

USER GUIDE

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

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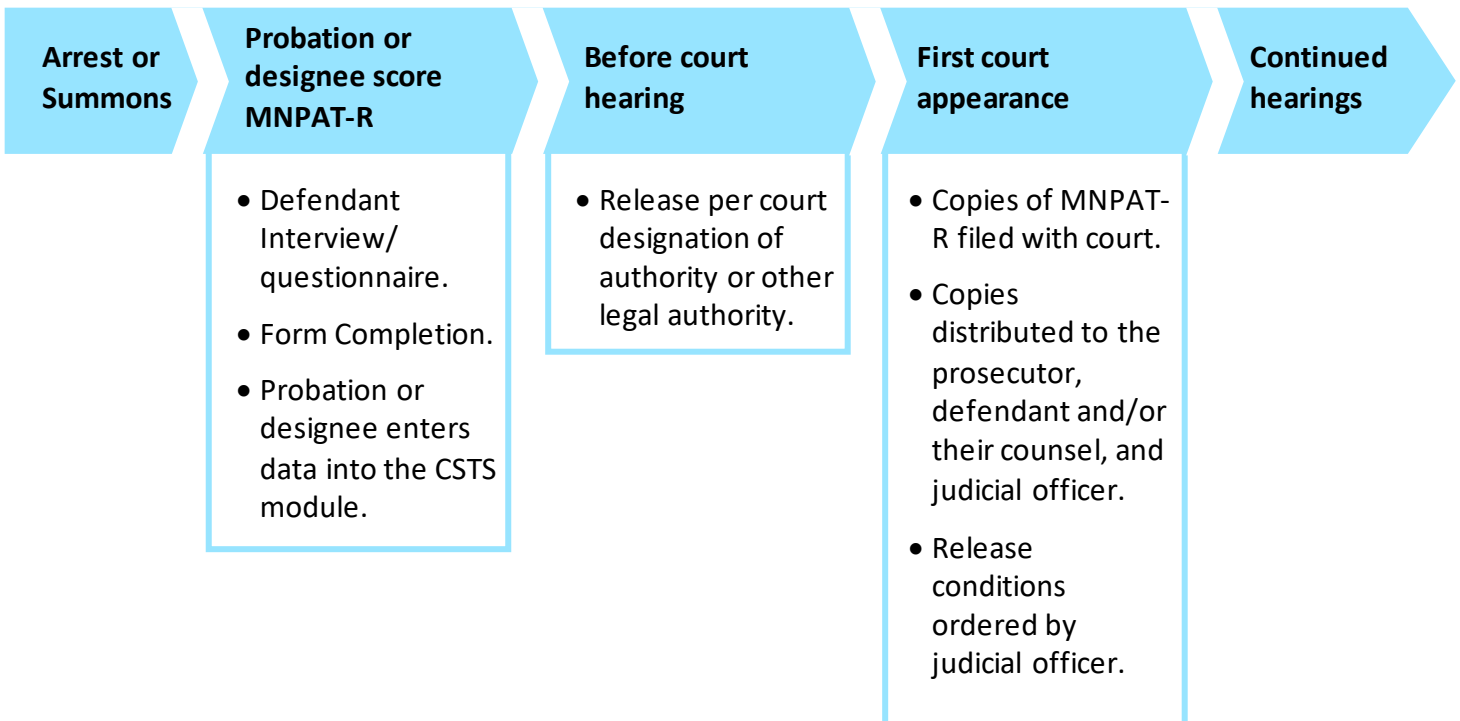
Overview & Processing

This document outlines the completion, submission, and use requirements of the Minnesota Pretrial Release Evaluation Form and Assessment Tool - Revised (MNPAT-R). It also reviews how to score the assessment tool section of the form and how to transfer information from the Minnesota Pretrial Questionnaire to the MNPAT-R and the CSTS module.

The goal of the MNPAT-R is to provide objective information to judges who are making a bail, conditions, or release decision for a defendant with a qualifying charge. Most assessments will be conducted for defendants who are arrested and in-custody; however, there are other situations in which a defendant should be given a pretrial evaluation.

