

Commonwealth of Virginia
PRIVATE SECURITY SERVICES ADVISORY BOARD

July 23, 2013

Quarterly Board Meeting Minutes

RMC EVENTS
3700 West End Drive
Henrico, VA 23294
(804) 353-7621

Call to Order

At 10:10 AM, Acting Chairman Frank Phillips called the quarterly meeting of the Private Security Services Advisory Board (PSSAB) to order. The meeting having been duly convened the Board was ready to proceed with business.

Roll Call

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

Present

Acting Chairman Frank Phillips, Craig Branch, Robert Clark, Gary Ford, John Hall, Amy Lockhart, Stokes McCune, Seth Oginz, Daniel Schmitt.

Absent

Charles Ciccotti, Kevin Hodges, Thomas Turner, Secretary Mary Kay Wakefield and James Washburn Jr. (members provided notification that they would not be in attendance prior to the meeting).

New Appointment

Acting Chairman Phillips welcomed newly appointed Board member Amy Lockhart, Owner of East Coast Confidential, LLC located in Chesterfield, Virginia. Ms. Lockhart is a Private Investigator Representative, representing the private investigator industry.

An around the table introduction of Private Security Services Advisory Board members and DCJS staff was conducted.

Election of Officers

Acting Chairman Phillips called for a motion to be made to nominate and elect new officers. Whereas a motion to elect Frank Phillips as Chairman of the PSSAB was made by Daniel Schmitt and seconded by Craig Branch, Mr. Phillips abstained himself and it was unanimously approved. Mr. Phillips accepted.

Whereas a motion to elect Daniel Schmitt as Vice Chairman of the PSSAB was made by Seth Oginz and seconded by Craig Branch, Mr. Schmitt abstained himself and it was unanimously approved. Mr. Schmitt accepted.

The newly elected Chairman Frank Phillips appointed Robert Clark to secretary of the Board. Mr. Clark accepted the appointment. Chairman Phillips recognized Mary Kay Wakefield for her service as the Board's former secretary.

Acknowledgment

Chairman Frank Phillips respectfully accepted two plaques on the behalf of former Chairman Paul D. Ellis, III recognizing Mr. Ellis for his contribution and leadership as the Chairman of the Private Security Services Advisory Board from July 1, 2011 to June 30, 2013 as well as his outstanding and dedicated service to the Board as the Instructor Representative from July 1, 2007 to June 30, 2013.

Approval of the Agenda

Chairman Frank Phillips called for a motion to be made to approve the meeting agenda. Whereas a motion to approve the agenda was made by John Hall and seconded by Stokes McCune, it was unanimously approved.

Approval of the Minutes

Chairman Phillips called for a motion to be made to approve the minutes from the June 4, 2013 quarterly Board meeting. Whereas a motion to approve the minutes was made by Daniel Schmitt and seconded by John Hall, it was unanimously approved.

DCJS Report

The DCJS report was offered by Lisa McGee, Regulatory Manager. Ms. McGee, on the behalf of the Department, welcomed Amy Lockhart to the Board, and congratulated the members of the Board who were successfully reappointed to the Board by the CJSS: Chairman Phillips, Vice Chairman Schmitt, Secretary Bob Clark, Charles Ciccotti and Seth Oginz.

Regulations Relating to Private Security Services

Mrs. McGee provided a status update on the amendments to the Regulations Related to Private Security Services: The adopted amendments to the Regulations Related to Private Security Services have been submitted to the Virginia Registrar and published on the Virginia Town hall and in the Virginia Registrar's publication. The regulations are pending an effective date of September 1, 2013. A copy of the document is posted on the DCJS website highlighting the changes as amended.

DCJS Forms

DCJS staff are amending all of the application forms utilized in the Private Security Services Program. The new forms will be available for use on the DCJS website prior to September 1, 2013. Please be sure to discard old forms and as they will no longer be valid or accepted after September 1, 2013. Additional information will be provided as the Department moves closer to the effective date.

Training

The compulsory minimum training standards for the Private Security Services registration has been amended in the new regulations. Most entry level training courses include a new training objective titled Signs of Terrorism. Additionally, the entry-level and advanced firearm training courses have been amended to include changes in the hours and there is a new firearms training requirement for armed security officers and for individuals who carry or have access to a patrol rifle. The point of contact for training related matters is Marie Baugh, DCJS Training Coordinator.

Personal Protection Specialist (PPS) Brochure

The "What You Should Know... Before Providing or Contracting PPS Services in Virginia" brochures have been printed and are available to the industry. Ms. McGee brought brochures to the meeting for those who wished to distribute to their localities and/or clients and advised the Board that the document was available on the DCJS website.

