



**RESEARCH
IN ACTION**

Lessons from the Experiences of Justice-Impacted Community Members

**Ramsey County Bail Reform, A New Pretrial
Assessment Tool, and Community Support Needs**

Final Report

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Thank you to those that we interviewed for sharing their time, expertise, and perspectives:

- 130 individuals that attended two Town Halls data collection events in February 2022
- 27 individuals that contributed their lived experiences to focus groups held at the Ramsey County Correctional Facility in November and December 2022

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EXECUTIVE SUMMARY

Historians and legal experts have documented long-standing patterns of racial injustice within the United States criminal justice system and in all fifty states, including Minnesota. In particular, the cash bail system generates racial disparities in bail sentencing amounts and pretrial detention rates. Bail reform movements, which seek to shift away from a cash bail system, have touted pretrial risk assessments as a partial remedy to these disparities.

The Ramsey County Bail Reform project was brought together in spring 2019 through a joint effort between the Ramsey County Attorney's Office (RCAO) and the Ramsey County Sheriff's Office (RCSO) to:

- reduce the total number of people incarcerated and
- create an alternative to cash bail. The project drew together a group of systems stakeholders, nonprofit leaders, and people with lived experience in the carceral system.

As the project developed, Ramsey County officials acknowledged that they were not engaging communities sufficiently. Therefore, in 2021, RIA joined this project to aid in community engagement and ensure the community is involved in the development of policies made by the county. Through the Bail Reform Working Group (BRWG), RIA engaged the community in developing data collection tools and analysis. As a result, RIA was able to interview folks who are currently incarcerated on their experience with the bail process, the proposed Public Safety Assessment (PSA), and their general treatment through the carceral system. This report summarizes the data collection events led by RIA and offers a set of recommendations for the continuation of the BRWG based on key findings.

In collaboration with APPR and Ramsey County, RIA organized two Town Hall events in February 2022, with a total of 64 community members in attendance. The central aim of these meetings was to update community members on the work of the BRWG as well as garner input on future directions of the BRWG particularly to gather insights from justice-impacted community members on pretrial support needs. Several important themes emerged from discussions across these two events, in which participants expressed their critiques of the current system, reactions to a pretrial assessment tool, and provided details on what supports community believe would make the pretrial process more humane.

Building on the findings from the Town Halls, RIA held a series of focus groups in the Ramsey County Correctional Facility (RCCF) in November and December of 2022. The first set of focus groups were primarily focused on introducing and garnering feedback on the proposed PSA tool. Participants provided input on the accessibility and administration of the PSA and the pre-charge support process, homing in on the following central themes: (1) potential benefits of the PSA for justice-impacted people and their families; (2) the PSA should use holistic factors to understand the entire person; and (3) the system should provide basic supports and resources at all stages of the process. Several important themes emerged from the larger discussion of the PSA, namely, the importance of incorporating nuance when discerning motive concerning a criminal act, critiques regarding the current system's effects and harms, as well as the impact of "failure to acknowledge humanity" within the PSA.

The second set of focus groups gathered community input on the development of pre-charge support services, to be provided prior to the first court date for individuals within the carceral system. Participants identified several areas in which to focus support, including, logistical resources, informational resources, post-release resources, community and organizational support, advocacy support, and the creation of a new "navigator" role.

Using data gathered from both the town hall events and focus groups, RIA built a set of recommendations for consideration in the ongoing and future work of the BRWG, including:

- establish a team/office of navigators for individuals moving through the pre-charge process
- utilize existing community and organizational support networks and resources for those who are navigating the pre-charge process
- ensure implementation and practice of the Public Safety Assessment (PSA) remains transparent and holistic for its users
- improve legal and educational resources and support for those who are navigating the pre-charge process
- establish logistical resources and support for those experiencing reentry prior to a hearing
- establish better and accessible support and resources for basic health needs throughout the pre-charge process and after release
- consider pre-booking alternatives

INTRODUCTION

The Ramsey County Bail Reform project (RCBR) was created in spring 2019 through a joint effort of the Ramsey County Attorney's Office (RCAO) and the Ramsey County Sheriff's Office (RCSO). The two main goals of the RCBR were to: (1) reduce the total number of people incarcerated in Ramsey County facilities; and (2) create an alternative to cash bail. In May 2019, the Ramsey County Attorney's and Sheriff's offices began the process of drawing together a group of systems stakeholders, including nonprofit leaders, and people with lived experience in the carceral system to serve on the Bail Reform Working Group (BRWG).

**Asterisked organizations and individuals are current members of the BRWG. All others are past members.*

Governmental:

- Ramsey County Attorney's Office*
- Ramsey County Sheriff's Office*
- JusticePoint*
- Minnesota Board of Public Defense*
- Ramsey County Community Corrections*
- Saint Paul City Attorney's Office*
- Saint Paul Police Department*
- Ramsey County District Court*

Community-based Organizations:

- Minnesota Freedom Fund*
- Breaking Free
- Neighborhood Justice Center
- We Resolve

Consultants:

- Research in Action (RIA) (joined in 2021)*
- Advancing Pretrial Policy Research (APPR)*

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In the summer of 2020, Ramsey County was selected by Advancing Pretrial Policy Research (APPR) to be a Research-Action Site (RAS). As an RAS, Ramsey County receives technical and research assistance in identifying and implementing improvements to their pretrial system. Among these improvements is implementation of the Public Safety Assessment (PSA) to inform decisions about early release at the point of booking. The PSA is an actuarial assessment that estimates the likelihood of pretrial success—specifically, appearing in court, remaining arrest-free, and remaining arrest-free for a violent charge. The PSA uses nine factors to generate a score for an individual to estimate the likelihood of three different pretrial outcomes: failure to appear pretrial, new criminal arrest, and a new violent criminal arrest. The nine factors used to determine these outcomes are:

- Age at current arrest
- Current violent offense
- Pending charge at time of arrest
- Prior misdemeanor conviction
- Prior felony conviction
- Prior failure to appear in the past two years
- Prior failure to appear older than two years
- Prior sentence to incarceration

Implementation and use of the PSA is part of a larger set of pretrial reforms Ramsey County has explored and/or implemented since 2017, such as expanding pre-charge diversion and eliminating booking fees at the Adult Detention Center. Implementing the PSA as part of the pre-charge evaluation process could help to improve pretrial decision-making to maximize pretrial release, maximize court appearance, and maximize arrest-free rates of those on pretrial release (APPR, 2023).

In response to a lack of substantive engagement with impacted communities, in the fall of 2021 Ramsey County officials contracted RIA to work alongside impacted community members to ensure their voices were both heard within the Bail Reform Working Group (BRWG) and that their ideas were incorporated into any final deliverables from the working group. Ramsey County also tasked RIA with conducting qualitative research to learn from the experiences of those who have, or are, moving through the cash bail and/or carceral system. The intent of this research was to incorporate the voices of people with lived experience with these systems into recommendations for change.

Working alongside APPR and Ramsey County to develop discussion topics and logistical support, RIA conducted two Town Hall events in February 2022 on behalf of the BRWG. The goals of the Town Halls were to update communities with lived experience on the work of the BRWG (which to this point had not been fully introduced or explained to impacted communities) and to provide space for community members to offer feedback on how the BRWG should proceed particularly to gather insights from justice impacted community members on pretrial support needs. 64 impacted community members, in total, participated in the two Town Halls.

RIA staff reviewed and analyzed the community feedback from the Town Halls to design focus groups with impacted members of the community. In November and December 2022, RIA held a series of focus groups in the Ramsey County Correctional Facility (RCCF). The first series of focus groups offered space for incarcerated people to learn about and offer their feedback on the proposed PSA tool. During the second round of focus groups, RIA invited participants to envision alternatives to the current system, particularly how to create pre-charge support structures to help people who are: (1) trying to understand bail options and navigate the carceral system; and/or (2) have yet to appear for their first court date for an alleged offense.

Based on a review of literature, the Town Halls, and the two rounds of focus group data collection, Research in Action generated a set of seven (7) recommendations to Ramsey County to guide in the further development of the BRWG and in the investment of funds allocated for future bail reform efforts and tools like the PSA.

About Research in Action

Research in Action is a Black queer female-led, multi-racial, and gender-diverse social benefit corporation created to reclaim the power of research by centering community expertise and driving actionable solutions for racial justice. We disrupt traditional, top-down approaches to research and community engagement by putting community expertise first at every step—from naming the problem to identifying solutions.

Led by impacted community members, we leverage and share our technical skills in research, evaluation, and analysis; data innovation; strategy support; relationship and capacity building; and narrative shifting to advance concrete and actionable policy and practice solutions that lead to real and lasting change in our communities.

RIA utilizes the Equity in Action model to approach the successful execution of each project. Equity in Action intentionally rebalances power by creating new tables where impacted community members intentionally outnumber individuals with institutional or organizational rank so that community members are centered as essential experts and project leaders throughout any process. Our process centers community members in defining the issue, making sense of the data, and deciding what should be done with it.

Despite this, Research in Action entered a partnership with Ramsey County under a non-normative process. Community members supporting the RCBR project reached out to RIA's CEO, Dr. Brittany Lewis, in spring 2021, requesting that RIA be contracted to support community input and co-design for the BRWG. At that time, some community members on the BRWG felt disengaged, left out of the loop, and unclear about the direction or strategy of the BRWG's work. They sought RIA to help provide clarity to community members about how to influence the process of change at the BRWG. RIA then joined the project two years after its initial inception to support this community request, with the goal of refocusing the

BRWG's commitment to receiving and incorporating community feedback. However, by accepting this non-traditional partnership, RIA had to contend with the following:

- The Community Advisory Council did NOT have a majority of community members. Instead, it was composed of mostly institutional and contracted systems stakeholders.
- The community members on the council who requested RIA's involvement had removed themselves from the project by the time RIA's contract with Ramsey County began. This meant RIA had to facilitate additional outreach to bring on more community stakeholders.
- Prior to RIA's contract with Ramsey County, the BRWG created three separate subcommittees: Data Subcommittee, Pre-Charge Support Subcommittee, and Communications Subcommittee. By delegating work to these subcommittees, the BRWG made it more difficult for community members to participate. Most impacted community members could not meet during the workday hours when subcommittee meetings were scheduled. While they could attend the larger BRWG meetings. Effectively, meetings of the whole BRWG became a space where less action took place. The shift to subcommittee work created tension and disengagement for community members.
- The Advisory Council continued to have problems with disengagement and lack of clarity for community members on the BRWG. Over the course of the partnership, three different cohorts of community members joined and resigned from the BRWG.

Our model is intentionally directed toward actionable outcomes that lead to tangible, real-world outcomes while cultivating community power and authentic, mutually beneficial relationships with partners after the project has ended.

At RIA, we are co-creating emergent methodologies as an act of discovery in collaboration with communities. Our approach combines elements of grounded theory and participatory action research frameworks. Our process aims to be cyclical, iterative, and firmly non-extractive. We co-create methods with impacted communities in part to build awareness and understanding of how cultural beliefs and values differ between people participating in the project design. Understanding how culture informs our individual perspectives

or ways of seeing the problem helps us collectively create shared values, which leads to a cohesive direction for co-creating methods. Additionally, we collaborate with communities to ensure the tools we develop are culturally accessible.

