

Minnesota Criminal Gang Database Open Forum- December 1, 2011

Community Voices- Notes

Community Member

- Individuals should have access to information about whether or not their name is in the gang database, whether it's in there rightly or wrongly.

Audience Member (Hennepin County Parole Officer, VP NAACP, Former Board Member Council on Black Minnesotans)

- We got it wrong the first time when the system and criteria for the gang database was established, so law enforcement cannot get it right now.
- The BCA is not the only agency that keeps this information. There is not consistency with regard to when names are reviewed and deleted, when audits are done.
- The criteria must be evaluated again- we need more pertinent information.
- The statute is not transparent enough- people should be able to know who is in the database.
- How can parents be responsible for their families if they don't have the same information as law enforcement?
- We took time to come here, so please listen to us and HEAR us, we all just want to be on the same page.

Audience Member (Crime Prevention Coordinator, Aurora/St. Anthony Neighborhood Development Corporation)

- People need to know if they are in the gang database, and need to know if they are taken off. You MUST tell someone if they are taken off, just like you must tell ex-felons when they are eligible to vote again.

Audience Member (photographer, works for newspaper)

- He made a FOIA request to have the DOCIA sent to him. He was asked why he thought they might have a file on him, and he learned he could not get the information, on himself, even through a FOIA request.
- If you can get that information through the FBI, everyone on the list should be advised.
- What if someone plans their future, enters school to be a police officer, for example, and then finds out later that they are in the gang database, and cannot find work related to their field.
- You don't have a chance to defend yourself- that's criminal!
- The legislature created it, so the legislature can and should fix it.

Community Member

- What are the outcomes you were trying to achieve when you initially created the system? And what difference has it made to be able to identify people as gang members since 1997?
- Answer: it helps to build better cases, to have all of the relevant information. Helps in prosecution.

- The fact that someone is in the gang database is NEVER admissible in court. It enhances sentences for crimes “for the benefit of a gang.”
- Part of the goal is also police officer safety.

Community Member

- Gang members are part of our communities- maybe we should be asking them what criteria are appropriate to determine gang membership.

Community Member

- The criteria are way too broad.
- What does “reliable source” mean? Who is a “reliable source”?
- What if you are arrested at a bad place, and you’re just in the wrong place at the wrong time?
- The criterion about being in a photograph with alleged gang members doesn’t make sense- what about high school yearbooks? There are all kinds of photos with groups of young people that could be considered photos with gang members!
- Tattoos- what kinds of tattoos are considered gang related?
- Admissions- do admissions have to be taped? How do we know they are reliable?
- Basically the criteria say, I think you’re a gang member according to this list’s criteria, so I’m going to put you on the list.
- I’d be a gang member! And I’m not! But I meet enough of the criteria.
- When asked what the objective of the gang database is, there was no automatic response. This is concerning. If you can’t say with confidence why the database exists, why have it?
- Maybe we as a community should keep a file on law enforcement and elected officials, and keep our information secret from them.

Community Member

- I am on the list. I don’t know how I got on there or why I’m on it.
- If you’re collecting information and name someone as a gang member, that is what they get labeled as permanently. And people change.
- I’m not a gang member. I’ve lived in the same place my whole life and am not in a gang.
- Is there any benefit to the person on the list? Does it help them at all?

Community Member

- I’ve been “observed to associate” with gang members.
- I have 16 children. Two of my sons are in gangs, so our entire family is on the list. Most likely even my 5 daughters are on the list because they meet the criteria, and they are not gang members. I feel like I am being punished for associating with my own family members, and my daughters are also being punished.
- I think this is a racial issue, and law enforcement is people patrolling.
- Why not ask us, the community members, who the gang members are? Maybe you would get the truth instead of putting so many people in the database that aren’t in gangs.
- I am labeled a gang member because of how I look, where I live, and who my family is.

Social Worker in Anoka and Hennepin Counties

- This is negatively affecting our children in schools.
- Officers came into my school and did a powerpoint to inform teachers about the gang database, and what they should look for. Now there is a mass targeting of black, brown and yellow students. White gangs were NOT MENTIONED in the powerpoint.
- The 10 point system victimizes communities of color and leaves out the white suburban gangs.
- Teachers are now trying to play cop with the information they gained, and are less focused on teaching.
- What about three white boys who stole bikes this summer. They had a name, etc., but they aren't labeled as gang members, they are just "good kids."

