

GOAL: Reform the Bail System, Reduce Unnecessary Use of Jail; Reduce Arrests for Bench Warrants

Sign and Release Warrants in lieu of Arrest, Jail & Bail

A recent analysis of jail bookings revealed that a significant number of arrests were for bench warrants – failure to appear in court for a required hearing – for lower-level misdemeanor citations. Court records revealed that a high percentage of the court summons letters setting the date for a court appearance were “returned to sender, addressee unknown.” Thus, many of these individuals missed court when they legitimately had no actual notice of the hearing date. The consequence was a bench warrant issued by the court for their arrest. Even for low-level offenses, defendants were required to post some type of bail (\$78) to be released.

The City Attorney's Office recommended a better alternative – the sign and release warrant program - for non-violent misdemeanor level offenses. Under this new program, when a defendant fails to appear in court for the first time in response to a summons, instead of issuing a bench warrant with monetary bail attached and requiring an arrest and time in jail, the court issues a “no bail required warrant” (sign and release warrant).

When law enforcement locates a defendant with a sign and release warrant, instead of arresting the individual, booking him or her in jail and requiring monetary bail as a condition of release, the officer gives the defendant a new court date. The program has had a high success rate of defendants appearing as scheduled and the courts have decided to expand the program to the suburbs.

Bail Reform: New Risk Assessment Tool

The City Attorney's Office has worked with County Community Corrections and the Public Defender's Office to support implementation of a newly developed, validated risk assessment tool to assess individual risk of those booked in jail on misdemeanor offenses in lieu of monetary bail. Those not in a high risk category can be released from jail *without any bail* for non-domestic and non-targeted misdemeanor offenses. 131 individuals have been released without bail in Q1 2018, the first three months of the program.

Ongoing work: The City Attorney's Office is continuing to work with other criminal justice stakeholders to develop additional initiatives to reform the bail system so that individuals who are not high risk are not in jail simply because they cannot afford bail.

Warrant Forgiveness Day

Working in collaboration with the Minneapolis NAACP, the ACLU and the Public Defender's Office, the City Attorney's Office successfully advocated with Hennepin County District Court to hold a warrant forgiveness day. The event was held at Sabathani Community Center on May 20, 2017. People with bench warrants on lower-level misdemeanor offenses were given the opportunity to appear without being taken into custody and resolve their outstanding cases. Most defendants were given community service, which was completed that day right on site with the assistance of non-profit volunteers, in lieu of the imposition of fines and fees. We are hoping to have the court host a similar event in North Minneapolis.

Fines and Surcharges

The City Attorney's Office, in partnership with the Hennepin County Public Defender and the Asset Building Coalition is lobbying for a bill in the 2018 session of the legislature that will end the suspension of driver's licenses simply for failure to pay fines and fees. The bill has passed two committees in the House of Representatives and has been sent to the House for a vote.

We are also lobbying for a bill that will allow courts to waive criminal surcharges based on ability to pay.

GOAL: Achieve Effective Results While Reducing Collateral Consequences of Criminal Justice System

1. Increase Diversion Opportunities

Over the past few years, the City Attorney's Office has increased the types of diversion programs available and the numbers of offenses eligible for diversion. The Office has also implemented a more proactive approach to diversion with a dedicated staff member coordinating the CAO's diversion efforts with proactive outreach to eligible individuals to advise them of the opportunity for diversion.

2. Diversion offered on a Pre-Charge Basis to avoid the collateral consequences of a criminal record

After a year-long I.T. project, the CAO was able to launch pre-charge diversion in Spring 2017 for eligible court-required offenses. Pre-charge diversion allows eligible individuals to avoid a criminal record, while still providing a consequence for the offense. To our knowledge, the CAO is the first and only city attorney office so far in Minnesota to offer diversion on a pre-charge basis.

