

FEBRUARY 2013

# MANAGING SECURITY *Today*



The official magazine of the Associated Security  
Services and Investigators of the State of Texas

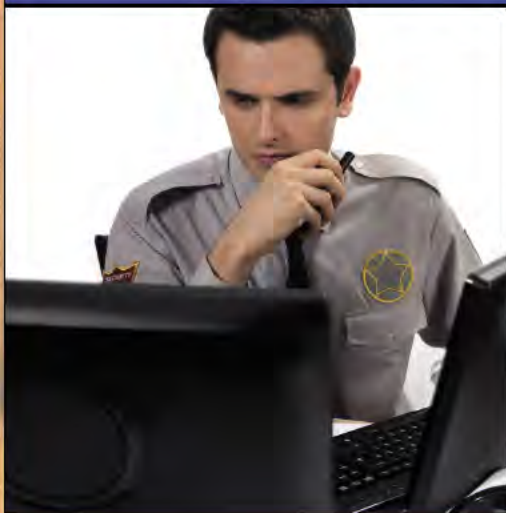


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## The President's Message 2012 recap

Here's hoping you had a Merry Christmas and a Happy New Year!

Many of you may have already heard most of this at the convention in Dallas, but I believe it is significant enough that it bears repeating.

The following are a few key challenges faced by your ASSIST Board and a few major accomplishments we had a hand in.

Let's start with your representation at the Private Security Board quarterly meetings. As your ASSIST elected board members, we are asked to attend these meetings and to collectively and thoughtfully review each agenda item as it relates to and affects our membership.

The first of these such issues actually started back in October of 2011 but was finally resolved in April of 2012, Concealed Carry Licenses and private investigators. Heated discussion centered on whether it was an insurance matter and whether PSB submission forms needed to be altered to include such a license.

While the Private Security Act addresses the carrying of a firearm by security officers (limited to commissioned officers and PPOs), non-commissioned officers are prohibited from carrying a firearm while on duty.

The CHL statute expressly does not exempt a security officer from complying with Chapter 1702, but does not regulate those not employed as security officers. In addition, the statute's insurance requirement can only apply to services regulated under the statute and the PSB does not regulate the possession of firearms by PI's.

In the end, no action was taken by the PSB and an "Opinion Summary" dated May 1, 2012, was published and made available on the PSB website under Consumer Information (then click on Opinion Summaries).

In January 2012, we tackled the possibility of creating a new "unarmed personal protection officer." Your board was unanimous in our decision to see this agenda item defeated. If approved, this would have called for the significant changing of several rules from uniforms, to registration applications, to training requirements, to the actual license itself. If you had a client that did not want you to carry a firearm as a PPO, then "simply not carry a gun." Met with determined opposition, this item was sent to the rules committee for review. Fortunately the PSB rules committee allowed input from the industry and in July 2012 no further action on this item was taken and it was put to bed.



As I have previously stated, we have developed and enjoy an exceptional working relationship with the members of the PSB board and key DPS administrative officials.

Minus these relationships, our representation would not be nearly as effective. By the way, how do you like the new Pocket Cards? Thank you to all those from DPS involved for the hard work and determination on seeing this come to fruition.

When it comes to accomplishments, none are any bigger or have taken this association any longer than the establishment of our new 501c3 entity, The Charitable Organization for Texas Security Officers, formerly the Fallen Officers Fund. Thanks to the focused work of a few dedicated individuals, I was delighted to announce our status at the convention in October 2012. This singular item is truly the cornerstone of a highly successful year.

In no particular order, a few more examples of marked success include; the creation of the new website (saving money and more functional), increasing our membership by more than 65% in one year (we now have 276 members), increased vendor membership and association participation, establishment of our enforcement committee, and the resolution of pending tax issues (all fines and penalties dropped).

Finally, developing our partnership with ETMG to provide affordable health insurance to our employees has already proven to be successful. In addition to helping with employee retention and recruitment, both reducing cost, the association receives a modest monthly marketing fee reliant on the number of program participants and the new 501c3 receives \$25 per participant enrolled during open enrollment period.

None of this would have been possible without you, our members. On behalf of the ASSIST State Board, thank you for your continued support of this association and may your successes in 2013 be equally measured. God bless!

