

VIOLENT CRIMES COORDINATING COUNCIL

2011 Report to the Legislature

Prepared by the Office of Justice Programs
Minnesota Department of Public Safety

SUMMARY REPORT OF ALL AUDITS CONDUCTED ON MULTIJURISDICTIONAL ENTITIES

Monitoring Protocol

Between March 2010 and September 2010, twenty-three task forces/enforcement teams funded by the Office of Justice Programs received an on-site monitoring visit. A list of the task forces reviewed is contained as APPENDIX A. The only task force not receiving a formal monitoring visit was the Safe Streets Task Force operating in Minneapolis and St. Paul as this task force is under the command and control of the Federal Bureau of Investigators and state funding supports only personnel costs for local agencies.

The visits were conducted by Bob Bushman, Statewide Gang and Drug Coordinator and Sue Perkins, the State Program Administrator for task force grants. John Boulger, the OJP training coordinator for law enforcement grants, was also present during many of the visits. Task force personnel present at each review were commanders and task force administrative support personnel. On many occasions task force board chairs, county attorney staff, supervisors, and fiscal staff were present for all or a portion of the review.

Reviews were scheduled and the task force commander was sent a confirmation notice explaining that the following items were being reviewed:

1. Follow-up on any deficiencies noted in previous reviews.
2. Procedures and practices related to seizure and forfeiture and the disposition of property seized as evidence.
3. Buy fund policies, procedures and documentation.

This year's emphasis on seizure and forfeiture practices and the management of task force buy funds was in response to the Special Review of the Metro Gang Strike Force completed by the Office of the Legislative Auditor in 2009. Forfeiture and buy fund practices were two of the areas that were of greatest concern.

The reviews generally took three to five hours to complete. Task force personnel described their policies and protocols and used written policies, forms and reports to illustrate how they processed and documented transactions. The review team randomly selected and reviewed case and informant files to determine if actual operations were consistent with stated policies.

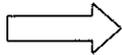
At the conclusion of the visit, OJP personnel drafted a report of findings and recommendations. The draft was shared with the task force commander so that any misstatements could be corrected. The report was then finalized and sent to the task force commander and the chair of the task force advisory board with a letter detailing that it is the role of the task force advisory board is to hold the task force accountable and suggesting that the report be used as a

SUMMARY REPORT OF ALL AUDITS CONDUCTED ON MULTIJURISDICTIONAL ENTITIES

blueprint for discussing and enhancing procedures. The board's response to the monitoring report was used by OJP staff as a part of the certification process for task forces.

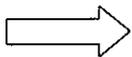
All task force/enforcement team commanders and key staff were brought together for a training session in January 2011. The results of the reviews were discussed and a compact disk was provided that contained reference materials, policies, tracking systems and forms that were considered to be 'best practices'.

Findings **The complete report containing the result of each task forces review is over 90 pages and is available upon request. A summary of the results follows.**



RECOMMENDATIONS FOR ALL TASK FORCES TO BE IN COMPLIANCE WITH NEW LEGISLATION

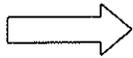
- Reporting all seizure actions to the Office of the State Auditor in the name of the task force.
- Adopting a policy that prohibits task force employees from purchasing or acquiring seized property as specified in MN Stat 609.5315, subd 1, Section(8)(c).
- Implementing annual performance reviews of officers participating in task forces.
- Utilizing prosecutor's on the advisory boards to advise on the lawful handling and processing of seized property and evidence and forfeited property and money.
- Requiring task forces to issue receipts for seized cash and property.



COMMON REQUIREMENTS/RECOMMENDATIONS RELATED TO FORFEITURE

- Establishing thresholds for the minimum value of cash and vehicles to be forfeited (absent extenuating circumstances).
- Requiring that each task force establish and maintain individual forfeiture files and tracking systems to ensure compliance with requirements.
- Establishing a policy that officers must report any circumstances where a forfeiture notice was not issued at the time of seizure.
- Deposit forfeited cash to a bank.

