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Report to the Minnesota Legislature Regarding the Formation and Activities of the Minnesota Criminal Gang Oversight Council and the Minnesota Gang Strike Force

Pursuant to Minnesota Statute 299A.64

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March 31, 1998

I. Introduction

In 1997 the Minnesota Legislature took a significant step toward the eradication of criminal gangs in the state of Minnesota. The Minnesota Criminal Gang Oversight Council was created and the establishment of the Minnesota Gang Strike Force was authorized. The vision of the legislation was to create an arsenal of weapons unmatched in law enforcement history to respond to the increasingly violent and sophisticated activities of criminal gangs. These organized crime groups are injuring, imprisoning and killing young men and women and ruining the daily lives of citizens.

The legislature granted a total of 7.872 million dollars for the two-year period beginning July 1, 1997 to fund various programs relating to the growing problem of gang crime. The Minnesota Criminal Gang Oversight Council and the Minnesota Gang Strike Force were among the programs funded. The money was used for grants to local agencies for police salaries, for operational costs and to provide grants to agencies that were not participating in the Minnesota Gang Strike Force with needed funds to expand local capacity to fight criminal gangs.

II. Membership of the Criminal Gang Oversight Council

The Criminal Gang Oversight Council consists of the following individuals or their designees:

- Attorney General-Hubert Humphrey III
- Public Safety Commissioner-Don Davis (1997 Chair)
- Chief of Police of the St. Cloud Police Department-Dennis O'Keefe
- Chief of Police of the Duluth Police Department-Scott Lyons
- A Representative of the MN. Chiefs of Police Assn.-Frank Ball (Brainerd)
- A Representative of the MN. Sheriffs Assn.(Metro)-Jim Frank (Washington)
- A Representative of the MN. Sheriffs Assn.(Outstate)-Frank Wippler (Benton)
- MPPOA Executive Director-Dennis Flaherty
- Hennepin County Sheriff-Pat McGowan
- Ramsey County Sheriff-Bob Fletcher (Current Chair)
- Commissioner of Corrections-Fred LeFleur
- St. Louis County Sheriff-Gary Waller
- Olmsted County Sheriff-Steve Borchart
- Chief of Police of the St. Paul Police Department-William Finney
- Chief of Police of the Minneapolis Police Department-Robert Olson
- Superintendent of the BCA-Nicholas O'Hara

III. Establishment of By-Laws

By-laws were created to guide the Criminal Gang Oversight Council as they grappled with a host of issues never before considered on a statewide basis by a Minnesota law enforcement agency.

— Minn. Stat. 299A.64 —

The by-laws drafted by the Council ensure a fair and orderly consideration of the many policy decisions that have been and will be made in the future by the Council. Early on a determination was made that the Council's meetings were subject to the Open Meeting Law, Minnesota Statute 471.705. The Council holds its meetings the first Wednesday of each month at the Department of Corrections in St. Paul.

IV. Establishment of Strategies and Policies

The Council established strategies and policies as required by the legislation immediately after the inception of the Council. It was imperative to the Council that a strong and fair policy was crafted to insure fairness and due process to those who would come under the scrutiny of the Minnesota Gang Strike Force, but would also be responsive to the mandate to curb and control the expansion of criminal activity by gangs in Minnesota.

A. Mission Statement

The mission of the Minnesota Gang Strike Force (MGSF) is, through interdepartmental assistance, to achieve maximum cooperation and coordination of resources to identify, investigate, arrest and prosecute gang members engaged in criminal activity in Minnesota.

