

# NISKANEN C E N T E R

## THE NEED FOR INCREASED FUNDING FOR HOPE/SCF

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### Summary

Swift, Certain, and Fair (SCF) is a set of principles applied to behavior management in a variety of criminal justice settings, especially probation, parole, and other types of community supervision, as well as jails and prisons. Programs using SCF models have improved compliance, helping criminal-justice-involved people stay out of prison, qualify for parole, and/or fight substance abuse. Grants for implementation and evaluation of HOPE/SCF-based programs have been issued through BJA for almost a decade to dozens of recipient agencies, and expanding the funding and scope of these grants will allow for more applications, better research, larger-scale programs, and longer-term support for existing programs.

## Key Findings

Various SCF-based programs, like the HOPE program in Hawaii, have yielded encouraging results:

- HOPE participants were 55% less likely to be arrested for a new crime, 72% less likely to use drugs, and 61% less likely to miss a supervision appointment.<sup>1</sup>
- The BJA-funded HOPE Demonstration Field Experiment (DFE) was not as successful, underscoring the importance of tailoring SCF implementation to local needs.<sup>2</sup>
- Michigan's Swift and Sure Sanctions Probation Program was shown to reduce recidivism and returns to confinement among people on probation, saving the state \$1,300 per participant.<sup>3</sup>
- Participants in Washington State's Swift and Certain program were found to have 30% reduced odds of a subsequent violent felony conviction, and their odds of confinement were reduced by roughly 20% in the 12 months following reentry.<sup>4</sup>

## Recommendations

The Department of Justice, through BJA or other agencies, should expand funding for HOPE/SCF to:

1. Allow state and local agencies to apply SCF principles to meet broader goals and serve more types of clients, including:
  - a. Incarcerated people
  - b. People with records that include domestic violence and other violent crimes.
2. Encourage grantees to improve evidence of program effectiveness by:
  - a. Requiring grantees to work with (and paying for) evaluation partners,
  - b. Stipulating best empirical practices in research design,
  - c. Directing funds to be used for improved data collection and management, and
  - d. Reevaluating data from past programs.
3. Enlarge programs beyond the scale possible under current project budgets in order to:
  - a. Improve the rigor of evaluations, and
  - b. Allow more potential participants to benefit from promising interventions.
4. Extend the lifespan of programs that have been found effective by:
  - a. Extending funding for previously funded programs that have demonstrated value,
  - b. Assuring continuity so that participants are not cycled on and off HOPE/SCF, and
  - c. Encouraging existing programs that have been evaluated but have not previously received federal funds to apply for them under HOPE/SCF RFPs.

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1. Hawken, A., & Kleiman, M. A. R. (2009). "Managing Drug-Involved Probationers With Swift and Certain Sanctions: Evaluating Hawaii's HOPE. Evaluation Report" NCJ 229023. National Institute of Justice.

2. Lattimore, P. K., MacKenzie, D. L., Zajac, G., Dawes, D., Arsenault, E., & Tueller, S. (2016). Outcome findings from the HOPE demonstration field experiment: Is swift, certain, and fair an effective supervision strategy?. *Criminology & Public Policy*, 15(4), 1103-1141.

3. DeVall, Kristen E., Christina Lanier, and LaQuana N. Askew. 2017. "Intensive Supervision Programs and Recidivism: How Michigan Successfully Targets High-Risk Offenders." *Prison Journal* 97(5):585-608.

4. Hamilton, Z., van Wormer, J., Kigerl, C., & Posey, B. (2015). Evaluation of Washington State Department of Corrections (WADOC) Swift and Certain (SAC) Policy Process, Outcome and Cost-Benefit Evaluation.

## Swift, Certain, and Fair

Hawaii's Opportunity Probation with Enforcement (HOPE) program popularized Swift, Certain, and Fair (SCF) principles and spurred their adoption nationwide. Since a rigorous evaluation first found HOPE to be a success in 2009, dozens of state and local agencies have implemented programs that incorporate SCF and other aspects of HOPE into the management of people who are under community supervision or in custody. Much of this work has been federally funded. SCF is not a one-size-fits-all program, but rather a set of standards that agencies can adapt to the needs of their clients. The many, diverse iterations of HOPE/SCF have yielded varied and sometimes conflicting research findings. More work is needed to determine the extent to which HOPE/SCF can continue to improve the lives of people under community or custodial supervision. Proposals by members of Congress, such as those by Sen. Brian Schatz (D-HI), may lead to expanded appropriations for HOPE/SCF initiatives and deepen public support for them. This brief describes the research background behind HOPE and SCF more broadly and suggests the problems that new funds might be used to solve.

