

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Office of the Commissioner

445 Minnesota Street • Suite 1000 • Saint Paul, Minnesota 55101-5100
Phone: 651.201.7160 • Fax: 651.297.5728 • TTY: 651.282.6555
www.dps.state.mn.us

March 30, 2022

Dear Governor Walz,

Enclosed is Wilder Research's report, received by the Department of Public Safety on March 29, from their independent review of the State of Minnesota's actions during the May-June 2020 civil unrest that occurred after the murder of George Floyd, as well as the Department of Public Safety's Progress Report on the implementation of recommendations from this review and previous after-action reports.

In September 2020, we issued a request for proposals (RFP) for this independent review to objectively evaluate what the State did; identify actions and options that may have produced different, or better, outcomes; and provide recommendations to the Commissioner of the Department of Public Safety (DPS) to assist the State and local governmental units in responding effectively to potential periods of future regional or statewide civil unrest. A review panel, including two DPS officials and three outside reviewers¹, scored the RFP responses, and DPS awarded the contract to Wilder Research (Wilder). At the end of the original contract period in June 2021, Wilder informed DPS that it had been unable to speak to key stakeholders, including the Little Earth community and the Somali community, which were significantly impacted by the riots. The contract was extended by mutual agreement through March 2022 to allow Wilder additional time to complete its work on this critical review.

The unrest and rioting in May-June 2020 were unexpected and unprecedented in terms of size, scale, types of acts, and duration. DPS responded to this crisis by coordinating a state, federal, and local emergency response that included the

¹ The reviewers were:

1. Tim Lynaugh, Assistant Commissioner, Department of Public Safety
2. Nicole Archbold, Director of Community Affairs, Department of Public Safety
3. Dr. Artika Tyner, Clinical Professor and Director of the Center on Race, Leadership and Social Justice, University of St. Thomas School of Law
4. Kelly McCarthy, Chief of the Mendota Heights Police Department, Chair of the Minnesota POST Board
5. Dr. Chris Taylor, Chief Inclusion Officer for the State of Minnesota

Alcohol
and Gambling
Enforcement

Bureau of
Criminal
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Minnesota
State Patrol

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Pipeline Safety

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State Fire
Marshal

deployment of the Minnesota National Guard to restore the peace. As highlighted in Wilder's report, DPS established a Multi-Agency Coordination Center, and—at the request of local officials in Minneapolis, Saint Paul, and surrounding communities—the State responded with unparalleled state resources, including every member of our Minnesota State Patrol and Conservation Officers from the Minnesota Department of Natural Resources in a coordinated effort that linked over 80 different law enforcement agencies from around the state. This joint response and coordination ultimately restored order and ended the civil unrest.

Since June 2020, DPS has conducted internal after-action reviews of its response to the May-June 2020 and April 2021 civil unrest. As described in detail in the attached Progress Report, DPS has instituted numerous changes since June 2020, many of which are responsive to the recommendations in Wilder's report. We have also contracted with 21CP Solutions to assist us with a report and technical support on working with both the established media and others who report on civil unrest. We continue to seek additional resources to improve public safety, communication, and coordination. Below is a summary of those changes and requests.

Budget requests for additional resources and training. We have made several investments through the 2021 budget, and from your pot of ARPA funds, you have also included in your 2022 supplemental budget proposal additional strategic investments:

- The final 2021-2022 budget invested in establishing a new Youth Justice Office at DPS, body cameras for state law enforcement, school safety center investments, and Youth Intervention programs, among many others.
- Millions of dollars in ARPA funding have been used to invest in local communities through the Social Compact, Violence Intervention RFP, and Survivor Support and Prevention funding.
- Your 2022 supplemental budget proposal seeks \$300 million for public safety funding for local governments. This funding could be used to address many of the items contained in the Wilder recommendations for the prevention of, preparation for, and recovery from civil unrest. Investments in community policing models, diversity and inclusion efforts to ensure local law enforcement reflects the community they serve, training, and mental health initiatives for first responders, to name a few.
- Community grants totaling more than \$49 million in needed resources that provide supports for youth and families, resources for crime victims, and domestic violence survivors.
- A strategic investment in the Bureau of Criminal Apprehension to provide better support to victims and families of violent crime, help improve coordination with local law enforcement, better identify and apprehend violent criminals, and improve evidence processing turnaround times.
- Your budget proposal seeks \$500,000 for DPS to train local elected officials and other leaders on initiating the emergency response and requests for state coordination and assets. This funding would allow us to develop new training that would be available both online and offered in-person through Homeland Security and Emergency Management.
- You have also recently proposed \$20 million to assist with main street revitalization, and you have included proposals in your bonding bill to further assist Minneapolis in its rebuilding efforts.

