

Commonwealth of Virginia  
PRIVATE SECURITY SERVICES ADVISORY BOARD

June 4, 2013

Quarterly Board Meeting Minutes

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**Call to Order**

At 10:05 AM, Chairman Paul Ellis called the quarterly meeting of the Private Security Services Advisory Board (PSSAB) to order. Roll call taken and a quorum of members were present. The meeting having been duly convened was ready to proceed with business.

### **Roll Call**

Chairman Ellis asked Brenda Cardoza to call roll. Ms. Cardoza proceeded with roll call and advised there was a quorum of members present.

### Present

Chairman Paul Ellis, Vice Chairman Frank Phillips, Secretary Mary Kay Wakefield, Charles Ciccotti, Robert Clark, Kevin Hodges, Stokes McCune, Seth Oginz, Daniel Schmitt, Thomas Springs II, Thomas Turner, James Washburn Jr.

### Absent

Craig Branch, Gary Ford and John Hall (members provided notification that they would not be in attendance prior to the meeting).

### **Approval of the Agenda**

Chairman Ellis called for a motion to be made to approve the meeting agenda. Whereas a motion to approve the agenda was made by Daniel Schmitt and seconded by Frank Phillips, it was unanimously approved.

### **Approval of the Minutes**

Chairman Ellis called for a motion to be made to approve the minutes from the March 8, 2013 quarterly Board meeting. Whereas a motion to approve the minutes was made by Kevin Hodges and seconded by Thomas Turner, it was unanimously approved.

### **Guest Speaker**

Vice Chairman Phillips welcomed and introduced guest speaker Honorable Robert L. Bushnell, Henry County Commonwealth's Attorney; and Criminal Justice Service Board (CJSB) Vice Chairman.

The Honorable Robert L. Bushnell reflected on how and why the CJSB was put in place and how and why the CJSB is so critical to so many including private citizens, public law enforcement, and the private security sector. The following brief summary of information was presented:

In 1981 the General Assembly enacted §9.1-108 which create the Criminal Justice Services Board (CJSB). The function of the Criminal Justice Services Board is to serve as the policy making body for the Department of Criminal Justice Services, to direct the Department and to carry out the responsibilities assigned to it under Chapter 1 of Title 9.1 of the *Code of Virginia* (Sections 9.1-100 et seq.). The CJSB also, serves an appeal. The Department duties are staggered per the statutes that create it-§ 9.1-102. Powers and duties of the Board and the Department.

The CJSB is very important to so many because the Department regulates the occupations and professional activities of thousands of Virginia citizens. The Department is relied upon to protect the citizens of the Commonwealth. Therefore, there must be regulations in place that do not compromise or betray the public's trust. It is very important to have a strong voice on the CJSB representing the PSSAB.

Effective June 30, 2013, the Honorable Robert L. Bushnell will finish his eight year tenure with the CJSB per the bylaws.

### **Committee Reports**

With no committee meetings conducted, the Board moved on with no objections.

### **DCJS Report**

The DCJS report was preceded by Division Director Teresa Gooch's announcement of the Department's organizational change. The Division of Law Enforcement and the Division of Regulatory Affairs have been combined as The Division of Law Enforcement and Security Services of which Ms. Gooch is the Division Director.

Lisa McGee, Regulatory Manager presented the Department's Report. Mrs. McGee provided a status update on the amendments to the Regulations Related to Private Security Services. The following amendments to the Regulations Related to Private Security Services were adopted by the Criminal Justice Services Board on May 9, 2013. The industry will be noticed of the effective date.

#### **Amend to read: 6VAC20-171-460. In-service training exemption.**

Persons who have completed training which meets or exceeds the compulsory minimum training standards promulgated by the board for the in-service training required for the individual's particular category may be authorized credit for such training, provided the training has been completed within [ ~~12~~ 24 ] months of the expiration date of the registration period during which in-service training is required. Such training must be provided by a third party organization category. Official documentation of the following must accompany the application for in-service training credit:

1. Information regarding the sponsoring organization, including documentation regarding the instructor for each session; [ ~~and~~ ]
2. An outline of the training session material, including the dates, times and specific subject matter [ ~~and~~ ]
3. Proof of attendance and successful completion.

