Public Defender's Office, Adult Probation Department, Department of Public Health, Sheriff's Department, and community treatment providers. All programs are voluntary.



### Community Justice Court (CJC)

Implemented in 2009, the CJC is a criminal court and service center for defendants who commit non-violent felonies and misdemeanors in the Tenderloin, SOMA, Civic Center, or Union Square neighborhoods. CJC defendants are linked to services for substance abuse, mental health, primary care or other needs that may be contributing to their criminal behavior.

### Back on Track

Back on Track is a prosecutor led, reentry model focused on preventing recidivism among nonviolent first time offenders. Back on Track provides opportunities for first time offenders to gain skills and permanently exit the criminal justice system. It is considered a national model in restorative justice.

The SFDA is currently seeking an organization to serve as its Back on Track primary service partner. For more information and application requirements, [click here](#). For proposal questions and answers, [click here](#).

To apply, please use the [Back on Track General Overview and Summary Form](#) and [Back on Track Grant Budget Template](#).

### Drug Court

Drug Court, San Francisco's first Collaborative Court, was implemented in 1995. It targets offenders with serious substance abuse problems facing felony drug and property charges driven by their addiction.

### Behavioral Health Court (BHC)

Behavioral Health Court (BHC) provides services to defendants who have committed crimes where the behavior that led to their criminal case was connected to a serious mental illness. BHC traditionally serves in-custody criminal defendants with severe and persistent mental illness.

# Back on Track

- ▶ Upon successful completion: plea withdrawn, **case dismissed** and record expunged
- ▶ San Francisco results (self-reported):
  - ▶ Only **10% recidivism** among graduates
  - ▶ Costs approximately **\$5,000** per participant, compared with **\$10,000** to adjudicate a case and nearly **\$50,000** per year to house a low-level offender in prison or jail.



We create solutions to poverty through the businesses we operate.

[HOME](#)

[DONATE](#)

[SHOP](#)

[JOBS](#)

[MISSION](#)

[COMMUNITY](#)

[ABOUT US](#)



DA congrats Back on Track grads



# Replication in Philadelphia:

## “The Choice is Yours”

October 17, 2014

HUFF POST POLITICS

Edition: U.S. • Like 1.1m • Follow • Newsletters • Huffington Post Search

FRONT PAGE POLITICS BUSINESS ENTERTAINMENT MEDIA WORLDPOST SPORTS TECH GREEN GAY VOICES HUFFPOST LIVE ALL SECTIONS

Politics • Polster • Elections 2014 • 2016 • Eat The Press • HuffPost Hill • CPI • Third Metric • Howard Fineman's Political Read

Biden's Youngest Son Discharged From Navy After Reportedly Failing Drug Test

Republican Who Wants West Africa Flight Ban Unaware There Are No Direct Flights To U.S.

State Senator Taunts Laid-Off Reporter: 'So, Do YOU Have Any Comments Now?'

THE BLOG

Featuring fresh takes and real-time analysis from HuffPost's signature lineup of contributors

HOT ON THE BLOG

Tavis Smiley Will.i.am

Willie Nelson Jeffrey Sachs

Laura Goldman Become a fan

Currently freelances for ABC and Metro International

# The Choice Is Yours, Philadelphia DA's Program For Young Drug Dealers Succeeds With Minimal Recidivism

Posted: 08/09/2013 12:50 pm EDT | Updated: 10/09/2013 5:12 am EDT

296 61 16 3 3 0

Like Share Tweet Share Email Comment

The popularity of the new Netflix series, "Orange is the New Black, and the AMC series "Breaking Bad", has many questioning the wisdom of jailing drug dealers. Philadelphia District Attorney Seth Williams has created a diversionary program that should serve as a model for the entire country. Last February, he launched The Choice Is Yours (TCI), a diversionary program for young offenders aged 18-29 who have been arrested for distribution of two to 10 grams of cocaine. It allows first-time nonviolent drug offenders to wipe their criminal slate clean after completing an

# Back on Track: Philadelphia TCY

- ▶ The Choice is Yours allows for **more serious cases than SF Back on Track** (up to 10 grams powder or crack cocaine)
- ▶ Subject of **thorough process evaluation** (though impact evaluation still to come)

**The Choice is Yours: Early Implementation of a Diversion Program for Felony Offenders**

Wendy S. McClanahan, McClanahan Associates, Inc.  
Shelli B. Rossman, The Urban Institute  
Meridith Polin, McClanahan Associates, Inc.  
Sarah K. Pepper, McClanahan Associates, Inc.  
Emily Lipman, McClanahan Associates, Inc.



