

OFFICE OF DAKOTA COUNTY ATTORNEY
JAMES C. BACKSTROM
COUNTY ATTORNEY

2020 Criminal Prosecution Highlights
Adult Felony and Juvenile Crimes

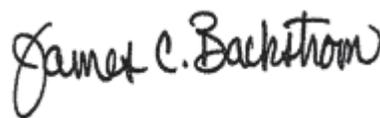
A Message from the Dakota County Attorney...

We ended 2020 filled with gratitude. Gratitude for our staff, who served thousands of victims, witnesses, and our colleagues in other County departments last year during changing and challenging times. I also have much gratitude for our law enforcement partners, County elected officials, senior leaders and the other organizations we intersect with each year, who help our staff of 44 Assistant County Attorneys and 49 support staff carry out the important mission of this Office. Without the support of these individuals, our capacity to serve the community and keep Dakota County a safe place in which to live and work would be significantly diminished.

As I share these annual prosecution highlights of the work of this Office in 2020, I also wish to express my gratitude to the citizens of Dakota County who have allowed me to serve as your County Attorney for the past 33 years. I have always believed it is important to hold people accountable for the crimes they commit in a fair and just manner. It is equally important to provide services to the victims of those crimes to ensure their rights are protected, their concerns are addressed, and that they receive restitution from those who have caused them harm.

In addition to the emphasis I have always placed on protecting the public safety through effective and efficient prosecution of crimes occurring in our community, I have also made it a priority to implement and participate in prevention and rehabilitation initiatives, such as treatment courts and adult and juvenile diversion programs you will see mentioned in this, my last annual report. These prosecution highlights provide only a snapshot of the work our dedicated team of prosecutors and support staff do every day on behalf of the citizens of Dakota County. I will always be proud of the work they do.

It has been my honor to serve as the Dakota County Attorney since 1987. My last day in office is February 27, 2021. If you would like more information on the work of this Office or available resources, please contact Chief Deputy Kathy Keena at 651-438-4438.



James C. Backstrom
Dakota County Attorney
Dakota County Attorney's Office
1560 Highway 55
Hastings, MN 55033
651-438-4438
www.co.dakota.mn.us

The mission of the Dakota County Attorney's Office is: *To promote justice, public safety, and effective government by prosecuting crime, protecting those in need and representing Dakota County.*

ADULT CRIMES

The Dakota County Attorney's Office is responsible for prosecuting all felonies and gross misdemeanor drug cases committed within Dakota County by adults (persons 18 years of age and over), and juveniles certified for prosecution as adults¹. The Office also prosecutes a limited number of other gross misdemeanor and misdemeanor offenses.

In prosecuting crime, the Office primarily relies on investigative reports submitted by local, state and federal law enforcement agencies including sheriffs' offices, police departments, the Minnesota Bureau of Criminal Apprehension, the Minnesota Department of Commerce, the Federal Bureau of Investigation, and the Drug Enforcement Administration.

In 2020, there were **2,213 adult criminal cases**² charged³ in Dakota County that included a felony-level offense or a gross misdemeanor drug offense (down slightly from 2,331 in 2019).

The following chart reflects the number of **adult felony cases charged** based on referrals from Dakota County law enforcement agencies over the past five years:

Agency	2020	2019	2018	2017	2016
Apple Valley	169	178	188	214	164
Burnsville	308	344	343	362	405
Dakota County Sheriff	167	175	171	204	190
Eagan	321	317	260	298	309
Farmington	42	51	50	36	44
Hastings	149	144	121	161	150
Inver Grove Heights	186	130	155	151	164
Lakeville	123	147	114	166	162
Mendota Heights	57	52	30	26	30
Rosemount	116	99	119	91	64
South St. Paul	188	197	153	159	153
West St. Paul	230	189	162	202	235

ADULT CRIMES OF VIOLENCE

Sadly, violent crimes occur far too frequently every day in America. In 2020, a total of **506 violent crime cases** were charged in Dakota County, compared to 488 violent crime cases charged in 2019.

