



REPORT

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# Advisory Committee on Capitol Area Security

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JANUARY 8, 2013

# Advisory Committee on Capitol Area Security

## Report

January 8, 2013





# STATE OF MINNESOTA

## Office of Lieutenant Governor Yvonne Prettner Solon

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January 14, 2013

Dear Governor Dayton, Chief Justice Gildea, and Members of the Legislature,

Please find the attached report of the Advisory Committee on Capitol Area Security for your review. Pursuant to Minnesota Statutes 2012, section 299E.04, the Advisory Committee met eight times between August 9, 2012, and January 7, 2013 and presents this report by the January 15, 2013, deadline. The Advisory Committee conducted its meetings pursuant to, and consistent with, the Minnesota Government Data Practices Act, chapter 13.

The Advisory Committee consulted with security experts from a college campus, the courts, and a private sector business. It also sought the advice of experts within state government, including experts from the Department of Public Safety, Department of Administration, and Office of the Legislative Auditor.

As Chair, I am proud of the Advisory Committee's work and the opportunity to present this report to you. The Committee worked across all three branches of government and across partisan lines. To the extent possible, the Advisory Committee worked on a consensus basis.

The Advisory Committee unanimously adopted this report.

Thank you for your attention and I look forward to working with you to ensure the policy and statutory changes contained in the report become law.

Sincerely,

Yvonne Prettner Solon  
Chair, Advisory Committee on Capitol Area Security

As required by Minnesota Statutes 2012, section 299E.04, the Advisory Committee on Capitol Area Security provides advice and recommendations to the Governor and Legislature regarding security priorities, strategies for addressing these priorities, and recommendations for funding to implement the strategies. The Advisory Committee is required to submit a report to the Governor, Legislature, and Minnesota Supreme Court by January 15 of each year.

## Table of Contents

Summary of Recommendations .....	4
Introduction.....	5
General Assessment of the Status of Security in the Capitol Complex Area .....	7
Recent Improvements in Security .....	9
Recommended Future Improvements .....	11
Governance.....	11
Funding.....	12
Staffing .....	12
Infrastructure .....	12
APPENDIX A.....	14
Advisory Committee on Capitol Area Security Mission Statement.....	14
APPENDIX B .....	15
Committee Advisors .....	15
APPENDIX C .....	16
Draft Legislation.....	16

## Summary of Recommendations

As defined by Minnesota Statutes 2012, section 299E.04, the Advisory Committee on Capitol Area Security held hearings in late 2012 regarding the current status of security in the Capitol Complex Area, improvements that have been implemented, and recommendations for future improvements. The Advisory Committee makes the following recommendations:

1. The Legislature should amend Minnesota statutes to recognize the Commissioner of Public Safety as the final authority regarding public safety and security in the Capitol Complex Area.
2. The Advisory Committee on Capitol Area Security should establish a process and structure for effectively communicating with Capitol Complex Area stakeholders, soliciting input from stakeholders, and making decisions about security priorities.
3. The Legislature should fund the operations (personnel, equipment, etc.) of the Department of Public Safety's Capitol Security section through direct appropriations.
4. The Legislature should appropriate funding for increased staffing for the Capitol Security Section, including both state troopers and non-licensed security personnel.
5. The Capitol Security Section should evaluate, consolidate, and create continuity of emergency plans throughout the Capitol Complex Area, develop and implement security/emergency training for personnel assigned to the Capitol Complex Area, and develop and conduct appropriate security/emergency exercises in the Capitol Complex Area.
6. The Department of Administration should provide in 2013 a list of possible Capitol Complex Area security infrastructure improvements, ranked by order of priority and including cost estimates to the Advisory Committee on Capitol Area Security to help the Advisory Committee determine which, if any, to recommend for legislative funding.
7. The Minnesota State Capitol Preservation Commission should consult with the Advisory Committee on Capitol Area Security with respect to the security needs of the Capitol during the preservation and restoration process.

