

A bill for an act
relating to public safety; establishing a certification process for multijurisdictional
gang and drug task forces; proposing coding for new law in Minnesota Statutes,
chapter 299A; repealing Minnesota Statutes 2008, section 299A.641.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[299A.642] VIOLENT CRIME COORDINATING COUNCIL.**

Subdivision 1. **Coordinating council established.** The Violent Crime Coordinating
Council is established to provide guidance related to the investigation and prosecution of
gang and drug crime. For the purposes of this section, "gang and drug crime" includes
violent crimes associated with gang activity.

Subd. 2. **Membership.** The coordinating council shall consist of the following
individuals or their designees:

(1) the director of the Office of Special Investigations as the representative of the
commissioner of corrections;

(2) the superintendent of the Bureau of Criminal Apprehension as the representative
of the commissioner of public safety;

(3) the attorney general;

(4) four chiefs of police, selected by the Minnesota Chiefs of Police Association,
of which one must be employed by the city of Minneapolis, one must be employed by
the city of St. Paul, one must be employed by a municipality located in the seven-county
metropolitan area excluding Minneapolis and St. Paul, and one must be employed in
greater Minnesota;

(5) four sheriffs, selected by the Minnesota Sheriffs Association, of which, one must work in Hennepin County, one must work in Ramsey County, one must work in Anoka, Carver, Dakota, Scott, or Washington county, and one must work in greater Minnesota;

(6) the United States attorney for the district of Minnesota;

(7) two county attorneys, selected by the Minnesota County Attorneys Association, one who must work in the seven-county metropolitan area and one who must work in greater Minnesota;

(8) two citizen members appointed by the commissioner of public safety in consultation with representatives from the councils of color created in sections 3.922, 3.9223, 3.9225, and 3.9226; and

(9) a tribal peace officer, selected by the commissioner of public safety, in consultation with the Minnesota Indian Affairs Council.

The coordinating council shall adopt procedures to govern its conduct as necessary and shall select a chair from among its members. The chair shall serve a two-year term and the appointment of the chair shall alternate between a person who works in greater Minnesota and a person who works in the seven-county metropolitan area.

Subd. 3. **Coordinating council's duties.** The coordinating council shall develop an overall strategy to ameliorate the harm caused to the public by gang and drug crime within the state of Minnesota. Additionally, the coordinating council shall:

(1) subject to approval by the commissioner of public safety, develop an operating procedures and policies manual to investigate gang and drug crime in a multijurisdictional manner;

(2) identify and recommend a candidate or candidates for statewide coordinator to the commissioner of public safety;

(3) assist the Department of Public Safety in developing grant eligibility criteria and operating an objective and conflict-free grant review application process;

(4) make recommendations to the commissioner of public safety to terminate grant funding for multijurisdictional entities if an entity no longer operates in accordance with subdivision 4, or no longer functions in a manner consistent with the best interests of the state or public;

(5) assist in developing a process to collect and share information to improve the investigation and prosecution of gang and drug offenses;

(6) develop and approve an operational budget for the coordinating council; and

(7) subject to approval by the commissioner of public safety, adopt narrowly tailored, objective criteria and identifying characteristics for use in determining whether individuals are or may be members of gangs involved in criminal activity. The council

shall review and update the criteria and characteristics adopted under this clause every two years with the objective to ensure effectiveness and relevance to the accurate identification of subjects actively involved in criminal gang activity. As part of its review process, the council shall obtain input from members of communities that are impacted by criminal gang activity. Before adopting any changes under this clause, the council must submit its recommendations to the commissioner of public safety for approval.

Subd. 4. **Duties and authority of commissioner.** (a) The commissioner of public safety shall certify multijurisdictional entities, and their designated fiscal agents, that are established pursuant to this section to combat gang and drug crime and receive grant funding under subdivision 9. To certify an entity and its designated fiscal agent, the commissioner shall require that a multijurisdictional entity:

(1) be subject to the operational command and supervision of one of the participating agencies;

(2) be subject to a biennial operational and financial audit contracted out to an external organization not associated with the multijurisdictional entity and designed to ensure that the entity and its designated fiscal agent are in compliance with applicable legal requirements, proper law enforcement standards and practices, and effective financial controls;

(3) have adequate staffing and funding to support law enforcement, prosecutorial, and financial operations, including bookkeeping, evidence handling, and inventory recording; and

(4) be subject to any other conditions the commissioner deems necessary to carry out the purposes of this section.

