

STATE OF MICHIGAN
IN THE 16TH JUDICIAL CIRCUIT COURT

In Re: Establishment of a Swift and Sure
Sanctions Probation Program

Local Administrative Order #2018-04

(Rescinds Local Administrative Order #2018-02)

IT IS ORDERED:

The purpose of this Order is to establish a Swift and Sure Sanction Probation Program (SSSPP) in the 16th Judicial Circuit Court and administrated by the State Court Administrative Office (SCAO). All policies and procedures comply with MCL 771A.1 – MCL 771A.8.

1. The Court has entered into a Memorandum of Understanding with the Macomb County Sheriff, the Michigan Department of Corrections Macomb County office, and the President of the Macomb County Bar Association. The Memorandum of Understanding describes the role of each party. A copy of the Memorandum of Understanding is attached as Attachment A.
2. The Court has established eligibility criteria consistent with MCL 771A.1 – MCL 771A.8 and Hawaii's HOPE program.
3. In accordance with the Swift and Sure Sanctions Probation Program FY2018 Grant Application, admission is contingent upon a complete preadmission screening performed by the Michigan Department of Corrections (MDOC).
4. All participants will be provided with a written agreement and receive a warning hearing prior to participation in the program in conformance with MCL 771A.1 – MCL 771A.8 and Hawaii's HOPE program.
5. The 16th Judicial Circuit Court shall maintain case files in compliance with the Trial Court General Schedule 15 - Circuit Courts, the Michigan Case File Management Standards, and Part 2 of Title 42 of the Code of Federal Regulations to assure confidentiality of medical and/or treatment records.
6. The 16th Judicial Circuit Court shall comply with the provisions in the SSSPP grant contract to assure compliance with Health Insurance Portability and Accountability Act (HIPAA) and 42 CFR Part 2.
7. The 16th Judicial Circuit Court shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO while receiving grant funding from the SCAO.

8. The 16th Judicial Circuit Court acknowledges that case information regarding the SSSPP participants is unavailable from Michigan criminal history records and failure to complete the required DCCMIS reports will result in the absence of complete data and/or records for evaluation of the SSSPP as per MCL 771A.1 – MCL 771A.8.

Date: January 24, 2018



James M. Biernat Jr. - Chief Judge
16th Judicial Circuit Court, Macomb Probate and
42nd District Courts

**16TH JUDICIAL CIRCUIT COURT, MACOMB COUNTY
MEMORANDUM OF UNDERSTANDING
SWIFT AND SURE SANCTIONS PROBATION PROGRAM**

This Memorandum of Understanding (MOU) is between Macomb County 16th Judicial Circuit Court, Macomb County Sheriff, Michigan Department of Corrections (MDOC), and Macomb County Bar Association to document the roles and responsibilities of each agency in the planning and operation of the Swift and Sure Sanction Probation Program (SSSPP) established by MCL 771A., and administered by the State Court Administrative Office (SCAO).

This MOU is effective from October 1, 2017 through September 30, 2020 and may be renewed in writing for additional terms upon mutual written agreement of all parties.

The Parties commit to the following:

- A. Assign participants to the SSSPP based on recommendations to the sentencing judge by the MDOC using the criteria established by SCAO, which includes the COMPAS risk assessment score.
- B. Provide close supervision, monitoring, and coordinate treatment and services, including random drug and/or alcohol testing to high risk felony probationers who have been assigned and made aware of their participation in the SSSPP.
- C. Increase compliance with probation terms by imposing certain, swift, and consistent sanctions for probation violators.
- D. Obtain treatment for high risk felony probationers whose behavior indicates treatment and services are needed for successful completion of probation.
- E. Reduce the number of probation violators sentenced to the county jail through the use of short but certain incarceration for violations.

We endorse the goals of the Macomb County Swift and Sure Sanctions Probation Program in order for participants to eliminate future criminal behavior and improve the quality of their lives. For these programs to be successful, cooperation must occur within a network of systems to facilitate and achieve the purpose, challenge and vision of the Macomb County SSSPP Program.

