

Before Adopting Project HOPE, Read the Warning Label: A Rejoinder to Kleiman, Kilmer, and Fisher's Comment

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Advocates of Project HOPE provide a spirited defense of its potential to improve probation supervision. As with unproven products that affect human lives, however, HOPE should be used only after reading its "warning label" and fully weighing its potential costs and benefits. Five warnings should be considered. Thus, the HOPE model: (1) is promising but unproven and likely applicable mainly to offenders who are tested or monitored for substance use, (2) is based on a correctional theory—specific deterrence—with mixed empirical support, (3) is vulnerable to being corrupted when implemented, (4) will cause probation departments to lose discretionary power and become mere enforcement agencies, and (5) will lead to fewer rehabilitation services for offenders who need them. Let the buyers of Project Hope beware!

PROBATION DEPARTMENTS across the nation must decide what model will guide their supervision of offenders. Every once in a while, a new idea on how best to conduct probation arises. As this idea grows in popularity, the temptation exists to jump on the bandwagon and renovate an agency's methods of offender supervision. The difficulty is that correctional popularity should not be confused with correctional effectiveness. In fact, doing corrections well is a daunting challenge. Not surprisingly, most supposed panaceas do not live up to their billing and do more harm than good (Finckenauer, 1982; Latessa, Cullen, & Gendreau, 2002).

We cannot say with certainty that Project Hope is a mere correctional fad destined to fail. Indeed, if Project Hope emerges as a solid evidence-based approach, it will help

to expand the menu of choices—joining the RNR model—from which probation officials can choose. In fact, corrections is improved if multiple intervention models are available (Cullen, 2012). Still, we have authored a lengthy paper in which we have demarcated our reservations about HOPE's shaky criminological foundation and about its potential ineffectiveness.

We acknowledge, both here and in our original article, that Professor Kleiman and his HOPE collaborator, Angela Hawken, are responsible scholars (an assessment we extend to Beau Kilmer and Daniel Fisher, who have joined Kleiman in commenting on our article). As evaluators of Project HOPE, Professors Kleiman and Hawken share appropriate caveats about the program, such as the need for further empirical tests and the importance of implementing swift-and-certain supervision with high fidelity (see, e.g., Hawken, 2010). Still, they find the evidence favoring Project HOPE—and its underlying swift-and-certain deterrence model—sufficiently persuasive to argue that "HOPE represents an important new model for probation operations" and that the "challenge now lies in reorganizing the criminal justice system to deliver on credible threats" (Hawken, 2010, p. 48). We see matters differently and will leave it to the readers to decide whether Project HOPE offers a legitimate alternative approach to probation supervision, or whether, based on the extant evidence, it offers a false sense of hope for meaningful and lasting recidivism reduction.

Our main concern is that Project Hope has not received sufficient critical scrutiny. Indeed, it was HOPE's growing popularity and seemingly uncritical acceptance that prompted us

to write our essay. Despite the limited data available, HOPE-like programs are springing up across the nation, with 40 such programs in 18 states, and more likely on the way (Pearsall, 2014). Such correctional popularity is dangerous. When consumers of programs confuse popularity with proven effectiveness, they can adopt a program that seems widely supported but in reality is unproven. Unfortunately, corrections has no consumer protection agency. Project HOPE certainly is not snake oil being sold as an elixir for all that ails probation, but we do believe that it should come with a bright warning label listing its potential limitations and risks. Because of these uncertainties, we caution against the adoption of HOPE until more data are available and its full potential costs and benefits are fully weighed.

Correctional "products," especially because they affect human lives, should be marketed with great care. Similar to pharmaceuticals, new program models should be fully tested before being presented as evidence-based and safe to consume. In the least, much as is required in drug advertisements, they should be accompanied by a clear statement of the potential risks that are associated with their use. Such a "warning label" is needed because so many consumers of correctional products do not have the expertise to assess their empirical status. Correctional popularity often operates as a surrogate for such expertise: "If everyone else is doing this, then perhaps it is safe and best for us to do so as well." But popularity is not a substitute for demonstrated effectiveness. In this context, we believe that Project HOPE should come with five important warnings.

