

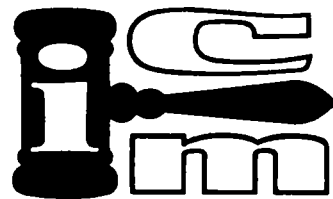
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HENNEPIN COUNTY
MUNICIPAL COURT,
DESCRIPTIVE ANALYSIS

THE INSTITUTE
FOR COURT MANAGEMENT



UNIVERSITY OF DENVER LAW CENTER

JUNE 1971

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HENNEPIN COUNTY MUNICIPAL COURT

DESCRIPTIVE ANALYSIS

Report prepared by

Michael D. Hall

for the

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National Center for State Courts
300 Newport Ave.
Williamsburg, VA 23185

INSTITUTE FOR COURT MANAGEMENT

University of Denver Law Center

June 1970

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PURPOSE

The purpose of this descriptive paper has been to provide both the author and the reader with what is hopefully meaningful insights into the operations of the Hennepin County Municipal Court. However, in order to meet the time constraints established by the Institute for Court Management, the recipient of this report, only an initial familiarization has been attempted in the following functional areas, and by no means represents a thorough analysis of these areas: Administrative Structure; Process Flow, Criminal Intake, Arraignment, Trial and Calendaring; and Statistics.

The organization of this report revolves around three main sections. Section one endeavors to describe the Administrative structure of the county and Municipal Court. Section two describes the process flow of a case: Criminal Intake describes the sequence of events occurring from the time of arrest through arraignment; Arraignment describes the court procedure involved in the first appearance of the defendant; Trial presents a description of the preliminary hearing, misdemeanor trial and calendar procedure. Section three presents court, crime and county jail statistics.

Views and/or opinions expressed in this paper are those of the author, and not necessarily those of the Institute for Court Management or the Hennepin County Municipal Court.

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SECTION I
ADMINISTRATIVE
STRUCTURE

THIS SECTION DESCRIBES THE
ADMINISTRATIVE STRUCTURE OF
THE COUNTY GOVERNMENT AND THE
MUNICIPAL COURT

OVERVIEW:

Introduction

Hennepin is the first county in Minnesota to have a county-wide court system that eliminates Justices of the Peace who may not have had legal training. This change provided uniform application of ordinance violations, traffic violations and minor criminal laws; and removed the economic incentive for a judge to impose a fine where a jail sentence would be the proper punishment.

The Municipal Court is where most people receive their first exposure to the court system. In essence, the Municipal Court is "the peoples' court", since this is most often the site for the hearing of "John Q. Citizen's" problems. The majority of arrests are for misdemeanors, ordinance and traffic violations, with defendants appearing in Municipal Court for committing such offenses. The most frequent offenses handled by the court are: traffic violations (accounting for 55 per cent of all cases disposed of through the court in 1970), breach of the peace, public drunkenness, petit theft and simple assault.¹

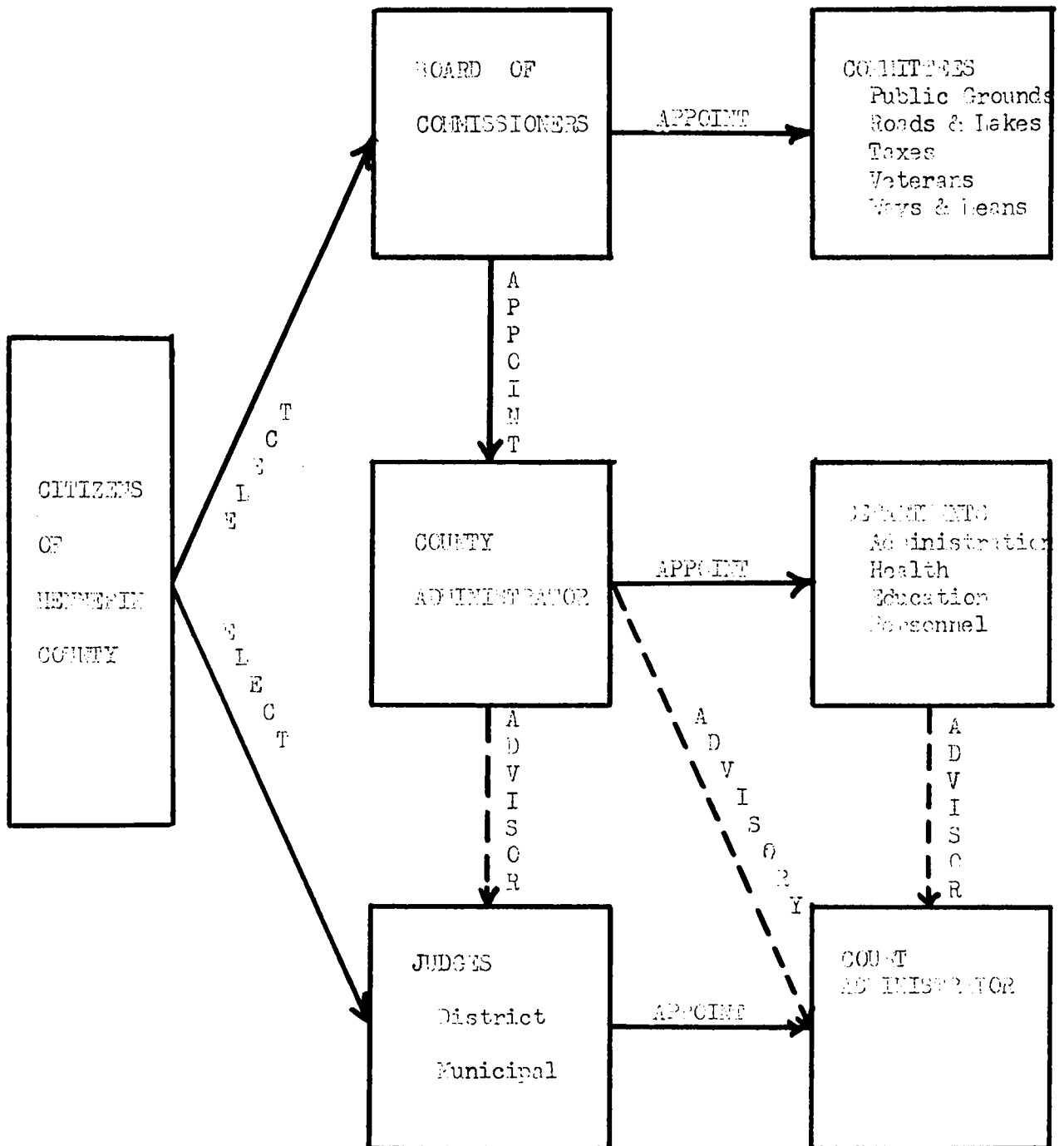
The information in this section of the report will be elaborated upon in Sections II, III and within the Appendix. This section is presented as an overview, an administrative introduction, to acquaint the reader with the Hennepin County

1. See Appendix C page 96 for a monthly breakdown of offenses and their frequency.

Municipal Court and the agencies with which it works in processing criminal cases.

EXHIBIT 1

HENNEPIN COUNTY GOVERNMENT



County Government Structure

The Hennepin County government structure is presented schematically in exhibit 1. It is briefly described below.

Board of Commissioners:

The five members of the County Board are elected by the citizens of Hennepin County for a four year period. The Board is ultimately responsible for all county business. It approves all bill payments as well as the annual budget of all departments, totalling approximately \$100 million dollars.

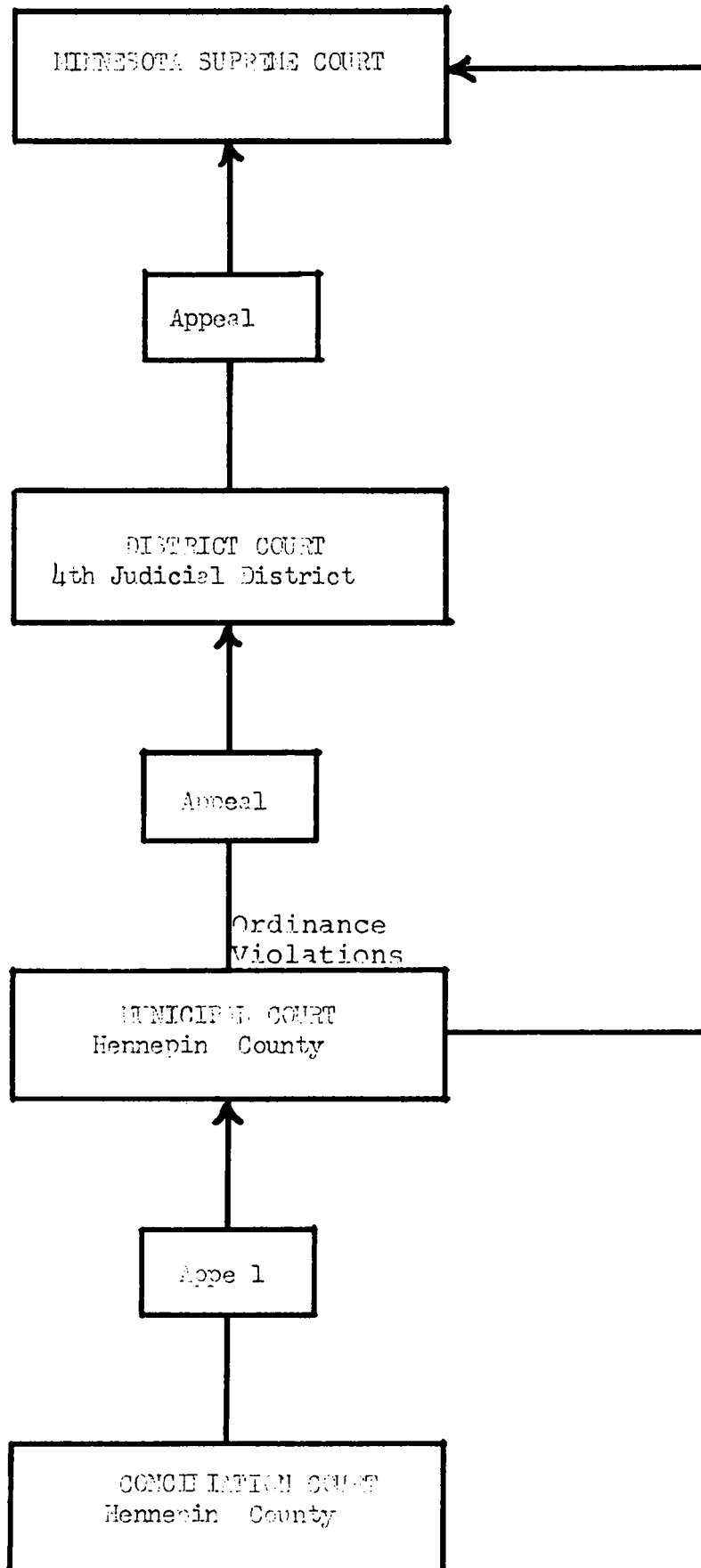
County Administrator:

Appointed by the Board of Commissioners, the County Administrator evaluates the performance of all county departments and is ultimately responsible for effective county government. He recommends the appointment and removal of department heads, and presents to the commissioners all administrative matters that require their approval or review. As the chief administrative officer, he reviews each department's proposed budget and recommends necessary changes.

Judges:

District and Municipal Court judges are elected directly by the citizens of the county of Hennepin. The courts are dependent upon the Board of Commissioners for court facilities, equipment and salaries. The Municipal Court budget is submitted by the Court Administrator to the County Administrator, who reviews it and recommends changes as necessary, prior to

MINNESOTA COURT STRUCTURE



Outline of Minnesota Court Structure

Supreme Court:

- Court of general appellate jurisdiction
- One Chief Justice and six Associate Justices
- May directly receive appeals from the:
 - . District Court
 - . Probate Court order determining inheritance taxes
 - . Municipal Court

District Court:

- Court of original jurisdiction and some appellate and review jurisdiction. The Fourth Judicial District Court consists of eighteen judges
- Original jurisdiction - both civil and criminal cases in the district
- Appellate jurisdiction - review judgments of Municipal Court trials
 - . On questions of fact
 - . On questions of law in all cases
 - . If the question is one of law alone, only this part is decided and the case is returned to the lower court for final determination
 - . If it is a question of both law and fact, then the District Court hears the whole case, just like a new trial - de novo

Municipal Court:

The Hennepin County Municipal Court has sixteen judges who have:

Jurisdiction of:

- . Contract claims for under \$6,000
- . Injuries to person or property under \$6,000 claim
- . Actions of forcible entry
- . Arraignment and trial of misdemeanors
- . Arraignment and preliminary hearings for felonies and gross misdemeanors
- . Ordinance violations
- . Appeals from Conciliation Court

No jurisdiction over:

- . Civil actions over real estate titles
- . Divorce
- . Actions against a village or county

Conciliation Court:

- Jurisdiction within Municipal Court geographic boundaries
- Informal proceeding
- Judge is one of the Municipal judges
- May use a referee

Jurisdiction Relationship

Inputs to the court system are commonly dichotomized as between civil and criminal cases. They are handled in a different way once into the court system; they enter that system through different routes, through different sub-systems. Criminal inputs are again dichotomized into felony, gross misdemeanor and misdemeanor.² In Minnesota, the distinction controls which court shall try the case. In the case of a felony, the District Court will try the case; gross misdemeanors are also disposed of by the District Court; in the event of a misdemeanor, the Municipal Court will try and dispose of the case. However, it is not necessarily that neat, since most felony cases appeared first in Municipal Court, except where the Grand Jury brings in an indictment prior to the person being arrested, then the defendant is arraigned in District Court. In a felony case which is brought in Municipal Court, the defendant may request a preliminary hearing in Municipal Court, before being bound over to District Court. There is also jurisdiction overlap between the Municipal and District Courts on civil cases. The District Court is the legitimate forum for the hearing of

-
2. Felony - means a crime for which a sentence of imprisonment for more than one year may be imposed.

Gross misdemeanor - means any crime which is not a felony or a misdemeanor, which is punishable by a sentence of more than 90 days but less than one year.

Misdemeanor - means a crime for which a sentence of not more than ninety days and/or a fine of not more than \$300 for each charge may be imposed.

any case. But in the instance where a civil case is filed which asks for less than \$6,000 in damages, strong informal pressure by the District Court to remove it to Municipal Court is exerted.

MUNICIPAL COURT:

Background

The Hennepin County Municipal Court (HCMC) was established under a special law passed in 1963 by the Minnesota Legislature, to become effective January 1, 1965, replacing local courts and Justices of the Peace in 49 municipalities in Hennepin County.³ Prior to unification, justice varied within the county, some Justices of the Peace were not legally trained, and many employees worked only part time.

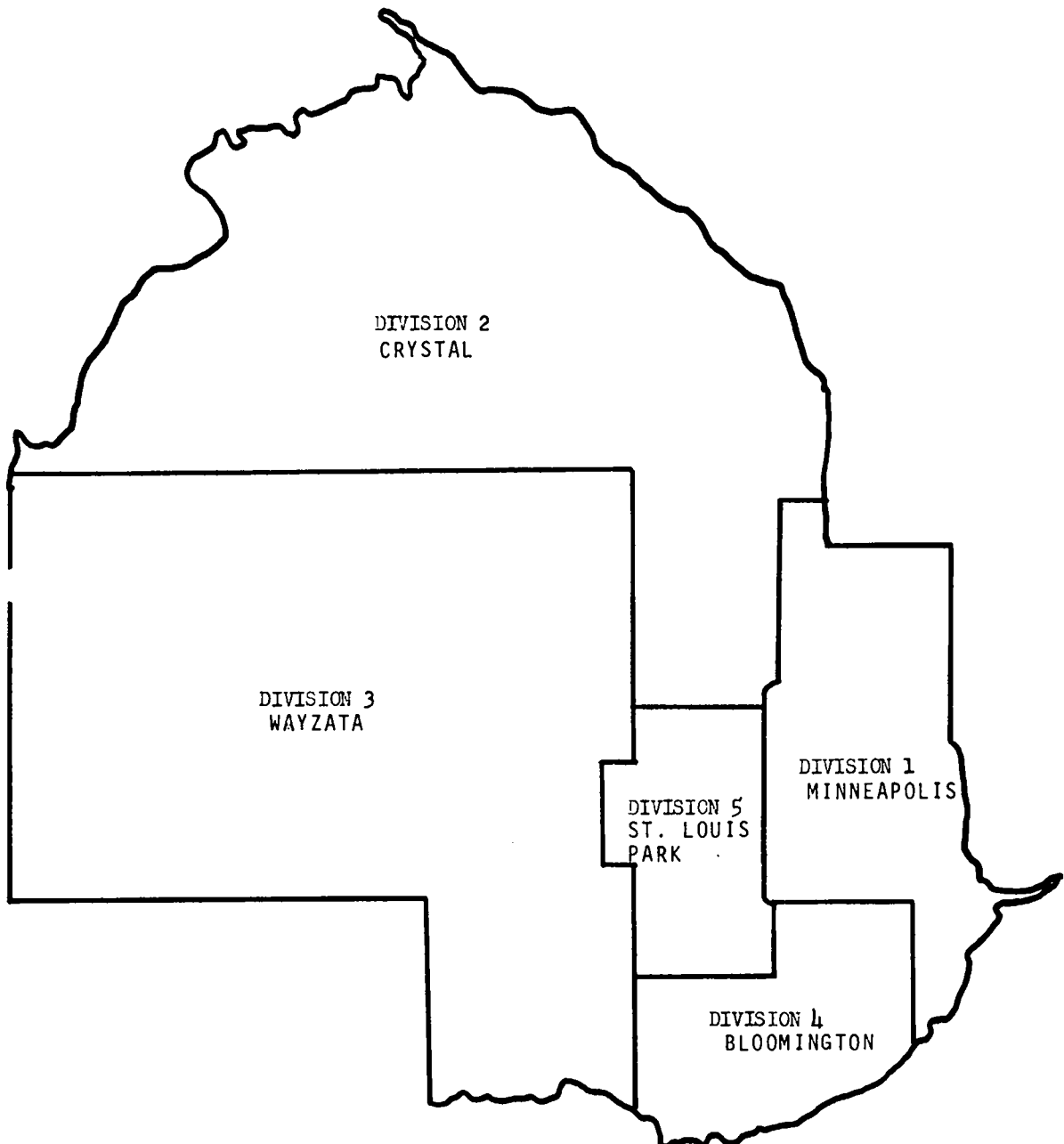
On January 1, 1965 when unification became effective, all cases pending in the abolished courts of the municipalities were transferred to the jurisdiction of HCMC. All personnel of the abolished courts continued in office after January 1, 1965, solely for the purpose of transmitting to the clerk of the Municipal Court of Hennepin County all pleading cases of such abolished courts. Employees who on May 1, 1963, were full time clerks of Municipal Courts outside the city of Minneapolis were given hiring preference in the staffing of the newly created HCMC system. The ten judges of the abolished Minneapolis Municipal Court continued as judges of the Municipal Court of the county of Hennepin. On January 1, 1965, four additional judges were added to the compliment of the Municipal Bench. One each was elected

3. Laws 1963, C. 877, created Hennepin County Municipal Court and a Hennepin County Conciliation Court, by amending various Minnesota statutes, sections 488A.01 to 488A.17, effective January 1, 1965.

from among and by the qualified residents of the then existing senatorial districts numbered 30, 31, 32, and 33, lying outside the city of Minneapolis. Those candidates who had been judges in an abolished court were permitted to run with the word "incumbent" after their names. Two additional judges were added in 1967.

