



OFFICE OF THE LEGISLATIVE AUDITOR
STATE OF MINNESOTA

EVALUATION REPORT

**Capitol Complex
Security**

MAY 2009

PROGRAM EVALUATION DIVISION
Centennial Building – Suite 140
658 Cedar Street – St. Paul, MN 55155
Telephone: 651-296-4708 • Fax: 651-296-4712
E-mail: auditor@state.mn.us • Web Site: <http://www.auditor.leg.state.mn.us>
Through Minnesota Relay: 1-800-627-3529 or 7-1-1

Program Evaluation Division

The Program Evaluation Division was created within the Office of the Legislative Auditor (OLA) in 1975. The division's mission, as set forth in law, is to determine the degree to which state agencies and programs are accomplishing their goals and objectives and utilizing resources efficiently.

Topics for evaluations are approved by the Legislative Audit Commission (LAC), which has equal representation from the House and Senate and the two major political parties. However, evaluations by the office are independently researched by the Legislative Auditor's professional staff, and reports are issued without prior review by the commission or any other legislators. Findings, conclusions, and recommendations do not necessarily reflect the views of the LAC or any of its members.

A list of recent evaluations is on the last page of this report. A more complete list is available at OLA's web site (www.auditor.leg.state.mn.us), as are copies of evaluation reports.

The Office of the Legislative Auditor also includes a Financial Audit Division, which annually conducts an audit of the state's financial statements, an audit of federal funds administered by the state, and approximately 40 audits of individual state agencies, boards, and commissions. The division also investigates allegations of improper actions by state officials and employees.

Evaluation Staff

James Nobles, *Legislative Auditor*

Joel Alter
Valerie Bombach
David Chein
Jody Hauer
Deborah Junod
David Kirchner
Carrie Meyerhoff
Judith Randall
Sarah Roberts
Jo Vos
John Yunker

To obtain a copy of this document in an accessible format (electronic ASCII text, Braille, large print, or audio) please call 651-296-4708. People with hearing or speech disabilities may call us through Minnesota Relay by dialing 7-1-1 or 1-800-627-3529.

All OLA reports are available at our web site:
<http://www.auditor.leg.state.mn.us>

If you have comments about our work, or you want to suggest an audit, investigation, or evaluation, please contact us at 651-296-4708 or by e-mail at auditor@state.mn.us



Printed on Recycled Paper



OFFICE OF THE LEGISLATIVE AUDITOR

STATE OF MINNESOTA • James Nobles, Legislative Auditor

May 2009

Members of the Legislative Audit Commission:

Many important activities take place at the Minnesota Capitol and surrounding state buildings. Officials of the executive, legislative, and judicial branches of Minnesota state government make key decisions in these buildings, and the buildings house some of the state's largest administrative agencies. The Legislative Audit Commission directed OLA to evaluate the adequacy of security within the Capitol Complex.

We think Capitol Complex security should be strengthened. While it is important to keep governmental processes as open as possible, it is also important to protect the safety of state leaders, employees, data, and visitors. State officials should establish an ongoing working group to thoughtfully assess security vulnerabilities and set priorities for safety enhancements. Also, adding several law enforcement officers to the Capitol Security workforce could improve Minnesota's ability to deter and respond to security incidents.

Our evaluation was conducted by Joel Alter. We received the full cooperation of the departments of Public Safety and Administration, as well as useful input from many other state officials.

Sincerely,

A handwritten signature in black ink that reads "Jim Nobles". The signature is fluid and cursive, with the first name "Jim" and last name "Nobles" clearly legible.

James Nobles
Legislative Auditor

Table of Contents

	<u>Page</u>
SUMMARY	ix
INTRODUCTION	1
1. BACKGROUND	3
Agency Responsibilities	3
Past Reports on Capitol Complex Security	8
2. RISKS AND VULNERABILITIES	11
General Context	11
Overall Assessment	13
3. STAFFING ISSUES	21
Number and Types of Staff	21
Staff Training	29
Recommendations	31
LIST OF RECOMMENDATIONS	33
AGENCY RESPONSES	35
RECENT PROGRAM EVALUATIONS	39

List of Tables and Figures

<u>Tables</u>	<u>Page</u>
1.1 Statutory Definitions of “Peace Officer” and “Security Guard”	6
2.1 Selected Examples of Security Incidents Involving Public Buildings	12
3.1 Capitol Security Expenditures for Full-Time Staff, Fiscal Years 2003 to 2008	23

<u>Figures</u>	
1.1 Minnesota State Capitol Complex	4
3.1 Number of Sworn Officers in States’ Capitol Complex Security Operations, 2009	27

Summary

Minnesota should take additional steps to ensure the safety of top state officials, state employees, and visitors in the Capitol Complex.

Major Findings:

- Minnesota’s Capitol Complex has significant security vulnerabilities (p. 14).
- The state lacks an effective mechanism for reviewing the adequacy of Capitol Complex security on an ongoing basis (p. 16).
- Capitol Security—the agency most directly responsible for security in the Capitol Complex—lost staff over the past decade while it became responsible for more building space (p. 22).
- Capitol Security’s staff have been increasingly paid for by agency contracts rather than direct appropriations, raising questions about whether resources are being allocated based on security risks (p. 23).
- Nearly all states’ capitol complex security operations rely on certified law enforcement officers with extensive training to a greater extent than does Minnesota (p. 26).
- Capitol Security has not taken sufficient steps to ensure that it and other Capitol Complex agencies have clear plans for responding to emergencies (p. 16).
- The state has added some restrictions on Capitol Complex building access during the past decade, but it has no weapons screening (pp. 13-15).

Recommendations:

- The Legislature should establish a Capitol Complex security advisory committee, comprised of officials from all three branches of state government (p. 18).
- The Department of Public Safety should propose adding several peace officers to Capitol Security’s workforce, subject to the Legislature’s approval (p. 31). The Legislature should fund Capitol Security through direct appropriations (p. 32). The Governor and Legislature should consider capital projects in 2010 that could enhance Capitol Complex security (p. 20).
- Capitol Security should develop more detailed, written plans related to emergency preparedness and response (p. 19). It should also update its policies and procedures for staff and ensure that staff have adequate training (p. 32).
- The Legislature should amend state law to authorize State Patrol protection of key state officials (other than those currently mentioned in law) when there are credible security threats (p. 20).

State officials should strive to maintain reasonable access to public spaces and decision-making processes while ensuring safety.

Report Summary

The Capitol and nearby buildings house the leaders of Minnesota’s executive, legislative, and judicial branches of government. In addition, this “Capitol Complex” houses many state agencies and large information systems, and it is host to numerous visitors.

A division of the Department of Public Safety known as Capitol Security has statutory responsibility for ensuring “the orderly conduct of state business and the convenience of the public” in the Capitol Complex.¹ In addition, the Department of Administration operates and maintains state-owned buildings in the complex, so it oversees the installation of electronic security and environmental surveillance systems in these buildings.

Some building access restrictions have been implemented, but security vulnerabilities remain.

By its nature, the Capitol Complex faces important security risks. Controversial issues are often debated and decided in the complex, and the Capitol itself is an important symbol of the state. There have been no tragic incidents in the Capitol Complex in recent years, but events in schools, courthouses, and other states’ capitols are a reminder that security threats are real.

During the past decade, state agencies have implemented new controls on building access. For example, more parts of Capitol Complex buildings are accessible only with electronic keycards, and

there are now fewer unlocked building entrances.

In 2006, the Minnesota National Guard conducted assessments that identified many security vulnerabilities in the Capitol Complex. Some steps have been taken to implement the National Guard’s recommendations, but many of the identified vulnerabilities have not been resolved.

Minnesota should provide reasonable access to public spaces and decision-making processes, but it should also ensure safety. This will require important decisions, such as whether (and perhaps how) to install weapons screening in some of the state’s most visible buildings. Minnesota is 1 of 27 states that does not have metal detectors in its Capitol. Also, unlike the majority of states, Minnesota does not have metal detectors for its Supreme Court hearings.

The 2000 Legislature created an ongoing committee to address security issues in the Capitol Complex, but the committee met infrequently and was later disbanded. In our view, there is a need for a similar but more effective committee today. This committee would help develop clear objectives, reasonable priorities, and effective practices for Capitol Complex security.

In addition, there should be better emergency planning for the complex. Some state officials expressed concern to us that their agencies are not adequately prepared to respond to dangerous situations. In addition, Capitol Security’s written policies on emergency preparedness and

¹ *Minnesota Statutes* 2008, 299E.01, subd. 2.

response are sometimes limited in scope or outdated.

Minnesota’s Capitol Complex security officers tend to have limited authority and training compared with their counterparts in other states.

By law, Capitol Security is headed by a member of the State Patrol. Capitol Security has one other law enforcement officer on staff year-round, and another is assigned to Capitol Security only during the legislative session.

Most of Capitol Security’s staff are unarmed security guards, without law enforcement authority. For the legislative session, Capitol Security hires several retired law enforcement officers; they are armed but do not have law enforcement authority.

Most states have more certified law enforcement officers in their capitol security units than does Minnesota. In fact, some states (like Wisconsin) rely exclusively on peace officers to provide security in their capitol complexes.

Several previous reports have recommended that Minnesota increase its presence of law enforcement officers at the Capitol. Most recently, a 2000 report by the Superintendent of the Bureau of Criminal Apprehension presented the Legislature with several options, all involving increased numbers of peace officers in the Capitol Security workforce.

To qualify for peace officer certification, a person must complete a rigorous, multi-month training program. In contrast, there are minimal requirements for

Capitol Security guard positions, and ongoing training has covered a limited range of topics. For example, Capitol Security has not offered in-depth internal training since 2000 related to bomb threats.

Written policies and procedures can be a helpful reference for security staff, especially for topics on which they have received limited formal training. However, many of Capitol Security’s policies and procedures have not been updated recently. In addition, state agency officials offered mixed opinions about the on-duty performance of Capitol Security staff.

We recommend that the Department of Public Safety present the Legislature with a plan for adding several certified peace officers to Capitol Security. Many important duties should continue to be performed by security guards, but a stronger law enforcement presence in the Capitol Complex is overdue. We also recommend that Capitol Security update its policies and procedures.

Capitol Security’s staffing levels have declined while its responsibilities have grown.

There are no agreed-upon standards for determining the appropriate staffing levels for security in a state capitol complex. States’ staffing levels vary considerably, depending partly on the extent to which they conduct weapons screening.

Staffing levels in Minnesota’s Capitol Security unit have declined over the past decade. Excluding dispatch staff, support staff, and part-time staff, Capitol Security’s staffing declined from 49 in 1999 to 39 in 2008. During this time,

A stronger law enforcement presence in the Capitol Complex is overdue.

State agencies have paid for a growing share of Capitol Security costs in recent years.

several large state buildings opened in the Capitol Complex. In addition, there are now over 46,000 points or sensors related to security or environmental systems in Capitol Complex buildings that are monitored by Capitol Security staff. This is more than double the number that existed ten years ago.

Increasingly, full-time Capitol Security staff have been paid for by agency contracts rather than direct appropriations. In fiscal year 2008, agency contracts paid for 50 percent of full-time Capitol Security staff, up from 12 percent in fiscal year 2003. However, some people have questioned whether this has resulted in the allocation of security resources based on agencies' willingness to pay, rather than on a careful assessment of where security risks are the most pressing.

Our review did not evaluate in detail the adequacy of the security provided to individual, high-profile state officials. Minnesota law specifically affords State Patrol protection to the Governor and Governor-elect. However, there may be circumstances where there are credible threats to other key officials in the executive, legislative, or judicial branches. We recommend that the Legislature amend state law to authorize State Patrol protection in such circumstances.

