

**Developing and Implementing a
Swift and Sure Sanctions Probation Program
in Michigan**



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HISTORY

In response to what he saw as uncertain probation violation sanctioning, Judge Steven Alm began the Hawaii Opportunity Probation with Enforcement (HOPE) model in 2004 in Hawaii's 1st Circuit Court. Judge Alm believed that probationers viewed probation violation sanctions as arbitrary, independent of their own behavior, and unfair because probationers were allowed several violations before their probation agent recommended a typically disproportionate and harsh sanction in response to the "final-straw" violation. Instead, under the HOPE model, an offender who violates the terms of probation are immediately arrested and brought before a judge, and every probation violation is met with a jail sanction. The length of the jail sanction is dependent upon the probationer's behavior. For example, if he or she admits to using drugs or alcohol, a positive drug test earns the probationer three days in jail. If the probationer denies use and the positive result is confirmed by an independent laboratory, the probationer is sanctioned to 15 days in jail because the probationer is not being truthful and is not adhering to the court order. If he or she chooses to avoid sanctioning for the positive test by absconding, a 30-day jail sanction is ordered because the probationer is avoiding responsibility and utilizing law enforcement and judicial resources capriciously. This pattern of sanctioning is used for every violation. Judge Alm tolerates probationers who violate numerous times as long as they are attempting to make the next best choice; they may have made a mistake by using drugs, but the probationer has a choice to deny, to abscond, or to make the best choice of admitting responsibility and accepting the consequence. However, those who abscond more than two or three times typically have their probation revoked.

Although most HOPE probationers consume drugs or alcohol prior to beginning the program, the HOPE model does not mandate formal treatment for all probationers. Judge Alm has demonstrated that upwards of 75 percent of HOPE probationers discontinue drug and alcohol use within two sanctions and do not require treatment to stop using. For those who cannot stop using substances in spite of the certain consequence of jail, treatment is ordered or the individual is admitted to Hawaii's drug court program. In HOPE, treatment is reserved for those who request it, or for those who repeatedly fail to comply with probation terms, such as those who miss several drug tests or test positive several times.

A one-year independent evaluation of the HOPE model was completed in 2009. Probationers were randomly ordered to follow the HOPE model or to continue on standard probation. The evaluation revealed that HOPE probationers were 72 percent less likely to use drugs, 55 percent less likely to be arrested for a new crime, 61 percent less likely to skip appointments with their supervisory officer, and 53 percent less likely to have their probation revoked.¹ Due to the success of the HOPE model, numerous states, including Michigan, have adopted the principles that Judge Alm developed.

In Michigan, 2011 Public Act 63 appropriated funds to create a demonstration program that involves the Michigan Department of Corrections (MDOC) and the State Court

¹ McEvoy, Kevin (2012) *HOPE: A Swift and Certain Process for Probationers*. Available: <http://nij.gov/journals/269/pages/hope.aspx>. See also Hawken, A. & Kleiman, M. (2009) *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE*. Available: <https://www.ncjrs.gov/pdffiles1/nij/grants/229023.pdf>.

Administrative Office (SCAO). This demonstration program was implemented in the counties of Barry, Berrien, Isabella, and Wayne and was called the Swift and Sure Sanctions Probation Program (SSSPP). After a two-year pilot, 2012 Public Act 616 was passed that created the “probation swift and sure sanctions act,” which states:

It is the intent of the legislature to create a voluntary state program to fund swift and sure probation supervision at the local level based upon the immediate detection of probation violations and prompt the imposition of sanctions and remedies to address those violations. In furtherance of this intent, the state swift and sure sanctions program is created with the following objectives:

- (a) Probationers are to be sentenced with prescribed terms of probation meeting the objectives of this chapter. Probationers are to be aware of their probation terms as well as the consequences for violating the terms of their probation.
- (b) Probationers are to be closely monitored and every detected violation is to be promptly addressed by the court.
- (c) Probationers are to be arrested as soon as a violation has been detected and are to be promptly taken before a judge for a hearing on the violation.
- (d) Continued violations are to be addressed by increasing sanctions and remedies as necessary to achieve results.
- (e) To the extent possible and considering local resources, probationers subject to swift and sure probation under this chapter shall be treated uniformly throughout the state.