Swift, Certain, and Fair (SCF) is a set of principles applied to behavior management in a variety of criminal-justice settings, especially probation, parole, and other types of community supervision, but also jails and prisons. SCF strategies are meant to modify the behaviors of individuals by applying responses that:

1. Closely follow the behavior in question, in order to strengthen the psychological association between the act and the consequence (swift);
2. Are entirely predictable to the subject of the response (certain); and
3. Are consistent and proportional to the cause, with the lowest level of coercion necessary, so that all parties accept the justness of the response (fair).

Responses are negative consequences for misbehaviors and rewards for accomplishments and prosocial behaviors. SCF is premised on the idea that modest but prompt and consistent responses can encourage prosocial behavior more effectively than extreme but delayed or unpredictable ones. By reducing re-offending at a relatively low overall level of punishment, SCF strategies can contribute significantly to reducing levels of mass incarceration. SCF principles were implemented in Hawaii's Opportunity Probation with Enforcement (HOPE), which began on Oahu in 2004. Hawaii's program demonstrated good results in reducing drug use and recidivism among probationers, and it, along with the principles of SCF, have proliferated nationwide, though most current programs that explicitly apply the SCF principles upon which HOPE was built deviate significantly in design from Hawaii's version.

In response to the success of HOPE in Hawaii and other SCF programs, the Bureau of Justice Assistance (BJA) has provided a series of annual funding opportunities for implementation and evaluation. The FY 2021 solicitation offers a total of \$4.2 million in grants to directly support state and local HOPE/SCF-based programs and \$500,000 to provide training and technical assistance to grant recipients for a year. *Expanded funding could improve HOPE/SCF practices and program outcomes by allowing programs to serve broader goals and populations; undergo more-rigorous evaluations; include more people; and run for longer lifespans.*

## The HOPE Program

HOPE is the best-known program to apply SCF principles, and the terms “HOPE” and “SCF” are sometimes used interchangeably. SCF principles can be applied in many contexts, and the programs that implement SCF vary considerably by design and purpose. By contrast, HOPE is a specific program that has demonstrated value in some but not all applications. The mixed results gleaned from various evaluations of HOPE have made some practitioners hesitant to adopt SCF principles. This hesitance stems from an understandable preference for programs and policies based in scientific evidence (the principle behind “evidence-based practices”). Evidence of good SCF outcomes is often disregarded because of this confusion of terms. SCF is a set of principles based in evidence and applied in many different ways; HOPE is a particular program that has shown good results in some contexts. To the extent possible, the terms should be separated.

Hawaii’s HOPE program was the product of collaboration among the court, the probation department, police, prosecutors, the defense bar, and service providers in the community. HOPE was initially intended only for recalcitrant probationers. It contrasted with standard probation in Hawaii (“probation-as-usual”), which typically entails few intermediate sanctions between frequent-but-toothless warnings and terminal revocations to prison. HOPE’s designers intended to reduce an intolerably high revocation rate among probationers who used methamphetamines. Supervision under HOPE began with a warning hearing in which a trial judge explained the rules to which participants would be subject. Conditions were simple to follow, and rules were few: no drug use, no missed appointments, and no new crimes. From that point forward, a positive drug test or missed appointment was met with an immediate hearing and a brief period of confinement. Dismissal from the program (i.e., revocation and return to prison) was reserved only for the most serious violations. Typical sanctions were modest but fastidiously applied when violations were detected. The court’s response would be utterly predictable, but sanctions would not be crippling to employment, family, or community relationships. This shift has been described as making a probation violation less like a speeding ticket and more like a library fine, i.e., moving away from severe sanctions rarely imposed to a near-certain penalty that hurts, but only just enough. The new system altered clients’ decision-making calculus; they were able, some for the first time, to recognize that their own behavior was causing the sanction, not a twist of fate or a hostile authority figure.

HOPE worked strikingly well. Evaluators found that only 10 percent of participants were referred to further drug treatment due to continued use, and 61 percent had no positive drug tests at twelve-month follow-up. Similarly, participants were less likely to commit new crimes. After twelve months, participants were, compared to those on regular supervision, 55 percent less likely to be arrested for a new crime, 72 percent less likely to use drugs, 61 percent less likely to miss a supervision appointment, and 55 percent less likely to have their supervision revoked. Participants spent, on average, 48 percent fewer days in confinement than regular clients. Incidents of detention were higher among HOPE participants, but overall duration of detention was lower. As state and local authorities sought ways to reduce prison populations that were bloated by probation and parole violators, HOPE’s SCF principles became a popular model.

