

# Violent Crime Coordinating Council

## Report to the Legislature

Minnesota Department of Public Safety

February 1, 2016

This annual report, covering the period of January 1, 2015 through December 31, 2015, 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.

### **Violent Crime Coordinating Council Activities**

The Violent Crime Coordinating Council (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 Commissioner of Public Safety 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 that fail 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.

In 2015, Plymouth Police Chief Michael Goldstein was elected as the new VCCC chair and Washington County Sheriff's Office Commander Brian Mueller was elected vice chair. A list of council 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 and discuss reports and recommendations from committees. Members also review VCET threat assessments, performance data and monitoring

reports. In addition, members receive activity reports from the statewide coordinator and presentations from others involved in investigating and prosecuting narcotics cases, gang cases, and associated violent crime.

In 2015, VCCC guest speakers represented the following organizations:

- Minnesota Prescription Monitoring Program (PMP)
- Minnesota Medical Cannabis Program
- Drug Enforcement Administration Diversion Unit
- National Drug Endangered Children (DEC) Project
- Great Nations Tribal Gang and Drug Task Force
- Minnesota Council on Latino Affairs Community Roundtables
- Ramsey County Attorney's Office Sex Trafficking Investigations
- Minnesota National Guard Counter Drug Program

### **2015 VCCC Subcommittee Activities & 2016 Goals**

**The Data and Information Committee**, chaired by Bureau of Criminal Apprehension (BCA) Superintendent Drew Evans, approved the continuation of the nine-point gang-identification criteria at the end of 2014. The BCA Fusion Center developed a public data system for the collation of gang-identification data and provided technical assistance to narcotics and gang investigators throughout the state on submission requirements.

In December, the VCCC voted to discontinue the state repository of individual gang criteria at the BCA because of the limited number of submissions; however, the Fusion Center will continue to manage, enter and audit the state Gang Pointer File. Any local law enforcement agency investigating a person meeting three or more of the state gang criteria may forward them to the Fusion Center for submission to the confidential Gang Pointer File. BCA will continue to audit and purge individuals with no new criminal convictions in three years.

Data and Information Committee Goals for 2016:

- 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, including statewide data sharing.

**The Professional Standards and Accountability Committee**, chaired by Department of Corrections Director of Investigations Cari Gerlicher reviewed all of the statewide coordinator

comprehensive site visit reports in 2015. In December, committee members requested that VCET commanders respond in writing to any requirements noted in site visit reports for compliance to the *Guidelines Manual*. They also directed the statewide coordinator to follow-up with two VCETs where issues found in previous on-site reviews continue. These VCETs were notified in writing of the concerns and the statewide coordinator will conduct a follow-up site visit to review corrective action plans.

**Professional Standards and Accountability Committee Goals for 2016:**

- Continue training and technical assistance to VCETs on confidential funds management, asset seizure and forfeiture procedures and evidence handling.
- Consider revisions and additions to the *Guidelines Manual* based on site visit findings and emerging best practices.
- Provide recommendations to OJP on the 2017 competitive VCET funding process and eligibility requirements.

**The Governance and Legislation Committee**, previously chaired by retired St. Paul Police Executive Commander Ken Reed, submitted a letter to the DPS Commissioner, requesting increased funding for 2016-17 to help pay for the expansion of VCET partners and staffing in 2015. This state funding request was not included in the Governor's budget.

VCCC Vice-Chair Brian Mueller assumed leadership of the Governance Committee in November and convened a meeting to discuss:

- Proposed changes to the Minnesota Sentencing Guidelines for controlled substance crimes.
- Law enforcement implications of the expansion of medical cannabis for intractable pain.
- Difficulties in charging cases involving resinous forms of marijuana, such as butane hash oil.

The committee recommended to the VCCC, a change in the 5<sup>th</sup> degree controlled substance statute for consistency with BCA lab reporting. The committee will work with professional associations in 2016 to come up with a plan for suggesting statutory changes. The committee is also monitoring changes in federal and state asset seizure and forfeiture laws and the possible implications for VCETs.

**Governance and Legislation Committee goals for 2016:**

- Continue to track emerging drug, gang, and violent crime threats and trends, and provide recommendations to Commissioner Dohman.
- Consider requesting potential additional state legislative funding for VCETs.
- Review the VCCC by-laws, and if necessary, make recommendations for updates.

