Violent Crime Coordinating Council Report

Minnesota Department of Public Safety

February 1, 2013

Introduction

Minnesota Statutes 299A.642, subd.15, requires the Commissioner of Public Safety to provide a report each year that: 1) describes the activities of the Violent Crime Coordinating Council; 2) summarizes the audits conducted on multi-jurisdictional law enforcement teams funded under this statute and; 3) reports the results of the audits conducted on data submitted to the criminal gang investigative system data system under section 299C.091. This report cover the period 1/1/12 through 12/31/12.

Violent Crime Coordinating Council Activities

The Violent Crimes Coordinating Council (VCCC) was established by the Minnesota Legislature in 2010 to provide guidance related to the investigation and prosecution of gang and drug crime. The council provides direction and oversight to the multijurisdictional task forces and enforcement teams located throughout the state.

The council's primary duty is to "develop an overall strategy to ameliorate the harm caused to the public by gang and drug crime within the state of Minnesota". In addition, the council works closely with the commissioner of public safety and is charged with additional responsibilities to include:

- The development of an operating procedures and policies manual to guide gang and drug investigation;
- The identification and recommendation of an individual to serve as the statewide gang and drug coordinator;
- The development of grant eligibility criteria and application review process;
- The recommendation for multijurisdictional task force funding termination for those not operating in a manner consistent with the best interest of the state or the public;
- The development of processes to collect and share investigative data;
- The development of policies to prohibit the improper use of personal characteristics to target individuals for law enforcement, prosecution or forfeiture actions; and ,
- The adoption of objective criteria and identifying characteristics for use in determining whether individuals are or may be members of gangs involved in criminal activity

In 2012, the Council was chaired by St. Paul Police Department Commander Ken Reed and Duluth Police Chief Gordon Ramsay served as the Vice Chair (A list of the current council members is attached as APPENDIX A)

The council currently meets on a bi-monthly basis. They primarily discharge their statutory duties through the use of a committee structure and committee reports and recommendations are reviewed at each meeting. Each year they also review VCET/task force monitoring reports,

performance data and threat assessments. In addition, they typically hear and react to reports from the Statewide Coordinator.

The VCCC participated in a Strategic Planning Process in 2011 and developed the *2012 Statewide Strategy: A Move Toward Coordination and Strategic Thinking* (APPENDIX B). The council subsequently adopted a "Tactical Action Plan" for 2012 focusing on the following strategic priorities:

- Developing broader collaboration between criminal justice agencies and community organizations;
- Exploring a centralized information and intelligence sharing system;
- Continuing to adapt to the complexity of and change in drug and gang crime;
- Emphasizing gang and drug education, prevention, intervention and treatment efforts as important components of an overall statewide strategy and;
- Determining appropriate changes to the existing task force model based on examination and outcomes.

Specific VCCC activities and achievements in 2012 included:

- The Data and Information Committee solicited public comment and input from the community and law enforcement to establish a nine-point gang criteria that was approved by the Commissioner of Public Safety on October 2, 2012 (APPENDIX C) and distributed to law enforcement agencies across the state.
- The Professional Standards and Accountability Committee reviewed VCET audits published by the Office of the State Auditor and reports of follow-up meetings conducted by the Statewide Coordinator.
- The Governance and Legislation Committee screened and interviewed candidates for the open Statewide Coordinator position.
- The Community Engagement and Prevention Committee, established in response to public feedback in the development of the gang criteria, surveyed VCETs on their involvement with local community groups.
- VCCC members contributed to the development of the Department of Human Service's State Substance Abuse Strategy.

2013 goals of the Violent Crime Coordinating Council are:

- The Data and Information Committee will continue to pursue a statewide repository for identified gang criteria.
- The Professional Standards and Accountability Committee will recommend areas for technical assistance and training for VCETs to comply with the Operating Procedures and Policy Manual and corrective action in response to state audits.
- The Governance Committee will testify at the legislature, as requested, and oversee the election of a new Chair.
- The Community Engagement Committee will pilot a roundtable model in select VCET jurisdictions.

The OJP Statewide Coordinator, Bob Bushman and the State Program Administrator, Sue Perkins retired at the end of 2012. OJP Grants Manager Kristin Lail has accepted the position of State Program Administrator and an external hiring process is underway for the new Statewide Coordinator. Bureau of Criminal Apprehension Supervisor Brian Marquart is serving as Acting Statewide Coordinator in the interim.

Additional Information Related to the work of the Violent Crime Coordinating Council is available at:
https://dps.mn.gov/divisions/ojp/Pages/violent-crimes-coordinating-council.aspx

Violent Crime Enforcement Team Audit Activity

In 2012, the Office of Justice Programs (OJP) continued funding for the twenty-three Violent Crime Enforcement Teams (VCET)/task forces that had their certification requirements renewed in 2011. VCET certification standards were established in statute and under the authority of the commissioner of public safety in 2010 (A list of the VCET is attached as part of APPENDIX D).

