MNPAT-R Scoring Training

Minnesota Pretrial Release Evaluation Form and Assessment Tool-Revised

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Agenda

- Why MNPAT-R matters

- User Guide & Questionnaire

- MNPAT-R
  - Scored Factors
  - Non-Scored Factors (by page)

- Entry Into CSTS (when live)
  - CSTS Mail Merge Demonstration

- Resources
  - Q&A

Why use the MNPAT-R?

- The MNPAT-R identifies the level of risk defendants pose of not appearing for a hearing or committing a crime during the pretrial period

- Statistically validated and shown to be more predictive than the MNPAT

- Equitable predictor among races and genders

- Provides consistent information for all stakeholders in their respective decision-making

- Also consistent across the state/jurisdictions (82 counties)
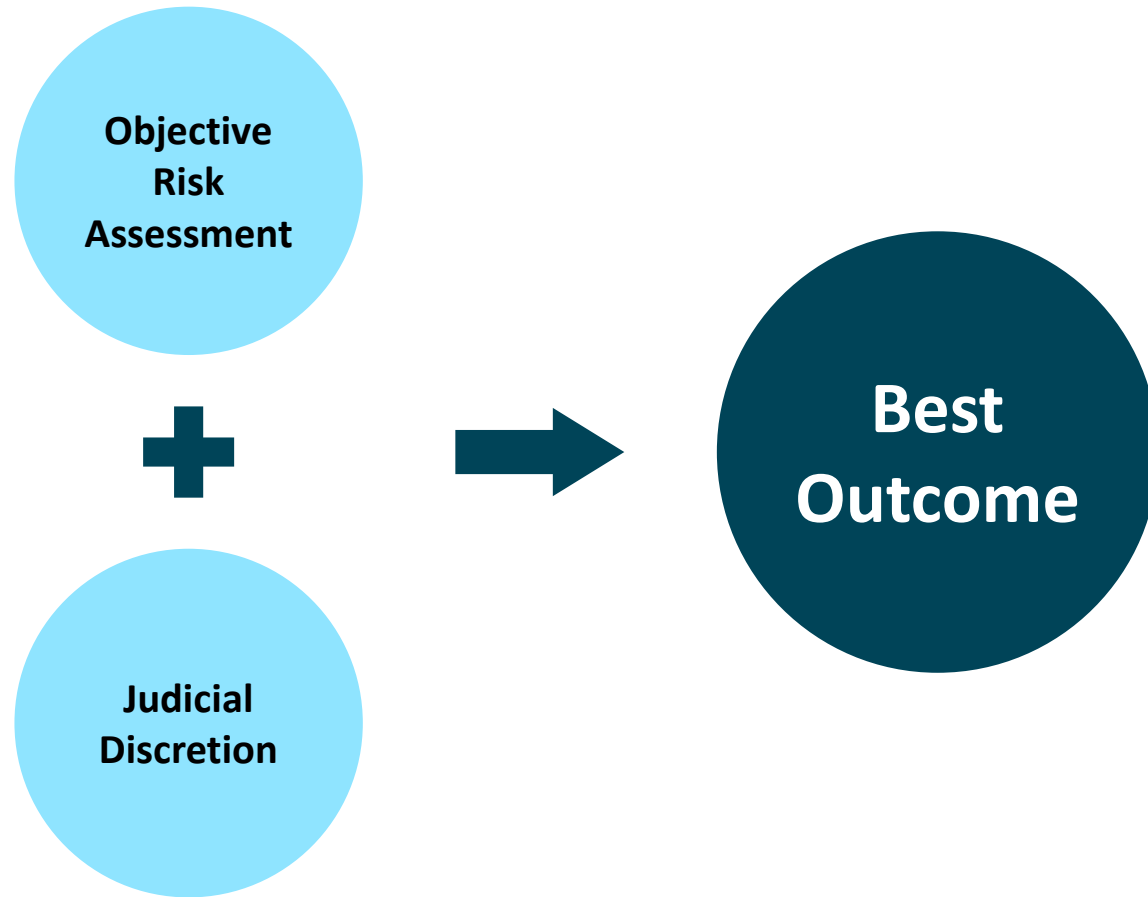
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Key Characteristics of the MNPAT-R

- The statewide form/tool cannot be changed or adapted by locality.