SUMMARY REPORT OF ALL AUDITS CONDUCTED ON MULTIJURISDICTIONAL ENTITIES



COMMON REQUIREMENTS/RECOMMENDATIONS RELATED TO BUY FUNDS

- Requiring the establishment of a formal payment guideline for POI, POE by individual event and maximum cumulative amounts that can be paid to any individual CI or case activity without pre-approval by the commander or the board.
- Requiring witness (and informant) signatures for all buy fund transactions.
- Requiring a third party reconciliation of the buy fund balance and buy fund transactions on a quarterly basis.
- Requiring that the commander ensures that all expenditure forms are accurate and complete prior to approving them and that a command superior sign off on expenditure reports where the commander was the lead agent on the case. Task force commander must also randomly check informant signatures on the receipts to the signature exemplar on file in 20% of the transactions each month.
- Improving security of cash on hand for both command staff and officers.

Next Steps

The reviews completed in 2010 reflected the current operations of task forces in these important areas and were meant to serve as background and a baseline for the formal audits required in 299A.642 Subd. 4. The Office of Justice Programs has been in discussion with the Office of the State Auditor to conduct "Agreed Upon Procedures" audits for each of the task forces and we anticipate that these audits will commence in 2011. Auditors will 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.

**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 requires the following action by the Minnesota Bureau of Apprehension.

Subd. 4. 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 criminal gang investigative data system 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.

A comprehensive audit of the Criminal Gang Investigative Data System was completed by the Minnesota Bureau of Criminal Apprehension (BCA) in December, 2009 with the results submitted to the Commissioner of Public Safety. Results of that audit are documented in a letter dated December 22, 2009, from the Commissioner of Public Safety Michael Campion to the executive directors of the Minnesota Sheriff's Association and Minnesota Chiefs of Police Association. A copy of that letter is attached as APPENDIX B.

From the period of January 1, 2010 to October 1, 2010, no audits of the Criminal Gang Investigative Data System were completed. The reason for that is no agency with entries into the system were audited by the BCA during their regular 3 year audit cycles as described in M.S.S. 299C.091, subd. 4(b). The following activity regarding the Criminal Gang Investigative Data System did take place during calendar year 2010 and is provided as a component of the reporting requirement of M.S.S. 299A.642, subd. 15(2):

- Management of the Criminal Gang Investigative Data System is provided by the Investigations Section of the Minnesota Bureau of Criminal Apprehension;
- A list of the names in the Criminal Gang Investigative Data System was provided to staff in the Investigations Section of the BCA. This list included when each name reached the 3 year time limit for inclusion in the system as provided in statute. Each of these names reaching the time limit had a criminal history check performed on them. If the subject had a qualifying criminal conviction during the 3 year period they were in the Criminal Gang Investigative Data System, their name remained in the system. If the subject did not have a qualifying criminal conviction during this period, their name was purged from the system;

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

- No additional new subjects were placed in the Criminal Gang Investigative Data System during 2010 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 Criminal Gang Investigative Data System.
 - 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 will be compared to the list of law enforcement agencies that have entered subjects into the Criminal Gang Investigative Data System. Those law enforcement agencies identified for audit with entries into the System will have those entries audited along with the normal record audit and checks;
 - The same auditing tool and protocols that were used in the 2009 audit of the Criminal Gang Investigative Data System will be used; and,
 - At the end of 2011, the MNJIS Training/Auditing Unit will prepare a report specific to the audits performed on the Criminal Gang Investigative Data System and submit that report to the Commissioner of Public Safety and Legislature as required by statute.

At the start of calendar year 2010 there were a total of 2,487 subjects in the Criminal Gang Investigative Data System. The following law enforcement agencies had placed subjects into the Criminal Gang Investigative Data System with the vast majority of those subject entries made by the Metro Gang Strike Force:

- 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 2010, a total of 1,111 subjects reached the three year time limit allowed by statute to be in the Criminal Gang Investigative Data System. Each of these subjects had their criminal histories run by an analyst in the BCA Investigations Section as provided by statute. A total of 533 of those subjects had no additional qualifying criminal conviction and accordingly they were purged from the system. The remaining 578 subjects remained in the system because they did have a qualifying criminal conviction during the three year period since their initial entry.

