

STATE OF MICHIGAN



ISABELLA COUNTY TRIAL COURT

300 NORTH MAIN STREET

MT. PLEASANT, MICHIGAN 48858

TEL. (989) 772-0911 FAX (989) 772-7337

HON. PAUL H. CHAMBERLAIN
CHIEF JUDGE
LANCE S. DEXTER
COURT ADMINISTRATOR

HON. WILLIAM R. RUSH
TRIAL JUDGE
HON. WILLIAM T. ERVIN
TRIAL JUDGE
HON. MARK H. DUTHIE
TRIAL JUDGE

Administrative Order 2013 - 01

Order for the Establishment of a Swift and Sure Sanctions Probation Program

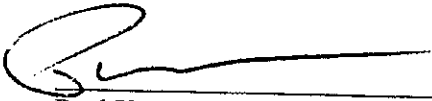
This administrative order is issued in accordance with Public Act 616 of 2012. The purpose of this order is to establish a Swift and Sure Sanctions Probation Program (SSSPP) in the Isabella County Trial Court (ICTC) that is administered by the State Court Administrative Office (SCAO). All policies and procedures comply with Public Act 616 of 2012 and are modeled after Hawaii's Honest Opportunity with Probation Enforcement (HOPE) program to increase compliance with probation terms by imposing certain, swift, and consistent sanctions for probation violators, effective January 9, 2013.

1. The Isabella County Trial Court has entered into a Memorandum of Understanding with the Isabella County Law Enforcement, Isabella County Jail, Public Defender's Office, Michigan Department of Corrections. The Memorandum of Understanding shall describe the role of each party. The Memorandum of Understanding is attached (see attachment A).
2. The ICTC has established eligibility criteria consistent with Public Act 616 of 2012 and Hawaii's **HOPE** program.
3. In compliance with the Swift and Sure Sanctions Probation Program 2014 Grant Contract, admission is contingent upon a complete preadmission screening performed by the SSSPP Court employees.
4. All participants will be provided with a written agreement and receive a warning hearing prior to participation in the program in conformance with Public Act 616 of 2012 and Hawaii's **HOPE** program.
5. The ICTC shall maintain case files in compliance with Trial Court General Schedule 16, the Michigan Case File Management Standards, and assure that medical services to, and information contained in medical records of, persons served under this grant contract, or other such recorded information required to be held confidential by federal or state law,

6. rule or regulation, in connection with the provision of services or other activity under this contract shall be privileged communication.
7. The ICTC 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 (see attached SSSPP 2013 Grant Contract item 10).
8. The court has established, as part of its program requirements, policies and procedures to assure compliance with Public Act 616 of 2012 and Hawaii's HOPE program.
9. Pursuant to the SSSPP 2014 Grant Contract, the ICTC shall provide the SCAO with the reports and records identified in the application assurances and administrative requirements for the SSSPP 2014 Grant contract: financial quarterly reports, semi-annual progress reports, quarterly Drug Court Case Management Information System (DCCMIS) Data Validation and DCCMIS Data Exception Reports, and DCCMIS Audit Reports. The SCAO shall have access to and the right to evaluate, inspect, examine, audit, observe, excerpt, copy, or transcribe any pertinent transaction, books, accounts, data, time cards, or other records related to the SSSPP 2014 Grant Contract (see attached SSSPP 2014 Grant Contract items 11, 16, 17, and 19).
10. The ICTC 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 money from the SCAO.
11. The ICTC 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 Public Act 616 of 2012.

IT IS SO ORDERED:

8/28/13
Date


Paul H. Chamberlain, Chief Judge

MEMORANDUM OF UNDERSTANDING
FOR THE
ISABELLA COUNTY
SWIFT & SURE/INTENSIVE PROBATION PROGRAM

Program Description/Introduction

This agreement is entered into between the Isabella County Trial Court and the Michigan Department of Corrections, Isabella County Public Defender Office, Isabella County Law Enforcement, and the Isabella County Jail, to document the roles and responsibilities of each agency as members of the Swift & Sure/Intensive Probation Team.

Mission Statement

The mission of the Swift & Sure/Intensive Probation Program is to promote and maintain successful compliance with probation rules and expectations by providing immediate, consistent, and predictable sanctions to at-risk probationers while reducing recidivism and maintaining community safety.

