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## **For Prosecutors and Victim/Witness Advocates: The Importance of Tracking Citations When the Endangerment Box is Checked**

The priority initiative of the Minnesota Alliance on Crime is strengthening rights for victims. When the “endangerment box” is not checked by law enforcement in applicable vehicular offenses, victims are not afforded the rights they deserve.

The [Statewide Payables List](#) identifies those vehicular offenses for which an individual can choose to pay the listed fine rather than make a court appearance and contest the citation. Since 2013, the list of payables includes careless driving citations. The “endangerment” box on the citation must be checked if the violation was committed in a manner or under circumstances so as to engender or was likely to endanger any person or property. All careless driving citations are payables unless the Endangerment Box on the citation is checked. The citation will not be submitted to the Court if it is a payable. If the issuing law enforcement officer checks the “endangerment box” on the citation, the “payable” or petty misdemeanor is enhanced to a misdemeanor, and the offender must appear in court.

**Prosecutors should discuss with local law enforcement agencies the situations that they believe constitute endangerment for both crash and non-crash situations.** Prosecutors should have a process in place that flags those citations where the endangerment box has been checked and a victim identified. Prosecutors may need to consult with their court administrator to ensure that the court is informing the prosecutor of these cases.

**Given the speed at which these types of cases can be resolved, it is important to establish procedures to bring the victim into the prosecution process.** For example, prosecutors who do not learn of a victim until the first hearing should request a continuance to ensure that the victim can be notified of the prosecution and be provided notice of their rights. Resolving cases at that first appearance means the victim loses all rights, including the right to notice of the criminal case, the right to request restitution, and the right to give a victim impact statement.

**It is especially important for prosecutors’ office to coordinate with local law enforcement agencies on how crash cases involving death will be dealt with to ensure that the deceased’s family members are provided timely, respectful notice of the prosecution.** In such cases where a “payable” citation will be issued or no charges will be filed, there should be an agreement about who will communicate this to the deceased’s family members. In those cases, where a misdemeanor citation is issued, the law enforcement agency should alert the prosecutor to ensure that notice is given to the deceased’s family of the prosecution.

**For technical assistance on this topic, please contact Bobbi Holtberg, executive director, at 612-940-8090, extension 101, or [bobbi@mnallianceoncrime.org](mailto:bobbi@mnallianceoncrime.org).**

### **About the Minnesota Alliance on Crime**

*The Minnesota Alliance on Crime connects systems, service providers, and victims to advance the response for victims of all crime. MAC is a membership coalition of more than 90 crime victim service providers in Minnesota, including prosecution-based victim/witness programs, community programs, law enforcement agencies, and individuals committed to supporting crime victims. We support our membership through training, technical assistance, resources, public policy and legislative initiatives, and networking opportunities.*