**Alan S. Trevino**

President/CEO

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## Happy new year!

▶▶ AS THE NEW YEAR BEGINS, I guess the Mayan calendar was wrong so we will have a legislative session in 2013.



Walt Roberts

The last time I spoke with Keith Oakley, there were more than 350 bills pre-filed. That's probably an insight on what we are facing this year. We know we will be getting a new chairman on the Public Safety Committee. Keep your fingers crossed that it's the guy we want and need. Hopefully many of you have done your homework on the local level and that Keith Oakley, Alan Trevino and I will have lots of friends.

It appears there will be many new friends with some of our old ones returning. With that said, you know the jailers and most likely the non-paid reserves will take another stab at us. We really need you on this one. Those entities are a huge threat to our income and to the public. As we know either of those categories of officers could go to work for us immediately and be covered by insurance, we would pay the sales tax and there would be some direct supervision.

Feb. 19 is Walk the Halls Day. Please plan to attend. I know many of you do not see the significance, but believe me the Legislature and your Legislative Committee does. We will meet in the Capital cafeteria around 9 a.m. and hand out talking points, then make our plan of attack. At 4:30 p.m. we meet at Serrano's at 1111 Red River for a reception. Should be work and fun.

Now for a big thank you to the Fallen Officers Fund. As many of you know we lost an officer recently in the line of duty. The professionalism, sympathy towards the family, overall caring and attention was appreciated by all. The Honor Guard, the officers in attendance and the piper were both moving and very esprit de corps.

I have always been proud of this organization, but this genuine display of professionalism was extremely moving.

Thanks and see y'all Feb. 19 at the Capital. **MS**

MICHAEL J. MCGREGOR, COTSO Director, ASSIST State Secretary

secretary@assisttexas.org

CHARITABLE ORGANIZATION FOR TEXAS SECURITY OFFICERS

## Many things have happened

▶▶ THE LAST FOUR MONTHS HAVE BEEN INCREDIBLY BUSY AND MANY THINGS HAVE HAPPENED.

First we have lost two officers in the last four months. [See pages 26-27] On Oct. 12 just before midnight Security Officer Rufino Hernandez who worked for A S & I, my employer, Michael McGregor was attacked and killed while on duty. He was buried with full honors. I would like to thank everyone who attended and helped with the funeral arrangements.

Hernandez's family was pleased by the support and respect shown by his fellow professionals.

November 24 Officer Jose Argueta, an employee of Texas Pioneer Control Officers, was tragically killed by a coworker upset over his termination. He was 38 years old and leaves behind three children.

We ask for your thoughts and prayers for these officers and their families.

In October we held our annual convention in Dallas. At this time we announced, through the efforts of the executive board of ASSIST and after years of attempts, that what was known as the Fallen Officer Fund was now a separate entity. This separate entity, which is legally named the Charitable Organization for Texas Security Officers is an actual tax deductible 501(c)(3) charity. What that means now is that all donations to the Charitable Organization for Texas Security Officers are tax deductible.

This allows us to expand our fundraising efforts and be of even more assistance to the

licensed security officers of Texas.

As many of you already are aware we have expanded our efforts and now offer limited help to the security officers of Texas with emergencies such as unexpected deaths and critical illnesses in their family, fire or other catastrophic losses.

This assistance is available on an individual basis by contacting us. At

this time the board of the Charitable Organization for Texas Security Officers consists of President Robert Marquis of Ameritex; Treasurer Denise Nicholson of Pro Security Group; board member Art Chavez of Verified Response; and myself as secretary and director. Robert Kenney of Verified Response has agreed to be our chaplain. Many of you might not know that Kenney is an ordained Baptist minister.

Projects under review this year include the establishment of an Advisory Board to be composed of various members of the community which will help us provide more support to security professionals.

We are looking for persons across the state to be part of this board that will meet quarterly. I urge anyone interested to contact me for more information.

