

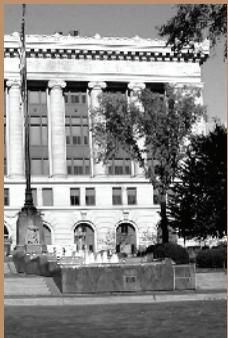
# ST. LOUIS COUNTY



# ATTORNEY'S OFFICE



**WORKING TOGETHER**  
TO BUILD THE KIND OF WORLD WE WANT TO LIVE IN



**Duluth Courthouse**  
100 N. 5th Ave. W., #501  
Duluth, MN 55802  
(218) 726-2323

**Govt. Services Center**  
320 W. 2nd Street, #403  
Duluth, MN 55802  
(218) 726-2034

**Virginia Courthouse**  
300 S. 5th Ave., #222  
Virginia, MN 55792  
(218) 749-7101

**Hibbing Courthouse**  
1810 12th Ave. E., #107  
Hibbing, MN 55746  
(218) 262-0158

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## Mark Rubin participates in Prosecution Summit at White House

St. Louis County Attorney Mark Rubin was invited to the White House in November to take part in the 10th Anniversary National Prosecution Summit.

“Prosecutors play an essential role in efforts to prevent crime and create innovative strategies that help keep our people safe,” President Barack Obama said in a prepared statement welcoming the prosecutors to the nation’s capital. “As those tasked with enforcing our state and federal laws, you hold a unique place in the work of delivering justice, and our nation depends on the willingness of dedicated prosecutors to ensure our society stays true to the principles that define us.”

The Justice Department said the summit was held to build on the President’s efforts to strengthen relationships between the community and law enforcement. It brought together local, state and federal prosecutors “seeking to implement innovative strategies to enhance public trust and confidence in the criminal justice system while promoting public safety.”



*St. Louis County Attorney Mark Rubin traveled to the White House in November to take part in the 10th Anniversary National Prosecution Summit at the invitation of President Obama. While at the Eisenhower Executive Building, Mark met with Roy Austin Jr., Deputy Assistant to the President for the Office of Urban Affairs, Justice and Opportunity.*



*The county attorney met with former Fond du Lac Band of Lake Superior Chippewa Chairwoman Karen Diver at the Eisenhower Executive Building in Washington, D.C., when he visited the White House in November. Earlier that month, President Obama appointed Diver the Special Assistant to the President for Native Affairs.*

The Association of Prosecuting Attorneys and the U.S. Department of Justice’s Bureau of Justice Assistance sponsored the summit.

The Association of Prosecuting Attorneys is a national organization dedicated to supporting and enhancing the effectiveness of prosecutors in their efforts to create safer communities, ensure justice and uphold public safety.

The summit covered such timely topics as Community Trust, Police Use of Force, Prosecutorial Ethics, Smart Prosecution Initiatives and Innovative Prosecution Strategies for Safer Communities.

“I’m honored to be part of an organization that is recognized as a leader in national policy discussions,” Rubin said.

Also in 2015, Mark was a member of a judicial selection committee named by U.S. Senators Amy Klobuchar and Al Franken to assist them in recommending to President Obama whom to appoint to an open Minnesota federal judge position. The President chose Wilhelmina Wright, the first African-American woman to serve as a federal judge in Minnesota.



### Board of County Commissioners

- 1<sup>st</sup> District:** Frank Jewell
- 2<sup>nd</sup> District:** Patrick Boyle
- 3<sup>rd</sup> District:** Chris Dahlberg
- 4<sup>th</sup> District:** Tom Rukavina
- 5<sup>th</sup> District:** Pete Stauber
- 6<sup>th</sup> District:** Keith Nelson
- 7<sup>th</sup> District:** Steve Raukar

(ON FRONT COVER)

*The photograph on the cover of the annual report was taken last Fall when the St. Louis County Attorney's staff met for its annual meeting at 80-year-old Camp Esquagama near Gilbert.*

## Letter from St. Louis County Attorney Mark S. Rubin

*“To Build the Kind of World We Want to Live In”*

My fellow citizens of St. Louis County,

This year, I have again chosen a poem by my favorite poet Naomi Shihab Nye to grace our back cover. Gate A-4 blew me away when I first read it, and it continues to exude deep meaning every time I re-read it. I hope you enjoy it.

