Members present:
Lieutenant Governor Peggy Flanagan
Chief Justice Lorie Gildea
Representative Ryan Winkler
Representative Jim Nash
Senator Scott Dibble
Senator Warren Limmer

Advisors present:
Shelly Schrofer, Lt. Col., State Patrol
Eric Roeske, Captain, State Patrol
Commissioner Alice Roberts-Davis, Dept. of Administration
Chris Guevin, Facilities Management Director, Dept. of Administration
Bob Meyerson, Sergeant-at-Arms, MN House
Brian Pease, Minnesota Historical Society
David Kelliher, Minnesota Historical Society
Paul Mandell, CAAPB
Andy Landon, Target Corporation
John Eastham, Ramsey County
Troy Buhta, U of M Police Department

Guest:
Keri Suchy, Dept of Administration, Facilities Management

I. Call to Order
Lt. Governor Peggy Flanagan called the meeting to order at 10:00 a.m.

Lt. Governor Flanagan stated she is glad the meeting could be held virtually to accommodate the public; however, technology that allows for a virtual meeting does not allow public testimony. In order to allow public comments, the Combined Legislative Calendar posting has a link that allows public comments and will be live for 48 hours after the hearing. Any forms received will be distributed to members to comment on.

II. Approval of ACCAS Meeting Minutes: January 8, 2020

Motion to approve the minutes of January 8, 2020 by Chief Justice Gildea; seconded by Rep. Nash. There were no further comments. By a vote of 4-0 the motion prevailed (Sen. Limmer and Sen. Dibble arrived later in the meeting).

Lt. Governor Flanagan noted that it has been awhile since this committee met as the COVID-19 pandemic made it difficult to meet. The halls of the Capitol, Minnesota Senate and State Office buildings have been quiet. Crowds, constituents, lobbyists and advocates have been unable to access those who make decisions on behalf of Minnesotans. Since early summer, security has looked very different at the Capitol Complex due to credible threats. This made it necessary to put up a fence to protect the Capitol. Lt. Governor Flanagan called this meeting to discuss the new measures that harden the perimeter around the Capitol but also keep Minnesotans even more distant from the People’s House. Issues taken up at the legislature and the Governor’s Office have
elicited strong opinions. Lt. Governor Flanagan would like a dialogue from this committee on the near and long-term features of Capitol Complex security.

- What does the committee want security to look like and what is the timeframe for making adjustments to the status quo?
- What can we do to keep everyone who visits, works, or represents Minnesotans at the Capitol safe?

III. Overview of Current Physical Security Measures on the Capitol Area Complex
Commissioner Alice Roberts-Davis, Department of Administration
Director Chris Guevin, Department of Administration

Commissioner Alice Roberts-Davis stated she will speak a little later in the meeting and turned this topic over to Director Chris Guevin. Director Guevin discussed the current security measures of the Capitol Area Complex including the card reading system and 900 security cameras. He noted the goal is to keep the Capitol as open and welcoming to the public as possible. From the 2008-2018 timeframe security studies have been completed including National Guard studies done in 2008-2010 and having security consultants hired to look at the Capitol Complex. Funds were requested for security upgrades including $10M in 2018. A security upgrade project is now being implemented for the threats previously identified and not for the current civil unrest. Various hardening applications are being done to the buildings, inside and outside including hardening security kiosks, installing kiosks where we don’t have them, and installing flash protective film on windows. Additional security cameras along with parking controls are being installed. Buildings are locked but open for business, as is the Capitol.

Rep. Nash asked Director Givens when he states they are protecting the Capitol, is that only the Capitol, and what buildings are being planned for right now for civil unrest. Director Givens responded he was stating the Capitol Complex in general which includes the Judicial, Lab, History Center, Power Plant Building, Stassen and Veterans Service buildings.

Rep. Nash asked about who has command control over Capitol Security, the cameras, how far out the cameras pick out someone and when do they start showing up on the monitors. Director Givens responded the Department of Administration installs and maintains the Capitol Complex camera network. Cameras are viewable at the command/dispatch center where dispatchers can monitor activity on the Capitol ground and in the public spaces and buildings. Capt. Roeske stated many of the cameras are HD cameras and have the ability to zoom up to 12X in some cases. Depending on the placement and physical obstacles, the cameras can see quite a distance in different directions. People can be seen as they approach from different avenues and are monitored as they approach the Capitol. There is good coverage of the exterior complex as a general rule. Director Givens wanted to make it clear that the Department of Administration installs and maintains the cameras. Operational control and storage of information on the cameras is with the Capitol Security.

