

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**Maine Legislative Council
122nd Legislature**

**State House Facilities Committee
& Work Group on Capitol Security**

**Report on Capitol Security
and
Recommendations for Improving Security
in the State House and Other Legislative Areas**

August 22, 2006

**State House Facilities Committee
& Work Group on Capitol Security**

**Report on Capitol Security
and
Recommendations for Improving Security
in the State House and Other Legislative Areas**

State House Facilities Committee Members

Senator Kenneth T. Gagnon, Chair
Senate President Beth Edmonds
Senator Carol Weston
Representative Robert W. Duplessie
Representative David E. Bowles

Non-voting Members

Joy O'Brien, Secretary of the Senate
Millicent MacFarland, Clerk of the House
David E. Boulter, Executive Director of the Legislative Council

Non-legislative Work Group Members

Commissioner Michael Cantara, Department of Public Safety
Chief Donald Switter, Bureau of Capitol Security
Chief Wayne McCamish, City of Augusta Police Department

August 22, 2006

Table of Contents

Introduction	1
Principal entities providing security	2
Discussion and conclusions	6
Recommendations	15
Cost implications	20
Time schedule for implementation	21

**Report on Capitol Security and Recommendations
for Improving Security
in the State House and Other Legislative Areas**

Introduction

Among its various other responsibilities, the State House Facilities Committee (committee) has been charged by the Legislative Council with reviewing the adequacy of security measures in and around the State House and making recommendations to improve security for Legislators and other officials, employees and members of the general public. During the fall of 2005, the committee undertook a review of security measures and convened a small work group on capitol security to review the operations of the Bureau of Capitol Security as it related to State House security. That work group included the Commissioner of Public Safety and the Chief of the Augusta Police Department. Members of the work group included:

Senator Kenneth Gagnon, Chair	Senate President Beth Edmonds
Senator Paul Davis, Sr.	Secretary of the Senate Joy O'Brien
Representative Robert Duplessie	Clerk of the House Millie MacFarland
Capitol Security Chief Donald Switter	Public Safety Commissioner Michael Cantara
Representative David Bowles	Augusta Police Chief Wayne McCamish
Executive Director Dave Boulter	

The group met 3 times beginning on September 15, 2005. The purpose of the working group was to develop an understanding of the Bureau of Capitol Security as it relates to providing security in the State House complex, with a goal of recommending ways to strengthen and improve security in the State House complex, given changing security needs and conditions. The committee concluded its work on August 22, 2006.

Principal entities providing security

Three state entities provide security services to varying degrees in and around the State House. Two are encompassed within the Department of Public Safety and one is within the Department of Administrative and Financial Services. There is no formal reporting relationship between the 3 entities although 2 ultimately report to the Commissioner of Public Safety. The entities are as follows.

- 1. Executive Protection Unit (EPU).** The Maine State Police maintains an Executive Protection Unit whose sole function is to protect the Governor. It employs six sworn officers. State Police is the dispatch center for the EPU. There is no formal reporting relationship between the Bureau of Capitol Security and the Executive Protection Unit although there is frequent informal communication when security issues arise. The Executive Protection Unit is physically housed in the Governor's offices on the second floor of the State House.

