

OFFICE OF DAKOTA COUNTY ATTORNEY

KATHY KEENA

COUNTY ATTORNEY

2021 County Attorney Office Highlights

A Message from the Dakota County Attorney...

This past year the Dakota County Attorney's Office continued to face challenges caused by the COVID-19 pandemic, most notably the criminal case backlog. Despite these challenges, my staff of nearly 100 professionals delivered high quality legal services and working together, we advanced my vision for the office:

Promoting justice, public safety, and effective government by prosecuting crime, safeguarding the rights of victims, protecting children and vulnerable adults in need, and providing outstanding legal counsel to the Dakota County Board of Commissioners and county departments.

Protecting public safety is one of my top priorities. People should be held accountable for the crimes they commit in a fair and just manner; and equally important, the rights of victims must be respected. In protecting public safety, I recognize that often times people committing crimes are living with a mental health and/or substance use disorder. To help people break the cycle between their mental health and/or substance use disorder and criminal behavior, our office has a long tradition of participating in treatment courts. The goal of treatment courts is to guide people out of the criminal justice system into lives of recovery and stability. In 2021, the treatment court options were expanded to include the Carver Dakota Veterans Treatment Court, which was a collaboration between Carver and Dakota Counties that I initiated in August 2021. In August 2021, I also created a pretrial drug diversion program for low level drug offenders.

I have great respect and appreciation for our law enforcement partners, County elected officials, County senior leaders, and the many other professionals we have the privilege to work with on a daily basis. Through collaboration with these talented professionals, our office is able to do its part to keep Dakota County a premier place in which to live, work and play.

These highlights provide only a snapshot of the work our dedicated team of professionals do every day on behalf of the residents of Dakota County. I am proud of the work we have done together this last year and I look forward to continuing this important work into the future. If you would like more information on the work of this Office or available resources, please contact me at 651-438-4438.



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ADULT CRIMES

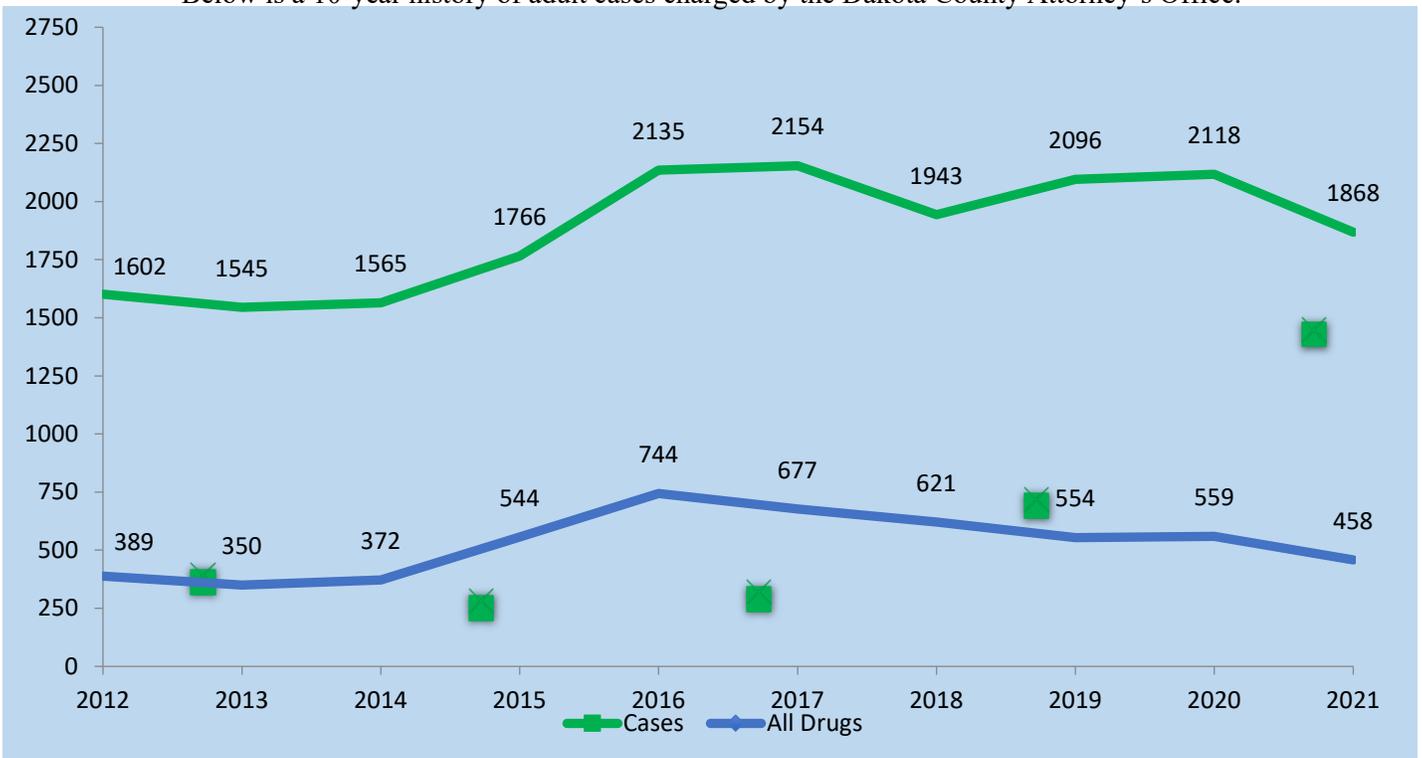
The Dakota County Attorney’s Office is responsible for prosecuting all felonies committed within Dakota County by adults (persons 18 years of age and over), and juveniles certified for prosecution as adults¹. The Office also prosecutes a limited number of other gross misdemeanor and misdemeanor offenses.

