

St. Louis County Public Safety Innovation Fund Report

INTENSIVE PRE-TRIAL RELEASE PROGRAM

Program Goal: Provide Intensive Community Supervision on Pre-Trial Defendants in lieu of incarceration at the St. Louis County Jail.

Expected Benefits of the Program:

1. Afford more defendants, who have not been convicted of a crime, the ability to be released pre-trial
2. Reduction of use of jail beds on pre-trial defendants
3. Defendants receive incarceration upon sentencing vs. “credit for time served”
4. The ability to start programming prior to sentencing vs. post sentencing
5. Better utilization of NERCC /programming vs. SLCJ
6. Public safety via Intensive Supervision

Results through the first nine months of the program (July 1, 2013 to March 31, 2014):

1. Afford more defendants, who have not been convicted of a crime, the ability to be released pre-trial

The Intensive Pre-trial Release Program (IPTRP) served 141 defendants during the nine-month period, 74 in Duluth and 67 in Northern St. Louis County. As of March 31, 92 had completed the IPTRP, including:

- 51 (55%) who successfully completed the IPTRP conditions and were sentenced: 34 on the Range and 17 in Duluth. (Success was defined as completing sufficient conditions of pre-trial release, appearing at court hearings and not committing another offense while on intensive pre-trial release.)
- 38 (41%) who failed to comply with IPTRP conditions and were returned to jail: 26 in Duluth and 12 on the Range.
- 3 (3%) who left the program after posting bond: all on the Range.

49 defendants remain in the program.

Another twenty defendants – nearly all from Duluth - were rejected for the Intensive Pre-trial Release Program. Most often they were rejected because (a) the crime victim and/or county attorney opposed their release, (b) the crime was a presumptive commit to prison or (c) the client had an outstanding warrant or hold in another jurisdiction. Thirty-four more defendants were interviewed, but declined to participate in the program. Most decided to post bail or wait until their initial hearing when they were likely to be released on their own recognizance. (In total, then, the IPTRP probation officers interviewed 195 clients, another third of their final caseloads.) In Duluth, the number of rejections varied depending on the IPTRP probation officer. Three different people held the position over the nine-month period, all with differing levels of experience and risk tolerance.

In nearly every case, the defendant was initially screened and rejected by a traditional probation officer using the ARC Pre-Trial Evaluation Form. (In a very few cases, the judge ordered the defendant to be placed directly on IPTR, without an initial probation screening.) More than three-quarters of the

incarcerated pre-trial defendants were screened within four days of being referred to the program. Soon Northern St. Louis County IPTRP staff will be able to screen pre-trial defendants in the Duluth jail by video hookup (“BRIDGIT”), when necessary.

In eight cases, the defendant failed to comply with their conditions of release, was returned to jail, and the judge ordered them to be re-screened or re-instated on Intensive Pre-Trial Release. Several defendants who had previously failed on regular pre-trial supervision were successful on intensive pre-trial supervision.

The amount of time an defendant was on Intensive Pre-trial Release varied by case and jurisdiction. In Duluth, most defendants remained on Intensive supervision until sentencing. In Northern Minnesota, the defendant was on intensive supervision only until he or she was found guilty. The defendant was then transferred to a regular probation officer who completed the Pre-sentence Investigation (PSI) report before sentencing. Overall, discharged defendants spent an average of 72 days on IPTR. Successful defendants spent an average of 88 days on intensive pre-trial supervision; unsuccessful defendants spent an average of 48 days on intensive pre-trial supervision.

After completing their intensive pre-trial release, defendants were transferred to other ARC services, such as the Community Sanctions Program, Drug Court, Mental Health Court, Bethel Female Offender Program, specialized probation caseloads (e.g. mental health, domestic abuse,) and traditional probation caseloads.

2. Reduction of use of jail beds on pre-trial defendants

Use of jail beds for pre-trial defendants decreased during the nine-month grant period. In July 2013, the monthly average number of pre-trial defendants was 161.7. By March 2014, the number had dropped to 153.3, a 6% decrease. The average monthly number of defendants who were “housed out” dropped from 54.3 in July 2013 to 22.3 in March 2014, a 59% decrease.

The 141 program participants spent a total of 10,095 days on the program. Sixty-two percent of the IPTRP participants spent at least some of their time on electronic monitoring for a total of 4,786 days on electronic monitoring. (The amount paid out for Electronic Monitoring includes one-time \$30 installation fees and \$14/per diem, but some of defendants paid part or all of their own electronic monitoring costs.)

