

Bureau of Security and Investigative Services
Advisory Committee Meeting Minutes
For January 12, 2017 Meeting

Department of Consumer Affairs
1625 North Market Boulevard
Sacramento, CA 95834

Industry Members Present

Simon M. Cruz, Jr. (Firearm/Baton Training Facilities)
Marcelle L. Egley (Repossessor Industry)
Sandra L. Hardin (Locksmith Industry)
Matthew J. Lujan (Private Patrol Operator/Security Guard Industries)

Public Members Present

Lynn S. Mohrfeld (California Hotel & Lodging Association)
Todd C. Inglis (Ventura County Sheriff's Office)
Stanton Perez

Department of Consumer Affairs & Legal Staff Present

Jeffrey Mason – Chief Deputy Director of the Department of Consumer Affairs
Shela Barker - Legal Counsel

Bureau Staff Present

Laura Alarcon – Chief
Clarisa Serrato-Chavez - Deputy Chief
Samuel Stodolski - Policy & Administration Manager
Andrea Dailly - Bureau Ombudsman
Adrienne Avitia – Policy Analyst

Minutes Taken By

Andrea Dailly

1. Call Meeting to Order

Meeting called to order by Bureau Chief Laura Alarcon.

2. Introduction and Swearing in of Advisory Committee Member Stanton Perez by Department of Consumer Affairs Chief Deputy Director Jeffrey Mason.

DCA Chief Deputy Director Jeffrey Mason administered the Oath of Allegiance and swore in Stanton Perez as Committee Member.

3. Roll Call/Establish Quorum

Roll was taken and 7 committee members were present. Quorum was established and Chief Alarcon noted the meeting official start time as 10:07 AM.

Note: Committee Member Sandra Hardin left at 1:55 PM before meeting adjournment.

4. Approval of Minutes from July 7, 2016

Lynn Mohrfeld made a motion to approve the minutes from the July 7, 2016 Advisory Committee Meeting. Sandra Hardin seconded the motion. The motion to approve the July 7, 2016 minutes passed on a 7-0 vote.

5. Bureau Chief's Welcome Remarks/Bureau News and Updates

Chief Alarcon began her update by noting the current average processing time for paper applications with no deficiencies is 60 days. She also noted that approximately 25% of paper applications received by the Bureau are deficient and the current processing time for correcting deficiencies is an additional two weeks from the time when the new information is received by the Bureau. Chief Alarcon shared the average processing time for a BreEZe employee application with no exceptions is one week. She also noted the exception rate for employee BreEZe applications is 15-20 percent, and the average processing time for a BreEZe application with an exception is 60 to 70 days. An exception occurs when personal information identified on a fingerprint Livescan and the application do not match (i.e name, Date of Birth, SSN).

Chief Alarcon announced that the Bureau was hitting its one year mark of transitioning to the DCA BreEZe system. She noted that since system launch, over eighty system enhancements and refinements have been completed to improve productivity and address system issues. She also commended all Bureau management and staff for their hard work during the transition. She acknowledged that system enhancements will be ongoing.

Chief Alarcon explained over the past six months many licensing processes have changed. Specifically, she noted the new Initial Firearms Permit Application and Renewal Firearms Permit Application forms went into effect September 1, 2016. Chief Alarcon also explained that after extensive analysis, the Bureau determined the only current legal pathway to add a caliber to an existing firearms permit is by completing the training required for an initial firearms permit on the specified caliber. She noted that the *Certificate of Proficiency in Specified Caliber(s)* form was developed based on the authority in law, for use to submit a request to add a caliber, and that the new form and explanation of the process are posted on the Bureau's website.

Chief Alarcon noted that during the 2015-2016 fiscal year, the Bureau's Enforcement Unit conducted compliance inspections of Private Patrol Operators and Firearms and Baton Training Facilities. Beginning this current fiscal year, the Bureau expanded inspections to include Alarm Companies, Repossession Agencies and Locksmith Companies, and have completed 55 inspections to date. Chief Alarcon noted the purpose of compliance inspections is to ensure company licensees are complying with their governing law as well as to educate licensees on those law; however if a serious violation is noted during the inspection, it could result in discipline.