The multiple phases of our Equity in Action model are intentionally designed to intersect to ensure a core component of our approach: shared meaning-making. Shared meaning-making is an ongoing process to ensure consistent collaboration throughout the project cycle. We use our technical skills to:

- Create space for all collaborators to develop a shared understanding of key language to describe the context and define the problem together
- Ensure all collaborators recognize the specific gaps our research seeks to fill and the specific goals of the project
- At every step of the process, revisit our shared values and reassess our collective knowledge based on what we're learning to ensure our process results in concrete policies and practices most needed by impacted communities

We resist the notion that quantitative research is more valid than qualitative research, which creates space for people to share their direct experiences through interviews and other engagements. We reject the false premise that "if you can't measure it, it doesn't exist," because data requires grounded human context to guide and inform our collective analysis. We deliberately approach research with mixed methods, valuing quantitative and qualitative data equally. We are discerning and intentional in creating mixed-method approaches that uproot racist presumptions and cultivate iterative processes that acknowledge lived experience as rigorous and actionable data and create power for and accountability with impacted communities.

We believe that data analysis and data collection overlap in the process of co-producing knowledge. Our general process involves:

- Collecting data from secondary sources, presenting the data to impacted communities, and holding space for impacted communities to determine the accuracy of the data and what existing data does and does not answer in relation to the research question.

Equity in Action Process Model

6) Identify Solutions & Next Steps

Based on the data and community input, we identify policies, practices and systems changes that will lead to concrete improvements in community members' lives – and shift relationships and power dynamics between the institutional partner and impacted community beyond the project.

5) Community Review & Action Planning

We make data understandable and clear so community members who haven't been part of the advisory council can make sense of what it means, identify where we have misunderstood or made mistakes, and surface multiple solutions.

4) Collect Data

We train advisory council members in data collection to work with the research team to connect with community members through a shared purpose to solve a common problem.



1) Assess the Landscape

We investigate with partners and community members the history and context that has led to the proposed project, honestly identifying institutional harms, pain points, and impacted partnerships. We define shared values, as well as stakeholder goals and interests.

2) Create Advisory Council

We create an advisory council made up of individuals who are personally impacted by a specific issue. Because they understand the issue better than anyone else, we elevate community members as project leaders in accurately identifying and solving the problems they experience.

3) Co-develop Approach

We support community members to use their expertise to describe the problem, design the process to understand it and develop tools to gather information.

Shared meaning making is iterative and ongoing throughout our process. We use our technical skills as researchers to 1) create space for all collaborators to develop a shared understanding of key language to describe the context and define the problem together, 2) ensure all collaborators recognize the specific gaps our research seeks to fill and the specific goals of the project, and 3) at every step in the process, revisit our shared values and reassess our collective knowledge based on what we're learning to ensure our process results in concrete policies and practices most needed by impacted communities.

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- Conducting interviews and/or focus groups, completing initial analyses, and then presenting findings and recommendations to the community through a Data Walk. At a Data Walk, impacted communities provide feedback on initial findings and share their perspectives and ideas as they relate to the question.
 - In RIA's partnership with Ramsey County, we did not conduct a Data Walk. The majority of participants in data collection opportunities were incarcerated at Ramsey County Correctional Facility. In order to protect the identities of our participants and protect them from potential retaliation for participating in research, RIA did not collect any identifying information from participants. As a result, we were unable to invite participants back to an event such as a Data Walk for feedback. Instead, we conducted two separate shared meaning-making sessions with our BRWG community members, who have all either experienced the carceral system or had family or friends who have. These shared meaning-making sessions therefore stood in for a Data Walk.
- Gathering learnings from the Data Walk and involving them in the final analyses to develop final project deliverables.
 - Because the BRWG did not have an overrepresentation of impacted community members to systems stakeholders, there was not fidelity to our Equity in Action model in this stage of the project. Additionally, because we were unable to invite back past research participants, our final analysis and deliverables were not informed by their potential feedback. That said, the final deliverables have been informed by the entire BRWG, including both impacted community members and systems stakeholders.

LITERATURE REVIEW

This section provides a brief overview of pervasive and structural racial disparities and harms in the U.S. justice system, which lead to an overrepresentation of Black, Indigenous, and Latinx people contending with the pretrial and cash bail system. The literature review also summarizes analysis and critiques of pretrial risk assessments, which have been identified as means to reform some of the flaws of the bail-based release system. After providing this background on the benefits and drawbacks of using pretrial assessments to drive this type of reform, we present a summary of alternative legal and institutional reforms that may also be effective for reducing racial disparities in pretrial detention and bail outcomes.

Racial Disparities & Injustices in the U.S. Criminal Justice System

It is indisputable that racial disparities are prevalent in every aspect of the criminal justice system, with police, prosecutors, and judges subjecting Black individuals to significantly more police searches, criminal charges, convictions, and incarceration than their white counterparts (e.g., Kovera, 2019; Hinton, 2016). These disparities lead to compounded harms in the cash bail system as Black individuals are disproportionately targeted by the criminal justice system and are, as a result, more likely to be subject to bail. Harms within the cash bail system, are often perpetuated through:

Racial Profiling: Racial profiling by law enforcement agencies can lead to disproportionate arrest rates for individuals from minority communities, increasing their likelihood of entering the cash bail system in the first place (Silton, 2002). In Minnesota, a recent investigation by the Minnesota Department of Human Rights into the Minneapolis Police Department found pattern of racial profiling behavior. For example, people of color and Indigenous people were more likely to be stopped by officers when their race was visible vs. when it was dark outside (Investigation, 2022).

Disparity in Bail Amount: Research has shown that the courts impose higher bail amounts on Black individuals than white individuals for similar offenses. For example, a study on racial bias in bail settings in Miami and Philadelphia found that Black defendants were 11% more likely to be assigned monetary bail than white defendants, and on average Black defendants received bail

amounts that were \$14,376 higher than their white counterparts (Arnold, et al., 2017). This inequality in bail is further magnified by the persistent wage gap rooted in racial and gender disparities (Patten, 2016). The combination of higher bail amounts and existing income inequalities place a severe financial burden on Black and Brown communities.

Pretrial Detention Rates: In large urban areas, because of judges' decisions, Black felony defendants are over 25% more likely to be jailed pretrial (Prison Policy Initiative, 2019). Pretrial detention can have serious consequences such as higher conviction rates, and longer sentences for defendants. For many individuals, pretrial detention can also lead to loss of employment, housing, and family stability.

These disparities are also glaringly apparent in Minnesota, with racial disproportionality within the prison population well above the national average. Moreover, studies have shown that Black Minnesotans are overrepresented at virtually all stages of criminal processing. This may be due to a combination of factors, including racial profiling by law enforcement, differences in prosecutorial screening/initial charging decisions, existing criminal sentencing guidelines (particularly ones that account for prior criminal history), as well as a lack of accessibility to effective legal counsel (Frase, 2009). In Ramsey County, Black individuals are overrepresented in jail by a factor of 3.66, making up approximately 44% of bookings and only around 12% of the total population. Initial analysis by the BRWG's Data Subcommittee and APPR on historical records in Ramsey County suggests that bail amounts for Black defendants charged with violent offenses are much higher than for white defendants facing similar charges.

Black defendants were 11% more likely to be assigned monetary bail than white defendants, and on average Black defendants received bail amounts \$14,376 higher than white counterparts.

These disparities often have long-lasting consequences and contribute to a compounded cycle of harm for marginalized communities, reinforcing the urgent need for reform within the cash bail system. Pretrial risk assessments have historically been identified as a potential alternative to traditional bail, with historic support from bail reform organizations. These assessments are further explored in the following sections.

Overview of Pretrial Risk Assessments

The central purpose of pretrial risk assessments is to examine the risks of releasing a defendant prior to their court-appointed hearing date. Commonly assessed outcomes include the likelihood of an individual appearing in court for their hearing and the likelihood of rearrest. It's important to note these tools are not intended to replace judicial decision-making, but rather to provide broader, group-level context for consideration in individual cases (e.g., the nature of the offense, the weight of evidence, etc.) (Desmarias & Lowder, 2019).

Pretrial Risk Assessments have played a significant role in judicial decision-making for at least fifty years (Corey, E., 2020). The federal Pretrial Services Act of 1982 first sparked widespread implementation of these tools, by creating a role for federal employees to provide official reports at pretrial hearings on the risks associated with the release of individuals. Judges could use these reports for consideration of pretrial options (Lowencamp, 2009). Bail elimination movements advocated for the expanded use of pretrial risk assessments as an alternative to cash bail in ensuring defendants attend pretrial hearings.

Initially, pretrial risk assessments were composed of unstructured "professional" recommendations derived from various sources of information. However, this quickly shifted to more formal risk factor checklists to reduce the increasing rates of pretrial detention; as stated previously, risk factors included on formal checklists are statistically correlated with nonappearance in court or rearrest—such as housing/residential stability, employment stability, substance

use, etc. (Pretrial Release Initiative, 2023). Hybrid approaches also emerged, in which professional recommendations are supplemented by scientifically validated assessment tools in order to establish a greater level of consistency.

Although there are a variety of tools in use, there are three that are commonly employed today: the Federal Pretrial Risk Assessment Instrument (PTRA), Correctional Offender Management Profiling for Alternative Sanctions (COMPAS), and the Public Safety Assessment (PSA). The success rates of these risk assessments are measured by a "likelihood of success" metric, in which success is defined by a tool's accuracy in predicting a defendant's appearance in court and/or lack of re-arrest prior to a court appearance. Based on this metric, the PTRA has the highest success rate at 83.5%, the PSA has a 74% success rate, and COMPAS has a 57.9% success rate (Robinson & Koepke, 2019).

Disproportionate police responses targeted toward Black communities mean that Black individuals are often set up for a "lifetime of biased assessment."

Pretrial risk assessments were once advocated as a tool to increase objectivity within pretrial decision-making; however, there is growing evidence that this is far from true. In fact, "the same bias that can impact a judge's or prosecutor's view of a client can also infiltrate the creation of an algorithm...and the

appearance of objectivity in a scientific tool can make hidden bias even harder to combat" (Jones, 2018). Critics of assessment tools state that although certain questions may not be racial in nature, questions regarding education level or past incarceration are in fact stand-ins for race—and disproportionately impact the scores of Black individuals. For instance, due to over-policing of Black and Brown neighborhoods—as a result of structural racism—Black individuals are five times more likely to be stopped without just cause and are more than twice as likely to be arrested; and as many pretrial risk assessment tools consider previous convictions as a significant factor in determining the probability of reoffending, these disproportionate police responses targeted toward Black communities mean that Black individuals are often set up for a "lifetime of biased assessment" (Heaven, 2020).

In a 2017 study, ProPublica examined risk scores from 7,000 individuals arrested in Broward County, Florida, between 2013-2014, finding that the risk assessment tool (COMPAS) showed a vast and troubling difference in scores for Black and white individuals. The study concluded that:

- Black defendants were often predicted to be at a higher risk to reoffend than they actually were;
- white defendants were often predicted to be less risky than they actually were; and
- even when controlling for contributing factors (e.g., prior crimes, future recidivism, age, gender) Black defendants were 45% more likely to be assigned higher risk scores than white defendants (Larson, 2016).

In essence, pretrial risk assessments serve to reinforce existing disparities in the criminal justice system by utilizing data from a system that penalizes Black individuals disproportionately. Even though pretrial assessments are one of many tools officials use to determine outcomes, studies such as these suggest that rather than correcting implicit or explicit racial biases of individual decision makers, like judges, pretrial assessments may serve to reinforce those biases.