- Some factors assessed through a defendant interview

- If any factors are blank, that field was unable to be scored by probation/designee

- Probation <u>does not</u> recommend a release decision

  - *May offer pretrial conditions if the judge orders conditional release*

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Not the Whole Picture

The MNPAT-R is **one** objective piece of information to be used in addition to a judge's experience and discretion to help determine risk.

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Not the Whole Picture

Objective Risk Assessment

+

Judicial Discretion

→ **Best Outcome**

Andrews, D.A., Bonta, J. and Wormith, J.S. (2006). "The Recent Past and Near Future of Risk and/or Need Assessment." Crime and Delinquency, 52(1):7–27

Harris, P.M. (2006). "What Community Supervision Officers Need To Know About Actuarial Risk Assessment and Clinical Judgment." Federal Probation 70(2)

Definitions

Form: Template for recording factors of a particular defendant and the current charge used to inform the pretrial release decision.

- *Does not assign a score or recommendation of release*

Tool: Research-based instrument comprised of predictive factors that are weighted and scored to provide a recommended pretrial release decision (based on categorized risk of pretrial failure).

- *Included on the form*
- *Provides a numeric score and category of risk*

User Guide

The Minnesota State Court Administrator's Office wrote and published this document.

Consistent Interview Process

- Enhancing procedural justice
  - Goal of training is to drive consistency during the implementation process
  - Each county may be collecting additional information in the interview for other purposes
  - How the interview/questionnaire is started will impact data quality
- Site visits from 2016 revealed varying practices in interviews
  - Some interviews were approached as conversations. Others were a checklist of questions to be answered. Some interviewers sought to get as much detail as possible for multiple purposes, others simply asked questions needed for the tool/form.

Beginning the Interview or Questionnaire

Minnesota Pretrial Questionnaire

Communicate the following:

- Your name and the organization you work for
- You're not their attorney
- Information provided will be given to the court to help determine pretrial conditions/release
- The information obtained cannot be used against the defendant at trial
- The defendant's attorney will be provided a copy
- Next steps in the process

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Minnesota Pretrial Release Evaluation Form-Revised

Page 1

Minnesota Pretrial Release Evaluation Form and Assessment Tool-Revised (MNPAT-R)

Name (Last) (First) (Middle)　　Court Case Number

Age　　Date of Assessment (mm/dd/yyyy)

County of Residence:　　Duration of Residency　yr.　mo.

No. of Children:　　Have you ever been in or served in the U.S. armed forces?　☐ Yes　☐ No
No. of Dependents:

Pretrial Assessment Tool Section The pretrial risk score is intended to aid in determining whether to release a defendant or assign bail and/or conditions. The total scale score is a validated predictor of pretrial success or failure.

Pretrial Factor		Points Assigned
Employment/income sources or school status	Yes - 6 pts / No - 0 pts	
Pending case (targeted Misdemeanor or higher)	Yes - 8 pts / No - 0 pts	
Current Monitoring	Yes - 4 pts / No - 0 pts	
Total Scale Score Score range: 0 - 18		

Below is a description of the likelihood that a defendant will appear at all future hearings and not commit a new offense for each pretrial risk score.

Score	Likelihood of success	Level of Risk	Score	Likelihood of success	Level of Risk
0	between 79% and 89%	Lower	10	between 56% and 70%	Moderate
4	between 73% and 83%	Lower	12	between 53% and 68%	Higher
6	between 67% and 78%	Moderate	14	between 48% and 64%	Higher
8	between 61% and 73%	Moderate	18	between 45% and 62%	Higher

Level of risk by score:
Lower = 0 – 4　　Moderate = 6 – 10　　Higher = 12 – 18

Comment from Collateral/Victim Sources

Page 1

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Minnesota Pretrial Release Evaluation Form and Assessment Tool-Revised (MNPAT-R)

Name (Last) (First) (Middle)　　Court Case Number

FBI No.　　SID No.