First, Project HOPE is a promising but unproven program—especially for non-drug offenders. As scientists, we must admit that we could be wrong and Professor Kleiman and his colleagues could be correct: HOPE might work. But at this point, nobody can say with any certainty that this model will prove consistently effective across diverse contexts and populations. Hawken and Kleiman's (2009) evaluation study is suggestive but not definitive. Offenders were not followed after release from probation, so no long-term effects could be demonstrated. Further, the focus was on drug-involved offenders, whose violations could be ascertained through an easily administered, foolproof test. There is no such test to detect whether a probationer has secretly committed a theft or carried a firearm. Accordingly, it is difficult to see how punishment for these and similar probation rule infractions would meet with certain or swift sanctions and thus how this model would work with other types of offenders.

Second, the evidence behind deterrence-oriented programs is mixed. Our article has reviewed why deterrence theory is limited, if not flawed, and pointed out that the empirical status of specific-deterrence programs in corrections is inconsistent. We might also note that multivariate studies with appropriate control variables often find that the effects of perceived certainty are modest and vary by offense type (Paternoster, 1989; Pratt, Cullen, Blevins, Daigle, & Madensen, 2006). By contrast, Professor Kleiman and his colleagues are able to cite research in favor of the swift-and-certain approach, and, admittedly, some success using graduated sanctions, especially with drug-tested offenders, has been achieved. But failures in implementation and in reducing recidivism have occurred as well. We suspect that future evaluations of programs built on the HOPE model will also yield, at best, mixed results. Our point: Project HOPE is no sure bet to work and improve probation supervision.

We are especially concerned that Project HOPE is being presented as a general model for probation supervision when it may be suited only for substance-abusing offenders who can be given drug tests or alcohol monitoring devices. Most of the positive evaluation results for the swift-and-certain model have been shown for samples of probationers charged with drug offenses or DUIs. But what about those convicted of other crimes or those whose criminality is embedded in factors that extend well beyond substance use? Achieving certainty of detection for these offenders

would depend on increasing the intensity of supervision, an expensive practice that has not been shown to reduce recidivism (Petersilia & Turner, 1993). Further, swift-and-certain theory says little about why offenders will obey the law once they are off probation and no longer subject to any sanctions, swift or otherwise. It is possible that swift-and-certain probation will interrupt offenders' involvement in crime long enough that the extinction of the behavior will occur, making post-probation punishment unnecessary. But psychological research also would predict that the effects of punitive sanctions will attenuate once surveillance is no longer omnipresent and the sanctions are rarely imposed (Moffitt, 1983). In contrast, the rehabilitation model has a decided advantage with regard to sustaining treatment effects: It is oriented to changing offenders so as to reduce the criminogenic risk factors (e.g., antisocial attitudes) that underlie their recidivism not only during but also after probation.

In cautioning against the specific-deterrence approach embraced by Project HOPE, we must reiterate that we are not arguing against the reasonable enforcement of probation conditions (see Taxman, 1998). In this regard, Professor Kleiman and his colleagues note that the HOPE model draws from operant conditioning and cites Gendreau (1996) in support (see also Hawken, 2010, p. 40). And, in fact, Gendreau (1996) does explicitly favor the enforcement of "program contingencies... in a firm, fair manner" (p. 149). But here is where Gendreau—and we as well—differ from the HOPE model. As a co-founder of the RNR model, Gendreau sees contingencies as one of six features (all listed on p. 149 of his 1996 article) that are required for a successful program (e.g., use of intensive cognitive-behavior services with high-risk offenders). That is, enforcing rules is justified from a behavioral perspective only if it occurs within the context of a broader treatment model. His list of interventions that "did not reduce (and sometimes slightly increased) recidivism" included "punishing smarter" programs or those that concentrated on punishments/sanctions, such as... drug testing" (p. 149). Indeed, Gendreau rejects the core component of HOPE: the near-exclusive use of threats and negative sanctions. Instead, he recommends the use of "positive reinforcers" versus "punishers by at least 4:1" (p. 149).

Third, Project HOPE is likely to be corrupted once implemented. Exquisitely designed punishment systems only work if they are

enforced with a high fidelity—a point that Professor Kleiman and his colleagues recognize and call for. HOPE's success requires a restructuring of the criminal justice system so that there is a smooth coordination among judges, prosecutors, probation staff, drug testers, and jailers. This coordination will have to be sustained over a lengthy period of time during which the inventors of the program will be replaced by others who may or may not share their commitment to the system of threats.

