

Violent Crime Coordinating Council Report to the Legislature

March 15, 2019

**Minnesota Department of Public Safety
Office of Justice Programs**

This annual report, covering the period of Jan. 1 through Dec. 31, 2018, details the activities of the Violent Crime Coordinating Council (VCCC), summarizes site visits and reviews of multijurisdictional entities, and reports on audits of criminal gang investigative data. New this year is a brief summary of Violent Crime Enforcement Team (VCET) program activities and outcomes for 2018.

VCCC Activities

The Minnesota Legislature established the VCCC 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 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 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.

Faribault Police Chief Andy Bohlen served as VCCC chair, and Washington County Sheriff's Chief Deputy Brian Mueller was 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 (statewide coordinator) to provide training and technical assistance for VCETs. In addition, these staff positions provide administrative support for the VCCC.

The VCCC met bimonthly to review gang and drug information. Four committees 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 2018, VCCC guest speakers represented the following organizations:

- National Narcotics Officers Association
- Minnesota Department of Health, Opioid Dashboard
- Rocky Mountain High Intensity Drug Trafficking Area (HIDTA)
- Minnesota Office of Medical Cannabis
- Bureau of Criminal Apprehension (BCA) Investigations and Fusion Center
- Minnesota Prescription Monitoring Program

VCET commanders are also invited to bimonthly VCCC meetings to provide a brief presentation of partners, operations and outcomes. In 2018 the following VCETs presented to the VCCC:

- Minnesota River Valley Drug Task Force
- Cannon River Drug and Violent Crimes Task Force
- Lake Superior Drug and Violent Crimes Task Force
- East Central Minnesota Drug Task Force

Additional VCET presentations are planned for 2019.

In June, the VCCC held a joint meeting with VCET advisory board chairs at the BCA, which was well attended and highly rated. Board members appreciated meeting VCCC members and discussing oversight responsibilities. The August meeting was canceled.

2018 VCCC Committee Activities and 2019 Goals

The Data and Information Committee, chaired by BCA Superintendent Drew Evans, continued to monitor the work of the Legislative Commission on Data Practices for law enforcement topics and discussion.

The Minnesota Fusion Center, based in the BCA, continues 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 has made Gang Pointer File information available for routine patrol records checks in the Minnesota Court Information System to support officer safety.

The BCA continues to audit the Gang Pointer File annually, and individuals who have not had any new convictions in three years are purged from the system.

For 2019, the Data Committee goals will be included in the Governance and Legislative Committee.

The Professional Standards and Accountability Committee, chaired by Department of Corrections (DOC) Director of Investigations Cari Gerlicher, reviewed peer review site visits conducted by the statewide coordinator and fellow VCET commanders in 2017. The VCCC revised the Multijurisdictional Task Force Operating Procedures and Guidelines Manual (Guidelines Manual) in February 2018 based on site-visit findings and emerging best practices. Proposed changes included:

- Retention requirements for confidential informants' (CI) files and deactivation of CIs.
- Search of informants conducting transactions.
- Narcan training for officer safety.
- Minimum threshold for cash seizures.
- Community engagement activities.

The Professional Standards Committee also reviewed the final report by Alliance Consulting, who conducted an external review of operations in 21 VCETS. The committee will make recommendations for the external review process in 2020.

Professional Standards and Accountability Committee goals for 2019:

- Review 2019 VCET peer-review site visit reports and recommendations for revisions to the Guidelines Manual.
- Review recommended VCET requirements for the 2020 request for proposals.
- Contribute to the external VCET review plan in 2020.

The Governance and Legislation Committee, chaired by Washington County Sheriff's Office Chief Deputy Brian Mueller, monitored legislative issues of interest to law enforcement, including asset forfeiture, DOC gang data retention and opiate funding.

DPS-OJP staff continue to collaborate with the Minnesota departments of Human Services and Health as well as other state agency partners in the State Substance Abuse Strategy and State Opioid Oversight Project. State agency partners are collaborating on the Opioid Dashboard project, funded by the federal Centers for Disease Control and Prevention; the State Targeted Response project, funded by the federal Substance Abuse and Mental Health Services Administration; and the Minnesota Opioid Prescribing Work Group. Members provided data, strategies and support for Governor Dayton's Opioid Plan and Legislative Package.

