



COMMON GROUND

April 2014

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NEW
Website
coming
JUNE
2014!

Dear Member,

I am pleased to announce that we will hold our Annual Meeting on Thursday, May 15 at the Marriott in Ann Arbor. This meeting will be fairly brief and prior to the Associations One Conference. Associations One is hosted this year by Michigan Council of Professional Investigators and will begin after our annual meeting with a hospitality function.

Positions on the 2014 ballot are president and two board members. Currently serving in those positions and intending to run for re-election are:

President Candidate

Dale White

Board Member

Kevin Whaley

Board Member

J. R. Taylor

If you are interested in running for the MCSA Board of Directors, please let Val in the MCSA office know by May 1.

As always, Kevin Whaley will be awarding the dividend checks and we will have an update on the progress of our security guard agency legislation.

Please register with the MCSA office today and plan to attend on Thursday, May 15.

If you have any questions, please contact me or Val at the MCSA office.

Sincerely,

Dale White
MCSA President

March Membership Meeting

MCSA held a Membership Meeting on Tuesday, March 25, 2014 in East Lansing, Michigan. The meeting was attended by 22 members of the association and their guests. The group enjoyed a wonderful dinner and information from our speakers is relevant to the legislation being worked on at this time, mainly, rewrite of PA 330 the Private Security Guard Act.



Senator Darwin Booher spoke to the group regarding the process of passing this legislation and was very congratulatory to the members for the active manner in which the legislative committee has been working with his office. Congratulations to Don Grant and Dale White for all their efforts with this legislation and in the cooperation extended to the Senator.

Senator Rick Jones continued with discussion on how to meet and get to know your legislators. He also covered politics/elections 101. MCSA has met with Senator Jones on many occasions regarding the Senate Judiciary Committee of which he is the chairman. Senator Jones thanked all members present for their involvement with their local and state elected officials.



All members in attendance enjoyed the social time together and talking about their success in business. Please plan to attend the next meeting, you will not be disappointed.

Legislative Update

Julian Vail, LLC

P.A. 330 PROGRESS

The talking points below were prepared by Don Grant, Legislative Chair for MCSA so that all members get an idea of what all our work is preparing to do on your behalf. After several meetings with the Department of LARA, Senator Booher, MSP and MCSA legislative committee, Dale White and Don Grant and Julian Vail, LLC. The bills are nearing completion with agreements with all parties involved and will be introduced shortly. Once the bills are introduced, we will get into committee in the Senate for hearing and then to the Senate for a full vote. After that success, we will go to House Committee then to the House for full vote and then once successful, on to the Governor for his signature. We remain optimistic that the bills can be completed this year.

TALKING POINTS:

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Presently the rules affecting the Private Security Business industry under PA-330 are outdated and seriously flawed with respect to public safety, public trust, and the duties that security guards and security guard agencies are employed to perform.

The following issues are in need of immediate change.

Training:

Currently there is no mandatory minimum training for an individual to be employed by a security guard agency to provide security services for others.

Such training needs to be allowed to be provided "in house" by the guard agency and needs to be standardized and documented.

Weapons:

An individual working as a security guard can carry a firearm, any commercially available baton, a chemical spray device, a taser, or restraint device with no specialized training.

Firearms and less than lethal alternatives are essential for security personnel. Not only for needed protection for themselves and others, but functioning as an effective deterrent.

Qualified trainers stand ready to train security personnel in the proper use of restraint devices, and batons.

Manufacturers who produce chemical defense sprays "pepper spray" and conducted energy devices "tasers" who already sell to and train law enforcement personnel offer certified training for security personnel as well. This factory training and certification should be mandatory for a security guard in order to carry and use these products. Specialized training beyond a CPL safety course should be mandatory for a security guard to carry a firearm. Qualified trainers are available to provide this needed training.

Uniforms/ Patches/ Badges:

Currently the uniform requirement for a security guard is over- restrictive and needs to be broadened in order for the guard to function in the various settings where they perform their duties.

As long as the attire does not deceive the public into thinking that the guard is a police officer the proper uniform should be at the discretion of the licensee and his or her client within limits such as the standard enforcement looking uniform currently required, or a professional blazer, or a button down polo shirt for concerts and outdoor events. Patch shape and color, and embroidered or metal badges.

