

# **THE DOWNTOWN 100 IMPLEMENTATION GUIDE**

*A HOLISTIC PROSECUTION PROJECT  
TO REDUCE CHRONIC OFFENDER CRIME  
MINNEAPOLIS, MN*

*Innovations in Criminal Justice Summit  
September 28-30, 2011  
Chicago, Illinois*

*Susan L. Segal, Minneapolis City Attorney  
Lois Regnier Conroy, Downtown 100 Lead Prosecutor*

## **BACKGROUND**

### **THE DOWNTOWN MINNEAPOLIS EXPERIENCE**

As the primary business center between Chicago and Seattle, Downtown Minneapolis has 160,000 persons working in the central business district each day. It houses three professional sports teams and several Fortune 500 headquarters, boasts six live theatres and hosts over 150 events per year, bringing more than 2.5 million people downtown. With recent condominium and apartment developments, Downtown Minneapolis is also home to more than 30,000 residents.<sup>1</sup> The downtown area is safe. Part one crimes are relatively rare. However, the downtown community has challenges with livability, property and drug crimes.<sup>2</sup> The presence of this type of crime threatens the public's sense of safety in the downtown area and poses a challenge for Downtown businesses and building owners.

### **THE BREADTH OF THE PROBLEM**

Residents, workers and visitors to Minneapolis expressed concerns over livability crime in the downtown area. The Downtown Minneapolis business community quantified the breadth of the problems related to crime and the perception of crime by conducting a survey in 2007 of 6,500 persons who work downtown. A majority of the respondents identified drug, property and livability crimes as safety concerns, and one in three stated that they had witnessed as least one drug deal or illegal activity in the past thirty days. While Downtown has very little violent crime, the persistent livability crimes created a perception that Downtown was "unsafe" and that this perception was a threat to the vitality and growth of the area's economic hub.

### **COLLABORATING PARTNERS**

The downtown business and residential communities called for a collaborative approach between the public and private sectors to improve livability and public safety, benefiting downtown businesses, workers, residents and visitors. The Downtown 100 Collaborative, a holistic, community and team-based prosecution approach, was developed in response. It is clear that listening to community concerns and devising methods to bring their voices into the courtroom results in better outcomes in criminal prosecutions. The collaborating partners included: the Minneapolis City Attorney's Office, the Downtown Improvement District, the Downtown Council, the Hennepin County Attorney's Office, the Minneapolis Police Department, Hennepin County Community Correction and Rehabilitation, five Neighborhood Associations,<sup>3</sup> St. Stephen's Human Services and the Salvation Army. These collaborating partners were critical to implementing the Downtown 100.

## **PROJECT GOALS & OBJECTIVES**

The Downtown 100 Collaborative was designed specifically to address and reduce livability, property and drug crime in the core downtown area, using an innovative community-based prosecution approach that would try to deliver not only short-term, but more effective, longer-term solutions, reducing recidivism of chronic offenders in Downtown Minneapolis. The program had four goals:

- 1) Reduce crime committed by the “Downtown 100” offenders by over 50%;
- 2) Capitalize on available resources and infrastructure to develop more effective dispositions to produce longer-term solutions for chronic offenders;
- 3) Address underlying needs such as housing, chemical dependency, mental health or unemployment; and,
- 4) Improve public perceptions of safety in Downtown.

## **LEVERAGING EXISTING RESOURCES**

The initiative capitalizes on existing assets in the downtown area – a strong public-private law enforcement partnership known as the SafeZone, a strong network of non-profit service providers responding to homelessness and other issues, the community prosecution framework of the City Attorney’s Office, the Minneapolis Police Department, the County Attorney’s Office, strong business and neighborhood leadership and the resources of the problem-solving specialty courts. The implementation of the Downtown 100 Collaborative also coincided with and is funded in part by a new Downtown Improvement District, a special taxing district voluntarily created by downtown property owners.

The Downtown 100 is an expansion of the Community Attorney Program that the office began in 2002. Previously, the program had placed a prosecutor and a paralegal in each precinct, but the new Downtown 100 expanded that program by creating a local team of two community prosecutors, a paralegal, a probation officer, and homeless/mental health workers to address the 50 most prolific offenders<sup>4</sup> in the Downtown area. The team works in conjunction with the business and neighborhood groups through a monthly court watch program, using innovative problem-solving strategies. The team is integral to keeping the community connected to the criminal justice system.

The Downtown 100 Collaborative was created through extensive public-private efforts. The Minneapolis City Attorney’s Office (MCAO) and the Hennepin County Attorney’s Office (HCAO) team utilized several public policy documents which helped address the precise problems that need to be addressed and objectives that needed to be met.<sup>5</sup> Critical to its implementation, this holistic prosecution collaboration was endorsed by the courts, the downtown business groups, nonprofit service providers and the neighborhood associations.<sup>6</sup>

## **PROGRAM DESIGN/IMPLEMENTATION**

### **CREATION OF A DOWNTOWN 100 STRATEGIC TEAM**

While additional police officers had been assigned to the Downtown precinct over the past several years to address crime concerns, no other changes had been made in the handling of prosecutions or criminal dispositions for Downtown offenders. The implementation of the Downtown 100 program began with two new positions funded by the Downtown Improvement District for a prosecutor and probation officer dedicated to the Downtown 100 initiative. These new Downtown 100 positions have augmented existing resources to create a local strategic team comprised of police, community prosecutors, probation, business representatives, private security, homeless/mental health outreach workers, community activists, restorative justice case manager and shelter representatives. The philosophy of the strategic team is that no one part of our community has the answer to solving crime and sustainable crime reduction is obtained offender-by-offender with collaboration from the entire community.

