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### Swift, Certain, and Fair: A Pilot Program of the Probation Department in Monroe County, New York

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Swift, Certain, and Fair: A Pilot Program of the  
Probation Department in Monroe County, New  
York

by

Luisa R. Swan

A Capstone Project Submitted in Partial Fulfillment of the  
Requirements for the Degree of Master of Science in Criminal Justice

Department of Criminal Justice

College of Liberal Arts

Rochester Institute of  
Technology Rochester, NY  
May 7<sup>th</sup>, 2019

# RIT

## Master of Science in Criminal Justice

### Graduate Capstone Approval

Student: **Luisa R. Swan**

Graduate Capstone Title: **Swift, Certain, and Fair: A Pilot Program of the Probation Department in Monroe County, New York**

Graduate Capstone Advisor: **Dr. Judy Porter**

Date:

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Luisa Swan

Capstone Literature Review

### **Title of Capstone: Swift, Certain, and Fair**

#### **Introduction**

For my capstone, I will be breaking down some components of the evaluation of the Swift, Certain, and Fair probation program in Monroe County, New York. Monroe County Probation's Swift, Certain & Fair Model Pilot Program focuses on offenders between 16–24 years old who have been arrested on certain gun charges (more specifically, Criminal Possession of a Weapon in the second degree). It is designed to help change the behaviors of those who may otherwise be unlikely to succeed under traditional probation supervision. This model extends the program development and analysis of a program known as HOPE (Hawaii Opportunity Probation with Enforcement). Swift, certain and fair responses to probationers' non-compliant behavior and violations are the essential components of this model, and Rochester program developers modified this basic model suit the purpose of managing high-risk gun-related offenders. The outcome evaluation of Swift, Certain & Fair focuses on how well the program is running and whether the program has been successful in its goal to reduce recidivism and gun violence in Rochester, New York. This capstone will focus more specifically on the theory behind the program, the methodology used for this evaluation along with how the data is collected, and the preliminary results of this evaluation.

#### **Research Questions**

1. Do Swift, Certain, and Fair participants have lower recidivism rates than those not in the Swift, Certain, and Fair program?

2. What is the theory behind Swift, Certain, and Fair and how does it fit into the implementation of this program?
3. What does a good evaluation look like? What could Monroe County do better regarding its implementation of this program?
4. How is data collected for this evaluation? What are some of the general issues with this data collection process?

### **General Sources**

Because this capstone is based on the evaluation of a program that was an extension from another deterrence-based program, there are some sources that will be used in a few of the papers listed. These sources are listed below:

Hawken, A., & Kleiman, M. K. (2009). Managing drug involved probationers with swift and certain sanctions: Evaluating Hawaii's HOPE. Unpublished report by the National Institute of Justice. <https://www.ncjrs.gov/pdffiles1/nij/grants/229023.pdf>.

This is the original Hawaii HOPE study conducted in 2009. HOPE stands for Hawaii's Opportunity Probation with Enforcement. HOPE had outstanding results. This study was a randomized controlled evaluation of HOPE that found when compared to regular probation, HOPE participants had lower levels of drug use, were more likely to comply with probation, and were less likely to be arrested again (Hawken & Kleiman, 2009). This was significant because it determined that the use of swift, certain, and fair sanctions in HOPE was a crucial factor in the operation of HOPE and the reduced recidivism rates Hawaii saw.

This study is useful in most of the working papers conducted for this capstone because it will give context to how Swift, Certain, and Fair was implemented and how this study differs from the HOPE program. In the theory paper, this study will demonstrate the use of Swift, Certain, and Fair sanctions in deterring offenders and how there has been documented success in

this form of deterrence. In the methodology paper, I will discuss how the methodology in this study was not very specific and when looking at many similar deterrence-based program evaluations that were deemed successful, the methodology is not as clearly stated. In the data paper, I will mention how this study collected data compared to how data is collected in Monroe County. Lastly, I will discuss how the HOPE results compare to the preliminary results found in Monroe County regarding recidivism and police contacts.

Bartels, L. (Dec. 2016). Looking at Hawaii's Opportunity Probation with Enforcement (HOPE) Program through a therapeutic jurisprudence lens. *Special Issue - Therapeutic Jurisprudence/ Current Issues in Therapeutic Jurisprudence*, 16, 3, 30-49. ISSN 2201-7275. Available at: <<https://lr.law.qut.edu.au/article/view/678>>. DOI: <https://doi.org/10.5204/qutlr.v16i3.678>.

This article fills the gap between HOPE regarding therapeutic jurisprudence and the program through a solution-focused court, such as drug court. This article examines the Hawaii HOPE study in detail (more than the Hawken and Kleiman study) by examining the program's psychological impact on its participants, which can often be overlooked. Bartels (2016) mentions that the legal actors influence is the most important factor in this type of program regarding therapeutic jurisprudence. Meaning, how the stakeholders work together can have a direct influence on the rehabilitation of offenders, as a result it is closely related to procedural justice and judicial legitimacy. Judge Alm believed that HOPE was a good example of procedural justice because the program is swift, certain and fair. However, one critic of the program mentioned unless the defendant explains the reasoning behind a violation regarding their life circumstances, there will be no legitimacy in the sanctions given.

This article is a great source for all my working papers as it touches on the pros and cons to this program in a clear and concise manner. This article takes this program and breaks all the components down and explores some of the psychological aspects that are needed to be taken

into consideration. In my theory working paper, this article will provide a lot of information on procedural justice in regards to deterrence and whether these swift, certain, and fair sanctions can truly deter an offender from reoffending, In my methodology paper, the different methods that are used in the current evaluation of the Monroe County Swift, Certain, and Fair program will be discussed. The different methods used in the HOPE evaluations will also be discussed. Bartels (2016) does a great job at breaking down the different methodology used in the HOPE study. This article will also be tied into both the data and possibly in the results working paper. Currently with the evaluation, I have observational court data that I can compare to the observations in the HOE study that were mentioned in great length throughout this article,

Botec Analysis. (2018). Swift, certain, & fair: Current swift, certain, & fair programs. Available at: <http://www.swiftcertainfair.com/current-programs/>.

This website is not a peer-reviewed journal article, but it does give insight to many of the Swift, Certain, and Fair programs that have been implemented across the nation. One program that is mentioned on this website is SWIFT. In 2004, SWIFT was implemented in Fort Worth, Texas SWIFT stands for Supervision with Intensive enForcemenT. This program follows the SCF model. Its goal was to have higher compliance rates for participants on probation and to have a lower rate of individuals being sent to prison over a technical violation. SWIFT was like HOPE in that it included warning hearings, a collaborative effort between different criminal justice agencies, and SCF sentences to increase compliance rates (Swift, Certain, & Fair, 2018). One difference between SWIFT and HOPE was that SWIFT was transparent in the sanctions that were going to be given in if there is noncompliance. Another difference is that SWIFT had a progressive sentencing structure. This progressive structure starts with small penalties for initial non-compliance. SWIFT also includes incentives to help change one's criminal behavior and mindset (Swift, Certain, &



Fair, 2018). In the evaluation for SWIFT, it was found that when compared to a matched group, SWIFT probationers had 25% less probation violations and were less likely to recidivate or be arrested again on a new charge (Swift, Certain, & Fair, 2018). SWIFT is one example of a program based in SCF principles rooted in HOPE to find success.

This website will be cited throughout all four working papers to provide more examples of the success that has been found throughout these various programs. However, I will continue to remain critical of these success and counter them with some articles about how replication of HOPE has not been as successful. These programs will be mentioned in various regards for example, in the theory paper it will be used to

### **Working Papers<sup>1</sup>**

*Title #1: Theory behind Swift, Certain, and Fair*

Sherman, L. W. (1993). Defiance, deterrence, and irrelevance: A theory of the criminal sanction. *Journal of Research in Crime and Delinquency*, 30(4), 445-473.

This article examines sanction effects regarding different theoretical approaches. Specifically, the articles go into detail of how defiance theory is found in sanction effects. Sherman outlines three reactions an offender can have to a punishment that was deemed unfair. First, when an offender is poorly bonded, the offender can accept the “label” and stigma that is associated with the sanction. Therefore, there is a decrease in the likelihood that the offender will recidivate. Second, if the poorly bonded offender rejects the “label”, the offender can respond with anger. Thus, the likelihood of recidivism is increased. Lastly, when a well-bonded offender

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<sup>1</sup> This lit review only highlights only one of the sources used for each working paper, but there are many more sources that will be used.

is imposed an unfair sanction and accepts the stigma, the likelihood of recidivism is lowered. The same is true for well-bonded offenders that reject the shame.

This article is useful to me because it doesn't just touch on deterrence theory, it examines labelling theory, strain theory, social control theory, and rational choice theory as possible explanations behind recidivism regarding unfair sanctions. This article attempts to fill the gap between empirical research on sanctions and the theory behind sanction effects. In the Swift, Certain, and Fair program, the sanctions are one of the most crucial components to the program. This article does a good job at highlighting the importance of fair and legitimate sanctions, while maintaining criticism on deterrence theory. Most of the other articles I mention in this working paper will be in support of deterrence theory and the use of fair and certain sentences. I chose to highlight this article because it provides a lot of insight to other factors that need to be taken into consideration with determining sanctions, especially with youthful offenders.

*Title #2: Methodology for the Evaluation*

Lane, J., Turner, S., Fain, T., Sehgal, A. (2005). Evaluating an experimental intensive juvenile probation program: Supervision and official outcomes. *Crime & Delinquency*, 51(1), 26-52.

This article is an evaluation of a juvenile probation program. This evaluation used random assignment to compare those in the South Oxnard Challenge Project (SOCP) to those on routine probation. The goal of the SOCP program was to connect youthful offenders to community service providers to engage them in treatment programs that lead to a path of healing. One finding in this study determined that the additional services provided to the SOCP participants did not influence recidivism. The results of this evaluation showed that there were no significant differences between the experimental group (SOCP) compared to the routine

probationers regarding police contacts. Most of the offenders were rearrested but were not incarcerated long-term.

This article is a great addition to this working paper because there are many similarities to the SOCP and the Monroe County Swift, Certain, and Fair program. For example, both programs instill a strong collaborative effort between community service providers and probation. This is a crucial element to some of the Swift, Certain, and Fair participants that were recommended to go through the Pathways to Change program, drug treatment programs, and mental health programs. This article demonstrates how juvenile probation programs should be evaluated. Unfortunately, in Monroe County, we did not have random assignment, so I will compare how this methodology differs from that used in this evaluation. This can also lead to some suggestions for future replications of this Swift, Certain, and Fair program.

*Title #3: Data Collection and Understanding the Data*

Wiseman, S. R. (2017). The criminal justice black box. *Ohio State Law Journal*, 78(2), 349-402.

This article discusses the need for criminal justice data. This article discusses some of the issues with accessing data and the need for collaborative relationships between criminal justice practitioners and researchers. The article mentions that empirical data is not enough, there needs to be more data collected by those that understand the importance of data and how it can be used for policy reform.

This article is a good source for this working paper because it relates to some of the issues that this project is having in collecting data. One of the key points that is mentioned in this article is that the courts only collect the data necessary to provide a comprehensive picture of some of the problems in the justice system. They also mention that the data is often collected in ununiformed ways and is often inaccessible, this has proven true within Monroe County as well.

This article provides suggestions for better data collection policies and procedures that can help future researchers get the data they need in a more efficient way.

*Title #4: Results*

This paper will focus on the preliminary outcomes that were found during this evaluation. For the actual evaluation survey and interview data will be collected but will not be analyzed for this paper. This paper will examine the comparisons between the interim probation group (the comparison group) and the Swift, Certain, and Fair probationers. This working paper will focus on the differences in imposed sanctions and police contacts between the two groups. Throughout this paper, some of the general sources will be included to demonstrate the differences and similarities that have been found between HOPE and the Monroe County Swift, Certain, and Fair program. This program is the first to try HOPE for gun-related offenses, so it will be difficult to have sources that will directly relate to this program. Bartles (2016; mentioned in general sources) is going to be used frequently in this working paper. This article dives into the observations in the courtroom on the process of the HOPE cases along with some of what is said by the defendants and the stakeholders. This is a component I am struggling with for my research, so I will use the Bartels (2016) article as a resource to compare these observations.

The Theory behind Swift, Certain, and Fair

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## The Theory behind Swift, Certain, and Fair

For all restorative justice programs, there is a theory behind them that is used to help draw buy-in from the stakeholders, so the program can be implemented smoothly. For the Monroe County, Swift, Certain and Fair (SCF) program, that theory is deterrence theory. Deterrence theory has been the model for the implementation of various criminal justice policies and procedures across the United States. This theory leads as one of the most adopted theories for criminology and for analyzing deviant behavior (Tomilson, 2016; Sherman, 1993). This paper will discuss deterrence theory and how it is used to implement different criminal justice programs. As one knows, one theory cannot be the basis for all decision making in a society. Therefore, this paper will include other theories that aid in individual decision making and how these programs work with these alternative factors. Lastly, this paper will discuss specifically, the Monroe County, Swift, Certain, and Fair program and how these different theories are modeled in the program's components.

