

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

* * * * *

House Bill 2247

* * * * *

House Judiciary Committee
Subcommittee on Crime and Corrections

Room 140
Main Capitol Building
Harrisburg, Pennsylvania

Monday, July 24, 2000 - 1:10 p.m.

--oOo--

BEFORE:

Honorable Jerry Birmelin, Majority Chairperson
Honorable Tim Hennessey
Honorable Stephen Maitland
Honorable Harold James, Minority Chairperson
Honorable Andrew Carn
Honorable Babette Josephs
Honorable Joseph Petrarca

ALSO PRESENT:

Dave Bloomer
Majority Research Analyst

Judy Sedesse
Majority Administrative Assistant

Lee Albright
Minority Research Analyst

C O N T E N T S

WITNESSES

PAGE

Opening Remarks:

Honorable Jerry Birmelin 4
Chairman-Subcommittee on Crime & Corrections

Vito Verni, Executive Coordinator 8
AAA Security

Bob Marshall, Area Manager 24
Wackenhut, Inc.

Written Testimony Submitted By:

Michael Lutz, President
Pennsylvania Fraternal Order of Police

Leo Tarkett, President
Hideout POA

Don Ernst, CPP, CMI
President
Northeastern Pennsylvania Security Chiefs Association

1 CHAIRPERSON BIRMELIN: Good afternoon. I want
2 to welcome you this afternoon to the Pennsylvania House of
3 Representatives Judiciary Committee, Subcommittee on Crime
4 and Corrections hearing on House Bill 2247. I'm going to
5 ask those who are present with me here at the desk to
6 introduce themselves, and then we'll call our first
7 witness. Let's start with Representative Hennessey.

8 REPRESENTATIVE HENNESSEY: Hi. I'm Tim
9 Hennessey, Chester County.

10 MR. BLOOMER: Hi. Dave Bloomer, Research
11 Analyst with the Committee.

12 REPRESENTATIVE JOSEPHS: Babette Josephs,
13 Philadelphia County.

14 MS. ALBRIGHT: Lee Albright, Research Analyst
15 for Judiciary Committee.

16 CHAIRPERSON BIRMELIN: And I'm Representative
17 Birmelin, the Chairman of the Subcommittee. And we expect
18 to have a few other members come in, and they will be
19 introduced as I'm able to remember that they weren't here
20 for the opening introductions. And I'll do my best with
21 the members' help to do that.

22 We have several people testifying today.
23 There is an agenda available, if you don't have one, as
24 well as handouts to my right on the table. If you wish to
25 have any of that material, feel free to have it.

1 Also, for those of you who are here today,
2 just a reminder that when we have public hearings and we do
3 not have all the members here, obviously we always send
4 copies of the testimony that you have presented to those
5 who were not able to be with us today. We've also just
6 been joined by Representative Steve Maitland from Adams
7 County and welcome him as well to our Committee meeting.

8 I wanted to share a few opening remarks with
9 you, if I could. The bill that we're having the public
10 hearing on today is one of which I'm the prime sponsor, and
11 it deals with privately employed security agents. For the
12 benefit of the members and those that are present, we in
13 particular in the Poconos have situations where we have a
14 lot of private security people who guard the entrances to
15 gated communities, of which there are many.

16 And literally, I guess, hundreds of thousands
17 of people live in gated communities in Pennsylvania, many
18 of whom are in the Poconos. And so we have a big job with
19 protecting and securing these particular gated communities
20 as well as private security people who protect perhaps
21 parking lots, apartment buildings, stores, anywhere where
22 private security is needed, office buildings and things of
23 that sort throughout the state.

24 And we have in Pennsylvania a situation where
25 we have no licensing or certification of these people who

1 work at these jobs. Now, of course, many of them are
2 retired police officers. And they truly do in most cases
3 make the ideal security agents.

4 However, that's not always the case. Quite
5 frankly, anybody who is seated here today could become a
6 security guard tomorrow with no training, no certification,
7 with no assurance that you know what you're doing. That
8 doesn't mean you have a gun strapped onto your hip.

9 But it does mean that they might give you a
10 badge and they might put a uniform on you and give you a
11 nice little cap and you look like an authority figure and
12 you look like you know what you're doing. And the public
13 would come to expect some measure of proficiency from you
14 because of that appearance that gives you that position
15 that you hold.

16 But such is not the case. And so we know that
17 we have a need, at least I think a need, that this
18 legislation attempts to fill in part. And that is a need
19 to assure the public that somebody who's working as a
20 security agent has some semblance of training, has some
21 indication that they have learned the basics of what it
22 means to be a security agent or security officer.

23 And this legislation, quite frankly, has taken
24 several years to craft. It's certainly not perfect, but
25 it's a long ways from where we were a few years ago when we

1 began to discuss this issue. And I wanted to point out and
2 particularly emphasize that it's talking about a
3 certification program.