The Statewide Coordinator and State Program Administrator conducted follow-up technical assistance on certification requirements, provided one-on-one consultation to new task force commanders, and provided administrative and supervisory training for task force commanders, support staff and prosecutors.

Bi-annual monitoring site visits will be conducted to all task forces in 2013 in preparation for 2014 funding applications. OJP staff will document that operations are in compliance with the Task Force Policies and Procedure Guidelines Manual and also VCET Certification Standards.

The Office of Justice Programs entered into an interagency agreement with the Office of the State Auditor (OSA) to complete financial reviews of task forces as required by legislation. These audits were designed to focus on seizure and forfeiture practices and documentation and administration of confidential funds.

Auditors reviewed a sample of transactions and documentation to ensure that each task force is conforming to state law and their own internal procedures for seizing cash and property and processing and documenting forfeiture actions in a legal, timely and accurate manner. They used a similar procedure for auditing confidential fund transactions.

Assigned auditors requested that the task force provide them with their policies and procedures related to the processing of seizures and forfeitures and confidential funds. They met with personnel on site to obtain lists of transactions completed in the previous 12 months. The auditor randomly selected and reviewed individual transactions to determine if actual operations were consistent with stated policies.

At the time of this report, all 23 audits have been completed 18 reports have been issued and posted on the State Auditor's website. http://www.osa.state.mn.us/list.aspx?get=51 The remaining reports will be completed before June 30, 2013.

Common findings noted in these audit reports include:

- Insufficient segregation of duties between Task Force Commander and administrative staff
- Task Force Commander signature missing from a confidential fund transaction
- Second signature missing from Commander check out of confidential funds
- Witness signature missing from a confidential fund payment
- Payment made to a confidential informant who was not set up with a file
- Proper documentation missing for a confidential informant's expenses
- Failure to pre-record and photocopy cash before use as buy funds
- Failure to photocopy and record seized cash
- Delays in depositing seized cash and/or returning unused buy funds
- Improper use of buy funds for investigator expenses and/or petty cash
- Failure to document inventory of seized property
- Failure to document evidence properly
- Commingling of task force receipts and disbursements in one account
- Insufficient reconciliation process for monitoring cash accounts

The Statewide Coordinator is required by statute to review audits, take corrective actions based on audit results, and submit a summary report of the audits and any corrective actions to the Commissioner of Public Safety. Law enforcement monitoring reports have been submitted to the VCCC Professional Standards Committee for review and discussion. (A chart of VCET audit follow-up activities is included in APPENDIX E.)

The Statewide Coordinator has noted each finding for each task force from the audits and follow-up site visits. Task Force Commanders will then be required to document specific corrective actions for each finding. Those with a significant number of findings may be required to submit to a second audit, at their own expense. Once all the audits have been completed, a summary report will be prepared for the Commissioner of Public Safety with documentation of corrective action implemented.

VCET/task force commanders and key staff are brought together for an annual training session each year. The 2013 meeting will be held in March and include a presentation on common themes in audit findings and corrective actions. The overall results of the reviews and audits will be discussed and compact discs will be provided that contain reference materials, policies, tracking systems and forms authored by the Office of Justice Programs or provided by other task forces that are considered to be "best practices."

With regular turnover in task force investigative staff, Commanders must demonstrate an ongoing commitment to training and oversight of confidential funds transactions and seizure procedures. The VCCC is also considering training for Law Enforcement leaders serving on Task Force boards to reinforce the importance of compliance with the state *Multijurisdictional Task Force Operating Procedures and Guidelines Manual,* adopted by the VCCC in 2011.

Task force site visits and Commander meetings will generate ideas for a possible follow-up subcontract with Office of the State Auditor to ensure continual monitoring of task force operations in 2013-2014. Audit outcomes and follow-up will also be a consideration in the application for continuation funding.

Criminal Gang Investigative Data System Audit Results

Minnesota Statutes 299C.091 Criminal Gang Investigative Data System (Gang Pointer File) requires the following action by the Minnesota Bureau of Criminal Apprehension (BCA).

"Audit of data submitted to system; reports.
(a) At least once every three years, the bureau shall conduct random audits of data under subdivision 2 that documents inclusion of an individual in, and removal of an individual

from, the Gang Pointer File for the purpose of determining the validity, completeness, and accuracy of data submitted to the system. The bureau has access to the documenting data for purposes of conducting an audit. By October 1 of each year, the bureau shall submit a report on the results of the audits to the commissioner of public safety.

(b) If any audit requirements under federal rule or statute overlap with requirements in paragraph (a), the audit required by paragraph (a) may be done in conjunction with the federal audit to the extent they overlap. Nothing in this paragraph shall be construed to eliminate any audit requirements specified in this subdivision."

