

Courts Committee

2016 Minutes

Winona County Criminal Justice Coordinating Council
Courts Committee/Pretrial Service Workgroup
January 21, 2016 at 8 a.m. at Jury Room #2

Present: Mike Flaherty, Darlene Larson, Candace Haigh, Latrisha Green, Karin Sonneman, Jeff Johnson, Ben Klinger, Sam Carter, Kalene Engel, The Honorable Jeffrey Thompson, Alaina Zimmerman (CARE Intern), Dillon Harvey (Drug Court Intern)

Approval of Minutes: Approved without changes.

Jail Inspection Update: The Department of Corrections conducted a jail inspection recently and issued a report which revised the jail classification from a Class 3 Facility to a Class 2 Facility as of April 1st. This means that the jail may not hold juveniles or maximum security inmates at all. It also means that presentence or pre-conviction individuals may only be held a maximum of 90 days. An individual sentenced without any release conditions is also capped at 90 days. A sentenced individual with release conditions can be held for up to 365 days. The female housing unit does not meet DOC standards because it does not have lockdown or separation facilities, so alternative arrangements will have to be made. The Jail is still awaiting the written report from the DOC.

The Winona Jail Annex is unique; there is no other jail in the state that offers work release for presentence individuals. Samantha noted that the costs of Huber release can prevent an inmate who has been granted Huber from actually using it. There is a \$12/day fee jail fee plus an \$8/day GPS fee plus a \$70 one-time hookup fee for Huber. The Sheriff is looking at taking over the hookup processes to eliminate that fee. Sentence to Service is available for both sentenced and pre-sentence inmates. STS involves no GPS or other fees, as it is supervised by DOC.

Drug Court Update: See attached. Judge Thompson noted that at the state level, there is a long term plan to create drug courts throughout the state. Currently, there are different drug court models with different standards and different funding sources. The long term goal is to establish uniformity. As far as funding is concerned, counties would be required to come up with substantial matching funds. Samantha Carter participated in a conference call on this issue recently and was told that the funding would likely be contingent on the court having at least 25 participants. This would create challenges for rural counties, including Winona County, which currently has a maximum capacity of 20. However, this could also create opportunities as it would encourage multi-district drug courts.

Court-Appointed Attorneys Procedures:

- **Truancies:** Sherri Brekke had inquired about whether court-appointed attorneys were now being appointed in truancy cases, as she recently had a case where that occurred. Apparently, the case in question was a unique case and one in which Judge Thompson (who did not make the appointment) felt that a court-appointed attorney was appropriate.
- **Guardianships:** After attending a conference, Court Administration learned that Winona County was the only county in Minnesota in which attorneys were appointed for the

petitioners in guardianship cases. As a result, they have changed their policy and will no longer appoint attorneys for petitioners. In other jurisdictions, the petitions are prepared by legal services, the county attorney, private attorneys or by the petitioner pro se. Court Administration has been referring people to the self-help desk for assistance. Judge Thompson noted that he prefers to have attorneys prepare the petitions. Kalene noted that she felt that the court-appointed attorneys and referral sources should be notified of the change. Candace will pull together a meeting of interested persons.

Pretrial Services Program Workgroup:

- **State Pretrial Release Initiative Update:** In addition to the handout distributed with the Agenda, Kalene provided a verbal update on the status of the state pretrial release group. She has been keeping in close contact with Katie Schurrer, the Project Lead. The group's main task is to study evidence-based tools for use in making pretrial release decisions statewide. Based upon discussions that she has had with the Hennepin County CJCC Coordinator's, Kalene believes that the workgroup is leaning towards recommending the adoption of the new (2015) Hennepin County Tool. Judge Thompson agreed. Kevin Burke has already started using the new tool for bail evaluations in Winona County. Kalene distributed a copy of the new Hennepin County Tool, with changes indicated in red.
- **Public Defender Representation at 1st Appearance:** The Public Defender's Office just hired a managing attorney for the Winona Office—Mike Kuehn. They are interviewing for an additional position. By the beginning of March, they hope to be providing public defender representation at first appearances. They will also consider having a public defender at traffic court. (Preston volunteered to handle it on January 22nd). Several in attendance felt it would also be helpful to have probation present when there were probation violation issues.
- **Vision/Mission:** Kalene distributed a worksheet with definitions and samples of a mission/vision for the pretrial program. Workgroup members agreed that the mission/vision that had been developed by the previous pretrial workgroup was sufficient. Thus, the mission/vision for the Winona County Pretrial Program will be as follows:
 - **Mission Statement:** To provide accurate and timely information to assist the Court in making informed pretrial release decisions, to effectively supervise defendants released with conditions in order to support safe communities, and to ensure that released defendants meet court obligations while maintaining the constitutional presumption of innocence and the right to reasonable bail.
 - **Vision Statement:** A pretrial services program that protects public safety, preserves the constitutional presumption of innocence and minimizes the cost of incarceration by incarcerating only those pretrial defendants who pose a public safety or flight risk.

- **Legal Framework:** Kalene had prepared a multi-page summary of the laws, statutes and rules which affect pre-trial release. In addition to authorizing law enforcement to cite and not arrest in certain cases, the rules also allow for release by a prosecutor and the court or its designee. Conditions of release are required to be included in a written order, which must be provided to the arrested person and law enforcement.
- **Outcome & Performance Measures:** Not discussed due to lack of time; will be discussed at February meeting.
- **Data Collection Re-Visited:** Not discussed due to lack of time; will be discussed at February meeting.

Meeting Adjourned: 9:10 a.m.

