

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Office of the Commissioner

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February 1, 2015

Governor Mark Dayton
State of Minnesota

The Honorable Ron Latz, Chair
The Honorable Barb Goodwin, Vice Chair
Senate Judiciary Finance Committee

The Honorable Tony Cornish, Chair
The Honorable Brian Johnson, Vice Chair
House Public Safety and Crime Prevention
Policy and Finance Committee

The Honorable D. Scott Dibble
The Honorable Susan Kent, Vice Chair
Senate Transportation & Public Safety

The Honorable Peggy Scott, Chair
The Honorable Susan Allen, Vice Chair
House Civil Law and Data Practices Committee

Governor, Senators and Representatives:

In accordance with Minnesota Statute §299A.642, Subd. 15 requiring the commissioner of Public Safety to submit reports to the chairs of the senate and house committees having jurisdiction over criminal justice policy and funding on three matters:

- The activities and goals of the coordinating council;
- Audits conducted on multijurisdictional entities required under subdivision 4; and
- Audits of data submitted to the criminal gang investigative data system under 299C.091.

The 2014 report is complete and enclosed for your reference. On behalf of the Violent Crime Coordinating Council and Department of Public Safety, thank you for the support we receive. If you have questions or concerns related to the work of the council or the multijurisdictional entities operating throughout the state, please contact me at 651-201-7160.

Sincerely,

Ramona L. Dohman, Commissioner

c: Legislative Reference Library

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Violent Crime Coordinating Council Report

Minnesota Department of Public Safety

February 1, 2015

Introduction

Minnesota Statute 299A.642, subd.15, requires the Commissioner of the Department of Public Safety (DPS) to provide a report each year that:

- details the activities and goals of the Violent Crimes Coordinating Council (VCCC);
- summarizes audits conducted on multijurisdictional entities under subdivision 4; and
- includes results of audits conducted on data submitted to the criminal gang investigative data system under section 299C.091.

This edition of the report covers the period January 1, 2014 through December 1, 2014.

Violent Crime Coordinating Council Activities

The Violent Crime Coordinating Council (VCCC) was established by the Minnesota Legislature in 2010 to provide guidance related to investigation and prosecution of gang and drug crimes, especially violent crimes associated with gang activity. The council provides direction and oversight to multijurisdictional Violent Crime Enforcement Teams (VCETs) located throughout the state.

The council's primary duty is to develop an overall strategy to reduce the harm caused to the public by gang and drug crime in Minnesota. The council works closely with the commissioner of public safety and is charged with these specific responsibilities:

- Develop a policy and procedure manual to guide gang and drug investigation.
- Recommend an individual to serve as statewide coordinator.
- Develop grant eligibility criteria and an application review process.
- Recommend termination of funding to VCETs that fail to operate effectively.
- Develop an information-sharing process to improve investigation and prosecution of gang and drug offenses.
- Develop impartial policing policies that prohibit improper use of personal characteristics to target individuals for law enforcement, prosecution or forfeiture actions.
- Adopt objective criteria and identify characteristics for use in determining whether individuals are, or may be, members of gangs involved in criminal activity.

The council has developed organizational by-laws that govern operations, a committee structure through which it discharges statutory duties, and an ongoing planning process to establish and update priorities.

In 2014, Dodge County Sheriff Jim Jensen served as VCCC chair and Plymouth Police Chief Michael Goldstein was vice chair. A list of council members is attached as Appendix A.

Vacant positions are filled as specified in Minnesota Statute 299A.642, subd. 2, with recent nominations from the Minnesota Chiefs of Police Association, the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association and the Minnesota Indian Affairs Council. The VCCC will elect a new chair and vice chair at the first meeting in 2015.

The DPS Office of Justice Programs (OJP) employs a grant manager to administer law enforcement grant funding and a statewide gang and drug coordinator (statewide coordinator) to provide training and technical assistance for VCETs. These staff positions also provide administrative support for the VCCC.

