



## ***Amy's Leadership Plan***

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## **SAFE STREETS. REAL CONSEQUENCES.**

### **My Crime-Fighting and Leadership Plan for Hennepin County**

#### **By Amy Klobuchar**

The Hennepin County Attorney is an important elected official. The County Attorney administers an office of 150 lawyers and serves as chief prosecutor for Hennepin County, which includes Minneapolis and more than 40 other municipalities with a total population of over one million residents. The County Attorney has jurisdiction over adult felony and all juvenile crimes committed in the county, and is also responsible for advising the Hennepin County Board of Commissioners, bringing child support and child protection actions, and representing the county in civil lawsuits.

Although the County Attorney's Office represents the people

of Hennepin County in a broad range of legal matters, the most important part of the job is keeping our streets, homes, schools and parks safe.

### **My Crime-Fighting Philosophy**

The election for Hennepin County Attorney will take place on Tuesday, November 3, 1998. I am running for County Attorney because I believe that the kids on my street have the right to walk to our neighborhood park and school without fear. My crime-fighting philosophy is simple: if someone commits a crime, there must be prompt, meaningful, and when appropriate, severe consequences. We must put dangerous criminals far away from our homes, our streets and our playgrounds. We need to create a spirit of responsibility in every neighborhood in this county, so that both adults and juveniles know that if they break the law, there will be consequences. The attached position papers lay out my plan for fighting crime in Hennepin County and managing the County Attorney's Office. The position papers, which set forth in detail how I'll manage the criminal and civil matters within the County Attorney's Office, are straightforward and everything in them is based upon simple, no-nonsense principles. These principles are summarized below.

### **Effectively Managing the County's Criminal and Civil Caseloads**

For civil matters, the County Attorney's Office must protect the county's purse strings and be responsive and accountable to the public and its needs, especially those of our children. In my legal practice, I have managed the work for major clients, including multi-million dollar cases. I will manage the county's resources just as I have the legal work for my own clients: carefully and cost-effectively. In criminal matters, I will be guided by one overriding principle: kids and adults alike must be held accountable for their actions.

### **Imposing Consequences for Crime**

When a teenager steals a bike or paints graffiti on the side of a building, we cannot afford to turn our heads and let such theft or vandalism go unpunished, or petty larceny and graffiti painting will quickly escalate, unchecked, into gang, gun, or drug-related violence. Kids who break society's laws must pay back the neighborhoods they harm, whether that means incarceration for the more serious juvenile offenders or performing community service on work squads for kids who commit less serious crimes. Whenever adults or juveniles perpetrate acts of violence or commit repeat offenses, be they assaults or auto thefts, these offenders must get the swift and unequivocal message that such behavior will not be tolerated. Many dangerous criminals are already well known to police and prosecutors alike. A study done by Honeywell found that

nearly three-quarters of Minneapolis homicide suspects had been arrested an average of over seven times since 1990. Of the almost 29,000 people booked into the Hennepin County Jail in 1997, 4.2 percent of them comprised over 17 percent of the arrests. Repeat and violent offenders must be put where they belong: behind bars. The Hennepin County Attorney, who wields vast discretionary powers and oversees an over 23 million dollar budget, is an elected position for good reason. The prosecution of crime is too vital a function of government to delegate to an unelected person, because only elected officials can be held directly accountable to the voters. As County Attorney, I will use my leadership, my experience, and my determination to make this community a safer place for all of us to live and work. Just as I have for my own clients in my thirteen years as a practicing lawyer, I will put in the long hours necessary to get good results. Ensuring the public safety will be my number one priority. No one should have anything to fear when walking to a car or garage or down the street or when sitting in their home or apartment.

#### **Working with Police Departments and Law Enforcement Agencies**

Because the County Attorney's Office must work so closely with police to prosecute crime effectively, I am honored to have the endorsement of the Minneapolis Police Federation and other organizations representing various suburban law enforcement employee groups. As County Attorney, I will always strive to maintain a good working relationship with police departments throughout the county and with other law enforcement agencies at all levels of government. Police officers and the public must have the confidence that, when an arrest is made, there will be prompt and effective prosecution. Only by working together with law enforcement agencies and members of the public will we make our communities safer.

#### **A Community-Oriented Approach**

As County Attorney, I particularly want to give the public a greater say in the crime-fighting agenda and to make the County Attorney's Office more accountable. I will assign lawyers geographically by neighborhood so that the same prosecutors will work with the same police officers and community residents on an ongoing basis. Very little crime actually happens in the Hennepin County Government Center. Instead, crime occurs on our streets and sidewalks and near our homes and workplaces, and the most effective way to respond to it is to attack it head-on at the neighborhood level. To fight crime, prosecutors must know and understand the unique crime problems that each neighborhood in Hennepin County faces. By implementing a more community-oriented approach to prosecution, I intend to involve the public--a powerful, but often untapped resource--in the fight against

crime. Over the course of my campaign, I have been meeting on a regular basis--in block club and neighborhood meetings--with police chiefs, beat cops, business and community leaders, and county residents near their own homes. What I've heard again and again is that no crime is a small crime and that we must enforce the law down the line--as has been done so successfully in other parts of the country that have witnessed dramatic reductions in crime--in order to make the criminal justice system work for us. People have told me repeatedly that we need to get back to the all-too-often forgotten notion that there must be consequences for crime. I agree. Every violation of law must result in swift and appropriate consequences. The broken-windows theory is correct: if we don't fix broken windows and restore order in our neighborhoods, people will feel less safe and they will be less safe. To create safe communities, everyone must become engaged and look out for each other. After reading my positions papers, I hope that you will support my candidacy. I need your commitment and support to become the next Hennepin County Attorney and to turn my ideas into action. I ask for your commitment. I ask for your support. Together, we will make a difference!

## GUNS

Gun crimes have risen dramatically in our state. In the last five years homicides from guns increased 65 percent in Minnesota, and guns were used in two-thirds of the 264 Minneapolis homicides between January 1, 1994, and May 24, 1997. About 1,500 of the 1,769 guns seized by Minneapolis police in 1997 were connected to a crime, and 54% of the 128 homicides in Minnesota in 1997 were committed with handguns. To crack down on gun violence, we need to enforce the gun laws that are on the books and take aggressive steps to keep guns out of the hands of criminals and kids. The use of guns by juveniles has escalated to epic proportions. Statistics prove it. Minneapolis police seized 636 guns from juveniles in 1996 alone. The U.S. Department of Education found that over 6,000 students were expelled from public schools in 1996-97 for possessing guns. From 1994 to 1995, homicide was the leading cause of death among Minneapolis young people (ages 15-24) and guns were used in 78 percent of those crimes. It's time to stop the senseless killings and tragedies that result from gun violence in our community.

- Target Felons in Possession and Hold Lawbreakers Accountable for Gun Crimes

In recent years, the Minnesota Legislature has taken some steps to respond to the increase in gun violence. Acting on citizens' concerns, the Legislature passed laws to lock up

criminals who carry and use guns. These laws--mandatory sentences, increased penalties for drive-by shootings, and longer sentences for convicted felons in possession of guns--can be effective tools in the hands of county prosecutors. But good legislation is only part of the solution. Prosecution resources must be committed, policies must be established, and management practices must be put in place to enforce these statutes. Working with other criminal justice professionals, I will make gun prosecutions a top priority of my administration. It's simply unacceptable that 14 children are killed with guns in America every day, and that 35,957 Americans were killed by firearms in 1995 alone--a number higher than the 33,651 Americans killed in the Korean War. I will target people who carry guns, trace guns seized from kids and felons, and seek the longest prison sentences available under the law for those who illegally use guns. I will establish a comprehensive office-wide war on guns, using all laws currently available and proposing new ones as needed. There will be accountability for the careless use or storage of firearms.

- **Stopping Gun Violence**

There are 223 million firearms in America-- 76 million of which are handguns--and a child is killed with one every two hours. As County Attorney, I will seek to carry out the following programs and policies to stop gun violence:

- Prohibit plea bargaining in cases involving guns without my or the criminal division head's specific approval, to be granted only in extraordinary circumstances.

- Oppose legislation making it easier to obtain a permit to carry a concealed weapon. At present, gun permits in Minnesota are issued at the discretion of local law enforcement agencies, with approximately 115 gun permits issued each month in the City of Minneapolis alone. I have strongly and consistently opposed the more expansive and dangerous "must issue" legislation that would put more concealed handguns on our streets. We need fewer handguns in our community, not more. My position is supported by law enforcement officers across the county.

- Assign investigators to ensure that we know an offender's complete criminal history information. This will allow the charging of more felon-in-possession cases, allow county prosecutors to more accurately advise judges on pre-trial release issues and seek and obtain longer prison sentences for convicted criminals.

- Support the construction of the new jail to make room to hold gun offenders in custody pending trial and prior to

sentencing. Pre-trial release decisions should be made on the basis of public safety, not limited jail space. With police making more arrests, particularly in Minneapolis with the advent of the CODEFOR initiative, more jail space is needed. It does little good for police to make more arrests if we have no place to hold lawbreakers.