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 2021, there were **1,868 adult criminal cases² charged³** in Dakota County that included a felony-level offense (a decrease from 2,118 in 2020).

ADULT CASES CHARGED

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



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	2021	2020	2019	2018	2017
Apple Valley	132	169	178	188	214
Burnsville	278	308	344	343	362
Dakota County Sheriff	127	167	175	171	204
Eagan	328	321	317	260	298
Farmington	39	42	51	50	36
Hastings	124	149	144	121	161
Inver Grove Heights	183	186	130	155	151
Lakeville	132	123	147	114	166
Mendota Heights	33	57	52	30	26
Rosemount	89	116	99	119	91
South St. Paul	163	188	197	153	159
West St. Paul	159	230	189	162	202

DRUG CRIMES REMAIN A SIGNIFICANT PROBLEM

The illegal sale and possession of drugs continue to be a significant problem in our community. My Office works 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 2021, the Dakota County Attorney's Office charged **458 felony drug-related cases** involving a wide variety of drugs (compared to 559 in 2020). The top five drug types charged in 2021 were:

Meth-related	298 cases	(378 in 2020)
Prescriptions	83 cases	(87 in 2020)
Cocaine	51 cases	(55 in 2020)
Heroin	38 cases	(64 in 2020)
Marijuana	25 cases	(39 in 2020)

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.

Methamphetamine is not the only drug of concern in Dakota County. The drugs with the most lethal consequences are **opioids, heroin, and Fentanyl**. These controlled substances are highly addictive and can be deadly. According to the Hennepin County Medical Examiner's Office, in 2021 we experienced at least **55 overdose deaths**⁴ in Dakota County that were attributable to drugs or alcohol. Of those deaths, 38 of the individuals tested positive for Fentanyl.



All too often, the use of heroin and methamphetamine begins with the misuse of **prescription medications**. When a person can no longer obtain medications from valid prescriptions, some turn to stealing medications from others or using illegal street drugs, with tragic consequences. We all need to do what we can to combat the 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.

HOLDING OFFENDERS ACCOUNTABLE THROUGH DIVERSION

Those living with a substance use disorder are often motivated by their addiction to commit other types of crimes such as theft, burglary, financial fraud, robbery, and assault. To address this problem, our Office participates in a variety of voluntary programs to help lead non-violent and repeat drug offenders out of the criminal justice system and into lives of recovery and stability.