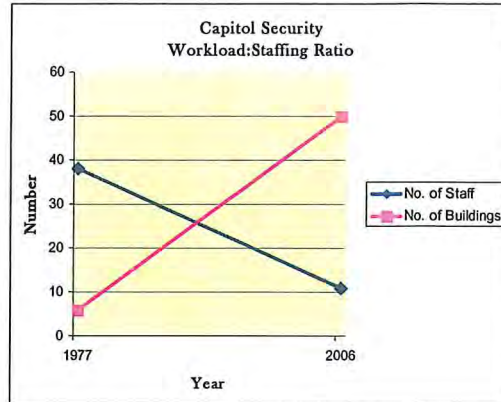
2. Building Control Center (BCC). The Bureau of General Services (BGS) is a bureau of the Department of Administrative and Financial Services (DAFS). Within BGS is a unit called the Building Control Center (BCC). BCC monitors environmental controls (e.g., HVAC systems) on a 24 hours a day, 7 days a week basis for numerous state buildings, along with security cameras and electronic building access controls. Although its primary focus is on the physical facilities, BCC also serves as the dispatch center for Capitol Security officers. BCC personnel are not formally trained in security or emergency dispatch functions but some of the current employees formerly worked for Capitol Security so there is a working knowledge of Capitol Security functions. BCC employs seven people, none of whom are law enforcement officers. There is no direct reporting relationship between the Bureau of Capitol Security and the BCC, which reports to DAFS' Superintendent of Buildings. BCC is funded through "Indirect" accounts and the Highway Fund. BCC is located on the first floor of the Cross Building.

3. Capitol Security. The Bureau of Capitol Security is a bureau within the Department of Public Safety. It is headed by the chief of Capitol Security, a law enforcement officer. All law enforcement officers and watchpersons (non law enforcement) report to the chief of Capitol Security. Among their various powers, law enforcement (or "sworn") officers have the power of arrest and are authorized to carry and use firearms. Watchpersons and security personnel do not. The chief reports to the Commissioner of

Public Safety. Capitol Security provides 24-hour coverage seven days a week, although the level of coverage is greatly reduced after business hours. At the request of the Legislature, Capitol Security provides after business hours coverage during legislative committee hearings and work sessions. Capitol Security is the first responder to all security and emergency calls in the State House and the Cross Building, although it may contact Augusta Police Department or State Police for backup or investigation of serious crimes. Many of the incidents handled by Capitol Security are “non-reportable” under legal reporting requirements such as minor vehicular accidents. Capitol Security also enforces all traffic and parking regulations in the State House complex. Capitol Security is located on the first floor of the Cross Building, directly across the corridor from the BCC.

The Bureau of Capitol Security was established in 1977 to provide security to six state buildings including the State House. At that time, the bureau employed 10 law enforcement officers and 28 watch persons. Over the years, Capitol Security’s responsibilities expanded to its present jurisdiction: 50 state buildings in Augusta and Hallowell, including Riverview Psychiatric Center (AMHI replacement facility). Capitol Security is funded through General Fund appropriations in the state budget, making it more vulnerable to funding cuts than other bureaus in the Department of Public Safety (that are funded in part from dedicated revenues such as the Highway Fund). Funding cuts, particularly in the 1990s, reduced Capitol Security’s workforce to its current size: 6 sworn officers (including the chief) and five watch persons, its

lowest staffing level in 30 years. As a result, while Capitol Security's jurisdiction over state buildings increased by over 800 percent, during the same period its staffing levels fell by over 70 percent. Recruitment and training of officers are expensive, and turnover is high.



Budget reductions have resulted in limited availability of funds for routine expenses. For example, the Legislative Council has loaned a fax machine to Capitol Security so it will have fax capability and it currently pays telecommunications charges for Capitol Security to maintain the fax machine as well as telephone and computer service costs at the security kiosk because of the very limited resources made available to the bureau. According to the Chief of Capitol Security, radio communication is adequate, with statewide car to car and communication with Augusta Police Department and State Police.

Capitol Security has an inventory of five vehicles (1 unmarked), and up until recently were older models, 2 of which had been driven more than 100,000 miles. Through a recent change in vehicle procurement policy, Capitol Security now leases vehicles from the state's fleet management agency.

