

ADVISORY COMMITTEE ON CAPITOL AREA SECURITY

Report

January 14, 2014



STATE OF MINNESOTA

Office of Lieutenant Governor Yvonne Prettner Solon

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January 14, 2014

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

Please find the attached report of the Advisory Committee on Capitol Area Security for your review. Pursuant to Minnesota Statutes 2013, section 299E.04, the Advisory Committee met eight times between January 1, 2013 and January 9, 2014 and presents this report by the January 15, 2014 deadline. The Advisory Committee conducted its meetings pursuant to, and consistent with, the Minnesota Government Data Practices Act, chapter 13.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Yvonne".

Yvonne Prettner Solon

Chair, Advisory Committee on Capitol Area Security

Advisory Committee on Capitol Area Security

Report

January 14, 2014

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

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Summary of Recommendations

As defined by Minnesota Statutes 2012, section 299E.04, the Advisory Committee on Capitol Area Security held hearings in 2013 regarding the current status of security in the Capitol Complex Area, improvements that have been implemented, and recommendations for future improvements. The Advisory Committee makes the following recommendations:

1. Increase the number of state troopers assigned to the Capitol Complex Area from 8 to 12.
 - The increased staffing would provide state troopers in the Capitol Complex Area at all times. State troopers possess full police powers, which are necessary to perform law enforcement functions on the Capitol Complex Area.
2. Increase the number of non-sworn security officers assigned to the Capitol Complex Area from 40 to 67.
 - Increasing the number of non-licensed security officers would provide additional staff assigned to deter, detect and appropriately respond to identified threats and vulnerabilities at the Capitol Complex Area.
3. Eliminate interagency security contracts, replacing funding with a direct appropriation.
 - Current interagency agreements inhibit objective security staff deployment in the Capitol Complex Area. A direct appropriation to DPS would provide more uniform, flexible and appropriate security coverage based on a needs assessment.
4. Centralize security and personnel allocation decisions under the authority of DPS.
 - Decisions regarding security staff deployment would be made by the Capitol Security Section of the State Patrol with input from stakeholders. This would allow for staffing decisions to be more appropriately based on threat assessments and perceived vulnerabilities.
5. Clarify notification requirements for gun permit holders on the Capitol Complex Area and authorize the Director of Capitol Area Security to verify permits. Notification would be valid to the expiration date of the permit, up to five years.
 - The current notification requirement does not enhance safety and /or security in the Capitol Complex Area buildings.

Introduction

In 2013, the Advisory Committee on Capitol Area Security continued to conduct security assessments, assess needs and consider recommendations. The Advisory Committee consists of six members, appointed as follows:

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

During 2013, these individuals currently serve, or have served, as Advisory Committee members:

- Lt. Governor Yvonne Prettner Solon (current Chair)
- Chief Justice Lorie Gildea (current member)
- Senator Bill Ingebrigtsen (current member)
- Senator Ann Rest (current member)
- Representative Kelby Woodard (current member)
- Representative Michael Paymar (current member)
- Senator Michelle Benson
- Justice Paul Anderson

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

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

In 2013, the Advisory Committee met on the following dates:

January 7th, June 26th, August 14th, August 20th, October 29th, November 5th and November 26th.

At its inception, the Advisory Committee adopted guiding principles through a mission statement (See Appendix A). Over the course of the 2013 meetings, committee members sought input from

state agencies and stakeholders. As required by statute, the Advisory Committee also solicited input from an individual with experience designing and implementing security for a public college or university campus, an individual with experience designating and implementing security for courts, and an individual with experience designating and implementing security for a private Minnesota company (See Appendix B).

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

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

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

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

Ongoing construction regarding the Capitol building renovation and activation of the Metro Transit Light Rail system brings additional security and law enforcement challenges to the Capitol Complex Area. Cooperative efforts between State Patrol and its allied law enforcement partners as well as other state agencies continue to be fostered to ensure desired security needs are met.