## Introduction

A 2009 report by the Office of the Legislative Auditor (OLA), *Capitol Complex Security*, identified five previous studies of security in the Minnesota Capitol Complex Area. The findings from those studies and the OLA evaluation were incorporated in another report issued in April 2011 by the Committee on Capitol Complex Security which was composed of representatives from the executive, legislative, and judicial branches of state government. According to that group's report, "There are a variety of potential threats to public safety and individual security in the Capitol Complex...and additional steps are needed to protect visitors, employees, and public officials in the complex."

In response, the 2012 legislature enacted Minnesota Statutes, section 299E.04, formally establishing an Advisory Committee on Capitol Area Security. The Advisory Committee consists of six members, appointed as follows:

- (1) The Lieutenant Governor;
- (2) Two Senators, including one member from the majority party, appointed by the Senate Majority Leader, and one member from the minority party, appointed by the Senate Minority Leader;
- (3) Two members of the House of Representatives, including one member appointed by the Speaker of the House and one member appointed by the Minority Leader; and
- (4) The Chief Justice of the Minnesota Supreme Court or the designee of the Chief Justice.

The law requires the Advisory Committee to meet at least quarterly to assess the status of security in the Capitol Complex Area. For this purpose, the Advisory Committee consults with the Commissioners of Public Safety and Administration, the Capitol Area Architectural and Planning Board, the Director of the Minnesota Historical Society, and the Sergeants-at-Arms of the Senate and House of Representatives. The law requires the Advisory Committee to seek additional advice from individuals with security development experience in a college or university environment, security in courts, and security for a private Minnesota company.

The law requires the Advisory Committee to report annually to the Governor, the chairs and ranking minority members of the Legislative committees with jurisdiction over the Capitol Area Architectural and Planning Board and the Department of Public Safety, and the Chief Justice of the Supreme Court. The report shall provide a general assessment of the status of security in the Capitol Complex Area, describe improvements implemented, and recommend future improvements. The report shall include draft legislation to implement any recommended changes in law.

Members of the 2012 Advisory Committee are: Lieutenant Governor Yvonne Prettner Solon, Associate Justice Paul Anderson, Senator Ann Rest, Senator Michelle Benson, Representative Kelby Woodard, and Representative Michael Paymar. The Advisory Committee held its initial meeting on August 9, 2012. The Advisory Committee adopted guiding principles through a mission statement (See Appendix A). Over the course of several meetings, committee members heard from state agencies and stakeholders. As required by statute, the Advisory Committee solicited input from an individual with experience designating and implementing security for a public college or university campus, an individual with experience designating and implementing

security for courts, and an individual with experience designating and implementing security for a private Minnesota company (See Appendix B).

## **General Assessment of the Status of Security in the Capitol Complex Area**

The Capitol Area is defined in Minnesota Statutes 2012, section 15B.02. It consists of 140 acres adjoining downtown Saint Paul and includes 17 buildings and 32 parking facilities. The area is generally viewed as a safe place to work and visit based on findings from published reports. However, findings from past reports on Capitol Complex Area security have identified vulnerabilities affecting the safety of individuals who work in and visit the area.

The Department of Public Safety, through the State Patrol's Capitol Security Section, provides security and law enforcement services in the Capitol Complex Area. Although a collaborative environment exists among Capitol Complex Area building tenants and stakeholders, conflicting interests and ambiguity of authority tends to erode the desired security outcomes.

The Capitol Complex Area has historically enjoyed a relatively low crime environment, considering the relative high crime rates of the neighborhoods surrounding it. This is attributed in part to the uniformed presence of Capitol Security personnel as well as the awareness and interest of Capitol Complex Area employees.

As the Central Corridor Light Rail construction nears an end, pedestrian traffic will increase in the Capitol Complex Area. With this increase, additional security and law enforcement challenges will exist. A cooperative effort between the Department of Public Safety and allied law enforcement agencies has been initiated and will continue to move forward to meet the challenges.

