

Capitol Security - Legislative Security Officer Proposal

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For the Legislative Council
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1. Definition of the Problem: Legislators do not feel safe in chamber without additional security. In addition, for certain controversial legislation last session, legislators found it necessary to contract with the Helena Police Department to provide additional security. The 2011 Legislature passed Senate Bill No. 279 (Ch.384, L. 2011) that provided an exception to the offense of carrying a concealed weapon for legislative security staff in the State Capitol who have been issued a concealed weapon permit, in part because of the feeling of lack of security. The Legislative Council has authority to define its security needs and adopt policies, to provide security for legislators, full-time and session legislative staff, the public, and others in the Capitol Building.

In researching this issue, Lenore Adams, Facilities Coordinator, and I have worked with the Governor's Office, including Steve Baiamonte of the Montana Highway Patrol and Vivian Hammill, Chief of Staff; Sheryl Olson and Marvin Eicholtz of the Department of Administration; and Chief Troy McGee Assistant and Chief Dave Jeseritz of the Helena Police Department. We have also consulted with the 2011 Sergeants-at-Arms. Although the 2013 session seems far off, a timely decision now would allow us to have a security plan in place by next fall.

2. Options/Considerations:

a. Current coverage of the capitol campus is provided by one officer of the Helena Police Department and by unarmed Securitas officers who are assigned to broad facility issues, not specifically protective security, both under contract with the Department of Administration.

b. The Council may consider needs for coverage (number and type) based on security for floor sessions and for committee hearings.

For example, does the Legislature need:

- presence of uniformed officers, sergeants-at-arms, or plain clothes security
- unconcealed or concealed weapons in galleries and on the floor
- full time or on call security?

c. Options include hiring legislative security officers (either separately or under Sergeant-at-arms) or contracting with other

Recommendation:

a. For Legislative Services Division to contract with the Helena Police Department to provide the presence of two uniformed officers to be available full-time during the Legislative Session (would be defined as Legislative Security Officers) and throughout the interim. One officer could be present in the each gallery during floor session, the officers also would be available to patrol the Capitol during legislative working hours and to provide additional crowd management and security for controversial committee hearings.

Funding for '13 fiscal year/session could be reallocated from a combination of LSD carryforward and House and Senate Feed Bill. A new budget proposal would be required for the '14-'15 biennium. (cont.)

law enforcement (Helena Police Department, Lewis & Clark County Sheriff's Department, or the Montana Highway Patrol).

d. Adopting this recommendation would also require position descriptions for the legislative security officer and sergeants-at-arms. There would be a need to define roles and responsibilities of both positions in order to complement each other and to coordinate with the other security details in the Capitol, i.e. Governor's security detail performed by the Montana Highway Patrol, the Helena Police Department, the Securitas officers, and the LSD Facilities Coordinator.

e. By having distinct position descriptions and well-defined roles and responsibilities, the Legislative Council will be able to develop policies that better define who is a Legislative Security Officer for which the exception to carry concealed weapons could apply. With proper training and support, the Legislature decreases its liability in the event that an incident occurs and increases security for the Legislature and the public alike. Sergeants-at-arms would continue in their traditional roles of providing appropriate access to the chambers, safety, and support to the legislators and the legislative process.

f. This proposal gives consideration to the public's perception of open government, its responsibility for the Capitol building itself, and the legislature's ability to provide a secure work space for itself, the staff, many visitors, and general public that comes to testify, observe, and participate in the legislative process.

3. Recommendation, cont.

b. The contract would be an addendum to the existing Department of Administration contract which would be the most effective way to coordinate with existing resources. The cost for one senior officer for total salary and benefits is \$75,802.00. There may be additional costs that could be negotiated for with the Department of Administration for the short-term and the costs researched and included with any new proposal for future biennia.

c. The next step would be to work closely with the Sergeants-at-arms to develop job descriptions and policy for the Sergeants-at-arms and their staff regarding carrying of weapons of any variety, including use of concealed weapons, to differentiate from legislative security officers. The contract law enforcement officers could provide training to the Sergeants-at-arms so their respective roles and responsibilities would complement each other. Training could include crowd control methods, how to diffuse crowds with high emotions, and enhanced security protocols for the entire building and campus.

d. The Council would need to consider a new budget proposal for the 2013 legislative session if this is intended to be an ongoing, continuing contract into the next biennium.