EXHIBIT 3

HENNEPIN COUNTY MUNICIPAL COURT DIVISIONS



DISTANCE BETWEEN DIVISIONS

From Division 1 to Division	2	7 miles
	3	13 miles
	4	12 miles
	5	5 miles

Geographic Location (Exhibit 3)

Four branch courts or divisions were established in the suburbs, one in each of the then existing senatorial districts, in the most suitable structures available. The Legislature resolved the problem of the municipality of St. Anthony, which lies half in Hennepin County and half in Ramsey County, by giving HCMC jurisdiction over the entire municipality. The geographic structure of HCMC is divided into five divisions:

Division I, the main division, is located in the Courthouse building in downtown Minneapolis. The court occupies half of the fourth floor of the building and also has courtrooms and judges' chambers on the second floor of the Flour Exchange, across the street from the Courthouse, connected by an underground tunnel.

Division II, located in Crystal.

Division III, located in Wayzata.

Division IV, located in Bloomington.

Division V, located in St. Louis Park.

Jurisdiction

The Municipal Court is the lowest ranking court in Hennepin County. The court has jurisdiction over criminal, civil and traffic matters.

Criminal:

In criminal matters, the court has jurisdiction to arraign all defendants who commit an offense within the county of Hennepin; to try or otherwise dispose of all ordinance violations and misdemeanors; and to conduct preliminary hearings in felony cases where if substantiated and not reduced to a misdemeanor, the defendant is bound over to the District Court of Minnesota, Fourth Judicial District.

Civil:

The court also has civil jurisdiction to hear, try and determine civil actions at law in which the amount of controversy does not exceed the sum of \$6,000, excepting cases involving title to real estate. Whether or not the title to real estate is involved, the court has jurisdiction of actions of forcible entry and unlawful detainers involving land located wholly or in part within Hennepin County. The court does not have jurisdiction over any action where the relief asked for in the complaint is purely equitable in nature; and action for divorce; or to issue any order in proceedings supplementary

to execution. The Municipal Court has territorial jurisdiction to enforce summons served in civil, forcible entry and unlawful detainer actions only within the county of Hennepin. Garnishment summons, subpoenas and all other civil and criminal processes and orders may be served and enforced anywhere within the state of Minnesota.

Traffic:

Traffic violations in Hennepin County are handled by the Traffic Violations Bureau. Anyone charged with a traffic offense where conviction would mean the revocation of his driver's license is entitled to demand a trial by jury. The following city ordinances are the only ordinance violations which can be appealed to the Minnesota Supreme Court:

- Driving under the influence of alcohol

- Third speeding ticket within one year

- Careless or reckless driving with personal injury

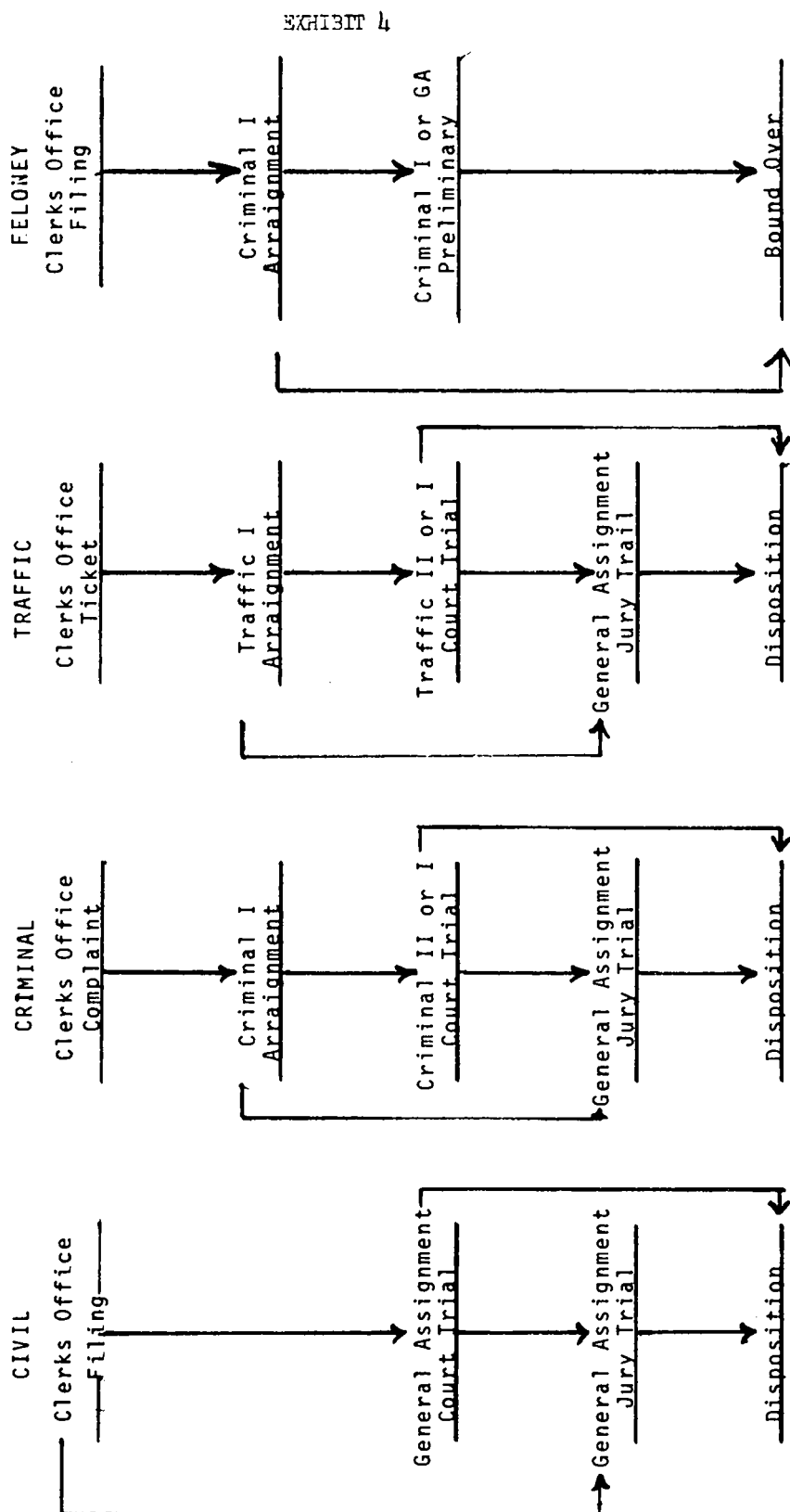
Conciliation:

The judges of the Municipal Court of the county of Hennepin also serve as judges of the Conciliation Court, which has jurisdiction to hear, conciliate, try and determine civil actions where the amount in controversy does not exceed the sum of \$350. The territorial jurisdiction of the court is the same as the Municipal Court.

The person bringing the complaint before Conciliation Court pays a fee of \$2.00. When he appears, he takes an oath that his statements are true, and then he has the opportunity to explain the problem. His witnesses appear next, and then the defendant and his witnesses. Lawyers usually are not present but they may represent either party to the action. A judgment is seldom given at the time of appearance, in order to allow tempers to cool. The court notifies the parties in the dispute of the judge's ruling by mail. A person may appeal the judge's ruling to the Municipal Court within ten days of the ruling, and demand a new court or jury trial before a new judge. Usually, a jury trial is demanded, since in essence the party has received a court trial before a Municipal judge. Conciliation Court is informal, and no bailiffs are present.

The Municipal Bench may appoint referees to serve in Conciliation Court. Presently, a Municipal Court judge is presiding in Conciliation Court, but in the near future, it is expected that a pool of qualified lawyers who would be interested in serving as a referee for one to five days will be established and rotated through the Conciliation Court.

CURRENTS OF CASE FLOW
THROUGH DIVISION I - MUNICIPAL COURT



Part Structure

The part structure of the Hennepin County Municipal Court is presented schematically in exhibit 4. It is described briefly as follows:

Division I;

Criminal I, Arraignment Court: 1 judge
From 9:00 A.M. to 10:00 A.M. all defendants charged with misdemeanors or gross misdemeanors are arraigned. Felony defendants have first appearance. Misdemeanor court trials are held in the morning and afternoon from 10:00 A.M. to 12 noon and from 2:00 P.M. to 4:30 P.M.

Traffic I, Arraignment Court: 1 judge
From 9:00 A.M. to 12:00 A.M. all defendants charged with traffic violations who have been arrested or who have pled not guilty in the Violations Bureau and want a court trial are arraigned. Traffic Court trials are held in the afternoon from 2:00 P.M. to 4:30 P.M.

Criminal II, Trials/Hearings: 1 judge
Defendants charged with public drunkenness are arraigned each morning from 9:00 A.M. to 10:00 A.M. Misdemeanor court trials are held from 10:00 A.M. to 12:00 A.M. Felony preliminary hearings are held from 2:00 P.M. to 4:30 P.M. in the afternoon.

Traffic II, Trials: 1 judge
Traffic Court trials are held both in the morning, 9:00 A.M. to 12:00 A.M., and in the afternoon from 2:00 P.M. to 4:30 P.M.

General Assignment, Civil and Criminal Trials: 6 judges
Jury trials for criminal and traffic defendants are held during both the morning and afternoon. Civil jury and court trials are also presided over by a General Assignment (GA) judge. A GA judge may be utilized to hear felony preliminary hearings.

Special Term: 1 judge

On Tuesdays and Fridays, the special term judge hears unlawful detainer cases from 10:00 A.M. to 12:00 P.M. and from 2:00 P.M. to 4:30 P.M. motions are heard. Mondays, Wednesdays and Thursdays, the judge is available in chambers to sign criminal complaints for the city and county attorneys.

Conciliation Court: 1 judge

Handles civil claims in which the amount does not exceed \$350. Court is held daily from 9:15 A.M. to 12:00 A.M. and 2:00 P.M. to 4:00 P.M.

Division II, III, IV, and V:

Except for preliminary hearings on gross misdemeanors and felonies, the suburban courts process the same types of cases as Division I. However, for each suburb, one judge handles the entire court calendar: traffic, criminal, civil court and jury trials, and special term and Conciliation Court cases.

Municipal Bench

Selection:

There are sixteen judges who sit on the Municipal Bench, each holds a separate nonpartisan office. Judges are elected for a six year term which begins the first Monday in January following their election. The ballot shows the name of the judge whose term is ending and the candidates who are seeking that particular judgeship. When an incumbent judge is running for re-election, it is so noted on the ballot. If a vacancy should occur on the Municipal Bench, the governor would appoint

a qualified person, one learned in the law, qualified to practice law in the state of Minnesota and a resident of Hennepin County, who would hold office until the next general election at which time he would be able to run as the incumbent judge for that position. Until November, 1970, when the general elections were held, no incumbent judge had been defeated since 1959. The results of the November election were:⁴

Judge Herbert Estrem (incumbent)	97,323	40.9%
Mrs. Susanne Sedgwick	116,421	59.1%

The incumbent judge usually runs for re-election with the endorsement from his fellow lawyers, which usually tends to discourage competition from qualified opponents. One factor which may have had some influence upon the election, was the general feeling by the public that "stricter law enforcement by the court was needed". This feeling was reflected in a Minnesota Poll conducted in February, 1969, in which residents of the state were asked what actions they thought would help to decrease crime.⁵

The answers were:

Tightening of Parental Discipline	74%
Stricter Law Enforcement by Courts	62%
More Severe Penalties for Crime	49%
Greater Police Freedom in dealing with Criminals	48%

An inference can then be made that there was some definite dissatisfaction with "The Court" on the part of the public, with the fact that the incumbent did not have full endorsement from his fellow lawyers, contributed to his defeat.

4. Minneapolis Tribune, November 5, 1970, page 5.

5. Minneapolis Tribune, February 16, 1969, page 1A.

Powers:

Each judge may administer oaths and take and certify acknowledgements. Any judge has the power to punish for contempt of court by a fine not exceeding \$100 or by imprisonment in the county jail or workhouse not exceeding ninety days. A majority of the judges may establish court rules which are consistent with the rules established by the legislature dealing with Municipal Courts.⁶

Salaries:

Each judge is paid a total annual salary of \$23,000 out of the Hennepin County treasury. There is a bill before the 1971 legislature to raise the Municipal Court judge's salary to \$31,500. However, it is thought that this amount will be reduced to approximately \$28,000 by the legislature, if passed. There are no prescribed rules governing sick leave, conference trips or vacation time, but most judges average a four week vacation during the year, with some taking six weeks. In addition, the majority of judges do attend at least one judicial conference.

Chief Judge:

Each year the bench elects a Chief Judge. The most senior judge is by custom the designee; however, at present the second most senior is Chief Judge because the post was declined by the most senior judge after having served two terms in that capacity.

6. The rules committee of the Bench drafts new procedural rules and presents these rules to the full bench for their endorsement.

JUDGES ASSIGNMENT CALENDAR JANUARY 4, 1971 to FEBRUARY 25, 1972

DATLS	1/4 1/30	1/31 2/27	2/28 3/26	3/29 4/24	4/25 5/22	5/23 6/19	6/20 9/4	9/5 10/2	10/3 10/30	10/31 11/27	11/28 12/18	12/19 1/1	1/3 1/28	1/30 2/25
GA	Farrell	Hanson	Sedgwick	Chapman	Sykora	Rogers	S	Leslie	Burris	Riley	Odland	S	Lommen	Kantoro- wicz
CRIM I	Johnston	Farrell	Hanson	Sedgwick	Chapman	Sykora	U	Rogers	Leslie	Burris	Riley	P	Odland	Lommen
DIV II	Wolner Christen- sen	Johnston	Farrell	Hanson	Sedgwick	Chapman	M	Sykora	Rogers	Leslie	Burris	C	Riley	Odland
GA		Wolner Christen sen	Johnston	Farrell	Hanson	Sedgwick	R	Chapman	Sykora	Rogers	Leslie	A	Burris	Riley
TRAF I	Durda Kantoro- wicz	Christen sen	Wolner Christen sen	Johnston	Farrell	Hanson		Sedgwick	Chapman	Sykora	Rogers		Leslie	Butlis
SP. TERM		Sedgwick Kantoro- wicz	Durda Kantoro- wicz	Wolner Christen- sen	Johnston	Farrell	S	Hanson	Sedgwick	Chapman	Sykora	A	Rogers	Leslie
DIV III	Lommen	Kantoro- wicz	Durda Kantoro- wicz	Wolner Christen- sen	Wolner Christen- sen	Johnston	C	Farrell	Hanson	Sedgwick	Chapman	S	Sykora	Rogers
GA	Odland	Lommen	Lommen	Durda Kantoro- wicz	Durda Kantoro- wicz	Wolner Christen- sen	H	Johnston	Farrell	Hanson	Sedgwick	I	Chapman	Sykora
TRAF II	Riley	Odland	Lommen	Durda Kantoro- wicz	Durda Kantoro- wicz	Wolner Christen- sen	D	Wolner Christen sen	Johnston	Farrell	Hanson	G	Sedgwick	Chapman
GA	Burris	Riley	Odland	Lommen	Lommen	Durda Kantoro- wicz	E	Wolner Christen sen	Wolner Christen sen	Johnston	Farrell	N	Sedgwick	Hanson
DIV IV	Leslie	Burris	Riley	Odland	Lommen	Durda Kantoro- wicz		Durda Kantoro- wicz	Durda Kantoro- wicz	Wolner Christen sen	Johnston	T	Farrell	Hanson
GA	Rogers	Leslie	Burris	Riley	Odland	Lommen		Lommen	Durda Kantoro- wicz	Wolner Christen sen	Wolner Christen sen		Johnston	Farrell
CRIM II	Sykora	Rogers	Leslie	Burris	Riley	Odland		Lommen	Durda Kantoro- wicz	Durda Kantoro- wicz	Wolner Christen sen		Wolner Christen- sen	Johnston
GA	Sedgwick	Sykora	Rogers	Leslie	Burris	Riley		Odland	Lommen	Durda Kantoro- wicz	Durda Kantoro- wicz		Wolner Christen- sen	Wolner Christen- sen
DIV V	Chapman	Durda	Sykora	Rogers	Leslie	Burris		Riley	Odland	Lommen	Durda Kantoro- wicz		Durda Kantoro- wicz	Wolner Christen- sen
GA	Hanson	Chapman	Chapman	Sykora	Rogers	Leslie		Burris	Riley	Odland	Lommen		Durda Kantoro- wicz	Durda

EXHIBIT 5

1971 SUMMER SCHEDULE
(Final)

JUDGE	June 21	June 28	July 5	July 12	July 19	July 26	Aug 2	Aug 9	Aug 16	Aug 23	Aug 30
CHAPMAN	GA	Off	Off	Div III	Tr II	GA	Cr I	Div IV	Div II	GA	Off(N-F)
SYKORA	Off	Off	GA	GA	Cr I	GA	Off	Off	Off	Off	Tr II
ROGERS	Cr II	Div III	ABA	ABA	Off	Off	Off	Cr I	Tr II	Div III	Sp.Term
LESLIE	Tr II	Sp.Term	Div II	GA	GA	Cr I	Off	Off	Off	Off	Cr II
FURRIS	Off	Cr I	Off	Sp.Term	Div V	Div III	Tr II	Off	GA	Cr II	GA
RILEY	Off - Mon. GA	GA	Tr I	Tr II	GA	Cr II	Sp.Term	GA	Cr I	Off	GA
ODLAND	Tr I	GA	Cr II	GA	Off	Off	Off	Off	Div V	Tr II	GA
LOMMEN	GA	GA	ABA	ABA	Off	Sp.Term	GA	Tr II	Cr II	Tr I	GA
KANTOROWICZ	Div II	Tr II	Cr I	Tr I	Off	Off	Off	Off	Off	Off	Div V
DURDA	Off	GA	GA	Cr I	Div II	Div IV	Div V	GA	Tr I	Off	Off
CHRISTENSEN	GA	GA	Tr II	GA	Sp.Term	Tr I	Cr II	Div III	GA	GA	GA
WOLNER	Off	GA	GA	GA	Tr I	Tr II	GA	Cr II	GA	Sp.Term	GA
JOHNSTON	GA	Tr I	Sp.Term	GA	Cr II	Off	Div II	Off	GA	Cr I	Off
FARRELL	Cr I	Div IV	Off	Off	Off	Off	Tr I	Sp.Term	Off	Off	Div II
HANSON	Sp.Term	Cr II	Div V	Div IV	Off	School	School	School	School	Off	Tr I
SEDCWICK	Div V	GA	GA	Cr II	GA	Off	Off	Tr I	Sp.Term	Div IV	Cr I

Conciliation Court - This will be handled by the judge on Special Term. Conciliation Court will be on Mondays, Wednesdays and Thursdays. Motions and Detainers will be on Tuesdays and Fridays.

EXHIBIT 6

The Chief Judge presides over the bi-monthly bench meetings which usually deal with court policy and procedural matters. He directs and coordinates the policies of the bench, but rarely does he have the authority to handle matters which have not been approved by the bench.

Rotation: (Exhibit 5)

Prior to the beginning of the year, the Court Administrator, with the approval of the Bench, prepares an assignment calendar which is utilized for the rotation of judges every four weeks throughout the court parts. A supplemental summer schedule is prepared in April (exhibit 6) to assure that all parts of the court are covered during vacation time. The description on page 18 describes the various parts of the court through which a judge is rotated.

For these cases not disposed of prior to a new rotation period, the case can be handled in a number of ways: an existing trial will continue before the same judge; a case continued from arraignment to a later date for sentencing may be transferred in order to appear before the original judge, or may remain in the previously scheduled part, to be handled by a new judge, who may or may not confer with the previous judge for sentencing instructions; these cases in which the trial has taken place, but a written decision is pending, will be handled by the original judge.

