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STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

Case Type: Civil – Other

PUBLIC RECORD MEDIA,

Plaintiff,

vs.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY and **COMMISSIONER BOB JACOBSEN** in his official capacity as statutory responsible authority for the Minnesota Department of Public Safety,

Defendants.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Public Record Media alleges the following against Defendants Minnesota Department of Public Safety and Commissioner Bob Jacobsen in his official capacity as statutory authority for the Minnesota Department of Public Safety:

INTRODUCTION

1. This is an action to compel compliance, for damages, and for injunctive relief pursuant to the Minnesota Government Data Practices Act, codified at Minnesota Statutes, Chapter 13 (the "MGDPA"). Additionally, this case brings claims for a declaratory judgment and a writ of mandamus.

2. In 2022, Defendant agency Minnesota Department of Public Safety ("DPS") commissioned a report (the "Report") to evaluate the State of Minnesota's response to the widespread protests, riots, and arson that occurred in the Twin Cities metro area from May 26 to June 7, 2020.

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3. DPS issued a request for proposals soliciting the production of the Report, and ultimately hired the Amherst H. Wilder Foundation ("Wilder") to produce the Report.

4. The contract between DPS and Wilder required Wilder to, among other things, undertake "[p]rimary tasks" that included "conducting key informant interviews with stakeholders" in order to create the Report. The contract also required Wilder to gather and create "Works" and "Documents," each broadly defined by the contract. The contract stated that "Works" also included "Documents."

5. In addition, the contract stated that Wilder must "assign[] all right, title, and interest it may have in the Works and Documents to the State" and that "all such Documents must be immediately returned to the State by Contractor upon completion or cancelation of this Contract."

6. The final version of the Report was titled "An External Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020," and was released to the general public via the internet.

7. Plaintiff Public Record Media ("PRM") is a non-partisan, nonprofit corporation organized under Minnesota law. PRM's organizational mission involves requesting government data from state and federal agencies; publishing the data and/or stories based on the data on the organization's website (www.publicrecordmedia.org) and elsewhere; and engaging in administrative and legal actions related to ensuring public access to government data.

8. Data sought by PRM often focuses on documenting governmental decision-making. When such data is received by PRM, it is made available to the public and the press so that government actions can be scrutinized and better understood.

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9. After the public release of the Report, PRM downloaded a copy from the internet. Several days later, PRM also obtained a copy of a related document titled "State's Response to Civil Unrest Timeline - May 26-June 7, 2020" (the "Timeline").

10. PRM reviewed the Report and the Timeline. PRM compiled a list of groups of data related to the events and details referenced in both the Report and the Timeline (the "Items"). The list of Items included "transcripts and/or audiovisual recordings of interviews conduct with [state officials] Matt Langer, John Harrington, Booker Hodges, [City of Minneapolis officials] Medaria Arradondo, Jacob Frey, [Minnesota Governor] Tim Walz" and other individuals interviewed for the Report.

11. The MGDPA provides that: "Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and, upon request, shall be informed of the data's meaning." Minn. Stat. § 13.03, subd. 3(a).

12. PRM sought to obtain copies of seven of the Items from DPS, and did so via a data request made under the MGDPA (the "Request"). On August 18, 2022, PRM sent the Request to the Data Practices Responsible Authority for DPS by Certified Mail. PRM received a Certified Mail return card indicating receipt of the Request by DPS, but otherwise received no reply from DPS. In September of 2022, PRM mailed a follow-up letter to DPS to clarify certain Items in the Request, so that they might be located more easily by DPS personnel. PRM received no reply from DPS. PRM subsequently sent three additional letters to DPS, including one letter by Certified Mail (with the return card indicating receipt by DPS), and likewise received no reply.

13. Nearly two years then elapsed while PRM awaited a reply from DPS.

14. By early August of 2024, news reports indicated that Minnesota Governor Tim Walz was in contention to be selected as the Vice Presidential running mate for presumptive

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Democratic Presidential Nominee Kamla Harris. This news increased the public interest in the Items that PRM sought through the Request.

15. On August 5, 2024, PRM sent two copies of a follow-up letter to the Data Practices Responsible Authority for DPS via Certified Mail, and one copy of the same via email, directed to the DPS Data Practices Compliance Official. The letter restated the seven Items sought through the Request and asked for a response within ten days.

16. On August 5, 2024, DPS Data Practices Compliance Official Kim Parker responded to PRM's emailed follow-up letter, writing, "I am writing to acknowledge receipt of your request … I will investigate what occurred with your request and follow-up communications in 2022, and as you requested, respond to you within ten days."

17. On August 14, 2024, Kim Parker emailed Plaintiff's representative Matt Ehling to provide an update on her search for responsive data.

18. With regard to Items 1, 2, and 6 of the Request, Parker wrote, "DPS contracted with a third party — Wilder Research — to prepare the report titled 'An External Review Of The State's Response To The Civil Unrest In Minnesota From May 26-June 7, 2020.' DPS does not have Wilder Research's list of interviewees or access to any transcripts or recordings that Wilder Research may have taken while conducting its interviews."

19. With regard to the remaining Items, Parker wrote that "I requested access to archived email and found at least one responsive document but have not yet completed my search. Depending on the content of any responsive data, I may need the State Patrol and Bureau of Criminal Apprehension to review the data to determine whether it should be protected as security information under Minn. Stat. § 13.37. I anticipate that this process will take another week to complete."

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20. On August 15, 2024, Plaintiff responded to Parker by email, thanking her for searching for responsive data. He further wrote that, "Under its contract with Wilder, DPS owns and controls all 'Documents' and 'Works' created and/or collected by Wilder, and thus 'maintains' such data for the purposes of the Data Practices Act. As you continue your search for responsive records, please have agency staff search for data associated with Items 1, 2, and 6 again, so that copies can be produced to PRM."

21. As of the date of this Complaint, approximately two weeks elapsed without any response from Defendants' Data Compliance Official Parker.

22. As of the date of this Complaint, Defendants have had Plaintiff's Request in their possession for more than two years, and have received multiple communications from Plaintiff seeking copies of public, government data.

23. As of the date of this Complaint, Plaintiff has not received any copies of public, government data from DPS, as required by the MGDPA.

24. Plaintiff's Request seeks data that comprises portions of the Documents and Works that Defendants' agent Wilder created, compiled, and assembled under contract with DPS, as well as other data maintained by DPS. All such data is "government data" that has been collected, created, received, maintained, or disseminated by DPS.

25. Under the terms of the contract executed between DPS and Wilder, Defendants are either in actual physical possession of the data sought by Plaintiff, or, through Defendants' contractual ownership, are in constructive possession of the same.

26. To the extent any government data responsive to the Request is still physically located at Wilder, DPS needed to retrieve such data for copying and production to Plaintiff, since "the same disclosure responsibility should apply to information retained by the private agent as to

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information in the hands of the public agency." *Pathmanathan v. St. Cloud State University*, 461 N.W.2d 726 (Minn. Ct. App. 1990).

27. The data sought by Plaintiff has, and has had, an extremely high public interest value, as it is relevant to the executive management record of Minnesota Governor Tim Walz.

28. As of this writing, Governor Walz is the Democratic Party's nominee for Vice President of the United States, the second highest public executive office in the nation.

29. Since the record of decision-making documented by the data should be accessible to the American public prior to the Presidential election in November 2024, time is of the essence.

30. Plaintiff seeks an order compelling Defendants' compliance with the MGDPA. Plaintiff respectfully requests that "[t]he matter shall be heard as soon as possible" (Minn. Stat. § 13.08, subd. 4(a)) so that copies of all responsive data can be received by Plaintiff and disseminated to the public and press.

31. Plaintiff further seeks damages, an injunction, a declaratory judgment, attorney's fees, costs, and a civil penalty.

PARTIES

32. Plaintiff Public Record Media is a nonprofit corporation organized under Minnesota law, and located in Ramsey County, Minnesota. PRM is a "person" as defined by Minn. Stat. § 13.02, subd. 10.

33. PRM uses public records laws, including the federal Freedom of Information Act and the MGDPA, to obtain data about government operations for non-partisan research, journalism, and publication purposes. PRM's requests for public data have resulted in the release of important and newsworthy public, government data from both federal and state entities. Such data is then made available to members of the press, policy makers, and members of the general

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public for use in examining government actions. Government data obtained by PRM has been cited in news stories published by The New York Times, The Minnesota Star Tribune, The St. Paul Pioneer Press, Minnesota Public Radio, KARE 11, KSTP-TV, MinnPost, Alpha News, Minneapolis/St. Paul Business Journal, and many other news outlets. Data obtained by PRM through public records requests has also been cited by academic articles, such as in The Journal of Law and Commerce. PRM has routinely participated in administrative and legal actions to obtain wrongfully withheld government data, having administratively challenged or sued government entities controlled by members of both major political parties. PRM also frequently files amicus briefs in public records cases.

34. Defendant Minnesota Department of Public Safety is a state agency of the State of Minnesota, as defined by Minn. Stat. § 13.02, subd. 17, and is thus a "government entity" pursuant to Minn. Stat. § 13.02, subd. 7a.

35. Bob Jacobsen is the Commissioner of the Minnesota Department of Public Safety and is the "responsible authority" for the department pursuant to Minn. Stat. § 13.02, subd. 16. He is sued in his official capacity as statutory responsible authority under the MGDPA.

JURISDICTION AND VENUE

36. This action's claims under the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, are within the Court's general and subject matter jurisdiction over actions to compel compliance, actions for damages, and actions seeking injunctions as specified by statute. *See* Minn. Stat. § 13.08.

37. This Court has personal jurisdiction, and venue is proper, because each of the defendants can be found in Ramsey County, and the facts giving rise to the claims in this matter

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occurred in Ramsey County. Venue is also proper pursuant to Minn. Stat. § 13.08, subd. 3, in that the state can be sued in any county.

FACTS

A. Background on the Report and Timeline

a. The State's RFP and Contract with Wilder

38. On or about September 8, 2020, DPS published a "Request for Proposal for External Review of State's Response to Civil Unrest" (the "RFP"), a copy of which is attached as **EXHIBIT A**.

39. The RFP sought a "qualified Responder" to "conduct an independent, external review of the State's response to the civil unrest and rioting following the death of George Floyd in Minneapolis on May 25, 2020." Ex. A, p. 5.

40. The RFP asked responders to, among other things, "become knowledgeable about the civil unrest and rioting that occurred from May 26th to June 7th"; "access public government data" as well as "data in the State's possession that would otherwise be classified as not public"; and use such knowledge and data to "produce and submit a comprehensive report to the Commissioner of Public Safety" about the "use of state resources" and the "efficacy of the State's response." Ex. A, p. 5.

41. On or about February 19, 2021, the State of Minnesota (by DPS with delegated authority) and Wilder executed a contract (the "Contract"), a copy of which is attached as **EXHIBIT B**. The Contract was also executed by the Minnesota Commissioner of Administration.

42. The Contract stated that Wilder's goals were to: "1) objectively evaluate what the State did well; 2) identify different actions and options that may have produced different, or better, outcomes; and 3) provide recommendations to the Commissioner of Public Safety to assist the

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State and local governmental units to respond effectively to potential periods of regional or statewide civil unrest in the future." Ex. B, p. 15.

43. The Contract and its exhibits stated that Wilder's tasks included, among other things, "Access[ing] public government data" and "data in the State's possession that would otherwise be classified as not public under Minnesota Statutes section 13.82, subdivisions 4, 7, and 25," "review[ing] literature," and "conduct[ing] key informant interviews." Ex. B, p. 15.

44. The Contract called for certain "deliverables," including "[p]roduc[ing] and submitting a draft of [a] final report" and a "final report" to the Commissioner of Public Safety. Ex. B, p. 15. The Contract required the Report to include, among other things, "a timeline of events and decision-making by the State in collaboration with local government officials" and an "[e]valuat[ion of] the response by [the] State." Ex. B, p. 15.

45. The Contract provides that essentially all of Wilder's work product is State property.

46. The Contract defines "Documents" as:

> [T]he originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Contractor, its employees, agents, or subcontractors, in the performance of this Contract.

Ex. B, p. 7, § 11.1.1.

47. The Contract defines "Works" as:

> [A]ll inventions, improvements, discoveries (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Contractor, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this Contract. 'Works' includes Documents.

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Ex. B, p. 7, § 11.1.3.

48. The Contract states that the State "owns all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents *created and paid for under this Contract.*" Ex. B, p. 7, § 11.2 (emphasis in original).

49. The Contract further states that "[t]o the extent possible, those Works eligible for copyright protection under the United States Copyright Act will be deemed to be 'works made for hire'" and that Wilder must "assign[] all right, title, and interest it may have in the Works and Documents to the State." Ex. B, p. 7, § 11.2.

50. The Contract states that the "Documents shall be the exclusive property of the State and all such Documents must be immediately returned to the State by the Contractor upon completion or cancelation of this Contract." Ex. B, p. 7, § 11.2.

51. Under the terms of the Contract, Defendants are either in actual physical possession of the Documents and Works, or, through Defendants' contractual ownership, are in constructive possession of the Documents and Works.

52. The Contract is governed by Minnesota law, and the parties agreed to the venue of Ramsey County for "all legal proceedings out of" the Contract or its breach. Ex. B, p. 6, § 6.

b. The Final Report

53. The final draft of the Report was dated March 2022 on its cover page, and posted publicly on the internet by DPS. A copy of the Report is attached as **EXHIBIT C**.

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c. The Timeline

54. Separate from the Report, the Timeline was created (titled "State's Response to Civil Unrest Timeline – May 25-June 7, 2020"), a copy of which is attached as **EXHIBIT D**. The metadata title of the Timeline was "DPS Timeline - Wilder."

55. The Timeline document states it is "an informal draft DPS compiled from numerous sources." Ex. D, p. 1. The chronology of civil unrest events and actions described in the Timeline mirrors the chronology of similar events described in the Report, except that the Timeline contains far more detail, particularly about the actions of government entities.

56. The relationship between the Report and the Timeline demonstrates an iterative process of data-sharing between DPS and Wilder in the course of the production of the Report, as described by the Contract's specification that Wilder would "[a]ccess public data" and "data in the State's possession that would otherwise be classified as not public." Ex. B, p. 15.

B. Plaintiff's Data Practices Request

57. Minn. Stat. § 13.03, subd. 3(c) requires government entities and their responsible authorities to provide copies of government data upon request.

58. After reviewing the Report and the Timeline, Plaintiff assembled the Items: a list of data associated with events, persons, and other details referenced in the Report and/or the Timeline. Plaintiff organized the Items into the format of a request for copies of public, government data under the MGDPA.

59. On August 18, 2022, Plaintiff sent the Request to DPS's responsible authority.[1] A copy of the Request is attached hereto as **EXHIBIT E**.

60. DPS's responsible authority received the Request on or about August 19, 2022.

[1] The Request was dated July 28, 2022, but it was not sent until August 18, 2022.

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61. Plaintiff's Request was a request pursuant to Minn. Stat. § 13.03.

62. Plaintiff's Request was properly submitted pursuant to the MGDPA.

63. Plaintiff's Request was a request for access to government data pursuant to the MGDPA.

64. Plaintiff's Request was a request for copies of government data pursuant to Minn. Stat. § 13.03, subd. 3(c).

65. Plaintiff's Request sought copies of the following data, the Items, pertaining to the Report:

> 1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;
>
> 2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;
>
> 3. Correspondence sent from Medaria Arradondo to John Harrington on June 28 at 12:23pm (see Report page 7);
>
> 4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on June 28 (see Report page 8);
>
> 5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on June 28 (see Report page 10);
>
> 6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on June 29 at 4:30pm (see Report page 16);
>
> 7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on June 29 (see Report pg 17).

Ex. E, p. 1-2.

66. All data sought through the Request is "government data" as that term is defined pursuant to Minn. Stat. § 13.02, subd. 7.

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67. Plaintiff's Request stated: "Please consider this letter to be a formal request for the indefinite retention of the requested data, pending resolution of the Request." Ex. E, p. 2.

68. Plaintiff's Request stated: "I am willing to pay all applicable statutory fees associated with the production of copies." Ex. E, p. 2.

69. Plaintiff's Request stated: "Per Minnesota Statutes 13.03, Subd. 3(f), I am requesting that in the event that any portion of the Request is not granted, that your agency certify in writing that the Request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial is based." Ex. E, p. 2.

70. Plaintiff, in the Request, asked to be contacted with any questions about the Request. Ex. E, p. 2.

71. Plaintiff provided a phone number, email address, and mailing address for Plaintiff in the Request. Ex. E, p. 1-2.

72. The Items contained in the Request related to government data either originally collected, created, received, maintained, or disseminated by DPS; or data collected, created, received, maintained, or disseminated by Wilder, pursuant to its Contract with DPS.

73. On August 18, 2022, Plaintiff sent the Request to DPS's MGDPA responsible authority via Certified Mail.

74. DPS and DPS's responsible authority received the Request on August 19, 2022.

75. DPS and DPS's responsible authority were aware of the Request in August 2022.

76. DPS's responsible authority, or an agent authorized to receive mail for the responsible authority, signed a Certified Mail Domestic Return Receipt for the Request on August 19, 2022.

77. Defendants did not contact Plaintiff after their receipt of the Request.

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78. On or about September 2, 2022, Plaintiff sent a letter to Defendants to clarify references meant to help identify data sought by the Request. A copy of the letter is attached as **EXHIBIT F**.

79. In the September 2, 2022 letter, Plaintiff's representative wrote that in the Request:

> I provided an itemized list of the data that I am seeking to have copied. In that list, I referenced certain identifying information — including pages numbers and dates — in order to assist your agency in locating responsive data. I recently reviewed the contents of my Request, and discovered that the dates provided were incorrect. What follows is the itemized list from my original Request, with the dates corrected. Also, the page[] numbers included below refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline – May 25-June 7, 2020 (the 'Timeline'): . . .

Ex. F, p. 1.

80. Plaintiff's letter dated September 2, 2022 then set out the original list of Items from the Request, with corrected dates (the "Amended Items"):

> 1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;
>
> 2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;
>
> 3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);
>
> 4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);
>
> 5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);
>
> 6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

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> 7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

Ex. F, p. 1-2.

81. Plaintiff stated in the letter dated September 2, 2022: "Please utilize the above list in place of the list included in my original Request, as this will help your agency locate responsive data faster and more efficiently." Ex. F, p. 2.

82. Plaintiff, in the letter dated September 2, 2022, asked to be contacted with any questions about the Request. Ex. F, p. 2.

83. Plaintiff provided a phone number, email address, and mailing address for Plaintiff in the letter dated September 2, 2022. Ex. F, p. 1-2.

84. Plaintiff mailed the letter dated September 2, 2022 via U.S. Mail to DPS's MGDPA responsible authority. Enclosed with the letter were copies of all of Plaintiff's previous correspondence about the Request.

85. Defendants received Plaintiff's September 2, 2022 letter.

86. Defendants were aware of Plaintiff's September 2, 2022 letter in September 2022.

87. Defendants were aware of the Request in September 2022.

88. Defendants did not respond to Plaintiff's September 2, 2022 letter.

89. Defendants did not contact Plaintiff in response to Plaintiff's September 2, 2022 letter.

C. Defendants' Ongoing Failure to Respond to Plaintiff's Data Request

90. Between September 2 and September 22, 2022, Defendants did not communicate with Plaintiff regarding the Request.

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91. On September 22, 2022, Plaintiff sent a letter to Defendants via U.S. Mail to follow up on the status of the Request. A copy of this letter is attached as **EXHIBIT G**.

92. Plaintiff's September 22, 2022 letter repeated the Request, included the list of Amended Items again, and included copies of Plaintiff's prior two letters, Exhibits E and F.

93. Plaintiff's September 22, 2022 letter stated, among other things: "I am writing to you today to see if your agency has any questions about the data I am seeking, as well as to check on your agency's proposed timeframe for producing responsive data." Ex. G, p. 2.

94. Plaintiff's September 22, 2022 letter provided a phone number, email address, and mailing address for Plaintiff. Ex. G, p. 1-2.

95. Defendants received Plaintiff's September 22, 2022 letter.

96. Defendants were aware of Plaintiff's September 22, 2022 letter in September or October 2022.

97. Defendants were aware of the Request in September and October 2022.

98. Defendants did not respond to Plaintiff's September 22, 2022 letter.

99. Between September 23, 2022 and October 17, 2022, Plaintiff received no communication from Defendants regarding the Request.

100. On October 17, 2022, Plaintiff sent another letter to Defendants via U.S. Mail to follow up on the status of the Request. A copy of the letter is attached as **EXHIBIT H**.

101. In the October 17, 2022 letter, Plaintiff repeated the list of Amended Items and included a copy of the Request.

102. In the October 17, 2022 letter, Plaintiff stated: "As I have not yet received any return correspondence from your agency, I am writing to you today to see if your agency has any questions about the data I am seeking." Ex. H, p. 2.

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103. The October 17, 2022 letter included a phone number, email address, and mailing address for Plaintiff. Ex. H, p. 1-2.

104. Defendants received Plaintiff's October 17, 2022 letter.

105. Defendants were aware of Plaintiff's October 17, 2022 letter in October 2022.

106. Defendants were aware of the Request in October 2022.

107. Defendants did not respond to Plaintiff's October 17, 2022 letter.

108. Between October 17, 2022 and November 28, 2022, Defendants did not communicate with Plaintiff regarding the Request.

109. On November 28, 2022, Plaintiff sent a letter to Defendants to follow-up on the status of the Request. A copy of the letter is attached as **EXHIBIT I**.

110. In the November 28, 2022 letter, Plaintiff restated the list of Amended Items and included copies of all prior correspondence.

111. Plaintiff's November 28, 2022 letter stated, among other things:

> I am writing today in relation to my Data Practices Act request (the 'Request') dated July 28, 2022, and my follow-up correspondence dated September 2, September 22, and October 17, 2022. For reference, copies of this correspondence are attached to this letter.
>
> Pursuant to Minnesota Statutes, Chapter 13 (Minn. Stat. § 13.03, subd. 3), a person requesting access to public, government data shall be permitted to "inspect and copy" such data "at reasonable times and places."
>
> Minn. Stat. § 13.03 subd. 2 also requires the data practices responsible authority for a government entity to establish procedures to insure that requests for government data "are complied with in an appropriate and prompt manner."
>
> Furthermore, the Minnesota Administrative Rules implementing Chapter 13 also state that the data practices responsible authority for a government entity "shall provide for a response to a request within a reasonable time."

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> In a multi-part data request such as mine, a government entity need not produce all requested data at once, but can begin to produce easily retrievable data elements first, with other data elements (those that require further search or retrieval) to follow, thus ensuring that the request is being complied with "prompt[ly]" and "appropriate[ly]" and within a 'reasonable time.'
>
> As noted in my correspondence dated October 17, 2022, I have not yet received any return correspondence from your agency regarding my Request. If your agency has any questions about the data I am seeking, I can be contacted about this Request at 651-335-2037, 651-556-1381, or at Admin@publicrecordmedia.org.

Ex. I, p. 1-2.

112. Plaintiff mailed the November 28, 2022 letter to Defendants on November 28, 2022, via Certified Mail.

113. Defendants received Plaintiff's November 28, 2022 letter on or about December 1, 2022.

114. Defendants were aware of the Request in November and December 2022.

115. The Request was received by Defendants on August 19, 2022.

116. The Request has been in Defendants' possession since August 19, 2022.

117. By early August 2024, news reports indicated that Minnesota Governor Tim Walz was in contention to be selected as the vice presidential running mate for presumptive Democratic presidential nominee Kamla Harris.

118. There has been and is ongoing public interest in the Amended Items sought through Plaintiff's Request.

119. On August 5, 2024, Plaintiff sent two copies of a follow-up letter to Defendants via Certified Mail, a copy of which is attached as **EXHIBIT J**.

120. Defendants received Plaintiff's August 5, 2024 letter via Certified Mail on August 7, 2024.

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121. Certified Mail return receipts for Plaintiff's August 5, 2024 letter are attached hereto as **EXHIBIT K**.

122. Plaintiff also sent a copy of the August 5, 2024 letter via email, directed to the DPS Data Practices Compliance Official, a copy of which is attached as **EXHIBIT L**.

123. Defendants received Plaintiff's August 5, 2024 email on August 5, 2024.

124. Plaintiff's August 5, 2024 letter attached the Request and prior correspondence; restated the seven Amended Items sought through the Request, and asked for a response within ten days.

125. On August 5, 2024, DPS Data Practices Compliance Official Kim Parker responded to Plaintiff's August 5, 2024 letter, and a copy of her response is attached as **EXHIBIT M**.

126. Parker's August 5, 2024 email stated, "I am writing to acknowledge receipt of your request … I will investigate what occurred with your request and follow-up communications in 2022 and, as you requested, respond to you within 10 days."

127. DPS first acknowledged Plaintiff's Request on August 5, 2024.

128. On August 14, 2024, Parker emailed Plaintiff regarding the Request. A copy of this email is attached as **EXHIBIT N**.

129. With regard to Amended Items 1, 2, and 6 of PRM's Request, Parker wrote in her August 14, 2024 email, "DPS contracted with a third party—Wilder Research—to prepare the report titled 'An External Review Of The State's Response To The Civil Unrest In Minnesota From May 26-June 7, 2020.' DPS does not have Wilder Research's list of interviewees or access to any transcripts or recordings that Wilder Research may have taken while conducting its interviews."

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130. With regard to the remaining Amended Items, Parker wrote in her August 14, 2024 email, "I requested access to archived email and found at least one responsive document but have not yet completed my search. Depending on the content of any responsive data, I may need the State Patrol and Bureau of Criminal Apprehension to review the data to determine whether it should be protected as security information under Minn. Stat. § 13.37. I anticipate that this process will take another week to complete. Upon completion, I will follow up with you with the remainder of DPS's response to your request."

131. Parker did not follow up with Plaintiff.

132. As of the date of this Complaint, approximately two weeks passed without Plaintiff receiving any further reply from Defendants.

133. As of August 28, 2024, Defendants had not provided any data to Plaintiff in response to the Request.

134. On August 15, 2024, Plaintiff emailed Parker, and a copy of this email is attached as **EXHIBIT O**.

135. Plaintiff's August 15, 2024 email stated, "Under its contract with Wilder, DPS owns and controls all 'Documents' and 'Works' created and/or collected by Wilder, and thus 'maintains' such data for the purposes of the Data Practices Act. As you continue your search for responsive records, please have agency staff search for data associated with Items 1, 2, and 6 again, so that copies can be produced to PRM."

136. A copy of the Contract was attached to Plaintiff's August 15, 2024 email.

137. As of the date of this Complaint, Defendants have had Plaintiff's Request in their possession for two years and nine days, and have received multiple communications from Plaintiff seeking copies of public, government data.

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138. However, Defendants have produced no data to Plaintiff in response to the Request, at least as of August 28, 2024.

139. Plaintiff's Request seeks data that comprises portions of the Documents and Works owned by Defendants, which Defendants' agent Wilder created, compiled, and assembled under contract with DPS, as well as other data maintained by Defendants. All such data is "government data" that has been collected, created, received, maintained, or disseminated by Defendants.

140. To the extent any government data responsive to the Request is still physically located at Wilder, DPS must retrieve such data for copying and production to Plaintiff, since "the same disclosure responsibility should apply to information retained by the private agent as to information in the hands of the public agency." *Pathmanathan*, 461 N.W.2d at 728.

141. The Commissioner of Administration has opined that, in a situation where government data is being retained by a contractor, "to comply with its obligations under Chapter 13 and section 15.17, the [government entity] should request that [its contractor] provide to the [government entity] the data in question." Comm'r Admin. Op. 03-017, 2003 WL 27392154, at *6.

142. Opinions from the Commissioner of Administration "must be given deference by a court or other tribunal in a proceeding involving the data." Minn. Stat. § 13.072, subd. 2.

143. Defendants have acted contrary to an opinion issued by the Commissioner of Administration.

144. Between August 19, 2022 and August 28, 2024, Defendants did not provide, and most likely still have not provided, copies of any public, government data to Plaintiff, as Plaintiff requested pursuant to the MGDPA.

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145. By failing to provide copies of pubic, government data upon request, Defendants violated Minn. Stat. § 13.03, subd. 3(c).

146. By failing to allow Plaintiff to make copies of public, government data at "reasonable times," Defendants are in violation of Minn. Stat. § 13.03, subd. 3(a).

147. Minn. Stat. § 13.03, subd. 2(b) requires that "[f]ull convenience and comprehensive accessibility shall be allowed to researchers including historians, genealogists and other scholars to carry out extensive research and complete copying of all records containing government data except as otherwise expressly provided by law."

148. Plaintiff is a "researcher" as that term is defined by Minn. Stat. § 13.03, subd. 2(b).

149. Defendants have failed to provide full convenience and comprehensive accessibility to the requested data for the purpose of copying, and Defendants are in violation of Minn. Stat. § 13.03, subd. 2(b).

150. Minn. Stat. § 13.03, subd. 2(a) requires the "responsible authority in every government entity [to] establish procedures, consistent with this chapter, to insure that requests for government data are received and complied with in an appropriate and prompt manner."

151. Defendants have not complied with Plaintiff's Request in an "appropriate" or "prompt" manner. A single failure to produce government data in a prompt manner constitutes a violation of the MGDPA. *Webster v. Hennepin Cnty.*, 910 N.W.2d 420, 431 (Minn. 2018). Defendants have violated Minn. Stat. § 13.03, subd. 2(a) in their handling of the Request.

152. Minn. Stat. § 13.03, subd. 1 requires that "[t]he responsible authority in every government entity shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use."

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153. Defendants have claimed that they do "not have" government data sought by Plaintiff, despite the fact that such government data is owned and controlled by Defendants, and should be in Defendants' possession, under the express terms of Defendants' Contract that commissioned the creation and collection of the data.

154. Defendants have not kept data sought by Plaintiff "in such an arrangement and condition" as to make it "easily accessible for convenient use," constituting a violation of Minn. Stat. § 13.03, subd. 1.

155. Based on the facts alleged herein, Defendants committed numerous violations of the MGDPA, including:

Minn. Stat. § 13.03, subd. 2(a)	Failure to insure appropriate and prompt compliance through established procedures.
Minn. Stat. § 13.03, subd. 2(b)	Failure to provide full convenience and comprehensive accessibility to researchers and scholars.
Minn. Stat. § 13.03 subd. 3(a)	Failure to permit copying of public government data at reasonable times.
Minn. Stat. § 13.03, subd. 3(c)	Failure to provide copies of government data upon request.
Minn. Stat. § 13.03, subd. 3(e)	Failure to provide data maintained in a computer storage medium.
Minn. Stat. § 13.03, subd. 1	Failure to keep data in an arrangement and condition to make it easily accessible for convenient use.

156. Defendants' conduct has forced Plaintiff to file suit to enforce its rights under, and secure Defendants' compliance with, the MGDPA.

157. Plaintiff has expended money to challenge Defendants' violations of the MGDPA and enforce Plaintiff's rights under the MGDPA, including without limitation by the expenditure of mailing costs.

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158. Defendants' conduct, including without limitation their delays, failures to respond, failures to provide data, and continued failures to respond or provide data after repeated requests, constitutes willful violations of the MGDPA.

CLAIMS FOR RELIEF

COUNT ONE
Order Compelling Compliance
(Minn. Stat. § 13.08, subd. 4)

159. Plaintiff incorporates by reference each of the above allegations as if fully stated herein.

160. Plaintiff has been aggrieved and damaged by each of Defendants' numerous violations of the MGDPA.

161. Defendants' actions, conduct, and failures constitute numerous violations of the MGDPA as alleged in this Complaint, each incorporated herein as individual and separate violations.

162. Plaintiff is entitled to remedies including an order compelling Defendants' compliance with the MGDPA as soon as possible, recovery of costs, disbursements, and attorney's fees, and a civil penalty.

COUNT TWO
Damages
(Minn. Stat. § 13.08, subd. 1)

163. Plaintiff incorporates by reference each of the above allegations as if fully stated herein.

164. Plaintiff has suffered at least nominal damages, though Plaintiff does not concede that it has suffered nominal damages only, as a result of Defendants' violations alleged in this

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Complaint, each incorporated herein as individual and separate violations, in an amount to be proven at trial, and Plaintiff seeks an award of those damages.

165. Plaintiff's damages include those arising from the wrongful denial of Plaintiff's right to access government data, delays in the ability to obtain the data and produce journalism or report on matters of public concern, and time and costs spent challenging Defendants' unlawful conduct.

166. Defendants' violations of the MGDPA were willful and knowing.

167. Plaintiff's damages continue to accrue.

168. Because Defendants' violations of the MGDPA were willful, Defendants are liable for exemplary damages of not less than $1,000 and not more than $15,000 for each violation.

169. Plaintiff seeks an award of exemplary damages in an amount to be decided at trial.

COUNT THREE
Injunctive Relief
(Minn. Stat. § 13.08, subd. 2 & subd. 4; Minn. Stat. § 8.31, subd. 3a)

170. Plaintiff incorporates by reference each of the above allegations as if fully stated herein.

171. Defendants have violated or proposed to violate the MGDPA and may be enjoined by the Court. Minn. Stat. § 13.08, subd. 2.

172. Defendants' actions, conduct, and failures constitute numerous violations of the MGDPA as alleged in this Complaint, each incorporated herein as individual and separate violations.

173. Plaintiff asks the Court to make any order or judgment as may be necessary to enjoin Defendants from any and all practices alleged herein or embraced by this Complaint which do or propose to violate the MGDPA, and to issue an injunction awarding equitable relief.

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COUNT FOUR
Declaratory Judgment
(Minn. Stat. Ch. 555)

174. Plaintiff incorporates by reference each of the above allegations as if fully stated herein.

175. Plaintiff is entitled to declaratory relief pursuant to Minn. Stat. Ch. 555.

176. Plaintiff seeks a declaratory judgment that Defendants have violated the MGDPA, including in all the ways alleged in this Complaint; that Defendants had an obligation to collect, receive, maintain, make, preserve, and produce to Plaintiff all data responsive to the Request; and that the requested data is public government data.

COUNT FIVE
Writ of Mandamus
(Minn. Stat. Ch. 586)

177. Plaintiff incorporates by reference each of the above allegations as if fully stated herein.

178. Defendants have failed to perform one or more official duties imposed by law, including without limitation by failing to obtain, maintain, receive, collect, make, and preserve data responsive to Plaintiff's Request as required by Minn. Stat. Ch. 13, Minn. Stat. § 15.17, and the Contract. Defendants have also failed to produce such data to Plaintiff in violation of the MGDPA.

179. Plaintiff may have no plain, speedy, and adequate remedy in the ordinary course of law to otherwise compel Defendants' obtaining, maintaining, receiving, collecting, making, preserving, and producing to Plaintiff data responsive to the Request.

180. Plaintiff has a legal right to some if not all of the data responsive to the Request.

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181. Defendants had, and continue to have, a duty to produce to Plaintiff the public, government data responsive to Plaintiff's Request.

182. Defendants' unperformed duties under Minn. Stat. Ch. 13, Minn. Stat. § 15.17, and the Contract, including without limitation with respect to data responsive to Plaintiff's Request, constitute one or more public wrongs specifically injurious to Plaintiff.

183. Plaintiff demands performance of Defendants' duties relating to the data at issue pursuant to Minn. Stat. Ch. 13, Minn. Stat. § 15.17, and the Contract.

184. For all the reasons stated above, Plaintiff is entitled to a peremptory writ of mandamus, or in the alternative, an alternative writ of mandamus, pursuant to Minn. Stat. Ch. 586.

DEMAND FOR JURY TRIAL

185. Plaintiff demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

Plaintiff requests judgment in Plaintiff's favor, and against Defendants, as follows:

A. Declaratory and injunctive relief as described herein;

B. A finding that Defendants' acts and/or omissions complained of herein, and each of them, violated the MGDPA;

C. A finding that Defendants' acts and/or omissions complained of herein, and each of them, constitute willful violations of the MGDPA;

D. An order compelling Defendants' compliance with the MGDPA as soon as possible;

E. A writ of mandamus or alternative writ of mandamus requiring Defendants to take all actions that may be necessary to comply with the Request, MGDPA, Contract, and/or to perform their official duties under and relating to the same with regard to the data at issue;

F. An award of nominal damages of at least $1.00;

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G. An award of compensatory damages, including pre-and post-judgment interest, in an amount greater than $50,000;

H. An award of exemplary damages under Minn. Stat. § 13.08, subd. 1, for each violation and/or violative act;

I. Assessment of a civil penalty under Minn. Stat. § 13.08, subd. 4;

J. Leave to amend the Complaint to add a claim for punitive damages pursuant to Minn. Stat. § 549.191;

K. Fees, costs, disbursements, and attorney's fees pursuant to Minn. Stat. § 13.08, subds. 1 and 4, and pursuant to all other applicable law or rule(s); and

L. Such other, further, different, and additional relief as the Court may deem just or equitable.

Dated: August 29, 2024

LAW OFFICE OF TIM PHILLIPS

By: s/*Tim Phillips*
Tim Phillips (#390907)

Law Office of Tim Phillips
331 Second Avenue South, Suite 400
TriTech Center
Minneapolis, MN 55401
(612) 470-7179
tim@timphillipslaw.com

ATTORNEY FOR PLAINTIFF
PUBLIC RECORD MEDIA

ACKNOWLEDGEMENT

Plaintiff, through undersigned counsel, acknowledges that sanctions, attorneys' fees, and witness fees may be imposed under Minn. Stat. § 549.211.

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Dated: August 29, 2024

LAW OFFICE OF TIM PHILLIPS

By: s/*Tim Phillips*
Tim Phillips (#390907)

ATTORNEY FOR PLAINTIFF
PUBLIC RECORD MEDIA

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EXHIBIT A

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State of Minnesota

Department of Public Safety

MINNESOTA

Request for Proposal

for

External Review of State's Response to Civil Unrest

Date Posted: September 8, 2020

- **Responses must be received not later than 12:00 p.m. (noon) Central Time on Friday, October 2, 2020.**
- **Late responses will not be considered.**

Minnesota's Commitment to Diversity and Inclusion

The State of Minnesota is committed to diversity and inclusion in its public procurement process. The goal is to ensure that those providing goods and services to the State are representative of our Minnesota communities and include businesses owned by minorities, women, veterans, and those with substantial physical disabilities. Creating broader opportunities for historically under-represented groups provides for additional options and greater competition in the marketplace, creates stronger relationships and engagement within our communities, and fosters economic development and equality.

To further this commitment, the Department of Administration operates a program for Minnesota-based small businesses owned by minorities, women, veterans, and those with substantial physical disabilities. For additional information on this program, or to determine eligibility, please call 651-296-2600 or go to the Office of Equity in Procurement home page at www.mn.gov/admin/oep.

SPECIAL NOTICE: This is a Request for Proposal. It does not obligate the State of Minnesota to award a contract or complete the proposed program, and the State reserves the right to cancel this solicitation if it is in the State's best interest.

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SECTION 1 – INSTRUCTIONS TO RESPONDERS

Steps for Completing Your Response

Follow the steps below to complete your Response to this Solicitation.

Step 1: Read the Request for Proposal solicitation document and ask questions, if any
Step 2: Write your Response
Step 3: Submit your Response (see "Where to Send Your Response" below)

Incomplete Submittals

A response must be submitted along with any required additional documents. Incomplete responses that materially deviate from the required format and content may be rejected.

STEP 1 – READ THE REQUEST FOR PROPOSAL SOLICITATION DOCUMENT AND ASK QUESTIONS, IF ANY

How to Ask Questions

The contact person ("Solicitation Administrator") for questions is:

Kevin Donnan-Marsh, Contracts Officer
Department of Public Safety
Email Address: kevin.donnan-marsh@state.mn.us

Questions must be emailed to the contact person no later than **12:00 p.m. (noon) Central Time on Tuesday, September 22, 2020**. The State will not respond to questions submitted by fax or telephone calls.

Other personnel, regardless of position, are not authorized to answer questions regarding this solicitation.

All questions will answered in an addendum to this solicitation. The Q&A addendum will be issued no later than **12:00 p.m. (noon) Central Time on Friday, September 25, 2020**.

STEP 2 – WRITE YOUR RESPONSE

The Proposal Content section is Section 4. Prepare a written response and supply all requested content. Responses should address the requested information and documents detailed in Section 4. **DO NOT INCLUDE Non-Public/Trade Secret data as defined by Minnesota Statutes section 13.37.**

Review, sign, and include all **Solicitation Attachments** with your Response.

STEP 3 –SUBMIT YOUR RESPONSE

Responses must be submitted using the "Express Service" method identified below.

Where to Send Your Response

Express Service

Submit your Response using the express service (i.e. next day delivery or second day delivery) of a national shipping company (e.g. FedEx, UPS, etc.) or the United States Postal Service. **Do not submit your Response using standard United States Postal Service delivery service**. Responses must be shipped to:

Department of Public Safety
Attn: Kevin Donnan-Marsh, Contracts Officer
445 Minnesota Street, Suite 126
Saint Paul, MN 55101
Telephone Number: 651.201.7006

Proposals **must be received** not later than **12:00 p.m. (noon) Central Time on Friday, October 2, 2020**. **Late responses will not be considered.**

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Submit one (1) copy of the Response. The Responses should be in envelopes or packages with the Responder's name and address written on the outside. In addition to the Technical Response/Proposal, provide one (1) copy of the Cost Detail/Proposal in a separately sealed envelope clearly marked "Cost Detail" on the outside of the separate envelope.

By submitting a proposal, Responder is making a binding legal offer for the period of time set forth below in Section 6, paragraph 9, Conditions of Offer.

SPECIAL NOTES APPLICABLE TO ALL SUBMISSIONS: 1) fax responses, responses delivered in person, and responses sent using standard United States Postal Service delivery service will not be accepted or considered; 2) all costs incurred in responding to this solicitation will be borne by the Responder; and 3) DO NOT INCLUDE Non-Public/Trade Secret data as defined by Minnesota Statutes section 13.37.

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SECTION 2 – SUMMARY OF SCOPE

1. **Project Overview and Goals.**

The Department of Public Safety ("DPS") is seeking a qualified Responder to conduct an independent, external review of the State's response to the civil unrest and rioting following the death of George Floyd in Minneapolis on May 25, 2020. The review will focus primarily on: 1) the use of state resources in response to events that occurred from May 26th to June 7th, primarily in the cities of Minneapolis and Saint Paul; and 2) the efficacy of the State's response and its collaboration with over 80 local government units.

The goals of the review are to: 1) objectively evaluate what the State did well; 2) identify different actions and options that may have produced different, or better, outcomes; and 3) provide recommendations to the Commissioner of Public Safety to assist the State and local governmental units to respond effectively to potential periods of regional or statewide civil unrest in the future.

2. **Sample Tasks and Deliverables.**

- Become knowledgeable about the circumstances of the death of George Floyd
- Become knowledgeable about the civil unrest and rioting that occurred from May 26th to June 7th
- Become knowledgeable about the State's Multi-Agency Command Center
- Establish an engagement process to obtain input from community stakeholders and leaders
- Access public government data to the extent allowable by law, including data in the State's possession that would otherwise be classified as not public under Minnesota Statutes section 13.82, subdivisions 4, 7, and 25
- Produce and submit a comprehensive report to the Commissioner of Public Safety within 120 days of commencement of review, which shall:
  - Establish a timeline of events and decision-making by the State in collaboration with local government officials
  - Evaluate the response by State
  - Evaluate the response by the State Fire Marshal and local fire entities
  - Evaluate the cross-jurisdictional response coordinated by the State
  - Evaluate the strategic and tactical decisions made by the State
  - Provide recommendations to help state and local agencies further improve the effective response to future complex, safety challenges
- Participate, as requested, in press conferences related to the review
- Testify, as requested, to the State's legislative bodies and/or its committees

The selected Responder will communicate with leadership from the Department of Public Safety, the Department of Natural Resources, the Minnesota National Guard, the University of Minnesota, and potentially with leadership teams from local governmental units that participated with the MACC.

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SECTION 3 – PROPOSAL INSTRUCTIONS AND ADDITIONAL INFORMATION

1. **Anticipated Contract Term.**
The term of this contract is anticipated to be from **November 1, 2020, through May 31, 2021.**

2. **Question and Answer Instructions.**
The question-and-answer period begins at **8:00 a.m. Central Time on Tuesday, September 8, 2020,** and ends at **12:00 p.m. (noon) Central Time on Tuesday, September 22, 2020**.

The designated Department of Public Safety contact person for questions is:

Kevin Donnan-Marsh, Contracts Officer
Department of Public Safety
Email Address: kevin.donnan-marsh@state.mn.us

Other personnel, regardless of position, are not authorized to answer questions or discuss this RFP solicitation with Responders or potential Responders. Contact regarding this solicitation with anyone other than the person identified above may result in disqualification of a Responder.

Questions must be emailed to Kevin Donnan-Marsh no later than **12:00 p.m. (noon) Central Time on Tuesday, September 22, 2020,** and the State is not obligated to answer questions submitted after the question submission deadline.

All questions properly submitted by email to the designated contact person will be answered in an addendum to this solicitation. The Q&A addendum will be issued no later than **12:00 p.m. (noon) Central Time on Friday, September 25, 2020**.

The State is not obligated to answer questions submitted after the question submission deadline; and the State will not respond to questions submitted by fax or telephone calls or submitted to persons other than the authorized individual above.

If a Responder discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in the RFP solicitation, please immediately notify the contact person above via email of such error and request modification or clarification of the document in the Q&A addendum.

3. **Response Submission Instructions.**
All responses to this solicitation must be submitted using the "Express Service" method identified in Section 1, Step 3, above.

All responses should include the following separate documents unless otherwise specified:
- a Technical Response, including Solicitation Attachments A, B, D and E; and
- a Cost Detail/Proposal, Attachment C, which must be submitted separately from the Technical Response.

Late responses will not be considered. Fax responses, responses delivered in person, and responses sent using standard United States Postal Service delivery service will not be accepted or considered. All costs incurred in responding to this solicitation will be borne by the Responder.

DO NOT INCLUDE Non-Public/Trade Secret data as defined by Minnesota Statutes section 13.37.

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Conciseness/Completeness of Proposal. It is highly desirable that the Responder submit its Response in a complete, and concise manner. It is the Responder's sole responsibility to submit information as it relates to the evaluation categories. The State of Minnesota is under no obligation to solicit such information if it is not included in the response. The Responder's failure to submit such information may cause an adverse effect on the evaluation of its response. Unnecessary information should be excluded from the response.

4. **State of Minnesota Vendor SWIFT Information and Registration.**
Prior to doing business with the State of Minnesota, the State requires all suppliers to be registered in Statewide Integrated Financial Tools (SWIFT), the State's automated financial and contract system. If you have not registered in SWIFT and received a unique ten-digit SWIFT supplier number, a successful Responder must register as a supplier by going to https://mn.gov/mmb/accounting/swift/vendor-resources/. Please note that approval of your registration by Minnesota Management and Budget may take 3-4 business days. If you need assistance completing the registration process, contact the SWIFT Vendor Assistance Helpline at 651-201-8100, Option 1, or osphelp.line@state.mn.us.

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SECTION 4 – PROPOSAL CONTENT

Please submit the following information:

1. **Work Plan**. Responder should provide a work plan that identifies the major tasks to be accomplished and be used as a scheduling and managing tool, as well as the basis for invoicing. This document should NOT list cost detail. If cost detail is included in this document, the State may disqualify the proposal as non-responsive. Responder should provide a statement of the objectives, goals, and tasks to show or demonstrate the Responder's view and understanding of the nature of the contract.

2. **Qualifications and Experience**. Responder should provide a description of its background and experience with examples of similar work done by the Responder; and must include the Responder's: 1) experience in law enforcement, public safety, and emergency response in large, urban areas; 2) experience with an incident command system; 3) experience in systematic, complex investigations or inquiries and communication of the findings; and 4) cultural competence.

3. **References**. Responder should complete and submit "Attachment E: Reference Form" with their response. Responder should submit three (3) completed reference forms, identifying each reference's company name and contact information. Once Responder's response is received, the Solicitation Administrator will send the same form to Responder's references for each reference to complete and return to the Solicitation Administrator.

   The State reserves the right to verify the information submitted on Attachment E before an award is made. The State reserves the right to contact the references listed in Attachment E. The solicitation response will be rejected if the State, in its sole discretion, receives information that indicates the Responder is non-responsible or non-responsive.

4. **Cost Detail.** Complete and submit Attachment C: Cost Proposal.

5. **Additional Requested Documentation.**
   Submit all requested documentation which include:

   1. Attachment A: Responder Declarations
   2. Attachment B: Exceptions to State's Terms and Conditions
   3. Attachment C: Cost Proposal
   4. Attachment D: Responder Forms
      - Veteran-Owned Preference Form (if applicable)
      - Workforce Certificate Information Form (required)
      - Equal Pay Certificate (required)
   5. Attachment E: Reference Form (three)

NOTES: 1) DO NOT INCLUDE cost detail and information with the Technical Proposal; and 2) DO NOT INCLUDE Non-Public/Trade Secret data as defined by Minnesota Statutes section 13.37.

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SECTION 5 – EVALUATION PROCEDURE AND CRITERIA

The State will conduct an evaluation of responses to this Solicitation. The evaluations will be conducted using a two-tier scoring methodology described below.

1. TIER 1.

1.1 Phase 1 - Responsiveness and Pass/Fail Requirements. The purpose of this phase is to determine if each response complies with mandatory requirements. The State will first review each proposal for responsiveness to determine if the Responder satisfies all mandatory requirements. The State will evaluate these requirements on a pass/fail basis.

Mandatory Requirements. The following will be considered on a pass/fail basis:

- Responses must be received by the due date and time specified in this RFP.

1.2 Phase 2 - Evaluate Responses. Only responses found to have met Phase 1 criteria will be considered in Phase 2. In Tier 1-Phase 2, the factors and weighting on which responses will be judged are:

1.	Work Plan for Deliverables	300 points
2.	Qualifications and Experience	450 points
3.	References	150 points
4.	Cost Detail	100 points
		1000 points
	Preference Points (if applicable)	60 points (in addition to 1,000 available)

Preferences points are described under Solicitation Terms and will be applied to the total score after points have been awarded. Each Responders' total score in Tier 1 will consist of the technical score, cost score, and preference points, if applicable.

1.3 Phase 3: Shortlist. Each Responder will be ranked based on each Responder's Tier 1 total score. The State will shortlist the highest scoring Responders by determining the natural break in Responders' scores. Only the highest scoring Responders in Tier 1 will advance to Tier 2.

2. TIER 2.

2.1 Phase 1 - Evaluate Responders. All Responders' scores will be re-set to zero prior to beginning Tier 2. In Tier 2-Phase 1, the factors and weighting on which responses will be judged are:

1.	Interviews	350 points
2.	Samples of Previous Related Work	250 points
3.	Cost Detail	400 points
		1000 points
	Preference Points (if applicable)	60 points (in addition to 1,000 available)

Preferences points are described under Solicitation Terms and will be applied to the total score after points have been awarded. Each Responders' total score in Tier 2 will consist of the technical score, cost score, and preference points, if applicable.

2.2 Phase 2 - Select Finalist. The State will make its selection based on best value, as determined by this evaluation process. Each Responder will be ranked based on each Responder's Tier 2 total score. The State will begin negotiating with the highest scoring Responder in Tier 2. The State reserves the right to pursue negotiations on any exception taken to the State's standard terms and conditions. In the event that negotiated terms cannot be reached, the State reserves the right to terminate negotiations and begin negotiating with the next highest

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scoring Responder. If the State anticipates multiple awards, the State reserves the right to negotiate with more than one Responder.

It is anticipated that the evaluation and selection will be completed by **Friday, October 23, 2020.**

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SECTION 6 – SOLICITATION TERMS

1. **Competition in Responding.**
   The State desires open and fair competition. Questions from Responders regarding any of the requirements of the Request for Proposal must be submitted via email to the Solicitation Administrator listed in Section I before the due date and time. If changes are made the State will issue an addendum.

   Any evidence of collusion among Responders in any form designed to defeat competitive responses will be reported to the Minnesota Attorney General for investigation and appropriate action.

2. **Addenda to the Solicitation.**
   Changes to the Solicitation will be made by addendum with notification and posted in the same manner as the original Solicitation. Any addenda issued will become part of the Solicitation.

3. **Data Security - Foreign Outsourcing of Work is Prohibited.**
   All storage and processing of information shall be performed within the borders of the United States. This provision also applies to work performed by subcontractors at all levels.

4. **Joint Ventures.**
   The State allows joint ventures among groups of responders when responding to the solicitation. However, one Responder must submit a response on behalf of all the others in the group. The Responder that submits the response will be considered legally responsible for the response (and the contract, if awarded).

5. **Withdrawing Response.**
   A Responder may withdraw its response prior to the due date and time of the Solicitation. For responses submitted in the SWIFT Supplier Portal, a Responder may withdraw its response from the SWIFT Supplier Portal. For responses submitted any other way, a Responder may withdraw its response by notifying the Solicitation Administrator in writing of the desire to withdraw.

   After the due date and time of this Solicitation, a Responder may withdraw a response only upon showing that an obvious error exists in the response. The showing and request for withdrawal must be made in writing to the Solicitation Administrator within a reasonable time and prior to the State's detrimental reliance on the response.

6. **Rights Reserved.**
   The State reserves the right to:
   - Reject any and all responses received;
   - Waive or modify any informalities, irregularities, or inconsistencies in the responses received;
   - Negotiate with the highest scoring Responder[s];
   - Terminate negotiations and select the next response providing the best value for the State;
   - Consider documented past performance resulting from a State contract may be considered in the evaluation process;
   - Short list the highest scoring Responders;
   - Require Responders to conduct presentations, demonstrations, or submit samples;
   - Interview key personnel or references;
   - Request a best and final offer from one or more Responders; and
   - Request additional information.

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7. Responses are Nonpublic during Evaluation Process.

All materials submitted in response to this Solicitation will become property of the State. During the evaluation process, all information concerning the responses submitted will remain private or nonpublic and will not be disclosed to anyone whose official duties do not require such knowledge. Responses are private or nonpublic data until the completion of the evaluation process as defined by Minn. Stat. § 13.591. The completion of the evaluation process is defined as the State having completed negotiating a contract with the selected Responder. The State will notify all Responders in writing of the evaluation results.

8. Trade Secret Information.

8.1 Responders must not submit as part of their response trade secret material, as defined by Minn. Stat. § 13.37.

8.2 In the event trade secret data are submitted, Responder must defend any action seeking release of data it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments awarded against the State in favor of the party requesting the data, and any and all costs connected with that defense.

8.3 The State does not consider cost or prices to be trade secret material, as defined by Minn. Stat. § 13.37.

8.4 A Responder may present and discuss trade secret information during an interview or demonstration with the State, if applicable.

9. Conditions of Offer.

Unless otherwise approved in writing by the State, Responder's cost proposal and all terms offered in its response that pertain to the completion of professional and technical services and general services will remain firm for 180 days, until they are accepted or rejected by the State, or they are changed by further negotiations with the State prior to contract execution.

10. Award.

Any award that may result from this solicitation will be based upon the total accumulated points as established in the solicitation. The State reserves the right to award this solicitation to a single Responder, or to multiple Responders, whichever is in the best interest of the State, providing each Responder is in compliance with all terms and conditions of the solicitation. The State reserves the right to accept all or part of an offer, to reject all offers, to cancel the solicitation, or to re-issue the solicitation, whichever is in the best interest of the State.

11. Requirements Prior to Contract Execution.

Prior to contract execution, a Responder receiving a contract award must comply with any submittal requests. A submittal request may include, but is not limited to, a Certificate of Insurance.

12. Targeted Group, Economically Disadvantaged Business, Veteran-Owned and Individual Preference.

Unless a greater preference is applicable and allowed by law, in accordance with Minn. Stat. § 16C.16, businesses that are eligible and certified by the State as targeted group (TG) businesses, economically disadvantaged (ED) businesses, and veteran-owned businesses will receive points equal to 6% percent of the total points available as preference. For TG/ED/VO certification and eligibility information visit the Office of Equity in Procurement website at https://mn.gov/admin/business/vendor-info/oep/ or call the Division's Helpline at 651.296.2600.

13. Reciprocity.

State shall comply with Minn. Stat. § 16C.06, subd. 7, as that applies to a non-resident vendor. This paragraph does not apply for any project in which federal funds are expended.

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ATTACHMENT A: RESPONDER DECLARATIONS

The undersigned certifies, to the best of his or her knowledge and belief, that:

A. **Response Contents.** The information provided is true, correct, and reliable for purposes of evaluation for potential contract award. The submission of inaccurate or misleading information may be grounds for disqualification from the award as well as subject the Responder to suspension or debarment proceedings as well as other remedies available by law.

B. **Authorized Signature.** This Declaration is signed by the appropriate person(s), with the authority to contractually bind the Responder, as required by applicable articles, bylaws, resolutions, minutes, and ordinances.

C. **Non-Collusion Certification.**

1. The Response has been arrived at by the Responder independently and has been submitted without collusion and without any agreement, understanding or planned common course of action with any other vendor designed to limit fair or open competition; and
2. The contents of the Response have not been communicated by the Responder or its employees or agents to any person not an employee or agent of the Responder and will not be communicated to any other individual prior to the due date and time of this Solicitation. Any evidence of collusion among Responders in any form designed to defeat competitive responses will be reported to the Minnesota Attorney General for investigation and appropriate action.

D. **Organizational Conflicts of Interest.** To the best of Responder's knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances which could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons,

1. a vendor is unable or potentially unable to render impartial assistance or advice to the State;
2. the vendor's objectivity in performing the contract work is or might be otherwise impaired; or
3. the vendor has an unfair competitive advantage.

If after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the State's Chief Procurement Officer which must include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the State may, at its discretion, cancel the contract. In the event the Contractor was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to OSP, the State may terminate the contract for default. Organizational conflicts of interest terms apply to any subcontractors for this work.

E. **Certification Regarding Lobbying.** For State of Minnesota Contracts and Grants over $100,000, the Responder certifies, to the best of his or her knowledge and belief that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying in accordance with its instructions.

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3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into and is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

F. **Copyrighted Material Waiver.** By signing its Response, the Responder certifies that it has obtained all necessary approvals for the reproduction and distribution of the contents of its response.

G. **Diverse Spend Reporting**. The Sample Contract contains a clause for Diverse Spend Reporting. When this clause applies, Contractor will be required to register in a free portal to report diverse spend. Please see Diverse Spend Reporting Frequently Asked Questions for additional information.

By signing this form, Responder acknowledges and certifies compliance with all applicable requirements indicated above.

Company Name: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Phone Number: _____

Email Address: _____

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ATTACHMENT B: EXCEPTIONS TO STATE'S TERMS AND CONDITIONS

The State presumes a Responder agrees to the terms and conditions of this solicitation unless the Responder takes specific exception to one or more of the conditions on this form.

The State reserves the right to reject, negotiate, or accept any exception listed to the State's terms and conditions (including those found in the attached Sample Contract).

INSTRUCTIONS: Responders must explicitly list all exceptions to State terms and conditions (including those found in the attached sample contract, if any). Reference the actual number of the State's term and condition and page number for which an exception(s) is being taken. If no exceptions exist, state "NONE" specifically on the form below. Whether or not exceptions are taken, the Responder must sign and date this form and submit it as part of their response. (*Add additional pages if necessary.*)

Clause and Page Number	Suggested Change to Clause	Explanation or Justification

By signing this form, I acknowledge that the above-named Responder accepts, without qualification, all terms and conditions stated in this solicitation (including the sample contract) except those clearly outlined as exceptions above.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

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ATTACHMENT C: COST DETAIL

Responders must use this attachment form to submit their Cost Proposal. The rate(s) identified in the Cost Proposal must reflect all costs, including but not limited to compensation, fees, applicable commissioners, equipment and other anticipated or projected costs.

Responders must submit one or more hourly rates for the services of personnel identified to provide services. The hourly rates must be sufficient to cover all travel and subsistence expenses. The contract will not include a separate provision for reimbursement of travel and subsistence expenses incurred during the contract term.

Identify the level of the State's participation in the contract and details of cost allowances for this participation. The State does not make regular payments based solely upon the passage of time; it only pays for services performed or work delivered after it is accomplished.

Do not include any cost information in the technical response (see Section 4, Proposal Content).

The cost detail must be open for acceptance until a contract is executed, the Solicitation is cancelled, or 180 days after the submission deadline for the Solicitation, whichever comes first.

Submit the cost detail as a separate document from the technical response for all copies of the Response. Cost details will not be reviewed and scored by the evaluation team prior to the technical scores being finalized.

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ATTACHMENT D: RESPONDER FORMS
STATE OF MINNESOTA
VETERAN-OWNED PREFERENCE FORM

Unless a greater preference is applicable and allowed by law, in accordance with Minn. Stat. §16C.16, subd. 6a, the state will award a 6% preference on state procurement to certified small businesses that are majority owned and operated by veterans.

Veteran-Owned Preference Requirements - *See* Minn. Stat. § 16C.19(d):

1) The business has been certified by the Office of Equity in Procurement as being a veteran-owned or service-disabled veteran-owned small business.

   or

2) The principal place of business is in Minnesota AND the United States Department of Veterans Affairs verifies the business as being a veteran-owned or service-disabled veteran-owned small business under Public Law 109-461 and Code of Federal Regulations, title 38, part 74 (Supported By Documentation).

Statutory requirements and appropriate documentation must be met **by the solicitation response due date and time** to be awarded the veteran-owned preference.

Claim the Preference

By signing below, I confirm that:

My company is claiming the veteran-owned preference afforded by Minn. Stat. § 16C.16, subd. 6a. By making this claim, I verify that:

- The business has been certified by the Office of Equity in Procurement as being a veteran-owned or service-disabled veteran-owned small business.

  or

- My company's principal place of business is in Minnesota **and** the United States Department of Veteran's Affairs verifies my company as being a veteran-owned or service-disabled veteran-owned small business (Supported By Attached Documentation)

Name of Company: _____ Date: _____

Authorized Signature: _____ Telephone: _____

Printed Name: _____ Title: _____

Attach documentation, sign, and return this form with your solicitation response to claim the veteran-owned preference.

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ATTACHMENT D: RESPONDER FORMS
STATE OF MINNESOTA
WORKFORCE CERTIFICATE INFORMATION FORM

Required by state law for ALL bids or proposals that could exceed $100,000

Complete this form and return it with your bid or proposal. The State of Minnesota is under no obligation to delay proceeding with a contract until a company becomes compliant with the Workforce Certification requirements in Minn. Stat. §363A.36.