ELIGIBILITY CRITERIA

2012 Public Act 616 indicates that the SCAO may establish general eligibility requirements for offender participation in SSSPP. A felony offender is eligible for the Swift and Sure Sanctions Probation Program (SSSPP) if (1) or (2) applies:

- (1) (A) Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) assessment score of high on either the Non-VFO Risk scale or VFO Risk scale; and
 - (B) One of the following:
 - (i) One or more sanctioned probation violations on the current case, or
 - (ii) Two or more sanctioned probation violations, or
 - (iii) One or more probation failures due to behavioral noncompliance.
- (2) (A) COMPAS assessment score of medium on either the Non-VFO Risk scale or VFO Risk scale; and
 - (B) Defendant is a straddle- or presumptive-cell offender; and

(C) One of the following:

- (i) One or more sanctioned probation violations on the current case, or
- (ii) Two or more sanctioned probation violations, or
- (iii) One or more probation failures due to behavioral noncompliance.

A history of sanctioned probation violations or probation failures can occur while on either adult district or adult circuit court probation.

In the court's discretion, violent offenders and sex offenders that meet the above criteria are eligible for SSSPP.

THE DIFFERENCE BETWEEN A PROBLEM-SOLVING COURT AND A SWIFT AND SURE SANCTIONS PROBATION PROGRAM

Problem-solving courts are voluntary programs that use a therapeutic approach to address disorders such as substance use or mental illness for probationers who have an active court case. Problem-solving courts utilize a team approach to attend to the offender's disorders through individualized treatment, intensive judicial supervision, incentives, sanctions, drug and alcohol testing, links to ancillary services addressing educational barriers and employment needs, and other individualized services. Probationers are clearly informed of the program's rules; the specific behaviors that may trigger sanctions or incentives; and the types of sanctions and incentives that may be imposed. The team utilizes a wide range of sanctions and incentives that are individualized for each probationer. Sanctions may include writing assignments, community services, and brief jail stays; incentives may include verbal praise, token gifts, or reduced supervision. These programs typically provide a legal incentive—reduced jail time, a deferred judgment of guilt, or delayed sentence—to encourage participation in the program.

In contrast, SSSPP is not a voluntary program for probationers, and potential probationers are not offered any legal incentives to participate. Probationers are made aware of their probation terms as well as the consequences for violating the terms of their probation in a warning hearing described on page 8. Probationers are given a sanctions document that describes probation violations, such as missing a probation appointment or a positive drug test, and what sanctions they should expect as a response. Sanctions are not individualized as they are for a problem-solving court; and incentives, mandatory treatment, and ancillary services are not utilized. Probationers only appear before the judge at the initial warning hearing and for probation violations.

SANCTIONS

Probation violations should be addressed with clear and defined sanctions and the length of the sanction should be determined by the probationer's actions following the violation. A probationer who takes responsibility should receive a shorter or lesser sanction than one who deceives or avoids responsibility. Sanctions include, but are not limited to, temporary

incarceration, extension of the period of supervision, additional reporting or compliance requirements, drug and/or alcohol testing, counseling and treatment for behavioral or mental health problems including substance use, and probation revocation. The court should create a sanctions document that includes violations that may occur and the accompanying sanctions for those violations. A sample sanctions document is available in Appendix A.

Probationers should be sanctioned within 72 hours after the violation is reported to the court, absent good cause for a departure from the 72-hour requirement. It is important to work with local law enforcement to serve warrants, take violators into custody, and bring defendants before the court within 72 hours. Grant funds are available to fund overtime for law enforcement to serve warrants and apprehend probation violators to aid in meeting the 72-hour requirement.

TREATMENT

The SSSPP program may provide substance use or mental health treatment for probationers who have exhibited those types of issues, such as providing substance use treatment for a probationer who has a pattern of positive drug tests. SCAO will reimburse for treatment services after the probationer has tested positive and been sanctioned twice.

Programs should follow federal confidentiality laws regarding treatment information. Confidentiality is addressed by two federal statutes, the Health Insurance Portability and Accountability Act (HIPAA) and 42 Code of Federal Regulations (CFR) Part 2. More information is available in the Confidentiality section of this document.

Probationers should sign a consent to release confidential information if ordered to substance use or mental health treatment. The disclosure should identify what information can be shared and with whom. The document must contain the beginning and end date for which the release of information is valid. A sample consent is available in Appendix B.

