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### Facilities Forum

#### Fact Sheet for SB 1241- Private Security Services

**PROBLEM:** Not only are private entities - security guard companies and training facilities - authorized to issue temporary registration cards to security guards but these temporary cards are issued before a criminal background check has been completed. It is taking the Bureau of Security and Investigative Services (Bureau) approximately six months to process guard applications. It is estimated that 20% of security guard applicants lie on their application, and approximately 2,500 (5%) applicants have a felony conviction that would prohibit them from licensure as a security guard.

**BACKGROUND:** The Bureau regulates the principal occupational groups that practice in California's private security industry. The primary purpose of the Bureau is to protect the consumers and individual citizens of the state from potential harm caused by unscrupulous industry practitioners and unlicensed activity. The Bureau began registering private security guards in 1973 with the intention of screening out applicants with criminal histories. However, because the background checks took up to six months, security guard companies were authorized to issue temporary registration cards to new employees, pending completion of the licensing process and issuance of a permanent license.

The need for regulating the private security industry has long been recognized by the public, Legislature and the industry itself. The nature of the private security industry often appears to the public to be an extension of law enforcement. That impression is supported by uniforms, badges and other types of identifying insignia. The industry generally engenders higher degrees of trust and respect from

### Temporary Registration Cards for Security Guards is a Huge Consumer Protection Risk

By Dan Miranda, President & Founder of Landmark Protection, Inc.

**Issue:** California Senate Bill 1241 deletes the provisions under current law that allows security guard companies to issue Temporary Registration Cards to security guards and requires that a criminal background check be completed prior to the issuance of a registration card by the California Bureau of Security and Investigative Services and before a security guard starts working at a client facility.

Private Security Industry lobbies against SB 1241 - If passed it will abolish Temporary Registration for security guards and stop the practice of putting guards to work before a background check is completed.

Every year thousands of security guards in California, after having worked for months at facilities, have their Temporary Registration card revoked and are pulled from their duties after a notification from the **Bureau of Security & Investigative Services (BSIS)** indicates a failure to pass the mandatory criminal background check.

Facility and security managers, who have experienced this situation or are aware of the possibility, agree with Senator Liz Figueroa, that the long standing practice of issuing Temporary Registration cards before background checks, is a huge consumer protection risk and an unnecessary liability for property owners and businesses.

Senator Figueroa introduced SB 1241 in January 2002 as an “Urgency Bill”, which would take effect immediately if passed, however, current indications are that it will not likely take effect until 2003 due to industry opposition. Supporters wonder why it is not already a requirement for security guard applicants to undergo the currently required background check prior to the issuance of a license by the state. The security guard holds a position of public trust and often works alone carrying the master key to an entire facility. The Temporary Registration presents an opportunity to violate this public trust and the reputation of the Security Industry by putting honest guards and the lives and property they protect at risk.

Security guard companies have been authorized to issue Temporary Registration cards to new employees because BSIS can take up to six months to process background checks through the **California Department of Justice (DOJ)** and issue registration cards. This is especially the case when Temporary Registration applications are submitted to BSIS with traditional ink fingerprints, which require individual handling and are sometimes unreadable and must be resubmitted. Unfortunately, most private security companies operating in California have been slow to adopt the process of submitting digitized fingerprints transmitted electronically and taking advantage of a vast improvement in speed and quality. (See Live Scan article)

**California doesn't need a new law to allow Private Security Companies to get criminal record history directly from the DOJ before candidates are hired.** This should be done even before a Temporary Registration application is submitted to BSIS. Analysis from Senator

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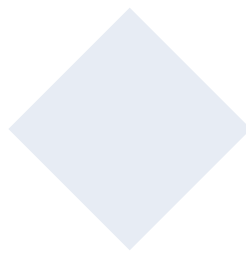
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## Live Scan Technology Speeds Background Checks. Most Private Security Companies Still use an inkpad.

BSIS strongly encourages the Live Scan process for submitting fingerprints to the DOJ. **However, the February 2002 official newsletter from BSIS reported that only 4.54% of total fingerprint submissions received in their past fiscal year were done using the Live Scan process.**

As a result of legislation in 1997, the DOJ has developed an automated background check process that required digitized fingerprints. Live Scan is a system for the electronic submission of digitized fingerprints and the subsequent automated background checks. It replaces the outdated process of recording an individual's fingerprint patterns manually through a rolling process using ink and a standard 8" x 8" fingerprint card. With Live Scan the transfer of information takes place in a matter of seconds, instead of the months required to process hard copy fingerprint cards sent through the U.S. mail. DOJ's goal is to process 95% of the

digitized fingerprints within 3 days (some airports have converted to this process for fingerprinting their screeners.)