Chief Alarcon shared that during the July 7, 2016 Advisory Committee Meeting, the Department of Consumer Affairs Division of Investigations (DOI) provided a presentation on how they assist the Bureau with unlicensed locksmith investigations. Chief Alarcon shared in April 2016 the DOI completed several locksmith-related stings at the Bureau's request. The efforts resulted in the issuance of several misdemeanor citations to individuals carrying out unlicensed locksmith activity.

Chief Alarcon provided a summary of legislation impacting the Bureau and the industries regulated by the Bureau.

1. Senate Bill 1196 – She noted that the provisions of SB 468, which was the Bureau’s sunset bill in 2015, were amended into SB 1196 in August 2016 resulting in the latter being the Bureau’s legislative sunset review vehicle. SB 1196 was signed into law on September 29, 2016 and made numerous amendments to the six practice acts regulated by the Bureau. The most notable change involves requiring Bureau registered Security Guards applying for an initial Firearms Permit to be found capable of exercising appropriate judgment, restraint, and self-control for the purposes of carrying a firearm during the course of his or her guard duties. The determination will be carried out via an assessment administered by a third-party vendor, on contract with the Bureau.

Other notable amendments included:

- a. Extending training exemptions, currently afforded to specified California peace officers, to specified federal qualified law enforcement officers.
 - b. Requiring a Private Patrol Operator (PPO) to list the Bureau as a certificate holder on the Certificate of Liability Insurance for the purpose of being notified of policy status changes.
 - c. Requiring the Bureau to inspect a Firearms Training Facility within 120 days of licensure.
 - d. Clarifying that a PPO must report any violent incident involving a security guard employee to the Bureau within 7 days of the incident.
 - e. Requiring all alarm agreements with an automatic renewal provision to include a distinct and separate disclosure to the consumer about the renewal provision and nullifying the renewal provision if the consumer has not affirmed in writing that he/she received the notice.
2. Assembly Bill 1859 - This bill added “repossession order” to the Collateral Recovery Act and defined it to mean the same as “assignment” since both terms are used in the industry. It also deleted the definition of “repossession” from the Act and removed “debt collection” from the list of qualifying experience for eligibility to obtain certification as a Qualified Manager.
 3. Assembly Bill 2632 – This bill amended the Private Investigators Act to include investigative journalism as an eligible experience to qualify for the Private Investigator qualifying exam.

Chief Alarcon announced that the Bureau’s proposed regulations to update the firearms training and qualification requirements were approved by the Office of Administrative Law, filed with the Secretary of State in September 2016, and went into effect January 1, 2017. The new regulations provide clarification on range requirements including those relating to the use of a firearms simulator. She also noted the new regulations provide a sound framework for the Bureau to begin updating the BSIS Firearms Training Manual.

Chief Alarcon shared that the Bureau appointed Jennifer Muñoz as the new Licensing Manger, noting that she has worked for the Bureau for many years including several in the Bureau's Policy and Administration Unit. She also shared that the Bureau had completed its hiring of two new Program Technician II's in the Licensing Unit, two new analyst positions in the Enforcement Unit, and permanently established a second Deputy Chief position. Lastly, Chief Alarcon announced that after fourteen years of service as the BSIS Enforcement Manager, George Paddeck retired at the end of 2016.

Committee Comment on the Discussion of the Bureau Chiefs Remarks/Updates:

Committee Member Matthew Lujan stated that with the Bureau's previous online system, the user entered the ATI number associated with the Live Scan transaction. However, the new BreEZe system does not require this information and inquired if it would help with the linking of Live Scan results to license applications?

Deputy Chief Clarisa Serrato-Chavez explained that the ATI is not relevant to the linking of Live Scan results to applicants. She explained that the Live Scan information is received through and matched to an application via an interface and that it is the personal identifier information that has to match.