Next Meeting: February 18, 2016 at 8:00 a.m. at Courtroom #2 Jury Room

STATUS REPORT FOR DRUG COURT BY SAMANTHA CARTER

For the Month of 12/30/2015 - 1/20/2016

Presentations

- ❖ Taught a class of WSU Nursing Students 1.19.16
- ❖ 4 or 5 Lectures at WSU between now and April.

Drug Court

- ❖ 17 active participants, 4 currently in treatment
 - ❖ 2 client relapsed
- Drug Court presented-F.A.S.D. presentation to the Winona County Treatment and county social workers.

Drug Court-Grant Management

- ❖ Attended phone conference about State grants for Drug Court
 - Requires 25 members or more
- ❖ Looking Into Sustainability Projects
 - Foundation Partnership opportunities
 - Levy Dollars
 - Community Awareness
 - Forums?
 - Grants

Partnerships

- ❖ Drug Court and YMCA Partnership and news article:
http://www.winonadailynews.com/news/local/lifted-toward-a-healthy-life-winona-county-drug-court-ymca/article_8dafa6e6-8652-5ffd-b756-3744a2be8555.html
 - Received funding from Merchants Bank and CARE program. Also used the Program Income for payment of the partnership.
- ❖ Drug Court Parenting Class Partnership: With Winona Area Public School & Hiawatha Valley Mental Health.
- ❖ WSU nurses are starting their Wellness presentations for Drug Court Participants.
- ❖ Winona Health-WRCC continuing partnership.

Policy and Procedure

- ❖ Updating Drug Court's Business Report
- ❖ Updated 2016 Drug Court Participant Handbooks, Policy and Procedure Manuals.
- ❖

Intern

- ❖ New Drug Court Intern
- ❖ Criminal Justice Major
- ❖ Began 1/4/16

Courts Committee/Pretrial Services Workgroup
February 18, 2016 at 8:00 a.m.
Courtroom #2 Jury Room

Present: Jeff Johnson, Judge Nancy Buytendorp, Kalene Engel, Karin Sonneman, Darlene Larson, Latrisha Green, Alaina Zimmerman.

Approval of Minutes: Minutes from the January meeting were approved by consensus.

Drug Court Update: Kalene distributed the drug court update from Samantha Carter (attached). Judge Buytendorp stated that drug court is not currently taking new participants as the grant funding will expire later this year and the team is looking at how to sustain the court until additional funding can be secured.

Review of Workplan: Kalene reminded the workgroup of the action steps that had been agreed upon at the September, 2015 meeting, as follows: establish workgroup, gather data, develop a mission/vision statement, mapping, develop a logic model and outcome measures, develop policies and procedures and determine administrative locus.

Vision/Mission: The revised agenda contained the Vision and Mission Statement that had been approved by the Workgroup at the January meeting.

Public Defender Representation at 1st Appearances: Jeff Johnson hired Mike Kuehn as the managing attorney and Graham Henry as a full-time public defender for the new Winona Office. Kristin Edwards Giem will transfer from the Rochester office and serve as an office support person; Sue Landowski will also do some work out of the Winona Office. Construction on the office is running a little behind, but Jeff believes it will be ready by the end of March/early April. Jeff will be hiring another full-time public defender for the Wabasha area, as Brian Pafundi has transferred to Rochester.

SIM (Sequential Intercept Mapping): Kalene distributed copies of the Sequential Intercept Map that was done by the Stepping Up Workgroup last month. The SIM was done for the purpose of identifying ways to reduce the prevalence of individuals with mental illness in the jails. However, the mapping that was done is the same type of mapping that would be done for the pretrial services program, except that it incorporates additional touchpoints, both before and after the pretrial intercept. Kalene reviewed the pretrial stage of the SIM and stated that she would supplement it information from mapping efforts of the previous pretrial services workgroup. Workgroup members were asked to review the SIM and provide Kalene with any additional information or feedback.

Pretrial Release Orders: One of the issues that was identified as a gap in the pretrial process was the lack of written pretrial release orders, which contained the specific conditions of release. Previously, Winona County had a triplicate form on which to record any conditions of release. Currently, release conditions are being recorded in court minutes. Darlene Larson stated that efforts are underway to implement a printed release order using MNCIS which would be distributed to Defendants and the Sheriff at the time of the first appearance. The technology

already exists for these orders and the only holdup is the printers. Darlene hopes to have this implemented within two weeks.

Court Reminders via Software Systems: Committee members engaged in extensive discussion about the need for and benefits of having automated reminders sent to Defendants about upcoming court dates. Most people have cell phones and internet access. E-mail addresses appear to be more static/stable than cell phone numbers. Darlene stated that such a reminder system exists for harassment restraining orders, so it would seem that it could be incorporated for additional purposes. The public defender software draws information directly from MNCIS. Jeff Johnson will look into whether the public defender software could be used for such reminders. Kalene encouraged everyone to check out the capabilities of incorporating reminders in their respective software system, noting that reminders of court dates would best come from the MNCIS system.

Legal Framework: Kalene referenced the Legal Framework handout that she had distributed at the January meeting and asked workgroup members to review and advise of any changes by the March meeting.

Outcome & Performance Measures: Kalene distributed copies of the Outcome and Performance Measures handout that was originally distributed at the January meeting. She noted that, based upon her research, the handout contained the generally accepted outcome measures for pretrial services programs.

Action Plan: Kalene and Karin will be meeting with the County Administrator in early March to discuss the CJCC's current projects and future course of action.

Meeting adjourned 9:10 a.m.

STATUS REPORT FOR SAMANTHA CARTER

For the Month of 1/20/2016 - 2/18/2016

Presentations

- ❖ Taught a class of WSU Nursing Students 1.19.16
- ❖ 4 or 5 Lectures at WSU between now and April.