Discussion and conclusions

At its meetings, the committee heard presentations from the Bureau of Capitol Security, Executive Protection Unit, the Building Control Center and the Augusta Police Department, among others. The committee found that greater attention has been given to security issues in the agencies since September 11, 2001 and that the Legislative Council has instituted some security measures that have enhanced overall security in the State House, the 2nd (legislative) floor of the Cross Building and immediate grounds. Among the measures are:

- controlled access to the State House through the use of electronic access cards
- computerized control of all building entrances and controlled access to committee rooms and offices
- photo ID cards for legislators and legislative employees
- single public entrance to the State House
- installation of a security kiosk and a Capitol Security presence at the public entrance during most hours when the State House is open to the public
- installation of panic alarms in key legislative areas, including the chambers and committee rooms
- installation and use of a Knox Box for the fire department
- installation of security cameras and related monitoring at entrances and other key legislative exterior and interior areas
- relocation of media and delivery vehicles away from the buildings to remote parking areas
- adoption of policies controlling activities in the Hall of Flags
- security protocols and required security check in of contractors and other facility workers in the State House
- Pre-service training at Criminal Justice Academy for Sergeant-at-Arms staff

The committee also found that the Legislative Council has taken steps to enhance pedestrian safety outside the State House by installing emergency call boxes in the State parking garage and has authorized a major redesign and rebuilding of the south access to the State House and adjacent parking lot in 2006, including installation of additional

emergency call boxes, security lighting and sidewalks. The redesign will also result in further limiting parking to areas that are no longer immediately adjacent to State House entrances.

In addition, the committee found that the Legislative Council has equipped Capitol Security with metal detection and package screening equipment including several stationary and hand held magnetometers and a package screening x-ray machine. The Legislative Council purchased the equipment with available federal Homeland Security Grant funds in anticipation of deploying the equipment in the State House once protocols for use had been established. Although it has been purchased, the equipment has not been deployed because the:

1. Legislative Council has not yet authorized a higher level of personnel and package screening in the State House; and
2. Bureau of Capitol Security does not have sufficient personnel resources to operate the detection and screening equipment.

While the committee concluded that numerous security measures have been instituted that enhance security, it also found areas where facility and personnel security is deficient and pose security risks to building occupants and visitors. Those deficiencies fall into 4 categories:

1. lack of coordination of security monitoring/response between the Building Control Center and Capitol Security;
2. inadequate size and position mix of Capitol Security staff;
3. inadequacy of facility screening measures to protect security of legislators, employees and visitors to the State House and other legislative areas from acts of terrorism, property damage or other violence; and
4. good but incomplete coordination of emergency response between the city of Augusta Police Department, Capitol Security and the Executive Protection Unit.

Lack of coordination of security measures and response.

The committee concluded that current security measures are not integrated and in many cases not well coordinated among the various entities having security responsibilities. As a result, current measures are inadequate to fully safeguard legislative facilities and the public occupying those legislative facilities, whether the security risks are posed by planned acts of terrorism or impulsive acts of violence or destruction. While the entities perform a variety of security functions, there is a lack of comprehensive security at the State House, particularly in light of increased security risks brought about by world and national threats. Security in and around the State House needs to be given a higher priority and needs to be fully integrated to minimize duplication, provide a clear command structure and communications, and maximize

security planning and response. Furthermore, the committee concluded that the Legislative Council needs to work with Capitol Security to develop a long-term, comprehensive strategy for improving overall security.

Increasingly, Capitol Security relies on electronic measures to monitor and detect unusual activities, and although its officer on duty in the State House has access to view security cameras, Capitol Security does not operate or oversee them. Capitol Security does not establish security monitoring and response protocols. It does not establish minimum qualifications or training standards for BCC employees even though it is dependent upon the BCC for being notified of a security or other alarm to which it must respond. Because the monitoring and dispatch functions are not integrated, response can be lacking, delayed, or uncoordinated. An example of such a result was described to the committee in which the head of a major department directed that BCC “lockdown” an occupied building during business hours because of a security threat. Building lockdowns are extremely rare occurrences. BCC remotely locked down the facility as requested, but did not notify Capitol Security or the Augusta Police Department. Only by chance 2 hours later did a Capitol Security officer become aware of the lockdown. No security or response measures had been taken and no law enforcement or other response personnel were notified in case the security threat increased or an incident occurred.

