

STATE OF NEW YORK
SECURITY GUARD ADVISORY COUNCIL
DRAFT MEETING MINUTES
43rd MEETING
Wednesday, June 27, 2018
11:00 AM
NYS DIVISION OF CRIMINAL JUSTICE SERVICES (DCJS)
ALFRED E. SMITH OFFICE BUILDING
80 SOUTH SWAN ST
ALBANY, NY
ROOM 118

Council Members Present

Robert Tucker, Chairman, T & M Protection Resources
Anthony Lauro, Macerich Security Services, Inc.
Nicholas Auletta, Summit Security Services, Inc.
Jessica A. Johnson, Johnson Security Bureau, Inc.
U. Nicholas Michailides, Armed and Unarmed, Inc.
Robert Green, Jr., Town of Bristol Supervisor
David Zeldin, INVESTICORP, INC.
Bruce Hulme, Special Investigations, Inc.

DCJS Staff

Michael Wood, Deputy Commissioner, Office of Public Safety (via telephone)
Johanna Sullivan, Director, Office of Public Safety
Todd Murray, Supervisor of Public Safety Programs
Carl J. Boykin, Director Human Trafficking/DCJS Counsel
Thomas Canning, Associate Training Technician (Police)
Matthew Griffin, Senior Training Technician (Police)
Carli Brand, Office Assistant 1
Heather Brown, Office Assistant 1

Guests

John Herritage, Director of Security, Albany Medical Center
Ernita Gant, Chief Investigator of Enforcement, New York State Department of State

At 10AM, Chairman Robert Tucker opened the 43rd meeting of the Security Guard Advisory Council by introducing himself and thanking everyone for making the trip. Chairman Tucker advised that he has decided that we will have at least one meeting here in Albany, and at least one in the city. Based upon the hearing schedule the optimum location will be decided.

Chairman Tucker suggested going around the room for everyone to introduce themselves and all attendees introduced themselves, including Deputy Commissioner Michael Wood who attended via conference call.

Chairman Tucker suggested to make a motion to approve minutes for the 41st meeting taking place on July 11, 2016. The motion was first moved by Bruce Hulme and seconded by Anthony Lauro. The Council unanimously approved the motion. Chairman Tucker made a second motion to approve the minutes of the 42nd meeting taking place on June 22, 2017. The motion was first moved by Bruce Holme and seconded by Dave Zelden. The Council unanimously approved the motion.

Director Sullivan thanked everyone for coming to Albany and taking in to consideration switching between locations for the meetings in the future, stating it would be good for the Council as a whole and the state as a whole to have both places represented. Director Sullivan mentioned three new staff members for the Security Guard Program stating she is glad for their attendance to meet the Council.

Mr. Canning commented on his staff and his selection of employees for the Security Guard Program, mentioning previous employees accomplishments, as well as the current staff members. Director Sullivan commented on the great leadership of the program and thanked Mr. Canning for mentioning the staff members and the growth of the Program.

Director Sullivan advised they initially thought we would be holding a hearing, however the individual who is currently suspended obtained an attorney who asked for an adjournment. It was explained to the individual and the attorney that his suspension would be pending up until we had the next meeting.

Director Sullivan suggested we should decide when the next meeting may take place, stating not too long because the person is currently suspended and that is their livelihood, but at the same time we recognize that getting everyone together is not easy. The ramifications of his request were explained to the attorney and he made the decision. Director Sullivan stated she wanted to mention this as it was originally on the schedule to hold the hearing.

Director Sullivan mentioned the discussions of previous meetings, acknowledging the attendance of John Herritage and Mr. Canning's suggestion of having Mr. Herritage attend to discuss the history and provide some guidance on the direction of the Security Guard Program.

Chairman Tucker thanked Mr. Herritage for his attendance of the meeting and mentioned that when he received notification that the hearing would no longer be taking place at this meeting, he suggested adding some meat and bones and having some interesting topics come up. He was pleased with the suggestion of Mr. Herritage's attendance and agreed on the importance of this discussion.