Actual Program Costs between July 1, 2013 and March 31, 2014:

Intensive Pre-Trial Release Program (2.0 FTE)	Expenditure	Explanation
Salaries and Benefits	\$120,767.61	2.0 FTE
Communication and Transportation	\$ 5,961.20	
Equipment	\$ 4,427.05	Laptops, vests, breathalyzers
Electronic Monitoring	\$ 65,446.00	\$30 installation fee and \$14/day
TOTAL IPTRP COSTS FOR NINE MONTHS	\$196,601.86	

In the first nine months, then, savings to the Jail has totaled nearly one million dollars. The savings is calculated by comparing the cost of 10,095 IPTRP days to the same number of days in the St. Louis County Jail.

\$1,182,023.55 (10,095 days of jail care @ \$117.09/day)
\$ - 196,601.86 (Actual expenditures for IPTRP, including electronic monitoring)
\$ 985,421.69 in JAIL SAVINGS

It is important to note that even the defendants who failed to complete their intensive pre-trial release still saved thousands of jail days.

Not included in the figures are the costs of medical care for defendants on intensive pre-trial supervision. One defendant requires dialysis three times a week in the Twin Cities, at an estimated cost of \$16,000 per day. In addition, he has had two hospitalizations while on IPTRP. If he were in Jail, the cost of dialysis, medications, hospitalizations and security/transportation to and from the Twin Cities dialysis unit would have to be borne by St. Louis County. So far, his medical care has totaled over a million dollars during his 139 days on intensive pre-trial release.

3. Defendants receive incarceration upon sentencing vs. “credit for time served”

Less than 10% of the defendants who successfully completed their intensive pre-trial release were sentenced to “non-credited” time in the St. Louis County Jail. Around one-third had sentences that included jail time equal to their “credit for time served” (i.e. no additional jail time). The rest were evenly split between sentences to (1) “Sentence to Serve”/work crew/community service, (2) incarceration at NERCC and (3) incarceration at the Jail/NERCC/equivalent. (Data is not yet available to ascertain which offenders served their time at NERCC vs. the Jail vs. an equivalent.) The majority had their prison, jail or NERCC sentences “stayed” and were placed on probation and community-based options for an equivalent amount of time. This is significant because 80% of the program participants were felony-level defendants, many with serious felony charges (e.g. second-degree assault with a dangerous weapon, domestic assault with strangulation, first degree aggravated robbery).

In addition to incarceration and/or probation, sentences included: paying court fees and restitution, Rule 25 substance abuse assessments, mental health evaluations, psycho-sexual evaluations, Intervention Program for Men and Fathers, Domestic Abuse Intervention Program, substance abuse treatment, mental health treatment, sex offender treatment, MADD Victim Impact Panel, Driving with Care program, halfway house placement, no contact with victim orders and GED and/or employment services.

Four defendants were eventually released from intensive pre-trial release without *any* sentence. Two defendants had their cases dismissed; one defendant’s prosecution was deferred for a year if he commits no same/similar offenses and one was sentenced to “time served on IPTR” and not placed on probation. They each spent an average of 49 days on the program, and could have lost their jobs,

homes, relationships, etc. if they had spent the time in jail rather than in the community on intensive pre-trial release.

4. The ability to start programming prior to sentencing vs. post sentencing

Nearly all of the clients – “successful” and “not successful” - had chemical dependency issues. Nearly half had a Rule 25 chemical dependency evaluation while they were IPTRP, expediting the evaluation process (there is often a backlog for county-administered Rule 25 assessments, especially at the jail). IPTRP participants were able to go to community providers such as the Fond du Lac CAIR and Center for Alcohol and Drug Treatment for their Rule 25 assessments. As a result, they did not have to wait until they were released from jail to complete the Rule 25 evaluation and make a plan for treatment. Many began treatment while on intensive pre-trial release. In addition, Rule 25 assessment results were available at the time of sentencing, giving the judge more information regarding chemical dependency treatment recommendations.

One-third of the clients had mental health concerns. They were able to complete mental health evaluations and connect with mental health counseling for serious mental health and co-occurring disorders. At the time of sentencing, several were transferred to Mental Health Court and specialized mental health probation caseloads.

