

# CARLTON COUNTY JAIL STUDY IMPLEMENTATION



## STUDY REPORT – NOVEMBER 21, 2019

## INTRODUCTION

The following report summarizes the assignment, process, findings, and proposed action plan / next steps for Carlton County based on the work of the BKV Group Team in response to the RFP issued by Carlton County in June, 2018, entitled, “Carlton County Jail Study Implementation.”

### STRUCTURE OF THE REPORT

The report is structured to respond to the Recommendations outlined in the 2017 Carlton County Jail & Criminal Justice System Planning Study. To simplify references, the Chapters of this report were set up to be consistent with the Chapters of the 2017 report. For example, Chapter Two: Evidence Processing, directly responds to the corresponding Chapter II: Evidence Processing, presented in the 2017 report.

#### Structure of the Report:

<b>Chapter One:</b>	<i>Introduction</i>
<b>Chapter Two:</b>	<i>Evidence Processing</i>
<b>Chapter Three:</b>	<i>Criminal Case Processing</i>
<b>Chapter Four:</b>	<i>Jail Programming</i>
<b>Chapter Five:</b>	<i>Considerations for the Improvement of Carlton County Probation Services</i>
<b>Chapter Six:</b>	<i>Contents and Procedures of a Best Practices Pretrial Release Program</i>
<b>Chapter Seven:</b>	<i>Forecast of Jail Capacity Needs</i>
<b>Chapter Eight:</b>	<i>Recommendations for Future Studies</i>
<b>Appendix A:</b>	<i>Itemized List of Justice Concepts Incorporate (JCI) / Wold Architects and Engineers 2017 recommendations, with capsule summaries of responses and progress to date.</i>
<b>Appendix B:</b>	<i>Chapter Four Attachments [B/MH]<sup>1</sup></i>
<b>Appendix C:</b>	<i>Updated Table 6 – Comparison of Carlton County Jail to Other County Jails.<sup>2</sup></i>
<b>Appendix D:</b>	<i>Chapter Five Attachment [Staffing Analysis]</i>

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<sup>1</sup> Multiple Source: Please Refer to Appendix B.

<sup>2</sup> Original Table: Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). p VII-7.

## BACKGROUND

The June 2018 RFP stated that Carlton County had taken numerous steps to improve the quality of the outcomes for incarcerated individuals in Carlton County, including:

- Hiring of a dedicated jail public health nurse;
- Support for tele-mental health services connecting inmates with mental health issues with appropriate providers;
- Creation of the Carlton County Justice Partners (CCJP) committee, made up of representatives from all sectors of the local criminal justice system with some members from outside of it;
- Development of a capital improvement program for all county-owned buildings;
- County Board support for increased staffing within the jail; and
- A dedication to improving training and quality standards within the jail.

Significantly, the CCJP, with County Board support, commissioned a full criminal justice system study. The primary purpose in requesting the study was to identify first the needs of the local criminal justice system and second what resources were available locally to meet those needs as well as what resources were unavailable but needed, nonetheless. Once identified, the anticipated challenge was to apply the available resources to the needs as effectively and efficiently as possible while working to develop all other necessary resources not existing or available locally.

The 2017 Carlton County Jail & Criminal Justice Planning Study was completed after nearly one year of intense effort across all disciplines within the criminal justice system, including multiple interviews and working sessions. The plan was that once these needs and resources were identified, the challenge would be to apply the available resources to the needs as effectively and efficiently as possible while working to develop “all other necessary resources not existing or available locally.”

TAB 8 of the 2017 study prepared by Dr. Beck itemized recommendations for implementation of the study. These recommendations for implementation are presented in Appendix A of this report, and the individual recommendations have been addressed in the body of this study.

## PURPOSE OF THE STUDY

The Request for Proposals for this study was a result of the recommendations produced in the 2017 report.

The BKV Group was directed to review specific recommendations developed by the previous team, evaluate them, review additional approaches and make recommendations related to other concepts if warranted, and then make recommendations for change and document improvements, giving the County opportunities to implement changes that could benefit the system.

According to the RFP,<sup>3</sup> ” *The County hopes to use this process to optimize the local justice system response to the needs of those who find themselves in that system such that recidivism is substantially reduced, mental health and chemical dependency needs are meet, and that population leaving the jail has the resources to successfully reintegrate into the community. The County also desires to address these issues so that any future decision to improve, renovate, or construct a new county jail will be made with confidence that the determined space needs are based upon realistic jail population numbers. Full implementation of the study is a necessary step towards limiting incarceration to those individuals who absolutely cannot be serviced outside a jail setting ...*”

Per the RFP,<sup>4</sup> the final work of the BKV Group Team was to include the implementation of the recommendations in the study as covered in Tab 8, and to include any additional recommendations, whether identified by the consultant or anyone else, and agreed to by the CCJP and the County Board.

*Status of recommendations at time of the RFP:* The 2018 RFP noted that efforts were underway to implement some of the study’s recommendations. While there had been a great deal of collaboration and partnership in developing and implementing the study, there was not consensus in all areas. As a result, it was felt important that the selected team be able to identify where consensus was needed and plan for development of that consensus.

Importantly, since many entities involved in the Carlton County CJ System did not report to the County Board, the process of implementing recommendations was to be adjusted and to respond to requirements from other groups including:

- Local Judiciary (6<sup>th</sup> Judicial District);
- Minnesota Judicial Branch;
- Elected Sheriff;
- Elected County Attorney;
- Public Health and Human Services;
- Minnesota Public Health Department;
- Minnesota Department of Human Services;
- State-Supervised Public Defenders; and
- Local independent entities including chemical dependency and mental health providers and local clinics and hospitals.

The RFP asked that the successful team use reasonable and effective metrics to track implementation and accomplishment of goals. A clear linkage is desired by the county from

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<sup>3</sup> Request for Proposal for Carlton County Jail Study Implementation, [due] June 15, 2018, issued by Carlton County, Minnesota, p 11.

<sup>4</sup> Ibid, pp. 9-10.

identified desired outcomes, metrics to determine progress towards those outcomes, and alternatives to be considered if the outcomes are not met.

Required documentation included updating of Tab 8 of the study as well as a written summary of the reports made to the CCJP and the Board. The RFP noted that alternative reporting and documentation could be proposed, and in early 2019, there was an approved change in the frequency of the CCJP meetings, which is noted in Section One of this report.

This report has been prepared in response to the requirements outlined in the RFP, specifically: *“The consultant will assemble prior to the conclusion of the contract a final report as to full implementation of the study recommendations, or why full implementation was not possible.”*<sup>5</sup>

## APPROACH

The BKV Group Team responded to this RFP with a proposed approach designed to provide services to Carlton County based on an integrated and multi-disciplinary approach.

In mid-2018, the County and BKV Group established an Executive Committee consisting of the Sheriff, Jail Administrator, County Coordinator, and County Attorney to guide the development of the project, to assist in coordination with the CCJP, and assist the team in communication and coordination with various agencies and departments, and various representatives of the courts and state or private agencies that did not report directly into the Carlton County government structure. In mid-2019, this group was renamed “Steering Committee” and expanded to include two County Commissioners, the County Economic Development Coordinator, and the County Auditor.

Under a team administrative structure for coordination and communication with the County, five separate functional teams were created to address the broader issue / topic groups identified in the previous study:

- A. Evidence Processing.
- B. Criminal Case Processing.
- C. Jail Programming – including medical, behavioral assessments and alternatives.
- D. Probation Improvement – including Program parameters, successes, and more.
- E. Probation Improvement – Pre-Trial Release options and alternatives.

Each team was charged with using previously assembled data to prepare baseline data regarding current system throughputs and performance.

After data was collected by the respective teams regarding work flows, processes, case- and workloads, the BKV Group Team leaders worked with specific identified representatives of

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<sup>5</sup> Request for Proposal for Carlton County Jail Study Implementation, due June 15, 2018, issued by Carlton County, Minnesota, p. 11.

Carlton County, the Sheriff's Office and detention facility, and Courts / court-related agencies to collect and analyze any remaining data to help inform decisions regarding direction and improvements. The teams prepared reports of existing systems, policies, procedures and operations related to their specific topics, and summaries of key information is included in this final report.

Between July 2018 and February 2019, the BKV Group Teams participated in regular meetings and multi-day workshops with the CCJP and / or the Executive Committee designed to:

- Provide information and review data;
- Discuss options, opportunities for improvements and issues related to the project;
- Discuss preliminary study findings; and
- Provide direction regarding possible system / process improvements, estimated jail capacity, and to finalize direction for continued project development.

In a series of operational workshops, BKV Group Team leaders documented existing practices and staffing / flows which served as the point of departure for analysis of process improvement opportunities. Working with key staff representatives, BKV Group Team leaders helped uncover opportunities for improvements, and discussed concepts and ideas described in the 2017 report together with other ideas and possible best practice concepts. These are described in the respective sections of this report.

Other activities included goal and objective development and coordination of efforts already being implemented in the Carlton County justice system. Some suggested improvements from the 2017 Study were direct and straightforward, and these were implemented during the study period. Data that could be collected to demonstrate effectiveness has been incorporated into the report. Future additional documentation and study will be required to demonstrate effectiveness of other suggested improvements which were not or could not have been implemented in time for implementation results to be measured.

For example, specific County and BKV Group Team representatives worked closely with Carlton County personnel regarding implementation of recommendations related to mental / behavioral health and programming improvements. Due to the timeframe of the study and the need to allow time to implement changes, test hypotheses, and develop evidence of improvements, data included in this report is based on recent data collected by Carlton County for the period between July 2018 through February 2019, and supplemented by information collected in July, 2019. Recommended improvements and initial data for these efforts is presented in Chapter Four.

Importantly, some of the team efforts were directed toward additional data collection and analysis. Some of the recommendations included in the 2017 Study by Dr. Beck were based on data obtained through sampling methods. To confirm project requirements specific to Carlton County, the BKV Group Team conducted additional data analysis to confirm underlying trends regarding jail inmates, arrest trends, charging trends, and characteristics of the population served in the system and in particular, admitted to the law enforcement facility over the past decade.

The BKV Group built several new databases including:

- Jail admission, release, and length of stay data for the period spanning 2009 through 2018, with additional data used when available for CC LEC admissions and releases from 2003 through 2018;
- Admission data collected from the jail information management system for all admissions to the Carlton County Law Enforcement Center during the calendar year 2017, and
- Court case data regarding criminal case filings in Carlton County based on data provided from the MN Administrative Office of the Courts, with overall statistics from 2009 through 2018, and specific data regarding criminal court hearings conducted in 2016 and 2018.

Wherever possible, data from these databases and spreadsheets was used to verify the nature and characteristics of the individuals admitted to the CC LEC, and to provide facts to aid in an improved understanding of the population admitted to the facility, and lengths of stay based on charges, gender, age, and other factors.

## OBSERVATIONS BY THE BKV GROUP TEAM

In early discussions, the BKV Group Team was reminded of the need to review processes and data considering the “whole,” not just the “parts.” From the outset of the project, a key distinction was made between:

- “Process improvement” – which often was directed toward measurable improvements in the efficiency and speed of individual admissions or case processes (through the elimination or reduction of “non-value-added” activities); and
- “Outcome effectiveness”<sup>6</sup> – making sure that the agencies and departments were accomplishing key county and system objectives related to reducing recidivism in the inmate population, while improving domestic and justice-related outcomes for families and community members.

Consequently, the BKV Group efforts have focused both on process improvements and on outcome effectiveness. And insofar as possible, the discussions in this report will address both topics.

The BKV Group Team recognizes that successful outcomes in the future in Carlton County will be product of cohesive and integrated efforts by inter- and multi-disciplinary teams. Improving “outcome effectiveness” will demand additional analysis and a stronger reliance on continuous collection and analysis of data in the future to better explain and address the complex dynamics of the Carlton County community, justice system, and the Sixth Judicial District Court system.

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<sup>6</sup> Paul Coughlin, Jail Administrator, in a data analysis workshop in September 2018.

Carlton County and the CCJP, through local and statewide initiatives, are making significant progress with system improvement and in addressing individual citizen needs as they touch the justice system. This is particularly true considering the impacts of:

- The election of the new County Attorney;
- The adoption of the statewide guidelines for pretrial release;<sup>7</sup> and
- The variation(s) in cases and circumstances related to specific individuals, cases, facts, and court / prosecutorial / law enforcement staff, particularly for repeat offenders and for those with multiple arrests and/or multiple admissions to the detention facility and into other programs / services.

Moving forward, to achieve the major objectives of improving and targeting programs and services for Carlton County and the community, the findings of this study must be integrated with cohesive and integrated responses from the Judiciary and Courts, the County Attorney's office, community medical and mental health service providers, probation/pre-trial service professionals, and others involved in the justice system,

## INITIAL FINDINGS

### TOPIC ONE: *Building Consensus on Change within the Local Legal Culture*

The 2017 Report noted that, *“The number of improvements that are needed and the complexity of some improvements will require a determined coordination of efforts. If not, there is a high likelihood that critical recommended improvements will fade from awareness with each passing month. Finding consensus on specific action steps could be the greatest challenge in moving forward. This will require leadership of the County Board of Commissioners, administrators of the County’s criminal justice agencies, and judiciary. It is incumbent upon those decision makers to not lose sight of the concerns that compelled the commissioning of this report.”*<sup>8</sup>

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<sup>7</sup> Please Note: The Chapter 6 recommendations from the 2017 Report regarding pre-trial release alternatives were not reviewed in detail, since the State of Minnesota adopted a new pretrial release guideline system which was implemented in late 2018. Where possible, initial information regarding the system and preliminary results in Carlton County, provided by Arrowhead Regional Corrections, has been included in Chapter 6 of this study. Please Note Also: The Chapter 3 recommendations from the 2017 report regarding possible process improvements and changes in court case processing and management were not reviewed in detail, since the Steering Committee / CCJP / County Board were unable to secure necessary reviews and approvals from the State Judiciary and the Administrative Office of the Courts for the State of Minnesota regarding the scope, approach and participation of the proposed Team members from the National Center for State Courts.

<sup>8</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). pp 1-3.

Four specific recommendations were made in the 2017 report regarding Topic One:

- 1-1. The County Board of Commissioners should appoint someone with the knowledge and skills to facilitate continued advancement of needed improvements.

**ACTION:** In late 2018, the County Board approved the appointment of Paul Coughlin, Jail Administrator, as the coordinator of the effort to facilitate continued advancement of needed improvements.

- 1-2. The County Board of Commissioners should establish a specific schedule by which the facilitator and members of various criminal justice agencies report on progress.

**ACTION:** Working with the BKV Group, a specific schedule for implementation efforts in 2018 and 2019 associated was developed and was used for the process. Progress reporting was conducted on a monthly basis through late 2018. This continued with scheduled meetings with the BKV Group and the Executive Committee conducted through mid-2019.

- 1-3. A periodic report should be provided to the County Board of Commissioners that lists all of the recommendations in this report, plus additions, and the status of each. A sample format is provided in a separate tab at end of this report. Tracking of the progress of recommendations should (1) document activities and status of progress and (2) identify problems / challenges encountered in implementing the recommendations.

**ACTION:** Initial reports prepared by the BKV Group in July 2018 with updates through January 2019 documented the report recommendations and the status of progress regarding the various recommendations. These reports documented activities and status, and key issues and some of the problems / challenges encountered in studying and/or implementing recommendations were discussed with the Steering Committee and the CCJP at meetings and presentations conducted in 2018 and 2019.

- 1-4. The Board should require that a comprehensive, annual review of implementation progress be conducted by members of the criminal justice system and treatment providers. This review could be conducted in a half-day retreat or workshop similar to that conducted by the consultant.

**ACTION:** The scheduling of a comprehensive final review by the CCJP (members of the criminal justice system and treatment providers) will be coordinated with the completion of this report and presentation of findings to Carlton County. Subsequent annual comprehensive reviews of implementation progress should be scheduled in 2020 and following years as approved by the CCJP and the County Board.

## TOPIC TWO: *The Interplay between Lack of Jail Space and Need to Make System Changes*

The 2017 Report noted that, “*Some of the recommendations in this report could result in increasing the demand for jail beds. For example, improvements in how probation violations are handled could result in more probationers being revoked to jail or in modified practices requiring brief stays in jail, such as on weekends, as a method of sanctioning some violations. Given this situation, some CJS decision makers may ask: Should action on pursuing some improvements be put on hold until a new jail is built?*”<sup>9</sup>

One specific recommendation was made in the 2017 report regarding Topic Two:

- 1-5. All systemic improvements should be pursued. Those recommendations, such as revising how probation violations are addressed, should be examined and an analysis of the impact on the demand for jail beds should be estimated. It is possible that the impact on the jail would be minimal and/or work-around options might be devised.

**DISCUSSION:** The Carlton County CCJP and the Steering Committee have been reviewing the full list of recommendations over the past year.

Initial data reviews based on ten full years of admission data, calculated lengths of stay, led the CCJP Executive Committee and BKV Group team to revise downward the projected demand for jail beds in Carlton County from 119 beds to 84 beds.

At the same time, preliminary discussions and analysis considered the development of one or more key programs designed to meet unmet needs for programming and beds, including the potential of creating program beds in Carlton County to augment the beds provided for inmates sentenced to the Duluth Bethel program for substance abuse and other programs.

**ACTION:** Additional analysis will be required in 2020 regarding system changes that have been and are proposed to be adopted, and impacts of systemic improvements should continue to be factored into the projected demand for jail beds.

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<sup>9</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). pp I-4.

## RE: THE BROADER QUESTIONS AND ANSWERS OF THE 2017 STUDY

On Page I-5 of the 2017 Report, ten key questions were raised:

### B.1 What are the major ways to control growth of the jail population?

The 2017 Study noted that two factors were likely to have the largest impact on controlling inmate population growth: (1) A pretrial release program and (2) The speed of case processing. The 2017 study noted that, in Carlton County, “timeliness of pretrial release processing is not optimal. There are unnecessary delays that result in short stays of defendants.”

As will be described more in Chapters 6 and 7 of this report, the adoption by the State of Minnesota of new Pretrial Release Guidelines (MNPAT) effectively removed decisions related to several of the 2017 Recommendations (regarding pretrial release) from the hands of the CCJP and the Steering Committee. While admissions to the CC Law Enforcement Center (CC LEC) continued to increase in 2018 and 2019 from previous levels, the population of the CC LEC, which recently had fallen, is now growing. Overall, the population continues to be significantly lower than the peak levels reached in the 2012 to 2014 timeframe.

At the same time, system providers are touching more individuals, and there is a greater awareness of the medical, chemical dependency, and mental / behavioral health needs of a large segment of the individuals admitted to the facility. As these needs continue to be addressed and measured, the impacts on the justice system can be better analyzed in the months and years to come.

*DISCUSSION:* Even though the County and related agencies are not responsible for defining the direction of the pretrial release program at this time, continued analysis of admission data and impact of pretrial release options is needed in Carlton County.

Why? A more thorough review of 2003 through 2017 data showed that pretrial stays in the Carlton County Law Enforcement Center declined from more than twelve (12) days in 2003 to less than eight (8) days in 2017 due to a variety of reasons, including intensive use of court-order pretrial release alternatives by the Carlton County Courts.

This occurred at the same time that the total number of admissions to the LEC increased, and that in 2017, more than 50% of admissions were for those charged with felonies (who averaged as a group a length of stay of more than 12 days) while more than 56% of those charged with misdemeanors stayed less than one day.

While a more comprehensive analysis was not undertaken,<sup>10</sup> the reduction in average length of stay for pretrial defendants occurred over the same period that the number of admissions for felony charges increased, a result that would not have been expected with continuation of practices prior to 2014, since the average length of stay of inmates charged with felonies at the CC LEC was approximately four (4) times longer than the average length of stay for inmates charged with misdemeanors or gross misdemeanors.

With the adoption of the statewide Pretrial Release Guideline system, the most recent CC LEC average daily population data has started to climb again as the courts and justice system related agencies apparently adjust to the use of the MN Pretrial Release Guidelines. For planning purposes, it will be important that the County continue to monitor the use of pretrial release options and impacts on CC LEC populations. Publications showing initial outcomes related to the use of the Guidelines are expected to be available in 2020, and with the release of more data, the County and CCJP can continue to adjust directions and programs.

Regarding the impact of court case continuances, data obtained from the new court case database (review of hearing-specific data for more than 30,000 criminal court hearings conducted on more than 5,900 criminal court cases in Carlton County between 2016 and 2018), showed that the average number of hearings per case was approximately 5.0 hearings per case.

Additional study of the data is needed to directly compare the findings based on the large database to the findings developed by Paul Coughlin and Project Consultant, Dr. Allen Beck, in the previous study of 100 randomly selected felony inmates entering the court system through the Carlton County Jail. In that study, more than *“half of the cases had seven (7) or more hearings and that more than 20% had eleven (11) or more hearings. Collectively, the information in tables one and two suggests that the jail population is unnecessarily inflated by criminal justice system case processing practices. Continuances are a primary problem that is further complicated by inconsistencies in plea bargaining.”*<sup>11</sup>

Additional study of the case management recommendations included in the 2017 Report, including recommendations for possible use of a system of Differentiated Case Management (DCM), and implementation of a Continuance Policy, should be conducted in 2020 or thereafter.

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<sup>10</sup> The National Center for State Courts Team was unable to gain approval for engagement to provide case management and impact of case delay analyses for this study.

<sup>11</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). pp III-10 to III-11.

- B.2. What is the effect of length of pretrial detention on failure to appear (FTA) in court and on new criminal activity (NCA) while awaiting trial?

See Chapter 6. Arrowhead Regional Corrections (ARC) is compiling data to help assess the impact of the adoption by the State of Minnesota of new Pretrial Release Guidelines on FTAs and NCAs for individuals released under the Guidelines. However, additional effort and review is needed to structure the studies to demonstrate improvements, since historical data will need to be compared to current data to meaningfully compare rates to show “before and after” changes. This should be a focus of the 2020 analysis efforts, and will require coordination between Carlton County, the CCJP (and CCJP Steering Committee) and ARC. effects.

- B.3. What is the difference in effectiveness between secured and unsecured bonds?

See Chapter 6. Data regarding the effectiveness in the use of secured and unsecured bonds will need to be studied in a structured effort in 2020, unless this data was specifically sought and collected by ARC as part of the adoption and implementation effort for the new Pretrial Release Guidelines. Since the County and the Sixth District Courts were in the midst of implementing the new guideline system, this study did not address this issue.

- B.4. What can be done about recidivism?

The 2017 Report notes that, “*By linking jail programming, probation, and step-down services into a continuum of treatment, the odds of reoffending can be reduced. This is discussed in Chapter Four.*”<sup>12</sup> Please refer to Chapter Four of this report for an additional discussion of ideas for reducing recidivism and for a discussion of design requirements for facilities for providing and support treatment programs. Recommendations for refinement of probation services including structuring collaborative planning by the CCJP / CCJP Steering Committee members and administrators of Arrowhead Regional Corrections (A R C) are discussed in Chapters Five and Six.

- B.5. How could the future jail design address issues of treatment capacity and potentially improve inmate outcomes?

The 2017 Report notes that, “*Space would be provided in the jail that would enable in-house treatment services for inmates and, thereby, create capacity for treatment options that do not currently exist. Chapter 4 also suggests that transitional housing could be included in planning of the new jail.*” Please refer to the draft facility space listing for future Carlton County detention facilities for a summary of recommended program spaces.

There are multiple areas (including the Intake / Transfer / Release Center, housing areas, and program areas) that will be improved as a result of the efforts related to this study.

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<sup>12</sup> Ibid. P I-6

Additional study in 2020 regarding recommended housing and program spaces will be important to address specific programming needs for all inmates housed at the facility, and specifically to address the specific needs of sentenced female inmates (with program offerings similar to those offered at Duluth Bethel or NERCC), if a decision is made to consider designing a portion of the CC LEC for this housing.

B6. Are there recent developments that could affect planning for a new jail?

Yes. See B.5, above.

Additionally, the 2017 study noted that the Minnesota Department of Corrections had acted to hold NERCC to its classification as minimum security facility. Chapter Seven provides an overview summary of the historic use of the NERCC beds and shows the impact of the use of the NERCC beds in reducing the average daily population at the CC LEC. This situation should be monitored to see if NERCC is able to respond to this issue.

Specific options for providing inpatient substance abuse and mental health treatment in a new jail should be explored along with its impact on how that would affect bed space requirements and the planning of treatment space. Specific planning for infirmary medical, mental health, and substance abuse or other program needs will be completed as the planning continues for the CC LEC.

Please see Chapter Four for specific discussions regarding accommodations for screening and housing needs for those presenting Chemical Dependency (CD), medical, mental / behavioral health or other issues at admissions to the CC LEC.

B7. How many beds will be needed in a new jail??

The 2017 study included a forecast for a housing capacity requirement of 119 beds by 2040. The study noted that, should all of the recommendations for improving the pretrial release program be implemented, there is a strong possibility that the number of projected beds in a new jail could be reduced by 15%.

A revised forecast of 84 beds was developed by the BKV Group team, assuming continued use of NERCC beds for inmates sentenced to treatment programming (typically 60- to 90-day programs, consistent with A R C residential admission requirements).

Due to the highly variable ranges of inmates held in the facility over the past fifteen years, the BKV Group Team recommended that the future facility be planned to accommodate residential peaks above 100 inmates, with housing separations designed to provide appropriate classification and separations.

B.8. Why is the jail population growing?

Jail bookings (numbers of arrested persons brought to jail by law enforcement) have increased over the past decade in Carlton County. The numbers of admissions for individuals charged with felonies have increased over the same time frame.

While the average length of stay in jail (LOS) has reduced due in part to the use of a variety of pretrial release methods over the past decade, the use of the new State of Minnesota Pretrial Release Guidelines over time should foster greater consistency in release decisions, and correspondingly, the statistics at the CC LEC regarding average lengths of stay should show greater consistency over time.

As stated in the 2017 report, the length of stay in jail (LOS) of inmates affects the jail population; the longer an individual is incarcerated the more the aggregate jail population increases. LOS is an important consideration in reducing the overall jail population, and additional analyses of the inmate population and lengths of stay should be developed in 2020 in conjunction with the completion of a thorough study(ies) related to case processing and management (such as through the completion of the delayed NCSC Study regarding case processing methods and opportunities to expedite and manage delays and continuances in court cases, particularly in felony court cases).

B.9. Who are the inmates in the jail?

Please refer to the detailed study of 2017 admissions to the CC LEC presented in the Chapter Seven of this report for information regarding characteristics of those admitted to the facility. Additional and specific information regarding those admitted to the CC LEC from mid-2018 to early 2019 is presented in Chapter 4.

B.10. What improvements have already occurred as a result of planning activities undertaken during the course of this study?

- (1) Additional attention has been paid on the 0-24 hour (intake / booking) and 0-72 hour (reception center) populations identified in the analyses of admission data. The recognition that many of those admitted to the CC LEC are released within 24 hours, particularly those charged with misdemeanors, has focused discussions regarding future facility needs (and current facility deficiencies) on the Intake / Booking / Release and Reception Center planning for future facilities.
- (2) Attention has been focused on requirements for behavioral and mental health screening of individuals brought to the CC LEC, both in terms of making decisions for keep or reject (to allow individuals to be taken to treatment programs) and in terms of necessary housing and programming that should be provided at the CC LEC.

- (3) Attention also has been focused on the need to provide additional space and staff support for programming staff at the current facility, in part to meet important standards and operating requirements for the CC LEC and in part to help establish programs and analyses to target future programs and develop appropriate facilities for the future CC LEC.
- (4) The study has helped to demonstrate the complicated nature of the connections between causes and effects in the system. For example, while the study was able to demonstrate that the use of the micro-crystalization process did indeed result in a measurably shorter elapsed time for BCA chemical analysis processing of drug evidence (cocaine, heroine and methamphetamine), the study results also demonstrated that a faster return of test results did not necessarily correspond with shorter lengths of stay for inmates in the CC LEC (please refer to Chapter 2 for additional discussion). However, over time, it seems likely that continued focus on process improvement and reduction of delays to plea negotiations (for whatever reason) will continue to help reduce lengths of stay for individuals who can / will qualify for releases, either pre- or post-trial.

## EVIDENCE PROCESSING

Chapter 2 of the 2017 Study was devoted to reviewing law enforcement processes as they related to case processing and correspondingly to in-custody detention.

Several factors identified in the 2017 Study were felt to contribute to slower case processing and delays in reaching case dispositions. This was felt to be particularly important regarding felony cases where more serious charges and other risk factors decreased the use of pre-trial release alternatives.

This chapter addresses the specific topics and points raised in Chapter 2 of the 2017 Study. In each, the topic is introduced by title, and a summary of points raised in the 2017 Study are presented together with findings based on the BKV Group Team analysis of historic and current data, followed by any additional proposed Action Plan ideas for continued implementation of improvements.

### TOPIC ONE: REGARDING SLOW SUBMISSION OF ARREST REPORT DOCUMENTS

**B.1. Problem Statement.**<sup>1</sup> According to Chapter 2, slow evidence processing caused delays in criminal case processing, which in turn a) affected the pretrial length of stay of jail inmates and b) inflated the number of pending court cases. This slowed case processing in the following ways: (1) Scheduling the defendant's appearance at arraignment can be delayed for more than 24 hours; (2) Plea negotiation is sometimes delayed; and / or (3) Court trials can be delayed due to slow state lab evidence processing.

These delays were felt to inflate both the number of days inmates stayed in jail and caseload sizes of attorneys and courts. The impact of slow processing of evidence also was felt to have a substantial effect on plea negotiation. *"In perspective, about 90% of all guilty dispositions are the result of plea negotiation. In some instances, Public Defender attorneys are reluctant to negotiate when evidence is unavailable due to processing delays."*<sup>2</sup>

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<sup>1</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). pp II-1 – II-6.

<sup>2</sup> Ibid. p. II-2.

## DISCUSSION

During interviews and meetings conducted between August 2018 and June 2019, Carlton County law enforcement leaders reported that arrest reports were routinely filed on the day of the arrest or not more than one day later, typically to provide time for review of the arrest report paperwork and / or for verification that the information was complete and ready for submission.

**B.1 (1) Regarding delays due to slow filings of arrest reports (felony cases):** In a series of meetings and workshops conducted in late 2018, Carlton County law enforcement representatives reported that a number of the factors affecting delays cited in previous reports already had been addressed by the respective agencies and departments. The law enforcement representatives recognized the strategic importance of moving the arrest report filing process forward efficiently, particularly for those charged with crimes that are being held in the detention facility.

The 2017 Study reported that *“The practice in Carlton County District Court has typically been to wait until near the end of the 36-hour period before bringing the person to first appearance. This means that some inmates stay in jail for two days (24 hours plus up to another 12 hours) during weekdays in addition to multiple days over weekends and holidays.”*<sup>3</sup>

BKV Group representatives met with law enforcement personnel in 2018 and early 2019 and respondents reported that this practice had not changed, particularly if the case was initiated by an arrest rather than based on a warrant pickup. Paperwork associated with warrant pickups were not typically a delay factor, since this was completed prior to the arrest(s).

**BACKGROUND.** Minnesota Rules of Criminal Procedure 4.02 specifies that an arrested person must be brought before a judge without unnecessary delay and not more than 36 hours after the arrest except Sundays and legal holidays, and as soon as a judge is available.

In most cases, the arrest report submission process involves:

- Initial report preparation by the arresting officer;
- Review and editing for format and typographical errors; and
- Assembly of arrest report(s), evidence, statements and other materials prior to delivery to the County Attorney’s office.

At the County Attorney’s office, each individual case is processed. There may be larger groups of cases awaiting action on Monday mornings and/or the days after holidays than on other days. After receipt of documentation from law enforcement (forms, facts and evidence), the County Attorney’s office will draft the criminal complaint, which then can be electronically sent back to the law enforcement agency for signature.

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<sup>3</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). p. II-2.

When evidence processing or follow-up interviews are needed, a Probable Cause Statement is filed with the County Attorney in lieu of a full case file, and additional information is provided as it is received. Particularly important in felony cases, this allows the charging documents to be moved forward, and the officers and staff work closely with the County Attorney's office to communicate progress, complete reports, prepare statements, provide locally-produced evidence results, and provide BCA-related results and additional information as soon as possible after lab results are received back from BCA.

If after review, the County Attorney feels that the information is not yet ready on a case where the County Attorney believes that the person should be kept in custody, the office will ask the court for an extension. In cases where the County Attorney believes that the person does not need to be kept in custody, the office will prepare a Request for Supplemental Information, and will return the paperwork to the originating agency.

Once the supplemental information has been provided, the County Attorney will draft the criminal complaint. Once the criminal complaint is signed, the document is forwarded to the District Court prior to appearance, and the County Attorney will request that the court issue a summons.

**DISCUSSION:** With the recent adoption and implementation of the State of Minnesota Pre-Trial Release Guidelines, key aspects of risk assessment and decision-making regarding release of defendants have been formalized and standardized.

Importantly, with the new requirements for the preparation of the risk ratings for use by the judicial officers, the initial steps involved in the arrest report process and the case initiation process -- from arrest to Bail Hearing (Initial Appearance) -- require additional coordination and communications.

At the same time, Carlton County law enforcement representatives reported in late 2018 that it was possible to complete many arrest reports and evidence preparation prior to the ends of shifts, particularly for those cases involving persons that are in custody.

Since review, quality control, and approval by supervisors for submission can delay submission of the arrest reports to the County Attorney, discussions between the County Attorney and the respective law enforcement agencies should continue to focus on these activities to help ensure that preparation and submissions of arrest reports and evidence are completed promptly while maintaining high quality standards.

This process already has started. To help communication and coordination, the new County Attorney and CA staff met and worked with the respective Carlton County law enforcement agencies in several meetings held in early 2019 to improve communications related to what the County Attorney needed to issue specific charges. The policy of the new County Attorney is that the office will charge when there is a high degree of confidence that there will be a conviction.

The future expectation is that each law enforcement agency in Carlton County will improve in efficiencies and timeliness of submittals of required reports as process refinement and improved documentation of expectations and standard operating procedures and policies are communicated. With heightened expectations that preparation efforts will be justified, the level of accountability and responsibility related to timely preparation of arrest reports should continue to improve.

Concurrently, the installation and adoption of the new County Attorney data management system will give the office increased capability a) to monitor case process and schedules, and b) to provide reminders and updates to help in processing cases and in the preparation and submission of charging documents to the Courts.

These steps, bolstered by the increase in law enforcement personnel in Carlton County in 2019 compared with 2010 (particularly due to the increase in staffing for the Fond Du Lac Police Department), should lead to improved efficiencies and greater timeliness of submittals of required reports to the County Attorney's office and to the Courts.

**ACTIONS:** Since early 2019, the new County Attorney has chaired monthly meetings to address concerns and coordination between law enforcement agencies and the Office of the County Attorney. Among other topics, the meetings have included discussions regarding improved communication / coordination and reduction of delays. These meetings also have been supplemented by direct coordination meetings between County Attorney staff and staff from the respective law enforcement agencies.

Moving forward, this monthly meeting can provide the forum for directly addressing any perceived delays and slowdowns between law enforcement, county attorney personnel, probation representatives and the courts regarding submission of arrest reports (law enforcement to County Attorney) and / or for submission of case initiation and charging documents (County Attorney to Courts).

To help with documentation and analysis, additional data regarding court cases associated with these admissions (based on 2016 - 2018 hearings per court case)<sup>4</sup> was collected in early 2019 and could continue to be collected and analyzed in the future. Together with recently collected and newly available information regarding CC LEC admissions and court appearances (types, dates, and times), additional analyses in the future could be assembled to review, monitor and help improve areas in which delays are experienced in the system. *Note: While some progress has been made on analysis of the court hearing data, additional study will be needed to fully link databases and clean up indistinct references to specific hearings.*<sup>5</sup>

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<sup>4</sup> From data provided by the State Court Administrators Office - Minnesota Judicial Branch.

<sup>5</sup> Data was recorded based on court records, but in some cases, the recorded events refer to general hearings or events rather than specific-purpose hearings (Bail Hearing, Rule 5, Rule 8, Omnibus Hearing, Dispositional Hearing, Trial, Sentencing, and so forth).

The court case data developed by the BKV Group Team is available for use in a future study to continue to assess the impacts on different case types of long elapsed time frames, including elapsed time frames from case initiation to Rule 5 and Rule 8 hearings, case resolution hearings (trial, settlement conferences, plea hearings) and disposition / sentencing hearings.

Should these or other tasks be undertaken by the National Center of State Courts or others, a more direct correlation between specific hearings and court activities might be established and could be used to provide benchmark data for measuring and comparing future Carlton County process improvements.

One possible goal for future studies would be to confirm the length of time actually spent (typical, minimum / peaks) between the completion of arrest reports and transmittal of the arrest reports to the County Attorney's office, and the subsequent preparation and transmittal of the Charging Documents to the courts. Key variables that could be reviewed include the date (including day of week, and analysis of the data related to observed holidays), charges, time / date of case initiation, time / date of submission of the Charging Documents, and the time/date of the Bail Hearing, Initial Hearing, and / or Arraignment.

*NOTE: Several topics related to plea negotiations and case processing included in Chapter 2 of the 2017 Report were moved to Chapter Three of this report, in an effort to group topics related to plea negotiations and case processing / flows into one chapter. Please refer to Chapter Three for additional information on these topics.*

## TOPIC TWO: SPECIFIC RECOMMENDATIONS<sup>6</sup>

The following specific recommendations were included in Chapter 2 of the 2017 Study.

- 2-1. Submission of an arrest report in which no physical evidence is involved should be provided prior to next day's initial appearance.

**DISCUSSION:** With the use of the field-based computers, many arrest reports can be assembled on felony cases within 20 to 30 minutes from the squad car. Photos, evidence, demographics, booking forms, and more can be accessed from the seat of the car, whereas in the past, these activities may have required use of a computer at a desk or report-writing station. The process requires a review for grammar, but after this is completed, the reports should be forwarded to the County Attorney's office for use in preparing charging documents.

**ACTION:** The stated goal of the Carlton County law enforcement agencies is to submit arrest reports (in general) within 24 hours or less to the County Attorney's office, if at all possible, particularly those in which no physical evidence is involved. Even cases that have some evidence should be able to meet this standard, due to the changes in the types of evidence and electronic data exchange formats. Where cases cannot meet this standard, the initiation

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<sup>6</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers). p. II-2.

of the new monthly meetings can help provide information and communication between the County Attorney and the various Law Enforcement Representatives, and separately in communications with Probation (A R C).

- 2-2. Law enforcement agencies in Carlton County should review internal procedures for arrest report submission, including internal quality control measures to ensure completeness and accuracy of reports, along with timely submission.

**DISCUSSION:** Currently, expectations for arrest report submission and quality control are communicated by the County Attorney to the respective law enforcement agencies, and to a great extent, are followed by the respective agencies. Additional inter-agency coordination and cooperation meetings should be conducted on a regular basis between the County Attorney's office and the law enforcement agencies to continue to find improvements.

**ACTION:** This has been and will continue to be a point of discussions at the monthly meetings held between the County Attorney and Law Enforcement Representatives, and separately in other communications with Probation (A R C).

- 2-3. Timeliness of drafting the Criminal Complaint should be further evaluated by the County Attorney's Office.

**DISCUSSION:** The goal of the office is to draft the Criminal Complaint, if the arrest report, evidence, and other required information / forms are completed and submitted as expected within 24 hours of arrest. Expectations for arrest report submission and quality control are communicated by the County Attorney to the respective law enforcement agencies, and to a great extent, are followed by the respective agencies.

**ACTION:** This has been and will continue to be discussed at the monthly meetings held between the County Attorney and Law Enforcement Representatives. This should be a point of future analysis and study using the new County Attorney's data management system.

- 2-4. Law Enforcement & County Attorney's Office should seek clarity on current BCA policies and procedures for the processing of different types of evidence & should frequently check for changes.

**DISCUSSION:** Expectations by the BCA are communicated by BCA to all agencies and users. Additional coordination and information exchange to help improve quality and timeliness of submissions should be encouraged. Per discussions with the respective law enforcement agencies, each agency / department requires that personnel are trained in evidence handling and preparation, and this will continue to be handled on an agency-by-agency basis.

**ACTION:** Opportunities for regional / inter-agency training and cooperation / information sharing should be explored in the future. This topic will be discussed at the monthly meetings held between the County Attorney and Law Enforcement Representatives, and separately in communications with Probation (A R C). Should training spaces be available in future Carlton County Justice Center facilities, these training and cooperation / information sharing meetings would be good candidates for annual or quarterly sessions.

- 2-5. Law enforcement agencies should review internal procedures for submitting evidence to the BCA, looking at timeliness & proper packaging of evidence & USPS mail versus personal delivery of evidence.

**DISCUSSION:** Expectations by the BCA are communicated by BCA to all agencies and users. Additional coordination and information exchange to help improve quality and timeliness of submissions should be encouraged. Per discussions with the respective law enforcement agencies, each agency / department requires that personnel are trained in evidence handling and preparation, and this will continue to be handled on an agency-by-agency basis.

Detailed analysis of shipping methods and intervals was conducted based on specific analysis of evidence associated with the criminal cases associated with 2017 admissions to the CC LEC, and no clear pattern of delays due to the method of shipping or carrier was uncovered.

**ACTION:** Opportunities for improvement in shipping methods and the intervals required for receiving evidentiary results should continue to be tracked and monitored. Since BCA has reported that evidence is processed in the order that it is received and transmitted back to counties as results are completed, the impact of any delays in shipping should continue to be monitored. This can / will be discussed as required at the monthly meetings held between the County Attorney and Law Enforcement Representatives, and in separate communications with Probation (A R C).

- 2-6. The County Attorney's Office should transcribe audio recordings. The Office also should establish a policy on when transcription is necessary & when they will be available to defense attorneys.

**DISCUSSION:** The County Attorney's office has set a policy regarding when transcription is needed and when transcriptions will be available to defense attorneys. This has been discussed with the respective Carlton County law enforcement agencies. The County Attorney's office does not transcribe audio records except for murder cases, in which case, transcriptions are prepared. Copies of audio recordings are provided on request. If the case is going to trial (which occurs in less than 1% of cases), the audio record will be transcribed.

**ACTION:** No additional action is planned regarding this issue.

## OTHER ISSUES

Other issues that will affect productivity and effectiveness of operations regarding arrest report preparation, in-custody movement, and general law enforcement operations include the following:

- **The prototype use of micro-crystalization** -- and resulting reduction in turnaround time required for lab results -- has been very impressive and important. While traditional lab testing will continue to be used by Carlton County Law Enforcement staff and agencies, these will be focused on cases that are likely to go to trial. For other cases, particularly those with solid video identification and supplemental / supporting evidence, the quick-

results micro-crystalization analyses may be useful for reducing length of stay for those who are not candidates for release but must be kept in the county detention facility.

To confirm processing time and possible delays, the BKV Group Team built several databases of jail admissions (2007 through 2017), including a detailed database of admissions data from 2017. The detailed databases also were populated with data provided by four reporting police departments (CPD, CASO, MSP, MLPD) currently serving Carlton County.

Looking specifically at the admissions data from 2017, approximate 854 individuals of the almost 1790 individuals admitted to the CC LEC in 2017 were charged with felonies. Of this group, approximately 21 percent (179) were charged with felonies involving evidence. Of this group, 117 (65.4%) were involved with charges that involved evidence sent to BCA, and 103 (57.5%) were involved with charges that involved drugs.

Looking at the first 50 cases in 2017 with drug evidence processed by BCA, the average length of time for the cases was 169.5 days for evidence to be processed and returned to Carlton County by BCA. Please note that evidence was submitted using similar processes and documentation and received back by all reporting police departments (CPD, CASO, MSP, MLPD).

Looking at the last 59 cases in 2017 with drug evidence processed by BCA, the average length of time for the cases was 112.03 days for evidence to be processed and returned to Carlton County by BCA. As with the first 50 cases (see above), evidence was submitted using similar processes and documentation and received back by all reporting police departments (CPD, CASO, MSP, MLPD).

This means that evidence processing times for the last 59 cases involving drug evidence averaged 66% of the time for evidence processing for the first 50 cases in 2017 (often with evidence returned in early 2018). This improvement overlaps the timing of the prototype test for Carlton County of the use of the micro-crystalization and the resulting reduction in turnaround time required for lab results.

The 2017 Study noted that use of the quick-results micro-crystalization analyses should have been useful for reducing length of stay for those who were not candidates for release.

Analysis of the database of the 2017 admissions to the CC LEC did not directly confirm this hypothesis. The BKV Group analyzed the actual lengths of stay of the individuals first held in 2017 on felony drug charges in the CC LEC with evidence submitted to BCA for analysis (same groups as described above). For the initial group of 50 individuals, the average length of stay at the CC LEC was 13.09 days. For the second group of 59 individuals, the average length of stay at the CC LEC was 28.60 days.

More recently, the Detective Division of Carlton County Sheriff's Office developed another data sample to evaluate the length of time required to process and return results from BCA for cases involving drug evidence. In this sample data, taken between July 2018 and March 2019, a sample size of eighteen (18) Carlton County drug cases (meth, heroin, cocaine, LSD) found that the average time was 56.95 days from the date evidence was sent to BCA until the date the BCA analysis was completed.

This represents a significant reduction from the average of 169.5 days for the same information to be provided in the 2017 sample. A separate review of the length of time required to process and return results from BCA for cases involving DNA or property/evidence analysis was 81.6 days, with a sample size of 8 cases. This, too, represents a significant reduction in time from the average of 169.5 days for information to be provided in the 2017 sample.

For 2019 and the future, the benefits of using the quick-results micro-crystalization process includes having information available more rapidly for cases where the use of this process is approved.

Based on the success of the program to date, the plan is that traditional lab testing will continue to be used by Carlton County Law Enforcement staff and agencies on cases that are likely to go to trial. For other cases, particularly those with solid video identification and supplemental / supporting evidence, the quick-results micro-crystalization analyses will be used.

As additional information is available in the future regarding case processing times and factors contributing to delays, a detailed study on the relationship between faster returns on results from BCA and reductions in case continuances and potentially in length of stays of pretrial defendants in custody could be undertaken.

There are many factors that affect the length of stay (including use of pre-trial release options, differences in cases, parties, counsel, facts, and much more), and the detailed study would need to consider these and other factors in finding the relationship between the benefits of increased speed of processing evidence and returning results to Carlton County.

- **Improvements in and increased use of camera technology**, including use of body cam footage and cell phone pictures / video.
- **Improvements in and increased use of / reliance on GPS tracking on cell phones.** In addition to adding new charges, this information has led to more convictions due to tracking of location information, communications (texts, email, voice), and information contained in and available through social media.
- **Expectations for improved enforcement in automobiles** should be expected, particularly with the recent and improving computer analytics related to autonomous (driverless) cars and trucks.

- **Implementation of more high-technology tools and techniques** will continue to impact law enforcement particularly associated with biometrics (useful but with restrictions).
- **New technologies and equipment will lead to changes in enforcement and search-and-rescue**, particularly including technologies involving use of drones and high-definition and special (infrared (IR) / night vision) technologies.
- **With the migration to new field-based computer software in early 2018**, officers will increasingly be able to submit more reports electronically from their squad car, which should aid in faster, more efficient submission of reports.

All of these changes and evolutions will continue to change evidence presentation requirements, storage, processing, and more.

Particularly given the increase in law enforcement officer staffing in Carlton County, and the evolution toward increasingly analytical and data-driven pro-active operations, it should be expected that the County should see efficient and effective law enforcement and case resolution.

## CRIMINAL CASE PROCESSING

Chapter 3 of the 2017 Study was dedicated to reviewing and discussion options for increasing the speed of criminal case processing in Carlton County. Dr. Beck chaired a workshop related to case processing that addressed the following topics:

- a) Diversion Options Are Not Clearly Defined;
- b) Plea Bargaining is Inconsistent and Opinions Regarding Plea Bargaining Policies Vary Between Prosecution and Defense Attorneys; and
- c) Continuances in Felony Cases Are Numerous.

This chapter begins to address the specific topics and points raised in Chapter 3 of the 2017 Study. In each, the topic is introduced by title, and a summary of points raised in the 2017 Study are presented together with initial findings based on the BKV Group Team analysis of historic and current data, followed by any additional proposed ACTION Plan ideas for continued implementation of improvements.

*Please Note: This chapter was to have been the primary work scope for the consultant team from the National Center for State Courts, and the information presented in this draft represents only observations based on data collected and analyzed by the BKV Group Team in conjunction with other study activities. It is the hope of the BKV Group Team that the National Center for State Courts Team eventually will work to review and build additional data, respond to the 2017 Report recommendations, and provide additional insight and guidance regarding case processing and future opportunities for the Carlton County courts and related agencies.*

### TOPIC ONE: DIVERSION OPTIONS ARE NOT CLEARLY DEFINED

**B.1. Problem Statement.**<sup>1</sup> The problem statement narrative references the Minnesota County Attorneys Association 2014 Position Paper regarding pre-charge diversion programs and the National District Attorneys Association Prosecution Standards. The 2017 Report states that diversion is currently being used in some Minnesota counties and could “likely” be used in nearly all Minnesota counties.<sup>2</sup> The 2017 Report goes on to note that the County Attorney, Public Defender, and the CEO of Diversion Solutions, LLC in Duluth had met to discuss a felony pre-charge diversion program, but the program when unused by the County Attorney’s Office.

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<sup>1</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). pages III-2 to page III-3.

<sup>2</sup> Ibid. p III.2

**B.2. Recommendation.**<sup>3</sup> The 2017 Report recommended (Item 3.1) that a diversion program should be implemented in the County Attorney's Office.

**B.3 Action Taken After the Planning Workshop.**<sup>4</sup> The 2017 Report stated that the County Attorney's office was in the process of implementing a diversion program using Diversion Solutions LLC services, and information about the program was shown in Appendix 3-2 of Chapter 3 in the 2017 report.

**ACTIONS:** Key points will include discussions regarding the following:

- There currently is a Restorative Justice diversion program for juveniles charged in criminal cases in Carlton County, which is used widely and is regarded as very helpful for the justice system.
- The new County Attorney has created an overall adult diversion program, with provisions for both traffic and felony cases, and will be finalizing the program in the near future.

Moving forward into 2020, it would be important to review the programs and measure the effectiveness of the programs in the future to see impacts and to help with refinement.

## TOPIC TWO: REGARDING DELAYS IN PLEA NEGOTIATIONS (B.1 (2))

*Please Note: This topic was introduced in Chapter 2 of the 2017 Report, but has been included in Chapter Three of this report, in an effort to group topics related to plea negotiations and case processing / flows into one chapter.*

**DISCUSSION:** Felony case processing analysis follow-up to the 2017 Study Case processing was to be undertaken by the National Center for State Courts, including a review of plea negotiations with representatives of the Public Defender's Office and the Office of the County Attorney. Process improvement recommendations related to plea negotiations should be expected if / as / when this study is completed.

**ACTIONS:** To prepare for these studies, the BKV Group Team used data provided by the Office of the State Court Administrator to build a multi-year sample of criminal cases filed in Carlton County for future analyses, and has provided this to the County and CCJP Steering Committee for use in reviewing criminal (felony) case processing in the Carlton County system.

The analyses and summaries illustrate that overall, the Sixth District Court – Carlton County averages approximately 5.0 hearings per criminal case (court cases in Carlton County District Court, 2016-2018), and some cases may have significantly more than 20 hearings over a multi-year period.