This also means that we are no longer ASSIST and allows us to reach out to a larger segment of the industry. We do urge every security person in Texas to join ASSIST as an associate, voting or vendor member. We have been assured that ASSIST will continue to support us in our efforts to pro-

COTSO continued on Page 6

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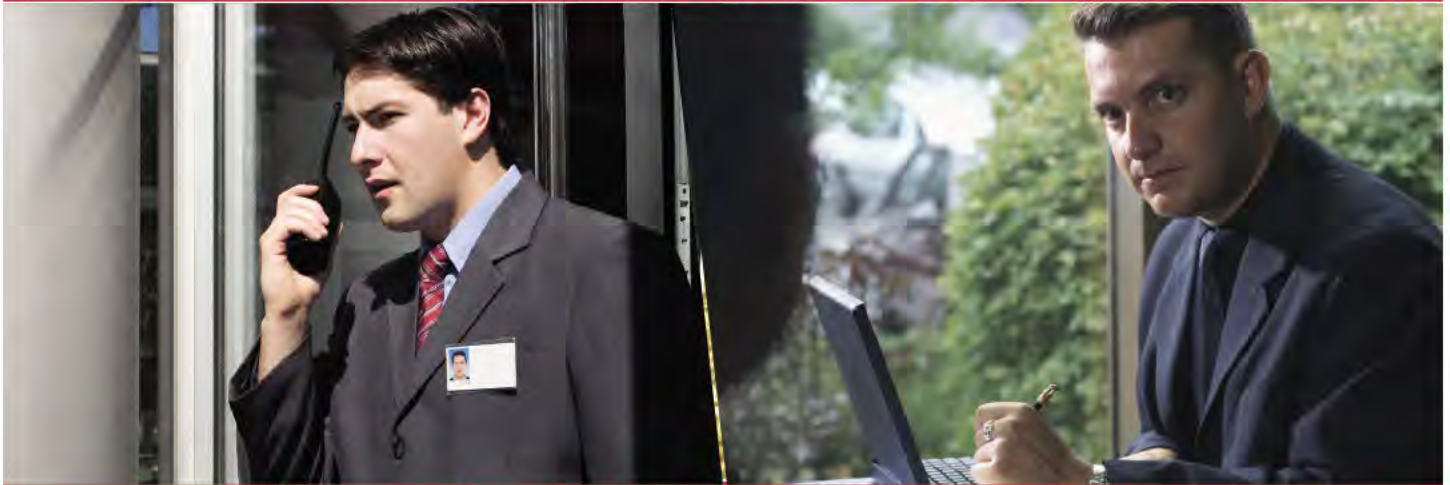
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## Let your voice be heard in 2013

As the owner and CEO of Pro Security Group I was still new in the security business. Even though I had managed and operated in the industry for some time, being an owner was different. I still felt that I had much

to learn and in order to be successful and for my company to survive, I needed to continue to learn. I began looking for programs that would help me accomplish this.

I came across ASSIST one day while doing some research on security associations.



Denise Nicholson

I'll be honest; I originally joined for the 3% discount on Workers Compensation insurance. What I found intrigued me unlike the larger national groups that are available.

To participate didn't require travel around the country. Being a small business owner that wasn't a luxury I could yet afford. Also the incentives that were offered would immediately impact my company favorably. So I signed up for membership thinking that if it wasn't what I expected it would at least save some money.

Once I had joined the group and began to attend meetings, I found that the information that was exchanged between members and provided in the meetings was invaluable. By attending the meeting, I was finding out about new rules, regulations and laws before they were implemented and had the opportunity to hear how others were dealing with the changes.

The state convention hosted each year by the different Texas regions have been remarkable. In 2007, I attended my first convention in El Paso and have attended every convention since. Not a single convention has gone by where I didn't learn something important which I have then taken back and applied to my own business. Whether it is technological or informative, what I have learned has helped me become successful in a very competitive market.

It is now 2013 and not only am I still a member but have been the ASSIST State Board treasurer for the last three years.

A combination of circumstances occurred in 2009. With it being a legislative year the association was in need of some help and I saw an opportunity that I could not let pass by.

My understanding of the position was much different than the reality when I first won it. My first thoughts were that I would be keeping track of the money and paying the bills. Well, it was much more than that. I immediately found

that not only do I track the money but I also serve on several committees, help with fundraisers and conventions, as well as many other duties.