### **THE STRATEGIC TEAM OVERVIEW**

The complex strategic team is the foundation for Downtown 100 design. The team includes prosecutors, a paralegal and a probation officer all dedicated to the initiative.

- **PROSECUTORS AND PROBATION OFFICER ARE CO-LOCATED IN THE DOWNTOWN PRECINCT HOUSE**

An important component of the program is that the prosecutors, paralegal and probation officer are all housed on-site within the Minneapolis Police Department's First (Downtown) Precinct house. The co-location facilitates communication and the sharing of strategic information between law enforcement and the team members.

- **PROSECUTORS DEDICATED TO PARTICULAR OFFENDERS**
- **VERTICAL PROSECUTION MODEL**

It has been essential to have a specific prosecutor assigned to a particular offender. Prior to the Downtown 100, a chronic offender may have multiple prosecutors working on open cases, resulting in inconsistencies and inefficiencies. One unique and key component of the Downtown 100 is the vertical prosecution model. Prosecutors have been deputized in other jurisdictions to ensure that one prosecutor will handle the cases in the Courtroom.

The vertical prosecution model has also ensured that each time the offender made contact with the Court system the same prosecutor handled his or her cases. It is difficult for the court system to obtain meaningful outcomes when the offender may see multiple judges, public defenders and probation officers before the disposition of his or her cases. Thus, the Downtown 100 model requires a consistent prosecutor to go wherever the offender appears in court whether it is an in-custody appearance, arraignment, pretrial, trial, or hearing. The prosecutor will be the authority

in the Courtroom on the offender's conduct, will advocate for the plan created by the strategic team and be the voice of the community.

To demonstrate that the vertical prosecution model was an effective tool, the HCAO and the MCAO completed two test cases prior to the implementation of the Downtown 100. When comparing criminal conduct the year before special prosecution, as compared to the year after special prosecution, both chronic offenders demonstrated a more than 70% reduction in crime city-wide.<sup>7</sup> In one of the test, the vertical prosecutor obtained a critical plea of guilty to felony terroristic threats. The defendant pleaded guilty and was sentenced to an upward departure which included 56-months stay-of-execution and many holistic probation conditions. Before imposing sentence, the judge asked the offender if he had anything to say, and the offender said he would not be where he was at sentencing but for the prosecutor's persistence in following him around.

The cross-deputization by other jurisdictions has occurred at a less than anticipated rate since the implementation of the Downtown 100. Prior to implementation, there was an expectation that the Downtown 100 would reduce crime; however, it was unexpected the amount of decline thereby resulting in fewer opportunities for cross deputization, discussed below, in the "Impact/Outcomes" section.

The Downtown 100 has two prosecutors and job duties are divided between a managing prosecutor and the "Downtown 100" prosecutor.

➤ **MINNEAPOLIS CITY ATTORNEY'S OFFICE—LEAD DOWNTOWN 100 PROSECUTOR**

The responsibilities of the Lead Prosecutor are to:

- implement and manage the program;
- determine Downtown 100 goals;
- monitor crime problem and perceptions, analyze crime data and indentify chronic offenders;
- lead the strategic team in developing offender goals, indentify systemic opportunities and develop strategic solutions;
- manage the implementation plan with primary team members and external partners to fulfill the strategic plan;
- plan and lead the weekly Downtown 100 strategy meetings;
- plan and lead the monthly Downtown Court Watch meetings;
- continue to obtain vigorous participation by the community;
- prosecute designated Downtown 100 offenders;
- build a statistical model to evaluate the program and evaluate the program;
- assist in securing funds for the Downtown 100 including grant writing;
- develop and manage communications plan to engage stakeholders and community members and publicize results; and,
- represent the Downtown 100 in key business associations such as the Downtown Improvement District's SafeZone Advisory Board, the Downtown Council and community groups.

➤ **MINNEAPOLIS CITY ATTORNEY’S OFFICE—DOWNTOWN 100 PROSECUTOR**

The responsibilities of the Downtown 100 Prosecutor are to:

- assist in the development of offender goals and develop strategic solutions;
- assist in developing offender goals, indentifying systemic opportunities and developing strategic solutions;
- assist in the implementation plan with primary team members and external partners to fulfill the strategic plan;
- prosecute designated Downtown 100 offenders at arraignments, pretrials, trial and probation violation hearings;
- provide prosecutorial updates on the prosecution of specific chronic offenders;
- handle speaking engagements and other communication needs; and,
- represent the Downtown 100 at the Downtown Court Watch meetings.