Introduction

Many important activities take place at the Minnesota State Capitol and surrounding state buildings. The Legislature makes laws, the state's highest courts interpret the law, and the executive branch administers state operations that affect all Minnesotans. But there are security risks to individuals and property in this multi-block area, and some people have questioned whether Minnesota has appropriate safeguards. In this report, we address the following issues:

- **To what extent is Minnesota's Capitol Complex (and the people who work and visit there) vulnerable to security threats?**
- **Does Minnesota have adequate numbers and types of Capitol Complex security staff? Are these staff adequately trained?**
- **Should Minnesota take additional steps to prevent or respond to Capitol Complex security risks?**

To conduct this evaluation, we interviewed officials from the Department of Public Safety's Capitol Complex Security Division and the Department of Administration. We also interviewed representatives of selected executive, legislative, and judicial branch agencies. In addition, we sent an online questionnaire to nearly 60 security contacts (as identified by the Department of Administration) employed by agencies throughout the Capitol Complex.¹

We also obtained information on the structure and staffing of capitol complex security operations in other states. We did this primarily through phone interviews with states' capitol security officials, supplemented with information from states' web sites.²

In addition, we reviewed existing documents and data on security operations in Minnesota's Capitol Complex. For example, we looked at previous studies of capitol security issues, minutes from meetings of the Capitol Complex Security Oversight Committee, and agency data on staffing and expenditures.

Our evaluation focused on security provisions in the statutorily-defined Capitol Complex (see Chapter 1). We did not examine the security arrangements of state operations outside the Capitol Complex. In addition, we did not evaluate the

¹ The questionnaire gave state agencies in the Capitol Complex an opportunity to respond to open-ended questions about security-related issues. This enabled us to gather input from agencies in which we did not conduct personal interviews. We received responses from a majority of the security contacts surveyed.

² We obtained information from 47 other states. Hawaii and New Hampshire did not respond to our requests for information.

Minnesota State Patrol’s “executive protection” activities, which provide ongoing security for the Governor and the state-owned Governor’s Residence. We interviewed staff from the Senate and House of Representatives sergeant-at-arms offices (which assist legislators who have security-related concerns), but we did not evaluate these offices. Finally, we focused primarily on building security issues; we did not examine whether the state’s electronic information systems have adequate safeguards.

Background

The area of St. Paul that includes the State Capitol and nearby state office buildings is the hub of Minnesota state government. This “Capitol Complex” houses leaders of the executive, legislative, and judicial branches, plus many of the ongoing administrative operations of state government. The following sections provide background on key agency security responsibilities and summarize findings from several reports on Capitol Complex security conducted over the past 40 years.

AGENCY RESPONSIBILITIES

Capitol Security

State law created a Capitol Complex security unit in 1969.

In 1969, the Minnesota Legislature created in law a Capitol Complex Security Division (often referred to as Capitol Security) in the Department of Public Safety (DPS).¹ According to one account, this was done in response to “the general civil unrest of the era.”² Capitol Security was “to insure the orderly conduct of state business and the convenience of the public” in the state buildings and grounds surrounding the Capitol building.³ State law specifies the boundaries of what is now generally called the Capitol Complex, shown in Figure 1.1.⁴ Statutes require Capitol Security to “utilize state employees for security and public information services in state-owned buildings and state leased-to-own buildings” in the Capitol Complex.⁵

The State Patrol Division of DPS has played a central role in the management of Capitol Security. In 1971, the State Patrol assumed management responsibility for Capitol Security for about a year, although there continued to be a separate Capitol Complex Security Division within DPS. This was done to “expedite the functions” of the still-new Capitol Security unit.⁶ In subsequent years, Capitol Security’s directors included a mix of civilians and State Patrol officers appointed by the DPS commissioner. In 1992, state law was amended to require the director of Capitol Security to be a member of the State Patrol, and this

¹ *Laws of Minnesota* 1969, chapter 1129, sec. 19. Previously, the Department of Administration handled security duties in the area around the Capitol building.

² Bureau of Criminal Apprehension, *Capitol Complex Security Study* (St. Paul, January 14, 2000), 15.

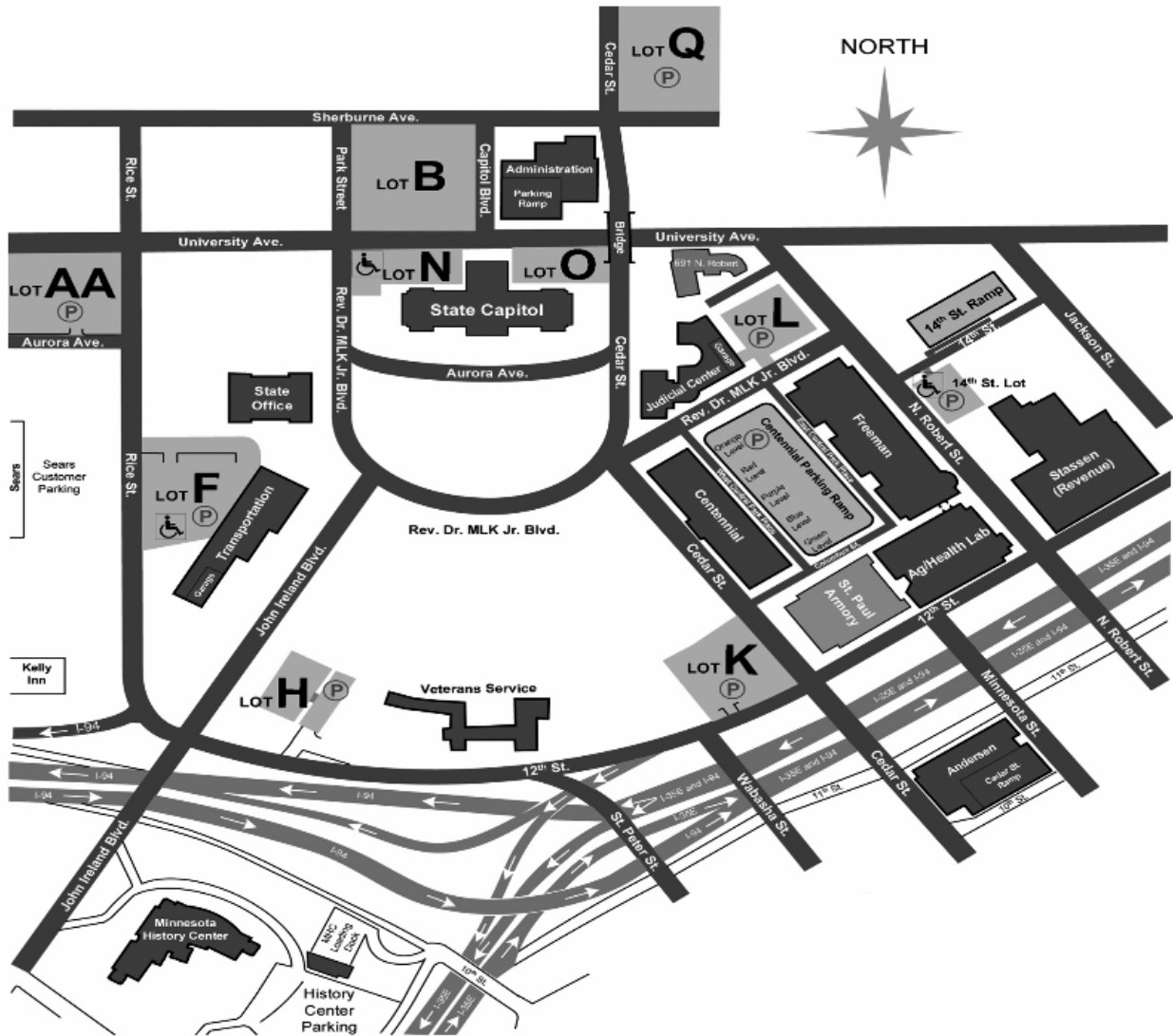
³ *Laws of Minnesota* 1969, chapter 1129, sec. 19.

⁴ *Minnesota Statutes* 2008, 15B.02.

⁵ *Minnesota Statutes* 2008, 299E.01, subd. 2.

⁶ Governor’s Loaned Executive Action Program, *Public Safety Task Force Report*, (St. Paul, December 23, 1972), Project Report 87. In 1972, the State Patrol was called the Highway Patrol.

Figure 1.1: Minnesota State Capitol Complex



SOURCE: Minnesota Legislature, <http://www.leg.state.mn.us/leg/capitolcmplx.asp>, accessed April 17, 2009.

provision is still in effect today.⁷ District 4600 of the State Patrol includes Capitol Security plus a separate unit of state troopers who provide protective services to the Governor and Governor's family. State law says the State Patrol shall have the power and authority "as peace officers to provide security and protection to the governor, governor elect, either or both houses of the

⁷ *Laws of Minnesota* 1992, chapter 513, art. 3, sec. 52.

Most of Capitol Security's staff are security guards, not sworn peace officers.

legislature, and state buildings or property in the manner and to the extent determined to be necessary after consultation with the governor, or a designee.”⁸ For these purposes, state law gives troopers “the same powers with respect to the enforcement of laws relating to crimes, as sheriffs and police officers have within their respective jurisdictions.”⁹

However, most Capitol Security officers are not State Patrol troopers, and they have powers and authority more limited than those of troopers. Capitol Security has only two or three State Patrol troopers on its staff, depending on the time of year. Most of Capitol Security's officers are security guards, not sworn peace officers.¹⁰ Table 1.1 shows language from Minnesota statutes regarding the definitions of peace officers and security guards. Unlike peace officers, the security guards employed by Capitol Security are not armed and do not have full authority to make arrests granted by state law.¹¹ Also, Capitol Security has limited ability to conduct investigations. Cases requiring investigation might be referred to a State Patrol officer in Capitol Security, but they may also be referred to investigators in other State Patrol offices or local law enforcement agencies.¹²

In fiscal year 2008, Capitol Security's expenditures totaled \$4.2 million. About \$2.8 million was funded through direct appropriations from the state's General Fund. The remainder was funded through “statutory appropriations,” mainly to cover Capitol Security's cost of providing security services to certain state agencies through contractual arrangements.¹³

Department of Administration

When the Legislature created Capitol Security in 1969, it transferred the Department of Administration's general duties and responsibilities regarding

⁸ *Minnesota Statutes* 2008, 299D.03, subd. 1.

⁹ *Ibid.*

¹⁰ As we discuss in Chapter 3, Capitol Security also hires several retired peace officers to serve as “legislative security officers” during each legislative session. These staff are allowed to carry firearms, but they are no longer certified peace officers and do not have law enforcement authority.

¹¹ *Minnesota Statutes* 2008, 629.30, subd. 2, authorizes any “private person” (which could be a security guard) to make what is commonly known as a “citizen's arrest”—that is, taking someone into custody or restraining them. Statutes have separate provisions authorizing arrests by peace officers, with or without warrants.

¹² Capitol Security officials told us that law enforcement agencies such as the State Patrol or St. Paul Police Department could be called upon to assist with an emergency in the Capitol Complex, if needed. They said Capitol Security does not have written interagency agreements because the Office of the Attorney General recommended against such agreements for liability reasons.

¹³ *Minnesota Statutes* 2008, 299E.02 states: “Fees charged for contracted security services provided by the Capitol Complex Security Division of the Department of Public Safety are annually appropriated to the commissioner of public safety to administer and provide these services.” Agencies with such contracts make payments to the department, which deposits the money in the General Fund.

security of state-owned buildings to DPS.¹⁴ Since that time, however, the Department of Administration has played an important role in the development and operation of security-related building systems.

