



**TESTIMONY OF JOSEPH RICCI, CAE
EXECUTIVE DIRECTOR**

**NATIONAL ASSOCIATION OF SECURITY COMPANIES
(NASCO)**

**Before the
HOUSE HOMELAND SECURITY COMMITTEE**

**Hearing On
“THE DIRECTION AND VIABILITY OF THE FEDERAL
PROTECTIVE SERVICE”**

MAY 1, 2007

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Chairman Thompson and Ranking Member King, and members of the Committee, thank you for the invitation to appear before the Committee to offer views regarding “The Direction and Viability of the Federal Protective Service.” My name is Joseph Ricci, and I am the Executive Director of the National Association of Security Companies (NASCO).

NASCO is the nation's only organization dedicated to representing private contract security companies, and NASCO member companies employ nearly 450,000 trained security guards serving throughout the government and commercial sector. Our members include:

- Allied Barton Security Services
- American Security Programs
- Andrews International
- Guardsmark
- Industrial Security Services
- International RAM Associates
- Levy Security
- SecTek Inc.
- SecurAmerica
- Securitas Security Services USA
- Security Forces
- Special Response Corporation
- The Wackenhut Corporation
- US Security Associates
- WSA Corporation

NASCO is committed to initiating and supporting efforts at the federal, state and local levels to raise standards for the licensing of private contract security firms and the registration, screening and training of security guards. Currently NASCO is working in several states on legislation to increase standards for security guard licensing, including Mississippi, Alabama and Colorado, states that currently do not regulate private security. NASCO and its members also worked closely with Congress and the Justice Department on the passage and rulemaking for the “Private Security Officers Employment Authorization Act of 2004” (PSOEAA) that granted employers of private security guards a means to request federal criminal record checks for security guards in every state.

In addition to serving as Executive Director of NASCO, I serve on the ASIS International Private Security Services Council which provides input for the ASIS Private Security Officer Selection and Training Guideline. Developed and continually reviewed by security industry leaders, this Guideline sets forth minimum criteria that regulating bodies and companies can use for the selection and training of private security guards.

The Role of Private Security

Nearly 2 million people are employed in private security domestically compared to less than 700,000 law enforcement personnel. Private security guards are guarding federal facilities, critical infrastructure, businesses and public areas, working with the armed forces in Iraq and at DoD installations, supporting the operations of the Customs and Border Patrol, and providing screening at airports for TSA. Private security guards are often the “first” responder on the scene of any security or terrorism related incident, and private security protects 85% of nation’s critical infrastructure. Nearly 75 percent of private security guards work for contract security companies, with the balance serving as proprietary or in-house security. The vast majority of contract security firms employ many former law enforcement personnel in senior management.

Contract security guards are trained to support law enforcement and not replace law enforcement officers that received considerable more training throughout their careers. Contract security guards have more limited authorities than police and other law officers. Specific powers vary by jurisdiction, but they generally correspond to the police authorities of private citizens. Security guards may have other authorities or may face further limitations to their police power according to state licensing or other regulation, where it exists.¹

Protecting people and property from accidents and crime, controlling access, observing and reporting are the principal role of security guards. They may enforce laws on their employer’s grounds, conduct incident interviews, prepare incident reports, and provide legal testimony. They may be armed, as required by specific duty assignments, consistent with state and federal laws governing private ownership and use of firearms.

Private security companies and their guards are working to support and complement law enforcement and other first-responders. There are thousands of examples of law enforcement and contract security working together to solve crimes and improve security measures making our country safer and more secure. NASCO strongly believes contract security performance improves through partnering with it clients to develop and access the best solutions and capabilities.

The Regulation of Private Security

Contract security is primarily regulated at the state level. Currently 40 states license and regulate private security companies and security guards. Regulation at the state level varies greatly in regards to screening and training. For training, requirements range from a minimum of 4 hours or less of pre-assignment and no in-service training, to 40 plus hours of training combining pre-assignment, onsite and in-service. Background screening requirements range from local criminal checks to national checks. There are greater requirements for armed as opposed to unarmed guards, and they too vary according to the state.

There is a trend for increased regulation at the state levels, with leading states such as New York and California recently raising training standards and hours and including proprietary or in-house security guards into registration regulations. Training standards have also recently been increased in New Jersey, and there is pending legislation in the District of Columbia.

¹ CRS Report For Congress, “Guarding America: Security Guards and U.S. Critical Infrastructure Protection” November 12, 2004, RL3260

NASCO is constantly active at the state level, working to increase screening and training standards, or simply trying to start the process of licensing and registering security guards. Just during the past few months, NASCO has committed significant resources to introducing legislation to license and regulate security in Mississippi, Alabama and Colorado, three states that currently do not have any licensing, screening or training requirements.

