

Anoka County Attorney Training Update

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CHARGING JUVENILES WITH TRAFFIC OFFENSES IN ANOKA COUNTY

In the Anoka County juvenile traffic world, depending on the circumstances, traffic offenses can be prosecuted by a municipal prosecutor or by the Juvenile Division of the Anoka County Attorney's Office. Not all juvenile traffic offenses go to juvenile court. Where the offenses go and how they get there is sometimes confusing. Here are some tips to get your charges headed in the right direction.



Petty Misdemeanor and Misdemeanor Traffic Offenses

An e-citation will be completed for all juveniles 16 and 17 years of age violating any **petty** misdemeanor violation of any traffic law (Minnesota Statutes §§ 169 or 171) or water traffic law (Minnesota Statutes § 86B) committed in Anoka County. For these offenses, there is no need for any additional action to be taken by law enforcement. The e-citation will initiate the proceedings and the case will be handled by a municipal prosecutor.

EXAMPLE: 16-year-old Joni Juvenile is caught speeding. The officer issues an e-citation for the petty misdemeanor offense. No further action is necessary. The municipal prosecutor for that jurisdiction will prosecute the case.

Juveniles 16 and 17 years of age committing a **misdemeanor or gross misdemeanor** level traffic offense (not including DWI offenses, *see below*), an e-citation may be issued, **but a hard copy** of the citation **must** also be sent to the **Juvenile Court Division of Anoka County Court Administration**. The hard copy can be sent by standard US mail or by fax (763-422-7085). **No email or email attachments!** The Juvenile Division of the Anoka County Attorney's Office will prosecute the case.

If there are multiple traffic offense charges, a hard copy must be sent if any of the offenses are misdemeanor level or above. If all of the offenses are petty misdemeanor traffic offenses, an e-citation alone is sufficient with no hard copy being sent.

EXAMPLE: 16-year-old Joni Juvenile is stopped for speeding. The officer determines that Joni is violating the conditions of her provisional driver's license. The officer issues an e-citation that includes petty misdemeanor speeding and a misdemeanor provisional driver's license violation. A hard copy of the e-citation must be forwarded to Juvenile Court Division of Anoka County Court Administration.

CITATION

State of Minnesota			
Citation #: 0000			
County Name:		CN/ICR#	
Identification: <input type="checkbox"/> DL <input type="checkbox"/> DVS Web <input type="checkbox"/> Photo ID <input type="checkbox"/> FP <input type="checkbox"/> Other			
DL Number		MN <input type="checkbox"/> CDL <input type="checkbox"/> State _____	
Name First Middle Last Suffix			
Address - Street, Apt. #			
City		State	Zip
DOB (mm/dd/yyyy)	Height	Weight	Eyes Gender
Juvenile's Guardian/Address <input type="checkbox"/> Same Address as Juvenile			
Veh. Lic. No.	Plate Year	State	Make Style <input type="checkbox"/> 16+ pass. Color
Date of Offense	Time of Offense	<input type="checkbox"/> Accident /Crash <input type="checkbox"/> Injury <input type="checkbox"/> Fatal <input type="checkbox"/> Pedestrian	
<input type="checkbox"/> Driver <input type="checkbox"/> Owner	<input type="checkbox"/> Passenger	<input type="checkbox"/> Property <input type="checkbox"/> Operate <input type="checkbox"/> Parked	<input type="checkbox"/> Booked
Offense Location		City/Community/Township	
Offense	Charge Description	Statute/Ordinance	PM, M, GM
Offense	Charge Description	Statute/Ordinance	PM, M, GM
Offense	Charge Description	Statute/Ordinance	PM, M, GM
Offense	Charge Description	Statute/Ordinance	PM, M, GM
<input type="checkbox"/> Speed 169.14(subd _____); _____ mph _____ zone		<input type="checkbox"/> 3rd Violation	
<input type="checkbox"/> No Seat Belt Use 169.888 <input type="checkbox"/> No Proof of Insurance 169.791			
<input type="checkbox"/> AC Taken - AC: _____ Test type: <input type="checkbox"/> Refused <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine			
<input type="checkbox"/> Unsafe Conditions Weather: _____		<input type="checkbox"/> School Zone <input type="checkbox"/> Commercial Veh. DOT# _____	
<input type="checkbox"/> Endangering Life & Property		<input type="checkbox"/> Work Zone #Pounds Overweight: _____ <input type="checkbox"/> Hazardous Material (DOT)	
Your court pay or appearance date is _____ at _____ in the: _____.			
See the back of this citation for more information.			
Officer(s) Name(s)		Officer No(s):	Prosecutor
Controlling Agency (CAG) MN0000000	How Issued <input type="checkbox"/> In Person <input type="checkbox"/> Mailed <input type="checkbox"/> Left at Scene		Date Issued
page ___ of ___			

