Minnesota Pretrial Release Evaluation Form and Assessment Tool (MNPAT)

Training Outline

- Pretrial Release Initiative background, implementation schedule, and FAQs
- Beginning the interview/questionnaire
- Minnesota Pretrial Release Evaluation Form
- MNPAT scoring
- CSTS Mail Merge Demonstration
- Scenarios

Learning Objectives

- At the end of the training you should be able to:
  1. Understand the implementation and rollout process
  2. Find answers to questions you may have
  3. Score the MNPAT
  4. Complete the Pretrial Release Evaluation Form
  5. Enter Pretrial Release Evaluation Form information in CSTS (when live)
  6. Train others who will be scoring the tool

Background, Implementation Schedule, and FAQs

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Why the Pretrial Release Initiative?

- State Court Administrator's Office research study (2014 – 2015)
  - Study initiated by the Committee for Equality and Justice
  - Analysis of pretrial in-custody rates and the use of pretrial risk assessment tools

- Wide variation in custody rates between counties, regardless of which pretrial risk assessment tool is used. Variation across all counties is 18% - 68% and across tools ranged:
  - Hennepin tool (25% - 54%)
  - Other tools (18% - 68%)
  - No tool (29% - 49%)

- Statewide in-custody rates **ranged between 8% and 49%**, by county, when observing **seven days after the first appearance**.

Effects of Pretrial Detention

Compared to defendants released at some point prior to trial, **defendants held for the entire pretrial period** had:

4x greater likelihood of being sentenced to jail

3x greater likelihood of being sentenced to prison

3x longer jail sentences

2x longer prison sentence

We also want to use state resources (supervision, jail beds) on those who are higher risk to public safety or failure to appear

Pretrial Release Initiative: Background

- FY16-17 Judicial Branch Strategic Plan called for the continued study of evidence-based tool(s) for use in making pretrial release decisions statewide

- Pretrial Release Initiative Workgroup (Oct. 2015 – Apr. 2016)
  - Examined pretrial release through the legal and research framework to develop recommendations for the Judicial Council

- Judicial Council approved workgroup recommendations (Aug. 2016)
  - Counties had the option to opt-out of the statewide tool and conduct local validations
    - Sept. 2016 – March 2017

Pretrial Release Initiative: Background, Cont.

- State Court Administrator tasked with convening a workgroup to develop/adopt a pretrial risk assessment tool for statewide use

- Pretrial Tool Selection Committee (June 2017 – Dec. 2017)
  - Examined validated pretrial risk assessment tools
  - Recommended the 2015 Hennepin County Adult Pretrial Scale as the new Minnesota Pretrial Assessment Tool (MNPAT)
  - Recommended the Minnesota Pretrial Assessment Form and Questionnaire

- Judicial Council approved Tool Selection Committee recommendations and Policy 524 (Jan. 2018)

Pretrial Release Initiative Implementation Goals

- Ensure accurate understanding and application of applicable law
- Use evidence-based practices and tools to eliminate bias in decision-making
- Provide training, support, and information to stakeholders to enable them to do their jobs effectively

Values Guiding the Initiative

1. The most predictive, least biased tool should be pursued.

2. The process used in making pretrial release decisions is important, beyond the use of a risk assessment tool.

3. The selection, use, and evaluation of the effectiveness of a pretrial risk assessment tool is a dynamic process, not a one-time effort or solution.

4. The role of the judiciary in pretrial release decisions should be protected and preserved.

What has been accomplished through this work?

- Judicial Council (August 2016)
  - Every county must use a validated pretrial risk assessment tool
  - Training on interpreting the tool is essential for use of risk assessment tool.
  - Use of tool is most effective when all stakeholders understand and use the tool in their role in the pretrial release process.
  - Process is important as well as the tool.
  - Ongoing training and support is effective as new stakeholders begin using the tool.

- Judicial Council (January 2018)
  - Approved the 2015 Hennepin County Adult Pretrial Scale as the new Minnesota Pretrial Assessment Tool (MNPAT)
  - Approved the Minnesota Pretrial Release Evaluation Form and Questionnaire

- Judicial Council (March 2018)
  - Approved Policy 524: Pretrial Release Evaluation

