



## CITY OF MOUNDS VIEW'S RESPONSE TO KARE 11 NEWS REPORT MARCH 12, 2019

On March 11, 2019, KARE 11 published a story erroneously alleging that the city of Mounds View made “bonus” payments to its prosecuting attorney for securing criminal convictions. The payments at issue total \$1,380.00 and all stemmed from a single 2013 multi-agency prostitution sting involving the Ramsey County Sheriff’s Office and the Minnesota Bureau of Criminal Apprehension. Contrary to the characterizations made by KARE 11 in its story, these payments were statutorily mandated prostitution assessments and the city categorically denies providing bonus payments to its prosecuting attorney for securing convictions.

The compensation paid to the city’s prosecuting attorney is and always has been entirely unaffected by the number of convictions resulting from the services provided. Independent of that compensation, however, the city is required under Minnesota law to distribute a portion of prostitution assessments to its prosecuting attorney. Specifically, Minnesota Statutes, section 609.3241 requires the imposition of a prostitution assessment when an adult is convicted of various prostitution-related crimes. Once paid, 20 percent of that assessment “shall be forwarded to the prosecuting agency that handled the case.” Although the term “prosecuting agency” is not defined, the city’s prosecution work is handled entirely by an attorney who is hired as an independent contractor of the city, as is the case in many other municipalities throughout Minnesota. The statute does not require that the 20% be forwarded to the city or the political subdivision that employs or contracts with the prosecuting attorney, much like it does for the law enforcement component of this assessment distribution (“40 percent of the assessment shall be forwarded to the *political subdivision* that employs the arresting officer...”). Following the 2013 sting that resulted in multiple prostitution assessments, city staff made a good-faith interpretation of the aforementioned statute and paid 20 percent of those dollars to its prosecuting attorney. Said payments totaled \$1,380.00 and while the statute further requires the prosecuting attorney to use those funds to combat sexual exploitation, the city of Mounds View is only required to forward the funds and is not required to serve in any regulatory capacity beyond that.

City staff is responsible for interpreting state law on a constant basis, as there are thousands of statutory provisions, if not more, that apply to municipalities, many of which are amended regularly. It should be emphasized that this specific situation arose out of a single prostitution sting that occurred in 2013. Notwithstanding these particular distributions, which are statutorily mandated, there most certainly is no pattern of supplementary payments made to the city’s prosecutor for securing convictions. City officials are offended by the insinuation in the KARE 11 story suggesting that the payments to the city’s prosecutor were purposeful and unethical payments of bonuses for securing convictions versus a good faith attempt to comply with a statutorily-mandated requirement that has not occurred in any other cases. As with any other legislative provision, staff is willing to re-visit its interpretation of Minnesota Statutes, section 609.3241 if an appropriate authority, including the Minnesota legislature, Minnesota Attorney General, Minnesota State Auditor, the City’s auditor, or otherwise, suggests that an alternative interpretation is necessary.