The following is a breakdown of the felony-level violent crime charges in these cases:

260	Assault (includes domestic-related felonies) ⁴
141	Threats of violence
57	Dangerous weapons
56	Sex-related
26	Robbery
13	Criminal vehicular homicide or injury
9	Murder and attempted murder
1	Kidnapping

"Given that the population of Dakota County is just over 433,000, it is important to keep in mind that the number of violent crimes in our community remains relatively low."

James Backstrom
Dakota County Attorney

DRUG CRIMES REMAIN A SIGNIFICANT PROBLEM

The illegal sale and possession of drugs continue to be a significant problem in our community (there have been no drug manufacturing charges in Dakota County since 2015). We work closely with the Dakota County Drug Task Force in combatting illegal drug activity. The task force includes specially trained officers from the Dakota County Sheriff's Office and local police departments.

In 2020, the Dakota County Attorney's Office prosecuted **654 felony and gross misdemeanor** drug-related cases involving a wide variety of drugs (compared to 789 in 2019). The top five drug types charged in 2020 were:

Meth-related	378 cases	(459 in 2019)
Prescriptions	87 cases	(74 in 2019)
Heroin	64 cases	(47 in 2019)
Cocaine	55 cases	(89 in 2019)
Marijuana	39 cases	(36 in 2019)

Methamphetamine by far poses the most significant illegal drug problem in our community. Much of the methamphetamine seized by Dakota County law enforcement agencies is produced in clandestine labs located in Mexico and transported into the United States and into Dakota County by well-organized criminal organizations. Recently, these criminal organizations have diversified their operations and now commonly distribute multiple types of illegal drugs.

ADULT CASES CHARGED



*These numbers include 95 gross misdemeanor cases charged in 2020 (235 gross misdemeanor cases charged in 2019; 258 gross misdemeanor cases charged in 2018; 225 gross misdemeanor cases in 2017; 50 gross misdemeanor cases in 2016) as a result of changes in Minnesota law effective August 1, 2016, which made certain prior felony drug offenses now gross misdemeanors.

Methamphetamine is not the only drug of concern in Dakota County. The drugs with the most lethal consequences are opioids and heroin. Both of these controlled substances are highly addictive and, according to the Hennepin County Medical Examiner's Office, at least 26 overdose deaths⁵ were attributed to opioid or heroin abuse in Dakota County in 2020 (the same as in 2019). The introduction of Fentanyl into these illegal substances is a great cause for concern.

All too often, the use of heroin and methamphetamine begins with the abuse of prescription medications. When a person can no longer obtain medications from valid prescriptions, some users turn to stealing medications from others or using illegal street drugs, with tragic consequences. This path of destruction may lead to addiction, death, hospitalizations, destroyed families, workplace productivity losses and overloaded public services that work to combat this critical health and safety crisis. One life lost is too many and help to deal with one's addiction is available.

We all need to do what we can to combat the abuse, misuse and theft of prescription drugs and to ensure safe environmental disposal of these medications. Law enforcement agencies throughout Dakota County have drop-off boxes to collect unused and expired prescription and over-the-counter medications. To learn more about this important service go to www.co.dakota.mn.us and search for "prescription drug drop-off" locations.

PROGRAMS FOR NON-VIOLENT CHEMICALLY ADDICTED DRUG OFFENDERS

Drug Diversion Program: Substance abuse can have immediate and long-term negative impacts for those who misuse drugs. Abusive and excessive drug use may result in poor health, inadequate work performance, harmful social behaviors, and all too often, overdose and death. These harmful effects of drug abuse are not limited to the drug user. This behavior may lead to chaotic, stress-filled homes that in turn result in child abuse or neglect and domestic violence. Abusive and excessive drug users commit many crimes such as theft, burglary, financial fraud, robbery and assault in order to support their chemical addiction and dependency. The County Attorney's Office was instrumental in creating a voluntary diversion program for low level/non-violent drug offenders. Since its inception in 2018, **94 adults** have entered the program. This program provides opportunities and incentives for persons charged with less serious drug crimes to address their underlying drug addiction and dependency and obtain needed treatment.

