

Preliminary Performance Review

Division of Protective Services

**The Secretary of Military Affairs and
Public Safety Should Collaborate With
the Legislature to Ensure That Plans to
Increase Capitol Security are Consistent
With Legislative Intent**



**January 2004
PE 03-30-305**

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John Sylvia
Director

January 12, 2004

The Honorable Edwin J. Bowman
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The Honorable J.D. Beane
House of Delegates
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Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a Preliminary Performance Review of the Division of Protective Services, which will be presented to the Joint Committee on Government Operations on Monday, January 12, 2004. The issue covered herein is "The Secretary of Military Affairs and Public Safety Should Collaborate with the Legislature to Ensure that Plans to Increase Capitol Security are Consistent with Legislative Intent."

We transmitted a draft copy of the report to the Division of Protective Services on December 18, 2003. The Division opted not to have an exit conference. We received the agency response on December 30, 2003.

Let me know if you have any questions.

Sincerely,

Handwritten signature of John Sylvia in cursive script.
John Sylvia

JS/wsc

Joint Committee on Government and Finance

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Executive Summary

Issue 1: The Secretary of Military Affairs and Public Safety Should Collaborate With the Legislature to Ensure That Plans to Increase Capitol Security are Consistent With Legislative Intent.

The Legislative Auditor has two concerns: 1) the lack of an adequate plan to handle the influx of visitors to the Capitol during legislative sessions; and 2) the costs of the Division's security plans may exceed the intended expenditures of the Legislature.

The Division of Protective Services within the West Virginia Department of Military Affairs and Public Safety was created in 1999 to provide for the safety and security of individuals who visit, conduct business or work at the Capitol Complex and other state facilities. Since its inception the Division has worked towards establishing a greater law enforcement presence in Capitol buildings while establishing policies and procedures to increase employee and public safety.

The Division has made significant progress in increasing security at the Capitol Complex and is currently moving forward with plans that will further secure the State Capitol. Implementation of such plans may eventually require all non-state employees to pass through security check points, which will include passage through metal detectors and bag searches. Such security measures have already been initiated in several buildings at the Capitol Complex, and the Division plans to test directed public access in the Main Building soon.

As the Division moves forward with directed public access in the Main Capitol Building, it is important that it be done in a manner consistent with legislative intent. Therefore, the Division needs to convey its security plans for the Capitol building to the Legislature.

The Legislative Auditor has identified two main areas of concern with regards to the Division's plan to direct public access to the Main Capitol Building. They include: 1) the lack of an adequate plan to handle the influx of visitors to the Capitol during legislative sessions; and 2) the costs of the Division's security plans may exceed the intended expenditures of the Legislature given that the Division maintains that it will need an additional six (6) sworn law-enforcement officers per public entrance. The Current plan calls for three (3) public entrances to the Main Capitol Building.

The Legislative Auditor finds that the Division has worked diligently in pursuit of its mission to provide for the safety and security of those who visit and work at the State Capitol, but recommends that it seek input on how to further pursue its mission. As the Division moves forward with directed public access in the Main Capitol Building, it is important that it be done in a manner consistent with legislative intent. In order that legislative intent be clearly conveyed and to avoid access problems and wasteful expenditures, the Legislative Auditor recommends that the Secretary of Military Affairs and Public Safety should provide to the Legislature in writing the specific plan for securing the Main Capitol Building.

Recommendation

The Secretary of Military Affairs and Public Safety should provide a written plan to the Legislature by February 2, 2004 detailing the specific plans for securing the Main Capitol Building.

Review Objective, Scope and Methodology

This Preliminary Performance Review of the Division of Protective Services within the West Virginia Department of Military Affairs and Public Safety is required and authorized by the West Virginia Sunset Law, Chapter 4, Article 10 of the West Virginia *Code*, as amended. The agency is designed to provide for the safety and security of individuals who visit, conduct business or work at the Capitol Complex and other state facilities. The Division intends to provide that service with a highly trained and professional work force.

Objective

The objective of this audit is to determine the adequacy of the Division's plans to increase security in the Main Capitol Building, and to determine whether such plans are being carried out in a manner consistent with the intent of the Legislature.

Scope

The scope of this review covers the period from the agency's codification on June 13, 1999 to the present.

