DRAFT

Commonwealth of Virginia

PRIVATE SECURITY SERVICES ADVISORY BOARD (PSSAB)

December 3, 2012
Quarterly Board Meeting Minutes

TUCKAHOE PUBLIC LIBRARY
1901 Starling Drive
Henrico, Virginia 23229

Call to Order
Chairman Paul Ellis called the meeting to order and on behalf of Private Security Services Advisory Board (PSSAB) welcomed everyone to the meeting.

Roll Call
Chairman Ellis asked Brenda Cardoza to call roll. Ms. Cardoza proceeded with roll call and advised there was a quorum.

Board Attendees
Paul Ellis, Chairman; Frank Phillips, Vice-Chairman; Mary Kay Wakefield, Secretary;
Chief Craig Branch; Robert Clark; Gary Ford; John Hall; Kevin Hodges; Stokes McCune;
Daniel Schmitt; Thomas Springs; James D (Danny) Washburn, Jr.

Absent
Charles Ciccotti; Seth Oginz; Thomas Turner (members submitted notification that they would not be in attendance, prior to the meeting).

Approval of Agenda
Chairman Ellis called for a motion to amend the agenda by moving the DCJS report before the Committee reports. A motion to amend and approve the agenda was made by Craig Branch. Mary Kay Wakefield seconded and the motion carried.

Approval of Minutes
Chairman Ellis called for a motion to accept and approve the minutes from the September 19, 2012 Board meeting as written. Requests to make amendments to the September 19, 2012 minutes were entered. A motion to accept the minutes with the amendments was made by Frank Phillips. Craig Branch seconded and the motion carried.

<u>Daniel Schmitt</u>
Mr. Schmitt entered a request to make an amendment to "2013" (page 10, second paragraph under PSSAB Newsletter). This was amended to November 9, 2013.

<u>James "Danny" Washburn</u>
Mr. Washburn entered a request to remove "and made a motion that the Board endorse the ES subcommittee's recommendations" (page 4) and Mr. Phillips made a motion to accept the committee's report with a caveat, that it is being accepted as a committee report only and not as an endorsement from the Board (page 6). These motions were stricken from the minutes.

<u>Mary Kay Wakefield</u>
Ms. Wakefield provided clarification from the September meeting that due to the discussion related to the motion being made and seconded, she asked to amend the motion.

<u>Paul Ellis</u>
Chairman Ellis assured that going forward the Board would be careful when making motions.

DCJS Report

Lisa McGee, Regulatory Manager presented the Department's report:

Staff Update
DCJS is very pleased to announce that on October 10, 2012, ***Marie P. Baugh*** joined the Division of Regulatory Affairs as the Training Coordinator. Ms. Baugh served in the U.S. Army for twenty years and retired as a Senior Non-Commissioned Officer. She served our nation as a Recruiter, Instructor, and Para- Legal Specialist. Ms. Baugh holds a Bachelor of Science Degree from Excelsior College in Liberal Arts and a Master of Arts in Education from Trident University in Training Development. She is currently enrolled in the Doctoral Degree program at Grand Canyon University.

Customer Service
In an effort to move forward to a more user friendly system there was a need for DCJS to institute changes in their current application submission procedures. As of November 1, 2012 DCJS no longer accepts online applications and fees through the Regulatory Online Credentialing System (ROCS) for licensing and certification for private security, bail bonds, bail enforcement agents, and special conservators of the peace. This change will eliminate many of the problems that have been experienced and allow DCJS staff to focus on efficiently processing requests for licensure and certification.

DCJS is processing requests for licensure and certification in paper format only. The licensure and certification forms, documentation, and training have not changed. The only change is that you are no longer able to send forms to DCJS electronically through the ROCS system. Completed applications and fees must be sent to DCJS by mail, fax, and as attachments to email.

Applications and fees may also be hand delivered to: 1100 Bank Street, 9th Floor, Richmond, VA 23219 or utilize DCJS' newly instituted secured drop box, located in the front entrance of the building on Bank Street. There are envelopes available and the box is checked twice a day. Ms. McGee reminded the Board that the Department could not accept cash payments.