Rep. Nash discussed the recent events that warranted a large presence at the Capitol including the destruction of Capitol property. He was thankful for the coverage of the State Patrol and National Guard and for those that maintained order. The destruction of Capitol property and how the State Patrol was deployed and how people can make the incursion on Capitol grounds without appropriate resources deployed quickly was noted. Rep. Nash had multiple conversations which painted a different picture. He stated that irrespective of someone’s feeling on Capitol property or what it might represent or what it makes someone feel, he wants to know that Capitol property is protected at all times and he believes Minnesotans want the same. It is important that we determine how we are protecting all of the property on the Capitol Complex. The reason he asked about the cameras was that one of the reasons he was told was that the individuals showed up very quickly and we couldn’t tell where they were coming from which is contrary to what we were told. He had a conversation with the Commissioner of Public Safety who is in charge of the State Patrol and was told that it was his decision to withhold the State Patrol only to have that prevaricated to a point where the State Patrol is being blamed for
what happened. Rep. Nash requested that when members speak, they insert commentary on how we prevent these things from happening again.

Chief Justice Gildea asked about the threat assessment of the Capitol Complex in advance of budget and bonding requests. When previously doing the assessment they did so in a non-public setting for security reasons. She asked if there was cause to have some of this meeting conducted in a non-public session. Lt. Governor Flanagan responded that for this meeting there are things that can be said in public; however, if there is a question that the State Patrol in particular deems will put us at risk, we will place ourselves offline.

IV. Overview of Current Capitol Area Complex Security Risks and Challenges
Colonel Matt Langer, State Patrol

Colonel Matt Langer discussed the two main themes at the Capitol recently which included installing the fence which was put up after Memorial Day to protect the Capitol and prevent destruction of property, and the COVID-19 crisis. He stated the greatest strength of the Patrol, other than technology, is people, including Capitol Security officers, non-sworn staff and troopers which are critical to any event. He discussed the permitting process noting some information the Patrol receives is better than other information as some groups protesting at the Capitol don’t pull a permit and just show up which is challenging. There are counter protests which are challenging. Col. Langer stated staffing will not be discussed in public. Over the past few months the Patrol has staffed the Capitol Complex like never before which is the right thing to do as events pop up and those events have required significant resources.

Rep. Winkler asked about budget constraints as that is a factor in how the State Patrol is able to provide security as discussed in Col. Langer’s commentary. There is some interaction between available resources and events. A new budget session starts in January 2021 and we are facing a deficit with public engagement in how we address critical issues. Rep. Winkler asked Col. Langer if he was planning for a more robust budget request as we contemplate the unknown with some expectation that continued unrest and the pandemic call for a robust security presence allowing work to be done in the best way which ensures the Capitol function as well as it can.

Col. Langer stated the greatest challenge is personnel and resources. It wasn’t what previous appropriations had contemplated in terms of what appropriate staffing would be on the security on Capitol. During the last legislative session the Governor approved $1.5 million in general funds; however, that hasn’t come to fruition. Same thing in the trunk highway fund supplemental budget. That is relevant to general funds as the only place the State Patrol can get troopers is through the academy and trunk highway fund. Col. Langer stated this committee provides value in what they feel is important and recommending their points of view as what security looks like and is important on the Capitol Complex. Future security is complex and needs to be addressed.

Rep. Winkler stated there was a pretty robust National Guard presence at the Capitol this summer and he hopes that it would not just be State Patrol at the table as we plan for more robust security challenges and keep the building operating the best we can. We would not have large crowds due to COVID-19. Sergeant-at-Arms Meyerson from the House will be working with the Speaker to make sure the House of Representatives is working and functions in a more robust fashion than we were able to do last summer. More staffing from Capitol Security and measures beyond what is currently being contemplated may be required. The option of doing our work cannot be taken away because we decide on the front-end we don’t have the resources. Options need to be mapped out.

Col. Langer stated Rep. Winkler is correct in that the State Patrol doesn’t do this work alone. The National Guard was a great help in the aftermath of the George Floyd death. Never does a protest event occur without communication with the St. Paul Police Department and Capt. Roeske. From time to time there is
communication with Chief Axtell and intelligence sharing with the BCA Fusion Center and the St. Paul Investigations Unit. The Ramsey County Sheriff’s Office also makes sure the Capitol is secure so all have a vested interest in making the Capitol Complex secure.

