

HENNEPIN COUNTY
MINNESOTA

SYSTEM ANALYSIS
JAIL POPULATION
DRIVERS AND
TRENDS

2018

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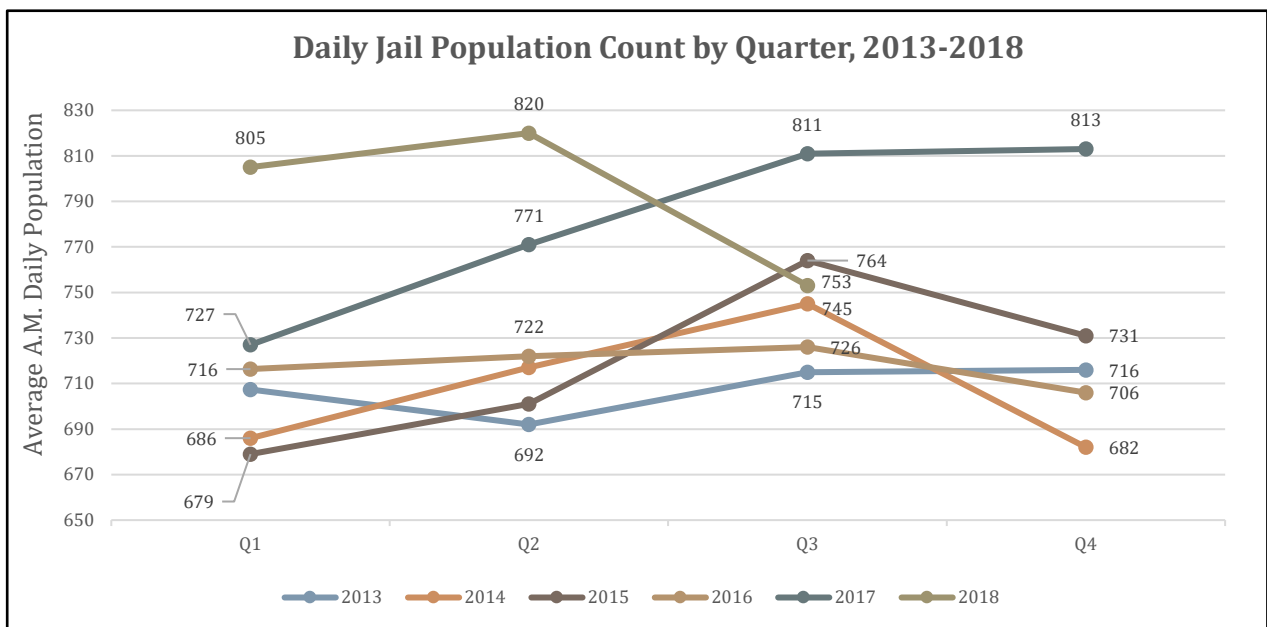
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The Study

Purpose

On June 12, 2018, the Hennepin County Board of Commissioners directed the County Administrator to appoint the undersigned consultants to conduct a system analysis of the jail population at the Adult Detention Center (ADC).¹

The reason for this resolution was that the ADC had operated at or above its functional capacity of 755 inmates since May 2017. Counts of A.M. average daily population (ADP) rose to 771 in the second quarter of 2017 followed by an increase to 813 by the end of 2017. This rate continued through the end of the second quarter of 2018.



As a result of this overcrowding, the Sheriff’s Office has spent in excess of \$1.3 million in overtime to adequately staff inmate overflow, meet staffing guidelines and address concerns over the safety of deputies and inmates.

The resolution identified the primary goal of the system analysis as determining whether and how the demand for jail resources could be reduced, using data provided by the various criminal justice stakeholders to analyze jail population drivers and trends.

Background

In 1998, prior to construction of the new jail, the Hennepin County Board retained the Institute for Law and Policy Planning (ILLP) to conduct a jail overcrowding study.² At that time, the jail capacity was 509 inmates and the average daily jail population ranged from 660-700. The report prepared by the ILLP noted that the 1996 index crime rate (the number of major crimes per

¹ Board Action Request- See Appendix 1

² ILLP Final Report Summary -See Appendix 2

100,000 residents) was 5,346. It is important to note that major crime has steadily decreased since then; in 2017 the rate for Hennepin County was 3,404. Despite this decrease, the jail population numbers in 2017 exceeded 800.

The report also looked at existing jail facilities in the county, including both the ADC and the Hennepin County Adult Corrections Facility (ACF/Workhouse). At that time, the ACF was housing roughly 70 pretrial inmates for the ADC. Because the county funds both jail facilities, it may be advisable to look long term at both facilities in addressing issues of jail resources. This will be addressed in more detail in the recommendation section of this report.

The 1998 report identified the drivers of jail population: the number and type of arrests, the criteria for pretrial release, the speed with which cases are processed, and the availability of acceptable alternatives to incarceration. These remain the current drivers of jail population, and this report will focus on each driver and its related data and practices.

Study Process

We began the study by meeting with the leaders of the Fourth Judicial District Court (the Court), the Hennepin County Sheriff's Office (HCSO), the Hennepin County Department of Community Corrections & Rehabilitation (DOCCR), the Hennepin County Attorney's Office (HCAO), the Minneapolis City Attorney's Office (MCAO), and the Hennepin County Public Defender to explain our goals and enlist their support and cooperation. From these meetings, it was agreed that the Court, the HCSO, and DOCCR would provide data and data analysts to the project to help us understand what had occurred that led to the ADP as previously outlined. We had numerous meetings with the analysts, made several data requests in phases, and met with identified leaders of the different stakeholders to update them on our work.

While we had good cooperation from everyone, we also experienced some frustrating problems related to the data. Some years ago, Hennepin County created the Hennepin County Justice Integration Program (HJIP), which created a Hennepin unique identifier (the SILS number). This allowed criminal justice stakeholders to share data on individuals. However, each stakeholder group has its own data system, and each system has its own set of limitations. For example, the Court has the Minnesota Court Information System (MNCIS), which tracks individuals and cases but does not distinguish between persons in and out of custody. This makes an analysis of in custody cases difficult. The ADC has the Jail Management System (JMS), which tracks bookings and inmates in custody, but for many data elements it is not congruent with other systems. DOCCR uses the Court Services Tracking System (CSTS), which tracks individuals in the corrections system as it relates to actions taken by corrections. However, not all inmates are in the corrections system, and the system doesn't distinguish between in and out of custody. To answer some of the questions we had, it was necessary for the different systems to attempt to match individuals, to allow for an analysis and then arrive at a conclusion. This process is open to error due to differences in how data elements are defined in the different systems.

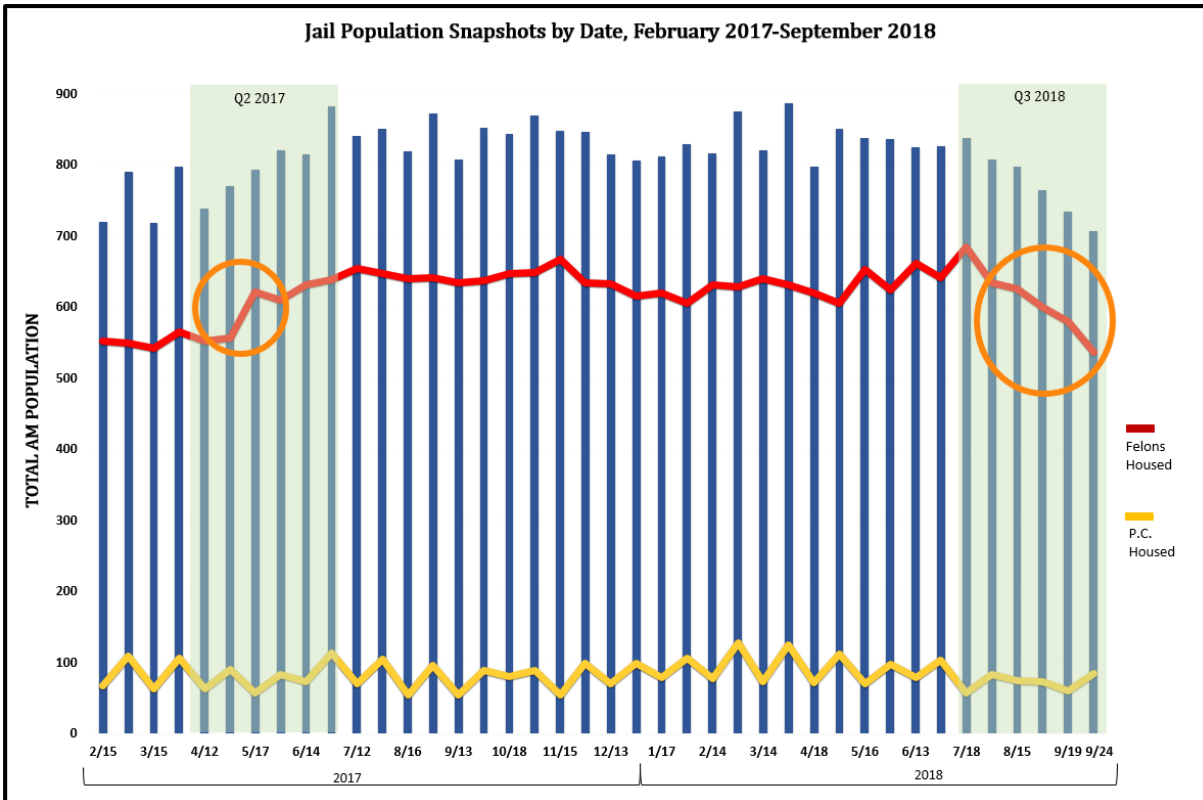
In 1998, the ILLP report recommended that the county “develop an information system that provides adequate access to case management information for individual criminal justice agencies and the regular collection of system data to study and identify system issues.” That recommendation was never implemented.

We cannot overstate how important it is that the county take its existing capability and create a data repository that allows for the regular assessment of what is happening in the criminal justice system, with ongoing discussion and analysis by the criminal justice partners.

Analysis of Jail Population

As the chart on Page 1 demonstrates, the ADP at the jail was relatively consistent through 2016, staying at a number close to or less than functional capacity. However, in the first quarter of 2017, ADP began climbing, starting the year at an average of 727 in the first quarter and climbing to 813 by the fourth quarter, which is well above functional capacity. This historically high ADP continued through the second quarter of 2018.

We spent significant time with the data analysts trying to explain and understand why this increase occurred. We eventually had to look at the actual daily jail population, which the HCSO reports in a daily snapshot that shows inmates housed by offense level and probable cause holds. The chart below shows a summary of representative ADC daily snapshots from February 15, 2017 through September 24, 2018.³



In reviewing the ADP numbers, it becomes apparent when the upward trend began. Between mid-April and mid-May 2017, the number of housed felons rose by approximately 65 inmates. By May 17, 2017, the number of housed felons was over 600, and this increase became a new base population which continued until mid-August 2018. At the same time, ADP rose to 800+, and did not come down until late July 2018, when the number of housed felons fell consistently below

³ The daily count will not add up because of inmates being processed or moved.

600. Also, in July 2018, the ADP consistently fell below 800, and by mid-August, was back to a number consistent with functional capacity.

The other notable factor in this chart is an increase in probable cause cases. These increases cause spikes in jail population on Mondays and thus cause overcrowding problems for the jail when the base ADP number is already high.

Analysis of Jail Population Drivers

Explaining what happened to increase the jail population in 2017 does not answer the question of why it happened. As described above, the various stakeholder data systems do not lend themselves to these kinds of analytics. After months of review, we could not find an obvious “silver bullet” explanation for the increase. We can, at best, point to the contributing factors that likely influenced the increase in the jail population beginning in May 2017 and continuing for 15 months. Jail population was finally reduced in August 2018 (although perhaps temporarily).

There are four jail population drivers. The first is arrests, also called bookings. These can be for new charges or for administrative reasons like bench warrants, probation violations, or holds. The second is criteria for pretrial release, and in Hennepin County this is based on a court order, a pretrial tool, and bail settings. The third driver is the speed with which cases are processed, also called length of stay. Finally, alternatives to incarceration can reduce jail population and include things like no bail required (NBR), electronic home monitoring (EHM), or conditional release (CR). An analysis of each of these drivers of population, based on available data, follows. Although we are including data and charts that cover the period 2015-Q2 2018, we are primarily interested in 2017-2018.

Bookings

Police agencies from throughout Hennepin County can arrest individuals and book them into the ADC. Total bookings into the jail have been relatively consistent from 2015-Q2 2018.⁴ The charts below show jail booking data from JMS. There were about 296 more bookings for new charges in 2017 than 2016. There were 1000 more probable cause bookings in 2017; about 50% of these resulted in formally charged cases while in custody.

Looking at administrative bookings, there were 347 more bookings in 2017, primarily increases in holds (which includes holds for other counties or the Minnesota Department of Corrections [DOC]).

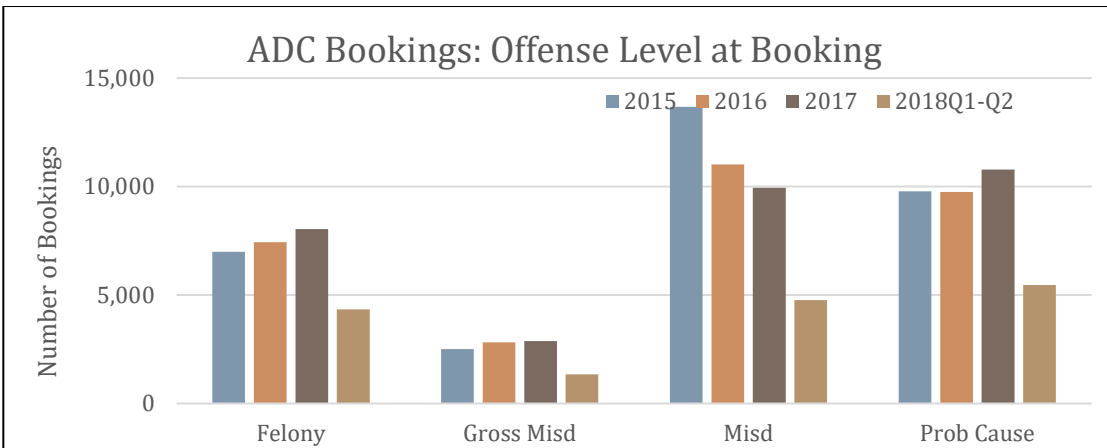
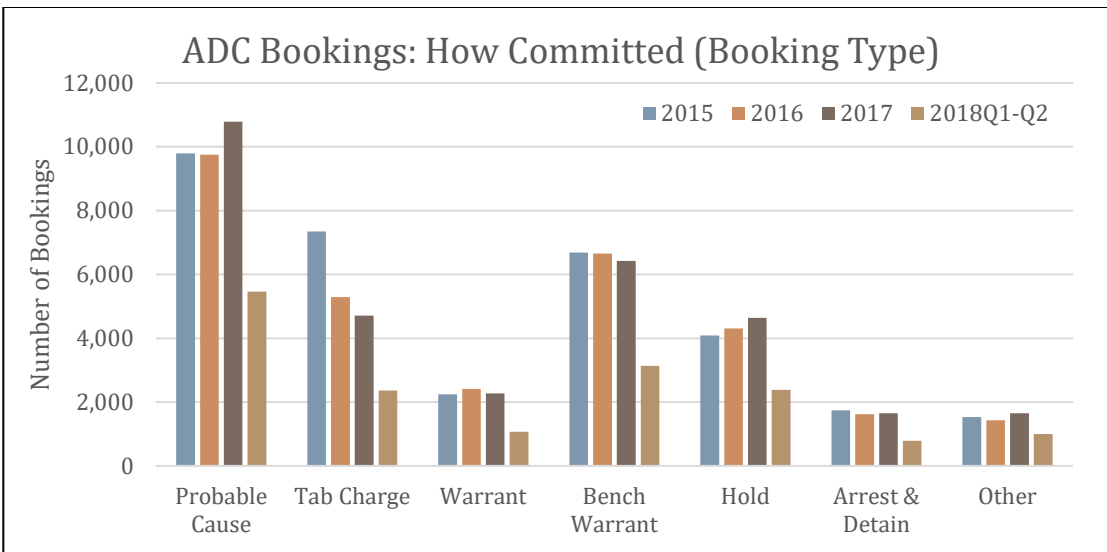
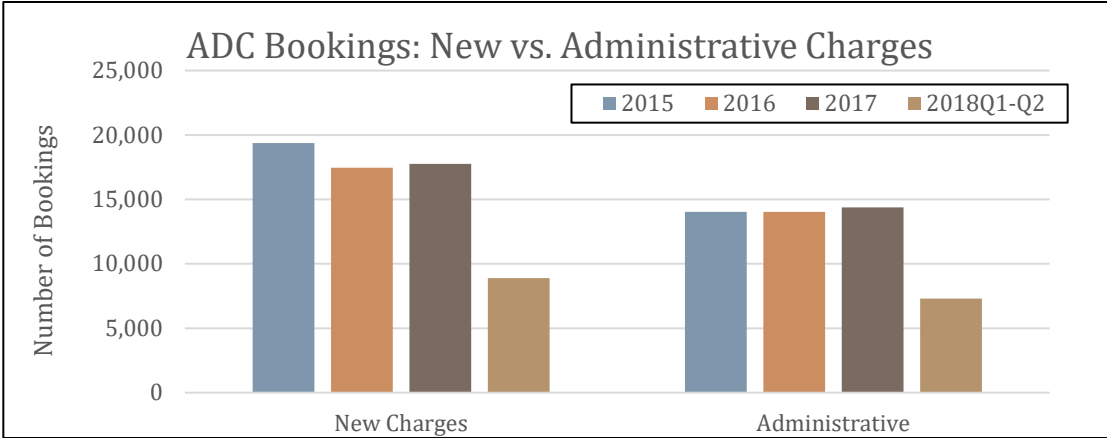
Using combined jail and court data to account for the charged probable cause cases, it appears there were 258 more felonies and 224 more gross misdemeanors in 2017⁵. There were also 682 fewer misdemeanors booked for new charges⁶.

The JMS System can compute average and median length of stay by booking type. For most bookings, the average length of stay is short (generally less than eight days), and for some types of bookings, it is much less than that. Therefore, a small increase in bookings does not explain a large increase in ADP.

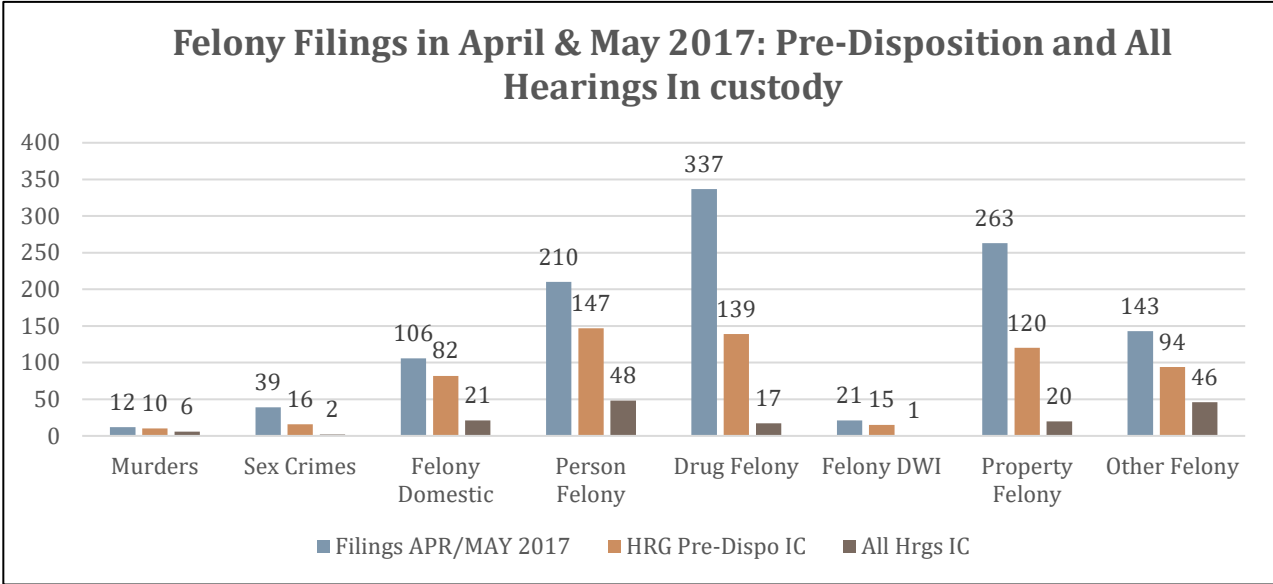
⁴ ADC Bookings 2015-2018- See Appendix 3

⁵ This is an example of matching data not always being consistent since the court numbers do not match the jail data

⁶ The reduction in misdemeanors is the result of payable offenses not being booked into the jail per court order dated February 16, 2016.



A booking increase that could be significant is for newly charged felony cases held in custody from the first appearance through disposition.



The chart above uses court-provided merged data. In April and May 2017, there were 161 new felonies filed that resulted in continued detention. Among these were six murders, 21 felony domestics, 48 felonies against persons, and 46 other felonies (a category that includes weapons charges).

Consistent with this, although again not congruent data, is jail data that compared the housed felons being held on new charges on April 16, 2017 with those held on May 17, 2017. It showed a net increase of 45 housed felons, including six more murders, as well as increases in other felonies.⁷ These felonies, charged and held in custody, may have been a contributing factor to the increase in ADP.

Criteria for Pretrial Release

When individuals are arrested and booked into jail for a new crime, most have bail set either by a court order or by an amount of bail on a complaint warrant. A standing court order provides that when someone is arrested without a complaint warrant on a non-domestic misdemeanor, bail is set at \$300 or \$78 cash. Bail is set at \$3000 or \$300 cash for tab charged non-alcohol-related gross misdemeanors.⁸ All persons booked into the jail on warrants for felonies and person or alcohol-related misdemeanors and gross misdemeanors are evaluated by the Pretrial Unit in Community Corrections & Rehabilitation using a validated risk assessment tool. The Court in Hennepin County has a long history of using validated risk assessment tools that help ensure that the release decision is based on objective criteria that actually predict pretrial failure, defined as committing a

⁷ The term net is used to show that it's an increase which occurred after considering those felons who were released that month.

⁸ Cahill Standing Order- See Appendix 4

new crime or failing to appear while the case is pending. In 1998, the Minnesota Supreme Court's first Race Bias Task Force report proposed the use of assessment tools that do not include racially biased elements, but rather the use of elements that predict pretrial crime and failure to appear. The Hennepin Court has been committed to using a validated tool that promotes equal justice and fair decision-making regarding release without bail.

In 2015, a new tool was developed and validated by the Court. It was implemented in 2016. Some changes were subsequently made in 2017 to differentiate limited authority and overrides.⁹

There is also a Standing Court Order regarding Pre-Appearance Release by DOCCR.¹⁰

The data analysts, and DOCCR in particular, provided and reviewed a significant amount of data on the use of the pretrial tool. After a thorough review of DOCCR data, it does not appear that the pretrial tool has contributed to an increase in jail population.

It is worth noting that we do not know how the pretrial tool is being used by the Court in its release decision at the first appearance because the court system (MNCIS) does not track in and out of custody. This is something that could be considered as part of the proposed data repository if the County wants to track trends that may impact jail population.