DCJS' IT section is currently researching a new and reliable licensure and certification system that will meet the expectations of the Department and the industry. DCJS will continue to notice the constituency groups of their progress as well as of any changes.

The DCJS website has a new and fresh look. DCJS welcomes any comments and/or suggestions about the makeover and hope it is making it a pleasant experience for our customers when visiting our website at dcjs.virginia.gov.

Periodic Review/Public Comment
The Periodic Reviews for the Regulations Relating to Property and Surety Bail Bondsmen and the Regulations Relating to SCOP Comment Period notices were posted on the DCJS website at http://www.dcjs.virginia.gov/ under "What's New". The period for submitting comments online to Virginia Regulatory Town Hall began November 19, 2012, and is ending on December 10, 2012. The comments will be reviewed to see if the regulation should be opened for promulgation

of a new regulation. A periodic review for Bail Enforcement Agents should be opening in the first quarter of 2013.

The public comment period for the Regulations Relating to Private Security Services closed on October 24, 2012. DCJS received and reviewed more than eighty comments. Ms. McGee provided the Board members with and had available to the audience, copies of the final recommendations that DCJS would like to take forward to the Criminal Justice Service Board (CJSB).

The public hearing to present these regulations before the Committee on Training (COT) is scheduled for 9:00a.m., Thursday, December 6, 2012 at the General Assembly building in House Room D. DCJS will introduce the documents accompanied by the amendments; and make a request that the COT propose the adoption of the regulations before the full CJSB.

If and when the regulations are adopted; they are submitted again for executive review to the Department of Planning and Budgeting, the Secretary of Public Safety, the Commonwealth Attorney and the Governor's Office.

Proposed Changes to Regulations

Based on the comments received, as well as the numerous meetings conducted with the various industry groups throughout the Commonwealth, Ms. McGee reviewed the amendments that will be submitted to the COT on December 6, 2012 for approval. These changes, if approved will be incorporated into the final regulations:

6VAC20-171-10. Definitions

Insert a definition for Learning Management System and amend the definitions of entry-level training, reciprocity and recognition.

"Learning Management System (LMS)" means a software application or Web-based technology used to plan, implement, monitor, and assess a specific learning process.

6VAC20-171-20. Fees

Remove the increase for the firearm endorsement, the fee will remain at $10.00; and remove all references of a photo ID throughout the entire document.

6VAC20-171-50. Initial business license application

Reinsert the physical address requirement and remove restriction that a compliance agent can only work for one licensee at a time. This has been removed throughout the document.

6VAC20-171-60. Renewal license applications

Remove requirement for licensee to submit a self-audit at renewal.

6VAC20-171-80. Initial training school application

Reinsert requirement to maintain a physical location.

6VAC20-171-90. Renewal training school applications
Remove requirement to complete a self-audit at renewal.

6VAC20-171-100. Initial instructor application

Remove requirement to complete separate regulatory compliance training. This training will be handled as part of the general instructor development requirements.

6VAC20-171-110. Renewal instructor applications

Remove the requirement to complete a separate regulatory training at renewal.

6VAC20-171-111. Instructor regulatory compliance training requirement
Remove entire section

6VAC20-171-115. Initial detector canine handler examiner certification
Amend the eligibility requirements and remove the requirement to complete separate regulatory compliance training.

6VAC20-171-116. Renewal detector canine handler examiner certification
Remove requirement to complete regulatory compliance training and amend #3 to include in private security services or related field for consistency with other regulatory requirements.

6VAC20-171-117. Detector canine handler examiner regulatory compliance training enrollment.
Remove entire section

6VAC20-171-220. Business administrative requirements

Reinsert requirement to maintain a physical address for records and insert a requirement to maintain, on file with the Department, all locations in which the business provides services.

Remove the language in order to clarify that all convictions must be reported to the department even if under appeal with the judicial system. This language was also be stricken from the Business Standards of Conduct language. These changes will also be requested for the Training Schools.

6VAC20-171-300 Private security services training session
Clarify the restriction for live ammunition under the Business Standards of Conduct.

