

Committee on Capitol Complex Security

State of Minnesota

Final Report

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Committee on Capitol Complex Security Members

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Senator Linda Higgins
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Senator Ann H. Rest
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Preface

State government must provide both reasonable public access and adequate security within the area surrounding the Minnesota Capitol. The state's security responsibilities include ensuring the safety of the people who visit the complex, protecting the officials and employees who work within the complex, and safeguarding the buildings, equipment, and infrastructure of the complex.

On January 18, 2011, Governor Dayton and leaders from the Minnesota Legislature and Supreme Court established a committee to review state government's current approach to achieving public access and security within the Capitol Complex. (Appendix A shows the buildings and parking areas located within the Capitol Complex, which has boundaries specified in state law.) The committee was also directed to report its assessment as promptly as possible and, as necessary, make recommendations for security improvements.

The committee held eight meetings. It based its review on previous security evaluations and discussions with officials responsible for security and maintenance in the Capitol Complex.¹ The committee solicited input from the Minnesota Department of Public Safety's Capitol Security Division (often referred to as "Capitol Security"), which has statutory responsibility for "the orderly conduct of state business and the convenience of the public" in the Capitol Complex.² The committee also heard from officials with the Minnesota Department of Administration, which is responsible for maintaining and operating buildings and facilities in the Capitol Complex.

The committee found that security in the Capitol Complex has been a topic of discussion and concern over several decades, and some important improvements have been made in recent years. However, the committee also concluded that security-related activities should be more comprehensive and better coordinated. Therefore, the committee offers the recommendations in this report to guide actions in the current legislative session and into the near-term future. Ongoing planning and security improvements should help to ensure the protection of visitors, state officials and employees, and the critical infrastructure of state government.

¹ The committee considered the following public reports that addressed security in the Capitol Complex: Office of the Legislative Auditor, *Capitol Complex Security* (St. Paul, May 2009); Bureau of Criminal Apprehension, *Capitol Complex Security Study* (St. Paul, January 14, 2000); Department of Administration, *Security Improvements, Capitol Complex* (St. Paul, January 2000); Departments of Administration and Public Safety, *Report of the Interagency Security Task Force* (St. Paul, April 1990); Department of Public Safety, *Capitol Security Report* (St. Paul, January 1982); and Department of Administration, *Ad Hoc Security Committee, A Report on Security in the Capitol Complex and at the Governor's Residence* (St. Paul, 1973). In addition, the committee reviewed nonpublic documents that resulted from the Minnesota National Guard's 2006 assessment of security in the Capitol Complex.

² *Minnesota Statutes* 2010, 299E.01, subd. 2.

Findings

The committee determined that:

1. **There are a variety of potential threats to public safety and individual security in the Capitol Complex.** Among these potential threats are the following: acts of violence or sabotage against institutions, groups, or individuals; disruption of governmental processes; natural disasters (such as tornados or fires); and crimes against property (such as thefts or vandalism).
2. **In recent years, there have been several assessments of security in the Capitol Complex, and some improvements to security have been implemented. However, additional steps are needed to protect visitors, employees, and public officials in the complex.** Recent assessments of security in the Capitol Complex have included an assessment undertaken by state officials after September 11, 2001, a nonpublic vulnerability assessment completed by the Minnesota National Guard in 2006, and an evaluation issued by the Office of the Legislative Auditor (requested by the Legislature) in 2009. Some security improvements have been made, such as expanded use of camera systems and key card access. There have also been some improvements in Capitol Security operations, such as the deployment of a limited number of retired peace officers in the Capitol Complex during the legislative session. Nevertheless, we agree with the Legislative Auditor's 2009 conclusion that further steps are needed within the complex to improve security. The committee has specific concerns about the adequacy of coordination, funding, and staffing to meet security needs in the Capitol Complex.
3. **Security resources have not been allocated throughout the Capitol Complex based on a comprehensive risk assessment. Security staffing, procedures, and strategies vary widely among the buildings in the complex.** Costs for security in the Capitol Complex are borne by Capitol Security, the Department of Administration, and the organizations housed in the complex. Capitol Security's annual operating budget is supported by a \$1.6 million General Fund direct appropriation, and it receives an additional \$1.4 million from contracts with the courts and state administrative functions. Because the \$1.4 million comes from contracts initiated by state organizations based partly on their ability and willingness to pay, the allocation of security resources in the complex has been uneven and not necessarily related to risk.³ In contrast, the state's bonding process provides a more centralized mechanism for determining physical improvements in the Capitol

³ For example, the Centennial Office Building has a security guard on-site 24 hours a day because one of its tenants (the Office of Enterprise Technology) has opted to contract with Capitol Security for this level of coverage.

