

2018

DEPARTMENT

results
minneapolis

City Attorney

Results Minneapolis is changing.

The Strategic Planning and Analysis team (City Coordinator's Office) is leading an evolution of the City's Results Minneapolis program. These changes reflect recommendations of a recent program assessment completed by What Works Cities, a Bloomberg Philanthropies initiative, and the Center for Government Excellence at Johns Hopkins University. [See the assessment to learn more about the changes.](#)

Note: The Strategic Planning and Analysis team is working with City departments on a rolling basis to select a core set of performance metrics to report on each year. This department has not yet completed the process. Therefore, **the performance metrics in this report are interim metrics for 2018 and may be subject to change.**

Performance summary

Enterprise priorities (page 3): Workforce diversity, Spending with diverse suppliers
Department priorities (page 4): Proactive support of City initiatives; Criminal justice reforms

Budget program	2017 Budget	Performance measure	2017 Performance	Data trend	Status indicator: Red/yellow/green
Criminal Prosecution	\$8.9M	<ol style="list-style-type: none"> Conviction rate: Domestic violence cases Number of Gone on Arrival (GOA) cases charged Conviction rate: DUI cases Number of defendants referred to diversion programs 	<ol style="list-style-type: none"> 68% 102 99% 965 	<ol style="list-style-type: none"> Stable Slight decrease Slight increase Increase 	<ol style="list-style-type: none">    
Client Services	\$3.81M	<ol style="list-style-type: none"> Client Services Survey: Percent favorable responses 	<ol style="list-style-type: none"> 75% 	<ol style="list-style-type: none"> Slight decrease 	<ol style="list-style-type: none"> 
Civil Litigation	\$3.77M	<ol style="list-style-type: none"> Rates of wins vs. losses in cases resolved – Court Resolved in court vs. settled Officer conduct resolved in court vs. settled Litigation settlements and judgments New officer conduct lawsuits & claims by year Other new litigation by year 	<ol style="list-style-type: none"> 93% 60% 44% \$1.43 million 31 67 	<ol style="list-style-type: none"> Slight decrease Slight decrease Increase Stable Increase Slight decrease 	<ol style="list-style-type: none">      
Community Attorney	\$1.7M	<ol style="list-style-type: none"> Downtown 100: Reduction in number of offenses per year Number of "Downtown 100" & Focus 18-24 chronic offenders referred to Social Services & on active probation Citywide Top 200 reduction in recidivism 	<ol style="list-style-type: none"> 77% (2017) 163 37% 	<ol style="list-style-type: none"> Stable w/ ongoing long term progress Increase Decrease 	<ol style="list-style-type: none">   

Enterprise Priorities

Workforce diversity

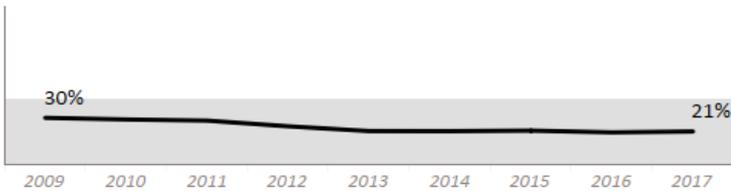
Does not meet 2022 enterprise goal of 41% people of color

Exceeds 2022 enterprise goal of 45% women

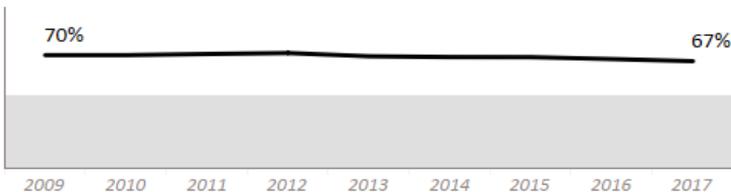
- Over the last five years we have averaged 22 people of color (over 20%). We have promoted four people of color within the past two years and hired two people of color in the first two months of 2018.
- Eight of the eleven supervisors in the City Attorney's office are women, and one is a person of color. In addition to this, we have also done the following:
 - The City Attorney has joined and participated in affinity bar associations to assist in recruiting diverse attorney candidates,
 - Office representatives attend minority recruiting/networking events,
 - Created a 2 year fellowship for 3rd year law students,
 - Have year round paid law clerks, and
 - Participate in the Urban Scholar program and Step-Up programs

Workforce diversity (2009-2017)

People of color



Women



Notes:

(1) Grey shading indicates enterprise goals (41% people of color and 45% women).

Spending with diverse suppliers

Higher than Citywide percent diverse spending

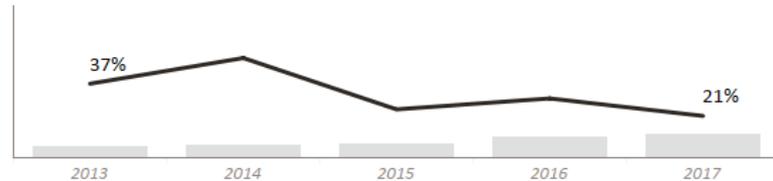
Lower than Citywide percent spending with minority-owned suppliers

Higher than Citywide percent spending with non-minority women-owned suppliers

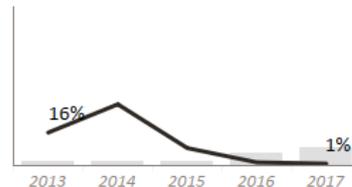
- Our largest supplier is West Publishing (WestLaw) used for online legal research (\$106K). WestLaw and LexisNexis are essentially the only online legal research companies with the capabilities required for a law office. Neither is a WMBE.
- In 2013 and 2014 our temporary staffing services were provided by Jeane Thorne, a Native American owned business. Ownership changed in 2015 but still d/b/a Jeane Thorne. However this change meant that the business was no longer minority owned. This decreased our minority supplier spending amount while *also* increasing our overall discretionary spending. This is something we will now be aware of and responsive to when businesses change ownership.

Spending with diverse suppliers (2013-2017)

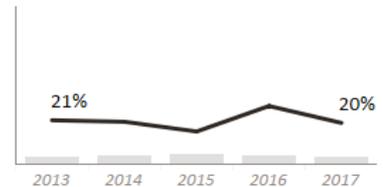
Overall



Minority (all genders)



Non-minority women



Notes:

(1) Grey shading indicates Citywide percent for each year.

(2) Data does not reflect the entire budget. Data reflects discretionary spending with for-profit primary suppliers.