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<sup>3</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). p. III-3.

<sup>4</sup> Ibid. p III.3.

This information compares with the findings developed by Paul Coughlin, Jail Administrator, and the Project Consultant, Dr. Allen Beck, in the previous study of 100 randomly-selected felony inmates entering the court system through the Carlton County Jail. In that study, more than “*half of the cases had seven (7) or more hearings and that more than 20% had eleven (11) or more hearings ... Continuances are a primary problem that is further complicated by inconsistencies in plea bargaining.*”<sup>5</sup>

To supplement this information, the BKV Group Team compiled a historical summary of case filings for the District Courts in Carlton County. This information was used to review historic, current and estimated future court caseloads and workloads for the Courts and court-related agencies.

Please refer to the following table (overleaf) for additional information regarding historic caseloads and filings.

Case processing efficiency and reduction of hearings remain an important objective and might translate to process efficiency. The broad objective of “outcome effectiveness” must be considered, particularly considering the individuals who interact with the Carlton County Justice system multiple times in one or multiple years. Final analyses and recommendations should consider both process efficiency and outcome effectiveness in targeting best practices and recommended improvements.

Table III.1 Sixth Judicial District Court Caseloads – Carlton County, overleaf, presents historic and current caseloads by case type, for the years 2007 – 2018. This information was provided by the State of Minnesota Office of the State Court Administrator.

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<sup>5</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). pp III-10 to III-11.

Table III.1 Sixth Judicial District Court Caseloads – Carlton County

SIXTH JUDICIAL DISTRICT - MN JAD  
 2007-2018

LOCATION / WCL TYPE	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	17-18	09-18	TOTAL	07-18
<b>CARLTON COUNTY (TOTALS)</b>	<b>7,058</b>	<b>6,794</b>	<b>8,011</b>	<b>7,838</b>	<b>7,288</b>	<b>7,480</b>	<b>8,029</b>	<b>7,787</b>	<b>8,583</b>	<b>8,508</b>	<b>8,232</b>	<b>7,159</b>	-13%	-11%	<b>78,915</b>	<b>1.4%</b>
<b>MAJOR CRIMINAL</b>	<b>473</b>	<b>476</b>	<b>479</b>	<b>585</b>	<b>529</b>	<b>593</b>	<b>603</b>	<b>554</b>	<b>586</b>	<b>586</b>	<b>663</b>	<b>504</b>	-24%	5%	<b>5,682</b>	<b>6.6%</b>
Serious Felony	5	6	10	12	13	13	12	8	8	5	10	7	-30%	-30%	<b>98</b>	40.0%
Felony DWI	10	12	7	13	4	6	7	5	4	3	4	5	25%	-29%	<b>58</b>	-50.0%
Other Felony	247	232	245	304	293	334	369	334	376	340	347	285	-18%	16%	<b>3,227</b>	15.4%
Gross Misd DWI	139	115	115	146	122	133	90	96	83	100	101	85	-16%	-26%	<b>1,071</b>	-38.8%
Other Gross Misd	72	111	102	110	97	107	125	111	115	138	201	122	-39%	20%	<b>1,228</b>	69.4%
<b>MAJOR CIVIL</b>	<b>223</b>	<b>253</b>	<b>302</b>	<b>298</b>	<b>296</b>	<b>307</b>	<b>326</b>	<b>305</b>	<b>250</b>	<b>213</b>	<b>193</b>	<b>240</b>	24%	-21%	<b>2,730</b>	<b>7.6%</b>
Personal Injury	19	16	14	15	9	11	4	13	12	9	4	16	300%	14%	<b>107</b>	-15.8%
contract	30	24	39	38	53	30	73	51	43	31	24	29	21%	-26%	<b>411</b>	-3.3%
Wrongful Death	0	2	0	1	1	0	1	2	1	0	0	1	0%	0%	<b>7</b>	0.0%
Malpractice	3	1	1	0	0	1	0	2	0	1	0	1	0%	0%	<b>6</b>	-66.7%
Property Damage	1	1	4	1	0	3	0	1	2	1	1	0	-100%	-100%	<b>13</b>	-100.0%
Condemnation	2	2	6	2	1	0	1	0	2	0	1	0	-100%	-100%	<b>13</b>	-100.0%
Conciliation Appeal	8	1	4	2	8	5	1	2	4	12	3	0	-100%	-100%	<b>41</b>	-100.0%
Harassment	96	123	148	163	157	170	167	165	115	102	102	135	32%	-9%	<b>1,424</b>	40.6%
Employment	0	1	1	0	1	0	2	0	1	0	1	0	-100%	-100%	<b>6</b>	0.0%
Other Civil	64	82	85	76	66	87	77	69	70	57	57	58	2%	-32%	<b>702</b>	-9.4%
<b>MAJOR PROBATE</b>	<b>171</b>	<b>129</b>	<b>127</b>	<b>108</b>	<b>126</b>	<b>122</b>	<b>131</b>	<b>125</b>	<b>137</b>	<b>87</b>	<b>98</b>	<b>115</b>	17%	-9%	<b>1,176</b>	<b>-32.7%</b>
Trust	0	0	2	1	5	2	3	1	2	2	3	2	-33%	0%	<b>23</b>	0.0%
Supervised Administration	6	1	3	3	4	0	3	1	2	0	0	0	0%	-100%	<b>16</b>	-100.0%
Unsupervised Administration	40	25	29	22	26	19	32	30	43	22	36	35	-3%	21%	<b>294</b>	-12.5%
Special Administration	4	6	2	3	4	5	0	6	5	2	1	3	200%	50%	<b>31</b>	-25.0%
Informal Probate	5	9	10	10	8	8	13	8	7	11	4	7	75%	-30%	<b>86</b>	40.0%
Estate / Other Probate	34	24	15	11	9	20	12	16	16	10	15	12	-20%	-20%	<b>136</b>	-64.7%
Guardianship / Conservatorship	41	33	31	34	34	31	28	33	36	14	19	32	68%	3%	<b>292</b>	-22.0%
Commitment	41	31	35	24	36	37	40	30	26	26	20	24	20%	-31%	<b>298</b>	-41.5%
<b>MAJOR FAMILY</b>	<b>426</b>	<b>436</b>	<b>397</b>	<b>406</b>	<b>374</b>	<b>455</b>	<b>440</b>	<b>389</b>	<b>334</b>	<b>294</b>	<b>308</b>	<b>299</b>	-3%	-25%	<b>3,696</b>	<b>-29.8%</b>
Dissolution with Child	64	78	68	77	90	59	72	68	65	46	61	46	-25%	-32%	<b>652</b>	-28.1%
Dissolution without Child	66	56	79	56	61	51	54	50	67	50	48	56	17%	-29%	<b>572</b>	-15.2%
Support	128	134	118	155	101	208	209	142	88	88	97	101	4%	-14%	<b>1,307</b>	-21.1%
Adoption	22	17	12	4	8	11	7	13	4	8	8	14	75%	17%	<b>89</b>	-36.4%
Other Family	38	46	33	27	40	47	16	26	21	28	31	31	0%	-6%	<b>300</b>	-18.4%
Other Juvenile	0	0	0	0	0	0	0	0	0	0	0	0	0%	0%	<b>0</b>	0.0%
Domestic Abuse	108	105	87	87	74	79	82	90	89	74	63	51	-19%	-41%	<b>776</b>	-52.8%
<b>MAJOR JUVENILE</b>	<b>437</b>	<b>395</b>	<b>354</b>	<b>394</b>	<b>419</b>	<b>347</b>	<b>243</b>	<b>239</b>	<b>296</b>	<b>311</b>	<b>290</b>	<b>236</b>	-19%	-33%	<b>3,129</b>	<b>-46.0%</b>
Delinquency Felony	78	29	38	23	20	30	45	31	33	27	30	23	-23%	-39%	<b>300</b>	-70.5%
Delinquency Gross Misdemeanor	13	21	7	5	14	9	3	5	3	1	2	4	100%	-43%	<b>53</b>	-69.2%
Delinquency Misdemeanor	64	74	69	79	75	75	50	65	65	103	75	47	-37%	-32%	<b>703</b>	-26.6%
Status Offense	148	165	119	148	142	94	66	50	38	25	28	28	0%	-76%	<b>738</b>	-81.1%
Dependency / Neglect	85	68	68	89	100	77	40	54	100	82	103	63	-39%	-7%	<b>776</b>	-25.9%
Term. of Parental Rights	13	6	0	0	0	0	0	0	0	0	0	0	0%	0%	<b>0</b>	-100.0%
Permanency	0	0	0	0	0	0	0	0	0	0	0	0	0%	0%	<b>0</b>	0.0%
Permanency - TPR	0	0	8	7	4	5	1	9	15	20	13	20	54%	150%	<b>102</b>	0.0%
Permanency - Non TPR	0	0	22	25	44	31	26	13	25	43	36	46	28%	109%	<b>311</b>	0.0%
CHIPS - Delinquency Under 10	2	0	0	0	0	0	0	0	0	0	0	0	0%	0%	<b>0</b>	-100.0%
Truancy	26	21	16	14	13	14	8	11	16	10	3	5	67%	-69%	<b>110</b>	-80.8%
Runaway	8	11	7	4	7	12	4	1	1	0	0	0	0%	-100%	<b>36</b>	-100.0%
<b>MINOR CIVIL*</b>	<b>505</b>	<b>583</b>	<b>1,057</b>	<b>1,096</b>	<b>890</b>	<b>809</b>	<b>935</b>	<b>951</b>	<b>1,142</b>	<b>1,207</b>	<b>1,217</b>	<b>1,158</b>	-5%	10%	<b>10,462</b>	<b>129.3%</b>
Unlawful Detainer	51	61	35	52	44	57	66	53	74	64	56	47	-16%	34%	<b>548</b>	-7.8%
Implied Consent	7	8	3	9	7	10	6	11	9	11	5	4	-20%	33%	<b>75</b>	-42.9%
Transcript Judgment	161	168	213	210	188	156	233	178	307	359	335	345	3%	62%	<b>2,524</b>	114.3%
Default Judgment	286	346	334	335	214	243	108	147	200	182	230	199	-13%	-40%	<b>2,192</b>	-30.4%
Conciliation			472	490	437	343	522	562	552	591	591	563	-5%	19%	<b>5,123</b>	0.0%
<b>MINOR CRIMINAL</b>	<b>4,823</b>	<b>4,522</b>	<b>5,295</b>	<b>4,951</b>	<b>4,654</b>	<b>4,847</b>	<b>5,351</b>	<b>5,224</b>	<b>5,838</b>	<b>5,810</b>	<b>5,463</b>	<b>4,607</b>	-16%	-13%	<b>52,040</b>	<b>-4.5%</b>
5th Degree Assault	68	97	83	73	83	115	132	117	123	146	136	95	-30%	14%	<b>1,103</b>	39.7%
Other Non-Traffic	813	981	957	872	920	1,073	928	949	1,082	992	973	757	-22%	-21%	<b>9,503</b>	-6.9%
Misd. DWI	198	203	179	174	208	173	134	125	152	86	101	92	-9%	-49%	<b>1,424</b>	-53.5%
Other Traffic	3679	3201	4,034	3,796	3,407	3,451	4,121	3,997	4,424	4,529	4,197	3,607	-14%	-11%	<b>39,563</b>	-2.0%
Juvenile Traffic	53	38	38	32	34	33	33	32	55	43	40	50	25%	32%	<b>390</b>	-5.7%
Parking	12	2	4	4	2	2	3	4	2	14	16	6	-63%	50%	<b>57</b>	-50.0%

\* Note 1: Accurate conciliation counts are unavailable and are not included in this summary

### TOPIC THREE: REGARDING WEEKEND/HOLIDAY HOURS FOR BAIL HEARINGS (B.2)

*Please Note: This topic was introduced in Chapter 2 of the 2017 Report, but has been included in Chapter Three of this report, in an effort to group topics related to plea negotiations and case processing / flows into one chapter.*

**DISCUSSION:** The 2017 Study suggested that *“it is very possible that the portion of the Minnesota Rules of Criminal Procedures which excludes weekends and holidays will be changed. When this change occurs, initial appearances (arraignments) will have to be held every day. Not only will this require a judge to be available to consider non-monetary pretrial release, but it will mean that submission of arrest reports will have to meet new time standards.”*

Several proposals for providing late-day judicial Bail Hearings or Initial Appearances were discussed in the meetings conducted between August 2018 and June 2019.

In reviewing this recommendation, specific costs and impacts were discussed, including the operational / staffing costs and impact on public and private participants involved in these appearances, including the judicial officer(s), court staff, County Attorney, (typically) Public Defender, Property Management (building hours); Sheriff’s Office (court security); law enforcement personnel; public, and others.

**ACTION:** Based on the initial assessment, at this time, there are no plans for weekend or holiday hours for initial appearance / bail hearings in Carlton County.

**DISCUSSION:** A second topic that was listed for specific discussion at a future meeting was the potential for working with the courts to provide late-day judicial Bail Hearings or Initial Appearances. The proposal was that by providing a late-day judicial bail or initial appearance hearing, a number of defendants currently held one or more days in the CC LEC might be eligible for release and able to be released with shorter lengths of stay at the facility.

In reviewing this point, it is important to note that the data changed significantly with the recent adoption and implementation of the State of Minnesota Pre-Trial Release Guidelines. Consequently, additional research and investigation would be required to assess the potential benefits that could derive from late-day judicial Bail Hearings or Initial Appearances. Particularly with the recent adoption and implementation of the MN Pre-Trial Release guidelines, key aspects of risk assessment and decision-making regarding release of defendants have been formalized and standardized.

Until such time as a more complete study can be undertaken, the BKV Group Team hopes that data provided by A R C regarding this program and early application of the guidelines in Carlton County (see Chapter Six of this Report) will demonstrate efficiencies related to timely release related to the use of the process, and may provide additional information that could be used to assess the possible impact on late-day judicial Bail Hearings or Initial Appearances.

**ACTION:** As a future action, the provision of late-day judicial Bail Hearings and/ or Initial Appearances / Arraignments might again be considered in concert with the adoption and implementation of the MN Pre-Trial Release guidelines to speed release of detainees that meet requirements and conditions.

#### TOPIC FOUR: PLEA BARGAINING IS INCONSISTENT AND OPINIONS REGARDING PLEA BARGAINING POLICIES VARY BETWEEN PROSECUTION AND DEFENSE ATTORNEYS

**C.1. Problem Statement.**<sup>6</sup> The 2017 Report stated that there were no clear expectations regarding plea bargaining, and the lack of clarity has led to unnecessary delays in case resolution. The report noted that cases would benefit from clearer plea-bargaining parameters, particularly for serious misdemeanors, gross misdemeanors, and felony cases.

The report stated that this condition has a serious impact on prolonging the length of stay of jail inmates, on attorney caseloads, and on the timeliness of justice. The report also stated that the judiciary made an effort to enforce cutoff times for plea bargains, but this had a limited impact, in part due to the lack of attorney commitment to the process and in part because of the lack of a definitive approach by the bench to sanction attorneys for failing to adhere to the court-ordered timelines.

**C.2 Recommendations.**<sup>7</sup> The 2017 Report gave several specific recommendations:

- 3-2. The County Attorney's Office should develop plea negotiation guidelines.
- 3-3. A study should be performed of plea offers and outcomes.

**DISCUSSION:** The County Attorney is working on plea parameters for more straight-forward cases such as DWI / DUI cases.

But since the facts, victims, and variables associated with many cases can vary dramatically, the County Attorney believes that the experience and judgment of the prosecutor is crucial for establishing the case-specific plea parameters. Due the variability in cases, the County Attorney believes that establishing firm and rigid plea parameters would not be appropriate, since the case specific plea parameters should be fact determinant.

On the other hand, the County Attorney believes that while it might be hard to develop effective plea parameters due the variability of cases, it would be worth some effort to review and continuing to discuss this over time.

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<sup>6</sup> Ibid. p III.4.

<sup>7</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). p III 5.

## TOPIC FIVE: CONTINUANCES IN FELONY CASES ARE NUMEROUS

The 2017 Report noted that ninety-five percent or more of all criminal cases are disposed by plea bargains and that the focus of criminal caseflow process improvement must focus on controlling the plea bargain process. According to the 2017 Report, “Much of what is written in this section does not exist in Carlton County.”<sup>8</sup>

### **D.1. Source of Information in this Section.**<sup>9</sup>

Please refer to the 2017 Report for a listing of key reference sources on the subject.

### **D.2. Defining the Concept of Continuances**<sup>10</sup>

The 2017 Report notes that:

- *Consideration 1:* Continuances in light of best practices: In an efficient system of criminal case processing continuances are few. A goal for continuance rate is 15% or less per scheduled court event including trial settings. For all of the most complex court cases, do not schedule trials until all other settlement options have been tried.
- *Consideration 2:* Excessive continuances for court cases of any complexity suggests that court events are not meaningful. Non-meaningful events are those in which no action occurs other than setting a continuance. Regardless of the types of cases, a high percentage of continuances indicates that court events are not meaningful (positive action to move the case would have occurred). If they had been, no continuances would have been necessary, instead the judge would have set a date for the next meaningful event.
- *Consideration 3:* How to better estimate reasonable time frames in setting court events? Not all criminal cases take the same length of time from arrest to disposition; the more complex the case, the longer expected time to disposition. Thus, court event setting should take this into account and set different times for the various cases. One of the keys to differentiating between complexities of various cases is to implement Differentiated Case Management (DCM). When applied only to felony cases this is often called Differentiated Felony Case Management (DFCM). Central to the theme of DCM is the concept that each court event should involve timely action and meaningful progress toward case disposition. The system recognizes the need to administer different categories of cases based on their individual issues and complexity.
- *Consideration 4:* Best practices in setting expectations for setting meaningful and timely court. Please refer to the 2017 Report for additional discussion related to this topic, and please refer to the National Center for State Courts model continuance policy, included in Appendix 3-4 of Chapter 3 in the 2017 Report.

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<sup>8</sup> Ibid, p III-6.

<sup>9</sup> Ibid, pp III-2 to III-3.

<sup>10</sup> Ibid, p III-7.

### **D.3. How Continuances Multiply Court Workload<sup>11</sup>**

Continuances increase burdens on the judge, attorneys, court staff, probation staff, jail escort officers, law enforcement officers, and on citizens involved in the process (jurors, witnesses, victims, defendants and family members). The 2017 report notes that, *“Not only is workload of the court magnified by continuances, but the length of stay of pretrial inmates increases and, thereby, increases the number of jail beds needed to house inmates.”*

### **D.4. Analysis of a Sample of Carlton County Felony Continuances<sup>12</sup>**

The 2017 report provided information related to the findings of a study of 100 randomly-selected felony inmates entering the court system, admitted to the Carlton County Jail. The study reviewed both the speed of felony case processing and the number of hearings occurring during the proceeding leading up to disposition. *“As can be seen the sample’s processing times were much slower than recommended by the Minnesota model time standards, e.g., only half of the cases in 2014 and 2015 met the 180-day time standard.”*

**Recommendation.**<sup>13</sup> The 2017 Report recommended (Items 3.4 and 3.5) that a system of Differentiated Case Management (DCM) should be adopted, and that a Continuance Policy should be implemented.

DISCUSSION. As noted in the Introduction, this chapter was to have been the primary work scope for the consultant team from the National Center for State Courts, and the analyses related to the potential use of DCM and DFCM for the Carlton County Courts was one of the specific areas that were to be investigated by the NCSC Team.

It remains the hope of the BKV Group Team that the National Center for State Courts Team eventually will be retained to review and build additional data, respond to the 2017 Report recommendations, and provide additional insight and guidance regarding case processing and future opportunities for the Carlton County courts and related agencies.

### **D.5. Insufficient Case Preparation Time Exists Between Rule 8 and Omnibus Hearings<sup>14</sup>**

The 2017 report also noted that, *“In the current scheduling of case events, insufficient case preparation time occurs between the Rule 8 hearing, assignment of a Public Defender, and the subsequent Omnibus Hearing. As a result, continuances are requested.”*

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<sup>11</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). p. III-9

<sup>12</sup> Ibid. p. III-10.

<sup>13</sup> Ibid. p. III-11.

<sup>14</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). p. III-9

**Recommendation.**<sup>15</sup> The 2017 Report recommended (Item 3.6) that The Bench and the Court Administrator, with input from prosecution and defense attorneys, should refine the manner of scheduling Rule 8 and Omnibus Hearings.

DISCUSSION: The BKV Group Team hopes that the National Center for State Courts Team eventually will work to review and build additional data, and develop a response to the 2017 Report recommendations.

#### **D.6. Insufficient Space to Conduct Plea Negotiations**<sup>16</sup>

The 2017 report also noted that, “... *representatives of the County Attorney’s Office and Public Defender’s Office raised the concern that there is often no space in which to conduct plea negotiations. Typically, the attorneys’ only option is to discuss plea bargains in the hallway.*”

**Recommendation.**<sup>17</sup> The 2017 Report recommended (Item 3.7) that a manner of scheduling rooms that are temporarily not in use or constructing partitions within existing space should be explored as a temporary relief to this chronic problem.

DISCUSSION: The BKV Group Team recommends that attorney/client conference rooms should be provided based on the facility guidelines published by the National Center for State Courts.

In the planning for new or renovated court facilities for Carlton County, consideration also should be given to providing specific rooms and areas for attorney-attorney negotiations, particularly related to discussions near the courtrooms to help support Early Disposition Court type activities and negotiations.

Additional information on this will be provided in conjunction with recommendations developed by the NSCS Team in the future.

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<sup>15</sup> Ibid p. III-11.

<sup>16</sup> Ibid, p. III-12

<sup>17</sup> Ibid p. III-13.

## TOPIC SIX: SPECIFIC RECOMMENDATIONS<sup>18</sup>

The following specific recommendations were included in Chapter Three of the 2017 Study.

- 3-1. A diversion program should be implemented in the County Attorney's Office.

**DISCUSSION:** There currently is a Restorative Justice diversion program for juveniles charged in criminal cases in Carlton County, which is used widely and is regarded as very helpful for the justice system. The new County Attorney has created a diversion program, with provisions for both traffic and felony cases, and will be finalizing the program in the near future.

**ACTION:** The new County Attorney supports the use of diversion programs for juveniles and for adults with traffic and felony charges.

- 3-2. The County Attorney's Office should develop plea negotiation guidelines.

**DISCUSSION:** The County Attorney is working on plea parameters for more straight-forward cases such as for DWI / DUI cases. But for other cases which will vary considerably, the experience and judgment of the prosecutor is crucial for setting case-specific pleas offers, and the County Attorney expects this practice to continue.

**ACTION:** The County Attorney's office will be reviewing and analyzing plea parameters going forward.

- 3-3. A study should be performed of plea offers and outcomes.

**DISCUSSION:** The County Attorney has implemented the policy that written plea offers are developed and kept in each case and kept with the case file.

**ACTION:** The County Attorney's office will be reviewing and analyzing policies and practices regarding written plea offers going forward.

- 3-4. A System of Differentiated Case Management (DCM) should be adopted.

**ACTION:** This recommendation should be analyzed, and recommendations developed within the scope of a future study by the National Center for State Courts.

- 3-5. A Continuance Policy should be implemented.

**ACTION:** This recommendation should be analyzed, and recommendations developed within the scope of a future study by the National Center for State Courts.

- 3-6. The Bench and the Court Administrator, with input from prosecution and defense attorneys, should refine the manner of scheduling Rule 8 and Omnibus Hearings.

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<sup>18</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers). p. II-2.

**ACTION:** This recommendation should be analyzed, and specific recommendations developed within the scope of a future study by the National Center for State Courts.

In building the database of criminal court filings for the Carlton County Courts (from 2016 to 2018), the BKV Group Team noticed that the data provided by the Administrative Office of the Courts would have been more consistent if the hearing records for each case consistently identified all hearings in terms of benchmark case milestone (e.g., Rule 5, Rule 8, Omnibus, Initial Hearing, Arraignment, Trial, Pretrial Conference, etc.).

The BKV GROUP Team recommends that the CCJP / CCJP Steering Committee leaders meet with key court administrative personnel and leaders to confirm standards / quality standards regarding data recording to support future analyses.

- 3-7. A manner of scheduling rooms that are temporarily not in use or constructing partitions within existing space should be explored as a temporary relief to this chronic problem.

**ACTION:** The BKV Group Team recommends that attorney/client conference rooms should be provided based on the facility guidelines published by the National Center for State Courts.

In the planning for new or renovated court facilities for Carlton County, consideration also should be given to providing specific rooms and areas for attorney-attorney negotiations, particularly related to discussions near the courtrooms to help support early case disposition activities and negotiations.

Additional information on this can be provided in conjunction with recommendations developed by the NSCS Team in the future.

## JAIL PROGRAMMING

The 2017 Study identified “three key areas” related to the capabilities of the jail system to provide appropriate programming for the incarcerated population, including: an initial assessment of every detainee, treatment programming, and step-down / transition programming as incarcerated persons transition back to the community. The important context impacting the jail’s ability to provide this programming is the current “lack of program staff and severe space limitations ....”<sup>1</sup>

This Chapter Four addresses specific topics and points raised in Chapter 4 of the 2017 Study. Each topic is introduced by title, and a summary of points raised in the 2017 Study are presented together with findings based on the BKV Group Team analysis of recent and current data, followed by proposed Action Plan ideas for continued implementation of improvement measures.

### TOPIC ONE: *LIMITED ASSESSMENT CAPABILITIES IN THE JAIL*

**C.1. Problem Statement.**<sup>2</sup> Chapter 4 references the state mandate that each local jail implement an intake screening process. To satisfy this requirement in part, the Carlton County Law Enforcement Center (CC LEC) uses the Brief Jail Mental Health Screen (BJMHS), a ten-question instrument empirically validated for male informants but not for female informants. The BJMHS in fact, results in a high false negative rate for female detainees, meaning that the results of the BJMHS for female detainees may not identify mental health problems when in fact they exist. Minnesota statute requires jails to use the BJMHS unless another validated and approved tool is selected.

The BJMH screening is facilitated by a corrections officer, and the BJMHS questions are also found on the CC LEC’s health screening questionnaire which detainees complete while they await the formal booking process. The BJMHS can be used, in combination with other inmate classification and clinical screening processes, to help in determining appropriate housing assignments.

**DISCUSSION:** It is important to view this problem statement in the context of what was written in the Wold/Beck Report, Chapter 4. Section B: Characteristics of Carlton County Jail Inmates. There, Dr. Beck commented on the limited descriptive information available on the jail population that might help identify criminogenic risk levels, including individuals’ risks to reoffend and risks for behavioral health challenges. Not having a risk assessment protocol

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<sup>1</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). p IV-1.

<sup>2</sup> Ibid., p IV-6.

used at intake, such as the Risk-Needs-Responsivity (RNR) approach found in the Level of Service Inventory-Revised (LSI-R),<sup>3</sup> results in a missed opportunity to assess each detainee's criminal risk, identify potentially appropriate treatment responses and devise the terms of pre-trial release and/or post-release supervision.

The LSI-R categorizes detainees along 10 domains, and some of those domains - substance use, antisocial cognition, antisocial associates, family and marital relations, employment, and leisure and recreational activities - are seen as priority risk and intervention areas in the goal of reducing recidivism.<sup>4</sup> Researchers have referred to these domains as including the "Big 4" (history of criminal behavior, antisocial personality, antisocial cognition and antisocial associates), which are thought to be the most robust contributors to criminal thinking and behaviors; and the "Moderate 4" (substance abuse employment, prosocial activities, and family and marital problems), which are additional factors also found correlated with recidivism.<sup>5</sup>

In his study of the CC LEC, Dr. Beck estimated risks of reoffending from a sample of 200 inmates admitted to the CC LEC in a two-year period (2014-15) and found that nearly two-thirds were at high risk for reoffending, with men at higher risk than women. Important when considering jail programs are his conclusions that the incidence of mental illness and/or substance abuse among the detainee population contributed to the large percentage of those at high risk of reoffending. This is a common observation asserted in the justice literature and the vexing question that arises from it asks: What drives the criminal behavior: the mental illness or the criminal thinking? Actuarial instruments can help answer that question, and when accompanied by an adequate exploration of one's mental health and chemical use histories, can help inform the development of treatment responses.

In an agreement between the Carlton County Sheriff's Office and the Carlton County Department of Public Health & Human Services (PHHS), in 2018, counselor Heather Giancola, MSW, was assigned to the CC LEC to provide transition / discharge planning services for incarcerated persons who would be released to the community. The position that Ms. Giancola holds has the potential to inform and advance solutions to the problems identified by Dr. Beck, and certainly also has potential for creating transition plans that will include programming than can target the dynamic risk factors identified in a risk assessment instrument such as the LSI-R. Ms. Giancola's position and responsibilities continue to develop and take shape in 2019.

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<sup>3</sup> Andrews DA, Bonta J. (2010). *The psychology of criminal conduct*. New Providence, NJ: Anderson. Also see, e.g., <https://www.mhs.com/MHS-Publicsafety?prodname=lsi-r>.

<sup>4</sup> Wooditch, A., Tang, L.L., and Taxman, F.S. (2014). Which criminogenic need changes are most important in promoting desistance from crime and substance use? *Criminal Justice Behavior*, 41(3), 276-299. DOI: 10.1177/0093854813503543

<sup>5</sup> Jennifer L. Skeem and Jillian K. Peterson. "Major risk factors for recidivism among offenders with mental illness" *Council of State Governments Report*. (2011) (PDF @ Skeem & Peterson @ [http://risk-resilience.berkeley.edu/sites/default/files/journal-articles/files/major\\_risk\\_factors\\_for\\_recidivism\\_among\\_offenders\\_with\\_mental\\_illness\\_2011.pdf](http://risk-resilience.berkeley.edu/sites/default/files/journal-articles/files/major_risk_factors_for_recidivism_among_offenders_with_mental_illness_2011.pdf)).

Ms. Giancola gathered certain data on those persons she interviewed at or near the time of admission to the CC LEC. All of the data are found in the tables insert here and are highlighted in the discussion that follows. In some cases, the time frames of the reported data vary in accord with periods when changes were made to the information sought, e.g., when screening questions changed. In the most relevant sections related to Chapter 4, the data represent a full 12-month reporting period.

**BOOKINGS: 07/24/18 through 07/23/19 (Total n=1380)**

Length of Stay (in Hours)	Total Number of Individuals Released (% of Total Booked)
NO HOLD, Zero Hours	76 (6%)
Released within 1-8 hours	221 (16%)
Released within 24 hours	648 (47%)
Released within 48 hours	905 (66%)

**1304 BOOKINGS HELD ≥ 1 HOUR: 07/24/18 through 07/23/2019**

**Number of Mental Health / Substance Use Screenings Completed = 476 (37%)**

Between 4/18 and 7/23/2019 24 of the 207 intakes were released before they could be screened. Three (3) of the remaining persons declined the interview; two (2) were not screened due to staff concerns

**INDIVIDUALS SCREENED: 07/24/2018 through 07/23/2019 (n=470)<sup>6</sup>**

MENTAL HEALTH CONCERN? (n=476)		
YES	331	70%
NO	139	30%
70% of inmates screened July 24, 2018-July 23, 2019 reported with a mental health condition/concern		

CHEMICAL HEALTH CONCERN/SUD? (n=473)		
YES	322	69%
NO	148	31%
69% of Inmates screened from July 24, 2018-July 23, 2019 endorsed to a SUD		

**INDIVIDUALS SCREENED: 07/24/2018 through 07/23/2019 (n=470)**

GENDER (n=470)		
Female	137	29%
Male	333	71%

**INDIVIDUALS SCREENED: March 18 – July 23, 2019 (n=221)**

CURRENTLY ON PROBATION/PAROLE? (n=221)		
YES	133	60%
NO	88	40%
60% of Inmates Screened March 19-July 23, 2019 were on PROBATION		

MILITARY HISTORY? (n=221)		
YES	39	18%
NO	182	82%
18% of Inmates Screened March 18-July 23, 2019 were in/had been in the MILITARY		

<sup>6</sup> Edits in Zuercher over time resulted in some missing data

<b>HOMELESS? (n=221)</b>		
<b>YES</b>	<b>20</b>	<b>9%</b>
<b>NO</b>	<b>201</b>	<b>91%</b>
<b>9% of Inmates screened March 18-July 23, 2019 were HOMELESS</b>		

<b>CURRENTLY LIVING IN THE FDL/CARLTON COUNTY SERVICE AREA? (n=470)</b>		
<b>YES</b>	<b>29</b>	<b>76%</b>
<b>NO</b>	<b>17</b>	<b>24%</b>
<b>63% of Inmates screened July 24, 2018-July 23, 2019 were currently living in the SERVICE AREA</b>		

Clearly, the information in these tables represents a great start to a data driven approach for understanding the treatment needs of, and planning responsive programming for, the detainees who enter into the CC LEC. Noted are the many detainees who viewed themselves as having mental health challenges, as having substance use disorders and probably also who have co-occurring disorders as well. Most new detainees are male but certainly the female detainee population is formidable in numbers and in health challenges and present significant challenges to jail population management practices as well.

In highlighting several of these data points we are cautious in drawing any firm conclusions. The screened sample is relatively small (37%) – but still substantial! - when compared to the total population, and the constructs measured are often based on self-report. These are not uncommon limitations in justice evaluations, but they are important to keep in mind in order to avoid unfounded conclusions. One common example is that of “recidivism,” a poorly conceptualized data point that is almost impossible to capture in a pure way. Just looking at the sample of those screened in the CC LEC between March 18 and July 23, 2019, more than 60% were on probation at the time of their intake. What is not clear is the type of “recidivism” that occurred, i.e., did the charges include probation or parole violations and if so, were they for new charges or for violations of the terms of their supervision or both? Paying attention to these distinctions helps to guide larger system evaluations, jail programming and justice system planning.

Another area that requires additional detail is that of the percentage of persons who identified as having a mental health “condition/concern.” The finding that 70% of persons reported having a condition/concern is startling, unless one views this not so much as a clinical matter but rather as a matter of self-appraisal. Such differences in perception and definition naturally implicate the need for different program responses. Further, if the 70% who acknowledged having a mental health condition / concern were also assessed with an instrument such as the LSI-R, the CC LEC would have a good basis on which to build the kind of programs needed to impact those at higher risk for criminal thinking and behaviors. Further, thinking ahead to the programs that might be offered during incarceration also has implications for jail design.

**ACTIONS:** The BKV Group Team Leader completed her final site in Carlton County in July 2019 and reviewed the most up to date data generated through the screening process. After several revisions to the screening instrument, Ms. Giancola is definitely “on task” to maximize the number of screenings completed during the hours she is available on site. The data that are being compiled now represent a great start in more fully understanding the population coming into the CC LEC. Additional and related data points can help to build a picture of daily demands on security, programs, and health staff and are suggested in the recommendations that follow. Ongoing data collection make possible point-in-time measures of those who are incarcerated, and provides a view of trends over time, which in turn can inform the larger justice system operations and planning. The BKV Group Team Leader has provided recommendations directly to the jail administrator and the PHHS for both internal quality assurance audit topics (and procedures) and performance outcomes that will help them monitor their work and the efficacy of it as jail-based and transition programming is developed and delivered.

## TOPIC TWO: *SPECIFIC RECOMMENDATIONS*<sup>7</sup>

These recommendations were included in the 2017 study in regard to assessment needs and are followed by our ideas for Action on them.

### 4-1. More clearly specify what a “positive screen” means in the Basic Mental Health Screen.

**DISCUSSION:** Several options were suggested to meet the intent of this recommendation, including having a review of the detainee’s mental status completed by a nurse, having an assessment completed by a psychologist or psychiatrist, or diverting to a local mental health facility such as Birch Tree.

**ACTION:** See the action plan under 4.2, below.

### 4-2. Resolve the problem of false negative mental health assessments.

**DISCUSSION:** This recommendation addresses the possibility that the results of the BJMHS are incorrect in that they indicate that no mental health problem exists, especially among women. Dr. Beck suggested that the use of another instrument to remedy for the BJMHS shortcomings be implemented.

Items 4.1 and 4.2 – both related to screening – are discussed in the following Action Plan.

**ACTION:** The BJMHS “is an efficient mental health screen that will aid in the early identification of severe mental illnesses and other acute psychiatric problems during the intake process.”<sup>8</sup> However, the BJMHS is not designed to serve as a health screening instrument, nor will it capture emergent psychiatric and substance use conditions. Thus, without more, the BJMHS does not provide all of the information needed to have a fully

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<sup>7</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)), pp.IV-14 to IV-16.

<sup>8</sup> Policy Research Associates (2005). See, <https://www.prainc.com/wp-content/uploads/2015/10/bjmhsform.pdf>; p.2.

informed and helpful view of the detainee's overall health status, nor does it provide an adequate basis on which to build a care plan for implementation during incarceration and also for reintegration purposes.

Further complicating the screening process is the fact that the BJMHS is not validated for women, among whom false negative results may be produced. There are screening tools available that are validated on women and men (for example, the Corrections Mental Health Screen-Male (CMHS-M) and CMHS-Female (CMHS-F)<sup>9</sup> and can be useful to avoid both false positive and false negative results. The CC LEC has been directed to these instruments and to the evidence in support of their use.

Even with the use of validated instruments, it is important to keep in mind that they are primarily geared toward identifying major mental disorders and the fact is that many persons admitted to jail will experience situational stresses that place them at higher risk for suicide and anxiety related behavioral crises. Further, as one considers the average age of onset for the development of significant mental disorders, it should be expected that young detainees entering the jail may respond and appear "normal" initially, and later evidence symptoms of an emerging mental illness. Thus, more comprehensive screening for both acute and sub-acute mental health conditions is appropriately seen as the first step in one's overall health assessment process.

We recommend the use of a general health screening tool, and the use of CMHS-M and F or the BJMHS and CMHS-F together, and a substance use screening method and tools such as the Screening, brief intervention, and referral to treatment (SBIRT) protocol<sup>10</sup> developed by the Substance Abuse and Mental Health Services Administration (SAMHSA). The use of these instruments and the appropriate data collection mechanisms associated with the findings will help the CC LEC monitor its jail population over time, and will also help as County officials plan the new jail facility, the designation of housing and program spaces in it, and the allocation of custody and treatment staff to meet the complex health needs common to justice-involved persons. When on site in July, I learned that Ms. Giancola has implemented the use of the SBIRT and other screening tools in her assessments, particularly when indicated by other questions asked during the screening interview.

It is noted that at present, the CC LEC screens all newly admitted detainees using the BJMHS and a health screening questionnaire. Another health screening takes place some days (within 14 days) after the person's incarceration. The tool itself is adequate, but the timing of screening falls short of national jail standards, which require initial health screening be completed within 24 hours of one's admission into the jail. Delays in admission and more substantial health screening have also been litigated on the basis of constitutional and negligence standards. Considered together, the national standards and the caselaw point to the need for the initial screening to include some basic mental health and suicide risk

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<sup>9</sup> See, <https://www.ncjrs.gov/pdffiles1/nij/215592.pdf>

<sup>10</sup> <https://www.integration.samhsa.gov/clinical-practice/sbirt>

assessment questions in addition to the physical health inquiry. In an effort to help the CC LEC consider what might be added to the existing screening form to meet a level comparable to that seen in accredited facilities, the BKV Group Team Leader previously provided DPPS nurse Holly Campo with several examples of general health screening tools that are in use in jails across the country. In an effort to help the CC LEC consider what might be added to the existing screening form to meet a level comparable to that seen in accredited facilities, the BKV Group team provided DPPS nurse Holly Campo with several examples of general health screening tools that are in use in jails across the country.

Dr. Beck pointed out that screening can help inform a diversion process. This is certainly the case and is discussed more thoroughly in the Action Plan for question 4.4, below. As to the space and staffing issues Dr. Beck also raised, we agree that there is no question that the current CC LEC space and the staffing challenges make it more difficult to streamline health and mental health screening processes so they are implemented immediately and in turn, detainees' myriad health problems are identified more quickly as well. As a new jail facility is being planned, the time will be right to think about the structure and the tools needed to accomplish early screening and when warranted, further health assessments. To this end, two items were proposed for the jail administrator's and staff consideration.

First, a flow chart was created that details how any new detainee can move through the CC LEC intake process. The contemplated "flow" suggests that the three central booking functions: intake, health screening, and mental health screening, can occur in any order, once the detainee is actually accepted into the custody of the CC LEC. In reality, there are probably at least five intake processes that are part of the person's entry into the CC LEC, including pre-trial and classification processes, but here the focus on asking about and documenting the detainee's health status and needs.

Second, based on ideas generated by jail administrator Paul Coughlin and mental health professional Heather Giancola and her supervisor, Annie Napoli (DPHS), and on evidence supported screening practices in jails across the country, the BKV Group Team Leader prepared a draft mental health screening form for their consideration. With some ongoing modifications, the new screening form was implemented in the late winter 2019 in paper form, and revised and fully implemented in the CC LEC on March 18, 2019, when the ability to electronically input and secure the mental health information was possible.

In terms of suicide risk assessment, Ms. Giancola has also started using the Columbia Suicide Severity Rating Scale (C-SSRS)<sup>11</sup> and we also discussed making this evidence-based tool available to jail officers to use when concerned about inmates' well-being. This may be an action item for the future as staff resources are expanded and in anticipation of a larger facility designed to accommodate detainees with special behavioral health conditions that place them at higher risk for crises during their incarceration.

The BKV Group Team Leader reviewed the latest mental health and substance use-related data when on site in late July 2019. In fact, the data presented above reflect exactly 12 months of screening and data collection. Over time and particularly since April 2019, Ms. Giancola has increased the number of screenings she is completing, but interestingly, the percentage of detainees who report mental health and/or substance use conditions and histories has remained nearly the same over time; overall, approximately 70% of detainees reported histories of these conditions.

Because the new screening form includes questions related to current suicide ideation and suicide behavior histories, over time more information will become available to the CC LEC that will help them plan suicide risk reduction efforts. Those efforts should be programmatic (timing and frequency of encounters with mental health professionals and level of intervention warranted) and environmental (housing design and fixture options and supports to allow for different levels of suicide watch/observations and interventions).

#### 4-3. Implement a medical discharge planning format.

**DISCUSSION:** An informant for the 2017 Wold/Beck study, Dr. Tim Stratton, developed a "Medical Discharge Planning Protocol" which guides the assessment and confirmation of, and transition planning for, the use of medications during one's stay at the CC LEC and after one's release from the CC LEC. Particularly geared for those with substance use, mental health, or co-occurring disorders, this protocol appears to have been intended to help the CC LEC nurse or consultant pharmacist in devising a management, oversight and follow-up plan for the administration of and person's compliance with medications.

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<sup>11</sup> Information about the Columbia scale and the scale itself can be found at: <http://cssrs.columbia.edu/the-scale-in-action/corrections/>

**ACTION:** In a meeting with the BKV group in October 2018, Dr. Stratton clarified that this Protocol was intended to be viewed in the context of larger jail management/discharge/transition planning efforts. In fact, the implementation of a stand-alone Protocol such as this can be time and staff intensive and may be better situated in the dynamic and collaborative systems approach to interfacing with justice involved persons. That approach places the justice-involved person in the often changing environment that characterizes the justice world, including the many environments of criminogenic risks, community resources, law enforcement and intake screening, holistic jail treatment planning and placement into appropriate services and programs, reentry/transition planning, post-release supervision, and transitional community services.

Moving forward, as plans for the new jail are developed, building into the screening, assessment, treatment planning, case management, and reentry processes a review of inmates' medication history and needs will be important – and will likely be embedded in broader efforts than that originally proposed in this Discharge Planning Protocol. It is anticipated that community service agencies will inform the mental health professional about their information needs and service requirements, and these can be built into reintegration plans. This was discussed in the meeting with community partners on November 28, 2018 and again in on-site meetings in July 2019.

Tracking the outcomes of discharge plans should be completed through regularly scheduled stakeholder meetings and quality assurance audits. The BKV Group Team Leader prepared a draft logic model for such audits (see attachments), and the actual quality assurance questions will be also be prepared and provided to the jail administrator and assistant jail administrator.

- 4-4. Early assessment and diversion of persons coming into contact with law enforcement should be addressed.

**DISCUSSION:** Better use of the Human Development Center's (HDC) Mobile Crisis Team and also implementation of Crisis Intervention Training (CIT) for law enforcement officers were thought to be important considerations in this regard.

**ACTION:** This is an important recommendation and one that needs to be considered temporally as well as substantively. The focus of the BKV work with regard to behavioral health services protocols and processes has been largely an internal one – with the goal of shaping CC LEC protocols so that they yield maximum information about every detainee, which assists the CC LEC in its effort to promote the health and well-being of every incarcerated person.

The HDC's Mobile Crisis Team has provided an important service to the CC LEC. Over time, it is clear that the information flow between Mobile Crisis and the CC LEC is stymied by misunderstanding of HIPAA requirements and by uncertainty about what will happen with the information shared. While Mobile Crisis has been very responsive to the CC LEC, the process itself requires something more than the crisis response itself: The Crisis team and the jail health / mental health personnel should see these interfaces as opportunities to

collaborate in behavioral health treatment efforts. This implicates two necessary changes for the CC LEC system.

First, early on in this process we spoke of the overarching goal of efficient and efficacious justice programming as one which sees that the right person is provided the opportunity for the right intercept at the right place and at the right time. To that end we introduced the principles of the Sequential Intercept model<sup>12</sup> (see attached) in early meetings with the Chapter 4 stakeholders. This model contemplates the interface between justice involved persons and the many different parts and functions of the (broadly defined) service community and provides a structure for viewing possibilities for interventions at various times and places along the justice involved person's journey.

There has been great progress in both areas of community collaborations. The Fond du Lac (FDL) Human Services agency is now providing both a crisis response service and a case manager who will respond to the CC LEC to serve Native American inmates. This marks growth in an important relationship – all to the benefit of FDL and the larger Carlton County population. In addition, HDC and FDL are participating in two organized groups focused on the incarcerated population. One group is the “jail outreach team” which focuses on case management for those released from the CC LEC who need ongoing services in the community. The second group, the Correctional Action Team (CAT) – a larger group of constituents including human services, law enforcement, justice, and tribal agency representatives – comes together to talk about system issues and needed policy and protocols that will further streamline justice practices in the County.

Second, a method of safely, securely and privately sharing incarcerated persons' health-protected information, involving community service providers and the CC LEC mental health and health staff, is necessary to the goal of managing the health needs of the justice involved population. This is true along the continuum of contact, from the point of law enforcement involvement through incarceration and then inmates' release from it. The initial step in this effort was to introduce the idea of a uniform release of information form, a form already vetted in other jurisdictions and deemed to have passed legal and privacy muster.<sup>13</sup> In Carlton County, the embrace of this idea of a uniform release of information form was accomplished in a meeting with stakeholders in November 2018, and furthered by Heather Giancola, who quickly seized the moment to secure the buy-in of the community service providers. The working version of this form, which is currently in use, is attached to this report.

An effective screening process initiated at the front door of the jail can assist with pre- and post-booking diversion initiatives, by helping to inform law enforcement and pre-trial release decision-makers of detainees' particular mental health issues that may be driving their justice involvement. Dr. Beck also highlighted this in his findings.

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<sup>12</sup> Munetz and Griffin (2006). <https://www.prainc.com/wp-content/uploads/2018/06/PRA-SIM-Letter-Paper-2018.pdf>

<sup>13</sup> An example of such a form that was approved and widely used in Douglas County, Kansas to facilitate in jail treatment, transition planning and reentry programming, was provided as a working model.

- 4-5. Discussions should explore how additional screening could assist the ARC in pretrial release screening and making sentencing recommendations.

**DISCUSSION:** A list of potential contributors to this discussion was submitted as well.

**ACTION:** While slightly different than Dr. Beck’s original intent, importantly, in the July 2019 meetings with DPPH and CC LEC administrators, the BKV Group Team Leader again talked about the Sequential Intercept Model and the reality that much of the work around the country of creating intercepts in a community began in the local jails, spreading earlier and later into the justice-involvement process to effect changes at those points-in-time. Thus, the CC LEC’s movement into gathering more comprehensive intake data will ultimately allow it to inform law enforcement in ways that can further data-supported police decision making before and/or during an arrest. While MNPAT has supplanted ARC recommendations regarding PTR, and today provides PTR guidelines, this information also can help shape sentences and supervision / release decisions by the Courts and in data collected by ARC for PSIs.

### TOPIC THREE: *LIMITED TREATMENT PROGRAMMING IN THE JAIL*

**D.1. Problem Statement.**<sup>14</sup> Section D of Chapter Four addresses treatment programming, or the lack thereof, in the CC LEC. Dr. Beck highlights the lack of space in the jail for treatment programs and what space might be used must be shared with other demands, such as for attorney visits.

**D.2. Important Development.**<sup>15</sup> Re. treatment capabilities of the jail given recent NERCC-related rulings, Dr. Beck suggested that options for enhanced substance use and mental health treatment should be explored for the new jail facility, with an eye toward the impact such enhancement would have on jail beds and treatment space requirements.

**DISCUSSION:** We concur with Dr. Beck’s suggestion of the need to plan for bed and treatment spaces once the impact of NERCC changes and treatment enhancements can be determined. This planning was not undertaken for this report but should be a priority moving forward.

**ACTION:** We note for emphasis the recently released substance use data compiled by the Minnesota Department of Human Services.<sup>16</sup> Adult (and adolescent) substance use treatment admissions have steadily advanced in the 23 years from 1995 to 2018, and while it is reported that 65% of admissions occur among males, females account for the other 35%. Drug addiction (in Minnesota, particularly methamphetamine) is recognized as being one of the principal drivers of women’s incarceration; women fall into drug use and distribution as they try to support and cope with the demands of single parenthood and/or

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<sup>14</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). p. IV-9.

<sup>15</sup> Ibid., p. IV-9.

<sup>16</sup> DAANES SUC Detox and Treatment Admission Trends CY1995-CY2018

personal histories of trauma.<sup>17</sup> These recent data combined with the CC LEC data related to almost 70% of inmates related perceptions of having substance use challenges, underscore the importance of planning for targeted interdiction that can start in the jail and continue in the community. Those interdiction should be designed to specifically address women’s unique challenges.

**E.1. Problem Statement.**<sup>18</sup> Section E of Chapter Four addresses the need for a comprehensive approach to cognitive programming in the CC LEC. Dr. Beck recommends building “an integrated network of services” that provide evidence-based treatment. Further, he alludes to being mindful to build services along a continuum, from juvenile to adult justice systems, so that the same treatment concepts are at the fore of the treatment system whether the intended justice-involved recipients are juveniles or adults. Dosage is also an important ingredient in evidence-based practices. Once again, Dr. Beck references the need for an actuarial risk assessment strategy such as that contemplated by the LSI-R.

#### TOPIC FOUR: *SPECIFIC RECOMMENDATIONS*<sup>19</sup>

4-6. Follow-up consideration of passive programming should be undertaken.

**DISCUSSION:** Development of a program plan was advised, specifically referenced using videos to “teach” six program topics, and also the use of volunteers and interns/PHHS educators to lead some programming.

**ACTION:** See Action Plan below, under item 4-7.

4-7. If a new jail is constructed, the planning process should consider the behavioral and treatment environments.

**DISCUSSION:** Dr. Beck encouraged consideration of behavioral and treatment environments in a new jail, should it be built. In addition, specific treatment modalities for male and female inmates was stressed.