#### **Amend to read: 6VAC20-171-470. Prior firearms training exemption.**

Persons having previous department-approved firearms training may be authorized credit for such training which meets or exceeds the compulsory minimum training standards for private security services business personnel, provided such training has been completed within the 12 months preceding the date of application. Official documentation of the following must accompany the application for partial [ ~~in-service~~ ] training credit:

1. Completion of department-approved firearms training; and
2. Qualification at a Virginia criminal justice agency, academy or correctional department.

These amendments were requested by the industry and supported by the department. They will allow for the approval of training exemptions for in-service training taken within the 24-month registration period and allow for partial training exemptions for entry-level firearms training or range qualification.

#### Regulatory Affairs News Bulletin and Annual Statistics:

Ms. McGee reviewed the statistical data on the latest Regulatory Affairs News Bulletin which included statistical data on applications processed by license type, application intake, credentials issued, and criminal history related statistics. The Bulletin also includes statistics in reference to investigations and adjudication of cases. The Regulatory Affairs News Bulletin is available on the Department's website at [www.dcjs.virginia.gov/pss/](http://www.dcjs.virginia.gov/pss/).

#### Compliance and Enforcement 4<sup>th</sup> quarter 2012

There were 99 newly opened investigative cases. The Enforcement Unit completed 175 investigations. The Department closed a total of 210 cases of which 83 were founded and 127 unfounded.

#### Compliance and Enforcement 1<sup>st</sup> quarter 2013

There were 83 newly opened investigative cases. The Enforcement Unit completed 74 investigations. The Department closed a total of 125 of which 67 were founded and 58 unfounded.

#### Training

Marie Baugh, Training Coordinator will revive the Instructor Newsletter. The upcoming training schedule is listed below; it can also be accessed on the department website at:

[www.dcjs.virginia.gov/pss/training/dcjs/dates.cfm](http://www.dcjs.virginia.gov/pss/training/dcjs/dates.cfm).

07/16/ 2013- Compliance Agent Training-Entry Level at the Virginia Beach Sherriff's Office Training Academy

7/17/13 - 13I: Private Security Instructor In-Service - Virginia Beach Sheriff's Office Training Academy

7/18/13 – Compliance Agent In-Service - Virginia Beach Sheriff's Office Training Academy

8/13/13 - Instructor In-Service - Rappahannock Regional Criminal Justice Academy

8/14/13 - 12I: Compliance Agent In-Service - Rappahannock Regional Criminal Justice Academy

### ROCS

Dennis Harrell, IT Manager for the department, provided an update on ROCS. On March 18, 2013 the Department met for the kickoff of the ROCS2 Project to find a replacement for the failing ROCS. A formal team and Critical Path Schedule (CPS) were created. The team is meeting bi-weekly to discuss status, red flags, end users input and things to do list.

The overall scope of this project is to define the functional requirements and procurement of a solution that provides a single integrated application approach that will allow the Department to completely replace the legacy systems (Sherlock, Osprey) and the current My License software. The Department is looking at a completion/go live (after undergoing several levels of testing to include the end users) target date of June 2014.

### Licensing and Customer Service - Neadie Moore, Manager

Ms. Moore advised that additional staff were hired to assist with application processing and that the registration and licensing section are currently up-to-date. Ms. Moore encouraged the use of the latest revised forms located at <http://www.dcjs.virginia.gov/forms>. Ms. Moore also provided the following:

Training School Directors and Compliance Agent can no longer verify legal presence. Proof of legal presence must be submitted with the fingerprint processing application. Acceptable Documents for Verifying Legal Presence/Name Change can also be found at the link above.