The roles of the parties are as follows:

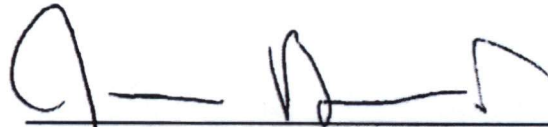
- **Circuit Court**
 - Participate on Planning Committee.
 - Designate a judge to preside over warning and violation hearings.
 - Ensure probationers are brought before the judge within 72 hours of arrest for a violation.

- List the procedures court personnel will use to communicate information regarding probationers among MDOC, County Sheriff, other stakeholders, and/or agencies as needed. Execute the responsibilities associated with each procedure.
 - Develop preferred methods, forms, and timetables for exchange of information among the stakeholders, and team regarding probation violations, drug and/or alcohol tests, and new criminal charges.
 - Assign a coordinator to provide oversight as necessary to Swift and Sure Sanctions participants.
 - Answer inquiries from defense attorneys on possible eligibility.
 - Liaison with treatment providers, drug testing contractor, MDOC probation, and residential treatment facilities as necessary. Other responsibilities will be defined in the Roles and Responsibilities and Policies and Procedures Documents.
- **Michigan Department of Corrections**
 - Participate on Planning Committee.
 - Provide referrals to the SSSPP based on COMPAS risk assessment targeting the most difficult, high risk probationers.
 - Designate an agent to participate in the SSSPP at hearings and assist in case management duties.
 - Coordinate with a drug testing agency for frequent and random drug testing in coordination with the Circuit Court.
 - Prepare Probation Violation Warrant that is needed to ensure absconders are apprehended as quickly as possible.
- **County Sheriff**
 - Participate on Planning Committee.
 - Prioritize the arrest of SSSPP probation violators.
 - Provide adequate jail space to incarcerate SSSPP probation violators.
 - Provide a Deputy Sheriff to participate on the team to the extent grant funds allow.
- **Macomb County Bar Association**
 - Participate on Planning Committee.
 - Cooperation and support for the SSSPP probationer in understanding the SSSPP Participation Agreement.
 - Members of the Macomb County Bar Association in good standing appointed to represent defendants at SSSPP sessions.

The Macomb County SSSPP may enter into additional MOU's with specific team members or other third parties, as required, to advance the goals and objectives of the Macomb County SSSPP.

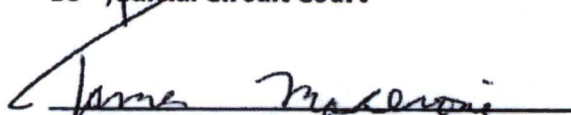
Any changes to this MOU will be valid only if made in writing and accepted by all parties to this agreement. This MOU may be terminated by any party for any reason by giving a 30 calendar day written notice to all signing parties.

Date: 12/12/17



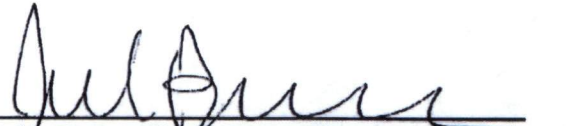
James M. Biernat Jr, Chief Judge
16th Judicial Circuit Court

Date: 12/12/17



James Maceroni, Judge
16th Judicial Circuit Court

Date: 12/15/17



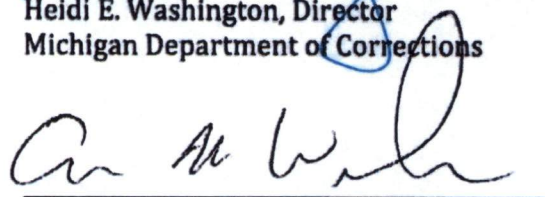
Julie Bovenschen, Court Administrator
16th Judicial Circuit Court

Date: 12/20/17



Heidi E. Washington, Director
Michigan Department of Corrections

Date: 12-14-17



Anthony Wickersham, Sheriff
Macomb County

Date: 12/13/17



Stephen Becker, President
Macomb County Bar Association