The commissioner may use grant funds authorized under subdivision 9 to pay for costs incurred in conducting audits under clause (2).

(b) A multijurisdictional entity, and its designated fiscal agent, must be certified annually by the commissioner and may not operate under this section unless it is certified. If the commissioner revokes an entity's or fiscal agent's certification, the commissioner may order, for purposes relating to this section, any or all of the following:

(1) dissolution of the entity, its governing boards, or both;

(2) transfer of duties of the entity, its governing boards, or both, to the Department of Public Safety; and

(3) any other action deemed necessary by the commissioner.

Notwithstanding any action taken by the commissioner, any outstanding obligations or liabilities of the entity remain with the entity and the parties of the agreement and do not transfer.

4.1 (c) An agreement entered into pursuant to section 471.59 and this section shall
4.2 provide that the parties to the agreement are subject to the provisions in this subdivision
4.3 and shall provide for the disposition of property and allocation of obligations upon
4.4 voluntary or mandated dissolution of the entity or upon termination of the agreement.

4.5 (d) Except as provided in section 2, a multijurisdictional entity that is operating on
4.6 the effective date of this section pursuant to section 299A.641 shall have until December
4.7 31, 2010, to be certified under this section.

4.8 Subd. 5. **Statewide coordinator.** The commissioner of public safety shall appoint a
4.9 statewide coordinator. The coordinator serving in the unclassified service shall:

4.10 (1) coordinate and monitor all multijurisdictional gang and drug enforcement
4.11 activities;

4.12 (2) facilitate local efforts and ensure statewide coordination with efforts to combat
4.13 gang and drug crime;

4.14 (3) facilitate training for personnel;

4.15 (4) monitor compliance with investigative protocols; and

4.16 (5) review audits conducted under subdivision 4, take corrective actions based on
4.17 audit results, and submit a summary report of the audits and any corrective actions to the
4.18 commissioner of public safety.

4.19 Subd. 6. **Participating officers; employment status.** All participating law
4.20 enforcement officers must be licensed peace officers as defined in section 626.84,
4.21 subdivision 1, or qualified federal law enforcement officers as defined in section 626.8453.
4.22 Participating officers remain employees of the same entity that employed them before
4.23 joining any multijurisdictional entity established under this section. Participating officers
4.24 are not employees of the state. Participating officers shall be subject to annual performance
4.25 reviews conducted by the entity's operational supervisor.

4.26 Subd. 7. **Jurisdiction and powers.** Law enforcement officers participating in any
4.27 multijurisdictional entity established under this section have statewide jurisdiction to
4.28 conduct criminal investigations and have the same powers of arrest as those possessed by
4.29 a sheriff.

4.30 Subd. 8. **Evidence handling.** A multijurisdictional entity established pursuant to
4.31 this section shall process all evidence through the standard evidence handling procedures
4.32 established by the participating agencies.

4.33 Subd. 9. **Grants authorized.** The commissioner of public safety may make grants
4.34 to state and local units of government to combat gang and drug crime. When awarding
4.35 grants, the commissioner shall consider appropriating grants under this section to fund
4.36 community-based gang intervention and prevention efforts for youth.

Subd. 10. **Coordinating council is permanent.** Notwithstanding section 15.059, this section does not expire.

Subd. 11. **Governing board; prosecutor's role.** (a) A multijurisdictional entity established under this section shall create a governing board consisting of the chief law enforcement officer, or designee, from each participating agency, a prosecutor from one of the participating agencies, and up to three additional members selected by the governing board. A governing board shall have no less than six members.