Driving While Impaired

An e-citation may be completed for all 16- and 17-year-old juveniles violating the Driving While Impaired provisions of Minnesota Statute § 169A.20, and any misdemeanor or gross misdemeanor traffic offenses committed as part of the same behavioral incident. The e-citation will initiate the proceedings and the case will be handled by a municipal prosecutor.

EXAMPLE: 16-year-old Joni Juvenile is stopped after being recognized by the officer as having a revoked driver's license. There is confirmation that Joni's license has, in fact, been revoked and there are indications she has been consuming alcohol. Joni provides a PBT with a reading over the legal limit of 0.08. An e-citation may be issued for any Driving While Impaired charges as well as the misdemeanor driving after revocation. No forwarding of a hard copy is necessary.

NOTE: If Joni blew numbers, but something less than 0.08, and there was not sufficient evidence to prove impaired operation, Joni could be charged with Under Age Drinking and Driving, aka "Not at Drop", under Minnesota Statute § 169A.33. That is a misdemeanor offense that is **not** handled the same as a DWI. Under Age Drinking and Driving requires an e-citation **and** a follow up hard copy to Juvenile Court.

Traffic Offenses Committed by Juveniles Age 15 and Under

For any petty misdemeanor or misdemeanor traffic or water traffic offense committed by a juvenile **under the age of 16**, and e-citation may be issued **and** a hard copy must be sent to juvenile court.

Driving Offenses Committed with Non-traffic Offenses

QUESTION: What should be done if a non-traffic offense is detected at the time of the traffic stop involving a juvenile 16 or 17 years of age? For instance, Joni Juvenile is stopped for petty misdemeanor speeding and the officer sees a car stereo unit on the front seat with freshly cut wires. The car stereo is determined to be stolen and worth \$200. Joni says she got the stereo for a drug debt and Joni believed the unit was "hot".

ANSWER: An e-citation can be issued for the petty misdemeanor traffic violation, **but** a juvenile contact report must also be completed for the misdemeanor receiving stolen property charge. No hard copy of the e-citation needs to be forwarded to juvenile court for the petty misdemeanor driving offense, but the juvenile contact report for the non-traffic misdemeanor must be submitted to the Anoka County Attorney's Office Juvenile Division for processing.

QUESTION: What if Joni’s driver’s license was revoked, making it a misdemeanor traffic offense, and she was possessing the stolen car stereo, or was committing some other non-traffic offense at the same time? How do you handle a juvenile 16 or 17 years of age who is committing a **misdemeanor** traffic offense along with a non-traffic offense?

ANSWER: In that instance, do not issue an e-citation. Complete a juvenile contact form that includes **both** the misdemeanor traffic offense and the non-traffic offense(s). Submit the juvenile contact report to the Anoka County Attorney’s Office Juvenile Division for processing.

NOTE: This is optional, but it is also acceptable to include the petty misdemeanor traffic offense in the juvenile contact report and not issue an e-citation. You do not need both an e-citation petty traffic offense and a juvenile contact report for a non-traffic offense if both traffic and non-traffic charges are included in the contact report.

Practice Tip: Some common non-traffic offenses associated with juvenile traffic stops include curfew violations, possession of alcohol by a minor, possession of drug paraphernalia, possession of tobacco by a minor, etc.

If you have any questions regarding the submission of juvenile traffic offenses, please do not hesitate to contact the on-call Juvenile Division attorney at 763-323-5586 or Kathy VonBargen at 763-323-5600.

The Anoka County Attorney Training Updates are published as a public service to Minnesota law enforcement agencies. A copy of all previous training updates can be located on our website at: www.AnokaCounty.us/trainingupdates.

Any questions, comments, or suggestions on training topics should be directed to Bryan Lindberg at 763-323-5643 or e-mail bryan.lindberg@co.anoka.mn.us or to Kim Murdoff, Legal Assistant at 763-323-5662 or e-mail kim.murdoff@co.anoka.mn.us.