

Chronic Offenders

**Minneapolis City Attorney's Office
Minneapolis Police Department**

**Public Safety and Regulatory Services Committee
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INTRODUCTION

Misdemeanor Crime

Crime directly impacts the quality of life in our community. Although misdemeanor crimes are often considered “small” and less important when compared to crimes such as homicide, criminal sexual conduct and robbery, misdemeanor crimes directly impact the quality of life in our neighborhoods and victimize our communities. Persons who commit livability crimes, especially crimes related to drugs and alcohol, often progress to felony level crimes.

Chronic Offenders

Certain criminal offenders are responsible for a large number of misdemeanor crimes in our community. These offenders regularly appear in the criminal justice system. When offenders are processed through the system over and over with few meaningful consequences, the community becomes frustrated.

PART 1: MINNEAPOLIS CITY ATTORNEY’S OFFICE

The Special Prosecutions Team

In 1998 the City Attorney’s Office created a Special Prosecutions Team (SPT)¹ to help end the “revolving door” for the most serious livability crime chronic offenders. Our SPT consists of two courtroom attorneys, one paralegal, and community attorneys who are assigned to work in four of the five police precincts. The final police precinct, the fifth precinct, will receive a community attorney on approximately June 1, 2005.

Top (or chronic livability crime) offenders are designated in one of two ways:

1. Ten top livability crimes offenders are identified by each of the five police precincts, which list changes periodically depending on the outcome of court cases and the criminal activity level of each offender.
2. Approximately 50 additional top offenders have been identified by the City Attorney’s Office based on frequency of arrests for livability crimes within the last 12 months. This list also changes periodically.

The SPT works with the Codefor Unit in the Minneapolis Police Department and receives a list each month, based on a query entered into CAPRS, which identifies the most frequently arrested livability crime offenders for the prior 12 months. By having the same two prosecutors review these cases, the prosecutors become familiar with the offenders and use the information in their top offender files to obtain more meaningful consequences.²

Partnership with the Police

¹ The Special Prosecutions Team was formerly known as the STOP Team.

² The community attorneys also work with each police precinct regarding additional chronic offenders. The handling of these additional chronic offenders is discussed below.

The SPT works directly with the Police Department in several ways to effectively prosecute top offenders.

- Identification of top offenders. As discussed above, the Police Department provides information to identify the persons designated as top offenders.
- E-alerts. Once a person has been identified as a top offender, that person is placed on the alert list so that every time his or her name appears in a CAPRS report, an alert is automatically sent via e-mail to the SPT paralegal. The SPT paralegal then runs the report and reviews it to determine if any action is needed.
- Status reports. Each week the SPT paralegal sends an e-mail update of the status of each of the 50 top offenders identified by the five police precincts. The update includes information regarding pending cases, bail status, conditions of release, active warrants, probationary terms, last active case dispositions, and other pertinent information. This update is e-mailed to representatives in each police precinct, the County Attorneys in charge of the Drug and Property Teams, Metro Transit Police, a neighborhood probation officer, Sheriff's warrants, and others. At the weekly Codefor meetings, the Community Attorney in attendance provides a verbal update regarding any court activity of note from the past week for these 50 top offenders. The SPT paralegal also prepares a similar summary report each week for the approximately 50 additional City Attorney-identified top offenders.
- Case disposition updates. Whenever a case is resolved in court for one of the 50 police-designated top offenders, the SPT prosecutor sends an e-mail to the precinct's Inspector or other designated officers summarizing the court disposition. Whenever there is a "no contact" order (or geographical restriction) imposed, the prosecutor will also include that information. The precinct Inspector or officer will then forward the pertinent information to the remaining precinct officers.

Special Prosecution Team Philosophy and Procedure

The SPT philosophy regarding chronic offenders is simple. The team collects all available information about a defendant, builds the strongest possible case, and relentlessly pursues appropriate case outcomes. Files are kept for each top offender, rather than for each offense. Each top offender file contains all prior criminal histories, prior police reports, prior probationary information and all other relevant documentation. SPT prosecutors handle the prosecution of persons designated as top offenders at all stages of the criminal proceeding. Due to additional support staff and a smaller caseload, a SPT prosecutor appears in court armed with all available information on a particular defendant, ready to vigorously prosecute the case. Part of this process may involve requesting additional investigation or a case supplement. In that instance, the Special Prosecutions paralegal conducts the investigation or contacts the police officer who wrote the report and requests the investigation or a supplement to clarify or expand on the original report. The Special Prosecutions paralegal also obtains a complete criminal history and determines whether a top offender is on probation in Hennepin County or another jurisdiction. When top offenders are on probation, their probation officer is contacted and notified of the new charges, which often results in a probation violation for a prior conviction. The SPT prosecutors also work with prosecutors from other jurisdictions when it is determined that a top offender has pending charges in another jurisdiction.