- Provide better training to police officers so that they are on the cutting edge with respect to search and seizure issues.
- Seek legislation to add the crime of terroristic threats to the category of crime for which there is a mandatory prison sentence when committed with a firearm.
- Require gun purchasers to buy inexpensive, \$3 - \$5 trigger locks for their guns to reduce gun-related accidents.
- Seek legislation requiring gun stores to keep firearms in locked safes or vaults during non-business hours (over 200 guns were stolen from stores or licensed firearm dealers in 1996).
- Seek presumptive adult certification for any kid over 16 carrying or using a handgun in the commission of a serious crime.
- Support the gun education initiative currently underway in Hennepin County Juvenile Court.
- Target "straw purchasers" and those who sell guns to kids, and prosecute those who fail to store guns in safe, secure places.
- Assign a team of prosecutors dedicated to prosecuting gun crimes. Only through a comprehensive system-wide attack will we be able to make our streets free from gun violence. I will fight hard to reduce the number of crimes committed with firearms and will invest whatever resources are necessary to turn the tide. The County Attorney's Office will be a leader in this effort.
- Better Background Checks  
State law requires that a criminal background check be performed to find out whether prospective handgun purchasers have committed any felonies, and I will vigorously oppose any attempt by the National Rifle Association to change that law. The Justice Department estimates that the background checks and waiting periods called for by the Brady law have prevented over 186,000 illegal over-the-counter gun sales. The faster we can move toward instant,

computerized criminal record checks for gun purchasers the better.

- Accuracy and Accountability in Sentencing

A defendant's criminal history is a critical element in sentencing decisions. Unfortunately, background checks do not always fully disclose conviction records. Moreover, obtaining criminal histories from some jurisdictions is difficult if not impossible. I will work hard to make it easier to track an offender's record. Only if we have full information about a defendant's past will we be able to ensure that a defendant is properly punished. Deterrence is one of the most important purposes of our criminal justice system. As County Attorney, I will publicize my hard-line stance on firearms so that everyone is on notice that the illegal use of guns will result in lengthy prison sentences.

- Working with Law Enforcement Agencies

Using the leadership of the County Attorney's Office, I will partner with other criminal justice agencies to improve their capacity to enforce gun laws and remove guns from the streets. Minneapolis' partnership with the Bureau of Alcohol, Tobacco and Firearms to trace recovered weapons and the FBI's new DRUGFIRE system--which catalogues images of cartridge cases and fired bullets on computer to help identify perpetrators of serial gun crimes--are just two examples of the kind of innovative approaches we need in Hennepin County. The limited resources of the criminal justice system must be applied where they make the most public safety difference.

## JUVENILES

The highly publicized school shootings in Jonesboro, Arkansas, and Springfield, Oregon, have sparked much debate about what needs to be done to stop juvenile violence. Everyone knows all too well the deadly consequences that juvenile crime can bring. Disturbing statistics show that violent juvenile crime has skyrocketed over the past decade. Arrests of juveniles in the United States for serious and violent crime rose by 75 percent between 1985 and 1994. During the same period, arrests of juveniles for homicides increased by 150 percent and weapon arrests rose by 100 percent. Juvenile criminal offenses rose by 26%, to nearly 1.5 million cases, between 1988 and 1992 alone. Hennepin County has not bucked this nationwide trend. In 1996, local police departments referred 11,290 cases of juvenile crime to the Hennepin County Attorney's Office for review; a dramatic increase considering that in 1990 there were only 7,629 similar referrals. Of the 5,728 cases charged by the County Attorney's Office, 2,325 were felony-level offenses. In 1994, Hennepin County had 62 kids aged 14 to 17 who were

certified to stand trial as adults; in 1995, that number jumped to 155. Seventy-two juveniles were prosecuted last year under Extended Jurisdiction Juvenile ("EJJ"), a sentencing option that took effect in 1995 that gives juveniles an adult trial but keeps them under juvenile supervision until age 21.

- **The Need for Consequences and the Need to Focus on Habitual Offenders**

Victims of violent crime are often permanently scarred, both physically and emotionally. Consequently, kids who commit violent acts must be made to understand the harm they cause and must receive appropriate punishment. The response to violent crime must be particularly swift in juvenile cases. If we wait too long, the punishment attached to the crime will be lost on the juvenile as it will be too remote in time. For crimes of particular severity or cruelty or where firearms are used, we must send a tough message. I will move the court to certify violent offenders as adults. Indeed, serious felony offenses should result in automatic certification. By focusing on the habitual juvenile offenders we can greatly reduce crime. As County Attorney, I will work with police, probation, and the schools to identify juveniles who are habitual offenders. I support the federal Serious Habitual Offender Comprehensive Action Plan. It should be implemented in Hennepin County. Because of the need to protect the public from violent and habitual offenders, we must also keep an eye on the detention space available at the Hennepin County Juvenile Center. That facility has an 87-bed capacity, but it has been overcrowded recently, with over 100 juveniles packing the facility at various times earlier this year.

- **The Extended Jurisdiction Juvenile Option**

The safety and welfare of our community will be my highest priority. I will address the special needs of juvenile offenders, but only in a manner that does not compromise public safety. The Minnesota Legislature has given prosecutors the EJJ option to deal with certain juvenile offenders. I will use this tool. It can keep a juvenile offender under the supervision of the court for a longer period of time than previously allowed. Essentially, juveniles are given one last chance to be treated in the juvenile system. If a delinquent juvenile violates the terms or conditions of his or her probation or commits a new offense, the court may then impose an adult sentence. The EJJ option should be used in proper cases, but I will not hesitate to send juveniles to prison if they break the rules.

- **Enforcing the Law Down the Line**

While we must pay extremely close attention to serious and violent offenders, we must not neglect lower-level, non-violent juvenile delinquents. The majority of chronic and violent offenders begin their criminal careers by committing



petty or misdemeanor offenses. Kids skip school, violate curfew, and break underage drinking laws. If the Hennepin County Attorney's Office takes low-level violations seriously, juveniles will quickly get the message that there will be consequences for all illegal behavior. By identifying problems earlier, we will also have a better chance of returning juvenile delinquents to law-abiding behavior. Using a more community-oriented approach to prosecution, as I've laid out in my community prosecution issue paper, will work especially well in dealing with low-level juvenile offenders. I'll work with police departments across the county so that first-time offenders who are diverted out of court do not get lost in the shuffle. Kids committing a crime for the first time must face appropriate consequences for their actions. Kids must know that if they do something wrong, they will be required to pay back the community they harmed. They may be assigned to work squads to clean up neighborhood parks and streets, or they may be required to perform other forms of community service. In all cases there will be consequences for criminal activity.

- Investing in Kids

The peak hours for juvenile crime are between 3 and 8 p.m., with the most dangerous period coming in the first hour after school. With fewer parents home during the day because of busy work lives, there is a lack of adult supervision at critical times in many kids' lives. Nationally, it is estimated that 5 to 7 million children go home alone after school, with approximately 35 percent of 12-year-olds regularly being left on their own until a parent returns home from work. Many of these kids get into trouble. Some vandalize property, get involved with gangs or drugs, or engage in sexual intercourse. The hours right after school are actually the peak time for the conception of teenage pregnancies, which forever alter young girls' lives. To alleviate these problems, several steps must be taken. First, I will support community-based alternatives to gangs and drugs, including better after-school programs. If we give our kids opportunities to play sports or musical instruments or engage in other recreational activities, they'll be less likely to commit crimes or get involved with alcohol or drugs. I will also focus on truancy, as outlined below, as a way of reducing crime. To specifically help fight nighttime crime, a metro-wide curfew should be enforced to assist officers in dealing uniformly with curfew violations.

- Fighting Truancy and Educational Neglect

Children who are aged 12 or older are presumed truant if they miss seven or more days of school without a lawful excuse. Similarly, kids younger than 12 who miss school are presumed to have been educationally neglected by their parents or guardians. The consequences of educational neglect

and truancy--a leading indicator of crime among children--are severe. We know that three out of four adults in prison are high school drop-outs, and truant kids are over six times more likely than high school graduates to be unwed parents. Because 90 of the top 100 jobs in the year 2005 will require a high school diploma, it's absolutely critical that we make every effort to keep kids in school. The Hennepin County Attorney's Office gets truancy and educational neglect referrals from the county's 16 major school districts, although roughly 80% of the educational neglect cases and 67% of the truancy cases originate with the Minneapolis Public Schools. The county has multi-disciplinary screening teams in place that meet weekly for truancy and educational neglect cases. Each of these teams makes case management recommendations to social workers or probation officers, and as to whether cases should be diverted or referred to court. Half of the truancy referrals and more than 90 percent of the educational neglect cases get resolved without court involvement, but the truancy cases that are referred to court are scheduled for the weekly truancy arraignment calendar. Truancy officers and school personnel are included in this process, with most kids getting assigned a probation officer. Dispositions include orders for kids to return to school or attend alternative learning centers, serve on work squads, or get chemical assessments or psychological evaluations as appropriate. As County Attorney, I will support efforts to identify and resolve truancy problems as early as possible. The Truancy Intervention Program of the Ramsey County Attorney's Office, started in 1995, has shown promising results so far--truancy petitions are down 72.8 percent--and Hennepin County should seek to emulate that success. To keep kids in school, I will also encourage the formation of more School Attendance Review Boards--now operating in several jurisdictions in the county. These review boards, which hold regular hearings to resolve attendance problems and assist students and families with barriers to attendance, consist of parents, school district representatives and community agencies. The Hopkins review board, which began operating in the 1996-97 school year, has shown positive results. According to Hennepin County's "Hope for Kids Project" Report: "[S]tudents who had missed 20, 30, or more days of school before the SARB hearing, missed 0 days afterward." In addition, judges and county employees must continue to educate kids and their families on the value of education, and truancy and educational neglect cases must be resolved as quickly as possible so that problems are solved at the outset and aren't allowed to escalate.