Deterrence theory was founded by Cesare Beccaria in 1764 from his work entitled *Essay on Crimes and Punishments*. Beccaria argued that individuals base their decisions on what will give them pleasure and avoid pain. Therefore, unless an individual is deterred from doing something deviant, he or she will continue to pursue committing a crime (Beccaria, 1764). Beccaria's deterrence theory is a more specific explanation for decision making. These classical theories believe that punishments should be swift, certain, and fair in accordance with the crime committed. If all of these are given, then it would deter individuals from committing crimes. Beccaria suggests that these sanctions be clearly defined in the laws given to the public to ensure that everyone is aware of the consequences for such actions. Even though deterrence theory was

rooted in Beccaria's work, deterrence theory did not become known until the 1970s, where it was not only used as a theory of criminality, but also as a solution to criminal acts (Pratt et al., 2006).

Deterrence theory has three basic assumptions. The first being that a message is sent to a target group. For example, if one was to steal a large sum of money from a person, the offender would be sentenced to x amount of years in prison because it is wrong to steal from others. Second, the target group must believe the message and perceive it as a threat to their livelihood. Lastly, the third assumption is that the group must take that threat and use it to make a rational decision (Tomilson, 2016; Sherman, 1993). Some may argue that these assumptions cannot always be guaranteed. For example, one may argue that a threat will not always be perceived the same from individual to individual. One individual may perceive a 3-year prison sentence as nothing because to them it may be a way of life. On the other hand, another individual may perceive the 3-year prison sentence as a death sentence. This perception is based off the individual's experiences and the environment he or she lives in. Another argument is that not all people make rational decisions, especially when under the influence of drugs or alcohol. This goes hand in hand with another classical criminal justice theory, Rational Choice Theory (Tomilson, 2016; Sherman, 1993).

Rational Choice theory was created by Jeremy Bentham in 1789 (Tomilson, 2016). This theory claims that all people actively maximize their advantages in a given situation by trying to minimize their losses. In other words, individuals will calculate their benefits and risks in any given situation to form a rational decision. It is said that the decisions that are made can help one better understand the behavior of society (Bentham, 1789). However, there are some theorists that do not believe in rational choice theory. These dissenters argue that individuals do not always weigh out their decisions and that some decisions may be made irrationally (Tomilson,

2016). Therefore, deterrence would not work on these individuals and these individuals would be more likely to become deviant.

Most of the literature regarding deterrence theory and restorative justice surrounds the three main elements: celerity, certainty, and severity of the punishment (Beccaria, 1764). Deterrence theory uses those principles because if one is punished severely and swiftly enough and certainty is high, then they will be less likely to commit the crime in the first place. If the time between the crime and punishment is lengthy, the effect of the deterrent is decreased. This effect is similar when examining the severity of a punishment. If the punishment is not harsh enough, an offender may be more likely to commit crime because he or she would not be threatened by the sanction associated with the crime. This is based off an individual's perceptions of the proposed sanction (Tomilson, 2016). These three elements of deterrence theory were adopted into restorative justice programs across the country starting with Hawaii's Opportunity Probation with Enforcement (HOPE).

### **Hawaii's Opportunity Probation with Enforcement (HOPE) Probation**

Project HOPE started in 2004 in Hawaii to help improve high-risk drug offenders' probation compliance, and to reduce recidivism rates of these drug offenders. This high-intensity supervision pilot program included random drug testing, and the participants' non-compliant behaviors were responded to with swift, consistent, and fair sanctions (Bartels, 2016).

After a participant was enrolled in the HOPE program, Judge Steven Alm gave the participant a warning hearing (Hawken & Kleiman, 2009). During this hearing, the individual received a probationary contract. This contract includes a detailed list of the program rules and expectations that need to be followed carefully by the participant. Project HOPE was one of the



first programs to really have a strong relationship develop between probation and the courts system. This relation was achieved because Judge Alm was a tough yet willing judge that wanted to make HOPE a success. Not only did Judge Alm have a strong relationship with the probation department, but he also developed an impactful relationship with the participants of HOPE. Judge Alm's role was to discuss the importance of compliance and the seriousness of the sanctions resulting from a violation (Winick & Wexler, 2003). The drug court in the HOPE program was unique because it did not make drug treatment a mandatory requirement for probation. In the place of drug treatment, HOPE used mandatory random drug testing as its compliance factor. In the event of an individual's non-compliance, the participant would be sentenced to a court appearance immediately following the notification of the violation. Therefore, a participant that violation their terms of probation, typically, were to appear in court within the week, which would result in a jail sentence of approximately 2-3 days. If the participant had more than one violation, the sanctions imposed would increase in severity (Hawken & Kleiman, 2009).

HOPE also sought to improve issues within the corrections system with the swift, certain, and fair sanctions being imposed on participants (Hawken & Kleiman, 2009). HOPE was based on the premise that offenders will be more likely to comply with the terms of probation, if they are clearly stated along with the consequences for non-compliance. HOPE also promotes compliance by forcing the participant to take immediate responsibility of their actions through the swift court hearings. This also can promote fairness as these sanctions are consistent and known in the terms of the HOPE probation agreement (Hawken & Kleiman, 2009).

HOPE had outstanding results. In 2009, a randomized controlled study of HOPE found that when compared to regular probation, HOPE participants had lower levels of drug use, were

more likely to comply with probation, and were less likely to be arrested again (Hawken & Kleiman, 2009). The use of swift, certain, and fair sanctions in HOPE was an important factor in the operation of HOPE and the reduced recidivism rates Hawaii saw. As a result, Swift, Certain, and Fair, as an innovative approach to community supervision was born and became a popular model across the United States.

In 2004, SWIFT was implemented in Fort Worth, Texas (Swift, Certain, & Fair, 2018). SWIFT stands for Supervision with Intensive enFORCEment. This program follows the SCF model. Its goal was to have higher compliance rates for participants on probation and to have a lower rate of individuals being sent to prison over a technical violation. SWIFT was like HOPE in that it included warning hearings, a collaborative effort between different criminal justice agencies, and SCF sentences to increase compliance rates (Swift, Certain, & Fair, 2018). One difference between SWIFT and HOPE was that SWIFT was transparent in the sanctions that were going to be given in if there is noncompliance. Another difference is that SWIFT had a progressive sentencing structure. This progressive structure starts with small penalties for initial non-compliance. SWIFT also includes incentives to help change one's criminal behavior and mindset (Swift, Certain, & Fair, 2018).

In the evaluation for SWIFT, it was found that when compared to a matched group, SWIFT probationers had 25% less probation violations and were less likely to recidivate or be arrested again on a new charge (Swift, Certain, & Fair, 2018). SWIFT is one example of a program based in SCF deterrence principles rooted in HOPE to find success.

In 2011 Washington Intensive Supervision Program (WISP) was implemented in Seattle, Washington (Swift, Certain, & Fair, 2018). The goal of this program was to examine whether the SCF principles could be a success for high-risk parolees as well as probationers. This difference

was a huge variation on the original HOPE program. However, the WISP coordinators kept fidelity to the original model in most aspects with the help of the original HOPE collaborators (Swift, Certain, & Fair, 2018).

The WISP program differed in a couple other ways from HOPE. One being that WISP supervised individuals for a longer period due to having individuals of a higher risk (Swift, Certain, & Fair, 2018). Many of the WISP clients had drug problems. Heroin addicts posed to be a new challenge for WISP collaborators. Despite these challenges, WISP was still a huge success. Due to this success, WISP was eventually implemented statewide with about 17,000 participants in the program (Swift, Certain, & Fair, 2018).

According to Hawken and Kleiman (2009), Project HOPE was a success. However, many replications of the original study did not find success. According to Duriez, Cullen, and Manchak (2014), Hawaii HOPE produced mixed results. Many HOPE replications do not provide a detailed explanation for their outcomes or a detailed account of the methods used in their evaluations. Leaving some researchers to determine that the original HOPE evaluation cannot be generalized beyond Hawaii. However, why is it that we see so many SCF/HOPE programs being implemented across the nation? Duriez, Cullen, and Manchak (2014) believe that it is due to the overall popularity of the program and its swift, certain, and fair principles along with having a charismatic leader willing to help their community.

After learning of some of the challenges and successes of the SCF program models, Monroe County, New York decided to try and implement a new version of HOPE for violent gun offenders. This program is currently under evaluation as Monroe County's Swift, Certain, and Fair program.

## **Monroe County Swift, Certain, & Fair**

Swift, Certain, and Fair began in Monroe County, New York in late 2015. This program was modeled after the original Hawaii HOPE. However, instead of reducing drug crimes, Monroe County decided to take some of the key components of the deterrence (certainty, celerity, and severity) model that HOPE used, for gun offenses. The goal of this program was to reduce gun violence and recidivism in the City of Rochester, New York.

The Swift, Certain, and Fair program in Rochester, NY consists of a team of dedicated individuals that work together to achieve this goal. The stakeholders involve a designated District Attorney, a Probation Supervisor and Probation Officers, a Police Representative, a designated Crime Analyst, a willing Judge, and Public Defenders. All these stakeholders have very strict positions that assist in keeping this program running.

Swift, Certain, and Fair has a three-part screening process. First, MCAC will send a workup of an individual who was recently arrested on a gun charge. This workup will be emailed to the Commander of RPD along with the probation supervisor, and the ADA. Then, the stakeholders will provide their insight on the individual and give a suggestion on whether the individual should be eligible for SCF. However, if an individual's case needs further thinking, then the case will be examined in the final stage of the screening process. This is an in-person case review meeting held monthly/bi-monthly to go over a specific case in greater detail to determine if the individual is eligible for the program. The screening criteria is as follows:

- No involvement in an ongoing dispute
- No pending charge(s) that involves harm to another
- Previous community supervision experience (with a history of noncompliance)

- Lower to minimum threat to the community
- Gang involvement and/or gang association
- Must be a resident of the city of Rochester
- Must be 16 to 24 years old

If the individual is found to be eligible for the program, they will be given the plea offer with the opportunity to accept or reject the offer. If the participant accepts the Swift, Certain, and Fair deal they will enter a plea agreement with the court. In this agreement the individual must waive their right to trial and admit to committing attempted criminal possession of a weapon in the second degree (Att. CPW2). The participant will then agree to one year of SCF followed by 4 years of probation, if successful. If not successful, then the defendant will face 7 years in prison followed by 5 years of parole. During this one year in SCF, the participant will have to be put on a GPS monitor for three months. The participant will also receive vocational training, education support, mental health/drug treatment, housing support, and may attend support group meetings. Not all SCF probationers receive all the incentives in the program. They are based on the needs of the individual determined by probation.

As mentioned earlier, SCF was implemented in late 2015 making it one of many already implemented SCF programs across the nation. Even though there are documented successes, not every SCF program is a success. Therefore, DCJS and the Monroe County Probation Department partnered with the Center for Public Safety Initiatives to determine whether SCF is effective in reducing gun violence and recidivism rate in Rochester, New York. The researcher hypothesizes if the participant is enrolled in the Swift, Certain, and Fair program, then he/she will have a lower recidivism rate. On the other hand, the researchers hypothesize that if the participant is not

enrolled in SCF, then he/she will have a higher recidivism rate compared to the SCF participants. These hypotheses are driven from what we know about deterrence theory. With the sanctions being swift, certain, and fair, the program should be a deterrent for individuals to commit a gun offense. However, there are many other factors that play into one's decision to commit a crime, such as financial strain, the environment, and the social groups one belongs to.

One of the arguments against deterrence theory mentioned above was that the "threat" of the messages can be perceived differently for everyone. Some people may not view the threat of prison as a severe enough punishment; therefore, they continue to commit crime (Tomilson, 2016). This can be seen in some of the cases of Monroe County SCF participants. For some of these men state that prison is not a bad option for them. For many they know that the sanctions for gun offenses can differ, especially if it is just possession of a weapon and the gun was not actually used. These gun offenders know that these sanctions are not certain by word of mouth from other gun offenders that were not indicted after being arrested on a gun charge. Therefore, the offenders continue to live a life of crime. Even though, the SCF program has been implemented since 2015, the word of program has still not gotten around. Probationers on SCF and those just on regular interim probation are unaware of the program and its intensive supervision. Therefore, this program cannot act as a deterrent to future offenders.

This program does act as a deterrent for some of those in the SCF program. As of March 2019, sixteen SCF participants have completed the program. Only one that has completed the program has been rearrested on a gun charge and is facing a prison sentence. On the other hand, eleven individuals were discharged from the program. Some of these participants cannot stray from a deviant lifestyle. One reasoning for this fall under Merton's Strain theory. This theory suggests that instability in obtaining wealth can lead to obtaining wealth through illegal means

(Merton, 1938; Sherman, 1993). With the SCF participants, many of the men have drug charges as well. These individuals choose to sell drugs in order to obtain money because it is quick, and one can obtain more money than working for a business. Most drug dealers tend to carry a firearm on them in order to protect themselves from being robbed. Throughout the survey process, many of the SCF participants discussed some of the reasons for why they had a gun in the first place. The most common answer was for protection. Because of the strain of needing money to support their family, some of the SCF participants choose to commit a crime because it is quicker and easier than obtaining a job in Rochester. Also, many of the participants choose to live the lifestyle that they do because they do not have a strong support system. Many of the men were not raised in two-parent households. Therefore, there were some gaps in authority figures for those individuals. Most of these men also had friends that were in similar situations. As a result, these men together enter a life of criminality. All of one's support network is in this lifestyle making it hard to change and step away from this life (Agnew, 2010). Therefore, a deterrent such as the SCF program, may not work for these individuals unless they can regain outside support and find new positive social connections.

