

MEMORANDUM

To: Aurin Chowdhury, Chair, Committee of the Whole
Council Members

From: David Bernstein, Deputy City Attorney – Criminal Division

Copy: Kristyn Anderson, City Attorney
Casey Carl, City Clerk

Date: April 22, 2026

Subject: LIMS File 2026-00096, Passage of Ordinance amending Title 11, Chapter 223 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Drugs, decriminalizing the possession of drug paraphernalia.

This memo addresses issues, questions, and requests for information raised at the committee's April 21, 2026 meeting. Specifically, the issues raised were:

1. Provide numbers, year to date, for how often the Minneapolis Police Department has used the ordinance around drug paraphernalia in drug related cases.

According to the Minneapolis City Attorney's Office (CAO) Criminal Division's case management system, the CAO has prosecuted 24 cases with an offense date between January 1, 2026 and April 22, 2026, which include the charge of Possession of Drug Paraphernalia in a Public Place pursuant to Minneapolis City Ordinance (MCO) 223.235. Of those 24 charged cases, the referrals came from the following agencies:

- Metro Transit Police Department – 21
- Minneapolis Police Department – 2
- Minneapolis Park Police Department – 1

Please note that law enforcement and/or the CAO may exercise discretion and not include that charge in a tab charge, citation, or complaint even if it may be applicable. The CAO is unable to determine how often that may have occurred and is providing responsive data only with respect to cases in which MCO 223.235 is charged. In addition, law enforcement agencies may have referred additional related cases that have not yet been charged in court, or have been charged in court by other prosecution agencies. The CAO does not have that information available; these numbers only reflect cases prosecuted in court by the CAO.

2. Provide numbers, year to date, for how often the City Attorney's Office Criminal Division has offered drug treatment as a negotiation point in drug related cases.

The response to this question is based on charged cases in court which include the charge of Possession of Drug Paraphernalia in a Public Place pursuant to MCO 223.235. It does not include all cases with drug-related charges. Of the 24 cases noted above, 12 are still open and pending, while 12 have resolved. All 12 cases that resolved were dismissed in court. Of those 12 dismissed cases, 8 were dismissed pursuant to plea agreements in other cases or because the defendants were already on probation in other cases, and 4 were dismissed for other reasons. Of the 8 dismissed pursuant to plea agreements in other cases or because the defendants were already on probation in other cases, the defendants were ordered to complete a substance use disorder assessment and/or ordered to attend treatment in all 8 cases.