The BCA was awarded a grant from the U.S. Department of Justice (DOJ) Bureau of Justice Assistance for a Drug Monitoring Initiative information system, modeled after the New Jersey HIDTA program.

In addition, the BCA received a grant from the DOJ Community Oriented Policing Services Office for a statewide Anti-Heroin Task Force. The Minnesota proposal highlighted racial disparities in opioid overdoses in Indian Country and is targeting grant resources for investigations of opioid overdose deaths and those that have a nexus to the eleven tribal communities. VCETs will partner in these investigations and may receive reimbursement for overtime.

Governance, Data and Legislation Committee goals for 2019:

- Continue to track emerging drug, gang and violent crime threats and trends and provide recommendations to the DPS commissioner.
- Coordinate with the BCA on the Heroin Task Force and Drug Monitoring Initiative grants.
- Coordinate with the BCA in maintaining the statewide Gang Pointer File.
- Continue to monitor the work of the Legislative Commission on Data Practices for law enforcement topics and discussion.

The Community Engagement and Prevention Committee, chaired by St. Paul Police Commander Ken Sass, reviewed VCET community engagement policies, grant requirements and reporting for 2018, including data on community meetings, events and communications.

Community Engagement and Prevention Committee goals for 2019:

- Monitor 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 2018 DPS-OJP extended funding for 21 multijurisdictional VCET grants awarded through a competitive process in 2017. A VCET list is attached in Appendix B.

DPS-OJP contracted with Alliant Consulting, Inc., to conduct an operations audit of the 21 VCET grantees in 2018. This detailed procedural review of multijurisdictional law enforcement grantees was designed to accomplish the following objectives:

- Audit the Task Force practices implemented to ensure assets are adequately safeguarded and controlled.
- Assure the Task Force 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.

An April 2018 report summarized the operations audit approach, key findings and observations that would benefit the VCET and the Guidelines Manual.

Overview

The 21 VCETs reviewed serve a variety of different geographical areas and population densities. They draw agents from surrounding public safety agencies who must use both task forces’ and home agencies’ evidence intake and record-keeping procedures, which can be dissimilar. Each VCET has worked to develop procedures that provide the flexibility to meet the needs of both.

To conduct the review, a stratified sampling of case files was chosen from both buy fund records and forfeiture tracking files from the 2017 calendar year. The case file list was sent to the VCET two days prior to the review. Over 250 case files were reviewed during the four-month period.

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 that closed forfeiture cases had appropriate disposition and reporting to the Office of the State Auditor.
- Confirmation that all firearms seized or recovered are traced using approved Bureau of Alcohol, Tobacco and Firearms (ATF) forms and methods.

Observations/Results Summary

The 2018 procedural audit identified 12 record-keeping errors total, with no more than one documentation error per VCET. The review did not identify any patterns or practices inconsistent with the Guidelines Manual. Following are observations from the review.

Confidential buy fund accounts (126 buy fund transactions reviewed). VCETs use a variety of methods for maintaining the buy fund accounts. The majority use a system in which each agent is assigned a debit card that allows individual tracking of agent cash withdrawals and deposits. Some use a cash-only or a combination of cash and debit. The cash-debit card systems were reported to be used for agents located farther from the VCET office with less access to the banks holding the operational accounts. The review included both undercover purchases and confidential informant payments.

Key observations:

- All buy fund accounts appeared to have good internal and external oversight and tracking of the accounts by the fiscal agent, board, and commanders.
- Of the 126 buy fund transactions reviewed, all had complete documentation except two cases where a CI received a payment and there was no CI signature on the buy fund report form. Both cases were reviewed, and circumstances supported the missing signatures.
- Three VCET commanders reported they occasionally participate in undercover buy activities and have a member of the advisory board, team lead, or agency head sign off on the buy fund use.
- All VCETs identified a process for replenishing buy fund accounts that included reviews by fiscal agents and reporting to oversight committees.
- This determination was made through an interview process with each commander and did not include review of the VCET written policies and procedures.

Narcotics Case Evidence (over 100 cases reviewed). Narcotic evidence was viewed in property rooms at fifteen VCETs where the property rooms were accessible from the VCET offices. All chain-of-custody documentation was complete for all VCET reviews.