**ACTION:** Planning for behavioral and treatment environments should be informed by the emerging screening data (existing and future) which will reveal a more complete picture of the behavioral health (BH) challenges commonly found among the CC LEC inmate population. Current data reveal that 70% of the screened detainees admitted to the CC LEC report having some kind of behavioral health challenge(s). New methods of gaining updated

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<sup>17</sup> There are many sources of support for this information. See, for example, <https://www.drugabuse.gov/publications/principles-drug-abuse-treatment-criminal-justice-populations/what-are-unique-treatment-needs-women-in-criminal-j>; for a broader view of the many reasons associated with the growing numbers of women who are incarcerated in the U.S., including for drug-related crimes, <https://www.prisonpolicy.org/reports/pie2018women.html>

<sup>18</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers). p IV-12.

<sup>19</sup> Ibid, p. IV-12.

information on these detainees are being put into place (for example, Ms. Giancola has created a “Follow Up Form” (see attachments) that inmates can complete after that screening, designed to provide her more information about inmates’ needs.)

Screening data are currently housed in the CC LEC’s Zuercher database, with limited authorized access to that portion of the database. The reasons for, and the provision and status of treatment interventions should be monitored and instruments to assist with this monitoring will also be developed.

If / as new assessment measures (e.g., SBIRT and CMHS-M/F) are added, result data will also be tracked in Zuercher; If not, additional tracking of SBIRT and CMHS-M/F information will not be required as Carlton County would stay with the CBC screen.

Beyond building the important data-supports for generating informed treatment options in the jail, it is important to mention the CC LEC’s strides in the direction of providing programs in the jail. A current list of programs offered can be found in the attachments to this report. While space and personnel limit the menu of programs, the jail and its community partners are pushing boundaries to be able to offer even more. The BKV Group Team Leader provided Ms. Giancola a life skills course manual she developed in Kansas some years ago, as well as cites to more contemporary federally-produced life skills programs (e.g., financial literacy courses) that can be offered to incarcerated persons suitable for individual or in group work. While overall, the research evidence on life skills outcomes is not promising, providing basic information on job seeking, securing housing and financial planning (budgeting) may be helpful toward meeting success on short-term goals.

One very exciting development, originally discussed in the service providers’ meeting in October 2018, is the assignment of a social work student to the CC LEC beginning this fall. Having first been introduced to jail social work in that very same way, I understand the benefits that can result from student internships. The student will be supervised by Ms. Giancola and be officially fulfilling a practicum placement with the PHHS, but can be assigned responsibilities that include data tracking, identifying evidence informed programming options, and helping to deliver educational content where appropriate. While serving as a host site for a student’s internship requires additional work for the PHHS and Ms. Giancola, the student’s contributions can often prove beneficial to program development and expansion efforts.

- 4-8. Jail program staff and ARC staff should meet to identify whether a shared approach to cognitive programming is possible.

**DISCUSSION:** Dr. Beck encouraged the Carlton County stakeholders to come together to develop cognitive programming, including cognitive programming for juveniles, adults and probationers. Dr. Beck suggested positive cognitive coaching be included, noting that without changes in thinking, even positive changes in life circumstances like employment do not have lasting benefits. Dr. Beck encouraged consideration of the SMART Recovery program<sup>20</sup> - an individually driven cognitive program used in corrections environments.

**ACTION:** In addition to Dr. Beck's recommendations, amid the growing interest in collaborations among community agencies, consideration should be given to providing evidence supported programs like *Decision Points*,<sup>21</sup> which is already in use in some Minnesota correctional institutions, and can also be implemented by community agencies, such as the mental health agencies in the Carlton County region. This program, developed by the authors of *Thinking for a Change*, is intended to be delivered in a more collapsed period of time and by facilitators who can be trained in a more timely fashion. The fact that the vast majority of Carlton County detainees leave the jail within 24 hours of admission underscores the need for collaboration in cognitive programming – so that a person can start the regimen in jail and can continue it after release. The warm handoff between jail and community, facilitated for example, by the relatively new outreach case manager (an HDC employee), would complement programming efforts.

## TOPIC FIVE: *THE NEED FOR STEP-DOWN PROGRAMMING*

**F.1. Problem Statement.**<sup>22</sup> Section F of Chapter Four introduces the topic of re-entry, an attitude in favor of and a process which strives to enhance collaborations between service providers in a community, the jail being one, toward the goal of establishing the protocols that will help ease and make successful the incarcerated person's transition from jail-to-community. To date, though there are many examples of reentry programs across the country, this is an imperfect process. Still, the need for reentry planning is attitudinally embraced across the country as being necessary to inhibit the rate of growth of the imprisoned population.

**F.2. Consideration.**<sup>23</sup> A step-down process began in the CC LEC with the implementation of the Reducing Admissions by Prevention (RAP) program. Dr. Beck highlighted RAP in his report, noting its key goals as reducing the rate and number of returns to jail among RAP participants; encouraging participant accountability for their aftercare; and data collection designed to help measure progress on SMART (simple, measurable, achievable, realistic, and time-framed) goals.

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<sup>20</sup> See <https://www.smartrecovery.org> and <https://www.smartrecovery.org/correctional-facility-substance-abuse-programs/>

<sup>21</sup> <http://www.decisionpointsprogram.com>

<sup>22</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). pp IV-14 to IV-16

<sup>23</sup> Ibid, p IV-13.

**F.3. Development and Implementation of RAP.**<sup>24</sup> Dr. Beck highlighted the ongoing work being done to facilitate these reentry and recidivism-reduction initiatives. He also identified next steps for RAP after its implementation, including monitoring its progress and creating a feedback system, establishing a tracking system to view client outcomes at a point-in-time and over time; and assessing the need for additional staff.

**F.4. Additional Considerations.**<sup>25</sup> Dr. Beck pointed to some of the system challenges that must be confronted and planned for in the effort to establish a reentry pathway and reduce recidivism. Included in his recommendations were resources for step-down or transitional housing, and the option of a day reporting center, though the latter was not a response recommended at the time.

## TOPIC SIX: *SPECIFIC RECOMMENDATIONS*<sup>26</sup>

4.9 The Reducing Admissions by Prevention (RAP) should continue development.

**DISCUSSION:** In the Wold / Beck 2017 report, Dr. Beck noted that this program has been under development for several years and planning efforts were stepped up in 2017.

For a brief time in 2018, RAP was assigned to the mental health professional, Heather Giancola, to identify, through screening instruments and interviews, potentially eligible persons for this program. Given time restraints, the RAP was reassigned back to the CC LEC nurse.

**ACTION:** The Responsibility for MHP oversight was revisited in July 2019. The RAP is still the CC LEC nurse, Holly Compo's, responsibility. RAP is essentially a reentry program and its future would be well served by ongoing evaluation of participant outcomes. Given Ms. Compo's other responsibilities in the CC LEC, taking charge of that evaluation is probably not feasible. This may be another area of work that can be assigned to the social work student intern. Adding the intern's name/status to the multi-jurisdiction/agency release of information form should ease the process of collecting needed data to determine intermediate and ultimate outcomes of RAP. The BKV Group Team Leader has provided some suggestions for this evaluation directly to the jail administrator and Ms. Compo.

In addition, see below, in the "other issues" section, my specific input about the "step-down" programming referred to in Dr. Beck's "Topic Three."

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<sup>24</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers), p V-14.

<sup>25</sup> Ibid, p. IV-14.

<sup>26</sup> Ibid, p. IV-12.

## OTHER PERTINENT ISSUES/RECOMMENDATIONS<sup>27</sup>

Other issues that we believe will affect the assessment of inmates' risk, need, and responsivity factors, the appraisal of their total health conditions and the implementation of appropriate jail treatment program responses include the following:

The development and expansion of CC LEC health services (physical and behavioral health) is dependent on the collaboration of community partners, some of which are county level agencies and some of which are private contractors to those agencies. Success at building collaboration will be the product of ongoing efforts that occur throughout and beyond the expansion process, should be evidence-supported, and consistent with existing and pending Minnesota regulations.

It takes time and a strong sense of shared purpose to develop the kind of collaborative relationships among service providers needed to succeed in altering the trajectories of justice involved persons, especially those with significant mental health conditions. To this end, regular meetings with the community partners to determine (a) the desired methods for sharing health information consistent with HIPAA and (b) the kind of information to be shared to ensure continuity of care from community to jail and back to the community, are critical to the breaking down of barriers. This process started with an initial BKV meeting on 11/28/2018 and has continued in subsequent meetings as well.

Regularly scheduled and objectively pursued quality assurance audits are important in building collaboration. These audits should track completion, action, and referral / transition dispositions and specified outcomes. As noted earlier in this report, audit questions will be presented for the stakeholders' consideration and the processes to complete the audits will need to be finalized in the coming months.

Certain important community justice agencies will need encouragement to join the planning discussions, particularly the courts and the area law enforcement agencies (for diversion ideas and planning), the tribes (for in-reach purposes and for diversion and treatment planning), and probation/parole (for post-release conditions, interventions and sanction options that include alternatives to jail). The BKV Group Team Leader is pleased to learn that the FDL has developed their new mobile crisis team and a jail-to-community case manager to serve Native Americans in the Carlton County area.

The space restrictions of the current CC LEC serve as limitations on treatment expansion and will need to be given focused consideration in jail expansion planning. From a program/treatment perspective, it is a certainty that the presence of even one seriously mentally ill or high-risk suicidal person can change the way any jail, including the CC LEC, needs to be managed. In the CC LEC, suicidal inmates are placed in isolation – which is often the worst housing placement for a person with that state of mind. The lack of a workable classification system and the limited housing available for “mixed” use creates challenges that frequently end in the suicidal person being housed in a single cell occupancy. This must be addressed in a new facility.

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<sup>27</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers). pp IV-14 to IV-16

Active and passive treatment/cognitive program offerings should be evidence supported and access to those programs should be determined by the acuity of need and the appropriate measures of risk and responsivity.

The Wold/Beck report refers, in Topic Three, to “Step-Down Programming” but Dr. Beck’s narrative and recommendation specifically focus on reentry services. As plans for the new facility move forward, in-jail step down programming, as part of an inmate behavior management protocol, is important to consider and build into the jail design. Such actual step-down (as opposed to “step-out” programs such as reentry/reintegration programs) units allow for spaces in the jail to house acute, sub-acute, and recovering populations and they become an important part of the classification and reclassification processes. Programs fitting each level of behavior management should be administrated inside these units, tailored to the level of acuity and risk which is targeted in the housing scheme.

The issue of who should provide mental health screening, evaluation and treatment services to the incarcerated population needs to be resolved in a way that comports with regulatory measures (e.g. union rules and job descriptions; changes to Minnesota jail regulations) and with constitutional and national standards of practice for jail treatment programs. Having a community team involved in the planning and the delivery of services makes sense, especially if the roles and responsibilities can be clearly delineated. It is helpful to keep in mind that the County – specifically the Jail - is the clear and undisputed host. The community partners are invited guests, holding places of honor and limited authority. As plans for jail expansion proceed, those roles will need to be defined and a process of coming together to discuss challenges and contribute expertise devised. Medical Audit Committee quarterly (or monthly) meetings are excellent venues for this process.

In sum, it is important to note the accomplishments of the last year. The collaborative spirits of the PHHS and the CC LEC led to the creation of Heather Giancola’s position. While the boundaries of that position are often pushed and efforts to clearly define those boundaries are often frustrated, there is no question about the value of the position of discharge planner/transition coordinator. There is no discharge plan possible without an intake screen; nor are transition plans likely to yield substantive benefits unless all the service agencies are at the table and ready to embrace a new way of managing persons returning to the community from the jail.

In 12 months, the service agencies in Carlton County have come to the table, have talked about and struggled with defining their roles, have created new positions and responded to the CC LEC’s needs in new ways, and are still at the table talking. That is quite a series of accomplishments to have on record after “only” 12 months of effort.

The importance of Ms. Giancola’s position cannot be underestimated, from the view of progress made and from the forecast of what is coming and the move forward. Starting with knowing who is incarcerated in the CC LEC is fundamental in that forward trajectory and will serve to educate the public and the community service providers about who the consumers of mental health and substance use services are in the Carlton community and how many are likely to need those services in the future.

This position, like that of Ms. Compo's, are part of the public health system that defines this and every other jail. Those who fill these positions are called to screen, identify individual physical and behavioral health needs, and make plans for the response(s) to those needs in ways that comport with the goal of protecting and promoting the health of the community at large. As the jail expands, so too will their roles and the need for their services.

## IMPROVING PROBATION SERVICES

Chapter Five of the 2017 Study focused on probation services in Carlton County, specifically:

- What are the concerns about probation services?
- Does the County need to develop an alternative to Arrowhead Regional Corrections (ARC) probation services?

Chapter Five begins by acknowledging that “probation is understaffed in Carlton County. This condition affects some probation capabilities because officers are faced with trying to serve clients on caseloads that are too large. Therefore, the analysis must strive to separate that condition from issues which are operational in nature.”<sup>1</sup>

The 2017 study identified and explored six considerations:

1. *Probation case management improvement needs.*
2. Local control options and funding.
3. Insights from Aitkin County.
4. Requirements for setting up local probation services.
5. The Minnesota Department of Corrections (DOC) concept of how to transition to a standalone Community Corrections Act (CCA) county.
6. Planning from an independent consultant’s viewpoint.

Only the first consideration was included in the scope of the current project. Issues Number Two through Six, above, address the viability and advisability of separating from ARC and becoming a “Community Corrections Act” county. The authors of the 2017 report offered their recommendation:

*...the county should first dialog with ARC to see if the concerns about local probation needs can be satisfied.*<sup>2</sup>

Status: The Carlton County Board has not acted on this issue yet.

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<sup>1</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). p. V-1.

<sup>2</sup> Ibid. p. V-1.

The 2017 Report offered nine recommendations for this topic, but did not provide any narrative about the problems and discussions that prompted the recommendations to be presented. This was a departure from the other sections of the 2017 Report.

To address this, the following narrative is drawn from Group Five discussions held during several meetings. Group Five participants are identified below:

Group Five:

Hon. Marv Bodie	County Commissioner
Hon. Dick Brenner	County Commissioner
Hon. Kelly Lake	Sheriff
Kay Arola	ARC Executive Director
Brian Stevenson	ARC Court & Field Supervisor for Carlton Co
Wally Kostich	ARC Chief Probation Officer
Toni Poupore-Haats	ARC Research Analyst
Paul Coughlin	Jail Administrator
Bryce Bogenholm	Moose Lake Police Chief
Hon. Robert Macaulay	Judge
Hon. Leslie Beiers	Judge
Jeff Boucher	Assistant County Attorney
Cynthia Evenson	6th Judicial District Public Defenders Office
Dan Lew	6th Judicial District Public Defender
Donna Lekander	Restorative Justice Representative

This group wrestled with many issues during their first two meetings. Several themes emerged:

Trust and Credibility

- *[There is a]* Need to bring validity back to the process
- We must agree on what data is reliable and live with what it says
- *[There is a]* Lack of consistency

Need to Work Together

- *[There is to]* Come together on expectations, sanctions, consistency
- Beck's report provides a road map to improve collaboration
- *[There is a]* Need to develop a shared vision
- Want shared vision
- *[There is a need for a]* Coordinated response

One example of the frustration that came out during the initial meetings is the perception by law enforcement that probation does not treat probation violations seriously. One participant said it felt like the violator was back in his community before he was.

Hearing this, probation staff provided their perspective, noting that their advice is not always used by the courts. Such exchanges moved the parties toward a better understanding of other stakeholders' challenges. Several comments could be characterized as "aspirations:"

Aspirations

- Jail the right people
- Provide services while in jail
- Effective, timely, meaningful risk assessment
- Appropriate and efficient programs
- Swift, certain, meaningful sanctions
- Public health vs public safety
- Improve some lives
- "It takes a County"

Sheriff Kelly Lake's comments resonated with many participants:

*It's not just about how many beds we need, it's what we can do to not have them come back  
-- what we can do with prisoners while they are in custody.*

There was agreement about the need for more programs to be offered to prisoners while they are confined.

Finally, concerns about probation efficiency caused the group to focus on the amount of time that probation officers must wait in court for their cases to be heard. Members wondered if there were other situations in which probation officers encountered "involuntary down time."

The group decided to survey probation officers to identify the extent to which their efficiency was being eroded by factors beyond their control. In October 2018, A R C distributed forms to all probation staff serving Carlton County, asking them to keep a journal of their down time. Figure V.1, overleaf, presents the form that was used.

Respondents identified several situations that reduced the amount of time probation staff could use for more productive activities. These included:

- Waiting in court for case to be called (one respondent reported two hours of down time in court in one week)
- Lack of training
- Lack of proficiency using technology
- Waiting for client
- Waiting for client to be released from jail
- Lack of equipment and/or technology that could make their efforts more efficient

Figure V.1: Sample Down-Time Logs for Probation Staff

**PILOT TEST: Forced/Involuntary Down Time Data Collection**

Carlton County Probation October 8, 2018

**INTRODUCTION:** This study will identify the *causes* of forced/involuntary down time and the *amount* of time accrued for each cause. During the week of October 8 we want to start data collection and to identify the primary causes that may be expected. This form will be revised to reflect the findings.

**INSTRUCTIONS:** Record the total number of minutes used, by cause, at the end of each day. Please add causes as you find them and describe them. *Please turn this in on Monday October 14, 2018.*

	Mon 10/8	Tues 10/9	Wed 10/10	Thur 10/11	Fri 10/12	Sat 10/13
Travel						
Court						
Equipment/ Technology(1)						
Training/ Proficiency (2)						
Waiting for Client						
Waiting for Appointment						
Waiting- Other (describe): _____						
Other: (describe) _____						

Overall, officers did not report large amounts of involuntary down time, but they did confirm that there was room for improvement. The group looked at surveys of probation staff that had been used in other states, expressing interest in several that examined:

- Adequacy of time available for various tasks.
- Problems experienced in past 30 days.
- Perception of stress level at work.
- Perception of stress of performing role as defined.

Figure V.2, overleaf, presents excerpts from surveys that were of interest.

Figure V.2: Excerpts of Probation Staff Surveys

**V.2.A. PROBLEMS ENCOUNTERED**

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*Thinking of the past month, to what extent have you encountered the following problems on the job?*

---

- Inmate / probationer / parolee is uncooperative
- I possess insufficient training to complete a specific task
- Encounter feelings of burnout / fatigue
- Traffic exacerbates travel time
- Difficulty with co-workers \*\*
- Encounter cultural misunderstanding / language barriers
- Awaiting progress from other agencies / staff
- Technological difficulties
- Unclear policy
- Excessive paperwork
- Lack the resources to do the job
- Excessive geographical distance to probationer / parolee\*

**V.2.B. PERCEPTION OF OCCUPATIONAL STRESS**

- 
- When I'm at work, I often feel tense or uptight
  - A lot of time my jobs make me very frustrated or angry
  - I am usually calm and at ease when I'm working
  - Most of the time when I'm at work, I don't feel that I have much to worry about
  - I am usually under a lot of pressure when I am at work
  - There are a lot of aspects of my job that make me upset

**V.2.C. PERCEPTION OF ADEQUACY OF AVAILABLE TIME**

- 
- To what extent would you agree or disagree you generally feel
  - You have enough time to complete the following tasks
  - Specific case-related court appearances
  - Casework / standard case contacts
  - Locating absconders \*\*
  - Conducting warrantless searches
  - Drug testing (e.g., urinalysis)
  - Making arrests
  - Assisting law enforcement
  - Recruiting and visiting community services agencies ISP
  - Planning / coordinating offender transportation ISP
  - Conducting offender orientation (IPPO)

There was interest in administering these surveys to probation staff to gain a better understanding of their challenges and perceptions. In subsequent discussions, the group decided that such surveys should be administered to all criminal justice staff in Carlton County.

### **SPECIFIC RECOMMENDATIONS**

The following specific recommendations were included in Chapter Five of the 2017 Study.

- 5-1. The County should establish a specific committee and structured process to address probation improvement.

**DISCUSSION:** Between September 2018 and January 2019, Group Five members worked with the BKV Group on the probation recommendations. Members suggested that they have been acting as the committee that was recommended in the 2017 Study.

**ACTION 1:** The BKV Group Team suggests that the group should revisit the 2017 Report recommendations and consider adopting the *structured* process that was suggested.<sup>3</sup> The basic structure included the following:

1. The Carlton County Board of Commissioners should establish a committee
2. Recommended Membership (see Chapter 5, p. V-2, Item b.3.)
3. Committee Chairperson should be the County Coordinator
4. A Specific Time Schedule for Periodic Meetings Should be Set
5. Topics Should Involve Linkages in Treatment Planning
6. Improvement Needs should be Identified and Clarified (Frequency, Rate of Change, Severity, Temporal Nature, Location, Persons Involved, Previous Actions regarding Issue)
7. Develop Consensus (Concept, Improvement Steps, Who Should be Involved, Costs, Preliminary Approvals Needed, How Improvements will be Monitored / Evaluated)
8. Periodic Follow-Up on Progress (unforeseen barriers; assessment of positive / negative effects)
9. Periodic “Status Check” (judicial concurrence, caseload numbers, status of available treatment options and local programs)

**ACTION 2:** Convert Group Five into a standing committee to address probation improvement and follow the structured process described in the 2017 Report.

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<sup>3</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers). p. V-3.

- 5-2. Develop a clearly articulated format / grid that shows how the Level of Services / Case Management Inventory (LS / CMI) scores and related assessments are matched to probation options which are recommended to judges. This grid should be developed with input of the judges.

**DISCUSSION: LS/CMI --** According to the LS / CMI Website:<sup>4</sup> LS / CMI -- Level of Service / Case Management Inventory – is a fully-functioning case management tool and an assessment that measures the risk and need factors of late adolescent and adult offenders. This single application provides all the essential tools needed to aid professionals in treatment planning for and management of offenders in justice, forensic, correctional, prevention, and related agencies.<sup>5</sup>

The LS/CMI program provides profile reports, comparative reports, case management reports, and follow-up reports. The program uses several forms including: Offender History, QuickScore, Program Targets and Intervention Plan, Progress Record Form, Interview Guide, and a Case Management Protocol Form.

Developed to reflect the increasing knowledge base on offender risk assessment since the Level of Service Inventory–Revised (LSI-R™), LS / CMI has refined and combined the 54 LSI-R items into 43 items in Section 1. Ten additional comprehensive sections have been incorporated to further assist public safety professionals in their analysis of offender management.

**Key Features:**

- Combines risk assessment and case management in one convenient evidence-based system;
- Provides all the essential tools needed to aid professionals in treatment planning for and management of offenders in justice, forensic, correctional, prevention, and related agencies;
- Assesses the rehabilitation needs of offenders, their risk of recidivism, and the most relevant factors related to supervision and programming requirements; and
- Focuses on offender strengths and is gender informed.

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<sup>4</sup> Level of Service/Case Management Inventory; D.A. Andrews, Ph.D. , James Bonta, Ph.D., J. Stephen Wormith, Ph.D.

<sup>5</sup> LS / CMI is a product of MHS, A leading publisher of scientifically validated assessments for more than 30 years, Multi-Health Systems Inc. (MHS) serves clients in educational, clinical, corporate, public safety, government, military, pharmaceutical, and research settings. MHS has developed leading products such as the Conners suite of ADHD assessments, the Level of Service suite of assessments, and the Emotional Quotient Inventory (EQ-i 2.0®). See <https://www.mhs.com/About/About-MHS>. Accessed 9/28/2019.

Key areas measured include:<sup>6</sup>

- General Risk / Need Factors (Criminal History, Education / Employment, Family / Marital, Leisure / Recreation, Companions, Alcohol / Drug Problem, Pro-criminal Attitude / Orientation, Antisocial Pattern)
- Specific Risk / Need Factors (Personal Problems with Criminogenic Potential, History of Perpetration)
- Prison Experience – Institutional Factors (History of Incarceration; Barriers to Release)
- Other Client Issues (Social, Health, and Mental Health)
- Special Responsivity Considerations

Group Five concluded that LS/CMI is used throughout the state and has become an integral part of the criminal justice system, but some stakeholders may not understand it.

**ACTION:** The BKV Group Team recommends that Group Five be charged to make recommendations for how the LS / CMI scores and other assessments are matched to probation options which are recommended to judges.

If approved by the Steering Committee, Group Five could contact MHS Assessments to:

- a) Discuss options for education and training, and
- b) Provide information regarding where and how the system is used in Minnesota.

Group Five could then contact these counties to compare how each county / probation team uses the LS / CMI scores and other assessments. With this information in hand, Group Five then could work with the Judiciary to develop, test and implement a “best practices” for using the LS / CMI scores and other assessments for Carlton County.

5-3. Develop criteria, agreed upon by the judges, for deciding who would be assessed by the LS / CMI and by other means.

**DISCUSSION:** Group Five felt that there is an informal understanding regarding the use of the LS / CMI.

**ACTION:** The BKV Group Team recommends that Group Five also be tasked with addressing the criteria for decisions regarding who would be assessed by the LS / CMI and other means, and convene meetings with the Judiciary of the Sixth District Court for discussions, reviews, and establishment of a future direction for Carlton County.

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<sup>6</sup> See <https://www.mhs.com/MHS-Publicsafety?prodname=ls-cmi/>. Accessed 09/28/2019. LS / CMI is a product of MHS, all rights reserved.

5-4. Establish clearly defined guidelines that rate severity of probation violations and match those violations to relevant responses. This would include consideration of immediacy of responses and when the court should be notified of violations. The courts should have input in designing the grid and approval thereof. An example of a format that structures the level of violation and response to the violation is shown in Exhibit 5 in Chapter 6.

**DISCUSSION:** An adult “Violation / Sanctioning Grid” was developed and implemented by A R C in Carlton County (See Figure V.3, overleaf). This grid has been described as a “risk-behavior” sanctioning guide, but methods for cataloguing data have not been determined. Judicial input is necessary for this to move forward.

**ACTION:** A R C representatives believe that this is a good time to move forward on this assignment, since cooperation is strong between justice system partners and there now is a full-time judge committed to Carlton County (Judge Stumme).

Figure V.3a: Adult Violation / Sanctioning Grid

**VIOLATION / SANCTIONING GRID**

(A Guideline to Recommendations & Responses)

Risk of Offender →	HIGH	MEDIUM	LOW
<b>Severity of Violating Behavior</b>			
HIGH	<u>Formal Intervention</u> - Court Sanctions - Custodial Placement - Probation Restructure (EM, Specialty courts, Etc.)	<u>Structured intervention</u> - Increased Reporting - Cog Skills Program - Curfew - STS - Referral for Services	<u>Structured intervention</u> - Increased Reporting - Cog Skills Program - Curfew - STS - Referral for Services
MODERATE	<u>Structured intervention</u> - Increased Reporting - Cog Skills Program - Curfew - STS - Referral for Services	<u>Unstructured Response</u> - Thinking Report - Carey Guides - Drug Testing - Tx /Counseling Referral	<u>Unstructured Response</u> - Thinking Report - Carey Guides - Drug Testing - Tx /Counseling Referral
LOW	<u>Unstructured Response</u> - Thinking Report - Carey Guides - Drug Testing - Tx /Counseling Referral	<u>Informal Response</u> - Personal Counseling - Warning / Verbal Reprimand - AA / NA Meeting	<u>Informal Response</u> - Personal Counseling - Warning / Verbal Reprimand - AA / NA Meeting

**Risk of Offender:** As determined by LS / CMI score or Level of Offense? (Not all offenders have a LS-Score)

**Severity of Behavior:** As determined by offense level or relation to probationary offense?  
 High -- Same or Similar new offense, person-related offense, Persistent Unaccountability  
 Moderate -- Relapse Behavior, Law Enforcement Involvement, Sporadic Unaccountability  
 Low -- Isolated problems with accountability or follow-through, or personal conduct

5-5. Track the frequency of agreement of judges with probation recommendations.

**DISCUSSION:** Group Five found that gauging judicial agreement with probation requirements is “very nuanced and difficult to quantify.” There also was concern that information and data to make this determination was not readily available.

**ACTION:** Analyzing judicial agreement with *historical* ARC probation recommendations would be very difficult and may not be possible, based on an initial review by the BKV Group team of the case data that is available through the Courts, discussions with ARC personnel, and a review of data collected and available for analysis from ARC records.

Looking forward, to help confirm consistency of use of the Grid and LS / CMI tool, the BKV GROUP recommends that a research process be structured to investigate a sample of approximately six months of recent or new cases (e.g., all criminal cases from January 1, 2020 to June 30, 2020), which might create a data sample large enough to gain insight into how the A R C staff in Carlton County currently use the Grid and LS / CMI tool.

This period of time also might be needed to fully consider, communicate, and gain concurrence from representatives of the Judiciary regarding appropriate data points to be collected, followed by a structured effort to train court and A R C staff regarding data to be collected and how it would / should be recorded.

Following collection of the data, additional time and effort would be required for data analysis to analyze frequency of agreement with probation recommendations, and other issues.

Due to the importance of accuracy and precision in structuring and analyzing the data, it would be very important to develop a detailed work plan, with clear agreement regarding the study process, tools, and implementation steps needed, based on the need for a close working relationship between the State of Minnesota Administrative Office of the Courts, the Sixth District Judiciary, A R C, Carlton County and the CCJP.

The development and approval of a detailed workplan and agreement regarding specific data to be collected and analyses to be performed would be crucial to building consensus for the process, findings, and eventual implementation.

5-6. Track probation failures according to type of failure and their frequency and identify remedies. Of course, some instances of failure may be beyond reasonable ability to predict or control.

**DISCUSSION:** Group Five noted that probation violations are currently being tracked. A R C has the capability to track both violations and remedies, but this was not a priority at this time.

**ACTION:** The BKV Group recommends that several new data analyses related to severity of probation violations should be designed with input from Group Five, and should be developed in consultation with the Judiciary to confirm information needed and valuable for the analyses.

Currently, A R C collects information regarding probation violations, providing some information related to client, court cases, agent, and work code / description of the violation.

Detailed assessment of the data could provide valuable information regarding defendants on probation or pretrial release, and through analysis of the data, some statistics might be developed to show patterns and trends based on review of multiple factors, including total number of cases; numbers of violations per case; type of violation (VM, VN, VOS, VR, and / or VS); etc.

Initial review of probation violation data provided by A R C shows that over the course of 2018, there were 320 violations based on Agent Work Reports (AWRs).<sup>7</sup>

Work Code	Description	Completed	Percent.
VM	Violation Multiple (new Plus Vr Or Vs)	14	4.4%
VN	Violation New Offense	8	2.5%
VOS	Violation Offender Sanction	3	0.9%
VR	Violation Rule Infraction (General Conditic	33	10.3%
VS	Violation Special Condition	262	81.9%
		320	

Some clients had only one case number while others had two or more. Consequently, AWRs reported violations on multiple cases on the same day. On the other hand, many clients with violations had only one violation in 2018, while others had multiple days with violations on single cases.

Looking forward, by reviewing the A R C records in more detail – considering key criteria including charges (misd., gross misd., felony) and other factors (person-related offense, domestic abuse, total cases, total violations), the CCJP and A R C may be able to begin to identify trends regarding clients that might be well-served by specific programs, or services such as telephone and/or text reminder systems.

Importantly, other analyses of those cases and individuals could include special analyses of individuals with violations due to new crimes reported (NCR) or VN (Violation New Offense). These analyses could assist the CCJP, ARC, and other justice system partners (Judiciary, County Attorney’s office, Sheriff’s office, other law enforcement personnel) understand issues and develop / target appropriate responses and programs.

<sup>7</sup> Source: “CSTS Report on Carlton County VOPS During 2018”. [Arrowhead Regional Corrections, prepared by Antoinette Poupore-Haats; 9/3/2019].

Review of the data also could be used to help target training and assessments to confirm that the Violation / Sanctioning Grid and LS / CMI tool are being used consistently by justice system personnel for similar situations.

- 5-7. Identify ways of improving case management and supervision of domestic violence offenders, e.g., the Duluth model of DAIP. This may require the county to provide additional probation officer support.

**DISCUSSION:** Dealing with domestic abuse and domestic violence offenders is a major issue in the Carlton County system. Determining how important should be a focus of additional study in 2020 (see Chapter 8).

Different data sources paint different pictures in Carlton County. Table III.1 Sixth Judicial District Court Caseloads – Carlton County, presented in Chapter Three, showed that domestic abuse case filings decreased from 2007 (108 cases filed) to 2018 (51 cases filed).

However, in review of 2017 Admissions to the CC LEC, more than 410 instances of charges for domestic abuse, domestic assault, or violations of “No Contact Orders” were recorded for the 1,790 Admissions. In an overview sample of more than 200 admission records, 19 of 27 (approximately 70% of admissions) had only one domestic abuse charge; eight (slightly more than 30%) had multiple (2 or 3) cases. If 2/3 of the total with domestic abuse charges have one charge only, between 10% and 15% of those admitted to the CC LEC in 2017 would have had one or more domestic abuse, domestic assault / violence, or violation of “no contact order.”

This is a very significant percentage in that those charged with domestic abuse or domestic assault / violence charges score higher on the MN PAT guidelines, and if they were eligible for release, they would have been more likely to be released with stringent supervision requirements.

The BKV GROUP Team recommends that additional analysis and resources be devoted in 2020 to studying these cases and individuals in Carlton County.

Arrowhead Regional Corrections (A R C) has noted that the caseloads associated with Domestic Abuse are higher, and A R C reported that the current Domestic Abuse probation agent currently carries a caseload that is 25% to 30% higher than other agents in the judicial district. As a result, in July, A R C recommended that Carlton County fund an additional Full-Time agent to address the increasing domestic abuse caseload.

Other measures are in use and should be evaluated for effectiveness for Carlton County. For example, in September 2019, Carlton County started to use Vidyo to help manage caseload and provide Domestic Abuse Intervention Programming (DIAP) classes and programs. DIAP is located at 202 E. Superior Street, Duluth, MN.

This represents an important additional program for Carlton County. The DIAP program and the “Duluth Model” have been recognized for their work in the Duluth and the Sixth Judicial District as a program that helps hold batterers accountable and keep victims safe.<sup>8</sup>

Key points from the Duluth Model Website:<sup>9</sup>

### **The Duluth Model Approach**

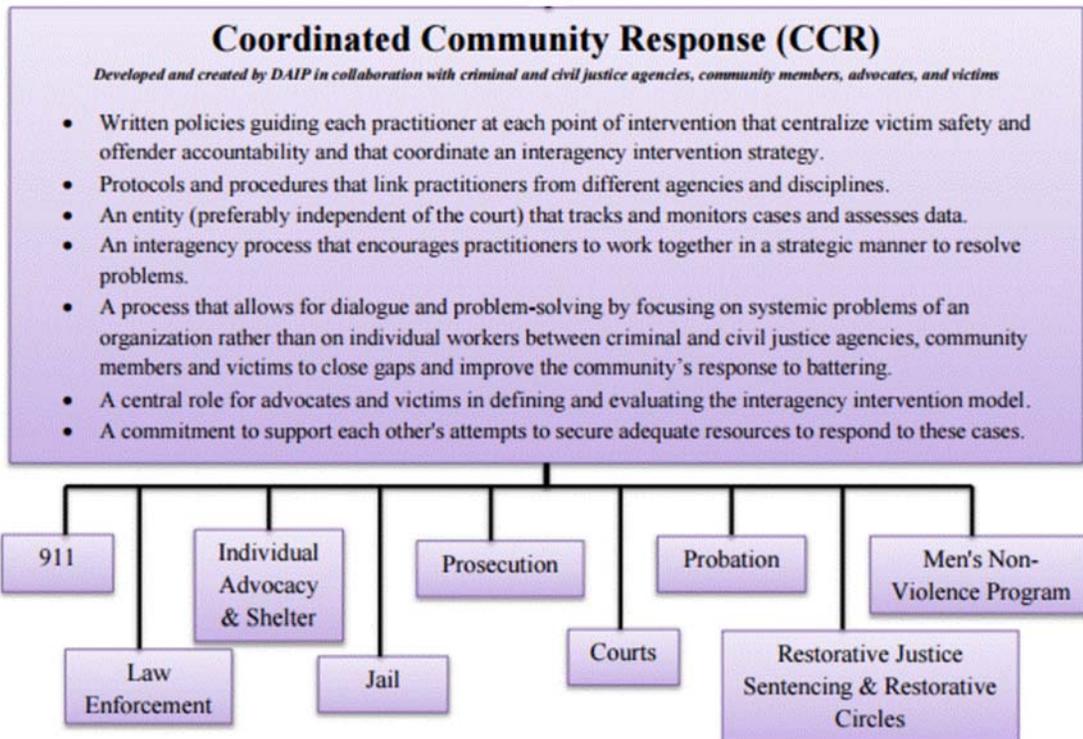
- A commitment to shift responsibility for victim safety from the victim to the community and state.
- A shared collective mission and strategy regarding intervention that is based on a number of core philosophical agreements.
- A shared understanding of how interventions are to be accountable to victim safety and offender accountability.
- A shared understanding of how each agency’s (practitioners’) actions either support or undermine the collective goals and strategies of intervention.
- Shared definitions of safety, battering, danger and risk, and accountability.
- Prioritizes the voices and experiences of women who experience battering in the creation of those policies and procedures.

The following diagram (overleaf), from the [theduluthmodel.org](http://theduluthmodel.org) website, illustrates the underlying concept of coordinated community response on which the DIAP is based:

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<sup>8</sup> “What is the Duluth Model.” From <https://www.theduluthmodel.org>; accessed 10/12/2019.

<sup>9</sup> Ibid.



**ACTION:** Based on the initial data from the 2017 data base, it seems clear that this should be an area of focus and additional study in 2020. An integrated approach should be used, combining specific analysis of arrest / charging data, case information and sentencing, and if possible, efforts could be made to track individuals and study effectiveness of sentences including comparisons to standard and intensive probation and/or use of the Duluth Model or similar programming.

If an additional agent position is funded, Group Five could establish a method for tracking caseload and results, including comparisons to standard- and intensive supervision caseloads, and compare the domestic abuse agent caseloads to these and to caseloads for other domestic abuse agents in A R C counties or others in Minnesota.

- 5-8. Use the PassPoint Substance Abuse Screener to periodically check for substance abuse, which is located in the Jail lobby.

**DISCUSSION:** The use of the PassPoint Substance Abuse Screening system has been discontinued. There is an ongoing need to find another screening tool that could be used for quick testing and initial screening for defendants for screening for pretrial release-, probation- or parole-reporting requirements. Significant national publications and research support the use of a two-step process: an initial drug screen that identifies potentially or presumptively positive and negative specimens, followed by a confirmatory test of any screened positive assays.

**ACTION:** In Chapter Six of this report, the BKV Group Team recommends that Carlton County study options in 2020 for another early screening system, and find a replacement for the PassPoint system that provides cost-effective and staff- and time-efficient screening. There has been some exploration in the area of the “sweat patch” technology by the Drug Court team.<sup>10</sup>

The goal for 2020 should be to consider SAMHSA recommendations and nationwide studies regarding efficacy and reliability, investigate options, and provide recommendations to the CCJP and County Board for a replacement system for the initial screening tests conducted in support of the Drug Court and possibly other probation, parole, and pre-release options and programs proposed for alternates to incarceration.

- 5-9. Work with the Jail Administrator to estimate how changes in probation practices might affect the jail population. For example, would the construction of a larger jail enable the judges to appropriately revoke more probation violators to jail?

**DISCUSSION:** Group Five deferred to the Jail Administrator on this issue. He suggested that there is no way to predict how current or future judges might change their decisions if more jail beds were available. The consultants concurred.

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<sup>10</sup> Per Arrowhead Regional Corrections, 9/26/19.

## PRETRIAL RELEASE PROGRAM

Chapter 6 of the 2017 Study focused on pretrial release (PTR), describing it as “one of the most important, if not **the** most important element in controlling the size of a jail’s population. Given that about sixty percent (60%) or more of detained inmates have not been adjudicated, their length of stay in jail affects the jail’s operational budget and increases the number of beds required in a new facility.”<sup>1</sup>

According to the report, the “*Experience of the consultant indicated that 20% to 30% reductions in jail populations were possible through improvement of existing PTR programs.*” The report noted that Dr. Beck had served as a consultant for the National Center for State Courts (NCSC) in a year-long study of best practices, legal issues related to pretrial release, and in-person site visits to three states that had been identified as possessing best practices – Kentucky, Arizona, and Colorado.

**B.1. Research Findings About Traditional PTR Practices.** Research findings regarding traditional PTR practices showed:

- B.1 Judges are inconsistent in decision-making about pretrial release,<sup>2</sup> and that: a) In two large jurisdictions, nearly half of the highest-risk defendants were released pending trial,<sup>3</sup> and b) About half of those detained have a lower chance of being rearrested pretrial than many of the people released.<sup>4</sup>
- B.2 Length of pretrial detention affects new criminal activity and failure-to-appear (FTA) rates. “Even very small increases in detention time were correlated with worse outcomes ... (W)hen held for 2-3 days, low-risk defendants were almost 40% more likely to commit new crimes before trial than equivalent defendants held no more than 24 hours.”<sup>5</sup>

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<sup>1</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). P VI-1.

<sup>2</sup> Ibid, p. VI-2, which noted that this and other topics are discussed in more detail in Appendix 6-1, Myths & Facts: Using Risk and Need Assessments to Enhance Outcomes and Reduce Disparities in the Criminal Justice System.

<sup>3</sup> Laura and John Arnold Foundation (2013). Developing a National Model for Pretrial Risk Assessment. Available at [http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-researchsummary\\_PSA-Court\\_4\\_1.pdf](http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-researchsummary_PSA-Court_4_1.pdf)

<sup>4</sup> Baradaran, Shima & McIntyre, Frank. (2012) “Predicting Violence,” Texas Law Review, 90:497-570.

<sup>5</sup> Beck, et al, p. VI-2, citing Laura and John Arnold Foundation (2013b). Summary: Pretrial Criminal Justice Research. Available at [http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-Pretrial-CJ-Research-brief\\_FNL.pdf](http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-Pretrial-CJ-Research-brief_FNL.pdf).

**B.3. Length of Pretrial Detention Has a Negative Impact on Judicial Sentencing.**<sup>6</sup> The 2017 Report noted multiple issues related to pretrial release, and recent studies had demonstrated several important findings:

- Unsecured bonds are as effective as secured bonds in: a) Achieving public safety; b) Ensuring court appearances; and c) Guaranteeing fugitive return.
- Defendants with unsecured bonds had faster release-from-jail times.
- Unsecured bonds do not discriminate against the poor.<sup>7</sup>

**Section D. Goals of a Best Practices Pretrial Release Program.**<sup>8</sup> The report went on to note that a “best-practices” PTR program has three goals:

1. Maximize Release (with appropriate monitoring), which could be achieved through a system of matching levels of risk with levels of monitoring;
2. Reduce Risk to Public Safety, which would require a PTR program to assess risk of new criminal Activity (NCA) while on pretrial release and match the level of behavior monitoring to the level of risk; and
3. Reduce Risk of Failure to Appear, by using several methods of maintaining awareness in the released person’s mind of pending court dates.<sup>9</sup>

DISCUSSION. The Minnesota Judicial Branch reviewed the pretrial process in Minnesota for several years. A 2016 study by the Minnesota Judicial Branch / State Court Administrator’s Office (SCAO) noted that many counties in the state had no pretrial tool in use.<sup>10</sup>

Since 2016, as part of the Minnesota Judicial Branch’s Strategic Plan, the Minnesota Judicial Council launched a Pretrial Release Initiative aimed at studying evidence-based tools for use by judges making pretrial release decisions.

Under Minnesota Statute 629.74, Minnesota Judicial Council is responsible for approving pretrial evaluation forms to be used in each county. Minnesota Judicial Council Policy 524: Pretrial Release Evaluation, adopted the use of a statewide pretrial evaluation form and the Minnesota Pretrial Assessment Tool, and directed the use of pretrial risk assessment tool in Minnesota District Courts.

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<sup>6</sup> Lowenkamp, C., VanNorstrand, M., & Holsinger, A. (2013) Investigating the Impact of Pretrial Detention on Sentencing Outcomes. Laura and John Arnold Foundation. Available at [http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF\\_Report\\_state-sentencing\\_FNL.pdf](http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF_Report_state-sentencing_FNL.pdf)

<sup>7</sup> Jones, M. Unsecured Bonds: The as Effective and Most Efficient Pretrial Release Option. Pretrial Justice Institute. Available at [http://www.pretrial.org/download/research/Unsecured\\_Bonds\\_The\\_As\\_Effective\\_and\\_Most\\_Efficient\\_Pretrial\\_Release\\_Option\\_-\\_Jones\\_2013.pdf](http://www.pretrial.org/download/research/Unsecured_Bonds_The_As_Effective_and_Most_Efficient_Pretrial_Release_Option_-_Jones_2013.pdf)

<sup>8</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). P. VI-7.

<sup>9</sup> Ibid. p VI-7.

<sup>10</sup> Minnesota Judicial Branch. (2016) Pretrial Release Initiative Report to the Minnesota Judicial Council.

The assessment tool was meant to ensure that judges have the most predictive and least biased information, providing accurate, objective, and useful information for pretrial release decisions. Per the Statute, the assessment tools will be validated to ensure effectiveness and fairness in release decisions.

To implement the new statewide pretrial risk assessment tool and form, the Minnesota Judicial Council established a Pretrial Release Initiative Implementation Steering Committee, made up of public and private attorneys, probation representatives and law enforcement, court administration, and judges.

After review of fourteen different pretrial tools, the state committee chose to use the Hennepin County 2015 Adult Pretrial Scale, rebranded as the Minnesota Pretrial Assessment Tool (MNPAT). Five counties that originally had decided to “opt out” of the process,<sup>11</sup> had already decided to use the previously validated Hennepin County 2015 Adult Pretrial Scale, so with the adoption of the MNPAT, all counties in the state are using the same pretrial scale.

As part of this ongoing initiative, the State of MN has plans to periodically review and assess the efficacy of this program in various counties.

## TOPIC ONE: SPECIFIC RECOMMENDATIONS<sup>12</sup>

The following specific recommendations were included in Chapter Six of the 2017 Study.

- 6-1. A R C should explore and address the lack of understanding of the pretrial release process by members of the criminal justice system.

Chapter Six of the 2017 report noted that “a critique of the Hennepin Risk Assessment Instrument is unwarranted at this time as the Pretrial Release Steering Committee has made a decision to recommend the Hennepin tool” statewide. The Sixth Judicial District, which includes Carlton County, had the choice to follow this recommendation or opt out, and it decided to adopt the Hennepin tool.

With the development and release of the MNPAT Tool by the Minnesota Judicial Branch, a range of publications and web-based explanation tools with reference materials were developed and have been made available to justice system officials and the public.

Several tools, including the One-Page-MNPat-Summary.pdf, MNPAT-Judicial-BenchCard.pdf, and the one-page Minnesota Pretrial Release Evaluation Form and

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<sup>11</sup> The MNPAT opt-out counties are Anoka, Cass, Hennepin, Sherburne, and Wright (Hoheisel, Grant; Strategic Planning & Projects Office (SPPO), State Court Administrator’s Office, Minnesota Judicial Branch)

<sup>12</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers). p. VI-??.

Assessment Tool (MNPAT) were developed and released in the period between August and October, 2018.<sup>13</sup>

These tools, together with training and coordination meetings conducted with Carlton County Justice System, help ensure that professionals, parties and the public are aware of the system, options, scoring, and decision-making.

The 2017 Study included several recommendations regarding instruments with wide validation and few negative elements.<sup>14</sup>

According to the 2017 study, the basis for pretrial release recommendations and the decision-making process were not well-understood by some officials in Carlton County, and this could be a source of resistance to change.<sup>15</sup> The report noted that decision-making information was provided in a text form rather than as a “praxis” – a decision making grid – as illustrated on page VI-10 of the report.

**DISCUSSION:** In meetings held over the course of more than six months in late 2018 and early 2019, the BKV Group Team confirmed that the use of a graphic decision-making grid could be helpful in understanding decisions. However, Carlton County officials reported in meetings conducted more recently (through July 2019), that the basis for pretrial release recommendations and the decision-making process today are better understood by key officials in Carlton County.

**ACTION:** Working in conjunction with the State, the CCJP could support development of better communication tools and continue to push for development of a praxis-type decision grid for MNPAT. Regarding this, collection of the Praxis models for Colorado, Arizona, Virginia and Douglas County, Kansas, referenced in the 2017 study, could be helpful in the review of the program. Due to the availability of information and resources from the Minnesota Judicial Branch, the need for this should be confirmed prior to collecting the praxis models ensure that it remains a priority.

6-2. The range of monitoring options shown in Exhibit 1 could be compared to current pretrial release program capabilities.

**DISCUSSION:** The range of monitoring options and pre-trial screening completed in Carlton County today is in accordance with MNPAT standards established by the state judicial committee. These standards clarify who qualifies for Pre-Trial Release assessments and what information can be shared with the court at the time of arraignment / first appearance.

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<sup>13</sup> For more information about the MNPAT, see the Pretrial Release Initiative Website: <http://mncourts.gov/GovernmentPartners/Pretrial-Release-Initiative.aspx>.

<sup>14</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). p. VI-8.

<sup>15</sup> Ibid, p. VI-9.

MNPAT information<sup>16</sup> identifies a range of options including release on personal recognizance, unsecured bond, use of case bail or non-cash bond, supervision options, and other release conditions that can be used within the MNPAT program guidelines.

The range of monitoring options used in Carlton County for probation services – *and potentially available for use for pretrial release services at the discretion of the judiciary* -- includes a range of sanctions including formal intervention, structured intervention, unstructured and informal responses, and includes custodial placement, standard and intensive pre-trial supervision, electronic monitoring, intervention through specialty court and a range of programs provided through Arrowhead Regional Corrections (A R C), other agencies and community providers.

The pretrial programs in use in Carlton County include the electronic monitoring capabilities of the Confinement Alternative Program (CAP).<sup>17</sup> That program was staffed by only one probation officer in 2017.

**ACTION 1: The CCJP or a selected subcommittee of the CCJP, should study and make recommendations to the Board regarding setting up pilot program in Carlton County similar to the Yellow Line Project in Blue Earth County, coordinating with representatives of the State Judiciary / Sixth District Court, Arrowhead Regional Corrections and other agencies and community providers.**

Chapter Four presented recent data regarding individuals screened at the Carlton County Law Enforcement Center. This information noted that of the individuals screened between 7/24/18 and 4/17/19, 71.5% had mental health concerns, and 70.5% had chemical health concerns.

These statistics are very similar to those in Blue Earth County, where the Yellow Line Project was started in 2016. “Under the Yellow Line pilot program, those brought to the jail intake area can be assessed by a trained social worker and, if they qualify, can be offered some options other than going into jail. They could be placed in an alternate setting for a time, such as Horizon Homes Crisis Center, while a treatment program is worked out with them. They could go home, or be sent home with a responsible party, if they agree to quickly enroll in treatment programs.”<sup>18</sup>

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<sup>16</sup> MNPAT-Judicial-BenchCard.pdf – Minnesota Pretrial Release Evaluation Form and Assessment Tool (MNPAT) Bench card (last revised: 10/24/2018).

<sup>17</sup> CAP provides electronic monitoring (close supervision) of released defendants (pretrial defendants and probationers) by a single probation officer having a small, dedicated caseload.

