



CITY OF MISSOULA MUNICIPAL COURT  
PRETRIAL ASSISTANCE TO SUPPORT SUCCESS (PASS) PROGRAM

POLICIES & PROCEDURES

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## SECTION 1: PASS PROGRAM

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### 1.1: Goals & Objectives

To provide supportive services to all pretrial defendants assigned by the City of Missoula Municipal Court.

- To include:
  - Engaging with defendants via telephone contact, text notifications, in-person meetings and/or mailed correspondence to provide frequent reminders of upcoming court dates and/or meeting times and dates with justice partners.
  - Reducing the frequency of nonappearances in court, or Failures to Appear (FTAs), by defendants with proceedings in Municipal Court.
  - Providing the least restrictive monitoring necessary to ensure compliance with conditions of release and offering supports to defendants so they can remain law abiding while residing in the community as further court proceedings are pending.
  - Safely reducing the jail population while maintaining and enhancing public safety.

### 1.2: Target Population

Defendants facing prosecution in Missoula Municipal Court who have been identified as needing additional supports and services to decrease FTAs and potential for new offenses during the pendency of their case, to be determined by judges on a case-by-case basis.

## SECTION 2: PROGRAM ORGANIZATION

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### 2.1: Staffing Structure

The Pretrial Assistance to Support Success (PASS) Program will include two (2) Support Specialists who will receive management oversight and direct supervision from the Community Supported Reentry Program Manager.

### 2.2: Lines of Responsibility

Support Specialists will provide support to pretrial defendants who are referred to the program by the Municipal Court and assist defendants in complying with court ordered requirements as they move through the criminal justice pre-adjudication process.

PASS Support Specialists will monitor defendants through any combination of supportive services, including providing regular phone contact and text message reminders, reviewing defendants' self-reporting submissions, meeting with defendants during office appointments, and however else appropriate.

Once a defendant is referred to the PASS Program, a Support Specialist will review the defendant's Municipal Court orders to identify the level of monitoring ordered by the court, any additional conditions of release, and future court dates.

Program staff and Municipal Court staff will collaborate efforts to ensure defendants receive services that will encourage increased attendance at all future court appearances, assist in complying with their conditions of release, and decrease the issuance of new citations during the pendency of the case. Information provided by the defendant during court proceedings will be used to ensure contact can be made via telephone or by utilizing defendants' collateral contacts (friends, family, employers). Staff may utilize information provided in the detention facility database to access emergency contact information, should it become necessary to do so.

The Support Specialists will meet regularly with the Reentry Program Manager, or designee, to review the progress of those receiving pretrial services. Support Specialists will be responsible for monitoring pretrial defendants based on the level identified by the court, as it is determined to best meet the needs of a defendant. Pretrial defendants will receive services through a combination of phone contact and/or by submitting reports to the Support Specialists as instructed, and as determined by the Municipal Court Judge and in accordance with their assigned Tier Level.

All pretrial defendants will be provided pre-appearance messages (via telephone, text messages, or mailed correspondence) as well as reminders of future court dates using the prescribed language, according to the matrix below:

<b>Seven (7) Days Before Court Appearance</b>	
Phone:	<i>"You have a court date scheduled for Tuesday, May 17th at 9:30 AM. You can avoid a warrant being issued by attending your court hearing as ordered."</i> Support Specialists will also provide helpful reminders: <i>"Mark the date in your phone;" "Set an alarm,"</i> etc.
Text:	<i>Helpful reminder: you have court on Tuesday, May 17th at 9:30 AM. We'll text you to help you remember. Attend your hearing to avoid a warrant.</i>
<b>Three (3) Days Before Court Appearance</b>	
Phone:	<i>"You have court on Tuesday, May 17th at 9:30 AM in Department 1. Missing your court date could result in your arrest."</i> Support Specialists will also provide helpful reminders: <i>"Leave in enough time to make court,"</i> etc.
Text:	<i>Remember, you have court on Tuesday, May 17th at 9:30 AM in Department 1. Missing your court date could result in your arrest.</i>
<b>One (1) Day Before Court Appearance</b>	
Phone:	<i>"Remember, you have court tomorrow at 9:30 AM in Department 1. Missing court can lead to your arrest."</i> Support Specialists will also provide helpful reminders, transportation options, ask if they have a plan to make court appearance.
Text:	<i>Remember, you have court tomorrow at 9:30 AM in Department 1. Missing court may lead to your arrest.</i>

Every effort will be made to speak directly to pretrial defendants via telephone, and text messages will be utilized as a secondary option when providing reminders of upcoming court appearances. Should staff determine it is appropriate to provide court reminders via mailed correspondence, they will discuss this decision with the program manager.

