

Hennepin County District Court, in collaboration with justice partners, has and continues to work to manage the pretrial detention of people appropriately at the Adult Detention Center (Hennepin County jail). The overarching goal is to ensure pretrial detention applies only to individuals who pose a threat to public safety or have a high risk of not appearing for court if released.

This document describes programs and initiatives led by District Court staff and judges, as well as programs and initiatives led by other justice partners to date. It also includes information about the Adult Detention Initiative, which started in 2016 and changed the approach to detention in Hennepin County.

Efforts to reduce jail population during COVID-19

Hennepin County District Court has been working with its justice partners to ensure that people held in custody during the COVID-19 pandemic must remain there for public safety reasons. Activities have included individual bail reviews and hearings in the early stages of this event; reviews multiple times every day by judges of people arrested on Hennepin warrants in any county in Minnesota to determine if they can be safely released without conditions or the requirement of bail; and [delegation of certain authority](#) to the County's probation department to review people arrested on probation violations to determine if they can be released on conditions or need to be seen by a judge (this authority does not extend to people convicted of most person-related felonies where public safety concerns are present). Additionally, all inmates at the Hennepin County workhouse who [were released daily](#) to go to work and come back to the workhouse at night, were placed on electronic home monitoring as soon as COVID-19 was known to be in Minnesota. Also, the report dates to the workhouse for people sentenced to serve time in the workhouse who were out of custody have been delayed to avoid having those people enter the facility.

These actions have reduced the jail and workhouse populations to levels that allow for more distance between people who need to be in the facilities for public safety reasons.

The following highlights continuing and regular practices regarding pretrial detention.

District Court-led programs/initiatives

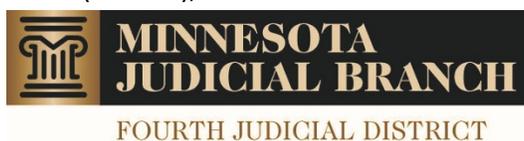
Pretrial Release Tool

The Fourth Judicial District has a long history of using a pretrial evaluation tool. These statistical tools help ensure the release decision for all defendants are based on same objective information predicting pretrial failure. Pretrial failure is defined as:

- 1) as a failure to appear for a hearing prior to case resolution or
- 2) a new offense occurs while the defendant is out of jail but before the case is resolved

The first pretrial tool used in Hennepin County, designed by the Vera Institute, began in 1972. Since then, five different locally validated tools were used in Hennepin County, each one normed on the local population. Revalidation on the pretrial tool occurs every 5-7 years, with [the last study](#) completed in December 2018.

In late 2018, the Minnesota Judicial Branch launched a statewide pretrial evaluation tool called Minnesota Pretrial Assessment Tool (MNPAT), based on the tool used in the Fourth Judicial District.



Text and Email Hearing Reminders

Hennepin County District Court introduced an electronic and automatic Court Reminder program in July 2017.

All defendants who sign up to for reminders receive a text or email three days and one day prior to their court appearance. After the first 2 1/2 years of the program, those who received a reminder were 35% more likely to appear for their court appearance.

The Fourth District is one of the first court systems in the country to use text and email messages to remind people of their email court hearings.

Warrant Hotline

Hennepin County District Court introduced a Warrant Hotline in April 2019, as an option for people with outstanding warrants to schedule a hearing over the phone to take care of their case.

Someone with an active warrant may call the warrant hotline and request to schedule a court hearing. If the caller is eligible, court administration will set a hearing within ten days, but the warrant remains active until the caller appears before a judge and the warrant is resolved. The Warrant Hotline is also a place for anyone to call and ask questions about a warrant.

A Warrant Hotline answered by skilled Criminal Court staff members gives the public quick access to information about warrants so they may resolve their warrants with clear information about what options are available.

Of the callers who scheduled a court hearing over the phone, 85% appeared in court to address their warrant. During the first six months of the program, court staff fielded 526 calls to the hotline.

Annual Warrant Clean-up

Criminal Administration continues to review old warrants, and sends warrants that have been outstanding for 5 years or more to prosecutors for a decision on keeping the warrant in place or purging the warrant. In 2019, the court scheduled multiple calendars and sent summons to clear old warrants.