Immunoassays/technology

- ❖ Currently there is no movement in this area

Software

- ❖ Renewed Theranest, Echosign, and Evernote

Drug Court

- ❖ 17 active participants, 5 currently in treatment
- ❖ 1 awaiting placement in treatment
- ❖ 1 absconded
- ❖ Currently suspending intake

Policy and Procedure

- ❖ Ongoing task: evaluating program policy's for positive deliverables
- ❖ Delivered Updated 2016 Drug Court Participant Handbooks.
- ❖ New release forms are made and being signed by active participants.

Courts Committee

- ❖ Completing all tasks assigned

Presentations

- ❖ Continue presenting to the community
- ❖ WSU presentation March 4th
- ❖ Drug Court Participants will present to Winona Health on 2.29.16

Winona County Criminal Justice Coordinating Council
Courts Committee/Pre-Trial Services Workgroup Minutes

The Courts Committee did not meet in March of 2016. Members were instructed to watch the a NaCO webinar on Using Pretrial Risk Assessment to Guide Release and Detention Decision Making which was original broadcast on March 17, 2016:

<http://www.naco.org/events/using-pretrial-risk-assessment-guide-release-and-detention-decision-making>

The next meeting of the Courts Committee is on April 21, 2016 at 8:00 a.m. in Jury Room #2.

Courts Committee/Pretrial Services Workgroup

April 22, 2016 at 8:00 a.m.

Courtroom #2 Jury Room

Present: Jeff Johnson, Judge Nancy Buytendorp, Kalene Engel, Karin Sonneman, Darlene Larson, Latrisha Green, Steve Buswell, Karen Bunkowski, Bruce Wemette, Mike Flaherty, Candace Haigh.

Approval of Minutes: Minutes from the February meeting were approved by consensus.

Drug Court Update: The federal grant funds will expire soon, but the state has stepped in with some additional funding. Samantha Carter's last day is April 27th. After that, Carolyn Minichowicz, who is the Rice County Drug Court Coordinator, will act as temporary coordinator for two months until a permanent coordinator is hired. The coordinator will be a state employee and will use the Community Services conference rooms to meet with clients, but will be officed in the Courthouse. The Jail will still be doing on-site drug testing and Family and Children's Center will be contracted to do tests on evenings, weekends and holidays. Additional details will be worked out in the coming months.

Furloughs for Treatment: As a result of the decision by the Department of Human Services not to fund treatment center costs for jail inmates on furlough, Community Services will not be approving CCDTF funding for jail inmates seeking a furlough for treatment. DHS has determined that those individuals on furlough are not technically on Medical Assistance and, therefore, not entitled to CCDTF funding. There are a couple of outstanding bills involving such clients that WCCS is working with DHS to resolve. Those who have already been approved and are in jail awaiting placement will have their funding approval denied. If people are released (ROR'd) with a condition of attending treatment, then funding could be approved. This may also impact the timing of Rule 25s, since they are only valid for a certain period of time. Costs of Rule 25s are paid regardless of whether they are in custody or not. The Common Ground program is also available in the jail. Inmates who have private insurance or do not need to access CCDTF funding could still request a furlough. This item will also be placed on the agenda for the Judge's Meeting.

Amnesty Day: At a recent CJCC meeting, the idea of having an "Amnesty Day" to resolve outstanding warrants/fines was informally discussed. Recently, an announcement was posted on CourtNet regarding a similar program which will take place in Anoka County on April 29th (see attached description). Committee members discussed the possibility of holding a similar program in Winona, with the consensus being that it was worth looking into. Kalene will reach out to Anoka County to get more information. (NOTE: Following the meeting, Candace indicated that she would reach out to Anoka County Court Administration).

Pre-Trial Services Program Workgroup: Kalene reviewed the progress of the state and local pretrial workgroups. The state workgroup is in the process of developing recommendations, based upon what it has learned over the past several months of study. Locally, the group has developed a mission/vision, mapped the process, researched the legal framework and developed outcome measures. Kalene will be working with a WSU professor to analyze the data she has

been collecting regarding jail admissions. At this point, especially with the jail situation in flux, we need to start brainstorming on program options. One option would be to have an independent entity run the pretrial services program, such as what is done in Ramsey County with Project Remand. Bruce Wemette from Camsystems stated that Camsystems might be interested in looking into running the program. They are actually meeting with Wabasha County next month regarding monitoring. The benefit of having a company who provides the monitoring equipment also run the program is that the costs of the monitoring devices could fund the personnel needed to run the program. Latrisha also spoke about her analysis on a recent grant RFP (request for proposals) for the Justice and Mental Health Collaboration Program. She noted that we have a number of programs in place but the programs are not talking to each other. Technology, such as secure teleconferencing and health information exchange programs, could also be used in a pretrial program. Judge Buytendorp has arranged for a meeting between the telemedicine representatives from Winona Health and a few members of the justice system on May 6th. Due to time constraints, discussions on program options will be continue at the May meeting.

Meeting adjourned 9:10 a.m.

Next Meeting: May 19, 2016 at 8:00 a.m. in Jury Room #2

Courts/ Pre-Trial Services Committee Meeting Minutes
May 19, 2016

Present: Judge Nancy Buytendorp; Jeff Johnson; Karin Sonneman; Michael Flaherty; Candace Haigh; Darlene Larson; Eric Spagenski (Common Ground)

Minutes by: Marta Christianson (Law Clerk)

Call to Order: 8:03AM

Common Ground “Voyage” Program (Eric Spagenski):

Substance abuse sentencing is shifting toward a healthcare model versus a punitive approach. Common Ground’s proposal for the Voyage Treatment Program: new outpatient group for participants who are high risk, high need, high LSCMI scores. Transition from Winona County Jail’s Gateway Program to high intensity outpatient treatment with the Voyage program.