4 It's not talking about licensing. It's not
5 talking about people having to go to classes and being
6 required to do certain things before they can become
7 security employees. But what it does, if it's put into
8 law, is it will establish a system by which we will say
9 that there is a certification process and that if you are
10 seeking a job as a security officer, that you have had some
11 semblance of training.

12 Where if you are looking for somebody to work
13 for you and perhaps you are in the market for a security
14 officer, you can ask them, Are you certified? And then you
15 would know that they would have -- at least have some
16 training, some standard, some basic level of training to
17 help them to become a security officer who knows what
18 they're doing.

19 So we envision this legislation to hopefully
20 becoming law. If not this session, it will be reintroduced
21 next session. And we'll begin the process hopefully of
22 having a committee to debate and vote on it and perhaps on
23 the House floor as well to try to begin this discussion and
24 to begin this process for this hopefully becoming law.

25 With all that having been said, I want to draw

1 your attention to the agenda that is before you. The first
2 gentleman who is scheduled to testify is Michael Lutz,
3 President of the Pennsylvania Fraternal Order of Police.
4 But he's unable to be with us today.

5 And I saw him in my office earlier in the day,
6 and he gave me copies of his testimony. That's been
7 provided to the members on your desk. And for those who
8 don't have it, it's on the table to my right. That brings
9 us to our next witness to testify, and it's a gentleman
10 that I've known for several years and a gentleman that I've
11 worked with to draft this legislation.

12 He has come to speak to it and to encourage
13 those of you who are here to support it. And I'll ask Mr.
14 Vito Verni if he would please come and be seated at the
15 witness table. And he's the Executive Coordinator for AAA
16 Security, which is a security agency in Northeastern
17 Pennsylvania. And Mr. Verni, we welcome you to this House
18 Committee meeting.

19 MR. VERNI: Thank you for inviting me.

20 CHAIRPERSON BIRMELIN: And whenever you're
21 ready, you may begin your testimony.

22 MR. VERNI: Am I just to talk about this, or
23 can I just give you a little bit about my background?

24 CHAIRPERSON BIRMELIN: You can say whatever
25 you'd like as long as it's relevant to the subject at hand.

1 MR. VERNI: Okay. Just for everybody's
2 information, I am a retired New York City detective. I
3 worked in Midtown Manhattan as an investigator and then
4 moved to the Poconos in 1981 and ran a security at a
5 private community called the Hideout.

6 And one of the things -- one of the first
7 things I noticed is that the people they already had
8 working in security had absolutely no training. And these
9 people were required to respond to domestic disputes, to
10 watch people's homes, to investigate burglaries.

11 Up in Wayne County where I live, I currently
12 live in a community where we have 600 miles of road with
13 two State Policemen to patrol 600 miles of road. So you
14 couldn't always count on the State Police, and there are no
15 local police departments.

16 So basically, the security officers in the
17 Hideout were acting almost like police officers but had no
18 training. I found that kind of disturbing. So along with
19 several other people, we formed the Northeastern
20 Pennsylvania Security Chiefs Association and tried to
21 implement some training programs.

22 But the more we looked into it, the more we
23 found out that in the state of Pennsylvania, there is no
24 requirements of training, there are no background checks
25 for security officers unless they worked for a contract

1 security company.

2 I currently am the Executive Director of AAA
3 Security. So we have to fingerprint and do background
4 checks for security officers. But those communities that
5 have in-house do not. They're not required. And there are
6 occasions -- and it's happened in my community after I
7 left.

8 We had two security officers working in that
9 community that had previous convictions for criminally
10 receiving stolen property, and here they were patrolling in
11 the community and watching people's homes. So that's like
12 the fox watching the hen house.

13 So for the last several years, I've been
14 working with Representative Birmelin in an attempt to find
15 some sort of legislation that could kind of correct that
16 situation. But now I'd like to refer to this statement.
17 The Northeastern Pennsylvania Security Chiefs Association
18 strongly advocates passage of House Bill 2247, Privately
19 Employed Security Agents Training and Certification Act.

20 Being in the unique position of perhaps having
21 the very best insight into the private security sector, our
22 association finds only positives and no negatives that will
23 result from promulgating this legislation into law. To
24 avoid any confusion, H.B. 2247 does not provide for any
25 type of police authority being vested in private security

1 officers.

2 The purpose of H.B. 2247 would be to provide
3 badly needed training to private security officers in the
4 critically important disciplines relevant to their
5 day-to-day duties. Training in many of these topics is
6 unavailable through any other state training acts such as
7 Act 235.

8 The need for this training becomes very
9 evident when you consider that across our nation, there are
10 currently 3.5 private security officers for every public
11 sector police officer. There is no reason to believe that
12 this ratio is significantly different in Pennsylvania.

13 These private officers are charged with the
14 protection of our most precious assets, our families,
15 homes, places of business, and our personal safety and
16 security. Those who rely upon these private security
17 officers have a rightful expectation to believe that such
18 officers are of professional caliber and have been properly
19 screened, trained, certified, and monitored by a governing
20 authority.

