

Violent Crime Coordinating Council

Report to the Legislature

Minnesota Department of Public Safety

February 1, 2017

This annual report, covering the period of Jan. 1, 2016 through Dec. 31, 2016, details the activities of the Violent Crime Coordinating Council (VCCC), summarizes audits conducted on multijurisdictional entities, and reports on audits of criminal gang investigative data.

VCCC Activities

The [VCCC](#) was established by the Minnesota Legislature in 2010. The VCCC provides guidance related to investigation and prosecution of gang and drug crimes, especially violent crimes associated with gang activity. The council also provides direction and oversight to multijurisdictional Violent Crime Enforcement Teams (VCETs) located throughout the state.

The council's primary duty is to develop an overall strategy to reduce the harm caused to the public by gang and drug crimes in Minnesota. The council works closely with Department of Public Safety Commissioner Mona Dohman and is responsible for:

- Developing a policy and procedure manual to guide gang and drug investigation.
- Recommending an individual to serve as statewide coordinator.
- Developing grant eligibility criteria and an application review process.
- Recommending termination of funding to VCETs failing to operate effectively.
- Developing an information-sharing process to improve investigation and prosecution of gang and drug offenses.
- Developing impartial policing policies that prohibit improper use of personal characteristics to target individuals for law enforcement, prosecution or forfeiture actions.
- Adopting objective criteria and identifying characteristics to determine whether individuals are, or may be, members of gangs involved in criminal activity.

Plymouth Police Chief Michael Goldstein serves as VCCC chair, and Washington County Sheriff's Office Commander Brian Mueller is vice chair. A list of members is attached as Appendix A.

The Department of Public Safety Office of Justice Programs (DPS-OJP) employs a grant manager to administer law enforcement grant funding. DPS-OJP also employs a statewide gang and drug coordinator to provide training and technical assistance for VCETs. In addition, these staff positions provide administrative support for the VCCC.

The VCCC meets bi-monthly to review gang and drug information. There are four committees that report at VCCC meetings: Data and Information, Professional Standards and Accountability, Governance and Legislation, and Community Engagement and Prevention. Members also review VCET performance data and grant updates. The statewide coordinator provides activity reports and coordinates presentations from others involved in investigating and prosecuting narcotics cases, gang cases and associated violent crime.

In 2016, VCCC guest speakers represented the following organizations:

- Minnesota Sentencing Guidelines Commission.
- Bureau of Criminal Apprehension (BCA) Crime Lab.
- Minnesota County Attorneys Association.
- State of Washington, Drug Task Force Administration.
- League of Minnesota Cities.
- Opioid Prescribing Work Group.
- Office of the Minnesota Attorney General.

2016 VCCC Committee Activities and 2017 Goals

The Data and Information Committee, chaired by BCA Superintendent Drew Evans, conducted the two-year review of the nine-point gang criteria and recommended continuation with no changes. After a presentation from Ramsey County on how the criteria can be used to prosecute crimes for the benefit of a gang, members agreed to conduct a more thorough review of the gang criteria in 2017-2018.

The BCA will continue to manage, enter and audit the state Gang Pointer File. Any local law enforcement agency that has an investigative target meeting three or more of the state gang criteria may forward the individual's name to the BCA for inclusion in the Gang Pointer File. The BCA will continue to audit the Gang Pointer File annually, and individuals who have not had any new convictions in three years will be purged from the system.

Data and Information Committee goals for 2017:

- Continue to support training and technical assistance to gang and drug investigators and prosecutors on the nine-point gang criteria.
- Coordinate with the BCA in maintaining the statewide Gang Pointer File.
- Monitor the work of the Legislative Commission on Data Practices for law enforcement topics and discussion.

The Professional Standards and Accountability Committee, chaired by Department of Corrections Director of Investigations Cari Gerlicher, reviewed VCET site visit reports for compliance with the Guidelines Manual. They noted two VCETs with continued operational concerns and sent a notice to those commanders and advisory board chairs. The statewide coordinator conducted follow-up meetings and noted that corrective actions have been implemented. Both were subsequently deemed eligible to apply for 2017 VCET funding.