➤ **DOWNTOWN 100 PROBATION OFFICER**

➤ **MAXIMIZE OPPORTUNITIES FOR OFFENDER SUCCESS THROUGH ACTIVE SUPERVISION AND SUPPORT, MINIMIZING OPPORTUNITIES FOR FAILURE**

The Downtown 100 includes a newly-funded community probation officer whose caseload is solely comprised of the chronics identified and on probation through this program. Prior to the Downtown 100, Downtown Minneapolis had no designated probation officer, and adult misdemeanants, even the most chronic offenders, were not typically supervised by the probation office anywhere in the City. Active supervision was reserved almost exclusively for felony caseloads.

With this new position, probation is forging new ground by developing a protocol for actively supervising misdemeanants. It also requires the probation officer to establish new relationships with prosecutors, police officers, social service providers, specialty courts,<sup>8</sup> business and community members.

The Downtown 100 probation officer demands rigorous accountability of all supervised offenders. Part of this accountability includes the probation officer’s willingness to revoke probation in order to hold offenders accountable. Also, the probation officer is responsible for coordinating social services. The probation officer ensures that the offenders have access to any needed resources such as: chemical dependency treatment, mental illness treatment, housing, education and employment.

The responsibilities of the Downtown 100 Probation Officers are to:

- monitor all Downtown 100 offenders that have a probationary sentence;
- maintain regular contact with offenders including routine office visits;
- reinforce the offender’s plan for success at each contact and determine barriers that need to be removed for success;
- visit offenders in their home, on the street, in jail, or at a shelter;
- set up prompt and timely chemical health assessments;

- manage the offender treatment plan including the streamlining of the treatment entry, release and paperwork;
- develop partnerships with external partners such as street outreach workers, housing advocates, landlords, employers, treatment facilities, board and lodges and so on;
- draft arrest and detention orders for the Court when offenders fail to follow the terms and conditions of his or her probation;
- make recommendations to the Court regarding probation sanctions, conditions of release and custody status;
- assist in developing offender goals, identifying systemic opportunities and developing strategic solutions;
- attend court appearances such as arraignments, pretrials, trial and probation violation hearings;
- represent probation at the weekly Downtown 100 Strategic and the monthly Downtown Court Watch meetings.

➤ **MINNEAPOLIS CITY ATTORNEY’S OFFICE—DOWNTOWN 100 PARALEGAL**

As prosecutors focus on meaningful prosecution of the offenders, it is essential to have full histories of these offenders. The paralegal compiles and maintains extensive information regarding each offender, i.e. charges and convictions, prior and present probation conditions, complete bench warrant histories and the impact the offenders have had on the community through the collection of community impact statements. The paralegal also publishes several informational reports for prosecution and the strategic partners including the Downtown 100 Chronic Offender Report, a geographic restriction list, an “enhanceable” trespass list and offender warrant report. The paralegal also creates and publishes monthly Court Watch lists.<sup>9</sup> This information leads to greater enforcement by the police, more informed problem-solving by the Strategic Team and more meaningful outcome for each chronic offender.

The responsibilities of the Downtown 100 Paralegal are to:

- check Court records each morning for offenders that were arrested and will be appearing in Court that morning;
- prepare all prosecution files for each court appearance;<sup>10</sup>
- communicate with the Strategic Team and critical support staff on the status of Downtown 100 offenders in Court each day;
- identify and refer cases for charging including any felony enhancement;
- obtain necessary documents needed for charging review;
- enter data into the case management system including but not limited to new cases for charging consideration, case dispositions and investigation requests;
- send and respond to discovery requests;
- manage investigation requests;
- obtain additional evidence such as investigation, obtaining documents, contacting witnesses and contacting victims<sup>11</sup> and so on;
- prepare files for trial or revocation hearings; and,
- prepare materials for and participate in the weekly Downtown 100 Strategy and monthly Downtown Court Watch meetings.

## **ADDITIONAL STRATEGIC TEAM MEMBERS**

There are several other critical strategic team members that have been instrumental to the design, implementation and success of the Downtown 100. Those members and their roles have been set forth in the following paragraphs.

### **➤ DIRECTOR OF SAFEZONE OPERATIONS**

#### **➤ SAFEZONE DIRECTOR IS ALSO CO-LOCATED IN THE DOWNTOWN PRECINCT**

The Director of SafeZone Operations is the primary liaison between the Downtown 100 and the Downtown business community. The Downtown SafeZone is a subsidiary of the Minneapolis Downtown Improvement District, focused on coordinating law enforcement and public safety strategies between downtown businesses and the police department. Having an active business representative has not only shaped the vision of this program, but has improved outcomes through the close cooperation between the business community and other Downtown 100 partners.

The Director of SafeZone Operations' responsibilities include:

- determine Downtown 100 goals;
- represent the Downtown Improvement District in the monitoring, development and implementation of the program;
- identify the law enforcement priorities of the Downtown Improvement District and its members;
- monitor the return on investment of the program;
- assist in developing offender goals, indentifying systemic opportunities and developing strategic solutions;
- assist in the implementation plan with primary team members and external partners to fulfill the strategic plan;
- manage communications with downtown business partners;
- research best practices by other business improvement districts;
- represent the Downtown 100 at the Downtown Improvement District Board meetings; and,
- assist in securing funds for the Downtown 100.

