

Violent Crime Coordinating Council Report

Minnesota Department of Public Safety

February 1, 2014

Introduction

Minnesota Statute 299A.642, subd.15, requires the Commissioner of Public Safety to provide a report each year that: 1) contains a summary of the audits conducted on multijurisdictional entities under subdivision 4; 2) reports the results of audits conducted on data submitted to the criminal gang investigative data system under section 299C.091; and 3) reports on the activities and goals of the coordinating council.

This report covers the period 1/1/13 through 12/31/13.

Violent Crime Enforcement Team (VCET) Funding and Audits

In 2013, OJP continued funding 23 VCETs with grants that began in 2012. A VCET list and map is attached in APPENDIX B.

OJP entered into an interagency agreement with the Office of the State Auditor (OSA) to complete financial reviews of task forces, as required by legislation. These Agreed Upon Procedures (AUP) reviews, referred to generally as VCET audits, were designed to focus on seizure and forfeiture practices and documentation, and administration of confidential funds.

Auditors reviewed a sample of transactions and documentation to ensure that each VCET was conforming to state law and their own internal procedures for seizing cash and property. Auditors also confirmed that VCETs were processing and documenting forfeiture actions in a legal, timely and accurate manner. A similar procedure was employed for auditing confidential fund transactions, including payments to documented informants.

Auditors requested that the task force provide them with their policies and procedures related to the processing of seizures, forfeitures and confidential funds. They met with personnel on site to obtain lists of transactions completed in the previous 12 months. Auditors randomly selected and reviewed individual transactions to determine if operations were consistent with stated policies.

In April of 2013, all 23 AUP reviews had been completed and final reports posted on the State Auditor's website: <http://goo.gl/a2MWtb>.

The statewide coordinator reviewed the audit reports, discussed findings with commanders, and recommended corrective action plans. Audit follow-up visits and monitoring reports were submitted to the VCCC Professional Standards Committee for review and discussion. Thereafter, the VCET commanders' annual training in 2013 focused on key provisions of the *Multijurisdictional Task Force Operating Procedures and Guidelines*

Manual and audit findings. The Commissioner of Public Safety required all VCETs to submit corrective action plans.

The statewide coordinator and the grant administrator conducted site visits to all 23 VCETs during the summer of 2013 to certify that multijurisdictional entities and their designated fiscal agents were eligible to receive grant funding. They provided follow-up technical assistance on certification requirements, conducted one-on-one consultation with new task force commanders, and provided administrative and supervisory training for task force commanders, support staff and prosecutors. OJP staff documented that VCET operations are in compliance with the revised *Guidelines Manual*.

Based on performance, site visits and audits, 17 of the 23 VCETs were recommended for continuation of funding in 2014. Six of the VCETs were provisionally funded and designated “priority” for a second AUP review in the fall of 2013. In addition, the statewide coordinator attended local VCET advisory board meetings, met with commanders and reviewed narrative corrective action plans from the site visit recommendations. Five of the VCETs implemented corrective action steps and were funded in 2014. The sixth provisionally-funded task force disbanded. The second round of AUP visits by the Office of the State Auditor are continuing in 2014, and final results will be considered in the 2015 grant review process.

BCA Criminal Gang Investigative Data System Audit Results

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

As of October 2012, there were a total of 864 subjects in the BCA Criminal Gang Investigative Data System (Gang Pointer File). The following law enforcement agencies had previously entered 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 (data transferred to BCA Investigations)
- Rice County Community Corrections
- Duluth Police Department
- St. Cloud Police Department

An audit of the Gang Pointer File was completed for the period of October 2012 to September 2013 (the previous report covered February 2012 to September 2012).

- No new subjects were entered in the Gang Pointer File during this reporting period by any law enforcement agency in Minnesota.
- The Training and Auditing Unit of the Minnesota Justice Information Services (MNJIS) section at the BCA has the responsibility to perform audits of law enforcement agencies in Minnesota that 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 2013 was compared to the list of those that have entered subjects into the Gang Pointer File. Agencies identified for audit (with entries into the Gang Pointer File) had those entries audited along with the normal record-audit and checks.