Assessments Completed

Lethality Assessment Conducted?　☐ Yes　☐ No　☐ Unknown
Other Assessments?　☐ Yes　☐ No　☐ Unknown

If so, list which ones:

Recommended Conditions If ordered, recommendation for conditions of release:

Additional Data Collection for Validation

Has the defendant had an alcohol abuse problem in the last six months?　☐ Yes　☐ No

Has the defendant used illegal mood-altering chemicals during the last six months?　☐ Yes　☐ No

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Page 3

Minnesota Pretrial Release Evaluation Form and Assessment Tool-Revised (MNPAT-R)

Name (Last) (First) (Middle)　　Court Case Number

The information in the following sections was not used in the determination of the defendant's objective risk score because it does not predict risk equally well among all racial groups. This supplemental information is provided to aid in determining conditions and/or the bail amount.

Criminal Conviction History Details

Felony

Gross Misdemeanor

Misdemeanor

Failure to Appear Bench Warrants in the last three years

Date ordered	County of Issuance

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Scored Section

Minnesota Pretrial Release Evaluation Form and Assessment Tool-Revised (MNPAT-R)

Name	(Last) (First) (Middle)	Court Case Number
Age	Date of Assessment (mm/dd/yyyy)	
County of Residence:	Duration of Residency	yr. mo.
No. of Children: No. of Dependents:	Have you ever been in or served in the U.S. armed forces?	☐ Yes ☐ No

Pretrial Assessment Tool Section The pretrial risk score is intended to aid in determining whether to release a defendant or assign bail and/or conditions. The total scale score is a validated predictor of pretrial success or failure.

Pretrial Factor		Points Assigned
Employment/income sources or school status	Yes - 6 pts No - 0 pts	
Pending case (targeted Misdemeanor or higher	Yes - 8 pts No - 0 pts	
Current Monitoring	Yes - 4 pts No - 0 pts	
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8	between 61% and 73%	Moderate	18	between 45% and 62%	Higher

Level of risk by score:
Lower = **0 – 4**   Moderate = **6 – 10**   Higher = **12 – 18**

Comment from Collateral/Victim Sources

Page 1

Grey section total scale score validated predictor of pretrial success.

Revised to improve predictiveness overall and remove factors that contributed to bias.

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How should the form be used?

Information from the form should:

- Help inform questions from the bench during the bail hearing

- Help inform the pretrial release decision, in addition to the pretrial risk score

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MNPAT-R Scored Factors

Pretrial Factor	Points Assigned	
Employment/income sources or school status	Yes - 6 pts No - 0 pts	
Pending case (targeted Misdemeanor or higher	Yes - 8 pts No - 0 pts	
Current Monitoring	Yes - 4 pts No - 0 pts	
Total Scale Score Score range: 0 – 18		

Employment/income sources or school status

Criteria	Score	Notes
Employed less than 20 hours per week. Unemployed or attending school less than 20 hours per week. Part-time employment hours in addition to part-time schooling hours total less than 20 per week. AND not receiving public income assistance/other entitlements.	Yes – 6 pts	Food stamps or medical assistance should not be counted as income.
Employed or self-employed 20 hours or more per week.	No – 0 pts	N/A
Attending school 20 hours or more per week or is a full-time student on break or summer vacation and will be returning to school.	No – 0 pts	N/A
Part-time employment and/or schooling hours totals more than 20 hours per week.	No – 0 pts	N/A
Receiving public income assistance/other entitlements.	No – 0 pts	If the client has been receiving public income assistance (e.g., SSI, MFIP, GA, tribal stipends, unemployment benefits, and/or disability), assign zero points even if charged with Wrongfully Obtaining Public Assistance.
Retired and receiving social security or a pension.	No – 0 pts	Pensioners also include those on a disability pension, such as physical, intellectual, or psychiatric.
Individuals who choose to remain in the home to care for children, a relative, or an elderly parent and/or attend to all things domestic.	No – 0 pts	Only give credit for those homemakers that legitimately fulfill these requirements. Homemakers must be financially supported by another income source within the home.