### **➤ HENNEPIN COUNTY ATTORNEY'S OFFICE—COMMUNITY PROSECUTION DIVISION MANAGER**

Historically, there has been limited collaboration between the office that prosecutes felonies and the office that prosecutes livability crimes. One of the keys to success of the Downtown 100 has been the close partnership with and commitment of the Hennepin County Attorney's Office. The active participation and support of the Division Manager for Community Prosecution as a strategic team member has insured that felonies committed by the Downtown 100 offenders are handled with a higher priority and greater input on disposition than otherwise might be given to a property or drug offense.



The responsibilities of the County Attorney are to:

- assist in determining Downtown 100 goals;
- assist in developing offender goals, indentifying systemic opportunities and developing strategic solutions;
- assist in the implementation plan with primary team members and external partners to fulfill the strategic plan;
- manage the communications with prosecutors at the County Attorney’s Office handling cases involving Downtown 100 offenders;
- determine which cases are appropriate for cross-deputization<sup>12</sup>;
- represent the Downtown 100 in key venues such as Hennepin County Attorney’s Office, other Court Watch programs, and Specialty Courts such as the Hennepin County New-Model Drug Court; and,
- assist in securing funds for the Downtown 100 including grant writing.

➤ **MINNEAPOLIS POLICE DEPARTMENT—CRIME PREVENTION SPECIALIST/ANALYST**

There are many police department civilians who have assisted in the creation and implementation of the Downtown 100. For simplicity, it is easier to discuss their roles in this single category.

The responsibilities of the Crime Prevention Specialist/Analyst are to:

- act as a liaison between Minneapolis police, other police agencies in the metropolitan area, prosecutors and the community to facilitate accurate and timely communication regarding a “shared” chronic offender’s activity;
- obtain all crime data for the selection of the Downtown 100 offenders;
- rank offenders based on several metrics including location, number of police contacts and type of crime;<sup>13</sup>
- review designating offenders when applicable as an “identified gang member” or a “suspected gang member”;
- develop partnerships with external partners such as business, associations and citizens who work or live in the First Precinct;
- request community impact statements on offenders with pending litigation;
- distribute requests for community impact statements through the large network of community participants;
- assist in developing offender goals, indentifying systemic opportunities and developing strategic solutions;
- assist in building a statistical model to evaluate the program and providing data for the evaluation of the program;
- promote citizen participation in the Downtown 100 by soliciting residents to appear in court on cases of significant interest; and,
- provide offender updates at Downtown 100 strategic meetings or at Downtown Court Watch meetings.

➤ **NON-PROFIT SOCIAL SERVICE PROVIDERS—HOMELESSNESS**

These providers work to provide longer-term solutions for repeated livability offenders. A significant percentage of the Downtown 100 offenders are either homeless or lack stable housing. Finding permanent housing can remedy—or at least substantially reduce—the number of offenses committed by an offender.

The responsibilities of the homelessness social service providers are to:

- identify which Downtown 100 offenders are in need of housing services and may be eligible for housing funding;
- monitor the status of all Downtown 100 homeless<sup>14</sup> offenders and share appropriate information with the team;
- update staff in their respective organizations on the goal, strategy and probation conditions of each offender;
- maintain regular contact with homeless offenders;
- reinforce the offender's plan for success at each contact and determine barriers that need to be removed;
- visit offenders whether in their home, on the street, in jail, or at a shelter;
- assist offenders in obtaining housing, furniture, groceries, medication and medical treatment;
- develop partnerships with external partners such as police officers, prosecutors, probation officers, chemical health facilities, landlords, employers, board and lodges;
- provide the Court updates on the offenders' progress with a focus on their housing status and sobriety;
- assist in developing offender goals, indentifying systemic opportunities and developing strategic solutions;
- attend court appearances such as arraignments, pretrials, trial and probation violation hearings;
- act as advocates to identify obstacles within the criminal justice system that are detrimental to successfully moving homeless offenders toward self-sufficiency. For example: finding someone an apartment over jailing that individual for misdemeanor charge;
- identify barriers a homeless person may have that are unknown to the criminal justice system, including mental and chemical health issues;
- support Geographic Restrictions for individuals who are committing crimes in an area where they do not live or legally work; and,
- represent social services providers at the weekly Downtown 100 Strategic and the monthly Downtown Court Watch meetings.

➤ **MINNEAPOLIS POLICE DEPARTMENT—POLICE OFFICERS**

Finally, the strategic team depends on the more than 100 police officers assigned to the First Precinct of the Minneapolis Police Department. Their participation has been active from the day-beat officers, to the supervising sergeants, to the command staff. Having leadership in the program from all levels of the police department has ensured that there is a seamless and fully integrated approach to the following duties:

- monitor all Downtown 100 offenders;
- familiarize themselves with the offenders who have a probationary sentence paying particular attention to those offenders geographically restricted by a Court order to stay out of the central business district, have an active warrant or a pending arrest and detention order;
- arrest and book all offenders in jail for any criminal activity, violations of a geographic restriction, any warrants or any arrest and detention orders;
- update the strategic team regarding offender contacts;
- document collateral social service information in any police report such as intoxication, homelessness or apparent mental health issues;
- initiate contact with offenders (even when a crime is not being committed) to develop a rapport with offenders, determine how the offender is progressing and reinforcing the offender's plan for success;
- make recommendations to the Court regarding probation sanctions, conditions of release and custody status;
- assist in developing offender goals, identifying systemic opportunities and developing strategic solutions;
- attend court appearances such as arraignments, pretrials, trial and probation violation hearings;
- represent the police department at the weekly Downtown 100 Strategic and the monthly Downtown Court Watch meetings.