The VCCC meets bi-monthly to review and discuss reports and recommendations from committees. They also review VCET threat assessments, performance data and monitoring reports. In addition, they receive activity reports from the statewide coordinator and presentations from others involved in investigating and prosecuting narcotics and gang cases and associated violent crime. In 2014, individuals from the following organizations addressed the VCCC:

- Ramsey County VCET Community Partners
- U.S. Attorney
- FBI Safe Streets Task Force
- Drug Abuse Dialogues—Twin Cities Drug Trends
- Bureau of Alcohol, Tobacco and Firearms
- Franklin County (MO) Narcotics Enforcement Unit—Methamphetamine Trafficking
- Metro State University—Substance Abuse and Mental Health
- Minnesota Department of Human Services—Governor's Policy Group on Prescription Drug Abuse
- U.S. Postal Service Investigations Unit

VCCC committee 2014 activities, achievements and progress on strategic priorities are summarized below, along with goals for 2015.

The Data and Information Committee, chaired by Bureau of Criminal Apprehension (BCA) Assistant Superintendent Drew Evans, helped implement the 9-point gang-identification criteria. The BCA developed a new, criminal gang analyst position in the state Fusion Center, supported with federal Justice Assistance Grant (JAG) funding, to coordinate with narcotics and gang investigators throughout the state and manage the repository of gang-identification data. The analyst reviews local submissions of gang-identification criteria and provides technical assistance to local investigators and

prosecutors on submitting and accessing gang data. In December, the VCCC reviewed and voted to continue the current 9-point criteria for the next two years.

In 2014, a VCCC priority was amending Chapter 13 of the Government Data Practices Statute to enhance law enforcement's ability to share intelligence in the investigation and prosecution of gang and drug cases. There was no legislation introduced on this topic during the 2014 session, but a Legislative Commission on Data Practices was convened.

Data and Information Committee Goals for 2015:

- Continue training and technical assistance to gang and drug investigators and prosecutors on the 9-point gang criteria and the BCA gang system.
- Increase the number of gang data submissions to the BCA from local agencies.
- Monitor the work of the Legislative Commission on Data Practices for law enforcement speakers and discussion.

The Professional Standards and Accountability Committee, chaired by Department of Corrections Director of Investigations Cari Gerlicher, reviewed all of the Agreed Upon Procedures (AUP) audits conducted by the Office of the State Auditor (OSA) from 2012 through 2014. This committee also reviewed the corrective action plans developed in follow-up meetings conducted by the statewide coordinator. In December, the VCCC approved changes to the *Multijurisdictional Task Force Operating Procedures and Guidelines Manual (Guidelines Manual)* addressing VCET Commander and investigator selection and employment status.

The VCCC approved revised eligibility criteria for 2015 VCETs that addressed team supervision, co-location and minimum staffing requirements. An ad hoc committee of individuals with subject matter expertise, but no conflict of interest with current VCETs, was convened to review competitive grant applications according to criteria set forth in the Request for Proposals. OJP staff conducted a second-level review, considering past performance, response to audits, geographic need and existing resources. The DPS Commissioner awarded \$3.8 million in state funds for 2015 VCET grants.

In 2014, the VCCC met its priority of administering funding for VCETs in compliance with best practices and state operating procedures and guidelines.

Professional Standards and Accountability Committee Goals for 2015:

- Continue training and technical assistance to VCETs on confidential funds management and asset seizure and forfeiture procedures.

- Provide preliminary training for VCET commanders on evidence handling and administration and examine those sections of the *Guidelines Manual*.

The Governance and Legislation Committee, chaired by Duluth Police Chief Gordon Ramsay, continued support for legislation controlling synthetic drugs and authorizing law enforcement and other first responders to administer naloxone in suspected opiate overdoses.

Leadership of this committee changed to St. Paul Police Executive Commander Ken Reed mid-year. In October, the VCCC voted to request an additional \$390,000 in state funding through DPS for VCETs for the 2016-17 biennium, due in part to increased number of partner agencies and staffing levels proposed in 2015 VCET applications.

In 2014, the VCCC addressed two key priorities developed in the 2013 strategic planning update: providing policy input to the DPS Commissioner on emerging gang and drug issues, and also securing ongoing funding for multijurisdictional gang-and-drug investigation and prosecution.

Governance and Legislation Committee goals for 2015:

- Continue to prepare materials on the needs, operations and outcomes of VCETs for the state legislative funding proposal.
- Continue to track emerging drug, gang and violent crime threats and trends and provide recommendations to the DPS Commissioner.