- A Comprehensive Approach

I strongly support the creation of a juvenile assessment center in Hennepin County--a project already underway thanks to a

grant by the Minnesota Legislature. With the help of researchers at the University of Minnesota, Hennepin County plans to create its own juvenile assessment center, to be modelled after similar existing centers in Florida and elsewhere. These centers are interdisciplinary in nature and serve the needs of kids by identifying in a comprehensive fashion what problems the juvenile has that need to be addressed. The process is simple. Law enforcement officers drop delinquent kids off at a center, where a complete needs and risk assessment is done on each child. The professionals working in the center have access to mental health records, police records, probation files, and county attorney and school records. After reviewing these files, the professional can make a better determination of what the juvenile needs and what risks he or she poses to the community. Some juveniles are detained; some juveniles are diverted or sent home to a responsible parent. Child protection is contacted when appropriate. Most important, in every instance, from truants to curfew violators to violent offenders, a criminal justice professional has the opportunity to decide with the best information available what's best for the child and the community.

- Getting Guns Out of the Hands of Kids

Guns are a major part of the problem when it comes to violent juvenile crime. A Minneapolis report on youth homicides showed that 78 percent of homicides committed by kids in 1994 and 1995 were committed with guns. Guns today are simply too accessible to kids. Adults who sell guns to children or negligently leave guns in places where kids can find them must be punished. In 1996, the Minneapolis Police Department seized over 600 guns from kids. At a 1997 state legislative hearing, an ex-gang member boasted that teenagers could get guns "like ordering pizza." When reminded of the risk of criminal prosecution, the ex-gang member responded: "Every time I got caught I got a second chance, a third chance, a fourth chance, a fifth chance and so on." This situation is unacceptable. Kids should be toting backpacks and notebooks to school, not guns. As County Attorney, I will hold gun peddlers and irresponsible parents accountable. The schoolyard shootings we witnessed earlier this year make our goal imperative and crystal clear: we must keep guns out of the hands of our children. In this regard, I strongly support Hennepin County's Juvenile Gun Education Program. It was developed in 1995 by the Hennepin County Juvenile Court in response to rising levels of juvenile gun possession and gun violence. Gun offenders hear victims of gun violence tell their stories, listen to presentations of autopsy procedures, and tour a hospital trauma unit. The program gives a clear choice to juveniles who are adjudicated on gun offenses but not placed in residential treatment programs or juvenile correctional

facilities: either complete 100 hours of community service in the Juvenile Gun Education Program or face commitment to the Hennepin County Home School or a similar out-of-home placement. So far, juvenile offenders referred to the program have performed 8,511 hours of unpaid community service, and 48% of those kids have successfully completed it. Of the offenders who graduated from the gun-education program, only 12 percent faced new felony charges. In contrast, there is a 65 percent recidivism rate for kids who failed to complete the program.

- Accessibility of the Juvenile Justice System

I will invite Minnesota's policymakers and judges to join me in a serious effort to open Minnesota's juvenile courts on a trial basis. We just embarked on a three-year experiment to open up child protection cases, and I support that pilot project. Obviously, specific cases exist where the State's interest in open juvenile proceedings is outweighed by the risks to a particular juvenile and that child's privacy interests. However, the opposite is the norm. In most cases the benefits of open proceedings outweigh the risks. In large part, today's juvenile justice system ignores the positive aspects of the community's influence in raising children. A presumption should therefore exist that juvenile courts are open to the public, although judges should maintain the discretion to close the proceedings upon a showing of good cause by the juvenile. Our community has a moral obligation to do everything it can to help at-risk kids. An open and meaningful exchange of information will help our community fulfill that obligation.

## COMMUNITY PROSECUTION

Police departments across America--urged on by ordinary citizens--are revolutionizing the way we fight crime. By enlisting the public in combatting crime, community policing programs in places like New York City have already produced impressive results. In Hennepin County and elsewhere, we now need to take the next logical step: community prosecution. Community policing programs recognize the value of beat cops. These initiatives remind us of the crime-fighting advantages that come from police officers being on the streets and sidewalks, meeting regularly with residents, neighborhood groups, and shop owners. By creating a partnership between police officers and the public, community policing represents a return to a core law enforcement principle: the criminal law's strongest allies and its best, often-untapped resources in the fight against crime are the very people the law protects. With community policing efforts already underway here, the time is right to introduce community prosecution in select areas of Hennepin County on a pilot basis. The concept is simple: Assign lawyers to

specific geographic areas to serve as community contacts, prosecute neighborhood crime, and develop legal strategies to reduce crime with residents, law enforcement agencies, and local businesses.

- The Benefits of Community Prosecution

Community prosecution offers several advantages. First of all, it ensures more effective cooperation between police and prosecutors, because the same prosecutor will work with the same precinct commander or police chief and assigned community policing officers. The prosecutor becomes more familiar with a neighborhood's problems. Hennepin County includes over 40 police departments, so assigning lawyers by neighborhood or municipality is the best way to maximize cooperation between these various law enforcement agencies and prosecutors. The idea would work best with certain juvenile and drug cases, as well as felony-level property crimes, which are handled by the County Attorney's Office, and misdemeanors, which are within the jurisdiction of city attorney's offices. I will partner with municipal prosecutors throughout the county, effectively strategizing as to the best legal tools to use in each of these communities. Assigning prosecutors geographically will both give citizens a larger voice in the crime-fighting agenda and improve public accountability and the responsiveness of the office.

Prosecutors can listen and respond to neighborhood concerns and complaints, and residents will actually know the names of the prosecutors that are working for them. If a case is not properly handled, the public will know who to blame. This approach, already in use in places like Boston, Indianapolis, Kansas City, New York, and Portland, Oregon, makes for effective and more aggressive prosecution as well. Crime victims and witnesses are more willing to cooperate with prosecutors and police officers they already know.

Community prosecutors are also better able to work closely with residents, police and local business owners to proactively develop grassroots, neighborhood-specific responses to crime. After all, no two neighborhoods in Hennepin County are exactly alike. Hopkins faces different challenges than the Hawthorne neighborhood of Minneapolis, just as Crystal faces different issues than Bloomington. Each community has its own unique crime problems, be they burglaries, gangs, prostitution, curfew violations, drug houses or auto thefts. By assigning lawyers on a community basis, prosecutors--who possess legal expertise needed by police and citizens--can act as community resources to help prevent crime, instead of just prosecuting acts of violence after they occur. Finally, community prosecution is a cost-effective technique, because it mainly involves reassigning existing resources to put prosecutors in the best position to help fight crime.

- The Essential Role of Communities

Throughout the criminal justice system there is a growing respect and appreciation for the essential role of communities in reducing crime. Last year, one significant study on the causes of crime and delinquency found that the best predictor of low rates of violence in urban neighborhoods is a strong sense of community values and cohesion, especially the willingness of residents to intervene in the lives of young people to stop behavior like truancy, graffiti painting and teenage gang activity. United States Attorney General Janet Reno and other leading prosecutors are strong proponents of community prosecution because they recognize the logic of a community-based approach. Communities deserve to have a greater say in the crime-fighting agenda because it will mean safer streets, parks, and schools. Each and every one of us can probably point to a specific crime that, if it did not affect ourselves, victimized someone we know, or happened near our home or workplace. A community prosecution initiative in Hennepin County would connect, in a real way, what happens on our streets to what happens in our courtrooms. Police and prosecutors can't fight crime alone, nor can neighborhood residents. But police and prosecutors can help create a spirit of responsibility at the neighborhood level so that both adults and juveniles know that if they break the law, there will be consequences. Community prosecution reminds us that we are not just fighting crime; we are fighting for the kind of communities in which we want to live.

## DRUGS

Illegal drugs continue to plague our neighborhoods. Marijuana use has more than tripled among eighth-graders since 1991, and 9 percent of American teenagers and 12 million adults used drugs in 1996. As we battle existing drugs like heroin and cocaine, other illegal substances keep popping up on our streets. Methamphetamine now accounts for over half of the drugs seized by the Anoka-Hennepin Drug Task Force, and Hennepin County Medical Center emergency room personnel see five to ten people a week for methamphetamine-related conditions. A report issued by the Hazelden Foundation's Butler Center for Research and Learning found that the number of people seeking treatment for methamphetamine addiction more than doubled in the Twin Cities from 1996 to 1997. The human cost of addiction and the connection between controlled substances and violent crime demand that we take immediate action. Studies show that over 70 percent of all crime is drug or alcohol related.

- Better Coordination with Police

To eradicate drugs, the Hennepin County Attorney's Office must work closely with police and community groups. Real

consequences result from successful prosecutions. Lawyers should serve as liaisons to suburban police departments and each Minneapolis police precinct to advise officers--who must work on the frontlines on a day-to-day basis--as they plan investigations, select investigative techniques, and prepare for arrests, search warrants, and prosecution. Better communication between prosecutors and police officers is essential in the fast-paced, pro-active world of difficult narcotics investigations. In complex drug and money laundering cases, I will encourage the investigating officer to take a more active role during trial preparation and at trial. Police officers must receive the best training and most up-to-date information on recent court cases and changes in the law to maximize the success of law enforcement efforts. In particular, I will enthusiastically involve the County Attorney's Office in narcotics enforcement efforts. No person in this county should have to live with any kind of drug dealing in their neighborhood, let alone the kind of pervasive drug dealing that led one block club in the Phillips neighborhood of Minneapolis to set up its own Crack Tours. We must put drug houses and drug dealers out of business. We must do it for ourselves, and we must do it for our children. Prosecutors and police cannot do it alone. By using community prosecution, a concept outline in one of my other position papers, I will make it easier for willing community groups to help make their streets safer for everyone.

