

**Private Security Services Advisory Board**

Glen Allen Branch Library  
10501 Staples Mill Road  
Glen Allen, VA 23060

**FINAL MINUTES**

March 3, 2015 Meeting

**Members Present**

Mr. Daniel Schmitt, Chairman  
Mr. Kevin Hodges, Vice Chairman  
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  
Mr. David Killip, Secretary

1. **Meeting Called to Order:** Chairman Daniel Schmitt called the meeting to order at 11:10 a.m.
2. **Acceptance of Meeting Minutes:** Mr. Hodges moved to accept the minutes from the January 19, 2015 meeting, Mr. Oginz seconded the motion. With no objections, the minutes were unanimously approved.
3. **Public Comment:** Nicole Bocra, president of PISA, thanked the Board for their support of the bills introduced during the recent General Assembly regarding the issuance of photo IDs and sub-contracting for private investigators and personal protection specialist.
4. **DCJS Report:**

**Credentialing Management System (CMS):** The Department advised the Board that the internal testing process was currently underway for the new credentialing management system. In addition to staff testing the back-end database processes, a select number of certified training school professionals will conduct testing on the online training management module to ensure the session notifications and training roster submittal processes are functioning properly. DCJS expects to have a better idea of the date of implementation by the end of this month. At that point, the vendor will continue the development of the web-based application processes and the Department along with the external industry workgroup will conduct testing prior to implementing the on-line version of the system.

**Legislative Update:** The following bills have been enrolled and are currently pending signature by the Governor:

**HB 1718 Private investigators or personal protection specialist; independent contractors.** - An Act to amend and reenact §§ 9.1-139 and 9.1-144 of the Code of Virginia. - Allows a licensed private security services business to hire as an independent contractor a personal protection specialist or private investigator who has been issued a registration by the Department of Criminal Justice Services. The bill also requires such independent contractors to maintain comprehensive general liability insurance.

**HB 2314 Bail bondsmen and bail enforcement agents; license suspension when arrested for a felony, reporting.** - A BILL to amend and reenact §§ 9.1-185.8, 9.1-185.14, and 9.1-186.11 of the Code of Virginia. - Requires a bail bondsman to report any felony arrest to the Department of Criminal Justice Services within 10 calendar days of the arrest. The bill provides that a licensed bail bondsman who has been arrested for a felony offense shall not issue any new bonds pending the outcome of the investigation by the Department. The bill also reduces from 30 to 10 calendar days the time within which a bail bondsman or bail enforcement agent must report certain other information to the Department.

**HB 2206 Conservators of the peace, special; application for appointment.** - and **SB 1195 Conservators of the peace, special; training standards, orders of appointment, etc.** - Makes various changes to the laws providing for the appointment of special conservators of the peace, including (i) increasing compulsory minimum training standards to 98 hours for unarmed and 130 for armed; (ii) specifying that the court retains jurisdiction over the appointment order throughout the length of the appointment; (iii) providing that a copy of the application for appointment shall be transmitted to the local attorney for the Commonwealth and the local sheriff or chief of police, who may submit to the court a sworn, written statement regarding the appointment; (iv) providing a process for the revocation of an appointment; (v) restricting the geographical limitations to the real property where the applicant is located, or any real property contiguous to such property; (vi) providing that the appointment order may permit the use the seal of the Commonwealth and the title "police" upon request for good cause shown; (vii) prohibiting blue flashing lights, but providing that the appointment order may permit the use of flashing lights and sirens upon request and for good cause shown; (viii) requiring that the appointment order specify the geographical limitations of the special conservator of the peace's authority; (ix) requiring all applicants for temporary registration to submit the results of a background investigation to the Department of Criminal Justice Services; (x) prohibiting persons required to register with the Sex Offender and Crimes Against Minors Registry from being appointed; (xi) requiring all persons seeking appointment or reappointment to register with the Department; and (xii) permitting localities to enter into mutual aid agreements with any entity employing special conservators of the peace that is located in such locality for the use of their joint forces and their equipment to maintain peace and good order. The bill provides that any existing special conservator of the peace has 36 months to comply with any new compulsory, minimum, entry-level training standards and requirements established following his appointment.

**HB 2369 Conservators of the peace, special; orders of appointment.** - A BILL to amend and reenact § 19.2-13 of the Code of Virginia - Provides that a judge may revoke an order of appointment for a special conservator of the peace for good cause shown and after the special conservator of the peace has been given notice and an opportunity to be heard. Pending a hearing on revocation, the

order may be temporarily suspended. The bill also provides that an appointment shall be eligible for suspension and revocation after a hearing if a special conservator of the peace is convicted of an offense for which he could not initially become registered as a special conservator of the peace.