The types of crimes committed by top offenders are quality of life and livability offenses such as:

- trespass
- public urination
- aggressive solicitation
- consuming in public
- loitering with intent to buy or sell drugs
- disorderly conduct
- transit crimes (fare evasion)
- prostitution-related crimes
- possession of drug paraphernalia.

These crimes cause significant disorder in the community. Often, judges view these types of crimes as “minor”, “de minimis” or “unimportant” in contrast to felony crimes and more serious misdemeanors such as assault and DWI. The SPT often faces an uphill battle even convincing judges to hear these cases. Although slow, progress has been made in prosecuting these cases. In August 2004, Hennepin County District Court created a new Community Court which handles only misdemeanor and gross misdemeanor livability crimes. The new Community Court has greater probationary resources available to monitor chronic offenders as to compliance with the conditions or their sentences.

After obtaining all available information, the SPT prosecutor attempts to seek a favorable and appropriate negotiation to resolve the criminal case. Each negotiation stresses the importance of a consequence that adequately reflects the specific crime and takes into account the defendant’s criminal history. Incarceration is appropriate for most top offenders when they commit new crimes, however, in cases where treatment is appropriate, that is an important part of the negotiation. The sentence may also include a “no contact” order or geographical restriction when appropriate, depending on the nature of the case.

Special Prosecutions Team Results

Between January 1 and December 31, 2004, police and the City Attorney’s Office identified 150 persons as top offenders. Of the 150 persons identified as top offenders, 99 persons were arrested or cited 601 times for misdemeanor and gross misdemeanor level offenses. These 99 top offenders were arrested or cited an average of 6 times for misdemeanor or gross misdemeanor offenses. Of the 601 arrests or citations, 486 had been resolved as of December 31, 2004. In 2004, each convicted top offender spent an average of 53 days in jail per conviction.

The average sentence of 53 days represents a significant portion (59%) of the maximum 90-day sentence allowed for misdemeanor offenses. The average sentence is particularly encouraging in light of the fact that most top offenders commit low-level livability crimes. Traditionally, courts have been resistant to imposing any jail time (either executed or stayed) for livability crimes. This 53 day average sentence represents a dramatic shift in policy and practice for courts. It also keeps these offenders in jail for longer periods of time – and off the streets. Our ability to identify these offenders to judges as top offenders and the Special Prosecution Team’s “relentless pursuit” philosophy has made the difference.

The SPT also achieved significant stayed time for these top offenders – an average of 39 days per offender. The stayed time is the portion of the sentence that can be imposed if the defendant violates probation, which is, unfortunately, a common occurrence among chronic offenders. This stayed time provides us with a valuable tool by which to seek immediate sanctions against those who commit new crimes or violate probation. Our experience demonstrates that judges do revoke this time when we bring the information to them. The SPT has also been successful in seeking sanctions from the courts when top offenders are arrested for new misdemeanor or gross misdemeanor charges when they are on probation for a felony.

Mental Health Court and Chronic Offenders

Many chronic livability crimes offenders are chemically dependent and/or suffer from some type of mental illness. Some of these offenders are eventually committed to an institution through civil mental health court as mentally ill or as chemically dependent and unable to care for themselves. There are many chronic offenders, however, who are not committable, but are in need of mental health related services. Many of these offenders are referred to the relatively new criminal Mental Health Court which is presided over by Judge Richard Hopper. Several of the MPD and City Attorney identified top offenders have been referred with mixed success. These offenders may not be committable but are in need of services that address their mental health needs. Offenders who are referred to Mental Health Court will work with a mental health case worker who will help the offenders with housing, social services, medical care, and funding. Judge Hopper often requires persons referred to Mental Health Court to return to court on a regular basis for reviews to monitor their progress.

Additional Precinct Identified Chronic Offenders

The community attorneys also work with each police precinct regarding additional chronic offenders. The community attorneys may monitor these precinct-identified chronic offenders and charge these cases, but they do not appear in court for their appearances.

