

**REPORT OF THE  
COMMITTEE ON MILITA AND POLICE  
STUDYING SECURITY AT THE SEAT OF GOVERNMENT  
OF THE COMMONWEALTH  
TO  
THE HOUSE OF DELEGATES**



**HOUSE DOCUMENT NO. 16**

**COMMONWEALTH OF VIRGINIA  
DIVISION OF PURCHASES AND SUPPLY  
RICHMOND  
1979**



**1978 COMMITTEE ON MILITIA AND POLICE**

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**Report of the Committee on Militia and Police**

**Studying Security at the Seat of Government**

**of the Commonwealth**

**To**

**The House of Delegates**

**Richmond, Virginia**

**December, 1978**

**INTRODUCTION**

The Committee on Militia and Police of the House of Delegates, having been authorized to conduct a study of security at the seat of government of the Commonwealth under House Resolution No. 9, submits the following report as the product of its deliberations. The text of House Resolution No. 9, agreed to by the House of Delegates in the 1978 Session of the General Assembly, follows.

**HOUSE RESOLUTION NO. 9**

Requesting the Committee on Militia and Police of the House of Delegates to conduct a study of security at the seat of government of the Commonwealth.

WHEREAS, the primary responsibility for security of State property located at the seat of government of the Commonwealth is vested in the Capitol Police by the provisions of § 2.1-51.18:2 of the Code of Virginia; and

WHEREAS, the Capitol Police are also responsible for the safety of the Governor, Lieutenant Governor, and their families; and

WHEREAS, as the government of the Commonwealth has grown over the past several years, and especially with the occupancy of the General Assembly Building, the duties and responsibilities of the Capitol Police have grown ever larger; and

WHEREAS, the concern for security of new State facilities must not be allowed to outstrip the concern of this General Assembly for the persons charged with the provision of that security; now, therefore be it

RESOLVED by the House of Delegates, That the Committee on Militia and Police of the House of Delegates is hereby requested to conduct a comprehensive study of security both on the part of structures and of officials, the size and structure of the Capitol Police force, and the wages, hours, working conditions and benefits accorded the Capitol Police. The study shall formulate findings and recommendations for presentation to the House of Delegates for its legislative consideration during the nineteen hundred seventy-nine session of the General Assembly.

**HISTORY**

The Capitol Police force is charged with providing security at the seat of government of the Commonwealth of Virginia. The need for such security has dramatically increased since the

inception of the Capitol Police force, as has the size of the unit itself. The first statutes authorizing the Capitol Police were enacted in 1889, which gave the "police of the Capitol" all the powers, duties and functions exercised by the police of the City of Richmond within the limits and jurisdiction of the city. Section 299 a (1), Code of Virginia (1889-1890). One year later, the first Capitol Police officer was employed and served as the only member of the force until 1912, when a second officer was authorized and hired. One officer was hired each year between 1940 and 1942, and the total force rose to seven in 1947 when two more officers were hired.

The initial statutory authority and duties of the Capitol Police remained substantively unchanged through these initial years, although the statutes were renumbered during several Code recodifications occurring between 1919 and 1950. See , e.g. , § 411, Code of Virginia (1919); §§ 2-75 and 2-77, Code of Virginia (R. P. 1948); §§ 2-75 and 2-77, Code of Virginia (1950). The first major enlargement of Capitol Police authority was made by Chapter 199, [1958] Acts of Assembly 259. Emergency legislation was passed to permit Capitol Police to exercise within the limits of Capitol Square and, when assigned by the Governor, on any other property owned or controlled by the State or any agency, department, institution or commission thereof, all the powers, duties and functions which are exercised by law-enforcement officers of the jurisdiction in which such property is located.

In 1961, there were 20 officers, eighteen of whom were patrolmen, one assistant Chief and one Chief. The 1966 repeal of Title 2 and concomitant enactment of Title 2.1 brought no change to the Capitol Police authority under new §§ 2.1-93 and 2.1-97. See Chapter 677, [1966] Acts of Assembly 1064, 1084-1085.

In 1970, Section 2.1-93 was amended to give the authority for assignment of Capitol Policemen over property not in Capitol Square to the Director of Engineering and Buildings, with the approval of the Governor. Chapter 202, [1970] Acts of Assembly 257, 258. One year later, the force was increased to 29 persons with the addition of 9 officers.

Capitol Police jurisdiction was further expanded in 1972, when the following language was added to § 2.1-93:

"Members of the Capitol Police, when assigned by the Director (of Engineering and Buildings), and with the approval of the Governor, to accompany the Governor, members of the first family, the Lieutenant Governor, the Attorney General, or members of the General Assembly, shall be vested with all the powers and authority of a law enforcement officer of any city or county in which they are required to be." Chapter 122, [1972] Acts of Assembly 123.

