Violent Crime Coordinating Council Report

Minnesota Department of Public Safety

February 1, 2012

SUMMARY REPORT OF ALL AUDITS CONDUCTED ON MULTIJURISDICTIONAL ENTITIES

Monitoring Protocol- Law Enforcement Practices

Between March 2010 and October 2011, twenty-four violent crime enforcement teams (VCET)/task forces funded by the Office of Justice Programs received an on-site monitoring visit. The results of the review and any follow-up recommendations/requirements are documented in a written report. A list of the VCET reviewed is contained in APPENDIX A. The visits were conducted by Bob Bushman, Statewide Gang and Drug Coordinator. Sue Perkins, the State Program Administrator for task force grants, was also present during some of the visits. VCET personnel present at each review were commanders and administrative support personnel. On occasion advisory board chairs, county attorney staff, supervisors, and fiscal staff were present for all or a portion of the review.

Reviews were scheduled and the commander was informed that the primary purpose of the review in 2011 was to ensure that the VCET was compliant with certification requirements established in statute and under the authority of the commissioner of public safety. Each team agreed to these requirements in December of 2010. In order to receive funding for 2012, they would need to have their certification status renewed in December 2011. In addition to a review of compliance with certification standards, the following items were also reviewed as a part of the process:

1. Follow-up on any deficiencies noted in previous reviews.
2. Compliance with eligibility criteria.
3. That each VCET (or the law enforcement agency with operational control) had established and implemented a written policy on forfeiture as required by statute.

Twenty-three of the task forces were found to be in substantial compliance with certification requirements. In some cases there were minor issues that required improvement. An example of this would be that a VCET did not have a formal written review process in place to comply with the requirement that "participating officers shall be subject to annual performance reviews conducted by the entity's operational supervisor". In some cases the reviews had been oral feedback to the agency assigning the officer; and to be fully compliant each was required to establish a written review process.

One VCET was determined out of compliance with certification guidelines. When informed of the specific remedies required they chose not to pursue certification and therefore funding for 2012.

Two other task forces were found out of compliance with certification guidelines as they did not manage seized funds as required according to the Task Force Policies and Procedure Guidelines Manual. Both entities amended their practices and were awarded funding for 2012.

The complete report containing the result of each task forces review is available upon request.

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SUMMARY REPORT OF ALL AUDITS CONDUCTED ON MULTIJURISDICTIONAL ENTITIES

Monitoring Protocol- Financial Audits

The Office of Justice Programs entered into an interagency agreement with the Office of the State Auditor to complete financial reviews of task forces as required by legislation. Both parties determined that it would be most beneficial to conduct an "Agreed Upon Procedures" audit of each task force. This initial audit has been designed to focus on seizure and forfeiture practices and documentation and administration of confidential funds. This emphasis was selected as: (1) these are predominantly cash transactions and; (2) forfeiture and buy fund practices were two of the areas that were of greatest concern in the Special Review of the Metro Gang Strike Force completed by the Office of the Legislative Auditor in 2009.

Auditors review a sample of transactions and documentation to ensure that each task force is conforming to state law and their own internal procedures for seizing cash and property and processing and documenting forfeiture actions in a legal, timely and accurate manner. They will do the same for confidential fund transactions.

Assigned auditors request that the task force provide them with their policies and procedures related to the processing of seizures and forfeitures and confidential funds. They meet with personnel on site to obtain lists of transactions completed in the previous 12 months. The auditor randomly selects and reviews individual transactions to determine if actual operations were consistent with stated policies.

At the time of this report, three audits have been completed and an additional four are in progress with the balance to be completed by June 30, 2013. Reviews completed to date have identified only minor processing and documenting issues.

Monitoring Protocol - Follow-Up

The Statewide Gang and Drug Coordinator is required by statute to review audits, take corrective actions based on audit results, and submit a summary report of the audits and any corrective actions to the Commissioner of Public Safety. Law enforcement monitoring reports have been submitted to the commissioner. Financial audits finalized in 2012 will be reviewed for corrective action required/implemented and summarized for the commissioner at year end.

It is important to note that all VCET/task force commanders and key staff are brought together for an annual training session in January of each year. The overall results of the reviews and audits are discussed and compact disks are provided that contained reference materials, policies, tracking systems and forms authored by the Office of Justice programs or provided by other task forces that are considered to be 'best practices".

REPORT ON RESULTS OF AUDITS CONDUCTED ON DATA SUBMITTED TO THE CRIMINAL GANG INVESTIGATIVE DATA SYSTEM

Minnesota Statute 299C.091 Criminal Gang Investigative Data System (Gang Pointer File) requires the following action by the Minnesota Bureau of Apprehension.

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.

During calendar year 2011, a total of 843 subjects had their criminal histories run by an analyst in the BCA Investigations Section as provided by statute. These subjects were determined to have no additional qualifying criminal conviction and accordingly were purged from the system. As of January 31, 2012 a total of 1555 subjects remain in the system.