The Capitol Security Section is staffed with 40 civilian security officers and 2 state troopers. The civilian officers are assigned duties at fixed posts within select Capitol Complex Area buildings as well as foot, bicycle, and squad patrol duties. The state troopers are responsible for command, administrative, and law enforcement operations for the entire Capitol Complex Area.

Funding for security officers in the Capitol Complex Area is largely dependent on decisions by individual agencies to contract with Capitol Security to provide services, rather than direct appropriations to the Department of Public Safety. As a result, the deployment of security staff throughout the Capitol Complex Area is not based on an objective risk assessment; rather, it is based on the priorities of the building tenants. The Capitol Security Section presently lacks the funding to adequately staff the Capitol Complex Area with sufficient officers and state troopers to address identified threats and vulnerabilities.

Agencies within most of the Capitol Complex Area buildings have developed emergency operation plans for their areas of concern. However, comprehensive, uniform, detailed written plans and policies to address emergency preparedness and response practices for the entire Capitol Complex Area do not exist.

The Department of Administration has utilized and leveraged technology as much as possible to enhance the level of security in the Capitol Complex Area. Increased alarm systems and installation of digital video systems and industry-accepted security lighting are just a few of the recent technology improvements. However, several infrastructure vulnerabilities have been

identified in past security assessments that have not been mitigated due to resource or other constraints. For example, the Department of Public Safety still has concerns about inadequate “standoff” distances between public streets and critical structures, backup power arrangements, environmental accesses, and certain areas and communications lines that need greater concealment or protection.

## **Recent Improvements in Security**

The Department of Public Safety and the Department of Administration have implemented several public safety initiatives and security improvements in the past ten years. The list below does not include all improvements but reflects significant efforts to improve security and public safety in the Capitol Complex Area.

1. Since 2002, as a result of new and revised contracts with the departments of Human Services, Agriculture, Military Affairs, and the Retirement Systems Building Facilities Management Committee (MSRS), 11 non-sworn security officer positions have been added to the staff of the Capitol Security Section of the State Patrol.
2. In response to the 2009 report by the Office of the Legislative Auditor:
  - (1) Standardized procedures were developed to verify the accuracy of Capitol Complex Area emergency contacts.
  - (2) The State Patrol was given statutory authority to provide protection of key state officials when credible security threats exist.
  - (3) The Capitol Security Section has taken steps to update policies and procedures for staff and increase staff training.
3. The Capitol Security Section has increased the use of the State Patrol's Special Response Team (SRT) to address anticipated threats.
4. Restrictions have been established on entry doors to critical buildings and areas.
5. The Capitol Security Section's general operating orders were merged with the State Patrol's orders to establish and maintain continuity among all personnel.
6. Improvements to new security officer training have been implemented.
7. Incumbent officer annual training has been increased and improved.
8. NIXLE, a web based alert advisory system has been implemented.
9. The Capitol Security Section has implemented random antiterrorism measures (RAM) into its standard operating procedures.
10. Capitol Complex Area buildings have instituted annual relocation drills.
11. Training has been conducted with select Capitol Complex Area tenants in active shooter crime prevention, first-aid and security awareness.
12. Redundancies and back-up capabilities were established for enterprise building integration (EBI) fire/life safety and environmental systems.
13. The Department of Administration improved the stand-off distances to some Capitol Complex Area buildings.
14. A compilation of the various departments' emergency plans was established.
15. The Capitol Security Communications Unit improved by:
  - (1) Increasing access security measures to the communications center.
  - (2) Creating a redundant/backup communications system through the State Patrol's Regional Traffic Management Center (RTMC).
  - (3) Transitioning to the Minnesota ARMER system of 800 MHz radio communication making it fully integrated with all emergency response personnel in the metropolitan area.
16. The Department of Administration completed migration from a hard-keyed locking system to an electronic locking system. There are currently 700 electronic access doors

throughout the Capitol Complex Area that can be controlled from the Capitol Security Section's communication center.

