

INTERPRETING THE MNPAT

Grey Section – factors predictive of FTA or new offense

a. Main Charge

- Crime of violence or other offense listed under 629.74
- Charged offense; not arrested offense
- 0, 3, 6, 9, or 12 points – based on severity

b. Employment/Income Sources or School Status

- 3 points - less than 20 hours of work/school
- Defendants receiving public income assistance, pensioners, homemakers do not receive points

c. Current Problematic Chemical Use

- 1 point - conviction in last 12 months or chemical dependency treatment in last 12 months or self-reported or collateral reported problems with marital, family, school, or work situation

d. Homeless/Three or More Address Changes in Past Year

- 1 point – Homeless or three or more addressees, or moved around between friends and shelters during the past 12 months
- Long-term residential setting (CD treatment, residential treatment, group home) not considered homeless

e. Age at First Delinquency Adjudication/Delinquency

- 1 point – adjudicated delinquent of a felony after 14th birthday; convicted in adult court of MSD, GMD, FEL before 26th birthday
- MSD driving offenses other than DWI not scored

f. Criminal Conviction History

- Only convictions and juvenile EJJ are scored
- No date parameters; all history included

g. Bench Warrants

- Only failure to appear warrants scored
- 9 points – three or more FTA warrants in last three years

Minnesota Pretrial Release Evaluation Form				
Name (Last)	(First)	(Middle)	Assessment Date	
Case #	County of Residence		Duration yr mo	Age
Marital Status <input type="checkbox"/> Married <input type="checkbox"/> Never Married	<input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	# Children: # Dependents:	Have you ever been in or served in the U.S. armed forces?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Pretrial Assessment Tool Section				
Pretrial Factor			Points Assigned	
Main Charge:				
Other Charges:				
Employment/Income Sources or School Status				
Current Problematic Chemical Use (see definition)				
Homeless or Three or More Address Changes in Past Year				
Age at First Delinquency Adjudication/Conviction			Age:	
Criminal Conviction History		# Felony Person:	# Other Felony:	
		# Non-Felony Person:	# Other Non-Felony:	
Bench Warrants			# Last 3 Years:	
Total Scale Score			Pretrial Score Risk Ranges	
			Lower = 0-11 Moderate = 12-25 Higher = 26+	
Current Monitoring Status				
<input type="checkbox"/> Pretrial Conditional Release <input type="checkbox"/> Probation <input type="checkbox"/> Revoked Probation			<input type="checkbox"/> Supervised Release	
Is the defendant currently assigned to a probation or pretrial officer?			<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the defendant have a pending case (targeted misdemeanor or higher) that has not yet reached disposition?			<input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments from Collateral/Victim Sources:				

0-11: Lower risk of pretrial failure to appear or new offense
12-25: Moderate risk of pretrial failure to appear or new offense
26+: Higher risk of pretrial failure to appear or new offense



Do not view defendants in the "High" risk category as "twice" or "three times" as likely to fail to appear or commit another crime if scores are double or triple the high-risk threshold. This is an incorrect interpretation of the risk score for all defendants.

White Section – factors related to Rule 6.02

1. County of Residence/Duration
 - Current county/American Indian Reservation or Community of residence
 - Duration is calculated on the number of consecutive months the defendant has resided within the county/American Indian Reservation or Community
2. Age – Defendant's age at date of assessment
3. Marital Status – note cohabitating without previous marriage is marked as "Never Married"
4. Number of Children/Dependents
 - Number of dependents is the number of qualifying children and adult dependents that live with the defendant or receive financial support from the defendant

5. Current Monitoring Status

- Pretrial conditional release: Defendant was released from custody and is being monitored on pretrial conditions pending the disposition of a criminal case.
- Probation: Defendant is compliant while being supervised for conditions of probation (excluding current alleged offense).
- Revoked probation: Defendant is alleged to not be compliant with conditions of probation and is currently in violation status (e.g., warrant, in-custody pending court, etc.).
- Supervised release: Defendant under supervision after serving a prison sentence.

6. Currently Assigned to Probation or Pretrial Officer

7. Pending Case – if targeted misdemeanor or higher w/o disposition.

8. Victim and Collateral Contact Comments



LEAST RESTRICTIVE PRETRIAL RELEASE ORDER – Minn. R. Crim. P. 6.02)

“On appearance before the court, a person **must be released on personal recognizance or an unsecured appearance bond** unless a court determines that release will endanger the public safety or will not reasonably assure the defendant’s appearance. **When this determination is made**, the court must, either in lieu of or in addition to the above methods of release, **impose the first of the following conditions** of release that will reasonably assure the person’s appearance as ordered, or, if no single condition gives that assurance, any combination of the following conditions:

- (a) Place the defendant under the supervision of a person who, or organization that, agrees to supervise;
- (b) Place restrictions on travel, association, or residence during release;
- (c) Require an appearance bond, cash deposit, or other security; or
- (d) Impose other conditions necessary to assure appearance as ordered.”

INTERIM CONDITIONS USED BY COURT STAFF IN MNCIS

Hold Without Bail or Bond	Defendant remains in custody.
Post Bail or Bond with Conditions	Defendant pays a certain amount to be released from custody along with other conditions, such as no same or similar, abstain from alcohol, etc. May be cash bail or non-cash bond.
Post Bail or Bond with No Conditions	Defendant pays a certain amount to be released from custody without any other conditions. May be cash bail or non-cash bond.
Post Cash Bail with Conditions	Defendant pays cash bail to be released from custody along with other conditions, such as no same or similar, abstain from alcohol, etc.
Post Cash Bail with No Conditions	Defendant pays cash bail to be released from custody without any other conditions.
Post Non-Cash Bond with Conditions	Defendant pays non-cash bond to be released from custody along with other release conditions, such as no same or similar, abstain from alcohol, etc.
Post Non-Cash Bond with No Conditions	Defendant pays non-cash bond to be released from custody without conditions.
Release with Conditions	Defendant is to be released from custody with specific conditions, other than bail or bond.
Release with No Bail, Bond, or Conditions of Release	Judicial officer orders the defendant to be released from custody without ordering any cash bail, non-cash bond, or release conditions.

ARGUMENTS BEFORE THE COURT

Attorneys may argue elements on the form, including, but not limited to:

- criminal history relevance (e.g. old convictions)
- reasons for prior failures to appear
- employment issues

Attorneys may also argue elements not on the form, including, but not limited to:

- Relevancy of pending cases
- Mental health
- Victim/community safety

Note: non-scored elements have not been shown to show a statistical correlation to pretrial failure to appear or new offense.

LEGAL REFERENCES

Minn. Const., art. 1, § 7
Minn. Stat. §§ 629.74, .53, .715, .72
Minn. R. Crim. P. 6.01, 6.02
State v. Pett, 92 N.W.2d 205 (Minn. 1958) (constitutional right to bail for all offenses since capital punishment abolished).
State v. Brooks, 604 N.W.2d 345 (Minn. 2008) (purpose of bail is to ensure appearance & submission to court's judgment).
State v. Ledoux, 770 N.W.2d 504 (Minn. 2009) (factors relied upon in pretrial decision must be related to appearance or public safety).
State v. Martin, 743 N.W.2d 261 (Minn. 2008) (bail only appropriate when accused’s appearance cannot be otherwise guarantee; public safety may be considered in setting conditions to assure appearance).