

MEETING MINUTES FOR 4/10/13/-VIOLENT CRIME COORDINATING COUNCIL (VCCC)

Council members in attendance: John Marti; Cari Gerlicher, Chris Benson, David Voight, Gordon Ramsay, Jeri Boisvert, Jim Jensen, John Gross, Ken Reed, Manuel Guerrero, Melvin Carter, Mike Goldstein, Kip Carver (for Rich Stanek); Drew Evans (for Wade Setter); and Mona Dohman.

Staff: OJP staff: Kristin Lail, Jeri Boisvert, Brian Marquart and Rita Joyce

Guests: Jared Jordahl (DPS), Nick Carpenter (DPS), Don Rothstein (DOC), Rick Moldenhauer(DHS), and Elyse Ruiz (CLAC)

Absent: Benjamin Bejar, Bill Hutton, Hilary Caligiuri, Janee Harteau, Matt Bostrom.

Meeting materials: Agenda, 2/6/13 meeting minutes, Violent Crime coordinating council 2013 committee structure, Roundtable Community Outreach Proposal, SAA Taskforce Performance Measures, 2013 Drug and Violent Crime Enforcement Teams Map, 2013 Violent Crime Coordinating Council Report, and Violent Crime Enforcement Team Audit Follow-up.

Location: The meeting was held in room 118 of the Minnesota State Capitol following a hearing of the House Public Safety Finance and Policy Committee.

Welcome and Introductions

Chair Jim Jensen called the meeting to order at 11:45 a.m. and attendees introduced themselves.

Action on 2/6/13 meeting minutes: No discussion. There was a motion by John Marti that was seconded by Ken Reed to approve. The motion passed.

Action on Agenda: Melvin Carter asked whether Prevention and intervention would be an action item for this committee. Cari Gerlicher said that task forces report quarterly on prevention activities and community outreach. Brian Marquart noted that Rick Moldenhauer from DHS is now serving as a liaison to this committee and would be providing updates on heroin and opiates. Reed also noted that the Roundtable proposal will be highlighted by the Community Engagement Subcommittee. There was a motion by Goldstein that was seconded by Gerlicher to approve the agenda. The motion carried.

VCCC 2013 Committee Structure

Jensen asked all committees to review their members, structure and activities. He also asked each committee to review the applicable sections of the VCCC tactical plan, update accomplishments, and report back at next meeting on what is left to do. John Gross asked to add Melvin Carter to the Community Engagement and Prevention Committee. He also pointed out that as VCCC legal counsel, it would be a conflict of interest to chair a committee. Jensen suggested that the committee can discuss it at their next meeting and select another chair. Reed also noted that prior to chairing the VCCC, he was also on the Governance and Legislation Committee and would like to resume that committee assignment. Jensen agreed and will continue to serve on the Community Engagement Committee.

Governance Committee

Chair Ramsay asked Kristin Lail to provide an update and she noted that Brian Marquart from BCA continues to serve at the Acting Statewide Gang and Drug Coordinator. She reviewed the first job posting, screening, interview process and recommendations of the Governance Committee. DPS staff then conducted a second interview and decided not to make an offer. They are now reworking the job description and it will be posted again at a higher level with slightly different minimum qualifications and enhanced responsibilities comparable to a BCA supervisor classification. In the meantime, BCA has backfilled a supervisor position in Northern Minnesota so Marquart is available full time to assist OJP with audit follow-up, task force site visits and training. Drew Evans said they recognized the importance of continuing the work of the Statewide Coordinator while the position is reclassified and posted. Gerlicher commended Marquart on his work with the audit follow up and task force manual revisions and asked whether the position could be permanently assigned to the BCA. Jeri Boisvert noted that OJP was awaiting confirmation of the new classification from Human Resources, but that this body can make recommendations to the Commissioner of Public Safety. One change noted in the posting was from a bachelor's degree and 5 years of supervisory experience to an AA with 10 years of supervisory experience as a minimum qualification. She also noted that it is an unclassified, appointed position which does allow the commissioner some flexibility. Gerlicher confirmed that the Governance committee would be provided with additional updates as the hiring process proceeds.

Commissioner Dohman was welcomed to the meeting by the Chair and asked for any comment. She thanked Commander Reed for his presentation at the hearing and Chief Goldstein for stepping up to address specific concerns. She also thanked Boisvert and Marquart for their assistance.

Legislative update

DPS Government Affairs Director Jared Jordahl provided a brief legislative update on both policy issues and funding proposals (handout provided) including data security, license plate readers, forensic lab accreditation, asset forfeiture, gun bills, criminal intelligence, synthetic drugs, and drone usage. He expected a flurry of activity in the final weeks of the legislature. There no specific questions and Jensen thanked him for the update.

Professional Standards Committee

Chair Gerlicher reported that the committee met the previous day and had a lengthy discussion about the conglomeration of audit findings. The committee began reviewing the procedural manual and will be making some suggested changes at the next meeting. The committee is looking for insight in some of the fiscal areas and reaching out to the Commander of the financial crimes task force who also has a professional history with the IRS. The committee members are also hoping to sit down with staff from the state auditor's office to discuss the findings and procedural manual so both sides have a better understanding before next audits take place. She noted that the audits should be taken seriously and the follow-up conducted by the Commissioner, and Ms. Boisvert reinforced the importance of best practices to the Department of Public Safety.