With the cooperation of DOCCR, we did observe some facts about the use of the Pretrial Risk Assessment Tool that warrant more attention. The tool is administered by pretrial agents who, based on the scoring system, determine if someone is low risk, moderate risk, or high risk. If someone is charged with a serious offense requiring judicial review, the individual cannot be released by the pretrial agent regardless of their score. For other offenses, pretrial agents have the authority to release low and moderate risk individuals without bail (NBR) or on Conditional Release (CR). The exceptions to this are if there are factors that fall within the definition of limited authority, if the Pretrial Unit is unable to complete the assessment, or if the agent determines an override is appropriate.¹¹ DOCCR implemented a new data system in 2017, so we looked at their data from March 2017 through June 2018, with particular attention given to the low and moderate risk populations as scored by the tool.

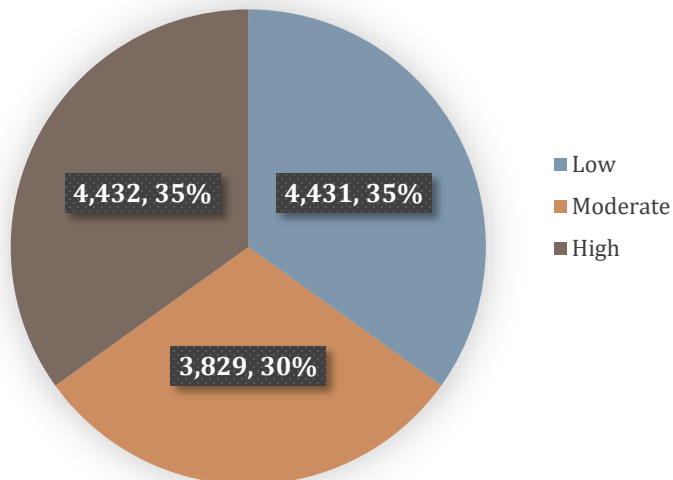
⁹ Pretrial Tool Information- See Appendix 5

¹⁰ Barnette Standing Order- See Appendix 6

¹¹ Pre-Trial Scale Definitions- See Appendix 7

During this time period, there were 12,692 bail evaluations completed.

Bail Evaluations Completed by Risk Score



Looking in more detail at the population that scored low risk on the tool,¹² this is what happened:

- Judicial Review Required based on Offense (13.1%)
- Limited Authority (22.1%)
- Unable to Complete (17.9%)
- Conditional Release by Pretrial Unit (15.8%)
- No Bail Required by Pretrial Unit (13.6%)
- Override by Pretrial Unit (17.3%)

In sum, of the low risk individuals, 13.6% were released NBR by the Pretrial Unit and 15.8% were placed on Conditional Release.

Looking in more detail at the moderate risk population,¹³ this is what happened:

- Judicial Review Required based on Offense (36.6%)
- Limited Authority (23.5%)
- Unable to Complete (6.8%)
- Conditional Release by Pretrial (4.8%)
- No Bail required by Pretrial (7.3%)
- Override by Pretrial (20.6%)

Of the moderate risk individuals, 12.1% were released NBR or on Conditional Release.

The Court data system does not have the ability to tell us whether these low and moderate risk individuals were released when they got to court for their first appearance.

¹² 10 were errors and aren't included

¹³ 11 were errors and aren't included

DOCCR has a long history of using a validated risk assessment tool and monitoring conditional release. Currently, the County funds the Pretrial Unit at over \$2 million annually. Given the importance of an objective risk assessment tool, the court order authorizing presumptive pretrial release for many low and moderate risk individuals by the Pretrial Unit, and the significant investment in this unit, we believe that the current application of the tool is resulting in the detention of more low and moderate risk individuals than necessary.

Staying in jail has human costs. We should be cognizant of what this means for people held in jail, unable to go to work, be with family, care for children, and pay the rent. It is easy to forget the human toll on those who can't post bail, generally people who are poor and often people of color. This should receive additional attention and oversight by DOCCR and the Court.

Length of Stay

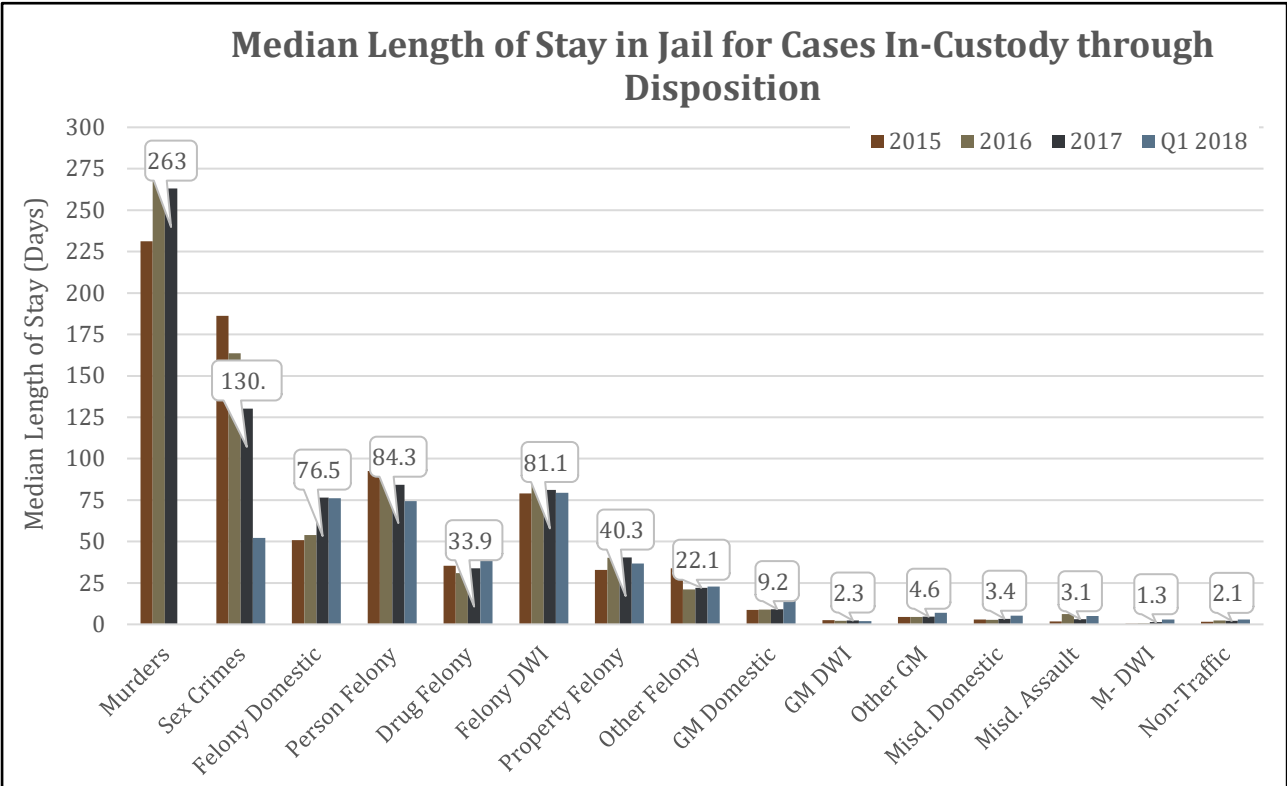
Determining how long individuals stay in jail is complicated. The jail system (JMS) can determine how long people stay in jail before release and can report this annually. However, JMS tracks length of stay using each booking as the unit of measure rather than each case. Since a person can be booked and released multiple times on a single case or cases, booking data is not an accurate measurement of how long it takes to resolve a case where the defendant is in jail. In addition, MNCIS does not capture this either since it tracks cases and individuals, but not in and out of custody. Therefore, it is necessary to use merged data to do a length of stay analysis that informs an analysis of jail population.

Looking at the speed with which cases are processed by the Court is a way to look at length of stay. The Court is generally concerned with time to disposition (how long it takes the court to complete a case from filing to disposition). These numbers are regularly reported by the Court by case type, and they reflect cases that are already disposed.

For the purposes of this study, however, it was necessary to look at length of stay for cases where the defendant was in custody throughout the case. It does not account for individuals who were in custody for part of their case and out for part of their case, but this was the best we could do given current data system limitations.

This analysis was done using court-provided merged data on a case level.

2015: **5.8 days**; 2,102 cases
 2016: **13.7 days**; 1,686 cases
 2017: **20.1 days**; 1,820 cases
 Q1 2018: **23.8 days**; 284 cases



It is important to note that the low median length of stay in 2015 (5.8 days) was the result of payable misdemeanors being booked into the jail and then resolving their cases at the first court appearance. The chart demonstrates that there was a significant change in median length of stay for cases held in custody through disposition in 2017, from 13.7 days in 2016 to 20.1 days in 2017, along with an increase of 134 people from 2016 to 2017. This equates to approximately 37 more people in custody every day.

This tells only part of the story because it is based on people who have had their cases disposed during the year and are no longer in the jail.

In looking at the jail data, we know that there are typically 20-25 people who have been in custody more than 300 days. On September 4, 2018, there were 559 felons housed in the jail. Of these, 37 were charged with murder; one had been there 691 days; and the average stay was 269 days. The Court has worked hard to reduce this longer staying population, and should receive credit for that effort.

Summary

This previously discussed length of stay data is the most significant contributor to the increase in ADP in 2017 & 2018 that we are able to quantify. Otherwise, it is impossible for us to determine exactly what happened between April and May 2017 that accounts for the apparent increase of 65 housed felons. This increase to over 600 housed felons became a new base population that continued until August 2018 when it once again dropped below 600.

The combination of an increase in serious felonies, an increase in probable cause bookings, and a significant increase in length of stay appear to be the main drivers that led to the jail overcrowding that began in 2017.

The overcrowding ended in mid-August 2018, as the result of a concerted effort by the Court to clear up old cases and reduce length of stay. In addition, on the property/drug first appearance calendar, which had a significant increase in filings in the first half of 2018, the county attorney demonstrated increased reliance on the pretrial assessment scoring, which resulted in more releases without bail. The reduction in population may have been helped by a decrease in filed murders and felonies against persons in the first half of 2018. The Court also moved two additional judges to the felony criminal division on October 22, 2018, which should help with this effort on an ongoing basis.

Alternatives to Detention

The concept of alternatives to detention is not new, and it has gained increased attention nationally as states look for alternatives to costly jail resources for offenders who do not need detention.

Detention has a significant social and human cost. Holding people in jail can cause the loss of employment, family upheaval, loss of income and difficulties with paying for basic needs. In addition, there is an emotional cost associated with jail stays, often exacerbating existing mental health issues. It has always been true that people with access to money, regardless of their charge, can post bail. It is poor people and often people of color, who can't post bail and therefore sit in jail, with all the collateral consequences falling on people who can least afford them. We hope that this will be taken into consideration as our recommendations are considered.

There are four principle alternatives to pre-trial detention aside from bail: pre-booking diversion, release without bail (NBR), release with conditions monitored by the Pretrial Unit (CR), and electronic home monitoring (EHM).

Hennepin County has made progress with the Alternatives to Detention Initiative (ADI) which has worked under the Criminal Justice Coordinating Committee (CJCC) for several years.

Pre-booking diversion is occurring for the mental health population at 1800 Chicago, which opened in August, 2018.

There is also a population of offenders, booked into the ADC without a warrant for non-domestic misdemeanors, who are not seen by the Pretrial Unit. These non-domestic misdemeanors have bail set by standing court order at \$78 cash. The Minneapolis City Attorney and the Court initiated a screening tool called the Service Priority Indicator (SPI-R) that allows some of these individuals charged with misdemeanors to be released without bail if they have a certain score. However, in the first quarter of 2018, only 25% (159) of the non-domestic misdemeanors were released by the tool, and this included first time DWI offenders, who made

up about 25% of this total.¹⁴ In the past, the first time DWI offender was released with no bail (NBR) after being tab charged by police. This is an area that will be addressed in our recommendations.

There are also many bookings on bench warrants. The Minneapolis City Attorney and the Court have done a great deal of work to address this problem. They have purged old warrants, instituted a sign and release program for people who do not appear on a summons, a book and release program for gross misdemeanors not appearing on a summons, and initiated a court reminder program. Hopefully these efforts will begin to show sustainable results. There is currently a question about how bail gets set on non-appearance warrants: who sets the bail and decides on the amount. This will be addressed in our recommendations.

The pretrial bail evaluation discussed earlier provides the opportunity for increased use of NBR and CR, especially if used with less limited authority, improvements in the number of individuals completing the tool, and a decrease in the number of probation overrides.

Further, the question of bail setting, how much and for what offenses, bail on bench warrants, and the use of electronic monitoring (EHM), all need a system discussion to arrive at results that do not jeopardize public safety, but also do not penalize the poor who cannot afford bail.

¹⁴ Service Priority Indicator (SPI-R) – See Appendix 8

Recommendations

1 *Hennepin County should create an integrated public safety line of business data information system.*

As discussed earlier in this report, the 1998 ILLP report recommended that the county “Develop an information system that provides adequate access to case management information for individual criminal justice agencies and the regular collection of system data to study and identify system issues.” This recommendation was never fully implemented.

We met with the Public Safety Business Information Officer as part of our work to determine the scope of effort needed to establish a meaningful integrated data information system in Hennepin County. A proposed solution has been issued detailing the need for, and potential benefits to be realized from, increased access to public safety data via creation of a data lake, data warehouse and operational reporting.¹⁵

Recommendation: We recommend that the Hennepin County Board fully adopt and fund the proposed solution by the Public Safety Line of Business Information Officer and the Central Information Technology Department to create an integrated public safety data information system with stakeholder input. This should include funding for the proposed data scientist position. This position would report to County Administration. We consider this to be the most important recommendation in this report. Failure to fully implement this proposal will leave the county without the ability to timely understand and effectively manage future changes in jail population.

In the interim, we recommend that the Court and ADC staff continue to review the Adult Detention Center (ADC) daily dashboard jail data maintained by the Hennepin County Sheriff’s Office on a bi-weekly basis to monitor any unusual increases in the jail population, particularly a housed felon number over 600, and manage the factors causing such increases on a real time basis.

2 *Consider alternative detention options for Minnesota Department of Corrections holds.*

Hennepin County detains individuals held on holds for the Minnesota Commissioner of Corrections for violations of their supervised release from prison. These violations are typically for matters such as failure to keep in touch with a parole agent, failure to maintain a current address on file, and failure to follow the rules of a halfway house or treatment program. These matters do not involve new criminal charges. These individuals are detained pending hearing by a Department of Corrections hearing officer and are not represented by legal counsel. There is no

¹⁵ Data Repository for Public Safety- see Appendix 9

statutory requirement that these individuals be detained at the Hennepin County Adult Correctional Center (ADC).

Following an administrative hearing, the vast majority of individuals are released to their parole officer, halfway house/treatment program, or self (90% in 2017) and very few are returned to a state correctional facility (2.3% in 2017).¹⁶

ADC DOC hold bookings increased from 2015-2017:

- 2015: 799
- 2016: 930
- 2017: 966

Snapshot data from August 2018 reveals that between 28 and 31 DOC holds were in the ADC on a given evening, with an average length of stay in 2017 of 10 days awaiting an administrative hearing.

While the data indicate an increase in DOC holds from 2015-2016, we did not see a significant increase in 2017 that would allow us to conclude that this was a significant cause of the spike in ADC population that began in April 2017 and continued through August 2018. Nevertheless, alternative management of this detainee population could afford some significant relief to the daily jail population.

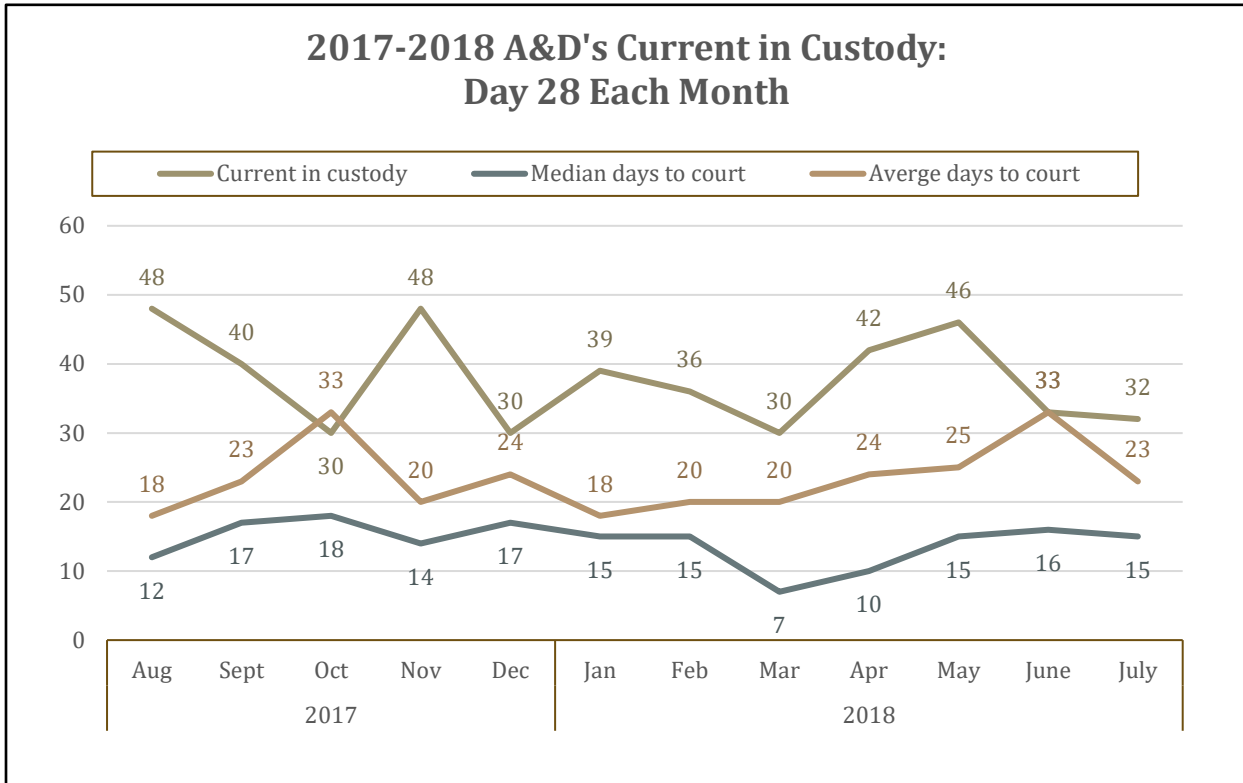
At the time of the 1998 ILLP report, the Hennepin County Adult Correctional Facility (ACF/Workhouse) was housing roughly 70 pretrial inmates. The previous consultants looked at existing jail facilities in the county, including both the ADC and the ACF, and determined the ACF could house additional annexed population.

Recommendation: We recommend that DOCCR, along with the Hennepin County Sheriff's Office (HCSO), explore the possibility of detaining individuals with DOC holds at the ACF rather than the ADC. There is precedent for this approach and we agree with the 1998 consultant's recommendation regarding utilization of "total beds" in the county for pretrial and post-trial purposes. Moving the DOC hold detainees to the ACF has the potential to free up approximately 30 beds per night in the ADC.

¹⁶ Department of Corrections (DOC) Data- See Appendix 10

3 *Utilize Electronic Home Monitoring for Arrest and Detain cases with no new criminal charges.*

We examined the population of individuals being held on arrest and detain orders for technical violations of probation orders with no new criminal charges between August 2017 and July 2018. The number held at the ADC ranged from a low of 23 to a high of 48.



We did not detect a trend in this population that would be a significant factor in the continued ADC increase, but as with the DOC holds, alternative management of this category of detainees would provide significant relief to the average daily jail population.

Recommendation: We recommend that the Court and DOCCR consider expanded use of electronic home detention for cases involving arrest and detain orders with no new criminal charges. This recommendation has the potential to free up 20-48 beds per night at the ADC.

4 *Explore the possibility of earlier release on probable cause holds that go to expiration.*

Jail booking data show a significant increase in probable cause arrest bookings from 2016 to 2017, a trend that appears to be continuing into 2018. Lengths of stay on these bookings tend to be short, but an increase in probable cause bookings, particularly over weekends, can pose serious issues for an already crowded ADC.

In 2017, approximately one third of all probable cause bookings into the ADC were held the maximum period allowed by law and released without criminal charges being filed prior to time expiration. To ease overcrowding due to probable cause bookings, we recommend that criminal justice system stakeholders explore ways to expedite earlier releases on matters that currently go to expiration.

Recommendation: We recommend that law enforcement and prosecution stakeholders discuss ways to expedite release of probable cause detainees pending further investigation and charging decisions.

In addition, every Saturday and Sunday morning, at jail review, a judge and representatives of the Minneapolis City Attorney's Office, Hennepin County Attorney's Office and a Minneapolis Police Department Supervisor meet to review probable cause cases. This jail review process presents an opportunity to more aggressively work at releasing people held on probable cause holds where cases will not be submitted for immediate charging. This meeting also affords an opportunity to expand the function of jail review to all cases where a court hearing has not been held and to determine if people who cannot post bail should be released without spending the entire weekend in jail.

Finally, we recommend that the jail review stakeholders discuss the implementation of standard procedures that could result in improved consistency during the jail review process. This could include an opportunity to review cases where a person scores low or moderate on the pretrial release tool but the DOCCR pretrial release unit has not authorized release.

5 *Review pretrial release tool.*

As noted earlier in this report, the current pretrial release tool was designed as an objective mechanism to allow for the release without bail of individuals scoring low or moderate on the scale. The tool provides that those charged with serious offenses that require judicial review are held for court, a process that is appropriate. However, the categories of limited authority, unable to complete, and agent overrides have resulted in many of these low scoring individuals being held in custody. We believe that more low and moderate scoring people are held than necessary to meet the purposes of the tool.

The majority of low and moderate risk individuals held for judicial review appear to be held for relatively short lengths of stay; thus, we cannot conclude the pretrial release tool is a significant factor in the increased ADC population that occurred in 2017 and continued into 2018.

Nevertheless, we believe the low release percentage under the tool should be further examined, as well as ways to release more low and moderate scoring people.

Our work with both the Department of Community Corrections & Rehabilitation (DOCCR) and the District Court indicated that they are examining the issues we identified involving those with low and moderate scores. We also noted that a fair percentage of detainees were unable to complete the tool for various reasons (17.9% for individuals with low scores, 6.8% for individuals with moderate scores); one of those reasons is that bail has been posted.

To be effective, the pretrial tool must be trusted by those who use it: pretrial agents, judges, county attorneys, city attorneys, and public defenders. Trust in the tool is gained through education on its validity and training and by an understanding of the values that underlie the tool.

Recommendation: We recommend that Hennepin County DOCCR and the Hennepin County District Court continue to review the category of limited authority to determine if that category is unnecessarily over-expansive. We also recommend that DOCCR continue to review the frequent use of overrides by pretrial release staff, for individuals with low or moderate scores under the tool who are presumed to be releasable with no bail or on conditional release. In addition, we recommend that stakeholders examine ways to improve the number and percentage of individuals successfully completing the tool.

Finally, we recommend that all the stakeholders have a frank discussion about the purpose of the tool, the validation behind it, and the values that underlie it, and attempt to reach an agreement that the tool represents a presumption, one that should generally be followed by everyone, with exceptions being just that.

6 *Consider book and release for individuals currently held on low bail.*

Several jurisdictions across the country have implemented or are considering bail reform measures that allow defendants to be released without bail. California recently passed no cash bail legislation and other local jurisdictions have adopted a range of bail reform approaches. With the assistance of County staff, we reviewed a number of these initiatives in large urban jurisdictions.¹⁷

We believe the time has come for Hennepin County to seriously consider bail reform proposals which would serve the dual purposes of providing relief from jail overcrowding and allowing Hennepin County to become part of this national reform effort.

