

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



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Office of the Commissioner

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February 6, 2008

Governor Tim Pawlenty
State of Minnesota

Chief Justice Russell Anderson
Minnesota Supreme Court

The Honorable Linda Higgins, Chair
The Honorable Bill Ingebrigtsen
Senate Public Safety Budget Division

The Honorable Michael Paymar, Chairman
The Honorable Steve Smith
House Public Safety Finance Committee

The Honorable Mee Moua
The Honorable Warren Limmer
Senate Judiciary Committee

The Honorable Joe Mullery
The Honorable Paul Kohls
House Public Safety and Civil Justice Committee

The Honorable Leo Foley, Chair
The Honorable Warren Limmer
Senate Judiciary Budget Committee

Dear Colleagues:

As directed by the 2007 Regular Session, Chapter 54, Article 1, Section 10, Subd 3, the Department of Public Safety was to convene a working group to study and prepare a report on the appropriateness of additional regional forensic crime laboratories, and regional crime strike task forces in Minnesota.

The Forensic Laboratory Advisory Board, established under Minnesota Statutes, section 299C.156, and the Gang and Drug Oversight Council, established under section 299A.641, must provide advice and assistance to the commissioner and the working group as requested by the commissioner. The working group must submit its report and recommendations to the house and senate committees with responsibility for public safety finance by February 1, 2008.

This letter is to inform you that the report on additional regional crime strike task forces is complete and is enclosed for your reference. The Department views this correspondence as satisfying the reporting requirements as provided in 2007 Regular Session, Chapter 54, Article 1, Section 10, Subd 3.

If you need further information, please do not hesitate to contact me or Jeri Boisvert, Director of Minnesota Office of Justice Programs at 651 201-7305.

Sincerely,

Michael Campion, Commissioner

cc: Legislative Reference Library

Alcohol
and Gambling
Enforcement

ARMER/911
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Justice Programs

Office of
Traffic Safety

State Fire
Marshal and
Pipeline Safety

Report to the Legislature on Crime Strike Task Forces

Introduction

Legislation passed by the Minnesota Legislature in 2007 directed the Commissioner of Public Safety to prepare a report on the appropriateness of additional regional forensic crime laboratories and regional crime strike task forces after consulting with public safety finance committee chairs, the Forensic Laboratory Advisory Board and the Gang and Drug Oversight Council. This report addresses the appropriateness of additional regional crime strike forces. The issue of additional regional forensic science laboratories will be covered in a separate report.

Background

Since the late 1980's multijurisdictional task forces have been deemed an important tool in the fight against the drug trade and violent crime both nationally and in Minnesota. Most of those involved in these efforts agree that collaboration across jurisdictions offers many advantages for police and prosecutors. Specifically in Minnesota:

Narcotics Task Forces – Since 1988, the Minnesota Department of Public Safety Office of Justice Programs has funded multijurisdictional narcotics task forces with a portion of its annual Edward Byrne Memorial Grant from the U.S. Department of Justice. The purpose of the funding is to support programs that integrate federal, state and local drug law enforcement agencies and prosecutors to conduct effective multijurisdictional investigations and prosecutions. Minnesota's drug task forces have received \$2.6 million in federal funding each year and the Minnesota Attorney General's Office receives \$150,000 to fund state-wide narcotics prosecution.

The Narcotics Enforcement Coordinating Committee (NECC), an informal advisory body, provided guidance to the Commissioner of Public Safety on matters relating to the Multijurisdictional Drug Task Forces from 1988 to 2004. The committee consisted of 18 members with representation from sheriffs, police chiefs, prosecutors, task force commanders, the Drug Enforcement Agency, the Office of Attorney General, the Bureau of Criminal Apprehension, and the U.S. Attorney's Office.

Minnesota Gang Strike Force – The Minnesota Gang Strike Force was created in 1997 to identify, investigate, arrest and prosecute gang members engaged in criminal activity in the State of Minnesota. For the biennium the legislature appropriated \$5.6 million to provide partial salary reimbursement for assigned officers, and pay for overtime, operating costs and the implementation and operation of a computerized Gang Pointer File. Six separate regions were created covering the state with investigators concentrating on fighting gang-related crime. State funding continued in the subsequent years, but at a reduced level. At its largest the strike force had 70 officers assigned statewide with the Metro Region operating with 40 officers. As funding diminished, the strike force operated with about 30 officers with half serving in the Metro Region.