B. Goals and Objectives

The primary goals of the MGSF are to:

1. Target for prosecution individuals who
 - i. are the most criminally active within a gang or
 - ii. hold gang leadership positions.
2. Coordinate proactive, comprehensive, long-term investigations on targeted individuals and assist with prosecuting these targets to the fullest extent of the law so as to obtain maximum incarceration and maximum impact on criminal gang activity.
3. React promptly to significant gang related criminal activity and provide requested assistance to law enforcement agencies with primary responsibility for investigating those activities.
4. Provide peace officers and prosecutors training on tactics and techniques for investigating and prosecuting gang members.
5. Coordinate with law enforcement and corrections agencies statewide to combat criminal gang activity.
6. Facilitate the sharing of information regarding gang-related criminal activity to achieve maximum cooperation and investigative success by law enforcement agencies statewide.

V. Organization of the Strike Force

A. Statewide Commander

The legislation required the Council to appoint a Statewide Commander to oversee the operation of the MGSF throughout the state of Minnesota. After a rigorous selection process, the Council selected Ron Ryan to be the first ever Commander of this new law enforcement entity.

B. Assistant Attorney General

The enabling legislation required that an Assistant Attorney General be exclusively assigned to assist the Council if required, to assist members of the MGSF in preparing strong cases, and to prosecute gang cases when so requested by County Attorneys statewide. Attorney General Hubert Humphrey III assigned David Steinkamp to fill this role.

C. The Northeast Region

The Northeast Region was created with personnel from the Duluth Police Department, the St. Louis County Sheriff's Department and the Bureau of Criminal Apprehension. The Northeast Region is headquartered in Duluth and the Regional Commander is Roger Waller.

D. The Northwest Region

The Northwest Region is made up of personnel from the Moorhead Police Department, the Clay County Sheriff's Department and the BCA. The Northwest Regional Commander is Jerome Thorsen.

E. The Central Region

The Central Region is comprised of personnel from the St. Cloud Police Department, the Stearns County Sheriff's Department, the Benton County Sheriff's Department and the Sherburne County Sheriff's Department. David La Beaux is the Regional Commander.

F. The Southeast Region is made up of personnel from the Olmsted County Sheriff's Department, the Rochester Police Department and the BCA. The Regional Commander is Mark Wood.

G. The Metro Region

The Metro Region is made up of personnel from the Anoka County Sheriff's Department, the ATF, the BCA, the Dakota County Sheriff's Department, the DEA, the FBI, the Hennepin County Sheriff's Office, the Minneapolis Police Department, the Ramsey County Sheriff's Department, the St. Paul Police Department and the Washington County Sheriff's Department. Art Blakey is the Regional Commander and John Boulger is the Deputy Regional Commander.

VI. Work of the subcommittees

A. Funding and Personnel

Dennis Flaherty led the Funding and Personnel subcommittee.

The subcommittee worked diligently to create a fair method to distribute the funds appropriated by the legislature for this anti-gang effort. The subcommittee felt it was imperative to foster the goals of the legislation requiring multi-jurisdictional cooperation. To that end, grant applicants were required to join with at least two other jurisdictions when seeking to create a regional unit of the Gang Strike Force. Furthermore, in an effort to seek local investment in the effort to eradicate gangs, applicants for member replacement grants were required to contribute 25% of the salary of the member contributed to the MGSF.

Two types of grants were created according to the legislation; Member Replacement Grants and Grants to Expand Local Capacity. Member replacement grants were designed to allow local law enforcement agencies contribute investigators to the MGSF without losing officers from the street. Grants to Expand Local Capacity were designed to provide resources to those applicants who did not desire to send personnel to MGSF, but wanted to attack gang-related law enforcement problems in other ways within the grant applicants jurisdiction.

Appropriations were divided into two categories, Metro and Outstate Minnesota. Members of the Council earmarked \$1.5 million per year to Metro operations and \$1 million per year to Outstate operations. The appropriations cover a two-year period. A detailed breakdown of the distribution of funds is attached as Appendix I.

Fifty-five investigators are currently working as members of the Minnesota Gang Strike Force, an impressive number when one considers that before this legislation the state of Minnesota had no investigators assigned to focus exclusively on gang related crime. In order to select the qualified investigators the subcommittee required grant applicants to

provide information regarding officers that were submitted to work in the MGSF. The full Council considered the application of each officer who requested to participate in the MGSF. The officers who were approved represent a group of officers with extensive experience in law enforcement. An average officer in the MGSF has 14 years of experience.

