Advisory Committee on Capitol Area Security
Meeting Minutes
Monday, July 10, 2017
Minnesota State Capitol

Members present:
Lieutenant Governor Tina Smith
Chief Justice Lorie Gildea
Senator Warren Limmer
Representative Debra Hilstrom
Representative Jim Nash

Advisors present:
Shelly Schrofer, Lt. Col., State Patrol
Bruce Brynell, Major, State Patrol
Eric Roeske, Captain, State Patrol
Matt Massman, Commissioner, DOA
Chris Guevin, Facilities Management Director, DOA
Bob Meyerson, Sergeant-at-Arms, MN House
Sven Lindquist, Sergeant-at-Arms, MN Senate
Paul Mandell, CAAPB
Brian Pease, MN Historical Society
David Kelliher, MN Historical Society
Troy Buhta, University of MN Police Department
Andy Landon, Target Corp.
Ty Sheridan, Ramsey County Sheriff’s Office

Call to Order
The meeting was called to order by Lieutenant Governor Smith at 2:00 p.m. Members and advisors introduced themselves.

Approval of Minutes
Representative Hilstrom moved approval of the January 10, 2017 meeting minutes. The motion was seconded by Representative Nash and the minutes were approved by a vote of 4-0.

Senator Limmer joined the meeting.

Physical Security Initiative
Facilities Management Director Guevin and Miller Dunwiddie Architecture (MDA) Vice President John Mecum discussed the history, status, and next steps of the physical security upgrades on the Capitol Complex. MDA completed a study on physical security deficiencies of the buildings on the Capitol Complex in 2014 (security initiatives for the Capitol building were addressed separately from this study). A comprehensive report was generated and reviewed by this committee at that time.

In 2015, this committee recommended to the legislature full funding for design and construction of the physical security upgrades outlined in the MDA report in the amount of $26.2M ($18.5M Bonds; $7.7M cash). 2015 was not a bonding year, so in 2016, this committee again recommended full funding, including a request for predesign funds. Governor Dayton included funding for the initiatives in his supplemental budget in 2016 and this committee sent letters to House and Senate Committee Chairs and legislative leadership urging their support. Commissioner Massman and Department of Administration staff met with House and Senate Finance Committee Chairs regarding the importance of funding the upgrades.
No bonding bill was passed during the 2016 legislative session. Final funding dispositions were $10.5M bonds/no cash in the House, and $18.5M bonds/$3.4M cash in the Senate. Commissioner Massman sent a letter to this committee detailing the cost implications of funding delays based upon information available at that time. In January of 2017, this committee again recommended to the legislature full funding, including inflationary adjustments, for the design and construction of the physical security upgrades. Governor Dayton included the bond portion of $18.5M in his 2017 budget recommendation. The physical security upgrades were not funded as part of the 2017 bonding bill.

Department of Administration took the next step in the construction procurement process and retained MDA to complete pre-design, which better defines requirements and costs. Predesign will be complete in August. Up-to-date costs show the current estimate for these upgrades is $36.82M ($26.76M bonds and $10.06M cash). This is an increase of approximately $10M from the estimate four years ago. Costs include design, construction, and administration fees and are inflated to a mid-point of construction of November 2019. Vice President Mecum discussed factors contributing to cost growth, including inflation, better defined requirements, increased vehicle barriers, and added CCTV improvements.

Senator Limmer observed that some of the cameras on the Capitol Complex are not visible and questioned whether deterrence is a factor considered when positioning cameras. Director Guevin stated that the interior cameras do blend in, while exterior cameras are more visible. Cameras are placed in locations that provide optimal coverage.

Representative Hilstrom questioned whether there will be an ongoing request for funding and if a fund should be set up to deal with these security issues on an ongoing basis. Commissioner Massman stated that this money would not include new physical security elements that are determined to be of value in 10 to 20 years.

Senator Limmer asked whether there were written copies of the information being presented. Director Guevin advised he did have copies of the nonpublic report that the committee may sign out. PowerPoint handouts will be made available to the committee and the public.

Representative Nash encouraged new members to review the nonpublic report. He expressed the importance of getting these security upgrades done and stressed that this cannot be a political issue. This is the center of government for Minnesota; on any given day there are thousands of people in the Capitol Complex and we must protect the people here. Representative Nash stated he will continue to do whatever he can to move this forward.