For individuals who are categorized as "high risk" in their pretrial risk assessment and are placed in custody pending their court hearing, the repercussions can be devastating. Pretrial risk assessments currently do not consider mental health or physical health issues, despite evidence that incarceration can exacerbate pre-existing health conditions. This could lead to severe health complications for incarcerated people with chronic conditions (e.g., diabetes, asthma, etc.) (Lo & Corey, 2019). Pretrial detention can also place pressure on family members of incarcerated people and undermine financial stability, with consequences extending far beyond the incarcerated individual. For instance, individuals behind bars may experience a loss of job security, placing an additional burden on any family members or dependents who rely on their income. Further, as previously mentioned, pretrial detention can

also lead to a higher likelihood of conviction. Individuals who undergo pretrial detention are more likely to plead guilty to their charges in comparison to those who are released. This difference in outcome can be credited to the fact that released defendants have more freedom to speak to and strategize with their legal defense team, as well as provide evidence of good behavior to the court (Scott-Hayward & Fradella, 2019).

Use of Pretrial Risk Assessments in Minnesota

Pretrial risk assessment tools were widely implemented in Minnesota in 2018, following the passage of MN Statute 626.74. The statute requires counties to utilize pretrial evaluations (Minnesota Statutes, 2018). Soon thereafter, The Minnesota Judicial

Council established the Pretrial Release Initiative Implementation Steering Committee to oversee statewide implementation of the Minnesota Pretrial Assessment Tool (MNPAT) and pretrial release evaluation form (of which MNPAT is a part).

The MNPAT is designed to assist court officials in making pretrial release decisions and

asks questions that have been validated to be predictive of pretrial "failure," creating a categorical score that helps judges make an evaluation of defendants' overall risk of failure to appear for a future hearing or committing a crime during the pretrial period. The MNPAT is conducted while defendants are in custody as part of their booking process. The MNPAT is intended to be conducted by officials as a personal interview with defendants to fill out the MNPAT questionnaire.

Once the form is completed by jail officials, the data from the form is entered into Corrections Services Technology Solutions (CSTS) to generate defendants' scores based on the MNPAT's risk algorithm. Notably, the MNPAT scoring process is not complete until a charging decision is made. Once generated, the score is added to the defendants' court documents and shared with court parties prior to a court hearing.

Even when controlling for contributing factors, Black defendants were 45% more likely to be assigned higher risk scores than white defendants.

Currently, the MNPAT is the only assessment tool approved for statewide use. In Ramsey County, JusticePoint is the vendor contracted to implement the MNPAT. A few counties, namely Anoka, Cass, Hennepin, Sherburne, and Wright use alternative tools, often a locally validated tool vs. a universal tool¹ that has been independently validated by the Minnesota Judicial Council; all other counties in Minnesota utilize the MNPAT (Pretrial Release Initiative, 2023).

In recent years, Ramsey County has prioritized reforming the current pretrial system. Pretrial services have historically been provided by Ramsey County to support the court and inform decision-making regarding the detention or release of defendants. For the past 44 years, Ramsey County has contracted with Project Remand, a private, non-profit organization that provides pretrial release, diversion, and referral services. (GuideStar, n.d). Since 2019, Ramsey County has also contracted JusticePoint to provide similar services and to assist in conducting pretrial assessments.

To further their goals of transitioning away from reliance on cash bail, reducing the jail population, and to address racial disparities, Ramsey County applied to be a research-action site with the Advancing Pretrial Policy & Research Program with the Center for Effective Public Policy. As a research-action site, Ramsey County is proposing to implement the Public Safety Assessment (PSA) to help inform decisions about potential release pre-charge, at the point of booking. In this proposed system, the PSA would be administered to people who meet the criteria, such as being arrested for a low-level, non-violent crime. The PSA would occur at booking to determine eligibility for release before charges are determined. This would provide an earlier chance at release than the current system, where waiting for charges can cause delays in completing the MNPAT scoring process. If an arrested person was determined by the PSA to be ineligible for release, then they would wait for the MNPAT and other review by officials for a decision.

Defendants who “fail to appear” do so because of a lack of resources—like transportation or childcare—rather than an intentional desire to evade legal obligations.

In addition to reducing the number of people being held in pretrial detention, the county hopes implementation of the PSA will increase defendants' compliance with court appearances and increase opportunities for law enforcement to assist in diversion and other alternatives to traditional prosecution.² In doing so, the county hopes to improve public safety outcomes overall (Fletcher & Choi, 2020). The RCAO and RCSO understand that merely implementing a tool like the PSA cannot radically change public safety. The PSA is one of many initiatives that Ramsey County has launched in recent years. In addition to becoming a research-action site, Ramsey County continually engages in a variety of initiatives, workgroups, and committees, made up of various stakeholders (e.g., county officials, administrators, community members, law enforcement, etc.), to further their efforts on criminal justice system reform.

Reframing the Problem of “Failure to Appear”

Theoretically, pretrial risk assessments are meant to provide information to decision-makers about an individual's likelihood of (1) complying with court orders and court dates, and (2) remaining arrest-free. Decision-makers in the criminal justice system (e.g., judges) can use information from the risk assessment alongside other materials to make a final determination about

bail, detention, and other outcomes. However, research suggests that when people fail to appear for their court dates it has less to do with any potential threat than multiple flaws in the court system. Individuals with less wealth, power, and resources often face significantly greater challenges to appearing in court. Indeed, studies

suggest that defendants who “fail to appear” do so because of a lack of resources—such as transportation or childcare—rather than an intentional desire to evade legal obligations.

1- Locally validated tools are based and developed on the population within their jurisdiction to obtain the most reliable results. However, as the creation and development of these instruments is often expensive and time-consuming, most districts across the country utilize a universal risk assessment tool. Universal risk assessment tools are developed by national experts using proprietary and administrative records and are not analyzed or independently validated for specific geographic areas or sub populations (Podkopacz, 2018).

2- Some of the other initiatives Ramsey County has implemented in the past decade include eliminating the booking fee and reducing phone costs at the Adult Detention Center, holding community warrant resolution days to resolve warrants without jail time; expanding pre-charge diversion criteria; contracting with Project Remand to screen people for diversion eligibility and monitor people on conditional release (Fletcher & Choi, 2020).

Moreover, backlogs and miscommunications in the court system mean court dates are often changed, and those changes don't reach defendants. In many cases, court dates are continually pushed back for months or even years due to court backlogs. If a defendant changes addresses and does not have access to the Internet or a stable phone number, they will not receive updated information about court appearances or requirements. In one study, participants cited a lack of resources and information as significant barriers to appearing in court, including unreliable access to the internet or calendars, lack of transportation, absence of court reminders or information regarding hearing dates, or poor communication with defense attorneys (McAuliffe, 2022). And, as author Insha Rahman explains in a report on alternatives to bail in the New York City criminal court system, even if an individual makes it to all but one of their court hearings, they are still classified under "Failure to Appear" (Rahman, 2017), which is another strike against their character. This is true in Minnesota as well, as failure to attend any scheduled court hearing could result in being charged with contempt or marked as a failure to appear, based on the judge's decision. In terms of pretrial assessment tools, failure to appear citations have a negative impact on defendants, as they are evidence defendants are "at risk" of not appearing for future court dates.

Research suggests that in addition to resource barriers, "the expectation of unfairness" from the court system can discourage individuals from both showing up for court appointments and resolving existing warrants for non-appearance. In a study on real-life barriers to court appearances in Harris County, a large portion of participants felt they wouldn't be treated fairly and demonstrated distrust towards lawyers and/or the court system at large. Black participants, as well as individuals who had previous court experience, expressed this sentiment more often than other participants (McAuliff, 2022).

Supplements to Pretrial Risk Assessments

Due to the subjectivity of decision making and racial disparities in outcomes seen in the use of pretrial risk assessments, many advocates and researchers urge the courts to explore additional reforms that focus on resource-based barriers and systemic flaws. The following are supplements that have either been implemented in other

jurisdictions or are recommendations based on research on how to improve outcomes, both for the individual and the court system.

- **Transportation support:** Lack of reliable and affordable transportation is a significant barrier to appearance in court. Research suggests requiring fewer in-person court dates, especially for individuals whose charges restrict their ability to drive. Another solution is providing transportation for free. For example, the Court Ride program in Hennepin County, MN, offers free rides via Lyft for individuals who qualify for public counsel and don't have reliable access to transportation. Although data reporting statistical impact has not yet been collected, public defenders in the county report that the program has improved court appearances among their clientele (McAuliffe, 2022).
- **Service to provide reminders regarding upcoming court dates:**³ Many individuals report that failure to appear in court is often a result of forgetfulness or confusion concerning their court date (McAuliffe, 2022). To combat this, many jurisdictions have implemented effective services to provide reminders on individual court dates. For instance, Durham County (NC) launched a pilot program that offered three and one-day reminders for upcoming court dates, through either text, email, or phone (based on defendants' preferences). Evaluation of the project's 18-month pilot period revealed that the failure to appear rate for participants decreased from ten percent to four percent, while non-participants maintained a failure to appear rate of seven percent (Vasquez-Noriega et al., 2018).
- **Pre-arrest diversion programs for substance use and mental health:** Most jurisdictions require a guilty plea or completion of a court hearing prior to offering substance use treatment. However, a national survey on illicit drugs at arrest conducted in 2013 found that 60% of individuals across five major cities tested positive for the presence of drugs upon arrest, highlighting the need for judicial centers to prioritize offering substance use treatment to individuals pre-arrest (Office of National Drug Control Policy, 2014). Research indicates that providing substance-use services before booking can also be beneficial to the court system by lowering the costs associated with arrest, processing, and

3- Ramsey County has committed to fund community-based support "navigators" to work with people in the pretrial process. Community feedback on the scope of the navigator's role is included in the analysis portion of this report.

detainment (Goetz & Mitchell, 2006). Several jurisdictions have already begun employing pre-charge services concerning substance use. Seattle's law enforcement assisted diversion (LEAD) pre-arrest model is the most comprehensive program to date. LEAD provides case management and supportive services to individuals with drug-related charges rather than arrest. This program has shown considerable success in lowering the odds of future arrest for participants by 60% six months after program entry (Collins et al. 2017).

Similarly, there is growing evidence that diversion programs related to mental health may improve outcomes for individuals undergoing a mental health crisis, by providing necessary services rather than criminal punishment. Although there are several models for pre-booking diversion programs, third-party mental health mobile crisis teams (partnered with local police departments) are seen to be especially successful in reducing recidivism (Sirotych, 2009). A key example of this is the Crisis Assistance Helping Out on the Streets (CAHOOTS), a program based in Eugene, OR. CAHOOTS staff are connected to the city's 911 dispatch system so they can provide connections to social services or crisis prevention that would be more beneficial than a police response. This program has shown financial benefits as well, saving the city an estimated \$8.5 million a year, even without factoring in the saved costs of processing and detention (Irwin & Pearl, 2020). A local example is the Minneapolis' 1800 Chicago program located at the Behavioral Health Center in Hennepin County; the center serves as a drop-off location for first responders (i.e., law enforcement and mobile crisis teams) and offers support for needs related to mental health and substance use, such as 24/7 crisis residence and 24/7 withdrawal management (Behavioral Health Center, n.d.).

- **Issuing citations rather than arresting people for low-level offenses:**⁴ Issuing a citation rather than arresting a person for a low-level offense (for example petty misdemeanors, such as trespassing, certain traffic violations, marijuana in motor vehicle) would reduce the negative effects that come with detainment, such as arrest-related stress and/or trauma and long-term consequences on family or financial situations (e.g., loss of employment, inability to provide childcare).

This alternative would also reduce the overall number of court hearings required, freeing up resources for more timely hearings and trials for other cases (Fines, 2015).

- **Removal of services that do not presume positive intent to appear:** Some research suggests that pretrial systems that are meant to increase compliance, such as ankle monitors, are not effective. These systems assume that individuals intend to miss court and have no supportive components, only surveillance, to enforce compliance. For example, studies on electronic monitoring (using GPS technology), often show statistically negligible improvement in court appearances (with most individuals attending court, regardless of monitoring) and evidence of an increase in the likelihood of pretrial violations (Sainju et al., 2018).