17. The Capitol Security Section implemented bicycle patrols for increased visibility and approachability.
18. The Capitol Security Section implemented annual testing of all (102) duress alarms in the Capitol Complex Area.
19. The Capitol Security Section established a process for debriefing stakeholders on critical incidents.
20. The Department of Administration increased the number of video surveillance cameras to 450 throughout the Capitol Complex Area. Additionally the video system was migrated from analog to high-definition digital.
21. With legislative funding, a new tunnel was constructed under University Avenue to greatly enhance the standoff distance of the loading dock serving the Capitol and to increase access controls.
22. A partnership was established with Metro Transit Police to coordinate shared video surveillance of their newly constructed light rail stations in the Capitol Complex Area.

## Recommended Future Improvements

As members of the Advisory Committee on Capitol Area Security, we present the following recommendations to enhance public safety and individual security in the Capitol Complex Area:

### RECOMMENDATIONS

#### Governance

There is concern among the many and diverse Capitol Complex Area stakeholders regarding security, emergency planning, public safety, and public access in the Capitol Complex Area. However, responsibility and accountability in those areas has been diluted. **We recommend a governance structure be established. Specifically, the Advisory Committee on Capitol Area Security should continue to serve in an advisory role for stakeholders and a means to bring forward Capitol Complex Area public safety issues and recommendations to the legislative and executive branches.** The Department of Public Safety in consultation with the Advisory Committee on Capitol Area Security should convene stakeholder meetings comprised of but not limited to the following groups:

- (1) Capitol Complex Area tenants and state employees.
- (2) Non-governmental stakeholders (i.e. lobbyists, vendors, media).
- (3) The public and public advocacy groups.

Further, there is ambiguity regarding authority for security within the Capitol Complex Area:

The Commissioner of Administration has authority to “*maintain and operate* the State Capitol building and grounds...and other state owned buildings in the Capitol Area.” Minnesota Statutes 2012, section 16B.24, subd. 1 (emphasis added).

“The Commissioner [of Administration also] shall operate and supervise all state parking lots and facilities associated with buildings [in the Capitol Area].” Minnesota Statutes 2012, section 16B.58.

However:

The [Capitol Security] division “shall be responsible and shall utilize state employees for *security* and public information services in state owned buildings and state lease to own buildings in the Capitol Area as described in section 15B.02” (emphasis added). Minnesota Statutes 2012, section 299E.01, subd. 2.

Additionally, various entities in the Capitol Complex Area have adopted rules and customs that are not consistent with the Capitol Security Section’s public safety approach concerning overarching security in the Capitol Complex Area. Security issues specific, and internal, to agencies should remain with those agencies; however: **We recommend the Commissioner of Public Safety be recognized in statute as the final authority regarding public safety and security in the Capitol Complex Area.**

## Funding

Contracted services with individual agencies account for nearly half of the funds expended for security through the Capitol Security Section. This funding process has created an environment where personnel are assigned based on a department's priorities rather than a broader assessment of overall security risks and needs in the Capitol Complex Area. **We recommend that the Capitol Security Section be funded primarily through direct appropriations with decisions regarding staffing made by the Capitol Security Section based on threat assessments, perceived vulnerabilities, and stakeholder input.** Where agencies utilize non-state funding to support current Capitol Security Section personnel, the Department of Public Safety should work with those agencies to assist in retaining that funding.

## Staffing

Security assessments, as well as stakeholder input, indicate that the Capitol Security Section is understaffed for the Capitol Complex Area. A 2009 survey by the Office of the Legislative Auditor found Minnesota ranks fourth in the nation with the fewest number of sworn law enforcement officers protecting the Capitol Complex Area. 2 state troopers and 40 non-licensed security officers currently provide all security and primary response to the 17 buildings and 140 acres that is defined in Minnesota Statutes 2012, section 15B.02 as the Capitol Area. **We recommend that direct appropriation funding be provided to the Department of Public Safety to increase staffing,** as follows:

- Increase the number of state troopers from 2 to 12 in order to provide a minimum of one state trooper in the Capitol Complex Area at all times.
- Increase the number of security officers from 40 to 67 in order to provide a minimum number of non-licensed security officers to address currently identified vulnerabilities.
- Add an emergency manager position to the Capitol Security Section staff in order to consolidate, develop, and maintain plans and procedures that provide continuity of security operations; develop and implement tenant training that deals with threats and emergency procedures; develop and implement threat and emergency exercises.

