

ST. LOUIS COUNTY, MINNESOTA

**RACIAL JUSTICE IMPROVEMENT PROJECT:
PRETRIAL RELEASE REFORM**

YEAR 2 EVALUATION FINDINGS

PREPARED FOR:
The American Bar Association, Criminal Justice Section



BY:

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Introduction and Background

St. Louis County, Minnesota, has chosen to look at pretrial release and detention decisions as its subject of reform. Previous data indicated that racial minorities were being detained disproportionately at the pretrial phase. During this phase of the project, the St. Louis County Task Force (TF) created a four-pronged approach to addressing this inequity:

- 1) Provided implicit bias training for county judges and probation officers;
- 2) Created a policy to reduce the number of required supervised release reports to include only felonies and gross misdemeanors;
- 3) Created a new risk assessment tool for probation officers writing supervised release studies;
- 4) Provided training to probation officers about use of the risk assessment tool.

The TF's ultimate goal is that pretrial release studies (PRS) be conducted for all felonies in the Sixth Judicial District. The TF suggested that the court orders supervised release studies for all defendants charged with an offense calling for a presumptive stayed sentence under the Minnesota sentencing guidelines. The courts have discretion to order supervised release studies for people charged with presumed commits or who have holds on them from other jurisdictions.

The TF recommended that defendants charged with presumed stays should either be released on their own recognizance (ROR) or receive a supervised release (SR) study; and that SR studies and supervised release orders should be substantially reduced for people facing gross misdemeanors and misdemeanors. Supervised release should be completely eliminated for people facing petty misdemeanors [there are already very few of these – the project wants to ensure that there are none].

Due to current resource and staffing levels, ARC cannot expand studies for felonies without reducing the number of studies done in other areas. The TF has identified non-person misdemeanor offenses, as well as gross misdemeanors appearing after arrest, as charges for which a reduced number of pretrial release studies can be conducted without compromising community safety. Under the terms of this plan, the parties agreed to increase the number of felony pretrial release studies, decrease the number of pretrial release studies for

misdemeanors and gross misdemeanors, and eliminate pretrial release studies for petty misdemeanors.

According to a document provided by the TF, “judges are very deferential to the release/detention recommendations of the probation officers, and if probation officers do not recommend supervised release, that recommendation is generally honored by the court.”

Methods

Procedure

Assessing reduction in disparities in detention rates. In order to determine the efficacy of St. Louis County's reformed pretrial assessment system, before, during and after reform measurements were required. The focus of this evaluation was on the final stage in the reform model: *Reduced disparities in detention rates.*

To assess the impact of the independent variables, use of the new assessment tool and type of pretrial assessments, and the detention rates of felony defendants, a series of nonparametric statistical analyses will be conducted, including frequency and descriptive analyses and chi-squares. These analyses will allow for a comparison in detention rates of minorities versus Whites, before and after the implementation of the reforms.

These data were compared to data collected after the revised tool was put into place. Specifically, a comparison between American Indian, Blacks and Whites were be compared. If the revised tool and new protocol are effective, fewer individuals of color will be detained prior to trial in the baseline phase than after the reforms have taken place. These comparisons will indicate whether the pretrial detention tool was effective in reducing racial disparities in pretrial detention orders. If desired, a comparison between genders may also be conducted.

Assessing the use of the checklist by judges. After the implementation of the checklist, judges were surveyed about their pre-trial decision making process (See Appendix XX for the complete survey questionnaire). Both the interviews and questionnaire focused on what factors were used in the judges' pretrial decision making. Additionally, the post-checklist questionnaire asked about perceived need for training.

Sample

Assessing reduction in disparities in detention rates. According to the U.S. Census Bureau, in 2012, 93.0% of St. Louis County residents identified themselves as White or Caucasian, 2.3% identified as American Indian/Alaska Native, and 1.9% identified as Black or African American. However in the randomly selected sample of pretrial defendants in the county, American

Indian/Alaska Native made up 37% of the defendant population, 28% were Black/African American, and 25% were White/Caucasian.¹

Three samples were randomly identified from three universes of individuals arraigned in St. Louis County. The samples were drawn from pre-trial release reports during the following time periods:

- ❖ Pre-training phase: Prior to probation officer training, between the dates of January 1 and December 30, 2010;
- ❖ Interim phase: after the implicit bias training, between the dates of September 1, 2011 and January 30, 2012; and
- ❖ Post-training phase: After the training about the new Supervised Release Study protocol in February 2103, between the dates of March 1 and April 30, 2013.