Much of the communications between the Capitol Security and BCC is informal and based on personal relationships between the staffs, although BCC has recently

developed some communication protocols to improve communication and coordination between the 2 agencies. The committee found that the lack of coordination and communication issues between the 2 agencies are largely a result of the current separate and parallel organizational structures and further concluded that merging security, dispatch and monitoring functions would significantly enhance security planning, coordination and response in ways that better protect the State House complex and its occupants.

Finally, the committee concluded that Capitol Security and the Executive Protection Unit interact frequently and coordinate security issues fairly well. However, they do not have established formal written procedures to clarify notification and response protocols for given situations and to assure close coordination of responses and notifications in the event of an emergency. This is particularly important since they have separate dispatch centers. Establishing more formal notification and response procedures would improve overall coordination between the 2 entities. Because of the primary function of EPU (protection of the governor), the committee concluded that the EPU should not be assigned any larger role in overall State House security since a larger role would detract from its primary mission.

Inadequate size and position mix of Capitol Security.

Capitol Security is seriously understaffed relative to its current responsibilities. Because of the low staffing levels of Capitol Security, sworn officers are performing some duties that could be performed by security personnel who are not law enforcement officers. Capitol Security believes that installation and use of personnel and package screening equipment is very important for adequate security and is in keeping with many other state capitols. However, its current staffing level is inadequate to properly use the equipment and provide security coverage. It is estimated that a minimum of 4 additional personnel would be needed. Personnel and package screening are functions that are routinely performed by unarmed, but trained security personnel. In that way, sworn officers are freed up to focus on activities or responses that requires law enforcement intervention.

In addition to emergency calls, Capitol Security routinely provides a security presence at the State House kiosk during working hours and during legislative public hearings after regular business hours. These duties require an extensive commitment of resources and overtime costs. In response to the September 11, 2001 terrorist attacks and at the request of the Legislative Council, Capitol Security has increased its presence in the building to current levels. Even so, frequently, there are times when the building is open to the public when a Capitol Security office is not stationed at the security kiosk.

When Capitol Security had higher staffing levels in the 1970s and 1980s, it had a better ratio of law enforcement to security (watchperson) personnel than is the case currently. With the current low staffing levels, the ratio of law enforcement to security personnel for Capitol Security is out of balance relative to its principal responsibilities.

Inadequacy of facility screening measures.

When actively monitored and responded to, the installed building access controls and security cameras provide a reasonable and up-to-date way of monitoring and documenting activities that are unusual or pose a threat. It is a passive approach, however, that is most effective when used in conjunction with more active security measures such as facilities inspections and screening measures to prohibit weapons or other inappropriate items from being brought into the State House where they may be used to cause violence or disrupt legislative operations. The committee noted that the security camera placed in Capitol Park has remained inoperable for years even though BGS is charged with maintaining the camera and the BCC with monitoring it.

Currently, there is no screening of any personnel or packages brought into the State House. Visitors are not required to sign in, and persons freely proceed into legislative areas unchallenged. In sharp contrast, all Executive Branch departments in the Cross Building require visitors to register at a central reception area and obtain a

“Visitor” badge before being escorted into agency offices, all of which require access cards for entry.

Persons carrying packages are not required to check in and the packages are not checked before they are allowed to proceed to offices or chambers. The committee notes that use of metal detectors is a regular occurrence at many public facilities nationally, for example at courts, federal buildings and airports. The lack of package screening the State House is a glaring omission that results in a significantly increased risk to the building and its occupants. With no screening of personnel entering the State House, there is no way to know what people are bringing in to the building that may pose a risk to health or safety.