The following agencies were audited during this reporting period:

1. **St. Cloud Police Department** – A MNJIS auditor reviewed 32 eligible-subject gang files at the St. Cloud Police Department. Seven of the 32 subject files were purged as they had no qualifying criteria for continued inclusion in the Gang Pointer File. The remaining 25 subject files were purged at the request of the agency or as provided in statute.

Three of the eight submitting agencies — Bemidji Police Department, Clay County Sheriff's Office and Rice County Community Corrections — no longer have subject records remaining in the Gang Pointer File because those subjects did not have a qualifying conviction for a gross misdemeanor or felony offense at the time of their three-year review.

In addition to the local agency audits listed above, an analyst in the BCA Investigations Section reviewed 864 criminal histories on subjects in the Gang Pointer File who met the three-year criteria to be reviewed. Of those 864 files, 221 subjects were determined to have no additional qualifying criminal conviction and were accordingly purged from the system.

As of September 1, 2013 a total of 643 subjects remain in the Gang Pointer File.

Violent Crime Coordinating Council Activities

The Violent Crime Coordinating Council (VCCC) was established by the Minnesota Legislature in 2010 to provide guidance related to investigation and prosecution of gang and drug crimes, specifically violent crimes associated with gang activity. The council provides direction and oversight to multijurisdictional task forces, referred to as VCETs, located throughout the state.

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

- Developing a policy and procedure manual to guide gang and drug investigation.
- Identifying and recommending an individual to serve as the statewide coordinator.
- Developing grant eligibility criteria and an application review process.
- Recommending termination of multijurisdictional task force funding to VCETs that fail to operate in the best interests of the state or the public.
- Developing processes to collect and share information to improve the investigation and prosecution of gang and drug offenses.
- Developing policies to prohibit improper use of personal characteristics to target individuals for law enforcement, prosecution or forfeiture actions.
- Adopting objective criteria and identifying characteristics for use in determining whether individuals are, or may be, members of gangs involved in criminal activity.

The Office of Justice Programs (OJP) provides staff support for the VCCC and employs a statewide coordinator and a law enforcement grant manager to administer funding, technical assistance and training for VCET grants.

In April of 2013, VCCC Chair Ken Reed (St. Paul Police Commander) and Vice Chair Gordon Ramsay (Duluth Police Chief) stepped down from their leadership positions. Minnesota Statute 299A.642, subd. 2(b) requires the chair to alternate between a person who works in greater Minnesota and a person who works in the seven-county metropolitan area, so Dodge County Sheriff Jim Jensen was elected chair and Plymouth Police Chief Michael Goldstein was elected vice chair. In addition, Rick Moldenhauer from the Department of Human Services became an

ex-officio member to assure compliance with the State Substance Abuse Strategy. A list of current council members is attached as Appendix A.

The VCCC currently meets on a bi-monthly basis, reviewing reports and recommendations by the committees through which they discharge their statutory duties. They also review VCET monitoring reports, performance data and threat assessments. In addition, they receive updates from the statewide coordinator on VCET activities.

The following are VCCC committee activities and achievements in 2013, and goals for 2014:

- The *Data and Information Committee*, chaired by Plymouth Police Chief Michael Goldstein, provided training on the new 9-point gang-identification criteria to the state gang investigators and narcotics officers associations. The Bureau of Criminal Apprehension (BCA) is testing a centralized repository of gang-identification criteria. Submissions from the Department of Corrections (DOC) are being entered; the next step will be to input data from the St. Paul gang unit. OJP intends to support this VCCC project with a supplemental Byrne Justice Assistance Grant for a one-year gang analyst position at the BCA. This position would input gang data and support VCETs with other data coordination efforts. The statewide coordinator is preparing a proposal for a statewide case-management system for use by funded VCETs to enhance collaboration and officer safety.
- The *Professional Standards and Accountability Committee*, Chaired by DOC Director of Investigations Cari Gerlicher, reviewed the first round of Agreed Upon Procedures (AUP) audits conducted by the Office of the State Auditor in 2012 and 2013. This committee also reviewed the corrective action plans developed in follow-up meetings conducted by the statewide coordinator. In March 2013, the statewide coordinator conducted an analysis of common audit findings and provided training to VCET coordinators on key provisions of the *Multijurisdictional Task Force Operating Procedures and Guidelines Manual*. The professional standards committee subsequently updated sections of the manual; the revised version was approved by the VCCC on June 12, 2013. In 2014, this committee will review the second round of audit reports as they are published and recommend areas for technical assistance and training.
- The *Governance and Legislation Committee*, chaired by Duluth Police Chief Gordon Ramsay, screened and interviewed candidates for the statewide coordinator position and recommended to the commissioner that BCA supervisor Brian Marquart be hired. Marquart testified before the attorney general's hearing on synthetic drugs and the House Select Committee on Controlled Substances and Synthetic Drugs and participated

in several community hearings. In response, the VCCC convened an ad hoc committee on synthetic drugs, led by Assistant Crow Wing County Attorney David Hermerding, to further discuss synthetic drug investigation and prosecution. The VCCC also discussed the Minnesota Law Enforcement Coalition's opposition to medical marijuana legislation and proposed revisions to state laws governing asset seizure and forfeiture. The council voiced support for the authorization of law enforcement and other first responders to administer naloxone in suspected opiate overdoses, with concerns noted about the Good Samaritan provisions of this legislation.

- The *Community Engagement and Prevention Committee*, Chaired by Chicano Latino Affairs Council Director Hector Garcia, developed a community roundtable plan and selected two VCETs—one metro and one in greater Minnesota—for pilot projects. Community-based roundtables on gangs and drugs are being planned for Rochester and St. Paul in the first quarter of 2014, in coordination with the Southeast Minnesota Narcotics and Gang Task Force and the Ramsey County Violent Crime Enforcement Team. Results of these roundtables will be used in training for the other 20 VCETs.
- The VCCC participated in a strategic planning update in 2013 and subsequently adopted a “tactical action plan” for 2014 focusing on the following strategic priorities:
 - Continuing to support the amendment of Chapter 13 of the Government Data Practices Statute to enhance the ability of law enforcement agencies to share information in the investigation and prosecution of gang and drug cases.
 - Developing a centralized information-and-intelligence sharing system for gang and drug investigations.
 - Engaging communities in dialogue with criminal justice agencies on gang and drug issues.
 - Mobilizing to provide policy input on emerging gang and drug issues such as synthetic drugs, medical marijuana, opiate overdose and asset forfeiture.
 - Administering funding for VCETs in compliance with best practices and state operating procedures and guidelines.
 - Identifying ongoing financial resources for multijurisdictional gang and drug investigation and prosecution.
 - Collaborating further with law enforcement and other entities including the State Substance Abuse Strategy Team and tribal law enforcement.

Additional information related to the work of the Violent Crime Coordinating Council is available at: <http://goo.gl/yVUmlK>.

MINNESOTA VIOLENT CRIME COORDINATING COUNCIL - 2013

TITLE	NAME	AGENCY	ADDRESS	Address 2	City	State	Zip
Sheriff (CHAIR)	Jim Jensen	Dodge County Sheriff's Office	22 East Sixth St.		Mantorville	MN	55955
Chief (Vice CHAIR)	Mike Goldstein	Plymouth Police Department	3400 Plymouth Blvd		Plymouth	MN	55447
Superintendent	Wade Setter	Bureau of Criminal Apprehension	1430 Maryland Ave.		St. Paul	MN	55106
Acting U.S. Attorney	John Marti	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
Exec. Commander	Ken Reed	St. Paul Police Department	425 Grove St.		St. Paul	MN	55101
Chief	Janee Harteau	Minneapolis Police Department	350 South 5 th Street	Room #130	Minneapolis	MN	55415
Chief	Gordon Ramsay	Duluth Police Department	411 W. First St.		Duluth	MN	55802
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	Rich Stanek	Hennepin County Sheriff's Office	350 S. Sixth St.	Rm. 6	Minneapolis	MN	55415
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	David Hermerding	Crow Wing County Attorney's Office	213 Laurel St.	#31	Brainerd	MN	55021
Investigator	Chris Benson	Leech Lake Tribal Police	115 Sixth Street NW		Cass Lake	MN	56633
Mr.	Manuel Guerrero		148 Farrington Street		St. Paul	MN	55102
Mr.	Bill Ziegler	Little Earth of United Tribes	2495 18 th 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