The subcommittee oversaw the selection process for Statewide Commander. The Commander of the MGSF, Lt. Ron Ryan of the St. Paul Police Department, was selected from a number of extremely well qualified applicants. Commander Ryan brings a wealth of experience to the post gained in his 30 years of experience as a police officer.

The budget included funding for the State Commander's salary, investigative funds, and an investigative database to aid in the apprehension of gang members. Funding was granted to each region and to other agencies to expand local capacity to combat gangs. The funds were distributed in the following fashion:

Funding for Strike Force Regions
July 1, 1997 to July 1, 1999

Clay County	\$63,117.00
Duluth	\$186,900.00
St. Louis County	\$156,502.00
Sherburne County	\$95,180.00
St. Cloud	\$103,265.00
Benton County	\$75,612.00
Stearns County	\$64,714.00
Rochester	\$109,847.00
Olmsted County	\$84,305.00
Minneapolis	\$184,800.00
Dakota County	\$99,584.00
Anoka County	\$108,736.00
Hennepin County	\$395,939.00
St. Paul	\$685,041.00
Ramsey County	\$465,125.00
Washington County	\$98,186.00
Central Operational Expenses	\$170,817.00
Northeast Operational Expenses	\$240,914.00
Northwest Operational Expenses	\$38,595.00
Metro Operational Expenses	\$772,557.00

Grants to Expand Local Capacity
July 1, 1997 to July 1, 1999

Jackson	\$65,848.00
Northfield	\$23,359.00

B. Metro Implementation

The Metro Implementation subcommittee is chaired by Nick O'Hara and was given the task of finding a way to bring approximately forty police officers from 10 jurisdictions (State, Federal and Local) together to work together to address the problem of gang-related crime in the Metro area. Much effort was needed to provide a workspace that was functional and efficient.

A vacant space was chosen that required complete renovation, telephone connections, furniture acquisition, computer hook-ups, and other start-up needs. In short, a new office space had to be created. Regional Commander Art Blakey oversaw the creation of the MGSF-Metro headquarters and made sure that the space was ready by November 10, 1997, the first day of MGSF-Metro Operations.

C. Outstate Implementation

Dennis O'Keefe chaired the Outstate Implementation subcommittee. Grant applications were available to any outstate law enforcement agency that wanted to seek reimbursement for officers contributed to the MGSF. After the grant applications were received, the subcommittee created regions that corresponded to the location of the grant applicants. Each region requested funds to create office space, obtain equipment and create an efficient working environment. Budgets were created and funds distributed.

VII. Establishment of Gang Criteria

The Council was charged by the enabling legislation with establishing criteria to aid in the identification of criminal gang members. Gang criteria were needed so that an objective and consistent set of identifiers could be used across the state. The criteria were modeled after criteria used in other states throughout the country which have been accepted and utilized by police and the criminal justice system in those areas. The criteria are based on the premise that criminal gangs and gang members identify themselves through the use of an organizational name, symbols, handsigns, colors and language. These factors in addition to criminal activity can help officers identify and track criminal organizations such as the Gangster Disciples, the Vice-Lords or the Hell's Angels. The signs of gang membership are as follows:

1. Admits gang membership or association.
2. Is observed to associate on a regular basis with known gang members.
3. Has tattoos indicating gang membership.
4. Wears gang symbols to identify with a specific gang.
5. Is in a photograph with known gang members and/or using gang-related handsigns.
6. Name is on a gang document, hit list, or gang related graffiti.
7. Is identified as a gang member by a reliable source.
8. Arrested in the company of identified gang members or associates.
9. Corresponds with known gang members or writes and/or receives correspondence about gang activities.
10. Writes about gangs (graffiti) on walls, books and paper.