## Infrastructure

Previous security assessments including those conducted by the Department of Administration have identified a number of infrastructure vulnerabilities in the Capitol Complex Area. There has been limited progress in addressing the recommendations due to the historic nature of the Capitol Complex Area; the need to provide open access to the public for business that is conducted; the diversity of vulnerabilities of the various departments, government branches, and public areas; and the costs associated with the infrastructure change.

Two major construction projects in the Capitol Complex Area, the Capitol renovation and light rail, further complicate decisions on which, if any, security projects should be considered at this time. The capitol renovation will likely incorporate a number of the security infrastructure recommendations and the completion of the light rail may add or change vulnerabilities. **We recommend the Department of Administration present to the Advisory Committee on Capitol Area Security in 2013, a list of recommended infrastructure changes, based on threat, risk, and vulnerability assessments as well as stakeholder input, with approximate costs for the changes. We further recommend that the Department of Administration work with the Department of Public Safety to determine a ranking of the infrastructure priorities for the Advisory Committee's consideration, before the Advisory Committee makes recommendations to the Legislature. The report to the Advisory Committee should be timely and consistent with the construction projects in order to maximize coordination of security related projects.**

## APPENDIX A

### **Advisory Committee on Capitol Area Security Mission Statement**

The Advisory Committee on Capitol Area Security is committed to ensuring the safety of the people, assets, process of government, and buildings within the Capitol Complex. To accomplish this goal, the Committee has adopted a layered, all-hazards approach that adheres to the following principles:

- The Capitol and State Office Building must remain open in both reality and perception. Security in these buildings must (1) ensure that processes of government remain accessible to all citizens, (2) ensure the safety of visitors and all participants in these processes, and (3) respect Cass Gilbert's vision for the Capitol building.
- Other buildings on the Capitol Complex, to the extent appropriate and practicable, should remain open. Appropriate security measures in these buildings must be in place to ensure the safety of state employees, military personnel, Minnesota citizens, and their data.
- The Capitol Complex Security Plan should be focused on long-term solutions and leverage a risk-based approach that adequately addresses identified risk areas and levels in each state building.
- The Capitol renovation must incorporate the latest Crime Prevention Through Environmental Design (CPTED) techniques and should respect Cass Gilbert's vision for the building.
- The DPS team responsible for Capitol Security should have access to the resources it needs to ensure the safety of the Capitol Complex, the people who work there, the citizens who visit it, and the process of government that takes place there.

## **APPENDIX B**

### **Committee Advisors**

#### **Department of Administration**

Commissioner Spencer Cronk  
Plant Management Director Chris Guevin

#### **Department of Public Safety**

Assistant Commissioner Mark Dunaski  
Captain Bob Meyerson

#### **Capitol Area Architectural and Planning Board**

Executive Secretary Nancy Stark  
Principal Planning and Zoning Administrator Paul Mandell

#### **Minnesota Historical Society**

Historic Site Manager Brian Pease  
Director of Public Policy and Community Relations David Kelliher

#### **Sergeant-at-Arms, MN Senate**

Sergeant-at-Arms Sven Lindquist  
Assistant Sergeant-at-Arms Marilyn Hall

#### **Sergeant-at-Arms, MN House**

Sergeant-at-Arms Troy Olsen

#### **Security Advisors – College or University**

Chief Greg Hestness, U of M Police Department  
Assistant Director Steve Jorgenson, U of M Police Department  
Lieutenant Troy Buhta, U of M Police Department

