

**REPORT OF THE  
COMMITTEE ON MILITIA AND POLICE  
TO  
THE GOVERNOR  
AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 20**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1982**

**MEMBERS OF COMMITTEE**

---

A. Victor Thomas  
James F. Almand  
Arthur R. Geisen  
William P. Robinson, Jr.  
C. Richard Cranwell, ex officio

---

**STAFF**

**Legal and Research**

Oscar R. Brinson, Staff Attorney  
Mary P. Devine, Staff Attorney  
Terry L. Brown, Secretary

**Administrative and Clerical**

Office of Clerk, House of Delegates

**Report of the  
Committee on Militia and Police  
To  
The Governor and the General Assembly of Virginia  
Richmond, Virginia  
January, 1982**

To: Honorable Charles S. Robb, Governor of Virginia  
and  
The General Assembly of Virginia

**1. Introduction**

House Resolution No. 44 of the 1981 General Assembly requested the Committee on Militia and Police of the House of Delegates to study the feasibility of transferring supervisory authority over the Capitol Police Force from the Secretary of Public Safety to the General Assembly. A copy of the Resolution is attached as Appendix 1.

Delegate A. Victor Thomas was elected chairman of the subcommittee appointed to study the issue. Other members of the Committee on Militia and Police appointed to serve the Committee were Delegates James F. Almand, Arthur R. Geisen, William P. Robinson, Jr. and C. Richard Cranwell, ex officio.

**2. Background**

The Executive Branch, through the Secretary of Public Safety, is currently charged with responsibility for the Capitol Police Force. Costs and expenses associated with maintenance of the Force are paid out of the budget for the Secretary of Public Safety. Approximately 88% of amounts allocated to the Capitol Police are utilized for payment of salaries and related expenses.

There are fifty-six members of the Force, including the Chief. Seven new positions have been added since July of 1981 due to the increasing responsibilities of the Force. The Force has two automobiles available for its use.

In Richmond, the Force has the duty of protecting approximately thirty-seven office buildings and twenty-five state-owned parking lots. Members of the Force are authorized to make arrests and swear out warrants for offenses committed in the Capitol Square. The powers and duties of members of the force are the same as those of the local jurisdiction in which the property they are charged to protect is located. Their jurisdiction is concurrent with the local police within one hundred yards of any property they are protecting.

In addition, subject to the approval of the Governor, members of the force may be assigned to protect any state-owned or controlled property and may perform protective services for the Governor, members of the first family, the Lieutenant Governor, the Attorney General and members of the General Assembly.

**3. Activities of the Subcommittee**

The subcommittee met on November 5 and November 23, 1981 and again by telephone conference on January 7, 1982. The subcommittee discussed the matter of a transfer of supervisory authority with T. Rodman Layman, Secretary of the Police Safety and Major A. P. Tucker, Chief of the Capitol Police.

The Secretary told the subcommittee that the force is currently functioning well. He stated his opinion that a transfer of supervisory authority was not necessary at this time. Major Tucker agreed that the force is currently functioning well. However, Major Tucker cited the chronic man-power shortage and resultant need for extensive overtime and the fact that the force has only two automobiles in support of his contention that the needs of the force were not being met promptly. Major Tucker felt that closer contact could be maintained between the force and the General Assembly and that the General Assembly would be more responsive to the needs of the force.

Jack Heishman of Secretary Layman's office prepared three line charts outlining the alternatives

considered by the Subcommittee. The first alternative (Appendix II) would have retained the status quo; the Secretary of Public Safety would have remained directly responsible for the Capitol Police. The second alternative (Appendix III) would have allowed for the creation of a Joint Liaison Subcommittee to be comprised of members of the Committees on Rules for the Senate and the House of Delegates, to oversee the supervisory procedure. Direct responsibility for the force would have remained with the Secretary. Under the third alternative, (Appendix IV) supervisory authority for the Capitol Police would have been transferred to the General Assembly. The Joint Rules Committee of the House of Delegates would have direct responsibility for the Capitol Police Force.

### **3. Recommendations**

The Subcommittee recommends that direct supervisory authority over the Capitol Police Force be transferred to the General Assembly. It is believed by the subcommittee that such a transfer will ensure that the needs of the Capitol Police Force are promptly and adequately met to enable the force to continue to effectively serve the Commonwealth.

In order to facilitate the transfer, so as not to disrupt the operations of the Force, the subcommittee recommends that the Legislative Support Commission be granted responsibility for the Force. The Commission shall report to the Committees on Rules of the Senate and the House of Delegates. The Joint Rules Committee shall oversee the supervision of the Capitol Police by the Commission.

