



Private Security Services Council (PSSC)

June 2010

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Council Chair Report



For those of us in the private security industry, we are certainly living in interesting times. Never in the history of our industry have we faced the threats to our business as we have in the past year. Further, the months ahead don't appear to be offering much better. The economy of the United States, in general terms, has had a dramatic negative impact on our industry. Many end users of our services have scaled down and/or eliminated services in an effort to reduce their costs. Federal and state legislators, looking for ways to increase revenue, are taking a harder look at taxing our services in areas where we are currently be taxed, as well as developing legislation for training that would only add to our cost of doing business. Trade unions are "knocking on the doors" of many security providers in an effort to unionize the contract security profession, again adding costs and compliance issues that could further impede the service we provide to our clients. Last but not least, the impending impact of national healthcare legislation is anybody's guess at this point, on what the cost will be to small - medium security providers. Many are concerned that it will force the smaller companies out of business as the rising cost will result in them being noncompetitive in the marketplace.

An upside is that not all the news is doom and gloom. We continue to hear that both the economy and job market should continue to improve. Recent political developments have also jolted many of us back into reality, forcing us to pay a bit more attention to the political process and how it can affect us and our business. Times like this make it ever more important for us to stay actively involved in our industry by joining and supporting associations such as ASIS International. I would also encourage you to join other national and local state associations and become an active member. Like the Private Security Services Council, most associations are not looking for those to join who just want to hang a certificate on their office wall. In order to be effective, associations need your active involvement and your time, talent and financial support to help protect your business. Remember, the more you put into your business, the more you will get out of it in the long run.

Those who continue to bury their head in the sand and ignore the warning signs are doomed to experience a business failure. We have all worked too hard to let that happen, so I encourage you to take an active role in protecting the future of the private security industry. Please feel free to visit our Council home page on the ASIS International web site: <http://www.asisonline.org/councils/PSSC.xml>. You will see a list of twenty five highly-regarded industry professionals who are working hard for you.

Any of the twenty five of us would be more than willing to share our industry experiences with you, as we see your success as our success.

Let your voice be heard!

Respectfully,

Gary H. Kutty, 2010 Council Chair
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The Benefits of Membership



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During times of economic stress, most of us are looking for value when we decide to spend limited resources to join organizations, take courses or participate in other activities that we hope will keep our money flowing in the right direction. If you are reading this article, you've already likely decided that ASIS membership provides that kind of value. The purpose of this article is to highlight some of the benefits that, as a member, I find most valuable.

Membership in ASIS International opens doors to many benefits. But like most things in life, the more we put into it, the more we get out. Certainly one of the most important benefits of ASIS membership is the ability to network with other security professionals that I would otherwise never know. Another equally important benefit is access to knowledge. Our annual seminar provides opportunities to meet new colleagues, learn new information, and catch up with old friends. The monthly "Security Management" publication, daily e-mails, and access to the library and book store provides every member easy access to all sorts of security information.

A less traditional source of timely information that I receive with my ASIS membership is the ability to participate in great discussions with other members through social media such as "*Linked In*." Found at <http://www.linkedin.com>, *Linked In* discussions are both robust and enlightening, and the ASIS International Group in *Linked In* is a place where you need to bring your brain and some passion. There are also separate CPP and PSP groups on *Linked In* that are equally lively for those security professionals who have earned these professional certifications.

Another benefit in which I put great stock is the DHS Safety Act Designation of ASIS Technology. Organizations using ASIS standards and guidelines, designated by the Department of Homeland Security as Safety Act Technology, are protected from claims of third party damages when using this technology to thwart terrorist acts. The CPP, PSP, and PCI certifications are also designated by DHS as Safety Act Certified. This means that because I am a CPP, both my employer and I are protected from third party claims arising out of acts of terrorism as well. Because I live in Alabama, I frankly do not worry much about terrorists. However, these certifications amount to a veritable "Good House Keeping Seal of Approval" for me and my company. Consequently, they can create a significant sales advantage for my company, because it is important to our customers.