The Monroe County Swift, Certain, and Fair program is based in deterrence theory as it has swift sanction hearings, the participant knows the sanction he will get if he fails, and the sanctions are proportionate to the crime committed. However, deterrence theory assumes that all threats of punishment will be perceived equally across different people (Beccaria, 1764). This is not true across all people. There are external factors that come into play when deciding to commit crime. One being financial stressors that the offender may face (Merton, 1938). Another being the support network that the individual has and the environment that the offender lives in (Agnew, 2010). These circumstances vary across people therefore their perceptions are all different. For

the evaluation of the SCF program, the researchers will try to account for outside factors through the various data that is collected on each participant.



The Methodology in Evaluating a Swift, Certain, and Fair Program

Luisa R. Swan

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## The Methodology in Evaluating a Swift, Certain, and Fair Program

Research methods are steps to obtain information on an individual or group/population for three potential purposes. The first is to create an explanation of a phenomenon using an underlying theory. The second is to test how a theory applies to a specific subgroup or population. The third is to test the effectiveness of a social policy or program. This third type of methodology will be the focus of this paper (Farrington, 1983; Campbell & Stanley, 1963). In Monroe County, New York, a probation program named Swift, Certain, and Fair (SCF) was implemented as an alternative to incarceration for those with a gun charge. The program focuses on individuals ages 16 to 24 years old that have been recently arrested with a charge of criminal possession of a weapon in the second degree. For this program evaluation, the researchers will take a mixed methods approach. Using mixed methods is a movement that recognizes the importance of incorporating both quantitative and qualitative findings to establish validity paper (Farrington, 1983; Campbell & Stanley, 1963). Qualitative data can consist of observations or interviews that are collected as verbal statements that describe a process and possible outcomes. On the other hand, quantitative data includes pieces of information that is collected in a numerical form. Criminal justice research tends to use qualitative research for theory development and quantitative research for hypothesis testing and program evaluation paper (Farrington, 1983; Campbell & Stanley, 1963). For the evaluation of Swift, Certain, and Fair, the researchers will be using both methods to check each other and ensure that all aspects of the program are reviewed including both the program processes and its outcomes.

The Swift, Certain, and Fair program is based off Hawaii's Opportunity with Probation Enforcement program (HOPE). Project HOPE started in 2004 in Hawaii to help improve high-risk drug offenders' probation compliance, and to reduce recidivism rates of these drug offenders. This

high-intensity supervision pilot program included random drug testing, and the participants' non-compliant behaviors were responded to with swift, consistent, and fair sanctions (Bartels, 2016). HOPE had outstanding results. In 2009, a randomized controlled study of HOPE found that when compared to regular probation, HOPE participants had lower levels of drug use, were more likely to comply with probation, and were less likely to be arrested again (Hawken & Kleiman, 2009). The use of swift, certain, and fair sanctions in HOPE was an important factor in the operation of HOPE and the reduced recidivism rates Hawaii saw. The Swift, Certain, and Fair program used the swift sanctions, and certainty component of this program modified for gun charges instead of drug charges. For the evaluation component, the Hawken and Kleiman (2009) study does not go into great details of the methodology used in their evaluation. This has been the case with many of the Swift, Certain, and Fair programs that have been implemented across the United States. Many state that their program has been successful, but how is that success measured?

This paper dives into the methodology that will be used for the evaluation of the Swift, Certain, and Fair program. The methodology for this program will be compared to the South Oxnard Challenge Project (SOCP). This is a juvenile probation program that connects youthful offenders to community service providers to engage them in treatment programs that lead to a path of healing. This study uses random assignment to evaluate the program and found that the services provided to the juvenile probationers did not have an impact on their recidivism (Lane, Turner, Fain, & Sehgal, 2005). This program is like the SCF program in that it focuses on youthful offenders with intensive supervision including treatment from community service providers. The SOCP evaluation provides a good example of how a probation program should be evaluated.

## **Participants**

Participants in the survey portion of the SCF evaluation includes 30 males ages 18 to 24 years old. Fifteen of these participants have successfully completed or are currently active in the Swift, Certain, and Fair program. The other 15 participants include those that currently participate in or have successfully completed the Nightwatch/Interim probation supervision program. The Nightwatch group are individuals that were candidates for SCF but were deemed ineligible due to something in their criminal history. Therefore, they were sentenced to one year of interim probation with Nightwatch. Nightwatch involves similar components to the SCF program but involves the probation officers making routine nightly checkups to the probationers' residences. However, not all of those that were on interim probation received Nightwatch.

In the SOCP evaluation, the participants were gathered over a 2.5-year period. The participants were ages 12 to 18 and had to have a history of probation along with scoring a 12 on the local risk assessment. The sample consisted of 264 SOCP youths and 275 in the comparison group (Lane et al., 2005). This is a much larger sample size than the one in Monroe County, New York. In the Monroe County Swift, Certain, and Fair program we had only 30 participants due to the low numbers in the program. Swift, Certain, and Fair has only had 39 people in the program over the last three years. With a larger sample size, the researcher can rule out individual errors and outliers to have a more valid outcome analysis.

All the participation is voluntary. The researcher contacted the participant directly to see if he/she would like to participate in the interview/survey. During the interviews of SCF participants and the Nightwatch group some individuals were excluded from the evaluation. For this evaluation we will be excluding those that are under the age of consent. This is due to some issues that may arise with obtaining consent, as some of the participants may not have a relationship with their parents. In the SOCP study, the researchers were able to examine youths

ages 12 to 18 (Lane et al., 2005). If the researchers evaluating SCF were able to sample all the individuals in SCF including those under the age of 18, the sample would have been more representative of the program. This also would have demonstrated the differences in juveniles on probation compared to adults and resulted in a larger sample size for this evaluation.

Data from court, probation, and RPD will be reviewed for all past and active SCF participants. This includes 39 males ages 16 to 24. This data will be compared to 39 males ages 16 to 24 that have been on/are currently serving one year of Interim Probation (this will not be exclusive to Nightwatch participants). In the SOCP evaluation weekly contact data and follow-up data was recorded for each participant. The data was collected from five different points: initial entry, end of intervention, and three 6-month intervals after the intervention period ended (Lane et al., 2005). For the current evaluation, data has and continues to be collected on a monthly/semi-monthly basis. There was no guideline in place for when data was supposed to be delivered from each source. For the SOCP study, the data seems to only be collected from two sources (Lane et al., 2005). This would be more manageable in the SCF evaluation because there are many discrepancies between the different datasets from all the stakeholders.

Participants in this evaluation also includes the stakeholders for Swift, Certain, and Fair. These stakeholders include the judge, the ADA, a public defender, the senior probation supervisor, and the three probation officers that oversee SCF participants and the Nightwatch group. As well as the commander for the local police department and an analyst from the Monroe County Crime Analysis Center. Again, all the participation is voluntary. The researcher contacts the participant directly to see if he/she would like to participate in the interview. The SOCP study did not mention whether they interviewed the stakeholders or not. It was noted in the SOCP study that the stakeholders felt that the data collected did not recognize some of the

efforts that they put into the program and its participants. This is a key component in the SCF evaluation because it gets more knowledge on how the program's processes are working and to help outside parties understand the necessary components to implementing a SCF program.

## **Materials**

Informed consent for SCF and Nightwatch/Interim participants was obtained using a consent form. This form includes information regarding the purpose of the evaluation, the procedure for the survey, and the benefits/potential risks to participating in this survey. To support the potential risks of participating in the survey, the participants were given a pamphlet with information to the Evelyn Brandon Center, where they can seek services, if needed. The consent form also includes a confidentiality component in which, the participant is assured that their information will be secure. The form mentions the rights the participant has during this evaluation as well. The participants were given the contact information for the researcher, if the participant has any follow-up questions (see Appendix A).

An informed consent form was given to the stakeholders, as well. This consent form is like the consent form for the participants in that it includes the purpose of the study and the procedures, the risks and benefits to participating, an assurance of confidentiality, their rights as participants, and the contact information for the researchers. However, if any of the risks present themselves, the stakeholder has been given the number for the Monroe County Employee Assistance Program (see Appendix B).

A survey was given to the SCF participants (see Appendix C). This survey includes six demographic questions. Included in the demographic survey is a question regarding current status in the program and who is/was their probation officer. The next set of questions asked

about the program itself. For example, what did the participant like about the SCF program and what the participant did not like? The next section of the survey includes the participants' attitudes of the SCF program in general and more specifically, the judge, the sanctions, their relationship with their probation officer, the community service programs, and the GPS monitoring. The goal of this survey is to measure the participant's attitudes and perceptions of the SCF program as well as their engagement in the program. This survey also examines how the program runs from a participant perspective. Meaning, it investigates the participant's relationships with the various stakeholders that they encountered during the duration of the program.

A similar survey was given to the Nightwatch/Interim group. This survey touches on the same components as the SCF participants, but in relation to their experiences with Nightwatch and interim probation in general. This survey examines participants' attitudes and perceptions of the stakeholders and their relationship with their probation officer. This survey is used as a tool for comparing the SCF participant experience to that of the interim probation/Nightwatch group (see Appendix D).

The stakeholders were asked questions via an interview guide. These guides are similar across the various agencies but are each tailored to their role in SCF. For example, the Rochester Police Department does not have some questions that the courtroom workgroup and probation have because RPD is typically not present in court. These interview guides are used to measure the perceptions of the SCF program from the stakeholder. These guides also explore the process component of the evaluation as it has some questions regarding working with the other stakeholders and how the program has impacted their daily activities on the job (see Appendices E, F, G, H, I, and J).

## **Design and Procedure**

The evaluation of the Swift, Certain, and Fair program examines the SCF program and the outcomes of SCF participants to determine if the program is working to reduce recidivism rates and gun violence in Rochester, NY. This evaluation was a mixed methods evaluation and is cross-sectional. The evaluation consists of a process evaluation and an outcome evaluation. The independent variable is whether the individual participated in SCF or not. The dependent variables are successful completion in the SCF program, the number of probation violations, and the recidivism. Some constant variables that were collected were age, engagement in SCF, the participant's relationship with his probation officer, understanding of SCF, and relationship with the judge, public defender, and district attorney.

For this evaluation, the comparison group was selected through the following criteria: their age and they must be on interim probation and/or Nightwatch with one of the corresponding SCF probation officers. Ideally, for this comparison the researchers would have matched the SCF participants and the comparison group by their NYCOMPAS score. NYCOMPAS is a risk assessment tool used by probation. The comparison group would have had to have matching NYCOMPAS score to a SCF individual. Like how the SOCP study used the risk assessment tool to enter individuals in the program then the participants were randomly assigned to the control or the experimental group (Lane et al., 2005). For interviews, only current or individuals that successfully completed SCF/ Interim Probation/Nightwatch were considered. This is because those that did not successfully complete their sanction would be in Monroe County Jail or in prison. For the dataset all gun court defendants will be considered when looking at outcomes. However, we will look specifically at the SCF participants compared to the comparison group and their outcomes.



The first step to this evaluation is data collection. Data is collected from the Monroe County Department of Probation, the District Attorney's Office, the Monroe County Gun Court, and the Monroe County Crime Analysis Center (MCAC). Probation provides a database with all candidates that were screened for the SCF program. This includes age, screened date, eligibility, and reasoning (if rejected). Probation provides a roster of all SCF participants past and current. This roster includes whether the individual successfully completed the program, whether they were discharged and why, and whether the participant is still active in the program and their expected graduation date. The DA's Office provides the crime the individual is being charged and how many counts of that charge. It also provides the sanction that the individual received. The gun court provides the researcher with the race and ethnicity of all gun court defendants. The court also provides the sanction and charge that is received after plea bargaining. MCAC provides the researcher with arrest data of all gun court defendants. This includes, all charges at the time of the arrest and the top charge that the individual is being charged with. This data is being collected and inputted into a larger dataset by the researcher. This will help the researcher to examine the variables mentioned above.

The researcher also goes to the gun court regularly to attend SCF sanction and completion hearings. This is monitoring the court processes for SCF and help to determine if there is consistency and fidelity to the model. The researcher monitors the screening process. This includes the email screenings and the in-person screening meetings to determine if this part of the process is effective and staying true to the screening guidelines.

## **Analysis**

For the overall analysis of outcomes for Swift, Certain, and Fair we will compare the SCF participants and the interim probation/Nightwatch group. A t test will be conducted due to

the low sample size. The independent variable will be if the group is in SCF, Nightwatch, or just interim probation. The other variables examined will include number of arrests before the probation period and number of arrests during and after the probation period. After, another analysis will be conducted including all the variables in the last test with the addition of probation officer, age, public defender, and number of charges. This will help to examine if the constant variables have any impact on outcomes of participants.

The data collected through court observations and during screening procedures will be examined. Through this data, the researcher will code for patterns and analyze the results. These results will be used to make suggestions on procedure and consistency for SCF.

### **Limitations**

The most notable limitation is that this evaluation does not have an experimental design. In other words, this evaluation does not have random assignment. Random assignment is extremely hard to achieve in social science research. This is because random assignment can be unethical, especially when working with human subjects. Having random assignment in this study would mean putting some individuals in the Swift, Certain, and Fair program and selecting some individuals to potentially face a minimum sentence of 2 years in prison. On the other hand, having random assignment would be beneficial to the researcher and to the county because they would be able to determine if the SCF program works. Because the researchers are unable to have a true comparison group, the researchers will not be able to determine if this program is effective in reducing recidivism rates for gun offenses. The researchers will only be able to make suggestions based on the surveys, interviews and data collected from the stakeholders.