PSSAB Vacancy

The Instructor Representative position on the Private Security Services Advisory Board (PSSAB) is currently vacant. All persons interested in being considered for this position must submit a completed Board appointment application and all requested information no later than **Friday, August 23, 2013**. The application may be downloaded from the website at www.dcjs.virginia.gov. The Criminal Justice Services Board (CJSB) will make appointments to the PSSAB no later than the September 12, 2013 CJSB meeting.

Ms. McGee, reminded the Board and meeting guests, to please continue to contact DCJS staff with questions regarding DCJS matters or concerns.

Licensing and Customer Service - Neadie Moore, Manager

Ms. Moore advised that the licensing section has successfully completed the backlog of application processing and are currently up-to-date. Ms. Moore advised that there had been a large increase in business license applications requiring detailed review of required documents and processing. Ms. Moore also provided the following information:

July is a peak time for renewal of bail bondsmen licenses.

The Department sent out a reminder notice to the property bail bondsmen advising them of the requirements that must be met to successfully renew the property bail bondsman license according to the Code of Virginia and the Regulations Relating to Property and Surety Bail Bondsmen. All renewal requirements, a checklist and forms can be found on the DCJS website at: <http://www.dcjs.virginia.gov/pss/special/bailbondsmen.cfm>.

The property bail bondsman renewals are being extended to September 30, 2013. The extension notice will be sent out Thursday, July 25, 2013.

Dawn Meeks-Bowery is the subject matter expert and point of contact for the bail bondsmen and bail enforcement agent programs. Please feel free to contact her at (804) 225-2354 or by email at bb@dcjs.virginia.gov.

Compliance and Training – Thomas Clarke, Manager

Mr. Clarke reminded the Board that the field investigative team now included Leon Baker who was responsible for the northwestern region of the Commonwealth. Based on the wealth of knowledge, that Mr. Baker and the other field representatives possess, Mr. Clarke advised that to better assist the Department's customers, each investigator has been designated as a program specialist for the various programs regulated by the Department. To identify which investigator is designated to a specific program, a directory can be found on the DCJS website at <http://www.dcjs.virginia.gov/directories/employees/>, the individual program specialties will appear by hovering over the investigator's name.

Training

New training outlines for the Private Security Services program will be posted DCJS website as follows: Amended Entry-Level courses that include Signs of Terrorism, the amended 07E entry level handgun and the 09E advanced handgun classroom training outlines. In addition, the

website will also include the new 075 security officer handgun; patrol rifle course; and the entry-level detector canine handler training outline.

Schools that are interested in providing patrol rifle training may begin submitting their course outlines immediately. However, the courses will not be added to the school profiles until September 1, 2013.

Instructor's alternative certification to teach patrol rifle training is currently under development.

Current Training

Training scheduled for October 2013 – December 2013 will be posted on the DCJS website by July 31, 2013.

Crime Clinic Conference

DCJS Investigator Robbie Robertson provided the Crime Clinic update:

The purpose of the conference is to build cohesion and partnerships between law enforcement agencies and private security services providing critical services to our constituencies. Building upon past conferences and trainings, this joint venture will highlight a variety of pertinent and highly relevant topics delivered by exceptional trainers from across the Commonwealth and nation. Do not miss this excellent opportunity to experience firsthand how law enforcement and private security can join forces in an effort to make our communities safer.

It is the "48th Annual Crime Clinic Conference". The "Crime Clinic" itself is celebrating their "50th Anniversary". Invitations were extended to past Presidents of the crime clinic to include Charles Grant, Norfolk Police Department retiree and the Crime Clinic's first President who will be attending the banquet. A power point presentation of the Crime Clinic's history will be shown.

Training is being offered to private security and law enforcement at a reasonable cost. A link is available on the DCJS website where attendees may reserve a room(s). The conference agenda is currently in its final stage and should be posted on the DCJS website by August 2, 2013. The keynote presentations will be: Ethics-Based Leadership: Characteristics of Successful Leaders™ and Home Grown Violent Extremists (HVE). 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
- Electronic Security and Locksmith

Attorney General Ken Cuccinelli has cordially been extended an invitation to attend. On Thursday, September 19, 2013 the Banquet's guest speaker will be from the U.S. Marshalls Service.

The 2012 conference yielded 52 law enforcement registrations and 96 private security services registrations. Currently there are 40 law enforcement registrations and 0 private security services registrations.

Crime Clinic 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.

Credit hours for law enforcement and private security will be available on the DCJS website prior to the conference.

The training offered is based on the new Regulations Relating to Private Security Services as amended and effective September 1, 2013. Electronic security and locksmith are the only areas affected because it specifically spells out "job related".

Sponsors and vendors are still needed.

Division Director Teresa Gooch

Ms. Gooch advised that the Department is currently in the process of creating a new records management system. The Department is conducting an in-depth and thorough process to ensure that it is an intuitive system that will mutually and effectively function for internal as well as external end users. The Department is presently working on putting together an external end user group representing all industries of the constituency to include in this process. More information will be forthcoming.