Jail’s Gateway Program:

- Current Gateway program is open group/ lengthy time period
- Change Gateway program to a 3 week closed group program in the jail.
 - o Participant can self-recommend or can be recommended by Judge/attorney.
- Gateway would be a preliminary curriculum for the Voyage program, evaluate high risk/high need candidates, address participants’ housing and other needs, work on case plan, set them up for next steps. Get ahead of treatment from get-go.
- After completing Gateway determine if individual is appropriate for Voyage/ can be released to the community.
 - o Not everyone who completes Gateway will be appropriate for Voyage, may still recommend residential.

Voyage Program: Total of 19-20 months

- Goal: Multi-disciplinary approach to treatment, recovery, and monitoring participants, including a relapse track.
- Ongoing discussions among stakeholders: Common ground, Community Services, Probation (DOC will be asked to help w/ UA’s), future pre-trial services coordinator, etc.
- Not asking for additional services beyond extended outpatient but changing the time from 4 months to 9 months.

First 9 months:

- Phase 1: 3 days a week of group for 6-8 weeks (2 hour group sessions)
- Phase 2: 2 days a week of group for 6-8 weeks
- Phase 3: 1 day a week of group for 12 weeks
- Last phase: 2 times a month full day of group
- Social activity once a month for first 9 months – Common Ground covers the costs. Used as community building/ fun event to reward participants.
- Equivalent of intensive supervised release– but not classified as ISR.

Next 12 months:

- Meet 1 time a month for group for a year
- Participants are invited to the monthly social event but do not usually attend.

Voyage is still in its proposal stage:

- Eric will be meeting with Renee in DOC on June 6.
 - o DOC is receptive so far but still need to deliver full proposal for its consideration.
- After DOC Meeting will present the program to the CJCC.
- GOAL: Implement Gateway changes and have Voyage program ready to go by July/August 2016

Evidence Based Program:

- Existing program in Olmsted Co. Wilder evaluated. Eric can distribute Wilder report.
- Marianne O'Keefe (Olmsted) also tracking Olmsted program from the start:
 - o Proven results
 - o Reduced costs (Over \$1 million savings to community for 4 or 5 participants)
 - o Reduced substance abuse/ reduced recidivism/ reduced incarceration/prison sentences
- Replicate what we know works but open to change and adapt and be flexible as needed.

How to incorporate pre-trial services?

- Eligibility: Substance abused disorder. High risk, high need, high LSCMI (over 23)
 - o If person has a lower score → recommend traditional outpatient not Voyage.
- Would work directly with pre-trial release coordinator (if hired) to discuss/screen eligible participants for Gateway
- Evaluations to determine eligibility can be done within a week (by Common Ground)

3 types of defendants for Gateway/Voyage Eligibility:

1. No treatment need: Not part of this program.
2. Need treatment/ not public safety risk: Released; regular out patient – 2 times/week
3. Need treatment/ public safety risk: Remain in custody, require Gateway program, and re-evaluate release/ Voyage eligibility after 3 weeks in Gateway.

Evaluations for Eligibility:

- Usually Common Ground will do the initial evaluations to determine eligibility.
- Common Ground recommends level of treatment – won't specify Voyage.
- Eligible individuals work with Amy Moe to choose the place of treatment.
 - o Amy is stop gap to allow individuals choice/ autonomy in their treatment.

Rule 25 funding discussion:

- Concern that Community Services will not pay for Rule 25 evaluations if in custody.
- Group discussion determined that there won't be a payment problem for Gateway.

Grant opportunity for a Pre-trial Services coordinator?

- County recently applied for a similar grant regarding mental health, reducing jail population, etc. that could be used here (Karin)
- Have not applied for a specific pre-trial services grant to hire a coordinator at this point.

Co-Occurrence: all Common Ground facilities licensed for co-occurrence

- Common Ground's focus is substance abuse treatment but works closely with mental health/ therapy providers
- Diagnostic evaluation recommended for 80% for emotional/mental health needs.
- Common Ground has all participants sign releases – to allow for exchange of information between Common Ground and other providers.

More flexibility to screen for Voyage as part of pre-trial services but can also incorporate as post sentence program.

- It is possible to do Voyage Program without first completing Gateway (i.e. if person is released – could make special accommodations to ensure they are ready to start Voyage).
- Individuals who are sentenced to Winona's Drug Court would receive double support/ additional safety net for navigating treatment and sobriety.
- Possible for Drug Court/Voyage participants to stay in Winona by living in Common Ground's new residential facility.
- Opportunity to keep people in Winona instead of sending to residential treatment

Upcoming Community Forum: June 2, 3-6pm, Riverport Inn

Will discuss Voyage program- hope to alleviate any community/police concerns

- Eric will email the flyer out to the group.

Follow up:

Please email Eric with other questions, comments, etc. about Voyage that may come up.
eric@commonground.org

Meeting Adjourned: 8:50 AM

Next Meeting: Kalene will schedule by email.



Voyage Program Proposal

Aimed to serve Winona County's high-risk substance dependent, criminal population

About the Voyage Treatment Program:

The Voyage program will provide long-term treatment for participants who demonstrate significant criminal & addictive thinking/behavioral patterns. The program is an evidence-based treatment curriculum developed jointly by Hazelden and the Minnesota Department of Corrections. The program is approximately 20 months in length, is gender-specific and will be available to Winona county residents and clients. The program ensures rapid response to unlawful behaviors, thus mitigating risk to the community and the individual.

Common Ground currently partners with Winona County Social Services, Department of Corrections-Winona Division, and the Winona County Sherriff's Office.