Key observations:

- Not all VCETs have an evidence technician, and some agents are responsible for maintaining their own property and evidence seizures and intake into property.
- Three VCETs do not routinely maintain the receipt of evidence into the agent’s home agency. The agents were contacted and able to provide the property room receipts upon request.
- Two VCETs have agents that maintain the evidence intake and property room responsibilities for their home agency.

Asset Seizure and Forfeiture (over 126 cases reviewed). More than 126 cases were reviewed that resulted in a seizure of cash, vehicle, weapons, or, in one case, jewelry. Observations regarding seizure and forfeiture activities included:

| Seizure Type | Observation |
|---------------------|--|
| Cash | <ul style="list-style-type: none">• There were three cases that were miscounted at the scene but caught and documented prior to deposit.• The majority of VCETs routinely took cash seizures directly to deposit with the bank or fiscal agent as opposed to the property room.• All closed forfeiture cases had the appropriate release from the county attorney and entry into the state reporting system. |

| | |
|----------|---|
| Weapons | <ul style="list-style-type: none"> • Nineteen of the 21 VCETs had seized weapons during the review period, and the majority maintained the ATF report with the case file. • Four agencies do not routinely print and keep the ATF trace report with the case files but were able to access them for the review. Two agencies discussed changing the practice to maintain the report in the case file or together in a separate folder. • Three cases from different VCETs were reviewed that had no ATF document available. • Three VCETs delegate the ATF trace to the arresting agent, the remainder have a central administrative support or agent(s) who run the reports. |
| Vehicles | <ul style="list-style-type: none"> • Three VCETs had seized vehicles on site, and the auditor was able to view them. • A few agencies maintained an asset threshold policy regarding vehicles, but most routinely seize all vehicles when appropriate. • Three agencies include the vehicle into the property report for tracking purposes, but most do not. • All closed forfeitures had notice from the county attorney to dispose of the property and were entered into the state electronic reporting system. |

Follow-up

Individual reports are available from DPS-OJP upon request. The statewide coordinator reviewed each audit report, discussed specific findings with VCET commanders, and provided technical assistance for developing corrective action plans, if necessary. The statewide coordinator also attended 21 VCET advisory board meetings across the state in the summer/fall of 2018.

DPS-OJP staff are planning a training workshop for all VCET commanders in the spring of 2019 to review key provisions of the Guidelines Manual and highlighting areas noted in the operational audit and advisory board meetings. Key state and federal law enforcement and prosecution partners will also be presenting.

The statewide coordinator plans for another round of comprehensive site visits at all VCET locations in 2019, with other VCET commanders participating in a peer review process.

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. The most recent audit of the Gang Pointer File was completed from October 2017 to September 2018, and included data from the following entities:

- The Metro Gang Strike Force (the responsibility for subjects transferred to BCA Investigations).
- The Minnesota Fusion Center.
- The Minnesota Department of Corrections Fugitive Unit.
- The Kandiyohi County Sheriff's Office (began submitting records during the past year).

At the direction of Superintendent Drew Evans, the BCA made the Minnesota Gang File available to all Minnesota law enforcement agencies to enter and maintain records for subjects meeting the Gang File requirements on Feb. 27, 2017.

The BCA Training and Auditing Unit is responsible for conducting audits of Minnesota law enforcement agencies that have entered subjects into the Gang Pointer File.

- The Kandiyohi County Sheriff's Office is the sole local law enforcement agency with records requiring a triennial audit. The next is scheduled for 2020.
- All records entered by the Metro Gang Strike Force, the Minnesota Fusion Center, the Minnesota Department of Corrections Fugitive Unit and the Kandiyohi County Sheriff's Office have been audited for the current one-year audit period.

BCA Training and Auditing staff reviewed 47 criminal histories on the remaining subjects in the Gang Pointer File and 101 new subjects entered during the past year.

Out of the 148 records reviewed, 24 subjects did not have any additional qualifying criminal convictions and were accordingly purged from the Minnesota Gang File.

As of Sept. 1, 2018, 124 subjects are in the Gang Pointer File.

2018 VCET Program Activities and Outcomes

The 21 funded VCETs span 70 counties across Minnesota and are staffed by more than 200 investigators from 120 agencies. Each VCET provides extensive data and narrative reports on a quarterly basis. This information assists OJP in allocating funds and analyzing drug and violent crime trends throughout the state.