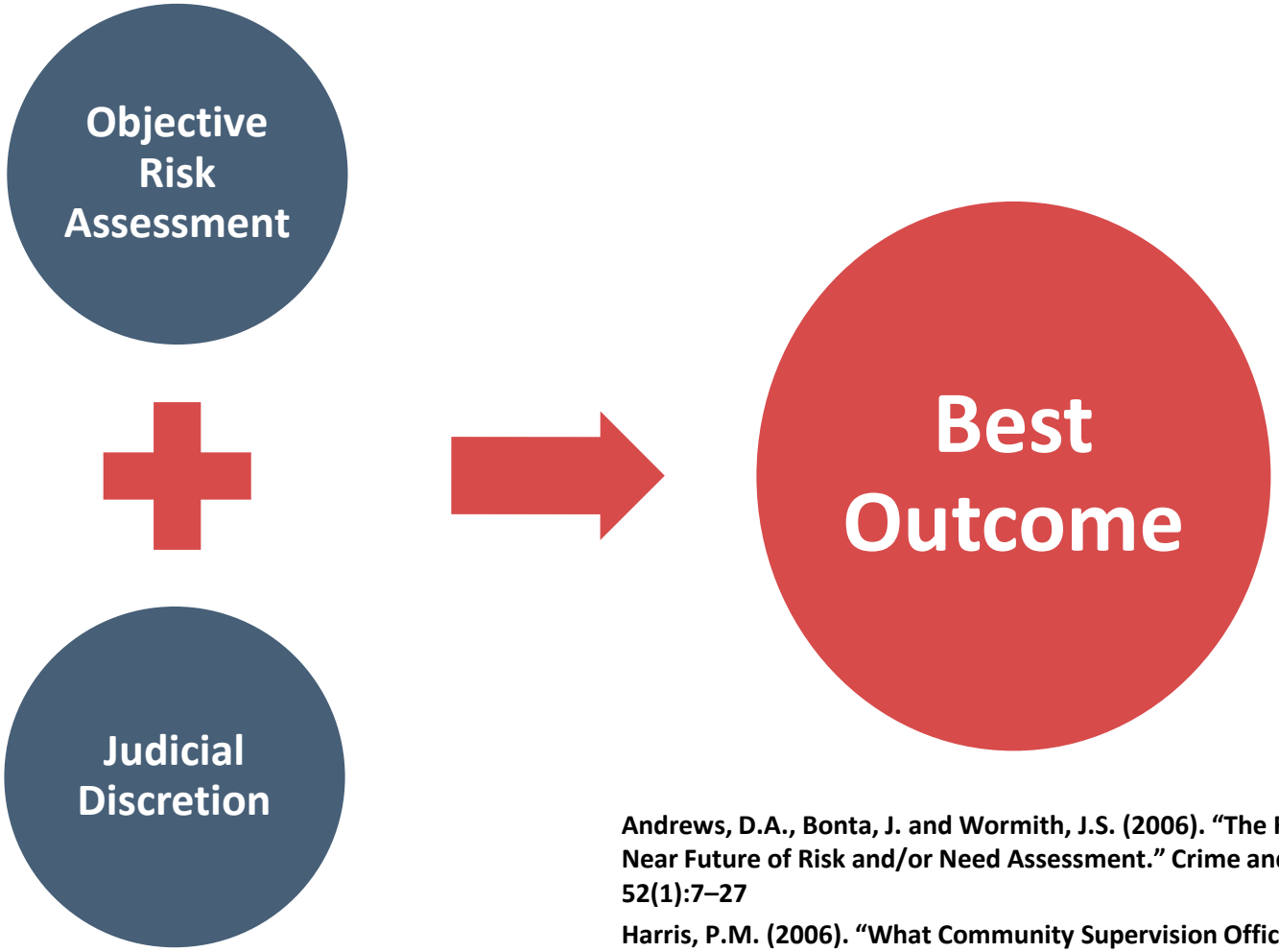
Judicial Council Policy 524

- Based on Minn. Stat. § 629.74, which provides that the Judicial Council, in consultation with the Department of Corrections, must approve the pretrial evaluation form and risk-assessment tool to be used in each county by the local corrections department or its designee when conducting the pretrial evaluation of each defendant arrested and detained for committing certain crimes.
- Each county should consider expanding use of tools for other defendants, weighing the benefits of using the form and tool against the costs and locally available resources

Pretrial tools are not perfect

The MNPAT is <u>one</u> objective piece of information to be used in addition to a judge's experience and discretion to help determine risk.