BOX A – COMPANIES that have employed more than 40 full-time employees WITHIN MINNESOTA on any single working day during the previous 12 months, check one option below:

☐ Attached is our current Workforce Certificate issued by the Minnesota Department of Human Rights (MDHR).

☐ Attached is confirmation that MDHR received our application for a Minnesota Workforce Certificate on _____(date).

BOX B – NON-MINNESOTA COMPANIES that have employed more than 40 full-time employees on a single working day during the previous 12 months in the state where it has its primary place of business, check one option below:

☐ Attached is our current Workforce Certificate issued by MDHR.

☐ We certify we are in compliance with federal affirmative action requirements.

BOX C – EXEMPT COMPANIES that have not employed more than 40 full-time employees on a single working day in any state during the previous 12 months, check option below if applicable:

☐ We attest we are exempt. If our company is awarded a contract, upon request, we will submit to MDHR within 5 business days after the contract is fully signed, the names of our employees during the previous 12 months, the date of separation, if applicable, and the state in which the persons were employed. Send to compliance.MDHR@state.mn.us.

By signing this statement, I certify that the information provided is accurate and that I am authorized to sign on behalf of the company.

Name of Company: _____ Date _____

Authorized Signature: _____ Telephone number: _____

Printed Name: _____ Title: _____

For assistance with this form, contact:
Minnesota Department of Human Rights, Compliance Services

Web: http://mn.gov/mdhr/ TC Metro: 651-539-1095 Toll-Free: 800-657-3704

Email: compliance.MDHR@state.mn.us. TTY: 651-296-1283

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ATTACHMENT D: RESPONDER FORMS
STATE OF MINNESOTA
EQUAL PAY CERTIFICATE

If your response could be in excess of $500,000, please complete and submit this form with your submission. **It is your sole responsibility to provide the information requested and when necessary to obtain an Equal Pay Certificate (Equal Pay Certificate) from the Minnesota Department of Human Rights (MDHR) prior to contract execution**. **You must supply this document with your submission.** Please contact MDHR with questions at: 651-539-1095 (metro), 1-800-657-3704 (toll free), 711 or 1-800-627-3529 (MN Relay) or at compliance.MDHR@state.mn.us.

Option A – If you have employed 40 or more full-time employees on any single working day during the previous 12 months in Minnesota or the state where you have your primary place of business, please check the applicable box below:

☐ Attached is our current MDHR Equal Pay Certificate.

☐ Attached is MDHR's confirmation of our Equal Pay Certificate application.

Option B – If you have not employed 40 or more full-time employees on any single working day during the previous 12 months in Minnesota or the state where you have your primary place of business, please check the box below.

☐ We are exempt. We agree that if we are selected we will submit to MDHR within five (5) business days of final contract execution, the names of our employees during the previous 12 months, date of separation if applicable, and the state in which the persons were employed. Documentation should be sent to compliance.MDHR@state.mn.us.

The State of Minnesota reserves the right to request additional information from you. **If you are unable to check any of the preceding boxes, please contact MDHR to avoid a determination that a contract with your organization cannot be executed.**

Your signature certifies that you are authorized to make the representations, the information provided is accurate, the State of Minnesota can rely upon the information provided, and the State of Minnesota may take action to suspend or revoke any agreement with you for any false information provided.

Authorized Signature	Printed Name	Title
Organization	MN/FED Tax ID#	Date
Issuing Entity		Project # or Lease Address

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ATTACHMENT E: REFERENCE FORM

INSTRUCTIONS TO RESPONDER: ONLY COMPLETE INFORMATION IDENTIFIED IN RED.

Responder/Company Name:
Contact Name:
Address:
Email:
Phone Number:

1. Description of project(s):

2. Dates of Engagement:

3. Were the project(s) completed on budget? If not, please explain.

4. Were the project(s) complete on time? If not, please explain.

5. What went well with the project(s)?

6. What could have gone better with the project(s)?

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State of Minnesota Contract
[Sample Contract]

SWIFT Contract No.:

This Contract is between the **State of Minnesota**, acting through its Commissioner of Public Safety ("State"), and [Contractor] whose designated business address is [Contractor's business address] ("Contractor"). The State and Contractor may be referred to jointly as "Parties."

Recitals

1. State issued a solicitation identified as [Solicitation identification] [SWIFT Event No.] on [Solicitation date] for [brief narrative describing purpose of solicitation] ("Solicitation");
2. Contractor provided a response to the Solicitation indicating its interest in and ability to provide the goods or services requested in the Solicitation; and
3. Subsequent to an evaluation in accordance with the terms of the Solicitation and negotiation, the Parties desire to enter into a contract.

Accordingly, the Parties agree as follows:

Contract

1. Term of Contract

1.1 Effective Date. [insert effective date], or the date the State obtains all required signatures under Minn. Stat. § 16C.05, subdivision 2whichever is later. The Contractor must not begin work under this Contract until this Contract is fully executed and the Contractor has been notified by the State's Authorized Representative to begin the work.

1.2 Expiration Date. [insert expiration date], or until all obligations have been satisfactorily fulfilled, whichever occurs first.

2. Contractor's Duties

The Contractor represents that it is duly qualified and agrees to perform all duties described in this Contract to the satisfaction of the State.

The Contractor, who is not a State employee, will perform the duties identified in Exhibit C: Specifications, Duties, and Scope of Work.

3. Representations and Warranties

3.1 Under Minn. Stat. §§ 15.061 and 16C.03, subd. 3, and other applicable law, the State is empowered to engage such assistance as deemed necessary.

3.2 Contractor warrants that it is duly qualified and shall perform its obligations under this Contract in accordance with the commercially reasonable standards of care, skill, and diligence in Contractor's industry, trade, or profession, and in accordance with the specifications set forth in this Contract, to the satisfaction of the State.

3.3 Contractor warrants that it possesses the legal authority to enter into this Contract and that it has taken all actions required by its procedures, by-laws, and applicable laws to exercise that authority, and to lawfully

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authorize its undersigned signatory to execute this Contract, or any part thereof, and to bind Contractor to its terms.

4. Time

The Contractor must comply with all the time requirements described in this Contract. In the performance of this Contract, time is of the essence.

5. Consideration and Payment

5.1 Consideration. The State will pay for performance by the Contractor under this Contract as follows:

5.1.1 Compensation. The Contractor will be paid *[Explain how the Contractor will be paid]*.
Examples: "Following acceptance of the deliverables described below. "Note: caution must be exercised if payment by the hour is utilized. If deliverables can be succinctly defined, it is generally preferable to structure payment based on the successful completion and acceptance of specific tasks or deliverables.

5.1.2 Total Obligation. The total obligation of the State for all compensation and reimbursements to the Contractor under this Contract will not exceed $ [##].

5.2 Payment.

5.2.1 Invoices. The State will promptly pay the Contractor after the Contractor presents an itemized invoice for the goods received and services actually performed, and the State's Authorized Representative accepts the invoiced goods or services. Invoices must be submitted timely and according to the following schedule:
[*Example: "upon completion of the services," or if there are specific deliverables, list how much will be paid for each deliverable. The State does not pay merely for the passage of time.*]

5.2.2 Retainage. Under Minn. Stat. § 16C.08, subd. 2(10), no more than 90 percent of the amount due under this Contract may be paid until the final product of this Contract has been reviewed by the State's agency head. The balance due will be paid when the State's agency head determines that the Contractor has satisfactorily fulfilled all the terms of this Contract.

5.2.3 Conditions of Payment. All services provided by the Contractor under this Contract must be performed to the State's satisfaction and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations including business registration requirements of the Office of the Secretary of State. The Contractor will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state, or local law.

6. Authorized Representatives

The State's Authorized Representative is the person below, or his/her successor, and has the responsibility to monitor the Contractor's performance.

Name: [insert State's Authorized Rep information here]
Address: Department of Public Safety
445 Minnesota Street, Suite 145
Saint Paul, MN 55101-5145
Telephone:
Email Address:

The Contractor's Authorized Representative is the person below, or his/her successor. If the Contractor's Authorized Representative changes at any time during this Contract, the Contractor must immediately notify the State in writing/email.

Name: [insert Contractor's Authorized Rep information here]
Address:

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Telephone:
Email Address:

7. Exhibits

The following Exhibits are attached and incorporated into this Contract:

Exhibit A: Contract Terms
Exhibit B: Insurance Requirements
Exhibit C: Specifications, Duties, and Scope of Work

1. State Encumbrance Verification
Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05

Print name: _____

Signature: _____

Title: _____ Date: _____

SWIFT PO No.: _____

2. Contractor
The Contractor certifies that the appropriate person has executed the Contract on behalf of the Contractor as required by applicable articles, bylaws, resolutions, or ordinances.

Print name: _____

Signature: _____

Title: _____ Date: _____

3. State Agency: Department of Public Safety
With delegated authority

Print name: _____

Signature: _____

Title: _____ Date: _____

4. Commissioner of Administration
As delegated to the Office of State Procurement

Print name: _____

Signature: _____

Title: _____ Date: _____

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Exhibit A: Contract Terms

1. Prompt Payment and Invoicing.

1.1 Prompt Payment. The State will pay pursuant to Minn. Stat. § 16A.124, which requires payment within 30 days following receipt of an undisputed invoice, or merchandise or service, whichever is later. Terms requesting payment in less than 30 days will be changed to read "Net 30 days." Notwithstanding the foregoing, the State may pay the Contractor in advance for purchases as allowed pursuant to Minn. Stat. § 16A.065.

The payment for each order will only be made for goods received or services actually performed that have been accepted by the ordering entity, and meet all terms, conditions, and specifications of the Contract and the ordering document.

1.2 Invoicing. Each invoice should at a minimum include:

Customer name
State SWIFT contract number
State SWIFT purchase order number
Service description
Explanation of work performed per charge indicated on the invoice

2. Assignment, Amendments, Waiver, and Contract Complete.

2.1 Assignment. The Contractor may neither assign nor transfer any rights or obligations under this Contract without the prior consent of the State and a fully executed assignment agreement, executed and approved by the authorized parties or their successors.

2.2 Amendments. Any amendment to this Contract must be in writing and will not be effective until it has been executed and approved by the authorized parties or their successors.

2.3 Waiver. If the State fails to enforce any provision of this Contract, that failure does not waive the provision or its right to enforce it.

2.4 Contract Complete. This Contract contains all negotiations and agreements between the State and the Contractor. No other understanding regarding this Contract, whether written or oral, may be used to bind either party.

3. Termination.

3.1 Termination for Convenience. The State or Commissioner of Administration may cancel this Contract at any time, with or without cause, upon 30 days' written notice to the Contractor. Upon termination for convenience, the Contractor will be entitled to payment, determined on a pro rata basis, for services or goods satisfactorily performed or delivered.

3.2 Termination for Breach. The State may terminate this Contract, with cause, upon 30 days written notice to the Contractor of the alleged breach and opportunity to cure. If after 30 days, the alleged breach has not been remedied, the State may immediately terminate the Contract.

3.3 Termination for Insufficient Funding. The State may immediately terminate this Contract if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services addressed within this Contract. Termination must be by written notice to the Contractor. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Contractor will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that dedicated funds are available. The State will not be assessed any penalty if the Contract is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. The State must

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provide the Contractor notice of the lack of funding. This notice will be provided within a reasonable time of the State's receiving notice.

4. Force Majeure.

Neither party shall be responsible to the other or considered in default of its obligations within this Contract to the extent that performance of any such obligations is prevented or delayed by acts of God, war, riot, disruption of government, or other catastrophes beyond the reasonable control of the party unless the act or occurrence could have been reasonably foreseen and reasonable action could have been taken to prevent the delay or failure to perform. A party relying on this provision must provide the other party prompt written notice of the inability to perform and take all necessary steps to bring about performance as soon as practicable.

5. Indemnification.

5.1 In the performance of this Contract, the Indemnifying Party must indemnify, save, and hold harmless the State, its agents, and employees, from any claims or causes of action, including attorney's fees incurred by the State, to the extent caused by Indemnifying Party's:

- Intentional, willful, or negligent acts or omissions; or
- Actions that give rise to strict liability; or
- Breach of contract or warranty.

The Indemnifying Party is defined to include the Contractor, Contractor's reseller, any third party that has a business relationship with the Contractor, or Contractor's agents or employees, and to the fullest extent permitted by law. The indemnification obligations of this section do not apply in the event the claim or cause of action is the result of the State's sole negligence. This clause will not be construed to bar any legal remedies the Indemnifying Party may have for the State's failure to fulfill its obligation under this Contract.

5.2 Nothing within this Contract, whether express or implied, shall be deemed to create an obligation on the part of the State to indemnify, defend, hold harmless or release the Indemnifying Party. This shall extend to all agreements related to the subject matter of this Contract, and to all terms subsequently added, without regard to order of precedence.

6. Governing Law, Jurisdiction, and Venue.

Minnesota law, without regard to its choice-of-law provisions, governs this Contract. Venue for all legal proceedings out of this Contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

7. Foreign Outsourcing of Work Prohibited.

All services under this contract shall be performed within the borders of the United States. All storage and processing of information shall be performed within the borders of the United States. This provision also applies to work performed by all subcontractors.

8. Subcontracting and Subcontract Payment.

8.1 Subcontracting Allowed. A subcontractor is a person or company that has been awarded a portion of the Contract by Contractor. Only subcontractors that have been approved by the Contract Administrator can be used for this Contract.

After the effective date of the Contract, the Contractor shall not, without prior written approval of the Contract Administrator, subcontract for the performance of any of the Contractor's obligations that were not already approved for subcontracting when the Contract was awarded. During this Contract, if an approved subcontractor is determined to be performing unsatisfactorily by the Contract Administrator, the Contractor will receive written notification that the subcontractor can no longer be used for this Contract.

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The provisions of the Contract shall apply with equal force and effect to all approved subcontractors engaged by the Contractor. Notwithstanding approval by the State, no subcontract shall serve to terminate or in any way affect the primary legal responsibility of the Contractor for timely and satisfactory performances of the obligations contemplated by the Contract.

8.2 Subcontractor Payment. Contractor must pay any subcontractor in accordance with Minn. Stat. § 16A.1245.

9. Data Disclosure.

Under Minn. Stat. § 270C.65, subd. 3, and other applicable law, the Contractor consents to disclosure of its social security number, federal employer tax identification number, and Minnesota tax identification number, already provided to the State, to federal and state agencies, and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state laws which could result in action requiring the Contractor to file state tax returns, pay delinquent state tax liabilities, if any, or pay other state liabilities.

10. Government Data Practices.

The Contractor and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this Contract, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Contractor under this Contract. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data governed by the Minnesota Government Practices Act, Minn. Stat. Ch. 13, by either the Contractor or the State.

If the Contractor receives a request to release the data referred to in this clause, the Contractor must immediately notify and consult with the State's Authorized Representative as to how the Contractor should respond to the request. The Contractor's response to the request shall comply with applicable law.

11. Intellectual Property Rights.

11.1 Definitions. For the purpose of this Section, the following words and phrases have the assigned definitions:

11.1.1 "Documents" are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Contractor, its employees, agents, or subcontractors, in the performance of this Contract.

11.1.2 "Pre-Existing Intellectual Property" means intellectual property developed prior to or outside the scope of this Contract, and any derivatives of that intellectual property.

11.1.3 "Works" means all inventions, improvements, discoveries (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Contractor, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this Contract. "Works" includes Documents.

11.2 Ownership. The State owns all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents created and paid for under this Contract. The Documents shall be the exclusive property of the State and all such Documents must be immediately returned to the State by the Contractor upon completion or cancellation of this Contract. To the extent possible, those Works eligible for copyright protection under the United States Copyright Act will be deemed to be "works made for hire." The Contractor assigns all right, title, and interest it may have in the Works and the Documents to the State. The Contractor must, at the request of the State, execute all papers and perform all other acts necessary to transfer or record the State's ownership interest in the Works and Documents.

11.3 Pre-existing Intellectual Property. Each Party shall retain ownership of its respective Pre-Existing Intellectual Property. The Contractor grants the State a perpetual, irrevocable, non-exclusive, royalty free license for

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Contractor's Pre-Existing Intellectual Property that are incorporated in the products, materials, equipment, deliverables, or services that are purchased through the Contract.

11.4 Obligations.

11.4.1 Notification. Whenever any invention, improvement, or discovery (whether or not patentable) is made or conceived for the first time or actually or constructively reduced to practice by the Contractor, including its employees and subcontractors, in the performance of this Contract, the Contractor will immediately give the State's Authorized Representative written notice thereof, and must promptly furnish the State's Authorized Representative with complete information and/or disclosure thereon.

11.4.2 Representation. The Contractor must perform all acts, and take all steps necessary to ensure that all intellectual property rights in the Works and Documents are the sole property of the State, and that neither Contractor nor its employees, agents, or subcontractors retain any interest in and to the Works and Documents. The Contractor represents and warrants that the Works and Documents do not and will not infringe upon any intellectual property rights of other persons or entities.

11.4.3 Indemnification. Notwithstanding any other indemnification obligations addressed within this Contract, the Contractor will indemnify; defend, to the extent permitted by the Attorney General; and hold harmless the State, at the Contractor's expense, from any action or claim brought against the State to the extent that it is based on a claim that all or part of the Works or Documents infringe upon the intellectual property rights of others. The Contractor will be responsible for payment of any and all such claims, demands, obligations, liabilities, costs, and damages, including but not limited to, attorney fees. If such a claim or action arises, or in the Contractor's or the State's opinion is likely to arise, the Contractor must, at the State's discretion, either procure for the State the right or license to use the intellectual property rights at issue or replace or modify the allegedly infringing Works or Documents as necessary and appropriate to obviate the infringement claim. This remedy of the State will be in addition to and not exclusive of other remedies provided by law.

12. Copyright.

The Contractor shall save and hold harmless the State of Minnesota, its officers, agents, servants and employees, from liability of any kind or nature, arising from the use of any copyrighted or noncopyrighted compositions, secret process, patented or nonpatented invention, article or appliance furnished or used in the performance of the Contract.

13. State Audits.

Under Minn. Stat. § 16C.05, subdivision 5, the Contractor's books, records, documents, and accounting procedures and practices relevant to this Contract are subject to examination by the State, the State Auditor, or Legislative Auditor, as appropriate, for a minimum of six (6) years from the end of this Contract.

14. Diverse Spend Reporting.

If the total value of the Contract may exceed $500,000, including all extension options, Contractor must track and report, on a quarterly basis, the amount paid to diverse businesses both: 1) directly to subcontractors performing under the Contract; and 2) indirectly to diverse businesses that provide supplies/services to your company (in proportion to the revenue from this Contract compared to Contractor's overall revenue). When this applies, Contractor will register in a free portal to help report the Tier 2 diverse spend, and the requirement continues as long as the Contract is in effect.

15. Publicity and Endorsement.

15.1 Publicity. Any publicity regarding the subject matter of this Contract must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press

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releases, information posted on corporate or other websites, research, reports, signs, and similar public notices prepared by or for the Contractor individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Contract.

15.2 Endorsement. The Contractor must not claim that the State endorses its products or services.

16. Debarment by State, its Departments, Commissions, Agencies, or Political Subdivisions.
Contractor certifies that neither it nor its principals is presently debarred or suspended by the Federal government, the State, or any of the State's departments, commissions, agencies, or political subdivisions. Contractor's certification is a material representation upon which the Contract award was based. Contractor shall provide immediate written notice to the State's Authorized Representative if at any time it learns that this certification was erroneous when submitted or becomes erroneous by reason of changed circumstances.

17. Contingency Fees Prohibited.
Pursuant to Minn. Stat. § 10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.

18. Certification of Nondiscrimination (in accordance with Minn. Stat. § 16C.053).
If the value of this Contract, including all extensions, is $50,000 or more, Contractor certifies it does not engage in and has no present plans to engage in discrimination against Israel, or against persons or entities doing business in Israel, when making decisions related to the operation of the vendor's business. For purposes of this section, "discrimination" includes but is not limited to engaging in refusals to deal, terminating business activities, or other actions that are intended to limit commercial relations with Israel, or persons or entities doing business in Israel, when such actions are taken in a manner that in any way discriminates on the basis of nationality or national origin and is not based on a valid business reason.

19. Non-discrimination (in accordance with Minn. Stat. § 181.59).
The Contractor will comply with the provisions of Minn. Stat. § 181.59.

20. E-Verify Certification (in accordance with Minn. Stat. § 16C.075).
For services valued in excess of $50,000, Contractor certifies that as of the date of services performed on behalf of the State, Contractor and all its subcontractors will have implemented or be in the process of implementing the federal E-Verify Program for all newly hired employees in the United States who will perform work on behalf of the State. Contractor is responsible for collecting all subcontractor certifications and may do so utilizing the E-Verify Subcontractor Certification Form available at http://www.mmd.admin.state.mn.us/doc/EverifySubCertForm.doc. All subcontractor certifications must be kept on file with Contractor and made available to the State upon request.

21. Affirmative Action Requirements.
The State intends to carry out its responsibility for requiring affirmative action by its contractors.

21.1 Covered Contracts and Contractors. If the Contract exceeds $100,000 and the Contractor employed more than 40 full-time employees on a single working day during the previous 12 months in Minnesota or in the state where it has its principal place of business, then the Contractor must comply with the requirements of Minn. Stat. § 363A.36 and Minn. R. 5000.3400-5000.3600. A contractor covered by Minn. Stat. § 363A.36 because it employed more than 40 full-time employees in another state and does not have a certificate of compliance, must certify that it is in compliance with federal affirmative action requirements.

21.2 General. Minn. R. 5000.3400-5000.3600 implements Minn. Stat. § 363A.36. These rules include, but are not limited to, criteria for contents, approval, and implementation of affirmative action plans; procedures for issuing certificates of compliance and criteria for determining a contractor's compliance status; procedures for addressing deficiencies, sanctions, and notice and hearing; annual compliance reports; procedures for

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compliance review; and contract consequences for non-compliance. The specific criteria for approval or rejection of an affirmative action plan are contained in various provisions of Minn. R. 5000.3400-5000.3600 including, but not limited to, Minn. R. 5000.3420-5000.3500 and 5000.3552-5000.3559.

21.3 Disabled Workers. The Contractor must comply with the following affirmative action requirements for disabled workers.

21.3.1 The Contractor must not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled persons without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

21.3.2 The Contractor agrees to comply with the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

21.3.3 In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with Minn. Stat. § 363A.36, and the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

21.3.4 The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Commissioner. Such notices must state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled employees and applicants for employment, and the rights of applicants and employees.

21.3.5 The Contractor must notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of Minn. Stat. § 363A.36, of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment physically and mentally disabled persons.

21.4 Consequences. The consequences for the Contractor's failure to implement its affirmative action plan or make a good faith effort to do so include, but are not limited to, suspension or revocation of a certificate of compliance by the Commissioner, refusal by the Commissioner to approve subsequent plans, and termination of all or part of this Contract by the Commissioner or the State.

21.5 Certification. The Contractor hereby certifies that it is in compliance with the requirements of Minn. Stat. § 363A.36 and Minn. R. 5000.3400-5000.3600 and is aware of the consequences for noncompliance.

22. Equal Pay Certification.

If Contractor is required by Minn. Stat. § 363A.44, the Contractor must have a current Equal Pay Certificate prior to Contract execution. If Contractor's Equal Pay Certificate expires during the term of this Contract, Contractor must promptly re-apply for an Equal Pay Certificate with the Minnesota Department of Human Rights and notify the State's Authorized Representative once the Contractor has received the renewed Equal Pay Certificate. If Contractor is exempt, the State may require Contractor to verify its exempt status.

23. Survival of Terms.

The following clauses survive the expiration or cancellation of this Contract: Indemnification; State Audits; Government Data Practices; Intellectual Property; Publicity and Endorsement; Governing Law, Jurisdiction, and Venue; and Data Disclosure. Any other Contract term that expressly states or by its nature shall survive, shall survive.

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Exhibit B: Insurance Requirements

1. Notice to Contractor.

1.1 The Contractor is required, upon written request from the State, to submit Certificates of Insurance acceptable to the State as evidence of insurance coverage requirements prior to commencing work under the Contract.

1.2 Contractor shall not commence work under the contract until they have obtained all the insurance described below and the State has approved such insurance. Contractor shall maintain such insurance in force and effect throughout the term of the Contract.

1.3 The failure of the State to obtain a Certificate of Insurance, for the policies required under this Contract or renewals thereof, or failure of the insurance company to notify the State of the cancellation of policies required under this Contract shall not constitute a waiver by the Owner to the Contractor to provide such insurance.

1.4 The State reserves the right to immediately terminate the contract if the contractor is not in compliance with the insurance requirements and retains all rights to pursue any legal remedies against the Contractor. All insurance policies must be open to inspection by the State, and copies of policies must be submitted to the State's Authorized Representative upon written request.

2. Notice to Insurer.

2.1 The Contractor's insurance company(ies) waives its right to assert the immunity of the State as a defense to any claims made under said insurance.

2.2 Insurance certificate holder should be addressed as follows:

State of Minnesota
Department of Public Safety
Attn: Kevin Donnan-Marsh, Contracts Officer
445 Minnesota Street
St. Paul, MN 55101
Email Address: Kevin.Donnan-Marsh@state.mn.us

3. Additional Insurance Conditions. The following apply to the Contractor, or the Contractor's subcontractor(s):

3.1 Contractor's policy(ies) shall be primary insurance to any other valid and collectible insurance available to the State with respect to any claim arising out of Contractor's performance under this contract;

3.2 If Contractor receives a cancellation notice from an insurance carrier affording coverage herein, Contractor agrees to notify the State within five (5) business days with a copy of the cancellation notice, unless Contractor's policy(ies) contain a provision that coverage afforded under the policy(ies) will not be cancelled without at least thirty (30) days advance written notice to the State;

3.3 Contractor is responsible for payment of Contract related insurance premiums and deductibles;

3.4 If Contractor is self-insured, a Certificate of Self-Insurance must be attached;

3.5 Contractor's policy(ies) shall include legal defense fees in addition to its professional liability policy limits;

3.6 Contractor's insurance companies must either (1) have an AM Best rating of A- (minus) and a Financial Size Category of VII or better, and be authorized to do business in the State of Minnesota; or (2) be domiciled in the State of Minnesota and have a Certificate of Authority/Compliance from the Minnesota Department of Commerce if they are not rated by AM Best; and

3.7 An Umbrella or Excess Liability insurance policy may be used to supplement the Contractor's policy limits to satisfy the full policy limits required by the Contract.

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4. Coverages. Contractor is required to maintain and furnish satisfactory evidence of the following insurance policies:

4.1 General Insurance Requirements

4.1.1 Workers' Compensation Insurance. Statutory Compensation Coverage. Except as provided below, Contractor must provide Workers' Compensation insurance for all its employees and, in case any work is subcontracted, Contractor will require the subcontractor to provide Workers' Compensation insurance in accordance with the statutory requirements of the State, including Coverage B, Employer's Liability. Insurance **minimum** limits are as follows:

$100,000 – Bodily Injury by Disease per employee
$500,000 – Bodily Injury by Disease aggregate
$100,000 – Bodily Injury by Accident

If Minn. Stat. § 176.041 exempts Contractor from Workers' Compensation insurance or if the Contractor has no employees in the State, Contractor must provide a written statement, signed by an authorized representative, indicating the qualifying exemption that excludes Contractor from the Minnesota Workers' Compensation requirements.

If during the course of the contract the Contractor becomes eligible for Workers' Compensation, the Contractor must comply with the Workers' Compensation Insurance requirements herein and provide the State with a certificate of insurance.

4.1.2 Commercial General Liability Insurance.

Contractor is required to maintain insurance protecting it from claims for damages for bodily injury, including sickness or disease, death, and for care and loss of services as well as from claims for property damage, including loss of use which may arise from operations under the Contract whether the operations are by the Contractor or by a subcontractor or by anyone directly or indirectly employed by the Contractor under the contract. Insurance **minimum** limits are as follows:

$2,000,000 – per occurrence
$2,000,000 – annual aggregate
$2,000,000 – annual aggregate – applying to Products/Completed Operations

The following coverages shall be included:

- Premises and Operations Bodily Injury and Property Damage
- Personal and Advertising Injury
- Blanket Contractual Liability
- Products and Completed Operations Liability
- State of Minnesota named as an Additional Insured, to the extent permitted by law

4.1.3 Commercial Automobile Liability Insurance. Contractor is required to maintain insurance protecting it from claims for damages for bodily injury as well as from claims for property damage resulting from the ownership, operation, maintenance or use of all owned, hired, and non-owned autos which may arise from operations under this contract, and in case any work is subcontracted the contractor will require the subcontractor to maintain Commercial Automobile Liability insurance. Insurance **minimum** limits are as follows:

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$2,000,000 – per occurrence Combined Single limit for Bodily Injury and Property Damage

In addition, the following coverages should be included:

- Owned, Hired, and Non-owned Automobile.

Evidence of Subcontractor insurance shall be filed with the Contractor.

4.1.4 **Professional Liability, Errors, and Omissions.** This policy will provide coverage for all claims the Contractor may become legally obligated to pay resulting from any actual or alleged negligent act, error, or omission related to Contractor's professional services required under the contract. Insurance **minimum** limits are as follows:

$2,000,000 - per claim or event
$2,000,000 - annual aggregate

Any deductible will be the sole responsibility of the Contractor and may not exceed $50,000 without the written approval of the State. If the Contractor desires authority from the State to have a deductible in a higher amount, the Contractor shall so request in writing, specifying the amount of the desired deductible and providing financial documentation by submitting the most current audited financial statements so that the State can ascertain the ability of the Contractor to cover the deductible from its own resources.

The retroactive or prior acts date of such coverage shall not be after the effective date of this Contract and Contractor shall maintain such insurance for a period of at least three (3) years, following completion of the work. If such insurance is discontinued, extended reporting period coverage must be obtained by Contractor to fulfill this requirement.

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Exhibit C: Specifications, Duties, and Scope of Work
(corresponding to Contract Clause 2, Contractor's Duties)

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EXHIBIT B

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State of Minnesota Contract

SWIFT Contract Number: **188753**

This Contract is between the **State of Minnesota**, acting through its Commissioner of Public Safety ("State"), and the **Amherst H. Wilder Foundation d/b/a Wilder Research** whose designated business address is 451 Lexington Parkway North, Saint Paul, Minnesota 55104 ("Contractor"). The State and Contractor may be referred to jointly as "Parties."

Recitals

1. State issued a Request for Proposal solicitation titled "External Review of State's Response to Civil Unrest" on September 8, 2020, for an independent, external review of the State's response to the civil unrest and rioting following the death of George Floyd ("Solicitation"); and
2. Contractor provided a response to the Solicitation indicating its interest in and ability to provide the services requested in the Solicitation; and
3. Subsequent to an evaluation in accordance with the terms of the Solicitation and negotiation, the Parties desire to enter into a contract.

Accordingly, the Parties agree as follows:

Contract

1. **Term of Contract**
   1.1 Effective Date. **February 19, 2021,** or the date the State obtains all required signatures under Minn. Stat. § 16C.05, subd. 2, whichever is later. The Contractor must not begin work under this Contract until this Contract is fully executed and the Contractor has been notified by the State's Authorized Representative to begin work.
   1.2 Expiration Date. **July 31, 2021,** or until all obligations have been satisfactorily fulfilled, whichever occurs first.

2. **Contractor's Duties**
   The Contractor shall perform all duties described in this Contract to the satisfaction of the State.

   The Contractor, who is not a State employee, shall perform the tasks and duties identified in Exhibit C: Specifications, Duties, and Scope of Work.

3. **Representations and Warranties**
   3.1 Under Minn. Stat. §§ 15.061 and 16C.03, subd. 3, and other applicable law, the State is empowered to engage such assistance as deemed necessary.
   3.2 Contractor warrants that it is duly qualified and shall perform its obligations under this Contract in accordance with the commercially reasonable standards of care, skill, and diligence in Contractor's industry, trade, or profession, and in accordance with the specifications set forth in this Contract, to the satisfaction of the State.

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3.3 Contractor warrants that it possesses the legal authority to enter into this Contract and that it has taken all actions required by its procedures, by-laws, and applicable laws to exercise that authority, and to lawfully authorize its undersigned signatory to execute this Contract, or any part thereof, and to bind Contractor to its terms.

4. **Time**

The Contractor must comply with all the time requirements described in this Contract. In the performance of this Contract, time is of the essence.

5. **Consideration and Payment**

5.1 Consideration. The State will pay for performance by the Contractor under this Contract as follows:

5.1.1 Compensation. The Contractor will be paid hourly rates for corresponding services/tasks/positions identified in Exhibit D: Price Schedule.

5.1.2 Travel Expenses. Reimbursement for travel and subsistence expenses actually and necessarily incurred by the Contractor as a result of this Contract will not exceed **Zero Dollars ($0.00)**.

5.1.3 Reimbursable Expenses. The Contractor will be reimbursed for incentives and other services identified in Exhibit D: Price Schedule that are actually and necessarily incurred pursuant to this Contract.

5.1.4 Total Obligation. The total obligation of the State for all compensation and reimbursements to the Contractor under this Contract will not exceed **One Hundred Fifty Thousand and 00/100 Dollars ($150,000.00).**

5.2 Payment.

5.2.1 Invoices. The State will promptly pay the Contractor after the Contractor presents an itemized invoice for the services actually performed, and the State's Authorized Representative accepts the invoiced services. Invoices must be submitted timely and according to the following schedule:

One (1) invoice shall be submitted by Contractor to the State's Authorized Representative not later than the last calendar day of the month following services. For example, one invoice shall be submitted not later than April 30, 2021, for all services completed during March 2021. Contractor shall submit the final invoice within fifteen (15) calendar days following completion of services pursuant to this Contract. Each invoice shall identify the name of the person who provided the service, his/her position, the corresponding hourly rate, and the number of service hours.

5.2.2 Retainage. Under Minn. Stat. § 16C.08, subd. 2(10), no more than 90 percent of the amount due under this Contract may be paid until the final product of this Contract has been reviewed by the State. The balance due will be paid when the State determines that the Contractor has satisfactorily fulfilled all the terms of this Contract.

5.2.3 Conditions of Payment. All services delivered by the Contractor under this Contract must be performed to the State's satisfaction and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations including business registration requirements of the Office of the Secretary of State. The Contractor will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state, or local law.

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6. **Authorized Representatives**

State's Authorized Representative. The State's Authorized Representative is the individual below, or his successor, and has the responsibility to monitor the Contractor's performance.

Name: Booker Hodges, Assistant Commissioner
Address: Department of Public Safety
445 Minnesota Street
Saint Paul, MN 55101
Telephone: 651.201.7161
Email Address: Booker.Hodges@state.mn.us

Contractor's Authorized Representative. The Contractor's Authorized Representative is the individual below, or her successor. If the Contractor's Authorized Representative changes at any time during this Contract, the Contractor must notify the State in writing/email within ten (10) business days.

Name: Nicole MartinRogers, Senior Research Manager
Address: Amherst H. Wilder Foundation
451 Lexington Parkway North
Saint Paul, MN 55104
Telephone: 651.280.2700
Email Address: nicole.martinrogers@wilder.org

7. **Exhibits**

The following Exhibits are attached and incorporated into this Contract. In the event of a conflict between the terms of this Contract and its Exhibits, or between Exhibits, the order of precedence is first the Contract, and then in the following order:

Exhibit A: Contract Terms
Exhibit B: Insurance Terms and Requirements
Exhibit C: Specifications, Duties, and Scope of Work
Exhibit D: Price Schedule

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1. State Encumbrance Verification
Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05

Print name: Rita Strafelda

Signature: DocuSigned by: Rita Strafelda B9B812A2F38D43B...

Title: Accounting Supervisor Date: 2/19/2021

SWIFT PO Number: **3000071640**

2. Contractor: Amherst H. Wilder Foundation
The Contractor certifies that the appropriate person has executed this Contract on behalf of the Contractor as required by applicable articles, bylaws, resolutions, or ordinances.

Print name: Amy Huerta

Signature: DocuSigned by: Amy Huerta 1DA750630E9648B...

Title: Chief Financial Officer Date: 2/19/2021

3. State: Department of Public Safety
With delegated authority

Print name: Cassandra O'Hern

Signature: DocuSigned by: Cassandra O'Hern 0978A602193243D...

Title: Deputy Commissioner Date: 2/19/2021

4. Commissioner of Administration
As delegated to the Office of State Procurement

Print name:

Signature: DocuSigned by: Haylie Heil 4AB4CCB119DA413...

Title: Date: 2/22/2021

ADMIN ID 68306

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Exhibit A: Contract Terms

1. **Prompt Payment and Invoicing**
   Prompt Payment. The State will pay the Contractor pursuant to Minn. Stat. § 16A.124 which requires payment within 30 days following receipt of an undisputed invoice or service, whichever is later. Terms requesting payment in less than 30 days will be changed to read "Net 30 days." The payment will only be made for services actually performed that have been accepted by the ordering entity, and that meet all terms, conditions, and specifications of the Contract and the solicitation document.

2. **Assignment, Amendments, Waiver, and Contract Complete**
   2.1 Assignment. The Contractor may neither assign nor transfer any rights or obligations under this Contract without the prior consent of the State and a fully executed assignment agreement, executed and approved by the authorized parties or their successors.
   2.2 Amendments. Any amendment to this Contract must be in writing and will not be effective until it has been executed and approved by the authorized parties or their successors.
   2.3 Waiver. If the State fails to enforce any provision of this Contract, that failure does not waive the provision or its right to enforce it.
   2.4 Contract Complete. This Contract contains all negotiations and agreements between the State and the Contractor. No other understanding regarding this Contract, whether written or oral, may be used to bind either party.

3. **Termination**
   3.1 Termination for Convenience. This Contract may be cancelled by either the State, the Commissioner of Administration or the Contractor at any time, with or without cause, upon 30 days' written notice to the other party. Upon termination for convenience, the Contractor will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.
   3.2 Termination for Breach. The State may terminate this Contract, with cause, upon 30 days' written notice to Contractor of the alleged breach and opportunity to cure. If after 30 days, the alleged breach has not been remedied, the State may immediately terminate the Contract.
   3.3 Termination for Insufficient Funding. The State may immediately terminate this Contract if it does not obtain funding from the Minnesota Legislature, or other funding source, or if funding cannot be continued at a level sufficient to allow for payment of the services addressed within this Contract. Termination must be by written notice to the Contractor. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Contractor will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that dedicated funds are available. The State will not be assessed any penalty if the Contract is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. The State must provide the Contractor notice of the lack of funding. This notice will be provided within a reasonable time of the State's receiving notice.

4. **Force Majeure**
   Neither party shall be responsible to the other or considered in default of its obligations within this Contract to the extent that performance of any such obligations is prevented or delayed by acts of God, war, riot, disruption of government, or other catastrophes beyond the reasonable control of the party unless the act or occurrence could have been reasonably foreseen and reasonable action could have been taken to prevent the delay or failure to perform. A party relying on this provision to excuse performance must provide the other party prompt written notice of the inability to perform and take all necessary steps to bring about performance as soon as practicable.

5. **Indemnification**
   5.1 In the performance of this Contract, the Indemnifying Party must indemnify, save, and hold harmless the State, its agents, and employees, from any claims or causes of action, including attorney's fees incurred by the State, to the extent caused by Indemnifying Party's:
   - Intentional, willful, or negligent acts or omissions; or
   - Actions that give rise to strict liability; or
   - Breach of contract or warranty.

   The Indemnifying Party is defined to include the Contractor, Contractor's reseller, any third party that has a business relationship with the Contractor, or Contractor's agents or employees, and to the fullest extent permitted by law. The indemnification obligations of this section do not apply in the event the claim or cause of action is the result of the State's sole negligence. This clause will not be construed to bar any legal remedies the Indemnifying Party may have for the State's failure to fulfill its obligation under this Contract.

   5.2 Nothing within this Contract, whether express or implied, shall be deemed to create an obligation on the part of the State to indemnify, defend, hold harmless or release the Indemnifying Party. This shall extend to all agreements related to the subject matter of this Contract, and to all terms subsequently added, without regard to order of precedence.

6. **Governing Law, Jurisdiction, and Venue**
   Minnesota law, without regard to its choice-of-law provisions, governs this Contract. Venue for all legal proceedings out of this Contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

7. **Foreign Outsourcing of Work Prohibited**
   All services under this contract shall be performed within the borders of the United States. All storage and processing of information shall be performed within the borders of the United States. This provision also applies to work performed by all subcontractors.

8. **Subcontracting and Subcontract Payment**
   8.1 Subcontracting Allowed. A subcontractor is a person or company that has been awarded a portion of the Contract by Contractor.

   The provisions of the Contract shall apply with equal force and effect to all approved subcontractors engaged by the Contractor. Notwithstanding approval by the State, no subcontract shall serve to terminate or in any way affect the primary legal responsibility of the Contractor for timely and satisfactory performances of the obligations contemplated by the Contract.

   8.2 Subcontractor Payment. Contractor must pay any subcontractor in accordance with Minn. Stat. § 16A.1245.

9. **Data Disclosure**
   Under Minn. Stat. § 270C.65, subd. 3, and other applicable law, the Contractor consents to disclosure of its social security number, federal employer tax identification number, and Minnesota tax identification number, already provided to the State, to federal and state agencies, and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state laws which could result in action requiring the Contractor to file state tax returns, pay delinquent state tax liabilities, if any, or pay other state liabilities.

10. **Government Data Practices**
    The Contractor and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this Contract, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Contractor under this Contract. The civil remedies of Minn. Stat.

§ 13.08 apply to the release of the data governed by the Minnesota Government Practices Act, Minn. Stat. Ch. 13, by either the Contractor or the State.

If the Contractor receives a request to release the data referred to in this clause, the Contractor must immediately notify and consult with the State's Authorized Representative as to how the Contractor should respond to the request. The Contractor's response to the request shall comply with applicable law.

11. **Intellectual Property Rights**

11.1 Definitions. For the purpose of this Section, the following words and phrases have the assigned definitions:

11.1.1 "Documents" are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Contractor, its employees, agents, or subcontractors, in the performance of this Contract.

11.1.2 "Pre-Existing Intellectual Property" means intellectual property developed prior to or outside the scope of this Contract, and any derivatives of that intellectual property.

11.1.3 "Works" means all inventions, improvements, discoveries (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Contractor, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this Contract. "Works" includes Documents.

11.2 Ownership. The State owns all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents *created and paid for under this Contract*. The Documents shall be the exclusive property of the State and all such Documents must be immediately returned to the State by the Contractor upon completion or cancellation of this Contract. To the extent possible, those Works eligible for copyright protection under the United States Copyright Act will be deemed to be "works made for hire." The Contractor assigns all right, title, and interest it may have in the Works and the Documents to the State. The Contractor must, at the request of the State, execute all papers and perform all other acts necessary to transfer or record the State's ownership interest in the Works and Documents.

11.3 Pre-existing Intellectual Property. Each Party shall retain ownership of its respective Pre-Existing Intellectual Property. The Contractor grants the State a perpetual, irrevocable, non-exclusive, royalty free license for Contractor's Pre-Existing Intellectual Property that are incorporated in the products, materials, equipment, deliverables, or services that are purchased through the Contract.

11.4 Obligations.

11.4.1 Notification. Whenever any invention, improvement, or discovery (whether or not patentable) is made or conceived for the first time or actually or constructively reduced to practice by the Contractor, including its employees and subcontractors, in the performance of this Contract, the Contractor will immediately give the State's Authorized Representative written notice thereof, and must promptly furnish the State's Authorized Representative with complete information and/or disclosure thereon.

11.4.2 Representation. The Contractor must perform all acts, and take all steps necessary to ensure that all intellectual property rights in the Works and Documents are the sole property of the State, and that neither Contractor nor its employees, agents, or subcontractors retain any interest in and to the Works and Documents. The Contractor represents and warrants that the Works and Documents do not and will not infringe upon any intellectual property rights of other persons or entities.

11.4.3 Indemnification. Notwithstanding any other indemnification obligations addressed within this Contract, the Contractor will indemnify; defend, to the extent permitted by the Attorney General; and hold harmless the State, at the Contractor's expense, from any action or claim brought against the State to the extent that it is based on a claim that all or part of the Works or Documents infringe upon the intellectual property rights of others. The Contractor will be responsible for payment of any and all such claims, demands, obligations, liabilities, costs, and damages, including but not limited to,

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attorney fees. If such a claim or action arises, or in the Contractor's or the State's opinion is likely to arise, the Contractor must, at the State's discretion, either procure for the State the right or license to use the intellectual property rights at issue or replace or modify the allegedly infringing works or documents as necessary and appropriate to obviate the infringement claim. This remedy of the State will be in addition to and not exclusive of other remedies provided by law.

12. **Copyright**
The Contractor shall save and hold harmless the State of Minnesota, its officers, agents, servants and employees, from liability of any kind or nature, arising from the use of any copyrighted or noncopyrighted compositions, secret process, patented or nonpatented invention, article or appliance furnished or used in the performance of the Contract.

13. **Contractor's Documents**
Any licensing and maintenance agreement, or any order-specific agreement or document, including any pre-installation, linked or "click through" agreement that is allowed by, referenced within or incorporated within the Contract whenever the Contract is used for a State procurement, whether directly by the Contractor or through a Contractor's agent, subcontractor or reseller, is agreed to only to the extent the terms within any such agreement or document do not conflict with the Contract or applicable Minnesota or Federal law, and only to the extent that the terms do not modify, diminish or derogate the terms of the Contract or create an additional financial obligation to the State. Any such agreement or document must not be construed to deprive the State of its sovereign immunity, or of any legal requirements, prohibitions, protections, exclusions or limitations of liability applicable to this Contract or afforded to the State by Minnesota law. A State employee's decision to choose "accept" or an equivalent option associated with a "click-through" agreement does not constitute the State's concurrence or acceptance of terms, if such terms are in conflict with this section.

14. **State Audits**
Under Minn. Stat. § 16C.05, subd. 5, the Contractor's books, records, documents, and accounting procedures and practices relevant to this Contract are subject to examination by the State, the State Auditor, or Legislative Auditor, as appropriate, for a minimum of six years from the expiration or termination of this Contract.

15. **Publicity and Endorsement**
    15.1 Publicity. Any publicity regarding the subject matter of this Contract must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, information posted on corporate or other websites, research, reports, signs, and similar public notices prepared by or for the Contractor individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Contract.
    15.2 Endorsement. The Contractor must not claim that the State endorses its products or services.

16. **Debarment by State, its Departments, Commissions, Agencies, or Political Subdivisions**
Contractor certifies that neither it nor its principals is presently debarred or suspended by the Federal government, the State, or any of the State's departments, commissions, agencies, or political subdivisions. Contractor's certification is a material representation upon which the Contract award was based. Contractor shall provide immediate written notice to the State's Authorized Representative if at any time it learns that this certification was erroneous when submitted or becomes erroneous by reason of changed circumstances.

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17. **Contingency Fees Prohibited**
Pursuant to Minn. Stat. § 10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.

18. **Certification of Nondiscrimination (in accordance with Minn. Stat. § 16C.053)**
If the value of this Contract, including all extensions, is $50,000 or more, Contractor certifies it does not engage in and has no present plans to engage in discrimination against Israel, or against persons or entities doing business in Israel, when making decisions related to the operation of the vendor's business. For purposes of this section, "discrimination" includes but is not limited to engaging in refusals to deal, terminating business activities, or other actions that are intended to limit commercial relations with Israel, or persons or entities doing business in Israel, when such actions are taken in a manner that in any way discriminates on the basis of nationality or national origin and is not based on a valid business reason.

19. **Non-discrimination (in accordance with Minn. Stat. § 181.59)**
The Contractor will comply with the provisions of Minn. Stat. § 181.59.

20. **E-Verify Certification (in accordance with Minn. Stat. § 16C.075)**
For services valued in excess of $50,000, Contractor certifies that as of the date of services performed on behalf of the State, Contractor and all its subcontractors will have implemented or be in the process of implementing the federal E-Verify Program for all newly hired employees in the United States who will perform work on behalf of the State. Contractor is responsible for collecting all subcontractor certifications and may do so utilizing the E-Verify Subcontractor Certification Form available at http://www.mmd.admin.state.mn.us/doc/EverifySubCertForm.doc. All subcontractor certifications must be kept on file with Contractor and made available to the State upon request.

21. **Affirmative Action Requirements**
The State intends to carry out its responsibility for requiring affirmative action by its contractors.
21.1 Covered Contracts and Contractors. If the Contract exceeds $100,000 and the Contractor employed more than 40 full-time employees on a single working day during the previous 12 months in Minnesota or in the state where it has its principal place of business, then the Contractor must comply with the requirements of Minn. Stat. § 363A.36 and Minn. R. 5000.3400-5000.3600. A contractor covered by Minn. Stat. § 363A.36 because it employed more than 40 full-time employees in another state and does not have a certificate of compliance, must certify that it is in compliance with federal affirmative action requirements.
21.2 General. Minn. R. 5000.3400-5000.3600 implements Minn. Stat. § 363A.36. These rules include, but are not limited to, criteria for contents, approval, and implementation of affirmative action plans; procedures for issuing certificates of compliance and criteria for determining a contractor's compliance status; procedures for addressing deficiencies, sanctions, and notice and hearing; annual compliance reports; procedures for compliance review; and contract consequences for non-compliance. The specific criteria for approval or rejection of an affirmative action plan are contained in various provisions of Minn. R. 5000.3400-5000.3600 including, but not limited to, Minn. R. 5000.3420-5000.3500 and 5000.3552-5000.3559.
21.3 Disabled Workers. The Contractor must comply with the following affirmative action requirements for disabled workers.

AFFIRMATIVE ACTION FOR DISABLED WORKERS

21.3.1 The Contractor must not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled persons without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

21.3.2 The Contractor agrees to comply with the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

21.3.3 In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with Minn. Stat. § 363A.36, and the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

21.3.4 The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Commissioner. Such notices must state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled employees and applicants for employment, and the rights of applicants and employees.

21.3.5 The Contractor must notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of Minn. Stat. § 363A.36 of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment physically and mentally disabled persons.

21.4 Consequences. The consequences for the Contractor's failure to implement its affirmative action plan or make a good faith effort to do so include, but are not limited to, suspension or revocation of a certificate of compliance by the Commissioner, refusal by the Commissioner to approve subsequent plans, and termination of all or part of this Contract by the Commissioner or the State.

21.5 Certification. The Contractor hereby certifies that it is in compliance with the requirements of Minn. Stat. § 363A.36 and Minn. R. 5000.3400-5000.3600 and is aware of the consequences for noncompliance.

22. **Equal Pay Certification**

If required by Minn. Stat. §363A.44, the Contractor must have a current Equal Pay Certificate prior to Contract execution. If Contractor's Equal Pay Certificate expires during the term of this Contract, Contractor must promptly re-apply for an Equal Pay Certificate with the Minnesota Department of Human Rights and notify the State's Authorized Representative once the Contractor has received the renewed Equal Pay Certificate. If Contractor claims to be exempt, the State may require Contractor to verify its exempt status.

23. **IT Accessibility Standard**

If applicable, Contractor acknowledges and is fully aware that the State of Minnesota (Executive branch state agencies) has developed IT Accessibility Standard effective September 1, 2010. The standard entails, in part, the Web Content Accessibility Guidelines (WCAG) and Section 508 which can be viewed at: https://mn.gov/mnit/government/policies/accessibility/.

The Standards apply to web sites, software applications, electronic reports and output documentation, training delivered in electronic formats (including, but not limited to, documents, videos, and webinars), among others. As upgrades are made to the software, products, or subscriptions available through this Contract, the Contractor agrees to develop functionality which supports accessibility. If any issues arise due to nonconformance with the above-mentioned accessibility Standards, the Contractor agrees to provide alternative solutions upon request at no additional charge to the State.

When updates or upgrades are made to the products or services available through this Contract, the Contractor agrees to document how the changes will impact or improve the product's or service's accessibility and usability. This documentation, upon request, must be provided to the State in advance of the change, occurring within an agreed upon timeframe sufficient for the state to review the changes and either approve them or request a remediation plan from the Contractor. Contractor warrants that its products comply with the above-mentioned accessibility standards and agrees to indemnify, defend, and hold harmless the State against any claims related to non-compliance of Contractor's product with the above-mentioned accessibility standards. If agreed-upon updates

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fail to improve the product or service's accessibility or usability as planned, the failure to comply with this requirement may be cause for contract cancellation or for the State to consider the Contractor in default.

24. **Nonvisual Access Standards**

Pursuant to Minn. Stat. § 16C.145, the Contractor must comply with the following nonvisual technology access standards to the extent required by law:

- That the effective interactive control and use of the technology, including the operating system applications programs, prompts, and format of the data presented, are readily achievable by nonvisual means; and
- That the nonvisual access technology must be compatible with information technology used by other individuals with whom the blind or visually impaired individual must interact; and
- That nonvisual access technology must be integrated into networks used to share communications among employees, program participants, and the public; and
- That the nonvisual access technology must have the capability of providing equivalent access by nonvisual means to telecommunications or other interconnected network services used by persons who are not blind or visually impaired; and
- Executive branch state agencies subject to Minn. Stat. § 16E.03, subd. 9, are not required to include nonvisual technology access standards developed under this Section in contracts for the procurement of information technology.

These standards do not require the installation of software or peripheral devices used for nonvisual access when the information technology is being used by individuals who are not blind or visually impaired.

25. **Survival of Terms**

The following clauses survive the expiration or cancellation of this Contract: Indemnification; State Audits; Government Data Practices; Intellectual Property; Publicity and Endorsement; Governing Law, Jurisdiction, and Venue; and Data Disclosure. Any other Contract term that expressly states or by its nature shall survive, shall survive.

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Exhibit B: Insurance Terms and Requirements

1. **Notice to Contractor**
   - 1.1 The Contractor is required, if requested by the State, to submit Certificates of Insurance acceptable to the State as evidence of insurance coverage requirements prior to commencing work under this Contract.
   - 1.2 Contractor shall not commence work under the Contract until it has obtained all the insurance described below. Contractor shall maintain such insurance in force and effect throughout the term of this Contract.
   - 1.3 The failure of the State to obtain a Certificate of Insurance for the policies required under this Contract or renewals thereof, or failure of the Contractor to notify the State of the cancellation of policies required under this Contract shall not constitute a waiver by the State to the Contractor to provide such insurance.
   - 1.4 The State reserves the right to immediately terminate this Contract if the Contractor is not in compliance with the insurance requirements and retains all rights to pursue any legal remedies against the Contractor. All insurance policies must be open to inspection by the State, and copies of policies must be submitted to the State's Authorized Representative upon written request.

2. **Notice to Insurer**
   - 2.1 The Contractor's insurance company(ies) waives its right to assert the immunity of the State as a defense to any claims made under said insurance.
   - 2.2 Insurance certificates, if requested by the State, shall be addressed as follows:

     Kevin Donnan-Marsh, Contracts Officer
     Department of Public Safety; Fiscal and Administrative Services Division
     445 Minnesota Street
     Saint Paul, MN 55101
     Email Address: Kevin.Donnan-Marsh@state.mn.us

3. **Additional Insurance Conditions. The following apply to the Contractor or the Contractor's subcontractor:**
   - 3.1 Contractor's General Liability policy shall be primary insurance to any other valid and collectible insurance available to the State with respect to any claim arising out of Contractor's performance under this Contract.
   - 3.2 If Contractor receives a cancellation notice from an insurance carrier affording coverage herein, Contractor agrees to notify the State within five (5) business days with a copy of the cancellation notice, unless Contractor's policy(ies) contain a provision that coverage afforded under the policy(ies) will not be cancelled without at least thirty (30) days advance written notice to the State.
   - 3.3 Contractor is responsible for payment of Contract related insurance premiums and deductibles.
   - 3.4 If Contractor is self-insured, a Certificate of Self-Insurance shall be submitted to the State prior to beginning work pursuant to this Contract.
   - 3.5 Contractor's policy(ies) shall include legal defense fees in its policy(ies) with the exception of professional liability.
   - 3.6 Contractor's insurance companies must either: (1) have an AM Best rating of A- (minus) and a Financial Size Category of VII or better, and be authorized to do business in the State of Minnesota; or (2) be domiciled in the State of Minnesota and have a Certificate of Authority/Compliance from the Minnesota Department of Commerce if they are not rated by AM Best.
   - 3.7 An Umbrella or Excess Liability insurance policy may be used to supplement the Contractor's policy limits to satisfy the full policy limits required by the Contract.

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4. **Coverages. Contractor is required to maintain and furnish satisfactory evidence of the following insurance policies:**

4.1 **Commercial General Liability Insurance.** Contractor is required to maintain insurance protecting it from claims for damages for bodily injury, including sickness or disease, death, and for care and loss of services as well as from claims for property damage, including loss of use which may arise from operations under the Contract whether the operations are by the Contractor or by a subcontractor or by anyone directly or indirectly employed by the Contractor under the contract. Insurance minimum limits are as follows:

$2,000,000 – per occurrence
$2,000,000 – annual aggregate
$2,000,000 – annual aggregate – applying to Products/Completed Operations

The following coverages shall be included:
Premises and Operations Bodily Injury and Property Damage
Personal and Advertising Injury
Products and Completed Operations Liability
State of Minnesota named as an Additional Insured, to the extent permitted by law

4.2 **Commercial Automobile Liability Insurance.** Contractor is required to maintain insurance protecting it from claims for damages for bodily injury as well as from claims for property damage resulting from the ownership, operation, maintenance or use of all owned, hired, and non-owned autos which may arise from operations under this contract, and in case any work is subcontracted the contractor will require the subcontractor to maintain Commercial Automobile Liability insurance. Insurance minimum limits are as follows:

$2,000,000 – per occurrence Combined Single limit for Bodily Injury and Property Damage

In addition, the following coverages should be included: Owned, Hired, and Non-owned Automobile.

Evidence of the subcontractor's insurance shall be filed with the Contractor.

4.3 **Workers' Compensation Insurance.** Statutory Compensation Coverage. Except as provided below, Contractor must provide Workers' Compensation insurance for all its employees and, in case any work is subcontracted, Contractor will require the subcontractor to provide Workers' Compensation insurance in accordance with the statutory requirements of the State, including Coverage B, Employer's Liability. Insurance minimum limits are as follows:

$100,000 – Bodily Injury by Disease per employee
$500,000 – Bodily Injury by Disease aggregate
$100,000 – Bodily Injury by Accident

If Minn. Stat. § 176.041 exempts Contractor from Workers' Compensation insurance or if the Contractor has no employees in the State, Contractor must provide a written statement, signed by an authorized representative, indicating the qualifying exemption that excludes Contractor from the Minnesota Workers' Compensation requirements. If during the course of the Contract the Contractor is required to provide Workers' Compensation Insurance, the Contractor must comply with the Workers' Compensation Insurance requirements herein and provide the State with a certificate of insurance.

4.4 **Professional Liability, Errors, and Omissions Insurance.** This policy will provide coverage for all claims the contractor may become legally obligated to pay resulting from any actual or alleged negligent act, error, or omission related to Contractor's professional services required under the contract. Insurance **minimum** limits are as follows:

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$2,000,000 - per claim or event
$2,000,000 - annual aggregate

Any deductible will be the sole responsibility of the Contractor and may not exceed $50,000 without the written approval of the State. If the Contractor desires authority from the State to have a deductible in a higher amount, the Contractor shall so request in writing, specifying the amount of the desired deductible and providing financial documentation by submitting the most current audited financial statements so that the State can ascertain the ability of the Contractor to cover the deductible from its own resources.

The retroactive or prior acts date of such coverage shall not be after the effective date of this Contract and Contractor shall maintain such insurance for a period of at least three (3) years, following completion of the work. If such insurance is discontinued, extended reporting period coverage must be obtained by Contractor to fulfill this requirement.

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Exhibit C: Specifications, Duties, and Scope of Work

Project Goals

The goals of the External Review are to: 1) objectively evaluate what the State did well; 2) identify different actions and options that may have produced different, or better, outcomes; and 3) provide recommendations to the Commissioner of Public Safety to assist the State and local governmental units to respond effectively to potential periods of regional or statewide civil unrest in the future.

Primary Tasks

- **Task 1. Conduct project kickoff and review events**
  - Task 1a. Conduct project kickoff meeting
  - Task 1b. Review State documentation
  - Task 1c. Conduct key informant interviews
  - Task 1d. Conduct media analysis
- **Task 2. Create visual timeline of events from May 26 through June 7**
- **Task 3. Establish recommended and best practices, metrics, and key data points**
  - Task 3a. Review literature
  - Task 3b. Obtain data for key metrics identified
  - Task 3c. Engage subject matter expert in large scale law enforcement operations to assist, as needed
- **Task 4. Obtain community and stakeholder input**
  - Task 4a. Conduct key informant interviews with stakeholders
  - Task 4b. Conduct virtual listening sessions
- **Task 5. Draft and disseminate report**
  - Task 5a. Submit written draft of final report to the Commissioner of Public Safety no later than June 30
  - Task 5b. Submit final report to the Commissioner of Public Safety no later than July 16

Other Tasks and Deliverables

- Become knowledgeable about the circumstances of the death of George Floyd
- Become knowledgeable about the civil unrest and rioting that occurred from May 26th to June 7th
- Become knowledgeable about the State's Multi-Agency Command Center
- Establish an engagement process to obtain input from community stakeholders and leaders
- Access public government data to the extent allowable by law, including data in the State's possession that would otherwise be classified as not public under Minnesota Statutes section 13.82, subdivisions 4, 7, and 25
- Produce and submit a ***draft of the final report*** to the Commissioner of Public Safety no later than June 30 and submit a ***final report*** to the Commissioner of Public Safety no later than July 16, which shall:
  - Establish a timeline of events and decision-making by the State in collaboration with local government officials
  - Evaluate the response by State
  - Evaluate the response by the State Fire Marshal and local fire entities
  - Evaluate the cross-jurisdictional response coordinated by the State
  - Evaluate the strategic and tactical decisions made by the State
  - Provide recommendations to help state and local agencies further improve the effective response to future complex, safety challenges
- Participate, as requested, in press conferences related to the review
- Testify, as requested, to the State's legislative bodies and/or its committees

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Communicate with leadership from the Department of Public Safety, the Department of Natural Resources, the Minnesota National Guard, the University of Minnesota, and leadership teams from local governmental units that participated with the MACC, as necessary.