Department Priorities

Proactive legal support of City initiatives *2017 and ongoing*

- **Sick and Safe Time ordinance:** Drafting, implementation and legal defense
- **Minimum Wage ordinance:** Drafting, implementation and legal defense
- **U and T Visa ordinance:** Drafting, implementation and leading quarterly outreach meetings with immigration bar representatives and advocates
- **Section 8 ordinance:** Drafting and legal defense
- **Affordable Housing:** Active participation in and legal support for initiatives
- **Landlord/Tenant:**
 - Legal representation and advice for problem properties and rental license actions
 - Initiate tenant remedy action lawsuits in appropriate cases; and
 - Initiated and implemented quarterly meetings with Regulatory Services, CPED and tenant legal and advocacy representatives to improve coordination and early communication of issues and concerns

Criminal justice reforms *2017 and ongoing*

- **Sign and Release Warrants** in lieu of Arrest, Jail & Bail
- **Bail Reform:** New Risk Assessment Tool
- **Diversion offered on a Pre-Charge basis** to avoid the collateral consequences of a criminal record
- **Expand Types of Available Diversion Programs**
 - **Interact:** a diversion program for misdemeanor obstructing legal process cases
 - **Shoplifting Diversion Program**
 - **Driving Diversion Program (DDP)**
 - **Community Restorative Justice**
- **Pathways to New Beginnings:** Trauma-informed, community based alternative for gross misdemeanor weapon offenses
- **Fines and Fees Reform:** Advocate for state law change (1) to end suspension of driver's licenses solely for failure to pay fines; and (2) to give judges direction to waive criminal surcharges.
- **Community Court Initiative** – Utilize Social Workers to Address Needs
- **Outreach - Domestic Violence Initiative:** Violent Crime Hot Spot Collaborative Outreach Program
- **Byrne Grant** – Community-led safety strategies: Little Earth of United Tribes
- **Warrant Forgiveness Day**

Criminal Prosecution - Domestic Violence

Program description: The Criminal Division of the City Attorney's Office prosecutes all adult gross misdemeanor, misdemeanor and petty misdemeanor offenses in the City of Minneapolis. Prosecution is a mandated function. The criminal prosecution function is divided into five teams: domestic violence, chronic offender prosecutions, and two trial teams that prosecute all other cases.

Analysis

- The Minneapolis Model is a coordinated effort between the City Attorney's Office, Police Department and community-based advocacy partners to reduce domestic violence in the City. Domestic violence cases are among the hardest to prosecute.
- To ensure successful prosecution, the CAO developed an evidence-gathering protocol for officers responding to domestic violence calls; provides training for MPD on best practices for DV cases; and makes advocacy services immediately available to victims through a 24-hour hotline and by pairing MPD investigators with domestic violence advocates.
- The evidence-gathering protocol has been a significant factor in the improvement in conviction rates. With federal grant assistance (years 2014 – 2016), the CAO has been able to achieve significant increases in the charging numbers for gone-on-arrival cases. These gains have been sustained even after the grant funding ended. (See next page for chart.)
- The focus on better training, evidence based prosecution and the use of body worn camera video have all contributed to our successful prosecution of DV cases.

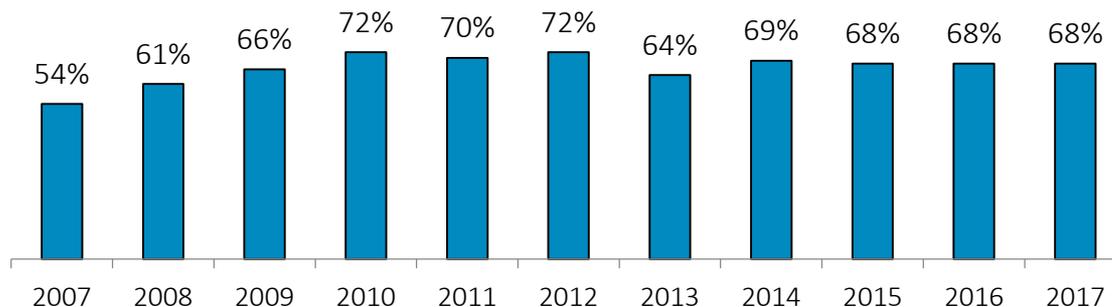
Action planned for 2018

- Domestic violence:
 - Continue to train all new MPD recruits on best practices in responding to domestic violence calls
 - Continue to utilize all tools available to CAO to aggressively prosecute these cases.
 - Continue to engage community-based providers and members in seeking feedback on gaps and best practices.

Actions identified in 2017 Results memo

- Codify the Hennepin County Human Services and North Point's proactive warm hand-off with families and social services to ensure long-term sustainability of the partnership **(In progress)**
- Quantify results that show the impact of this program on families and track the number of contacts **(In progress)**

Conviction rate on domestic violence cases



Criminal Prosecution – Domestic Violence

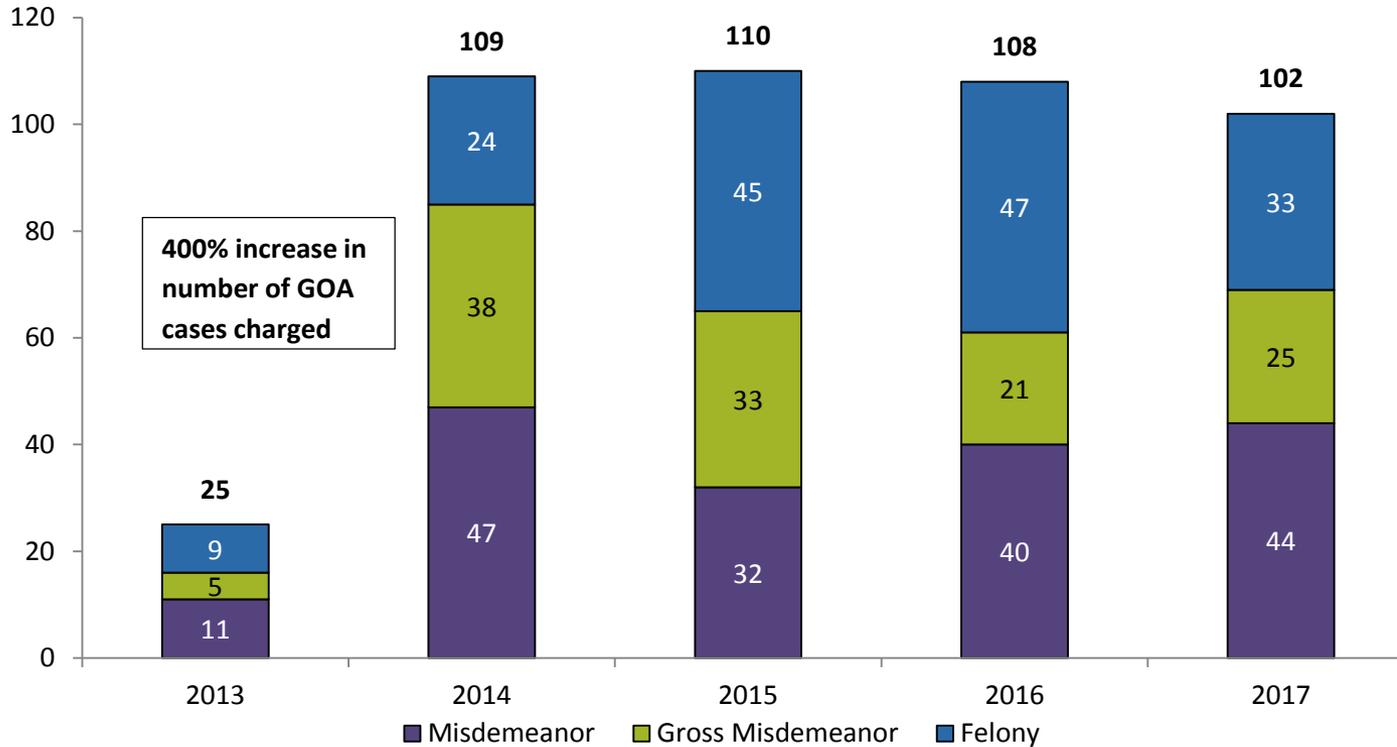
2017 Budget: \$8.9 million

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Analysis

- Gone on Arrival cases are cases where the accused has fled the scene by the time law enforcement has arrived. These cases can have the highest lethality factor. Dedicated investigative resources are essential to being able to charge and prosecute these cases.