21 The American Society of Industrial Security in
22 a survey completed in 1998 reported that there have been
23 significant staffing cutbacks in many public sector police
24 agencies across our nation, with some smaller departments
25 being totally disbanded.

1 This combined with the realization that it is
2 often more cost-effective to have the private sector
3 perform certain protective functions, that by the year
4 2010, approximately 60 percent of all of the current
5 functions performed by police officers will be performed by
6 private security officers.

7 There is no reason to believe that the
8 Commonwealth of Pennsylvania will fall outside of this
9 profile. The private security industry in Pennsylvania
10 continues to grow at a stunning rate, with many contract
11 security agencies being unable to keep up with client
12 demand for their protective services.

13 Likewise, many corporations and associations
14 have recently chosen to establish proprietary or in-house
15 security departments, where before they simply relied upon
16 local police protection. This trend is not confined to the
17 Commonwealth but is a national trend.

18 As the need to employ these private officers
19 increases, the danger of placing poorly screened,
20 ill-trained, and less than professional personnel in these
21 positions of authority increases. This is a situation that
22 needs to be addressed and is in fact being addressed across
23 the nation as more and more states adopt mandatory
24 state-sponsored training of private security officers.

25 While Northeastern Pennsylvania has more than

1 an average number of private gated communities which rely
2 upon private security officers for their first line of
3 defense against crime, the need for properly screened,
4 well-trained officers is obvious in shopping malls,
5 hospitals, hotels, private colleges, large corporations,
6 amusement parks, race tracks, airports, sports arenas,
7 industrial complexes and yes, even government buildings, to
8 mention only a few of the types of enterprises requiring
9 the service of these private officers.

10 The training requirements contained within
11 House Bill 2247 do not duplicate Act 235, Lethal Weapons
12 Training Act. The training mandated by Act 235, Lethal
13 Weapons Training Act, focuses almost exclusively upon use
14 of force, firearms safety and proficiency, use of baton and
15 to a smaller extent, search and seizure and laws of arrest.

16 Act 235 is certainly a positive standard for
17 those private officers who do carry lethal weapons on the
18 job. However, the great majority of private security
19 officers in Pennsylvania do not carry lethal weapons and,
20 therefore, never take this training.

21 H.B. 2247, however, provides for training in
22 those disciplines that highly impact the practical
23 day-to-day job tasks of private security officers. These
24 training modules include legal authority, Pennsylvania
25 Rules of Criminal Procedure, crime scene preservation,

1 accident scene responses, report writing, crowd control,
2 first aid and CPR certification, private and public sector
3 liaison, public relations, retail theft procedures.

4 These training modules focus directly upon
5 what the majority of Pennsylvania's private security
6 officers deal with on a daily basis. It is truly relevant
7 training not contained within any other training act. Not
8 only is the need for this type of training very obvious;
9 likewise, the benefits are easily identified.

10 As private security officers become better
11 trained and more professional, the working relationship
12 between the public sector police and those private officers
13 will improve, with the result being that police officials
14 will have more confidence in working as an enforcement team
15 with private officers.

16 This will result in overall productivity in
17 crime prevention and enforcement. Establishment of this
18 training act will result in increased job opportunities for
19 state-certified trainers and will afford educational
20 institutions, such as junior colleges, an additional venue
21 for students and related revenue sources.

22 While this training and certification is now
23 being promoted as a voluntary as opposed to mandatory, we
24 feel there will be a significant number of security
25 officers who will avail themselves of the benefits derived

1 from this training.

2 One of the more significant of these benefits
3 should be reduced general liability insurance premiums for
4 those agencies and departments who employ state-certified
5 officers. Hopefully, as these benefits become more
6 recognized, the training will be made mandatory for all
7 private security officers in the Commonwealth.

8 Lastly, state certification of private
9 security officers will provide increased long-life careers
10 for a significant portion of Pennsylvania's work force.
11 With state certification will come the birth of a true
12 profession in the Commonwealth as it has in many other
13 states across our nation, providing gainful, dignified,
14 professional employment status to many, while at the same
15 time significantly increasing the quality of service
16 provided by those officers. Thank you.

17 CHAIRPERSON BIRMELIN: Thank you, Mr. Verni.
18 I'm going to ask you to remain and give the opportunity for
19 members of the Committee to ask you any questions that they
20 may have of you. Representative Hennessey.

21 REPRESENTATIVE HENNESSEY: Thank you, Mr.
22 Chairman. Mr. Verni, as I looked over 2247 in preparation
23 for the hearing today, it seemed to indicate that in order
24 to qualify as a private security officer, you would have to
25 hold -- and I refer -- do you have a copy of the bill in

1 front of you?

2 MR. VERNI: I don't have the bill in front of
3 me, but I kind of know what it contains.

4 REPRESENTATIVE HENNESSEY: One of the things
5 that it calls for in the application on page 3 is the
6 proof -- line 19 here on page 3 -- proof the applicant has
7 met all relevant requirements of the act of August 21st,
8 known as the Private Detective Act of 1953.