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Exhibit D: Price Schedule

Clause 5.1.1, Compensation Rates

SERVICES/TASKS/POSITIONS	HOURLY RATE
Communications	One Hundred Ten and 00/100 Dollars ($110.00)
Communications Specialist	Seventy Four and 00/100 Dollars ($74.00)
Copy Editing	Eighty Eight and 00/100 Dollars ($88.00)
Data Analysis Manager	One Hundred Four and 00/100 Dollars ($104.00)
Data Collection Manager	Eighty Eight and 00/100 Dollars ($88.00)
Formatting	Ninety Three and 00/100 Dollars ($93.00)
Research Associate 1	Sixty Six and 00/100 Dollars ($66.00)
Research Associate 1 (media analysis/metrics)	Seventy Four and 00/100 Dollars ($74.00)
Research Associate 2	Seventy Four and 00/100 Dollars ($74.00)
Research Associate 3	Eighty Nine and 00/100 Dollars ($89.00)
Research Librarian	Seventy Two and 00/100 Dollars ($72.00)
Research Scientist 1	One Hundred Nine and 00/100 Dollars ($109.00)
Research Scientist 2	One Hundred Twenty Two and 00/100 Dollars ($122.00)
Senior Communications Specialist	Eighty and 00/100 Dollars ($80.00)
Senior Research Manager	One Hundred Seventy Four and 00/100 Dollars ($174.00)

Clause 5.1.3, Reimbursable Expenses (as itemized in Contractor's Cost Proposal)

- Up to Seven Hundred Fifty and 00/100 Dollars ($750.00) for incentives paid to key informant interviews of community leaders and other stakeholders.
- Up to Twenty Thousand and 00/100 Dollars ($20,000.00) for input from the Minnesota Justice Research Center.
- Up to Eight Thousand and 00/100 Dollars ($8,000.00) for required stipends paid to community partner organizations.
- Up to One Thousand Two Hundred Eighty and 00/100 Dollars ($1,280.00) for incentives to participants providing input from community leaders and stakeholders.
- Up to One Thousand Five Hundred and 00/100 Dollars ($1,500.00) for verbal and written translation services.

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EXHIBIT C

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AN EXTERNAL REVIEW OF THE STATE'S RESPONSE TO THE CIVIL UNREST IN MINNESOTA FROM MAY 26-JUNE 7, 2020

A Report of Findings and Recommendations Prepared by Wilder Research for the Minnesota Department of Public Safety

March 2022

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EXECUTIVE SUMMARY

On May 25, 2020, a Black Minneapolis resident, George Floyd, was murdered by a Minneapolis police officer, Derek Chauvin. The officer kneeled on Mr. Floyd's neck for over nine minutes, while two other Minneapolis police officers helped pin him down for a portion of that time. Another police officer prevented several bystanders from intervening as they watched Mr. Floyd die.

Vigils and peaceful protesting began immediately after the murder, at the scene (38th Street and Chicago Avenue) and in other locations, and continued through June 7, 2020. Civil unrest, including violence and destructive behavior, started within 24 hours at the scene and in other parts of Minneapolis and Saint Paul, in the state of Minnesota, around the U.S., and internationally. Looting and arson were widespread, and local police and emergency responders could not respond to many calls for help—either because they couldn't safely access the area or were too overwhelmed. Minnesota State Law Enforcement Agencies, including the Minnesota State Patrol, Minnesota Department of Natural Resources Law Enforcement Division, and other agencies, along with the Minnesota National Guard were called upon by the governor to provide services outside of their specific jurisdiction and training. Although these state-level entities were better equipped to respond to this particular crisis than local jurisdictions due to their training, equipment, and number of officers, they did not have experience responding to a large-scale civil disturbance and extended period of civil unrest such as what occurred in Minneapolis after Mr. Floyd's murder.

External review commissioned

In February 2021, the Minnesota Department of Public Safety (DPS) contracted with Wilder Research to conduct an external review of the state's response to civil unrest[1] that occurred May 26-June 7, 2020, following the murder of George Floyd. DPS requested that the review:

- Objectively evaluate what the state did well and did not do well.
- Identify actions and options that may have produced different, or possibly better, outcomes.
- Provide recommendations to the Commissioner of Public Safety to assist state and local governmental units, including cities and counties, in responding effectively to potential periods of regional or statewide civil unrest in the future.

[1] In this report, we define civil unrest as a prolonged period of civil disturbance. We define civil disturbance as a gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts.

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How the review was conducted

Our research incorporated data from multiple sources and approaches to add strength to the review findings. Our review methods included 1) a review of existing research literature, 2) a media review, 3) a review of state documents and interviews with state personnel, 4) interviews with key informants, 5) focus groups with affected groups, including community members, business owners, and youth, and 6) a comprehensive review from a nationally recognized law enforcement professional with specific and significant expertise in managing civil disturbances.

Wilder Research partnered with the Minnesota Justice Research Center (MNJRC) to lead the recruitment and facilitation of focus groups with community leaders, business owners, and youth.

Limitations of the review include: data collection and analysis activities were conducted under a tight timeline, potential missing perspectives due to a lack of response to requests for an interview and time and resource constraints, and challenges related to events happening simultaneously (e.g., COVID-19 pandemic, the trial of Derek Chauvin, and civil unrest in a suburb of Minneapolis, Brooklyn Center).

Key findings

The primary objective of this review was to identify strengths and areas for improvement from the state's response to the civil unrest following the murder of George Floyd and provide recommendations to improve the state's response to future civil unrest. The information we collected also led to recommendations about what the state can do proactively to prevent and prepare for instances of civil unrest and to follow up with affected communities after civil unrest occurs. These insights, although not comprehensive, are included in the full report, along with a detailed description of each key finding.

Multi-Agency Command Center (MACC) setup and operations

Strengths

- Inter-departmental and inter-agency coordination once the MACC was fully established
- The state identified and coordinated resources to respond to the unrest, particularly law enforcement personnel
- MACC leadership communicated effectively with the Minnesota Department of Transportation (MnDOT) to execute road closures in multiple locations across the Twin Cities

Areas for improvement

- Setup and coordination of the MACC started too late
- Initially, the incident response team lacked clear, experienced leadership and a shared understanding of a unified command structure
- Inadequate coordination early on and technical limitations of end-user radio equipment caused communication challenges
- The location of the MACC was not ideal, according to some

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Law enforcement coordination, strategies, and logistics

Strengths

- The use of Mobile Field Force units, specifically smaller teams, was an effective strategy for addressing unrest occurring in multiple locations across the cities
- The State Patrol, the Minnesota National Guard, and the Minnesota Department of Natural Resources, once activated, mobilized quickly and worked together effectively to protect critical infrastructure and human life
- Operational logistics – Leaders at the SEOC quickly set up a system to identify and distribute necessary resources
- Intelligence gathering and sharing – Intelligence gathering strategies and information sharing practices provided law enforcement with the necessary information to make informed decisions

Areas for Improvement

- Engagement from the Minneapolis Police Department at the MACC was insufficient
- Participating law enforcement agencies followed different training and rules of engagement
- Standards promoting accountability were not consistently followed among participating law enforcement agencies
- On several occasions, law enforcement did not successfully differentiate between lawful and unlawful protesters
- Operational logistics – Procedures for coordinating resources and other logistics, such as transportation to support law enforcement operations, need improvement
- Intelligence gathering and sharing – Better coordination of the sharing of intelligence information with law enforcement is needed

Fire and life safety response

Strengths

- The State Fire Marshal provided effective coordination with the Minnesota National Guard and other resources to support local fire departments

Areas for Improvement

- Law enforcement lacked a comprehensive understanding of the needs of fire departments and emergency medical services

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Coordination with and support for local jurisdictions

Strengths

- Including elected officials in briefings was useful
- The existing working relationship between the city of Saint Paul and the state facilitated smooth communication and coordination between entities during the unrest

Areas for Improvement

- Timeliness of Minnesota National Guard deployment and the communication among local jurisdictions and the state

Communication and messaging to the public

Strengths

- Press conferences were frequent and informative
- State leaders acknowledged the legitimacy of community outrage during press conferences
- DPS followed best practices in the use of social media to engage the public

Areas for Improvement

- Information flow between law enforcement and communications leads lacked structure, leading to the spread of misinformation
- Initial coordination with the city of Minneapolis on press-related matters was lacking
- A lack of communication to communities and businesses about how to safely protect their neighborhoods led community groups and individuals to take matters into their own hands
- The cities and state could have done more to communicate urgent messages in multiple languages

Media experience

Strength

- The media community appreciated the governor's public apology to the CNN reporting team arrested by State Patrol

Areas for Improvement

- Law enforcement allegedly unlawfully detained, arrested, or inappropriately used crowd dispersal methods on journalists

Community member and business owner experience

Strengths

- Curfews, when enforced, were effective despite being controversial

Areas for Improvement

- State Law Enforcement used tactics that were often perceived as escalating

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Strengths

- Community members appreciated some state decisions and actions, indicating that systemic racism and others contributors to the unrest were being taken seriously

Areas for Improvement

- Community members felt abandoned by law enforcement agencies; some perceived racism and discrimination in these gaps in law enforcement presence
- Communication and engagement was lacking between law enforcement and community members and business owners

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Recommendations

The following 20 recommendations include improvements the state can make in future responses to civil unrest. The full report elaborates on these recommendations, including suggestions for how to implement them. Our hope is that DPS, local (city and county) and state agencies, and other jurisdictions can use this report to prepare and plan for effective responses to civil unrest in the future. We do not consider civil unrest inevitable, but we anticipate that it may happen again, and it is clear that state and local agencies need to be prepared for when it does occur. It is also clear that the events described and analyzed in this report were unprecedented. These events were unplanned and ultimately over-extended multiple local and state agencies to end the civil unrest. Further, the situation led the Minnesota State Patrol and other state agencies to act in ways that are outside of their specific jurisdiction or, in the case of the Minnesota National Guard, perform duties beyond their normal training.

Our recommendations are informed by an examination of the events that occurred in late May and early June 2020 in Minnesota following George Floyd's murder and feedback from people who were directly involved in or affected by how the state responded. The recommendations we offer in this report are based on what we observed here and experiences in other places, research literature, empirical analysis from the field, and consultation with a law enforcement professional with expertise in the management of civil disturbances. Therefore, the recommendations could be used by any jurisdiction to inform the development of public order policies and procedures. The studies we reviewed include lessons learned from planned and unplanned events. Some recommendations from those studies may be easier to implement for planned events.

The first recommendations address the original scope of the review, which was to evaluate the state's response during the unrest. The second column of recommendations lists activities related to prevention, preparation, and recovery, which review participants deemed as equally important in the state's efforts to address civil unrest.

Recommendations to improve the state's response to civil unrest

1. Strengthen multi-agency coordination.
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.
3. In general, use a tiered response to address situations of civil unrest that involve both lawful and unlawful protesters.
4. Differentiate peaceful protestors from those engaging in unlawful activities.
5. Engage in pre-planning efforts to improve processes for managing operational, tactical, and logistical considerations.

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6. Improve coordination and collaboration between the intelligence team, law enforcement tactical operations teams, and Multi-Agency Command Center leadership.
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.
8. Improve communication and coordination with local jurisdictions regarding requests for the Minnesota National Guard and other state assistance.
9. Improve coordination with local jurisdictions regarding public communications and press-related matters.
10. Strengthen communication between state and local law enforcement, elected officials, and the public.
11. Improve coordination and communication between state and local law enforcement and the media.
12. Coordinate with community members directly affected by civil unrest.

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

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.
2. Lead efforts to reimagine policing, community safety, and public order policing in Minnesota and engage communities in law enforcement oversight and accountability.
3. Enhance diversity and inclusion efforts.
4. Support training of law enforcement officers in facilitating peaceful protests.
5. Continue to engage protest groups and organizers ahead of time.
6. More deeply engage with businesses and communities affected by civil unrest and face the most risk of potential future unrest.
7. Support state and local law enforcement agencies in promoting mental health and providing resources.
8. Improve after action documentation and reporting.

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Conclusion

This examination of the state of Minnesota's response to one of the most challenging and unprecedented times in the state's history provides an opportunity to learn from what happened and do better to support and protect communities, especially during periods of civil unrest. If implemented these recommendations will minimize the impact of civil unrest and substantially improve the state's preparedness and capacity to manage mass demonstrations safely. Implementing these recommendations will also mitigate the risk of escalation during civil unrest.

Critical recommendations for improving response to future civil unrest:

- **Strengthen multi-agency coordination systems**
- **Improve coordination and relationships with local jurisdictions and the media**
- **Lead efforts to address tensions between law enforcement agencies and communities through intentional trust-building efforts, police accountability and transformation, and education**

Further research and evaluation are needed to understand the role of racism and other forms of bias in law enforcement responses to civil unrest and determine additional steps to address community distrust in law enforcement and state government.

In this context, the protests and civil unrest stemmed from a police officer murdering a Black man. The role of race cannot be overlooked. Therefore, intersectional to all the recommendations above is to incorporate a deeper sense of humanity – explicitly recognizing the humanity of Black Minnesotans – into actions from state actors. As one participant wondered:

> *What is the human piece of [the state's response]? What is people's sense of what's happened to our communities and businesses? There's a lot of need there, too—for processes and ways of helping people, understanding their collective and individual experiences. My feeling that I'm left with is that if we are going to learn from this, there has to be some tending to our human experience—not just the practical part of how to do protection "next time." – Business owner*

The tragedy and trauma that unfolded in summer 2020 were significant, unplanned, and unprecedented. Moving forward, the state has the opportunity to focus on building functional systems, plans, and relationships that will lead to a response to civil unrest that supports all Minnesotans, especially communities of color and, specifically, Black Minnesotans.

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BACKGROUND: WHAT HAPPENED?

On May 25, 2020, a Black Minneapolis resident, George Floyd, was murdered by a Minneapolis police officer, Derek Chauvin. The officer kneeled on Mr. Floyd's neck for over nine minutes, while two other Minneapolis police officers helped pin him down for a portion of that time. Another police officer prevented several bystanders from intervening as they watched Mr. Floyd die.

Peaceful vigils and protests turned to unrest



Memorial near Cup Foods
Source: Star Tribune

Vigils and peaceful protesting began immediately after the murder on May 25, at the scene (38th Street and Chicago Avenue) and in other locations, and continued through June 7. Civil unrest, including violence and destructive behavior, started within 24 hours at the scene and in other parts of Minneapolis and Saint Paul, in the state of Minnesota, around the U.S., and internationally. Looting and arson were widespread, and local police and emergency responders could not respond to many calls for help—either because they couldn't safely access the area or were too overwhelmed.

Civil disturbances were occurring in multiple locations across the Twin Cities area, putting significant stress on local responders. On May 28, violence among protests escalated at the Third Precinct police station in Minneapolis. Late that night, Minneapolis Mayor Jacob Frey and Police Chief Medaria Arradondo decided to evacuate and abandon the building, at which time violent and destructive actors entered the building and seriously damaged and looted it.

On May 29, 2020, former Minneapolis Police Department (MPD) officer Derek Chauvin was arrested and charged. On May 26, the Minneapolis Police Department fired all four police officers. On May 27, Minnesota Governor Tim Walz announced Minnesota Bureau of Criminal Apprehension (BCA) and Federal Bureau of Investigation (FBI) investigations into George Floyd's murder. On May 31, Governor Walz announced that Attorney General Keith Ellison's office would lead the prosecution of Derek Chauvin. On June 3, three officers present during the murder of Mr. Floyd were charged with aiding and abetting second-degree murder, and the charge against Chauvin was upgraded to second-degree murder. In April 2021, Chauvin was convicted of unintentional second-degree murder, third-degree murder, and second-degree manslaughter. In December 2021, he pleaded guilty to civil rights charges in federal court and was sentenced to 20-25 years in prison. The other three officers present at the scene were convicted of federal civil rights violations for the death of Mr. Floyd in February 2022 and await sentencing. They will face a state trial scheduled to begin in June 2022 for aiding and abetting second-degree murder and manslaughter.



Attorney General Keith Ellison and Commissioner John Harrington
Source: Star Tribune

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State Law Enforcement agencies and Minnesota National Guard were called upon to assist

Starting on May 26, the state of Minnesota assisted in the response to the civil unrest occurring in Minneapolis and Saint Paul. The Minnesota State Patrol's Mobile Response Team was deployed to the Minneapolis Police Department's (MPD) Third Precinct headquarters to provide backup support to the MPD. The State Patrol was later joined by the Minnesota Department of Natural Resources' (DNR) Mobile Response Team (575 State troopers and 190 DNR conservation officers).



Minnesota National Guard soldier in front of Capitol
Source: Star Tribune

In Minnesota, local law enforcement agencies are too small to handle large-scale civil disturbance. The civil unrest following the murder of George Floyd was unanticipated and required significant mutual aid and collaboration across multiple agencies and jurisdictions, which introduced challenges, particularly because this was an unplanned event. Some of the agencies that had mutual aid agreements with Minneapolis decided not to send aid—or were unable to send aid—due to the situation in their own community.



Minnesota National Guard and State Patrol vehicles near 3rd Precinct
Source: Star Tribune

Minnesota State Law Enforcement Agencies, including the Minnesota State Patrol, Minnesota Department of Natural Resources Law Enforcement Division, and other agencies, along with the Minnesota National Guard were called upon by the governor to provide services outside of their specific jurisdiction and training. Although these state-level entities were better equipped to respond to this particular crisis than local jurisdictions due to their training, equipment, and number of officers, they did not have experience responding to a large-scale civil disturbance and extended period of civil unrest such as what occurred in Minneapolis after Mr. Floyd's murder. For example, the State Patrol's mission is to patrol highways and manage traffic safety (Minnesota Statutes § 299D.03, 2021), not to serve as a state police force. Although they have statewide authority, DNR conservation officers typically provide public safety, natural resource, and recreation protection response in DNR managed areas (Minnesota Statutes § 626.84.1(c), 2021). The vast majority of Minnesota National Guard members are not trained in public order; rather, they are trained in combat. Minnesota Guard members are typically activated to assist the state during disasters and other state emergencies and are trained to serve in times of war as soldiers and airmen. Supporting law enforcement activities during civil disturbance is outside these entities' purview.

The mission and jurisdictional limitations of these entities are important context when reviewing their actions during this period. According to state law and precedent, these entities should not have played a central role during the events of May 26 to June 7, 2020.

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Members of media were arrested

On May 29, amidst a chaotic scene following the burning of the Third Precinct, a CNN reporting team was arrested by Minnesota State Patrol on live TV. Governor Walz apologized for the arrest during a press conference.

Nighttime curfews were implemented

State response to the civil unrest included five nights of curfews in Minneapolis and Saint Paul. Other cities across the state implemented their own curfews as well. Governor Walz issued Emergency Executive Order 20-65 which implemented the nighttime curfew from May 29 through May 30. Emergency Executive Order 20-68 extended this order through May 31. The Minnesota Department of Transportation (MnDOT) closed freeways in and around the Twin Cities from 7:00 p.m. on May 30 until 6:00 a.m. on May 31 to limit the number of people coming into the areas of greatest concern. Emergency Executive Order 20-69 extended the nighttime curfew through June 2.

Multi-Agency Command Center was established

On May 29, when it became clear that the city of Minneapolis would not be able to gain control, the state and partners established the Multi-Agency Command Center (MACC), based at TCF Stadium on the University of Minnesota campus in Minneapolis, to coordinate across the multiple local and state agencies involved in the response. Minnesota Department of Public Safety (DPS) Assistant Commissioner Booker Hodges assumed the role of Incident Commander at the MACC. According to state officials, Minnesota State Patrol Colonel Matthew Langer, Joe Neuberger of Homeland Security and Emergency Management (HSEM), and Minnesota National Guard Adjutant General Jon Jensen played lead roles in the command structure. University of Minnesota Police Chief Matt Clark was the Operations Chief. Agencies represented at the MACC included DPS, which includes the State Patrol, the Bureau of Criminal Apprehension, the Alcohol and Gambling Enforcement Division, the Homeland Security and Emergency Management Division, and the State Fire Marshal; the Minnesota National Guard; Minneapolis Police Department; Saint Paul Police Department; Metro Transit Police Department; Bloomington Police Department; University of Minnesota Police Department; Sheriff departments from Ramsey, Hennepin, Anoka, Dakota, and Washington counties; and the FBI.

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State increased intensity of response to control unrest



Police and tear gas near 5th Precinct Nicollet Ave.
Source: Star Tribune

That night, the State Patrol carried out what they later called a "shock and awe" response, using significant crowd dispersal methods to control attempted looting and violence toward officers. This occurred along Nicollet Avenue in Minneapolis near the Fifth Precinct on a crowd of 2,500-3,000 people, according to state documentation. Within an hour, a large portion of the crowd had dispersed.

On May 31, the MACC released a report identifying evidence of outside threats to the Twin Cities. Additionally, the state reported an attempted cyberattack on state technology systems. That night, Minnesota State Patrol troopers and Department of Natural Resources conservation officers (hereafter referred to as State Law Enforcement) in coordination with MPD, conducted a mass arrest of demonstrators at Bobby & Steve's Auto World near downtown Minneapolis. Exchanges between law enforcement and demonstrators were largely amicable.

The state held many press conferences during the unrest

Governor Walz and DPS held 16 press conferences during this period during which the governor, along with other state leaders, acknowledged community outrage; shared public safety plans, updates, and other state-level decisions (e.g., Emergency Executive Orders); and answered questions from the media. The state coordinated with the city of Minneapolis for all but one press conference. During a press conference on Friday, May 29, Governor Walz called the city of Minneapolis' response to the unrest an "abject failure." Subsequent press conferences included Mayor Frey and Mayor Carter.

> On June 1, the Minnesota Department of Human Rights announced the opening of an investigation into the practices of the Minneapolis Police Department. And on June 5, the Minnesota Department of Human Rights and the city of Minneapolis agreed upon the terms of a temporary restraining order, which included an immediate ban on chokeholds (along with a duty to report and duty to intervene if this or other prohibited methods of restraint were used), as well as requiring authorization by the Chief of Police prior to use of any crowd control weapons and a requirement for swifter discipline response.

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Important context

It is important to note that these events of civil unrest were unprecedented in Minnesota and throughout the country. State and local officials did not expect the breadth of violence, property destruction, and arson across the Twin Cities. In addition, previous emergency management planning in Minnesota was centered on natural disasters. The unplanned and unprecedented nature of the events cannot be overstated. A planned response to an event of this scale would have looked much different.

The events under review for this report occurred three months into the COVID-19 pandemic. At that point, many were experiencing pandemic fatigue, and state and city employees were still identifying new ways of operating effectively in a virtual work environment.

Furthermore, local law enforcement jurisdictions in Minnesota have the authority and discretion to determine if and when they need mutual aid support from other agencies. According to state officials, mutual aid must be requested by the agency in need of assistance. Minnesota Statutes § 12.27 (2021) provides authority/permission for mutual aid arrangements. Additionally, Minnesota Statutes § 12.331 (2021) allows a political subdivision, upon receiving a request, to assist the requesting political subdivision. According to state officials, local law enforcement agencies and the state should wait until the overwhelmed law enforcement agency makes a specific request for help that includes clear guidance about the type of help needed and the purpose or mission. Local jurisdictions may not have a clear understanding of this process, the type of support that is available, and when that support can arrive after being requested. This lack of clarity and guidance about mutual aid requests caused challenges during the events under review.

With minimal time to prepare, the state responded by implementing a coordinated multi-agency response, utilizing all their resources and training to bring stability back to communities reeling from the murder of a Black man at the hands of police. This one moment, followed by the community's reaction to Mr. Floyd's murder and the response of law enforcement, can only be understood in the context of U.S. society. This context includes the historical and contemporary inhumane and unjust policing of Black Americans, American Indians, and other people of color; numerous prior examples of the unjustified killing of Black Americans by the police; and the overarching racial discrimination experienced by Black Americans from law enforcement and other social systems and institutions (Minnesota Justice Research Center, 2021).

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REVIEW PURPOSE AND METHODS

In October 2020, the Minnesota Department of Public Safety (DPS) issued a Request for Proposals (RFP) to conduct an external review of how the state handled the civil unrest following George Floyd's murder.

> For this review, civil unrest is defined as a prolonged period of civil disturbance. Civil disturbance is defined as a gathering that constitutes a break of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. While the police have an obligation to protect the First Amendment rights of law-abiding protesters, they are also tasked with maintaining public safety during periods of civil unrest. Importantly, this includes using intelligence-gathering strategies and public order tactics to distinguish between law-abiding protesters and violent demonstrators who intend to or have already caused property damage or incited violence or destruction.

Wilder Research, in partnership with the Minnesota Justice Research Center (MNJRC), submitted a proposal, and we were notified in February 2021 that we were selected to conduct this review. DPS requested that the review:

1. Objectively evaluate what the state did well and did not do well.
2. Identify actions and options that may have produced different or possibly better outcomes.
3. Provide recommendations to the Commissioner of Public Safety to assist state and local governmental units in responding effectively to potential periods of regional or statewide civil unrest in the future.

Research questions

The following research questions guided this review:

- What is the state's legal responsibility during times of civil unrest?
- How did the state respond to the civil unrest from May 26 to June 7? Specifically, what were the decision-making processes and resulting decisions, strategies, and actions?
- What outcomes are associated with the strategies and actions implemented by the state in response to the civil unrest?
- What factors outside of the control of the state, such as the response from local government, affected the state's response and the impacts of that response?
- How have other states responded to civil unrest? How did their response affect outcomes for residents and businesses?
- What policing strategies and actions are considered best or recommended practices regarding de-escalation of violent and destructive demonstrators? Where did the state's response align (or not) with recommended or best practices?

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- How do community leaders, law enforcement professionals, and local government leaders believe the state's response to the civil unrest affected outcomes for community residents and businesses?
- What impact did the state's response to the civil unrest have on community members?

Research methods incorporated data from multiple sources and approaches to add strength to the review findings. Review methods included: 1) a literature review, 2) a media review, 3) a review of state documents and interviews with state personnel, 4) interviews with key informants, 5) focus groups with affected groups (community members and business owners), and 6) review from a law enforcement expert with expertise in managing civil disturbances. Wilder Research partnered with MNJRC to lead the recruitment and facilitation of focus groups with community members and business owners and host and facilitate share back sessions with review participants and others. See the Appendix for more detailed information about the research methods.

A visual timeline of events

Wilder Research developed a high-level timeline of state-level decisions and actions (Figure 1) informed by a detailed timeline provided by DPS and other sources, such as media reporting and accounts from state leadership. This timeline also includes some key moments that provide additional context but are not decisions or actions of the state (e.g., arrest of former officer Chauvin). This visual timeline was used by research staff during interviews and focus groups, as appropriate, to provide context for the kinds of things we meant when we referred to the "state's response" and as a reminder of the timing of key events. (Important note: This timeline does not include every event or action during the time period of interest.)

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62-CV-24-5264

1. HIGH-LEVEL VISUAL TIMELINE OF STATE'S RESPONSE TO CIVIL UNREST MAY-JUNE 2020

A Timeline Including Key Touch Points From the State

MAY 25

- George Floyd murdered

MAY 26

- Minnesota State Patrol activates (Mobile Field Force unit and Special Response Team) to freeway and Third Precinct
- Minneapolis Police Department fires all four officers involved in death of George Floyd

MAY 27

- **Press conference #1** - Governor Walz addresses killing of George Floyd and announces BCA and FBI investigations
- Minnesota State Patrol stationed at Third Precinct





MAY 28

- Minneapolis Mayor Frey and Saint Paul Mayor Carter officially request Minnesota National Guard assistance
- Emergency Executive Order 20-64: Activating the Minnesota National Guard and Declaring a Peacetime Emergency to Provide Safety and Protection to the People of Minneapolis, Saint Paul, and Surrounding Communities; 500 Minnesota Guardsmen are deployed
- Third Precinct is evacuated and abandoned, then stormed and set on fire



- Minnesota National Guard and Minnesota State Patrol protect State Capitol and other buildings
- State takes a lead role per Governor Walz's law and order mission to secure the Third Precinct and Lake St. in Minneapolis

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MAY 29

- CNN reporting team arrested by Minnesota State Patrol on live TV
- **Press conference #2** - Governor Walz apologizes for arrest of CNN reporting team, Maj. Gen. Jon Jensen expresses concern over lack of clarity in Minnesota Guard's mission
- Chauvin arrested and charged with third-degree murder and second-degree manslaughter
- Multi-Agency Command Center (MACC) is set up at TCF stadium
- Emergency Executive Order 20-65: Implementing a Temporary Nighttime Curfew in the Cities of Minneapolis and Saint Paul; extends curfew through May 30
- Violence near Third Precinct, less lethal munitions used by Minnesota State Patrol to manage crowd

MAY 30

- State Patrol begins mass arrests along Lake St., less lethal munitions used – deemed unsuccessful mission
- State Patrol leaves Third Precinct to patrol Nicollet Ave, march to Fifth Precinct (as directed by Mpls), fires nearby and along West Broadway in north Minneapolis
- **Press conference #3**, 1:30 a.m. - Governor Walz declares law enforcement is overwhelmed by number of people out
- **Press conference #4**, 9:00 a.m. - Governor Walz declares mobilization of full Minnesota Guard
- **Press conference #5**, 12:00 p.m. – Large contingent with Governor Walz, Lieutenant Governor Flanagan, community/faith leaders, state legislators to call for peaceful protest and compliance with the 8 p.m. curfew
- **Press conference #6**, 6:30 p.m. - Governor Walz urges Minnesotans to respect the 8 p.m. curfew
- MnDOT shuts down freeways from 7:00 p.m.-6:00 a.m.
- Emergency Executive Order 20-67: Implementing and Coordinating Cooperative Firefighting, Health, and Peace Officer Assistance
- Response from State Law Enforcement to civil disturbance on Nicollet Ave, less lethal munitions used
- A photographer from WCCO is struck by less lethal munitions and arrested by State Patrol; marking rounds are shot at people gathered on their porch (unclear by who)

MAY 31

- Emergency Executive Order 20-68: Extending the Temporary Nighttime Curfew in the Cities of Minneapolis and Saint Paul
- Multi-Agency Command Center releases report saying they have identified evidence of outside threats to the Twin Cities
- 6:00 p.m. - gas tanker semi-truck drives into protest crowd on I-35W bridge
- **Press conference #7**, 7:00 p.m. - Governor Walz talks about extended Minneapolis & Saint Paul curfews and road closures
- Governor Walz announces Attorney General Ellison to lead prosecution of Chauvin
- 8:00 p.m. - Curfew goes into effect
- Amicable mass arrest at Bobby & Steve's



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JUNE 1

- Emergency Executive Order 20-69: Extending the Temporary Nighttime Curfew in the Cities of Minneapolis and Saint Paul
- **Press conference #8** – Governor Walz thanks Minnesotans for cooperation and apologizes again to the media
- Minnesota Department of Human Rights opens an investigation into the practices of the Minneapolis Police Department & issues temporary restraining order

JUNE 2

- **Press conference #9** – Governor Walz provides update on protests, speaks to addressing systemic issues, and announces civil rights investigation



Terrence Floyd visiting 38th and Chicago

JUNE 3

- Emergency Executive Order 20-71: Extending the Temporary Nighttime Curfew in the Cities of Minneapolis and Saint Paul
- **Press conference #10** – Governor Walz discusses new charges against MPD officers
- Other three officers charged with aiding and abetting second-degree murder and charge against Chauvin is upgraded to second-degree murder

Sources: Timeline develop by DPS.
Kaul, G. (2020, May 29). Seven days in Minneapolis: A timeline of what we know about the death of George Floyd and its aftermath. MinnPost. https://www.minnpost.com/metro/2020/05/what-we-know-about-the-events-surrounding-george-floyds-death-and-its-aftermath-a-timeline

Photo Sources: Star Tribune

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How to use this report

This report can be used to improve the state of Minnesota's response to civil unrest. The report contains specific recommendations, which can be used by DPS, other state agencies, and the Minnesota National Guard to address particular issues that arose concerning the state's response to the civil unrest that followed George Floyd's murder. It can also be used by local law enforcement agencies and other entities around the U.S. to improve government response to future civil unrest. While the review findings identify circumstances and events during the unrest in late May 2020, many of the recommendations depend on pre-event activities related to prevention, mitigation, and preparedness. The first section of the report addresses the original scope of the review, which was to evaluate the state's response during the unrest. As part of conducting this review, some review participants identified additional issues and recommendations related to prevention, preparation, and recovery that they deemed equally important and inextricably linked to state response to civil unrest. Therefore, a second section is included in this report to capture themes and recommendations outside the review's original scope.

DPS and other coordinating state agencies learned many lessons during summer 2020 that have led to changes over the following year in the way the state responds in coordination with local entities to potential civil disturbance. New public safety approaches and collaborative efforts were used by the state and partnering agencies during Operation Safety Net in preparation for the trial of Derek Chauvin and during the unrest following the killing of Daunte Wright in Brooklyn Center, Minnesota. This review does not include an examination of these events or the state's preparation or response to them; however, it is possible that many of the recommendations and best practices outlined here align with changes implemented by DPS and partners. Therefore, the recommendations in this report could be used by the state to validate changes they have made. This review is one of many tools DPS can use when considering improvements to their approach to address public safety before, during, and after instances of civil unrest.

Our hope is that DPS and other entities can use this report to prepare for and plan for civil unrest in the future. We do not consider civil unrest inevitable, but we anticipate that it is likely to happen again, and it is clear that state and local agencies need to be prepared if and when it does occur.

This report summarizes strengths in the state's response, areas for improvement, and recommendations based on these findings. Report sections include Part 1: (1) Multi-Agency Command Center (MACC) setup and operations; (2) law enforcement coordination, strategies, and logistics; (3) fire and life safety response; (4) coordination with and support for local jurisdictions; (5) communication and messaging to the public; (6) media experience; (7) community member and business owner experience; and Part 2 (8) recommendations for the state's role in the prevention of and recovery from civil unrest.

Our recommendations are informed by an examination of the events in Minnesota following George Floyd's murder in late May and early June 2020 and information from the people who were directly involved or affected by how the state responded. The recommendations we offer in this report are also

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based on experiences in other places, research literature, and empirical analysis from the field. Therefore, any government or law enforcement agency could use the recommendations to inform the development of mass demonstration policies and procedures. In this regard, we hope this document helps the Minnesota Department of Public Safety become a leading example of best practices in responding to civil unrest.

Limitations

Time frame

The original time frame allowed by DPS for this review was November 2020 through June 2021, but during the proposal review process DPS experienced delays so the project did not ultimately start until February 2021. Despite the short amount of time, Wilder and MNJRC were able to meet the project deadline by conducting some components concurrently that would, ideally, have been conducted consecutively. For example, we conducted interviews with state officials and the literature review simultaneously, instead of completing the literature review to identify best practices and then asking interview respondents about the extent to which the state's response aligned with those best practices.

The limited time frame and budget also prevented us from interviewing a number of critical people identified within the original contract. In June 2021, Wilder submitted its draft report to DPS. In mid-July, DPS determined they needed more time to review the report and provide feedback. In November 2021, DPS extended Wilder's contract with additional budget to support important project components that were not included within the original contract. These project components included interviews with additional key informants who could provide missing perspectives, consultation with a law enforcement professional with expertise in managing civil disturbances, and meetings with DPS leaders to gather needed information and feedback.

Key informant interviews

Wilder Research made every effort to include a wide range of stakeholders through key informant interviews and focus groups. However, perspectives and information are likely missing due to a lack of response to requests for interviews and time and resource constraints. We did not interview leaders from all of the different cultural communities that were likely impacted by these events. Although we interviewed several elected officials representing the areas most affected by the unrest, we did not contact every elected official who represents areas that were affected during the civil unrest. We responded to any requests to provide input up until the final stages of reporting. Ideally, we would have engaged even more residents from various cultural communities living in neighborhoods most significantly affected by the civil unrest to understand the impact on them.

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Related events and pandemic

We also want to acknowledge that related events were happening during the data collection period that may have influenced participants' input, including the trial of Derek Chauvin. In addition, a police officer in Brooklyn Center, a suburb of Minneapolis, killed another Black man, Duante Wright, one day before focus groups for this project began. The state was also involved in responding to the civil unrest that occurred there. We acknowledged the confluence of events and issues with focus group participants before directing the conversation to the events that followed George Floyd's murder. We felt that participants were able to re-focus on the purpose of the discussion after acknowledging these current events.

We also must point out the overarching impact of the COVID-19 pandemic on the civil unrest and the state's response, as well as the information gathered during this review. We assume, but did not specifically explore as part of this review, that the stress and burden of the pandemic contributed to the scale of the unrest and the nature of the state's response. Focus groups were conducted virtually to ask people about their experiences, which may have inhibited their ability to engage fully, but also may have allowed some to participate who would not have been able to do so in person.

It is also important to note that documentation of these events by law enforcement was limited, and recollection of events may be compromised due to the stress and sleep deprivation they were experiencing. Therefore, caution should be used when interpreting any one source of information. We attempted to reduce this limitation by gathering data from multiple sources whenever possible.

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KEY FINDINGS AND RECOMMENDATIONS

The primary objective of this review is to identify strengths and areas for improvement and subsequent recommendations for the state's response during civil unrest. The information we collected also led to recommendations about what the state can do proactively to prevent and prepare for instances of civil unrest and to follow up with affected communities after civil unrest occurs. These insights, although not comprehensive, are included in the final section of this report (Recommendations for the state's role in the prevention of and recovery from civil unrest). For reference, a glossary of specific terms or concepts referred to throughout this report can be found in the Appendix.

The state's response to civil unrest

Multi-Agency Command Center (MACC) setup and operations

> Minnesota Statutes § 12.33 (2021) states that in the case of an imminent emergency, the governor may authorize and direct the police, firefighters, and other forces of a political subdivision within the state to assist another political subdivision. Governor Walz issued Emergency Executive Order 20-64 to put forces that had offered to assist the cities of Minneapolis and Saint Paul and the surrounding areas under the direction of the Commissioner of Public Safety. According to DPS documentation, nearby states (Wisconsin, Iowa, and South Dakota) provided either additional personnel or resources (e.g., chemical munitions) to support and strengthen Minnesota's response to the unrest.
>
> The Department of Public Safety has authority under Minnesota Statutes § 12.09 (2021) to activate statewide or regional operations centers either proactively or in response to an emergency. Emergency Executive Order 20-64 clarified that while the State Emergency Operations Center (SEOC) was already in use in response to the COVID-19 pandemic, it would support the city of Minneapolis, city of Saint Paul, and surrounding communities concurrent to its work related to the pandemic. The Multi-Agency Command Center (MACC) was established by DPS to coordinate the varying forces working together in response to the civil unrest.

A well-coordinated, unified multi-agency response is necessary for managing civil disturbances. While most emergencies are handled successfully at the local level, larger incidents may require added coordination and response assistance from other jurisdictions or state or federal agencies. In these cases, local, state, and federal agencies require clear direction and expectations about the chain of command, decision-making, and strategies for interoperability (Links et al., 2015; National Policing Improvement Agency, 2009). However, the coordination of a multi-agency response can be difficult during large-scale, unpredictable, and dynamic emergencies (Links et al., 2015; McMaster & Baber, 2012; Waring et al., 2020). For instance, during the civil unrest in Baltimore after the killing of Freddie Gray by a Baltimore police officer, officials reported that only some of the responding agencies adhered to the incident command structure.

On Friday, May 29, DPS set up a Multi-Agency Command Center (MACC) at TCF Stadium in Minneapolis. Multiagency Coordination Systems are typically comprised of agency leaders and administrators and function to coordinate resource allocation, facilitate situational assessment and awareness, and support

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multi-agency operations during large-scale emergencies such as civil disturbances. This structure, recommended as critical to emergency response by the National Incident Management System (NIMS), is set up to improve incident response (Federal Emergency Management Agency, 2021). The MACC operated as a command center for coordinating agencies in this case.

During this period, participants in the MACC included leadership from several divisions within DPS, the Minnesota Department of Natural Resources (DNR), and several local law enforcement officials representing city-level emergency operations centers and county sheriff offices. DPS Assistant Commissioner Booker Hodges set up the MACC and assumed the role of Incident Commander. Many people played a critical function in this operation. Colonel Langer led the State Patrol, and Joe Neuberger of Homeland Security and Emergency Management provided logistical support and served as Incident Commander when Assistant Commissioner Hodges was unavailable. Matt Clark from University of Minnesota Police served as the Operations Chief. As soon as state resources were requested by Minneapolis and Saint Paul, the State Emergency Operations Center (SEOC) supported requests for resources coming out of the MACC, in addition to a focus on the COVID-19 response. The SEOC maintained situational awareness and provided logistical support to the state assets deployed, including coordination with MnDOT, the Metropolitan Council, and the governor's office.

STRENGTHS

1. **Inter-departmental and inter-agency coordination once the MACC was fully established.** Establishing a MACC by DPS was a strength, as multi-agency coordination plays a critical function in any incident command structure as articulated in the National Incident Management System (Federal Emergency Management Agency, 2021). In the absence of unified command from Minneapolis, DPS and its partners had to establish some sort of command structure to provide state-sponsored support to Minneapolis. As noted by a state official, "state response resources should always be deployed in support of a local incident commander. The state should not be in charge of a response unless it clearly has the jurisdictional lead." The initial setup of the MACC presented some challenges due to varying understandings of unified command, the role of the Incident Commander, and the large number of agencies involved in the response. Despite initial challenges, those who participated in the MACC felt that the operations and coordination were effective at restoring order and mitigating injuries, property damage, and potential loss of life, particularly under the guidance of the State Patrol. Those involved at the MACC and some local law enforcement leaders shared that the large number of State troopers, their early presence on the scene (before requested by the city of Minneapolis), and the experience and skill set of State Patrol leadership to coordinate a large number of law enforcement individuals and agencies contributed to the eventual control of the situation on the ground.

2. **The state identified and coordinated resources to respond to the unrest, particularly law enforcement personnel.** Several local law enforcement officials noted that it would not have been possible to gain control of the situation without additional resources and the coordination of those

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resources from the state. An "all-call" of every State trooper and DNR conservation officer across the entire state had never happened prior to this event. As one state official recalled, "when Colonel Langer put out the call that all troopers needed to report to the metro area, people literally turned their cars around. They didn't go home and pack a bag." HSEM successfully supplied personnel with basic needs (e.g., place to sleep, food, personal hygiene products).

3. **MACC leadership communicated effectively with the Minnesota Department of Transportation (MnDOT) to execute road closures in multiple locations across the Twin Cities.** MnDOT and State Patrol worked closely together to shut down several highways on the nights of May 30th and 31st and close roads in several locations across the city in response to demonstrations. Traffic control strategies (e.g., highway closures) had never been used as a strategy to mitigate civil disturbance before, according to state officials. MnDOT also provided trucks and other vehicles to assist State Law Enforcement, provided locations and facilities as staging areas, provided temporary walls to local law enforcement to protect police precincts, cleaned up debris from protest activity, and cleaned up graffiti. According to the DPS after-action review (AAR), MnDOT should be involved in the response as part of the MACC to mitigate confusion related to road closures and ensure the appropriate deployment of law enforcement resources to safely close roads.

AREAS FOR IMPROVEMENT

1. **Setup and coordination of the MACC started too late.** Multiple accounts from leadership at the MACC noted that earlier initiation of a coordinated multi-agency response might have led to better outcomes. While many state officials were unaware of why the MACC was not set up until Friday, May 29, some shared that the state was waiting to see if the city of Minneapolis would be able to manage the unrest with the state remaining in a supporting role. State officials say that they waited due to jurisdictional issues. In Minnesota, law enforcement issues are traditionally handled by local jurisdictions, with the exception of a few clearly designated areas (e.g., highways, Capitol grounds). Minnesota Statutes § 299D.03 (2021) states that the State Patrol must "cooperate, under instructions and rules of the commissioner of public safety, with all sheriffs and other police officers anywhere in the state," meaning they cannot impose themselves on a local jurisdiction without an invitation or request. While it is not best practice to force mutual aid from outside the originating jurisdiction, it was necessary in this instance. The MACC could have been set up earlier to prepare for a potential coordinated response.

2. **Initially, the incident response team lacked clear, experienced leadership and a shared understanding of a unified command structure.** Participants at the MACC provided accounts of frustrating experiences related to the lack of a clear, unified command structure, especially during the early stages of the MACC. "Some people within the Department of Public Safety didn't understand unified command. So there is a little bit of push-pull tension trying to figure out how to do that," reported a leader at the MACC. Assistant Commissioner Booker Hodges was named the Incident Commander, responsible for overseeing and guiding incident management activities of the

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multiple agencies. However, some individuals present at the MACC perceived there to be multiple Incident Commanders and several felt that the Incident Commander did not adequately engage MACC participants in joint coordination. Rather, many individuals present at the MACC shared that State Patrol Colonel Langer and Joe Neuberger of Homeland Security and Emergency Management offered needed leadership in the absence of joint coordination. It should be noted that the State Patrol had been involved in responding to the unrest prior to the MACC setup and, presumably, had established communication with key players as well as gained a sense of what the situation was like "on the ground" and how the MACC may best respond to it. Early engagement from the State Patrol may have contributed to the significant role that Colonel Langer played within the MACC.

3. **Inadequate coordination early on and technical limitations of end-user radio equipment caused communication challenges.** The radio system used for emergency response, Minnesota's ARMER (Allied Radio Matrix for Emergency Response), operated well during this period. Minnesota has a national reputation as a leader in communications interoperability with a Statewide Emergency Communication Board (SECB) Governance that has established partnerships across the state. However, Communication Unit personnel were not engaged in the operation until the MACC was established (three days into the operational period). This resulted in an uncoordinated effort where multiple groups were competing for a limited number of resources. By the time the MACC asked the Communication Unit to assist, nearly every available statewide resource had been assigned to operations in the Metro area, leaving no or very few resources for emerging incidents, including civil unrest, across the state. Lack of communication coordination resulted in inefficient use of available resources (e.g., a limited number of encrypted talkgroups are available at a regional and statewide level), and too many personnel and operational functions were assigned to a single talkgroup. According to a local law enforcement professional, this resulted in "too much chatter," leading to fragmented communication and coordination. It is important to minimize unnecessary chatter on the radio system during these events to ensure that key messages are heard. Once Communication Unit personnel were involved at the MACC, the coordination improved quickly. Among participating agencies, technology limitations (e.g., outdated radios, insufficient programming capabilities, lack of encryption capabilities) contributed to radio communication inefficiencies. Additionally, a State Patrol representative mentioned not having ideal tools for communicating situational awareness or documenting a large number of arrests, partly because these activities are outside of their typical duties.

4. **The location of the MACC was not ideal, according to some.** Several individuals at the MACC noted that, although it was a large, well-equipped facility and that it was helpful to be on neutral territory (i.e., not belonging to any particular law enforcement agency), TCF Stadium was not an ideal location, safety-wise, for law enforcement personnel because it was located too near the unrest. Officials at the MACC noted seeing demonstrators walking outside of one-way glass windows at TCF Stadium. If demonstrators had become aware of the location as a hub for law enforcement, the MACC could have become a target for violence. The location of the MACC was a consequence of the COVID-19 pandemic. The SEOC, where the MACC would likely have been set up under

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normal circumstances, was being used for COVID-19 emergency response, and the backup location in a nearby north metro suburb was closed due to a COVID-19 outbreak in the area. TCF Stadium was determined to be the best option available.

RECOMMENDATIONS

Recommendation 1: Strengthen multi-agency coordination.

Coordinating an inter-agency response during a civil disturbance is labor-intensive, but critical to public safety. Establishing a chain of command, defining agency responsibilities, implementing rapid and safe communication between agencies, and determining procedures for requesting mutual aid is essential to coordinating a multi-agency response (California Commission on Peace Officer Standards and Training, 2021). During large-scale incidents, however, interoperability breakdowns are not uncommon. For instance, inter-agency collaboration during the Baltimore protests after the death of Freddie Gray were characterized as ”suboptimal” by law enforcement leaders due to poor documentation on the guidelines for requesting mutual aid (Links et al., 2015). To strengthen multi-agency coordination, DPS should: (1) develop a unified multi-agency incident management system that is understood by participating agencies; (2) establish a clear chain of command; (3) develop a unified and coordinated communication system between multiple agencies early on; and (4) seek funding from the legislature to implement multi-agency emergency response and mutual aid training.

- **Develop a unified multi-agency incident management system prior to events of civil unrest—or as quickly as possible once civil unrest begins—that is understood by all potential participating agencies.** DPS should develop an incident management system that details the necessary structures and procedures to coordinate a multi-agency response at the local and state level. Due to the overwhelming nature of civil disturbances like what occurred after George Floyd was murdered, coordinating agencies will likely deviate from the multi-agency protocols if interoperability plans are not already well-established and documented (Links et al., 2015). An incident command system, therefore, needs to specify the chain of command (e.g., incident commander), operating procedures for coordinating agencies, a plan for rapid and secure communication between agencies, procedures for requesting mutual aid, and methods for multi-agency intelligence gathering (California Commission on Peace Officer Standards and Training, 2021; Federal Emergency Management Agency, 1994; Links et al., 2015).

  While DPS did set up a multi-agency command center (MACC), several participating law enforcement agencies and state leadership reported a chaotic beginning and differing reports regarding the extent to which chain of command was understood and followed. Operating within a defined and unified management structure is essential to facilitating a well-coordinated, multi-agency response. To allow time to work out any glitches in the setup and inter-operability of the multi-agency command structure, DPS should be involved in a unified command structure (e.g., MACC), or should set one up if they are the jurisdictional lead, any time there is a strong likelihood of civil unrest occurring (and prior to the start of any civil unrest, when possible) and it is anticipated that state resources may be needed. Early setup and participation also helps with resource allocation and

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prevents duplication of services. An early MACC setup is a recommendation in "DPS lessons learned from civil unrest, May 25 to June 10, 2020" (hereafter referred to as the DPS AAR or after-action review) and was suggested by several state-level leaders present at the MACC, as well as participating local law enforcement agencies. However, the desire from DPS is that there will never be a need for DPS to set up a MACC again and that they will be able to remain in a supportive role, assisting the local jurisdiction in need.

Open and consistent communication between the state and local jurisdictions about their capacity to respond to the unrest will likely assist in helping the state to decide when it is appropriate to step into a leadership role. Currently, the Minnesota Emergency Operations Plan (MEOP) outlines the coordination and responsibility of state agencies in the event of emergencies that require state intervention or support. Within that document, there is basic information for local jurisdictions about how to request the Minnesota National Guard. Additionally, a state official referenced annual emergency management conferences where professionals responsible for emergency management across the state receive training about how to coordinate. Similar opportunities should be available to those who may be involved in a MACC during large-scale emergencies (not just individuals who specialize in emergency management).

- **A clear chain of command should be established as early as possible when coordinating a multi-agency response, and participating agencies should receive unified command and incident** response training. **A clear chain of command is critical to rapidly mobilizing a multi-agency response,** promoting a unified awareness of an incident, and facilitating interoperability between responding agencies (McMaster & Baber, 2012). Contrarily, a lack of clarity about the chain of command or the lack of appropriate participation of involved agencies (e.g., Minneapolis Police Department) can lead to inefficient decision-making, delayed responses to emergencies, and unfulfilled mutual aid agreements or requests for assistance from the state (Waring et al., 2020). Initially, in this instance, the lack of clarity among participating agencies regarding chain of command and the unified command structure hindered effective and timely response to the unrest. While the state has no authority to compel local law enforcement agencies (e.g., sheriff's departments) into unified command, the state could play a role in bringing these parties together and attempt to show the benefits of coordinated planning. Participation in National Incident Management System (NIMS) training and Incident Command System (ICS) training would benefit all entities responsible for responding to civil unrest in Minnesota. Two key components of these trainings include mutual aid training and trainings at the individual jurisdiction level. DPS tracks this training for emergency management personnel who are funded by Emergency Management Performance Grant (EMPG) to ensure courses are completed (ICS-100, ICS-200, ICS-700, and ICS-800). DPS should consider expanding this training requirement to include law enforcement personnel. Additionally, the governor should consider updating Executive Order 05-02 (https://www.lrl.mn.gov/archive/execorders/05-02.pdf) to require local law enforcement agencies to track and report relevant NIMS and ICS training completion.

  Mutual aid training should be part of the multi-agency response training, as one builds upon the other. It should include guidance for creating agreements such as MOUs (memorandums of

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understanding) and MOAs (memorandums of agreement). Best practice is to have individual jurisdictions participate in training and then slowly start to incorporate and combine other jurisdictions as training advances. DPS should encourage local jurisdictions and surrounding jurisdictions to participate in appropriate NIMS and ICS training, namely ICS 100 and ICS 700 for all law enforcement personnel. The training will help agencies understand what they are deficient in (e.g., equipment, workforce), how to request help, and from who.

- **Develop unified and coordinated communication early on for seamless information exchange across agencies.** DPS should establish a rapid and secure communication system for multi-agency operations as soon as they are leading a response or if requested by a local jurisdiction. Efficient communication and information sharing between agencies can promote a shared awareness of the incident and prevent miscommunication (McMaster & Baber, 2012). It can also ensure that multi-agency response efforts (e.g., crowd dispersal) are swift and effective and proportionate to the emergency (Links et al., 2015; McMaster & Baber, 2012). Researchers have recommended that local, state, and federal agencies improve their communication technologies to promote intra- and inter-agency information sharing during an incident (Links et al., 2015; McMaster & Baber, 2012). Although Minnesota has a robust radio system, ARMER, it only functions well if end-user radio equipment is adequate. State and local agencies involved in response to civil unrest should have updated radios with sufficient zones to accommodate the full array of local, regional, and statewide talkgroups and encryption capabilities.

> Numerous end-user equipment upgrades to support interoperability talkgroups and encryption have occurred (and are in progress) since the period of time under review in this report. Communication unit personnel were involved in early planning stages of Operation Safety Net.

We also recommend developing communication systems or employing tools that promote rapid and seamless information exchange among ground-level personnel and agency leaders during large-scale events. Information gathered by on-site personnel is essential to providing accurate, real-time information about public safety risk and rapidly updating incident command about the evolving nature of incidents (Gillham et al., 2013; Gilmore et al., 2019; Gorringe & Rosie, 2008; Gorringe et al., 2012).

> Since May/June 2020, State Patrol has implemented a technology application, Intrepid Response App, to track the whereabouts of each team and include real time documentation with notes and photographs.

- **Seek funding from the legislature to implement multi-agency emergency response and mutual aid training.** DPS should expand their current multi-agency training program to include local and federal agencies and realistically simulate challenges encountered during civil unrest. Realistic training exercises increase the likelihood that multi-agency guidelines and protocols will be implemented effectively and efficiently during an actual incident (Links et al., 2015). As a member of State Law Enforcement reported, “unified command is the only way to operate in situations, but, if it is not practiced regularly, it can be challenging – especially on the front end when you have multiple people in charge trying to make decisions.” Given the various combinations of agencies

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that might be required to work together at any given time, it is critical that jurisdictions engage in training at the jurisdictional level. Training should include (1) identifying incident management organizations and personnel; (2) practicing assigned roles with careful attention to interoperability; (3) implementing multi-agency protocols across a variety of emergency scenarios; (4) conducting a needs assessment and planning mutual aid agreements (e.g., security from law enforcement for firefighters and paramedics); (5) building trusting relationships between agencies; and (6) developing a unified communication system between agencies (Links et al., 2015). Implementing joint exercises with multiple local and state agencies, including mutual aid partners and non-law enforcement, can improve coordination, communication, and response between agencies during civil disturbances.

Leadership from the city of Saint Paul noted having prior relationships with state agencies as a strength during the response to the unrest (e.g., prior experience working with the State Patrol to protect state property). They emphasized the importance of creating opportunities for agencies to work together and establish relationships. Part of establishing relationships is trusting that all law enforcement agencies involved in an incident use similar best practices and avoid using approaches that include ineffective or potentially harmful crowd control tactics. Beyond having good working relationships between local law enforcement agency leaders and ensuring the officers are consistently trained on how to work together, DPS should also support local law enforcement agencies to act on mutual aid agreements in the best interests of community safety, regardless of the political interests of the leaders of those agencies or jurisdictions.

Law enforcement coordination, strategies, and logistics

> Minnesota Statutes § 299D.03 (2021) outlines the power and authority of the State Patrol. This statute affirms that State Patrol members are to cooperate with sheriffs and police officers across the state if so directed by the Commissioner of Public Safety and assist and aid any peace officer whose life or safety is in jeopardy. Further, this statute outlines the responsibility of the State Patrol to enforce the provisions of the law concerning the use and protection of highways within the state, including the ability to direct traffic to other roads in the event of an emergency.
>
> Under Emergency Executive Order 20-64, Governor Walz activated the Minnesota National Guard in response to requests by the mayors of Minneapolis and Saint Paul. The Minnesota National Guard is under state jurisdiction and can be called to assist in emergency management by the governor, as outlined in the Minnesota Constitution, article V, section 3.

The Minnesota State Patrol troopers were the first sworn peace officers from the state on the scene in Minneapolis on May 26th. Mobile Field Force units were activated and the first all-call of State troopers from across the state, followed by deployment of the Minnesota National Guard, and assistance from DNR conservation officers. The deployment of Minnesota Guard troops was the largest since World War II, with 7,123 Guardsmen activated (Bakst, 2020; documentation provided by DPS). During the first days following George Floyd's murder, these entities coordinated to assist Minneapolis and Saint Paul police departments and provide security to the Minneapolis and Saint Paul fire departments and local emergency medical services (e.g., paramedics), something very much outside of their day-to-day duties.

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Furthermore, the State Patrol has specific state statutory authority and no jurisdiction over local law enforcement agencies (Minnesota Statutes § 299D.03, 2021). This factor limits when and how the State Patrol can participate in the response to local incidents.

It is important to note that, according to DPS leadership, the MPD did not have the training nor the equipment they needed to safely and effectively respond to the escalating unrest after George Floyd's murder. On Friday, May 29th, state entities and partners, out of a public safety necessity, began a more coordinated response with the opening of the MACC.

State Law Enforcement used multiple tactics to manage crowds during the civil unrest. Key tactics included marching formations, long-range acoustical device (LRAD) for communicating instructions to the crowd, and three less lethal munitions delivery methods (hand delivered, 40mm launched, and less lethal shotgun launched). For more information about the types of less lethal munitions used by State Law Enforcement, see the Glossary. Armored vehicles were used to transport law enforcement and extricate people from areas where shots were being fired. These vehicles provided ballistic protection to the responders and people being saved. There were several instances where State Patrol and assisting agencies coordinated mass arrests, arresting individuals who were out past curfew or engaging in unlawful behaviors (e.g., looting, arson, violence against law enforcement, or property damage). State Patrol field reports document instances of items thrown at them, including rocks, glass bottles, bricks, frozen water bottles, full beverage cans, and metal debris. Troopers also perceived gunshots fired in their direction. Some officers who were previously in the military equated their encounters to war zones they experienced during their military service.

Participating agencies used their own agency's training and standards related to the use of force and crowd management strategies. In addition to managing crowds, State Law Enforcement officers were responsible for enforcing curfews and highway closures mandated by the governor.

On Saturday night, May 30, the response to the civil unrest transitioned from city to state-led. On this night, to quell the civil unrest and protect businesses from looting and damage in downtown Minneapolis, State Patrol deployed a large number of less lethal munitions on Nicollet Avenue among large crowds of protesters, moving people out of the area. A State Law Enforcement official recalls, "There was a mass deployment of munitions on Nicollet Avenue with a large crowd, and that was a tactic communicated to us through chain of command via the executive saying go down there and give them everything you got. It needed to end tonight."

A significant law enforcement presence continued into Sunday, May 31, in response to large crowds protesting and blocking all traffic on I-35W. The tanker truck incident on I-35W significantly heightened tensions among protesters, which were de-escalated throughout the day. Mass arrests conducted by State Law Enforcement and partnering agencies that evening at Bobby and Steve's Auto World near downtown Minneapolis were peaceful and amicable, with no use of less lethal munitions or force.

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These strategies were effective at stopping the violence and looting. By Monday, June 1, the crowds and violent behavior subsided, while largely peaceful protests persisted with minimal arrests.

Given the lack of time to prepare and the sheer number of law enforcement agencies and personnel involved, operational logistics to support the law enforcement response were complex and challenging. The Homeland Security and Emergency Management (HSEM) division of DPS was responsible for providing logistical support from the State Emergency Operations Center (SEOC) during the period of the unrest.

The gathering and sharing of accurate intelligence during large-scale civil disturbances is critical for priority setting and planning for appropriate and strategic law enforcement responses from incident command. The Minnesota Fusion Center (MNFC), operated by the Bureau for Criminal Apprehension (BCA), collects, evaluates, analyzes, and disseminates information about organized criminal, terrorist, and all-hazards activity in the state. During the unrest, MNFC facilitated collaboration between those onsite at the MACC and those off-site, and among all agencies involved in intelligence-gathering efforts.

STRENGTHS

1. **The use of Mobile Field Force units, specifically smaller teams, was an effective strategy for addressing unrest occurring in multiple locations across the cities.** Mobile Field Force units are small teams of law enforcement professionals trained for public order response. They are trained to quickly identify and remove agitators and lawbreakers before inciting the crowd. During this event, these units were split up to create small, nimble law enforcement units that could move to several hot spots around the cities quickly. A leader from the MACC referred to this strategy as a "brilliant plan" and "very effective."

2. **The State Patrol, the Minnesota National Guard, and the Minnesota Department of Natural Resources, once activated, mobilized quickly and worked together effectively to protect critical infrastructure and human life.** The State Patrol was engaged as early as Tuesday night, prior to any request for help from the cities. State troopers drove to the cities from across the state. Once fully activated, State Patrol, with support from the DNR, helped determine effective strategies to manage crowds and provide the resources to conduct mass arrests, which Minneapolis struggled with due to capacity, training, and equipment limitations. DNR conservation officers and the State Patrol had recently undergone Mobile Field Force (now known as Field Force Operations) training in preparation to respond to potential protests against the Line 3 pipeline development in greater Minnesota. As a result of this training, State troopers and DNR conservation officers were better prepared and equipped to work together in response to the unrest in the Twin Cities than they would have been otherwise. "That's the only reason they were ready for this," a leader from the MACC commented. This preparedness was, in part, attributed to both skills learned and equipment obtained from the Mobile Field Force training, as well as the relationship building that resulted from the practice of training together. The use of Minnesota National Guard members to provide

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security to firefighters was referred to by many law enforcement representatives as a good use of resources as it freed up members of law enforcement, who have more authority (e.g., can make arrests, use dispersal methods) than the Minnesota Guard, to respond to public safety threats. The use of the Minnesota Guard in this way may also be an important way for a militarized force to be viewed as helping rather than personally threatening to demonstrators that may feel fear associated with individuals in military gear.

3. **Operational logistics – Leaders at the SEOC quickly set up a system to identify and distribute necessary resources.** As noted in the DPS AAR, HSEM quickly transitioned from a focus on the COVID-19 response to a 24-hour logistics operation to support law enforcement, firefighters, and Minnesota National Guard personnel. However, logistical challenges were heightened due to the need to minimize the spread of COVID-19. Coordinating travel and housing logistics for a substantial number of State troopers, DNR conservation officers, and Minnesota Guard members coming into the Twin Cities from around the state was a huge undertaking.