When calling DCJS' customer service line please listen carefully as the menu has been changed. There are options to select which will forward calls directly to dedicated program specialists.

The property Bail Bondsman report has been revised and will be mailed out with instructions to property bail bondsmen.

### **New Business**

#### Criminal Justice Services Board Report - Charles Ciccotti

The CJSB Nomination Committee met on May 29, 2013 and fully evaluated all applicants for the vacant PSSAB positions and will make its recommendation to the full Board for final appointment to the PSSAB. The CJSB will make appointments to the PSSAB not later than the June 13, 2013 CJSB meeting.

## **Break**

At 11:20AM, the Board recessed for a break.

## **Call to Order**

At 11:30AM, the Board was called to order with all members present.

## **Old Business**

### Special Conservator of the Peace (SCOP) – Contract Services – Frank Phillips

The official opinion from the Attorney General's Office on the matter, on whether or not the Code of Virginia prohibits a private security services business from providing SCOP services for-profit, is that it is legal to do so.

On May 20, 2013 individuals from the industry met with representatives of the Department to further discuss issues concerning the SCOP program. To obtain a copy of the meeting minutes please submit your request to Vice Chairman Frank Phillips at [fphillips@goldensealenterprises.com](mailto:fphillips@goldensealenterprises.com).

The next SCOP meeting is scheduled for June 24, 2013 at the Department of Criminal Justice Services, 12<sup>th</sup> floor, 1100 Bank Street, Richmond, Virginia 23219. The meeting is scheduled for **10:00 A.M. – 12:00P.M.** Please email any questions or comments that you would like to be presented at this meeting to Tom Turner at [Turner@Roanoke.edu](mailto:Turner@Roanoke.edu).

### Tom Turner

Mr. Turner is not in support of giving a badge, a gun, or arrest authority to individuals with the minimally required training hours. There are several gray areas of interpretation throughout the SCOP program. There is a place for the SCOP program in the public safety arena in the Commonwealth of Virginia. Do not let the issues define the entire program; take a look at what is, and what is not working.

The SCOP is the only program regulated by the Department that involves a circuit court judge appointment. The program should be looked at as a law enforcement function as opposed to a private security services business.

### Personal Protection Specialist (PPS) Brochure

The Department has given the final go ahead for printing and distribution of the brochure "What You Should Know... Before Providing or Contracting PPS Services in Virginia". It will be posted on the DCJS website and copies will be made for distribution.

### Private Security Services Advisory Board Newsletter

At the March 8, 2013 quarterly PSSAB meeting, it was resolved that publication of the newsletter should occur within the ten day period following a PSSAB quarterly meeting and to give final approval authority for the newsletter to the PSSAB Chairman and Vice Chairman. The newsletter is on target for release.

### Harold McCann Award

Applications for the award will be accepted by the Board January 1 through November 30. The Board will review nominees and choose a recipient at the December PSSAB meeting. The PSSAB will establish an Awards Subcommittee. Craig Branch will be appointed Chair of that subcommittee. The Board has asked Martha Clancey to put together the historical process.

Once everything is finalized with the committee and the documents are received by the Department, the Department will post the nomination package and as they are collected will forward to the PSSAB.

### Virginia Crime Clinic Update

The Department of Criminal Justice Services is proud to announce "Partnering to Protect: Law Enforcement and Security Services Protecting our Communities", a joint partnership with the Virginia State Crime Clinic. This year's 48th Annual State Crime Clinic Training Conference will be held at Sheraton Norfolk Waterside Hotel in Norfolk, Virginia, from Wednesday, September 18, 2013 to Friday, September 20, 2013. Registration is now open online at <http://www.dcjs.virginia.gov/trainingevents/ps/2013/conference/>.