**Number of Gone On Arrival cases charged
(Felony, Gross Misdemeanor, and Misdemeanor)**



Years of federal grant: 2014-2016

Criminal Prosecution – Driving Under the Influence

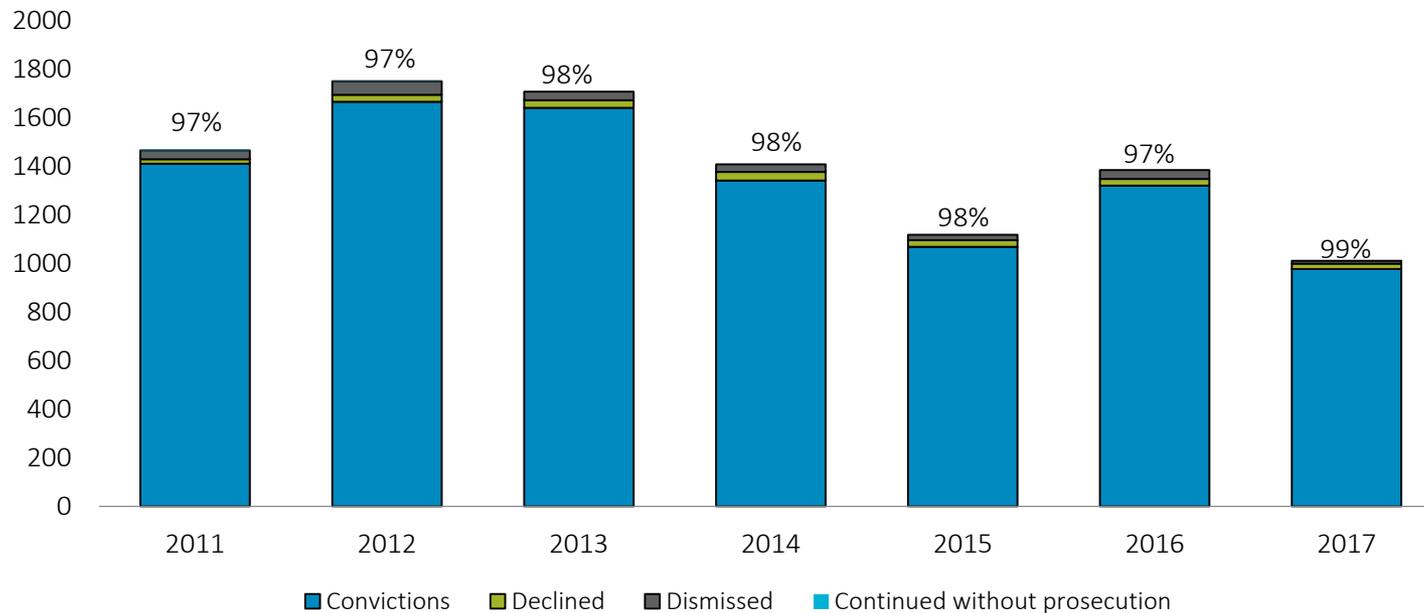
Analysis

- The CAO continues to focus resources on Driving Under the Influence (DUI) cases as an important part of our public safety mission. The Office has considerable expertise and has won some important legal precedents in this area.
- In addition, one of our prosecutors leads the statewide Driving While Intoxicated (DWI) Task Force and another prosecutor is a recognized expert in drug recognition cases.
- This area of the law continually sees sophisticated legal challenges from the defense bar. The CAO Criminal Division and appellate team have successfully dealt with these challenges, keeping MPD advised on evolving best practices.

Action planned for 2018

- For DWI cases, continue to keep CAO staff updated on the current state of the law and train MPD on both legislative and procedural changes

Conviction Rates in DUI Cases



Criminal Prosecution - Diversion

Analysis

- The CAO is committed to a more proactive approach to diversion with a dedicated diversion coordinator leading our efforts. The diversion coordinator screens all cases for diversion eligibility as early as possible in the criminal justice process. The coordinator will reach out to eligible individuals to inform them of the opportunity for diversion and will assist individuals in enrolling in the required program.
- The CAO is now able to offer diversion at various stages – pre-charge, pre-court and through a court referral. Through the use of the diversion holding tank, the CAO continues to expand the number of pre-charge diversion opportunities in an effort to minimize the collateral consequences to individuals of having a criminal record.

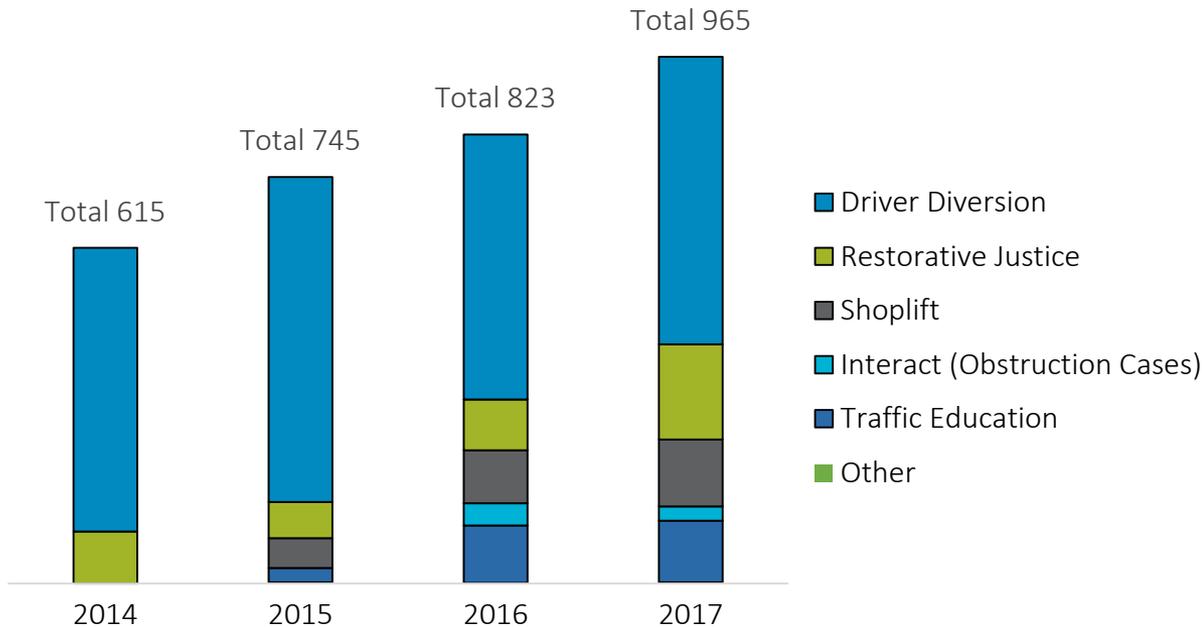
Action planned for 2018

- Continue to analyze data to increase and improve diversion offerings and ensure equitable access.
- Track number of pre-charge offers, post-charge referrals, acceptance and completion rates, with demographic data.