Better first responder coordination. Since June 2020, we have worked to establish better lines of coordination with other first responder entities.

- Working in concert with the local government has led to the establishment of planning tables for known upcoming events, including criminal trials and national events.
- Expanded planning and response efforts to include a broader array of first responders, including fire and public works departments.
- Radio communication is a critical tool for first responders to coordinate their response and ensure the safety of communities and responders. DPS has been working with local governments to make the necessary radios available for planned events.

Better communication and coordination with community members and local elected officials. We have also worked to improve communication with community groups and local elected officials.

- DPS created the Community affairs office and has seen it and its local counterparts integrated into the public safety planning table.
- DPS has led efforts to build relationships and open lines of communication between the Minnesota National Guard and Little Earth.
- Local government leaders are regularly briefed when state law enforcement is engaged in the planning and during responses by state law enforcement leadership.
- State leaders are scheduled for weekly calls with leadership from the City of Minneapolis and Hennepin County, a marked change from how we worked and communicated before May 2020.

Accountability. As the Wilder report notes, we cannot forget the root cause of the unrest—the murder of George Floyd. The Floyd murder is perhaps the most well-known but is only one of several cases involving the city of Minneapolis and brought both the Minnesota Department of Human Rights and the United States Department of Justice to initiate pattern and practice investigations. As you know, the Department and I had been focused on efforts to address deadly force encounters even before 2020. And DPS has taken additional steps to ensure accountability.

- DPS is devoting more resources to the use of force investigations. The Force Investigations Unit, an independent team of law enforcement agents within the Bureau of Criminal Apprehension, was formed in 2020. The unit investigates allegations of improper uses of force by peace officers.
- Independent of our agency's law enforcement divisions, the DPS Internal Affairs division continues to investigate complaints against DPS law enforcement officers. State law now requires that all law enforcement agencies report monthly any use of force resulting in serious bodily injury or death to the BCA. This information is then made available to the public.
- We have piloted a Body-Worn Cameras program for DPS peace officers, including AGE, MSP, and BCA. We have also proposed a BWC policy and funding to expand the acquisition of BWC by all departments in Minnesota.
- We have also improved our training and policies related to our interactions with the media. DPS recognizes and supports the media's First Amendment right to document and report on protests and civil unrest. In early 2021, DPS contracted with 21CP Solutions, an independent consultant, solutions to identify and develop best practices relating to the media as we work on best practices for crowd management and policing responsibilities. Our efforts in this area have included additional training, revised policies, and new approaches, such as deploying a media ombudsman and media field liaison to significant protests or unrest.

Reimagining policing and community safety. DPS continues to lead efforts to reimagine policing, community safety, and public-order policing in Minnesota, using a community-first approach to planning and responding to protests.

- This process starts with community conversations that include clearly communicated expectations and ongoing partnerships to enhance the safe and lawful expression of first amendment rights. For example, during the trial of Derek Chauvin, handouts were made that indicated what was and was not lawful behavior within the exercise of citizens' constitutional protected rights.
- I am currently leading statewide conversations with faith leaders and faith communities to understand through their congregations what values and solutions Minnesotans want in police responses.

Officer wellness. Improving mental health and other resources for first responders is a top administration priority.

- Your 2022 budget includes a proposal for a First Responder Wellness Office within DPS.
- In 2021, you signed into law the Hometown Heroes Assistance Program (HHAP), which dedicates \$4 million per year to ensure that every Minnesota firefighter will have access to the education, prevention, and care needed to handle the known causes of disability and death such as emotional trauma and cancer diagnosis.
- The State Patrol and BCA employ a Peer Support Team.
- The State Patrol provides training on sleep wellness.
- The BCA has contracted with a holistic wellness company to provide training and wellness support activities, including mental health counseling, to be implemented in 2022.

The Department of Public Safety is committed to a culture of continuous improvement. In addition to the findings of this report, other external reviews, and our internal after-action findings, we are committed to community discussions and meetings with Wilder to review the findings and continue to find ways to improve and build trust. Since you appointed me your Commissioner of Public Safety, I have led the 2019 Deadly Force Encounters Working Group, championed important criminal justice reforms included in the 2020 and 2021 budgets, and continue to push forward a community-based public safety approach in all our work as well as legislative proposals this session. Our work is not done.

Sincerely,



John M. Harrington
Commissioner of Public Safety