**The Community Engagement and Prevention Committee**, chaired by Minnesota Latino Affairs Council Director Hector Garcia, convened several community roundtable meetings, designed to promote trust and communication among law enforcement and community members. The committee then shifted focus to providing training to law enforcement on community engagement methods. Garcia provided roundtable community facilitation training to the VCCC at the annual retreat in October. The committee plans to present on law enforcement community engagement to VCET Commanders in February and at the Minnesota Chiefs of Police Executive Training Institute in April, 2016.

Another component of the VCCC committee is to ensure citizen representation from the following councils, who continued to be active members in 2015.

- Council on Asian Pacific Minnesotans
- Council of Minnesotans of African Heritage
- Minnesota Indian Affairs Council
- Minnesota Latino Affairs Council

In addition, Commissioner Dohman named a tribal police representative in consultation with the Minnesota Indian Affairs Council.

Community Engagement and Prevention Committee Goals for 2016:

- Conduct training for law enforcement on how to facilitate community dialogues on gangs and drugs.
- Continue engagement of all citizen member positions on the VCCC.

Additional information related to the work of the Violent Crime Coordinating Council is available at: <https://dps.mn.gov/divisions/ojp/Pages/violent-crimes-coordinating-council.aspx>

### **Violent Crime Enforcement Team (VCET) Audits and Funding**

In 2015, OJP awarded funding to 23 VCETs with state and federal Justice Assistance Grant dollars. A VCET list and map is attached in Appendix B.

Statewide coordinator Brian Marquart conducted site visits to all VCETs in 2015. In coordination with the Professional Standards Subcommittee, Marquart examined compliance with *the Guidelines Manual* focusing on seizure and forfeiture practices and documentation, and administration of confidential funds. He also reviewed any issues documented in previous site visit reports.

The statewide coordinator 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. He 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. Marquart also conducted spot checks of evidence from gang and drug cases processed by local law enforcement partners.

The Office of the State Auditor (OSA) staff presented on best practices in evidence procedures at the VCET commanders meeting. They are also planning another round of on-site procedural reviews in 2016 to include evidence room procedures for drug and gang cases, in addition to continued checks of confidential funds and asset seizure and forfeiture procedures.

### **BCA Criminal Gang Investigative Data System Audit**

The BCA conducts random audits of data in the Gang Pointer File and reports annually to the commissioner of public safety. At the end of the last report on Oct. 1, 2014, there were a total of 418 subjects in the Gang Pointer File.

The most recent audit of the Gang Pointer File was completed from Oct. 2014 – Sept. 2015.

- 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 Training and Auditing Unit of the Minnesota Justice Information Services (MNJIS) Section reviewed one gang file from Wilmar Police Department that had been requested for removal from the system.
- MNJIS staff reviewed 417 criminal histories on the remaining entries in the Gang Pointer file who met the three-year review criteria and removed an additional 115 people with no additional qualifying criminal convictions.

As of Oct. 1, 2015, 328 people remain in the Gang Pointer File.

The VCCC is scheduled to continue bi-monthly meetings in 2016 and subcommittees will be convened as needed to accomplish goals. OJP will be contracting with OSA to conduct VCET on-site reviews and the BCA will continue to manage the Gang Pointer File.