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

Deployment of non-licensed security staff is based primarily according to the needs as identified by individual agencies and funded through interagency contract agreements. Because placement of security staff is tied directly to contractual requirements, resources are not deployed based on objective security risk assessments. The Capitol Security Section lacks the funding to adequately staff the Capitol Complex Area with sufficient officers and state troopers to address identified threats and vulnerabilities.

The Department of Administration has initiated complex-wide security assessments relative to physical infrastructures, video monitoring and area lighting. These assessments continue to guide the recommendations for future construction initiatives as well as current renovation projects.

In 2013, the Commissioner of Public Safety received 346 notifications of intent to carry a pistol in buildings on the Capitol Complex Area. There are 869 total notifications on record to date.

Recent Improvements in Security

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

1. Since 2012, six State Patrol Troopers have been added to the Capitol Complex Area security staff.
2. The process to hire an Emergency Manager proceeded with completion of defining and drafting of the position description and completion of initial interviews. It is expected the Emergency Manager will be selected from the final two applicants in January 2014.
3. Relocated the Capital Security Administrative Offices and Dispatch Center to appropriately place command and control, and communications outside of the footprint of the Capitol building.
4. Upgraded existing and increased overall camera and lighting equipment to complex areas where deficiencies were identified.
5. Completion of the Capitol Loading Dock and adjacent tunnel, ensuring deliveries are no longer going into the Capitol building.
6. Implemented 'next generation' VIPER 911 phone upgrades to ensure continuity with the State Patrol and other emergency communication centers.
7. Designed, promoted and presented security/emergency related training including Active Shooter and Assessing Workplace Safety and Emergency Preparedness.
8. The Capitol Complex Area Infrastructure Security Study funded by the Department of Administration was initiated. Completion of the study is anticipated in early 2014.
9. To aid with emergency preparedness, Capitol Security assisted in planning for and participated in a multi-agency Emergency Management Tabletop Exercise coordinated by the City of St. Paul.
10. State Patrol/Capitol Security has increased efforts to reduce unauthorized remote access to complex buildings and parking facilities in an effort to prevent breaches of security.
11. Completed a security lighting improvement project throughout the Capitol Complex Area.

Recommended Future Improvements

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

RECOMMENDATIONS

Staffing

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

- Increase the number of state troopers from eight to 12 in order to provide a minimum of one state trooper in the Capitol Complex Area at all times.
- Increase the number of security officers from 40 to 67 in order to provide a minimum number of non-licensed security officers to address currently identified vulnerabilities.

Funding

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

Firearm Notification Requirement

Statutory language regarding notification of permit holders intending to carry a pistol in Capitol Complex Area buildings is vague, lacking substantive value and does not enhance safety and /or security. **We recommend that the statute be changed to include:**

- **Authorization for the Director of Capitol Area Security to verify the permit of a person who intends to carry a firearm at the capitol.**
- **A notification expiration date equal to the expiration date of the permit, up to five years.**

APPENDIX A

Advisory Committee on Capitol Area Security Mission Statement

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

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

APPENDIX B

Committee Advisors

Department of Administration

Commissioner Spencer Cronk
Plant Management Director Chris Guevin

Department of Public Safety

Assistant Commissioner Mark Dunaski
Major Robert Meyerson
Captain Rochelle Schrofer

Capitol Area Architectural and Planning Board

Executive Secretary Nancy Stark
Principal Planning and Zoning Administrator Paul Mandell

Minnesota Historical Society

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

Sergeant-at-Arms, MN Senate

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

Sergeant-at-Arms, MN House

Sergeant-at-Arms Travis Reese

Security Advisors – College or University

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

Security Advisor – Courts / Private Minnesota Company

Director Steve Swensen, Center for Judicial and Executive Security

APPENDIX C

Draft Legislation begins on the following page
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1.1 A bill for an act
1.2 relating to public safety; modifying notice of possession of a firearm in a
1.3 building in Capitol Area; modifying funding for security services provided by
1.4 the Department of Public Safety; appropriating money; amending Minnesota
1.5 Statutes 2012, section 609.66, subdivision 1g; repealing Minnesota Statutes
1.6 2012, section 299E.02.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2012, section 609.66, subdivision 1g, is amended to read:

1.9 Subd. 1g. **Felony; possession in courthouse or certain state buildings.** (a)

1.10 A person who commits either of the following acts is guilty of a felony and may be
1.11 sentenced to imprisonment for not more than five years or to payment of a fine of not
1.12 more than \$10,000, or both:

1.13 (1) possesses a dangerous weapon, ammunition, or explosives within any courthouse
1.14 complex; or

1.15 (2) possesses a dangerous weapon, ammunition, or explosives in any state building
1.16 within the Capitol Area described in chapter 15B, other than the National Guard Armory.