As of January 2012, there were a total of 1,557 subjects in the Gang Pointer File. The following law enforcement agencies had previously entered subjects into the Gang Pointer File:

- Bemidji Police Department
- Clay County Sheriff's Office
- Willmar Police Department
- Olmsted County Sheriff's Office
- Metro Gang Strike Force (responsibility for subject transitioned to BCA Investigations)
- Rice County Probation and Parole
- Duluth Police Department
- St. Cloud Police Department

The Training and Auditing Unit of Minnesota Justice Information Services (MNJIS) Section at the BCA has the responsibility to perform the audits of the law enforcement agencies in Minnesota that have entered subjects into the Gang Pointer File. Approximately one-third of the law enforcement agencies in Minnesota are audited each calendar year.

From the period of February 1, 2012 to September 1, 2012, an audit of the Gang Pointer File was completed (the previous report covered January 2011 – January 2012).

- No new subjects were entered in the Gang Pointer File during this reporting period.
- The list of law enforcement agencies scheduled for audit in 2012 was compared to the list of law enforcement agencies that have entered subjects into the Gang Pointer File. Those law enforcement agencies identified for audit with entries into the Gang Pointer File had those entries audited along with the normal record audit and checks.

The following agencies were audited during this reporting period:

- **Duluth Police Department** – A MNJIS auditor reviewed six eligible subject gang files at Duluth Police Department. Two of the six subject files were purged as they had no qualifying criteria to continue to be included in the Gang Pointer File.

- **Rice County Probation and Parole** – A MNJIS auditor reviewed two eligible subject gang files at Rice County Probation and Parole. One file was retained and the second purged as it had no qualifying criteria to continue to be included in the Gang Pointer File.

- **Clay County Sheriff's Office** – A MNJIS auditor reviewed four eligible subject gang files at Clay County Sheriff's Office. Four subject files were purged as they had no qualifying criteria to continue to be included in the Gang Pointer File.

In addition to the local agency audits listed above, a BCA Analyst reviewed 1,402 criminal histories on subjects in the Gang Pointer File who met the three-year criteria to be reviewed. Of those 1,402, 678 subjects were determined to have no additional qualifying criminal conviction and were accordingly purged from the system. As of September 1, 2012 a total of 872 subjects remain in the Gang Pointer File.

APPENDIX A

MINNESOTA VIOLENT CRIME COORDINATING COUNCIL - 2013

TITLE	NAME	AGENCY	ADDRESS	Address 2	City	State	Zip
MEMBERS							
Asst. Chief **(CHAIR)**	Ken Reed	St. Paul Police Department	367 Grove St.		St. Paul	MN	55101
Chief **(Vice CHAIR)**	Gordon Ramsay	Duluth Police Department	411 W First St.		Duluth	MN	55802
Superintendent	Wade Setter	Bureau of Criminal Apprehension	1430 Maryland Ave.		St. Paul	MN	55106
U.S. Attorney	B. Todd Jones	District of Minnesota	600 U.S. Courthouse	300 South 4th St.	Minneapolis	MN	55415
Deputy Attorney General	David Voigt	Office of the Attorney General	445 Minnesota St.	Suite 1800	St. Paul	MN	55101
Chief	Mike Goldstein	Plymouth Police Department	3400 Plymouth Blvd		Plymouth	MN	55447
Chief	Janee Harteau	Minneapolis Police Department	350 South 5th Street	Room #130	Minneapolis	MN	55415
Sheriff	Rich Stanek	Hennepin County Sheriff's Office	350 S. Sixth St.	Rm. 6	Minneapolis	MN	55415
Sheriff	Matt Bostrom	Ramsey County Sheriff's Office	425 Grove St.		St. Paul	MN	55101
Sheriff	Bill Hutton	Washington County Sheriff's Office	15015 62nd St. N.	Box 3801	Stillwater	MN	55082
Sheriff	Jim Jensen	Dodge County Sheriff's Office	22 East Sixth Street		Mantorville	MN	55955
Director	Cari Gerlicher	MN Dept. of Corrections - OSI	1450 Energy Park Dr	Suite 200	St. Paul	MN	55108
Sr. County Attorney	Hilary Caligiuri	Hennepin County Attorney's Office	2000 Courts Tower	Government Center	Minneapolis	MN	55487
Asst. County Attorney	Benjamin Bejar	Rice County Attorney's Office	218 NW 3rd Street		Faribault		55021
Investigator	Chris Benson	White Earth Tribal Police	PO Box 269		White Earth	MN	56591
Mr.	Manuel Guerrero		148 Farrington Street		St. Paul	MN	55102
Mr.	Bill Ziegler	Little Earth of United Tribes	2495 18th Ave. S.		Minneapolis	MN	55104
Mr.	Melvin Carter		405 Western Ave.		St. Paul	MN	55103
LEGAL COUNSEL							
Asst. Attorney General	John Gross	Office of the Attorney General	445 Minnesota St.	Suite 1800	St. Paul	MN	55101