The initial implementation of requirements under standards of conduct is written that there would not be any live ammunition permitted in the classroom. The definition of classroom posed a conflict. It was recommended that it be written as live ammunition, pyro-techniques and explosives shall not be utilized or present in any firearms training environment with the exception a DCJS approved firing range.

6VAC20-171-305 ~~General requirements~~ On-line in-service training programs
Amend the requirements.

A major rework has been done to the on-line in-service training programs. Marie Baugh has made some very good recommendations. A considerable amount of input was received from the industry.

6VAC20-171-308
Detector canine handler examiners administrative requirements and standards of conduct. – Clarify how examinations of a canine team will be conducted.

6VAC20-171-350
Entry level training. Amend "*The Seven Signs of Terrorism* to *Signs of Terrorism"* in all entry-level courses.

6VAC20-171-360. In-service training
Amend the requirements for electronic security services registrants to complete electronic security subjects in-service.

6VAC20-171-365
General firearms training requirements.

6VAC20-171-370. [Entry level ~~Fundamental~~] handgun training.

6VAC20-171-375. [~~Basic~~ Security officer] handgun training.

6VAC20-171-445. Training exemptions
Added language to clarify that training must be within 12 months for entry-level partial exemptions. In-Service exemptions will be issued for training taken during the 24month credential period.

Note: Other changes will be made that are for grammatical purposes and clarity of language only.

Proposed Code Changes
The Department's recommendations of possible code amendments for the 2013 General Assembly were sent previously to the Private Security Services Advisory Board members for comment. The recommendations have not yet been approved through the Administration. Ms. McGee briefly reviewed the code change recommendations for each program:

Private Security Services

Simplify the issuance of licensing credential for licensing entities such as training schools and businesses. Currently businesses are licensed and training schools are certified. The credentialing requirements are similar to both entities and training schools are private entities that operate in the same manner as a business. Therefore, entities will be licensed and individuals will be registered or certified.

There is an amendment to the definition of business advertising material to include electronic media and a new definition for school director. DCJS received feedback from

the industry regarding the electronic security media (social media, twitter, etc.) DCJS will revisit this to ensure that it will not cause any additional problems.

In an effort to reduce the number of registrations, DCJS was considering eliminating categories by combining the duties of courier and alarm respondent into the statutory definition of armed and unarmed security officer. This would cause a conflict with alarm respondent, as it would require a business to obtain an electronic security business license and a security business license. DCJS will integrate the duties of courier, armed and unarmed security officer. The alarm respondent category will remain as it is.

Remove the eligibility criteria for compliance agents, to allow businesses to hire based on education, experience and the evolving needs of the industry. Individuals will still be required to submit to a criminal history background check, complete the compliance agent training and successfully pass an exam administered by DCJS.

Eliminate the requirement to register canine handlers. DCJS is dependent on national certification. Detector canine and security canine handler meet the minimum requirements of a security officer. However, when it involves issuing credentials for a canine team it reaches beyond the realms of the Department. DCJS has recommended that they be removed as a regulated industry.

Increase barrier crimes that prevent individuals from working in the private security industry to include any offense which requires a person to register as a sex offender and/or for crimes against a minor. This will assure that these individuals will not receive credentials that will allow them to work in a public safety related profession that provides them access to a business or ownership of a business.

Incorporate barriers that will allow the Director to solely waive a conviction if it has been over five (5) years for misdemeanors, over ten (10) years for non-violent felonies and over twenty (20) years for violent felonies. This will expand Director Wheeler's right to waive non-criminal history related employment and training requirements. There may be occurrences in the Code of Virginia where it is believed that expanding the authority of the Director to waive certain requirements for good cause would be beneficial to the industry without creating a risk to the public. Currently, Director Wheeler has the ability to waive criminal conviction restrictions, which has caused major issues; everyone that is denied based on criminal history want to appeal if they do not receive a waiver.

Increase the limit of the monetary penalty exclusively to individuals in violation of providing unlicensed private security services from $2,500.00 to $10,000.00 and grant the Department the power to prohibit licensure for up to three (3) years. All other code and regulation violations, if administrative and not criminal will remain at $2,500.00 for each violation.
Remove outdated statutory requirements; there are not any major changes, only clarification of the language to reflect the desired changes to the items Ms. McGee presented above.