**KEY COMPONENTS**

➤ **PERSONNEL IN THE COMMUNITY**

The Downtown 100 prosecutors, probation officer, paralegal, crime prevention specialist and First Precinct police officers are located in the heart of the Downtown community. The Minneapolis Police Department provides space for these team members in the First Precinct. The Downtown 100 recognizes that in order to achieve strong partnerships, staff needs to work in close proximity to one another. Moreover, staff working in the heart of the Downtown community has facilitated a strong connection between the criminal justice system and the community.

### ➤ **PROBLEM SOLVING MEETINGS: THE INNOVATION MEETING & COURT WATCH**

Another key component of the Downtown 100 is the Criminal Justice Partners Strategic Meeting (Strategic Meeting) held every Tuesday afternoon. The Strategic Meeting attendees include: police, community prosecutors, probation, homeless/mental health outreach workers, a community coordinator, shelter representatives and the director of the SafeZone Collaborative.<sup>15</sup> The first portion of the meeting is used to evaluate each offender's crime pattern, develop strategies and discuss the best deployment of law enforcement, housing and mental health resources. The second portion of the meeting is used to identify systemic solutions focusing on reducing conflicts, gaps and inconsistencies that can exist in how each group works with each identified chronic offender.

The Downtown 100 expanded prosecution resources, allowing a focus on 50 chronic offenders, including offenders with a history of felony level drug, property crimes and gang related activity.

The Downtown Court Watch began meeting in October 2008 to discuss twenty chronic misdemeanor offenders. Support from system partners and the community has been outstanding. The meeting grew from twenty to almost fifty attendees in its first six months. Court Watch has seen many successes including playing a contributing role in obtaining a federal indictment and conviction of a prolific chronic offender; a chronic offender test case in a pre-adjudication diversion collaborative with restorative justice;<sup>16</sup> and, reuniting a chronic offender with his family which has resulted in no new criminal activity. The infusion of funding from the Downtown Improvement District for the Downtown 100 took this collaborating group to a new level.

### ➤ **IDENTIFICATION OF DOWNTOWN 100 OFFENDERS**

The strategy team created a list of 50 chronic Downtown offenders in 2010 and then again in 2011. The 50 offenders were selected using crime data from the central business district with a one-year and ten-year look back and crime data from the whole city with a one-year and ten-year look back. Those offenders were then selected if there was a recent pattern of criminal conduct in the central business district. Until the implementation of the Downtown 100, the Minneapolis City Attorney's Office (hereinafter "MCAO") did not have adequate staff to do work beyond a group of twenty 1<sup>st</sup> Precinct chronic offenders. The Downtown 100 list has enabled police, prosecutors, probation and the Court to focus on the minority of offenders who cause a majority of crime problems.

### ➤ **USE OF ELECTRONIC COMMUNICATION**

Use of electronic communication and access to several databases and management information systems is critical to achieving the goals of community involvement in the court process. After the chronic offenders were identified, the Downtown 100 team used technology to track them. It begins with an officer electronically entering a report. The report goes to a database which creates an email alerting the strategic team about the offender's conduct. With the notification, the paralegal verifies through additional technology the case status. The strategic partners then

develop a case plan and MPD emails this information to Court Watch members. When community members offer an impact statement, the attorneys present them to the Court.

The MCAO, the Hennepin County Attorney's Office (hereinafter "HCAO"), and SafeZone websites all provide a link for community members not in Court Watch to email community impact statements regarding particular individuals or communicate general neighborhood criminal activity. The websites create many avenues for the community to access the criminal justice system. The paralegal retrieves any community impact statements from the websites and gives them to the prosecutor, who in turn presents them to the Court.

The Downtown 100 also utilizes the many technological tools currently available in the First Precinct, e.g., video cameras and a linked radio system that create a web of connections throughout the central business district. These systems have been highly effective in monitoring streets and buildings in Downtown and documenting criminal activities. All images are retained so prosecutors can obtain critical evidence. For example, a drug transaction on video is compelling evidence and has curbed "open air" drug dealing. Prosecutors are able to personally view the camera images on any pending chronic offender case directly from their office in the precinct.

The Downtown 100 also uses the SafeZone worksite, a multi-faceted tool with interactive crime maps and a crime reporting tool for security reports storing up-to-date information. The Downtown 100 Collaborative posts offender incidents on these interactive crime maps. Security reports<sup>17</sup> are used as additional evidence to augment the prosecutor's case.

➤ **HOUSING AND MENTAL HEALTH INITIATIVE: ALTERNATIVE RESPONSE PROGRAM**

The Downtown 100 includes collaboration with St. Stephen's Social Services (hereinafter "St. Stephen's"). St. Stephen's is a critical member of the strategic team. Their work has been characterized into two types: 1) homeless outreach workers; and 2) housing advocates. The homeless outreach workers help the strategic team identify which offenders are homeless, need services, and reach out to the offenders directly. The housing advocates provide offenders with housing subsidies to obtain a residence, assist in finding the residence, furnishing the residence and providing support to the offender once he or she is in the residence.