The total sample had 75 members, 25 in each phase².

There were no statistically significant differences between the three groups in either gender or race/ethnicity. On the other hand, post-training probation officers were significantly more likely to recommend pre-trial release than the officers in the earlier two samples.³

Table 1. Sample characteristics by sample group.

	Pre-Training Phase n (%)	Interim Phase n (%)	Post-Training Phase n (%)	Total n (%)
Gender				
Male	19 (79%)	22 (88%)	16 (64%)	57 (77%)
Female	5 (21%)	3 (12%)	9 (36%)	17 (23%)
Race				
American Indian/Alaska Native	9 (38%)	9 (36%)	9 (36%)	27 (37%)
Black/African American	7 (29%)	8 (32%)	6 (24%)	21 (28%)
White/Caucasian	8 (33%)	8 (32%)	10 (40%)	26 (35%)
Probation Officer Recommendation				
Pre-trial release recommended	12 (46%)	12 (48%)	21 (84%)	48 (65%)
Pre-trial release not recommended	9 (37%)	13 (52%)	4 (16%)	26 (35%)

¹ Whether this indicates a racial disparity in arrests or prosecutions is open for future examination. However, the data point to a racial/ethnic disparity in the number of individuals brought before the court for arraignment.

² Please note that caution should be used in interpreting these results due to the small sample size.

³ $\chi^2 (2, N=74) = 7.19, p = .027$

Table 2. Sample characteristics by courthouse location.

	Duluth n (%)	Virginia n (%)	Hibbing n (%)
Gender			
Male	22 (85%)	18 (69%)	17 (77%)
Female	4 (15%)	8 (31%)	5 (23%)
Race			
American Indian/Alaska Native	9 (35%)	10 (35%)	8 (36%)
Black/African American	8 (30%)	8 (31%)	5 (23%)
White/Caucasian	9 (35%)	8 (31%)	9 (41%)
Probation Officer Recommendation			
Pre-trial release recommended	12 (46%)	24 (92%)	12 (55%)
Pre-trial release not recommended	14 (54%)	2 (8%)	10 (45%)

There were no statistically significant differences in gender and race/ethnicity among the three sites. However, probation officers recommended pretrial release significantly more often in Virginia than in the other two locations.⁴

Assessing the use of the checklist by judges. Twelve of the total 16 sitting judges participated in the post-implementation survey. Eight completed the survey electronically and returned it to the project evaluator, while four completed it by telephone. One judge declined to participate and three were unreachable at the time of this writing.

Appendix A contains the checklist currently in use by St. Louis County judges, and Appendix B contains the Post-Checklist Questionnaire.

⁴ $\chi^2 (2, N=74) = 13.61, p = .001$

Results

Assessing reduction in disparities in detention rates. There were no significant differences in the probation officers' recommendation for pretrial release by race/ethnicity, either in total or at each of the three data points. In other words, pretrial release recommendations did not vary by race or ethnicity at any of the data collection times.

However, judges' orders did vary by geographic location in that individuals seen at the Virginia courthouse were significantly more likely to be placed on supervised release than were defendants appearing at the other courthouses.⁵ Please see Table 3 for additional information.

Table 3. Judges' orders by location.

	Duluth n (%)	Virginia n (%)	Hibbing n (%)	Total n (%)
Judge's Pretrial Order				
Released on Own Recognizance (ROR)	5 (19%)	0	0	5 (7%)
Placed on Supervised Release	11 (42%)	23 (88%)	9 (43%)	43 (59%)
Denied Supervised Release	7 (27%)	2 (8%)	8 (38%)	17 (23%)
Bonded Out	2 (8%)	0	0	2 (3%)
Other ⁶	1 (4%)	1 (4%)	4 (19%)	6 (8%)

Pretrial orders did not vary by race/ethnicity when encapsulated in the total sample (see Table 4).

Table 4. Judges' orders by race/ethnicity.

