



# DEPARTMENT OF PUBLIC SAFETY OFFICE OF JUSTICE PROGRAMS

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## Legislative Report

Violent Crime Coordinating Council 2022 Annual Report

February 1, 2023

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# Violent Crime Coordinating Council Report to the Legislature

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This annual report, covering the period of Jan. 1 - Dec. 31, 2022, details the activities of the Violent Crime Coordinating Council (VCCC), summarizes independent reviews of multijurisdictional entities and reports on audits of criminal gang investigative data.

## VCCC activities

The Minnesota Legislature established the VCCC in 2010. The VCCC helps guide the 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 Team (VCET) grants 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 the commissioner of the Department of Public Safety (DPS) and is responsible for:

- Developing a policy and procedure manual to guide gang and drug investigations.
- 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.

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

Sartell Police Chief Jim Hughes serves as the VCCC chair, and Ramsey County Sheriff's Office Undersheriff Mike Martin is the vice chair. A list of members is attached as Appendix A. Elections for VCCC leadership for the next two-year terms will be held at the February 2023 meeting.

The statewide coordinator works primarily in the field, attending VCET advisory board meetings, providing technical assistance to VCET commanders and meeting with law enforcement leaders in areas not represented by a VCET. In 2022, he planned the annual training workshop for VCET commanders, a Task Force Supervision Training conducted by the Center for Task Force Training and Command and Control Training conducted by the STORM group.

OJP staff continue to collaborate with other state and federal agencies on the cross-agency work group on Delta THC Products, the Drug Monitoring Initiative, State Opioid Oversight Project, the Anti-Heroin Task Force, and High Intensity Drug Trafficking Area (HIDTA) projects.

The VCCC held five bimonthly meetings via Web-Ex in 2022. The annual joint meeting with VCCC members and VCET advisory board chairs was held in person in October at the Minnesota Department of Corrections. There were presentations on the Department of Human Service's treatment admission drug trends, investigating drug overdose deaths, and gang identification and investigation.

A highlight of VCCC meetings is information exchange with federal, state and local partners including regular updates from representatives of the U.S. Attorney's Office, Drug Enforcement Administration, Bureau of Alcohol Tobacco, Firearms and Explosives (ATF), HIDTA, Minnesota Attorney General's Office, DPS' Bureau of Criminal Apprehension (BCA), National Guard Counter-Drug Program as well as VCCC members from state councils representing Minnesota communities of color and indigenous communities, Minnesota Chiefs of Police Association, Minnesota Sheriffs' Association and Minnesota County Attorneys Association. OJP also provides regular updates on statewide coordinator activities and VCET grant administration.

At the June meeting, the VCCC approved a minor change to the guidelines manual to reference the Minnesota Police Officer Standards and Training confidential informants model policy in addition to Minnesota Statute 626.8476 (Confidential Informants: Required Policy and Training). The statewide coordinator shared updates with VCET commanders.

The Alliant Consulting report on the VCET Operational Audit and Procedural Review was shared with members of the VCCC Committee on Professional Standards and Accountability. There were no additional changes to the VCET Guidelines Manual recommended. The statewide coordinator presented highlights of the review at the August VCCC meeting and followed up with VCETs on any practices noted that were not consistent with the Guidelines Manual.

The VCCC reviewed and discussed the Minnesota 9-Point Gang Criteria at the December meeting. They recommended that the Commissioner of Public Safety approve the current criteria with no changes for the next two-year period. The Gang Criteria, established in 2012 and most recently updated in 2020, is included as Appendix B.

## VCET funding and audits

OJP managed a competitive application process in 2021 that resulted in the funding of 21 multijurisdictional VCET grants in 2022 with state and federal Justice Assistance Grant funds. A VCET list is attached in Appendix C. These two-year grants will continue through the end of 2023.