The Community Engagement and Prevention Committee, chaired by Chicano Latino Affairs Council Director Hector Garcia, conducted community-based roundtable pilot projects on gangs and drugs in St. Paul and Rochester in coordination with Ramsey County Violent Crime Enforcement Team and the Southeast Minnesota Narcotics and Gang Task Force.

In 2014, the VCCC met the priority of engaging communities in dialogue with criminal justice agencies on gang and drug issues. The statewide coordinator partnered with law enforcement and other entities, including the State Substance Abuse Strategy Team and tribal police departments.

Community Engagement and Prevention Committee Goals for 2015:

- Continue community dialogues on gangs and drugs.
- Fill all citizen member positions on the VCCC.

- Support the planning and development of a coordinated tribal task force.

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 Funding (VCET) and Audits

In 2014, OJP continued funding for 22 VCET grants with state and federal Justice Assistance Grant funds. (One VCET disbanded in 2013.) A VCET list and map is attached in Appendix B.

OJP also continued an interagency agreement with the Office of the State Auditor to complete on-site procedural reviews of all VCETs, as required by legislation. These VCET audits examined compliance with *the Guidelines Manual* focusing on seizure and forfeiture practices and documentation, and administration of confidential funds.

Auditors reviewed samples of transactions and documentation to ensure that each VCET was conforming to state law, and to their own internal procedures for seizing cash and property. Auditors also confirmed that VCETs were processing and documenting forfeiture actions in a legal, timely and accurate manner. A similar procedure was employed for auditing confidential fund transactions, including payments to documented informants.

In the first round of VCET audits conducted in 2012– 2013, there were 126 findings documented in 23 VCETs. Areas of concern included signatures and receipts in expense reports, documentation in forfeiture forms, complete entries in the State Auditor's Form Entry System (SAFES), and verification of currency for deposit. Preliminary results were reported to the legislature in 2012, the statewide gang and drug coordinator provided intensive training on the key topics at the annual VCET commanders training, and the Commissioner of Public Safety required all VCETs to submit corrective action plans.

The statewide coordinator reviewed each audit report, discussed specific findings with VCET commanders and reviewed corrective action plans. The VCCC Professional Standards Committee reviewed audit reports and VCET corrective action plans. They also reviewed proposed changes to those sections of the *Guidelines Manual* which were passed by the VCCC in June 2013. VCETS with six or more findings received provisional funding for 2014, with the statewide coordinator attending VCET advisory board meetings and conducting follow-up site visits. The statewide coordinator met with OSA staff to review on-site procedures, revisions to the *Guidelines Manual*, and the draft report review and feedback process.

The second round of VCET audits were conducted in 2013-14, with 38 findings documented in 22 VCETs — a 70 percent reduction from the first round. In addition, OSA made recommendations that constituted sound accounting practices such as segregation of duties and examination of other law enforcement procedures, such as documentation of evidence. The statewide coordinator reviewed the circumstances of each case related to the findings and provided feedback to the VCET commander and the auditor.

Final reports from both rounds of AUP reviews are posted by publication date on the OSA website: <http://www.osa.state.mn.us/list.aspx?type=afs>.

Audit findings and VCET responses were among several items considered in the second-level review of 2015 funding recommendations. Comprehensive site visits will be conducted by the statewide gang-and-drug coordinator in 2015, along with follow-ups on audit findings and recommended practices. While no VCET audits are scheduled for 2015, a preliminary presentation on best practices in evidence procedures is scheduled for the 2015 VCET commanders meeting. A presentation on SAFES is also planned.

A common expense form and forfeiture spreadsheet for all VCETs will make these processes more uniform among VCETs. While there was a significant reduction in audit findings between the first and second round, OJP staff will be vigilant in maintaining VCET compliance with all provisions of the *Guidelines Manual* through training, technical assistance and site visits.

BCA 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 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 October 2013, there were a total of 643 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
- Duluth Police Department
- St. Cloud Police Department

An audit of the Gang Pointer File was completed for the period of October 2013 through September 2014, with the previous report covering the period of October 2012 through September 2013.