Bail Bondsmen and Bail Enforcement Agents

Insert the definition of and license or requirement of bail bonding businesses; licensing the physical business and conducting criminal history background checks on the principles of the businesses; remove the ability for individuals denied a bail bondsmen license from principle ownership of a bail bonding company. This provides for proper documentation for the courts when providing the name for which a bondsman is employed under.

Insert language to clarify that a property bail bondsman must have physical ownership of the property submitted for use as collateral. This is consistent with the opinion issued by the Attorney General in 1993.

Add language to provide that documentation is submitted to ensure the present fair market value of real estate and require that a current tax assessment and title certificate are submitted at the time of each license renewal period.

Permit the Department, in its discretion to request an updated appraisal every four (4) years versus the present language of five (5) years.

Increase barrier crimes that prevent individuals from working in the bail bondsmen and bail enforcement agents industry to include any offense that requires a person to register as a sex offender and/or for crimes against a minor. This will assure that these individuals will not receive credentials that will allow them to work in a public safety related profession that provides them access to a business or ownership of a business.

Increase the criminal record restriction, and the legal age requirement to be licensed as a bail bondsman to twenty-one (21). This is consistent with the statutory requirement for bail enforcement agents. Both entities perform similar functions concerning bail recovery. The proposed changes will ensure that the limitations on licensure are the same for both groups while allowing each to perform their respective primary duties.

Require a bail bondsman to report an arrest and prevent a bail bondsman from providing bonding services while incarcerated, on an arrest, or conviction.

Special Conservators of the Peace (SCOP)

Include the definition of governmental agency; a provision to make it unlawful to offer SCOP services for hire or profit.

Insert language that will require individuals that apply for appointment to use the form provided by the Supreme Court of Virginia to ensure appointment consistency.

Increase barrier crimes that prevent individuals from working in the bail bondsmen and bail enforcement agents industry to include any offense, which requires one to register as a sex offender and/or for crimes against a minor. This will assure that these individuals will not receive credentials that will allow them to work in a public safety related profession that provides them access to a business or ownership of a business.

Expand the Director's authority to waive the non-criminal history related employment and training requirements

Remove the exemption that allows law enforcement officers as defined in 9.1-101 from meeting the registration requirements with the Department; meaning that a law enforcement officer can go directly to a judge and request appointment. Law enforcement officers will also be required to be registered with the Department as an SCOP. Based on an individual's law enforcement training they may be eligible for a training exemption.

Remove outdated statutory requirements and clarify the language.

This concluded the DCJS report.

Committee Reports

Chairman Paul Ellis presented the Committee's report:

During the past few months the Department has conducted several meetings with various constituency groups. Chairman Ellis thanked the Department, Board Members and the constituents for taking time out of their busy schedules to attend as well as participate in the discussions of the meetings.

Committee's Responses to the recommended Code amendments by the Department:

Waivers

Give the Director the ability to waive more crimes. The Department is asking for more blocks against criminal entering the industry. The committees concur.

Monetary Penalty

There was some stiff opposition prior to being made aware that the increase is for unlicensed activity only, which has since gained the consensus of the industry. The committees concur.

Compliance Agent

The committee was unable to come to a consensus on removing the experiential requirement for compliance agents. It is recommended that if an experiential requirement is placed on compliance agents, it should be across many fields and meet the requirements of the duties of a compliance agent. The committee will discuss this further.

Lisa McGee

Further research on the history of the language revealed, that initially there were no requirements in the Virginia Code for any type of experience. The year is unknown but the recommendation came from the PSSAB at that time. The Board members wanted to increase the age qualification for being a compliance agent from eighteen (18) years to twenty-one (21) years. The business owners did not want to have an eighteen (18) year old compliance agent. The age requirement could not be raised therefore, three (3) years of experience was included in the language.