The poem helped me to realize and clarify that our mission truly is to work together to build the kind of world we want to live in. This work cannot be done alone. Former professional basketball star and U.S. Senator Bill Bradley knew how important this was when he said:

*“Respect your fellow human beings, treat them fairly, disagree with them honestly, enjoy their friendship, explore your thoughts about one another candidly, work together for a common goal and help one another achieve it. No destructive lies. No ridiculous fears. No debilitating anger.”*

Our Civil Division attorneys not only continue to address any outside legal claims against our county, but they are also building on strong relationships with our County Commissioners and excellent department heads to help them address issues ranging from wetland banks, septic systems, property leases, tax forfeitures, planning and zoning to an all-terrain vehicle ordinance. Our collaboration as their attorney and counselors at law has paid great dividends for our citizens.

Our Public Health and Human Services Division attorneys are working on overdrive with our county social workers to keep up with the sad and alarming increase in child protection cases and child support contempt proceedings. We are also doing what we can with our schools and Men as Peacemakers to keep low-level juvenile offenders out of the judicial system through our innovative and highly successful Youth Accountability Program.

In our Criminal Division, both in Duluth and on the Iron Range, the workload and pressure continues. Despite all of our best efforts collaborating with law enforcement and advocacy programs, domestic abuse remains one of our greatest challenges. We will continue to be relentless in trying to find a more effective way to protect women and children and to hold offenders accountable. In the process, maybe we can even change the behavior of offenders. Heroin trafficking and the ensuing addictive behavior with all of its collateral consequences by those who use the drug and other opioids is requiring an unprecedented collaboration between not only law enforcement and our office, but other community treatment professions, our schools, and even a highly touted partnership that we have established with my colleague, Andy Luger, United States Attorney for Minnesota.

Through it all, our support services staff is dedicated to also doing its part in helping the office meet the challenges of its important work.

And so, like my friend Naomi Shihab Nye concludes, “Not everything is lost “ ... even though there are days when it might feel a little bit overwhelming.

We will continue to do the work it takes to build a better world ... the kind of world you deserve.

Warm regards,

Mark Rubin  
St. Louis County Attorney



**Gary Bjorklund**

Criminal Division Head – Duluth

**Michelle Anderson**

Criminal Division Head – Range

**Duluth Office:**

- Jessica Fralich
- Jon Holets
- Chris Pinkert
- Nate Stumme
- Rebekka Stumme
- Kristen Swanson
- Vicky Wanta

**Virgina Office:**

- Leah Stauber
- Karl Sundquist
- Bonnie Thayer

**Hibbing Office:**

- Brian Simonson
- Jeff Vlatkovich

# Criminal Division

The Criminal Division of the St. Louis County Attorney’s Office is responsible for charging and prosecuting all levels of adult crimes that occur in St. Louis County, including all felonies, gross misdemeanors, misdemeanors and county ordinance violations.

Assistant St. Louis County Attorney Gary Bjorklund has led the 13 prosecutors in his division. “They are hardworking, dedicated and smart,” Bjorklund said. “They routinely go above and beyond to help law enforcement, victims, you name it.”

In 2015, 3,332 cases were referred by law enforcement to the county attorney’s office. Some of the prosecutors each handled more than 220 felony cases.

“It’s the volume of cases and all of the work that goes into the cases that is most challenging,” Bjorklund said. “The public defender’s staff is very aggressive in pre-trial and trial motions and we have to keep up with them, answer motions, prepare motions, make victim contacts. Everybody is busy.”

Bjorklund said that in addition to preparing cases for prosecution, his division’s attorneys spend extra hours training and educating police, probation officers, victims’ advocates and others on such subjects as report writing, domestic abuse, sex trafficking, testifying in court, search and seizure issues, and they annually provide to law enforcement and probation officers updates on new laws that have gone into effect.

The attorneys also participate in Drug, DWI, and Mental Health Problem Solving specialty courts, which Bjorklund says are model programs that other professionals around the state and nation look to for best practices.

In St. Louis County, 12.8 percent of licensed drivers have a DWI conviction. The DWI Court has been successful with high-need, high-risk offenders because of the intensive supervision involved in the program, which has an 86 percent graduation rate.