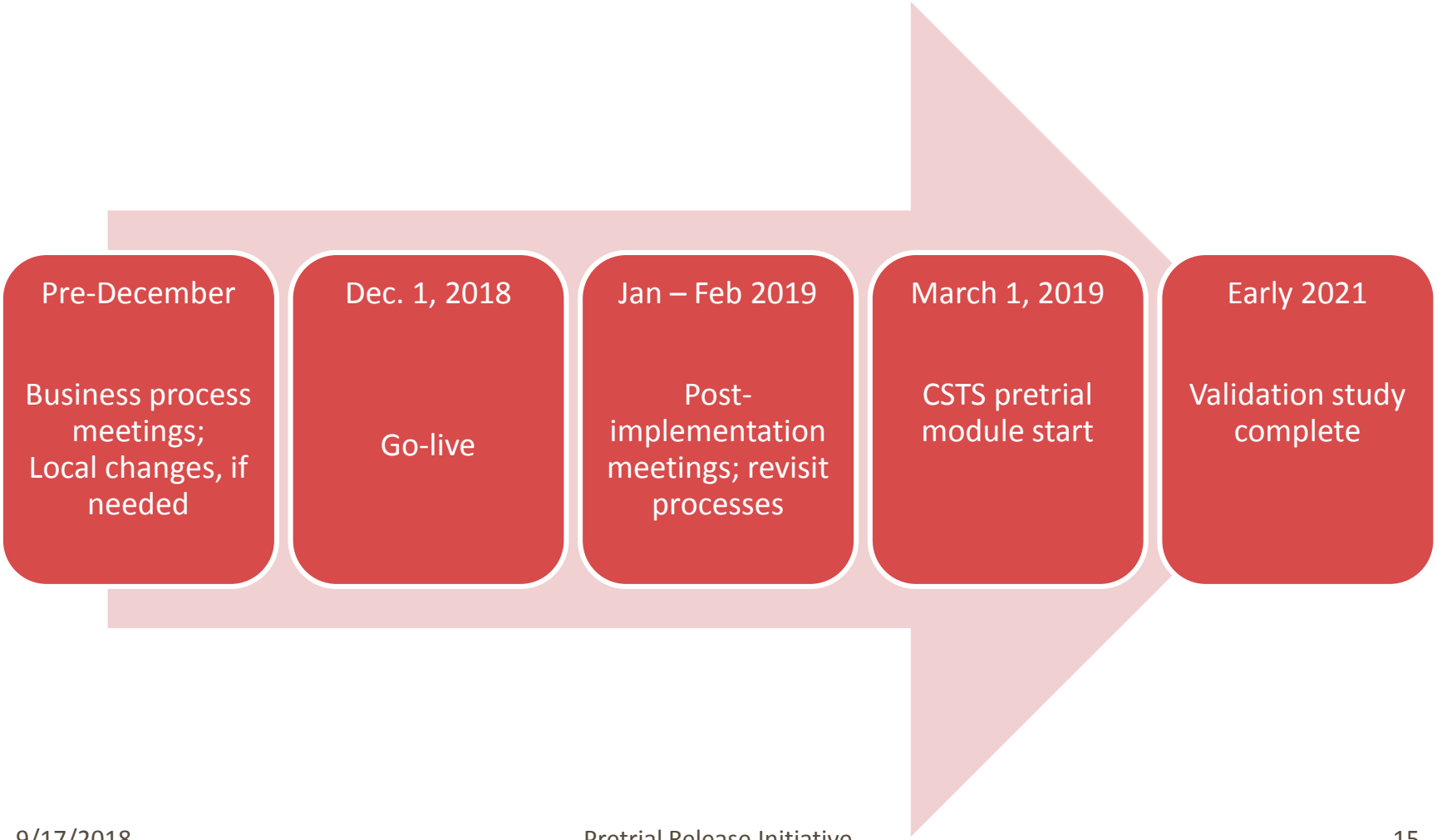
Decision Making Framework



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)

Implementation Schedule



Frequently Asked Questions

- Is this bail reform?
  - This initiative is about bringing focus to the existing laws and making improvements in process to provide justice. MN has long-required a pretrial evaluation process and the presumption of release without bail. Implementation of the MNPAT is focused on providing judges and parties objective, empirically-based data to inform pretrial release decisions and discussions.

- What are the benefits to my county?
  - Consistent use of the MNPAT is likely to result in higher-risk defendants being ordered conditions and/or bail while lower-risk defendants will be more easily identified and can be released on their own recognizance. As a result, tax dollars can be being focused on higher risk individuals, leading to improved community safety, while jail populations may see declines as fewer defendants will be detained who are identified as low risk.

Frequently Asked Questions

- Can the court only consider information on the form?
  - The court should consider information on the form, as well as the arguments made by attorneys before the court. Other information related to factors listed in Rule 6.02 should also be considered.

- What is validation?
  - Validation study will ensure the tool is working for the jurisdictions in which it is being used
    - *Do these factors actually predict pretrial failure?*
    - *Are these factors producing disparate results by race or gender?*
    - *Report expected early 2021*
  - Factor and/or definition modifications may be made to improve predictive ability of tool

Frequently Asked Questions

- What if my county doesn't agree with the new policy, form or other requirements?
  - Minn. Stat. 629.74 requires the use of pretrial evaluations for crimes of violence and other listed statutes, a form that is approved by the Judicial Council.
    - If a county wants to opt-out, they can contact staff to discuss that process, which requires approval of the tool by Judicial Council and local validation.
  - The policy, form, and other requirements have been developed with the input and advice of judges, probation directors, Department of Corrections officials, public defenders, county attorneys, and private attorneys.
  - Concerns about the policy, form, and requirements should continue to be raised as implementation moves forward in order to produce the best end result for pretrial processes statewide.

Beginning the Interview/Questionnaire

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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

- Agents conducting the interview or distributing the questionnaire should communicate the following key information:
  - their name and the organization they work for;
  - that the agent is not an attorney;
  - that the information provided will be given to the court to help determine pretrial conditions/release;
  - that the information obtained cannot be used against the defendant at trial;
  - that the defendant's attorney will be provided a copy; and
  - next steps in the process.
- If you are asking information for other purposes, you should indicate the purpose before asking those questions

Minnesota Pretrial Release Evaluation Form

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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*

Minnesota Pretrial Release Evaluation Form

Name (Last)	(First)	(Middle)	Assessment Date

Case #	County of Residence	Duration yr mo	Age

Marital Status ☐ Married ☐ Separated ☐ Never Married ☐ Divorced ☐ Widowed	# Children: # Dependents:	Have you ever been in or served in the U.S. armed forces?	☐ Yes ☐ 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:* *# Non-Felony Person:*	*# Other Felony:* *# 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

☐ Pretrial Conditional Release ☐ Probation ☐ Revoked Probation ☐ Supervised Release

Is the defendant currently assigned to a probation or pretrial officer? ☐ Yes ☐ No

Does the defendant have a pending case (targeted misdemeanor or higher) that has not yet reached disposition? ☐ Yes ☐ No

Comments from Collateral/Victim Sources:

Lethality Assessment Conducted ☐ Yes ☐ No ☐ Unknown	If conditions are ordered, probation recommendations for conditions of release:

Minnesota Pretrial Release Evaluation Form, Page 1

- Template for recording factors of a defendant used to inform the pretrial release decision.
  - *Factors not statistically validated*
- Grey section includes MNPAT and score
  - *Statistically validated*
- Additional data factors on the form will be tested in the tool's validation

Case #	ICR/CCN #

Name: (Last)	(First)	(Middle)
SID #	FBI #	Local ID #

Additional Data Collection Questions for Validation

Was the defendant unemployed at the time of the arrest?	☐ Yes	☐ No
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

Criminal Conviction History Details

Felony

Gross Misdemeanor

Misdemeanor

Failure to Appear Bench Warrants in Last Three Years

Date Ordered	Type	County of Issuance

Minnesota Pretrial Release Evaluation Form, Page 2

How should the form be used?

- Information from the form should help inform questions from the bench during the bail hearing

- Information from the form can help inform the pretrial release decision, in addition to the primary risk score

  - *Reminder: only factors on <u>the tool</u> (grey) have been demonstrated in MN to show a statistical correlation to pretrial failure*

Why use the MNPAT?

- The MNPAT identifies the level of risk defendants pose of not appearing for a hearing or committing a crime during the pretrial period (lower, moderate, higher)
- Statistically validated predictor
- Mitigates implicit bias on non-predictive factors
- Provides consistent information for all stakeholders in their respective decision-making
  - Also consistent across the state/jurisdictions (82 counties)

How should the MNPAT be used?

Minnesota Pretrial Release Evaluation Form

Name (Last)	(First)	(Middle)	Assessment Date

Case #	County of Residence	Duration yr mo	Age

Marital Status ☐ Married ☐ Separated ☐ Never Married ☐ Divorced ☐ Widowed	# Children: # Dependents:	Have you ever been in or served in the U.S. armed forces?	☐ Yes ☐ No

Pretrial Assessment Tool Section

Pretrial Factor			Points Assigned
Main Charge: *Other Charges:*			
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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:* *# Non-Felony Person:*	*# Other Felony:* *# 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

☐ Pretrial Conditional Release ☐ Probation ☐ Revoked Probation ☐ Supervised Release

Is the defendant currently assigned to a probation or pretrial officer? ☐ Yes ☐ No

Does the defendant have a pending case (targeted misdemeanor or higher) that has not yet reached disposition? ☐ Yes ☐ No

Comments from Collateral/Victim Sources:

Lethality Assessment Conducted ☐ Yes ☐ No ☐ Unknown	If conditions are ordered, probation recommendations for conditions of release:

- The tool should help inform a judge's understanding of a defendant's pretrial risk to not appear at a hearing or commit a new offense. Judges should use the tool's "Total Scale Score" to help guide their decision.
  - *Scored components of the tool are included to understand how the final score was determined*

MNPAT Scored Factors

Component	Weight	Notes
Main (most serious) charge	0, 3, 6, 9, or 12	See Current Offense Points list.
Employment/income source or school status	0 or 3	Employed less than 20 hrs/week, also not a full time student, receiving public assistance, not a pensioner, or not a financially supported homemaker
Homeless or three or more address changes in past year	0 or 1	Homeless or 3 or more addresses during the past 12 months or moved between friends/shelters
Current problematic chemical use	0 or 1	One or more of the following in the last 12 months: conviction for substance abuse or self or collateral report of past chemical dependency treatments, marital or family problems, or school or work disruptions
Age at first felony delinquency adjudication or any adult conviction	0 or 1	Age at first felony delinquency adjudication or any adult conviction (at or after age 14 and before age 26)
Criminal conviction history	X	Each felony person = 9; Each non-felony person = 6; Each other felony = 2; Each other non-felony (excluding traffic) = 1
Bench warrants (FTA)	0, 6, or 9	One or two warrants = 6; Three or more warrants = 9; warrants must be within last three years

What does the MNPAT score mean?

- Total score
  - 0 – 11 (lower risk): defendant is lower risk and could be released on their own recognizance
  - 12 – 25 (moderate risk): defendant is moderate risk and could be released with conditions
  - 26+ (higher risk) – defendant is higher risk and could be assessed bail

Reminder: Level of risk defendant poses of not appearing for a hearing or committing a crime during the pretrial period

MNPAT – Page 1

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Form Components

- Form components to be entered/updated in CSTS
  - **Name**: Defaults to CSTS last/first/middle name values; can update; must enter value or check “Unavailable”
  - **Assessment date**: CSTS defaults to current date; can update
  - **Case number**: MNCIS court file number/case number; auto-populates in the module when available in CSTS; must enter value or check “Unavailable”
  - **County of residence/duration**: Agent should enter the client’s current county/American Indian Reservation of residence, along with the number of consecutive years and months the client has resided in the county/American Indian Reservation. If the client has lived at numerous addresses within the county/American Indian Reservation, record all time as the consecutive duration of residence within the county/American Indian Reservation. If the client previously lived in the county/American Indian Reservation, moved to another jurisdiction, and proceeded to move back to the county/American Indian Reservation, only record the duration of the most recent residence. If the client’s current county/American Indian Reservation is not in Minnesota, enter the county/American Indian Reservation followed by “(out of state)” text.