Table 1.1: Statutory Definitions of “Peace Officer” and “Security Guard”

Peace Officer

The term “peace officer,”... means a person who is licensed as a peace officer... and who serves as a sheriff, deputy sheriff, police officer, conservation officer, agent of the Bureau of Criminal Apprehension, agent of the Division of Alcohol and Gambling Enforcement, University of Minnesota peace officer, Metropolitan Transit police officer, or State Patrol trooper....^a

“Peace officer” means... an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the [Board of Peace Officer Standards and Training], charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota State Patrol, agents of the Division of Alcohol and Gambling Enforcement, state conservation officers, Metropolitan Transit police officers, Department of Corrections Fugitive Apprehension Unit officers, and Department of Commerce Insurance Fraud Unit officers, and the statewide coordinator of the Gang and Drug Oversight Council.^b

Security Guard

For purposes of this section, “security guard” means any person who is paid a fee, wage or salary to perform one or more of the following functions:

- (1) prevention or detection of intrusion, unauthorized entry or activity, vandalism, or trespass on private property;
- (2) prevention or detection of theft, loss, embezzlement, misappropriation, or concealment of merchandise, money, bonds, stocks, notes, or other valuable documents or papers;
- (3) control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, to assure protection of private property;
- (4) protection of individuals from bodily harm;
- (5) enforcement of policies and rules of the security guard's employer related to crime reduction insofar as such enforcement falls within the scope of the guard's duties.^c

^a *Minnesota Statutes* 2008, 626.05, subd. 2.

^b *Minnesota Statutes* 2008, 626.84, subd. 1.

^c *Minnesota Statutes* 2008, 299C.22, subd. 1.

SOURCE: Office of the Legislative Auditor.

In 1971, the Legislature appropriated funds to the Department of Administration for a security and environmental surveillance system in the Capitol Complex.¹⁵

¹⁴ *Laws of Minnesota* 1969, chapter 1129, sec. 19.

The Department of Administration maintains electronic building security systems in the Capitol Complex.

Subsequently, the commissioners of Administration and Public Safety entered into interagency agreements that outlined the respective responsibilities of their departments.¹⁶ For example, the Department of Administration agreed to install and maintain the security and environmental surveillance systems, develop operating procedures for the systems, and prepare plans with the Commissioner of Public Safety for extension and improvement of the systems. The agreements specified that the departments of Administration and Public Safety would split responsibility for the ongoing costs of the systems. For example, a 1983 version of the interagency agreement indicated that the Department of Administration was responsible for the costs of the environmental portions of surveillance systems, while DPS was responsible for the security components of the systems.

In addition, the Department of Administration is statutorily responsible for operating and maintaining state-owned buildings and grounds in the Capitol Complex.¹⁷ For example, the department approves capital improvements in the Capitol Complex, and it manages state property and parking facilities. The department also authorizes special events in the Capitol Complex, such as rallies on the Capitol mall or displays inside the Capitol. In recent years, the department has also worked with the Capitol Area Architectural and Planning Board on plans for restoration of the Capitol building.

Legislative Sergeant-At-Arms Offices

The Minnesota Senate and House of Representatives also have staff who play a role in security at the Legislature. Specifically, each body has a sergeant-at-arms office, with duties specified in Senate and House rules. For example, Senate rules state the following:

The Sergeant at Arms shall execute all orders of the President [of the Senate] and perform all assigned duties connected with the police and good order of the Senate Chamber; exercise supervision over the entry and exit of all persons to and from the Chamber; see that messages are promptly delivered; see that the hall is properly ventilated and the temperature is properly regulated, and that the Chamber is open for the use of members of the Senate at least one-half hour before the start of a session; and perform all other services pertaining to the office of Sergeant.¹⁸

These offices are relatively small. The Senate Sergeant-At-Arms Office has four year-round employees; the House has four year-round staff who work on

¹⁵ *Laws of Minnesota* 1971, chapter 963, sec. 7(7). This section appropriated \$2.2 million for “building remodeling and rehabilitation and special projects,” but it did not indicate what portion of this amount was for the security and surveillance system.

¹⁶ The departments entered into the initial agreement in 1975, and there were addendums to the agreement through at least 1984.

¹⁷ *Minnesota Statutes* 2008, 16B.04, subd. 2, and 16B.24.

¹⁸ Minnesota Senate, *Permanent Rules of the Senate*, 86th Legislature (2009-10), rule 52.

sergeant-at-arms or security-related issues. In addition to controlling entry into the Senate and House chambers, the sergeant-at-arms offices sometimes, at their discretion, restrict access to legislative hearings that have overflow crowds. The sergeant-at-arms offices also inform legislators about what to do when security issues—such as threats—arise, and the sergeants are often a first point of contact for legislators with security concerns. When incidents require an immediate response, the sergeant-at-arms offices contact Capitol Security.

PAST REPORTS ON CAPITOL COMPLEX SECURITY

Over the past 40 years, several committees and task forces have discussed how to improve security in the Capitol Complex. We reviewed reports issued in 1972, 1973, 1982, 1990, and 2000.¹⁹ These reports offered recommendations on a variety of issues, but we think it is especially important to note recurring recommendations on two topics that are discussed later in our report. First,

- **Several past reports recommended that Minnesota’s Capitol Security officers have police training and authority.**

In the early 1970s, the Governor enlisted leaders from private industry to offer advice on improvements in state government. The public safety task force of this group addressed the staffing and training of Capitol Security officers. In a 1972 report, this task force said that Capitol Security—which was then managed by the State Patrol—needed officers with police training, not necessarily State Patrol training.²⁰ It recommended that the Legislature give police powers to Capitol Security, which would allow reassignment of State Patrol officers from Capitol Security to the highways “where they are most needed and best qualified.”²¹ The report suggested that Capitol Security officers receive basic police training through an eight-week course.

In 1973, the Commissioner of Administration organized a committee to develop a plan for improving Capitol Complex security. Like the 1972 task force, the 1973 committee recommended that Capitol Security have “police-type” officers with eight weeks of formal schooling (including investigative training), certification by the state’s police training board, and authorization to carry firearms and make arrests. This committee did not recommend police certification for Capitol Security staff who supervised parking lots. The committee recommended upgrading the Capitol Security job descriptions and pay

Reports dating back to the early 1970s said that Capitol Security staff needed police authority and more training.

¹⁹ Governor’s Loaned Executives Action Program, *Public Safety Task Force Report* (St. Paul, December 23, 1972), Project Report 87; Department of Administration, Ad Hoc Security Committee, *A Report on Security in the Capitol Complex and at the Governor’s Residence* (St. Paul, 1973); Department of Public Safety, *Capitol Security Report* (St. Paul, January 1982); Departments of Administration and Public Safety, *Report of the Interagency Security Task Force* (St. Paul, April 1990); and Bureau of Criminal Apprehension, *Capitol Complex Security Study* (St. Paul, January 14, 2000), executive summary and full report.

²⁰ Governor’s Loaned Executives Action Program, *Public Safety Task Force Report*.

²¹ *Ibid.*

A 2000 report recommended enhancements in Capitol Complex security staffing and weapons screening, but these were not implemented.

levels to attract applicants who might apply for similar jobs in large state or local law enforcement agencies.²²

In a 1982 report on capitol security, the Department of Public Safety said: “Personnel assigned to personal protection should have extensive experience and background in conducting investigations and making arrests, and should have exposure to intelligence gathering, coordination and dissemination.”²³ To accomplish this, the report recommended creating a new Division of State Protective Service, with staff drawn from the State Patrol, Bureau of Criminal Apprehension, and Capitol Security.

In 2000, a task force convened by the Superintendent of the Bureau of Criminal Apprehension conducted a study of security in the Capitol Complex at the Legislature’s direction. The group outlined several options for upgrading staffing and training for Capitol Security and the State Patrol’s executive protection activities; new first-year costs under these options ranged from \$1.8 to \$6 million. The superintendent favored an option that would have added eight law enforcement officers to Capitol Security, plus electronic weapons screening devices at 14 places throughout the Capitol Complex. More expensive proposals considered by this group would have replaced Capitol Security’s non-sworn officers with more than 50 police officers.²⁴ As we discuss later in this report, the superintendent’s recommended changes in Capitol Complex staffing and screening equipment were not implemented.

A second area addressed in several of the previous reports is the need for changes in the governance structure for security in the Capitol Complex. Specifically,

- **Prior reports recommended the establishment of organizational structures that could ensure ongoing attention to Capitol Complex security needs.**

For example, the 1973 Department of Administration report said there was a need for a Capitol Security Advisory Committee. This committee would “maintain a coordinated and economically-sound security program and would evaluate, recommend, and approve security-related projects for the Complex.”²⁵ The report recommended that the Department of Public Safety’s Deputy Commissioner chair this committee.

In 1990, a task force formed by the departments of Administration and Public Safety heard concerns from state employees regarding personal safety in Capitol

²² Department of Administration, Ad Hoc Security Committee, *A Report on Security in the Capitol Complex and at the Governor’s Residence*, 3.

²³ Department of Public Safety, *Capitol Security Report*, 2.

²⁴ One option would have created a new special purpose police department under the Legislature’s direction; the other would have retained the current structure. The options outlined by the 2000 report would have expanded executive protection staff, in addition to Capitol Security staffing.

²⁵ Department of Administration, Ad Hoc Security Committee, *A Report on Security in the Capitol Complex and at the Governor’s Residence*, 6.

Complex buildings, parking areas, and tunnels.²⁶ The task force's report said the state lacked a "formal network" of agency staff to discuss security concerns on an ongoing basis. The report recommended that the departments of Administration and Public Safety establish a Security Issues Network to facilitate meetings between these two departments and state agency representatives.

The 2000 Bureau of Criminal Apprehension report recommended the creation in state law of a Capitol Complex Security Oversight Committee that would be accountable to the Legislature. The report said this committee would be responsible for the development, implementation, and evaluation of a security plan for the Capitol Complex. It would include the commissioners of Administration and Public Safety, the Speaker of the House of Representatives, the Majority Leader of the Senate, the Chief Justice of the Supreme Court, and the Director of Capitol Security. The bureau's superintendent said that the success of the recommendations in his agency's report "is dependent upon the creation of the Capitol Complex Security Oversight Committee.... The Superintendent views this committee as the vehicle to carry the issue of safety and security at the Capitol into the future."²⁷ In Chapter 2, we note that the Legislature created but later dissolved such a committee.

²⁶ Departments of Administration and Public Safety, *Report of the Interagency Security Task Force*.

²⁷ Bureau of Criminal Apprehension, *Capitol Complex Security Study: Executive Summary* (St. Paul, January 14, 2000), 13-14.

Risks and Vulnerabilities

It is unpleasant—but necessary—for state officials to think about scenarios involving security risks to government buildings and officials. Incidents such as school shootings and the 1995 Oklahoma City bombing demonstrate the tragedy that an armed, determined individual can create, even in places that might seem to be unlikely targets. State governments need carefully considered strategies for preventing and responding to security threats of various types.

This chapter discusses in broad terms the risks and vulnerabilities faced in Minnesota’s Capitol Complex. Some of our conclusions are based on (1) documents that are not public and (2) interviews that we determined should remain confidential. While we are limited in the amount of detail we can publicly reveal in this chapter, we note that it is important for legislators to establish mechanisms for addressing these sensitive, important issues on an ongoing basis.

GENERAL CONTEXT

We reviewed summary data for 2004 through 2008 on the number of Capitol Complex “incidents” reported by Capitol Security. A large number of these incidents were fairly routine in nature. For example, Capitol Security issued an average of about 3,000 parking citations annually during this period. Also, there were an average of about 15,000 “security checks” annually—typically, these were building or environmental system alarms that required routine follow-up by Capitol Security staff. Also, Capitol Security provided assistance to employees upon request, such as escorting employees to vehicles when safety was a concern, or helping employees who locked their keys inside their cars. Incidents involving criminal activities were less common. Between 2004 and 2008, Capitol Security reported annual averages of 31 thefts, 41 incidents involving property damage or trespassing, and 10 terroristic threats. According to Capitol Security, there were no bomb threats in the Capitol Complex during 2006, 2007, or 2008. In addition, data from 2008 police reports indicated that the Capitol Complex had less crime than the residential and commercial neighborhoods that surround it.