CONFIDENTIALITY

Confidentiality in an SSSPP program is addressed when probationers participate in any substance use or mental health treatment. HIPAA, despite conventional wisdom and practice, does not apply to the courts, law enforcement, or probation officers. However, 42 CFR Part 2 applies to any program that is directly or indirectly assisted by any department or agency of the United States, which is interpreted to include any state or local court system.

HIPAA was enacted to improve health care by establishing standards for the electronic transmission of certain health records. A privacy rule prohibits certain entities from disclosing a patient's health information without proper consent or authorization. Although HIPAA does not specifically apply to the courts, it does apply to substance use treatment providers. Thus, SSSPP should adhere to the spirit of the law by having a consent for disclosure form of confidential information that meets HIPAA requirements available for SSSPP probationers who attend substance use or mental health treatment.

Substance use program records are subject to 42 CFR Part 2, which protects the identity, diagnosis, prognosis, and treatment records of any probationer in a substance use program. Essentially, 42 CFR Part 2 prohibits the direct or indirect acknowledgement of a person's substance use diagnosis, prognosis, or treatment. Drug test results alone would not be protected information in the SSSPP for probationers. However, drug tests for probationers where the results are used for diagnosis, treatment, or referral to treatment are protected information.

Because it is important that the court and treatment providers maintain ongoing communication and exchanges of information regarding SSSPP probationers, if applicable, those probationers should be required to sign a valid consent form, allowing the disclosure of their treatment information. There are two requirements for procuring a valid consent form: advisement of the probationer's rights under the law, and the actual consent to release the treatment information.

There are a number of elements that must be included on a consent form:

1. The specific name or general designation of the program or person permitted to make the disclosure.
2. The name or title of the individual or the name of the organization to which disclosure is to be made.
3. The name of the patient.
4. The purpose of the disclosure.
5. How much and what kind of information is to be disclosed.
6. The signature of the patient (and parent or guardian, if applicable).
7. The date on which the consent is given.
8. A statement that the consent is subject to revocation at any time, except to the extent that a program or person that is to make the disclosure has already acted in reliance on it.
9. The date, event, or condition upon which the consent will expire (if not revoked before then). This date, event, or condition must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.

A link to 42 CFR Part 2 is available in the Additional Resources section of this document.

STEPS TO BEGIN A SWIFT AND SURE SANCTIONS PROBATION PROGRAM

COMPILE THE TEAM

The following members should be involved in the planning of the SSSPP program:

- The chief judge and all judges participating in SSSPP
- Michigan Department of Corrections (MDOC) staff
- Prosecutors
- Defense attorneys
- Sheriff/police
- Jail administrators
- Case managers/program coordinators
- Treatment providers

REFERRAL PROCESS AND ELIGIBILITY SCREENING

Referrals can be submitted to an MDOC probation agent or case manager who will complete a screening to determine eligibility. MDOC probation agents will typically screen candidates during the presentence investigation (PSI) phase of the defendant's criminal proceedings and also review their current probation caseload to identify eligible candidates based on their COMPAS scores and either the number of current probation violations or their history on probation.

If an individual is eligible, the eligibility determination is submitted to the presiding judge for consideration whether to admit the persons to the program. Those sentenced to SSSPP must receive a warning hearing to inform them of the program rules, sanctions, and expectations. A sample eligibility screening form is available in Appendix C.

WARNING HEARING

As required by 2012 Public Act 616, during the initial warning hearing the judge must inform the SSSPP probationer of the probation requirements and of the sanctions and remedies that may apply to probation violations. The probationer should be given a written copy of the sanctions and remedies that he or she may face if a probation violation occurs.

INTAKE

The probationer must meet with the probation officer to sign forms and ask questions. The forms should include a sanctions document, a participation agreement, a drug/alcohol testing agreement, and any other pertinent documents, such as a consent to release treatment information (if applicable). A sample participation agreement is available in Appendix D. A sample drug testing requirements document is available in Appendix E. A sample alcohol testing notice is available in Appendix F.

SUPERVISION

The statute requires that the probationer meet with the officer or agent throughout the probationary term.² The MDOC probation officer will have contact with an SSSPP probationer based upon MDOC supervision policy. A case manager/program coordinator may be hired to provide additional monitoring if the judge desires. For example, if the MDOC supervision policy is to have contact with probationers once a week and the SSSPP policy requires three contacts per week, then the case manager can meet with the probationer for the additional two contacts. Also, a case manager/program coordinator may act as a liaison for the court, MDOC, and law enforcement; assure that all paperwork and program files are up to date and all bills or invoices are submitted and paid; and assist with completing SCAO reports and the annual grant. A sample coordinator job description is available in Appendix G.