Among the important and high-profile cases the criminal division prosecuted in 2015:

Shawn Doherty, of Babbitt, was sentenced to more than 27 years in prison after pleading guilty to the intentional second-degree murder of his mother’s boyfriend, Paul Bulen.

Lydia Barney pleaded guilty to the intentional second-degree murder of her aunt, Waubunoquay Randall. She received a 25 ½ year prison sentence.

Michael Daufelt, of Virginia, pleaded guilty to unintentional second-degree murder for causing the death of David M. Super while committing first-degree assault. He received a 16 ½ prison term, the maximum guideline sentence for the crime.

A St. Louis County jury found Arne Henry Mahlberg guilty of four counts of criminal sexual conduct. The Duluth man was sentenced to 30 years in prison.

## Victim/Witness Division

The woman didn't want to testify against the boyfriend who had beaten her. The woman's sister wanted to help her, but wasn't sure that she wanted to involve her own young son, who had witnessed the assault.

The Victim/Witness Services Division worked with the victim, her sister and the young boy and justice was achieved when the assailant was convicted of domestic assault after the brave boy testified in court that he saw his aunt being assaulted.

It was another case of a victim and those who care about them being given voices through the Victim/Witness division. The goal of the division is to provide comprehensive services to victims and witnesses of crime to help ease the physical, emotional and financial hardships caused by criminal victimization and to reduce the confusion and inconvenience that might be caused by involvement in the criminal justice system.

"We take great pride in having created a program to help victims, to let them know that they are being listened to and to make sure they know that someone cares," said Patty Wheeler, director of the division.

Wheeler heads up a staff that makes initial contact with a victim by letter informing them of the charges filed against the offender. Included in that letter is a brochure explaining their rights as a victim and a request for them to call the office so that advocates can get input from them and address any questions or concerns they may have.

The five-person staff works out of the St. Louis County courthouses in Duluth, Virginia and Hibbing and annually handles thousands of calls, texts and e-mails from victims and witnesses.

"It's a great staff, a staff that cares about people," Wheeler said. "They understand people's needs and will go above and beyond to help them. They're just good people."

The division is responsible for ensuring that the Minnesota Crime Victims Rights laws are upheld. Victims are often feeling afraid or confused, and witnesses might be frustrated or even angry with a system they do not understand and isn't very victim friendly. However, information about court advocacy, notification of hearing dates, trial preparation, working with other community programs to support them and a myriad of other issues are competently and compassionately dealt with by the advocates.

To make sure that victims' needs are met and that they receive the comprehensive support and services that they need, the division works closely with Safe Haven, the American Indian Community Housing Organization, First Witness Child Advocacy Center, the Program for Aid to Victims of Sexual Assault, the Sexual Assault Program of Northern St. Louis County, Domestic Abuse Intervention Project, Men as Peacemakers, Advocates for Family Peace, Mothers Against Drunk Driving and Churches United in Ministry.

The division still deals with reluctant victims and reluctant witnesses as Wheeler explains: "A lot of victims after testifying in court will say, 'It wasn't as bad as I thought it was going to be.' Usually, the anticipation is worse than actually being there. They worry about the defendant being there in the courtroom, but afterwards they are usually glad that they testified."



### Patty Wheeler

Victim/Witness Director

### Duluth Office:

Anne Fisk  
Lori Ulvi

### Virginia Office:

Michael O'Bryan

### Hibbing Office:

Elaine Lee



**Benjamin Stromberg**

PHHS Division Head

**Duluth Office:**

- Jennifer Barry
- Joseph Fischer
- Amy Lukasavitz
- Clarissa McDonald
- Charles Schumacher
- Patricia Shaffer
- Angie Shambour

**Virginia Office:**

- Sharon Chadwick
- Renaë Darland

**Hibbing Office:**

- Gayle Goff
- Stacey Sundquist

**Investigators:**

- Katherine Finc
- William Klein
- Shawn Laine

# Public Health & Human Services Division

The primary mission of the Public Health and Human Services Division of the county attorney's office is to provide legal representation to the county's largest department – PHHS – and to protect the health, safety, and welfare of the county's most vulnerable residents. Benjamin Stromberg leads the division.

The division represents PHHS in child protection matters. When parents are unable or unwilling to provide basic health and safety for children often the only way to ensure that the child's needs are being met is through the court system. A total of 177 family cases of abuse and/or neglect were brought to court last year.