Chapter 9 of Title 2.1 was repealed by the 1977 Session of the General Assembly, which added §§ 2.1-51.18:1 and 2.1-51.18:2 to replace it as to the Capitol Police. Under the former of these sections, the force was placed under the direction of the Secretary of Public Safety. The latter substantively reenacts former § 2.1-93, except for returning to the Governor directly the authority to assign the force to cover areas not included in Capitol Square. Chapter 672, [1977] Acts of Assembly 1338. The transfer of duties, responsibility and funding from the Director of Engineering and Buildings to the Secretary of Public Safety was completed on July 1, 1978.

There are presently 44 Capitol Police officers authorized, as follows: 1 Chief (Major), 1 Assistant Chief (Captain), 3 Lieutenants, 3 Sergeants, 1 Investigator and 35 Patrolmen. These officers are assigned by the Governor to patrol 39 locations in and around the City of Richmond. These locations are listed in Appendix I of this report.

With such an increase in both personnel and authority since the first Capitol Police officer was employed, the Committee felt that its study under House Resolution No. 9 should include legal and factual research and oral testimony as to whether the needs of State agencies and personnel were adequately protected by the Capitol Police and whether the size and structure of the force was appropriate for its present jurisdiction and authority. The Committee also felt it appropriate to consider whether the wages, working hours, conditions and benefits accorded the Capitol Police were comparable to law-enforcement officers in neighboring jurisdictions and to the Department of State Police.

## MEETINGS

At the initial meeting of the Committee on Militia and Police under House Resolution No. 9 on April 17, 1978, Delegate C. Richard Cranwell, Chairman, appointed a subcommittee to hold meetings and hear testimony on the issues outlined above and others it may deem pertinent. The subcommittee was composed of Delegates A. Victor Thomas, Chairman, Calvin W. Fowler, Arthur R. Giesen, Jr., Gladys B. Keating, William T. Parker, Richard L. Saslaw and Erwin S. Solomon. Public subcommittee meetings were held on May 2, 1978 and November 29, 1978, when the Capitol Police Chief, Secretary of Public Safety and other State agency personnel appeared to discuss issues pertinent to the study.

Factual and legal research was conducted and testimony heard by the subcommittee on the Capitol Police law-enforcement authority over areas immediately adjacent to property the force is assigned to protect. For instance, there was testimony that it would be questionable whether Capitol Police authority would extend, absent hot pursuit, to areas 100 feet north of the General Assembly Building (across Broad Street) to quell any disturbance directly relating to legislative business. The subcommittee felt, after researching this question and weighing the issues involved, that this question could be resolved by amendments to appropriate Code sections.

The subcommittee further researched pay scales, working hours and benefits for all levels of Capitol Police personnel and compared these salaries, hours and benefits with all other State, county, city and municipal law-enforcement personnel. Properties which the Capitol Police are assigned to protect and patrol were reviewed and requests were heard from other State agencies to add their locations to those areas which are regularly patrolled by the Capitol Police.

The number and condition of police vehicles was discussed, as was the current and projected workload for Capitol Police patrolmen and officers. Testimony was also heard concerning law-enforcement and other educational training received by Capitol Police patrolmen and officers and the liability insurance presently covering all Capitol Police personnel.

#### **FINDINGS AND RECOMMENDATIONS**

After hearing testimony and conducting research on the issues described involving Capitol Police authority over areas adjacent to property the force is assigned to protect, the subcommittee felt that legislation was necessary to give the Capitol Police authority for a certain distance adjacent to the boundaries of such property. The legislation approved by the subcommittee which deals with this question is set out in full in Appendix II to this report.

Although there were no other issues presented to it which the subcommittee felt needed legislation to correct, there were other matters presented which the subcommittee felt warranted administrative action by the Secretary of Public Safety. In its deliberations, the subcommittee made a detailed comparison of the salaries and benefits paid Capitol Policemen with those paid to police departments in neighboring jurisdictions. In comparison, the Capitol Policeman's salary is inadequate. For instance, prior to July, 1978, a police patrolman in the City of Richmond could be paid 10% more than his Capitol Police counterpart. State Police troopers' annual salaries could be approximately 20% higher. Indeed, there was testimony before the subcommittee that Capitol Policemen have resigned only to begin work with police departments of these neighboring jurisdictions.

The irony of the salary differentiations is that the disparities grow even wider as the rank increases. The Capitol Policeman who has worked enough time with his force to attain the rank of Major or Chief can expect to earn 26% to 42% less than the Major or Chief in the Richmond Police Department, 24% to 37% less than the Major or Chief in Henrico County, 18% to 39% less than the Major or Chief in Chesterfield County, and 42% to 49% less than Majors and the Superintendent of the Virginia State Police. In addition to this, Chesterfield County police officers are provided a vehicle and home telephone service. State Policemen have this, in addition to having one meal per day furnished.

