
Preface

This report is a best practices review, a relatively new kind of report from the Legislative Auditor's Office. In the report we examine the prosecution of non-felony offenses in Minnesota — including offenses defined as gross misdemeanors, misdemeanors, petty misdemeanors, and ordinance or rule violations.

The report is intended as a source of ideas that may be helpful to counties and cities around the state. We hope that Minnesota's local governments will actively use this report to examine their own practices and consider alternative ways of delivering the service of misdemeanor prosecution as effectively and efficiently as possible. While we understand that every practice cannot, and should not, be adopted everywhere, we identify many ideas — some conventional and others evolving — that could prove useful for prosecutors around Minnesota.

DEFINITION OF A BEST PRACTICES REVIEW

This study is the third best-practices review completed by the Office of the Legislative Auditor. In 1994 the Legislature gave responsibility to our office for conducting best practices reviews of local government services in Minnesota.¹ The Legislature

created this tool to identify practices for delivering local government services more efficiently or more effectively. Our approach is similar to one used by the British Audit Commission in England and Wales to determine the state of the art in the delivery of local services.

While traditional auditing identifies organizational and performance deficiencies, best practices reviews identify successes in the design and delivery of services. Success is defined as achieving a high level of desired efficiency and effectiveness within cost constraints. The Legislature hopes that communities can improve their service delivery by learning about effective methods used by similar jurisdictions.

SELECTION OF THIS TOPIC FOR REVIEW

A committee of local government representatives recommended the topic of non-felony prosecution for review. When the 1994 Legislature established the best practices reviews program, it created a local government advisory council to help the Legislative Audit Commission select topics for study. The eight-member advisory council consists of three members appointed by the League of Minnesota Cities, three by the Association of Minnesota Counties, and two by the Association

Our best practices reviews look at effective and efficient methods of delivering local government services.

¹ Minn. Stat. §3.971, subd. 4.

of Metropolitan Municipalities. (Appendix E lists current council members.) Over the winter of 1995-96, the advisory council considered topics and recommended this review. The Legislative Audit Commission approved the council's recommended topic in June 1996.

ASSISTANCE OF PROSECUTORS AND OTHERS

We appreciate the assistance of many county attorneys, city prosecutors, court administrators, judges, violations bureau staff, victim and witness assistance program staff, the Minnesota County Attorney Association, League of Minnesota Cities, and State Court Administration staff who provided us with information through surveys and interviews. The report was researched and written by Jody Hauer (best practices coordinator), Jennifer Moenck Feige, and Mary Jackson, with technical assistance from Mitch Rothman.

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