Fortunately, Minnesota state government has generally avoided security incidents with tragic results. However, it is important to keep in mind that:

- **The Capitol Complex is the center of the state’s executive, legislative, and judicial operations, which, by their nature, face serious security risks.**

Many of Minnesota’s most important and controversial issues are debated and decided by governmental institutions located in the Capitol Complex. The complex houses the offices of Minnesota’s Governor, Lieutenant Governor, Attorney General, and Secretary of State. It has the chambers, hearing rooms,

Crime rates in the Capitol Complex have been relatively low, but the government activities in this area present additional security challenges.

It is important to maintain public access to decision-making processes but also to protect state leaders, public employees, and visitors to the Capitol Complex.

and offices where the Senate and House of Representatives conduct business, and it houses courtrooms for the state's Supreme Court and Court of Appeals.

In addition, many of the agencies that administer state services are located in the Capitol Complex, where they employ thousands of workers. Among the agencies with headquarters in the complex are the departments of Human Services, Health, Agriculture, Revenue, Transportation, Administration, Military Affairs, and Veterans Affairs. Buildings in the complex also house some of the state's most important information systems. Damage to these buildings or information systems could, in some cases, disrupt important government services for long periods of time.

Each year, tens of thousands of people visit the Capitol Complex to take tours or attend legislative hearings, rallies, demonstrations, and special events. One of the key challenges in the Capitol Complex is providing visitors with reasonable access to public spaces and decision-making processes while ensuring their safety.

Threats to security can take various forms. Table 2.1 lists examples of security incidents that have occurred in government buildings in Minnesota and elsewhere

Table 2.1: Selected Examples of Security Incidents Involving Public Buildings

Year	Incident
2008	A gunman killed five people at a Kirkwood, Missouri city council meeting and critically wounded the mayor.
2008	A man with a gun was killed by law enforcement officers during a meeting of the Morrison County Board of Commissioners in Little Falls, Minnesota.
2007	An armed man was shot and killed in the Colorado Capitol by a security officer.
2004	A man shot and killed an unarmed security guard at the Illinois Capitol building.
2003	An attorney was seriously injured and his client was killed in a shooting at the Hennepin County courthouse.
2001	Dozens of people died when terrorists crashed a hijacked plane into the U.S. Pentagon.
2001	Five people died when envelopes containing anthrax were sent to the offices of two U.S. Senators and several news media outlets.
2001	A man died when he crashed a large truck—apparently intentionally—into the California Capitol.
1998	A man entered the U.S. Capitol building with a gun and killed two police officers.
1995	Domestic terrorists bombed a federal building in Oklahoma City, killing 168 people.
1994	A man crashed his small plane onto the White House lawn, apparently in an effort to hit the White House.
1972	Unknown persons detonated dynamite at Minnesota's State Office Building (next to the Capitol), resulting in considerable property damage and an evacuation of the entire Capitol Complex.
1954	Puerto Rican nationalists fired automatic pistols in the U.S. House of Representatives chamber, wounding five members of Congress.

SOURCE: Office of the Legislative Auditor.

in the United States. Threats in the Capitol Complex could come from people who dislike government generally or who disagree with specific government actions; disgruntled public employees or former employees; disgruntled acquaintances of public employees; people who are intent on stealing items of value from public agencies, such as computers or information; international or domestic terrorists; or people who are mentally unstable. The security director for a Minnesota state agency told us that, in his view, threats to employees from their relatives or acquaintances pose a more common workplace security risk in his agency than threats to his agency's most visible officials. However, we also heard from high-level state officials who expressed concern to us about their personal safety.

OVERALL ASSESSMENT

There are no generally accepted standards for what constitutes a reasonable level of security at a state's capitol building.

There are no generally accepted standards for determining what constitutes a reasonable level of security in and around a state capitol building. Consequently, each state determines how to best balance the need for security with the need for open, accessible government.

To help us assess the adequacy of security in the Capitol Complex, we reviewed a series of "vulnerability assessments" prepared by the Minnesota National Guard in 2006. These reports examined Minnesota's ability to prevent and respond to possible terrorist attacks in the Capitol Complex. We also examined previous studies of Capitol Complex security, with particular focus on the recommendations of the most recent study (a 2000 report by the Minnesota Bureau of Criminal Apprehension). In addition, we talked with officials from Capitol Security and the Department of Administration about changes in security practices in recent years. Through interviews and a survey, we also solicited input on security-related issues from various executive, legislative, and judicial branch tenants in the Capitol Complex.

The sections below do not discuss issues related to the adequacy of Capitol Security staffing. We address staffing issues in Chapter 3.

Recent Improvements

In 2000, the Bureau of Criminal Apprehension issued a report on security in the Capitol Complex. It advocated "a heightened awareness of safety and security" in the Capitol area and offered recommendations and options for achieving this.¹ The report recommended greater restrictions in access to Capitol Complex buildings, including reduced number of building entrances and use of identification cards for all people working and doing business in the Capitol Complex. We found that:

- **State officials implemented some important new restrictions on Capitol Complex building access during the past decade.**

¹ Bureau of Criminal Apprehension, *Capitol Complex Security Study: Executive Summary* (St. Paul, January 14, 2000), 1.

Access to some Capitol Complex buildings is more restricted than it used to be, although restrictions vary considerably throughout the complex.

First, expanded use of electronic keycards has helped control access to certain buildings and work areas. Some offices that used to be open to the public without restriction are now accessible only through keycard-operated doors or elevators. Since 2000, the number of Capitol Complex employees with electronic keycards grew by an estimated 50 percent. Second, there has been a reduction in the number of unlocked public entrances to the Capitol and some nearby buildings. In 2000, the Capitol building had 37 entrances that were open during normal business hours; today, it has four unlocked entrances during legislative sessions (and two at other times of the year). Third, some new buildings opened in the Capitol Complex in recent years that have single entry points for visitors and employees, providing additional access control.

These restrictions are not foolproof. A person without a keycard can sometimes enter a keycard-restricted area by following closely through a door behind a person using a keycard. Also, some keycard-operated doors in the Capitol Complex can be pushed open without a keycard. Furthermore, there continue to be many areas in Capitol Complex buildings that can be accessed without a keycard. Nevertheless, increased use of keycard-restricted work areas and reductions in the number of unlocked building entrances have provided some additional security controls.

Security cameras have also been upgraded since 2000. The number of cameras in the Capitol Complex has more than doubled since that time. In addition, video from the cameras is now recorded and retained for 30 days; there was very limited recording capability in 2000. Despite these improvements, some security staff told us that security cameras are helpful mainly for investigating past incidents, not for preventing crimes.²

Unresolved Security Issues

Although there have been some security enhancements in building access and camera monitoring, we concluded that:

- **Minnesota's Capitol Complex still has important, unaddressed security vulnerabilities.**

As noted at the beginning of this chapter, our ability to discuss these vulnerabilities in this report is limited. In particular, the National Guard's assessments of security vulnerabilities in the Capitol Complex are not public documents. Also, by discussing security vulnerabilities in detail, people and properties in the Capitol Complex could be placed at greater risk. Thus, our report does not disclose the National Guard's specific findings or outline specific actions taken (or not taken) in response to them. However, based on our document reviews and interviews, we are convinced that many security concerns cited in the National Guard reports remain unresolved today.

² In part, this is because it is not possible for Capitol Security staff to monitor all of the security cameras simultaneously.

Some of the National Guard's recommendations relate to items that could only be addressed through significant changes to Capitol Complex infrastructure, such as building components or parking facilities. Typically, proposals for such changes would be addressed through the state's capital budgeting process. However, none of the National Guard recommendations led to proposals that were included in the Governor's 2008 capital budget, nor were they addressed in the bonding bill eventually approved by the 2008 Legislature. The Department of Administration told us that security-related capital improvements should also be considered as part of broad-scale proposals for renovation of the Capitol building, but these proposals are still in the design stage.³

Although we cannot discuss the specific issues raised in the National Guard report, some security vulnerabilities are readily apparent to Capitol Complex employees and visitors. For example, the three buildings that house the top officials of Minnesota's three branches of government are very open—with limited use of keycard access controls and no systematic weapons screening of visitors or employees. According to a 2008 document compiled by the National Conference of State Legislatures, Minnesota is 1 of 27 states that does not have metal detectors at the public entrances to its Capitol building.⁴ Minnesota's lack of screening devices has partly reflected a desire by state officials to maintain the Capitol as "the people's building," with relatively few restrictions on people there to visit, work, or observe.⁵

It is difficult to justify Minnesota's current level of openness for some functions, such as state-level courts.

However, it is difficult to justify the current level of openness, particularly for certain functions. Minnesota's highest courts (the Supreme Court and Appeals Court) hear cases in Capitol Complex courtrooms that have less security than many others in the state. For example, the district courthouses in Hennepin and Ramsey counties are in buildings that screen all visitors with metal detectors and X-ray machines. In addition, security staff at these courthouses screen all employees for proper identification when they enter the building. In contrast, there is typically no weapons screening of people entering the Capitol Complex courtrooms. According to a 2006 National Center for State Courts survey of 35 states, Minnesota was one of just five states that did not regularly use metal detectors at its Supreme Court.⁶ The State Court Administrator's Office hired a firm to develop a plan for incorporating a metal detector into the Judicial Building, but the Supreme Court decided in 2008 not to proceed with this design due to budget shortfalls. In addition, there are no bailiffs assigned to the court hearings in the Capitol Complex, although Capitol Security officers occasionally attend the hearings. The absence of security staff is contrary to the practices

³ The Legislature has funded pre-design and design work for Capitol restoration, but the Legislature has not authorized a restoration plan or schedule.

⁴ "Metal Detectors in State Capitols," January 2008, http://www.ncsl.org/print/legismgt/metal_detectors_2007.pdf, accessed April 21, 2009.

⁵ Capitol Security has four portable metal detectors. These were used four times in the past four years but only once in the Capitol Complex.

⁶ One of these five states has officers from its State Police at the Supreme Court when it is in session. Thus, while this state does not have metal detectors, it has a more significant security presence than what is typically present in Minnesota's Supreme Court hearings.

recommended in the court security manual developed for use throughout Minnesota, which says: “Operationally, bailiffs or court deputies should be stationed in the courtroom during proceedings.”⁷

One reason for limited progress on the National Guard recommendations may have been the lack of clear accountability for action. The National Guard reports often did not specify which agency—Capitol Security, the Department of Administration, or others—should be responsible for initiating subsequent action. Also, the National Guard staff who worked on the 2006 reports were subsequently reassigned to other duties, so there has been little subsequent follow-through by the National Guard. Furthermore, we observed that:

- **Minnesota statutes do not specify a mechanism for reviewing the adequacy of security in the Capitol Complex on an ongoing basis.**

The 2000 Legislature established a Capitol Complex Security Oversight Committee, but its statutory authorization expired in 2004.

In Chapter 1, we noted that several previous reports on Capitol Security recommended the establishment of organizational structures that could ensure ongoing attention to Capitol Complex security. In the 2000 BCA report, the BCA Superintendent said that the Capitol Complex Security Oversight Committee recommended in the report would be “the vehicle to carry the issue of safety and security at the Capitol into the future.”⁸ In 2000, the Legislature amended state law to establish this committee, which included key members from the legislative, executive, and judicial branches of state government.⁹ The committee met several times in 2000 and 2001, but it was relatively inactive subsequently and the Legislature authorized the committee’s expiration as of June 2004.¹⁰ A former member of the committee told us that the committee chair’s reluctance to hold regular meetings undermined the committee’s potential value.