- Target Drug Kingpins

Most of Hennepin County's illegal drugs do not originate in our county or even in Minnesota. Major interstate drug dealers from source cities like Los Angeles, Phoenix, and Miami bring large shipments to Hennepin County, where they sell to a few local drug kingpins. Other interstate dealers, often from Chicago, Detroit or Milwaukee, travel to Hennepin County regularly, sell drugs and then return home. Out-of-state dealers, as well as our local kingpins, must be vigorously pursued and prosecuted. I will effectively coordinate with the U.S. Attorney's Office, and will direct Hennepin County prosecutors to expend every effort, to target these major drug kingpins who prey on addicts and kids.

- The Drug Court

Hennepin County created its Drug Court in 1997 as a way of dealing better and more efficiently with drug cases. Rapid intervention is one of the goals. Defendants get assessed quickly and undergo urine tests with immediate lab results. The Drug Court has been very successful in moving lower-end cases through the system faster. Under the old system, defendants did not appear in court after their arrest for four or six weeks and often made five or six appearances before sentencing. In contrast, defendants appear in Drug Court

within two days of their arrest and appear in court a total of only two or three times. Cases that used to take four to six months for resolution are now being decided in an average of 30 days. This means that drugs addicts are being sent to treatment faster than ever. While the Drug Court has moved lower-level offenders into treatment more quickly, we need to ensure that offenders are being adequately punished. There should be no free passes. Drug treatment, which is frequently ordered by the Drug Court, is often successful. A 1997 study conducted in Minnesota found that 68 percent of people who received state-funded substance abuse treatment were still sober six months later. However, the Drug Court must do better at separating the wolf from the sheep. If a defendant lands in court because of an addiction, that addiction should by all means be treated. But if a defendant lands in court because of greed and drug dealing on our street corners for money, our response must be prison. In many instances, public safety requires that drug offenders get treated in prison rather than in the community at-large. Only minor offenders who earn it should be given a second chance. Whether teenagers or adults, drug peddlers who sell to children must be held accountable. The county's recently instituted practice of referring several cases a month involving hard-core dealers to federal court, where offenders face stiff penalties, is just one way to ensure that serious offenders are getting the punishments they deserve.

- Educate Our Children

As County Attorney, I will educate our most valuable resources, our children, about the harms and serious health risks of drug use. I support efforts that provide a foundation for communications and coordinated efforts among parents, children, schools, police and prosecutors.

- Comprehensive Approaches

Finally, I will use comprehensive prosecutorial tools to combat drug dealing. Drug dealers frequently violate other laws. They also violate court-imposed conditions of release. I will use gun and nuisance laws, the gang statute, violations of court orders, forfeiture laws, and similar tools to pursue those who profit by preying on the additions of others. In Hennepin County, drug dealers will face serious consequences for all of their illegal actions. The public nuisance law, while no substitute for vigorous prosecution, is one useful mechanism that can help revitalize our neighborhoods. That law, used in hundreds of cases already, permits police or community organizations to initiate a complaint by submitting it to the County Attorney's Office. Complaints are treated as "substantiated" or "unsubstantiated" depending on how much proof is submitted with the complaint. Where substantial evidence exists, the County Attorney's Office investigates the



problem properties. Lawbreaking tenants can be evicted and drug houses shut down. Sometimes, required additional security or simply enhanced lighting can make a big difference. These are practical solutions available to improve our neighborhoods. Even unsubstantiated nuisance complaints are monitored for 90 days by the County Attorney's Office. Interested public officials, local residents, and police are notified so that the property in question can be checked for nuisance activity. The County Attorney's Office must use every legal tool at its disposal to make our neighborhoods more livable.

## DOMESTIC VIOLENCE

Domestic violence is a terrible scourge afflicting our communities, and it occurs with alarming frequency. Assault is the single largest cause of injury--and a leading cause of death--among women in the United States, and the National Resource Center for Domestic Violence estimates that up to 36% of women are physically abused by a male partner at some point in their lives. There were 132,000 cases of domestic violence in Minnesota in 1994, or 361 incidents per day, and almost a quarter of a million people were treated for injuries inflicted by an intimate partner in 1997. According to Justice Department statistics, one-quarter of all female homicide victims in 1995 were killed by husbands or boyfriends. Tragically, in 1997 alone, 57 Minnesota women died from domestic abuse. Domestic violence and its damaging ripple effects, which spread far beyond the family unit, cannot be tolerated. The National Clearinghouse for the Defense of Battered Women estimates that four women are killed each day by someone who has battered them. In 1991, the police in the City of Minneapolis received approximately 29,000 domestic calls, yet of those calls, only about 3,300 resulted in arrests. In 1993, only 3,646 domestic abuse arrests were made in the City of Minneapolis. Awareness of domestic violence has grown in the past decade, and some progress has been made in recent years to combat it. The WATCH program, which tracks domestic abuse court cases, has forced judges to take domestic violence cases more seriously. The creation of Hennepin County's Domestic Abuse Service Center has also made it easier for domestic abuse victims to navigate the court system. Despite such steps, we must do better. Children who grow up in violent homes are 6 times more likely to attempt suicide, 24 times more likely to commit sexual assault, and 76 times more likely to commit crimes against persons. One report found that, in 1994, 237 juveniles were arrested in Minneapolis for assaulting a family or household member, up from 180 from the previous year. It's time to end this cycle of violence. Hennepin County residents have the right to live in their homes without fear, and

everything that can be done must be done to ensure that Hennepin County is an unwelcome place for batterers. To stop domestic violence, we must hold offenders more accountable for their crimes, better coordinate law enforcement efforts, and make services more accessible to victims.

- Holding Offenders Accountable

Hennepin County's Domestic Abuse Service Center estimates that, in 1996, 459 Orders for Protection were issued each month. The fact that Orders for Protection need to be issued at all shows how much work remains undone with respect to domestic abuse. As County Attorney, I will take several steps right away to help put a stop to domestic violence. Only through aggressive prosecution of these cases will we put an end to the senseless cycle of violence that is happening in homes throughout Hennepin County. First, police officers must be given the tools they need to do their jobs. In particular, the police departments of Hennepin County should follow the lead of the St. Paul program that puts video cameras in squad cars to document incidents of domestic abuse right after they occur. By immediately filming domestic assault victims, suspects and crime scenes, as is now being done in St. Paul as part of an 18-month program funded by a \$100,000 grant from the U.S. Justice Department, the St. Paul police are preserving critical evidence and lessening the impact of any victim recantation that may result from threats by the batterer. This initiative, believed to be the first of its kind in the nation, is aimed at producing more convictions in domestic cases, and involves two officers carrying hand-held recorders and assigned to document domestic assault cases on the East Side of St. Paul, an area with a high incidence of domestic assaults. Because child abuse and domestic violence often occur at the same time within families, police officers should also be cross-trained to look for signs of both whenever they are investigating either a child abuse or domestic assault allegation. To make sure that the best evidence is preserved in all domestic abuse cases and that the number of convictions that can be obtained is maximized, police officers must get the best training available on the gathering of evidence. Second, we must ensure that abusers are arrested and detained pre-trial as appropriate, and that they are adequately punished. Absent a serious injury, most domestic assaults generally carry only misdemeanor penalties. I want to ensure that repeat and habitual offenders are punished as felons, and that they are also charged with child endangerment if they affect a child's physical or emotional well-being. A study of the 5,431 domestic assault cases handled in Hennepin County criminal courts in 1993 found that 99 percent were treated as misdemeanors and that roughly 40 percent of booked suspects were released without bail. As County Attorney, I will work to ensure that tougher bail

standards are set, that batterers who reoffend while out on bail or probation get their bail or probation promptly revoked, and that domestic assaults are treated as felony crimes when appropriate.