4. Reasoning:

Given the short time between the elections of leadership and the ability to hire the Sergeant-at-arms, there may not be enough time to ensure that the staff would have the appropriate training or weapons to fill this role. An addendum to the Department of Administration contract would be most efficient and if we provide the Helena Police Department advance notice, they could have officers trained and ready to assign in the fall prior to next session. The longer we wait, the more difficulty bringing one or more full-time officers on board, and the Helena Police

Department may or may not be able to provide additional support other than occasional, controversial hearings.

Concerns over increased liability, workers' compensation, cost of training, cost and maintenance of weapons, and other serious issues have been raised. Under a contract, those would be the responsibility of the Helena Police Department. If we hire, we must account for the liabilities involved. If Legislative Services Division was given the responsibility of contracting with law enforcement, it could be accomplished by the caucuses and legislator orientation. This would give the assigned officers time to become familiar with the legislators and legislative process, and be able to provide training to the legislators and staff to increase their comfort level with the security that would be available during the next session and beyond.

Upon the hiring of the Sergeant-at-arms, the law enforcement officers could be present as we prepare for session and assist in the training. A contract with existing law enforcement agencies would provide us the benefit of their expertise, complement the existing relationships, and strengthen the immediate access to the law enforcement community in the event of an emergency.

NCSL information on capitol security indicates that an equal number of states have either Capitol Police or the State Police overseeing general security at the state capitol, 14 states each. In only 4 states is capitol security in charge and in 3 states, the sergeant-at-arms is in charge (out of 39 states). In Wyoming, the State Highway Patrol provides capitol security (in the Montana Highway Patrol provides the Governor's security detail), and in Idaho it is their Department of Administration. In 37 states, capitol security charged with securing the building is allowed to carry weapons. In only 7 states are the sergeant-at-arms allowed. In 28 states, commissioned peace officers provide security in one or both chambers. (See Appendices.)

5. Statistics

From the Helena Police Department

There were 28 Calls-For-Service (CFS) reported to the emergency dispatch center during the 2011 Legislative Session, January 3rd thru April 28th, for the Montana State Capitol. The vast majority of these calls were somehow associated with the legislature and most (if not all) required a police response. In addition, PD officers responded to 21 hearings, protests etc., primarily to keep the peace. Forty-nine incidents requiring a formal police response to the Capitol between these dates can be accounted for.

This number is lower than Sgt. McGee's actual contacts. This is due to many factors, primarily the means by which complaints are received. If "dispatched" by GSD, Securitas, Facilities Coordinator or either Sergeant-at-arms, there is no CFS created. Complaints are also received by office or cellular phone, as well as in person. Again, these are not necessarily documented, therefore add 10-20 additional police contacts during the session, for a total estimated figure of 59-69 incidents on the conservative side.

From Legislative Services Division

There are approximately 2,332 hours of legislative interim committee hearings between May after session through December of the year that precedes session. There are approximately 4,822 hours of nonlegislative hearings in the building during the interim.

There are approximately 127 Legislative staff, 55 Governor's Office staff, and 33 Secretary of State's full-time staff in the Capitol Building year round that would benefit from a more secure work environment.. There are 3,615 FTE on the Capitol Campus. (There are 6,714 FTE within the Capitol Complex which is defined as that area within a 10 mile radius of the Capitol.)

From the Historical Society

In 2010, there were 10,092 people who took a scheduled tours of the Capitol Building and 25,457 went to the Historical Museum here on the Capitol Complex. As of October 1, 2011, there have been 12,613 people who have taken a scheduled tour and 24,157 who went to the Museum. This count would include the 2011 session time frame. Tours can include schools groups, tourists, and local citizens.

Numerous people and other groups or tours show up unscheduled and unannounced during all of these time frames. If they elect to simply tour on their own, they would not be included any of these counts.

Appendices

NCSL Charts on:

1. What Entity Oversees General Security at the State Capitol?
2. Capitol Security: Do you have a Commissioned Peace Officer Providing Security in Your Chamber?
3. Capitol Security Survey: Who is allowed to carry Weapons into the Capitol Building?
4. Capitol Security: Who is required to pass through metal detectors, receive hand searches, and run personal items through x-ray machines?
5. Capitol Security: Capitol Building Entrances