The amendments to the Code of Virginia, necessary to implement the recommendations of the subcommittee are attached to this report as Appendix V.

Respectfully submitted,

A. Victor Thomas

James F. Almand

Arthur R. Geisen

William P. Robinson, Jr.

C. Richard Cranwell, ex officio

**Appendix I**

**HOUSE RESOLUTION NO. 44**

**Offered January 19, 1981**

*Requesting the Committee on Militia and Police to study the feasibility of transferring supervisory authority over the Capitol Police force from the Secretary of Public Safety to the General Assembly.*

---

**Patron—Cranwell**

---

**Referred to the Committee on Rules**

---

**WHEREAS**, the duties of the Capitol Police officers center mainly around the protection of members of the legislature and their family and the protection of Capitol Square and buildings adjacent thereto; and

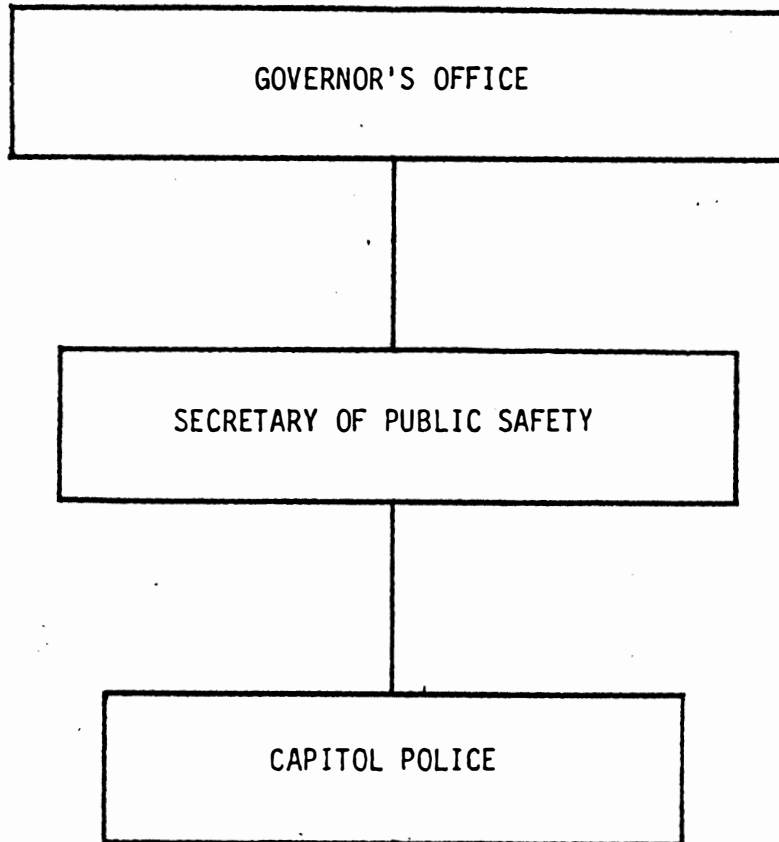
**WHEREAS**, the Capitol Police force is presently under the supervisory authority of the Secretary of Public Safety and the Executive Branch; and

**WHEREAS**, it may be desirable to study the feasibility of transferring the Capitol Police force from this executive supervisory authority to the legislative branch; now, therefore, be it