(b) The prosecutor on the governing board shall recommend to governing board the nature and frequency of training for officers assigned to a multijurisdictional entity in order to increase successful prosecutions.

Subd. 12. **Funding.** Participating agencies may accept lawful grants or contributions from any federal source or legal business or entity.

Subd. 13. **Role of attorney general.** The attorney general or a designee shall generally advise on any matters that the coordinating council deems appropriate.

Subd. 14. **Attorney general; community liaison.** (a) The attorney general or a designee shall serve as a liaison between the coordinating council and the councils of color created in sections 3.922, 3.9223, 3.9225, and 3.9226. The attorney general or designee will be responsible for:

(1) informing the councils of color of the plans, activities, and decisions and hearing their reactions to those plans, activities, and decisions; and

(2) providing the coordinating council with the position of the councils of color on the coordinating council's plan, activities, and decisions.

(b) In no event is the coordinating council required to disclose the names of individuals identified by it to the councils of color referenced in this subdivision.

Subd. 15. **Required reports.** By February 1 of each year, the commissioner of public safety shall submit the following reports to the chairs of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding:

(1) a report containing a summary of all audits conducted on multijurisdictional entities under subdivision 4; and

(2) a report on the activities and goals of the coordinating council.

Sec. 2. **MULTIJURISDICTIONAL GANG AND DRUG STRIKE FORCES.**

A joint powers entity established pursuant to Minnesota Statutes, section 299A.641, before the effective date of this section that included as parties to the joint powers agreement two counties with a population over 500,000 each is dissolved and any

6.1 governing or advisory board established by the terms of the agreement is also dissolved.
6.2 All current and future obligations and liabilities of the joint powers entity remain with the
6.3 parties to the agreement and do not transfer to the state.

6.4 For purposes of this section, "population" means the most recent population estimate
6.5 made by the state demographer under Minnesota Statutes, section 4A.02.

6.6 **EFFECTIVE DATE.** This section is effective July 1, 2011.

6.7 Sec. 3. **REVISOR'S INSTRUCTION.**

6.8 The revisor of statutes shall replace references to Minnesota Statutes, section
6.9 299A.641, in statutes and rules with a reference to Minnesota Statutes, section 299A.642,
6.10 and shall make any other changes to statutory cross-references as necessitated by this bill.

6.11 Sec. 4. **REPEALER.**

6.12 Minnesota Statutes 2008, section 299A.641, is repealed.

6.13 **EFFECTIVE DATE.** This section is effective December 31, 2010.

299A.641 GANG AND DRUG OVERSIGHT COUNCIL.

Subdivision 1. **Oversight council established.** The Gang and Drug Oversight Council is established to provide guidance related to the investigation and prosecution of gang and drug crime.

Subd. 2. **Membership.** The oversight council shall consist of the following individuals or their designees:

- (1) the director of the office of special investigations as the representative of the commissioner of corrections;
- (2) the superintendent of the Bureau of Criminal Apprehension as the representative of the commissioner of public safety;
- (3) the attorney general;
- (4) eight chiefs of police, selected by the Minnesota Chiefs of Police Association, two of which must be selected from cities with populations greater than 200,000;
- (5) eight sheriffs, selected by the Minnesota Sheriffs Association to represent each district, two of which must be selected from counties with populations greater than 500,000;
- (6) the United States attorney for the district of Minnesota;
- (7) two county attorneys, selected by the Minnesota County Attorneys Association;
- (8) a command-level representative of a gang strike force;
- (9) a representative from a drug task force, selected by the Minnesota State Association of Narcotics Investigators;
- (10) a representative from the United States Drug Enforcement Administration;
- (11) a representative from the United States Bureau of Alcohol, Tobacco, Firearms and Explosives;
- (12) a representative from the Federal Bureau of Investigation;
- (13) a tribal peace officer, selected by the Minnesota Tribal Law Enforcement Association;
- (14) two additional members who may be selected by the oversight council;
- (15) a senator who serves on the committee having jurisdiction over criminal justice policy, chosen by the Subcommittee on Committees of the senate Committee on Rules and Administration; and
- (16) a representative who serves on the committee having jurisdiction over criminal justice policy, chosen by the speaker of the house.