<sup>18</sup> Kronh, Tim. Blue Earth County launching jail diversion program Aim is to keep some with addiction, mental health issues out of jail. [Mankato Free Press, 3/20/17]. From: [https://www.mankatofreepress.com/news/blue-earth-county-launching-jail-diversion-program/article\\_b991cec2-0d9b-11e7-8bf6-c7c081aa0b81.html](https://www.mankatofreepress.com/news/blue-earth-county-launching-jail-diversion-program/article_b991cec2-0d9b-11e7-8bf6-c7c081aa0b81.html), accessed 9/24/19.

According to recent reports, “Every incoming Blue Earth County Jail inmate is invited to participate in a mental health assessment even if they aren't eligible for diversion. County officials said last year about two-thirds of inmates are screened for mental illness and addiction as a result. Of those, another two-thirds are found to be affected by at least one of those issues.” These statistics are similar to those reported for Carlton County in Chapter Four of this report.

A one-month review in Blue Earth County of the Yellow Line Project found that approximately 38 percent of the people assessed would have possibly gotten a diversion. Program alternatives could include placement in a crisis center and completion of treatment while still facing some types of criminal charges or a citation, depending on charges.

If results in Carlton County were similar to those experienced in Blue Earth County, there could be a potential to save future money on detoxification programs or through a reduction in confinement in the LEC, particularly if medical assistance funding could be used to pay for some of the program.<sup>19</sup>

According to reports early in 2019, several state lawmakers were sponsoring bills to allow counties across Minnesota start their own version of the Yellow Line Project. In one bill, “the Department of Human Services would get \$150,000 to award 10 grants of up to \$10,000 to counties setting up their own Yellow Line Projects. The remaining \$50,000 would go toward a county already running its own program in a one-time expenditure. Tribal nations also could take advantage of state resources to set up similar programs.”<sup>20</sup>

**ACTION 2:** CCJP should continue to review existing and new options for Carlton County arrestees for pretrial release. In conjunction with this review, the CCJP should review PTR release outcomes (e.g., new criminal arrests (NCA) and failure to appear (FTA) rates) in conjunction with the review of programs, at least periodically (six months). Program modifications should be made if the rates are higher than desired.

Importantly, the recording of data should begin immediately, so baseline results can be measured, and “before and after” improvement measurements can be captured and analyzed. This is particularly crucial in 2020 as the Carlton County system adapts / adjusts to the use of the MNPAT guidelines / requirements and finalizes decisions related to programs, capacity, and space planning for replacement of the 40-year old CC LEC.

The results of these future analyses, together with information scheduled to be released regarding the statewide pretrial release system, will be important as the County finalizes plans for programs, services and features of the replacement to CC LEC.

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<sup>19</sup> State law makers in 2017 were working on this, and several bills were sponsored as recently as 2019.

<sup>20</sup> Mewes, Trey. Lawmakers look to expand Yellow Line Project [Mankato Free Press, 4/18/19]. From: [https://www.mankatofreepress.com/news/local\\_news/lawmakers-look-to-expand-yellow-line-project/article\\_282082e2-61f6-11e9-b074-373968b9f773.html](https://www.mankatofreepress.com/news/local_news/lawmakers-look-to-expand-yellow-line-project/article_282082e2-61f6-11e9-b074-373968b9f773.html), accessed 9/24/19.

- 6-3. Automated telephone notifications and text messaging of court dates should be considered for pretrial defendants having smart phones.

**DISCUSSION:** It may be possible to use technology to reduce defendant failures to appear (FTAs) in Carlton County. The 2017 Study discussed the high costs of delays for a) arrested individuals and b) the Carlton County justice system -- courts, agencies, and incarceration and / or programs. A leading cause of delays and continuances are “failures to appear.” These FTAs can add high costs for parole / probation violations, and lead to additional court and justice system activities and to many potentially severe consequences for defendants.

Fortunately, several products and systems have been developed to help reduce FTAs. These programs contact defendants and provide text messaging and phone reminders of court dates. Several systems are in use in various locations nationwide, and those using the systems report that FTAs can be reduced significantly. For example:

- In Contra Costa County, California, the Early Representation Program was tasked with lowering the county’s FTA rate for misdemeanor cases, which was as high as 57%. Bianca Hernandez, Deputy Public Defender at the Contra Costa County Public Defender’s office reported that ““approximately one third of individuals who appeared at their first court date self-reported that they knew about the court date only because they were contacted in advance through the program.” She adds that the program is a time-saver for her attorneys, who no longer have to spend time calling clients the night before a hearing.”<sup>21</sup> In Contra Costa, limited data is collected regarding FTAs so measuring impact is imprecise. However, her office reported that the three offices that used the notification system experienced an average FTA rate for misdemeanor and felonies combined of only 2.5 percent as compared with FTA rates of 52-27% county wide for misdemeanors and felony FTA rates of between 20 and 30 percent. Additional study is expected to better assess impact.
- A more rigorous study in New York City found that text-message reminders led to a significant drop in FTAs. “Before we started our work, the FTA rate was close to 40 percent,” says Aurelie Ouss, an assistant professor at the University of Pennsylvania and a co-author of the study.

This research tracked two approaches attempting to decrease FTAs. First, researchers redesigned the court summons to be easier to read. Randomly deployed in the city, those who received the redesigned summons had an FTA rate 13 percent lower than those who received the older version.

Second, the study deployed text-message reminders. The reminders were sent three times to a defendant during the week before a scheduled court date. The study also sent a message after the hearing date if the person failed to appear.

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<sup>21</sup> Tashea, Jason. Text-message reminders are a cheap and effective way to reduce pretrial detention [ABA Journal, 7/17/18.] From: [http://www.abajournal.com/lawscribbler/article/text\\_messages\\_can\\_keep\\_people\\_out\\_of\\_jail](http://www.abajournal.com/lawscribbler/article/text_messages_can_keep_people_out_of_jail), accessed 9/24/19.

The most effective text messages—those that “combined information on the consequences of not showing up to court, what to expect at court, and plan-making elements”—led to a 26 percent reduction in FTAs. Receiving both the text messages and the redesigned summonses decreased the FTA rate by 36 percent. Based on 2014 numbers, deploying both interventions could have meant 20,000 to 31,000 fewer warrants issued in New York City.

“Our results are very encouraging—text messaging is very cheap (less than 1 cent per message),” says Ouss, “and so even modest improvements in court attendance could be highly cost-effective.”<sup>22</sup>

In terms of Carlton County, the Minnesota Judicial Branch is highly automated and uses eFiling in all court case types and jurisdictions.

Among the systems already available, the Judicial Branch published a report in 2017 entitled “Outbound Document Notifications” that explained how partners could electronically receive document images to their system directly from the Minnesota court case management system, MNCIS. These documents are transmitted using the core filing message format specified in the Electronic Court Filing 4.0 specification. Documents are PDFs and in most instances are searchable. However, there may be instances where partners receive a non-searchable PDF, so this capability exists in the system.

According to the report, the Courts can transmit the CoreFilingMessage to the partner and will receive, in response, a MessageReceiptMessage, which will notify the courts that the document has been successfully received.

With the capabilities currently available in the Minnesota court case management system, MNCIS, it may be possible to add capabilities for text messaging of court dates for pretrial defendants having smart phones, and utilize the notification feature to inform the courts that the text message was successfully received.

As an alternative to adding this to the workload of the courts and court staff, the system could be designed to work with defense attorneys (either / both public and private). Jacob Sills, CEO of Uptrust, says that his company intentionally works with Public Defender offices because of their relationships with defendants themselves.

According to Mr. Sills, this is particularly important because the Public Defender’s offices may have better phone numbers than other sources. “Illustrating this point, the New York City study was done in partnership with the New York City Police Department and the New York State Unified Court System Office of Court Administration. It had cellphone numbers

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<sup>22</sup> Cooke, Brice, et.al. Using Behavioral Science to Improve Criminal Justice Outcomes -- Preventing Failures to Appear in Court. [Laura and John Arnold Foundation, John D. and Catherine T. MacArthur Foundation, and the Abdul Latif Jameel Poverty Action Lab (J-PAL), with New Your City Mayor’s Office of Criminal Justice, January 2018].

for 13 percent of potential recipients. By contrast, the Contra Costa Public Defender’s Office had phone numbers for 90 percent of potential recipients, according to Hernandez.”

There currently are several different available systems that provide text-messaging services to remind defendants in criminal cases, including:

- Uprtrust – used in five counties or cities in California, Maryland, Pennsylvania and Virginia, with expansions planned in counties in Florida and Washington.<sup>23</sup>
- Odyssey System – use in the Indiana Courts. Odyssey courts can send text messages to remind defendants in criminal cases about upcoming hearings. The initiative is aimed at reducing the number of people who fail to appear in court—which can result in an arrest warrant being issued. Evidence shows reminders can be effective in reducing costly failure to appear rates. The texts are sent automatically in any criminal case if there is a cell phone number for the defendant stored electronically by the court, the court is an Odyssey court, and the county has opted into the text system. There is no charge to the county to participate. Reminders are sent 5 days and 1 day in advance of a hearing from either of the following phone numbers: 317-316-0810 or 317-286-6725. If a text message has been sent but the hearing is cancelled or rescheduled, another message is sent. Recipients can opt out by texting STOP in reply. As of August 2019 it is used by more than fifty counties in Indiana.
- ACRS (Automated Court Reminder System), a technology platform that sends multiple telephone and SMS/text reminders to recipients (defendants) prior to their court hearings. AST has partnered with several cross-functional justice agencies in the City of Chicago. These reminders not only serve as a valuable customer service to citizens, providing details for upcoming court dates, times, and locations, but are important to pre-trial reform efforts, as jails deal with over-crowding. Behavior modification tools, such as call and text message reminders, help to significantly increase the chances of released, non-violent defendants returning to court for scheduled appearances.

**ACTION:** This is an important area for additional study / research project for Carlton County and the Sixth District Courts in 2020. Additional study in cooperation with the Minnesota Judicial Branch and Sixth Judicial District / Carlton County Courts would be needed to move toward providing these services.

To support this research, additional analyses of the Carlton County court data already compiled of the 2016 to 2018 timeframe (and/or other periods) could be used to provide new statistics regarding “failures to appear” in Carlton County.

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<sup>23</sup> Tashea, Jason. Text-message reminders are a cheap and effective way to reduce pretrial detention [ ABA Journal, 7/17/18.] From: [http://www.abajournal.com/lawscribbler/article/text\\_messages\\_can\\_keep\\_people\\_out\\_of\\_jail](http://www.abajournal.com/lawscribbler/article/text_messages_can_keep_people_out_of_jail), accessed 9/24/19. See also <http://www.contracosta.ca.gov/DocumentCenter/View/42813/CABJuneHandouts?bidId>

Use of automated telephone notifications and text messaging of court dates should / could be extended to other crucial scheduled appearances (reporting times / dates / locations for probation, public defender, alternatives program meetings), in concert with other communication by pretrial staff.

***Editor's Note:** In the review meeting of the prefinal draft report, representatives of the District Court noted that the Sixth District Court recently implemented an email / text reminder system for some parties involved in some cases. In general, parties to a court case can now enroll in an optional system to receive hearing eReminders via text or email which will remind parties of the upcoming court date (date, time, and location). Notifications are available for parties with an Adult Criminal/Traffic, Juvenile Delinquency, Juvenile Traffic, Juvenile Petty Offense, Domestic Abuse, Family, Eviction, or Juvenile Protection case in Minnesota District (Trial) Court. Importantly, you must be a party in the case to enroll in hearing eReminders. Witnesses, victims, attorneys, etc. are not parties in a case and are not eligible for eReminders.*

*It would be good to see if secondary analyses could illustrate who is not showing up because of lack of transportation and ability versus those avoiding the consequences of their actions. Additional study in cooperation with the Minnesota Judicial Branch and Sixth Judicial District / Carlton County Courts would be needed to move toward providing these services.*

6-4. The PassPoint substance abuse screening system should be used.

**DISCUSSION:** The PassPoint Substance Abuse Screening Service provided a kiosk on which the offender completed an ocular scan of pupil reaction to a fixed light source and was compared to their baseline. Baseline data was created during a five-minute enrollment in the system – at which time the offender was required to be alcohol or drug-free (verified with a multi-urinalysis panel). The system also did a passive breathalyzer test, measuring down to .002 for alcohol. Per PassPoint, the system was fully automated; reports and scheduling were included with the program. Once enrolled, offender urine samples were to be collected when the PassPoint system suspected illicit use.

According to website information, the PassPoint System was unique in that it used both baseline data and completed a passive breath alcohol test during each scan.”<sup>24</sup> According to John Diamond, Director of Sales for PassPoint, "It is capable of completing thousands of scans each month and saving agencies money by reducing the number of urine samples collected to monitor a population. It is commonly used in Drug Court, Community Corrections and Work release. It also provides a unique call-in system for offenders to

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<sup>24</sup> John Diamond, StreeTime / PassPoint's Director of Sales – quoted in Gater, Laura. Drug & Alcohol Monitoring Equipment. [Corrections Forum, Vol. 21, No. 4 July / August 2012]. Article excerpt from questia online research. From: <https://www.questia.com/magazine/1P3-2746556621/drug-alcohol-monitoring-equipment>, accessed 9/24/19.

determine if they need to report and scan on a particular day," he explains. "It is self-administered by the offender, freeing up staff time."<sup>25</sup>

Regarding use of the system in Carlton County, there was an early understanding that the "window of use" for detection for this system would be wider than it proved to be. The reduced window of use meant that defendants would have needed to use the system very frequently to achieve the objectives set in Carlton County, placing a very high burden on defendants.

Since the system periodically was out of service or produced results that were deemed unreliable, the County abandoned the use of the PassPoint System tool.<sup>ii</sup> In lieu of using the Passpoint System, detection of drug use has fallen to individual urine testing by probation agents.<sup>26</sup>

**ACTION:** The BKV Group Team recommends that Carlton County in 2020 study options for an early screening system, and find a replacement for cost-effective and staff- and time-efficient screening. Among options to be studied, the 2020 review should include a review of the "sweat patch" technology which has been investigated by the Carlton County Drug Court Team.<sup>27</sup>

The goal for 2020 should be to consider SAMHSA recommendations and nationwide studies regarding efficacy and reliability, investigate options, and provide recommendations to the CCJP and County Board for a replacement system for the initial screening tests conducted in support of the Drug Court and possibly other probation, parole, and pre-release options and programs proposed for alternates to incarceration.

Significant national publications and research support the use of a two-step process: an initial drug screen that identifies potentially or presumptively positive and negative specimens, followed by a confirmatory test of any screened positive assays.

Screening tests (the initial tests) indicate the presence or absence of a substance or its metabolite, but also can indicate the presence of a cross-reacting, chemically similar substance. These are qualitative analyses—the drug (or drug metabolite) is either present or absent. The tests generally do not measure the quantity of the drug or alcohol or its metabolite present in the specimen (a quantitative analysis).

Screening tests can be done in a laboratory or onsite (point-of-care test [POCT]) and usually use an immunoassay technique. Laboratory immunoassay screening tests are inexpensive,

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<sup>25</sup> Gater, Laura. Drug & Alcohol Monitoring Equipment. [Corrections Forum, Vol. 21, No. 4 July / August 2012]. Article excerpt from questia online research. From: <https://www.questia.com/magazine/1P3-2746556621/drug-alcohol-monitoring-equipment>, accessed 9/24/19.

<sup>26</sup> Per Arrowhead Regional Corrections, 9/26/19.

<sup>27</sup> Per Arrowhead Regional Corrections, 9/26/19.

are easily automated, and produce results quickly. Screening POCT immunoassay testing devices are available for urine and oral fluids (saliva).

Most screening tests use antigen–antibody interactions (using enzymes, microparticles, or fluorescent compounds as markers) to compare the specimen with a calibrated quantity of the substance being tested for (Center for Substance Abuse Treatment, 2006b).<sup>28</sup>

According to the SAMHSA publication, *Clinical Drug Testing in Primary Care*, there are seven common matrixes used for testing, and for which sensitivity, specificity, reliability and validity have been proven: Breath, Blood, Oral Fluid, Urine, Sweat, Hair, and Meconium. The study points out that Trends in drug use and abuse change over time and can necessitate a change in drug testing panels.

The technology for drug testing evolves quickly, new drug-testing devices become available, and old tests are refined.

- 6-5. The requirement that pretrial defendants pay for additional substance abuse screening should be dropped. This may be a budget issue that the county might need to cover.

**DISCUSSION:** In Carlton County, the charges for certain substance abuse screening, including certain urinalysis testing, have been passed on to defendants as a cost of supervision.<sup>29</sup> This was done in part since pretrial release or probation / parole options were to be understood as a privilege, not a right, and by accepting the conditions, the defendant has responsibilities as well as benefits related to release. Consequently, costs associated with some of the tests, some in the range of \$15.00, were passed on to defendants.

In practice, there has been a recognition that some defendants could not readily afford these costs, particularly if testing was required several times per week. This level of testing could be required in situations where there was a suspicion that the terms of the probation or pretrial release program were not being met, and additional testing was required to ascertain compliance.

**ACTION:** This should be a topic for additional study in 2020. Statistics from reviews of specific cases from Arrowhead Regional Corrections and the District Court should be compiled and analyzed. The study should be structured to review in detail historic records and/or to develop a forward-looking profile capturing specific data to evaluate the frequency of testing, FTA or NCA data, and costs of testing.

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<sup>28</sup> Clinical Drug Testing in Primary Care – TAP Technical Assistance Publication Series 32. U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Treatment, Chapter 2, p.9

<sup>29</sup> See Arrowhead Regional Corrections POLICY 11.11 -- The defendant shall be responsible for all associated costs of the program. Example - EM, U/A, treatment, etc. (See ARC policies in Appendix 6-2 of the 2017 Report.)

Among study goals should be the objective of developing recommendations regarding payment options for testing considering costs / benefits of policies, practices and options for release and monitoring compared to incarceration.

- 6-5. A R C and the county should consider dropping the requirement that pretrial defendants pay for electronic monitoring as specified in ARC's policies and procedures on PTR.

**DISCUSSION:** According to A R C POLICY 11.11 -- The defendant shall be responsible for all associated costs of the program. Example – EM, U/A, treatment, etc.<sup>30</sup> Per A R C, there currently exists limited funding for qualifying high-risk pretrial offenders. Electronic monitoring (EM) services are contracted and available based on provider availability which most frequently occurs within 24 hours (excluding weekends and holidays).

The pretrial programs in use in Carlton County include the electronic monitoring capabilities of the Confinement Alternative Program (CAP). That program was staffed by only one probation officer in 2017. CAP provides electronic monitoring (close supervision) of released defendants (pretrial defendants and probationers) by a single probation officer having a small, dedicated caseload.

The Sheriff's Office currently pays for some defendants involved in the CAP Program. The funding is restricted to CAP participants on EM where the only high-risk issue is that the program needs to verify locations and movement. Recent data shows that the EM usage has dropped, as the system today is now dealing with even higher risk people, and there are fewer defendants that qualify under program requirements.

**ACTION:** This also should be a topic for additional study in 2020, investigating specific cases / defendants, information related to charges, pretrial release actions and potentially, decisions made by the Court related to case disposition and sentencing. Statistics from Arrowhead Regional Corrections and the District Court should be compiled and analyzed.

The study should be structured to review in detail historic records and/or to develop a forward-looking profile capturing specific data to evaluate trends in the use of EM, and to confirm whether or not payment for EM affects likelihood of use of EM, effectiveness of the use of EM (related to FTA / NCA data), and relative costs / benefits of use of EM options for release and monitoring compared to incarceration for both pretrial and sentenced defendants.

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<sup>30</sup> See ARC policies, presented in Appendix 6-2 of the 2017 Report/

6-6. A R C should perform pretrial assessments and provide recommendations for release seven days a week, including holidays. Exhibit 3, on the next page [of the 2017 Report], shows a viable process for such operation. Similar processes are used in jurisdictions that are committed to reducing their jail population. The County should be involved in planning for the modification of pretrial release practices in the instance that additional funding is required for A R C staffing and other operational needs.

**DISCUSSION:** Through the use of the MNPAT system, release recommendations are provided on a 24/7/365 day / year basis. Where there are any issues, the Sheriff's Office contacts court personnel for direction.

6-7. The scheduled time for initial appearance/arraignment should be moved to the afternoon to allow time for A R C to complete interviews and perform the additional needed assessments.

**DISCUSSION:** The 2017 Report raised the possibility of using a court calendar realignment -- moving the scheduled time for initial appearance / arraignment to the afternoon -- to help provide time for processing in hopes of reducing in-custody jail days. The goal of making this change would be to help mitigate the negative impacts of holding in-custody defendants in jail, and to reduce costs associated with unnecessary delay in case processing.

Variations of this idea that should be considered related to this option, include:

- Optimizing the current process -- reviewing in greater detail all of the workflows and physical / data linkages related to conducting the initial appearance / arraignment hearings in the morning -- and confirming that the existing system is operating at peak efficiency;
- Reviewing options of having multiple (two) settings, with a larger docket in either the morning or afternoon, and a supplemental or smaller docket and/or "release hearing" provided by the court to help reduce in-jail time for in-custody arrestees, similar to any formal / informal hearings held to reduce jail time over weekends and holidays; and
- Reviewing options for rescheduling all initial appearance / arraignments to the afternoon, which would include a review of impacted staffing for the Courts, justice agencies, Sheriff's Office, victims / defendants, witnesses, and defense counsel, and other court calendars, including criminal trials and other hearings; civil hearings and trials; juvenile dependency, neglect, and delinquency hearings and trials; domestic relations and other family court hearings and trials; probate, civil commitment, and other matters; and so forth.

Use of an afternoon document for initial appearances / arraignments might provide benefits for specific cases and situations that today create pressure for information exchange, attorney – client consultation and preparation for appearance, and could help improve communication and coordination between:

- Law enforcement personnel in completing / reviewing / forwarding arrest reports and attachments (evidence, particularly local evidence, and additional interview documentation);
- The County Attorney's Office in reviewing arrest reports and completing charging documents and adding plea offers to the records;
- Court personnel involved in calendaring and recording hearings and notifications;
- Victim-witness coordinators responsible for notification of victims who may wish to appear at the hearings per MNPAT guidelines;
- A R C personnel involved in completing MNPAT pre-trial release forms;
- Public Defender attorneys and private defense counsel to review charging documents and MNPAT recommendations and provide supplemental information if warranted; and
- Other public and private agencies and personnel involved in pretrial release alternative reviews and programs, particularly programs involved in early release referrals.

Moving back the scheduled time for initial appearances and arraignments to early afternoon might help provide time for completion, reviews, and dissemination of various pieces of information related to the cases and appearance for in-custody defendants cases:

- For cases not involving evidence allowing the completion of arrest reports within the active shift of law enforcement personnel, some time can be required for reviews and completion of arrest reports for submission to the County Attorney's office for development of the complaint and development of the written plea offer.
- With cases involving local evidence and completion of arrest reports with appropriate attached evidence and interview information, complex cases requiring follow-up interviews and evidence that can be processed locally, it is difficult to complete all required information on complex cases within the window of time available before morning arraignment / initial appearance settings.

But the disadvantages of the proposed changes could include significant disruption to other regular and efficient court activities and calendars currently scheduled in the Carlton County courts, including many criminal case hearings and proceedings scheduled for afternoons. Additionally, the other case dockets and activities scheduled for the afternoons associated with civil, domestic, juvenile, and other types of cases could be impacted by the proposed calendar realignment.

Over the past year, since the publication of the 2017 Report, the Carlton County justice system agencies and courts have formally and informally adjusted a) in response to legislative and state-wide initiative and b) in response to process-improvement efforts focused on case management of criminal cases for in-custody defendants. Among the important changes that affect this issue that already have occurred are the following:

- a) The adoption of the MNPAT system for pretrial release guidance;
- b) Increased emphasis by Carlton County law enforcement personnel on finalizing and submitting reviewed / completed arrest reports with / without local evidence to the County Attorney by early morning (by 8:00 AM whenever possible);
- c) A R C focus on preparing background information and completed MNPAT forms for distribution to the County Attorney and Public Defender's Office / Private Defense Counsel;
- d) County Attorney focus on review of arrest reports and preparation of charging documents, plea offers, and staffing focus on victim communication as early as possible in the morning prior to the hearings; and
- e) District Court commitment to electronic filing and case management systems, allowing rapid case initiation and calendaring for bail hearings, initial appearances and arraignments.

Due to the adjustments made in the system, it is not yet clear to the BKV Group Team precisely what impacts / benefits could be expected from a major shift of the initial appearance / arraignment hearings from the morning to afternoon. Moreover, it is not clear whether additional tweaks or adjustments to improve the effectiveness of the current system could / should be made to help streamline the processes and achieve the desired results of cutting in-custody jail days for individuals arrested and held in the CCLEC.

**ACTION:** The BKV Group Team recommends that Carlton County and the CCJP strongly consider pressing forward with the proposed case management study originally proposed to be conducted by the National Center for State Courts (if acceptable to the State Judiciary and Administrative Office of the Courts) or other consultant to study in detail the potential impacts of changing the hearing times in total or in part.

BKV Group recommends that a future study build on the materials provided in the 2017 Report and this document to confirm the precise steps involved in the Carlton County process – including arrest report document preparation and submission (with and without evidence), charging document preparation and submission (including written plea agreement), logging and addition of the case to the court calendar for bail hearings, initial appearance(s) and arraignment hearings; and so forth.

With this information in hand, the study should consider the options described on page VI-13, using coordination and communication with all system participants to consider the options listed above in a comprehensive way, specifically looking at the impact of proposed changes on all agencies and staffing, the public, defendants and families and outside witnesses and counsel.

Additionally, with the statewide adoption of the MNPAT system, it should be possible to collect information from other counties (in and beyond the ARC service area) to investigate

alternative schedules and methods of processing defendants and cases. An evaluation of options may help Carlton County objectively review options and help find / customize the process that best fits the needs and traditions of the system and community.

With the comparisons in hand, the study should examine optimized flow for Carlton County cases, considering current practices and policies in Carlton County and the Sixth Judicial Court District, since changes in one county would be expected to affect operations in other counties within the District for the courts, court-related agencies, and service providers, such as A R C, that serve multi-county jurisdictions.

It is important to consider other / additional improvements in the system that could be realized without the calendar change, including:

- Possible changes in staff reporting times / shift assignments, personnel assignments and changes in the duties / responsibilities of positions. For example, “tweaking” the existing process by adjusting reporting times for some personnel (e.g., those having staff responsible for reviews / quality assurance of reports could stay later or report earlier to speed processing and submissions;
- Improved systems and data exchanges between systems (such as the information exchange between law enforcement systems and the County Attorney’s new system, and between the County Attorney’s system and the Courts electronic records system for charging document submission).

With this information in hand, consideration of more significant changes could be reviewed, including major possible changes in scheduling of hearings and calendars, considering potential impacts from a system perspective and not solely through the lens of reducing jail days for individuals arrested and held at the CC LEC.

**NOTE:** The planning and design of new / improved facilities can play a role in supporting process improvements, as co-location of courts and jail operations into new, efficient facilities can help improve efficiencies regardless of the specific solutions proposed. For example:

- Assuming that that there will be a direct / easy connection in the future created between the Intake / Transfer / Release Center at the Jail and the District Court courtrooms, the impact of having (all / some) initial appearances and arraignments in the afternoon would be reduced in time / difficulty / cost for the Courts, Sheriff’s office, and others.
- Having adequate secure spaces and connections between the public areas serving the courts and areas in the Jail and specific areas designed for attorney / client consultation (both at the jail and adjacent to the courtrooms) should lead to significant improvements in communication and support more convenient and effective communications leading to faster, appropriate hearings for initial appearances / arraignments and other court hearings / trials.

- Having secure spaces and connection between the courts and jail will improve the ability of A R C and other professional staff to interview in-custody defendants in the jail, either in / near the Intake / Transfer / Release Center or from their respective housing areas. Having the ability to conduct the interviews efficiently to pick up any lagging information could be invaluable in speeding the PTR Assessment, which requires the checking of criminal records in various data bases and examining arrest report information.

6-8. The Court Administrator should determine how to provide judicial coverage for weekends and holidays. In some jurisdictions this is accommodated by a Pro Tem Judge funded by the county.

**DISCUSSION:** Providing judicial coverage for weekends and holidays has been reviewed by the CCJP and at this time is felt to be cost-prohibitive.

6-9. The recommendations report should be made available, electronically, to the court, County Attorney's Office, and Public Defender before court.

**DISCUSSION:** Under the new process, the MNPAT score and the Form "Minnesota Pretrial Release Evaluation Form" on all eligible offenders are being provided to the court and attorneys prior to their first hearing (arraignment) electronically.

Only on rare occasions when the court allows a walk-in appearance under short notice is there a chance the score may not be determined and shared prior to appearance. In these cases, the score always is completed the same day following that hearing.

**ACTION:** A R C has commented that the MNPAT score and the Form "Minnesota Pretrial Release Evaluation Form" can't be provided earlier at this time, but in the future, if facilities provide more interview areas / better areas in the Intake / Transfer / Release Area, the information might be able to provide more quickly.

Currently the Assessment is completed the same day and as soon as A R C receives verification from the County Attorney's Office as to what will be the official charges, as this determines eligibility and allows for a background check to be run.

Completion of the assessment is also dependent upon the availability to meet with the offender in jail which is coordinated on a first come / first serve basis by the jail due to limited visiting space. If charges can be verified earlier by the County Attorney's Office and access to the jail and offender are allowed, then timelines can be adjusted accordingly.

6-10. The judicial decision on any and all release options should be made at the initial appearance/arraignment.

**DISCUSSION:** Currently this should and typically does happen. On some occasions, this may not happen as the court and parties are looking for more information, but this is atypical.

6-11. Money bail should not be set as a condition unless absolutely necessary. If bail setting is required, the use of unsecured bail (OR) should be employed.

- The use of monetary bail discriminates against the poor. (Re: Items 2.D, 3.A, 3.B, 3.C)

**DISCUSSION:** Per A R C: MN PAT governs.

- In Carlton County monetary bonds are being used for defendants not released on PTR and for those held awaiting court on weekends and holidays.

**DISCUSSION:** Per A R C: MN PAT governs. It is not clear what the impact of not allowing cash bond release would be on the population. This could be studied in the future.

6-12. Electronic monitoring for highest risk pretrial defendants should be provided on a 24/7 basis. This may require extra staff coverage. The cost of this should be covered by the county.

**DISCUSSION:** Per A R C, there currently exists limited funding for qualifying high-risk pretrial offenders. Electronic monitoring (EM) services are contracted and available based on provider availability which most frequently occurs within 24 hours (excluding weekends and holidays).

The pretrial programs in use in Carlton County include the electronic monitoring capabilities of the Confinement Alternative Program (CAP). That program was staffed by only one probation officer in 2017. CAP provides electronic monitoring (close supervision) of released defendants (pretrial defendants and probationers) by a single probation officer having a small, dedicated caseload.

The Sheriff's Office currently pays for some defendants involved in the CAP Program. The funding is restricted to CAP participants on EM where the only high-risk issue is that the program needs to verify locations and movement.

Recent data shows that the EM usage has dropped, as the system today is now dealing with even higher risk people, and there are fewer defendants that qualify under program requirements.

Regarding 24/7 basis, A R C is unaware of any provider that can meet the expectation that EM services could reliably be provided within 2-4 hours of court appearance. A R C reviewed several providers before committing to the current provider (Midwest Monitoring). Midwest Monitoring bills:

- ARC for some type of qualifying offenses (such as DWIs that meet grant requirements)'
- The Sheriff's department for pre-trial release clients which meet certain requirements; and
- The offender directly if court-ordered and eligible.

This is not a service provided internally. It is unknown if the option of running the EM system through the Sheriff's Office directly has been investigated.

6-13. A strategy should be developed for notifying victims promptly, in light of the revised procedures for one-day processing of defendants.

**DISCUSSION:** Per A R C, efforts to contact the victim are made consistent to MNPAT standards. Efforts are made by A R C to contact the victim directly or through victim services prior to arraignment. This is noted by the agent in the CSTS chronology but does NOT impact the MNPAT score. Comments may be noted in the section labeled "Additional comments to be considered if released." This issue is related to the point raised in 6-7, above, and this is an area where an appearance in court later in the day might help reduce issues for the staff.

**ACTION:** At this time, A R C should be doing the victim notification related to MNPAT requirements; the jail does victim notification of release when a defendant is released from custody. In the future, it is assumed that A R C will be doing victim notification.

6-14. All defendants except those being held for other counties, and serious violators of pretrial release, should be considered for pretrial release. Exclusion criteria should be reviewed in light of expansion of monitoring options.

**DISCUSSION:** Per A R C, all Pretrial release decisions are made in accordance to MNPAT standards. All defendants – except those being held for other counties and serious violators of pretrial release – are considered for pretrial release. The in-custody roster gets reviewed by A R C weekly to make certain all offenders have been considered for pre-trial release and all post-sentenced offenders are being routed to treatment services other than the jail if eligible (NERC, FOP, CD Programs, etc.).

6-15. All defendants released to the PTR program should be out-processed from jail on the same day, e.g., informed of release conditions and, if required, affixed with an EM device.

**DISCUSSION:** A R C policy indicates “All reasonable attempts” must be made to release within 24 hours’ time (including weekends and holidays). At this time, releases are being made almost every time. The only additional factor that may delay a release is verification of reported available housing.

6.16 Staffing support for out-processing should be assessed in light of the total change being recommended. PTR staff schedules, also, may need to be adjusted.

The final recommendation was that PTR release outcomes (e.g., NCA and FTA rates) should be evaluated at least periodically (six months) by the CJS players. Program modifications should be made if the rates are higher than desired. The recording of these data should, also, begin immediately so a “before and after” improvement analysis can be performed.

#### CHAPTER VI ENDNOTES

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Recommended use of the list of best practices for the evaluation of pretrial release programs found in several publications:

- a. Pretrial Justice Institute, PJI (2014) Implementing the Recommendations of the National Symposium on Pretrial Justice: The 2013 Progress Report. Available at [www.pretria.org/download/pji-reports](http://www.pretria.org/download/pji-reports).
- b. Jones, M. (2013) Pretrial Performance Measurement: A Colorado Example of Going from the Ideal to Everyday Practice. Pretrial Justice Institute. Available at: <http://www.pretrial.org/wpfb-file/pretrial-performance-measurement-jones-2013-pdf/>
- c. National Center for State Courts, NCSC (2014) Measuring for Results in Pretrial Services: Performance and Outcomes Measures. Available at [https://www.dcjs.virginia.gov/corrections/pretrial/Virginia Pretrial Performance Measures Document.pdf](https://www.dcjs.virginia.gov/corrections/pretrial/Virginia%20Pretrial%20Performance%20Measures%20Document.pdf)
- d. National Institute of Corrections, NIC (2011). Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field. Available at <http://info.nicic.gov/nicrp/?q=node/253>
- e. Pretrial Justice Institute, PJI (2010) Pretrial Services Program Implementation: A Starter Kit. Available at [http://www.pretrial.org/download/pji-reports/Pretrial Services Starter Kit - PJI 2010.pdf](http://www.pretrial.org/download/pji-reports/Pretrial%20Services%20Starter%20Kit%20-%20PJI%202010.pdf)

<sup>i</sup> Recent data from full-year analysis of admissions to the Carlton County Law Enforcement Center.

<sup>ii</sup> Results were unavailable periodically as: equipment was out of service on some occasions; the system noted false positives; and, participants had discovered a way to screen negative despite having used substances.

## FORECAST OF JAIL CAPACITY NEEDS

Chapter 7 of the 2017 Report discussed the forecast of needed housing capacity for the Carlton County Law Enforcement Center and information on which the forecast was based. The final Section F discussed next steps in Jail Planning.

The study noted that creating forecasts of jail housing needs was complex, since a variety of demographic and system factors can affect forecasts, and because using historical data to project future needs is always inaccurate, since the future is unknowable. The report noted also that “The further out in time that a forecast projects, the greater the likelihood that unexpected events will occur.”<sup>1</sup>

**INTRODUCTION:** Multiple studies regarding the CC LEC were completed between 2006 and 2017, each providing information based on crime, arrest and jail data in Carlton County, supplemented by “snapshot” data of inmate population involving small numbers of inmates over limited timeframes:

1. **Technical Assistance Report NIC TA 06-J1116 Justice System Assessment for Carlton County, Minnesota**, August 7-9, 2006 (National Institute of Corrections – Jails Division), by Robert S. Aquirre.
2. **A Study of the St. Louis County Jail**, October 2012 (Duluth, MN) Kenneth F. Schoen.
3. **Carlton County, Minnesota, Jail and Justice Systems Assessment Report**, 22 June 2015 (National Institute of Corrections – Jails Division), by April Pottorff and Karen Albert.
4. **Carlton County Facility Assessment and Master Plan Update – Master Planning Discussion**, December 5, 2017 (Wold Architects and Engineers).
5. **Carlton County Jail & Criminal Justice System Planning Study**, December 5, 2017 (Wold Architects and Engineers / Justice Concepts Incorporated (Dr. Allen Beck, Ph.D.) as submitted to the Carlton County Board of Commissioners.

Over the years, these studies noted factors affecting the CC LEC population, including:

- Change in law enforcement policies, practices and staffing;
- Use of specialized law enforcement teams;
- Increased use of specific drugs, including methamphetamine, and the recognition of both direct and induced offenses;

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<sup>1</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers)). p VII-1.

- Changes in prosecutorial roles and responsibilities, including the decision to prosecute misdemeanor crimes by local community prosecutors;
- Increased numbers of public defenders, from only one part-time public defender in 2005 to current levels with almost five public defender positions serving Carlton County;
- Increases in the staffing levels and use of probation, and increased lengths of terms of probation, leading in part to increased numbers of violations of probation;
- Increases in the numbers of females admitted to the CC LEC, beginning with dramatic increases in 2002 and 2003, and a continuation of the trend through 2018;
- Changes in the “sentenced” versus “pretrial” population. From 50% pretrial / 50% post trial populations historically, the ratio had change to roughly 70% pretrial / 30% post trial by 2006. Currently, almost 100% of those housed at the CC LEC are pretrial detainees;
- Impacts of increased programs and alternatives, including Drug Court, intensive probation supervision, electronic monitoring and other programs and tools now fully integrated into the Carlton County justice system;
- Increased availability and use of NERCC (Northeastern Regional Correctional Center) to house sentenced inmates and provide active programming as prescribed by the Courts;
- Increased focus on both “high-risk” offenders and on possible methods to address recidivism in the community – with particular focus on this issue in the studies conducted since 2015;
- Recognition of major forces underlying the admissions included chemical dependency, behavioral health, and mental health issues for a significant percentage of the in-custody population; and
- Understanding of the challenges facing the system – not just the jail – and the need to better utilize available options, including:
  - Probation;
  - Intensive Probation;
  - Court probation (primarily for misdemeanants – a call-in system with no direct supervision of the offender, but the program provides reviews to confirm that the offender has completed a class or assignment. If the courts / assignment is completed, then follow-up court appearances are cancelled);
  - Pretrial release (under the provisions of MN PAT);
  - CAP (Confinement Alternatives Program);
  - STS -- sentence-to-serve;
  - EM – electronic monitoring;
  - Workforce Center – which offers resume-writing assistance; and
  - Other programs.

**2015-2017 STUDIES:** The 2015 NIC Report recommended that the CCJP should be refocused from reducing jail overcrowding to looking at the justice system as a whole and not just jail crowding. This report -- the second NIC Report prepared for Carlton County -- recommended that the County conduct a Needs Assessment study to gain an understanding of who is in the jail, why they are in the jail, and how long they are in the jail, and identify case processing inefficiencies in the local justice system.

Carlton County followed this recommendation and selected a consultant team to prepare a needs assessment report regarding individuals incarcerated and held at the CC LEC, and possible process improvement ideas that would affect the system and future jail capacity needs. The 2017 Report summarized key findings by noting that the factors that likely will have the largest impact on jail population are:

- A pretrial release program, and
- Speed of case processing.

Through 2017 and 2018, these issues were addressed in Carlton County through:

- Local justice system / court emphasis on case processing and management, reductions in continuances, and judicial discretion regarding sentencing and use of release alternatives;
- A statewide emphasis on use of electronic filing and active case management to help speed case processing; and
- Implementation of the statewide pretrial release program (MNPAT).

Underpinning the statewide push for the implementation of the MNPAT was the recognition that the length of pretrial detention was associated with an increased likelihood of FTA and NCA after pretrial release. The effect begins to occur within just 24 hours. Examples can be found in which short detention has resulted in loss of a job, loss of a home, loss of personal belongings, and disruption of the family. Those effects are less severe (or non-existent) for persons who have the economic means to post bond.<sup>2</sup>

Attention was raised in the 2017 Report regarding:

- 1) Timeliness of plea bargaining, since 90% of all dispositions result from plea bargaining);
- 2) The number of court case continuances; and
- 3) Speed of evidence processing.

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<sup>2</sup> Please refer to such articles as: "Exploring the Relationship Between Time in Pretrial Detention and Four Outcomes" by Alexander Holsinger, Crime and Justice Institute, June 2016. Available at [https://www.crj.org/assets/2017/07/12\\_Exploring\\_Pretrial\\_Detention.pdf](https://www.crj.org/assets/2017/07/12_Exploring_Pretrial_Detention.pdf); and "The Reality of Pre-Trial Detention: Colorado Jail Stories." Colorado Criminal Defense Institute, 2015. Available at [http://www.ccdinstitute.org/wp-content/uploads/sites/23/2013/12/ColoradoJailStories\\_2015Reportpages.pdf](http://www.ccdinstitute.org/wp-content/uploads/sites/23/2013/12/ColoradoJailStories_2015Reportpages.pdf).

The overall impact of these activities has led to a reduction in the average length of stay (ALOS) in Carlton County. The ALOS reached a recent (and perhaps historic low) of less than 10 days in 2018, despite the facts that the number and percentage of all inmates arrested and admitted on felony charges to the CC LEC increased significantly between 2009 and 2018. Importantly, at the same time, the number and percentage of females arrested and admitted to the CC LEC increased significantly between 2009 and 2018.

In response to these facts, the BKV Team agreed to review the projections and gain additional insight into the current justice system and jail use. To do this, the BKV Group Team reviewed available jail annual reports from 2007 through 2017, and developed additional detailed analyses based on detailed review of 2017 admissions to the CC LEC.

**2018 – 2019 UPDATE:** Today, new forces are affecting the CC LEC population, including:

- The adoption of the statewide pretrial release program (MNPAT), with consistent Carlton County focus (Courts, A R C, CCSO, and other justice system agencies and providers) on release of all in-custody individuals that qualify for release within 24 hours of admission to the CC LEC, if possible;
- Increased use of pretrial release for individuals with cases awaiting results from evidence testing (drugs and DNA results from the state lab);
- Continued case processing improvements provided through administrative and procedures improvements in law enforcement report preparation and submission, increased use of e-filing, and improvements in case management and calendaring provided through consolidated / co-located teams in the Sixth District, some locate in Carlton County;
- Vigorous focus by the County Attorney's office on improved communication and flow of information from law enforcement agencies through the office to the courts. Over the past nine months, the County Attorney has devoted significant time and effort to process improvement, focusing on charging document decisions and submissions, and recording of written plea offers, enabling more efficient plea negotiations; and
- Other efforts, including A R C / Probation office focus on reducing the time required to complete presentence investigations (PSIs) from 30 days to a target of 23 days.

Key findings from the analysis of 2017 Admissions to the CC LEC included:

1. A significant portion of the population is being released with 24 hours of admission to the CC LEC, and more are released within 72 hours. Providing appropriate facilities and support for accommodating intake / transfer (to court and other jurisdictions / release is a crucial need for the future CC LEC. The existing CC LEC I/T/R facilities and operations are wholly inadequate in terms of short-term housing / processing / interview and support spaces to support effective and efficient operations, and this should be a priority for design and construction of a new / replacement CC LEC.

With daily admissions ranging between 0 and 13 or 14 (peak of 15 in 2017), the number of actual peak beds associated with I/T/R for the CC LEC would likely average between 12-18 beds, based on a rolling three-day average of admissions, and considering, too, that some are released in the 0-72 hour period).

2. Admissions for individuals charged with felonies has increased in number and percentage since 2009. In 2017, more than 850 admissions (of a total of approximately 1,790 admissions) to the CC LEC were for those charged with felonies. Importantly, this population stayed in the CC LEC an average of more than ten (11) days, more than four times longer than those charged with misdemeanors or gross misdemeanors. By itself, these 853 admissions accounted for more than 10,100 inmate days at the CC LEC, creating a need for 27 to 40 or more occupied beds;<sup>3</sup>
3. There is a significant population admitted to the facility that are not local (almost 25% of admissions are from other states or counties not within the Carlton County / Duluth MN – Superior WI area), and arrestees that cannot be released under the MNPAT guidelines and must be housed until transferred;
4. There is population of inmates held in the facility that have been convicted or pled guilty to a charge and are awaiting sentencing. This process can take 30 or more days, and individuals who cannot be released during this period will take a full bed during this time. The efforts by ARC to speed the preparation of this report writing to 23 days has a direct impact on jail beds, but these beds are needed at the CC LEC and will be needed in various classifications of housing (based on gender, risk, and other legally-required separations, etc.).
5. There is a significant need to provide for appropriate separations in housing within the CC LEC, based on requirements for separations for those housed in the facility as outlined in MN standards and described in nationally recognized guidelines published by the American Correctional Association (ACA) for Adult Local Detention Facilities and the ACA CORE Standards. The requirements for additional beds to account for “classification inefficiencies,” and these regularly account for a factor of 1.2 or greater in facilities of 100 beds or less due to need to provide efficient group of supervision for staffing purposes, which can be at cross-purposes with providing adequate separations; and
6. There is a need to accommodate “peak” populations – which have been experienced in Carlton County and are documented in the ten-year profile of admissions and actual headcounts at the CC LEC between 2006 and 2017. These peaks were significant, and affected various different populations, creating a requirement for beds that can be flexibly assigned based on specific daily, weekly, monthly and seasonal needs.

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<sup>3</sup> With an actual use level of 27+ beds (based on 2017 admissions), the actual need would be for more beds, considering peaking factors (1.25 or greater) and classification separation inefficiencies (1.20 or greater) for required separations due to gender, risk, and other factors.

Several questions and issues were identified:

1. Not all options for housing have been explored in Carlton County. What might be the need if the beds / programs provided at the CC LEC include beds designed to help those with chemical dependency and/or mental health needs? What might be the needs if the future CC LEC was planned, designed and operated as a combination jail and center for community corrections and day-reporting activities?
2. There are other issues that should be studied. For example, the number of admissions and length of time these individuals are incarcerated for Violations of Probation (or Parole; and now, for Violations of Pretrial Release) should be studied in more detail. 2017 data showed that a significant number of individuals admitted to the CC LEC had one or more charges related to violations of probation or parole. Due to restrictions on re-release, it may be important to review the length of time of these individuals serve after re-arrest (on warrant or in conjunction with a new offense).
3. What would be the impact of a focused effort to direct attention and resources to a relatively small group of individuals (approximately 10% or less) that are admitted multiple times. There continues to be a significant percentage of the population in the CC LEC that have been unable to break out of the arrest / re-arrest cycle in the Carlton County justice system.<sup>4</sup>

The group of defendants (154) that had been admitted to the CC LEC three or more times in 2017 is an especially important group for consideration by the CCJP. When they are arrested and admitted to the CC LEC, they often are less eligible or ineligible for re-release, which adds jail time and costs. But the costs are typically higher, due to:

- **SYSTEM IMPACT:** The possible impact on the entire system (not just the CC LEC) of reducing the number of individuals cycling and the number of times they each are involved, in terms of total system resources expended (law enforcement / defense / prosecutorial / judicial / probation / support staff effort and time);
- **INDIVIDUAL IMPACT:** The short- and long-term impact on the individuals affected by the cycling -- for whom the incarceration itself changes current and future employment and family options, and for whom the system -- regardless of the speed of processing -- is not efficient and outcomes are not effective; and
- **COMMUNITY IMPACT:** The short and long-term impacts to the community include all of the costs above, and additional costs of developing and maintaining more options and solutions to address all of these issues and others related to families, dependency, indigency, public health, mental health, and so forth.

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<sup>4</sup> In 2017, there were more than 1,790 admissions, but 1,151 unique individuals. Of the 1151, 813 (70.6%) had only one admission in 2018, and a total of 997 (86.6%) had two or less. The 13.4% (154) with three or more admissions accounted for more than 640 admissions, an average of more than four admissions, and several were admitted eight or more times in calendar year 2017.

**BKV GROUP INITIAL PROJECTIONS**

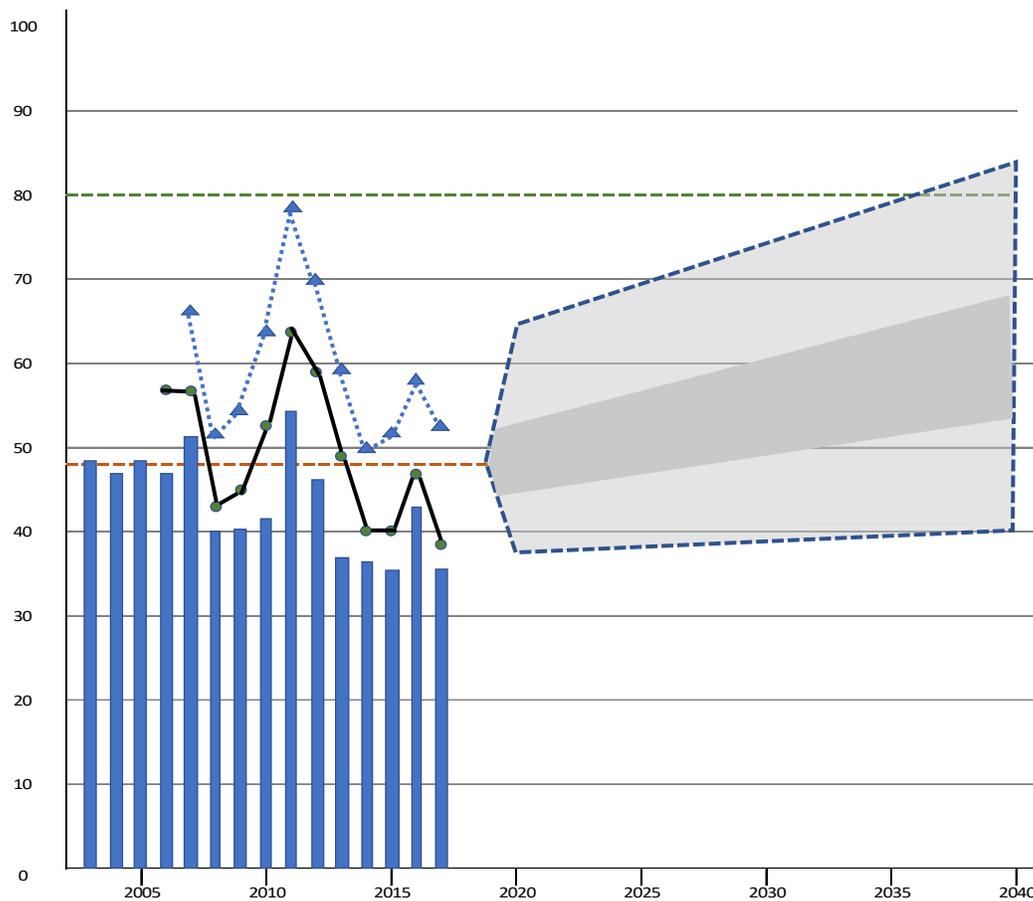
Many factors affect the need for jail beds. Factors and influences include:

- General population, general population growth, and key demographic and age factors that have been shown to affect anticipated crime rates;
- Reported crime incidents;
- Numbers of arrests and arrest rates, particularly for offenses that frequently result in incarceration;
- Time to review charges and confirm probable cause and whether criminal charges can be supported;
- Available options to custody for those charged but not convicted, including release on recognizance, release on bond, or other pre-trial release programs with or without electronic monitoring;
- Success and failure rates of non-custody options to incarceration for pre-trial defendants, including failures of pre-trial release programs that lead to re-arrest and jail detention;
- Numbers of court filings for felonies, misdemeanors, and traffic offenses;
- Time required for those confined in jail to go through court procedures;
- Time required for those convicted of offenses to go through pre-sentence investigations;
- Time required for those convicted of offenses and sentenced to time at the State Department of Corrections to be processed and transferred, including delays that may be result of system overcrowding;
- Failures by those convicted of offenses and sentenced to probation to meet the terms of probation;
- Failures to appear in court; and
- State laws that require detention, such as those related to domestic violence.