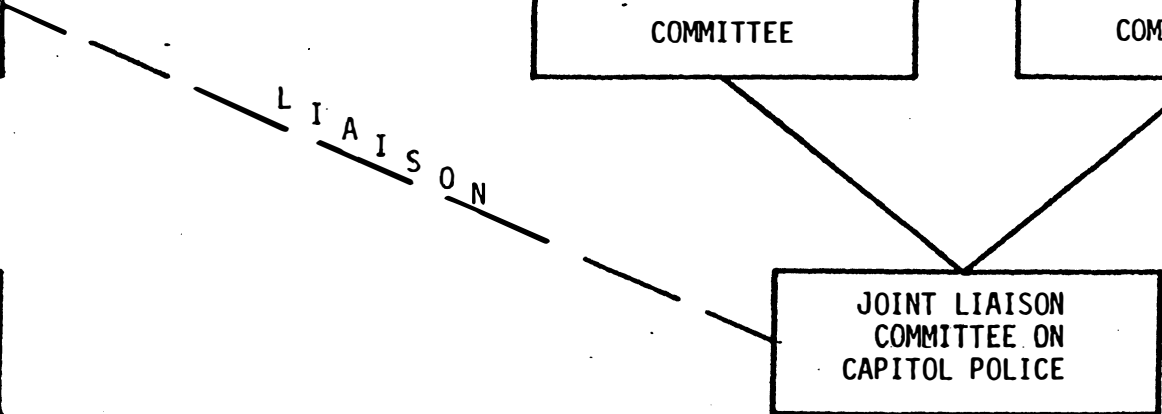
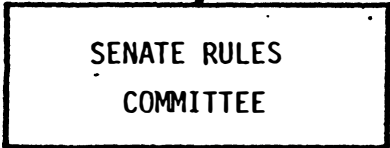
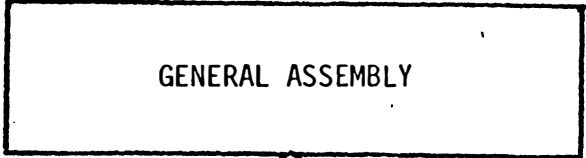
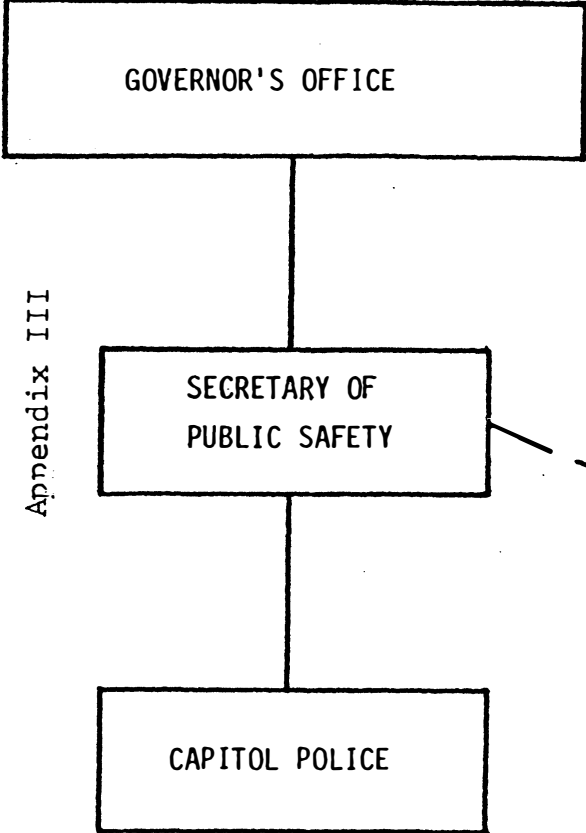
**RESOLVED** by the House of Delegates, That the Committee on Militia and Police is requested to study the feasibility of transferring supervisory authority over the Capitol Police force from the Secretary of Public Safety to the General Assembly. The Committee shall make a report of its findings, together with any recommended legislation, if any, at the conclusion of its study.

The cost of this study shall not exceed five thousand dollars.

