

## **MEETING MINUTES FOR 8-14-13-VIOLENT CRIME COORDINATION COUNCIL (VCCC)**

Council members in attendance: John Marti; Hilary Caligiuri; David Voigt; Cari Gerlicher; Chris Benson; Jim Jensen; Kip Carver (for Rich Stanek); Mike Goldstein; Ken Reed (for Tom Smith); Russel Ballenger; Drew Evans (for Wade Setter); and Matt Bostrom.

**Staff: OJP staff:** Mona Dohman; Kristin Lail; Tricia Hummel; Brian Marquart; Raeone Loscalzo; and Rita Joyce.

**Guests:** Tara Holt (State Substance Abuse Strategy, DHS) and Don Rothstein.

**Absent:** Mark Dunaski, William Hutton, Gordon Ramsay, Janee Harteau, Melvin Carter, Manuel Guerrero, Bill Ziegler, Hector Garcia and John Gross.

**Meeting materials:** Memorandum to the United States Attorneys and Assistant Attorney General for the Criminal Division: Department Policy on Charging Mandatory Minimum Sentences and Recidivist Enhancements in Certain Drug Cases; US Department of Justice "Smart on Crime" Initiative: Background on Mandatory Minimum Policy in Certain Drug Cases; VCCC Strategic Development: Strategic Framework; Cesar Fax: A Weekly Fax from the Center for Substance Abuse Research. University of Maryland, College Park; StarTribune article: Minnesota law enforcement uses 3M incinerator to destroy drugs; 2013 Task Force Site Visit Results; 2014 Task Force Funding Recommendations; VCCC Annual Fall Retreat.

**Location:** The meeting was held in the Itasca Conference Room, Minnesota Department of Corrections. 1450 Energy Park Drive.

### **Welcome and Introductions**

Chair Jim Jensen called the meeting to order.

**Action on 6/12/13 meeting minutes:** Motion to approve minutes, Cari Gerlicher and seconded by Mike Goldstein.

**Action on Agenda:** Assistant United States Attorney John Marti asked for some time on the agenda to review a recent Public Policy Announcement. Motion to approve agenda by Gerlicher and seconded by Commissioner Mona Dohman. Motion Carried.

### **United States Attorney General Policy Change**

Marti noted that there has been significant press coverage on the Attorney General's announcement on mandatory minimum policy for certain drug cases. This policy will transform the role of federal Law Enforcement with respect to enforcement of the nation's drug laws. He explained that sequestration has impacted the budget of Federal Law Enforcement agencies including the Federal Bureau of Prisons. So the federal government has had to make some decisions on the appropriate use of limited resources. There is now a major shift in federal law enforcement's role with enforcing narcotics laws in states so that federal law enforcement effectively is getting out of much of the drug business, other than those linked to Mexican cartels and organized crime.

The council discussed the impact of this federal policy change on local law enforcement and drug task forces across the State. Goldstein expressed concerns that drug cases are often the starting point for more complex investigations of violent offenders and criminal enterprises. Brian Marquart agreed that this federal policy changes will have a significant impact on the ability of narcotics investigators work up larger cases, noting the limitation of the state conspiracy statute. Ken Reed asked about the role of the Drug Enforcement Administration and shared concerns about violent offenders. Marti noted that the policy does not affect federal firearms statutes. Chris Benson asked about impact on tribal narcotics cases and Marti noted that tribal narcotics investigations and prosecution would continue. The VCCC will continue to discuss how this policy will affect gang and drug investigations and prosecution in Minnesota.

#### **Department of Corrections Prison Inmate Data**

Don Rothstein was requested to pull data on drug offenders in DOC facilities. Noting the limitations of a one-day count in the COMS information system he searched on the sentenced offense. Of the 9,500 inmates, 96 were convicted of offenses involving marijuana, 748 cocaine, 359 crack, 1047 methamphetamine, 2 synthetics, 100 heroin, 40 opiates, and 1 for other controlled prescription medications. He suggested that the VCCC could make a formal request to DOC if more comprehensive data would be helpful for policy discussions.

#### **Department of Human Services (DHS) State Substance Abuse Strategy (SSAS) Update**

SSAS Project Coordinator Tara Holt provided Background on this collaborative project involving nine state agencies on substance abuse issues. Agency executive sponsors meet quarterly, the steering committee meets monthly and several work groups also meet regularly. For example, DHS is working with the regional prevention coordinators to create and distribute synthetic education materials to communities. The Department of Health is also working on the public nuisance aspect of synthetic drugs, partnering with the poison control center to deem synthetics as an emergent health issue and require mandatory reporting medical professionals. SSAS Opiate efforts include training for prescription drug prescribers and coordination with the state prescription drug monitoring program. She thanked the Department of Public Safety for their contributions to the SSAS.

#### **Standing Committee Updates**

##### **Community Engagement Committee**

Kristin Lail reported that Hector Garcia and John Gross have been working to further define the parameters of the gang and drug roundtable. The committee approved a second, more detailed roundtable fact sheet that was forwarded to interested task force commanders and advisory board chairs. They are looking for two jurisdictions to pilot the roundtable by early next year.