	American Indian/ Alaska Native n (%)	Black/African American n (%)	White/ Caucasian n (%)
Judge's Pretrial Order			
Released on Own Recognizance (ROR)	2 (40%)	1 (20%)	2 (40%)
Placed on Supervised Release	15 (35%)	13 (30%)	15 (35%)
Denied Supervised Release	4 (16%)	6 (27%)	7 (38%)
Bonded Out	2 (8%)	0	0
Other	2 (8%)	2 (9%)	2 (8%)

⁵ $\chi^2 (8, N=73) = 27.69, p = .001$

⁶ The "Other" category included such dispositions as being held on a warrant from another jurisdiction and a defendant choosing to post bond instead of being placed on supervised release.

There were no statistically significant differences in judges' orders across the three phases. However, the difference did approach significance.⁷ In this analysis, judges were more likely to place defendant on supervised release after the final graduated sanctions training. Further, judges were more likely to reject defendants for supervised release during the pre-training phase (although, again, these data only approached significance so caution should be used in making assumptions based on the results).

Please see Table 5 for additional detail.

Table 5. Judges' orders by data collection phase.

	Pre-Training Phase n (%)	Interim Phase n (%)	Post-Training Phase n (%)
Judge's Pretrial Order			
Released on Own Recognizance (ROR)	0	4 (17%)	1 (4%)
Placed on Supervised Release	13 (54%)	10 (42%)	19 (76%)
Denied Supervised Release	9 (38%)	5 (21%)	3 (12%)
Bonded Out	0	2 (8%)	0
Other	2(8%)	2 (8%)	2 (8%)

There were no significant differences in the pretrial release orders by race/ethnicity at any of the three data points. In other words, these data showed that Judges did not vary their orders based on race or ethnicity from the pre-training phase to the post-training phase.

As can be seen in the tables presented, very few defendants were granted a release on bond (2; .03%).

Please see Appendix C for the complete data set.

Assessing the use of the checklist by judges. Nine of 12 participating judges indicated that they have been using the pretrial checklist. Those who did not use the form stated they were not aware that the checklist was completed. Of those who used the checklist, all stated that it was helpful to them in their decision making process.

Judges were also asked what factors they took into consideration when making pretrial release and detention decisions. Based on Minnesota Rules of Criminal Procedure, Rule 6.02, Subd. 2,

⁷ $\chi^2 (10, N=73) = 17.54, p = .063$; Approaching significance - the cut-off for statistical significance is a p equal to or less than .05.

judges were asked about the 13 factors listed in the rule and whether they were useful in making their decisions. Table 6 provides detail about the judges' responses, with one column detailing the number of judges who indicated they do take the factor into consideration in their decisions and another column showing the number who do not.

As can be seen from Table 6, all participating judges take into consideration the following factors:

- Criminal convictions;
- Prior history of appearing in court;
- Prior flight to avoid prosecution;
- The victim's safety; and
- Any other person's safety.

Nearly all judges also take into consideration the nature of the circumstances of the offense charged. The individual who answered no to that question stated that this type of information was generally not available at the arraignment phase.

Factors that were not taken into consideration by the majority of the participating judges included the weight of the evidence and the defendant's financial resources. Several, though not the majority, of the judges also stated that they also do not consider the following factors:

- Family ties;
- Employment; and
- Length of residence in the community.

Table 6. Factors taken into consideration by pretrial judges.

Factor to be taken into consideration	Yes	No
Nature of the circumstances of the offense charged (n = 12)	11	1
Weight of the evidence (n = 11)	4	7
Family ties (n = 11)	8	3
Employment (n = 11)	7	4
Financial resources (n = 11)	4	7
Character and mental conditions (n = 11)	10	1
Length of residence in the community (n = 11)	8	3
Criminal convictions (n = 11)	11	0
Prior history of appearing in court (n = 11)	11	0

Factor to be taken into consideration	Yes	No
Prior flight to avoid prosecution (n = 11)	11	0
The victim's safety (n = 11)	11	0
Any other person's safety (n = 11)	11	0
The community's safety (n = 11)	10	1

Fewer than half (6 judges) indicated on the post-checklist survey that they would like additional training on best practices on bail setting. Only two judges stated that they would like training on other subjects, although neither elaborated on what type of training they desired.

Please see Appendix D for the complete data set.