## Gaps in Knowledge

Evaluations of the effectiveness of HOPE and other SCF-based programs funded under the BJA grant mechanism have been hindered by several problems that might be solved with additional funding. How broadly applicable HOPE and SCF principles are remains an open question that should be answered.

The original HOPE program enjoyed several advantages inherent to Hawaii, the effects of which invite further study. Agencies involved in HOPE readily shifted structural elements of probation to accommodate the program, and probation officers in Hawaii had already received special training in cognitive behavioral therapy and motivational interviewing that might have made them especially suitable facilitators of the program. HOPE entailed strong integrity of implementation and interagency cooperation and required a level of constant predictability that is challenging to achieve in most criminal-justice contexts. The importance of these advantages is difficult to measure, which complicates evaluations of HOPE/SCF in other jurisdictions.

Hawaii's HOPE program was narrowly tailored to the needs of people who had repeatedly relapsed into methamphetamine use while on probation and for whom incarceration, largely in mainland prisons, was the alternative to program compliance. Among this specific population, HOPE proved tremendously effective. A six-year follow-up evaluation still judged HOPE to be better for participants than standard probation, though the program's effect on compliance shrank as more types of noncompliant probationers were diverted into HOPE supervision, which suggests that HOPE/SCF does not work equally well for all populations. (HOPE had undergone other significant operational changes by the time of the follow-up, which may also account for the diminished treatment effect.)

In 2011, BJA funded the first large-scale replication of HOPE, called the HOPE Demonstration Field Experiment (DFE).<sup>5</sup> A technical-assistance team monitored HOPE-based programs in one county in each of four states, enforcing strict fidelity to the original model (this was challenging, but fidelity was generally good). The DFE program sites were allowed little room to customize HOPE to fit local needs. A research team found, unsurprisingly, that HOPE did not function uniformly well across all jurisdictions. Among the four states, the only consistent advantages HOPE demonstrated compared to standard probation were fewer positive drug tests and fewer drug crimes committed. Exact *replication* of HOPE is neither realistic nor beneficial. Rather, more research is needed to determine which aspects of HOPE/SCF are fundamental and which must be calibrated to population and location.

## Opportunity 1: Broader Goals and Populations

SCF principles have been applied to behavioral management by community-supervision agencies, corrections departments, prosecutors, and courts. Hawaii's program was targeted toward people on probation, and thus benefited from the involvement of the courts, but HOPE/SCF-based pro-

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5. Lattimore, P. K., MacKenzie, D. L., Zajac, G., Dawes, D., Arsenaault, E., & Tueller, S. (2016). Outcome findings from the HOPE demonstration field experiment: Is swift, certain, and fair an effective supervision strategy?. *Criminology & Public Policy*, 15(4), 1103-1141.

grams have demonstrated success in a variety of contexts. Many SCF-based programs that diverge from HOPE's design are not eligible for BJA's SCF funds; expanding eligibility would allow greater experimentation with programmatic goals and populations served.

SCF programs are more successful when each agency sets their own programmatic goals. Most recently, the New Jersey State Parole Board implemented an SCF-based program aimed at reducing opioid overdose among people recently released from prison. Evaluators conducted a randomized controlled trial and found that SCF participants were less likely to be returned to prison in the crucial first year after release, allowing them to receive intensive treatment and services in the community.<sup>6</sup> Despite the additional monitoring required, HOPE/SCF programs may offer cost savings, a goal of many agencies. Michigan's Swift and Sure Sanction Probation Program was shown to reduce recidivism and returns to confinement among people on probation, saving the state approximately \$1,300 per participant.<sup>7</sup>

HOPE/SCF can also be tailored for people in prisons or people with more-serious criminal histories, and future federal funding should explicitly encourage these applications. The Pennsylvania Department of Corrections implemented an in-custody SCF program, which was evaluated and found to reduce violations, improving participant chances of receiving parole.<sup>8</sup> Most HOPE/SCF programs have focused on participants with substance-use problems or who are otherwise deemed to pose only moderate risk to public safety in their communities, but SCF principles have gradually expanded to programs focused on populations with violent criminal histories. The Community Corrections Division of the Washington State Department of Corrections implemented their HOPE-based Swift and Certain (SAC) policy in 2012 to explicitly serve a broader population of supervised individuals than Hawaii's program, and results have been strong.<sup>9</sup> The SCF program in DeKalb County (Ill.) has always accepted clients who have histories of domestic violence, when appropriate, and they have since expanded to include people with other violent convictions. Agencies in jurisdictions in Georgia, Ohio, and New York are piloting programs that are directed toward individuals convicted of violent crimes. Federal funds should be increased to support this expansion of the goals and groups to which SCF principles can be applied.

