

**BOARD OF PRIVATE DETECTIVES AND GUARDS**

Professional and Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

MINUTES OF MEETING

- Date: Wednesday, June 27, 2012
- Time: 8:30 a.m.
- Place: Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1st Floor  
Honolulu, HI 96813
- Present: Randall W. Mack, III, Industry Member, Chair  
Douglas Inouye, Public Member, Vice Chair  
Darryl Perry, Chief of Police, County of Kauai  
Gary Yabuta, Chief of Police, County of Maui  
Patrick W. Souza, Public Member  
Rodney J. Tam, Deputy Attorney General  
Charlene L.K. Tamanaha, Executive Officer  
Christine Hironaka, Secretary
- Excused: None.
- Guests: None.
- Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor as required by §92-7, Hawaii Revised Statutes (“HRS”).
- Call to Order: There being a quorum present, the meeting was called to order at 8:38 a.m. by Chair Mack.
- Additions to  
Or Deletions  
From the Agenda: None
- Approval of  
the Minutes: It was moved by Chief Yabuta, seconded by Chief Perry, and unanimously carried to approve the minutes and executive session minutes of the May 31, 2012 meeting as circulated.
- Legislation:
- a. Act 208 (S.B. No. 2165) and any matters relating to the implementation of Act 208.
    - i. Security Guard Training Curricula, Act 208 (SLH 2010)
- The Board reviewed the following additional changes submitted by Mr. Tam:
- Change date on document to June 27, 2012

- Insert “COURSE” to title to read – SECURITY GUARD TRAINING COURSE CURRICULA.
- Add subject title “COURSE CURRICULA” after paragraph 3 on page 1.
- Insert “section” after “HAR” in COURSE CURRICULA 1.c.3. on page 2.
- Insert “, etc.” after “leaks” in COURSE CURRICULA 2.n. on page 3.

It was moved by Vice Chair Inouye, seconded by Chief Yabuta to accept the above recommendations by Deputy Attorney General Rod Tam as the “Final June 27, 2012” document to be posted on the Boards website.

June 27, 2012

## SECURITY GUARD TRAINING COURSE CURRICULA

### Act 208 (SLH 2010)

#### INTRODUCTION

In 2010, the Legislature established new training requirements for guards in HRS chapter 463. See, Act 208 (SLH 2010).

Effective July 1, 2013, new HRS section 463-10.5(a) requires all guards, and all agents, operatives, and assistants employed by a guard agency, private business entity, or government agency who act in a guard capacity to register with the Board of Private Detectives and Guards (“**Board**”), and (among other things) meet certain training requirements prior to acting as a guard.

Under HRS section 463-10.5(b), the Board is required to approve the training instructors and establish the training or course curricula. Guards and individuals acting in a guard capacity shall successfully complete the classroom instruction specified in HRS section 463-10.5, pass a written test, and undergo four hours of on-the-job training supervised by an individual who has successfully completed all of the requirements of this section or who has otherwise been approved by the Board for on-the-job training. Guards and individuals acting in a guard capacity shall successfully complete: (a) eight hours of classroom instruction before the first day of service, and (b) four hours of classroom instruction annually thereafter.

#### COURSE CURRICULA

The following are the training or course curricula for the required classroom instruction. There are eight general topics that must be covered.

1. State and federal law regarding the legal limitations on the actions of guards, including instruction in the law concerning arrest, search and seizure, and the use of force as these issues relate to guard work
  - a. Power to arrest (suggested duration: 1 hour)
    1. HAR section 16-97-16(a) and HRS chapter 803
    2. What is an arrest and how is it done (HRS section 803-6)
    3. Who has the authority to arrest (HRS section 803-3)

