



Swift, Certain & Fair Probation Program in Rochester, New York



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Introduction

Beginning in 2004, Project “HOPE” (Hawaii Opportunity Probation with Enforcement) has gained popularity after its success: about 40 jurisdictions in 18 states have implemented various replications of HOPE with mixed results from the evaluations (Pearsall, 2014). The delivery of swift, certain and fair sanctions in probation was highlighted and supported by HOPE evaluators. Based on a Swift Certain & Fair (SC&F) model, Monroe County Swift Certain & Fair Pilot Program was designed to reduce violence in the City of Rochester and to help change the behavior of 16-25 year olds who are involved in gun related activities.

Hawaii HOPE Probation

What’s HOPE?

In 2004, First Circuit Judge Steven Alm launched a pilot program to reduce probation violations by **drug offenders** and others at high risk of recidivism. This high-intensity supervision program, called **HOPE Probation (Hawaii’s Opportunity Probation with Enforcement)**, is the first and only of its kind in the nation. Probationers in HOPE Probation receive **swift, predictable, and immediate sanctions** – typically resulting in several days in jail – for each detected violation, such as detected drug use or missed appointments with a probation officer.

- **Warning Hearings**
- **Drug Testing Hotline**
- **HOPE Probation Modification Hearings**

HOPE Results

One Year Result

After one year, HOPE probationers were 55% less likely to be arrested for a new crime, 72% less likely to use drugs, 61% less likely to miss appointments with their supervisory officers, and 53% less likely to have their probation revoked than those on traditional probation.

Ten-year Follow-up Result

Subjects assigned to control group slightly more likely to have a new charge (47% vs. 42%), but were significantly more likely to have multiple charges (29% vs. 21%, p= 0.03) than subjects assigned to HOPE. The difference in recidivism between HOPE and control subjects is primarily due to new drug charges.

Swift, Certain and Fair Model Mechanism and Critics



Theoretical Background

- In order for the law to effectively deter offenders it must be executed in a manner that is swift, certain, and just severe enough to outweigh the advantages committing crime (Beccaria, 1819; Bentham, 1823).
- Individuals’ perception of deterrence as a variable that impacts its effect (Erickson, 1977).

Critics:

- Overselling a promising program: “panacea phenomenon”
- Lack of evidence of it’s effect on non-drug-involved offenders

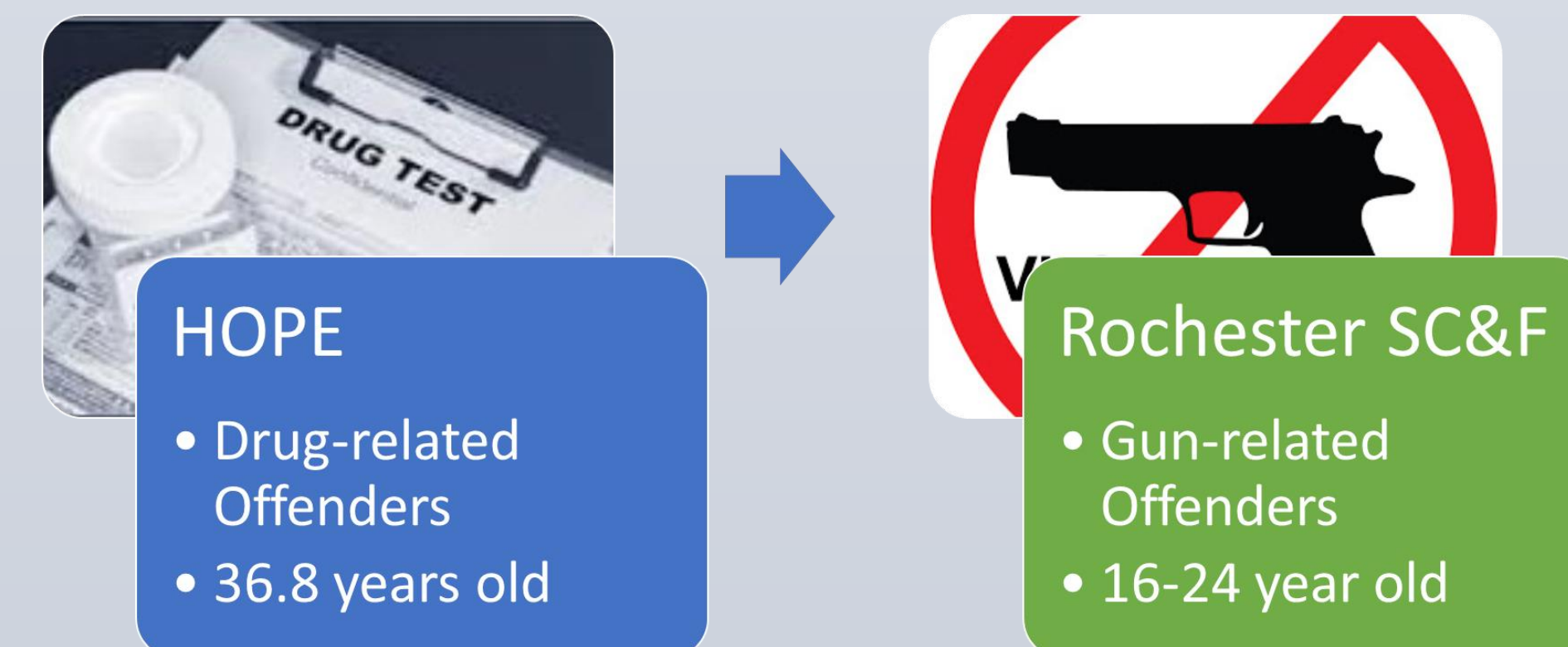
Rochester Swift, Certain and Fair Probation Program

