

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;

(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.

History: 2005 c 136 art 11 s 4; 2006 c 282 art 13 s 7; 2007 c 13 art 1 s 25; c 54 art 7 s 4; 2008 c 169 s 1