##### **Data Committee**

Mike Goldstein suggested board members to watch the Sixty Minutes program profiling an effort in Springfield, Massachusetts, on counter-insurgency responses to gangs and drugs. Drew Evans discussed

the pilot project in the fusion center, collating DOC gang criteria. Don Rothstein has helped lead this effort and is working on procedures and guidelines for the process. Evans noted the need for subject matter experts to determine what the documents are and if they truly meet the gang criteria. They plan to develop “best practices” and provide training to task forces and law enforcement once there is a better understanding of the types of data they are receiving. Rothstein noted that a demonstration could be provided at the VCCC retreat in October.

### **Professional Standards Committee**

Cari Gerlicher noted that while working on the procedures manual, they had discussed the importance of documenting financial procedures, and making sure there is segregation of duties. The committee completed the section focused on confidential informants because a majority of the audit findings were related to that section. The revised manual was approved at the June VCCC meeting forwarded to all task force commanders. It will be in place before the second round of audits begin this fall.

### **Governance Committee**

Kristin Lail noted that the governance committee needed to meet recently, but that member track emerging issues and potential legislation through their professional organization. Bills on medical marijuana and opiate overdose prevention are expected in the next session. Any legislative feedback generated by the synthetics subcommittee could be recommended through the Governance Committee.

### **Ad Hoc Committee on Synthetics**

Kristin Lail reported that the first meeting was held at BCA on July 15<sup>th</sup> and include a broad group of law enforcement, prosecutors, lab professionals and human services representatives and discussed needs for coordination and resources for technical expertise. Chair Hermerding recommended that they hold one more meeting in September to review the notes and put together a wish list for the select committee regarding drug testing, pharmacology and resources for expert testimony. Hilary Caligiuri discussed the difficulty in investigating and prosecuting synthetic drug cases and suggested the need for a clearinghouse of information on synthetics and pharmacological expert testimony. The next public hearing of the House Select Committee on Controlled Substances and Synthetic drugs was scheduled for August 22<sup>nd</sup> at Central Lakes College in Brainerd.

### **Office of Justice Programs (OJP) Update**

Commissioner Dohman introduced the new OJP Executive Director Raeone Loscalzo and highlighted her experience in crime victims’ services, pretrial services and statewide coordination at the Minnesota League of Counties.

### **Statewide Commander Update**

Brian Marquart attended 4 board meetings. Discussed site visits, talked about future funding plans. All 23 site visits were completed over the summer and reports to be sent to task force commanders and advisory board chairs and also forwarded to the professional standards committee. They concentrated

on certification process, operations, prior audit issues and previous weaknesses from other site visits.

Other activities included:

- 3M drug disposal in coordination with BCA and MCPA
- BCA Field Drug Testing Training targeted as task force investigators
- Sentencing guidelines proposed changes to controlled substance cases
- Six task forces are interested in partnering with BCA in the ACISS system and could likely pay for local license expenses with forfeiture funds. The 23 task forces currently use about eight different records management systems. Lack of funding for the server at BCA and training limiting plans for implementation.

### **Grant Administration Update**

Kristin Lail discussed 2013 Task Force Site Visit Results and 2014 Task Force Funding Recommendations. She noted some areas that may be changed in the 2015 RFP, such as central location and minimum number of full-time investigators. For now, all 23 task forces meet the minimum requirements to continue receiving funding from OJP. There will be reductions for two task forces because they have reduced the number of investigators since the 2012 application. She also noted that six task forces would receive conditional funding with additional follow-up from the statewide gang and drug coordinator, attendance at advisory board meetings, narrative response to site visit recommendations, and priority for second audit review. Goldstein recommended approving the OJP continuation funding plan that was seconded by Carver. The motion carried.

The VCCC annual retreat will be held at Grandview Lodge in Nisswa, Minnesota beginning at 11am on October 14, and ending at noon on October 15, 2013. The consultant who worked with the VCCC in 2011 to develop the strategic plan will return review accomplishments and update strategic priorities through 2015. Other speakers will include the Colorado experience with medical marijuana and task force evaluation in Illinois. Other topics suggested include the proposed Good Samaritan Law for opiate overdoses, influx of high-level cartels, and drug transportation investigations. DEA Special Agent In Charge Dan Moren will be invited to provide an update. The annual task force commanders training will be held in March and OJP plans to expand it to include training for team leaders.

**New business;** St. Paul Police Department recently completed a case on sovereign citizens. They would like to bring in two detectives from North Carolina who worked undercover for a couple years and who are very familiar and have done some really good training. They have partnered with BCA and would like to get another co-sponsor that is willing to put out about \$1500.00 to join with St. Paul and BCA to bring these detectives up and give a presentation to the state. If your agency would be willing to co-sponsor this initiative, please contact Ken Reed.

Motion to adjourn by Dohman and seconded by Reed. Meeting was adjourned at 12:55 p.m.

Respectfully submitted by Rita Joyce, Office of Justice Programs.