A New Paradigm for Dealing with Offenders

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Criminal Justice in the United States

- Approximately 2.3 million adults (1% of the population) are in prison
- Over five million adults are under community supervision
- 33% of probationers are serving sentences for drug crimes
- These populations are growing

Standard Community Corrections Programs

- Probationers must comply with certain conditions
- Due to heavy caseloads, probationers are not monitored strictly
- Drug testing is infrequent
- It is difficult and time-consuming to enforce sanctions or revoke probation or parole
- Sanction rates are low and sporadic

Problems with the Current System

- Criminals are often impulsive and do not consider long-term consequences
- By rarely enforcing sanctions, probationers learn they can violate terms, often without consequence
- Drug treatment program completion rates are low
- Many probationers need housing, job training, and healthcare

Emerging Community Corrections Programs

- New community corrections programs show more promise than the typical model
- These programs help break the arrest, incarceration, release, and re-arrest cycle
- The strategies use swift and certain – but modest – sanctions for drug use or re-offending
- Evidence to-date has been positive

Drug Courts

- Started in Miami in 1989, there are now over 1,600 throughout the United States
- Non-violent offenders charged with drug crimes are eligible
- Programs differ among jurisdictions, with some similarities:
  - Duration is approximately one year
  - Drug tests and outpatient treatment are required
  - Weekly court meetings
  - Defendants must obtain a GED and employment
- Separate drug courts exist for juveniles

Drug Courts

- Drug courts have been successful in reducing drug use and recidivism, particularly for graduates
- Jail space is saved
- They are cost effective due to:
  - Reduced recidivism
  - Reduced costs related to victimization
  - Healthcare costs

Hawaii HOPE

- Began in 2004 on Oahu
- Probationers are subject to frequent, random drug testing
- Every positive drug test leads to an immediate, short-term jail stay
- Drug treatment may be requested at any time, but is required for repeated failures – a process known as “behavioral triage”

Hawaii HOPE

- HOPE probationers have significantly reduced rates of drug use
- Participants speak highly of the program and appreciate its consistency
- Judges and probation officers are very satisfied with the program
- It is cost-effective, with the majority of the cost going toward treatment for intensive drug users

South Dakota 24/7 Sobriety

- Operates across the state
- DUI offenders must undergo twice-daily alcohol breath testing and random drug testing
- Some offenders wear an alcohol-monitoring ankle bracelet or drug-testing patch
- Participants who fail a breathalyzer or drug test are immediately sent to jail for a short period

South Dakota 24/7 Sobriety

- 24/7 has significantly reduced the number of DUIs
- Rates of offenses for program participants were significantly lower during the first 30 days of the program, and even lower after 90 days

Challenges

- All three programs require coordination of multiple public agencies
- Programs must start slowly
- Inconsistency may lower effectiveness
- The programs reach a small percentage of the overall criminal caseload
- Treatment must be available if needed or requested

Pilot Programs

- HOPE-style programs in:
  - Washington state (WISP)
  - Delaware (Decide Your Time)
  - Alaska (PACE)
  - Grants awarded in counties in Oregon, Massachusetts, Arkansas, and Texas
- HOPE-style programs for drug use, sex offenders, and perpetrators of domestic violence
- 24/7 Sobriety in North Dakota

Implications for Policy

- Increased scope of program participants
- Pre-trial release and drug and alcohol evaluation
- Focus on rehabilitation and public safety
- HOPE and 24/7-style monitoring for DWI or drug courts
- Treatment and behavioral triage
- Swift, certain, and proportionate sanctions for violations
- Adaptive programming

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