Actions identified in 2017 Results memo

- Determine if diversion programs have a significant effect on recidivism rates as the program matures (**In progress**)
- Identify opportunities to expand diversion program acceptance criteria given the efficacy of the program (**In progress**)

Defendants referred to diversion programs



Criminal Prosecution – Pathways Program for Gross Misdemeanor Weapons Cases

NEW INITIATIVE: Services in lieu of Jail for Weapons cases

Pathways to New Beginnings: Trauma-informed, community based alternative for gross misdemeanor weapon offenses

- In 2017, the CAO received one-time funding to develop and implement a more effective, community-based sentencing alternative for carrying a pistol without a permit cases.
- After issuing an RFP, the CAO selected **Urban Ventures** and finalized an agreement.
- The Pathways Program includes a needs assessment, 82 hours of intensive programming over 90 days with twice a month follow-up for a full year after completion of the programming.
- The CAO has now expanded this program to all gross misdemeanor weapon offenses prosecuted by our office.

Results so far:

- 22 individuals referred to the program since September 2017
- 9 individuals have completed the intense first phase of the program and are in the second phase – bi-weekly check-ins or group sessions (as of 4/1/18)
- At least 3 individuals are voluntarily attending additional services offered by Urban Ventures such as parenting skills classes

Action planned for 2018

- Continue to study the long-term recidivism rates for participants in the Pathways Program
- Regular check-ins with provider to assess the need for modifications or changes in programming

Civil Division - Client Services

Program description: The Client Services Group provides all non-litigation legal services for City clients. The Group drafts ordinances and real estate and development agreements, drafts and reviews contracts and advises the City on legal questions. The group also represents the City in labor arbitrations, civil service, and veteran's preference proceedings.

Analysis

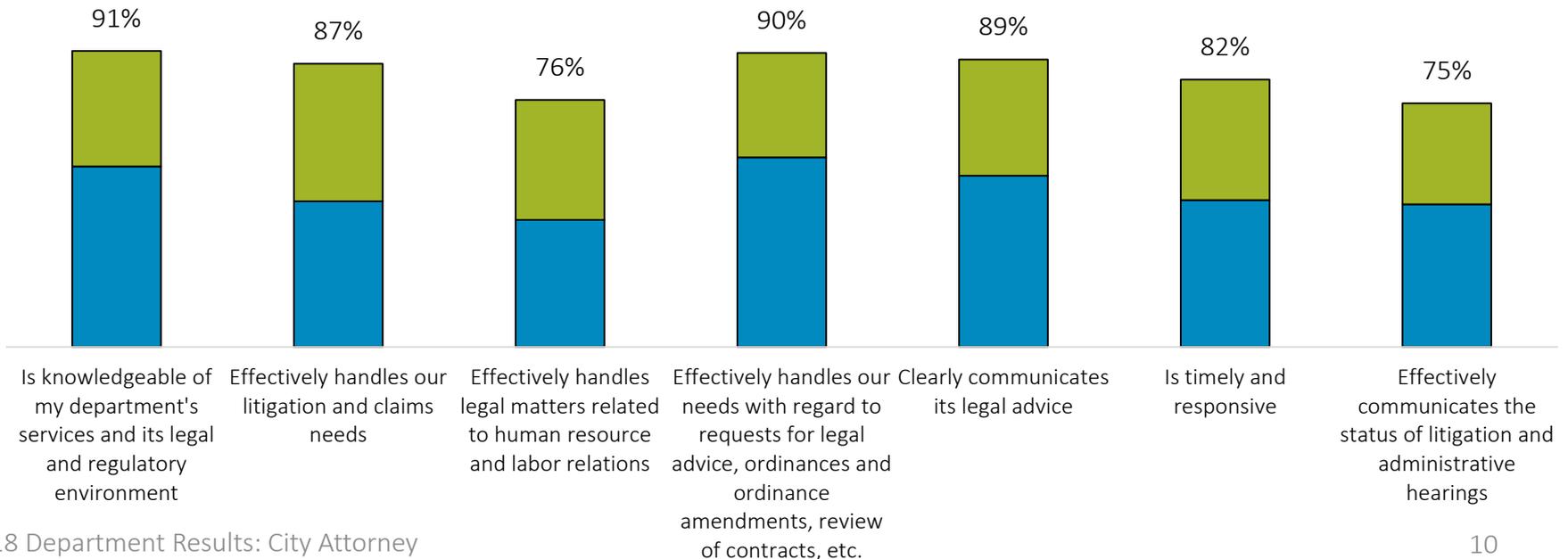
- The Client Services division remains committed to providing high quality pro-active legal advice and counsel to the City's elected officials, department heads, boards and commissions and staff. The City Attorney met with every department to gain specific feedback from the survey responses. We are striving to provide more frequent updates on the status of active litigation and administrative proceedings.

Action planned for 2018

- Continue to ensure high quality, timely legal services
- Support City Risk Management development
- Support needed legal services as Human Resources reorganizes its business lines
- Continue succession planning

Client Services Survey: Percent favorable responses

■ Strongly Agree ■ Agree



Civil Litigation

Program description: The Civil Division Litigation Group represents the City in civil litigation and administrative claims and hearing matters. The team proactively works with City officials and department staff to identify issues that raise a potential for litigation and provides advice when claims are made against the City. The Group also defends civil rights charges against the City and worker's compensation cases.