The court also received a list of decedents in Hennepin County from the Hennepin County Medical Examiner and matched names to warrants. The warrants matching the names of decedents were purged.

SPI-R expansion

People with non-violent lower-level non-felony offenses brought to the Adult Detention Center (ADC) are eligible for release based on a risk-assessment tool developed by the Department of Community Corrections and Rehabilitation (DOCCR) called a Service Provider Index-Revised (SPI-R). This tool, used at the ADC, applies to people arrested for new offenses only. A recent validation of the SPI-R indicates it is a strong predictor of pretrial failure.

This tool automatically runs within the ADC information system, based on data coming only from the jail's system. It occurs when a person is booked into the ADC and it facilitates release, without bail, of those defendants who score low-risk for pretrial failure. This occurs after the booking process is complete. The release decision on other defendants who score as high-risk of pretrial failure on the SPI-R occurs at their first appearance before a judge, or they can post a low-level bail directly from the jail.

In 2018, the Fourth District began allowing ADC staff to release SPIR-eligible cases directly from the jail after booking was complete. Not housing these defendants at the jail reduces jail costs.

Friday Add-on Calendar for In-custody Cases

In December 2017, the Hennepin County District Court Criminal Centralized Unit launched a new court calendar on Friday afternoons for people charged with felonies by prosecutors prior to noon on Fridays.

The new calendar ensures these newly charged defendants have a same-day hearing and a release decision can occur prior to the weekend. Before launching this calendar, people charged before noon on Fridays spent the weekend in jail.

Friday evening release of Saturday noon arrestees

Chief Judge Ivy Bernhardson issued [a standing order](#) in March 2019 to address a separate specific population of people held at the Hennepin County Public Safety Facility.

Minnesota Rules of Criminal Procedure require a charging decision be made within thirty-six hours for people arrested on probable cause. This means a person arrested on a Thursday must be charged or released by noon on Saturday, unless Thursday or Friday is a holiday. However, if someone arrested on a Thursday is not charged (or the time enlarged by individual court order) by 5 p.m. on Friday, no mechanism exists to charge the person before expiration of the 36-hour time period. In these situations, release must occur by noon on Saturday.

The March 2019 order states all people held on probable cause that would expire by noon on Saturday from the ADC, shall be released from the probable cause hold at 6 p.m. on Friday. This has resulted in the release of hundreds of people and not requiring a Friday evening jail bed.

Warrant Resolution Days

Hennepin County District Court held its first Warrant Resolution day in May 2017 at the Sabathani Community Center in South Minneapolis. The event allowed adults with qualifying misdemeanor bench warrants to address their warrants and close their cases at a community location.

A similar event in Ramsey County in 2019 featured participants from several metro counties, including Hennepin County.

In September 2019, Hennepin County District Court held a Juvenile Warrant Forgiveness Day and Community Resource Fair in North Minneapolis. The event was the first Warrant Forgiveness Day for juvenile warrants in Minnesota history.

During a Warrant Forgiveness Day event, people with outstanding warrants have the opportunity to speak with a public defender or prosecutor, arrange to pay outstanding fines, or have a hearing before a judge regarding their warrant. In addition to local judges and court staff, representatives from the Public Defender's Office, county Attorney's Office, and county Department of Community Corrections and Rehabilitation are on-site during the event.

Programs/initiatives not led by District Court

Hennepin County District Court has been an active partner in many programs and initiatives led by other justice partners.

Sign-and-Release

In 2016, the City of Minneapolis began a Sign-and-Release warrant program for people charged with a misdemeanor by mailed summons but who did not appear in for their court hearing. In these cases, the court is not positive the summons reached the person, so when law enforcement next connects with the person, they are given a date to appear in court. Soon, this program was rolled out to the entire county. After two-and-a-half years of this program, 66% of the people given a new date appeared for court.

Book-and-Release

In 2018, the Court launched the Book-and-Release program for people charged with a gross misdemeanor who missed their first court appearance after a summons was issued. Results from the first full year show 72% show up after being given a new court date.

Meet-and-Release

The Department of Community Corrections and Rehabilitation (DOCCR) started a Meet-and-Release program for people on probation who have not staying in touch with their probation officer. When police encounter these people and bring them to the jail, provided they have no new offenses, they are connected with their probation officers. Once the probation officer has collected new and valid contact information, and set a new probation appointment, the person is released from jail.

