Berrien County Trial Court

Thomas E. Nelson, Chief Judge - Brian E. Ray, Administrator
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Administrative Order **2013** – 03

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 Berrien County Trial Court (BCTC) and 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 Berrien County Trial Court has entered into a Memorandum of Understanding with the Berrien County Sheriff, Berrien County Prosecutor, Berrien County Clerk, Michigan Department of Corrections, and a representative of the criminal defense bar. The Memorandum of Understanding shall describe the role of each party. The Memorandum of Understanding is attached (see attachment A).

2. The BCTC 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 2013 Grant Contract, 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 Public Act 616 of 2012 and Hawaii's HOPE program.

5. The BCTC 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, rule or regulation, in connection with the provision of services or other activity under this contract shall be privileged communication.

6. The BCTC 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).

7. 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.

8. Pursuant to the SSSPP 2013 Grant Contract, the BCTC shall provide the SCAO with the reports and records identified in the application assurances and administrative requirements for the SSSPP 2013 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 2013 Grant Contract (see attached SSSPP 2013 Grant Contract items 11, 16, 17, and 19).

9. The BCTC 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.

10. The BCTC 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:

2/8/13
Date

Thomas E. Nelson, Trial Court Chief Judge