



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](#)

Joel Root,
Assistant Chief Probation Officer

(585) 753-3300

JRoot@monroecounty.gov

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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 justice-involved youth is a significant public safety concern in Monroe County. Over a four-year period from 2012 to 2015, an average of 392 individuals ranging in age from 16 and 24 were arrested each year on criminal possession of a weapon charges. The number of individuals injured by gunfire during the same time frame was also high, averaging 100 victims a year.

Program Description

In 2016, Monroe County Probation and its partners created the Swift, Certain and Fair Program, housed in the Special Operations Unit, to address gun violence committed by younger individuals (16 to 24 years old). Individuals participate in the program for 12 months and then graduate to standard probation for the remainder of their sentence. The 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.

In 2022, the Monroe County Probation Department expanded the program, identifying arrested individuals ranging in age from 18 to 29 as potential program participants. A team of representatives from Probation, the Rochester Police Department, the Monroe County District Attorney's Office, and 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 involved in a gang; 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 has a capacity of no more than 18 individuals participating for one year.

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, attendance at educational and vocational training, and available cognitive

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.

behavioral interventions that are provided by a local nonprofit organization or the probation department. During this time, probation officers perform intensive case management and supervision by conducting frequent office and home contacts, curfew checks, and collateral contacts.

Participants 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 graduated sanctions. Sanctions are proportionate to the severity and frequency of the violation and participants are made aware of possible sanctions before they enter the program. An individual who is discharged from the program for non-compliance typically faces between two and four years in prison.

Between January 2016, when it was first established, and May 2024, 87 individuals completed the Swift, Certain and Fair program. Sixty-six participants graduated program and served their remaining probation sentence (76 percent). Forty-four of the 66 graduates remained free from incarceration during the remainder of their probation supervision (67 percent).

Monroe County Probation received funding from the Bureau of Justice Assistance in 2022 to support additional staff in the Special Operations Unit and train new officers in the Swift, Certain and Fair model. While all cases under the direct supervision of the Special Operations Unit (high-risk individuals and/or those facing second-degree criminal possession of a weapons charges) are supervised using the Swift, Certain and Fair model, only program participants have a dedicated judge. Three teams of officers apply the Swift, Certain and Fair model to more than 300 cases.

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. Monroe County and the Bureau of Justice Assistance provide additional funding.

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. Community partners include Pathstone, Inc, the Urban League of Rochester, and other providers offering expedited services.

Program Reviews or Evaluations

The Rochester Institute of Technology (RIT) conducted a process and early outcome evaluation 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. Monroe County implemented multiple evaluation recommendations, including expanding the number of active participants by increasing staff and capacity; establishing a clear set of protocols to guide staff transitions into Swift, Certain and Fair roles; ensuring hearings are scheduled during days and times when probation officers can attend; expanding data collection efforts; and modifying some core components to increase success rates for participants, including stepping down caseloads to smaller officer/client ratios than typical large ratios in general supervision caseloads, using electronic monitoring, and providing custom notifications.

Internal probation department data suggests that the 2022 wider-scale implementation of Swift, Certain and Fair supervision model to the Special Operations Unit led to a 7 percent decrease in the rate of individuals arrested with a handgun while under probation supervision when compared to the three-year average of those supervised in that unit.

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

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County convened a focus group to collect input from individuals on probation about effective rewards and sanctions. Researchers found that those individuals were more responsive to rewards that increased freedom, rather than material rewards. As a result of this feedback, 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 officers, and community partner agencies. A single Supreme Court Justice oversees Swift, Certain and Fair cases and makes determinations on individuals' 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.
- The department provides specialized training on the Swift, Certain and Fair model to probation officers who supervise high-risk clients and delivers the training routinely to officers.

Lessons Learned

- Buy-in from prosecutors, defense counsel, local police and probation leadership is essential during program conceptualization. A designated judge is fundamental to the success of the court-based Swift, Certain and Fair 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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