Director Garth Wheeler

Mr. Wheeler congratulated and thanked the Board for their excellence and willingness to serve. Mr. Wheeler advised the Board of their importance to the Criminal Justice Services Board (CJSB) and encouraged the members to attend the CJSB meetings. The next CJSB meeting is Thursday, September 12, 2013 in the General Assembly Building - House Room D at 11:00 a.m. A complete schedule of CJSB meeting dates can be found on the DCJS website at <http://www.dcjs.virginia.gov/about/cjsbMeetings.cfm>.

Committee Reports

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

The Harold L. McCann Award Committee will meet immediately following the adjournment of the full PSSAB meeting.

New Business

Criminal Justice Services Board Report - Charles Ciccotti

Vice Chairman Daniel Schmitt provided the CJSB report in the absence of Charles Ciccotti. The CJSB met on June 13, 2013.

The Nomination Committee presented its recommendation to the full Board for final appointment/reappointments to the PSSAB vacant positions. The CJSB concurred with their recommendations and made appointment/reappointments as follows:

Appointment

Amy C. Lockhart - *Private Investigator Representative*

Reappointments

Charles E. Ciccotti - *Private Investigator Representative*

Robert L. Clark - *Private Security Services Business Representative*

Seth P. Oginz - *Electronic Security Business Representative*

Frank A. Phillips - *Personal Protection Specialist Representative*

Daniel J. Schmitt - *Private Security Services Business Representative*

DCJS' Special Conservators of the Peace (SCOP) Committee Meeting

It was suggested that Thomas Turner, SCOP Representative to the PSSAB present an overview of these meetings to the Board at future meetings.

Director Wheeler advised that the Department formed a task force of approximately 20 individuals to include representatives from law enforcement, AG's Office, private security services, chiefs of police and the Commonwealth Attorney's office to look at the history and intent of the SCOPs. Director Wheeler provided a synopsis of the meetings held thus far:

June 5, 2013 at DCJS

An overview of the birth of SCOP, functionality, regulations relating to SCOP, enforcement issues, SCOPs under law enforcement, SCOPs under private security services and those unknowingly being appointed by judges throughout the Commonwealth. Director Wheeler stated that one intent of the committee is to take a look at regulations and evaluate and compare the training requirements to private security and law enforcement but overall take an assessment of the program to determine feasibility.

June 24, 2013 at DCJS

Director Wheeler appointed a subcommittee to focus on various aspects of the use of SCOPS by the private police departments and whether their utilizing SCOPs is in violation of or operating within the realm of the law? Two other subcommittees were formed to review the utilization of SCOPs with colleges and universities and to review SCOP's being offered under contract by private security services. The intent of the various reviews is to consider if legislative action should be addressed. The Department could request action through a Governor's bill with the support of the Administration and the CJSB. Therefore anything identified as requiring

immediate legislation such as an eminent threat to public safety, must be submitted by September 15, 2013, a deadline established by the Governor's office. Director Wheeler commented that the PSSAB's involvement is pertinent to this matter.

Director Wheeler advised that the committee meetings are not closed meetings however, there are guidelines set forth for which all attendees must adhere to. Individuals were chosen to the committee to represent their industry and it is their responsibility to communicate the focal points of the meeting(s) to the groups they represent. The next meeting is on August 2, 2013.

SCOP Legislative Action Committee

Chairman Phillips called for a motion to be made to approve creating a SCOP Legislative Action Committee. Whereas a motion to approve the committee was made by John Hall and seconded by Bob Clark, it was unanimously approved. Thomas Turner was appointed as the committee's chairman and John Hall as vice chairman. This committee will represent the PSSAB in getting the Board's input to the Director's office for the Governor's bills.

Old Business

Personal Protection Specialist (PPS) Mtg. with the Virginia Chiefs of Police – Chairman Frank Phillips

Chairman Phillips announced that the PPS meeting with the Virginia Chiefs of Police went well and he would like to see an all out push to discuss the PPS in the Commonwealth of Virginia, after the Crime Clinic Conference in September.

Chairman Phillips also commented that the locksmith and electronic security industries should work together to create an informational brochure similar to the "What You Should Know...Before Providing or Contracting Personal Protection Specialist Services in Virginia. This brochure would educate the vendors and the public on what is required before providing or contracting locksmith and electronic security services in the Commonwealth of Virginia. The draft brochure should be submitted to the Board and the Board will forward to the Department for approval, printing and posting.

Public Comment

Ron McKown

Mr. McKown expressed his concern about the Department's decision to remove photographs from the registration cards. As a private investigator Mr. McKown is uneasy with using his driver's license as a form of photo identification because it bears his home address. As a private investigator Mr. McKown comes upon unsavory individuals, to whom he must present identification and does not want criminals to have access to his home address. If the decision was based on budget constraints, the Department could increase the application fees or allow the registrant the option to pay an additional fee for a photo.