OJP contracted with Alliant Consulting to conduct an operations audit and procedural review of 20 VCET grantees in 2022. (A new VCET in Aikin, Itasca and Mille Lacs Counties began operations in January 2022 and was not included in the review.) This detailed procedural review of multijurisdictional law enforcement grantees was designed to accomplish the following objectives:

- Audit the VCET practices implemented to ensure assets are adequately safeguarded and controlled.
- Assure the VCET has practices implemented that ensure the chain of custody for seized property is documented and provide for adequate security and accountability from intake to disposition.

- Provide a gauge on the compliance levels at each location, noting each team’s reasoning for any “off-practice” situations.

A June 2022 report summarized the operations audit approach, key findings and observations that would benefit the VCETs and support the Guidelines Manual.

## Operations audit overview

The 20 VCETs reviewed serve vastly different geographical areas and population densities. The task forces draw agents from surrounding public safety agencies who must use both the task force’s and home agencies’ evidence intake and record-keeping procedures, which can be dissimilar. Each task force has worked to develop procedures that provide the flexibility to meet both needs.

The 2022 VCET procedural review started Mar. 21, 2022, and concluded on Jun. 22, 2022. To conduct the review, a stratified sampling of case files was chosen from both buy-fund records and forfeiture tracking files that occurred between the third quarter of 2021 and the first quarter of 2022. The case file list was sent to the task force two working days prior to the review. Two hundred and eighty buy-fund and case files were randomly selected for review.

The review focused on:

- Confidential buy-fund transaction documentation including method, buy-fund forms, receipts, and auditing processes.
- Chain-of-custody documentation and verification for narcotics evidence obtained by undercover purchase or arrest.
- Chain-of-custody documentation and verification of seized weapons, vehicles, cash, jewelry or other personal items.
- Confirmation of timely transfer and deposit of seized cash.
- Confirmation that closed forfeiture cases had appropriate disposition and reporting to the Office of the State Auditor.
- Documentation of 10 VCETs that employ board chair members to review of buy funds.
- Confirmation that all firearms seized or recovered are traced using approved ATF forms and methods.

## Operational audit observations and results

The 2022 VCET procedural review documented the following observations of local task force operations:

### Confidential buy-fund accounts

Task forces use a variety of methods for maintaining their buy-fund accounts. Eleven task forces maintain a cash-only fund; nine use debit cards; and two have a combination of both. The task forces that reported using both cash and debit cards were reportedly for agents located farther from the task force office with less access to the bank holding the operational accounts.

The review included 120 buy-fund transactions with a purchase of a narcotic that included both undercover purchases and those made by confidential informants. All related documentation appeared to have good internal and external oversight and tracking of buy-fund accounts by the commander, fiscal agent and oversight board.

Key observations included:

- The amount of cash or debit card funds available to an officer ranged from zero (centrally located distribution) to a \$1,500 limit.
- Seven task forces maintain their cash-only funds centrally and limit access to the safe to just the commander and/or specified team leaders.
- Buy-fund accounts are reconciled at least monthly by task force commanders, and audits are conducted quarterly by 16 agencies and monthly by four agencies.
- All task forces require the commanders to request additional funds either through the fiscal agent or oversight board.

## Narcotics case evidence

One hundred and twenty cases with narcotic evidence were reviewed, tracking narcotic evidence from purchase or seizure to the agency property room. One case documented the narcotic being placed in a locker and listed as active but dormant with no subsequent move to a property location.

Key observations included:

- Fourteen task forces maintain narcotic and property seizures at one site. In six agencies, the task force investigators check evidence into their home agency.
- All task forces provided chain-of-custody documentation for all narcotic and property seizures.
  - o Six task forces did not have complete chain-of-custody reports in case files but were able to produce the documentation from the evidence room.
  - o Three departments had taskforce officers checking in their own evidence because they do not have an evidence technician identified.
  - o Three cases coordinated with the DEA, so the narcotic evidence was handled by the DEA and a chain-of-custody report was provided.

## Property seizure and forfeitures

One hundred and twenty-six cases involving a seizure of cash, vehicles, and/or weapons were reviewed. The chain of custody was documented for evidence or deposit for every forfeiture. Key observations included the following for each type.

