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Written Testimony
of
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In Opposition to
HF 1686 “Training Requirements for Licensed Security Officers Expanded”
Before the Public Safety and Finance Committee
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Co-Chair Moller, Co-Chair Novotny and Members of Committee. The National Association of Security Companies (NASCO) is the nation’s largest contract security association whose member companies employ over 500,000 private security officers across the nation. NASCO companies that are licensed protective agents in the State of Minnesota have thousands of employees who are performing duties, as defined by Minnesota Statute and Rule, of a protective agent. While Minnesota law (Statutes and Administrative Rules) does not refer to such employees as “security officers” I will be using that term to describe them in my testimony. I will also use the term “security companies” to describe “protective agents.”

For over forty years, NASCO and its member companies have worked throughout the country with state legislators, governmental and law enforcement officials to improve the licensing, training, screening, and regulation of security officers. NASCO and its members strongly support efficient and commonsense state level regulations which can drive employment in the industry, meet client needs, and enhance security at all types of commercial, retail, healthcare, governmental and other client sites.

As to HF 1686, NASCO and its member companies licensed and operating in Minnesota have serious concerns with the bill. The bill will cause severe financial hardships for security companies and their clients and will deter people from becoming security officers. The bill will require a complete revamping and massive expansion of current training programs, and all such new programs and their instructors will have to apply for and receive certification from the Minnesota Private Detective and Protective Agent Services Board. As noted in the Impact Statement from the Board Executive Director, the changes, and costs for the Board to implement the new training will be considerable. And, as will be explained, while in general the purposes of

the bill offered by its proponents are laudable, on a fundamental policy and practice level, the bill fails to understand and recognize 1) Minnesota Law governing security companies and employees; 2) The distinct roles, duties, legal authorities, legal protections PRIVATE security officers --- who in Minnesota earn a median average wage of \$20 which is above the national average ---- compared to those of PUBLIC safety officials, or more relevantly, a new community service based profession called “Community Safety Specialists;” and most importantly, 3) How the role and activities of private security officers, including additional training, are legally and contractually determined and prescribed. The bill’s goal to expand the role and training of security officers bill conflicts with existing statutory language, current norms and standards, binding security contracts and current collective bargaining agreement that security companies have with representatives of security officers. Also, some of the new training provisions have no parallel anywhere in state security officer training,

Feasibility – Administrative and Financial

There are serious feasibility issues with the implementation of the bill and its new requirements. First, h. The bill calls for – by January 1, 2026 -- the creation and Board approval of courses and trainers for the Bill’s new incredibly varied and in many instances first of its kind ever training for security officers in Minnesota. This is an enormous undertaking with such a limited unrealistic timeframe. Second, to increase current initial training from 12 hours to 40 hours – an over 300% increase, and annual training from 6 hours to 24 hours, a 400% increase – is absolutely unprecedented in the history of state regulation of private security training throughout the United States. As noted by the Security Board Executive Director in his “Impact Statement” the annual training requirement called for in the bill exceeds the amount of annual training required for police officers Third, the bill bucks decades of the use and refinement of online training to also require all training going forward to be “in person” that will create even more logistical, accessibility, availability, and cost issues for security companies and their employers.

Financially and employment wise, the bill will have serious negative effects and ramifications. . The increased training requirements will significantly increase training costs for security companies, potentially driving smaller companies out of business. For each new hire, a rough calculation based on the \$20 per hour payrate reveals an additional cost for a security company of an additional \$560 per trainee, not accounting for the increased costs associated with the price/instruction of a longer training session and the increased costs of the in-person requirement. For the annual training, taking an officer away from his/her post for an additional 18 hours a year will cost even more than an additional \$20 an hour (\$360) as most likely the replacements for that training officer shifts will likely be working at overtime rates, amounting to even more expenses. Now, multiply those added costs by thousands of new officers/applicants per year in the State and close to 14,000 existing officers in the State and the costs are astronomical. For some companies the increased costs and logistical burden will be unbearable, and one can expect smaller companies to go out of business.

Then, as officer training costs are necessarily incorporated into every client contract, security companies will pass along the increased costs to their Minnesota clients. This will result in all clients with a set security budget having to decrease the number of officers on a contract and/or seeking less expensive non-human ways to secure their properties. Some security companies might not be able to amend existing contracts causing further financial stress on these companies and their officers.

The increased training requirements will also lengthen the time it will take for a person to start earning a living as a security officer, which most definitely, will decrease the number of new security officers. The delay in a new hire being able to start work will not be just because of having to complete an extra 28 hours of training. It will also be because the start of training for the new hire will need to be delayed. With the current training requirement of 12 hours, some security companies will pay/train new hires pending their BCA background check, which can take two or more weeks to be completed by BCA. However, with a 40 hour training requirement, no security company is going to pay a new hire for 40 hours of training with a chance that the new hire could fail the BCA check and be disqualified from working. Thus, a minimum of two weeks will be added to the time of a job offer to the time the new officer will be put on a post and have a regular income.