Predictions of “needed” jail beds based on anticipated jail populations will vary based on the selected range of historic data. For example, projections based on data from 2005-2010 (or 2011), would be based on an average daily population of 66-73 inmates (m/f adults), with peaks of 96-106, between 2020 and 2040, and would point to the need for more than 130 beds for the Jail in Carlton County. On the other hand, a prediction based on data from 2013 to 2017, would be based on an average daily population of as low as 36-41, with peaks of 53 to 59 inmates.

The following chart illustrates historic average daily population at the CC LEC, with additional data showing the average annual number of beds used by Carlton County at NERCC and additional beds provided through transfers out-of-county.

Based on these numbers, a likely range of beds needed for Carlton County should be expected to range between 40 beds and 84 beds, and the most likely range would be between 56 and 68 inmates (NIC MSOP beds) in 2040.



**LEGEND:**

- **Solid Blue Bar** shows actual average daily population at the CC LEC between 2003 and 2017.
- **Black solid line** with blue dot data points illustrates the approximate daily population of inmates sent out-of-county, based on daily cost of \$50-\$55/day.
- **Blue dotted line** with triangular data points illustrates the combined value of the actual daily population (ADP) at the CC LEC, and the average daily populations for Carlton County at NERCC and Out-Of-County.

Please note that provision of additional beds for MSOP inmates, as outlined in the 2017 report, could be expected to increase the demand (or utilization of beds) by 3-8 beds each year, based on recent historic use of the MSOP beds.

Multiple projection models were used to develop these ranges, factoring average and high admission counts, average daily population trends and ranges, average lengths of stay, and considering the input of county, court, and justice system representatives regarding current and likely policies and practices.

### PEAKING / CLASSIFICATION / MAINTENANCE FACTOR

The State of Minnesota considers the “operational capacity” of a jail to be 20% less than the total bed capacity of the facility. This factor considers the need to have an available bed in the right location for the specific needs of an incoming inmate – based on required separations based on gender, peaking (including weekly, seasonal, annual peaks), and important differences in classification of inmates (risk, security level, special management requirements, medical or mental / behavioral health requirements, and more).

Jail bed requirements then would be 20% to 40% higher – leading to a low range of 56 beds (low range) to 150 beds (high range), to accommodate peak populations and peak levels of incarceration actually reached in Carlton County within the past decade.

The actual “peaking” factors experienced by Carlton County have far exceeded the 20% factor used by the State of Minnesota. The peak numbers of inmates held at the CC LEC have varied by 40% or more every year between 2007 and 2017 (based on actual daily counts), and the variances in specific classification groups have varied by greater levels. Thus, the provision of a 20% factor should be regarded – based on the history of the use of Carlton County Jail -- as a minimum factor and likely often to be exceeded.

### RECOMMENDED BED CAPACITY FOR REPLACEMENT CARLTON COUNTY FACILITY

As a result, the number of beds for Carlton County to provide for a “most likely range” of inmates would be 56 to 68 times 1.2, or 69 – 82 beds, plus eight additional beds for MSOP inmates (see discussion on page 19 of this report).

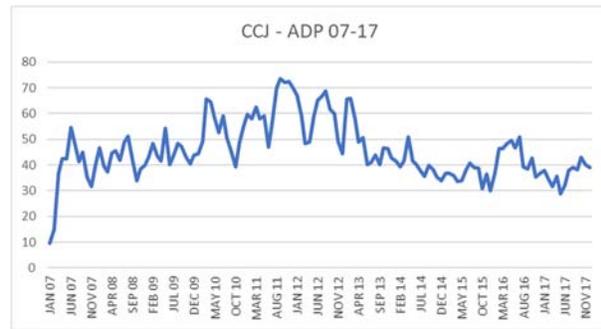
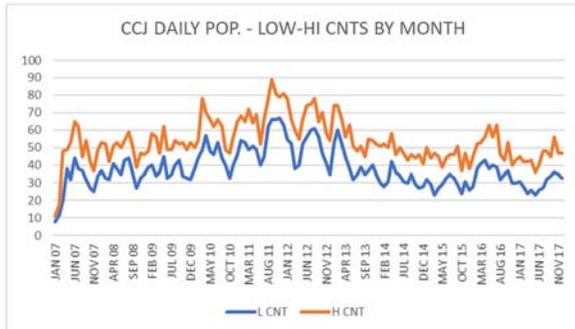
The initial recommendation of the BKV Group Team would be that Carlton County plan for a facility of 80-84 beds, with more than twelve separate housing areas of appropriate sizes to accommodate different classifications of inmates (gender, risk, security level, special management status, medical / mental – behavioral health requirements, and the like).

In addition, the facility should be designed to accommodate additional housing beds in a future expansion, should the higher ranges of incarceration be achieved again. Space on the site should be provided and logically designed to accommodate internal expansion through: a) conversion of single-occupancy cells to double-occupancy cells (if approved by the County and Sheriff’s Office), and b) to accommodate greater needs, through simple addition of housing units if / as needed. Support services (laundry, food service, medical, educational / program, and staff – facility support) should be planned to accommodate a functional population of

This facility size has several advantages in that it provides space in the jail to accommodate MSOP inmates, if areas providing sufficient / adequate separation are provided, and if the facility is designed appropriately, Carlton County could offer to house additional female inmates (a significant “need” in the area) if approved by the County and Sheriff’s Office.

ANALYSIS OF 2017 ADMISSION DATA

The following two charts illustrate the average daily population and high / low counts, by month, for the Carlton County Law Enforcement Center (LEC) based on the annual jail reports.



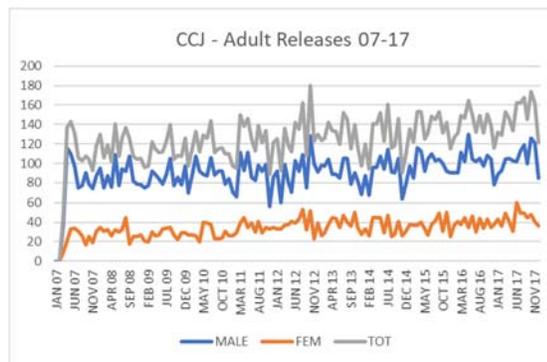
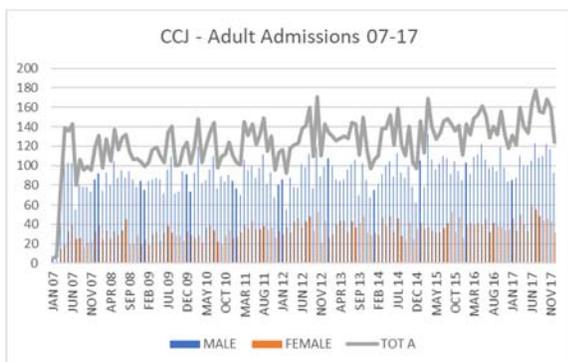
The charts illustrate the actual low-high counts by month (actual) in the Carlton County jail population. Actual peaks (monthly averages) were as high as 90 in 2011 and as low as 40 in 2016. The actual average daily population in the facility was higher than 70 in 2011, and as low as 30 in late 2015 and early 2016.

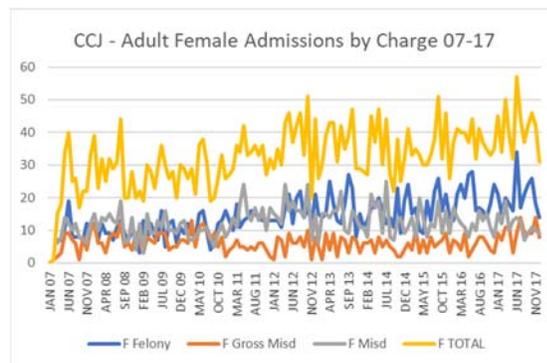
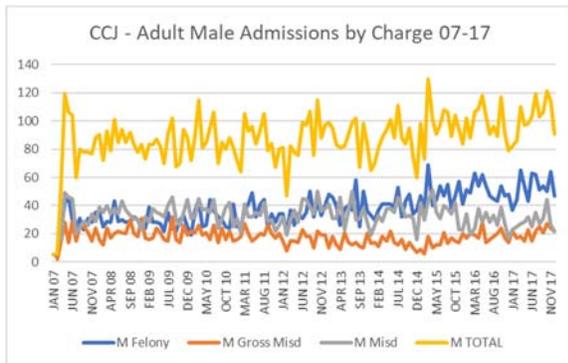
Since that time, the monthly Average Daily Population (ADP) in the facility has ranged from higher to lower levels, typically at or close to the full capacity of the facility, and frequently at or above the “operational capacity” as defined in Minnesota of 38 inmates.

Working with representatives of the Sheriff’s Office and Carlton County, the BKV Group analyzed admissions, releases, length of stay, and a number of key factors related to arrests, bookings, case processing, pre-trial release, and custody populations to uncover additional information related to the jail population in 2017 and case processing between 2016 and 2017.

ADMISSIONS (07-17)

The following charts illustrate admissions and releases between 2007 and 2017.





Several important trends can be seen in the data:

- First, the total number of admissions rose significantly between 2003 and 2017. In 2003, there were 1,360 admissions to the CCLEC; in 2017, there were 1,789 admissions, and increase of 31.5%.
- Second, the number of women admitted to the facility has increased dramatically during the period between 2006 and 2017. There were 252 female admissions to CCLEC in 2007, and 529 female admissions in 2017, according to the annual jail statistic reports, an increase of more than 100%.
- Third, for both men and women, the percentage of those admitted with felony charges and risen dramatically of the ten-year timeframe.

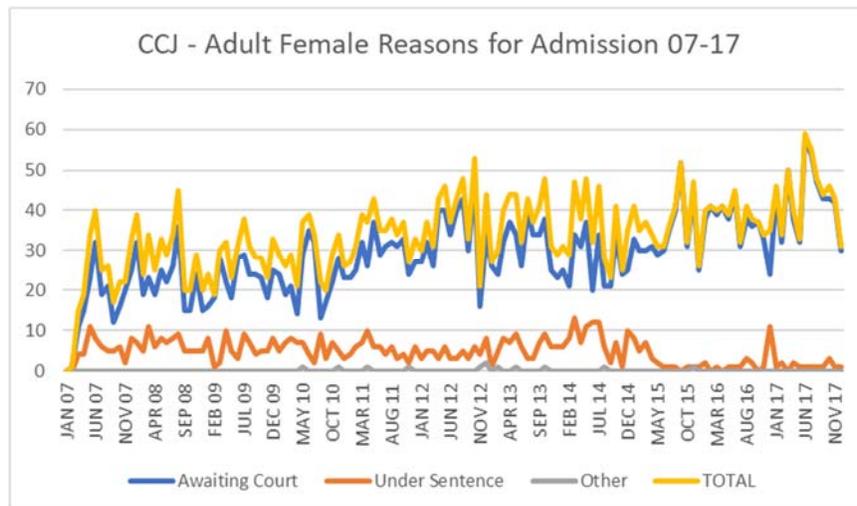
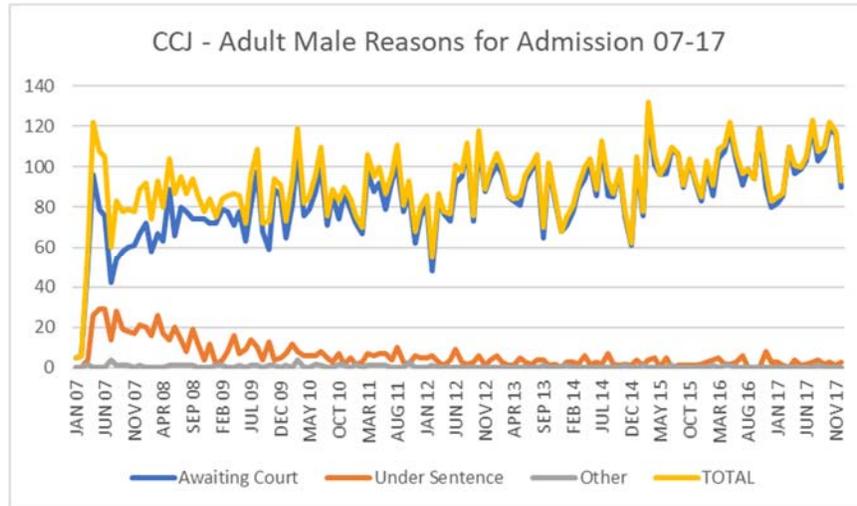
In 2007, there were 421 admissions for adults charged with felonies, and in 2017, there were 878 admissions for adults charged with felonies, an increase of more than 100%. Since the total number of admissions grew as well, the percentage of inmates admitted to the CC LEC has grown from 31% to 49%, an increase of more than 50% in percentage.

By 2017, almost ½ of the those admitted to the facility were charged with a felony at time of admission.

#### REASONS FOR ADMISSION (07-17)

The Team and Sheriff’s office then looked at reasons for admission to the CC LEC for the ten-year period.

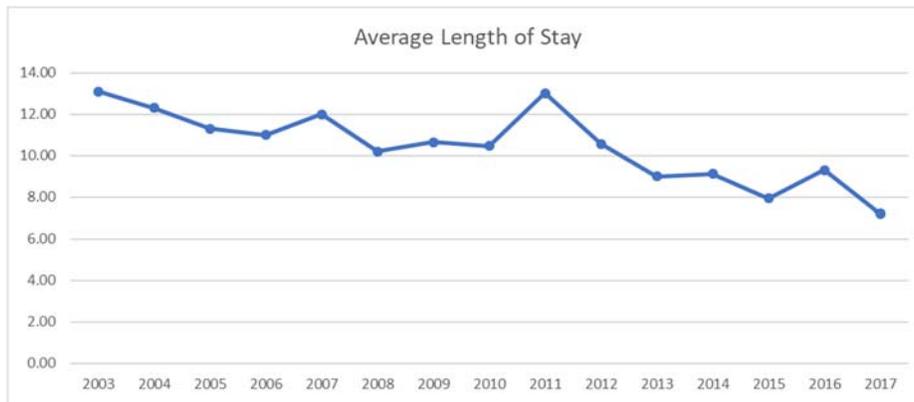
The following charts (overleaf) illustrate the evolution in the profile of the jail from a facility with both pre-trial and sentenced in-custody defendants in 2007 to a that of a pre-trial holding facility, with very few inmates admitted to the Jail to serve sentences. This was true both for adult males and females.



**AVERAGE LENGTH OF STAY (ALoS)**

At the same time that admissions to the jail were increasing and the number of females admitted to the facility were increasing, the overall average length of stay (ALoS) for those admitted to the jail decreased significantly.

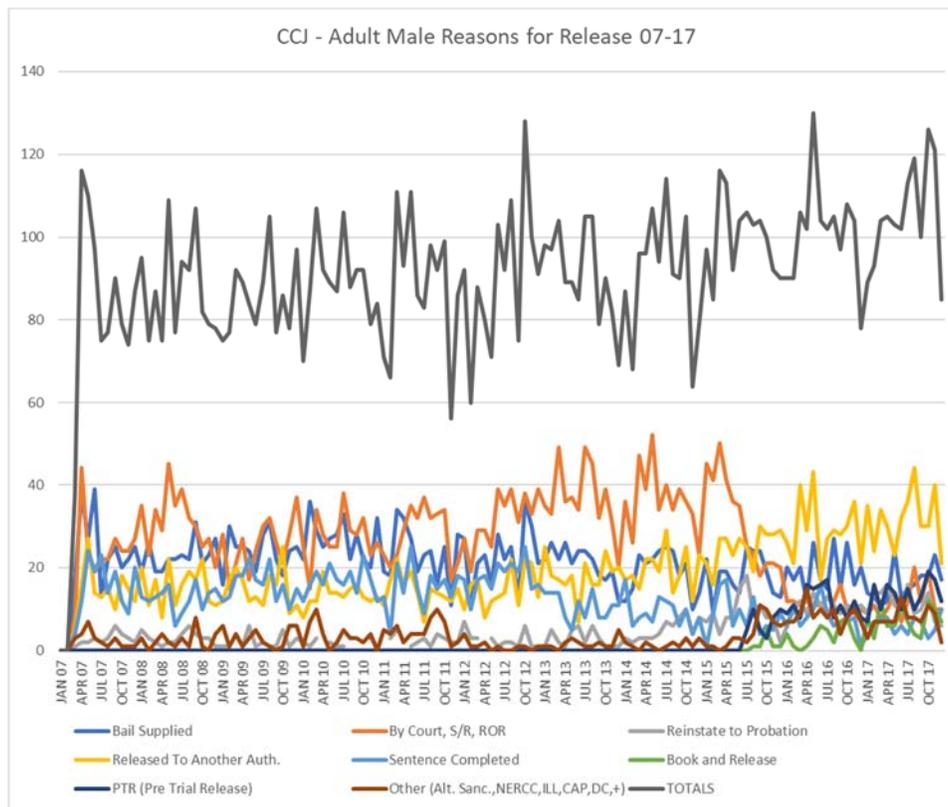
From a high average of 13.1 days in 2003, the average dropped to 7.2 days in 2017, a decrease of 45% per inmate in average length of stay. Please note also that this happened at the same time that admissions for felony charges had increased from 33% of all admissions (in 2007) to 49% (almost ½) of all admissions in 2017.

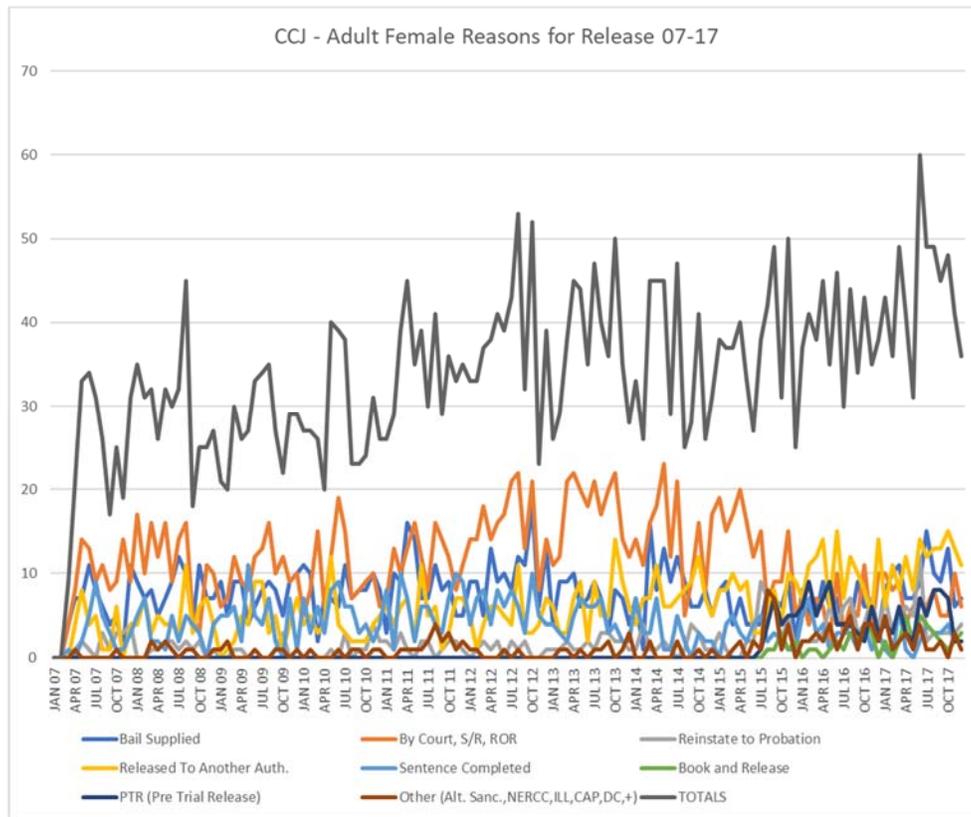


RELEASE DATA (2007 to 2017)

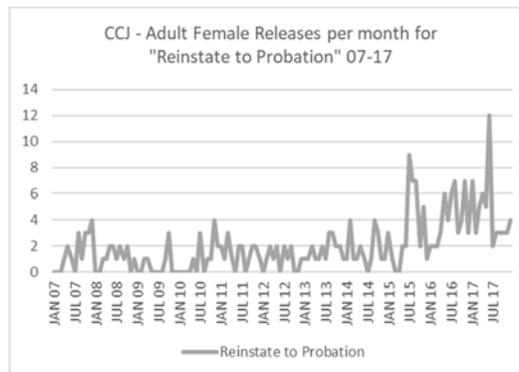
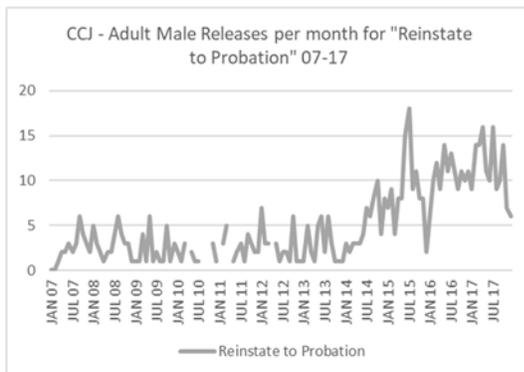
The following tables illustrate total releases from the Carlton County LEC by “reason for release”. The notes and charts following these tables help explain some of the trends that can be seen in the data.

- First, the number of inmates “Released to Another Authority” increased significantly over the past decade. Several factors, including a steady increase in use of housing at NERCC for sentenced inmates for adult males and steady use of out-of-county referrals for others, could help explain this data.

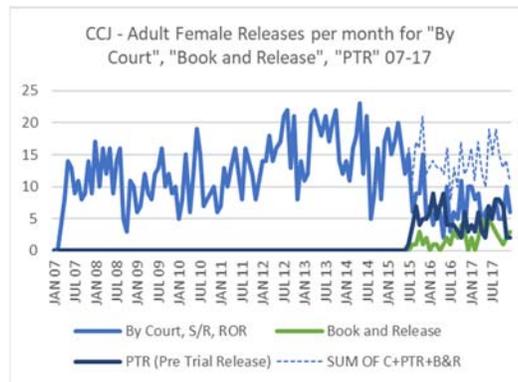
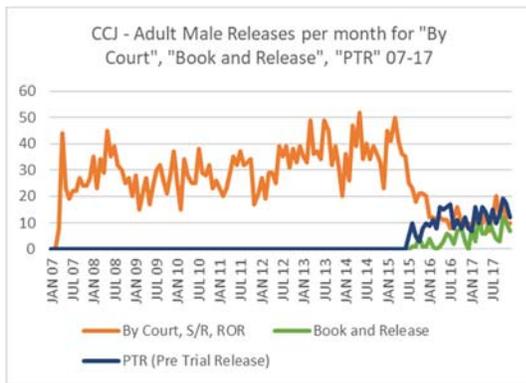




- Second, there was a significant increase in the number and percentages of adult males and females that were reinstated to probation (increases of 200% for males and 300% for females), in the period between 2007 and 2017, with a pronounced increase after 2015.

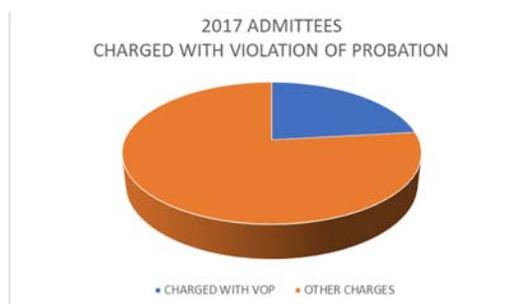
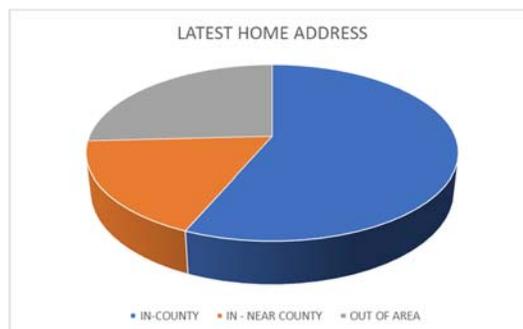


Third, use of other pre-trial release methods increased at about the same rate as the increase in the rate of admissions. The following charts illustrate increases in the numbers of adult male and female releases for three categories tracked by the jail records system: PTR (pre-trial release); “By Court, S/R, and ROR”; and “Book and Release”. The dotted line on the “Adult Female Releases per month chart illustrates the “aggregate” trend in which the total number of releases for these categories continued an upward trend over the period from 2007 to 2017.



Before making projections regarding future capacities of the Jail, BKV Group analysts working with key representatives of the County, County Attorney’s office, and Sheriff’s Office reviewed in more detail specific admission data from those booked into the CC LEC in 2017. In reviewing the 1789 records, several other key trends were noted, including:

- **ADMISSIONS BY GENDER.** In 2017, 70% of the admissions to the Jail were males; 30% were females. This represented a significant increase in both the number and percentage of females over the ten-year period between 2007 and 2017.
- **LATEST HOME ADDRESS.** The reported home address of slightly more than 50% of those admitted to the Jail were from Carlton County, slightly less than 25% were from neighboring counties and cities (particularly from Duluth and Superior, WI), and approximately 25% of the admissions were from other out-of-area counties and locations, including out-of-state detainees.
- **VIOLATIONS OF PROBATION.** Almost 25% of all of those arrested and booked into the Jail were charged with Violations of Probation. This was true both for the 75% of admissions from Carlton County and nearby counties, and those admitted who were from out-of-area counties and locations.



- AVERAGE AGE BY GENDER.** The average age of adult males and females admitted to the Jail was between 30 and 50 years of age. There was a higher percentage (approximately 6% higher percent) of females under age 40 admitted to the facility than males, but both groups were close to 75 percent of all admissions. Approximately 14-15% of male and female admissions between 40 and 50 years of age.

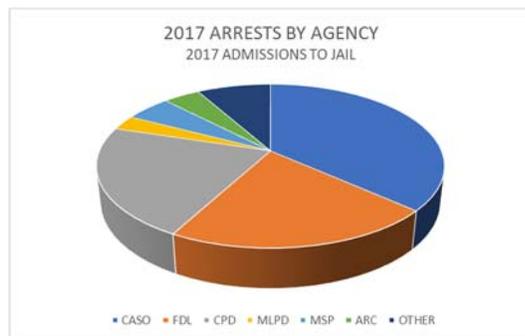
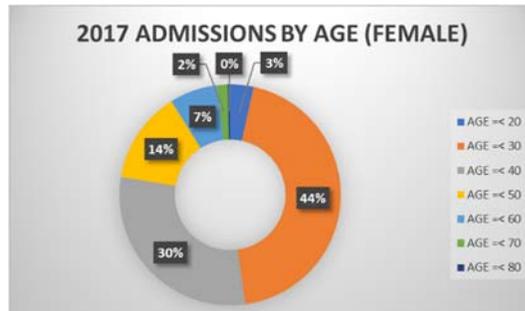
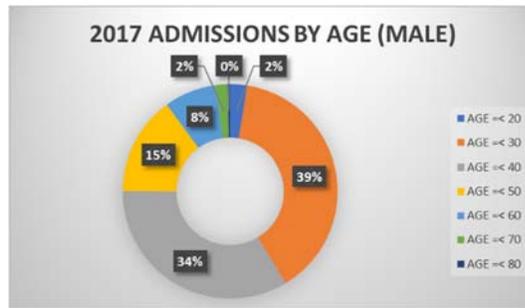
Overall, the average age of those admitted to the Jail was somewhat higher than what might be seen in some jurisdictions where an “age at risk” of 18-25 could be observed, but the average age was consistent with the average age of the general population in Carlton County and the area.

- ARRESTS BY AGENCY.** Three agencies, the Carlton County Sheriff’s Office (CASO), the Fond Du Lac Community Police Department, and the Cloquet Police Department, handled more than 75% of the arrests that led to admissions to the CC LEC in 2017.

- ADMISSIONS BY MONTH.** Admissions to the CC LEC in 2017 increased during the summer months and decreased during the winter months.

There were almost 180 admissions to the CC LEC in July, approximately 50% higher than the admission levels in December and February. Summertime peaks were seen for both males and females.

- LENGTH OF STAY.** Annual jail statistics showed the average length of stay in the CC LEC had dropped from a high of more than 13 days in 2003 to



just above 7 days in 2017. Of those admitted in 2017, approximately 40% were released within 24 hours. Slightly more than 25% more were released within 3 days of admission.

An additional 30% were released within 30 days. Only 4.5% (82) of those admitted to the CC LEC were held for 30 days or more – but they used 46.8% of the annual bed days of the CC LEC.

LOS cut (2017)	Cumulative Admits	Cumulative Days
A. Less than 1 Day	710	286
B. Above 1 Day; 2 or Less Days	965	680
C. Above 2 Days; 3 or Less Days	1,170	1,209
D. Above 3 Days; 4 or Less Days	1,283	1,602
E. Above 4 Days; 10 or Less Days	1,492	2,916
F. Above 10 Days; 30 or Less Days	1,717	6,859
G. Above 30 Days; 60 or Less Days	1,764	8,853
H. Above 60 Days; 90 or Less Days	1,777	9,788
I. Above 90 Days; 180 or Less Days	1,795	11,912
K. Above 180 Days; 270 or Less Days	1,799	12,881
L. Above 270 Days; 365 or Less Days	1,799	12,881
M. Above 1 yr; 1.5 or less years	1,799	12,881
N. Above 1.5 yr; 2 or less years	1,799	12,881
O. Over 2 years	1,799	12,881
<b>TOTAL</b>	<b>1,799</b>	<b>12,881</b>

After 3 days, 65% of inmates have been released, after using 9.4% of the total beds

After 30 days, 95.4% of inmates have been released, after using 53.2% of the annual beds

7.16 AVG. LOS

**FUTURE NEEDS:** With the implementation of process improvement measures and the statewide implementation of the pretrial release program, other factors have emerged that should be addressed in the Carlton County system:

- Mental Health / Behavioral Health and Chemical Dependency issues and the need for thorough screening, analysis, and programs for both pretrial and sentenced offenders;<sup>5</sup>
- The need for additional programming and alternatives to incarceration, various release programs; enhanced probation and intensive probation services; re-entry and restorative justice programs for adults, and programs designed for re-integration and appropriate job-skills and adult education; and
- The continued, practical need for retaining a number of jail beds to serve the County, system and community for defendants that cannot be accommodated elsewhere – as jail beds provide the most secure option in the continuum of alternatives for adult defendants in meeting the two key objectives.

Related to Mental / Behavioral Health and Chemical Dependency issues, there is widespread agreement in Carlton County that criminalizing these issues is not the right solution. Opiate use is an epidemic and public health issue that requires the development of public policy and must include medical providers. For both MH and CD, issues include the lack of local services, the lack of alternatives to incarceration, and the lack of local follow-up care options. Current options include:

- The 15-bed stabilization unit in Duluth;
- The new Birchtree facility whose tendency is to serve private clients, not the public; and
- The Wellstone Center which is located 75 miles away in Virginia, MN.

But the question can be raised: how many inmates have co-occurring issues, and how many are consumers of other county resources (e.g., public health, etc.) as 12% of the county live in poverty, and 50-60% of the inmates are in poverty?

These and other issues should be addressed in additional analyses and studies to be conducted in 2020 and beyond.

## ENDNOTES

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*The following information provides a summary of projection information included in the 2017 Report. Please refer to the report for the full descriptions of projections included in Chapter 7.*

The forecast in Chapter 7 of the 2017 Study calls for a housing capacity requirement of 119 beds by 2040. This is slightly more than double the current capacity. To put the forecast into perspective, a survey was taken of similarly sized Minnesota county jails which compares them to Carlton County's forecast.

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<sup>5</sup> See Beck, Allen, Ph.D., and McNamara, John, AIA., LEED AP. Carlton County Jail & Criminal Justice System Planning Study, December 5, 2017 (Wold Architects and Engineers / Justice Concepts Incorporated, especially Chapter 4, pp. IV-3 through IV-4.

If all of the recommendations for improving the pretrial release program are implemented, there is a strong possibility that the number of projected beds in a new jail could be reduced by 15%.

In 2017, the consultant team examined the following factors to develop forecasts for the jail capacity requirements for the CC LEC:<sup>6</sup>

Table 1. Factors Used in Developing the Forecast Assumptions

FACTORS	CONSIDERATIONS
Jail Bookings	Analysis of trends in growth provides basis for projection.
Peak Jail Population Days	Provides insight into upper limits of annual capacity requirements.
Length of Stay in Jail	Helps to explain some of the variation in inmate growth.
Growth in Law Enforcement	Addition of officers helps to explain increase in arrest growth.
Analysis of Race in Bookings	Provides insight into changing demographics in bookings.
Illegal Drug Availability	Helps set perspective for future bookings.
Comparison to Other Jails	Helps set perspective on bookings and planning by other counties.
Casino Resort Arrests	A small but increasing trend of arrests is likely to continue.

Table 2. Factors Found Not to be Useful in Developing Forecast Assumptions

FACTORS	CONSIDERATIONS
County Population Growth	Growth has leveled off but drug activity is likely to continue.
Uniform Crime Report Data	Drug arrests were presented in a single, non-useful category.

Table 3. Important Factors for Which Impacts Could Not Be Estimated

FACTORS	CONSIDERATIONS
Revision of PTR Program	Program criteria have not been established.
Improvement of Case Processing Speed	Improvements have not been fully determined.
Revision of how probation violations are handled	This is a multi-faceted issue, e.g., lack of jail space, lack of community resources and programs, need for step-down housing, etc.

The 2017 report included three components in planning housing capacity:

- Requirements to house inmates from the Minnesota Sex Offender Program at Moose Lake (MSOP).<sup>7</sup> The 2017 report calculations of capacity requirements include the addition of eight beds to accommodate the projected use by three to eight MSOP inmates over the next 23 years.
- Forecast of housing capacity requirements based on historical jail bookings.

<sup>6</sup> Beck, Allen, Ph.D., and McNamara, John, AIA., LEED AP. Carlton County Jail & Criminal Justice System Planning Study, December 5, 2017 (Wold Architects and Engineers / Justice Concepts Incorporated) as submitted to the Carlton County Board of Commissioners.

<sup>7</sup> Ibid, p VII.3. Footnote 3 says:

“The Minnesota Sex Offender program (MSOP) serves people who are court-ordered to receive treatment. After prison sentences are complete, courts civilly commit clients and place them in sex offender treatment for an unspecified period of time. A civil court can commit a person for sex offender treatment if a judge determines the individual is a “sexual psychopathic personality,” a “sexually dangerous person,” or both.

The MSOP has two facilities for hold clients. The Moose Lake facility is the more hardened and secure facility which contains clients in the initial phases of treatment and those who are non-compliant and more likely to be violent. Because the residents are civil commitments, criminal acts committed in the facility, such as assaults against staff and other clients, come under the jurisdiction of the Carlton County Attorney’s Office and Carlton County Jail. MSOP clients housed in the Carlton County Jail must be kept in maximum security beds apart from other county inmates.

Their confinement poses a number of management problems: they stay longer, sometimes as a result of representing themselves (which usually takes longer in court processing); are litigious about the nature of their confinement; and are frequently rebellious against confinement, e.g., hunger strikes and violence.

- Architectural Design Capacity.

The 2017 report projections of needed housing capacity were based on bookings involved the following calculations:<sup>8</sup>

- 1) Peak-day Jail Population Counts: Those are the days during the year that the highest number of inmates must be housed.
- 2) Calculated Annual Growth Rate of Bookings: The analysis of bookings indicated that an average of 42 more bookings per year is reasonable to expect.
- 3) Retention Rate: This is the percentage of the annual number of booked inmates who comprise the daily population.
- 4) Management Factor (also called the Classification Factor): This factor accommodates movement of inmates within the facility, such as to move inmates from medium classification beds into medical unit beds when they become sick or to move inmates from medium to maximum custody housing if they become unruly. A management factor of 15% was used for the 2017 study.

The following table (overleaf) presents the projected housing requirements from the 2017 report, based on bookings. Please note that the housing unit for MSOP inmates is not included and therefore must be added to the forecast. The annual forecast numbers reflect a growth rate of about two beds per year.

**Table 5. Projected Capacity Requirements Based on Bookings Only, 2017 – 2040<sup>9</sup>**

(Note that eight beds must be added to these numbers)

Year	Forecast	Year	Forecast	Year	Forecast
2017	72	2025	86	2033	99
2018	73	2026	87	2034	101
2019	75	2027	89	2035	103
2020	77	2028	91	2036	105
2021	79	2029	92	2037	106
2022	80	2030	94	2038	108
2023	82	2031	96	2039	110
2024	84	2032	98	2040	111

The 2017 report also included a comparison of Carlton County to other similarly sized Minnesota counties.<sup>10</sup> Specific aspects to particularly note included:

- County Population Size
- Number of Admissions to Jail
- Ratio of Jail Admissions to County Population Size
- Peak Jail Populations – this does not include inmates that a county may take in from other counties.
- Total Bed Capacity.

<sup>8</sup> Ibid. Page VII-4.

<sup>9</sup> Beck, Allen, Ph.D., and McNamara, John, AIA., LEED AP. Carlton County Jail & Criminal Justice System Planning Study, December 5, 2017 (Wold Architects and Engineers / Justice Concepts Incorporated) as submitted to the Carlton County Board of Commissioners. Page VII-5.

<sup>10</sup> Ibid, page VII.7 Please note that this table was updated by the Sheriff’s Office during the course of this study, and the updated table is presented on the following page.

TABLE VII.1  
Updated TABLE 6: Comparison of Carlton County Jail (CC LEC) to Other County Jails

UPDATED TABLE 6: COMPARISON OF CARLTON COUNTY JAIL TO OTHER COUNTY JAILS

Original Table 6: Page VII-7, Wold Report, 2017

Counties	County Population in 2015	County Population Projected to 2040	2016 Jail Admissions	2016 Admissions & County Population Ratio	2017 Jail Admissions	2017 Admissions & County Population Ratio	Year Jail Built	Total Bed Capacity	Peak Jail Population	Average Daily Jail Population (ADP)	Take-in or Ship-Out Inmate to Other Counties
CARLTON	35,751	36,786	1,695	0.047%	1,795	0.050%	1979 & 1981	48	63 (2016); 56 (2017)	43 (2016)	SHIP OUT
CARLTON (ADJUSTED)	34,688	35,736	1,695	0.049%	1,795	0.052%	1979 & 1981	48	63 (2016); 56 (2017)	43 (2016)	SHIP OUT
CARLTON (W&P)	36,282	41,181	1,695	0.047%	1,795	0.049%	1979 & 1981	48	63 (2016); 56 (2017)	43 (2016)	SHIP OUT
CARLTON AT 80	36,282	41,181					2020	80			
GENERALLY COMPARABLE COUNTY POPULATION SIZE											
BECKER	33,734	36,053	2,041	0.061%			IN 2018	186			NO
STEELE	36,805	37,401	1,871	0.051%	2,035	0.055%	2003	154	125	113 (2016); 100 (2017)	TAKE IN; TOOK IN 556 IN 2017
DOUGLAS	37,456	39,384	1,731	0.046%	1,801	0.048%	2010	156	107	100+ (2016); 80+ (2017)	TAKE IN 20-50 INMATES; TOOK IN 623 IN 2017
SIGNIFICANTLY LARGER COUNTY POPULATION											
ISANTI	39,025	40,410	1,593	0.041%	1,622	0.042%	1984; 2006 ADDITION	108	75	60+ (2016); 56.2 (2017)	NA; DON'T BOARD
BENTON	39,992	44,093	2,100	0.053%			1995	102	90+	70-80	TAKE IN 10-30 INMATES
DECLINING COUNTY POPULATION											
MORRISON	32,821	32,652	1,413	0.043%	1,617	0.049%	1991	149/93	79 (2016); 77 (2017)	45 (60) (2016); 66 (2017)	TAKE IN 15 PER DAY (2016); TAKE IN 353 IN 2017; TAKE IN 408 IN 2018
MCLEOD	35,842	35,691	1,143	0.032%			1992 & 2017	35; ADDING 19	40	37 INCL. OUT- OF-COUNTY	AVERAGE SHIP OUT OF COUNTY = 17
MOWER	29,270	36,836	1,909	0.049%	1,792	0.061%	2010	128	103	73 (2016); 75 (2017)	SOMETIMES TAKE IN; MINIMAL; TAKE FEMALES OCCASIONALLY

## RECOMMENDATIONS FOR FUTURE ACTIONS

Chapter Eight summarizes recommendations for future actions and outlines additional information that should be collected and reviewed as part of the continuing process improvement efforts of the Carlton County justice system. Underlying the recommendations are several objectives developed in discussions with the Steering Committee:

- 1) Keep the 75% of the community that touch the system once out of the system;
- 2) Use more of a “pro-active law enforcement effort” to break the cycle (a pro-active “broken windows”-type effort), including:
  - a. Quick identification of barriers;
  - b. Appropriate intercession and support with firm guidance; and
  - c. Emphasis on education / re-education and job training, including early intervention on family / domestic issues, possibly including harder intervention versus use of citations on gateway offenses;
- 3) Use faster / better data recognition of opportunities for diversion and alternatives-to-incarceration in new Intake / Transfer / Release facilities designed to support interdisciplinary screening and assessments (including classification, pre-trial release, medical, mental health, community program representative screening, and “holds until transfer”);
- 4) For those that are more deeply involved in the justice system, provide:
  - a. Increased prosecutorial oversight and participation in alternatives;
  - b. Integrated response from law enforcement through the Courts with participation / insights / programs / support by the Courts;
  - c. A R C probation / and pretrial services;
  - d. Treatment and alternatives-to-incarceration programs;
  - e. Integrated response from community health services (PHHS and others) and mental health / treatment professional involvement from chemical dependency, addiction treatment, and other providers;
- 5) Rely on the Carlton County Jail to provide needed beds, with onsite or nearby residential programs or housing (depending on housing / funding limitations and requirements to optimize programs and funding support for treatment / programs (men and women));
- 6) Use and support intensive probation and court intervention / oversight (including support for failures) – through re-invigorated process for pretrial release screening and probation

- oversight for the entire 6<sup>th</sup> District, especially for Carlton County (possibly as a pilot test site);
- 7) Use NERCC (or alternative program) housing and program(s)+ for sentenced (and possibly pre-sentenced) men – where deemed appropriate;
  - 8) Use a new multi-county program for sentenced women (and potentially in the future, pre-sentenced women) based on evidence-supported models in Minnesota and nationwide, NERCC expertise, and other “best practices” models;
  - 9) Provide better education / job training programs; and
  - 10) Actively recruit of business / industries that could make use of services / programs / skills offered / taught at educational support, community outreach / support, and family / child support advocate programs.

The following statement of Guiding Principles for the system was provided by Paul Coughlin, Jail Administrator, who summarized the objectives of the study (and the system) as helping align the mission, staff and facility operations in Carlton County within a restorative approach, not punitive, as it has been in the past:

*The Carlton County justice system is focused on using appropriate methods and tools – such as the Restorative Justice Program and community resources -- to help the 75% one-time users of the CCJ stay one-time users. For those more deeply involved in the system, it is critical to identify and categorize issues, and use programs and services to treat and train / re-train individuals, and then integrate them back into the community. A process of vigorous assessment and analysis should help guide regular improvements. The Jail should be the bedrock for pre-sentenced males and females that cannot qualify for programs, and should be the holding, screening, and transfer / referral / and housing location for those that do qualify for alternatives to incarceration programs. In the future, the facility also should be used for post-adjudication inmates, especially female inmates, with programming to treat and train / re-train, and then integrate back into the community.<sup>1</sup>*

Carlton County is not alone in pushing these objectives. Sheriff Tom Dart, Cook County IL (Chicago) said recently that he has tried to accomplish three things:<sup>2</sup> "Keep them from coming here, keep them from coming back, and treat them like humans." His administration has put forth a litany of measures like: hiring mental health specialists; providing case studies for public defenders; signing up thousands for the Affordable Care Act; creating photography, farming, and transition programs; and establishing a 24/7 hotline for mentally ill former inmates to call, should they need a ride to pick up meds or find a bed. "We want to literally change the mindset as if they're walking into my hospital," Dart, a former prosecutor, state senator, and representative in Illinois said, "What am I gonna [*sic*] do? Diagnose, and then put a course of treatment together."

<sup>1</sup> Paul Coughlin, Carlton County Jail Administrator.

<sup>2</sup> [https://www.vice.com/en\\_us/article/4w3mz9/how-do-we-prevent-people-from-ending-up-in-jail](https://www.vice.com/en_us/article/4w3mz9/how-do-we-prevent-people-from-ending-up-in-jail)

## PART II – SPECIFIC RECOMMENDATIONS

Specific study recommendations have been assembled based on a review of information included in the Report, and from comments and input provided by CCJP Steering Committee members, CCJP Executive Committee members, and other CCJP members. The following specific recommendations for future action are grouped by topic into six major categories:

- GROUP ONE           CCJP Organization and Leadership
- GROUP TWO           Data Collection and Use – ICJIS Systems / Management
- GROUP THREE        Specific Studies
- GROUP FOUR         New Case Processing / Information Management Systems
- GROUP FIVE         Future Program Opportunities
- GROUP SIX            Future Jail Operations and Facilities

GROUP ONE -- CCJP ORGANIZATION AND LEADERSHIP

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**RECOMMENDATION 1.1: Schedule an annual comprehensive review of implementation progress in 2020 and following years as approved by the CCJP and the County Board. *This recommendation was made in the 2017 Report and carried forward to this Report.***

**RECOMMENDATION 1.2: Provide consistent leadership regarding process improvement activities through meetings with the Steering Committee, with periodic meetings with the full CCJP stakeholder groups.**

GROUP TWO – INFORMATION SYSTEMS / MANAGEMENT

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**RECOMMENDATION 2.1: Link and share data to support process improvement.** In the collection and use of all data, measures should be taken to protect confidentiality of records and analyses.

*By re-examining every step of the process—from bail and court hearings, to mental health and the charges themselves—the idea of diversion, or preventing people from ending up behind bars, is being redefined.<sup>3</sup>*

Among other areas, a specific study could be initiated to investigate enhanced linkages to public health and public support programs. These studies could build on current efforts discussed in Chapter 4, but enhanced services could involve possible linkages to assist in qualifying defendants for specific programs or status based on economic information provided by defendants, subject to agreements for personal data privacy, security, safety and management. These analyses could evaluate other issues (such as defendant contribution to screening / treatment costs as outlined in A R C policies and procedures). Also, they could help provide comparative information from MN and national “best practice” sites and operations.

As discussed in Chapter Four, a method of safely, securely and privately sharing incarcerated persons’ health-protected information, involving community service providers, MH partners at PHHS, and the CCJ mental health and health staff, is necessary to the goal of managing the health needs of the justice involved population. This is true along the continuum of contact, from the point of law enforcement involvement through incarceration and then inmates’ release from it.

The initial step in improving this in Carlton County was with the introduction of a uniform release of information form, a form already vetted in other jurisdictions and deemed to have passed legal and privacy muster.<sup>4</sup> In Carlton County, the embrace of this idea of a uniform release of information form was accomplished in a meeting with stakeholders in November 2018, and furthered by Heather Giancola, who quickly seized the moment to secure the buy-in of the community service providers. The working version of this form, which is currently in use, is presented in Appendix B: Chapter Four Attachments [B / MH].

**RECOMMENDATION 2.2: Identify, investigate and implement new and improved software / hardware systems for support of the CCJ and justice system agencies.** Great strides related to data management have been made through the use of:

- a) The new Jail Management System (Zuercher; now CentralSquare); and
- b) The prosecutor case management system (Prosecutor by Karpel).

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<sup>3</sup> [https://www.vice.com/en\\_us/article/4w3mz9/how-do-we-prevent-people-from-ending-up-in-jail](https://www.vice.com/en_us/article/4w3mz9/how-do-we-prevent-people-from-ending-up-in-jail)

<sup>4</sup> An example of such a form that was approved and widely used in Douglas County, Kansas to facilitate in jail treatment, transition planning and reentry programming, was provided as a working model.

With adjustments and continued future improvements, these systems should be increasingly useful by the CCJP, County, Courts, and court-related agencies.<sup>5</sup> Please note that the inmate management program (Guardian RFID) pairs with the Jail Management System.

<sup>5</sup> Expected areas of analysis include:

- a) Jail admissions, demographics; arrest and arrest location data, arresting agency data; charging data (all initial charges); transfer data; release data; reason for release; arrest type, including warrant or order to show cause; classification, medical / mental health / chemical dependency – substance abuse programming; re-entry program data, educational and community-based re-entry programming, where appropriate – and detailed data to better qualify how the arrest / jail admission data corresponds to caseflow activities – including separation of new admission (new charge) with re-admission due to probation violation or PV/NCA – which is important related to the analysis of how the jail is used after sentencing. Detailed data also helps separate admissions for individuals with multiple charges / admissions in one or multiple years, which could be very helpful for case processing analysis and tracking individual case progress / closures.
- b) Numbers/percentages of Pretrial Releases, including analysis of in-county, nearby region, and out-of-county usage of alternatives and programs, with hard data analysis of effectiveness and results. This will help with development and refinement of the pretrial release programs in Carlton County, and with initial benchmarking and analysis of continuous process improvement through analysis and systemic comparison to other counties in MN and nationwide (for identification of best-practice locations and programs).
- c) Pre-trial services data, including caseloads, numbers/types of contacts; violation / violation severity notes.
- d) Court case continuances and caseflow process. “Continuances are a primary problem that is further complicated by inconsistencies in plea bargaining.”<sup>5</sup> The original plan was to use the Odyssey system report “Events & Orders of the Court” section to get the time / date of the key hearings (Rule 5, Rule 8, and Omnibus or other hearings or actions that might impact the Jail Average Daily Population (ADP) and/or Length of Stay (LoS)). We were specifically looking for information related to Notice of Evidence procedures / dates and any impacts that we can see on Jail ADP or LoS. With this information in hand, we planned to calculate impacts of any process improvements (evidence processing) on ADP and LoS. Despite major efforts, we were unable to complete this study for this report.