For Hennepin County, we looked at four distinct populations that may be appropriate for no bail: those charged with non-domestic misdemeanors and fourth degree DWIs who are currently evaluated for pre-trial release under a screening tool called Service Priority Indicator (SPI-R), non-alcohol related gross misdemeanors currently held on \$500 cash bail or \$3000, individuals held on bench warrants, and individuals currently held with bail of \$3,000 or less. Our belief is that individuals in these four categories mirror those deemed eligible for release under most bail reform measures.

¹⁷ Strategies for Reducing Jail Population, Literature Review/Environmental Scan- see Appendix 11

As noted earlier in the report, we reviewed data from the first quarter of 2018 showing that only 25% of offenders with bail set at \$78 on non-domestic misdemeanor offenses were released using the current SPI-R tool. We believe these individuals could be released with no bail. Although the non-alcohol related, tab charged gross misdemeanors currently held on \$500 cash or \$3000 are not currently screened with the SPI-R, this is also a population that could be booked and released without bail.

We also observed that a large number of individuals are booked on bench warrants. It appears that most offenders with non-appearance warrants have bail set at \$300 for misdemeanors and \$3000 for gross misdemeanors. As noted above, there are questions about how bail is set in these matters, whether a bail schedule of some sort is being used, who sets bail and in what amount. We believe that this cluster of issues should be addressed, with a goal of allowing release without bail of a broader range of individuals with bench warrants.

In addition, we reviewed snapshot data for two days in July 2018 that showed a range of 42-62 individuals being held in the ADC with bail set under \$3,000.¹⁸ Again, we believe that many of these individuals could be released with no bail.

Finally, the County Attorney has indicated a willingness to look at book and release on non-appearance warrants issued where there has been a summons, and at property and drug court offenders who currently have a low bail setting according to the County Attorney's bail schedule.

Recommendation: Hennepin County criminal justice stakeholders should discuss whether individuals charged with non-domestic misdemeanors and certain gross misdemeanors should be booked and released without bail, whether felony summons cases should have book and release on bench warrants, and whether individuals booked on a bench warrant who do not have a prior bench warrant on the case should be booked and released. There should be further evaluation of whether those held on \$3000 or less could be booked and released.

7 *Establish an operational oversight committee to continue on-going evaluation of the recommendations of this analysis.*

Recommendation: We recommend the establishment of an oversight committee that should include representation from the Hennepin County Attorney's Office, Hennepin County Public Defender's Office, Minneapolis City Attorney's Office, District Court, Hennepin County Sheriff's Office and Department of Community Corrections & Rehabilitation. This working committee should meet regularly to review the average daily population of the jail and work on evaluating and implementing the recommendations of this report and provide regular updates to the Board Bench Committee and/or Criminal Justice Coordinating Committee as necessary and appropriate. We strongly suggest that the representatives on the oversight committee be individuals with decision making authority.

¹⁸ In Custody Bail < \$3000- See Appendix 12

Acknowledgements

Hennepin County Sheriff's Office:

- Sheriff Rich Stanek
- Chief Deputy Jeff Storms
- Julianne Ortman, Administration
- Stephanie Nelson, Data Analyst

Hennepin County Attorney's Office:

- Mike Freeman, County Attorney
- Dave Brown, Deputy Criminal Division

Office of the Public Defender:

- Mary Moriarty, Chief Public Defender

Fourth Judicial District Court:

- Chief Judge Ivy Bernhardson
- Asst. Chief Judge Toddrick Barnette
- Presiding Judge, Criminal Division, Judge Kerry Meyer
- Sarah Lindahl-Pfieffer, Court Administrator
- Sarah Gonsalves, Deputy Court Administrator
- Dr. Marcy Podkopacz, Data Manager

Department of Community Corrections and Rehabilitation:

- Catherine Johnson, Director
- Jennifer Castillo, Area Director
- Danette Buskovick, Unit Manager
- Courtney Hougham, Data Analyst

City of Minneapolis:

- Medaria Arradondo, Chief of the Minneapolis Police Department
- Mary Ellen Heng, Deputy City Attorney of the Criminal Division

County Administration:

- Jill Hermanutz, Criminal Justice Coordinating Committee Director
- Cherie Nelson, County Administration; Public Safety



Appendix

References

1. Board Action Request
2. ILLP Final Report Summary
3. ADC Bookings 2015-2018
4. Cahill Standing Order
5. Pretrial Tool Information
6. Barnette Standing Order
7. Pre-Trial Scale Definitions
8. Service Priority Indicator-Revised (SPI-R) Data
9. Data Repository for Public Safety
10. Department of Corrections (DOC) Data
11. Strategies for Reducing Jail Population, Literature Review/Environmental Scan
12. In Custody Bail <\$3000

HENNEPIN COUNTY

MINNESOTA

Board Action Request

18-0198R2

Revised

Item Description:

System analysis of jail population drivers and trends

WHEREAS, the Adult Detention Center's average daily population has increased over the past five years with a substantial increase in 2017 and 2018; and

WHEREAS, the Adult Detention Center has operated since May 2017 to the present at or above functional and operational capacity; and

WHEREAS, the Hennepin County Sheriff has pointed out a capacity problem at the Adult Detention Center in regular correspondence to the Hennepin County Board of Commissioners; and

WHEREAS, the last comprehensive review of jail population and system analysis was performed in 1998 by the Institute of Law and & Policy Planning; and

WHEREAS, a county board briefing was held in April of 2018 which provided an update of several challenges faced by the criminal justice system and recommended a comprehensive system analysis with findings and recommendations; and

WHEREAS, the comprehensive review will include a review of criminal justice system operations and data related to the Adult Detention Center and will establish a baseline framework for future system efficiencies and initiatives as adopted by the Criminal Justice Coordinating Committee; and

WHEREAS, the Hennepin County Attorney's Office, Hennepin County Sheriff's Office, Hennepin County Public Defender and Hennepin County Community Corrections and Rehabilitation operate as agents to provide a range of services and data related to the project scope; and

WHEREAS, the Fourth Judicial District Court will participate in the review as a separate branch of government and provide data related to the project scope; and

WHEREAS, the review shall include the examination of data and all options to seek reduction in length of stay at the Hennepin County Adult Detention Center; and

WHEREAS, a System Analysis Study Committee will be formed and shall conduct work over a six month period of time and report back to the Criminal Justice Coordinating Committee, Board Bench Committee and Hennepin County Board of Commissioners by December 31, 2018.

Resolution:

BE IT RESOLVED, that the County Administrator be authorized to appoint two expert consultants, retired judges John M. Stanoch and Lucy A. Wieland as Co-Chairs of the System Analysis Study Committee; and

BE IT FURTHER RESOLVED, the system analysis will include a review of available data influencing jail population trends, specifically addressing the recent population growth since early 2017; and

BE IT FURTHER RESOLVED, the system analysis will include the review of data related to jail admissions, both for new crimes and for administrative violations, the lengths of stay for each population subgroup, the pretrial release process including the use of bail, pretrial release by corrections and by the court, and alternatives to detention currently being used or under consideration; and

BE IT FURTHER RESOLVED, the committee will develop recommendations, after consultation with the Public Safety partners, and based on the data analysis described above, addressing how the jail population can be reduced consistent with the protection of public safety; and

BE IT FURTHER RESOLVED, the Hennepin County Public Safety Partners provide related data to complete a comprehensive study to identify drivers and trends of the jail population for final analysis and recommendations to be presented to the Hennepin County Commissioners by the end of fourth quarter 2018.

Background:

Due to an increase in the average daily population at the Adult Detention Center in both 2017, and now 2018, Hennepin County Administration is requesting authorization to retain two external consultants, John Stanoch and Lucy Wieland to work alongside the Criminal Justice Coordinating Committee (CJCC) Director to provide a comprehensive analysis of the jail population with the primary goal of determining whether and how the demand for jail resources can be reduced. Both retired judges were involved in the 1998 study commissioned by the Hennepin County Board of Commissioners which addressed the same issue. As was the case in 1998, there are specific variables that drive jail population: the number and type of arrests booked into the jail, the speed with which cases are processed, the criteria for pretrial release, and the availability of alternatives to incarceration.

This study will rely on data produced by various criminal justice agencies and the Court to do analysis related to drivers and trends of the jail population. This data analysis will include identification of the primary factors impacting the current jail population, as well as budgets, staffing, and unmet needs of service delivery.

Key findings will explore immediate and long term recommendations related to whether and how the inmate population at the Adult Detention Center can be reduced, such as case processing, agency operations, cost, public safety and other areas identified through the study. Recommendations will be finalized in a report presented to the County Board

The external consultants shall facilitate the study, review related documents, data, analysis and projections to determine appropriate recommendations, give both written and verbal presentation of recommendations to the Hennepin County Board and other related key stakeholders and meet with elected officials and key leadership over the duration of the study. Anticipated deliverables from the study will include a transparent work plan guiding the project to include; timelines, chart of deliverables, communication, data strategies and analysis as well as comprehensive report to be presented to the County Board and Administration during the fourth quarter of 2018.

**HENNEPIN COUNTY
CRIMINAL JUSTICE SYSTEM
ASSESSMENT**

**FINAL REPORT
SUMMARY**

PRESENTED TO THE
**HENNEPIN COUNTY
CRIMINAL JUSTICE REVIEW COMMITTEE**

NOVEMBER 1998

INSTITUTE FOR LAW & POLICY PLANNING
I L P P
P.O. Box 5137 BERKELEY, CA 94705
(510) 486-8352

SUMMARY

The Hennepin County Board of County Commissioners retained the Institute for Law and Policy Planning (ILPP) to conduct a jail overcrowding study with the primary goal of **determining whether and how demand for the county's limited jail resources can be reduced.** This document summarizes the analysis, findings, and recommendations presented in the final report.¹

The Hennepin County Board of County Commissioners has, for the past twenty years, struggled with problems of jail crowding. Proposals for building new jail beds have been considered, and attempts made to reduce the crowding. Historically, this crowding issue has resulted in conflict between various agencies and the Board, and there has been a lack of consensus for major construction or the accompanying tax increases. The conflict has many contributing causes, and many suggested solutions. However, there has never been a comprehensive effort to understand crowding and the complete range of options available to contend with it.

The final report provides a comprehensive system assessment and recommendations for system changes that are aimed at managing jail crowding, irrespective of how many beds are built now and in the future.

1. SUMMARY OF RECOMMENDATIONS

The recommendations presented in this report are developed from the criminal justice agency and system findings. The recommendations emphasize system coordination and interagency cooperation. Agency findings that merely related to "fine-tuning" internal procedures have not been addressed in the recommendations, as individual agencies have an excellent history of reviewing and refining these internal operating policies.

System Recommendations

- Restructure the existing Criminal Justice Coordinating Committee to become a true coordinating mechanism for the Hennepin County criminal justice system with an overall goal of system population management and with the authority to develop system policy, resolve system issues and identify system needs as they arise.
- Develop an information system that provides adequate access to case management information for individual criminal justice agencies and the regular collection of system data to study and identify system issues.

¹ The studies of the jail population that were conducted at the beginning of this project have not been summarized. They are included in the full report as an appendix.

- Develop and implement a coordinated criminal justice system budget process through the executive committee of the Criminal Justice Coordinating Committee.
- As an initial step to system management, develop a mission statement and a comprehensive criminal justice system plan consistent with that mission.

Law Enforcement

- Continue policies for citation release but develop and implement certain changes to enhance release options and to reduce intake at the ADC.
- Further explore the feasibility of developing remote booking facilities in communities with holding facilities outside of Minneapolis.
- Work with court and other criminal justice agencies, through the CJCC operations committee to develop solutions to inmate transport issues.
- Review and modify the methodology for classifying inmates prior to the move to the new PSF.

Pretrial Services

- Review and implement procedural changes that will increase system accountability and improve overall system efficiency.

Courts

- Implement a case management system that gives the court greater control over case scheduling and dispositions and puts the court in a leadership position in the Hennepin County criminal justice system.
- Review the feasibility of giving hearing officers authority to hear more kinds of cases. This could reduce the court's misdemeanor caseload and allow more time to handle other criminal matters.

City Attorney

- Re-evaluate the viability and efficiency of tab charges.

Community Corrections

- Review policies regarding presentence investigations and pre-plea investigations to determine what information the court needs to make its sentencing decisions and where presentence investigations can be eliminated.

- Develop electronic monitoring as a sentencing alternative to non-work release cases and as an option for pretrial releases (non-Alcosensor cases).
- Authorize Community Corrections to "determine the conditions of confinement."

Facilities

- Administer and plan pretrial and post-sentenced beds under the same common authority, or, at worst, overlapping authority over both facilities.
- Consider selling/renting current facilities for US Marshall and other needs, and building a single large justice complex with very efficient operating assumptions. The new complex would house all current and future pre-trial and post-sentence inmates, support work and other programs, and provide a wider variety of housing, classifications, treatment, and flexibility.

2. BACKGROUND

Hennepin County's criminal justice system consists of local and state agencies, each having responsibility for enforcing laws. Hennepin County's criminal justice systems has four principal functions: law enforcement, pretrial detention, adjudication and imposition of sanctions.

Law enforcement functions are carried out by municipal police departments and law enforcement agencies, of which the largest are the Minneapolis Police Department and the Hennepin County Sheriff's Office. Pretrial detention occurs at the Hennepin County Adult Detention Center, and pretrial release evaluations are performed by the Department of Community Corrections. Adjudication responsibilities are shared by the city attorney, county attorney, public defender or private defense counsel, and the district court. The imposition of sanctions is done by the court with the Department of Community Corrections providing investigative services. The Department of Community Corrections also provides probation supervision and operates the Adult Corrections Facility (ACF/Workhouse).

The discussion of the criminal justice system is organized in the report according to the roles of the agencies: "managing the resources" (information system and budget considerations); "managing the flow" (law enforcement and pretrial services); "managing the case" (courts, prosecution, defense); and "managing the offender" (probation and sentencing alternatives).

3. EXISTING JAIL FACILITIES AND FUTURE DEMAND

Hennepin County has two detention facilities, the Hennepin County Adult Detention Center (ADC) and the Hennepin County Adult Corrections Facility (ACF/Workhouse). Only the Adult Detention Center, which is used to house pretrial inmates, has been chronically overcrowded.

Hennepin County Adult Detention Center

The ADC (or "jail") is operated by the Hennepin County Sheriff's Office. A major renovation project in 1978 increased jail capacity to 226 beds; subsequent expansion and double bunking increased total capacity to its current 509 beds. The jail's average daily population has exceeded its design capacity since at least 1981, and currently averages between 660 to 700 daily. Crowding and classification forces the use of temporary beds in the gymnasium and dayroom spaces. The Sheriff's Department contracts with the ACF and other Minnesota county jails to hold a daily average of 160 inmates at a cost of between \$2.9 and \$3.6 million for 1998, a cost that is anticipated to grow to \$8 million by the year 2000.

The county has begun work on an additional jail building, the Public Safety Facility (PSF), which will house 270 inmates to bring the total pretrial detention capacity to 779. Sheriff's documents indicate that the "functional capacity" of the new PSF is 662. There are 241 staff at the jail, including security staff and support staff. With the addition of the PSF, total jail staff increases to approximately 410.

The central inmate receiving area for Hennepin County is located on the ADC main floor. Design of the sallyport contributes to delays and crowding, and the intake and receiving area is often congested. Admissions have been increasing at about 5.4% per year since 1978 and are projected by some to reach 55,000 in 1998.

Hennepin County Adult Corrections Facility (ACF/Workhouse)

The ACF Workhouse serves as the sentenced facility for Hennepin County and is operated by the Department of Community Corrections. It holds felony, misdemeanor, and gross misdemeanor defendants sentenced to less than one year, although some inmates remain for up to two years due to consecutive and enhanced sentences. The major structure was constructed in 1930 with renovations and additions occurring since then. The 1997 budget was \$14,503,639.

Although the Men's Section has not been overcrowded, other sections of the facility are at or exceed capacity. Since 1984, the ACF has leased beds to the Sheriff for holding pretrial detainees, it now will hold up to 70 pretrial inmates for the ADC.

Projection of Future Demand

Estimates of future system demand are always difficult, and especially so in Hennepin County, where demand for limited jail resources has been at a relatively low but slowly increasing level. In the long run, the number of inmates held in a jail is under the control of a county's criminal justice authorities. The variables that can be altered by decision-makers include the number and type of arrests, the speed with which cases are processed, the criteria for pretrial or sentenced release, and the availability of acceptable alternatives to incarceration.

ILPP has made rough planning projections of the jail population from 1997 to 2015. The projections are intended to illustrate plausible scenarios if the county continues to operate its justice system in more or less the same manner as it does today.

Hennepin County's population growth has been fairly slow; the current population of slightly over one million has increased at slightly less than 1% per year since 1980. Crime in Hennepin County is moderate. The index crime rate was 7087 in 1990 and has drifted down slightly to 5346 in 1996.

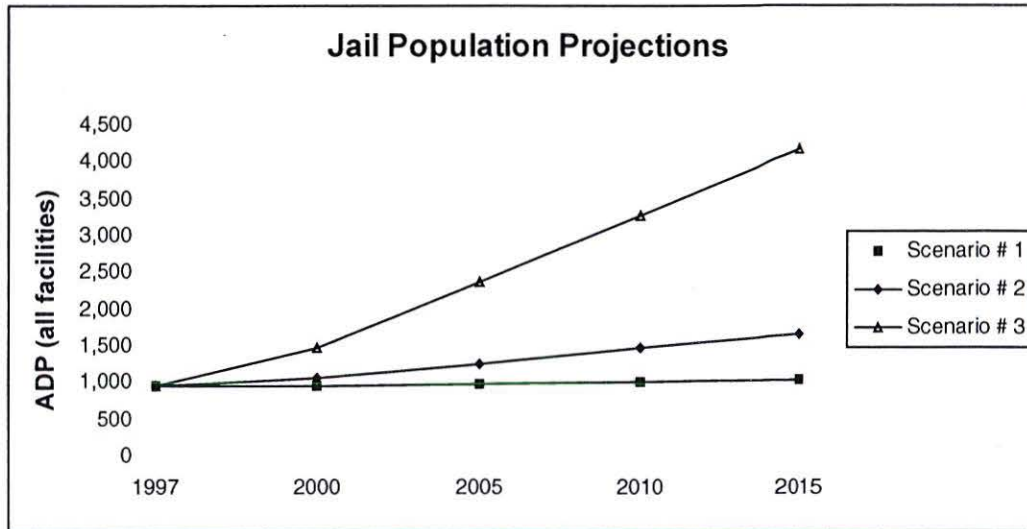
When compared to the larger counties, Hennepin County has a comparable population and a lower average daily population (ADP). For 1997, the combined ADP in the Adult Detention Center and the Adult Correctional Facility was 1,112, excluding work release.

ILPP has forecast jail population according to three scenarios. The first (Scenario 1) is a low projection that assumes that jail population starts at its present level of 945 and grows at the rate of population increase of 0.3% yearly (the average growth since 1990) to 1,034 in 2015.

The high projection (Scenario 3) is based on a ratio of average jail population to county residents that is closer to similar counties: 363 per 100,000 county residents. Applying that figure to Hennepin County gives a projection of 3,816 jail beds. It is assumed to take 18 years to build to that level and that further expansion would mirror population growth. Beds grow sharply to 4,175 in 2015, but growth would then moderate. ILPP does not suggest this as a serious alternative unless the county is anxious to triple its budget for the jail. Rather it should be taken as indicating what can happen when jail growth becomes uncontrolled for a number of years.

The intermediate scenario is the most complicated. The ADC and the ACF are projected separately. For the ADC it is assumed that the drop in ALS (average length of stay) over the last five years is forced by the need to make beds available. Therefore, the ALS for both felonies and gross misdemeanors is returned to the highest during that period. The hypothetical ADP under those conditions is then used as the starting point. For the ACF, the population is calculated as what it would have been if felons and gross misdemeanants served half of their commitments (they now serve a quarter to a third of the commitment). Analogously to pretrial, the lengthened stay is an attempt to make the sanctions "more meaningful" to the offenders.

The projection shown in Scenario # 2 is the sum of the two facilities, and the expansion is projected to take place gradually over the 18-year period. The jail population reaches 1,667 in 2015 if the (unrealized) bed need grows at the rate of county population growth.



4. MANAGING THE RESOURCES

The role of efficiently managing the resources required by the justice system is made more complex by the division between different agencies and jurisdictions. The two primary resources shared by the different agencies that make up the justice system are the Criminal Justice Information System and funding from the county budget.

The Criminal Justice Information System (CJIS)

Criminal justice information in Hennepin County is maintained primarily on the county's mainframe computer. The adult justice information management system, known as SIP (Subject in Process), was conceived in the early 1980s, developed by the county Information Services department (IS), and brought on line near the end of that decade to replace manual record-keeping.

While SIP does an acceptable job of tracking individual cases, serious shortcomings, include an outdated computer language, inability to capture all the desired information, and data fields that allow free-form entry, and difficulty obtaining summary data. Additionally police agencies other than the Minneapolis Police Department do not have a connection to SIP.

Several agencies are acquiring auxiliary systems designed to supplement and exchange information with SIP but be self-contained. Adult Field Services (AFS), intended primarily for Community Corrections, should address some problems in the probation-court relationship, but has problems of its own (it is somewhat difficult to learn and has been coming on line very slowly). The jail (ADC) has purchased a Jail Management System (JMS) that should improve management information, but it has been slow to be implemented. The courts are developing a system to allow real-time entry of courtroom proceedings and retrieval of data.

Major improvements need to be made to the justice information system to bring it up to modern standards of efficiency and effectiveness, and there is growing acceptance of the idea that SIP needs to be radically overhauled or replaced.

The CJCC (Criminal Justice Coordinating Committee) has established the Integrated Systems Advisory Board and the Hennepin County Criminal Justice Integration Project. Their initial task is to model the entire justice system structure, and from that model obtain a new system. An RFP to select a vendor for the design study is being prepared with a target date of December 1, 1998. The county anticipates that about \$1 million will be needed for the study, to be split 50% - 25% - 25% among state, county, and local funds.

As with nearly all of the jurisdictions studied by ILPP, the principal barriers to developing an integrated data system are not technical but institutional. Hennepin County, through the CJCC, is attempting to implement the necessary degree of coordinated action. Although much more work, leadership and an improved structure is needed, Hennepin County is proceeding in the right direction in terms of modernizing its data management system.

The Hennepin County Justice System Budget

In Hennepin County, over 40% of the county's operating funds are allocated to justice functions, and more when city police and the state offices (courts, probation) are considered. The justice share of the county's general fund grew from 37.4% of the county operating budget in 1991 to 45.1% in 1997. In 1998 the share budgeted for justice fell slightly below the 1996 level, but it is not yet possible to tell whether the slowing represents a trend or is temporary.

Since the crime rate has been slowly falling since 1990, it might have been expected that the rate of justice expenditure would decrease also. However that is not the case. Disregarding 1998, it can be seen that justice consumes about 1% more of the county budget each year. A larger jail will greatly accelerate the trend.

5. MANAGING THE FLOW

Entry or "flow" into the criminal justice system begins with an arrest by one of over 30 municipal police departments or other law enforcement agencies in Hennepin County. After arrest, pretrial release evaluations are performed by the Department of Community Corrections.

Law Enforcement

There are no countywide arrest standards, and each law enforcement agency within the county has its own standards for determining when an individual should be arrested or cited.