Adult Drug Court: Most individuals who commit drug-related crimes are themselves addicted to drugs. To address this problem, our Office participates in Dakota County's Adult Drug Court. This voluntary program helps non-violent and repeat drug offenders, whose illegal actions are primarily motivated by addiction, get the treatment they need to overcome their addiction and live drug and crime-free lives. This is an intensive program that brings together chemical dependency and mental health specialists with professionals from the courts, social services, community corrections, and law enforcement to address the offender's chemical addiction and mental health issues in an effort to reduce overall recidivism. In 2020, **11 adults** entered the Adult Drug Court program and **112 adults** have graduated since the start of the program in 2008.

TRAFFIC-RELATED CASES

During the Stay/Safe-at-Home orders, fewer drivers were on our roadways, yet crashes resulting in fatalities were the highest since 2015. The preliminary 2020 data⁹ shows **397 individuals were killed** in motor vehicle crashes on Minnesota roads, including 64 motorcyclists; 45 pedestrians; and 10 bicyclists. Speed was a factor in 120 of these deaths. At least 100 of those who died were not wearing their seatbelt. In 2020, 1,068 citations were issued for speeding in excess of 100 m.p.h. (compared to 533 in 2019). In Dakota County, **15 individuals were killed** in traffic crashes in 2020 (compared to 20 in 2019).

Driving under the influence of alcohol or drugs is a driving behavior that is 100% preventable, yet every day 27⁷ loved ones are killed in the U.S. because someone decided to drive impaired. Approximately one out of every four traffic fatalities in Minnesota is alcohol related. Driving under the influence of alcohol or drugs remains a serious problem in our state and county. Each year in Minnesota, more than 22,000 people are arrested for DWI⁸. A felony-level DWI is committed when a person is arrested for DWI and has three prior impaired driving convictions and/or prior impaired driving-related losses of license within the past 10 years. In 2020, **36 adults** were charged with felony-level DWI in Dakota County (compared to 47 in 2019).



Distracted or inattentive driving was a factor in at least 30 of the deaths¹⁰ in Minnesota. Distracted driving is anything that takes a driver's attention away from driving. Minnesota's "hands-free" law allows a driver to use a cell phone to make calls, text, listen to music or podcasts and get directions, by voice commands or single-touch activation without holding the phone. The law will help law enforcement take more effective action to keep Minnesotans safe. In 2020, over 1,200 distracted driving tickets⁹ were issued to drivers in Dakota County. Remember, hands-free is not necessarily distraction-free.

Please make safe choices when behind the wheel and be a good role model to others by remembering to:

- ✓ Wear your seatbelt every time! Drive the speed limit!
- ✓ Be on the lookout for those who walk, are on a bike and motorcycle!
- ✓ Drive appropriately for the road conditions - especially the weather!
- ✓ Pay attention to the road - not your music, food or a mobile device!
- ✓ Always plan a sober ride!



FELONY PROPERTY CRIMES

In 2020, **770 cases** involving felony-level property crimes were charged in Dakota County (compared to 747 cases in 2019). The following is a breakdown of the felony-property crime charges¹⁰ in these cases in 2020:

“Felony property crimes often result in significant financial losses which cause severe hardship to individual victims and businesses.”

James C. Backstrom
Dakota County Attorney

341	Theft-related
187	Forgery or credit card fraud
134	Burglary
101	Stolen property
56	Criminal damage to property
27	Public assistance fraud

IMPACTS OF THE COVID-19 PANDEMIC

ADULT CRIMINAL

Dakota County has been operating with two COVID-19 compliant courtrooms to conduct criminal jury trials, which has created a significant backlog in cases, one of the many issues as a result of frequent changes in COVID-19 restrictions. The adult criminal prosecutors carry a significant caseload with an average each of 150-190 open cases. Our office currently has nine homicide cases which require many hearings, meetings with victims and witnesses, and significant time required in the process of completing a jury trial.

JUVENILE, PROTECTIVE SERVICES AND APPEALS

In 2020, there was a noticeable decrease in the number of **CHIPs petitions** our office filed (**135 petitions** compared to 249 in 2019). One of the factors could be that many children have not been in school and therefore have little to no contact with mandated reporters. In 2020, there was an increase in the number of commitment petitions filed (**533 petitions** compared to 466 in 2019).