Complex related to security. The 2010 Legislature approved one-time bonding authority of \$1.25 million for “Phase I” security upgrades. Based on security priorities identified in previous assessments, the Department of Administration plans to use a portion of these funds for camera upgrades and improvements to security for parking areas.

4. **Existing security activities in the Capitol Complex provide a good foundation on which to build, but a more comprehensive, coordinated approach is needed.** Presently, Capitol Security staff work collaboratively with the House and Senate sergeants-at-arms, courts, and state agencies to plan for possible security issues that arise daily in the Capitol Complex. Also, buildings that house the state courts and state agencies have developed plans, procedures, and training for certain types of emergencies and incidents. On the other hand, some buildings—such as the Capitol and State Office Building—have frequent turnover in staff and large numbers of visitors, presenting unique challenges. Also, security activities in the Capitol Complex involve many organizations, and sometimes these efforts have needed greater coordination. In addition, the absence of an ongoing body—representing all three branches of government—to discuss security priorities and practices in the Capitol Complex has inhibited progress in making improvements.

Recommendations

Based on the findings above, the committee offers the following recommendations:

1. **The Governor should designate a member of the Executive Cabinet to provide a single point of responsibility, direction, coordination, and accountability for security in the Capitol Complex.** The Governor’s designee for a Capitol Complex “security coordinator” should: (1) oversee assessments of security vulnerabilities, and (2) develop and maintain strategies to prevent, mitigate, and respond to security threats. The security coordinator should ensure that by February 1, 2012, all Capitol Complex buildings have up-to-date evacuation and emergency response plans and ensure that the plans are used in ongoing staff training. In addition, the security coordinator should convene individuals from inside and outside of government, as needed, to assess risk, develop coordinated plans, and ensure cost-effective uses of technology for security in the complex. As appropriate, the security coordinator should consider existing plans, such as those developed by the Department of Administration, Department of Public Safety (including its Capitol Security, State Fire Marshal, and Homeland Security and Emergency Management divisions), Department of Health, and others.
2. **The Legislature should establish in law an Advisory Committee on Capitol Complex Security.** This committee should be an ongoing forum for key stakeholders in the Capitol Complex to assess current safety risks and discuss developments that might affect those risks in the future. The committee should

meet on a regular basis, and it should be charged with making an annual report to leaders in the three constitutional branches of state government. The report should provide a general assessment of the status of security in the Capitol Complex, describe improvements implemented, and recommend future improvements. Where appropriate, the committee should offer recommendations for capital or operating expenditures, statutory changes, or other changes in security-related policies or practices. Spending recommendations should be made in a timely manner to ensure that they can be considered as part of the state's capital and operating budget processes.

The committee should be chaired by the Lieutenant Governor. It should include two members from the Minnesota Senate (one from each party); two members from the Minnesota House of Representatives (one from each party); the Senate sergeant-at-arms; the House sergeant-at-arms; and one representative from each of the following: Judicial Branch; Department of Public Safety; Department of Administration; and Capitol Area Architectural and Planning Board (the board's representative on the advisory committee should be a board member who is not the board chair or a legislator). The committee should seek advice, as needed, from (1) at least one person with experience designing and implementing security for a public college or university campus, (2) at least one person with experience designing and implementing security for courts, and (3) at least one person with experience designing and implementing security for a private Minnesota company. The Legislature should establish authority for this committee in *Minnesota Statutes* 2010, chapter 299E. To ensure the committee's ability to hold frank discussions on sensitive matters, the Legislature should exempt this committee from the state open meetings law (*Minnesota Statutes*, chapter 13D) and authorize it to review data related to Capitol Complex security that are classified as "not public" in the Government Data Practices Act (*Minnesota Statutes*, chapter 13).

Administrative support for the committee should be provided by the departments of Administration and Public Safety, as well as the Senate and House sergeants-at-arms. The committee should have an appropriation to ensure that it can fulfill its responsibilities, including funds to hire security consultants and other experts as needed. Appendix B provides an overview of the proposed committee's composition and purposes.

- 3. Deployment of Capitol Security staff and resources should be based on a complex-wide risk assessment. In consultation with the advisory committee, the Governor's designated security coordinator should develop recommendations for funding mechanisms to achieve this.** The Governor's security coordinator should authorize use of a uniform method for assessing risks in the Capitol Complex. The security coordinator should ensure that security resources are allocated primarily on the basis of this risk assessment, not based on the state courts' or state agencies' ability or willingness to pay for security. This would require an increase in the portion of Capitol Security's budget that is funded by the

General Fund, which would substitute for all or part of Capitol Security's budget now funded by court or agency contracts. As needed, the security coordinator should consult with the Advisory Committee on Capitol Complex Security regarding risks in the complex and the deployment of security staff to address these risks.