Methodology

Information compiled in this report has been acquired through interviews, conversations, and correspondence with the Deputy Director of the Division of Protective Services, and other Division staff. Documents obtained from the agency include: 1) a statement of the agency's "Strategic Plan"; 2) the Division's monthly status reports dating back to December of 2001 and; 3) a Memorandum of Understanding between the West Virginia Department of Administration and the Department of Military Affairs and Public Safety.

Every aspect of this evaluation complied with **Generally Accepted Government Auditing Standards (GAGAS)**.

Issue 1

The Secretary of Military Affairs and Public Safety Should Collaborate With the Legislature to Ensure That Plans to Increase Capitol Security are Consistent With Legislative Intent.

Issue Summary

The Division of Protective Services is currently moving forward with plans to increase security in buildings at the State Capitol Complex. Implementation of such plans will eventually require all non-state employees to pass through security check points, which would include metal detectors and bag searches. All authorized state employees will be permitted to enter buildings at the Complex through any door equipped with a proximity-card reader and will not be required to pass through security check points.

In reviewing the plan to secure all buildings on the Capitol Complex, the Legislative Auditor is concerned that:

1. **the Division of Protective Services does not have access plans developed for legislative sessions**, which generally attracts the largest number of people to the Capitol building each year over a two month period; and
2. **the Legislative Auditor is concerned that the costs of the Division's security plans may exceed the Legislature's intent.**

The Division would like some guidance on how to secure the Capitol building during legislative sessions.

It is also evident that the Division would like some guidance on how to secure the Capitol building during legislative sessions. In order to avoid access problems during legislative sessions and to avoid wasteful expenditures, the Legislative Auditor recommends that the Secretary of Military Affairs and Public Safety should provide to the Legislature in writing the detailed plan for securing the Main Capitol Building. This plan should be provided no later than the twentieth day of the 2004 Legislative session, which would be February 2, 2004.

The Division Has Made Significant Progress in Increasing Capitol Security

Since its inception in 1999, the Division of Protective Services has worked to provide for the safety and security of individuals who visit and work

The Division has grown from six allocated positions to the current 27 positions.

at the West Virginia State Capitol Complex. Since the events of September 11, 2001, the Division has grown from six allocated positions to the current 27 positions. The Division has also implemented the following measures to increase security around the Capitol Complex.

- The Division has increased the presence of trained law-enforcement officers patrolling the Capitol Complex.
- The Division has installed a state of the art surveillance system which includes 176 security cameras discreetly located throughout the campus. Cameras are monitored 24 hours a day by two contract security guards in the Division's command center which is located in the Main Capitol Building.
- Access to loading docks in the East and West Wings of the Main Building has been limited and only controlled deliveries are accepted. Video monitoring of both docks is in place and intercom communication has been established between the loading docks and the Division's command center. Individuals making deliveries are required to stop at a designated point and establish communication with the command center through the intercom system. Only scheduled deliveries are accepted and delivery personnel are constantly monitored from the time of arrival to their departure.
- All incoming mail and packages are delivered to the Central Mail Room located on Jefferson Street. Mail and packages are screened before being distributed to various offices across the Capitol Complex.
- The Division has installed electronic door locks, which are controllable from the central command center. All buildings are electronically secured with the exception of the Main Capitol Building. Plans are to electronically secure the Main Capitol Building soon.

The implementation of these security measures has increased the security of the Capitol Complex.

In the opinion of the Legislative Auditor, the implementation of these security measures has increased the security of the Capitol Complex. The Legislative Auditor commends the Division for this implementation.

The Division has Established Directed Public Access in Several Buildings

Work to direct public access to Capitol buildings was initiated on September 13, 2002. Building 3, often referred to as the DMV Building, has been established as the pilot site for the project and was secured on November 27, 2002 with the establishment of a directed public access point. All visitors to Building 3 must enter through the plaza side where they are required to pass through metal detectors, and all bags and packages are x-rayed. Employees are permitted to enter either through the plaza side or through the rear entrance to the building by using employee identification and/or a proximity card. On November 3, 2003, the Division was also able to direct public access in Buildings 5, 6, and 7. All visitors to these three buildings must now enter through Building 7 and pass through security.

