



Private Security Services Advisory Board

Twin Hickory Library
5001 Twin Hickory Road
Glen Allen, Virginia 23059-2509

DRAFT MINUTES — DRAFT MINUTES — DRAFT MINUTES
June 2, 2015 Meeting

Members Present

Mr. Daniel Schmitt, Chairman
Mr. Kevin Hodges, Vice Chairman
Mr. David Killip, Secretary
Mr. Stanley Corn
Mr. Charles Ciccotti
Mr. Thomas Kaschak
Mr. Stokes McCune
Mr. Seth Oginz
Mr. Rick Pleasants
Mr. Eric Pohland
Mr. Robert Soles
Ms. Ann Trinca
Mr. James Washburn, Jr.

Members Absent:

Chief Craig Branch
Mr. Gary Ford

DCJS Staff Present:

Ms. Teresa Gooch, Division Director
Ms. Lisa McGee, Regulatory Manager
Mr. Orlando Irving, Training Specialist

1. **Meeting Called to Order:** Chairman Daniel Schmitt called the meeting to order at 10:00 a.m.
2. **Acceptance of Meeting Minutes:** Mr. Oginz moved to accept the minutes from the March 3, 2015 meeting, Mr. Ciccotti seconded the motion. With no objections, the minutes were unanimously approved.
3. **Public Comment:** No public comment was received.
4. **DCJS Report:**

Credentialing Management System (CMS): DCJS is in the final stages of User Acceptance Testing for the back office phase of the system implementation. They stressed the importance of getting the back office phase of this project implemented and stabilized so that they may move on to the web based phase which will allow individuals and businesses to enter their own applications and renewals over the web. The expectation is to get the back office phase installed and go live over the next 60 - 90 days. Once implemented they will go through a stabilization period for the back office phase but will concurrently start to work on the configuration and testing of the web application. A date for the web application implementation has not been specified but DCJS is anticipating implementation during the latter half of the year.

Osprey— DCJS is aware of the on-going issues with the online training roster system. Their IT group continues to monitor the system and normally receives notification if there is a problem with the

server. If there is an issue, IT is able to promptly restart the system to reduce the time periods of inaccessibility. A new online training roster portal has been developed as part of the CMS system and will be implemented with the back office phase of the project. DCJS provided a demonstration of the training roster system to various representatives of certified training schools on May 14, 2015. Having input from actual users was extremely beneficial to the project team to not only ensure that the main components were captured but to also receive feedback on possible future enhancements.

Regulatory Activity

Regulations Relating to Bail Enforcement Agents – 6VAC20-260 - DCJS has initiated an exempt regulatory action to amend sections of the regulations to conform to statutory changes. As a result of HB2314, the regulation will be amended to reduce from 30 to 10 calendar days the time within which a bail enforcement agent must report changes to his or her residence or business address, any final administrative disposition, any arrests or summonses issued, or criminal dispositions.

This regulatory action will also amend the regulations to conform to a statutory change during the 2014 General Assembly. HB1007 replaced the acronym GED with "passed a high school equivalency examination approved by the Board of Education" which affects the eligibility requirements for bail enforcement agents.

This action has been approved by the Criminal Justice Services Board and the Attorney General's office and is exempt from the APA. The regulatory action will be published by the Virginia Registrar on June 15, 2015 and the new language will be effective on July 15, 2015.

Regulations Relating to Property and Surety Bail Bondsmen – 6VAC20-250 - DCJS has also initiated an exempt regulatory action to amend sections of the regulations to conform to statutory changes. This action is pending final approval from the Criminal Justice Services Board.

The proposed amendment is also a result of HB2314 and to conform to statutory language from previous general assembly sessions. HB2314 requires a bail bondsman to report any felony arrest to DCJS within 10 calendar days of the arrest and reduces from 30 to 10 calendar days the time within which a bail bondsman must report changes to his or her residence or business address, any new disciplinary actions, and any arrests or criminal convictions. House Bill 2314 also prohibits any bail bondsman who has been arrested for a felony from issuing any new bonds pending the outcome of an investigation by the Department of Criminal Justice Services.

