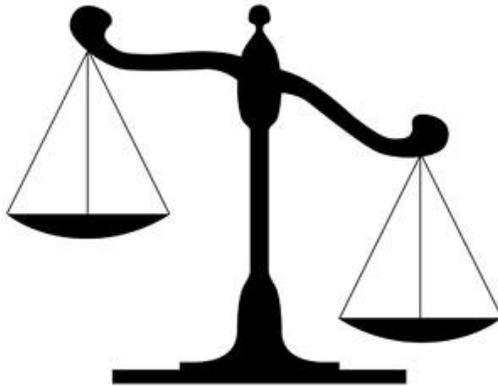




**COUNTY ATTORNEY'S OFFICE  
2013 ANNUAL REPORT**

# **Office of the Crow Wing County Attorney**

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## ***Mission Statement***

***To serve the citizens of Crow Wing County through fair, effective and efficient prosecution of crime, protection of children, families, and the vulnerable, as well as the legal representation of county operations.***

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## **THE CROW WING COUNTY ATTORNEY'S OFFICE**

The Crow Wing County Attorney's Office is comprised of 9 attorneys and 9 non-attorney staff. The attorney staff consists of the County Attorney, the Chief Deputy County Attorney and 7 Assistant County Attorneys. The non-attorney staff consist of an Administrative Manager and 8 Legal Assistants. The County Attorney's Office has enjoyed and benefited from a very stable work force. We have been able to couple this with the infusion of new staff and their fresh perspectives keeping us vibrant and energized. The years of service for our attorneys range from 23 to 2, with an average of 13.55 years of experience in our office. For non-attorney staff the range is 20 years to 1 year with an average of 11.88 years of experience in our office. Though our office is not large enough to require segregated divisions of operations, we do attempt to create areas of topical specialization. By doing so we can more efficiently and effectively process our heavy work load. Through cross-training and use of procedural manuals, every member of our staff is able to assist and/or back up in all areas of operation.

Since 1995, the Crow Wing County Attorney's Office has included a cover letter with its budgetary submissions. This letter provided an explanation of, and/or supporting information for, various aspects of the budget submission. In 2008 (for the 2009 budget) we added a budget narrative to go with the letter. The budget narrative provided an annual overview of our office operations. This budget narrative process, though adjusted occasionally, continued through to the 2014 budget submission. Though the budget narrative mechanism functioned very well, its draw back was that it was always a year behind in what was being reported. With this report, we are modifying our annual reporting mechanism by producing an annual report of the proceeding year's operation independent of the budget process. This newly formatted annual report will provide a more detailed snap shot of the operations of the Crow Wing County Attorney's Office.

## ADULT PROSECUTION

The County Attorney's Office is responsible for the prosecution of all serious felonies, felonies, and non-designated gross misdemeanors which occur in Crow Wing County. We also prosecute designated gross misdemeanors, misdemeanors and petty misdemeanors except for those occurring in a municipality which has exercised its statutory ability to prosecute these crimes occurring within its boundaries. We currently provide prosecutorial services for such crimes to the unorganized territories, Breezy Point, Crosby, Cross Lake, Cuyuna, Deerwood, Emily, Fifty Lakes, Garrison, Manhattan Beach, Riverton and Trommald. There are 4.75 FTE attorneys and 4.5 FTE legal assistants working in this area. We also have .20 FTE legal assistants monitoring and managing the Crow Wing County Criminal History Suspense Prevention and Resolution Program. In 2013, our office opened 1843 and closed 1850 adult prosecution files. Below is a five-year breakdown by crime classification.