² Michigan Legislative Website (n.d.). *Public Act 0616* (January 2013). Retrieved January 10, 2014, from <http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2012-PA-0616.pdf>.

Data on offender participation will be tracked by MDOC probation agents in the Offender Management Network Information (OMNI) system. Case managers who provide additional supervision should also track any additional contacts or drug tests that they administer to be included in the biannual progress reports to SCAO. This information will be used by SCAO for evaluation purposes.

DRUG TESTING

Frequent, random, and observed drug and alcohol testing should occur as a component of SSSPP. Program staff should test for a variety of drugs. Drug testing may be conducted by MDOC probation staff and/or a case manager/program coordinator, or a drug testing company may be contracted to provide testing. It is necessary to identify a laboratory that can confirm disputed test results.

When contracting with a drug testing company, be sure there are policies and procedures in place for observed testing, random testing (such as a daily call-in/color system), and chain of custody. The chain of custody policy should identify who will place a seal on the specimen, who will initial the seal on the specimen, where it will be kept, etc. The tester should be the same gender as the SSSPP probationer.

PROGRAM LENGTH AND PROGRAM COMPLETION

It is important to determine the length of the program and what constitutes program completion. Some SSSPP judges have determined that probationers will remain on SSSPP probation for all five years of their probationary term, but may discharge them from probation if they have no violations for two years. Others may decide that probationers will remain on SSSPP probation for one year and then step down to regular probation. Some judges keep probationers on SSSPP probation for all five years of their probationary period. It is also important to identify criteria for expulsion. A new criminal offense, repeated absconding, and/or a specific number of violations may be grounds for probation revocation.

SERVICE PROVIDERS AND COMPETITIVE BID PROCESS

Service providers may need to be procured. Some counties require a competitive bid process when selecting vendors. A competitive bid process lets a court secure the best quality services at the best possible price. This entails posting a public announcement in the form of a competitive bid request known as a Request for Procurement (RFP). The RFP should include requirements for the service, quality, capability, price, and deadline for submission. Typically, proposals are considered when suppliers' offers fulfill all of the specifications in the posting and bids are for high quality services at a competitive cost.

POLICIES AND PROCEDURES

A policies and procedures manual, although not required, can provide valuable information for team members. It should include policies and procedures for identifying potential probationers, eligibility criteria, a warning hearing script, the role of the probation

officer (and case manager/program coordinator, if utilized), supervision components, sample documents, criteria for SSSPP completion and expulsion, and contact information for appropriate team members.

MEMORANDUM OF UNDERSTANDING AND LOCAL ADMINISTRATIVE ORDER

Programs receiving SCAO grant funds are required to have a current memorandum of understanding (MOU) and local administrative order (LAO) on file with the SCAO before accepting probationers into SSSPP. An MOU describes the roles and responsibilities of each team member of an SSSPP program. The team should decide whether to use a single MOU signed and dated by all team members or separate MOUs for each team member. The duration and terms of the MOU should be included. The LAO governs the internal management of the SSSPP program and outlines the general components of the SSSPP program that the court will follow. This order must be signed by the chief judge and approved by your SCAO regional administrator. Links to the model MOU and model LAO are available in the Additional Resources section of this document.

APPENDIX A

STATE COURT ADMINISTRATIVE OFFICE RECOMMENDED SANCTIONS DOCUMENT

Violations of probation orders will be sanctioned as follows:

1. If you admit responsibility for the violation, you will receive three days in jail.
2. If you deny responsibility for the violation and the violation is confirmed by the court, you will receive 15 days in jail.
3. If you abscond, you will receive 30 days in jail.

Repeated violations may result in probation revocation.

APPENDIX B

CRIMINAL JUSTICE CONSENT TO RELEASE INFORMATION

[insert court name] Swift and Sure Sanctions Probation Program

[insert program address]

I, _____, hereby consent to communication between the [insert court name] Swift and Sure Sanctions Probation Program and:

[name all persons and agencies to which disclosure is to be made, i.e., prosecuting attorney, defense attorney, treatment agency, drug/alcohol testing center].

The purpose of this disclosure is to inform the court and all other named parties of my eligibility and/or acceptance for treatment services, attendance, compliance, and progress in accordance with the Swift and Sure Sanctions Probation Program monitoring criteria.