The acronym GED will be replaced with "passed a high school equivalency examination approved by the Board of Education" and the regulatory action includes the statutory language that prohibits a bail bondsman from charging a bond premium less than 10 percent or more than 15 percent of the amount of bond and prohibits a bondsman loaning money with interest for the purpose of helping another obtain a bond.

This action is pending approval by the Criminal Justice Services Board and the Attorney General's office and is exempt from the APA. It is anticipated that this regulatory change will go into effect by mid August.

Regulations Relating to Special Conservators of the Peace – 6VAC20-230

Insurance Requirements: The proposed regulatory action to amend the bond and insurance requirements for Special Conservators of the Peace is currently under review. The proposed changes reflect the CJSB's decision in June 2014 to amend the \$10,000 general liability or self insurance policy to a minimum of \$500,000 in professional law enforcement liability insurance. The CJSB further voted to increase the minimum coverage amount for a cash or surety bond from \$10,000 to \$100,000 but will not pursue proposing this increase based on recent legislative action that strikes this requirement from the Code of Virginia § 19.2-13. The proposed language has been changed to remove the bond requirement from the regulations.

Once the action is approved by the Governor, the regulations will be filed with the Virginia Registrar for publication and public comment. Publication is anticipated to occur before the end of the summer.

Conform to HB2206 and SB1195 (2015) – There are numerous changes to the code sections regarding Special Conservators of the Peace that will require regulatory amendments. DCJS will work with the PSSAB and the industry over the next few months to establish the regulatory language. This process is expected to take up to 18 months. DCJS will continue to keep the PSSAB and the industry updated on each stage of the process.

Regulations Relating to Private Security Services – 6VAC201-171:

Establish Individual Chapters: DCJS is finalizing the regulatory package that will repeal the current Regulations Relating to Private Security Services and replace with individual chapters that address the three main components of the regulated private security industry: Businesses, Training Schools and Registered Personnel. The Attorney General's office will review the chapters and upon certification from the AG; the action will be filed with the Virginia Registrar. As an exempt action, the changes will go into effect 30 days after publication by the Virginia Registrar of Regulations. It is expected that this will occur by the end of this summer.

Amend Regulations to Conform to HB1718 (2015) - HB 1718 requires DCJS to establish insurance requirements for Private Investigators and Personal Protection Specialists Sub-Contractors. DCJS is gathering information and will reach out to members of the private security and insurance industry for an initial meeting. DCJS requested that the PSSAB participate in the process and be prepared to make a recommendation to the Criminal Justice Services Board.

DCJS consulted with the Attorney General's Office and determined that DCJS can attempt to fast track these regulations if the proposed language is non-controversial. The success of fast tracked regulations is largely dependent on the public and the number of comments received during the appropriate public input stages. If, during the public comment period, an objection to the fast-track regulation is received from specific members of the General Assembly or 10 or more members of the public, then publication of the fast-track regulation will serve as the Notice of Intended Regulatory Action (NOIRA) and the standard rulemaking process is followed to promulgate the regulation. If successful, DCJS estimates that the earliest the regulatory language will be implemented is March 2016. If it is deemed that the fast track action is not feasible, DCJS anticipates implementation will not occur before January 2017 following the standard regulatory process. A copy of the Standard Regulatory Process and Fast-Track Regulatory Process was provided to the PSSAB members.