Project Update:

On March 27, 2014, Arrowhead Regional Corrections submitted an update to the project. The following was noted:

- 1) Nearly every individual incarcerated on a felony charge is now being screened for pretrial release, resulting in an 11% increase from 2010 until 2013;
- 2) The majority of clients recommended for pretrial release climbed by four percentage points, from 75% to 79%, between 2010 and 2013;
- 3) In July 2013, Arrowhead Regional Corrections received a grant of \$571,761 from St. Louis County to expand intensive pretrial release and community sanctions supervision services. As a result, 50 pretrial clients, who would otherwise be incarcerated, were placed on intensive pretrial release, saving more than \$175,000 in jail costs. Additionally, two Community Sanctions Program probation officers carry caseloads of 35-45 of individuals who have violated conditions of their probation and are at imminent risk of being incarcerated.

Please Appendix E for the complete Arrowhead Regional Corrections update report.

Summary and Recommendations

The St. Louis, Minnesota, Task Force chose to look at pretrial release and bond amount orders by judges in the three county courthouses. Data from the courthouses were collected across three time periods. Results indicate that there was no disparity in the release status by race/ethnicity or across time.

The majority of judges indicated that they use the Pretrial Release Checklist in making their pretrial bail/detention/release decisions. Those who did not use the Checklist indicated that they were unaware that it had been finalized.

However, probation officers who completed the final training were more likely to recommend supervised release than were the officers at the other two points in time. Further, judges in Virginia were more like to order supervised release than were the judges seated at the other courthouses. Based on the results of this evaluation, we offer the following recommendations:

- ❖ Ensure that all sitting judges have the updated Checklist at their disposal;
- ❖ Continue to work with judges to help them utilize the newly created Pretrial Release Checklist;
- ❖ Work with law enforcement to examine the disparity in arrests across race/ethnicity;
- ❖ Continue to improve the communication among the three courthouses;
- ❖ Complete a similar data analysis six months after the Pretrial Release Checklist has been introduced to judges in the county;
- ❖ Re-analyze the data using a larger sample;
- ❖ Examine the data controlling for level of crime committed (e.g. felony, misdemeanor, etc.);
- ❖ Continuously review and upgrade the Pretrial Release Checklist based on feedback and continuing evaluation.

Appendix A

Pretrial Release Checklist

If there is a **Supervised Release** study on file for this Defendant for this charge, please proceed with this checklist **ONLY** if there is a *material* change in circumstance that would warrant another report.

If a **Supervised Release** study has **NOT** already been completed:

- Does the Defendant have any holds from the Minnesota Department of Corrections or other jurisdictions?
- Is the Defendant facing murder or attempted murder charges?

If **YES** to *either*, a **Supervised Release study is NOT recommended**.

- If ultimately found guilty, do the *Minnesota Sentencing Guidelines* call for a presumptive stay of execution or imposition of sentence?
- Does the Defendant have a criminal history score of zero, **OR** does the court have the Defendant's most recent *Minnesota Sentencing Guidelines* worksheet score?

If **YES** to *both*, and the Defendant is **NOT Released on his/her Own Recognizance**, a **Supervised Release study should be ordered**.

- Was the Defendant granted supervised release or released on her/his own recognizance?

If **NO**, the court should **state its reasons** either *on the record*, or *in a subsequent order*.



The Racial Justice Improvement Project

<http://racialjusticeproject.weebly.com/>

Conditions of Release: If the Court determines that pretrial release is appropriate, please consider the following factors under *Minnesota Rules of Criminal Procedure, Rule 6.02, Subd. 2*, in determining conditions of release:

- (a) the nature and circumstances of the offense charged;
- (b) the weight of the evidence;
- (c) family ties;
- (d) employment;
- (e) financial resources;
- (f) character and mental condition;
- (g) length of residence in the community;
- (h) criminal convictions;
- (i) prior history of appearing in court;
- (j) prior flight to avoid prosecution;
- (k) the victim's safety;
- (l) any other person's safety;
- (m) the community's safety.

This checklist is provided to you by the
St. Louis County Racial Justice Improvement Project Task Force:

Kay Arola, *Executive Director, Arrowhead Regional Corrections*
Honorable John DeSanto, *Judge, Sixth Judicial District*
Donna Ennis, *Community Member*
Fred Friedman, *Chief Public Defender, Sixth Judicial District*
Wally Kostich, *Chief Probation Officer, Arrowhead Regional Corrections*
Mark Rubin, *St. Louis County Attorney*
Rebecca St. George, *RJIP Task Force Coordinator/Community Member*

For more information on the work of the Task Force or the ABA Racial Justice Improvement Project please visit our website: <http://racialjusticeproject.weebly.com/>

Special thanks to Salma S. Safiedine, RJIP Project Director from the American Bar Association, and American University Washington College of Law Professor Cynthia Jones, former RJIP Project Director.