I understand that any disclosure made is protected by 42 CFR Part 2, governing confidentiality of alcohol and drug use patient records and 45 CFR Part 160 and Part 164 (Health Insurance Portability and Accountability Act, or HIPAA) governing protected health information.

I understand this consent will remain in effect for the entire time that I am participating in the Swift and Sure Sanctions Probation Program and cannot be revoked until I am discharged from the Swift and Sure Sanctions Probation Program.

I understand that if I refuse to consent to disclosure or attempt to revoke my consent prior to the expiration of this consent, such action is grounds for immediate termination from the Swift and Sure Sanctions Probation Program.

Signature of Probationer

Date

Witness

Date

APPENDIX C
SWIFT AND SURE SANCTIONS PROBATION PROGRAM (SSSPP)
REFERRAL AND SCREENING ELIGIBILITY FORM

Referring Individual: _____

This form must be completed and signed by the referring probation officer in order for the probationer to be considered for placement in the program. The probationer's current Criminal Offender Management Profiling for Alternative Sanctions (COMPAS), pre-sentence investigation (PSI), and court order (if applicable) must be attached.

Defendant's Name: _____

Case No(s): _____ D.O.B.: _____ Phone: () _____
mm/dd/yyyy

Determination needed by this date: _____

Additional information: _____

Eligibility Screening for SSSPP

Both columns must have at least one check to be eligible:

Must have one of the following: (choose all that apply) 8, 9, or 10 on COMPAS Scale	Must have one of the following: (choose all that apply)
_____ Risk of Violence	_____ History of probation failures (2 or more)
_____ Risk of Recidivism	_____ 3 or more sanctioned probation violations on the current case
_____ Overall Risk Score	

The referred probationer has been screened for placement in the Swift and Sure Sanctions Probation Program, and the probationer DOES or DOES NOT meet eligibility criteria.

Signature of Probation Officer/Coordinator/Case Manager **Date**

PRESIDING JUDGE: The probationer is _____ Accepted _____ Denied for placement in the Swift & Sure Sanctions Probation Program.

Signature of Presiding Judge **Date**

APPENDIX D

SWIFT AND SURE SANCTIONS PROBATION PROGRAM (SSPP)

PARTICIPATION AGREEMENT

Defendant's Name _____ Case Number(s) _____

I, the above-named defendant, have been ordered into the Swift and Sure Sanctions Probation Program and must adhere to the rules and conditions of the program. I understand that:

1. If I violate any rules or conditions of my probation order, I will be sentenced in accordance with the sanctions document.
2. If I successfully complete all rules and conditions of the Swift and Sure Sanctions Probation Program to the judge's satisfaction, I will be granted a successful discharge from the program.

Acknowledgement of Receipt

I have read and understand the participation agreement and the sanctions document and have been provided with a copy.

Probationer's Signature

Date

Judge's Signature

Date

APPENDIX E
Swift and Sure Sanctions Probation Program (SSSPP)
Drug Testing Requirements

GENERAL PROGRAM REQUIREMENTS

- You must provide photo identification, if requested, prior to sample collection.
- You have been assigned a color for random urinalysis testing.
- You must contact the SSSPP Drug Test Hotline each day at (XXX) XXX-XXXX, from X:XX a.m. to X:XX a.m./p.m.; and if your color is announced, you must report to the collection site that day between X:XX a.m./p.m. and X:XX a.m./p.m.
- Urinalysis screenings will be observed. Failure to comply with observation requirements will result in a positive test.
- You must report to the collection site that is named on the Drug Test Hotline.
- You cannot reschedule. Only a court agent may do so on your behalf.
- You cannot leave the collection site until a sample has been collected, and only persons scheduled for sample are allowed in the specimen collection area.
- You must provide a list of medications to your probation agent.

DRUG TEST REQUIREMENTS

- You must provide an adequate urine sample within three attempts and in less than sixty minutes or your test result will be a positive test result.
- Diluted or adulterated samples will be reported as a positive test result.
- If your urine sample tests positive and you deny using drugs or alcohol, the test will be sent for confirmation. You will be required to pay for the confirmation test. If the confirmation test is negative, you will be reimbursed by the court. A positive drug test may result in immediate sanction and/or detention.
- You must remove all items from your person, other than clothing, prior to providing a urine sample or your result will be considered a positive result.