The Minneapolis Police Department has traditionally accounted for 58% of the bookings to the jail. A significant increase in bookings is a result of a new deployment policy, entitled CODEFOR (Computer **O**ptimized **D**eployment – **F**ocus **O**n **R**esults). Early data indicate a decrease in selected crime categories in the target areas.

The major findings regarding law enforcement agencies include the following:

- Hennepin County imposes both a booking fee for arrestees and a daily housing rate for misdemeanor detainees that have been effective in "rationing" use of the jail by most municipalities within the county.
- There appears to be a need for both uniform arrest standards and monitoring of the implementation of arrest standards.
- There is a need to link local booking with the Sheriff's system to reduce duplication in bookings where arrestees are initially booked at a local holding facility but later transferred to the county facility.
- Access to county information for law enforcement agencies varies: some have computer access to the court's system while others have no access at all.
- Some police chiefs were unaware a coordinating committee existed while others found it to be ineffective.
- The impact of CODEFOR will increase because the establishment of a "chronic misdemeanor offender" category means more persons will be detained for longer periods; more persons with outstanding warrants will be arrested and detained; and more agencies are becoming interested in similar programs.

Pretrial Services

The Pretrial Release Program, which is part of Community Corrections, was implemented in August 1992. The program has two units, the Pretrial Screening (bail evaluation) Unit and the Misdemeanor Investigation Unit. Pretrial Screening performs the bail evaluations and establishes conditions of release where needed. The Misdemeanor Investigation Unit supervises those persons who have been placed on conditional release.

Major findings regarding Pretrial Services include the following:

- Because pretrial release evaluation is not considered part of the booking process, interviews after a detainee has been transferred to a housing unit results in lost time. (This issue will probably be resolved when the PSF is constructed.)

- Upon implementation of a new information management system, the unit will have the capability to track FTAs, pretrial failures and caseload numbers.
- The workload for the pretrial services unit has increased as the result of CODEFOR and drug court. The number of pretrial evaluations has increased in direct proportion to the increase in CODEFOR bookings.
- The increase in the number of persons picked up on warrants has affected the Warrant Office's workload. The delay can be as much as two days before a court appearance.
- Duplication occurs when an offender is arrested again on a new charge and a new pretrial evaluation is completed, even if one has already been done within the past few weeks.
- The increase in the number of persons detained on warrants indicates a need to review the pretrial unit's release authority
- Communication issues can delay or affect pretrial release.
- The conditional release process can be expedited by allowing staff to meet with the individual in the courtroom to discuss the contract after a conditional release has been ordered.

6. MANAGING THE CASE

The agencies responsible for “managing the case” includes those involved in adjudication and imposition of sanctions: the courts, City Attorney, County Attorney, and the Public Defender.

Courts

Hennepin County comprises the Fourth Judicial District Court, which has four separate divisions. Division One is Minneapolis and Divisions Two through Four represent the suburban courts. Of the 58 judges in the district court, 44 handle a criminal calendar at any given time.

Most criminal cases are handled from first appearance to pretrial conferences through master calendar assignments and include several "mandatory" calendars. Drug cases are handled by the drug court, homicides and complex felonies are specifically assigned 30 to 60 days before trial. The district court uses a combination probable cause/pretrial conference hearing for gross misdemeanors and felonies. Division 1 includes a Traffic Violations Bureau.

The major findings regarding courts include the following:

- The Fourth Judicial District Court has been cognizant of jail overcrowding and responsive to development and implementation of policies/procedures that will ease or alleviate overcrowding.
- There is, however, a need, for the court to take a broader view of court efficiency that will positively impact on jail overcrowding through an overall plan with specific goals.
- Adoption of a goal for early resolution of criminal cases will make hearings more meaningful.
- The National Center for State Courts found continuances, particularly of the probable cause/pretrial conference, were a problem. Trial continuances are also a problem.
- The block assignment of cases, currently used only for civil cases, appears to provide greater incentive for judges to expedite case resolution and complete trials within time standards for civil cases.
- There is a need to re-evaluate policies and procedures for the fast track property calendar.
- Because of the trend toward settling cases much later in the adjudication process, there may be a need to re-evaluate other long-standing court procedures or policies in order to expedite case disposition.
- Drug court demonstrates how a differentiated case management system can improve court efficiency. Disposition time for drug cases has been reduced to an average of 30 days from a prior time frame of 4 to 6 months.
- There is no consistent policy for expediting resolution of violations of probation, which generally can be done more quickly than disposition of a new offense.
- Access to a misdemeanor defendant's sentencing history and case status is problematic under the SIP information system.
- Transportation or movement of defendants by the Sheriff's Office for court appearances has caused problems, including delays in bringing jail inmates to court for appearances.

City Attorney

Prosecution of misdemeanors that occur within Minneapolis city limits is the responsibility of the Office of the City Attorney. The Office of the City Attorney has both a criminal and a civil division. In most jurisdictions, the determination whether an arrest becomes a "case" depends upon a decision by the prosecutor, but in Hennepin County, the law enforcement agencies have primary responsibility for initiating misdemeanor cases into the court process through the "tab" charge and citations.

The City Attorney's Office has recently implemented a new team structure for its trial attorneys. Domestic abuse is a specialized area. Another special assignment is prosecution of selected chronic offenders; two attorneys are vertically assigned to these cases. The office has a contract with the Citizens Council to provide victim-witness support.

Findings for the City Attorney's office include the following:

- CODEFOR has had a dramatic impact on the city attorney's caseload.
- The City Attorney's Office currently has no opportunity to review police reports prior to arraignment, so prosecutors must rely solely on the initial report or citation.
- District court has tracked misdemeanors with felonies, creating problems for the city attorney in following active cases because it does not always receive notice.

County Attorney

Charging and prosecution of felonies is the responsibility of the county attorney. The county attorney's office has three divisions: juvenile, adult and special litigation. There is a bridge team to cover cases where one of the defendants is an adult and one is a juvenile. Trial teams do all the charging; each team charges for a two-week period.

The major findings for the County Attorney's office include the following:

- The county attorney's total caseload has increased by 17% from 1995 to 1997, and is projected to increase by 25% for 1998. At the same time, the decline rate for all cases reviewed has decreased from about 32% to 26%. Overall caseloads for attorneys in the office are increasing.
- The office is taking a tougher stand on plea negotiation, partly because of legislative mandates.
- There is no office policy for when plea offers should be made.

Public Defender

The public defender is responsible for providing legal defense to defendants who are found to be indigent; the indigency determination is made at the first court appearance. About 85% of defendants charged with felonies will be represented by a public defender. Like the city attorney and county attorney offices, attorneys in the public defender's office are assigned to trial teams.

The major findings for the Public Defender's office include the following:

- Access to clients is an issue in terms of available space.
- In contrast to other Minnesota counties, the public defender is not allowed to interview a defendant prior to the first appearance in court, which affects case disposition.
- Meetings with in-custody clients is made more difficult by the housing of inmates in annex sites.
- Pretrial hearings are sometimes continued because defense counsel have not yet met with their clients.
- Obtaining initial discovery is generally not a problem, but witness statements are often not provided by the county attorney until the day of trial.
- Pretrial hearings and trials are sometimes delayed because defense counsel and prosecutors are not present, due to conflicting trials.
- Incentive to settle cases early in the adjudication process is undermined by the perception that the prosecution's first offer will not be the same as the one given at trial.

7. MANAGING THE OFFENDER

For managing the offender, the relevant Community Corrections roles are presentence investigations and probation supervision, which are part of the division of Adult Field Services. The agency provides services that span the entire adjudication process: pretrial bail evaluation, conditional release supervision, presentence investigations, probation supervision, and detention facility operations (including programs and sentence alternatives).

Community Corrections operates three institutions: the Adult Corrections Facility (ACF); a juvenile pretrial facility and the Hennepin County Home School for juveniles.

Adult Field Services conducts between 3,200 and 3,500 felony presentence investigations each year. Office policy is to complete a PSI for a defendant in jail custody within 2

weeks, but the reality is probably closer to 3 weeks; the goal is 6 weeks for all other defendants. The agency also completes approximately 17,000 PSI's for misdemeanors and gross misdemeanors each year.

Adult Field Services provides traditional supervision (probationer reports regularly to an assigned probation officer); intensive supervision for specific offenses; group supervision; restitution only monitoring; and administrative probation.

The findings for Community Corrections address first Field Services and then Sentence Alternatives.

Field Services Findings

- The probation officers who conduct felony PSI also prepare "pre-plea" investigations. Pre-pleas are used extensively, accounting for 60% of the felony investigations in 1997 and about 45% through the first 6 months of 1998.
- Use of pre-pleas should be re-evaluated because of the high percentage of unresolved cases and they may introduce delay to the adjudication process.
- PSIs require an interview with the defendant; if he or she does not appear for the interview, a bench warrant will be requested, often asking that the person be held in jail until the interview is completed.
- Field Services' Intake Committee has recently devised a short-form PSI that will be available for probation officers' use.
- The only misdemeanor for which a PSI is mandated is fifth degree assault, which includes domestic assault.

Sentence Alternatives Findings

- Hennepin County does not have a day reporting center, which is generally seen elsewhere as an integral component of a community corrections program.
- Alco-Sensor Electronic monitoring was developed primarily for the work release program, which may explain the limited number (130) of electronic bracelets available.
- The court and other criminal justice agencies have not been kept apprised of changes in ACF programs.

8. HENNEPIN COUNTY CRIMINAL JUSTICE SYSTEM ASSESSMENT

Hennepin County has exemplified the state of Minnesota's progressive criminal justice philosophy. The system has been responsive to jail overcrowding and willing to develop and implement policies and procedures to minimize use of the jail or to reduce jail or court time. Hennepin County, and particularly the district court, has over the last 20 years:

- implemented a booking fee and misdemeanor housing charge to ration use of the jail;
- created a variety of new court calendars, combined pretrial/probable cause hearings, property; and drug court;
- established a pretrial release program;
- conducted trial blitzes to reduce case backlogs; and
- developed a short form PSI for certain offenses and set a goal of two weeks for PSIs felony in-custody cases.

Despite the county's efforts to control jail crowding, the average daily population has increased steadily from 161 in 1978 to about 550 in 1997. There are still areas in which the Hennepin County criminal justice system can be made more effective and efficient. Without system "controls" that lead to improved effectiveness and efficiency, the available beds will be filled sooner rather than later, which in turn creates ever greater demand for increasingly limited resources.

At the core of ILPP's system findings is an assessment of strategies that have been identified in jail crowding research as effective system strategies for reducing jail population.

- Key to jail population management is the existence of a system management mechanism, such as Hennepin County's Criminal Justice Coordinating Committee, which has been in existence since the 1980s. Notwithstanding the existence of the coordinating committee, the criminal justice system is still "uncoordinated" as a system.
- Although the Fourth Judicial District Court has been extremely responsive to the development of efforts to reduce jail crowding, there is a need for the bench to assume a leadership role as a group to ensure lasting system and effective system change.
- Legislative changes in sentencing and enhancements have placed additional pressure on the county's criminal justice system but the system itself has implemented policies that have increased demand for limited system resources.

ADC Bookings 2015 – 2018 Q2

New/Administrative Charges by Year

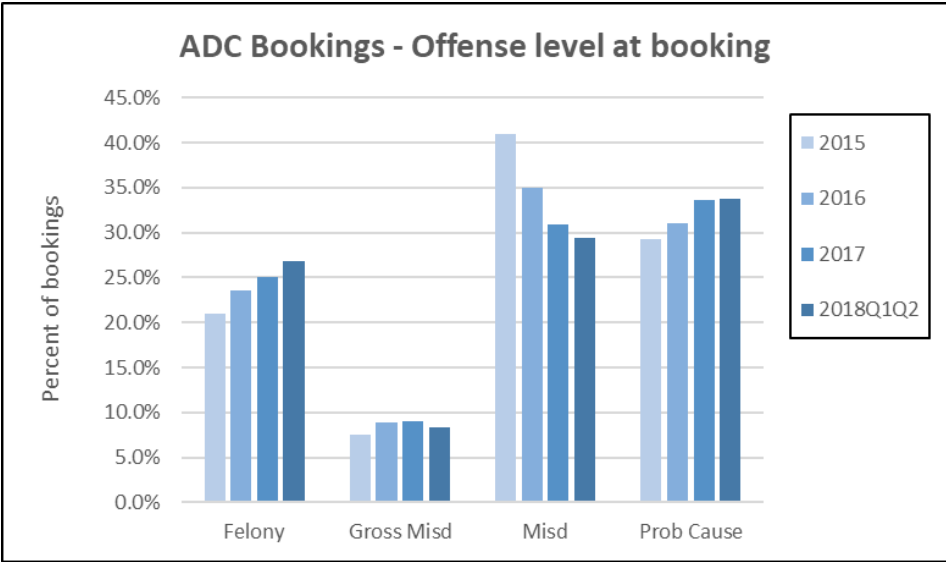
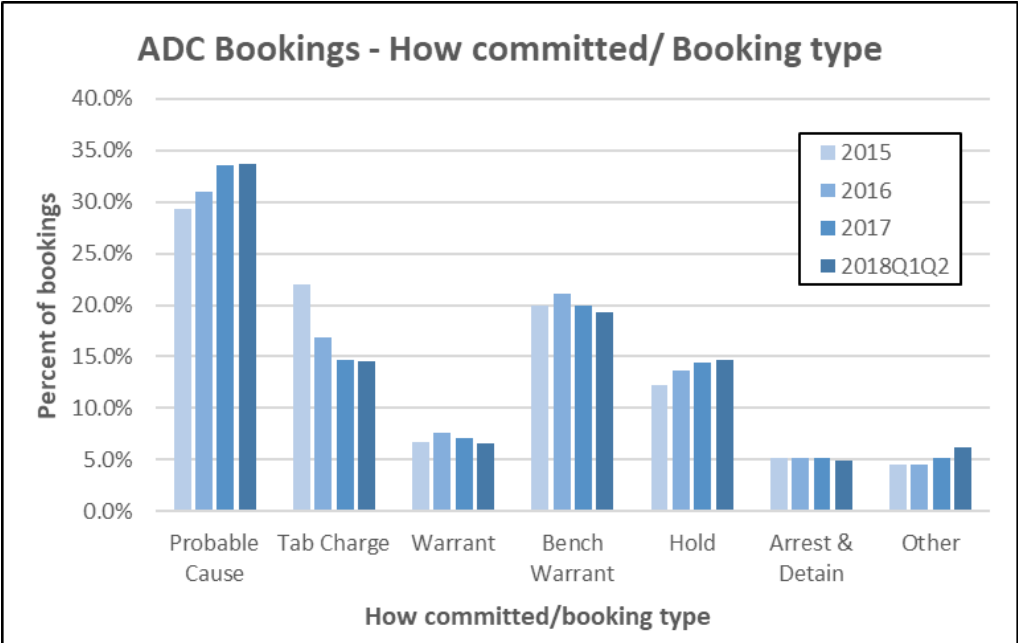
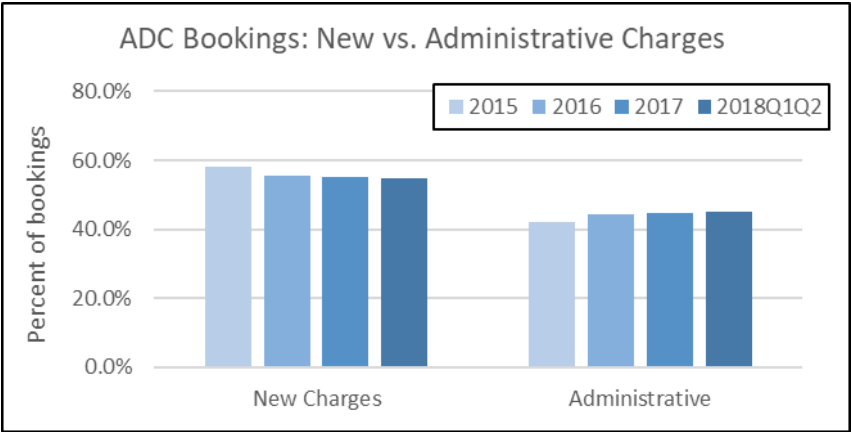
		Year			
		2015	2016	2017	2018Q1-Q2
New Charges	Count	19,381	17,465	17,761	8,892
	%	58.0%	55.5%	55.3%	100.0%
Administrative	Count	14,039	14,024	14,371	7,305
	%	42.0%	44.5%	44.7%	100.0%
Total	Count	33,420	31,489	32,132	16,197
	%	100.0%	100.0%	100.0%	100.0%

How committed (booking type) by Year

			Year			
			2015	2016	2017	2018Q1-Q2
Booking type	Probable Cause	Count	9,794	9,759	10,785	5,461
		%	29.3%	31.0%	33.6%	33.7%
Tab Charge	Count	7,346	5,294	4,705	2,362	
	%	22.0%	16.8%	14.6%	14.6%	
Warrant	Count	2,241	2,412	2,271	1,069	
	%	6.7%	7.7%	7.1%	6.6%	
Bench Warrant	Count	6,686	6,658	6,427	3,130	
	%	20.0%	21.1%	20.0%	19.3%	
Hold	Count	4,086	4,312	4,640	2,383	
	%	12.2%	13.7%	14.4%	14.7%	
Arrest & Detain	Count	1,736	1,622	1,649	789	
	%	5.2%	5.2%	5.1%	4.9%	
Other	Count	1,531	1,432	1,655	1,003	
	%	4.6%	4.5%	5.2%	6.2%	
Total	Count	33,420	31,489	32,132	16,197	
	%	100.0%	100.0%	100.0%	100.0%	

Offense Level at booking by Year

			Year			
			2015	2016	2017	2018Q1-Q2
Offense level	Felony	Count	6,990	7,430	8,044	4,338
		%	20.9%	23.6%	25.0%	26.8%
Gross Misd	Count	2,515	2,813	2,879	1,346	
	%	7.5%	8.9%	9.0%	8.3%	
Misd	Count	13,682	11,015	9,937	4,763	
	%	40.9%	35.0%	30.9%	29.4%	
Prob Cause	Count	9,787	9,755	10,781	5,459	
	%	29.3%	31.0%	33.6%	33.7%	
Other	Count	446	476	491	291	
	%	1.3%	1.5%	1.5%	1.8%	
Total	Count	33,420	31,489	32,132	16,197	
	%	100.0%	100.0%	100.0%	100.0%	

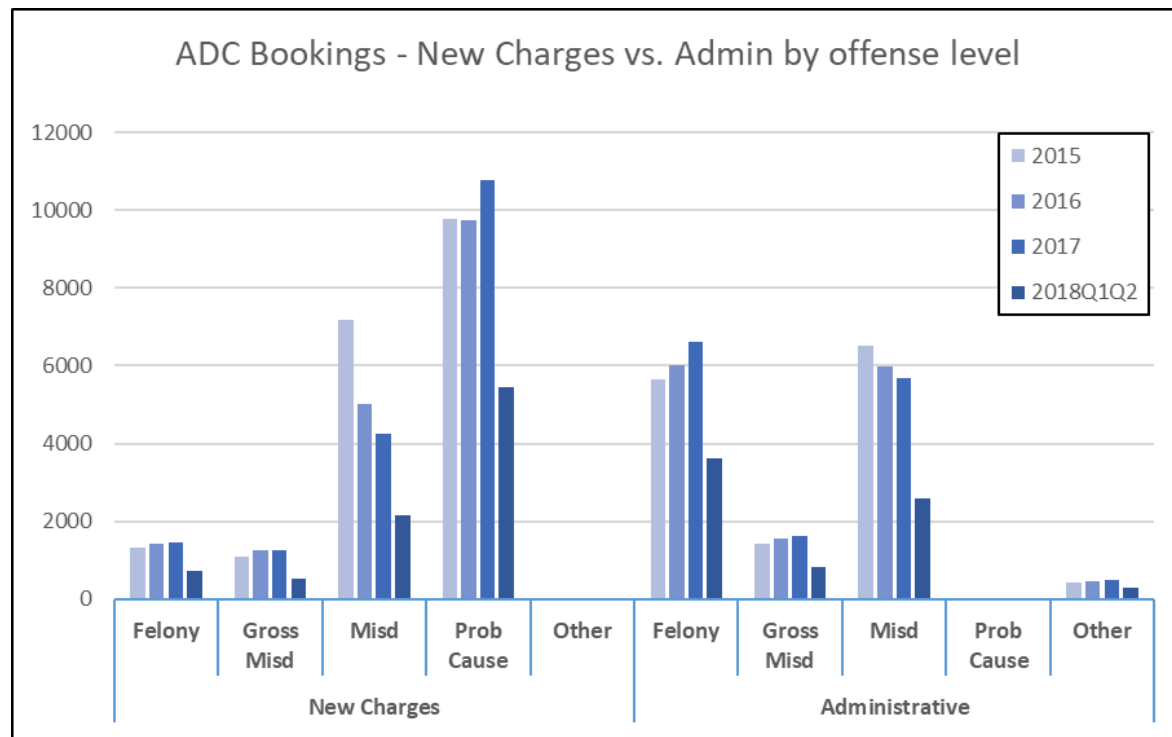


ADC Bookings 2015 – 2018 Q2

New Charges vs. Administrative Bookings

Bookings by offense: New vs. Admin charges

2015 - 2018Q2		Count			
		2015	2016	2017	2018Q1Q2
Total	Felony	6990	7430	8044	4338
	Gross Misd	2515	2813	2879	1346
	Misd	13682	11015	9937	4763
	Prob Cause	9787	9755	10781	5459
	Other	446	476	491	291
New Charges	Felony	1337	1413	1445	733
	Gross Misd	1080	1267	1266	533
	Misd	7166	5028	4267	2167
	Prob Cause	9787	9754	10781	5459
	Other	11	3	2	0
Administrative	Felony	5653	6017	6599	3605
	Gross Misd	1435	1546	1613	813
	Misd	6516	5987	5670	2596
	Prob Cause	0	1	0	0
	Other	435	473	489	291



Length of Stay (LOS)ⁱ

New vs. Administrative charges

2015	LOSdays			
	Count	Mean	Median	Max
Total	33,420	7.84	1.60	838.71
New Charges	19,381	9.13	1.62	838.71
Administrative	14,039	6.06	1.55	588.86
2016				
2016	LOSdays			
	Count	Mean	Median	Max
Total	31,489	8.30	1.78	678.49
New Charges	17,465	9.96	1.82	678.49
Administrative	14,024	6.23	1.68	428.39
2017				
2017	LOSdays			
	Count	Mean	Median	Max
Total	32,132	8.39	1.89	425.59
New Charges	17,761	10.04	1.92	425.59
Administrative	14,371	6.35	1.83	392.69
2018 Q1-Q2				
2018 Q1-Q2	LOSdays			
	Count	Mean	Median	Max
Total	16197	7.12	1.90	263.77
New Charges	8892	7.93	1.88	263.77
Administrative	7305	6.13	1.93	219.74

LOS by How committed/Booking Typeⁱ

LOS Days – Mean

2015 - 2018Q2		Mean			
		2015	2016	2017	2018Q1Q2
How committed	Probable Cause	13.24	13.24	11.91	9.34
	Tab Charge	2.29	2.73	3.15	3.29
	Warrant	13.58	12.59	15.53	11.15
	Bench Warrant	5.26	5.91	6.53	6.40
	Hold	4.22	4.43	4.41	4.61
	Arrest & Detain	11.43	10.37	9.98	9.19
	Other	8.33	8.42	7.48	6.52
	Total	7.84	8.30	8.39	7.12

