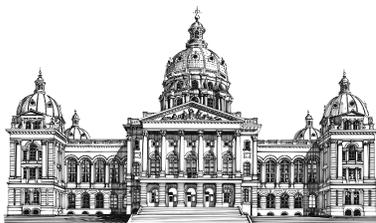

Iowa Legislative Services Agency

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State Capitol
Des Moines, IA 50319
March 7, 2007

Capitol Security

ISSUE

This *Issue Review* is an update to a previous *Issue Review* dated October 17, 2003, on Capitol Security, personnel, and funding sources.

AFFECTED AGENCIES

Department of Public Safety
Emergency Management Division
Judicial Branch
Legislative Branch

CODE AUTHORITY

Chapter 28D, Code of Iowa

BACKGROUND

In January 2002, additional security measures were implemented at the State Capitol. All State employees were issued identification cards, three public entrances were equipped with portable x-ray scanners, portable metal detectors, and security personnel, while the remaining exterior doors to the Capitol were restricted by card access. During this time, budget reductions were occurring within State Government, which resulted in employees exercising union bumping rights within the Department of Public Safety (DPS). In order to implement security as quickly as possible, Capitol Security Officers became Legislative employees.

In April 2003, similar security measures were implemented and additional personnel were hired for the new Judicial Building. (The security equipment in the Judicial Building is permanent and cannot be relocated.)

The DPS entered into two 28D agreements, one with the Legislative Branch and the other with the Judicial Branch. Under the agreement, DPS supervises Capitol Security and Judicial Branch Security Officers; however, the Judicial and Legislative Branch pay their respective employees and submit claims to the DPS for reimbursement. The employees continue to be supervised pursuant to the 28D agreement; however, statutorily, these agreements may not

be utilized for more than 24 months with an extension for an additional 24 months but no longer than 48 months under Section 28D.3(2), Code of Iowa.

CURRENT SITUATION

For FY 2007, the Department of Public Safety received an appropriation of \$775,000 from the General Fund in HF 2558 (FY 2007 Justice System Appropriations Act) for Capitol Security, which included salaries for 15.0 FTE positions for security officers and 1.0 FTE position for a secretary, equipment, and maintenance agreements for the metal detectors, x-ray machines, and the Andover (ID card) System.

A normal shift for a security officer is 10.0 hours, including a meal period. Security officers work 30 hours per week and receive full-time employee benefits. Vacation and sick leave are pro-rated at 75.0% of normal accruals. Overtime only occurs during Session or when the National Security Threat Level rises to orange or red. Overtime costs are paid from the Rebuild Iowa Infrastructure Fund (RIIF) appropriation.

During the Interim, there were 4.0 vacancies, which have been filled for the 2007 Legislative Session. There are currently 11.0 full-time and 1.0 part-time Legislative Security Officers, which average between 60 to 70 hours biweekly. The average annual salary plus benefits is \$36,000. There is also 1.0 full-time Security Secretary II, which is 80 hours biweekly with an annual salary plus benefits of \$52,000. In addition, there are 2.4 part-time positions on the Judicial Branch payroll for Security Officers who work approximately 30 hours per week. The average salary plus benefits is \$47,000.

When the General Assembly is in Session, the Capitol is staffed with two Security Officers at each of the three public entrances and one Security Officer roves between all three. In addition, there is one Post 16 Trooper per floor and one Trooper roves between all three. In the Interim, Security Officers monitor the two public entrances during the week and on Saturdays. Two Security Officers staff the main entrance of the Judicial Building on weekdays, year-round.

The chart below shows the projected FY 2007 budget. The maintenance agreements on the Andover ID Card System have increased from \$104,000 to \$151,000. The difference will be paid from RIIF carry forward funds. The FY 2006 equipment and expense costs were \$132,000. Any additional expenses above the \$64,000 budgeted will be paid from RIIF carry forward funds as well.