9 MR. VERNI: What does that --

10 REPRESENTATIVE HENNESSEY: Is it required that
11 the person actually hold the license?

12 MR. VERNI: No.

13 REPRESENTATIVE HENNESSEY: Or are you simply
14 saying that proof that the person could qualify for a
15 private detective license under that act before he applies?

16 MR. VERNI: No. The requirements of that
17 Private Detective Act is that they cannot be found guilty
18 of any particular felonies, no convictions. That's in the
19 Act 235. And I believe that's what we're talking about
20 there.

21 REPRESENTATIVE HENNESSEY: Okay. Well, isn't
22 that covered up in paragraph 2, beginning in lines 10
23 through 16, saying not plead guilty or no contest to a
24 felony, crime of violence, or drug-related offense? I
25 guess what I'm wondering about is it almost sounds like

1 it's compared --

2 MR. VERNI: Duplication.

3 REPRESENTATIVE HENNESSEY: -- with paragraph
4 4, that you're saying in order to be a private security
5 officer, you first have to hold your private detective
6 license.

7 MR. VERNI: No.

8 REPRESENTATIVE HENNESSEY: That's not --

9 MR. VERNI: No, that's not a requirement. No.

10 REPRESENTATIVE HENNESSEY: Okay. We might
11 want to look at the wording on that to see whether or not
12 there's a -- redrafting has to be done. What about line
13 22? You're actually requiring someone, in order to be a
14 private security officer, to hold CPR certification.

15 While that's probably a good thing for a lot
16 of us to have, why would it be necessary, for example, for
17 a parking lot attendant to have? I understand somebody
18 might have a heart attack in the parking lot. And it may
19 be a good thing and sort of a fortuitous thing for somebody
20 that if you're going to have a heart attack, it might as
21 well happen close to somebody who knows how to fix you up.

22 MR. VERNI: I guess so.

23 REPRESENTATIVE HENNESSEY: What's the -- why
24 are you saying that, I mean, for example, for a parking lot
25 guard, who --

1 MR. VERNI: Well, as you say, it could happen
2 in the parking lot. But a great majority of the security
3 we do is not in parking lots. A lot of it is done in
4 offices and industrial complexes and communities. We
5 service a lot of the communities.

6 And the particular community that I live in,
7 there were 3,000 homes in there. And often, the first
8 person that responds is the security officer, even before
9 the ambulances. And what we actually have done in the
10 community where I live, we actually have trained security
11 officers in the use of defibrillators.

12 So we can even go further with that. My
13 company, we're training our officers in the use of
14 defibrillators because they're usually the first ones on
15 the scene. So I think that that's a -- a great thing to
16 have is CPR.

17 REPRESENTATIVE HENNESSEY: I don't disagree
18 with that. I think it's a good thing to have. I guess the
19 question is whether or not it's something that we ought to
20 require everybody to have in order to hold the position of
21 a security officer.

22 In that same vein, if a company wanted to set
23 up its own security force in-house and with their own
24 employees --

25 MR. VERNI: Yes.

1 REPRESENTATIVE HENNESSEY: -- say a night
2 watchman in a -- in a storage facility, would this bill
3 require that that fellow be trained in CPR or hold -- or
4 actually possess a CPR certification in order to -- to do
5 that kind of work, you know, when nobody is going to be
6 around?

7 Would the company, if it was an in-house type
8 of operation, would they be free to set their own
9 parameters to what they -- how skilled they want their
10 people to be?

11 MR. VERNI: Well, this bill is not mandatory.
12 They don't even have to take -- they don't even have to
13 have the certified security officer if they don't want to
14 because it's not a mandatory bill. We're talking about
15 voluntary. So they're not -- they're not locked into doing
16 that.

17 If they decide that all they need is the guy
18 to walk around the building and they don't want him
19 certified, that's fine. So we're not forcing anybody. I
20 think if you -- if you'd look at the overall picture, that
21 probably 90 percent or 95 percent of the people in the
22 security business would require all these things and maybe
23 5 percent wouldn't need CPR or wouldn't need all the
24 training if you have a man walking around the building and
25 he's by himself. I just don't see that happening.

1 REPRESENTATIVE HENNESSEY: Okay. So as you
2 envision it, this bill would say that you could hire
3 anybody off the street to be a private security officer;
4 but if you want to call him a certified officer, then they
5 would have to meet these requirements?

6 MR. VERNI: Yes.

7 REPRESENTATIVE HENNESSEY: Okay. So
8 it's -- maybe you can -- you can put lots of bells and
9 whistles on the car -- on the officer. But if you
10 didn't -- if you didn't want to, you wouldn't have to go to
11 that expense. And you could hire your own people, and that
12 wouldn't be a problem at all?

13 MR. VERNI: That's correct.

14 REPRESENTATIVE HENNESSEY: Okay. Thank you.
15 Thank you, Mr. Chairman.

16 CHAIRPERSON BIRMELIN: You're welcome.
17 Representative Josephs.

18 REPRESENTATIVE JOSEPHS: Thank you. Just
19 to -- to follow up on Representative Hennessey's
20 observations, it seems to me -- you correct me if I'm
21 wrong -- that this is a title protection bill. In other
22 words, you're protecting the title of certified security
23 officer.

