I. Call to Order
Lt. Governor Peggy Flanagan called the meeting to order at 1:32 p.m. She noted a link for public comments has been posted on the Legislative Calendar and will be compiled and reviewed by members and advisors.

II. Approval of draft meeting minutes: December 15, 2020
Motion to approve the minutes of December 15, 2020 made by Rep. Nash and seconded by Sen. Dibble. Chief Justice Gildea noted a correction on Page 3 on the first line. Justice Anderson’s comment of Justice Court Room should be changed by adding the word ‘Center.’ Rep. Nash renewed his motion to approve the amended minutes. Sen. Dibble seconded. By a vote of 6-0 the motion prevailed.

Lt. Governor Flanagan noted that it is clear we need to seriously take our commitment to make the Capitol secure for all that come here to legislate, adjudicate, work, lobby and advocate. The recent events at the Capitol building, Governor’s residence and the U.S. Capitol the past two weeks are unlike anything we have seen. The Lt. Governor discussed what will be occurring during the next ACCAS meetings in the coming weeks including 3-4 meetings to assist with help and guidance in long-term solutions to Capitol security. The Lt. Governor expects that we will have two more hearings in February to include recommendations to the supplemental budget to be released after the February forecast. She noted this is an advisory committee and recommendations do not become form or rule but take the normal legislative course. She also noted there will be a Capitol Security item in the
Governor’s budget next Tuesday. We would like to include a more comprehensive item that captures the consensus of this group. There is much interest in how firearms affect security on the Complex. We will dedicate a hearing to the subject. We will enter a closed session on incidents on the Capitol and measures that Capitol Security has taken and may need to take.

III. Capitol Security update

- Commissioner John Harrington, Department of Public Safety

Commissioner Harrington noted there were 117 permits for rallies/protests in 2020. In that same year there were 530 reports of suspicious activity, 203 reports on suspicious persons, 81 criminal damage to property, 18 mentally ill individuals and 2 auto thefts on the Capitol grounds. Since June of 2020, the BCA has tracked events and rallies that involved potential threats. There were 88 events that had some threats or violence. Of those 88, there were 8,847 attendees and 50,000 that were interested in attending. There were 2 specific threats both of which were classified as law enforcement sensitive. One dates back to May 30 where there was a threat around burning, attacking the Capitol, and one during the last two weeks during the inaugural period about bringing guns and explosives to the Capitol.

We responded by using investigatory means, preventative control, and using the State Patrol, Capitol Security, and law enforcement partners.

Sen. Limmer asked about the facts and figures being available in written form. Commissioner Harrington is happy to get that information to the Chair. Sen Limmer said if we get into ongoing threats and get into a discussion that would be important to have. We know there were threats and a response to protect the Capitol grounds, was there any response to why protesters did not show up? Commissioner Harrington stated they followed up on as many threats that they could follow up to. Several websites and platforms went dark which limited the tracking. In those cases were they could track, the individuals stated they had not really planned on coming to the Capitol. We knew who they were, and they had police officers interviewing them so that might have been a disincentive for them to carry out the threat. Also, the National Guard and State Patrol presence might have been strategic.

Sen. Limmer asked about other threats. What is the measured or balance approach to face that threat. That is an ongoing conversation.

Sen. Dibble asked Commissioner Harrington about the term ‘threat’ and what is an indication that would cause an event to be called a threat? Commissioner Harrington stated that the BCA tracked events at the Capitol and that some of those did have very specific threats, e.g., bringing guns and explosive devices and secreting them around the Capitol. We took that to mean they were going to do harm or physical damage to buildings or to individuals. Other threats included burning down the Capitol or doing harm to the Governor. The range of threats runs from criminal damage to property to actual threats that would cause death or great bodily harm. We try to prioritize to how credible the threat is. Is it rhetoric or does it rise to criminal behavior? Part of our duty in protecting the Capitol is protecting the legislators, judges and public and we feel it is important to keep tracking them and take the precautionary steps to make sure they are unable to complete the threat.

Sen Dibble stated he appreciated the concern for the legislators, judges and public and hopes that we think about the professional staff as well. Commissioner Harrington said state employees are absolutely in their thoughts in security measures.

