

# **Swift and Sure Sanctions Probation Program**

State Court Administrative Office



## **Swift and Sure modeled after HOPE – what is HOPE?**

- Hawaii Opportunity Probation with Enforcement
- Created in 2004 by Judge Steven Alm
- Immediate sanction after each violation – swift
- Clear system of sanctioning – sure
- Caring and supportive



## Overview of Swift and Sure

- FY 2012
  - Swift and Sure statute
  - Pilot program in 4 courts
- FY 2013 – 13 Swift and Sure courts
- FY 2014 and FY 2015 – 18 Swift and Sure courts
- FY 2016 – 19 Swift and Sure courts
- FY 2017 – 23 Swift and Sure courts: in Allegan, Barry, Bay, Berrien, Calhoun, Cass, Clinton-Gratiot, Eaton, Emmet, Ingham, Ionia-Montcalm, Iron, Isabella, Kalamazoo, Livingston, Mecosta-Osceola, Midland, Muskegon, Saginaw, Shiawassee, St. Joseph, Van Buren, and Wayne counties



## Key Concepts

- Fair
- Swift
- Certain
- Consistent
- Proportionate
- \* Caring, supportive, accountable approach



# **Fairness and Perceived Fairness**

- Creates a desire for cooperation and compliance, not resistance
- Change in mindset
- Result – behavior change for the better



# **Swift**

- Reinforces perceived fairness
- Immediate sanction after each violation
- Within 72 hours



# Sure

- Reinforces perceived fairness
- Certain and predictable
- Tie behavior with a consequence – and learn from it
- Two contexts:
  - (1) Able to predict *what* the sanction will be if you violate
  - (2) Every violation results in a sanction
- Certainty more important than severity



# Consistent

- Reinforces perceived fairness
- Three contexts:
  - (1) Every violation results in a sanction
  - (2) Consistent sanctions from probationer to probationer
  - (3) Consistency in what they're told the sanction will be and what the sanction actually is after a violation



# Proportionate

- Reinforces perceived fairness
- If someone makes the wrong decision in the first place – they miss an appointment; they fail a drug test – they essentially have three choices.
- Swift and Sure helps the probationer develop personal responsibility and accountability – for some, for the first time in their life.



# What does Swift and Sure look like day-to-day?



# Eligibility criteria

Two main ways for felony probationer to be eligible

- (1) (a) High risk on COMPAS  
AND one of these:
  - (b)(i) at least one PV on current case, or
  - (b)(ii) at least two PVs, or
  - (b)(iii) at least one probation failure
  
- (2) (a) Medium risk on COMPAS  
AND
  - (b) straddle or presumptive  
AND one of these:
    - (c)(i) at least one PV on current case, or
    - (c)(ii) at least two PVs, or
    - (c)(iii) at least one probation failure

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

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



# Court Hearings

- Orientation Hearing
  - The judge explains how the program works
  - Clear expectations
  - Swift and certain consequence for each violation
  
- Violation hearing
  - In front of the judge
  - Immediately after a violation
  - Immediate sanction
  
- No status review hearings



## Supervision

- Most on maximum-supervision track
  - Two scheduled in-person contacts per month with MDOC probation agent
- Random home/employment checks
- Meet with case manager or court staff?
- GPS tether?



## Drug Testing

- Frequent, random, observed
  - Drug testing – usually two per week early in the program
  - Alcohol testing – can be daily



## Violations

- Most common – missing appointment with probation agent or treatment; and a positive drug test
- Once there's a violation, the probationer is arrested and taken in front of the judge



## Sanctions

- Every violation results in an immediate sanction.
- Recommended system of sanctioning (for “targeted” zero-tolerance violations):
  - Cellblock sanction
  - 2-3 days jail if admit
  - 15 days if deny and confirmed
  - At least 30 days if abscond



## **Differences between Swift and Sure and Problem-Solving Courts**

- Accountability approach (while also caring and supportive); not treatment-focused approach
- High risk but not necessarily high need
  - No clinical assessment; no SA/MH disorder
- No status review hearings
- Not as individualized as PSC



## **Conclusion**

Thank you for your time and attention!

If you'd like additional information or have questions, please feel free to e-mail Michigan's Problem-Solving Courts team at [TrialCourtServices@courts.mi.gov](mailto:TrialCourtServices@courts.mi.gov).