"We're clearly at the highest level of child protection petitions that we've ever had," Stromberg said. "Coupled with that, the cases are lasting longer. I think the reason they are lasting longer is the deeply entrenched level of mental illness and chemical dependency problems that we are seeing in parents. The heroin and opioid epidemic is a huge driver of the problems."

In addition to child protection matters, the PHHS division assists the county's human services department in establishing paternity, establishing and enforcing child support orders, guardianships, truancy cases, licensing matters, the operation of public assistance programs, civil commitments, and several types of administrative proceedings.

The division also represents the interests of the state in prosecuting juvenile delinquency. Children older than 10 are considered responsible for their own actions. Youth who commit some offenses are offered a second chance to do right by participating in the Youth Accountability (diversion) Program. The goal is to keep juveniles out of the criminal justice system while helping them to understand that they need to accept responsibility for their actions.

The youth diversion program includes a restorative justice approach through participation in community programs and service and awareness of chemical dependency issues. Last year, there were 1,600 juvenile referrals for criminal charges. Of those, 21.9 percent were offered diversion.

"I think certainly one of the bigger issues we've been facing is the intersection of mental illness and criminal behavior both in juveniles and adults," Stromberg said. "In criminal cases when someone is sentenced you are done with them generally. Here, our mental health cases generally stay open and there is ongoing work in some cases for years."

Stromberg supervises 11 attorneys and three investigators in the Duluth, Hibbing and Virginia county attorney offices. Among their duties, investigators look for public assistance fraud, work on paternity cases, and build cases leading to prosecutions.

"The level of esteem that is held in the legal community for the people who work in this division is really impressive," Stromberg said. "It's just a phenomenal and extremely experienced group. They are really engaged and really knowledgeable and have a level of understanding and involvement with the issues this division deals with every day. It really speaks to their dedication and how important they view the work."


**Kim Maki**

Civil Division Head

**Duluth Office:**

Nick Campanario

Jim Nephew

Nora Sandstad

Thomas Stanley

Timothy Tysdal

## Civil Division

While the work of the Civil Division of the County Attorney's Office occurs largely behind the scenes, the effects of the work serve to improve the quality of life in St. Louis County by ensuring that administrative and departmental practices are well-reasoned, based upon thorough legal analysis, and beneficial to both the county and its citizens, said Kim Maki, the Assistant St. Louis County Attorney who heads the division.

One of the largest projects undertaken by the Civil Division in 2015 was providing legal counsel regarding the sale of over 250 lakeshore lots to longtime leaseholders. This benefitted the county and its citizens by allowing the leaseholders to secure ownership of their properties while returning the properties to taxable status. Another significant project was the governmental oversight of a large wetland bank development, which, when built, will allow for increased economic development in the county. A third significant and important project was an update of the county's Purchasing Rules and Regulations, which ensured that the county's procurement practices are in compliance with state and federal regulations, unbiased in nature and aimed at getting the best goods and services for the county's dollars.

Although large projects comprise a considerable amount of the Civil Division's workload, most of the attorneys' time is devoted to the daily interaction with county departments. For example, in 2015, the Civil Division worked with the Environmental Services and Planning and Zoning Departments to protect and preserve the natural environment by successfully enforcing the county's Septic, Solid Waste and Zoning Ordinances. Additionally, the Civil Division promoted public safety by providing legal advice and services to both the County Sheriff's Office and Arrowhead Regional Corrections, as well as handling forfeitures of vehicles by repeat drunk drivers, firearms by violent offenders, and illegal profits and other resources by drug dealers. The Civil Division also provided legal advice and services to the Land and Minerals and Public Works Departments, ensuring effective management of public lands, roads and bridges under the county's jurisdiction. Furthermore, the Civil Division provided counsel to County Administration and the Auditor's Office to help ensure that the county government was being operated in an efficient, legally sound, and fiscally prudent manner.

In addition, the Civil Division fields general inquiries from the public regarding issues ranging from data requests to property questions. The Civil Division also reviews nearly every contract that is entered by the county; this past year, the county entered over 700 contracts in furtherance of its business and operations. Finally, the Civil Division handles all civil claims and litigation brought by and against the county. In 2015, the Civil Division resolved several cases in a manner that was fair to claimants but also advantageous to the county.