The oversight council may adopt procedures to govern its conduct as necessary and may select a chair from among its members. The legislative members of the council may not vote on matters before the council.

Subd. 3. **Oversight council's duties.** The oversight council shall develop an overall strategy to ameliorate the harm caused to the public by gang and drug crime within the state of Minnesota. This strategy may include the development of protocols and procedures to investigate gang and drug crime and a structure for best addressing these issues in a multijurisdictional manner. Additionally, the oversight council shall:

- (1) identify and recommend a candidate or candidates for statewide coordinator to the commissioner of public safety;
- (2) establish multijurisdictional task forces and strike forces to combat gang and drug crime, to include a metro gang strike force and a gang strike force located in the St. Cloud metropolitan area;
- (3) assist the Department of Public Safety in developing an objective grant review application process that is free from conflicts of interest;
- (4) make funding recommendations to the commissioner of public safety on grants to support efforts to combat gang and drug crime;
- (5) assist in developing a process to collect and share information to improve the investigation and prosecution of drug offenses;
- (6) develop and approve an operational budget for the office of the statewide coordinator and the oversight council; and
- (7) adopt criteria and identifying characteristics for use in determining whether individuals are or may be members of gangs involved in criminal activity.

Subd. 4. **Statewide coordinator.** The current gang strike force commander shall serve as a transition coordinator until July 1, 2006, at which time the commissioner of public safety shall appoint a statewide coordinator as recommended by the oversight council. The coordinator serving in the unclassified service shall:

- (1) coordinate and monitor all multijurisdictional gang and drug enforcement activities;

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(2) facilitate local efforts and ensure statewide coordination with efforts to combat gang and drug crime;

(3) facilitate training for personnel;

(4) monitor compliance with investigative protocols; and

(5) implement an outcome evaluation and data quality control process.

Subd. 5. **Participating officers; employment status.** All participating law enforcement officers must be licensed peace officers as defined in section 626.84, subdivision 1, or qualified federal law enforcement officers as defined in section 626.8453. Participating officers remain employees of the same entity that employed them before joining any multijurisdictional entity established under this section. Participating officers are not employees of the state.

Subd. 6. **Jurisdiction and powers.** Law enforcement officers participating in any multijurisdictional entity established under this section have statewide jurisdiction to conduct criminal investigations and have the same powers of arrest as those possessed by a sheriff.

Subd. 7. **Grants authorized.** The commissioner of public safety, upon recommendation of the council, may make grants to state and local units of government to combat gang and drug crime.

Subd. 8. **Oversight council is permanent.** Notwithstanding section 15.059, this section does not expire.

Subd. 9. **Funding.** Participating agencies may accept lawful grants or contributions from any federal source or legal business or entity.

Subd. 10. **Role of attorney general.** The attorney general or a designee shall generally advise on any matters that the oversight council deems appropriate.

Subd. 11. **Attorney general; community liaison.** (a) The attorney general or a designee shall serve as a liaison between the oversight council and the councils created in sections 3.922, 3.9223, 3.9225, and 3.9226. The attorney general or designee will be responsible for:

(1) informing the councils of the plans, activities, and decisions and hearing their reactions to those plans, activities, and decisions; and

(2) providing the oversight council with the councils' position on the oversight council's plan, activities, and decisions.

(b) In no event is the oversight council required to disclose the names of individuals identified by it to the councils referenced in this subdivision.

(c) Nothing in this subdivision changes the data classification of any data held by the oversight council.

Subd. 12. **Required report.** By March 1 of each year, the council shall report to the chairs of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding on the activities of the council and any strike or task forces. This annual report shall include:

(1) a description of the council's goals for the previous year and for the coming year;

(2) a description of the outcomes the council achieved or did not achieve during the preceding year and a description of the outcomes the council will seek to achieve during the coming year; and

(3) any legislative recommendations the council has including, where necessary, a description of the specific legislation needed to implement the recommendations.