ALCOHOL TESTING REQUIREMENTS /PORTABLE BREATHALIZER TESTS

- You cannot smoke, eat, or drink anything 15 minutes prior to sample collection.
- If you test positive, you will be required to submit to a second and/or subsequent sample(s) for confirmation.

NOTICE: Test results are reported to referring probation officer.
Federal Regulation 42 CFR part 2, Confidentiality of Alcohol and Patient Drug Use Records, provides for the confidentiality of records without written consent unless provided for in the regulations. Consent remains in effect for the entire time that I am participating in the Swift and Sure Sanctions Probation Program and cannot be revoked until I am discharged from SSSPP. If I refuse to consent to disclosure or attempt to revoke my consent prior to the expiration of this consent, such action is grounds for immediate termination from the SSSPP.

APPENDIX F

Swift and Sure Sanctions Probation Program (SSSPP)

This document serves to educate, alert and advise SSSPP probationers to the potential (incidental) sources of alcohol that could produce a positive urine test result.

Urine Abstinence Testing and Incidental Alcohol Exposure

Recent advances in the science of alcohol detection in urine have greatly increased the ability to detect even trace amounts of alcohol consumption. In addition, these tests are capable of detecting alcohol ingestion for significantly longer periods of time after a drinking episode. Because these tests are sensitive, in rare circumstances exposure to non-beverage alcohol sources can result in detectable levels of alcohol (or its breakdown products). In order to preserve the integrity of the SSSPP testing program, we must restrict and/or advise SSSPP probationers regarding the use of certain alcohol-containing products.

It is your responsibility to limit your exposure to the products and substances detailed below that contain ethyl alcohol. It is your responsibility to read product labels, to know what is contained in the products you use and consume, and to inspect these products before you use them. Use of the products detailed below in violation of this contract will not be allowed as an excuse for a positive test result. When in doubt, don't use, consume, or apply.

Cough syrups and other liquid medications. SSSPP probationers are prohibited from using alcohol-containing cough/cold syrups. Many cough syrup brands, and numerous other liquid medications, rely upon ethyl alcohol as a solvent. SSSPP probationers are required to read product labels carefully to determine if they contain ethyl alcohol. All prescription and over-the-counter medications should be reviewed with your probation officer/case manager/program coordinator before use. Information about the composition of prescription medications should be available upon request from your pharmacist. Non-alcohol-containing cough and cold remedies are readily available at most pharmacies and major retail stores.

Non-Alcoholic (NA) Beer and Wine: Although legally considered non-alcoholic, NA beers do contain a residual amount of alcohol that may result in a positive test result for alcohol, if consumed. SSSPP probationers are not permitted to ingest NA beer or NA wine.

Food and Other Ingestible Products: There are numerous other consumable products that contain ethyl alcohol that could result in a positive test for alcohol. Flavoring extracts, such as vanilla or almond extract, and liquid herbal extracts could result in a positive screen for alcohol or its breakdown products. Communion wine, food cooked with wine, and flambé dishes (alcohol poured over a food and ignited) must be avoided. Read the labels on any liquid herbal or homeopathic remedy.

Mouthwash and Breath Strips: Most mouthwashes and other breath cleansing products contain ethyl alcohol. The use of mouthwashes containing ethyl alcohol can produce a positive test result. SSSPP probationers are required to read product labels and educate themselves as to

whether a mouthwash product contains ethyl alcohol. Use of ethyl alcohol-containing mouthwashes and breath strips by SSSPP probationers is not permitted. Non-alcohol mouthwashes are readily available and are an acceptable alternative. If you have questions about a particular product, bring it in to discuss with your probation officer/case manager/program coordinator.

Hand Sanitizers: Hand sanitizers and other antiseptic gels and foams used to disinfect hands contain up to 99 percent ethyl alcohol. Excessive, unnecessary, or repeated use of these products could result in a positive urine test. Hand washing with soap and water is just as effective for killing germs.

Hygiene Products: Aftershaves and colognes, hair sprays and mousse, astringents, insecticides, and some body washes contain ethyl alcohol. While it is unlikely that limited use of these products would result in a positive test for alcohol (or its breakdown products), excessive, unnecessary, or repeated use of these products could affect test results. Probationers must use such products sparingly to avoid reaching detection levels. Just as the court requires SSSPP probationers to regulate their fluid intake to avoid dilute urine samples, probationers should limit their use of topically applied (on the skin) products containing ethyl alcohol.