As mentioned earlier, most of the Civil Division's work is behind the scenes. The aim is to do the work in a manner that ensures the county operates smoothly. In doing so, the division strives to create an open, organized and responsive county government, which, in turn, promotes a good quality of life in St. Louis County.

"The Civil Division staff is very hard working and competent," Maki said. "I think a hallmark of the Civil Division attorneys is that we are very thoughtful in the work that we do and the advice that we give. The people that we have working for us are eminently equipped to handle diverse questions and issues that come up."

# Administration and Initiatives

**Wade Backstrom**

Office Administrator

**Mark Stodghill**

Projects and Initiatives  
Coordinator

**Duluth Courthouse Office:**

Yvonne Kalin, Supervisor  
Betty Christenson  
Teresa Harries  
Rachel Lambert  
Diane Lundberg  
Corrie O’Neill  
Sue Peterson  
Tiffany Peterson  
Angel Ricker  
Teresa White  
Cynthia Zuk

**Duluth Government Services Office:**

Mary Fruehauf, Supervisor  
Jackie Calvert  
Diane Eck  
Laura Picconatto  
Tianna Zembo

**Virginia Office:**

Veronica Ratliff, Supervisor  
Alaina Denny  
Patti Everson  
Candy Nelson  
Tammy Sundsahl

**Hibbing Office:**

Veronica Ratliff, Supervisor  
Alaina Denny  
Char Meinzer  
Rachael Turk



**Administration**

Wade Backstrom leads the 26-member administrative division of the St. Louis County Attorney’s Office and is responsible for planning and executing a comprehensive range of administrative duties in support of the office’s mission. Principal among these duties is the preparation and execution of the Attorney’s Office \$7 million annual budget, human resource management, and technology systems and information management.

Three supervisors lead highly skilled clerical teams in four locations and are responsible for the maintenance of our case management system. They also lead the system administrators group of the North East Minnesota Enforcement Safety Information System (NEMESIS), which consists of St. Louis, Carlton, Cook, Lake, and Koochiching counties.

**INITIATIVES**

**Youth held accountable, but get second chance**

Neuroscientists say that the critical parts of the brain involved in decision-making are not fully finished developing until about age 25. Yet mistakes in judgment and impulse control can lead teenagers to a youthful indiscretion that can follow and haunt them into adulthood negatively affecting employment and educational opportunities.

The St. Louis County Attorney’s Office continues to work so that youthful mistakes made by kids charged with certain less serious crimes and first-time offenses do not taint their futures. Giving juveniles a second chance led to the development of the Youth Accountability Program.

The program recognizes that for most juvenile offenders, contact with the criminal justice system is infrequent and usually for less serious offenses. Consequently, the program seeks to provide a reasonable alternative to the formal and traditional justice system -- thereby reducing costs and caseload burdens on the courts, prosecutors, defense attorneys and probation officers -- while emphasizing restorative justice, minimizing recidivism, and promoting the payment of restitution to crime victims.

Ultimately, the mission of the Youth Accountability Program is to provide a constructive alternative to formal prosecution by encouraging teen offenders to learn from their mistakes and to take responsibility for their actions without the need for court involvement.

Juveniles who complete the program requirements within three months of signing the agreement to participate are deemed to have successfully completed the program and charges are not filed with the court.

**Truancy Diversion Program teaches lesson before court**

An introduction to the St. Louis County Attorney’s Office’s Truancy Referral Program was presented by County Attorney Mark Rubin and members of his staff at a breakfast at the Radisson on August 27. About 40 school officials and other professionals who work with students attended.

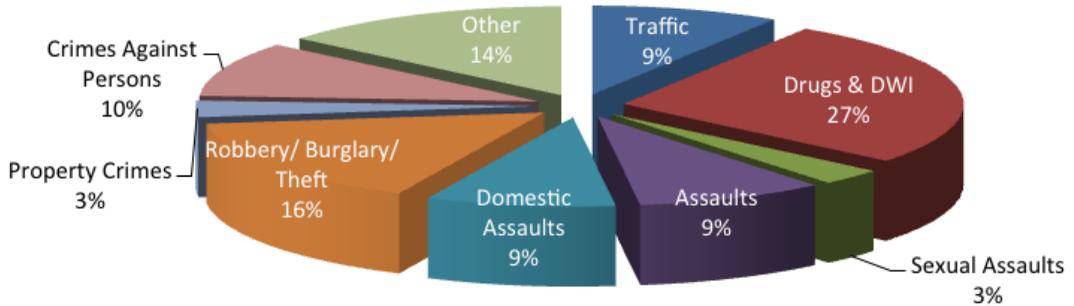
Rubin told the attendees that his office would partner with school officials to make sure that kids are in school and, when they are not, they should be quickly identified so they can be worked with before they have to go to court.