24 Anybody who holds him or herself -- herself
25 out as certified has to meet the requirements of your bill.

1 However, people can do the job so long as they don't hold
2 themselves out to be certified and don't have to meet the
3 requirements of the bill?

4 MR. VERNI: It's not mandatory yet. That's
5 right.

6 REPRESENTATIVE JOSEPHS: Unlike, for instance,
7 our regulations that cover physicians where you not
8 only -- you can't hold yourself out as a physician unless
9 you've met requirements. Neither can you practice medicine
10 in contradistinction to a certified guard, which only
11 protects the title. Certified does not protect the
12 contents of the job.

13 MR. VERNI: That's correct.

14 REPRESENTATIVE JOSEPHS: Thank you. Thank
15 you, Mr. Chairman.

16 CHAIRPERSON BIRMELIN: And just to follow up
17 on Representative Josephs' comments, I think it would be
18 similar to lifeguards. Lifeguards can receive a
19 certification process. I think it's American Red Cross
20 that certifies them.

21 And you may be able to hire somebody, put them
22 outside the swimming pool and say now you're a lifeguard;
23 but that doesn't make you certified. And that person
24 should not present themselves as having had any training or
25 Red Cross certification to be a lifeguard.

1 But they're still able to function in that
2 position. And I think that's probably a pretty good
3 analogy here, wouldn't you say?

4 MR. VERNI: Yes, I do. And I think what's
5 going to happen with this bill, I think that there's going
6 to be a lot of people out there who say, Wow. Jeepers.
7 This is something else I can do. I can learn
8 certification. I can improve myself. Maybe I can get more
9 money if I work if I'm certified.

10 It's a protection for the customer who employs
11 certified security officers that he will get a break in his
12 insurance premiums. Bob Travis was supposed to be here
13 with me. He's with an insurance company. He's highly in
14 favor of this bill because he says it will reduce insurance
15 premiums for those people who have certified security
16 officers.

17 The other thing that this bill contains is the
18 background check. You know, we have security officers
19 working in private communities like the Hideout and like
20 some of the communities that I -- well, the communities
21 that I service, we do the background checks. We have the
22 fingerprint.

23 But the private communities with the in-house
24 do not have to fingerprint. There are horror stories out
25 there about security officers. One in -- one just happened

1 last year in one of the private communities. Four of them
2 were arrested for burglary. They all have previous
3 records.

4 The company -- and actually, it was a contract
5 security company. And they never did a background check,
6 and so they were in violation there. But they had four
7 security officers that were arrested for burglaries. There
8 was just a recent case down in Philadelphia where they had,
9 I believe, three or four security officers working there
10 that they never did a background check.

11 And the FAA found out about it and fined
12 the security company a million or \$2 million. You
13 have -- right now you have security officers working in
14 private communities that have police records because the
15 private communities are not required to fingerprint them.

16 They're not even required to do a background
17 check with the State Police. Forget the fingerprint. I
18 can tell you a story what happened with us. We had a
19 security officer I hired, and he didn't work out. And I
20 fired him. And six months later, I read about him.

21 And I did a background check, and it came back
22 clean. I read about him in the newspaper that he was
23 arrested for child pornography. And he had a previous
24 record for fraud, welfare fraud, so on and so forth. I
25 found out that in this state, if he's arrested by the

1 Welfare Department for fraud, he's not necessarily
2 fingerprinted.

3 So when we did the background check, we got
4 nothing back on the guy. And so you have to be very, very
5 careful in the security business in who you hire. There
6 are a lot of guys out there. This is a perfect opportunity
7 for them to get into the location where they can rob
8 houses, or they can do whatever they need to.

9 So I think probably one of the most important
10 things here with the certification is the actual background
11 checks. People in the private communities need to feel
12 safe, that the people that are working there are not
13 criminals. So I think that's -- that's probably one of the
14 most important issues here with the certification.

15 CHAIRPERSON BIRMELIN: Thank you, Mr. Verni.

16 MR. VERNI: Thank you.

17 CHAIRPERSON BIRMELIN: We appreciate your
18 coming today and for your testimony.

19 MR. VERNI: Thank you very much.

20 CHAIRPERSON BIRMELIN: Our next testifier is
21 Bob Marshall. He's the area manager for Wackenhut
22 Corporation, which is a security firm. Mr. Marshall, will
23 you come forward, please?

24 MR. MARSHALL: Good afternoon. My name is
25 Robert Marshall. I'm the area manager for the Wackenhut

1 Corporation in Harrisburg, Pennsylvania. Seated to my left
2 is my operations manager. It's Tony Galardi.

3 Currently, the Wackenhut Corporation operates
4 four offices in the Commonwealth of Pennsylvania. We have
5 offices located in Harrisburg, Jenkintown, Philadelphia,
6 Lancaster, and Pittsburgh. A brief history about our
7 company: TWC was founded by George R. Wackenhut in 1954.
8 He is the chairman of the board, and his son Richard is the
9 CEO.