4. **After a risk assessment is completed, the Governor's security designee should ensure the provision of reasonable protection within the Capitol Complex by using a combination of strategies.** These strategies could include: (1) deploying appropriate numbers and types of security personnel; (2) deploying security-related devices, such as locks, cameras, electronic card-readers, communications systems, and possibly weapons screening devices; (3) developing building-specific plans and protocols intended to help prevent (or ensure appropriate responses to) security problems; and (4) implementing building design principles during construction or remodeling projects that facilitate crime prevention and response.

The Governor's security coordinator should consult with the Advisory Committee on Capitol Complex Security regarding security priorities, possible strategies, and the costs of implementing them. The Governor is urged to consider these priorities when recommending security-related operating budgets and capital bonding for consideration in future legislative sessions. For example, there have been concerns raised about the adequacy of Capitol Security's staffing levels and the types of staff it employs, and these issues should be carefully considered.

5. **The state should strike a balance between ensuring public safety and providing reasonable public access within the Capitol Complex.** It is appropriate to limit public access in certain areas and circumstances. Such restrictions should be evaluated by the Governor's security coordinator after consultation with Capitol Security, the Department of Administration, and the organizations that occupy space in the complex. The legislative and judicial branches have constitutional autonomy but should consult with the Governor's designee regarding security for the spaces they occupy within the Capitol Complex.
6. **The Governor and 2011 Legislature should address the need to fund tunnel improvements under University Avenue.** To strengthen security in the Capitol Complex, the Department of Administration has developed a plan for tunnel improvements under University Avenue. The improvements would allow the state to eventually discontinue deliveries to the Capitol's existing loading dock, relying instead on the new tunnel for deliveries from a location north of University Avenue. In addition, the department wants to replace the existing tunnel under University Avenue, which was built for utility rather than pedestrian purposes and presents some security risks. The improvements need funding this year because in 2012 University Avenue north of the Capitol will experience significant construction related to light rail transit. Department officials believe that if a new tunnel is not

built under University Avenue at the time of the 2012 construction, it will be impractical to construct a tunnel later. The Department of Administration estimates that completion of this tunnel under University Avenue would cost \$6.14 million.

7. **The Advisory Committee on Capitol Complex Security should make recommendations on the need for weapons screening.** There are unresolved questions about the need for weapons screening in the Capitol Complex. These issues were beyond the scope of this committee, but they should be considered by the Advisory Committee on Capitol Complex Security in light of Capitol Complex risk assessments. Specifically: (1) The advisory committee should consider whether any locations should have one or more permanent weapons screening stations, and it should consider the cost and staffing implications of such changes. In making its recommendation, the committee should consider how any need for permanent screening devices (typically, magnetometers) compares with other security needs within the Capitol Complex. (2) The advisory committee should consider circumstances in which the use of mobile screening devices by Capitol Security may be appropriate. It should also consider whether Capitol Security's existing mobile screening devices (and policies for using them) are sufficiently up-to-date.
8. **Legislative leaders, in consultation with the Senate and House sergeants-at-arms and Capitol Security, should communicate information on Capitol Complex gun safety practices as part of legislator training or orientation.** Some members of the Legislature carry guns in the Capitol Complex, as authorized by *Minnesota Statutes* 2010, 609.66, subd. 1g. As part of security training and awareness, permit holders should be given additional information about carrying weapons within the complex.
9. **The Legislature should amend *Minnesota Statutes* 2010, 299D.03, subd. 1, to authorize the State Patrol to temporarily extend protection (when needed) to state officials other than the Governor and Governor-elect.** Current law specifically authorizes the State Patrol to protect the Governor and Governor-elect. It does not address the Patrol's ability to extend this protection to other constitutional officers, Supreme Court justices, or individual legislators. There may be circumstances in which there are credible threats against these officials. In such cases, and within the limits of the Patrol's resources, the law should authorize the Patrol to provide protection.
10. **The Governor's security coordinator, Capitol Security staff, and the Senate and House sergeants-at-arms should ensure that emergency and threat procedures within the Capitol Complex and with local law enforcement agencies are well documented, communicated effectively, and tested periodically.** The committee has concerns about existing practices for responding to potential threats. It would be appropriate to evaluate the adequacy of threat response protocols, emergency alert systems, systems for securing portions of