Open	2013	2012	2011	2010	2009
<b>Serious Felony</b>	33	26	31	68	71
<b>Felony</b>	645	617	551	501	494
<b>Gross Misdemeanor</b>	290	232	307	303	311
<b>Misdemeanor</b>	771	623	697	877	823
<b>Petty Misdemeanor</b>	104	125	96	108	93
<b>Total</b>	1843	1623	1682	1857	1792

Closed	2013	2012	2011	2010	2009
<b>Serious Felony</b>	33	21	59	70	62
<b>Felony</b>	653	603	528	483	552
<b>Gross Misdemeanor</b>	293	283	297	317	351
<b>Misdemeanor</b>	763	607	767	860	855
<b>Petty Misdemeanor</b>	108	122	91	116	91
<b>Total</b>	1850	1636	1742	1846	1911

The above numbers do not include/recognize probation violations proceedings, arraignment guilty pleas or other criminal case management for which no additional files are opened or closed. These numbers also do not reflect case consultations, training provided or other services/functions not tracked in MCAPS.

## JUVENILE PROSECUTION

The County Attorney Office prosecutes all juvenile delinquency and status offense matters occurring in Crow Wing County. Generally speaking a juvenile delinquency occurs when a juvenile commits what would have been a serious felony, felony or gross misdemeanor adult offense. A status offense occurs when a juvenile commits what would have been a misdemeanor or petty misdemeanor adult offense. There is 1 FTE attorney and .80 FTE legal assistant working in this area. In 2013 our office opened 620 and closed 854 juvenile prosecution files. Below is a five year breakdown by crime classification.

Open	2013	2012	2011	2010	2009
<b>Serious Felony</b>	2	0	1	3	7
<b>Felony</b>	42	94	67	49	64
<b>Gross Misdemeanor</b>	16	31	35	19	35
<b>Misdemeanor</b>	406	542	469	471	586
<b>Petty Misdemeanor</b>	154	150	164	194	181
<b>Total</b>	<b>620</b>	<b>817</b>	<b>736</b>	<b>736</b>	<b>873</b>

Closed	2013	2012	2011	2010	2009
<b>Serious Felony</b>	3	0	2	5	5
<b>Felony</b>	95	80	48	54	64
<b>Gross Misdemeanor</b>	30	27	35	33	33
<b>Misdemeanor</b>	553	494	432	452	565
<b>Petty Misdemeanor</b>	173	151	141	181	193
<b>Total</b>	<b>854</b>	<b>752</b>	<b>658</b>	<b>725</b>	<b>860</b>

The above numbers do not include/recognize probation violations proceedings, arraignment guilty pleas or other criminal case management for which no additional files are opened or closed. These numbers also do not reflect case consultations, training provided or other services/functions not tracked in MCAPS.

## **JUVENILE DIVERSION**

In addition to courtroom prosecution, our office is very involved with juvenile diversion efforts. We currently assist with the coordination of the 4 juvenile diversion programs in Crow Wing County. In 2013 we created a protocol allowing law enforcement agencies to directly refer qualifying juveniles to the Lakes Area Restorative Justice Project. We are currently monitoring this protocol and hope it will become a model for other types of diversion. In 2013, one hundred thirty-nine (139) matters were referred/processed through diversion.

Crow Wing County diversion efforts include:

- Crossroads – covers alcohol and drugs
- Nicotine Naked – tobacco
- Theft Resource Intervention Program (T.R.I.P.)
- Lakes Area Restorative Justice Program (L.A.R.J.P.)

## CHILD PROTECTION

The paramount consideration in all juvenile protection proceedings is the health, safety, welfare and best interests of the child. The County Attorney's Office represents Crow Wing County in initiating and pursuing child in need of protection or services (CHIPS) and termination of parental rights (TPR) matters. These cases are very involved with issues ranging from dependency and neglect, child abuse, concurrent planning, permanency and loss of one's child(ren). We have 1 FTE attorney and 1 FTE legal assistant working in this area. Below is a breakdown by case type/classification. (Note: This area of practice experiences continual legislative enactments which result in substantive changes in case classification/types being added/deleted annually.)