CRIMINAL APPEALS

The responsibilities of the Dakota County Attorney do not necessarily end when a criminal offender is convicted and sentenced. In many cases, defendants appeal their conviction and/or the sentence they received; or seek other post-conviction relief from an appellate court. In certain instances, the County Attorney’s Office may also file an appeal to the appellate court. In 2020, the Office was involved in filing or responding to **29 appeals** in adult criminal cases.

SERVING VICTIMS OF CRIME

In the vast majority of criminal cases there are one or more victims who are emotionally, physically or financially harmed. The Dakota County Attorney’s Victim/Witness Unit serves to minimize the impact of criminal behavior by assisting victims through the criminal justice process. Victim/Witness staff go beyond statutory responsibilities by lending guidance to seek restitution, helping victims prepare impact statements, and attending court hearings with victims as requested. In addition to the victims served in ongoing cases, **over 4,300 individuals** in new cases received services during 2020.

JUVENILE CRIMES

The County Attorney prosecutes all felony, gross misdemeanor, misdemeanor and some petty misdemeanor crimes committed by juveniles (youth 10-17 years old) which occur within Dakota County. Juvenile prosecution begins with the filing of a citation or petition with the court. The number of youths charged with criminal offenses from year-to-year in Dakota County is remarkably low given our County's size and growth over the years.

- In 2020, a total of **646 juvenile cases**¹¹ were charged¹² (compared to 832 juvenile cases charged in 2019). Of the total number of juvenile cases, **170 included a felony-level offense** (an increase from 128 in 2019).

JUVENILE CASES CHARGED

Below is a 10-year history of juvenile cases charged by the Dakota County Attorney's Office:



These include some petty misdemeanors and all misdemeanors, gross misdemeanors and felonies committed by youth under the age of 18 in Dakota County.

JUVENILE CASES BY LAW ENFORCEMENT AGENCY

The chart below reflects the total number of **all juvenile cases** charged based on referrals by Dakota County law enforcement agencies over the past five years:

Agency	2020	2019	2018	2017	2016
Apple Valley	82	107	118	146	136
Burnsville	81	100	125	186	147
Dakota County Sheriff	45	73	63	49	69
Eagan	90	115	126	132	115
Farmington	29	35	56	41	41
Hastings	41	48	67	80	49
Inver Grove Heights	33	69	71	58	90
Lakeville	65	67	71	82	123
Mendota Heights	32	26	16	14	10
Rosemount	16	35	46	35	53
South St. Paul	64	101	67	102	140
West St. Paul	59	53	52	45	59

Investing time, resources and energy in our nation's youth is one of the most effective things we can do to reduce crime. We need a balanced approach to juvenile justice that holds juvenile offenders appropriately accountable, works to help rehabilitate juvenile offenders and invests in prevention and early intervention efforts to reduce crime.

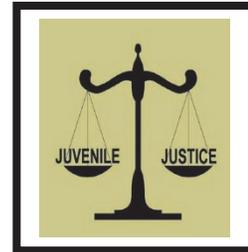
James C. Backstrom
Dakota County Attorney

YOUTH ACCOUNTABILITY PROGRAMS

The Dakota County Attorney's Office coordinates a number of **youth accountability programs** for first-time juvenile offenders involved in the illegal use of alcohol, small amounts of marijuana, low-level property crimes, disorderly conduct and fire-setting behaviors. Youth are held responsible for their criminal behavior outside of the court process, allowing them to learn from their mistakes while avoiding a juvenile delinquency record. Where applicable, each program focuses on education and prevention and requires the involvement of a parent or guardian; payment of restitution to the victim; a written letter of apology; community work service; and/or completion of other sanctions within a timely manner.

In 2020, there were **264 juvenile cases**¹³ referred to youth accountability programs as an alternative to juvenile court. The Youth Accountability Programs include:

- ❖ Alcohol / Marijuana
- ❖ Disorderly Conduct
- ❖ Firesetter
- ❖ Peer Court
- ❖ Property
- ❖ Non-violent/non-coercive sexual behavior¹⁴



Peer Court is a unique partnership between Dakota County District Court, the Dakota County Attorney's Office, and six participating high schools (Eastview in Apple Valley, Farmington, Hastings, Lakeville North, Lakeville South, and South St. Paul). The goal is to teach youth about the criminal justice system in a non-threatening way. Students who serve as jurors question the juvenile offender and then identify appropriate sanctions for the minor offense that has been committed.

