



SECURITY SERVICES COUNCIL

Newsletter

January, 2014

Why Security Officer Certification Benefits Everyone by Fern Abbott

In the early 1990's, New York State enacted legislation (the Mega Bill, named for its sponsor, Chris Mega) that would require security officers who work for a security services company ("contract" officers) as well as officers who work directly for a corporation which maintains its own security force ("in-house") to meet minimum training requirements and criminal conviction screening in order to obtain certification. New Jersey followed suit in 2004 with the Security Officer Registration Act, otherwise known as SORA, which affected only contract officers, and is currently considering legislation to require in-house security officers to follow suit. Whether you call it a "license," (NY), "certification" (NJ), or "clearance card" (MD), the significance of the card is that the person holding it (1) has not been convicted of a felony and (2) has completed some sort of state mandated or state approved training.

To date, AZ, CA, CT, DE, GA, FL, LA, MD, MT, NM, NC, OK, PA, SC, TX & VA are other states that requiring certification for their security officers. In these states, as in NY and NJ, one must go through a criminal conviction check (as opposed to a "back-ground check," which would normally consist of verifying residence, employment history, etc.), as well as a minimum number of hours of classroom and/or on-the-job training.

I can't help but wonder, then, why so many employers of in-house security officers have been opposed to a certification requirement. Let's look at the pros and cons: Training – Proprietary companies typically do not teach all the topics required under state certification requirements (for example, Terrorism, Suspicious Letters & Packages, Incident Command, Ethics, etc.). It's not just the number of hours, it's the *content* of the instruction that matters, along with who's teaching. When training methods come under a microscope, no company is immune to questions regarding security officer training.

Liability – No matter how much training is provided in-house, if it hasn't been vetted by an attorney (or even if it has), especially one who's well versed in litigation concerning security officers who use excessive force, a company could lose its proverbial shirt if one of its officers uses – or is even accused of using - excessive force. A question that's sure to come up in deposition is the quality of the company's

training. A company following state mandated training pursuant to certification will be better able to defend itself.

Public safety – John Q. Public doesn't know (or care about) the difference between contract and in-house security officers. The public has certain expectations of screening and training. The ultimate outcome of legislation requiring *all* security officers to be vetted and trained through a state-approved program is *protection*. The public is protected by professional security officers, and the company is protected from having to defend its screening practices in a

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lawsuit, or from large monetary judgments that could destroy the company.

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they're willing to hire an investigator go to the courthouse of the county where the applicant or employee lives and physically go through the records. However, aside from the cost factor, in most cases, in order to conduct that search you'll need the applicant's date of birth, which a company is not permitted to ask for on an application. Sure, you can wait until after you hire the applicant to conduct your criminal check, but if the person does have a record, and you hire him before conducting that criminal check, *and* he commits a crime while he's in your employ, make sure you get along well with your attorney, because you'll be spending plenty of time with him (or her).

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A fingerprint check is much faster when conducted through the state. In New Jersey and New York, fingerprints are taken via the live-scan method, where a scanner and computer to capture fingerprint images in a digital format for submission to the appropriate requesting agency. Results are usually returned to the requesting agency within 24-36 hours. Employers can request that their applicants go through live-scan on their own, but the results can take up to ten days.

Many in-house officers deal with the general public at large (concerts, amusement parks, malls and mega-stores, etc.). If they haven't received proper training or screening and there's a serious incident, especially with the resultant bad publicity, your company could be put out of business literally overnight. You do not want convicted felons committing violent - or any - crimes while at work, a common occurrence before the regulating and screening of security officers.

Costs – Proprietary companies complain that regulation will be costly, or a burden to their employees. Contract security officers, typically paid less than proprietary officers, have already dealt with this issue in New York and New Jersey. If you wanted to be a truck driver, would you apply to a trucking company and then expect them to teach you to drive a truck? Costs can be split between employer and employee: if companies are already paying for training, then employees can pay for the license application and fingerprint fees. Many contract security agencies in New Jersey either split the costs, and/or fronted the fees for their employees and allowed payroll deductions until the amount was repaid, so that the employee did not suffer a financial hardship by laying out a few hundred dollars all at once for fees.

Compliance – Under regulation, someone within the company has to make sure that the officers are certified, that their certifications are up to date, and to remind the officers when renewal time is near. Some companies complain that they don't have anyone available or qualified to ensure that training and certification are up-to-date. The HR department in just about every company ensures that all applicants

or new employees present a social security card, documents to satisfy I-9 requirements, and whatever documents necessary to prove you're qualified for the job, whether it's in the facilities department or as a driver, etc. Under the Security Officer Registration Act in NJ, the person who has the compliance function can log into the NJ State Police SORA website section for employers to enter info for new or terminated employees, and check to see whose certification expire within 30, 60 and 90 days. What could be easier than logging in once per month to ascertain whose certification will expire within the next 90 days?

One of the comments typically heard from a proprietary company is that they either meet or surpass what the law requires, so why bother with certification? To me, that's like saying if the government required all cars to get 25 mpg, there should be no regulation at all since your company, ZZZ Autoworks, already makes cars that get 25, 25-½, or even 26 miles to the gallon. If your company already does meet or surpass the minimum requirements, why object to having them?

Excellent companies provide their officers with training above and beyond any state requirements. Why? Their officers are not window dressing. They're trained professionals with a dual purpose: to safeguard the company's personnel and assets, and to do so in a manner that will prevent costly litigation. Any company that sticks its head in the sand, holding onto the idea that it can save a few bucks by skirting officer screening and training is being penny-wise and dollar-foolish - and that is a price none of us can afford to pay.

Certification legislation ensures that we're all protected -- even our "ostrich" colleagues.

The author thanks Liz Martinez for her concise and valuable contributions to this piece.

Fern Abbott is a licensed private detective, a certified polygraph examiner, and a NJSP-certified security officer instructor. To date, Ms. Abbott is the only private certified SORA instructor who has been invited to address the NJ State Police Private Detective Unit's 2010, 2011, 2012 and 2013 class for SORA (Security Officer Registration Act) instructors on "How To Be An Effective Instructor." Visit her website at www.AFITraining.com