The increased training length will also discourage people from applying for a security officer job, particularly those just seeking part-time employment. Currently NASCO members report difficulties getting new hires to attend two days of training. Therefore, increasing that training commitment to five days will increase the number of new hires who drop out. Already, the “drop out”/failure rate of persons who are given a job offer but don’t make it to a post is close to 50%. The fact is that for \$20 an hour, a person who needs to start working immediately or very soon, can find other employment that pays similarly without any delay in starting that employment.

The Bill Has Flawed Assumptions about Private Security and the Roles and Responsibilities of Security Officers

As for substantive policy, and legal reasons the bill is flawed, the most significant ones are the assumptions the proponents of the bill make about the role and nature of private security companies and their employee security officers.

Security companies are private companies who contract with all sorts of client entities in Minnesota to provide statutorily defined protective agent services via their employees/officers, for those clients.¹ How a security officer is to act, or not act, while at the client site providing security services, and any additional training/skills/certifications that a client might want security officer to have at the client site, are defined and prescribed in the contract between the security companies and the client. They are also laid out in more specific site “post orders.” At some sites, clients

may have a “hands off” policy if there is a disturbance or theft that is not endangering a client employee, visitor or customer. This not only can prevent an unnecessary dangerous interaction/escalation but also, it’s a recognition that unlike police officers or other public safety officials, private security officers do not have any arrest or detention authority or legal immunity when a situation goes bad, beyond that of private citizen. Thus, when a private security officer does interact with a person and something goes bad, the officer can be subject to criminal as well as civil prosecution, as can the security company.

However, in the literature of proponents of the bill, they state that the new training requirements in the bill are necessary for security officers in their role of “ensuring the health and safety of the general public, and the protection of building and communities.” Accordingly, the bill requires training to address; *community health and wellness, including drug and alcohol addiction, homelessness, and mental illness.* The bill also will require training for *responding to incidents of violence, persons impaired by alcohol or a controlled substance, and persons who are suffering from a mental health crisis.*

These are inaccurate and potentially dangerous statements and assumptions. A privately employed security officer making \$20 an hour, regardless of any amount of additional training required by the state, does not and should not have a duty or role to “ensure the health and safety of the general public or protect communities“ or address and/or respond to persons suffering drug and alcohol addiction, homelessness and mental illness. Police, firefighters, drug counselors, and others go through hundreds of hours of training to respond to such incidents and often have immunity for their actions. Plain and simple, in non-life-threatening situations, if a security officer witnesses such incidents outlined in the bill, that he/she should call 911 and not proactively get involved. Their duties and legal responsibilities are limited to providing security services on a client property as prescribed in the contract via accompanying post orders. Taking actions outside the contract and post orders, especially when dealing with violent persons or persons behaving erratically due to a mental health, drug or alcohol issues--- which HF 1686 clearly seeks to encourage --- can result in injury to the security officer or bystanders, the security officer being fired, and again, subject the security officer and his/her employer to criminal and civil liability.

The proponents of bill similarly state, “The proposed legislation represents a critical step toward increased protection for the communities that security officers serve.” Again, this is legally incorrect, private security officers do not serve “communities” they serve the client of their employer private security company as prescribed via contract and in post orders.

Proponents of the bill though do bring up some issues that could be addressed in a conversation about security officer training. The proponents claim that “many of our Officers face dangerous and compromising situations, including assaults, due to insufficient training. Proper, comprehensive and in-person training is essential to mitigate these risks and to equip security

officers with the skills necessary to respond to the needs of the community and employers safely and effectively.”

NASCO agrees that on a site-by-site basis, better training/instruction may be needed to reduce the risk of a security officer getting him or herself into a dangerous or compromising situation. However, that need is already covered in the last Collective Bargaining Agreement for security companies in the Twin Cities metro area. From the Training Section of the CBA, it states,

The Company will provide proper equipment and site-specific training to reasonably protect officers. The Company believes the safety of its employees is of the utmost importance and has various safety policies in place to address such issues. Upon written request from the Union, a representative of the Employer (senior-level Employer representative at a level to be mutually agreed upon between the Union and each Employer upon the implementation of this Agreement), shall confer promptly with the union over repetitive safety issues at an account.

Nonetheless, providing officers with training to better protect themselves does not and should not mean they have a duty to respond to the “needs of the community.” Again, security officers are not police officers, firefighters, EMT’s, drug counselors, mental health counselors who are highly trained public/non-profit professionals that do have duties to the community. Security officers will be exposing themselves and likely violating company policies and the client contract/post-orders if they feel they have “to respond to the needs of the community.”

The above referred to Collective Bargaining Agreement also acknowledges the limits of the role of private security and that security officer duties flow from the contract and post orders. Also under the Training Section , there is a provision that states,

Post Orders by necessity are general guidelines and to the extent possible shall reflect site-specific job requirements of the Company and the Client. The Employer will make good faith efforts to review and update post orders. If an employee violates a post order, an employee shall only be disciplined or discharged for just cause. If an employee has any questions or concerns regarding post orders, including whether the post orders are current, an employee should consult their manager.

