



Denver Security Guard License BIZ Committee Presentation

October 25, 2017

Denver Excise and Licenses
Denver Police Department

What is a “Merchant Guard?”

- It's Denver's term for a security guard
 - ❖ Denver has been licensing security guards since at least 1950. Only significant change to current ordinance dates back to 1989.
 - ❖ Defined in ordinance generally as a “*person who conducts or is engaged in the business of providing protection to persons and property.*”



- 1) **STREAMLINE** - Reduce the universe of individuals who need to be licensed
- 2) **TRAINING** - Codify basic, standard training
- 3) **BACKGROUND CHECK** - Enhance background check by clarifying causes for denial and thereby removing barriers to employment for qualified individuals, and requiring a national review
- 4) **OTHER** - Various miscellaneous changes, including changing the name from Merchant Guard to Security Guard and changes related to uniforms, vehicles, insurance, employers' requirements

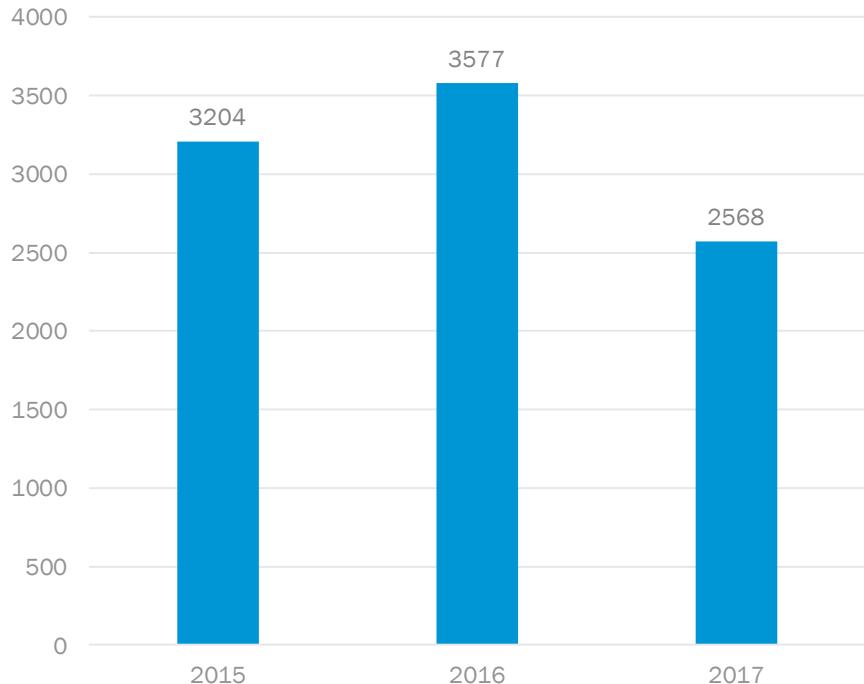
Why Does Denver License Security Guards?

- Increased use of security guards, private police, special police, etc. since 9-11
- Private security officers currently outnumber their publicly funded counterparts
 - 3:1 - Nationwide
 - 4:1 - Denver
- No Colorado state licensing required.
- As with all businesses licenses, the purpose of licensing is to protect public health, safety and welfare and make sure Denver security guards are operating safely.
 - Perform traditional law enforcement-type duties
 - Use physical force
 - Differentiate security guards from law enforcement
 - Interact with DPD
 - Enhanced public safety and protection of civil rights