Without an active oversight committee, Capitol Security has considerable latitude to determine how to address security threats in the Capitol Complex. The Governor’s biennial budget documents presented to the Legislature in 2007 and 2009 each listed the same measures for judging Capitol Security’s performance: (1) the response time of Capitol Security’s officers to requests for assistance, and (2) the establishment of a strategic plan that enhances security in the Capitol area. Capitol Security officials told us that response time is not measured. Regarding the development of a strategic plan, we found that:

- **Capitol Security has not taken sufficient steps to ensure that it—or the other agencies operating throughout the Capitol Complex—have adequate plans for responding to emergencies.**

⁷ Minnesota Conference of Chief Judges, *Court Security Manual* (St. Paul, 1999), 2-7-2.

⁸ Bureau of Criminal Apprehension, *Capitol Complex Security Study: Executive Summary*, 14.

⁹ *Laws of Minnesota* 2000, chapter 488, art. 6, sec. 8.

¹⁰ *Laws of Minnesota* 2003 First Special Session, chapter 19, art. 2, sec. 55. The Department of Public Safety has called a few meetings of the committee since its statutory expiration, but department officials said these meetings have not been particularly productive.

We discussed with Capitol Security officials what procedures their staff would follow in the event of a serious incident, such as a shooting or a bomb. To its credit, Capitol Security has conducted some field exercises at the Capitol in recent years in conjunction with the State Patrol, Bureau of Criminal Apprehension, and St. Paul Police Department. In addition, top officials in Capitol Security said they have given serious thought to the courses of action they might pursue under various emergency scenarios. But, in our view, some of Capitol Security's written policies for responding to serious incidents are inadequate. For instance, in April 2009, we reviewed Capitol Security's list of building emergency directors for the Capitol Complex. In an emergency situation, Capitol Security's dispatch center would rely considerably on phone or e-mail contacts with buildings' emergency directors (or radio contacts with its own staff).¹¹ We found that Capitol Security's list of building emergency director contacts and phone numbers contained several inaccuracies.¹² In addition, Capitol Security's key memo on evacuation of Capitol Complex buildings (from 2003) is only two pages long and discusses only two scenarios (evacuations for fire alarms and bomb threats).

Officials in some key agencies expressed concern to us about the state's lack of preparedness for security-related emergencies.

Furthermore, key security contacts in some of the major agencies housed in the Capitol Complex expressed concern to us about their agencies' preparedness for emergencies such as shootings or bomb threats. The following are some of the comments we received:

Capitol Security needs a complex-wide plan that each building/agency can alter to fit their building. It seems clear to me that Capitol Security does not have clearly defined plans/procedures for the campus, leading to extreme miscommunication.

I am not familiar with protocols for these events [e.g., bombs or shootings] in our building. They should be in place and communicated regularly to occupants of each building.

Upper level and middle management [understand what to do in an emergency] but I don't believe it is fully understood by line staff.

Capitol Security contributes little toward an ongoing, proactive security program. Anything related to security is initiated by [our] agency, not by Capitol Security or its administration.

This is an area where more time and attention should be spent to make sure that all tenants of the Capitol area are familiar with

¹¹ Capitol Security does not have an automated "call tree" system for notifying employees by phone or e-mail. The State Patrol is currently exploring the implementation of such a system.

¹² Initially, Capitol Security gave us a building emergency director list from April 2003, and most of the phone numbers on this list were outdated. Capitol Security officials later told us we were given this outdated list by mistake. However, the new list they gave us (from August 2008) also contained several inaccurate phone numbers.

the specific steps that need to take place in the event of a serious security situation. It's one of those areas where repeat training and periodic reminders are essential.

We attended [Capitol Security's] Active Shooter Workshop over a year ago, but there was never any follow-up from Capitol Security. We were told recently that we should come up with our own procedures.

I do not believe our staff have any idea of what to do in [emergency] situations.

Capitol Security officials told us they have worked directly with some agencies to help develop evacuation plans. But Capitol Security officials also acknowledged that, due to staffing shortages, they have not developed all of the written plans and policies related to emergencies that they would prefer to have in place.

Recommendations

First, although the Capitol Complex Security Oversight Committee did not have the impact that the BCA Superintendent hoped for in 2000, we think there is a need for a new, more effective committee to address security issues in the Capitol Complex.

A group of officials from all three branches of state government should recommend ways to address security vulnerabilities.

RECOMMENDATION

The Legislature should establish a Committee on Capitol Complex Security to help oversee planning and spending related to security issues in the Capitol Complex.

The committee should have representatives of all three branches of state government and be staffed and coordinated by the Department of Public Safety. The committee's immediate responsibility should be to develop a report that contains a comprehensive assessment of security vulnerabilities at the Capitol Complex and recommendations for addressing them. The committee should be required to present a report to the appropriate legislative committees by January 15, 2011. Thereafter, the committee should annually report on progress toward implementing its recommendations. The committee must be able to discuss security vulnerabilities in detail, without risk of public disclosure. Minnesota's open meetings law authorizes closed meetings in cases where disclosure "would pose a danger to public safety or compromise security procedures or responses."¹³

Second, there should be written, up-to-date plans and policies that address critical security issues.

¹³ *Minnesota Statutes* 2008, 13D.05, subd. 3(d).

RECOMMENDATIONS

Capitol Security should work with the Committee on Capitol Complex Security and state agencies to develop more detailed, written plans and policies that address emergency preparedness and response practices for the Capitol Complex.

On a regular basis, Capitol Security should verify the accuracy of its lists of emergency contacts in Capitol Complex agencies.

Capitol Security should develop more detailed plans and policies for responding to emergencies.

As noted earlier, the 2006 National Guard reports often did not specify which agencies should be responsible for implementing the reports' recommendations. However, we think it is reasonable for the statutorily-created Division of Capitol Complex Security to play a key role in drafting written security plans and policies, in consultation with other agencies in the complex. Because this division has a limited number of supervisory and administrative staff, it may need assistance from the Department of Public Safety or other agencies to develop these plans and policies.

We offer no recommendations on the specific plans and policies that should be developed. The National Guard report recommended a lengthy list of plans and assessments that should be conducted for the Capitol Complex, and discretion should be exercised when determining which are most pressing and whether all are truly necessary. However, we think it is especially important for written policies to clarify the respective roles of Capitol Security and individual agencies located in the Capitol Complex for developing (1) building evacuation procedures and (2) procedures for communicating with building employees during emergencies. If agencies are expected to play important roles in evacuations or emergency communications, Capitol Security should be prepared to work with individual buildings or agencies to help develop appropriate plans. Also, it is critical for Capitol Security to ensure that it has up-to-date lists of key emergency contacts in buildings throughout the Capitol Complex.

Third, there continue to be security vulnerabilities in the design and configuration of some Capitol Complex buildings and parking areas. Addressing some of these issues may be expensive, and some may require long-term solutions.¹⁴ However, policy makers should consider the merits of security-related projects as soon as the 2010 legislative session.

¹⁴ Also, there have been questions about whether some of the security-related modifications recommended in past reports could be made without damaging the Capitol's architectural integrity.

RECOMMENDATION

The Governor, Department of Administration, and Legislature should consider certain Capitol Complex security projects as part of the 2010 capital bonding process, perhaps including the need for screening equipment in particular locations or new access restrictions for some parking areas.

State officials should consider the merits of weapons screening equipment and additional vehicle restrictions in the Capitol Complex.

In 2000, the BCA Superintendent recommended installation of 14 metal detectors throughout the Capitol Complex; no metal detectors were subsequently installed. Large-scale plans for visitor and employee screening deserve careful attention, but they may be controversial and have significant costs. Until there is a better mechanism (like a Committee on Capitol Complex Security) for getting consensus on large-scale security priorities, policy makers should consider the need for smaller projects that could directly address security vulnerabilities. For instance, there may be specific locations where screening devices (metal detectors and X-ray machines) would make sense. Similarly, changes in vehicle access to parking lots, loading docks, or drop-off areas at certain buildings might significantly reduce security threats.

Finally, some people expressed concerns to us about the adequacy of personal security for certain high-profile state officials. Although individual-specific security was not the focus of our evaluation, it is an issue that deserves consideration.

RECOMMENDATION

The Legislature should amend state law to authorize State Patrol protection of key state officials (other than those currently mentioned in law) in circumstances where there are credible security threats.

Currently, Minnesota law specifically affords State Patrol protection to the Governor and Governor-elect. However, the law does not specifically address protection for other constitutional officers or members of the Supreme Court. Also, state law authorizes the State Patrol to provide security for “either or both houses of the legislature,” but it does not specify whether this may include protection for individual legislators, such as the Speaker of the House, Senate Majority Leader, or minority party leaders.¹⁵

Providing ongoing protection to individual state officials could be expensive. For some high-ranking officials, it might be unnecessary. However, if there are circumstances that require greater security for individual officials, the State Patrol should be authorized to provide it.

¹⁵ [Minnesota Statutes](#) 2008, 299D.03, subd. 1.

Staffing Issues

In Chapter 2, we discussed the need to address security vulnerabilities in Minnesota's Capitol Complex. These vulnerabilities include Capitol Security's staffing practices, but we reserved our discussion of staffing issues for this chapter. In the sections below, we evaluate Capitol Security staffing levels, staff authority, and staff training.

NUMBER AND TYPES OF STAFF

There are no generally accepted methods for determining the appropriate number or type of security staff in a state capitol complex. Every capitol complex is different in its number, size, type, and configuration of buildings, making it difficult to generalize about the need for security staffing. In addition, staffing decisions depend on states' judgments about the level of service to provide—for example, how much security service to provide at different times of the day, and the extent to which visitors and employees will be screened.

We used several approaches to evaluate the adequacy of Capitol Security's staffing. First, we examined the recommendations of previous Minnesota reports, as described in Chapter 1. Second, we used existing data to examine changes over time in Capitol Security's staffing levels, staffing expenditures, and workloads. Third, we obtained information from 47 of the other 49 states—mainly through phone contacts with their capitol security officials, but also by reviewing information on state web sites. Fourth, we solicited information from Minnesota Capitol Complex agencies' security contacts regarding their satisfaction with current Capitol Security staffing and training.

Capitol Security Staffing Levels

The 1999 Legislature directed the Superintendent of the Bureau of Criminal Apprehension (BCA) to examine the adequacy of security in the Capitol Complex. To assist with this effort, the superintendent convened an advisory group comprised of executive, legislative, and judicial branch representatives. The advisory group did not reach consensus on a preferred approach for organizing and staffing the Capitol Complex security workforce, but it developed four options. All of the options called for the assignment of additional law enforcement officers to the Capitol Complex. The least expensive option called for (1) the permanent assignment of four additional State Patrol troopers to Capitol Security and (2) the use of contracted, licensed police officers during legislative and court sessions to supplement, as needed, Capitol Security's permanent staff. The BCA Superintendent endorsed a more expensive option, involving the permanent assignment of eight additional State Patrol troopers to Capitol Security, plus the use (as needed) of contracted private security firms to

Ten years ago, the Superintendent of the Bureau of Criminal Apprehension recommended additional security staffing for the Capitol Complex.

help Capitol Security guards operate proposed metal detectors at 14 access points in the Capitol Complex.¹

Given the superintendent's conclusion in 2000 that Capitol Security needed additional staff, we examined what changes in staffing have taken place since that time. We found that:

- **During the past decade, Capitol Security's staffing levels declined while it became responsible for more building space.**

Capitol Security's staffing declined 10 to 20 percent between 1999 and 2008.