Employment/income sources or school status

Criteria	Score	Notes
Employed less than 20 hours per week. Unemployed or attending school less than 20 hours per week. Part-time employment hours in addition to part-time schooling hours total less than 20 per week. AND not receiving public income assistance/other entitlements.	Yes – 6 pts	Food stamps or medical assistance should not be counted as income.

Employment/income sources or school status

Criteria	Score	Notes
Employed or self-employed 20 hours or more per week.	No – 0 pts	N/A
Attending school 20 hours or more per week or is a full-time student on break or summer vacation and will be returning to school.	No – 0 pts	N/A
Part-time employment and/or schooling hours totals more than 20 hours per week.	No – 0 pts	N/A

Employment/income sources or school status

Criteria	Score	Notes
Receiving public income assistance/other entitlements.	No – 0 pts	If the client has been receiving public income assistance (e.g., SSI, MFIP, GA, tribal stipends, unemployment benefits, and/or disability), assign zero points even if charged with Wrongfully Obtaining Public Assistance.

Employment/income sources or school status

Criteria	Score	Notes
Retired and receiving social security or a pension.	No – 0 pts	Pensioners also include those on a disability pension, such as physical, intellectual, or psychiatric.
Individuals who choose to remain in the home to care for children, a relative, or an elderly parent and/or attend to all things domestic.	No – 0 pts	Only give credit for those homemakers that legitimately fulfill these requirements. Homemakers must be financially supported by another income source within the home.

Pending case (targeted Misdemeanor or higher)

Criteria	Score	Notes
Pending criminal case (targeted misdemeanor or higher).	Yes – 8 pts	A targeted misdemeanor is a violation of: • 169A.20 (DWI) • 518B.01 (OFP violation) • 609.224 (fifth-degree assault) • 609.2242 (domestic assault) • 609.746 (interference with privacy) • 609.748 (HRO violation), • 617.23 (indecent exposure) • 629.75 (DANCO) Pending Cases: • Cases not yet reached disposition. • Cases with a continued for dismissal disposition are not pending. • If case has a failure to appear bench warrant active, count case as pending
No pending cases or no pending cases of target misdemeanor or higher.	No – 0 pts	N/A

Targeted Misdemeanor

A targeted misdemeanor is a misdemeanor violation of:

- 169A.20 (driving while impaired)
- 518B.01 (order for protection violation)
- 609.224 (fifth-degree assault)
- 609.2242 (domestic assault)
- 609.746 (interference with privacy)
- 609.748 (harassment or restraining order violation)
- 617.23 (indecent exposure)
- 629.75 (domestic abuse no contact order)

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Pending Case

- Cases not yet reached disposition.

- Cases with a continued for dismissal disposition are not pending.

- If case has a failure to appear bench warrant active, count case as pending

Current monitoring

Criteria	Score	Notes
Pretrial Conditional Release	Yes – 4 pts	Defendant was released from custody on pretrial conditions pending the disposition of a criminal case. Do not score if the defendant is released or posted bail/bond without conditions.
Probation	Yes – 4 pts	Defendant is compliant while being supervised for conditions of probation (excluding the current alleged criminal behavior). Do not score if the defendant is on probation to the court.
Revoked Probation	Yes – 4 pts	Defendant is alleged to be not compliant with conditions of probation and is currently in violation status (e.g., warrant, in-custody pending court, etc.). Do not score if the defendant is on probation to the court.
OR Supervised Release	Yes – 4 pts	Defendant is under supervision after serving a prison sentence.
Not monitored	No – 0 pts	N/A

Pretrial Conditional Release

Yes – 4 pts

Defendant was released from custody on pretrial conditions pending the disposition of a criminal case. Defendant may or may not have a pretrial officer assigned, if there are conditions of release it gets counted.

Do not score if the defendant is released or posted bail/bond without conditions.

Probation

Yes – 4 pts

Defendant is compliant while being supervised for conditions of probation (excluding the current alleged criminal behavior).

Do not score if the defendant is on probation to the court.

Current monitoring

Revoked Probation

Yes – 4 pts

Defendant is alleged to be not compliant with conditions of probation and is currently in violation status (e.g., warrant, in-custody pending court, etc.).