Program Participants:

- High-risk for criminal and addictive recidivism with LSCMI of >23.
- Clients may be court-ordered or program-mandated for assessment and participation in the program.
- Appropriate clients may have exhausted other community-based rehabilitative services.
- Clients are required to submit to random alcohol, drug, and synthetic substance use testing multiple times per week.
- Must complete the Gateway Program and be deemed appropriate by a multi-disciplinary team for admission.

Benefits:

- Proposed program is based on evidence-based research.
- Reduced alcohol and drug abuse, reduced incarceration rates, reduced criminal offenses, reduced offenders being sent to prison.
- Cost savings including a reduction in incarceration costs, prosecution costs; operates within existing county and private sectors with no added cost to the county or Taxpayers.

Contact Information

Eric Spagenski, LSW, LADC, CS
Clinical Director
eric@commonground.org

Mattea Schmitz, CEO
Treatment Director
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**Criminal Justice Coordinating Council
Courts Committee/Pre-Trial Services Workgroup Minutes
June 16, 2016 at 8:00 a.m.
Court Administrator's Conference Room**

Present: Karin Sonneman, Kalene Engel, Steve Buswell, Latrisha Green, Candace Haigh, Eric Spagenski

Minutes by: Kalene Engel

Welcome & Call to Order: 8:05 a.m.

Stepping Up Presentation: Kalene provided an abbreviated version of the Stepping Up update that she provided to the County Board on May 24th. The presentation included some jail data; the CARE intern is working on compiling even more data, including the reasons for incarceration (i.e. new charges, probation hold, etc.). Several of the recommendations that were generated as a result of the work of the Stepping Up Workgroup relate to pre-trial services and diversion programs, which would be the domain of the Courts Committee.

Justice and Mental Health Collaboration Grant: Latrisha and Kalene discussed the components of the Justice and Mental Health Collaboration grant application that was submitted to the Bureau of Justice Assistance on May 17, 2016. The JMHC grant application did not create a separate "program" but added some of the missing components in our current system, as identified by the Stepping Up Workgroup and the Pretrial Services Workgroup. See the attached page for the Project Abstract for more details. If approved, the grant would fund a jail intake worker, video teleconference capabilities and additional training. A few weeks prior to the due date of the grant, Latrisha attended a Minnesota Office of Justice Programs Training for the CARE Program. At that training, she was advised that the CARE Program would continue to be funded by OJP as long as it adhered to certain evidence-based practices, including the use of CAREY Guides.

Common Ground Voyage Program: Eric Spagenski provided information about the proposed Voyage Program at the May Courts/Pretrial meeting. He has been meeting with representatives of the Department of Corrections regarding the program proposal and has another meeting scheduled for July. The Voyage Program, which builds upon the in-jail Gateway Program, was also "built into" the JMHC grant proposal. Committee members discussed possibilities for a diversion option which incorporated some of the principles of the Voyage Program. After some discussion, it was determined that it would be more productive to have a meeting between representatives of Common Ground, DOC/probation, prosecution and the public defender's office to discuss those details. Karin and Eric will work on arranging such a meeting after Eric concludes his scheduled meeting with DOC representatives.

Guardianship/Conservatorship Procedures: Kalene asked to revisit the issue of court appointed attorneys for individuals seeking a guardianship. Candace and Karin noted that a meeting was recently held by Court Admin, County Attorney's Office, County Administration and Community Services and that another meeting is scheduled in the near future. Kalene noted

that if additional input was needed, the court-appointed attorneys and the Winona Area Public Schools transition coordinator, Mindy Reinardy, might be interested in providing input.

Meeting adjourned: 9:10 a.m.

Next Meeting: July 21, 2016 at Winona Public Defender's Office, 166 W. Third Street, Winona

Winona County Criminal Justice Coordinating Council
Courts Committee/Pre-Trial Services Workgroup Minutes

The Courts Committee did not hold a formal meeting in July of 2016. Some members of the committee received a tour of the Winona Public Defender's Office at 166 West Third Street in Winona.

The next meeting of the Courts Committee is on August 18, 2016 at 8:00 a.m. in the Court Administration Conference Room on the 2nd Floor of the Courthouse.

**Criminal Justice Coordinating Council
Courts Committee/Pre-Trial Services Workgroup Minutes
August 18, 2016 at 8:00 a.m.
Court Administrator's Conference Room**

Present: Karin Sonneman, Kalene Engel, Kevin Burke, Candace Haigh, Nancy Buytendorp

Minutes by: Kalene Engel

Welcome & Call to Order: 8:05 a.m.

Approve Minutes from June 16, 2016 Meeting: Approved without changes.

Drug Court Update: Carolyn Mnichowicz provided an e-mail update on Drug Court as follows:

- There are currently 15 clients with 3 graduations scheduled for the end of the month and three clients set to be admitted. The capacity of Drug Court is 20-25.
- The State provided \$100,000 in funding to fund the court for the next year. A search is underway for a compliance officer to assist with enforcing the drug court requirements.

Judge Buytendorp also noted that Ms. Mnichowicz will continue as the part-time coordinator once the program switches to state funding. Clients have expressed appreciation of Ms. Mnichowicz's services.

Video Teleconferencing for In-Custody Defendants: The Justice and Mental Health Collaboration grant proposal contained a request for the funding of secure videoconferencing technology for the Winona and Houston County Jails. In light of the current jail situation, the County Commissioners seemed quite interested in video teleconferencing, but it is unclear what county efforts are underway, if any, to make that happen. Candace recently returned from a court technology conference at which video teleconferencing was discussed. Many of the less populous counties in northern Minnesota are using the technology to conduct court hearings and it is working well. Candace will check into this further and report back at the next meeting.