- Coordination of Enforcement

While the Hennepin County Attorney's Office handles felony prosecutions, city attorneys throughout the county prosecute misdemeanors and violations of Orders for Protection. The County Attorney's Office must be concerned with the way city attorneys handle these matters. At the present time, each city differs in its approach to domestic violence cases, with some achieving better success than others. Police officers responding to 911 calls about domestic assaults sometimes fail to write reports of what they found inside the home, even though state law requires such documentation. And sometimes cases are not vigorously prosecuted. In 1993, more than half of all misdemeanor domestic assault charges filed in Hennepin County were dismissed. Domestic assault cases need to be treated more seriously by municipalities. If violations of Orders for Protection and misdemeanor assaults are not aggressively prosecuted, the actions of assailants all too often escalate into felony crimes--including homicides--that will need to be prosecuted by the County Attorney's Office. Such tragic consequences must be avoided at all cost. Although only a fraction of the domestic abuse cases fall within the jurisdiction of the County Attorney's Office, the County Attorney is the only elected official in Hennepin County who can effectively coordinate the prosecution of domestic abuse cases. As County Attorney, I will work with the city attorneys in the over 40 municipalities in Hennepin County in setting uniform prosecution standards. I will also ensure that felony-level domestic cases continue to be handled by top-notch prosecutors, and that appropriate referrals are made to the U.S. Attorney's Office where violations of federal law occur. Under the 1994 Violence Against Women Act, persons buying or possessing a gun while under a domestic-violence restraining order may be prosecuted under federal law and face stiff penalties. A federal law that took effect in 1996 also bars anyone with a record of domestic violence from having a gun, and is a particularly effective law enforcement tool, as violators face up to ten years in prison for violating it. Because domestic abuse calls are among the most dangerous that police officers must make, the County Attorney's Office has a special responsibility to ensure that arrests translate into effective prosecutions. As County Attorney, I will work hard to coordinate the efforts of police and social service agencies throughout Hennepin County. State-of-the-art communications, information, and training systems must be developed to enable police, courts, and probation officers to respond more effectively to domestic

abuse incidents. At present, only records of felony-level domestic abuse crimes are stored in a centralized location, and it is extremely costly and time-consuming for county prosecutors to track a defendant's misdemeanor assault convictions. A statewide database has been funded by the Minnesota Legislature to track misdemeanor domestic assault convictions and Orders for Protection, and I strongly support these efforts. Only if police officers, prosecutors and judges have full access to a perpetrator's prior record of domestic violence will we begin to see appropriate consequences imposed on batterers. We must particularly learn from the experiences of cities like Duluth, San Diego, and Quincy, Massachusetts, where services are provided on a more coordinated basis.

- Centralization of Services

The criminal justice system, including the Hennepin County Attorney's Office, must respond quickly and effectively to victims of crime. In 1994, Hennepin County took one step toward achieving this objective by establishing the Domestic Abuse Service Center. That service center, located in the Hennepin County Government Center, was created with the goal of streamlining the handling of domestic abuse cases. The center is more user friendly for crime victims because it condenses what could be several bureaucratic visits into one. The one-stop service center allows victims to get an Order for Protection or speak with a prosecutor, police officer or advocate. Victims can also learn about available services, such as women's shelters and appropriate legal remedies, and translators and child care are available. Under the old system, battered women would have to make separate visits to many different governmental entities just to guarantee their protection. As County Attorney, I will ensure that prosecution and advocacy services continue to be provided in a centralized location. In 1997, 4,000 women and 5,000 children used domestic violence shelters in Minnesota. Already beaten down and beaten up by their batterers, victims of domestic assault should not be forced to clear a lot of red tape in order to gain protection--a basic right owed to them. We need to make it as simple as possible for victims to ensure their safety. That means--as is done now--continuing to provide domestic abuse victims with free cellular phones that can only dial 911, so that victims can notify police quickly if an assault occurs. As County Attorney, I will also strive to ensure that victims of domestic violence are given the tools of self-esteem and economic self-sufficiency necessary to allow them to leave abusive, beyond-repair relationships. Every spouse and child has the right to be free from assault in the home.

## GANGS

Gangs destroy neighborhoods and lives. They lure our children into a life of crime, and impressionable kids commit crimes that they wouldn't have--or wouldn't even have imagined committing--if not for their gang affiliation. Gangs don't just commit crimes, they breed criminals. Gang violence is a serious problem that can't be ignored. According to Bureau of Justice Statistics and the National Center for Education Statistics, nearly twice as many teenagers reported gang activity in their schools in 1995 as did in 1989. While 3.4 percent of students reported violent crime in 1989, that number increased to 4.2 percent in 1995--a jump of over 23 percent in just six years and the impact of which was felt by some 270,000 students. In urban centers, students reporting street gang activity rose from 24.8 to 40.7 percent, and in suburban communities the numbers rose from 14 to 26.3 percent. The direct results of gang activity--from drive-by shootings to carjackings--are tragic. The recent Honeywell study found that gang activity was the most significant contributing factor behind the dramatic increase in Minneapolis homicides from 1994 through 1996. Nearly 45 percent of the 164 killings studied were gang related, even though only 3.5 percent of the city's youth were estimated to be active in gangs. Guns were used in two-thirds of the killings overall and in more than 90 percent of the gang-related killings. Of course, gang members also deal drugs, commit assaults, robberies, burglaries and a host of other crimes. The FBI estimates that 60 percent of gang members are involved in illegal money-making schemes such as drug sales or auto thefts--the latter of which accounted for more than \$41 million in losses in 1997 alone in the Minneapolis-St. Paul area. The harmful effects of gang activity are widespread, and they threaten our society's social fabric. It was estimated in 1997 by Governor Arne Carlson that about 30 gangs operate in Minnesota, with about 4,000 gang members in Minneapolis and slightly less than 2,000 in St. Paul. I will work with police, probation and other law enforcement agencies and concerned citizens to target violent gang members and active gang leaders for prosecution. We must keep a particularly close eye on gangs because between now and 2010 the ranks of young teenagers will swell from 29 million to 41 million nationwide, as baby boomers' children grow up. In Minnesota, the number of 15 to 24-year-olds is expected to grow by 36,600 from 2000 to 2010. There are no singular, simple solutions. Instead, a strategic and comprehensive approach is needed if real results are to be achieved.

- Coordination, Education and Prevention

A number of new initiatives are necessary to combat gangs. Investigative divisions as well as patrol divisions within Hennepin County's law enforcement agencies must coordinate

their efforts and use sophisticated techniques to pinpoint key offenders. The most up-to-date computer technology should be used. Agencies and concerned groups outside of law enforcement must also be consulted and encouraged to contribute. I will assign Assistant County Attorneys to train law enforcement officers to ensure that their crime-fighting activities are constitutionally permissible, thereby protecting individual rights while allowing police officers to gather admissible evidence for sound prosecutions. I will also meet with kids to educate them on the harmful and often deadly consequences of gang membership. As County Attorney, I will energetically take steps to discourage our children from joining gangs and use whatever means necessary to encourage current gang members to quit, including gang tattoo removal initiatives. The risk factors for gang involvement are many, including peer pressure, intimidation from gang members, low-family income, and a lack of positive role models. Because juvenile crime peaks right after school, we need to make sure that kids have adequate after-school opportunities so that they have alternatives to drugs and gangs. The Hennepin County Attorney's Office should bring all concerned groups and agencies to the table--including the U.S. Attorney's Office, which has at its disposal strict federal laws that can put dangerous criminals away for lengthy periods of time--to coordinate efforts and to solicit the necessary assistance for an effective, comprehensive approach to combat gang crime.

- Statewide and Metro Gang Strike Forces

I fully support the efforts of the Statewide and Metro Gang Strike Forces, which have helped track gang members who try to avoid detection by moving around. As County Attorney, I will assign a prosecutor to work full-time on this novel, worthwhile approach. That lawyer will work closely with Gang Strike Force investigators working in Hennepin County and with the Assistant Attorney General assigned to the Gang Strike Force. The assigned prosecutor will also coordinate with law enforcement agencies throughout the county and with other prosecutors within the office to ensure that violent gang members and active leaders are identified, investigated and prosecuted. The State Gang Strike Force is up for funding this year, and its funding should be renewed. This time the County Attorney should join the task force. Gangsters don't abide by county borders--prosecutors should be able to cross county borders as well.

- Zero Tolerance

In certain Minneapolis neighborhoods as well as in parts of Boston, which has seen a dramatic reduction in juvenile homicides, zero-tolerance police tactics have been effective in combatting gang activity. Boston's model of rapid

intervention, prevention, and law enforcement coordination has resulted in a 55 percent decrease in shootings since 1990. Immediate crime reduction means safer streets now, and Minneapolis initiatives like probation officers riding with cops to track high-risk offenders--similar to Boston's Operation Night Light--are well worth using. By visiting homes and neighborhoods, probation and police officers are able to keep tabs on gang members. A zero-tolerance policy is an essential component in long-term gang reduction. In 1996, FBI data showed that 28 percent of the 12,359 solved homicides in America were committed by kids aged 5 to 19, and that 52.6 percent of the murderers were 24 or younger. A zero-tolerance approach will stop petty youthful offenders before they become hardened killers. As a result of aggressive law enforcement efforts, some gang members will be deterred from engaging in criminal activity. Others will be arrested for minor crimes which often lead to the lawful seizure of evidence and gathering of information vital to the prosecution of more serious offenses. And the few gang members bent on continuing in their criminal ways will simply move away, perhaps severing their gang ties. Each of these results is positive. The first result of deterring crime is obviously good. Fewer gang crimes means safer streets and more livable neighborhoods. The second result, arrest, and the third, displacement, are beneficial too. By putting gang members on the defensive, many gangs will simply be put out of business and displaced gangsters will be more susceptible to successful investigation and prosecution. Increased communication among law enforcement agencies in Hennepin County and statewide through the Gang Strike Force will also result in better tracking of violent gang members. Arrests and other contacts between police officers and gang members will result in the lawful seizure of valuable evidence and the gathering of sufficient information to establish gang membership. This is important because proof of gang membership is an essential element for a conviction under the gang statute.

- Witness and Victim Protection

Gangs derive their staying power through intimidation and coercion. The Hennepin County Attorney's Office estimates that witness intimidation creates problems in about 50 to 70 gang-related cases a year. Aggressive investigation and prosecutions will not result in true justice unless the following steps are taken:

- use victim/witness protection services and other available resources to provide meaningful assistance and effective protection to victims and witnesses in gang-related cases;
- vigorously pursue obstruction of justice and witness tampering charges against gang members who use threats and

coercion to try to unfairly manipulate the system; and

- protect juror anonymity when genuine concerns for jury safety may improperly influence the outcome of a trial.