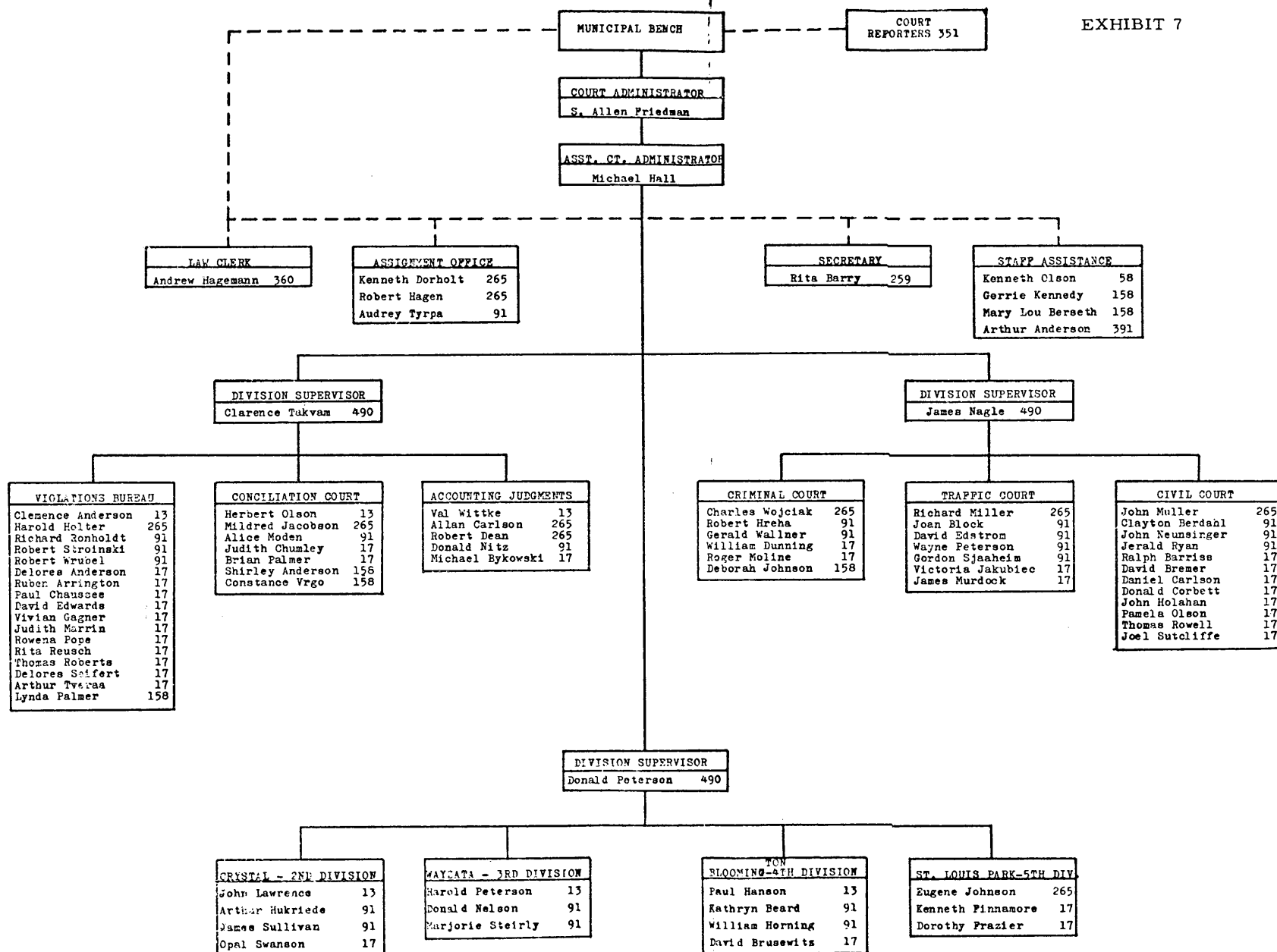
Basically, four judges are assigned to the suburban courts, with the balance of the sixteen judges sitting in the downtown or Division I court. Five judges preside over the courtrooms in handling the daily operations (Criminal I & II, Traffic I & II and Conciliation Court). One judge is assigned to Special Term and the balance of the judges, usually six, are assigned to General Assignment. However, due to illness, vacation time, professional leave and the like, the number of judges sitting on General Assignment may be reduced.

To supplement the bench, it had become standard practice to employ a retired judge to hear Conciliation Court cases. However, this practice has been temporarily discontinued.

TABLE OF ORGANIZATION

26

EXHIBIT 7



JOB CODE

13 Assistant Chief Deputy	259 Senior Clerk Steno
17 Assistant Deputy Court Clerk	265 Senior Deputy
58 Chief Deputy	351 Court Reporter
91 Deputy Court Clerk	360 Law Clerk
158 Intermediate Clerk Typist	391 Clerk of Court
	490 Court Division Supervisor

— Line Responsibility
- - - Staff Responsibility

EXHIBIT/8

1 A bill for an act

2 relating to the municipal court of
3 Hennepin county and providing for the
4 administration thereof; amending
5 Minnesota Statutes 1969, Chapter 488A,
6 by adding a section; and repealing
7 Minnesota Statutes 1969, Section
8 488A.03, Subdivision 1.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

10 Section 1. Minnesota Statutes 1969, Chapter 488A, is
11 amended by adding a section to read:

12 [488A.025] Subdivision 1. There is created the
13 position of court administrator for the municipal court of
14 Hennepin county.

15 Subd. 2. A majority of the judges of the municipal
16 court of Hennepin county shall appoint the court
17 administrator who shall serve at the pleasure of a majority
18 of municipal court judges.

19 Subd. 3. Subject to the approval of a majority of the
20 judges, the court administrator may appoint such assistant
21 court administrators and other personnel as he deems
22 necessary to administer the duties of his office.

23 Subd. 4. Wherever in Minnesota Statutes 1969, Sections
24 488A.01 to 488A.17, powers, duties or responsibilities are
25 placed upon the clerk of municipal court, such powers,
26 duties and other responsibilities shall be and hereby are
27 placed upon the court administrator.

28 Subd. 5. The position of clerk of municipal court of
29 Hennepin county is hereby abolished.

30 Sec. 2. Minnesota Statutes 1969, Section 488A.03,
31 Subdivision 1, is repealed.

Non-Judicial Departments (Exhibit 7)

Many varied court administrative and support functions are carried out by a staff of 96 non-judicial personnel.

Court Administrator: (Exhibit 8)

The Court Administrator, who is appointed by the Municipal Bench, exercises supervision and control over the non-judicial activities of the court.⁷ This function was previously exercised by the Clerk of Court, who most recently has been moved from that position to the function of traffic hearing officer. The primary duties of the Court Administrator include: responsibility for the coordination of all staff activities; planning, developing and implementing new improved management methods; the preparation and administration of the Municipal Court budget; overall personnel administration: hiring, promotion and removal of personnel; compilation and analysis of statistical data concerning the status of judicial business; publication of reports; providing public relations; and maintaining liaison with other courts, county officials and the legislature.

Assignment Office:

The Assignment Office is currently staffed by three employees who provide effective coordination and liaison

7. This was a Municipal Bench decision, not supported by statute. However, there is a Bill for an Act before the 1971 legislature to revise Statute 488A.01-.17 to remove the Clerk of Court position and establish the position of Court Administrator.

between the court and counsel by:

- Scheduling jury trials for criminal, traffic and civil jury trials, and court civil trials.

- Notifying attorneys of trial date three weeks in advance and rescheduling trials if either side is unable to make the original date.

- Coordinating the distribution of juries to the four outlying divisions.

Law Clerk:

One law clerk provides research services for the sixteen judges in the Municipal Court.

Staff Assistants (Office Manager and Hearing Officer):

The Office Manager functions in a staff capacity under the general direction of the Court Administrator's Office. Primarily responsible for the overall administration and coordination in the following areas: purchasing, payroll, maintenance, statistical reporting and budgeting.

The Hearing Officer (former Clerk of Court, who is a lawyer) processes minor traffic violations in which the defendant wants to plead guilty with an explanation. This procedure has helped to alleviate the congested calendar in Traffic Court and reduce the number of appearances that a defendant must make. Previously the defendant was required to appear at the Violations Bureau and enter a plea of guilty with an explanation, then a date would be set for the defendant to return to the Court to enter a plea in the Traffic I arraignment court. Now, the offender, after

entering a plea in the Violations Bureau, is sent immediately upstairs to see the Hearing Officer.⁸

Criminal Court Department:

The criminal department is currently staffed by six employees. This is broken down into one Senior Clerk, who is head of the department, two Deputy Clerks, two Assistant Deputy Clerks and one intermediate Clerk Typist. Assignments in the Criminal Court are broken down into four categories.

Criminal I, which is the Arraignment Court at which all defendants charged with misdemeanors, gross misdemeanors and felonies appear each morning.

Misdemeanor trials which are held in Criminal I in the afternoon.

Criminal II, which handles the arraignment of defendants charged with public drunkenness and criminal misdemeanor trials in the morning.

Felony preliminary hearings, which are held in Criminal II in the afternoon.

The clerks post the calendars, this consists of posting the continued cases of each day's calendars to the original case and the posting of all motions and other pertinent information relating to each individual case.

Traffic Court Department:

The traffic department is staffed by seven persons, one Senior Clerk who is head of the department, four Deputies and two Assistant Deputies. Assignments in the traffic court are

8. Statistics on effectiveness contained in Appendix C page 98 .

similar to those in the criminal department:

Traffic I, which is the Arraignment Court for all defendants charged with traffic violations.

Traffic II, which processes court trials.

General Assignment, which handles jury cases.

The same clerical duties carried out by the criminal clerks are carried out by the traffic department.

Civil Court Department:

The civil department has twelve employees, one Senior Clerk who heads the department, three Deputies and eight Assistant Deputies. The civil department is responsible to the General Assignment judges and Special Term judge.

In addition to courtroom duties, the Civil Clerks are responsible for the indexing of cases and the filing away of all fines from all three departments, plus all bond transactions for criminal and traffic courts. The civil department also processes all warrants which come through Division I, which entails placing the judge's name on the warrant, dating it and placing it in the warrant book for service by the Sheriff's department. In 1970, approximately 50,000 such warrants were processed.

Conciliation Court Department:

The Conciliation Court is somewhat unique. Under the statute it is a separate and distinct court and not a part of the Municipal Court. However, the judges of the Municipal Court hear these cases and the employees of the Municipal Court are

the employees of the Conciliation Court. Unlike the Municipal Court, the clerks do assist complainants in preparing and filing their complaints.

Accounting and Judgments:

Functions of this department include the intake and processing of legal papers, preparing judgments, receiving and disbursing fees, fines and bail plus maintaining accounting records for all the court including the four suburban divisions. The processing of legal papers in civil actions involves examining the papers for proper venue and determining if the court has jurisdiction over the subject matter. After receiving and examining the papers a history of each case is maintained until a final disposition is made.

Violations Bureau:

The Bureau is the department of the court which processes all traffic and ordinance tickets issued in the city of Minneapolis, Village of St. Anthony, University of Minnesota and International Airport by the Minneapolis Park Police and Minnesota Highway Patrol. The Bureau prepares court calendars on all tickets scheduled for court and maintains control of the number scheduled for each day, to avoid the possibility of too many or too few cases being set for any one session.

Suburban Courts:

Each division is, in effect, a branch office of the court whose jurisdiction for traffic, criminal, civil and conciliation cases is exactly the same as Division I in Minneapolis. Their policies and operations, like Division I, are determined by the Court Administrator and directed and coordinated by a Suburban Division Supervisor.

Court Facilities

The Courthouse was completed in 1891 at a cost of 3.2 million dollars. It housed both city and county governments adequately until 1949, when the interior courtyards were converted into additional offices. The Courthouse was probably designed more to impress the public than to facilitate efficient government. The rapid population growth within the county has necessitated the construction of a new civic building. The proposal is for two parallel towers, one with space for the judicial system and the other tower for county administration, with several connecting corridors between them.

The Municipal Court presently has eight courtrooms, ten chambers, a hearing office, the clerks' office and administrator's office located on half of the fourth floor of the Courthouse with the District Court occupying the other half. The facilities in the Courthouse are quite antiquated and the clerks' office is extremely overcrowded. The violations bureau is located on the

ground floor of the courthouse. Further diversifying the situation, as if court employees do not spend enough time in transit, the Municipal Court has spilled over into the nearby Flour Exchange Building where there are four courtrooms and six chambers. The county has leased the whole building which faces the Courthouse on one side, and the Municipal Court occupies all of the second floor. Getting to the Flour Exchange makes for a ride down busy elevators to the basement, four floors below the location of most of the courtrooms. From there a stroll of perhaps several hundred yards through an understreet tunnel, and up into the Flour Exchange Building. The facilities in the Flour Exchange are very poor, the acoustics are bad, which have necessitated the need for sound equipment, the temperature of the courtrooms is extremely hard to regulate, with courtrooms frequently too cold or too hot.

The county must, by law, provide space for the Municipal Court. It does not say how adequate the facilities must be, or that the courtrooms must be located in the same building. Therefore, the Flour Exchange fulfills the statutory requirements. It would appear that the Municipal Court gets what is left over in terms of equipment and facilities. Presently the court is trying to alleviate the crowded conditions in the clerks' office and improve public service, but the county has placed several road blocks in the way of accomplishing this.

FORM MC 28

1971 BUDGET RECAST

DEPARTMENT: Municipal CourtACCOUNT CODE: 437

CLASSIFICATION	1971 BUDGET	PPB PROGRAMS				
		Criminal	Civil	Conciliation	Traffic	Traffic Violations Bur
NUMBER OF PERSONNEL	113	21.6	28.1	11.4	27.6	24.3
PERSONAL SERVICES (100)						
01 Salaries-Regular	1,317,867	294,303.90	293,831.10	117,617.69	388,748.70	223,366.61
14 Stability Payments	26,267	5,403.06	6,236.89	2,344.56	7,181.60	5,232.55
99 Other Personal Serv.	8,500	1,000	1,000	4500	1,000	1,000
COMMODITIES (200)						
01 Office Supplies	17,000	3,000	5,000	4500	3,000	1,500
02 Postage	12,000		500	4500		7,000
CONTRACT SERVICES (300)						
03 Mileage	16,000	4800	1,450	150	9,600	
04 Conf., Schools, Trng.	6,355	2000	2,000		2,000	355
09 Protective Services	2,200	300	100		1,800	
11 Dry, & dry Clng. Serv.	2,100	25	25	25	1,25	
12 Agreements-Others						
13 Mnce.-Rep.-Equipment	2,550	510	510	510	510	510
15 Mnce. -Rep.-Other Imp						
30 Other Cont. Services	3,500	750	750		2,000	
OTHER CHARGES (400)						
03 Subscriptions	5,000	1,000	1,000	1,000	1,000	1,000
04 Memberships	900	180	180	180	180	180
05 Emp. Pens. Contribution	118,389	22,495	29,597	11,838	29,597	24,862
06 Emp. Ins. Contribution	19,620	3,728	4,905	1,962	4,905	4,120
10 Freight & Express	100	20	20	20	20	20
39 Refunds-Auto Ins.	968	275	275	100	275	43
CAPITAL OUTLAY (500)						
03 Office Equipment	3,000	600	600	600	600	600
04 Furnishings	2,000	400	400	400	400	400
08 Books (Library & Non-Expendable Only)	3,000	600	600	600	600	600
TOTALS	\$1,565,316					

EXHIBIT 9

Court Budget (Exhibit 9)

All Municipal Court employees' salaries, judicial and non-judicial, are paid from the Hennepin County Treasury. The Board of County Commissioners of Hennepin County is authorized to levy taxes annually against property within the county as may be necessary for the establishment, operation and maintenance of the court.⁹

The budget for 1972 will be prepared by the Court Administrator and his staff, submitted to the Bench for their approval and then by June, to the County Administrator's budget department for their evaluation and possible revision. Subsequently, the County Administrator will present the budget for Hennepin County, including the Municipal Court, to the Board of Commissioners for their adoption or revision.

The 1972 budget will be presented in a different format, instead of the usual line item budgeting, program planned budgeting (PPB) will be utilized. However, it is quite doubtful as to applicability of PPB budgeting for a court system or any other service oriented agency who does not have control over its intake and speed of processing, in order to establish work processing goals which are required by PPB.

While the purpose of the court is to administer justice rather than collect revenue; the fees, fines and forfeitures which were collected and paid to the city, county and state

9. Minnesota Statute 488A.111

agencies have always greatly exceeded the costs of operation,
as illustrated below:10

<u>Description</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>
Municipal Court Appropriation	\$1,151,024	\$1,454,046	\$1,499,382
Community Costs	346,610	384,775	---
Community Refunds	2,877,892	3,320,315	---

10. Copies of 1969, 1970 and 1971 budgets are contained within section III.

COURT SUPPORTIVE AGENCIES:

Prosecuting Attorney

The attorney of the municipality in which the violation is alleged to have occurred has charge of the prosecution of the violation and prepares the complaint. In Minneapolis, the City Council appoints the City Attorney who, with the consent of the council, appoints assistants and clerical staff. His department has twelve attorneys in the Criminal Division and eleven in the Civil Section. The City Attorney's Office has charge of all legal matters connected with the city government. It represents the city when the public sues for negligence. In Criminal Court, it prosecutes misdemeanors and ordinance violations.

In the event of a felony or gross misdemeanor, the County Attorney acts as the people's lawyer to prove the crime before the court. The County Attorney is an elected official. He has a staff of seventeen assistants and two investigators to help him expose and prosecute various crimes in the county. His staff handles all preliminary hearings in Municipal Court. They handle criminal cases, business frauds, civil matters, domestic relations, and appeals to the State Supreme Court.

A Grand Jury of 23 citizens holds closed investigations, hearing witnesses examined by the County Attorney to determine whether there is an indictable crime such as homicide and for misconduct of public officials.

Public Defender

The Public Defender program in the Municipal Court is sponsored by the State Public Defender's office and the Legal Aid Clinic of the University of Minnesota Law School. The staff consists of three full time lawyers, supplemented by thirty senior students per academic quarter, from the University of Minnesota, who prepare, investigate and do legal research in cases.

The Public Defender's budget in Hennepin County is \$54,500 for 1971, with \$42,000 paid by the county and \$12,500 from a grant from the Governor's Crime Commission. During the last four months of 1970 the staff interviewed 916 defendants for eligibility, and accepted 694 for counsel. The dollar earning limits for qualifying for a public defender are not clear. There are no formal guidelines, however, there is a set of informal guidelines drafted by the Hennepin County Bar which are generally followed. Weekly salaries of below \$65 if single and \$80 if married are the typical figures used. However, subjective factors such as assets, bills, number in the family and type of offense are considered. In theory, the judge makes the decision in open court on assigning a public defender, but in practice the public defender simply agrees to take the case.¹¹

Private Attorney

The court refers offenders who need a lawyer to the Attorneys Referral Service, sponsored by the Hennepin County Bar Association.

11. According to Laws of 1965, Chapter 869, the court has the authority to appoint its Public Defender. M.S. Sec. 611.18.

Any lawyer wishing to list his name with the Referral Service is able to do so. The office is open Monday through Friday from 9:00 A.M. until 4:30 P.M. Individual attorneys names are also listed in the Minneapolis yellow pages of the telephone directory.

The court also has the power to appoint counsel other than the Public Defender, after it has been determined that the defendant is financially unable to afford an attorney. The court determines reasonable compensation for services and directs the county to pay for such services.¹²

County Sheriff

The Sheriff employs 263 personnel and utilizes another 200 special deputies. The County Sheriff, as a statutory office, performs traditional police services in the unincorporated areas of the County; operates a centralized jail, and performs specially assigned tasks such as serving warrants and providing bailiffs for court proceedings.

