

MEETING MINUTES FOR 2/6/13/-VIOLENT CRIME COORDINATING COUNCIL (VCCC)

Council members in attendance: Carol Kayser(for B. Todd Jones); David Voigt, Ken Reed, Mike Goldstein, Kip Carver (for Rich Stanek), Matt Bostrom, Jim Jensen, Drew Evans (for Wade Setter); Cari Gerlicher, Hilary Caligiuri, Ben Bejar, Chris Benson, Hector Garcia and Manuel Guerrero.

Staff: OJP staff: Kristin Lail and Rita Joyce

Guests: Nicole Engisch, John Kirkwood, and Don Rothstein, DOC.

Absent: John Gross, Gordon Ramsay, Janae Harteau, Bill Hutton, Bill Ziegler, Melvin Carter, Mark Dunaski and Brian Marquart.

Meeting materials: Agenda, 12/12/12 meeting minutes, VCET Audit Follow-up chart and reports, and Drug abuse trends in Minneapolis/St. Paul, Minnesota January 2013 update.

Welcome and Introductions

Chair Ken Reed called the meeting to order at 10:00 a.m. and attendees introduced themselves.

Action on 12/12/12 meeting minutes: Correct misspelling of ACISS in minutes. Motion by Caligiuri and second by Gerlicher to approve with correction. The motion passed.

Action on agenda: Motion by Voight and second by Carver to approve the agenda. The motion passed.

Vote on proposed by-law change: Motion by Caligiuri and second by Jensen to approve change to Section 5.1 of the VCCC bylaws to state: "...Nominations may be made orally or in writing at the January meeting of the council or the first regularly scheduled meeting when/after the Chair and Vice-Chair's two year term is completed." The motion passed.

Nominations and Vote on Chair and Vice Chair: Chair Reed has served the balance of a two-year term and Vice Chair Ramsay is unable to serve at Chair. Reed noted Subd. 2(b) of Statute 299A.642 which states that "...the appointment of the chair shall alternate between a person who works in greater Minnesota and a person who works in the seven county metropolitan area" so a member from greater Minnesota must serve. There was some discussion of whether a state agency representative could serve in a leadership position, but agreement that it should be a local chief, sheriff or county attorney representative. Dodge County Sheriff Jim Jensen agreed to serve as Chair. Caligiuri nominated Jensen and was seconded by Carver. Jensen was elected Chair for 2013-14.

Reed then noted that a metro representative should serve as the Vice Chair. Plymouth Police Chief Michael Goldstein agreed to serve as Vice-Chair. Gerlicher nominated Goldstein and was seconded by Bostrom. Goldstein was elected Vice-Chair for 2013-14.

Professional Standards Committee Report

Kristin Lail provided an update on Agreed Upon Procedures reviews conducted by the Office of the State Auditor noting there were a 6 published earlier in 2012 and 12 completed since 7/1/12. Acting Statewide Coordinator Brian Marquart has conducted follow-up site visits and telephone calls and is drafting Audit Reports for each Task Force. Seven Task Force Audit Reports were included in VCCC materials as well as the VCET Audit Follow-up chart from the *2012 VCCC Annual Report*.

She noted that there were five more audit reports to be published and three additional follow-up reports in process. The audit findings will be a priority training area for the annual Task Force Commanders meeting in March and will also be considered in summer site visits.

Cari Gerlicher and committee have reviewed audit reports and noted some recurring concerns: missing witness signatures on confidential informant payments, inconsistent procedures for bank deposits and withdrawals, and not reconciling bank statements. She asked for additional information on a case where petty cash was used for investigator meals and another where evidence was missing after a task force personnel change.

Reed also noted that Task Forces should be required to notify OJP if there is a significant departure from the *Operating Procedures and Guidelines Manual*, before it is found in an audit. He suggested that this provision be included in the Manual. He also suggested that training on financial management may be available through the Department of Commerce or the Twin City chapter of Certified Fraud Investigators.