In the SOCP study the researchers were able to use random assignment. In this case, the researchers gathered participants that fit the criteria for the program and randomly assigned the participants to SOCP or to the control group, which was another probation alternative (Lane et al., 2005). The SOCP program was able to still give participants that deserved to be in the program a chance at probation. The only difference was that the control group's probation did not receive the intensive supervision and treatment alternatives like the SOCP experimental group. In the end of the evaluation, the researchers were able to conduct a rigorous analysis to determine that the intensive supervision did not have an impact on recidivism (Lane et al., 2005). This type of evaluation would have been beneficial in Monroe County especially since the SCF program is unique in providing intensive supervision to gun offenders. Many other counties want to model the SCF program, but if success cannot be measured accurately, then these programs will be implemented without knowing whether they are helping the community.

## **Conclusion**

Swift, Certain, and Fair is a probation program for gun offenders in Monroe County, New York. The goal of this program is to reduce gun violence and recidivism rates in Rochester, New York. The Center for Public Safety Initiatives are working on the evaluation of this program that includes both a continuation of a process evaluation and an outcome evaluation. For this evaluation, interviews, court observations, and data will be collected and compared to a comparison group. However, due to the limitations of the evaluation, it will be difficult to determine if this program is effective in reducing gun violence and recidivism rates in Rochester. However, the researchers will be able to give strong suggestions to better the program in the future based off the qualitative and quantitative data that is collected through a mixed methods approach. With gun violence rising across the United States, it is crucial that programs such as,

Swift, Certain, and Fair be evaluated rigorously to determine if this program is having the intended effect on participants (CDC, 2017).

Data Collection and Understanding the Data

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## Data Collection and Understanding the Data

Today's society is far advanced in the realm of technology. At the click of a button one can access databases of books, journals, and find information on almost any topic. This makes research easy for anyone looking for information on a given topic, but what does the internet offer regarding criminal justice data? We live in a "big data" era, however, a criminal justice researcher can rarely access any datasets collected by criminal justice agencies (Wiseman, 2016). These datasets are created to identify criminal justice trends but are typically never open to the public to conduct their own statistical analyses. Access to these datasets would allow for the public to better understand the criminal justice system. The need for evaluation is crucial for criminal justice reform (Wiseman, 2016; Farrington, 1983; Rogan, 2012). There are thousands of policies/programs implemented in the United States with little evidence to show if these programs are working to reduce crime or recidivism such as, the many Swift, Certain, and Fair implemented programs across the United States ("Swift, Certain, and Fair", 2019). Data in this case, can be defined as a collection of raw information used to explain a phenomenon (Hagan, 1997; Wiseman, 2016). For this paper, we will focus on a criminal justice phenomenon, specifically data collection for the evaluation of the Monroe County, Swift, Certain, and Fair program. This paper will discuss the issues surrounding data collection in criminal justice as well as some of the issues within the SCF program regarding data and future implications.

### **Data Collection**

For the evaluation of the Monroe County, Swift, Certain, and Fair program the researchers collected data from the various stakeholders for the program. This data is both quantitative and qualitative. The researchers received data from the Monroe County Probation Department. This data consisted of multiple sheets in an excel book. The first sheet contained

information on SCF screenings. This included demographic variables, MoRIS number, pending charge, criminal history, and eligibility. The second sheet consisted of information regarding the participants. The variables included probation officer, admission and completion date, their outcomes, and any notes for follow up. Probation also includes a sheet regarding sanction hearings. This includes the reason for the sanction hearing, what the probation officer recommends as the sanction, and what the participant receives for the sanction. This data is the most important dataset because it holds all the information for all the SCF cases. This dataset continues to hold data from the SCF participants, even if they have been discharged from the program or have been transferred into four more years of probation. This information will help the researchers process the outcomes of SCF participants and gauge how the program's screening process is working.

The researchers also received data from the Monroe County Gun Court. This data from the Gun Court is sent to the researcher straight from the Judge's secretary. She collects the data and inputs it into an excel workbook. This data was supposed to be sent to the researcher monthly. However, this is sent bi-monthly or every few months to the researcher. Included in this data is the indictment number, the name of the participant, and the sanction given to the participant. The Judge's secretary also includes whether the participant that received a sanction of interim probation has completed the probation successfully or not. This data is one of the most important datasets for this evaluation. From this data we can examine the Monroe County Gun Court at large. Since the courts view the SCF program as an integral part of the gun court, we can use this data and examine how the SCF program impacts how gun cases are processed. For example, is probation more present for other interim probation/straight probation cases because of the gun court and how does this impact the outcomes of probation/interim probation cases.

The researcher obtained data from the Monroe County District Attorney's Officer as well. This data was originally collected by the Assistant District Attorney involved in Swift, Certain, and Fair cases, but once he left, data on the cases were collected by a paralegal. This data is not given the researcher regularly and is the most difficult data to continue to obtain. The data includes participant demographics, as well as the original charges given to the defendant and number of counts for each charge. It also includes some court notes on each case. This dataset is useful for the evaluation because it gives more insight to the participants original charges and how the DA's make their decisions on cases, especially regarding plea bargaining.

The researchers also received data from the Monroe County Crime Analysis Center (MCAC). This data involved gun arrests and field information form data (FIFs). This data includes all gun court participants, what the individuals were charged with at the time of arrest, demographic information including MoRIS number, and date of the arrest/incident. This data is important because the researchers can understand what everyone was arrested for and whether the individual had police contacts after they were involved in the Monroe County gun court. This information can give the researchers a better look into recidivism and the outcomes of the SCF participants compared to other individuals in the Monroe County gun court. This data was a one-time pull from the Director of MCAC, after the large pull, it was intended that the Judge's secretary send the names of the gun court participants, monthly. This data would then be sent to the researcher to be put in the dataset. However, with the turnover in Directors at MCAC, the data was never sent monthly. As a result, the researcher is currently awaiting another one-time pull from MCAC.



The researcher also collected observational data from the Monroe County gun court. Every time a Swift, Certain, and Fair participant had a sanction hearing, the researcher would be sent an email from the probation supervisor with the time and who the hearing was for. In the beginning of the evaluation, the researcher received sanction hearings regularly. However, with the turnover in the Probation Supervisor, the researcher was not sent the calendar invites regularly. The researcher brought this issue up to the new probation supervisor and it was changed. From then on, the researcher was sent the sanction hearings regularly. During a court appearance, the researcher will collect data on all the gun court participants. The researcher would observe the judge's actions, whether he came down from the stand to talk with the participant, did he give a verbal reprimand or shake the individual's hand in reward for good behavior? The researcher also noted when probation was present and how active probation was in each case. In other words, the researcher examined what recommendations the probation officer gave to the judge and whether the probation officer conferenced with the judge or not. These observations were collected to ensure fidelity to the model. Hawken and Kleiman (2009) found that the judge was a crucial part of reducing recidivism for drug offenders in their Hawaii Opportunity Probation with Enforcement program. Therefore, for this evaluation of the Monroe County, Swift, Certain, and Fair program, the researcher also collected data on the effectiveness of this gesture.

Survey and interview data were also collected. First, surveys were given to 30 individuals. Fifteen of those that took the survey were participants of SCF that are actively in the program or that have successfully completed the program. The other fifteen participants were the comparison groups. These participants are actively on regular interim probation or have successfully completed interim probation. The survey data consisted of questions regarding one's

perceptions of the SCF program regarding the fairness of their sanctions and their views on the programs that the probationers were required to attend, along with other questions regarding their relationships within the program.

### **Limitations**

There can also be issues with the program itself that cannot be captured in the data. For example, judicial and prosecutorial bias (Wiseman, 2016). This bias is always present in the courtroom, even under a strict framework such as, SCF. There may be more than enough evidence to prosecute an individual, therefore, the prosecutor may feel as though, the individual is better suited to go to trial rather than the opportunity to go through Swift, Certain, and Fair. The judge also has the discretion to determine whether an individual goes to prison or through the program. The judge may see things in the individual that the other stakeholders may not, in turn, the judge can make the decision to not let him into the program. This discretion can also happen later in the program. For example, when the judge must sentence someone for a violation, the judge ultimately determines the sentence for the violation. The judge does give probation a lot of discretion as to what the sanction should be regarding the SCF contract. As a result, fidelity to the model cannot be assured. Therefore, outcomes may be skewed due to the bias that occurs behind the scenes.

Data received from practitioners was messy. With the Swift, Certain, and Fair evaluation, a lot of the data received was not consistent and some may not have even made sense. For example, the data given from the Monroe County Crime Analysis Center regarding the arrest of a gun court participant. In this dataset the researcher noticed that for the incident and arrest dates that the arrest date was often listed before the incident date. Meaning, that an individual was arrested before they committed a crime. Also, in this dataset were some issues surrounding the

most serious charge. In most cases, if a drug charge (Criminal Possession of a Controlled Substance) was present in a case, the drug charge was the top charge, but these individuals were also charged with Criminal Possession of a Weapon. Reasonably, one would ask, how does a drug charge become the top charge over having a gun? This was something that the researcher ultimately, had to come to terms with. A lot of this data just does not make sense, and there is no way to change that. Therefore, the researcher had to input the data as best as she could for the evaluation. Unfortunately, these data mistakes would just end up in the limitations section of the final report.

The researchers compiled this data into a large dataset with all the gun court participants. One important limitation for this evaluation is the consistency between the different datasets. Getting data from the many sources can be difficult. Some of the data did not match other sources of data and there can be many missing variables that are needed. For example, there were many cases in which names of participants were spelled wrong. The researchers could not confirm with the other sources who the participant was because only one dataset would give the date of birth and another would give us the MoRIS number, but there was never a sure way to double check this information without contacting the stakeholder directly. As a researcher partner working with practitioners there is fine line that is drawn between what they get paid to do and what you need. Meaning, asking many questions can become burdensome to the stakeholders because they have a whole list of other responsibilities to do. There were also some issues reading the way the data was sent to the researchers. When the researcher first took over the project there was a lack of communication between the previous researcher, the current researcher, and the court system. As a result, the researcher received data that was in a format that was outdated and was unable to be used on new computer systems. This may not have been

intentional, but it helped the researcher quickly gain rapport with the stakeholder in order to discuss what is needed for the evaluation. With Swift, Certain, and Fair there is a strong collaborative effort within the program, which makes it easy to discuss some of these issues with the practitioners. However, there still may be a lack of response in changing the way the data is collected.

There was also issues regarding obtaining the data regularly. In the South Oxnard Challenge Project (SOCP) the data was given to the researcher in three- and six-month intervals (Lane et al., 2005). This means that the researcher had a system in place where the stakeholders in the program knew to give him/her data every six months and then the researcher also obtain other datasets on a three-month interval. This is something that should have been set up in the beginning of this evaluation. Unfortunately, when the current researcher started on the project, she was supposed to receive the data monthly, but that did not happen. As the turnover occurred, data was given to her less and less. As a result, the researcher had to hassle the stakeholders for their data, which they had not been updating regularly, causing them to have to do more work on their end. This happened every month with the stakeholders, except for the probation department. The Monroe County Probation Department had to give their data regularly to the funder on a monthly basis. As a result, the researcher also obtained this data monthly.

As the researcher started to conduct the surveys for the Swift, Certain, and Fair participants along with the comparison group it was noted that some of the participants could not identify whether they were on Swift, Certain, and Fair versus interim probation. This demonstrates how often these terms are used interchangeably. The stakeholders view these initiatives (Interim, Nightwatch, SCF, and Gun court) as the same entity. With the probationers unable to understand these differences, the data collected may not be accurate. Some participants

could not understand or explain what community service programs, they had been a part of, which made it difficult for them to grasp the essence of the SCF program. During the survey process, the researchers had some unexpected circumstances. First, the number of interim probationers for the SCF probation officers was extremely low on Monday (the only day the officers take reports). Therefore, the probation officers had to pull from their interim probation graduates as well as their Swift, Certain, and Fair graduates even if they were out of the age range from gun court to get a large enough sample size for a comparative analysis. Second, there were some cases in which the probationer did not know which type of probation he was on. If participants can't understand what type of probation they are on, what does this mean for the data? Because of this issue, the data that we collect on the surveys may not be as reliable compared to if the participant knew what type of probation he was on.

Survey data in general also poses a problem when discussing criminal justice data. Data from surveys does not often include personal information on each participant. For example, this data does not typically include the participant's ties to their community, employment status, education, income, family structure, mental health status (Wiseman, 2016). This data is needed to further assess the needs of the individual to determine how this program is effective in reducing gun violence for this specific jurisdiction. In other words, with other strain in people's lives, how can the researcher determine whether the program is successful in reducing recidivism rates for gun violence. If further demographic research is conducted across all criminal justice program/policy evaluations, this would help to pinpoint, whether this program is fitting the needs of the jurisdiction to help be successful in its goals (Wiseman, 2016).