The Truancy Diversion Program is designed to promote the child’s successful attendance at school and avoid further action, such as a referral to Juvenile Court.

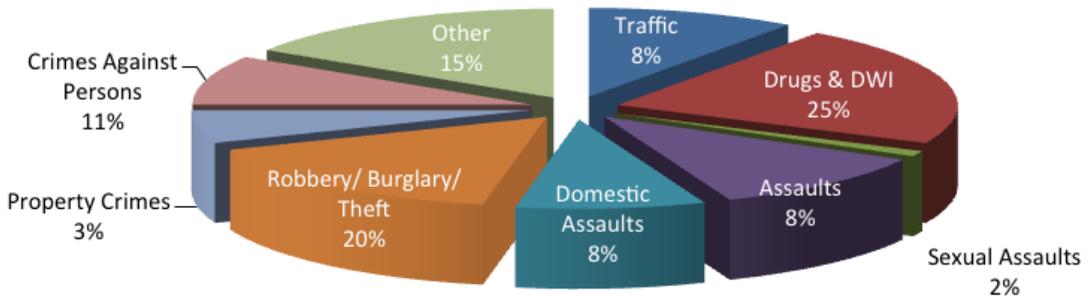
An effort is made to engage the family to determine what is keeping the child from going to school and identify and address the problem, whether it be mental health issues, violence in the home, enabling parents, or something else.

# Percent of Adult Referrals by Crime Type

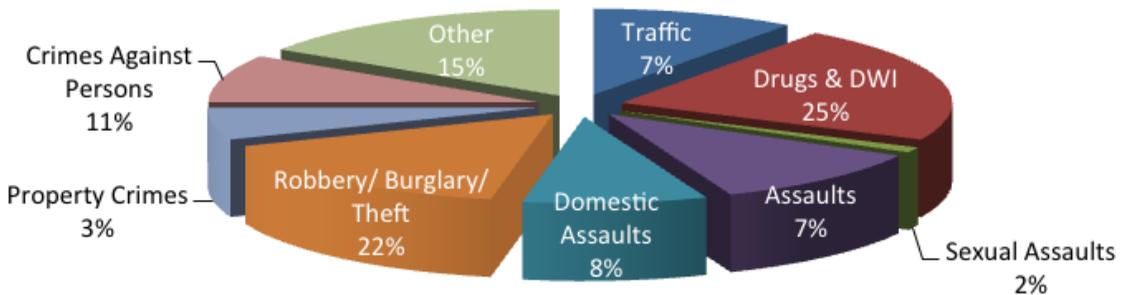
**Adult Referrals By Crime Type  
2015**



**Adult Referrals By Crime Type  
2014**



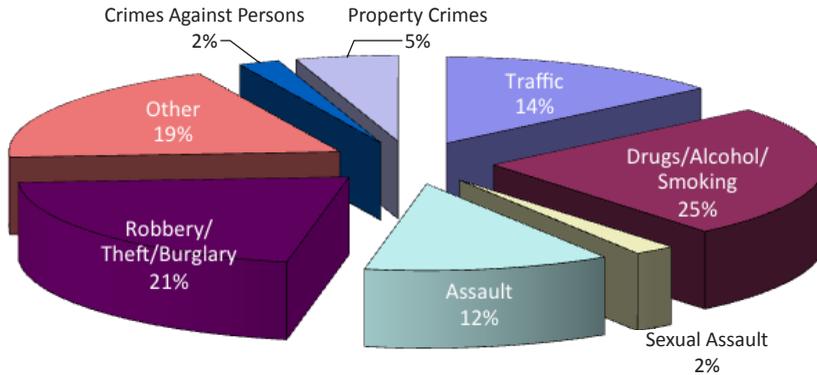
**Adult Referrals By Crime Type  
2013**