Mr. Herritage addressed the room and stated he was honored by Mr. Canning asking for him to attend. He mentioned the first person he saw in the room today, Dave Zelden, and having to put together the past as they met 26 years ago. This led him to believe he should speak on the history of the program.

Mr. Herritage began explaining that the Security Guard Act of 1992 became law on July 17, 1992, as a result of contractual and proprietary security services becoming a rapidly growing industry. At that time, there were over 100,000 persons employed as security guards. This was almost double the number of law enforcement officers employed in the state. At the time, security guards were not required to be licensed, regulated, or registered. More importantly, they were not required to complete any type of education or training or undergo a thorough background check. This became a great matter of concern.

In the law, the Secretary of State was given the power to enforce the provisions of the law, and DCJS was designated to oversee the training requirement. A 13-member Advisory Council was formed within DCJS and they were required to hold a meeting at least one time a year to consult and advise to the Commissioner of DCJS with respect to his powers and duties to set forth in the law. The Commissioner, with the recommendation and general advice of the council, set forth minimum training requirements. He also developed specialized training courses.

In the Fall of 1992, planning began for the implementation of the law, and a Security Guard Training and Standards Committee was formed, consisting of 40 members from the Security Industry and Educational Institutions. They put together recommendations for the Council, created a mission statement, discussed rules and regulations, the 16-hour training, 8-hour training, school certification, etc. The first meeting was held on July 26 of 1994. There were 11 meetings up to July 26 to put everything together working back and forth between the program and security guard companies. There was a lot of give and take and here we are today, and Mr. Herritage commented on how much the program has grown. Mr. Herritage mentioned that when he left DCJS and went to Albany Med, he had a staff of 30, which has now grown to 78.

Mr. Herritage mentioned that everything is changing, including technology, reminiscing that there used to be appx 60 doors in to the hospital which are all now closed, but they can lock down the hospital in a minute and a half with the brush of a keystroke. It would wise to teach guards skills in computer skills and moving in that direction with technology. He ended his monologue stating that is how he things the program is moving, and mentioned the an example of the the importance of when there were no background checks and now there are, eliminating many individuals whom should not have been hired.

Chairman Tucker inquired about the fee charging for registration. He agreed that today's security officer also needs to be a technologist, therefore setting higher qualifications, which may result in a higher cost by the client. Tucker requested insight from Herritage in regard to how they finessed the thought of the charging more for the people doing this job.

Herritage commented that realistically, you get what you pay for. You should want to get the best person you can to do that. It may cost more, but you must look at what you're getting in return. Herritage exemplified that they have a ton of young nurses coming in to the hospital, and they want to feel safe. His bosses know that to keep the nurses feeling safe, that they must have the best kind of security that they can have. That to him, means he needs to hire the best people he can hire and salaries must reflect that. We should pay them for what we expect them to do.

Chairman Tucker asked if any other members had any further questions. Mr. Hulme mentioned he was one of the people who appeared before the mega-hearing, and was also for many years in somewhat of opposition of this act before it was passed as a law, as it did not include all types of security guards and companies. When the act was initially started, it included everyone and that is when everyone came on board. He asked Mr. Herritage if he had any thoughts as to if that should still be included.

Herritage commented that he thought that if we were going to have a security industry, it should be regulated. It is important that the training is there, and that the registration is there and we know who is and isn't trained.

Director Sullivan stated that some of the topics that were touched on, such as technology, are going to be covered today with the new system Acadis. As Mr. Canning eluded to, Mr. Griffin is participating in firearms training curriculum improvement for Police, and it is an advantage to have those curriculums looked at over the same time. She agreed that technology in law enforcement has been huge and is a big change since the Act was initially passed.

Chairman Tucker inquired if anyone had any further questions.

Mr. Canning remarked to Mr. Herritage that when his name comes up on his telephone he answers it as fast as he would from Chairman Tucker. He is aware he built this program and stated that Mr. Murray and himself have a deep commitment to that progress and the program and would never do anything to embarrass the program he developed. Mr. Herritage thanked him and he exited the room.