**The following bills were introduced but failed to be enrolled:**

**HB 2129 Barriers to licensure or registration; certain DCJS regulated industries.** Prohibits persons who are required to register as a sex offender from obtaining a license or registration from the Department of Criminal Justice Services for the private security industry, bail bonding industry, and special conservators of the peace program.

**HB 2265 Private security services; DCJS shall cause to be issued a plastic photo identification card.** Provides that the Department of Criminal Justice Services shall design and approve the issuance of photo-identification cards to every person who is issued a private security services registration by the Department, special conservators of the peace, and licensed bail bondsmen and bail enforcement agents. The photo-identification card shall contain the name, registration or license number, registration or license category, and photograph of the person; the date of issuance; the date of expiration; and the name of the issuer, "Department of Criminal Justice Services, Commonwealth of Virginia." The Department may enter into an agreement with the Department of Motor Vehicles to produce the photo-identification cards. The bill has a delayed effective date of July 1, 2016.

**HB 2366 Bail bondsmen; licensure of nonresidents, security requirements.** - Requires, in order for a nonresident transfer or applicant to be licensed as a bail bondsman, that such transfer or applicant furnish bond executed by the nonresident transfer or applicant and by a licensed corporate surety payable to the Department of Criminal Justice Services in the amount of at least \$50,000. In lieu of furnishing a bond, the bill allows the transfer or applicant to deposit cash or other collateral with the Department in the amount of at least \$50,000. The bill requires that the bond furnished or cash or other collateral deposited be forfeited to the Department in the event that the transfer or applicant fails to pay any forfeited bail bond or recognizance in the amount for which the nonresident transfer or applicant was liable on the bail bond or recognizance.

**SB 1281 Administrative Process Act; exemptions for certain industries regulated by DCJS.** - Permits the Criminal Justice Services Board to establish training standards for private security professionals, bail bondsmen, bail enforcement agents, and special conservators of the peace without utilizing the Administrative Process Act. Under current law, the establishment of training standards for law enforcement, corrections officers, and certain others is exempted.

**SB 1194 Conservators of the peace, special; registration with DCJS.** - Requires all persons appointed or reappointed on or after July 1, 2015, as special conservators of the peace to register with the Department of Criminal Justice Services (DCJS). The bill requires that all applicants submit a temporary letter of qualification issued by DCJS and a background check performed by a state or local law-enforcement agency with their applications to the circuit court for appointment as a special conservator of the peace. This bill is a recommendation of the Virginia State Crime Commission.

**Discussion**

The Board discussed Delegate Fowler's HB2265 that would have included a statutory requirement for the issuance of photo ID's. This bill was strongly supported by the private security industry, but unfortunately did not get through the Senate. PSSAB will continue to review this issue and maintain on-going dialogue with DCJS and DMV to better prepare for possible legislation in 2016. Mr. Hodges along with Mr. Soles will establish a small group to include two members of the industry that will work with DCJS and provide updates to the full Board.

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

**SCOP Committee:** Mr. Pleasants advised that he did not have a committee report but as the Special Conservator of the Peace representative wished to comment on some of the implications of the recent legislation effecting the industry. After hearing from businesses and proprietary operations, he commented that the registration component, notification to DCJS, ability for the revocation of orders and utilizing standardized forms was positive. What may be challenging is in the area of training, while the increase of training was supported, the concern was the language did not include a grandfather clause for current registered SCOPs. While the bill allowed for training to be completed within 36 months it would be difficult for some businesses, particularly those who have 24 hour security to retrain all current personnel. This issue was discussed further amongst the Board and it was clarified that the code still would allow for possible training exemptions for individuals with law enforcement experience, or individuals who have training or experience that meets or exceeds any new training standards.

The second concern was the requirement of a comprehensive background check, while there did not seem to be opposition to the background check; the concern was that law enforcement would be conducting the check and it was felt that private security would not be a priority as law enforcement must also conduct background checks on their own law enforcement personnel. There was also the question of the requirement to pay a reasonable fee and what that fee would be. Businesses would need to find a way to cover, or absorb the fee which could result in passing it on to the client and for proprietary operations is has resulted in an unfunded mandate.

The last issue was the concern that there would be a significant decrease in individuals participating in the program for the following reasons: 1) businesses who provide contract special conservators services will have to initially specify the real estate in which they are conducting their services rather than requesting the appointments for their company; and 2) while this legislation did not remove the ability to use the word police or the seal of the Commonwealth, the patron has publicly announced that he will attempt to eliminate those authorities at the next General Assembly. If this occurs, the SCOP program will be considered as armed security and many may opt out.