The keynote presentations will be:

**Ethics-Based Leadership: Characteristics of Successful Leaders™**

*Dr. James T. Reese*

**Home Grown Violent Extremists (HVE)**

*Special Agents Jason Freed and William Brown of the Federal Bureau of Investigations (FBI)*

The breakout sessions will include the following topics:

- Domestic Violence Lethality Assessments
- Gangs 101
- Human trafficking
- Identifying the Predominant Aggressor
- Legal Updates with John L. More, JD
- Mental Health
- Private Security Workshop
- Security Systems Updates
- Sovereign Citizens

There are more topics to be announced soon. There should be something for everyone.

### Intended Audience

This conference is intended for law enforcement officers and those working in the security industry.

### Partial In-service Credit

Partial in-service credit for law enforcement officers, campus security officers and private security is available. Legal and cultural diversity credit will also be available.

Marie Baugh in conjunction with Vice Chairman Frank Phillips will conduct a seminar for private security services which will cover best business practices and school director issues.

#### Electronic Security Symposium/PSSAB Meeting

There is no information available yet.

#### Locksmith

The Board requested that the Department contact businesses (i.e. Lowe's, AT&T, Verizon, etc.) that are currently exempt from the licensing requirements and provide them with additional detailed information to ensure they are not providing regulated services. The Department has recommended creating a brochure on "What You Should Know about Locksmiths", similar to other informational brochures that can be utilized to educate the general public and businesses.

#### Electronic Security

A concern was brought up about the registration of electronic security technicians employed by communication companies. Ms. Moore advised that the department has been in receipt of large application packages and these companies seem to be getting their technicians properly registered.

#### Guest Speaker

It was suggested to select a Board member to bring in the speaker for the next meeting. Tom Turner will invite the next guest speaker.

#### PSSAB Meeting

Chairman Ellis called for a motion for July 23, 2013 as the next date for the PSSAB meeting. Whereas a motion to hold the next PSSAB meeting on July 23, 2013 was made by Bob Clark and seconded by Frank Phillips, it was unanimously approved by vote.

The election of officers will be conducted at this meeting and the committee meetings will be held on this day as well.

#### Awards and Recognition

Chairman Ellis recognized Thomas E. Springs, III, Private Investigator Representative for his outstanding and dedicated service to the Private Security Services Advisory Board, July 1, 2012 – June 30, 2013 by presentation of a plaque.

#### **Public Comment**

##### James St. John

Mr. St. John commented on the current Special Conservator of the Peace issues:

1. In working with PSSAB on SCOP issues, make sure suggestions are of solid ground and show concrete numbers of actions taken against SCOPs and not use or rely on the old

studies as current facts. Good public policy is created with concrete data and not antidotes.

2. The SCOP is a common-law artifice, it is hundreds of years old and has become a part of statute and is the discretion of the circuit court judge. Judicial input is essential.
3. Establish facts of SCOP program. There is one program; however, there are several implementations of the one program. It is important to get the facts correct in the beginning because anything built off of them in the future will be impacted by what was believed to have been the initial facts.

### **Announcements**

The next PSSAB meeting is scheduled for July 23, 2013.

### **Adjournment**

A motion was called for by Chairman Ellis to adjourn. Whereas a motion to adjourn was made by Kevin Hodges and seconded by Charles Ciccotti, it was unanimously approved by vote. The June 4, 2013 meeting of the PSSAB was adjourned.

### **Meeting Attendees:**

#### DCJS Staff

Drew Molloy, Chief Deputy Director  
Teresa Gooch, Division Director  
Brenda Cardoza, Programs and Adjudication Specialist  
Barbara Drudge, Towing Manager  
Dennis Harrell, IT Manager  
Lisa McGee, Regulatory and Adjudication Manager  
Neadie Moore, Licensing and Customer Service Manager  
Robert Tortolani, Adjudication Coordinator

#### Industry

Brad Hughes	Douglas Snyder
Frederic Pleasants, Jr.	James C. St. John
Pat Moore	Cynthia Washburn