REPORT ON ACTIVITIES AND GOALS OF THE COORDINATING COUNCIL

The 2010 Minnesota Legislature established the **VIOLENT CRIMES COORDINATING COUNCIL** 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 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 commissioner of public safety began to solicit council membership in October 2010 and associations selecting members made their appointments in late November. A list of the current council members is attached as APPENDIX C. The inaugural meeting of the council was held on December 16, 2010. At that meeting, a variety of information was provided to review the council's duties and provide background information on the issues they would be addressing. They elected as the chair, Virginia Police Chief Dana Waldron and St. Paul Police Assistant Chief Ken Reed as vice-chair. They made the decision to discharge their statutory duties through the use of a committee structure and committee membership and goals will be established at their upcoming meeting in February 2011. In addition, they will be reviewing task force/enforcement team 2010 performance data and threat assessments after it is available in March 2011 to better understand current statewide issues related to gang and drug crime in order to develop an overall statewide strategy to address it.

APPENDIX A

2011 DRUG, GANG AND VIOLENT CRIME ENFORCEMENT TEAMS

Task Force	Fiscal Agent	# Gang Agents	# Agents	Commander
DRUG AND GANG TASK FORCES				
Anoka-Hennepin Task Force	Anoka County Sheriff's Office	1	11	Lt. Kevin Halweg
Brown-Lyon-Lincoln-Renville-Redwood Task Force	New Ulm Police Department	2	1	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	1	4.75	Comm. Troy Appel
CEE-VI Task Force	Kandiyohi County Sheriff's Office	2	6	Sgt. Tony Cruze
Central MN Major Crimes Investigative Unit	Central Minnesota MCIU	3	10	Sgt. Kellan Hemmesch
Dakota County Task Force	City of Eagan	1	14.5	Sgt. Joe Lekko
East Metro 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	Lt. Pete Dietzman
Lake Superior Drug and Gang Task Force	Duluth Police Department	4	8	Lt. Steve Stackek
Lakes Area Task Force	Crow Wing Co Sheriff's Office		4	Sgt. Joe Meyer
MN River Valley Task Force	No. Mankato Police Department	1	5	Lt. Dan Davidson
North Central Task Force	Mille Lacs County Sheriff's Office			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	1	6	Commander Gary Pederson
Pine To Prairie Task Force	Crookston Police Department		3	Commander Scott Jordheim
Red River Valley Task Force	Moorhead Police Department	1	4	Lt. Brad Penas
St. Cloud Metro Gang Strike Force	St. Cloud Police Department	2		Sgt. Joe Kraayenbrink
South Central Drug Investigative Unit	Owatonna Police Department		5	Sgt. Joel Wellnski
Southeast MN Gang and Drug Task Force	Olmsted County Sheriff's Office	2	11	Capt. Mark Erickson
Southwest Metro Task Force	Shakopee Police Department		5	Sgt. Mark Williams
Washington County Task Force	Washington Co Sheriff's Office	1	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. Andy Smith
Safe Streets Task Force - East Division	St. Paul Police Department		5	Commander Dave Korus
Statewide Prosecution	Attorney General's Office			
TOTAL		22	179.0	

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



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December 22, 2009

James Franklin, Executive Director
 Minnesota Sheriff's Association
 1951 Woodlane Drive, Suite 200
 Woodbury, MN 55125

Harlan Johnson, Executive Director
 Minnesota Chiefs of Police Association
 1951 Woodlane Drive, Suite 200
 Woodbury, MN 55125

Dear Executive Directors Franklin and Johnson:

The Minnesota Justice Information Services (MNJIS) division of the Bureau of Criminal Apprehension (BCA) has completed an audit of the Criminal Investigation Data System otherwise known as the "Minnesota Gang Pointer File." This audit was directly supervised by the senior member of the MNJIS Training and Auditing Unit and involved two other analysts from the Minnesota Department of Public Safety. The audit team worked full time from September 30, 2009 through November 24, 2009 to complete this assignment. My purpose in writing this letter is to inform you and your respective memberships of the statutory requirements regarding the Criminal Investigation Data System, the auditing process, the audit methodology and the audit findings.