Open	2013	2012	2011	2010	2009
<b>CHIPS</b>	49	92	62	66	52
<b>TPR</b>	16	22	17	12	15
<b>LTFC</b>	0	2	5	2	10
<b>TLC</b>	5	3	3	3	8
<b>Truancy</b>	8	13	14	7	22
<b>VFCT</b>		4	4		
<b>Adoption</b>	23				
<b>TLPC</b>	4				
<b>Total</b>	105	136	105	90	107

Closed	2013	2012	2011	2010	2009
<b>CHIPS</b>	52	88	53	62	76
<b>TPR</b>	18	24	10	7	15
<b>LTFC</b>	2	3	4	0	0
<b>TLC</b>	4	2	3	4	6
<b>Truancy</b>	8	19	13	11	13
<b>VFCT</b>	2	3	3		
<b>Adoption</b>	18				
<b>TLPC</b>	4				
<b>Total</b>	108	139	86	84	110

**CHIPS**-Child in Need of Protection or Services; **TPR**-Termination of Parental Rights; **LTFC**-Long Term Foster Care; **TLC**-Transfer of Legal Custody; **VFCT**-Voluntary Foster Care Treatment; and, **TLPC**-Transfer of Legal and Physical Custody. These numbers do not include other services provided (i.e.: case consultation, providing training, Crow Wing County Juvenile Justice Initiative, Crow Wing County Family Services Collaborative, etc.) that are not tracked in MCAPS.

This area of Crow Wing County operations is currently in a state of flux as our Community Services Department continues to go through a re-organization. Our office continues to work with Community Services in this process, including determining what additional functionality we can absorb for them.

In 2013 our office and Crow Wing County Community Services, together with community and school district partners, began reviewing current truancy protocols in an effort to improve our addressing of this issue. An example of an initial pilot in this area was to implement circles to address high risk youth with truancy issues. These efforts will continue into 2014.

## APPELLATE PRACTICE

A party to a court proceeding has the ability/right to seek review by an appellate court when they do not like the outcome at the trial court level. These appeals can be in criminal, juvenile, child protection or civil matters. Prior to 2012 many of our appeals were sent to the Minnesota Attorney General's Appellate division, who handled appeals for county attorney offices. We would also handle some appeals ourselves such as murder cases. We did not break appeals out as new matters as we considered them an extension of the original case file. As the Attorney General's Office began to reduce the number of appeals they would accept from us, consequently we began handling more and more of our own appeals. In 2012 we formalized this and began handling all of the appeals arising out of the cases we handle at the district court level. The attorney/legal assistant who handle the underlying matter at the district court are also responsible for the appeal. This includes the petition/response for appellate review, briefs and oral argument. Below is a 2 year breakdown.

2013	2012
9	9

In addition to direct appeals, a defendant can collaterally attack a criminal conviction by commencing a post-conviction relief proceeding at the district court level. If this proves unsuccessful, the defendant can appeal to the appellate court for review. Though we have handled all post-conviction proceedings in the past, we have not separately broken them out for tracking purposes. As with appeals, we considered these cases to be extensions of the original file. Beginning in 2014 we will treat each of these files as new files.

In September Of 2013, we began an internal pilot project whereby we assigned all appeals to one legal assistant. The focus of the pilot was to determine if we would create adequate efficiencies by creating an appellate practice specialty. This pilot has carried into 2014.

## CIVIL

Our office represents and does the legal work for all aspects of Crow Wing County's governmental operation. These services range from macro/policy making level (advising county board, county administrator, department heads) to the micro day to day operational level (tax appeals, child support enforcement, civil commitments, contracts, ordinance drafting, land use issues, eminent domain, etc.) There are 1.75 FTE attorneys and 1.25 FTE legal assistants assigned to this area. We also have .25 FTE legal assistant administrating our Crow Wing County civil forfeiture program/efforts.