For example, if an individual was summoned to court for a statutorily required pretrial offense, but they failed to appear at the first hearing and now are in custody on a warrant, it would be expected that a MNPAT-R would be completed for them since the judge would be making a bail, conditions, or release decision.

Below is a diagram of the pretrial process:



Requirements for submission to the Court and entry into the CSTS module

The completed MNPAT-R must be submitted to the court before the defendant's first appearance for all defendants arrested and detained for a designated offenses as required by Minn. Stat. § [629.74](#).

- i. Depending on how, when, and where the document is prepared, this can either be electronically filed, or in some circumstances presented to the court on paper. See Minn. R. Crim. P. 6.02, subd. 3 (“The court, or the agency at the court’s direction, must forward any pre-release investigation report to the parties”); see also Minn. R. Crim. P. 33.04(f) (“Except as otherwise specified in these rules, documents may be filed electronically as authorized or required by Rule 14 of the General Rules of Practice for the District Courts. Notwithstanding Rule 14 of the Minnesota General Rules of Practice for the District Courts, documents prepared and presented to the court during a court proceeding, including but not limited to a signed guilty plea petition or signed waiver of counsel, are not required to be filed electronically.”).
- ii. The judge and all parties, including prosecutor(s), the defendant and/or private or public defense attorney(s), must have access to either the paper or electronically filed completed MNPAT-R for use at the hearing (e.g., through MGA, EFS, paper, or other methods).

Local corrections or their designee shall enter the collected data from the MNPAT-R into the CSTS module as soon as practicable, but no later than five business days following the first appearance. Data from pretrial evaluations conducted on or after March 1, 2024, are expected to be inputted into the CSTS module (V4.3).

No modification to the MNPAT-R

Local jurisdictions must not modify the appearance or content of the MNPAT-R per the requirements set forth in Judicial Branch Policy 524 and Minn. Stat. § 629.74. This includes adding narrative information to the form, adding explanation for why a MNPAT-R field was scored, and/or adding a probation recommendation for the pretrial release decision. The policy was adopted by the Judicial Council and supported by members of the Pretrial Release Initiative, which recognized that successful implementation of the form and tool requires consistent use and application. Any modifications to the form or tool introduce variance to what judges see on the bench, reduces consistency, and could introduce bias into data collection, decision-making, and the validation of the tool.

Beginning the interview or questionnaire

Defendants should receive consistent information and introduction to the pretrial evaluation process. Agents conducting the interview or distributing the questionnaire should communicate the following key information:

- Their name and the organization they work for.
- The agent is not an attorney.
- The 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, the prosecutor, and the judicial officer will be provided a copy.
- Next steps in the process.



Refused/unknown fields

Following local implementation of the MNPAT-R, it is expected that all data fields will be collected and entered on the form and into the CSTS module. However, in rare circumstances, agents may not be able to complete a field on the MNPAT-R (e.g., a client refuses to answer a question, a client does not complete a question on the questionnaire, information is unavailable, etc.). If the circumstance arises that a scored field(s) in the **Pretrial Assessment Tool** section (grey portion) cannot be completed, 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.

Data fidelity and quality assurance

Ongoing quality assurance training is needed to ensure the tool is scored consistently between jurisdictions. New employees, changes in local practice, and inconsistent messaging/training can erode the fidelity of the incoming data over time. To maintain consistent statewide practices and a reliable validation sample, it is recommended that employees scoring the MNPAT-R receive annual refresher trainings. The Minnesota Judicial Branch will collaborate with corrections partners to establish inter-rater reliability testing on a regular basis. It is also recommended that local probation managers/directors conduct routine checks of MNPAT-R scoring to ensure their agents are being consistent in how the tool is being scored.

Collateral contacts

When possible, given available resources, collateral contacts should be used to verify the information provided by the client on the MNPAT-R. During the interview, the agent should 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. The victim, minors, or law enforcement (unless suggested by the client) cannot be a collateral contact (victim information is reported separately). Information from CSTS Chronos or other probation agents should not be considered a collateral contact. If the client refuses to provide a collateral comment, note this in the **Comments from Collateral/Victims Sources** section. Any private or confidential information about the client should not be disclosed by the agent.