METHODS

Ramsey County officials contracted with RIA to work alongside impacted community members to ensure their voices were both heard within the Bail Reform Working Group (BRWG) and that their ideas were incorporated into any final deliverables from the working group, specifically around implementation of the PSA and development of community supports. For the research portion of the process, RIA gathered data from impacted community member through town hall meetings and focus groups. Analysis of qualitative data from these sessions was meant to inform the BRWG's discussion of the proposed use of the pretrial assessment tool, the Public Safety Assessment (PSA).

Ramsey County partnered with Advancing Pretrial Policy Research to identify and implement improvements to the pretrial system. One of the strategies is implementation of a pre-charge release program, using the PSA and other criteria, that would allow certain people to be diverted to community-based supportive services at the point of booking. (APPR research partner, the Research Triangle Institute, validated the PSA on Ramsey County data.) The goal of the program is to increase the number of people quickly released from jail and connected with services that will address underlying needs and promote success on pretrial release.

4- Starting in 2021, the RCO no longer prosecutes cases that arise from traffic stops "unrelated to public safety," such as broken taillights or expired license plate tabs. This decision emerged from the recognition that traffic offenses disproportionately impact BIPOC people and rarely result in discovery of more severe crimes or threats to public safety.

Town Halls

Research in Action hosted two Town Halls in partnership with the Ramsey County Bail Reform Working Group. These Town Halls served four main purposes:

- to inform the community about the BRWG's work thus far
- to invite commentary directly from justice-impacted individuals about the BRWG process
- to hear directly from people about their pretrial experiences
- to invite impacted community members to join the BRWG in the co-designed community supports and implementation of the PSA going forward

Though Ramsey County had already moved forward with the partnership with APPR to implement the PSA, after RIA was brought in to engage with impacted community members, we learned quite quickly that people had anxieties and doubts about the PSA. Community members asked for a hybrid tool that would utilize the PSA but also include another form that would allow them to descriptively contextualize their reality, challenges and needs to present them in their full humanity.

In partnership with Ramsey County, APPR, and the Minnesota Freedom Fund, RIA co-facilitated two town halls in February 2022. The purpose of these events was to gather justice-impacted community members to inform them of the BRWG's initial goals and context and to receive feedback from community members on how to move forward with booking and bail reform efforts. Questions posed for community feedback are in Appendix A.

The first Town Hall happened on February 21, 2022. Two justice-impacted individuals showed up to the in-person option at Arlington Hills Community Center, seven justice-impacted women participated at the RCCF, and 14 justice-impacted individuals joined us online. 58 people attended the first Town Hall, including justice-impacted community members, consultants, note-takers, and BRWG members. The second Town Hall was held the following evening on February 22. Unfortunately, due to an unexpected winter storm, leaders decided to cancel the in-person option at the

Rondo Community Library in the interest of the safety of volunteers and participants.⁵ Nine justice-impacted men took part in person at the Ramsey County Correctional Facility, and 33 justice-impacted individuals joined us online. Seventy-two people attended the second Town Hall in total, including community members, consultants, note-takers, and BRWG members.

RCCF Focus Groups

After the Town Halls, RIA facilitated a series of focus groups at the Ramsey County Correctional Facility (RCCF) in November and December 2022. During the first set of focus groups (conducted November 15 and 17) RIA facilitated discussions about participants' experiences with the current system, which uses the Minnesota Pretrial Evaluation Form Assessment Tool (MNPAT). This discussion created space for participants to gain greater clarity on the ways pretrial assessments are used in Ramsey County with the MNPAT, setting the stage for the discussion of the proposed PSA pre-charge assessment tool. The second set of focus groups (conducted on December 6 and 8) explored participants' experiences of the pre-charge process to understand what needs could be better served.

Due to restrictions imposed by the RCCF because of previous conflicts holding focus groups with people of many genders, RIA's focus groups were divided into men's and women's groups.⁶ The men's focus group held on November 15th had eight participants, while the women's focus group held on November 17th had four participants. The men's focus group held on December 6th had ten participants. The women's focus group held on December 8th had five participants. In total, RIA interviewed twenty-seven participants. All the sessions were facilitated by Ari Kopycinski (Junior Research Associate and Project Manager // RIA), supported by Ben Levy (Research Support Specialist // RIA), and coordinated by Rich Stevens (Planner // Ramsey County Manager's Office).

The focus groups opened with a review and discussion of the informed consent document that RIA developed and provided for all participants to review. Once everyone understood their rights and consented to participate, facilitators began the session.

5- Rich Stevens committed to going to the RCCF. One justice-impacted individual showed up at the library and connected with BRWG member Grace Kelly who showed up in person.

6- Gender as imposed by the carceral system. RIA did not collect data on people's gender as it is defined by themselves.

Effects and Harms: Critiques of the Current System

Long legacy of harm in the criminal justice system and direct experience of those harms generates mistrust of the criminal justice system

Current system discriminates against people who aren't wealthy

Current system reinforces racial inequalities and biases

Lack of vital resources available for people who are arrested, including effective legal representation, clear information about processes and basic health and safety supports

Hopes and Concerns: Accessibility & Administration of PSA & Pre-Charge Process

Benefits of the PSA for justice-impacted people and their families

PSA should use holistic factors to understand the whole person

System should provide basic supports and resources at all stages

RESULTS & ANALYSIS

Guided by the analysis of feedback from the Town Halls, RIA staff developed two overarching categories for coding:

- Effects and Harms: Critiques of the Current System
- Hopes and Concerns: Accessibility & Administration of the PSA and Pre-Charge Process

Crafting codes as they worked through the focus group transcripts, the RIA team drew from the exact language that participants used and supplemented it with their own. The resultant codes were reflected in direct quotations from participants. As the analysis team read through transcripts and notes, they cycled through the data multiple times, revising existing codes and adding new ones that emerged. Codes were subsequently grouped into distinct themes centering participants' lived experiences and knowledge.

Effects and Harms: Critiques of the Current System

Participants at the town halls and in the focus groups spoke about their overall mistrust of the criminal legal system and harm caused to those who are 'justice-impacted' as well as critiquing the current pre-trial assessment system. Four main themes emerged from this overarching set of codes:

- Long legacy of harm in the criminal justice system and direct experience of those harms generates mistrust of the criminal justice system
- Current system discriminates against people who aren't wealthy
- Current system reinforces racial inequalities and biases
- Lack of vital resources available for people who are arrested, including effective legal representation, clear information about processes and basic health and safety supports

“The whole justice system is set up for you to fail.”

Town Hall participant

Mistrust of Criminal Justice System: Long Legacy of Harm

One of the clearest patterns we found in the data was that participants were highly critical of the current system and how it treats people, particularly Black people. As one Town Hall participant said, “The whole justice system is set up for you to fail.” Multiple participants, both in the Town Halls and in the focus groups, shared examples of how they had been mistreated while trying to navigate the system, and expressed doubt that institutions that caused so much harm could be reformed.

For example, many participants described how employees in the justice system did not treat them with the presumption of innocence (“innocent until proven guilty”).

“Booking is, in reality, a conviction. The first phase of conviction. You are taken into custody and you do not have any access to speak to an attorney at that time, you are humiliated, it is extremely time consuming. Booking is four to eight hours before you are even processed and sent to a cell. It is a physical conviction... Booking is a conviction because you lose everything, you lose home and job and what does that do for your motivation?” (Town Hall- TH)

During one focus group, participants voiced frustration with the PSA’s failure to explicitly mention and address race and the realities of racial bias and white supremacy in the legal system. The failure to consider race, participants argued, results in the perpetuation of disproportionate harm to Black people. Recall that the PSA considers nine different factors, and those factors create a score that aims to estimate the likelihood of three different pretrial outcomes: failure to appear pretrial, new criminal arrest, and a new violent criminal arrest.

“They should talk about race, cause they don’t talk about it. Me and the white boy go to jail, have the exact same point score... and then when we go to court, I don’t know if it’s the judge or somebody... but I know for sure they got the better end of the deal.” [All other participants agreed] (Focus Group- FG)

A Town Hall participant commented that the PSA also doesn’t take into account the ways police can cause more anxiety and distress for BIPOC people taken into custody. This distress reflects the history of unequal treatment by law enforcement and continuing reports of police violence. The distress can get amplified and can cause people to react in ways that evaluators interpret as guilt or aggression.⁷

“A lot of people have anxiety and feel uncomfortable talking to authorities. And when you’re in jail they look at you like a criminal because you start believing the picture.” (TH)

7- See, for example, the Equal Justice Initiative’s review of research on ways the legal and cultural legacies of slavery and Jim Crow, along with stereotypes of Black people, generate assumptions of criminality, guilt or aggression, “Presumption of Guilt” available at <https://eji.org/issues/presumption-of-guilt/>. See also Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime and the Making of Urban America*, (Harvard University Press, 2019); Elizabeth Hinton, et. al. “An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System, May 2018, available at <https://www.vera.org/downloads/publications/for-the-record-unjust-burden-racial-disparities.pdf>.

Other people testified to the ways the bureaucracy of bail and delays in pre-trial processes intensify harm and distrust that they will be given fair treatment:

"I've never received my bond back. I'm in a case at the moment. I completed every hearing and completed all court hearings and then I was going to trial, [and they] increased my bond to triple the amount and [issued] a warrant for my arrest. I was there on time and they changed everything, they won't even give me transcripts. This is how they want to run it. Fine print is not even printed anymore, you're guilty and now you have to prove you're innocent. It's scary to even get a traffic violation because of race, they run the system how they want." (TH)

As the last quotation suggests, participants identified how the current system reinforces both economic and racial inequality, making it harder for people to avoid jail time or high bail costs.

In the RCCF focus groups, many participants called for third-party advocates to help people as they move through the system. They trusted people outside the criminal justice system to recognize their humanity and take time to explain procedures and options more so than officials. As participants described the dehumanizing and harmful experiences they had in the carceral system, they noted that having someone present throughout the entire pre-charge process to assist them in asserting their rights and following up on the status of their cases.

"Enforce that your rights in jail are being met." (FG)

"[The case worker], she's the one that went online, that filled out the freedom funds thing, even after I left Dakota County, she stayed with me to the very, even... Even afterwards she was making phone calls and calling me when I was let out of jail, period, and I went to the treatment center, she was still calling me and checking on me." (FG)

Focus group participants explicitly addressed the importance of having a supportive voice to stand alongside the person moving through the pre-charge system; a voice that understands how systems themselves operate, but also, crucially, sees and appreciates the full humanity of the person moving through the system.

"Like someone who could be like 'hey man he's not lying about this this isn't something he's making up and you know we are working on getting him situated and can you give him a little bit more time to situate himself?'" (FG)

"I feel like if we had an extra voice that's not incarcerated and that's on a legal team, like somebody that can get them in trouble. They'll be more on they, you know, toes about doing right by the inmates." (FG)

“Whether or not you’re staying in jail depends more on your pocket book. Someone may be committing a crime, but able to get out based on money.”

Town Hall participant

Wealth Inequity Perpetuated by the Current System

Participants detailed many barriers to paying for bail/bonds, including trying to afford bail when taking care of children, feeling like a burden on family and friends, and sacrificing basic needs like rent.