4. **Intelligence gathering and sharing – Intelligence gathering strategies and information sharing practices provided law enforcement with the necessary information to make informed decisions.** As identified in the DPS AAR, the intelligence team used live cameras and other surveillance technology to view activities in real time. Intelligence bulletins were quickly developed to share at the MACC and off-site. Intelligence information was easily shared with those involved in response decisions because the intelligence team was stationed at the MACC.

AREAS FOR IMPROVEMENT

1. **Engagement from the Minneapolis Police Department at the MACC was insufficient.** Both state-level officials and MPD representatives expressed frustration at the lack of communication between leadership at the MACC and Minneapolis' emergency operations center. MPD had an emergency operations center set up at their emergency operations training facility in Northeast Minneapolis and largely remained there. While they had a couple of representatives present at the MACC, the Minneapolis police chief was notably absent. This led to several challenges, including the initial use of competing law enforcement strategies (e.g., MPD used crowd dispersal tactics while State Patrol simultaneously used contain and arrest tactics). This also presented resource coordination challenges. Implementing multi-agency emergency response training and planning that includes local jurisdictions (last bullet under Recommendation 1) may help to address challenges like this in the future by ensuring agencies understand expectations of their roles in the response. A leader at the MACC stated, "The Minneapolis assets, in my opinion, were not effectively joined [in the coordinated effort] because they were still attempting to run the operation." Another leader at the MACC said, "[Minneapolis running their own emergency operation center outside of the MACC] couldn't possibly have demonstrated a more significant breakdown in command and control of an event like that. And to everyone at the MACC, it was very clear that Minneapolis had no interest in being a good partner."

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2. **Participating law enforcement agencies followed different training and rules of engagement.** Various law enforcement agencies operated under different rules of engagement around the use of force and go-to crowd management tactics based on the training of their agency. In reference to working with MPD, a state official recalled, "we would be trying to implement containment, and then they would come through and just disperse everybody. So we were basically working against each other." This resulted in a reluctance to share resources and work in a unified way to address public safety. A state official reported, "I recognized other behaviors that were concerning to me like the MPD's use of chemical munitions. When they came to me and asked for additional chemical munitions, because they were running out, I told them no. I wasn't willing to do that because I didn't feel like their use of it was judicious and appropriate." A local law enforcement official referred to the State Patrol's conduct as "very stable and professional" and said "some other agencies, you don't know what they're going to do." These inconsistent law enforcement strategies may also have hindered the public's perception of police legitimacy.

> *You can't just bring everyone together and say here are the operating rules, especially when there's no time to train and orient people toward those new rules. You can give overall objectives and goals. And that's a real challenge under any mutual aid certain circumstance, particularly when … we cannot tell other chiefs or sheriffs how they're going to operate. The law doesn't allow it, nor can they do that to us either. – State Law Enforcement official*

3. **Standards promoting accountability were not consistently followed among participating law enforcement agencies.** Law enforcement representatives noted that there were instances where law enforcement agencies did not follow standard rules of engagement and, at times, were directed by leadership that they "didn't need to do reports," such as documenting the number of munitions deployed, by whom, where, and when. This conduct reveals a lack of organization and accountability from leadership to officers on the ground.

> *There was this misconception that the rules of engagement, the policies and procedures, are all by the wayside and just go out and stop the unrest, which was kind of true. But, in the end, then there's lots of questions that need to be answered. And I think people like myself, [list of State Patrol personnel], we have learned a tremendous amount about accountability. And [during the events that occurred in May 2021 in Brooklyn Center] taking that time every night when we get back for two or three hours and recapping the events of the day and in a written format, and then making sure troopers are filling out use of force reports too… I imagine that might have been an issue with other agencies and entities. I think that was a thing across the board. In fact, at times, we were told [by State Patrol captains at the MACC] we didn't need to do reports when we were doing them, so we stopped doing them. I think there was a lot of miscommunication. – State Law Enforcement official*

4. **On several occasions, law enforcement did not successfully differentiate between lawful and unlawful protesters.** Identifying agitators and violent actors among a large crowd of lawful protesters can be challenging. Many accounts from media reports and community members of public order tactics claimed that they were used on or targeted at individuals who were peacefully

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protesting. A publicly circulated social media video captured law enforcement officials firing foam marking rounds at individuals standing on a porch in South Minneapolis. The State Patrol and other law enforcement agencies were involved in this incident, but it has not been determined which agency or individual(s) fired any foam marking rounds. Law enforcement teams used crowd control tactics, including chemical munitions, to move crowds while enforcing laws, including the ordered curfew. Some individuals were throwing objects, running between homes and onto porches to avoid law enforcement, or otherwise disrupting law enforcement efforts to move officers and vehicles down the street. Some of these tactics were used in or near residential neighborhoods, including the Little Earth public housing complex. According to some reports, these tactics were used even after city officials communicated with community residents and leaders that it was OK for them to be outside protecting their community. And some accounts claim that these tactics were used indiscriminately on residents who acted peacefully to protect their homes and community, even after violent actors had dispersed.

The use of less lethal munitions and other curfew enforcement methods at Little Earth by State Law Enforcement and other law enforcement agencies occurred because: 1) State Law Enforcement representatives did not have an understanding of the Little Earth community and their desire and plan for securing their area, 2) the city of Minneapolis and State Law Enforcement did not communicate about agreements with community leaders and residents about exemption from curfew, and 3) due to the chaotic nature of the crowds and their lack of prior information, it was difficult for law enforcement to differentiate between those causing destruction and those peacefully attempting to protect their neighborhood. It is important to note that the State Patrol and DNR had no reason to have a prior understanding of the Little Earth community or a relationship with Little Earth residents and leadership, as there are no highways or conservation lands/public parks that run through that area. And given the unplanned nature of these events, there were no pre-planning efforts in collaboration with the Little Earth community.

> *There's a world in which I think the state should recognize when a presence like that escalates, turns up a situation, and when it's presence could be deescalating. It didn't look like there was a de-escalating objective. It felt like it was a "we're going to dominate and do what we want to do because we've got the biggest guns and the most amount of people and that's it."… Everybody [different law enforcement agencies] was lumped into one. You would think that trained military officers will be able to differentiate peaceful demonstrators. And peaceful doesn't mean that they're quiet and meek. Peaceful means not busting sh**. You would expect a more sophisticated approach and response, particularly given that it took a few days to get on the ground. – Local government official*

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5. **Operational logistics – Procedures for coordinating resources and other logistics, such as transportation to support law enforcement operations, need improvement.** "We were prepared to do what we needed to do in the field, but not at a logistical level," commented a state official. Specifically, responders discussed challenges related to transportation for law enforcement purposes (e.g., moving law enforcement personnel, holding detainees during mass arrests), including difficulty working with Metro Transit and the Metropolitan Council. A leader at the MACC noted that an important law enforcement operation was delayed by three hours due to a broken down Metro Transit bus that was supposed to transport officers to the scene, a delay that this official believed could have been avoided if they had been given access to equipment that was in good working order.

6. **Intelligence gathering and sharing – Better coordination of the sharing of intelligence information with law enforcement is needed.** State officials and representatives from local law enforcement noted the need for more collaboration among the intelligence team, unified command, and tactical operations team, and better intelligence information, in general. A local law enforcement official commented that they did not anticipate "the methods and platforms for how the bad actors were communicating – encrypted communications, chatrooms, and things of that nature." He continued, "It was a lot more coordinated than we had anticipated. We have dealt with protests and demonstrations in the past, smaller scale things that evolve organically, [but] – this seemed to be much more coordinated…That was something early on that we missed."

RECOMMENDATIONS

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.

Inconsistent tactics may compromise the operation of another agency, jeopardize the safety of responding personnel, and damage inter-agency trust (Links et al., 2015). An aggressive response to crowd management by one law enforcement agency, for instance, may undermine efforts to improve perceptions of police trust and legitimacy by another law enforcement agency. An "anything goes" approach and mentality in response to civil unrest must be avoided, regardless of the circumstances. Furthermore, when different law enforcement teams use uncoordinated and varying tactics, it negatively affects the morale of law enforcement professionals.

DPS only has the authority it is provided by legislation, and it can only use its appropriations for the purposes provided by the Minnesota Legislature. The Legislature should determine the role of DPS in working with the Minnesota Board of Peace Officer Standards and Training (POST Board) to make progress toward the development and implementation of statewide standards for crowd management and use of force.

- **Ensure systems, such as a multi-agency command system, are in place to facilitate state and local law enforcement agencies use consistent law enforcement best practices for crowd management**

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and use of force. As possible, local, state, and federal agencies should adhere to the same policies and procedures when responding to civil disturbances. Guidelines for crowd management and control should be well-defined and adhered to by responding law enforcement agencies. Standard practices that enhance the accountability of the use of less lethal munitions should be used across participating agencies. National standards exist for public order units, formations, and mass arrests. Additionally, there are Supreme Court rulings that clarify rules for when to engage and not to engage in certain tactics regarding crowd control situations (Deorle v. Rutherford, 2001; Forrester v. City of San Diego, 1994; Graham v. Connor, 1989; Headwaters Forest Defense v. County of Humboldt, 2000). According to a State Patrol representative, requiring front-line responders to report their use of munitions at the end of each day in the field, for example, leads to more accountability and judicious use of munitions. In addition to ensuring that consistent reporting is completed, supervisors should be required to review reports to ensure appropriate action and accountability when individuals have not behaved according to policy or have otherwise engaged in potential misconduct. These types of issues or inconsistencies in practice can be addressed by training. If time and capacity is an issue, agencies can apply for Federal grants that provide compensation for participation in training over time to ensure the workforce is not affected.

The state should explore ways to work with the POST Board to advocate for legislation, as needed, to implement these practices across local jurisdictions. According to state officials, State Patrol has strong accountability practices written into their policies, such as supervisor follow-up and review of written reports when force is used. However, some state officials reported straying from these practices during the civil unrest of May 2020 due to the chaotic nature of the events and the number of agencies involved. DPS should consider opportunities to work with the POST Board to promote best practices such as reporting the use of less lethal munitions among law enforcement agencies statewide and ensure all State Law Enforcement, not just State Patrol, are trained and adhere to these policies.

> The State Patrol believes it is the only law enforcement agency in the state that does not investigate its own internal affairs complaints. DPS has an internal affairs division that reports directly to the commissioner's office and not to any law enforcement division (State Patrol, BCA, or AGED) and as such is independent. This is a strong accountability best practice that has been in place at DPS since before 2005.

We acknowledge that standards should provide a guide and not be overly prescriptive to the point of agencies not being receptive to them. In addition to paying attention to standards, law enforcement agencies must follow practices that reflect the values of the community they serve.

> *There are different rules of use of force, different training [for each law enforcement agency]. That's a statewide problem. Law enforcement agencies were doing things that Saint Paul wouldn't do. … When these law enforcement agencies come together and everybody's got their different way of handling stuff…if there's a way to evolve this conversation it involves talking more broadly about the police reforms that need to happen in Minnesota and talking about training requirements, rules, or use of force requirements. – Local government official*

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

When the state became involved in the response to this particular instance of civil unrest, a paramilitary response may have been necessary initially due to the immediate unsafe conditions for responders and legitimate threats to their safety. However, generally, a paramilitary police response during a protest may be perceived by protestors as procedurally unjust and instigate hostility and violence towards the police (Drury & Reicher, 2000; Hoggett & Stott, 2010). Donning military gear, deploying less lethal munitions, and standing in a military formation may also intimidate protestors and escalate tension (Links et al., 2015). The California Commission on Peace Officer Standards and Training (2021) recommends using a tiered set of intervention and response strategies as a situation escalates from crowd management to crowd intervention to public order (often referred to as crowd control). Two strategies should be implemented as part of this tiered approach: (1) pre-stage equipment (e.g., protective riot gear, less lethal munitions) that may be needed in an emergency in an area not visible to protesters and (2) use negotiated management techniques. DPS should consider enhancing public order training at all levels, beginning with recruits in the Academy and going up the ranks, including basic, intermediate, and advanced courses depending on their position.

- **Riot gear and less lethal munitions should not be visible to protestors unless law enforcement officers are under imminent threat and intend to use these weapons against the crowd.** DPS should discourage law enforcement from donning riot gear unless the safety of responders is in jeopardy. There were many instances at the point at which State Law Enforcement got involved when responders were attacked violently by people in the crowd using a variety of objects as weapons. In these cases, the visibility and use of riot gear may have been necessary and appropriate. However, a show of force by law enforcement can incite fear and aggression among protestors (Maguire & Oakley, 2020). If riot gear is necessary, it is best practice to establish a staging area, not visible to protestors, in which law enforcement can have rapid access to tactical and protective equipment (Links et al., 2015; Police Executive Research Forum, 2011). During the unrest, a local business owner noted that a staging area near the Third Precinct was close enough to the area where crowds were demonstrating on Lake Street that it was visible and was perceived by demonstrators as sneaky and threatening, and may have contributed to an escalation of unlawful behavior among the crowd. Engaging crowds in a friendly, non-confrontational manner and wearing soft gear uniforms can increase the likelihood of protestor compliance, cooperation, and self-regulation (Links et al., 2015; Police Executive Research Forum, 2011; Waddington, 2013).
- **Apply negotiated management techniques and tolerate some disruption.** During this review, the perception of community residents and business owners that the State Patrol and Minnesota National Guard were coming into these communities as warriors rather than guardians came up frequently. It is best practice for law enforcement to tolerate some disruption (to keep peace rather than enforcement of all laws) and communicate to protestors that their objective is to ensure safety and protect the protestors' legal right to free speech and peaceful assembly (Links et al., 2015). By doing so, law enforcement agencies recast their role as "guardians" rather than "warriors." Consistent

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with this recast, law enforcement should engage with protestors in conflict de-escalation, tolerate some disruption, and sustain an open line of communication with protestors to minimize miscommunication and police-protestor violence (Maguire, 2015). Dialoguing with protestors may also offer accurate insights into public safety risks (Gillham et al., 2013; Gorringe et al., 2012). Accounts from interview respondents differed as to how skillfully State Law Enforcement and partnering law enforcement agencies employed negotiated management techniques during the civil unrest that followed George Floyd's murder.

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

Crowds consist of distinct social identities (Maguire & Oakley, 2020). A group of "outside agitators" may, for instance, infiltrate an initially peaceful protest to incite violence (Reicher et al., 2004). While the actions of agitators are not necessarily "contagious," peaceful protestors may align with agitators if they perceive that the legitimate purpose of their protest is impeded by law enforcement response (Maguire, 2015; Reicher et al., 2004). A differentiated law enforcement response – that is, using force only on individuals that endanger public safety but not on peaceful protesters – may facilitate peaceful protests (Maguire, 2015). Public order training and a better understanding of crowd dynamics would improve skills needed to do this effectively. To facilitate peaceful protests and to promote law enforcement legitimacy, law enforcement agencies should implement the following:

- **Decide conditions and procedures for arrests ahead of time.** In preparation for future unexpected events, all responding agencies should collectively decide the conditions and procedures for making arrests, including mass arrests. Procedures for mass arrests at large-scale events can be planned ahead of time by including all responding agencies in pre-deployment briefings by the command staff. Issues to consider when discussing use of mass arrests include: First, mass arrests may aggravate protestors and increase the potential for violence (Maguire & Oakley, 2020). Second, mass arrests are costly and deplete law enforcement personnel resources. For instance, during mass arrests, law enforcement personnel must document, process, and transport prisoners (Links et al., 2015). Lastly, mass arrests can result in civil lawsuits (Maguire, 2015). If mass arrests are necessary, local and State Law Enforcement personnel should be trained to conduct them efficiently and learn how to extract prisoners from the crowd (Links et al., 2015). Consider including city attorneys when using mass arrest and other law enforcement strategies, as the city attorneys are responsible for subsequent prosecution of those arrested within their jurisdiction. City attorneys can also help write the warnings communicated to the crowd to ensure lawfulness. Oftentimes, information about individuals arrested and evidence of their unlawful behavior is needed to carry out prosecution. Gathering this evidence after the fact is challenging or impossible, placing a significant burden on city attorney offices.

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> *The arrest process was a mess for us. Specifically just the process of it, the paperwork, the charging. We need huge improvements, and we've been working on that since then. We had people that we arrested. Now we don't know who exactly arrested them, and what's the charge? And what's their name? My investigators are trying to work on it one or two days later. So that was definitely something that didn't work well for us initially. It just wasn't consistent. Our agency was doing it one way, and Minneapolis was doing it a different way. – State Law Enforcement official*

- **Engage in differentiation tactics.** Law enforcement officers should be trained in implementing differentiation tactics and avoid restrictive tactics (e.g., mass arrests, use of force) when possible. Differentiation means using the least restrictive law enforcement tactics to defuse conflict to facilitate peaceful protests among the largest number of people possible, thereby bolstering police legitimacy. Arrests, crowd dispersal tactics, and coercive police interventions should target only those individuals or groups engaging in activities that endanger public safety and jeopardize critical infrastructures (e.g., hospitals). According to a local law enforcement official, "We've seen this at several other unrest events, including in our own county. If you immediately move in, identify the agitators, and arrest them, it stays calm and it prevents the ongoing escalation in future days." Indiscriminately enacting force on peaceful and non-peaceful protestors may increase crowd hostility and aggression toward the police (Reicher et al., 2004). Local, state, and federal law enforcement agencies should collaboratively design, train, and implement differentiation tactics in protest policing.
- **Continue to communicate to protestors about impending public order tactics.** Prior to implementing public order tactics (e.g., dispersal using chemical irritants), State Law Enforcement should continue to ensure consistent use of best practices: (1) cite the violation committed by protestors; (2) warn protestors of impending public order strategies; and (3) provide designated routes that offer means of safe egress (International Association of Chiefs of Police [IACP], Law Enforcement Policy Center, 2019). According to state officials, State Law Enforcement issued multiple warnings to the entire crowd and video recorded the implementation of public order tactics. Warnings should also be provided via social media to reinforce the message. DPS should consider expanding their use of social media to platforms beyond Twitter. Messages must be tailored to the corresponding platform; Facebook can have a story along with pictures and video, Instagram is a visual medium with minimal messages, Twitter is for giving out information via messages, and YouTube can be used to give an in-depth message.

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

To the extent possible, identify logistics and resources needed for a coordinated response to civil unrest. For example, planning ahead of time for mass arrests would require locating appropriate transportation for holding and transporting those arrested and immediately identifying main contacts and transit hubs (e.g., Metro Transit) to facilitate support requests. If possible, work with these entities prior to civil disturbances to understand their willingness to provide resources and any requirements they may have. Given that the civil unrest of May-June 2020 was unplanned, several pre-planning efforts were not possible. Historically and currently, DPS has been an active participant in planning for

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large-scale events such as the Super Bowl, the Republican National Convention, and, most recently, Operation Safety Net. DPS should continue to: participate in training on planning for special events, create event action plans, and assist in instituting critical incident plans for all agencies/municipalities. In creating plans, they should coordinate with the POST Board to determine and agree on model policies to be used. Mass arrest training can also help to ensure that the process goes as smoothly as possible. Specific recommendations from the DPS AAR for improving operational logistics include the following activities, many of which require pre-planning:

- Always have a member of the logistics group in the MACC to clarify requests and understand needs.
- Create a streamlined ordering process for supplies and equipment.
- Develop a larger pool of state logistics personnel to staff multiple staging locations and assist.
- Hold daily conference calls for the site managers at staging locations to discuss needs and improve coordination.
- Leverage existing technology to comprehensively credential response personnel and account for them at the onset, understanding that responding to an unplanned incident may cause gaps in personnel inventories.

Recommendation 6: Improve coordination and collaboration between the intelligence team, law enforcement tactical operations teams, and MACC leadership.

Generally, law enforcement officials and MACC leadership noted the desire to improve the coordination between the intelligence team and law enforcement officials. Mutual aid training and training for local jurisdictions about how to request help from the state may improve coordination and communication among these entities before the need to respond to an emerging or unplanned incident.

In addition to training, it is critical to have a system for vetting intelligence and intelligence sources. The DPS AAR identified this as an area for improvement.

Recommendations from the DPS AAR to improve intelligence operations include:

- Establish a standard operating procedure in advance for intelligence operations in the MACC.
- Work with MACC command to establish priority intelligence requirements and questions.
- Have MACC stress the importance of responding to intelligence requests from responding agencies and units.
- Ensure members of the intelligence team are informed of current law enforcement deployment tactics, procedures, and locations.
- Have MACC determine the intended audience for intel bulletins and products at the start so they match needs.
- Foster more collaboration between the intelligence team and both the MACC and tactical operations.

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Fire and life safety response

Responding to fires and other threats to life presents a critical challenge during civil unrest as it can be difficult to respond safely and to access people and places where help is needed. Uncontrolled fires can embolden those conducting unlawful behavior and lead to the spread of more fires. During this period of unrest in Minnesota, the mission of the State Fire Marshal was to support local fire chiefs' needs related to fire protection and emergency services. When the local fire chief reported that they had exhausted all their resources, the State Fire Marshal became the conduit to the Minnesota State Fire Chiefs Association inter-state mutual aid program. The State Fire Marshal helped coordinate moving resources to the incident and spreading support for a more robust response. While DPS took the lead on the law enforcement response, the State Fire Marshal remained in a supporting role, assisting the local fire departments with resources needed to address fires across the Twin Cities.

STRENGTHS

1. **The State Fire Marshal provided effective coordination with the Minnesota National Guard and other resources to support local fire departments.** Once state resources were activated, the Minnesota Guard effectively provided the Minneapolis Fire Department with the security necessary to respond to multiple fires across the city. This type of Minnesota Guard support a day earlier would have helped reduce the destruction caused by fires. The State Fire Marshal kept a pulse on what was happening in cities in greater Minnesota as well (St. Cloud, Rochester, Mankato, Moorhead, and Duluth), frequently calling the fire chiefs in these areas to see if they needed assistance.

AREAS FOR IMPROVEMENT

1. **Law enforcement lacked a comprehensive understanding of the needs of fire departments and emergency medical services.** Responders talked about the desire for more pre-planning around law enforcement supporting fire departments and other emergency responders during civil unrest. Additionally, there was a misconception that once Minnesota National Guard members were deployed to assist the fire departments, they would also be assisting emergency medical services. However, a separate deployment was required to allow Minnesota Guard members to escort and provide security to paramedics. There were periods when paramedics did not have the protection they needed from law enforcement to do their job safely and effectively. There was a period where both the Minneapolis and Saint Paul fire departments and Hennepin Healthcare Emergency Medical Services paused their response due to unsafe conditions and the absence of protection from law enforcement. A state official noted that it would be helpful for future incidents to know how many law enforcement personnel are needed to assist fire trucks and ambulances for security purposes. This would assist the MACC in planning for and distributing resources appropriately.

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RECOMMENDATIONS

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

The Minneapolis Fire Department had the staff capacity to respond to fires but did not have the security required to do their job for several days due to MPD being overwhelmed. The same was true for Hennepin Healthcare Emergency Medical Services (EMS) and North Memorial EMS. Multi-agency response plans and training should include detailed information about firefighting and EMS needs and plans for how law enforcement can coordinate resources to prioritize supporting fire and life safety responders. DPS and law enforcement agencies across the state should participate in Rescue Task Force (RTF) or escort training to facilitate a smooth response during critical incidents. The DPS AAR identified the following recommendations to improve the fire and life safety response:

- Seat a liaison from the key local fire departments at the State Fire Marshal desk in the MACC.
- In advance of incidents, identify personnel who can provide medical support and participate in initial deployments.
- Develop a plan for how law enforcement can support safe response by fire departments.
- Include some additional State Fire Marshal stakeholders in the Multi-Jurisdictional Exercise Team that discusses hazmat and biological incidents and sets the course of action.

Coordination with and support for local jurisdictions

> Minnesota Statutes § 12.09.5 (2020) asserts that DPS is responsible for providing guidance, information, and sufficient training to allow local political subdivisions to request state and federal disaster assistance. Subdivision 6 of the same statute asserts that DPS is responsible for coordinating and maintaining emergency operations plans and emergency management programs by the state's political subdivisions. DPS is responsible for integrating and coordinating these emergency operations plans and emergency management programs of political subdivisions into the state's plans and programs to the fullest possible extent.

Throughout the period of unrest, the state coordinated with city officials to stay updated on the events as they transpired and to identify the appropriate use of state resources. Neither the state nor the cities had previous experience coordinating law enforcement resources on this scale. On Thursday, May 28, 2020, after two days of violent unrest, Minneapolis and Saint Paul mayors officially requested Minnesota National Guard assistance. The following day, a contingent of the Minnesota Guard was deployed to the Twin Cities, and by Saturday, May 30, the full strength of the Minnesota Guard was present.

It is important to note that the Minnesota Guard takes time to activate and deploy. First, they have to be called up to their local armories, and then they are given orders and supplies before moving out (Bakst, 2020). Many state and local government officials were admittedly not aware of the time it takes to activate the Minnesota Guard, leading to unrealistic expectations among some and several instances of miscommunication. Additionally, the Minnesota Guard requires a clear mission to be activated.

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Accounts of why the Minnesota Guard was not fully deployed until May 30 differed across state and city officials. While state and local officials and community members felt that, once the Minnesota Guard was called, they were successful in their mission, many felt they arrived a day too late.

STRENGTHS

1. **Including elected officials in briefings was useful.** There were a few instances when information was communicated effectively from the governor's office to local elected officials. Additionally, a local government official noted appreciating getting a call from the Commissioner of Human Rights before the investigation into the MPD was announced, saying, "It was thoughtful of them to call me. I think little things like that buy a little bit of capital." Another local government official valued statewide meetings via Zoom with the governor's office, where officials were provided with situation reports and plans. These opportunities provided officials with information they could share with their constituents. However, several Minneapolis City Council members initially felt left in the dark without a clear line of communication to stay informed about what was happening and what to communicate to their constituents. This may have been due to a lack of communication from the mayor's office or among city council members. According to a state official, DPS started hosting briefings for state and local officials because it did not appear that local agencies were communicating with their local officials. According to state officials, it should not be the state's responsibility to provide briefings to local governmental leaders or their various constituencies (e.g., community leaders).

2. **The existing working relationship between the city of Saint Paul and the state facilitated smooth communication and coordination between entities during the unrest.** Representatives from the city of Saint Paul noted that previous experiences working with State Patrol and Minnesota National Guard to protect state-owned buildings, for example, facilitated effective communication and coordination during the civil unrest. The benefits of established relationships, such as knowing who to call and how to work together, were key factors in determining how the state's response to the civil unrest was experienced by collaborating local jurisdictions.

AREAS FOR IMPROVEMENT

1. **Timeliness of Minnesota National Guard deployment and the communication among local jurisdictions and the state.** Based on conflicting accounts from city of Minneapolis and state officials, better communication about Minnesota National Guard requests, request status, and deployment is needed. Some state officials indicate the deployment delay was because the request from Minneapolis was unclear and lacked the necessary information for deployment. Other state officials claim that the request became complicated when elected officials became involved (i.e., the Minneapolis mayor, the governor's office), rather than allowing the Minneapolis Police Department, Department of Public Safety, and Minnesota Guard work out the details of the requests, needs, and chain of command. One official reported that the deployment may have happened more efficiently if the officials with tactical and logistical law enforcement expertise had communicated about the request rather than elected officials.

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Local government officials claim that the city of Minneapolis had done their due diligence and that the state failed to communicate about the status of the request and any additional information they needed to execute it. The Minneapolis police chief submitted a written request that city officials described as "thorough and specific." Released documents show that Minneapolis Police Chief Medaria Arradondo's written request from Wednesday, May 27, asked for 600 soldiers to work under MPD commanders to assist with 1) area security and force protection operations, 2) area denial operations, 3) transportation assistance for law enforcement officers, and 4) logistical assistance for overall security operations (Croman, 2020). According to Minneapolis officials, the governor's office responded that they would consider the request, but the city did not receive any follow up until much later. Accounts suggest that the state was waiting for more detail, characterizing the request as "rather vague," and the city was not aware more detail was needed for deployment (Bjorhus & Navratil, 2020). State officials report that the request initially lacked clarity and that more information and time was needed for HSEM to develop the necessary details of the mission to activate the Minnesota Guard. Additionally, media reports suggest that once the Minnesota Guard were on the ground, they continued to await more specific instructions from the Minneapolis Police Department (Bjorhus & Navratil, 2020; Croman, 2020).

> *We were having a very hard time figuring out what they actually need to articulate to the Guard, what it is we need them to do, and how many and what kind of soldiers with what equipment. Otherwise, it's "please send help." It just doesn't work that way. … It is not an insignificant action to put soldiers on the streets of a city in the USA to assist with law enforcement. That's a pretty big deal. … So we needed some specificity. So when we talk about the morning of Thursday the 28th, we (HSEM) were working on a mission statement, that's what that means. We were trying to understand what did Minneapolis need, so we can articulate that to something that is executable to [Minnesota National Guard Adjutant] General Jensen and the Minnesota National Guard. It's not like we've got 5,000 soldiers sleeping in barracks ready to do a mission. We are pulling people out of their jobs and putting them in a military duty status, assembling them, and preparing them so that they can go do a mission effectively and safely. … We had a hard time understanding what Minneapolis needed so we could articulate it and put it into a coherent mission assignment for the National Guard. – State official*
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> *We gave them a mission plan, [but] there was not a response email from Commissioner Harrington to Chief Arradondo. We didn't get a response to that first email. … I mean, our request was very clear as to what we were looking for. We made it clear we were willing to do anything that they [the State] needed to provide additional information in order to ensure that we had done our part to get the assistance. – Local government official*

In addition to poor communication between the city of Minneapolis and the state, the city of Saint Paul noted a discrepancy between what the Minnesota National Guard leadership were told about Guard members in Saint Paul and the reality of their deployment on the ground. Specifically, city leadership was informed that there were Guard members on the streets of Saint Paul when they were not there. According to local government officials, it was later confirmed there had been a breakdown in communication among Minnesota Guard leadership and those within the Minnesota

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Guard responsible for deploying soldiers, causing initial confusion and delays. According to the Minnesota Guard, this communication breakdown was understandable due to the dynamic nature of the event and the historic nature of total mobilization of the Minnesota Guard.

First responders, such as firefighters and paramedics, would have benefited from an earlier deployment of the Minnesota National Guard to have the security they needed to respond to fires, which would have likely resulted in less destruction to property.

> *I've always felt that there was a real disconnect between city and state officials. The mayor's office in particular. We're [the City] always guessing what the state's response was going to be. We always try to get prepared on our end, but you're always waiting to react. After the mayor declared a state of emergency, we had a curfew order drafted, but then the state was going to do that, but then they wanted ours to align with theirs. In my mind, there should be a direct pipeline… the perception of the public, those that don't work in the government halls, is that the mayor of the largest city in the state and the governor are in regular conversation and both of their respective staff are in regular conversation, and we know what's going on, they know what's going on, there's coordination. But the truth is far from that. – Local government official*

RECOMMENDATIONS

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

During times of civil unrest, clear and consistent lines of communication and reliable processes regarding requests for the Minnesota National Guard are needed so that they can be deployed as quickly as possible. Additionally, local jurisdictions that may be inexperienced in requesting assistance from the Minnesota Guard need training and guidance regarding when a request is appropriate, the information they need to provide in that request, and the expected deployment time. Instructions for requesting the Minnesota Guard assistance are provided in the Minnesota Emergency Operations Plan (MEOP); however, the information provided is minimal because the process is almost always informal, according to a state official. For example, a local jurisdiction that needs assistance typically contacts the Minnesota Duty Officer, which is followed by a conversation between the requestor and the HSEM director. The director then consults with the Minnesota Guard and calls the DPS commissioner with a recommendation. The recommendation is then passed on to the governor, who ultimately decides whether or not to activate the Minnesota Guard. As soon as the governor decides to activate the Guard, the logistical planning around how many Guardsmen should be sent where and for what specific mission should be determined by the local law enforcement experts in consultation with DPS emergency management experts, not elected officials. "We need to follow the process, but we need to improve that process," said a state official. Per Minnesota Statutes § 12.09.5 (2021), DPS should partner with local jurisdictions, namely individuals and agencies involved in potential requests, to ensure that proper assistance is requested in a timely fashion.

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- **Provide local jurisdictions with clear processes, guidelines, and support for making Minnesota National Guard requests.** The DPS AAR recommends that local elected officials familiarize themselves with the MEOP guidance on submitting requests seeking Minnesota National Guard assistance. Based on our review of the MEOP and a description from a state official, DPS should consider developing separate materials, resources, and training opportunities that are more relevant for local jurisdictions (local, county, and tribal emergency managers). These materials and trainings should provide information about when it is appropriate to request Minnesota Guard assistance, how to do so effectively (e.g., necessary information for a mission plan), and expectations for the time needed to deploy. Specifically, a sample request should be provided to facilitate getting the needed information in future written requests. When elected officials find themselves in a new and chaotic situation, it is critical that they have the information they need to follow a reliable process for requesting help. Mutual aid training would be an appropriate avenue for communicating information about how to request assistance from State Law Enforcement. To maintain operational control and system discipline, the state should update the MEOP to require that the request for the Minnesota Guard come through emergency management channels for evaluation, processing, recommendation, and action. There are emergency management directors across the state appointed by city councils, county boards, and tribal councils. In this case, it was appropriate for the mayor or chief of police in Minneapolis to make the initial request, but then the request should have been processed by the city emergency manager. Authorizing the Minnesota Guard for state military service in support of a local government is just the first step. Coordinating the operational details to deploy those forces is more complex and should have been managed by emergency management professionals in coordination with law enforcement and the Minnesota Guard.

> HSEM leadership has begun to include guidance for how to submit requests for seeking the Minnesota National Guard in presentations to law enforcement agencies across the state.

During emergencies, DPS should communicate consistently with local jurisdictions about the status of any requests for assistance/mutual aid/Minnesota National Guard activation and any missing information, and provide updates on anticipated arrival time. This type of communication will help local jurisdictions and supporting agencies plan accordingly. This communication will be best accomplished through established channels between city, county, and state-level emergency operations centers to ensure established processes are utilized. Exercising these systems and processes will benefit all parties involved in future emergency events.

> *I did not have a grounded, reasonable understanding of how long it takes to deploy our citizen soldiers and airmen. I was under the impression that those are resources and assets that you can assemble rather quickly – like if we need them at noon, then perhaps we'd see them at 1 p.m. – Local law enforcement official*

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> *You see that the National Guard, on an annual basis, does emergency manager conferences, bringing people together. But I think our takeaway is that we can and should do more to make sure that local public safety folks or local leaders know what role the State Patrol plays, what can it do to help, what can the National Guard do, how can they help. That's laid out in the MEOP, with specifics about how long it takes to mobilize National Guard, etc., but I think governing is difficult at all levels, so the more we can help local elected leaders and public safety leaders know how the state can help, the better. – State official*

- **Proactively offer support to local jurisdictions as a decision-making partner.** Although local jurisdictions often handle instances of civil unrest, these entities may benefit from a problem-solving partner early on to avoid escalation of events that would require greater intervention by the state. In this case, the State Patrol was activated in Minneapolis the day following George Floyd's murder; however, there may be other ways the state could have supported Minneapolis as a collaborative partner. As a local government official suggested, rather than waiting and seeing whether Minneapolis could handle the unrest, they could have said, "We're here at the table listening, and we're problem-solving with you. We won't take the lead until that is requested, but we have experience and will help with decision-making to the extent that it's wanted." Alternatively, a state official commented, "But from the state's perspective, we were a key partner right away. … Even on Tuesday, the State Patrol was on the ground, coordinating with MPD; on Wednesday, the State Patrol had a key role in protecting the Third Precinct." In the future, to prevent confusion or delays in the transfer of power to the state as the responding jurisdiction, DPS and the governor's office might consider identifying triggers that provide clarity as to when the state should take a leadership role.

- **Identify opportunities to work with local jurisdictions that facilitate relationship building.** Consider working with the city of Saint Paul, the city of Minneapolis, and other jurisdictions, as appropriate, to identify best practices based on experience working together in public safety efforts and engage in mutual aid training. Use these practical lessons learned and training opportunities to coordinate with these and other jurisdictions for unexpected incidents that require the careful coordination of local and state resources.

Communication and messaging to the public

Information from the state was relayed to the public primarily through a series of press conferences with Governor Walz and other state leaders, including Commissioner of Public Safety John Harrington, Attorney General Keith Ellison, Colonel Matthew Langer of the State Patrol, and Adjutant General Jon Jensen of the Minnesota National Guard. Press conferences included information about executive orders, updates on the Minnesota Guard requests and their role, agencies coordinating the response, criticism of the city of Minneapolis, decisions made about the prosecution of Minneapolis police officer Derek Chauvin, and the Minnesota Department of Human Rights investigation of the Minneapolis Police Department. State leaders also made requests of residents to do their part to support public safety (e.g., stay at home, be peaceful), echoed community outrage in response to the murder of George Floyd, and referenced systemic issues that are at the root of racial injustice. Additionally, state officials

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communicated an intolerance for violence and destruction and the response of force that would be used to gain control of violent and destructive crowds.

STRENGTHS

1. **Press conferences were frequent and informative.** The governor and DPS hosted 16 press conferences between May 29 and June 5. Those who listened to the press conferences appreciated the frequency and information provided, including updates on public safety risks and response plans. Community members noted that press conferences may not be the most effective way to communicate information to everyone and that providing additional modes of communication is necessary.

> *I thought they did a good job early on identifying that there were outsiders coming in to make a fuss. Commissioner Harrington used the term "white supremacists" on TV and he said it with authority and anger. I thought the fact that he put it out there like that was good. – Community memberWe appreciated the information, appreciated that they were clear about wanting to do an investigation and that they announced that early on and sort of said we want everyone to be safe and protected. Those are the messages. That they're going to investigate this. It's not just going to be left to the city, but really saying we're going to support the city of Minneapolis and that they were open to listening, to supporting, protecting, and being in control of putting the situation under control and investigate the police. They did it in a forceful, get to the bottom of this, kind of way. The trust issue is really significant. I think people were going to give the governor the benefit of the doubt. – Community leader*

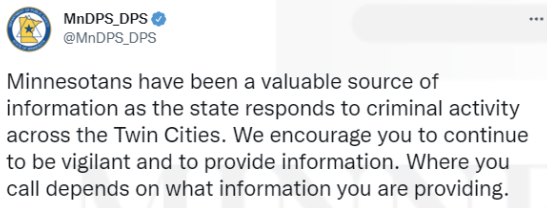
2. **State leaders acknowledged the legitimacy of community outrage during press conferences.** Some interviewees and focus group participants appreciated the governor acknowledging community outrage at the murder of George Floyd. In contrast, others felt that the outrage in their community was dismissed due to a focus on outside agitators.

> *I heard from community that they appreciated the governor and others at those press conferences for owning the fact that somebody got killed that shouldn't have been killed and that race was the precursor to his death. Some people were really impressed by his ability to be that direct about this issue. I personally thought that was good too. – Local government official*
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> *I believe it was Governor Walz who stated that the sense of grief and anger and the outpouring of emotions from the community were completely normal and that more compassion needs to be shown to the community. Not just crushing us for releasing those emotions. The protests themselves were peaceful yet we were angry. … I was surprised. I was gratified, but I was very surprised that he was calling for temperance from the authorities. That he was basically saying, "Allow these people to express themselves." – Community member*

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> *The narrative has been shifting. … When I was a kid, I used to watch these "Eyes on the Prize" episodes in the 1960s, and they were talking about, "our Black folks down here are good, we don't have any problems, it's those agitators from up North coming down here, stirring them up." And that's how I felt when that narrative is pushed, whether it's true or not. I feel like it's just like [state officials] said, "No, they weren't angry, it was the other people come just to [expletives] up." – Community member*

3. **DPS followed best practices in the use of social media to engage the public.** DPS used Twitter to keep the public informed about curfew orders, road closures, updates on law enforcement activities, where to report unlawful activity, where to get basic needs met (e.g., food, household supplies), among other things. DPS originated 225 tweets from May 29 to June 5. Critical curfew messages were provided in Spanish and Hmong through partnership with TPTNow. Law enforcement's careful use of social media during critical events can engage community and promote relationship building. As recommended from the President's Task Force on 21st Century Policing (2015), DPS regularly refreshed the content posted to maintain and engage the audience, rapidly posted content to dispel rumors, and used it for engagement, not just public information. For example, DPS attempted to engage the public by tweeting,



AREAS FOR IMPROVEMENT

1. **Information flow between law enforcement and communications leads lacked structure, leading to the spread of misinformation.** A joint information center (JIC) is a facility established to coordinate all incident-related public information activities (different from the intelligence team). It is the central point of contact for all news media. A JIC provides the ability to disseminate information, diffuse rumors, and clarify facts rapidly. Ideally, public information officials from all participating agencies co-locate at the JIC. A JIC was not formally established due to COVID-19 concerns and the quick escalation of unrest across the cities. Although significant communication was happening, these efforts were not well coordinated, leading to misinformation that reached the public.

   There were several instances of public officials, both at the state and local level, disseminating false or unverified information about facts on the ground. Notable examples include determinations about whether those causing the most destruction were from out of state and whether the tanker truck driver intentionally ran into a crowd of protesters on the freeway after the freeway was shut down. Unverified information that is then found to be inaccurate can undermine the public's sense of security and trust in leadership. One of the informants interviewed suggested that "there was a significant gap in terms of the information that was needed to be shared in a consistent format with

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our policymakers." A local official recommended that there should be a team dedicated to providing information for elected officials during events of this scale.

2. **Initial coordination with the city of Minneapolis on press-related matters was lacking.** During one of the first press conferences, the governor referred to the city's response as an "abject failure." While the state may have had some legitimate frustration about the communication from the Minneapolis Police Department, this was demoralizing for city leadership and staff who had been working tirelessly to do what they could to address the needs of the community. City leadership was not aware that this press conference was happening. This statement gave the public the impression that the city of Minneapolis and the state were not working well together. An additional reason to coordinate with local jurisdictions is to ensure that the messaging contributes to public safety rather than increasing public safety risks. Leadership from the State Patrol felt that messaging from both city mayors was potentially escalating violence, making their job more challenging. As a local government official put it, "When you're going through these situations that are so tenuous and complex and difficult, having a united front, everything from elected leaders, to chiefs and commissioners, down to the rank and file … it is so essential. Otherwise, people get demoralized and it's all the harder to motivate the team to do the necessary work."

3. **A lack of communication to communities and businesses about how to safely protect their neighborhoods led community groups and individuals to take matters into their own hands.** Many Minneapolis and Saint Paul residents and business owners came together to identify ways to keep their neighborhoods safe given that law enforcement was overwhelmed (e.g., 911), distrusted by many, and vehicles without license plates were witnessed speeding down residential streets. Community members and leaders expressed frustration that no information was provided by government leaders about how communities could safely and effectively protect themselves and their neighbors, leaving community members with potentially unsafe ways of dealing with potential threats, like armed patrols.

   Residents of Little Earth, a public housing community in South Minneapolis that is home to many American Indian residents, responded to approaching violent crowds and responding law enforcement by organizing elders in their community to patrol the area. They organized in an attempt to keep anticipated violence and destruction out of their neighborhood. Accounts suggest that there was confusion and a lack of communication between the city of Minneapolis and law enforcement on the ground about an allowance the city had made for Little Earth residents who were protecting the area to be out past curfew. An elder from Little Earth claimed that State Law Enforcement and partnering agencies used less lethal munitions on individuals peacefully protecting the residential area even after violent and destructive actors had left and that they felt their community was targeted by law enforcement. Better communication between the city of Minneapolis, the state, and Little Earth leaders would have likely resulted in a better outcome for Little Earth residents, State Law Enforcement, and other law enforcement agencies involved in the response.

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4. **The cities and state could have done more to communicate urgent messages in multiple languages.** The capability to provide messages in multiple languages and to simultaneously broadcast press conferences with live translation existed during this period of civil unrest and exists today via the state's community partners at TPTNow. Future press briefings during civil unrest should continue to work closely with partners to communicate important information in more languages. Over half of residents in some of the most affected neighborhoods, such as the Phillips community in Minneapolis, speak a language other than English (59%) and nearly one-third (30%) speak English less than "very well" (Minnesota Compass, 2015-2019).

RECOMMENDATIONS

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

During civil disturbances, the public is looking for assurances from government leadership that there is a plan to gain control of the situation. Any display of a disjointed government response can increase public anxiety and mistrust in government. Transparency is paramount during crises, but balancing the delivery of information to increase public safety can sometimes prove challenging. Thoughtful planning and coordination among those with critical information and those tasked with delivering the message can help to encourage both transparency and intentionality. The harm caused by false or incorrect reporting "can only be overcome with targeted and continuing community engagement and repeated positive interaction" (President's Task Force on 21st Century Policing, 2015, p.37).

- **Use a variety of methods to communicate critical information to the public.** Community leaders and business owners suggest the state utilize existing local networks to relay information during civil unrest. Specifically, consider coordinating with elected officials like City Council members and legislators, neighborhood association presidents, and business leaders to organize, plan, provide information, and listen to people in communities and neighborhoods. DPS' legislative director provided briefings every few hours as the situation was emerging, and then less frequently as the situation came under control. A similar briefing with community leaders was coordinated with DPS' community affairs director. Despite these efforts, community leaders participating in this review did not feel the communications were robust enough. Coordinating with existing networks may rely on developing relationships and using various engagement strategies, like in-person forums. Community leaders, community members, and business owners want to play a part in keeping their communities safe. Neighborhood blocks were meeting to identify strategies to work together to keep their block safe. DPS should consider a co-planning approach or coordinated efforts led by leaders within communities in tandem with state and local law enforcement. A leader of an organization with connections to several downtown businesses recounted the benefits of having a direct line to individuals at the state and spoke about how he could support and relay information to his network of businesses during the unrest. Businesses owners with businesses located along the Lake Street corridor, the West Broadway corridor, the University Avenue corridor in Saint Paul, and the intersection of 38th Street and Chicago Avenue did not share this experience.

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- **Develop unified and coordinated messaging.** In times of crisis, most community members want to hear that their government leaders are united and have a plan. Blaming and "finger-pointing" increase fear and uncertainty among those affected by the unrest. It is critical that state and local leadership air any grievances behind closed doors and present a unified message and plan that illustrates mutual support and shared goals. Additionally, the public needs to have information from one source so that they are not getting competing reports of varying statistics (e.g., number of arrests, how many arrests were for people not from the area). As mentioned previously, having an established joint information center would improve coordinated reporting. The words used by elected officials can either help or hinder their public safety efforts. When elected officials make remarks that may intensify existing civil unrest, it directly impacts the ability of law enforcement and other emergency responders to do their jobs safely and effectively. For this reason, elected officials should work closely with law enforcement to ensure their messaging supports rather than has adverse consequences for first responders.

> *The things that stood out to me, Walz's briefings were strong, important. In spite of the chaos, he seemed to be in control, especially after the National Guard and the state took the lead. Prior to that moment, there were a few points where I was underwhelmed with Walz. He was sort of blaming, like at one point he tried to blame Mayor Frey, pointing downhill where the problems were. And I was like, "Dude, this is a huge thing going on and it's not easy to navigate." Especially in Minneapolis, where Frey is [in] a weak mayor [system] in a strong council [system], and a strong council that's kind of unwieldy. It's just really challenging. There was a point where I felt like the governor changed his messaging to be in partnership with the cities. I felt like that was a turning point. From that point forward, I felt pretty positive about how things were happening. – City Council member*
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> *Because Minneapolis was reporting their own [arrest numbers], we were reporting our own, there was not a cohesive tabulation or message. When we tried to do that, it was still confusing because we did not have a joint information center. … So it leaves consumers of that information to try to figure out who is in charge. – State official*

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

Timely and accurate information about property damage, fires, and acts of violence can guide the public in developing safety measures and precautions for themselves (e.g., modifying travel plans). Information about multi-agency operations can also reassure the public that the government is doing all it can to restore safety, security, and a sense of calm (Links et al., 2015). Researchers and law enforcement officials have discussed leveraging the joint information center, public information officers, and social media platforms to ameliorate public anxiety, describe multi-agency operations, disseminate public safety information like road closures and transit alternatives, and provide updates about temporary changes to the standard operating procedures of responding agencies (California Commission on Peace Officer Standards and Training, 2021; IACP, Law Enforcement Policy Center, 2019; Jeanis et al., 2021; Links et al., 2015; Lum et al., 2016). To improve communication between law enforcement agencies and the public, DPS should implement the following:

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- **Implement a joint information center (JIC) and designate a well-trained public information officer (PIO) for civil disturbances.** DPS should swiftly implement a JIC and an experienced PIO during civil disturbances. Timely and accurate information should be communicated to the public about the agency response efforts and public safety. A staging area for the JIC can also ensure the safety and security of media personnel. We also recommend designating a PIO knowledgeable about all of the responding agencies' functions and well-trained in working effectively with the media (Links et al., 2015). Accounts from state officials suggest that appointing the Commissioner of the Department of Corrections as the PIO during this instance of civil unrest was a poor choice, despite his prior experience and good relationships with the media. While the intent was to free up DPS staff to attend to other matters, the consequences may have led to the spread of misinformation and confusion among the public. One state official discussed receiving concerns from the public about having a White commissioner from a different department acting as the PIO rather than either the DPS Commissioner or Assistant Commissioner, who are both Black.
- **Expand the use of social media to engage the public during civil disturbances.** DPS should continue to leverage social media to promote public safety awareness during civil disturbances. Social media platforms may enhance public safety during civil disturbances by offering law enforcement agencies another tool to connect with the public. According to DPS's AAR, social media, exclusively Twitter, was used to dispel misinformation, communicate information, and engage the public. It is common practice for law enforcement agencies to leverage social media to disseminate instructions for staying safe during large-scale events (Jeanis et al., 2021; Police Executive Research Forum, 2011). Social media platforms can also be used to inform the public about incident management, restricted areas, dispersal orders, and other information that can potentially keep protestors and community members safe (IACP, Law Enforcement Policy Center, 2019). Law enforcement agencies in other jurisdictions have also encouraged civilians to report criminal or suspicious activities via police social media accounts (Reaves, 2015). DPS used Twitter, but should consider using other platforms (e.g., Facebook, Instagram, YouTube, LinkedIn) to reach a broader audience.
- **Clear and open communication may be of particular importance for DPS when working with communities that have historically had negative interactions with law enforcement.** DPS should consider the experiences and unique communication needs of specific cultural communities such as, in this case, the American Indian community at Little Earth and the nearby cultural corridor on Franklin Avenue. State Law Enforcement and partnering law enforcement agencies need to, in particular, consider how their response to these events may have damaged already tenuous relationships in Little Earth and the surrounding American Indian community, and to work collaboratively with local law enforcement and community leaders to develop proactive plans for future events that may occur in and around Little Earth and the American Indian cultural corridor on Franklin Avenue. A community leader from Little Earth expressed the need for law enforcement to know about the Little Earth community and understand their desire to patrol their area, given past negative experiences with law enforcement. This leader also expressed the need and desire for repair between law enforcement and the Little Earth community based on the events from the

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period under review. Better coordination between state and city governments may have ameliorated negative encounters between law enforcement and residents on the ground. Communications approaches and related services and resources are also relevant for DPS to consider in terms of working with immigrant and refugee communities and Indigenous peoples that have directly experienced the trauma of war and may be re-traumatized by sights of military vehicles, law enforcement, and military officers wearing riot gear (Law Enforcement Immigration Task Force & Police Executive Research Forum, 2020). The Cedar-Riverside area in Minneapolis is another culturally specific community where intentional collaboration between state and local law enforcement and community leaders may lead to more desirable outcomes during times of crisis for all parties involved. The importance of working with community leaders and through community-based organizations cannot be overstated to reach these residents effectively.

Media experience

> The right for journalists to document and record the actions of law enforcement is enshrined in the First Amendment to the U.S. Constitution's right to a free press. This has been affirmed and clarified through numerous court cases throughout United States history, including *Mills v. Alabama* (1966), which asserted that news reporting on police conduct promotes the "free discussion of governmental affairs." Further, the U.S. Department of Justice has issued a statement asserting its position that the right to record the actions of law enforcement is a crucial First Amendment protection in its Statement of Interest of the United States for *Sharp v. Baltimore City Police Department* (2012).

On the morning of Friday, May 29, 2020, Omar Jimenez, a CNN journalist, and his crew were arrested by Minnesota State Patrol on live TV after showing his media credentials and attempting to communicate with law enforcement about whether he and his TV crew should move. During a press conference later that day, Governor Walz apologized to CNN, stating, "I take full responsibility. There is absolutely no reason something like this should happen. Calls were made immediately. This is a very public apology to that team. It should not happen." Instances like this resulted in litigation from several media organizations against the State Patrol. On June 2, 2020, the State, along with Minneapolis and Saint Paul leadership, received a letter from the Reporters Committee for Freedom of the Press, signed by 115 media organizations, outlining specific requests from law enforcement to address the alleged mistreatment of media journalists covering the civil unrest.

STRENGTHS

1. **The media community appreciated the governor's public apology to the CNN reporting team arrested by State Patrol.** Media representatives and community residents appreciated the public apology from the governor to the CNN team. This communicated to media organizations and the public that the issue was being taken seriously and would be addressed by state leadership.

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AREAS FOR IMPROVEMENT

1. **Law enforcement allegedly unlawfully detained, arrested, or inappropriately used crowd dispersal methods on journalists.** There were several instances of journalists alleging they were being exposed to irritant or inflammatory agents, often referred to as tear gas, and other crowd dispersal methods and were wrongfully detained or arrested by law enforcement (it is unclear if it was state or local jurisdictions) despite displaying legitimate media credentials.

> *In general, I think they were not trained or some chose not to follow their training. They would arrest people who were clearly identified as established media. We're not talking about fringe, blogger media. We're talking about established [media outlets]. – Media representative*
>
> *We get people saying, "I'm [so and so] and I have a blog," but is that what we're talking about [when we say media]? It's very subjective and difficult to deal with in the middle of a war zone, bricks getting thrown at you and buildings burning. Trying to maintain the peace, but yet not infringe on people's rights either as truly media. – State Law Enforcement official*
>
> *I think journalists know they're taking on some risks to their personal safety. There's some inherent risk. They don't blame anyone for that. What upsets them is when they feel specifically targeted. When they're pepper sprayed point blank. And when we say we're media, let us go. I think there's also tolerance, even for temporary detention when they're caught up in a bunch of protesters, but it's the keeping them for hours on end after they've done everything they can to convince you of who they are, that really makes them angry. – Media representative*

RECOMMENDATIONS

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

The accuracy of media reporting, to some extent, depends on how well agencies cooperate with the media. In its AAR, DPS identified the need to improve law enforcement interactions with the media during civil unrest. They note that the state should have "recognized the emerging challenges the media were experiencing while covering the events due to a variety of dangerous situations and consider educational outreach to the media, credentialing of media, and training for law enforcement on working with the media during civil unrest." As mentioned previously, a JIC should be set up during instances of civil unrest, in part to help manage relationships with media organizations and facilitate information sharing. To improve law enforcement interactions with the media during instances of civil unrest, DPS should implement the following:

- **Develop a task force or working group that facilitates solutions-based conversations between media and law enforcement officers, including law enforcement officials at all levels.** Provide training for law enforcement on working with the media during civil unrest and educational outreach to the media about how to stay safe amid a law enforcement response to civil unrest. Media may also benefit from feedback about how their reporting can help or hinder public safety

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during civil disturbances. DPS should develop protocols for informing media personnel about dispersal orders, guidelines for keeping media personnel safe, and guidelines to ensure that media personnel are identifiable within a crowd (California Commission on Peace Officer Standards and Training, 2021).

- **Provide more training to law enforcement officers to ensure they are aware of their responsibility to protect journalists' First Amendment rights.** Both a state official and media representatives noted a perception among law enforcement that journalists are out to paint them in a bad light. While it may be important to shift this perception among law enforcement officers, it is their legal responsibility to protect First Amendment rights, namely freedom of the press, which includes allowing media access to safely document events.

> In 2021, DPS engaged 21CP Solutions to assist DPS in developing recommendations to improve public safety agencies' ability to support and facilitate the exercise of constitutionally protected speech and assembly during large-scale protest events. More specifically, the report focuses on practices relating to media in the context of crowd management and policing responsibilities.

- **Hold law enforcement officers accountable for the mistreatment of journalists.** There should be swift discipline of officers who arrest or assault journalists who are operating within their legal rights and have shown credible media credentials. DPS and the State Patrol recently agreed to settle a case brought by independent journalists.

> Although there was no determination of wrongdoing by DPS and the State Patrol, as a result of the settlement, there are now multiple ways for media to immediately address issues that may occur "on the ground." The policy now states that any allegation of a First Amendment violation regarding the media is considered "serious misconduct," which generates an Internal Affairs investigation (Minnesota State Patrol, 2022). Also, the State Patrol must embed a public information officer (PIO) liaison and PIO Ombudsman in the field during mass arrests (Goyette v. City of Minneapolis, 2021).
>
> Legal precedent has established that law enforcement officers who violate the right of media to monitor and record law enforcement activities cannot claim legal immunity and can be held legally liable for their actions (*American Civil Liberties Union of Illinois v. Alvarez, 2010; Glik v. Cunniffe, 2011;)*.

Community member and business owner experience

Understanding community members' perspectives and needs is an essential part of community engagement. Community engagement is a law enforcement best practice on its own, and can help law enforcement and government respond more effectively during planned and unplanned protests and mass demonstrations, civil disturbances, and civil unrest.

A variety of community and organizational leaders participated in this review, including leaders from Black legacy organizations, neighborhood associations, and other organizations whose leaders and staff were involved in supporting their communities during the unrest. Also included in this section of the report are perspectives from local government respondents, such as City Council members, as many of these respondents reflected the perceptions of their constituents. Participating business owners

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included those located along major business corridors affected during the unrest, such as the Lake Street corridor, the West Broadway corridor, the University Avenue corridor in Saint Paul, and the intersection of 38th Street and Chicago Avenue where George Floyd was murdered. Of the local business owners, most (89%) have been operating in the Twin Cities for more than 10 years, and about two-thirds (67%) said that their business experienced significant or severe damage. In our interviews and focus groups with community members and business owners, we prioritized recruiting participants from communities highly affected by the unrest and Black community leaders and business owners.

Numerous community members and business owners framed much of the civil unrest that occurred as a justifiable reaction to the murder of George Floyd and a response to a history of racism and discrimination against Black Minneapolis residents. That said, numerous community members and business owners likewise noted that they do not condone the destruction and violence during the unrest.

> *I ask the question: What is the presenting problem? What is the issue that's being presented, with the knowledge that there are always multiple systemic issues that lie behind the presenting problem? George Floyd's execution was the presenting problem. What the state did was only to address that in a very poor way, a very White supremacy way. The community has called for a long time to look at the systemic disparities that are happening with our community. – Community leader*

Many local business owners expressed frustration with the lack of communication about what was happening and lack of assistance from the state and other law enforcement agencies about what they could do to assist in peace-keeping efforts. Several business owners talked about feeling as though they were abandoned during the unrest and that, as of May 2021, they were still waiting for assistance or follow-up from police and elected officials regarding damages their businesses sustained in May and June 2020. Immigrant business owners, in particular, appreciated the strong response from the Minnesota National Guard when they arrived but were unclear about some aspects of the Guard's role in their communities.

> *In my case, we were left without any help. We would call the police and they never responded. We were left to fend for ourselves. That's my experience. – Business owner*
>
> *For the most part, the immigrant business owners on Lake Street really, really wanted the National Guard here. They felt vulnerable, physically threatened by what was happening on Lake. They were happy to hear the National Guard was coming. The National Guard was deployed to Lake and Minnehaha, but then they retreated. … I don't know why they were pulled. I heard from residents and business owners who were upset that they were leaving. – Local government official*

On the other hand, several community members saw the paramilitary presence from State Law Enforcement and the Minnesota Guard as making a bad situation worse for them and their communities. Many community members and some business owners described State Law Enforcement and the Minnesota Guard as antagonistic and unhelpful when they were present. Some community members,

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similar to business owners, noted feeling abandoned because State Law Enforcement, the Minnesota Guard, and other agencies seemingly focused their attention on communities other than theirs.

> *In our neighborhood, initially, it was a very strong police response—but not in a way that promoted calm and order. From our perspective, it was antagonistic. A lot of that was [less lethal munitions] and tear gas, and then they just left. Of course people were agitated. – Business owner*
>
> *What didn't go well? Their automatic show of force, gearing up in military grade body armor and weapons. It seems they go out of their way to create fear, tension, and volatility. I can't stand the way they do that. We're not combatants in a war. We pay you. This is what we pay for? To be beaten, tear gassed? My car was hit by [less lethal munitions]. My 20-year-old escaped being shot by a hair.*
> *– Community leader*
>
> *We had about 300 people who plugged into a community safety response because essentially law enforcement agencies abandoned us. … We were abandoned. By the time the National Guard even came, most everything had quieted down. – Local government official*

STRENGTHS

1. **Curfews, when enforced, were effective despite being controversial.** Community members and business owners shared mixed opinions about the curfews. Still, many noted that when actively enforced, the curfews were effective at quelling some of the dangerous nighttime activities during the unrest. However, many community members said that navigating the curfew was difficult for people in their networks who work the night shift, for example, or had other legitimate reasons to be outside after curfew. They recommended better guidance and assistance from State Law Enforcement regarding who can be outside, for what reasons, and what to do if they get stopped by law enforcement.

2. **Community members appreciated some state decisions and actions, indicating that systemic racism and other contributors to the unrest were being taken seriously.** When asked about strengths in the state's response, a few community members mentioned actions or decisions that were not directly related to law enforcement or responding to dangerous activities during the unrest. For instance, some respondents highlighted the decision for the attorney general's office to lead the prosecution of former officer Derek Chauvin as a strength of the state's response. These respondents expressed confidence that the attorney general's office would acknowledge systemic racism in Minnesota's policing and criminal justice systems as part of the prosecution of former officer Derek Chauvin. Systemic racism is the concept that systems and institutions produce racially disparate outcomes, regardless of the intentions of the people who work within them. Additionally, a few community members appreciated the Minnesota Department of Human Rights investigation into the Minneapolis Police Department as a strength of the state's response. Similarly, these respondents highlighted this investigation as a sign that the state recognized the role of systemic racism in the murder of George Floyd and the period of unrest that followed.

