

## MINNESOTA DEPARTMENT OF PUBLIC SAFETY

### Recommendations to improve the state's response to civil unrest

#### **Wilder Recommendation 1:** Strengthen multi-agency coordination.

- a. DPS is committed to collaborating across all levels of government throughout an incident or operation to ensure continuity of government during complex and dynamic situations.
- b. Subsequent to the May-June civil unrest, DPS clarified lines of authority during planning sessions. Law enforcement's jurisdictional boundaries determined which agency would be in charge.
- c. Since the May-June civil unrest, DPS now regularly establishes a Joint Information Center (JIC) when DPS is informed of an event or encounters a significant unplanned incident. This strengthens DPS's ability to establish a communications infrastructure for events and incidents involving multiple agencies.
- d. The National Incident Management System (NIMS) guides all levels of government, nongovernmental organizations and the private sector to work together to prevent, protect against, mitigate, respond to and recover from incidents. Homeland Security and Emergency Management (HSEM) is the state's leader in efforts to ensure that all appropriate staff receive this training.
- e. The Governor has requested \$500,000 from the legislature for HSEM to develop online and in-person training for local elected officials and leaders from FEMA class, "G-402, National Incident Management System Overview for Senior Officials."

#### **Wilder Recommendation 2:** Inform and support development and compliance with law enforcement standards, model policies, and training to be used consistently among law enforcement agencies across the state.

- a. With DPS's support, significant statutory changes to the State's use of force law were signed by the Governor in July 2020.
- b. MSP has implemented changes to its policy related to interactions with the press.



- c. DPS submitted modifications to the POST Board’s model policy on crowd management, as recommended in the 21CP report, with the suggestion that it be implemented as a statutory change.

**Wilder Recommendation 3:** In general, use a tiered response to address situations of civil unrest that involve both lawful and unlawful protesters.

- a. The State Patrol has been using a tiered response for several years. The concept from the Center for Domestic Preparedness was implemented in the preparations for Super Bowl 52 in 2018. It is a concept that the State Patrol has trained on and implemented in the field ever since.
- b. DPS has taken steps to ensure leaders of our response teams consider the appropriate level of PPE required to keep officers safe during civil unrest and other incidents which, in turn, helps to keep the public safe.
- c. DPS will consider the effect of seeing different uniforms or equipment when the agency is involved in future planning efforts.
- d. A measured response to citizen protests is a regular occurrence at the Minnesota Capitol.
- e. The State Patrol works to ensure an appropriate response to any given situation, as either over- or under-response one can result in dire public safety consequences.

**Wilder Recommendation 4:** Differentiate peaceful protestors from those engaging in unlawful activities.

- a. Planning and coordination efforts to improve arrest procedures continue. When an agency has articulable knowledge of a subject’s actions during a prior arrest, specific operation adjustments are made when planning the forthcoming arrest. *e.g.*, arresting a lone agitator who is co-mingled with peaceful protestors. The process is further simplified when only one agency is involved, as opposed to involving many different agencies.



- b. In the ongoing effort to distinguish between peaceful protestors and agitators, DPS has shared information with organizers clearly stating what constitutes lawful versus unlawful activities (e.g., protesting on the highways is unlawful).
- c. DPS continues to establish communication lines with organizers ahead of time to establish ground rules and will continue to assist in sharing information as much as possible during an event. This will include offering verbal and auditory warnings, when possible, prior to any law enforcement action.

**Wilder Recommendation 5:** Engage in pre-planning efforts to improve processes for managing operational, tactical, and logistical considerations.

- d. DPS now identifies, establishes, and staffs planning subgroups for events where civil disobedience is anticipated. These groups provide regular updates on their needs, planning, and progress. These groups then move to operational status as the incident commences.

**Wilder Recommendation 6:** Improve coordination and collaboration between the intelligence team, law enforcement tactical operations teams, and Multi-Agency Command Center leadership.

- a. DPS has worked to ensure that teams are part of initial and ongoing planning, which includes presence at the emergency operations center as members of the operational planning group. This includes ensuring that, during times of unrest, there is a multi-agency, coordinated intelligence team providing information to the operations team and ensuring coordination to determine appropriate event resource allocation. During times of potential unrest or planning periods for major events, daily in-person meetings help ensure information sharing and strategy coordination.



**Wilder Recommendation 7:** Improve systems to facilitate coordination between law enforcement, local fire departments, and emergency medical services (EMS) and identify strategies to prioritize security for fire and life safety responders.