Adult Drug Court: This is an intensive program that brings together chemical dependency and mental health specialists with professionals from the courts, our Office, social services, community corrections, and law enforcement to address the offender's substance use and/or mental health disorder in an effort to reduce overall recidivism. In 2021, **20 adults** entered the program. Since the program's inception in 2008, 118 adults have graduated from the program.

Drug Diversion Program for Repeat Offenders: The County Attorney’s Office was instrumental in creating a voluntary diversion program for repeat low level/non-violent drug offenders. In 2021, **21 adults** entered the program. This program provides opportunities and incentives for adults charged with less serious drug crimes to address their underlying substance use disorder and obtain needed treatment and other resources important to maintain their chemical health.

Pre-Trial Adult Diversion Program for First Time Low Level Drug Offenses: In August 2021, I established this diversion program for adults charged for the first time with a low-level drug offense (controlled substance crime in the fifth-degree possession). Those who qualify for this program receive a stay of adjudication, meaning the charge(s) will be dismissed upon successful completion of the program.

Veterans Treatment Court: This treatment court is a collaboration between Carver and Dakota Counties, a collaboration I initiated in August 2021. I explored what was best for Dakota County in terms of feasibility for the limited number of qualifying participants and the limited judicial and staffing resources currently available in Dakota County. Collaborating with Carver County, who had been operating a veteran’s treatment court since 2014, proved to be an efficient use of resources. Since the start of the program (November 2021), 3 Dakota County veterans have entered the program.

ADULT CRIMES OF VIOLENCE

In 2021, a total of **527 violent crime cases** were charged in Dakota County, compared to 506 violent crime cases charged in 2020.

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

259	Assault (includes domestic-related felonies) ⁵
115	Threats of violence
70	Dangerous weapons
65	Sex-related
30	Robbery
17	Criminal vehicular homicide or injury
10	Murder ⁶
4	Attempted murder
4	Kidnapping

THE CYCLE OF DOMESTIC VIOLENCE

Each year in the United States, more than 10 million adults experience domestic violence. That’s an average of one act of violence every three seconds. Domestic violence is prevalent in every community, and affects all people regardless of age, socio-economic status, sexual orientation, gender, race, religion, or nationality. Physical violence is often accompanied by emotionally abusive and controlling behavior as part of a much larger pattern of dominance and control. The devastating consequences of domestic violence can cross generations and the cycle of violence can last a lifetime.

This past year **17 individuals** entered the **Early Domestic Violence Intervention Program** or EDVIP. EDVIP was created in partnership with Dakota County Community Corrections (DCCC) and the city attorneys in 2019. EDVIP allows for defendants who are charged for the first time with misdemeanor fifth degree domestic assault or gross misdemeanor interference with a 911 call to be diverted from the criminal justice system, and with victim input, be held accountable. A risk assessment is conducted on each potential participant and once eligibility is determine by the prosecutor, the individual is admitted. Defendants must comply with numerous conditions and once successfully completed, they are discharged from the program and the case is dismissed.

FELONY PROPERTY CRIMES

In 2021, **573 cases** involving felony-level property crimes were charged in Dakota County (compared to 770 cases in 2020). The following is a breakdown of the felony-property crime charges⁷ in these cases:

255	Theft-related
98	Forgery or credit card fraud
133	Burglary
79	Stolen property
55	Criminal damage to property
2	Public assistance fraud

ALTERNATIVES TO COURT PROSECUTION

Adult Community Accountability Program is a program for adults who are first time offenders who have been charged with a low level property offense such as theft, damage to property, and the issuance of dishonored checks. To qualify for this program, the amount of the loss must be less than \$5,000. Approval from the victim must be given prior to being accepted into the program. If the offender successfully completes all of the conditions outlined in the program agreement (repayment of restitution or losses owed, letter of apology, educational course, community work service, etc.), the case is dismissed. In 2021, **54 adults** entered the program.