Provisions

Each agency agrees to participate by coordinating and/or providing the following:

Isabella County Trial Court

- Designate Judge(s), courtroom clerks, program staff, and other necessary staff as needed to the SSSP/IP Program.
- Comply with all SSSP/IP policies and procedures.
- Send representatives to SSSP/IP conferences and training seminars, based on availability of funding.
- Accept fiduciary responsibility of funds allocated by grant funding source. The Court will ensure that all expenditures of grant funds are in compliance with allowable expenses per the grant funding source.
- SSSP/IP staff will conduct eligibility screening, provide case management assistance, make recommendations to the court, collect pertinent data as required by the DCCMIS, submit required State and Court reports in a timely manner, and other duties necessary.
- Presiding Judge(s) and SSSP/IP staff will participate as team members.

Michigan Department of Corrections

- Refer high-risk, repeat offenders for consideration in the SSSP/IP program.
- Provide increased supervision with the assistance of the SSSP/IP staff.
- Comply with all SSSP/IP Program policies and procedures.
- Ensure issuance of bench warrants and assist in the detainment of participating probation violators in a timely manner.
- Provide supervision to designated SSSP/IP MDOC probation staff.

- One or more MDOC representative will participate as team members.

Isabella County Public Defender Office

- Serve as advocate for appropriate and most favorable sanctions in compliance with SSSP/IP policies and procedures on behalf of defendant.
- Participate as team member.

Isabella County Law Enforcement

- Assist with detainment/arrest of participating probation violators and absconders in a timely manner.
- One or more Law Enforcement representative will participate as team members.

Isabella County Jail

- Provide housing for participating probation violators who are sanctioned to jail.
- Provide status reports on jail stays as needed.
- One or more Isabella County Jail representative will participate as team members.

Term of Agreement

This agreement is effective on the date of full execution and may be renewed each year upon mutual agreement of all parties. Termination of this agreement shall occur by 60-day written advanced notice of one party to the other or upon mutual written consent of the parties for a shorter notice period.

Consideration

This Memorandum of Understanding does not involve an exchange of funds. The parties agree to the Provisions as listed.

Terms and Conditions

All terms and conditions of this agreement are subject to continuation of SSSP/IP Program funding.

Termination of Memorandum of Understanding

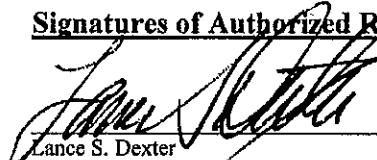
Upon mutual consent of all parties, this Memorandum of Understanding is subject to further negotiation and revision as required to support the needs of the Swift & Sure/Intensive Probation Program. Any changes shall be in writing and signed by all parties herein or their duly appointed representatives authorized to act on their behalf.


This Memorandum of Understanding may be terminated by any party for any reason by giving 60 calendar days written notice.

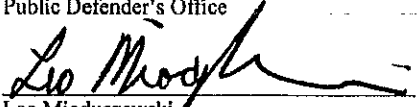
Expiration

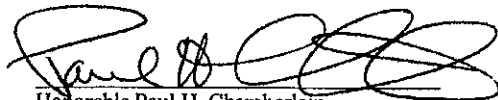
This Memorandum of Understanding will be reviewed on a yearly basis by the Isabella County Trial Court Swift & Sure/Intensive Probation Team Members and revised as necessary upon mutual agreement of all parties.

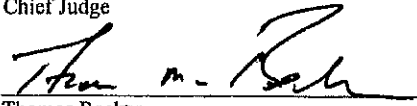
Signatures of Authorized Representatives

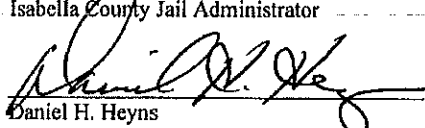

Lance S. Dexter
Trial Court Administrator


Gordon Bloch
Public Defender's Office


Leo Mioduszewski
Isabella County Sheriff
Law Enforcement Representative


Honorable Paul H. Chamberlain
Chief Judge


Thomas Reeker
Isabella County Jail Administrator


Daniel H. Heyns
Director, Michigan Department of Corrections

08-28-2013