The proper use of the uniform, patches, and badges is essential for the safety of the security officer and the public because "officer's presence" is known in the "use of force continuum" as the lowest lever of force that is used. The professional appearance of a security officer as a person who is in a position of authority is more likely to get needed compliance from an individual who would otherwise become combative.

Temporary Non-security providers:

During special events security guard agencies need to hire personnel who will not function in any capacity as a security provider. Often 200 to 300 individuals need to be hired to work no more than 90 days and will take event tickets, direct traffic in a parking lot or usher people to seats.

These individuals are not security guards and need to be hired without the fingerprint requirement as this places a needless load on the system and financial burden on the event and security company.

Alarm Response:

Currently under PA-330 it is a felony for a security officer to "respond" to a burglar or fire alarm.

It is the normal duty for a security officer to respond to an alarm in order to investigate the cause of the alarm. Whether property was broken into or whether persons could be in danger of an intruder or a fire. A person functioning as a security officer should be legally able to not only respond to an alarm but also to perform any "end user" functions of an alarm system, controlled access system, or CCTV system whether this system was installed by the user or an alarm company without an alarm license.

License Qualifications:

Currently a person can be promoted to Corporal "rank above that of patrolman" and "supervise" a parking lot for four years and obtain a guard or guard agency license.

We have outlined realistic qualifications for a security business license that looks at combinations of experience and education.

Body Guards:

Currently there is no license training or experience required for an individual to provide for a fee the service of "body guard".

It is in the public interest to require a license for this service and it makes sense for that license to be under "Security Guard Agency" or "Licensed Professional Investigators".

Unlicensed Security Providers:

This industry is currently plagued by persons without a guard or guard agency license offering services from security guard service to security consulting to training for deployment similar to a temp service.

Any form of security service offered for a fee implies a level of competence and in the interest of public trust needs to be held to the same security guard / guard agency license.

We would like to remind you that now is the time to get to know your legislators in your respective districts. It is important to get them to understand our business so that when we ask for their support of our bill to re-write PA 330, we are not strangers to them.

We continue to monitor all legislation to make sure that no legislation proceeds that may have unintended consequences for MCSA members.

Meet The MCSA Member

Joseph Cozart

President, Teachout Security Solutions

MCSA Board Member, Joe Cozart CST, was nineteen when he began his career by joining what was then B. K. Teachout Investigations Inc. Over the following years, he advanced through the organization until he eventually purchased the company from Bernie Teachout in September of 1995. At that time, the company had one office in Flint with approximately 50 employees. Since that purchase the company has experienced significant growth and currently operates from six offices in the state of Michigan and one in Indiana. The company is licensed in Michigan, Ohio, Indiana and Mississippi. In addition, they provide services throughout the rest of the country and internationally through a network of strategic partners



Cozart believes one of the reasons for their success is the training they provide. "Our in-depth training program consistently produces officers that are at the forefront of the industry not only in professionalism but also job knowledge," Cozart said. These training standards quickly catapulted Teachout into becoming leaders in the Healthcare Security market. This standalone division within the company currently serves approximately 10 major Healthcare facilities throughout the state. In addition to Healthcare, Teachout provides services in a variety of markets, such as educational, financial, industrial, governmental and retail. While quality uniformed security service is Teachout's backbone, they also provide comprehensive solutions to meet customer security needs including:

- 24 hour emergency response
- Employee screening
- Fingerprinting
- Corporate investigations
- Security consulting
- Educational seminars

Cozart lives in Flushing, Michigan with his wife Kim. They have two grown children. His hobbies include sports (mainly Hockey) country music and making his wife happy! He serves on the board for the Boys and Girls Club of Flint, is the current Treasurer for MCSA, a member of the Flint Optimist Club, the Flushing Knights of Columbus and is Vice Chair of the Flint ASIS Chapter.

Private Property Traffic Enforcement

Many gated communities with contract or proprietary security officers have a dilemma with traffic control and enforcement on their property. In many states, local law enforcement agencies do not enforce traffic laws on private property, leaving the property association or management to protect their residents. The question arises as to the legality of the property manager to enforce traffic laws.

The specific authority of the security officer is determined by local laws and the type of property on which the enforcement action is taken. Some states have various levels of law enforcement authority, including some that allow certain police powers to private security officers through the designation of Special Police Officer status.