## CHILD PROTECTION

The Hennepin County Attorney's Office, which handles part of Minnesota's \$300 million-a-year child protection system, is mandated by statute to represent the county in child protection matters. These include cases in which children need court protection to prevent further abuse or neglect either by removing the child from the parents' care or by imposing court orders that direct and monitor parents' behavior. Areas of early intervention such as truancy, educational neglect, and delinquents under the age of ten are related areas of the County Attorney's responsibility that are statutorily defined as CHIPS (Children in need of Protection or Services). The Hennepin County Attorney's Office currently has about 1,000 active child protection petitions in court. Of these, about 20% to 25% involve American Indian children that must meet the heightened requirements of the federal Indian Child Welfare Act as well as Minnesota law. The approximately 1,000 petitions include CHIPS petitions and "permanency" petitions. Permanency refers to the goal of finding permanent placements for children who cannot be safely reunified with their parents. The county is mandated to bring a permanency plan before the court within twelve months of the child's out-of-home placement. If reunification is not a possibility, there are three permanency options: (1) termination of parental rights with subsequent adoption; (2) transfer of legal custody to a relative; and (3) long-term foster care, the least preferred option. The scope of the problem of child abuse and neglect is huge. There are approximately 1.63 million child protection investigations conducted annually in the United States, and Minnesota's child-protection system receives over 50,000 abuse allegations every year. In 1997, Hennepin County's Department of Children and Family Services alone screened 72,000 calls about the welfare of children; 5,716 reached the criteria for child abuse or neglect reports and were investigated. In 3,585 reports, no maltreatment was found, and in 2,131 instances, child protection investigators made findings of maltreatment, such as burns or bruises or no food in the house. In 1,300 of these cases, workers found that the child was not in danger and referred the family to alternative services. In contrast, child protection workers were assigned in about 800 cases and case plans were developed. Tragically, many instances of child neglect go unreported. Approximately 60 percent of the children who are killed by abuse in America were not known to child protection agencies. A Minnesota legislative auditor's report from January of 1998 points out



just how much difficult work remains to be done to protect our children. The report showed that the child-protection system may be as much as one-third understaffed to handle the child maltreatment allegations received each year. It also concluded that 18 percent of families found to have abused or neglected children in 1993 had repeat offenses within three years, and that 29 percent of families investigated for child maltreatment were investigated again within three years. At the end of 1997, the Hennepin County Attorney's Office and the Department of Children and Family Services finished a special project in which a backlog of cases awaiting permanency determinations was successfully eliminated. This resulted in permanency determinations for over 700 children. However, a recent study conducted by the National Center for Policy Analysis found that in 1996 Minnesota placed only 21 percent of all children available for adoption--one of the lowest rates in the nation.

- Resources and Coordination

The protection of abused and neglected children is among the most important and weighty responsibilities of the County Attorney's Office, and these matters must get the attention and resources that they rightfully deserve. First, the Hennepin County Attorney must ensure that these cases are adequately staffed and funded. In 1997 alone, the Hennepin County Attorney's Office filed 542 CHIPS petitions involving child abuse and neglect and 297 permanency petitions. In the early intervention area (truancy, educational neglect, and delinquents under ten) successful intervention can actually prevent out-of-home placements and future delinquency, thereby saving taxpayer money in the long run. Second, as Hennepin County Attorney, I will lead efforts to better coordinate the delivery of services to children in need of protection. A recent study undertaken by the county found that the top 200 families receiving "multiple services" from the county (a significant portion of these families received child protection services) utilized more than \$29 million per year of Hennepin County human services monies during the two-year, 1996-1997 study period. Case managers involved in the study found that the county directed too many services at clients all at once, rather than coordinating services based on a family's immediate and long-term needs. Outcomes must be established. Coordination can reduce the number of case managers assigned to the same family. The county's bureaucracy must change its focus from internal organization to service delivery that best serves the children.

- Early Intervention

Because truancy is one of the leading indicators of crime in children, it's important that we make every effort to keep kids in school. A 1995 study of 135 delinquent Hennepin County

children under the age of ten found a high correlation of delinquent behavior and child protection reports, criminal activity of parents or older siblings, and problems with school attendance. Fifty-six percent of the children for whom school records were available had attendance problems, and 70% of the kids had at least one parent or sibling who was criminally charged. Truancy must be stopped at its earliest stages, as my Juveniles Position Paper clearly explains. The County Attorney's Office cannot do it alone, but it can set an example by the way in which it handles truancy and educational neglect cases. The County Attorney's Office needs to reach out to communities and schools and utilize diversion efforts for less serious cases to speed up their handling and to keep down the number of court petitions. Currently, the window for child protection services is fairly narrow and situations are generally quite serious for children by the time the county intervenes. Formal child protection investigations are needed where children are in serious or imminent danger of abuse or neglect. Where serious abuse or neglect is found, the county--instead of repeatedly getting in and out of cases--must either make a long-term commitment to provide services to the family to resolve the problem or move to terminate parental rights. This is especially true for non-school age kids who aren't ever subject to supervision outside the home. In order to ensure that the less severe neglect cases are handled in an equally appropriate fashion, these cases should be handled with referral and partnership with community-based agencies, not using the child protection investigation approach. This dual-track approach would allow families to take part in voluntary services, receive more services earlier and help to prevent more serious abuse and neglect in the future.

- Best Interests of the Child and Speedy Resolution of Cases  
Sound public policy dictates that child protection issues be speedily resolved. Children simply cannot wait months and years for parents to become rehabilitated before resuming their parental responsibilities. The social service agencies are mandated to provide "reasonable efforts" to eliminate the need for removal and to reunite the child with his or her family, but the paramount consideration at all times in juvenile court proceedings must be the best interests of the child. Family reunification is a desirable goal, but reunifying biological families "at all costs" is not desirable, for all too often the costs can involve the death of a child or serious harm to that child. Sometimes, however tragic, child protection proceedings must result in the termination of parental rights. It is neither legally nor morally acceptable to give parents' numerous chances at treatment while a child waits in foster care or is in danger of physical or emotional harm. Recent federal and state legislation has collapsed the timelines in these cases and now requires that the court hold permanency

placement hearings within 12 months of placement. I support this reform, as well as recent legislation that takes effect in July 1999 that mandates placement hearings after six months in out-of-home placement for children under the age of eight. Speedier adoptions are also important. United States Department of Health and Human Services figures for 1995 list the number of foster children nationwide at 480,249, up 19% from 1990. As of September 30, 1996, figures from 22 states put the average length of stay in foster care at 34.2 months, with 18 percent of kids spending five years or more in foster care. There are now approximately 800 state wards in Hennepin County. In 1996, there were about 500. These are children whose parents' rights have been terminated and they are waiting to be adopted. Because of the large number of children awaiting a permanent placement, Hennepin County must redouble its efforts at "concurrent planning"--making efforts to reunite a family while simultaneously looking for an alternative permanent placement for a child. In this way, delay in children's lives is minimized and permanent homes may more timely be available for those who cannot go home. The Department of Children and Family Services recently took a step in the right direction by stepping up recruitment of adoptive parents. In addition, new legislation requires finalization of adoption within 12 months of adoptive placements rather than the previously required 24 months.

- Better Information

The 1997 report identifying and analyzing the 200 multiple service family cases found that individual client-specific data was available on at least 17 different county computer systems which are often "incompatible." As noted in the report, "data limitations were so numerous and significant" that they "distort the true cost of service delivery." In order to better serve the families of Hennepin County we need to fix the computer system. I have proposed a blue ribbon commission composed of corporate members to work on such a project. [See Criminal Justice Reform Position Paper]. Because domestic abuse and child abuse often occur within many families at the same time, the social service agencies and assistant county attorneys handling domestic abuse and child protection matters must work more closely together as well. To increase public education and accountability in child protection cases, and to gain community input on standards in them, a three-year pilot project is now underway that opens up these proceedings to the public. This three-year experiment, being conducted in Hennepin County and 11 other counties, gives the public access to most child protection hearings and certain court records, including petitions asking the court to intervene with a family. I support this pilot project, because the public needs to know what happens in these cases and opening up the system is the only way to expose abuses in the

system.

## CHILD SUPPORT

Children need the emotional and financial support of both parents. When monetary support from a parent is not voluntarily provided, child support enforcement proceedings can serve the best interests of children by doing their part to establish, modify and enforce parental obligations. The child support program is administered at the county level and the Hennepin County Attorney's Office can play an important role in improving the lives of children. There are approximately 58,000 child support cases in Hennepin County alone. Last year, more than \$77 million was collected in such cases. However, there continues to be many cases in which there is no obligation for support or in which the support is not paid in full. Only 46% of the cases in Hennepin County comply with the current monthly child support due. Over \$723 million in child support arrears are owed in the entire state. Much of this is owed to families in Hennepin County. Massive changes are underway as the county implements the changes brought about by federal welfare reform. One of the most significant changes is that cash public assistance, formerly known as Aid to Families with Dependent Children ("AFDC") and now known as the Minnesota Family Investment Program ("MFIP"), has a five-year time limit for the receipt of benefits. As families determine how they will become self-sufficient in light of these time limits, the importance of child support dramatically increases. It is critical for many families leaving welfare to have some kind of child support payments in place in order to rise above poverty and meet the economic needs of their children. In an era of increasing demands on resources, pressures from time-limited welfare programs and our knowledge of the devastating impacts of child poverty, it is vital to continue to evaluate how child support services are delivered and how to improve the system. In order to get support to children, there needs to be a continued emphasis on the enforcement of obligations. As County Attorney, I will ensure that lawyer time is devoted to the more difficult and legally complex child support cases and that other more routine cases are handled by non-lawyer employees. These will be my priorities in the child support area:

- **Interstate Cases**

Approximately 30% of all child support cases are interstate cases--cases in which one of the parents resides in a state different from the other parent. However, these cases account for only 7 percent of the collections. Non-custodial parents should not be allowed to avoid child support obligations to Hennepin County children by moving to another state. Recently enacted, tough interstate laws, including the

Uniform Interstate Family Support Act, should help. As County Attorney, I will vigorously enforce these laws and work with attorneys and child support programs across the country to increase collections for all kids.