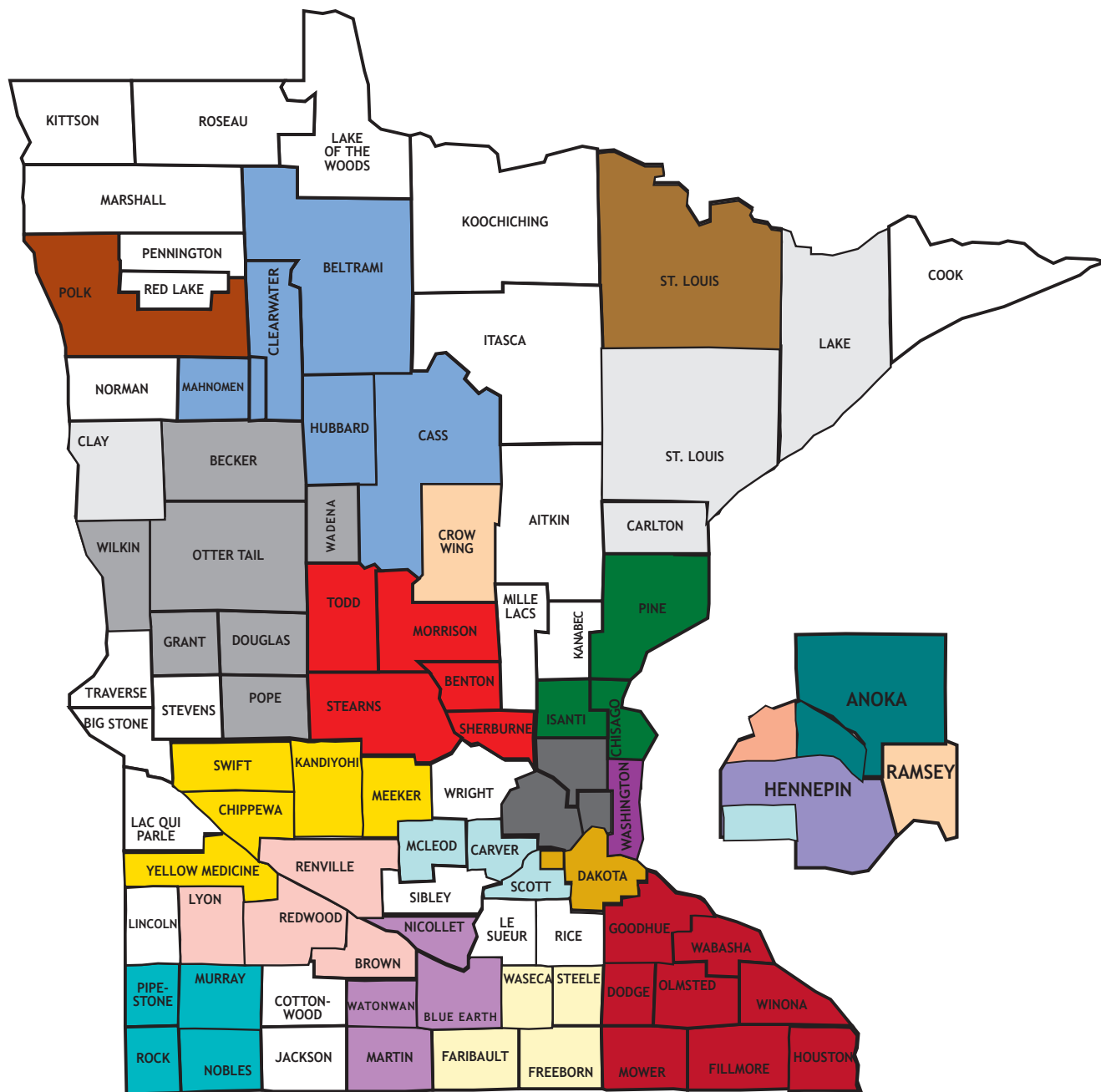
APPENDIX B

2013 VIOLENT CRIME ENFORCEMENT TEAMS

VCET	Fiscal Agent	Commander
Anoka-Hennepin Task Force	Anoka County Sheriff's Office	Lt. Bryon Fuerst
Boundary Waters Task Force	St. Louis County Sheriff's Office	Sgt. Robert Tarr
Brown-Lyon-Lincoln-Renville-Redwood Task Force	New Ulm Police Department	Comm. Jody Gladis
Buffalo Ridge Task Force	Worthington Police Department	Comm. Troy Appel
CEE-VI Task Force	Kandiyohi County Sheriff's Office	Sgt. Tony Cruze
Central MN Major Crimes Investigative Unit	Central Minnesota MCIU	Lt. Gerald Edblad
Dakota County Task Force	City of Eagan	Sgt. Dan Bianconi
East Central Drug Task Force	Pine County	Inv. Justin Wood
Hennepin County Violent Offender Task Force	Hennepin County Sheriff's Office	Lt. Matt Lunde
Lake Superior Drug and Gang Task Force	Duluth Police Department	Lt. Steve Stacek
Lakes Area Task Force	Crow Wing Co Sheriff's Office	Sgt. Andy Galles
MN River Valley Task Force	No. Mankato Police Department	Lt. Dan Davidson
Northwest Metro Violent Crime Enforcement Team	New Hope Police Dept.	Sgt. Robert Topp
Paul Bunyan Drug and Gang Task Force	Beltrami County Sheriff's Office	Commander Gary Pederson
Pine To Prairie Task Force	Crookston Police Department	Commander AeiSSo Schrage
Ramsey County Violent Crime Enforcement Team	Ramsey County Sheriff's Office	Commander Rich Clark
Red River Valley Task Force	Moorhead Police Department	Lt. Brad Penas