An applicant is fingerprinted electronically at an official Live Scan site, such as a local Police Department or county Sheriff's Office. In Santa Clara County, the applicant can make an appointment at the Sheriff's Office over the Internet. At the appointment, a trained operator initiates the process by capturing fingerprint images, while entering related data and then electronically transmitting the information to the DOJ. Applications that do not result in a match are processed automatically and responded to electronically. Live Scan submissions requiring analysis of a criminal record are electronically sent to the Applicant Response Unit at the DOJ for analysis and response. The collection of all associated fees is also done electronically with a variety of billing methods available.

### Temporary Registration Cards

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Figueroa's office indicates that **20% of Security Guard applicants lie on their application**, and approximately **5% (over 2,500 annually) have a felony conviction** that would prohibit them from licensure as a security guard.

The DOJ maintains a turnaround time of 72 hours or less for 95% of the requests submitted electronically. Once the fingerprints and required data are received by the DOJ they are electronically processed by the DOJ Networked AFIS Transmission Management System (NATMS). This process is also used by BSIS and Law Enforcement agencies, but not by most Private Security companies.

### Facilities Forum continued from p.1

individual citizens for its practitioners than is afforded to members of similar occupations. Security personnel commonly are granted formal authority over members of the general public in carrying out their duty to protect a wide range of property and people – including real estate and industrial sites (e.g., warehouses and factories), commercial sites (e.g., office buildings and shopping malls), public gatherings (e.g., sporting events and concerts), residential communities and individuals.

The Bureau regulates approximately 162,643 security guards and 2,127 private patrol companies. Approximately 50,000 new guards enter the profession each year and an equal number leave. The Bureau has seen a significant increase in the number of guard applications since September 11, 2001.

**PROPOSAL:** SB 1241 would provide greater consumer protection by requiring security guards to undergo a background check prior to the issuance of a guard card by the Bureau.

### Do you have a facilities story to share?

Please send your letters / comments or questions to [hjung@nortelnetworks.com](mailto:hjung@nortelnetworks.com) or fax them to (408) 495-1945. Keep any letters or comments at or below 600 words. For those of you that hate to write, I'll be more than happy to talk to you on the phone. (408) 495-4108

*Henry Jung is a Facilities Project Manager with Grubb & Ellis at Nortel Networks at Santa Clara.*

## Be Proactive

Regardless of if or when SB 1241 is passed into law...

Facility managers should insist that their security provider takes the following steps prior to assigning any security personnel to their facility:

1. Mandate that fingerprints for your security guards be submitted using the Live Scan process instead of manually using an inkpad.
2. Mandate that one set of Live Scan fingerprints be sent directly to the DOJ for processing and results approved before a security guard reports to you.

Note: The DOJ charges \$32 for their statewide check. That includes every county in California done automatically. It is far better and more comprehensive than any private background check service can provide because those services are all done

by checking public records, one county at a time, using a name search (not a digital fingerprint search available with DOJ).