Ms. McGee assured that the change is a matter of the Department's inability to verify that the photos received from the schools are in fact that of the individual to whom the card is being

issued which presents a huge risk to security and public safety and the past practice of issuing a photo is not supported by statute. An alternative to this change could be:

1. The businesses could propose DMV to issue to their employees, a photographed State ID without addresses; or
2. The businesses could at their expense, issue photo identification cards to their employees.

Division Director Gooch advised that though the concern is appreciated, the Department is not exploring the option of offering a choice of having a photograph or not having a photograph displayed on the registration cards. The Department will issue a document of some form that will identify the category(ies) for which all DCJS requirements have been met. The Code of Virginia requires bail bondsmen, bail enforcement agents and SCOPS to have photo identification but not Private Security Services credentials. The Department will continue to issue those credentials, supported by Code, with a photograph.

Director Wheeler reiterated that Department received a multitude of complaints concerning registration cards with an incorrect photo. The Department must be able to ensure the integrity of any end product bearing the Department's name and seal; and they could no longer do so, which does not align with our focus on improving and promoting a safe and efficient criminal justice system across the Commonwealth of Virginia, it is in fact a safety risk and a liability. The Department has heard the concerns presented in favor of keeping the photos on the cards, and in consideration and within the spirit of public safety, will no longer issue registration cards bearing a photograph.

James St. John

The following is a summary of the public comment offered by Mr. St. John:

1. Concern that it has not been clear that the Department's SCOP committee meetings were open to the public. Invitations were extended to a select group of people without public notice which created an apparent contradiction of whether meetings of this type are opened or closed to public attendance and input. Concerns that the meetings were not posted on the Commonwealth Calendar and that a notification process had not been followed.
2. The claim that SCOPs are not covered under the 4th amendment search and seizure because they are not State actors is incorrect, there is case law that makes it very clear that SCOPs have to give Miranda rights.

Director Wheeler advised that the Department receives legal counsel from the Attorney General's Office and the Department follows the advice of legal counsel. The Director advised that he has a right and authority to form committees or task forces as a fact finding and information gathering source, but it is not required for the Department to carry and recommend legislation. The Department, knowing the importance of the SCOP issues and the need to get the information chose to be inclusive by forming a committee to assist in get it accomplished.

George Lenz

Mr. Lenz recommended an additional change to the Regulations Relating to Private Security Services in regard to a classroom requirement for the Advance Handgun training that states the use of a 16mm film or video cassette, his suggestion is that the Department excludes the use of 16 mm film from the language.

Board Comments

Chairman Phillips commented that communication is key and very critical. It is imperative that the members of the PSSAB communicate. There are quarterly meetings however the Board should keep the lines of communications going in between these meetings. Going forward an around the table report will be incorporated into the Board meetings agenda under "New Business". Board members will report on their communication to the constituency group(s) that they represent and on any feedback received.

CJSB

PSSAB attendance at the CJSB meetings is essential, Chairman Phillips made a request that at the minimum one of the PSSAB officers attend the CJSB meetings and suggested that other members of the PSSAB find time to attend at least one meeting as well.

PSSAB Newsletter

The 2013 summer edition of the PSSAB newsletter will be submitted to the Department by July 30, 2013 for final approval and posting. The Director's office will disseminate a copy of the newsletter to the members of the Criminal Justice Services Board.

PSSAB Meetings

Chairman Phillips called for a motion to be made to move the four agenda meeting to a six agenda meeting. Whereas a motion to have six meetings a year instead of four was made by Craig Branch and seconded by Stokes McCune, it was unanimously approved.

Announcements

The next PSSAB meeting is scheduled for 10:00a.m. on September 18, 2013 at the Sheraton Norfolk Waterside Hotel, 777 Waterside Drive, Norfolk, Virginia 23510.

Adjournment

A motion was called for by Chairman Phillips to adjourn. Whereas a motion to adjourn was made by Craig Branch and seconded by Daniel Schmitt, it was unanimously approved by vote. The July 23, 2013 meeting of the PSSAB was adjourned.

Meeting Attendees:

DCJS Staff

Garth Wheeler, Director

Teresa Gooch, Division Director

Brenda Cardoza, Programs and Adjudication Specialist

Thomas Clarke, Compliance and Enforcement Manager

Barbara Drudge, Towing Manager

Lisa McGee, Regulatory and Adjudication Manager

Neadie Moore, Licensing and Customer Service Manager

Robbie Robinson, Investigator (Northwest Region)

Industry

Chris DiMartino

Roy Gilbert

Beth Johnston

George Lenz

Ron McKown

Pat Moore

Linda Schmitt

James St. John