Goal

Monroe County Swift Certain & Fair Pilot Program is designed to **reduce homicide deaths and gun violence** and improve outcomes among **16-24 year olds** occurring in the City of Rochester, targeting the highest crime communities—those specifically located within the City’s areas identified as “hot spots.”

Target Population

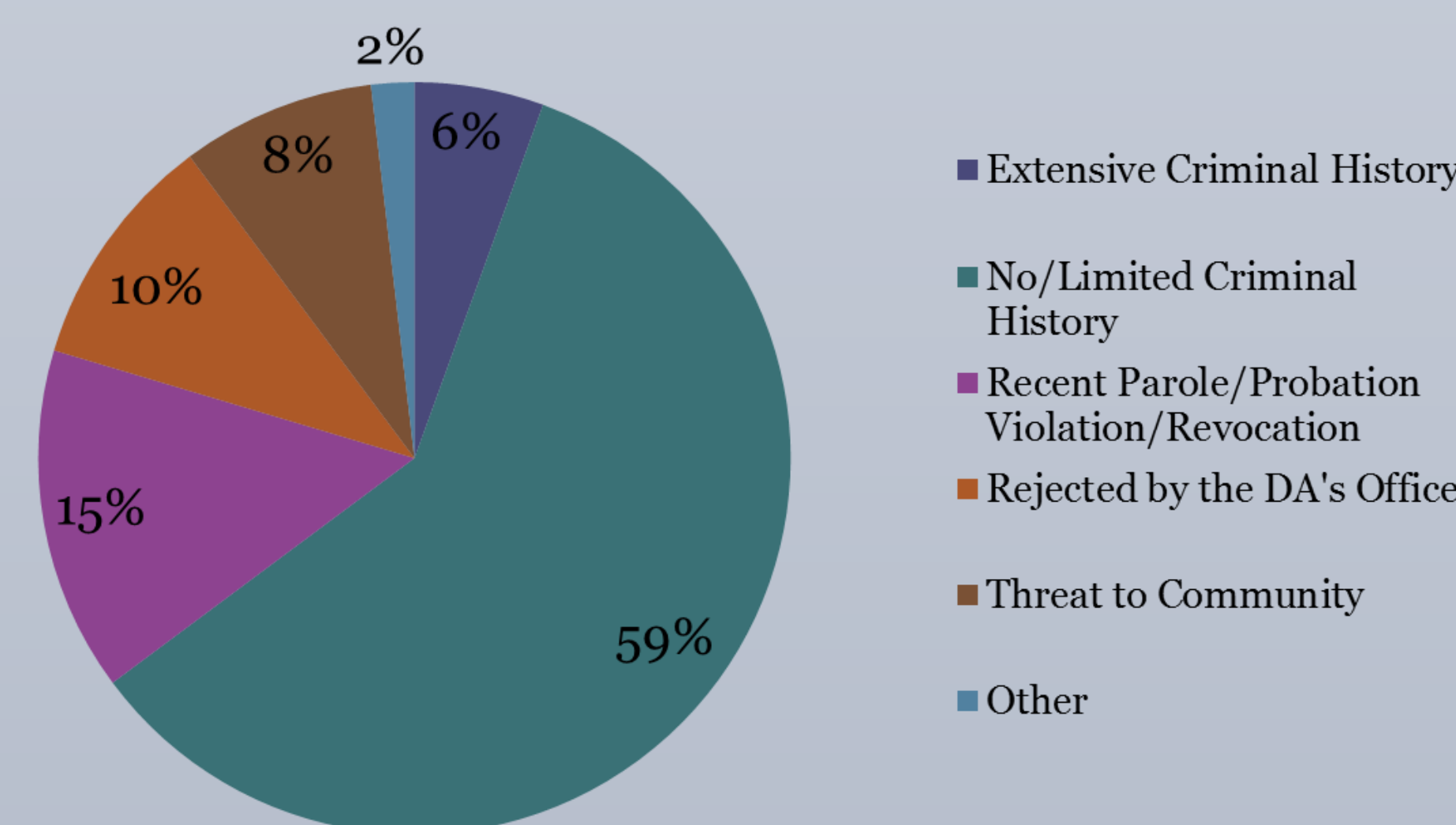
- Highest/Greatest Risk on the New York Correctional Offender Management Profiling for Alternative Sanctions (NYCOMPAS)
- Age: 16-24 Years
- Resident of the City of Rochester and associated with a Designated “Hot Place”
- Violent Felony and Gun-Related Offenses
- Current charge or prior arrest/conviction for Violent Felony Level Charges
- Gang Involved
- Prior Non-Compliance with Community Supervision Family Court Involvement



