



# Criminal Justice Knowledge Bank

An initiative of the Division of Criminal Justice Services



## Monroe County: Swift, Certain & Fair Program

### Practitioner:

Monroe County Office of  
Probation and Community  
Corrections

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### Program Started:

January 2016

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### Summary:

Monroe County's Swift, Certain and Fair program combines frequent, individualized and meaningful incentives with immediate, consistent, and proportionate sanctions to address gun violence committed by young offenders.

### Problem

Gun violence involving young offenders is a significant public safety concern in Monroe County. Over a four-year period from 2012 to 2015, an average of 392 individuals between the ages of 16 and 24 were arrested each year on criminal possession of a weapon charges. The number of shooting victims during the same time frame was also high, averaging 100 victims a year.

### Program Description

Monroe County Probation and its partners created the Swift, Certain and Fair Program to address gun violence committed by younger offenders. This program combines frequent, individualized and meaningful incentives and immediate, consistent and proportionate sanctions. Participants who successfully progress through the program receive rewards, such as curfew extensions. Alternatively, consequences for non-compliance include sanctions ranging from a verbal reprimand to a jail sentence, depending on the severity of the non-compliance.

The Monroe Crime Analysis Center identifies arrestees ranging from 16 to 24 years old as potential program participants, and a team of representatives from Probation, the Rochester Police Department, the

Monroe County District Attorney's Office and the State Supreme Court, reviews each potential participant to determine their eligibility for the program. When screening participants, the team considers individuals who: score as high-risk on a risk assessment tool; have a current or prior arrest or conviction for a felony or weapon-related offense; are currently being charged with a felony; are gang involved; have previously not complied with terms of community supervision; are unlikely to succeed solely under probation supervision; or are facing a prison sentence.

The program is designed to have a capacity of no more than 18 participants and last for one year. As of February 2019, 16 high-risk offenders are currently active in the program.

At the time of admission to Swift, Certain and Fair, a dedicated judge explains how it differs from a traditional probationary period and outlines the components of the program, which includes GPS electronic monitoring for the first six months and attendance at educational and vocational training, such as the National Institute of Corrections "Ready, Set, Work!" and Thinking for a Change programs, which are provided by a local non-profit organization or the probation department. During this time, probation

*An initiative of the state Division of Criminal Justice Services, the Knowledge Bank features summaries of promising local programs and practices and provides a platform for criminal justice practitioners to identify potential approaches to address their community's specific public safety issue.*

officers perform intensive case management and supervision by conducting frequent home visits and curfew checks and meeting weekly with participants.

Probationers who complete six months without any serious non-compliance issues move to less restrictive probation for the remainder of the program. Program staff refer those who fail to comply with the terms and conditions of the program to the Swift, Certain and Fair Judge, who imposes a set of graduating sanctions that are proportionate to the severity and frequency of the violation, and are made available to the participant before they enter the program.

As of February 2019, 38 participants have been placed in the Monroe County Swift, Certain and Fair Program since it was established in January 2016. Thirteen participants successfully completed the program, and nine were discharged as a result of new filed criminal charges and other technical violations while in the program. An individual who is discharged from the program for non-compliance typically faces between four and five years in prison.

### **Funding**

The program is supported in part by funding provided through the state's Gun Involved Violence Elimination (GIVE) initiative, which is administered by the state Division of Criminal Justice Services.

### **Relevant Partnerships**

Swift, Certain and Fair is primarily a probation program but relies on partnerships with the Monroe County District Attorney's Office, Public Defender's Office, Monroe Crime Analysis Center, Rochester Police Department and State Supreme Court.

### **Program Reviews or Evaluations**

The Rochester Institute of Technology (RIT) conducted an implementation study on the program in 2017. The study documented program procedures, including eligibility criteria, screening process, and components of the program, such as rewards and sanctions. RIT also collected data on case processing and program outcomes, program meeting attendance and court appearances, and interviewed program participants. RIT is continuing their work and currently conducting an additional review of the program.

### **Supportive Research**

The Monroe County Swift, Certain and Fair Program includes some elements of the sanctions and rewards

system used in [Hawaii's Opportunity Probation with Enforcement Program](#).

Before the Swift, Certain and Fair Program was implemented, researchers working with Monroe County convened a focus group to collect input from probationers on effective rewards and sanctions. Researchers found that probationers were more responsive to rewards that increased freedom, rather than material rewards. As a result, the program offers rewards such as curfew extensions, special permission to travel, and fewer home visits.

### **Critical Success Factors**

Cohesive partnerships are an essential component of the program and should include a dedicated judge, trained probation officers, prosecutors, defense counsel, police and community partner agencies. A single Supreme Court Justice oversees Swift, Certain and Fair cases and makes determinations on probationer misconduct and violations, ensuring a consistent, balanced, and direct response to non-compliant behavior. The Community Partners Committee is key to the Swift, Certain and Fair Program. It includes representatives from Probation, the Rochester Police Department, Monroe County District Attorney's Office, defense attorney offices, State Supreme Court, and local service providers. The committee meets regularly to screen potential participants, review the program model and offer suggestions for continuous program improvement.

### **Lessons Learned**

- Buy-in from prosecutors, defense counsel, local police and probation leadership is essential during program conceptualization. A designated Swift, Certain and Fair Judge is fundamental to the success of the program.
- Initially, Monroe County had difficulty identifying participants. Expanding the eligibility criteria resolved this issue. The current assessment process places less emphasis on criminal history and more on an individual's willingness to comply with the terms of the program.
- It also is important to start with a limited number of participants or pilot group, which helps ensure adherence to the program model, before expanding the program.

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