# Back on Track: Philadelphia TCY

**Exhibit 3: TCY Graduation Requirements**

<b>Graduation Requirements</b>
1. Complete orientation phase
2. Complete enrollment phase
3. Satisfy all lead agency requirements including:
<b>Case Management</b>
a) Obtain basic needs: housing, government benefits, health insurance, etc.
b) Enroll and participate in critical specialized services: mental health counseling, substance abuse counseling, family services, etc.
c) Secure all necessary identification throughout the program.
d) Development and ongoing achievement of Individual Life Plan (ILP) goals.
<b>Employment and Education</b>
a) If high school diploma or GED, obtain full-time employment (at least four consecutive months) and/or enroll in secondary educational institution and/or enroll in long-term, full-time job training (at least four consecutive months) and demonstrate one literacy grade-level gain for every 50 hours of instruction. Part-time employment options will be considered for those in full-time higher education programs.
b) If no high school diploma or GED, obtain GED or high school diploma or successfully complete one or more GED subtests (out of five) or at least one grade-level gain for every 50 hours of instruction or enrollment in high school credit-bearing program and 90 percent attendance with a minimum of three earned credits (relative to time in school).
<b>Restorative Justice and Mentoring</b>
a) Complete 220 hours of community service.
b) Write graduation essay demonstrating change in attitude and beliefs.

# Back on Track: Philadelphia TCY

**Exhibit 2: Graduated Sanctions**

Minor Infractions		Major Infractions	
Sample Infractions	Sanctions	Sample Infractions	Sanctions
<p><b>Orientation</b></p> <ul style="list-style-type: none"> <li>• Less than 90% attendance</li> <li>• Does not meet requirements in a timely manner</li> </ul> <p><b>Program Enrollment</b></p> <ul style="list-style-type: none"> <li>• Does not check-in with case manager as required</li> <li>• Does not follow through with referrals/appointments</li> <li>• Does not make satisfactory effort to complete training courses or obtain employment</li> <li>• Less than 90% attendance of required classes/mentoring</li> <li>• Time management issues</li> <li>• Does not accept appropriate job offer</li> <li>• Lack of effort</li> <li>• Ongoing poor grades/lack of achievement</li> <li>• Not obtaining necessary educational credits</li> <li>• Poor behavior and attitude</li> <li>• Does not complete community service requirements</li> <li>• Does not comply with legal orders</li> <li>• Positive drug tests</li> </ul>	<ul style="list-style-type: none"> <li>• Written warning from program director or case manager</li> <li>• Participant essays on relevant topic</li> <li>• Increase check-ins with case manager</li> <li>• Time management conversations</li> <li>• Increase reporting requirements to judge or case manager</li> </ul>	<ul style="list-style-type: none"> <li>• Arrest/conviction</li> <li>• Continued positive drug tests</li> <li>• Continued significant non-compliance with program operations</li> <li>• Three or more minor infractions</li> <li>• Less than 90% attendance in orientation, workforce, and/or educational training</li> </ul>	<ul style="list-style-type: none"> <li>• One-on-one meetings with the judge or program director</li> <li>• Suspend participant from TCY activities</li> <li>• Weekend jail time</li> <li>• Program termination and imprisonment</li> </ul>

Additionally, the program exposes participants to restorative justice circles,<sup>2</sup> and requires completion of a specified amount of community service.

# Back on Track: Philadelphia TCY

## Key Lessons from process evaluation:

- ▶ **Communication is “the glue”**
  - ▶ Between staff and participants
  - ▶ Among various staff and agencies serving participants
  - ▶ Among court and various stakeholders
- ▶ **Ongoing data collection, analysis, reflection**
  - ▶ Mid-course corrections critical
- ▶ **Advance planning for contingencies**
  - ▶ Written procedures manual
  - ▶ Staff turnover; designated back-up

# Further Information

Julius Lang

Director, Training and Technical Assistance

Center for Court Innovation

[langj@courtinnovation.org](mailto:langj@courtinnovation.org)

+1 646 386 4460

Twitter: @courtinnovation

[www.courtinnovation.org](http://www.courtinnovation.org)



MinJusticia  
Ministerio de Justicia  
y del Derecho

PROSPERIDAD  
PARA TODOS



UNODC  
Oficina de las Naciones Unidas  
contra la Droga y el Delito