Municipal and District Court judges call on the Sheriff for the processing of court directives involving both civil and criminal cases. His deputies frequently serve subpoenas, summonses, complaints and warrants for every offense from traffic violations to felonies. The Sheriff also provides 28 bailiffs to monitor Municipal and District Court proceedings.

12. M.S. Sec. 611.21.

SECTION II
FLOW
PROCESS

THE OBJECTIVE OF THIS SECTION IS MANY FOLD:
TO DESCRIBE THE PROCESS FROM ARREST THROUGH
SENTENCING, WITH SPECIFIC PARTS COVERING
ARREST, ARRAIGNMENT, TRIAL AND CALENDARING

EXHIBIT 10
OVERVIEW OF CRIMINAL CASE FLOW

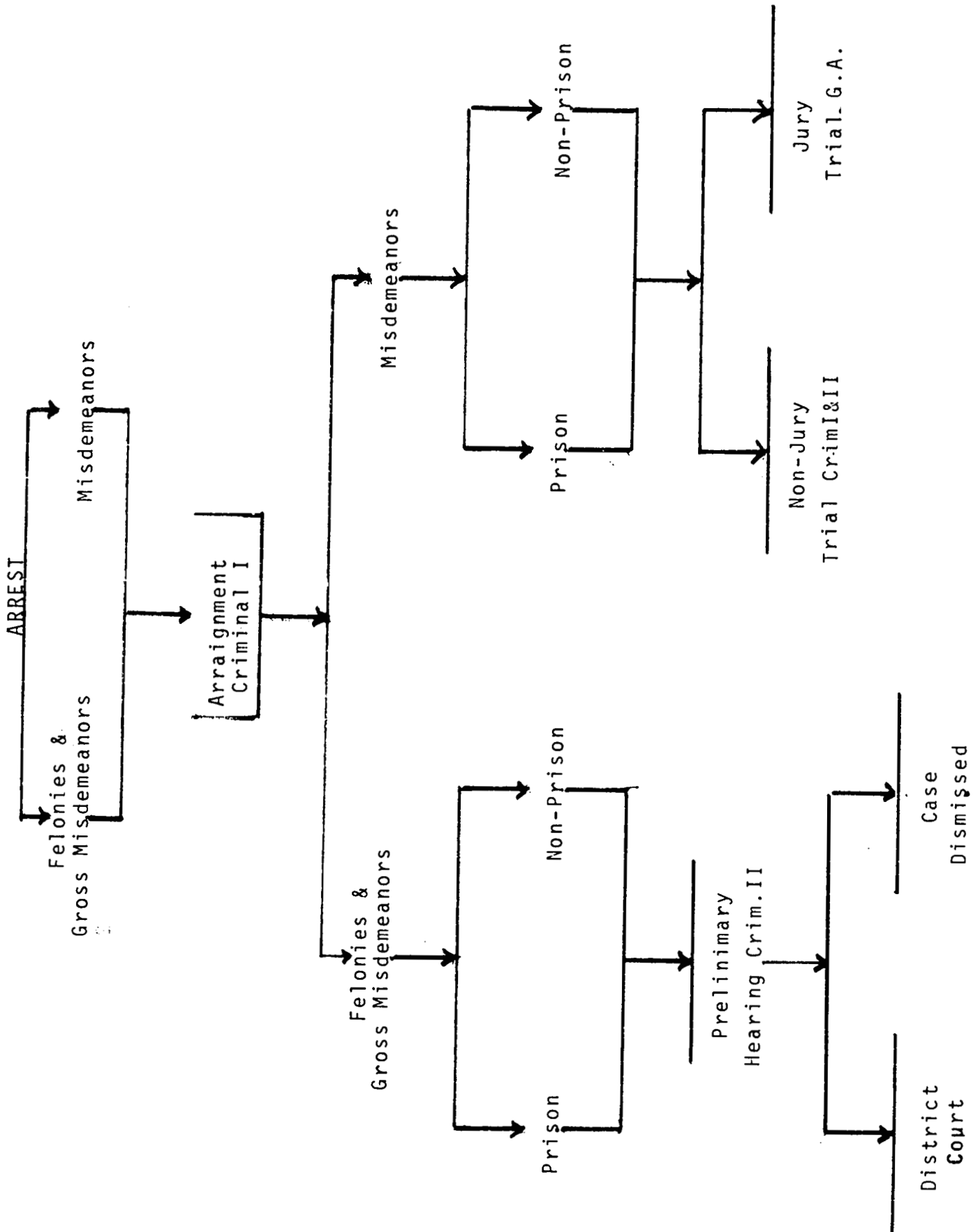
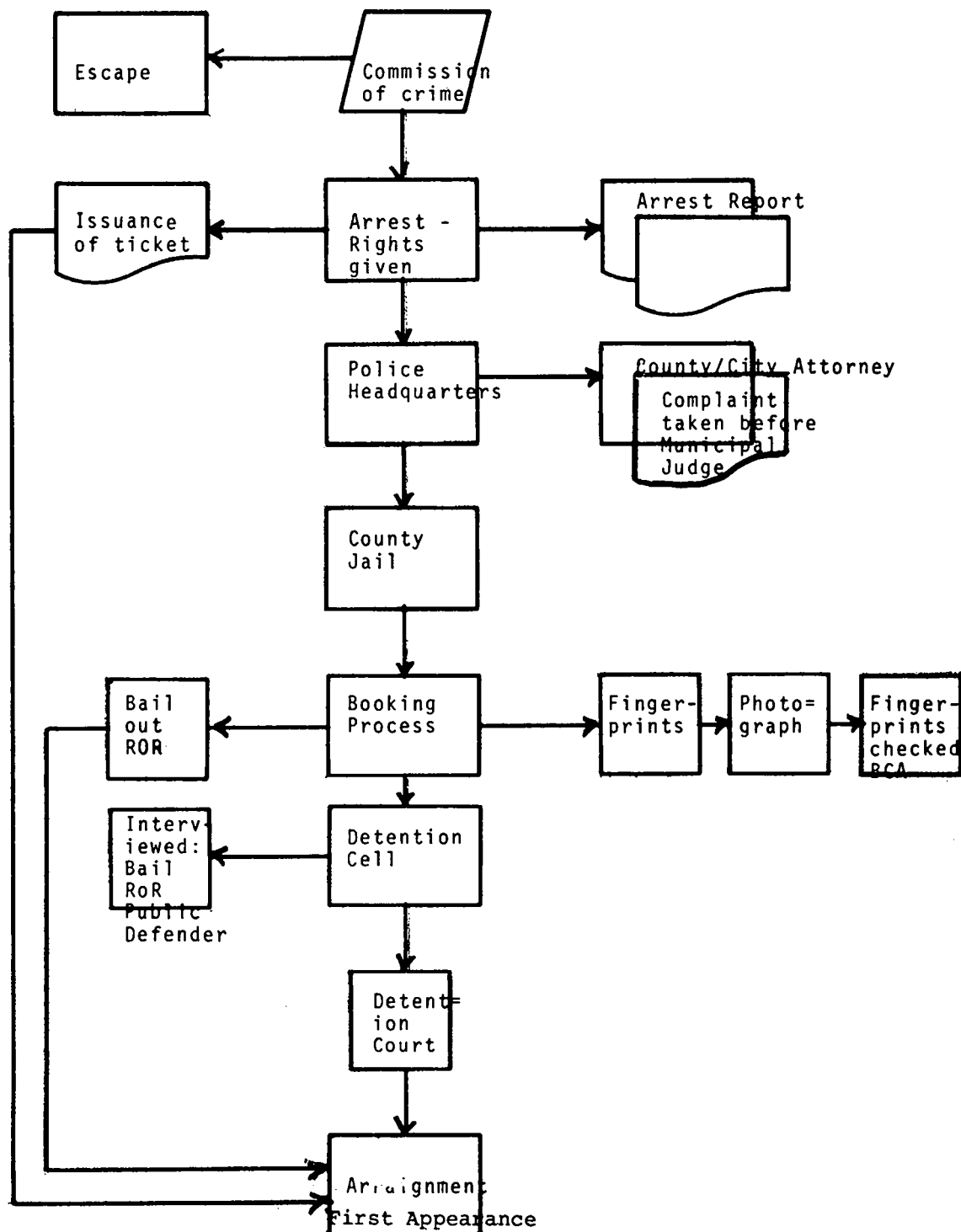


EXHIBIT 11
CRIMINAL INTAKE



CRIMINAL INTAKE:

Overview:

During 1970, there were 112,342 crimes committed within the County of Hennepin. Those suspects arrested were booked and brought to court for arraignment. Some defendants were issued a summons and allowed to appear in court voluntarily. A number of steps are involved in bringing a defendant to court for arraignment, these will be discussed below.

Arrest:

The basic purpose of the Police Department is to prevent crime. Where crime cannot be prevented, it becomes the duty of the Police Department to arrest the alleged offender, secure evidence relating to the crime and present both the prisoner and the evidence in court for judicial determination.

Arrests may be made by a peace officer, with or without a warrant; or by a private citizen, only for the purpose of holding the arrested person to answer for a public offense. A person cannot be arrested or subject to investigatory detention for the purpose of being fingerprinted. Nor can arrest, by whatever name it may be called, be made unless it complies with the probable cause requirements of the fourth amendment.¹³

13. Davis vs Mississippi (1969).

Classification of offense:

Crimes are classified according to the penalty which may be imposed for their violation. Felonies are crimes for which a sentence to imprisonment in a state prison or reformatory for more than one year may be imposed. Misdemeanors are crimes for which the maximum penalty does not exceed a fine of \$300 or a prison sentence of not more than 90 days or both, for each charge. Gross misdemeanors are crimes for which the penalty exceeds those applicable to misdemeanors but less than the penalty for felonies.

Post Arrest:

Following an arrest, the defendant in most cases is brought directly to the Minneapolis Police Headquarters.¹⁴ The arresting officer records the defendant's pedigree¹⁵ and Modus Operandi (MO). The offense, time, place and a brief description of the crime are also recorded on the Arrest Report. While in the squad room, the defendant may be held for further investigation. This may take the form of interrogation, identification by witnesses, search at the scene of the crime, etc.

Summonses:

Pre-arraignment police procedures are different in cases

-
14. Immediately following the arrest, the defendant is given his "rights".
 15. Pedigree includes name, address, identifying description and occupation of the defendant in addition to the past criminal history.

in which a summons is substituted for, or used following an arrest. All summons issuing agencies in Hennepin County (Police Departments, Sheriff Department, Fire Department, Airport Authority, etc.) will commence issuing a new summons known as an "All Purpose Summons", for minor offenses such as municipal code violations and traffic violations, instead of making an arrest. In such cases the defendant is told to report to court on a certain day for arraignment. There is no further contact with the defendant, unless he pleads "not guilty" at the time of arraignment and a trial is held.

Booking:

After the processing and investigation are complete, charges are formally lodged against the defendant by the officer. Then the defendant is taken upstairs to the 5th floor of the Courthouse, the County Jail, to be booked. During booking, the defendant will be identified, photographed, fingerprinted, and searched. He has a right to know what the charges are against him and to receive a copy of the complaint issued against him. He also has the right to refuse to answer any questions or make any statements. He is allowed one telephone call to get in touch with a lawyer, relative or friend.

When a prisoner is received at the County Jail, a booking sheet is made up in two copies. The original goes to the Bureau of Identification (BI) and a copy to Data Processing for billing to the municipality for prisoner costs.

If it is the prisoner's first booking in jail, a complete record will be made. This will include: an unabridged record filled out stating the reason for the booking, date, etc.; Minneapolis Police Department (MPD) fingerprint card and a photograph. If a prisoner is booked for a felony, gross misdemeanor or in certain misdemeanors, he will be fingerprinted on a State of Minnesota and FBI fingerprint card in addition to MPD card. Photographs or "mugs" (as they are called) are taken of all prisoners, male and female, who are involved in a felony, gross misdemeanor and some misdemeanors. It requires court authorization to "mug" a juvenile.

Bail:

If the offense for which the defendant has been arrested is a bailable misdemeanor prior to appearance in Arraignment Court, the defendant can post bail in the County Jail. The jailer utilizes a bail schedule approved by the Municipal Court. However, the required bail may be adjusted downward by the jailer depending on the amount the defendant is able to post. Upon release from jail the defendant is given a notice indicating the time and day that he is to appear in Municipal Court for Arraignment.¹⁶ Following receipt of bail, the jailer records the bail deposit in the "Bail Receipt Book" and as soon as possible, the jailer turns over the bail money

16. The majority of misdemeanants are released from jail prior to court appearance. See Appendix D page 99. Copy of Jail Release contained,

to the Municipal Court.

In January the Municipal Court directed that Court Services institute a program of pre-court screening in the areas of evaluation for release without bail and Public Defender eligibility, by a probation officer being stationed in jail at night. During the night the probation officer attempts to interview all persons arrested on misdemeanor charges immediately after the booking process. The original purpose of this program was to effect broader coverage of cases in bail evaluation and Public Defender eligibility. However, further significant results have materialized in early identification of such problems as medical, psychiatric, dangerous or threatening behavior, etc. This has served to alert the court and probation office early in the day to cases which need special and immediate action.

During three months of operation, January through March, 1970, 748 misdemeanants were interviewed, of which 249 were released with no bail required, 123 of the 249 releases were from jail during the night time, 65 additional recommendations for reduced bail were also made. Only 5 defendants failed to reappear when ordered and 2 of these did return due to follow-up contact by probation officers.¹⁷

17. Memorandum from Probation Office to the Municipal Bench.

Attorney Release:¹⁸

A misdemeanor can be released from the County Jail in the custody of his attorney. The attorney in essence is guaranteeing that the defendant will be present in court at the time of his arraignment. A public defender does not have this privilege of having his client released on the attorney's personal recognizance.

Jail Facilities:¹⁹

Following the booking procedure, the defendant is informed of his right to a telephone call. Next the defendant, if he has not posted bail, is placed in a detention cell to await arraignment in Municipal Court the following day. The jail is divided into many segments. Those booked and waiting arraignment are placed in one portion of the jail, in cells with nothing more than plank beds to sleep on. This portion of the jail is further divided between those charged with felonies and misdemeanors. Once a defendant has been arraigned and pleads "not guilty" and demands either a court trial or jury trial, if he is not released prior to his trial date, he is returned to jail where he is placed in a different segment of the jail. Defendants in jail awaiting trial are placed in cells, usually two to a cell, with mattresses, linen and

18. Copy of list itemizing the attorneys who have had their privilege revoked, contained in Appendix D, page 100.

19. No sentenced prisoners are held in jail.

individual bathroom facilities. Again the defendants are segregated by the degree of offense, felons from misdemeanants. There is also a women's section in the County Jail, which holds twenty-five prisoners.

The "drunk tank" consists of one large room with a few individual cells leading off the main room. The drunk tank averages about twenty offenders a night, but will hold up to fifty.²⁰

Last year the jail housed 26,730 prisoners²¹ (defendants charged with felonies, gross misdemeanors and misdemeanors awaiting arraignment or trial) averaging 75 prisoners per day. Persons awaiting trial in Federal Court or pick-up by the Army are also housed in the County Jail. The facilities are crowded, normally every cell is filled.

Projections for 1975 indicate that approximately 169 prisoners will be processed per day. This amounts to a total of 60,840 prisoners housed in these antiquated facilities in the year 1975.

Your Rights Pamphlet:²²

Efforts have increased in the Municipal Court to inform

20. The Governor signed a bill in April which removes public drunkenness as an offense, instead treats it as an illness. However, since there is a lack of detoxification centers, the "drunks" will probably be arrested on other charges just to get them off the streets.

21. See Section III. Statistics from a survey conducted by Space Utilization Association, February 3, 1971.

22. Copy of pamphlet contained in Appendix D page 101.

the accused of their "rights". A pamphlet called "Your Rights" was prepared through cooperation of the judges of the Hennepin County Municipal Court in conjunction with the Criminal Law Committee of the Hennepin County Bar Association. The pamphlet explains the rights of a person charged with a misdemeanor or ordinance violation. It describes the jail and court procedures, urges a person to hire an attorney, or request services of the public defender if he is indigent. The pamphlets are distributed to defendants who are booked in the County Jail, defendants appearing in the Violations Bureau, and copies of the pamphlets are placed on the benches of the Criminal and Traffic Arraignment Courts.

Pre-Arraignment:

Complaint:

Following an arrest and the detention of the offender, without a complaint, the arresting officer discusses the facts obtained with the prosecuting attorney. The prosecutor is the County Attorney if the offense is a felony or gross misdemeanor, and is the City or Village Attorney if the offense is a misdemeanor or ordinance violation. If the prosecutor decides that no offense has been committed or that the evidence is not sufficient to charge the suspect, he is released from jail. If the prosecutor determines that there are adequate grounds

for a complaint, a complaint and warrant for arrest are drawn up. The complainant, arresting officer and/or injured party, are taken before a Municipal Court judge to attest to the facts in the complaint,²³ if the judge agrees that there are adequate grounds for a complaint and warrant to be issued, he signs the documents.²⁴ In Minneapolis, a copy of the complaint is given to the defendant.

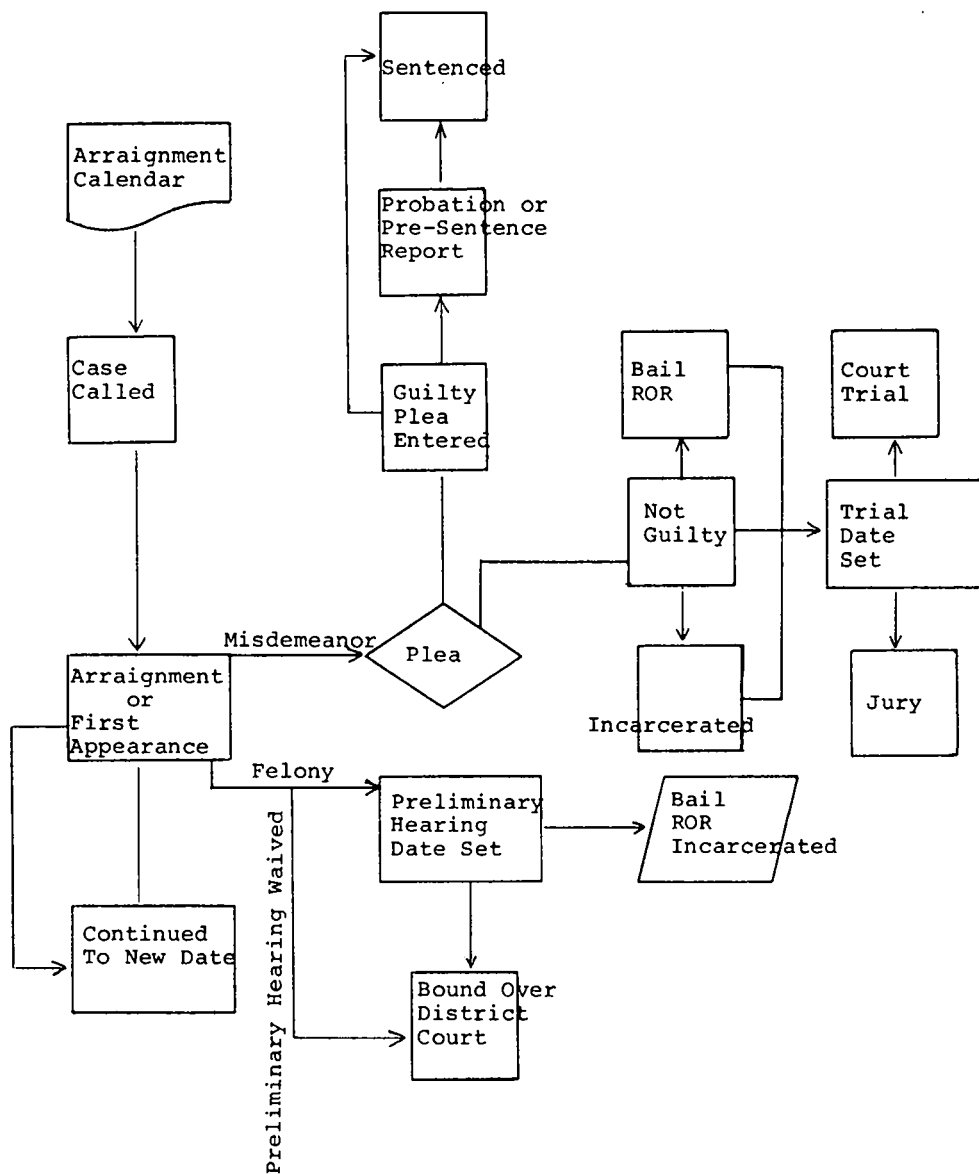
Docketing:

After the complaint has been drawn and signed by a judge, a copy of the complaint is then taken to the Municipal Court Clerk's Office for subsequent docketing.