The homeless outreach workers and advocates also respond to calls for service in dealing with homeless individuals, saving police time and providing a better response. This has freed police to focus on crimes where the offender should be held accountable by the criminal justice system. The outreach workers and housing advocates join the strategic team to craft prosecution plans designed to prevent recidivism. Lastly, the outreach workers and housing advocates work aggressively with offenders to evaluate their needs for mental health services, chemical health services, home furnishings, groceries and emotional support.

## **KEY DOWNTOWN 100 TOOLS**

There are several tools that have been critical in holding offenders accountable. These tools are outlined below:

### ✓ **“Active” Probation with Comprehensive Conditions**

Many of the Downtown 100 offenders are on probation. Once placed on probation, they are actively supervised by the Downtown 100 probation officer even if the probation is for a low-level (misdemeanor) crime. Also, the probationary sentence will include comprehensive conditions. A typical probation sentence would include the following conditions: 1) remain law abiding, 2) no use of alcohol or non-prescribed drugs, 3) geographic restriction to stay out of Downtown West, 4) no contact with a victim, 5) complete a chemical health assessment and follow any recommendations of that assessment, 6) stay in contact with his or her housing worker/advocate; 6) complete a designated housing program, 7) stay in regular contact with his or her probation officer; and 8) make all scheduled court appearances.

### ✓ **Geographic Restrictions**

Geographic restriction are court orders that the prosecutors seek as part of a conditional release during a pending case or as part of a probationary sentence. The court order requires the Defendant to stay out of the central business district during the term of the order. This order is granted by the Court when the State can demonstrate that the offender has continually victimized a community where the offender does not live, work or worship. The offender is read the order in court and must acknowledge the order by his or her signature. Copies of the order are distributed to the offender, the State, the Court, probation and opposing council.

### ✓ **Contempt of Court**

Pursuant to Minn. Stat. § 588.20, Subd. 2 (4), Contempt of Court is a criminal charge that the State uses to enforce geographic restrictions. Violating a geographic restriction is a misdemeanor punishable by up to 90 days in jail and up to a \$1,000.00 fine. If a police officer observes an offender in the central business district, the officer will confirm the existence of an active order, arrest the offender, document the conduct in a police report and book the offender in jail for contempt of court. Generally, the offender will appear the next morning for an arraignment on the new charge.

### ✓ **Arrest and Detention Orders**

Arrest and Detention orders may also be initiated for an offender’s failure to abide by his or her extensive probation conditions. For example, if the geographic restriction was part of probationary sentence, the probation officer will draft an arrest and detention order for the Court’s consideration. This order will call for full or partial revocation of the offender’s probationary sentence based on the failure to abide by the geographic restriction and failing to remain law abiding.

## ✓ **Trespassing**

In addition to the stay-away nature of the geographic restriction, land owners (“lawful possessors”) can trespass a person from land in which they have a “claim of right.” Pursuant to Minn. Stat. § 609.605, Downtown business owners have been able to trespass individuals from their property for up to one year. Failure to stay away will result in a misdemeanor criminal charge punishable by up to 90 days in jail and up to a \$1,000.00 fine. If an offender has two or more prior convictions, the new trespassing case can be enhanced to a gross misdemeanor punishable by up to one year in jail and up to a \$3,000.00 fine. Trespassing is a powerful tool for business owners in Downtown Minneapolis.

### ▪ **Trespassing Enhancement List**

This is a comprehensive list created by the Minneapolis City Attorney’s office to notify police officers when an offender has two qualifying trespass convictions. As such, the officer on the street has a short-cut tool to determine which offenders are eligible to be charged with a gross misdemeanor trespass based on his or her criminal history.

## ✓ **Housing Subsidies**

The housing subsidy is a funding instrument that social service providers can access through the State of Minnesota provided that they have one-time start-up funds. The housing subsidy is self sustaining and therefore critical to achieving long-term housing success.

## ✓ **Chronic Offender Warrant Alert Notification**

This is a current and on-going list created by the Minneapolis City Attorney’s office to notify police officers when an offender has a warrant out for his or her arrest. This list is published weekly. Often officers arrest offenders within hours of the list being published. This ensures timely accountability of the offenders.

## ✓ **Community Impact Statements**

Pursuant to Minn. Stat. 611A.038, community members have a statutory right to have his or her impact statements presented to the Court at a criminal sentencing. The impact statement is to describe “the adverse social or economic effects the offense has had on persons residing and businesses operating in the community where the offense occurred.”<sup>18</sup> Therefore, collaborating community members write statements regarding crime committed by Downtown 100 offenders. Prior to the sentencing, the prosecutor provides a copy of the statements to the judge, probation officer and opposing council. The volume of impact statements varies a great deal depending on the type of case and offender involved, from a single statement to more than 175 statements on a high profile case. Regardless of the number, impact statements have been a persuasive tool in conveying an often intangible impact that crime has on the community.