5. **Board Member/Committee Reports:**

SCOP Committee: Mr. Pleasants requested clarification of what changes Special Conservators of the Peace (SCOP) can expect as it pertains to the recent legislation. DCJS advised PSSAB that effective July 1, 2015: (1) cash or surety bond coverage would no longer be an option for SCOPs. SCOPs would be required to minimally obtain a \$10,000 general liability insurance pending the completion of the regulatory amendment to change the liability requirement to a \$500,000 Professional Law Enforcement liability coverage. (2) SCOP's applying for a new registration and seeking a court appointment will be required to submit a copy of a background investigation completed by law enforcement. (3) Current minimum training requirements would remain in place until the new training is promulgated through the Administrative Process Act; the statutory language requires that SCOPs complete the training within 36 months allowing time for the training to be established through regulation and time to meet the new training standards. DCJS will provide additional information to the industry regarding the recent changes to the Code of Virginia and offered to reach out to law enforcement regarding the requirement for SCOPs to obtain background checks.

Mr. Pleasants offered a concern about the change in the temporary registration letter which only allows eligible SCOPs a period of 30 days to present to the court when seeking appointment. Speaking for the SCOP industry, Mr. Pleasants reported that the 30 day period begins upon the date of the letter but there is a time period before the letter is actually received by the individual via US Mail. He further reported that 30 days may not allow for ample time to complete the process with the courts. DCJS offered to include an electronic mailing of the document and that the 30 days was limited to the initial filing with the courts.

Photo ID Committee: Mr. Hodges and Mr. Soles reported that they attended a recent meeting with Director Ecker and members of DCJS staff. It has been determined DMV would require statutory authority in order to include the private security services industry into their special id program. DCJS will continue to work with the committee to work out the details of a photo registration card as well as possible legislative language for the 2016 General Assembly. Mr. Soles advised that in the interim, he is looking into a 3rd party vendor that businesses may utilize to provide a photo identification card along with their DCJS registration credential.

CJSB Report: Mr. Ciccotti reported that the Nominations and Appointment Committee received 22 applications for eight (8) PSSAB seats available on July 1, 2015. The committee did not receive any applications for the locksmith business representative position. The position will remain vacant until the committee receives additional applications. The CJSB appointed the following individuals to the PSSAB effective July 1, 2015:

1. Robert D. Dickenson, II - Electronic Security Business Representative – 1 year term
2. James Kevin Powell, Jr. - Electronic Security Business Representative – 1 year term
3. Kevin Hodges - Armored Car Business Representative – 4 year term
4. Robert D. Soles - Personal Protection Specialist Business Representative – 4 year term
5. Frederic Pleasants - Special Conservator of the Peace – 4 year term
6. David J. Killip - Private Security Services Instructor – 4 year term
7. George W. Stephens - Private Investigator – 1 year term

6. **Old Business:**

DCJS Application Process: The Board briefly discussed the process of submitting fingerprint cards with a credential application to DCJS and Chairman Schmitt advised that members of the Board would be meeting with DCJS staff to further discuss the process.

7. **New Business:** None

8. **Public Comment:** No public comment was received.

9. **PSSAB Board Member Recognition:** Chairman Schmitt and DCJS thanked the following board members for their service and dedicated support of the private security industry: Stanley Corn and Seth Oginz, Electronic Security Business Representatives; Thomas Kaschak, Private Investigator Representative, and Gary Ford, Locksmith Business Representative. Each member was presented with a framed certificate acknowledging sincere appreciation for their dedication and professional service to the Commonwealth of Virginia while a member of the Private Security Services Advisory Board, signed by the DCJS Agency Director, Francine C. Ecker, and the PSSAB Chairman, Daniel Schmitt.

10. **Announcements:** The next quarterly meeting of the PSSAB is scheduled for September 15, 2015. This date is subject to change depending on the final details of an upcoming security industry training session hosted by the Virginia Crime Clinic. Chairman Schmitt will ensure adequate notice is provided to DCJS and PSSAB members should the meeting be changed or if an additional meeting will be held.

11. **Adjournment:** Mr. Ciccotti moved to adjourn the meeting. Mr. Oginz seconded the motion. With no objections, the meeting was adjourned at 11:20 a.m.