Using staffing rosters, we examined the number of permanent Capitol Security positions in 1999 and 2008.² Not counting dispatch staff, support staff, and non-permanent staff, Capitol Security's staffing declined from 49 officers in 1999 to 39 in 2008. During the past several years, Capitol Security has also made use of part-time "legislative security officers" during the legislative session. These retired law enforcement officers are not certified peace officers, but they are authorized to carry firearms while on duty.³ On most weekdays during the legislative session, there were four legislative security officers who worked eight-hour shifts.⁴ Overall, counting both permanent and part-time staff, there was a 10 to 20 percent reduction during the past decade in Capitol Security's number of officers, depending on the time of the year.⁵

Meanwhile, Capitol Security's responsibilities have grown in recent years. Most notably, several large new buildings have been constructed in the Capitol Complex, including three in 2007. These three buildings (the Andersen Human Services Building, Freeman Building, and Agriculture/Health Laboratories Building) now account for more than one-fourth of the usable building space in the Capitol Complex. These new buildings were constructed with better access controls than many of the state's older buildings, such as single entries with keycard-controls. But these buildings (and existing ones) still require oversight by Capitol Security, and there has been a significant increase in the number of "points" that are electronically monitored by Capitol Security's dispatch center,

¹ The additional annual costs for the four options were estimated in 2000 to be \$1.8 million, \$3.1 million (for the option favored by the BCA Superintendent), \$5.2 million, and \$6 million. The additional costs included new personnel and screening equipment in the Capitol Complex, plus additional staff for personal protection of certain key officials.

² We obtained a November 1999 staffing roster from Capitol Security, and we obtained data on fiscal year 2008 Capitol Security positions from the Department of Public Safety.

³ 18 U.S. Code, sec. 926C (2006), authorizes retired law enforcement officers in specified circumstances to carry concealed weapons.

⁴ We reviewed staffing logs for the first two months of the 2009 legislative session. For certain days during the session, Capitol Security brought in a larger number of legislative security officers. For example, a total of nine legislative security officers worked five or more hours on the first day of the 2009 legislative session.

⁵ Past Department of Public Safety biennial budget documents show similar trends for Capitol Security's staffing. The department computed the actual number of full-time equivalent (FTE) staff based on hours worked by all staff (full-time and part-time employees, as well as overtime hours). The department's reported number of Capitol Security FTEs declined from 69.5 in fiscal year 2000 to 54.5 in 2004, then increasing to 60.2 by 2008.

primarily related to fire, security, and environmental systems in buildings. There are currently over 46,000 points or sensors in Capitol Complex buildings that are monitored by Capitol Security, compared with 20,000 in 2000.⁶ Often, Capitol Security dispatches its guards to follow up on alarms from these devices. It is beneficial for the state to have these types of early warning systems, but they have also added to Capitol Security's workload. Beyond the monitoring in the Capitol Complex, Capitol Security monitors electronic points and sensors at certain state buildings located outside of the Capitol Complex, including some as far away as Ely.⁷

We also noticed significant changes in the way Capitol Security's work force has been funded. Specifically,

- **Capitol Security staff have been increasingly paid for by agency contracts rather than direct appropriations, raising questions about whether resources are being allocated based on security risks.**

Table 3.1 shows the funding sources for Capitol Security's staffing expenditures for fiscal years 2003 through 2008. The table shows that staffing expenditures paid for by direct appropriations declined by 22 percent during this time period, while expenditures funded by agency contracts grew by 483 percent. Or, viewed in a different way, the percentage of Capitol Security's staffing expenditures paid

Table 3.1: Capitol Security Expenditures for Full-Time Staff, Fiscal Years 2003 to 2008

Funding Source	2003	2004	2005	2006	2007	2008	Change, 2003-08
Direct Appropriation	\$1,409,214	\$1,018,560	\$1,046,118	\$ 985,097	\$1,169,995	\$1,097,839	-22%
Agency Contracts ^a	<u>189,526</u>	<u>706,698</u>	<u>785,624</u>	<u>790,797</u>	<u>741,510</u>	<u>1,104,870</u>	483%
Total	\$1,598,740	\$1,725,258	\$1,831,742	\$1,775,894	\$1,911,505	\$2,202,709	38%

NOTES: The expenditures in this table include salary and fringe benefit costs, not adjusted for inflation. The expenditures do not include those for part-time or seasonal staff, such as the legislative security officers hired by Capitol Security to supplement its permanent staff during the legislative session.

^a The Department of Public Safety receives "statutory appropriations" to cover the cost of Capitol Security services provided through contracts with individual state agencies.

SOURCE: Office of the Legislative Auditor, analysis of Department of Public Safety data.

⁶ According to the recollection of a Capitol Security supervisor, there were only about 100 monitored points in the early 1980s.

⁷ Capitol Security managers have grown increasingly concerned about proposals by various state agencies to have Capitol Security monitor electronic building systems for state offices located outside the Capitol Complex. Recently, Capitol Security refused to monitor state-owned property several miles from the Capitol Complex when the state agency that administers this property decided to discontinue its contract with a private security firm.

Security staff have been increasingly funded by agency contracts, raising questions about whether staff have been deployed to where they are most needed.

for by agency contracts grew from 12 percent in fiscal year 2003 to 50 percent in fiscal year 2008. In fiscal year 2009, seven agencies have contracts with Capitol Security to pay for security staff, with the amounts of the contracts totaling \$1.46 million. Although agency contracts with Capitol Security apparently did not account for a large part of Capitol Complex security spending ten years ago, this funding approach was the subject of significant concern in the 2000 BCA report:

The “pay-as-you-go” system of providing security at the Capitol Complex is inherently discriminatory, possessing the dubious service of providing support based on the requestor’s ability to pay, as opposed to the real need. This system is extremely difficult to manage and plan for. General fund appropriations to the Capitol Security budget should be consistent with its stated mission, purpose, objectives, and system security program plans. The “pay-as-you-go” system should be eliminated.⁸

Finally, we solicited comments about security staffing levels from agencies housed in the Capitol Complex. Some agencies expressed appreciation for the security services they receive:

There is a guard stationed [in our building] during most of the time during our working hours. This is a very positive sign and gives a good perception to our employees and the public... that we do take security seriously.

Capitol Security provides a vital role in discovering problems in the building, or problems in an area that is rarely frequented by staff and that others may not see.

However, several agencies expressed concern that Capitol Security staffing levels may be inadequate. For example, agency officials offered the following comments:

Given the area covered and the number of buildings, entrances, employees, and the sensitivity of some of the work done and information managed, [Capitol Security] coverage seems to be minimal.

Capitol Security is clearly not a priority for [the Department of Public Safety] or others. This function is very understaffed.

We requested a second shift [of security staffing], but the available dollars made this impossible.

Currently, overall security seems less than desirable, based on square feet, occupant load, and risks.

⁸ Bureau of Criminal Apprehension, *Capitol Complex Security Study* (St. Paul, January 14, 2000), 6.

Given the size and complexity of the building, I would prefer to see an officer in the building 24/7.

[Capitol Security said] they would only provide the officers we paid for. No consideration of threats, risks, business operating needs, federal/state security mandates, building contents, neighborhood risk factors, or other factors were ever discussed.

Peace Officers Versus Security Guards

In its 2000 report on Capitol Complex security, the BCA said:

At present, except for the Minnesota State Troopers assigned to the Governor’s protection detail and those State Troopers assigned to the Capitol during the legislative session, the Director of Capitol Security is generally the only licensed and sworn police officer assigned to the Capitol Complex. Capitol Security officers are not peace officers as defined in [*Minnesota Statutes* chapter] 626.84. Accordingly, they do not have powers of arrest and they are not armed. Therefore, their mission is limited to security/guard related functions as opposed to “law enforcement” duties and responsibilities.⁹

Only two of Capitol Security’s year-round staff are certified peace officers.

For the most part, this continues to be true today. The director of Capitol Security is, by law, a member of the State Patrol. She is one of just two year-round Capitol Security employees who are certified law enforcement officers. During the legislative session, a third sworn officer (from the State Patrol) is temporarily assigned to Capitol Security. The vast majority of Capitol Security officers are classified as security guards. Also, as discussed earlier, retired law enforcement officers supplement permanent Capitol Security staff during the legislative session; they are armed but do not have law enforcement authority.

There are important distinctions between peace officers and security guards. As we showed in Chapter 1, state law establishes distinct definitions for sworn, certified peace officers and security guards (Table 1.1). Peace officers have greater authority than security guards—notably, to make arrests in a variety of situations and to carry firearms. In addition, peace officers are required by Minnesota laws and rules to complete extensive training programs; state law does not specify training requirements for security guards. There is also a significant difference in the pay scales of peace officers and security guards. As of January 2009, the annual salary range for state security guards was \$27,478 to \$36,352; the annual range for State Patrol troopers was \$48,191 to \$63,621.

We examined how Minnesota’s mix of sworn and non-sworn officers compares with other states. Through phone calls and document reviews, we compiled

⁹ Bureau of Criminal Apprehension, *Capitol Complex Security Study*, 15.

information on the staffing arrangements of the capitol security operations in 47 states other than Minnesota.¹⁰ We found that:

- **Nearly all states' capitol complex security operations rely on sworn, certified law enforcement officers to a greater extent than does Minnesota.**

Figure 3.1 shows the number of sworn peace officers in states' capitol security operations.¹¹ Of the 47 states other than Minnesota we contacted, 39 have at least ten sworn officers during all or part of the year. The only states with law enforcement presences as minimal in their capitol complexes as that in Minnesota are Alaska (one year-round sworn officer plus two others during legislative sessions); Idaho (one year-round sworn officer for the capitol area, one year-round officer for just the Supreme Court, and one other sworn officer during the legislative session); Nebraska (the capitol security division's commander is the only sworn officer); North Dakota (one year-round sworn officer, plus one other sworn officer during legislative sessions and another during Supreme Court hearings); and Montana (one year-round sworn officer).¹²

Fifteen states rely entirely on peace officers to provide security in their capitol complexes.

States vary considerably in the total number of capitol security staff they employ, but sworn law enforcement officers comprise a majority of most states' staff. The largest capitol security unit is in Texas, which has 142 sworn officers and over 100 non-sworn officers. Fifteen states rely entirely on sworn officers.¹³ These include two of Minnesota's neighboring states (Wisconsin and South Dakota).

Although non-sworn officers are the core of Minnesota's capitol security operation, many other states use non-sworn officers primarily in a limited role. Specifically, states that have metal detectors or X-ray machines often use non-sworn officers—or a combination of sworn and non-sworn officers—to staff