When speaking to a collateral contact an agent should:

1. Explain to the collateral contact who you are, whom you represent, and the purpose of your call.
2. Confirm the collateral source is aware of the client’s detention status.
3. Explain that the information provided is not private, that confidentiality cannot be ensured, and that the information they provide could be disclosed in court.
4. Verify/ask the following information:
 - Collateral’s relation to the client.
 - The client’s current living situation (address and length of time at the given address).
 - Whether the client is employed or attending school.
If so, in what capacity (i.e., where at, full/part time)?
 - Whether the client has used illegal mood-altering chemicals in the last six months.
 - Whether the client has had alcohol abuse problems in the last six months?

Information from the collateral contact can only override information provided by the client in the **Additional Questions for Validation** sections of the MNPAT-R and form. All other discrepancies between the client's responses and the collateral's responses (e.g., employment, residence) should be noted under the **Comments from Collateral/Victim Sources** section and no changes should be made to the MNPAT-R score.

If the agent responsible for conducting the interview has personal, direct knowledge of the client and recognizes a discrepancy in their response (e.g., client says they have been at the same address for a year, but the agent knows from working with the client that they have moved between a homeless shelter and friends during the last year), this discrepancy should be noted in the Comments from **Collateral/Victim Sources** section.

Victim Sources

When possible, given available resources, and when required by Minn. Stat. §§ 629.715 and 629.72, summarized victim comments should be provided. This information should include, but is not limited to, the victim's description of the current event and whether it is an isolated or ongoing problem, whether the victim expresses concern for their safety, if children were present during the event, previous police contact, if there were known injuries as a result of this event, and/or whether there has been a history of violence.

Information from the victim can only override information provided by the client in the **Additional Questions for Validation** sections of the MNPAT-R and form. All other discrepancies between the client's responses and the victim's statements should be noted under the **Comments from Collateral/Victim Sources** section and no changes should be made to the MNPAT-R score.

Updating the CSTS module

The process for how and when the CSTS module is updated with the MNPAT-R data will vary given a jurisdiction's resources and local processes. However, the final MNPAT-R data entered into the CSTS module should reflect the final information that was provided to the stakeholders and used by the court. If information on the form is argued before the court and certain fields or scores are questioned for their validity, or perhaps shown to be incorrect, that information does not need to be retroactively updated in the CSTS module.

However, information used to identify the client or the case (e.g., name or MNCIS case number) should be retroactively updated in the CSTS module if it was not known before the hearing. For example, if the case number was not known by probation when filling out the form, but then they find out the case number from court staff at the hearing, the case number should be entered into the system.

MNPAT-R Scoring
Employment/income sources or school status
Source: Interview or Questionnaire

Criteria	Score	Notes
<p>Employed less than 20 hours per week.</p> <p>Unemployed or attending school less than 20 hours per week.</p> <p>Part-time employment hours in addition to part-time schooling hours total less than 20 per week.</p> <p>AND not receiving public income assistance/other entitlements.</p>	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.

Pending case (targeted Misdemeanor or higher)

Source: MNCIS/MGA/Guidelines Worksheet

Whether the defendant has a criminal case that has not yet reached disposition at the time of the assessment.

Criteria	Score	Notes
Pending criminal case (targeted misdemeanor or higher).	Yes – 8 pts	<p>A targeted misdemeanor is a violation of:</p> <ul style="list-style-type: none"> • 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) <p>Pending Cases:</p> <ul style="list-style-type: none"> • 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

Current monitoring

Source: Interview or Questionnaire/MNCIS/MGA

The client's monitoring status prior to the arrest for the current offense. See the table below. The user may select multiple boxes. If the client is not under supervision, do not check any box and proceed to the next section. Points are not cumulative (i.e., maximum of 4 points even if multiple statuses are selected).

Criteria	Score	Notes
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.
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

Totaling the points

If you are completing the MNPAT-R on paper/manually prior to being submitted to the Court/stakeholders total all points in the **Pretrial Assessment Tool** section and enter the total in the Total Scale Score box. If completing in the CSTS module prior to being submitted to the Court/stakeholders, then the total score will be automatically calculated based on the entered data.