Rep. Nash asked Commissioner Harrington other than one statue being torn down illegally and damaged, are there any other criminal behavior, destruction of property, or assaults during the time you articulated. Commissioner Harrington responded that during 2020 there were 81 cases of criminal damage to property, most of that was graffiti and not assault or physical attacks to staff or legislators.
Rep. Nash asked if there were any crimes pertaining to firearms or other crimes. Commissioner Harrington stated he is not aware of any other crimes and he believed they have done investigations on some folks that were protesting and they did find weapons. During the summer they found weapons stashed in a car during the curfew sweeps. He stated he did not believe there were any shots fired or any firearm assaults connected to the Capitol directly.

Lt. Governor Flanagan noted that we are in a unique time due to Covid-19. The attention to the Capitol Complex seems to be more than ever before. The Governor and Lt. Governor have a strong desire to use this opportunity to create long-term plans for Capitol Complex security. DPS and Admin will put forth a menu of options to consider. Members will come prepared to speak to your thoughts and proposals at the next meeting. Col. Matt Langer will begin the budget and policy discussion on what they see as making the Capitol Complex a safe place to work and visit.

IV. Overview of menu of potential Capitol Security budget items: Department of Public Safety

- Colonel Matt Langer, Minnesota State Patrol

Col. Langer stated that he will review items that DPS has discussed that committee members may want to explore further, cross off the list or bring your own items. These items are in no particular order.

- Staffing – increase state troopers assigned to Capitol Complex – 20 or 21 to go above what we currently have.
- Increase non-sworn staff. Troopers are sworn and Capitol security officers are not sworn.
- Addition of sworn/non-sworn analyst to work in the Fusion Center to help with intelligence information. Can help predict staffing for security.
- Body cameras for troopers. Body cameras have value for accountability for officers and people being recorded on the other side.
- Sufficient funds to swell staffing when necessary. Have open appropriating or funding mechanism to make the decision in the best interest of security but be mindful of the budget.
- Fences. The current fence has been a benefit in protecting the building from those who wish to do harm to the building. There is potential for a vision that would be esthetically pleasing and much more effective. Similar to the fence at the Governor’s residence.
- Some enhancements to the security system already in place for that piece of property.
- Bicycle response team which would allow staff to move more swiftly.
- Good technology allows for troopers and staff to be situationally aware of what is going on and where they are on the Complex - Smart phone based application.
- Shot Spotter system allows for triangulated location of a gunshot on the Complex and alerts dispatch when it occurs.
- Training. Securing best practices for State Capitols over the next year, to behavioral threat detection, magnetometers and what prohibition there should be when one comes to the Capitol. Firearms are permitted as long as the individual has a permit to carry. Long guns, rifles and shot guns are prohibited in the Capitol building but not on the Capitol grounds. Equipment needs and staffing needs if there was a policy level decision made to weapons.

Sen. Dibble asked about training and best practices and has there been discussion on future efforts to engage staff and leaders on campus making sure they have the knowledge that they need to keep themselves safe as possible? Staff are now hungry for information on what people tasked with their security are doing (physical security layout features, panic buttons, and what to do in an event). Are we renewing best practices and engaging those that work on the campus? Col. Langer responded that there have been conversations with both Sgt. in Arms and the Commissioner on those issues. The Emergency Manager at the State Patrol serves as the Emergency Manager at the Capitol Complex. If there is anything we can learn from the past few weeks is there is the need to do some training. Sen. Dibble noted that everyone’s attention is pretty focused now and to the extent that those plans are ready to be conveyed, the sooner the better. Lt. Governor stated that is very needed and timely. For upcoming
discussions members from both the house and senate should be reaching out to members for feedback to bring to this table.

Sen. Limmer mentioned at the last meeting he asked if we had adequate staff in our security personnel. That is a question he has asked year after year. Perhaps recent events may be putting a different tone to it. The very extreme activities at the U.S. Capitol are not the norm and we have to be somewhat flexible. He mentioned at one time they had retired, non-sworn law enforcement, mainly troopers that would wear maroon blazers. That is one thing to consider as we consider not having a whole army of state troopers around as they could augment Capitol Security. Another area of discussion is a letter he sent to the advisory board on what was going on prior to the inauguration so that people in the Capitol would have an idea of what to anticipate. That did not take place but one question is are the regular staff at the Capitol trained to respond in an emergency? Sen. Limmer doesn’t believe they have fire drills at the Capitol Complex. He has been there seasonally and has never experienced a fire drill. There might be a speaker overhead, but people sit in their room and wait for it to go away. If they don’t know where to go, there is a need for training. The full spectrum of security should be reviewed.