# Percent of Juvenile Referrals by Crime Type

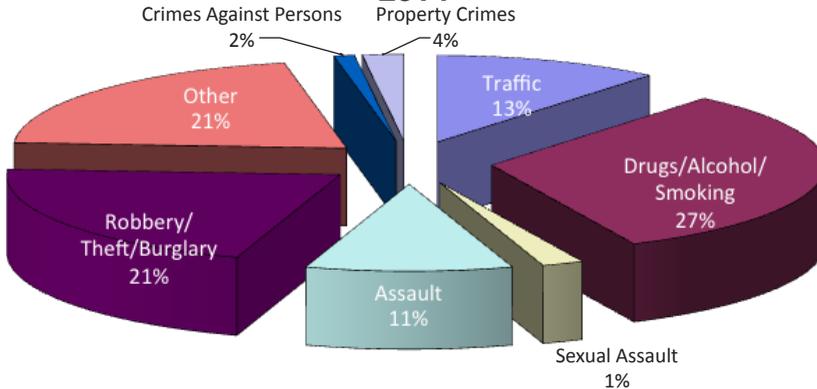
## Juvenile Referrals By Crime Type

2015



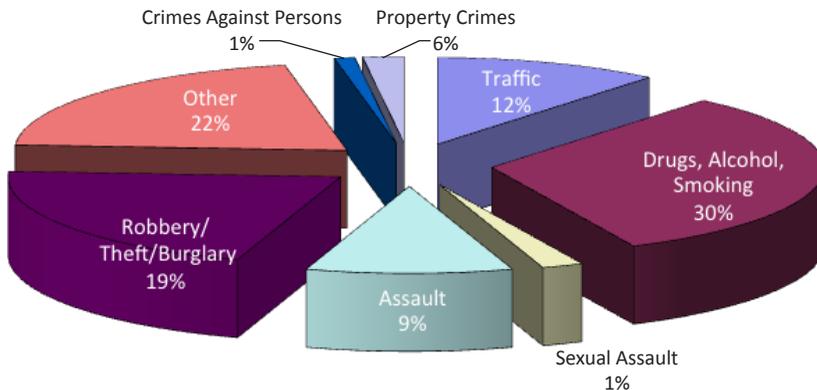
## Juvenile Referrals By Crime Type

2014



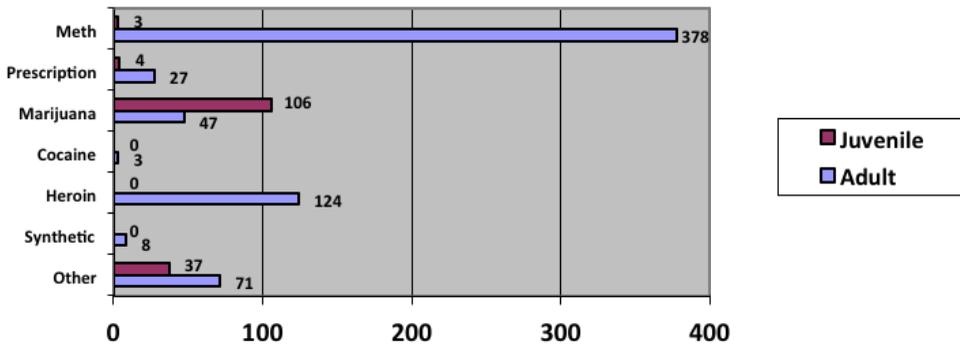
## Juvenile Referrals By Crime Type

2013

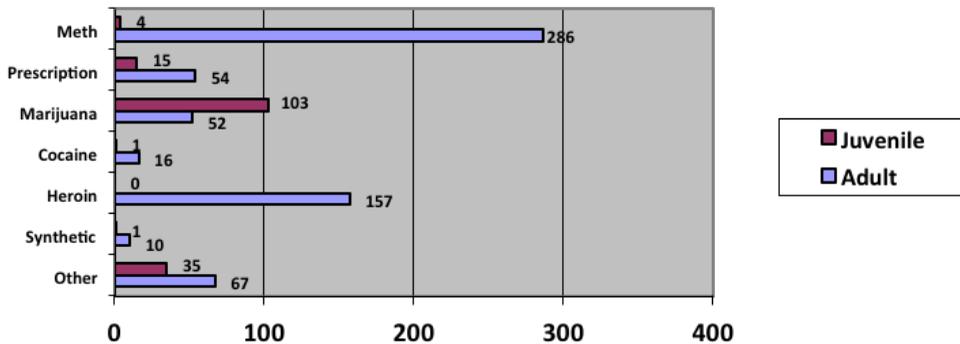


# Drug Referrals By Drug Type

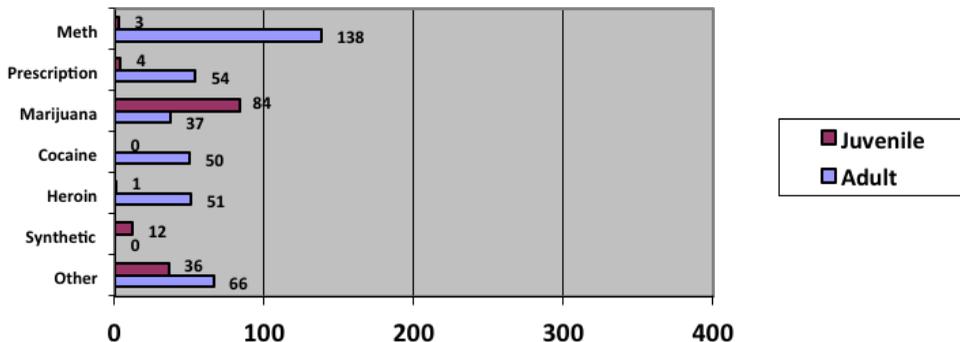
## Drug Referrals by Drug Type 2015



## Drug Referrals by Drug Type 2014



## Drug Referrals by Drug Type 2013





County Attorney Mark Rubin performs with “Echoes of Peace,” a choir organized by Duluthian Sara Thomsen to use music and the arts to support and expand the work of inspiring awareness, action and reflection on critical social issues.

## Gate A-4

By Naomi Shihab Nye

Wandering around the Albuquerque Airport Terminal, after learning my flight had been delayed four hours, I heard an announcement: “If anyone in the vicinity of Gate A-4 understands any Arabic, please come to the gate immediately.” Well – one pauses these days. Gate A-4 was my own gate. I went there.

An older woman in full traditional Palestinian embroidered dress, just like my grandma wore, was crumpled to the floor, wailing. “Help,” said the flight agent. “Talk to her. What is her problem? We told her the flight was going to be late and she did this.”

I stooped to put my arm around the woman and spoke haltingly. “Shu-dow-a, shu-bid-uck, habibti? Stani schway, min fadlick, shu-bit-se-wee?” The minute she heard any words she knew, however poorly used, she stopped crying. She thought the flight had been cancelled entirely. She needed to be in El Paso for major medical treatment the next day. I said, “No, we’re fine, you’ll get there, just late, who is picking you up? Let’s call him.”