TRAFFIC-RELATED CASES

Even with fewer drivers on our roadways again in 2021, crashes resulting in fatalities were the highest since 2007 when there were 510 who lost their lives in Minnesota. The preliminary 2021 data⁸ shows that there were 462 motor vehicle crashes on Minnesota roads in which **501 individuals were killed**. These deaths included: 67 motorcycle riders; 58 pedestrians; and 9 bicyclists. Speed was a factor in at least 162 of the 462 crashes and at least 109 of those who died were not wearing their seatbelt. In Dakota County, **18 individuals were killed** in traffic crashes in 2021 (compared to 15 in 2020).



Driving under the influence of alcohol or drugs is a driving behavior that is 100% preventable, yet every day 28⁹ loved ones are killed in the U.S. because someone decided to drive impaired. That's one person every 52 minutes. 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. Each year in Minnesota, more than 22,000 people are arrested for DWI¹⁰. 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 2021, **31 adults** were charged with felony-level DWI in Dakota County (compared to 36 in 2020).

Distracted or inattentive driving was a contributing factor in at least 24 of the traffic-related deaths 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. In 2021, over 800 distracted driving tickets¹¹ were issued to drivers in Dakota County (over 14,500 in Minnesota). Remember, hands-free is not necessarily distraction-free.



Adults who have been charged with misdemeanor driving infractions are eligible for the **Driving Diversion Program**. Often a driver's license is revoked or suspended, and fines and fees keep adding up. The goal of this program is to work with adults to reinstate their driving privileges while paying any outstanding citations. This ensures that their license is valid, they can obtain insurance, and they legally can drive to work, to school, and to tend to family needs. In 2021, **11 adults** entered the program.

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

“Common distractions are the reason that inattentive driving accounts for 1 in 4 crashes in Minnesota. These crashes, often resulting in serious injury or death, are preventable. Put the phone down, don't text or access social media while driving, and if you are tired, exit and find a place to rest. It's not worth your life or that of another.”

Kathy Keena, Dakota County Attorney

SERVING VICTIMS OF CRIME

In the vast majority of criminal cases there are one or more victims and survivors 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. Staff in the Victim/Witness Unit appreciate the opportunity to go well beyond the statutory responsibilities by providing hearing and case updates, lending guidance to seek restitution, helping victims prepare impact statements, and attending court hearings with victims as requested throughout the year. In addition to the victims served in ongoing cases, **over 4,200 individuals** received services in new cases during 2021.

CRIMINAL APPEALS

The responsibilities of the Dakota County Attorney do not necessarily end when an offender is convicted and sentenced. In many cases, offenders 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 2021, the Office was involved in filing or responding to **38 appeals** in adult criminal cases.

JUVENILE CRIMES

The County Attorney prosecutes all felony and gross misdemeanor, and some misdemeanor petty misdemeanor crimes committed by juveniles (youth 10-17 years old) which occur within Dakota County. Juvenile prosecutions begin with the filing of a citation or petition with the court. The number of youths charged with delinquent offenses from year-to-year in Dakota County is remarkably low given our County’s size and growth over the years. Our Office has been very proactive in the creation of pre-court diversion programs to address crimes committed by juveniles. This has contributed to the consistent downward trend of juveniles charged with delinquent offenses while still ensuring the delinquent behavior is appropriately addressed.

- In 2021, a total of **490 juvenile cases¹² were charged¹³** (compared to 646 juvenile cases charged in 2020 and 832 in 2019). Of the total number of juvenile cases, **105 included a felony-level offense** (a decrease from 170 in 2020 and 128 in 2019).
- The significant decline we saw in charged cases in both 2020 and 2021 may be attributable to more youth being required to stay at home because of COVID-19 restrictions.

JUVENILE CASES CHARGED

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



This chart includes some petty misdemeanors and misdemeanors and all 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	2021	2020	2019	2018	2017
Apple Valley	59	82	107	118	146
Burnsville	66	81	100	125	186
Dakota County Sheriff	46	45	73	63	49
Eagan	47	90	115	126	132
Farmington	13	29	35	56	41
Hastings	20	41	48	67	80
Inver Grove Heights	38	33	69	71	58
Lakeville	44	65	67	71	82
Mendota Heights	6	32	26	16	14
Rosemount	18	16	35	46	35
South St. Paul	95	64	101	67	102
West St. Paul	28	59	53	52	45

“Youth are not the future, they are now. A mistake a young person makes should not define them well into their future. Investing in a young person and creating opportunities for them to prepare to be a productive and contributing member of society is not lost in the work we do in the criminal justice field.”