The 1997 legislation created an advisory council that was in charge of creating the statewide law enforcement strike force. That advisory group served as the administrative body that directed the Minnesota Gang Strike Force. The council was comprised of chief law enforcement officers of local agencies, the superintendent of the Bureau of Criminal Apprehension, the Minnesota Attorney General, and the Commissioner of Corrections and Public Safety.

The 2003 Minnesota legislature directed the Commissioner of Public Safety to provide a report on a plan to combine the operations of the Minnesota Gang Strike Force and the Narcotics Task Forces. That report was provided to the legislature in January of 2004 and many of the recommendations included in the report were ultimately adopted by the legislature in 2005. The legislation passed in 2005 had the purpose of improving the coordination of gang and drug enforcement efforts throughout

Minnesota. The legislature established a Gang and Drug Oversight Council to provide guidance related to the investigation and prosecution of gang and drug crime. To support their efforts, the legislature appropriated \$6 million in funding for the biennium. The council, which replaces both the Narcotics Enforcement Coordinating Committee and the Criminal Gang Oversight Council, is comprised of 32 representatives of federal, state and local law enforcement and prosecution agencies. 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 is charged with responsibilities that include (1) establishing a Metro Gang Strike Force and other multijurisdictional task forces to combat gang and drug crime, (2) selecting a Statewide Coordinator to coordinate, facilitate and monitor all task forces, (3) work with the Department of Public Safety to develop a grant process and funding recommendations, (4) adopt criteria and identify characteristics for use in determining whether individuals are or may be members of gangs involved in criminal activity, and, (5) assist in developing an information system and operating budget. The Minnesota Gang and Drug Oversight Committee submitted its report on accomplishments to the legislature in 2007 and the full report is available for review; however listed below is a summary of recent accomplishment.

Accomplishments

In 2006, the Council consulted with local criminal justice stakeholders to determine the strategic elements necessary to address the harm caused to the public by gang and drug crime within the State of Minnesota. That consultation has informed the Council's development and implementation of the following statewide strategy which will impact 2007 operations and future funding strategies:

1. The Gang and Drug Oversight Council will continue to fight drug and gang crime through multijurisdictional task forces.
2. The Gang and Drug Oversight Council will implement an information-sharing system for gang and drug investigations.
3. The Gang and Drug Oversight Council will ensure that all task forces are held accountable for professional standards and meaningful results.
4. The Gang and Drug Oversight Council will support gang and drug education, prevention and treatment efforts throughout the state.

For 2007, 22 task forces received a total of \$2.715 million in federal funds for narcotics prevention, intervention, investigation, and prosecution efforts. Additionally, \$3.45 million in state funds supported the prevention, intervention, and investigation of gang-related crime in Minnesota. For 2008, 22 task forces will receive a total of \$4.07 million in grant funds for prevention, intervention, investigation, and prosecution efforts related to narcotics, gangs and related violent crime. An additional \$1.96 million in grant funds support the Metro and St. Cloud Metro Gang Strike Forces. In 2008, the vast majority of grant funding is being supplied by state funds due to significant cutbacks at the federal level. In all, over 200 officers in sixty of Minnesota's eighty-seven counties participate in a task force with 52 full-time task/strike force officers dedicated to gang suppression efforts. Grant funds support about forty percent of the cost of task force operations with the remainder of the funding supplied by local agencies.

Gang officers focus on the prevention, intervention, and investigation of gang-related crime in Minnesota. The Metro Gang Strike Force focuses on gang-related issues in the seven-county metropolitan area and the St. Cloud Metro Gang Strike Force focuses on the same in and around the St. Cloud area. Additionally, nine of the Greater Minnesota task forces include officers specializing in gang identification and criminal gang behavior that serve to enhance their task force operations and results.