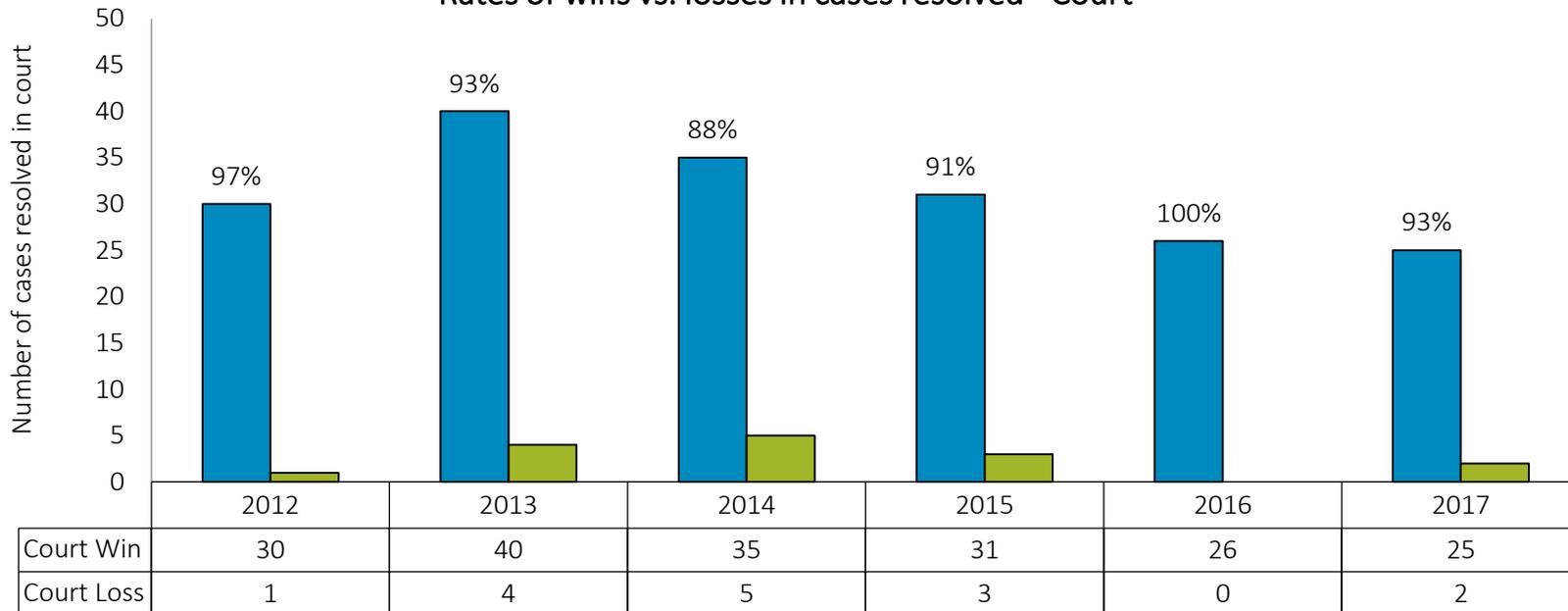
Analysis

- The success rate continues to be very high for cases set for trial.

Action planned for 2018

- Continue to identify risk creating liability claims and suits; coordinating with risk management
- Continue to enhance skill level of litigation attorneys and paralegals
- Enhance technology capabilities to facilitate management and handling of discovery and litigation cases
- Continue to identify risk areas to prevent future liability.

Rates of wins vs. losses in cases resolved - Court



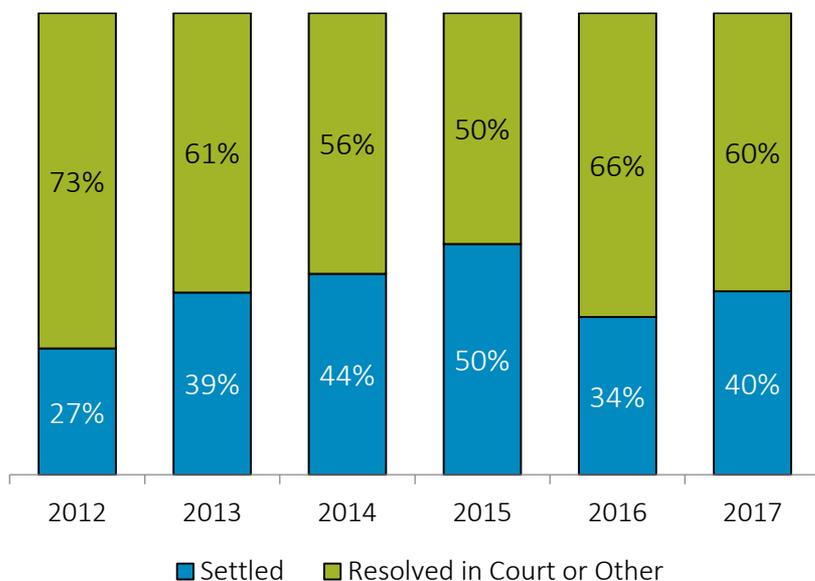
Civil Litigation

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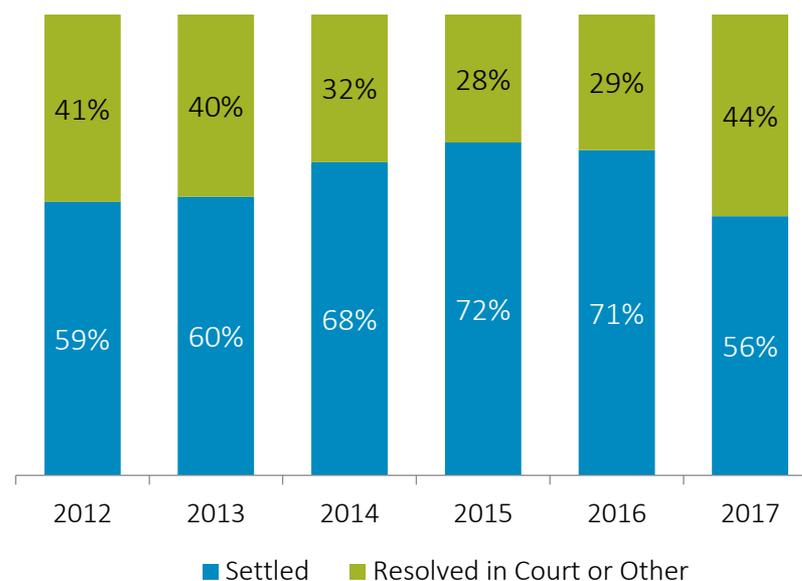
Analysis

- This measure is one metric to measure the performance of the CAO in risk management of litigation matters.
- Too high a ratio of settlements to cases resolved in court would eventually lead to higher settlement numbers and a perception among the bar that the CAO is not able or willing to take matters through trial.
- Resolving at least a significant majority of law suits in court vs. resolution by settlement is preferred but may fluctuate year to year.

