

STATEMENT OF:

Donald M. Rothstein, Assistant Director
Office of Special Investigations
Minnesota Department of Corrections 1450 Energy Park Drive, Suite #200
St. Paul, MN 55108-5219

I have been with the Minnesota Department of Corrections for almost 33 years, and have been responsible for identifying gangs and their members within the MNDOC since 1985. I am currently the MNDOC Security Threat Group Coordinator, the past 12 year, Vice-President of the Midwest Gang Investigators Association, Minnesota Chapter, and the Secretary for the National Major Gang Task Force (NMGTF). The NMGTF is an organization of Corrections leadership from all 50 states and the Federal Bureau of Prisons, whose job it is to identify gangs and their members who are incarcerated, and manage those groups and individuals in prison as "Security Threat Groups".

I strongly support the current 10 point criteria format, with some minor changes and clarification. I have reviewed the attachments and have attached a similar document expressing my comments. My comments reflect many years of working with law enforcement and corrections professionals across the country, who continue to investigate and manage criminal gangs. As expressed in the "*Gangs and public policy, Constructing and deconstructing gang databases*" publication, written by Dr. Julie Barrows and Dr. Ronald Huff, I believe the current "10 Point Criteria" is the best tool being utilized by law enforcement and corrections to identify individuals who are involved as criminal gang members. The compilation, interpretation, auditing and purging of gang criteria and documentation remains the weakest link, and efforts and time need to be addressed in those areas to ensure all goals of the VCCC are met.

Minnesota Ten Point Gang Criteria

1. Admits gang membership or association

Subject admits gang membership or association with gang members

Subjects often admit to being friends with or hanging around with gang members.

Admission must include a specific gang.

2. Is observed to associate on a regular basis with known gang members

Subject is observed to associate on a regular basis with gang members known to be members of a specific gang.

Subject must be associating with known gang members from a specific identified gang.

"Regular basis" is a key phrase. In Corrections, we use three documented occurrences of association before using this criterion.

3. Has gang tattoo indicating gang membership

Subject has gang tattoos, scars or marks that indicate a specific gang.

Subjects often have tattoos, scars or marks that are used by several gangs and are not specific to any one gang. (Teardrops, happy and sad face, etc)

4. Wears gang symbols to identify with a specific gang

Subject wears displays or is in possession of gang symbols that identify with a specific gang.

Subjects may wear items or they may have them in their room, car, school locker, etc.

5. Is in a photograph with known gang members and/or using gang-related hand signs
Subject is in a photograph with known gang members from a specific gang and/or using identifiable gang-related hand signs, or marked photographs indicating gang membership.
Subjects are often in photographs with known gang members and may not be indicating any gang affiliation. Hand signs need to be identified as being related to a specific gang. Photographs are often found during searches and have been marked, indicating who the individuals are and their and affiliation.
6. Name is on a gang document, hit list, or gang-related graffiti
Subjects name is included on a gang document, hit list or gang-related graffiti, or the subject is found in possession of gang related by-laws, rules, creeds or other gang related documents.
Most gangs have by-laws, rules and other writings that they share amongst their membership for indoctrination and guidance in gang matters. To be in possession of these materials indicates they are a member and are recruiting others or they are being recruited and have been given the training materials.
7. Is identified as a gang member by a reliable source
Subject is identified as a gang member by a reliable source.
This is a problem area where those agencies currently identifying gang members and using this criteria when having contact with another agency, use only this criteria and don't account for all other criteria being held by the contacted agency. This is where a centralize data base allows for the sharing of all agencies to determine what criteria other agencies have documented.
8. Arrested in the company of identified gang members or associates
Subject is arrested in the company of others who are identified as members or associates of a specific gang.
Often times gang members from different gangs commit crimes together. The goal is to identify the subject as a member of a specific gang, not just that he is committing crimes with gang members.
9. Corresponds with known gang members or writes and/or receives correspondence about gang activities
Subject sends or receives correspondence from known gang members through written, oral, telephonic or signing correspondence, or receives correspondence that contains information or teachings about gang activity.
Must be able to identify in the correspondence a member of what gang is communicating. Two brothers may write each other and one may not have anything gang involvement.
10. Writes about gangs (graffiti) on walls, books and paper
Subject creates gang-related writings, drawings or graffiti on walls, books, paper or other surfaces.
This does not include written materials such as letters, songs or books. This criteria should be for graffiti type drawings.