Minnesota Violent Crime Coordinating Council

Key Elements of a Statewide Strategic Framework

C/o Minnesota Department of Public Safety,
Office of Justice Programs
Adopted June 13, 2012

The Minnesota Violent Crime Coordinating Council
2012 Statewide Strategy

A Move Toward Coordination and Strategic Thinking

A RICH HISTORY OF PROTECTING THE PUBLIC

Multijurisdictional Task Forces - Since 1988, the Minnesota Department of Public Safety Office of Justice Programs has funded multijurisdictional narcotics and gang task forces with funding provided by the State of Minnesota and the U.S. Department of Justice, Bureau of Justice Assistance. This funding supports programs that integrate law enforcement agencies and prosecutors to conduct effective, multijurisdictional drug and violent crime investigations and prosecutions. Federal and state resources provide $9 million in funding to support the operations of 23 multijurisdictional task forces in the SFY 12-13 biennium. This is in addition to significant local contributions of cash and personnel, as well as in-kind contributions.

From 1988 to 2004, the Narcotics Enforcement Coordinating Committee (NECC), an informal advisory body, provided guidance to the Commissioner of Public Safety on matters relating to the multijurisdictional drug task forces. The 2005 Minnesota Legislature passed legislation to formalize the coordination of gang and drug enforcement efforts throughout the state. The Gang and Drug Oversight Council was established to provide leadership for those efforts.

The 2010 Minnesota Legislature subsequently established the Violent Crime Coordinating Council ("Council") to provide guidance related to the investigation and prosecution of gang and drug crime. The council provides direction and oversight to the multijurisdictional task forces and enforcement teams located throughout the state. This new council replaced the Gang and Drug Oversight Council.

The Council is composed of 19 voting members, including four citizen members and 15 members representing federal, state and local law enforcement and prosecution agencies. The council's primary duty is to "develop an overall strategy to ameliorate the harm caused to the public by gang and drug crime within the state of Minnesota." In addition, the council works closely with the Commissioner of Public Safety and is charged with additional responsibilities that include:

- Development of an operating procedures and policies manual to guide gang and drug investigations;
- Development of processes to collect and share investigative data;

- Identification and recommendation of an individual to serve as the statewide gang and drug coordinator;
- Development of grant eligibility criteria and application review process;
- Adoption of objective criteria and identifying characteristics for use in determining whether individuals are or may be members of gangs involved in criminal activity.
- Development of policies to prohibit the improper use of personal characteristics to target individuals for law enforcement, prosecution or forfeiture actions; and
- Recommendation for multijurisdictional task force funding termination for those not operating in a manner consistent with the best interest of the state or the public;

Statewide Strategy

FIRST YEAR ACCOMPLISHMENTS

The Council first convened in December 2010 and took initial steps towards a comprehensive approach to gang and drug enforcement in the state. To date, the Council has:

- Adopted By-laws to govern the work of the council.
- Established a subcommittee structure to address the duties and issues facing the council.
- Recruited citizen members and devised communication strategies to inform community members and solicit input.
- Reviewed and approved the "Request for Proposal" and review process for 2012 task force funding.
- Amended the current Operating Procedures and Guidelines Manual to ensure that proper investigative protocols and record-keeping are used by all funded task forces. This included revisions to the impartial policing section that prohibits the improper use of personal characteristics to target individuals.
- Reviewed performance data and monitoring reports for all of the multijurisdictional task forces.
- Convened three community forums to hear subject matter experts, law enforcement, and community members' comments on the current criteria and the changes that they believe are necessary for determining whether individuals are or may be members of gangs involved in criminal activity.
- Assessed potential information sharing systems for use by task forces.

NOTE: Additional information on the work of the Council can be found at: https://dps.mn.gov/divisions/ojp/Pages/violent-crimes-coordinating-council.aspx

CHARTING THE COURSE FOR THE FUTURE

On November 2–3, 2011, the Council and invited professional and community experts gathered for a planning session to determine the strategic elements necessary to address the harm caused to the public by gang and drug crime within the State of Minnesota. Thirty individuals worked with a facilitator in both large group activities and small discussion groups. Participants represented statewide, rural, metro, and suburban constituencies and represented subject matter expertise in law enforcement, prosecution, community involvement, gang intervention and corrections.

The objectives for the session were to:

- Understand current and emerging trends in gang and drug crimes,
- Identify stakeholder perspectives on key trends,
- Determine elements of vision, priorities, recommendations, and roles, and
- Develop a tactical plan for the coming year.

The result has informed the Council's development and implementation of the following statewide strategic framework:

1. There is a need for a community-led paradigm shift and broader collaboration between criminal justice agencies and community organizations.

- There needs to be a realization that the harm caused to the public by gang and drug crime is not just a law enforcement problem.

- It is critical for law enforcement and other criminal justice agencies to earn public trust and participation through proactive engagement and an effort to create a shared understanding of the issues and goals.