	FY 2007 Projected Budget
Capitol Security Officers	\$ 448,000
Judicial Branch Security Officers	125,000
Equipment and Expenses	64,000
Andover ID Card System Maintenance Agreements	104,000
Metal Detectors and X-Ray Maintenance Agreements	14,000
Post 16 Overtime	20,000
	<u>\$ 775,000</u>

STATE AND NATIONAL INFORMATION

The National Conference of State Legislatures (NCSL) compiled a survey in October of 2006 regarding Capitol Security. **Attachment A** summarizes Iowa and the six surrounding states. In February 2002, the NCSL reported Iowa, Illinois, and Missouri as having metal detectors and x-ray machines at public entrances since December 2001. In the same *Legisbrief*, Illinois, Iowa, Missouri, and South Dakota were reported to have restricted access at public entrances. Illinois, Minnesota, and Missouri were reported to have barriers or fences around Capitol Buildings, with Minnesota and Missouri reporting these measures were in place prior to September 11, 2001.

The following is a list of the National Security Threat Levels:

- Red - Severe risk of terrorist attacks
- Orange - High risk of terrorist attacks
- Yellow - Significant risk of terrorist attacks
- Blue - General risk of terrorist attacks
- Green - Low risk of terrorist attacks

The following is a sampling of incidents reported by Iowa Capitol Security Officers at Capitol Building public entrances:

- A man attempted to bring alcoholic beverages into the Capitol on the night of the "Fair Share" public hearing.
- A group of four individuals of middle-eastern descent entered taking unusual photos. Information was turned over to the FBI.
- A man entered the common area prior to the checkpoint with what was described as a dagger under his jacket. Prior to reaching the checkpoint he was confronted by security, and decided not to enter the Capitol with the rest of his group.
- Subject entered building and would not allow bag to be scanned, and returned it to his vehicle.
- A mentally unstable male entered looking for Senate President Lamberti, who he claimed was a close friend. After determining that this individual was not a close friend or acquaintance of Senator Lamberti, the man was escorted out and advised of trespassing.
- A backpack was found unattended at the NW entrance. After determining the contents did not contain explosives, the bag was returned to the owner.
- On three occasions, security officers informed Post 16 Troopers when an individual in the "bolo" (be on the lookout) book entered.
- On three separate occasions, individuals entered the checkpoint with guns. Although they had permits, they were escorted to their vehicles to properly lock them.

FUNDING HISTORY**General Fund, Rebuild Iowa Infrastructure Fund, & Restricted Capital Fund**

In FY 2002, the overall cost to implement three ground floor security stations at public entrances was approximately \$206,000 from the General Fund. This included the purchase of x-ray scanners and associated equipment (\$91,000), metal detectors and associated equipment (\$15,000), the installation of the equipment at the three entrances, including cameras and digital recording equipment (\$84,000), the architect's design cost (\$12,000), and the purchase of 500 additional Access Cards for all Capitol Complex employees (\$4,000). In FY 2002, personnel costs totaled \$233,000 for the first six months.

In addition, \$333,000 in RIIF funds was transferred from the Executive Hills Demolition Project to the Department of Administrative Services to purchase equipment to create the Access ID Cards, as well as 1,000 cards and programming for Executive and Judicial Branch employees. This also included installing card readers at five Capitol entrances, five entrances at the Judicial Branch Building, an interior door in the Governor's Office, and two card readers in Lot 13, as well as four duress buttons in the Clerk of Court area and one duress button at the tour guide desk. The following is a historical funding table for Capitol and Judicial Branch Security.

<u>Fiscal Year</u>	<u>General Fund</u>	<u>Rebuild Iowa Infrastructure Fund</u>	<u>Restricted Capital Fund</u>	<u>Totals by Fiscal Year</u>
2002	\$ 439,000	\$ 333,000	\$ 0	\$ 772,000
2003	0	850,000	1,000,000	1,850,000
2004	0	800,000	1,000,000	1,800,000
2005	0	800,000	0	800,000
2006	775,000	0	0	775,000
2007	775,000	0	0	775,000
	<u>\$ 1,989,000</u>	<u>\$ 2,783,000</u>	<u>\$ 2,000,000</u>	<u>\$ 6,772,000</u>

Federal Funds

In FY 2003, Post 16 Troopers worked approximately 1,500 hours of overtime. The Department of Public Safety applied for a 2003 State Homeland Security Grant from the Office of Homeland Security and Emergency Management and was awarded \$38,000 for overtime. The funds were deposited into the RIIF to repay the original appropriation for overtime. The funds were a one-time reimbursement to agencies for overtime expenses that occurred during heightened security situations.