A second attempt to build this data using either Odyssey or the Prosecutor system should be undertaken in 2020. The National Center for State Courts Team or another court operational consultant should be retained to study in greater detail the issues of:

- Continuances and implementation of a Continuance Policy, focused on date certain court calendars and reductions in continuances;
  - Possible use of a system of a Differentiated Case Management (DCM); and
  - Possible addition of an afternoon calendar for Bail Hearings, Initial Hearings, Arraignments to expedite releases of in-custody defendants not already released through provisions of the MNPAT guidelines.
- e) Caseflow processing management, including specific sequences associated with arrest-charging-case processing, especially regarding analysis of the handoffs between law enforcement, County Attorney, defendant counsel, victim-witness notification, and the Courts, to meeting state standards and nationally-accepted guidelines. See (d) above for additional notes regarding recommended analysis efforts for 2020.
  - f) Caseflow information management, including clear documentation of numbers of cases, case milestone activities, dates, and case process, to reduce continuances and to help ensure consistency and fairness (e.g., recent information provided from one source showed criminal court hearings in Carlton County of 2016 - 10,576; 2017- 10,764; and 2018 – 8,489, but additional explanation is needed to explain the apparently large drop show in this data between 2017 and 2018).
  - g) Probation and Parole services data, including demographics; length of p/p period and intensity related to key variations (charge; fel/gm/misd); P/P officer caseloads, numbers/types of contacts per case / per agent; violation / violation severity notes; data regarding seeing if probation / parole violations are tied to new arrests / crime in the CC data; numbers of FTAs for failure to maintain contact with the PO; numbers of probation/parole violations tied to “dirty” UAs; etc.
  - h) Enhanced opportunities and use of various alternatives to incarceration, including expanded and new programs, such as the Yellow Line Program,<sup>5</sup> or enhanced supervision / intensive supervision for pretrial release and/or sentenced inmates, helping manage and reduce future use of the Carlton County Jail (Law Enforcement Center) -- which should be considered a precious resource and the most expensive option among the continuum of options for providing community and inmate safety and ensuring that the defendant will appear for required appearances.

GROUP THREE -- SPECIFIC STUDIES

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**RECOMMENDATION 3.1 -- GROUP FIVE STUDIES: Undertake several specific studies related to probation and pretrial release programs in Carlton County.** These could be undertaken through and under “Group Five”, the CCJP subcommittee or working group outlined in the 2017 Report to help evaluate probation services and options.

**RECOMMENDATION 3.1 A: FORM GROUP FIVE.** The BKV Group Team recommends that Group Five be formed and designated a standing committee charged to develop recommendations to the County and CCJP regarding probation and pretrial release services and programs.

**RECOMMENDATION 3.1 B: ADOPT THE STRUCTURED PROCESS FROM THE 2017 REPORT.** The BKV Group Team recommends that the group should revisit the 2017 Report recommendations and consider adopting the structured process that was suggested.<sup>6</sup> The basic structure included the following:

1. The Carlton County Board of Commissioners should establish a committee.
2. Recommended Membership (see Chapter 5, p. V-2, Item b.3.).
3. Committee Chairperson should be the County Coordinator.
4. A Specific Time Schedule for Periodic Meetings Should be Set.
5. Topics Should Involve Linkages in Treatment Planning.
  - a) Improvement Needs should be Identified and Clarified (Frequency, Rate of Change, Severity, Temporal Nature, Location, Persons Involved, Previous Actions regarding Issue).
6. Develop Consensus (Concept, Improvement Steps, Who Should be Involved, Costs).
  - b) Preliminary Approvals Needed, How Improvements will be Monitored / Evaluated).
  - c) Periodic Follow-Up on Progress (unforeseen barriers; assessment of positive / negative effects).
  - d) Periodic “Status Check” (judicial concurrence, caseload numbers, status of available treatment options and local programs).

**RECOMMENDATION 3.1 C: STUDY THE IMPACT OF MNPAT GUIDELINES, ESPECIALLY ON FTAS AND NCAS.** A study could be conducted to show the impact of the adoption of the MNPAT Guidelines on overall pretrial release activities in Carlton County, and on Failure to Appear (FTA) and New Criminal Activity (NCA) statistics for individuals released under the Guidelines.

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<sup>6</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers). p. V-3.

The study should review pretrial detention patterns, lengths of stay, program activities and success rates (including FTAs and NCAs), and time intervals / case processing times and events related to supervision recommendations and programs for probation and pre-trial release, including:

- a) Review of recommendations and results related to MNPAT Guidelines and the adult “Violation / Sanctioning Grid”; and
- b) Average lengths of stay in the CC LEC after an arrest (re-arrest) for a Probation Violation.
- c) Other information related to use and consistency of pre-trial release and probation recommendations throughout the course of each case.

RECOMMENDATION 3.1 D: STUDY PROBATION RECOMMENDATIONS IN PSIS OR PTSO RECOMMENDATIONS FOR SENTENCES AFTER VIOLATIONS OF PTR. A study should be conducted to review and compare probation recommendations (PSIs) and or pretrial service officer recommendations for sentences (for those agents involved with probation / parole violations), with the actual sentences imposed by Carlton County judges. Currently, ARC collects information regarding probation violations, providing some information related to client, court cases, agent and work code / description of the violation. These analyses should be designed with input from the CCJP Group Five members working with representatives of the Judiciary and Courts.

RECOMMENDATION 3.1 E: STUDY LS / CMI SCREENING PROCESS AND USE: The BKV Group recommends that Group Five be tasked with addressing the criteria for decisions regarding who would be assessed by the LS / CMI and other means, and convene meetings with the Judiciary of the Sixth District Court for discussions, reviews, and establishment of a future direction for Carlton County. Group Five also should be charged to make recommendations for how the LS / CMI scores and other assessments are matched to probation options which are recommended to judges.

RECOMMENDATION 3.2: **Study Carlton County Detox and Treatment admissions over the period from 2007 to 2018 (DAANES SUD reports).** This information should be included in any program discussion as well as incarceration discussions for those struggling with SUD. Surveys regarding substance abuse are administered frequently and are SAMHSA sponsored/funded.<sup>7</sup>

While the BJS report is approximately 10 years old, the 63% is still considered by system professionals to be “right in the ballpark”, and there have been many studies over the years and all land in the 60-80% range for substance dependence among inmates. Going forward, the jail will implement SBIRT screening, and that should yield good, reliable data about drug and alcohol use and probable dependence going forward.

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<sup>7</sup> <https://www.bjs.gov/content/pub/pdf/dudaspi0709.pdf>

**RECOMMENDATION 3.3: Strongly consider pressing forward with the proposed case management study** originally proposed to be conducted by the National Center for State Courts (if acceptable to the State Judiciary and Administrative Office of the Courts) or other consultant to study in detail the potential impacts of changing the hearing times in total or in part. This study should be undertaken, if possible, through a grant effort from SJI (State Justice Institute).

Several attempts to get this approved and scheduled failed for various reasons during the timeframe of this study. To re-initiate this effort, sufficient time should be allowed for detailed explanation of the specific objectives, approach and team members to be funded by the study, and sufficient time should be allowed for approvals. Based on the latest correspondence regarding the 2018 effort, the application must be approved not only by the Carlton County Court Administrator and Judge, but additionally, by the District Administrator and Chief Judge, the State Court Administrator and Chief Justice.

Additional study of the case management recommendations included in the 2017 Report, including recommendations for possible use of a system of Differentiated Case Management (DCM), and implementation of a Continuance Policy, should be conducted in 2020 or thereafter if possible. If helpful with analyses, additional data regarding court cases associated with these admissions (based on 2016 - 2018 hearings in Carlton County District Court)<sup>8</sup> was collected in early 2019 and can be used to assist with future analyses.

**RECOMMENDATION 3.4: Build on the materials provided in the 2017 Report and this document to confirm the precise steps involved in the Carlton County process** – including arrest report document preparation and submission (with and without evidence), charging document preparation and submission (including written plea agreement), logging and addition of the case to the court calendar for bail hearings, initial appearance(s) and arraignment hearings; and so forth.

**RECOMMENDATION 3.5: Conduct additional study of the detailed admissions data for those admitted to the CC LEC** – perhaps adding 2018 data to the 2017 data to review multiple issues and trends. This could be a very important study and could help focus attention on those admitted more than twice in a calendar year (or perhaps, more than three times in a two-year period). Analysis of those that are more frequently in / out of the CC LEC could help demonstrate whether the “right” or “wrong” people are being released in the group that are getting out quickly.

Subsequently, if analysis could identify the characteristics of those being held, that are not part of the “top 25%,” including the charges at time of admission, the data could be “corrected” for this as well. This information could be very valuable to Carlton County Judges as they work through using the new MNPAT tool, since they do not have any “recommendations” coming from probation. With good data / additional study, the CCJP team could show factual trends and patterns and help encourage consistency based on analysis of the evidence.

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<sup>8</sup> Information provided by and available from the State Judiciary and Administrative Office of the Courts.

**RECOMMENDATION 3.6: Dealing with domestic abuse and domestic violence offenders is a major issue in the Carlton County system. Determining how important should be a focus of additional study in 2020 (see Chapter 8).**

There are a number of key indicators that appeared in the data analysis for this report, and additional study could be focused on developing better information related to those charged with domestic abuse cases and admitted to the CCJ / CC LEC. Based on the initial data from the 2017 data base, it seems clear that this should be an area of focus and additional study in 2020. An integrated approach should be used, combining specific analysis of arrest / charging data, case information and sentencing, and if possible, efforts could be made to track individuals and study effectiveness of sentences including comparisons to standard and intensive probation and/or use of the Duluth Model or similar programming.

**RECOMMENDATION 3.7: IMPORTANCE OF CONSISTENT REPRESENTATION IN PUBLIC DEFENDER CASES.** In Carlton County, one of the part time Public Defenders (PDs) might sit in on an arraignment hearing (there is a “public defender of the day”), and after that hearing, that case will then be transferred back to the “assigned” PD for all future hearings. This “re-assignment” of the previous PD often kicks the case back to the next hearing day (normally Monday and Wednesday for GM/Felony and Thursday for Misd). Once a local PD is assigned, that person represent the defendant in all cases.

The question here is whether this can lead to delays. Also, the question arises: do any of the “switches” noted in the court records later in the cases lead to delays? Note: Carlton County representatives noted that it may be worth looking to see if there was delay in case processing for PD vs. Non-PD filings.

**RECOMMENDATION 3.8: Investigate a sample of approximately six months of recent or new cases (e.g., all criminal cases from January 1, 2020 to June 30, 2020), which might create a data sample large enough to gain insight into how the ARC staff in Carlton County currently use the Grid and LS / CMI tool.**

This period of time also might be needed to fully consider, communicate, and gain concurrence from representatives of the Judiciary regarding appropriate data points to be collected, followed by a structured effort to train court and A R C staff regarding data to be collected and how it would / should be recorded. Following collection of the data, additional time and effort would be required for data analysis to analyze frequency of agreement with probation recommendations, and other issues.

Due to the importance of accuracy and precision in structuring and analyzing the data, it would be very important to develop a detailed work plan, with clear agreement regarding the study process, tools, and implementation steps needed, based on the need for a close working relationship between the State of Minnesota Administrative Office of the Courts, the Sixth District Judiciary, A R C, Carlton County and the CCJP.

**RECOMMENDATION 3.9: Study the Rule 20 population to be held at the CC LEC.**<sup>9</sup> The District Court should hold this information. Carlton County Health Services should be able to tell us number of individuals committed as mentally incompetent, this would exclude those committed due to substance use. Crossing those committed because of mental health versus those charged criminally related to the same event would provide information regarding the number of times per year that the County would need mental health bed space. The issue will be the duration of the time once returned until they have trial or final adjudication. On a related note, there was a change in MN law and use of the state hospital for the Minnesota's DHS program of "Restore to Competency." Carlton County already was notified that one of the "stable" MH inmates will be returning to the Jail because there is no "local alternative to the State Hospital bed." This should be included in any discussion for the design of the new facility as MH beds (long term) could be something we need to provide for these inmates.<sup>10</sup>

**RECOMMENDATION 3.10: Study specific program opportunities for targeted general population female pretrial detainees, with additional treatment orientation.** These could potentially be services tied to the development of the special housing for post-adjudication inmates to help make good use of program staff and offerings.

**RECOMMENDATION 3.11: Study to confirm the length of time actually spent (typical, minimum / peaks) between the completion of arrest reports and transmittal of the arrest reports to the County Attorney's office, and the subsequent preparation and transmittal of the Charging Documents to the courts.** Key variables that could be reviewed include the date (including day of week, and analysis of the data related to observed holidays), charges, time / date of case initiation, time / date of submission of the Charging Documents, and the time/date of the Bail Hearing, Initial Hearing, and / or Arraignment.

**RECOMMENDATION 3.12: Study alternatives to the current electronic monitoring program and services, including reviewing options such as: contract services; specific contract modifications to require EM staff to be at the CCJ / CC LEC at times following initial appearance, bail hearing and arraignments; or use of county-provided services based at the CCJ / CC LEC.**

**RECOMMENDATION 3.13: Study options in 2020 for another early screening system, and find a replacement for the PassPoint system that provides cost-effective and staff- and time-efficient screening.**

**RECOMMENDATION 3.14: A study should be conducted regarding establishing a 24/7 hotline for mentally ill former inmates to call, should they need a ride to pick up meds or find a bed.**

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<sup>9</sup> Rule 20 - Mental Health standard for courts to assess the mental health ability for the suspect to participate in their defense, and ability to understand the charges against them.

<sup>10</sup> According to a letter from department of human services commissioner Emily Piper, patients are being discharged from state-operated mental health facilities based on their psychiatric stability, not competency to stand trial. Once they no longer require inpatient treatment in a DHS facility, patients are being provisionally discharged back to jail or to other appropriate locations arranged by county case managers. Counties that wish to do so may provide competency restoration services in those locations.

GROUP FOUR – ADD NEW CASE PROCESSING / IT PROGRAMS

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**RECOMMENDATION 4.1: New / additional case processing / management support systems should be investigated** and approved for implementation if, after analysis, it appears they have great potential to improve case processing efficiency and outcome effectiveness, including:

- a) **Email / Text notification systems**, which can be sponsored / coordinated by the Courts or the defendant legal counsel (public defender; private defense counsel), and have provided demonstrated improvements in justice systems nationwide in reducing Failures to Appear – both for court hearings and court-related hearings.

In the review meeting of the prefinal draft report, representatives of the Sixth Judicial District Court noted that the Court recently implemented an email / text reminder system for some parties involved in some cases.<sup>11</sup> In general, parties to a court case can now enroll in an optional system to receive hearing eReminders via text or email which will remind parties of the upcoming court date (date, time, and location). Notifications are available for parties with an Adult Criminal/Traffic, Juvenile Delinquency, Juvenile Traffic, Juvenile Petty Offense, Domestic Abuse, Family, Eviction, or Juvenile Protection case in Minnesota District (Trial) Court. Importantly, you must be a party in the case to enroll in hearing eReminders. Witnesses, victims, attorneys, etc. are not parties in a case and are not eligible for eReminders.

It would be good to see if secondary analyses could illustrate who is not showing up because of lack of transportation and ability versus those avoiding the consequences of their actions. Additional study in cooperation with the Minnesota Judicial Branch and Sixth Judicial District / Carlton County Courts would be needed to move toward providing these services.

**RECOMMENDATION 4.2: New / additional case operational support systems should be investigated**, and if appropriate, should be approved for implementation if, after analysis, it appears they have great potential to improve jail or other operational systems, including:

- a) **COURTS** – Analysis of total days from arrest to trial and sentencing, pre- and post-adjudication time should be undertaken as part of the future NCSC or Court Operational Consultant Study.
- b) **COURTS** – Other analyses as discussed / included in initial NCSC proposal for services as approved by the Courts and State Administrative Office of the Courts.
- c) **JAIL** – Upgrade to the Guardian RFIS system. Additional capabilities could include notification of a) round staggering and compliance; b) activity log documentation; wristband scan information related to visits, program participation, movement, access to recreational and out-of-cell opportunities.

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<sup>11</sup> Please refer to the MN courts website for additional information regarding the eReminder system at the public website at: <http://www.mncourts.gov/hearing-ereinders>.

- d) JAIL – Currently, the CC LEC uses texting versus email for written communication for inmates. The cost is 9 cents per text both in and out (18 cents for a completed communication) and the cost is bore by the inmate. Inmates pay \$4 a month for the texting device.<sup>12</sup> The current plan is to use funds from the texting to pay for video visitation in the new jail. The plan also is to provide “FaceTime” calls via the iPods currently in use for texting.
- e) JAIL -- Currently, the CC LEC uses VIDYO system for tele-med visits with HDC staff.
- f) JAIL – Enhanced telemedicine and telepsychology access can be provided through Polycom or specialized audio / video interface systems.

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<sup>12</sup> <https://www.pressherald.com/2019/04/30/our-view-texts-and-calls-could-save-jail-costs/>

GROUP FIVE – FUTURE PROGRAM OPPORTUNITIES

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RECOMMENDATION 5.1: Existing Program Review / Updates. Review / assess current programs, considering a “best practices” continuum of adult and juvenile services, and recent results and successes. Programs would include:

**A R C / NERCC Programs**

- Behavioral Therapy or Cognitive-Behavioral Therapy (CBT)
- Moral Reconciliation Therapy (MRT);
- Reasoning and Rehabilitation (R&R);
- Aggression Replacement Training (ART);
- Thinking for a Change (T4C);
- Criminal Conduct and Substance Abuse Treatment: Strategies for Self-Improvement and Change (SSC);
- Relapse Prevention Therapy (RPT))

**Diversion Programs**

- Diversion Solutions LLC program (from the CA’s office)
- Review of Restorative Justice diversion program for juveniles charged in criminal cases in Carlton County, which is used widely and regarded as very helpful for the justice system.
- CA Adult diversion program, with provisions for both traffic and felony cases, to be finalizing the program in the near future. Program information could be obtained from the County Attorney and included in review of diversion programs for future reports.

**Other Programs**

- Restorative Justice
- Review of Restorative Justice diversion program for juveniles
- Review (new) adult diversion programs for both traffic and felony cases (from the CA’s office)

RECOMMENDATION 5.2: Several studies could be conducted regarding new programming and alternative-to-incarceration programs (both pre-adjudication and post-sentenced) if approved by the CCJP and Board and implemented, including:

- a) YELLOW LINE PROJECT -- Enhanced opportunities and use of expanded or new alternatives-to-incarceration programs such as the Yellow Line Project, or enhanced supervision / intensive supervision for pretrial release and/or sentenced inmates. The goal of these studies should be to provide information to better guide use of the programs, and correspondingly, to help manage and reduce future use of the Carlton County Jail (Law Enforcement Center), which should be considered a precious resource and the most expensive option among the continuum of options for providing community and inmate safety and ensuring that the defendant will appear for required appearances.

- b) **SPLIT SENTENCING AND FLASH INCARCERATION** -- Investigate the possible use of ideas that have grown out of the State of California System<sup>13</sup> -- including split sentencing and flash incarceration. "The judge can sort of decide how much jail time someone gets, and then how much time they're out, with community supervision," said Brandon Martin, a research associate at the Public Policy Institute of California who studies corrections. "So if you do a split sentence, you're only getting six months in jail, and a longer term in the community [for example], which would be better, and decreasing overall jail population." The other method—which applies to those who have violated probation after being released from jail—lives up to its name. "You're able to flash them up to ten days," Martin said. "Putting them in a jail as a way to, sort of, get them back into line with their probation program." Instead of having to reenter the long slog of criminal justice, the idea here is to offer minimal contact with the system, and also reinforce punishment to offenders. (*Hawaii has a similar program called Project HOPE.*)

In a paper entitled "Alternatives to Incarceration in California," Martin and his colleague, Ryken Grattet, found studies that showed the recidivism rate for someone placed under community supervision is, in fact, the same for someone who gets incarcerated. Compare the price tags, he suggests, and come to a conclusion. "That doesn't say that non-custodial [settings] are doing the best job," he argued. "But it means that if you're looking at \$50,000 a year for someone versus \$8,000 for someone a year — in terms of cost-benefit — then we can continue to look at the non-custodial settings." Carlton County has looked at Project Hope from Hawaii and discussed it at the CCJP level. The challenges seen relates to the amount of failures to comply and lack of accountability because the flash doesn't seem to "correct" the behavior. If studied in 2020, it would be important to explain this in evidence form, and answer the question: How many inmates are reoffending based on behavior versus environmental factors like work/housing and lack of contact with the probation / parole officer?

- c) **PROVIDE NEW WOMEN'S UNIT** -- Provide a new women's unit (similar programming to Duluth Bethel) at the Carlton County Jail, designed for post adjudication inmates in need of programs/treatment that have failed in the community – currently felt by some to be a gap in services.
- d) **INVESTIGATE ADDITIONAL / ENHANCED USE OF IPTR (INTENSIVE PRE-TRIAL RELEASE) PROGRAMS**, which has been what A R C uses to help keep pre-adjudication population down. The Carlton County CAP (Confinement Alternative Program) largely is modeled after IPTR program guidelines, and helps keep those scoring high risk in the community by utilizing electronic monitoring and more intensive supervision by a probation / pretrial services officer through smaller caseloads (roughly 25 people per agent).

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<sup>13</sup> [https://www.vice.com/en\\_us/article/4w3mz9/how-do-we-prevent-people-from-ending-up-in-jail](https://www.vice.com/en_us/article/4w3mz9/how-do-we-prevent-people-from-ending-up-in-jail)

- e) INVESTIGATE ADDITIONAL / ENHANCED USE OF INTENSIVE OUTPATIENT PROGRAM (IOP), IN ADDITION TO OR AUGMENTING THE CAP PROGRAM, to treat addiction where a longer stay at a residential treatment program was not necessary or possible and as a step down from more intensive treatment as individuals transition back into the community. IOPs have proven to be a successful part of a continuous care program and are designed to provide psychological, behavioral, and social support therapies to people while they remain to live at home. These programs can allow clients with substance use disorders (SUDs) and other addictions to continue participating in their daily affairs, such as work, and then participate in treatment at an appropriate facility in the morning or at the end of the day.<sup>14</sup>
- f) STUDY POTENTIAL FOR GREATER USE OF INTENSIVE SUPERVISION PROGRAMS, such as the St. Louis County program that assigned probation agents to defendants who then could be released into the community with a higher level of supervision, similar to what an offender would receive after leaving prison on supervised release, or parole. These agents would be on the streets seeing people in the community, verifying work status, making sure they're going to their treatment programs, with more drug testing. These are people that normally would be sitting in custody had it not been for the ability to add these positions and see people out in the community. A study found potential savings of \$10.6 million through 2016, after 2½ years of operation for the program. "As a judge, it's a great alternative, frankly, because typically the person has failed on regular pretrial release," said Sixth Judicial District Chief Judge Sally Tarnowski. "I tend to think that many, if not most, of the people at the jail have either a chemical dependency or alcohol issue."<sup>15</sup>
- g) CONSIDER PRO-ACTIVE EARLY INTERVENTION PROGRAMS -- A targeted study should review options for early intervention in Carlton County. "But for Adam Mansky, the director of operations at the Center for Court Innovation, diversion should dig deeper. 'The question is, can we look even earlier?' he asked. 'Can we actually route people onto a productive path before they actually get to the court?' That was how Project Reset started. Launched in 2015, the initiative, which is a collaboration between the center, the NYPD, the Manhattan and Brooklyn DA offices and other groups, offers intervention instead of a court date to 16- and 17-year-olds who have been arrested for low-level crimes like drug possession or shoplifting. It's currently being implemented in seven precincts citywide, including some of the city's toughest neighborhoods. (In addition, initiatives like the

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<sup>14</sup> For a variety of reasons, however, this level of participation may still be prohibitive for some patients. One option to IOP is "SMART IOP" – where treatment providers increasingly connect with patients online. Efforts to adopt telemedicine services continue to be a priority for providers, according to a recent report by New Sage Growth Partners. Fifty-six percent of healthcare leaders surveyed reported that their facilities have implemented telemedicine while most non-adopters have made implementation a priority. Telemedicine is not necessarily just a substitute for face-to-face medical appointments. For many patients it can be the superior option. Smart IOP is the first online intensive outpatient program licensed by the State of Virginia. "Its client-centered program uses digital devices to bring a highly effective level of treatment to patients with substance use disorders and co-occurring mental health issues," says Eric Rhodes, the director of product development at Smart IOP. "It was developed by licensed and certified professionals to treat the whole person to produce a sustained recovery from addiction."

<sup>15</sup> December 11 2018 article (By Tom Olsen/Duluth News Tribune | December 11, 2018).

Warning Card Project—where NYPD officers in high schools offer an initial warning, instead of a court summonses—are also aimed at stopping the school-to-prison pipeline.)

"Our research, and a lot of national research out there, shows that short-term jail sentencing, or detention, is somewhat criminogenic,' Mansky said. 'You take the same two people, and you put one in jail for more than 24 hours, that person is more likely to re-offend than someone who's not going in. So we're looking at a population of children, adolescents, who everyone agrees: the lighter the touch, the better,' he said. 'The less we do, the less likely we are to screw them up, and keep them on a productive path.' "

"In a Project Reset precinct, a police officer can offer the alternative to the teenager when they're first arrested. If they comply, a prosecutor evaluates their record with the public defender to see if they have a criminal history. If not, he or she then attends two sessions. 'It might be individual counseling, or some kind of facilitated group discussion, like a workshop,' Mansky explained. 'It might be some kind of community service that's focused on young people.' After those sessions are completed, the prosecutor can then decline to continue with the case, rendering the court date irrelevant. And if the teen fails the sessions, or just doesn't show up, Project Reset follows a similar model to supervised release with bail, where the offender just has to go to the court date like any other suspect.'

"In its first six months, the initiative had a 98 percent rate of compliance from participants, and, according to Mansky, parents and communities have been incredibly receptive. So much so that, in June, the Manhattan District Attorney's office funded a borough-wide expansion of the program. Recidivism rates were 8 percent for those involved in the program, as opposed to 25 percent for those who were not. 'And nationwide, we see this same kind of idea mirrored in community, veteran, and drug courts—all with results that don't always include incarceration.' (Critics argue drug courts are essentially an extension of the criminal justice system and can be overly punitive to low-level offenders.)"<sup>16</sup>

- h) CONSIDER ADDITIONAL MEASURES. "So, over the last decade, Sheriff Dart has tried to accomplish three things: 'Keep them from coming here, keep them from coming back, and treat them like humans.' To do that, his administration has put forth [a litany of measures](#) like hiring mental health specialists; providing case studies for public defenders; signing up thousands for the Affordable Care Act; creating [photography](#), [farming](#), and [transition](#) programs; and establishing [a 24/7 hotline](#) for mentally ill former inmates to call, should they need a ride to pick up meds, or find a bed. "We want to literally change the mindset as if they're walking into my hospital," Dart, a former prosecutor, state senator, and representative in Illinois, told me. 'What am I gonna do? Diagnose, and then put a course of treatment together.'"<sup>17</sup>

<sup>16</sup> [https://www.vice.com/en\\_us/article/4w3mz9/how-do-we-prevent-people-from-ending-up-in-jail](https://www.vice.com/en_us/article/4w3mz9/how-do-we-prevent-people-from-ending-up-in-jail).

<sup>17</sup> Ibid.

## GROUP SIX: FUTURE JAIL OPERATIONS AND FACILITIES

RECOMMENDATION 6.1: Study alternatives for providing future parking, including provisions of on- or off-site for county-owned and staff vehicles for the public, Courts, court-related agencies, CASO employees including patrol and detective employees, county agency staff, and service / support vehicles and employees surface parking, garage parking (possibly limited to security and possibly medical/emergency vehicles), covered / carport-type parking, and others. There are more than 150 county and justice system staff that are based in the main campus location in Carlton,<sup>18</sup> but average staff vehicle presence on the site M-F, 8AM – 5PM is lower, due to 365/24/7 day shift operations for several departments and approved staggered shift operations.

RECOMMENDATION 6.2: Provide spaces for mental / behavioral health professionals based on revised / new operations (and specifically in response to Dr. Severson recommendations). There will be an office needed by the intake area. Currently there is a social worker from PHHS stationed here. There is a need for a location near intake (like medical) so MH screenings and case management can be done.

RECOMMENDATION 6.3: Provide spaces based on a revisited operational model for the jail housing units, including providing additional interview / counseling rooms at housing units, with specific educational classroom, group counseling / meeting rooms, and specific contact and non-interview rooms. This concept may help reduce inmate movement and support delivery of services to inmates, with customized solutions for Standard, Special, MH/M housing.

<sup>18</sup> Current staffing (early 2019) for Carlton County main campus employees. Please note that some staff use county vehicles or personal vehicles in performance of their duties, and not all vehicles will be in the lot throughout the average M-F 8:00 AM to 5:00 PM period.

1. Assessor - 8
2. Attorney's Office - 11
3. Auditor / Treasurer - 11
4. County Coordinator's Office - 2
5. Court Administration – 3rd floor: 5 staff plus one treatment court coordinator – 4th floor: 9 staff - 15
6. District Court / Judicial officers and support staff - 2 judges, 1 paralegal, 2 CRs, 1 Law Clerk – 6
6. Economic Development - 2
7. Human Resources Office - 2
8. Information Technology Department - 6
9. Law Library - 1
10. Probation - 14
11. Property Management - 14
12. Public Defender - 5
13. Recorder's Office - 5
14. Sheriff's Office - 58
15. Zoning & Environmental Services – 10

RECOMMENDATION 6.4: Actual costs associated with providing medical / chemical dependency / mental health / other programs or services should be studied including costs of internal housing or boarding out, time, transportation costs, security supervision costs (staff time / overtime; incidentals), program costs, additional costs associated with programming and incidentals, etc. should be studied.

RECOMMENDATION 6.5: Consider requirements / specific design features for a Mental Health Unit in the planning for the new jail. Some ideas might be gleaned from a visit / review of the successful MH Unit at Tulsa. This might be a good “lessons-learned” location – see what worked, what didn’t.<sup>19</sup>

RECOMMENDATION 6.6: Additional study should be conducted regarding the possible impact on alternatives to incarceration program requirements and / or CC LEC capacity based on other possible changes, including:

Updates regarding the potential requirement by the MN DOC to hold NERCC to its classification as a minimum-security facility, including assessment of the potential impacts on the CCJ / CC LEC of different possible outcomes of the State evaluation.

The 2017 Report noted that the Minnesota Department of Corrections had acted to hold NERCC to its classification as minimum security facility. The BKV Group Team will be continuing to review this issue with representatives of A R C to provide an update to this report for the final report. Chapter Seven also illustrates historic use of the NERCC beds and shows the impact of the use of the NERCC beds in reducing the average daily population at the CC LEC. This situation should be monitored to see if NERCC is able to respond to this issue.

RECOMMENDATION 6.7: Specific options for providing inpatient substance abuse and mental health treatment in a new jail should be explored along with its impact on how that would affect bed space requirements and the planning of treatment space. Carlton County crisis response plans and mental health treatment services should be reviewed to determine possible impact on jail planning. The crisis response unit is only 2 years old. Prior to that, there was no existing service; all MH concerns were sent to the ER at the local hospital. With recent emphasis on suicide watch training, there may be specific planning requirements (regarding cell sizes / location / relationship to control stations, requirements for 15-minute checks or continuous observation) that should be integrated into the planning for the new jail.<sup>20</sup> Specific planning for outpatient and potentially step-down medical, mental health, and substance abuse or other program needs should be discussed as the planning continues for the CC LEC. Please see Chapter Four for specific discussions regarding accommodations for screening and housing needs for those presenting Chemical Dependency (CD), medical, mental / behavioral health or other issues at admissions to the CC LEC.

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<sup>19</sup> [https://www.tulsaworld.com/news/local/crime-and-courts/sheriff-staff-laud-progress-in-mental-health-care-at-tulsa/article\\_dc968358-5711-51ad-89cc-dae9b31b387.html](https://www.tulsaworld.com/news/local/crime-and-courts/sheriff-staff-laud-progress-in-mental-health-care-at-tulsa/article_dc968358-5711-51ad-89cc-dae9b31b387.html)

<sup>20</sup> Please see <https://indianapublicmedia.org/news/jail-overcrowding-exacerbates-problems-for-those-with-mental-illnesses.php> and <https://indianapublicmedia.org/news/indianapolis-police-testing-mental-illness-screening-tool.php> for related / supporting information.

RECOMMENDATION 6.8: A specific study should be conducted to confirm needed interview, conference and training spaces for the new Carlton County courthouse. Various representatives of the CCJP, Courts and Court-related agencies have noted that there are needs to meet with attorneys, clients, juvenile and adult defenders, inter-agency meetings, parents / guardians, and other professionals including Tribal and County Social Workers. While some meetings can be scheduled, the limited number of rooms and the need to accommodate impromptu meetings points to the need for additional rooms.

RECOMMENDATION 6.9: A specific study should be conducted to evaluate possible applications of SMOFFICES concepts for the jail / justice center project. Specific opportunities could be found in detective office areas for the SMOFFICES; space planning for other areas could use similar planning concepts, with open-office cubicles with shared meeting / conference / work / layout areas positioned between workstations.

RECOMMENDATION 6.10: A specific study regarding family and children-focused space planning could be considered in 2020. The matter of planning for space is important, and there is certainly a bias toward helping families come together outside of the harsh environs of the interior of the jail. Facilities recently have become very creative to get their family-focused programs off the ground: in addition to meeting rooms large enough to hold groups, recreation yards, lobby areas, courthouse-jail passageways and secure courthouse rooms are used. And, the evidence-based parenting programs use a combination of strategies - some instructional and some interactional - with both strategies being accommodated in setting designed to do so (as space savers and smart users of space. Steph Upton, the Jail programmer in Carlton County, MN and Collaborative Board Director Donna Lekander, should be involved for connections to the community. This topic is particularly important to Carlton County and the CCJP as the county is trying to partner with other MN Jails to continue to be on the front lines of model practices for breaking the cycle of incarceration within family units.

RECOMMENDATION 6.11: There are multiple areas (including the Intake / Transfer / Release Center, housing areas, and program areas) that will be improved as a result of the efforts related to this study. Additional study in 2020 regarding recommended housing and program spaces will be important to address specific programming needs for all inmates housed at the facility, and specifically to address the specific needs of sentenced female inmates (with program offerings similar to those offered at Duluth Bethel or NERCC), if a decision is made to consider designing a portion of the CC LEC for this housing.

RECOMMENDATION 6.12: Actual costs associated with boarding out / out-of-county housing could be studied, including time, transportation costs, security supervision costs (staff time / overtime; incidentals), program costs, additional costs associated with programming and incidentals, etc. should be studied. Historical out-of-county average daily population (annual) has ranged over the past 12 years.<sup>21</sup>

**CHAPTER VIII ENDNOTE**

Related to Mental / Behavioral Health and Chemical Dependency issues, there is widespread agreement in Carlton County that criminalizing these issues is not the right solution. Opiate use is an epidemic and public health issue that requires the development of public policy and must include medical providers. For both MH and CD, issues include the lack of local services, the lack of alternatives to incarceration, and the lack of local follow-up care options. Current options include:

- The 15-bed stabilization unit in Duluth;
- The new Birchtree facility whose tendency is to serve private clients, not the public; and
- The Wellstone Center which is located 75 miles away in Virginia, MN.

But questions can be raised: How many inmates have co-occurring issues? How many are consumers of other county resources (e.g., public health, etc.) as 12% of the county live in poverty, and 50-60% of the inmates are in poverty? These and other issues should be addressed in additional analyses and studies to be conducted in 2020 and beyond.

<sup>21</sup> Average out-of-county housing (detainees); CC LEC. Source: CASO (May, 2019)

2006	9.1
2007	5.4
2008	3.12
2009	4.48
2010	10.59
2011	9.52
2012	12.9
2013	11.14348
2014	2.604521
2015	4
2016	4
2017	4

## APPENDIX A – 2017 REPORT RECOMMENDATIONS

The following list of recommendations were included in TAB 8 of the 2017 Report. For each, the recommendations are stated, with some abbreviations, and a brief summary of progress toward implementation is included in the table, with additional notes regarding follow-up actions, if any.

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
1-1. The County Board of Commissioners should appoint someone with the knowledge and skills to facilitate continued advancement of needed improvements.	Implemented. In late 2018, the County Board approved the appointment of Paul Coughlin, Jail Administrator, as the coordinator of the effort.	None.
1-2. The County Board of Commissioners should establish a specific schedule by which the facilitator and members of various criminal justice agencies report on progress.	Implemented. A specific schedule for implementation efforts in 2018 and 2019 associated was developed. Progress reporting was conducted on a monthly basis through late 2018. This continued with scheduled meetings with the BKV Group and the Executive or Steering Committee conducted through late 2019.	None.
1-3. A periodic report should be provided to the County Board of Commissioners	Initial reports prepared by the BKV Group in July 2018 with updates through January 2019 documented the report recommendations and the status of progress regarding the various recommendations.	None.
1-4. The Board should require that a comprehensive, annual review of implementation progress be conducted by members of the criminal justice system and treatment providers	In progress.	Final report and presentation to be distributed for comments in October, 2019, with final report publication in November 2019.

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>1-5. All systemic improvements should be pursued.</p>	<p>In progress. The Carlton County CCJP and the Steering Committee reviewed the full list of recommendations over the past year. Initial data reviews led the BKV Group team to revise downward the projected demand for jail beds from 119 beds to 84 beds. Please refer to other sections of the report for additional information regarding improvements by category and possible development of other programs to address future issues or meet unmet needs for programming and beds.</p>	
<p>2-1. Submission of an arrest report in which no physical evidence is involved should be provided prior to next day's initial appearance.</p>	<p>In progress. The stated goal of the Carlton County law enforcement agencies is to submit arrest reports within 24 hours or less to the County Attorney's office, particularly those in which no physical evidence is involved. Use of the new Karpel Case Management v 6.5 system (used in Ramsey, Steele, Mille Lacs, Yellow Medicine Counties, and multiple municipalities, including the Cities of St. Paul and St. Cloud) is expected to help with law enforcement interface, eFiling with Courts, and case management.</p>	<p>Continued monitoring and coordination between LE agencies and County Attorney's office is required. Multiple options and capabilities are being / should be explored, including interfaces with MNCIS for court dates / events, BCA for eCharging, law enforcement interface, case management system, and possibly new Civil Module.</p>
<p>2-2. Law enforcement agencies in Carlton County should review internal procedures for arrest report submission, including internal quality control measures.</p>	<p>In progress. The CA is working with senior representatives and line staff responsible for report preparation and submission to improve communication and reduce delays related to completeness, accuracy and timely submission of reports.</p>	<p>Continued monitoring and coordination between LE agencies and County Attorney's office is required.</p>

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>2-3. Timeliness of drafting the Criminal Complaint should be further evaluated by the County Attorney's Office.</p>	<p>In progress. Use of the new Karpel Case Management v 6.5 system (used in Ramsey, Steele, Mille Lacs, Yellow Medicine Counties, and multiple municipalities, including the Cities of St. Paul and St. Cloud) is expected to help with law enforcement interface, eFiling with Courts, and case management.</p>	<p>Specific data points related to case processing and management should be identified to help fill system-wide information gaps, including recording of specific case milestones to help measure, monitor and improve case management (drafting and submission of Criminal Complaints, reducing continuances and achieving high levels of compliance with state-mandated case time intervals in case processing.</p>
<p>2-4. Law Enforcement &amp; County Attorney's Office should seek clarity on current BCA policies and procedures for the processing of different types of evidence &amp; should frequently check for changes.</p>	<p>In progress. Expectations by the BCA are communicated by BCA to all agencies and users. Additional coordination and information exchange to help improve quality and timeliness of submissions should be encouraged.</p>	<p>Opportunities for improvement in shipping methods and reductions in intervals required for receiving evidentiary results should continue to be tracked and monitored.</p>
<p>2-5. Law enforcement agencies should review internal procedures for submitting evidence to the BCA, looking at timeliness &amp; proper packaging of evidence &amp; USPS mail versus personal delivery of evidence.</p>	<p>In progress. Opportunities for improvement in shipping methods and reductions in intervals required for receiving evidentiary results should continue to be tracked and monitored.</p>	<p>Since BCA has reported that evidence is processed in the order that it is received and transmitted back to counties as results are completed, the impact of any delays in shipping should continue to be monitored.</p>
<p>2-6. The County Attorney's Office should transcribe audio recordings.</p>	<p>Not implemented for most cases, but no additional work expected. The County Attorney's office does not transcribe audio records except for murder cases, in which case, transcriptions are prepared. Also, if the case is going to trial (which occurs in less than 1% of cases), the audio record will be transcribed.</p>	<p>None at this time. Copies of audio recordings are provided on request. <b>LE DOES THIS</b></p>

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>3-1. A diversion program should be implemented in the County Attorney's Office.</p>	<p>In progress. There currently is a Restorative Justice diversion program for juveniles charged in criminal cases in Carlton County, which is used widely and is regarded as very helpful for the justice system. The new County Attorney has created a diversion program, with provisions for both traffic and felony cases, and will be finalizing the program in the near future.</p>	<p>None at this time. Additional diversion programs could be considered based on analysis of adult traffic and felony programs in 2020.</p>
<p>3-2. The County Attorney's Office should develop plea negotiation guidelines.</p>	<p>In progress. The County Attorney is working on plea parameters for more straight-forward cases such as for DWI / DUI cases.</p>	<p>None at this time. The County Attorney believes that the experience and judgment of the prosecutor is crucial for setting case-specific pleas offers for case beyond DWI / DUI, and the County Attorney expects to set case-specific plea offers for these cases for the foreseeable future.</p>
<p>3-3. A study should be performed of plea offers and outcomes.</p>	<p>Not implemented in 2019, due to the recent election of a new County Attorney and purchase / implementation of new Karpel Case Management v 6.5 system.</p>	<p>With the implementation of the new Karpel system, the County Attorney's office should consider collecting data points (including specific content from written plea offers, and final case dispositions and sentences), and additional analysis should be done in 2020 or 2021 to set a benchmark and identify issues to be addressed in the system..</p>
<p>3-4.A System of Differentiated Case Management (DCM) should be adopted.</p>	<p>Not implemented in 2019, since the NCSC study was not completed due to an inability to gain approvals for the study from the State Court Administrator's office.</p>	<p>Additional study is needed. In 2020, BKG Group recommends having the NCSC or another consultant acceptable to the District Court and State Court Administrator's Office complete a case management for Carlton County.</p>

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>3-5. A Continuance Policy should be implemented.</p>	<p>Not implemented in 2019, since the NCSC study was not completed due to an inability to gain approvals for the study from the State Court Administrator’s office. Initial data collection regarding hearings conducted in Carlton County illustrated the need for a coordinated effort between the Courts, County and CCJP to carefully collect data related to case events, dates, and results to provide appropriate data for future analyses.</p>	<p>Additional study is needed in 2020 and beyond. Initial meetings to discuss goals and objectives and reach agreement on activities associated with a study and agreement regarding what actions could / would be taken based on validated findings should be held between the County, Courts and CCJP representatives.</p>
<p>3-6. The Bench and the Court Administrator, with input from prosecution and defense attorneys, should refine the manner of scheduling Rule 8 and Omnibus Hearings.</p>	<p>Not implemented in 2019, since the NCSC study was not completed due to an inability to gain approvals for the study from the State Court Administrator’s office.</p>	<p>Additional study is needed in 2020 and beyond. The BKV GROUP Team recommends at minimum that the CCJP / Steering Committee leaders meet with key court administrative personnel and leaders in 2020 to confirm standards / quality standards regarding data recording to support future analyses.</p>
<p>3-7. A manner of scheduling rooms that are temporarily not in use or constructing partitions within existing space should be explored as a temporary relief to this chronic problem.</p>	<p>Not yet implemented in 2019, but included in the list of suggestions from the draft Master Plan Update (separate study) prepared by the BKV Group in 2019.</p>	<p>The BKV Group Team recommends that attorney/client conference rooms should be provided based on the facility guidelines published by the National Center for State Courts. Consideration also should be given to providing specific rooms/areas for attorney-attorney negotiations related to discussions near the courtrooms to help support early case disposition activities and negotiations.</p>

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>4-1. More clearly specify what a “positive screen” means in the Basic Mental Health Screen.</p>	<p>Not yet implemented. Several options were suggested to meet the intent of this recommendation, including having a review of the detainee’s mental status completed by a nurse, having an assessment completed by a psychologist or psychiatrist, or diverting to a local mental health facility such as Birch Tree.</p>	<p>We recommend the use of a general health screening tool, and the use of CMHS-M and F or the BJMHS and CMHS-F together, and a substance use screening method and tools such as the Screening, brief intervention, and referral to treatment (SBIRT) protocol developed by the Substance Abuse and Mental Health Services Administration (SAMHSA). Appropriate data collection mechanisms associated with these tools and findings can help the CCJ monitor jail population over time, and in planning a new facility.</p>
<p>4-2. Resolve the problem of false negative mental health assessments.</p>	<p>Not yet implemented, but the County has implemented the use of the SBIRT and other screening tools in her assessments, particularly when indicated by other questions asked during the screening interview.</p>	<p>Described in Follow-up Actions for Issues 4.1, above.</p>
<p>4-3. Implement a medical discharge planning format.</p>	<p>Not implemented. In a meeting with the BKV group in October 2018, Dr. Stratton clarified that this Protocol was intended to be viewed in the context of larger jail management/discharge/transition planning efforts. In fact, the implementation of a stand-alone Protocol such as this can be time and staff intensive and may be better situated in the dynamic and collaborative systems approach to interfacing with justice involved persons.</p>	<p>Moving forward, as plans for the new jail are developed, building into the screening, assessment, treatment planning, case management, and reentry processes a review of inmates’ medication history and needs can be embedded in broader efforts beyond the Discharge Planning Protocol. It is anticipated that community service agencies will inform the mental health professional about their information needs and service requirements, and these can be built into re-integration plans.</p>

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>4-3. Implement a medical discharge planning format - continued</p>		<p>Tracking the outcomes of discharge plans should be completed through regularly scheduled stakeholder meetings and quality assurance audits. I have prepared a draft logic model for such audits (see Appendix B of this reports), and the actual quality assurance questions will be also be prepared and provided to the jail administrator and assistant jail administrator.</p>
<p>4-4. Early assessment and diversion of persons coming into contact with law enforcement should be addressed.</p>	<p>Not yet implemented. Better use of the Human Development Center’s (HDC) Mobile Crisis Team and also implementation of Crisis Intervention Training (CIT) for law enforcement officers were thought to be important considerations in this regard.</p>	<p>While Mobile Crisis has been very responsive to the CCJ, the process itself requires something more than the crisis response itself: The Crisis team and the jail health / mental health personnel should see these interfaces as opportunities to collaborate in behavioral health treatment efforts. Please refer to Chapter IV, pp. IV-9 through IV-10 for additional information on our recommendations.</p>
<p>4-5. Discussions should explore how additional screening could assist the ARC in pretrial release screening and making sentencing recommendations.</p>	<p>Discussions were held. While slightly different than Dr. Beck’s original intent, importantly, in the July 2019 meetings with DPPH and CCJ administrators, I again talked about the Sequential Intercept Model and the reality that much of the work around the country of creating intercepts in a community began in the local jails, spreading earlier and later into the justice-involvement process to effect changes at those points-in-time.</p>	<p>In progress. The CCJ’s movement into gathering more comprehensive intake data will ultimately allow it to inform law enforcement in ways that can further data-supported police decision making before and/or during an arrest. While MNPAT has provided the guidelines for PTR, this information also can help shape sentences and supervision / release decisions by the Courts and in data collected by ARC for PSIs.</p>

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>4-6. Follow-up consideration of passive programming should be undertaken.</p>	<p>Program development was advised, specifically referenced using videos to “teach” six program topics, and also the use of volunteers and interns/PHHS educators to lead some programming. A current list of programs offered can be found in Appendix B to this report.</p>	<p>In progress. While space and personnel limit the menu of programs, the jail and its community partners are pushing boundaries to be able to offer even more (e.g., life skills programs, financial literacy courses (budgeting)). Additional evidence-informed programming options and educational content may be developed through the work of the social work student coming to the CCJ this fall.</p>
<p>4-7. If a new jail is constructed, the planning process should consider the behavioral and treatment environments.</p>	<p>Initial Design Criteria was presented and discussed regarding appropriate behavioral and treatment environments by the BKV Group at planning meetings.</p>	<p>In progress. Additional planning criteria should be included in the 2020 planning and design efforts for the new jail project. In addition to reviewing workspace areas for the inter-, multi-disciplinary teams that could work with inmates regarding M-BH and specific program initiatives, there will be a need for areas to support small programming, and potentially for family contact programming. This should be discussed prior to finalization of the facility program for the project.</p>
<p>4-8. Jail program staff and ARC staff should meet to identify whether a shared approach to cognitive programming is possible.</p>	<p>Discussions were held regarding providing evidence-supported programs like Decision Points,<sup>1</sup> which is already in use in some Minnesota correctional institutions, and can also be implemented by community agencies, such as the mental health agencies in the Carlton County region.</p>	<p>See Chapter 8.</p>

<sup>1</sup> <http://www.decisionpointsprogram.com>

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>4.9 The Reducing Admissions by Prevention (RAP) should continue development.</p>	<p>For a brief time in 2018, RAP was assigned to the mental health professional, Heather Giancola, to identify, through screening instruments and interviews, potentially eligible persons for this program. Given time restraints, the RAP was reassigned back to the CCJ nurse.</p>	<p>Actions in 2020. Given Ms. Compo’s other responsibilities in the CCJ, taking charge of that evaluation is probably not feasible. This may be another area of work that can be assigned to the social work student intern. Adding the intern’s name/status to the multi-jurisdiction/agency release of information form should ease the process of collecting needed data to determine intermediate and ultimate outcomes of RAP. The BKV Group has provided some suggestions for this evaluation directly to the jail administrator and Ms. Compo.</p>
<p>5-1. The County should establish a specific committee and structured process to address probation improvement.</p>	<p>Between September 2018 and January 2019, Group Five members worked with the BKV Group on the probation recommendations. Members suggested that they have been acting as the committee that was recommended in the 2017 Study. The BKV Group Team suggests that the group should revisit the 2017 Report recommendations and consider adopting the structured process that was suggested.<sup>2</sup></p>	<p>Convert Group Five into a standing committee to address probation improvement and follow the structured process described in the 2017 Report.</p>
<p>5-2. Develop a clearly articulated format / grid showing how LS/CMI scores are matched to probation recommendations to the judges.</p>	<p>Group Five concluded that LS/CMI is used throughout the state and has become an integral part of the criminal justice system, but some stakeholders may not understand it.</p>	<p>Group Five should be charged in 2020 to recommend how the LS / CMI scores and other assessments should be used / matched to probation option recommendations to judges.</p>

<sup>2</sup> Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers). p. V-3.

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
5-3. Develop criteria, agreed upon by the judges, for deciding who would be assessed by the LS / CMI and by other means.	Group Five felt that there is an informal understanding regarding the use of the LS / CMI.	Group Five should be tasked with addressing the criteria for decisions regarding who would be assessed by the LS / CMI and other means, and convene meetings with the Judiciary of the Sixth District Court
5-4. Establish clearly defined guidelines that rate severity of probation violations and match those violations to relevant responses.	In progress. An adult “Violation / Sanctioning Grid” was developed and implemented by ARC in Carlton County. Methods for cataloguing data have not been determined. Judicial input is necessary for this to move forward.	ARC representatives believe that this is a good time to move forward on this assignment, since cooperation is strong between justice system partners and there now is a full-time judge committed to Carlton County (Judge Stumme).
5-5. Track the frequency of agreement of judges with probation recommendations.	Group Five found that gauging judicial agreement with probation requirements is “very nuanced and difficult to quantify.” There also was concern that information and data to make this determination was not readily available.	Analyzing judicial agreement with historical ARC probation recommendations would be very difficult and may not be possible. Looking forward, to help confirm consistency of use of the Grid and LS / CMI tool, the BKV GROUP recommends that a research process in 2020 be structured to investigate a sample of approximately six months of recent or new cases to track frequency of agreement of judges with probation recommendations.
5-6. Track probation failures according to type of failure and their frequency and identify remedies.	Group Five noted that probation violations are currently being tracked. ARC has the capability to track both violations and remedies, but this was not a priority at this time.	The BKV Group recommends that several new data analyses related to severity of probation violations should be designed with input from Group Five, and should be developed in consultation with the Judiciary, to confirm information needed and valuable for the analyses.