Chairman Tucker began discussion on the vacancies on the Council, stating he believes it is very important to have the spots filled and that diversity in all aspects is applied to fill them. He recognized that some of it is within our control and some is not, but he believes the more people that are appointed, the better and stronger the Council will be. He urged those with the authority and power to make appointments to please do so as the statute requires.

Director Sullivan acknowledged this issue and mentioned that it was discussed in the previous meeting. She stated that there are currently 5 vacancies:

- Unaffiliated
- Contractual Security Guard
- Proprietary Security Guard
- Full-Time Faculty
- Speaker of the Assembly

Director Sullivan advised that Mr. Canning has reached out to Mr. Lauro to find a good candidate in respect to the Proprietary Security Guard vacancy, and his assistance is appreciated. In addition, Mr. Canning has reached out to Mr. O'Neil in respect to the Contractual Security Guard vacancy, and Mr. O'Neil has expressed his commitment to working with us on that. Director Sullivan explained that for the

Full-Time Faculty position, we have some schools that are in community colleges and both Mr. Murray and Mr. Canning are working with individuals in that category. As far as Unaffiliated, some people have made suggestions, including Mr. Tucker, we are looking at some also, and you're right. When we have the ability to make recommendations we look at diversity of industry, geography diversity, size, and all of those things. We do that for this Council and we do that for whenever we make other recommendations for Councils within our office. We want as vast representation as we can have advising the Commissioner and the Governor. She concluded that efforts are being made and we are moving forward and hopefully at the next meeting we will be making nominations. For the Assembly vacancy, we reach out and do our best to continue to remind them that we want their legislation.

Chairman Tucker went on to say that if any of the members of the Council have a recommendation to please advise and suggestions are welcomed.

Mr. Green asked if there has been any thought in regard to community colleges. Director Sullivan confirmed that is being looked at to fill the Full-Time Faculty member. Chairman Tucker suggested we could not only get the Full-Time Faculty member, but apply the diversity we are looking for in geography, and advised Mr. Green we welcome any suggestions from him. Mr. Green inquired on whether it was a paid position in Albany, or a seat on the Council. Director Sullivan clarified that the legislation mandates certain categories need to be represented, so when looking for that particular member we will be looking at community colleges with a Security Guard program within them to take a seat on the Council.

Chairman Tucker suggested moving forward with the indemnification memorandum.

Director Sullivan began with addressing that this issue came up previously in regard to recommendations and actions of the council pertaining to the indemnification of members. Director Sullivan advised that two memos are within the folders disbursed for this meeting for the attendees files, which explain the protections in place for this council. We do not need to go in to them further, but we felt it was important to provide them.

Chairman Tucker mentioned the last time it was brought up, there was concern in regard to the exposure of decision making in the hearings that take place. We have the opinion in our packages, and as the Chairman, he feels comfortable in that. He further explained that the indemnification doesn't mean you won't be sued, it means that the state will defend you in that suit. We do our job knowing the risk but we are indemnified to the extent that the state can do so from the Attorney general and DCJS.

Mr. Canning brought attention to the Article 78 that was lodged against DCJS a couple of years ago. He explained a previous hearing that took place where the council members recommended to the Commissioner that he revoked the particular school and the instructor. An Article 78 ensued and the Justice confirmed that the respondents decision was not arbitrary and capricious and outline the procedural history, hearing, and the decision. He concluded that was in 2011 and gave us an idea of where the goal posts were, and where we had to lead the ball each time.

Chairman Tucker mentioned he takes the responsibilities very seriously, particularly when holding a hearing for schools or licensees who have come to the attention of DCJS or DOS, and insisted that we give due consideration, stating that in fact, the Council has pushed back on DCJS on certain occasions. He is satisfied with the way we handle hearings and Mr. Boykin's role in those, and feels strongly that we are in good shape.

Director Sullivan echoed that and agreed in the importance of the indemnification information being looked over. She confirmed that the staff takes that very seriously and that the information provided to the Council is best able to defend that decision.