Moving into the future, the Department of Public Safety is employing several strategies to further enhance drug enforcement in Minnesota. Early in 2006, the Gang and Drug Oversight Council adopted an Operating Procedures and Guidelines Manual for use by all task forces to ensure that all grant-funded task forces are operating in the highest professional manner and employing best practices. Additionally, the Gang and Drug Oversight Council hired a Statewide Coordinator. The Coordinator works with all task force personnel and other criminal justice system experts to: (1) select and implement a statewide investigative database, (2) establish task force evaluation criteria, (3) identify and provide necessary training, (4) enhance coordination between task forces and state and federal partners, and, (5) conduct on-site monitoring and technical assistance. In addition to the Operating Procedures and Guidelines Manual, the Coordinator has developed a “task force report card” for ongoing and uniform evaluation of all task forces. Future funding will be tied to task force performance.

TASK FORCE ACTIVITY

Beginning in 1993, the Office of Justice Programs began to keep comprehensive statistics related to the work of the narcotics task forces. A comparison of activity between 1993 and 2006 helps to highlight the impact of the task forces and provides information on drug trends.

	<u>1993</u>	<u>2006</u>
Number of Narcotics Task Forces	29	20
Number of Arrests	2,351	5,343
Arrests (% of total) involving marijuana	52%	27%
Arrests (% of total) involving cocaine/crack	27%	27%
Arrests (% of total) involving (meth)amphetamine	7%	43%
Number of Meth Labs Seized	0	56
In 2006, the “average” Minnesota felony drug offender was a white male, aged 18 or older, who possessed, manufactured or sold marijuana or methamphetamine.		

In 2006, drug and gang task forces seized 324 pounds of methamphetamine and cocaine and 2,175 pounds of marijuana. Additionally, the Metro Gang Strike Force seized 154 firearms, executed 238 search warrants, and made 509 arrests. It is important to note that in addition to their objective of combating crime in Minnesota, task force officers spent a significant amount of time educating the public about gangs and drugs. In 2006, task force officers made 735 presentations with a total attendance of 38,454 people.

STATEWIDE PROSECUTION ACTIVITY

The Attorney General’s Statewide Drug Prosecution Project provides prosecution assistance to task forces and county attorneys throughout the state, providing legal support and conducting training initiatives addressing investigations and prosecutions. Continually emphasized is the prosecution of significant narcotics dealers and manufacturers, particularly those who are substantial players in conspiracies, and those designated career offenders by Minnesota’s statutes. Also provided is prosecution assistance to the task forces in handling the investigation and prosecution of the criminal activity of gang members including educational opportunities designed to facilitate increased prosecution of crimes committed by gang members by local county attorneys’ offices.

Results for 2006 include:

- ▣ Maintained an average caseload of 45 cases;
- ▣ Prosecuted cases in 28 of Minnesota's 87 counties;
- ▣ Sentenced 23 individuals to prison with an average sentence of 83.47 months;
- ▣ Obtained 26 pleas of guilty to felony controlled substance charges;
- ▣ Obtained 3 pleas of guilty to 2nd Degree Unintentional Murder and Crime Committed for the Benefit of a Gang;
- ▣ Participated in 29 post-conviction proceedings; and,
- ▣ Provided 7 classes for law enforcement and prosecution personnel.

In addition to the gang and drug effort funded through the Office of Justice Programs, there are a number of other multijurisdictional task forces in operation around the state. This includes but is not limited to: federal-local Drug Enforcement Agency (DEA), Headwaters Safe Trails and Alcohol, Tobacco and Firearms (ATF) task forces, two Violent Offender task forces and, the Minnesota Financial Crimes and Internet Crimes Against Children task forces.

Critical Elements for Successful Task Force Operations

By definition multijurisdictional task force efforts should be directed at cases that cross jurisdictional boundaries and involve high level criminal activity. Taskforces should not concentrate on efforts that can be addressed at the local level. Evaluation of task force operations both nationally and in Minnesota has resulted in the identification of critical elements necessary for successful task force operations. These include the following:

1. A specific mission and buy-in from all participating chief law enforcement officials.
2. Experienced leadership.
3. Written interagency agreements establishing guidelines for operation.
4. Prosecutor involvement.
5. Computerized information/intelligence systems.
6. Use of specific criteria for case selection, planning and enhanced investigation tactics.
7. Consistent and timely communication among task force members.
8. Coordination of effort.
9. Effective asset seizure and forfeiture activities.
10. Commitment of long term experienced investigators.
11. Sustainable funding.
12. Clearly formulated goals, objectives, and performance measures.
13. Collection of data, monitoring and evaluation.
14. Access to quality technical assistance and training.