Professional Standards and Accountability Committee goals for 2017:

- Review all 2016 Office of the State Auditor (OSA) VCET audits and statewide coordinator follow-up.
- Consider revisions and additions to the Guidelines Manual based on audit and site visit findings and emerging best practices.

The Governance and Legislation Committee, chaired by Washington County Sheriff's Office Commander Brian Mueller, submitted a letter to Commissioner Dohman on Aug. 5 requesting an increase of \$1.5 million per year in VCET funding for the 2018-2019 biennium. This would bring the state funding amount in the base budget to \$5 million each year.

Governance and Legislation Committee goals for 2017:

- Continue to track emerging drug, gang, and violent crime threats and trends and provide recommendations to Commissioner Dohman.
- Support request for additional VCET state funding.
- Review the VCCC bylaws, and if necessary, make recommendations for updates.

The Community Engagement and Prevention Committee, previously chaired by Minnesota Latino Affairs Council representative Hector Garcia, provided training on law enforcement community engagement to VCET commanders in February. St. Paul Police Commander Rob Thomasser took over as chair in August and will be focusing on VCET community engagement policies, grant requirements and reporting for 2017.

The VCCC welcomed two new community representatives:

- John Littlewolf, Minnesota Indian Affairs Council.
- Steven Mackenhausen, Tribal Police representative.

Community Engagement and Prevention Committee goals for 2017:

- Develop performance measures for VCETs on community engagement policies and grant requirements.
- Continue engagement of all citizen member positions on the VCCC.

VCET Funding and Audits

In 2016, DPS-OJP continued funding 23 VCET grants with state and federal Justice Assistance Grant funds. A VCET list is attached in Appendix B.

DPS-OJP entered into an interagency agreement with the OSA to complete on-site procedural reviews of all VCETs in 2016. As in previous years, the OSA staff examined compliance with the

Guidelines Manual and focused on administration of confidential funds as well as seizure and forfeiture practices and documentation. In 2016, a review of evidence room procedures for VCET case evidence was added.

Auditors reviewed samples of transactions and documentation to ensure that each VCET was conforming to state law and to 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 also reviewed evidence from VCET cases to ensure they were properly documented, stored and/or disposed of using the OSA Best Practices Review: Property and Evidence Room Policies and Procedures Manual.

Previous audits of confidential funds and forfeiture were conducted by OSA in 2012 and 2014. The 2016 process added an examination of property and evidence to the audit and also assigned auditors by region with a centralized report review process. DPS-OJP staff met with OSA staff to review applicable Guidelines Manual sections, determine on-site procedures, and discuss the draft report review and feedback process. OSA staff conducted site visits to all 23 VCETs, selected cases for review, and conducted additional reviews at partner agency property rooms.

Auditors reviewed five procedures at each VCET to determine that:

- Use of confidential/buy funds is adequately documented on expense reports.
- Adequate documentation exists to support the chain of custody for seized property.
- Controls at property storage locations meet best practice standards.
- Property exists in storage or was properly disposed of.
- Forfeitures were properly completed and reported to the State Auditor's Form Entry System (SAFES).

There were 25 total findings over 15 of the VCETs. Eight VCETs had no findings and the other 15 each had 1-2 noted in their audit reports. None of the findings were related to confidential/buy funds. This was supported by enhanced cash management procedures and quarterly local reviews instituted by the statewide coordinator in recent years. A few of the findings were related to inconsistent forfeiture data entry into the SAFES system, such as reporting the full amount rather than the amount remaining after percentages had been forwarded to the county attorney and the state. There were no findings related to inappropriate or unlawful seizure or forfeiture. Some of the findings were directly related to evidentiary procedures from VCET cases, including incomplete property inventory forms, currency logs and documentation of evidence destruction. The OSA review did not identify any VCET case evidence missing or misused. Here are a few examples of evidentiary findings:

- A property inventory form had only one signature rather than the required two.
- Currency seized in a case was held in evidence longer than 30 days when it should have been deposited in a bank.
- Receipt of drug destruction was kept in the property room but copies were not placed in each closed case file.