Select VCET activities and reported data for 2014 and 2018:

| ACTIVITY | 2014 | 2018 |
|--|---------|-----------|
| Total number of drug arrests | 3,434 | 3,077 |
| Number of fifth-degree marijuana cases with firearm | 104 | 118 |
| Total number of non-drug arrests | 774 | 1121 |
| Percentage of violent crimes (Part 1) | 13% | 19% |
| Number of arrests involving heroin | 336 | 340 |
| Number of arrests involving methamphetamine | 2004 | 1,894 |
| Number of arrests involving marijuana and concentrates | 997 | 923 |
| Number of arrests involving prescription drugs | 647 | 310 |
| Number of children removed during arrest | 386 | 342 |
| Number of guns seized | 828 | 996 |
| Amount of heroin seized (grams) | 5,584 | 11,344 |
| Amount of meth seized (grams) | 101,374 | 519,896 |
| Amount of marijuana concentrates seized (grams) | 597,389 | 1,322,316 |
| Amount of prescription drugs seized (dosage units) | 18,398 | 16,513 |
| Number of cases coordinated with other agencies | 1,571 | 1,779 |
| Number of community presentations given | 437 | 478 |
| Number of people in attendance at community meetings | 19,164 | 17,835 |

Although there were slightly fewer VCET drug arrests in recent years, a focus on long-term investigation of mid- to upper-level dealers has resulted in cases involving significant drug seizures. In the past five years, the amount of marijuana and concentrates seizures has doubled, and methamphetamine seizures have increased five-fold. Amidst national and statewide efforts to limit opioid prescribing, increase Naloxone access and reduce overdose deaths, Minnesota VCETs made about the same number of heroin arrests in 2014 and 2018 but doubled the amount of heroin seized. Prescription drug arrests were down by half, and prescription drug seizures were down slightly, after a huge spike in 2017. DPS-OJP staff

continue to provide support for officer safety related to synthetic opioid exposure, opioid deaths as murder investigations, and cases affecting Indian communities. An emphasis on violent crime investigations is evidenced by an increase in the number of Part 1, non-drug arrests and gun seizures. VCETs continue to work collaboratively with law enforcement partners and regularly present drug information in their communities.

Conclusion

The VCCC will elect a new chair and vice chair in February 2019 and will continue the bimonthly meeting model. DPS-OJP will continue to manage VCET grants, provide training and technical assistance, and present multi-year data on emerging drug trends. There will be a competitive VCET application process in 2019 for 2020 grants. The BCA will continue to manage the Gang Pointer File, and the VCCC will again review gang criteria in 2020.

APPENDIX A

VIOLENT CRIME COORDINATING COUNCIL MEMBERS - 2018

| TITLE | NAME | AGENCY | STATUTORY REPRESENTATION |
|------------------------|-----------------------------------|--------------------------------------|---|
| Chief (Chair) | Andy Bohlen | Faribault Police Department | Minnesota Chiefs of Police Association (Greater MN) |
| Sheriff (Vice Chair) | Dan Starry (Brian Mueller) | Washington County Sheriff's Office | Minnesota Sheriffs' Association (Metro) |
| Superintendent | Drew Evans | Bureau of Criminal Apprehension | Minnesota Department of Public Safety |
| U.S. Attorney | Erica MacDonald (Anders Folk) | District of Minnesota | United States Attorney's Office |
| Attorney General | Laurie Swanson (David Voigt) | Office of the Attorney General | Office of the Attorney General |
| Chief | Todd Axtell (Ken Sass) | St. Paul Police Department | St. Paul Police Department |
| Chief | Medaria Arradondo (Bruce Folkens) | Minneapolis Police Department | Minneapolis Police Department |
| Chief | Mike Goldstein | Plymouth Police Department | Minnesota Chiefs of Police Association (Metro) |
| Sheriff | Jack Serier (Ryan O'Neill) | Ramsey County Sheriff's Office | Ramsey County Sheriff's Office |
| Sheriff | Rich Stanek (Todd Turpitt) | Hennepin County Sheriff's Office | Hennepin County Sheriff's Office |
| Sheriff | Brent Lindgren | Mille Lacs County Sheriff's Office | Minnesota Sheriffs' Association (Greater MN) |
| Director | John Melvin | Office of Special Investigations | Minnesota Department of Corrections |
| Asst. County Attorney | Richard Dusterhoft | Ramsey County Attorney's Office | Minnesota County Attorneys Association (Metro) |
| County Attorney | Jeff Edblad | Isanti County Attorney's Office | Minnesota County Attorneys Association (Greater MN) |
| Chief | Darwin Melin | Lower Sioux Indian Community | Tribal Police Representative |
| Mr. | Henry Jimenez | Minnesota Council on Latino Affairs | Minnesota Council on Latino Affairs |
| Executive Director | Sia Her | Council on Asian Pacific Minnesotans | Council on Asian Pacific Minnesotans |
| Mr. | Justin Terrell | Council for MN of African Heritage | Council for Minnesotans of African Heritage |
| Officer | John Littlewolf | Shakopee Mdewakanton Sioux Comm. | Minnesota Indian Affairs Council |
| Asst. Attorney General | John Gross | Office of the Attorney General | Legal Counsel |