- No additional new subjects were placed in the Gang Pointer File during 2011 by any law enforcement agency in Minnesota;

- The Training/Auditing Unit of Minnesota Justice Information Services (MNJIS) at the BCA has the responsibility to perform the audits of the law enforcement agencies in Minnesota who have entered subjects into the Gang Pointer File.
    - Approximately one-third of the law enforcement agencies in Minnesota are audited each calendar year;
    - The list of law enforcement agencies scheduled for audit in 2011 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 System had those entries audited along with the normal record audit and checks.

REPORT ON RESULTS OF AUDITS CONDUCTED ON DATA SUBMITTED TO THE CRIMINAL GANG INVESTIGATIVE DATA SYSTEM

The following law enforcement agencies had previously placed 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

During calendar year 2011, three of the agencies listed above were eligible for NCIC audits. Those agencies were Olmsted County Sheriff's Office, Willmar Police Department and Bemidji Police Department. During this audit period, these agencies' gang entries were included in the audit. Olmsted County Sheriff's Office had a total of 24 subjects entered into the Gang Pointer File. At the conclusion of the audit, 14 subjects were purged and 10 were retained after verifying updated data. Willmar Police Department had three subjects entered in the Gang Pointer File. At the conclusion of the audit, three subjects were retained after verifying updated data. Bemidji Police Department had two subjects entered in the Gang Pointer File. At the conclusion of the audit, one subject was purged and one subject was retained after verifying updated data.

REPORT ON ACTIVITIES AND GOALS OF THE COORDINATING COUNCIL

The 2010 Minnesota Legislature established the **VIOLENT CRIMES COORDINATING COUNCIL ("VCCC")** to provide guidance related to the investigation and prosecution of gang and drug crime. The council provides direction and oversight to the multijurisdictional task forces and enforcement teams located throughout the state. This new council replaced the Gang and Drug Oversight Council that had been in existence since 2005 and was sunset on December 31, 2010. The inaugural meeting of the council was held on December 16, 2010. A list of the current council members is attached as APPENDIX B.

The council's primary duty is to "develop an overall strategy to ameliorate the harm caused to the public by gang and drug crime within the state of Minnesota". In addition, the council works closely with the commissioner of public safety and is charged with additional responsibilities to include:

- The development of an operating procedures and policies manual to guide gang and drug investigation;
- The identification and recommendation of an individual to serve as the statewide gang and drug coordinator;
- The development of grant eligibility criteria and application review process;
- The recommendation for multijurisdictional task force funding termination for those not operating in a manner consistent with the best interest of the state or the public;
- The development of processes to collect and share investigative data;
- The development of policies to prohibit the improper use of personal characteristics to target individuals for law enforcement, prosecution or forfeiture actions; and ,
- The adoption of objective criteria and identifying characteristics for use in determining whether individuals are or may be members of gangs involved in criminal activity

The council currently meets on a bi-monthly basis. They primarily discharge their statutory duties through the use of a committee structure and committee reports and recommendations are reviewed at each meeting. Each year they also review VCET/task force monitoring reports, performance data and threat assessments. In addition, they typically hear and react to reports from the statewide coordinator.

The specific 2011 activities and achievements of the Violent Crime Coordinating Council were:

- The Professional Standards Committee updated the Task Force Policies and Procedure Guidelines Manual.

- The Data Criteria and Data Sharing Committee conducted three public forums to provide information and obtain public input into the establishment of objective gang criteria in preparation for a recommendation to the commissioner of public safety in early 2012.

- The Data Criteria and Data Sharing Committee met and discussed the current status of GangNet and the Pointer File and what the future might look like.

REPORT ON ACTIVITIES AND GOALS OF THE COORDINATING COUNCIL

- The Governance Committee planned and implemented a strategic planning process as a part of its effort to "develop an overall strategy to ameliorate the harm caused to the public by gang and drug crime within the state of Minnesota". The following priorities were identified:
  - Improved law enforcement information sharing.
  - Enhanced engagement between communities and the VCETs (and the VCCC).
  - The identification of sustainable funding sources for task forces and related prevention efforts.

2012 goals of the Violent Crime Coordinating Council are:

- Draft criteria and identifying characteristics for use in determining whether individuals are or may be members of gangs involved in criminal activity and post for written comment then finalize recommended criteria and submit it to the commissioner of public safety.

- Adopt and implement a "Tactical Action Plan" for 2012 key activities related to the strategic priorities established as a part of the 2011 planning process.