Defining success was also a consistent issue in this evaluation. How can the researcher ensure that the data collected is helping to determine effectiveness of the program, when success

was not defined from the beginning? The researcher asked every stakeholder in the SCF program, how they defined success and all of them stated that success was individual. Meaning, none of them knew what success really looked like in this program. With such a broad goal: to reduce recidivism and gun violence in Rochester, New York, success cannot be individual. There should be varying types of success regarding its own goal (Glaser, 1973). In other words, there should be multiple specific goals to this program, since it deals with complex people. In this program, specific goals such as, the individual obtained and maintained a job could have been a goal, or the participant completed mental health and/or drug and alcohol treatment. Success of the program can effectively be measured by these goals. Defining success is not only useful to obtain the program's initial goals, but also for the researcher to measure these goals through data collection and analysis (Glaser, 1973).

Politics also play a role in evaluating a program (Wiseman, 2016). At one point in this evaluation the researcher asked for specific data to help compare probation violations for gun court participants compared to those on SCF. However, this data was almost unobtainable. Probation did not want to let the researcher obtain this data because of the fear that it would make probation look as if they were not doing their job. The violations of probation for interim probation participants that did not have officers with a reduced caseload, had multiple violations that were not brought before the court. For a lot of them, there were no violation notes until they were up for resentencing. The judge would then hear of the violations at the time of resentencing. Therefore, there was no documentation of all the violations that had occurred during their one-year interim probation. This demonstrates one of the serious issues with obtaining data straight from the practitioner. The stakeholders do not want to give data that makes their organization look badly. This leads to being unable to obtain the data needed for a thorough evaluation or

obtaining data that has missing or changed information. After talking with the probation supervisor, we came to a compromise. The probation supervisor offered to let the researcher go down to probation to work with their intern to obtain violation data for the interim probationers that are on probation with the SCF probation officers. The probation supervisor was willing to make this compromise because the SCF probation officers treat their other interim cases very similar to the way they handle SCF probationers.

After examining this data, it seemed as though one of the main differences between the SCF participants and the interim probation participants was that the SCF participants went to court more frequently for their violations. However, the interim probationers still went to court more frequently than those on general supervision. The politics in this program really hinder the researcher's ability to conduct a rigorous analysis of the data. If the researcher was able to obtain the interim probation data for all the gun court, the researcher would have been able to make recommendations on how the overall gun court could improve to benefit the program. This would benefit all the stakeholders, since the gun court has not been evaluated. This would also help to give a better analysis of the SCF program.

According to Wiseman (2016), politics plays a large part why criminal justice data is not eligible to the public. Wiseman explains that there are not enough incentives for criminal justice agencies to make their data accessible, and individual jurisdictions may be reluctant to share their data with others as it may expose the inner workings and issues of their criminal justice agencies. Therefore, this data is left invisible to the public.

## **Conclusion**

Research in criminal justice is a difficult field. Many jurisdictions do not collect data regularly. If a criminal justice agency does collect data, the data is often inaccessible to the public and not consistent with any other data collected in other agencies (Wiseman, 2016). There are politics surrounding this data, which allows stakeholders the ability to hide their data out of fear their agency may be perceived poorly. For future research and program evaluation, a strong partnership with the researcher is needed to first, understand the importance of data collection and research. This data is needed to be able to determine if this program is successful in its goals. Second, meetings need to be held with the researcher to define success within the program and adjust the program's goals to match those successes. Lastly, the researcher and the stakeholder should discuss early on when the data needs to be received, in what format, and what variables need to be collected. This will give the researcher the opportunity to create the standards and organization needed for a successful program evaluation. These meetings would have been beneficial in the Monroe County, Swift, Certain, and Fair evaluation to ensure that the researcher was getting what they needed in the best interest of the program and its evaluation. However, because these meetings were not had, the researcher struggle to regularly obtain consistent data. Therefore, the program's effectiveness cannot be determined.

Having these meetings with the researcher will not solve all the issues surrounding the criminal justice "Black Box" regarding data collection. However, it can be a first step into a strong relationship with your jurisdiction and criminal justice researcher. Unfortunately, criminal justice data will continue to be difficult to obtain and manage (Wiseman, 2016; Rogan, 2012). Criminal justice data is far behind in data collection and having transparency. A comprehensive and uniform database created by the federal government that is inclusive of all local jurisdictions is an extreme goal but is necessary to have for criminal justice research (Wiseman, 2016).



Having a database that is comprehensive and includes all information on participants would make the Monroe County Swift, Certain, and Fair evaluation easier for both the stakeholders and the researchers.

Preliminary Results for the Swift, Certain, and Fair Evaluation

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## Preliminary Results for the Swift, Certain, and Fair Evaluation

For the evaluation of the Monroe County Swift, Certain, and Fair (SCF) program, qualitative and quantitative data was and will continue to be analyzed to determine whether the SCF program is working to reduce gun violence and recidivism rates. This evaluation is examining both the program's processes as well as the outcomes. The paper will discuss some of the preliminary findings of the evaluation. It should be noted that these findings are not representative of the whole program. Next steps in the evaluation will include conducting more rigorous analyses and comparing it to the comparison group as well as comparing that data for SCF participants to all the individuals in the gun court and examining those outcomes. In this paper, the researcher will provide an overview of the Monroe County Gun Court and some of the interim probation statistics. Lastly, the researcher will discuss the SCF program. More specifically, this paper will discuss the participant outcomes as well as some of the screening statistics for SCF.

### **Gun Court Data Introduction**

The following charts consist of data from the Monroe County Gun Court. These data are derived from the dispositions of both Judge Moran (GNM) and Judge Schiano (GNS). These charts examine the overall dispositions of the judges, and interim probation statistics. The combined number of cases seen in 2017 by both Judge Moran and Judge Schiano was 248. In 2018 the combined number of cases for both judges were 209.

### **2017 Gun Court Dispositions<sup>2</sup>**

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<sup>2</sup> The "Other" category for these charts represents cases that do not have a disposition yet. It also includes cases that have been dismissed, acquitted, or have received time served.

Tables 1 and 2 represent the dispositions for Judge Moran (GNM) and Judge Schiano (GNS). Overall, Judge Moran presided over 58 more-gun court cases than Judge Schiano. This may be because Judge Schiano does not take Swift, Certain, and Fair cases. According to the data, Judge Schiano was 31.51% more likely to sentence defendants to prison (DOCS) than Judge Moran (GNM-n=60; GNS-n=49). This is because Judge Moran handles the SCF cases which account for over eight percent of his dispositions (n=13). Approximately 23 percent of people were sentenced to interim probation in Judge Moran's court compared to the 18 percent sentenced by Judge Schiano (GNM-n=36; GNS-n=17). Judge Moran is 111.22% more likely to send defendants to probation than Judge Schiano (GNM-n=17; GNS-n=5). Judge Moran is 73.41% less likely to sentence defendants to Monroe County Jail compared to Judge Schiano (GNM-n=3; GNS-n=7).

Table 1

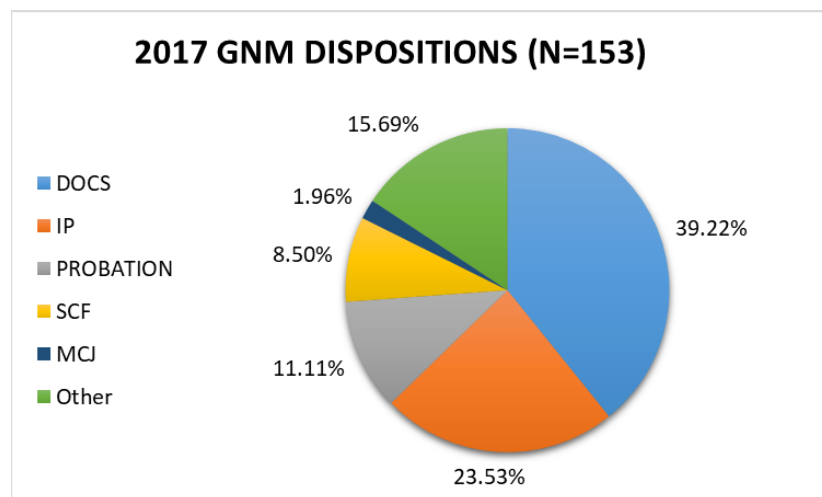
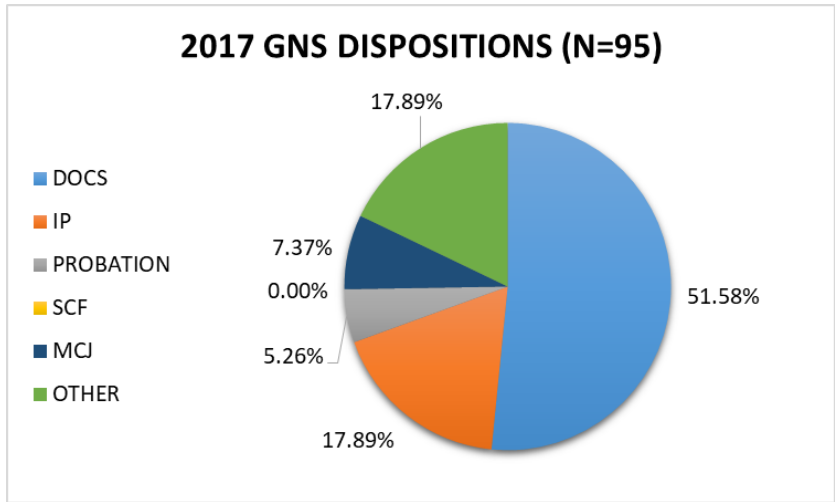


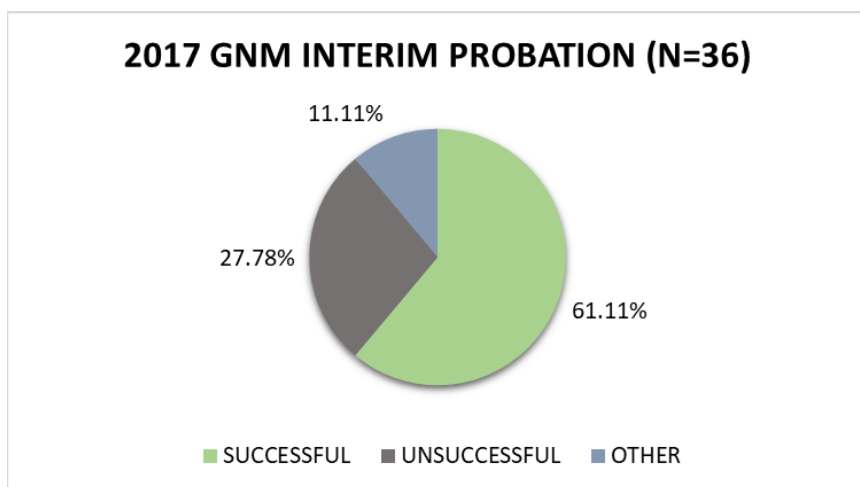
Table 2



### 2017 Interim Probation Statistics<sup>3</sup>

Table 3 reports the numbers for interim probation in 2017 for Judge Moran. In 2017, Judge Moran placed four people on interim probation<sup>4</sup> (11.11%). In 2017, twenty-two people on interim probation completed their sentence successfully and were sentenced to continue with an extended probation sentence (61.11%). In this case, successful means the participant completes their one-year interim probation sentence. Ten individuals were discharged from interim probation in Judge Moran’s court (27.78%). If the participant violates and has their interim probation sentence revoked, they are deemed unsuccessful.

Table 3

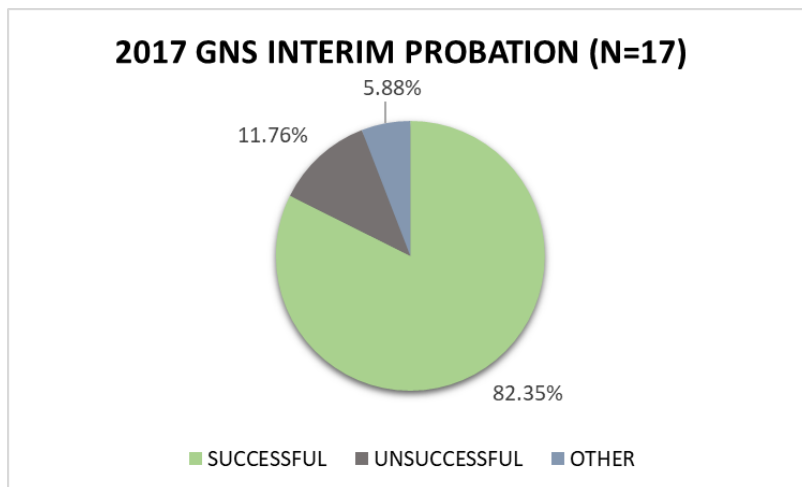


As demonstrated in Table 4, Judge Schiano saw less interim probation cases than Judge Moran (GNM-n=36; GNS-n=17). In 2017, Judge Schiano placed one individual on interim probation (5.88%). Fourteen individuals successfully completed their interim probation sentence (82.35%). Two individuals were discharged from their interim probation sentence in Judge Schiano’s courtroom (11.76%).

<sup>3</sup> The “Other” category for these charts represents those that were placed on interim probation in 2017 but have not completed or been discharged.

<sup>4</sup> The interim probation dispositions for Judge Moran does not include the data for SCF participants.