- Community ownership and representation will help to establish and promote healthy community norms and reduce the demand for drugs and the tolerance of gangs and criminal activity.

- An opportunity exists for partnerships between public and private organizations with similar goals, particularly for prevention and intervention activities or services.

- Success will require a focused effort to reduce language and other barriers with cultural and ethnic groups.

TACTICAL PLAN FOR 2012: Clarify mutual expectations between citizens, council members and task forces. Develop a community engagement strategy.

2. A centralized information and intelligence sharing system is a key component for efficient and effective investigation and prosecution of drug, gang and related violent crime.

- Because individuals and organized groups do not confine their criminal activity to limited geographic areas, timely sharing of information and resources across jurisdictional borders is essential to public safety.

- Coordinated investigative efforts will also provide deconfliction information for enhanced officer safety.

- To address valid privacy concerns, information access should be controlled, oversight must be in place, and regular audits should be conducted to ensure appropriate use. Accountability will be based upon concrete standards for performance and consequences when warranted.

- The Council supports the selective, appropriate, and secure sharing of information among law enforcement and any legislative changes necessary to accomplish that goal.

TACTICAL PLAN FOR 2012: Determine the commitment of key stakeholders and link with those working to modify Minnesota Statutes Chapter 13 to include a classification for criminal intelligence data.

3. An effective strategy requires continual adaptation to increasing complexity and change in drug and gang crime.

- The Council believes that drug crime will continue to evolve in terms of access and self-manufacturing and that hybridization of gangs will continue.

- Law enforcement must move from traditional gang and drug investigative protocols to non-traditional techniques. Proactive, intelligence-driven strategies will replace reactive enforcement, and advancements in technology will change the way that investigations are conducted.

- The focus and priority must be on the most violent and/or habitual offenders.

- Training is a critical component and must be funded.

TACTICAL PLAN FOR 2012: Monitor trends identified by task forces, raise awareness and identify resources and evidence-based best practices for response.

4. Gang and drug education, prevention, intervention and treatment efforts are an important component of an overall statewide strategy.

- The development and implementation of an overall statewide strategy to address substance abuse and drug and gang prevention cannot be the sole responsibility of the Council, but criminal justice stakeholders are key and they must provide leadership while partnering with others in the planning process.

- The Council will encourage the efforts of task forces to use existing resources and personnel wherever possible to perform public outreach and prevention education in the community.

- The Council will support law enforcement and community partnerships in a coordinated effort to prevent gang and drug involvement.

- The Council supports increased access to treatment options to help break the cycle of addiction, crime, and violence.

TACTICAL PLAN FOR 2012: The Council will disseminate educational materials to task forces statewide in support of local gang and drug prevention efforts and will establish performance measures to monitor success.

5. The existing task force model must be examined and a determination made as to whether changes are appropriate.

- The nature of criminal activity may require fewer task forces that are more strategically placed, with additional participation by analysts, law enforcement specialists, prosecutors, and community corrections personnel.

- There should be a role for community organizations to work with the task force to mobilize community members in response to community violence.

- While there is a need for all task forces to comply with best practice procedures, there will always need to be flexibility to address regional and local needs in combating of violent crime.

TACTICAL PLAN FOR 2012: The Council determined it would table this issue for future examination.

6. The continuation of successful multijurisdictional task force efforts in combating violent crime requires sustainable external funding that adds to the resources that local jurisdictions currently provide.

- Local agencies currently bear most of the costs of sworn personnel assigned to task forces. Multijurisdictional investigations often require supplemental funding given the specialized nature of the work and expanded enforcement areas.

- A long-term funding commitment must be established at the state and federal levels to ensure that task forces receive the resources necessary to maintain operations.

- The viability of establishing dedicated funds to create a stable, long-term funding stream for multijurisdictional task force operations must be examined.

- Resources for technology and equipment infrastructure investments must be identified and made available.

- There is a need to create a wide variety of outreach and marketing documents that promote the impact of task forces. These can be utilized at the local level to support efforts to increase local resources dedicated to the program.

- Grant funding should be awarded through a fair, equitable, and objective process that rewards performance that is consistent with statewide goals.

TACTICAL PLAN FOR 2012: The Council will determine how much funding is needed for annual grants and necessary infrastructure investments. The Council will research options for the funding of task forces at the local, state, federal and private levels and develop a strategy to execute a comprehensive plan.

Conclusion

Gang activity, drug abuse, drug trafficking and related violent crime continue to pose significant threats to the safety and well-being of the citizens of Minnesota. Multijurisdictional task forces have proven to be a very effective law enforcement strategy.

The continuation of multijurisdictional efforts and the implementation of the key components outlined in this strategy will not happen without funding beyond what local jurisdictions can provide. Without outside support, many task forces report they will not be able to continue operations. Thus, given shifting federal priorities, reliable and sufficient funding remains a critical, yet uncertain, strategic component. A long-term commitment must be established at the state and local levels to ensure that task forces receive the necessary funding to maintain operations.