- Self-employed Noncustodial Parents

The second most difficult kind of child support case to enforce, after an interstate case, is a case in which the noncustodial parent is self-employed. Assistant county attorneys, acting on behalf of the child support office, can play a critical role in increasing enforcement efforts against self-employed parents. As County Attorney, I will target these cases, conducting discovery, reviewing documents, assisting with investigations, and aggressively presenting these cases to the judicial fact finder.

- Contempt

Once an appropriate level of support is set, the community standard needs to be that the support must be paid. For those parents who have the ability to pay but are choosing to avoid their obligations, it is imperative that the enforcement mechanisms be swift and strong. As County Attorney, I will aggressively pursue delinquent cases for contempt of court. Punishments, including jail time, should be rendered. A weekly contempt calendar could be set up in conjunction with the family court bench. This would serve to prosecute individuals who are in arrears and also send a message to the community that there will be consequences for those who do not live up to their obligations.

- Recognizing Family Differences

At the same time the county is getting tough with delinquent noncustodial parents, it is also important to recognize that "one size does not fit all." Hennepin County is a unique county in that it has families with some of the highest per capita income in the state and also some of the most impoverished families. These different cases need to be evaluated differently. The withholding of income from noncustodial parents who have a steady income stream is an extremely valuable collection tool. Last year, over \$237 million was collected state-wide through income withholding. Noncustodial parents without steady incomes, though, may need some assistance in order to contribute to the economic support of their families. Job training, job placement and other relevant services may need to be provided to both custodial and noncustodial parents before we can expect them to be self sufficient.

- New Guidelines

An issue many noncustodial parents raise is that the child support guidelines do not take into consideration the income

and resources of the custodial parent. An "Income Shares" model for the child support guidelines would look at the incomes and abilities of both parents to contribute to their children. This would be more fair towards both parents and would be a more equitable way to treat noncustodial parents. Our laws and our system have an interest in ensuring that our expectations of parents are realistic and that we help families and not drive wedges between them. While it is up to the Minnesota Legislature to change the guidelines, as County Attorney I will work with legislators to make sure that the laws they pass meet the needs of the citizens of Hennepin County.

- Focus on Two-Parent Involvement in Children's Lives  
Children need the emotional as well as financial support of both parents. Standard indicators of child well-being show that children of single-parent families do not fare as well as children of two-parent families. They generally do less well in school, are more likely to become teen parents, abuse substances, and live in poverty. By focusing on the child support program, I will, over time, be able to reduce some of the demands on the entire county system. The child support program is responsible for establishing paternity and last year Hennepin County established legal fathers for almost 2,000 children. There are many more children awaiting paternity determinations. This is an important first step toward connecting children and parents. It is important for the county child support program to establish paternity and help alleviate some of the disadvantages faced by children who are not growing up in the same house with both parents. As County Attorney, I will use the position to state publicly--and frequently--that the expectation is that all children deserve the support of both parents. The value of this public awareness message should not be underestimated.

## CRIMINAL JUSTICE REFORM

The Hennepin County Attorney must be an effective leader on many issues. Nowhere is that leadership more critical, or more germane to the proper functioning of the County Attorney's Office, than in making sure that convicted felons face meaningful consequences for their crimes. To get good results--whether by verdicts at trial or by plea agreements--the County Attorney must establish clear policies for the office and be an effective spokesperson to ensure that the office has the resources it needs to do the job right. As County Attorney, I will provide the needed leadership on several fronts to maximize public safety and to make sure that the criminal justice system works as effectively as possible.

- More Trials, More Convictions

The practice of law should be a part of every attorney's job description at the County Attorney's Office. I will ensure that Assistant County Attorneys are spending as much time as possible on the frontlines prosecuting crime. Lawyers should be well trained and effectively managed to guarantee that their objective in every case is to achieve meaningful consequences for crime. I would expect that the implementation of my tough plea negotiation standards will result in prosecutors trying more cases before juries. The average number of trials per year per lawyer should be at least two to three times the current average. Trial loads of individual prosecutors will be closely monitored to ensure that everyone is doing their fair share of the work.

- **Tougher Plea Negotiation Standards**

I will not hesitate to send violent and repeat offenders to prison. These offenders do not belong on our streets, and the public safety demands that they be removed from our neighborhoods. To make sure that habitual and violent offenders are put behind bars, I will put tough plea negotiation standards in place for all county prosecutors. Moreover, I will make it a top priority to see to it that these standards are followed. Plea agreements entered into by prosecutors should routinely require guilty pleas to the charged crime and, in all cases, the guilty pleas should assure appropriate and meaningful consequences. Gun cases in particular will be subject to extremely strict procedures. No plea agreement will be allowed on a felon in possession of a gun case unless it is approved by me or the head of the criminal division.

- **Procedural and Systemic Reforms**

The County Attorney's Office needs to use every resource it has to fight crime. As County Attorney, I will work with the judiciary, the Hennepin County Board of Commissioners, and the Minnesota Legislature to assure maximum accountability from the criminal justice system. For example, the Sentencing Guidelines need to be strengthened to hold repeat property crime offenders more accountable for their actions. As County Attorney, I will seek the following specific reforms to improve the criminal justice system:

- **Streamline Jury Selection Procedures**

In the past several years, the time prosecutors spend in an average criminal jury trial has increased dramatically. The average length of a trial has increased from 5.8 days in 1988 to 12.5 days in 1997. Unfortunately, there are too many cases where jury selection alone takes as much time as the rest of the trial itself. We must protect the due process rights of criminal defendants, but we must also not be afraid to eliminate redundant and unnecessary questioning of prospective jurors. The state judicial system should seek

guidance from the federal system, where judges ask the voir dire questions. Alternatively, the criminal rules should provide for time limits for questioning of jurors by attorneys and allow for increased use of questionnaires. Conserving resources on the front end will allow for resource savings not only in the County Attorney's Office but also for other aspects of the system--judges, bailiffs, and public defenders. The less time county prosecutors spend picking juries, the more time they'll have to try additional cases.

- **Blocking of Cases**

Blocking cases means that cases are assigned so that the same judge handles a case from beginning to end. This assignment method will have several benefits. First, individual judges will become more familiar with the defendants appearing before them, and therefore will be able to handle their cases more efficiently. Second, because only one judge handles a case, individual judges will be more accountable for a case's outcome. Third, blocking cases will discourage judge shopping by lawyers. Attorneys can only remove one judge per case, so if lawyers know that the same judge will be handling all future matters the lawyers will be less likely to try to delay a case disposition by seeking continuances at various appearances in the hopes of drawing a more lenient judge in the future. Finally, blocking cases will force guilty defendants to accept responsibility for their actions more quickly.

- **Night Court**

A significant amount of crime occurs at night, yet Hennepin County has no night court. I will push for the creation of a night court so that cases can be processed more quickly and efficiently. In fact, Hennepin County's Drug Court is already experimenting with staying open until 8:00 p.m. on certain days. The sooner a defendant makes his or her first appearance in court, the more likely that the defendant will get the message that criminal acts will not be tolerated and will be dealt with swiftly.

- **Prosecutors Should Get the Last Word**

Right now, criminal defense lawyers in Minnesota get the last word at trial--making Minnesota the only state in the country that doesn't allow prosecutors to have the final say at trial. I believe prosecutors should have the last word, and I will advocate for that reform.

- **Better Evaluation of Criminal Justice Approaches**

A recent report by the University of Maryland's Department of Criminology and Criminal Justice, entitled "Preventing Crime: What Works, What Doesn't, What's Promising," highlighted the need for better evaluation and testing of



programs to determine what works and what doesn't. I will seek funding--through corporate or non-profit grants--to test the crime-prevention and criminal justice approaches presently used in Hennepin County. I will specifically be an advocate for determining--through research and evaluation--which of many community correctional programs actually work and which work best for what kind of offenders. Presently, millions of taxpayer dollars are spent on offenders without any rational and objective basis as to whether the expenditures are doing any good. We must continually evaluate our crime-fighting strategies to make sure our tax dollars are being well spent.

- Ensuring Adequate Jail Space

Because of the jail space shortage that exists already in Hennepin County, I fully support the construction of the new Hennepin County Jail, which is slated to open in June 2001. Police officers should not be forced to wait in line and be idle outside the jail--let alone have time to order pizza, get it delivered and eat it, and have time left over, according to one recent report--just to perform simple booking procedures because of a lack of available jail space. Our criminal justice system is only as strong as its weakest link. If we don't have adequate jail and prison space it will be physically impossible to detain the defendants that should be detained prior to trial and to impose appropriate consequences on convicted offenders.

