



MARGOLIS HEALY & ASSOCIATES  
**STATE OF VERMONT CAPITOL COMPLEX**  
PHYSICAL SECURITY & CAPITOL POLICE ASSESSMENT  
NOVEMBER 2014

## SYNOPSIS

During the summer of 2014 Margolis Healy & Associates conducted this physical security assessment of the Vermont Capitol Complex and Capitol Police Department (CPD) through substantial on-site evaluation, document review, and interviews. While we understand the term “Capitol Complex” is defined statutorily, for purposes of this report, the Vermont Capitol Complex has been defined to include the Vermont State House, Pavilion building and Supreme Court building located in Montpelier, VT.

Through our assessment, we have developed five major themes or “essential challenges” where we feel the State should focus its efforts toward improving the overall security posture of the complex. These major themes include: physical security and visitor management, emergency response training; interagency communication; jurisdictional authority (Capitol Police); and Capitol Police Training

While the Pavilion and Supreme Court buildings utilize various layers of physical security devices and personnel to address visitor management, it is our opinion that the Vermont State House building lacks an overall security plan that weaves together the necessary safety and security strategies for the building and grounds. This starts with physical security devices and visitor management.

Access to the facility is virtually unfettered, in part by design and as we will discuss later in this report, and the building does not utilize other forms of security devices such as cameras akin to other buildings in the complex. While we fully support the open and transparent environment, there must also be a balance between the desire for free and unrestricted access and providing reasonable safety measures for all legislators, staff, and visitors.

We could find no evidence of any training in crisis response procedures for staff in the State House building. Emergency response training and exercises are vital to improving safety and security in the building. Staff members in the building were confused about evacuation procedures, relocation assembly sites, panic alarm procedures, etc.

A greater level of communication, training, and exercising must take place between the CPD, the Montpelier Police Department, the Vermont State Police, Buildings and General Services, and the Vermont Supreme Court.

There are jurisdictional issues for the various agencies that play an active role in the security operations at the State House and the larger State complex buildings. A variety of local, county, and State law enforcement agencies have personnel who work in the area, and who may play a role during any critical incident. Consideration should be given to placing the responsibility for the safety and security of the State complex buildings under one agency. In our professional opinion, doing so would lead to more effective management of the overall security operations within the capitol complex.

Lastly, for a number of reasons, including budgetary considerations, the Capitol Police Department has virtually eliminated unit training, and officers now train individually. We believe it is imperative that police officers, firefighters, and other first responders engage in unit specific training.

## EXECUTIVE SUMMARY

Under the leadership of Lieutenant Governor Phil Scott, Senator Margaret K. Flory and Representative Alice M. Emmons, the State of Vermont (State) retained Margolis Healy & Associates, LLC (MHA) to conduct an independent and objective assessment of the current state of physical security relative to the protection of the many visitors, employees, and dignitaries of the Vermont Capitol Complex compared with known hazards and threats.

MHA was retained concurrently to provide an organizational assessment of the current Capitol Police Department by performing the necessary background research, document review, interviews, verification, and analysis to become familiar with the organization's orientation, operations, and related functions.

This assessment was completed by conducting multiple visits to each building at the Complex to fully understand its physical design, geographic considerations, functional use, and any challenges presented by the surrounding community. In addition, MHA staff conducted a series of interviews with legislators and legislative staff, including the Capitol Police Department.

Margolis Healy also reviewed significant documentation relevant to our assessment such as emergency plans, written directives, and policies and procedures to better orient ourselves with the areas under review.

We would like to acknowledge and extend our appreciation to the many legislators and legislative, executive, and judicial staff who were instrumental in providing the appropriate context and historical information needed to complete our assessment. In addition, we appreciate the assistance and cooperation of the Vermont State Police and Montpelier Police Department. Everyone, without exception, was welcoming, forthcoming, and honest in his or her opinions and thoughts.

This Executive Summary is intended to provide the State with an orientation to major themes that were identified during the course of our engagement. This may include areas in which we believe the current physical security measures or the Capitol Police are performing well and, of course, areas in which we believe there are opportunities to enhance the current security posture.

Vermont's reputation for open government is represented by the State House's nickname as the "the People's House." This is further evidenced by the fact that the building itself is open to the general public almost every day of the year. Vermont's elected officials pride themselves on their constituents' unrestricted access to the legislative process and their ability to see for themselves the hard work that takes place within the building. The State House consists of two primary floors with the two chambers of the Vermont General Assembly located on the second floor.