Guardianship/Conservatorship Procedures: The County has elected not to fund a court-appointed attorney for individuals seeking a guardianship for another. This means that the parties wishing to establish a guardianship must either hire their own attorney or attempt to represent themselves. Already there have been some issues with pro se petitioners not understanding the process or required paperwork. Candace will contact other court administrators to find out what, if anything, they are doing to assist self-represented people in establishing guardianships.

Pretrial Services Program Workgroup:

- a. State Pretrial Release Workgroup: As of last month, the workgroup was debating bail schedules and had not yet picked a bail evaluation tool.
- b. Public Defenders at First Appearances: Public Defenders have been appearing at 1st appearances for the last several weeks and the court is already seeing noticeable positive results. Many are entering pleas right away or taking care of probation violations, such that an entire hearing can be eliminated.
- c. Pretrial Release Order: For the last few months, pretrial release orders have been generated at 1st appearances, with paper copies provided to individuals (like the

Defendant and Jail) who cannot otherwise access them on-line. The orders are signed by the judge and contain information on STS and the need for booking/fingerprinting, as well as conditions of release and the next court date. This appears to be working very well.

- d. **Court Reminders/Messages:** Previously, the workgroup had discussed the possibility of having automated court date reminders sent to Defendants via text, e-mail or call from either MNCIS or each agency's case management software (i.e. Gideon, MCAPS, CSTS). CSTS does have this capacity and is being used. Kalene will check with her CJCC counterpart in Hennepin County to see whether the 4th District has implemented a reminder system using MNCIS or other software.

Update: Per Hennepin County CJCC Coordinator Michael Graif, the 4th Judicial District is currently piloting a court reminder program and recently selected a vendor to implement an automated solution. The intention is to scale this solution statewide if it is found to be successful locally.

Amnesty Day: Anoka County provided Candace with the results of the Amnesty Day it held in April. The Driver's License Clinic was very successful but the Outstanding Warrant Clinic was not. Court staff believe that holding the Clinic on a Friday caused people to believe that it was a trick, and that they would be held in jail over the weekend if they self-reported. Winona County has a long list of outstanding warrants as well as a long list of individuals who need to be booked and fingerprinted (suspend list). These two issues could be incorporated into a "report and release" type clinic. Advertising could be done in the paper, on social media, in area businesses and via direct mailing to the last known address of the defendant. Karin is meeting with jail staff this morning to discuss the suspense list, so she will talk to them about the possibility of a clinic, finding out whether equipment/staff could be moved to the courthouse to make a "one stop shop." Judge Buytendorp suggested holding the clinic on a Monday. Candace will look at the court calendar, as it would be most helpful to have limited to no court at the time the clinic was occurring. Judge Buytendorp suggested that a smaller workgroup be formed to discuss this matter, including representatives from court, judges, public defenders, county attorneys, probation and jail.

Court Calendar: The court is working on a new court calendar (scheduling system) which would be rolled out next year. Traffic court would be eliminated, with appearances scheduled during other criminal court times. Karin noted that the block scheduling at 1:30 p.m. created some challenges for her staff, who sometimes had to wait around for significant time periods between hearings.

Meeting adjourned: 8:55 a.m.

Next Meeting: September 15, 2016 at 8 a.m. at Court Administrator's Office

**Criminal Justice Coordinating Council
Courts Committee/Pre-Trial Services Workgroup Minutes
September 15, 2016 at 8:00 a.m.
Court Administrator's Conference Room**

Present: Kalene Engel, Wendy VanDuyne, Candace Haigh, Nancy Buytendorp, Mary Leahy, Jeff Johnson, Michael Kuehn

Minutes by: Kalene Engel

Welcome & Call to Order: 8:05 a.m. Thank you to the Public Defender's Office for Bloedow's doughnuts!

NIC Jail & Justice System Analysis: Committee members in attendance at the NIC's Town Hall presentation on September 9, 2016 reported on the findings and recommendations from the NIC technical assistance consultants. A copy of the Powerpoint from the presentation is posted on the CJCC website: http://www.winonacountycjcc.org/assets/Winona_Town_Hall_Slides.pdf. The experts started out by discussing the process and next steps, should the County decide to continue exploring the possibility of changes to the current system. They then discussed specific concerns with respect to the jail including lack of space for programming and recreation, inadequate/unsafe booking and sally port areas, ADA noncompliance, locking mechanisms/panels which would be extremely difficult to operate in the event of a fire/visual obstruction, inadequate privacy in nursing station, unknown and intangible costs associated with sending inmates out of county and others. Jail data showing a "snapshot" of the population during one day in August was compiled and included in the presentation. Approximately 20% of the inmates are sentenced and over 30% are on probation or other holds and the rest are pretrial defendants. The experts discussed the two factors that influence jail population—the number of admissions and the length of stay, likening it to a water tank, with the amount of water rising and falling depending upon those two factors. When looking at how to influence the jail population, the experts recommended targeted those areas that affect the influx of inmates (the top of the water barrel) or the length of time that they are held (the drain at the bottom of the barrel). Throughout the presentation, the experts gave high praise to the CJCC. Four main recommendations were made regarding alternatives to incarceration: (1) need for expanded mental health services – in jail and in community; (2) limited continuity of care between jail & community-based services; (3) need for pre-trial services – presently pretrial conditions are imposed with no monitoring for compliance and (4) need for sustainability of good programs started with grant funds. County Board members in attendance decided to wait until receipt of the written report to continue discussions on the issue.

Court Reminders in MNCIS: Kalene received contact information for the individual in charge of the MNCIS court reminder pilot program, currently being tested in Hennepin County. There is apparently a function in MNCIS that will allow for text and e-mail notices, which is what is being used. Kalene will monitor the progress of the pilot project and possible expansion to other counties.