OSA also provided recommendations for property room best practices in general, which were not directly related to VCET case evidence. There were no property room recommendations in five of the VCET audits. There were a total of 34 recommendations in the audits of 18 VCETs. Examples include recommendations of enhanced security for high value items such as jewelry; conducting random local audits of items in evidence; and monitoring access to the property room through use of cameras, key cards and logs.

There were no OSA findings in the 2016 VCET review of egregious violations of the Guidelines Manual that would preclude the execution of 2017 grant agreements. Final reports from the VCET procedural reviews are posted on the OSA website under [audit reports](#).

In 2017 all of the audit reports will be forwarded to the VCCC Professional Standards Committee for review. The committee will also review the Guidelines Manual and will make recommendations to the VCCC for updates. The statewide coordinator will review each audit report, discuss specific findings with VCET commanders, and provide technical assistance for developing corrective action plans. He will also discuss implementation of property room best practices with law enforcement partner agencies.

DPS-OJP staff are planning a training workshop for all VCET commanders in the spring of 2017 to review key provisions of the Guidelines Manual highlighting areas noted by the OSA. Comprehensive site visits will then be conducted by the statewide coordinator, with peer review from other VCET commanders.

BCA Criminal Gang Investigative Data System Audit

The BCA conducts random audits of data in the Gang Pointer File and reports annually to Commissioner Dohman. The most recent audit of the Gang Pointer File was completed from October 2015 to September 2016.

The Minnesota Fusion Center began entering subjects in the Gang Pointer File in May 2015. They have entered 26 new subjects at the time of this report.

The BCA Training and Auditing Unit has the responsibility to perform audits of the law enforcement agencies in Minnesota that have entered subjects into the Gang Pointer File.

- There are no remaining local law enforcement records requiring audit.
- All records entered under the Metro Gang Strike Force and the Minnesota Fusion Center have been audited for the current one-year audit period.

BCA Training and Auditing Unit staff reviewed 308 criminal histories on the remaining offenders in the Gang Pointer File to document any additional criminal convictions. Of those 308 files, 33 offenders were determined to have had no additional qualifying criminal conviction for a three-year period, and those individuals were accordingly purged from the system.

As of Oct. 1, 2016, 275 people remain in the Gang Pointer File.

Conclusion

The VCCC is scheduled to continue bi-monthly meetings in 2017, and committees will be convened as needed to accomplish their goals. DPS-OJP will conduct VCET commander training and site visits, and the BCA will continue to manage the Gang Pointer File.

APPENDIX A

VIOLENT CRIME COORDINATING COUNCIL MEMBERS - 2016

TITLE	NAME	AGENCY	STATUTORY REPRESENTATION
Chief (CHAIR)	Mike Goldstein	Plymouth Police Department	Minnesota Chief's Association (Metro)
Sheriff (Vice CHAIR)	Bill Hutton (Brian Mueller)	Washington County Sheriff's Office	Minnesota Sheriff's Association (Metro)
Superintendent	Drew Evans	Bureau of Criminal Apprehension	MN Department of Public Safety
U. S. Attorney	Andy Luger (Nate Petterson)	District of Minnesota	United State Attorney's Office
Attorney General	Laurie Swanson (David Voigt)	Office of the Attorney General	Office of the Attorney General
Chief	Todd Axtel (Rob Thomasser)	St. Paul Police Department	St. Paul Police Department
Chief	Janee Harteau (Bruce Folkens)	Minneapolis Police Department	Minneapolis Police Department
Chief	Andy Bohlen	Faribault Police Department	Minnesota Chief's Association (Greater MN)
Sheriff	Jack Serier	Ramsey County Sheriff's Office	Ramsey County Sheriff's Office
Sheriff	Rich Stanek (Pete Dietzman)	Hennepin County Sheriff's Office	Hennepin County Sheriff's Office
Sheriff	Brent Lindgren	Mille Lacs County Sheriff's Office	Minnesota Sheriff's Association (Greater MN)
Director	Cari Gerlicher	Office of Special Investigations	Minnesota Department of Corrections
Asst. County Attorney	Richard Dusterhoft	Ramsey Co. Attorney's office	MN County Attorney's Association (Metro)
Asst. County Attorney	David Hermerding	Crow Wing Co. Attorney's Office	MN County Attorney's Association (Greater MN)
Investigator	Steven Mackenhausen	Leech Lake Band of Ojibwe	Tribal Police
Executive Director	Hector Garcia		Minnesota Council on Latino Affairs
Executive Director	Sia Her	Council on Asian Pacific MN	Council on Asian Pacific Minnesotans
Mr.	Melvin Carter		Council for Minnesotans of African Heritage
Officer	John Littlewolf	Shakopee Mdewakanton	Minnesota Indian Affairs Council
Asst. Attorney General	John Gross	Office of the Attorney General	Legal Counsel