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AREAS FOR IMPROVEMENT

1. **State Law Enforcement used tactics that were often perceived as escalating.** The majority of community members and business owners who participated in this review said that a weakness of the state's response was their prevalent use of what was often perceived as escalating tactics during the unrest. As noted above, the State Law Enforcement's actions on the ground during the unrest were largely viewed as antagonistic, unhelpful, and counterproductive to bringing about calm and community safety.

> *It's pretty easy just to go over to someone spray painting a building and say, "Hey, please don't do that." Most people are just embarrassed to be caught and will stop. I saw someone trying to kick in the window of the post office and just yelled, "Hey, we don't mess with the post office! People need to go there to pay their bills and get their checks!" They looked up and saw me and ran away. It became increasingly hard to do any of that kind of intervention because there was just so much tear gas, grenades [distraction devices], and [less lethal munitions]. – Business owner*

2. **Community members felt abandoned by law enforcement agencies; some perceived racism and discrimination in these gaps in law enforcement presence.** Many community members and business owners talked about the state's lack of attention or assistance, at times saying that they felt abandoned because the state and other law enforcement agencies decided to focus their efforts on other areas of the Twin Cities. Some respondents noted this as racism in the state's response, explaining their perception that State Law Enforcement prioritized the safety of areas with more White residents and more White-owned businesses.

> *I couldn't check on my business because my wife was 8 ½ months pregnant. I was worried it would trigger her ending up in the ER. It felt like we were less important than Target. We should have been protected. – Business owner*
>
> *There was huge inequity [in the state's response]. Frankly, there was just actual racism in that response. They wanted to protect property downtown. They wanted to protect the big properties like Target and the like—which they failed at—but they weren't concerned about what was going on in the Northside. … Our own community had to step up. … That's what our community had to do because the state had no response for us. They didn't have resources to help us. And so even in their focus on property, there was the usual division and racism there. "Property" meant White property and White property owners. It also skewed heavily toward large institutional property owners. The mom and pop stores, the barber shops, they weren't getting any love from the state. – Community leader*

3. **Communication and engagement was lacking between law enforcement and community members and business owners.** In addition to feeling abandoned by the lack of law enforcement presence in their neighborhoods, many community members and business owners talked about the lack of communication and engagement from government, in general, regarding questions they had or the kind of support they wanted. Many business owners in particular mentioned wanting more

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information about whether they could be at their business and how to interact with law enforcement when outside of their home or business. A number of respondents mentioned feeling like both state and local government were making bad decisions on their behalf, rather than engaging with them to arrive at a decision that would positively affect their communities.

> *As a business owner, am I allowed to be standing in front of my business or will I get shot with [less lethal munitions]? Am I allowed to put out fires or will I get tear gassed? – Business owner*
>
> *I think the key is what does a community emergency response look like? The state could define that better. How do organizations play a bigger, more involved role? Especially if you have data that locates high priority areas during a crisis, and then who the key people or organizations are in those areas. Is the emergency disruptive or destructive? Those are different sets of tactics. – Business owner*

RECOMMENDATIONS

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

The following recommendations address what the state might do to improve outcomes for community members and business owners *during* instances of unrest. The majority of recommendations from community members and business owners offer prevention and recovery efforts the state should facilitate *before* and *after* unrest. These recommendations are detailed in the "Recommendations for the state's role in the prevention of and recovery from civil unrest" section of this report. For effective coordination with community members, DPS should establish the following:

- **Establish a network of key people and organizations that have direct connections to community members and business owners ahead of time.** Although the state is not often the primary entity responsible for communicating with community members and business owners in an emergency or in general, DPS should consider opportunities to guide and offer leadership to local jurisdictions in the use of best practices (e.g., setting up a JIC) when communicating with residents and business owners about an evolving crisis. DPS can support these entities in having plans in place prior to emergencies to aid in effective and efficient communication. Poor communication and lack of guidance was a critique from community members and business owners when reflecting on their experience of the state's response during the unrest. According to respondents, much of this stemmed from the lack of a direct relationship between the state and community members, the speed with which this unrest unfolded, and subsequent slow communication. There were a few instances in which the state communicated directly with a particular business association, for example. That business association was able to pass important information on to its members. However, this example was an exception rather than the norm; in most cases, community members and business owners did not have a trusted source of reliable information or guidance from the state. By building a more robust network of key people and organizations with direct connections to residents, DPS would be better prepared to share information and present guidance during future

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instances of unrest. Key community contacts can be included in a critical incident plan. Additionally, DPS might consider supporting the POST Board and local law enforcement jurisdictions to set up Community Emergency Response Teams (CERT) and notification systems. The CERT program educates volunteers about disaster preparedness for the hazards that may impact their area and trains them in basic disaster response skills, such as fire safety and disaster medical operations.

- **Establish and implement protocols for involving community members in state-level decisions during civil unrest.** Another critique of the state's response during the unrest was the perception that many decisions were made without engaging community members who would be affected by the consequences of those decisions. Engaging community members in a meaningful way may have been challenging due to how quickly this unrest unfolded; however, having processes in place ahead of time may have facilitated more community input on important decisions. Based on this critique, DPS should establish and implement protocols for involving community members in state-level decisions, to the extent possible, during civil unrest. One way of implementing this recommendation would be to first pursue the previous recommendation (build a network of key people and organizations) and then leverage that network to design a workable approach for the state to receive real-time input and guidance from community members during times of unrest. Furthermore, it may be advantageous for law enforcement to inform the public about how resource allocation decisions are made (e.g., where the most danger is, lifesaving) and how areas of most danger are determined.

> *The spaces I have seen be most effective are community-convened spaces; government is not driving, but is there. The community members coordinate and ask government officials to attend and listen to what the community wants. If I have been invited to those spaces, my job is to share my values and commitments so that they can hold me accountable. … So what response would have been better? It's co-governing, it's sharing that space together. – Local government official*

> *The impression I get [from the state] is that the decisions are already made. If the decisions are already made, a seat at the table is just an illusion. You have to create a table that aligns with your organizational responsibility so that community can be infused into your decisions in a timely manner. – Community leader*

Recommendations for the state's role in the prevention of and recovery from civil unrest

While the scope of this review focused on the state's response *during* the civil unrest, information shared by key informants and best practices identified in the academic literature point to actions the state can take to *prevent* future instances of civil unrest and to follow up and facilitate *recovery* with communities afterwards. The following recommendations address prevention and recovery.

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Recommendation 13: 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 positive relationship between local police and the community is critical to maintaining public safety. Law enforcement and intelligence professionals rely on the cooperation of community members to provide information about criminal activities, while community members rely on law enforcement to protect and serve the community.

> *I think as a society, we were on the edge of this being the wild, wild west and I didn't feel safe here. I didn't feel I could depend on the governor and others to keep folks that look like me safe. And that's the reality. When stuff gets shaken up, who can we trust often is the community having to come together to look out for the community, because the state and other entities, when it gets tough, they do self-preservation. – Community member*
>
> *We're going to have more interaction between police and community members that will involve death. And so I think it's very important right now to really think about, not so much how to save face or improve your reputation, but to really get at the root of the issues. Why community members don't have trusting relationships with law enforcement and being proactive, not responsive or reactive when we have another crisis. We had time to do the work, not just do all these reviews. All these reviews, everybody is doing reviews and I don't think community members have been deeply involved in these processes. – State official*
>
> *There should be a community advisory team attached to these things [multi-agency coordination efforts] – so that communities are informed. Operation Safety Net had this; healers, trauma-informed workers, the private sector, helped. – Local law enforcement official*

Confidence in police legitimacy increases the likelihood that civilians will obey the law, report a crime, and cooperate with law enforcement (Bolger & Walters, 2019). However, public perception of police legitimacy in the United States is at an all-time low (Jones, 2020). The decline in police legitimacy may, in part, explain the uptick in the rising number of violent protests (Adam-Troian et al., 2020). Police legitimacy is not static and can be regained. Researchers have posited that law enforcement should proactively work towards rebuilding trust by engaging their community in focus groups with an eye towards solutions for easing police-community tension (Skogan, 2006). Engaging the community in developing novel public safety policies and procedures may also improve perceptions of police legitimacy (Lum et al., 2010). Therefore, law enforcement agencies must implement strategic initiatives to cultivate trust and legitimacy in the following ways:

- **Routinely obtain and respond to community feedback and engage communities in organizational transformation.** DPS should routinely obtain community feedback using a variety of methods to evaluate perceptions of police legitimacy, concerns about police practice, and satisfaction with police encounters. This is particularly critical with underrepresented communities and communities heavily impacted by crime and police activities (Lum et al., 2016). Obtaining community feedback offers DPS an opportunity to listen and respond to criticisms to strengthen police-community relationships across the state. Local and State Law Enforcement agencies should collaborate with communities (local businesses, neighborhood associations, schools, faith-based organizations, and

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other community entities) to prioritize public safety issues, develop new policies and training programs, and plan community outreach events. Directly partnering with communities helps to ensure that public safety planning coincides with the priorities and needs of the community. As previously mentioned, DPS might consider utilizing existing networks to engage community members in listening sessions about what is and is not working for their communities related to public safety and interactions with law enforcement. These conversations must offer opportunities for co-learning, where State Law Enforcement are open to learning from communities working on their own community-driven public safety efforts. In general, listening sessions grounded in transparency, accountability, and communication have been identified as essential to helping communities heal and rebuild trust with law enforcement (IACP, n.d.). Law enforcement agencies, including State Law Enforcement, should track and analyze the level of trust communities have in law enforcement just as they measure changes in crime (President's Task Force on 21st Century Policing, 2015). Emerging research emphasizes the need for strategic initiatives involving law enforcement in community healing. Local and state agencies should also provide rationales for their decisions and actions during a civil disturbance, discuss lessons learned, and obtain feedback for action planning and organizational change. Community members who feel heard, respected, and empowered are more likely to perceive their local and State Law Enforcement agencies as procedurally just and legitimate (Donner et al., 2015; Mazerolle et al., 2013).

- **Engage in non-enforcement, community activities.** DPS should collaborate with the POST Board and support local law enforcement and the State Patrol to continue to engage with communities via non-enforcement activities (e.g., block parties, town halls). Importantly, these events should help local law enforcement agencies and State Patrol officers learn more about the goals and priorities of communities they serve, dismantle negative stereotypes about the police, build trust, and facilitate police-community collaborations to address problems in the community (Lum et al., 2016; Peyton et al., 2019; President's Task Force on 21st Century Policing, 2015). The Badges for Baseball program, for instance, helps police agencies build trust with the community by pairing at-risk youth with law-enforcement mentors who participate in structured, afterschool programs to improve youth developmental (e.g., staying in school) and behavioral outcomes (e.g., prosocial behaviors; Cal Ripken, Sr. Foundation, 2016). Cultivating positive interactions with the community may ultimately improve the community's perception of police legitimacy and trust in police.

> During Operation Safety Net, DPS's community affairs director assisted in organizing conversations with the Minnesota National Guard and various communities to help describe their role, so people know they are not there to arrest but to secure and provide safety/security to fire and EMS who have trouble getting through crowds (and various burning barriers) to respond.

- **Acknowledge and work to address the root causes of civil unrest (e.g., poverty, unjust treatment of communities of color by law enforcement throughout history) (President's Task Force on 21st Century Policing, 2015).** Many community members and business owners cited the state's lack of focus on and acknowledgment of the root causes of the unrest and lack of follow-up as a weakness in their response. In particular, respondents noted social inequities on many fronts—including

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economic inequity, health inequity, and education inequity—as contributors to the unrest and failures on the part of the state. Many respondents also noted the history of racist policing in Minnesota and across the U.S. as a contributing factor to civil unrest, alongside continued discrimination in law enforcement. The majority of respondents said that if these factors are not meaningfully addressed, another period of civil unrest is inevitable. Community members and leaders expressed that, based on what is visible about the state's response to civil unrest and other emergencies like the COVID-19 pandemic, it appears the state does not fully understand and acknowledge its role in the historical and current traumas that play out in communities of color, specifically Black communities, as a result of racism, White supremacy, and a legacy of oppression and discriminatory policies. When entering into conversations with communities, which is only a first step to changing practice, it is critical to name the state's role in racial and socioeconomic inequities and be explicit about the challenges in moving forward with communities "at the speed of trust" as a focus group participant noted. Recognizing similar factors in the role of research as historically extractive and harmful in under-resourced communities, especially the Black community, we made our best effort to do just this at the start of our conversations about experiences during the May-June 2020 civil unrest. These conversations were triggering and difficult for many who participated, and DPS and other state departments should be cognizant of this.

> *Know that these moments aren't about the moment. It's a flashpoint, a trigger. But the response, the pain, the trauma and emotions, are borne out of years of oppression. So when you're approaching folks, have in your mind that that's really what it's about and so your solution must be bigger and more comprehensive than simple plans and law enforcement approaches. – Local government official*
>
> *A key question for us is how do we address police violence, the relationship between law enforcement and community. It's not the state's job, but we can play a big role. Ellison, Harrington convened a task force [referring to the State of Minnesota Working Group on Police-Involved Deadly Force Encounters]. They developed a set of recommendations, got expert advice; there were GOP legislators on that task force. That set of recommendations informed the police reform and accountability agenda we took in 2020 and to some extent got done in the summer following Floyd's death. Part of it is addressing the root cause that's justifiably caused community members to be upset. – State official*

Recommendation 14: Lead efforts to reimagine policing, community safety, and public order policing in Minnesota and engage communities in law enforcement oversight and accountability.

Numerous community members and business owners talked about racism and discrimination against Black Minneapolis residents—and racist practices by the Minneapolis Police Department in particular—as a key contributing factor to the unrest. Many respondents recommended that the state prioritize policing reform or transformation. These respondents noted that police violence is not limited to Minneapolis and suggested that the state take a lead role in improving policing across the state so that fewer Minnesotans are killed during interactions with law enforcement, particularly Black, male Minnesotans.

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In 2020, Minnesota Attorney General Keith Ellison and DPS Commissioner John Harrington convened a working group on police-involved deadly force encounters. The working group developed recommendations and action steps to reduce deadly force encounters with law enforcement in Minnesota.

> *The state needs to deal with their policing problem. It is ridiculous that the eyes of the world are on Minnesota with the Chauvin trial, yet we have another police killing of an African American male just yesterday [referring to Daunte Wright]. – Business owner*
>
> *There's the actual response during the uprising and then there's the role that the state can take in systems reform. … This is not just one crisis. This came from problems deeply rooted in our systems. Both at a human level and a systems level, there is a need for reckoning with the history of racism in this state, the history of extracting and disinvesting from neighborhoods and communities. It's hard to pinpoint what the state could have done in this particular instance that isn't rooted in these bigger questions. I think the state could play a really powerful role in changing these systems that's bigger than just this one person on this one day. – Business owner*
>
> *The work on police accountability and reform and work around race equity is frankly just as important if not more important than the rebuilding that we're talking about. – State official*

Specifically, community-based organizations should review complaints from residents, hold police officers accountable for their actions, and ensure that policing practices reflect the values of the community. Racial disparities in policing like stop and frisk, use of excessive force in police-civilian interactions, and a paramilitary response during mass demonstrations have undermined police legitimacy within many communities (Perry et al., 2017). To rebuild police trust and legitimacy, and to ensure that communities play an active role in shaping policing policies and practices, DPS should: (1) promote external and independent investigations into misconduct among local law enforcement agencies across the state; (2) collect and report data on excessive use of force; and (3) meaningfully leverage community input when designing and adopting new technologies.

- **Promote external and independent investigations into misconduct among local law enforcement agencies across the state.** The State Patrol does not investigate allegations of misconduct against its employees. Instead, there is an independent internal affairs unit that handles these investigations. This is best practice; however, according to state officials, they are not aware of other law enforcement agencies that conduct investigations this way. Local agencies can improve police accountability by establishing community review boards. DPS should explore their role in influencing local law enforcement agencies to establish community review boards and oversight committees to improve police accountability and transparency, and build community trust. Researchers have suggested that police departments with a community review board tend to have fewer civilian complaints (Ferdik et al., 2013; Hickman, 2006). Several police departments, however, have observed an uptick in complaints after implementing a community review board (Terrill & Ingram, 2016), suggesting that civilians feel more comfortable expressing their grievances about law enforcement to community members. While it is potentially not feasible for the state to have a community review board given the lack of a defined "community," a state-level community review board, made up of various

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stakeholders statewide, may be a feasible consideration. At a minimum, DPS might consider playing a role in assisting local agencies in adopting this standard. Several cities in Minnesota, including Saint Paul and Saint Cloud, established community review boards to investigate civilian-initiated complaints against their local police departments. By addressing concerns about law enforcement misconduct and holding officers accountable, communities may perceive higher levels of police legitimacy and trust. Community review boards benefit from regular evaluation to ensure they are achieving their intended impact.

- **Collect and report comprehensive data on the use of force.** DPS and other law enforcement agencies should conduct comprehensive and transparent tracking and reporting of data that document excessive use of force and other instances of misconduct by local and State Law Enforcement personnel. While use of force data is captured by several police agencies, including the Minneapolis Police Department, many agencies do not report excessive force metrics like civilian complaints and civilian injuries during arrests. The lack of data presents barriers to making policy change in use-of-force tactics (Lhamon et al., 2018). The task of compiling and using use-of-force data at the aggregate and individual levels must be led by the POST Board. At minimum, we recommend that the POST Board proactively use such data to address instances of misconduct or excessive use of force—and link these instances to disciplinary action—and use this data to release public reports about officer misconduct and excessive use of force. Capturing and using excessive use-of-force data can also help establish a culture of transparency and accountability, which may improve police legitimacy and community-police interactions.

> Since May/June 2020, State Patrol has implemented technology applications to check staff in and out of each deployment and document less-lethal munition inventories before and after each deployment.

- **Consult communities when designing and adopting new technologies.** DPS should also routinely evaluate and document the impact of modern technologies, especially surveillance technologies, on policing equity and other community goals. Organizations such as the ACLU have been working to pass "Community Control Over Police Surveillance" laws in multiple cities to ensure that civilian rights and liberties (e.g., privacy) are protected (American Civil Liberties Union, n.d.). Moreover, civilians may also prefer to meaningfully participate in discussions about how the police design and implement surveillance technologies (Lum et al., 2010). Minnesota state statute (Minnesota Statutes § 626.8473, 2021) requires law enforcement agencies to allow public comment on body cameras before an agency purchases them. Taking into account public comments, new policies should reflect the community they serve, uphold community values, and be enacted with respect and dignity (President's Task Force on 21st Century Policing, 2015).

Recommendation 15: Enhance diversity and inclusion efforts.

While many police agencies are committed to promoting a diverse and inclusive workforce (Sklansky, 2006), diversity across multiple social identities (e.g., race, gender, LGBTQ+) is lacking across many police departments (Reaves, 2015; Weitzer, 2014). The history of race and policing in the U.S. is deeply intertwined. Police played a key role in upholding slavery and reinforcing Black codes, and, to this day,

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engage in discriminatory practices that disproportionately negatively affect communities of color. Understanding and acknowledging these underpinnings is critical to reforming the policing system (MNJRC, 2021). A diverse and inclusive police force may play a key role in easing police-community tensions and increasing civilian cooperation and compliance (Kochel, 2020; Lum et al., 2016). Routine anti-bias training may also encourage procedurally just policing and police legitimacy. As research on discriminatory policing continues to accumulate, we offer two recommendations for addressing diversity concerns within the police system: (1) continue to diversify police departments and (2) increase the intensity of anti-bias training among officers.

- **Police officers should reflect the community they serve.** DPS should be intentional about diversifying personnel across ranks. Diverse law enforcement agencies may be more open to initiating cultural and systemic change to ensure that the law enforcement system is fair and just for all civilians (Schuck, 2017). A diverse department may also be more responsive to the needs of minority communities. Enhanced diversity of identity, experience, and background, in addition to race and gender, can bring about increased trust and legitimacy among community members (President's Task Force on 21st Century Policing, 2015). For instance, during the Ferguson protests, Black officers reported more empathy towards the protestors than non-Black officers, suggesting that a diverse police agency may be better suited to ease tensions between law enforcement and minority groups (Kochel, 2020). These studies and others like Ba et al. (2021) emphasize that recruiting, hiring, and retaining a diverse police force may improve police-civilian interactions, communications, and trust, which, in turn, may help prevent civil disturbances. Research examining the impact of police residency is currently inconclusive; however, the idea that police officers live within the communities they protect polls well across communities (Hauck & Nichols, 2020; McCamman & Mowen, 2017). Attracting racially diverse candidates for law enforcement positions may be a challenge due to the current climate, which further highlights the importance of recommendation 13 to improve the trust and confidence in law enforcement among community members.
- **Provide prolonged anti-bias training.** We also recommend prolonged anti-bias training to address discriminatory and disparate policing within DPS. While evaluations of anti-bias interventions have only documented short-term reductions in bias, researchers have posited that most anti-bias interventions may not be intensive enough to create long-lasting change (Lai et al., 2016). In light of this research, it may be beneficial for law enforcement agencies to implement prolonged anti-bias interventions that include experiencing positive interpersonal interactions with people from populations of color (Lemm, 2006). Some studies have identified unintended and undesirable consequences of anti-bias training, including the amplification of stereotypes and a feeling of defensiveness on the part of those receiving training (Caleo & Heilman, 2019). DPS should be discerning about the type of training it provides, with a focus on ensuring participants see themselves as agents of change, promoting self-efficacy, and bolstering participants' desire for everyone to be treated equally (Carnes et al., 2015; Dover et al., 2020; Legault et al., 2011). Anti-bias training should be implemented at all levels within a law enforcement agency to increase awareness and

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promote respectful interaction inside and outside of the organization (President's Task Force on 21st Century Policing, 2015).

Recommendation 16: Support training of law enforcement officers in facilitating peaceful protests.

A "human rights compliant" framework for policing promotes peaceful protests (Gorringe et al., 2012) and runs contrary to coercive and invasive policing tactics such as the command-and-control model (Vitale, 2005). Protestors who perceive law enforcement agencies as fair, supportive, and trustworthy are more likely to cooperate with police and self-regulate their behavior (Brown, 2015; Gorringe & Rosie, 2008; Maguire, 2015; Papachristos et al., 2012). Communication and mutual respect between police and protestors are foundational to facilitating peaceful protests (Gilmore et al., 2019; Gorringe & Rosie, 2008; Jackson et al., 2019). Dialogue-based policing is one such method that can foster perceptions of police legitimacy and promote self-policing behaviors among protestors (Gorringe et al., 2012). Dialogue-based police officers sustain a continuous channel of communication with protestors, de-escalating conflicts via verbal mediation, and avoiding the use of force. In light of the positive association between dialogue policing and police legitimacy (Gorringe & Rosie, 2008; Gorringe et al., 2012), we provide three recommendations: (1) train officers in negotiating and dialoguing with protestors; (2) implement dialogue officers during protests; (3) train officers in adhering to the current use-of-force policies and guidelines; and (4) conduct simulation-based procedural justice trainings. Public order training addresses each of these areas and trains law enforcement professionals to skillfully transition when a peaceful protest turns violent and when a civil disturbance or unrest shifts back to peaceful protest.

- **Support training for law enforcement officers in skillful negotiation and dialogue with protestors.** DPS should consider its role in supporting all state and local law enforcement officers to participate in de-escalation training. The state may also consider playing a role in evaluating the impact of this training. Engaging with protestors in respectful dialogue may promote elements of procedural justice, enhance police legitimacy, and minimize the need for use-of-force interventions (Lum et al., 2016). Verbal de-escalation and conflict management techniques such as "verbal judo" are perceived favorably by civilians and may help lessen the potential for unlawful behaviors during protests (Davis et al., 2005). Regularly training police officers in negotiation, verbal de-escalation, and active listening may help officers engage with protestors in a non-violent, mutually respectful manner (Lhamon et al., 2018). Contrarily, the frequent use of mass arrests and use-of-force tactics raises the likelihood that protests will evolve into civil disturbances.
- **Train a team of dialogue officers**. DPS should train a unit of officers well-versed in negotiation, communication, mediation, problem-solving, and public safety risk assessment (Waddington, 2013). Unlike typical law enforcement personnel, the role of dialogue officers is to strengthen the relationship between police and protestors through constant and respectful dialogue during a protest or mass demonstration (Gilmore et al., 2019; Waddington, 2013). Dialogue officers should avoid making arrests or using force unless necessary. Dialogue officers also act as intelligence officers and provide agencies with real-time, ground-level intelligence pertaining to public safety risk, the impact of an

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agency response on crowd behavior, and individual protestors engaged in unlawful behavior (Holgersson & Knutsson, 2011). The presence of dialogue officers may enhance perceptions of police legitimacy during protests and reduce the likelihood of unlawful behaviors by protestors.

- **Train and assess officers in the appropriate and judicious use and tracking of less lethal munitions and other crowd dispersal tactics.** DPS should provide continual training and assessments on the proper use of less lethal munitions and crowd dispersal tactics. A significant number of protestors who participated in the Minneapolis protests after the killing of George Floyd sustained serious injuries to the head, neck, or face due to police deployment of less lethal weapons like crushable foam rounds and bean bag rounds (Kaske et al., 2021). In a separate study, 20% of ophthalmology residency program directors surveyed reported that protestors suffered eye injuries due to less lethal munitions during the George Floyd protests (Ifantides et al., 2021). These studies collectively reveal that police officers deployed less lethal munitions to the face, head, or neck from a close distance, which is typically forbidden. While the use of force during civil disturbances may be unavoidable, DPS should: (1) routinely train officers in operating less lethal munitions safely; (2) assess State Law Enforcement's knowledge on current guidelines related to crowd dispersal tactics and the use of less lethal munitions; (3) hold officers accountable for documenting use-of-force incidents, including the use of less lethal munitions, via video recordings, daily tracking logs, and after-incident reports.

  > *The documentation was terrible. Like, who did what, who was where, and we've cleaned a lot of that up. Now we have a daily run sheet. So each Commander is responsible to submit where their team was. … Any officers injured, chemical munitions deployed, and who deployed all that stuff. So there's actually accountability. – State Law Enforcement official*
  >
  > *I think one thing is more accountability and munitions. They [the munitions] need to be signed out individually. And when they come back at the end of the day, we count them and then they need to do a report for what's missing from what we've implemented. I don't know if any other agency is doing that other than us. So every trooper that gets them gets checked out at the beginning of the day and it gets checked back in and what's missing at the end of the day, you need to do a report for an hour and explain what you were shooting at. Which, I think also, when you put that accountability back on the line person, … they're more judicious with their deployments. Right? – State Law Enforcement official*

- **Conduct simulation-based procedural justice training.** DPS should design and implement simulation-based interventions to train personnel in implementing procedurally just law enforcement during challenging settings like civil disturbances (Lhamon et al., 2018). Procedural justice – which refers to perceptions about the quality of treatment (e.g., respect, professionalism) and decision-making by the police (e.g., fairness, objective; Tyler, 1994) – is essential for attaining police legitimacy and civilian cooperation (Links et al., 2015), and may promote positive attitudes about the police (Gilbert et al., 2015; Hinds & Murphy, 2007). While the Minneapolis Police Department, for example, currently offers procedural justice training to its officers, skills acquired through simulation training may be more transferable during high-stakes situations than other learning approaches. Thus, officers may

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be more likely to employ effective interpersonal and communication skills that reflect procedural justice after simulation training than interactive seminars (Lateef, 2010).

Recommendation 17: Continue to engage protest groups and organizers ahead of time.

While it may be difficult to do with short notice, as with the unrest that occurred after George Floyd's murder, dialoguing with protest organizers ahead of time is essential for planning peaceful protests and preventing civil disturbances. This requires establishing relationships with community organizations and organizers. In past protests, law enforcement agencies and protest organizers have jointly planned and negotiated protest logistics (e.g., date, location), and identified situations that would necessitate the use of force (i.e., crowd dispersal methods; Maguire, 2015; Vitale, 2005). The State Patrol does this routinely for protests planned at the Capitol. Dialoguing with protest organizers can also facilitate information gathering and help plan multi-agency operations like requests for mutual aid and number of personnel needed (IACP, Law Enforcement Policy Center, 2019). Information gathering and joint planning with protest organizers may promote mutually agreeable outcomes, including less violence (Baker, 2020; Gorringe & Rosie, 2008). To facilitate peaceful protests, when possible, law enforcement and government agencies should (1) engage in information gathering and (2) negotiate with protestors ahead of time. Of course, these strategies may not be as useful for unplanned events.

- **Engage in information gathering.** DPS should engage in information gathering prior to protests when possible. Gathering information about an event can significantly enhance the effectiveness and efficiency of the agencies' planning and response to protests and civil disturbances (California Commission on Peace Officer Standards and Training, 2021; IACP, Law Enforcement Policy Center, 2019). Pre-event assessments should include information about event logistics (e.g., number of protestors, moving locations), information about counter-protestors, the potential for unlawful activities (e.g., starting fires), and a history of violence during previous events to inform protest planning across multiple agencies. To facilitate gathering this information, law enforcement agencies must have established relationships and lines of communication with community leaders and organizers. Information gathered from social media can also help gauge protesters' attitude and connect with protest leaders.
- **Negotiate with protestors ahead of time.** DPS should negotiate with protestors ahead of time about what is tolerable and not tolerable to minimize the use of force and arrests. The negotiated management model "emphasizes the use of dialogue between police and demonstrators throughout the planning and demonstration process" (Kennedy, 2019, p. 25). Coordination and dialogue between law enforcement and protestors before the protest may promote mutual trust (Gorringe & Rosie, 2008; Murray, 2010) and self-regulating behaviors among protestors during the demonstration (Gorringe et al., 2012). If protesters refuse to meet or negotiate ahead of time, that information should be shared publicly, as this may help with public perception of subsequent law enforcement actions.

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Recommendation 18: More deeply engage with businesses and communities affected by civil unrest and face the most risk of potential future civil unrest.

Business owners talked about visits after the civil unrest from elected officials that primarily served as a symbolic presence rather than a substantive or meaningful one. The experience of community members after events of unrest can either help or hinder trust between state government and residents.

> *From almost within days of George Floyd's death and the destruction that happened that week, the governor had proposed a significant relief package. Some of it is structural, it's physical. Many businesses owned by business owners of color were destroyed. So trying to infuse state resources to help rebuild. That's been harder than it should be. We tried to get FEMA funds. Trump said no. We tried to get state funds and, up until last week, our partners in the senate have said no to that. – State official*

- **Conduct frequent outreach to business owners and communities most affected by the unrest.** After the unrest, communities engaged in clean up and community healing and recovery efforts. According to feedback from community members and business owners, the state should show their support by participating in cleanup efforts, being present physically and offering financial support to those affected by the unrest, and help facilitate spaces for communities to come together and heal in ways they feel are appropriate for them.
- **Help businesses and communities rebuild.** Widespread property damage is a potential consequence of civil disturbances. Following the civil unrest after the killing of George Floyd, the city of Minneapolis reported $55 million in property damage (Associated Press, 2020), which includes the 220 buildings in Minneapolis that were set on fire (Associated Press, 2020). In addition, over 360 businesses in the Minneapolis-Saint Paul metropolitan area were damaged (Penrod et al., 2020). Researchers, to this end, have indicated that civil disturbances can undermine the economic well-being of impacted communities (Au, 2021). The immediate economic toll of civil unrest (e.g., building, vehicle damage) may also contribute to long-term consequences such as unemployment, lack of access to transportation, homelessness, and decreased business operations (Au, 2021).

  Many community members and business owners recommended that the state provide direct financial assistance to highly affected neighborhoods, such as through recovery or protection grants—doing so would likely result in the state having contact information for many business owners who may be affected by unrest in the future. Of course, giving financial contributions to communities and organizations is outside of the purview of DPS unless it falls under one of the agency's specific grant programs. Further exploration of the options or changes to DPS's authority or other legislative changes would be needed to fully realize this recommendation. However, DPS may be able to examine its current funding and engagement strategies to see if and where there may be room for better engagement with the communities most affected. Local and state agencies need to identify the economic consequences of civil unrest on the communities they serve and engage in community rebuilding efforts to the extent they can. Additionally, it is important to understand the costs (economic and otherwise) of various law enforcement actions and the potential cost of alternative actions.

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> *I think the key is what does a community emergency response look like? The state could define that better. How do organizations play a bigger, more involved role? Especially if you have data that locates high priority areas during a crisis, and then who the key people or organizations are in those areas. Is the emergency disruptive or destructive? Those are different sets of tactics. – Business owner*
>
> *The state should be thinking about recovery programs or protection grants. Not just putting up the plywood, but things that are attractive but keep things safe if you need to shutter-down. … What are some of the early indicators [of unrest] to alert property owners? There could be training for small- to medium-sized business owners—what can they do, how can they assess how prepared they are? – Business owner*
>
> *We were in the midst of a pandemic. It has been hard to suss out how and what energy is going into the longer-term recovery needs of our community now that people are not still thinking of the pandemic aid they've received. So it's almost like people have been shielded from seeing how little has come into the community, specifically for community trauma and businesses that were impacted by the civil uprising that resulted from Mr. Floyd's murder. – Community leader*

Recommendation 19: Support state and local law enforcement agencies in promoting mental health and providing resources.

Personnel responding to civil disturbances undergo a multitude of stressors for a prolonged period (Haugen et al., 2012). These stressors are psychologically deleterious and may compromise the personnel's ability to perform their duties (Arnetz et al., 2009). Following the civil unrest after George Floyd's murder, over 100 Minneapolis police officers filed for work-related disability, citing PTSD as their primary reason (Forliti, 2020). The psychological toll of civil disturbances on responders can contribute to negative health behaviors and outcomes (e.g., substance use), affecting one's ability to perform their duties (Substance Abuse and Mental Health Services Administration, 2018). In one study, mental fatigue was associated with more frequent work-related injuries among police officers (Fekedulegn et al., 2017). To respond effectively to emergencies and life-threatening events, agencies should foster a culture of mental health promotion, which includes: (1) addressing stigma around mental health diagnoses and treatment; (2) proactively evaluating the mental health of responders; and (3) integrating mental health supports into law enforcement and government agencies.

- **Address mental health stigma.** DPS should work with the POST Board to take steps towards dismantling stereotypes and stigma related to psychological disorders and treatments among state and local law enforcement personnel (Corrigan, 2004). Law enforcement personnel endorse elevated negative attitudes about individuals who seek mental health treatment (Soomro & Yanos, 2019; Velazquez & Hernandez, 2019). These findings may explain why police officers are less likely to seek mental health treatment than civilians despite having a higher risk of mental health conditions like depression and PTSD (Jetalina et al., 2020). Law enforcement and government agencies should receive psychoeducational training to address negative attitudes and stereotypes about mental health care use. Most importantly, agency leadership should endorse seeking mental health care.

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- **Proactively evaluate the psychological well-being of responding personnel.** DPS should proactively and routinely evaluate the mental health of their team after civil disturbances. While large-scale emergencies' psychological toll on responders has been consistently documented, many agencies do not evaluate their personnel for trauma-related symptoms, depression, and other mental health conditions after large-scale emergencies (Spence et al., 2019). Moreover, we also recommend that DPS offer access to remote mental health assessments for all local and state responders. Remote assessments ensure that first responders in rural, under-sourced areas can access routine mental health assessments (Spence et al., 2019).
- **Integrate mental health services into law enforcement and government agencies.** DPS should integrate mental health professionals into its law enforcement departments and consider itself a leader for local agencies across the state. First responders have an increased risk of developing mental health conditions due to work-related stress and traumatic events (Kyron et al., 2019; West et al., 2008). Spence and colleagues (2019) recommended that agencies integrate mental health professionals who specialize in stress and trauma-related symptoms and treatments for first responders. Developing crisis hotlines, offering peer-support programs, involving family members in treatment planning, and marketing psychological support within law enforcement networks are additional strategies recommended to promote mental health within law enforcement agencies (Papazoglou & Tuttle, 2018; Spence et al., 2019). After an incident, activate support services for officers and their families, create additional awareness of employee assistance programs, and ensure they know how to properly access it (IACP, n.d.).

> The State Patrol currently has a peer support program and promotes wellness resources such as an Employee Assistance Program (EAP). Since May 2020, State Patrol has utilized the services of a Chaplain at briefings.

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Recommendation 20: Improve after action documentation and reporting.

After-action reports ensure that accurate information related to agency response is disseminated to the public, including the media and legal community. A comprehensive after-action report may help prevent misinformation, guide the development of better policing practices, and hold police officers accountable for their decisions and actions during an incident (Police Executive Research Forum, 2011; Zeunik et al., 2020). An after-action report can also document strength areas worth repeating or building on (e.g., procedurally just actions; Zeunik et al., 2020). Documenting strengths can also help to counteract negative publicity surrounding law enforcement agencies in the media.

Law enforcement officials have also discussed the importance of meticulously documenting all incident management decisions and actions within days after the civil disturbance (Police Executive Research Forum, 2011). After-incident reports are essential to holding agencies accountable for their actions, preventing lawsuits, identifying lessons for managing future incidents, and documenting positive changes in police response to mass demonstrations (Police Executive Research Forum, 2011). After-incident reports should be transparent, comprehensive, inform why responding agencies made certain decisions, and generate strategies for future planning. The DPS AAR aligns with several of the recommendations identified in the literature; however, there is room for improvement related to meticulous documentation of all incident management and decisions, including additional evidence to support what happened and why. To ensure that after-action reports provide opportunities for accountability, learning, and future planning, DPS should (1) document and implement changes based on lessons learned; (2) document strength areas; and (3) include additional evidence like photographs and video footage.

- **Document and implement changes based on lessons learned.** DPS should comprehensively document lessons learned in incident management. Documenting lessons can hold agencies accountable for mishandling a situation and inform future incident management approaches (Zeunik et al., 2020). Lessons may also serve as benchmarks for assessing how well an agency responds to future incidents (della Porta & Tarrow, 2012). Identifying lessons and generating future strategies communicate to the public that DPS is committed to adjusting and improving their responses to civil disturbances, improving police-community relations. That said, after-action reviews are not simply an exercise but should serve as a tool to guide action planning and changes in policies and practices that have real-life impacts on public safety. Following through with the successful implementation of new policies and practices matters just as much as the adoption of them. Quarterly, bi-annual, or annual auditing and review of the implementation of new policies and practices based on lesson learned can assist in their effective implementation. Additionally, intentional and proactive sharing of documented lessons (e.g., press releases, presentations, engagement activities) can maximize the positive impacts in the state and nationally.
- **Document strength areas.** DPS should continue to emphasize strength areas in incident management throughout their after-action reporting. For instance, documenting the use of negotiation rather than mass arrests demonstrates that DPS utilized procedurally just incident management approaches (Police Executive Research Forum, 2011). Documenting strength areas

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also demonstrates that law enforcement agencies are continuously improving their approach to facilitating peaceful protests, which may counteract the negative portrayal of law enforcement in the media (Gramlich & Parker, 2017).

- **Include photographs and video footage as much as possible.** The AAR conducted by DPS does not include photographs or video footage. In the future, DPS should submit photographs, video footage, and witness testimonies about crowd behavior and law enforcement response to crowd behavior during the civil disturbance. Photographs and videos may play an important role in preventing post-incident litigations and justifying law enforcement decisions and actions (Police Executive Research Forum, 2011). Photos and videos can also verify whether current policies and protocols, like crowd dispersal tactics, were appropriately followed during incident management.

> The State Patrol will have body-worn cameras by June 2022. This will include the requirement by State Patrol to record civil unrest interactions/work.

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CONCLUSION

This examination of the state of Minnesota's response to one of the most challenging times in the state's history provides an opportunity to learn from effective actions and missteps and do better to protect communities. If implemented, we believe these recommendations will reduce future civil unrest and substantially improve the state's preparedness and capacity to manage mass demonstrations. Implementing these recommendations will also mitigate the risk of escalation should future instances of civil unrest occur.

In analyzing the complex and numerous recommendations above, we suggest that the critical actions are:

- strengthening multi-agency coordination systems
- enhancing coordination and relationships with local jurisdictions and the media
- leading efforts to address tensions between law enforcement agencies and communities through intentional trust-building efforts, police accountability and transformation, and education

The best way to address instances of civil unrest is to reduce their likelihood of occurring in the first place. Many of the takeaways from this report require relational work between state agencies and communities.

Further research and evaluation are necessary to understand the role of racism in law enforcement responses to civil unrest and determine additional steps to address community distrust in law enforcement and state government.

In this context, the protests and unrest stemmed from a police officer murdering a Black man – the role of race cannot be overlooked. Therefore, intersectional to all the recommendations above is to incorporate a deeper sense of humanity – explicitly recognizing the humanity of Black Minnesotans – into actions from state actors. As one participant wondered:

> *What is the human piece of [the state's response]? What is people's sense of what's happened to our communities and businesses? There's a lot of need there, too—for processes and ways of helping people, understanding their collective and individual experiences. My feeling that I'm left with is that if we are going to learn from this, there has to be some tending to our human experience—not just the practical part of how to do protection "next time." – Business owner*

The tragedy and trauma that unfolded in summer 2020 were significant, unplanned, and unprecedented. Moving forward, the state has the opportunity to focus on building functional systems, plans, and relationships that will lead to a response to civil unrest that supports all Minnesotans, especially communities of color and, specifically, Black Minnesotans.

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APPENDIX

Summary of perspectives from community leaders and local business owners

An important part of the review was capturing the experiences and voices of community members, including youth, and local business owners, particularly those present in the areas most affected by the civil unrest. The Minnesota Department of Public Safety recognized the value of listening to and understanding what happened from their perspectives. This summary of the focus groups with community leaders and local business owners as well as interviews with community leaders was used by Wilder Research as part of the analysis process. Key findings were shared with a sample of focus group participants during a follow-up session facilitated by MNJRC to validate that their perspectives were accurately captured in the key themes. The key findings are included here for those interested in more detailed information provided by community leaders and local business owners.

Please note: Some conflation and inaccuracies are present in this section of the report but are unedited to accurately reflect participants' words and perceptions. For example, participants often spoke about the state and other responding agencies simultaneously, unable to differentiate between them. Our analysis took this into consideration; we do not present feedback that referred, for example, only to the Minneapolis Police Department. The findings presented in this summary refer to the state's response or the state's response in coordination with other agencies. Although we made every effort to define the "state's response" at the beginning of each focus group, many people may have attributed actions to "the state" when state actors may not have been involved. Also, respondents often use terms for various less lethal munitions (e.g., rubber bullets) that state law enforcement agencies do not use. Please see the glossary in the full report for information about less lethal munitions used by the Minnesota State Patrol.

> *These moments aren't about the moment. It's a flashpoint, a trigger. But the response, the pain, the trauma, and emotions are born out of years of oppression. … [T]hat's really what it's about, and so your solution must be bigger and more comprehensive than simple law enforcement approaches. – Local government official*

Perceptions of the state's response during the unrest

Among community leaders and local business owners, perceptions of the state's response were largely negative. Many respondents described perceptions of racism and discrimination in the state's response and noted that the state's response often escalated already dangerous situations, rather than helped to promote peace and safety.

In addition, numerous respondents noted the importance of understanding the unrest—and the state's response to it—through a lens of racism against Black residents in Minneapolis and statewide:

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- **The unrest was a response to anti-Black racism in Minnesota.** This refers to understanding the unrest and the state's response to it through a lens of anti-Black racism. This was an overwhelming response from those we talked to—that to understand the unrest and the state's response, it is critical to first acknowledge anti-Black racism in Minneapolis and throughout Minnesota. In particular, respondents noted that anti-Black racism has resulted in trauma as well as systemic barriers to numerous opportunities for Black residents in the Twin Cities and statewide. The large majority of respondents noted these factors—trauma, lack of access to opportunities, and the resulting inequities between Black residents and White residents—as contributors to the unrest that followed the murder of Mr. Floyd.

  > *The murder of George Floyd was traumatic, the civil unrest was traumatic, the trial was traumatic—particularly for communities of color. This racially charged trauma can leave individuals and communities likely to be triggered. And that's not even talking about all the other traumatic experiences we may have had as individuals and communities of color.– Community leader*

- **The state's response often escalated the unrest.** The large majority of respondents critiqued state law enforcement's use of tear gas, rubber bullets, and other escalating tactics during the unrest, though some respondents thought these tactics were necessary. Law enforcement's use of such tactics conflicts with recommended practices for law enforcement officers when responding to civil unrest, according to our literature review about the topic.

  In particular, the literature noted that a paramilitary police response during a protest may be perceived as procedurally unjust and instigate hostility towards the police (Drury & Reicher, 2000; Hoggett & Stott, 2010; Links et al., 2015). Moreover, riot gear and less lethal munitions should not be visible to protestors since a show of force by law enforcement can incite fear and aggression (Maguire & Oakley, 2020; Police Executive Research Forum, 2011). In contrast, engaging crowds in a friendly, non-confrontational manner and wearing "soft gear" uniforms can increase the likelihood of compliance, cooperation, and self-regulation (Links et al., 2015; Police Executive Research Forum, 2011; Waddington, 2013).

THE UNREST WAS A RESPONSE TO ANTI-BLACK RACISM IN MINNESOTA

> *We cannot rely, as Black and brown folks, on the state to take care of us. – Community leader*

Many community leaders, local business owners, and local government respondents talked about racism in Minnesota and its role in the unrest. Numerous respondents noted that the unrest after the murder of George Floyd sprang from a long history of racism and discrimination against Black residents in Minneapolis—and the trauma and other negative experiences among Black residents as a result of this racism and discrimination. As one respondent said, "I just don't see that Minneapolis wants Blacks here."

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> *I ask the question: What is the presenting problem? What is the issue that's being presented, with the knowledge that there are always multiple systemic issues that lie behind the presenting problem? George Floyd's execution was the presenting problem. What the state did was only to address that in a very poor way, a very white supremacy way. The community has called for a long time to look at the systemic disparities that are happening within our community. – Community leader*

Some respondents talked about racist experiences with Minneapolis and Saint Paul police officers and a pattern of racist practices exhibited by both police departments. Other respondents talked about quality of life disparities between Black Minnesotans and White Minnesotans, including a systemic lack of access to livable jobs, adequate health care, and high quality education (Wilder's Minnesota Compass project, which compiles data from the U.S. Census and other reliable data sources, corroborates these comments). Other respondents talked about the racism they encounter every day as Black people in Minneapolis.

> *[The murder of George Floyd] is consistent with the pattern of practice in the Minneapolis police and in Saint Paul and in surrounding communities. – Community leader*
>
> *We have to stay up at night, watching out and wondering is our son, is our daughter, is our grandchild gone? Are they going to make it back home alive? … Am I going to have to go to the funeral home to see their bodies just because they are Black? – Community leader*
>
> *Being a Black person in Minnesota is just a constant state of tension. … It is just like a muscle that is always tensed. It's like—when am I going to have to defend myself? When am I going to have to defend my people? What's the next situation where I'm going to have to check some White [expletive] on the street? You know what I mean? When am I going to have to stick up for myself? You know it's going to happen on a daily basis to varying degrees of intensity. – Community leader*

Gaps, racism, and discrimination in the state's response

> *We were abandoned. By the time the National Guard even came, most everything had quieted down. – Local government official*

Numerous community leaders, local business owners, and local government officials talked about the lack of action from the state almost as much as they talked about what the state did during the unrest. Respondents mentioned feeling abandoned by the state and other law enforcement agencies, that law enforcement officers arrived to their communities too late or not at all, and that they and those in their communities relied on each other to protect people and businesses in the state's absence.

> *We had about 300 people who plugged into a community safety response because essentially law enforcement agencies abandoned us. … We were abandoned. By the time the National Guard even came, most everything had quieted down.– Local government official*
>
> *The only officers we can count on are the ones that live over here. The cops that live over here, they were out all night with us. Their shift was over and they were still out here with us. – Business owner*

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> *Last summer [2020] was really hard because of the lack of police presence. Police are supposed to be a sign of authority, of someone you respect. After Thursday night—Friday, Saturday, and Sunday—it was chaos. There was no organization. When the governor came out, it was a very lax situation. He didn't take it very seriously. I think that's what caused the violence to grow, to get out of hand until Saturday night [the second night of curfew]. – Business owner*

Some respondents also talked about racism and discrimination in the response of the state and other law enforcement agencies during the unrest, with one respondent saying, "Frankly, there was just actual racism in that response." For example, some respondents shared their perception that the state and other agencies did not assign officers, or as many officers, to neighborhoods that saw the most violence, like the Lake Street corridor, the University corridor, North Minneapolis neighborhoods, and near the site of George Floyd's murder. Other respondents noted that higher income areas and areas with bigger businesses received more assistance and protection from the state, rather than neighborhoods where more low-income and Black residents live or where there are more minority-owned businesses. These respondents also noted the effects of the absence of law enforcement: increased violence and a lack of safety.

> *It felt like we were less important than Target. We should have been protected. – Business owner*
>
> *In my case, we were left without any help. We would call the police and they never responded. We were left to fend for ourselves. That's my experience. I feel very frustrated with the authorities—my business was burned and broken into, my car vandalized, my house broken into. Still to this day, we haven't had any help. I don't know who to talk to or what the next step will be. – Business owner*
>
> *There was huge inequity [in the state's response]. Frankly, there was just actual racism in that response. They wanted to protect property downtown. They wanted to protect the big properties like Target—which they failed at—but they weren't concerned about what was going on in [respondent's neighborhood]. … Our own community had to step up … That's what our community had to do because the state had no response for us. They didn't have resources to help us. And so even in their focus on property, there was the usual division and racism there. "Property" meant White property and White property owners. It also skewed heavily toward large institutional property owners. The mom and pop stores, the barbershops—they weren't getting any love from the state. – Community leader*

THE STATE'S RESPONSE OFTEN ESCALATED THE UNREST

> *As a business owner, am I allowed to be standing in front of my business or will I get shot with rubber bullets? Am I allowed to put out fires or will I get tear gassed? – Business owner*

When law enforcement was present in their communities, many respondents said that officers and other personnel escalated situations that could have been handled more safely and readily with deescalating tactics. Many respondents mentioned that law enforcement officers directed tear gas, rubber bullets, and flash bang grenades at protesters who were not engaging in illegal activity or posing an immediate threat. Some respondents also mentioned that these escalating tactics from law enforcement made it difficult for them to deescalate dangerous situations themselves.

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> *I experienced getting maced, tear gassed. I got shot with rubber bullets. … We were peaceful and they maced and shot us.– Community leader*
>
> *In our neighborhood, initially it was a very strong police response—but not in a way that promoted calm and order. From our perspective, it was antagonistic. A lot of that was rubber bullets and tear gas, and then they just left. Of course, people were agitated.– Business owner*
>
> *I saw someone trying to kick in the window of the post office and just yelled, "Hey, we don't mess with the post office! People need to go there to pay their bills and get their checks!" They looked up and saw me and ran away. It became increasingly hard to do any of that kind of intervention because there was just so much tear gas, grenades, and rubber bullets. – Business owner*
>
> *What didn't go well? Their automatic show of force, gearing up in military grade body armor and weapons. It seems they go out of their way to create fear, tension, and volatility. I can't stand the way they do that. We're not combatants in a war. We pay you. This is what we pay for? To be beaten, tear gassed? My car was hit by rubber bullets. My 20-year-old escaped being shot by a hair. – Community leader*

Some respondents empathized with law enforcement and understood why they employed tactics like tear gas and less lethal munitions, with one respondent saying, "The state and law enforcement officials were caught off guard by the magnitude of what was happening." Other respondents noted that it must have been difficult for law enforcement to distinguish between peaceful protesters and violent demonstrators when deciding whether to use tear gas or rubber bullets.

> *The state acted appropriately in that time—it could have gotten a lot worse. – Business owner*
>
> *I would characterize [the state's response] as regrettably effective, but I wouldn't necessarily say that I believe that the totality of it was necessary. They needed to take action, but there were degrees of [their response] that I think were unnecessary, like the rubber bullets. They need to look at how to do a better job with quarantining an area, to shut down an area before you rely on brute force. – Community leader*

In addition, many community leaders and some local government officials described the Minnesota National Guard deployment as an escalating tactic. However, perspectives on the Minnesota Guard's presence were nuanced and divergent. Some respondents mentioned that they and their communities felt frightened by the Minnesota Guard presence, that they did not fully understand why the Minnesota Guard was there, and that they felt like the Minnesota Guard was there to control or suppress them rather than help them. A few respondents wondered about what they perceived as an inconsistent response from the state in their community—initially, they felt abandoned because there was no law enforcement presence, and then they felt overwhelmed and like their communities were occupied when the Minnesota Guard arrived.

> *People don't want an occupied community in order to be safe. Why is there no balance between being occupied and being abandoned? The fact that our law enforcement experts cannot answer that question is very disconcerting. – Local government official*

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> *One of our granddaughters was afraid to go to school because of the National Guard. She was trembling, wondering, "Are they going to shoot me? Why are they here?" She internalized the violence of the state. – Community leader*
>
> *Another thing the state did not do well was articulate exactly what the National Guard was supposed to be doing. It might have been different if they were passing out water and food to community members, like the rest of us. They didn't come in as partners, but as regulators. It felt like opposition. It felt like community was seen as opposition, as a target. – Local government official*

In contrast to these negative perceptions of the Minnesota National Guard, some business owners talked about appreciating the Minnesota Guard deployment. Prior to the deployment, they said they felt their business was unsafe and vulnerable. Additionally, some community leaders said that the presence of the Minnesota Guard helped the situation feel "under control." However, some of these same respondents also expressed confusion about the Minnesota Guard's purpose. Specifically, a few respondents wondered why Minnesota Guardsmen in their neighborhood left without any explanation; these respondents felt that the Minnesota Guard were removed when they were still needed in their communities.

> *When they did bring in the National Guard, I noticed that things got under control pretty quick, but they probably should have called out the National Guard much sooner than they did. – Community leader*
>
> *For the most part, the immigrant business owners in [the respondent's neighborhood] really, really wanted the National Guard here. They felt vulnerable, physically threatened by what was happening. They were happy to hear the National Guard was coming. The National Guard was deployed to [the respondent's neighborhood], but then they retreated. … I don't know why they were pulled. I heard from residents and business owners who were upset that they were leaving. – Local government official*

Lastly, many respondents reflected on the overall goals and approach of law enforcement during the unrest and the training they receive in regards to escalating or deescalating tactics. In particular, these respondents suggested that law enforcement officers are effective at protecting buildings and infrastructure, but are less effective at deescalating situations and caring for people's physical and emotional health. As one respondent said, "They claim that they're peace officers, but that's not what they do."

> *Business owner 1: They spent millions of dollars protecting infrastructure and buildings. What was the action plan for helping people in distress from seeing the Floyd murder? … They're so concerned about buildings, but they're not doing anything with the human response.*
>
> *Business owner 2 (responding to the above quote): That's the easy way out, they already know how to do that stuff. They don't know how to take care of people.*

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> *Protesters aren't there to harm you or beat you down. We want to be heard. We want our civil rights! … A more peaceful response from the state [would have been better]. A less combative, forceful, oppressive presence from law enforcement would probably change the outcome of every protest in this country. … [Law enforcement] are not trained to impart a sense of safety. They claim that they're peace officers, but that's not what they do. – Community leader*

Perspectives on public messaging and executive orders

Many respondents expressed conflicting viewpoints about the state's communication regarding outside agitators and White supremacists during the unrest. While some respondents appreciated the state's handling of this information, others thought that it invoked fear among Twin Cities residents and escalated feelings of danger and vulnerability. Some respondents also saw the focus on outside agitators as a distraction from the issue at hand—that George Floyd was murdered by a Minneapolis police officer.

> *A lot of the state's response was about these outside agitators—this narrative about these peaceful protests and then these outside people coming in. To me, these press conferences were creating fear. – Community leader*
>
> *That narrative of outside agitators supports this notion that Minnesota doesn't act like that…. It was an energy-less, ineffective attempt to try to change the narrative about who Minnesota is: "We're nice after all, we don't do this kind of thing." – Community leader*
>
> *I thought they did a good job early on identifying that there were outsiders coming in to make a fuss. The [DPS] Commissioner used the term "White supremacists" on TV and he said it with authority and anger. I thought the fact that he put it out there like that was good. – Community leader*

In addition, many community leaders, local business owners, and local government officials expressed differing opinions on the use of curfews during the unrest. For instance, one respondent said, "It's simple—the curfew worked." Another noted, "I saw the curfew as a complete joke." Other respondents mentioned issues created by the curfew, particularly for people who work night shifts or had other legitimate reasons to be out after curfew. In addition to worrying about the unrest, these respondents said, people who needed to be out after curfew worried about getting stopped by law enforcement on their way to and from work, for example.

> *A Black woman and a mom who lives near me got caught in the curfew just trying to get home. – Local government official*
>
> *The first night of curfew, nothing bad was happening [suggesting that the curfew was not effectively enforced], but then the second night, they were on that. … It was more heated. You actually had to hurry up and go home on the second night. – Community leader*
>
> *I don't mean this in a funny way, but it seemed like Floyd was murdered by an officer and then we were all punished for that officer's actions for several days after. Eight days of lockdown for us because of what an officer did. I would not be proud of that. – Community leader*

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Recommendations for the state

> *Just talking about "the response" is the most limited way to look at this.*
> *– Local government official*

Numerous community leaders, local business owners, and local government officials offered recommendations for how the state can improve its response next time or prevent unrest like this from happening again. Many respondents noted that any response from the state should acknowledge the complex and systemic factors that contributed to the unrest, including issues like racism, poverty, policing, and COVID-19.

Please note that these recommendations are a subset of the recommendations included in the full report; they pertain only to the feedback we heard from community leaders and local business owners. The recommendations from this group of respondents include:

- **Help local businesses recover and prepare.** Help local businesses recover from the destruction during the unrest and prepare for future instances of unrest that may harm or affect their businesses.
- **Support and partner with affected communities, particularly Black communities.** The state should support affected communities to recovery physically and emotionally from the unrest—by partnering directly with community members to keep their communities safe in ways that align with their goals and values and addressing racial inequities in quality of life (employment, health, education, etc.) as a strategy to prevent future unrest.
- **Transform policing and law enforcement in Minnesota.** Make systemic changes to policing and law enforcement in Minnesota so that fewer Minnesotans are killed during interactions with police officers and there is greater trust between law enforcement officers and other personnel and the communities in their jurisdictions.

HELP LOCAL BUSINESSES RECOVER AND PREPARE

Numerous community leaders, local business owners, and local government officials talked about the toll of the unrest on local businesses, especially businesses in highly affected areas like the Lake Street corridor, the University corridor, North Minneapolis neighborhoods, and near the site of George Floyd's murder. Many business owners mentioned the desire for more guidance and assistance from the state, both during unrest (*Is my neighborhood safe? Can I be at my business?*) and after periods of unrest (*When can I take the boards off of my windows? How can I make sure my business is safe next time?*). In order for community members and business owners to get timely guidance during times of unrest, a few respondents noted the state should consider establishing positive working relationships with key people or organizations in various neighborhoods so that lines of communication exist prior to an emergency.

> *Even now almost a year later, there has been no checking in. Our buildings are still boarded up. How long are they supposed to stay like this? It's just our own judgment. That has a cost on our neighborhood—whether people feel like it's a place where they want to come. – Business owner*

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> *I think the key is: What does a community emergency response look like? The state could define that better. How do organizations play a bigger, more involved role? Especially if you have data that locates high priority areas during a crisis, and then who the key people or organizations are in those areas. Is the emergency disruptive or destructive? Those are different sets of tactics. – Business owner*

Many business owners expressed a desire for more help from the government—local, state, and federal—in financially recovering from the unrest. Some business owners said that their businesses were destroyed and that their insurance will not cover the damage. Other business owners said that while their business did not sustain physical damage, they saw a decline in revenues after the unrest. A few business owners recommended that the state fund financial recovery programs for businesses as well as provide protection grants to business owners and educate them on how to keep their businesses safe.

> *We lost everything—cash, checks—we couldn't recover anything. The insurance didn't want to cover it. We didn't recover it. – Business owner*
>
> *It didn't have direct impact in my space; however, it did impact my space in that it compounded with the negative impression that people already have of [respondent's neighborhood]—businesses boarded up, burned out. It impacted my business in that way. It continued that stereotype of not being safe over here. We were open, but business was slow—nobody was coming in. – Business owner*
>
> *The state should be thinking about recovery programs or protection grants. Not just putting up the plywood, but things that are attractive but keep things safe if you need to shutter-down. … What are some of the early indicators [of unrest] to alert property owners? There could be training for small- to medium-sized business owners—what can they do, how can they assess how prepared they are? – Business owner*

SUPPORT AND PARTNER WITH AFFECTED COMMUNITIES, PARTICULARLY BLACK COMMUNITIES

Many respondents offered recommendations for how the state can support and partner directly with affected communities, particularly Black communities, during periods of unrest and after periods of unrest. Other respondents offered recommendations for how the state can support and work with communities during times of peace. These recommendations centered on addressing inequities and racism experienced by many Black residents in the Twin Cities and throughout Minnesota.

In regards to supporting communities during periods of unrest, as mentioned previously, respondents recommended that the state establish ways of communicating and making real-time decisions with key people and trusted organizations in affected communities. These respondents urged the state to view community leaders and organizations as partners in responding to and making decisions before, during, and after times of unrest.

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> *The spaces I have seen be most effective are community-convened spaces; government is not driving, but is there. The community members coordinate and ask government officials to attend and listen to what the community wants. … So, what response [from the state] would have been better? It's co-governing, it's sharing that space together. – Local government official*
>
> *The impression I get [from the state] is that the decisions are already made. If the decisions are already made, a seat at the table is just an illusion. You have to create a table that aligns with your organizational responsibility—so that community can be infused into your decisions in a timely manner. – Community leader*

In regards to supporting communities after unrest, numerous respondents talked about the lack of follow-up from the state once the situation calmed down. They talked about the lack of financial assistance from the state, the lack of help in regards to cleaning up their neighborhoods, and the lack of support for physical and emotional healing for community members. In the absence of the state's assistance after the unrest, many respondents told stories of people in their communities helping to clean up their neighborhoods and providing time and space to promote physical and emotional healing in the days and weeks following the unrest.

Respondents also wanted state support in regards to the trauma among Black residents caused by witnessing George Floyd's murder, experiencing the unrest that followed, and reliving these experiences through the Derek Chauvin trial. Other respondents talked about how businesses in their neighborhoods have received meaningful financial assistance from local and federal government sources, but little from the state.