Community Member

- I can hear the chains. We are not going back to this, back to slavery.
- The 10 point system takes away from people being innocent until proven guilty.
- It is not fair that 90% of the people making these criteria decisions are white, when it so negatively affects communities of color.
- We are used to this being done to us. We will not stand for it anymore. It's not right. It's not Godly.

Professor Levy-Pounds, University of St. Thomas School of Law

- Real people are being affected here.
- In 2009 the NAACP came to me and the Community Justice Project at UST Law. We created a report called "Evaluation of Gang Databases in Minnesota and Recommendations for Change."
- Our children and community members are being harassed.
- Through our efforts, the GangNet database was shut down.
- They are not conducting audits on a regular basis as they said they would. Also, there is no parental notice when children are put into the gang database.
- There should be parental notice when children are put into the gang database! 14 year olds are entered with their personal information, address, school, etc., and parents are not even notified.
- There is a disproportionate level of law enforcement contact, more use of excessive force, when an individual is in the gang database.
- Nobody wants there to be gang activity or gang members in our communities, but we also do not want our children to be victimized.

Audience Member, Boys Totem Town, Cognitive Behavioral Specialist

- What constitutes a reliable source? Is another gang member reliable?
- You need to label people as they are, not what you think they are.
- Perhaps it might make some people more likely to join a gang if they are already labeled as one.

Community Member

- Gangs were in our community long before 1996. It used to be benign neglect. This all started with community members trying to get law enforcement to pay attention, not the other way around. We started community police before law enforcement stepped in.
- I want to hear the officials explain the criteria. The criteria doesn't solve the gang problem and doesn't make sense.
- Is this a true community partnership. We need to start over, burn this bad boy down, and start over with us!

Community Member

- The audit happens every 3 years? Can we make it one year?
- If 2-3 people commit a crime together, that doesn't mean they are in a gang.

Community Member

- How can you tell who is on the gang database?
- So you can't tell who is on it, but you have criteria for who is on it?
- Are any of the chapters of the KKK on the list?
 - Answer: I don't know that any chapters of the KKK are on the list, but there are skinhead gangs and white supremacy groups on the list.

Community Member, worked at Stillwater Prison, a resource person in the chapel for inmates on their way out

- This was before re-entry programs.
- Perhaps if inmates had more information before going to prison they wouldn't be there.
- The gang database presence compounds reentry problems.

Community Member

- This is an issue of justice, not necessarily about making sure there are the same rates of arrest among races.

Community Member

- What is the next step after these community meetings?
 - Answer: we have been charged by the legislature to review the 10 point criteria and then make recommendations on how to make the criteria fair and objective.
 - We will recommend narrowly tailored and objective criteria to determine if people are gang members. The recommendation goes to the Commissioner of Public Safety. He has the last word, and would then make recommendations to the Legislature.
 - We will post recommendations online before officially submitting them so we can have public comment. We will look into a public release and notification of the posting.
- Violent Crime Coordinating Council: all white except 1 (out of 11 people)
- This is the last meeting, we need prevention and intervention.

Community Member

- We need three things:

- Parental notification
- Notification to an individual when their name is purged from the database
- Everyone who is put into the gang database should be notified

Community Member

- Maybe you all should put yourself in our environment. What experience do you have to be making these decisions for people in my community that affect their lives?
- Why isn't anybody on the council giving their personal input on these issues?
- You don't live in my community, there are no connections between us, there's disconnect.
- We are concerned community members. We want a community member on the board, or we want someone on the board to notify a community member.

Community Member

- Is there any comparison of results between states with and states without criteria? How much does the knowledge that someone is on the list change the behavior of the officers?
 - Answer: If there are no criteria, there will be an over-inclusion of people identified as gang members.
 - Purpose of database in part is to promote successful gang prosecution.

Community Member

- We need to look back at the original statute. The requirements are: must be 14 or older, must be convicted of a gross misdemeanor or a felony, and must meet 3 of the 10 gang criteria.
- There should be special protections for juveniles. They should not unnecessarily be in the database.
- The database shouldn't include all gross misdemeanors and felonies- it should be limited to violent crimes.
- We need to look at the statute and narrow the scope.
- There is no way to even find out if you are on the list through a FOIA request.