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The Racial Justice Improvement Project

Appendix B

Post-Checklist Questionnaire

Racial Justice Improvement Project
St. Louis County, Minnesota
Post-Checklist Questionnaire

To: Judges of the Sixth Judicial District

1. Have you been using the pretrial checklist provided by the Racial Justice Improvement Project (RJIP) in making your release decisions?

Yes No

2. Has the checklist been helpful?

Yes No

3. Was the information you received about the defendant's criminal history helpful?

Yes No

4. Which of the following factors have you been taking into consideration in making your decisions (please select all that apply)?

- the nature of the circumstances of the offense charged
- the weight of the evidence
- family ties
- employment
- financial resources
- character and mental conditions
- length of residence in the community
- criminal convictions
- prior history of appearing in court
- prior flight to avoid prosecution
- the victim's safety
- any other person's safety
- the community's safety
- none of the above

5. Would you like training about the best practices on bail setting?

Yes No

6. Are you willing to provide time on your schedule for such training?

Yes No

7. Would you like training on any other topics?

Yes No

If yes, please indicate the topic(s):

Additional comments (please use additional paper or space if appropriate):

Appendix C

Data Set for Pretrial Release Decisions

Pre-Training Pretrial Release Data

DateofBirth	Gender	Description	PTRRecommendation	St.LouisCountyOffice	ProbationOfficerCode	ProbationOfficerLastName
12-Sep-1975	F	Am Ind/Alaskan Nat	Pre-Trial Accept	St. Louis County-Duluth	6JS	Serre
13-Aug-1970	M	Am Ind/Alaskan Nat	Pre-Trial Accept	St. Louis County-Duluth	3SJ	Johnson
23-Nov-1976	M	Am Ind/Alaskan Nat	Pre-Trial Reject	St. Louis County-Duluth	2SJ	Johnson
05-Nov-1980	M	Black	Pre-Trial Reject	St. Louis County-Duluth	5LK	Koster
08-Sep-1965	M	Black	Pre-Trial Reject	St. Louis County-Duluth	6AS	Stevens
05-Dec-1958	M	White	Pre-Trial Accept	St. Louis County-Duluth	6TK	Kimball
05-Dec-1958	M	White	Pre-Trial Reject	St. Louis County-Duluth	6RL	Langdon
14-Feb-1958	M	White	Pre-Trial Reject	St. Louis County-Duluth	6RL	Langdon
24-Jul-1958	M	Am Ind/Alaskan Nat	Pre-Trial Accept	St. Louis County-Hibbing	7RH	Hooper
25-Sep-1982	M	Am Ind/Alaskan Nat	Pre-Trial Reject	St. Louis County-Hibbing	7DF	Wiener
24-Dec-1984	M	Am Ind/Alaskan Nat	Pre-Trial Reject	St. Louis County-Hibbing	7PJ	Johnston
24-Jan-1967	M	Black	Pre-Trial Accept	St. Louis County-Hibbing	6RL	Langdon
29-Jun-1976	F	Black	Pre-Trial Accept	St. Louis County-Hibbing	7DF	Wiener
29-Jun-1976	F	Black	Pre-Trial Accept	St. Louis County-Hibbing	7DF	Wiener
19-Nov-1974	M	White	Pre-Trial Reject	St. Louis County-Hibbing	7DF	Wiener
02-Dec-1962	M	White	Pre-Trial Accept	St. Louis County-Hibbing	7PJ	Johnston
16-Jun-1971	M	White	Pre-Trial Accept	St. Louis County-Hibbing	7JP	Passeri
24-Dec-1971	F	Am Ind/Alaskan Nat	Pre-Trial Accept	St. Louis County-Virginia	8LA	Anderson
15-May-1968	M	Am Ind/Alaskan Nat	Pre-Trial Accept	St. Louis County-Virginia	8JG	Gherardi-Danich
15-May-1968	M	Am Ind/Alaskan Nat	Pre-Trial Accept	St. Louis County-Virginia	8LSW	Westberg
18-Apr-1976	M	Black	Pre-Trial Accept	St. Louis County-Virginia	6EA	Abrahamsen
30-Jul-1974	F	Black	Pre-Trial Accept	St. Louis County-Virginia	8SE	Carlson
10-Feb-1986	M	Black	Pre-Trial Accept	St. Louis County-Virginia	8SE	Carlson
12-May-1948	F	White	Pre-Trial Accept	St. Louis County-Virginia	8WF	Frederickson
29-May-1981	M	White	Pre-Trial Reject	St. Louis County-Virginia	6JS	Serre

