

LEGISLATIVE RESOURCE SHEET | 2018 SESSION

Minnesota Chiefs of Police Association

ISSUE/LEGISLATION:

CRIMINAL GANG INVESTIGATIVE DATA SYSTEM

The MCPA supports amending MN Statute 299C.091 to clarify when a legally identified gang member, who is incarcerated, is removed from the Gang Investigative Data system.

PROPOSAL STATUS

MCPA will actively support this proposal as part of its 2018 Legislative Agenda

- The Minnesota Department of Corrections plans to introduce this request as part of its overall agency agenda.
- The proposal would add language to Subd 5 that puts the 3 year conviction criteria on hold if the person is in prison

BACKGROUND

Currently, all legally identified gang members are purged from the data system 3 years after the last record of a conviction or adjudication or stayed adjudication of the individual. Proposed language would be: *Unless the individual whom the data pertains to is sentenced to or adjudicated to an adult prison or juvenile placement and the prison or juvenile placement continues to document on-going gang criteria behavior during the placement the three year conviction period should begin once released.*

Currently law reads : Subd. 5. Removal of data from system.

Notwithstanding section 138.17, the bureau shall destroy data entered into the system when three years have elapsed since the data were entered into the system, except as otherwise provided in this subdivision. If the bureau has information that the individual has been convicted as an adult, or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a crime if committed by an adult, since entry of the data into the system, the data must be maintained until three years have elapsed since the last record of a conviction or adjudication or stayed adjudication of the individual. Upon request of the law enforcement agency that submitted data to the system, the bureau shall destroy the data regardless of whether three years have elapsed since the data were entered into the system.

We believe this is a valid reason for removal if the identified gang member is in the community. If the identified gang member is incarcerated in prison for more than 3 years and is displaying other documented gang behavior while in prison the three time period should start when they are released.

This is an officer safety issue. If the identified member is actively participating in gang behavior while in prison they should not be removed from the list just because they do not have a new conviction. In most felony level assaults in prison the victim will not prosecute so though we may deal with the violation with in house discipline there is no new conviction.

Impacts on public safety or law enforcement: Officer safety is jeopardized as these people are removed from the list even though they are still behaving as a violent gang member.

Has the MCPA supported this legislation/position in the past? It has not been brought up in the past