Form Components

- Form components to be entered/updated in CSTS
  - **Age**: Defendant's age at assessment. Age is calculated in the pretrial module based on the client's date of birth in CSTS. If the age value is incorrect in the CSTS pretrial module, the client's date of birth must be corrected on the client details screen.
  - **Marital status**: Select the current applicable status. If the client is cohabitating, select "Never Married" (note: if a client who is cohabitating had a previous status of Divorced, Separated, or Widowed, select that status and not "Never Married").
  - **# Children**: The number of biological/adopted children the client reports. Defaults to CSTS number of children value; can update
  - **# Dependents**: The number of qualifying children and adult dependent that live with or receive financial support from the client. Defaults to CSTS number of dependents value; can update
  - **U.S. military service:** Check yes or no. "Yes" should be selected for any service regardless of duration, branch, or discharge status.

MNPAT Factors

- Main charge
- Employment/income source or school status
- Current problematic chemical use
- Homeless or three or more address changes in past year
- Age at first delinquency adjudication/conviction
- Criminal conviction history
- Bench warrants

Main Charge

Criteria	Score	Notes
All felony offenses	+6,+9, or +12	Dependent on the specific statute and subdivision - see MNPAT – Main Charge table.
All other offenses	0, +3 or +6	Dependent on the specific statute and subdivision - see MNPAT – Main Charge table.

- Enter the score for the most serious charged offense (modifying/penalty statutes can affect most serious charge score)
- Do not score based off of the arrested offense
- Main charge points are not cumulative, so do not add points for multiple charges

Main Charge, Cont.

- If the present offense/main charge is a felony and the specific statute and subdivision is not on the Current Offense Points table, determine the severity level of the offense from the Minnesota Sentencing Guidelines. If the severity level is 8 or more, assign 12 points. If the severity level is 7 or less, assign 6 points.

- Some non-felony main (most serious) charges will not be on the Current Offense Points table and should have 0 points assigned.

Main Charge – Entry into CSTS

- CSTS pretrial module will default to the offense description for the first listed charge, but users can update if needed
  - First listed charge is not always the most serious

- Enter the score for the most serious charged offense

Other Charges

- **Other charges:** Enter all other charges that resulted from the client's current arrest (other than the main charges). Defaults in module to a list of offense descriptions for all charges other than the first listed charge; can update

Employment/Income Source or School Status

- Three points are assigned if the defendants is:
  - Employed less than 20 hours per week
  - Unemployed or attending school less than 20 hours per week
  - Employment hours + school hours less than 20 hours per week
  - Not receiving public income assistance/other entitlements (e.g. SSI, MFIP, GA, and/or disability).

- Pensioners and homemakers (i.e. choose to remain in home and are financially supported by another income source within the home) are not assessed points

Employment/Income – Entry into CSTS

- Agents should select the checkbox if the defendant meets the employment/income source/school status risk criteria.

- The total score will increase by three points.

Current Problematic Chemical Use

Criteria	Score	Notes
Client has a pattern of problematic substance use. See below for more information about scoring.	+1	When scoring this section, consider the client's self-report, collateral information, and available probation and court records.
No use and no evidence of client meeting one of the four categories within the past 12 months.	+0	

- Four categories:
  - **Law violations** – conviction related to chemicals in last 12 months (e.g. DWI, controlled substance offenses). Do not count current charges or offenses charged/sentenced as petty misdemeanor.
  - **Chemical Dependent Treatment** – voluntarily entered treatment, court-ordered to treatment, or Rule 25 recommending treatment.
  - **Marital/Family** – chemical use contributed to problems with a marital or family situation within the last 12 months
  - **School/Work** – chemical use contributed to problems with a school or work situation within the last 12 months
- If any category is met, defendant receives one point

Current Problematic Chemical Use – Entry into CSTS

- Agents should select the checkbox if the defendant meets the current problematic chemical use risk criteria.

- The total score will increase by one point.

Homeless or Three or More Address Changes in Past Year

- One point is assigned if a defendant is homeless or has had three or more addresses (or moved between friends and shelters) during the last 12 months

- If the defendant has been in custody at a correctional facility or living in a temporary shelter, detox center, or crisis unit, one point should be assigned.

- If the defendant is living in a long-term residential setting (e.g. group home, residential treatment, CD treatment facility), it is considered the current, permanent address. No points should be assigned.

Homeless or Three or More Address Changes in Past Year – Entry into CSTS

- Agents should select the checkbox if the defendant meets the homeless or address change risk criteria.
- The total score will increase by one point.

Age at First Delinquency Adjudication/Conviction

Criteria	Score	Notes
Adjudicated delinquent of a felony after 14th birthday	+1	Do not count gross misdemeanor, misdemeanor, and petty misdemeanor juvenile adjudications.
OR		
Convicted in adult court of a misdemeanor, gross misdemeanor, or felony before 26th birthday	+1	Do not count petty misdemeanors for adult convictions. Do not count driving offenses other than DWI.

Note: If either one or both criteria apply, only one point assigned

Age at First Delinquency Adjudication/Conviction – Entry into CSTS

- Agents should select the checkbox if the defendant meets the age at first delinquency/conviction risk criteria.
- Case is not listed in this field. It may be listed on the criminal conviction history.
- The total score will increase by one point.