### ✓ **On Demand Rapid Assessments**

One of the systemic opportunities identified by the strategic team was the challenge in offenders obtaining chemical health assessments. Often there would be a significant delay before the completion of the assessment or no assessment at all. This was often attributed to barriers such as the offender finding an assessor, scheduling the assessment, obtaining transportation to the assessment, and obtaining an assessment that addressed the offender's often complex needs. Therefore the strategic team developed the On Demand Rapid Assessment whereby the Downtown 100 probation officer schedules the assessment prior to the offender's release, and upon the release of the offender the probation officer escorts the offender to the assessment. The contracted assessor has extensive collateral information regarding the offender to find the best treatment program that may meet the offender's unique needs such as a culturally specific program, a program that address a traumatic brain injury or mental health issues. The seamless timing between the jail and the assessment has improved the speed at which the offender gets assessed and referred for the appropriate treatment. Also, the recommended treatment facility better meets the offender's needs.

### ✓ **Specialty Courts**

The Hennepin County District Court currently holds several specialty courts that include Drug Court, Mental Health Court, St. Stephen's Court (a homeless offender court), Veteran's Court and D.W.I. (Driving While Intoxicated) Court. Depending on the goals that the strategic team has set for the offender, the strategic team may attempt to get the offender into a specialty court. Depending upon the court, there may be opportunities for greater services such as mental health assessments, case workers, a medication plan, medication provision and so on. Also, specialty courts often provide heightened accountability of the offender from the presiding judge through periodic court review of the offender's progress.



## PERFORMANCE

In January 2011, the MCAO completed an evaluation of the program at the conclusion of the first calendar year of implementation of the Downtown 100.<sup>19</sup> The program's effectiveness was demonstrated by a careful analysis of the data collection which was as follows:

The Downtown 100 has had a substantial impact on the reduction of chronic offender crime in just its first year.

- 74% Reduction in Crime in the Downtown Improvement District by the Downtown 100 Offenders<sup>20</sup>

The Downtown 100 has had a substantial impact on the reduction of chronic offender crime in the Greater First Precinct and in the City of Minneapolis.

- 77% Reduction in Crime in the Greater First Precinct by the Downtown 100 Offenders<sup>21</sup>
- 27% Reduction in Crime in the Greater City of Minneapolis by the Downtown 100 Offenders<sup>22</sup>

Chronic offenders on probation commit fewer crimes than unsupervised offenders—particularly if probation has active supervision.

- 94% of Offenders served a probationary sentence.
- 70% of Offenders on probation had active supervision by a probation officer.
- 70% of Offenders on probation had a Geographic Restriction to stay out of Downtown.
- 11 Times Increase in Geographic Restrictions orders.
- 220% Increase in Contempt of Court cases to hold Offenders accountable for probationary conditions such as Geographic Restrictions.<sup>23</sup>

Obtaining other social services for offenders is also a key component to the reduction in chronic offender crime.

- 36% of Offenders were provided Chemical Dependency Services
- 32% of Offenders were provided Mental Health Services

Obtaining housing for homeless offenders is a key component to the reduction in chronic offender crime.

- 20% of the Downtown 100 Offenders had a Home at the beginning of this Program
- 50% of the Downtown 100 Offenders had or obtained a Home during this Program

## LESSONS LEARNED

The primary lesson learned in the implementation of the Downtown 100 is that a holistic prosecution model that balances services with accountability can result in a significant reduction in crime.

These dramatic results can be achieved with relatively small monetary investment. The Minneapolis Downtown Improvement District provided a \$150,000 grant to launch this program. While a full cost study is currently underway, the cost savings appear to be significant. The Minneapolis City Attorney's Office calculates the cost of prosecution of a chronic offender crime and incarcerating the offender at the Hennepin County Workhouse at \$1,616. In 2009, the Downtown 100 offenders committed 334 crimes equating to \$539,744 in prosecution and workhouse costs. In 2010, the Downtown 100 offenders committed 86 crimes equating to \$138,976. The reduction in cost from 2009 to 2010 was \$400,768.

While monetary savings are desirable in these tough economic times, it is also desirable to demonstrate that government is working smarter and obtaining more meaningful outcomes. This success was analyzed in May 2011, by the Humphrey School of Public Affairs. It completed an analysis of the Downtown 100.<sup>24</sup> The report articulated the following lessons learned that the initiative is "working remarkably well" and the report further stated that:

*We concluded that [the] Downtown 100 has indeed helped bring about progress through its unique collaboration between the public and private sectors and its comprehensive approach to preventing or reducing crime. Minneapolis City Attorney Susan Segal notes that in concentrating on repeat offenders, the program's purpose is a 'holistic approach, not just running them through the system.' We conclude that this holistic or integrated approach is central to Downtown 100's success.*

The Humphrey study also concluded that the Downtown 100 could be shared and replicated in other communities.