NASCO has also supported raising security officer standards at the federal level. In the early 1990's, NASCO pushed for passage of the "Private Security Officer Quality Assurance Act" which sought to create minimum state standards for licensing, training and permit access to federal criminal records for background checks. In 2004, with strong NASCO support, Congress passed the Private Security Officer Employment Authorization Act (PSOEAA) which provided employers nationwide the authority to obtain federal criminal background checks on their private security officers by going through the states.

Contract Security and the Federal Government

Tens of thousands of contract security guards are currently protecting government facilities around the world. The training and qualification standards for contract security guards are subject to regulations of the state where the facility is located, but more so, by the regulations and requirements of the federal agency with which they are contracting. Contract security guards are qualified and able to perform the security functions required of them by federal agencies such as the Federal Protective Services.

One large federal customer for contract security is the Department of Defense. In 2003, due to increases in security requirements after 9/11 and the number of active duty and reserve personnel being sent overseas, it was necessary that contract security guards fulfill security roles previously performed by military employees. Congress passed legislation temporarily lifting a restriction against the use of contract security guards at U.S. military, and now there are 130 DoD installations using contract security guards.

Pursuant to the 2007 National Defense Authorization Act, DoD submitted a report to Congress on "Contractor Performance of Security Guard Functions."² The Report covered the subject of the performance and cited a performance survey done comparing contract security guards and military personnel serving as security guards during a three-phase operational evaluation (OPEVAL) at two Navy installations in December 2004. The Report stated that;

"Combined, the three phases of the OPEVAL confirmed the ability of the contract guard force to meet specified AT/FP function requirements at both the tactical employment and installations operational levels. The individual performance evaluation demonstrated comparable abilities among the two sampling groups, thus indicating that contract security guards perform AT/FP functions as well as military counterparts (87.3% successful performance of required tasks for contract guards as compared to 87.4% for military personnel)"

The DoD Report also noted that contract guards continue to develop and foster good working relationships with the military law enforcement elements on the installations where they are

² Department of Defense, Report to Congress on "Contractor Performance of Security Guard Function", January 2007.

working, and it concluded; ***“(t)he authority for the use of contracted security guards at military installations gives DoD a viable and effective way to meet and adjust the requirements of increased security guard functions.”***

Contract Security and FPS

Currently there are 15,000 contract security guards working at facilities under the jurisdiction of Federal Protective Service (FPS). Training standards for contract security guards fulfilling FPS contracts are set by GSA and FPS, and are higher than any state requirements. The FPS requires that all security guards complete 80 hours of pre-assignment training on access and traffic control, security and fire systems, reports and response, as well as 8 plus hours of onsite and annual in-service training. All contract security guards must pass an extensive background check and pass an exam prior to employment and additional background checks every two years, as well as complete annual refresher training, CPR and domestic violence certification, annual weapons re-qualification, medical and first-aid certification.

Performance and other standards for contract security guards (CSG) are outlined in the Physical Security Handbook 440-2-H Chapter 9 including jurisdiction, determining need, cost, training, duties and compliance. Standards and compliance are the responsibility of the Contracting Officer Representative (COR), usually a FPS official with physical security expertise who determine the needs of the facility and executes the contract.

Each officer’s required qualifications, certifications and other requirements are tracked through the FPS Contract Guard Employment requirements Tracking System (CERTS) and by the contracting firm.

Although problems have recently been identified with contractor compliance, we believe that through cooperative efforts and the increased focus of FPS on inspections, these issues can be quickly resolved. NASCO supports the steps that ICE has proposed to improve the monitoring of the FPS contract guard program by increasing the number of employees trained to oversee the program, provide them with better training, and use tracking mechanisms to ensure quality assurance.³

NASCO is also working closely with FPS to re-examine the role, responsibility and tasks of contract security personnel to validate that contract requirements and training are validated against actual daily responsibilities and activities and that the training best supports these roles.

Earlier this year, NASCO created a FPS Working Group in which NASCO member companies and FPS officials can work together to increase the effectiveness of the oversight, management and operational capability of FPS and the contract security companies and their guards working at FPS facilities. The FPS Working Group is currently in the process of conducting a task analysis that will include the insight and expertise of senior security management, supervisors, users and the security guards themselves to determine the amount of time and criticality of tasks to best validate training.

³ September 13, 2006 Memorandum from Julie Meyers, ICE Asst. Sec, to Richard Skinner, DHS IG, on the OIG Draft Report “Federal Protective Service Needs to More Effectively Oversee its Contract Guard Program.” August, 2006.

As with any service industry, especially in a market-driven economy, problems surface and NASCO is committed to work with FPS to solve these problems.

Conclusion

Private security plays the majority role in America in the protection of property, people and assets. In the private and public sector, private security guards are relied upon as the first line of defense against illegal, criminal and terrorist activity, and NASCO is committed to increasing the quality of the selection, training, and standards for private security guards.

We will continue to work at the local, state and federal level, and we welcome the opportunity to work with Congress on issues related to the oversight and regulation of private security and specifically contract security.