#### **Security Advisor – Courts**

Director Steve Swensen, Center for Judicial and Executive Security

#### **Security Advisor – Private Minnesota Company**

Senior Manager Duwayne Walker, Target Corporation

## APPENDIX C

### Draft Legislation

#### 1.1 A bill for an act

- 1.2 relating to public safety; modifying provisions relating to Capitol complex area  
1.3 security; providing for a report; appropriating money; amending Minnesota  
1.4 Statutes 2012, section 299E.01, subdivisions 2, 3; repealing Minnesota Statutes  
1.5 2012, section 299E.02.
- 1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.7 Section 1. Minnesota Statutes 2012, section 299E.01, subdivision 2, is amended to read:  
1.8 Subd. 2. **Responsibilities.** (a) The division shall be responsible and shall utilize  
1.9 state employees for security and public information services in state-owned buildings and  
1.10 state leased-to-own buildings in the Capitol area, as described in section 15B.02; It shall  
1.11 provide such personnel as are required by the circumstances to insure the orderly conduct  
1.12 of state business and the convenience of the public.
- 1.13 (b) As part of the division permanent staff, the director must establish the position of  
1.14 emergency manager that includes, at a minimum, the following duties:  
1.15 (1) oversight of the consolidation, development, and maintenance of plans and  
1.16 procedures that provide continuity of security operations;  
1.17 (2) the development and implementation of tenant training that addresses threats  
1.18 and emergency procedures; and  
1.19 (3) the development and implementation of threat and emergency exercises.
- 1.20 (c) The director must provide a minimum of one state trooper assigned to the Capitol  
1.21 complex at all times.
- 1.22 (d) The director, in consultation with the advisory committee under section 299E.04,  
1.23 shall, at least annually, hold a meeting or meetings to discuss, among other issues, capitol  
1.24 complex security, emergency planning, public safety, and public access to the Capitol  
1.25 complex. The meetings must include, at a minimum:
- 2.1 (1) Capitol complex tenants and state employees;  
2.2 (2) non-governmental entities, such as lobbyists, vendors, and the media; and  
2.3 (3) the public and public advocacy groups.
- 2.4 Sec. 2. Minnesota Statutes 2012, section 299E.01, subdivision 3, is amended to read:  
2.5 Subd. 3. **Powers and duties transferred.** All powers, duties and responsibilities  
2.6 heretofore assigned by law to the commissioner of administration relating to the general  
2.7 function of security in ~~such~~ capitol complex state-owned buildings are hereby transferred  
2.8 to the commissioner of public safety. The commissioner of public safety shall have  
2.9 the final authority regarding public safety and security in the Capitol complex. The  
2.10 commissioner of administration shall have the powers, duties, and responsibilities relating

2.11 to the capitol complex of state-owned buildings as provided under chapter 16B.

2.12 Sec. 3. **REPORT.**

2.13 By September 30, 2013, the commissioner of administration shall provide a written

2.14 report to the advisory committee under Minnesota Statutes, section 299E.04, that lists

2.15 recommended security infrastructure changes in the Capitol complex area based on

2.16 security threat, risk, and vulnerability assessments, with approximate costs for any

2.17 changes. The report must address timeliness and consistency with any construction

2.18 projects in the Capitol complex area to maximize coordination of security-related projects.

2.19 The commissioner of administration must consult with the commissioner of public safety

2.20 to determine a ranking of security infrastructure priorities.

2.21 Sec. 4. **APPROPRIATION.**

2.22 \$ ..... in fiscal year 2014 and \$ ..... in fiscal year 2015 are appropriated from the

2.23 general fund to the commissioner of public safety for the Capitol Complex Security

2.24 Division. This appropriation must include money for the emergency manager position

2.25 under Minnesota Statutes, section 299E.01, subdivision 2, to increase the number of state

2.26 troopers in the division to a complement of 12, and to increase the number of non-licensed

2.27 security officers in the division to a complement of 67 to address vulnerabilities in the

2.28 security of the Capitol complex area.

2.29 Sec. 5. **REPEALER.**

2.30 Minnesota Statutes 2012, section 299E.02, is repealed.



