

## Review of the FBI/MSP Safe Streets Task Force

On October 11, 2011, I met with the supervisors of the FBI/MSP Safe Streets Task Force at their office in Minneapolis, Minnesota. I spoke individually with the Safe Streets Task Force supervisors from the Minneapolis and St. Paul Police Departments and the FBI. During the preparation of this report I also relied upon discussions about the FBI Safe Streets Task Force that I have had with former and current employees, members of other metro area task forces and Prosecuting Attorneys at the Minneapolis United States Attorney's Office.

This review of the FBI Safe Streets Task Force differs from the reviews of the other task forces in that the FBI Safe Streets Task Force was not required to meet the same certification requirements as the other funded task forces were in 2010 because the FBI Safe Streets Task Force was new and just beginning its operations. Additionally, because it was designed to operate under the supervision, control and policies of the FBI, it was not subject to oversight by the Violent Crime Coordinating Council (VCCC), nor was it required to adopt the Operating Procedures and Guidelines Manual as the VCCC requires of the other funded task forces in Minnesota.

During the FBI Safe Streets Task Force review, I evaluated many of the same areas that I reviewed during recent reviews of other funded task forces in Minnesota. The reviews of the other task forces have all been based upon the same best practices that are contained in the Operating Procedures and Guidelines Manual that the other funded task forces have been required to adopt. Based upon my review of the oversight, supervision and operations of the FBI Safe Streets Task Force, in conjunction with the information I have obtained in discussions with others familiar with the FBI Safe Streets Task Force operations, I have identified several deficiencies that must be addressed.

Deficiencies in the following areas are of immediate concern:

1. **Oversight:** The project description for the Minneapolis Police Department VOTF- - FBI Safe Streets Task Force that was submitted to the Minnesota Department of Public Safety, Office of Justice Programs in June 2010, identifies a five-member Advisory Board that would meet quarterly with minutes taken at those meetings. In my discussions with the FBI Safe Streets Task Force Supervisors, Assistant United States Attorneys and some of the participants listed as Advisory Board members, it is apparent that, since FBI Safe Streets Task Force operations commenced, there have been no Advisory Board meetings. The lack of Advisory Board involvement leaves the FBI Safe Streets Task Force with no outside oversight of operations or the selection of targets and prosecutions, no formal method for conflict resolution and no regular forum for discussions about strategy, problems or allocations of resources. More importantly, without

regular Advisory Board meetings, task force personnel have nowhere to go other than to their respective agencies for assistance or advice on matters that may affect all members of the task force. That is why Advisory Boards exist.

2. **Supervision:** According to the MOU that governs the FBI Twin Cities Safe Streets Violent Gang Task Force, the FBI is *“responsible for overall management”* of the task force and *“shall designate one Supervisory Special Agent (SSA) to supervise the administration and the daily operational responsibilities of the [Task Force].”* Additionally, *“supervision of the personnel assigned to the [Task Force] will be the shared responsibility of the ranking task force members from each participating agency.”*

The current FBI Safe Streets Task Force supervision consists of an FBI Special Agent, a Lieutenant from the Minneapolis Police Department and a Commander from the St. Paul Police Department. In early 2011, the FBI SSA assigned to supervise the FBI Safe Streets Task Force was reassigned. Since then, that position has been vacant and a FBI Special Agent that was assigned to the FBI Safe Streets Task Force has been serving in a dual role—both as the administrative coordinator and the Acting SSA. With three people serving in seemingly equal supervisory roles, there is no clear leader or decision-maker for many task force issues. This is a critical oversight issue that must be addressed and decided by the Advisory Board.

The length of the SSA vacancy at the FBI Safe Streets Task Force has some people, both inside and outside the FBI Safe Streets Task Force, questioning the depth of the commitment of the FBI Safe Streets Task Force project.

3. **Target Selection:** According to the MOU, *“The FBI SSA and the MPD and SPPD Supervisors will collaborate to determine which violent gangs or groups will be targeted for investigation by the [Task Force]. Together they will exercise proper de-confliction with other pertinent law enforcement agencies.”*

During discussions with the three supervisors during the review, they each admitted that they have never sat down together to discuss target selection, nor have they ever scheduled regular meetings to discuss task force issues or investigative strategies. When I inquired about how targets are selected, the individual responses made it quite apparent that there is little collaboration between agencies regarding target selection and, in several cases, targeting decisions are made based upon information offered up by informants. I am also left with the impression that more emphasis is given to keeping resources in the respective cities rather than to regularly sharing expertise, personnel and resources collectively to investigate and prosecute criminal organizations wherever they operate. Given the large commitment of personnel and financial resources that may be required for some investigations, case selection and

prosecution decisions should involve the Advisory Board and not be left solely to the Task Force supervisors and officers.