“Paying 10% of bond is still not affordable if you don’t have the means to pay. You can sit in jail for two months [or more] trying to come up with 10%.” (TH)

“My family didn’t have money to pay for bail. You shouldn’t have to purchase your freedom... Not everyone who’s out of jail will continue to commit crimes. Other people want to do better but sometimes don’t have the money.” (TH)

One participant in a focus group drew into stark relief the way the bail system creates profit. They articulated the economic incentives of the prison industrial complex: it is designed to extract value from incarcerated peoples:

“Yeah, I just think it’s all about money. That’s all they want, just more money, more money, more money. We’re just a dollar sign to them.” (FG)

Other participants brought attention to costs not often discussed that the system imposes on people trying to get out of jail: having to pay for a GPS monitor as a condition of bail; paying for calls out from detention centers to family; and getting transportation home or to court appearances. Participants identified a need for accessible transportation so that those navigating the pre-charge system can make it to wherever they need to be when they are released, and to subsequent court dates.

“When I got out, I didn’t have no ride home. I had to walk in the rain, when they gave me a big ass white T-shirt with some sweatpants and some bogus ass Chuck Taylor’s with no shoe laces. It’s cold as hell, it’s three in the morning.” (FG)

“Maybe someone who could like—if like a lot of people on their caseload have court on the same day they can have a van go around and pick people up.” (FG)

Finally, some focus group participants pointed to the difficulties of getting a job after involvement with the carceral system. They called for direct help in getting a job after they are released from the carceral system.

“Get me a job... even if like they put us all in one group and a van to come pick us up in the morning and take us to work or whatever or you know what I’m saying? Have some job resources or whatever.” (FG)

“The Black community, we are doing nothing different than in every community. It happens everywhere, even in the White House. Crime is crime, why put a color on it?”

Town Hall participant

Racial Inequity Perpetuated by the Current System

Participants detailed many barriers to paying for bail/bonds, including Participants saw a direct connection between their justice-impacted experiences and systemic racial inequality. Their comments reflect the statistics cited the literature review:

“People of color are charged more bail and are guilty until proven innocent.” (TH)

“The Black community, we are doing nothing different than in every community. It happens everywhere, even in the White House. Crime is crime, why put a color on it.” (TH)

One focus group participant talked about how the use of priors was unfair, because oftentimes those priors are either not relevant to the current case, or they are due to be expunged or dismissed.

“I mean, like I understand why you think [considering priors] might work, but I hate it because I have like three cases right now, and I hate when I have to ask that question. It’s like yo, I’m not getting charged with those anyway, so why does it matter? Okay. You’re not taking them to trial, you know. So like, why does it matter? Don’t base [my bail] off of something that I haven’t even been convicted of yet.” (FG)

A Town Hall participant shared a similar experience:

“I haven’t spoken with anybody about getting it expunged. I spoke with my advocate with Breaking Free and she said they can’t charge me with something like that. It was a booking release. It was a ‘she said/he said’ situation. [But] they charged both of us.” (TH)

These participants’ experiences reflect both racial biases and bureaucratic flaws in the current system. First, because of lack of staff and court backlogs, cases that will ultimately be dismissed or expunged are still showing up on people’s records, records that the pre-trial assessment will use to determine release. Second, many people are unaware they are eligible to have some of their prior offenses expunged, or they and their advocates do not have the resources to get records expunged quickly. Finally, because Black people are more likely to live in areas that are over-policed, and are more likely to be charged than white people for similar offenses, they are more likely to have more priors than their white peers. Thus, the PSA will score them as a public safety higher risk.

“It’s about breaking down community. The score is based on racist and financial worth that we are saying is wrong basis for release or not. Judges look like they are listening for the way out to not take blame.” (TH)

“I did a 23-hour lock down, and I have asthma, and they don’t let me use my inhaler. They just want the bail money to go through and not [get you] what you need.”

Town Hall participant

Lack of Vital Resources for People Who Are Arrested

This theme was articulated in three subthemes: lack of effective legal representation; lack of health and safety precautions; and poor communication, including lack of access to crucial information.

Lack of Effective Legal Representation

Multiple participants across the town halls and focus groups raised concerns about inadequate legal representation. They described being dependent on overworked legal aid workers who had little time or energy to provide good advice or explain basic processes.

“If you must have a Public Defender, you don’t want to wait until the day of court and have only five minutes. How can they represent me?” (TH)

“Public defenders can be overworked, too, and don’t always present every option to their client to get it over with.” (TH)

People discussed how they had limited access to defense attorneys and others recounted how their attorneys rushed them through complex procedures and didn’t explain their options or the consequences of those options. This meant people were more vulnerable to pressures from prosecutors to plead guilty rather than try to make bail and go to trial.

“My public defender just—they be trying to like—you wouldn’t understand all that legal talk, like he said too. And it just was there trying to make it sound as good as you—they’ll tell you what you want to hear. So when you agree to something, you really don’t know what’s going on... I just pleaded guilty to a charge and he’s going to tell me that you got enough time served, if you plead guilty, you can go home today. Conditional release. I plead guilty, come to find out I got a hold, now I can’t go nowhere. Now I just pleaded guilty, got that shit on my record.” (FG)

Participants described how prosecutors or legal aid workers convinced or pressured them to plead guilty in order to avoid jail, avoid trial, or to gain access to needed resources.

“The way I got out, thank God I was a disabled veteran, I filled out an application to go to veterans court. You think vet court helping you, but you have to plead guilty to get into veterans’ court. That is not helping a veteran.” (TH)

“Many of us have records because we were afraid to go to trial.” (TH)

During one town hall, a participant lamented that there wasn’t a clear way to hold the system accountable for not providing basic legal representation, nor for prosecutorial aggressiveness to get guilty pleas.

"Having access to adequate legal representation and hold the public defender's office accountable. Making sure that there is some prosecutorial accountability; there are minimal avenues where we can hold people accountable." (TH)

Many people testified about the ways red tape and unclear information made it difficult to support people in the system who should not be facing jail time.

Another Town Hall participant expressed their frustration trying to work within the system and hitting bureaucratic roadblocks that made it impossible to help their client:

"If someone was charged wrongly for a crime that wasn't committed? There has been someone I know that was wrongfully committed for a crime that I know they didn't commit. But I can't help that person, I don't have the information. Their bond is \$20,000 and I'm the only support they have, how do I help them?" (TH)

Overall, participants agreed that the system does little to provide the information they need to understand their legal options.

"I would like to see somebody giving more information to the client or criminal with their case. A bit more information about the cash and bail bond because not every one of us people of color in general would know that." (TH)

Lack of Health and Safety Precautions During Pretrial

Participants at the Town Halls reported that they or loved ones were denied necessary healthcare support, mental health screenings, and offered no protection from physical assault during their pre-trial booking and/or detention.

"I did a 23-hour lock down, and I have asthma, and they don't let me use my inhaler. They just want the bail money to go through and not [get you] what you need." (TH)

"As a person who in the past has been detained by Ramsey County for low level violations, I've been given high bails with no way of paying it and was beaten up by the deputies." (TH)

"The main problem is the medical care is horrible. You have to sit there and have patience to deal with the wait. Bad things don't happen occasionally, but people survive." (TH)

"Medication needed right away and don't see them until at least three days in. Some people go without meds for two weeks." (TH)

"It comes down to whether we are able to put trust in the justice system to follow the right rules and regulations in regard to the booking process, for us to think about trusting the eligibility [for mental health protections] process... I was 'tested' [for suicide risk] in two minutes, then got called to County...and they took the wrong steps, and held me with no medical attention when they clearly know I needed it." (TH)

"A safety concern what the lady was talking about mental health thing. This has happened to me and has happened to multiple people where they have gone through situations where mental health takes over and suicide goes through your mind and I think personally that COs in jail should handle things differently. They take all of your clothes and put you in a cold room. They should take that into consideration that we are still humans and we understand that they have more power over us because we are considered criminals under their eyes...They should be more considerate and have mental health people evaluate before they charge the individual and take everything away from that individual and not care for them as a person." (TH)

Participants asked for harm reduction approaches to addiction for people going through the system.

"I feel like that would help out a lot of addicts who are addicted to that too. I think they should come up with, like, a faster medical route for them." (FG)

"We should be able to provide resources like needle exchange or like testing places, so if they do decide to keep using to at least be safe with it. And get Narcan too, cause lowkey if you're not doing it, you may know someone who is doing it, and if you're in the same place as them at the same time if they overdose, you can save someone's life." (FG)

Overall, focus group participants stressed the dehumanizing environment and treatment they experienced. Many participants named the lack of empathy shown by jail workers throughout the entire process even before they had gone to trial to determine guilt. They observed that systems workers concealed mistreatment of incarcerated people from jail leadership.

"As soon as you go in there, you are less than human. They treat you like a damn misplaced package or something." (FG)

"We are supposed to get an hour out of our room a day...but they wasn't doing that for us. There was days long that they let us out for like 30 minutes and sometimes they wouldn't even let us out for the day. And then when these people came in, I don't know who it was. But I think it was a people to come in to check and see like they're supposed to check and see if everything is going in the way... They would post a guard whatever and then they just start acting all nice." (FG)

"They say you can't even piss-you can't even go take a pee without them having to tell on you." (FG)

Poor Communication and Lack of Access to Information

Participants described how crucial it is for those who are moving through the pre-charge process to have reliable access to communication technologies so that they can stay up-to-date on everything that is relevant to their case.

"They gave me this little number or whatever talked about some call this number-mind you they took my phone during the arrest, then they gonna tell me, to give me this number, and call this number and set up a court date within the next two days or you're going to have a warrant." (FG)

"Making sure there's so many free phones, and anyone can have a free phone with a free phone plan out there right now. And to make sure that you can keep up with, you know, making phone calls, calling your PO, or calling the courts, that's a huge big thing for a lot of people. I know that's why I'm here." (FG)

Other participants noted that if they have pending cases in different jurisdictions, they do not get clear messages of how to manage the different requirements imposed by each county or city.

"A lot of people have court and there are a bunch of different probations in different areas. Like I got probation in three different counties and sometimes it's hard for me. I'm only 20. I don't really know how to take care of all that." (FG)

"Sometimes the process is different every time you go. Everything becomes more organized - or unorganized." [Many other focus group participants agreed]. (FG)

Building upon the importance of ensuring clear, concise, and consistent information is provided to those moving through pre-charge processes, participants identified the need to use accessible channels of communication—including but not limited to social media and websites—to share this information widely.

"They should have a website, and brochures." (FG)

"And I feel like it's gonna be word of mouth too. Like especially if you guys are gonna be doing as good as you do, I know when I like a program, I super preach it, for real. Anything that I feel like helps me grow in any aspect, I'm like, 'look into this.'" (FG)

"Dakota pages... or apps even. Or like YouTube or some shit. Maybe like billboards, too... Facebook and other social media and stuff just to like get the word out there so people know that it's there, and advertise how it really helped people." (FG)

Finally, participants expressed frustration about not being told about programs they were eligible for, but had no idea existed or what criteria were used to determine who could benefit from the program. Participants noted it is difficult to know under what conditions one is eligible for aid/support, citing their experiences receiving aid one time then being denied it another, even as their circumstances have not changed drastically.

"I've had JusticePoint twice randomly—but the criteria... How could I get it once and then done well on it, but then the next time I try to go, with the same type of charge or whatever and not get it... there's no consistency, there's no information, there is literally no—we don't get any information." (FG)

"But I didn't necessarily meet the criteria—I didn't have the stuff to get it done." (FG)

In relation to inconsistencies around eligibility, participants noted that it is often unclear what criteria they have to meet in order to receive support. They stressed the importance of transparency in organizations' communication of the criteria for the support they offer.

"But you gotta meet a certain criteria, I guess it can't be a violent crime or something like that. But I don't know what the criteria is, you know what I mean? I really don't know, no transparency about that criteria." (FG)

“The program you would be implementing would allow people to be pointed in the right direction and give a fair chance to people who don’t have a fair chance.”

