



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Mark Peterson, District Attorney  
Date: March 3, 2015

Subject: APPLY FOR AND ACCEPT THE FEDERAL DEPT. OF JUSTICE "SWIFT, CERTAIN AND FAIR" GRANT

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the District Attorney, or designee, to apply for and accept the Federal Department of Justice "Swift, Certain and Fair" grant in an amount up to \$400,000 to replicate the concepts behind Hawaii's Opportunity Probation with Enforcement (HOPE) program for the period October 1, 2015 through September 30, 2017.

**FISCAL IMPACT:**

Up to \$400,000, 100% Federal. The grant request for proposals does ask for a voluntary, in-kind or cash match of 25%; however, it is not a requirement.

**BACKGROUND:**

Hawaii's HOPE program, which started in 2004, was one of the first successful large-scale implementations of swift-and-certain sanctions. The HOPE model was designed by Judge Steven Alm in response to what he considered to be a failure of the

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I  
Supervisor  
Candace Andersen, District II  
Supervisor  
Mary N. Piepho, District III  
Supervisor  
Karen Mitchoff, District IV  
Supervisor

ABSENT: Federal D. Glover, District V  
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 3, 2015

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Tom Kensok, (925)  
957-2220

cc:

## BACKGROUND: (CONT'D)

status quo to effectively change the behavior of their primarily methamphetamine-using, moderate-to-high risk probationers. Compared to its predecessors, the HOPE program dramatically improved the swiftness and certainty of sanctions delivered by the Hawaii criminal justice system by adding regular random drug tests; delivering sanctions within days of the detected violation; and imposing short-term jail stays as sanctions (sometimes as short as 3 days).

By addressing every violation of program participants and responding quickly, HOPE sent a consistent message to probationers about personal responsibility and accountability. The program reflected the research about deterrence that certain punishment for a probation violation will influence future offending behavior. It also increased the likelihood of compliance by imposing consequences that are relative to the offense and consistently applied. The program's success depended on streamlined judicial processes and careful coordination and collaboration between the courts, probation, law enforcement, and treatment providers. The program minimized delays within the court system by expediting the reporting of dirty tests, the scheduling of court hearings, and the issuance of bench warrants to absconders. In addition, cooperation with law enforcement agencies ensured that bench warrants were prioritized and served within days.

The outcomes of a 2009 evaluation of Hawaii HOPE (Hawken & Kleiman, 2009) showed that close monitoring of probation conditions—coupled with swift and certain responses to detect violations—improved compliance with terms of probation and enhanced desistance from drug use. Specifically, about half of the HOPE probationers never tested positive after their initial warning hearing (and didn't require a sanction). Furthermore, when compared to the control group after one year, HOPE probationers were:

1. 55 percent less likely to be arrested for a new crime
2. 72 percent less likely to use drugs
3. 61 percent less likely to skip appointments with their supervisory officer
4. 53 percent less likely to have their probation revoked

As a result, HOPE probationers served 48 percent fewer days in prison, on average, than the control group (Hawken & Kleiman, 2009).

The District Attorney's Office hopes that we can bring this successful model to Contra Costa County through this grant opportunity.

## CONSEQUENCE OF NEGATIVE ACTION:

The District Attorney will not be able to apply for and accept the grant.

## CHILDREN'S IMPACT STATEMENT:

No impact.