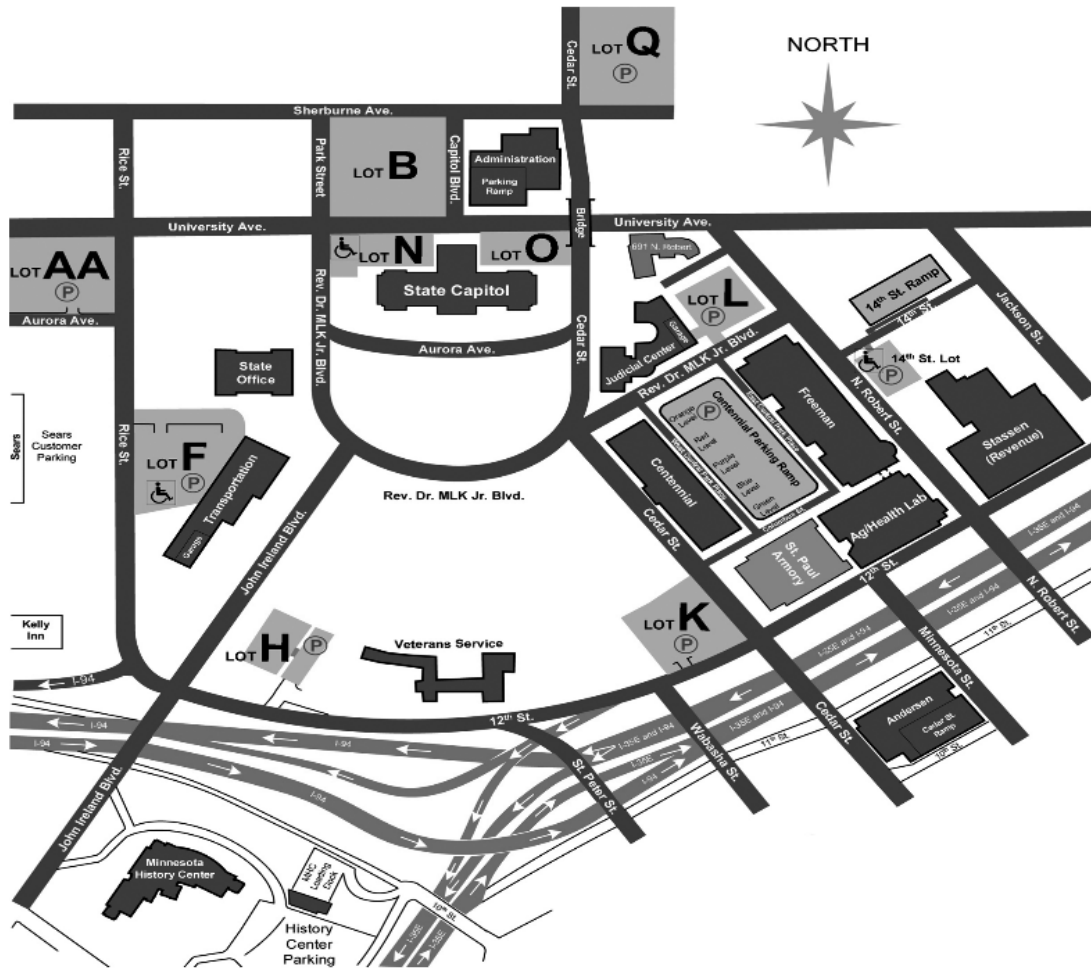
buildings, and evacuation protocols. Consideration should be given to electronic notification systems, where appropriate, for informing people within the Capitol Complex of possible threats or emergencies.

There is a particular need to improve communication of emergency and threat procedures for elected officials, judges, and staff in the Capitol, State Office Building, and Judicial Center. This training should be provided soon after hiring and on a periodic basis. Legislative leadership should compel attendance at this training by elected officials. Given the large number of visitors in these buildings, certain full-time staff in the buildings should receive higher level security training that would prepare them to play a leadership role in the event of security incidents. In addition, there is a need for clear policies and standard operating procedures for notifying local law enforcement agencies in response to threats or incidents (such as threats against individual legislators).

11. **The Department of Administration should ensure broader access to phone carriers by Capitol Complex users when it renews cell phone contracts later this year.** Currently, many individuals' cell phones do not work in Capitol Complex pedestrian tunnels, creating a potential safety hazard.

Appendix A: Minnesota State Capitol Complex

The map below shows the primary buildings, streets, and parking areas in the area commonly referred to as the “Minnesota Capitol Complex.” The street boundaries of this area surrounding the Capitol building are specified in *Minnesota Statutes* 2010, 15B.02.



Note: On the map above, the building listed as the “St. Paul Armory” is not part of the Capitol Complex.

Appendix B: Proposed Structure and Purpose of the Advisory Committee on Capitol Complex Security