Marquart reported that that he conducted 18 audit follow ups with recommended corrective action plans. He stated that the audit findings are being taken are taking the audit findings are being taken seriously and he is conveying that message to the Task Force Commanders. He categorized the audit findings as 4 types:

1. Most common and easily corrected are procedural or documentation in nature, such as missing a witness signature or missing a receipt.
2. Findings that warrant further discussion with the auditor's office, such as not having the expense reports documented in a chronological order, that we can agree are not required or a significant finding.
3. Identified possible changes to the Task Force Policy Manual to more accurately reflect the work that's being accomplished. For example the committee plans to further define the definition of a cooperating defendant and how they would work with task forces.
4. There were a few findings of significant concern, such as a task force Commander issuing and approving money to themselves. Marquart worked with each task force on these findings to develop an alternative plan to get it accomplished with some oversight.

Marquart also identified the areas with the most findings and provided training for Task Force Commanders in March. Former Chair Reed also attended on behalf of VCCC and stressed the importance of compliance with all aspects of the Task Force Operations and Procedures Manual. They outlined all the major findings, proposed corrective action plans and discussed on site audit procedures. OJP staff will be meeting with the Office of the State Auditor and will be making plans for a second round of audits at the end of the year. OJP staff are also planning comprehensive site visits through the summer to review certification procedures and observe task force operations. Reed thanked Marquart for his diligence in jumping into this challenging task.

There was a break for lunch at 12:30. When the meeting resumed, Lail welcomed John Marti from the U.S. Attorney's Office to the VCCC. She noted that Ben Bejar left the Rice County Attorney's office, so the Minnesota County Attorney's Association will be selecting a new committee member from Greater Minnesota. She also noted that OJP Executive Director Jeri Boisvert is retiring in June and the position will be posted later this spring.

Community Engagement Committee

Gross presented a proposal for task forces to lead Roundtable meetings with community leaders. The subcommittee has met a few times and is developing a way for the task force to reach out to community members in an effective and open manner to start dialog about common problem and issues. Whether it is migrant communities, community of color, whether or not it is a specific area of the population, violence, gang activity, or drug activity has really taken a foothold and communities want a voice. The committee has discussed invitation process, location, timeframes, facilitation and follow-up. He also noted the need for interpreters, open meeting considerations and possible data practices concerns. He also asked whether it could be a requirement for task forces to participate in the future. Reed voiced support for the pilot project approach with a few metro task forces and a few in greater Minnesota,

understanding that the issues could vary greatly. Carver noted that they would discuss it at the Hennepin County VOTF meeting the following week.

Goldstein asked about documentation and follow-up, so the VCCC could hear back from the community discussions. He noted that this is a method of prevention and intervention rather than a civilian review process. He also suggested additional partners who do good work in community, like the department of health. Gross agreed and suggested that like the recent NCJA report on task force best practices, Minnesota could be seen as a leader in community engagement. Lail asked about facilitation and noted that the spring commanders meeting would be a good venue for training. Elyse Ruiz, who works with Hector Garcia at the Chicano/Latino Affairs Council, said their organization had experience with this type of meeting and is willing to assist with planning, facilitation and follow-up. Carter suggested serving food and gave an example the Monday night Save our Sons and Circle of Peace, where they host a dinner with law enforcement and prosecutors, pass a talking piece, and often share information about recent crime problems and issues.

Action: Reed made a motion to allow the community engagement committee to continue pursuing the roundtable community outreach proposal and identify the pilot sites to get the process started. There was a second by Voight and the motion carried.

Data Committee

Chair Goldstein reported on a presentation to the Midwest Gang Investigators Association Annual Conference in St. Paul in March. He provided an overview of the VCCC, the revision of gang membership criteria and possible implementation plans through ACISS. Data practices issues were also discussed but he noted that no legislation on the topic moved forward in this session.

Evans reviewed the discussion from the last meeting to develop plans for a gang module in the BCA case management system and reiterated that any gang identifying information forwarded to BCA would be considered public data. Goldstein agreed that the data would not be private, confidential data but asked if it could be considered private investigative data? Evans pointed out if they were collating data from across the state that BCA would not have the resources to follow up on each one of those cases individually and to determine when it's an active or inactive criminal investigation. Part of that would be setting the criteria data very specifically, so if it's part of an active criminal investigation, investigators can submit just a small piece or wait until the case is closed to submit. You would not submit a whole case file, but just a picture and identifying information and local contact. The goal is to segment those pieces of data so it doesn't ever jeopardize any ongoing investigation. BCA is in a good position to host this since they can share information 24/7 basis with law enforcement through the state by contacting our communications center. He referenced the conversation at the hearing that morning about flagging and locating gang criteria information in the system. They would likely run weekly checks of the system to see if anybody has met the criteria at that point and then put them into the pointer file.