10 The Wackenhut Corporation is one of the
11 largest independently owned security service companies in
12 the world. We're listed on the New York Stock Exchange
13 under WAK-A and WAK-B. We're headquartered in Palm Beach
14 Gardens, Florida. We employ over 70,000 employees
15 nationwide.

16 Our revenues was approximately \$2.25 billion
17 in 1999. We maintain 140 offices throughout the United
18 States, and we operate on six continents and 55 countries.
19 We reviewed the House Bill 2247, and it concerns the
20 establishment to us that you're mainly concerned with
21 private individuals or Act 235 certification.

22 We feel that to effectively -- we should
23 expand this bill to include all the security industries in
24 the Commonwealth. It should be expanded to include all the
25 armed and unarmed security officers. Currently, all

1 security vendors must be licensed under the Pennsylvania
2 Private Detective Act of 1953.

3 There are some requirements under this
4 establishment of this act that should be addressed in this
5 bill. Under the current act of 1953, we fall into an area
6 where if we establish an office in Pittsburgh, which is
7 Allegheny County, and we open an office in Harrisburg, we
8 must obtain our license through Allegheny County, not the
9 county that we're residing in.

10 We'd like to see that addressed in this bill
11 requiring that we be licensed in the current area that we
12 do business in because it's a time restraint, time process.
13 We have to get all our equipment, all our fingerprint cards
14 requested through this agency.

15 One of the things that concerns me regarding
16 this requirement is the turnaround time to get a police
17 record. We do the fingerprint cards here. We have to send
18 them out to Allegheny County. They in turn send them down
19 to the State Police, and the State Police return the
20 results to Allegheny County.

21 Then Allegheny County finally gives us the
22 results. So sometimes this takes us anywhere from three
23 months to six months turnaround. At Wackenhut, we have
24 what we call a National Research Center, which we can
25 obtain local background investigations within 24 to 48

1 hours.

2 But we're only doing a county check. We're
3 not doing a national criminal agency check. So we'd like
4 to see that part of the requirement addressed under this
5 bill where we can actually do business with them per se,
6 Harrisburg, Dauphin County.

7 Also, there is currently no government body to
8 ensure that all licensed vendors process new hires as
9 required by the Private Detective Act. For example, we
10 have processed applicants for hire from other security
11 companies; and we have found out that they have a police
12 background.

13 So subsequently, we do not hire these
14 individuals. But they do go back and work for their
15 foreign company that they're coming to us from. The
16 problem we have there is when this discrepancy occurs,
17 there's no one that we can report this to so they can
18 further investigate whether or not this company is doing
19 what they're required to by law.

20 The other problem I'd like to address in the
21 bill is there have been, over the past several years, have
22 been numerous security agencies from other states that have
23 obtained contracts within the state and they do not
24 establish an office in the state.

25 The problem I have there is are these

1 companies licensed to do business in the state as required
2 by the Private Detective Act? Again, there is no one we
3 can go to to check this out to find out if they're within
4 violation or are they within their rights.

5 Presently in Wackenhut, we employ three
6 different types of security officers. We have what we call
7 our traditional security officers. These are your everyday
8 security people that do our regular buildings, parking
9 lots, things of that nature.

10 For our more high tech facilities, we have
11 what we call an upscale officer that requires a little bit
12 more education and training from these individuals; and we
13 place them in our high profile locations. Our third and
14 final is what we call our elite.

15 These are custom protection officers. These
16 are the only people that we employ as armed security. And
17 of course, they must complete successful physical/drug
18 screen. And they must have a psychological evaluation plus
19 40 hours in-house training that we provide them, plus they
20 obtain their 40 hours of certification from the Act 235.

21 One of the other things that I'd like to
22 address, because you do in House Bill 2247 address the
23 issue of armed security, is for years we will accept an
24 officer that has successfully completed the Act 235 to
25 include his drug screen physical and his MMPI or

1 psychological evaluation.

2 When we hire a person and we qualify under the
3 drug screen and psychological evaluation, that material is
4 not acceptable within the Act 235 program. So we'd like to
5 see some exchange of information there where if we do the
6 testing and MMPI, if they would accept our paperwork on
7 that.

8 The other thing is, I mentioned earlier
9 that in the House Bill here, you state the
10 fingerprint -- fingerprint verification should be within
11 three months. As I stated before, sometimes it takes us
12 anywhere from four to six months to get the results of that
13 information back.

14 So it's a little bit of a time concern there
15 as far as the bill is concerned. And addressing the other
16 issue regarding the properly employed agents who have
17 successfully completed the basic training course for
18 municipal officer or police, basically that's the Act 120.