The Division maintains that the pilot project in Building 3 has been successful and that the system is beginning to run more smoothly as employees adapt to the new security measures.

The Deputy Director of the Division of Protective Services maintains that the pilot project in Building 3 has been successful. He stated that several visitors have been deterred from entering the building with knives and others have been found with drugs. The Deputy Director further maintains that the system is beginning to run more smoothly as employees adapt to the new security measures.

The Division is Working Towards Directing Public Access to the Main Capitol Building

Efforts to secure the Main Capitol Building are progressing. Originally, the Division planned to test the electronic door locks in the Main Capitol sometime between Thanksgiving and Christmas of 2003. At the time of the publication of this review, the testing is not yet complete. When the plan is eventually implemented, the Division will operate security check points at three public entrances to the Main Capitol Building. These entrances will include:

Efforts to secure the Main Capitol Building are progressing. When the plan is eventually implemented, the Division will operate security check points at three public entrances.

- the entrance near the Governor's Office;
- the entrance near the Attorney General's Office on California Avenue; and,
- the entrance to the West Wing across from the Cultural Center which is currently compliant with the American's with Disabilities Act.

State employees however, will be permitted to enter almost any door in the Main Capitol Building upon the use of a proximity card to be issued by the Division.

Undertaking a project such as directing public access to the main building of West Virginia's Capitol requires that special consideration be given to a number of issues. The Division has worked hard to ensure that such decisions are made with adequate foresight with regards to potential problems, while keeping in mind the fact that the Capitol is the peoples' building. Since the Division has not finalized its plans, it is the opinion of the Legislative Auditor that **the Division should give collaborative consideration with the Legislature to some key issues to ensure that the final plan is consistent with legislative intent.** The Legislative Auditor has identified the following two issues which the Legislature may want to consider in any future meetings with the Division:

The Division should give collaborative consideration with the Legislature to some key issues.

- Will the Division's plan cost more than the Legislature is willing to fund?
- The Division does not have a stated security plan for legislative sessions.

Will the Division's Plan Cost More than the Legislature is Willing to Fund?

The Division of Protective Services plans the use of sophisticated equipment and increased manpower to ensure that visitors have adequate and expedient access to offices within the Capitol. In moving forward with its plan, the Division has purchased a variety of new security equipment including walkthrough and handheld metal detectors, x-ray machines, proximity-card readers and optical turn-styles. As shown in Table 1, the Division has already spent a total of \$248,902 on equipment.

The Division plans the use of sophisticated equipment and increased manpower to ensure that visitors have adequate and expedient access.

Table 1
Security Equipment Purchased by the Division

Item	Quantity	Cost / Unit	Total Cost
Walkthrough Metal Detectors	8	\$3,399	\$27,192
Handheld Metal Detectors	18	\$115	\$2,070
X-ray Machines	8	\$23,000	\$184,000
Proximity-card Readers	53	\$530	\$28,090
Proximity Cards*	7,500	\$0	\$0
Optical Turn-styles	1	\$7,550	\$7,550
Total			\$248,902

Source: Division of Protective Services

**The original contract with Electronic Specialty Company called for a quantity of 7,500 cards to be supplied for the project. Additional cards may be purchased under the contract for \$3.20 per card with a minimum quantity of 25 cards (\$80 per 25 cards).*

The Division has pledged in excess of \$125,000 of agency funds to the General Services Division for door repair and elevator upgrades.

The Division maintains that it still does not have adequate manpower to enforce security measures it plans for directed public access points.

In addition to the purchase of this equipment, the Division has had to absorb some other unforeseen costs. When attempting to install the electronic locking systems on doors in the Main Building, it was found that the doors were not in proper working order to receive the electronic upgrades. Since the General Services Division was inadequately funded to provide the repairs, the Division of Protective Services has pledged in excess of \$125,000 of agency funds to the General Services Division for door repair, door retooling and elevator upgrades in the Complex. The \$125,000 includes \$67,000 that has already been expended for repairing and retooling doors in the Main Capitol Building. Because such expenditures were unanticipated, the Division was forced to expend the monies from its general operating budget. Neither the Legislature nor the Division anticipated that funds would be expended in this manner. Had this effort not been extended, the terms of the contract could not have been met on the Division's end, and the system's installation would have been halted. These extra monies expended had originally been intended for the design and installation of a campus-wide intercom and emergency notification system which has since been delayed.