The CLEAN³ program obtains and communicates accurate and timely information about persons who fall within certain objective criteria. The Minneapolis Police Department maintains up-to-date “information sheets” which provide a photograph of the person, the person’s next court date, the person’s bench warrant status, the person’s probationary conditions, and the phone number of the person’s probation officer, if any. This information allows police officers to proactively pursue misdemeanor warrants and report probation violations. It also helps residents more effectively report crime and provide community impact statements to the court because it connects a name to the face of the person who residents personally observe repeatedly engage in criminal conduct that significantly impacts Minneapolis communities. In addition, for each person identified by the CLEAN program, the Minneapolis City Attorney’s Office will prepare an updated file memorandum of the person’s bench warrant history and convictions histories.

In the Fourth Precinct, the Community Response Team, sector Lieutenants, Senior Attorney for the County Attorney’s Drug Team, Jordan neighborhood probation officers, Hillary Freeman of Court Watch, and the Fourth Precinct community attorney established a list of chronic offenders to put on a CLEAN list. The participants agreed on criteria for adding and removing offenders from the CLEAN list. This list consists of the precinct’s top ten livability crime offenders plus 28 additional

³ CLEAN stands for “Citizen Law Enforcement Action Network”.

offenders. Once the list was completed, the names were sent to the Codefor Unit which sends an e-mail alert to the above participants any time a person on the CLEAN list is mentioned in a CAPRS report, usually for a new offense. Most of the offenders on the CLEAN list are involved in drug dealing or are gang members. The Folwell Neighborhood Association/Fourth Ward Care Task Force publishes the CLEAN list with current booking photos and probationary information and distributes the list to Fourth Precinct officers. It also electronically sends it to community stakeholders. Whenever a CLEAN offender is charged with a new offense, community impact statements are requested for court.

A similar CLEAN list is also maintained in the Third Precinct. Lt. Rick Thomas reached out to personnel at the Third precinct and the citizens of the Phillips and Central neighborhoods in putting together three lists of chronic offenders. The areas covered are portions of Bloomington Avenue South, East Lake Street, and East Franklin Avenue. Scott Christenson, the Third Precinct Community Attorney, works closely with Lt. Thomas and Inspector Gerlicher in putting together the chronic offender sheets. Some of the most critical information on these sheets for both officers and community members is the probation information and court restrictions. With the information readily available, officers are able to more effectively arrest offenders for violations of probation or court restrictions. This information was never readily available to officers in the past in such a user-friendly format. This has proven to be vital information for this program.

The City Attorney's Office and the police department are evaluating the feasibility of extending the CLEAN program on a city-wide basis.

Probation Services – A Key to Effective Prosecution

Often misdemeanor offenders are given sentences that include stayed jail time with the sole condition of not committing a new similar offense. The offender is not referred to probation and therefore not assigned a probation officer. If there is a new offense, a probation violation will be triggered without involvement of probation.

If an offender is placed on active probation and has a probation officer assigned to their case, there can then be more conditions, such as treatment, geographic restrictions, random UA's, weekly reporting, and educational programs. If an offender violates conditions of probation while on active probation, a probation officer is available to promptly issue a probation violation notice. Community probation officers, when available, have proven to be effective in the monitoring of chronic livability crimes offenders. However, the monitoring of such additional conditions is time consuming and requires the dedication of scarce probation resources. Unfortunately, chronic offenders often are not given adequate probationary services. Increased availability of community probation officers would allow for more effective management of chronic offenders who are on probation, and likely lead to a reduction in new offenses by those chronic offenders.

PART 2: MINNEAPOLIS POLICE DEPARTMENT

Minneapolis Police Department Chronic Offenders Programs

The Minneapolis Police Department approaches the problem of chronic offenders in a two-prong effort. The first is through enforcement of livability crime violations. Chronic offenders do not specialize in one type of behavior, and members of the Department often come into contact with chronic offenders because their conduct violates the norms (laws and ordinances) of the community. The above tactic provides short-term benefits:

- Contact immediately ceases the deviant behavior;
- Provides violators with an expectation of behavior;
- If warranted, removes the offender from the area;
- Places the offender in an appropriate care facility for follow-up (HCJ, Detox, HCMC...).

Regardless of the ultimate outcome of the enforcement of livability crimes, Department contact with a chronic offender provides long-term benefits as well:

- Identifies chronic offenders;
- Identifies neighborhoods of concern;
- Assists in the prosecutorial and or legislative efforts to stem chronic deviant behavior.

The second approach employed by the Department is the pro-active sharing of information regarding chronic offenders. Each year the Department makes over 46,000 arrests, with over 85% of these arrests for misdemeanor offenses. Within the total number of arrests are individuals who have been arrested multiple times and by set criteria, identified as chronic offenders.