- a. DPS has worked to ensure all public safety entities are part of any emergency operations center function. This includes Fire, EMS, local Public Works departments, and MnDOT. DPS has also included community input in the planning and education effort.
- b. Prior to major events, the State Fire Marshal facilitates training between local fire departments and law enforcement agencies to ensure a better understanding of expectations for both when responding to potential civil unrest. Topics covered include First Amendment protections and tactics for protecting fire resources during response.

**Wilder Recommendation 8:** Improve communication and coordination with local jurisdictions regarding requests for the Minnesota National Guard and other state assistance.

- a. The State continues to offer training about emergency management resources and processes to local officials. As always, how to request the Minnesota National Guard is highlighted in the Senior and Elected Officials training program conducted by HSEM.
- b. HSEM is further clarifying the National Guard portion of the Minnesota Emergency Operations Plan (MEOP) related to the process to request assistance through emergency management channels.
- c. HSEM will take advantage of opportunities at future conferences for training related to wide-scale, multi-agency response efforts under mutual-aid, including those that involve the MNNG.
- d. Minnesota emergency managers continue to hold quarterly regional meetings. HSEM participates in these meetings.
- e. DPS has emphasized communication and coordination in more recent planning related to potential protests and unrest.



**Wilder Recommendation 9:** Improve coordination with local jurisdictions regarding public communications and press-related matters.

- a. DPS provides real-time messaging across social media platforms in an effort to keep both the public and the media abreast of evolving situations.
- b. The State Patrol will deploy a Public Information Officer (PIO) and will add a media ombudsperson to significant protests or unrest.
- c. The State Patrol created a central command and meeting location at the State Capitol during a prolonged event in 2021 to provide information to protest organizers.
- d. DPS provided updates on the State Patrol's recent Highway Enforcement for Aggressive Traffic (HEAT) patrols through news releases, social media, and interviews.
- e. DPS has worked to coordinate messaging across other agencies but recognizes each agency might have different priorities. Additionally, joint messaging can, depending on the situation, create the misperception that no one is in charge. Clarity on which agency has primary jurisdiction, and is in command, of an event is a critical component of public messaging.
- f. DPS has and will establish a JIC when warranted for an event or incident that involves state and local resources.

**Wilder Recommendation 10:** Strengthen communication between state and local law enforcement, elected officials, and the public.

- a. MACCs, EOCs, and JICs have been used for past events and will be established for future incidents and operations that involve state resources. These entities allow for better coordination between agencies and for an organized and streamlined approach to sharing information with the public. This also helps clarify the roles of different law enforcement agencies during an event.
- b. DPS will communicate via social media when a media ombudsperson and field PIO are deployed in an effort to alleviate any concerns and/or quickly address any questions.
- c. DPS will continue to engage in social media listening, specifically looking for misinformation to correct and/or clarify.



**Wilder Recommendation 11:** Improve coordination and communication between state and local law enforcement and the media.

- a. 21CP assisted DPS in developing recommendations to improve law enforcement's ability to support and facilitate the exercise of constitutionally protected speech and assembly during large-scale protest events. More specifically, 21CP focused on practices relating to media in the context of crowd management and policing responsibilities. DPS has implemented, or is implementing, all of the 21CP recommendations.
- b. DPS and DNR have requested that a nationally-known expert on police/media relations conduct its 2022 civil unrest training for all sworn members of the State Patrol and DNR. The media will be invited to attend.
- c. In February 2021, the Minneapolis City Attorney's Office presented a training to the State Patrol on First Amendment assembly and best practices on interacting with the media during civil unrest.
- d. In November 2021, the General Counsel for the National Press Photographers Association, Mickey Osterreicher, conducted a training for the State Patrol Command Staff addressing Constitutional issues confronted by law enforcement when working with the media during times of civil unrest.
- e. The State Patrol recently revised its General Order on First Amendment Assembly and distributed it to law enforcement agencies across Minnesota.
- f. An independent, external review of complaints made to DPS Internal Affairs since the May-June 2020 civil unrest is being conducted.
- g. During OSN, DPS assisted in establishing a multi-agency team of Internal Affairs officials who facilitated how best to field incoming complaints and route them to the appropriate agency to handle. This ensured individuals were able to file a complaint without first having to know which agency to call.
- h. The State Patrol assisted other law enforcement agencies in an effort to ensure appropriate interactions with the media during the April 2021 civil unrest in Brooklyn Center.
- i. The State Patrol will continue to deploy a PIO and will add a media ombudsperson for all protests as recommended by 21CP.
- j. MSP troopers now have agency identification patches on their uniforms and badge numbers on helmets that are visible to journalists in protest settings.



- k. Pursuant to the revised First Amendment policy, any allegation of mistreatment of the media will trigger an investigation by Internal Affairs.