Ernita Gant, from DOS, began with an introduction on technology, confirming that many state agencies are on board with being up with the times on technology. The Department of State is attempting to move toward applicants registering online. They just instituted on April 30th an online security guard registry that has taken place of the Inter-Active Voice Response system. The online system is up and running, and allows employers to determine the qualifications of security guard applicants in order to comply with their due diligence requirements. Ms. Gant advised that this feature is available from 6:00 AM to 7:30 PM, Monday – Friday and added that they are working on making it available 24/7.

Chairman Tucker inquired on the reason for the availability hours and whether or not there was a human element to that process. Ms. Gant responded she is not familiar with the technology of the process, but it has something to do with that technology. Chairman Tucker advised the Council would like an update on the progress of the availability of the system in the next meeting. Ernita Gant confirmed she will update and advised she had instructions on the process for anyone who would like them. Ms. Gant mentioned that they still have a processing unit that devotes all responsibility to the Security Guard licenses, as well as a telephone bank of customer service representatives.

Chairman Tucker commented that the current system in place of advising employers of an employee's arrest is working very well. Chairman Tucker pondered why that is not done for hospitals, etc. and vastly expanded, as he believes it would be a great public safety enhancement for companies to be actively notified of employees legal standing. With automation going where it is, he believes there could be a pro-active take on that. Ms. Gant commented that the Department of State does not play a part in licensing everyone. Chairman Tucker inquired if that process was done in any other licenses they handle. Ms. Gant advised they do not.

Dave Zelden requested to point out that originally in the law it was said that the only way that the notification could work was if the person was A - fingerprinted, and B - it had to be a retained fingerprint. Ms. Gant advised they are now using electronic fingerprints. Chairman Tucker commented that the fingerprints should be the identifier. Ms. Gant advised most things are statutorily mandated to them in Article 7A. Chairman Tucker commented on the potential revenue for the State.

Ms. Gant reported the following:

- 3,632 Private Investigator Licensees
- 936 Watch Guard and Patrol Licensees
- 4,252 Security guard employing agencies
- 192,880 Registered Security Guards
- From the week of June 4th – 8th there were 177 PI/Watch Guard applicants received and 1,211 Security Guard
- The following of the 11th – 15th 125 PI/Watch Guard applicants received and 1,096 Security Guard
- The following week of the 18th – 22nd 87 PI/Watch Guard applications received and 1,033 Security Guard applications

Ms. Gant stated that they are continuing enforcement efforts and have been successful in conducting audits. She further explained that while out conducting audits, the industry hears of it and the companies are contacting them doing their due diligence. When violations are found, DOS is active in enforcement. Ms. Gant stated they look forward to and are thankful of DCJS notifying them of revocations.

Mr. Auletta commented excellent report and inquired to the Chairman, as we look to technology and an increase of fees, if we could see the pattern to really understand the implication. Chairman Tucker suggested the staff completed a chart. Director Sullivan advised DCJS only has training data. Chairman Tucker elaborated that we could chart how we got to 192,880 Security Guards. Mr. Michalaides suggested differentiating between unarmed and armed guards in said chart.

Chairman Tucker addressed Mr. Canning to take the meeting through his report. Mr. Canning reported the following:

- 494 active training schools
- 1087 General Topics Instructors
- 171 Firearms Instructors

During Calendar year 2017:

- 38,000 Pre-Assignment Training Courses
- 30,000 On the Job Training Courses
- 575 47 Hour Firearms Training Courses
- 9,000 8 Hour Annual In-Service Courses

Mr. Canning provided a Segway in to Mr. Murray's presentation, commenting that all training comes through on bubble sheets and that is one of the driving forces to our new system. Mr. Canning commented that he was not there for that training, and could never comment on what happened during that training, only what was reported to him.

Ms. Johnson inquired if there was any communication made to the officiating agencies in the neighboring states, noting that she noticed there are a lot of people coming from New Jersey who are

interested in becoming registered in New York State, and they don't have the correct information. She explained she hears stories of people being taken advantage of.