Failure is not inevitable if the HOPE system is implemented as intended and then becomes firmly institutionalized—an outcome that Professor Kleiman and his colleagues seem optimistic can occur. Our prognostication is less sanguine. A clear risk exists that the necessary restructuring and coordination either will not be implemented correctly to begin with or at some point in time will become attenuated. The history of corrections teaches us that good intentions and nicely designed models tend to be corrupted and produce a range of unanticipated consequences (Cullen & Gilbert, 2013; Rothman, 2002). One challenge is that punishment fatigue will set in; it takes a lot of effort among a lot of system personnel to apply swift-and-certain sanctions day in and day out for years on end. Further, is it possible to keep punishments "fair"—that is, not severe but lenient—when the impulse to get tougher is ever-present in corrections? Many judges are former prosecutors and are elected officials in conservative counties. They may embrace severity because they believe it works or because it is politically expedient to do so. One or two heinous crimes committed by offenders given "only" two days in jail for a probation violation could evoke a call for severity. Put another way: Punishment-oriented systems almost always get harsher as time passes.

Fourth, Project HOPE will cause probation departments to lose power and become mere enforcement agencies. Discretion in the justice system never vanishes, but rather is reallocated. Importantly, Project HOPE is a model that seeks to take discretionary powers away from probation departments and to relocate them in a judge-controlled system of standardized sanctions. Probation officers would now make few decisions about offenders and, at best, would deliver services only if part of a specialized unit called in to give "triage" to poor-performing supervisees. In a sense, probation would become another form of policing, in which the job involves

surveillance and detection as part of a swift-and-certain punishment apparatus.

The point is that assessing Project HOPE is not just about program evaluation studies but also about how this model will justify an organizational restructuring that may change for the worse the nature of probation and redistribute power to the front end of the justice system. It is difficult to find an instance where moving discretion from treatment-oriented correctional staff to legally oriented judges and prosecutors has proven a progressive reform (Cullen & Gilbert, 2013; Rothman, 2002). Our final warning builds on this observation.

Fifth, Project HOPE will likely lead to fewer rehabilitation services for offenders who need them. Let us be clear: Professor Kleiman and his colleagues are not proposing a reduction of treatment services. They would instead argue that these services can be targeted to those offenders whose behavior (e.g., failed drug tests) shows that they need them. This prudent allocation of services could occur. But, again, the history of corrections suggests it will not. Giving punishment a priority invariably leads to a de-emphasis, if not to a rejection of rehabilitation. And, in the end, Project HOPE is a system of threats and punishments. They may be delivered in a swift-certain-fair way, but they are still punishments intended to scare offenders straight. When funds grow scarce—as they inevitably do on occasion—available resources will be allocated to ensure punishment at the expense of the now-secondary goal of offender treatment. Over time, the commitment to human services will grow weaker as staff members are hired for their enforcement rather than for their treatment capabilities. The steady movement away from rehabilitation will create a meaner and, we believe, less effective form of probation.

If asked, we would not recommend that probation departments adopt Project HOPE. Instead, we believe that there is far more evidence in favor of probation that is informed by core correctional practices and the RNR model. This approach would involve risk-needs assessment, building quality relationships with offenders, using cognitive-behavioral techniques and motivational interviewing when meeting with offenders, and focusing the most effort on the highest-risk offenders. The

use of contingencies—swift, fair, and certain—might well be integrated into a supervision framework, but their use must involve a higher ratio of positive reinforcers to punishers. Shaping behavior through punishment yields only short-term compliance and does little to teach offenders the skills necessary for sustained behavioral change. The emphasis must be on teaching offenders what to do, not just what not to do. We would also recommend using the Correctional Program Assessment Inventory as a valid tool to ensure agency fidelity to appropriate intervention (Andrews & Bonta, 2010).

We will close with the question that we initially posed: Does Project HOPE offer a new model for probation or only false hope? Answering this question definitively will require the publication of a number of evaluation studies and studying over the long term whether even quality swift-and-certain punishment programs can maintain a high degree of fidelity in the face of personnel turnover, punishment fatigue, and a changing political context. Our goal was to bring a cautionary voice into the conversation—to alert probation officials and staff that an appropriate measure of skepticism about the project's popularity was warranted. If nothing else, we trust that we have provided a useful warning label that jurisdictions can consider before adopting Project HOPE as their guiding model of probation. Such an important consumer choice should not be a matter of “letting the buyer beware,” but rather be carefully informed and undertaken after all risks and alternatives are considered.

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