Interim Pretrial Release Data

Gender	Race	PtrAssessmentDate	PtrRecommendation	StLouisCountyOffice	ProbationOfficerLastName	ProbationOfficerFirstName
m	american indian	06-Sep-2011	pre-trial reject	St. Louis County - Duluth	jezierski	maggie
m	american indian	06-Sep-2011	pre-trial reject	St. Louis County - Duluth	borchert	ken
f	american indian	02-Sep-2011	pre-trial reject	St. Louis County - Duluth	kantonen	john
m	black	25-Oct-2011	Pre-Trial Reject	St. Louis County - Duluth	Langdon	Rian
M	black	10-Oct-2011	Pre-Trial Reject	St. Louis County - Duluth	Jeanetta Kantonen	Jeanne
m	black	29-Sep-2011	Pre-Trial Reject	St. Louis County - Duluth	Pogatchnik	Becky
m	white	19-Sep-2011	pre-trial reject	St. Louis County - Duluth	langdon	rian
m	white	23-Nov-2011	Pre-Trial Accept	St. Louis County - Duluth	Abrahamsen	Eldon
m	white	31-Jan-2012	Pre-Trial Reject	St. Louis County - Duluth	Pogatchnik	Becky
M	American Indian	01-Nov-2011	Pre-Trial Accept	St. Louis County - Hibbing	Hooper	Ronald
M	American Indian	02-Nov-2011	Pre-Trial Accept	St. Louis County - Hibbing	Johnston	Polly
M	American Indian	18-Oct-2011	Pre-Trial Accept	St. Louis County - Hibbing	Johnston	Polly
M	Black	05-Jan-2012	Pre-Trial Reject	St. Louis County - Hibbing	Johnston	Polly
M	Black	05-Jan-2012	Pre-Trial Reject	St. Louis County - Hibbing	Johnston	Polly
M	Black	12-Oct-2011	Pre-Trial Reject	St. Louis County - Hibbing	Johnston	Polly
M	white	14-Oct-2011	Pre-Trial Reject	St. Louis County - Hibbing	Passeri	Jeff
M	white	03-Jan-2012	Pre-Trial Accept	St. Louis County - Hibbing	Hooper	Ronald
F	american indian	15-Nov-2011	Pre-Trial Accept	St. Louis County - Virginia	Gherardi-Danich	Jeriann
M	american indian	27-Oct-2011	Pre-Trial Reject	St. Louis County - Virginia	Papin	Sam
M	american indian	28-Oct-2011	Pre-Trial Accept	St. Louis County - Virginia	Gherardi-Danich	Jeriann
M	black	07-Oct-2011	Pre-Trial Accept	St. Louis County - Virginia	Frederickson	Will
M	black	11-Oct-2011	Pre-Trial Accept	St. Louis County - Virginia	Westberg	Lara
M	white	13-Jan-2012	Pre-Trial Accept	St. Louis County - Virginia	Papin	Sam
M	white	18-Nov-2011	Pre-Trial Accept	St. Louis County - Virginia	Westberg	Lara
F	white	17-Oct-2011	Pre-Trial Accept	St. Louis County - Virginia	Drobnick	Phillip