APPENDIX B

MINNESOTA VIOLENT CRIME ENFORCEMENT TEAMS - 2016

VCET	COMMANDER	FISCAL AGENCY	ADVISORY BOARD CHAIR
Anoka-Hennepin Task Force	Lt. Wayne Heath	Anoka County Sheriff's Office	Chief Dave Kolb
Boundary Waters Task Force	Sgt. Luke Hendrickson	St. Louis County Sheriff's Office	Chief Deputy Shannon Schultz
Brown-Lyon-Renville-Redwood Task Force	Cmd. Jody Gladis	New Ulm Police Department	Sheriff Scott Hable
Buffalo Ridge Task Force	Sgt. Nathan Grimmus	Worthington Police Department	Chief Troy Appel
Cannon River Drug & Violent Crimes Task Force	Cmd. David Dillon	Rice County Sheriff's Office	Sheriff Troy Dunn
CEE-VI Task Force	Det. Sgt. Ross Ardoff	Kandiyohi County Sheriff's Office	Sheriff Dan Hartog
Central MN Major Crimes Investigative Unit	Sgt. Steve Soyka	Central Minnesota MCIU	Chief Jim Hughes
Dakota County Task Force	Sgt. James Gabriel	City of Eagan	Lt. Phillip Oeffling
East Central Drug Task Force	Inv. Drew Abrahamson	Pine County	Sheriff Brian Smith
Hennepin County Violent Offender Task Force	Lt. Pat King	Hennepin County Sheriff's Office	Major Pete Diezman
Lakes to River Task Force	Lt Brad Penas	Moorhead Police Department	Sheriff Bill Bergquist
Lake Superior Drug and Gang Task Force	Lt. Jeff Kazel	Duluth Police Department	Chief Mike Tusken
Lakes Area Drug Investigative Division	Sgt. Andy Galles	Crow Wing Co Sheriff's Office	Sheriff Todd Dahl
MN River Valley Task Force	Cmd. Jeff Wersal	Blue Earth Co Sheriff's Office	Sheriff Brad Peterson
Northwest Metro Drug Task Force	Sgt. Robert Topp	Plymouth Police Department	Chief Mike Goldstein
Paul Bunyan Drug and Gang Task Force	Cmd. Robert Billings	Beltrami County Sheriff's Office	Sheriff Phil Hodapp
Pine To Prairie Task Force	Cmd. AeiSSo Schrage	Crookston Police Department	Chief Mike Hedlund
Ramsey County Violent Crime Enforcement Team	Cmd. Ryan O'Neill	Ramsey County Sheriff's Office	Sheriff Jack Serier
South Central Drug Investigative Unit	Sgt. Andy Drenth	Owatonna Police Department	Chief Keith Hiller
Southeast MN Gang and Drug Task Force	Capt. Vince Scheckel	Olmsted County Sheriff's Office	Sheriff Rodney Bartsh
Southwest Metro Task Force	Sgt. Jason Arras	Shakopee Police Department	Chief Mark Elliott
Washington County Task Force	Sgt. Michael Benson	Washington Co Sheriff's Office	Commander Cheri Dexter
West Central Task Force	Cmd. Jason RoshA	Douglas County Sheriff's Office	Chief Rick Wyffels