How Do Minnesota Task Forces Stack Up Against the Critical Elements?

In the past eighteen months task forces were provided a significant amount of operational and tactical training to allow for efficient and effective investigations. Additionally, all task forces funded by the Office of Justice Programs recently went through a review process conducted by the Statewide Gang and Drug Coordinator. During the review the Coordinator compared task force operations with the critical elements mentioned in the previous section. Results were promising. Minnesota task forces have evolved over time to address critical narcotics and gang issues facing their communities using professional practices and targeting offenders who cause the greatest harm to their region. They establish goals that are appropriate and attainable and they work cooperatively with other law enforcement agencies both within and outside of their regions. Specific areas where many task forces need to improve are in the areas of record management and in using "best practices" related to the use of confidential informants. In addition, few task forces use specific criteria for case selection, planning and enhanced investigation tactics.

About one-quarter of the 22 funded task forces struggle to achieve success. Usually this is due to a combination of reasons; inexperienced or ineffective command, insufficient commitment and leadership from chief law enforcement officers of participating agencies, unwillingness to focus on regional vs. local problems, or an ill-defined mission. The Gang and Drug Oversight Council is committed to offering these task forces training and technical assistance in order to improve operations and results. Should results not improve, future funding is subject to reduction or elimination.

It is also important to note the additional identified benefits of the Minnesota multi-jurisdictional task force approach. This includes the following: (1) the level of expertise and knowledge increases when you combine a variety of experience and training in one location. (2) Task force officers have access to training not readily available to officers on other assignments. (3) When officers return to their home agencies, they take that experience, training and their resources back to their departments. (4) Co-location provides for constant communication between task force members and helps to build rapport, trust and solid relationships. It also provides an atmosphere where a wide variety of techniques and experiences can be consulted while discussing and planning investigative activities. (5) Task forces frequently provide assistance and resources to other law enforcement agencies during other non-drug investigations. That assistance is usually welcomed by other agencies, and helps task forces produce positive results and create a favorable image within the law enforcement community.

Challenges to Effective Task Force Operations in Minnesota

As illustrated by the data noted in the accomplishments section above task force efforts in Minnesota have produced positive results. There are however factors that hinder overall success in achieving optimum results.

Funding to Support Local Law Enforcement Efforts vs. Desire to Foster Collaboration

As noted above there are task forces in Minnesota that are functioning effectively and achieving notable results. There are others however that are unwilling or unable to operate in a manner that meets established guidelines for successful operation. This is partially driven by a need for funding to support local law enforcement efforts. This need forces agencies to apply for multi-jurisdictional task force funding when the real desire is to add funding for local law enforcement efforts. Further, true collaboration demands consistent and strong leadership and a genuine interest in working across jurisdictional boundaries. This in turn requires agencies to give up some degree of autonomy and some agencies simply are reluctant to do that for a variety of reasons.

It is noteworthy to mention that in general, rural task forces tend to operate more collaboratively than their metro counterparts. Geographic distances combined with the fact that there are fewer resources to draw upon demand that jurisdictions work together. Law enforcement officers in rural areas by necessity have to work as generalists and often function across numerous jurisdictional boundaries. Due to the lack of specialized resources those officers must familiarize themselves with and respond to a wide variety of criminal activity.

Due to a high volume of crime, funding streams and other considerations, metro area law enforcement departments may have specialized units based on crime type. Many criminals are engaged in a lifestyle of crime and are involved in numerous types of illegal activity. The specialized unit approach can result in duplication of effort as they may be pursuing the same criminals for different reasons or acting upon information from different sources.

The following quotes from a letter the Commissioner of Public Safety sent to the Minnesota Gang and Drug Oversight Council on November 14, 2007 regarding 2008 task force funding recommendations further illustrate these points.

In reference to a long-standing Task Force the Commissioner observed that “for many years this partnership has not functioned as a task force. Two years ago this task force was not recommended for funding unless they provided a plan to address the issues identified. A plan was presented, the task force was funded and the proposed restructuring was never implemented. ...It is also clear to me that they don’t believe that a joint ...narcotics task force approach is the best way to solve their problem, but the need for financial resources forces them into this paper alliance.”