19 It's a little bit higher than the Act 235.
20 But it does not authorize them to carry a weapon with a
21 security company. The problem we have there, you said this
22 event is waivable, depending if there's a valid
23 certificate. Most officers can complete this course, and
24 it's a dated certificate stating you have graduated.

25 What we're trying to understand with this is

1 what is a valid certificate? Let's say, for instance, if a
2 man finishes training in 1976, he works 20 years as a
3 police officer, he sits around two, three years and he
4 comes to me in July of 2000 and wants a job as an armed
5 security. Is that certificate still waivable at that
6 point?

7 That's one of the problems that we have to
8 look at. Or do I send him in for his full Act 235 before I
9 authorize him to carry a weapon? The other issue is what
10 is acceptable as the official weapon of a person completing
11 the Act 235?

12 The Act 235, you can almost qualify any weapon
13 that you take to the course. If an individual qualifies
14 with a 9mm and we only issue 38s, is that still authorized
15 for that individual to put under the 235? The way we do it
16 now to get around the bill, the requirements of the Act
17 235, is I have them familiarized with the company weapon.

18 Under our guise and leadership and
19 qualification restraints, we then authorize the person to
20 go to an armed site. But for insurance purposes, we can
21 only use the weapon that is issued by the company.

22 In summary, we would like to see a governing
23 body for all security agents, whether armed or unarmed;
24 redesign the current system to allow licensing to be
25 conducted by the county of residence rather than the county

1 of origin; require all security vendors to establish an
2 office within the Commonwealth before conducting business
3 as a licensed security agent; provide the governing body
4 the powers to inspect and audit licensed security agencies
5 doing business in the Commonwealth; and also to revise the
6 Lethal Weapons Certification Program to address the waiver
7 issue.

8 CHAIRPERSON BIRMELIN: Thank you, Mr.
9 Marshall. Does the gentleman who is seated next to you
10 have any additional comments for us?

11 MR. MARSHALL: No.

12 CHAIRPERSON BIRMELIN: Before I give the
13 opportunity to the other Committee members to ask
14 questions, I would like to also introduce Representative
15 Petrarca, who is seated behind me, who has joined us. He's
16 a member of the Committee as well. Representative
17 Hennessey?

18 REPRESENTATIVE HENNESSEY: No. Thank you, Mr.
19 Chairman.

20 CHAIRPERSON BIRMELIN: Representative
21 Josephs?

22 REPRESENTATIVE JOSEPHS: No. Thank you.

23 CHAIRPERSON BIRMELIN: Representative
24 Petrarca, do you have any questions?

25 REPRESENTATIVE PETRARCA: Not yet.

1 CHAIRPERSON BIRMELIN: I just have a couple,
2 Mr. Marshall. The first was -- and I'm somewhat familiar
3 with Wackenhut. I recall having taken a sojourn to the
4 State of Louisiana where Wackenhut actually operates one of
5 the state prisons there. I'm familiar with that, that
6 situation.

7 I'm familiar with your name and the size of
8 your corporation. So I understand that you people are
9 really experts in this field of private security. I wonder
10 how many other states -- if you can give me a ballpark
11 figure, that's fine. I don't need an exact figure -- but
12 how many other states have either a certification or a
13 licensing process required or provided for security
14 officers?

15 MR. MARSHALL: On the tip of my tongue, there
16 are approximately -- I know of 12 that have excellent
17 programs. The State of North Carolina I think has one of
18 the best. Virginia, Maryland, and of course Florida, they
19 rank pretty close up there.

20 Most states require an annual recertification
21 of security officers. It is up to the company that they
22 work for to make sure that they're updated and recertified
23 each year. And there's a process that goes with that. But
24 it's a nice way of keeping an eye on all security people.

25 One -- the one good thing that happens in

1 Pennsylvania is once we initially register them as
2 required, we do get updates if they have subsequent
3 violations, which I think is a plus in the system that we
4 have now. But the problem you run into is I don't think
5 everybody does a background like we do.

6 CHAIRPERSON BIRMELIN: The Wackenhut
7 Corporation obviously then would -- if that security
8 officer worked in North Carolina, for instance, it would be
9 North Carolina standards, I assume. Is that a licensing
10 state, by the way?

11 MR. MARSHALL: Yes, it is. It's a licensing
12 state.

13 CHAIRPERSON BIRMELIN: But you as a
14 corporation have your own standard of --

15 MR. MARSHALL: Right.

16 CHAIRPERSON BIRMELIN: -- expectations I would
17 assume?

18 MR. MARSHALL: We have -- the company
19 standards must conform to the commonwealth or state
20 requirements. We have to do both. If we have our own
21 standards, then we must also process them for the state
22 standards because we go, even for our armed officers, we go
23 above what's required.

24 We give them an additional 40 hours of
25 security training in addition to the 40 hours they get for

1 Act 235. So they get a total of 80 hours.

2 CHAIRPERSON BIRMELIN: So for people that you
3 employ who are non-Act 235 or Act 120, then the only
4 stipulation you would have in Pennsylvania, because you are
5 a contract agent, is that you have to do the criminal
6 background check with the fingerprints; is that correct?