LOS Days - Median

2015 - 2018Q2		Median			
		2015	2016	2017	2018Q1Q2
How committed	Probable Cause	2.46	2.50	2.44	2.30
	Tab Charge	0.58	0.81	0.85	0.86
	Warrant	0.98	1.04	1.19	1.27
	Bench Warrant	1.07	1.17	1.37	1.45
	Hold	1.10	1.18	1.25	1.40
	Arrest & Detain	3.84	3.76	3.86	3.75
	Other	3.77	3.89	3.77	3.84
	Total	1.60	1.78	1.89	1.90

LOS Days - Maximum

2015 - 2018Q2		Maximum			
		2015	2016	2017	2018Q1Q2
How committed	Probable Cause	838.71	678.49	402.18	233.78
	Tab Charge	234.69	257.78	229.66	208.17
	Warrant	683.92	537.20	425.59	263.77
	Bench Warrant	329.87	428.39	341.93	219.74
	Hold	237.25	188.74	303.83	183.71
	Arrest & Detain	354.43	308.54	160.46	194.70
	Other	588.86	351.57	392.69	133.65
	Total	838.71	678.49	425.59	263.77

LOS Days - Mean

2015 - 2018Q2		Mean			
		2015	2016	2017	2018Q1Q2
Total	Felony	13.71	13.03	13.23	10.80
	Gross Misd	3.16	2.92	3.35	3.63
	Misd	1.96	2.29	2.38	2.48
	Prob Cause	13.23	13.23	11.91	9.33
	Other	3.88	4.21	3.39	3.74
New Charges	Felony	21.58	20.09	23.31	15.45
	Gross Misd	1.70	1.72	2.44	2.36
	Misd	2.32	2.86	3.16	3.37
	Prob Cause	13.23	13.23	11.91	9.33
	Other	7.06	4.56	5.02	
Administrative	Felony	11.85	11.37	11.05	9.88
	Gross Misd	4.26	3.90	4.07	4.47
	Misd	1.57	1.82	1.78	1.74
	Prob Cause		1.03		
	Other	3.80	4.20	3.39	3.74

LOS Days - Median

2015 - 2018Q2		Median			
		2015	2016	2017	2018Q1Q2
Total	Felony	3.89	3.81	3.84	3.80
	Gross Misd	0.93	1.00	0.99	1.08
	Misd	0.70	0.83	0.90	0.88
	Prob Cause	2.46	2.50	2.44	2.30
	Other	2.10	2.86	2.39	2.20
New Charges	Felony	1.36	1.39	1.86	1.67
	Gross Misd	0.50	0.71	0.69	0.70
	Misd	0.60	0.82	0.90	0.91
	Prob Cause	2.46	2.50	2.44	2.30
	Other	1.69	0.77	5.02	
Administrative	Felony	4.71	4.41	4.13	4.13
	Gross Misd	1.61	1.53	1.61	1.82
	Misd	0.78	0.84	0.90	0.86
	Prob Cause		1.03		
	Other	2.10	2.86	2.39	2.20

ⁱ Length of Stay (LOS) in these tables reflect days in custody for those booked and released from 1/1/2015 – 6/30/2018. LOS here does not capture any bookings prior to 2015 that were released after 1/1/2015. These results also do not include LOS for any bookings during this timeframe that were still in custody when the data was generated.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Standing Order re Pre-Appearance Release Procedures and Bail

I. MISDEMEANORS

A. Arrest without Warrant

1. **Violation of Domestic Abuse No Contact Order** – When a person is arrested without a warrant for a misdemeanor violation of a domestic abuse no contact order and is going to be charged by the arresting officer, a tab charge shall be issued and the person shall be held without bail (HWB), and brought to the next available session of court, unless the person is ordered released earlier by a judge or the Department of Community Corrections and Rehabilitation (DOCCR) pursuant to the standards set by the Criminal Presiding Judge in a standing order.
2. **Other Domestic Abuse Offenses**¹ - For other domestic-abuse misdemeanor offenses, when a person is arrested without a warrant and is going to be charged by the arresting officer, a citation or tab charge shall be issued and the accused released unless continued detention is necessary as provided in Minn. R. Crim. P. 6.01. A person detained pursuant to Minn. R. Crim. P. 6.01 shall be held without bail (HWB), and brought to the next available session of court, unless the person is ordered released earlier by a judge or the Department of Community Corrections and Rehabilitation (DOCCR) pursuant to the standards set by the Criminal Presiding Judge in a standing order.
3. **Other Misdemeanor Offenses** – This section applies to non-domestic misdemeanor arrests without warrant.
 - a. **Non-Payable Misdemeanor Offenses – No Bail Required.** Subject to Paragraph I.A.3.b., when a person is arrested without a warrant and is going to be charged by the arresting officer with a misdemeanor that is not on the Statewide Payables List² or the Hennepin County Ordinances Payables List³, a citation or tab charge shall be issued and the accused released without bail. Nothing in this order shall limit an arresting officer's discretion to release an arrested person without bail pending a formal complaint instead of a tab charge or citation.
 - b. **Non-Payable Misdemeanor Offense – Bail Required.** If the arresting officer states in writing that continued detention is necessary as provided in Minn. R. Crim. P. 6.01 a person must be held for court with a bail setting of \$300.00 or \$78.00 cash, unless a specific bail amount (which may be no bail required – “NBR”) is set by a judge or the

¹ “Misdemeanor domestic abuse offense” means the following misdemeanor offenses: domestic assault, harassment, stalking, violation of an order for protection, or violation of a harassment restraining order.

² Statewide Payable Lists can be found at <http://www.mncourts.gov/JusticePartners/Statewide-Payables-Lists.aspx>

³ http://www.mncourts.gov/mncourtsgov/media/fourth_district/documents/Criminal/Fine%20Tables/Ordinances.pdf has the list of all Hennepin County Ordinances and specifies a fine amount if payable and “COURT” if not payable.

person is released by the Department of Community Corrections and Rehabilitation (DOCCR) pursuant to the standards set by the Criminal Presiding Judge in a standing order.

- c. **Payable Misdemeanor offenses and Petty Misdemeanors** – If a person is going to be charged by the arresting officer, a citation must be issued for petty misdemeanors and misdemeanors on the Statewide Payables List⁴ or the Hennepin County Ordinances Payable List⁵. If a custodial arrest has been made, a citation must be issued in lieu of continued detention. Nothing in this order shall limit an arresting officer's discretion to release an arrested person without bail pending a formal complaint instead of a citation.

B. Arrest on a Warrant or Order for Detention

1. When a judge has set bail on a specific case or warrant, that bail setting shall be used, unless the person is released without bail by the Department of Community Corrections and Rehabilitation (DOCCR) pursuant to the standards set by the Criminal Presiding Judge in a standing order.
2. When a judge has ordered that a person be held without bail (HWB), that person shall be brought to the next available session of court.

II. TAB-CHARGED DESIGNATED GROSS MISDEMEANORS

A. Applicability – “Designated Gross Misdemeanors” as defined in Minn. R. Crim. P. 1.04(b)⁶ may be tab charged.

B. Mandatory Hold Without Bail – Defendants tab-charged with any of the following Designated Gross Misdemeanors shall be held without bail (HWB) and brought to the next available session of court, unless the person is ordered released earlier by a judge or the Department of Community Corrections and Rehabilitation (DOCCR) pursuant to the standards set by the Criminal Presiding Judge in a standing order.

1. Second-Degree Driving While Impaired
2. Third-Degree Driving While Impaired if any of the following circumstances exist:
 - a. Defendant is less than 19 years old;
 - b. Defendant had an alcohol concentration of .16 or more;
 - c. A child under 16 years old was in the motor vehicle at the time of the offense;
 - d. Defendant's driving privileges are currently cancelled as inimical to public safety.
3. Driving After Cancellation – Inimical to Public Safety if charged with any degree of driving while impaired.

C. Bail for Other Tab-Charged Designated Gross Misdemeanors – Defendants who are tab-charged with Designated Gross Misdemeanors, but not including an offense listed in Paragraph

⁴ <http://www.mncourts.gov/JusticePartners/Statewide-Payables-Lists.aspx>

⁵ http://www.mncourts.gov/mncourtsgov/media/fourth_district/documents/Criminal/Fine%20Tables/Ordinances.pdf

⁶ Gross Misdemeanor violations of Minn. Stat. §§ 169A.20 (DWI), 169A.25 (second-degree driving while impaired), 169A.26 (third-degree driving while impaired), 171.24 (Driving After Cancellation – Inimical to Public Safety)

II.B., shall have bail set at \$3000.00 or \$500.00 cash, unless the person is ordered released earlier by a judge or the Department of Community Corrections and Rehabilitation (DOCCR) pursuant to the standards set by the Criminal Presiding Judge in a standing order.

FELONIES AND NON-TAB-CHARGED GROSS MISDEMEANORS

- D. Detention on “Probable Cause”** – When a person is being held on probable cause that they have committed a felony or gross misdemeanor offense, the person shall be held without bail (HWB), unless a judge has set bail or ordered the person’s release, or the person’s release has been ordered by either the prosecuting attorney or the arresting agency, or the person’s release is required because the applicable time periods that allow a person to be held without charges have expired.
- E. Formal Complaint Filed** – If a person is charged by formal complaint, it must be filed before the person’s first court appearance. Defendants must be released upon posting the bail designated on the complaint, unless released without bail by the Department of Community Corrections and Rehabilitation (DOCCR) pursuant to the standards set by the Criminal Presiding Judge in a standing order.

III. EXCEPTION FOR RELEASE FOR MEDICAL NECESSITY

In all cases, a law enforcement agency that has a person in custody may release that person without bail to a medical facility if the agency believes that it is medically necessary and consistent with public safety to do so. Such release may occur without further order of the court. The accused should be given notice of any scheduled court appearance date.

BY THE COURT:

Dated: February 16, 2016


Peter A. Cahill
Chief Judge of District Court

Appendix E: 2015 Bail Evaluation Form

PD Eligible: Yes No

Interpreter Needed: Yes No
 Language: _____

HENNEPIN COUNTY PRETRIAL EVALUATION

Screen Date:	Div.	SILS #	Case #	SID/FBI #					
Name (Last)		(First)		(Middle)		DOB	Age	Sex	Race
Street Address	Verified? <input type="checkbox"/> Yes <input type="checkbox"/> No	Apt #	City	State	ZIP	Duration			
Telephone #	Most Recent Prior Address							Duration	
Have you ever been in, or served in the armed services? <input type="checkbox"/> Yes <input type="checkbox"/> No		Aliases:	Birth Place:	Marital Status:	# Kids:	# Dep:			
Arrest Type:	Bail Amount:	Main Charge: Felony		Other Charges:				Points Assigned	
Employment/Income Sources or School Status							Amount: \$	Choose a number	
Current Problematic Chemical Use							Choose a number		
Homeless or 3 or More Address Changes in Past Year							Choose a number		
Age at first Delinquency Adjudication/Conviction							Choose a number		
Criminal History Points									
Bench Warrant Points							Choose a number		
Holds/Type:		<input type="checkbox"/> Complaint <input type="checkbox"/> Police Report:			Scale Score				
Collateral/Relationship: Address/Phone #		Collateral Comments:			Pre-Trial Score Lower = 0-11 points Moderate = 12-25 points Higher = 26 or more points				
Victim Name/Relationship: Address/Phone #:		Victim Comments:							
Current Monitoring Status <input type="checkbox"/> Conditional Release <input type="checkbox"/> Probation <input type="checkbox"/> Parole: Case Number: _____ Expiration: _____ Sentenced: _____ Convicted: _____ Case Description: _____ County: Hennepin P.O. Name/Phone #: _____ Pending Cases: _____									
Probation Officer Comments/Observations (include mental health concerns and other relevant information used to assess the defendant):									
Systems Checked <input type="checkbox"/> CSTS <input type="checkbox"/> CIS <input type="checkbox"/> MNCIS/MGA <input type="checkbox"/> BCA <input type="checkbox"/> DL <input type="checkbox"/> S3 <input type="checkbox"/> GLAWS <input type="checkbox"/> JMS						P.O.			

THE INFORMATION CONTAINED HEREIN IS BASED ON RESOURCES AVAILABLE AT THIS TIME AND MAY NOT IDENTIFY ALL CONVICTIONS OR BENCH WARRANTS.

CASE #

NAME: (LAST)	(FIRST)	(MIDDLE)
<input type="text"/>	<input type="text"/>	<input type="text"/>

CONVICTION HISTORY

FELONY:

<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>

GROSS MISDEMEANOR:

<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>

MISDEMEANOR:

<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>

FAILURE TO APPEAR BENCH WARRANTS AND CONDITIONAL RELEASE WARRANTS IN THE LAST THREE YEARS:

Date Ordered	Type	County of Issuance	Date Ordered	Type	County of Issuance
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>



MINNESOTA JUDICIAL BRANCH

FOURTH JUDICIAL DISTRICT • HENNEPIN COUNTY

4/26/17

Current Offense Charge Points

12 Points – Judicial Review Required

Offense Name	Statute
Adulteration Resulting in Death	609.687S3(1)
Aggravated Robbery – 1 st Degree	609.245S1
Aiding an Offender (for 12 pt. offenses)	609.495
Arson - 1 st Degree	609.561
Assault - 1 st Degree	609.221
Assault - 2 nd Degree	609.222
Assault of Unborn Child - 1 st Degree	609.267
Burglary – 1 st Degree	609.582S1
Certain Persons Not to Possess Firearms	624.713
Controlled Substance - 1 st Degree	152.021
Controlled Substance - 2 nd Degree	152.022
Crime Committed for Benefit of Gang (if crime committed is felony)	609.229S3
Criminal Abuse of Vulnerable Adult (death or great bodily harm)	609.2325S3(a)(1 & 2)
Criminal Neglect of Vulnerable Adult (deprivation resulting in great bodily harm)	609.233S3(1)
Criminal Sexual Conduct - 1 st Degree	609.342
Criminal Sexual Conduct - 2 nd Degree (force, weapon, injury, accomplice, victim impairment, sig. relationship + mult. acts)	609.343S1(c,d,e,f,h)
Criminal Sexual Conduct - 3 rd Degree (force, victim impairment, professional relationship with victim, sig. relationship + injury/mult. acts)	609.344S1(c,d,g-o)
Criminal Vehicular Homicide	609.2112
Criminal Vehicular Operation (death of unborn child)	609.2214S1
Death of Unborn Child in Committing Crime	609.268S1
Drive-By Shooting (toward person, occupied building/vehicle)	609.66S1e(b)
Engage/Hire a Minor in Prostitution (under 13)	609.324S1(a)
Escape from Felony Custody (use of violence)	609.485S4(b)
Failure to Register as a Predatory Offender	243.166
Fleeing Peace Officer (death)	609.487S4(a)
Identity Theft	609.527S3(5)
Kidnapping (great bodily harm, unsafe release, vic under 16)	609.25S2(2)
Malicious Punishment of Child (great bodily harm)	609.377S6
Manslaughter - 1 st Degree	609.20
Manslaughter - 2 nd Degree (culpable negligence, child neglect or endangerment)	609.205(1, 5)
Manslaughter of Unborn Child - 1 st Degree	609.2664
Manslaughter of Unborn Child - 2 nd Degree (culpable negligence)	609.2665(1)
Murder - 1 st Degree	609.185

Murder - 2 nd Degree	609.19
Murder - 3 rd Degree	609.195
Murder of Unborn Child - 1 st Degree	609.2661
Murder of Unborn Child - 2 nd Degree	609.2662
Murder of Unborn Child - 3 rd Degree	609.2663
Riot - 1 st Degree	609.71S1
Solicitation, Inducement, and Promotion of Prostitution (or Profit from); Sex Trafficking	609.322S1
Use of Weapon	609.11
Witness Tampering - 1 st Degree Aggravated	609.498S1b

9 Points – Judicial Review Required

Offense Name	Statute
Aggravated Robbery – 2 nd Degree	609.245S2
Aiding an Offender (for 9 pt. offenses)	609.495
Assault - 3 rd Degree	609.223
Assault - 5 th Degree (felony)	609.224S4
Assault of Unborn Child - 2 nd Degree	609.2671
Burglary - 2 nd Degree	609.582S2
Crime Committed for Benefit of Gang (if crime committed is gross misdemeanor)	609.229S3(c)
Criminal Abuse of Vulnerable Adult (substantial bodily harm)	609.232S3(a)(3)
Criminal Neglect of Vulnerable Adult (deprivation resulting in substantial bodily harm)	609.233S3(2)
Criminal Sexual Conduct - 2 nd Degree (under 13 & age diff.; 13-16 & age diff. + authority; under 16 & sig. relationship)	609.343S1(a,b,g)
Criminal Sexual Conduct - 3 rd Degree (13-16 & age diff.; 16-18 & age diff.+ authority; 16-18 & sig. relationship)	609.344S1(b,c,f)
Criminal Sexual Conduct - 4 th Degree	609.345
Criminal Sexual Conduct - 5 th Degree (enhance felony)	609.3451
Criminal Vehicular Operation	609.2113 or 609.2214
Dangerous Weapons (silencer, discharge, furnishing, possession school property)	609.66S1a,b,c,d(a)
Domestic Assault by Strangulation	609.2247
Drive-By Shooting (toward unoccupied building/vehicle)	609.66S1e(a)
DWI - 1 st Degree	169A.24
DWI Refusal – 1 st Degree	169A.20S2
Engage/Hire a Minor in Prostitution (13-18)	609.324S1(b, c)
Escape from Custody	609.485S4(a)
False Imprisonment (substantial bodily harm)	609.255S3(c)
Felony Domestic Assault	609.2242
Fleeing Peace Officer (great bodily harm)	609.487S4(b)
Harassment; Restraining Order (felony)	609.748
Injury of Unborn Child in Committing Crime	609.268S2
Kidnapping-(safe release/no harm)	609.25S2(1)
Machine Guns and Short-Barreled Shotguns	609.67
Malicious Punishment of Child (felony, not great bodily harm)	609.377S(3,4,5)
Possession/Dissemination of Child Pornography	617.247
Riot - 2 nd Degree	609.71S2

Simple Robbery	609.24
Solicitation of Children to Engage in Sexual Conduct; Communication of Sexually Explicit Materials to Children	609.352
Stalking (felony)	609.749
Terroristic Threats	609.713
Violation DANCO (felony)	629.75
Violation of Order for Protection (felony)	518B.01S14
Witness Tampering - 1 st Degree	609.498S1a

6 Points – Judicial Review Required

Offense Name	Statute
Domestic Assault (gross misdemeanor)	609.2242S2
Harassment; Restraining Order (gross misdemeanor)	609.748S6(c)
Stalking (non-felony)	609.749
Violation DANCO (gross misdemeanor)	629.75S2(c)
Violation of Order for Protection (gross misdemeanor)	518B.01S14(c)
Witness Tampering (gross misdemeanor)	609.498S2

6 Points – No Judicial Review Required

Offense Name	Statute
Adulteration (not resulting in death)	609.687S3(2,3)
Aiding an offender (for 6 pt. offenses)	609.495
Arson – 2 nd Degree	609.562
Arson – 3 rd Degree	609.563
Assault - 4 th Degree	609.2231
Assault - 5 th Degree (non-felony)	609.224
Assault of Unborn Child - 3 rd Degree	609.2672
Burglary – 3 rd Degree	609.582S3
Carry Pistol Without a Permit	624.714
Check Forgery; Offering a Forged Check	609.631
Contraband Forbidden; Introduce contraband or weapon into facility	641.165
Controlled Substance Crime - 3 rd Degree	152.023
Controlled Substance Crime - 4 th Degree	152.024
Controlled Substance Crime - 5 th Degree (felony)	152.025
Criminal Abuse of Vulnerable Adult (non-felony)	609.2325S3(a)(4) or S3(b)
Criminal Neglect of Vulnerable Adult (non-felony)	609.233S1
Criminal Sexual Conduct - 5 th Degree (non-felony)	609.3451S2
Damage to Property	609.595
Dangerous Weapons (non-felony)	609.66S1, 1d(b)(c)(d)
Depriving Another of Custodial or Parental Rights	609.26S6(a)
Disarming a Peace Officer	609.504
Domestic Assault (misdemeanor)	609.2242S1
False Imprisonment(restraint of child or demonstrable bodily harm)	609.255S2 or S3(a) and (b)
Financial Transaction Card Fraud	609.821
Firearms; Removal or Alteration of Serial Number	609.667
Fleeing Peace Officer (substantial bodily harm or no injury)	609.487S3 and S4(c)

Harassment; Restraining Order (misdemeanor)	609.748S6(b)
Identity Theft	609.527S3(3), 3(4) and S5a,b
Indecent Exposure	617.23
Interference with Emergency 911 Call	609.78
Interference with Privacy (peeping)	609.746
Malicious Punishment of a Child (non-felony)	609.377S2
Neglect or Endangerment of a Child	609.378
Nonconsensual Dissemination of Private Sexual Images	617.261
Possession of Burglary or Theft Tools	609.59
Possession or Sale of Stolen or Counterfeit Check	609.528
Receiving Stolen Property	609.53
Riot – 3 rd Degree (non-felony)	609.71S3
Theft (felony only)	609.52
Theft from Person	609.52S3(i)
Violation DANCO (misdemeanor)	629.75S2(b)
Violation of Order for Protection (misdemeanor)	518B.01S14(b)
Witness Tampering (misdemeanor)	609.498S2a

3 Points – No Judicial Review Required

Offense Name	Statute
Criminal Vehicular Operation (gross misdemeanor)	609.2113 <i>or</i> 609.2114
DWI - 2 nd Degree	169A.25
DWI - 3 rd Degree	169A.26
DWI Refusal – 2 nd or 3 rd Degree	169A.20S2

For all felonies not listed:

- Review all charges for which the bail evaluation is being completed on. Determine the charge with the highest severity level assigned by the Minnesota Sentencing Guidelines and score using the below criteria:
 - 12 points and judicial review required if the severity level is 8 or above or an A, B or C;
 - 6 points and no judicial review required if the severity level is 7 or less or a D through G.
- Should count one, or any other counts be unranked, score based on the count with the highest severity level. Should you determine there's only one count charged for the case and that it's an unranked offense, judicial review is not required and 6 points should be assigned.

For all misdemeanor and gross misdemeanors not listed:

- Review all charges for which the bail evaluation is being completed on. Should all charges be at the misdemeanor and/or gross misdemeanor level and the offenses are not listed on this document, zero points should be assigned and no judicial review is required.

**Appendix C: Fourth Judicial District of Minnesota/Hennepin County
2015 Pretrial Scale (red indicates changes)**

TYPE	WEIGHT	ITEM
Charged Current Offense Information (Select One)	+12	Presumptive Commit Felony Offenses on the Judicial Review list *
	+9	Presumptive Probation Felony Offenses on Judicial Review list *
	+6	Gross Misdemeanor person-related offenses on Judicial Review *
	+6	Felonies and misdemeanor person-related not on the Judicial Review list
	+3	Gross misdemeanor DWI
Personal Risk Factors Of Defendant (Answer Each)	+3	Employed less than 20 hours per week, not a full time student, not receiving public assistance/other, not a pensioner or not a financially supported homemaker (if yes) **
	+1	Homeless or 3 or more addresses during the past 12 months or moved around between friends and shelters (if yes) ***
	+1	Current Problematic Chemical Use (if yes)****
	+1	Age at first Felony delinquency adjudication or any adult Conviction (at or after 14years old and before the age of 26)
Prior History Prior Conviction Information (Answer Each) -- And -- Prior Warrants for failure to appear or conditional release violations (Select one)	+9 for each	Prior felony level <i>person</i> convictions
	+6 for each	Prior non-felony level <i>person</i> convictions
	+2 for each	Prior other felony convictions
	+1 for each	Other non-felony level convictions (EXCLUDE traffic offenses that do not involve alcohol/drugs)
	+6 if 1-2 Warrants	Prior warrants for failure to appear or conditional release violations within last three years (if at least one FTA, select)
	+9 if 3 or more Warrants	

* Cases with these charge offenses need review by a judge and Pretrial cannot release regardless of total score on this scale.