Gerlicher agreed that the committee would check language in the manual and consider strengthening some sections. She noted that there were several findings related to segregation of duties with task force administrative assistants having significant responsibility for financial oversight. She said that the Task Force Commanders need to take more responsibility for managing the grants and confidential funds.

Gerlicher also noted a concern about Task Force Commanders not being responsive to VCCC requests for information, noting that the Community Outreach subcommittee sent out repeated requests for information on community leaders in minority populations. Carver agreed that all funded task forces should be responsive to all VCCC requests and that expectation should be built into the RFP.

Reed reiterated common themes in the audit findings that should be basic procedures for all task forces: failure to photocopy cash before buys or after seizure, not setting up CI files, delays depositing cash, incomplete inventory of seized property, co-mingling of receipts. He offered to attend the task force commander training to voice their disappointment and remind them of their responsibilities in supervising these units. He recognized Marquart's swift response with task force follow-up and development of corrective actions, but suggested that a letter be sent from the Commissioner to task forces with the most significant audit findings warning that they are not in compliance with the Guidelines. They should have training and implement a corrective action plan and then have a second

audit at their own expense. If the second audit finds continued lack of compliance their funding could be discontinued.

Caligiuri said the letter should ask task forces to respond to each finding in the audit and explain how they are changing procedures to keep it from happening again. Evans noted that there is a turnover of new commanders and new investigators in many of the task forces so a commitment to ongoing training is important.

Goldstein suggested that the letter be sent to all task forces rather than a select few and that Chiefs and sheriffs are notified as well. Carver agreed that it should go to the advisory board chairs and members in additions to Task Force Commanders.

Gerlicher stated the importance of this audit process is transparency in the task force oversight process. She thought all task forces should receive a letter and request a response articulating the changes made in response to the audit findings. Reed agreed noting that there will be training and technical assistance provided and there should not be the same findings in the next round of audits.

There was a motion by Goldstein recommending that the Commissioner, in collaboration with the VCCC, issue a letter to all task forces about the audit results and expectations to comply with standard operating procedures. The motion was seconded by Gerlicher and passed.

Lail will forward the recommendation to the Commissioner's office and will work with the Acting Statewide Coordinator on training and technical assistance. Reed agreed to attend the Task Force Commanders training with the Commissioner to convey the concerns of the VCCC about the audit results and hope for better results in a second round.

There was a break for lunch and the meeting continued with other subcommittee reports.

Governance Committee Report

John Kirkwood reported that DPS received 30 applications for the Statewide Gang and Drug Coordinator position. The committee met in December and narrowed the list down to seven applicants that they invited to interview in January. The top two candidates were recommended to the Commissioner for consideration and one of those subsequently withdrew his application. The final candidate was interviewed by Commissioner Dohman's office.

Goldstein asked if the finalists' names can be shared with the committee, but Lail said that is it not public information until an offer of employment is accepted. She noted that there has been some discussion about reposting the position as a higher-level law enforcement classification. She will send updates to the VCCC when the position is filled or if there are changes in the hiring process.

Community Engagement Committee Report

Hector Garcia announced that community engagement committee members will be attending the Immigration roundtable scheduled for 2/22/13 to use it as a model for task force to improve

communications with communities and resolve problems. The Assistant Secretary of Homeland Security visited the Twin Cities last fall and noted that Community roundtable model helped them establishing dialog throughout the nation with a community immigrant orientation guide, which is published in 14 languages.

Garcia reiterated the importance of task forces providing contact information on community leaders for an effective law enforcement roundtable. They would like to pilot two community engagement meetings in the coming year—one in a metro location and one in greater Minnesota. He will forward information on upcoming roundtable to VCCC members as well as information on a community blog used to share information called Bridges.

Data Committee Report

Mike Goldstein said there were not any updates from the data committee other than the intention to use BCA's system to house the gang criteria data.