On one occasion recently, a film crew from a national television show entered the State House near closing time, transported cameras and other equipment to the House chamber unchallenged and filmed a TV segment before their presence was discovered. In another incident, a protester entered the State House with chains and locks in a bag, proceeded to the gallery of the House during a legislative session and chained herself to the railing. Because, there was no package screening, the chains and lock were not discovered until she had already committed an act of protest. The bag could have contained items much more threatening than chains.

Incomplete coordination of emergency response between the city of Augusta Police Department, Capitol Security and the Executive Protection Unit.

The committee concluded that Capitol Security and the Executive Protection Unit have established a very good working relationship with the city of Augusta Police Department (APD). The city is helpful and responsive to requests for response or other assistance. APD responds to incidents on state grounds when called upon to do so as it is readily available with local patrols in the area unlike more regional State Police resources. APD responds to several dozen state calls out of about 45,000 calls to APD annually.

The APD enjoys a very good relationship with Capitol Security in particular and APD takes care to inform Capitol Security when it responds to calls on state property. APD is often the backup to Capitol Security (rather than State Police). In most cases, one entity attempts to keep the other entities informed of situations. Even so, the committee found that process for communications and response to particular situations is informal, based on personal relationships and subject to varying responses since few written protocols have been developed to assure consistency and keeping the right people in the information loop. Most protocols by APD for referring calls to Capitol Security or responding directly are unwritten, and depend upon the urgency of the situation.

Most calls to APD requiring a response to the State House complex are referred to Capitol Security, which is more familiar with the buildings and operations. The committee became aware that although the city provides response backup to Capitol Security, it does not have floor plans for buildings in the State House complex. As a result, APD is not familiar with most state building layouts. Floor plans would help city responders be familiar with building layouts and decrease response times. The Augusta Police Department should have plans for the buildings to better prepare to respond to emergencies should the need arise.

Recommendations

After a thorough review and discussion of the above mentioned matters, the committee makes the following recommendations to improve coordination of security responses and overall security in and around the State House.

1. More proactive measures to safeguard the legislative facilities and its visitors and building occupants should be instituted. The Legislative Council should place a higher priority on facility security measures and ensure a higher level of security in legislative areas through enhanced protocols and screening. The Legislative Council should charge its facilities committee with working with the chief of Capitol Security to establish a long-term comprehensive strategy for improving security,

including appropriate protocols designed to enhance security. The plans and protocols should be reviewed and updated at least biennially or more frequently if needed.

2. The staffing level for the Bureau of Capitol Security should be increased by four full-time positions. The positions should be security positions, not law enforcement officer positions. In making this recommendation, the committee recognizes that the increase in number of staff is essential for Capitol Security to fulfill Recommendations 3, 6 and 7 discussed below. Capitol Security's primary mission is and must continue to be the protection of persons and property in the State House complex, and should avoid assuming responsibilities that would detract from its primary mission. Absent the addition of the recommended security positions, Capitol Security should discontinue its services to outlying state facilities in the Augusta/Hallowell area in order to provide adequate security in and around the State House complex and the Riverview Psychiatric Center. Furthermore, the chief of Capitol Security should establish minimum qualifications, training requirements and compensation for the positions commensurate with the security functions they will perform, including the operation of personnel and package screening equipment. Furthermore, the Commissioner of Public Safety, in consultation with the chief of Capitol Security, should be charged with developing a budget that

provides stable funding sources and an adequate level of staffing for the bureau, commensurate with Capitol Security's responsibilities.

3. Capitol Security should provide coverage at the State House kiosk at all times when the State House is open to the public, and should utilize security personnel rather than law enforcement officers to the extent feasible and prudent to protect public safety.

4. Supervision and responsibility for the Building Control Center including all dispatch, monitoring and surveillance functions should be transferred from the Superintendent of Buildings to the chief of Capitol Security so security and dispatch functions are afforded proper priority, accountability and coordination with Capitol Security personnel. Furthermore, this would result in all security functions, including law enforcement dispatch, being placed within a single department, appropriately the Department of Public Safety, thus assuring consistency of training and response protocols. The chief of Capitol Security should establish written protocols and training plans for BCC personnel to ensure close coordination of BCC and Capitol Security staff and efficient, fully integrated security measures and responses. The committee considers this change in reporting authority a priority, an essential step to ensuring an effective and integrated security

capability for the State House complex and crucial to the mission of Capitol Security.