VIII. The Criminal Gang Pointer File

The legislature required that a statewide database of identified gang members be created. This database was intended to give police officers across the state information regarding gang members they may encounter in their daily police work. In order to be included in the Criminal Gang Pointer File the individual must have been adjudicated or convicted of a gross misdemeanor level crime or greater. The individual must be fourteen years of age or older. Also three of the ten gang criteria must be established for each individual. Once these factors are present, an individual can be included in the CGPF as a "confirmed gang member." Local police agencies will submit the names of gang members to the Bureau of Criminal Apprehension for inclusion in the Criminal Gang Pointer File. The Criminal Gang Pointer File will provide the name of any law enforcement agency that has investigated the individual and discovered evidence of gang membership. The legislation goes further to require that any agency that submits the name of a criminal gang member must be able to document gang criteria which led the agency to conclude that an individual is a member of a criminal gang. An individual cannot be presumed to be a gang

member based on speculation or conjecture; any agency that submits the name of an individual as a gang member must be able to produce the necessary documentation relied on for the Criminal Gang Pointer File. The legislature also classified the information contained in the Criminal Gang Pointer File as confidential data on individuals as defined in Minnesota Statute section 13.02, subdivision 3, subject to the exception that such information may be released to criminal justice agencies.

IV. Interaction with the Communities of Color

The legislation mandated that the Minnesota Attorney General's Office serve as a liaison with the Indian Affairs Council, the Council on Affairs of Chicano / Latino People, the Council on Black Minnesotans and the Council on Asian-Pacific Minnesotans. The Attorney General was responsible for: 1) informing the Councils of the Criminal Gang Oversight Council's plans, activities, and decisions and hearing their reactions to those plans, activities, and decisions; and 2) providing the Criminal Gang Oversight Council with information about the Councils' position on the Oversight Council's plans, activities, and decisions.

Commander Ryan and other members of the MGSF met on several occasions with the Councils of Color to hear concerns. The Attorney General's Office and members of the MGSF did other community outreach. Dialogue will continue as the MGSF continues to operate.

X. Review of Accomplishments

Although the MGSF is in its infancy, the unit has made substantial progress in fighting criminal gangs. Prior to the creation of the MGSF there was no statewide approach to the burgeoning gang problem. Local departments fought hard against gangs in their jurisdiction, but if the gang members moved, often the information gathered was lost. The MGSF provides a way to track the gang throughout the state. This alone is an accomplishment.

The MGSF and the Criminal Gang Oversight Council established a method to identify and track gang members. Prior to the creation of the gang criteria and the gang strike force determining the number of gang members in the state of Minnesota was impossible. Without a uniform definition of what it is to be a gang member and what constitutes a gang, prior assessments have been anecdotal at best, speculation at worst. The formation of a law enforcement agency designed to identify and track criminal gang members was a tool that law enforcement officers have needed for a long time. Now that an objective measure of gang membership has been created the citizens of Minnesota will begin to get a more accurate picture of the gangs operating in this state.

Putting gang members in prison for criminal gang activity is another accomplishment for the MGSF and prosecutors. The MGSF will seek to incarcerate the most violent and the leaders of criminal gangs for the longest possible time provided by law. As of the date of this report, the MGSF has begun, assisted in, or completed investigations of several gangs in the state. Narcotics, guns and assets have been seized. Cases have been charged and are currently being prosecuted. Convictions have been obtained in approximately 20 cases to date through the collective efforts of county attorneys' offices and the attorney general's office.

It will take some time to assess the impact this innovative, multi-jurisdictional approach will have on the problem of criminal gangs in Minnesota. A problem that has grown without statewide resistance for the past decade may require a long-term approach. The members of the Minnesota Gang Strike Force will meet the challenge. The MGSF will continue to seek justice for citizens whose daily lives are affected by gang crime and prosecution of those gang members who commit these crimes.