Rothstein thanked Chief Goldstein for his presentation at the Midwest Gang Investigators Training and noted there were more than 200 law enforcement, corrections, and probation officers who appreciated

the information and clarification of the criteria. He noted that the membership organization has several subject matter experts that are more than willing to assist in gang policy development and training. Lail noted that a motion was passed at the VCCC December meeting to direct BCA to explore using the ACISS gang module for state gang criteria data. Evans notes the BCA owns the module and will continue to identify internal resources to develop the data documentation and referral process. He plans to ask the VCCC for action on implementation at the next meeting.

Acting Statewide Commander Update

Marquart provided an overview of task force drug trends presented at the legislative hearing, including an increase in high-purity, low-cost heroin on the street as well as an increase in overdose emergency room visits and deaths. Task force commanders are now forwarding any heroin information to an analyst at the drug enforcement administration that will be able to make connections between investigations. Synthetics and bath salts continue to be a problem in Duluth, Brainerd and northern Minnesota and he is monitoring case outcomes. Pre-packaged marijuana is entering this state in large quantities from California, Colorado and Washington with higher quality and higher prices. There has also been a huge increase in prescription drug abuse, particularly with opiates. He has included all four areas in training for the CANAM conference this spring where over 200 narcotics agents from around the state will be attending .

Marquart next provided an update on the evidence disposal protocol with 3M and the Minnesota Pollution Control Agency (MPCA) . The BCA pilot disposal will be conducted in May and then procedures will be sent to all law enforcement agencies in the state and also include a link on the OJP website.

He also provided an overview of BCA's new Field Identification Drug Officer (FIDO) training program, funded with a small grant from OJP to start in July. The idea is to give an 8 hour certification for officers to be able testify to field testing of heroin, cocaine, methamphetamine, and marijuana as well as pharmaceuticals. Evans noted that he was meeting with the County attorney's association garner support for making charging decisions based off of these presumptive tests when certified officers are conducting the tests. The goal of this program, he noted, is to slow the number of cases coming into the BCA laboratory so that they can focus on the drug backlog problem . There will also be a validation process similar to the intoxilizer program. More information will be available as this training is rolled out this summer.

In closing, Marquart mentioned work with the task forces on exploring use of the BCA ACISS records management system to connect task forces across the state with BCA, DOC and the State Patrol Capitol Police.

OJP Grants update

Lail noted the 2012 data summary included in the meeting packets and will be looking at trend comparison as well as breakouts for heroin, methamphetamine and synthetics. She gets calls regularly

for task force data since it is recognized that the Task Forces are on the front line seeing these emerging problems at the front end. She also referenced the NCJA Task force Performance Measure fact sheet which highlights the Minnesota model as a best practice. Next she discussed the funding plan for 2014 noting that will staff turnover, OJP would like to extend the current grants, which started in 2012 for a 3rd year after a comprehensive site visit and budget review. Then after the second round of audits, OJP will work with the VCCC to develop an RFP process for calendar year 2015. Reed voice concern that if there were significant issues raised in audits, task forces should not receive an automatic renewal at the same funding amount. Goldstein agreed and noted that task force funding could stopped at any time if it is determined that they are not operating according to the guidelines. Lail suggested that the task force process will look at previous findings and corrective actions as well as task force membership and investigative staff dedicated and recommend a commiserate funding amount

Reed reiterated concerns that extending grants out a 3rd year would be a step further from the VCCC strategic planning work on task force funding models and outcomes, but would be willing to look at a different RFP process for 2015. Lail agreed that through task force site visits they are identifying common issues, such as decentralization and working commanders that seem to be linked with audit findings. Goldstein acknowledged the need to extend grants for logistical purposes but agreed that it should be a purposeful process with a review of current operations. He also agreed that OJP should not lose sight of the strategic planning process and tactical action plan in the funding process. Lail and Marquart will continue site visits and will have a proposal for the renewal process at the June meeting.

DHS State Substance Abuse Strategy

Lail introduced Rick Moldenhauer, a liaison from DHS State Substance Abuse Strategy (SSAS) to the VCCC. He provided an update on drug use and treatment trends from the DAANES (drugs and alcohol abuse normative evaluation system) and noted that the data is available online at www.sumn.org (handout provided). Lail also noted that she and Marquart have attended SSAS subcommittee planning front line training on opiates for first responders, which is also looking into training for doctors and prescribers through health care systems. We know that the task forces are seeing it increases in heroin and prescription abuse at the local level and are also involved in a lot of prevention and education activities and would appreciate any resources provided. Gerlicher asked about resources for high school students and connections between the public school system and DHS. Moldenhauer suggested that the MPRC (Minnesota Preventive Resource Center) is funded by DHS and a great community resource. He closed with a reminder about the upcoming public television program on Heroin in Minnesota that both he and Marquart participated in.

There was a motion to adjourn by Gerlicher and seconded by Carver. The meeting was adjourned at 2:10 p.m.

Next meeting is on Wednesday , June 12th in the Itasca room at the Department of Corrections.