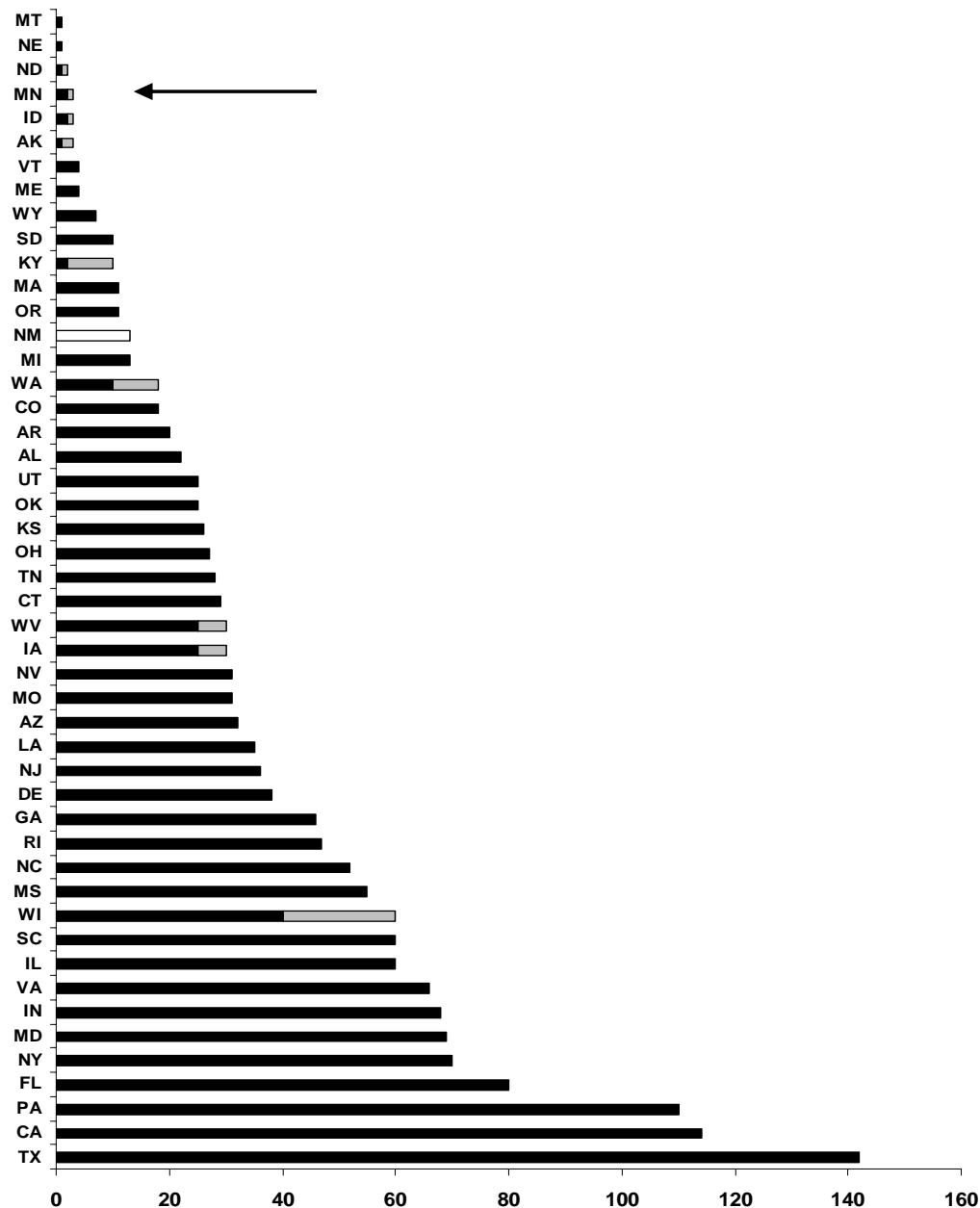
¹⁰ In 24 of the 47 states, capitol security units are administered by a state patrol or state police agency. In 10 states, capitol security units are administered by a state department of public safety or homeland security. In some states, capitol security units are administered by state departments of administration or general services, or by an elected secretary of state. Also, while state legislatures typically have sergeant-at-arms offices to help maintain order in legislative bodies, several legislatures have their own capitol police units (Alaska, Connecticut, Vermont, Virginia, and North Carolina). In California, the Highway Patrol employs that state's largest number of capitol security staff, but there are also 34 sworn peace officers employed by California legislative agencies.

¹¹ We asked officials in other states to tell us how many sworn peace officers and non-sworn officers they currently employ. Sometimes, these officials also informed us about staffing additions that occurred during legislative sessions. We did not ask officials to distinguish full-time and part-time staff. Also, it was sometimes unclear whether the number of officers reported by other states included all of their supervisory staff. In general, however, we tried to include administrators and supervisors in our counts of officers, while excluding support staff and dispatch staff.

¹² Also, New Mexico does not have sworn capitol security staff on a year-round basis, but state troopers provide security during legislative sessions.

¹³ These states are Alabama, Arkansas, Indiana, Louisiana, Michigan, Missouri, Oregon, Rhode Island, South Dakota, Tennessee, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

Figure 3.1: Number of Sworn Officers in States' Capitol Complex Security Operations, 2009



NOTES: The chart shows sworn officers in states' capitol complex security operations, excluding executive protection activities to the extent possible. For some states, the chart shows a range; the gray portion of the bar indicates the number of sworn staff added at peak times (for example, during the legislative session). For Wisconsin, the gray portion represents 20 sworn staff employed on a part-time basis. Two states' totals include sworn staff from more than one agency (California and North Carolina). Michigan's sworn officers are not state-certified peace officers, thus limiting their law enforcement authority.

SOURCE: Office of the Legislative Auditor, analysis of February-April 2009 phone calls to states' capitol complex security agencies and reviews of agency web site data.

Previous Minnesota reports have recommended a stronger law enforcement presence in Minnesota’s Capitol Complex.

screening stations at building entrances. For example, Iowa relies primarily on sworn State Patrol troopers to provide security in its capitol complex, but it uses non-sworn officers to staff its metal detectors.

Several previous reports have recommended having a stronger law enforcement presence in Minnesota’s capitol security operations, but this has not occurred. A 1972 report to the Governor said: “It is recommended that the statute be rewritten to give Capitol Security police powers.”¹⁴ A 1973 Department of Administration report recommended that Capitol Security officers (other than parking attendants) should be “police-type” officers—with 8 weeks of formal schooling, police training board certification, and authority to carry firearms and make arrests.¹⁵ A 1982 Department of Public Safety report recommended creating a “Division of State Protective Service” that would combine staff from Capitol Security with State Patrol officers and BCA investigators.¹⁶ The 2000 BCA report offered several staffing options. At a minimum, the report suggested adding several sworn officers to Capitol Security’s workforce. However, the report also discussed options for eventually replacing all of Capitol Security’s security guards with sworn peace officers—either members of the State Patrol or other peace officers.¹⁷

The 2000 BCA report also said there is “potential danger and public misperception created by the appearance of non-sworn Capitol Security staff.” The report said that non-sworn Capitol Security guards “are outfitted with all of the traditional trappings of a police officer,” and it suggested that non-sworn guards wear uniforms distinguishable from those of police officers.¹⁸ Currently, Capitol Security guards are the only security guards in Minnesota allowed to wear uniforms of the colors authorized in state law for peace officers.¹⁹ However, some people believe that the uniforms now worn by security guards in the Capitol Complex should be retained because they at least provide a *perception* of security.

¹⁴ Governor’s Loaned Executives Action Program, *Public Safety Task Force Report* (St. Paul, December 23, 1972).

¹⁵ Department of Administration, Ad Hoc Security Committee, *A Report on Security in the Capitol Complex and at the Governor’s Residence* (St. Paul, 1973), 3.

¹⁶ Department of Public Safety, *Capitol Security Report* (St. Paul, January 1982), 7-8.

¹⁷ Bureau of Criminal Apprehension, *Capitol Complex Security Study: Executive Summary* (St. Paul, January 14, 2000), 9-12. Under one option, Capitol Security would have remained under the direction of the Department of Public Safety. Under the other option, Capitol Security would become a special purpose police department (like those at the University of Minnesota and Metropolitan Airports Commission) and would be administered by the Legislature or the Legislature’s designee. Each of these options would have added more than 50 peace officers to Minnesota’s security operations for the Capitol Complex.

¹⁸ Bureau of Criminal Apprehension, *Capitol Complex Security Study: Executive Summary*, 7.

¹⁹ [Minnesota Statutes](#) 2008, 626.88, subds. 2 and 3.

STAFF TRAINING

In Minnesota, someone seeking employment as a peace officer must (1) have at least a two-year postsecondary degree from an institution accredited by the Peace Officer Standards and Training Board and (2) pass a state peace officer licensing examination. To become a State Patrol trooper, peace officers must also attend a specialized trooper academy and complete field training. In contrast,

- **There are minimal requirements for Capitol Security guard positions, and ongoing training has covered a fairly limited range of topics.**

State of Minnesota security guard positions do not require completion of specialized training programs. According to the security guard position description, these positions require knowledge of (1) administrative rules, regulations, and procedures governing security for assigned buildings and grounds; (2) assigned building locations and where to seek assistance in emergencies; and (3) proper safety precautions and first aid techniques sufficient to deal effectively with emergencies.²⁰

Unlike peace officers, security guards have typically had limited amounts of training.

We examined Capitol Security training records to find out the extent and nature of security guards' ongoing training, as of March 2009. There are some topics in which all (or nearly all) Capitol Security guards have received specialized training—namely, (1) cardio-pulmonary resuscitation and first aid, (2) blood-borne pathogens, and (3) defensive tactics for dealing with demonstrators. Training in other topics has been less frequent. For instance, a Capitol Security training supervisor told us he would like to see staff trained regularly in “verbal judo” (which involves defusing tense situations with words) and responding to bomb threats. But Capitol Security has not offered a specialized course for its guards in verbal judo since 2003, nor has it offered in-depth training since 2000 related to bomb threats.²¹

We also examined the adequacy of Capitol Security's ongoing policies and procedures. Written policies and procedures can be a helpful reference for employees, especially for topics on which employees have received limited formal training. We found that:

- **Many of Capitol Security's policies and procedures have not been recently updated.**

²⁰ New Capitol Security officers are evaluated based on their knowledge of the following topics related to the buildings in which they will work: locations of card-reader doors, first aid boxes, wheelchairs, utility shut-offs, parking lots and ramps, panic buttons, cipher locks, and high security areas; master keys; major building tenants; procedures for securing building access; keycard and other identification procedures; emergency phone numbers; and special procedures for weekends, holidays, and special events.

²¹ Capitol Security has a multi-day orientation for new security guards, and bomb threats are one of many topics discussed during this training.

Most of Capitol Security's policies are more than ten years old.

Capitol Security's policy and procedures manual for its staff covers a wide variety of important topics. For instance, Capitol Security has guidelines regarding officers' use of weapons and chemical agents. It also has policies that outline circumstances in which employees and visitors may enter Capitol Complex buildings during nonbusiness hours. However, we found that most of Capitol Security's policies that related to operations, equipment, communications, and training are at least ten years old. Some policies predate changes that have occurred in Capitol Complex systems for controlling building access, or they predate Capitol Security's current communications systems. Also, the manual contains a reference section that includes verbatim language from selected Minnesota statutes, but the language in nearly all of the listed statutes is at least 14 years old. Capitol Security staff told us they are in the early stages of a project to update all Capitol Security policies.

To better assess the adequacy of Capitol Security officers' skill levels, we solicited comments from security contacts in state agencies. State agency officials may not necessarily know about specific training courses Capitol Security officers have taken, but these officials have had opportunities to observe Capitol Security officers in action. We found that:

- **Agency officials expressed mixed opinions about the performance of Capitol Security officers in their buildings.**

The comments below are a sampling of comments we received from Capitol Complex agencies:

Overall, Capitol Security is an excellent and valued group. Superior in every way when compared to a private sector security group.

Capitol Security [staff] do not have adequate training and have appeared less than confident or authoritative during security and emergency medical incidents.

I have not seen anything that would lead me to believe that Capitol Security staff have had any training regarding security-related issues. Some of their officers do have basic medical training and they are quick to respond to medical emergencies.

Some of the officers are very conscientious, others don't have the computer skills or the people skills needed to do the job.... Some officers only get into a building once every quarter to six months and have to refamiliarize themselves with the building.

Staff in my program have faced threats from customers and, while Capitol Security tried to help and did in many cases, errors on the part of Capitol Security further complicated the situation.

In medical emergencies, they have been very good.... I am concerned as to the ability of some officers to recognize and

check out a security threat when we have vehicles parked close to our building.

Overall, the training and experience of Capitol Security staff is good. We have had some issues over the past year related to suspicious mail that has resulted in identification of some areas requiring improvement and increased communications in terms of understanding and following a specific policy and process for dealing with suspicious mail.

The level of effectiveness varies widely among officers. Some are very proactive and take charge. Others must be told what to do every time something comes up, whether or not it's something that has also happened in the past.

Some agency staff also expressed concern that Capitol Security guards have moved away from a role focused on crime prevention and access control, perhaps due to the need to respond to specific incidents (medical or other) that arise in buildings. In addition, some agencies expressed concern to us about guards who were not engaged in productive activities during work hours.

RECOMMENDATIONS

RECOMMENDATION

The Department of Public Safety should present the Legislature with a plan for adding several sworn peace officers to its Capitol Security workforce, including information on how the officers would be used and deployed.

Even the addition of a few certified peace officers might significantly improve Capitol Security's ability to respond to an incident.

