

Minnesota Pretrial Release Evaluation Form and Assessment Tool (MNPAT)



**MINNESOTA
JUDICIAL BRANCH**

Minnesota Pretrial Release Evaluation Form and Assessment Tool Planning Guide

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About the Minnesota Pretrial Release Evaluation Form and Assessment Tool (MNPAT) Implementation

Overview

Minnesota is implementing a new Minnesota Pretrial Release Evaluation Form and Assessment Tool (MNPAT) in order to improve pretrial outcomes for defendants and provide consistent information to judges and attorneys. The MNPAT was approved by the Judicial Council and will be used in 82 counties. The assessment tool is the greyed-out section of the evaluation form. It contains items that are predictive of pretrial failure, which are scored and totaled to provide judges an objective assessment of the defendant's overall risk of failure to appear for a future hearing or committing a crime during the pretrial period. The MNPAT is used to assist the court in making pretrial release decisions.

About this Document

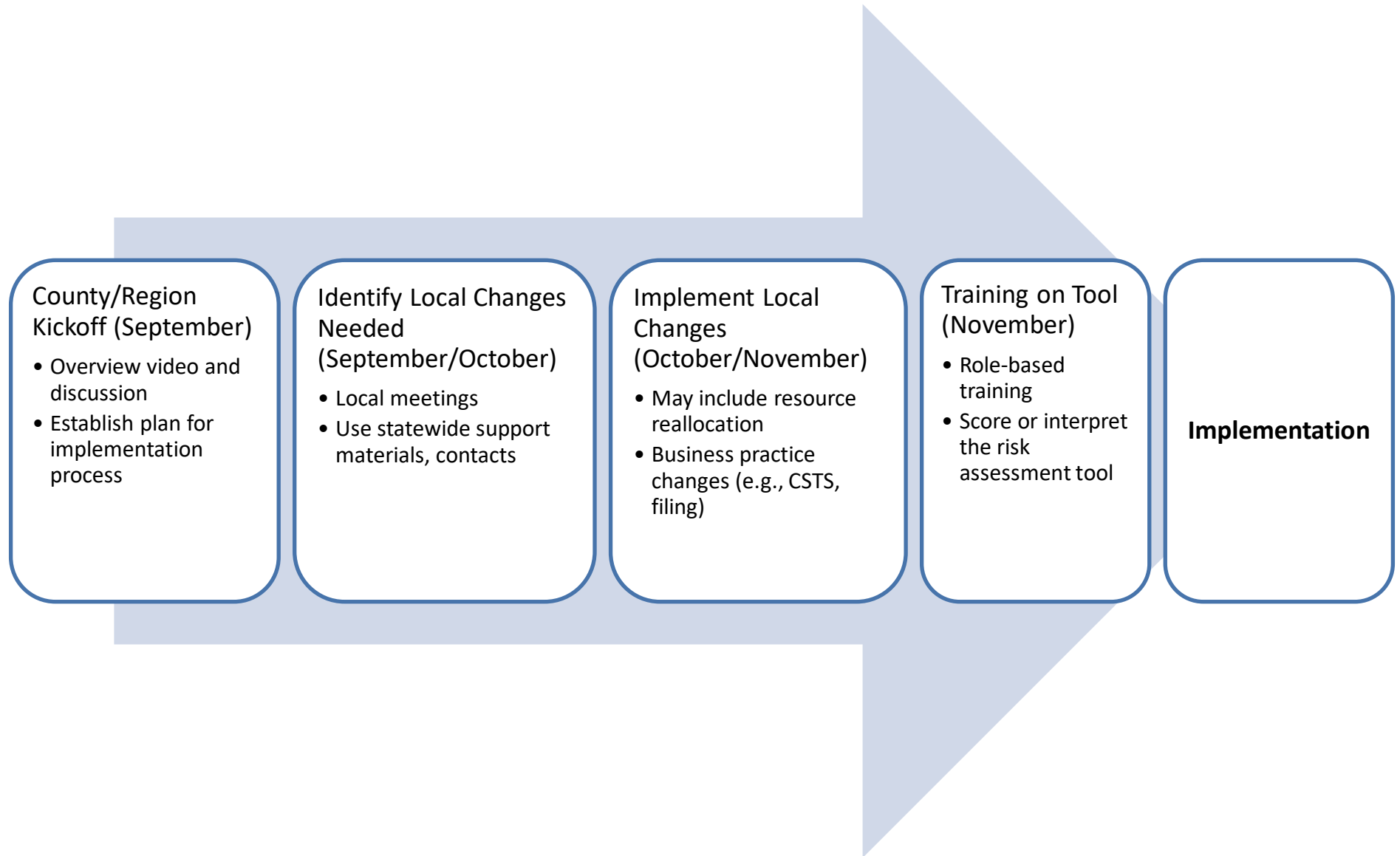
This document is intended for county leads and provides the steps required to successfully implement the MNPAT.

Other Resources

Unless otherwise noted, all resources are available at <http://mncourts.gov/GovernmentPartners/Pretrial-Release-Initiative.aspx> under the Resources tab.

Implementation Process

This timeline is only an example. Your timeline may vary based on your implementation date.