Table 4



### 2018 Gun Court Dispositions<sup>5</sup>

Tables 5 and 6 below depict the dispositions for Judge Moran (GNM) and Judge Schiano (GNS). Judge Schiano presided over 63 less gun court cases than Judge Moran in 2018 (GNM-n=136; GNS-n=73). As noted above, Judge Moran is the only gun court Judge that handles SCF cases. Approximately ten percent of Judge Moran's dispositions were SCF sanctions (n=14). According to the data Judge Moran sentenced 36 individuals to prison (26.47%) compared to Judge Schiano who sent 26 individuals to prison (35.62%). Overall, Judge Schiano is 34.57% more likely to sentence a defendant to prison compared to Judge Moran (n=26). Both judges sentenced approximately one percent of cases to Monroe County jail (GNM-n=2; GNS-n=1). Judge Moran is 108.76 percent more likely to sentence defendants to interim probation compared to Judge Schiano (GNM-n=35; GNS-n=9). In 2018, Judge Schiano was 272.79% more likely to sentence defendants to probation than Judge Moran (GNM-n=2; GNS-n=4).

<sup>5</sup> The "Other" category for these charts represents cases that do not have a disposition yet. It also includes cases that have been dismissed, acquitted, or have received time served.

Table 5

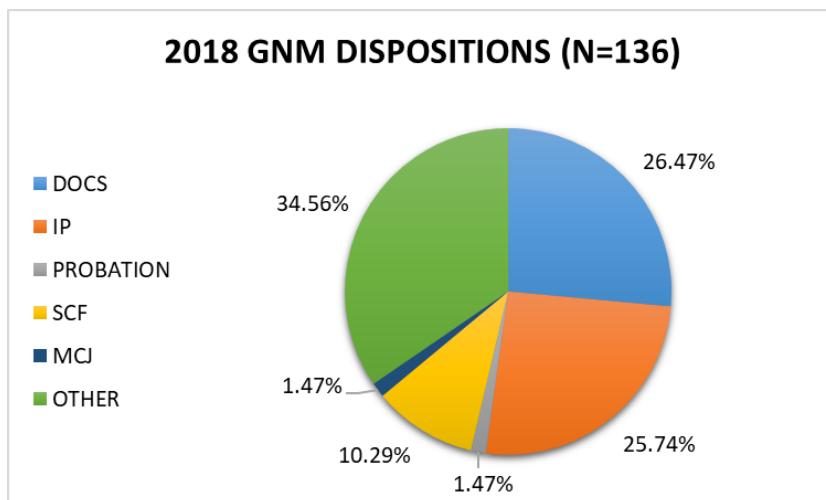
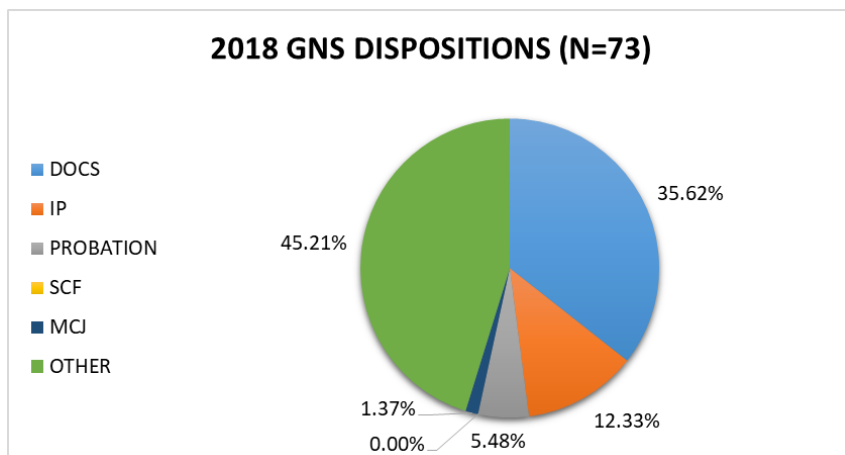


Table 6



### 2018 Interim Probation Statistics<sup>6</sup>

As shown in Table 7, in 2018, Judge Moran placed 33 people on interim probation<sup>7</sup> (94.29%). One person on interim probation completed their sentence and was sentenced to continue with an extended probation sentence (2.86%). One individual was discharged from interim probation in Judge Moran's court (2.86%).

<sup>6</sup> The "Other" category for these charts represents those that were placed on interim probation in 2017 but have not completed or been discharged.

<sup>7</sup> The interim probation dispositions for Judge Moran does not include the data for SCF participants.



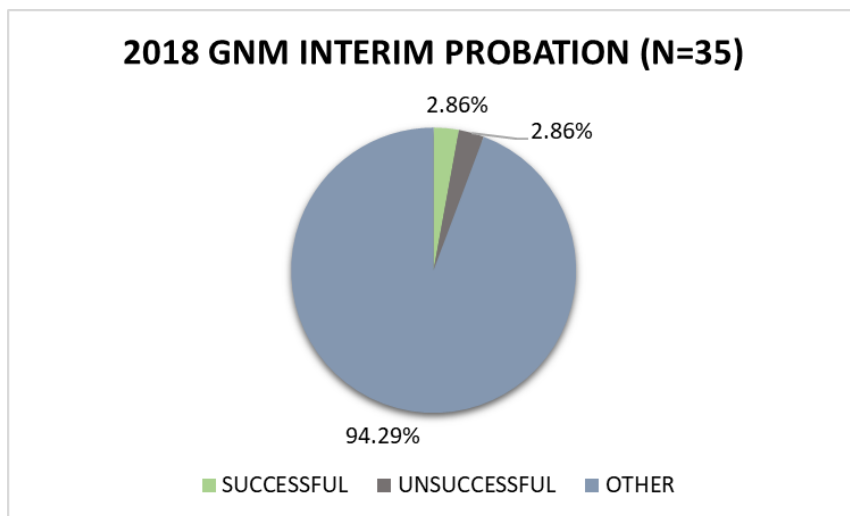
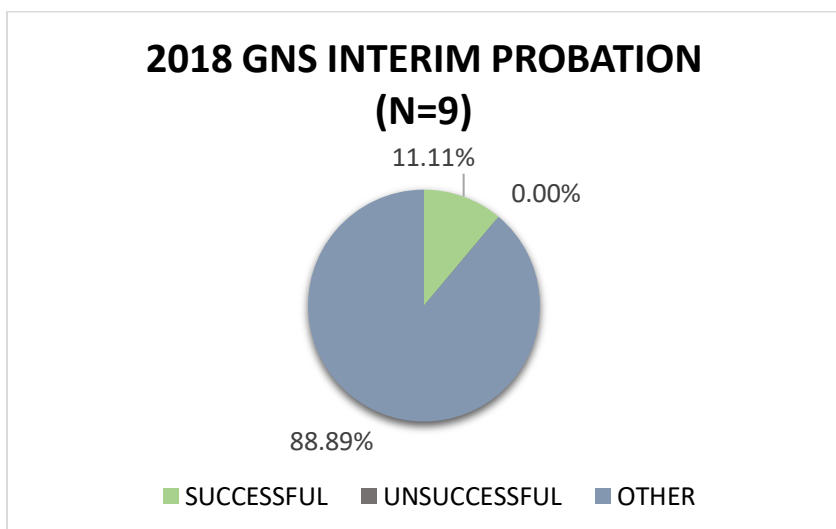
Table 7

Table 8 reports Judge Schiano saw 26 less interim probation cases than Judge Moran (GNM-n=35; GNS-n=9). In 2018, Judge Schiano placed eight individuals on interim probation (88.89%). One person successfully completed their interim probation sentence (11.11%). Zero individuals were discharged from their interim probation sentence.

Table 8

### SCF Program Data Introduction

The tables presented below include Swift, Certain, and Fair (SCF) data from January 13, 2016 until February 28, 2019. Of the 332 individuals who were screened for SCF in total –there was one new addition to SCF, and one individual successfully completed the program since January 2019. The latest figures are below:

- 38 were admitted to the program.
- 15 are still active in the program.
- 14 have successfully completed the program.
- 9 have been discharged from SCF due to violations.

### **Screening Eligibility**

The following tables represent case processing data regarding screening. The data include the total number of screenings that have been completed, admissions into SCF, rejections, and the reasoning for why individuals were rejected from the program. Changes since the last report in January 2019 include one admission into the program, one additional rejection and four individuals that have not accepted or rejected their SCF offer.

Table 1

#### *January 2016- February 2019 Screening Data*

Variables	<i>N</i>	Percentage (%)
Admissions	38	11.45
Rejections	269	81.02
Other	25	7.53
Total	332	100

From January 2016 to February 2019, there have been a total of 332 screenings. Among those individuals screened, 269 were rejected, and not given the opportunity to participate in SCF. Hence, 81.02 percent of candidates screened were not offered SCF. Contrarily, of the 332 screened, 38 have enrolled into the SCF program (11.45%). The “Other” category represents the number of individuals that were eligible for SCF but have not participated as a result of waiting for the plea offer or failing to accept it as of February 28, 2019 (7.53%). The only change since the January 2019 report was an additional rejection for no/limited criminal history and four additional candidates that were deemed eligible but are pending an offer into the program.

Table 2

*January 2016- February 2019 Rejection Reasoning*

Variables	<i>N</i>	Percentage (%)
Extensive Criminal History	20	7.43
No Weapon/Gang History	5	1.86
No/Limited Criminal History	74	27.51
Recent Parole Violation/Revocation	12	4.46
Recent Probation Violation/Revocation	23	8.55
Rejected by DA’s Office	87	32.34
Rejected Plea	6	2.23
Threat to the Community	39	14.50
Wanted/Active Warrant	1	0.37
Age	1	0.37

Other	1	0.37
Total	269	100

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Table 2 presents the reasons that the 268 individuals were not eligible for the SCF program. The top three reasons individuals were rejected from participating in SCF include: rejected by the DA's Office (32.34%)<sup>8</sup>, no or limited criminal history (27.51%), and belief that the individual poses a threat to the community (14.50%). These three reasons account for approximately 74% of the rejections.

### **Outcomes for Swift, Certain, & Fair Participants**

This section examines outcomes for SCF participants. As demonstrated in Table 3, from January 2016 until February 2019, there have been 38 participants in the SCF program. Nine of those individuals have been discharged from the program. Participants were discharged for three reasons: violating the terms of probation, having police contact, or failing to engage in the program. Fourteen individuals have successfully completed the SCF program. Those individuals graduated from the SCF program and were sentenced to four years of probation. Of the fourteen who completed the program, one has recidivated on a gun charge and is serving a prison sentence. Since the January 2019 report one individual has been enrolled in the SCF program and another individual has completed SCF.

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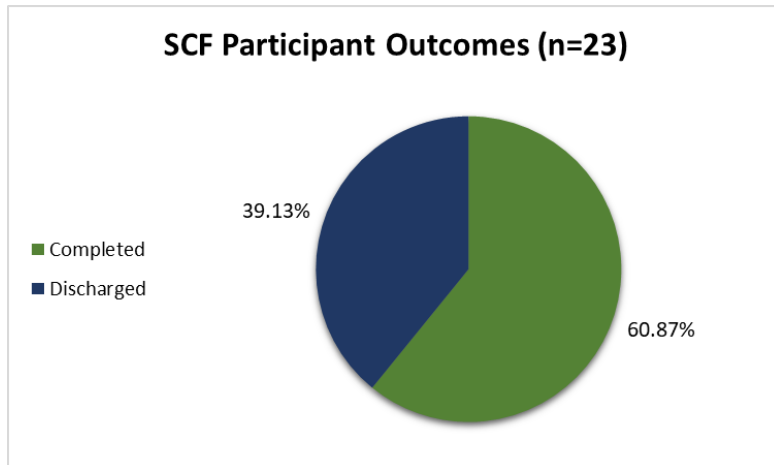
<sup>8</sup> Causes were often rejected by the DA's office as a result of pending charges or if the DA believed that the case against the defendant was strong enough to warrant going to trial.

Table 3

*January 2016- February 2019 SCF Participant Outcome Data*

Variables	N	Percentage (%)
Discharged	9	23.68
Completed	14	36.84
Active	15	39.47
Total	38	100

The chart below provides a visual representation of outcomes for SCF participants. The data shows that SCF participants are more likely to complete the program.



### Conclusion

Swift, Certain, and Fair is a probation program within the Monroe County gun court. Through the data collected, it can be determined that there are many judicial differences within the gun court. This can lead to inconsistencies in sanctions being given to those charged with the same crime. If SCF were to be extended to both judges, there would be many issues with

consistency when trying cases. Therefore, one of the program's key elements, certainty, would be lost. With judicial discretion there is also prosecutorial discretion that can play a role in the outcome of a case.

In SCF one of the main roles of the stakeholders is to screen participants according to the screening guideline that was established in the first phase of the evaluation. However, with the high amounts of turnover in the district attorney's office, the probation department, with the police department, and the crime analysis center the roles of the stakeholders there can be changes in procedure that can change the effectiveness of a program. Since July 2019, the amount of screenings and participation in the program started to decline. Meaning, there were limited individuals being screened for the program leading to lower rates of enrollment. On average, there have been only about 4 people screened a month for the program. Most of those that are screened a turned away due to "Rejected by the DA's Office". This means that most of the candidates were rejected because they stood a better chance of conviction at trial, the charges may have the ability to become federal, or that the DA's office felt that the individual posed too much of a risk if let out on probation. In order to reduce the amount of prosecutorial discretion that occurs in the screening process, the probation supervisor suggested that he train some of the prosecutors on the Swift, Certain, and Fair screening process. To streamline the process a bit more, the probation supervisor also decided to hold meetings 6-week meetings with the DA's office to make sure that there is better communication regarding one's eligibility.