7 MR. MARSHALL: Yes.

8 CHAIRPERSON BIRMELIN: So literally, you could
9 just hire somebody off the street, just do the fingerprint
10 check, background check, and they're a security agent?

11 MR. MARSHALL: Right.

12 CHAIRPERSON BIRMELIN: You could. I'm not
13 saying you'd do that.

14 MR. MARSHALL: Yeah.

15 CHAIRPERSON BIRMELIN: But you could
16 potentially do that.

17 MR. MARSHALL: Basically. A lot of times when
18 we contract security services, it's what's contained in
19 that contract. A lot of times, depending on the business,
20 they may want first aid, CPR. We have to get them
21 certified. Certain type of computer operations, we have to
22 specialize what they need.

23 We kind of -- we have the minimum
24 requirements, and then we have contract requirements.

25 CHAIRPERSON BIRMELIN: And do you find that

1 most of your contractors that you work with are interested
2 in the sorts of things that are listed in House Bill 2247?

3 MR. MARSHALL: Yes. Most of them do require
4 psychological evaluation, first aid, CPR, of course clean
5 physical/drug screen. And the minimum requirement now is
6 high school diploma. It's getting very tough.

7 CHAIRPERSON BIRMELIN: So would it be fair to
8 say then that your corporation would be generally
9 supportive of this legislation because you see the need of
10 it --

11 MR. MARSHALL: Right.

12 CHAIRPERSON BIRMELIN: -- in the industry?

13 MR. MARSHALL: To see with some of the
14 additions of governing the entire security field and having
15 somebody check on the company that's supposed to be
16 guaranteeing the service.

17 CHAIRPERSON BIRMELIN: That's all the
18 questions I have for you. I want to thank you for coming
19 and for your testimony today. I appreciate it. And I've
20 written down some of the states that you indicated had some
21 of the better certification and/or licensing process.

22 And we're going to get copies of that and take
23 a look at it and see how we may be able to incorporate some
24 of those ideas into this piece of legislation. We'll also
25 take your suggestions into consideration when you were

1 raising the -- some of the issues about Act 235 training.
2 And there may -- we may find there are some inconsistencies
3 in the bill.

4 And that's one of the purposes of the public
5 hearing is to find out that to try to correct those. So we
6 thank you for bringing that to our attention.

7 MR. MARSHALL: The one big issue is requiring
8 our information to go out to Allegheny County. I would
9 like to see everything that we do with licensing done
10 within the local county because it creates havoc. It
11 creates a lot of delays with me trying to get information
12 from Allegheny County, especially fingerprint cards or
13 especially police results.

14 CHAIRPERSON BIRMELIN: Well, we'll try to
15 address that. I'm sure that this legislation is far from
16 its -- in its final form. So we appreciate your help in
17 drafting it.

18 MR. MARSHALL: I appreciate the opportunity.

19 CHAIRPERSON BIRMELIN: Thank you, gentlemen.
20 Thank you very much for coming. The next two testifiers
21 are Jim Bowman, General Manager, Capitol Security Agency;
22 and Joe Chest, Branch Manager of US Securities. And I'm
23 not sure that either of those gentlemen are here or has
24 been here.

25 Does anyone have any information about either

1 of those fellows? (No response.) It doesn't sound like
2 it. We also sent a scout out in the hall, and he hasn't
3 been able to find them. So I'm going to adjourn this
4 meeting with the understanding that they were asked to be
5 here at 1 o'clock.

6 And since they are at least 55 minutes beyond
7 the time, they're not going to be here. And at this point
8 in time, this meeting is adjourned.

9 (Whereupon, at 1:54 p.m., the hearing
10 adjourned.)

10

11

* * * *

12

13

14

15

16

17

18

19

20

21

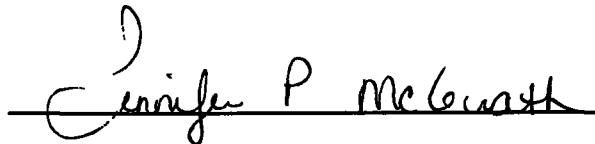
22

23

24

25

1 I hereby certify that the proceedings and
2 evidence are contained fully and accurately in the notes
3 taken by me during the hearing of the within cause and that
4 this is a true and correct transcript of the same.

5
6
7
8
9
10 

11 JENNIFER P. McGRATH

12 Registered Professional Reporter

13
14
15
16
17 My Commission Expires:
18 April 30, 2001

19
20
21
22
23 JENNIFER P. McGRATH, RPR
24 P.O. Box 1383
25 2nd & W. Norwegian Streets
Pottsville, Pennsylvania 17901

RECEIVED _____

COST _____

NUMBER OF PAGES/TAPES _____

COPIES SENT TO:

PERSON/TITLE LOCATION DATE SENT

PERSON/TITLE	LOCATION	DATE SENT
Rep Blaum		9/12/2000
Rep Bernsten		9/14/2000
Rep James		9/14/2000