Statutory Requirements

Minnesota Statute §299C.091 established and authorized the Criminal Gang Investigative Data System. Further, this statute directed the Bureau of Criminal Apprehension to administer and maintain the criminal gang investigative data system for the purpose of assisting criminal justice agencies in the investigation and prosecution of criminal activity by gang members. Individuals entered into the system must:

- Be 14 years of age or older;
- Meet at least three of the criteria or identifying characteristics of gang membership developed by the Gang and Drug Oversight Council as required by M.S. §299A.641, Subd. 3, clause 7; and,
- Have a conviction of a gross misdemeanor or felony, or a stayed adjudication as a juvenile for an offense that would be a gross misdemeanor or felony if committed by an adult.

Note: These are minimum requirements

Alcohol
and Gambling
Enforcement

Bureau of Criminal
Apprehension

Driver
and Vehicle
Services

Emergency
Communication
Networks

Homeland
Security and
Emergency
Management

Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Traffic Safety

State Fire Marshal

It is required that the BCA conduct periodic random audits of the data that documents the inclusion of an individual in the Criminal Gang Investigation Data System. The purpose of the audit is to determine the validity, completeness and accuracy of the data submitted to the system. Finally, the statute requires the BCA to destroy data entered into the system when three years have elapsed since the data were entered into the system unless a qualifying conviction or adjudication has occurred since the entry of the data (Note – copy of M.S. §299C.091 enclosed).

Auditing Process and Methodology

The audit of the Criminal Gang Investigative Data System was conducted between September 30, 2009 and November 24, 2009. It was supervised by the senior member of the BCA MNJIS Training and Auditing Unit with a staff of two other analysts. At the time of the audit, 2,487 individual subjects were in the system of which 2,304 were entered by the Minnesota Gang Strike Force or the Metro Gang Strike Force. The remaining individuals in the system were entered by seven other Minnesota law enforcement agencies. Approximately 10% of the entries in the system made by each contributing agency were audited by BCA staff. Each individual subject entry was randomly chosen by computer. The 10% number is consistent with past FBI and BCA auditing procedures.

BCA audit staff went to the source agencies that entered the individuals into the system to gather and copy all of the documentation required by statute. When that process was complete, staff then examined the documentation to ensure it met the requirements of: 1) age 2) gang membership criteria (minimum of three) and 3) qualifying criminal history. Additionally, the documentation was examined in detail to ensure it met the guidelines set in M.S. §299C.091, Subd. 4 of validity, completeness and accuracy. The audit team made numerous contacts at the agency level to validate and corroborate the documentation provided. This in part explains the significant amount of staff time expended in the auditing process. Attached to this letter are copies of the "Audit Criteria and Standards" and "Audit Checklist" used by staff. They are provided for your review and information.

Audit Findings

A total of 257 subject entries into the Criminal Gang Investigative System were audited using the criteria and methodology previously described. Of the 257 entries audited, 14 entries did not meet the mandatory guidelines. This figure represents approximately 5% of the number of entries audited. The audit also found that 95% of the entries made into the system were compliant and met all mandatory guidelines.

But it is important to understand the issues with the fourteen entries that did not meet the mandatory guidelines. Eight of the fourteen entries were missing the base documentation for one or more of the gang membership criteria developed by the Gang and Drug Oversight Council. In each of these entries, staff contacted the agency that documented and submitted the criteria and all had records of their actions. They did not, however, have a copy in their files of the documentation itself. It appeared that the missing documentation was due to filing errors. A good analogy to help understand this would be an individual who claimed a charitable contribution as a tax deduction

James Franklin and Harlan Johnson
December 22, 2009
Page 3

and documented it on an annual list of such contributions. That individual's tax return is audited and they produce their charitable contribution list. The auditor asks for the specific receipt for the contribution and the individual is not able to locate it or in some cases did not obtain one. The deduction may have been valid, but will not be allowed because of the missing documentation.

One entry was found to be misdocumented. The subject criteria as described in the documentation did exist but did not rise to the level set by the Gang and Drug Oversight Council.

