

To: Honorable Mayor Steffenson and City Council

CC: Heidi Nelson, City Administrator
Ken Ashville, Acting City Administrator

From: Andrew Draper, City Prosecutor

Date: May 11, 2022

Subject: Traffic Diversion Program and Hearing Officer Guideline
Amendments

On April 19th, 2022, I received an email from the Suburban Criminal Divisions Court Operations Manager that Maple Grove is one of the suburban court's largest backlogged jurisdictions. A majority of these backlogged cases are traffic offenses. One of the key components of a prosecution office is fair and timely resolution of cases. To adhere to that principle moving forward, the general guidelines for hearing officers are being modified to provide a more expedient resolution of petty misdemeanor traffic offenses. Additionally, an adult traffic diversion program is being created to further that goal and others.

The main goals behind these two programs are to:

- Hold offenders accountable while offering opportunity to avoid a conviction;
- Correct poor driving habits – increase safety of streets of Maple Grove;
- Incentivize citizens to drive legally by getting valid driver's license and insurance;
- Reduce recidivism among traffic offenders by reducing compounding convictions, fines, suspensions;
- Create equity within the administration of justice;
- Reduce Maple Grove's current backlog of cases within the court system;
- Allow for more focused prosecution of DWI, Domestic Violence, and theft; and,
- Improve community perception/experience with criminal justice system including police department and prosecution office by offering responsible alternatives to eligible offenders.

Hearing Officer Guidelines

Each suburban city coordinates with Hennepin County's Hearing Officers to set a standard of guidelines for the resolution of petty misdemeanor offenses (payable offenses). Those cases are generally resolved prior to going to criminal court either by being paid outright by the offender, or through the hearing officer. In 2021, there were 3,016 cases that were either paid outright or heard by a hearing officer.

In meeting with the Hennepin County hearing officer manager and suburban court hearing officer supervisor, both stated that the current guidelines were problematic and were a significant contributor to the current case backlog. Additionally, the high cost of this option in comparison to the relatively low cost of paying the citation created an inequity between those with the means to participate in the program, and other qualified individuals who simply did not have the \$250-\$400 that is required to be paid upfront.

In collaboration with the Maple Grove Police Department, revised guidelines are being developed that creates more equity in who can participate, expands qualifications to make this option a more viable alternative to setting it for hearing, and imposes more rigid guidelines for those offenders with previous petty misdemeanor driving history.

The current amended hearing officer guidelines are as follows:

Single Petty Misdemeanors (DAS, DAC, No MN DL, and No Insurance disqualified offenses):

LEVEL 1

No Prior Driving History / Moving Violations

- CFD for 3 months for \$(underlying fine amount) in prosecution costs
 - No other offenses within that time period;
 - No indication of School/Work zone or endangering life & property;
 - No indication of crash, property damage, or personal injury;
 - No indication defendant was uncooperative or involved in street racing;
 - Speed no more than 15 MPH above speed limit;
 - No criminal vehicle operation per Minn. Stat. §609.2113(3);

LEVEL 2

Prior Driving History of only Petty Misdemeanor Offenses more than 5 years old

- CFD for 4 months for \$150 in prosecution costs
- Complete Minnesota Defensive Driving Course (may be online)
 - No other offenses within that time period;
 - No indication of School/Work zone or endangering life & property;

- No indication of crash, property damage, or personal injury;
- No indication defendant was uncooperative or involved in street racing;
- Speed no more than 15 MPH above speed limit;
- No criminal vehicle operation per Minn. Stat. §609.2113(3);

LEVEL 3

Prior Driving History of only Petty Misdemeanor Offenses w/in 5 years

- CFD for 6 months for \$300 in prosecution costs
- Complete Minnesota Defensive Driving Course (may be online)
 - No other offenses within that time period;
 - No indication of School/Work zone or endangering life & property;
 - No indication of crash, property damage, or personal injury;
 - No indication defendant was uncooperative or involved in street racing;
 - Speed no more than 15 MPH above speed limit;
 - No criminal vehicle operation per Minn. Stat. §609.2113(3);
 - Specific factual stipulations to offense

DAS, DAC, No Insurance, and No Minnesota Driver's license:

- No CFD authority – Refer to prosecutor for possible traffic diversion program.

In creating these new guidelines, significant consideration is being given to the community concern regarding traffic issues.

Traffic Diversion Program

In 2021, there were 414 citations written for offenses of Driving After Suspension/Driving After Revocation. In an effort to address the problem of unlicensed drivers, the institution of a traffic diversion program targeted at these offenses is designed to reduce the number of unlicensed and uninsured motorists within the city.

Program requirements are as follows:

- Complete 8-Hour Defensive Driving School – provide certificate of completion;
- Pay all outstanding fines and court costs – may participate in sentence to service program;
- \$200 cost of prosecution;
- Obtain valid license / insurance;
- No arrests or citations while in program;
- Continue 6 months – if complete all conditions beforehand will dismiss prior to 6-month date; and
- Admission factual basis for underlying citation.

The following will disqualify an individual from participation in the traffic diversion program:

- Owe child support without payment plan;
- Offenses involving fleeing officer (or any history thereof);
- Indication of crash / property damage / personal injury;
- Indication of uncooperativeness with law enforcement or involvement with street racing;
- No indication of within school / work zone;
- Canceled due to IPS (Inimical to Public Safety);
- No criminal vehicular operation per Minn. Stat. §609.2113(3);
- DWI – prior to hard revocation time period completion; and,
- Prior Felony conviction (case by case basis);

Maple Grove is one of the few major suburban cities without a traffic diversion program. By instituting this program Maple Grove's prosecution office will be in line with the shared values of the city, and the City's motto of Serving today, Shaping tomorrow.

Attachment – Drivers license statistics