Mr. Pleasants completed his report by reminding the members that the Criminal Justice Services Board is required to seek advice from the Private Security Services Advisory Board in establishing regulations and he hopes that the PSSAB will assert themselves during this process. The Department offered to meet with the SCOP committee to review all of the components of the legislation once it was signed by the Governor.

**Photo ID Committee:** Mr. Hodges did not provide a report as the Board had discussed the photo ID issues during the legislative report.

**6. New Business:**

**DCJS Application Process:** The Board as well as attendees at the meeting addressed a concern regarding a recent change to the application process for credentials. Last year DCJS changed the application process by requiring applications to be complete upon submission, to include the fingerprint card for criminal history checks. In the past, individuals applying for a credential had the option to initially submit a fingerprint card for a criminal history records search without an application to a specific program. If the person was deemed eligible for a credential, he would later submit an application for the appropriate credential after all training and other requirements were met. Because the Department does not have the statutory authority to simply accept fingerprint cards to run a criminal history record check, the Department eliminated the two phase process and only accepts the fingerprint card if submitted as part of a complete application. Members of the Board and industry believe the change is in conflict with current regulations. DCJS along with members of the Board plan to meet to further discuss the process.

**Meeting Space:** Mr. Corn requested that the Board consider conducting meetings in Goochland. The County of Goochland would be able to provide a board room with ample seating and audio/sound equipment which included microphones for the Board members. Utilizing this option would be at no cost to the Commonwealth.

**Apprenticeships:** Mr. Corn would like the Board to discuss the feasibility or opportunity for private security services to utilize an apprenticeship program. Mr. Corn requested that the Board add this item to the agenda at a future meeting.

**Local Ordinance –** Mr. Corn advised the Board that the City of Richmond has a building permit requirement that requires the submittal of electronic security system plans. Mr. Corn was concerned that these detailed drawings of security systems were not secure and accessed by individuals not vetted by DCJS. While Mr. Corn's concern was worthy of further discussion, the Board agreed that this was a local issue and was not within the Board's purview. It was recommended that affected business owners and/or alarm associations reach out to administrators of the city and consider consulting with the police department regarding the security risks.

**Registration Document:** Mr. Hodges requested clarification from the Department regarding the capability of the new credentialing management system to issue registrations and what type of credential would be issued. The Department advised that they would continue to issue a hard card comparable to what is currently being issued but would like to work with the Photo ID committee on the final design and type of registration document for the future.

#### 7. **Public Comment:**

Mr. Ed Leary commented that the Department could request the opinion of the Attorney General to address the current questions of interpretation on the issues presented during the meeting. He also requested that the Board should request a formal interpretation from DCJS or the CJSB regarding the issues of the photo ID, and the changes in the application processes. Mr. Leary requested that the Board stay involved in the development and testing of the credentialing management system. He cautioned that the system must be broad enough to address potential changes and as such requires broad input from the industry and PSSAB and the industry should play an integral part in the development. Mr. Leary was hopeful that the Department and the Board would work together

to move forward on the photo ID issue as he agreed that the removal of the photo was an issue of public safety.

Mr. Ron McKown offered comment regarding the change in the application process for registrations. He provided an example of a student who had something on his record and wanted to know if he would be eligible for a registration. Prior to the process change, the individual could submit his fingerprints to see if he qualified for a waiver. Now the process requires him to first take training, which could cost hundreds of dollars, then submit his fingerprint card and registration, hoping that he will be eligible. He asked the Board to take this into consideration when discussing this with the Department.

Ms. Nicole Bocra stressed the importance of the photo id legislation and again thanked the Board and the Department for their support. While she appreciated the efforts to move forward in preparation for the next session, she was concerned that it would not be fast enough. She wishes to work with the PSSAB to address the issues with the industry not having a photo as she believes that it is a public safety issue.

Mr. Todd Troutner expressed his concern of the lack of communication from DCJS and the industry having to react to regulatory, policy and process decisions that are being made. He stated that given that DCJS regulates, they should do a better job of reaching out to the industry and Board before changes happen unless it is an emergency. He also requested that the Department advise the industry prior to the beginning of the legislative session if there is an agency bill that will affect the industry so as to allow for the industry time to provide input prior to the bill going to committee. Lastly, Mr. Troutner advised the Board to consider that there was no statutory requirement for the Department to issue photo ID's to Bail Bondsmen, Bail Enforcement Agents, or possibly the SCOPs based on the recent SCOP legislation. He reminded the Board that the photo requirement was removed from the Private Security Services regulations and could also be removed from the other programs as well.

8. **Announcements:** The next quarterly meeting of the PSSAB is scheduled for June 2, 2015.
9. **Adjournment:** Mr. Hodges moved to adjourn the meeting. Mr. McCune seconded the motion. With no objections, the meeting was adjourned at 1:50 p.m.