Referencing another task force, he stated that this area “has experienced similar difficulties and also has not functioned as a Task Force. Again, the serious drug and violent crime problems in this jurisdiction are acute.”

He observed that yet another multi-jurisdictional effort “has been in existence for almost two years, but has not yet developed and implemented a strategic plan.”

The issues identified above bring us to a much larger challenge that begs to be addressed, and that is, “how do we most efficiently and effectively address drug, gang and related violent crime in the metropolitan area? At present we have at minimum a DEA Task Force, a Fugitive Task Force, a Metro Gang Strike Force, two Violent Offender Task Forces, a St. Paul Gang Unit and seven other state and federally funded drug task forces all within the seven county metropolitan area. These task forces consume a huge amount of federal, state and local resources. A multitude of task forces targeting many of the same offenders can not be seen as efficient or effective and it makes it very difficult to justify state funding for these efforts. As the body responsible for the overall strategy, I hope you will make this issue a top priority when establishing 2008 goals.”

Government Funding Strategies

Legislators at both the federal and state levels respond to the critical problems of the day by enacting legislation to address those needs. Therefore, drug crimes are emphasized at certain points in time and then the focus can change to gang crime, financial crime, human trafficking etc. when in fact drug crime may be the underlying condition that fuels other criminal activity or other criminal activity is financed by drug sales. Even within the drug crime category there tends to be shifts in emphasis on the type of drug crime to be addressed – crack, methamphetamine, heroin, etc. Grant programs are created to address the specific crime problem of the day forcing law enforcement agencies to create efforts to meet the grant guidelines rather than target resources to achieve the greatest impact on crime. Then, when the emphasis shifts, new guidelines are enacted and agencies must create new efforts in order to be eligible to receive funding.

Tendency to add to Existing Efforts rather Than Refocus Resources

In any endeavor there is a tendency to institutionalize the work that is being accomplished. It is only natural that a group focused on a new endeavor will create a structure that will ultimately become routine. Once the routine is established and people become proficient in and passionate about their work resistance to change can occur even if unintended. This can result in lack of responsiveness to a changing environment which then fuels the need for new entities to address emerging issues.

Challenges to Sharing Intelligence

The challenges in this arena are multi-layered. Many local agencies are not equipped with adequate case management systems and other technology required to easily access and share available information nor do they have access to analysts to process and connect bits of information. In addition, Minnesota data practices statutes prohibit or discourage the collection, storage and sharing of intelligence information that law enforcement agencies have identified as necessary to conduct

proactive policing. This prohibition also limits the amount and type of information that we can share or obtain from other state and federal systems.

Changing Relationships

Multijurisdictional efforts rely on a shared vision among law enforcement leaders. With elected sheriffs and turnover in police chief ranks; relationships and priorities change. These changes can impede the effectiveness of a task force. With no shared vision, commitments wane and task forces continue based upon a need for funding or simply because “we’ve always done it this way”.

Addressing the need for additional Task Forces

This report was required by the legislature to address whether new regional crime task forces are appropriate. As noted above the Metropolitan area of the state currently has numerous task forces. As the Commissioner of Public Safety noted a multitude of task forces targeting many of the same offenders can not be seen as efficient or effective and it makes it very difficult to justify state funding for these efforts. As to the appropriateness of regional crime strike forces in the rural areas of the state consideration of the following should be given before any funding is approved:

1. Is there an existing entity that can address this crime problem or refocus their efforts on the emerging issue?
2. Are there existing programs that can be discontinued in order to make resources available for the new effort?
3. Is the task force proposed consistent with the overall strategy of the Gang and Drug Oversight Council?
4. Will it address a need in an area of the state without a regional task force?
5. Is this time limited or an ongoing need?
6. Is there a plan to measure success and ongoing need?
7. Will the new task force displace or solve the issue?
8. What is the state role in addressing local or regional crime issues?
9. Is the need documented?

As noted, regional crime task forces have played an important role in fighting crime. Ensuring the greatest impact for these efforts requires participants at all levels, whether task force members, commanders, law enforcement executives, funding agencies or legislators to make certain that this valuable resource is used most effectively and judiciously.