Committee Member Matthew Lujan also made the suggestion for the Bureau to work directly with the California Department of Justice (DOJ) to update the DOJ tables to begin to require a Social Security Number when completing a Live Scan for a Bureau license.

Public Comment on the Discussion of the Bureau Chiefs Remarks/Updates:

None

6. Discussion Regarding SB 1196 and changes to Firearms Permit Eligibility for Security Guards

Chief Alarcon stated that effective January 1, 2018, a security guard applying for an initial BSIS firearms permit will be required to complete an assessment demonstrating that he/she is capable of exercising appropriate judgment, restraint, and self-control for the purposes of carrying a firearms while on duty. She noted that to implement the assessment, the Bureau needs to execute two contracts: one to secure a California licensed psychologist or person with subject matter expertise to assist in the development of the scope of work on the contract for the third-party vendor that will administer the assessment, and a second contract to secure the vendor. She added that factors the Bureau must consider in awarding the third-party vendor contract are cost of the assessment to the applicant, statewide geographic accessibility of locations where the assessment is administered, and the ensuring the assessment and the administration of the assessment complies with specified standards.

Chief Alarcon noted that security guards who are current firearms permit holders will not have to complete the assessment. However, if a firearms permit held by a security guard expires prior to renewal it is no longer eligible for renewal, resulting in the need for a new initial firearms permit application and the requirement for the security guard applicant to complete the assessment. Chief Alarcon also explained that the implementation of SB 1196 will require several BreEZe configuration changes to ensure the firearms permit document identifies the appropriate qualifying license or licenses to help maintain the integrity of the legislative intent relating to security guards, and the Bureau will be required to adopt regulations to authorize

the Bureau to pursue an emergency order against a firearms permit if, as a result of a Bureau investigation, the permit holder is deemed to present an undue hazard to public safety. Lastly, Chief Alarcon noted that the Bureau will establish a secured electronic account for use by the assessment vendor to transmit assessment results to the Bureau.

Committee Comment on the Discussion Regarding SB 1196 and changes to Firearms Permit Eligibility for Security Guards:

None

Public Comment on the Discussion Regarding SB 1196 and changes to Firearms Permit Eligibility for Security Guards:

None

7. Discussion Regarding BSIS Baton Permits

Chief Alarcon explained that the Private Security Services (PSS) Act authorizes Bureau certified baton training facilities to issue a Bureau Baton Permit to a registered security guard and/or applicant. A baton permit authorizes a security guard to carry and use a baton while on duty. Chief Alarcon explained that baton permits are purchased directly from the Bureau by the Baton Training Facility. Upon training completion, the training facility provides the individual with a baton permit and the Bureau with a training roster that identifies all individuals that completed a specified training course. While the Baton permit is issued to the security guard by the training facility upon completion of the training, it is not valid until the Bureau enters the permit information into BreZE based on the training roster received. Chief Alarcon noted baton permits do not expire and there is no refresher training required to maintain the permit. Once a baton permit is issued, it is valid so long as the qualifying security guard registration is valid. Chief Alarcon requested the Committee to provide feedback or suggestions regarding the current requirements for the baton permit.

Committee Comment on the Discussion Regarding BSIS Baton Permits:

Committee Member Simon Cruz suggested the type of baton the individual was trained to use should be printed on the baton permit.

Committee Member Matthew Lujan stated there is a need for individuals to complete a refresher training course for baton permits and expressed the same concerns that the type of baton an individual is trained to use should be indicated on the baton permit. He suggested adding a check box to the baton permit indicating the type of baton that an individual completed training to use. Mr. Lujan acknowledged that improvements to the licensing process should be made, specifically noting that an individual can complete the training and be issued a baton permit while only being a security guard applicant; with that baton permit in hand, that individual is now able to purchase a baton. Mr. Lujan also requested an alternative way for facilities to submit a baton roster other than through the mail.