Do not score if the defendant is on probation to the court.

Supervised Release

Yes – 4 pts

Defendant is under supervision after serving a prison sentence.

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What does the MNPAT-R score mean?

Score	Likelihood of Success	Level of Risk
0	between 79% and 89%	Lower
4	between 73% and 83%	Lower
6	between 67% and 78%	Moderate
8	between 61% and 73%	Moderate
10	between 56% and 70%	Moderate
12	between 53% and 68%	Higher
14	between 48% and 64%	Higher
18	between 45% and 62%	Higher

Likelihood of Success: The likelihood a defendant will appear at all future hearings and not commit pretrial crime.

Non-Scored Fields

Minnesota Pretrial Release Evaluation Form and Assessment Tool-Revised (MNPAT-R)

Name	(Last) (First) (Middle)	Court Case Number
FBI No.		SID No.

Assessments Completed

Lethality Assessment Conducted? ☐ Yes ☐ No ☐ Unknown

Other Assessments? ☐ Yes ☐ No ☐ Unknown

If so, list which ones:

Recommended Conditions If ordered, recommendation for conditions of release:

Additional Data Collection for Validation

Has the defendant had an alcohol abuse problem in the last six months? ☐ Yes ☐ No

Has the defendant used illegal mood-altering chemicals during the last six months? ☐ Yes ☐ No

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Minnesota Pretrial Release Evaluation Form and Assessment Tool-Revised (MNPAT-R)

Name	(Last) (First) (Middle)	Court Case Number

The information in the following sections was not used in the determination of the defendant's objective risk score because it does not predict risk equally well among all racial groups. This supplemental information is provided to aid in determining conditions and/or the bail amount.

Criminal Conviction History Details

Felony

Gross Misdemeanor

Misdemeanor

Failure to Appear Bench Warrants in the last three years

Date ordered	County of Issuance

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- **Name**

- **Court Case Number**

- **Age**

- **Date of Assessment**

- **County of Residence/Duration**

- **No. of Children**

- **No. of Dependents**

- **Have you ever been in or served in the U.S. armed forces?**

- **Comment from Collateral/Victim Sources**

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- **Name:** First, middle, and last name. Default names will pull from CSTS to the module, but users can update, if needed. Any changes to the module will automatically update the client's name in CSTS.

- Court Case Number

- Age

- Date of Assessment

- County of Residence/Duration

- No. of Children

- No. of Dependents

- Have you ever been in or served in the U.S. armed forces?

- Comment from Collateral/Victim Sources

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- Name

- **Court Case Number:** MNCIS Court File Number/Case Number. Case number auto populates in the module when available in CSTS. If it is unavailable, the Agent should periodically check during their shift to see if the number is available and when possible, go back and enter it. This field is required; the user must either enter a value in the text box or check the "unavailable" checkbox to indicate the information is not available.

- Age

- Date of Assessment

- County of Residence/Duration

- No. of Children

- No. of Dependents

- Have you ever been in or served in the U.S. armed forces?

- Comment from Collateral/Victim Sources

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Page 1

- Name

- Court Case Number

- **Age**: Age is calculated in the module based on the client's date of birth in CSTS. If the age value is incorrect in the CSTS module, the client's date of birth must be corrected   on the client details screen.

- Date of Assessment

- County of Residence/Duration

- No. of Children

- No. of Dependents

- Have you ever been in or served in the U.S. armed forces?

- Comment from Collateral/Victim Sources

Page 1

- Name

- Court Case Number

- Age

- **Date of Assessment:** Date the assessment was completed. CSTS module will default to the current date. Enter the date the assessment was completed if different than current date.

- County of Residence/Duration

- No. of Children

- No. of Dependents

- Have you ever been in or served in the U.S. armed forces?

- Comment from Collateral/Victim Sources

County of Residence/Duration

- **Residence:** Client's current County/ American Indian Reservation / Community
- **Duration:** Number of consecutive years and months of residence

IF	THEN
Multiple addresses within same community	Enter all time as consecutive.
Moved away from community, then moved back	Only enter the duration of client's most recent residency.
Residence is not in Minnesota	Enter the residence followed by "Non-Minnesota County" text
Residency is not known	Enter "Unknown."