The CBA also states, *Each Company is permitted to design and implement its own training requirements in compliance with applicable laws.*

Finally, the CBA also specifically acknowledges the obvious need for security companies to be involved in determining training for their employees with language with another Training Section provision that states,

Representatives of the Union and the Company shall meet and confer to establish a joint labor and management industry undertaking in an effort to the extent possible and practical to develop an organized planned system of training and accreditation, identifying client's needs, surveying security practices, veteran transitions, and developing a measurable qualifications program.

Another questionable part of the new required training in the bill is training that will enable security officers to respond to *disruptions in building operations, including electrical outages, water disruption, water leaks, flooding, elevator service disruptions, and elevator entrapments*; is quite unique and I don't believe any other state that regulates private security has anything close to such requirements. These would seem to be duties/responsibilities of janitors, and in such situations, a security officer should call a janitor or the fire department, power company, water company etc. for a safer and proper response. However, if a client wants security officers to respond to such situations at a site, then a provision for such duties and related training can be provided for in the contract between the client and the security company. To spend time and resources training every security officer in Minnesota on how to respond to an "elevator entrapment," especially those working at one story building," does not seem reasonable.

One of the new training subjects in the bill, which really is an enhancement of existing training requirements (See Board's Rule and other material related to training), is to improve officer communication with first responders and incident reporting.ⁱⁱ These are traditional security officer duties and increased training in these areas could be beneficial, and NASCO believes that such additional training should be done under the current statutory regime where the Board, in a robust process involving all stakeholders, determines new training requirements.

Security Officers are Not Community Safety Specialists

In reviewing the bill's provisions and the statements of its proponents as to the purpose and intent of the bill, it seems the goal of the bill is to try to transform traditional security officers into a new type of community public service occupation, championed by the bill's proponents, called a Community Safety Specialists.

As stated in the literature describing the Community Safety Specialist Program,

The goal of the program is twofold: improve public safety while creating a career pipeline for those interested in public safety, security and violence prevention.

Traditionally, private security in Minnesota requires only 12 hours of training. Community Safety Specialists progress through an apprenticeship program that includes over 180 hours of class time as well as2,000 hours of on-the-job training, to community members who are deployed with professional support to address homelessness, mental health crises, addiction, domestic abuse and other sources of trauma and stress that are not areas where armed police interventions add value.

This program will train and support community residents to serve as de-escalators and problem solvers. This program is designed, owned and run by the community. It is meant to be a long-term solution to the issues of public safety that have faced our community for decades.

There is no argument against the potential benefit of having such community-based service professionals. However, while the program training for these Specialist covers similar topics as included in HF1686 for security officers, community safety specialists will receive 180 hours of direct training and 2000 hours of on the job training. One can assume after such extensive training Community Safety Specialists will be qualified and equipped to “ensure the health and safety of the general public” but for the many reasons cited above, that role is not and should not be the role of a private security officer.

NASCO supports common sense and realistic improvements to security officer training and is willing to work on such an effort, but NASCO strongly opposes HF 6868.

Thank you.

ⁱ 326.338 PERSONS ENGAGED AS PRIVATE DETECTIVES OR PROTECTIVE AGENTS

Subd. 4. Protective agent. A person who for a fee, reward, or other valuable consideration undertakes any of the following acts is considered to be engaged in the business of protective agent:

- (1) providing guards, private patrol, or other security personnel to protect persons or their property or to prevent the theft, unlawful taking of goods, merchandise, or money, or to prevent the misappropriation or concealment of goods, merchandise, money, or other valuable things, or to procure the return of those things;
- (2) physically responding to any alarm signal device, burglar alarm, television camera, still camera, or a mechanical or electronic device installed or used to prevent or detect burglary, theft, shoplifting, pilferage, losses, or other security measures;

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- (3) providing armored car services for the protection of persons or property;
- (4) controlling motor traffic on public streets, roads, and highways for the purpose of escorting a funeral procession and oversized loads;
- (5) providing management and control of crowds for the purpose of safety and protection; or
- (6) providing guards or other security personnel to transport prisoners or any other person arrested on a warrant

ⁱⁱ CHAPTER 7506 BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES PRIVATE DETECTIVES AND PROTECTIVE AGENTS

7506.2600 PREASSIGNMENT OR ON-THE-JOB TRAINING REQUIREMENTS.

Subp. 3. Subject areas for protective agents. Preassignment training for protective agents must minimally include training in the following subject areas:

- A. security overview;
- B. legal authority and liability issues;
- C. communications;
- D. ethics;
- E. incident/situation assessment and emergency response; and
- F. Minnesota private detective and protective agent statutes and administrative rules.

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For more details on current Security Officer Training Requirement See the Board's document on its website "Protective Agents Core Training Capsules- Content Objectives Guide"