Implementation Tasks

County/Region Kickoff

County/Region Kickoff Tasks	Steps and Related Documents	Notes
<input type="checkbox"/> Initial communication to stakeholders	<p>Steps to complete:</p> <ol style="list-style-type: none"> 1. Send email - include go-live date (if determined) and link to video. 2. Set initial planning meeting date. Plan to discuss current business practices and anticipated changes needed to implement the MNPAT. Include all stakeholders such as probation, court administration, judges, prosecutors, defense attorneys, and law enforcement. <p>Documents from the Pretrial Release Initiative webpage:</p> <ol style="list-style-type: none"> 1. Email Templates 2. Fast Facts – Pretrial Release 3. Minnesota Pretrial Release Evaluation Form and Assessment Tool (MNPAT) 4. Minnesota Pretrial Questionnaire 	<p>Go-live date may need to be determined with stakeholders at the initial meeting.</p>
<input type="checkbox"/> Determine go-live date date	<p>This is the date that all partners will begin to use the new form and tool. This is also the date the judge will begin using the form and tool to inform pretrial release decisions.</p>	

Identify Local Changes Needed

Business Process Change Tasks	Steps and Related Documents	Discussion Topics
<input type="checkbox"/> Conduct stakeholder meeting(s)	<p>Steps to complete:</p> <ol style="list-style-type: none"> 1. Watch the overview video on why the Pretrial Release Initiative is happening. 2. Review Judicial Council Policy 524. 3. Review business processes and determine what local changes may be needed to be in compliance with submitting the form prior to the first appearance, overall pretrial best practices, state statute, court rules, and Judicial Branch policy. 4. Identify current bottlenecks or efficiencies in your current process. Discuss how to change or build on those processes with the MNPAT implementation. 5. Each stakeholder should discuss what will be changing and what needs to happen for that change to occur. Establish a deadline for that work to be completed. 6. Any changes to business practices should be documented, if necessary, and shared with all stakeholders to ensure the process changes will work. Communicate changes to the district representative on the Implementation Steering Committee. 	<p>Items to consider:</p> <ol style="list-style-type: none"> 1. What will the process be for deciding what changes are made and how they are made? 2. What changes are needed to be in compliance with Judicial Council Policy 524? <ol style="list-style-type: none"> a. Ensure no use of bail schedules by judges and release of all defendants arrested for new payable offenses. b. Identify alternatives to bail schedule use for the jail. c. Discuss the use of the MNPAT for defendants charged with offenses that don't require the MNPAT. Weigh the benefits of using the MNPAT against the costs and available resources. d. Consider establishing or using existing local councils for ongoing discussion and training throughout implementation. Ensure the councils have appropriate representation.
<input type="checkbox"/> Role-specific Business Process Changes	<ul style="list-style-type: none"> • Court administration: Discuss recording the pretrial release decision in MNCIS according to the CAP (new CAP 210.40 Interim Conditions will be published in the coming months). • Judges: Discuss using the MNPAT, factors outlined in Rule 6.02, case law, and attorney arguments to make decisions, while leveraging knowledge and best practices surrounding implicit bias. <ul style="list-style-type: none"> • Judges may get the MNPAT electronically or on paper. • The new tool may have different information than what judges are currently receiving. If they are not currently receiving anything, discuss how this may change hearing processes. 	<p>Court administration staff & judges:</p> <ul style="list-style-type: none"> • Invite court staff to share challenges they face interpreting and entering judge-ordered interim conditions. • Discuss how improper entry of the judge's order will affect validation results. • Talk about the challenges judges encounter communicating interim conditions. • Talk about how what a judge says affects what court staff enter in MNCIS. • Talk about how in-court communication can help calendars and hearings run more efficiently.