ASSIST has teamed up with Keith Oakley, our lobbyist who works for the group's best interest. He ensures that our members have a voice in the Capitol and that the needs of our profession remain high on their agenda. He watches for laws that would affect security companies and their employees in Texas.

Oakley was instrumental in ensuring that security officers were added and protected by the assault on public servants law.

His latest victory happened last session when he helped to prevent a law that would have forever altered our current vehicle marking laws. 2013 is another legislative year and Oakley will be hard at work watching over the security profession at the Capitol. Join us Feb. 19 for "Walk the Halls" day and watch the magic happen.

The ASSIST magazine, *Managing Security Today*, is another essential tool which is financed by ASSIST. While sometimes unappreciated in the big scope of things it is very valuable. At the watchful eye of Dave Scepan-ski this publication has grown from a two-page newsletter to a magazine with more than 60 pages and 8,000 copies. The magazine is a great source of information and covers a wide range of topics on security activity in Texas. It is also a great opportunity for members to advertise their company within its pages. Did you know that its articles are regularly viewed by national, state and local elected officials? You never know where your next referral might come from.

I would like to encourage anyone working in the security field to become a member of ASSIST. The continuous networking opportunities and the valuable information you will acquire are well worth the money. Don't forget, included in your membership is a \$20,000 accidental death or dismemberment life insurance policy. Security company owners receive a 3% member-only discount on workers compensation insurance, which could save you thousands of dollars. There is not an owner out there that wouldn't want to save some money on their insurance.

Most importantly by becoming a member you give yourself a voice in your industry. When we speak we want to be heard. Isn't that what you say important?

Join ASSIST today! **MS**

Continued from FUND, Page 4

vide help to security officers.

In the case of funerals, we will still call upon the local regions for their members to be present to honor the memory of a fallen officer and offer support for family members.

Local regions will still be responsible for rallying persons to serve in the various capacities such as the color guard, firing squad, pallbearers and the flag detail. The organization has procured the necessary equipment, flags, ceremonial rifles and will support the regions. We recommend that each region look for members with military or public service experience to serve on this type of detail.

I will supply any and all support needed. Some companies have consistently been there for us by providing support and members, but everybody needs to be involved. Until you participate and see the reactions of the family, the participation of officers from so many companies, the vehicles in the procession and our support, help make their loss a bit easier.

We have positions that need filling for a full funeral detail if requested by the family and it takes quite a bit to make it all work. We have been fortunate and extremely grateful that we have had the services of Dallas Police Officer Brandon Galbraith to help us train on the last two funerals requested by the family.

We are looking for designs for a logo for anyone with ideas as well as a shorter name or acronym. Please contact me with ideas as we are open to suggestions.

More information will be available as we move forward. As far as we know, ASSIST was the first organization to start a Fallen Officer Fund in the country.

Thanks to all ASSIST members who have supported, contributed and made this happen. It has always been amazing to watch the support offered to the officer we were helping. We will strive to make this noble undertaking something ASSIST can say with pride that they started, supported and will continue to support.

Any person interested in donating or being part of the Charitable Organization for Texas Security Officers is urged to contact me at 214-729-0667.

**MS**

## Oakley Report

# Texas legislators want more guns in school

▶▶ WHILE THE FEDERAL GOVERNMENT AND OTHER STATES PONDER MORE RIGOROUS GUN CONTROL LAWS following the shootings at a Connecticut elementary school, some legislators in Texas have taken the opposite approach. They have emphasized the need to make firearms more

available, and their discussions have included increasing access for teachers and other school personnel.



Keith Oakley

Ahead of the 83rd legislative session, bills have been proposed with that mission in mind. The efforts have drawn the praise of statewide elected officials including Gov. Rick Perry. But even lawmakers who support arming school personnel can disagree on how to go about it – and other critics say the debate is a distraction from addressing a more difficult issue that would go further toward improving school security, state support for mental health.

Currently, Texas school boards can grant permission to anyone, including employees, to carry firearms on campus under the federal Gun-Free Schools Act and state law. According to Morgan Smith of the *Texas Tribune*, two republicans, state Rep.-elect Jason Villalba of Dallas and state Rep. Debbie Riddle of Tomball want to expand those rights.

