

Duties of the County Attorney

In each of Minnesota's 87 counties, a county attorney is elected to handle numerous criminal and civil legal responsibilities. Following is a brief description of the duties of the county attorney and the county attorney's relationship to the county board.

Role of the County Attorney---Minister of Justice

We have repeatedly stated that a prosecutor is a minister of justice whose obligation is to guard the rights of the accused as well as to enforce the rights of the public. The duty of a prosecutor is to see that justice is done on behalf of both the victim and the defendant. Therefore, a prosecutor does not "represent" the victim. A prosecutor represents the public interest and the sovereign and his goal is to see that justice is done. This places a special burden on prosecutors because they should prosecute with earnestness and vigor, but must refrain from improper methods calculated to produce a wrongful conviction. If a prosecutor abdicates his role as a minister of justice, the grand jury cannot serve its function of standing as a buffer between the state and the accused. Minnesota Supreme Court 2006

Adult Prosecution

The county attorney primarily prosecutes felony crimes (crimes which carry a maximum penalty of more than one year in prison) which occur within a county. Examples of these crimes include murder, sexual assault, drug offenses, serious property offenses, and child abuse. Misdemeanors and gross misdemeanors (crimes which carry a maximum penalty of less than one year) are the primary responsibility of city attorneys in some metropolitan and greater Minnesota areas, but may also be prosecuted by county attorneys. Prosecution may involve reviewing the investigation of law enforcement officers, filing criminal complaints, presenting cases before a grand jury, representing the state in court hearings and trial, and making sentencing recommendations.

Juvenile Adjudication

The county attorney is the prosecutor in all cases involving juvenile offenders. These range from curfew violations to the most serious felony criminal behavior. County attorneys may also oversee diversion programs which allow juvenile offenders to receive consequences involving minor offenses without going to court. These programs are intended to hold the juvenile accountable and often include an educational component to reduce repeat offenses. Due to public safety concerns, for more serious offenses the county attorney may ask the Court to certify a juvenile to stand trial as an adult. Upon conviction, the juvenile could then receive all potential adult sanctions, including a prison sentence.

Victim/Witness Assistance

County attorneys provide assistance and support to the victims and witnesses who play a vital role in the criminal justice system. They advise crime victims of their legal rights and status of their case, and will request restitution for losses suffered.

Civil Advice

The county attorney is the legal advisor for the county board of commissioners, county officials and county departments. The county attorney is not authorized to provide civil legal advice to private citizens in his or her capacity as county attorney. As the legal advisor for the county, the county attorney serves in a role that is similar to that of an in-house corporate counsel. The county attorney provides legal advice to the county board and county departments in areas involving waste management, defending challenges to property tax values, representing the Human Services Department on welfare appeals, enforcing county environmental and health ordinances, and forfeiting property used in connection with criminal activity. Additionally, the county attorney's office assists the county in buying property; negotiating leases and contracts; and in defending against personal injury, workers compensation, employment, civil rights and other law suits.

Family Services

The county attorney initiates CHIPS (Child in Need of Protection or Services) petitions to protect abused or neglected children in the county. The county attorney starts legal proceedings to protect the health and safety of vulnerable adults within the county when they are in need of assistance. The county attorney also files involuntary commitment actions to provide necessary treatment for individuals who are mentally ill, chemically dependant, or mentally retarded. When a family is receiving public assistance, the county attorney brings actions to obtain or enforce child support obligations, or to establish the paternity of a child, in order to obtain reimbursement for assistance and other costs to the taxpayers. Parents not receiving federal or state monetary assistance may also apply for and receive these child support enforcement or paternity establishment services county attorney at minimal cost.

Pursuing Improvement & Prevention

The county attorney plays an important role in seeking new laws to strengthen law enforcement, criminal justice, child protection, victim's rights, and other areas. The county attorney also participates in efforts to prevent or reduce crime in the local communities and statewide.