## Opportunity 2: Better Research

BJA's HOPE/SCF-funding mechanism has allowed modest progress toward the goal of determining which applications of SCF work most consistently, but with stronger requirements and support for rigorous research practices, more useful evidence might be produced. The SCF Resource Center (soon to be renamed the "HOPE Institute") has provided training and technical assistance to practitioners in 21 states, Indian nations, and territories, which have received a total of \$18,869,623 in funding to implement and evaluate HOPE/SCF-based programs.<sup>10</sup> Over the seven funding cycles during which these grants have been available, requirements for evaluations of program effec-

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6. Report forthcoming

7. DeVall, Kristen E., Christina Lanier, and LaQuana N. Askew. 2017. "Intensive Supervision Programs and Recidivism: How Michigan Successfully Targets High-Risk Offenders." *Prison Journal* 97(5):585-608.

8. Hawken, A. (2016). All implementation is local. *Criminology & Pub. Pol'y*, 15, 1229.

9. Hamilton, Z., Campbell, C. M., van Wormer, J., Kigerl, A., & Posey, B. (2016). Impact of swift and certain sanctions: Evaluation of Washington State's policy for offenders on community supervision. *Criminology & Public Policy*, 15(4), 1009-1072.

10. <https://bjaojp.gov/funding/awards/list>

tiveness have varied and have generally not been prescriptive. The current request for proposals (RFP) includes funding for a year of evaluation activities but does not stipulate best practices for research design, nor does it compel jurisdictions to work with a research partner to collect and analyze data on program participants. While expanding the adoption of promising practices is laudable in itself, without compelling evidence of effectiveness, agencies often scrap HOPE/SCF programs when grant funding expires. More importantly, their effort leaves no rigorous evidence for others to follow in designing their own programs.

Agencies are aware of deficiencies in their data-collection practices, which are endemic in the criminal-justice system. They want to work with external researchers to improve these practices, but the scale of current funding allows them little room for robust research activities. Under the current RFP, grantees receive at most \$175,000 per year for implementation and evaluation and must use a portion of that to pay the salary of a full-time project coordinator. After accounting for indirect costs and costs of implementation, little is left to hire professional evaluators. With increased funding, grant recipients might be expected to follow more defined research practices, which would yield more useful knowledge about the effectiveness of HOPE/SCF. By requiring agencies to follow experimental designs, BJA can encourage the collection of the evidence necessary to define evidence-based practices.

Alternatively, a separate funding mechanism might be established to support SCF research practices. BJA is traditionally a programmatic rather than a research funder. The National Institute of Justice and National Institute of Corrections could administer research grants to evaluate SCF programs, both those funded by BJA and those funded by states, localities, and foundations. Given the mixed record of evaluative design thus far, funds might also be allotted to reevaluate data derived from past programs.

### Opportunity 3: Bigger Programs

The current level of funding has also limited the size of programs that agencies are able to implement. Agencies that serve large populations have been particularly reluctant to apply for SCF funding under past mechanisms because the maximum possible budget is too small to make a difference in their capabilities.

This limitation in size is troubling for at least two reasons. First, the worth of smaller programs is simply more difficult to discern. Researchers can best judge the effects of a program on a population by contrasting the outcomes of the people who underwent the program with those of comparable people who did not. The smaller the group of program participants, the more difficult it is to draw confident conclusions from the outcomes measured. The less confident the conclusions, the less apt practitioners, policymakers, and researchers are to take lessons from the program or expand its scope. Funding one-off studies that yield ambiguous results is an inefficient use of federal funds. Agencies should instead be encouraged to maximize the size of their programs to allow more rigorous evaluations.