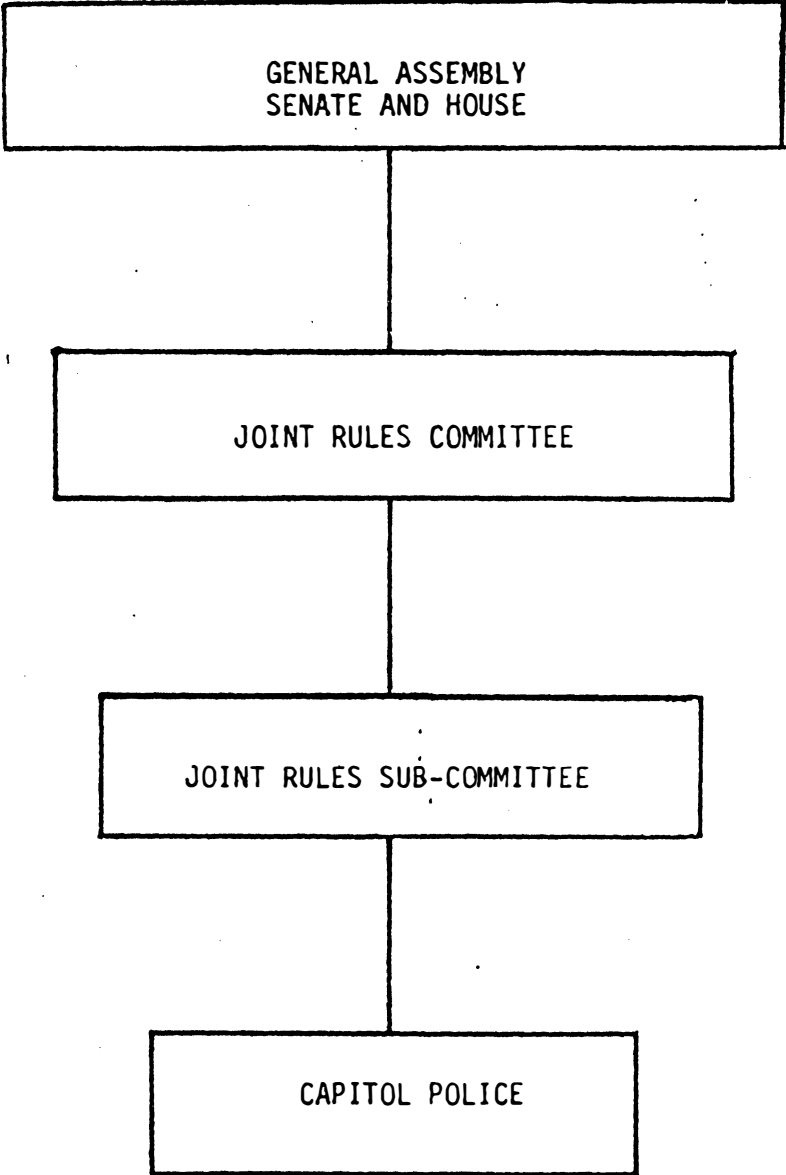
Appendix II



Appendix III



Appendix IV





Appendix V

1 D 1/7/82 DEVINE C 1/13/82 key

2 A BILL to amend and reenact § 30-34.2 of the Code of  
3 Virginia, and to amend the Code of Virginia by adding a  
4 section numbered 30-34.2:1, and to repeal §§  
5 2.1-51.18:1 and 2.1-51.18:2 of the Code of Virginia,  
6 the amended, added and repealed sections pertaining  
7 generally to supervision of Capitol Police; powers and  
8 duties.

9

10 Be it enacted by the General Assembly of Virginia:

11 1. That § 30-34.2 of the Code of Virginia is amended and  
12 reenacted, and that the Code of Virginia is amended by  
13 adding a section numbered 30-34.2:1, as follows:

14 § 30-34.2. Powers and duties generally.--The Commission  
15 shall have the following powers and duties:

16 1. To supervise the printing and distribution of bills,  
17 resolutions, joint resolutions, House documents, Senate  
18 documents or other matters directed to be printed for use of  
19 the Senate or the House of Delegates and intended for  
20 temporary use, as well as the printing and distribution of  
21 House Journals, Senate Journals and the Acts of Assembly;

22 2. To supervise the maintenance and operation of the  
23 General Assembly Building;

24 3. To supervise and assist the Capitol Hostesses;

25 4. To employ such personnel as may be necessary to  
26 carry out the purposes of this chapter;

27 4a. To supervise the Capitol Police Force;

28 5. To make and enter into all contracts and agreements

1 necessary or incidental to the performance of its duties and  
2 the execution of its powers under this chapter;

3 6. To do all acts necessary or convenient to carry out  
4 the purposes of this chapter; and

5 7. To perform other duties as directed by the  
6 Committees on Rules of the House of Delegates and the Senate  
7 of Virginia.

8 § 30-34.2:1. Powers, duties and functions of Capitol  
9 Police.--The Capitol Police may exercise within the limits  
10 of the Capitol Square and, when assigned to any other  
11 property owned or controlled by the Commonwealth or any  
12 agency, department, institution or commission thereof, all  
13 the powers, duties and functions which are exercised by the  
14 police of the city, or the police or sheriff of the county  
15 within which said property is located. The jurisdiction of  
16 the Capitol Police shall further extend 300 feet beyond the  
17 boundary of any property they are required to protect, such  
18 jurisdiction to be concurrent with that of other  
19 law-enforcement officers of the locality in which such  
20 property is located. Members of the Capitol Police, when  
21 assigned to accompany the Governor, members of the  
22 Governor's family, the Lieutenant Governor, the Attorney  
23 General, or members of the General Assembly, shall be vested  
24 with all the powers and authority of a law-enforcement  
25 officer of any city or county in which they are required to  
26 be.

27 2. That §§ 2.1-51.18:1 and 2.1-51.18:2 of the Code of  
28 Virginia are repealed.