The total score should be considered and used by judicial officers to assist in making pretrial release decisions:

Lower Risk (0-4)

Moderate Risk (6-10)

Higher risk (12-18)

Additional Non-Scored Data Fields on the MNPAT-R

Page 1

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: 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 **Unavailable** to indicate the information is not available.

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: 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: Agent should enter the client's current county/American Indian Reservation or Community of residence, along with the number of consecutive years and months the client has resided in the county/American Indian Reservation or Community. If the client has lived at numerous addresses within the county/American Indian Reservation or Community, record all time as the consecutive duration of residence within the county/American Indian Reservation or Community.

If the client previously lived in the county/American Indian Reservation or Community, moved to another jurisdiction, and proceeded to move back to the county/American Indian Reservation or Community, only record the duration of the most recent residence. If the client's current county/American Indian Reservation or Community is not in Minnesota, enter the county/American Indian Reservation or Community followed by "Non-Minnesota County" text. If the client's county of residence is not known, enter "Unknown."

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: 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: Check Yes or No. Check Yes for any service regardless of duration, branch, or discharge status.

Comments from Collateral/Victim Sources: (Found under the **Pretrial Assessment Tool**) 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.

Page 2

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:

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

Additional Data Collection for Validation:

Check **Yes** or **No** for whether the client has had an alcohol abuse problem or used illegal mood-altering chemicals during the last six months, respectively. These fields are determined by the agent through the interview questions (or self-reported on the questionnaire).

Alcohol abuse indicators include:

- alcohol use has caused harm or injury;
- repeated use has negatively impacted personal relationships; or
- alcohol use has negatively affected the client's quality of life.

If the client's answer is "No" for either question, agents should check this answer by contacting a collateral contact, reviewing the victim statement, and/or reviewing the defendant's criminal history to see if there are indications of alcohol abuse problems or use of illegal mood-altering chemicals in the last six months (e.g., more than one alcohol related conviction in the last six months, defendant ordered to receive alcohol treatment). Do not count the current offense. If the collateral contact, victim, or the client's criminal history suggest the client has had an alcohol abuse problem in the last six months, check **Yes**.

Page 3

Name: Same as page 1.

Court Case Number: Same as page 1.

Conviction History: List offense, conviction date, and state or county in parenthesis for each offense level. Do not list petty misdemeanors, or misdemeanor driving offenses other than DWI. A Court Information Summary Report (CISR) can be included, when necessary, but non-convicted cases should be removed. Do not include dispositional data.

- 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.

Failure to Appear Bench Warrants: List all qualifying failure to appear Bench Warrants **within the last three years**, other than sign and release warrants. FTA warrants do not need to be listed in order. In the CSTS module, all warrants issued in the last three years will populate. Agents will review this list and add, edit, or delete entries as needed based on the specifications listed under the **Bench Warrants** section of the MNPAT-R.

- 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 of Warrant	Status	List/Do Not List
Probation Warrant/A&Ds		Do not list
Hold and Release		Do not list
Arrest, Complaint, Order for Detention		Do not 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



Transferring Information from the Questionnaire to the MNPAT-R

Name: Add to the top of all pages.

Date of Assessment: Add to page 1.

DOB: Do not transfer.

Age: Add to page 1.

County of Residence/Duration: Add to page 1.

Street Address/Mailing Address: Do not transfer.

Employment/Education: Use numbers 1-5 to determine the score for **Employment/Income Sources or School Status**.

Substance Use: Add responses from numbers 6 and 7 to Page 2 under **Additional Data Collection for Validation**

Children: Use number 8 to add responses to Page 1 next to **No. of Children** and **No. of Dependents**.

Military: Use number 9 to add a response to Page 1 next to **Have you ever been in or served in the U.S. armed forces?**

Please enter the name, relationship, and phone number of someone who knows you well: Do not transfer.

Systems Checked: Do not transfer.

P.O.: Do not transfer to the form. Enter into the CSTS module.