Maintaining or seeking employment/education was the most significant factor linked with success on intensive pre-trial release supervision. Over half of the “successful” program participants were actively seeking or maintaining employment and/or education. Those who secured or kept their employment were able to do so because they were supervised in the community instead of being incarcerated in the jail. They were able to support their families and pay their own housing, food and medical bills. Others were enrolled in GED preparation courses and community college. Several who were unable to work secured volunteer positions.

5. Better utilization of NERCC /programming vs. SLCJ

When defendants successfully complete IPTRP, they are more likely to be sentenced to NERCC or community alternatives rather than the St. Louis County Jail. The St. Louis County Jail offers few opportunities for the assessment and treatment of substance abuse, mental health, and co-occurring disorders. It also does not provide specific programming for defendants charged with domestic abuse or sex offenses. The jail does not offer regular cognitive self-change change groups, which have been shown to be the most effective method of achieving long-term change among offenders. All of these services are available at NERCC, plus educational and vocational services and work experience.

Another valuable option was the ability to use NERCC as a short-term sanction when defendants violated their conditions of release, but the violation did not warrant termination from the program. At NERCC, the defendant did not have to remove their electronic monitoring device. After a short time at NERCC, they could return to the community without having to arrange to have the electronic monitoring

device re-installed. (The electronic monitoring device must be removed when the defendant enters the jail).

6. Public safety via Intensive Supervision

In addition to electronic monitoring, the Intensive Pre-trial Release Program probation officers used a variety of methods to closely supervise defendants, including: curfews, house arrest, phone calls, office and home visits and random drug testing.

In cases where the defendant consistently failed to comply with pre-release conditions, a warrant was usually submitted and signed by a judge. The most common reasons for non-compliance were (1) repeated incidents of drinking or using drugs, (2) failure to report to probation officer/whereabouts unknown (3), absconding from a court-ordered substance abuse treatment program (4) disabling electronic monitoring equipment, and (5) failure to appear in court. In two-thirds of the cases, the defendant was re-arrested and brought to jail within a week of the warrant being signed.

Twelve percent (11 of the 89 defendants that completed their Intensive Pre-Trial Release) committed another offense while they were on the IPTRP. Six were felony offenses such as violation of an order for protection, armed robbery, assault, and the sale of drugs. One was a gross misdemeanor DWI, and two were misdemeanor theft charges. Two were drug-related offenses committed in Douglas County, WI. In one case, the defendant attacked the Intensive Pre-trial Release probation officer and was charged with 4th degree assault. (One highly publicized case that is not included in the data because it occurred just last month, involved a defendant who committed a home invasion while being on intensive supervision and electronic monitoring. Ironically, the electronic monitoring helped police verify that he was in the victim's residence at the time of the crime.)

Description of the defendants in the IPTRP:

Residence: 52% of the defendants were Duluth residents, 48% were Northern St. Louis County residents.

Age: The defendants ranged in age from 19 to 57. Their average age was 32 years old.

Race: 64% of the defendants were white, 21% were black and 15% were American Indian.

Offense: 80% of the defendants were charged with felony offenses, 13% with gross misdemeanor offenses (most assault/domestic assault or DWI) and 9% with misdemeanor offenses (almost all domestic assault charges). Two-thirds of the defendants were charged with one of four offenses: assault, domestic assault, burglary or drug-related offenses. Other common offenses were theft, DWI, and predatory offender notification violations.

SUMMARY OF THE RESULTS OF THE FIRST NINE MONTHS OF THE INTENSIVE PRE-TRIAL RELEASE PROGRAM – BY PROGRAM OBJECTIVE:

1. *Afford more defendants, who have not been convicted of a crime, the ability to be released during pre-trial:* The Intensive Pre-trial Release Program (IPTRP) served 141 defendants during the nine-month period. The 141 program participants spent a total of 10,095 days on the program, including 4,786 days on electronic monitoring.
2. *Reduction of use of jail beds on pre-trial defendants:* The average monthly use of jail beds for pre-trial defendants decreased 6% during the nine-month reporting period. The average monthly number of “housed out” defendants dropped 59%. The IPTRP Jail savings totaled nearly one million dollars in the first nine-months of the program.
3. *Defendants receive incarceration upon sentencing vs. “credit for time served”:* Less than 10% of the defendants who successfully completed their intensive pre-trial release were sentenced to “non-credited” time in the St. Louis County Jail.
4. *The ability to start programming prior to sentencing vs. post sentencing:* Nearly all of the IPTRP participants had chemical dependency issues. Nearly half had a Rule 25 chemical dependency evaluation while they were IPTRP. One-third had mental health issues that they were able to address during the pre-trial phase. Maintaining or seeking employment and education was the most significant factor linked with success on intensive pre-trial release supervision. Over half of the “successful” program participants were actively seeking or maintaining employment and/or education.
5. *Better utilization of NERCC /programming vs. SLCJ:* When defendants successfully complete IPTRP, they are more likely to be sentenced to NERCC or community alternatives rather than the St. Louis County Jail. The jail provides limited services to address defendants’ criminogenic needs. NERCC offers services for defendants with substance abuse, mental health, and co-occurring disorders. It provides cognitive self-change groups for defendants, including those convicted of domestic abuse or sex offenses. In addition, they offer educational, vocational and work experience services. NERCC was also used as a short-term sanction for defendants who violated their pre-trial release conditions. At NERCC, the defendants did not have to have their electronic monitoring devices removed and re-installed when they returned to the community.
6. *Public safety via Intensive Supervision:* Intensive Pre-trial Release Program probation officers used electronic monitoring, curfews, house arrest, phone calls, office and home visits and random drug tests to monitor defendants closely. In cases where the defendant “failed” to complete Intensive Pre-Trial Release, a warrant was usually submitted and signed by a judge. Twelve percent (11 of the 89 defendants who completed intensive pre-trial release) committed another offense while they were on the IPTRP.

Other Impacts of the Program, as Described in IPTRP Discharge Summaries:

“He did very well on IPTR. He maintained employment throughout his time and was able to keep his house paid up. He appeared at all court hearings and made either phone checks or office visits. The only issue was transportation as we had a very cold winter and he was not always able to get his vehicle started to come in for his office visits.”

“He has been on the program since its inception. He had a few struggles at first with curfews and EM, but once he got to a shelter and got some structure, he did very well. He gained employment after living with some friends in Hibbing and has held down that job for some time now. He has always been where he says he is and makes his check-in days. His hostility toward authority is much better now.”

“He did very well throughout his time on IPTR. He lived with his grandmother and helped her with shoveling and doing household maintenance. He had 4 separate job interviews and was currently waiting for his background check to come back from employment at Walmart in Hibbing. He did not have any violations.”

“He was able to address his mental health issues and figure out his housing. He was set up with an ARMHS worker and was able to set up doctor appointments. This was the client’s first time ever committing an offense and he was able to use the IPTR program to help understand the system and have the accountability to make sure he appeared at all court proceedings.”

“He did very well on IPTR. He maintained employment, obtained a psych evaluation, obtained a cd evaluation, obtained his GED, attended church and gained visitation with his children. He had no violations while on the program and had no contact with the victim.”

“She was able to get treatment done and find housing. She also does volunteer work and is seeking employment. She credits the program with helping her get her life back on track and said it helped to keep her accountable.”

“He did very well on program. Worked diligently with Social Worker from Social Services in attempt to gain full custody of kids who were placed at shelter following his arrest. Made daily visits with kids at Bethany Youth Shelter. Remained very positive and optimistic throughout the program. After discharge from IPTRP, placed on CSP -- will transition to traditional probation in future if he continues to do well.”

“He remained sober for entire 80 days on program after being a very heavy alcohol and drug user previously.”

“He was compliant throughout the program. He suffered a TBI approximately 20 years ago and has virtually no short-term memory. He did, however, make nearly every scheduled check in date with this officer and appeared promptly for all court proceedings. He attends weekly AA meetings, does one on one mental health counseling and volunteers 2-3 times per week at Head Start in Virginia. He did also complete one day of Community Service Work in lieu of the original \$30 electronic monitoring hook up fee. He will continue to live with his mother and volunteer.”

“Client did very well on IPTR and finished the program with no formal violations. Due to doing well on this program, client was given a probationary sentence instead of a commit to the COC (prison). He was sentenced to one year at NERCC and has the high end of the sentencing guidelines box hanging over his head. Throughout his time on IPTR, the client attended mental health counseling two times per week. He also obtained housing for he and his family and did some odd jobs to make some extra spending money. He had a treatment facility lined up prior to sentencing, but will now be able to complete treatment while at NERCC.”

“Defendant ...appears to have a better outlook on life as she strives for a more pro-social lifestyle. The defendant is currently pregnant and claims the chance could not have come at a better time in her life. I believe had she stayed in jail pending the outcome of her case we would be looking at a bitter, cynical, negative, and unproductive client in the future. Now we have a future mom and client with a positive attitude. The potential is now in her hands.”