### Cash seizures

The threshold policy for cash forfeitures for all 20 task forces is now \$1,500.

- For 15 task forces, the commander takes the cash from evidence to the fiscal agent. In five task forces, the commanders take cash directly to the bank. In two task forces, the evidence technician, with patrol support, brings cash seizures to the bank.
- All cash seizures reviewed had appropriate forfeiture forms, receipt to suspects, and deposit verification, either with the fiscal agent or bank. The two following exceptions were noted:
  - o In one cash seizure, the task force signature could not be verified due to poor quality of photocopy, but the amount was confirmed.
  - o In one cash seizure involving the DEA, the officer noted in report that DEA took custody of cash for federal forfeiture so there was not a receipt.

## Vehicle seizures

Seventeen vehicle forfeiture cases were reviewed. The threshold policies range from 6 task forces that seize all vehicles to 14 task forces that proceed with forfeiture only if the vehicle has a clear title and an estimated value of at least \$2,000. A few commanders discourage their officers from seizing any vehicles. Key observations included:

- Most vehicle forfeiture cases were closed within the past year or returned to owner.
- No task forces had vehicles on site that were able to be viewed.
- There appeared to be fewer vehicle forfeiture cases to review in 2022 than in 2020.
- All task force commanders indicated that holding vehicles for forfeitures rarely, if ever, results in the task force gaining revenue.
- Five task forces check vehicles into evidence, and 15 do not.
- All vehicle cases reviewed had the appropriate forfeiture forms (two were released) and receipt to suspects and maintained towing records unless the vehicle was driven by the officer.

## Weapon seizures

Seventeen task forces had cases with at least one weapon seizure and 64 weapon forfeiture files reviewed. All weapon forfeitures had appropriate forfeiture form and receipt, except where noted. Key observations included:

- All weapon forfeitures had an ATF trace completed where possible with the document included in the case file. A few weapons were too old, or had the serial number removed.
- Ten task forces indicated they destroy weapons when released by the attorney but reserve the right to be used unless used by the task force for operational or educational purposes.
- Nine will sell or trade weapons for equipment if weapons are legal, and one task force indicated it depends on the member agency policy as some agencies allow sale and trade and others do not.
- One weapon was found to be stolen and successfully returned to the owner. Seizure paperwork was not required.

## Summary of 2022 procedural review

- No buy-fund documentation errors were noted.
- There were two cash forfeiture documentation errors. Officer's signatures could not be verified in two sealed bags of cash due to poor quality of photocopy. One task force did not utilize a separate cash counting form and total amount was written on the sealed cash bag.
- All weapon seizures had an ATF trace attempted and results kept in the case file. A few were manufactured prior to serial numbers or had the serial number defaced.
- Seven task forces do not routinely maintain complete chain-of-custody documentation on narcotic and property seizures checked into the property room of the officer's home agency in the task force case file. All agencies were able to provide the information during the review, or shortly after.
- Three task forces did not have access to evidence technicians at the home agency.
- All closed cases were entered into SAFES and documentation was available during the review.
- There were nine instances in two agencies of delays of more than 30 days in depositing cash forfeitures in the bank.

OJP forwarded the final report of the 2022 VCET on-site procedural reviews to the VCCC Professional Standards Committee for review. They compared 2022 results to 2020 and 2018 reports conducted by the

same vendor and did not identify any emerging or prolonged concerns. The statewide coordinator also reviewed each audit report, discussed specific findings with VCET commanders and provided technical assistance for developing corrective action plans when necessary.

## BCA criminal gang investigative data system audit

The BCA conducts random audits of data in the Gang Pointer File and reports annually to the DPS commissioner. All subject records are reviewed during the audit process to determine if they have a qualifying conviction for a gross misdemeanor or felony offense within the previous three-year review period.