## END NOTES

- <sup>1</sup> Downtown is located within the Minneapolis Police Department's First Precinct Police Precinct.
- <sup>2</sup> Serious crime in Downtown Minneapolis has dropped by 11% from 2009 to 2010 in the central business district.
- <sup>3</sup> Downtown Minneapolis Neighborhood Association, North Loop Neighborhood Association, Loring Park Neighborhood Association, Cedar Riverside Security Collaborative, Elliot Park Neighborhood Association, Friends of Grant Park
- <sup>4</sup> The identified offender is a revolving list. From implementation on April 1, 2010 to August 1, 2011, the Downtown 100 program has prosecuted approximately 100 offenders.
- <sup>5</sup> These documents were: The Criminal Justice Coordinating Committee's Livable Community Initiative Report (2007), the Minneapolis Downtown Council's Draft Recommendations – Actions for Safety (April, 2007), and the Minneapolis Downtown Council's "Workers' Perception of Downtown Minneapolis 2007 Survey Results" (2007).
- <sup>6</sup> Those endorsing the program included: The Honorable Richard Hopper (the former presiding judge for the Hennepin County Mental Health Court and Community Court), the Downtown Council, Minneapolis Regional Chamber of Commerce, Downtown Minneapolis Neighborhood Association, North Loop Neighborhood Association, Loring Park Neighborhood Association, Cedar Riverside Security Collaborative, Elliot Park Neighborhood Association, Friends of Grant Park, SafeZone Collaborative, St. Stephen Homeless Outreach Program, Voices of the Community Catholic Charities homeless community and Salvation Army Homeless Shelter.
- <sup>7</sup> This showed not only the effectiveness of this prosecution model, but alleviated concerns regarding displacement of the crime to another area. These substantial results were obtained despite the lack of a community probation officer or mental/housing outreach worker.
- <sup>8</sup> The Hennepin District Court currently holds several specialty courts that include: Drug Court, Mental Health Court, St. Stephen's Court (a homeless offender court), Veteran's Court and D.W.I. (Driving While Intoxicated) Court.
- <sup>9</sup> A Court Watch lists includes the offender's name, photo, booking status, custody status, pending cases, future court date, warrant status, probation conditions, housing status and recommendations from Court Watch members.
- <sup>10</sup> Preparing the prosecution files includes the following steps: 1) pulling the offender's master prosecution file (all files are organized by offender, not offense so that a complete history of the offender is sent to Court); 2) printing new Court records regarding the status of pending and closed cases; 3) obtaining all historical and current police reports; 4) obtaining all probation reports; 5) obtaining a full record of the offenders "failures to appear" for non-appearances in Court; 6) obtaining all historical and pending geographic restriction orders; and, 7) gathering any relevant community impact statements.

- 
- <sup>11</sup> Contacting crime victims minimally includes sending a victim letter and contacting the victim by phone.
- <sup>12</sup> The County Attorney determines which felony level cases within the Hennepin County Attorney's Office should be prosecuted by a Downtown 100 prosecutor. Since the prosecutors do not have jurisdiction over these cases, the Hennepin County Attorney's Office "cross-deputized" the attorney to permit the attorney to obtain jurisdiction over the case thereby allowing for seem prosecution of the offender.
- <sup>13</sup> This crime data is evaluated by "geo-code," time, type of crime, by offender, and compared to data in other parts of the city. Typical the data is assessed in five primary ways for each offender 1) number of police contacts in the last year in the Downtown Improvement District; 2) number of police contacts in the last 10 years in the Downtown Improvement District; 3) number of police contacts in the last year outside Downtown Improvement District; and, 4) number of police contacts in the last 10 years outside Downtown Improvement District; and, 5) the number of crimes that are livability crimes, drug crime, property crimes, sex crimes and violent crimes.
- <sup>14</sup> Homeless is living on the street, staying a shelter, or sleeping on someone's couch.
- <sup>15</sup> The SafeZone Collaborative is a non-profit organization that was established by a public-private partnership between the Downtown business community and City leadership to fight crime. The director of the SafeZone was a security executive loaned by Target Corporation. The SafeZone is now funded by the Minneapolis Downtown Improvement District special taxing district.
- <sup>16</sup> The case was conferenced by Restorative Justice Community Action, Inc (RJCA) RJCA is a collaborating partner and attends the Downtown Court Watch.
- <sup>17</sup> A security report is critical evidence in low-level criminal cases, such as livability crimes, because there is no police investigation.
- <sup>18</sup> Minn. Stat. 611A.038
- <sup>19</sup> The first year of program implementation began on April 1, 2010 and concluded on December 31, 2010.
- <sup>20</sup> This crime reduction was calculated by comparing the crime rate of offenders in the Downtown Improvement District from April 1, 2010 to December 31, 2010 to the crime rate of offenders in the Downtown Improvement District from April 1, 2009 to December 31, 2009.
- <sup>21</sup> This crime reduction was calculated by comparing the crime rate of offenders in Loring Park, Elliot Park, Downtown East, Cedar Riverside and North Loop Neighborhoods from April 1, 2010 to December 31, 2010 to April 1, 2009 to December 31, 2009.
- <sup>22</sup> This crime reduction was calculated by comparing the crime rate of offenders in the Second, Third, Fourth and Fifth Precinct from April 1, 2010 to December 31, 2010 to April 1, 2009 to December 31, 2009.

- 
- <sup>23</sup> This increase was calculated by comparing data from April 1, 2010 to December 31, 2010 to April 1, 2009 to December 31, 2009. The contempt of court statute is the instrument by which law enforcement hold chronic offenders accountable for the order to stay out of Downtown.
- <sup>24</sup> “Downtown 100 Collaborative,” written by Humphrey School of Public Affairs students: Amal Al-hakimi, Sally Newbury and Andrew Virden, May 4, 2011.