4. Use of force in making an arrest (HRS section 803-7)
  5. What is an implied arrest
  6. What is a false arrest
  7. Who can conduct an interrogation (HAR section 16-97-16(c))
  8. State and federal laws regarding the legal limitations on the actions of guards
  9. Techniques, liability, and company requirements relating to the arrest of an individual
- b. Search and seizure (suggested duration: 1 hour)
1. What is a search
  2. Types of searches
  3. What happens to seized property
  4. Stop and frisk (HAR section 16-97-16(b))
  5. Fruits of the crime
  6. Evidence collection and chain of evidence
- c. Use of force (suggested duration: 1 hour)
1. HAR section 16-97-16(d) and HRS chapter 703
  2. 18 U.S.C.A. section 242, deprivation of rights under color of law
  3. Prohibition on security guard carrying weapons (HAR section 16-97-17)
  4. Use of reasonable, necessary force (HRS chapter 703)
2. Access control, safety, fire detection and reporting, and emergency response (suggested duration: 1 hour)
- a. Access control for vehicles and personnel
  - b. Warning signage/posting
  - c. Automated access control systems
  - d. Identification procedures and security identification
  - e. Alarms and closed circuit television (CCTV)
  - f. Trespass warnings, and what constitutes criminal trespass under HRS sections 708-813 and 708-814
  - g. Safe work environment
  - h. Emergencies (e.g., fires, power outages, earthquakes, hurricanes, tsunamis, etc.)
  - i. Detecting fires
  - j. Types of fire alarms and extinguishers
  - k. Evacuation procedures and routes (e.g., stairs, elevators, hallways, doors, etc.)
  - l. Emergency preparedness plan
  - m. Emergency contact numbers
  - n. Emergency response (e.g. bomb threats, hazardous chemical leaks, etc.)
3. Homeland security issues and procedures (suggested duration: .5 hour)
- a. U.S. Department of Homeland Security
    1. Background
    2. Areas of responsibility
    3. Types of security measures
  - b. Current trends in domestic and international terrorism
  - c. Counter-terrorism strategies

- d. How to identify threats before they happen
  - e. How to assess a particular threat level
4. When and how to notify public authorities (suggested duration: .5 hour)
- a. Who to notify during an emergency (e.g., fire, theft, attempted suicide, medical emergency, natural disaster, workplace violence, etc.)
  - b. When to notify public authorities
  - c. How to notify appropriate public authorities
5. Techniques of observation and reporting of incidents, including how to prepare an incident report (suggested duration: 1 hour)
- a. Observation techniques
  - b. Observing suspects/suspicious activity
  - c. How to write detailed reports (who, what, why, when, where, and how)
  - d. How to ask appropriate questions
6. The fundamentals of patrolling (suggested duration: .5 hour)
- a. Patrolling techniques and methods
  - b. Dealing with suspects/suspicious activity
  - c. How to ask appropriate questions
7. Professional ethics (suggested duration: 1 hour)
- a. Ethics and professionalism
  - b. Avoiding conflicts of interest
  - c. Doing the right thing to protect persons and property
8. Professional image and aloha training (suggested duration: .5 hour)
- a. How to look and act professionally in all situations
  - b. How to take pride in your work
  - c. The importance of a good first impression
  - d. How to show the “aloha spirit” (HRS section 5-7.5)

ii. DRAFT of Minimum Qualifications For Security Guard Training Instructors, Act 208 (SLH 2010)

The Board reviewed the recommended edits of the Minimum Qualifications for Security Guard Training Instructors discussed at the May 17, 2012 meeting.

The Board agreed at their last meeting that the minimum qualifications for the training instructor would be the same for the on-the-job trainer.

Chair Mack suggested an additional 2 year requirement as a licensed principal guard for the first qualification.

The Executive Officer stated that the 4 years of experience as a Guard, plus 2 years of experience as a supervisor, trainer, instructor, or manager of guard employees was included as a qualification to include trainers for retail and condos.

Chief Perry stated that the position to train should be held to a higher standard and that a Bachelor's Degree in Criminal Justice or Justice Administration would be a better qualification than an Associates Degree.

Chief Yabuta concurred that the community college courses tend to be more vocational than academic and he too felt a bachelor's degree should be required to teach without any supervisory experience in managing guard employees.

Chief Yabuta stated that the law enforcement officer qualification should reference HRS section 710-1000(13)

"Law enforcement officer" means any public servant, whether employed by the State or subdivisions thereof or by the United States,...

It was moved by Chief Yabuta, seconded by Chief Perry to accept the following as the Minimum Qualifications For Security Guard Training Instructors:

**DRAFT**

June 27, 2012

**MINIMUM QUALIFICATIONS  
FOR SECURITY GUARD TRAINING INSTRUCTORS**

**Act 208 (SLH 2010)**

**INTRODUCTION**

In 2010, the Legislature established new training requirements for guards in HRS chapter 463. See, Act 208 (SLH 2010).

Effective July 1, 2013, new HRS section 463-10.5(a) requires all guards, and all agents, operatives, and assistants employed by a guard agency, private business entity, or government agency who act in a guard capacity to register with the Board of Private Detectives and Guards (“**Board**”), and (among other things) meet certain training requirements prior to acting as a guard.