Second, HOPE/SCF programs have the potential to do less harm than standard supervision to participants, without undermining public safety. The alternative to HOPE/SCF for many participants is incarceration, which entails a host of negative outcomes, including increased likelihood

of future criminality and decreased life expectancy. Recent evaluations have shown that keeping people out of prison allows them to attain education and job readiness, take advantage of drug and mental health treatment, and build prosocial relationships with their families. Incarceration is also expensive compared to community supervision and diverts resources from other forms of crime prevention. As many people as can be safely supervised in their communities under HOPE/SCF should be allowed to participate, provided they truly need supervision. This could include people who commit technical violations of their supervision and people charged with serious misdemeanors and nonviolent felonies. Should existing programs that serve populations with violent criminal histories continue to show positive results, the scope of HOPE/SCF might be broadened even further. With expanded funding, agencies can place more people on HOPE/SCF supervision, yielding better public safety and improved human development.

## Opportunity 4: Longer Program Lifespans

Over the past twelve years, researchers have produced several strong evaluations of HOPE/SCF-based programs. Funding should follow the most promising evidence collected so far, but evidence collection is limited by the period of project funding and the time allotted for research. Recent HOPE/SCF grants have funded three years of programmatic activities. An awarded agency must spend considerable time at the beginning of a grant period designing their program, developing the logistical framework under which it will operate, and building the relationships among stakeholders necessary to deliver supervision and services to participants. Enrollment into programs is often terminated well before the corresponding grant periods end because agencies do not have the ability to continue the effort and must transition participants to other forms of supervision. As a result, data on HOPE/SCF programs are often collected for a period of less than two years. Given that these programs are justified in part by their ability to alter long-term outcomes, this is too short of a timeframe in which to evaluate effectiveness.

BJA's unwillingness to fund experimental programs beyond a three-year period is understandable. Should a program prove ineffective, extending the project timeline could waste considerable resources. More surprising is how few HOPE/SCF programs received continued funding under subsequent RFPs. Despite promising results, of the twenty-four programs that have been funded by federal awards, only three (Alabama Bureau of Pardons and Paroles, Oklahoma Department of Corrections, and DeKalb County, Ill.) have received further funding to continue operations or expand (a fourth program, run by Ohio Department of Rehabilitation and Correction, received a second grant but used the funds to significantly change operations). This trend is probably driven by the logical inclination among proposal evaluators to spread funding over a variety of jurisdictions and agencies and not create a network of programs perpetually dependent on federal funds. It should be counteracted by creating a special mechanism meant to continue funding specifically for previously funded programs that have demonstrated success through rigorous evaluation but need further funding to become sustainable. These awards should be made available to agencies prior to the end of initial grant periods to allow program continuity.

The federal government can also encourage existing but unfunded programs to apply for aid to extend their program lifespans. Many promising HOPE/SCF-based programs have been implemented and evaluated with funds provided by state governments or foundations. Some of the most successful include 24/7 Sobriety in South Dakota, the Washington Intensive Supervision Program,



and the Pennsylvania Department of Corrections' SCF Custody pilot. Future HOPE/SCF RFPs should allot funds specifically for the extension and expansion of programs that have already been evaluated and judged effective but have not previously received federal funds.

## Recommendations

The Department of Justice, through BJA or other agencies, should expand funding for HOPE/SCF to:

1. Allow state and local agencies to apply SCF principles to meet broader goals and serve more types of clients, including:
  - a. Incarcerated people
  - b. People with records that include domestic violence and other violent crimes.
2. Encourage grantees to improve evidence of program effectiveness by:
  - a. Requiring grantees to work with (and paying for) evaluation partners,
  - b. Stipulating best empirical practices in research design,
  - c. Directing funds to be used for improved data collection and management, and
  - d. Reevaluating data from past programs.
3. Enlarge programs beyond the scale possible under current project budgets in order to:
  - a. Improve the rigor of evaluations, and
  - b. Allow more potential participants to benefit from promising interventions.
4. Extend the lifespan of programs that have been found effective by:
  - a. Extending funding for previously funded programs that have demonstrated value,
  - b. Assuring continuity so that participants are not cycled on and off HOPE/SCF, and
  - c. Encouraging existing programs that have been evaluated but have not previously received federal funds to apply for them under HOPE/SCF RFPs.

## Conclusion

Much is left to learn about the extent to which HOPE- and SCF-based programs can improve outcomes for criminal-justice involved people. Given positive findings from many programs that implement SCF principles, and despite the lessons drawn from the HOPE DFE, the federal SCF grants mechanism should be expanded to allow agencies to serve more goals and more types of clients, conduct better evaluations, host larger programs, and extend the lifespan of existing programs.