Resolved in Court vs. Settled



Officer Conduct Resolved in Court vs. Settled



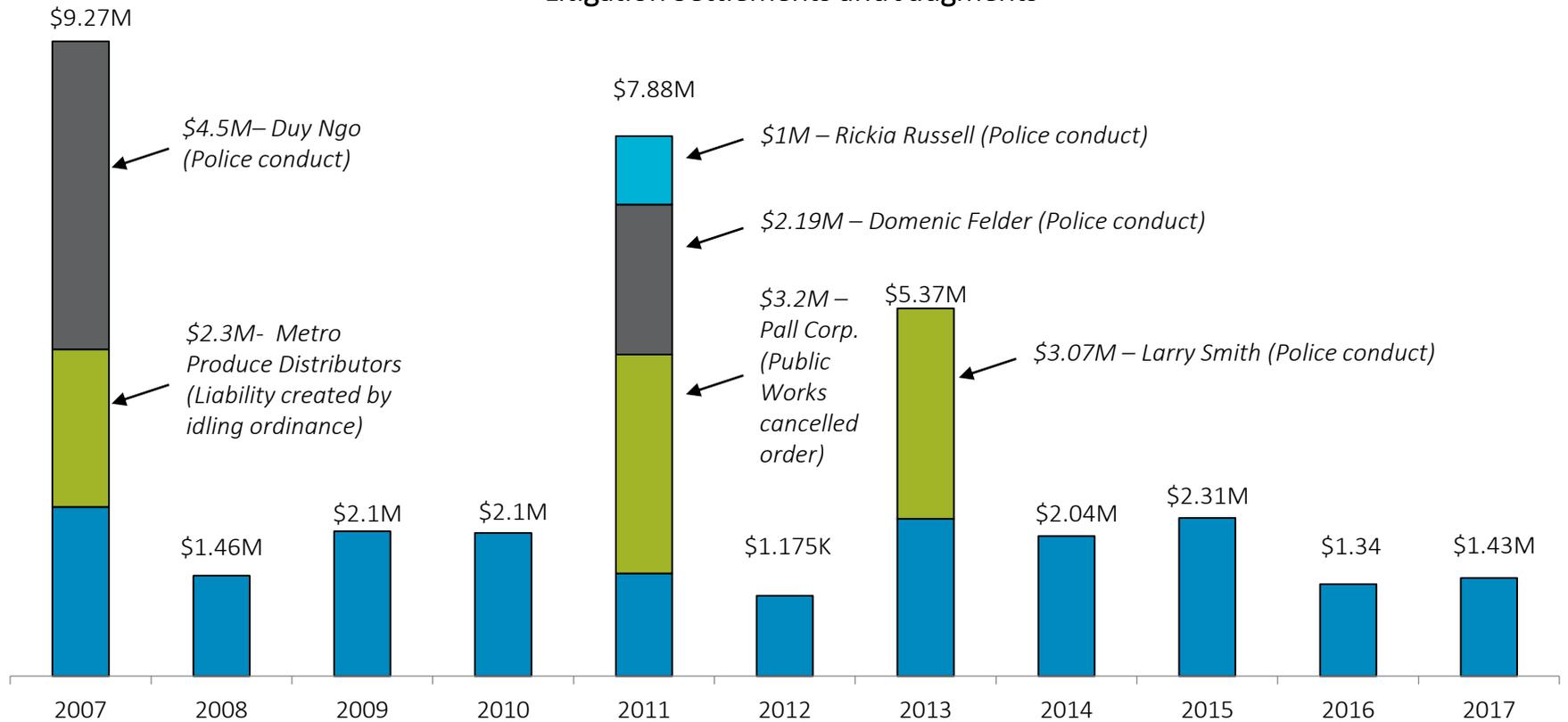
Civil Litigation

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Analysis

- This shows the total payouts from litigation settlements and judgments over the past 11 years.
- Large settlements and verdicts are separately noted.

Litigation Settlements and Judgments



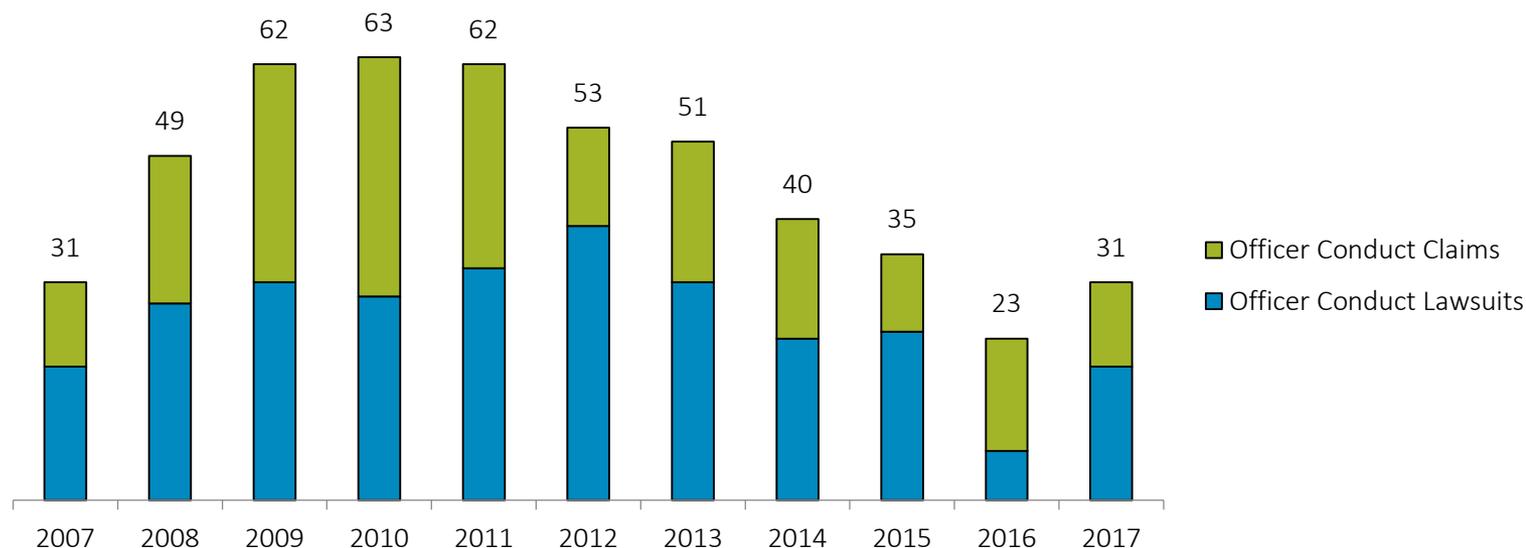
Civil Litigation

(continued)

Analysis

- The two charts on this page and the next provide a rough snapshot of trends for liability producing conduct in the City.
- For example, the reductions in numbers of new claims and lawsuits for Officer Conduct may be correlated to improvements and reforms in the police department. It may also be correlated to a number of other factors that may or may not be within the City's control.
- In evaluating these numbers, it must be remembered that lawsuits are often filed at least a year, or even a number of years after the underlying incident giving rise to the lawsuit occurred.