**Wilder Recommendation 12:** Coordinate with community members directly affected by civil unrest.

- a. Governor Walz's 2022 bonding request includes elements that will further assist Minneapolis in its rebuilding efforts.
- b. The State continues to work with community members affected by the civil unrest. The Governor has recently proposed \$20 million to assist with main street revitalization.
- c. The Governor also requested a Small Business Administration disaster declaration to provide low-interest loans to businesses sustaining physical damage and in need of working capital.
- d. DPS Community Affairs provided daily updates during Operation Safety Net, which were distributed to and through community networks, State councils, and other state agency public engagement staff, encouraging them to share the information forward.
- e. This has been implemented in a variety of ways since the May-June 2020 civil unrest:
  - i. The State Patrol regularly communicates with Capitol Complex stakeholders in advance of known large scale events.
  - ii. The State Patrol worked regularly with state tribal liaisons and Native American elders during the 2021 Line 3 protest at the Capitol. This included working with Native American elders/leaders about protest activity that coincided with Native American cultural practices.
- f. DPS ensured community and business concerns were integrated into incident response and planning. Community affairs provided briefings to the operations section during planning and operations phases, as well as the MNNG Joint Leaders Board which allowed operational decision makers to have insight and much better understanding of the areas they may be deployed to, as well as special considerations to take into consideration and assist guard members in emphasizing a civilian-first (not combat) mindset.



## Recommendations to inform the state's role in the prevention of, preparation for, and recovery from civil unrest

**Wilder Recommendation 1:** Continuously work to build positive relationships and trust between law enforcement and communities, especially communities affected by civil unrest. Acknowledge and work to address the root causes of civil unrest.

- a. The DPS Commissioner leads statewide conversations with faith leaders and faith communities to understand through their congregations what values and solutions Minnesotans want in police responses.
- b. DPS's Community Affairs Director has assisted a variety of communities in organizing conversations with the National Guard to learn about the National Guard's role.
- c. DPS works to address these root-cause issues in a variety of ways: the agency appointed its first Community Affairs Director in 2019, required Tribal Relations training for all executive level staff, and became actively involved in the Children's Cabinet, Olmstead Plan Implementation Team, and Interagency Council on Homelessness.
- d. DPS continues to encourage local governments and their communities to address these issues within their communities.
- e. The Governor's 2022 supplemental budget includes \$49 million in community grants for youth services, crime victim resources and domestic violence survivor supports.

**Wilder Recommendation 2:** Lead efforts to reimagine policing, community safety, and public order policing in Minnesota and engage communities in law enforcement oversight and accountability.

- a. The Force Investigations Unit, an independent team within the BCA, was formed in 2020 for the sole purpose of investigating allegations against peace officers.
- b. Law enforcement agencies' Internal Affairs divisions across Minnesota have developed a working group to help ensure that a complaint filed anywhere within the state is routed to the proper jurisdiction.
- c. All law enforcement agencies in the state are required to report any use of force resulting in serious bodily injury or death each month to the BCA. This information is then made available to the public.



- d. The State Patrol now utilizes an application designed to track the location of staff during a deployment. DPS also inventories less-lethal munitions before and after each deployment. The State Patrol also requires all troopers to report any deployment of less-lethal munitions, regardless of any use of force.
- e. In 2022, the BCA submitted a legislative proposal to expand the authority and membership of its citizen advisory committee.
- f. The Governor's 2022 supplemental budgets includes \$300 million to local units of government for their public safety needs.

**Wilder Recommendation 3:** Enhance diversity and inclusion efforts.

- a. The State Patrol's Law Enforcement Training Opportunity (LETO) Program is designed for candidates with no previous law enforcement experience. The State Patrol provides LETO candidates with the educational requirements necessary to take the POST Board exam required for peace officer licensure.
- b. DPS peace officers continue to receive implicit bias training as required by the POST Board.
- c. State Patrol troopers received training on Native American culture during the preparations related to the Line 3 replacement project.
- d. The integration of tribal liaisons during Line 3 events was an essential element to navigate through cultural practices and ceremonies. State tribal liaisons were able to provide a better understanding these practices and information was communicated to during the large-scale event that occurred at the State Capitol in August of 2021.
- e. The Governor's 2022 budget includes funding for law enforcement recruitment.

**Wilder Recommendation 4:** Support training of law enforcement officers in facilitating peaceful protests.

- a. The State Patrol Trooper Academy provides skills training in communication, emotional intelligence, stress management, and de-escalation, which is often required in a variety situations. Some examples include:
  - i. Communicating with protest organizers at the State Capitol.