Defendants appearing before the Municipal Court with a history of FTAs and/or defendants who the court finds would benefit from a higher level of monitoring may be required to report to the Pretrial Support Specialist in person, by telephone and/or to submit self-reports as instructed via electronic mail or webform. Cases which appear to need a higher level of services to address needs such as housing, challenges with transportation, substance abuse treatment, etc., may be referred directly to the Community Supported Reentry Coordinator by the court for evaluation.

### 2.3: Records of Contact

PASS Support Specialists shall document case activity, to include contacts with defendants, utilizing a Record of Contact (ROC). ROC notes shall reflect all types of case activity, including every instance of contact or significant event involving a program participant. The ROC notes shall include the date, time, and nature of the contact. ROC notes shall be reviewed by the Reentry Coordinator for accuracy and completeness at least monthly. The Reentry Coordinator shall note the date and time of the review on the ROC.

ROC notes shall be kept in program participant case files. Program participant case files shall remain confidential and are only subject to release with approval and/or authorization from the Reentry Coordinator. All team members, program providers, and adjunct members of the team are required to maintain the confidentiality of participant information and shall not share participant information with non-team members.

### 2.4: File Management

The PASS Support Specialist is responsible for maintaining participant files for the program. Court documents and all program documents and paperwork are to be secured in a locked filing cabinet in the Support Specialists' office.

### 2.5: PASS Program Case Conferencing

A team of designated stakeholders of the PASS Program will hold regularly scheduled Case Conferencing meetings to discuss the progress of defendants participating in the program. Any updates and/or issues regarding defendants' participation in the program, including maintaining regular contact with their Support Specialist, compliance with their court-ordered Conditions of Release (COR), and any other updates on program participants will be discussed during PASS Case Conferencing meetings.

All information shared during PASS Case Conferencing Meetings is to remain confidential. All involved parties shall make every effort to ensure that all information about program participants discussed

during case conferencing meetings remains sealed and confidential, however best determined by each respective party.

At initial intake, participating defendants shall also agree to the sharing of case-related information between PASS Program stakeholders during the pendency of their case.

The PASS Case Conferencing Team will include the following personnel:

- CSRP Program Manager
- Reentry Coordinator
- PASS Support Specialists (2)
- Municipal Court Staff:
  - Community Services Administrator
  - Compliance Monitor

## SECTION 3: TIER SYSTEM

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### 3.1: Overview

The Tier System level of monitoring is designed with the goal of setting the least restrictive conditions of release necessary to reasonably ensure defendants attend future court appearances and mitigate criminogenic factors while moving through the court process. Cases will be assigned to a Pretrial Support Specialist who will aid clients in accessing treatment and/or services within the community. This position is designed to assist during pretrial release and offer support through the duration of the court process.

Monitoring and support services shall be limited to those Municipal Court defendants charged with a criminal or high-level traffic offense (reckless driving, driving while license is suspended/revoked, etc.) unless otherwise ordered by the court.

The Tier System consists of Tiers I – III. Tier I offers the lowest level of monitoring and the least number of support services and Tier III offers the highest level of monitoring and the greatest number of support services.

## 3.2: Tier Level Descriptions

### 3.2.1: Tier I Level of Monitoring & Support Services

Defendants with the following case factors shall automatically default to Tier I level of monitoring/support services:

- No evidence/history of Failure to Appear (FTA)
- Self-reported stable residence
- Defendant's charges are not included in the list of offenses for Tier III.

#### **Minimal Conditions:**

- Defendant shall appear in court for all hearings (in person or remotely) and abide by all laws.
- Defendant shall read or listen to all court date reminders and reply if requested.

#### **Support Services:**

- Pretrial Support Specialist shall make initial phone contact with defendant and complete Initial Intake form within three (3) business days of initial court appearance. All information shall be entered into the data management system by the assigned Pretrial Support Specialist and monitored as appropriate until case is adjudicated.