Commanders of other metro area task forces have expressed to me their frustrations regarding crossover of investigations. Many are unclear about the role of the FBI Safe Streets Task Force, especially since there are several agencies and task forces that appear to be targeting the same crimes, criminal and organizations.

4. **Communication:** There is a clear lack of communication inside and outside of the FBI Safe Streets Task Force. I cite the following examples:
  1. There is no communication or meetings between the Advisory Board and the task force supervisors or personnel;
  2. The three supervisors do not regularly meet to discuss pending issues, plan task force operations or to select potential targets;
  3. Task force supervisors are aware of a disagreement regarding the sharing of a cash seizure. Even though they work in the same office, they have never set aside time to discuss and resolve this issue;
  4. FBI Safe Streets Task Force supervisors and officers told me that, because of the competitive nature of statistics driven street operations, other task forces and even other units within their own departments are protective of their case information and do not pass on information or informants that would be beneficial to their cases;
  5. The Project Mission Statement is quite broad. From my discussions with task force personnel, it is apparent that people who work there have differing opinions regarding exactly what their mission is.
  
5. **Prosecution:** Based upon my meetings with FBI Safe Streets Task Force Supervisors, Officers and Assistant United States Attorneys, it is quite clear that there is a lot of conflict and frustration over decisions regarding the prosecution of cases. While each has some valid concerns, there is no mechanism for addressing the issues regarding case prosecutions and declinations. Although there have been infrequent meetings to address some individual cases, there are no regularly scheduled meetings where prosecution issues and disagreements can be discussed and resolved before they do further damage to professional working relationships.

Decisions regarding target selection, investigative techniques, allocation of resources and prosecution are made best when they are discussed on the front end of major investigations, taking advantage of the collective wisdom and experience of the officers, the prosecutor and the administrators. That is another reason why it is critical that the Advisory Board immediately assume a leadership role and begin to meet on a regular basis to provide opportunities for such discussions.

I suspect that a more comprehensive review of the FBI Safe Streets Task Force might identify additional, albeit less critical, areas where operations might not comply with the guidelines and expectations the VCCC has set for the other task force operations or with the application and Project Description that the FBI Safe Streets Task Force submitted when it was initially approved for funding.

Although the FBI policies are enforced for the federal investigations conducted by the FBI Safe Streets Task Force personnel, many cases investigated by the task force officers do not meet FBI threshold criteria and are therefore investigated without FBI supervision. Task Force officers then rely upon their local policies as their guide. The FBI Safe Streets Task Force consists of law enforcement personnel from three additional agencies—the Minneapolis Police Department, the St. Paul Police Department and the BCA. That accounts for four different sets of policies that might apply to FBI Safe Streets Task Force personnel. That makes policy compliance difficult and could even lead to operational conflicts during FBI Safe Streets Task Force operations. Unlike the other funded task force project in Minnesota, the FBI Safe Streets Task Force has not been required to adopt the Oversight Council’s Operating Procedures and Guidelines Manual.

The deficiencies referenced in this report are not intended to disparage, criticize or indict the work of the FBI Safe Streets Task Force agents, officers or supervisors. I know many of them personally and I hold their work and the commitment in high regard. They work hard to produce good cases and to protect their communities. The proof lies in several cases the FBI Safe Streets Task Force has successfully investigated and prosecuted.

Immediate attention to the problem and deficiencies listed in this report and continued oversight by the Advisory Board will enable the FBI Safe Streets Task Force to operate in a more effective manner. Advisory Board oversight and management will provide a forum for regular review and discussion of investigative and prosecutorial issues, increase communication and, most importantly, ensure policy compliance and a working environment that will keep task force officers safe, protecting their careers along with the integrity of the task force.

I recommend that we develop a strategy for engaging the FBI/MSP Safe Streets Advisory Board to get them to immediately address these problem areas and any others that might exist at the FBI Safe Streets Task Force.

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