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>5-7. Identify ways of improving case management and supervision of domestic violence offenders, e.g., the Duluth model of DAIP. This may require the county to provide additional probation officer support.</p>	<p>Different data sources paint different pictures in Carlton County. Table III.1 Sixth Judicial District Court Caseloads – Carlton County, presented in Chapter III, showed that domestic abuse case filings decreased from 2007 (108 cases filed) to 2018 (51 cases filed). In reviewing 2017 Admissions to the CC LEC, more than 410 instances of charges for domestic abuse, domestic assault, or violations of “No Contact Orders” were recorded for the 1,790 Admissions. In a overview sample of more than 200 admission records, 19 of 27 (approximately 70% of admissions) had only one domestic abuse charge; eight (slightly more than 30%) had multiple (2 or 3) cases. If 2/3 of the total with domestic abuse charges have one charge only, between 10% and 15% of those admitted to the CC LEC in 2017 would have had one or more domestic abuse, domestic assault / violence, or violation of “no contact order.” This is a very significant percentage in that those charged with domestic abuse or domestic assault / violence charges score higher on the MN PAT guidelines, and if they were eligible for release, they would have been more likely to be released with stringent supervision requirements.</p>	<p>Dealing with domestic abuse and domestic violence offenders is a major issue in the Carlton County system. Determining how important should be a focus of additional study in 2020. This is particularly timely and relevant in that Arrowhead Regional Corrections (ARC) has noted that the caseloads associated with Domestic Abuse are higher, and ARC reported that the current Domestic Abuse probation agent currently carries a caseload that is 25% to 30% higher than other agents in the judicial district. As a result, in July, ARC recommended that Carlton County fund an additional Full-Time agent to address the increasing domestic abuse caseload. A wide variety of methods and tools should be evaluated for possible use in Carlton County including a) the use of Vidyo to help manage caseload and b) providing Domestic Abuse Intervention Programming (DIAP) classes and programs. DIAP is located at 202 E. Superior Street, Duluth, MN.</p>

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>5-8. Use the PassPoint Substance Abuse Screener to periodically check for substance abuse, which is located in the Jail lobby.</p>	<p>The use of the PassPoint Substance Abuse Screening system has been discontinued.</p>	<p>BKV Group Team recommends that Carlton County study options in 2020 for another early screening system, and find a replacement for the PassPoint system that provides cost-effective and staff- and time-efficient screening. There has been some exploration in the area of the “sweat patch” technology by the Drug Court team. The goal for 2020 should be to consider SAMHSA recommendations and nationwide studies regarding efficacy and reliability, investigate options, and provide recommendations to the CCJP and County Board for a replacement system.</p>
<p>5-9. Work with the Jail Administrator to estimate how changes in probation practices might affect the jail population.</p>	<p>Group Five deferred to the Jail Administrator on this issue. He suggested that there is no way to predict how current or future judges might change their decisions if more jail beds were available.</p>	<p>Additional study, particularly using new capabilities in the Zuercher system, in concert with additional data collection and review, working in concert with ARC and the District Court (District-wide and in Carlton County), will be required to identify options, recommend changes, record / analyze results, and project impacts on length of stay and alternatives to incarceration (ATI). Even with data available, individual situations and cases differ widely, and jail population estimates – both short-term and long-term – will be affected by the individuals involved and case-specific information, as well as ATI programs or jail bed availability.</p>

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>6-1. ARC should explore and address the lack of understanding of the pretrial release process by members of the criminal justice system.</p>	<p>With the development and release of the MNPAT Tool by the Minnesota Judicial Branch, a range of publications and web-based explanation tools with reference materials were developed and have been made available to justice system officials and the public. These tools, together with training and coordination meetings conducted with Carlton County Justice System, help ensure that professionals, parties and the public are aware of the system, options, scoring, and decision-making.</p>	<p>The 2017 Report noted that decision-making information was provided in a text form rather than as a “praxis” – a decision making grid – as illustrated on page VI-10 of the 2017 report. While Carlton County officials reported in more recent meetings that the basis for pretrial release recommendations is better understood under MNPAT, the CCJP could support continued development of a praxis-type decision grid for MNPAT, working with the State.</p>
<p>6-2. The range of monitoring options shown in Exhibit 1 could be compared to current pretrial release program capabilities.</p>	<p>The range of monitoring options and pre-trial screening completed in Carlton County today is in accordance with MNPAT standards established by the state judicial committee. These standards clarify who qualifies for Pre-Trial Release assessments and what information can be shared with the court at the time of arraignment / first appearance. MNPAT information identifies a range of options including release on personal recognizance, unsecured bond, use of case bail or non-cash bond, supervision options, and other release conditions that can be used within the MNPAT program guidelines. The pretrial programs in use in Carlton County include the electronic monitoring capabilities of the Confinement Alternative Program (CAP). That program was staffed by only one probation officer in 2017.</p>	<p>CCJP or a selected subcommittee of the CCJP, should study and make recommendations to the Board regarding setting up pilot program in Carlton County similar to the Yellow Line Project in Blue Earth County, coordinating with representatives of the State Judiciary / Sixth District Court, Arrowhead Regional Corrections and other agencies and community providers. Recent data regarding individuals screened at the Carlton County Law Enforcement Center. This information noted that of the individuals screened between 7/24/18 and 4/17/19, 71.5% had mental health concerns, and 70.5% had chemical health concerns.</p>

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>6.2 The range of monitoring options shown in Exhibit 1 could be compared to current pretrial release program capabilities -- <i>continued</i></p>		<p>These statistics are very similar to those in Blue Earth County, where the Yellow Line Project was started in 2016. Blue Earth County officials said last year about two-thirds of inmates are screened for mental illness and addiction as a result. Of those, another two-thirds are found to be affected by at least one of those issues.” These statistics are similar to those reported for Carlton County in Chapter Four of this report. CCJP should continue to review existing and new options for Carlton County arrestees for pretrial release. In conjunction with this review, the CCJP should review PTR release outcomes (e.g., new criminal arrests (NCA) and failure to appear (FTA) rates) in conjunction with the review of programs, at least periodically (six months). Program modifications should be made if the rates are higher than desired. Importantly, the recording of data should begin immediately, so baseline results can be measured, and “before and after” improvement measurements can be captured and analyzed. This is particularly crucial in 2020 as the Carlton County system adapts / adjusts to the use of the MNPAT guidelines / requirements and finalizes decisions related to programs, capacity, and space planning for replacement of the 40-year old CC LEC.</p>

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>6-3. Automated telephone notifications and text messaging of court dates should be considered for pretrial defendants having smart phones.</p>	<p>It may be possible to use technology to reduce defendant failures to appear (FTAs) in Carlton County. A leading cause of delays and continuances are “failures to appear.” These FTAs can add high costs for parole / probation violations, and lead to additional court and justice system activities and to many potentially severe consequences for defendants. Fortunately, several products and systems have been developed to help reduce FTAs. These programs contact defendants and provide text messaging and phone reminders of court dates. Several systems are in use in various locations nationwide, and those using the systems report that FTAs can be reduced significantly.</p>	<p>With the capabilities currently available in the Minnesota court case management system, MNCIS, it may be possible to add capabilities for text messaging of court dates for pretrial defendants having smart phones, and utilize the notification feature to inform the courts that the text message was successfully received. As an alternative to adding this to the workload of the courts and court staff, the system could be designed to work with defense attorneys (either / both public and private). This is an important area for additional study / research project for Carlton County and the Sixth District Courts in 2020.</p>
<p>6-4. The PassPoint substance abuse screening system should be used.</p>	<p>Several issues arose with the Passpoint system. First, there was an early understanding that the “window of use” for detection for this system would be wider than it proved to be. This meant that defendants would have needed to use the system very frequently to achieve the CC objectives. Additionally, the system periodically was out of service or produced results that were deemed unreliable.</p>	<p>In lieu of using the Passpoint System, detection of drug use has fallen to individual urine testing by probation agents. The BKV Group Team recommends that Carlton County in 2020 study options for an early screening system, and find a replacement for cost-effective and staff- and time-efficient screening. Among options to be studied, the 2020 review should include a review of the “sweat patch” technology which has been investigated by the Carlton County Drug Court Team.</p>

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>6-5. The requirement that pretrial defendants pay for additional substance abuse screening should be dropped. This may be a budget issue that the county might need to cover.</p>	<p>In Carlton County, the charges for certain substance abuse screening, including certain urinalysis testing, have been passed on to defendants as a cost of supervision.<sup>3</sup> This was done in part since pretrial release or probation / parole options were to be understood as a privilege, not a right, and by accepting the conditions, the defendant has responsibilities as well as benefits related to release. In practice, there has been a recognition that some defendants could not readily afford these costs, particularly if testing was required several times per week.</p>	<p>This should be a topic for additional study in 2020. Statistics from reviews of specific cases from Arrowhead Regional Corrections and the District Court should be compiled and analyzed. The study should be structured to review in detail historic records and/or to develop a forward-looking profile capturing specific data to evaluate the frequency of testing, FTA or NCA data, and costs of testing. Among study goals should be the objective of developing recommendations regarding payment options for testing considering costs / benefits of policies, practices and options for release and monitoring compared to incarceration.</p>
<p>6-5. [2] ARC and the county should consider dropping the requirement that pretrial defendants pay for electronic monitoring as specified in ARC’s policies and procedures on PTR.</p>	<p>Per ARC, there currently exists limited funding for qualifying high-risk pretrial offenders. Electronic monitoring (EM) services are contracted and available based on provider availability which most frequently occurs within 24 hours (excluding weekends and holidays). Pretrial programs in use in Carlton County include the electronic monitoring capabilities of the Confinement Alternative Program (CAP). That program was staffed by only one probation officer in 2017. The Sheriff’s Office currently pays for some defendants involved in the CAP Program.</p>	<p>This also should be a topic for additional study in 2020, The study should be structured to review historic records and/or to develop a forward-looking profile capturing specific data to evaluate trends in the use of EM, and to confirm whether or not payment for EM affects likelihood of use of EM, effectiveness of the use of EM (related to FTA / NCA data), and relative costs / benefits of use of EM options for release and monitoring compared to incarceration for both pretrial and sentenced defendants.</p>

<sup>3</sup> See Arrowhead Regional Corrections POLICY 11.11 -- The defendant shall be responsible for all associated costs of the program. Example - EM, U/A, treatment, etc. (See ARC policies in Appendix 6-2 of the 2017 Report.)

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>6-6. ARC should perform pretrial assessments and provide recommendations for release seven days a week, including holidays</p>	<p>Through the use of the MNPAT system, release recommendations are provided on a 24/7/365 day / year basis. Where there are any issues, the Sheriff’s Office contacts court personnel for direction.</p>	<p>None at this time.</p>
<p>6-7. The scheduled time for initial appearance/arraignment should be moved to the afternoon to allow time for ARC to complete interviews and perform the additional needed assessments.</p>	<p>The 2017 Report raised the possibility of using a court calendar realignment --moving the scheduled time for initial appearance / arraignment to the afternoon -- to help provide time for processing in hopes of reducing in-custody jail days. The goal of making this change would be to help mitigate the negative impacts of holding in-custody defendants in jail, and to reduce costs associated with unnecessary delay in case processing.</p>	<p>Since the publication of the 2017 Report, the Carlton County justice system agencies and courts formally and informally adjusted: a) in response to legislative and state-wide initiative; and b) in response to process-improvement efforts focused on case management of criminal cases for in-custody defendants. Due to the recent adjustments made in the CC system, additional study conducted in 2020 would be required and should examine review options including: a) no change; b) having two settings (small / large); and c) shifting IA / A hearings to the afternoon. Please refer to pp. VI 14 to VI 16 for considerations for additional study in 2020.</p>
<p>6-8. The Court Administrator should determine how to provide judicial coverage for weekends and holidays. In some jurisdictions this is accommodated by a Pro Tem Judge funded by the county.</p>	<p>Providing judicial coverage for weekends and holidays was reviewed by the CCJP and at this time was felt to be cost-prohibitive.</p>	<p>No additional study at this time.</p>

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>6-9. The <b>MNPAT</b> report should be made available, electronically, to the court, County Attorney, and defense counsel before court.</p>	<p>According to ARC, under the new process, the MNPAT score and the Form “Minnesota Pretrial Release Evaluation Form” on all eligible offenders are being provided to the court and attorneys prior to their first hearing (arraignment) electronically. Only on rare occasions when the court allows a walk-in appearance under short notice is there a chance the score may not be determined and shared prior to appearance. In these cases, the score always is completed the same day following that hearing.</p>	<p>ARC has commented that the MNPAT score and the Form “Minnesota Pretrial Release Evaluation Form” can’t be provided earlier at this time, but in the future, if facilities provide more interview areas / better areas in the Intake / Transfer / Release Area, the information might be able to be provided more quickly. Completion of the assessment is also dependent upon the availability to meet with the offender in jail which is coordinated on a first come / first serve basis by the jail due to limited visiting space.</p>
<p>6-10. The judicial decision on any and all release options should be made at the initial appearance/arraignment.</p>	<p>According to ARC, currently this should and typically does happen. On some occasions, this may not happen as the court and parties are looking for more information, but this is atypical.</p>	<p>This should be tracked, possibly by CC directly, depending on the information collected and provided by the State MNPAT reports.</p>
<p>Regarding 6-11 (a) Monetary bail ...</p>	<p>Per ARC: MN PAT governs.</p>	<p>This could be tracked in 2020 if desired by the County / CCJP.</p>
<p>Regarding 6-11 (b) Monetary bonds used for defendants not released on PTR ...</p>	<p>Per ARC: MN PAT governs. The BKV Group collected available information through the 2017 Admission Study, but it was not complete, so it is not clear what the impact of not allowing cash bond release would be on the population.</p>	<p>This could be studied in 2020. Due to capability and flexibility, Zuercher<sup>i</sup> system should / could be used to provide analytical data, including information regarding bond / pre-trial release amounts, and FTA / NCA information could be tracked on an individual and case basis. The County should work with the District Courts to confirm capabilities of the MN Court System, MNCIS, for data access or searches to potentially save input time / effort.</p>

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
<p>6-12. Electronic monitoring for highest risk pretrial defendants should be provided on a 24/7 basis. This may require extra staff coverage. The cost of this should be covered by the county.</p>	<p>Per ARC, there currently exists limited funding for qualifying high-risk pretrial offenders. Electronic monitoring (EM) services are contracted and available based on provider availability which most frequently occurs within 24 hours (excluding weekends and holidays). The Sheriff’s Office currently pays for some defendants involved in the CAP Program. The funding is restricted to CAP participants on EM where the only high-risk issues is that the program needs to verify locations and movement.</p>	<p>Recent data shows that the EM usage has dropped, as the system today is now dealing with even higher risk people, and there are fewer defendants that qualify under program requirements. This is not a service provided internally. ARC reviewed several providers before committing to the current provider (Midwest Monitoring). Regarding 24/7 basis, ARC is unaware of any provider that can meet the expectation that EM services could reliably be provided within 2-4 hours of court appearance. In 2020 if additional study is considered, the option of running the EM system through the Sheriff’s Office directly could be investigated.</p>
<p>6-13. A strategy should be developed for notifying victims promptly, in light of the revised procedures for one-day processing of defendants.</p>	<p>Per ARC, efforts to contact the victim are made consistent to MNPAT standards. Efforts are made by ARC to contact the victim directly or through victim services prior to arraignment.</p>	<p>ARC should be doing the victim notification related to MNPAT requirements; the jail does victim notification of release when a defendant is released from custody. In the future, it is assumed that ARC will be doing victim notification. Tracking of notifications should be discussed with ARC and monitored under MNPAT.</p>
<p>6-14. All defendants except those being held for other counties, and serious violators of pretrial release, should be considered for pretrial release. Exclusion criteria should be reviewed in light of expansion of monitoring options.</p>	<p>Per ARC, all Pretrial release decisions are made in accordance to MNPAT standards. All defendants – except those being held for other counties and serious violators of pretrial release – are considered for pretrial release.</p>	<p>This should be monitored and tracked in 2020 to develop baseline statistics regarding pretrial release under MNPAT.</p>

RECOMMENDATIONS	PROGRESS TOWARD IMPLEMENTATION	FOLLOW-UP ACTIONS
6-14 - continued	The in-custody roster gets reviewed by ARC weekly to make certain all offenders have been considered for pre-trial release and all post-sentenced offenders are being routed to treatment services other than the jail if eligible (NERC, FOP, CD Programs, etc.).	
6-15. All defendants released to the PTR program should be out-processed from jail on the same day, e.g., informed of release conditions and, if required, affixed with an EM device.	ARC policy indicates “All reasonable attempts” must be made to release within 24 hours’ time (including weekends and holidays). According to ARC, at this time, releases are being made almost every time. The only additional factor that may delay a release is verification of reported available housing.	This should be monitored and tracked in 2020 to develop baseline statistics regarding pretrial release under MNPAT.
6.16 Staffing support for out-processing should be assessed in light of the total change being recommended. PTR staff schedules, also, may need to be adjusted.	PTR release outcomes (e.g., NCA and FTA rates) should be evaluated at least periodically (six months) by the CJS players. Program modifications should be made if the rates are higher than desired. The recording of these data should, also, begin immediately so a “before and after” improvement analysis can be performed.	This should be monitored and tracked in 2020 to develop baseline statistics regarding pretrial release under MNPAT.

<sup>i</sup> Regarding Zuercher: September 5, 2018: Superior, TriTech, Zuercher, and Apteau’s Public Sector Business merge to form CentralSquare Technologies. With over 7,500 clients and nearly 2,000 employees, CentralSquare Technologies will have the #1 market position in public safety software and the #2 market position in public administration software.

Lake Mary, Fla., – September 5, 2018 — Created by the merger of four innovative software businesses, CentralSquare Technologies launched today as an industry leading provider of public sector software. The completed merger brings together the capabilities of Superior, TriTech Software Systems along with Zuercher Technologies, and the public sector and healthcare business of Apteau. CentralSquare today provides technology solutions that help over 7,500 public sector agencies deliver vital safety and administrative services to 3 out of every 4 residents of the U.S. and Canada. CentralSquare’s mission is to innovate on behalf of the public sector to create the broadest and most agile software platform to help solve some of the most pressing issues facing local governments today.

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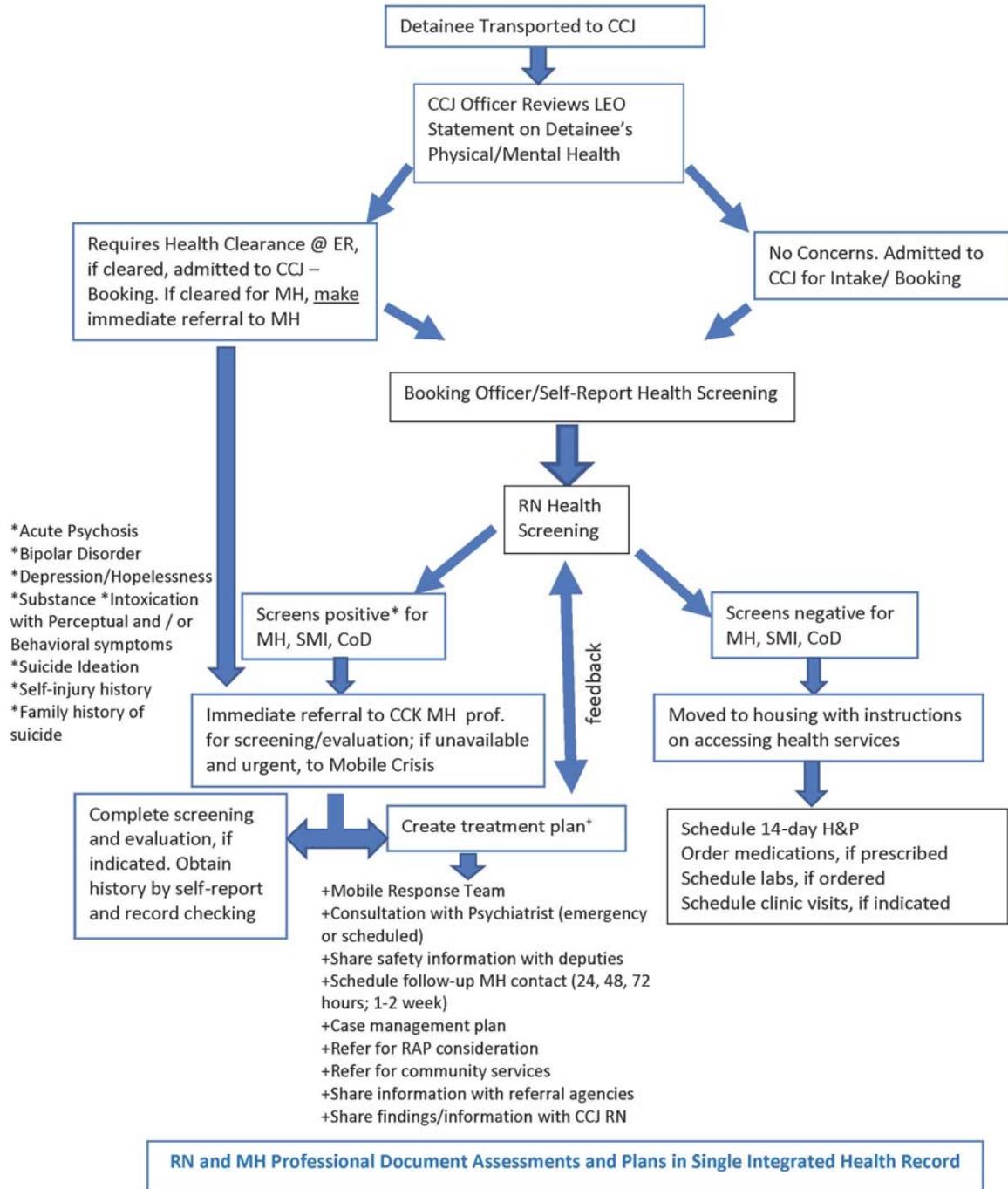
The formation of CentralSquare Technologies comes at a critical time in the public sector. The number of law enforcement personnel and local government employees across North America has increased by less than 0.05% in the past decade. However, public safety concerns, such as active-shooter incidents have increased by over 30 times since 2000. And, wildfires such as the recent one in British Columbia have destroyed more than a million acres in 2018 alone. This is also coupled with rising citizen demands, such as the expectation to have immediate, seamless interactions with local government. In such an environment of increasing demands and limited resources, it becomes critical to rapidly deploy smart technologies, incorporating recent advances in cloud-based solutions, Internet of Things (IoT), and artificial intelligence/machine learning which can have a multiplier effect on the work done by public sector agencies.

## APPENDIX B – CHAPTER FOUR ATTACHMENTS [B/MH]

The following attachments to Chapter Four are included in this Appendix B to the Final Report.

- Proposed Internal Triage System (flowchart) – referenced on Page IV- 7, Chapter Four, in response to Item 4.2.
- Draft Carlton County Mental Health Screening Form – referenced on Page IV- 9, Chapter Four, in response to Item 4.2. This form was based on ideas generated by jail administrator Paul Coughlin and mental health professional Heather Giancola and her supervisor, Annie Napoli (DPHS), and on evidence supported screening practices in jails across the country
- Draft Logic Model for Quality Assurance Audits – referenced on page IV-8, Chapter Four, in response to Item 4.3.
- Sequential Intercept Model, (Munetz and Griffin (2006). © Policy Research Associates – Advancing Community-Based Solutions for Justice-Involved People with Mental and Substance Use Disorders. Reprinted here for simple reference only. Source: (Munetz and Griffin (2006). Accessed from: <https://www.prainc.com/wp-content/uploads/2018/06/PRA-SIM-Letter-Paper-2018.pdf>. Referenced on page IV-10, Chapter Four, in response to Item 4.5.
- Example Uniform Release of Information Form: referenced on page IV-10: An example form that was approved and widely used in Douglas County, Kansas to facilitate in jail treatment, transition planning and reentry programming, was provided as a working model.
- Working Version of the Carlton County Uniform Release of Information Form, referenced on page IV-11. Source: Heather Giancola
- Jail Program Schedule. Source: Heather Giancola
- Communication to Inmate from Jail Social Worker – Re-Entry Planning Form. Source: Heather Giancola.
- Quick Reference Phone List. Source: Heather Giancola.
- Follow-up Form. Source; Heather Giancola. Referenced on page IV-12, Chapter Four, in response to Item 4.7.

**Proposed Internal Triage System (flowchart)**



**CARLTON COUNTY JAIL: BEHAVIORAL HEALTH SCREENING**

Date Booked :07/23/19

Date Screened:7/24/19

Screening Status: Released before Meeting			
Inmate Name: Any Name	Date of Birth: 00/00/2020	SSN: 123456789	Gender:
Carlton/FDL CFR? No	Phone:	County:	
Local Address:	Race: (Tribal Affiliation): Other		
Probation/Parole: No	RAP: No	Drug Court: No	
Demographics Edits:			

**STEP ONE: CURRENT INFORMATION**

**A. Mental Health**

Question	Answer
1. Have you ever received any a mental health diagnosis?	No
2. Have you ever or are you currently receiving any of these service(s)?	
3. Have you ever or are you currently being prescribed medications for mental health?	No
4. Have you ever been hospitalized for stress or any other mental health reason?	No
5. Have you ever received a head injury or experienced a seizure?	No
<i>(Notes about Diagnosis, Medications, Prescriber, Hospitalization details, Brain Disorder details):</i> denied all	

**B. Suicide Risk / Risk Reduction**

Question	Answer
1. Are you currently thinking about suicide?	No
2. Have you ever experienced suicidal ideation (thoughts you would be better off dead)?	No
3. Have you ever attempted suicide?	No
4. Has any family member or significant person in your life completed or attempted suicide?	No
<i>(Notes about current S-I Plan, Previous thoughts, attempt(s) details, Family history):</i>	

**C. Substance Use**

Question	Answer
1. Do you currently use alcohol and/or drugs?	No
2. Have you ever experienced symptoms of withdrawal when not using alcohol or drugs?	No
3. Have you ever received treatment for the use of alcohol and/or drugs?	No
4. Have you had a CUA/Rule 25 in the past 6 Months?	No
<i>(Notes about drug/alcohol use, Withdrawal symptoms, Recent SUD Assessment):</i>	

**D. Additional Information**

Question	Answer
1. Are you receiving/ever received any disability services or status (SSA, SMRT, VA, etc.)?	No
2. Have you spent any time in the Military?	No
3. Are you Homeless?	No
4. On most days during the month prior to this jail admission, where were you sleeping? (all that apply)	
Comments:	

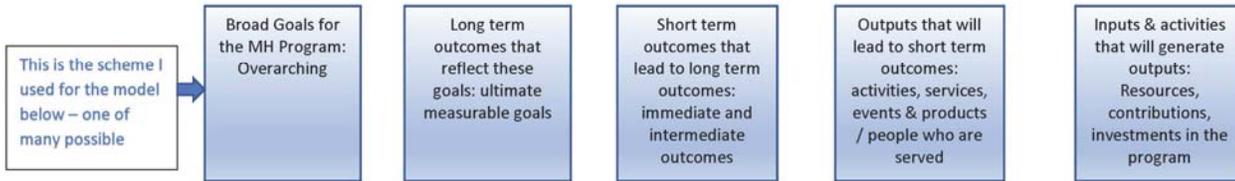
**E. SCREENER OBSERVATIONS: Does Detainee Appear to be experiencing any signs or symptoms?**

Comments:
-----------

**DISPOSITION and PLAN**

1. Does the Brief Jail Mental Health Screen (BJMHS) indicate the need for mental health services?	No
2. Does the Health Screen indicate the need for mental health services?	No
3. Have arresting and/or CCJ officers expressed concerns about the detainee's mental condition?	No
4. Does this person need to be seen for an outside professional evaluation/Crisis Response Team visit?	No
5. Does the SBIRT (DAST/AUDIT screens) indicate the need for substance use services?	No
Notes:	
<b>A. INTERVENTIONS/REFERRALS:</b>	
Further mental health evaluation/assessment recommended (see notes)	No
Refer for psychiatric evaluation	No
Consultation with facility nurse	No
Place an "alert" in Zuercher	No
Special watch/housing needed: Consultation with facility administration (type)	No
*Referral for services in the community at release (See Comments)	No
*Consultation with Community Collateral with consent from individual (See Comments)	No
<b>B. Information provided to detainee regarding accessing mental health services in CCJ</b>	No
<b>C. Release of information form presented and signed by detainee</b>	No
<b>D. Provided Informational Handout to detainee</b>	No
<b>RE-ENTRY PLAN Comments &amp; Recommendations:</b>	
Signature of Screener: Heather Giancola, MSW, LGSW	Date

**Sample Logic Model for Quality Assurance Audits**



<p><u>Program and Organizational Inputs:</u></p> <ul style="list-style-type: none"> <li>• Mental Health Professional</li> <li>• Jail Nurse</li> <li>• Booking Officers</li> <li>• Housing Officers</li> <li>• Program Officer</li> <li>• LE Agencies</li> <li>• DPPH</li> <li>• Community Services</li> <li>• Screening Instruments</li> <li>• Databases</li> </ul>	<p><u>Program Outputs: Activities</u></p> <ul style="list-style-type: none"> <li>• Health and MH Screening within 24 hours of admission</li> <li>• On indication, MH evaluation</li> <li>• Referrals for psychiatry</li> <li>• Case management</li> <li>• Crisis response</li> <li>• Prescriptive and medication management</li> <li>• In jail/in community restoration to competency services</li> <li>• Treatment / transition plans</li> <li>• Reentry program</li> <li>• Diversion programs</li> </ul>	<p><u>Program Outputs: Participants</u></p> <ul style="list-style-type: none"> <li>• All detainees</li> <li>• Existing incarcerated persons</li> <li>• CCSO jail staff</li> <li>• Carlton County LE agencies</li> <li>• DPPH</li> <li>• Community service providers and agencies</li> <li>• Attorneys</li> </ul>	<p><u>Short Term Outcomes</u></p> <ul style="list-style-type: none"> <li>• Every detainee screened</li> <li>• Data collected on numbers of detainees with SMI, MI, Co-Ds and on suicide behaviors (threat, gesture, attempt, death)</li> <li>• Treatment &amp; transition plans initiated @ intake</li> <li>• Releases of information signed @ intake</li> </ul>	<p><u>Long Term Outcomes</u></p> <ul style="list-style-type: none"> <li>• Improved medication understanding &amp; compliance</li> <li>• Improved treatment engagement</li> <li>• Increased time between law enforcement contacts and jail admissions</li> <li>• Improved linkages and connections with community service providers</li> </ul>	<p><u>Goals</u></p> <ul style="list-style-type: none"> <li>• Fewer persons with SMI &amp; Co-Ds incarcerated</li> <li>• Systematic &amp; seamless assessment and referral processes</li> <li>• Reduced recidivism among those with SMI &amp; Co-Ds</li> <li>• Robust data and analytic system = on demand report capability</li> <li>• Facility design that furthers care and treatment of persons with SMI, MI and Co-Ds.</li> </ul>
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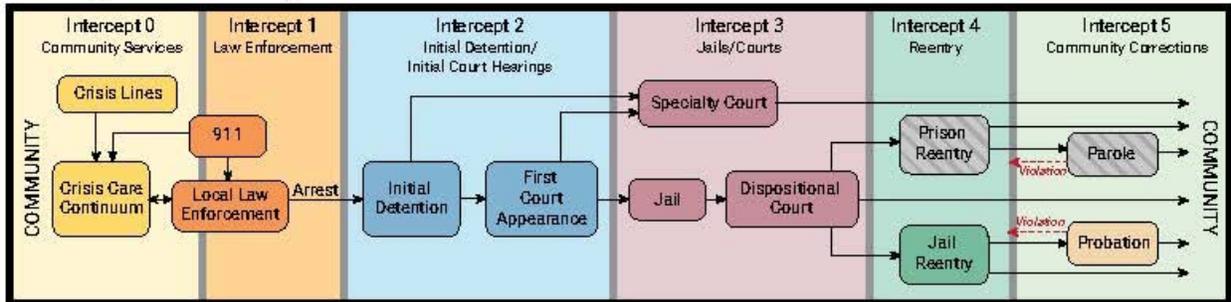
Severson Draft Logic Model 01/10/2019 – Edit content at will!

# THE SEQUENTIAL INTERCEPT MODEL

Advancing Community-Based Solutions for Justice-Involved People with Mental and Substance Use Disorders



## The Sequential Intercept Model



### Key Issues at Each Intercept

#### Intercept 0

**Mobile crisis outreach teams and co-responders.** Behavioral health practitioners who can respond to people experiencing a behavioral health crisis or co-respond to a police encounter.

**Emergency Department diversion.** Emergency department (ED) diversion can consist of a triage service, embedded mobile crisis, or a peer specialist who provides support to people in crisis.

**Police-friendly crisis services.** Police officers can bring people in crisis to locations other than jail or the ED, such as stabilization units, walk-in services, or respite.

#### Intercept 1

**Dispatcher training.** Dispatchers can identify behavioral health crisis situations and pass that information along so that Crisis Intervention Team officers can respond to the call.

**Specialized police responses.** Police officers can learn how to interact with individuals experiencing a behavioral health crisis and build partnerships between law enforcement and the community.

**Intervening with super-utilizers and providing follow-up after the crisis.** Police officers, crisis services, and hospitals can reduce super-utilizers of 911 and ED services through specialized responses.

#### Intercept 2

**Screening for mental and substance use disorders.** Brief screens can be administered universally by non-clinical staff at jail booking, police holding cells, court lock ups, and prior to the first court appearance.

**Data matching initiatives between the jail and community-based behavioral health providers.**

**Pretrial supervision and diversion services to reduce episodes of incarceration.** Risk-based pre-trial services can reduce incarceration of defendants with low risk of criminal behavior or failure to appear in court.

#### Intercept 3

**Treatment courts for high-risk/high-need individuals.** Treatment courts or specialized dockets can be developed, examples of which include adult drug courts, mental health courts, and veterans treatment courts.

**Jail-based programming and health care services.** Jail health care providers are constitutionally required to provide behavioral health and medical services to detainees needing treatment.

**Collaboration with the Veterans Justice Outreach specialist from the Veterans Health Administration.**

#### Intercept 4

**Transition planning by the jail or in-reach providers.** Transition planning improves reentry outcomes by organizing services around an individual's needs in advance of release.

**Medication and prescription access upon release from jail or prison.** Inmates should be provided with a minimum of 30 days medication at release and have prescriptions in hand upon release.

**Warm hand-offs from corrections to providers increases engagement in services.** Case managers that pick an individual up and transport them directly to services will increase positive outcomes.

#### Intercept 5

**Specialized community supervision caseloads of people with mental disorders.**

**Medication-assisted treatment for substance use disorders.** Medication-assisted treatment approaches can reduce relapse episodes and overdoses among individuals returning from detention.

**Access to recovery supports, benefits, housing, and competitive employment.** Housing and employment are as important to justice-involved individuals as access to behavioral health services. Removing criminal justice-specific barriers to access is critical.

## Implementing Intercept 0

### Crisis Response

Crisis response models provide short-term help to individuals who are experiencing behavioral health crisis and can divert individuals from the criminal justice system. Crisis response models include:

- Certified Community Behavioral Health Clinics
- Crisis Care Teams
- Crisis Response Centers
- Mobile Crisis Teams

### Police Strategies

Proactive police response with disadvantaged and vulnerable populations are a unique method of diverting individuals from the criminal justice system. Proactive police response models include:

- Crisis Intervention Teams
- Homeless Outreach Teams
- Serial Inebriate Programs
- Systemwide Mental Assessment Response Team

## Sequential Intercept Model as a Strategic Planning Tool

The **Sequential Intercept Model** is most effective when used as a community strategic planning tool to assess available resources, determine gaps in services, and plan for community change. These activities are best accomplished by a team of stakeholders that cross over multiple systems, including mental health, substance use, law enforcement, pretrial services, courts, jails, community corrections, housing, health, social services, people with lived experiences, family members, and many others. Employed as a strategic planning tool, communities can use the **Sequential Intercept Model** to:

1. Develop a comprehensive picture of how people with mental and substance use disorders flow through the criminal justice system along six distinct intercept points: (0) Community Services, (1) Law Enforcement, (2) Initial Detention and Initial Court Hearings, (3) Jails and Courts, (4) Reentry, and (5) Community Corrections
2. Identify gaps, resources, and opportunities at each intercept for adults with mental and substance use disorders
3. Develop priorities for action designed to improve system and service level responses for adults with mental and substance use disorders

## Policy Research Associates

We are a national leader in behavioral health services research and its application to social change. Since 1987, we have assisted over 200 communities nationwide through a broad range of services to guide policy and practice.

We conduct meaningful, quality work through evaluation and research, technical assistance and training, and facilitation and event planning to improve the lives of people who are disadvantaged. We strive to make an impact in the field and promote a positive work environment.

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[www.prainc.com](http://www.prainc.com)



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/PolicyResearchAssociates/

## History and Impact of the Sequential Intercept Model

The Sequential Intercept Model (SIM) was developed over several years in the early 2000s by Mark Munetz, MD and Patricia A. Griffin, PhD, along with Henry J. Steadman, PhD, of Policy Research Associates, Inc. The SIM was developed as a conceptual model to inform community-based responses to the involvement of people with mental and substance use disorders in the criminal justice system.

After years of refinement and testing, several versions of the model emerged. The "linear" depiction of the model found in this publication was first conceptualized by Dr. Steadman of PRA in 2004<sup>1</sup> through his leadership of a National Institute of Mental Health-funded Small Business Innovative Research (SBIR) grant awarded to PRA. The linear SIM model was first published by PRA in 2005<sup>2</sup> through its contract to operate the GAINS Center on behalf of the Substance Abuse and Mental Health Services Administration (SAMHSA). The "filter" and "revolving door" versions of the model were formally introduced in a 2006 article in the peer-reviewed journal *Psychiatric Services* authored by Drs. Munetz and Griffin<sup>3</sup>. A full history of the development of the SIM can be found in the book *The Sequential Intercept Model and Criminal Justice: Promoting Community Alternatives for Individuals with Serious Mental Illness*<sup>4</sup>.

With funding from the National Institute of Mental Health, PRA developed the linear version of the SIM as an applied strategic planning tool to improve cross-system collaborations to reduce involvement in the justice system by people with mental and substance use disorders. Through this grant, PRA, working with Dr. Griffin and others, produced an interactive, facilitated workshop based on the linear version of the SIM to assist cities and counties in determining how people with mental and substance use disorders flow from the community into the criminal justice system and eventually return to the community.

During the mapping process, the community stakeholders are introduced to evidence-based practices and emerging best practices from around the country. The culmination of the mapping process is the creation of a local strategic plan based on the gaps, resources, and priorities identified by community stakeholders.

Since its development, the use of the SIM as a strategic planning tool has grown tremendously. In the 21st Century Cures Act<sup>5</sup>, the 114th Congress of the United States of America identified the SIM, specifically the mapping workshop, as a means for promoting community-based strategies to reduce the justice system involvement of people with mental disorders. SAMHSA has supported community-based strategies to improve public health and public safety outcomes for justice-involved people with mental and substance use disorders through SIM Mapping Workshop national solicitations and by providing SIM workshops as technical assistance to its criminal justice and behavioral health grant programs. In addition, the Bureau of Justice Assistance has supported the SIM Mapping Workshop by including it as a priority for the Justice and Mental Health Collaboration Program grants.

With the advent of Intercept 0, the SIM continues to increase its utility as a strategic planning tool for communities who want to address the justice involvement of people with mental and substance use disorders<sup>6</sup>.

- 1 Steadman, H.J. (2007). NIMH-SBIR Adult Cross-Training Curriculum (AXT) Project – Phase II Final Report. Delmar, NY: Policy Research Associates. (Technical report submitted to NIMH on 3/27/07)
- 2 National GAINS Center. (2005). Developing a comprehensive state plan for mental health and criminal justice collaboration. Delmar, NY: Author.
- 3 Munetz, M.R., & Griffin, P.A. (2006). Use of the sequential intercept model as an approach to decriminalization of people with serious mental illness. *Psychiatric Services*, 57, 544-549. DOI: 10.1176/ps.2006.57.4.544
- 4 Griffin, P.A., Heilbrun, K., Mulvey, E.P., DeMatteo, D., & Schubert, C.A. (Eds.). (2015). *The sequential intercept model and criminal justice: Promoting community alternatives for individuals with serious mental illness*. New York: Oxford University Press. DOI: 10.1093/med.psych/9780199826759.001.0001
- 5 21st Century Cures Act, Pub. L. 114-255, Title XIV, Subtitle B, Section 14021, codified as amended at 41 U.S.C. 3797aa, Title I, Section 2991
- 6 Abreu, D., Parker, T.W., Noether, C.D., Steadman, H.J., & Case, B. (2017). Revising the paradigm for jail diversion for people with mental and substance use disorders: Intercept 0. *Behavioral Sciences & the Law*, 35, 380-395. DOI: 10.1002/bsl.2300

**Carlton County**  
**Public Health and Human Services**  
**DATA PRACTICES**  
**PRIVACY RIGHTS NOTICE**

This notice tells you about your rights under the Minnesota Government Data Practices Act (DPA) and the Federal Health Insurance Portability and Accountability Act (HIPAA). These Acts (Laws) protect your privacy and also allow us to give information about you to others if a law requires it. This Notice tells why and when we will ask for and give information about you. It applies to all future contacts you may have with our agency. Those contacts may be in person, by postal mail, e-mail, or on the telephone. Agency staff can explain any additional requirements.

**1. Why Do We Ask You For Information?**

We may ask you for information so we may:

- Differentiate you from other persons by the same or similar name.
- Decide if you can receive money or services from us and what or how much you can receive.
- Help you to get medical, mental health, financial, public health, or social services.
- Collect money from the state or federal government for help we can give you.
- Decide if you can pay for any help you receive.
- Make reports, do research, audit and evaluate our programs.
- Investigate reports of people who may falsify the help they need.
- Decide about out-of-home care and in-home care for you or your children.
- Collect money from other agencies, like insurance companies, if they are responsible to pay you for services.
- Decide if you or your family needs protective services.

**2. Do You Have To Answer The Questions We Ask?**

Generally the law does not say you have to give us this information. Federal law requires that you give us your Social Security number if you want financial help or child support enforcement services.

**3. What Will Happen If You do Not Answer the Question We Ask?**

We need information about you to determine if you can get help from any program. Without certain information, we may not be able to help you. Or, we may be able to help you, but the help may be late or insufficient. Giving us wrong information purposefully may result in our investigating and charging you with fraud.

**4. With Whom May We Share The Information About You?**

We may give information about you to the below-listed organizations, if they need it for investigations, or to help you, or help us help you.

This does not mean we always share information about you with these organizations. It only says that there is a law that says we may share data with these organizations (sometimes the law says we must share certain information).

**Federal Organizations**

- |   |  |
|---|--|
| <input type="checkbox"/> U.S. Department of Agriculture               | <input type="checkbox"/> Social Security Administration          |
| <input type="checkbox"/> U.S. Department of Health and Human Services | <input type="checkbox"/> U.S. Department of Labor                |
| <input type="checkbox"/> Internal Revenue Service                     | <input type="checkbox"/> Immigration & Naturalization Service    |
| <input type="checkbox"/> Attorney General                             | <input type="checkbox"/> Center for Medicare & Medicaid Services |

**State Organizations**

- |   |  |
|---|--|
| <input type="checkbox"/> Minnesota Department of Human Services   | <input type="checkbox"/> Minnesota Regional Treatment Centers                              |
| <input type="checkbox"/> Minnesota Department of Public Safety    | <input type="checkbox"/> Minnesota Department of Labor & Industry                          |
| <input type="checkbox"/> Minnesota Department of Revenue          | <input type="checkbox"/> Minnesota Department of Economic Safety                           |
| <input type="checkbox"/> Minnesota Department of Veterans Affairs | <input type="checkbox"/> Minnesota Department of Human Rights                              |
| <input type="checkbox"/> Minnesota Historical Society             | <input type="checkbox"/> Ombudsman for Mental Health & Developmental Disabilities Services |
| <input type="checkbox"/> Minnesota Department of Health           |  |
| <input type="checkbox"/> Minnesota Office of State Auditor        |  |

**County Organizations**

- |   |   |
|---|---|
| <input type="checkbox"/> Other County Human Services Agencies       | <input type="checkbox"/> County Welfare or Human Services Board |
| <input type="checkbox"/> County Attorney                            | <input type="checkbox"/> County Child & Adult Protection        |
| <input type="checkbox"/> County Housing and Redevelopment Authority |   |

**Other Departments**

- |  |  |
|--|--|
| <input type="checkbox"/> Mental Health Centers                             | <input type="checkbox"/> Insurance Companies   |
| <input type="checkbox"/> Hospitals & Medical Clinics                       | <input type="checkbox"/> Collection Agencies   |
| <input type="checkbox"/> Credit Bureaus                                    | <input type="checkbox"/> Others Who May Pay for Your Care  |
| <input type="checkbox"/> Higher Education Coordinating Board               | <input type="checkbox"/> Ombudsman for Families  |
| <input type="checkbox"/> Law Enforcement Officials                         | <input type="checkbox"/> Guardians, Conservators, or Persons with Power of Attorney Responsibility |
| <input type="checkbox"/> Community Food Shelves or Surplus Food Programs   | <input type="checkbox"/> Local Health Departments  |
| <input type="checkbox"/> School and Other Institutions of Higher Education | <input type="checkbox"/> Employees or Volunteers of any Welfare Agency                             |
| <input type="checkbox"/> American Indian Tribes                            |  |

- |  |   |
|--|---|
| <input type="checkbox"/> People Who Investigate Child & Adult Protection | <input type="checkbox"/> Court Officials  |
| <input type="checkbox"/> Fraud Prevention and Control Units              | <input type="checkbox"/> Coroners and Medical Examiners                                     |
| <input type="checkbox"/> Member Agencies of a Local Collaborative        | <input type="checkbox"/> Anyone else with whom the law may require us to share information. |

**5. Immigration Information**

Immigration information given as a part of any application is private and confidential. Information will only be used for eligibility determinations and program administration. If you are applying for emergency services, you do not need to give us information about your immigration status. Non-immigrant or undocumented people who are pregnant, under age 18, age 65 and over, or people with disabilities, may also be eligible without providing immigration information.

**6. You Have The Right To Information We Have About You**

You may ask if we have any information about you. If we have information about you, you may ask for copies. You may have to pay for the copies. You may give other people written permission to see and have copies of private data about you. If the information is unclear, you may ask to have it explained to you.

- You may question the accuracy of any information we have about you.
- You have the right to ask us to share health information with you in a certain way or in a certain place. For example, you may ask us to send health information to your work address instead of your home address. You must make this request in writing. You do not have to explain the basis for your request. If we find that your request is reasonable, we will grant it.
- You can ask us to restrict uses or disclosures of your health information. Your request must be in writing. You must explain what restriction at any time by calling us or by writing to us. We are not required to agree to your restriction.
- You have the right to receive a record of the people or organizations that we have shared information with. We must keep a record of each time we share your health information for six years from the date it was shared. This record will be started on April 14, 2003. It will NOT include those times when we have shared your information in order to treat you, pay or bill for your health care services, or to run our programs. If you want a copy of this record, you must send a request in writing to our Privacy Official, the Director of Carlton County Human Services Agency.
- If you do not understand this information, you may ask to have it explained to you.

**7. What Privacy Rights Do Children Have?**

By law, if you are under 18, your parents may see data about you and authorize others to see this data, unless you have asked that this information not be shared with your parents. You must make this request in writing to our Privacy Official and say what data you want withheld and why. If the agency agrees with you that not sharing the data would be in your best interest, we will not share the data with your parents. If we don't agree with you, the data will be shared with your parents, if they ask for it. When parental consent for medical treatment is not required, information will not be shown to parents, unless the health care provider believes failing to share the information would jeopardize your health.

**8. How Do You Appeal If You Think Information Is Not Accurate or Complete?**

Your objection must be in writing and be sent to the Director of this Agency. You must tell us why the information is not accurate or complete, you may send your own explanation of the facts with which you disagree. Your explanation will be attached any time that information is shared with another agency.

If you believe that your health information privacy rights have been violated, you may file a complaint. Write to the Minnesota Department of Human Services, or to the U.S. Department of Health and Human Services, at the address listed below. We cannot deny you services or treat you poorly because you have filed a complaint against us.

Privacy Official  
Minnesota Department of Human Services  
444 Lafayette Road North  
St. Paul, MN 55155-3813  
Phone: 651-296-5764

Office of Civil Rights  
Medical Privacy, Complaint Division  
U.S. Department of Health & Human Services  
200 Independence Avenue, SW, HHH Bldg, Rm 509H  
Washington, D.C. 20201  
Phone: 866-827-7748  
TTY: 866-788-4989

**9. Information provided to you in this notice, as well as all other data practices information in the Agency's Data Practices Policy Manual, is available for you to review upon request to the agency.**

11/6/2007-F:\ALL\FORMS\HIPAA\DATA PRACTICES PRIVACY RIGHTS NOTICEDATA PRACTICES PRIVACY RIGHTS NOTICE - LTC-PH final 2-22-2008.doc

**Carlton County Jail and Carlton County Public Health & Human Services  
Authorization for Use and Disclosure of Protected Health & General Information**

Name \_\_\_\_\_ DOB: \_\_\_\_\_

Additional names client or applicant uses \_\_\_\_\_

**I hereby authorize:** (List of Persons/Agencies with whom information will be obtained/released and/or exchanged):

YES	NO	AUTHORIZED PERSON or AUTHORIZED AGENCY:
		Fond du Lac Behavioral Health and Human Services
		Human Development Center
		North Star Community Services (Heather Sanvig)
		Birch Tree
		ARC Probation Department
		Public Defender's Office
		Carlton County Attorney Office
		St Louis County PHHS

and Carlton County's Public Health & Human Services and Jail Division **TO EXCHANGE WITH or DISCLOSE** the following information, for the following time period: \_\_\_\_\_

*Chemical and Mental Health Records	Miscellaneous Records:
Diagnostic Assessment	Discharge Summary
Psychological Evaluation	Medical Information
Psychiatric Evaluation	Legal/Court Information
Chemical Dependency Info	Summary of Treatment and/or Case Management Contacts
Other (Specify): CBC BH Screens and Assessments	Other (Specify):

This information is needed for the purpose of:

Determining eligibility for services  
 Service planning and coordination  
 Determination of maltreatment  
 Other (describe) \_\_\_\_\_

<b>Client Initials</b>	My initials indicate I have authorized All Information Above, as applicable, (indicated with an "X" to the left of the category/item).
------------------------	--

**\*Important Note:** The individual has the right to restrict the disclosure of any of the types of information. State and Federal law protect the following information listed below. If you **DO NOT WANT** this information released, please initial by each relevant category below:

Mental Health Records:	Chemical Health:	HIV Test Results:
------------------------	------------------	-------------------

- I understand I have the right to refuse to sign this authorization and understand that refusal may affect the provision of some health care services to me.
- I understand that I can cancel permission to use and disclose my information at any time by notifying the agency in writing. Permission to use and disclose alcohol and drug treatment records can be canceled by talking with my worker. I understand this change will not affect information that has already been shared.
- I understand that federal law protects my health information. However, my information could be shared with agencies or businesses who may not be covered by the federal law. They could then share my information with others.
- I understand I have the right to inspect or copy (for a reasonable cost) the information I have authorized to be disclosed.
- I understand I have a right to request a copy of this form after I sign it.
- I understand a photocopy or fax of this form is valid as the original.