Guided by this statewide strategy and supported by a reliable funding stream, multijurisdictional task forces working cooperatively with the Violent Crime Coordinating Council can achieve even greater results.

STATE OF MINNESOTA

Violent Crime Coordinating Council

c/o Department of Public Safety, Office of Justice Programs
445 Minnesota Street, Suite 2300
St. Paul, Minnesota 55101-1515
Voice: 651-201-7350 – Fax: 651-284-3317

St. Paul Police Department Exec. Commander Ken Reed, Chair
Duluth Police Department Chief Gordon Ramsay, Vice-Chair

October 25, 2012

Dear Criminal Justice Partner,

In accord with the attached letter, I am pleased to inform you that the attached 9-point gang criteria has been officially approved and adopted by DPS Commissioner Ramona Dohman.

As you know, these newly adopted criteria replace the prior 10-point gang criteria and are effective as of October 2, 2012. One of the changes I would like to highlight is that the definition of a "confirmed gang member" as used within the new criteria has been narrowed to gang members who have been adjudicated or convicted of a crime of violence as defined by Minn. Stat. s. 624.712, subd. 5. If you are interested in further information regarding the development of the new criteria, please refer to the Violent Crime Coordinating Council's webpage at: https://dps.mn.gov/divisions/ojp/Pages/violent-crimes-coordinating-council.aspx

I encourage you to share and distribute the criteria within your agency and/or among key stakeholders. As noted by Commissioner Dohman, the adoption of the new criteria should begin your agency's efforts to train all who would use and implement the criteria. I further encourage you to devise strategies for implementing other related aspects that were supported by a strong consensus among community members and other stakeholders during the development of the criteria. These include parental notification after law enforcement contact with juveniles suspected of gang activity, gang violence prevention, and effective intervention efforts. As always, such strategies should be implemented without jeopardizing public or officer safety.

Going forward, the repository for entries in line with the new criteria remains to be determined. The Violent Crime Coordinating Council, in accord with our statutory mandate and in partnership with other agencies and stakeholders, will continue to assist in developing a process to effectively and efficiently collect and share gang information.

Sincerely,

Ken Reed

Ken Reed, Chair

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

Office of the Commissioner

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Alcohol and Gambling Enforcement

Bureau of Criminal Apprehension

Driver and Vehicle Services

Emergency Communication Networks

Homeland Security and Emergency Management

Minnesota State Patrol

Office of Communications

Office of Justice Programs

Office of Traffic Safety

State Fire Marshal

October 2, 2012

Violent Crime Coordinating Council
c/o Department of Public Safety, Office of Justice Programs
445 Minnesota Street, Suite 2300
St. Paul, Minnesota 55101-1515

Ken Reed, Chair – Violent Crime Coordinating Council
Michael Goldstein, Chair VCCC Data and Information Subcommittee

I have received and reviewed the Gang Criteria Recommendation that you presented to me on June 14, 2012, and I concur with your recommendation. I, therefore, approve the criteria for adoption by the Violent Crime Coordinating Council.

It is my hope that this will mark the beginning of efforts to train all who would use the criteria, in addition to implementing strategies regarding parental notification and gang prevention and intervention. Posting the criteria publicly will help in these efforts while ensuring transparency.

Thank you for your commitment to this work and for all that you do to assist law enforcement in their efforts to ensure public safety across our state.

Sincerely,

Ramona L Dohman

Ramona L. Dohman, Commissioner

EQUAL OPPORTUNITY EMPLOYER

Definition of a Gang:

Minnesota Statutes § 609.229 define a "criminal gang" as any ongoing organization, association, or group of three or more persons, whether formal or informal, that:

1) has, as one of its primary activities, the commission of one or more of the offenses listed in section 609.11, subdivision 9;
2) has a common name or common identifying sign or symbol; and
3) includes members who individually or collectively engage in or have engaged in a pattern of criminal activity.

Criminal Gang Identification Criteria:

The gang affiliation of an individual is assessed based on involvement in criminal activity and documentation of any of these nine indicators. A single fact may not be used to satisfy multiple criteria. A "gang member" is an individual who is 14 years of age or older and meets at least three of the nine criteria listed below. A "confirmed gang member" is a gang member who has been adjudicated or convicted of a crime of violence as defined in Minnesota Statutes § 624.712, subdivision 5.

#1 Admits Gang Membership

- Admission must be documented with date of admission and name of officer or investigator who heard the admission in a police report, corrections report, field contact memo, or recorded statement.
- A vague admission about membership, for example, "I hang with the ** (gang name) **," should be clarified, and the precise admission documented.

#2 Arrested with a Gang Member

- Individual is arrested with a gang member for an offense consistent with gang-related criminal activity.
- Arrests must be documented in a police report, corrections report or field contact memo and include the date, time, and location of the arrest.