Before any traffic enforcement action is assigned to private security officers, the matter should be coordinated with legal counsel and local law enforcement authorities. The police need to be aware of what is occurring and that it is not someone "playing cop."

As gated communities, universities, large office complexes and other developments are being built to mirror a city and mainly in a private campus environment, it is necessary to enforce traffic violations and let the public know that there are consequences to reckless driving or speeding.

Prior to starting a traffic enforcement program, it must be determined that the property is legally defined as "private property" and is not a common area with a public thoroughfare, easement area or in the public domain. How can you tell if the property falls within the definition of "private property"?

One way to make this determination is to ensure that the roadway is entirely within the confines of the gated community and not routinely open to non-residents. Knowing who is responsible for roadway maintenance is another indicator. If a local municipality maintains the roadway it is not a private road. If the resident association is responsible for pot hole repairs and snow plowing, it is probably private road. If there is only one way in and out of the property, it is probably a private road.

Before starting enforcement action, the security force should have written authority from their management stating specifically what actions management wants them to take and any restrictions required by management to comply with association rules, policies and appropriate laws.

In a residential community, the management company or homeowners association can post speed limits, erect stop signs and impose fines for violations. This authority has legal standing from long ago when civil courts ruled that the private property owner or his agent has complete rule of his own property. It is essential to ensure that the property is properly posted and that letters with the traffic enforcement policy have been mailed to homeowners and residents. The general public using the property must also be aware of the enforcement.

The Uniform Traffic Citation used by law enforcement agencies cannot be used. However, a similarly designed administrative summons can be developed and used by the homeowners association or the management company. A schedule of fines should be developed and payment made to the homeowners association or the management company. If fines are not paid within the designated time frame, a lien for the amount of the fine can be levied against the offender's property. If the offender is a non-resident and is visiting a resident, the courts have ruled that residents are civilly liable for the actions of invited guests. For a non-resident, the violation can be accompanied by a notice of a criminal trespass for any future violations. When the violation is of serious nature, such as reckless driving, excessive speed or driving under the influence of alcohol or drugs, with the proper prior authorization of the association or the management company, the offense may rise to be a criminal violation. A citizen's arrest may be made and the matter immediately referred to the local law enforcement agency for assistance.

Every traffic stop should be fully documented with a written report and video camera footage for liability purposes. An incident report should be prepared by the security officer for all traffic enforcement stops, regardless of whether a verbal warning, written warning, or citation is issued. If the offender refuses to cooperate, the driver should be immediately trespassed from the property to preclude the individual's reentry to the property under penalty of law. When making traffic stops, the security officer should notify a dispatcher or other designated entity with the license tag number, vehicle description, number of occupants and driver's description if visible. A high level of officer safety should be utilized.

If the offender speeds off, DO NOT pursue the vehicle for any reason. The security officer has no authority on any roadway that is not within the confines of the property. The license number and other relevant information should be given to the police for appropriate action.

Remember! The security officer is not a law enforcement officer and has only the authority provided a private citizen. The private security officer must act in a preventative mode and not a reactive mode-the exclusive bailiwick of the police officer. One of the most important actions is consulting with legal counsel on all aspects of the security officer's actions.

[Reprint from Blake & Associates](#)



MCSA Member Insurance Program



Member Insurance Program

10 YEARS OF DIVIDENDS PAID TO MEMBERS!

How Does your Insurer Compare?

	Your Carrier	MCSA Program
• "A" rating by A.M. Best Company	?	Yes
• Same low rate applies to both armed as well as unarmed work?	?	Yes
• Are you protected by Michigan Guaranteed fund in case of insurer insolvency?	?	Yes
• Substantial discount available based on your own claim history?	?	Yes
• One insurance company for your professional and general liability, Workers' Compensation, Property and Crime, Auto and Umbrella coverages?	?	Yes
• Are claim settlements handled by personnel seasoned in your industry?	?	Yes
• Non-interest bearing and flexible payment plans?	?	Yes
• Support MCSA membership agendas?	?	Yes

If you answered "NO" to any of the above questions, contact us now for a proposal specifically built for your industry!



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Applications available on our home page at www.mcsa-online.org