
Effective Practices Identified for Prosecuting Non-Felony Offenses

SUMMARY

Prosecutors of non-felony offenses have adopted numerous practices to provide effective and efficient service, according to a best practices review by the Minnesota Legislative Auditor's Office. Non-felony offenses include gross misdemeanors, misdemeanors, petty misdemeanors, and ordinance and rule violations.

With input from prosecutors and a survey of county and city prosecution offices around the state, the review identifies characteristics of effective and efficient non-felony prosecution. The study features effective Minnesota local governments and explains some practices they have adopted to provide successful prosecution services.

One consideration deals with how prosecution services are arranged within a jurisdiction. For instance, cities that share prosecution services have found consistency in prosecution, improved relations with law enforcement officers, and better working relationships with judges. These cities gain efficiencies because one prosecutor represents multiple communities in court hearings. In Hennepin County, four cities contract for prosecution services with Minnetonka, which

employs its own legal staff. These communities reported receiving better services while reducing prosecution expenses.

Resolving cases at early stages in the judicial process can also reduce expense and delay. When

both prosecutors and defense attorneys appear at arraignment hearings, during which defendants enter pleas of guilty or not guilty before the court, they stand a better chance of resolving cases early and minimizing the number of court appearances per case.

Another practice for effective non-felony prosecution is maintaining good relations with law enforcement personnel. Successful prosecution is tied closely to effective police work. One way prosecutors can assist law enforcement is to offer misdemeanor-related training to officers. For instance, the law firm that prosecutes for Roseville, Vadnais Heights, and White Bear Township makes regular contacts with officers, provides

succinct written materials for officers to refer to on the job, and offers training on new laws and court decisions relevant to officers' work.

A Best Practices Review:
Non-Felony Prosecution
April 17, 1997

Examples of Best Practices:

- Four Hennepin County communities receive prosecution services through a contract with Minnetonka, which has its own prosecution staff. The arrangement improved services for the contracting cities while reducing their expenses.
- The Coon Rapids City Attorney's Office makes early and persistent contacts with victims of misdemeanor domestic assault. Information gathered from its contacts allows the office to resolve such cases early in the judicial process.
- The Morrison County Attorney's Office diverts from prosecution certain low-level crimes committed by first-time offenders. Prosecutors dismiss charges for defendants who remain crime free and meet conditions set for them. This benefits the individuals involved as well as focuses resources on more serious crimes.

For copies of either the full report or executive summary, call 612/296-4708.

One practice recommended for resolving cases is to use methods other than traditional prosecution. For example, some jurisdictions have administrative processes to resolve violations of ordinances, such as those regulating the sale of tobacco, before they reach the criminal justice system. Such processes are less formal alternatives to court and help focus prosecution resources on more serious offenses.

It is also helpful to divert certain offenses from prosecution. Prosecutors may divert suitable defendants from prosecution when more can be gained by having offenders attend treatment or provide community service than go to court. Diversion is typically reserved for first-time offenders of less serious crimes, such as disorderly conduct. Defendants who meet certain conditions and remain crime free will, in exchange, have charges dismissed or not filed. For example, Morrison County has an adult diversion program that helps reduce the backlog of criminal cases, offers a speedier response to criminal behavior, and reserves court and prosecution resources for more serious crimes.

Other practices related to effective non-felony prosecution include assisting victims and witnesses, writing guidelines for uniformity in charging and prosecuting decisions, having and using adequate equipment and facilities, and taking steps to assure competent, productive, and independent prosecution staff.

This best practices review lists many other examples of Minnesota counties and cities using practices for effective non-felony prosecution. Unlike traditional audits, best practices reviews highlight successes in local government services. The 1994 Legislature authorized best practice reviews to identify effective and efficient service delivery.

Copies of the report, entitled *Non-Felony Prosecution*, may be obtained from the Office of the Legislative Auditor at 612/296-4708 or on the World Wide Web at <http://www.auditor.leg.state.mn.us/pe9707.htm>. For further information, contact Jody Hauer or Roger Brooks at 296-4708.