#3 Displays a Gang Tattoo or Brand

- Tattoos and brands must be photographed or described in detail, using factual, non-subjective language. For example: "6 Pointed Star obtained 6 months ago" is a good description; "** (gang name) ** Star" is not.
- To be considered a "gang tattoo" or "gang brand," the gang-related nature of the tattoo or brand must be confirmed by an officer or investigator with adequate training and experience.

#4 Wears Clothing or Symbols Intended to Identify with a Gang

- Suspected gang symbols and clothing worn or possessed must be evaluated in the context of how they are worn or the location they are recovered.
- Clothing, jewelry or items with suspected gang symbols or gang-related monikers should be photographed and, if possible, property inventoried.
- When items cannot be photographed or inventoried, the gang-related items should be described in detail using factual, non-subjective language. For example: "Blue jersey with # 13 on back" is a good description; "S***s jersey" is not.
- Many symbols have multiple meanings and may not be a gang symbol to everyone. The gang-related nature of the clothing or symbols must be confirmed by an officer or investigator with adequate training and experience.

#5 Appears in a Photograph or Image with a Gang Member Engaging in Gang-Related Activity or Displaying Gang Signs or Symbols

- Photographs or images should depict evidence of gang-related criminal activity, such as a person holding a gun and wearing or displaying gang-related signs, symbols, clothing or graffiti.
- A single photograph or image with a gang member, absent any depiction of criminal gang-related activity or displaying gang-related signs, symbols, clothing or graffiti, may count only as one of three documented occasions of association in the previous 12-month period under criterion #8.

- Photographs or images recovered from or depicting gang members obtained by consent or during a lawful search should be inventoried or otherwise preserved and the chain of custody maintained.
- Images from social networking sites or other online sources should be downloaded and identified with the name of the person who posted it (if known), the date of posting (if known) and the URL of the site.
- The gang-related nature of the clothing or symbols must be confirmed by an officer or investigator with adequate training and experience.

#6 Name Appears On a Gang Roster

- Gang rosters on any media, including on clothing or in graffiti, should be photographed, properly preserved, and, if possible, property inventoried.
- There must be sufficient documented information matching the name with a specific individual before this can be counted as a criterion.
- Graffiti containing threats against an individual should be photographed or described in detail.
- A list of suspected gang members generated by a law enforcement agency is NOT a gang roster.

#7 Identified as a Gang Member by a Reliable Source

- Is identified as a gang member by a person with sufficient knowledge of gang activity to qualify him/her as a reliable source.
- Reliable sources must have a demonstrable basis for their knowledge; rumor and speculation are insufficient. Reliable sources may include persons of authority or those with a personal connection to the individual. Examples include:
    - Police Officers
    - Corrections Officers
    - Teachers
    - Family Members
    - Other Gang Members
    - Informants
- Reliable source information must be documented in a police report, corrections report or field contact memo. A reliable source may be called upon to testify about his/her knowledge of an individual's gang involvement.

#8 Is Regularly Observed or Communicates with a Gang Member in Furtherance or Support of Gang-Related Activity

- Family interactions are not considered to be gang related unless there is criminal activity involved.
- Interactions must be voluntary and related to gang activity. For example, a person associating with a gang member because both work at the same location, absent gang-related activity between the two, does not meet this criterion.
- Observations must be documented in a police report, corrections report or field contact memo and include the date, time, and location of the interactions.
- A minimum of three documented observations of gang-related interaction in the previous 12-month period is needed to meet the "regularly observed with" portion of this criterion.
- Correspondence or other communication between gang members, especially to and from prisoners, frequently contains references to other gang members and criminal and gang-related activity. They should be documented and, if possible, property inventoried.
- Messages and/or online conversations about criminal or gang-related activity on social networking sites should be downloaded or otherwise electronically preserved.

#9 Produces Gang-Specific Writing or Graffiti in Furtherance or Support of Gang-Related Activity

- Graffiti should be described in detail using factual, non-subjective language. Example: "132 SGC painted on wall" is a good description; "** (gang name) ** graffiti painted on wall" is not.
- Graffiti and gang-specific writings found on walls, notebooks or other items should be photographed or described in detail in a police report, corrections report or other documentation and, if possible, should be property inventoried.
- The gang-related nature of the writings or graffiti must be confirmed by an officer or investigator with adequate training and experience.