Post-Training Pretrial Release Data

StLouisCountyOffice	DateOfBirth	Gender	RaceDescription	levelofoffense	acceptreject	dateofptrassessment
St. Louis County-Duluth	10-Jun-1979	M	Am Ind/Alaskan Nat	gm	reject	12-Apr-2013
St. Louis County-Duluth	03-Oct-1989	F	Am Ind/Alaskan Nat	gm	accept	28-Mar-2013
St. Louis County-Duluth	10-Jan-1969	F	Am Ind/Alaskan Nat	f	reject-JUDGE ORDERED ROR	27-Mar-2013
St. Louis County-Duluth	10-Jan-1975	M	Black	f	accept	05-Apr-2013
St. Louis County-Duluth	23-Feb-1968	M	Black	f	accept	15-Apr-2013
St. Louis County-Duluth	28-Apr-1972	M	Black	gm	accept	09-Apr-2013
St. Louis County-Duluth	18-Nov-1981	M	White	gm	accept	23-Apr-2013
St. Louis County-Duluth	19-Sep-1963	M	White	gm	accept	19-Mar-2013
St. Louis County-Duluth	01-Feb-1974	M	White	f	accept	03-Apr-2013
St. Louis County-Hibbing	23-Jan-1985	F	Am Ind/Alaskan Nat	f	accept	23-Apr-2013
St. Louis County-Hibbing	19-Oct-1980	F	Am Ind/Alaskan Nat	f	accept	19-Apr-2013
St. Louis County-Hibbing	22-Jul-1962	m	white	f	reject	25-Apr-2013
St. Louis County-Hibbing	29-Oct-1954	F	White	f	reject	29-Apr-2013
St. Louis County-Hibbing	16-Sep-1958	M	White	f	accept	26-Mar-2013
St. Louis County-Hibbing	30-Dec-1966	M	White	f	reject	14-Mar-2013
St. Louis County-Virginia	26-Jun-1993	F	Am Ind/Alaskan Nat	f	accept	22-Apr-2013
St. Louis County-Virginia	29-Dec-1976	M	Am Ind/Alaskan Nat	gm	accept	05-Mar-2013
St. Louis County-Virginia	06-Oct-1976	F	Am Ind/Alaskan Nat	f	accept	04-Mar-2013
St. Louis County-Virginia	06-Oct-1976	F	Am Ind/Alaskan Nat	f	accept	15-Apr-2013
St. Louis County-Virginia	11-Dec-1968	M	Black	m	accept	03-Apr-2013
St. Louis County-Virginia	26-Jul-1989	M	Black	m	accept	22-Mar-2013
St. Louis County-Virginia	10-Jun-1991	M	Black	gm	accept	29-Apr-2013
St. Louis County-Virginia	15-Oct-1976	m	white	gm	accept	15-Mar-2013
St. Louis County-Virginia	03-Sep-1983	M	White	m	accept	02-Apr-2013
St. Louis County-Virginia	23-Jul-1984	M	White	f	accept	09-Apr-2013

Appendix D

Judge Questionnaire Data Set

Have you been using the checklist?	Has it been helpful?	Was the defendant's criminal history information helpful?	nature of the circumstances of the offense charged	weight of evidence	family ties	employ	financial resources	character and mental conditions	length of residency	criminal convictions	prior history of appearing in court	prior flight to avoid prosecution	victim's safety	other person's safety	community's safety
No	No	Yes Haven't received any information	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	No	Yes	Yes	Yes	Yes	No	No
Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Have you been using the checklist?	Has it been helpful?	Was the defendant's criminal history information helpful? I don't receive this information	nature of the circumstances of the offense charged	weight of evidence	family ties	employ	financial resources	character and mental conditions	length of residency	criminal convictions	prior history of appearing in court	prior flight to avoid prosecution	victim's safety	other person's safety	community's safety
Yes and No	Yes		Yes	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
No		Yes	Don't get this info	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
No			Yes												

Would you like training on bail setting?	Can you provide time on schedule for training?	Would you like any other training?	What sort of training?	Additional comments
Yes	Yes	No		I thought the checklist was undergoing revisions, so that is why I had not been using it. As for the factors in #4, I consider those when I have that information, which is certainly sporadic at a first appearance
Yes	Yes	No		
No	No	No		Retiring April 11th.
Yes	Yes	No		The ONLY reason I didn't answer these questions is due to my impending retirement on 4/2/14. Otherwise, even after eighteen years on the bench, I would welcome this needed and important training. If you need additional information, I'm on vacation this week and the week of March 3. I'm working the weeks of March 10, 17, and 24. Technically I'm out March 31-April 2, but I'll probably be in my office clearing it out. If you have questions, please contact me at 201-726-2466. This was important and needed work. I appreciate the efforts of the RJIP staff/volunteers/etc. Heather Sweetland
No (We have had it in July 2012)	No	No		RJIP has been a worthwhile and helpful project for the Sixth Judicial District judges and probation officers; I believe that because of RJIP we are making more informed decisions and reducing pretrial bail and incarceration of offenders charged with felonies
No	No	No		
Yes	Yes	No	Nothing in mind	I look at the checklist, but not everytime
Neutral		Yes	Nothing mentioned	I haven't been able to get sentencing sheets; I look at the checklist periodically; I don't always get the information suggested on the checklist.
Yes	Yes	Yes	nothing in particular	
Yes	Depends on when and how long	No		