Pursuant to HRS section 463-10.5(b), the Board is required to approve the training instructors and establish the training or course curricula. The Board has established the training or course curricula in a separate notice.

MINIMUM QUALIFICATIONS FOR SECURITY GUARD TRAINING INSTRUCTORS

The following are the minimum qualifications to be approved as a security guard training instructor to teach the eight (8) hour training or course curricula, and four (4) hours of on the job training. An individual shall meet at least one of the following qualifications:

1. Be currently licensed as a principal guard with a guard agency for at least two (2) years;
2. Be currently certified as a Certified Protection Professional (“CPP“ by the American Society for Industrial Security), or a Certified Security Consultant (“CSC“ by the International Association of Professional Security Consultants); or
3. Have four (4) years of experience:
  - a. As a guard, plus two (2) years of experience as a supervisor, trainer, instructor, or manager of guard employees;
  - b. As a guard, plus a Bachelor’s Degree in Criminal Justice or its equivalent; or
  - c. As a law enforcement officer with a state or political subdivision thereof, or federal government as defined in HRS section 710-1000(13).

iii. Review of Curriculum content from Honolulu Community College (“HCC”)

It was moved by Chief Perry, seconded by Vice Chair Inouye to approve the curriculum content submitted by the HCC pending review by Chair Mack prior to June 30, 2012 that each listed item of the Board’s curricula is covered by the HCC’s proposal. If the HCC is not able to do this by June 30, 2012, it will be deferred to the next subsequent Board meeting on July 12, 2012.

Patrick Souza arrived at 9:42 a.m.

iv. Issues with Implementation of Act 208

Background Checks

The Executive Officer asked the Board, “How long should the National FBI criminal history report be good?” Chair Mack answered that he felt if it is current if it is within 1 year. Chief Perry stated that it is the obligation of the licensee to notify the Board of any changes. Mr. Souza stated that there is no enforcement of license requirements by the Board unless a complaint is filed. Mr. Tam stated that perhaps the Board should consider accepting an FBI check dated within 6 months of the application date as being current and acceptable. The board concurred.

The Executive Officer stated that an FBI criminal history check for agency officer, manager or member should be accepted in lieu of state checks from all counties or state in which the agency officers, managers have resided within the last 10 years. Now that we are able to obtain the national check, it may not be necessary to require the state checks. The Board concurred and the Executive Officer indicated that this change in the application process would require rule changes.

The Executive Officer stated that the current estimated costs to obtain the FBI and State Criminal History checks are:

Hawaii Criminal Justice Data Center fee	\$30.00
FBI Criminal Background Check fee	\$16.50
Fieldprint Hawaii Fingerprint fee	\$17.25

#### Guard Registration

The Executive Officer indicated that the Board has received inquiries about whether the guard registration card would be issued prior to or after the on-the-job training ("OJT") required of Act 208? The Board discussed that it appears the guard registration must be issued prior, because Act 208 requires every guard to be registered prior to employment. Further discussion was deferred.

#### Criminal Convictions

The Board discussed the Board's responsibility in review of applicants who have convictions. Unless the Board determines specific convictions which would render an applicant unfit, the Board will be required to review all applications of those with convictions. Deputy Attorney General Rod Tam indicated that the Board's fitness determination has included the length of time since the conviction, the underlying circumstances of the conviction, whether the conviction was directly related to the profession, and whether the applicant has been sufficiently rehabilitated to warrant the public's trust. All of these factors weight into the Board's decision to approve applicants and the Board has not set forth convictions which are a definite reason for denial.

Mr. Tam asked the Board as to their estimate of the number of applicants that may have prior convictions? Chair Mack indicated that perhaps 50% may have some type of conviction and recommended that the Board establish some guidelines for the clerks. Chair Mack will provide the Board with a spreadsheet his firm uses. Further discussion was deferred.

Next Meeting: Thursday July 12, 2012  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss the meeting adjourned at 10:40 a.m.

Reviewed and approved by:

Taken by:

/s/ Charlene L.K. Tamanaha  
Charlene L.K. Tamanaha  
Executive Officer

/s/ Christine Hironaka  
Christine Hironaka  
Secretary

7/3/12

[ X ] Minutes approved as is.  
[ ] Minutes approved with changes; see minutes of \_\_\_\_\_.