The desire to allow free and unrestricted access to the State House building has led to some unique safety and security challenges, requiring a blend of technology and personnel-based security strategies. While these existing strategies have been able to keep those that work and visit the State House safe from a catastrophic event, some elected officials and security personnel feel that more needs to be done to ensure the “People’s House” remains a safe and open legislative environment.

We applaud the State for its dedication to maintaining openness and transparency and for its request that these beliefs be a guiding principle during our assessment. While we acknowledge that maintaining an open environment can be more challenging than maintaining an environment that solely consists of exclusionary security measures, we believe it is reasonable to do so with a few exceptions.

Therefore, a critical element of our assessment was to look at the interrelationships between the current use of people (staff); policy or directives; and physical security, including building access, visitor management, security cameras and alarms, and the response capacity of the Capitol Police and surrounding partner agencies.

While we identified a number of positive attributes of the current safety and security posture, our primary area of concern is that there appears to be no overall security strategy that weaves together the different aspects of safety and security (e.g., staffing, physical security, response capacity, life safety systems, etc.) into one comprehensive plan.

This is not uncommon as a number of factors play a vital role in how security plans are developed, including the organic growth of government; new facilities, new staff, and an ever-changing set of challenges; and threats throughout the United States and the State of Vermont.

Our assessment has identified five major themes or “essential challenges” that we feel are the critical areas on which the State should focus its efforts to improve security in the short and long term. We believe that with some reasonable investments in existing personnel, training, and physical security countermeasures, the Capitol Complex can maintain its open and welcoming environment, while providing exceptional security and law enforcement services to those visiting and working there.

The five major themes or essential challenges identified as a result of this assessment include:

- 1.) Physical security devices and visitor management, particularly in the State House Building
- 2.) Emergency response training for staff, specifically in the Capitol Police Department.
- 3.) Interagency communication,

#### 4.) Jurisdictional authority

#### 5.) Training

The Capitol Complex is unique in that different physical security strategies are utilized at each of the three buildings under review. It is easy to see how this has evolved since the functional use of each building varies significantly.

While we did not test operational effectiveness through a drill or exercise, in general, we found the state of physical security at the Pavilion and at the Supreme Court building to be reasonably sufficient based on the daily operations of each building and on reasonable, known, or likely hazards. However, we were more concerned regarding physical security at the State House building, which is managed much differently.

The most noticeable difference is the access control and visitor management strategies utilized by the Pavilion and Supreme Court buildings versus the State House. The Pavilion and Supreme Court buildings have layered measures of physical access control and visitor management programs that include limited ingress points, security or law enforcement personnel, visitor identification and verification, and security cameras managed by Buildings and General Services. The State House, on the other hand, is a much more open space that does not specifically account for or deny access to anyone, but rather relies on a strategy of Capitol Police officers actively patrolling the building to identify and resolve potential issues. While we feel there is an opportunity to enhance the security program at each of these facilities, we feel the most urgent need is to look at the State House.

While we understand this is largely by design, we believe the State House can remain open and inviting to all visitors while at the same time creating additional spaces within the building that are secured or at a minimum can be secured. These spaces would provide staff with a limited degree of privacy, but more importantly would provide staff with options in the event of a dangerous or violent situation within the building.

Based on our observations, we believe there is an opportunity for Building and General Services to expand its use of electronic access control and security cameras similar to the Pavilion and Supreme Court buildings within the State House in a manner that is non intrusive, maintains public trust and transparency, and continues to provide the open environment desired by many.

We were also concerned with the use of duress or “panic” alarms within the State House. While we encourage the use of such devices, and we learned that they have in fact been used, it was clear to us through our discussions and interviews that there is a lack of training and education of staff and others within the building. Specifically, many staff members we interviewed were not aware of the location of various alarms, the type of situations in which it is appropriate to use them, and most importantly, what to do if an alarm is activated.

Additionally, due to the open nature of the State House and the lack of a visitor management program, when an alarm is activated, other staff and visitors to the building are unaware that an emergency exists, where it exists, and what actions, if any, should be taken in the event of an emergency in which an alarm is activated and sent directly to the Capitol Police.

We believe there are several reasonable, low-cost actions that can be taken ranging from additional technology to education and policy to address these challenges and enhance the ability of staff and visitors to take immediate action while allowing the Capitol Police to respond, assess, and react to emergencies.

In addition, we believe the State House should consider the use of security cameras in specific areas that we shall identify in a separate report. These cameras will not only serve as a force multiplier for the Capitol Police Department, but can be used for post-incident investigation.