### 3.2.2: Tier II Level of Monitoring & Support Services

Defendants with the following case factors shall be assigned to Tier II level of monitoring/support services:

- History of Failure to Appear (FTA) to include three or fewer FTAs within the last two years (*same as PSA*).
- Defendant reports unstable or temporary housing Defendant's charges are not included in the list of offenses for Tier III.

#### **Minimal Conditions:**

- Defendant shall appear in court for all hearings (in person or remotely) and abide by all laws.
- Defendant shall read or listen to all court date reminders and reply if requested.
- Defendant shall complete and submit the PSP Monthly Report by accessing the city website. Monthly reports shall be submitted by no later than the last day of the reporting period.

#### **Support Services:**

- Pretrial Support Specialist shall make initial phone contact with defendant and complete Initial Intake form within three (3) business days of initial court appearance. All information shall be

entered into the data management system by the assigned Pretrial Support Specialist and monitored as appropriate until case is adjudicated.

- Defendant shall check-in, via telephone, with the Pretrial Support Specialist once per month. Check-ins may occur at the discretion of the Pretrial Support Specialist.

### 3.2.3: Tier III Level of Monitoring & Support Services

Defendants charged with one or more of the following offenses shall automatically default to Tier III level of monitoring, and will be ineligible for advancement to a lower Tier Level at any time until their case has been adjudicated:

- Driving Under the Influence (DUI) 2<sup>nd</sup>
- Driving Under the Influence (DUI) 3<sup>rd</sup>
- Partner Family Member Assault (PFMA) 2<sup>nd</sup>
- Stalking
- Temporary Order of Protection (TOP) Violation
- Any Sex Offense

Defendants with the following case factors shall be assigned to Tier III level of monitoring/support services:

- History of Failure to Appear (FTA) to include more than three FTAs within the last two years.
- Defendant reports unstable or temporary housing.

#### **Minimal Conditions:**

- Defendant shall appear in court for all hearings (in person or remotely) and abide by all laws.
- Defendant shall read or listen to all court date reminders and reply if requested.
- Defendant shall complete and submit the PSP Monthly Report by accessing the city website. Monthly Reports shall be submitted by no later than the last day of the reporting period (the 30<sup>th</sup> day of each month, unless otherwise specified).
- Defendants participating in Tier III who are responding well to their supportive services, and who have not been charged with any of the aforementioned offenses, may advance into Tier II upon recommendation of their Pretrial Support Specialist, and approval of the PSP Manager.



- Pretrial Support Specialist shall make initial phone contact with defendant and complete Initial Intake form within 48 hours of initial court appearance. All information shall be entered into the data management system by the assigned Pretrial Support Specialist and monitored as appropriate until case is adjudicated.

#### **Support Services:**

- Defendant shall check-in, via telephone, with the Pretrial Support Specialist twice per month/bi-weekly. Check-ins may occur at the discretion of the Pretrial Support Specialist.
- Defendants who exhibit signs of needing a greater level of support or services and/or have a significant change in reporting practice shall be referred to the Community Supported Reentry Program Coordinator for assessment.
- With assistance from the Pretrial Support Specialists, defendants shall follow through on court ordered referrals for services, including Chemical Dependency Evaluations and recommended SUD treatment, mental health services, etc.

### **3.3: Modification to Tier Levels**

The Support Specialist shall conduct monthly case reviews to determine whether modification to a defendant's tier placement is warranted. A defendant's tier assignment may be modified by increasing to a higher level or decreasing to a lesser level of monitoring and support. When reducing a defendant's tier level placement to a lesser level of monitoring and support services, there shall be an incremental decrease based on the defendant's performance, willingness to access services that address their needs, and participation in the court process, including attendance at all scheduled court hearings and meetings with justice partners. Defendants may be transitioned into a higher tier level should the Support Specialist determine necessary, and the Record of Contact shall include information supporting any changes to a defendant's Tier Level placement.

Defendants participating in the Community Supported Reentry Program may be transitioned to the PASS Program and placed at an appropriate tier level when evidence supports there is no longer a need for the extensive case management services previously provided by their Reentry Coordinator. All modifications made to a defendant's tier level placement shall be approved by the PSP Manager.