'Virtual 'Holding Tank and Pre-court Filing Review

The vast majority of cases handled by city attorney offices in Minnesota are initiated directly by law enforcement through electronic filing with the courts. As a first in the state, the CAO worked with Hennepin County and the City's I.T. Department to develop a virtual 'Holding Tank' to allow CAO prosecutors to review misdemeanor citations before they are filed with

the court. This allows us to dismiss misdemeanor citations that lack sufficient evidence on which to proceed, avoiding the creation of a criminal record of a misdemeanor filed in the court system only to be later dismissed.

For charges that are dismissed by our office, individualized feedback is provided to the officers to help prevent the same issues in the future. This offers real time, continuing education for individual officers.

For those cases that meet charging standards – i.e., supported by evidence provable beyond a reasonable doubt – the CAO is able to offer diversion on a pre-charge basis, again allowing individuals to avoid the creation of a criminal record if they complete the diversion requirements.

3. Expand Types of Available Diversion Programs

Interact: a diversion program for misdemeanor obstructing legal process cases

This is a diversion program launched in 2016 for individuals charged by the Minneapolis Police Department with misdemeanor obstructing legal process (cases where no force was used or threatened against the officer). Instead of traditional prosecution, individuals are offered the opportunity to engage in a facilitated discussion with a representative of the Minneapolis Police Department. The individual is provided the opportunity to share his or her viewpoint and to hear from the Department representative about the reason the charge was brought and to improve understanding of law enforcement needs and procedures. Individuals are offered this opportunity on a pre-charge basis, similar to other diversion opportunities.

Our goal is to achieve better outcomes on these cases for all involved by increasing participants' understanding of police procedures and needs and increase the understanding of police officers of the impact that police interactions can have on members of the community.

The program has now been expanded to include cases involving Metro Transit officers.

- ❖ In one recent case, the defendant had interfered with a police officer handling a domestic incident. The individual had assumed that the officer was engaged in misconduct. The defendant was offered the opportunity for diversion through the Interact program. This is part of what he said he learned from the experience:

The conversation with the MPD Representative really showed how understanding they are. We had a very civil and honest discussion. . . He let me recount my interpretation of what took place that evening and offered insights on what was going on from the officers' point of view. It was a very positive conversation overall.

Shoplifting Diversion Program

This program was added in 2014 specifically to add an alternative for misdemeanor and gross misdemeanor level shoplifting offenses. In 2015, we expanded the program to include failing to pay cab fare and defrauding an innkeeper (dine and dash) cases.

Driving Diversion Program (DDP)

DDP allows drivers who have lost their licenses due to unpaid traffic citations to obtain provisional reinstatement of their license so they can drive legally while participating in educational classes and paying off outstanding citations through a payment plan. Eligible offenses include Driving After Suspension and Driving After Revocation. Cases involving accidents are not eligible. The Minnesota Department of Vehicle Services has its own criteria for eligibility in addition to any criteria set by the City Attorney's Office.

The City Attorney's Office, with the help of the City's Intergovernmental Relations staff, are advocating at the legislature to make this program a permanent part of state law so that it can be offered on an ongoing and statewide basis.

Community Restorative Justice

The Community Restorative Justice Diversion program offers an alternative, community-based consequence for a number of lower level misdemeanor offenses, using a traditional restorative justice community circle model. Defendants are required to meet with a small group of community members with a trained facilitator provided by Restorative Justice Community Action, Inc. In 2015, the City Attorney's Office worked with Metro Transit to add fare evasion as an offense that was eligible for community restorative justice.

GOAL: Seek Holistic, Community-Based Solutions to Address Underlying Issues and Reduce the Risk of Recidivism

1. Pathways to New Beginnings: Trauma-informed, community based alternative for gross misdemeanor carrying a pistol without a permit cases

Approximately two-thirds of the defendants charged with the gross misdemeanor offense of carrying a pistol without a permit are defendants between the ages of 18-25. It is also often their first adult-level criminal offense. This group of defendants tends to have a high rate of recidivism, often to more serious offenses involving violence. The CAO's standard sentence negotiation called for 30 days in the workhouse with the balance of the time stayed. No active probation supervision or other supports were available through the County Community Corrections Department. In an effort to improve outcomes and provide an opportunity for a better future, the City Attorney's Office sought to develop an alternative trauma-informed, community based option for these defendants.