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

February 1, 2012

APPENDIX A

2011 DRUG, GANG AND VIOLENT CRIME ENFORCEMENT TEAMS

Task Force	Fiscal Agent	# Agents	Commander
DRUG AND GANG TASK FORCES			
Anoka-Hennepin Task Force	Anoka County Sheriff's Office	11	Lt. Bryon Fuerst
Brown-Lyon-Lincoln-Renville-Redwood Task Force	New Ulm Police Department	4	Sr. Inv. Jeff Hohensee
Boundary Waters Task Force	St. Louis County Sheriff's Office	4.75	Sgt. Jason Akerson
Buffalo Ridge Task Force	Worthington Police Department	5.75	Comm. Troy Appel
CEE-VI Task Force	Kandiyohi County Sheriff's Office	8	Sgt. Tony Cruze
Central MN Major Crimes Investigative Unit	Central Minnesota MCIU	12	Sgt. Kellan Hemmesch
Dakota County Task Force	City of Eagan	15.5	Sgt. Dan Bianconi
Ramsey County Violent Crime Enforcement Team	Ramsey County Sheriff's Office	25	Comm. Rich Clark
Hennepin County Violent Offender Task Force	Hennepin County Sheriff's Office	18	Captain Pete Dietzman
Lake Superior Drug and Gang Task Force	Duluth Police Department	12	Lt. Steve Stacek
Lakes Area Task Force	Crow Wing Co Sheriff's Office	4	Sgt. Joe Meyer
MN River Valley Task Force	No. Mankato Police Department	6	Lt. Dan Davidson
North Central Task Force	Mille Lacs County Sheriff's Office	4	Deputy Terry Boltjes
Northwest Metro Violent Crime Enforcement Team	St. Louis Park Police Dept.	8	Sgt. Jon Hunt
Paul Bunyan Drug and Gang Task Force	Beltrami County Sheriff's Office	7	Commander Gary Pederson
Pine To Prairie Task Force	Crookston Police Department	3	Commander Scott Jordheim
Red River Valley Task Force	Moorhead Police Department	4	Lt. Brad Penas
St. Cloud Metro Gang Strike Force	St. Cloud Police Department	5	Sgt. Joe Kraayenbrink
South Central Drug Investigative Unit	Owatonna Police Department	5	Sgt. Tim Hassing
Southeast MN Gang and Drug Task Force	Olmsted County Sheriff's Office	13	Capt. Mark Erickson
Southwest Metro Task Force	Shakopee Police Department	5	Sgt. Mark Williams
Washington County Task Force	Washington Co Sheriff's Office	7	Sgt. Andy Ellickson
West Central Task Force	Douglas County Sheriff's Office	8	Deputy Scot Umlauf
Safe Streets Task Force - West Division	Minneapolis Police Department	5	Lt. Michael Sullivan
Safe Streets Task Force - East Division	St. Paul Police Department	5	Commander Dave Korus
Statewide Prosecution	Attorney General's Office		
TOTAL		**205.0**	

APPENDIX B

MINNESOTA VIOLENT CRIME COORDINATING COUNCIL - 2012

TITLE	NAME	AGENCY	ADDRESS	Address 2	City	State	Zip
MEMBERS							
Asst. Chief (CHAIR)	Ken Reed	St. Paul Police Department	367 Grove St.		St. Paul	MN	55101
Chief (Vice CHAIR)	Gordon Ramsay	Duluth Police Department	411 W First St.		Duluth	MN	55802
Superintendent	Wade Setter	Bureau of Criminal Apprehension	1430 Maryland Ave.		St. Paul	MN	55106
U.S. Attorney	B. Todd Jones	District of Minnesota	600 U.S. Courthouse	300 South 4th St.	Minneapolis	MN	55415
Deputy Attorney General	David Voigt	Office of the Attorney General	445 Minnesota St.	Suite 1800	St. Paul	MN	55101
Chief	Mike Goldstein	Plymouth Police Department	3400 Plymouth Blvd		Plymouth	MN	55447
Chief	Tim Dolan	Minneapolis Police Department	350 South 5th Street	Room #130	Minneapolis	MN	55415
Sheriff	Rich Stanek	Hennepin County Sheriff's Office	350 S. Sixth St. -	Rm. 6	Minneapolis	MN	55415
Sheriff	Matt Bostrom	Ramsey County Sheriff's Office	425 Grove St.		St. Paul	MN	55101
Sheriff	Bill Hutton	Washington County Sheriff's Office	15015 62nd St. N.	Box 3801	Stillwater	MN	55082
Sheriff	Rodney Bartsh	Wabasha County Sheriff's Office	848 - 17th St. East	Suite 1	Wabasha	MN	55981
Director	Cari Gerlicher	MN Dept. of Corrections - OSI	1450 Energy Park Dr	Suite 200	St. Paul	MN	55108
Sr. County Attorney	Hilary Caligiuri	Hennepin County Attorney's Office	2000 Courts Tower	Government Center	Minneapolis	MN	55487
Asst. County Attorney	Benjamin Bejar	Rice County Attorney's Office	218 NW 3rd Street		Faribault		55021
Investigator	Chris Benson	White Earth Tribal Police	PO Box 269		White Earth	MN	56591
Mr.	Hector Garcia	Chicano Latino Affairs Council	60 Empire Dr.	Suite 203	St. Paul	MN	55103
Mr.	Bill Ziegler	Little Earth of United Tribes	2495 18th Ave. S.		Minneapolis	MN	55104
Mr.	Melvin Carter		405 Western Ave.		St. Paul	MN	55103
LEGAL COUNSEL							
Asst. Attorney General	John Gross	Office of the Attorney General	445 Minnesota St.	Suite 1800	St. Paul	MN	55101