Criminal Conviction History

Criteria	Score	Notes
Felony person convictions	+9 each	See list of person-related convictions. Score EJJ cases like adult felony convictions. Do not score and do not list non-EJJ juvenile adjudications.
Non-felony person convictions	+6 each	
Other felony convictions	+2 each	
Other non-felony convictions	+1 each	Do not score and do not list petty misdemeanors. Do not score and do not list misdemeanor driving offenses other than DWI.

- If the client is convicted of multiple counts on one case, assign points accordingly for each count they are convicted of.
- Do not assign points for cases that have received a Stay of Adjudication (SOA), regardless of offense level. Only assign points if the SOA is revoked and a sentence is pronounced.

Criminal Conviction History – 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. Score:
  - 90 days or less as a misdemeanor,
  - 365 days or less as a gross misdemeanor, and
  - 1 year and a day or more as a felony.
  - If specific sentence information is unavailable, assign and score the conviction as a misdemeanor.

- Use the list of person related offenses to aid in determination of whether the out of state conviction is comparable to one of Minnesota's offenses considered to be person related. If so, score as such. If you cannot determine the type or level of offense for an out-of-state conviction, score it similar to a misdemeanor (i.e. +1 point).

Criminal Conviction History – Entry into CSTS

- Agents should select the appropriate criminal history checkbox.
- Once selected, agent must enter the number of convictions.
- Repeat for each type of criminal conviction present.
- CSTS will auto-calculate the score for that factor and add it to the total score (after the module is fully implemented)

Failure to Appear Bench Warrants

Type	Status	Count or Do Not Count
Probation Warrant/A&Ds		Do not count
Hold and Release		Do not count
Arrest, Complaint, Order for Detention		Do not count
Juvenile Bench Warrant		Do not count
Bench warrant – fail to appear at a hearing	Warrant cleared by arrest	Count
Bench warrant – fail to appear at a hearing	Served	Count
Bench warrant – fail to appear at a hearing	Quashed	Do not count
Bench warrant – fail to appear at a hearing	Return to HC	Do not count
Bench warrant – fail to appear at a hearing	Recalled Inactive	Look case up in MNCS

Failure to Appear Bench Warrants

- Count three years prior from the date of screening (all FTA bench warrants - including petty misd. and traffic offenses)
- Do not count Fail to Appear bench warrants that have a comment stating failure to abide by conditions of release.
- Do not count failure to appear bench warrants that were issued as a result of a missed hearing from a summons.
- If the client was to appear in court on the same day for multiple cases and failed to appear, only 1 bench warrant should be counted. However, please indicate the date and the number of cases the client did not appear for court. For example if a client was scheduled for 2 court appearance the same day you would count 1 bench warrant, indicate the date followed by (x2).

Failure to Appear Bench Warrants – Entry into CSTS

- Bench warrant scoring:
  - 3 or more in last 3 years = +9
  - 1-2 in last 3 years = +6
  - No FTA warrants = 0

- Will auto-populate all warrants in last three years from CSTS (when upgrade complete in 2019). Users should add, edit, and delete based on the criteria above.

Form Components

- Form components to be entered/updated in CSTS
  - **Current monitoring status**: Defendant's monitoring status prior to the arrest for the current offense. Can select multiple. If the client is not under supervision, do not check any box.

Status	Definition
Pretrial Conditional Release	Defendant was released from custody and is being monitored on pretrial conditions pending the disposition of a criminal case. Do not select if the defendant has a pending criminal case but was released on recognizance or posted bail/bond without conditions.
Probation	Defendant is compliant while being supervised for conditions of probation (excluding the current alleged criminal behavior).
Revoked Probation	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.).
Supervised Release	Defendant is under supervision after serving a prison sentence.

Form Components

- Form components to be entered/updated in CSTS
  - **Currently assigned to a probation or pretrial officer**: Check yes or no.
  - **Pending case**: Check yes or no if the client has a criminal case (targeted misdemeanor or higher) that has not yet reached disposition. Cases with a continued for dismissal disposition are not pending.
  - **Comments from collateral/victim sources**: Add summary, if available, of the information received from collateral/victim sources.
  - **Lethality assessment**: Check yes, no, or unknown for whether a lethality assessment was conducted.
  - **Probation recommendations for conditions of release:** Not a probation recommendation for ROR, conditions, or bail. Record recommendations for conditions, if appropriate, should the judge order conditions.
  - **ICR/CCN #:** Defaults to CSTS ICR number; can update
  - **SID/FBI #:** Defaults to CSTS SID number; can update

Collateral Contacts

- When possible, collateral contacts should be used to verify information
- Verify current living situation (address), employment/school, problematic chemical use
- If discrepancies exist, **DO NOT** change MNPAT score or form responses unless specified in User Guide
  - Problematic chemical use
  - 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 score or form responses unless specified in User Guide
  - Problematic chemical use
  - Additional questions for validation

MNPAT - Page 2

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Form Components

- Form components to be entered/updated in CSTS
  - **Local ID #**: Record if relevant/available
  - **Unemployed at time of arrest**: Check yes or no. Only based on the defendant's statement. No override by collateral.
  - **Alcohol abuse problems in the last six months**: Check yes or no. Determined through interview, collateral, and/or criminal history.
  - **Illegal mood-altering chemical use in the last six months**: Check yes or no. Determined through interview, collateral, and/or criminal history.