- Name

- Court Case Number

- Age

- Date of Assessment: County of Residence/Duration

- **No. of Children:** The number of biological/adopted children the client reports. Stepchildren should only be counted if the client is married. The module will default to the client's number of children value in CSTS, but users can update, if needed. Any changes to the module will automatically update the client's number of children value in CSTS.

- No. of Dependents

- Have you ever been in or served in the U.S. armed forces?

- Comment from Collateral/Victim Sources

- Name

- Court Case Number

- Age

- Date of Assessment: County of Residence/Duration

- No. of Children

- **No. of Dependents:** The number of qualifying children and qualifying adult dependents that live with the client or receive financial support from the client. The module will default to the client's number of dependents value in CSTS, but users can update, if needed. Any changes to the module will automatically update the client's number of dependents value in CSTS.

- Have you ever been in or served in the U.S. armed forces?

- Comment from Collateral/Victim Sources

Page 1

- Name

- Court Case Number

- Age

- Date of Assessment: County of Residence/Duration

- No. of Children

- No. of Dependents

- **Have you ever been in or served in the U.S. armed forces?** Check Yes or No. Check Yes for any service regardless of duration, branch, or discharge status.

- Comment from Collateral/Victim Sources

- **Name**

- **Court Case Number**

- **Age**

- **Date of Assessment: County of Residence/Duration**

- **No. of Children**

- **No. of Dependents**

- **Have you ever been in or served in the U.S. armed forces?**

- **Comment from Collateral/Victim Sources:** Add a summary of the information received from collateral/victim sources, including any safety issues or conflicting information. Verify address, employment or school, and drug use based on the collateral information.

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Collateral Contacts

- When possible, collateral contacts should be used to verify information

- Verify current living situation (address), employment/school, Additional data collection for validation (problematic chemical use)

- If discrepancies exist, **DO NOT** change MNPAT-R score or form responses unless specified in User Guide
  - Additional questions for validation

- **DO** note discrepancies in Comments from Collateral/Victim Sources section

Victim Information

- When possible, victim information should be summarized in the Comments from Collateral/Victim Sources section

- Any discrepancies between the defendant's stated information and the victim's statement must be noted on the form

- If discrepancies exist, **DO NOT** change MNPAT-R score or form responses unless specified in User Guide
  - Additional questions for validation

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Page 2

- **Name (same as page 1)**
- **Court Case Number (same as page 1)**
- **SID/FBI #**
- **Assessments Completed**
- **Recommended Conditions**
- **Additional Data Collection for Validation**
  - Used alcohol abuse problem in the last six months
  - Used illegal mood-altering chemicals during the last six months

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- Name (same as page 1)

- Court Case Number (same as page 1)

- **SID/FBI #:** Record if available. The CSTS module will default to the client's CSTS "SID Number" value. The user can update, if needed. Any changes in the module will automatically update the client's SID Number value in CSTS. Should the client have other State ID numbers, note on MNPAT-R and enter in CSTS module under the "other IDs" list bar.

- Assessments Completed

- Recommended Conditions

- Additional Data Collection for Validation

  - Used alcohol abuse problem in the last six months

  - Used illegal mood-altering chemicals during the last six months

Page 2

- Name (same as page 1)
- Court Case Number (same as page 1)
- SID/FBI #:
- **Assessments Completed:**
  - Check Yes, No, or Unknown for whether a lethality assessment was conducted.
  - Check Yes, No, or Unknown for whether any other assessments were conducted.
  - If yes, list the assessments conducted in the space below, within the box.
- Recommended Conditions
- Additional Data Collection for Validation
  - Used alcohol abuse problem in the last six months
  - Used illegal mood-altering chemicals during the last six months

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Page 2

- Name (same as page 1)

- Court Case Number (same as page 1)

- SID/FBI #

- Assessments Completed

- **Recommended Conditions:** If ordered, record recommendations for conditions of release within the box.