- Incarceration Alternatives

Prisons are expensive to build and operate. Although it is imperative that we have adequate prison space to house dangerous and habitual offenders, we need to consider the use of less expensive alternatives to prison where appropriate to deal with certain first-time, non-violent offenders. For example, Camp Ripley, which costs far less per inmate per day than a state prison, has been underutilized by Hennepin County judges. Trial court judges should also order the use of electronic home monitoring in cases where that less costly alternative is warranted, and should consider the use of work squads for appropriate low-level offenders. I have visited the Midtown Community Court in New York City, where work squads and other kinds of community service are used to punish low-level offenders, and that program is working well. If we send a message that low-level crimes that affect our quality of life will not be tolerated, violent crime will go down too.

- Holding Judges Accountable for their Sentences

Although prosecutors can seek tough sentences, it is judges who ultimately decide for what length of time, if any, offenders go to prison. I believe the County Attorney has an

obligation to monitor judges' sentences to ensure that members of the public are getting the sentences that they deserve. While there are many top-notch judges in Hennepin County, there are, unfortunately, some judges who routinely depart downward from the Minnesota Sentencing Guidelines in imposing their sentences. One recent report found that one-third of felons in Minnesota are not getting prison time, even though the state guidelines call for imprisonment. In Hennepin County, 39.4 percent of felons who should have received prison sentences under state guidelines weren't sentenced that way. In fact, only four states currently utilize probation as much as Minnesota does. Any pattern of downward departures from the sentencing guidelines is extremely problematic in at least two ways. First, the public safety is not being protected when judges are soft on crime. Although the Hennepin County Attorney can't fire judges, the County Attorney can and should make the public aware of which judges are letting offenders off the hook too easily. Second, when some judges send everyone to prison and others do not, criminal defendants who commit similar crimes don't get treated fairly. This violates the goal--uniform sentencing--behind the guidelines themselves.

- Appeal of Lenient Sentences

To help ensure that the sentences in Hennepin County are just, I will instruct prosecutors to appeal sentences set by judges that significantly depart from the Minnesota Sentencing Guidelines. Justice and equity require that sentences which follow a felony conviction be proportional to the crime committed, as well as set in accordance with the severity of an offender's prior criminal history.

- Recruitment and Office Diversity

I will recruit and hire top-notch lawyers and support staff to ensure that members of the public have dedicated public servants working on their behalf. I will build on the efforts of the past 20 years in diversifying the Hennepin County Attorney's Office. The lawyers and personnel in the office should reflect the diversity of the community.

- Better Coordination with Police Departments

An effective criminal justice system depends on a close working relationship between police and prosecutors. I intend to appoint a person with police experience to serve as a key member of my administration. I also plan to assign individual attorneys to work with each suburban police department and each police precinct in Minneapolis, and to expand opportunities for officers to get up-to-date information and guidance--by way of legal updates and training--on recent court cases and changes in the law. In particular, the County Attorney's Office will periodically prepare short, user-friendly

videos on legal topics of interest to police for use at roll calls. In addition, I will advocate for an overhaul of the county's information systems to provide police with better and more timely access to needed information, such as the status of physical evidence and the scheduling of court testimony by police officers. Charging decisions should be made promptly and communicated to the police. I will personally and regularly meet with law enforcement personnel and will initiate an informal bimonthly meeting of the U.S. Attorney, the sheriff, and various city attorneys, police chiefs and law enforcement officers. The next County Attorney must be fully prepared to work with and support the police to build a seamless system of law enforcement that connects the fight against crime on our streets with the fight against crime in our courtrooms.

- Improved Information Systems

The information-sharing capabilities of computers are enormous. The Minneapolis Police Department's CODEFOR program, which began operating earlier this year, is just one good example of crime-fighting technology at work. CODEFOR uses computers to track emerging crime trends or "hot spots," thus permitting the police department to target trouble spots and deploy additional officers in those areas more quickly. The CODEFOR program has resulted in a roughly 200 percent increase in arrests. As County Attorney, I will be a big supporter for the use of better computer technology in our fight against crime. The entire criminal justice system is, in fact, sorely in need of new computer technology. Within Hennepin County alone, there are multiple, often incompatible computer systems--which can result in tragic consequences. Just last fall, a convicted felon was freed from jail on reduced bail after pleading guilty to illegal gun possession (with a mandatory prison sentence of one and half years). Less than a month later, he shot and killed his former girlfriend. He had previously been accused of threatening her, and only a few years earlier another former girlfriend had gotten a protection order against him, saying that he threatened to shoot her. Neither the judge nor the prosecutor had ready access to information about the earlier threats, and the judge said later that if he had known he "wouldn't even have thought about reducing bail." I will ask for the formation of a blue ribbon technology commission--comprised in part of private sector technology experts--to recommend needed improvements in law enforcement computer systems both in Hennepin County and at the state level. Police and prosecutors currently lack adequate information to track criminal activity and offender records, and this simply must be changed. Only by modernizing and improving the county's computer system will we be able to ensure more effective law enforcement and prosecution.

## CIVIL DIVISION INITIATIVES

The most important and high-profile responsibility of the Hennepin County Attorney's Office is keeping our neighborhoods safe. But the Hennepin County Attorney does a lot more than fight crime. The County Attorney must also advise the Hennepin County Board of Commissioners, bring and defend civil lawsuits for the county, file property tax and condemnation petitions, issue written advisory opinions and prevailing wage reports, and file child support and child protection actions. I have laid out my agenda for the child support enforcement and child protection areas in separate position papers, but there is also much more that the County Attorney can do in the civil division to safeguard taxpayers' money. As County Attorney, I will take the following steps to protect the county's purse strings and to safeguard county resources:

- **Liability Reduction Program**

The County Attorney's Office represents the county in everything from slip-and-fall cases to litigation matters involving allegations of malpractice at the Hennepin County Medical Center to complex property tax disputes related to commercial properties such as shopping centers. The largest categories of expenses as of April 1996 involved claims for medical malpractice (49%), bodily injury (33%), deprivation of civil rights (6%) and property damage (5%). The departments with the highest total expenditures were the Medical Center (58.9%), Public Works (14%), Adult Services and Children & Family Services (9.4%), Sheriff (7.5%), and Community Corrections (6.9%). The country's explosion in employment litigation--which encompasses claims for discrimination, wrongful termination, unfair employment practices, and breach of contract--presents yet another significant exposure for the county. The County Attorney Office's needs to play a leadership role in reducing the risks and potential liabilities that the county faces on a day-to-day basis. Several things must be done to accomplish that objective, both in terms of improving risk management procedures and bringing lawsuits to recover monies owed to the county. As County Attorney, I will take the following steps to improve the management of the county's affairs:

- The County Attorney's Office, in concert with relevant county partners, should conduct a comprehensive county-wide audit and review of all personal injuries. A review of internal, workers' compensation or external personal injuries, incidents and actions will yield much-needed information about what measures can be taken to help reduce the county's liability exposure.

- Prepare a strategic plan for liability reduction.
- Coordinate with risk management and the county's Environmental Health and Safety Program to provide proactive legal and non-legal training for departments in preventing and reporting personal injuries. There is a great need for departmental training on preventing injuries and keeping accurate records for future defense efforts. The lawyers in the County Attorney's Office should be doing more than litigating cases, they should be advising and serving the county's various departments to help prevent litigation from happening in the first place.
- In order to provide strong incentives for departments to seek ways to prevent litigation in the first place, the Hennepin County Attorney's Office should look to the departmental cost and risk allocation methods already in use by the Attorney General's Office and by the City of St. Paul.
- Aggressively seek contribution and indemnification from third parties where appropriate for claims brought against the county. These efforts should be documented and presented to the County Board.

• **Personal Injury Impact Statements**  
If the County Attorney can help to reduce the number of lawsuits brought against the county, the taxpayers will be better off. To help accomplish that objective, the County Attorney should prepare a "Personal Injury Impact Statement" subsequent to any final settlement or verdict in a personal injury case or workers' compensation case. The Impact Statement will suggest how the personal injury could have been prevented or make recommendations for proactive changes, including suggestions for procedural changes, staffing changes or training, or possible staff discipline. The County Attorney will work with the affected department in preparing the Impact Statement for the County Administrator and the County Board, and Impact Statements will be included in the County Attorney's Annual Litigation Report to the County Board.

• **Outside Counsel Compliance**  
To save tax dollars, the County Attorney's Office should handle as much of its own work as possible. In some situations, of course, that is not possible, usually because the County Attorney's Office lacks the necessary expertise to properly handle a given matter. As part of the county's Outside Counsel Policy, I will endeavor to ensure that as much of the county's legal work as practical is handled by its own attorneys. To make sure that outside counsel are retained only in exceptional circumstances, the Outside Counsel Policy

should be amended to include justification and explanation as to the reasons why outside legal counsel is needed and provide recommendations for how this work could be done in the future within the office (e.g., better training or hiring additional expertise). The County Attorney's Office should also prepare a written evaluation upon completion of outside counsel's work for County Administration and County Board review.

- Protecting the County from Environmental Degradation  
I will vigorously enforce our environmental laws to ensure that polluters are punished to the fullest extent of the law. We must protect county wetlands, halt illegal dumping, and clean up contaminated brownfield sites to help further economic development. There should be no leniency for those who put our environment at risk, and I will not hesitate to criminally prosecute polluters if warranted.



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