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Democratic Steering and Outreach Committee Remarks
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Good morning Senators. It is a pleasure to be here with you today and talk to you about criminal justice issues, both as the president of the National District Attorneys Association and as the Hennepin County Attorney in Minneapolis. I had the honor to serve as a page under the patronage of Senator Hubert Humphrey in 1965 so it is nice to be back in the U.S. Senate.

Important news to discuss – let's get right to it.

First, we must continue to improve the trust between law enforcement, prosecutors and the communities we serve. A segment of our citizenry has looked at officer-involved shootings, the disproportionate number of people of color in prison and other aspects of fighting crime and said it is unfair and unproductive.

We don't have to agree with the protestors, but we do have to listen. Sometimes, they are just flat wrong. Often enough, however, they raise important issues and they have creative ideas. For instance, for 40 years, whenever there was an officer-involved shooting in Hennepin County, after the investigation was complete, we took the case to the grand jury. Without exception, the grand jury would return a no-bill, meaning that no criminal case would proceed. In the wake of the shooting of Michael Brown in Ferguson, Mo., I began to discuss with other prosecutors whether there might be a better way to handle those cases.

In November of 2015, a young, unarmed black man was killed by two white Minneapolis police officers. I talked to many people in the community about the grand jury and options. In March 2016, I announced that in all officer-involved shootings, we would no longer use the grand jury. Instead, I would make the decision on whether to charge or not. In the cases where we did not charge, all evidence, including any video, would be put up on our website to be transparent to the public.

Second, I'd like to talk about diversion programs. Diversion is a tool for reducing our jail and prison populations. Diversion avoids court proceedings and usually require restitution and community service.

In Hennepin County, we have made a concerted effort to divert juveniles. When they commit drug, alcohol or minor theft or vandalism crimes, we run them through a diversion program rather than charge them. Last year, we diverted 2,045 individuals or

about a third of the cases we received. We think it is fiscally smart. More importantly, since the youth must meet certain standards such as restitution, they are still held accountable, but will not have a record following them for the rest of their lives.

Third, no issue has received as much attention by the public, legislators, the media or our citizens than the damage caused by the opioid crisis.

In Hennepin County, we have launched a two-pronged attack. First, we have been charging the heroin dealers with third-degree murder when we can prove the direct link between the seller and the user's death. Last year, we charged 10 of these cases.

But it shocks the conscious that we can lock up these sellers, who are responsible for one or two deaths and yet the manufacturers and distributors face no punishment. They are the ones who caused this spike in overdose deaths. They have strained local resources for police and fire responses, investigations, hospital care and social workers. Meanwhile, those corporations have made millions of dollars from their dangerous products. While Congress has begun appropriating more and more resources to combat the opioid crisis in a comprehensive manner, we must do something at the local level as well.

Prosecutors from around the nation have been filing civil lawsuits against Purdue Pharma, Cephalon, Johnson & Johnson, McKesson, Corp. and Cardinal Health, Inc., to name a few. We are alleging that they lied about the safety of their products, they lied about how doctors should use them and they flooded the market.

We want a large dollar award and we want it for two reasons. First, to send these heartless businesses a message. They committed this malfeasance in order to enrich themselves. Second, their poison caused real harm in our communities. While we cannot reimburse the families who suffered, we can reimburse the law enforcement agencies, the welfare agencies, the health and social work agencies and the hospitals, all of which had to spend millions of extra dollars to combat this epidemic.

We at the NDAA also support the Substance Abuse Prevention Act recently introduced by Sen. Cornyn and Sen. Feinstein. I also understand that you, Senator Klobuchar, have also agreed to cosponsor recently. Thank you. The legislation will reauthorize critical components of the federal government's drug policy apparatus.

Fourth, sex trafficking. The recent passage of the Stop Enabling Sex Trafficking Act was a good first step in providing prosecutors tools to hold accountable those that are blatantly facilitating online sex trafficking through a loophole in the Communications Decency Act. We were early supporters and were pleased to see that signed into law.

Finally, prosecutors continue to address the issue of child abuse. Nothing pains prosecutors more than the photos and descriptions of abused or dead children. So, we are working vigorously to find new ways to charge and successfully prosecute these cases.

The reauthorization of the Victims of Child Abuse Act will be introduced soon and the NDAA is strongly supportive. For prosecutors, training and technical assistance will be provided to the field to enable better identification of abused and neglected children and how to properly hold their abusers accountable.

In conclusion, I leave you with this good news. Those of us old enough to remember the harrowing times of the late 1980s through the mid-1990s know that in every one of the issues I spoke about today, with the exception of the opioid epidemic, we are far better off today. The crime rates are way down from that time and that has given us the breathing room to have real discussions about drug policies, sex trafficking and diversion for low-level crimes and the disproportionate number of people of color in our prisons. I have every confidence that we will continue to make strides to resolve today's issues so that throughout this great land, people will be safer and the criminal justice system will be fairer.