

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.