The jailer prepares a Court Sheet which states that this suspect, and others, are in his custody and the offenses with which they are charged. A copy of the warrant together with the Court Sheet is sent down to the Criminal Clerk who files the warrants with their respective complaints. The Clerk then prepares the Court Calendar for the next session of the Arraignment Court from the complaints he has on file which relate to the Court Sheet, and from the Court Sheet itself.

23. This examination under oath before a Municipal judge is provided for in Minnesota Statute 629.42 and 633.03, 1963 -- State vs Nebovig.

24. Judge shopping for complaints to be signed is kept to a minimal since the judge on Special Term is designated as the judge who will sign complaints, unless he is not available.

EXHIBIT 12
ARRAIGNMENT

ARRAIGNMENT:

Overview:

The arraignment is held before a court having the authority to try the type of case in question in the county in which the offense was committed. Ordinance violations and misdemeanors generally are tried in Municipal Court with felonies and gross misdemeanors being tried in District Court.²⁵ The purpose of arraignment is to bring a prisoner before the court to be informed of the charges against him and to answer the charges contained in the complaint. During 1970, there were 20,932 misdemeanants and 2,356 felons arraigned in Criminal I, of the Municipal Court.

Pre-Court Screening:

Persons arrested and brought to the County Jail are interviewed by a Probation Officer who is present in the jail between the hours of 5:00 P.M. and 2:00 A.M. This officer advises defendants of their right to a Public Defender and, if the defendant expresses an interest, conducts a financial eligibility interview. Another Probation Officer begins work at 6:00 A.M. His function is to transmit bail recommendations to the court, interview any persons missed during the evening and insure that all eligible defendants are brought to the Public Defender's attention. The

25. In Hennepin County, the Municipal Court's jurisdiction is limited to holding preliminary hearings for gross misdemeanors and felonies.

financial interview is given to the Public Defender each morning and a further interview is conducted on the facts of the case and the client's background. Six days a week a Public Defender is present in the Arraignment Court and appears on behalf of each client.

Pre-Arraignment Diversion:

The Hennepin County Diversion Project also known as Operation de Novo (patterned after Project Crossroads in Washington, D.C. and the Manhattan Court Employment Project in New York City) is a new program sponsored by the Urban Coalition of Minneapolis and funded by the U.S. Department of Labor. The purpose of the program is to divert selected defendants from the criminal justice process following arrest but before arraignment, and to provide them with an intensive six month evaluation and follow-up. Services offered by the project include casework, groupwork and vocational counseling, job development, job placement, vocational training and education. For those participants who complete the six month program successfully, the project staff will recommend dismissal of the initial complaint.

The project permits diversion of both misdemeanants and felons from both the Municipal and District Courts. Generally, first offenders receive first preference but the program is sufficiently flexible to include persons with prior offenses when deemed appropriate by the project screener in consultation with the prosecutor. Felonies involving assaultive behavior

are excluded as well as persons with problems of alcoholism, drug addiction and severe personality disorders.

Proceedings:

First Appearance:

Just prior to the time the judge enters, the courtroom clerk reads an opening statement, which among other things advises the people in the courtroom of their right to a lawyer or a Public Defender. Persons accused of offenses come forward as their names are called, either from the detention area within the courtroom where defendants in custody sit, or from the spectator's bench if they have been released on bail or their own recognizance.²⁶

The courtroom clerk calls the case by line number on the calendar and name of defendant. The charges are read and the defendant is asked how he pleads. Prior to entering a plea, the judge asks the defendant if he understands the charges and informs the defendant of his right to counsel and asks him if he desires the aid of counsel.²⁷ If the defendant is unrepresented by counsel and desires the services of a lawyer, the case will be continued to a later time. Those defendants (misdemeanants) entering a plea of guilty will usually be

26. Note: Defendants charged with gross misdemeanors or felonies can not be released from jail prior to arraignment before a Municipal Court judge. Minnesota Statutes Annotated (M.S.A.) 488A.10.

27. In all statutory, traffic or ordinance misdemeanor cases where the sentence upon conviction could be confinement in jail for even a brief time, the defendant must be furnished counsel if he is financially unable to retain an attorney.

sentenced that day, providing that the Probation Department is able to conduct an interview with the defendants and prepare a report for the court, if the Bench has requested such. The maximum sentences that a judge can impose upon an individual are, \$300 and/or 90 days on each charge the defendant is found guilty on.

Plea:

In cases involving felonies or gross misdemeanors, the defendant is given the option of demanding or waiving a preliminary hearing, used to determine whether there is reasonable cause to believe that the defendant committed the crime. If a preliminary hearing is waived, the defendant is immediately bound over to the District Court which has jurisdiction to try felonies and gross misdemeanors. If a preliminary hearing is demanded, the case will be scheduled for a hearing in from two to four weeks, depending on the attorney's schedule and the availability of judges.

Misdemeanants entering a plea of not guilty will be given a trial date ranging from about three to six weeks, depending on whether a court trial or jury trial is requested. Once a trial date has been set, if a court trial, no further notice to the parties will be given following the original assignment

of the date in the Arraignment Court. For jury trials, a notice will be sent out to all parties approximately three weeks in advance of the trial date.

Adjourned Cases:

For those cases not disposed of at the time of arraignment, the case will be scheduled for a later date. Defendants not represented by counsel at the time of arraignment and desiring an attorney, will be continued for a period of one half hour to two weeks depending on the defendant's eligibility for a Public Defender. A Municipal Court Public Defender is usually present each morning at 9:00 A.M. when first appearances are held. There are a total of three on the staff, and they are aided by students from the University of Minnesota. If the defendant has not previously been interviewed, either by the Public Defender or the Probation Department's Bail Review Program; the financial eligibility interview is conducted at the request of the court.²⁸ Upon completion of qualifying the defendant for Public Defender assistance and reviewing the facts of the case, the Public Defender will notify the clerk that the case is ready for a second calendar call in order to enter a plea. The Public Defender will advise the court that the defendant is eligible for the Public Defender's services at which time the court will formally appoint the Public Defender to represent the defendant,

28. Copy of Financial Inquiry form contained in Appendix D page 102. Generally weekly salaries of \$65-70 if single and \$80 if married, will qualify the defendant. However, there are also subjective factors such as: arrests, bills, number of dependants, type of offense, etc.

who will enter the defendant's plea. Those defendants who are ineligible for Public Defender representation will be given approximately one week to obtain the services of a private lawyer and to return to the Criminal Arraignment Court to enter a plea to the charges. The court refers defendants who need a lawyer to the Attorney Referral Service, sponsored by the Hennepin County Bar Association.

When a case is not disposed of, but is adjourned for hearing, trial or sentencing, bail is generally set or the defendant may be released on his own recognizance. If the defendant is released, he is given a notice of his obligation to return to court on the new date. A defendant who is convicted and sentenced to a jail term, or who is unable to post bond, is committed to the custody of the County Jail. The commitment papers will indicate if the defendant is to serve a sentence at the workhouse, or be detained until a future court appearance.

On the adjourned date of the case, as noted on the commitment papers, the jailed defendant awaiting arraignment, will be placed in the chute (connects the Jail and Arraignment Court) which leads to a detention area between two courtrooms. Upon a calendar call of the defendant's case, a bailiff will remove the defendant from the holding facility and bring him into a fenced-in area within the court.

Bail Bonds:²⁹

If the defendant is not ready to enter a plea, the case is

29. Bail matters are dealt with in Rules 33 & 34 of the Hennepin County Municipal Court - Special Rules of Procedure.

continued as a matter of course. Contacting and retaining counsel, private or public, is allowed for. The next step in the process, subsequent to setting a future appearance date, is the question of bail. Generally, the Prosecuting Attorney will make a recommendation on bail amounts, based primarily on the nature of the charge and the defendant's prior record. The defense attorney sometimes presents relevant background data, opposes a high bail recommendation to the prosecuting attorney or may request release on personal recognizance (RPR) treatment for his client. The standard items that are considered relevant are: employment, longevity in community, family ties, home ownership and the like. The court may order an RPR evaluation, to have the Probation Department ascertain any facts which may make either a greater or lesser amount of bail appropriate.

A defendant may be released on bail after being placed in the County Jail, by having a friend or relative post the required amount, or by employing a bondsman. There is a list of bondsmen posted by a telephone in the County Jail.

The Indigent:

Public Defender:

The right of an indigent to legal representation in Minnesota Municipal Courts was established in 1967.³⁰ Since this

30. State vs Borst, 278 Minn. 388, 154 N.W.
State vs Collins, 278 Minn. 437, 154 N.W.
State vs Illengworth, 278 Minn. 434, 154 N.W.

decision the Hennepin County Municipal Court judges have, with increasing frequency, appointed a Public Defender to represent indigent defendants appearing before the court.

As a result of this ruling, in late 1967, one part-time Public Defender began practicing in the Municipal Court who was joined in early 1968 by another part-time defender. In mid 1968 a full-time Public Defender was hired. Presently there are three full-time Public Defenders.

Legal Aid:

There are a number of agencies in Hennepin County that supplement the work of the misdemeanor Public Defender by representing indigent defendants in Municipal Court. In terms of volume the first organization is the Legal Rights Center. This group of three attorneys, funded by private law firms in Minneapolis, handles approximately 30 new misdemeanor cases each month. The program is designed to provide complete legal and social services to the black and indian minorities. The second organization is the Criminal Defense Panel of the Legal Advice Clinics of Minneapolis-Hennepin County Bar Association. Staffed by approximately thirty volunteer attorneys, primarily associates from the larger corporate law firms, this organization provides alternative legal representation to those unaware of or disillusioned with the more established agencies. Most of their clients are young and many have problems related to the use of drugs. Over the last year Youth Emergency Service (YES), a local

referral service for younger persons with problems, has developed a panel of attorneys, often overlapping with the Criminal Defense Panel, that handles referrals from Y.E.S. on a regular basis. Although many clients of the Criminal Defense Panel and Y.E.S. are ultimately referred to the Public Defender, the two organizations together handle approximately 30 new cases per month. In addition, many private attorneys occasionally represent indigent defendants in Municipal Court.

Another group that assists defendants in Municipal Court is the Legal Aid Clinic of the University of Minnesota Law School. Third year law students, operating in Municipal Courts under the Minnesota Third Year Practice Rule, assist the Public Defender in the handling of the caseload. They prepare, investigate, and do legal research on an average of four matters a week set for trial. Depending on the student's preparation, the trial would be handled in whole or part by the students.³¹ In any case the Public Defender is always present at trials handled by students.

The pace is constant. Most arraignments are completed in a few minutes. One case is barely complete when the next is being called. Constantly shifting groups appear before the judge. Prisoners brought into the detention area within the

31. Pursuant to the Minnesota Supreme Court's Senior Law Student Practice Rule-defend or assist in the defense of a defendant.

courtroom pass those being returned to the detention area. Some defendants are obtaining their fine slips or notice of next appearance, if the case has been continued, from the court clerk, while new groups are forming before the Bench. Due somewhat to the confusion taking place within the courtroom, it is extremely difficult to hear and observe the proceedings. Neither the Arraignment or Criminal Trial Courts use sound amplification equipment.³²

32. Sound equipment is utilized in the courtrooms located over at the Flour Exchange, where Civil Jury and Court Trials are held.

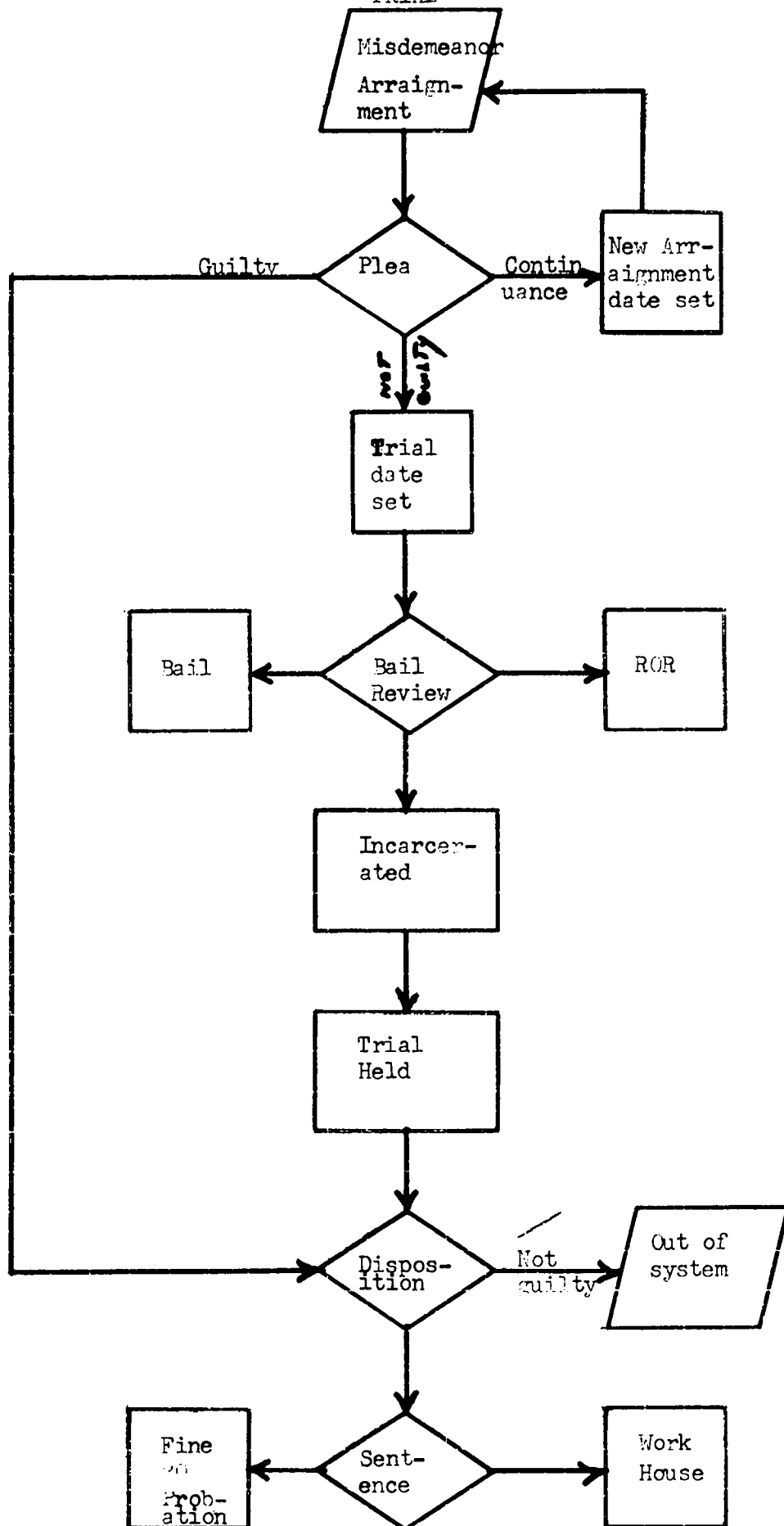
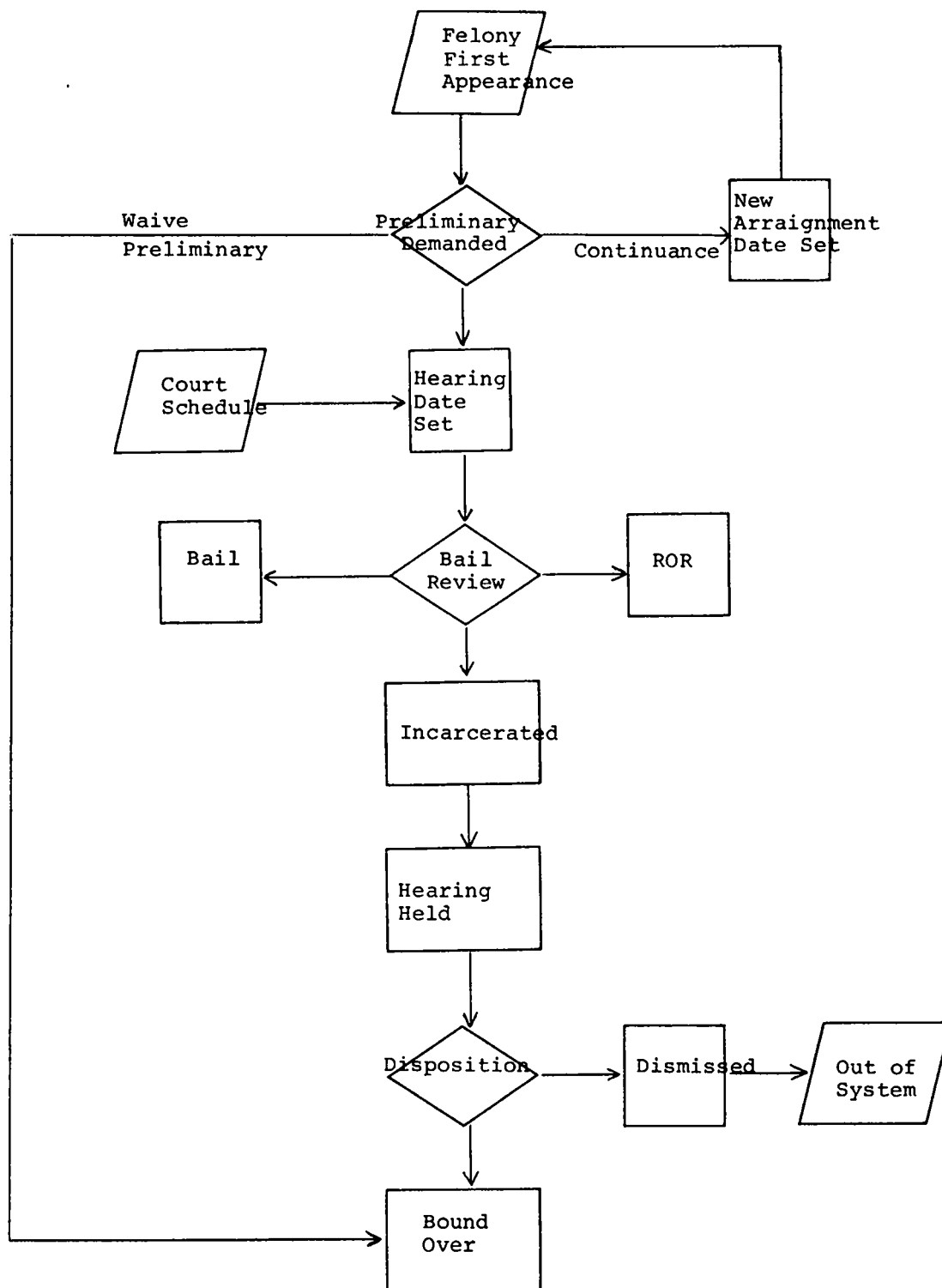


EXHIBIT 13

HEARING



TRIAL:

Preliminary Hearing:

Minnesota Statutes sections 629.45 through 629.70 (1963) contain the general statutory provisions in regard to preliminary hearings. These statutes are silent on the question of when a preliminary hearing is required. However, Minnesota Statute section 628.31 expressly requires a preliminary hearing or waiver thereof before any information can be filed. It would appear that the defendant is entitled to a preliminary hearing only in cases of felonies or gross misdemeanors where the initial accusation is by complaint.³³

Following a first appearance in Municipal Court a preliminary hearing may be requested or waived. The purpose of the hearing is two-fold: first, to determine whether an offense has been committed, and second, whether there is good reason to believe that the accused committed the offense. The preliminary hearing is not a trial, the guilt or innocence of the accused is not being determined. The defendant has the right to waive a preliminary hearing, in which event the case is bound over to District Court. If the defendant does waive his right to a preliminary hearing, the judge makes sure that the defendant understands what waiving his rights means.