Criminal Conviction Detail

- **Criminal conviction history:** List the offense, conviction date, and state or county for qualifying criminal convictions (i.e. convicted charges used in the scoring of the tool).

- 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.

FTA Bench Warrants

- **Failure to appear bench warrant:** List all qualifying failure to appear bench warrants in the last three years. They do not need to be listed in order.
  - Include date, type, county

Key Characteristics of the MNPAT

- 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
- Criminal History score relies on convictions only
- Bench Warrant score relies on failure to appear warrants only
- Main charge points assessed on charged offense, not arrested offense
- Probation does not recommend a release decision
  - *May offer pretrial conditions if the judge orders conditional release*

CSTS Mail Merge Form Demonstration

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CSTS Staggered Rollout

- Statewide implementation by Dec. 1, 2018 using mail merge form, or manual (e.g. paper to PDF) process
  - Forms do not need to be uploaded into CSTS
- Starting after February 1, 2019, counties should upload the pretrial module in their CSTS county instance
- Form elements must be entered into the CSTS pretrial module starting March 1, 2019
  - Will include automation referenced in these slides
  - Training materials will be provided by the vendor
  - Must go back and enter to March 1 if module not uploaded by 3/1

Scenarios

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Scenario 1

- **Client:** Kenneth Doe, DOB 4/26/1996
- **Case Number:** 49-CR-18-12
- **Charge:** 609.749, subd. 3(a)(3) Stalking (F)
- **Current Holds/Bench Warrants/Other Charges:** None known
- **Pending Cases:** None known
- **Current Monitoring Status:** None known
- **Historical Bench Warrants:**

Failure to Appear – Juvenile	1/19/2014
A&D	4/3/2016

- **Criminal History:**

Adult

(M) Disorderly conduct	04/2/2015	Convicted

Juvenile

(M) Underage drinking and driving	03/12/2014	Adjudicated delinquent

Scenario 1, cont.

- **Information provided during defendant interview:**
- Lives in Mahnomen County/White Earth for the last 6 months, reports having lived at Little Earth for 8 months before that and off and on for two years before that in Mahnomen County. Reports four kids, two living with him that he financially supports. The other two live on their own with no support from Kenneth. Never been in the military. Currently working part-time and taking 2 online classes to become a veterinary technician (~30 hours per week on these activities). Proudly reports sobriety for 1 year, and that he continues in AA twice a week. Offered his sponsor's contact information as a collateral contact.

- **Victim Information:** Ex-wife (2 years divorced) guesses that Kenneth was drinking or using some substances because he was acting similar to when they would fight when married when he was drinking.

- Unable to make contact with sponsor.

Scenario 2

- **Client:** John Doe, DOB 1/4/1995
- **Case Number:** 62-CR-18-250
- **Charge:** 152.025 with additional statute/modifier of 609.11 5th degree Drug Sale; 152.025 5th degree Drug Possession
- **Current Holds/Bench Warrants/Other Charges:** None known
- **Pending Cases:** None known
- **Current Monitoring Status:** None known
- **Historical Bench Warrants:**

Failure to Appear	8/9/2007	27-JV-12-99999 (F) theft of MV
Failure to Appear	12/10/2015	27-VB-15-99999 (M) Traffic – DAR (PM)

- **Criminal History:** Adult – None

Juvenile

(F) Theft of MV	12/8/2007	Adjudicated delinquent
(GM) 3rd Deg Burglary	7/24/2012	Adjudicated delinquent

Scenario 2, cont.

- **Information provided during defendant interview:**

John has lived at his current address for 8 months. He lived at his prior address for 6 months. John is employed 15-18 hours/week at McDonald's making $8.50/hr. He receives EBT (food) assistance of $194/month but no cash. He reports no children and that he has not been married. He was enrolled at MCTC last semester, but is not currently enrolled this semester. John reports he drinks "on the weekends" and has been using marijuana daily since the age of 17 or 18. He reported he uses marijuana to help him sleep and does not feel his use is problematic. He denies all other drug use. He also denies prior treatment.

- **Collateral Information:** No collateral source provided.

Scenario 3

- **Client:** Jane Doe, DOB 3/13/1991
- **Case Number:** 62-CR-18-999
- **Charge:** 609.2231 Assault – 4th Degree (GM)
- **Current Holds/Bench Warrants/Other Charges:** Ramsey County Hold without Bail; M Domestic Assault
- **Pending Cases:** GM Interfere w/ 911 Call, GM Domestic Assault
- **Current Monitoring Status:** (F) 5th deg drugs (STAY OF IMP), Start Date: 11/7/2017 End Date: 11/7/2019 (GM) 2Q DWI I (GM) Obstruct Legal Process, Start Date: 11/7/2017 End Date: 11/7/2020
- **Historical Bench Warrants:**

Failure to Appear (Dakota)	8/10/2007	(F) 5th Degree Drugs
Failure to Appear (Dakota)	8/10/2017	(GM) DWI

Scenario 3, cont.

- **Criminal History:**

Adult

(F) 5th Deg Drugs	11/2017	Stay of Imposition
(GM) 609.50 Obstruct Legal Process	11/2017	Convicted
(GM) 2nd Deg DWI	11/2017	Convicted
(M) 4th Deg DWI	01/2016	Convicted
(M) 609.2242 Domestic Assault	03/2016	Convicted
(M) 609. 224 Assault	08/2015	Convicted
(M) 609.78 Interfere w/ Reporting of a Crime	04/2015	Convicted

Juvenile

(M) Assault	06/2007	Convicted

Scenario 3, cont.