Though the size of the Division's staff has more than quadrupled since September 11, 2001, the Division maintains that it still does not have adequate

manpower to enforce security measures at directed public access points in the Main Capitol Building. The Deputy Director stated:

The Division has not been funded for the manpower to operate the three (3) sites in the main Capitol.

Currently, the Division employs 23 sworn law-enforcement officers. According to the Deputy Director of the Division, each public access point will require 3 sworn law-enforcement officers during operating hours. **The Deputy Director maintains that the operation of secured public access in the Main Building will require a minimum of 18 additional certified law-enforcement officers based on the current public access hours. The approximate cost of these additional officers will be \$786,105 per year.** This does not give consideration to staffing levels during events causing the Capitol to be open for extra hours, such as the legislative session or interim meetings. The Division maintains that any additional entrances added to the plan would necessitate an additional six officers per entrance (two shifts of three officers). The Division's estimated cost for staffing each entrance is approximately \$255,300. **The Legislative Auditor questions the need for 3 officers per entrance**, and has determined that this is an issue that should be raised with the Division. The Legislature may not approve of the additional employees, since the funding has not been provided.

The Division's estimated cost for staffing each entrance is approximately \$255,300.

The Deputy Director of the Division has suggested the curtailment of hours for public access to the Capitol Complex.

In an attempt to alleviate some of the man hours needed to provide the envisioned level of security, the Deputy Director of the Division has suggested the curtailment of hours for public access to the Capitol Complex. Presently, West Virginia's Capitol is open to visitors 77 hours a week, including weekends and holidays. Though West Virginia seems to keep public access hours consistent with most other states, it is notable that Virginia's State Capitol is open to visitors only 40 hours a week and is closed on weekends and holidays.

The Division Does Not Seem to Have a Stated Plan for Legislative Sessions

During the legislative session, the Capitol experiences a massive influx of daily visitors. Special interest groups come to promote their industries or ideas; registered lobbyists work towards the passage of bills that are in their client's interest; students visit to learn about the legislative process, and tour the Capitol; the press covers virtually every legislative proceeding; and visitors in general come to the Capitol to observe democracy in action. Allowing everyone to participate in some capacity allows for the kind of legislative transparency that is so important to representative democracy. Therefore the

Division should be cognizant that any attempt to direct public access does not inhibit public participation.

The Division recognizes that public access is important, but that safety is of equal importance.

The Division recognizes that public access is important, but that the safety of state employees, legislators, lobbyists, and visitors alike is of equal importance. To ensure that plans to direct public access remain consistent with legislative intent, special consideration should be given to the handling of the influx of visitors during legislative sessions. **The Division does not seem to have a stated plan for dealing with legislative sessions.** In fact, as mentioned previously with a needed additional staff of 18 officers for normal working hours, the Division does not know how many additional officers will be needed for dealing with legislative sessions. In addition, other issues need to be addressed regarding legislative sessions. The Deputy Director stated that:

*...without the Direction of a Division Director, there are policy issues that are unresolved that could deter the implementation of Directed Public Access. These issues include but are not inclusive with access rights for Lobbyists, the Press, and other non-State employees who may use the Capitol facilities.... **Failure to adequately address these issues could delay total implementation of the project.** (Emphasis Added)*

The Legislative Auditor finds that it is important that the Legislature become involved with the planning process in order to provide input and to facilitate the Legislature's intent on securing the Main Capitol Building.

It is important that the Legislature become involved with the planning process in order to provide input and to facilitate the Legislature's intent.

Conclusion

The Legislative Auditor finds that the Division of Protective Services has worked diligently in pursuit of its mission to:

Provide for the safety and security of individuals who visit and work at the West Virginia State Capitol Complex and to provide that service with a highly-trained and professional work force.

Since the Division's inception, the level of security at the West Virginia State Capitol Complex has increased significantly. The Division should be commended for its efforts.