The most recent audit of the Gang Pointer File was conducted from Sept. 2, 2021, to Sept. 1, 2022, and included data from the following entities:

- The Metro Gang Strike Force (subjects transferred to BCA Investigations)
- The Minnesota Fusion Center
- The Koochiching County Sheriff's Department
- The Kandiyohi County Sheriff's Office

BCA Training and Auditing staff reviewed 30 criminal histories on those entries that are within the required three-year auditing period. Out of the 30 records reviewed, 10 subjects did not have any additional qualifying criminal convictions and were accordingly purged from the Minnesota Gang File.

As of Sept. 1, 2022, 37 subjects are in the Gang Pointer File.

## Conclusion

In 2023, the VCCC will continue to meet bimonthly, including a joint fall meeting with VCET Advisory Board Chairs. OJP will continue to manage VCET grants, coordinate training, provide technical assistance, and plan a competitive application process for 2024-25 VCET grants. There will be a spring VCET commanders meeting and peer review site visits to review VCET operations. The BCA will continue to manage the Gang Pointer File and report annually.



## Appendix A: VCCC members in 2022

Title	Name	Agency	Statutory representation
Chief (Chair)	Jim Hughes	Sartell Police Department	Minnesota Chief's Association (Greater Minnesota)
Undersheriff (Vice Chair)	Mike Martin	Ramsey County Sheriff's Office	Ramsey County Sheriff's Office
Superintendent	Drew Evans	Bureau of Criminal Apprehension	Minnesota Department of Public Safety
Asst. U.S. Attorney	Andy Dunne	District of Minnesota	United States Attorney's Office
Asst. Attorney General	David Voigt	Office of the Attorney General	Office of the Attorney General
Deputy Chief	Paul Ford	St. Paul Police Department	St. Paul Police Department
Commander	James Novak	Minneapolis Police Department	Minneapolis Police Department
Chief	Jeff Tate	Shakopee Police Department	Minnesota Chief's Association (Metro)
Sheriff	Dan Starry	Washington County Sheriff's Office	Minnesota Sheriff's Association (Metro)
Major	Rick Palaia	Hennepin County Sheriff's Office	Hennepin County Sheriff's Office
Sheriff	Scott Hable	Renville County Sheriff's Office	Minnesota Sheriff's Association (Greater MN)
Director	John Melvin	Office of Special Investigations	Minnesota Department of Corrections

<b>Title</b>	<b>Name</b>	<b>Agency</b>	<b>Statutory representation</b>
Asst. County Attorney	Hao Nguyen	Ramsey County Attorney's Office	Minnesota County Attorney's Association (Metro)
County Attorney	Shane Baker	Kandiyohi County Attorney's Office	Minnesota County Attorney's Association (Greater MN)
Chief	David Hester	Lower Sioux Indian Community	Tribal Police Representative
Executive Director	Rosa Tock	Minnesota Council on Latino Affairs	Minnesota Council on Latino Affairs
Executive Director	Sia Her	Council on Asian Pacific Minnesotans	Council on Asian Pacific Minnesotans
Executive Director	Linda Sloan	Council for Minnesotans of African Heritage	Council for Minnesotans of African Heritage
Dr.	John Littlewolf	Shakopee Mdewakanton Sioux Community	Minnesota Indian Affairs Council
Asst. Attorney General	John Gross	Office of the Attorney General	Legal Counsel

# Appendix B: Minnesota 9 – Point Gang Criteria, December 9, 2020

## Definition of a gang

Minnesota Statute 609.229 defines a "criminal gang" as any ongoing organization, association, or group of three or more persons, whether formal or informal, that:

- 1) Has, as one of its primary activities, the commission of one or more of the offenses listed in section 609.11, subdivision 9;
- 2) Has a common name or common identifying sign or symbol; and
- 3) Includes members who individually or collectively engage in or have engaged in a pattern of criminal activity.

## Criminal gang identification criteria

The gang affiliation of an individual is assessed based on involvement in criminal activity and documentation of any of these nine indicators. A single fact may not be used to satisfy multiple criteria. A "gang member" is an individual who is 14 years of age or older and meets at least three of the nine criteria listed below. A "confirmed gang member" is a gang member who has been adjudicated or convicted of a crime of violence as defined in Minnesota Statute 624.712, subdivision 5.