We called her son, I spoke with him in English. I told him I would stay with his mother till we got on the plane. She talked to him. Then we called her other sons just for the fun of it. Then we called my dad and he and she spoke for a while in Arabic and found out of course they had 10 shared friends. Then I thought just for the heck of it why not call

some Palestinian poets I know and let them chat with her? This all took up two hours. She was laughing a lot by then. Telling about her life, patting my knee, answering questions. She had pulled a sack of homemade mamool cookies – little powdered sugar crumbly mounds stuffed with dates and nuts – from her bag and was offering them to all the women at the gate. To my amazement, not a single traveler declined one. It was like a sacrament. The traveler from Argentina, the mom from California, the lovely woman from Laredo – we were all covered with the same powdered sugar. And smiling. There is no better cookie.

Then the airline broke out free apple juice and two little girls from our flight ran around serving it and were covered with powdered sugar too. And I noticed my new best friend – by now we were holding hands – had a potted plant poking out of her bag, some medicinal thing, with green furry leaves. Such an old country traveling tradition. Always carry a plant. Always stay rooted to somewhere.

And I looked around that gate of late and weary ones and thought, This is the world I want to live in. The shared world. Not a single person in that gate – once the crying to confusion stopped – seemed apprehensive about any other person. They took the cookies. I wanted to hug all those other women too.

This can still happen anywhere. Not everything is lost.