



Posted on: Thursday, July 21, 2005

Everybody wins when defendants stay out of prison

By Steven S. Alm

There has been recent news coverage of efforts by the Hawai'i state Judiciary to hold offenders on probation more accountable.

These offenders now know that if they don't follow the rules of probation, they will find themselves arrested and in court that afternoon or the next day and will, in all likelihood, be headed for a stint in jail. Swiftmess and certainty, rather than severity, provide the most effective consequences in life and in this program.

This pilot project has shown encouraging evidence of an important truth: When clear expectations are set and there are real consequences for failure, offenders can successfully remain sober, show up for appointments with their probation officers and receive treatment.

This situation gives the offender the best possible chance to succeed on probation. Of course, not all offenders will succeed and some will go to prison for years. But in such cases, they and the criminal justice system will know that multiple efforts were made and that the offenders had a good chance but were unable or unwilling to be supervised in the community.

When offenders, particularly those with drug problems, do truly succeed on probation, you have that rarest of results in the real world: a true win-win situation.

The defendants win because they get their lives back. They have hopefully learned to change their thinking and thus change their behavior.

Offenders learn that they can deal with life's stresses without drugs.

They hopefully learn to take responsibility for their actions and learn that they have no right to victimize others to get what they want, such as committing crimes to pay for their drugs, etc.

The offenders' families also win. They get their husband, wife, mother, father, etc., back in their lives, in a more positive, pro-social way.

Hawai'i residents win because of fewer car break-ins, burglaries and other thefts committed to support the offender's drug abuse and criminal lifestyle.

Hawai'i taxpayers win when they don't have to pay to incarcerate a defendant for years in Hawai'i at the cost of more than \$38,000 per year.

Making probation more effective and successful is certainly not an easy matter. It takes real collaboration and cooperation and a willingness to do things differently. It takes a joint effort of the courts, probation, attorneys, law enforcement, corrections and treatment and service providers. It involves folks working harder and smarter.

So far in this initial effort, it has been done with existing resources. However, expanding the program to more defendants and more courtrooms will take additional resources as the program is more labor-intensive, particularly the increased drug-testing component, involving at least one random "observed" urine test per week. Costs may be able to be contained, however, if specially trained aides, rather than the college-degreed and counseling-trained probation officers, can do the testing.

But this probation modification effort is by no means the whole picture regarding ongoing efforts to make the criminal justice system more effective at reducing recidivism. All of the parties in the criminal justice system — the courts, probation, corrections, parole, defense, prosecutors and service and treatment providers — have embarked on an ambitious statewide effort.

This approach uses proven "best practices" to more accurately assess offenders to identify their most serious crime-causing attributes. Tested and proven techniques are being learned by probation, parole and public-safety social workers to more effectively work with offenders, and then offenders are matched with already good and still improving treatment programs. This huge interagency effort is a great example of a collaborative approach to reduce recidivism.

In our small island community, we have a great opportunity to work together and make Hawai'i a safer and better place to live. We can, should and must do no less.

Steven S. Alm is a Circuit Court judge and chair of the Interagency Council on Intermediate Sanctions. He wrote this commentary for The Advertiser.