Chairman Ellis continued with the committee's responses:

Electronic Media
The Department is reevaluating the definition of business advertising as a part of electronic media. As a result the committee worked on a definition on "how to get back to the source". The business web page should have the material listed not just the social media outlet, you must be able to get back to the source. Twitter, facebook, etc. should have a link that opens directly to the business' website and this is where the business identification should be displayed. The committees concur.

Detector Canine
The committee members and the detector canine representatives that were present at the meeting are fully in support of the Department's recommendation.

The committee reports minutes will be disseminated for approval at the next PSSAB Committee meeting. This concluded the committee reports.

Chairman Ellis thanked Daniel Schmitt and the Board members for the work done on drafting the PSSAB quarterly newsletter. He also thanked John Hall for disseminating information to the industry.

Chairman Ellis opened the floor for Board comments/discussion.

Board Comments/ Discussion from the Board
Stokes McCune, Bail Bondsmen Representative
Mr. McCune provided Lisa McGee with the comments from the Bail Bondsmen and Bail Enforcement Agents. The Bail Bondsmen and Bail Enforcement industry agree with the Departments recommendations. Mr. McCune stated that there is concern within the industry that if you are an SCOP you cannot become a bail bondsmen or bail enforcement agent.

John Hall, Private, Investigator Representative
Mr. Hall stated that the public comment period of twenty-one (21) days is not enough time for periodic review and industry comments. He would like to see this increased in the regulations to allow the industry more time to provide comments to periodic reviews on Townhall.

Mr. Hall stated that he would like to see a more in-depth research of SCOP "hire for profit". If it is a public safety issue; he would like to see what the public safety concerns are.

Robert Clark, Private Security Services Business Representative
Mr. Clark stated that he received a lot of feedback on the compliance agent regulation recommendation. The people do not want to remove barriers; they want to see regulatory input and are in favor of keeping it as it is. It should be up to the business to regulate compliance agents.

Mary Kay Wakefield, Secretary and Electronic Security Representative
Ms. Wakefield stated that the Electronic Security industry is pleased with the Department. Ms. Wakefield asked for clarification of criminal history waiver by the Director and added that her personal opinion is that compliance agents should be left to the businesses. [designation].

Lisa McGee, Regulatory and Adjudication Manager
The language currently allows for the Director to waive the prohibition of being licensed based on a previous criminal history. The Director currently utilizes guidelines to ensure consistent waiver practices and ongoing public safety. The Department would like to see these guidelines codified. .

Kevin Hodges, Armor Car Representative
Mr. Hodges stated that he concurs with the compliance agent requirement as well as compliance agents working for more than one company.

Mr. Hodges said that he does not have an issue with increasing the entry-level firearms training hours, as long as there is value added to the curriculum and not just extra hours. Mr. Hodges asked if the two hours include judgmental shooting, lead exposure and negligent discharge prevention.

Paul Ellis
Chairman Ellis confirmed that judgmental shooting; lead exposure and negligent discharge are included in the additional two (2) hours of training.

Danny Washburn, Locksmith Representative
Mr. Washburn stated that he is concerned with eliminating photos on the registrations/licenses issued by the Department. Mr. Washburn asked if there is a time limit for reporting a lost registration card.

Ms. McGee replied: there is no time limit written in the regulations, however an individual cannot work without their registration card.

Craig Branch, Law Enforcement Representative
Chief Branch stated that he supports the proposed change to the regulation as it relates to compliance agents. He said that if the company feels that if an individual meets all of the requirements the business should be able to hire the individual.

Chief Branch stated that he appreciates and agrees with the recommended changes to the firearms regulations. Chief Branch commended the Department for a job well done with the Seven Signs of Terrorism.

Thomas Springs, Private Investigator Representative
Mr. Springs stated that he is also concerned with discontinuing the photos on the registration cards. Mr. Springs asked if the schools were not responsible for ensuring the identity of the person when taking the photos.

Ms. McGee replied that there was not regulatory requirement that the schools take the photo and/or verify the identity. This process was a partnership with the industry and the department to assist with the submittal of photos. Ms. McGee advised that there were many issues of security in which the Department was receiving photos with the wrong DCJS ID number in which the photo was not of the correct person and there was no way for the department to verify prior to issuing a state issued identification card. Ms. McGee reminded the Board that the photo ID was not a statutory requirement. It is required by statute to solely issue a registration card; a

registration card bearing a photo is not mandated. It is more of a security risk to issue a registration card with an incorrect photo.