33. A preliminary hearing or waiver is not a prerequisite to an indictment. State vs Uglum, 175 Minn. 607.

If the accused desires a hearing, the clerk present in the Arraignment Court will schedule the case for the next available date, usually two to four weeks following arraignment. The question of bail is usually the next subject dealt with. The County Attorney usually makes recommendations to assist the judge in setting bail. The amount of the bail is determined by what appears to the judge to be sufficient to insure the accused's appearance for the hearing.³⁴

The procedure at the preliminary hearing varies with the presiding judge. Some judges examine the complainant and the witnesses for the prosecution, others do not. After the prosecution presents its case, if the accused so desires, witnesses for him may be examined. The accused is entitled to cross-examine the witnesses for the prosecution, to the assistance of counsel and also has the right to have an attorney appointed for him if he is without funds to pay for legal assistance.³⁵

As a practical matter, cases will occasionally arise where the defense attorney demands a hearing because he is convinced that a dismissal can be obtained.³⁶ Sometimes their main purpose is to test the strength of the state's witnesses and to

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- 34. A six month study in 1970 indicated that 2% of the defendants did not appear for the hearing. Additional statistics contained in Section III.
 - 35. Procedure for appointing a Public Defender is described under the Arraignment Procedure.
 - 36. A six month survey in 1970 indicated that 11% were dismissed for lack of prosecution.

obtain a rough idea of the state's case and its potential weak points. However, the state cannot be compelled to disclose more of its evidence than it desires. Another reason for requesting a hearing, is to delay the process of the case. Plea bargaining is also prevalent at the hearings, especially in weak cases, the charges may be reduced from a felony to a gross misdemeanor, or from a gross misdemeanor to a misdemeanor.³⁷

A preliminary hearing means that a final disposition of the case will likely come chronologically later than it otherwise would have, had the hearing been waived. Demanding a hearing, sometimes becomes a tactic of delay for the defense, and delay can under some circumstances be in the best interest of the defendant. Delay can facilitate judge shopping in the District Court, since the two criminal judges are rotated every four weeks. In the past, it has taken from six to eight weeks from time of arraignment to hearing, lately that time span has been reduced to approximately three weeks.

Upon completion of the hearing, if the judge is satisfied that no offense has been committed, or that probable cause to believe that the accused is guilty is lacking, the prisoner is immediately released. The dismissing of the complaint on such grounds, however, does not preclude the County Attorney from obtaining a new complaint charging the accused with the same offense.³⁸ If the judge decides that the accused probably

37. Statistics are not readily available on cases with reduced charges.

38. State vs Uglum, 175 Minn. 607. The new warrant need not show the defect in the previous complaint has been cured.

committed the offense charged, the case is bound over to the District Court for arraignment. If the accused has posted or does post bail with the Municipal Court, he is temporarily released until the arraignment is held. If bail is not put up, the accused is committed to the County Jail to await the arraignment.

A stenographic record of the hearing is made, and the transcript is sent over to the District Court when it is requested by the defendant bound once for trial.

Misdemeanor Trial:

"A charge of a violation of any municipal ordinance, charter provision, rule or regulation, other than a violation dealing with driving while under the influence of an alcoholic beverage or narcotic drug, speeding that is a third or further offense occurring in one year, or careless or reckless driving where a personal injury is involved, shall be heard, tried and determined by a judge without a jury, and the defendant shall have no right to a jury trial on such a charge, except as otherwise required by law".³⁹

The final action taken at arraignment is either the setting of a date for further adjudication (calendaring) or sentencing after a plea of guilty has been entered. Adjournments, whether for court or jury trials, are usually for a week or two for incarcerated defendants and six weeks for those out on bail or their own personal recognizance.

39. Minnesota Statute 488A.10 Subd. 6.

Unlike a preliminary hearing, the purpose of the trial is to determine the guilt or innocence of the accused. Misdemeanor court trials are held daily in Criminal I and II courtrooms. In order to assure that the defendant's defense is properly presented, it is to his advantage to be represented by an attorney. If the defendant is indigent, he can be represented by the Public Defender. For those defendants who choose to represent themselves, they have the same procedural right as an attorney; the right to cross-examine the witnesses who testify against them, to call witnesses in their own behalf, to testify in their own behalf and to obtain subpoenas from the court. Whether the accused is tried by a judge or jury, the State must prove its case against the defendant. A City or Municipal Attorney acts as prosecutor, to prove the state's case. In order to insure the appearance of all of the People's witnesses, the prosecuting attorney's office sends out subpoenas approximately two weeks prior to the appearance date.

On the basis of the evidence presented at the trial, the judge or jury will make a finding of either guilty or not guilty. A finding of not guilty terminates the case, but if the defendant is found guilty or pleads guilty, he is convicted and the judge determines the sentence.

Sentencing:

Following a plea or a verdict of guilty, the trial moves to the sentencing procedure. Sentencing is one of the hardest

responsibilities of a judge. Punishment for a misdemeanor cannot exceed 90 days in the workhouse and/or a \$300 fine for each charge of which the defendant is found guilty. Sentence is pronounced following the trial, usually allowing a few hours for a pre-sentence investigation by the Probation Department. Uniformity in sentencing is difficult to obtain, in that pre-sentence investigations may show the reasons for the individual's behavior, hence the reason for individual sentencing. The lack of uniform sentencing leads to judge shopping.

Based upon the present conditions of the correctional facilities (overcrowded and in poor physical condition) and the nature of the offense for which the defendant was found guilty, it is quite conceivable that the judge might impose one of the following alternatives to incarceration:

- . Unsupervised release, which usually takes the form of a recommendation for: (a) unconditional discharge; (b) conditional discharge.
- . Supervised release, where the defendant is paroled to the custody of the Probation Department.

Bench Warrant Issued:

When a defendant has failed to appear for a trial date, a bench warrant for his arrest may be issued. During a six month survey, this occurred approximately 6% during the time period. The case is then marked "off calendar" until the defendant surrenders or is returned to court, pursuant to the warrant.

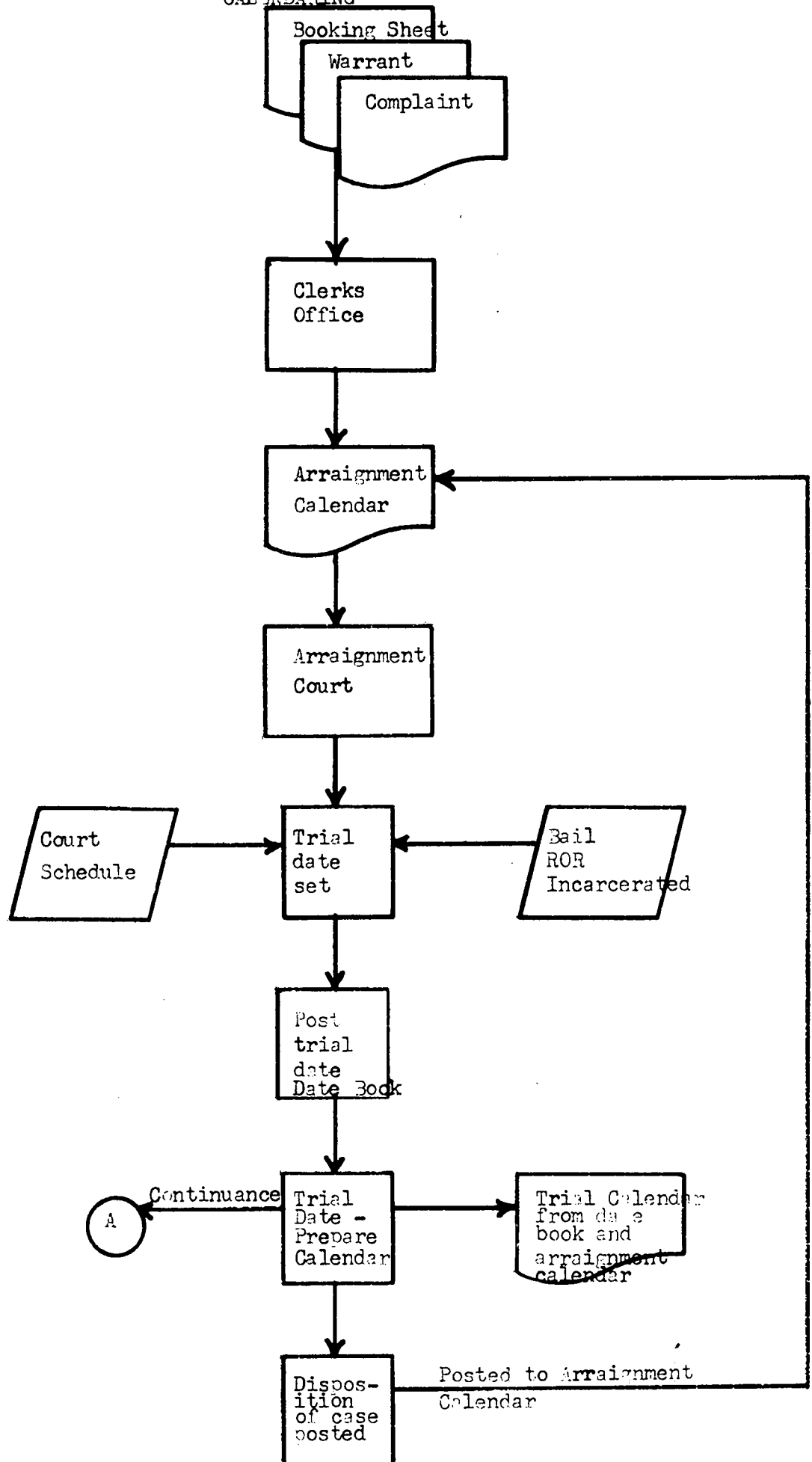
Appeal:

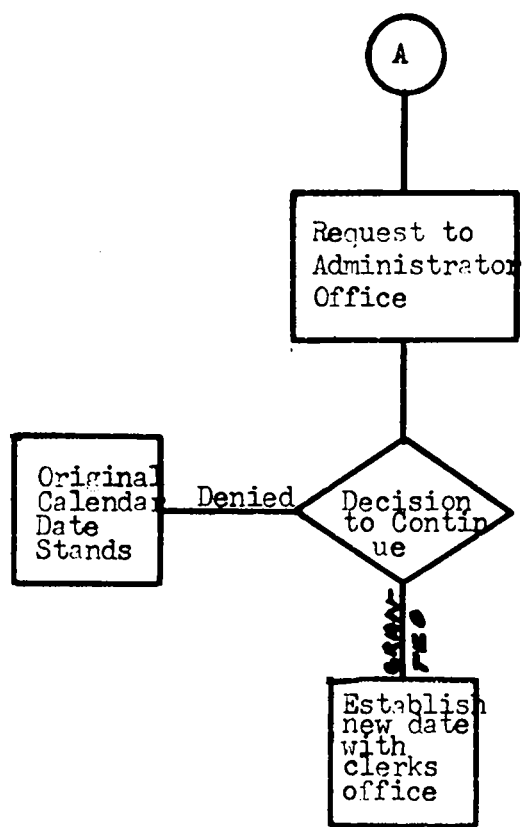
Convictions on ordinance violations are appealable to the District Court. All civil cases are appealable directly to the Supreme Court as are statutory violations.⁴⁰

40. Minnesota Statute 484.63

EXHIBIT 14
CALENDARING

71





CALENDARING:

Overview:

For purposes of this portion of the report, only a brief description of the steps that a case is processed through will be discussed. Major emphasis will be placed on describing the calendaring function in each phase of the case flow.

The court has been faced with an increasing backlog of cases.⁴¹ Each year the number of new criminal cases is larger than the number of dispositions. Criminal trials have grown longer as a result of the criminal law revolution of the 1960's. Such decisions as Escobedo and Miranda, by the U.S. Supreme Court; and Rasmussen by the Minnesota Supreme Court⁴² have expanded the rights of those accused of crimes.

Trial Setting:

The Municipal Court utilizes a central calendaring method, with cases being scheduled for a certain date, time and courtroom, regardless of who the presiding judge will be. All sixteen judges are rotated through the criminal parts of the court, handling criminal arraignments, misdemeanor court, jury trials, and preliminary hearings.

The clerk's office is responsible for scheduling misdemeanor court trials. Based upon past experience, eight trials are

41. See statistics in Section III.

42. A hearing in District Court, similar to a preliminary in Municipal Court, is where the prosecution's evidence is brought forth before a judge, prior to both plea and trial, where constitutional challenges as to its propriety are heard.

scheduled daily. Criminal II, is scheduled to handle four court trials in the morning. Criminal I, which handles criminal arraignments every morning, is also utilized for misdemeanor court trials, with four trials set in the afternoon.

Preliminary hearings are also scheduled by the clerk's office. In the past, preliminary hearings were only held in the afternoons, during which four cases would be disposed of. However, in order to alleviate the backlog which was building up a judge who would normally be utilized on General Assignment, has been assigned every Thursday to handle preliminary hearings. By assigning an additional judge to handle preliminaries, the backlog has been reduced and the time span from first appearance to hearing is within three weeks for those defendants incarcerated.

Arraignment:

The county jailer prepares a booking sheet which states the defendant's name and the offense with which he is charged. This booking sheet and corresponding warrants are sent to the clerk's office for preparation of the daily arraignment calendar. The clerk in charge of preparing the arraignment calendar accumulates the appropriate complaint (which was sent to the clerk's office by the prosecuting attorney) and warrant, places a docket number on the documents and the calendar sheet (a hand stamping machine is used) and proceeds to type the name of the defendant and the charges against him onto the

calendar. There is additional room on the calendar to note the defendant's progress through the court process. In essence, the arraignment calendar becomes the "master sheet" or controlling document onto which all future court transactions are posted.

The final action taken at arraignment is either setting a date for further adjudication or sentencing after a plea of guilty has been entered. Adjournments, whether to trial parts or hearing parts, are usually for two weeks for incarcerated defendants and six weeks for bail cases. Adjournment dates are specified by the presiding judge after advisement by the Courtroom Clerk of the next available date. The Courtroom Clerk has knowledge of the pending caseload in each criminal courtroom, from a master calendar which lists all forthcoming trial dates which have been set. In setting a further appearance date, the pending caseload in the various criminal parts is not the only factor which is considered. Those defendants who are not released on bail or on their personal recognizance, but are detained in jail, are suppose to be given preference to those who have been released. Also, in scheduling the next appearance date, consideration is given to: attorney's schedules, the availability of all parties (witnesses and arresting officer) and the processing of older cases first.

When the defendant pleads guilty and receives a suspended sentence, he is advised by the Courtroom Clerk that he is free

to leave the courtroom. When the defendant is convicted after a plea of guilty and is fined, he may pay the fine in the clerk's office to an Accounting and Judgment Clerk, and then is free to depart.

The disposition of each case is entered on the master sheet: entries include the type of disposition, whether bail was set or the defendant incarcerated, and the next appearance date. The master sheet will subsequently be filed in the clerk's office where it will be updated to record the defendant's progress through the court.

Following the morning arraignments, the clerk's office has numerous clerical functions. For those cases which were adjourned, the new date is entered into a Date Reminder Book on the appropriate forthcoming date, by docket number. The arraignment calendar will then be filed away for future use.

Trial:

The trial calendar, like the arraignment calendar, is prepared on the morning of the scheduled trial or hearing. In preparing the calendar, the clerk just consults the Date Reminder Book for the docket numbers of the cases which have been scheduled for an appearance that day.⁴³ Next the original arraignment calendar or master sheet is consulted in order to

43. There are separate Date Reminder Books to record traffic, misdemeanor and preliminary hearings.

enter onto the trial calendar all transactions which have occurred to date. The above procedure is repeated every time a case is continued and set for a new trial date. Preliminary hearing calendars are also prepared in the same manner as misdemeanor trials are.

The clerk's office also prepares the daily calendar for jury cases even though the scheduling of trial dates are handled by the Assignment Office. At arraignment, when a defendant requests a jury trial, the attorneys will subsequently proceed to the Assignment Office for a trial date. All case papers and responsibility for scheduling a future trial date are turned over to the Assignment Office. Presently, six weeks elapse from the time of arraignment until a jury trial is held on the misdemeanor charge.

The Assignment Office is also responsible for scheduling special court trials, those which are expected to be lengthy and involve many witnesses and extensive testimony on both sides. For these special court trials, a judge who would normally have been assigned to sit in General Assignment, are utilized for the duration of the trial. As with a jury trial, the attorneys contact the Assignment Office, following arraignment, for the trial date. All case papers and the responsibility for scheduling the case are also turned over to the Assignment Office by the clerk's office.

EXHIBIT 14

DATE _____

REQUEST FOR CONTINUANCE

1. _____ vs _____
2. Name and telephone of attorney _____
3. Continuance requested by: _____ Plaintiff _____ Defendant
4. Charge _____
5. Date scheduled for court _____
6. Courtroom _____
7. _____ Jury _____ Non-Jury
8. What type of appearance:
_____ Arraignment _____ Preliminary _____ Trial
9. Any previous continuances:
_____ Yes _____ No Explain: _____
10. Request for continuance until _____
11. Reason for request: _____

12. Other attorney:
_____ Favorable _____ Unfavorable Reason: _____

13. When was last notice given? _____
14. Are further continuances to be granted? _____ Yes _____ No
15. Notified:
_____ Assignment Clerks _____ State Attorney _____ Other

_____ GRANTED _____ DENIED

NEW DATE: _____

Continuances: (Exhibit 14)

The delay or continuance of a case from a previously scheduled trial or hearing date to a new appearance date can be handled in several ways. For a jury trial, if the request for a continuance is received up to a week before the trial date, the Assignment Clerk is authorized to handle the request, making a determination to grant or to deny the request. Those requests for a continuance received within a week of the trial date are referred to the Court Administrator for a determination. On misdemeanor court trials and preliminary hearings, the clerk's office has the authority to grant a continuance when requested up to two days prior to the appearance date. Any request for a continuance received within two days of the appearance date, are referred to the Court Administrator for a decision.

Continuances can be granted to either party to the action. In evaluating a request for a new date, the following factors are taken into consideration: the charge, date of appearance, jury or non-jury, date of arraignment, previous continuances, length of continuance requested, and perhaps the most important item, the reason for requesting a continuance. After these factors have been evaluated by the individual handling the continuance, a decision to grant or deny the request is made. On continuances which are granted, the person handling the continuance will set a new trial or hearing date and coordinate this new appearance date with both the defense and prosecuting attorneys.

