

BBKG BERGLUND, BAUMGARTNER,
KIMBALL & GLASER, LLC

January 17, 2022

Minnesota State Court Administrator
ATTN: Jeff Shorba
135 MN Judicial Center
25 Rev. Dr. MLK Jr. Blvd.
St. Paul, MN 55155

Minnesota State Legislature
ATTN: Chris Steller
Legislative Reference Library
645 State Office Bldg.
100 Rev. Dr. MLK Jr. Blvd.
St. Paul, MN 55155

RE: 2020-2021 Biennial Report on Sherburne County Diversion Program
Elk River City Attorney's Office

Dear Mr. Shorba and Mr. Steller:

I am the Elk River City Prosecutor and have attached for your review the biennial report on the Sherburne County Diversion Program relative to cases handled by our office. Please note that our office works in conjunction with the Sherburne County Attorney's Office who had, in prior years, submitted this report on behalf of both offices.

The Sherburne County Adult Diversion program began operating in September of 2014 with assistance from Sherburne County Community Corrections. This report is for the calendar years of 2020 and 2021 and is offered in compliance with MS§299C.46 Subd. 5, and MS§401.065 Subd.4.

For the year of 2020, the following information is submitted:

Of the eligible offenses screened, 12 cases met the criteria to be referred to diversion.

Of those 12, 7 were returned by diversion as either declining to participate in the program or were terminated for failing to meet the diversion requirements. Of those 7, the average age was 32.4 years, and the number of males was 2 and the number of females was 5.

Of the 5 who were successful, the average age was 40.8 years, and the number of males was 4 and the number of females was 1.

For the calendar year 2021, the following information is submitted:

Of the eligible offenses screened, 4 met the criteria to be referred to diversion. (Note that due to Covid, referrals were likely down from previous years).

Of those 4, 2 were returned by diversion as either declining to participate in the program or were terminated for failing to meet the diversion requirements. The average age of these two was 45 years and the number of males was 1 and the number of females was 1.

The one individual who was successful was a 25-year-old male.

There is currently 1 referral who is in the diversion program but has not yet completed it. This individual is a 41-year-old male.

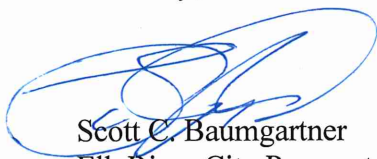
My opinion on the program's effects on the Sherburne County criminal justice program is as follows:

As noted, we began running this program in September of 2014. The program was amended on October 1, 2017, to make several gross misdemeanor property offenses eligible for the program. The addition of the gross misdemeanor property offenses has not had any impact on the overall number of individuals entering the program to date.

My continuing observation would be that the overall number of people that have entered the program is not all that high to date. I would attribute the significant decrease in referrals to the program for 2021 to the Covid Pandemic. It is anticipated that the numbers may slowly increase the further from the pandemic we get and in light of the continued growth in the population of the City of Elk River. Our office also periodically meets with the Sherburne County Attorney's Office to review the current program and discuss the possibility of expanding our eligibility criteria. We also receive feedback from Sherburne County Community Corrections.

Although the program has not saved a significant amount of court time to date, those individuals desiring to take advantage of and completing the program have been able to avoid having a criminal conviction on their record. That was a major goal of the program. Hence, that goal is being met.

Sincerely,



Scott C. Baumgartner
Elk River City Prosecutor

cc: Kathleen A. Heaney

ADULT DIVERSION - 2020 - 2021

Cases referred to the adult diversion program

Defendant	Gender	Age	Offense	Agency	eligible?	date referred	date diversion completed	date returned-not eligible/did not complete	Notes
Jeremy Llias Banta	m	9/3/00	Theft	ERPD	yes	1/13/2020	12/18/2020		successful completion
Dezerae Ann Mustain	f	5/1/01	Theft	ERPD	yes	2/10/2020		3/10/2020	terminated for not meeting diversion requirements
Sengmany Phomphene	m	4/3/82	Theft	ERPD	yes	3/13/2020		10/6/2020	terminated for not meeting diversion requirements
Tarryn Elizabeth Rayala	f	6/25/88	Theft	ERPD	yes	3/20/2020		11/12/2020	terminated for not meeting diversion requirements
Dennis Keith Mootz	m	3/11/39	Theft	ERPD	yes	5/8/2020	7/10/2020		successful completion
Jessica Rochelle Mendiola	f	10/15/93	Theft	ERPD	yes	5/21/2020		11/20/2020	terminated for not meeting diversion requirements
Karen Jeanette Kinnunen	f	1/3/66	Theft	ERPD	yes	6/9/2020	9/8/2020		successful completion
Brennan Anthony Kurr	m	6/22/99	Theft	ERPD	yes	7/13/2020		10/6/2020	did not attend diversion meeting
Melanie Kay Willson	f	12/11/58	Theft	ERPD	yes	7/13/2020		7/27/2020	declined to participate
Adam Christopher Smock	m	3/30/88	Theft	ERPD	yes	7/13/2020	9/15/2020		successful completion
Jordan Luke Stone	m	7/25/02	Theft	ERPD	yes	9/30/2020	5/25/2021		successful completion
Stephanie Marie Smith	f	11/3/86	Trespass	ERPD	yes	10/15/2020		11/20/2020	declined to participate
Devin Joseph Willson	m	2/24/87	Theft	ERPD	yes	1/15/2021		1/18/2021	declined to participate
Jason Michael Fourdyce	m	10/26/79	Theft	ERPD	yes	5/7/2021	Pending		status pending
Vangie Rhonda Brandell	f	7/2/63	Trespass	ERPD	yes	6/10/2021		7/16/2021	did not attend diversion meeting
Genesis Jazleen Volkov Cortes	f	7/29/95	Theft	ERPD	yes	7/2/2021	12/21/2021		successful completion