One entry was found to have the required subject criminal history, but that specific record had been sealed by the court. The agency making the entry was not aware that the sealed record could not be used to meet the entry requirement.

One entry was found to have a data error in the Subject Identification Number (SID). That error linked the individual erroneously to another individual's criminal history that had a qualifying conviction event.

Three entries were found to have criminal histories that did not qualify for placement into the system. One of these entries was due to a computer coding error and the other two had misinterpretations of the subject's criminal history by entering agency staff.

In conclusion, the audit found that no individual was knowingly entered into the Criminal Investigation Data System without the required criteria or for inappropriate or malicious purpose. The fourteen entries that did not meet the mandatory guidelines are to be removed from the system. The audit files, results and documentation will be kept at the Bureau of Criminal Apprehension in accordance with the Record Retention Schedule.

Sincerely,


Michael Campion, Commissioner

cc: Tim O'Malley, Superintendent, Bureau of Criminal Apprehension
Jeri Boisvert, Director, Minnesota Office of Justice Programs
File

Enclosures: As Stated



Criminal Gang Investigative Data System – Gang Pointer File Audit Criteria and Standards

1. Audit Purpose: The purpose of the audit of the Criminal Gang Investigative Data System (Gang Pointer File) by the Minnesota Bureau of Criminal Apprehension (BCA) is to ensure compliance with Minnesota Statute Section 299C.091, Subd. 4. The audit will document the validity, completeness and accuracy of data on individuals submitted to the system.

2. Scope of Audit: The BCA will audit a representative number of the submission to the system made by law enforcement agencies in Minnesota (approximately 10% of submissions). The following is a table description of those numbers and agencies.

Law Enforcement Agency	Total Number Of Submissions	Submissions To Be Audited
Metro Gang Strike Force	2,304	230
St. Cloud P.D.	85	9
Duluth P.D.	61	7
Olmsted County Sheriff	26	3
Clay County Sheriff	4	2
Willmar P.D.	3	2
Rice County Sheriff	2	2
Bemidji P.D.	2	2

3. Audit Steps: The following are the steps to be followed to perform the audit.

- A complete listing of all individuals submitted to the system will be obtained from the BCA and sorted by the law enforcement agency responsible for the submission. Individuals will then be randomly selected by computer from each agency in the number indicated by the chart for audit.
- Selected individuals will then have all of their information entered in the system pulled, printed and placed into a file jacket sorted by submitting agency.
- Computerized Criminal History (CCH) checks will be performed on each of the subject individuals and printed copies placed in their respective file jackets.
- Auditor(s) will then make contact with each of the law enforcement agencies and physically view and substantiate that the statutory requirements have been met and documented.
 - When possible and as necessary, copies of this documentation will be placed in the subject's file jacket.
 - An "Audit Checklist" will be completed and placed in the subject's file jacket.

- Note – Audit staff will meet with representatives of the Ramsey County Sheriff's Office to obtain the documentation regarding the individuals placed in the system under the Metro Gang Strike Force ORI.
- Prepare a summary sheet regarding the findings of the audit.
- Prepare an executive summary report regarding the audit and findings and submit to the Commissioner of Public Safety and Superintendent of the BCA.

4. **Audit Criteria:** The following are the basic criteria to be followed in the auditing process.