Dan Schmitt, Private Security Services Business Representative
Mr. Schmitt stated that he did not have any comments that had not already been presented by the Board members. He said that everything that concerned him had been asked and answered. He concurs.

Gary Ford, Locksmith Representative
Mr. Ford asked when the changes would become effective.

Ms. McGee answered that if and when the Board adopts the proposals and recommendations; per the Administrative Process Act (APA) they are sent through one final time for executive review. Upon obtaining the Governor's approval the regulations are submitted to the Virginia Registrar for publication. The changes become effective thirty (30) days after they are published. The Department hopes to see the regulations go into effect in March 2013 if all goes smoothly.

Frank Phillips, Vice Chairman and Personal Protection Specialist Representative
Mr. Phillips thanked the PSSAB for their hard work and accomplishments and the newly appointed members for jumping right in. He also recognized the Department for going above and beyond to maintain a solid partnership. Mr. Phillip commended Lisa McGee for her strong commitment in working with the Board throughout the years. Mr. Phillips presented his comments:

SCOP
Mr. Phillips stated his concerns that the SCOP program remain as a business. [private sector]. If it is pulled back he questioned if it would become a government or sworn law enforcement registration.

Compliance Agent
Mr. Phillips stated that he concurs with a parent company having more than one (1) compliance agent. He shared that in other states a compliance agent is classified as a manager and is required to take a test within that state which covers human resources issues, compliance issues, etc.

Firearms
Mr. Phillips stated that the Board has been working on firearms for a long time and huge progress has been made with firearms. He commented that it still needs clarification and additional definitions and to identify what the hours should or should not contain. Mr. Phillips added that the more experience an individual has with a firearm the better.

Paul Ellis, Chairman and Instructor Representative
Chairman Ellis presented his comments:

Compliance Agent
Chairman Ellis stated that he agrees with the compliance agent recommendations.

Firearms
Chairman Ellis stated that he concurs with the Departments recommendation on firearms as long as the additional hours are meaningful.

Online Training
On page four (4), line 8 is written that training must be completed prior to the registration or certification expiration date or final reinstatement date, whichever comes first. Chairman Ellis requested that whichever comes first be removed from the language. His understanding is that this excludes online training from giving an individual reinstatement.

Chairman Ellis stated that there is a concern with the identity of the individual taking the online compliance agent training and exam. Whether, this is truly the individual or someone else taking the training and exam.

Mr. Phillips suggested that the initial compliance agent certification course be in-house and face-to-face with DCJS.

Chairman Ellis thanked Marie Baugh, DCJS Training Coordinator and all others who assisted in providing extensive, clear standards and professional instructions to online training.

This concluded the Board's comments.

Old Business
PSSAB Newsletter
Dan Schmitt will make revisions to the newsletter and send the revised copy to the Department for approval.

Personal Protection Specialist (PPS)
Director Wheeler stated that the Department should be able to meet with the PPS constituency group by the end of the year.

The PPS informational brochure should be complete by the PSSAB's Spring 2013 meeting.

DCJS Applications/Forms
A request was made that when DCJS updates their applications and/or forms, the schools and businesses should be notified of the change(s). The Department also advised the Board that verification of legal presence must be submitted directly to the Department. Training schools and compliance agents can no longer verify legal presence.

New Business
Stokes McCune
Mr. McCune requested that the review period for the bail bondsmen regulations be extended to thirty to sixty days for ample time for commenting. Ms. McGee will check to see if this possible.

This concluded the new business.

Chairman Ellis called on the Department for their comments relating to SCOP.

Division Director Teresa Gooch
Division Director Gooch addressed the SCOP recommendations:

Ms. Gooch advised that there is no certainty that any of the proposed code changes will be introduced during this session. She continued to provide the Department's position in regard to the recommendations.