Chief Alarcon acknowledged the current licensing process has vulnerabilities and that is the basis for the Bureau bringing this discussion forward.

Committee Member Todd Inglis commented that as a member of law enforcement, he completes weapons refresher courses each year. He explained how important ongoing training is, noting over time the make, model and weight of batons have changed resulting in training on the use of batons having to change.

Committee Member Stanton Perez commented that the use of a baton is a skill based upon the device that needs to be refreshed. He also stated that training is important for this professionalized career field and suggested the exploration on a renewal requirement for the baton permit.

Chief Alarcon posed the question to the Committee, if baton refresher training was in place, what would be an appropriate amount of time and how often should the training be required?

Committee Member Simon Cruz suggested that the baton permit expire biennially, and as a requirement for renewal the security guard must complete a four hour refresher course.

Committee Member Todd Inglis also suggested if a baton permit holder changes the type of baton they are carrying, they are required to complete a training course for that baton type.

Committee Member Simon Cruz explained that there are different types of collapsible batons that vary by weight and the amount of force required to be effective.

Shela Barker, BSIS Legal Counsel, suggested conducting research to establish a performance standard for an employer, rather than developing a strict requirement of permitting or prohibiting specific baton types. Further; the employer would not permit a security guard employee to carry any particular baton unless the employer has knowledge and documented proof that the employee has been trained on the specific baton.

Public Comment on the Discussion Regarding BSIS Baton Permits:

Bryon Bayer, the Qualified Manager for Safeguard, Inc., suggested that a standard for non-lethal weapons and the de-escalation of force should be established. He noted that all armed security guards should not only be required to complete ongoing firearms training, but also training on the use of a baton, pepper spray and taser. This approach would better ensure that an armed security guard is appropriately trained on all such equipment and better understand how to discern using only the amount of force needed to de-escalate a situation. Mr. Bayer noted, that the licensee should demonstrate competency for all noted weapons at the time of requalification.

Hiriam Libby, the Qualified Manager for Valiant Private Security, commented that the additional training requirements, as noted, would increase costs to the security guard and could result in the guard not investing in the intermediate use of force equipment. He also stated that he has received training for several different baton types and there appears to be a large amount of overlap; he suggested developing a general training that encompasses the general characteristics of all batons.

G. Albert Howenstein Jr., commented that he was an active participant in the development of the original Baton Training Manual; that it was developed to be a comprehensive tool; and he agrees that all training should be refreshed.

8. Discussion Regarding What Training Methods Should be Permitted for Administering the Power to Arrest Course

Chief Alarcon explained that the Private Security Services (PSS) Act requires an applicant for a security guard registration to complete an 8-hour course in the exercise of power to arrest.

The PSS Act provides nine specific topics that must be covered in the training and specifies that the majority of the course must be taught by means of verbal instruction and may include the use of video presentation. She added that Bureau regulations specify that the training will utilize the Department of Consumer Affairs Power to Arrest Training Manual and may include lecture, discussion, exercises and role playing. Further, Title 16, Division 7, Section 643(b) of the California Code of Regulations states the training shall include lecture and discussion on escalation and de-escalation techniques in the use of force, lecture and discussion in the use of restraint techniques and their implications and discussion of trespass laws and implications of enforcement.

Chief Alarcon noted that there is no reference regarding the use of a video for the 4-hours of Power to Arrest Course training; just the 4-hour video on Weapons of Mass Destruction & Terrorism. Chief Alarcon stated that the Bureau is aware of Power to Arrest trainers providing the training entirely in video format with no instructor present as well as online. Chief Alarcon requested a discussion regarding whether these formats are appropriate and effective training method. She further inquired on whether online training should be permitted and if so what appropriate safeguards should be in place to ensure the person has completed the entire training and that the person who completed the training is the same person applying for Bureau licensure.