Villalba announced last week he would file legislation modeled on the federal air marshal program that would deputize school employees with special training access to firearms as the last line of defense during an attack. He said it had been “mischaracterized” as a teacher-carry bill when it in fact provided a “narrow and tailored solution” that imposed strict restrictions on the deputy’s authority to use the weapon.

“There’s a significant difference from saying anyone who has a CHL license can carry concealed in a classroom versus what I’m proposing,” he said, referring to concealed handgun licenses.

A concern about how long it may take a deputized officer to respond in an emergency situation is behind Riddle’s plan, which she said would allow teachers who have concealed handgun licenses to carry their weapons in the classroom. Although she did not offer details on how her bill would change current

law, she said she still intended for school districts to set their own policies.

**CURRENT LAW ALLOWS DISTRICTS “A GREAT DEAL OF LEEWAY” TO ALLOW EMPLOYEES OR OTHERS WITH CONCEALED HANDGUN LICENSES TO BRING FIREARMS ON CAMPUS,** said Victoria Calder, the director of the Texas School Safety Center, but it is an option that very few have chosen to exercise.

One of those outliers is Harrold Independent School District, which enrolls about 100 students near the Texas-Oklahoma border. The district has a policy in place that allows teachers with concealed handgun licenses to bring their guns to school with school board approval after completing additional training.

But despite that example, many educators say that ideas like deputizing school employees and allowing teachers greater freedom in carrying weapons do not address the big picture of violence at schools.

Brian Woods, the superintendent of San Antonio’s Northside ISD, said he was “disappointed and in general critical” of approaches that called for beefing up school security without accounting for the societal problem of poorly financed mental health services, which he said can put schools on the frontlines of dealing with mental illness.

**“THE NOTION OF PUTTING A POLICE OFFICER IN EVERY SCHOOL NO MATTER WHAT IS A VERY SIMPLISTIC ANSWER TO A COMPLEX ISSUE,”** said Woods, whose district is the state’s fourth largest with about 94,000 students.

Both Villalba and Riddle said they recognized the need to discuss mental health policy in the state. But Riddle added that did not mean that teachers should not still be able to protect themselves.

“Are we going to be able to screen and determine everyone who is going to be a threat? Of course not,” she said, “We are not a perfect society and there is no way we can create perfect laws.” **MS**



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# From the Hill

► FROM OUR ELECTED OFFICIALS

## SECURITY

### The word is taking on new meaning in Washington

By Congressman Joe Barton | DISTRICT 6

► The word security is taking on new meaning in Washington. It is a concept that will shape the political debate in 2013 by weaving its way through several of the most important issues facing our nation.

#### SECURING OUR SCHOOLS

What happened in Newtown, Connecticut on a cold December morning is a horrific tragedy that this nation will never forget. As the father of a child who attends elementary school, I want to make sure our classrooms are secure.

However, instead of this tragedy sparking a national conversation about how we deal with mental health issues, some are using it as an opportunity to attempt to limit our right to bear arms.

I support an individual's right to defend themselves, their family and their property with a legally-obtained firearm. This right is put in jeopardy by those advocating stricter control measures. The gun-control movement hurts law-abiding citizens and businesses, not the criminals who care nothing for the law. The upcoming debate in the halls of congress will be heated and emotional, but I believe we can better reduce the misuse of firearms by strongly enforcing laws already on the books and maintaining responsible judiciaries.

#### SECURING OUR NATION'S FINANCIAL FUTURE

When it comes to securing our nation's financial future the answer is simple – cut spending.

In the Spring of 2012, I wrote an article for "Managing Security Today" that included this line: "There are so many zeroes included in our national debt, which currently sits at \$15,000,000,000,000 and climbing, that it is tough to wrap your mind around it." That was less than a year ago – sadly and stunningly our debt is about to top \$16.5 trillion.

I voted against the recent "fiscal cliff" deal on principle because it increases spending by \$330 billion and increases the deficit by almost \$4 trillion over 10 years. Rather than focusing on spending reductions, the deal does nothing but feed more hard-earned tax-payer

dollars into Washington while sinking our nation further into a pit of debt.

We must have real, immediate spending cuts.