The definition of government agency would allow state agencies of the Commonwealth to petition for SCOPs. It came to the attention of the Department that there was significant concerns from certain groups within the Commonwealth that were unable to request appointments based on their agencies interpretation of the current code.

It is the Department's understanding that the purpose of the SCOP program was for SCOP services to be provided for a specified place [the property of the requesting corporation] or specific jurisdiction requested by the Sheriff or Chief of Police and that it was not intended as an opportunity for a business to provide special conservators of the peace for hire. There is a need for clarification from our legal advisors.

If additional training is required for SCOPs who are providing law enforcement services according to §37.2.808 and §16.1.335 the Department would assist with creating a training curriculum that could be taught in the training schools and provide additional certified training for individuals.

Currently there is language that allows individuals who have prior law enforcement experience to receive court appointments directly from the judge and bypass DCJS. Therefore, they are not identified or accounted for through the Department. The proposed legislation seeks to hold all SCOPs to the same registration criteria and would permit the department to account for all SCOPs appointed in the Commonwealth.

Chief Craig Branch
Special Police and SCOP fell under proprietary. There were a lot of agencies hiring SCOP and attempting to function as a complete Police Department, using blue lights and running code. There was an SCOP that was arrested for impersonating a Police Officer. There was a company known for using blue lights and unmarked cars without the proper training to do so. The General Assembly reamed it in. This is where the governmental entity vs. proprietary came into existence. After several arrests were made of Special Police and SCOP it was discovered that they had been crossing the line and not working within the Virginia Code.

Paul Ellis
Chairman Ellis paraphrases: the Department's interpretation today is that although a private security business has met the requirements and jurisdictional restrictions. If they should provide SCOP services to the Virginia museum would be operating illegally because the SCOP should have been petitioned for by the entity that owns the property unless they are providing services to their own building or entity. Adding the words "for profit" is not changing the current interpretation of the scope of the SCOP services and code. Division Director Gooch confirmed Mr. Ellis' assessment of the Department's interpretation as being accurate.

Lisa McGee
Ms. McGee advised that a Crime Commission study was conducted in 2003 that outlined the intent and the recommendations of the committee regarding SCOP. If anyone is interested in reading the study, it is document SB 12. The code was implemented in 2004 based on this study.

John Hall
Mr. Hall stated that there is a public need for SCOP services and that he does not want it to cease to exist. In this economy of budget cuts places like Kings Dominion, Virginia Museum, etc. have dwindled budgets; and not to have the option to contract out the services is not good. There is a specific need for communities and associations to able to bring SCOP to a higher level.

Chairman Paul Ellis
The PSSAB quarterly meetings should be scheduled one (1) week prior to the CJSB meeting thus making the PSSAB report to the CJSB is relative and current. The tentative 2013 meeting dates for CJSB are:

Thursday, March 14, 2013
Thursday, May 9, 2013
Thursday, June 13, 2013
Thursday, December 12, 2013

Public Comments/PSSAB Information:
James Boggs, Richmond Alarm Company
Mr. Boggs thanked the PSSAB and the Department for their support. Mr. Boggs said that he is aligned with changes to the electronic security and locksmith regulations. Specifically, allowing one compliance agent to work for multiple companies.

Stan Corn, Alarms Incorporated
Mr. Corn stated that he is sorry that with all of the discussions, in-service training could not be discussed. Mr. Corn stated that he is very supportive of leaving the compliance agents regulation as it is. Mr. Corn feels that the compliance agent should be responsible for verifying identity for photo ID purposes. Mr. Corn suggested that when an individual is speaking that they position themselves where everyone can hear them.

Chairman Paul Ellis
In response to compliance agents being responsible for identifying an individual for the purpose of a registration card bearing a photo is a good idea however, an individual can hold a registration without being attached to a private security company.

John Kochensparger, Certified Training Academy
Mr. Kochensparger commented that §9.1-141 charges the private security services industry with protecting the public. Compliance agents should be at least twenty-one (21) years of age but since this did not pass he is in support of the three (3) years of experience, it is very important and should not be eliminated.

Mr. Kochensparger commented that in allowing compliance agents to service multiple companies would the compliance agent be an employee of the companies they service or a 1099

employee. Mr. Kochensparger asked for a response from the Department.