**A pensioner is a person who is retired and receiving Social Security or a pension – it includes disability pensioners. A supported homemaker includes an individual who chooses to remain home to care for family members or attend to all things domestic with another income in the home for support. A defendant with a combination of 20 hours or more of work and/or school would not receive these points.

***The Hennepin Risk and Needs Triage tools defines this indicator as ‘Count as homeless if the individual tended not to have a steady address or moved around between friends, family and/or shelters – do not include address changes due to incarceration, residential placement, hospitalization, job relocation or military service’.

**** As indicated by one or more of the following in the last 12 months: official records of prior convictions for substance use, self-report or collateral reporting of past Chemical Dependency treatments, self-report or collateral reporting of marital or family problems, self-report or collateral reporting of school or work disruptions.

REQUIRE BAIL EVALUATION

- All felony warrants
- Gross misdemeanor and misdemeanor warrants if person or alcohol related
- Gross misdemeanor warrants that meet release criteria.
- Gross misdemeanor tab charges if alcohol related
- Misdemeanor tab charges if person related and bail has been assigned
- Bench warrants issued for non-appearance on summons if:
 - Felony
 - Gross misdemeanor or misdemeanor and are person or alcohol related
 - Gross misdemeanor that meets release criteria
- Juveniles who have been certified as an adult on current charge and are now making first appearance in adult court.

DO NOT REQUIRE BAIL EVALUATION

- 4th Degree DWIs that are tab charged and have been assigned bail
- Writs from correctional facilities
- Probable cause status
- Any level Bench Warrant (except for those cited above)
- Hold only charges for other agencies
- Continued cases (CNT)
- Arrest and Detention Orders (A&D's)
- Commitments (CM)
- Felony contempt of court
- Fugitives from justice that are "hold without bail"
- Governor's rendition warrant
- Identify and Release (ID)

- In Transit (IT)
- Lodger (LG)
- Grand jury indictment (GJI), unless first appearance was never held on original warrant/complaint

STATE OF MINNESOTA
DISTRICT COURT

FILED

COUNTY OF HENNEPIN

2016 NOV 21 PM 12: 59

FOURTH JUDICIAL DISTRICT

Standing Order re Pre-Appearance Release by Department of Community Corrections and Rehabilitation

Pursuant to the Standing Order issued by the Chief Judge Peter Cahill, dated February 16, 2016, Assistant Chief Judge Toddrick Barnette hereby makes the following order setting standards for pre-appearance release by the Department of Community Corrections and Rehabilitation (DOCCR). These standards are in addition to any conditions or restrictions for pre-appearance release listed in the Chief Judge Cahill's Standing Order.

- I. General Release Authority
 - a. DOCCR is authorized to release defendants without bail – with or without conditions – if:
 - i. The charged offense does not require judicial review, as identified by the Fourth Judicial District Current Offense Charge Points document; and,
 - ii. The defendant scores 25 or less on the pretrial risk assessment scale.
 - b. DOCCR is without authority to release defendants without bail if:
 - i. The charged offense requires judicial review; *or*,
 - ii. The defendant scores 26 or more on the pretrial risk assessment scale.
- II. Special Conditions Required for Statutory Detention DWI and Domestic Violence Offenses
 - a. Statutory Detention DWI Offenses
 - i. The following are Statutory Detention DWI offenses:
 1. 2nd Degree DWI;
 2. 3rd Degree DWI if:
 - a. a) the defendant is less than 19 years old;
 - b. b) the defendant's AC .16 or more;
 - c. c) a child under age 16 was in the vehicle; *or*,
 - d. d) the defendant's license was cancelled as inimical to public safety;
 3. 4th Degree DWI if the defendant's license was cancelled as inimical to public safety.

- ii. When a defendant charged with a Statutory Detention DWI offense is to be released under this Order, DOCCR must require electronic alcohol monitoring as a condition of release or \$12,000 bail without conditions.
- b. Domestic Violence Offenses
 - i. This section applies to the following Domestic Violence offenses:
 1. Misdemeanor domestic assault (Minn. Stat. § 609.2242);
 2. Interference with an emergency call (Minn. Stat. § 609.78);
 3. Misdemeanor violation of an order for protection (Minn. Stat. § 518B.01);
 4. Misdemeanor violation of a domestic abuse no contact order (Minn. Stat. § 629.75; and,
 5. Misdemeanor violation of a harassment restraining order (Minn. Stat. § 609.748.
 - ii. When a defendant charged with a Domestic Violence offense is to be released under this Order, DOCCR must require no contact with the alleged victim as a condition of release.

III. Presumptions

- a. It is presumed that DOCCR will release defendants who are eligible for release pursuant to Paragraph I.a. of this Order.
- b. Notwithstanding a defendant's eligibility for release pursuant to Paragraph I.a. of this Order, it is presumed that DOCCR will not release such defendant if:
 - i. The defendant is charged with a Domestic Violence offense; and,
 1. The defendant has previously been convicted of a firearm offense;
 2. The victim expresses concern about the defendant's access to a firearm;
 3. The victim expresses concern for his/her safety;
 4. The victim expresses concern about the defendant's release;
 5. The defendant does not have a verifiable place to reside other than with the victim;
 6. The defendant has previously attempted suicide or expressed suicidal ideation; or,
 7. DOCCR determines that a DANCO is necessary;
 - ii. The defendant is on supervised release;
 - iii. The defendant is subject to a felony hold, probable cause hold, immigration hold; A & D hold, bench warrant for non-appearance in court (other than failure to appear in response to a summons or CR violation);

or, the defendant is a prisoner of the federal government, military, ICE, or in transit;


- iv. The defendant cannot be interviewed in a timely manner; or,
- v. The defendant prefers to remain in custody rather than comply with a conditional release.

IV. Overrides

- a. An override occurs when DOCCR fails to release a defendant who qualifies for presumptive release pursuant to Paragraph III.a.
- b. DOCCR need not release a defendant who qualifies for presumptive release (*i.e.*, DOCCR may override) if the pretrial release score does not adequately reflect the risk of danger to the victim, the public, the defendant, or flight. Examples include:
 - i. In non-domestic cases (domestics addressed in Paragraph III.b.i.), there is a heightened concern for victim safety;
 - ii. There is a heightened threat to public safety because the defendant's criminal conduct is likely to continue or the defendant is unlikely to comply with conditions of release;
 - iii. There is a heightened risk of non-appearance because of the defendant's statements or residency in another state;
 - iv. There is a heightened risk of harm to the defendant or pretrial failure because of the defendant's current mental health problems or current drug or alcohol abuse;
 - v. The defendant has another felony, gross misdemeanor or targeted misdemeanor charge pending;
 - vi. The defendant is on probation for a felony, gross misdemeanor, targeted misdemeanor conviction; or,
 - vii. The defendant provided false or conflicting information.
- c. DOCCR may release a defendant who qualifies for presumptive detention if the grounds for detention overstate the risk of danger to the victim, the public, the defendant, or flight.

BY THE COURT:

Dated: 11/21/2016


Toddrick Barnette
Assistant Chief Judge
Fourth Judicial District

Pre-Trial Scale Definitions

[Note – When the client scores 25 or below on the bail evaluation and was not released from custody due to one of the reasons documented below, be sure to note the specific reason in the comment section of the bail evaluation (i.e.: Limited Authority - Client refused to be placed on conditional release with a condition of remote electronic alcohol monitoring or Probation Override – Client not released due to substantial drug use)].

Judicial Review Required Limited Authority

- **Limited Authority - Client refused release – other**
 - The client met all release criteria, however, declined release and choose to remain in custody.
- **Limited Authority – Client refused release – scam**
 - The client met all release criteria, however, declined release on remote electronic alcohol monitoring and choose to remain in custody.
- **Limited Authority – DV case not meeting release criteria (enter supporting text in the comment section of the Pre-Trial Scale)**
 - The client was charged with a domestic violence offense eligible for release as noted under II.b.i. of the DOCCR Pre-Appearance Release Standing Order, however, the client did not meet all release requirements as noted under III.b.i. *[Note: Enter which criteria the client did not meet in the Judicial Review Probation Override – Other Comment section of the Pre-Trial Scale.]*
- **Limited Authority – Interview completed right before court appearance**
 - The client would not be released from custody before their scheduled appearance.
- **Limited Authority – Parole status**
 - The client is on supervised release.
- **Limited Authority – Holds or bench warrants for non-appearance exist**
 - In addition to the current offense, the client is subject to a felony hold, probable cause hold, immigration hold, A&D hold, bench warrant for non-appearance in court (other than failure to appear in response to a summons or CR violation), or the client is a prisoner of the federal government, military, ICR, or in transit.

Probation Override

- **PO override – Discrepancies in obtained information**
 - The client provides false and conflicting information, which rises to the level of creating a public safety issue.
- **PO override – Heightened threat to public safety**
 - Information gathered during the investigative process provides compelling reason that criminal conduct is likely continue and the client would not be responsive to conditions of release.
- **PO override – Non-Minnesota resident / risk for non-appearance**
 - The client has resided in Minnesota for less than six months and there are compelling reasons suggesting the client poses a heightened flight risk. *[Note: The 2015 revalidation showed being a non-Minnesota resident was not strongly correlated to pretrial failure].*
 - Specific statements made by the client or by the collateral source during the bail evaluation interview suggests a heightened risk for non-appearance.

- **PO override – On probation for felony, GM or targeted misd offense**
 - The client is on probation for a felony, gross misdemeanor or targeted misdemeanor conviction.
 - **PO Override – Other (enter supporting text in the comment section of the Pre-Trial Scale)**
 - Substantial and compelling reasons suggesting a high risk for pretrial failure, not otherwise captured by the above criteria. *[Note: Enter specific rationale in the Judicial Review Probation Override – Other Comment section of the Pre-Trial Scale.]*
 - **PO override – Particular concern for victim(s) safety / non-domestic**
 - The offense for which the bail evaluation is being completed on is a non-domestic case and there is a heightened concern for victim safety.
 - **PO override – Pending felony, GM or targeted misd offense**
 - In addition to the current offense, the client has another pending felony, gross misdemeanor or targeted misdemeanor charge
 - **PO override – Severe mental health issues**
 - The Client's major mental illness, which is documented, self-reported or reported by a collaterals source, is not being managed which is placing the client and/or public at risk.
 - **PO override – Substantial drug/alcohol use**
 - You, as the Agent, believe the client's usage may result in harm to the client or to the public. *[Note: Assigning a point on the bail evaluation due to criteria that meets problematic use should not automatically trigger an override].*
-

SPI-R Releases 2018 Q1

		Count	Percent
Offense level	Misdemeanor	2258	100.0

		Count	Percent
Booking type	Tab Charge	975	43.2
	Comp/Warrant	61	2.7
	Bench Warrant	664	29.4
	Hold	480	21.3
	Arrest & Detain	37	1.6
	<u>Other</u>	41	1.8
	Total	2258	100.0

		Count
Non-targeted & DWI		

SPI-R dispositions		Count
Dispo	SPI	

SPI-R releases		Count	
Offense type	CONTEMPT	1	
	DISORD COND	43	27.0
	DL VIOLATION	1	.6
	DWI/BAC	41	25.8
	ESCAPE	2	1.3
	FRAUD	1	.6
	MOVING VIOL	2	1.3
	NARCOTICS	1	.6
	NUISANCE	18	11.3
	OBSTRUCT	13	8.2
	PROP DAMAGE	1	.6
	THEFT	4	2.5
	TRESPASSING	27	17.0
	<u>WEAPONS</u>	<u>4</u>	<u>2.5</u>
	Total	159	100.0

HENNEPIN COUNTY
MINNESOTA

Data Repository for Public Safety

2018

This report will detail the needs for, and potential benefits to be realized from increased access to public safety data via a data lake and data warehouse.

Prepared by:

Paul Woodin

Maria Siu

10/1/2018

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Problem Statement

Currently, in Public Safety, there is not a viable approach to collecting, and then extracting data to define, recognize, predict, or analyze systematic issues. Today, data collection is compartmentalized within each department so when systematic issues arise, comparing data across systems is difficult and time consuming. Further, dissimilar data sets require additional manual processes and create unintentional marginalizing of certain data elements. Segregation of data within departments also requires permissions to view or extract data which can be dependent on the department office for approval. Without a consistent set of important data elements from each department, there is no way to take a broader view of systematic issues impacting public safety. Lack of data impedes the ability to analyze, predict or resolve pressing issues such as delayed case processing, increase in jail bookings or length of stay, or provide oversight of implemented initiatives. A data repository that collects data from key public safety systems (JMS, MNCIS and CSTS) would provide the ability to identify key issues and ensure policy and decision makers the ability to identify and respond to system needs as they arise.

Jill Hermanutz

Criminal Justice Coordinating Committee | Director

August 21, 2018

Overview

The ability to analyze, predict, and resolve systematic issues impacting public safety is lacking. Contributing factors to this weakness include a lack of pertinent, consistent and complete Public Safety data readily available for analysis. For instance - delayed case processing, increase in jail bookings or length of stay, or the ability to provide oversight of implemented initiatives. Without a readily accessible, consistent set of important data elements from each department, there is no way to take a broader view of systematic issues impacting public safety.

The following issues/constraints contribute to this lack of necessary data:

- Lack of approach standards - no viable systematic approach to collecting, and then extracting data to define, recognize, predict, or analyze systematic issues.
- Compartmentalized data - data collection is compartmentalized within each department so when systematic issues arise, the method of data extraction is time consuming.
- Dissimilar data sets - dissimilar data sets require additional manual processes and create unintentional marginalizing of certain data elements.
- Departmental permission - segregation of data within departments also requires permissions to view or extract data which can be dependent on the department office for approval.

Establishing agreements among Public Safety lines of business (LOB) to share data within a repository is key and will help to mitigate issues such as data silos and manual process to cleanse data. Public Safety LOBs will also be able to create advanced analytical models with confidence that the data gleaned from the central repository is the most accurate and up-to-date data available. The consolidated data repository solution will also make a huge contribution towards business decision making.

At this time, some of the data elements that may be required to thoroughly study systematic and operational issues in the future is unknown. A sample set of data points and data sources identified by stakeholders to study current issues is listed in Table 1 in the appendix. Some of this data is classified as private and/or confidential and will need review by the data owners and legal partners as to the ability to share the data for analysis purposes.

This paper outlines the reasons for and benefits of having a centralized data repository, the required agreements among public safety agencies to the sharing of data into a trusted repository, and a potential technical solution to support business decisions.

Data repositories comparison (data lake vs data warehouse)

A data lake is a collection of storage instances of various data assets additional to the originating data sources. These assets are stored in a near-exact, or even exact, copy of the source format. The purpose of a data lake is to present an unrefined view of data to only the most highly skilled analysts, to help them explore their data refinement and analysis techniques independent of any of the system-of-record compromises that may exist in a traditional analytic data store (such as a data mart or data warehouse).

- [Gartner IT Glossary](#)

A data warehouse is optimized for relational data. Its schema is defined in advance to support fast SQL queries for reporting and analysis. ETL (extract, transform, and load) operations move data from transactional systems, applying quality rules to data that will serve as a single source of truth. The extensive data modeling and ETL work that are required to build a data warehouse make it performant and consistent, but this also leads to long development times and limits the range of questions it can answer. Its contents are relatively easy to understand and can be consumed by analysts and other business users.

By comparison, a data lake may ingest data from many sources, and it is not restricted to relational data. A data lake's schema is defined on-read, so it does not restrict potential use cases. Moving data into the lake is accomplished with an ELT (extract, load, transform) pattern. Delaying the transformation makes data acquisition much simpler and faster. This speed can be essential when processing high-velocity streams such as IoT data. However, the raw data in the lake is not fit for traditional business intelligence. The target users are data scientists that analyze the data for new insights, and data engineers that process the data and integrate it with other systems. A data lake should be considered for use cases where we are interested in the data, but don't yet know how we will analyze it.

One pattern for combining both types of repositories is known as the refinery. In this pattern, raw data lands in the data lake. The raw data is maintained for analysis, but it is also undergoing refinement and provides a staging area for loading the data warehouse. As new discoveries are made by data scientists, the transformation process is enhanced, making the insights available to a larger audience through the data warehouse.

Proposed Solution - overview

The solution recommendation begins with creation of a data lake housing public safety data. Justification for selection of a data lake includes the fact that not all the data elements and parameters necessary for future uses are known. A data lake will provide the freedom to populate it with currently desired data elements that can be utilized for analysis addressing current requests, as well as the opportunity to expand the lake with additional data elements in the future.

The data lake will provide an area where an experienced data scientist can perform research and analysis to identify and study systematic issues. Later creation of a data warehouse is recommended as more frequent and operational reporting is desired. Through a refinement process, the data in the data lake can feed the data warehouse which can be utilized to operationalize more regular reporting and analysis by additional users.

Phase I – data lake *(Recommendation to perform this work is dependent on Public Safety committing to hiring a qualified data scientist to utilize this data for research of identified issues, and necessary data sharing agreements and data governance plans being in place.)*

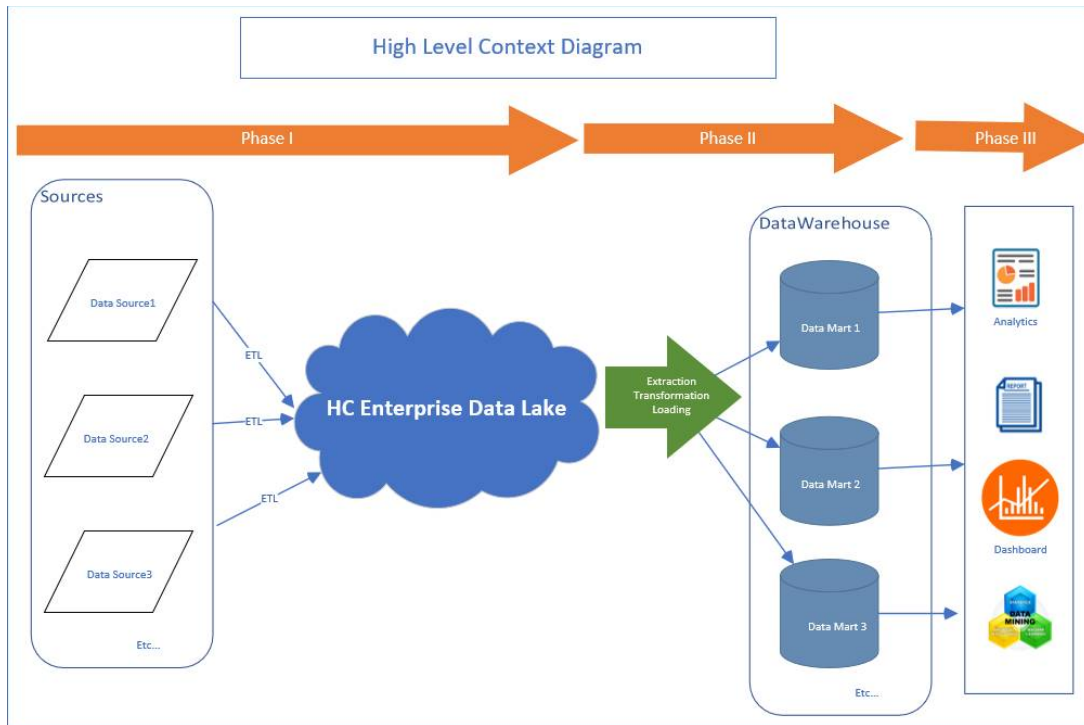
- Creation of a Public Safety functional area within the HC enterprise data lake structure, including the areas necessary for population and utilization of Public Safety data.
- Develop a plan and copy relevant Public Safety data (CSTS, MNCIS, and JMS) into the HC enterprise data lake (should examine the possibility to leverage existing HJIP interfaces between the needed data sources to aid in this work.)

Phase II – data warehouse *(Recommendation to proceed to this phase will be driven by the type and frequency of reporting that is desired.)*

- Creation of a Public Safety data warehouse structure to be populated from the enterprise data lake with some potential additions from transactional systems.
- Refinement of data which will populate the data warehouse.
- Population of Public Safety data warehouse with the desired and approved data from the enterprise data lake.

Phase III – operational reporting

- Creation of reporting from Public Safety data warehouse.



Phase I – detail

In-scope

- Creation of a Public Safety functional area within the HC enterprise data lake structure, including the areas necessary for population and utilization of Public Safety data. The data lake will be hosted in an Microsoft Azure government cloud.
- Create a plan and copy Public Safety data (CSTS, MNCIS, and JMS) into the HC enterprise data lake.

Out-of-scope

- Procurement of needed data sharing agreements.
- Based on enterprise patterns, each business area will be responsible for creating their own folder structures within the base data.
- Onboarding of data scientist – this is a dependency to realize the benefits from the creation of the data lake.
- Training of the data scientist.

Benefits

- Access to relevant data directly from the data lake. This will eliminate the current time-consuming process of requesting and retrieving necessary data from multiple sources.
- Ensure consistency by having a common area for analysis.
- Comprehensive set of raw data to aid in root cause determination and predictive analysis will provide data driven understanding of public safety issues, trends, and performance.

Assumptions

- The Public Safety area of the data lake is a shared data resource for LOBs in Public Safety. Information in the data lake may be accessible to all agreed LOBs in Public Safety.
- Data sharing agreements to include access rights and sharing of data between the data owners (Hennepin County Department of Community Corrections and Rehabilitation (DOCCR), Hennepin County Sheriff's Office (HCSO), and MN District Courts are complete.
- Levels of data access and permissions are defined and accepted.
- Data governance, including retention and security policies are in place.
- LOBs personnel will provide expertise and assistance in extracting and populating the data lake with data from their areas.
- Public Safety is responsible for hiring a data scientist to utilize the data lake. This person needs to be an experienced expert at accessing, extracting, and analyzing data from a data lake, as well as familiar with public safety data and business functions.

Constraints

- Approved budget to implement data repository solution.
- Availability of key stakeholders and subject matter experts (SMEs) from Public Safety LOBs to perform source data identification, and extract, transform, load (ETL) procedures.

Estimates

- **Data lake setup and storage**
 - **Cost** – less than \$250 per month.
 - **Duration** – 4 to 6 months to configure and populate.
 - **Personnel**
 - Hennepin County IT data architect.
 - HC Data Engineer.
 - LOB Data Engineers.
- **Data lake compute**
 - **Cost** - The compute costs may vary widely based on usage. An average rate estimate is \$2000/month per each data scientist.
 - **Duration** -Ongoing based on business requests.
 - **Personnel** - Data scientist – this person needs to be an experienced expert at accessing, extracting, and analyzing data from a data lake, as well as familiar with public safety data and business functions.

Phase II – detail

In-scope

- Business analysis process for getting data warehouse requirements to include - types of business questions to answer and modeling (facts and dimensions).
- Establishment of data governance program to ensure data strategy, processes, policies and security of data warehouse.
- Creation of a Public Safety data warehouse structure.
- Refinement of identified data lake data and population into the data warehouse through ETL.

Out-of-scope

- Design of data reporting, and/or business intelligence (BI) solution.