In 2013 we opened 299 and closed 260 cases. A five year breakdown is provided below:

Open	2013	2012	2011	2010	2009
<b>Civil</b>	58	20	29	41	33
<b>Commitments</b>	67	69	69	81	71
<b>Condemnations</b>	1	1	1	1	2
<b>Dog Bites</b>	34	37	42	41	0
<b>Forfeitures</b>	128	119	104	110	102
<b>Guardianships</b>	3	5	6	11	5
<b>Land Use</b>	4	0	1	6	3
<b>Other</b>	4	20	8	3	11
<b>Probate</b>	14	10	13	15	15
<b>Tax Appeals</b>	35	44	33	27	36
<b>Total</b>	299	271	260	294	227

Closed	2013	2012	2011	2010	2009
<b>Civil</b>	30	16	19	30	27
<b>Commitments</b>	57	73	85	64	74
<b>Condemnations</b>	0	0	1	2	0
<b>Dog Bites</b>	34	38	37	37	0
<b>Forfeitures</b>	132	106	107	80	129
<b>Guardianships</b>	4	5	8	17	4
<b>Land Use</b>	2	0	3	7	4
<b>Other</b>	1	2	7	5	9
<b>Probate</b>	10	4	16	11	1
<b>Tax Appeals</b>	68	21	23	35	21
<b>Total</b>	260	240	267	242	247

These numbers do not reflect any appellate work or services/opinions provided that are not tracked in MCAPS (i.e.: Child Support hours; responses to emails and phone calls when no file opened etc.).

Below we have provided a snippet of the types of matters/issues addressed and services rendered:

**Administration/County Board**

- 1) Research and issue opinion on unorganized territory fire protection services
- 2) Review and assist with Rock Dam issues

**Auditor/Treasurer**

- 1) Review and forward same sex marriage materials and recommendations
- 2) Review and recommended amendments to financial advisor contract

**Community Services**

- 1) Review of Department of Human Services Lexis Pass Through grant
- 2) Help shepherd the reunification of Child Abuse Prevention Council and Crow Wing County Child Protection Team
- 3) Mentoring with Crow Wing County Community Services child protection management
- 4) Attend DRIVE training with Crow Wing County Community Services management
- 5) Review unlicensed contract provider contract
- 6) Review and rewrite county burial policy
- 7) Review and advise on release of information and sharing intake data assembled by WIC
- 8) Review juvenile runaway issues

**IT**

- 1) Work on Crow Wing County Information Systems internal network policy

**Land Use**

- 1) Review and provide suggested revisions for City of Crosslake Planning and Zoning Memorandum of Understanding
- 2) Review and provide suggested revision for Thirty Lakes Watershed District Memorandum of Understanding

**Law Enforcement**

- 1) Assist Baxter PD with data practices issue concerning 1990 death investigations
- 2) Mille Lacs Band of Ojibwa Tribal Law and Order petition response issue
- 3) Promote school bus stop arm safety
- 4) Review officer involved shooting incidents for Itasca County and Crow Wing County and provide reports
- 5) Review and consult on jail hanging incident
- 6) Review and negotiate sublease with MNSCU for rifle range
- 7) Billing issues for inmate medical expenses for Crow Wing County Jail
- 8) Review, draft and help negotiate extension of inmate lodging agreement with Cass County
- 9) Work on Memorandum of Understanding with Sexual Assault Services on PREA regulations
- 10) Provide training on various topics (McNeely/Brady, DWI, ect.)

### **Miscellaneous**

- 1) Assist City of Fort Ripley with billboard issue
- 2) Discuss, review and forward Joint Powers Agreement for sheriff to do criminal history background checks on name changes for the county
- 3) Review and/or drafting help on contracts (120-150)
- 4) Review use of criminal histories in Rule 20 proceedings

## GENERAL OFFICE/OPERTIONS

As with all offices, there are many administrative and operational duties and responsibilities. We have .50 FTE attorneys and 1 FTE non-attorney staff assigned to this area. In 2008, we eliminated our full time receptionist position for budgetary reasons. As a result we rotate legal assistants through the front desk to perform the duties. This has resulted in the loss of approximately .80 FTE legal assistant time to cover receptionist duties. This then leaves us with the functional equivalent of 7.2 FTE legal assistant positions.