### *#1 Admits gang membership*

- Admission must be documented with date of admission and name of officer or investigator who heard the admission in a police report, corrections report, field contact memo or recorded statement.
- A vague admission about membership, for example, "I hang with the (gang name)," should be clarified, and the precise admission documented.

### *#2 Arrested with a gang member*

- Individual is arrested with a gang member for an offense consistent with gang-related criminal activity.
- Arrests must be documented in a police report, corrections report or field contact memo and include the date, time and location of the arrest.

### *#3 Displays a gang tattoo or brand*

- Tattoos and brands must be photographed or described in detail, using factual, non-subjective language. For example: "6 Pointed Star obtained 6 months ago" is a good description; "(Gang name) star" is not.
- To be considered a "gang tattoo" or "gang brand," the gang-related nature of the tattoo or brand must be confirmed by an officer or investigator with adequate training and experience.

### *#4 Wears clothing or symbols intended to identify with a gang*

- Suspected gang symbols and clothing worn or possessed must be evaluated in the context of how they are worn or the location they are recovered.
- Clothing, jewelry or items with suspected gang symbols or gang-related monikers should be photographed and, if possible, property inventoried.
- When items cannot be photographed or inventoried, the gang-related items should be described in detail using factual, non-subjective language. For example: "Blue jersey with # 13 on back" is a good description; "S\*\*s jersey" is not.

- Many symbols have multiple meanings and may not be a gang symbol to everyone. The gang-related nature of the clothing or symbols must be confirmed by an officer or investigator with adequate training and experience.

#### ***#5 Appears in a photograph or image with a gang member engaging in gang-related activity or displaying gang signs or symbols***

- Photographs or images should depict evidence of gang-related criminal activity, such as a person holding a gun and wearing or displaying gang-related signs, symbols, clothing or graffiti.
- A single photograph or image with a gang member, absent any depiction of criminal gang-related activity or displaying gang-related signs, symbols, clothing or graffiti, may count only as one of three documented occasions of association in the previous 12-month period under criterion #8.
- Photographs or images recovered from or depicting gang members obtained by consent or during a lawful search should be inventoried or otherwise preserved and the chain of custody maintained.
- Images from social networking sites or other online sources should be downloaded and identified with the name of the person who posted it (if known), the date of posting (if known) and the URL of the site.
- The gang-related nature of the clothing or symbols must be confirmed by an officer or investigator with adequate training and experience.

#### ***#6 Name appears on a gang roster***

- Gang rosters on any media, including on clothing or in graffiti, should be photographed, properly preserved, and, if possible, properly inventoried.
- There must be sufficient documented information matching the name with a specific individual before this can be counted as a criterion.
- Graffiti containing threats against an individual should be photographed or described in detail.
- A list of suspected gang members generated by a law enforcement agency is not a gang roster.

#### ***#7 Identified as a gang member by a reliable source***

- Is identified as a gang member by a person with sufficient knowledge of gang activity to qualify him/her as a reliable source.
- Reliable sources must have a demonstrable basis for their knowledge; rumor and speculation are insufficient. Reliable sources may include persons of authority or those with a personal connection to the individual. Examples include:
  - o Police officers
  - o Corrections officers
  - o Teachers
  - o Family members
  - o Other gang members
  - o Informants
- Reliable source information must be documented in a police report, corrections report or field contact memo. A reliable source may be called upon to testify about his/her knowledge of an individual's gang involvement.

#### ***#8 Is regularly observed or communicates with a gang member in furtherance or support of gang-related activity***

- Family interactions are not considered to be gang related unless there is criminal activity involved.

- Interactions must be voluntary and related to gang activity. For example, a person associating with a gang member because both work at the same location, absent gang-related activity between the two, does not meet this criterion.
- Observations must be documented in a police report, corrections report or field contact memo and include the date, time, and location of the interactions.
- A minimum of three documented observations of gang-related interaction in the previous 12-month period is needed to meet the “regularly observed with” portion of this criterion.
- Correspondence or other communication between gang members, especially to and from prisoners, frequently contains references to other gang members and criminal and gang-related activity. They should be documented and, if possible, property inventoried.
- Messages and/or online conversations about criminal or gang-related activity on social networking sites should be downloaded or otherwise electronically preserved.