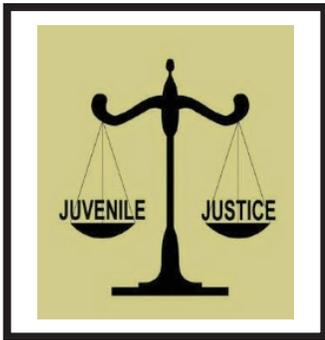
Kathy Keena, Dakota County Attorney

JUVENILE CRIMES OF VIOLENCE

In 2021, a total of **50 violent crime cases** were charged in Dakota County, compared to 58 violent crime cases charged in 2020. The following is a breakdown of the felony-level violent crime charges in these cases:

Assault	17
Threats of violence	14
Sex-related	9
Robbery	7
Dangerous weapons	2
Murder	2

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 delinquent 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 2021, there were **291 juvenile cases**¹⁴ referred to youth accountability programs as an alternative to juvenile court. The Youth Accountability Programs include:

- Alcohol / Marijuana
- Disorderly Conduct
- Firesetter
- Peer Court
- Property
- Targeted Accountability for Sexual Behavior Program¹⁵

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 serve as jurors and question the juvenile offender after which they identify appropriate sanctions for the minor offense that has been committed.

Since 2003, Dakota County has convened a **Juvenile Drug Court**, an alternative court for non-violent high-risk youth experiencing substance use as an additional risk factor. The alternative court places an emphasis on treatment, intensive supervision, and support. It is the only Juvenile Drug Court in the State of Minnesota. In 2021, **13 juveniles entered** the program. Since the program began, 179 youth have participated in this alternative court.

Dakota County also has a **Family Dependency Treatment Court**, an alternative court which focuses on helping parents living with a substance use disorder reunite safely with their children. Currently, there are 10 families participating in this alternative court. Since the start of this program in 2006, **113 parents** have been reunified with their children (which represents 61% of the participants). In 2021, Dakota County was the recipient of an achievement award from the National Association of Counties for this program.

JUVENILE CRIME PREVENTION AND OUTREACH

The Dakota County Attorney's Office works closely with School Resource Officers and other professionals to increase overall awareness related to keeping youth safe. As with the previous year, 2021 also noted many cancelled or postponed events due to the COVID-19 pandemic. Staff in the Office made presentations in-person and virtually to youth and professionals who work with youth. Topics included:

- ❖ **Vaping laws** and the potential dangers of youth using alcohol, marijuana, and tobacco products
- ❖ **Mental health** and suicide prevention education
- ❖ **Professions** within the Dakota County Attorney's Office
- ❖ **Safe driving** behaviors for all drivers to reduce serious injury crashes and deaths on our roads
- ❖ **Understanding the Criminal Justice System** and what the County Attorney does

CHIPS PETITIONS, VULNERABLE ADULTS, AND CIVIL COMMITMENTS

Our Office works with Dakota County Social Services to address allegations involving children who may have been abused or neglected and/or in need of protective services. In 2021, there was a noticeable increase in the number of CHIPS (Child in Need of Protection or Services) petitions filed (**197 petitions** compared to 135 in 2020).