Committee Comment on the Discussion Regarding What Training Methods Should be Permitted for Administering the Power to Arrest Course:

Committee Member Simon Cruz commented that he believed classroom training is more beneficial than online courses. If online training is available, an individual can complete the training online, and then visit a facility to complete the examination in person.

Committee Member Matthew Lujan commented that he opposes online training for the Power to Arrest, but is in support of the online training to complete the Weapons of Mass Destruction, the remaining 32 hours of training and for any required continuing education. He explained there are many benefits to in-classroom training for the initial 8 hours, one of which is validating that the individual participating in the training is the same person that completes the exam. Classroom training allows an individual to be an active participant in discussion, ask questions, and gain hands-on experience.

Committee Member Todd Inglis commented that as a law enforcement officer, he participates in online training courses. He noted that liability is on his law enforcement agency and they maintain all the training records.

Committee Member Simon Cruz commented that he was approached by an online vendor that provides the Power to Arrest training program. Mr. Cruz explained he was provided a sample of the training program, which contained the required training material and that length could not be modified. Prior to taking the online training the individual would email a copy of their identification, complete the online training and then go to the facility to complete the final examination.

Shela Barker, Legal Counsel commented that many technological advances have taken place since the training requirements were established in law and regulation, and noted that only training that is absolutely critical to be completed in person should be required to be completed

as such. She noted that if the trainee's identity is the challenge, there are solutions and noted that many universities currently offer online training. Ms. Barker noted the importance of not foreclosing alternative methods to training and entrance to a profession.

Committee Member Lynn S. Mohrfeld made the suggestion for the Power to Arrest Training to be completed in a classroom setting; the training facility can partner with an online service provider to provide the Weapons of Mass Destruction course online.

Committee Member Stanton Perez suggested developing an online Power to Arrest Training course that is comprehensive so quality and the nature of the training is consistent.

Public Comment on the Discussion Regarding What Training Methods Should be Permitted for Administering the Power to Arrest Course:

Bryon Bayer, the Qualified Manager for Safeguard, Inc., commented that he and Mr. Howenstein, a training instructor, developed the online training program EduGuard ten years ago. He noted that all the training materials and examination information are online, and that it is the employer's responsibility to ensure that the employee has completed the required training and is able to demonstrate competency in that field.

Dr. Shayne Clary, Vice President of Codes and Standards Compliance with Bay Alarm, commented as technology evolves, the regulations in the security field should also change to allow online training.

G. Albert Howenstein Jr., requested to have the Weapons of Mass Destruction video be updated. He commented that the online training course that Mr. Bayer noted allowed for student interaction by sending electronic questions to the facilitator with their concerns.

Hiriam Libby, the Qualified Manager for Valiant Private Security, suggested the Bureau reach out to other government agencies that currently offer online training to utilize the information used to validate identity when an online training course is completed.

Roy Rahn, executive Director of California Association of Licensed Security Agencies, Guards & Associations (CALASGA), commented that CALSAGA is a proponent of online training.

Julie Al-Huneidi, an Applications Manager for EduGuard, stated that their online training course features computer software that requires the user to answer random identity verification questions throughout the entire online course.

9. Update Regarding Firearm Range Qualification Requirements for Eligibility to Renew BSIS Firearms Permit

Bureau Staff Sam Stoldolski presented an overview of the Bureau's regulatory package for Firearms Qualification and Training Regulations that went into effect January 1, 2017. The regulations provide guidelines on the role of firearm simulators for firearms training to obtain and renew a BSIS Firearms Permit; specifically prohibiting the use of a firearm simulator for the purpose of range qualification for an initial firearms permit and limiting the use of a firearm simulator to only one range qualification per year. The new regulations also require the two-hour De-escalation of Force training course to be completed at the Firearms Training Facility prior to completion of a range qualification. The new regulations also removed the prescribed

range targets from the Firearms Training Outline and instead specify minimum standards for the targets to be used.