Director Sullivan inquired whether she meant the schools or the individuals/students.

Ms. Johnson clarified that she meant the students and further explained that she has heard of people stating that they have spent \$800-\$1000 and were promised a job that never materialized. She asked if there would be a way that we could work with State Police entities that issue licenses.

Mr. Canning advised that we could most certainly update our FAQ's page, and advised that Matt speaks with several people inquiring on how to work in NYC, coming from New Jersey. Mr. Griffin confirmed he is asked many questions about the process. Mr. Canning mentioned a great relationship with New Jersey Police, explaining that entities that can no longer practice security guard training in NYS transfer their businesses over to New Jersey, and go in to OSHA training. Mr. Canning concluded that constant contact is made between New Jersey officials and DCJS.

Director Sullivan confirmed that we can reach out to New Jersey officials to hyperlink to our page and stated the Security Guard section of our website is one of the most heavily hit sections of our website, specifically second to Sex Offenders. Director Sullivan stated that would be a good solution and thanked Ms. Johnson for the suggestion.

Mr. Zelden inquired to Mr. Canning for clarification on if when we revoke a business here, whether or not we reach out to New Jersey officials and notify them of that. Mr. Canning advised we do now, and we were not aware until the New Jersey Police advised us.

Mr. Zelden inquired to Ms. Gant on a conversation that had not made it to the minutes of the last meeting, in regard to the information provided when searching a licensee and clicking on the roster. There was some discussion on listing support staff or investigative being displayed. He further explained his strong opposition to this being enacted as his employees are undercover investigators, wiping out his NY business, as well as danger for employees.

Ms. Gant asked for clarification on whether he meant security guards, or just private investigators. Zelden clarified Private Investigative Staff. Ms. Gant explained the websites current functions, which did not include that function. Mr. Zelden further explained that he was requesting that it did not happen in the future. Ms. Gant advised she does not have control over that, but there is an open period for discussion before new processes are issued.

Chairman Tucker addressed Mr. Murray to begin his informational update.

Mr. Murray began by mentioning that ACADIS has been discussed for the past two years. He stated that we went live with the Peace and Police functionality in June of 2017, giving us about a year to explore what does and doesn't work, and ask for enhancements. He explained the Peace and Police audience

encompasses approximately 76,000 Police Officers, 125,000 Peace Officers, and 1.1 million archival records that we need to maintain for officers training records. For the past 6 months to a year, Mr. Canning and staff has been working on development of the database to maximize functionality and execute internal testing.

Mr. Murray continued to explain that we are sure this is a good system that will enhance our ability to provide different types of oversight, and we are currently targeting September to go live. Use and Dissemination agreements went out to all Security Guard training providers and was happy to report that when it was sent out to law enforcement executives they struggled but with security guard within a week they were at 50% receipt. He further elaborated the importance of the form in regard to portal access, and how that leads to the elimination of OMR forms and the saving of time in processing records and freeing our staff from a manual procedure to compliance and quality control.

Mr. Murray stated after going live, our main goal is pilot development of training platforms. Chairman Tucker agreed that will be very important to the Council, including having direct input. Director Sullivan added that we have been fortunate obtaining a good vendor and that when the process was rolled out with the police portion, things have gone well. Chairman Tucker confirmed that speaks volumes on the vetting that was done and it makes sense.

Mr. Canning confirmed that going on to ACADIS has been a long process and is he is excited that we are coming to the end of it. He explained we have partnered with agencies in the field in regard to the process of adding Co-Directors and we are moving toward how training will be executed with these agencies in regard to ACADIS. Mr. Canning mentioned Allied Universal, G4S, Sears, Bronx Community College, NYU, New York Power Authority as agencies who worked with us to confirm the U&D process was good to release to the entire program. We will work with them first in training on system itself. Our biggest goal is the system being user friendly.