New Police Officer Conduct Lawsuits & Claims by Year

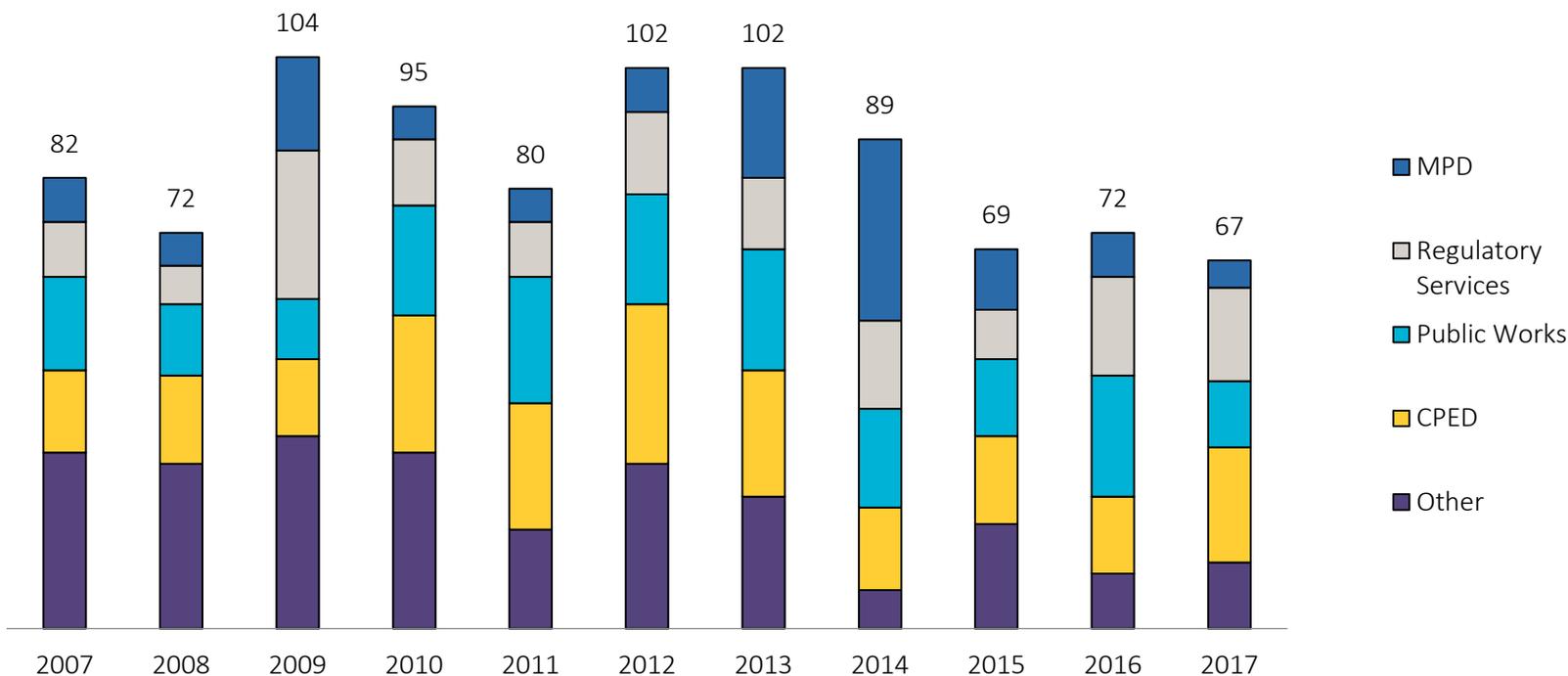


Civil Litigation (continued)

Analysis

- This chart shows the number of new lawsuits by Department by Year, excluding Police Officer Conduct suits.

**Other New Lawsuits by Year and by Department
(Excluding Officer Conduct Suits)**



Note: The increase in MPD suits between 2013 and 2014 includes 30 suits for violations of the Driver’s Privacy Protection Act (looking up DVS records). All departments, including MPD, have changed policies and training to avoid such suits in the future.

Community Attorney

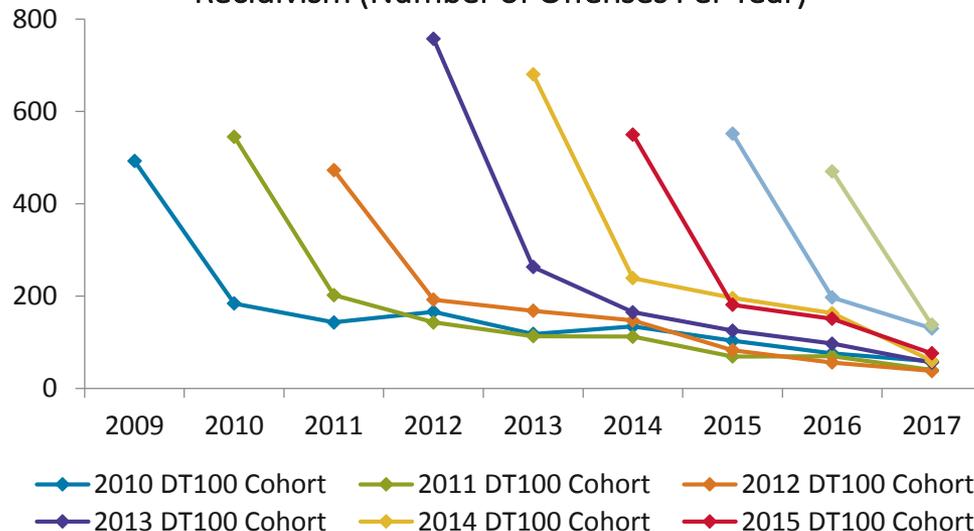
Program description: This program houses a prosecutor in each of the 5 MPD Precincts to engage the community in public safety issues and serve as a resource for MPD. The program uses creative, holistic approaches such as street outreach, non-profit service providers and advocates. 3 probation officers also provide active supervision of chronic offenders, connecting them with housing, mental health and chemical dependency services and substantially reducing the risk of recidivism.

Analysis

- The Downtown 100 program utilizes an innovative team approach in responding to chronic low-level offenders, including a dedicated prosecutor and two probation officers, the participation of the Downtown Improvement District, public and non-profit service providers, and law enforcement, along with business and neighborhood representatives.
- The Downtown 100 utilizes a holistic approach using a combination of active probation supervision, social services referrals and problem solving courts as the preferred consequence rather than seeking incarceration. Through this approach the team has achieved dramatic improvements in the recidivism rates of these offenders over the long term, even though the list is changed annually.

The Chart shows not only the dramatic reductions in recidivism achieved in the year that individuals are on the Downtown 100 list, but the success in achieving long-term impacts with ongoing reductions over time even though the individuals are no longer part of the initiative (the list is renewed annually).