> *We have gotten through the fallout of this [the unrest] with almost no help from the state. There has been local assistance funds and some help through the federal government. I know that the state finally passed something that meagerly helps us. … We're not getting meaningful help. – Local government official*
>
> *What is the human piece of [the state's response]? What is people's sense of what's happened to our communities and businesses? There's a lot of need there, too—for processes and ways of helping people, understanding their collective and individual experiences. My feeling that I'm left with is that if we are going to learn from this, there has to be some tending to our human experience—not just the practical part of how to do protection "next time." – Community leader*
>
> *What struck me for weeks about the state's response was the garbage all over the streets, buildings that had collapsed. They [the state] left property owners on their own to clean up five-story buildings. … They could have helped repair the damage, helped us clean up our streets so that people can walk the sidewalks, so that people in wheelchairs have access to these places, so that people can wait at the bus stops. It just felt like their effort was focused on antagonizing the protesters, not about helping clean up so that people can come to our businesses. – Business owner*

An overwhelming observation from community leaders, local business owners, and local government officials was that while the murder of George Floyd sparked the unrest, the unprecedented scale of the unrest was in response to a long history of racism and discrimination against Black people in the Twin Cities and

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throughout Minnesota. In particular, respondents noted racial inequities on a number of fronts—economic inequity, education inequity, inequities in health and safety—as contributing to the breadth and depth of the unrest during this time. In light of this observation, respondents recommended that the state help to address these inequities, particularly the impact that these inequities have on Black Minnesotans, because doing so will likely result in increased public safety.

> *A lot of it had more to do with poverty than it did George Floyd. … What are those underlying things that the community needs? – Community leader*
>
> *It was a sign of people reaching their breaking point. We should make room in our understanding that not all unrest needs to be righteous or noble—sometimes it's just people who are fed up and like, "This is ridiculous and I just want some shoes" [referring to people breaking into retail stores]. If you feel hopeless and angry, and everything feels like [expletive] because the government isn't doing what it's supposed to do, sometimes you're just like, "I'm gonna get some shoes." A lot of the communication was about good versus bad protesters, but really we need to look at the human side of it, at the oppression on multiple levels. … Of course people shouldn't be doing that [stealing shoes], but that's not the right place to go to. It's why are they doing it? Hopelessness, despair—it grew from those core things—and tiredness. Then they brought charges [against former officer Derek Chauvin and the other responding officers] and it died down. "No justice, no peace"—it is plainly telling people what it would take to bring peace. – Local government official*

TRANSFORM POLICING AND LAW ENFORCEMENT IN MINNESOTA

Many community leaders, local business owners, and local government officials recommended that the state prioritize the transformation of policing and law enforcement across Minnesota. These respondents noted that police violence is not limited to Minneapolis or the Twin Cities, and suggested the state take a lead role in transforming policing and law enforcement statewide so that fewer Minnesotans are killed during interactions with police officers, particularly Black male Minnesotans.

> *How do we, first of all, reimagine having a police force that everyone can trust? We need a police force that recognizes our humanity, our right to liberty, our right to freedom—all of those things. – Community leader*
>
> *There's the actual response during the uprising and then there's the role that the state can take in systems reform. … This is not just one crisis. This came from problems deeply rooted in our systems. Both at a human level and a systems level, there is a need for reckoning with the history of racism in this state, the history of extracting and disinvesting from neighborhoods and communities. It's hard to pinpoint what the state could have done in this particular instance that isn't rooted in these bigger questions. I think the state could play a really powerful role in changing these systems. – Community leader*

Some respondents expressed hope that Minnesota can transform our approach to policing and law enforcement so that in the future fewer or no Minnesotans are unnecessarily killed during interactions with law enforcement officers. Other respondents were less hopeful in this respect. Regardless, numerous community leaders, local business owners, and local government officials felt that if policing does not drastically and systemically change in Minnesota, the state should prepare for the next period of unrest.

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> *We know Minnesota is not going to crack down on their police. "The next situation" is very real for that reason. But, if the state decides to deal with this policing problem—and how the police deal with African American people and communities—then there won't be "a next time." … It is ridiculous that the eyes of the world are on Minnesota with the Chauvin trial, yet we have another police killing of an African American male just yesterday [referring to Daunte Wright]. – Business owner*

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Glossary

After-action reports: A report that details law enforcement decisions and actions during an incident, assesses decisions, identifies areas of improvement, and recognizes strength areas.

American Indian Movement (AIM) patrol: Formed in August of 1968, the American Indian Movement Patrol (AIM Patrol) was a citizens' patrol created in response to police brutality against Native Americans in Minneapolis. Patrollers observed officers' interactions with Native people and offered mediators that community members could call on for help. As of 2016, a similar but separate group operates under the same name.

Black codes: Restrictive laws designed to limit the freedom of African Americans and ensure their availability as a cheap labor force after slavery was abolished during the civil war.

Civil disobedience: An unlawful and non-violent action involving a planned or spontaneous demonstration by one or more people.

Civil disturbance: A gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts.

Civil unrest: A prolonged period of civil disturbance.

Crowd dispersal: Tactics to disperse a non-compliant crowd which can include, but is not limited to, mass arrests, use of aerosol crowd control chemical agents (e.g., tear gas), and police formations.

Crowd dynamics: Factors which influence crowd behavior.

Crowd intervention: In the intermediate level of response, law enforcement responds to pre-planned or spontaneous activities to isolate unlawful behavior that impacts public safety while allowing the event, activity, or occurrence to continue.

Crowd management: At the lowest level of response, law enforcement responds to all forms of public assemblies, including strategies and tactics employed before, during, and after a gathering, to maintain the event's lawful activities.

Dialogue policing/dialogue officers: Establishing contact with the demonstrators before, during, and after protests to facilitate de-escalation and act as a liaison between protest organizers and commanders.

Differentiation: Enforcement actions are taken against individuals or groups acting violently or destructive, while law-abiding members of the crowd are allowed to protest.

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Emergency Management Performance Grant (EMPG): A grant provided by FEMA (Federal Emergency Management Agency) that provides state, local, tribal and territorial emergency management with the resources required for implementation of the National Preparedness System.

Incident command: A standardized, hierarchical approach to command, control, and coordination between responding agencies (e.g., local police, state patrol).

Incident commander: The person responsible for all aspects of an incident response. The incident commander sets priorities and defines the organization of the incident response teams and the overall incident action plan as defined under the National Incident Management System (NIMS).

Incident Command System (ICS): ICS is a standardized approach to the command, control, and coordination of on-scene incident management, providing a common hierarchy within which personnel from multiple organizations can be effective. ICS is the combination of procedures, personnel, facilities, equipment, and communications operating within a common organizational structure, designed to aid in the management of on-scene resources during incidents. It is used for all kinds of incidents and is applicable to small, as well as large and complex incidents, including planned events.

Incident management system (IMS): A standardized structure (i.e., guidelines, policies, and hierarchies) that guides all levels of government to coordinate activities and manage emergencies. IMS originates from the National Incident Management System, which provides systems, policies, and practices for resource management, command and coordination, and communication and information gathering between government organizations, non-government organizations, and the private sector. Additional information about IMS and the National Incident Management System can be found here: National Incident Management System (https://www.fema.gov/emergency-managers/nims)

Interoperability: The ability for diverse organizations and agencies to communicate seamlessly and cultivate a shared situational awareness to respond to emergencies.

Joint information center (JIC): A facility or a central location to coordinate the communication of accurate and timely information related to the incident, including incident management activities and potential risks to public safety.

Less lethal munitions: Specialty impact munitions, hand delivered or propelled from launching devices, at an extended range, intended for use based on manufacturer's recommendations in compliance with agency policy. Note: State Law Enforcement used three delivery methods: hand delivered, 40mm launched, and less lethal shotgun launched. Munitions included 40mm less lethal munitions including crushable foam rounds, aerial warning devices, CS skat rounds, and rubber stinger balls. Some of the aforementioned products have an integrated CS (irritant agent) or OC (inflammatory agent). Hand delivered crowd control munitions included inert blast balls, stringer blast balls, CS triple chasers, CS (irritant agent) blast balls, and OC (inflammatory agent) blast balls. OC aerosol and less lethal shotgun bean bag rounds were also used for crowd management.

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Little Earth: A public housing complex – the only public housing in the U.S. with American Indian preference – located in the heart of the American Indian community in South Minneapolis**.**

Long Range Acoustic Device (LRAD): A long range acoustical device used to safely give clear and concise commands to crowds, so they can comply with law enforcement directives.

Memorandum of Understanding (or Agreement) (MOU or MOA): A written or oral agreement between and among agencies/organizations and/or jurisdictions that provides a mechanism to quickly obtain assistance in the form of personnel, equipment, materials, and other associated services. The primary objective is to facilitate rapid, short-term deployment of support prior to, during, and/or after an incident.

Mental health promotion: Organizational policies and actions that proactively improve the psychological well-being of its constituents.

Minnesota Board of Peace Officer Standards and Training: The Board of Peace Officer Standards and Training, which operates pursuant to Minnesota Statutes § 626.84 to 626.863 (2021), is authorized to adopt rules and standards relating to the selection, training, and licensing of peace officers and part-time peace officers in Minnesota. The following rules are adopted pursuant to Minnesota Statutes § 214.12, 626.843, and 626.863 (2021).

Minnesota Emergency Operations Plan (MEOP): The basis for a coordinated state response to a major disaster or emergency. The plan is reviewed and updated annually by implicated agencies.

Multiagency Coordination Systems (MACS): MACS, typically comprised of agency leaders and administrators, functions to coordinate resource allocation, situational assessment and awareness, and multi-agency operations during large-scale emergencies such as civil disturbances.

National Incident Management System (NIMS): A systematic, proactive approach to guide all levels of government, NGOs, and the private sector to work together to prevent, protect against, mitigate, respond to, and recover from the effects of incidents. NIMS provides stakeholders across the whole community with the shared vocabulary, systems, and processes to successfully deliver the capabilities described in the National Preparedness System. NIMS provides a consistent foundation for dealing with all incidents, ranging from daily occurrences to incidents requiring a coordinated Federal response.

Negotiated Management: A model of protest policing in which protest organizers and law enforcement personnel collaboratively plan and specify logistics of the protest, including determining crowd behaviors that warrant enforcement activity.

Operation Safety Net: In advance of the trial of former Minneapolis police officer Derek Chauvin, Minnesota law enforcement officials coordinated efforts to, as stated on the website, ensure everyone can safely have their voices heard before, during, and after the trial. The stated mission of Operation

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Safety Net was to preserve and protect lawful First Amendment non-violent protests and demonstrations and prevent large-scale violent civil disturbances, assaultive actions, property damage, fires, and looting to government buildings, businesses, and critical infrastructure.

Paramilitary response: Implementing a militaristic command-and-control tactic during an emergency response.

Peace officer: Officers who received specialized training in maintaining peace, safety, and order (i.e., preventing crime) before being employed at the state, county, or local level. The Minnesota Peace Officer Standards and Training Board licenses nearly 11,000 professional peace officers who are employed at more than 400 law enforcement agencies across the state. Licensed peace officers include municipal police officers, sheriffs and deputy sheriffs, Minnesota State Patrol officers, conservation officers of the Department of Natural Resources, special agents of the Bureau of Criminal Apprehension, and officers at other law enforcement agencies.

Police legitimacy: Members of the public view police authority as legitimate and believe that the police should exercise its authority to maintain public safety.

Procedural justice: Police-civilian interactions that embody four principles: (1) fairness, (2) transparency, (3) opportunities for voice, and (4) impartiality in decision-making.

Protest/demonstration: A legal assembly of people to publicly express disapproval or objection of an idea, policy, or action.

Public information officer (PIO): The official spokesperson responsible for managing press releases, disseminating messages to the general public, and engaging in external communications.

Public order (often referred to as crowd control): At the highest level of response, law enforcement responds to preplanned or spontaneous activities that have become unlawful or violent and may require arrests and dispersal of the crowd.

Simulation-based training: Emergencies are realistically simulated to practice and transfer key skills for managing actual emergencies.

State response: Minnesota state entities (Department of Public Safety, including State Patrol, Homeland Security and Emergency Management Division, Bureau of Criminal Apprehension; National Guard; Department of Natural Resources; Department of Corrections; Department of Human Rights; governor's office; Department of Transportation) that responds to civil disturbances by aiding local police departments (e.g., Minneapolis Police Department) in their response efforts.

Statewide Emergency Communications Board: The Board, made up of five Regional Communications Boards and two Regional Emergency Services Boards, provides leadership to set the vision, priorities, and technical roadmap for interoperable communications and alerts and warnings across the state.

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Systemic racism: The concept that systems and institutions produce racially disparate outcomes, regardless of the intentions of the people who work within them.

Talkgroups: A talkgroup is comprised of an assigned similar group of users (e.g., public safety responders) on a trunked radio system (e.g., ARMER). Unlike a conventional radio system which assigns users a specific frequency or channel on which to communicate with a similar group of users, a trunked system uses a number of frequencies allocated to the entire system rather than just a single frequency or channel. When an end user presses their push-to-talk key on their radio, the trunked radio system automatically provides them with a digital talk path on the system which has been pre-programmed or allocated to the talkgroup.

Unified command: A unified team that consists of multiple agencies (e.g., state patrol, local police) that varies across functional responsibility and jurisdictional areas. The unified command primarily exists to plan, coordinate, and execute an inter-agency response to a large-scale emergency. An incident commander is typically assigned to oversee and guide incident management activities of the unified command.

Use of force: Effortful action by the officer to obtain compliance from a non-compliant person.

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Literature review

Wilder Research conducted a literature review to recommend best practices for preventing and responding to civil disturbances such as riots and insurrections. Our team reviewed research studies that extended across multiple disciplines (e.g., psychology, criminology), subject areas (e.g., crowd management, procedural justice), and methodologies (e.g., historical analysis, survey research). The literature review included articles from a search of peer-reviewed academic journal articles; media stories; and reports published by advocacy organizations, law enforcement trade publications, research and policy organizations, and other sources. We used key search terms, including civil unrest, social unrest, civil disturbance, crowd control, riot control, protest control, multi-agency command, police legitimacy, procedural justice, police stress, police trauma, police mental health, community policing, law enforcement interoperability, protest incident management, and protest policing. Wilder Research staff reviewed the sources and cited them, as relevant, throughout this report.

Recommendations from these sources are often based on lessons learned from other jurisdictions that responded to instances of civil unrest. However, caution should be used when comparing the response to planned events in other states to the unplanned and unprecedented events that occurred in May and June 2020 in Minnesota after George Floyd's murder.

Literature that looks at law enforcement best practices can inform the policies and practices of the State Patrol within their purview of state highway traffic safety and the Minnesota National Guard within their purview of assisting local jurisdictions when requested in emergency management situations. While much of the existing literature focuses on prevention and response among local police departments, many best practices may be transferable to state-level law enforcement.

A reference list is included in the Appendix.

How the review was conducted

Research methods incorporated data from multiple sources and approaches to add strength to the review findings. Analyzing multiple data sources helps capture different dimensions of the same phenomenon. We used the following methods to answer the research questions.

Media review

Wilder Research reviewed local, text-based media articles from May 26-June 7, 2020. The information gathered from the media review was used to: 1) build a timeline of events during the period of interest; 2) identify key decisions, actions, and communications from the state; and 3) understand what and how events had an impact on community members, including business owners. This review also served as a check against other information and data collected to ensure the timeline is accurate and that the most salient actions taken by the state were explored in subsequent data collection activities.

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Wilder Research staff identified nine different media sources to include in the review. In an attempt to capture reporting from a spectrum of local sources, six of the selected sources do not have a strong political leaning, two are considered left-leaning, and one is considered right-leaning. Wilder's research librarians used ProQuest, NewsBank, and publication websites to search the selected publications for articles published from May 26 to June 7 using key search terms to find relevant articles. This review was limited to local, text-based web content. The review excluded sources that do not have transcripts (e.g., most TV newscasts) or do not have a print component in addition to an audio component (e.g., live radio broadcasts). The review did not include print versions of newspapers; however, there is considerable overlap between print and web content. See Figure A1 for search details.

A1. MEDIA SEARCH METHODS

Publication	Source	Search words/keywords used
Minneapolis Star Tribune	ProQuest (database)	(("george floyd" OR "floyd") AND (riot OR riots OR protest OR protests OR "civil unrest"))
Saint Paul Pioneer Press	NewsBank - Minnesota newspapers (database)	(("george floyd" OR "floyd") AND (riot OR riots OR protest OR protests OR "civil unrest")) AND ("state" OR "governor" OR "multi-agency command")
MinnPost	ProQuest (database)	(("george floyd" OR "floyd") AND (riot OR riots OR protest OR protests OR "civil unrest"))
City Pages	NewsBank - Minnesota newspapers (database)	(("george floyd" OR "floyd") AND (riot OR riots OR protest OR protests OR "civil unrest")) AND ("state" OR "governor" OR "multi-agency command")
Associated Press State Wire – Minnesota	NewsBank - Minnesota newspapers (database)	(("george floyd" OR "floyd") AND (riot OR riots OR protest OR protests OR "civil unrest")) AND ("state" OR "governor" OR "multi-agency command")
Minnesota Public Radio (includes web edition articles, blogs)	NewsBank - Minnesota newspapers (database)	(("george floyd" OR "floyd") AND (riot OR riots OR protest OR protests OR "civil unrest")) AND ("state" OR "governor" OR "multi-agency command")
Unicorn Riot	Internet Archive (Wayback Machine)	Scanned articles and blog content published May 25-June 7, included content referencing protest and unrest
Minnesota Reformer	Internet Archive (Wayback Machine)	Dates available: May 28, May 29, May 30, May 31, June 1, June 3. Selected anything to do with the topic. (Not all days in time frame were available)
Fox 9 KMSP	Internet Archive (Wayback Machine)	Scanned web content published May 25-June 7—only included those that referenced protest/unrest

Articles based on this search were uploaded into Atlas.ti, a leading software program for qualitative research analysis in the social sciences. A coding framework was developed to capture any reporting related to our research questions and any relevant mentions of key events or decisions from the state (e.g., calling in the Minnesota National Guard) and opinions of the state's response.

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Review of state documents and interviews with key state personnel

Wilder received an after-action review (AAR) conducted internally by DPS ("DPS lessons learned from civil unrest, May 25 to June 10, 2020") and a 30-page timeline that detailed actions and communication among state leadership and local government during the period of unrest. Wilder reviewed these documents and used the information to inform subsequent tool development for data collection and analysis for reporting. For a more in-depth understanding of what happened during this period, Wilder conducted interviews with 11 individuals who played a leadership role as part of a state agency or, in one case, a local law enforcement agency. The interview protocol is included in the Appendix.

Interviews with key informants

Wilder conducted a second and third round of interviews with a wide variety of stakeholders, completing interviews with 47 people (58 people total, including first round interviews) (Figure A2). Participants for whom the interview was not part of their professional role (e.g., media representatives, neighborhood association presidents, business representatives, and community leaders) received a $30 gift card as a thank you. The interview protocol for these second and third-round interviews is included in the Appendix.

A2. TYPE AND NUMBER OF INTERVIEW RESPONDENTS (ROUND 1, 2, AND 3 INTERVIEWS COMBINED)

Type	Includes	Number of people*
State officials	Governor's Office, Department of Public Safety, Homeland Security and Emergency Management, State Patrol, Department of Natural Resources, Bureau of Criminal Apprehension, Department of Corrections, Council for Minnesotans of African Heritage, Department of Transportation	20
Local law enforcement, fire departments, and emergency medical services	Minneapolis Police Department, Saint Paul Police Department, Bloomington Police Department, Anoka County Sheriff's Office, Moorhead Police Department, Minneapolis Fire Department, North Memorial EMS, Hennepin Healthcare EMS	12
Local government officials	Minneapolis Mayor's Office, Saint Paul Mayor's Office, Minneapolis City Attorney's Office, Saint Paul Attorney's Office, Minneapolis City Council members, Saint Paul City Council members, City of Minneapolis staff, Saint Paul Emergency Management Department, Minneapolis Civilian Police Oversight Commission	14
State legislators	Democrat and Republican	2
Community leaders	Neighborhood association presidents and leaders of activist or community organizations	6
Business representatives	Representing Black-owned businesses and downtown businesses	2
Media representatives	Journalist and attorney representing media organizations	2

*Some interviews include multiple people.

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Focus groups with various affected groups, led by the Minnesota Justice Research Center

Wilder Research partnered with the Minnesota Justice Research Center (MNJRC) to conduct eight focus groups with community members and business owners who were highly affected by the unrest or highly involved in supporting their communities during the unrest. MNJRC staff coordinated and facilitated the focus groups; Wilder Research staff took notes. MNJRC staff developed the focus group protocol used for all eight groups with feedback from Wilder staff. Of the eight focus groups, six were with community members (34 respondents), many of whom were youth, and two were with local business owners (14 respondents). Community members included positional leaders, such as leaders of nonprofits or neighborhood associations, and informal community leaders, such as people who were highly respected by the people in their communities. Of the local business owners, most (89%) had been operating in the Twin Cities for more than 10 years and about 2 in 3 (67%) said that their business experienced significant or severe damage. Business owners' businesses were located in 13 zip codes, with 6 in 55104 (Saint Paul Midway), 5 in 55407 (Minneapolis Lake Street), and 3 in 55411 (North Minneapolis). Please see Figure A3 for race/ethnicity information for focus group participants who responded to a follow-up survey sent after each group.

A3. FOCUS GROUP PARTICIPANT RACE/ETHNICITY

Race/ethnicity	Number of respondents (n=25; N=48)
Asian or Asian American	-
Black or African American	17 respondents
Latinx or Hispanic	3 respondents
Native American	-
White or European American	4 respondents
Multiple races/ethnicities	1 respondent

Note: MNJRC sent a follow-up survey to each focus group respondent to collect demographic information; 25 of 48 respondents completed the survey.

Analysis process

Wilder analyzed the data from each of these sources and synthesized the findings to identify what went well and what could be improved in the future about the state's response to civil unrest.

We developed a unified codebook for the interviews and focus groups that allowed us to code data from the 51 interviews (with 58 people) and 8 focus groups together. This codebook included method codes (interview or focus group), respondent codes (type of respondent), perception codes (good experience, bad experience), and experience codes (codes that captured the different experiences of

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respondents, such as experiences with law enforcement tactics or experiences related to coordination and mutual aid between responding agencies). MNJRC provided feedback on the codebook during the coding process to make sure that it captured key insights from the eight focus groups; however, the Wilder team led the analysis process.

The coding team received training on how to use the codebook and met weekly to discuss any questions or challenges that arose during coding. The team discussed these questions or challenges to ensure inter-coder reliability between team members and adjust or change the codebook to capture respondent feedback adequately.

The 51 interviews (58 individuals) and 8 focus groups were coded in Atlas.ti. Once coding was complete, we used several analysis tools within Atlas.ti to map the data pertaining to the primary research questions. Overall, our analysis process included using co-occurrence tables to identify significant connections between codes and then combining these codes accordingly into "smart codes" (this is Atlas.ti's language to refer to one code that combines responses from multiple different codes). The resulting smart codes included: Coordination; Leadership, Chain of command; Tactics; National Guard; Media, Information, and Messaging; Follow-up, Prevention, and Community care; and Recommendations. We then used the co-occurrence tool again to produce output from the interviews related to these smart codes and particular respondent types, such as state-level respondents, local government respondents, community leader respondents, etc.

Once we identified key themes through this analysis process, we then triangulated the themes from interviews and focus groups with findings from the literature review, the media review, and our review of documentation provided to us by DPS. As a result, the findings that we present in this report are grounded in these multiple methods: 1) interviews, 2) focus groups, 3) literature review, 4) media review, 5) review of state documentation, and 6) consultation with a law enforcement expert with expertise in managing civil disturbances.

Consultation with a law enforcement expert trained in managing civil disturbances

In October 2021, Wilder and DPS agreed to contract with a law enforcement consultant with expertise in managing civil disturbances to review and provide feedback on the draft report submitted by Wilder in June 2021. Wilder then requested and received a list of six potential law enforcement experts from DPS for consideration. After searching for information about each candidate, Wilder approved of the proposed candidates and conducted an informal interview with the candidate that appeared to have the most relevant background and experience. Jose Vega has 25 years of experience in the New York City Police Department (NYPD). Nineteen of those years, he was assigned to the Disorder Control Unit. During his time with NYPD, he was the exercise coordinator for the unit and a trainer in crowd control and civil disturbance. He was also one of the training coordinators for the NYPD's Strategic Response Group. In his final years at NYPD, he researched, developed, and administered exercises to private

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institutions to help them manage critical incidents and provided training on how to best interact with responding officials. Now retired, Jose is a consultant, implementing training programs for organizations to improve response to and mitigation of civil disturbances. He has significant experience with the Incident Command System (ICS) and currently teaches ICS courses.

Per the independent contractor agreement with Wilder, Jose provided several rounds of review and feedback on the draft report. He also participated in three meetings with Wilder and DPS to discuss the report. Specifically, Jose 1) provided the report authors with a better understanding of what happens in large scale, unplanned instances of civil unrest, 2) provided feedback on the key findings in the report (suggested caveats or other explanatory language, new citations, as appropriate) to make sure the key findings were put in appropriate context, 3) bolstered the credibility of the report; and, 4) provided law enforcement expertise to inform the recommendations outlined.

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High-level visual timeline of state's response to civil unrest May-June 2020

A Timeline Including Key Touch Points From the State

May 25	May 26	May 27	May 28
• George Floyd murdered	• Minnesota State Patrol activates (Mobile Field Force unit and Special Response Team) to freeway and Third Precinct • Minneapolis Police Department fires all four officers involved in death of George Floyd	• Press conference #1 - Governor Walz addresses killing of George Floyd and announces BCA and FBI investigations • Minnesota State Patrol stationed at Third Precinct	• Minneapolis Mayor Frey and Saint Paul Mayor Carter officially request Minnesota National Guard assistance • Emergency Executive Order 20-64: Activating the Minnesota National Guard and Declaring a Peacetime Emergency to Provide Safety and Protection to the People of Minneapolis, Saint Paul, and Surrounding Communities; 500 Minnesota Guardsmen are deployed • Third Precinct is evacuated and abandoned, then stormed and set on fire • Minnesota National Guard and Minnesota State Patrol protect State Capitol and other buildings • State takes a lead role per Governor Walz's law and order mission to secure the Third Precinct and Lake St. in Minneapolis

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A Timeline Including Key Touch Points From the State (continued)

May 29	May 30	May 31
• CNN reporting team arrested by Minnesota State Patrol on live TV • Press conference #2 - Governor Walz apologizes for arrest of CNN reporting team, Maj. Gen. Jon Jensen expresses concern over lack of clarity in Minnesota Guard's mission • Chauvin arrested and charged with third-degree murder and second-degree manslaughter • Multi-Agency Command Center (MACC) is set up at TCF stadium • Emergency Executive Order 20-65: Implementing a Temporary Nighttime Curfew in the Cities of Minneapolis and Saint Paul; extends curfew through May 30 • Violence near Third Precinct, less lethal munitions used by Minnesota State Patrol to manage crowd	• State Patrol begins mass arrests along Lake St., less lethal munitions used – deemed unsuccessful mission • State Patrol leaves Third Precinct to patrol Nicollet Ave, march to Fifth Precinct (as directed by Mpls), fires nearby and along West Broadway in north Minneapolis • Press conference #3, 1:30 a.m. - Governor Walz declares law enforcement is overwhelmed by number of people out • Press conference #4, 9:00 a.m. - Governor Walz declares mobilization of full Minnesota Guard • Press conference #5, 12:00 p.m. – Large contingent with Governor Walz, Lieutenant Governor Flanagan, community/faith leaders, state legislators to call for peaceful protest and compliance with the 8 p.m. curfew • Press conference #6, 6:30 p.m. - Governor Walz urges Minnesotans to respect the 8 p.m. curfew • MnDOT shuts down freeways from 7:00 p.m.-6:00 a.m. • Emergency Executive Order 20-67: Implementing and Coordinating Cooperative Firefighting, Health, and Peace Officer Assistance • Response from State Law Enforcement to civil disturbance on Nicollet Ave, less lethal munitions used • A photographer from WCCO is struck by less lethal munitions and arrested by State Patrol; marking rounds are shot at people gathered on their porch (unclear by who)	• Emergency Executive Order 20-68: Extending the Temporary Nighttime Curfew in the Cities of Minneapolis and Saint Paul • Multi-Agency Command Center releases report saying they have identified evidence of outside threats to the Twin Cities • 6:00 p.m. - gas tanker semi-truck drives into protest crowd on I-35W bridge • Press conference #7, 7:00 p.m. - Governor Walz talks about extended Minneapolis & Saint Paul curfews and road closures • Governor Walz announces Attorney General Ellison to lead prosecution of Chauvin • 8:00 p.m. - Curfew goes into effect • Amicable mass arrest at Bobby & Steve's

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A Timeline Including Key Touch Points From the State (continued)

June 1	June 2	June 3
• Emergency Executive Order 20-69: Extending the Temporary Nighttime Curfew in the Cities of Minneapolis and Saint Paul • Press conference #8 – Governor Walz thanks Minnesotans for cooperation and apologizes again to the media • Minnesota Department of Human Rights opens an investigation into the practices of the Minneapolis Police Department & issues temporary restraining order	• Press conference #9 – Governor Walz provides update on protests, speaks to addressing systemic issues, and announces civil rights investigation	• Emergency Executive Order 20-71: Extending the Temporary Nighttime Curfew in the Cities of Minneapolis and Saint Paul • Press conference #10 – Governor Walz discusses new charges against MPD officers • Other three officers charged with aiding and abetting second-degree murder and charge against Chauvin is upgraded to second-degree murder

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Data collection protocols

Key Informant Interview Protocol – State officials and others involved in the multi-agency response at the MACC

Purpose of the Review

Hi, my name is ( ). I'm a researcher from Wilder Research, a nonprofit research organization based in Saint Paul. We conduct applied social science research and evaluation to improve the lives of individuals and families. We are interested in talking with you today about your recollection of and your role as part of the state government during the events of civil unrest from May 26 to June 7. As you may be aware, the Minnesota Department of Public Safety has contracted with Wilder Research to conduct an external review of the state's response to the civil unrest. We would like to hear your perspective on what went well, what did NOT go well, and what could be improved about the state's response to civil unrest. We want to make sure you know that this is not a "good-bad" kind of review process. We recognize this was an extremely complicated event. Our sole purpose in this review is to understand what happened during this window of time, identify strengths in how the State responded to civil unrest, and provide recommendations for how to improve the state's response should something like this occur in the future.

We want to thank you for agreeing to participate. We know that you are busy and we will be as focused as possible. We anticipate this interview will take about an hour.

Confidentiality Statement/Informed Consent

Your participation in this discussion is voluntary and you may choose not to answer questions you do not wish to. We also want to let you know that we will be taking notes and – with your permission – recording the interview. The recording will only be used as back-up for our notes and will be destroyed at the termination of the project. Are you comfortable with this interview being recorded?

Please let us know if something you say should not be attributed to your name or is "off the record". We cannot promise confidentiality as we are only speaking with a small sample of people for this first round of interviews (in some cases only one person from a particular agency or department). When we write our report and discuss our findings, we will present information aggregated from across our interviews in order to shield the identities of individual interviewees to the best of our ability. However, if you are in a position that makes it so that you are the only person who could know a certain piece of information, it is possible someone reading our report might infer the source of the information. We will make every effort to avoid this, but you should be aware of the possibility. We also ask that you refrain from sharing anything we discuss today with others to help us ensure confidentiality.

Do you have any questions before we begin?

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Introduction

1. Please describe what your role was during the civil unrest that occurred from May 26 – June 7. (*Probe: What was your day-to-day function?*)

MACC operations

We have some questions about how the Multi-Agency Coordination Center operated.

2. Who were the most critical players? What role did they play?
3. How were key decisions made by participating MACC agencies/leadership and who was involved in those decisions? Did the decision-making process change over time? If so, how?
4. How were decisions communicated within and beyond the MACC? *(Probe: How were new orders communicated? Was chain of command clearly understood/followed? Was there consistency in how participating MACC agencies operated?)*
5. To what extent did participating MACC agencies understand and adhere to policies or orders communicated by the MACC?

Timeline of events - key decisions and actions

To the extent that you are able, please take us through key decision points and actions taken by the state during this period. Feel free to refer to your calendar, email, or notes as needed. I want to remind you that your comments will not be linked back to your name. Our research team is simply using the information you provide to help us get the "lay of the land" and understand what happened from the perspective of various stakeholders. We will be using multiple data sources and input from all stakeholders to understand the events that occurred and recommendations to come up with the final recommendations to be presented back to the state.

6. What were the key decisions made during this period? Please differentiate between decisions and actions taken by the state and other decision-makers (e.g., city of Minneapolis).
7. What actions were taken by the state?
8. What went well in terms of the state's response?
9. What did not go well in terms of the state's response?
10. How could the state's response be improved should something like this happen again?

Additional information and snowball sampling

11. What, if any, documentation of the state's decisions or actions do you have that you would be willing to share with us?

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12. Is there anyone else we should speak with in order to get a comprehensive understanding of the timeline of events during this period? (*Probe: Representatives from your department, other state agencies or departments, local agencies and departments, other key stakeholders such as community leaders. Get as much info as possible and then follow up to get additional contact info, if possible.*)

Closing

13. Is there anything else you think we should know that has not been covered yet to help us get a comprehensive understanding of the state's response?
14. May we contact you if we have any follow up questions?

Thank you for your time! We will be using the information you provided us today along with several other data sources (reviewing state documentation, reviewing media sources, looking at the academic literature, and any relevant data collected) to understand what took place and best practices in response to civil unrest. We are also speaking with a broader group of stakeholders, including residents, business owners, community leaders and other key players (local government) that were either involved in the response or affected by it for a more comprehensive assessment of what about the state's response went well and what could be improved for next time. We plan to have a final report to Commissioner Harrington by mid-July. Do you have any questions for us?

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Key Informant Interview Protocol – Additional stakeholders within and outside of the state

Purpose of the Review

Hi, my name is ( ). I'm a researcher from Wilder Research, a nonprofit research organization based in Saint Paul. We are interested in talking with you today about your understanding of what went well and what could have been improved about the state's response to the civil unrest from May 26 to June 7 after George Floyd died while in custody of the Minneapolis Police.

The Minnesota Department of Public Safety has contracted with Wilder Research to conduct an external review of the state's response. As part of this process we're interviewing a wide variety of people who played a leadership role or were significantly affected by or intimately involved in the events during that period. Our aim for these interviews is to get an understanding, from a variety of perspectives, of how the actions and decisions made by the state during that time were and are perceived. We believe as [insert role of interviewee] you bring a unique perspective to contribute to this review. The purpose of this review is to understand what happened during this window of time, identify strengths and weaknesses in how the state responded, and provide recommendations for how to improve the state's response in the future.

We want to thank you for agreeing to participate. We know that you are busy and we will be as focused as possible. We anticipate this interview will take about an hour.

Confidentiality Statement/Informed Consent

Your participation in this discussion is voluntary and you may choose not to answer questions you do not wish to. We also want to let you know that we will be taking notes and – with your permission – recording the interview. The recording will only be used as back-up for our notes and will be destroyed at the termination of the project. Are you comfortable with this interview being recorded for this purpose?

Please let us know if something you say should not be attributed to your name or is "off the record". We cannot promise confidentiality as, in some cases, only one person may know a certain piece of information due to their professional role or involvement during the unrest. When we write our report and discuss our findings, we will present information aggregated from across our interviews in order to maintain the confidentiality of individual interviewees to the best of our ability. However, if you are in a position that makes it so that you are the *only person* who could know a certain piece of information, it is possible someone reading our report might infer the source of the information. We will make every effort to avoid this, but you should be aware of the possibility.

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Do you have any questions before we begin?

Okay, as we are specifically interested in your feedback on the response from the state, we think it is important to define which agencies we are thinking of when we say "the state". The pertinent agencies include the Minnesota Department of Public Safety (including the State Fire Marshal and Homeland Security and Emergency Management), the Minnesota State Patrol, the Governor's Office, the Minnesota Department of Natural Resources, the Minnesota National Guard, the Minnesota Department of Transportation, the Minnesota Department of Corrections, the Bureau of Criminal Apprehension, and the Minnesota Department of Human Rights. We understand that it may be difficult to think back to last summer and determine what the state did vs. what other agencies did. If you are not sure about a particular memory—whether the state was the main actor or if it was a different agency—please mention it anyway and we will note that and then later we will try to confirm whether your comment refers primarily to the state.

For all interviewees

1. Please describe what role you played during the civil unrest that occurred from May 26 – June 7.

   We've developed a high-level timeline to jog your memory of the events during this time. Specifically the key touchpoints from the state. We developed this timeline based on a detailed timeline we received from the Department of Public Safety and other sources such as timelines published in the media and accounts of state officials.

   - [Show timeline to share major touchpoints from the state during this period.]

First, I'm going to ask some more general open-ended questions and then I will prompt you with more specific topic areas and targeted questions based on your role/position.

2. Looking at this timeline, what comes to top of mind when thinking about what the state did well during this period? *(Probe: What were strengths of the state?)*

3. What would you identify as things that did not go well with regard to the state's response?

4. How could the state's response be improved in the future?

   In our review, we want to make sure we cover different aspects of the state's response. I'm going to prompt you with several different topic areas. If you don't feel like you have a good perspective on one, we'll skip it and go to the next. Again, we're interested in what you feel the state did well, did not do well, and could have improved upon related to each of these topics. [Don't read ones that were already covered in the previous line of questioning.]

   a. Strategies and tactics used by law enforcement used by state actors: Interactions with peaceful protestors, interactions with rioters, effective and ineffective strategies to preserve life and property

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b. State-level decisions not related to tactical law enforcement strategies (e.g., calling in all State Patrol, Human Rights investigation of MPD, Minnesota National Guard, making Attorney General the prosecution)

c. Timing of state decisions and actions: Too slow, too fast

d. Coordination and communication: interagency collaboration among several state agencies and departments, collaboration with local jurisdictions (law enforcement and city government), setup and operations of the Multi-Agency Coordination Center (MACC)

e. Communication/messaging to public (e.g., press conferences, press releases): Issues with misinformation, providing information, encouraging peace and cooperation, acknowledging systemic issues and community outcry

f. Media relations: working collaboratively with media to improve public safety and communicate with the public, coordinating with media to safely document what was happening?

Questions specific to interviewee type

For local government officials (e.g., mayors, city council members, city commissioners)

5. How did the state coordinate and communicate with local officials and law enforcement during the civil unrest?
   a. What worked well? What could have been improved?

6. What could the state have done to assist Minneapolis and Saint Paul in preventing or reducing the violence and destruction that was unfolding? *(Probe: In what ways was the state limited in their ability to respond or support local jurisdictions, if at all?)*

For media interviews

We would like to understand your perspective on the relationship and communication between the state and media organizations during the unrest.

7. What was communicated to the media, if anything, about what was permissible and what was not for journalists covering the unrest? To what extent do you think what was communicated was actually legal and within the state's policies?
   a. What worked well related to media relations? What could have been improved?

8. What should the state do in the future or what is the state currently doing to mitigate problems with the media (e.g., litigation) in the future?

9. How might the state work collaboratively with the media in the future to increase public safety during times of civil unrest?

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For local law enforcement and local fire interviews

Tell us about the coordination and communication from state leadership during this time, both prior to and after the setup of the multi-agency coordination center (MACC).

10. How did the state work with local city government, police, and fire? How did it change over time? *(Probe: How did the state help or hinder efforts of local agencies to address the unrest?)*

11. What led to the shift from local/city leadership during the unrest to state leadership/control? (Note: This happened middle of the night on May 28th after the Third Precinct was set on fire.)
    a. What went well and didn't go well about this transfer of command?

12. Once that shift happened (officially on May 29th), how did operations work moving forward? Was chain of command understood/followed?

13. To what extent were policies and procedures communicated from state leadership to you and your team? *(Probe: What policies and procedures were helpful/not helpful? Why?)*

14. What went well and what could have been improved related to law enforcement (e.g., crowd dispersal) strategies and tactics used by state incident command to keep people safe and protect buildings?

15. In what ways did decisions or actions by the state affect the ability of police officers and other first responders to do their jobs safely?

16. How might the state work proactively to help prevent and prepare for future instances of civil unrest? (Note for interviewer: Try to obtain concrete suggestions here.)

For community leader interviews

17. Based on what you heard and saw from people in your network, how did community members (including business owners) perceive the State and their actions and decisions during this time? *(Probe: How were people getting information (e.g., listening to press conferences)?*

18. In what ways did decisions or actions by the state affect the ability of police officers and other first responders to do their jobs safely?

19. What was your impression of how people felt based on what they were seeing and hearing from the state (e.g., safe, unsafe)? What made them feel that way?
    a. What would you have liked to hear from state leadership (e.g., messaging, information)? Why?

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20. To what extent did the state engage organizers of the protests to try to keep things peaceful or seek input on how to engage with crowds that were or had the potential of becoming violent? *(Probe: How willing are organizers to engage with state government? How organized were the organizers (e.g., were they organized enough to potentially work together with government agencies?)*

21. How might the state work proactively to help prevent and prepare for future instances of civil unrest? (Note for interviewer: Try to obtain concrete suggestions here.)

For the Minnesota Department of Human Rights

22. To what extent was the decision to open a human rights investigation into the Minneapolis Police Department a strategic response to the civil unrest (e.g., to quell violence, respond to community outrage)?

    a. How was that decision made (e.g., who and what departments were involved, what were conversations that led to this decision)?

23. To what extent do you think the announcement of this decision had an impact on public safety (i.e., demonstrations and rioting / community perceptions)?

Additional information and snowball sampling

24. Is there anyone else we should speak with in order to get a comprehensive understanding of perceptions of the state's response? (*Probe: People who were involved in direct action, involved local officials, or others who are intimately aware of decisions and actions taken by the state and their impact? Get as much info as possible and then follow up to get additional contact info, if possible. See if you can get information for people who might be more politically right-leaning.*)

Closing

25. Is there anything else you think we should know that has not been covered yet to help us make useful recommendations to the state about responding to civil unrest?
26. May we contact you if we have any follow up questions?

Thank you for your time! We will be using the information you provided us today along with several other data sources (reviewing state documentation, reviewing media sources, looking at the academic literature, and any relevant data collected) to understand what took place and best practices in response to civil unrest. We plan to have a final report to the Commissioner of Public Safety, John Harrington, by mid-July. Do you have any questions for us?

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Focus Group Protocol – Business owners and community members

Introduction (verbal script in italics)

1. Welcome everyone, ice breaker **poll (in Zoom)** as folks log on, MNJRC to greet participants as they arrive.

   Ideas for ice breaker:

   How many lakes does Minnesota really have (that are larger than 10 acres)?
   1. 5,415
   2. 10,000
   3. 15,291
   4. 18,172

   Chocolate, vanilla, or swirl soft serve ice cream?
   1. Chocolate
   2. Vanilla
   3. Swirl

   What is your favorite part about Minnesota summers?

2. Introductions: Whip around for names by practicing using the hand raise feature.

   Before we dive into a deeper introduction of this project and our conversation today, I want to take a minute to allow everyone to introduce themselves using their preferred name and pronouns. [For business focus groups: Please also tell us the name of your business. For our staff, tell us your affiliation.] [If you'd like, you may take a minute to change your name on the zoom screen. (Participants - Click name - More - Rename).] In doing this, we'll also do a quick technology check. On the bottom of your screen you should see a button on the right side called "Reactions" - If you click on this button you'll see a series of emojis. I'd like everyone to click the button that says "Raise hand" and I'll begin calling on folks to introduce themselves as I see hands up! Once you're done introducing yourself, please click back into the Reactions button again and click "lower hand".

(~ 2 min) + all intros (10 min?)

3. Overview of project: Slides

   I'm going to share my screen and walk through a few slides before we start our conversation. Today you've all joined us to engage in a focus group conversation about the state's response to the unrest here in the Twin Cities following the killing of George Floyd last May. We want to start by recognizing two things:

   1. Our current climate and context with the Chauvin trial unfolding and the continued anxiety, exhaustion, fear, and frustration in our communities makes this an especially charged and challenging time to hold this conversation. This is a topic that may bring up emotions as many of

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your re-live deeply traumatic experiences. This is hard work. We are grateful for your willingness to engage and understand if you ever need to step away.

2. Many of you may have agreed to join us thinking "this focus group is happening too late, what use will this serve?" We hear you and we feel similarly. When the opportunity to learn and do better presented itself, we wanted to make the best of it and critically involve your voices and hope you'll join us in that spirit today.

This project comes to us from the state and in partnership with Wilder Research. These focus groups are one part of a larger project to review the state's response to the unrest following the killing of George Floyd and the impact of this response in the community. The project goals are to:

- *Objectively evaluate what the state did well*
- *What they did NOT do well*
- *And identify options that may have produced better outcomes*

The information from these sessions will be used, **anonymously** (and I'll talk about that in more detail shortly) to provide recommendations to DPS, Cmr Harrington, and the Governor's Office in a report that will be finalized by mid-July.

The Minnesota Justice Research Center is a nonprofit organization committed to using research, education, and policy to engage in meaningful transformations to our current criminal legal system and dig into what justice really looks like and means.

At the MNJRC, we seek to use these focus groups to support this project toward the stated goals BUT ALSO to create space for conversations to begin - our role in this work is collaborative and we focus our research within the community. For us, this is also an opportunity to start a conversation that we plan to continue and broaden moving forward and take from discussions to action. We plan to meaningfully re-group you all to share back what we learn. We plan to involve you all in a plan beyond a conversation as we understand what's at stake here is more than just recommendations for the state to do better next time while also balancing this with the specific goals of this project.

4. Logistics for the focus group

- Time expectation: Ideally 2 hours - business FGs will be 1.5 with the opportunity to stay on if folks have time
- Video: Keep it on if comfortable, would love to see your reactions and connect as humans in the limited way we can online
- Muting: Unlike most meetings, we are going to encourage you today to remove background noise if at all possible and actually not to turn your mute on - we want to hear your auditory reactions (mmmhmmm, sighs, etc.) and make it as conversational as possible so you don't have to click unmute to jump in!

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- Moving about - Feel free to do so! In a normal focus group we might all stand up and walk around while chatting
- Bio breaks - Definitely pop out whenever you need to - and you can always turn your mute on if you have distractions
- Compensation - We are so grateful for the time you are taking out of your day to share your experiences and perspectives with us. We will be following up with each of you after this conversation with a $20 gift card to show our appreciation.
- Confidentiality and consent -
  - Participation is voluntary - you may leave at any time and are not required to answer any questions
  - Nothing you say will affect any services they're receiving from the state or Wilder
  - You can also say something off the record - explicitly asking for the recording to stop to work through an idea without us taking notes
  - We ask that you don't share what others have said during this session outside of this session for confidentiality purposes.
  - Nothing you say will be connected to your name or business (names and identifying information won't be included **anywhere** to the state)
  - We *will* also need to ask for consent to record. Everyone needs to be on board in order to do that → *we'll only be recording audio on the focus groups, which we will store on a computer and destroy after we collect the data via transcripts.*

5. Setting ground rules for participation

   Step up, step back (I will interrupt) - If you're someone who takes up air time, try to recognize this and take a step back. If you haven't spoken at all or for a while, please feel welcome to jump in. I will occasionally interrupt folks in order to share the air time and may also invite folks to participate we haven't heard from - not to put you on the spot but to create space for full participation. You can always feel free to decline to comment.

   Join however makes sense: Feel free to use the technology to jump in and to react (e.g. use the hand raise feature or give a thumbs up or surprised face etc.). You can also of course raise your hand visibly on your video and react physically, that is part of how we make this as close to in-person as we can. Also know that you certainly don't have to raise your hand to participate - I won't be calling on folks but rather it'll tell the group you want to step up. In addition, we briefly met [name of Spanish speaking Wilder staff] at the beginning of this conversation and he is with us today to offer translation support. For some of you, it may be easier to describe your experiences in Spanish or react in Spanish, or you may find yourselves slightly unsure of what I say… while he won't be translating everything, he is here for support and happy to translate as much as is necessary so please use whatever language is most comfortable for you.

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Relatedly, talk to **each other** - this is not a group interview.

- I agree because…
- I have a different perspective on this...

Respect perspectives: You each bring a unique perspective to this conversation… some of you own businesses/live in North Minneapolis and some in St. Paul. Some of you live close to GF square and others to the 3rd precinct. You also all bring different identities to this conversation.

Finally, my questions are invitations to contribute, not solicitations of right or wrong answers.

6. Any questions?

(~15 min)

Focus group questions

1. Grounding "Who's in the room?"

   We're going to start by going around and allowing everyone to take a few minutes - and try to keep it somewhat brief to start - to introduce themselves and share what brought you here today. We'd love to ground our conversation in what happened to you and your business in the timeframe from May 26th to June 7th, 2020. For example, you can share your overall experience either personally, for your business, or both following the killing of George Floyd.

   Right now we'd like to get a sense of who is joining us today and where we all come to the conversation. We'll spend time digging into your experiences throughout our conversation.

2. Overview of the State's response

   Considering all your unique and challenging experiences, I want to give you all a brief overview of what we mean when we say "the state's response to the unrest". I'm going to walk through a few definitions and examples, but I want to be clear that it is HARD even for us to differentiate between the state and everyone else. As we talk, if something comes to mind to you that you THINK is the state's doing, please share! Being "right or wrong" is less important here than learning about your experiences.

   Definition of "state's response" - complex actors and factors

   We think of the state's response as falling into four categories -

   1. Communication and operations among law enforcement agencies - like who was responding to what, how and when (MPD vs. State for example)
   2. Strategies and tactics to quell unrest - both effective and misconduct and include things like having the AG lead the prosecution
   3. Law enforcement logistics - transportation, prep, training, etc.
   4. Communication with the public - press conferences, curfews, etc.

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Definition of "unrest"

We don't have a perfect definition of 'unrest' but we mean the large amount of actions and protests - that sometimes catalyzed looting and property destruction - from May 26-June 7. This amount of activity prompted multiple government agencies to coordinate with each other to attempt to control and deescalate these situations, sometimes through the use of crowd dispersal tactics.

Examples: pulled from Wilder's list

On this slide I have a few examples from work the team at Wilder has done in conjunction with a timeline from the State to shown what the response looked like. These are only a few of MANY examples, meant to jog ideas or thoughts.

3. Knowledge/understanding question: After seeing the examples we listed, which by no means represent an exhaustive list, I want to open the conversation for folks to share their perspectives: When we described the project as being about the "state's response to the unrest," what came to mind for you?

   Follow up probes…

   - *How knowledgeable did/do you feel about the state's response?*
   - *If you had to define or describe the "state's response to the unrest," how would you describe it?*

4. Opinion question #1: What did you feel the state did well in response to the unrest? In thinking about this, you can consider our categories including: collaboration among law enforcement; tactics to quell unrest; Law enforcement logistics; and communication with public

   Follow up probes…

   - *Were any of the state's actions things you thought had to be done?*
   - *Where or how did they consider residents/community organizations/businesses in their responses?*

5. Opinion question #2: What in particular did they NOT do well? Again if it's helpful you can consider our categories including: Communication and operations among law enforcement agencies; strategies and tactics to quell unrest; Law enforcement logistics; and communication with public

   Follow up probes…

   - *What might the state have done differently?*
   - *What do you think the state could do better in the event something similar happened in the future here or in another state*
   - *Where or how did they NOT consider residents/community organizations/businesses in their responses?*

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6. Impact question: Finally, what was the impact/effect of the state's response to the unrest on you and your community?

   Follow up probes…

   - *How could the state have mitigated any negative impacts on your community?*
   - *How did the response from the state make you feel? Safe? Unsafe? Concerned? Assured? Nervous? Calm?*
   - *How did the communication from the state make you feel? Was it sufficient? Overwhelming?*
   - *How did the state's response affect your life/livelihood?*
   - *What did you do (or didn't you do) in reaction to the state's response?*

7. Additional thoughts: With the remaining time, I'd love to open it up for any additional thoughts you'd like to share and discuss with the group.

Thank you all so much for joining us today. I'm going to put the slides back up briefly which has our contact information on it - please feel free to follow up with any of us with remaining questions or thoughts as they arise.

A final ask we have for you is to complete a short survey so we can collect aggregate demographic information about the participants who are joining us over the course of the next few weeks. There will also be a space to share written comments (if you'd rather not share them now) and give us feedback about your experience with this focus group so we can improve moving forward. I'll put the link to the survey in the chat right now if you have the time and want to fill it out now, otherwise we'll be following up with each of you via email with your gift card as a thank you and will include the survey then.

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Wilder Research
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The Minnesota Justice Research Center (MNJRC) supports meaningful changes to our criminal legal system through quality and community-centered research, education, and policy. The MNJRC partners with agencies, organizations, and individuals to conduct practical, high-impact research, analysis, and evaluations. The MNJRC centers our work around exploring values - like humane and fair treatment for all, safety, wellbeing, and trust - and provides our community and policy-makers with information and tools needed to create a criminal legal system that truly delivers justice.

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EXHIBIT D

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State's Response to Civil Unrest Timeline – May 25 - June 7, 2020

***This document is an informal draft DPS compiled from numerous sources.**

MONDAY, 5/25

- **8:05 PM:** Death of George Floyd
- **Evening** – Governor's Chief of Staff Chris Schmitter receives text from DPS Commissioner John Harrington re: death in custody

TUESDAY, 5/26

- ***No discussion of National Guard involvement in civil unrest on Tuesday. No internal discussions, no contact from City of Minneapolis.**

Tuesday 5/26, 6 AM – 12 PM

- **6:45 AM:** Minneapolis Mayor Jacob Frey and Minneapolis Police Department Chief Arradondo hold press conference in response to Floyd's death.
- **7:05 AM**: Assistant Commissioner Booker Hodges emails MN State Patrol's Colonel Langer and AGED Director Carla Cincotta and suggests notifying Mobile Field Force.
- **9:00 AM:** Floyd identified as the victim

Tuesday 5/26, 12 PM – 6 PM

- **2:00 PM:** Frey announces that all officers have been fired
- **2:30 PM:** Harrington calls Arradondo. Check-in call. No mention of National Guard. Primarily focused on Saturday, May 30 rally.
- **Afternoon:** Protests begin and escalate.
- **5:30 PM:** DPS monitoring protests at 38th and Chicago.

Tuesday 5/26, 6 PM – 12 AM

- **6:55 PM:** Protests start to turn violent. State Patrol begins mobilizing resources
- **7:03 PM:** State Patrol activates Mobile Field Force unit (82 troopers, unsure how many responded)
- **7:05 PM:** State patrol activated Special Response Team (22 troopers)
- **Evening:** State Patrol staged at Richfield.
- **7:45 PM:** State Patrol helicopter couldn't fly because of weather
- **7:45 PM:** AC Hodges advised that MPD is not requesting any assistance
- **7:55 PM:** AC Hodges advised that per the radio channel, MPD says everything under control; units standing by could stand down.
    - Per Langer, State Patrol remained on standby, concerned about freeway protests.

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- **8:00 PM:** Third Precinct headquarters damaged, and police began firing chemical agents and rubber bullets at protesters
- **8:07 PM:** MPD engages with protesters at Third Precinct
- **8:19 PM:** State Patrol had representatives at Mpls Emergency Operations Training Facility (EOTF) - Lieutenant Jason Bartell and Major Jeff Huettl.
- **Evening:** "That evening, a protest against police violence outside the store where Floyd was arrested. Some protesters climb on top of the building, while others throw rocks and water bottles at officers in riot gear. Police respond by firing chemical irritants and flash-bang devices, scattering groups to neighboring businesses. Some protesters are seen pouring milk into their stinging eyes. By 9 p.m., most of the crowds have left." https://www.startribune.com/george-floyd-death-ignited-protests-far-beyond-minneapolis-police-minnesota/569930771/
- **10:30 PM:** Hodges reports Washington County asks for help outside of Chauvin's house in Oakdale; MFF did not assist
- **10:30 PM:** Already had mobile field force activated in anticipation of protests on freeways and staged in order to help 3rd Precinct.
- **10:50 PM:** Six State Patrol Troopers and One State Patrol Lieutenant provide assistance at Chauvin's house until 12:55 AM.
- **11:00 PM:** Large group of protesters outside of Chauvin's house
- **11:30 PM**: State Patrol advised that MPD is now requesting assistance to relieve personnel. This is the first time MPD requests assistance. 58 MFF troopers and 22 SRT troopers arrive at Third Precinct (80 in total)
- **11:30 PM**: Langer receives call from MPD Deputy Chief Kathy Waite.

WEDNESDAY, 5/27

Wednesday 5/27, 12 AM – 6 AM

- **12:49 AM:** State Patrol deploys to Third Precinct to support MPD. Stood behind MPD, did not deploy chemicals.
- **4:33 AM:** State Patrol is relieved from/leaves the Third Precinct

Wednesday 5/27, 6 AM – 12 PM

- **7:05 AM:** Hodges is advised by Harrington to gather to discuss previous night and plan for the planned protest on Saturday, May 30.
    - Arranged meeting with Dakota, Washington, and Anoka County Sheriffs to gauge their ability to assist with protest scheduled for Saturday, which had an estimated crowd of 75K people
- **11:36 AM**: Langer texts with MPD DC Kathy Waite
    - Langer suggests meeting to discuss resources "near term and on Saturday"
    - Waite responds: "Will let you know" – Did not set up meeting

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Wednesday 5/27, 12 PM – 6 PM

- **2:00 PM:** GTW press conference
  - GTW says he didn't want to bias an investigation or "jeopardize a fair journey towards justice."
- **2:52 PM:** Arradondo texts Langer on group text thread with other law enforcement entities—St Paul Police Chief Todd Axtell, Hennepin County Sheriff Dave Hutchinson, Metro Transit Police Chief Eddie Frizell, Bloomington Police Chief Jeff Potts, University of Minnesota Police Chief Matt Clark re: Saturday rally featuring Jesse Jackson, Al Sharpton, Family of Eric Garner, and others; asking for support on Saturday
  - Langer responded, said would like to discuss State Patrol role, noted that State Patrol could coordinate with MnDOT
  - Hutchinson suggested in-person meeting on Thursday (on text thread to whole group)
  - Langer agreed that there should be a meeting on Thursday, could meet anytime on Thursday
  - No further discussion, never had an in-person meeting
- **5:10 PM:** Policy Advisor Emily Lefholz texts Harrington; notification about Caravan day, justice day of action, big names coming in.
- **5:11 PM**: Harrington texts Arradondo to discuss the plan for the rally Saturday; Harrington believes he brought up the National Guard as a potential resource
- **5:13 PM:** Text from Harrington to Arradondo re: 5th Precinct is right down the street from the location for Saturday event. Likely had a phone call around this time.
- **5:12 PM:** Beckmann/Vitali call (8 minutes) – Discuss law enforcement. Call to touch base on whether Mayor's office is giving MPD direction, working in concert with state/county, ensuring Mpls has resources needed. No specific asks from Mpls.
- **5:52 PM:** Langer has a call with Waite and expresses frustration over MPD not issuing an all-call and not utilizing all available resources. This conversation occurred either at 5:52 PM or 6:46 PM.

Wednesday 5/27, 6 PM – 12 AM

- **6:15 PM:** Harrington texts Arradondo, says he's getting reports of skirmishes, asks if Arradondo can send him a Situation Report.
- **6:25 PM:** Harrington gets text from Arradondo re: 1,000 protestors at Third Precinct. Arradondo says that crowds are throwing things, looting. He does not request help.
- **6:45 PM**: Minneapolis Update for GTW – Harrington

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- **7:15 PM**: MRT is reactivated to deploy to the Third Precinct for a second night. Troopers responded to Richfield from their homes, with the exception of some who were at the hotel. Per Langer, as a result, arrivals at Richfield staging were staggered.
- **7:38 PM**: Adjutant General Jensen receives the first notification of a pending mission via a 4 minute phone call with Harrington. Harrington indicates there is a need for the NG on Saturday. Original plan was to alert the NG on Thursday, assemble on Friday, and deploy on Saturday. Initially discussed mobilizing 200 soldiers by Saturday.
    - Jensen and his staff have internal conversation but do not speak with anyone externally.
- **8:30 PM:** Hodges advised by Langer that Mpls didn't have a plan to deal with civil unrest; Langer also advised him that MPD hadn't put up barriers due to earlier unrest.
- **8:33 PM:** Hodges informed that looting of Lake Street businesses taking place. State Patrol is stationed at MPD Command Post (EOTF) directing state resources also advised there is currently no plan developed by MPD to address civil unrest.
    - MPD was not able to get barricades set up around the Third Precinct earlier in the day due to hostile crowds.
- **9:00 PM**: State Patrol is staged in Richfield.
- **9:00 PM:** Texts from Hayden to Harrington re: Chicago Lake liquor store
- **9:20 PM**: Jensen emails the Director of the Army Guard and shares the plan Harrington shared re deployment of NG on Saturday.
- **9:24 PM**: Hodges informed that MPD has run out of chemical and SPPD has abandoned its plan to stop the looting at the Target store on Lake Street.
- **9:24 PM**: Langer emails that MPD attempted to fortify the Third Precinct, but were ultimately unsuccessful because the crowds were too hostile
- **~9:30 PM:** Harrington briefs Schmitter on MSP plans (phone call)
- **9:46 PM:** Schmitter confirms to Harrington that Governor is comfortable with plan
- **9:49 PM:** Hodges advised that SPPD sent 40 officers to assist MPD, but the officers were just waiting around.
- **9:49 PM**: Calvin Horton, Jr. is fatally shot outside of Cadillac Pawn and Jewelry on Lake Street. The owner of the pawn shop is arrested around 2 am and is later charged with murder.
- **9:59 PM:** Harrington texts Schmitter the plan for State Patrol – State Patrol will hold Third Precinct; MPD has run out of gasoline.
- **10:00 PM**: First alerts go out to about 200 NG soldiers about a potential mission on Saturday. None ordered to active duty at this point.

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- **10:05 PM**: Hodges informed that SPPD will have their units provide security for fire trucks. MPD also advised they are leaving AutoZone, as it is surrounded by a crowd.
- **10:20 PM:** Text from Schmitter to Harrington. Schmitter confirms that he has briefed the Governor and Lt. Governor.
- **10:57 PM:** Frey calls Schmitter to ask whether Frey can announce that Frey has asked GTW to deploy the NG to the City of Minneapolis (4 minutes)
- **11:02 PM:** Schmitter spoke with Harrington about NG request
- **11:14 PM:** Schmitter calls Frey
- **11:25 PM:** State Patrol arrives at the Third Precinct – Deployed to provide frontline security to free up Mpls resources to respond to looting and arson.
    - Small contingent of Mpls officers remained outside the Third Precinct with the State Patrol.
        - Situation was too dangerous, backed off and did not make arrests
    - 58 MFF troopers and 22 SRT troopers (80 total and same number that were at the Third Precinct on Tuesday night)
    - Needed clear mission from MPD. Eventually went to protect Third Precinct to free up MPD resources. SPPD called in to help Minneapolis fire response.
        - Langer reported that MPD ran out of chemical and asked State Patrol for more. State Patrol declined the request because MPD was "not judicious with use" of chemicals.
- **11:47 PM:** Frey tells press he has requested the NG and has been in touch with the Governor's Office. He also states that Mpls is already receiving state assistance in the form of State Patrol.