Chairman Tucker inquired on the training transmittal process to the Division of Licensing and whether or not it was being done electronically. Mr. Murray confirmed it has always been done electronically, but we will be going from that information being developed from scanning the OMR forms to pulling it from the ACADIS database. Director Sullivan confirmed we have been working with them as we have been rolling this out to ensure a smooth transition.

Chairman Tucker stated it goes without saying, but for the record, the more we modernize the processes and procedures that we are speaking about, the more professional we look. The more professional we look, the more professional the people out in the field look. We cannot demand high standards and not have the same standards for ourselves. He commented that this was all very good news.

Mr. Canning stated we have to get on ACADIS and that is the main goal, and we are working with our partners in the field to get on ACADIS. We will do so again to develop the online training. Mr. Canning opted to read some names in to the record:

- Sheila Hunt from Sears
- Ron Pawlik from Allied Barton
- Chris Turner from Securitas
- Jimmy Verdechio from Bronx CC
- Julian Castellano from NYU
- Charles Johnson from NY Power Authority

Mr. Canning mentioned they have been very helpful to the process of the U&D agreements and they are ready to be a pilot testing site for when we roll out ACADIS. We are starting to work together with them and they have all been vetted by Mr. Murray and Director Sullivan. We will work with them in the training and standards, in a Committee as we move forward.

Chairman Tucker commented that maybe as the Committee is developed, we should get someone from the Council to sit in. Mr. Canning agreed and stated we were going to ask for suggestions. Director Sullivan advised typically when we do these types of processes we ask for suggestions and would put them on a panel, and it will always be brought back to you for guidance.

Chairman Tucker advised we are in the point of the meeting where we open for new business. He would like to plan for a November meeting after speaking with council, and that meeting will be in NYC at the Governor's office. He stated we can get some dates out to members of the Council and hopes as many people as possible can participate.

Chairman Tucker inquired if there was any other new business. Deputy Commissioner Michael Wood stated he would like to comment before signing off. He commented that after listening to all of this, it is incredibly exciting to be a part of this. He is looking forward to the years ahead and thanked everyone for their support. Chairman Tucker thanked Deputy Commissioner Michael Wood for his leadership and stated he appreciates him sitting in on these meetings.

Mr. Green brought up the idea of accreditation of law enforcement agencies. He confirmed we are moving in the right direction with words of professionalism, but to add to that, asked if are we able to obtain a level of accreditation for our schools. Mr. Green commented that it may pose for less problems. Chairman Tucker deferred to DCJS on that, but restated whether or not there can be a higher level of accreditation for a security guard training school, over and above what the other schools have. He pondered if we should do for all schools so there is one standard and agreed with Mr. Green that a higher level of accreditation would only bring more professionalism.

Director Sullivan advised we can certainly look in to doing that. She explained we run the accreditation component for law enforcement in our office, with 153 accredited law enforcement agencies in our program. We are the agency look in to accreditation in all areas. When we start to go down said road, we look in to what are the national standards? She confirmed her first step would be to look in to that for security guard schools to see where that would fit in. Director Sullivan confirmed we can begin that

research. Chairman Tucker mentioned the idea of what could be any “tweaks” to the curriculum that would be different from what we do already. Director Sullivan confirmed that we will do research and then bring that to the Council and whether or not we are at those standards.

Mr. Zelden commented that he believes it is in the law as “certified training school”, stating we would need the law amended to accredited from certified. Chairman Tucker confirmed we should take a look and see what’s out there and report back in November. Mr. Lauro brought up the thought of including credits for college. Chairman Tucker agreed that it would be a fabulous idea and that is an end product we can look at, including others. Chairman Tucker mentioned Certification and Designation accreditation that was implemented with T&M protecting them from a terrorist incident, explaining that it was a long accreditation process.

Mr. Green commented with an example, stating that if he went to the State of Vermont there was no question with his training being in New York State. If the role was reversed, that may not be the same story. He further explained that the same could be done with security guard training, with New York State being a leader in this field.

Chairman Tucker made a motion to adjourn.

Mr. Zelden seconded the motion and the meeting was adjourned at 12:40 PM.