

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill repeals the Gang and Drug Oversight Council and creates the Violent Crime Coordinating Council. It outlines the membership and duties of the new council. It also outlines the duties of the statewide commander and the commissioner of public safety; directs DPS to certify violent crime enforcement teams; and specifies the membership of these teams' governing boards (to include a prosecutor among others). Finally, the bill dissolves a multijurisdictional entity formed under the current statutory authority for gang and drug task forces effective July 1, 2011.

#### Section

#### **1 Violent Crime Coordinating Council.**

**Subd. 1. Established.** Establishes the council to provide guidance in investigating and prosecuting gang and drug crimes. Defines "gang and drug crime" to include violent crimes associated with gang activity.

**Subd. 2. Membership.** Appoints 17 members to the council. Provides that the chair shall serve a two-year term and appointment of the chair shall alternate between a person who works in greater Minnesota and a person who works in the metro area.

**Subd. 3. Duties.** Outlines the duties of the council.

- Developing an operating procedures and policy manual to investigate gang and drug crime in a multijurisdictional manner (mandated and subject to DPS approval).
- Identifying and recommending a candidate for statewide coordinator.
- Assisting DPS in developing grant eligibility criteria and operating an objective/conflict-free grant review process.

- Making recommendations to DPS on terminating grant funding for violent crime enforcement teams (VCET).
- Assisting in developing a process to collect and share information.
- Developing and approving an operational budget for the council.
- Adopting criteria and identifying characteristics to determine gang membership (subject to approval by DPS and biennial review process).

**Subd. 4. Duties and authority of commissioner.** Directs DPS to certify multijurisdictional entities, and their designated fiscal agents, that are established pursuant to this section and receive grant funds under subdivision 9. To certify an entity, the commissioner must require the entity to: (1) be subject to the operational command and supervision of one of the participating agencies, (2) be subject to an biennial financial and operational audit, (3) have adequate staffing to support all operations, and (4) be subject to other conditions required to carry out this section. Provides that if DPS revokes an entity's certification, it may order, for purposes relating to this section: (1) dissolution of the entity and/or its governing board, (2) transfer of duties to DPS, and (3) any other necessary action. Provides that all obligations and liabilities of the entity remain with the entity and the parties. Directs an entity to provide in its joint powers agreement that the parties are subject to provisions in this subdivision. Allows current entities until December 31, 2010, to become certified under this section.

**Subd. 5. Statewide coordinator.** Outlines the duties of the statewide coordinator, including reviewing VCETs' annual audits, taking corrective action if needed, and submitting a summary report to DPS.

**Subd. 6. Participating officers.** Provides that participating officers are not employees of the state. Provides that participating officers shall be subject to annual performance reviews conducted by the entity's operational supervisor.

**Subd. 7. Jurisdiction and powers.** Provides statewide jurisdiction to participating officers.

**Subd. 8. Evidence handling.** Provides that a VCET shall process evidence through standard evidence handling procedures established by the participating agencies.

**Subd. 9. Grants authorized.** Authorizes DPS to make grants to state and local units of government to combat gang and drug crime. Directs DPS to consider appropriating grants to fund community-based gang intervention and prevention efforts for youth.

**Subd. 10. Coordinating council.** Provides that the council is permanent.

**Subd. 11. Governing board; prosecutor's role.** Outlines the membership of a VCET's governing board to include: the chief law enforcement officer from each participating agency, a prosecutor from one of the agencies, and up to three additional members selected by the board. Provides that the board shall have no less than six

members. Directs the prosecutor to recommend training for officers.

**Subd. 12. Funding.** Authorizes agencies to accept lawful grants or contributions.

**Subds. 13-14. Attorney general; councils of color.** Directs the attorney general to provide the council with general advice and act as a liaison with councils of color.

**Subd. 15. Required reports.** Directs DPS to submit the following reports to the legislature by February 1 of each year:

- 1) report containing summary data from VCET audits; and
- 2) report on activities and goals of the oversight council.

- 2 **Multijurisdictional Gang and Drug Strike Forces.** Dissolves a joint powers entity (including its governing board) that included as parties two counties with a population over 500,000 each. Provides that all current and future obligations and liabilities of the entity remain with the parties to the agreement and do not transfer to the state. The effective date is July 1, 2011.
- 3 **Revisor instruction.** Directs the Revisor to make changes to cross-references in statute and rule as necessitated by this bill.
- 4 **Repealer.** Repeals the Gang and Drug Oversight Council effective December 31, 2010.