Town Hall participant

Hopes and Concerns: Accessibility and Administration of the PSA and Pre-Charge Process

Analysis of the second overarching set of codes, accessibility and administration of the PSA and the pre-charge process, found that participants were not opposed to the use of pretrial assessment tools, and many even saw potential benefits. They were concerned, however, about the ways different pretrial assessments are designed and implemented. They also called attention to the need for services before and after a pretrial assessment determination is made. While conducting the focus groups, RIA introduced the PSA as a pretrial assessment tool that Ramsey County is interested in implementing with the consideration of participants' feedback. Participants reacted to the nine factors that the PSA uses to determine pretrial outcomes, in addition to reflecting on experiences with the MNPAT in order to inform the implementation process of the PSA. The following three themes emerged from this set of codes:

- Benefits of the PSA for justice-impacted people and their families
- PSA should use holistic factors to understand the whole person
- System should provide basic supports and resources at all stages

Potential Benefits

Participants expressed support for pre-charge release reform, including the PSA, speculating on how it could have helped them during the pretrial period if they had been cleared for release. People discussed how being out of jail would have simplified communication with lawyers and family members.

“I had a better chance to work my case from the outside so this assessment would be helpful.” (TH)

“I was in county jail. One hour a day to talk to people outside of jail. You can call your mom or your lawyer. That is the whole day. General pop, no privacy, but I got to be in admin area. Hard to talk about your situation because you cannot talk privately. They determine the time, so the person you want to talk with may not be available.” (TH)

Other participants thought that early pretrial release would have given them a better chance to support family members or maintain employment.

"My mom almost died 'cause I went to jail... [W]e lived in an apartment building, and she's in a wheelchair, and I'm the only one strong enough to lift her up the stairs to get to—she goes to dialysis. I'm the only one strong enough to lift up the stairs, and make sure she goes to dialysis. You know what I mean, due to me not being there from being incarcerated, she almost died." (FG)

Many participants hoped that a reformed pre-charge process, including the PSA tool, would result in lower or no bail costs. They detailed how not only the high cost of bail amounts made it hard to avoid incarceration, it also put strain on family finances.

"You know it don't make sense to set a bail a person can't afford." (FG)

"They see mother fuckers stealing money to try and help themselves and then make their bail \$200,000, \$300,000, \$400,000. What makes you think I even got 100 of those dollars?" (FG)

People in the focus groups discussed other "hidden costs" of the bail system that impact whole families' wellbeing.

"And I'm a provider for my sister and my mother, who are both disabled. My sister is blind and my mother is paralyzed. And like for them to come up with \$2,000 and they barely can pay their bills." (FG)

"Like when I was really first going to jail as an adult. My parents—my parents are like my only support system at the time. My parents stopped talking to me because of things that I had—that was out of my control, you know? Like I'm going to jail with what I did but like everything around it, you know, like I couldn't control. You know, I think they should have something else you can do other than put you in jail." (FG)

Participants addressed the reality that some people who are incarcerated serve as caregivers for their communities (families or otherwise). Here, they noted that the creation of a navigator position/office—which will be discussed at greater length later in this summation document—would prove invaluable where it would allow for families to be connected to resources that were provided by the person who was taken from them.

"If you got family that depend[s] on you as far as like, helping with kids or like, you know, you have a second source of somebody watching over other people...They can point them towards the directions where they can like, I don't know, possibly get enrolled in some free childcare." (FG)

Another "hidden cost" of the bail system is the time that people lose due to being held for longer than necessary. This time lost to the carceral system can cause a chain reaction, and the impacts that reaction has on formerly incarcerated individuals can affect them for the rest of their lives.

"What if you had a job and then you went and you realized that while you were sitting there, they cut you off and you can't find work? And then you don't have any income?" (FG)

"I've sat down there for 12 hours one time just to get booked. And yeah, I was [waiting] at the table for 12, 13 hours." (FG)

Overall, participants wanted the PSA to help reduce incarceration, and called for alternatives.

"Incarceration shouldn't just be the only way." (FG)

"An alternative. [Others verbally agreed] Jail ain't always the answer." (FG)

“This new process would make it more character-oriented than past oriented.”

Town Hall participant

PSA Tool Should Use Factors to Understand the Whole Person

Participants put large emphasis on being evaluated as a whole person when bail is set. In their experiences, it seemed as if authorities were strongly biased against them from the beginning. They didn't want a single individual or a narrow set of criteria to be able to make such a consequential decision.

“They can be taken back into custody even though their case hasn't been resolved and it's based on how the judge is feeling that day, not evidence based.” (TH)

“I don't feel like a threat to the society, but then only one person has the say so no one else can have any say on it.” (TH)

Other participants hoped that the PSA, if implemented well, could allow a fuller view of people and reduce bias in the system.

“Step in the right direction. BRWG is doing something good. I appreciate that we are being looked at as individuals, not numbers.” (TH)

Participants made suggestions about other factors the system should consider in the PSA tool. During the focus groups, participants reflected on their experiences or lack thereof with the MNPAT while also reflecting on the potential of implementing the PSA. Upon this reflection, participants noticed the lack of questions on the PSA that considered their individual contexts and lived realities.

“They should consider [if people have] kids. How many kids they have and their ages. That should be on there.” (FG)

“I don't see any questions on there about work. Do they rent or own their apartment or home? Because you could get some people evicted sitting in there and I don't see that here. Do they have their own place? Are they renting? Do they have bills to pay?” (FG)

“Do they go to school should be a question, and do they have any disabilities?” (FG)

Many participants noted that if pre-trial assessment tools consider prior convictions, then the flaws in the system—from racial biases in policing to backlogs in court—could misidentify someone as a higher risk. They understood that though the data may look objective on paper, each data point was generated in a flawed system.

“Someone may be charged unfairly and after being incarcerated for a long period of time prior to sentencing assessment, this may impact the person's assessment outcome... Take into consideration the person's charges to give them a more fair assessment. Put extra people in intake that care more about the individual than the job, take a look at the budget to allocate priorities.” (TH)

“They just look at the bad.” (TH)

“Should be a question on [a] questionnaire - are you struggling with substance use disorder, mental health disorder and are you interested in treatment? Not just a question about drug court because some people just go through that to get out of jail.” (TH)

Some participants raised concerns about factors considered by the MNPAT, such as income. They did not see a direct relationship to risk and wondered why they impacted pretrial decisions. Participants used this critique of the MNPAT to inform discussion regarding the PSA's factors, which do not take into account factors like income.

"I also think pre-trial process shouldn't be based off your income and where you live. Stuff like that. It should be based off like something simpler. I don't know, like a general thing. Not like such specific things." (FG)

Finally, some participants in the focus groups wanted pre-trial assessments to consider the larger context surrounding a criminal act. They expressed frustration because the reasons someone may have committed a criminalized act are not always clear and cannot be understood within the limited factors assessed by the PSA.

Participants called for assessors to understand the complexities of people's situations and what motivated them to act as they did. Participants were not suggesting there should be no consequences for their actions, but instead that a fuller picture of the context could warrant leniency and prompt the courts to provide some much needed social support resources instead of harsher sentence that could make the root of the problem worse. Participants believed people's motivations should be considered within scoring systems like the PSA.

"Maybe they were sitting in jail, maybe they got fired or maybe the kids got taken away or something to the point where their whole lives changed by sitting in jail waiting on a court date they lost their kids, their car got towed, you know, they can't pay bills. And so maybe they did miss court..." (FG)

Participants also wanted pre-trial assessment to acknowledge more of a person's past than prior criminal charges. They believed adverse life circumstances should be considered, such as how childhood trauma or poverty impacted their decisions.

"If someone starts off from coming- coming into adulthood, with a rough-with a rough start, you know, that could be everything, you know, like that could ruin everything..." (FG)

"Like some people be robbing, trying to get money for their next family meal, you know? And if you didn't have money for your family to eat, you see them, suffering and struggling, hungry, as hell, starving. What would you do to go get that money, you know?" (FG)

Finally, whatever system or criteria are or will be used with the PSA, participants insisted that people should be able to see their evaluation and have it explained to them. Regardless of the outcome for bail or release, they wanted transparency so that people knew they were being assessed, when, how, and why.

"For MNStar, you don't know how they score you. That determines if you are on ASR. The strange thing is, in the late 90s, young people got locked up, and now they aren't letting them out, and the process is not being communicated. People don't know the condition of their own release." (TH)

"I have been arrested before and I think this would have helped me get out and not worry. Needs to be a neutral assessment that everyone has access to." (TH)

“Help connect people to programs that will help them to get their life together.”

Town Hall participant

Basic supports and resources at all stages of the process

Beyond the PSA, participants in the Town Halls and focus groups raised concerns about how people are treated while they are waiting on the system to complete its processes. They specified resources that they wished they had access to when they were going through the process.

Many justice-impacted participants expressed a need for more support across their entire experience, from pretrial to reentry. Particular attention was given to support to ensure people are making informed decisions, receiving mental health services, and access to advocates who work to assist folks. Participants were clear on how difficult it was to find information or support they needed on their own.

“It took days to book, and with explanations that I can’t read and understand. They didn’t take the necessary steps to provide understanding of what is going on...” (TH)

If those resources were provided up front, they would not have been in danger of missing vital deadlines, details, or programs for support. Many participants talked about the need for community advocates to help people navigate the process. For example, one town hall participant suggested that the pretrial process include “community members/resources available at booking. This would be a great resource and would rebuild trust that has been lost in the community.”

Participants highlighted the need for advocates to bridge the gap between what the criminal justice system requires of them and their personal needs, needs that go beyond what a public defender is meant to provide.

“I was a kid, so they kept me in the dark, didn’t know much of what is going on. More talking to parents than me. Wish there were people there to advocate for me, that would have been great.” (TH)

“...have someone to lead them through the process. Now they have no idea what is happening with their own charges, it’s dysfunctional, and puts them at a disadvantage.” (TH)

Moreover, because of overall mistrust in the system, many felt advocates would feel safer to talk to and trust to be helpful, not part of surveillance of the system.

“It would be good to have a mentor...like how to get housing and stuff. Someone not official.” (TH)

“Do you understand what you are signing or reading? And sometimes I don’t know. If I had someone help me I would have been able to go home because I didn’t know what I was signing. We have mentally disabled people in the community and they take advantage of that, their disabilities and not knowing. Having an advocate like that would be awesome. Have that next to the bail bond listed.” (TH)

Another participant noted how unhoused people need access to shelters to be able to avoid jail and get needed health care.

“You need a place to lay [your] head, wash up, rest, find out what your next move is. Need a base station. Shelter kicks you out [at] 6am. Depressed. If you get a job, how are you going to rest? 6 am kick out. You cannot work like that. Your physical and mental [health are] not together. You get fired. Your therapist is a bottle. This is too hard. I have burned bridges. Family is looking at me crazy because I got locked up.” (TH)

Some participants discussed how traumatic it is to be arrested and await a decision about bail. They described how stress can exacerbate other issues, like depression or substance use.

"I had three years of sobriety. You put my recovery in jeopardy without even putting in investigation." (TH)

"I'm trying to change my life around. Putting somebody behind bars doesn't help me. All it helps is make you go a little bit crazier. You have all that much time to think of why isn't somebody there to help me? You know why, why am I sitting here?" (TH)

They testified to how inadequate mental health safety checks are, and how shallow they seem to people in crisis.

"Currently, if someone coming in [evaluated as at risk] for suicide, they got thrown in a small box, someone comes to visit to ask if you are ok, and if yes, then they ask you to talk for five minutes, then they just disappear." (TH)

Other participants pointed to the need to train staff in the criminal justice system to treat people humanely and considerately, rather than assume they are guilty and therefore unworthy of such consideration.