Drew Evans reported that BCA was exploring the feasibility of using the gang module of the existing BCA case management system, ACISS, to collect gang information using the new gang identification criteria. It would be too expensive for each task force to purchase separate licenses, so the BCA is considering using the Fusion Center as a data collection site. He ran a few tests with the new gang criteria looked at adaptability, and determined that it would be able to collate data sent from various law enforcement agencies across the state. MNJAC analysts would accept data with supporting documentation for separate criteria then run weekly reports to manually enter identified gang members into pointer file. The volume should be manageable for MNJAC staff and anything submitted would be considered public data. Additional investigative information would be held at the local agency. They will need to develop some procedures and protocols submitting data and limited supporting documentation.

Voight asked if BCA would retain the supporting documentation and Evans clarified that BCA would need to attest that it's been vetted by our analysts, but does not want the whole case file, just whatever information is needed to meet the criteria.

Goldstein stated that this proposal is better than nothing and that procedures can be put in place that in essence would satisfy the concerns voiced at the public forums. If investigators have to wait until the case is closed, it will not likely be submitted. If it is in ACSIS, it is public, and the community will appreciate that their concerns were heard; however, law enforcement will have some concerns with this structure.

Caligiuri suggested that BCA develop a simple form to collect data on the criteria or local agencies can develop an RMS report on one piece of information rather than the full report. She also noted that if the criteria are narrowed down it should not affect cases and will be part of discovery.

Don Rothstein announced that the Midwest Gang Investigators are hosting a two-day seminar for Law Enforcement in St. Paul on March 6-7, which is the same day as the commanders training. They would

like a presentation on the VCCC and the revised 9-point criteria. Goldstein agreed to present the history and community feedback for the revised criteria, but asked for a gang investigator to co-facilitate.

Carver noted that Hennepin County had also developed a local presentation on the new criteria that he would be willing to share with other jurisdictions and task force commanders.

Legislative updates

Reed reported on legislation for automated license plate readers noting concerns about the length of retention of data. He encouraged VCCC members to contact legislators to recommend a longer retention period for investigative purposes. He also asked members to provide examples of major crimes solved by using this data.

The VCCC was contacted by the Department of Health to support an amendment that would make unlicensed practice of body art a Gross misdemeanor, because of the risks that unsafe tattooing and piercing poses to the public blood supply. Reed also mentioned several pieces of legislation that have been tabled for an omnibus gun Control Bill.

Goldstein asked about the status of the traveling data legislation and Reed said the proposal would maintain the original classification of intelligence data under Chapter 13 intelligence data that was collected in other states.

Office of Justice Programs Update

Brian Marquart was attending a national narcotics officers meeting in Washington DC, so could not attend the VCCC meeting. He continues work on audit follow-up, planning training for the task force commanders meeting, developing protocol for drug disposal and field testing of drugs.

Lail reported on the DHS State Substance Abuse Strategy and subcommittee planning training on opiates for first responders. There was some discussion on proposing an alcohol excise tax but it was not supported by the Governor. There will be a speaker from DHS at the April VCCC meeting to provide an update on implementation activities and coordination with the criminal justice system.

OJP staff prepared a VCCC 2012 report to the Legislature, which was due on February 1st. It includes and overview of VCCC activities, including the strategic plan and gang criteria development, audit of the gang pointer file conducted by the BCA and audit of task force operations by the Office of the State Auditor. There will be some additional editing of the task force audit section, based on feedback from the Professional Standards Committee and the VCCC at this meeting. The final report will be posted on the VCCC website and forwarded to members.

There was a motion to adjourn by Bostrom that was seconded by Gerlicher. The meeting was adjourned at 12:55 pm.

The next VCCC meeting will be held on Wednesday, April 10th in the Pung conference room at DOC.

Respectfully submitted by Rita Joyce, Office of Justice Programs.