Since the program started in 2015, the goal of the program was to take individuals that are high risk and be able to help them change to deter them from a life of crime. However, this concept was lost midway through the program. The program seemed to be accepting those that would be a perfect fit for the program. Meaning, the participants that were entered the program,

were not as high risk, they were those that were chosen because they could complete the program. Now with change in the probation supervisor, a different approach to screening is being taken. This probation supervisor wants to ensure the right people are entered the program. Those that are high risk and need a more intensive supervision. With this intensive supervision there a more direct contact between probation officer and probationer. The probation officer has a reduced caseload of a 1 officer to 40 probationers whereas, on general supervision the caseload is much higher approximately 120 probationers to 1 probation officer. The new probation supervisor does not care about the probation being one hundred percent successful he is more focused on getting those into the program that need the help. He has been working with the DA's office as of late to try to get more high-risk offenders off general supervision and into the Nightwatch program with his probation officers to receive a more intensive supervision.

Hawaii's HOPE study focused more on the role of the judge and how his charisma drove the program to reduce recidivism for drug offenses (Hawken & Kleiman, 2009). However, in Monroe County, the probation officers were the focus of the evaluation. In some of the preliminary survey and interview findings the role of the probation officer was highlighted in every interview and survey conducted. When asked about his favorite part of the program, one SCF participant stated, "having the PO I have because [he's] been helping me a lot with everything he can." Many also stated that they had a positive relationship with their probation officer and could talk with them about their personal struggles. In the interviews of the stakeholders, many stated that probation worked diligently in making sure to communicate with treatment providers and the courtroom workgroup on any issues that may arise with a SCF participant. The judge stated that he solely relies on probation for SCF cases. This is because he trusts the probation officers implicitly. The judge understands that the probation officers know

their probationers the best so he will give whatever sanction is recommended by probation. This shows the type of collaborative effort that is needed to implement a SCF program. If this program were to be replicated in another jurisdiction it may be difficult to find the same outcomes because of the personalities of the stakeholders in Monroe County and the passion they have for this program.



## Appendix A

### AGREEMENT TO PARTICIPATE IN

The Evaluation of Swift, Certain, and Fair

The Center for Public Safety Initiatives

Rochester Institute of Technology

Principal Investigator: Luisa Swan

Faculty Advisor: Dr. Irshad Altheimer & Dr. Judy Porter

Address: Dept. of Criminal Justice, Rochester Institute of Technology, 18 Lomb Memorial Dr., Rochester, NY 14623

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#### Introduction

The purpose of this research study is to gain a better understanding of the Swift, Certain, and Fair program and how this program affects its participants.

If you agree to participate, you will meet with me, Luisa Swan, one time in a conference room in the Law Library at the Monroe County Hall of Justice for approximately 60 minutes.

#### Risks and Benefits

There are no direct benefits to participation in this study, however, we may learn more about the Swift, Certain, and Fair program. We do not anticipate any major risks associated with participation in this study. There may be some slight psychological discomforts due to the stress of discussing your criminal history and participation in probation; however, we do not anticipate the risks to be severe in nature. If you become too stressed or uncomfortable with the procedure, you can withdraw from the study. *You can also contact the Evelyn Brandon Center for counseling (see pamphlet for contact information).*

#### Confidentiality

Your responses during the sessions will be confidential to the extent allowed by law. Confidentiality will be accomplished by only having your information associated with an ID number. The file that connects your code with your personal information will be kept in a secure, locked cabinet at the Rochester Institute of Technology, and will be available only to the experimenter and her advisor. Your name or any specific identifiers will not be used when data from the study is published.

#### Your Rights as a Research Participant

Participation is voluntary. Your decision to participate or not to participate will in no way affect your job, school, or probation status. Refusal to participate will involve no penalty or loss of benefits to which you are otherwise entitled, and it will not harm your relationship with Luisa Swan or your probation officer. If at any point you wish to withdraw from the project you may do so. Simply inform the researcher you wish to stop and you may leave.

#### Contacts for Questions or Problems

Email me at [lrs2246@g.rit.edu](mailto:lrs2246@g.rit.edu), Dr. Irshad Altheimer at [ixagcj@rit.edu](mailto:ixagcj@rit.edu), or Dr. Judy Porter at [jlpgcj@rit.edu](mailto:jlpgcj@rit.edu) if you have any questions about the study, any problems, unexpected

physical or psychological discomforts, any injuries, or you think that something unexpected is happening. Contact Heather Foti, Associate Director of the HSRO at (585) 475-7673 or [hmfsrcs@rit.edu](mailto:hmfsrcs@rit.edu) if you have any questions or concerns about your rights as a research participant.

**Contact Info for Student**

Luisa Swan  
Lrs2246@g.rit.edu

**Contact Info for Faculty Advisor**

Dr. Irshad Altheimer  
[lxagcj@rit.edu](mailto:lxagcj@rit.edu)

Dr. Judy Porter  
Jlpgcj@rit.edu

I have read the information above. The experimenter answered any questions or concerns I had regarding the study. I consent to take part in this study.

Your Signature \_\_\_\_\_ Date \_\_\_\_\_

Your name (printed) \_\_\_\_\_

## Appendix B

### AGREEMENT TO PARTICIPATE IN

The Evaluation of Swift, Certain, and Fair

The Center for Public Safety Initiatives

Rochester Institute of Technology

Principal Investigator: Luisa Swan

Faculty Advisors: Dr. Irshad Altheimer & Dr. Judy Porter

Address: Dept. of Criminal Justice, Rochester Institute of Technology, 18 Lomb Memorial Dr., Rochester, NY 14623

---

#### Introduction

The purpose of this research study is to gain a better understanding of the Swift, Certain, and Fair program implementation and how this program has had an effect on the stakeholder's work environment.

If you agree to participate, you will meet with Luisa Swan once in a conference room in the Law Library at the Monroe County Hall of Justice for approximately 60 minutes.

#### Risks and Benefits

There are no direct benefits to participation in this study, however, we may learn more about the Swift, Certain, and Fair program. We do not anticipate any major risks associated with participation in this study. There may be some slight psychological discomforts due to the stress of discussing your work and the participants associated with the program; however, we do not anticipate the risks to be severe in nature. If you become too stressed or uncomfortable with the procedure, you can withdraw from the study. *You can also contact the Employee Assistance Program at (585)475-0432.*

#### Confidentiality

Your responses during the sessions will be confidential to the extent allowed by law. Confidentiality will be accomplished by only having your information associated with an ID number. The file that connects your code with your personal information will be kept in a secure, locked cabinet at the Rochester Institute of Technology and will be available only to the experimenter and her advisor. Your name or other identifiers will not be used when data from the study is published.

#### Your Rights as a Research Participant

Participation is voluntary. Your decision to participate or not to participate will in no way affect your job, or relationship with the stakeholders and participants. Refusal to participate will involve no penalty or loss of benefits to which you are otherwise entitled, and it will not harm your relationship with Luisa Swan or the Center for Public Safety Initiatives. If at any point you wish to withdraw from the project you may do so. Simply inform the researcher you wish to stop and you may leave.

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I have read the information above. The experimenter answered any questions or concerns I had regarding the study. I consent to take part in this study.

Your Signature \_\_\_\_\_ Date \_\_\_\_\_

Your name (printed) \_\_\_\_\_

**Appendix C**  
**Participant Survey**

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**Start of Block: Demographic Question**

Q1 What is your age?

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Q2 What is your race?

Black (1)

White (2)

Q3 What is your ethnicity?

Hispanic (1)

Non-Hispanic (2)

Other (3) \_\_\_\_\_

Q4 When did you start SCF?

---

Q5 Are you currently still a participant of SCF?

Yes (1)

No (2)

Q6 Who is/was your probation officer(s)? If you had more than one while on SCF, please name them both.

- Anthony Chadwick (1)
- Cassandra Catino (2)
- Kim Camille (3)
- Ed Engle(4)
- Ian Urqhart (5)

**End of Block: Demographic Question**

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**Start of Block: Swift, Certain, and Fair**

Q7 Why did you agree to become a part of SCF?

- So I wouldn't have to go to prison. (1)
  - The programs and opportunities. (2)
  - I wanted to change my life around. (3)
  - For my family. (4)
  - Other (5) \_\_\_\_\_
- 

Q8 What program/opportunities did you like?

- Job Training (1)
  - Education (2)
  - Drug/Alcohol Treatment (3)
  - Mental Health Treatment (4)
  - Other (5) \_\_\_\_\_
- 

Q9 What is your favorite part of the program now that you've been involved?

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Q10 What do you dislike about SCF?

- GPS Monitoring (1)
  - PO Monitoring (2)
  - Being involved in community service programs (3)
  - Being in court (4)
  - Judge (5)
  - Other (6) \_\_\_\_\_
- 

Q11 What would you change about SCF?

\_\_\_\_\_

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Q12 Which of the following helped you succeed? (Choose all that apply)

- GPS Monitoring (1)
  - PO Monitoring (2)
  - Being involved in community service programs (3)
  - Being in court (4)
  - Judge (5)
  - Other (6) \_\_\_\_\_
-

Q13 Did you fully understand what was required of you in SCF?

	I did not understand (1)	I somewhat did not understand (2)	I somewhat understood (3)	I understood completely (4)
Did you fully understand what was required of you in SCF? (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

End of Block: Swift, Certain, and Fair

Start of Block: Court

Q14 Do you think the judge was fair?

	Not fair (1)	Somewhat unfair (2)	Somewhat fair (3)	Fair (4)
Do you think the judge was fair? (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q15 How often did you appear before the judge?

- 1-2 times (1)
- 3-4 times (2)
- 5+ times (3)

Q16 Do you think the judge cared about you?

- Yes (1)
- Maybe (2)
- No (3)
- Other (4) \_\_\_\_\_



Q17 Do you think the judge cared about your case?

- Yes (1)
- Maybe (2)
- No (3)
- Other (4) \_\_\_\_\_
- 

Q18 Do you feel as though being in court frequently helped your success in SCF?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_
- 

Q19 Why did being in court help or hurt your success in SCF?

\_\_\_\_\_

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Q20 Did you know what sentence you were going to get before you appeared in court?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_
- 

Q21 During your court appearance(s) was your probation officer present?

- Never (1)
- Sometimes (2)
- Always (3)
-

Q22 Was having your probation officer in the courtroom helpful?

	Not helpful (1)	Somewhat unhelpful (2)	Somewhat helpful (3)	Helpful (4)
Was having your probation officer in the courtroom helpful? (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**End of Block: Court**

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**Start of Block: Probation**

Q23 How often did you meet with your probation officer at the beginning?

- Once a week (1)
- Twice a week (2)
- 3+ times a week (3)
- Bi-weekly (4)
- Other (5) \_\_\_\_\_
- 

Q24 Did that change later during your probation sentence?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_
- 

Q25 If so, did you meet

- More often (1)
- Less Often (2)
- Other (3) \_\_\_\_\_

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Q26 Did your probation officer repeat the SCF program rules to you?

- Yes (1)
- No (2)
- 

Q27 How often did your probation officer repeat the SCF rules to you?

- Never (1)
- Sometimes (2)
- Always (3)
- 

Q28 Did repeating the rules help you understand the SCF program?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_
- 

Q29 Did repeating the rules help you follow the rules?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_
-

Q30 How was your relationship with your probation officer?

- Positive (1)
- Neutral (2)
- Negative (3)
- 

Q31 Did your probation officer care about your case?

- Yes (1)
- Maybe (2)
- No (3)
- Other (4) \_\_\_\_\_
- 

Q32 Did you feel as though you could talk about your problems following the rules with your probation officer?

- Yes (1)
- Maybe (2)
- No (3)
- Other (4) \_\_\_\_\_
- 

Q33 Did you feel as though you could talk about your personal life with your probation officer?

- Yes (1)
- Maybe (2)
- No (3)
- Other (4) \_\_\_\_\_
-

Q34 Did your probation officer require you to attend any programs?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_
- 

Q35 Were the programs that probation required you to participate in fair?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_
- 

Q36 Were the programs that probation required you to participate in helpful to your success?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_

**End of Block: Probation**

---

**Start of Block: Community Service Providers**

Q37 What programs did you participate in through the SCF program?

- Education (1)
- Job Training (2)
- Drug/Alcohol Treatment (3)
- Mental Health Treatment (4)
- Support Group Meetings (5)
- Other (6) \_\_\_\_\_
-

Q38 Which of these programs were most helpful?

---

Q39 What was your favorite part of these programs?

---

**End of Block: Community Service Providers**

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**Start of Block: GPS Monitoring**

Q40 Were you on GPS monitoring?

Yes (1)

No (2)

Other (3) \_\_\_\_\_

Q41 If so, approximately how long did you have the GPS monitor for?

3-6 months (1)

7-11 months (2)

A year or more (3)

Q42 What was the most challenging part of being on a GPS monitor?

Cost (1)

Curfew (2)

Housing Restriction (3)

Minor Violations (4)

PO knowing where you are at all times (5)

Having a social life (6)

Other (7) \_\_\_\_\_

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Q43 How did you get past those challenges?

- Followed the rules (1)
- Had my peers come to me (2)
- Talked with my PO regularly (3)
- Family (4)
- Other (5) \_\_\_\_\_

**End of Block: GPS Monitoring**

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**Appendix D**  
**SCF-Non-Participants**

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**Start of Block: Demographic Question**

Q1 What is your age?

\_\_\_\_\_

Q2 What is your race?