Validity of the Submission

- The individual is 14 years of age or older
- The individual has been convicted of a gross misdemeanor or felony or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a gross misdemeanor or felony if committed by an adult
- The individual has met a least three of the criteria or identifying characteristics of gang membership developed by the Criminal Gang Oversight Council
- Documentation of the ten-point criteria developed by the Criminal Gang Oversight Council. Guidelines for validity and acceptable documentation include the following.
 - The actual item (i.e., photograph of gang members or gang documents).
 - Photograph, audio or video recording (i.e., photograph of the gang tattoo, audio recording of the admission, or video recording of gang members associating with each other).
 - Dated and signed memo, gang profile sheet, or FI card from the police officer. The police officer should take care to state all relevant information pertaining to the incident to include: date, time, subjects involved, gang name, thorough explanation of events, et cetera. Any vague memos, profiles or FI cards will not be considered adequate documentation.
 - Police report or court document that describes the details of the criteria in the narrative.
- Establishment of the ten-point criteria
 1. Admits gang membership or association
 - The admission must be specific; it must include the gang name. For example, the following statements are acceptable: "I'm a Gangster Disciple," "I belong to the Rollin' 30's Crips," "Are you a member of the Vice Lords? Yes," "I hang out with O.M.B.s."
 - The following statements are not acceptable: "I'm a gang member," "I know some Gangster Disciples," "I used to be a Crip but I'm not anymore." Statements such as these should be followed up with probing questions about the nature of the subject's suspected gang affiliation to determine if the subject is admitting membership.
 2. Is observed to associate on a regular basis with known gang members
 - The association must be voluntary and ongoing.
 - If a single police incident is to be used as a criterion, the officer should document their knowledge of a previous and consistent association.
 - This criterion may not be used against relatives. Exceptions include if the

relation is distant, the physical distance is far (i.e., the relatives do not live near each other), or the association is especially recurring and strong.

This criterion is often confused or used in conjunction with criterion 8: arrested with other gang members. The same police incident cannot be used for both criteria on one subject. For example, if there are two subjects and both are arrested, use criterion 8 only. If one subject is arrested and the other is present, use criterion 2 only. If there are three subjects and two are arrested, the two should receive criterion 8 and the third should receive criterion 2. One subject should never receive both criteria 2 and 8 on the same police incident.

3. Has tattoos indicating gang membership

The tattoo must be gang-related. If in doubt, do not count it as a criterion.

4. Wears gang symbols to identify with a specific gang

Gang symbols including clothing, hats or jewelry that are indicative of a specific gang. If in doubt, do not count it as a criterion.

5. Is in a photograph with known gang members and/or using gang-related handsigns.

The photograph must be accompanied by a police officer's report identifying the other gang members and/or explaining the affiliation between the handsign and a particular gang.

The photograph may only be counted as criterion 5 and may not be used in conjunction with any other criterion of gang membership. For example, the photograph may not be counted as criteria 5 and 2.

6. Name is on a gang document, hit list or gang-related graffiti

Gang documents and hit lists come in many forms. The officer must state in the report or gang profile how the document or hit list is gang-related.

Further, if only a moniker or partial name is listed on the gang document, the officer must link it to the subject's real identity.

7. Is identified as a gang member by a reliable source

A reliable source can be a police officer, probation/parole agent, corrections agent, teacher, social worker, relative or fellow gang member.

The documentation must include: the identity of the reliable source and relation to the subject, the gang name and date. Excellent documentation would also include an explanation of why the reliable source believes the subject to be a gang member.

Due to the subjectivity of this particular criterion, documenting officers need to exercise caution. Officers should be prepared to defend why the source is reliable

8. Arrested in the company of identified gang members or associates

It must be an arrest for a criminal act; it cannot be a traffic citation.

This criterion is often confused or used in conjunction with criterion 2: associates with other gang members. The same police incident cannot be used for both criteria on one subject. For example, if there are two subjects and both are arrested, use criterion 8 only. If one subject is arrested and the other is present, use criterion 2 only. If there are three subjects and two are arrested, the two should receive criterion 8 and the third should receive criterion 2. One subject should never receive both criteria 2 and 8 on the

same police incident.

9. Corresponds with known gang members or writes and/or receives correspondence about gang activities

The correspondence may be through telephone or mail.

All gang members involved in the correspondence need to be identified.

10. Writes about gang (graffiti) on walls, books and paper

The documenting officer must explain how the writing is gang-related.

Completeness of the Submission -- Is there anything missing in the documentation that is required or necessary and if so, identification of what that is.