APPENDIX D

2012 DRUG, GANG AND VIOLENT CRIME ENFORCEMENT TEAMS

Task Force	Fiscal Agent	# Agents	Commander
DRUG AND GANG TASK FORCES			
Anoka-Hennepin Task Force	Anoka County Sheriff's Office	11	Lt. Bryon Fuerst
Boundary Waters Task Force	St. Louis County Sheriff's Office	4.75	Sgt. Robert Tarr
Brown-Lyon-Lincoln-Renville-Redwood Task Force	New Ulm Police Department	4	Comm. Jody Gladis
Buffalo Ridge Task Force	Worthington Police Department	5.75	Comm. Troy Appel
CEE-VI Task Force	Kandiyohi County Sheriff's Office	8	Sgt. Tony Cruze
Central MN Major Crimes Investigative Unit	Central Minnesota MCIU	12	Lt. Gerald Edblad
Dakota County Task Force	City of Eagan	15.5	Sgt. Dan Bianconi
East Central Drug Task Force	Pine County	3	Inv. Justin Wood
Hennepin County Violent Offender Task Force	Hennepin County Sheriff's Office	18	Lt. Matt Lunde
Lake Superior Drug and Gang Task Force	Duluth Police Department	12	Lt. Steve Stacek
Lakes Area Task Force	Crow Wing Co Sheriff's Office	4	Sgt. Joe Meyer
MN River Valley Task Force	No. Mankato Police Department	6	Lt. Dan Davidson
North Central Task Force	Mille Lacs County Sheriff's Office	4	Capt. Jason LaSart
Northwest Metro Violent Crime Enforcement Team	New Hope Police Dept.	8	Sgt. Robert Topp
Paul Bunyan Drug and Gang Task Force	Beltrami County Sheriff's Office	7	Commander Gary Pederson
Pine To Prairie Task Force	Crookston Police Department	3	Commander Travis Halvorson
Ramsey County Violent Crime Enforcement Team	Ramsey County Sheriff's Office	25	Comm. Rich Clark
Red River Valley Task Force	Moorhead Police Department	4	Lt. Brad Penas
South Central Drug Investigative Unit	Owatonna Police Department	5	Sgt. Tim Hassing
Southeast MN Gang and Drug Task Force	Olmsted County Sheriff's Office	13	Capt. Mark Erickson
Southwest Metro Task Force	Shakopee Police Department	5	Sgt. Phil Nawrocki
Washington County Task Force	Washington Co Sheriff's Office	7	Sgt. Andy Ellickson
West Central Task Force	Douglas County Sheriff's Office	8	Deputy Scot Umlauf
TOTAL		**193.0**	

APPENDIX E

Violent Crime Enforcement Team Audit Follow-up

Task Force	Fiscal Agent	Date Audit Issued	Audit Findings	Follow-Up Consultation	Comments
Anoka-Hennepin	Anoka County	3/7/2012	11	4/20/2012	In-service training for all officers on policies & procedures conducted on 4-23-12. Supervisory internal review process implemented.
Boundary Waters	St. Louis County	11./27/12	3	1/8/2013	TF commander agreed to all corrective actions.
Brown-Lyon-Redwood	City of New Ulm				
Buffalo Ridge	Worthington PD				
CEE-VI	Kandiyohi County				
Central Minnesota	MCIU				
Dakota County	City of Eagan	1/10/2012	7	4/18/2012	Commander encouraged to conduct periodic reviews of case files and expense reports to ensure that all files contain the required documentation.
East Central VCET	Pine County	11/27/2012	4	1/7/2013	On-site test showed pre recorded currency in all files.
Hennepin VOTF	Hennepin County	2/28/2012	0	4/13/2012	No follow up necessary.
Lake Superior	City of Duluth	12/4/2012			Site visit scheduled for February 2013.
Lakes Area DID	Crow Wing County	10/15/2012	8	12/4/2012	3-6 month follow up with corrective action plan.
MN. River Valley	City of N. Mankato	3/5/2012	4	5/31/2012	Forms updated for improved documentation and supervisory internal review process implemented.
North Central	Mille Lacs county				
Northwest Metro	City of New Hope	11/26/2012	3	1/7/2102	Site visit complete; report pending.
Paul Bunyan	Beltrami County	10/9/2012	10	12/3/2012	3-6 month follow up with corrective action plan.
Pine to Prairie DTF	City of Crookston	11/27/2012	1	12/7/2012	Follow-up by telephone.
Ramsey VCET	Ramsey County	12/22/2011	4	4/27/2012	Now using a currency counting machine to record serial numbers for all seized and buy fund money.
Red River Valley	City of Moorhead	11/19/2012	2	12/10/2012	Follow-up by telephone.
South Central	City of Owatonna	10/16/2012	14	11/28/2012	Instituted evidence tracking sheet for all TF partners 3-6 month follow up with corrective action plan.
Southeast Minnesota	Olmsted County	10/17/2012			Site visit scheduled for February 2013.
Southwest Metro	City of Shakopee	3/5/2012	2	5/2/2012	Minor change to procedure as to document filing
Washington County	Washington County	12/19/2011	4	5/10/2012	Changed procedure on how seizure reporting to OSA is completed per statute. Changed policy re: seized cash to conform to Guidelines Manual.
West Central	Douglas County	10/16/2012	9	12/3/2012	3-6 month follow up with corrective action plan.