**Appendix E
Project Update
Submitted by
Toni Poupore-Haats, Research Analyst
Arrowhead Regional Corrections
March 27, 2014**

UPDATE ON ST. LOUIS COUNTY PRE-TRIAL RELEASE INITIATIVE:

1. Arrowhead Regional Corrections Court and Field “Pre-Trial Policies and Procedures” have been modified. As a result, nearly every incarcerated client charged with a felony offense is being screened for pre-trial release. The only clients not being screened are those with felony-level charges who, if found guilty, are likely to be sentenced to prison under the Minnesota Sentencing Guidelines.
2. The changes have resulted in an increase in the overall number of clients who are screened for pre-trial release. The total number of clients screened during the four years of the project:

Year	Number of Pretrial Assessments
2010	1273
2011	1229
2012	1225
2013	1415

3. In addition to the number of pretrial assessments outlined above, there were additional assessments done on clients who were denied pretrial release, not assigned to a probation officer and therefore never entered into CSTS, our probation database. Our lead information specialists have developed a process for tracking these clients. The total number of these clients include:

Year	Number of Pretrial Assessments Not Entered into Probation Database
2010	0
2011	55
2012	124
2013	119

4. The majority of clients who are screened continue to be recommended for pretrial release. In 2013, the percentage of clients recommended for pretrial release increased to 79%.

Year	Percentage of Pretrial Assessments that Recommend Pretrial Release:
2010	75%
2011	76%
2012	75%
2013	79%

5. Arrowhead Regional Corrections developed a new “Pre-trial Evaluation Form”, based on the Hennepin County pre-trial assessment form. The new form has a point system based on factors that have been tied directly to success or failure on pre-trial release. Factors that are assessed include: current offense level, income source/school status, current problematic chemical use, homelessness/transiency, criminal history, history of failure to appear for court hearings, conditional release violations and violations of probation.

The total score provides guidance to the court. In an effort to aid future analysis, the form also includes a place to record the probation officer's recommendation and the actual court decision.

6. Arrowhead Regional Corrections also developed a new ARC "Pre-trial Release Study Automatic Rejection Recommendation Form". It requires a preliminary pre-trial assessment and is used when the probation officer recommends rejection of pre-trial supervision due to an active warrant or hold, a previous assessment/rejection on the same case with no significant status changes or when there is a pre-trial warrant issued on the same case.
7. The St. Louis County Racial Justice Improvement Project Task Force adopted a "Pre-Trial Release Considerations Form" and distributed it to St. Louis County judges. It provides guidance to area judges on the use of Pre-Trial Release assessments.

The new forms have led to more consistent and objective pre-trial assessments. All Arrowhead Regional Corrections probation officers have received training on pre-trial release forms and procedures.

8. St. Louis County and Arrowhead Regional Corrections (ARC) are committed to continuing their efforts to increase the number of offenders released from pre-trial incarceration. In July 2013, St. Louis County awarded ARC an 18-month, \$571,761 grant to expand intensive pre-trial release and community sanctions supervision services.

Intensive Pre-Trial Release Program: Three-quarters of the funding is being used to provide intensive pre-trial community supervision of offenders who were initially rejected for pre-trial release. Two additional probation officers were hired to closely supervise these higher risk offenders, using electronic monitoring services as needed. It allows the offenders to continue their work or schooling, support themselves and their families and receive needed services in the community. During the first six months of the program, more than 50 clients were placed on intensive pre-trial release, saving more than 1500 jail days and more than \$175,000 in jail costs. The program has been successful in saving jail costs, drastically reducing jail overcrowding and allowing pre-trial offenders to remain in the community.

Community Sanctions Program: One-quarter of the funding is being used to provide close supervision of offenders who have violated their conditions of probation and are at imminent risk of being incarcerated. Instead of being incarcerated, they are able to remain in the community under closer supervision, maintaining their employment or education, supporting their families and receiving community-based services. The program has saved jail costs and allowed offenders to remain in the community while receiving community-based programming. The two Community Sanctions Program probation officers each have a caseload of between 35 and 45 clients at any one time.

Update submitted by Toni Poupore-Haats, Arrowhead Regional Corrections Research Analyst on 3/27/2014