The Department of Administration will carry the updated information in its 2018 bonding request and recommends that the committee continue to advocate for this funding in 2018.

Lieutenant Governor Smith reiterated that this committee feels fully the responsibility of following through on the commitment to ensure a safe environment on the Capitol Complex for state employees and visitors. These security upgrades remain a top priority.

**Capitol Security Update**

Captain Roeske provided an operational update on Capitol Security. A hiring process to fill 11 Security Officer vacancies is underway. Security Officers recently attended implicit bias and de-escalation training. In January of 2018, troopers and officers will attend training focused on dealing with people who have mental health issues. K9 training is being coordinated on the Capitol Complex with K9 teams from around the metro area. An additional trooper position was created and there will be a trooper assigned the Judicial Center beginning on July 26th.
Chief Justice Gildea thanked Captain Roeske and Lt. Colonel Schrofer on behalf of the Judicial Branch for their work in getting a trooper assigned to the Judicial Building.

**Rally Permitting Process, Summary of Recent Activity**

Director Guevin discussed the rally permitting process. Under Minnesota Rule 1235, any person, firm, partnership, association, corporation, company, or organization can apply for a permit. Permits are approved by Facilities Management and the approval process for non-complicated events is relatively quick. Permit requests for complicated events with stages, tents, large crowds, or events that focus on controversial issues require additional coordination, and may require additional permits from the city or the Department of Health. Specific areas on the Capitol Complex are open to rallies and events. Anything brought onto the Capitol Complex or into the building must be removed at the conclusion of the event. Director Guevin discussed the general guidelines that are in place to protect people and state property. Grounds for denying a permit are defined in Minnesota Rule 1235. One permit has been denied in the past six years.

There was discussion regarding costs associated with rallies, and the difference between rallies and private events. Private events held on the Capitol Complex such as the Twin Cities Marathon differ from free speech rallies. The Department of Administration is able to charge a fee for private events and the event holder is responsible contractually for maintenance and restoration following the event. Costs associated to damage caused during permitted rallies are the responsibility of the permit holder and may be pursued through litigation. When a need for security is identified, Capitol Security contracts with event holders to provide security, or staffs the event independently and absorbs the cost.

There was discussion regarding recent protest activity. Senator Limmer observed that rallies and protests have changed over the years he has been in office. Protests used to be held on the front steps; recently they have become disruptive inside the Capitol, to the point where discussion cannot be heard. Senator Limmer expressed concern that while some protesters are well-trained in how far they can go in a protest, these events can also attract a lone individual who might initiate an action that causes harm to someone. He does not see anything in the current security protocol that can stop this. Senator Limmer pointed out that the U.S. Capitol does not allow rallies or protests inside the building. They do not stop the message being emitted by the protestor, but often times it is a block away. This is not the policy on the Capitol Complex, and Senator Limmer suggested this is something the committee should discuss.

Representative Nash stated he believes it is important to allow people to have access to legislators and he does not think access should be limited. He stated he was impressed by the level of professionalism displayed by Capitol Security during recent events, and questioned whether they have policies in place to handle issues that arise during unpermitted events, or whether this is something that requires further discussion. Captain Roeske stated as law enforcement, they deal with these situations as they unfold. No two situations are alike. They rely on and welcome discussion with the executive branch and the committee about these issues.

Sergeant-at-Arms Lindquist observed that permitted events go very well. Unpermitted, spontaneous events that grow instantaneously with social media connections have caused difficulty outside of chambers recently and this is an issue that needs to be addressed. These events can require Capitol Security to call in large numbers of troopers from the road to assist and result in costs to DPS.

Representative Nash stated that we need to make sure that the public, both permitted and unpermitted, have access. Maintaining law and order is important, but allowing people to voice their opinion is equally
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important. Representative Nash stated he understands there are costs associated with this and it is important to have conversation about how to address this moving forward.

Lieutenant Governor Smith stated she appreciates these issues being raised, and thanked the State Patrol for their professionalism and good judgment used in managing the complex and rapidly changing situations that have occurred on the Capitol Complex recently.

Public comment
Lieutenant Governor Smith opened the meeting for public comment. No members of the public stepped forward.

Adjournment
Representative Hilstrom made a motion to adjourn. The motion was seconded by Representative Nash and approved by a vote of 5-0. The meeting was adjourned at 3:23 p.m.

Minutes recorded by Angela Geraghty