Same-Day Release

The Hennepin County Attorney's Office developed a system to process and release certain in-custody defendants on the same day they are charged.

Under this process, certain in-custody defendants seen by a judge have an attorney appointed on the same day they are charged, and they are released from jail right after their court hearing. Processing these people out of their housing unit at the jail before their hearing facilitates a shorter stay in jail.

Restorative Court

In February 2019, Hennepin County District Court ended HOMES court, which stands for Housing Outreach for Minneapolitans Establishing Stability, which worked to provide housing for unhoused people charged with crimes like loitering or public urination.

In its place, the court launched Restorative Court, spearheaded by the Hennepin County Public Defender, Minneapolis City Attorney, and Hennepin County Human Services and Public Health Department. Participants charged with minor offenses and referred to Restorative Court will clear the cases off their records by dismissal, as long as they follow recommendations made by a judge, social workers and court attorneys.

Restorative Court has fewer scheduled court dates for the defendant than were scheduled in HOMES Court, going from monthly to several months between hearings. Defendants in Restorative Court meet regularly with social workers, rather than probation officers or a judge. The goal is to engage participants with services in the community while reducing bench warrants for missing court dates.

Adult Detention Alternatives

The Fourth Judicial District joined with justice partners in 2016 to start the Adult Detention Initiative, with the goal of taking an in-depth look at the justice system and the decision points to assess where we could make better release-related decisions.

Participants included the court, Hennepin County Attorney's Office, Hennepin County Community Corrections and Rehabilitation, Hennepin County Human Services and Public Health Department, Minneapolis City Attorney's Office, Minneapolis Police Department, suburban police departments and Hennepin County Administration.

In order to reduce the daily jail population, the group agreed to two basic tenets:

- 1) Detention at the jail should be restricted to those individuals who pose a threat to public safety or have a high-risk of non-appearance for court hearings
- 2) Those who do not should have alternatives.

The group worked on five different strategies:

- Alternatives for the mentally ill.
- Encouraging probation compliance to avoid unnecessary arrest and detention (A&D) warrants.
- Alternatives to Bench Warrants.
- Eliminating unnecessary delays.
- Ensuring decisions to detain or release are based on risk of not appearing for court or threat to public safety.

Many of initiatives listed above address the last four strategies but in addition, the ADI group agreed to:

Alternatives for the Mentally Ill: In order to provide more alternatives for people with mental illnesses booked into the jail, the group launched the Criminal Justice Behavioral Health Initiative and worked on opening a Behavioral Health Center at 1800 Chicago Avenue, funded by Hennepin County and operated by Hennepin County Human Services.

Probation Compliance: To reduce arrest and detention warrants, the group agreed to increase the use of summons, when appropriate, for low/moderate risk defendants and defendants on administrative probation. The group decided to reserve detention and the issuance of warrants for those defendants at higher risk. Creation of Compliance Reports for those defendants not completely in compliance with their conditions from the court but who did not rise to the need for an arrest and detention warrant allow the court to keep tabs on defendants without asking for warrants to arrest.

Alternatives to Bench Warrants: Many of the alternatives to bench warrants for failure to appear include those previously described, such as Sign-and-Release warrants, Book-and-Release warrants, eReminders, the annual warrant purge, the Warrant Hotline, and warrant forgiveness days.

Eliminating Unnecessary Delays: To help eliminate unnecessary delays, the Criminal presiding judge regularly reviews several categories of the longest jail stays with the jail staff. In cases where a defendant charged with a felony also has an outstanding misdemeanor charge in a different case, the misdemeanor case is "tagged" to the felony case, to help expedite the processing of the misdemeanor case. The Hennepin County Sheriff's Office sends a daily one-page report to leaders at the various

agencies for review of the jail population. In addition, the Minneapolis City Attorney's Office created a Charging Team to expedite their charging decisions, reducing the length of time defendants sit in jail after arrest but before charging of the case

Decisions based on risk: To ensure decisions to detain or release remain based on risk of not appearing for court or threat to public safety, the court continues to refine its pretrial evaluation tool and the SPI-R, as described above. All defendants entering the Adult Detention Center have one or the other risk assessment tool applied to their situation and this allows release decisions to be based on individualized risk.