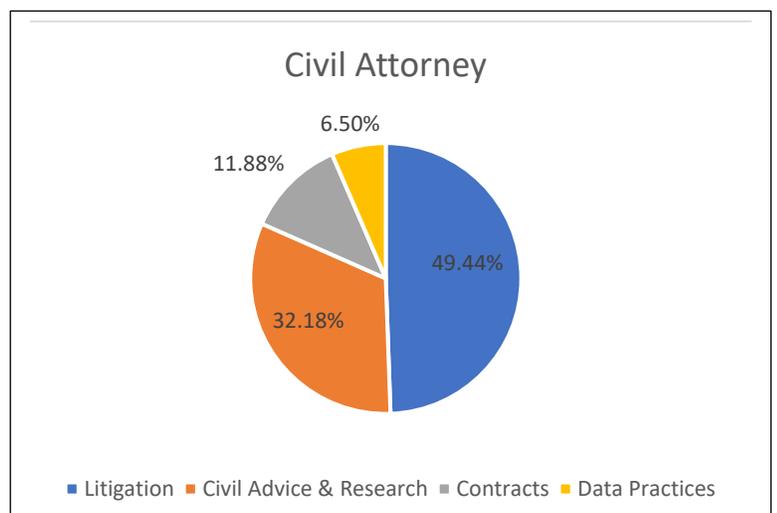
Our Office works with Dakota County Social Services to protect persons in our community who have been identified as vulnerable adults because of an inability to provide for their own needs or because they have been subject to abuse, neglect or financial exploitation by another. In 2021, there were **44 vulnerable adult petitions filed** as compared to 41 in 2020.

Our Office also works with Dakota County Social Services to address the needs of persons who are mentally ill, chemically dependent, and/or developmentally disabled and who are unable or unwilling to provide for their own personal or safety needs. This work also includes addressing both treatment needs and community public safety involving individuals who have been identified as sexually dangerous persons. In 2021, there were **343 commitment petitions** filed compared to 323 in 2020.

CIVIL AND CHILD SUPPORT ENFORCEMENT DIVISIONS

I would also like to share a snapshot of the work accomplished this past year in the Civil and Child Support Enforcement Divisions of our Office.

The **Civil Division** serves as the legal advisor for the County Board of Commissioners, and other County officials and departments. The County Attorney: provides legal advice to County officials including contracts, labor law, environmental law, real estate acquisition and data privacy; represents the County in all civil litigation, including defending the County in lawsuits and real estate tax challenges, and representing the County in public assistance and licensing appeals; protects the environment through enforcement of County solid and hazardous waste ordinances; handles the forfeiture of property used in connection with criminal activity and other duties. The percentage of their time spent on those matters is reflected in the chart.



**Child Support Enforcement Division
Collections based on Fiscal Year**



The **Child Support Enforcement Division** is part of the IVD Unit of the County and represents Dakota County in all paternity and child support matters (including financial support, provision of medical and/or dental insurance, division of uninsured medical and/or dental costs, and contribution toward childcare costs); brings actions to obtain or enforce child support obligations, or to establish the paternity of a child, whenever federal public assistance benefits are paid out; and provides legal advice to Dakota County officials regarding paternity and child support matters. In 2021, this division collected in excess of \$40 million dollars in benefits for children and families.

Detailed charts for both adult and juvenile cases charged in 2021 by the Dakota County Attorney's Office are available on the website at www.co.dakota.mn.us under Law & Justice.

¹ In 2021, 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 This is final data provided by the Hennepin County Medical Examiner for deaths that occurred from in 2021.

⁵ Most domestic-related crimes are misdemeanors or gross misdemeanors prosecuted by city attorneys.

⁶ There were ten people charged with first, second- or third-degree murder in 2021, resulting in twelve victims in those murders. In one case, it is alleged the defendant killed three people; and in another case, it is alleged the defendant killed two people. In two situations in which there was one victim, two people were charged with the respective murders (i.e., in those two situations, it is alleged two people aided and abetted each other in the commission of the murder).

⁷ The number of offenses listed exceeds the total cases as one person can be charged with multiple offenses.

⁸ This is preliminary data from the Minnesota Department of Public Safety Office of Traffic Safety. The official number will be available mid-year.

⁹ This information is from the National Highway Traffic Safety Administration www.nhtsa.gov/risky-driving/drunk-driving.

¹⁰ This is data from the Minnesota Department of Public Safety Office of Traffic Safety www.dps.mn.gov/divisions/ots/impaired-driving.

¹¹ This is data from the Minnesota Judicial Branch / State Court Administrator's Office.

¹² A juvenile may be charged with more than one crime in the same or separate behavioral incident.

¹³ Criminal charges are not evidence of guilt. A juvenile is presumed innocent unless and until proven guilty.

¹⁴ A juvenile may be referred to more than one Youth Accountability Program.

¹⁵ 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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