



Judicial Council Minutes

January 19, 2023

Room 230, MN Judicial Center and via Zoom

The Judicial Council met at Saint Paul, Minnesota and via Zoom on Thursday, January 19, 2023. Eighth Judicial District Assistant Chief Judge Rodney Hanson attended for Chief Judge Stephanie Beckman.

1. Approval of Draft December 15, 2022, Meeting Minutes

A motion was made and seconded to approve the draft December 15, 2022, Meeting Minutes as submitted. The motion prevailed.

Council Action

The Judicial Council approved the December 15, 2022, Meeting Minutes, as submitted.

2. Discussion Item: Current COVID-19 Data Jennifer Super, Emergency Management Analyst, State Court Administration

Jennifer Super, Emergency Management Analyst, State Court Administration, provided up to date COVID data.

3. Decision Item: Minnesota Pretrial Assessment Tool (MPAT) Validation Study Project Recommendations

Judge Sara Grewing, Second Judicial District and Grant Hoheisel, Research and Evaluation Manager, State Court Administration, presented recommended changes to the Pretrial Release Evaluation Form and Tool.

It was noted that the results of the Minnesota Pretrial Assessment Tool (MPAT) validation study and recommended changes to the Pretrial Release Evaluation Form were presented to the Judicial Council in January 2022. At that time the Council requested that the Validation Committee review national models and explore whether the tool should remain as is with development of a bench card to guide judges in making decisions using the tool.

Background information was provided on the MNPAT validation study process, and the results of the MNPAT validation study.

The Validation Committee's recommendations for a revised MNPAT Evaluation Tool and Form were then reviewed. Three Options for revisions to the Tool were reviewed.

- Model 1 Tool would include the following: whether a failure to appear bench warrant was issued in the last three year; Employment/School Status; Pending Cases; Convictions; and whether the offender is currently being monitored.
- Model 2 Tool would include the following: whether a failure to appear bench warrant was issued in the last three year; Employment/School Status; Pending Cases; and whether the offender is currently being monitored.
- Model 3 Tool would include the following. Employment/School Status; Pending Cases; and whether the offender is currently being monitored.

It was noted that, based on the validation study, the current MNPAT Tool and Evaluation Form could be improved in terms of predictiveness overall and racial disparities. The failure rate of predictiveness were reviewed by race. It was noted that the tool is less predictive for black and Native American offenders and that revisions to the Form will address this issue.

The results of the review of risk tools used national and in Cass County, Minnesota, were shared.

The revised recommendations for revisions to the MNPAT Evaluation Form were presented. It was noted that the Committee sought to balance predictiveness and fairness when crafting the recommendation.

Proposal: Adopt Model 3 Tool and include conviction history and failure-to-appear bench warrants on the form, but not on the tool:

- Success of a pretrial risk assessment tool relies on buy-in and consistent use.
- Committee sought a middle ground to allay concerns while utilizing the empirical results.
- Ongoing data collection allows for future validation testing.
- Not all factors in Rule 6.02 must be on the tool (not on the current MNPAT).

A discussion ensued. It was noted that if the recommendations are adopted the Tool and Form will be subject to a validation study, as soon as practicable, most likely within 2 -2 1/2 years following implementation.

A motion was made and seconded to approve Model 3 as the new statewide pretrial risk assessment tool and approve the proposed changes to the Minnesota Pretrial Release Evaluation Form, effective January 1, 2024. The motion prevailed.

Council Action

The Judicial Council approved a new Minnesota Pretrial Release Evaluation Form and Pretrial Risk Assessment Tool, effective January 1, 2024.

4. Discussion Item: Treatment Court Funding Issues

Judge Joseph Bueltel, Co-Chair, Treatment Court Initiative, and Cecelia Bliss, Statewide Treatment Court Coordinator, State Court Administration, presented recommendations on funding treatment courts which do not currently meet census requirements.

It was noted that TCI originally requested that a one-time policy exception be approved to continue FY22-23 funding levels through FY24-25 for all courts currently included in the funding formula to account for census challenges posed by the COVID-19 pandemic. At the time of the request the Judicial Council requested that TCI return to the Council in January 2023, to discuss the recommendation and provide funding options.

The funding formula, funding brackets, and potential funding reductions if no exceptions are granted were reviewed.

Recommended rankings for the Treatment Courts were presented:

- Group A – Treatment Courts with a weighted average at or above the level required to maintain FY22/23 funding levels.
- Group B – Treatment Courts which did not meet funding levels but showed overall improvement. Census numbers are trending upwards and recovery toward historic numbers by the end of FY24 is likely.
- Group C – Treatment Courts which did not meet the three-year average required to maintain existing funding levels and are unlikely to do so based on current trends.