"What about different trainings that sheriffs and COs that could access these people are getting booked in. Do you need to call work? Your kids? Is everything ok? They're just focused on you being booked and the warrant...The sheriff who pulled me over let me call and arrange childcare before going in. Sheriffs who are in Ramsey County could have all these [options] too. They go through trainings, but how much time they spend on mental illnesses or figuring out a person and their needs, and their children?" (TH)

"You know I got to the point where I'm sick of this, can you guys actually help me? Instead of me being like 'yeah whatever' and going through the motions and going through the motions." (FG)

"I want to say that sheriffs were helpful-- after I fought for it. [But] it should have been available [to me] initially. I'm reading these statutes, I'm reading your handbook, and you should be doing this and you didn't, but people are looking for the initiative from these officers." (TH)

Beyond training, participants cited experience of criminal justice staff denying them basic rights, from arrest to release. Specifically, they recalled instances of being denied their free phone call upon booking, as well as being denied release if they did not have an official street address.

"They didn't give me a PIN number to make phone calls. Didn't even show me a process, just basically booked me and put me in a cell. Okay? And I had COVID when they booked me in. I was so super sick." (FG)

"You're lucky and the county jail, downtown Saint Paul. If you can even get your free phone call because of how hectic it is and of the lack of understanding." [Other participants nodded in agreement]. (FG)

"We still got rights even though we're a criminal at this time. We still got rights." (FG)

Another sub-theme that emerged related to the carceral system included terrible living conditions within the jail itself.

"I want to sue Ramsey County but if I could, and I did, and I had someone have my back, I would definitely go to court with a lawyer on them mother fuckers cause they-I don't know, it's just... people are sleeping on floors and a bedroom with two cells and not enough space for both y'all to be standing up. They got three people sleeping in them bitches. People sleeping down stairs. People don't even have their own cell in there sometimes." (FG)

"Yeah, they don't clean the cells. The cells aren't sanitized." (FG)

Participants also shared their experiences of jail workers who believe they are inherently bad people and do not deserve help or resources because they are in jail and have a record.

"They hear that we're a criminal and they just automatically think we deserve everything we got coming to us." (FG)

"They judge us before we're even like served our papers." (FG)

"You're supposed to be, innocent until proven guilty." (FG)

In contrast to dehumanizing treatment in the carceral system, focus group participants spoke to the helpful things community-based organizations do that could be offered to more people in the system.

“My experience with MFF has been great because they stayed in touch with me even after I left jail. They recommended other resources. I’ve had a great experience with them. I also found my job through Honest Jobs Co. If anyone need help to find work they were very helpful. I was interviewed last week and they also followed up. The woman working for that company also has a record and she’s trying to help other people find work. It can be frustrating having that record.” (TH)

“My experience with Breaking Free has been helpful to me, they’re very good women that have been in your shoes so Indigenous women or exploited women in general...They don’t judge us. They make us feel like we can still do stuff in life without feeling like those comments that other people would say like ‘oh you’re a bad mom because you have this on your record’, or ‘you are a bad person, you have STDs’, they make you feel worse than you already feel. I’m grateful for Breaking Free because they opened my eyes to the outside world.” (TH)

“I’ve also used COPE for mental health. They come to your home and talk to you. If you are feeling suicidal, I was feeling like that...They go above and beyond to keep you safe, and they come out and see you in person which makes a difference. Sometimes Zoom is not enough. Something so simple makes a great difference.” (TH)

Other Concerns

A few participants brought up issues that are notable, though these were not mentioned as often as the themes in the prior sections.

Lack of Clarity Around PSA-Eligible Offenses

A few Town Hall participants raised considerations for individuals who are victims of certain violent and/or sexual crimes. One person said they felt “sexual assault crimes shouldn’t go through the reform.”

“I think it should be assessed; not that we should be able to pick and choose, but if there was a child or something extremely violent.” (TH)

“My safety concerns are more related to domestic abuse and how this system doesn’t take it seriously just because I’ve experienced it and been a victim of it...You call for help and then they say do this report or talk to this counselor, instead of doing something for the victim. The people who react about it end up in jail and end up in trouble. Something needs to be done about that. I see it so much.” (TH)

Though the PSA is only meant to be used with low-level crimes, not violent crimes, it is clear from the concerns raised here that there needs to be more communication and direct explanation of which offenses would be eligible for PSA screening before the implementation of the PSA tool.

Longevity Concerns

A few town hall participants expressed worries that any reform was vulnerable to political change. They want policymakers to use tools to make the PSA reform permanent, and not change at the whim of future elected officials.

“There have been initiatives pushed forward, then 10 years later it is not as solid as we thought they were, then we have to dismantle that again. Concern about also about the climate we are in, wants to make sure what we do is sustainable. Make sure things stay in place, not just light up when crime increases.” (TH)

“Somebody that ain’t going to take me to jail. Yeah, I’ll talk to them.”

Focus Group participant

Navigator Role and Expertise

During the second set of focus groups, RIA interviewers asked participants how they envision the Navigator role. Offering a powerful segue to their recommendations of the creation of a navigator role and office, participants expressed, alongside their critiques and commendations of existing systems, a desire for someone to advocate for them as they move throughout the pre-charge process, in order to more fully center their humanity in systems that seek to minimize and/or destroy it. Participants in the focus group envisioned the navigator role and the qualifications this person or persons must hold to be successful. The three themes that emerged from the groups were: the structural composition of the role, professional experience, and lived experience.

Structural Composition of the Navigator Role

Within this theme, participants brought forward four concerns:

- what title should be assigned to this role
- how many people should be hired to provide services
- where the office should be located
- intentions and powers people in this role would have

Title: Ramsey County and other partners thought it was crucial to ask participants of this focus group to brainstorm what kind of title or name they would want to see for this role. Participants brainstormed the following list: mentor, sponsor, coach, case worker, community guide, advocate.

Number of people hired for this role: After reflecting on the long list of areas for support within booking, many of the participants realized that this is an overwhelming amount of knowledge and connections for any one person to hold. Therefore, they suggested that the navigator office should have a team of people who each have expertise in different areas (e.g., housing, employment, legal, etc.) so the responsibility does not fall on one person.

“...Have a team of specialists that know more about certain areas, like one better at housing, one better at community resources, sobriety, or like one better at like helping with mental health stuff, like a psychiatrist or with doctor's appointments, or another one to help coordinate overall, like an overseer. And then the person that works with the client specifically, and the specialists.” (FG)

Location of the office: It was very important to participants that navigators are easily accessible. Therefore, many thought that it would be helpful to have their office within the jail. As one focus group participant put it: “Have an in-house place. Somewhere where you can go, leave there and even go talk to them and be like ‘hey look’ so even if you don’t have any contact information, there is no way to hold you back, that’s the whole issue.”

Additional reasons participants provided to explain why it is important to have navigators work in the jail facility included:

- Ensuring navigators are accessible if one needs their support while in jail.
- Placing the office in a consistent location so if the person's living situation changes once released, they know where to find the navigator.
- If the navigator is serving as an advocate, they can potentially witness the mistreatment of those being detained.
- If the navigator is present in the jail, the staff members of the jail may be more inclined to provide human treatment to those being detained.

Intentions and powers of the role: Finally, it was crucial that this navigator is not given the power to arrest an individual after being released. Many participants expressed frustration because parole officers often see the worst in those that are labeled as a criminal and therefore abuse their power. If the navigator has good intentions and wants someone to do well post-release, then the incarcerated person will be more likely to cooperate and work with the navigator. One focus group participant stated that the navigator needs to be "Somebody that ain't going to take me to jail. Yeah, I'll talk to them. Come on in."

Professional and Lived Experience of the Navigator

Within this theme, participants discussed the different professional and lived experiences the navigator must have in order to be successful in this role. The three concerns raised for this theme are

- navigators should have specialized expertise and connections
- navigators should have lived experience of the carceral system
- navigators should reflect their clients' community identities

Specialized expertise and connections: Going through the carceral and court system is very complex and requires a lot of knowledge and expertise to know the different policies or laws. Therefore, participants expressed that the navigator should have

extensive knowledge in certain areas, including legal, financial, bail, policy, and any other relevant fields. At the very least, the navigator should have connections to professionals in these fields.

"For different people going through different legal processes or like addictions and stuff you should have people that specialize in different areas." (FG)

Carceral experience: It was unanimously agreed that the person in this role has carceral experience. Participants believed that only someone who has been through the experience of being arrested and detained can really understand what they are going through and have empathy towards the individuals in custody. Moreover, people with lived experience would serve as a positive role model and symbol of possibility, since they went through the system, survived, and built a life after incarceration.

"And they also been in your shoes, so the empathy part is there, you know what I mean. I feel like a person who has been in jail will work harder for you than a person who don't know how that feels, right?" (FG)

Navigators should reflect their clients' communities: The final subtheme was the importance of the navigator having shared identities with the individuals they are helping. These identities can include racial, gender, ethnic, language, religious, and other important identities. This was stated as important because the navigator is more likely to relate and know of culturally appropriate resources for the individual they are serving.

"Yeah, just more knowledge and a bigger aspect for these navigators to like be able to relay down because there's a lot of resources for a lot of different cultures." (FG)

Many of the participants interviewed shared that they would be interested in becoming a navigator. They acknowledged that they are not currently ready to take on this role, but they aspire to be a positive role model for others in similar situations. And, as the next section suggests, their positive experiences with and regard for certain community organizations may have served as inspiration for the qualities they wanted navigators to have.

RECOMMENDATIONS

The following recommendations were created by drawing from the major themes that emerged in the analysis of the town halls and focus group sessions. All these recommendations reflect the lived experiences of participants and community priorities for reform and repair. For the purpose sustainability and adaptability of these considerations, it is imperative that this reform is not uprooted based on political shifts, but adaptable if found to perpetuate harm. In RIA's efforts to support community, the following recommendations are our call to action and accountability for the Ramsey County Attorney's Office, Ramsey County Sheriff's Office, Ramsey County Public Defender's Office, and all institutional stakeholders tasked with moving these recommendations forward.



Establish a team/office of Navigators to help guide people as they move through the pre-charge process



Utilize existing community and organizational support networks and resources for those navigating the pre-charge process



Ensure implementation and practice of the Public Safety Assessment (PSA) remains transparent and holistic for those using it



Improve legal and educational resources and support for those who are navigating the pre-charge process



Establish logistical resources and supports for people who are experiencing reentry prior to a hearing



Establish better and accessible resources and support for basic health needs throughout the pre-charge process and after release



Consider pre-booking alternatives



Establish a team/office of Navigators to help guide people as they move through the pre-charge process

<p>Create a Navigator office</p>	<p>Participants want advocates for people as they move throughout the precharge process. They recommend a navigator who will fully center their humanity in systems that have historically been hostile and actively harmful. Ramsey County has allocated a portion of \$1 million over the next four years to partner with a community organization to build a Navigator program.</p>
<p>Navigators assist people with pretrial and reentry process</p>	<p>Navigators would act as advocates who bridge the gap between the formal systems and individuals' needs beyond what a lawyer is meant to provide a client. Navigators would actively connect individuals to legal resources to assist them instead of making them search on their own and potentially miss something vital</p>
<p>Navigators advocate for humane conditions and adherence to civil rights</p>	<p>Having a navigator present throughout the entire pre-charge process would ensure authorities are meeting people's basic needs and refraining from violation of their civil rights. As one participant put it, the navigator's job would be to "enforce that your rights in jail are being met."</p>
<p>Navigators have lived experience within the system</p>	<p>Participants asserted that folks who have experienced the carceral system should be trained for the navigator role. They believe that those with lived experiences would be the best fit for the navigator role, because they will want better outcomes for those they will be helping than what they experienced.</p>



Use existing community & organizational support networks and resources for those navigating the pre-charge process

Establish supports to help people during reentry

Ensure individuals are aware of existing resources to support long term success after release. This could look like creating a post-release packet of information, which includes community organizational contacts, a free phone programmed with court reminders and officials' contact information, and a resource diagram to help folks understand where they are in the process.