There are no clear benchmarks for determining whether Capitol Security has the right number of staff and the right types of skills. However, Capitol Security is now covering more building space with fewer staff than it used to have, and it has fewer sworn peace officers than most states. Fortunately, Minnesota has avoided the kinds of deadly incidents that some states have seen. However, Minnesota's minimal number of staff in the Capitol Complex with full law enforcement authority represents a significant risk.

Contrary to what some people have advocated in the past, we do not favor replacing all of Capitol Security's security guards with peace officers. This would be expensive, and non-sworn officers are capable of performing some important security duties. In fact, many people at the Legislature have welcomed the use of retired peace officers during recent legislative sessions, even though these officers do not have full police powers. In our view, however, a stronger law enforcement presence in the Capitol Complex is overdue. Even the addition of just a few fully-certified peace officers—either full-time or part-time—might significantly improve Capitol Security's ability to prevent or respond to a serious incident. Peace officers would have full authority to make arrests, carry firearms, and conduct investigations, and they would have training far more extensive than Capitol Security has offered its security guards. One Capitol Complex agency

told us that it often calls the St. Paul Police Department instead of Capitol Security when it needs law enforcement officers to respond to an incident, partly because it can be difficult to find a sworn officer at Capitol Security who is available to respond.

State agency officials also expressed some concerns to us about adding a stronger law enforcement presence to Capitol Security. Some suggested that peace officers may not be as adept at crime *prevention* as they are at incident *response*, or that peace officers might not be trained for the unique challenges of Capitol Complex security. However, we think these concerns can be overcome through proper staff management and training.

Capitol Security should deploy its staff based on judgments about risk, not on agencies' willingness to pay for security.

RECOMMENDATION

The Legislature should fund Capitol Security mostly (or entirely) through direct appropriations.

Currently, 50 percent of Capitol Security's expenditures for full-time staff are funded by contracts with individual agencies. With this arrangement, there is a risk that security staff will be assigned to locations based on the willingness of individual agencies to pay for them. We think it would be preferable for Capitol Security to decide how to deploy staff on the basis of its judgments about risk.

RECOMMENDATION

Capitol Security should update its policy and procedures manual for staff, and it should ensure that staff have adequate training.

Capitol Security relies considerably on security guards with limited training. If guards are going to continue to be responsible for much of the Capitol Complex's security, management should provide them with strong on-the-job training and guidance that is clear and up-to-date.

List of Recommendations

- The Legislature should establish a Committee on Capitol Complex Security to help oversee planning and spending related to security issues in the Capitol Complex (p. 18).
- Capitol Security should work with the Committee on Capitol Complex Security and state agencies to develop more detailed, written plans and policies that address emergency preparedness and response practices for the Capitol Complex (p. 19).
- On a regular basis, Capitol Security should verify the accuracy of its lists of emergency contacts in Capitol Complex agencies (p. 19).
- The Governor, Department of Administration, and Legislature should consider certain Capitol Complex security projects as part of the 2010 capital bonding process, perhaps including the need for screening equipment in particular locations or new access restrictions for some parking areas (p. 20).
- The Legislature should amend state law to authorize State Patrol protection of key state officials (other than those currently mentioned in law) in circumstances where there are credible security threats (p. 20).
- The Department of Public Safety should present the Legislature with a plan for adding several sworn peace officers to its Capitol Security workforce, including information on how the officers would be used and deployed (p. 31).
- The Legislature should fund Capitol Security mostly (or entirely) through direct appropriations (p. 32).
- Capitol Security should update its policy and procedures manual for staff, and it should ensure that staff have adequate training (p. 32).



Office of the Commissioner

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

May 8, 2009

James Nobles, Legislative Auditor
Office of the Legislative Auditor
658 Cedar Street, Room 140
St. Paul, MN

Dear Mr. Nobles:

The Department of Public Safety and the Minnesota State Patrol welcome this objective analysis of security at the Minnesota Capitol Complex. Your audit provides a forum and opportunity to assess our current practices as well as discuss our potential implementation of its recommendations.

We acknowledge that we live in a world that poses threats from many areas toward our governmental personnel and property. We also acknowledge that there must be a balance between threat mitigating practices and the need for public access and participation. It is with this balance in mind that the Department of Public Safety has attempted, within the confines of available resources, to provide the safest environment possible.

With the intent of identifying weaknesses in our system we initiated a security analysis process with the Minnesota National Guard. The assessment was not intended to be a report card but, rather, to serve as a starting point, using Department of Defense standards, to identify and prioritize potential security improvements.

Evaluation of security at the Capitol Complex is not new and has been done several times in the past, as identified in your report. Some of the measures previously implemented have been done at a relatively low cost. Other measures, proposed in previous assessments as well as your audit, will require significantly greater resources than have been allocated.

It is important to note that the Capitol Complex continues to be a safe place to visit and work. Situated in an area with relatively high reports of crime, the Capitol Complex experiences very few security or crime-related incidents. That being said, we realize the past is not always a true predictor of the future. Our hope is that the audit and its legislative review will spur further discussion by policy makers and stakeholders regarding public safety at the Capitol Complex.

Please feel free to contact me if you have additional questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Michael Campion". The signature is written in a cursive, flowing style.

Michael Campion, Commissioner

Alcohol
and Gambling
Enforcement

Bureau of
Criminal
Apprehension

Driver
and Vehicle
Services

Emergency
Communication
Networks

Homeland
Security and
Emergency
Management

Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Traffic Safety

State Fire
Marshal



May 8, 2009

Jim Nobles, Legislative Auditor
Office of the Legislative Auditor
Centennial Office Building, First Floor
658 Cedar Street
Saint Paul, Minnesota 55155

Dear Mr. Nobles:

Thank you for the opportunity to respond to the audit report on Capitol Complex Security. We wish to extend our appreciation to you and your staff for the thorough and professional assessment of this complex and critical operational imperative.

While the majority of the report's findings and recommendations relate to the Department of Public Safety and their Capitol Campus Security division, we would like to offer the following comments concerning findings which relate to and/or which affect the Department of Administration:

Recommendation: The Legislature should establish a Committee on Capitol Complex Security to help oversee planning and spending related to security issues in the Capitol Complex.

We enthusiastically support this recommendation along with the audit report's recommendation that the Committee be staffed and coordinated by the Department of Public Safety. While the report's recommended initial actions for the Committee are on target, we believe that the Committee's deadline, described as January 15, 2011, should be moved up considerably to allow for inclusion of necessary funding in the 2010 capital bonding process. To achieve this timetable, the Committee will need to complete its assessment and develop recommended actions and associated costs no later than fall 2009. The Department of Administration will commit all necessary resources to the Committee to facilitate completion of this work on this timetable.

Recommendation: The Governor, Department of Administration, and Legislature should consider certain Capitol Complex security projects as part of the 2010 capital bonding process, perhaps including the need for screening equipment in the particular locations or new access restrictions for some parking areas.

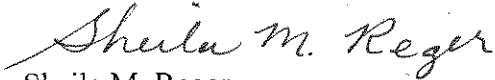
Office of the Commissioner
200 Administration Building, 50 Sherburne Avenue, Saint Paul, MN 55155
Phone: 651.201.2555 / Fax: 651.297.7909 / Minnesota Relay Service 1.800.627.3529

An Equal Opportunity Employer

We fully support this recommendation along with its timetable. As noted above, we believe the Committee will need to assemble and begin work without delay to ensure that their work is completed in concert with the deadlines associated with the 2010 capital bonding process.

Again, thank you for the opportunity to provide this response. We appreciate the guidance your staff provided in this report and we are committed to fully supporting the recommended actions.

Sincerely,



Sheila M. Reger
Commissioner

cc: Michael Campion, Commissioner, Department of Public Safety
Dave Fielding, Plant Management Director
Nicky Giancola, Assistant Commissioner, State Facilities Services
Tim Leslie, Assistant Commissioner, Department of Public Safety
Lenora Madigan, Financial Management & Reporting Director
Jim Rhodes, Legislative Director, Department of Administration
Mary Schrader, State Patrol Captain
Wayne Waslaski, Real Estate and Construction Services Director

Recent Program Evaluations

Forthcoming Evaluations

E-Verify (Employment Eligibility Verification Program)

Agriculture

“Green Acres” and Agricultural Land Preservation Programs, February 2008
Pesticide Regulation, March 2006

Criminal Justice

MINNCOR Industries, February 2009
Substance Abuse Treatment, February 2006
Community Supervision of Sex Offenders, January 2005
CriMNet, March 2004
Chronic Offenders, February 2001
District Courts, January 2001

Education, K-12, and Preschool

Q Comp: Quality Compensation for Teachers, February 2009
Charter Schools, June 2008
School District Student Transportation, January 2008
School District Integration Revenue, November 2005
No Child Left Behind, February/March 2004
Charter School Financial Accountability, June 2003
Teacher Recruitment and Retention: Summary of Major Studies, March 2002
Early Childhood Education Programs, January 2001

Education, Postsecondary

MnSCU Occupational Programs, March 2009
Compensation at the University of Minnesota, February 2004
Higher Education Tuition Reciprocity, September 2003

Energy

Biofuel Policies and Programs, April 2009
Energy Conservation Improvement Program, January 2005

Environment and Natural Resources

Watershed Management, January 2007
State-Funded Trails for Motorized Recreation, January 2003
Water Quality: Permitting and Compliance Monitoring, January 2002
Minnesota Pollution Control Agency Funding, January 2002
Recycling and Waste Reduction, January 2002

Financial Institutions, Insurance, and Regulated Industries

Liquor Regulation, March 2006
Directory of Regulated Occupations in Minnesota, February 1999
Occupational Regulation, February 1999

Government Operations

Capitol Complex Security, May 2009
County Veterans Service Offices, January 2008
Pensions for Volunteer Firefighters, January 2007

Government Operations (continued)

Postemployment Benefits for Public Employees, January 2007
State Grants to Nonprofit Organizations, January 2007
Tax Compliance, March 2006
Professional/Technical Contracting, January 2003
State Employee Health Insurance, February 2002
State Archaeologist, April 2001

Health

Financial Management of Health Care Programs, February 2008
Nursing Home Inspections, February 2005
MinnesotaCare, January 2003
Insurance for Behavioral Health Care, February 2001

Human Services

Personal Care Assistance, January 2009
Human Services Administration, January 2007
Public Health Care Eligibility Determination for Noncitizens, April 2006
Substance Abuse Treatment, February 2006
Child Support Enforcement, February 2006
Child Care Reimbursement Rates, January 2005
Medicaid Home and Community-Based Waiver Services for Persons with Mental Retardation or Related Conditions, February 2004
Controlling Improper Payments in the Medicaid Assistance Program, August 2003
Economic Status of Welfare Recipients, January 2002

Housing and Local Government

Preserving Housing: A Best Practices Review, April 2003
Managing Local Government Computer Systems: A Best Practices Review, April 2002
Local E-Government: A Best Practices Review, April 2002
Affordable Housing, January 2001

Jobs, Training, and Labor

Oversight of Workers' Compensation, February 2009
JOBZ Program, February 2008
Misclassification of Employees as Independent Contractors, November 2007
Prevailing Wages, February 2007
Workforce Development Services, February 2005
Financing Unemployment Insurance, January 2002

Miscellaneous

Economic Impact of Immigrants, May 2006
Gambling Regulation and Oversight, January 2005
Minnesota State Lottery, February 2004

Transportation

State Highways and Bridges, February 2008
Metropolitan Airports Commission, January 2003
Transit Services, February 1998

Evaluation reports can be obtained free of charge from the Legislative Auditor's Office, Program Evaluation Division, Room 140 Centennial Building, 658 Cedar Street, Saint Paul, Minnesota 55155, 651-296-4708. Full text versions of recent reports are also available at the OLA web site: <http://www.auditor.leg.state.mn.us>