THURSDAY, 5/28

Thursday 5/28, 12 AM – 6 AM

- **12:04 AM**: Hodges is informed that State Patrol has Third Precinct secured/things have quieted down
- **12:40 AM:** Hodges told that Troopers were under attack, getting ready to use chemical at Third Precinct.
- **~12:45 AM:** News continues to break that Frey asked GTW for National Guard; Tschann confirms for press that 50-60 Troopers have already been sent.
- **2:28 AM:** Frey press conference; Frey states he asked for State Patrol to assist; State Patrol was already there
- **5:00 AM/Sunrise:** State Patrol leaves the Third Precinct

Thursday 5/28, 6 AM – 12 PM

- **6:33 AM:** Harrington sit rep – Third Precinct reported 3:30AM violence

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- **6:35 AM**: Harrington texts Jensen and says that given the events of the previous night, they will need to accelerate the NG timeline from Saturday to deployment beginning today. Jensen says NG can stand up 50 soldiers (the Quick Reaction Force) by the afternoon and build from there.
- **6:42 AM:** Harrington texts Arradondo
- **6:45 AM**: Harrington to leadership group confirming acceleration of NG presence
- **7:00 – 8:00 AM:** GTW has DPS briefing.
- **7:12 AM**: Langer has a call with State Patrol Captain Geiger. Langer tasks Geiger with the mission of heading to the metro area and planning to stage 100 additional Troopers to assist for the foreseeable future.
- **7:13 AM**: NG alerts the 257 MPS to report to Arden Hills as soon as possible and to bring all needed equipment. Also alerted the rest of the 257 and 34th MPS to muster by the end of the day. Intent was to have two full MP companies on the ground by the end of Thursday. Started with 50 and continued to build to 200.
- **~7:30 AM**: DNR Col Smith call from MSP Captain Dwyer re: possible DNR assistance
- **~8:00 AM**: Smith call with Langer re: DNR officers working with the State Patrol team
- **8:00 AM**: Langer has call with State Patrol leadership—Makes decision to call in 120 additional troopers; not at the request of MPD request - Langer's judgment call.
- **8:08 AM:** Harrington email to HSEM's Director Joe Kelly and Joe Neuberger: Wants an NG mission plan for tonight, outline a joint command structure, keep DPS in control of state resources. Request from Harrington was for 50 plus 200 reserve soldiers for Thursday night.
    - Director Kelly asks whether there is a written request from Mpls
    - Harrington emails Kelly **(9:55 AM)** that he hasn't received a written request
- **8:30 AM:** Hodges has a videoconference with MPD, SPPD, U of M Chief, Ramsey/Hennepin County Chiefs to discuss events and possible mobilization of state command post
- **~8:45 AM**: Everbridge call to all State Patrol Troopers seeking additional State Troopers to assist (requested 100, ended up getting 120 additional)
- **9:29 AM**: Harrington texts Arradondo that a written request is needed.
- **9:37 AM:** Email from Jensen to Schmitter/Bergman describing NG plan for the day:
- **9:39 AM:** Harrington tells Arradondo that Frey needs to send GTW a formal letter requesting the NG
- **10:37 AM:** DNR issues call to its officers through the Everbridge system. Requested 75 MFF and CART team members to report to Arden Hills by 3pm.
    - Request for DNR staff came from Langer, not Mpls

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- **10:55 AM:** Frey sends letter requesting GTW to deploy the NG to city of Mpls to assist local authorities in restoring order and calm in the city in the aftermath of the in-custody death of George Floyd.
    - Letter states that Mpls is to coordinate NG assistance
- **11:00 AM:** Harrington asks Arradondo for specific missions.
- **11:07 AM:** Mpls Emergency Manager states that Mpls begin emergency reporting. Email to counterparts in St. Paul, Hennepin County, Ramsey County, Metro Airport Commission (others ??). Already active for COVID-19.
    - "At this time, no unmet needs from emergency management perspective." (But limited to Emergency Management needs.)
- **11:26 AM:** HSEM Kelly sends Harrington the written mission statement – including numbers of NG, State Patrol, etc. to arrive between mid-day and 6pm. 436 National Guard members, State Patrol to provide 70 with 100 in reserve.
- **11:40 AM:** Frey holds press conference. Mpls City Council Member Andrea Jenkins calls for peace and the declaration of a state of emergency.

Thursday 5/28, 12 PM – 6 PM

- **12:30 – 1:30 PM** GTW has DPS briefing. Harrington/Langer report that there is no known strategy by MPD. No coordinated efforts to clear the streets from the previous night. This is particularly concerning due to the high level of lawlessness witnessed the previous night. Notified that the Capitol Complex is being evacuated. GTW, Jensen, and Langer agree that the NG and State Patrol will defend the Capitol.
    - Langer brought in 100 more troopers based upon anticipated needs.
- **12:23 PM:** Arradando sends Harrington a sit rep and a list of sites needing protection (email includes an earlier email from Gerlicher to Arradondo containing the list). Harrington requests that MPD provide specific missions. The plan shared with Harrington is merely a list of items MPD wants protected and important sites in Mpls. Conversations throughout the day between Harrington and Arradando about what the plan actually is.
    - Conversations between Beckmann and Vitali about needing a plan, and not getting one.
- **12:28 PM:** Harrington emails Hodges the list of Minneapolis sites received from Arradondo/Gerlicher:
    - Mpls City Hall/Government Center
    - Mpls CC
    - Federal Courthouse
    - Five Police Precincts

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- Mpls EOTF
- HCMC
- US Bank Stadium
- Target Field
- Downtown buildings in general throughout Downtown
- All major business corridors Lake Street, Hennepin, Lyndale, Chicago Ave, Franklin Ave
- Central Ave NE
- Broadway Ave N
- There are probably 50-100 others that include phone, power energy facilities in Minneapolis and Metro. Need full critical infrastructure list from DHS.

- **12:58 PM:** Hodges asks Harrington to ask GTW to request use of U of M space to set up MACC
- **1:00 PM:** Hodges conducts meeting with metro area Chief Law Enforcement Officers (CLEOs) to discuss events and determine what resources they may be able to offer assistance with planned protest on Saturday – expecting 75k attendees
  - MPD discusses situation the night before
  - Arradondo and Harrington were not on this call
  - No MPD discussion/explanation of plan for Thursday night - the call was solely about the Saturday protest
- **~1:30 PM**: The NG continues to mobilize and move soldiers and begins fulfilling missions. First element of 30 soldiers is sent to the State Capitol based on the DPS briefing.
- **1:57 PM**: HSEM Neuberger sends Harrington, Kelly, and NG's LTC Jonathon Dotterer the Mission Statement
  - **Objective**: Provide State assets to support the City of Minneapolis' and surrounding communities' response to large scale civil unrest occurring in their cities
  - **Mission**: Per EO 20-64, the Minnesota Department of Public Safety, Minnesota Department of Natural Resources (Sworn Conservation Officers) and Minnesota National Guard have activated assets to provide both direct and indirect support to the City of Minneapolis and surrounding communities
  - **Assets**:
    - Minnesota State Patrol and other DPS resources: Approximately 70 personnel, and 100 in reserve available by early afternoon all have mobile response team training and sub-specialties
    - Minnesota DNR: Approximately 91 personnel available by early afternoon all have mobile response team training and sub specialties

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        - Minnesota National Guard
            - Approximately 83 personnel/16 HMMWV's, 2 LMTV's to be available NLT 1200 28 May 2020 from the 257 MP Company
            - Approximately 50 personnel/vehicles TBD to be available by NLT 1500 from the 34th MP Company with 70 additional personnel to follow to be available by approximately 2000 hours 28 May 2020
            - 1-151 Field Artillery 100 personnel to provide Command and Control quick reaction force trained to be available by approximately 1800 hours 28 May 2020
            - 224th Truck Company 133 personnel and support vehicles with quick reaction force training this unit has not been activated, but available to respond
    - Mission Tasking
        - Safeguard peaceful demonstrations and 1st Amendment rights related to free speech and peaceful assembly citizens
        - Provide trained personnel to assist with support missions that allow local LE to focus on immediate needs and response such as, but not limited to:
            - Provide personnel to assist with civil disturbance response, quick response teams, protestor device removal teams, aviation assets, perimeter security communications support, security of key locations as directed by local command, security for FD and EMS response, and traffic control
        - Transportation assistance to local responders
        - Logistical assistance of overall security operations
- **2:00 PM**: Hodges advised that the plan to set up the MACC is confirmed and begins to make calls to stand up the MACC
- **~2:00 PM - Evening**: Looting in St Paul Midway
- **2:02 PM**: Beckmann/Vitali call (5 minute)
    - Beckmann tells Vitali that Harrington is saying that there is no plan from Mpls and a lack of mobilization of NG. Example given was Bloomington, which had a plan - identified two gaps, asked for State Patrol and NG to fill gaps. Beckmann explained that we needed similar specific asks from MPD/Minneapolis. Vitali says she will call MPD to explain.
- **2:39 PM**: Beckmann/Vitali call (3 minute) – Vitali says MPD said that they gave Harrington a plan, and that Harrington liked the plan, template for other cities.
    - Beckmann follows up with Harrington. Harrington says that they had a list of assets and equipment needed—not a plan.
- **3:00 PM**: 120 supplemental State Patrol troopers arrive in Arden Hills

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- **3:00 PM:** 88 DNR officers arrive at Arden Hills– in St. Paul – between University/Target/Capitol.
- **3:25 PM**: Email from St. Paul to HSEM Director Kelly asking to see Minneapolis' request for NG
- ~ 3:30 PM Mayor Carter requests for GTW to deploy the NG to the City of St. Paul. (Verbal request)
- **3:56 PM**: Beckmann/Vitali call (3 minutes). Beckmann calls Vitali back and says that Harrington does not have a plan from MPD. Beckmann asks if MPD Chief is in the MACC [note MACC not operational at this time], doesn't get a clear answer. Beckmann stresses the need for better coordination
    - Beckmann explains what Harrington said. Tells Vitali that we need a plan and coordination. Tells Vitali that Frey needs to tell MPD that we need a plan.
    - Vitali responds that MPD says that they've given us everything we need
    - 120 additional troopers deployed to Saint Paul. Staged near Allianz Field and ended up near a Super Target in the Midway area. 3 State Patrol Troopers injured.
- **4:02 PM:** Harrington sent email stating that he had been notified that verbal requests from Minneapolis and St. Paul had made specific requests for NG to protect specific sites in Minneapolis and St. Paul.
- **4:04 PM:** Governor's Office sends press release announcing the deployment of the NG. The press release does not quantify the size of the NG deployment, but does say the Minnesota State Patrol will send 200 Troopers as well as helicopters and a fixed wing aircraft.
- **4:15 PM:** Executive Order 20-64, activating the NG and declaring a peacetime emergency, is released.
- **4:38 PM:** Jensen reports report 30 NG troops ready to protect Capitol.
- **4:41 PM:** General Jensen emails Schmitter re: credible threat to NG. Decision made by GTW to allow NG to arm.
- **4:48 PM:** NG receives a mission from Ramsey County to secure the Ramsey County Law Center from Saint Paul through the EOC.
- **5:00 PM:** St. Paul holds a press conference announcing request for NG.
- **~5:00 PM**: 120 State Patrol troopers arrive at staging area near Allianz at Langer's direction, per Axtel's request. Conduct planning and logistics
- **5:06 PM:** Official request emailed from MPD (Gerlicher) for needs from State Patrol:
    - **"Specific Needs for next 48 hours:**
        - MSP- Provide Mobile Field Force (roughly 84 troopers with bus) to conduct proactive Looting prevention on foot downtown Minneapolis with focus on Hennepin Ave, Nicollet Mall, 1st Ave N business/entertainment

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district. Act as security force as needed for other critical infrastructure downtown to include Target center, Target Field, US Bank Stadium and City Hall as necessary. FYI an MPD strike Team will be assigned to Downtown corridor for immediate backup, and support. (Relief station available at First Precinct (within same district. POC: Lt. Gary Nelson MPD Hours (middle watch 1500-0400 approximately).

- Fire Support teams. Provide security detail to assist MFD on all fire calls as scene security for MFD staff. Locations TBD 5 Fire stations. Staff will remain at fire station and only respond when Fire responds. Supported by MPD personnel for geographic support and assistance. The officers would need 2-4 police squad cars per fire station. Hours 1700-0600 every day. POC Molly Fischer MPD
- Business Corridor Looting Prevention Teams (NG). Provide National Guard to provide visibility and presence to prevent looting on major corridors in Minneapolis such as Lake Street, Lyndale Ave, Hennepin, Central, Broadway and other major commercial cordons as needed.
- Traffic Control - NG. Provide personnel to support marked road closures in areas where needed. POC. Gary Nelson MPD 1200- 0400 hours roughly.
- Future Needs for Saturday. Expanded hours on above and Mobile Field Force may be moved to support protest needs in South Minneapolis."

- **5:10 PM:** Press conference with U.S. Attorney Erica MacDonald and Hennepin County Attorney Mike Freeman. Freeman mentions evidence not supporting a criminal charge.
- **5:45-PM**: Harrington emails Jensen re: fire station security mission.
- **5:49 PM**: NG confirms fire state security mission. The mission is delayed until **7:09 PM** when locations and Points of Contact were identified by Minneapolis.
- **5:58 PM:** Hodges requested Fusion Center reach out to all metro pharmacies to have them secure their inventory
    - CVS and Walgreens reply to Hodges, confirms they are securing their inventories

Thursday 5/28, 6 PM – 12 AM

- State Patrol continues assignments from Thursday afternoon.
- Approximately 240 NG soldiers on the ground set on four missions:
    - Protection of the Minnesota State Capitol in conjunction with the Minnesota State Patrol at the request of GTW.
    - Provide security of the Ramsey County Law Enforcement Center
    - Provide security at the Minnesota Bureau of Criminal Apprehension

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- Serve as escort and security at the request of Minneapolis

- NG initially started moving HUMVEEs out of Cedar Street Armory on Thursday early evening to support the mission at the Capitol
- **6:06 PM:** Written request from St. Paul (HSEM Director Kelly rec'd from City of St. Paul Emergency Management)
- **6:30 PM**: State Patrol troopers arrive at Midway Target and were on scene until approximately 11:30 PM. About half of the 120 troopers were at Target during this time and the other half were at the Capitol. While at Target, SPPD was on scene when State Patrol arrived and stayed for another hour or two after that.
- **6:52 PM:** Harrington sends email to MPD Gerlicher confirming that NG will be able to fulfill the fire station mission.
- **7:01 PM:** State Patrol helicopter goes up
- **7:09 PM**: NG starts fire department mission after receiving POC and location information.
- **7:13 PM:** Hodges: state trooper hit with rock near Midway Target
- **~8:00 PM**: MFF team (94 troopers) deployed downtown in response to information of groups around the First Precinct. MFF staged at 3rd Street N and 2nd Ave N Mobile response team. Staged near Third Street and First Avenue, one block from the First Precinct. Coordinated with MPD.
- **9:00 PM**: MFF connects with MPD Lt. Billy Peterson. Per Langer, half of MFF went to 4th and Nicollet and the other half went to 7th and Hennepin. Their objective was to keep demonstrators from descending upon Nicollet Mall to prevent arson, looting, and property damage.
    - State Patrol was not deployed to the Third Precinct
- **9:08 PM**: Hodges sends request to Harrington asking that NG Troops assigned to operation operate out of the MACC as opposed to the State Emergency Operations Center (SEOC) where they were stationed for COVID
- **9:30 PM:** Harrington texts Arradondo inquiring about gas being used at the Third Precinct, Arradondo replies at 9:40, says they needed it to evacuate
- **9:42 PM**: 30 NG soldiers on standby at Cedar Street Armory (Assigned to Capitol security), 30 soldiers on standby at the Minneapolis Fire Station #6, 30 additional soldiers in route to Cedar Street Armory (destined for Ramsey County security locations), 30 soldiers at Arden Hills prepping for movement to Cedar Street. Approximately 240 NG were on the ground Thursday night. 120 on standby at Arden Hills.
- **9:45 PM**: Arradondo texts Harrington: Evacuating Third Precinct
- **9:52 PM:** Arradondo texts Harrington: MPD loading up to leave Third Precinct now
- **9:58 PM:** Arradondo texts Harrington that the protesters have the Third Precinct
- **~10:00 PM:** The Third Precinct is evacuated and abandoned.

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- State Patrol was stationed in Downtown Minneapolis at the direction of the MPD to secure Nicollet Mall. City/MPD did not request State Patrol assistance with Third Precinct on Thursday.

- **~10:00 PM**: Third precinct stormed, set on fire.
- **10:11 PM:** Arradondo texts Harrington: Third Precinct is on fire
- **11:15 PM (one-hour call)**: Situation Update – GTW decides that state will take the lead, help cities be organized – GTW authorizes a law and order mission after midnight for the Minnesota National NG under the leadership of the Minnesota State Patrol.

FRIDAY, 5/29

Friday 5/29, 12 AM – 6 AM

- **1:00 AM:** St Paul asks for mutual aid; 23 rigs, 93 individuals from state mutual aid, people; coordinated with the State Fire Chief Association. Within an hour of request, received aid.
- **1:20 AM:** Langer discusses "all call" with DNR Colonel Smith
- **1:25 AM:** NG alerts 34th MP Company, 114th Trans, and 151 Field Artillery (FA) - 275 soldiers in total
- **1:30 AM**: Frey holds a press conference, calls the looting and destruction "unacceptable"
- **1:53 AM:** State Patrol "all call" – all troopers called in
- **~2:00 AM:** MFF leaves Midway Target on University. This MFF contingent then traveled to Arden Hills and linked up with the other units to caravan into Minneapolis for the Lake Street operation.
- **2:20 AM:** Smith makes all-call to DNR licensed conservation officers (DNR has a total of 185 officers—about 150 eventually arrived—all trained in mobile field force and First Amendment rights)
- **2:30 AM - 5:00AM:** State Patrol and other assisting law enforcement reclaim Lake Street and Third Precinct
    - **~2:30 AM**: Harrington notifies Arradondo of plan. Plan was based on discussions with GTW
    - **2:30 AM:** DNR, State Patrol, MNNG, Hennepin County Sheriff, U of M and Metro Transit Police muster in Arden Hills
    - **3:00 AM: -**National Guard: 151 PAX from 151 FA, 34 MP and 224 Trans on mission to secure 3rd precinct.
    - **3:00 AM**: Langer speaks with Kathy Waite at EOTF re: plan.
    - **3:00 AM**: Team moves to Lake Street and Hiawatha area
    - **3:21 AM**: Harrington sends plan to Hodges/others restore order in Minneapolis to NG and State Patrol. 250 team of NG (approx. 150), local police, sheriffs, DNR (88), and State Patrol. Langer and Jensen in a unified

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command. Mission is to clear rioters in the Lake Street vicinity from Hiawatha East and West to allow the fire department to resume operations.

- **3:30 AM**: Team on Lake Street and Hiawatha use MRaps with loud speakers to begin announcing "Lake Street is closed – Please move on." Wait to allow people to leave voluntarily. There are 3 warnings given
  - Team has CART support to mark or use chemical on rock throwers or assaultive parties
- **3:45 AM**: Mission to reclaim Lake Street area begins; large scale operation to clear and control area around Lake Street/Third Precinct.
  - Arden Hills convoy arrived to help.
  - Team moves on foot using a skirmish line formation –Initial direction is east clearing the street. People who fail to move are arrested. Looters arrested by arrest team.
  - Pulled all troops from St Paul and Minneapolis for help with action
- **4:30 AM**: Team clears Lake St from Hiawatha leaving NG teams on corners as cleared
- **5:00 AM**: Area cleared and secured
- Throughout early Friday morning, per Hodges: 80-person State Patrol team continues to operate in St. Paul to assist with roving pharmacy burglary and arson. State Patrol primary duty is securing Midway target freeing up SPPD to make arrests and prevent further looting.

- **Throughout early Friday morning:** per Hodges: Note that MPD is currently tasked with keeping the First Precinct secure after it was breached on 5/28/20. In addition, MPD was engaged with repelling attempts to breach the MPD Fourth Precinct and was also occupied with burglaries in North Minneapolis. MPD was asked to continue to focus their resources on those two areas of the city. The Second Precinct did not appear to have significant activity in its area.
- **5:00 AM:** CNN reporting team arrested by State Patrol on live TV
- **5:30 AM:** Langer had call with Kathy Waite – asked her get area cleaned up during the day. Asked for Public Works crew. Waite stated that Public Works wouldn't start until 7:00 AM.

Friday 5/29, 6 AM – 12 PM

- **6:00 AM:** GTW call with CNN GC and President Jeff Zucker. Langer also speaks with them.
- **7:01 AM**: Langer calls Sheriff Stewart in Anoka, requests assistance with unrest response. Anoka County Sheriff agrees to provide assistance.
- **7:12 AM**: Langer has teams meeting with GTW
- **7:15 AM:** Command Team check in; discussion of retaking of Third Precinct, Lake Street. GTW's direction was for state to take control; Command

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Team to plan for Friday night, use whatever resources you need. Assume lack of MPD resources and support. Decided to implement curfew.

- **~7:30AM**: NG receives additional mission from the MPD to go to the Fourth Precinct to remove weapons (rifles and ammunition).
- **7:45 AM:** MPD requests that NG send soldiers and vehicles to remove weapons from Fourth Precinct.
- **8:00-9:00 AM:** DNR second wave of officers (48) relieves first wave (88). Conservation Officers remain at the Third Precinct, holding the area throughout the day.
- **8:15 AM**: GTW videoconference meeting with Frey and Carter
    - Minneapolis did not raise concerns, nor complaints about state support
- **8:43 AM:** NG departed Arden Hills Army Training Site to Fourth Precinct to provide transport security for the MPD during weapons and ammo transfer from Fourth Precinct to another location in Mpls.
- **9:50 AM**: Harrington texts Arradondo and asks him to provide top priorities for the day and information about MPD staffing so he knows details of how to support
- **10:30 AM:** GTW press conference
    - Jensen, Langer, Harrington, and GTW express concern over a lack of clarity in what the NG's mission was supposed to be after it was called upon Thursday night. Harrington announces arrest of Chauvin at end of press conference.

Friday 5/29, 12 PM – 6 PM

- **12:00 PM**: Multi Agency Command Center (MACC) opens – Hodges assumes role as Incident Commander. DNR Col. Smith & Maj. Konesky (?) at MACC throughout.
    - Matt Clark, U of M police, was Operations Chief.
- **1:07 PM**: Hennepin Cty Atty Freeman announces that Chauvin has been charged with Murder in the Third Degree
- **2:02 PM:** NG completed mission to transport weapons and ammo from Fourth Precinct and returned to AHATS at 14:02 hours.
- **2:10 PM**: Minneapolis representative via MACC requests 500 additional NG soldiers. Jensen pushes back on this request because no specific mission was identified.
- **~2:15 PM**: NG activates 682 Engineers Battalion (90) and the 224 Transportation Company (100).
- **2:56 PM**: Hodges sends Commissioner Harrington the OPS plan

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- **3:00 PM**: Command Team call – discussion of Plan, MACC. Plan: protection of Mpls and St. Paul; stop looting and fires.
- **3:00 PM:** DNR officers (approx. 75) arrive at Arden Hills. Folded in with State Patrol. First group deployed in St. Paul. Near Target and University Ave; State Capitol.
- **3:15 PM**: Beckmann/Vitali call (2 minutes) – Beckmann tells Vitali that a curfew EO will incorporate exemptions for journalists. Original Minneapolis curfew order did not exempt journalists.
- **3:27 PM:** Hodges email to CLEOs (all the Sheriffs/Chiefs/State MSP/DNR/BCA/Alcohol/Commerce) asking for assistance over the weekend. 6 to 6 shifts. Asking everyone to come with own gear.
- **3:45 PM:** MPLS request for NG deployments/priorities
  - Plan didn't have times, POC, duration

- **4:00 PM**: FBI reaches out to ask if they can join operation via the Governor's Office. FBI joined MACC in the evening.
  - **4:21 PM**: NG receives notification from MACC of a priority list of tasks for the NG. These missions were not set in stone.
    - 300 NG soldiers to reinforce the Capitol Complex
    - 50 more soldiers to Lake Street
    - 50 needed static 15 and mobile 35 approximately to Hennepin Ave
  - **4:30 PM**: Call with SecDef and Chairman of Jt. Chiefs of Staff; briefing on MSP/NG plan. On the call, Harrington and Jensen outlined approach. Gen. Milley and Sec. Esper asked a series of detailed questions and were satisfied with plan.
  - **5:00 PM**: Executive Order 20-65, implementing a nighttime curfew in Minneapolis and Saint Paul is finalized.
  - **5:00 PM:** NG: 61 PAX from A-257 MP assigned to Defend Capitol Complex mission.

Friday 5/29, 6 PM – 12 AM

- All available State Troopers called in; plan was to do mobile field force/crowd control work as trained
  - 306 Total: 117 Non-MRT troopers, 83 MRT troopers, 22 SRT troopers, and 84 DNR
  - Plan was to identify nucleus, large force to disperse; smaller splinter groups
  - Plan didn't work because there wasn't a single nucleus, and traditional approach was too big, cumbersome – too slow
  - Acting reactively to crowds
  - Total 711 NG soldiers mobilized: Active Operations/Missions: 418 Standby/Available for Tasking: 44 Support/CS/Mission Command: 249

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- **6:00 PM:** MACC fully operational
- **6:30 PM:** Per Hodges: Resources and plan for the night starts to be put into place
- **6:43 PM:** SPPD submits complete NG request at 1843 hours for locations within the city of St. Paul
- **7:13 PM**: Updated NG Priority list received from NG Lt. Col Saver (crossed out missions were canceled because there were not enough cops to accompany the NG):
    - Minnesota Capitol Complex- 30 (additional) needed to secure building and assist with civil (total of 61)
    - Lake Street (150 currently assigned to Third Precinct will be re-tasked to Lake Street mission) awaiting 5Ws from MPD
    - 30 pax with Fire Dept. (no change)
    - Eastern District SPPD Police headquarters needed for static site security. Contacts were Sgt. Jason Brodt and Sgt. Lynette Cherry
        - Hours: 24 hours coverage
        - 30 NG Needed
    - Western district SPPD Police headquarters needed for static site security. Contact was Commander Kent Cleveland
        - Hours: 24 hour coverage
        - 30 NG Needed
    - Rowan Center SPPD staging area- needed for static site security
    - Rowan Training Center. Contacts were Commander Jeremy Ellison and Sgt. Kat Brown
        - Hours: 24 hour coverage
        - 15 NG Needed

~7:00 PM: Hodges: Decision made to pull resources off of Third Precinct. Building was burned out, no one was inside. Officers protecting the building were surrounded and shots were fired. U of M Chief Clarke and Hodges made decision. MPD agreed. Redeployed to Fifth Precinct. After officers left, the crowd moved to the Fifth Precinct

- **7:08 PM:** Hodges: Advised that Metro Transit PD would be able to assist but not be able to utilize transit buses to transport officers or to be used as arrest buses
- **~7:30 PM: Jensen:** State Patrol and NG (151 soldiers) were on Lake Street (had been there since early morning mission); had done a clear and secure mission earlier in the day. State Patrol says that they are receiving gun fire, says that they are moving away from Lake Street. State Patrol drops tear gas and NG moved back to the Convention Center. NG accounts for all soldiers.

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- **8:00 PM:** National Guard: 30 PAX from B-34 MP start mission to support MFD at Minneapolis FD #7.
- **8:00 PM**: Curfew goes into effect
    - Per NG: After curfews, the crowds became smaller and more active. After the dispersal of the crowd at Fifth Precinct, the crowds became even smaller and the incidence of setting fires increased.
- **8:18 PM:** Shots fired near Lake Street
- **8:25 PM:** Schmitter call with Harrington re: lack of buses.
- **8:31 PM:** Helicopter confirms Lake Street area is all clear of State Patrol
- **8:36 PM:** Schmitter call with Charlie Zelle; need for buses
- **9:00 PM:** NG: 9 PAX from 2-147 HHB on mission in support of State Patrol at Minneapolis/St. Paul AO. (Aviation/Helicopter)
- **9:00 PM**: Hodges emails Harrington and HSEM Director Kelly requesting an Emergency Management Assistant Compact (EMAC) be sent to surrounding states for enforcement resources.
- **9:14 PM** (17 minutes) Harrington, Langer, Jensen call with GTW.
- **9:51 PM**: NG receives a request from the MACC to provide bus drivers (8 soldiers) to drive detainee buses. NG provided soldiers to drive the buses.
- **10:00 PM:** NG: Start point for NG missions including: 30 PAX securing Ramsey Co East LE center, 15 PAX securing Rowan Center, [new mission] 30 PAX securing BCA**.**
- **10:00 PM**: Starting 2200 or earlier, a crowd of several hundred gathered around the Minneapolis Fifth Precinct (3101 Nicollet Ave); there were some instances of attempting to breach the perimeter and some throwing of items at the building, but some reporting indicates that crowd is reducing in size. Some are setting nearby buildings on fire; a bank, a post office, and some small shops are burning.
    - Plan had been for NG to support State Patrol moving back to Lake Street, but that didn't happen because of Fifth Precinct issues.
- **10:16 PM:** Mobile Field Force bus broke down near Arden Hills, delaying portion of State Patrol
- **10:36 PM:** State Patrol notified that MPD looking for help with the Fifth Precinct
- **11:18 PM**: Beckmann/Vitali call (4 minutes) – Beckmann hears from the NG that the fire department is not deploying them; NG not getting missions from the fire department.
    - Beckmann says the fire department needs to tell the NG where to go.
    - Vitali said she would call fire department
- **11:24 PM**: State Patrol team of 306 (including DNR officers) arrives at the Fifth Precinct. Crowd size of approximately 4,500. Hodges: very difficult situation for

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State Patrol; officers over radio – objects being thrown, incendiary device (with BBs), lasers pointed at officers/helicopters, Molotov cocktails.

- 117 non-MRT, 83 MRT troopers, 22 SRT troopers, 84 Conservation Officers
- Between 11:00 PM and 11:30 PM, law enforcement entered the area and dispersed most of the crowd. There are reports of shots fired at law enforcement shortly after this operation.
- Per Langer: Mobile Response Team sent to 5th Precinct. (Team worked 5 PM Friday night to 6 PM Saturday morning)
  - Two fires burnt, dumpsters, etc. Fire extinguishers were used to put them out.
  - Munitions were deployed to move protestors.
  - Encircled a group at Grand Ave and Lake Street where fires were burning at the intersection. State Patrol cleared the area and proceeded to the Third Precinct.
  - Vehicles driving at/around State Patrol – Vehicle at McDonald's drove at mobile field force – driver arrested/stolen vehicle
  - Some arrests Friday night

- **11:34 PM:** (27 minutes) Check in with Command Team: In Saint Paul, continued limited reports of property damage and looting in the Midway neighborhood on evening of 29 May through early morning of 30 May 2020. In Minneapolis, multiple small fires are visible throughout south Minneapolis and some have been reported in north Minneapolis. Riots and looting escalate. Fires were started at a post office, a Wells Fargo and convenience stores.

SATURDAY, 5/30

- **General:** Crowds gathered throughout the day on Saturday, but were largely peaceful.

Saturday 5/30, 12 AM – 6AM

- Throughout the evening, the State Patrol, MPD, and 150 NG soldiers worked together to secure Lake Street. State Patrol and MPD were lead agencies, as they would clear an area, NG would secure the area.
- **12:03 AM:** Jensen calls Bergman, says there are guardsmen who are to be drilling/training over the weekend, he could have more than 1,500 reporting to MSP in the morning including approx. 700 infantry battalions who were to start training and two other battalions of 400 SMs each who were to be drilling. Jensen subsequently clarifies it is 1,000.
- **12:08 AM:** State Patrol begins mass arrests

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- **12:15 AM:** Mass arrest attempt fails. State Patrol team attempted to corral a large group at Lake and Grand but MPD failed to hold the line. 50-100 dispersed through alley onto First Ave at Lake/Grand
    - After this mass arrest attempt failed, State Patrol team began clearing Lake Street moving back to the east and ended operation at Lake Street and 3rd Ave S on the other side (east side) of the ISTH 35W. MSP did not return to the Third Precinct that night.
- **12:20 AM**: The Associated Press tweets that the Pentagon has taken the rare step of putting military police on alert to go to Minneapolis.
- **1:00 AM:** Report of shots fired at Jackson and Arlington at about 0100 in St. Paul.
- **1:30 AM:** GTW press conference
    - Declare that even with 2,500 total officers, including local police departments, sheriff departments, State Patrol, the DNR and the NG, the response to unrest was overwhelmed by the number of people out
- **2:00 AM:** Per Hodges: State Assets totaled 956 during the operation that began at 2330 on Friday May 29 and last until Saturday May 30 at 0330, broken down as follows:

MN Guard	
Nicollet Mall	120
3rd Precinct Support	150
Various FD	150
Capital Complex	30
St Paul Eastern District	30
St Paul Western District	30
MTC Buses	8
Rowen Center Staging	4
	522
MSP	
Mobile Response Team and SWAT	220
Staging	14
	206
DNR	
Staging Richfield DOT	135
Standby Metro area	65
	84

- **3:30 AM:** Hodges: Order restored in Minneapolis.

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- **3:45 AM:** NG: Units that were scheduled for training redirected to Convention Center. Ordered to report directly to the Minneapolis Convention Center in a T32 status under immediate response authority in order to support law enforcement agencies in civil disturbance operations within the Mpls/St. Paul AORs.
- **4:38 AM**: NG receives additional missions from the MACC. (Deployments for the next day.) 1,600 soldiers requested to secure the Minneapolis Convention Center, securing critical infrastructure to Minneapolis, to provide security to ambulances.
- **5:00 AM:** Status update – 747 NG SMs on SAD, 97 on T32.
- **5:00 AM:** Command team check in with GTW
- **5:34 AM:** Hodges gets SPPD arrest report: 11 arrests for burglary and 5 arrest for curfew
- **5:34 AM**: Hodges gets Hennepin arrest report – had everyone and addresses listed
    - 49 booked at that time
    - 16 waiting to process
- **5:49 AM:** Hodges informed by the MPD that five people had been shot throughout the 11:30pm – 3:30am operation

Saturday 5/30, 6 AM – 12 PM

- **6:00 AM**: Curfew ends
- **6:00 AM:** State Patrol (and DNR officers) done with mission/back at hotel
- **6:30 AM**: Jensen emails ND, SD, Iowa, Wisconsin TAGs to use EMAC
    - Request for four MP companies, and a military police battalion HQ
    - Riot gear, weapons, etc.
    - Ultimately, no support from outside of MN – One example NG Bureau sent small liaison group (3 people—one public affairs officer) to MN, observation and reporting mission.
- **6:30 AM:** DNR Officers report to Capitol (approx. 50). Not relieved until 5/31—36 hours total**.**
- **7:45 AM**: SecDef Call including Gen. Milley and Sec. Esper, GTW, Jensen, Harrington, Bergman.
- **8:00 AM**: NG continues to activate additional units and orders them to mobilize at the Minneapolis Convention Center
- **9:00 AM**: Hodges emails metro Sheriffs asking their police Chiefs to send info to the MACC about any vehicles their officers stop without license plates.
- **9:00 AM:** GTW press conference
    - Announces that the tenor of things had changed on the streets since earlier in the week.

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- Announces full mobilization of the NG

- **11:47 AM:** Updated arrest info from Hennepin County reports 95 people were arrested. About 20 percent of those arrested have reported residences outside of the state of Minnesota.
- **11:58 AM**: Updated arrest info from Ramsey County reports 22 people were arrested and the vast majority were Minnesota residents.

Saturday 5/30, 12 PM – 6 PM

- **12:00 PM:** GTW press conference with community leaders
- **12:25 PM:** NG: The MNNG JOC submitted the official Joint Information Exchange Environment (JIEE) request for additional Military Police assets from surrounding states (IA, ND, NE, SD, and WI) at Wisconsin was the only state to formally respond to the JIEE request providing "WING is unable to provide a Battalion HQ and MP CO due to the current situation in Wisconsin." The North Dakota National Guard verbally responded with capability to support with an MP HQ's and one MP company.
- **12:56 PM**: Per Hodges: received email from Director Kelly asking EMAC request be sent out to surrounding states.
- **1:00 PM:** Discussion of more mobile strategy at MACC with State Patrol, MPD, UMN, St. Paul, others. Mobile field forces attended briefing at MACC to discuss more mobile strategy. That coordination was going on throughout the day, started in earnest at this time.
    - Lt Shelly Schrofer and Lt Paul Stricker were in that discussion**.** Matt Clark from the U of M, Deputy Chief from Saint Paul, Chris Erickson, Captain Geiger, Dwyer, Colonel Smith, Jeff Potts, Saint Louis Park, Hennepin County Sheriff, and Deputy were in these discussions. Minneapolis involved – Commander Gerlicher and Kaithy Waite. Mike Kjos and Arradondo were not there.
- **1:18 PM**: DPS and state websites are attacked.
- **1:30 PM**: First situation update with legislators, council members by BCA Superintendent, Drew Evans
- **1:46 PM**: Hodges receives plan and request from State Patrol to MnDOT to close Interstates 94 and 35 starting between 1800-2000 hours.
- **1:49 PM**: Kelly sends request via EMAC to WI for MFF assistance. Agreement was for a mobile force units. Wisconsin provided 15 troopers for seven days. Mission was to provide Capitol security.
    - 15 WI State Troopers deployed on Sunday 5/31. Supported the mission to protect the Capitol.
- **2:00 PM:** Langer speaks with Iowa State Patrol to coordinate the delivery of the supply of chemical munitions; Iowa sends chemical munitions

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- **2:00 PM**: NG orders full activation of all NG forces - 2,200 NG soldiers mobilized
- **2:30 PM:** Situation update including GTW, COL Schaefer, Harrington, Langer, Schmitter, and Bergman.
- **2:37 PM:** NG: The JOC along with MN HSEM began the EMAC process. The ND MP units began movement to Minneapolis on the afternoon of 30 May 30 but were halted in Fargo late that evening due to civil disturbance within the City of Fargo and the ND Governors decision to keep the MP units within ND for potential future civil disturbance operations.
- **~3:00 PM:** Langer arrived at the MACC. Strategy was to arrest people, use the curfew violation as an enforcement strategy to get people to go home. Mapped out strategy for MPD. Worked with Anoka County to plug in their resources. Critical resources for arrest teams. Group formed as a tactical operation center at the MACC. Chief Matt Clark, Lieutenant Paul Stricker, were already working on how to get more units to be on mobile work with the mobile field forces to be more proactive. More proactive model. All leadership from other law enforcement agencies were at MACC.
- **~3:00 PM:** Schnell brought in to be PIO
- **3:05 PM:** Langer calls Bill Hutton from the Sheriff's Association. Asks what can they do, what resources do they have around the state? Langer tells Hutton if Sheriff resources go to staging, they can be put to work. There was civil unrest all over the state, so it was not as easy to get resources to come. Hutton had just gotten off the phone with Harrington, who had called with a similar request.
- **3:30 PM:** NG receives requests from MACC with missions
- **3:30 PM:** AGED Carla Cincotta worked on a plan at the request of Rep. Jim Davine to assist with the removal of propane tanks for gas stations in the Lake Street area
- **3:35 PM:** Additional missions from MACC to NG.
- **4:17 PM:** Jensen speaks with ND TAG, who explained why they couldn't send support, and apologized. Explanation was that troops made it as far as Fargo, needed to address unrest in Fargo.
- **5:00 PM:** GTW speaks to MACC staff
- **5:06 PM:** Per NG: Missions received included: Minneapolis Convention Center; St. Paul Capitol Complex; Shoreview mobile field force with State Patrol; Fire Station #6, #7, #17, and #21; Ramsey County Law Enforcement Center; Police 5th Precinct; Federal Reserve Bank; Richfield Department of Transportation; Hennepin County Medical Center.
- **5:15 PM**: Executive Order 20-67, authorizing cooperative firefighting, health, and peace officer assistance from cities throughout Minnesota is finalized

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- **5:30 PM**: Second situation update with legislators, council members by BCA Superintendent Evans

Saturday 5/30, 6 PM – 12 AM

- 2,200 NG soldiers mobilized. Report times of **5:00 PM**. Most ended at **3:00 AM**.
    - 240 soldiers – civil disturbance ops with 8 MPD strike teams
    - 100 soldiers – MSP, and Hennepin County
    - 200 soldiers – secure Capitol
    - 250 securing critical infrastructure (Ramsey county)
    - 150 soldiers supporting – MPLS and St. Paul fire departments
    - 30 soldiers at Convention Center providing site security
    - 200 soldiers, quick reaction force, otherwise relieve other soldiers
    - 25 soldiers to drive buses (received emergency task to do this Saturday night)
    - 40 soldiers for EMS escorts (24 hour security)
    - ~30 soldiers fencing around 5th Precinct (concertina wire—engineer unit) (done before sunset)
    - 25 soldiers for Federal Reserve security (24 hour security)
    - 25 soldiers security Eagan outlet mall (24 hour security)
    - 25 soldiers traffic control at MoA (24 hour security)
        - (NG traffic assignments to free up law enforcement to join mobile field force)
- State Patrol (~ 500 total)
    - 250 with DNR at Capitol
    - 100-200 mobile field force
    - At least 50 Quick strike teams (starting around 8pm, making arrests) worked throughout the night.
    - Others working security, staging, etc.
    - 3 MSP response units were assembled with troopers and using DNR personnel as CART: MSP2 consisted of 30 troopers and 2 DNR conservation officers, MSP3 consisted of 33 troopers and 2 DNR conservation officers and MSP4 consisted of 47 troopers and 2 DNR conservation officers
- 274 Officers from the following departments staged at Richfield throughout Saturday: Aitkin PD (2), Anoka County (28), Anoka County SO (26), Anoka PD (5), Becker County SO (8), Belle Plaine PD (5), Bensen PD (2), Blaine PD (18), Bloomington PD (8), Brooklyn Park PD (5), Cass County SO (8), Clearwater County SO (2), Columbia Heights PD (5), Coon Rapids PD (18), Crow Wing County (15), Fridley PD (15), Hennepin (26), Isanti (6), Itasca (11), LeSueur (4), Lincoln (1), Murray (1),

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Olmsted (4), Polk (3), Rice (1), Scott (10), St. Louis (15), Wadena SO (2), Waseca PD (1), Wells PD (1)

- **6:00 PM:** Per Hodges: staffing discussion with MPD command staff about MPD staff (all call "phase III", get staff in to the MACC).
- **6:30 PM**: GTW press conference urging Minnesotans to abide by the 8pm curfew
- **7:00 PM:** NG: At the 1900hrs meeting with the DNR, all agreed that it would too dark to continue Water Bucket missions after 2130hrs.
- **7:00 PM:** MnDOT nighttime highway closures go into effect for the first time
- **~7:30 PM:** Focused on Fifth Precinct—plan was to clear Fifth Precinct at 8:45 PM.
- **7:30 PM**: Legislative leaders, including Gazelka and Daudt, at the SEOC.
- **7:36 PM**: Director Cincotta sends a message to all MACC agencies containing information on how to request NG resources.
- **8:00 PM**: Curfew begins, State Patrol quickly works to knock down the criminal activity while it is still light out. GTW gave the direction that he wanted a different strategy than had been used in the past few days.
- **8:24 PM**: South Dakota TAG calls Jensen and say they won't be able to send support.
- **8:41 PM:** Fifth Precinct plan executed. MPD came in from the wrong direction, but plan worked. Cleared area.
    - Approx. 200-300 hundred State Patrol and DNR officers
    - MPD and Anoka County
    - NG (100 soldiers)
    - Crowd size of approximately 2500-3000. Officers were shot at and had to deal with rioters using unmanned vehicle~~s~~ to assault officers. Within an hour, a large portion of the crowd was dispersed. Unlikely Fifth Precinct was ever completely cleared as there continued to be flare ups at the location.
- **9:00 PM:** NG: UH-60 departs AASF#1 with bucket of water.
- **9:15 PM:** Best estimate for time water was dropped on car is 2115hrs
- **9:30 PM:** National Guard: UH-60 returns AASF#1.
- **9:30 PM**: Third situation update with legislators, council members by BCA's Drew Evans
- **9:30 PM**: NG announce they have 4,100 soldiers.
- **9:30 PM:** NG: Saint Paul: About 2130, a crowd of about 1000 leaving Minneapolis, heading towards Saint Paul, was stopped at the Lake Street / Marshall Avenue Bridge. Efforts to disperse crowds were effective, and there were no significant assemblies during curfew hours.

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- **9:37 PM:** Video of officer shooting a marking round at people gathered on a porch is posted on Twitter
- **9:49 PM:** Jensen gets call from Iowa TAG, no MPs, offering infantry. Jensen declines.
- **11:30 PM:** NG: B/2-136CAB with 8 vehicles and 32 pax, and A/1-94CAV with 4 vehicles and 59 pax departed Convention Center to Fifth Precinct to assist MPD with site security.
- **11:50 PM:** Hodges: Order restored. Only reported fires are flair ups from previously lit fires and one reported dumpster fire.
- **11:58 PM:** NG: Missions received for wiring teams (concertina wire) at Convention Center and security at 10 hospitals.
- **Arrests from Saturday night:**
    - MSP 73, Anoka 1, Hennepin County SO 74 (11 has out of state addresses), and MPD 36.
    - MSP confiscated 7 guns. One individual overdosed on the arrest van and revived with narcan.

- NG 5/30 Daily Forces Breakdown
    - Active Operations/Missions: 1,311
    - Standby/Available for Tasking: 771
    - Support/C2/Mission Command: 646
    - In-Process: 1,799
    - **Total: 4,527**

SUNDAY, 5/31
Sunday 5/31, 12 AM – 6 AM

- The night without major injuries or fires, and preliminary data showed 25 arrests in Hennepin County and 30 in Ramsey County.

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- **1:30 AM:** Fourth situation update with legislators, council members by BCA's Drew Evans
- **1:40 AM:** NG: B/2-136CAB returned to base from Fifth Precinct.
- **1:56 AM:** NG: A/-94CAV returned to base from Fifth Precinct.
- **2:30 AM:** NG: The 133rd air crew departed between **0230-0300**. Received mission request from MACC to fly a C130 to Sioux Falls, South Dakota and retrieve 15,000 pounds of non-lethal munitions and expedite transportation to Minneapolis/St. Paul area. Brig Gen Gabrielli worked with MN Air National Guard the night of May 30 and early morning May 31 to gain approval to perform mission in T32 status, not SAD.
- **Sunday 5/31, 6 AM – 12 PM**
  - **6:00 AM**: Curfew ends
  - **7:30 AM:** Fifth situation update with legislators, council members by BCA's Drew Evans
  - **9:30 AM**: GTW press conference
  - **9:45 AM:** NG: The 133rd air crew on Sioux Falls, SD mission returned to the ramp at **0945**.
  - **10:00 AM:** NG: Status update – 4,994 NG SMs active (2,788 SAD, 613 T32, 1,593 IDT/AT).
  - **10:09 AM:** SD NG officially declined request to provide EMAC support (ND TAG had declined on Saturday night)
  - **11:00 AM:** NG: NGB (Liaison Officers) LNO's arrived and maintained presence within the MN JOC until **5 June 2020**. Two of the LNO's were operations and one was a public affairs LNO.
  - **11:00 AM**: Request for NG observation RC-26 aircraft (started on Monday)
  - **11:30 AM:** NG: Missions received include: Security and medical support at Cedar Street Armory, Air movement

Sunday 5/31, 12 PM – 6 PM

- **1:13 PM:** Request from MACC for Blackhawk helicopter to view damage (Hodges, MPD, State Patrol) (flight happened about an hour later)
- **1:48 PM**: NG request to provide bus security - bus drivers felt uneasy on Saturday night and requested NG soldiers on buses
- **1:57 PM**: NG mission to security Earl Brown Heritage Center
- **2:58 PM:** NG: Missions received include: St. Paul mobile field force teams, Security for St. Paul Fire Departments, site security in Eagan to free up PD strike force, secure MOA to free up PD strike force, site security at Capitol, securing MTC buses, reinforcing UMPD for civil disturbance response.
- **Mid-afternoon:** MPD wanted to move tactical operations center (TOC) from MACC to EOTF. Langer and State Patrol and everyone else wanted to keep TOC in MACC. Rearranged physical arrangement to allow Stricker and MPD

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equivalent Gary Nelson to focus on their work away from discussions and kept TOC at the MACC.

- **3:00 PM:** Executive Order 20-68, extending the nighttime curfew for an additional night, is released.
- **Per Langer:** Plan for Sunday evening was to do same plan as Saturday, but US Bank/freeway protest altered the plan.
- **4:15 PM**: Large crowd of around 4,000 gather at US Bank Stadium
- **~5:00 PM**: Protestors walk onto 35W, shutting down traffic in both directions. MnDOT begins to close 35W and 94 at this time.
- **5:00 PM:** NG: Saint Paul: There is a current protest at the state Capitol that is winding down that peaked at about 1,000 people that was conducted peacefully. The crowd has since begun movement to the Governor's residence prompting a redeployment of state troopers and ARNG Soldiers. Crowds have begun movement on Interstate 94 blocking traffic.
- **5:00 PM:** National Guard: Status update – 6,481 NG SMs active (4,549 SAD, 797 T32, 1,135 IDT/AT).
- **5:46 PM:** Tanker truck drives into crowd on I-35, State Patrol worked on getting tanker truck removed. BCA went to interview driver/investigate. MPD moved crowd back. Hodges orders the deployment of the Bambie Bucket via the Blackhawk (to address potential fire threat)
    - Mobile Field Forces dispatched to secure freeway

Sunday 5/31, 6 PM – 12 AM

- NG missions primarily the same between Saturday and Sunday.
- **~6:00 PM:** Hennepin Cty Atty Freeman issues a press release stating that he has asked AG Keith Ellison for assistance in prosecution of the officers involved in the death of George Floyd
- **7:00 PM:** GTW press conference announcing Ellison would lead the prosecution of the case
- **7:00 PM:** MnDOT highway closures for the second night
- **7:04 PM:** NG provides security for Little Earth restaurant; Cedar Foods and Grill
- **8:00 PM**: Sixth situation update with legislators, council members by BCA's Drew Evans
- **8:00 PM**: Curfew goes into effect
- **8:54 PM**: A crowd at Bobby & Steve's encircled by Troopers, conservation officers, and Anoka County Sheriff's Officers, textbook mass arrest situation, crowd control/arrests. 335 people corralled. 334 arrested; 1 taken to hospital
- Lorenz Bus Service helped to provide on deck circle for buses in front of Hennepin County Jail on Sunday night.

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- **9:48 PM:** NG shooting of vehicle; highway 35 W and Washington Avenue, by hotel.
- **NG 5/31 Daily Forces Breakdown**
  - Active Operations/Missions: 1,603
  - Standby/Available for Tasking: 819
  - Support/C2/Mission Command: 1,425
  - In-Process: 3,276
  - **Total: 7,123**

MONDAY, 6/1

12 AM – 6 AM

- **12:01 AM:** NG: The 2-136 CAB and 1-94 CAV transitioned from T32 to SAD.
- **4:00 AM:** State Patrol**:** Vast majority of resources were done and back to hotel.

6 AM-12 PM

- **6:00 AM:** Curfew ends

12 PM – 6 PM

- **5:45 PM: Per NG: St. Paul:** Protests around the Governor's residences totaled ~3000-5,000.

6 PM – 12AM

- **6:00 PM:** Protests around Minneapolis start around noon with the Floyd memorial at 38th and Chicago (~1500-2000 personnel) and still present as of 1800. Smaller protests in Washington Square were also peaceful.
- **10:00 PM:** Curfew begins
- **NG 6/1 Daily Forces Breakdown**
  - Active Operations/Missions: 2,051
  - Standby/Available for Tasking: 3,401
  - Support/C2/Mission Command: 1,364
  - Out-Process: -307
  - **Total: 6,816**

TUESDAY, 6/2

12 AM – 6 AM

- **12:01 AM:** NG: The BSB had IDT through Monday the 1st, and transitioned to SAD on Tuesday, 0001 hrs on 2JUN20.
- **4:00 AM**: Curfew ends

6 PM – 12 AM

- **9:09 PM:** MPD cancels cancelled days off, never put in All Call ("Phase IV")

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- **10:00 PM:** Curfew begins
- **NG 6/2 Daily Forces Breakdown**
  - Active Operations/Missions: 1,585
  - Standby/Available for Tasking: 3,486
  - Support/C2/Mission Command: 1,268
  - Out-Process: -477
  - **Total: 6,339**

WEDNESDAY, 6/3

- **NG 6/3 Daily Forces Breakdown**
  - Active Operations/Missions: 1,262
  - Standby/Available for Tasking: 2,774
  - Support/C2/Mission Command: 1,009
  - Out-Process: -1,294
  - **Total: 5,045**

THURSDAY, 6/4

- **NG 6/4 Daily Forces Breakdown**
  - Active Operations/Missions: 1,066
  - Standby/Available for Tasking: 2,345
  - Support/C2/Mission Command: 853
  - Out-Process: -781
  - **Total: 4,264**
- 140 State Patrol Troopers released

FRIDAY, 6/5

- **NG 6/5 Daily Forces Breakdown**
  - Active Operations/Missions: 768
  - Standby/Available for Tasking: 1,688
  - Support/C2/Mission Command: 615
  - Out-Process: -1,193
  - **Total: 3,071**

SATURDAY, 6/6

- **NG 6/6 Daily Forces Breakdown**
  - Active Operations/Missions: 478
  - Standby/Available for Tasking: 1,050
  - Support/C2/Mission Command: 382
  - Out-Process: -1,161
  - **Total: 1,910**

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- 110 State Patrol Troopers released

SUNDAY, 6/7

- All remaining State Troopers and all DNR released

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EXHIBIT E

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

July 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am submitting this request (the "Request") to your agency on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Through this Request, I am seeking copies of the following government data created, collected, maintained, disseminated, or received that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on June 28 at 12:23pm (see Report page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on June 28 (see Report page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on June 28 (see Report page 10);

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6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on June 29 at 4:30pm (see Report page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on June 29 (see Report pg 17).

Please consider this letter to be a formal request for the indefinite retention of the requested data, pending resolution of the Request.

I am willing to pay all applicable statutory fees associated with the production of copies.

Per Minnesota Statutes 13.03, Subd. 3(f), I am requesting that in the event that any portion of the Request is not granted, that your agency certify in writing that the Request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial is based.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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MN DEPT OF PUBLIC SAFETY
445 MINNESOTA ST. STE 190
TOWN SQUARE BLDG.
ST. PAUL MN 55101-5190

9590 9402 7600 2098 8623 94

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Driver & Vehicle Services ☐ Addressee

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EXHIBIT F

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

September 2, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am writing in relation to the Data Practices Act request (the "Request") dated July 28, 2022 that I mailed to your agency on August 18, 2022, and which was received by your agency on August 19, 2022. (Please see attachments for copies of the original Request and certified mail documentation).

My Request seeks copies of certain government data that relates to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report).

In my Request, I provided an itemized list of the data that I am seeking to have copied. In that list, I referenced certain identifying information — including pages numbers and dates — in order to assist your agency in locating responsive data.

I recently reviewed the contents of my Request, and discovered that the dates provided were incorrect. What follows is the itemized list from my original Request, with the dates corrected. Also, the pages numbers included below refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020 (the "Timeline"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with

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Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);

6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

Please utilize the above list in place of the list included in my original Request, as this will help your agency locate responsive data faster and more efficiently.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

July 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am submitting this request (the "Request") to your agency on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Through this Request, I am seeking copies of the following government data created, collected, maintained, disseminated, or received that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on June 28 at 12:23pm (see Report page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on June 28 (see Report page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on June 28 (see Report page 10);

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6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on June 29 at 4:30pm (see Report page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on June 29 (see Report pg 17).

Please consider this letter to be a formal request for the indefinite retention of the requested data, pending resolution of the Request.

I am willing to pay all applicable statutory fees associated with the production of copies.

Per Minnesota Statutes 13.03, Subd. 3(f), I am requesting that in the event that any portion of the Request is not granted, that your agency certify in writing that the Request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial is based.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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State of Minnesota
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1. Article Addressed to:

DATA PRACTICES RESP. AUTH.
MN DEPT OF PUBLIC SAFETY
445 MINNESOTA ST. STE 190
TOWN SQUARE BLDG.
ST. PAUL MN 55101-5190

9590 9402 7600 2098 8623 94

2. Article Number (Transfer from service label)
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PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

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A. Signature
X DEPT OF PUBLIC SAFETY ☐ Agent
Driver & Vehicle Services ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
445 Minnesota St. Ste 190 8-10
St. Paul, MN 55101-5190

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3. Service Type

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EXHIBIT G

MINNESOTA JUDICIAL BRANCH

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State of Minnesota
8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

September 22, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am writing today in relation to my Data Practices Act request (the "Request") dated July 28, 2022, and my follow-up correspondence dated September 2, 2022. (Please see attachments for copies of this correspondence).

My Request seeks copies of certain government data that relates to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report). That list of data (as amended by my September 2 correspondence) is listed below:

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);

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5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);

6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

References in the list above to a "Timeline" refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020.

I am writing to you today to see if your agency has any questions about the data I am seeking, as well as to check on your agency's proposed timeframe for producing responsive data. I can be contacted about this Request at 651-335-2037, 651-556-1381, or at Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

July 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am submitting this request (the "Request") to your agency on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Through this Request, I am seeking copies of the following government data created, collected, maintained, disseminated, or received that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on June 28 at 12:23pm (see Report page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on June 28 (see Report page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on June 28 (see Report page 10);

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6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on June 29 at 4:30pm (see Report page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on June 29 (see Report pg 17).

Please consider this letter to be a formal request for the indefinite retention of the requested data, pending resolution of the Request.

I am willing to pay all applicable statutory fees associated with the production of copies.

Per Minnesota Statutes 13.03, Subd. 3(f), I am requesting that in the event that any portion of the Request is not granted, that your agency certify in writing that the Request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial is based.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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1. Article Addressed to:

DATA PRACTICES RESP. AUTH.
MN DEPT OF PUBLIC SAFETY
445 MINNESOTA ST. STE 190
TOWN SQUARE BLDG.
ST. PAUL MN 55101-5190

9590 9402 7600 2098 8623 94

2. Article Number (Transfer from service label)
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Driver & Vehicle Services ☐ Addressee
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St. Paul, MN 55101-5190
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State of Minnesota
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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

September 2, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am writing in relation to the Data Practices Act request (the "Request") dated July 28, 2022 that I mailed to your agency on August 18, 2022, and which was received by your agency on August 19, 2022. (Please see attachments for copies of the original Request and certified mail documentation).

My Request seeks copies of certain government data that relates to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report).

In my Request, I provided an itemized list of the data that I am seeking to have copied. In that list, I referenced certain identifying information — including pages numbers and dates — in order to assist your agency in locating responsive data.

I recently reviewed the contents of my Request, and discovered that the dates provided were incorrect. What follows is the itemized list from my original Request, with the dates corrected. Also, the pages numbers included below refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020 (the "Timeline"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with

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Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);

6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

Please utilize the above list in place of the list included in my original Request, as this will help your agency locate responsive data faster and more efficiently.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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EXHIBIT H

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

October 17, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via U.S. mail

Dear Data Practices Responsible Authority,

I am writing today in relation to my Data Practices Act request (the "Request") dated July 28, 2022, and my follow-up correspondence dated September 2, 2022, and September 22, 2022. (Please see attachments for copies of this correspondence).

My Request (as amended by my September 2 correspondence) seeks copies of the following government data created, collected, maintained, disseminated, or received by your agency that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);

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5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);

6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

References in the list above to a "Timeline" refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020.

As I have not yet received any return correspondence from your agency, I am writing to you today to see if your agency has any questions about the data I am seeking. I can be contacted about this Request at 651-335-2037, 651-556-1381, or at Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

July 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am submitting this request (the "Request") to your agency on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Through this Request, I am seeking copies of the following government data created, collected, maintained, disseminated, or received that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on June 28 at 12:23pm (see Report page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on June 28 (see Report page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on June 28 (see Report page 10);

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6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on June 29 at 4:30pm (see Report page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on June 29 (see Report pg 17).

Please consider this letter to be a formal request for the indefinite retention of the requested data, pending resolution of the Request.

I am willing to pay all applicable statutory fees associated with the production of copies.

Per Minnesota Statutes 13.03, Subd. 3(f), I am requesting that in the event that any portion of the Request is not granted, that your agency certify in writing that the Request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial is based.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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1. Article Addressed to:

DATA PRACTICES RESP. AUTH.
MN DEPT OF PUBLIC SAFETY
445 MINNESOTA ST. STE 190
TOWN SQUARE BLDG.
ST. PAUL MN 55101-5190

9590 9402 7600 2098 8623 94

2. Article Number *(Transfer from service label)*

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A. Signature
X DEPT OF PUBLIC SAFETY ☐ Agent
Driver & Vehicle Services ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery
445 Minnesota St. Ste 190 8-19
St. Paul, MN 55101-5190

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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☐ Certified Mail Restricted Delivery	☐ Signature Confirmation™
☐ Collect on Delivery	☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery Restricted Delivery	
☐ Insured Mail	
nsured Mail Restricted Delivery over $500)	

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EXHIBIT I

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8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

November 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via U.S. mail

Dear Data Practices Responsible Authority,

I am writing today in relation to my Data Practices Act request (the "Request") dated July 28, 2022, and my follow-up correspondence dated September 2, September 22, and October 17, 2022. For reference, copies of this correspondence are attached to this letter.

Pursuant to Minnesota Statutes, Chapter 13 (Minn. Stat. § 13.03, subd. 3), a person requesting access to public, government data shall be permitted to "inspect and copy" such data "at reasonable times and places."

Minn. Stat. § 13.03 subd. 2 also requires the data practices responsible authority for a government entity to establish procedures to insure that requests for government data "are complied with in an appropriate and prompt manner."

Furthermore, the Minnesota Administrative Rules implementing Chapter 13 also state that the data practices responsible authority for a government entity "shall provide for a response to a request within a reasonable time."

In a multi-part data request such as mine, a government entity need not produce all requested data at once, but can begin to produce easily retrievable data elements first, with other data elements (those that require further search or retrieval) to follow, thus ensuring that the request is being complied with "prompt[ly]" and "appropriate[ly]" and within a "reasonable time."