Col. Langer responded they would be eager to have participation and will work with the two Sgt. in Arms, Captain Roeske, and Emergency Manager Jenny Kane who will convene a meeting for easy action steps to discuss basic emergency preparedness steps.

Lt. Governor stated the response of Commissioner Harrington, Col. Langer, SPPD, DNR and the National Guard was to do things quickly in the short term and we tried to communicate updates to the members of the house and senate. What we are trying to do here is to have a long-term conversation. We will be in faster communication with this advisory committee.

V. Overview of menu of potential Capitol Security budget items: Department of Administration

- Chris Guevin, Facilities Management, Department of Administration
Department of Administration has been working with the committee to provide security enhancements on the Capitol. We started as early as 2012. In 2016 we asked for our first funding request and asked for 26.2 million. In 2018 we got 10 million. What wasn’t funded has grown in cost due to inflation. The 10 million represented 41 percent of the bonded request and about 30 percent of the overall request. There were some nuances about the buildings on the Complex and the types of money we can use. Four buildings on the Complex are not eligible for bond funds but are eligible for cash. We should continue on with the initiatives we have already started. The 10 million project is Phase 1 and is wrapping up. We have installed a lot of the things critical to security. We would like to continue that work in a Phase 2 putting up bollards, security kiosks for Department of Revenue and the Judicial Center, parking controls and things of that nature. Projectile resistant glass around the lower levels to protect people from glass if something forceful hits the glass has been installed. Director Guevin recommends continuing the security improvements. There are a large amount of projects that need to be done. Since we started the security measures on the Capitol Complex in 2012 and implemented the security implements things have changed. We recommend a study refreshment or upgrade to look at the grounds or mall that surround the Capitol Complex. Right now the security enhancements are designed for the buildings or immediate adjacencies and they do not address the mall or land areas. We have seen over the last eight or nine months that the land or the mall can be difficult to manage. Another study to address those vulnerabilities is recommended. Recommend to continue with the security elements across the Complex and have a study and subsequent work around the mall and capitol building and other buildings that surround the capitol. We are in the final stages of the negotiation to complete that study. Hope to have the study done this year sometime so that we have the work elements that will be necessary to help control the activities on the mall and the land areas. It boils down to two things: Continue doing the work that we are doing as they are very important elements in maintaining the security on the Capitol Complex as well as expanding it to the land areas.
Sen. Dibble stated that taking a fresh look at the work and updating it in light of changing times and recent events is a good idea.

Rep. Winkler asked about the security at the State Office Building. The concern is the layout and set up of the building. Public access is a concern and there is little control. Has there been a thorough review internally of the State Office Building or can it be included in an evaluation?

Director Guevin stated that when an assessment was done several years ago they did look at where the public space turns into private space. There were measures that did not get included in Phase 1 that we would like to continue with in Phase 2 including walking down suite areas, additional card readers and additional cameras. The study did not look at additional vulnerable areas but is something we could look at. Because of its age, the building has some security vulnerabilities that a security project alone could not remedy. We have had initiatives over the year to completely restore that facility as well. To some degree that may be what it will take to significantly cover the security vulnerabilities. We can look at the vulnerabilities again. But a holistic approach will be some more significant work on the building.

Rep. Winkler noted the building could use more significant work. As we look at baseline security, considering a broader kind of construction project would be in order.

Lt. Governor noted that for upcoming meetings where we bring proposals this is important. For folks on the first floor of the building the windows are right there and she has heard a little bit about that and would like to add that to the list. Director Guevin noted that will be in Phase 2 of the initial assessment. We will look at the vulnerabilities as we proceed with hopefully the additional study and the most pressing items.

VI. Member discussion and questions
Lt. Governor opened the meeting for open discussion. There was no discussion. Lt. Governor anticipates the first week of February for the next meeting. She noted each of you will weigh in on proposals for budget and policy items that will advance long-term vision for public safety on the Capitol Complex. She will also be inviting constitutional officers to provide their perspective on keeping the Capitol safe. The public will be providing comments via the web form. The Annual Report on Advisory Committee on Capitol Area Security will be completed shortly for approval.

VII. Closed session: In-depth Capitol Security update

VIII. Adjourn
Sen. Dibble moved to adjourn; seconded by Rep. Winkler. By a vote of 6-0 the motion passed and the meeting adjourned at 3:01 p.m.