

A bill for an act
relating to public safety; establishing a certification process for multijurisdictional
gang and drug task forces; appropriating money; 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 guidelines established under 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, 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 an operational and financial audit conducted annually by an outside independent entity;

(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.

(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.

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

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

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

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

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

Subd. 6. **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. Participating officers shall be subject to annual performance reviews conducted by the entity's operational supervisor.

Subd. 7. **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. 8. **Evidence handling.** A multijurisdictional entity established pursuant to this section shall process all evidence through the standard evidence handling procedures established by the participating agencies.

Subd. 9. **Grants authorized.** The commissioner of public safety may make grants to state and local units of government to combat gang and drug crime. When awarding grants, the commissioner shall consider appropriating grants under this section to fund 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 governing or advisory board established by the terms of the agreement is also dissolved. All current and future obligations and liabilities of the joint powers entity remain with the parties to the agreement and do not transfer to the state.

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

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

6.4 Sec. 3. **APPROPRIATION.**

6.5 \$..... is appropriated in fiscal year 2011 from the general fund to the commissioner
6.6 of public safety for conducting audits required under Minnesota Statutes, section
6.7 299A.642, subdivision 4, paragraph (a).

6.8 Sec. 4. **REVISOR'S INSTRUCTION.**

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

6.12 Sec. 5. **REPEALER.**

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

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