Not only do Capitol Police salaries not come close to their counterparts in neighboring jurisdictions, the salary disparity is greatest when compared with other State law-enforcement officers—the State Police. Every attempt should be made to bring the Capitol Policeman's salary in line with his counterpart in adjoining jurisdictions and with the State Police.

The Committee on Militia and Police submits this report and legislative recommendation on security at the Seat of Government of the Commonwealth to the House of Delegates and the accompanying text of legislation to the 1978 Session of the General Assembly.

Respectfully submitted,

Delegate C. Richard Cranwell, Committee Chairman

Delegate A. Victor Thomas, Subcommittee Chairman

Delegate James F. Almand

Delegate Claude W. Anderson

Delegate Calvin W. Fowler

Delegate Arthur R. Giesen, Jr.

Delegate Gladys B. Keating

Delegate Benjamin J. Lambert, III

Delegate Thomas W. Moss, Jr.

Delegate D. Wayne O'Bryan

Delegate William T. Parker

Delegate Kenneth R. Plum

Delegate Richard L. Saslaw

Delegate Erwin S. Solomon

Delegate Robert E. Washington

## Appendix I

### Properties Assigned for Capitol Police Patrol

- (1) Governor's Mansion and grounds, Capitol Square
- (2) Bell Tower, Capitol Square (3 Floors)
- (3) Finance Building, Capitol Square
- (4) State Capitol, Capitol Square
- (5) State Office Building, 12th and Bank Streets
- (6) Blanton Building, 13th and Bank Streets
- (7) Gas Laboratory Building, 102 N. Governor Street
- (8) Saunders Building, 14th and E. Grace Streets
- (9) Supreme Court Building, 12th and Broad Streets
- (10) Aluminum Building, 217 Governor Street
- (11) Zincke (No. 8) Building, 203 Governor Street
- (12) James Madison Building, 109 Governor Street
- (13) Central Highway Building, 1221 East Broad Street
- (14) Highway Annex Building, 1401 East Broad Street
- (15) Main Street Office Building and Annex, 1200 E. Main Street
- (16) Eighth Street Office Building, 8th and Broad Streets
- (17) Consolidated Laboratory Building, 9 N. 14th Street
- (18) Virginia National Guard Armory, 500 Dove Street
- (19) Central Garage, 14 N. 15th Street
- (20) Ferguson Warehouse, 111 N. 14th Street
- (21) Confederate Memorial Chapel, 2900 Grove Avenue
- (22) Lee Monument, Monument and Allen Avenues
- (23) President James Monroe's Tomb, Hollywood Cemetery
- (24) Elko Site and Utilities (Partial), E. Henrico County
- (25) Mallinckrodt Building, 1322 East Main Street
- (26) Morson Row House, 219 Governor Street
- (27) Morson Row House, 221 Governor Street
- (28) Virginia War Memorial, 621 S. Belvidere Street
- (29) Ninth Street Office Building, 9th & Grace Streets
- (30) Parking Lot, 1444 East Main Street
- (31) Consumer Affairs, 825 East Broad Street
- (32) Edwards' Restaurant, 817 East Broad Street
- (33) General Assembly Building, 910 Capitol Street
- (34) 7th and Marshall Self Park (Lot 22), 7th and Marshall Streets
- (35) Broad Street Station, West Broad Street
- (36) A.B.C. Lot, 2nd and Marshall Streets
- (37) Parking Lots 5 (North & South) 17th & Broad Streets
- (38) Park Lot 10, 1500 Block East Cary Street
- (39) Parking Lot 18, 1500 Block East Main Street



## Appendix II

A BILL to amend and reenact § 2.1-51.18:2 of the Code of Virginia, relating to the authority of the Capitol Police.

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-51.18:2 of the Code of Virginia is amended and reenacted as follows:

§ 2.1-51.18:2. Powers, duties and functions of Capitol Police.—The Capitol Police may exercise within the limits of the Capitol Square and, when assigned with the approval of the Governor, on any other property owned or controlled by the State or any agency, department, institution or commission thereof, all the powers, duties and functions which are exercised by the police of the city, or the police or sheriff of the county within which said property is located. The jurisdiction of the Capitol Police shall further extend three hundred feet beyond the boundary of any property they are required to protect, such jurisdiction to be concurrent with that of other law-enforcement officers of the locality in which such property is located. Members of the Capitol Police, when assigned with the approval of the Governor, to accompany the Governor, members of the first family, the Lieutenant Governor, the Attorney General, or members of the General Assembly, shall be vested with all the powers and authority of a law-enforcement officer of any city or county in which they are required to be.