Benefits

- This is a building block that will provide the capability for data analysts to more easily and efficiently create reports.
- Enable business to create business intelligence for a broader view to promote public safety.

Assumptions

- Phase II should begin when the types and frequency of reports desired are more than can be efficiently delivered directly from the data lake.
- Data sharing agreements to include access rights and sharing of data between the data owners (Hennepin County Department of Community Corrections and Rehabilitation (DOCCR), Hennepin County Sheriff's Office (HCSO), and MN District Courts are complete.
- Levels of data access and permissions are defined and accepted.
- Data governance, including retention and security policies are in place. *(The existing Data Warehouse Community of Practice may provide some assistance/guidance with this.)*
- LOBs personnel will provide expertise and assistance in extracting, refining and populating the data warehouse with data from the data lake.
- The Public Safety data warehouse is a shared data resource for LOBS in Public Safety. Information in the data warehouse will be accessible to all agreed LOBS in Public Safety.

Constraints

- A significant amount of time and personnel to model, extract, clean and load data into the warehouse will be needed.

- The creation of a data warehouse does not yield measurable business benefits until very late in the project.

Estimates

- Data refinement, data warehouse creation and administration, and data analysis activities are extremely variable based on the state and format of the raw data, the selection of data to include in the warehouse, and how it will be tied together. Because of these wide variances, detailed estimates of effort and duration were not possible in this paper. However, this is a much larger undertaking than Phase I in both personnel needed to plan and perform the work as well as the time duration. For decision making purposes, an order of magnitude 10 times greater than that of Phase I can be used.
- **Data warehouse setup and storage**
 - **Cost** – less than \$100 per month.
 - **Duration** – multi-year effort.
 - **Personnel**
 - Hennepin County IT Data Engineers.
 - LOB BAs.
 - LOB Data Engineers.
 - LOB Data Warehouse Champion.

Phase III – detail

In-scope

- LOB creation of reporting from Public Safety data warehouse.
- Building BI strategies and solutions.

Out-of-scope

- End user training.

Benefits

- Business users can create useful reports easily and analyze data faster.
- Provide reliable and consistent data to business users in support of decision making.
- Provide trends from historical data to identify key issues. Data warehouse supports analyses about specific issues and capture 360-degree views of client data from the various areas within public safety.
- Users can drill down into the details underlying the summaries on dashboards and report. This allows users to slice and dice to find underlying business issues.
- Managers can access executive dashboard to view management data.

Assumptions

- LOB expertise to build BI strategies and solutions.

Estimates

- Report creation and generation is variable and can be viewed more as an ongoing operational cost (both personnel and time duration), based on requests.
- **Data warehouse compute**
 - **Cost** - The compute costs may vary widely based on usage. An average rate estimate is \$5000/month based on 20 users running 5 reports per day. (this rate is based on text and numerical data analysis, not vide and/or audio which will be at a higher cost).
 - **Duration** - Ongoing based on business requests.
 - **Personnel** - LOB Data Analysts.

Conclusion

Effective implementation of a data repository will achieve Public Safety's goals of use of relevant public safety data to make better business decisions by supporting analyses of specific public safety issues, and to capture 360-degree views of client data from various LOBs. However, greater understanding of the details surrounding the data is necessary, including the design and procurement of data sharing agreements from LOBs involved and the establishment of a data governance group to oversee and guide the care and usage of the data.

To meet the various data analysis business needs within Public Safety, a three-phase solution approach is recommended. Phase I includes the creation of a functional area for Public Safety use within the planned HC enterprise data lake. This area to be populated with data from various Public Safety LOBs data sources including: CSTS, JMS, and MNCIS. The data lake will offer a place to store raw data and allow data scientists to research and analyze root causes of systematic issues as well as predict future trends.

Personnel needs for Phase I may include HC IT personnel and LOB IT personnel who fully understand their system and business processes, to identify, extract, and load the required data from the various data sources to the data lake. This is a medium size undertaking that could be completed in approximately 3-6 months dependent on the strategy chosen and availability of personnel. The effort and duration of this work may be reduced if existing HJIP interfaces between the needed data sources can be leveraged.

Phases II and III will help to meet the needs of more frequent, operational reporting requested across multiple LOBs within Public Safety. These portions of the solution will include design and population of the data warehouse, based on the potential business questions to be answered and reported on.

Phase II is by far the largest and longest effort if the entire solution. Determining and modeling the data that will be populated into the data warehouse, cleansing and formatting it, and loading it are extremely complicated work. This work will likely require teamwork between HC IT and LOB IT personnel, LOB BAs and a data warehouse champion within Public Safety.

Phase II is estimated to be much larger than the work and duration of Phase I by an order or magnitude of 10. The data warehouse will also need more oversight and operational maintenance than the data lake to continuously ensure that the data is accurate and reliable.

The data warehouse can serve many needs across Public Safety that the data lake won't. It will provide a data repository that is much easier to work with and can be utilized by many Public Safety LOBs to conduct data analysis and create operation reports; including one-time or ongoing reports as well as dashboards.

Costs for all phases of the solution include storage and compute costs. Storage costs are nominal. Storage is relatively inexpensive, and the recommendation is to utilize a Microsoft Azure government cloud. A quick assessment of potential storage needs puts this cost at less than \$250/month for the data lake and less than \$100/month for the data warehouse. Compute costs may vary widely based on usage. An average rate estimate is \$2000/month per each data scientist for the data lake, and \$5000/month based on 20 users running five reports per day in the data warehouse.

Keys to success will include a highly qualified data scientist, a thorough understanding of business rules surrounding the data and the questions to address before designing the data warehouse, data sharing agreements, and a strong data governance group. As proposed, all three phases of the solution can be implemented or only phase I, which can deliver some of the desired business benefits but not all.

Appendix A – Table 1

Sample desired data points from CJCC Director (Jill Hermanutz)		
Data Sources	Data Points	Data Owners
JMS (Jail Management System)	<ul style="list-style-type: none"> • Booking reason and offense level (highest offense level of holding)- intake and release date • Booking reason and offense level (new charge versus administrative) - intake and release date • warrant bookings (DOC holds, A &Ds, out of county) - intake and release date • Bail set, amount • Number of bookings released posting bail; at what bail amount by offense level and booking reason • Total number of bookings & releases- intake and release date • Total number of non-targeted Misdemeanor and Gross Misdemeanor by tab charge and bench warrant- intake and release date • Expired PCs by offense level & agency- intake and release date • Number bookings Pending Rule 20- intake and release time/dates • Number of bookings Pending Civil Commitment Process- intake and release dates • Number of bookings Pending Civil Commitment Placement (post commit)- intake and release dates 	HCSO
CSTS (Court Services Tracking System)	<ul style="list-style-type: none"> • Number of PSIs for presumptive commit cases • Total number of PSIs ordered • Number inmates interviewed for bail evaluation by offense level and case type <ul style="list-style-type: none"> ○ # scoring at each level ○ # released NBR/CR by pretrial ○ #/moved to judicial review 	DOCCR

	<ul style="list-style-type: none"> ○ # probation overrides • Number of out of county holds scoring low and medium moved to Judicial Review • Days from plea to sentence to complete Pre-Sentence Investigations for (in-custody) inmates (By case level and type, by Tier) average length of stay • Probation violation warrants (separate by new charge & technical violations), bail requested or HWB, revocations (By case type and level & length of stay) 	
<p>MNCIS (Minnesota Court Information System)</p>	<ul style="list-style-type: none"> • Number of pre-adjudicated (not disposed) cases by Weighted Caseload Category. • Number of hearings prior to disposition by case type and level of crime • Number of days to dispose a case by case type and level of crime • Total number of bench warrants (exclude complaint warrants) • Number of cases with in custody Rule 25 ordered (pre and post disposition) • Number of cases with a disposition to the DOC, to self, to • probation, to court • Number of cases with bail ordered and the amount 	<p>MN District Court</p>

DOC Holds: ADC in custody – select dates

8.8.2018 (N=29)

Book date	HWB	HWD	Total
7/25/2018	2	0	2
7/27/2018	1	0	1
7/29/2018	2	0	2
7/30/2018	1	0	1
7/31/2018	2	0	2
8/1/2018	2	0	2
8/2/2018	5	0	5
8/3/2018	3	1	4
8/5/2018	1	0	1
8/6/2018	2	3	5
8/7/2018	3	1	4
Total	24	5	29

8.9.2018 (N=31)

Book date	HWB	HWD	Total
7/25/2018	2	0	2
7/27/2018	1	0	1
7/29/2018	2	0	2
7/30/2018	1	0	1
7/31/2018	2	0	2
8/1/2018	2	0	2
8/2/2018	4	0	4
8/3/2018	3	1	4
8/5/2018	1	0	1
8/6/2018	2	3	5
8/7/2018	3	1	4
8/8/2018	1	1	2
8/9/2018	1	0	1
Total	25	6	31

8.10.2018 (N=28)

Book date	HWB	HWD	Total
7/25/2018	1	0	1
7/30/2018	1	0	1
7/31/2018	1	0	1
8/1/2018	2	0	2
8/2/2018	4	0	4
8/3/2018	3	1	4
8/5/2018	1	0	1
8/6/2018	2	2	4
8/7/2018	3	1	4
8/8/2018	1	1	2
8/9/2018	3	1	4
Total	22	6	28

DOC Hold bookings
2015-2017

2015	799
2016	930
2017	966

DOC Hold bookings & Release descriptions: 2015-2017

Released to description	Year		
	2015	2016	2017
PAROLE OFFICER/DOC	421	618	678
	52.7%	66.5%	70.2%
SELF	144	185	185
	18.0%	19.9%	17.1%
OTHER COUNTY	33	30	59
	4.1%	3.2%	6.1%
HALFWAY HOUSE/TREATMENT PROGRAM	15	20	26
	1.9%	2.2%	2.7%
ADULT CORRECTIONS FACILITY	3	3	0
	0.4%	0.3%	0.0%
CRISIS CENTER	2	0	0
	0.3%	0.0%	0.0%
LINO LAKES MCF	114	38	1
	14.3%	3.9%	0.1%
OAK PARK HEIGHTS MCF	0	0	1
	0.0%	0.0%	0.1%
OTHER AUTHORITY WITHIN STATE	4	10	10
	0.5%	1.1%	1.0%
OTHER METRO HOSPITAL	1	0	0
	0.1%	0.0%	0.0%
OTHER STATE CORRECTIONAL FACILITY	1	0	0
	0.1%	0.0%	0.0%
OUT OF STATE AUTHORITY	2	1	3
	0.3%	0.1%	0.3%
RUSH CITY MCF	23	12	0
	2.9%	1.3%	0.0%
FARIBAULT MCF	1	0	2
	0.1%	0.0%	0.2%
SHAKOPEE MCF	16	1	2
	2.0%	0.1%	0.2%
ST CLOUD MCF	11	10	14
	1.4%	1.1%	1.4%
STILLWATER MCF	6	1	3
	0.8%	0.1%	0.3%
US MARINES	1	0	0
	0.1%	0.0%	0.0%
US MARSHAL/FEDERAL COURT	0	1	2
	0.0%	0.1%	0.2%
OTHER	1	1	0
	0.1%	0.1%	0.0%
	0	1	0
	0.0%	0.1%	0.0%
Total	799	930	966
	100.0%	100.0%	100.0%

HENNEPIN COUNTY
MINNESOTA

**Strategies for Reducing Pretrial Jail
Populations across the United States:
A Literature Review**

Forward

Across the nation, there is a largely bipartisan call for a reform to pretrial policies and practices in the American criminal justice system. Six out of ten people in U.S. jail are awaiting trial – nearly 500,000 individuals on any given day. The pretrial population in American jails is thus a major driver of the growing incarceration rate in the country. Further, while in jail pretrial, people risk losing jobs, being evicted, falling behind in school, not getting their medication, and losing custody of their children. People who spend more time in jail pretrial are also more likely to plead guilty and be given longer sentences at their trial.

Hennepin County, Minnesota has joined in this national chorus for pretrial reform. Under County leadership, Hennepin County has begun the process of a jail population system analysis. This report is meant to serve as an educational guide as Hennepin County continues to evaluate best practices in relation to the System Analysis of Jail Population, Drivers and Trends. It provides background on the current pretrial system and summarizes an environmental scan on the range pretrial practices in use across the country. Best practices and concrete examples of programs are highlighted for their success in pretrial reform.

Bail Reform

The bail process governs the front end of the criminal justice system – what happens to a person after arrest but before trial. This time period can be very determinative of the defendant’s proceeding interactions with the criminal justice system and successful return to community.¹ In the history of the United States, money bail began as a means of ensuring defendants would return to court for their trial.² ³ This thinking of bail gradually shifted to include protecting public safety, and thus bail also became a safeguard against the defendant committing further crimes.⁴ Balancing these purposes of bail with preserving liberty for the defendant has proved difficult. Bail reform has thus become one of the most pervasive topics in the movement of pretrial justice reform in the United States.

The Bail Reform Act of 1966 overhauled the U.S. bail system by returning to the original purpose of bail: ensuring a defendant’s appearance in court.⁵ Under this act, judges were to release defendants pretrial unless there was sufficient evidence that the defendant was a flight risk or likely to try to avoid prosecution. For the first time, judges were encouraged to

consider factors like income, community ties and employment when setting a bail amount.⁶ This act came under criticism for being lenient on public safety and giving judges the ability to weigh evidence against the defendants themselves (without a jury or defense council).⁷

This led to the Bail Reform Act of 1984. It contained much of the same language as the 1966 Act, but allowed judges to take into consideration “the nature and the seriousness of the danger to any person of the community that would be posed by the person’s release.”⁸ The act also contained certain categories of crime where the presumption was pretrial detention. It was this act that largely shifted the purpose of bail to one that placed public safety as the priority. Since this 1984 act, pretrial incarceration rates have risen steadily, costs of incarceration have gone up, and many county jails are struggling with exceeding their maximum capacity, while money bail remains the most common type of bail in the country.⁹

There is little debate within the realm of criminal justice that those who are low-risk to public safety should be released and those who are not should be detained.¹⁰ In practice, this has proven more difficult to achieve. Dissenters of the current U.S. bail system seek a balance of the two acts of 1966 and 1984: one that will use evidence-based practices to maintain public safety, while also not infringing on defendants' rights. A reformed bail system also has the potential to reduce costs, reduce incarceration rates, and reduce disparate impacts on different populations.¹¹ Claims of the problems of the current standard U.S. bail system include: a loss of pretrial liberty for defendants, violation of constitutional rights (including presumption of innocence and right to bail), forced detention without conviction or defense council present, discrimination against the poor and ethnic minorities, ineffectiveness in increasing community safety, and rising costs of incarceration.¹²

At the federal level, several bills have been introduced that would end money bail on the federal level and incentivize individual states to follow suit.¹³ At the local level, the leaders of bail reform include jurisdictions such as New York City, the District of Columbia, and the states of California and New Jersey, which have overhauled their bail systems to largely restructure or eradicate money bail and use other measures to ensure public safety and court appearance.¹⁴ The strategies used by these jurisdictions and others are described in detail below.

Reframing Default Release

Cash bail is the most common pretrial release method in the United States.¹⁵ However, it is justifiably under criticism across the country for discriminating based on wealth and being the key determinant of pretrial mass incarceration. Uniform bond schedules that mandate certain bond amounts based on the type of crime to which judges can refer have been heavily criticized for encouraging cash bail as the default and not accounting for risk to the public. There are other negative consequences of cash bail, including exacerbated recidivism, no difference in criminal activity from those released on their own recognizance, discrimination against the poor and minorities, and increased likelihood of conviction.¹⁶ Cash bail is further criticized because the ability to pay cash for release is not indicative of an individual's danger to the community or their guilt of the crime, and therefore not an efficient means of protecting public safety.¹⁷ The commercial bail industry also adds to the current widespread dissent of a cash bail system. Commercial bail was originally developed to help people post bond, but the United States and the Philippines are the only two countries worldwide where commercial bail is still allowed.¹⁸ Under this framework, a person with presumed innocence can pay an outsider (bail bondsman) a nonrefundable fee for their freedom.

There are two primary proposed solutions to the problems caused by cash bail: (1) Reform the current bail system and return bail to its original mission: a just form of release, not a form of detention; and (2) eradication of the cash bail system. Both of these options lead to increased reliance on risk assessment tools, expanded release options, and decreased reliance on wealth as a means to pretrial freedom, all of which are discussed further below.

Risk Assessment Tools

Pretrial risk assessment tools are one of the most discussed alternatives to eliminating money bail.

Although risk assessments can be and are used in a cash-bail system, jurisdictions that are aiming to reduce dependence on money bail have relied on risk assessments as integral to pretrial reform. These tools use algorithms to calculate risk scores for defendants based on patterns of past data. The tools typically group defendants into categories of “low,” “medium,” and “high,” referring to the defendant’s risk of re-arrest, failure to appear for his/her court date, and/or danger to public safety.

Risk assessment tools have the potential to replace arbitrary or discriminatory decision making in pretrial release decisions with a more objective method grounded in science.¹⁹ They allow for early, quick screenings that then lead to more timely charges, dismissals, diversions, and overall more appropriate levels of supervision pretrial. A 2012 study found that if all defendants with less than a 30 percent chance of being rearrested during the pretrial period were released, that would account for 85 percent of all defendants being released. This is a significantly higher release rate than most jurisdictions across the country.²⁰

The Laura and John Arnold Foundation (LJAF) risk assessment tool, called the Public Safety Assessment (PSA), is widely lauded across the country.²¹ This tool makes one of the best attempts not to discriminate based on race and does not use a face-to-face interview. In an evaluation of the PSA that was done after 6 months’ of use in Kentucky, the rate of pretrial arrest was reduced by 15%, paired with an increase in the percentage of defendants who were released before trial.²² After its implementation in Lucas County, Ohio, the percentage of defendants released without bail doubled and re-arrests during pretrial release were cut in half. Additionally, the Lucas County results show race and gender neutrality and more defendants are appearing for their court dates. Other jurisdictions using the PSA tool include the states of Arizona and New Jersey as well as large counties like Harris County, Texas (Houston), Cook County, Illinois (Chicago), Allegheny County, Pennsylvania (Pittsburgh) and Milwaukee County, Wisconsin.²³

The LJAF announced in September 2018 that they were expanding access to resources that will help jurisdictions implement its PSA. This was achieved through the launch of www.psapretrial.org which now serves as a hub for pretrial risk assessment resources and implementation guidelines. Other jurisdictions are not using the PSA but have recreated their risk assessment tools with an aim of eliminating racial and/or gender disparity because of the tool. For example, Washington D.C. and Virginia have customized and locally validated their own risk assessment tools that attempt to be unbiased in their risk determinations.²⁴

However, despite the evidence for and growing use of risk assessment tools, moral and ethical considerations regarding their use must be taken into account. First, the tools themselves can carry implicit bias, and thus have the potential to create an institutionalized pattern of racial, class, and gender disparities.²⁵ Often the questions asked on risk assessment tools try but struggle to avoid questions that could discriminate on the basis of other factors, like race. Second, a risk assessment’s twofold measurements of risk of danger/re-arrest and risk of flight lead to merged and overestimated overall risk.²⁶ Ideally, as these two types of risk are based on different factors and proofs, they should be considered separately. Further, the tools do not calculate an individualized

prediction for each defendant. While each defendant does get his or her own risk score, this score is based on the data of the many defendants that have come before him/her in the system. While human calculations of risk have been called too subjective, the human element can help add a more individualized prediction.²⁷ Last, risk assessment tools often over-predict risk because they don't take into consideration future events that may reduce risk, such as court date reminders.

Consequently, the implementation of a risk assessment tool requires the balancing of a defendant's rights (i.e. right to pretrial release, etc.) with the balancing of public safety and an effective criminal justice system. As a result of this dichotomy, the implementation of risk assessment tools that have not been in conjunction with other reforms have not been as successful. Risk assessments are not an adequate replacement for cash bail by themselves.²⁸

Hennepin County

Hennepin County has a long history of pretrial risk assessment tool use. The current tool was re-validated in 2015 (using 2013 data), building on an analysis and validation of the 2007 tool (using 2008 data).²⁹ At the time of the 2015 validation, Hennepin County made the decision to validate their own tool instead of using the LJAF's PSA. At the time, LJAF had not published any validation studies and Hennepin County had the capacity to validate their own tool.

These recent validations of the 2007 tool eliminated elements that were shown non-predictive and racially biased in previous analyses. The current tool makes risk predictions through a defendant interview based on achieved status (characteristics an individual can change, like employment, housing, and prior criminal history), as opposed to ascribed status (characteristics an individual cannot change, like age, sex, and race).³⁰ The tool places pretrial defendants into three categories of risk (no bail required, conditional release, and bail required) based on a point system with a range of points from 0 to 147. The highest maximum score has increased from 119 points in 2007 to the current maximum of 147 points. To account for this increase in points, the scale was readjusted to change the number of points required for each category, and therefore show that with each graduated risk level, FTA rates increase. As a whole, the 2015 study revealed that 31% of the sample failed pretrial, either by a new conviction or failure to appear. This is higher than the failure rate of 21% for the sample used in the 2007 validation.

The Pretrial Release Unit has authority over the two lowest risk categories of no bail required and conditional release. They may override scores that do not adequately reflect risk of danger to the public, the victim, the defendant, or defendant's risk of flight. For the highest risk category, only a judge can set bail.

Expanded Pretrial Release

Risk assessment tools are of little use and goals of reducing incarcerated pretrial populations are not reached without a commitment to actually release more defendants. Multiple release options, such as electronic monitoring and non-monetary bonds, can help ensure the balance between upholding public safety and maintaining an effective pretrial system. In addition, more release options reduce the costs associated with incarceration and allow for more individualized release plans.

Release on Recognizance: Research has shown that financial promises are not required to get people to return to court.³¹ Release on recognizance (ROR) and unsecured bonds (a defendant is released with no conditions but promises to pay a set amount if he/she fails to appear at their court date) are shown to be as effective or more effective than secured money bonds in ensuring court appearance and not having incidents of re-arrest.³² They are also the best type of release to avoid racial-based, class-based, or other forms of discrimination. The American Bar Association (ABA) recommends that ROR should be the default form of pretrial release, decided by a risk assessment tool.³³ Low-risk defendants are shown to be more successful in court appearance and complying with other pretrial requirements when they do not have any court-ordered expectations placed on them, like paying bond or being subject to some form of supervision.³⁴ In some places (i.e. Kentucky), legislation has been implemented with success that ensures that money bail is not ordered if ROR can occur safely.³⁵ Kentucky mandates explicit presumption of non-financial release for certain risk scores and categories of offenses and requires judges to justify in writing any deviation from this.

This form of pretrial release is supported because it does the best job of upholding the presumption of innocence that forms a major basis of the American legal system. It is further supported by evidence from community bail funds, which show that 95% of clients whose bail is paid by the community fund return for all of their court dates.³⁶

Electronic Monitoring & Supervised Release: Supervised release is less dependent on a defendant's ability to post bail, and therefore less discriminatory towards those with less wealth or resources. Defendants can successfully be tracked with supervised release, and thus it is a viable solution to aid in reducing pretrial populations. However, the placing of unnecessary conditions on people with lower risk ratings, such as drug testing or more intense supervision, has been shown to result in higher failure rates, so supervision levels must be determined appropriately and carefully.³⁷

Electronic monitoring comes in a variety of forms, including GPS-based ankle monitors and voice check-ins. These methods of supervision can allow defendants more freedom to work, go to school, and participate in community activities, and are significantly cheaper than incarceration.³⁸ Federally, electronic monitoring has been successful, but the research on the impact of electronic monitoring at the state level has more mixed results and has largely not shown to increase failure-to-appear rates.³⁹ However, the state of Vermont, for example, implemented a successful electronic monitoring program that helped them to reverse their trend of growing jail populations.