- Additional Data Collection for Validation

  - Used alcohol abuse problem in the last six months

  - Used illegal mood-altering chemicals during the last six months

MINNESOTA JUDICIAL BRANCH

- Name (same as page 1)

- Court Case Number (same as page 1)

- SID/FBI #

- Assessments Completed

- **Recommended Conditions:** If ordered, record recommendations for conditions of release within the box.

- **Additional Data Collection for Validation**

  - Used alcohol abuse problem in the last six months

  - Used illegal mood-altering chemicals during the last six months

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- **Name (same as page 1)**

- **Court Case Number (same as page 1)**

- **Conviction History**

- **Failure to Appear Bench Warrants**

Criminal Conviction Detail

- **Criminal conviction history:** List the offense, conviction date, and state or county for qualifying criminal convictions.

- Ensure only details on convictions are provided to the court
  - Include date, type, county

- CISR report may be provided, but may only include convictions

- The full CISR report (i.e. information in addition to convictions) should not be provided to judges, as the additional information may introduce bias based on non-convicted charges.

Criminal Conviction Detail

- Criminal conviction history does not have time parameters. All qualifying adult criminal cases should be included in the list.

- Include and list EJJ juvenile adjudications. If the EJJ is cleared, it should not be included in the list.

- Do not include non-EJJ juvenile adjudications Criminal Conviction History.

- Do not include cases that have received a Stay of Adjudication (SOA), regardless of offense level.

Out of State Convictions

If a defendant has convictions from outside Minnesota and that state's offense classifications are different, classify the offenses by the sentence.

- 90 days or less as a misdemeanor,

- 364 days or less as a gross misdemeanor, and

- 1 year or more as a felony.

- If specific sentence information is unavailable, assign and list the conviction as a misdemeanor.

Failure to Appear Bench Warrants

- Include bench warrants for failure to appear three years prior from the date of screening. For example, if the defendant was screened on 2/1/2024, warrants from 2/1/2021 – 2/1/2024 would be included on the list.

- Include failure to appear bench warrants originating from family court.

- Do not include Fail to Appear bench warrants that have a comment stating failure to abide by conditions of release.

- Do not include Failure to Appear bench warrants that are issued as a result of a missed initial hearing from a summons.

- Do not include failure to appear warrants if the defendant failed to appear as a result of being held in custody in another jurisdiction (including ICE custody). This is often noted in the warrant comments or denoted by a Hold and Release Warrant type.

- If the client was to appear in court on the same day for multiple cases and failed to appear, only one bench warrant should be included.

Failure to Appear Bench Warrants

Type	Status	List/Do Not List
Probation Warrant/A&Ds		Do not list
Hold and Release		Do not list
Arrest, Complaint, Order for Detention		Do arot list
Juvenile Bench Warrant		Do not list
Bench warrant- fail to appear at a hearing (FTA)	Warrant cleared by arrest	List
Bench warrant- FTA	Served	List
Bench warrant- FTA	Quashed	Do not list
Bench warrant- FTA	Return to HC	Do not list
Bench warrant- FTA (Sign & Release)	(any)	Do not list
Bench warrant- FTA	Recalled Inactive	List

Entry Into CSTS Module

- **Enter within 5 days**
  Enter the collected MNPAT-R data into the CSTS module as soon as practicable, but **no later than 5 business days following the first appearance**.

- **Refused/unknown fields**
  If client refuses to answer a scored field on the **Pretrial Assessment Tool** section (grey portion), the agent should select "Unknown" in the CSTS module. This will populate "Could not score" in the field on the form. The remainder of the form should still be completed, scored (including the total score), and provided to the bench and stakeholders with the available information.

- **Collateral/Victim Sources**
  Ask the client who can be called to verify the information. Potential contacts include, but are not limited to parents, siblings, significant others, adult children, family members, and friends. Contacts should be over 18 years of age.

CSTS Module

Resources

https://www.mncourts.gov/

> **Government Partners**

> **Criminal Justice System Resources**

> **Pretrial Release Initiative**

Now You Are Prepared To:

1. Understand the importance of using MNPAT-R
2. Be consistent in interview process and use of questionnaire
3. Complete the MNPAT-R
4. Enter information into CSTS module (when live)
5. Find resources and assistance

Questions?