Continuances which are denied can be appealed to the next level of hierarchy. In essence, then, a request denied by the clerk's office or Assignment Office is appealable to the Administrator, and those denied by the Administrator can be appealed to a judge (however, the party requesting the continuance is not advised of this). When it is known that an individual is going to appeal a decision, the basis for rendering the decision is passed up the level of decision making. A party wishing the continuance of a case can also wait until the scheduled court appearance and request a continuance from the presiding judge.

SECTION III STATISTICS

THIS SECTION HOPEFULLY PRESENTS SOME
STATISTICAL INSIGHTS INTO THE MUNICIPAL
COURT

COURT STATISTICS:

Overview:

During 1970 there were 96,773 traffic, criminal, civil and conciliation cases⁴⁴ handled by the court. This was a seven and one-half per-cent increase over 1969. The number of cases in Municipal Court will probably continue to increase as the population of Hennepin County increases, bringing crowded living conditions and a greater chance of crime and because people have become more litigation minded.

The judges of this court started the year 1970 with 1,077 civil, 833 criminal, 2,388 traffic and 1,859 Conciliation Court cases pending. During the year an additional 4,452 civil, 24,000 criminal, 52,165 traffic and 17,116 Conciliation Court cases were added to the calendar. The court disposed of 3,998 civil, 23,908 criminal, 51,192 traffic and 16,553 Conciliation Court cases. This information appears in more detail below.

Civil:

Despite the increase of criminal cases which reduced the number of judges available to try civil cases, the court has attempted to maintain an even keel.

44. Cases are measured as Traffic and Criminal Court charges; Civil and Conciliation Court Notes of Issue; defendants are counted for criminal, traffic and civil jury trials.

<u>Description</u>	<u>Notes of Issue</u>		
	1968	1969	1970
Cases Pending - January	1,851	1,383	1,077
New cases added during year	3,255	3,718	4,452
Cases Disposed of by Court Trial	1,122	1,298	1,418
Cases Disposed of by Jury Trial	185	130	124
Cases Dismissed, Settled or Stricken	2,416	2,596	2,456
Total Cases Disposed of	3,723	4,024	3,998
Cases Pending - December	1,383	1,077	1,531
Civil Cases Filed	6,399	6,272	8,475

Criminal:

Criminal trials have grown longer as a result of the criminal law revolution of the 1960's. Such decisions as Escobedo and Miranda, by the U.S. Supreme Court, and Rasmussen by the Minnesota Supreme Court expanded the rights of those accused of crimes.

<u>Description</u>	<u>Charges</u>		
	1968	1969	1970
Cases Pending - January	299	498	833
New Cases added During year	20,042	24,227	24,000
#Cases Disposed of by Guilty Plea	13,761	15,975	13,792
Cases Disposed of by Preliminary Hearing (Dism. or Bound over)	1,447	1,537	2,356
Cases Disposed of by Court Trial	1,672	1,662	1,477
Cases Disposed of by Jury Trial	* 23	* 26	* 22
Cases Dismissed	2,940	4,692	6,261
Total Cases Disposed of	19,843	23,892	23,908
Cases Pending - December	498	833	925
*Defendants			

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- #. Reduction in the plea of guilty might be attributed to the increased representation of the indigent by the Public Defender's Office.

Traffic:

Traffic violations are handled by the Traffic Court and the Traffic Violations Bureau. About 55 per-cent of all cases disposed of through the court in 1970 were traffic cases.

<u>Discription</u>	<u>Charges</u>		
	<u>1968</u>	<u>1969</u>	<u>1970</u>
Cases Pending - January	663	1,400	2,388
New Cases Added During Year	46,742	49,696	52,165
Cases Disposed of by Guilty Plea	47,405	35,321	29,270
Cases Disposed of by Court Trial	4,863	4,837	5,270
Cases Disposed of by Jury Trial	* 93	* 129	* 150
Cases Dismissed	9,021	8,421	16,502
Total Cases Disposed of	46,005	48,708	51,192
Cases Pending - December	1,400	2,388	3,361

*Defendants

Conciliation:

The Conciliation Court is separate from Municipal Court, but the judges of Municipal Court serve as judges of the Conciliation Court on a rotating basis.

<u>Discription</u>	<u>Notes of Issue</u>		
	<u>1968</u>	<u>1969</u>	<u>1970</u>
Cases Pending - January	1,040	1,282	1,859
New Cases Added during year	12,190	14,256	17,116
Cases Disposed of by Court Trial	7,888	8,938	10,826
Cases Dismissed, Settled or Stricken	4,060	4,741	5,727
Total Cases Disposed of	11,948	13,679	16,553
Cases Pending - December	1,282	1,859	2,422

Trials Set:

Defendants set for court trial/preliminary hearing, from June 22, 1970 through December 26, 1970:

<u>Description</u>	<u>Traffic</u>	<u>Criminal Misdemeanor</u>	<u>Felony</u>
Set for Trial or Preliminary Hearing	1,378	1,100	704
Number of Trials or Preliminary Hearings	608	423	311
Plea of Guilty	347	304	0
Waiver of Preliminary	0	0	166
Dismissed by Court	94	46	2
Dismissed for Lack of Prosecution	109	150	33
No Appearance - Bench Warrant	76	66	6
*Continuance	144	111	186

*May be multiple continuances.

Defendants set for court trial/preliminary hearing, from
January 4 through March 26, 1971:

<u>Description</u>	<u>Traffic</u>	<u>Criminal Misdemeanor</u>	<u>Felony</u>
Set for Trial or Preliminary Hearing	705	534	299
Number of Trials or Preliminary Hearings	350	180	181
Plea of Guilty	167	135	0
Waiver of Preliminary	0	0	49
Dismissed by Court	40	20	4
Dismissed for lack of Prosecution	46	68	8
No Appearance - Bench Warrant	32	42	3
*Continuance	70	89	54

*May be multiple continuances.

Supplemental Data: (Criminal)

<u>Description</u>	<u>1969</u>	<u>1970</u>
#Number of felonies reduced to a:		
Misdemeanor	N/A	N/A
Gross Misdemeanor	N/A	N/A
*Number of felonies bound over to District Court	531	647
%Number of defendants sentenced to jail	6,714	5,288
+Number of defendants receiving probation	N/A	317
@Number of defendants receiving fines	N/A	N/A

#Statistics are not maintained by either the Municipal or District Courts.

*Statistics from the County Attorney's Office.

%Statistics from the Minneapolis Workhouse.

+Statistics from the Municipal Probation Office.

@Statistics are not maintained on the number of defendants who pay fines in misdemeanor cases.

N/A Not Available

Process Time: (Range)

Arrest to Arraignment: Within 24 hours

Arraignment to trial/hearing:

	Incarcerated	Free
Preliminary Hearing	2 - 3 weeks	4 - 6 weeks
Misdemeanor Court Trial	1 - 2 weeks	4 - 5 weeks
Misdemeanor Jury Trial	1 - 2 weeks	4 - 6 weeks

POLICE STATISTICS:

Crime Rate:*

Following is a summary of the crime statistics for the years 1969 and 1970 from the Hennepin County Sheriff's Department:

	<u>1969</u>	<u>1970</u>	<u>%</u>
Suburban & Rural Total Crimes	16,187	18,516	+14.4
City of Minneapolis Total Crimes	41,141	40,520	-1.5
County of Hennepin Total Crimes	50,949	53,306	+4.6

County Jail Data:*

A. Booking Data-Hennepin County Jail - 1969:

<u>Offense Category</u>	<u>Total Number of Individuals Booked</u>	<u>Total Number of Days Served</u>	<u>Average Length Of Stay</u>
Felony	1,206	19,903	16.5
Misdemeanant	20,483	38,278	1.9
Other	<u>3,352</u>	<u>14,283</u>	<u>4.3</u>
Total:	25,041	72,464	2.9

B. Booking Data-Hennepin County Jail - 1970:

<u>Offense Category</u>	<u>Total No. Individuals Booked</u>	<u>Total No. Days Served</u>	<u>Average Length of Stay</u>	<u>Released within 3 days</u>
Felony	2,189	23,138	10.6	68%
Misdemeanant	13,250	18,248	1.4	97
Drunk	7,467	8,363	1.1	99
Other	<u>3,824</u>	<u>16,635</u>	<u>4.4</u>	<u>75</u>
Total:	26,730	66,389	2.5	92%

* Data from a report by Space Utilization Analysis dated February 3, 1971.

C. Release Practice - 1970:

<u>Offense Category</u>	<u>Released on First Day</u>	<u>Released on 2nd Day</u>	<u>Released on 3rd Day</u>	<u>Total Released in First Three Days</u>
Felony	45%	14.8%	7.9%	68%
Misdemeanant	91.8	4.1	1.5	97
Drunk	90	8	1	99
Other	54	13	7.8	75

D. Future Booking Loads for Hennepin County (Projections):

<u>Offense Category</u>	<u>1975</u>	<u>1980</u>	<u>1985</u>
Felony	2,339	2,506	2,748
Misdemeanant	9,335	10,003	1,452
Traffic	3,595	3,853	4,223

Hennepin County Population:

1970 - 955,617	*1980 - 1,094,470
*1975 - 1,021,380	*1985 - 1,199,800

*Projections

COPIES OF MUNICIPAL COURT
BUDGETS FOR THE YEARS 1969, 1970 & 1971

MUNICIPAL COURT - CLERK OF COURT DIVISION

EXPENDITURES AND APPROPRIATIONS

ACTUAL EXPENDITURES 1967	ESTIMATED EXPENDITURES 1968		BUDGET APPROPRIATION 1969
		<u>PERSONAL SERVICES</u>	
\$ 878,917	\$ 987,198	101 Salaries & Wages-Reg. Emp. . . .	\$ 1,089,500
-	2,694	110 Severance Payment	-
-	16,000	114 Stability Payment	18,000
<u>\$ 878,917</u>	<u>\$ 1,005,892</u>	TOTAL	<u>\$ 1,107,500</u>
		<u>COMMODITIES</u>	
\$ 17,083	\$ 17,000	201 Office Supplies	\$ 18,000
7,020	10,000	202 Postage	12,000
264	150	236 Mtnce. & Repair-Buildings . . .	-
<u>\$ 24,367</u>	<u>\$ 27,150</u>	TOTAL	<u>\$ 30,000</u>
		<u>CONTRACTUAL SERVICES</u>	
\$ 14,157	\$ 19,000	303 Travel Expense	\$ 19,000
9,084	4,300	304 Conferences, Schools, Training .	5,000
13,194	2,300	308 Cleaning & Waste Services . . .	-
1,650	2,000	309 Protective Services	2,500
211	100	311 Laundry & Dry Cleaning Services.	100
-	-	312 Agreements-Other Agencies . . .	10,500
205	2,000	313 Mtnce. & Repair-Equipment . . .	2,000
1,769	2,500	330 Other Contractual Services . . .	2,500
<u>\$ 40,270</u>	<u>\$ 32,200</u>	TOTAL	<u>\$ 41,600</u>
		<u>OTHER CHARGES</u>	
\$ -	\$ 4,400	403 Subscriptions	\$ 4,400
-	800	404 Memberships	1,000
149	200	410 Freight & Express	200
-	177,000	412 Data Processing Charges	-
<u>\$ 149</u>	<u>\$ 182,400</u>	TOTAL	<u>\$ 5,600</u>
		<u>CAPITAL OUTLAY</u>	
\$ 8,256	\$ 3,000	503 Office Equipment-Machines . . .	\$ 3,000
1,743	5,500	504 Furniture & Furnishings	5,500
4,617	3,000	508 Books	3,000
<u>\$ 14,616</u>	<u>\$ 11,500</u>	TOTAL	<u>\$ 11,500</u>
		<u>OTHER DISBURSEMENTS</u>	
\$ 517	\$ 700	709 Refunds, Reimb.-Auto Ins. . . .	\$ 800
<u>\$ 517</u>	<u>\$ 700</u>	TOTAL	<u>\$ 800</u>
<u>\$ 958,836</u>	<u>\$ 1,259,842</u>	TOTAL - MUNICIPAL COURT CLERK OF COURT DIVISION	<u>\$ 1,197,000</u>

MUNICIPAL COURT - CLERK OF COURT DIVISION

POSITIONS

<u>Number</u> <u>Authorized</u>	<u>Class Title</u>
16	Judges
1	Clerk Municipal Court
1	Court Administrator
16	Court Reporter
1	Chief Deputy Court Clerk
9	Assistant Chief Deputy Court Clerk
9	Senior Deputy Court Clerk
22	Deputy Court Clerk
24	Assistant Deputy Court Clerk
<u>5</u>	Intermediate Clerk Typist
104	Total Positions Authorized

MUNICIPAL COURT

EXPENDITURES AND APPROPRIATIONS

ACTUAL EXPENDITURES 1968	ESTIMATED EXPENDITURES 1969		BUDGET APPROPRIATION 1970
		PERSONAL SERVICES	
949,407	\$ 1,104,617	101 Salaries-Regular Emp.	\$ 1,195,850
3,606	4,500	110 Severance Payments	-
19,832	22,100	114 Stability Payments	24,000
-	-	199 Other Personal Services	3,000
<u>972,845</u>	<u>\$ 1,131,217</u>	TOTAL.	<u>\$ 1,222,850</u>
		COMMODITIES	
15,006	\$ 17,000	201 Office Supplies	\$ 17,000
7,469	9,500	202 Postage	10,000
101	-	236 Mtnc. & Repair-Buildings	-
<u>22,576</u>	<u>\$ 26,500</u>	TOTAL.	<u>\$ 27,000</u>
		CONTRACTUAL SERVICES	
15,914	\$ 17,000	303 Mileage Allowance	\$ 17,000
4,037	5,000	304 Conferences, Schools, Training.	6,065
1,823	-	308 Cleaning & Waste Services	-
1,880	1,920	309 Protective Services	2,200
106	100	311 Laundry & Dry Cng. Serv.	100
2,896	10,500	312 Agreements-Others	24,125
2,135	2,400	313 Mtnc. & Repair-Equipment	2,500
1,377	2,500	330 Other Contractual Services	2,500
<u>30,168</u>	<u>\$ 39,420</u>	TOTAL.	<u>\$ 54,490</u>
		OTHER CHARGES & DISBURSEMENTS	
4,278	\$ 5,000	403 Subscriptions	\$ 5,000
620	1,000	404 Memberships	1,100
78	200	410 Freight & Express	200
177,000	-	412 Data Processing Charges	-
770	900	439 Refunds-Auto Insurance	836
<u>182,746</u>	<u>\$ 7,100</u>	TOTAL.	<u>\$ 7,136</u>
		CAPITAL OUTLAY	
2,443	\$ 3,000	503 Office Equipment-Machines	\$ 2,000
4,412	5,500	504 Furniture & Furnishings	3,000
2,414	3,000	508 Books	3,000
<u>9,269</u>	<u>\$ 11,500</u>	TOTAL.	<u>\$ 8,000</u>
<u>1,217,604</u>	<u>\$ 1,215,737</u>	TOTAL-MUNICIPAL COURT	<u>\$ 1,319,476</u>

MUNICIPAL COURT - POSITIONS

<u>Number</u> <u>Authorized</u>	<u>Class Title</u>
16	Judge
1	Court Administrator
1	Clerk Municipal Court
9	Assistant Chief Deputy Court Clerk
27	Assistant Deputy Court Clerk
1	Chief Deputy Court Clerk
16	Court Reporter
22	Deputy Court Clerk
4	Intermediate Clerk Typist
2	Law Clerk
<u>9</u>	Senior Deputy Court Clerk
108	Total Positions Authorized

APPENDIX A
BIBLIOGRAPHY

THE FOLLOWING BIBLIOGRAPHY WHICH WAS
UTILIZED IN DEVELOPING THIS REPORT, IS
BASED UPON REPORTS, PAPERS AND STUDIES
WHICH HAVE BEEN CONDUCTED IN THE HENNEPIN
COUNTY MUNICIPAL COURT

OBJECTS OF EXPENDITURE

Code No.	CLASSIFICATION	1969 ACTUAL EXPENDITURES	1970 BUDGET ADOPTED	1971 BUDGET		ADOPTED
				PROPOSED		
				Department	Administrator	
<u>PERSONAL SERVICES (100)</u>						
101	Salaries-Regular	1,047,634	1,195,850	1,228,433	1,251,933	1,251,933
114	Stability Payments	21,715	24,000	26,267	26,267	26,267
199	Other Personal Serv.	-	3,000	8,500	8,500	8,500
<u>COMMODITIES (200)</u>						
201	Office Supplies	18,647	17,000	17,000	17,000	17,000
202	Postage	9,762	10,000	12,000	12,000	12,000
<u>CONTRACT SERVICES (300)</u>						
303	Mileage	14,548	17,000	16,000	16,000	16,000
304	Conf., Schools, Trng.	4,797	6,065	9,880	6,355	6,355
308	Cng. & Waste Serv.	1,735	-	-	-	-
309	Protective Services	2,020	2,200	2,200	2,200	2,200
311	Ldry. & Dry Cng. Serv.	87	100	100	100	100
312	Agreements-Others	11,602	24,125	-	-	-
313	Mtnce.-Rep.-Equipment	2,007	2,500	2,550	2,550	2,550
315	Mtnce.-Rep.-Other Imp.	310	-	-	-	-
330	Other Cont. Services	2,987	2,500	3,500	3,500	3,500
<u>OTHER CHARGES (400)</u>						
403	Subscriptions	4,360	5,000	5,000	5,000	5,000
404	Memberships	465	1,100	900	900	900
405	Emp. Pens. Contribution	-	115,130	106,239	118,389	118,389
406	Emp. Ins. Contribution	-	19,440	19,620	19,620	19,620
410	Freight & Express	38	200	100	100	100
439	Refunds-Auto Ins.	948	836	968	968	968
<u>CAPITAL OUTLAY (500)</u>						
503	Office Equipment	1,450	2,000	3,000	3,000	3,000
504	Furnishings	1,847	3,000	2,000	2,000	2,000
508	Books (Library & Non-Expendable Only)	4,065	3,000	3,000	3,000	3,000
TOTALS		\$1,151,024	\$1,454,046	\$1,467,257	\$1,499,382	\$1,499,382

PERSONNEL COMPLEMENT

CLASS TITLE	SALARY RANGE	1970 BUDGET	1971 BUDGET		
		ADOPTED	PROPOSED		ADOPTED
			Department	Administrator	
Judge	1,916.66	16	16	16	16
Ass't. Chief Dep. Court Clk.	745- 950	9	12	12	12
Ass't. Deputy Court Clerk	481- 584	27	26	26	26
Chief Deputy Court Clerk	905-1155	1	1	1	1
Clerk of Municipal Court	1213-1549	1	1	1	1
Court Reporter	905-1048	16	16	16	16
Deputy Court Clerk	530- 676	22	23	23	23
Intermediate Clerk Steno	415- 530	0	1	1	1
Intermediate Clerk Typist	395- 505	4	4	4	4
Law Clerk	530- 613	2	2	2	2
Municipal Court Admin.	1213-1626	1	1	1	1
Senior Deputy Court Clerk	644- 821	9	9	9	9
TOTALS		108	112	112	112

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APPENDIX B
CONTACT
LIST

THE FOLLOWING LISTS OF NAMES REPRESENTS
THOSE INDIVIDUALS INTERVIEWED AND/OR
CONTACTED DURING INFORMAL MEETINGS

CONTACT LIST

Anderson, Richard Lt.
 Bacon, James
 Broady, John
 Cowle, Stanley
 Duggan, Richard Capt.
 Folstad, Dale
 Folstad, Thomas
 Freuk, Gerald
 Goddard, Jewel
 Hanson, John
 Hartley, Wayne Capt.
 Herbst, Adrian
 Johnston, Leonard
 Linsey, Robert
 Mandel, Nathan
 Morse, Jack
 McCarthy, Jack Sgt.
 Nagel, James
 Olson, Kenith
 Peterson, Bruce
 Peterson, Donald
 Peterson, Philip
 Rix, Theodore
 Seaman, Seneca
 Stangeberry, Rolf
 Swartz, Robert
 Tackman, Clarence
 Tingham, Thomas
 Vebnick, Edward
 Whalen, Ward
 Wilson, Eugene
 Wycolf, Robert

County Jail
 Jury Clerk - District Court
 Courts Services
 County Administrator
 County Jail
 Director - Data Processing
 Internal Auditing
 Clerks office - District Court
 Director - Court Services
 Director - Personnel
 Minneapolis Police Dept.
 City Attorney
 Administrator - District Court
 Chief - Brooklyn Center Police Dept
 Director - Research & Planning State of Minnesota
 Chief - New Hope Police Dept.
 Minneapolis Police Dept.
 Division Supervisor - Municipal Court
 Office Manager - Municipal Court
 System Analyst - Data Processing
 Division Supervisor - Municipal Court
 Budget Dept.
 County Attorney
 County Architect
 Superintendent - Hennepin County Workhouse
 System Analyst - Data Processing
 Division Supervisor - Municipal Court
 Public Defender - Municipal Court
 City Attorney
 Chief Deputy - District Court
 Deputy Chief - Minneapolis Police Department
 Head of Municipal Probation Dept.