- **Information provided during defendant interview:**

Jane initially reports she has lived at her current address "my whole life." When questioned with regard to criminal history out of Illinois, Jane admits that her mother lives in MN but she sometimes goes and stays in Illinois for periods of time with relatives there. Upon further questioning, Jane reports she has been back at her mom's address in Minneapolis for 6 months, that she was in Illinois for 3-4 months before that, and that she was living with the father of her children in New Hope for about 1 year before that. Jane reports she is unemployed but cares for her two children full time. She does not live with the father of her children and he does not pay child support. She reports she had EBT and GA at one point but she has not reapplied since she returned to MN from Illinois. She reports she does get Medical Assistance. She also reports she is enrolled in online courses through Arizona State University and estimates she spends 10-1S hours/week on school. Jane denies problematic chemical use. She reports she drinks 1-2 times/week and denies all drug use. She reports she did the DWI 1 day class after her first DWI, but did not go to treatment.

- **Collateral Information:** Collateral (mother) reported defendant drinks too much and could benefit from treatment. Collateral financially supports defendant and the defendant's children at this time. Unable to contact victim.

Scenario 4

- **Client:** George Doe, DOB 2/18/1983
- **Case Number:** 62-CR-18-3000
- **Charge:** 609.2242, subd. 1(1) Domestic Assault – Misdemeanor – Commits Act to Cause Fear or Bodily Harm or Death
- **Current Holds/Bench Warrants/Other Charges:** None known.
- **Pending Cases:** None known
- **Current Monitoring Status:** None known
- **Historical Bench Warrants:**

Failure to Appear (Ramsey)	12/19/2017	Traffic – Reckless Driving
Conditional Release Revoke	4/3/2016	Disorderly Conduct
Failure to Appear (Ramsey)	5/20/2015	Traffic – Careless Driving

Scenario 4, cont.

- **Criminal History:**

Adult

(M) Disorderly Conduct	01/2017	Convicted
(M) Domestic Assault	01/2017	Dismissed
(M) 4th Deg DWI	10/2016	Convicted
(M) Traffic – Careless Driving	04/2015	Convicted
(F) 5th Deg Drug	03/2013	Stay of Adjudication (2 years probation; successfully completed

- **Information provided during defendant interview:**

Defendant denied current problematic use. Defendant reported he drinks alcohol "socially on weekends" and denied all drug use. Defendant denied prior treatment for chemical health. Victim reported defendant sometimes drinks too much and that is why he gets abusive with her. Employed 25 hours/week at Auto Zone. HS Diploma in 2001 from Hudson HS. Lived in Ramsey County for past two years.

Scenario 4 (cont.)

- **Collateral Information:** Collateral (mother) confirmed defendant's current address. Collateral also confirmed defendant can stay with her if a no contact order is issued. Collateral denied concerns for victim's safety if defendant is released. Collateral confirmed defendant is employed part time for Auto Zone. Collateral denied concerns for defendant's chemical or mental health. Collateral believes defendant will appear for court as directed, if released from custody.

- **Victim information:** With regard to the incident, alleged victim stated she and defendant came home from being out at the bar and argued after defendant accused victim of cheating on him. Defendant threw alleged victim's cell phone across the room, yelled obscenities at alleged victim, and punched the wall next to alleged victim's head where she was standing. Alleged victim stated defendant did not physically harm her therefore she did not have injuries or require medical attention. Alleged victim stated a neighbor called the police. Alleged victim stated defendant has been assaultive toward her twice before – once about 6 months ago when he slapped her but the police were not called and a second time about a year and a half ago when he pushed her down in the bathtub, causing her to hit her head and police were called. Alleged victim stated she is not fearful of defendant, has no safety concerns and does not have any concerns about defendant being released from custody. Alleged victim stated defendant does not have access to a gun and has never threatened her with a weapon or used a weapon. Alleged victim reported defendant "sometimes drinks too much" and that is why he gets abusive with her. Alleged victim denied concerns for defendant's mental health but then stated she believes defendant has anger management issues. Alleged victim stated defendant has never threatened or attempted suicide or self-harm that she is aware of. Alleged victim reported she and defendant have one child in common, an 18 month old, but the child was at her mother's house at the time of the incident. Alleged victim stated she wants contact with the defendant going forward. Alleged victim in the present offense was the victim in the prior case. Victim reported she and the defendant have lived together for about two years at the same address in Ramsey county.

Contact MJB Staff With Questions

- Use the "Contact Us" form on the mncourts.gov website
  - Adding "main charge" offenses to resource criteria
  - Questions about scoring difficult factors (e.g. chemical use/alcohol use questions)
  - Adding offenses to the person-related criminal history list

Wrap-Up

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Review Learning Objectives

- At the end of the training you should be able to:
  1. Understand the implementation and rollout process
  2. Find answers to questions you may have
  3. Score the MNPAT
  4. Complete the Pretrial Release Evaluation Form
  5. Enter Pretrial Release Evaluation Form information in CSTS (when live)
  6. Train others who will be scoring the tool