- ii. Regularly engaging with protesters on numerous occasions, respectfully informing them of impending curfews or dispersal orders without escalating the situation.
  - iii. State Patrol leaders communicating with protest leaders during the recent anti-vaccine truck convoy.
  - iv. Communicating with NAACP leadership at the onset of the April 2021 civil unrest in Brooklyn Center.
  - v. Communicating with various stakeholder groups during other large protest events.
  - vi. Working with Indigenous event organizers at the State Capitol to remove a temporary structure according to cultural practices, which included a traditional water ceremony between state partners and tribal elders.
- b. DPS believes it is necessary for all peace officers to be dialogue officers, with specific emphasis for team leaders. During demonstrations, State Patrol leaders identify who will be the point of contact for organizers and those leading the demonstrations. Having the State Patrol command vehicle onsite has proven effective in providing demonstration leaders a place to go with questions/concerns.

**Wilder Recommendation 5:** Continue to engage protest groups and organizers ahead of time.

- a. This is part of DPS' standard preparedness in a continued effort to understand mutual expectations for a safe event. For example, the State Patrol regularly engages with permit holders in advance of an event at the State Capitol or troopers assigned to protect the Governor's Residence speaking with protest organizers. Most recently, the State Patrol engaged with leaders of the anti-vaccine truck convoy.
- b. Situational awareness of planned events ensures the safety of all involved. This includes robust information sharing with public safety entities and organizers to ensure adequate resources are available to maintain the safety of all involved. These actions lead to appropriate response by law enforcement.
- c. As noted earlier, whenever possible, the State Patrol has prior discussions to communicate expectations. However, it must be clear that DPS and its divisions are not in charge in most incidents that occur in local jurisdictions. It is critical that local



agencies assume responsibility for response to and leadership in an incident that occurs in their city, town or county.

**Wilder Recommendation 6:** More deeply engage with businesses and communities affected by civil unrest and face the most risk of potential future unrest.

- a. Commissioner Harrington's has connected with business owners including grocery stores, pharmacies, and a variety of communities during periods of civil unrest.
- b. DPS plans to increase Crime Alert Network utilization to share information with affected business owners.
- c. The Governor's 2020 disaster declaration for Hennepin County included damages sustained to public infrastructure and extraordinary costs related to fire damage response, which resulted in nearly \$12 million in state funding.
- d. The State continues to work with community members affected by the civil unrest. The Governor has recently proposed \$20 million to assist with main street revitalization.
- e. Governor Walz's 2022 bonding request includes elements that will further assist Minneapolis in its rebuilding efforts.
- f. The Governor also requested a Small Business Administration disaster declaration to provide low-interest loans to businesses sustaining physical damage and in need of working capital.

**Wilder Recommendation 7:** Support state and local law enforcement agencies in promoting mental health and providing resources.

- a. The Governor's 2022 supplemental budget includes a proposal for a First Responder Wellness Office within DPS.
- b. The State Patrol includes a chaplain in all briefings in advance of potential deployments.
- c. The State Patrol and BCA employ a Peer Support Team.
- d. The State Patrol provides training on sleep wellness.
- e. The BCA contracted with a holistic wellness company to provide training and wellness support activities, including mental health counseling, to be implemented in 2022.



- f. Hometown Heroes Assistance Program (HHAP) dedicates \$4 million per year to ensure that every Minnesota firefighter will have access to the education, prevention, and care needed to handle a cardiac, emotional trauma or cancer diagnosis. This initiative was passed during the 2021 legislative session.
- g. Many of these issues are governed by collective bargaining contracts; however, as noted above, DPS is encouraging these proactive efforts as part of its ongoing efforts to promote mental health for its law enforcement officers.

**Wilder Recommendation 8:** Improve after action documentation and reporting.

- a. It has been a DPS practice to prepare an agency-wide After Action Report (AAR) following every critical response incident.
- b. The State Patrol now uses a smartphone application to track deployments. The application also allows those in the field to take photos and have them automatically uploaded to a cloud-based server so that command/leadership can see what is occurring in nearly real-time. State Patrol commanders complete reports after each deployment.
- c. The State Patrol updated its policy to ensure troopers write reports whenever there is an arrest or use of force event at a First Amendment assembly. Any seized property from journalists will be listed in the report and the list will be provided to the individual. Supervisors will also maintain lists of all troopers deployed to a First Amendment assembly.
- d. In addition to contributing to the agency-wide AAR, after every deployment of its troopers, State Patrol leaders determine areas of strength and areas requiring attention within its own division. More formal reviews have occurred, as necessary, consistent with its historical response.
- e. The State Patrol has begun implementation of body worn cameras. Over 60 percent are currently operational, with the remaining equipment expected to be deployed by June 1, 2022.