Lt. Governor Flanagan noted that is exactly the reason why this committee exists. This committee is facing many challenges in terms of security and while the committee hasn’t met since January, the committee should be prepared to meet more frequently. While the public can’t be here, the need for the media to have access becomes even more important. That is critical now as we determine what Capitol security looks like overall.

Capt. Roeske noted that in terms of the current physical security measures he echoes Director Givens. Most security measures up to now have been focused on access control to buildings and parking lots in order to prevent mass casualty incidents, active shooter, vehicle-born bombings and those type of things. They have had to pivot a bit since they don’t currently have visitors due to COVID-19, and the recent risks have been on the exterior and people coming to do harm in some cases. That led to the decision to put up the fence in the days following the George Floyd incident. Even with the National Guard, with the hundreds of the personnel we had onsite when deployed outside you recognize it is an incredibly large footprint to protect with just people.

Lt. Governor Flanagan asked about the increased incidents of tagging and other activities that have occurred. Commissioner Roberts-Davis stated some examples they have seen include increased vandalism on the Capitol Complex including 22 stencils on Aurora Boulevard on the concrete, profane graffiti w/graphic images on the south side of the Capitol, graffiti on the pedestals of statues on the bollards, on the granite outside of the bollards, and the peace officers memorial vandalized with being chiseled which is being repaired as we speak.

Lt. Governor Flanagan asked about the competing protests the previous weekend and how the State Patrol responded. Col Langer responded the challenge is not with a protest group, but when there is a protest group and a counter protest group, or counter-counter protest group. One group had been permitted for the front steps and there were no issues. One group was supportive of the mask mandate and one was not so there was conflict. The greatest strategy that the Patrol has is to put a line of troopers between the two groups in order to create a buffer zone. That way protesters can still exercise their first amendment rights but not be intimidated or threatened. There was a recent Colorado incident with a protest and counter protest group which got physical in an ugly way which is what the State Patrol is trying to prevent.

Commissioner Roberts-Davis stated the Department of Administration is partnering with DPS so they know what groups to expect on the Capitol Complex. They have been working on the permit process and have changed their website, the permitting process and social media process and are looking for counter protests groups so they can permit the group.

Lt. Governor Flanagan welcomed Sen. Limmer who has joined the meeting.

Sen. Limmer asked where you draw the line from disturbing the peace and exercising freedom of speech. Col. Langer responded they hear a lot about peaceful protest and cannot say that all protests are peaceful. Not all protesters are exercising their first amendments right if there is criminal conduct at the same time. Sen. Limmer stated an observation he made was that demonstrations and protests prior to six years ago were limited to the steps or rotunda. Now protesters are disturbing committee hearings making loud, boisterous noises making it difficult to do business in the chamber.

Lt. Governor Flanagan stated that being able to participate in debate is something that Minnesotans value. This body will need to weigh in on that as people need to express themselves within the Capitol. Sen. Limmer stated he has no problem with the protesting, but with disturbances so a balance or compromise should be found.
There needs to be more discussion with Capitol Security. Lt. Governor Flanagan agreed that the respective bodies should have that conversation.

Rep. Nash agreed the Capitol is where people go to be heard. They go to protest peacefully, be measured, and this is where the people’s voice is expressed. What happens when people step outside those boundaries? What is the process, chain of evidence on the destruction and the update on the destruction he mentioned earlier?

Lt. Governor Flanagan stated she appreciated bringing up the concerns as the incident was highly visible. There have been several hearings on that particular incident where Col. Langer and others have testified on the incident. She encouraged Rep. Nash to look at the hearings as there was significant coverage.

Rep. Nash stated that it would take a long time more to review those deliberative body meetings and exebularly time and it would be good to put that on the record. (review this comment)

Col. Langer stated the Bureau of Criminal Apprehension (BCA) assisted in the investigation and submitted the results to the County Attorney prior to the day he testified at the Senate hearing. The word he got back from the BCA was that the County Attorney was close to making charges. It is Col. Langer’s expectation as Chief of the State Patrol that the individuals are held accountable. As of the date of this meeting, no charges have been filed.

Brian Peese asked about a timeline on when the fence will come down, or will a gate be added if it remains up. Lt. Governor Flanagan noted she has feelings about visually what message that sends and has concerns about the safety, the building, occupants and those that want their voices heard. The State Patrol and the Department of Administration have concerns about the removal.