Black (1)

White (2)

Q3 What is your ethnicity?

Hispanic (1)

Non-Hispanic (2)

Other (3) \_\_\_\_\_

Q44 Are you on Interim Probation or Nightwatch Supervision?

Nightwatch (1)

Interim Probation (2)

Other (3) \_\_\_\_\_

Q4 When did you start on Interim Probation/Nightwatch?

\_\_\_\_\_



Q45 Have you ever heard of the SCF program?

- Yes (1)
- Maybe (2)
- No (3)
- Other (4) \_\_\_\_\_
- 

Q46 Was it ever mentioned to you as an option, if you qualified?

- Yes (1)
- Maybe (2)
- No (3)
- 

Q6 Who is/was your probation officer(s)? If you had more than one while on interim IP/Nightwatch, please name them both.

- Anthony Chadwick (1)
- Cassandra Catino (2)
- Kim Camille (3)
- Ed Engle (4)
- Ian Urqhart (5)

**End of Block: Demographic Question**

---

**Start of Block: Interim/Nightwatch**

Q7 Why did you agree to become a part of interim probation? (check all that apply)

- So I wouldn't have to go to prison. (1)
  - The programs and opportunities. (2)
  - I wanted to change my life around. (3)
  - For my family. (4)
  - My attorney said so (5)
  - Other (6) \_\_\_\_\_
- 

Q8 What program/opportunities did you like, if applicable?

- Job Training (1)
  - Education (2)
  - Drug/Alcohol Treatment (3)
  - Mental Health Treatment (4)
  - Other (5) \_\_\_\_\_
- 

Q9 What is your favorite part of interim/nightwatch now that you've been involved?

\_\_\_\_\_

---

Q10 What do you dislike about Interim/Nightwatch?

- GPS Monitoring (1)
  - PO Monitoring (2)
  - Being involved in community service programs (3)
  - Being in court (4)
  - Judge (5)
  - Other (6) \_\_\_\_\_
-

Q11 What would you change about Interim/Nightwatch?

---



---

Q12 Which of the following helped you succeed? (Choose all that apply)

- GPS Monitoring (1)
- PO Monitoring (2)
- Being involved in community service programs (3)
- Being in court (4)
- Judge (5)
- Other (6) \_\_\_\_\_
- 

Q13 Did you fully understand what was required of you in Interim/Nightwatch?

	I did not understand (1)	I somewhat did not understand (2)	I somewhat understood (3)	I understood completely (4)
Did you fully understand what was required of you in SCF? (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**End of Block: Interim/Nightwatch**

---

**Start of Block: Court**

Q14 Do you think the judge was fair?

	Not fair (1)	Somewhat unfair (2)	Somewhat fair (3)	Fair (4)
Do you think the judge was fair? (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

---

Q15 How often did you appear before the judge?

- 1-2 times (1)
- 3-4 times (2)
- 5+ times (3)
- 

Q16 Do you think the judge cared about you?

- Yes (1)
- Maybe (2)
- No (3)
- Other (4) \_\_\_\_\_
- 

Q17 Do you think the judge cared about your case?

- Yes (1)
- Maybe (2)
- No (3)
- Other (4) \_\_\_\_\_
- 

Q18 Do you feel as though being in court frequently helped/could have helped your success in Interim/Nightwatch?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_
- 

Q19 Why did being in court help or hurt your success in Interim/Nightwatch?

\_\_\_\_\_

---

Q20 Did you know what sentence you were going to get before you appeared in court?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_
- 

Q21 During your court appearance(s) was your probation officer present?

- Never (1)
- Sometimes (2)
- Always (3)
- 

Q22 Was having your probation officer in the courtroom helpful?

- |  | Not helpful (1)       | Somewhat<br>unhelpful (2) | Somewhat helpful<br>(3) | Helpful (4)           |
|--|-----------------------|---------------------------|-------------------------|-----------------------|
| Was having your<br>probation officer<br>in the courtroom<br>helpful? (1) | <input type="radio"/> | <input type="radio"/>     | <input type="radio"/>   | <input type="radio"/> |

**End of Block: Court**

---

**Start of Block: Probation**

Q23 How often did you meet with your probation officer at the beginning?

- Once a week (1)
- Twice a week (2)
- 3+ times a week (3)
- Bi-weekly (4)
- Other (5) \_\_\_\_\_
-

Q24 Did that change later during your probation sentence?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_
- 

Q25 If so, did you meet

- More often (1)
- Less Often (2)
- Other (3) \_\_\_\_\_
- 

Q26 Did your probation officer repeat the interim probation/Nightwatch rules to you?

- Yes (1)
- No (2)
- 

Q27 How often did your probation officer repeat the probation rules to you?

- Never (1)
- Sometimes (2)
- Always (3)
- 

Q28 Did repeating the rules help you understand the interim/Nightwatch?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_
-

Q29 Did repeating the rules help you follow the rules?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_
- 

Q30 How was your relationship with your probation officer?

- Positive (1)
- Neutral (2)
- Negative (3)
- 

Q31 Did your probation officer care about your case?

- Yes (1)
- Maybe (2)
- No (3)
- Other (4) \_\_\_\_\_
- 

Q32 Did you feel as though you could talk about your problems following the rules with your probation officer?

- Yes (1)
- Maybe (2)
- No (3)
- Other (4) \_\_\_\_\_
-

Q33 Did you feel as though you could talk about your personal life with your probation officer?

- Yes (1)
- Maybe (2)
- No (3)
- Other (4) \_\_\_\_\_
- 

Q34 Did your probation officer require you to attend any programs?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_
- 

Q35 Were the programs that probation required you to participate in fair?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_
- 

Q36 Were the programs that probation required you to participate in helpful to your success?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_

**End of Block: Probation**

---

**Start of Block: Community Service Providers**



Q37 What programs did you participate in?

- Education (1)
- Job Training (2)
- Drug/Alcohol Treatment (3)
- Mental Health Treatment (4)
- Support Group Meetings (5)
- Other (6) \_\_\_\_\_
- 

Q38 Which of these programs were most helpful?

\_\_\_\_\_

---

Q39 What was your favorite part of these programs?

\_\_\_\_\_

**End of Block: Community Service Providers**

---

**Start of Block: GPS Monitoring**

Q40 Were you on GPS monitoring?

- Yes (1)
- No (2)
- Other (3) \_\_\_\_\_
- 

Q41 If so, approximately how long did you have the GPS monitor for?

- 3-6 months (1)
- 7-11 months (2)
- A year or more (3)
-

Q42 What was the most challenging part of being on a GPS monitor?

- Cost (1)
  - Curfew (2)
  - Housing Restriction (3)
  - Minor Violations (4)
  - PO knowing where you are at all times (5)
  - Having a social life (6)
  - Other (7) \_\_\_\_\_
- 

Q43 How did you get past those challenges?

- Followed the rules (1)
- Had my peers come to me (2)
- Talked with my PO regularly (3)
- Family (4)
- Other (5) \_\_\_\_\_

**End of Block: GPS Monitoring**

---

## Appendix E

### Survey: Judge

#### Demographic Questions

1. What is your role as the Judge in the SCF program?
2. How many SCF cases do you see on average?
  - a. Monthly?
3. What is your overall caseload a month look like?

#### Swift, Certain, & Fair

4. Do you feel as though SCF is beneficial to the participants?
  - a. Why? Or why not?
5. Do you feel that SCF has been a success?
  - a. If so, what does that success look like to you? If not, why?
6. What is special about this program and how does that contribute to the program's successes?
7. What do you feel is the key component to this program?
8. What would you change about the program?
9. What is the most difficult part of the program?
  - a. From your stand point? And in the eyes of the participant?
10. Do you feel more involved in SCF participants' lives?

#### Court

11. Do you feel as though the SCF program sanctions are fair?
12. Are there a wide variety of sanction given throughout SCF?
  - a. What factors contribute to those sanctions?
13. How has SCF impacted your other gun cases?
  - a. IP? Nightwatch?
14. Do you feel as though SCF has helped you look at other cases differently?
  - a. Why? Why not?

#### Stakeholders

15. How was your relationship with the other stakeholders?
  - a. Did you all work well together?
    - i. Do you work better with some than others?
    - ii. Who do you work the most with?
  - b. What was the most challenging part with working with others?

## Appendix F

### Survey Question Draft: Probation Officers

#### Demographic Questions

1. What is your role in the SCF program as a Probation Officer?
2. How many SCF participants do you supervise?
3. How often do you meet with your SCF probationers?
4. What is your caseload like?
  - a. How many SCF participants do you see?
  - b. How many other probationers do you have?

#### Swift, Certain, & Fair

5. Do you feel that SCF has been a success?
  - a. If so, what does that success look like to you? If not, why?
6. What is special about this program and how does that contribute to the program's successes?
7. What has been the most challenging aspect of implementing SCF for you as a probation officer?
8. What has been your favorite part of SCF?
9. Do you feel the SCF program has been beneficial to the participant?
10. How has SCF impacted the court system?
11. Is there anything you would change about the SCF program?
  - a. If so, what would you change?

#### Probation

12. What is your relationship like with the SCF participants?
  - a. How does it differ from your other probationers?
  - b. Do you feel closer to your SCF participants?
13. Do you repeat the SCF rules to your probationers?
  - a. If so, how often?
14. Do you repeat the probation rules to your other probationers?
  - a. If so, how often?
15. From your point of view, what do SCF participants struggle with the most during SCF interim probation?
  - a. Is this different or similar to your other probationers on interim?

#### Court

16. Do you feel as though the SCF sanctions were fair?
17. Do you feel as though the judge was consistent in the sanctions given across the SCF participants?

#### Stakeholders

18. How was your relationship with the other stakeholders?
  - a. Did you all work well together?
    - i. Do you work better with some than others?
    - ii. Who do you work the most with?
  - b. What was the most challenging part with working with others?

## Appendix G

### Survey Question Draft: District Attorney's Office

#### Demographic Questions

1. What is your role in SCF as the ADA/DA?

#### Swift, Certain, & Fair

2. Do you feel as though SCF is beneficial to the participants?
  - a. Why? Or why not?
3. What is special about this program and how does that contribute to the program's successes?
4. What would you change about the program?
5. What is the most difficult part of the program?
  - a. From your stand point? And in the eyes of the participant?

#### Court

6. Do you feel as though the SCF program sanctions are fair?
  - a. Too lenient?
7. Do you feel as though the judge was consistent in the sanctions given across the SCF participants?
8. How does SCF affect you?
  - a. Caseload?
  - b. Sanctions?
  - c. Other?

#### Stakeholders

9. How was your relationship with the other stakeholders?
  - a. Did you all work well together?
    - i. Do you work better with some than others?
    - ii. Who do you work the most with?
  - b. What was the most challenging part with working with others?

## Appendix H

### Survey Question Draft: Rochester Police Department

#### Demographic Questions

1. What is your role in the SCF program as the Police Commander?

#### Swift, Certain, & Fair

2. Do you feel as though SCF is beneficial to the participants?
  - a. Why? Or why not?
3. What is special about this program and how does that contribute to the program's successes?
4. What would you change about the program?
5. What is the most difficult part of the program?
  - a. From your stand point? And in the eyes of the participant?

#### Court

6. Do you feel as though the SCF program sanctions are fair?

#### Stakeholders

7. How was your relationship with the other stakeholders?
  - a. Did you all work well together?
    - i. Do you work better with some than others?
    - ii. Who do you work the most with?
  - b. What was the most challenging part with working with others?

#### Policing

8. How does SCF affect your job?
9. What affect does SCF have on the community?
10. Does SCF have an impact on community/police relations?

## Appendix I

### Survey Question Draft: Public Defender's Office

#### Demographic Questions

1. What is your role in the SCF program as a public defender?

#### Swift, Certain, & Fair

2. Do you feel as though SCF is beneficial to the participants?
  - a. Why? Or why not?
3. What is special about this program and how does that contribute to the program's successes?
4. What would you change about the program?

#### Court

5. Do you feel as though the SCF program sanctions are fair?
  - a. Too lenient?
6. Do you feel as though the judge was consistent in the sanctions given across the SCF participants?
7. How does the SCF program affect you?
  - a. Caseload?
  - b. Sanctions?
  - c. Other?

#### Stakeholders

8. How was your relationship with the other stakeholders?
  - a. Did you all work well together?
    - i. Do you work better with some than others?
    - ii. Who do you work the most with?
  - b. What was the most challenging part with working with others?

## Appendix J

### Survey Question Draft: Community Service Providers

#### Demographic Questions

1. What is your role in the SCF program as one of the community service providers?
2. What does your program do?

#### Swift, Certain, & Fair

3. Do you feel as though SCF is beneficial to the participants?
  - a. Why? Or why not?
4. What is special about this program and how does that contribute to the program's successes?
5. What would you change about the program?
6. What is the most difficult part of the program?
  - a. From your stand point? And in the eyes of the participant?

#### Stakeholders

7. How was your relationship with the other stakeholders?
  - a. Did you all work well together?
    - i. Do you work better with some than others?
    - ii. Who do you work the most with?
  - b. What was the most challenging part with working with others?

#### Programs

8. Do you know the goals of the SCF program?
9. How does your program incorporate the mission of the SCF program?
10. Do you know which individuals are from the SCF program?
11. How often do you interact with SCF participants?
  - a. What do those interaction look like?
  - b. Can you see a difference between non-SCF and SCF participants?







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