More traditional supervision (as opposed to only electronic monitoring) is shown to have strong court appearance rates. New York City's Supervised Release program has been applauded for reducing cash bail and pretrial incarceration by allowing low-risk defendants who would otherwise be unable to post bail to be released.⁴⁰ The conditions of their release include connection and regular check-ins with a local nonprofit organization, which assigns them a counselor who assesses their needs and makes appropriate social service referrals.

Conditional supervised release must also be used and developed cautiously, as it can be equally as invasive as pretrial detention because it involves a lack of privacy and is typically coupled with

curfews and travel restrictions.⁴¹ Some call electronic monitoring a form of “technological mass incarceration” while others argue that cash bail is actually preferable to conditional release, because if someone pays bail, he/she is released without conditions.

Court Date Reminder System: To pair with increasing rates of release on recognizance, many jurisdictions across the county have adopted a court date reminder system to improve court appearance rates. These systems are proven to reduce failure to appear rates (FTA) and bench warrants, in addition to saving thousands in tax expenditures in places where they have been implemented.⁴² King County, Washington, Multnomah County, Oregon, New York City, and the State of Nebraska have implemented some form of court date reminder system with great success. However, each varies in implementation method. Respectively, these methods were: phone calls with a live caller, phone calls with an automated caller, text messages, and post-cards sent via mail.

Hennepin County

Hennepin County began a full implementation of eReminders for court dates in June 2017.⁴³ The system uses text, email, or both to contact defendants and notify them of their upcoming court date. Successful eReminders (defendant is successfully contacted) led to a 30.4% decrease in FTA. The most common reason that eReminders are unsuccessful is the absence of the defendant’s contact information, or outdated contact information.

Pretrial Advocates/Public Defender’s Pretrial Release Unit: The bail review process is criticized for its rapid assessments of defendants and assignment of release conditions that generally assign bail in five minutes or less. Both defendants and critics of the bail system wonder how judges can make an accurate decision so fast and often without considering much of the defendant’s history, resources, and situation.

In San Francisco, an innovative program – the Pretrial Release Unit (PRU) – is breaking new ground. Beginning in October 2017, people who could not afford private counsel began to receive legal representation as soon as possible (shortly after being booked into jail) instead of having to wait the usual two to five days. This early representation during the pre-arraignment period proved to be critical. An evaluation of this program found that people represented by the PRU spent 44% less time in jail and those receiving arrest-responsive services were twice as likely to be released at arraignment.⁴⁴

The argument for the program is that if defendants are going to be incarcerated or have other restrictions placed on them during the phase in which they are presumed innocent under American law, they should receive access to standard procedural protections.

Similarly, in Philadelphia, a pilot program is allowing some defendants to have access to a bail advocate soon after arrest. This person collects information on the defendant and communicates it to the judge or magistrate making the bail decision.⁴⁵

Early Bail Decisions: There is a push make pretrial release decisions within 24 hours of arrest, given that long-term outcomes are significantly worse for people held in jail for over 24 hours.⁴⁶ There are two ways to achieve this: actually holding bail hearings within 24 hour of arrest, or

authorizing a pretrial release unit to release defendants assessed as low-risk. In Montgomery County, Maryland (part of the Washington D.C. Metro Area), individuals go before a court commissioner immediately following booking, even on evenings and weekends.⁴⁷ For individuals who are not released at this time, the pretrial assessment unit reviews their case by 1:00 pm the next day. Similarly, in Delaware and magistrates work around the clock to review cases and make bail determinations.⁴⁸

Along a similar vein, the city of Philadelphia has implemented a reform for early bail review. This program provides non-violent defendants (who have bail at or below \$50,000) an early bail review within 5 days of arraignment. Prior to this reform, the earliest review was within 2-3 weeks and only upon request. A review of this program found that 86% of defendants who had an early bail review hearing were released and 90% of those released appeared at their next court date.⁴⁹

Specialty Populations

There are some specialty populations – such as those dealing with drug addiction, homelessness, or mental health issues – who have unique needs that may not be sufficiently met by standard pretrial practices.⁵⁰ In addition, they serve longer sentences, are more likely to return to prison more quickly, and their incarcerations are more costly, perhaps due to the lack of adequate treatment.⁵¹ The time spent in jail for these specialty populations can not only exacerbate the risks and consequences associated with pretrial incarceration, but is also a missed opportunity to connect these individuals with services or treatment.

Over the past few decades, psychiatric care has been deinstitutionalized, with a notable decrease in bed space for people with psychiatric needs.⁵² The result has been a correlation with an influx of these populations to the streets (there is also a correlation with a rise in homelessness) and to jails. There are currently more mentally-ill persons in U.S. jails than in psychiatric treatment facilities, many of whom are arrested for nonviolent offenses.⁵³ As a response to the growing numbers of specialty populations continuously revolving through the criminal justice system, interventions such as jail diversion have grown in popularity in recent years. However, the prevalence of populations with special needs still remains a growing phenomenon within U.S. jails. Even if identified correctly during the intake process, jails often do not have adequate capacity to address the many and varied special needs of many defendants.

As a recognized problem in county jails across the country, the CSG Justice Center, National Association of Counties, and the American Psychiatric Association partnered together to lead a national initiative to reduce the number of adults with mental illness and co-occurring substance disorders in county jails. Known as the “Stepping Up Initiative,” it has issued a call to action for leaders and stakeholders to pass resolutions in their counties for mental and chemical health reform in the criminal justice system.⁵⁴ The initiative also provides resources and guidance to jurisdictions hoping to achieve this goal.

Multiple Intercept Points

Without clear-cut diversion points and connections to treatment, local jails have become de-facto providers of temporary housing and emergency assistance for many mentally ill, homeless, and substance-addicted persons. This is important, because according to the National Alliance on Mental Illness, people who are experiencing a mental health crisis are more likely to encounter police than to get medical help.⁵⁵ To eliminate this uncertainty on treating specialty populations in the criminal justice system, the Sequential Intercept Model (SIM) was developed to inform community-based responses to specialty populations.⁵⁶ It is a tool that can be used to help jurisdictions identify resources and gaps at for addressing community needs. The SIM identifies 6 intercept points (listed below), each of which represents a potential point of diversion.⁵⁷

- Intercept 0: Community Services – mobile crisis outreach teams, co-responders
- Intercept 1: Law Enforcement – specialized police responses, follow-up outreach after a crisis
- Intercept 2: Initial Detention & Court Hearings – screening at booking, data matching initiatives, pretrial supervision
- Intercept 3: Jails & Courts – treatment courts, jail-based programming
- Intercept 4: Reentry – transition planning, warm hand-offs from corrections to community providers
- Intercept 5: Community Corrections – specialized community supervision caseloads, access to recovery supports (i.e. transitional housing)

It is widely accepted that a comprehensive strategy covering all intercept points is needed to have an effect on reducing recidivism.⁵⁸ Collaborative, multi-agency, and culturally responsive diversion strategies have thus been very important in eliminating gaps to treatment at each interception point. Nationally, jail diversion programs for people with special needs have come in many forms, but can be generally divided into pre-booking and post-booking programs. These programs have varying evidence for success, likely because there is so much variety in who participates in them and how the programs operate. In addition, some specialty populations, like homeless individuals, can be hard to track and follow long-term. While varying from program to program, as a whole, special treatment for specialty populations can provide more effective mental health treatment, cut criminal justice costs, and reduce involvement with the criminal justice system. Studies have found that there is a correlation between mental health jail diversion and reduced time spent in custody.⁵⁹

Hennepin County

Hennepin County has conducted SIM analyses of its own system. Interventions have been implemented in the county at multiple interception points. Some of the outputs of Hennepin County's SIM analysis are listed below.

- Intercept 1: Law Enforcement – Detention Alternatives (Crisis Intervention Training, Co-Responders, Behavioral Health Care Center)
- Intercept 2/3: Courts – Pretrial Services (Community Court)

- Intercept 3/4: Jail Re-Entry – Integrated Access Team (BH Screening, assessment service coordination and database)
- Intercept 4/5: Community – Specialized Network of Services (Secure hospital beds, crisis stabilization, FACT, forensic IRTs, local CRP)

Pre-Booking Diversion

Pre-booking diversion allows for appropriate treatment outside of the limitations of a conventional correctional facility and limits the number of people with special needs who enter the criminal justice system. Often, individuals in crisis situations do not fit well into either the categories of arrest or transport to an emergency room. Law enforcement has found it beneficial to have a third option, namely diversion, so individuals in this “gray-zone” between arrest and emergency room can be appropriately treated.⁶⁰

Law Enforcement Assisted Diversion: King County, Washington’s Law Enforcement Assisted Diversion (LEAD) has garnered national attention in recent years. The LEAD Program gives police officers discretionary authority at point of contact to divert low level drug criminals to a community-based, harm reduction intervention (instead of incarceration) for violations driven by unmet health needs, such as addiction.⁶¹ Instead of going through the traditional criminal justice system – booking, detention, prosecution, conviction, and incarceration – individuals are redirected to intensive trauma-informed case management. The diversion is made in the pre-booking stage, with the goal of reducing the time and costs associated with booking, charging and required court appearances. In the initial pilot of LEAD, which took place in King County, Washington (Seattle) beginning in 2011, LEAD participants were 58% less likely to recidivate than their non-LEAD counterparts. Since the pilot, LEAD has continued to produce statistically significant results in reducing recidivism and costs.⁶²

Triage Centers: The punitive environment of the jail is usually not the ideal place for crisis de-escalation or mental health stabilization.⁶³ A solution to this has been the opening of crisis response centers, where services from assessment to detoxification and stabilization to follow-up support can be provided to individuals with special needs.⁶⁴ Some jurisdictions have triage centers that serve as emergency drop-off centers for police; others have 24-hour urgent walk-in mental health clinics. Triage centers give police officers the ability to safely and practically assist individuals who do not meet criteria for either arrest or the emergency room, and allow them to get back to their patrol duties quickly. Some places, like Bexar County, Texas and Pima County, Arizona, have co-located inpatient and out-patient behavioral health clinics, and consolidated psychiatric hospital beds, emergency and triage facilities, housing resources, and other service providers into one space for easy access.⁶⁵

Hennepin County

Hennepin County’s 1800 Chicago Behavioral Health Center is a new facility aimed at comprehensively addressing mental and chemical health needs as a means of diverting individuals from the criminal justice system. Instead of responding to isolated incidents of crisis, 1800 Chicago looks at the root causes of mental and chemical health problems and helps clients achieve goals that

will support long-term health. A Mental Health Crisis program at 1800 Chicago opened in the summer of 2018. With the help of a SAMSHA grant, 1800 Chicago will soon also offer a Triage Center.⁶⁶

Training & Supporting Officers: Many jurisdictions are providing comprehensive Crisis Intervention Training (CIT) to law enforcement officers. In Multnomah County, Oregon, for example, every officer receives 40 hours of basic CIT in addition to yearly refresher trainings. A select group of around 100 officers receive Enhanced CIT (ECIT), which includes an additional 40 hours of training. Evaluations of these trainings show that they are enhancing officers' skills, expanding their knowledge base, and increasing their confidence in responding to situations involving a behavioral health crisis.⁶⁷ Proper CIT or ECIT allows for specialized police responses, even sometimes alongside a co-responding mental health clinician. In Denver, Colorado's Mental Health Co-Responder Program, mental health professionals are successfully responding to calls with law enforcement, and together assess the individual's needs and provide appropriate referrals or connection to treatment.⁶⁸ By 2019, Denver will have 24 clinicians co-responding to 911 calls with officers.⁶⁹

Hennepin County

The Minneapolis Police Department is operating a Co-Responder Pilot Program to better provide "effective and compassionate crisis intervention to individuals with mental illness in the community." This team consists of two sworn officers and 2 mental health professionals. After demonstrated success in responding to crisis 911 calls, the program is looking to expand in 2019 to three officers and three mental health professionals.⁷⁰

Post-Booking Interventions

Providing specialty care in a correctional setting presents multilayered complexities, as jails were not designed to be healthcare facilities. The sheer volume of people with special needs is problematic in jails, many of which are limited by physical space and staffing constraints. There is a lack of privacy for diagnosing and treating individuals and not all staff have sufficient training to recognize behavioral health needs.⁷¹ For the inmates, jail can be re-traumatizing and does not offer a therapeutic environment in which to recover. Because jails are primarily short-term facilities, it is a contentious issue whether specialty treatment and programming should be made available – particularly to those in pretrial detention. Those in favor of providing special programming argue that the jail offers a critical opportunity to focus on inmates' immediate needs, such as detoxification, housing, and transportation.⁷²

Universal Screening: From a pretrial perspective, many inmates will not stay long enough in jail for more intensive services. No matter the bond level set, improved screening and assessment can ensure that inmates receive and/or are connected to appropriate care. Many jails are switching to staffing models that allow for 24/7 mental health screenings at booking.⁷³ With efficient screening and integrated data systems, frequent utilizers of the jail, hospital emergency rooms, and/or shelters can be easily identified. However, complicating jail screenings, many jails have a high prevalence of inmates with co-occurring disorders that can be hard to identify. Making these dual diagnoses is increasingly important for making the correct treatment plans and referrals. Many jails lack the

adequate capacity (staffing and otherwise) to identify, treat, and refer the many different diagnoses that are present in the inmates.

Hennepin County

The Integrated Access Team (IAT) at the Hennepin County Adult Detention Center assessed 252 detainees in 2017 for mental and chemical health needs. Emergency department admissions for these detainees dropped by 24% and booking per detainee dropped from 4 to 0.3 times per 12 months. With this demonstrated success, the IAT is working on expanding assessments, as in 2017 58% of individuals who were eligible for IAT left the jail before they are offered services, and 18% of IAT participants were referred into treatment.⁷⁴

Diversion Options & Other Supportive Initiatives: After the booking stage, there are still plenty of interception points to connect defendants with appropriate resources. Supervision and special diversion courts, of course, have the opportunity to assign and monitor client progress in treatment programs, which could lead to better outcomes and reduced recidivism down the road. Other initiatives involve building human services support systems within the framework of the criminal justice system. A few examples include: Kentucky jails, which have a 24-hour in-jail crisis consultation and triage team; and the evolving sub-specialty of correctional psychiatric-mental health nursing (PMH) nursing. Evidence suggests the PMH nursing can help bridge the gaps between health and corrections systems.⁷⁴ Listed below are more in-depth descriptions of other growing strategies for addressing special needs after the booking stage.

- **Case Managers:** It is becoming more common to staff mental health clinicians or social workers in the jail to serve as case managers. In Connecticut, a mental health clinician is located in the court at arraignment to develop diversion and treatment plans and recommend them to the judge.⁷⁵ Also in Connecticut, defendants who are held on bond are re-evaluated to assess treatment needs and develop a supervision plan to present to the court for possible bond modification.
- **Peer Support:** Embedding peer supporters within the criminal justice system has also become a key priority in many jurisdictions. These “recovery coaches” aid individuals with substance use disorders in their long-term recovery process.⁷⁶ Often, peer supporters go through a training program, but have the benefit of having the same lived experience of the individuals they are assigned to help. Clinical treatment plays an important role in the recovery process, but the addition of the non-clinical role of the peer supporter is proving to be advantageous. Among other benefits, peer supporters have been shown to increase treatment retention, decrease criminal justice involvement, reduce substance use, and increase housing stability among individuals struggling with substance use.^{77 78 79}
- **Supportive Housing:** Various studies have documented the challenges individuals face in attempting to find stable and secure permanent housing on release from jail, particularly those with behavioral and chemical health problems.⁸⁰ While many return to live with family or friends, this return to their criminogenic environments and networks encourages a return to criminal activity and hinders attempts at treatment and recovery.⁸¹ Secure residential

treatment or connection with supportive housing facilities, however, help in the recovery process and in reducing recidivism.⁸² As an example, Multnomah County, Oregon operates a Service Coordination Team that offers housing and treatment to chronic offenders in order to address their addiction and root causes of criminality.

Case Studies

Philadelphia, PA

Three years ago, Philadelphia had the highest incarceration rate in the country. Since then, the city has become a leader in implementing criminal justice and pretrial reforms and have lowered their jail population by 36%.⁸³ The reform process began in 2015; in preparation for applying to the Macarthur Foundation's Safety and Justice Challenge grant, and under guidance of a newly hired project manager, all stakeholders in the city's criminal justice system worked to analyze court, jail, and police data to identify first steps in a jail population reduction plan. They developed a new language for compiling data because of disparate data collection and storing methods across the different departments. Through this process, they identified six main strategies (including one specifically focusing on pretrial reform), divided into 19 key programs, and were awarded a \$3.5 million grant from the Macarthur Foundation.⁸⁴ Of this funding, three million of it was designated for pretrial reforms.

This work has had strong support from city officials: a new mayor was elected in 2016 on a platform centered on criminal justice reform; in 2018 the City Council voted unanimously to pass a resolution calling on the district attorney and other officials to end the practice of money bail as a means of pretrial detainment; and later in 2018 the District Attorney made an announcement that his office would not seek bail on 25 different crimes, including retail theft, trespassing, and other low-level offenses.⁸⁵ The management of the grant has been overseen by the city's Office of Criminal Justice; however, all involved have cited cooperation and collaboration with others across the city and county as a vital to their success.⁸⁶

The city cites that the key to their widespread criminal justice reform across parties and different agendas has been looking at the problem as a whole systems reform instead of tackling it one decision at a time in separate departments.⁸⁷ Through this perspective, all parties involved have been better able to align their agendas, allowing the system to respond accordingly. As a result, defense attorneys are working harder to have defendants released quickly and with no or low bail, and prosecutors aren't typically opposing them. Judges are releasing more people and endorsing the reforms, and Philadelphia police are diverting more defendants to treatment.⁸⁸ There is more physical jail space for rehabilitative programs and less overtime pay is needed for jail guards. In 2016, over 40% of Philadelphia's 17,041 misdemeanor cases were referred to a diversion program.⁸⁹

There is strong consensus that Philadelphia's reforms are working. The city has applied for a renewal of their grant from the Macarthur Foundation's Safety and Justice Challenge, with goals of reducing the jail population an additional 14% by 2020, which would mean a 50% reduction since they first

began the reform process in 2015.⁹⁰ The city has additionally announced plans to close one of their jails by 2020 with no plans to build a new one.⁹¹

Washington D.C.

Washington D.C. serves as a national model of pretrial justice. In 2017, 94% of all people arrested in the jurisdiction were released without money. Eighty-eight percent of them made every court appearance, and 86% were not rearrested for a criminal offense of any kind.⁹² Many of those released have some conditions, such as electronic monitoring, phone check-ins, and drug testing. To get to this point required a series of incremental changes dating back to the beginning of pretrial reforms in the jurisdiction five decades ago.

The “D.C. Bail Project” began in 1963, and by 1967 was interviewing all felony defendants.⁹³ This led to the eventual creation of Washington D.C.’s Pretrial Services Agency (PSA), whose services were gradually expanded throughout the 1970s and 1980s. While originally established out of concern over the poor not being able to post bail, the expansion of the agency gave it an added mission of providing information and a range of options to the court so an informed decision could be made in every case. The PSA added programs such as a Failure to Appear Unit, Drug Testing Unit, and Intensive Supervision Unit. They also recognized that they needed to create a comprehensive data system to collect and analyze data, thus making them able to identify gaps and give the court the best information and range of possible options.

In 1992, as a response to the height of the crack epidemic, the jurisdiction passed legislation that prohibited the court from setting a financial bail that resulted in the defendant remaining in jail. In addition, the bill expanded the scope of pretrial detention and included several rebuttable presumptions for detention. Since the enactment of this legislation, Washington D.C. courts have not imposed cash bail as a condition of release except in rare circumstances. Instead, all arrested defendants are rotated through the Pretrial Services Agency, where they are interviewed extensively. This essential elimination of money bail was only possible because the agency had slowly demonstrated over many years that the pretrial release process could work without money bail through other expanded pretrial services.

Since 1992, the PSA has continued a “consistent commitment to innovation.” They have further added to their pretrial services, including the introduction of drug and mental-health diversion and assessment options.

The no-money bail system has not come without a few challenges.⁹⁴ The system has experienced some high-profile lapses where released persons committed violent crimes. However, the PSA cites that they are never going to reach a point where they can perfectly predict human behavior. The PSA also argues that in a money bail system, many defendants can buy their way out of jail and still commit the same violent crimes anyway. They acknowledge that there is always an element of risk in making pretrial release decisions, and the only way to have complete assurance of safety is to incarcerate everyone, which goes against the American values of justice and liberty.

In addition, the PSA uses a risk assessment tool, which are often met with controversy for the risk they carry of creating systemic discrimination.⁹⁵ To better ensure that their risk assessment does not lead to institutionalized biases, the PSA takes great care in constantly refining and assessing their tool. Despite its risks, the PSA sees a risk assessment tool as the best alternative to relying on subjective judicial decisions and money bail.

Last, for clients who can afford to pay, they would be much happier to post bail and left alone pending trial, without the burden of meeting other pretrial conditions or even going through the lengthy assessment process of the PSA.

Washington D.C. stood alone for many years as the only jurisdiction in the country with virtually no cash bail. Through their system, they save more than \$1 million per day by releasing defendants into supervision rather than detaining them. Some jurisdictions have started taking initial steps toward eliminating cash bail, like the states of Kentucky and New Jersey who have comparatively strict limitations on when it can be used. Most notably though, in August of 2018 the state of California passed legislation that will eliminate cash bail by October of 2019.⁹⁶ Similar to some of the criticisms of Washington D.C.'s system, critics of the California legislation are expressing concern that the now required risk assessments will structuralize discrimination and lead to more preventative detention.

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- ⁹⁵ Research and Evaluation Efforts. *Pretrial Services Agency*. Retrieved from: https://www.psa.gov/?q=data/research_evaluation_efforts
- ⁹⁶ Fuller, Thomas. California is the First State to Scrap Cash Bail. *New York Times*. 28 August 2018.

Bail Daily Snapshots

ADC in custody & bail totals less than \$3,000 (excluding \$0 bail & PC's)

7.19.2018			7.25.2018		
Bail total			Bail total		
	N	%		N	%
\$1,000 - \$2,999	13	21.0	\$1,000 - \$2,999	6	14.3
\$150 - \$999	46	74.2	\$150 - \$999	32	76.2
less than \$150	3	4.8	less than \$150	4	9.5
Total	62	100.0	Total	42	100.0
New & Admin charges			New & Admin charges		
	N	%		N	%
New Charges	19	30.6	New Charges	10	23.8
Administrative	43	69.4	Administrative	32	76.2
Total	62	100.0	Total	42	100.0
How committed/booking type			How committed/booking type		
	N	%		N	%
Tab Charge	14	22.6	Tab Charge	8	19.0
Warrant	5	8.1	Warrant	2	4.8
Bench Warrant	25	40.3	Bench Warrant	20	47.6
Hold	16	25.8	Hold	9	21.4
Arrest & Detain	2	3.2	Arrest & Detain	1	2.4
Total	62	100.0	Total	42	100.0
Offense level			Offense level		
	N	%		N	%
Felony	2	3.2	Felony	3	7.1
Gross Misd	3	4.8	Gross Misd	3	7.1
Misd	56	90.3	Misd	36	85.7
Other	1	1.6	Total	42	100.0
Total	62	100.0			