How best to inform all partners in the criminal justice system that contact and or an arrest has been made with a chronic offender? The Department has developed an Automatic E-mail Alert process that operates without human intervention to sort through multiple databases, searching hundreds of thousands pieces of data, for information regarding persons of interest, including, but not limited to, chronic offenders. An explanation of this process is as follows:

Automated E-mail Alerts are products designed to deliver individual CAPRS or Calls for Service (CFS) requests made by MPD personnel or law enforcement requests that have been asked for on a regular schedule. The Automated E-mail Alert process is a natural progression of understanding and utilization of the sophisticated functions in Microsoft Access. It groups requests on a routine schedule, automatically runs queries and sends them out, thereby saving tremendous MPD staff time. Time is saved by the process compiling and sending the results, and by the individualized results which are specifically designed to streamline the recipient's work. Many of the requests are for information from CAPRS that is not available via the user query process, or is not in a format that is workable for the recipient. Automated E-mail was developed consistent with CODEFOR strategies of utilizing computerized tools to provide timely and accurate information. To that end, products have been set up to be delivered on hourly, daily, weekly, CODEFOR week, and monthly schedules. This process may be called "push technology" in that it does the work the recipient needs or should get, and pushes it out to them thereby saving them the work of attempting to keep up with the tasks themselves.

The Automatic E-mail Alert System has several dozen products that assist the criminal justice system and all of its partners. Below is a list of products which are most frequently used in the identification and tracking of chronic offenders:

1. **Name checks.** Numerous units have requested a check on individuals of special interest to them in their investigative functions. Units receiving such reports include Homicide, SID/Gang, License, Precinct top 10 lists, City Attorney chronic offenders, Franklin Safety Center, Park Franklin Court Watch, etc.
2. **Probation Alerts.** Check for contact between the MPD and probationers from approximately 7 counties and alert the probationer's Probation Officer of the contact. Currently checking Hennepin, Ramsey, Anoka, and a variety of other counties via the MN Department of Corrections database
3. **Sex Offender Alert.** Notify Sex Crimes and Hennepin County Probation of CAPRS contacts with sex offenders.
4. **Bloomington/Lake Report.** Monitor arrests of adults and juveniles in the Bloomington and Lake Street areas.
5. **Chi/Lake Report.** Arrests at Chicago/Lake for Precinct 3
6. **Top 10 Arrestee Reports by Precinct.** Looks at the list of adults arrested this week and looks at their arrest history for the past year then ranks them to give Precincts the list of the most active.
7. **NPA Arrests Report.** Adults arrested who gave "NPA" or a shelter address as their residence. Shared with shelters so they know behavioral traits of individuals using the shelters
8. **Livability Offender Analysis Report.** Top Livability Offender Analysis for Minneapolis City Attorney.

There is risk to consider with the formation and dissemination of chronic offender lists. An individual is on a list, because frequent contacts have identified the person as a chronic offender; the person is contacted by MPD because they are known as a chronic offender (hence, the offender status on a list) and the new contact provides additional criteria for remaining on a list.

Continuing Support for MPD Chronic Offender Programs

The detection, apprehension, and diversion of deviant behavior relies on police presence and proactive policing. Inarguably, there are areas of the city which have a high concentration of identified chronic offenders and significant levels of livability crimes. Officers spend a considerable portion of patrol time answering CFS generated by citizens calling 911 to report the observed behavior of the chronic offenders.

The best recourse is never to have the livability crime occur, nor the chronic offender engaged in these continuing behaviors. The second recourse is: to have adequate resources deployed to abate the deviant behavior. Both would benefit from increased deployment of officers dedicated to work on and with chronic offenders, without being burdened by the necessity of answering CFS (calls for service).

Further support is needed to continue and increase the scope of the Automatic E-Mail Alert system. This process is currently managed by the Business Technology Unit (BTU). There is an increasing desire for the information that is available via the Automatic E-mail Alert System and personnel, programming and funding are in short supply. Any support in this area would greatly enhance the performance of the system, which in turn, provides the necessary data for law enforcement personnel and criminal justice partners to make informed decisions and action plans concern chronic offenders.

CONCLUSION

Although some may consider the types of crimes that chronic offenders often commit not serious or somewhat insignificant, particularly when compared with homicide, criminal sexual conduct, and robbery, the lower level crimes and those who commit them have a detrimental effect on certain Minneapolis neighborhoods. The City Attorney's Office and the Minneapolis Police Department are working diligently to arrest, prosecute, and ensure that appropriate and meaningful sanctions are imposed on chronic offenders.