Beginning in 2013, we began tracking certain functionalities of our general operations. The results of such tracking are as follows:

### Notarization

Frequently individuals coming to court, county personnel, or other agencies, require documents to be notarized. Our office provides a notary service at the front desk to accommodate such situations. In 2013, we notarized 688 documents. This breaks down as provided below:

Crow Wing County	Public	Central Minnesota Community Correction	Total
188	139	361	688

### Front Desk First Contacts

In 2013, we had Two Thousand Two Hundred Ninety-two (2,292) individuals come to our front desk for service. These individuals were either helped at the front desk or referred to the appropriate person for service. Our front desk also processed Eleven Thousand Five Hundred Sixty-seven (11,567) unduplicated phone calls that came in to our main line. The front desk then either serviced the call or forwarded it to the appropriate staff person. This calls received data does not include calls to individual staff phone lines as we did not want to double up on calls transferred from the main line. Hence many more individual calls were received by our office than reflected in the 11,567.

### **Contract Signing**

During 2013, we tracked the time it took for us to sign contracts sent to us for execution. We tracked each event as one unit of measurement. If one contract or thirty contracts came in, it was counted as one unit for measurement. On thirty-one different occasions contracts were sent to us for execution. Sixty-eight percent (68%) of the time the document(s) were signed and rerouted the same day. Twenty-six percent (26%) of the time it took one business day. Three percent (3%) of the time it took two business days or three business days. There were instances where it took more than three days to perform this task.

### **License Application Approval**

In 2013, Crow Wing County went to an electronic license application approval process for tobacco and alcohol licenses. Since October 18, 2013, 59 licenses were reviewed and approved by our office. Our office has had 100% same day turn around (with the exception of 3 which came into our office at a couple minutes before 5:00 on the day before Thanksgiving weekend) since moving to electronic license application approval.

### **Criminal Histories**

The County Attorney's Office has three qualified and trained personnel that have the ability to run criminal histories. This ability makes our operations run more efficiently and effectively while helping ease the burden from law enforcement. In 2013, our office ran 665 criminal histories.

## **REVIEW/MODIFICATIONS OF OPERATIONS**

As with all offices, we are continually striving to find ways to become more efficient/effective and better at what we do and how we operate. Most of the hard work and efforts of our staff are not recorded as they are conceived and implemented in the normal course of operations. Below we have provided some examples occurring in 2013:

- 1) Revamping of delivery of Crow Wing County Law Library Books/Materials
- 2) Implementation of measurements of front desk activity
- 3) Passed BCA criminal history audit with flying colors
- 4) Institute all Crow Wing County structure leaning of criminal history TAC management (attorney, jail, sheriff, community services, probation)
- 5) Revamp mailing process for office
- 6) Appellate brief writing pilot system

## **FORFEITURES**

Minnesota law allows for forfeiture of assets/property in designated circumstances associated with criminal activity.

The Crow Wing County Attorney's Office has utilized forfeiture funds to supplement the business operational expenses of our office. This use of forfeiture proceeds has amounted to a huge savings for the county and taxpayers.

<b>2002 – 2008</b>	<b>\$113,904.66</b>
<b>2009 – 2012</b>	<b>\$134,384.05</b>
<b>2013</b>	<b>\$20,905.93</b>
<b>Total</b>	<b>\$269,194.64</b>

## **CROW WING COUNTY COMMITTEES/GROUPS**

We provide legal services for all Crow Wing County Committees/groups upon request. In 2013, we served on the following:

- 1) Benefits Committee
- 2) Wellness Committee
- 3) Emergency Management Committee
- 4) Safety Committee
- 5) Website Committee
- 6) Social Media Committee**
- 7) CWC Family Services Collaborative
- 8) Child Protection Team**
- 9) Crow Wing County Radiothon to End Child Abuse
- 10) Adult Protection Team**
- 11) Leadership Team**
- 12) Senior Management Team**
- 13) DUI Court**
- 14) Drug Court