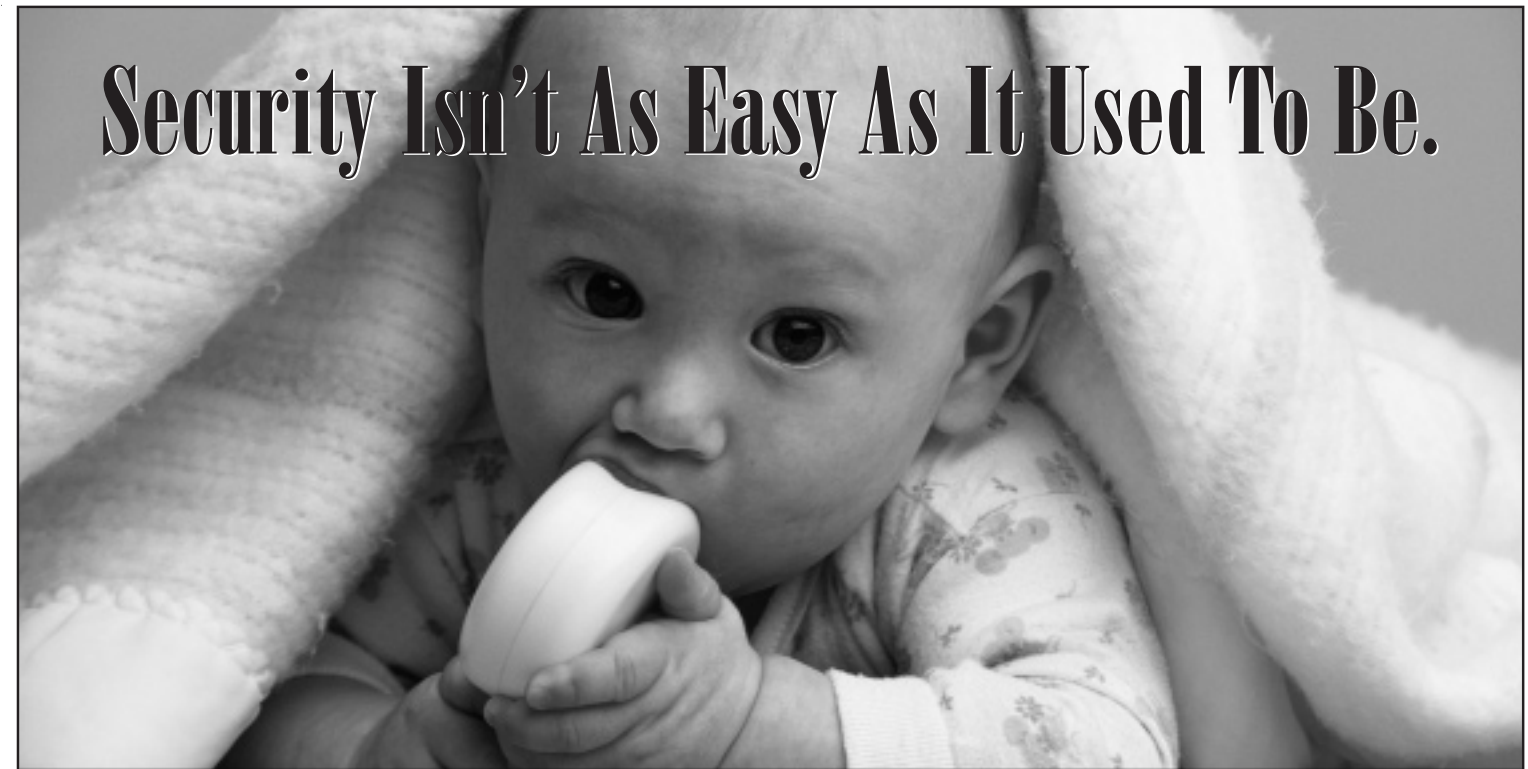
In addition to the DOJ check, BSIS does an FBI check costing \$24. The FBI, unlike the DOJ, does not currently allow private companies into their data base.

### For More Information

Internet Links for additional information:

- Fact Sheet for SB 1241 located on Senator Liz Figueroa's web site. <http://democrats.sen.ca.gov/senator/figueroa/>
- Actual SB 1241 Text, Analysis, Votes, Status <http://www.leginfo.ca.gov/bilinfo.html>

# Security Isn't As Easy As It Used To Be.



## Landmark Protection offers the fastest, most thorough security personnel processing available.

It takes more than a security blanket to protect the safety and integrity of your business and employees. Times change, and it makes sense to take advantage of the fastest, most secure technology when hiring security personnel.

**Landmark Protection** is the only local service to clear all of our agents through **Live Scan** digital fingerprinting taken at the County Sheriff Department, immediately transmitted and processed by the California Dept. of Justice, and responded to by confidential electronic mail delivered to our VP of Human Resources.

As a result, felony and misdemeanor convictions are uncovered prior to hire and only the most reliable and qualified employees are assigned to represent and protect your company.

Currently, it is estimated that 20% of registered security guards falsify their application when obtaining a temporary security license in California, and approximately 5% have a felony conviction that ultimately will prohibit them from licensure as a security guard.

Avoid the risk of contracting unqualified security personnel. Our fast and thorough electronic background check provides direct 72 hour DOJ clearance of our staff before they report to you, not after.

This fast and accurate electronic screening process is available internally to **Landmark Protection** under specific authorization by the DOJ and has been our standard practice since well before September 11th.

## Expect Landmark Protection to set the bar in providing for your unique Safety, Security and Facility Management needs.



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