



**RICHARD W. STANEK**  
HENNEPIN COUNTY SHERIFF

DEDICATED TO PUBLIC SAFETY

October 29, 2016

VIA Email

Minnesota State Senators Dibble and Torres-Ray and  
State Representatives Clark, Hornstein, Allen, Flanagan,  
Wagenius, Dehn, Freiberg, Hausman, Fischer, Liebling,  
Mariani, Bly, Loeffler, and Lillie

Dear Honorable Senators & Representatives,

I am in receipt of your letter of yesterday, and appreciate your advocacy for your political cause. The Hennepin County Sheriff's Office takes no position on the merits of the North Dakota pipeline dispute. However, deputies from my Agency were deployed through the State of Minnesota on an "EMAC Mission." This was not a political, but an operational response to a request for assistance. Contrary to the claims in your letter, we have not picked a side, our mission is to assist in maintaining public safety, preserving the peace, and protecting the constitutional rights of protestors.

On October 18, the State of North Dakota made an "URGENT" request for sworn officers to assist in Morton County at the Dakota Access Pipeline Protest. On October 20, Joe Kelly, the Director of Homeland Security Emergency Management ("HSEM") confirmed that the State of Minnesota and the Office of Governor Mark Dayton received the request. On that same date HSEM, a Division of the Department of Public Safety ("DPS") sent out its Emergency Management Assistant Compact ("EMAC") *Mission Order Authorization Form*. This document names the State of Minnesota as the "assisting state" and was prepared and distributed by the Governor's appointees, HSEM Director Joe Kelly and DPS Commissioner Mona Dohman.

The *Mission Order Authorization Form* clearly states on page 6, that these deputies are "deployed on an EMAC mission," and they must operate "under the direction and control of [their] home state." Please see the attached pages 1 and 6 from this document.

On October 21, HSEM Director Joe Kelly signed the Compact between the State of Minnesota and three Sheriffs' Offices, which confirmed the authorization, set the terms for reimbursement (in our case, from North Dakota, to Minnesota, to Hennepin County.) *Accordingly, the Governor's Office and the State of Minnesota authorized the mission, signed the contact, secured the reimbursement agreement and approved the plan two days before deputies departed for North Dakota.* A portion of this document also is attached for your reference.



The State of Minnesota's participation in the national Emergency Management Assistance Compact, and the actions of Dohman, Kelly and the Governor's Office --and this particular EMAC Mission -- are expressly authorized in Minnesota Statutes:

Minnesota Statutes Section 12.27, Mutual Aid Arrangements

**Subd. 2: Authority; organization in other states**

*The state director...may, subject to the approval of the governor, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency management aid assistance in case of disaster too great to be dealt with unassisted.*

**Subd. 4: Providing assistance to another state.**

*At the request of another state, the governor, exercising discretion and considering the needs of this state and its inhabitants, may dispatch state equipment and personnel as deemed necessary if there is an emergency or disaster outside this state. The governor shall end the use of equipment and personnel when the need no longer exists or earlier at the governor's discretion if it appears to be in the best interest of the state.*

More importantly, as elected officials you should understand the importance of mutual aid agreements among states and law enforcement agencies. Mutual Aid agreements are an operational reality for all law enforcement agencies small and large. Every large event in the State of Minnesota is likely to include partnerships among law enforcement agencies to protect public safety and preserve the peace. The All-Star Game, the upcoming Super Bowl, national conferences, the Minneapolis Tornado, the 35W Bridge Collapse all are examples of incidents, events and/or emergencies where law enforcement personnel and resources were or will be shared among jurisdictions (city, county, and state).

All agencies agree in advance to a reimbursement structure for all related expenses. This is a necessary and good use of taxpayer dollars. No city or county alone could afford to maintain 365 days a year all the personnel and resources needed to respond to all hazards, all emergencies, and all public safety events that might occur.

The EMAC system is a mutual aid agreement and partnership between all 50 states, allowing states to assist one another during emergencies and when state and local resources are overwhelmed. The system was designed to ensure that even the smallest cities and counties have all the ready resources they may need, and at the heart of the program is the expectation that we wouldn't tolerate or allow any one community's need to be ignored, or a plea for assistance to remain unanswered.

The Emergency Management Assistance Compact ("EMAC") was developed in 1996 to ensure essential personnel and resources are available to respond in any state of emergency, at any time, and at any location in the United States. In fact the EMAC has been ratified by Congress and has been adopted in all 50 states.



When the Governor of the State of North Dakota declared a State of Emergency due to the situation in Morton County, ND (a county of less than 30,000 people) the State of North Dakota also launched the Emergency Management Assistance Compact for assistance in following the requirements of a federal court order. Since the Governor of the State of North Dakota declared a State of Emergency in August, there have been dozens of states and agencies that have sent hundreds of law enforcement officers to assist.

Deputies from this Agency also have assisted in the emergency response to Hurricane Katrina in 2005, the Red River flooding in North Dakota in 2009, and the Cedar Rapids Iowa floods in 2008, among others. Similarly, in 2013 and 2014, Hennepin County worked with our State's Homeland Security and Emergency Management Department to prepare to make a similar request for aid in advance of threatened floods and a state of emergency in Hennepin County. On any given day any county or state in the nation may be at risk, and in need.

This is not a political but an operational matter for the responding Sheriffs Offices. We know that we may have to make a similar call one day, and because of the EMAC system we won't have to wonder whether help will arrive when it is needed for our residents and for our communities. *If you make mutual aid political, it will jeopardize the public safety of residents all across the State of Minnesota and in your communities.*

Please also be aware, I spoke with Representative Karen Clark of your group on Friday afternoon, within an hour of the time you delivered this letter. I asked her to meet with me in my office, and I asked her to invite all of you. She declined. I am still willing to meet with you, but we would all be best served if we could be joined by Lt. Governor Tina Smith so we could all confirm the facts and set the record straight.

Sincerely,

A handwritten signature in black ink that reads "Richard W. Stanek".

Richard W. Stanek  
Hennepin County Sheriff