South Central Drug Investigative Unit	Owatonna Police Department	Sgt. Tim Hassing
Southeast MN Gang and Drug Task Force	Olmsted County Sheriff's Office	Captain Brian Howard
Southwest Metro Task Force	Shakopee Police Department	Sgt. Phil Nawrocki
Washington County Task Force	Washington Co Sheriff's Office	Sgt. Michael Benson
West Central Task Force	Douglas County Sheriff's Office	Deputy Scot Umlauf

2013 Drug and Violent Crime Enforcement Teams

Department of Public Safety
OFFICE OF JUSTICE PROGRAMS



TASK FORCES (listed north to south and west to east):

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| Paul Bunyan Gang & Drug TF | East Central Task Force | Dakota County Drug Task Force (includes portion of Scott Co.) |
| Boundary Waters Drug Task Force | CEE-VI Gang & Narcotics TF | Brown Lyon Redwood Gang and Drug TF |
| Lake Superior Drug & Violent Crime TF | Southwest Metro Drug Task Force | Buffalo Ridge Gang & Drug TF |
| Pine to Prairie Drug Task Force | Anoka-Hennepin Narcotics & Violent Crime TF | Minnesota River Valley Drug TF |
| County shared by: Red River Valley, ND and West Central MN Drug Task Force | Washington County Drug Task Force | South Central Gang & Drug TF |
| West Central MN Drug Task Force | Northwest Metro Drug Task Force | Southeast Minnesota Gang & Drug TF |
| Lakes Area Drug Investigation Team | Hennepin County Violent Offender TF | Areas not in a Task Force |
| Central Minnesota VOTF | Ramsey County VCET | |