## APPENDIX A

## MINNESOTA VIOLENT CRIME COORDINATING COUNCIL - 2015

TITLE	NAME	AGENCY	ADDRESS	Address 2	City	State	Zip
Chief (CHAIR)	Mike Goldstein	Plymouth Police Department	3400 Plymouth Blvd		Plymouth	MN	55447
Sheriff (Vice CHAIR)	Bill Hutton (Brian Mueller)	Washington County Sheriff's Office	15015 62 <sup>nd</sup> St. N.		Stillwater	MN	55082
Superintendent	Drew Evans	Bureau of Criminal Apprehension	1430 Maryland Ave.		St. Paul	MN	55106
U.S. Attorney	Andy Luger (Tracy Perzel)	District of Minnesota	600 U.S. Courthouse	300 South 4th St.	Minneapolis	MN	55415
Attorney General	Laurie Swanson (David Voigt)	Office of the Attorney General	445 Minnesota St.	#1800	St. Paul	MN	55101
Chief	Thomas Smith (Rob Thomasser)	St. Paul Police Department	425 Grove St.		St. Paul	MN	55101
Chief	Janee Harteau (Bruce Folkens)	Minneapolis Police Department	350 South 5 <sup>th</sup> Street	#130	Minneapolis	MN	55415
Chief	Andy Bohlen	Faribault Police Department	25 4 <sup>th</sup> St. NW		Faribault	MN	55415
Sheriff	Matt Bostrom (Jack Serier)	Ramsey County Sheriff's Office	425 Grove St.		St. Paul	MN	55101
Sheriff	Rich Stanek (Pete Dietzman)	Hennepin County Sheriff's Office	350 S. Sixth St.	Rm. 6	Minneapolis	MN	55415
Sheriff	Brent Lindgren	Mille Lacs County Sheriff's Office	640 3 <sup>rd</sup> Street SE		Milaca	MN	56353
Director	Cari Gerlicher	MN Dept. of Corrections - OSI	1450 Energy Park Dr.	#200	St. Paul	MN	55108
Asst. County Attorney	Richard Dusterhoft	Ramsey Co. Attorney's Office	345 Wabasha St.	#120	Minneapolis	MN	55487
Asst. County Attorney	David Hermerding	Crow Wing Co. Attorney's Office	213 Laurel St.	#31	Brainerd	MN	55021
Chief	Jared Rosati	Mille Lacs Band of Ojibwe	43408 Oodena Dr.		Onamia	MN	56359
Executive Director	Hector Garcia	MN Latino Affairs Council	60 Empire Lane	#203	St. Paul	MN	55103
Executive Director	Sia Her	Council on Asian Pacific MN	658 Cedar St.	#160	St. Paul	MN	55101
Mr.	Melvin Carter	Minnesotans of African Heritage	405 Western Ave.		St. Paul	MN	55103
Mr.	Steven Day	MN American Indian Council	6242 Upper Cass Frontage Road		Cass Lake	MN	56633
<b>LEGAL COUNSEL</b>							
Asst. Attorney General	John Gross	Office of the Attorney General	445 Minnesota St.	Suite 1800	St. Paul	MN	55101

**APPENDIX B**

**MINNESOTA VIOLENT CRIME ENFORCEMENT TEAMS - 2015**

<b>VCET</b>	<b>COMMANDER</b>	<b>FISCAL AGENCY</b>	<b>ADVISORY BOARD CHAIR</b>
Anoka-Hennepin Task Force	Lt. Bryon Fuerst	Anoka County Sheriff's Office	Sheriff James Stuart
Boundary Waters Task Force	Sgt. Steve Borchers	St. Louis County Sheriff's Office	Chief Deputy Shannon Schultz
Brown-Lyon-Renville-Redwood Task Force	Cmd. Jody Gladis	New Ulm Police Department	Sheriff Randy Hanson
Buffalo Ridge Task Force	Sgt. Nathan Grimmuis	Worthington Police Department	Sheriff Kent Wilkening
Cannon River Drug & Violent Crimes Task Force	Cmd. David Dillon	Rice County Sheriff's Office	Chief Andy Bohlen
CEE-VI Task Force	Det. Sgt. Ross Ardoff	Kandiyohi County Sheriff's Office	Sheriff John Holtz
Central MN Major Crimes Investigative Unit	Sgt. Steve Soyka	Central Minnesota MCIU	Sheriff Michel Wetzel
Dakota County Task Force	Sgt. James Gabriel	City of Eagan	Captain Bruce Simon
East Central Drug Task Force	Inv. Drew Abrahamson	Pine County	Sheriff Rick Duncan
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	Chief David Ebinger
Lake Superior Drug and Gang Task Force	Lt. Jeff Kazel	Duluth Police Department	Chief Gordon Ramsay
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	Robbinsdale Police Department	Chief James Franzen
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	Chief Deputy Jack Serier
South Central Drug Investigative Unit	Sgt. Jason Petterson	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	Sheriff Scott Rehmann
Washington County Task Force	Sgt. Michael Benson	Washington Co Sheriff's Office	Sheriff William Hutton
West Central Task Force	Cmd. Keith Melrose	Douglas County Sheriff's Office	Chief Rick Wyffels