Understanding the balance of cameras with general public safety versus the concerns of privacy and data security, it will be essential for the State House to adopt an acceptable use policy that outlines the purpose, scope, responsibilities, records retention, and data (video) access privileges prior to the installation of any cameras.

The CPD consists of three full-time and three part-time certified police officers that are charged with providing uniformed police services for the State House building. The Chief of the Capitol Police Department reports directly to the Sergeant-at-Arms. Capitol police officers are granted statewide law enforcement authority through the Vermont Criminal Justice Training Council.

Due to the fact that the CPD's primary function is to patrol the interior of the State House building and up to twenty-five feet outside the building, the need for intelligence-led policing strategies or data driven approaches to crime fighting need not be considered. The security posture of the building is supplemented during the legislative session with "door keepers." These are primarily retired police officers who provide informal access control and crowd management services.

We believe there is an opportunity to improve the level of communication, training, and emergency response coordination between the CPD and those that work in the State House. While we were provided with the CPD Operations Plan that details specific responses to critical incidents, we were told that these plans are rarely shared with internal stakeholders. This lack of coordination could lead to confusion and duplication of response efforts during a critical incident.

To highlight this point, the majority of the State House staff members with whom we spoke could not articulate relocation sites and routes to be taken in the event of an evacuation. None of these staff was familiar with procedures if confronted with a violent intruder. We could find no evidence of any training in crisis response procedures. Emergency response training and exercises are vital to improving safety and security in the State House building.

The need for enhanced interdepartmental communication, training, and exercises between the CPD, the Montpelier Police Department, the Vermont State Police, Buildings and General Services, and the Vermont Supreme Court was immediately obvious. These agencies have the opportunity to work together to ensure that the proper policies, plans, and procedures are in place to effectively prepare for, respond to, and recover from a catastrophic incident at the State Capitol Complex. This is an area in which the CPD can take the lead to build partnerships and force multiplication. While an incident command process could quickly be put into place during a critical incident, many of the responding outside agencies would likely be challenged in executing an effective response due to the lack of proactive training and exercises that have taken place thus far.

Westfall and Gallagher, well-regarded police liability consultants, identified twelve critical tasks that are responsible for 90 percent of the litigation against the police that warrants formal direction from an agency: off duty conduct, use of force, emergency vehicle operation, search/seizure/arrest, care/custody/control/restraint of prisoners, domestic violence, property/evidence, sexual harassment, selection/hiring, internal affairs, special operations, and dealing with the mentally ill. While some of these policies are included in the written directive system, the CPD's policies and procedures are a work in progress. In our professional opinion, the Capitol Police needs to conduct a systematic review of current policies and procedures to ensure it addresses Westfall and Gallagher's twelve critical tasks. A periodic policy review system needs to be established going forward.

Concerns exist over the jurisdictional issues associated with the different agencies that play an active role in security operations at the State House and the larger State complex buildings. Buildings and General Services, the CPD, the Montpelier Police Department, the Vermont State Police, and a variety of local, county, and State law enforcement agencies would all play a role during any critical incident, yet there is no one "office" with the responsibility for coordinating the activities of these agencies. The responsibilities for safety and security of the complex buildings could be placed under one agency to more effectively manage the overall security operations within the Capitol Complex.

The Capitol Police Department maintains a professional image and it is clear it enjoys a positive reputation among the members of the Legislature. The officers appear to care very deeply for their work and have a sense of commitment to the citizens they serve. In addition, the CPD officers appear



to be very aware of their difficult and sensitive law enforcement mission. They must serve and protect, while ensuring the legislative business of the State is conducted in a welcoming and open environment.

With only a staff of three officers, training is a challenge for the Capitol Police. In past years, the staff trained on weekends in order to train together. However, there was an overtime cost to CPD's weekend training and the training was virtually eliminated for fiscal reasons. The CPD officers continue to train fairly regularly, but the training is now accomplished individually. Most trainers would confirm that responders resort to their training in stressful situations.<sup>1</sup> Therefore it is important for police officers, firefighters, and other first responders to engage in certain training sessions as a unit so they are better prepared to respond to stressful situations as a unit. The Capitol Police officers should be allowed to train at least once quarterly as a unit and funding should be allocated for this training.

<sup>1</sup>Bertomen, Lindsey, *In a high-stress situation, training takes over*. Officer.com, November 2009. <http://www.officer.com/article/10233081/in-a-high-stress-situation-training-takes-over>.



128 Lakeside Avenue, Suite 302  
Burlington, Vermont 05401  
866.817.5817 (toll free & fax)

[www.margolishealy.com](http://www.margolishealy.com)