Ms. McGee responded that it is recommended in the regulations that a compliance agent could work for multiple companies. It is in the code that a compliance agent must be an employee and the Department is not recommending any changes to this code.

Mr. Kochensparger asked Lisa McGee to explain how electronic security services would work.

Ms. McGee explained that based on the response from the electronic security industry throughout all of the stages of regulatory action, that that the training must meet the needs of the industry because of the rapid changes in the industry. The business is defined as electronic security services and within that business there are different categories. There are central station dispatchers, sales representatives, technicians and assistant technician. The Department wants to assure that ongoing job related training that affect the electronic security industry as a whole, is received every two (2) years.

Madeline Abbott, AT&T
Ms. Abbott stated that AT&T will be introducing and selling digital like security systems to retailers only. The product will not leave the store therefore AT&T does not believe that the salesperson should have to complete the Departments registration requirements. She is requesting exclusion.

Division Director Teresa Gooch
Division Director Gooch provided Ms. Abbott with her contact information and suggested that Ms. Abbott call her to have further conversation on how the Department could be of assistance.

James St. John
Mr. St. John thanked the Board and Department for their excellence in due diligence. Mr. St. John commented that:

1. Without the training completion form, he would not have been able to get training to DCJS.

2. Compliance Agent is a dissenting voice and is meant to be a much bigger figure than a Clerk. He is opposed to removing the experience requirement for compliance agents. The Department has a responsibility to ensure that not just anyone is entering the business.

3. Mr. St. Johns urges caution with SCOP-there may be a conflict of interest as to what law enforcement does versus the work of private security services. He would like to see more articulation from the Department on where the issues come from.

Chris Roberts- G4S
Mr. Roberts stated that he would like the "for profit" verbiage looked at further [SCOP]. He said that campus police are 45 percent under staffed throughout Virginia and that they are looking for assistance, not to replace law enforcement. Mr. Roberts stated that the municipalities are bringing it forward; he would like to see the Department change the training requirements before making the work of SCOP illegal [as a business].

Director Garth Wheeler

Director Wheeler stated that SCOP is totally out of control and that there is no way to measure SCOP training. He said that SCOP has out lived its usefulness and is a liability for DCJS as well as the Commonwealth. There are two (2) sections, the private industry and and then there is law enforcement. All should work together to provide public safety. There is mandated training for the private security industry. The SCOP training is minimal and they can perform as a law enforcement officer. It is not viable to have an entity that does not have to meet the security or law enforcement training requirements.

Director Wheeler thanked the PSSAB for their work. The Department has been reaching out to the private security industry to improve the relationship. It is very important to maintain an open line of communication and to collaboratively work for a common cause. Steps are being made to move forward. Director Wheeler thanked the public for their attendance and participation in the discussions.

Barrett Stork – Cox Communications

Mr. Stork stated that Cox Communications is an internet, television and telephone provider in Virginia and in other locations throughout the country. Cox is currently in the process of launching a security product in Arizona. Cox Communication is in a similar situation as AT&T and is seeking compliance guidance.

Announcements:

The second quarterly Regulatory Affairs bulletin will reflect two quarters of information and statistics.

Adjournment

Chairman Ellis called for a motion to adjourn the meeting. A motion to adjourn was made by Frank Phillips. John Hall seconded and the meeting was adjourned.

Meeting Attendees:

DCJS Staff

Garth Wheeler, Director
Drew Molloy, Chief Deputy Director
Teresa Gooch, Division Director
Marie Baugh, Training Coordinator
Brenda Cardoza, Regulatory and Adjudication Support Specialist
Thomas Clarke, III, Compliance and Enforcement Manager
Lisa McGee, Regulatory Manager
Neadie Moore, Licensing and Customer Service Manager

Industry

Madeline Abbott	Rod Maitland
Haider Alazzawi	Chris Roberts
James Boggs	Diane Rust
Stan Corn	James St. John
Terry Ellis	Barrett Stork
Chris Kardian	Barry P. Wilson

John Kochensparger Norm Van Bogart