Following a request for proposal process, the CAO selected Urban Ventures and partnered with them to develop the Pathways to New Beginnings Program. The program involves a needs assessment and programming to address risk factors and provide an alternate pathway for a more positive future for the offenders. The program involves 82 hours of programming and weekly follow up for the balance of a year. If the individual completes the program and commits no new offenses for a period of two years, the charge is dismissed.

The program is off to a promising start. Several participants have even voluntarily added extra programming offered by Urban Ventures to develop their parenting skills to better equip them to connect with their children.

2. Community Court Initiative – Utilize Social Workers to Address Needs

The criminal justice system has a number of individuals who struggle with mental illness and/or substance use disorders. These individuals pass through the system without receiving needed services often resulting in recidivism, with a high cost to both the individuals and the system.

Following a successful model started in New York City – the Red Hook Community Court – the City Attorney’s Office partnered with the Public Defender’s Office to advocate for use of social workers at the Minneapolis misdemeanor arraignment calendar. With cooperation of the courts and Hennepin County Human Services, social workers were assigned to connect with defendants in the misdemeanor arraignment courtrooms. Social workers review the court calendars and determine eligibility for Hennepin County social services. Based on this determination and the consent of the individual, social workers develop a social service plan.

The next phase of this initiative is to work with the Hennepin County District Court to create a dedicated community court pretrial calendar. The proposal would involve creation of a dedicated court calendar with an assigned judge where the focus would be on addressing the underlying needs of the individuals instead of a traditional, punitive sanction.

3. Outreach - Domestic Violence Initiative: Violent Crime Hot Spot Intervention Program

Certain street segments in North and South Minneapolis are persistent “hot spots” of violent crime, as identified by the Minneapolis Police Department. The most frequent call for service through 911 in these hot spot areas are coded as being calls related to domestic violence. To learn more about the issues and to develop a better way to serve individuals living in these areas where violence is all too frequent, the City Attorney’s Office initiated a pilot program to pair a family therapist from a non-profit provider with a Minneapolis police officer to conduct home visits following up on 911 calls in the hot spot areas that were coded for domestic violence, but where no police report was filed. The purpose of the pilot was to assess whether it was appropriate that no report was filed and to offer voluntary support and services for the families, if desired. The goals include the following:

- Provide direct, proactive outreach to offer available services and assist families in connecting with services, if desired.
- Increase engagement between the family and police officers to improve communications and relationships (police are present in a non-enforcement capacity).

Recently, the CAO has engaged the Cultural Wellness Center to facilitate groups of community-based providers and community residents in North and South Minneapolis to discuss improved approaches and supports needed to improve the City’s response to domestic violence.

4. Byrne Grant – Community-led safety strategies: Little Earth of United Tribes

Working in partnership with Little Earth of United Tribes, the City Attorney’s Office was awarded a Byrne Criminal Justice Innovation Program Planning Grant through the U.S. Department of Justice at the end of 2015 for an 18 month process to engage Little Earth residents in developing strategies to improve community safety and to analyze drivers of criminal activity in the Little Earth Community. Based on this planning work, an \$850,000 federal grant was awarded for 2018-19 to implement the community-led safety strategies.

For reasonable accommodations or alternative formats please contact Jessica Kasper: jessica.kasper@minneapolismn.gov. People who are deaf or hard of hearing can use a relay service to call 311 at 612-673-3000. TTY users can call 612-673-2157 or 612-673-2626. Para asistencia 612-673-2700, Yog xav tau kev pab, hu 612-673-2800, Hadii aad Caawimaad u baahantahay 612-673-3500.