1.17 (b) Unless a person is otherwise prohibited or restricted by other law to possess a
1.18 dangerous weapon, this subdivision does not apply to:

1.19 (1) licensed peace officers or military personnel who are performing official duties;

1.20 (2) persons who carry pistols according to the terms of a permit issued under section
1.21 624.714 and who ~~so~~ notify the sheriff or the commissioner of public safety, as appropriate
1.22 prior to entering a courthouse complex;

1.23 (3) persons who possess dangerous weapons for the purpose of display as
1.24 demonstrative evidence during testimony at a trial or hearing or exhibition in compliance

2.1 with advance notice and safety guidelines set by the sheriff or the commissioner of public
2.2 safety; ~~or~~

2.3 (4) persons who possess dangerous weapons in a courthouse complex with the
2.4 express consent of the county sheriff or who possess dangerous weapons in a state building
2.5 with the express consent of the commissioner of public safety; or

2.6 (5) persons who enter a state building in the Capitol Area carrying pistols according
2.7 to the terms of a permit issued under section 624.714 and the requirements in paragraph (c).

2.8 (c) Prior to entering a state building in the Capitol Area, a person under paragraph
2.9 (b), clause (5), shall provide written notice by United States mail or electronic mail to the
2.10 commissioner of public safety of the person's intent to carry a pistol in the building. The
2.11 notice must include the person's name, date of birth, expiration date of the permit to
2.12 carry, and mailing address for notifications sent by United States mail or e-mail address
2.13 for notifications sent by electronic mail. The commissioner shall confirm receipt of the
2.14 notification by United States mail or e-mail. Within 30 days of the renewal date of a
2.15 person's permit to carry, the person shall renotify the commissioner of the person's intent
2.16 to carry a pistol under paragraph (b), clause (5). A person carrying a pistol in a state
2.17 building in the Capitol Area shall display the permit to carry card and a government-issued
2.18 identification document upon request by a licensed peace officer.

2.19 Sec. 2. **FUNDING FOR SECURITY SERVICES IN 2015.**

2.20 State agency tenants in the Capitol Area as described in Minnesota Statutes, chapter
2.21 15B, other than the National Guard Armory, who deposited fees in an account in the special
2.22 revenue fund under Minnesota Statutes, section 299E.02, for security services provided by
2.23 the Capitol Complex Security Division of the Department of Public Safety in fiscal year
2.24 2014 shall, for such security services in fiscal year 2015, deposit in an account in the special
2.25 revenue fund on July 1, 2015, an amount equal to that tenant's total fee amount deposited
2.26 in fiscal year 2014 under Minnesota Statutes, section 299E.02. The fees deposited in the
2.27 account are appropriated to the commissioner of public safety for security services provided
2.28 to the agency tenants in fiscal year 2015. The total amount of fees deposited in the account
2.29 for fiscal year 2015 shall be added to the base budget for the Department of Public Safety.

2.30 Sec. 3. **APPROPRIATION.**

2.31 \$...... in fiscal year 2015 is appropriated from the general fund to the commissioner
2.32 of public safety for the Capitol Complex Security Division. This appropriation must
2.33 include money to increase the number of state troopers in the division to a complement
2.34 of 12, and to increase the number of nonlicensed security officers in the division to

3.1 a complement of 67 to address vulnerabilities in the security of the Capitol Area, as
3.2 described in Minnesota Statutes, chapter 15B, other than the National Guard Armory,
3.3 including but not limited to placing state troopers and security officers in buildings for
3.4 security purposes as determined by the commissioner.

3.5 Sec. 4. REPEALER.

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