



To: State of Minnesota Violent Crimes Coordinating Council
From: ACLU-MN Lobbying Coordinator Carolyn Jackson
Date: September 22, 2011
Re: Identification of Subjects Actively Involved in Violent Criminal Activity

Thank you for soliciting the comments of the ACLU-MN on the review and update of the Gang Pointer File system. The Violent Crimes Coordinating Council ("VCCC") is charged with a standard of creating criteria which are "narrowly tailored" and undertaking a review process to "ensure effectiveness and relevance." To that end, the ACLU-MN recommends the following processes for the gang membership list:

Creation of the Criteria for Gang Membership List

- Clearly define the public safety goal the gang membership list intends to serve
- Articulate how each gang criterion is intended to serve the public safety goal of the gang membership list.
- Ask and answer whether each criterion is narrowly tailored to avoid false positives.
- Include with each criterion a method of evaluating its effectiveness.
- For example: with each entry of an individual, include the criteria under which the individual was selected. With each access of an individual record, enter the purpose for which the name was accessed. Then review the relationship between the criteria and the use.

Use of the Gang Membership List

- Articulate how the accuracy of the data entered will be ensured and mistakes corrected.
- Document with each entry the identity of the source of data, each time the entry is accessed, and the purpose for which it was accessed.

Oversight of the Gang Membership List

- Establish penalties for misuse of the list.
- Submit the list to a secure, external audit prior to the biennial VCCC review of the gang membership list.
- Report misuse incidents and external audits to the VCCC.