APPENDIX B

MINNESOTA VIOLENT CRIME ENFORCEMENT TEAMS – 2018

| VCET | COMMANDER | FISCAL AGENCY | ADVISORY BOARD CHAIR |
|---|--------------------------|------------------------------------|---------------------------------|
| Anoka-Hennepin Task Force | Lt. Brent Erickson | Anoka County Sheriff's Office | Ramsey Chief Jeff Katers |
| Brown-Lyon-Renville-Redwood Task Force | Inv. Jeff Morris | New Ulm Police Department | Renville Sheriff Scott Hable |
| Buffalo Ridge Task Force | Lt. Christopher Lewis | Worthington Police Department | Fulda Chief Paul Kenney |
| Cannon River Drug and Violent Crimes Task Force | Cmd. Paul LaRoche | Rice County Sheriff's Office | Sheriff Troy Dunn |
| CEE-VI Task Force | Sgt. Ross Ardoff | Kandiyohi County Sheriff's Office | Sheriff Dan Hartog |
| Central Minnesota Major Crimes Investigative Unit | Sgt. Jay Salzer | Central Minnesota MCIU | Sartell Chief Jim Hughes |
| Dakota County Task Force | Capt. Christopher Melton | City of Eagan | Apple Valley Sgt. James Gummert |
| East Central Drug Task Force | Inv. Drew Abrahamson | Pine County Sheriff's Office | Kanabec Sheriff Brian Smith |
| Hennepin County Violent Offender Task Force | Lt. Pat King | Hennepin County Sheriff's Office | Major Todd Turpitt |
| Lakes to River Task Force | Lt. Brad Penas | Moorhead Police Department | Chief Shannon Monroe |
| Lake Superior Drug and Gang Task Force | Lt. Jeff Kazel | Duluth Police Department | Dep. Chief Laura Marquardt |
| Minnesota River Valley Task Force | Lt. Jeff Wersal | Blue Earth County Sheriff's Office | Sheriff Brad Peterson |
| Northwest Metro Drug Task Force | Sgt. Shawn Grande | Plymouth Police Department | Chief Mike Goldstein |
| Paul Bunyan Drug and Gang Task Force | Sgt. Robert Billings | Beltrami County Sheriff's Office | Sheriff Phil Hodapp |
| Pine to Prairie Task Force | Sgt. Aeiiso Schrage | Crookston Police Department | EGF Chief Mike Hedlund |
| Ramsey County Violent Crime Enforcement Team | Cmd. Ryan O'Neill | Ramsey County Sheriff's Office | Undersheriff Joe Paget |
| South Central Drug Investigative Unit | Sgt. Andy Drenth | Owatonna Police Department | Chief Keith Hiller |
| Southeast Minnesota Gang and Drug Task Force | Capt. Vince Scheckel | Olmsted County Sheriff's Office | Wabasha Sheriff Rodney Bartsh |
| Southwest Metro Task Force | Sgt. Jason Arras | Shakopee Police Department | Chief Jeff Tate |
| Washington County Task Force | Sgt. Keith Anderson | Washington County Sheriff's Office | Sheriff Dan Starry |
| West Central Task Force | Cmd. Jason Rosha | Douglas County Sheriff's Office | Sheriff Troy Wolberson |