Process Evaluation Research Findings

- The cooperation between each agency (court, probation, pre-trial, district attorney’s office etc.) set the base for successful implementation. On the other hand, the implementation improved the relationship between each agencies.
- The consistency of stakeholders’ effort affects the quality of the implementation.
- The screening process significantly delayed the development of the program and the original criteria created a potential “parallel” in screened population’s sentencing results.
- The judge’s discretion does not always follow the contract which potentially affects participants’ perception of fairness.
- There’s a need for mental health services for the participants.

Ineligible Population Distribution (n=108)



Participants’ Feedback

- Participants view SC&F as intensive (“thin ice”) but also an opportunity (alternative to prison), but there is a lack of understanding of what the program really is (the meaning of SC&F).
- Probation officers are “trying to help not just giving violation”.
- Participants associate the services they are connected to ((housing, employment, school, medical etc.) with the perception of fairness
- Participants appreciate house arrest/ GPS ankle bracelet monitoring because it helps them stay out of trouble.
- Participants’ expect for a consistent group identity

Basic Stats

- Approximately 1 in 53 adults in the United States was under community supervision at yearend 2015
- On average, about **35%** of probationers fail to complete their probation in the U.S.
- Probation revocation, together with parole revocation are considered the driving factors for U.S growing prison population
- Gang membership and gang associations greatly increase an individual’s gun-related behaviors and risk of victimization by shootings.

References

Bentham, J. (1823). *An introduction to the principles of morals and legislation*, I. W. Pickering

Erickson, M. L., Gibbs, J. P., & Jensen, G. F. (1977). The deterrence doctrine and the perceived certainty of legal punishments. *American Sociological Review*, 305-317.

marchese di Beccaria, C. (1819). *An essay on crimes and punishments*. Philip H. Nicklin

Pearsall, B. (2014). Replicating HOPE: Can others do as well as Hawaii? *National Institute of Justice Journal*, 273, 1-5.

Glossary

Probation: a court-ordered period of correctional supervision in the community, generally as an alternative to incarceration. In some cases, it can be a combined sentence of incarceration followed by a period of community supervision.

New York Correctional Offender Management Profiling for Alternative Sanctions (NYCOMPAS): a broad-based, gender-neutral, risk and needs assessment instrument which assists probation officers and community corrections professionals in making recommendations to releasing and supervising authorities to assist in their decision-making process.