BUDGET IMPACT

In FY 2008, the Governor did not recommend funding for Capitol Security since it is a Legislative Branch initiative and the personnel are on the Legislative and Judicial Branch payrolls, respectively. The projected cost for FY 2008 Capitol and Judicial Branch security totals approximately \$825,000, an increase of \$50,000 compared to FY 2007. Equipment and expense costs are considerably higher than the budgeted amount and DPS has been using the RIIF carry forward to offset these increased expenses. If Capitol and Judicial Branch security funding was increased to \$825,000, the first year an increase would be anticipated by the DPS would be FY 2010, as long as carry forward funds were allowed to offset any increases in the meantime.

The chart below shows projected FY 2008 expenses.

	FY 2008 Projected Budget
Capitol Security Officers	\$ 448,000
Judicial Branch Security Officers	125,000
Equipment and Expenses	67,000
Andover ID Card System Maintenance Agreements	151,000
Metal Detectors and X-Ray Maintenance Agreements	14,000
Post 16 Overtime	20,000
	<u>\$ 825,000</u>

In addition, the DPS Capitol Security RIIF funds have an FY 2007 carry forward balance of \$596,000, which is used to pay for cost overruns as a result of the new maintenance agreement for the Andover ID Card System. The DPS Capitol Complex Upgrades RIIF funds have an FY 2007 carry forward balance of \$156,000.

ALTERNATIVES

The General Assembly may wish to consider the following alternatives in relation to Capitol Security:

- Add language to Section 28D.3, Code of Iowa, similar to the Department of Natural Resources language in Section 28D.3(4), Code of Iowa, exempting Capitol Security Officers from the 24-month limitation that maintains the current operation, including an appropriation to the Department of Public Safety for reimbursement to the Legislative and Judicial Branches for security.
- Budget for the Capitol Security Officers as part of the General Assembly's standing unlimited appropriation and appropriate funds to the Judicial Branch for security. For FY 2008, the Judicial Branch's estimated expense for the 3.0 FTE positions is \$125,000 and the General Assembly's estimated expense is \$448,000 for 12.5 FTE positions. In addition, there would be approximately \$252,000 in equipment, overtime, and maintenance agreements.
- Transfer the Capitol and Judicial Branch Security Officers to the Department of Public Safety and budget an amount for that. In FY 2008, this is estimated at \$825,000.
- Allow Post 16 Troopers to assume security responsibilities that Security Officers normally provided in the Capitol and Judicial Branch Buildings. According to current staffing patterns, Post 16 Troopers provide additional coverage during Session, which requires overtime to be paid. If Post 16 were to hire additional Troopers and maintain security in the Capitol, this could potentially save on overtime expenses by making the security rotation part of a normal shift; however, overall expenses would most likely increase.
- Eliminate Security Officers at public entrances, which would reduce the current appropriation request. Eleven states responding to the NCSL survey report there are no Security Officers at public entrances, including Minnesota, Nebraska, and Wisconsin.

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Capitol Security

<http://www.legis.state.ia.us/lsadocs/IssReview/2007/IRJDA000.PDF>

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ATTACHMENT A

Selected Results of the October 2006 National Conference of State Legislatures Capitol Security Survey

	<u>Number of Public Entrances</u>	<u>Officers staff public entrances?</u>	<u>Security officers armed?</u>	<u>ID badges required?</u>	<u>Metal detectors, x-ray machines, and hand searches done at public entrances?</u>
Iowa	3	yes	yes *	yes	yes
Illinois	n/a	yes	yes	n/a	yes
Minnesota	3	no	n/a	n/a	no
Missouri	5	some	yes	no	no
Nebraska	5	no	n/a	n/a	no
South Dakota	5	yes	yes	n/a	no
Wisconsin	8	no	yes	yes	no

	<u>Security multi-tiered?</u>	<u>Barriers to prevent a vehicle from driving up to the building?</u>	<u>X-ray packages and mail prior to delivery?</u>	<u>What weapons are allowed ?</u>	<u>Separate entrances for authorized Capitol personnel?</u>
Iowa	somewhat	some	some	None	yes
Illinois	n/a	n/a	n/a	None	n/a
Minnesota	n/a	n/a	n/a	n/a	yes
Missouri	yes	yes	no	None	yes
Nebraska	n/a	n/a	n/a	n/a	yes
South Dakota	n/a	n/a	n/a	n/a	no
Wisconsin	yes	no	yes	None	no

* The Capitol Security Officers are not armed. The Post 16 Troopers are armed.