APPENDIX C
ADMINISTRATIVE
STRUCTURE

SECTION I:

FOOTNOTE 1 FREQUENCY OF OFFENSES

FOOTNOTE 8 HEARING OFFICER EFFECTIVENESS

FOOTNOTE 1

LIST OF OFFENSES AND THEIR FREQUENCIES
FOR THE MONTH OF AUGUST, 1970, AS COMPILED
BY THE PUBLIC DEFENDER'S OFFICE

The following is a list of the offenses and their frequencies for the month of August, 1970.

Breach of peace	29	Semaphore.....	5
Brake Light	2	Simple Assault.....	37
Careless Driving	31	Speeding.....	13
Common Prostitution	2	Snow emergency.....	1
Damage to property	7	Tampering.....	9
Disorderly conduct	3	Traffic warrants.....	4
Driving after revocation ...	22	Trespassing.....	1
Driving after suspension....	26	Unsafe equipment.....	5
Driving while intoxicated ..	29	Vio. of Drug Ord.....	4
Driving w/o a license	6	Worthless check.....	2
Driving w/o a valid license .	12	Vio. restricted license...	2
Drunk	14	Stop sign.....	4
Failure to stop - emergency		Resisting arrest.....	3
vehicle	6	Vagrancy.....	1
Failure to use turn signal..	4	Allowing unlicense to	
False registration	2	drive.....	3
Faulty exhaust	1	Hit and Run.....	4
Violation of Gun ord.	5	Failure to change address	
Improper driver's license...	1	on license.....	4
Loose dog.....	1	License Plates.....	4
Lurking - burg.....	6	Failure to yield right	
Minor in possession.....	8	of way.....	2
Lane strattle.....	4	Leaving scene of accident.	2
Noisy muffler.....	2	Drag racing.....	1
Non-support.....	3	False info. to officer ...	2
Not obeying traffic signs...	1	Mutilated DL.....	1
Obstructing arrest.....	3	Altering DL.....	1
Open Pottle.....	12	Obstructing traffic.....	3
Parking tickets.....	18	Drinking 3.2 beer in public	2
Petty theft.....	22	Defrauding cab driver.....	1
Possession of Inj. Equip....	7	Unauthorized use of motor	
Profanity.....	5	vehicle.....	1
Obscenity.....	4	Failure to stop after acc.	1
Receiving stolen property...	1	Obstructing publ sidewalk.	1
Reckless driving.....	2	Hitchhiking on freeway....	1
Red light.....	5	Breaking and entering.....	1
Vio. of Weapons Ord.....	5		
Begging	1		
Aiding and Abetting.....	1		
Distracting an officer.....	1		
Misrepresentation of age to			
procur liquor.....	1		

The following chart is a compilation of statistics concerning the misdemeanor cases which were handled by the Public Defenders Misdemeanor and the University of Minnesota Legal Aid Clinic for the month of August, 1970.

1. Number of interviews held	243
2. Number of persons interviewed which were accepted	198
3. Number of persons interviewed which were rejected	45
4. Number of Court trials set during the month	57
5. Number of Jury trials set during the month	7
6. Number of cases negotiated prior to trial	37
7. Number of cases in which guilty pleas were entered and no charges were dismissed	80
8. Number of cases which went to a Jury trial during the month	0
9. Number of cases which went to a Court trial during the month	65
A. Number of cases in which persons were acquitted of at least one charge (but not all)	8
B. Number of cases in which persons were convicted of at least one charge (but not all)	10
C. Number of cases in which persons were acquitted of all charges	12
D. Number of cases in which persons were convicted of all charges	26
E. Number of cases dismissed at Court trial after State's evidence	3
10. Number of cases dismissed prior to trial	17
11. Number of clients who failed to make court appearance ..	14
12. Number of cases continued for 6 or 12 months without plea or sentencing	10
13. Number of cases closed during the month	236

FOOTNOTE 8

STATISTICS ON THE EFFECTIVENESS
OF THE HEARING OFFICER, OVER A
PERIOD OF ONE MONTH

DATE: April 20, 1971

TO: S. Allen Friedman, Court Administrator

FROM: Arthur d. Anderson *ADA*

SUBJECT: Report on Effectiveness of Hearing Office

The new procedure for hearing Guilty pleas and setting Not Guilty pleas for trial has now been in effect for four weeks. Following is a report of its effectiveness during that period.

1. Over 400 defendants have been referred to the hearing office, including those to be set for trial. Of these cases, 45 appeared with more than one ticket.
2. I set 115 defendants for court under a plea of Not Guilty. This, then, eliminated a second appearance in court by each of these persons.
3. Twenty persons were dissatisfied with my determination so I set their cases for court under a Guilty plea.
4. I am informed that this procedure has greatly reduced the guilty calendars to the extent that the average number of cases per day decreased from 60 to about 15 to 20, many days having only six or eight such cases on the calendar.

OBSERVATIONS

I honestly believe that this position fulfills a worthwhile public purpose. It is long overdue. A large share of the violations appearing are either no violation at all or have a valid legal defense, such as disabled car, etc. Whenever there is a question about a specific area or sign, I view the area personally, usually during my lunch hour. I have found almost without exception, that the statements made by the persons appearing have been true.

RECOMMENDATIONS

1. I feel more of a latitude could be granted so that fines can be reduced from the amount payable in the Bureau, where there is somewhat of an excuse, but not enough to excuse the violation entirely. A good example is where a person is charged with parking over 72 hours in front of his home. It calls for a \$25. fine in the Bureau.
2. The Bureau has a number of cases where odd accounts of fines are received and are non-returnable by reason of being payments from out of state or where a person does not change his address at the postoffice. Such fines might be handled through this office.
3. I had an inquiry today from one of the Divisions as to whether I could hear cases from there. It might be something to consider.

APPENDIX D
FLOW
PROCESS

SECTION II:

CRIMINAL INTAKE

FOOTNOTE 16

COPY OF JAIL RELEASE FORM

FOOTNOTE 18

LIST OF ATTORNEYS NOT
ELIGIBLE FOR RPR

FOOTNOTE 22

YOUR RIGHTS PAMPHLET

ARRAIGNMENT

FOOTNOTE 28

FINANCIAL ELIGIBILITY

FOOTNOTE 16

COPY OF JAIL RELEASE FORM WHICH IS
GIVEN TO THE DEFENDANT WHEN HE IS
RELEASED FROM THE COUNTY JAIL ON:
PERSONAL RECOGNIZANCE OR BAIL

BOOKING
NO. _____

NAME _____

ARRESTING
AGENCY _____

CHARGE _____

☐ BAIL ☐ BOND ☐ FINE

AMOUNT _____

☐ RPR. _____

By _____

You are to appear in court as indicated below

on _____, 19____ at _____

HENNEPIN COUNTY MUNICIPAL COURT:

☐ Courthouse, Room 437 (Criminal)

☐ Courthouse, Room 439 (Traffic)

☐ _____

HENNEPIN COUNTY DISTRICT COURT:

☐ Courthouse, Room _____

OTHER:

☐ _____

JAILER _____

On consideration of my being released on my
personal recognizance, I hereby agree to
appear before the Municipal Court at the
above time and place.

Signed _____


NOTE: Failure to appear as scheduled will result in the
issuance of a Bench Warrant. Any Bail or Bond will be
forfeited.

Clerk/
Acct'g. _____ Date _____

**HENNEPIN COUNTY JAIL
JAIL RELEASE**

FOOTNOTE 18

LIST OF ATTORNEYS WHO HAVE HAD THEIR
RPR (RELEASE ON PERSONAL RECOGNIZANCE)
PRIVILEGE REVOKED


 DATE: April 14, 1971
 TO: All Concerned
 FROM: James T. Naale, Division Supervisor, Municipal Court
 SUBJECT: List of attorneys not eligible for RPR

The following names should be added:

Samuel Bellman for failure of his client, Michael Alan Seegal, to appear in court April 1, 1971. Division V Case No. 171792. Ordered by Judge James D. Rogers.

E. I. Serstock for failure of his client, Otto W. Lewis, to appear in court March 29, 1971. Case No. 634113. Ordered by Judge Herbert E. Wolner.

The list now consists of:

Lee Trenholm	5/4/70
Sidney Levin	7/17/70
Douglas Hall	9/14/70
James Krieger	9/21/70
* Jon Tuttle	10/26/70
Arnold Feinberg	11/6/70
John Owens	11/24/70
Olaf Eide	12/7/70
John Wylde	1/28/71
Bruce Anderson	2/2/71
James Schumacher	2/2/71
* Harold Knutson	2/11/71
Samuel Bellman	4/1/71
E. I. Serstock	3/29/71

* Denotes attorney on list for two years.

To the best of my knowledge these are all the attorneys who should now be on the list.

COPY OF "YOUR RIGHTS" PAMPHLET WHICH IS
DISTRIBUTED TO DEFENDANTS BOOKED IN THE
COUNTY JAIL AND WHO APPEAR IN TRAFFIC
AND CIMINAL ARRAIGNMENT COURTS

Trial

Whether you are tried by a judge or jury the State must prove its case against you. You are presumed innocent until proved guilty.

A municipal attorney acts as prosecutor, and presents the evidence against you. Although every prosecutor is charged with being fair to both sides he is in no position to advise you or to present your side of the case.

To make sure that your side is adequately presented it may be to your advantage to be represented by an attorney.

At the trial you have the right to cross-examine the witnesses who testify against you, to call witnesses in your own behalf, and to obtain subpoenas from the court without expense to you to require their attendance.

You also have the right to testify in your own behalf if you wish, although in no case are you required to do so. If you choose to testify, you are subject to cross-examination by the prosecuting attorney.

On the basis of the evidence presented at the trial, the judge or the jury will make a finding of either "guilty" or "not guilty." A finding of "not guilty" terminates the case.

Sentence

If you are guilty the Court in passing sentence will consider the circumstances of the offense, your past record and any other helpful information in understanding

ing you as a person. If you wish to present any facts in explanation or mitigation you may do so.

The Court may impose sentence up to \$300.00 or 90 days in jail, or both. If you receive a jail sentence the Court may permit you to work at your job under the work release program.

In certain traffic cases the judge may recommend suspension of your driver's license, order you to attend driver improvement clinic or impound the license plates of your car. A record of your conviction of a traffic offense, except for parking, is sent to the Minnesota Highway Department to become a part of your driving record.

Appeal

You have the right to appeal in any case in which you are convicted, provided you act promptly (within 10 days in some cases).

Remarks

The purpose of a sentence imposed by this court is to discourage violations of the law, to make our streets, homes and places of work safe for our use and to increase respect for the law.

Further, it is the objective of the court to treat each case and every person who appears in court in a fair, impartial and objective manner in accordance with the law and in conformity with the highest ideals of American justice.

Your Rights

when charged with a

Misdemeanor

or ordinance violation



This information is furnished for your guidance by the Judges of the Hennepin County Municipal Court in conjunction with the Criminal Law Committee of the Hennepin County Bar Association.

Your Rights upon Arrest

When charged with a misdemeanor or ordinance violation you may be arrested and jailed. In some cases this may be avoided by giving you a tag (a notice to appear).

Whichever method is used depends on the circumstances of your case and the necessity of arrest in the opinion of the arresting officer.

You have the right:

1. To be told why you are arrested; if you have been arrested on a warrant, to see the warrant as soon as is reasonably practical.
2. To refuse to answer any questions or make any statement or sign any paper concerning any charges which are or which could be brought against you.

Your Rights in Jail

Booking Procedures

In jail you are subject to being booked, identified, photographed, fingerprinted, measured and examined in a reasonable manner.

You have the right:

1. To be allowed to get in touch with an attorney or relative or friend by telephone or letter.
2. To be brought before a judge as soon as practicable.

Release from Jail

The jailor may release you without bail upon your written promise to appear in court at the appointed time if you are not under the influence of drugs or alcohol, can properly identify yourself, have a good record, and if the circumstances surrounding the offense with which you are charged are not serious.

On the other hand, you may be asked to deposit bail, either by cash or bond, to insure your appearing in court when scheduled.

It is extremely important that you appear in court at the time set. If you do not, you will lose all release privileges, and be arrested again by order of the judge.

Your Rights in Court

Attorney

You are urged to obtain an attorney if you do not understand the charge or have questions about your guilt or other circumstances.

If you are unable to hire an attorney you may ask the judge to provide one for you without expense. You may proceed without an attorney if you wish.

Plea

When you first appear in court the clerk will read the charge and request you to plead. If you want additional time to consider the charge or to consult with an attorney, the judge will continue the matter for a few days.

If you plead "guilty" or "guilty with an explanation" you admit you violated the law. If you plead "not guilty" a date will be set for the trial, allowing time for you and the State to bring in witnesses for the case. The judge will require bail if he believes it is necessary.

FOOTNOTE 28

COPY OF FINANCIAL INQUIRY FORM USED TO
DETERMINE THE DEFENDANT'S ELIGIBILITY
FOR THE PUBLIC DEFENDER

1. Employment:

- a. Present Employer _____ Phone _____
- b. Address _____
- c. Type of Work _____
- d. Length of Employment with Present Employer _____
- e. Monthly wages or salary _____
- f. If unemployed, How long since Employed? _____
- g. Prior Employer _____
- h. Income Last Year _____

2. Are you receiving public aid (Unemployment compensation, welfare, social security)? Yes _____ No _____ If so, what agency?

3. Other income (from stocks, bonds, pensions, etc.) _____

4. Marital Status:

- a. Single _____ Married _____ Divorced _____ Separated _____

- b. Spouse's Name _____

Address _____ Phone _____

Place of Employment _____

Type of Work _____

Monthly Wages or Salary _____

- c. Support or Alimony Payments _____

- d. Dependents:

Names	Relationship to Client	Ages
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Do you own or are you buying a home? Yes _____ No _____ 103

a. Estimate market value _____

b. Amount of mortgage _____

c. Monthly rent or house payment _____

6. Do you own an automobile? Yes _____ No _____

Make _____ Year _____ Model _____

Market Value _____ Mortgage _____

7. Do you have a checking or savings account? Yes _____ No _____

8. Other Assets: (Specify trust funds, government bonds savings certificates, notes, cash, or any other property, including assets held in someone else's name which might be used to help you in retaining private counsel) _____

9. Parents' Names _____

Address (es) _____ Phone _____

Father's Occupation _____ Income _____

Mother's Occupation _____ Income _____

10. Indebtedness: (List any current obligations, indicating amounts owed and to whom they are payable.) _____

11. Other comments on financial status: _____

12. Have parents or anyone else indicated willingness to employ an attorney for you? Yes _____ No _____ If so, what is the name of each such person? _____

I have read the above and hereby certify that it is true and correct to the best of my belief and knowledge, and that by reason thereof I am financially unable to employ an attorney to represent me in regard to the criminal charge or charges against me, and I desire to be represented by the Public Defender.

I agree to allow the Public Defender to verify any of the above information.

APPENDIX E
SUPPLEMENTAL
NOTES

SUPPLEMENTAL NOTES:

Administrative Structure:

1. Ramsey County, the neighboring eastern county, had a bill in the 1971 legislative session to unify their Municipal Court system as Hennepin County has. However, the bill did not pass, primarily due to the provision which required that all jury trials be held in downtown St. Paul. Hennepin County does not have this provision, jury trials are held in the suburbs.
2. For 1970, the appeal rate on misdemeanor court trials to the District Court amounted to 3% of the total cases tried. There were 188 cases out of 17,116 appealed from Conciliation Court to Civil Court.
3. The judicial salary bill for Hennepin County Municipal Judges which was introduced into the 1971 legislative session at \$31,500 passed on May 22, 1971 at \$26,000.
4. The salary bill for the District Court Judges, introduced at \$35,000 did not pass during the present legislative session. The salary for District Court judges is presently \$23,500. If the District Court salary bill should not pass in the special session, Municipal Court judges will be making \$2,500 per year more than the higher court judges.
5. The "Administrative" bill eliminating the position of Clerk of Court was not passed in the regular 1971 legislative session. It is hoped that it will be passed in the present special session.
6. The position of Court Administrator was established in October, 1969. The present salary is \$21,500.

Process Flow:

1. Line ups are held in the County Jail.
2. In comparison to the jail facilities in New York City, the Hennepin County Jail is quite clean and less crowded.
3. In addition to pay telephones in the jail facilities, a free phone will soon be placed by the booking desk for use by the defendant in contacting his attorney or family.
4. Preference in calendar call is given to those defendants having a private attorney present.
5. It is estimated that approximately 50% of all defendants are represented by the Public Defender or a Legal Aid Agency.
6. The Public Defender's office caseload is approximately 220 cases per month.
7. It is difficult to hear the proceedings in the Criminal I Arraignment Court. Sound amplification equipment should be utilized.
8. The trial judge pronounces sentence.
9. On first offenders, the Municipal Bench tends towards minimum sentences and/or fines.
10. The Municipal Bench has a uniformity committee which attempts to recommend uniformity in sentencing on specific offenses.
11. Pre-sentence reports are not required prior to sentencing.

12. The Municipal Court does not use an Adjournment Book or Assignment Book; a Name Index Book is maintained. The arraignment calendar becomes the permanent court record of all transactions.

13. A jail incarceration list is maintained by the Administrators office, in an attempt to have the defendants brought to trial/hearing within three weeks from time of arraignment. Those who have had bail set, but are unable to "bsil out" are frequently brought before a judge for bail review.

14. Hennepin County Data Processing is corrently involved in an in-depth systems study of the Municipal Court. Potential benefits from a computerized system would include:

- Scheduling of cases via clerical judgement
- A method od cross-referencing persons who may be involved in court proceedings with one or more divisions of the Municipal Court
- Historical information including disposition results
- Statistical information categorized by misdemeanors and felonies
 - Arraignment results
 - Trial results
 - Number of convictions per offense

Statistics:

1. Until April of 1971, statistics for the Municipal Court were maintained on the basis of charges against the defendant, not the number of cases or actims before the court.

2. Court statistics are not maintained on the number of defendants fined, incarcerated, number of charges reduced or those placed on probation.