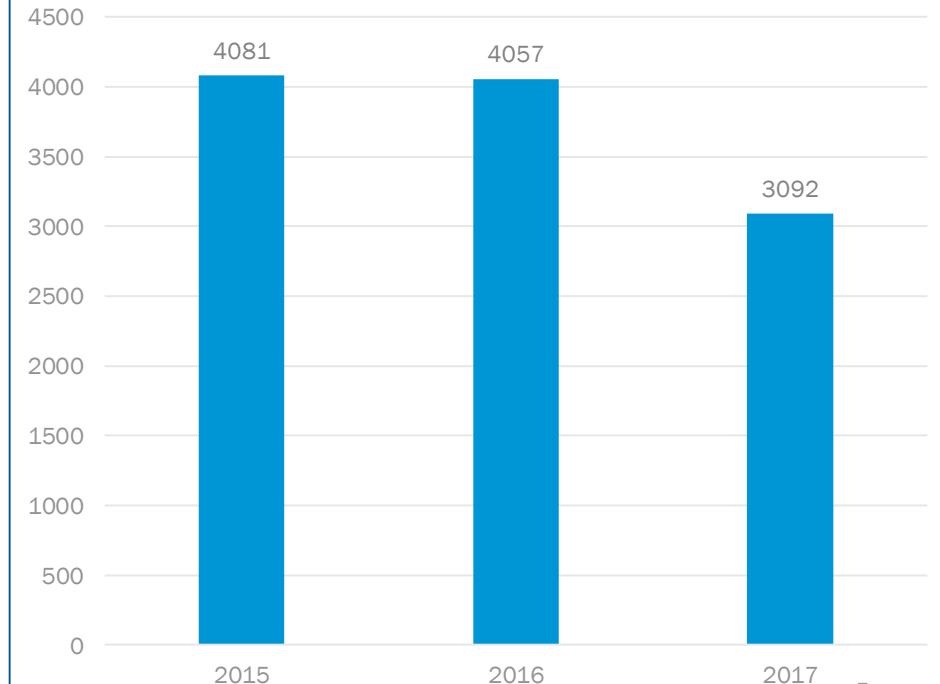
Security Guards By the Numbers

- Security Guard license = #1 business/individual license by volume in Denver.
- Overall, EXL issued or renewed more than 7,500 Security Guard licenses in 2016.
- Future online licensure.

New Security Guard Licenses



Security Guard Renewals



➤ Merchant Guard Working Group consisting of:

- Merchant Guard company representatives
- Denver Police Department
- Excise and Licenses
- City Attorney's Office

➤ Also consulted:

- Colorado Restaurant Association
- Colorado Hotel and Lodging Association
- Lodo Bar Association
- VISIT Denver
- Other business groups

➤ Survey of individual Merchant Guards

- 1,500 responses providing qualitative feedback re: duties, employment trends, opinions, etc.

Who Currently Needs a Security Guard License?

- Any usher, bag checker, door-man, ID-checker, event staff, crowd monitor, screening/wanding for entry, bouncer, security guard, armed guard, and any other general observing and reporting duties.
- Proposal to reduce the universe of those who need to be licensed

Proposed Change #1

Reduce the Universe :

<u>Duties Subject to Licensure (existing)</u>	<u>Duties Subject to Licensure (proposed)</u>
Any type of armed duty	✓
Detaining / ejecting individuals from premise	✓
Observing, reporting, and general surveillance	✓
Screening for entry (wanding, x-ray, bag-checks, etc.)	✓
Ticket takers, ushers, and general crowd control	✓
Checking IDs for entrance to bars, clubs	✓
Any type of armed duty	✓
“Physically” detaining / ejecting individuals from premise	✓
Observing, reporting, and general surveillance - if hired to perform security services	✓
Screening for entry and not in “security” uniform, as long as there is at least 1 licensed security guard for every 10 screeners	✗
Ticket takers, ushers, and general crowd control	✗
Checking IDs for entrance to bars, clubs (no authority to detain and not in “security” uniform)	✗

Proposed Change #2: ***Training Requirements to Evolve Over Time***

- Require 16 hours minimum training in specific areas, including:
 - 1) Duties of a security guard
 - 2) Use of force procedures
 - 3) Communication protocols
 - 4) Interaction with local law enforcement
 - 5) Any other area deemed necessary by the Director
- Framework similar to other jurisdictions who set more detailed training requirements in rule, and subsequently change over time to accommodate industry trends, technology, and evolving security threats (i.e., WA, CA, OR, TX, etc.)

Existing Ordinance

Type of check: CBI name check on new application and renewal

- Convicted of a felony, misdemeanor or violation of a municipal ordinance pertaining to moral turpitude within 10 years.
- Character, reputation and record of sobriety are not satisfactory to the Director
- Judgments or convictions for fraud, deceit or misrepresentation within 10 years
- A record of drug addiction, or a record of violent acts against persons or property

Proposed Ordinance

Type of check: FBI fingerprint on new application, CBI name check on renewal

- Convicted of or released from incarceration for any felony within 5 years
- Convicted of or released from incarceration for any misdemeanor within 5 years related to fraud, theft, deceit or act of violence against persons or property
- Whose character and reputation show a pattern of conduct or personal history that does not demonstrate honesty, fairness, and respect for the rights of others or for the law.
- Omitted “moral turpitude,” “record of sobriety,” “record of drug addiction,” and references to “arrests”

1. BEST PRACTICES

- The standard

2. SAFETY

- Nature of their duties
- Most comprehensive review
- More mobile society

3. OPERATIONAL EFFICIENCIES

- Saves time and money for the City
- Saves time and money for the applicant/employer in many cases
- Supports job progression