#### *#9 Produces gang-specific writing or graffiti in furtherance or support of gang-related activity*

- Graffiti should be described in detail using factual, non-subjective language. Example: “132 SGC painted on wall” is a good description; “(Gang name) graffiti painted on wall” is not.
- Graffiti and gang-specific writings found on walls, notebooks, social media or other items should be photographed or described in detail in a police report, corrections report or other documentation and, if possible, should be property inventoried.
- The gang-related nature of the writings or graffiti must be confirmed by an officer or investigator with adequate training and experience.

## Appendix C: Minnesota VCETs in 2022

VCET	Commander	Fiscal agency	Advisory board chair
AIM Task Force	Greg Payment	Aitkin County Sheriff's Office	Aitkin County Sheriff Dan Guida
Anoka-Hennepin Task Force	Lt. Derek Schuldt	Anoka County Sheriff's Office	Columbia Heights Chief Lenny Austin
Brown-Lyon-Renville-Redwood Task Force	Cmdr. Joel Bill	New Ulm Police Department	Redwood Falls Chief Jason Cotner
Buffalo Ridge Task Force	Lt. Christopher Lewis	Pipestone County Sheriff's Office	Pipestone Co. Chief Deputy Mike Hamann
Cannon River Drug and Violent Crimes Task Force	Cmdr. Scott O'Brien	Rice County Sheriff's Office	Northfield Chief Mark Elliot
CEE-VI Task Force	Sgt. Ross Ardoff	Kandiyohi County Sheriff's Office	Meeker County Sheriff Brian Cruze
Central Minnesota Violent Offender Task Force	Lt. Luke Dingmann	Central Minnesota MCIU	Sartell Chief Jim Hughes
Dakota County Task Force	Capt. Bryan Hermerding	City of Eagan	Burnsville Capt. Don Stenger
East Central Drug Task Force	Cmdr. Josh Olds	Pine County Sheriff's Office	Kanabec Co. Sheriff Brian Smith
Hennepin County Violent Offender Task Force	Lt. Jeff Kirchoff	Hennepin County Sheriff's Office	Major Rick Palaia
Lake Superior Drug and Gang Task Force	Lt. Chat Nagorski	Duluth Police Department	Duluth Deputy Chief Laura Marquardt
Minnesota River Valley Task Force	Lt. Chad Ruch	Blue Earth County Sheriff's Office	Sheriff Jeff Wersel

<b>VCET</b>	<b>Commander</b>	<b>Fiscal agency</b>	<b>Advisory board chair</b>
Northwest Metro Drug Task Force	Sgt. Drew Gilmore	Plymouth Police Department	Public Safety Director Erik Fadden
Paul Bunyan Drug and Gang Task Force	Sgt. Joe Kleszyk	Beltrami County Sheriff's Office	Bemidji Chief Mike Mastin
Pine to Prairie Task Force	Sgt. Aeisso Schrage	Crookston Police Department	East Grand Forks Chief Mike Hedlund
Ramsey County Violent Crime Enforcement Team	Cmdr. Ryan O'Neill	Ramsey County Sheriff's Office	Ramsey Undersheriff Mike Martin
South Central Drug Investigative Unit	Sgt. Ben Johnson	Owatonna Police Department	Owatonna Chief Jeff Mundale
Southeast Minnesota Gang and Drug Task Force	Capt. Mike Bromberg	Olmsted County Sheriff's Office	Wabasha Co. Sheriff Rodney Bartsh
Southwest Metro Task Force	Sgt. Matt Carns	Shakopee Police Department	Jordan Chief Brett Empey
Washington County Task Force	Sgt. Chris Howard	Washington Co Sheriff's Office	Washington Co. Sheriff Dan Starry