State Pretrial Group: Judge Leahy reported that the Minnesota Judicial Council Pretrial Workgroup recommended that a universal bail evaluation tool be implemented statewide and that bail schedules be eliminated. The group has just started working on selecting the universal bail evaluation tool.

Work Release for Female Inmates: Concerns were raised regarding how female inmates would be able to utilize work release privileges, since they were now being held out of county.

This raises an equal protection issue and could result in court orders requiring transport of those inmates to worksites.

Gateway and Voyage Programs: Eric Spagenski of Common Ground will be giving a presentation about the Gateway and Voyage Programs at the Winona Public Defender's Office today at 3:00 p.m.

Amnesty Day for Warrants: Steele County had a poor turnout for its Amnesty Day—only 7 people showed up. However, the people who did show up were able to be helped. Organizers felt that people were concerned that it was a trap, so the fear of being jailed likely kept some people away. Discussion was held about possible ways to alleviate this concern, including having the first communication be with a public defender offsite. Last Fall, court administration reviewed existing warrants and removed many that were very old; they plan to do this again soon. Members were encouraged to think of creative solutions to make an amnesty day an efficient use of time and resources.

JMHC Grant Positions and Drug Court Compliance Officer: The pending Justice and Mental Health Grant application creates a "jail intake worker" which is a quasi- pretrial services coordinator. Similarly, the Drug Court is currently looking for a compliance officer to perform drug testing and check-ins and similar duties which are not within the job description of the current drug court coordinator. With the recent recommendation by the NIC experts to create a formal pretrial services program, it appears as though there is a definite need for additional staff to perform these related functions. Grant funding announcements will be made by the end of the month and the Winona County Personnel is looking into the drug court compliance officer issue.

Meeting adjourned: 9:00 a.m.

Next Meeting: October 13, 2016 at 8 a.m. at Court Administrator's Office

**Criminal Justice Coordinating Council
Courts Committee/Pre-Trial Services Workgroup Minutes
October 20, 2016 at 8:00 a.m.
Court Administrator's Conference Room**

Present: Kalene Engel, Wendy VanDuyne, Nancy Buytendorp, Jeff Johnson, Michael Kuehn, Renee Rumpca, Karin Sonneman

Minutes by: Kalene Engel

Welcome & Call to Order: 8:05 a.m.

Approval of Minutes: Approved without changes.

Drug Court Update: The County signed a contract to hire a part-time case manager through a temporary agency. A job description specifying the duties of the case manager was discussed and agreed to. Currently, there are 17 participants in drug court. Mike Kuehn is now the defense attorney representative on the team. He would like to obtain some drug-court specific training and is working with Carolyn Mnichowicz to locate suitable training.

PSI Timelines: See the attached description, drafted by Karin Sonneman. Extensive discussion was had regarding reasons for and ways to decrease "bottlenecks" in the processing of PSIs, particularly those that involve expedited PSI requests. Ideas discussed included e-mail notifications from the courtroom when an expedited PSI was requested; having judge's review/approve clerk notes from the bench prior to calling the next case; clerk reminders to defendants to report to DOC immediately post-hearing and to complete PSI questionnaire; converting PSI questionnaire to a .pdf-fillable document; having jail staff/CARE staff or defense attorney assist defendants with completion of the PSI form; having DOC schedule a PSI interview when Defendants came to the DOC window post-court; using e-mail or text communication instead of phone and U.S. mail communication to arrange PSI interviews; limited requests for expedited PSIs to only those that are reasonably necessary. The Public Defender's Office agreed that its attorneys will not request expedited PSIs unless absolutely necessary. Court Admin agreed to e-mail DOC from the courtroom when a PSI was ordered. Both will try to impress upon defendants the importance of completing the PSI questionnaire. Renee will ask Rena whether an appointment could be scheduled for an offender if they came to the DOC window with a completed questionnaire.

Bail Schedules: Judge Thompson needs to make a report to the Judicial Council regarding the use of bail schedules. Jail Programs Director Ben Klinger was not able to attend the meeting but provided information on the current bail schedule to Wendy. Currently, the following offenses are on the bail schedule: 4th Degree DUI, no insurance, no Minnesota drivers' license, fleeing on foot, driving after revocation/driving after suspension and minor consumption. Apparently those individuals who do not have ties to the community are subject to the bail schedule. Any bail posted is accounted for as "normal" bail. Concerns were raised about the possible discriminatory impact and lack of clear guidance if such a system were used. Since Judge Thompson needs a report soon, a workgroup consisting of Wendy, Karen, Mike, Judge Buytendorp and Ben will meet to discuss the issue further.

Other: The Public Defender's Office requested that efforts be made to notify attorneys who may be conferencing with their clients when a court session is about to begin. Wendy stated that this is usually done anyway and that court will start when scheduled. The Sheriff's Office is bringing defendants over ½ hour prior to court to allow for attorney conference. Jeff asked that he be notified of any attorneys whose tardiness becomes a recurring issue.

Meeting adjourned: 9:03 a.m.

Next Meeting: November 17, 2016 at 8 a.m. at Court Administrator's Office

Courts Committee October 20, 2016 Meeting

Agenda Item #3- PSI Timelines:

DOC advised me of this matter and I suggested it be brought to the Courts Committee. Renee Rumpca and Rena Patterson of DOC have communicated to me about it and I volunteered to bring it forward to the Committee. This is not a new problem, but one that has occurred in the past for many years in various cases. The most recent case in point is the following:

DOC requested a continuance as an expedited PSI was ordered in the case (exactly 3 weeks from the date of the plea). DOC advised that it takes one week for DOC to get the PSI request, so in this case that left DOC 2 weeks to prepare the file, run a background check, meet with the Defendant and complete the PSI and sentencing worksheet. Two weeks is not enough time for DOC to get a PSI completed. ***DOC policy allows for at least 21 business days (1 calendar month) for in custody defendants and at least 28 business days (45 calendar days) for Defendants not in custody.*** This policy is from when DOC receives the request, not when it is ordered from the Court. DOC currently has a 4 day delay in getting the request. For example, if a PSI is requested on a Monday, the DOC does not get it until Friday morning (Thursday evening's list).