Proposed Change #3: Background Check Comparisons

Jurisdiction	Type of Check	Length of Record Reviewed	Reasons for Denial
California	FBI Fingerprint and State check	Entire conviction record	Subject to CA Business and Professions Code Sec. 480 (broad definition for all professional licenses in CA)
Washington	FBI Fingerprint and State check	10 years (listed on application)	Convicted of a crime in any jurisdiction, Director determines if crime relates to capacity to perform duties
Texas	FBI Fingerprint and State Check	10 Years (listed on application)	Class A, B misdemeanor, felony, mental incompetence in court, dishonorable discharge, RSO,
District of Columbia	FBI Fingerprint, drug test	N/A, not defined in code	Arrest history, conviction history, criminal traffic offenses, time elapsed since offense, frequency and seriousness of offense,
Oregon	FBI Fingerprint, State Check	10 year disqualifier from date of conviction	Felonies, class A misdemeanors, misc. other misdemeanors, crimes of domestic violence, drug-related misdemeanors, any misdemeanor arising from conduct as a security provider.
Nevada	FBI Fingerprint	N/A, not identified in code	Felony conviction related to security guard practice, any crime involving moral turpitude or the illegal use or possession of a dangerous weapon.
St. Louis	FBI Fingerprint State Check	N/A	Felony conviction is an automatic disqualifier.

Proposed Change #3: **Background Check Comparisons**

<u>Jurisdiction</u>	<u>Type of Check</u>	<u>Length of Record Reviewed</u>	<u>Reasons for Denial</u>
Arizona	FBI Fingerprint	5 years for various misdemeanors or other crimes. No felonies for any time period	Felonies, plus: Personal violence or force against another person or threatening to commit any act of personal violence or force against another person. Misconduct involving a deadly weapon, Dishonesty or fraud, Arson, Theft. Domestic violence.
CO Springs	CBI	3 criminal misdemeanors within 5 year period. Any felony conviction	Felony conviction, 3 misdemeanors in 5 year period, willful misrepresentation, previously been denied/revoked a license, principal of security agency who's company license was revoked, convicted of operating w/out license,
Glendale, CO	CBI	7 years preceding date of application	Felony, conviction of moral turpitude, conviction of fraud, deceit, or misrepresentation; felony drug offense, record of conviction of violent acts against persons, domestic violence, insufficient evidence of sound physical and mental health.

Background Check Options

	CBI Background	“Private” Background	FBI Background-Normal	FBI Background-Expedited
Processing Time	Completed on-site in EXL	Approximately 1-7 days	Approximately 3-14 days	Emailed results are generally available within 60 min. (guaranteed within 24-72 hours)
Cost	\$6.85	Approximately \$40	\$50	\$70 (emailed results)
Coverage	Searches only Colorado activity and history	Centralized repository searches in 46 states and Puerto Rico	Criminal history information obtained through federal, state and local law enforcement agencies	Criminal history information obtained through federal, state and local law enforcement agencies
Internal Review Time*	Minimum 3 hours to complete a comprehensive review, can take up to 3 weeks	Minimum 3 hours to complete a comprehensive review, can take up to 3 weeks	1-1.5 hours	1-1.5 hours
Accuracy	Obtained through information provided (name, social security #, date of birth, etc.) and is often missing factual criminal history information	Obtained through information provided (name, social security #, date of birth, etc.) and is often missing factual criminal history information	Obtained through a biometric fingerprint, aligned with information from other law enforcement agencies	Obtained through a biometric fingerprint, aligned with information from other law enforcement agencies

*Internal review time is dependent on length of criminal history and reports available.

Fees and Cost Reduction Measures

- Application fee waiver for veterans and reserve duty military.
- FBI fingerprint background check only required on initial application. On renewal, just have to do the CBI.
- Tiered application and licensing fees for businesses based on number of employees providing security services.
- Costs on front end can reduce costs on back end through additional research, subsequent denial and liability.

License Type	Application Fee	Licensing Fee
Individual-Licensing Fee	\$50*	\$25
Employers w/ < 25 guards	\$100	\$100
Employers w/ > 25 guards	\$200	\$200

*Fee waived for veterans and reserve duty military.



Other Proposed Changes: **Clear Standards for Uniforms, Vehicles, Canines**

- More specific details of what should be required in uniform, including name of guard, name of company, badges, etc. Specific prohibition on any logos, badges, or wording that mirrors uniform of a DPD, DSD or CSP officer. Same approach to vehicles.
- Companies may submit uniform request for plain-clothes loss-prevention employees, executive security, or other private security needs if justified.
- Canines prohibited for use with the exception of bomb-sniffing dogs.
- Statement of applicant's work history for previous 5 years, instead of 10 years.

- Removal of existing \$5,000 surety bond requirement and replacing it with a process to review insurance requirements.
- Clear requirements for security guard to report any bodily injury resulting from conflict or interaction with public.
- Clarifies that all employers of security guards must be licensed.
- More clear requirements for Department notification of employee termination or change of business (must notify within 72 hours).
- Removal of limit to number of companies (3) security guard can be employed by.

- Denver Security Guard Advisory Committee – To research and advise on rulemaking process for specific requirements, curriculum, training verification and other procedures.
- Ordinance effective date targeted for Spring, 2018 (90 days after adoption of rules) to allow for promulgation of training and insurance requirements.
 - Also allows infrastructure build-up for online licensure.



Questions?