Downtown 100: Long Term Reductions in Recidivism (Number of Offenses Per Year)



Action planned for 2018

- Continue to focus on a holistic approach in dealing with chronic low-level offenders.
- Continue to use resources such as HOMES Court
- Continue to work with District Court in the creation of a dedicated community court

Actions identified in 2017 Results memo

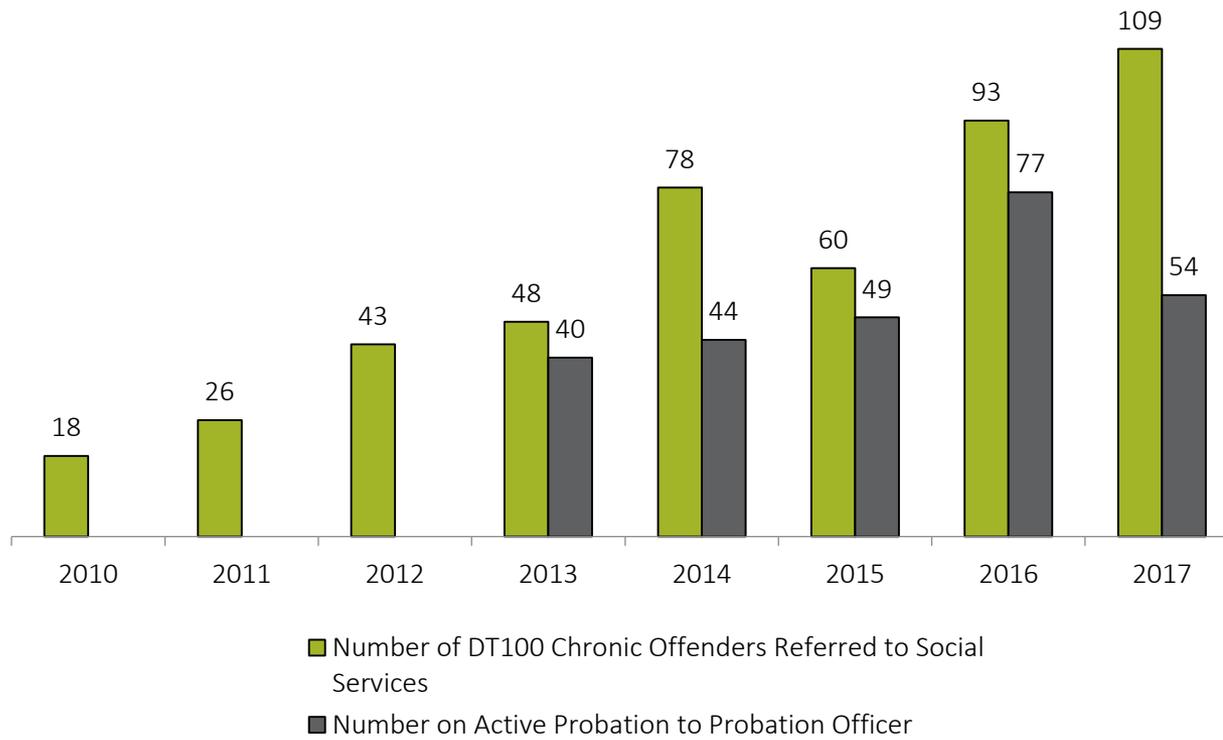
- Continue to study long-term recidivism rates for participants in the Downtown 100 program as well as the effectiveness of funded probation officers in decreasing recidivism (**In progress**)
- Report the number of times participants are connected to social services and the types of social services (such as mental health, housing, chemical dependency, and other programs) in order to better understand the levers that seem to be having the greatest impact. This could help to further focus resources (**Already tracked**)

Community Attorney

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- Analysis is included in the narrative on the prior page

Number of "Downtown 100" & Focus 18-24 chronic offenders referred to Social Services & on active probation



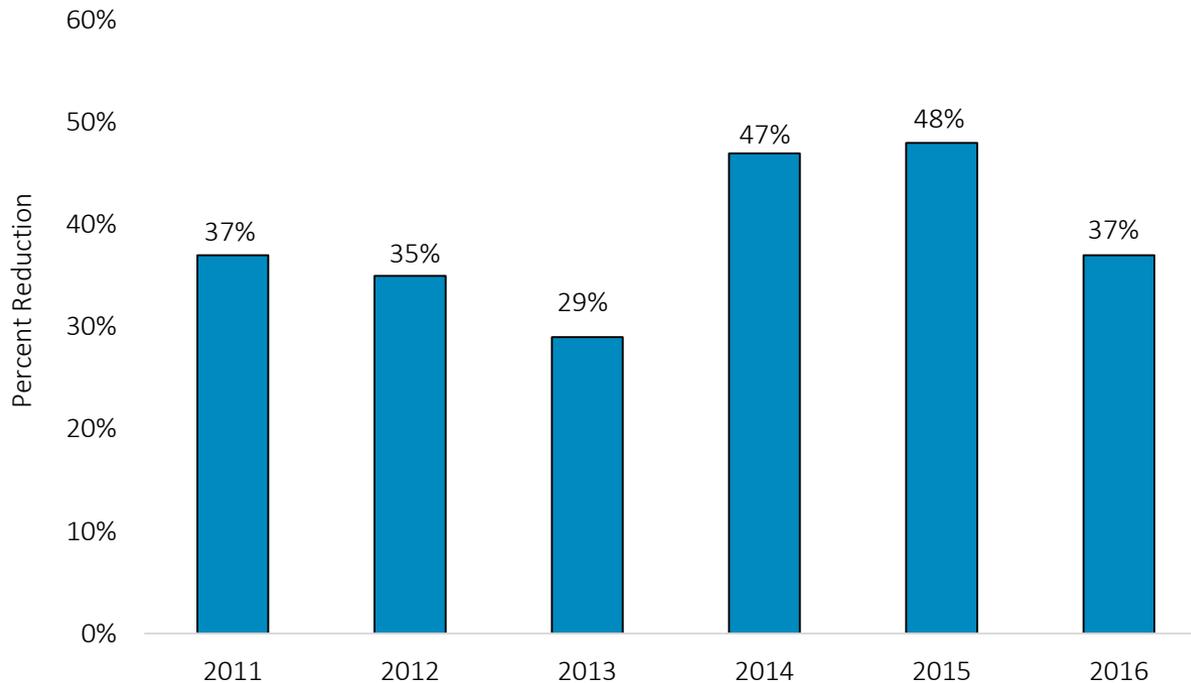
Community Attorney

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Analysis

- The Citywide Top 200 was the CAO's original program for addressing chronic low-level offenders. The Citywide Top 200 is comprised of a team of two dedicated prosecutors and two probation officers. The CAO meets with probation and our community attorneys to identify chronic offenders, discuss the offenders' needs and to discuss issues and problems occurring in the neighborhoods.
- The Citywide Top 200 utilizes the same holistic approach as the Downtown 100, combining active probation with social services referrals and the participation in problem solving courts.

Citywide Top 200: Percent Reduction in Recidivism



Action planned for 2018

- Continue to focus on a holistic approach in dealing with chronic low-level offenders.
- Continue to use resources such as HOMES Court
- Continue to work with District Court in the creation of a dedicated community court

Actions identified in 2017 Results memo

- Continue to study long-term recidivism rates for participants in the Citywide Top 200 program as well as the effectiveness of funded probation officers in decreasing recidivism (**In progress**)