	<ul style="list-style-type: none"> • Talk about the benefits of using the tool. The goal is to provide judges with another tool to inform their pretrial release decisions. • Attorneys: Discuss representation at first appearances, legal arguments from both prosecution and defense based on Rule 6.02 factors, and the pretrial release evaluation form. <ul style="list-style-type: none"> • All attorneys must receive a copy of the form before the hearing. • The MNPAT may frame questions from court in the hearings. • The MNPAT requires the charged offense for completion of scoring. Discuss how to get charge information to probation in advance of the first appearance so they may score the tool correctly. • Law enforcement: Review the use of bail schedules and cite vs. detain decisions. Discuss the potential impact on jail population, focusing on new policies not increasing the detained population. <ul style="list-style-type: none"> • Discuss when use of the MNPAT is required. • Outline the goal of having bail and conditions on the right people and not incarcerating low-risk individuals. Discuss potential benefits of having fewer low-risk individuals in custody. • Discuss the process for probation conducting interviews and use of the questionnaire (where necessary) for detained defendants. • Discuss upcoming changes in interim conditions. See the Pretrial Release Initiative webpage Resources tab. • Probation: Prepare for training on how to score the tool and future inter-rater reliability testing. Determine how and when staff will complete the form. <ul style="list-style-type: none"> • Review the “Completing the Pretrial Release Evaluation Form and Assessment Tool” user guide. It covers the requirements for filing the MNPAT and distributing it to the judge and all parties. 	<ul style="list-style-type: none"> • Discuss a communication plan for clarifying information during a hearing. For example, you might agree on a non-verbal cue to the judge to indicate that court staff need more information to complete the data entry correctly. • Mention ways court staff can assist judges during the hearing. • Discuss how this impacts the court record and ultimately what the public and court partners see in the record. • Discuss how mistakes can impact various parties or participants on the case. • Note that well-defined interim conditions not only help create a clear record, it also ensures parties and court participants have a clear understanding of the proceeding.
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	<ul style="list-style-type: none"> • Talk about when use of the MNPAT is required. • Establish business processes for routing completed forms to the court and attorneys before the defendant's appearance. • Determine how and when to record information in the appropriate systems. • Discuss potential benefits of having fewer low-risk individuals in custody. • Review the process for obtaining charged offense information to complete the evaluation form (see attorney business process considerations). 	
<input type="checkbox"/> Resources	<p>For Court Administration Staff</p> <ul style="list-style-type: none"> • Policy 524 - Pretrial Release Evaluation • CAP 210.40 Interim Conditions on oneCourtMN • Fast Facts – Minnesota Pretrial Assessment Tool on oneCourtMN <p>For Judges</p> <ul style="list-style-type: none"> • Policy 524 - Pretrial Release Evaluation • Fast Facts – Minnesota Pretrial Assessment Tool on oneCourtMN <p>For Attorneys, Law Enforcement, and Probation</p> <p>http://mncourts.gov/GovernmentPartners/Pretrial-Release-Initiative.aspx</p>	

Implement Local Changes (if needed)

Business Process Change Implementation Tasks	Steps and Related Documents	Notes
<input type="checkbox"/> Implement local business changes as discussed in stakeholder meetings	<p>Steps to complete:</p> <ol style="list-style-type: none"> 1. Implement local business process changes, as needed, by the designated implementation date. 2. Implementation lead should monitor and document completion of tasks. 3. Communicate progress of tasks to district champion. 	

Training on Tool

Training Tasks	Related Documents/Notes	Notes
<input type="checkbox"/> Identify who needs to be trained and for what purpose	<p>Court Administration</p> <p>SCAO will provide training to court administration staff in October 2018 on:</p> <ol style="list-style-type: none"> 1. Understanding a judge’s pretrial release decision. 2. Recording the pretrial release decision in MNCIS (new CAP 210.40 Interim Conditions will be published in the coming months). <p>Judges</p> <p>Judge champions will provide training to judges in 2018 on:</p> <ol style="list-style-type: none"> 1. How to interpret the MNPAT and apply the score to pretrial release decisions. 2. How the MNPAT is completed and routed before the defendant’s first appearance. 3. Recognize how Judicial Branch policies and laws frame use of the MNPAT. <p>Probation/Corrections</p> <ol style="list-style-type: none"> 1. How to complete and score the MNPAT. 2. How to route the MNPAT to the court and attorneys. 3. How to enter MNPAT data into the CSTS pretrial module. <p>Attorneys</p> <ol style="list-style-type: none"> 1. How to interpret the MNPAT. 2. How the form is completed and routed before the defendant’s first appearance. 	
<input type="checkbox"/> Schedule training sessions	<p>Depending on your location and role, you may need to schedule training for your own staff, partner agencies, or other stakeholders.</p> <p>Documents from the Pretrial Release Initiative webpage: Email Templates</p>	<p>Training on interpretation and use of tool for those using, but not scoring the tool will need to be coordinated locally.</p>
<input type="checkbox"/> Training	<p>Steps to complete:</p> <ol style="list-style-type: none"> 1. Conduct regional in-person trainings for users completing the MNPAT (e.g., probation or their designee). Training will be conducted with cooperation of all three probation delivery systems. If law enforcement will be completing the forms in your county, they should attend these sessions. 2. Conduct training for those interpreting the tool (e.g., attorneys and judges). <p>Note: Court administration staff will attend live WebEx training the week of October 1, 2018.</p>	<p>Implementation lead or designated trainer to conduct training.</p>

Post-Implementation

Post-Implementation Tasks	Related Documents/Notes	Responsibility
<input type="checkbox"/> Post-implementation check-in	<p>After implementation, local stakeholders should meet and discuss how the process is going and if there are things that need to change. Group should consider:</p> <ul style="list-style-type: none"> • Are completed forms getting to the court and the attorneys before the hearings? • Are forms being completed on all statutorily required offenses? Does your county want to expand use to other offenses? • Is there anything getting added to the forms that should not be included (recommendations for release decisions or bail amounts, other tool scores, etc.)? • Is the pretrial release decision ordered in court matching the entry in MNCIS? • Are all local parties who need notification of the pretrial release decision receiving those notifications? • Does anyone need additional training or discussion about the legal framework for the pretrial release decision? • If your county previously used a bail schedule, what differences do you see in the process and decision-making now that bail schedules are not being used? • Is there any feedback to provide SCAO on the information on the form or look/feel of the form that could be improved as part of the validation study? 	<p>Implementation lead</p>