Solvents and Lacquers: Many solvents, lacquers, and surface preparation products used in industry, construction, and the home contain ethyl alcohol. Both excessive inhalation of vapors and topical exposure to such products can potentially cause a positive test result for alcohol. As with the products noted above, SSSPP probationers must educate themselves as to the ingredients in the products they are using. There are alternatives to nearly any item containing ethyl alcohol. Frequency of use and duration of exposure to such products should be kept to a minimum. A positive test result will not be excused by reference to use of an alcohol-based solvent. If you are employed where contact with such products cannot be avoided, you need to discuss this with your probation officer/case manager/program coordinator. Do not wait for a positive test to do so.

I HAVE READ AND UNDERSTAND MY RESPONSIBILITIES:

PROBATIONER

DATE

APPENDIX G

Swift and Sure Sanctions Probation Program Coordinator Job Description

General Summary:

Appointed by the chief judge to perform duties associated with the operation of the Swift and Sure Sanctions Probation Program (SSSPP). Maintains procedural and clerical elements of the program. Coordinates and performs drug testing as required.

Supervision Received:

Under the direct supervision of the court administrator, work is performed in partnership with the Michigan Department of Corrections. Works closely with the judge(s) assigned to the SSSPP cases.

Typical Duties:

1. Serves as liaison for and among the SSSPP stakeholders, including the court, the Michigan Department of Corrections, and law enforcement.
2. Interacts with SSSPP probationers to gather demographic information and administers drug and alcohol tests as required by the program.
3. Assures all paperwork and documents relating to the program are accurately assimilated into court or program files, and bills or invoices are paid accurately and timely.
4. Facilitates the execution of court orders, including but not limited to, performing/collecting drug screening tests, organizing stays in treatment or detention centers, arranging for transportation, and coordinating access to community resources for probationers.
5. Collects data for biannual progress reports as required by the SCAO.
6. Maintains close working relationships with judges, probation officers, court staff, law enforcement agencies, social service agencies, and others in the community.
7. Schedules and attends all meetings associated with the SSSPP, including stakeholder gatherings.
8. Assists in the writing of all grant applications, policies, and procedures associated with the program.
9. Prepares and distributes program reports and statistics as required by the court, SCAO, or at the request of SSSPP stakeholders.
10. Performs other duties as directed by the court.

Minimum Education and Experience Requirements:

Bachelor's degree in criminal justice, health science, social science, social work, business, or other related field.

OR

Associate's degree in criminal justice, health science, social science, social work, business, or other related field, and two (2) years of experience in a related field.

Desirable Knowledge, Skills and Abilities:

Possess strong computer skills, including knowledge of word processing, spreadsheet, presentation, and database solutions. Shall have excellent communication skills, both written and verbal, and be comfortable speaking in public. Must be comfortable working with diverse populations that include persons convicted of various criminal offenses.

Special Employment Conditions:

The SSSPP coordinator position is a grant funded position. In the event that the grant is not renewed, this position terminates at the end of the funded grant cycle.

The person in this position may be required to work in any court location, depending on the program's coverage needs, and will have regular contact with people convicted of criminal felony offenses.

Possession of a valid vehicle operator's license. Must pass pre-employment physical, including drug testing, criminal record, reference, and background check prior to employment. Employees will be fingerprinted.

Appropriate speech, dress, and a high level of personal and professional conduct including confidentiality and integrity must be maintained. Regular, reliable, and predictable attendance is required. This position is subject to random drug testing as implemented by the court.

This position may deviate from the general work hours of 8:30 a.m. to 5:00 p.m. with prior approval. An employee in this position will work 37.5 hours per week, with the flexibility to adjust hours in order to meet the needs of the program or its probationers.

This description is intended to describe the type and level of work being performed by a person assigned to this job. It is not an exhaustive list of all duties and responsibilities required by a person so classified.

ADDITIONAL RESOURCES

- **2012 Public Act 616**
<http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2012-PA-0616.pdf>
- **Swift and Sure Sanctions Webpage**
<http://courts.mi.gov/administration/admin/op/problem-solving-courts/pages/swift-and-sure-sanctions-probation-program.aspx>
- **Title 42 Code of Federal Regulations Part 2**
<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr;sid=af45a7480ecfb95bc813ab4bbd37fb5b;rgn=div5;view=text;node=42%3A1.0.1.1.2;idno=42;cc=ecfr>