Facilitate connections to community-based resources

Many participants reported supportive community resource experiences from specific organizations as well as through faith-based and other supports provided through the system. Participants want to make sure individuals are aware of resources that exist to support long term success after release. Some organizations that participants mentioned as being helpful include: Guilde, Ujamaa Place, Greenway, and the SOAR program (in Hennepin County)



Ensure implementation & practice of the Public Safety Assessment remains transparent & holistic for those using it

Any tool should consider the whole person

Participants put large emphasis on not feeling like they are evaluated as a whole person during the pre-charge process and that bail and release are seemingly decided on a whim by judges. Any tool implemented to assess pre-trial outcomes, such as the PSA, should be conducted with consideration to participants' whole personhood. Specifically, this report highlights why implementation of the PSA without meaningfully considering the knowledge from lived experience of community members is a grave mistake.

People should know how they are rated

Participants want to see individuals empowered with knowledge about their situation. Any tool implemented to assess pre-trial outcomes, such as the PSA, should be conducted transparently. Both the MNPAT and PSA generate scores that should be shared and explained to participants in order to assist in legal understanding during their court appearances.



Improve legal and educational resources and support for those who are navigating the pre-charge process

Need for effective legal representation

There was a pattern of concern among participants about legal advocates being overworked and reports of having limited access or inadequate representation during cases. This could look like increasing funding to the Public Defender's Office and legal aid resources.

Education to ensure people understand processes

Participants identified education as a way to establish accessibility for everyone and empower individuals to make informed choices during and after their court appearances.



Establish logistical resources and supports for people who are experiencing reentry prior to a hearing

Transportation support*

Offering transportation options that are reliable and affordable is essential, as transportation is a significant barrier to appearance in court. A potential program model could be the Court Ride Program in Hennepin County, MN, which offers free rides through Lyft for individuals who qualify for public counsel and do not have reliable access to transportation. Programs like this have been shown to improve court appearances among their clientele.

Communication support*

Clear and direct communication with people waiting for court date information. Several jurisdictions have utilized electronic services that provide e-reminders regarding upcoming court dates by text and/or email. A potential program model comes from Durham County, North Carolina, which provides three and one-day electronic reminders for court appearances. Evaluation of this pilot showed to improve court appearance rates.

*Ramsey County has allocated a portion of \$1 million over the next four years to establish these supports to assist in pretrial success.



Establish better & accessible resources & support for basic health needs throughout pre-charge process & after release

Protect pretrial detainees from violence

Address health and safety issues reported during pretrial with adequate resources and support.

Provide mental health and substance use services

Contract with a third-party mental health mobile crisis team to improve outcomes for individuals experiencing mental health crises. The crisis team would provide necessary services as an alternative to incarceration. This model is one of many designed for pre-booking diversion or alternative to criminal punishment. At CAHOOTS, a successful program based in Eugene, OR, staff are connected to the city's 911 dispatch system and provide connections to social services or crisis prevention that would be more beneficial than a police response. This program has shown financial benefits, saving the city an estimated \$8.5 million annually, even without factoring in the saved costs of processing and detention.



Consider pre-booking alternatives

Implement a pre-arrest diversion program

Providing substance-use services before booking can be successful in lowering the odds of future arrest. Seattle's law enforcement assisted diversion (LEAD) pre-arrest model provides case management and supportive services to individuals with drug-related charges rather than arrest. The program has seen a 60% reduction in probability of rearrest amongst participants six-months after program enrollment.

Issue citations rather than arresting people for low-level offenses

Issuing citations rather than arresting people for low-level offenses would reduce the negative effects that come with detainment, like arrest related stress and/or trauma and long-term consequences on family or financial situations (e.g., loss of employment, inability to provide childcare).

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Appendix A: Facilitators Questions

In February 2022, the town halls' facilitators used a predetermined set of prompts and follow-up questions to invite participants to share their thoughts on the BRWG's proposed goals and reforms. Among these proposed reforms included requesting feedback on use of a pre-charge assessment tool (referencing the PSA).

Facilitators used the following questions to guide the discussions:

- What do you think of the proposed booking program?
 - What do you think about this as a place for reform?
 - What do you think about the use of a risk assessment tool?
- What have your experiences been having bail imposed upon you (like cash bail or bail bonds)?
 - There are a lot of terms to describe cash bail: cash bail, bail bonds, bail, pretrial systems. What language do you use/prefer?
- The BRWG's scope of work is reform to the pretrial system. Are there other reforms within this system you would like to see?
 - Do you have any safety concerns with reforms to this system?
- By booking fewer people, the BRWG hopes to connect people to services. What has your experience been with services and support out in the community? Which services are good? Which are harmful?

In November 2022, the focus group facilitators used a predetermined set of prompts and follow up questions to invite participants to share their experiences with the MNPAT to inform ideas regarding implementation of the PSA tool. For example, facilitators asked participants what they thought of the different factors (age, prior convictions) the MPAT uses to weigh eligibility for release, and whether they thought other factors should be considered for the Ramsey County PSA. RIA facilitators also asked participants to draw on their experiences to imagine any alternatives to pretrial assessment tools that they believed might support the goals of the BRWG to decrease pretrial detention and cash bail.

Facilitators used the following questions to guide the discussions:

- To begin our discussion, we invite you to share your experience with the MN Pretrial Assessment Tool, the assessment the court completed during your pretrial process (between booking and first appearance). You may or may not have seen the actual form of the assessment. The MNPAT considers factors like marital status, number of children/dependents, and employment/income sources, unlike the PSA.
- Moving on, let's talk about the PSA, which uses nine factors meant to predict missed court appearances and new arrests. Booking officials would reference the PSA score when making pretrial release decisions. What initial thoughts do you have about the PSA?
 - Moving on to the factors, what do you think about including age as a factor?
 - Thank you for your insight. What about prior convictions? Current charge?
 - And finally, let's talk about missed court appearances.
 - Thank you all for sharing your thoughts about the factors. Before we move on, we invite you to share any final thoughts about PSA.
- We mentioned that Ramsey County is interested in creating a hybrid tool with the PSA factors and other factors you think are important to ask about. What other factors should a pretrial assessment ask about to help a booking official determine whether someone should be released from detention as they await court?
- Typically, pretrial assessments are administered one of two ways. One way would be to have the assessment completed by a booking official without speaking to you, solely generated with information available from public records or databases. Another way to take the PSA would be a face-to-face interview with you. Which option makes you feel most comfortable?
- If the PSA did not exist at all, what would you like to see instead that would help prevent people from being held in detention unnecessarily?

In December 2022, focus group facilitators asked a predetermined set of prompts and follow up questions to invite participants to share their experiences with the pre-charge process at the RCCF. The questions invited participants to discuss the issues that they experienced as well as to offer recommendations for solutions to change the pre-charge process.

The following are the overarching questions that RIA used to frame the discussions that ensued:

- Before we discuss the “navigator,” or resource experts, we invite you to share about your experience finding support during the booking process.
- Based on the definition of a “navigator” that you read in the information sheet, what immediate assistance could this resource expert provide to help minimize the negative impacts on your life of temporary placement in detention?
 - What about after you were booked and awaiting trial? What support, attention, or resources could a “navigator” help with?
- To distinguish this person and their role in providing support to those awaiting trial, what would you prefer that we call this person?

- What personal or professional experiences or skills would you need the resource expert to have in order to minimize the negative impacts on your life awaiting trial?
- Reflect on an organization, community resource, or community group that you have come to trust. What ways did they support you?
- What steps could the county take to make the trusted support you received available to everyone?
- What are some of the best ways that this “navigator” can get in contact with people going through the pre-charge process?

After the conclusion of the town halls and focus groups, RIA began their initial data analysis process, which ran throughout the remainder of December 2022 and all of January 2023. During this time, RIA staff cleaned the transcripts from all the focus groups. RIA then conducted a hybrid coding process that incorporated consideration of both pre-determined and emergent codes. However, at this point—toward the end of January 2023—the Coordination and Executive Committees of the Bail Reform Project, in conjunction with RIA, decided to put a pause on the parts of the project related to the implementation of the PSA. This decision was made due to a noted interest in working on a pre-charge support program, the lack of involvement on the part of the Sheriff’s Office, and delays in the validation of the PSA data.

Appendix B: Trusted Organizations

The following are organizations that participants identified as ones that have created meaningful support for them as they have navigated the carceral system. Crucially, all the organizations and relationships that participants noted were ones that they could build reciprocal relationships, predicated on trust, with. Additionally, participants mentioned employees of various government offices, by name, who have gone out of their way to help or start (a) program(s) that have proven to be instrumental in navigating these systems.

- Ujamaa Place

"In Fairview. They help you get jobs, they help you into your own housing, and then—it's like a lot of resources you can use and then if you don't got nothing going on in life, like just to stay out of trouble, go to those groups and go there and learn everything. And see if you can find a talent that you got in you and go explore that talent."

- Greenway
- New Way
- Radius Health
- Big Brothers Big Sisters
- Mad Dash
- Guild

"They're an organization about helping homeless people like that. You can send your mail there. There's a lot of stuff you can do."

Holistic Support For & By Communities of Shared Identity

Speaking from their experiences and perspective as an Indigenous person, a participant shared, and heavily stressed, the importance of people "stick[ing] up for their traditions" and leaning into networks of support that are crafted by people who share a common identity for those, and only those, who also share the same identity. The following organizations were highlighted regarding their work in relation to this:

- American Indian OIC
- American Indian Women's Resources
- Division of Indian Work

"I also feel like you should...like me, I depended on my, like, Native Americans like going back to that a little bit more just because my, my reservation does look out for me a lot. [Ari: Yeah] Like, if I need housing or like, I don't know, schooling stuff, you know, like I feel like or like even, you know, like, I don't know what different traditions are for other races, but I know a lot of people stick up for their traditions. You know what I mean?"

"Ok there's an American OIC, and it has like a lot of resources like GED for the kids, you know. Then they have college courses in there also and then they have the SOAR program and then they have training, like warehouse training [...], all that stuff, off of this SOAR program also. But I don't know what else is in there."

"Yeah, American Indian Women's Resources, it's for Indigenous women and people that are with addiction, can help with housing, like even Cub Food cards, bus tokens, bus cards. They have a shelter, they put my mom into a treatment... you know, a hotel for fifteen months, and then they got her a Section 8 voucher and an apartment. And they even had case managers help her with it, you know, because my mom, she's kind of needy. You know, she needs somebody to take care of her, she's old and she's been through codependency a lot, you know, mental health issues, you know, she's never really done it on her own, and so it's like they were there for that. Now she has like my niece. She's a good grandma. You know, she's taking care of situations, you know. I don't know, I really like that program... I should really be a part of it, now that I'm talking about it more."

"It's the I don't know, I don't know what programs they have right now though but I do know that they do like food shelves, they do like if women are pregnant, they have like the women pregnancy classes, and then they'll even give you like a 500 dollar Target card, for after, if you do good really good attendance and stuff like you got to go to every class, be there. They also have like troubled youth advocates, for like foster children, and then they also give a stipend with that foster child stuff. I did it. I was in that program till I was like twenty-four. And they gave me an allowance every month of like \$700 or something. It helped a lot."



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