The last benefit of membership I want to share goes back to my earlier point of getting out of ASIS what I put into it. Membership in good standing entitles me to participate in committees and councils. That enables me to be a part of shaping the destiny of the security industry. Those are tall words, but they are true. It takes a little effort to get into a committee and/or council and even more effort to participate and stay on them. But the professional growth and friendships that come from participation in councils and committees is worth every penny that it costs me to be a member of ASIS.

I am not an ASIS marketing professional, as they certainly have plenty. I am a member getting the full benefits to which my membership entitles me. I hope that you will not only join ASIS, but that,

like me you will get involved and participate as much as possible. If you see me on *Linked In*, say hi... and be sure to give me your opinion!

Professional Development Conference – Security Force Management



By Jason Hamilton, CPP
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As a continued part of our goal to be highly-engaged and educate members of our industry, the *Private Security Services Council* will act as a joint presenter of an upcoming ASIS Professional Development Conference. To be held in December 2010 in San Diego, California, the *PSSC* is partnering with the *Physical Security Council* and Inge Sebyan Black, CPP to present a 3 day **Security Force Management Workshop**.

This workshop conference will include a wide array of topics that directly impact security guard force management, such as:

- The State of the Guard Force Industry
- Key Considerations in Hiring, Staffing and Deployment of Security Forces
- The Case for Guard Force Automation
- Technology and Security Force Deployment
- Training Requirements for Security Force Operations
- Site Surveys and Crime Prevention Through Environmental Design (CPTED)
- A panel discussion on Lessons Learned in Contracting Security Force Services

A similar conference was held in December 2009 in Orlando, Florida, sponsored solely by the *Physical Security Council*. Several *PSSC* members, including myself and Lisa Dolan, CPP, presented in Orlando, with the conference getting good reviews from participants. This year's conference will include an even wider array of speakers from the *PSC*, *PSSC* and outside these councils, representing a good cross section of security force and technology experts. The session-ending panel discussion noted above will serve as a wrap up and open forum for questions and discussion.

In 2011, the torch will pass from the *PSC* to the *PSSC*, with the *Private Security Services Council* acting as the main coordinator of the conference. The goal in 2011 for the *PSSC* and this particular Professional Development Conference will be to continue improving upon the subjects presented. This will be accomplished by ensuring timely, focused and useful content combined with subject matter experts. If any of our readers have ideas for topic presentations or have an interest in presenting on this broad subject, please contact me.

The Workers' Compensation & General Liability Insurance Claim Connection

By Bruce Brownyard
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Workers Compensation claims that turn into liability claims are called, in insurance legalese, *Third Party Over Suits*. Regardless of what they may be called, *Third Party Over Suits* have become a major problem for the Private Security Industry. The best way to describe what these suits are is to describe a typical claim: A security guards trips in a hole in the parking lot of a mall and he files a

lawsuit against the mall for negligence. The mall, contracting the security guard service to a contract security guard company, turns around and hands the suit over to the security guard company that employed the guard on the basis of the hold harmless/indemnification agreement the guard company signed with the mall. This agreement typically stipulates that the contract security company will defend and indemnify their client for everything that happens at the mall as a result of the security company's work there.

The net result is that a private security company may in fact pay twice for the same injury to an employee: once by payment of a Workers Compensation benefits claim and a second time under their General Liability Insurance policy for a tort payment created by the indemnification agreement.

A number of solutions have been suggested to remedy these problem lawsuits, wherein a private security company's employee can "double-dip" when injured on a client's premises. The best idea the insurance industry has heard to date was offered by Harry Brett of *Wilson, Elser, Moskowitz, Edelman & Dicker*, the largest insurance defense law firm in the United States.

Based on his review of recent law in various jurisdictions throughout the country, Brett suggests a remedy that won't eliminate the problem, but one that will hopefully limit potential damages. He recommends the inclusion in *contracts of employment or employment applications* of an arbitration clause for claims brought by employees against their employer's clients. While not an ideal solution, an arbitration forum can help to eliminate outrageous jury verdicts/awards and it also can reduce the time and money normally involved in resolving these type claims.

The full text of Mr. Brett's article can be found at http://www.brownyardprograms.com/2qtr_2009.html.

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