The continuance request in this case was not granted. Judge Thompson indicated in his denial of the request that this is a "conflict within the executive branch, and they need to coordinate." DOC and my office is making this coordinated presentation to the Courts Committee to advise the Committee and educate the partners in the criminal justice system about the DOC's policy. DOC makes every effort to accommodate expedited PSI's if at all possible. However, advance inquiry is needed to see if DOC can accommodate an expedited PSI request.

DOC currently has 60 PSI'S assigned to the Department (between Winona and Wabasha). Winona has six felony agents and two of those agents are new and not as experienced as the other four. DOC supervisor Rena Patterson has asked for assistance from two DOC-CU agents as well as one Houston County agent as the felony agents are not able to handle the current PSI requests.

Comprehensive PSI's are a critical part of the criminal justice process. DOC needs sufficient time to get PSI's prepared. Steps in preparing PSI's include setting up the file, running background checks, interviewing the defendant, obtaining the Defendant's prior record (many times requiring getting information from other states), preparing and proofing the report and preparing the sentencing worksheet. The agents preparing the PSI's are also handling a full caseload of probationers whom they must continue to meet with and monitor, in addition to keeping up with their other work demands.

MN Department of Corrections Policy 200.010 indicates, in part:

Pre-Sentence Investigation Report (PSI) - a factual and evaluative description of an offender's personal and criminal history/character, as ordered by the court and completed prior to a convicted offender's sentencing date.

PROCEDURES:

A. A bond/bail study must be completed on a form approved by the Conference of Chief Judges. Approved forms can be accessed in the field services database CSTS (merge document).

B. PSI reports: field services staff must complete the PSI reports after the offender is found guilty by plea or verdict. The agent prepares predisposition reports; however, staff other than the agent are permitted to collect information for the predisposition report.

1. The PSI report must be completed within 21 working days for confined offenders and 28 working days for offenders not confined. If a sentencing date has been set beyond the 28 working days, the report must be completed and in the possession of the court eight working days prior to sentencing. Any extension beyond these time frames must have the approval of the supervisor and the court.

Respectfully submitted,

Karin Sonneman

Winona County Attorney

**Criminal Justice Coordinating Council
Courts Committee/Pre-Trial Services Workgroup Minutes
November 17, 2016 at 8:00 a.m.
Court Administrator's Conference Room**

Present: Kalene Engel, Nancy Buytendorp, Jeff Johnson, Michael Kuehn, Karin Sonneman, Marta Christenson

Minutes by: Kalene Engel

Welcome & Call to Order: 8:05 a.m.

Approval of Minutes: Approved without changes.

Drug Court Update: Drug Court has approximately 17 participants, with two set to graduate by the end of the month. The current part-time coordinator will be leaving as soon as someone else is hired to fill the position. Drug Court is also searching for a case manager position, as the coordinator is unable (per the job description) to do home visits and testing. Others, such as DOC and the Sheriff's Department, are currently filling in some of those gaps, but that cannot continue. Judge Buytendorp is working with the state legal department on some of those issues.

Update on Grant and Pre-Trial Services: The County Board did approve both the JMHC Grant and the CARE Grant. The JMHC Grant creates a Jail Intake Worker position, which performs some of the responsibilities that would traditionally be assigned to a pre-trial services officer. The CARE Grant retains the CARE Coordinator position, but concentrates the focus of that individual's work on re-entry, as opposed to pretrial issues. Neither of the grants creates a pre-trial officer. While the **AB Kiosk** that was demonstrated to the judges and others on November 14th, holds some promise as a pre-trial supervision tool, someone still needs to be in charge of the program. Kalene distributed a draft of Justice System Mapping Chart which was a task lists of the various tasks that are performed with/for individuals who are booked into the jail or are a part of the drug court. The list contains columns identifying who is responsible for performing that task (1) currently; (2) in the future under the grant and (3) not at all. The idea behind the mapping process is to identify where there are gaps and overlaps, in the hopes of pinpointing the number and type of personnel that are needed to fully implement the grants, a pretrial program, and all the existing services (including drug court). After much discussion, it was agreed that Kalene would arrange another meeting of individuals involved in the process or decisionmaking to review the chart and discuss personnel needs. In the meantime, Kalene will distribute the chart to Marta (for the insertion of drug court coordinator information) and Bill Moe (for the insertion of drug court case manager information) and Rena (for the insertion of DOC case manager duties). The individuals invited to the separate meeting will include Ben Klinger, Latrisha Green, Carolyn Mnichowicz, Bill Moe, Kalene Engel, Marta Christenson, Judge Buytendorp, Karin Sonneman, Michael Kuehn and Ron Ganrude. Due to the urgency of the need for drug court personnel, Kalene will attempt to schedule the meeting in late November/early December.

Meeting adjourned: 9:10 a.m.

Next Meeting: December 15, 2016 at 8 a.m. at Court Administrator's Office

Winona County Criminal Justice Coordinating Council
Courts Committee/Pre-Trial Services Workgroup Minutes

The Courts Committee did not meet in December of 2016.

The next meeting of the Courts Committee is on January 19, 2017 at 8:00 a.m. at the Court Administrator's Conference Room.