Committee Comment on the Update Regarding Firearm Range Qualification Requirements for Eligibility to Renew BSIS Firearms Permit:

None

Public Comment on the Update Regarding Firearm Range Qualification Requirements for Eligibility to Renew BSIS Firearms Permit:

None

10. Discussion Regarding Implications of Reorganizing Business Structure of Existing Licensed Entity

Chief Alarcon advised that the Bureau is becoming aware of a growing number of company licensees reorganizing the business structure of their license, and that changing the business structure of an existing license constitutes the assignment or transfer of a license. She explained that the Private Security Services Act and Locksmith Act prohibit the assignment or transfer of a license; therefore, if a Private Patrol Operator or a Locksmith Company changes its business structure, it must apply for a new license. Conversely, the Alarm Company Act, Collateral Recovery Act and Private Investigator Act permit the assignment or transfer of a license; however, the assignment is only authorized when the ownership of the business is the same before and after the transfer and with prior approval from the Bureau Chief. She also noted that if the ownership is not the same before and after the license transfer, the licensee must apply for a new license. Chief Alarcon recommended all company licensees that are considering a business structure change to contact the Bureau prior to making any changes for assistance so that they remain in compliance with the law.

Committee Comment on the Discussion Regarding Implications of Reorganizing Business Structure of Existing Licensed Entity:

None

Public Comment on the Discussion Regarding Implications of Reorganizing Business Structure of Existing Licensed Entity:

None

11. Update Regarding BSIS Consumer Guide to Vehicle Repossession

Chief Alarcon announced that this agenda item would not be considered during the meeting and requested a motion to remove this item from the agenda.

Marcelle Egley made a motion to remove agenda item 11, Update Regarding BSIS Consumer Guide to Vehicle Repossession, from the agenda. Stanton Perez seconded the motion. The motion to remove agenda item 11 from the agenda passed on a 6-0 vote.

Committee Comments on the Update Regarding BSIS Consumer Guide to Vehicle Repossession:

None

Public Comments on the Update Regarding BSIS Consumer Guide to Vehicle Repossession

None

12. Update Regarding BSIS Law Enforcement Fact Sheet

Bureau Staff Sam Stoldolski presented an overview of the changes that have been completed on the BSIS Law Enforcement Fact Sheet. He explained that the document now provides specific information on how the Private Security Services Act defines a Private Patrol Operator and Security Guard and the Proprietary Private Security Act defines a Proprietary Private Security Employer and a Proprietary Private Security Officer, while also clarifying in what capacity a license should be used. Mr. Stoldolski also noted the fact sheet now includes exceptions to licensure requirements.

Bureau Chief Alarcon added once the document is adopted, the Bureau's next step will be to work with the Department's Publications Unit to modify the document to a pocket size as suggested by a Committee Member during a previous meeting.

Lynn Mohrfeld made a motion to adopt the Law Enforcement Fact Sheet. Todd Inglis seconded the motion. The motion to adopt the Law Enforcement Fact Sheet passed on a 6-0 vote.

Committee Comments on the Update Regarding BSIS Law Enforcement Fact Sheet:

None

Public Comments on the Update Regarding BSIS Law Enforcement Fact Sheet:

None

13. Public Comment on Items Not on the Agenda

Dr. Shayne Clary, Vice President of Codes and Standards Compliance with Bay Alarm, asked if sometime in the future the Bureau would be requiring the use of the BreEZe online system; if so, what the intended implementation date is.

14. Committee Members' Recommendations for Items for Future Advisory Committee Meeting Agenda Items

- Committee Member Lynn Mohrfeld requested a discussion regarding cumulative training for Security Guards to complete non-lethal weapons and the de-escalation of force training for all weapons on one training program.
- Committee Member Simon Cruz requested a discussion regarding Proposition 63 and its role on current firearms permit holders and applicants.

15. Adjournment

Member Marcelle Egley made a motion to adjourn the meeting. The motion was seconded by Member Lynn Mohrfeld. The motion to adjourn the meeting passed on a 6-0 vote and the meeting adjourned at 2:47 PM.