Early intervention for youth who have used alcohol and marijuana is important to their health and a successful future. Dakota County also has a **Juvenile Drug Court** for youth with significant histories of drug abuse that places an emphasis on treatment and intensive supervision. In 2020, **13 juveniles were referred** to the Juvenile Drug Court program. Dakota County also has a **Family Dependency Treatment Court** to help parents with chemical addictions reunite safely with their children. Since 2006, **107 parents** have been reunified with their children. Currently, there are 9 active families.

JUVENILE CRIME PREVENTION INITIATIVES

The Dakota County Attorney's Office works closely with School Resource Officers and other professionals to increase overall awareness related to keeping youth safe. In 2020, over 40 events were cancelled or postponed due to the COVID-19 pandemic. The Office partnered with other organizations to bring the presentations and crime prevention programs virtually to youth, families and professionals who work with youth. Topics included:

- ❖ **Chemical health** to educate parents on the dangers of youth using alcohol, marijuana, vaping, and other areas for concern, we offered a presentation called *The Top Secret Project: Decoding Mysteries of the Teen Bedroom*.
- ❖ **Healthy relationships** and awareness of human trafficking and the importance of being safe online and on social media platforms.
- ❖ **Mental health** and suicide prevention education.
- ❖ **Safe driving** behaviors for new drivers to reduce serious injury crashes and fatalities.
- ❖ **Understanding the Criminal Justice System** and professions within the Dakota County Attorney's Office.



The **East Metro Crime Prevention Coalition (EMCPC)** is made up of the County Attorneys and Sheriffs from Dakota, Ramsey and Washington Counties. Their goal is to unify educational resources, prevention strategies and law enforcement response to address the problems that plague our communities and engage the greater community in dialogue and partnership on particular issues in hopes of reducing or preventing crime. Topics covered since the group formed in 2011 have included: opioids, mental illness, domestic violence, frauds and scams, bullying, the dangers associated with social media and school safety. This past year the EMCPC hosted a training on the dangers of youth using vaping or electronic cigarettes (e-cigs). Over 100 professionals learned from speakers and received valuable resources to share with students, parents and staff.

Detailed charts for both adult and juvenile cases charged in 2020 by the Dakota County Attorney's Office are available on the website at www.co.dakota.mn.us under Law & Justice.

¹ In 2020, one juvenile was certified to be prosecuted as an adult.

² An adult may be charged with more than one crime in the same or separate behavioral incident.

³ Criminal charges are not evidence of guilt. A defendant is presumed innocent unless and until proven guilty.

⁴ Most domestic-related crimes are misdemeanors or gross misdemeanors prosecuted by city attorneys.

⁵ This is preliminary data from the Hennepin County Medical Examiner's Office for January 1 to November 30, 2020.

⁶ This is preliminary data from the Minnesota Office of Traffic Safety. The official number will be available mid-year.

⁷ National Highway Traffic Safety Administration www.nhtsa.gov/risky-driving/drunk-driving and Mothers Against Drunk Driving www.madd.org.

⁸ Most driving while impaired offenses are misdemeanors or gross misdemeanors prosecuted by city attorneys.

⁹ This is preliminary data from the Minnesota Department of Public Safety Office of Traffic Safety.

¹⁰ The number of offenses listed exceeds the total cases as one person can be charged with multiple offenses.

¹¹ A juvenile may be charged with more than one crime in the same or separate behavioral incident.

¹² Criminal charges are not evidence of guilt. A juvenile is presumed innocent unless and until proven guilty.

¹³ A juvenile may be referred to more than one Youth Accountability Program.

¹⁴ The Targeted Accountability for Sexual Behavior Program (TAP) is for juveniles who have been referred for charges involving a non-violent and non-coercive sex-related crime.

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