The Division finds itself at a crucial crossroads where important decisions must be made. Actions of the Division thus far have been consistent

with directives from the Executive and Legislative Branches; however, before the Division proceeds with plans to direct public access to the Main Capitol Building it is crucial that proceedings be conducted in a manner consistent with legislative intent. In a sense, directing public access to the Main Capitol Building will impact all citizens of West Virginia, therefore representatives of the people should provide careful oversight and input on how such proceedings are conducted. In order that legislative intent be clearly conveyed and to avoid access problems and wasteful expenditures, the Legislative Auditor recommends that the Secretary of Military Affairs and Public Safety should provide to the Legislature in writing the specific plan for securing the Main Capitol Building. This plan should be provided no later than the twentieth day of the 2004 Legislative session, which would be February 2, 2004.

Recommendation

The Secretary of Military Affairs and Public Safety should provide a written plan to the Legislature by February 2, 2004 detailing the specific plans for securing the Main Capitol Building.

Appendix A: Transmittal Letter

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

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John Sylvia
Director

December 18, 2003

Christy Morris, Acting Cabinet Secretary
Department of Military Affairs and Public Safety
Building 6, Room B122
1900 Kanawha Blvd., East
Charleston, WV 25305-0120

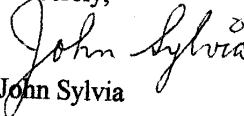
Dear Secretary Morris:

This is to transmit a draft copy of the Preliminary Performance Review of the Division of Protective Services. This report is scheduled to be presented during the January 2004 interim meeting of the Joint Committee on Government Operations. January interim meetings are scheduled between January 11-13, 2004. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committee may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report between December 19-24, 2003, please notify us. We need your written response by noon on December 29, 2003 in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, January 8, 2004 to make arrangements.

We request that your personnel treat the draft report as confidential and that it not be disclosed to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,


John Sylvia

Joint Committee on Government and Finance

Appendix B: Agency Response



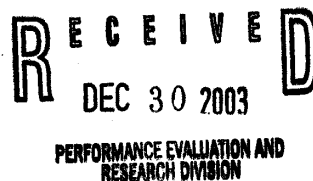
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BOB WISE
GOVERNOR

M. CHRISTINE F. MORRIS
ACTING CABINET SECRETARY

29 December 03

John Sylvia, Director
Performance Evaluation and Research Division
West Virginia Legislature
Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
Via Facsimile and Hand-Delivery



Re: Preliminary Performance Review of the Division of Protective Services dated 12-18-03

Dear Director Sylvia,

Thank you for the opportunity to review the draft copy of the Preliminary Performance Review of the Division of Protective Services. I have asked Deputy Director C. R. "Jay" Smithers to review this document as well and to provide input for me to share with you. As you know, he has been integral in the development of increased security that now protects us in the Capitol Complex.

I am advised that several critical policy issues remain to be resolved by all three branches of government, and accordingly an adequate plan cannot be established unless and until these matters are addressed.

Additionally, Deputy Director Smithers points out some corrections and amendments that should be included in the final version as follows:

1. Under the heading - *The Division is Working Towards Directing Public Access to the Main Capitol Building*:

- The draft copy states "Originally, the Division planned to test the implementation of directed public access points sometime between Thanksgiving and Christmas of 2003." DPS intends to electronically secure the building during non-public

John Sylvia, Director
29 December 03
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hours. Heretofore, each of the twenty-one external doors of the Main Building and wings had to be manually key-locked at the close of the business day and manually unlocked at the beginning of the business day. The testing and certification begun during the holidays was to facilitate electronic implementation of this process. As of this correspondence, it is not yet complete.

2. Under the heading - *Will the Division's Plan Cost More than the Legislature is Willing to Fund?*:

- Table 1 indicates that two optical turnstiles have been purchased. In fact, only one has been purchased and it is in use in the lobby of Building 3. There have been discussions regarding the purchase of additional turnstiles for the Main Building.
- The draft copy states "The Legislative Auditor questions the need for 3 additional officers per entrance, and has determined that this is an issue that should be raised with the Division." The functions performed at a screening station of metal detector screening, x-ray machine operation and screening and any additional individual manual screening, require stationing three officers per post.

Again, we appreciate the chance to provide input and if you have any questions or comments, please do not hesitate to contact me.

Sincerely,



M. Christine F. Morris

cc: C. R. "Jay" Smithers, Deputy Director
Division of Protective Services