## STATE-WIDE

We believe that it is important to be engaged at a regional and state level. Our community benefits from these efforts as our voice is heard in the drafting of state law, policies and procedures that affect us locally. 2013 efforts include:

- 1) DUI Task Force
- 2) Minnesota Counties Computer Cooperative MCAPS Executive Committee
- 3) Minnesota Counties Computer Development Team
- 4) Impaired Driving Education Alliance Committee
- 5) Minnesota Violent Crimes Coordinating Council
- 6) Testify at Minnesota legislature
- 7) Attend and testify at House Public Safety Committee hearing on Synthetic Drugs at Central Lakes Community College in Brainerd
- 8) Minnesota County Attorney's Association
  - a. Board of Directors
  - b. Committees
    - i. Juvenile Law Committee
    - ii. ICWA Subcommittee
    - iii. Appellate Services Task Force
    - iv. McNeely Working Group
    - v. Impaired Driving Education Alliance
  - c. Presenter(s) at various trainings/meetings
  - d. Rewrite Child Abuse Prosecution Manual

## COMMUNITY INVOLVEMENT

We believe that being involved in our community is an essential and integral part of our duties and responsibilities. We serve on or provide general/legal assistance to several community committees/organizations.

- 1) CWC Passenger Safety Coalition
- 2) CWC Coordinating Council against Domestic Violence
- 3) CWC Fair Association
- 4) CWC Soil and Water
- 5) CWC Victim Services Board
- 6) CWC/Brainerd Regional Airport
- 7) CWC Chief's Association
- 8) County-wide Truancy Protocols
- 9) County-wide Juvenile Diversion Protocols
- 10) Guest Speaking in Schools
- 11) Campus Tours
- 12) Speaking at Non-Profit Organizations
- 13) START
- 14) Attend CTC Annual Meetings
- 15) North Long Lake Sewer District
- 16) Sponsor School Bus Stop Arm Safety Radio Blitz
- 17) Lakes Area Restorative Justice Project

## **VOLUNTEERISM**

We believe that volunteering as individuals in our community is an appropriate and important way to give something back and/or pay it forward. Members of our office volunteer in many ways, most of which is not recorded or recognized. Below are just some of the ways we serve:

- 1) Brainerd Public Schools Foundation
- 2) Speaking in schools/classroom presentations
- 3) Boy Scouts
- 4) Lawyers for Marriage
- 5) Coach Brainerd High School Mock Trial Team
- 6) Competition Judge for Mock Trial Competitions
- 7) Give blood in local blood drive
- 8) Girl Scouts
- 9) Lakes Area Triathlon
- 10) Rotary
- 11) Elk's
- 12) Walk a Mile in Her Shoes
- 13) PORT Group Homes
- 14) Church
- 15) Celebrity Reader School District #181
- 16) BPFS Warrior River Run
- 17) Brainerd High School Recognition Night
- 18) YMCA

## **EDUCATIONAL OPPORTUNITIES**

Throughout the length of this present administration, educational opportunities have always been present in various forms. We have had student shadows through programs at area high schools; interns for actual college credits; and, several law student interns. The interns perform actual work within our office ranging from the everyday fundamentals to assisting attorneys in trial preparation.

In 2013, we were approached by four different 1<sup>st</sup> year law students wanting to work in our office through their summer break. Finding it difficult to turn anyone down, we went ahead and made it possible to have them work in our office. Through some creative scheduling, we were able to make room for all four of them. During the summer months, we gave our interns several different projects to work on; introduced them to the courtroom; and, actual experience charging out cases.

The response we received from these interns was overwhelming stating that they had learned so much and were very grateful for the experience. We have one intern that asked to come back in 2014.

Our interns are not paid, but the experience and knowledge they gain from having the opportunity to work in our office's environment has been invaluable to them and beneficial to our office.

## **SUMMATION**

As shown above, our office is very vested in county operations and our community. We are proud of the hard work on our team and the professional way in which we performed our duties in 2013. We look forward to the uniqueness and challenges of the coming year.