As noted in my correspondence dated October 17, 2022, I have not yet received any return correspondence from your agency regarding my Request. If your agency has any questions

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about the data I am seeking, I can be contacted about this Request at 651-335-2037, 651-556-1381, or at Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

October 17, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via U.S. mail

Dear Data Practices Responsible Authority,

I am writing today in relation to my Data Practices Act request (the "Request") dated July 28, 2022, and my follow-up correspondence dated September 2, 2022, and September 22, 2022. (Please see attachments for copies of this correspondence).

My Request (as amended by my September 2 correspondence) seeks copies of the following government data created, collected, maintained, disseminated, or received by your agency that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);

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8/29/2024 2:28 PM

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);

6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

References in the list above to a "Timeline" refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020.

As I have not yet received any return correspondence from your agency, I am writing to you today to see if your agency has any questions about the data I am seeking. I can be contacted about this Request at 651-335-2037, 651-556-1381, or at Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

MINNESOTA JUDICIAL BRANCH

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State of Minnesota
8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

September 22, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am writing today in relation to my Data Practices Act request (the "Request") dated July 28, 2022, and my follow-up correspondence dated September 2, 2022. (Please see attachments for copies of this correspondence).

My Request seeks copies of certain government data that relates to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report). That list of data (as amended by my September 2 correspondence) is listed below:

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);

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5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);

6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

References in the list above to a "Timeline" refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020.

I am writing to you today to see if your agency has any questions about the data I am seeking, as well as to check on your agency's proposed timeframe for producing responsive data. I can be contacted about this Request at 651-335-2037, 651-556-1381, or at Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

MINNESOTA JUDICIAL BRANCH

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State of Minnesota
8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

September 2, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am writing in relation to the Data Practices Act request (the "Request") dated July 28, 2022 that I mailed to your agency on August 18, 2022, and which was received by your agency on August 19, 2022. (Please see attachments for copies of the original Request and certified mail documentation).

My Request seeks copies of certain government data that relates to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report).

In my Request, I provided an itemized list of the data that I am seeking to have copied. In that list, I referenced certain identifying information — including pages numbers and dates — in order to assist your agency in locating responsive data.

I recently reviewed the contents of my Request, and discovered that the dates provided were incorrect. What follows is the itemized list from my original Request, with the dates corrected. Also, the pages numbers included below refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020 (the "Timeline"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with

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8/29/2024 2:28 PM

Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);

6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

Please utilize the above list in place of the list included in my original Request, as this will help your agency locate responsive data faster and more efficiently.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

MINNESOTA JUDICIAL BRANCH

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State of Minnesota
8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

July 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am submitting this request (the "Request") to your agency on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Through this Request, I am seeking copies of the following government data created, collected, maintained, disseminated, or received that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on June 28 at 12:23pm (see Report page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on June 28 (see Report page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on June 28 (see Report page 10);

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6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on June 29 at 4:30pm (see Report page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on June 29 (see Report pg 17).

Please consider this letter to be a formal request for the indefinite retention of the requested data, pending resolution of the Request.

I am willing to pay all applicable statutory fees associated with the production of copies.

Per Minnesota Statutes 13.03, Subd. 3(f), I am requesting that in the event that any portion of the Request is not granted, that your agency certify in writing that the Request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial is based.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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MN DEPT OF PUBLIC SAFETY
445 MINNESOTA ST. STE 190
TOWN SQUARE BLDG.
ST. PAUL MN 55101-5190

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St. Paul, MN 55101-5190

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1. Article Addressed to:

DATA PRACTICES RESP. AUTH
MN DEPT. PUBLIC SAFETY
445 MINNESOTA ST.
STE 190
ST PAUL MN 55101-5190

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2. Article Number *(Transfer from service label)*

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If YES, enter delivery address below: ☐ No

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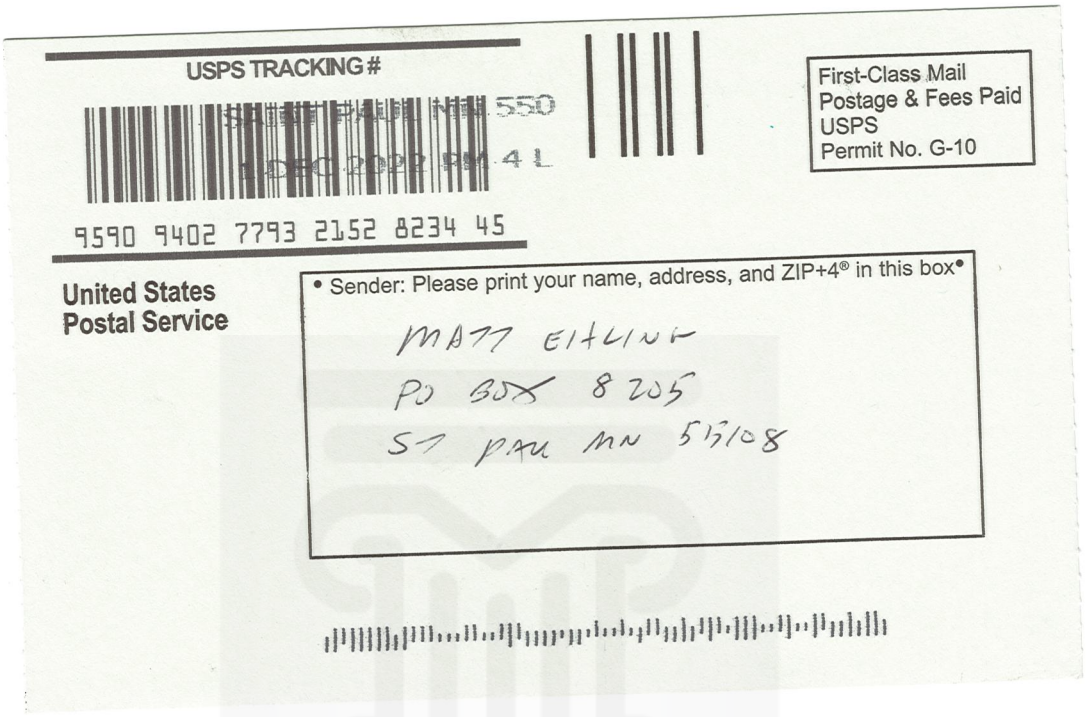
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PO BOX 8205
ST PAUL MN 55108

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EXHIBIT J

MINNESOTA JUDICIAL BRANCH

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Matt Ehling
Public Record Media
1539 Grand Avenue
St. Paul, MN 55108

August 5, 2024

Commissioner Bob Jacobsen
Data Practices Responsible Authority
Department of Public Safety
445 Minnesota Street
Suite 1000
Saint Paul, MN 55101

RE: Data Practices Act follow-up letter

Via mail and electronic mail

Dear Data Practices Responsible Authority,

On August 18, 2022, I submitted a request under the Minnesota Government Data Practices Act (MGDPA) on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual (the "Request"). Through the Request, I sought copies of a variety of public, government data created, collected, maintained, disseminated, or received by your agency pertaining to a March 2022 report entitled "An External Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report") and a timeline document entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020 (the "Timeline").

The Request (dated July 28, 2022) was amended via letter dated September 2, 2022. Attached are copies of the original Request; its "amendment letter"; and three additional letters checking on the overall status of the Request.

I can be contacted at admin@publicrecordmedia.org or 651-556-1381 regarding this Request. In light of how long it has taken your agency to provide any response to the Request, it is my understanding that you received the Request when it was originally sent, considered it, and denied it. If that is incorrect, please let me know within 10 days of this letter.

Sincerely,

/s/Matt Ehling
Board Member
Public Record Media

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cc: Kim Parker,
General Counsel; Data Practices Compliance Official
Minnesota Department of Public Safety

Mike Kaszuba, Public Record Media

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

July 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am submitting this request (the "Request") to your agency on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Through this Request, I am seeking copies of the following government data created, collected, maintained, disseminated, or received that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on June 28 at 12:23pm (see Report page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on June 28 (see Report page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on June 28 (see Report page 10);

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6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on June 29 at 4:30pm (see Report page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on June 29 (see Report pg 17).

Please consider this letter to be a formal request for the indefinite retention of the requested data, pending resolution of the Request.

I am willing to pay all applicable statutory fees associated with the production of copies.

Per Minnesota Statutes 13.03, Subd. 3(f), I am requesting that in the event that any portion of the Request is not granted, that your agency certify in writing that the Request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial is based.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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State of Minnesota
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Total Postage and Fees	$16.20
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MN DEPT OF PUBLIC SAFETY
445 MINNESOTA ST. STE 190
TOWN SQUARE BLDG.
ST. PAUL MN 55101-5190

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X DEPT OF PUBLIC SAFETY ☐ Agent
Driver & Vehicle Services ☐ Addressee

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St. Paul, MN 55101-5190

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

September 2, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am writing in relation to the Data Practices Act request (the "Request") dated July 28, 2022 that I mailed to your agency on August 18, 2022, and which was received by your agency on August 19, 2022. (Please see attachments for copies of the original Request and certified mail documentation).

My Request seeks copies of certain government data that relates to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report).

In my Request, I provided an itemized list of the data that I am seeking to have copied. In that list, I referenced certain identifying information — including pages numbers and dates — in order to assist your agency in locating responsive data.

I recently reviewed the contents of my Request, and discovered that the dates provided were incorrect. What follows is the itemized list from my original Request, with the dates corrected. Also, the pages numbers included below refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020 (the "Timeline"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with

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Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report:

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);

6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

Please utilize the above list in place of the list included in my original Request, as this will help your agency locate responsive data faster and more efficiently.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

July 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am submitting this request (the "Request") to your agency on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Through this Request, I am seeking copies of the following government data created, collected, maintained, disseminated, or received that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on June 28 at 12:23pm (see Report page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on June 28 (see Report page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on June 28 (see Report page 10);

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6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on June 29 at 4:30pm (see Report page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on June 29 (see Report pg 17).

Please consider this letter to be a formal request for the indefinite retention of the requested data, pending resolution of the Request.

I am willing to pay all applicable statutory fees associated with the production of copies.

Per Minnesota Statutes 13.03, Subd. 3(f), I am requesting that in the event that any portion of the Request is not granted, that your agency certify in writing that the Request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial is based.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

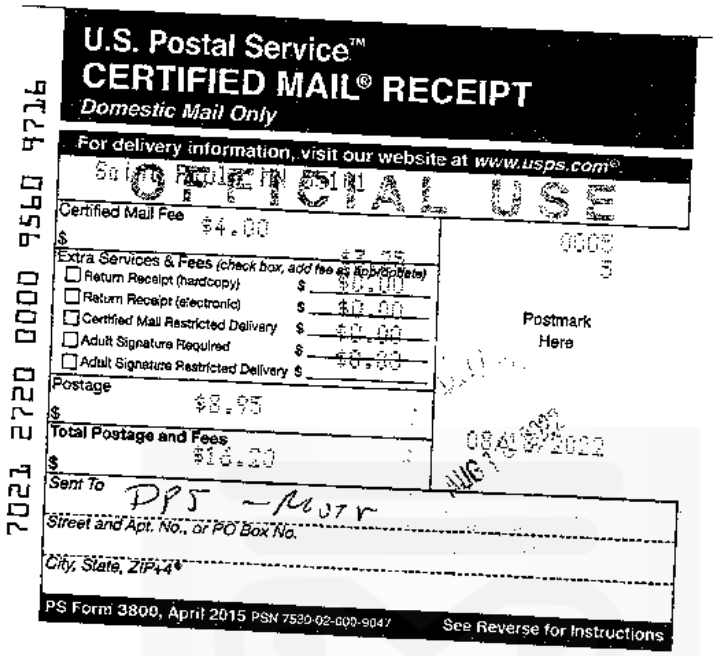
/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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1. Article Addressed to:

DATA PRACTICES RESP. AUTH.
MN DEPT OF PUBLIC SAFETY
445 MINNESOTA ST. STE 190
TOWN SQUARE BLDG.
ST. PAUL MN 55101-5190

9590 9402 7600 2098 8623 94

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Driver & Vehicle Services ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery
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State of Minnesota
8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

September 22, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am writing today in relation to my Data Practices Act request (the "Request") dated July 28, 2022, and my follow-up correspondence dated September 2, 2022. (Please see attachments for copies of this correspondence).

My Request seeks copies of certain government data that relates to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report). That list of data (as amended by my September 2 correspondence) is listed below:

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);

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5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);

6. Any and all notes, correspondence. and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

References in the list above to a "Timeline" refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020.

I am writing to you today to see if your agency has any questions about the data I am seeking, as well as to check on your agency's proposed timeframe for producing responsive data. I can be contacted about this Request at 651-335-2037, 651-556-1381, or at Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

July 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am submitting this request (the "Request") to your agency on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Through this Request, I am seeking copies of the following government data created, collected, maintained, disseminated, or received that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

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7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on June 29 (see Report pg 17).

Please consider this letter to be a formal request for the indefinite retention of the requested data, pending resolution of the Request.

I am willing to pay all applicable statutory fees associated with the production of copies.

Per Minnesota Statutes 13.03, Subd. 3(f), I am requesting that in the event that any portion of the Request is not granted, that your agency certify in writing that the Request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial is based.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

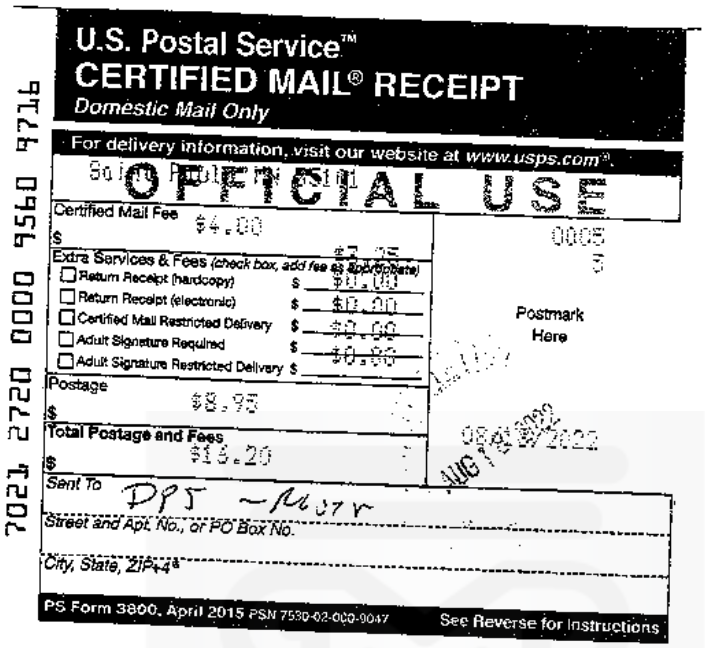
/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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8/29/2024 2:28 PM



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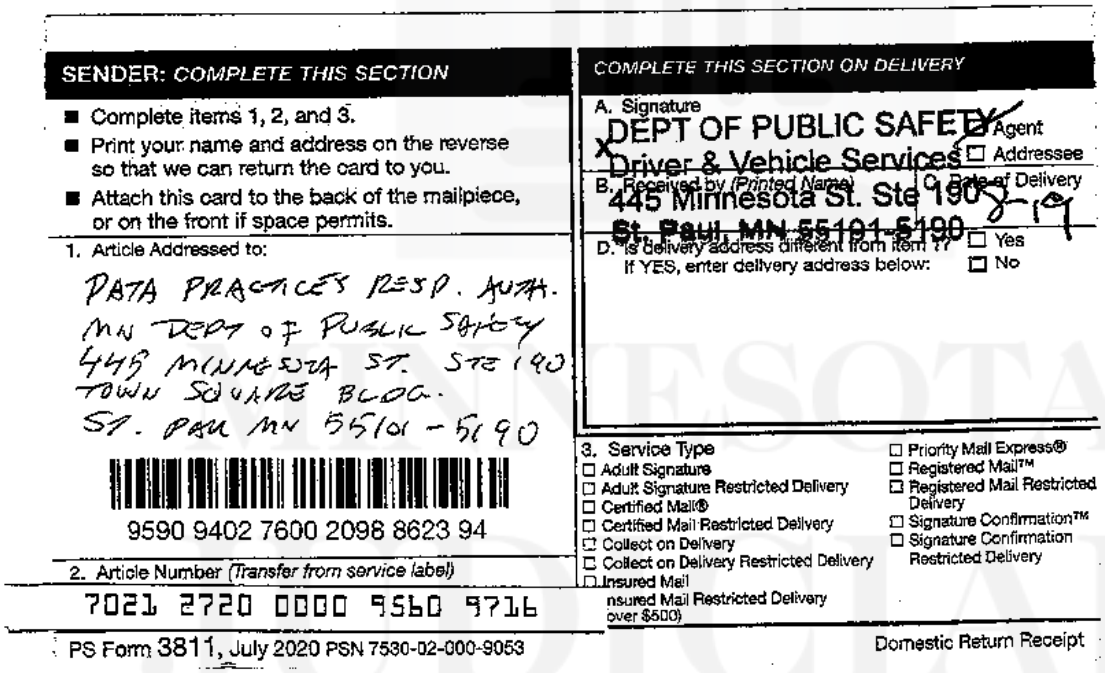
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

DATA PRACTICES RESP. AUTH.
MN DEPT OF PUBLIC SAFETY
445 MINNESOTA ST. STE 190
TOWN SQUARE BLDG.
ST. PAUL MN 55101-5190

9590 9402 7600 2098 8623 94

2. Article Number (Transfer from service label)
7021 2720 0000 9560 9716

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature
DEPT OF PUBLIC SAFETY ☑ Agent
X Driver & Vehicle Services ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery
445 Minnesota St. Ste 190 8-29
St. Paul, MN 55101-5190
D. Is delivery address different from item 1? ☐ Yes
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3. Service Type
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8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

September 2, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am writing in relation to the Data Practices Act request (the "Request") dated July 28, 2022 that I mailed to your agency on August 18, 2022, and which was received by your agency on August 19, 2022. (Please see attachments for copies of the original Request and certified mail documentation).

My Request seeks copies of certain government data that relates to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report).

In my Request, I provided an itemized list of the data that I am seeking to have copied. In that list, I referenced certain identifying information — including pages numbers and dates — in order to assist your agency in locating responsive data.

I recently reviewed the contents of my Request, and discovered that the dates provided were incorrect. What follows is the itemized list from my original Request, with the dates corrected. Also, the pages numbers included below refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020 (the "Timeline"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with

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Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);

6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

Please utilize the above list in place of the list included in my original Request, as this will help your agency locate responsive data faster and more efficiently.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

MINNESOTA JUDICIAL BRANCH

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

October 17, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via U.S. mail

Dear Data Practices Responsible Authority.

I am writing today in relation to my Data Practices Act request (the "Request") dated July 28, 2022, and my follow-up correspondence dated September 2, 2022, and September 22, 2022. (Please see attachments for copies of this correspondence).

My Request (as amended by my September 2 correspondence) seeks copies of the following government data created, collected, maintained, disseminated, or received by your agency that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

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6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

References in the list above to a "Timeline" refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020.

As I have not yet received any return correspondence from your agency, I am writing to you today to see if your agency has any questions about the data I am seeking. I can be contacted about this Request at 651-335-2037, 651-556-1381, or at Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

July 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am submitting this request (the "Request") to your agency on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Through this Request, I am seeking copies of the following government data created, collected, maintained, disseminated, or received that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

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7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on June 29 (see Report pg 17).

Please consider this letter to be a formal request for the indefinite retention of the requested data, pending resolution of the Request.

I am willing to pay all applicable statutory fees associated with the production of copies.

Per Minnesota Statutes 13.03, Subd. 3(f), I am requesting that in the event that any portion of the Request is not granted, that your agency certify in writing that the Request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial is based.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

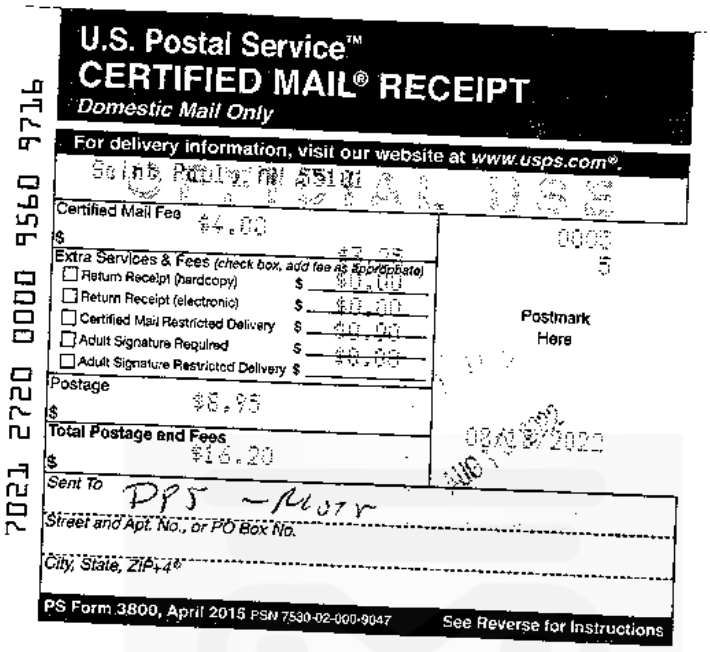
/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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1. Article Addressed to:

DATA PRACTICES RESP. AUTH.
MN DEPT OF PUBLIC SAFETY
445 MINNESOTA ST. STE 190
TOWN SQUARE BLDG.
ST. PAUL MN 55101-5190

9590 9402 7600 2098 8623 94

2. Article Number (Transfer from service label)
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A. Signature
X DEPT OF PUBLIC SAFETY ☐ Agent
Driver & Vehicle Services ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
445 Minnesota St. Ste 190 8-29
St. Paul, MN 55101-5190

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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- ☐ Priority Mail Express®
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- ☐ Signature Confirmation Restricted Delivery

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8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

November 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via U.S. mail

Dear Data Practices Responsible Authority,

I am writing today in relation to my Data Practices Act request (the "Request") dated July 28, 2022, and my follow-up correspondence dated September 2, September 22, and October 17, 2022. For reference, copies of this correspondence are attached to this letter.

Pursuant to Minnesota Statutes, Chapter 13 (Minn. Stat. § 13.03, subd. 3), a person requesting access to public, government data shall be permitted to "inspect and copy" such data "at reasonable times and places."

Minn. Stat. § 13.03 subd. 2 also requires the data practices responsible authority for a government entity to establish procedures to insure that requests for government data "are complied with in an appropriate and prompt manner."

Furthermore, the Minnesota Administrative Rules implementing Chapter 13 also state that the data practices responsible authority for a government entity "shall provide for a response to a request within a reasonable time."

In a multi-part data request such as mine, a government entity need not produce all requested data at once, but can begin to produce easily retrievable data elements first, with other data elements (those that require further search or retrieval) to follow, thus ensuring that the request is being complied with "prompt[ly]" and "appropriate[ly]" and within a "reasonable time."

As noted in my correspondence dated October 17, 2022, I have not yet received any return correspondence from your agency regarding my Request. If your agency has any questions

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about the data I am seeking, I can be contacted about this Request at 651-335-2037, 651-556-1381, or at Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

October 17, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via U.S. mail

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My Request (as amended by my September 2 correspondence) seeks copies of the following government data created, collected, maintained, disseminated, or received by your agency that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

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2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

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Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

September 22, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via. U.S. mail

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Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

MINNESOTA JUDICIAL BRANCH

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State of Minnesota
8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

September 2, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am writing in relation to the Data Practices Act request (the "Request") dated July 28, 2022 that I mailed to your agency on August 18, 2022, and which was received by your agency on August 19, 2022. (Please see attachments for copies of the original Request and certified mail documentation).

My Request seeks copies of certain government data that relates to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report).

In my Request, I provided an itemized list of the data that I am seeking to have copied. In that list, I referenced certain identifying information — including pages numbers and dates — in order to assist your agency in locating responsive data.

I recently reviewed the contents of my Request, and discovered that the dates provided were incorrect. What follows is the itemized list from my original Request, with the dates corrected. Also, the pages numbers included below refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020 (the "Timeline"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with

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Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);

6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

Please utilize the above list in place of the list included in my original Request, as this will help your agency locate responsive data faster and more efficiently.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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State of Minnesota
8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

July 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am submitting this request (the "Request") to your agency on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Through this Request, I am seeking copies of the following government data created, collected, maintained, disseminated, or received that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on June 28 at 12:23pm (see Report page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on June 28 (see Report page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on June 28 (see Report page 10);

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6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on June 29 at 4:30pm (see Report page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on June 29 (see Report pg 17).

Please consider this letter to be a formal request for the indefinite retention of the requested data, pending resolution of the Request.

I am willing to pay all applicable statutory fees associated with the production of copies.

Per Minnesota Statutes 13.03, Subd. 3(f), I am requesting that in the event that any portion of the Request is not granted, that your agency certify in writing that the Request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial is based.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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1. Article Addressed to:

DATA PRACTICES RESP. AUTH.
MN DEPT OF PUBLIC SAFETY
445 MINNESOTA ST. STE 190
TOWN SQUARE BLDG.
ST. PAUL MN 55101-5190

9590 9402 7600 2098 8623 94

2. Article Number (Transfer from service label)
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DATA PRACTICES RESP. AUTH
MN DEPT. PUBLIC SAFETY
445 MINNESOTA ST.
STE 190
ST PAUL MN 55101-5190

9590 9402 7793 2152 8234 45

2. Article Number (Transfer from service label)

7022 2410 0002 6531 5329

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St. Paul, MN 55101-5190

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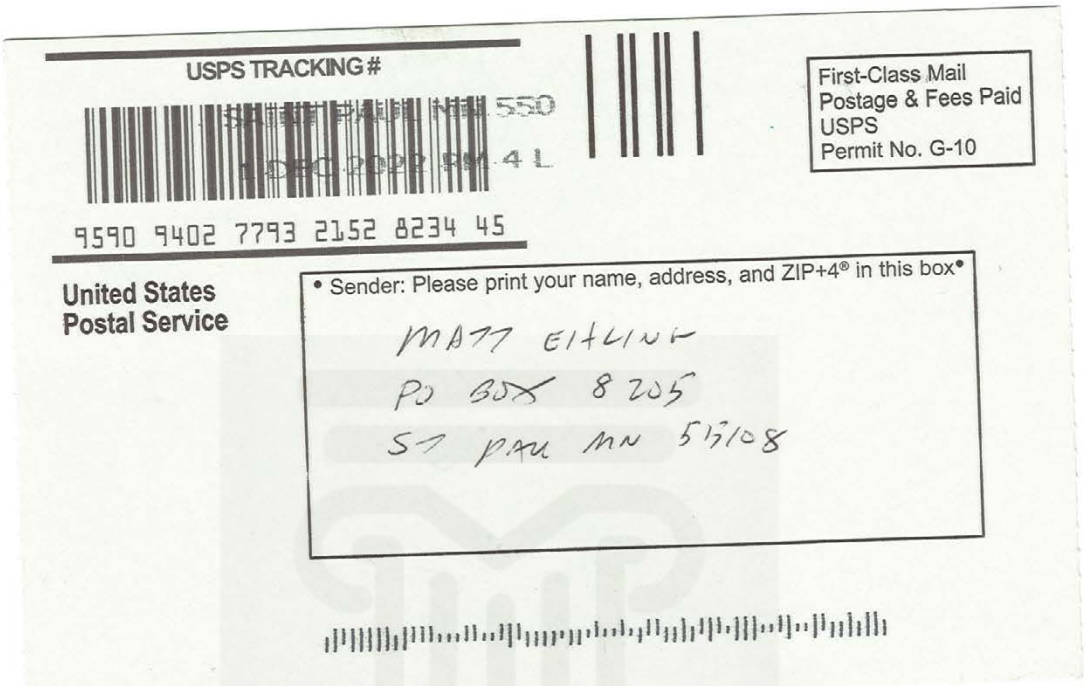
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EXHIBIT K

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1. Article Addressed to:

KIM PARKER
DATA PRACTICES COMPLIANCE OFFICIAL
DEPT. OF PUBLIC SAFETY
445 MN. ST. – SUITE 1000
ST. PAUL, MN 55101

9590 9402 8120 2349 8793 37

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1. Article Addressed to:

COMMISSIONER JACOBSEN
DATA PRACTICES RESP. AUTH.
DEPT. OF PUBLIC SAFETY
445 MN ST. - SUITE 1000
ST. PAUL, MN 55101

9590 9402 8120 2349 8793 13

2. Article Number (Transfer from service label)
7019 1640 0001 9878 7758

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DEPT OF PUBLIC SAFETY ☐ Agent
x Driver & Vehicle Services ☐ Addressee
445 Minnesota St. Ste 1000
B. Received by (Printed Name) C. Date of Delivery
St. Paul, MN 55101-5190 8-29

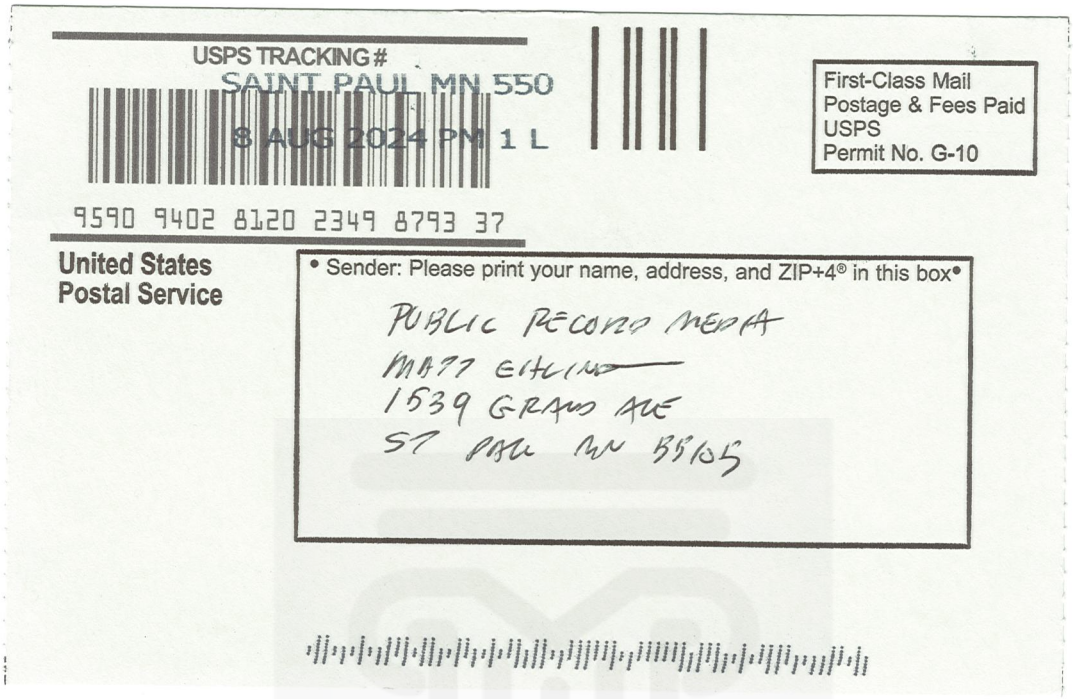
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

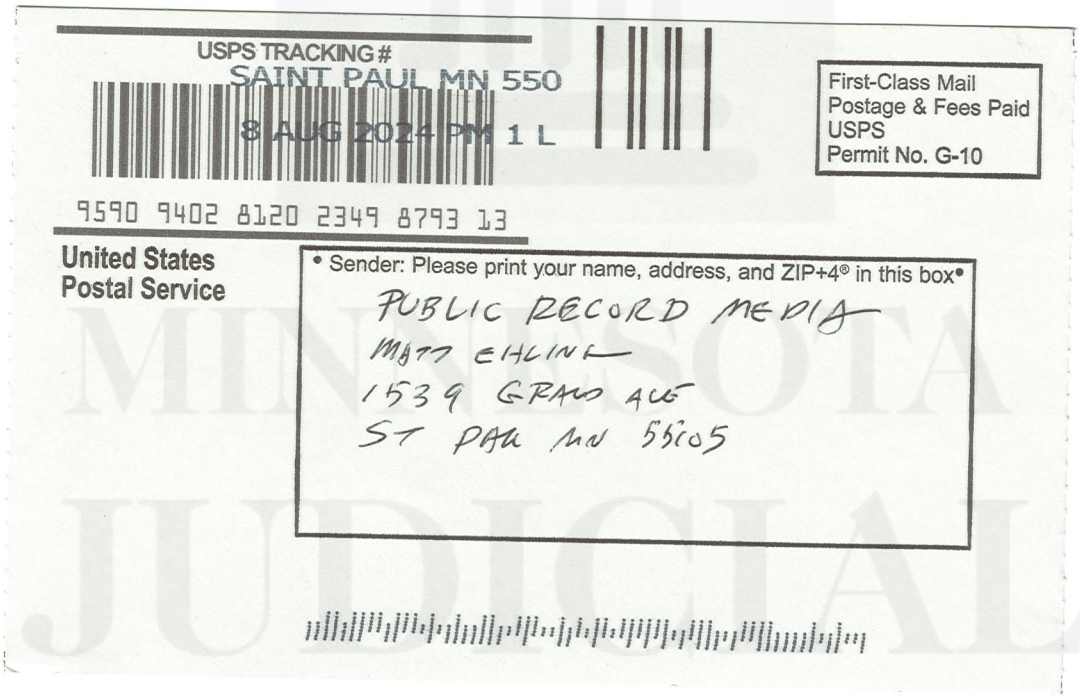
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EXHIBIT L

MINNESOTA JUDICIAL BRANCH

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RE: Data Practices follow-up letter

From <admin@publicrecordmedia.org>
To <kim.parker@state.mn.us>
Date 2024-08-05 07:30

PRM letter of 8:5:24.pdf (~66 KB) PRMDPSrequestcorrespondence.pdf (~3.2 MB)

Dear Data Practices Compliance Official,

Please find attached correspondence related to a Data Practices Act request (“Request”) submitted by Public Record Media.

I can be contacted about this Request at this e-mail address, as well as at 651-556-1381.

Sincerely,

/s/Matt Ehling
Board Member
Public Record Media

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Matt Ehling
Public Record Media
1539 Grand Avenue
St. Paul, MN 55108

August 5, 2024

Commissioner Bob Jacobsen
Data Practices Responsible Authority
Department of Public Safety
445 Minnesota Street
Suite 1000
Saint Paul, MN 55101

RE: Data Practices Act follow-up letter

Via mail and electronic mail

Dear Data Practices Responsible Authority,

On August 18, 2022, I submitted a request under the Minnesota Government Data Practices Act (MGDPA) on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual (the "Request"). Through the Request, I sought copies of a variety of public, government data created, collected, maintained, disseminated, or received by your agency pertaining to a March 2022 report entitled "An External Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report") and a timeline document entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020 (the "Timeline").

The Request (dated July 28, 2022) was amended via letter dated September 2, 2022. Attached are copies of the original Request; its "amendment letter"; and three additional letters checking on the overall status of the Request.

I can be contacted at admin@publicrecordmedia.org or 651-556-1381 regarding this Request. In light of how long it has taken your agency to provide any response to the Request, it is my understanding that you received the Request when it was originally sent, considered it, and denied it. If that is incorrect, please let me know within 10 days of this letter.

Sincerely,

/s/Matt Ehling
Board Member
Public Record Media

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State of Minnesota
8/29/2024 2:28 PM

cc: Kim Parker,
General Counsel; Data Practices Compliance Official
Minnesota Department of Public Safety

Mike Kaszuba, Public Record Media

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

July 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am submitting this request (the "Request") to your agency on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Through this Request, I am seeking copies of the following government data created, collected, maintained, disseminated, or received that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on June 28 at 12:23pm (see Report page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on June 28 (see Report page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on June 28 (see Report page 10);

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6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on June 29 at 4:30pm (see Report page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on June 29 (see Report pg 17).

Please consider this letter to be a formal request for the indefinite retention of the requested data, pending resolution of the Request.

I am willing to pay all applicable statutory fees associated with the production of copies.

Per Minnesota Statutes 13.03, Subd. 3(f), I am requesting that in the event that any portion of the Request is not granted, that your agency certify in writing that the Request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial is based.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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1. Article Addressed to:

DATA PRACTICES RESP. AUTH.
MN DEPT OF PUBLIC SAFETY
445 MINNESOTA ST. STE 190
TOWN SQUARE BLDG.
ST. PAUL MN 55101-5190

9590 9402 7600 2098 8623 94

2. Article Number *(Transfer from service label)*

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A. Signature

X DEPT OF PUBLIC SAFETY ☐ Agent
Driver & Vehicle Services ☐ Addressee

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St. Paul, MN 55101-5190

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

September 2, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am writing in relation to the Data Practices Act request (the "Request") dated July 28, 2022 that I mailed to your agency on August 18, 2022, and which was received by your agency on August 19, 2022. (Please see attachments for copies of the original Request and certified mail documentation).

My Request seeks copies of certain government data that relates to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report).

In my Request, I provided an itemized list of the data that I am seeking to have copied. In that list, I referenced certain identifying information — including pages numbers and dates — in order to assist your agency in locating responsive data.

I recently reviewed the contents of my Request, and discovered that the dates provided were incorrect. What follows is the itemized list from my original Request, with the dates corrected. Also, the pages numbers included below refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020 (the "Timeline"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with

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Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

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Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

July 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am submitting this request (the "Request") to your agency on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Through this Request, I am seeking copies of the following government data created, collected, maintained, disseminated, or received that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

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I am willing to pay all applicable statutory fees associated with the production of copies.

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Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

MINNESOTA JUDICIAL BRANCH

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1. Article Addressed to:

DATA PRACTICES RESP. AUTH.
MN DEPT OF PUBLIC SAFETY
445 MINNESOTA ST. STE 190
TOWN SQUARE BLDG.
ST. PAUL MN 55101-5190

9590 9402 7600 2098 8623 94

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7021 2720 0000 9560 9716

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

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X DEPT OF PUBLIC SAFETY ☐ Agent
Driver & Vehicle Services ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
445 Minnesota St. Ste 190 8-19
St. Paul, MN 55101-5190

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State of Minnesota
8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

September 22, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am writing today in relation to my Data Practices Act request (the "Request") dated July 28, 2022, and my follow-up correspondence dated September 2, 2022. (Please see attachments for copies of this correspondence).

My Request seeks copies of certain government data that relates to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report). That list of data (as amended by my September 2 correspondence) is listed below:

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);

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5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);

6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

References in the list above to a "Timeline" refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020.

I am writing to you today to see if your agency has any questions about the data I am seeking, as well as to check on your agency's proposed timeframe for producing responsive data. I can be contacted about this Request at 651-335-2037, 651-556-1381, or at Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

July 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am submitting this request (the "Request") to your agency on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Through this Request, I am seeking copies of the following government data created, collected, maintained, disseminated, or received that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on June 28 at 12:23pm (see Report page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on June 28 (see Report page 8);

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6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on June 29 at 4:30pm (see Report page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on June 29 (see Report pg 17).

Please consider this letter to be a formal request for the indefinite retention of the requested data, pending resolution of the Request.

I am willing to pay all applicable statutory fees associated with the production of copies.

Per Minnesota Statutes 13.03, Subd. 3(f), I am requesting that in the event that any portion of the Request is not granted, that your agency certify in writing that the Request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial is based.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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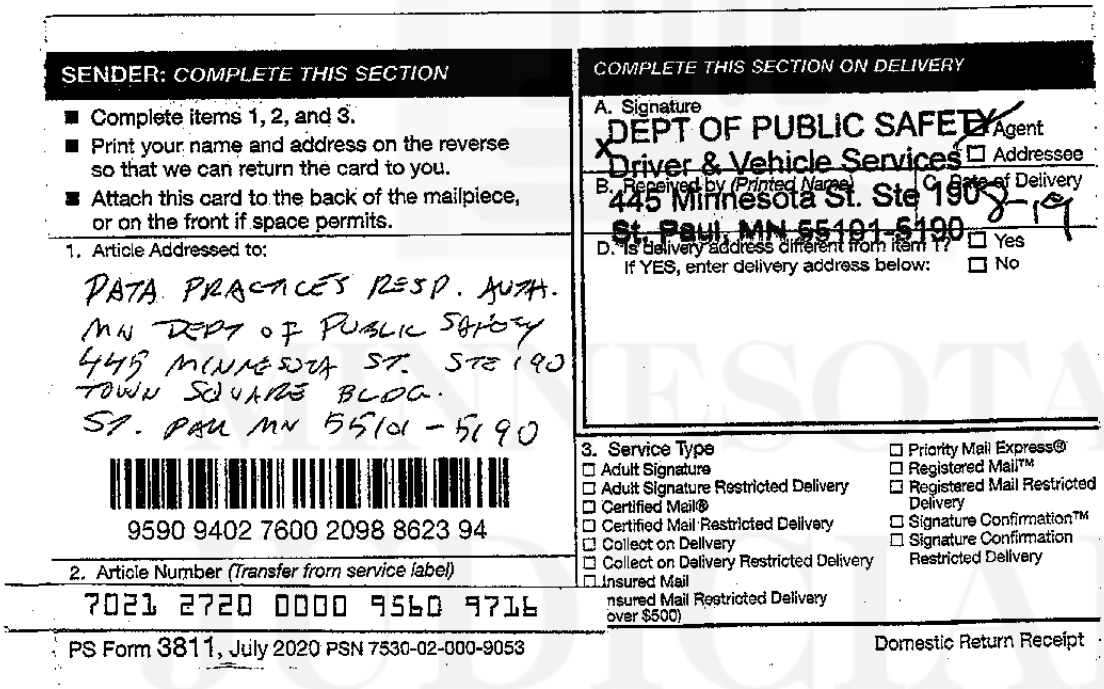
7021 2720 0000 9560 9716

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1. Article Addressed to:

DATA PRACTICES RESP. AUTH.
MN DEPT OF PUBLIC SAFETY
445 MINNESOTA ST. STE 190
TOWN SQUARE BLDG.
ST. PAUL MN 55101-5190

9590 9402 7600 2098 8623 94

2. Article Number (Transfer from service label)
7021 2720 0000 9560 9716

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

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A. Signature
DEPT OF PUBLIC SAFETY ☑ Agent
X Driver & Vehicle Services ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery
445 Minnesota St. Ste 190 8-19
St. Paul, MN 55101-5190
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If YES, enter delivery address below: ☐ No

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

September 2, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am writing in relation to the Data Practices Act request (the "Request") dated July 28, 2022 that I mailed to your agency on August 18, 2022, and which was received by your agency on August 19, 2022. (Please see attachments for copies of the original Request and certified mail documentation).

My Request seeks copies of certain government data that relates to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report).

In my Request, I provided an itemized list of the data that I am seeking to have copied. In that list, I referenced certain identifying information — including pages numbers and dates — in order to assist your agency in locating responsive data.

I recently reviewed the contents of my Request, and discovered that the dates provided were incorrect. What follows is the itemized list from my original Request, with the dates corrected. Also, the pages numbers included below refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020 (the "Timeline"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with

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Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);

6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

Please utilize the above list in place of the list included in my original Request, as this will help your agency locate responsive data faster and more efficiently.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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State of Minnesota
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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

October 17, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via U.S. mail

Dear Data Practices Responsible Authority,

I am writing today in relation to my Data Practices Act request (the "Request") dated July 28, 2022, and my follow-up correspondence dated September 2, 2022, and September 22, 2022. (Please see attachments for copies of this correspondence).

My Request (as amended by my September 2 correspondence) seeks copies of the following government data created, collected, maintained, disseminated, or received by your agency that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);

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5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);

6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

References in the list above to a "Timeline" refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020.

As I have not yet received any return correspondence from your agency, I am writing to you today to see if your agency has any questions about the data I am seeking. I can be contacted about this Request at 651-335-2037, 651-556-1381, or at Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

July 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am submitting this request (the "Request") to your agency on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Through this Request, I am seeking copies of the following government data created, collected, maintained, disseminated, or received that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

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7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on June 29 (see Report pg 17).

Please consider this letter to be a formal request for the indefinite retention of the requested data, pending resolution of the Request.

I am willing to pay all applicable statutory fees associated with the production of copies.

Per Minnesota Statutes 13.03, Subd. 3(f), I am requesting that in the event that any portion of the Request is not granted, that your agency certify in writing that the Request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial is based.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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1. Article Addressed to:

DATA PRACTICES RESP. AUTH.
MN DEPT OF PUBLIC SAFETY
445 MINNESOTA ST. STE 190
TOWN SQUARE BLDG.
ST. PAUL MN 55101-5190

9590 9402 7600 2098 8623 94

2. Article Number *(Transfer from service label)*

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PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

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A. Signature
DEPT OF PUBLIC SAFETY ☑ Agent
X Driver & Vehicle Services ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery
445 Minnesota St. Ste 190 8-29
St. Paul, MN 55101-5190

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☐ Collect on Delivery Restricted Delivery	
☐ Insured Mail	
nsured Mail Restricted Delivery over $500)	

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

November 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via U.S. mail

Dear Data Practices Responsible Authority,

I am writing today in relation to my Data Practices Act request (the "Request") dated July 28, 2022, and my follow-up correspondence dated September 2, September 22, and October 17, 2022. For reference, copies of this correspondence are attached to this letter.

Pursuant to Minnesota Statutes, Chapter 13 (Minn. Stat. § 13.03, subd. 3), a person requesting access to public, government data shall be permitted to "inspect and copy" such data "at reasonable times and places."

Minn. Stat. § 13.03 subd. 2 also requires the data practices responsible authority for a government entity to establish procedures to insure that requests for government data "are complied with in an appropriate and prompt manner."

Furthermore, the Minnesota Administrative Rules implementing Chapter 13 also state that the data practices responsible authority for a government entity "shall provide for a response to a request within a reasonable time."

In a multi-part data request such as mine, a government entity need not produce all requested data at once, but can begin to produce easily retrievable data elements first, with other data elements (those that require further search or retrieval) to follow, thus ensuring that the request is being complied with "prompt[ly]" and "appropriate[ly]" and within a "reasonable time."

As noted in my correspondence dated October 17, 2022, I have not yet received any return correspondence from your agency regarding my Request. If your agency has any questions

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about the data I am seeking, I can be contacted about this Request at 651-335-2037, 651-556-1381, or at Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

October 17, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via U.S. mail

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I am writing today in relation to my Data Practices Act request (the "Request") dated July 28, 2022, and my follow-up correspondence dated September 2, 2022, and September 22, 2022. (Please see attachments for copies of this correspondence).

My Request (as amended by my September 2 correspondence) seeks copies of the following government data created, collected, maintained, disseminated, or received by your agency that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

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Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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State of Minnesota
8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

September 22, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via. U.S. mail

Dear Data Practices Responsible Authority,

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My Request seeks copies of certain government data that relates to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report). That list of data (as amended by my September 2 correspondence) is listed below:

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

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Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

MINNESOTA JUDICIAL BRANCH

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State of Minnesota
8/29/2024 2:28 PM

Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

September 2, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request follow-up

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am writing in relation to the Data Practices Act request (the "Request") dated July 28, 2022 that I mailed to your agency on August 18, 2022, and which was received by your agency on August 19, 2022. (Please see attachments for copies of the original Request and certified mail documentation).

My Request seeks copies of certain government data that relates to the March 2022 report entitled "An external Review of the State's Response to the Civil Unrest in Minnesota from May 26-June 7, 2020" (the "Report).

In my Request, I provided an itemized list of the data that I am seeking to have copied. In that list, I referenced certain identifying information — including pages numbers and dates — in order to assist your agency in locating responsive data.

I recently reviewed the contents of my Request, and discovered that the dates provided were incorrect. What follows is the itemized list from my original Request, with the dates corrected. Also, the pages numbers included below refer to a document prepared in the course of compiling the Report, entitled "State's Response to Civil Unrest Timeline - May 25 - June 7, 2020 (the "Timeline"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with

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Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on May 28 at 12:23pm (see Timeline page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on May 28 (see Timeline page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on May 28 (see Timeline page 10);

6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30pm (see Timeline page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on May 29 (see Timeline pg 17).

Please utilize the above list in place of the list included in my original Request, as this will help your agency locate responsive data faster and more efficiently.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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Matt Ehling

Public Record Media
PO Box 8205
St. Paul, MN 55108

July 28, 2022

Data Practices Responsible Authority
Minnesota Department of Public Safety
445 Minnesota Street
Suite 190
Town Square Building
St. Paul, MN 55101-5190

RE: Data Practices Act request

Via. U.S. mail

Dear Data Practices Responsible Authority,

I am submitting this request (the "Request") to your agency on behalf of the non-profit corporation Public Record Media (PRM) and on behalf of myself as an individual, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Through this Request, I am seeking copies of the following government data created, collected, maintained, disseminated, or received that pertains to the March 2022 report entitled "An external Review of the State's Response to the Civl Unrest in Minnesota from May 26-June 7, 2020" (the "Report"):

1. Any data that constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Tim Walz, and the community and business leaders interviewed for the appendix to the Report;

3. Correspondence sent from Medaria Arradondo to John Harrington on June 28 at 12:23pm (see Report page 7);

4. The "mission statement" document sent from HSEM Neuberger at 1:57pm on June 28 (see Report page 8);

5. The Minneapolis Police Department request sent from Scott Gerlicher at 5:06pm on June 28 (see Report page 10);

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6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on June 29 at 4:30pm (see Report page 16);

7. The "National Guard priority list" sent by Lt. Col. Saver at 7:13pm on June 29 (see Report pg 17).

Please consider this letter to be a formal request for the indefinite retention of the requested data, pending resolution of the Request.

I am willing to pay all applicable statutory fees associated with the production of copies.

Per Minnesota Statutes 13.03, Subd. 3(f), I am requesting that in the event that any portion of the Request is not granted, that your agency certify in writing that the Request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial is based.

Please contact me with any questions about this Request at 651-556-1381 or Admin@publicrecordmedia.org.

Sincerely,

/s/Matt Ehling, as an individual

Matt Ehling
Executive Director
Public Record Media

cc: Mike Kaszuba, Public Record Media

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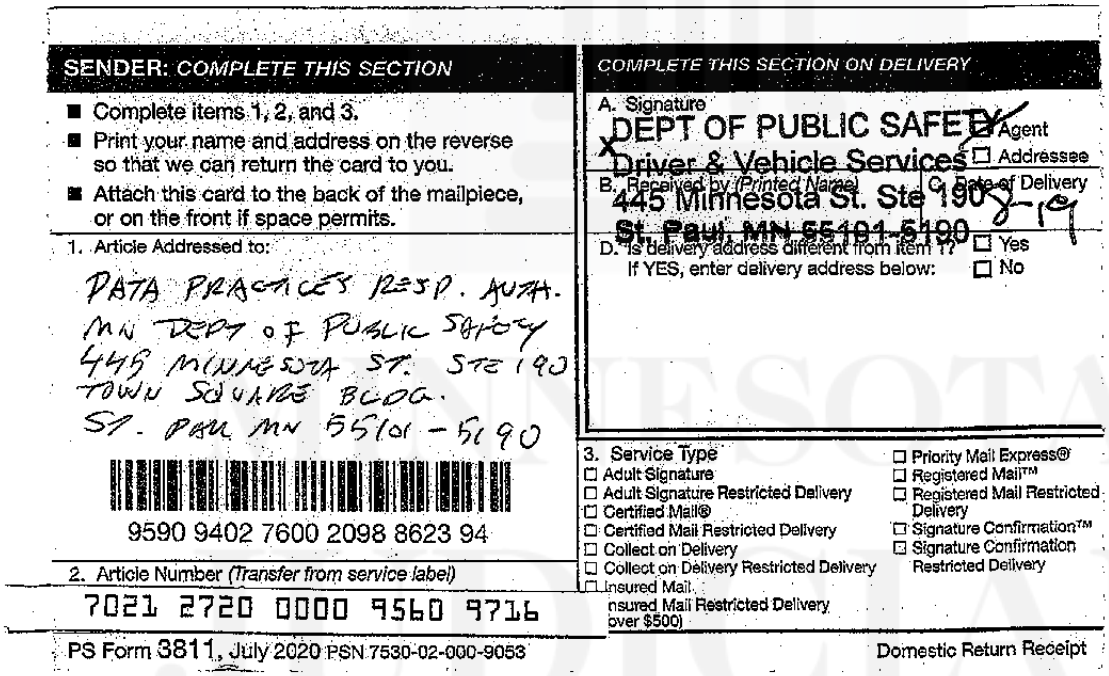
7021 2720 0000 9560 9716

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DATA PRACTICES RESP. AUTH.
MN DEPT OF PUBLIC SAFETY
445 MINNESOTA ST. STE 190
TOWN SQUARE BLDG.
ST. PAUL MN 55101-5190

9590 9402 7600 2098 8623 94

2. Article Number (Transfer from service label)
7021 2720 0000 9560 9716

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X Driver & Vehicle Services ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery
445 Minnesota St. Ste 190 8-19
St. Paul, MN 55101-5190
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
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1. Article Addressed to:

DATA PRACTICES RESP. AUTH
MN DEPT. PUBLIC SAFETY
445 MINNESOTA ST.
STE 190
ST PAUL MN 55101-5190

9590 9402 7793 2152 8234 45

2. Article Number (Transfer from service label)

7022 2410 0002 6531 5329

COMPLETE THIS SECTION ON DELIVERY

A. Signature

DEPT OF PUBLIC SAFETY
X Driver & Vehicle Services

☐ Agent
☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

445 Minnesota St. Ste 190
St. Paul, MN 55101-5190

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

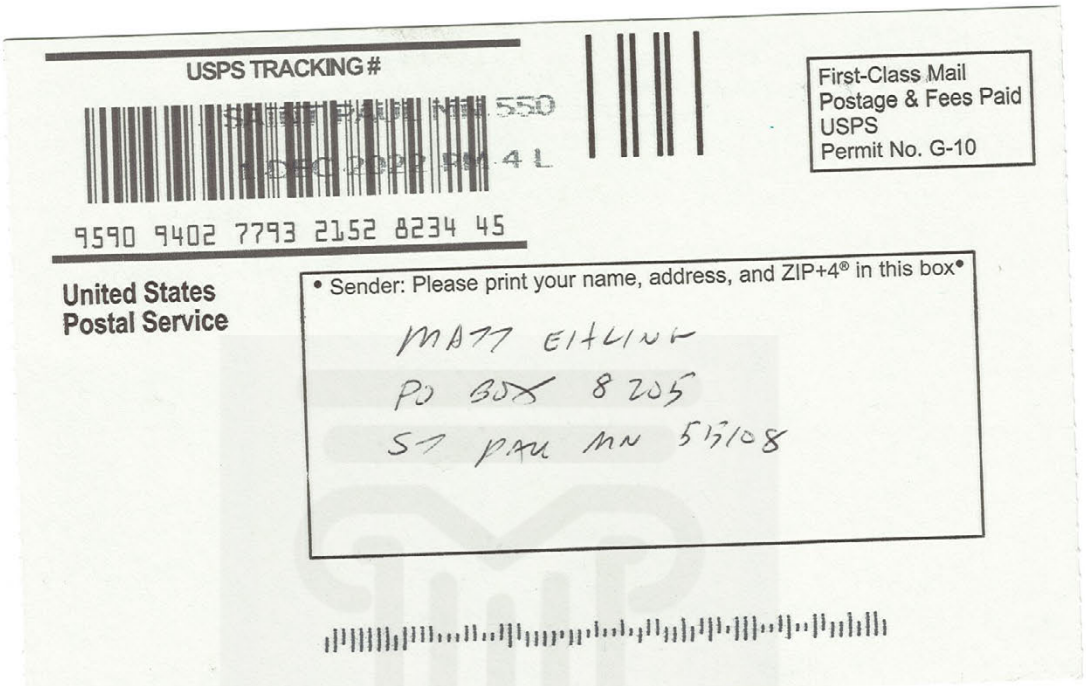
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EXHIBIT M

MINNESOTA JUDICIAL BRANCH

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RE: Data Practices follow-up letter

From Parker, Kim (DPS) <Kim.Parker@state.mn.us>
To admin@publicrecordmedia.org <admin@publicrecordmedia.org>
Cc Warbler, Vanessa (DPS) <Vanessa.Warbler@state.mn.us>
Date 2024-08-05 14:04

Good afternoon Mr. Ehling,

I am writing to acknowledge receipt of your request. I am the General Counsel and Data Practices Compliance Official at the Department of Public Safety (DPS). I started in this role in May 2023, and your initial request and follow-up letters predate my tenure at DPS. I will investigate what occurred with your request and follow-up communications in 2022 and, as you requested, respond to you within 10 days. To the extent I am unable to determine what occurred with DPS's response, are you still interested in receiving the data you sought in 2022? If so, I will promptly locate any responsive, public data maintained by DPS and provide it at this time.

Sincerely,

Kim Parker
General Counsel
Minnesota Department of Public Safety
dps.mn.gov | (651) 201-7170 Office | (952) 683-0858 Cell

-----Original Message-----
From: admin@publicrecordmedia.org <admin@publicrecordmedia.org>
Sent: Monday, August 5, 2024 7:31 AM
To: Parker, Kim (DPS) <Kim.Parker@state.mn.us>
Subject: RE: Data Practices follow-up letter

[You don't often get email from admin@publicrecordmedia.org. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

This message may be from an external email source.
Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

_____

Dear Data Practices Compliance Official,

Please find attached correspondence related to a Data Practices Act request ("Request") submitted by Public Record Media.

I can be contacted about this Request at this e-mail address, as well as at 651-556-1381.

Sincerely,

/s/Matt Ehling
Board Member
Public Record Media

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8/29/2024 2:28 PM

EXHIBIT N

MINNESOTA JUDICIAL BRANCH

Data Practices Follow-Up Letter

From Parker, Kim (DPS) <Kim.Parker@state.mn.us>
To admin@publicrecordmedia.org <admin@publicrecordmedia.org>
Cc Warbler, Vanessa (DPS) <Vanessa.Warbler@state.mn.us>
Date 2024-08-14 19:01

Dear Mr. Ehling,

I am responding to your correspondence of August 5, 2024. First, I apologize for any lack of response to your earlier inquiries and can assure you that I am personally reviewing your request and searching for responsive data. Thus far, I have determined that the Department of Public Safety (DPS) does not have data responsive to the following requests:

1. Any data the constitutes a list of the individuals interviewed during the production of the Report, including community leaders and business owners;

2. Transcripts and/or audiovisual recordings of interviews conducted with Matt Langer, John Harrington, Booker Hodges, Medaria Arradondo, Jacob Frey, Time Walz, and the community and business leaders interviewed for the appendix to the Report;

* * *

6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30 p.m. (see Timeline page 16);

DPS contracted with a third party--Wilder Research--to prepare the report titled "An External Review Of The State's Response To The Civil Unrest In Minnesota From May 26-June 7, 2020." DPS does not have Wilder Research's list of interviewees or access to any transcripts or recordings that Wilder Research may have taken while conducting its interviews.

As to your remaining four requests, I requested access to archived email and found at least one responsive document but have not yet completed my search. Depending on the content of any responsive data, I may need the State Patrol and Bureau of Criminal Apprehension to review the data to determine whether it should be protected as security information under Minn. Stat. § 13.37. I anticipate that this process will take another week to complete. Upon completion, I will follow up with you with the remainder of DPS's response to your request.

Please feel to call me at the telephone number below if you have any questions. I appreciate your patience with this process.



Follow DPS

Kim Parker
General Counsel
Minnesota Department of Public Safety
dps.mn.gov | (651) 201-7170 Office | (952) 683-0858 Cell

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EXHIBIT O

MINNESOTA JUDICIAL BRANCH

Re: Data Practices Follow-Up Letter

From <admin@publicrecordmedia.org>
To Parker, Kim (DPS) <Kim.Parker@state.mn.us>
Cc Warbler, Vanessa (DPS) <Vanessa.Warbler@state.mn.us>
Date 2024-08-15 10:31

Contract - DPS-Wilder External Review - fully executed 2-22-21.pdf (~584 KB)

Dear General Counsel Parker,

Thank you for your message. I appreciate your continued search for responsive data. Regarding items 1, 2, and 6 of my Request, I would like to ask your agency to search again for responsive data, so that copies can be produced. PRM believes that DPS owns and controls such data, per the terms of the contract it executed with the Wilder Foundation (please see the contract, attached).

The contract contains several exhibits. Exhibit C to the contract requires Wilder to undertake various "Primary Tasks," including "conduct[ing] key informant interviews with stakeholders."

In the contract's Exhibit A, various terms are defined for the purposes of establishing intellectual property rights and ownership. Section 11.1.1 of Exhibit A defines "Documents" as:

"[T]he originals of any database, computer programs, reports, notes, studies, photographs, negatives, designed, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible of electronic forms, prepared by Contractor, it employees, agents, or subcontractors, in the performance of this Contract."

Section 11.1.3 of Exhibit A defines "Works" as:

"[A]ll inventions, improvements, discoveries (whether or not patentable), databases, materials, tapes, and disks conceived, reduced to practice, created or originated by the Contractor, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this Contract. "Works" includes Documents."

Section 11.2 of the contract stipulates that Wilder must "assign[] all right, title, and interest it may have in the Works and Documents to the State."

Section 11.2 of the contract also stipulates that the "Documents shall be the exclusive property of the State and all such Documents must be immediately returned to the State by Contractor upon completion or cancelation of this Contract."

Under its contract with Wilder, DPS owns and controls all "Documents" and "Works" created and/or collected by Wilder, and thus "maintains" such data for the purposes of the Data Practices Act.

As you continue your search for responsive records, please have agency staff search for data associated with Items 1, 2, and 6 again, so that copies can be produced to PRM.

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Thank you for your time and attention, and I can be contacted at admin@publicrecordmedia.org or 651-556-1381 with any additional questions.

Sincerely,

Matt Ehling

Board Member, PRM

On 2024-08-14 19:01, Parker, Kim (DPS) wrote:

> Dear Mr. Ehling,
>
> I am responding to your correspondence of August 5, 2024. First, I apologize for any lack of response to your earlier inquiries and can assure you that I am personally reviewing your request and searching for responsive data. Thus far, I have determined that the Department of Public Safety (DPS) does not have data responsive to the following requests:
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>
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>
> * * *
>
> 6. Any and all notes, correspondence, and/or memoranda related to the call with Secretary Esper and General Milley that occurred on May 29 at 4:30 p.m. (see Timeline page 16);
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>
> Please feel to call me at the telephone number below if you have any questions. I appreciate your patience with this process.
>
>
> Follow DPS
>
> **Kim Parker**
> General Counsel
> Minnesota Department of Public Safety
> dps.mn.gov | (651) 201-7170 Office | (952) 683-0858 Cell