Accuracy of the Submission -- Are the data entered into the Criminal Gang Investigative System accurate and correct as compared to the supporting documentation. For instance:

- Full name spelled correctly
- Accurate physical descriptors
- Accurate entry of gang criteria categories
- Accurate gang affiliation

Audit Comments -- Information provided by the auditor that indicates any information that may be relevant to the audit of a particular submission, corrective action recommended or taken, final finding such as:

- Compliant Audit -- all information is valid, complete and accurate
- Compliant Audit (with corrections necessary)
 - Information is valid and complete
 - Data entry accuracy errors exist
- Non-Compliant Audit
 - Some information found not to be valid
 - Required documentation not found
 - Documentation not complete
- Identity and signature of auditor along with date of audit

299C.091 CRIMINAL GANG INVESTIGATIVE DATA SYSTEM.

Subdivision 1. **Establishment.** The bureau shall administer and maintain a computerized criminal gang investigative data system for the purpose of assisting criminal justice agencies in the investigation and prosecution of criminal activity by gang members. The system consists of data on individuals whom law enforcement agencies determine are or may be engaged in criminal gang activity. Notwithstanding section 260B.171, subdivision 5, data on adults and juveniles in the system and data documenting an entry in the system may be maintained together. Data in the system must be submitted and maintained as provided in this section.

Subd. 2. **Entry of data into system.** (a) A law enforcement agency may submit data on an individual to the criminal gang investigative data system only if the agency obtains and maintains the documentation required under this subdivision. Documentation may include data obtained from other criminal justice agencies, provided that a record of all of the documentation required under paragraph (b) is maintained by the agency that submits the data to the bureau. Data maintained by a law enforcement agency to document an entry in the system are confidential data on individuals as defined in section 13.02, subdivision 3, but may be released to criminal justice agencies.

(b) A law enforcement agency may submit data on an individual to the bureau for inclusion in the system if the individual is 14 years of age or older and the agency has documented that:

(1) the individual has met at least three of the criteria or identifying characteristics of gang membership developed by the Gang and Drug Oversight Council under section 299A.641, subdivision 3, clause (7), as required by the council; and

(2) the individual has been convicted of a gross misdemeanor or felony or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a gross misdemeanor or felony if committed by an adult.

Subd. 3. **Classification of data in system.** Data in the criminal gang investigative data system are confidential data on individuals as defined in section 13.02, subdivision 3, but are accessible to law enforcement agencies and may be released to the criminal justice agencies.

Subd. 4. **Audit of data submitted to system.** The bureau shall conduct periodic random audits of data under subdivision 2 that documents inclusion of an individual in the criminal gang investigative data system 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.

Subd. 5. **Removal of data from system.** Notwithstanding section 138.17, the bureau shall destroy data entered into the system when three years have elapsed since the data were entered into the system, except as otherwise provided in this subdivision. If the bureau has information that the individual has been convicted as an adult, or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a crime if committed by an adult, since entry of the data into the system, the data must be maintained until three years have elapsed since the last record of a conviction or adjudication or stayed adjudication of the individual. Upon request of the law enforcement agency that submitted data to the system, the bureau shall destroy the data regardless of whether three years have elapsed since the data were entered into the system.

History: 1997 c 239 art 8 s 12; 1999 c 139 art 4 s 2; 2006 c 212 art 1 s 16

MINNESOTA VIOLENT CRIME COORDINATING COUNCIL - 2011

TITLE	NAME	AGENCY	ADDRESS	Address 2	City	State	Zip
MEMBERS							
Chief (CHAIR)	Dana Waldron	Virginia Police Department	327 First St.		Virginia	MN	55792
Asst. Chief (VICE CHAIR)	Ken Reed	St. Paul Police Department	367 Grove St.		St. Paul	MN	55101
Acting Superintendent	David Bjerga	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 Voight	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 5 th 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
Asst. 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
Chief	Garr Pemberton	Leech Lake Tribal Police	6530 US Highway 2 NW		Cass Lake	MN	56633
Mr.	Hector Garcia	Chicano Latino Affairs Council	60 Empire Dr.	Suite 203	St. Paul	MN	55103
Ms.	Nicole Matthews	Minnesota Indian Women's Sexual Assault Coalition	1619 Dayton Av.	Suite 303	St. Paul	MN	55104
LEGAL COUNSEL							
Asst. Attorney General	John Gross	Office of the Attorney General	445 Minnesota St.	Suite 1800	St. Paul	MN	55101