A recommended funding option was presented:

- A one-time policy exception to continue FY22-23 funding levels through FY24-25 for courts that have met the minimum census requirements based on projected FY23 numbers (Group A).
- A one-time exception to continue FY22-23 funding levels in FY24 for courts in recovery (Group B). Program staff will monitor courts, and those that have met the three-year average at the end of FY24 will receive no reduction in FY25. Those that have not met the three-year required average at the end of FY24 will have a reduction in FY25.
- Courts that have not seen substantial improvements (Group C) will have their funding reduced to the level outlined in the funding formula based on current census numbers for FY24/25.

The fiscal implications of the recommendations were discussed. It was noted that the current treatment court budget can accommodate the funding needed to implement the proposal.

There being no objection to acting on the recommendation at the current meeting, a motion was made and seconded to approve the recommendations. The motion prevailed.

Council Action

The Judicial Council approved the Treatment Court Funding Proposal to grant a one-time policy exception to continue FY22-23 funding levels through FY24-25 for courts that have met the minimum census requirements based on projected FY23 numbers; A one-time exception to continue FY22-23 funding levels in FY24 for courts in recovery; and to reduce funding for treatment courts that have not seen substantial improvements to levels outlined in the funding formula based on current census numbers for FY24/25.

5. Decision Item: Legislative Advisory Workgroup Recommendations on Proposed Juneteenth Legislation

Judge Lucinda Jesson, Chair, Legislative Advisory Workgroup, presented the results of the re-consideration of proposed legislation providing that the Judicial Branch should sponsor legislation to designate June 19, Juneteenth, as a state holiday.

The Legislative Advisory Workgroup recommends that:

1. The Judicial Council support, through written correspondence from the State Court Administrator, legislative proposals to designate Juneteenth as a state holiday; and
2. The Judicial Council explore opportunities within the Branch to recognize and highlight Juneteenth.

A draft letter that can be sent by the State Court Administrator was reviewed.

A motion was made and seconded to adopt the Workgroup recommendations. The motion prevailed.

Council Action

The Judicial Council approved the Legislative Advisory Workgroup recommendations pertaining to the Juneteenth legislation:

1. The Judicial Council support, through written correspondence from the State Court Administrator, legislative proposals to designate Juneteenth as a state holiday; and
2. The Judicial Council explore opportunities within the Branch to recognize and highlight Juneteenth.

6. Discussion Item: JAD Plan for Statewide Case Resolution Event

Katie Schurrer, Manager, Strategic Planning & Projects Office, State Court Administration, presented the JAD recommendations for a Statewide Case Resolution

Event. JAD has spent the last few months gaining a better understanding of the backlog and reviewing the strategies used by counties and districts which have made significant progress reducing their backlog. Case resolution events were identified as a successful strategy. A case resolution event is when a calendar of cases is set with the intention to reach disposition on those cases on that day. The goals of a statewide case resolution event are:

- Leverage an effective strategy for resolving cases on a statewide level;
- Bring awareness to the Branch's focus on resolving major criminal cases;
- Leverage statewide focus and alignment during a set time period where all criminal justice partners are focused on resolving major criminal cases and maximizing resources; and
- Support local autonomy and discretion in the focus on the case resolution event to address their specific case resolution needs.

The intended benefits to a case resolution event include:

- Reduced backlog (i.e., increase in major criminal cases disposed after case resolution event);
 - Benefits to defendants, victims, and the communities to reach resolution
- Leverage economies of scale – share efforts of plannings, communication, and coordination across the state;
- Create camaraderie and focus across the Branch and with justice partners to focus on the backlog; and
- Awareness by the public that the court system continues to prioritize the backlog and seek timely resolution of cases.

The JAD plan leaves decisions on the focus of the events to the local level, with consultation with local and state justice partners. It is recommended that a case resolution month, April 17-May 19, be designated. A JAD planning subgroup is developing resources and templates. State Court Administration will provide support for tracking success. Counties without a backlog should consider sharing resources.

At this time JAD seeks Judicial Council endorsement and support. The Judicial Council endorsed the proposal.

7. Discussion Item: Other Business

a. Legislative Update

The Judicial Council discussed the need to perform outreach with local legislators. An open house at the Supreme Court Capitol Courtroom and visits by Judicial Council members were also discussed. It was agreed that these events will be held in conjunction with the March Judicial Council Meeting.

b. Recognition

Judge Kevin Mark was recognized for his service on the Judicial Council.

There being no further business the meeting adjourned.