5. The chief of Capitol Security and the Executive Protection Unit should work jointly to develop formal written procedures to institute a full understanding of jurisdictions, for joint notification and for coordination of responses to security threats or incidents, all designed to ensure the full protection of the Governor, his family, and his offices and residence at all times.

6.

a. The Legislative Council should authorize the use of magnetometers at the public entrance to the State House to screen visitors and others for potentially harmful items as they enter the State House.

b. The Legislative Council should authorize the use of package screening devices at the public entrance to the State House to verify that packages being transported into the State House are safe.

The Legislative Council should direct Capitol Security to develop protocols for personnel screening and package screening in a manner that minimizes inconvenience to the public while protecting the safety of the public, officials and other occupants of the State House. Such protocols should incorporate screening measures and security responses commensurate with assessments of threats or risks to people, governmental institutions and the physical facilities. The committee recommends that the personnel and package screening measures be phased in over a short period to acclimate building occupants and the public to the measures by employing these measures initially when the Legislature is meeting in the State House in regular or special session.

7. The Legislative Council should develop and implement a security training program for Legislators and legislative employees that is designed to provide an understanding of the security measures in and about the State House and their purposes, measures to enhance their personal security, and appropriate response plans in the event of a threat or incident. The training should be coordinated or provided by Capitol Security and be conducted at least biennially, preferably in conjunction with new legislator and legislative employee orientation sessions.

8. The Legislative Council encourages the presiding officers of the House and the Senate, in consultation with the chief of Capitol Security, to fully consider prohibiting members of the public from carrying packages into the House and Senate chambers except for small personal items such as purses and notebooks.

9. The Legislative Council should authorize its executive director to make available floor plans for the State House, Cross Building and cultural building, and emergency response plans as appropriate, to the chief of the Augusta Police Department. Furthermore, the chief of Capitol Security should meet at least annually with the chief of the Augusta Police Department in a joint planning session to review security plans and protocols for the State House complex, and to revise them as necessary.

Cost implications

In developing the recommendations for improving security in and around the State House, the committee was mindful of the cost implications of those recommendations. As it met with the state's security entities, it explored various approaches and methods that could be employed within existing budgeted resources. As a result, all of the recommendations with the exception of a single one, Recommendation 4, can be implemented with either no additional costs or costs that can be readily

absorbed within existing budgets by using in-house resources and personnel. Recommendation 4, the addition of 4 security staff to the Bureau of Capitol Security, will require additional funds appropriated to the bureau's budget. Because Capitol Security has been so seriously understaffed and under funded because of budget reductions, it inevitably follows that rebuilding Capitol Security forces to a sufficient level will require additional funds.

Costs estimates for the 4 positions were not made available to the committee, but they may be readily calculated by the Chief of Capitol Security or Commissioner of Public Safety after having developed appropriate job descriptions and salary grade classifications for the positions. The committee notes that the departments of Public Safety and Administrative and Financial Services utilize various methods for funding others positions that reduce General Fund costs, such as the use of special revenues and STA-CAP to fund Building Control Center positions. The Commissioner of Public Safety should be vigorous in fully exploring and using those and other various alternatives to provide on-going funding for Capitol Security positions.

Time schedule for implementation

The above recommendations should be implemented as soon as reasonably possible to acclimate occupants and visitors to various security procedures but no later

than commencement of the 123rd Legislature. Any necessary budget request should be developed for presentation to the Legislature when it convenes in December 2006.

APPROVAL

This Report and the recommendations contained therein were approved by unanimous vote of the Legislative Council at its meeting on August 24, 2006.