- No new subjects were entered in the Gang Pointer File during this reporting period by any law enforcement agency in Minnesota.
- The Training and Auditing Unit of the Minnesota Justice Information Services (MNJIS) Section at the BCA has the responsibility to perform 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 with remaining gang file records are audited each calendar year.
 - The list of law enforcement agencies scheduled for audit in 2014 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:

1. **Bemidji Police Department** – A MNJIS auditor reviewed one eligible subject gang file at the Bemidji Police Department. The one subject file was purged as they did not have any qualifying criteria to continue being included in the Gang Pointer File.

Three of the eight submitting agencies — Bemidji Police Department, Rice County Community Corrections and St. Cloud Police Department — no longer have subject records remaining in the Gang Pointer File because those subjects did not have a qualifying conviction for a gross misdemeanor or felony offense at the time of their three-year review.

In addition to the local agency audits listed above, an analyst in the BCA Investigations Section reviewed 643 criminal histories on subjects in the Gang Pointer File who met the three-year criteria to be reviewed. Of those 643 files, 225 subjects were determined to have no additional qualifying criminal conviction and were accordingly purged from the system.

As of October, 2014, there were 418 subjects remaining in the Gang Pointer File. Additional subjects may be added in the coming year by the Gang Analyst from local submissions using the 9-point criteria.

MINNESOTA VIOLENT CRIME COORDINATING COUNCIL - 2014

TITLE	NAME	AGENCY	ADDRESS	Address 2	City	State	Zip
Sheriff	Jim Jensen	Dodge County Sheriff's Office	22 East Sixth St.		Mantorville	MN	55955
Chief	Mike Goldstein	Plymouth Police Department	3400 Plymouth Blvd		Plymouth	MN	55447
Superintendent	Wade Setter (Drew Evans)	Bureau of Criminal Apprehension	1430 Maryland Ave.		St. Paul	MN	55106
U.S. Attorney	Andy Luger (Tracy Perzel)	District of Minnesota	600 U.S. Courthouse	300 South 4th St.	Minneapolis	MN	55415
Attorney General	Laurie Swanson (David Voigt)	Office of the Attorney General	445 Minnesota St.	#1800	St. Paul	MN	55101
Chief	Thomas Smith (Ken Reed)	St. Paul Police Department	425 Grove St.		St. Paul	MN	55101
Chief	Janeé Harteau (Arneson/Clark)	Minneapolis Police Department	350 South 5 th Street	#130	Minneapolis	MN	55415
Chief	Andy Bohlen	Faribault Police Department	25 4 th St. NW		Faribault	MN	55415
Sheriff	Matt Bostrom	Ramsey County Sheriff's Office	425 Grove St.		St. Paul	MN	55101
Sheriff	Bill Hutton (Brian Mueller)	Washington County Sheriff's Office	15015 62nd St. N.	Box 3801	Stillwater	MN	55082
Sheriff	Rich Stanek (Kip Carver)	Hennepin County Sheriff's Office	350 S. Sixth St.	Rm. 6	Minneapolis	MN	55415
Director	Cari Gerlicher	MN Dept. of Corrections - OSI	1450 Energy Park Dr.	#200	St. Paul	MN	55108
Asst. County Attorney	Richard Dusterhoft	Ramsey Co. Attorney's Office	345 Wabasha St.	#120	Minneapolis	MN	55487
Asst. County Attorney	David Hermerding	Crow Wing Co. Attorney's Office	213 Laurel St.	#31	Brainerd	MN	55021
Chief	Jared Rosati	Mille Lacs Band of Ojibwe	43408 Oodena Dr.		Onamia	MN	56359
Executive Director	Hector Garcia	Chicano Latino Affairs Council	60 Empire Lane	#203	St. Paul	MN	55103
Executive Director	Sia Her	Council on Asian Pacific MN	658 Cedar St.	#160			
Mr.	Melvin Carter	Council on Black Minnesotans	405 Western Ave.		St. Paul	MN	55103
	VACANT	MIN American Indian Council					
LEGAL COUNSEL							
Asst. Attorney General	John Gross	Office of the Attorney General	445 Minnesota St.	Suite 1800	St. Paul	MN	55101

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