I understand that this release of information will expire one year from the date signed below.

<b>Client or Legal Representative Signature</b>	<b>Relationship</b>	<b>Date</b>
---	---------------------	-------------

Carlton County Public Health & Human Services, P.O. Box 660, Cloquet, MN 55720 Phone: 218-879-4583 or 1-800-642-9082 Fax: 218-878-2845  
 Carlton County Jail, 317 Walnut Ave., Carlton, MN 55718 Phone: 218-384-9560 Fax: 218-384-9185

## JAIL PROGRAMS

2019 Summer: M, T, W in Courtyard from 1-2 Yoga for women

Type of Activity	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
<i>Library &amp; Courtyard—all cell blocks until done</i>	<b>LIBRARY &amp; COURTYARD</b>	<b>COURTYARD</b>	<b>LIBRARY &amp; COURTYARD</b>	<b>COURTYARD</b>	<b>LIBRARY &amp; COURTYARD</b>		
<b>NOTE: 30 Minutes per cellblock for Library, 3x week-----*****-----1.5 Hours per cellblock for Courtyard, 5x/week (There are 7 Cellblocks)</b>							
<i>Programs</i>	*9-10: Teen Challenge (1 <sup>st</sup> )  *1-4: FDL Men's Cultural Group (1 <sup>st</sup> & 3 <sup>rd</sup> )  7PM: Men's Bible Study (every other Monday)  *1-4: RAP (2 <sup>nd</sup> & 4 <sup>th</sup> )	*9-11 Parent Education  *1 PM: <u>WINDOWS</u> or <u>PAVSA Women's Group</u>  *2-4 PM: <i>Artful Relaxation</i>  *7 PM: Men's AA  *9 AM: Lakes & Pines (3rd)  *10 AM: FDL Women's Group (2nd & 4th)	* Job Works (3 <sup>rd</sup> ) --(1 PM: Odd months, both genders by Teri) --(1230: Even months, female only, Claire)  *1-2 FDL Men's Cultural Group (2 <sup>nd</sup> & 4 <sup>th</sup> )  *630 Men's Bible Study	*9-11 Parent Education  *9-11 Experience Recovery (both genders)  *10 AM: Women's AA  *1 PM: Financial Workers (Healthcare applications)	*2-4 <i>Artful Relaxation</i>		*230 MEN'S BIBLE STUDY  *630 WOMEN'S BIBLE STUDY
<b>NOTE: In addition to listed programs--Library, Attorney Room and Visiting "room" are used by CUAs, RAP, Professional Visitors, Attorneys, &amp; Prob. Officers.</b>							
<i>Visiting Room Schedule</i>	1-5 Super Max/Admin Seg Visits	1-5 MEN'S VISITING  630-10 WOMEN'S VISITING		Family Friendly Visiting: 9-11 & 1-4	1-5 Super Max/Admin Visits	1-5 MEN'S VISITING  630-10 WOMEN'S VISITING	
<i>CBC</i>	?	?	?	?	?		

Rooms: \*Booking Room with computer or Paper screens (and later type): Library, Attorney Room, Visiting "room"—safety concern, prefer not to use.

The nurse's office is used by nurses mostly in the mornings, but also throughout the day. There are no cameras and there is unsecured equipment/supplies therefore, the jail states that a CO must be present when this room is in use.

**COMMUNICATION TO INMATE FROM JAIL SOCIAL WORKER**  
**Re-Entry Planning**

**TO:** \_\_\_\_\_

This form will be modified depending on what any given detainee reports/reveals. Certain portions of the form may be deleted; other information such as referrals, may be added to it, depending on the particular detainee's needs.

Date: \_\_\_\_\_

Hello,

**Call and meet with Jon Holst from HDC (Cell # 606-0260).** He is the Jail Outreach Worker person I mentioned. He can help you set up appointments, get on housing lists, seek employment, work on driver's license reinstatement, provide mental health support, etc..

**DA with a Therapist/Counselor—need** to get scheduled with one to get a DA done. DA= Diagnostic Assessment. This is a comprehensive assessment that will spell out more details about your current and past needs/goals/symptoms, etc. These are good for a year. The DA will be able to tell you if you can qualify for TCM and ARMHS services and any ongoing one to one therapy to work on mental health symptoms. You can use HDC or anyone else that accepts your insurance. Many providers of your choice to choose from.

**TCM** = Targeted Case Management services—someone that can be there longer term to help inform you about different programs, services, resources, providers in your community to assist with anything related to your overall health and well being. Provider options: Carlton County, HDC or FDL. Your choice.

**ARMHS** = Adult Rehabilitative Mental Health Services—person who can meet with you weekly to help work on specific goals, provide support, problem solve, etc. HDC provides this service, but you can choose who you would like to work with from a list of providers in our area: Safe Transitions, Nystroms, North Homes, HDC, FDL.

**Other areas:**

**Housing Assistance:** funding, searching for. First step is to get on the Coordinated Entry List by meeting with Jackie (HDC/Outreach Center) to complete the application. This application is called a SPDAT.

**Driver's license** reinstated (send application to Diversion Solutions, (651-385-4341 to talk to them).

There is **GED** help out there if you want more info, ask Jon to help you get in touch with these folks.

**Food and Cash and Medical Insurance** support: Carlton County Financial Workers: 879-4511.

**Employment services:**

Teri or Claire at the Career Force Center (14 N 11<sup>th</sup> Street, Cloquet)—New Leaf program. Helps you find a job and works with you on any criminal history barriers. HDC also has an employment program: Employment Connection. Ask Jon for info.

Feel free to call me anytime if there is something I can help you out with.

Thanks,

Heather, 384-4560

**QUICK REFERENCE PHONE LIST:**

**Birch Tree/Crisis Response Team: 623-1800**

**Suicide Hotline: 1-800-273-8255**

**Crisis Text Line: Text "MN" to 741 741**

Cody Aasen: 384-9117

Jon Holst: 606-0260

HDC: 879-4559

Carlton County Human Services: 879-4511

Diversion Solutions: 651-385-4341

Career Force Center: 878-5000

Raiter Clinic: 879-1271

SPDAT: Jackie from HDC/Outreach Center—879-0303

Min No Aya Win Clinic or FDL Human Services: 879-1227

Nystroms: 722-4379

Safe Transitions: 389-3291

North Homes: 733-3000

To: **COMPLETE & RETURN This Form to Heather, ASAP**

Date: \_\_\_\_\_

Hi there,

We have talked in the past and you shared some of the following information with me. Please fill out this form and return to me ASAP—this will help me know if there are any changes or current needs.

**If you need to meet with me right away, please let me know on this form.**

--Thanks! Heather

Have you ever been given a mental health diagnosis? (Ex: Depression, Anxiety, PTSD, BiPolar, Personality Disorder, ADHD, Schizophrenia, other...)	Yes	No
Are you currently taking meds for mental health?	Yes	No
Have you ever been hospitalized for stress or any other mental health reason?	Yes	No
Have you ever had a head injury or a seizure?	Yes	No
Have you been thinking about death or feeling like you want to harm yourself?	Yes	No
Have you ever attempted suicide?	Yes	No
Do you use any illegal drugs or have a problem with alcohol?	Yes	No
Have you ever gone through withdrawals when not using?	Yes	No
Have you ever gone to CD treatment?	Yes	No
Have you had a Rule 25 in the past 6 Months?	Yes	No
<b>Do you need to speak to Heather while you are here? (If YES, fill out the rest of the form below)</b>	<b>YES</b>	<b>NO</b>

**Do you need information or a referral about any of the following?**

ARMHS	Therapist	Medication for Mental Health
Mental Health Case Manager	Rule 25 Assessment	AA/NA Groups or Christian Based Recovery/Support Group
Medical Assistance application	Food/Cash Assistance application	Housing Assistance application
State ID Card	Social Security Card	Birth Certificate
Help getting License Back	Help finding housing/shelter	Emergency food
Call my employer to call in...	Help getting a job	Other:
I need to Notify an emergency contact of an urgent need: (describe)		

If you think of something while you are being held in Carlton County Jail, please let one of the staff know or fill out and hand in a Kite to request to see the Jail Social Worker (Community Based Coordinator).

## APPENDIX C – Updated Table 6 – Comparison of CCJ to Other County Jails

Appendix C presents an updated copy of Table 6, Comparison of Carlton County Jail to Other County Jails, originally developed and published in the 2017 Report.<sup>1</sup>

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<sup>1</sup> Original Table: Carlton County Jail & Criminal Justice System Planning Study. Final Report: December 5, 2017. (Justice Concepts Incorporated (Dr. Allen Beck, PhD) and Wold Architects and Engineers). p VII-7.

**UPDATED TABLE 6: COMPARISON OF CARLTON COUNTY JAIL TO OTHER COUNTY JAILS**  
*Original Table 6: Page VII-7, Work Report, 2017*

Counties	County Population In 2015	County Population Projected to 2040	2016 Jail Admissions	2016 Admissions & County Population Ratio	2017 Jail Admissions	2017 Admissions & County Population Ratio	Year Jail Built	Total Bed Capacity	Peak Jail Population	Average Daily Jail Population (ADP)	Take-in or Ship-Out Inmate to Other Counties
CARLTON	35,751	36,786	1,655	0.047%	1,795	0.050%	1979 & 1981	48	63 (2016); 56 (2017)	43 (2016)	SHIP OUT
CARLTON (ADJUSTED)	34,688	35,736	1,655	0.049%	1,795	0.052%	1979 & 1981	48	63 (2016); 56 (2017)	43 (2016)	SHIP OUT
CARLTON (W&P)	36,282	41,181	1,655	0.047%	1,795	0.049%	1979 & 1981	48	63 (2016); 56 (2017)	43 (2016)	SHIP OUT
CARLTON AT 80	36,282	41,181					2020	80			
<b>GENERALLY COMPARABLE COUNTY POPULATION SIZE</b>											
BECKER	33,734	36,053	2,041	0.061%			IN 2018	186			NO
STEELE	36,805	37,401	1,871	0.051%	2,035	0.055%	2003	154	125	113 (2016); 100 (2017)	TAKE IN; TOOK IN 56 IN 2017
DOUGLAS	37,456	39,384	1,731	0.046%	1,801	0.048%	2010	156	107	100+ (2016); 80+ (2017)	TAKE IN 20-50 INMATES; TOOK IN 623 IN 2017
<b>SIGNIFICANTLY LARGER COUNTY POPULATION</b>											
ISANTI	39,025	40,410	1,553	0.041%	1,622	0.042%	1984;	108	75	60+ (2016); 56.2 (2017)	NA; DON'T BOARD
BENTON	39,992	44,093	2,100	0.053%			2006 ADDITION	102	90+	70-80	TAKE IN 10-30 INMATES
<b>DECLINING COUNTY POPULATION</b>											
MORRISON	32,821	32,652	1,413	0.043%	1,617	0.049%	1951	149/93	79 (2016); 77 (2017)	45 (60 (2016); 66 (2017)	TAKE IN 15 PER DAY (2016); TAKE IN 353 IN 2017; TAKE IN 408 IN 2018
MCLEOD	35,842	35,691	1,143	0.032%			1992 & 2017	35; ADDING 19	40	37 INCL. OUT-OF-COUNTY	AVERAGE SHIP OUT OF COUNTY = 17
MOWER	29,270	36,836	1,909	0.049%	1,792	0.061%	2010	128	103	73 (2016); 75 (2017)	SOMETIMES TAKE IN; MINIMAL; TAKE FEMALES OCCASIONALLY

## APPENDIX D – Carlton County Jail Staffing Needs

During the course of this project Group 4 explored some topics that were not directly related to any specific Beck recommendation.

**Jail Staffing.** The first discussion centered on staffing needs for the current jail, including program staff. BKV conducted a comprehensive staffing analysis using the latest texts and tools developed by the National Institute of Corrections (NIC). The staffing analysis report is presented as Appendix D to the report.

One finding of the staffing analysis was that a second Program Officer is needed to expand the hours and the days of the week that programs may be provided to inmates. Recent discussions with Paul Coughlin confirmed that adding the first Program Officer has:

- Expanded the number of hours that programming is provided to inmates.
- Started two new programs on Parenting.
- Encouraged inmates to improve their overall behavior in order to qualify for the new program.

The current Program Officer is a non-relieved position. When she is on vacation, sick, receiving training or away from a scheduled shift for similar reasons, no one replaces her. Over the course of a year she will work an average of four days a week. When she is absent, other corrections staff do the best they can to continue programs, but that interferes with their other duties.

The staffing analysis found that a second Program Officer position should be created. Between the two officers, programs may then be provided every day of the week. If space becomes a problem, there is a room that was originally designed as a multipurpose room directly across from the former control room (now labeled “office”). That room is labelled as “storage” in the diagrams in the staffing analysis report. It is currently being used for storage.

“Productive jail” practices and programs were the second topic. At the October 2018 “kick off” meeting, Group 4 participants expressed an “...interest in a productive jail where inmates are doing constructive activities, possibly work projects, in the jail.”<sup>1</sup>

The goals and principles articulated by the larger group in December 2018 included several elements that supported a similar jail management philosophy:

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<sup>1</sup> Meeting Minutes, October 22-23, 2018. P. 6

- Motivate inmates to behave and to *engage* in constructive and productive activity
- While confined in the jail, inmates should—
  - Behave (follow rules)
  - Have access to programs, including but not limited to substance abuse treatment, mental health treatment, critical thinking, education, and more
  - Develop good habits

Inmates are more likely to engage in productive activities if their conditions of confinement provide motivation to cooperate and engage. Figure D.1 describes many conditions that have been used to improve inmate behavior and to motivate them to participate in programs and activities. These should be considered as the jail planning and design moves forward.

**Figure D.1:** Shopping List of Tools That Motivate Inmate Behavior<sup>2</sup>

<b>Physical Conditions</b>	Cell occupancy (single, double, or dorm)
	Unit Size, Density (crowding)
	Fixtures (plumbing, doors) Finishes (carpet, etc.)
	Furnishings (fixed/moveable, institutional/residential)
	Inmate Control of lights
	Inmate control of cell access during day
<b>Daily Schedule/Security</b>	Lights Out
	Lock-Ins (times locked into cell for counts, etc.)
	Out-of-Cell Time
<b>Visiting</b>	Frequency of visits
	Length of Visits
	Type of Visiting (e.g. non-contact, contact)
<b>Exercise</b>	Frequency (of access)
	Length (of access)
	Activities Available
	Equipment Available
<b>Recreation</b>	Access to recreational materials
	Frequency of access
<b>Telephone</b>	Access (hours, length of calls, number of phones)
	Type of Calls Permitted
<b>Food</b>	Quality/Selection (e.g. Nutra-Loaf)
	Snacks/Juice Bar
	Dining conditions (cell/dayroom/dining room)

<sup>2</sup> Miller, Rod. "Increasing Staffing Efficiency by Motivating Inmate Behavior." Sheriff magazine. National Sheriffs' Association, Alexandria, VA. Spring 2008.

**Figure D.1: Shopping List of Tools That Motivate Inmate Behavior - continued**

<b>Activity</b>		Work options and desirability of jobs
		Library access
		Computer access (in housing units)
		Location of activities (hsg unit, pod, central)
		Opportunities for co-ed activities
<b>Entertainment</b>		Hours TV is Available
		TV Content Allowed (e.g. educational, broadcast, cable)
<b>Television</b>		Equipment (number of sets, type of sets)
		Availability of Movies/Videos
		Content Allowed (e.g. PG, PG-13, R)
<b>Movies</b>		Access to Concerts/Performances/Special Events
<b>Special Events</b>		
<b>Commissary</b>		Frequency of Access to Commissary
		Selection Available
<b>Other Privileges</b>		Personal Property (more allowed, different types)
		Personalize Cell (able to hang pictures, etc.)
		Clothing (better clothing, option to use own clothes)
		Movement/Mobility within Facility (escort/unescorted)
		Extra Time Off of Sentence
		Furloughs/Temporary Release

The National Jail Work and Industry Center ([www.jailwork.org](http://www.jailwork.org)) describes a wide range of work activities that have been implemented in jails of all size. It also provides a workbook that describes the process to build a foundation for jail work programs.

**Carlton County Jail Staffing Needs**

Carlton, Minnesota

May 6, 2019

**EXECUTIVE SUMMARY**

This report addresses staffing needs for the *current* Carlton County Jail. County officials have gradually increased jail staffing in recent years. This report presents a staffing plan for the current jail that should be implemented incrementally in the next few years. The plan also provides the basis for comparing current staffing needs to estimated staffing for a new or renovated facility.

Sufficiency of Current Jail Staffing. Current jail staffing practices are inadequate. Staffing levels fluctuate by time of day and day of the week. When deployment is lowest, risks increase, employees are subjected to higher levels of stress, and the safety and security of the jail diminished. Staffing deficiencies have been identified in the last four state jail inspections. (See Attachment 5)

Increasing Challenges. Current jail inmates pose more risk and present more special needs, such as mental health, medical, substance abuse. These characteristics produce more conflict between the design and condition of the current jail. As alternatives to confinement expand, inmates who are not diverted are classified as higher risks, widening the gap between the design of the current jail and the demands of the current inmate population. (See Attachment 1)

Intermittent Activities. Most jail staff hours are used to fill four 24/hour posts, 365 days annually. In addition to the 24/7 posts, staff are needed to respond to intermittent activities, such as meals, medications, medical care, programs, and other services. Attachment 2 illustrates the ebb and flow of intermittent activities, providing a template for efficiently meet additional staffing needs.

Proposed Staffing Plan. Jail staffing levels should never fall below four employees: two officers to supervise inmates in their housing units and in other areas of the jail; a supervisory officer (sergeant); and an officer or civilian operating the Control Center. These four posts will use approximately 70% of all staff hours. The Control Center was staffed by dispatchers until emergency communications were moved to another location. (See Attachment 3)

Additional staffing is needed at specific times during the week, along with jail administration and support services. A pool of overtime hours is needed to respond to unscheduled employee absences and to sporadic events that must be covered when they occur.

Improving Budget Accuracy. The “math” of jail staffing converts the total hours needed to staff relieved posts into the number of Full-Time Equivalent positions (FTE) that need to be funded. The consultants are working with the Jail Administrator to improve practices. (See Attachment 4)

**ATTACHMENTS:**

Attachment 1: The Physical and Operational “Context” of the Carlton County Jail

Attachment 2: Intermittent Activities

Attachment 3: Coverage Plan- Deploying Staff to Meet Demands

Attachment 4: The Math of Jail Staffing

Attachment 5: Excerpts from 2015, 2016, and 2017 State Jail Inspection Reports

**ATTACHMENT 1: The Physical and Operational "Context" of the Carlton County Jail**

The first step in the NIC process requires a hard look at current operations, design, physical conditions, use of technology, and operational practices. In recent years, many challenges made jail operations more difficult. These included:

Challenges

- Inmates pose more risks and demands—
  - More inmates have mental health challenges and needs
  - Most inmates have substance abuse issues
  - More inmates have medical needs
  - Female inmates comprise a higher proportion of the daily population
  - Alternatives to confinement divert "good" inmates from confinement, increasing the risk posed persons who are jailed, demanding higher security settings
- Standards and caselaw increase the expectations for inmate conditions of confinement
- Staff recruitment has become difficult
- Physical plant is deteriorating
- Facility design is less adequate to properly house the changing inmate population

The following diagrams and narrative illustrate some of the challenges posed by the current jail facility.

Number and Types of Beds. The overall number of jail beds is inadequate to house inmates. And about 20% of inmates who would have been sentenced to the jail are housed at NERCC in low security setting that provides substantial program opportunities.

If these diverted offenders were sentenced to the jail the capacity of the jail would be consistently exceeded.

The types of beds are also a problem. Figure 1-1 illustrates the number and types of beds. More than half of the jail beds are in dormitories, which pose many staffing demands. For example, dorms cannot be "locked down," (when inmates are secured in their cells overnight).

Inmates in dorms are always in direct contact with each other, conflicts between inmates are common.

Figure 1-1: Number and Type of Beds

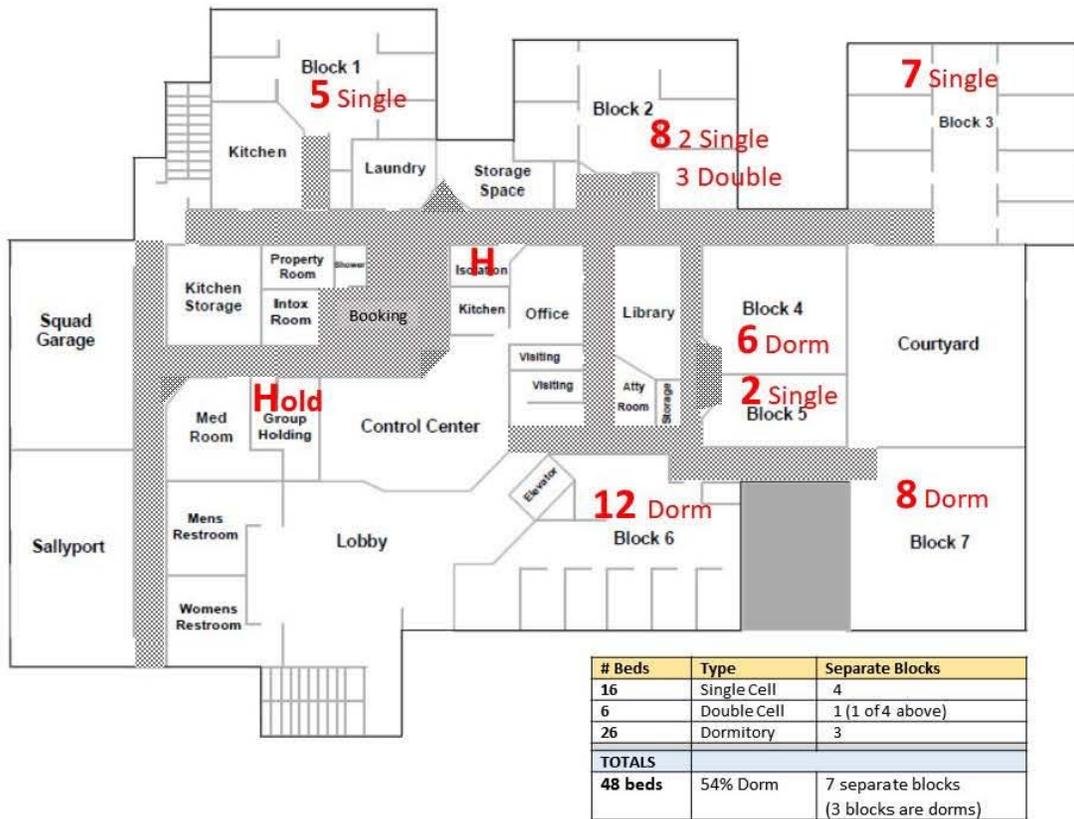
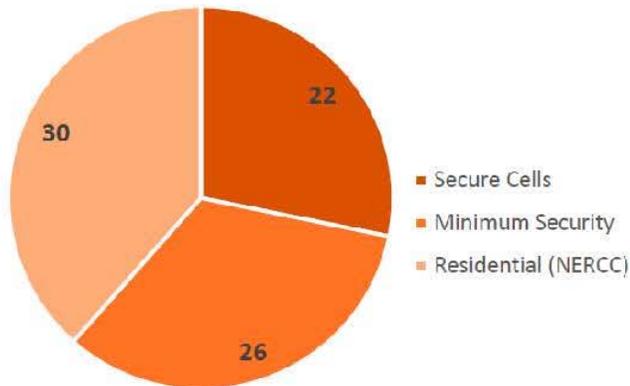


Figure 1-2 illustrates the number of beds by security level. NERCC is included because many, if not all, of the offenders sentenced to NERCC would likely have been sentenced to the jail.

Figure 1-2: Jail Beds by Level of Security



Because alternatives to pretrial detention and sentenced confinement have improved, the inmates who cannot be diverted represent a higher overall level of security (risk) than in the past. In the past, it was easier find inmates who were suitable for dorm housing. To mitigate the risks, inmate supervision must be more effective- more time must be spend in dormitories with inmates.

Recently, the Jail Administrator recognized the need for more effective inmate supervision in their housing units. He improved supervision by deploying staff inside each housing unit for all inmate welfare checks during their shifts. The county has acquired the Guardian RFID system to document supervision efforts. This practice has reduced risk markedly, but has also increased the need for qualified jail officers.

Jail Design. The layout of the jail poses many safety and security issues. Figure 1-3 highlights circulation (corridors) inside the security perimeter. The layout created many right-angle intersections, and as a result there are many blind spots for staff as they move inside the perimeter. These are identified in Figure 1-3.

Figure 1-3: Intersections and Blind Spots

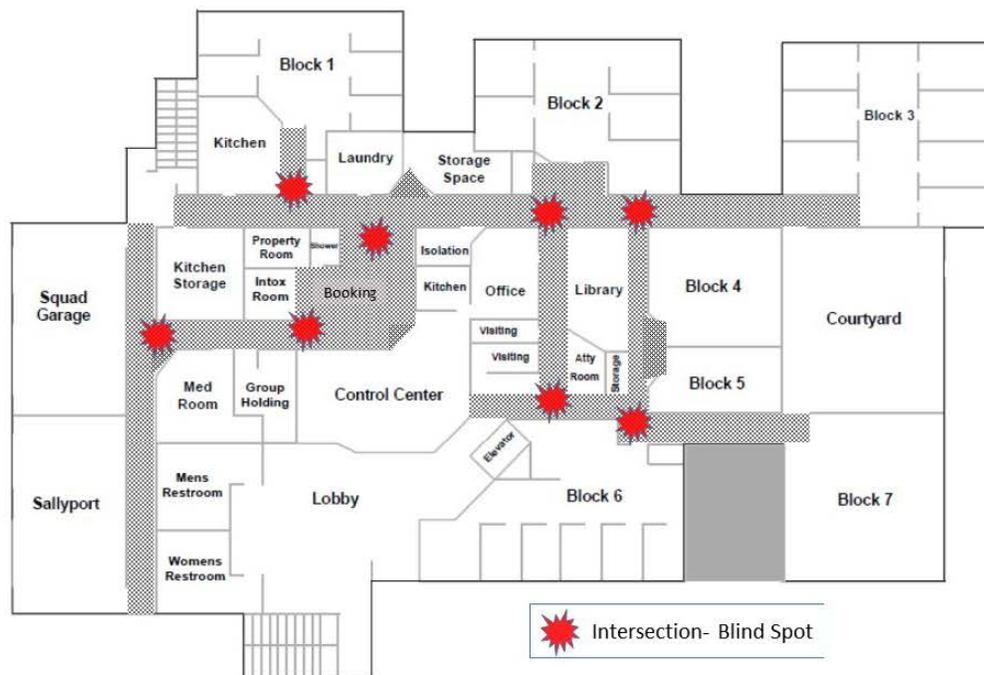
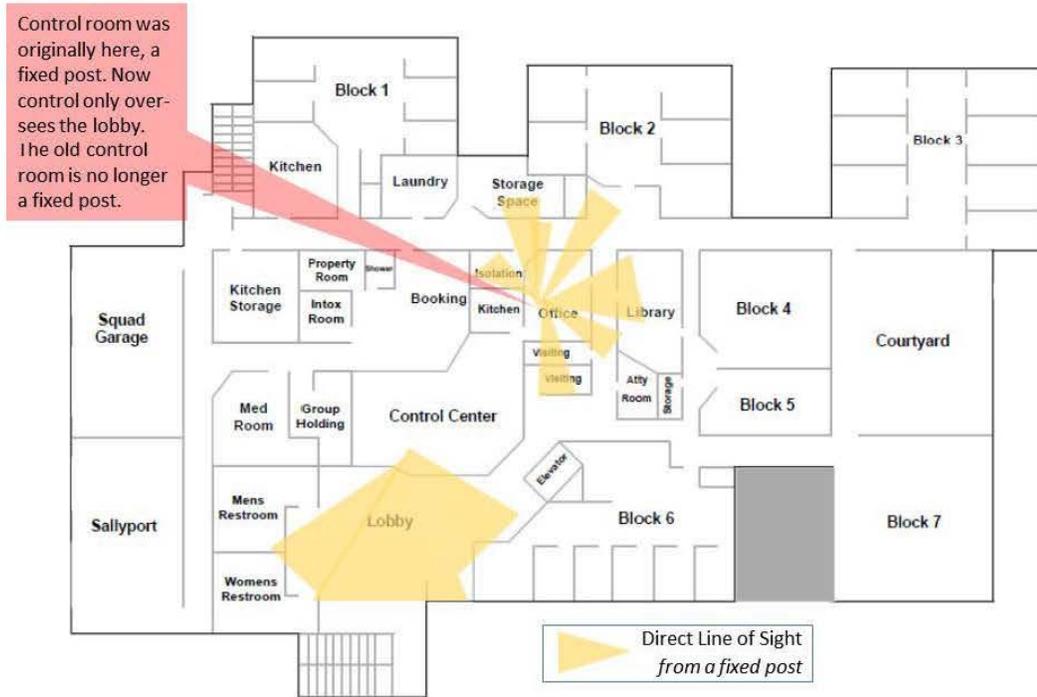


Figure 1-4 illustrates the sight lines from fixed posts in two locations: (1) Officer Station and (2) Control Center. The facility was originally designed to provide a secure control center in the space that is now used intermittently as an officer's station. The control center was moved to an area adjacent to the lobby and was deprived of any direct view into the secure area of the jail.

Figure 1-4: Sight Lines



The county has upgraded video security technology in the jail, but this does not replace the lines of the sight that were originally designed for the single fixed post in the control center.

**Attachment 2: "Intermittent Activities"**

The second step in the NIC methodology is to identify and analyze the intermittent activities that occur at the jail. When they occur, employees must attend to them, and if deployment is not sufficient at the time, inmate supervision in the housing units will be seriously eroded.

Figure 2-1 describes some of the primary intermittent activities:

- Start and end times
- Days of the week
- The impact on operations (a weight from one to 3, with 3 having the biggest impact).

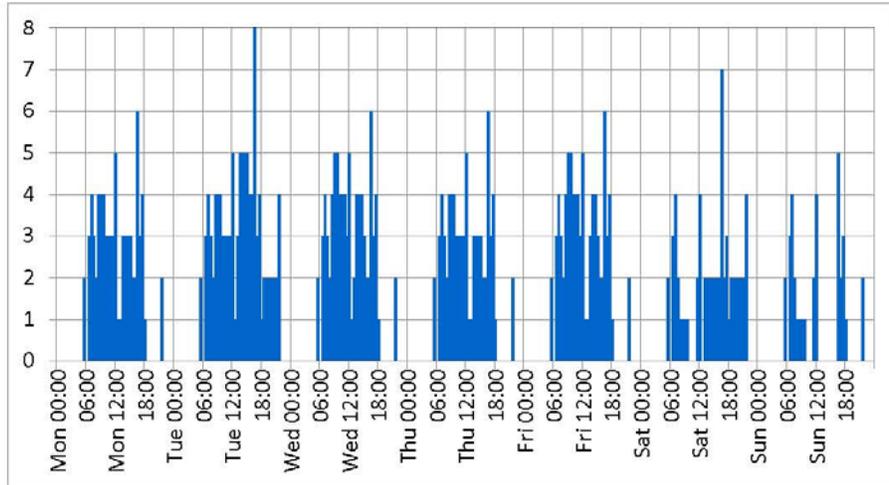
Figure 2-1: Intermittent Activities, Carlton County Jail

Activity	Start Time (0000-2400)	End Time (0000-2400)	Weight	M	Tu	W	Th	F	Sa	Su
Attorney Visits	0730	1800	1	x	x	x	x	x		
Count1	0630	0700	1	x	x	x	x	x	x	x
Count2	1630	1700	1	x	x	x	x	x	x	x
Count3	1730	1800	2	x	x	x	x	x	x	x
Courts1	0830	1130	2	x	x	x	x	x		
Courts2	1330	1530	1	x	x	x	x	x		
Laundry	1300	1400	1			x				
Lock Down	1730	1830	1	x	x	x	x	x	x	x
Mail	1400	1500	1			x		x		
Meal - Breakfast	0700	0800	2	x	x	x	x	x	x	x
Meal - Dinner	1630	1730	2	x	x	x	x	x	x	x
Meal - Lunch	1130	1230	2	x	x	x	x	x	x	x
Meds Afternoon	1200	1230	2	x	x	x	x	x	x	x
Meds Evening	1630	1700	2	x	x	x	x	x	x	x
Meds Morning	0630	0730	2	x	x	x	x	x	x	x
Programs Afternoon	1330	1630	1	x	x	x	x	x		
Programs Morning	0900	1130	1			x		x		
Razors Out	0800	1000	1	x	x	x	x	x	x	x
Shift Change - Days	0530	0600	2	x	x	x	x	x	x	x
Shift Change - Nights	1800	0600	2	x	x	x	x	x	x	x
Shift Change - Overlay Shift	2130	2200	2	x	x	x	x	x	x	x
Visits - Female Inmates	1830	2200	2		x				x	
Visits -Male Inmates	1300	1700	2		x				x	

The timing of many of these activities is determined by jail officials (meals, medications, counts, shift change, etc.). But the timing of some activities is not controlled by the jail (courts, admissions, releases, attorney visits, etc.).

Figure 2-2 illustrates the volume of activities by time of day and day of the week, in half-hour increments.

Figure 2-2: Intermittent Activity Levels, Monday to Sunday, Weighted



Most intermittent activities involve inmate movement, and that movement must be supervised by staff. Figure 2-3 identifies the amount of movement associated with intermittent activities, for two days in January 2019.

Figure 2-3: Number of Inmates Moved by Type of Activity, January 30-31, 2019.

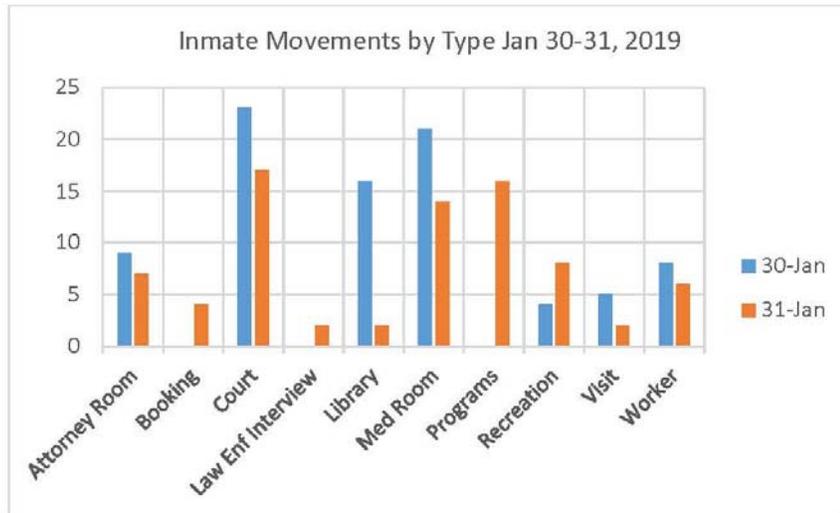


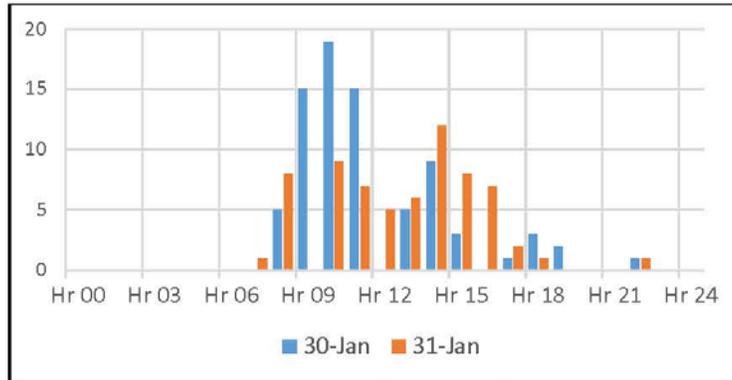
Figure 2-4 provides the data that is illustrated in the preceding graph.

Figure 2-4: Number of Inmates Moved by Type of Activity, January 30-31, 2019

Inmate Movement	30-Jan	31-Jan
Attorney Room	9	7
Booking	0	4
Court	23	17
Law Enf Interview	0	2
Library	16	2
Med Room	21	14
Programs	0	16
Recreation	4	8
Visit	5	2
Worker	8	6
TOTAL	86	78

The *timing* of activities is illustrated in Figure 2-5.

Figure 2-5: Number of Inmates Moved by Time of Day



Hour	30-Jan	31-Jan	Hour	30-Jan	31-Jan
Hr 00	0	0	Hr 12	0	5
Hr 01	0	0	Hr 13	5	6
Hr 02	0	0	Hr 14	9	12
Hr 03	0	0	Hr 15	3	8
Hr 04	0	0	Hr 16	0	7
Hr 05	0	0	Hr 17	1	2
Hr 06	0	0	Hr 18	3	1
Hr 07	0	1	Hr 19	2	0
Hr 08	5	8	Hr 20	0	0
Hr 09	15	0	Hr 21	0	0
Hr 10	19	9	Hr 22	1	1
Hr 11	15	7	Hr 23	0	0

The analysis of intermittent activities provides the foundation for effective and efficient deployment of staff by time of day and day of the week. It's a matter of supply and demand: when demand increases (activities), supply (staffing) must increase as well.

The addition of a "program officer" that works during business hours on weekdays has efficiently increased staffing in response to higher activity levels.

**ATTACHMENT 3: Coverage Plan- Deploying Staff to Meet Demands**

A “coverage plan” describes exactly when staff are needed on ground. It is not dependent of scheduling practices, it is the basis on which efficient scheduling should be based.

The latest edition of the NIC jail staffing analysis identifies three types of hours needed to operate a jail:

**Relieved.** A relieved post or position is one that is always filled, regardless of which specific employee is used to fill it. A master control post is a relieved post. When the employee who is scheduled to work this post does not report for duty, another employee is provided to fill the post (using overtime, part-time employees, or other methods). Relieved hours often represent 90% of all of the hours needed to operate a jail.

**Non-Relieved.** A non-relieved post or position is one that is not filled when the individual employee assigned to the post/position does not report for duty. A jail administrator would be an example of a non-relieved position; when the administrator does not report for duty, no other employee is assigned to those duties.

**“It Happens.”** Hours required to respond to sporadic events and situations that cannot be predicted. In Carlton County the primary examples are inmate transports, staffing hospital posts, transporting inmates for medical treatment in the community. Currently these tasks are implemented by patrol staff. In-jail events, such as suicide watches, require jail officer staffing. When these events happen, they must be staffed, usually taking employees from their other duties.

The third type of hours are new to the staffing analysis process. In some facilities these sporadic events consume as much as 8% of all staffing hours.

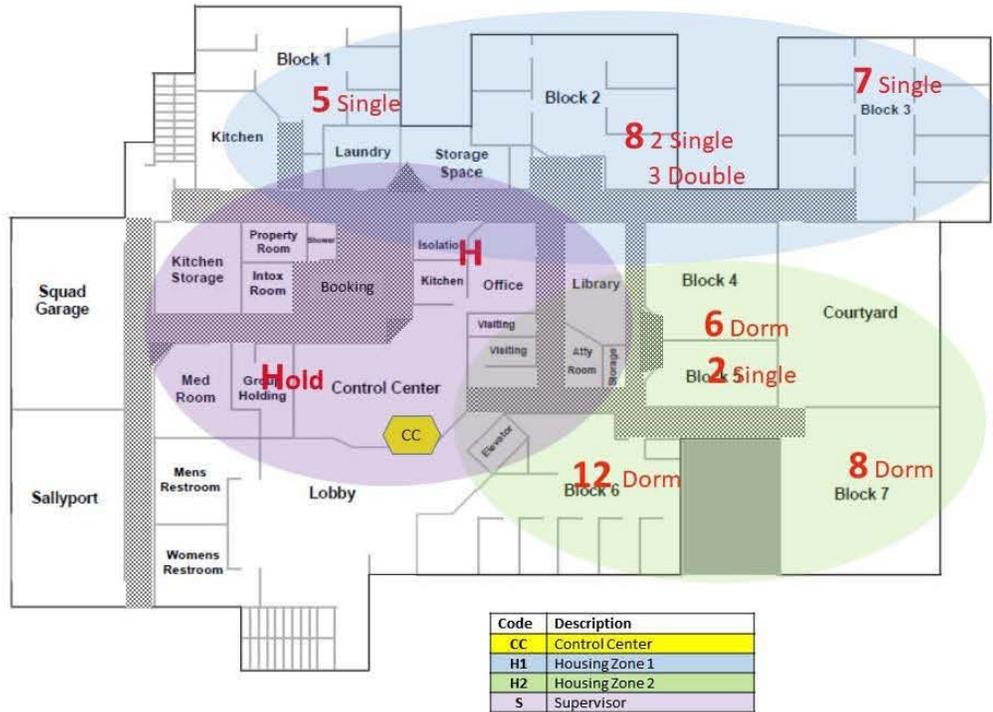
#### Relieved Posts

In a small jail, there is a need for four 24-hour posts. In Carlton County these posts are:

- *Control Center* (One 24/7 Post). Must be staffed to operate doors, monitor options, call for help, and manage the response. If necessary, this post may be staffed by a properly trained civilian rather than uniformed staff.
- *Supervision of Inmates in Housing.* (Two 24/7 Posts). “Health and welfare” checks must be conducted at least every 30 minutes throughout the day and night. These checks require an officer to enter each housing unit and interact with each inmate to ascertain his/her condition. Officers should answer inmates’ questions and spend time in the unit observing inmate behavior. Two officers are needed to continuously supervise inmates, and to move inmates within the facility as needed.
- *Shift supervision, booking, release and backup.* (One 24/7 Post). A senior employee, preferably a sergeant, should be present in the jail at all times. The “backup” function is needed when there is a problem with inmate behavior or condition.

These four posts are illustrated in Figure 4-1. The control center is the only “fixed” post (an employee must be in that location at all times). The other three posts require staff to work within zones in the jail.

Figure 4-1: Relieved Posts (24/7)



Currently, shift supervision is only provided in 10-hours shifts, and there are other gaps in the staffing of the preceding minimum posts.

Non-Relieved Positions

Several non-relieved positions are suggested:

- Jail Administrator (1)
- Assistant Jail Administrator (1)
- Clerical Support (1)
- Programs and Service Officers (2)
- Program Manager/Volunteer Coordinator (1)

The preceding non-relieved positions could be added in stages. Adding another Program Officer will allow additional existing space to be used to expand programs and services.

It Happens

The sporadic events that fall into this category cannot be proactively staffed. Rather, a pool of overtime hours should be created to directly meet these needs (using employees on overtime to address the need) or indirectly by using overtime to backfill a post that has been vacated in response to the need.

**ATTACHMENT 4: The Math of Jail Staffing**

Converting hours on the ground into accurate budget requests requires some math. Central to the process is the calculation of “Net Annual Work Hours” (NAWH) that will convert relieved coverage hours into Full-Time-Equivalent (FTE) employees in the budget.

NAWH represents the number of annual hours that an employee will work a scheduled shift in a year. Employees are scheduled for approximately 2,190 hours annually, but will actual report for duty about 80% of the time. The other 20% of the hours will be used for leave (sick, vacation, Family Medical Leave, etc.).

When an employee does not report for a scheduled shift for a relieved post, another employee must be paid to backfill the post. Overtime is the most efficient way to fill that need, as long as no employee is allowed to work too much overtime.

Here’s an illustration:

- A 24/7 post requires 8,760 hours of coverage each year.
- The officers who are scheduled to work that post deliver 1,622 coverage hours annually
- 8,760 divided by 1,622<sup>1</sup> is 5.4, the number of FTE employees needed to fund the post

5.4 FTE in the budget should not be funded by just hiring full time employees. A proportion of the FTE hours should be delivered as overtime hours. Usually 10% of the total relieved hours should be funded as overtime hours.

For non-relieved positions, there is no math needed: a full time position is 1.0 FTE, a half-time position is 0.5 FTE, etc.

The “It Happens” coverage needs should be funded as overtime hours. In Carlton County, such events are so sporadic that they cannot be addressed by scheduling employees in advance. A starting point for budgeting for these demands is to add overtime hours equivalent to 5% of the relieved coverage hours.

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<sup>1</sup> Actual NAWH needs to be calculated for Carlton County. The consultants will set up protocols to accomplish this.

**ATTACHMENT 5: Excerpts from Jail Inspection Reports****KEY:**

2015 Inspection Inspected 1/20/16	2016 Inspection Inspected 1/19/17	2017 Inspection Inspected 2/13/18	2018 Inspection Inspected 1/31/19
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**1. 2911.2500 SEPARATION OF INMATES. Subpart 1. General.**

A combination of separate housing units inclusive of special management areas, general population, and minimum security areas and cells, dormitories, and dayroom spaces shall be provided to properly segregate inmates pursuant to Minnesota Statutes, section 641.14. The facility shall provide for the separate housing of the following categories of inmates: A. female and male inmates; B. community custody inmates such as work release or sentencing to service; C. inmates requiring disciplinary segregation; D. inmates requiring administrative segregation; E. juveniles who do not meet Minnesota statutory requirements for placement with adults; F. special management, general population, and minimum security inmates as considered appropriate to the facilities design intent and classification system; and G. inmates classified as mentally ill or special needs inmates in a manner consistent with Minnesota Statutes, section 253B.05.

**Inspection Findings:**

Several housing classifications are available. However, special management beds are lacking when compared to the needs of the facility. Space for female inmates to allow for true separation are also lacking.

**Corrective Actions:**

**There is no corrective action at this time as significant renovation and addition would be needed to properly address this issue. The facility would board inmates to other facilities when these issues arise.**

**2016 Findings:****Inspection Findings:**

Several housing classifications are available. However, special management beds are lacking when compared to the needs of the facility. Space for female inmates to allow for true separation are also lacking

**2017 Findings**

Several housing classifications are available. However, special management beds are lacking when compared to the needs of the facility. Space for female inmates to allow for true separation are also lacking.

**2. 2911.0900 STAFFING REQUIREMENTS. Subpart 17. Escort, movement, or booking staff.**

Class I to Class VI facilities' staff shall be provided as follows: A. internal escort, rover, or movement officers in sufficient numbers as determined in the approved staffing plan under this subpart to ensure that inmates have access to staff, programs, activities, and services, and that the safety and security of the facility is not compromised; B. sufficient staff present to provide for the booking of offenders without a reduction in the safety or security of the facility and inmates; C. in multifloor jails, custody staff posted on each floor occupied by inmates; and D. sufficient numbers of staff to complete duties listed in post orders. Class I to Class VI facility staff shall not be used for the external transportation of inmates or court security if the level of inmate supervision, inmate admission, programs, or internal inmate movement would be reduced below minimums afforded under the facility's staffing plan.

**Inspection Findings:**

Letters A, B, and D listed in this rule are an issue at times depending upon which custody staff duties the jail administrator and jail programmer are able to absorb, and if there is a Sergeant on duty. Jail staff are often utilized for duties outside the jail.

**Corrective Actions:**

**Ensure that there is enough staff so that the compliment does not fall below minimum staffing, and all duties can be accomplished.**

**2016 Findings**

Letters A, B, and D listed in this rule are an issue at times depending upon which custody staff duties the jail administrator and jail programmer are able to absorb, and if there is a Sergeant on duty. Jail staff are often utilized for duties outside the jail.

**Corrective Actions:**

**Ensure that there is enough staff so that the compliment does not fall below minimum staffing, and all duties can be accomplished.**

**The jail is in need of additional correctional staff. Please submit a plan of action to address this issue by March 29, 2019.**

**The jail programmer only does programs 32 hours a week. The other 8 hours are used to fill in for custody staff.**

**Additional correctional officers are needed to allow for the jail programmer to dedicate time toward her primary duties.**

Maintenance and food service staff are provided. However, no clerical staff are available to the jail and those duties fall to the Sergeants, correctional officers, and jail programmer.

**Corrective Actions:**

**Allow for clerical staff as a part of the overall facility staffing plan. There has been improvement in this area since last year's inspection.**

**Physical Plant:**

Built in 1980, the Carlton County jail is the 12th oldest Class III jail in the state and the oldest in 2nd District. The National Institute of Corrections estimates the life expectancy of a jail run 24 hours a day 7 days a week to be 30 years. The main issues with the Carlton County jail are lack of updated infrastructure, lack of support spaces, and a linear design that does not allow for good sight lines and is staff intensive to supervise.

1) Most of the electrical, plumbing, fire protection and security electronic infrastructure is original to the building. The bell housing heat sensors are original and can't be replaced if they were to be activated. The building is also not fully sprinkled. The intercom system has been replaced. However, this system must be left on at all times as intercom switches are not available in the cells or cell blocks. Hard water continues to be an issue with the inmate showers.

Additionally, there is a high reliance on keys with a large ring needed to be carried by staff members at all times. The installation of the Guardian system has improved accountability.

2) The booking area is undersized with only two holding cells. One of these holding cells is typically occupied by an inmate on a special watch. With many bookings occurring during a day and no dedicated staff member for a booking post, this function continues to be an extra duty on top of the regular post orders.

3) An area has been repurposed to use as a medical unit. However, there are security concerns with this area that were discussed during the inspection and physical plant constraints as well. There is also not room to store the medication within this area.

The door into the medical unit swings in and does not have a window. This is a security concern and staffing concern as custody staff members need to be present for medical appointments.

4) When the facility is full, the property room is not adequate in size to accommodate the amount of property that would need to be stored.

5) Visiting, recreation, food service, secure interview rooms and program space are all minimal and do not meet the needs of the facility or current construction requirements. The kitchen is also undersized which has resulted in a cramped area with several kitchen components being kept in a garage which results in that garage not be used for much else and a security concern with the door from the kitchen to this garage being unsecured often.

6) The generator for the jail is original to 1979. There are plans in place to use an alternative generator(s) as the current one does not meet the needs of the facility.

7) The Carlton County Jail is linear in design. This causes a higher staff to inmate ratio for supervision and a lower operational capacity. Well-being checks take an extended amount of time based upon the lack of sight lines and number of security doors and keys to be utilized to get into different areas.

8) Although outside the secure perimeter of the jail, there is a strong concern with the lack of a secure court holding area. Inmates are brought through and into public areas which is a safety and

security concern. It is recommended that any renovation plans moving forward should include a secure holding area.

- 9) Block 7 has an issue with the ceiling starting to sink in one area of the dayroom. Also, a new showerhead is needed.

There has been steady improvement over the last 5 annual on-site inspections. Operational issues, training, and inspection documentation have all improved. However, because of the physical plant and jail planning efforts the Carlton County Jail shall remain on annual inspection schedule.