Commissioner Roberts-Davis noted they have seen multiple acts of vandalism and have invested $310 million dollars in restoration and she would hate to see any damage to the Capitol building. There are cameras on the building, but to protect the building the fence ensures the building stays safe at this particular time.

Col. Langer supports what the commissioner outlined in what the fence does to protect the important building. The fence is a helpful tool but he respects the committee’s work and opinion.

Chief Justice Gildea asked about a date the fence is going to come down or a date when the committee will have a plan. She noted the court uses the courtroom and looks forward to when they can use the courtroom again.

Lt. Governor Flanagan stated she appreciates the question and the question is still being discussed as to what is appropriate with COVID-19 and access to the Capitol. An additional conversation with the Department of Health and this committee needs to take place. The infection rate and spread will determine how quickly we reopen to the public.

Commissioner Roberts-Davis stated she believes it is possible to enter the building with credentials, a badge and social distancing protocols. That would be an option in the short-term. She would not like to see the fence come down and then have something happen. The protests are different now with more yelling and throwing things and she stated the fence is important now.

Chief Gildea stated she appreciated that but inquired when will there be an idea of a deadline for a plan. Lt. Governor Flanagan stated we will be meeting in a couple of months to outline the discussion with the Department of Health as well as continued updates from the State Patrol and Capitol Security. From her perspective as we enter into January of 2021, we will be able to tell the public what can and cannot be expected.
Paul Mandell asked who has the power to enforce social distancing if we are still faced with COVID-19 and the public is allowed in the Capitol. Lt. Governor stated Capitol Security would have purview. Capt. Roeske discussed the staffing and challenges and noted they are considering in their planning process controlling the number of people in the building, the entrance points, and social distancing which is very challenging and labor intensive. Direction from the Department of Health will dictate compliance with the parameters.

Rep. Nash asked about the cost of the fencing and the funding source. Director Givens stated the cost to put up and take down is $23,119 and $274/day to rent. Funding source is the Administration budget. If there is a fund source for civil unrest, the fence will be charged to it.

**ACTION ITEM:** Lt. Governor Flanagan requested the Department of Administration and State Patrol put together a potential timeline with metrics that would need to be in place for the fence to come down. She realizes that there are a whole host of factors that go into making that decision. This committee will look at a potential plan and weigh in as we are eager to support Chief Justice Gildea’s branch.

Commissioner Roberts Davis noted the building is locked; not closed. Meetings can still occur.

Senator Dibble stated he agreed with Rep. Winkler’s points during the earlier part of the meeting. He’s also with Sen. Limmer’s point about the fence being a surrogate for deficient staffing levels. We should know what staffing looks like so we can address the different kinds of security concerns. And to Justice Gildea’s concerns, we had good discussion as the fence is not attractive and sends a negative message. If we can take it down when session starts we should take it down. We have heard about graffiti, vandalism, civil unrest, rocks, bricks and if that could all be synthesized into a report to guide our policy decision, that would be extremely helpful. He hopes we get into a longer discussion on access to the Capitol and aspects of security which we haven’t had for a while. He discussed Michigan where protesters armed the Capitol with dangerous weapons which was a pretty serious situation. We need to dust off the *Miller Dunwiddie Report* as we contemplate the capitol funding needs.

Lt. Governor Flanagan agreed that a more robust discussion with regards to having some policy and guidelines in place on the fence and staffing for the future should take place.

Rep. Winkler stated the work that happens in the Capitol is more important than the building itself. The fence is cost effective and simple in maintaining security. As we don’t know what civil unrest will be coming, the focus should be on how to make the Capitol Complex function the best in order to do the public business rather than on what is less expensive or simple to do.

V. Closing comments and discussion of future meeting topics

Lt. Governor Flanagan stated she appreciated the discussion today as it is important for the public to hear what is being discussed. The committee should continue to ponder the security measures and think about the fence and be vigilant about the fence. Be ready for more robust conversation as we go into 2021. Again, she asked the Department of Administration and the State Patrol to think about policies and guidelines and make an assessment on what should happen to the fencing that surrounds the Capitol. She would also like to have the Department of Health discuss safe opening of the Capitol. We also need to have a conversation on security, risk, and staffing which will be a closed session. She hears the need for that in the most transparent but safe way.

VI. Adjourn

Rep. Nash moved to adjourn; Seconded by Senator Dibble
By a vote of 6-0 the motion passed and the meeting adjourned at 11:31 a.m.