To reach this goal, I have supported proposals that don't raise taxes, and instead, simplify the tax code, end corporate welfare, preserve Medicare and Social Security, ban earmarks, eliminate hundreds of duplicative programs and drastically reduce the debt and the deficit. And these plans would do all this while creating more jobs and spurring economic growth.

The can has been kicked to the end of the road. We need to act now.

#### SECURING THE BORDER

The President has said that immigration reform will be a priority in the new year, but that discussion should start with securing the border. We need to make sure we are doing everything possible to stop illegal immigrants, illegal drugs and terrorists from coming in the country. Then we can start discussing true reforms.

I believe it is in our nation's best interest to have a reasonable immigration policy that allows us to know who is entering our country and why they are here.

#### SECURING YOUR PERSONAL INFORMATION ONLINE

One of my personal goals is to make sure your personal information is more secure online.

You get directions on your smartphone, buy a new shirt on your smart TV and connect with friends on your tablet. The Internet has opened up a whole new world of possibilities, but it can also put your privacy at risk.

The headlines these days are full of data breaches, cases of website operators not following existing law and examples of operators discovering creative and sometimes reckless ways to use your personal information.

To me, privacy is as important in the 21st century as it was in the 18th century, when our country was founded. If our forefathers

SECURITY continued on Page 10



Joe Barton

## Being named to the House Committee on Homeland Security and what that means for the border region

By Congressman Beto O'Rourke | DISTRICT 16

► I am honored to have been named to serve on the Homeland Security committee during the 113th Congress.

I will request a place on the Border Security subcommittee where I can be a powerful advocate for the security interests of this country-based on our unique understanding and perspective of the U.S./Mexico border.



Beto O'Rourke

I will do my best to create a dynamic where we smartly pursue security priorities that do not jeopardize the flow of people and goods through our international ports of entry.

The El Paso region, with five ports of entry through which \$80 billion in trade passes each year, cannot afford continued long lines. This hampers our competitiveness and retards our economic growth. Furthermore, when you consider that Mexican nationals spend nearly \$2 billion in our local economy each year, you realize that creating the right dynamic of security and mobility is essential.

I also look forward to being a passionate advocate for comprehensive immigration reform in this upcoming session. It is likely that after the issues relating to the budget, the tax code and the debt ceiling are resolved, immigration reform will be the next area for significant legislative action.

Let's work together to promote smart security solutions, employing rational, humane processes and the best that technology has to offer, so that we can also capitalize on our position in the world's largest bi-national community. If we can figure this out, El Paso wins, the United States wins, and we prove that Congress and the government can provide solutions that work to the benefit of all concerned.

MS

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# What they mean when they use the term 'border security'

By Texas State Senator Jose Rodriguez | DISTRICT 29



Jose Rodriguez

► During the past two years, I have asked several state leaders to explain what they mean when they use the term "border security," which they describe as a prerequisite for necessary changes to our immigration policy. They could not.

I asked the question out of concern that the term, without clear definition, leads to poorly planned policies that do not address the realities of the border region. It also allows politicians to "move the goalposts" by conjuring up a phrase that is so open-ended.

**IT IS MORE IMPORTANT THAN EVER FOR POLICYMAKERS TO SEE THE BORDER FOR WHAT IT IS: AN ECONOMIC DRIVER FOR TEXAS AND THE NATION, A UNIQUE CULTURAL AND SOCIAL COMMUNITY, AND A MAJOR CHALLENGE FOR LAW ENFORCEMENT.**

It is not a national security threat, although that idea has, incorrectly, become the basis for every discussion that takes place about "border security."

It is unfortunate that such an idea ever became the basis for national policies that have severe impacts on our communities. It is all the more unfortunate given how easily the idea is dissected.

First, there is no threat of military invasion along our southern border.

Second, we have three types of national

entry points: land ports, which are on our borders; airports, which can be anywhere; and seaports, which are on our coasts. Experience shows that unauthorized entry by non-state or "asymmetrical" actors, such as terrorists, has happened overwhelmingly through the latter two points of entry.

So what do we have on our southern border?

We have economic migrants funneled through increasingly dangerous unauthorized land passages dominated by criminal gangs. We have criminal gangs — sometimes the same as those preying upon the migrants — smuggling drugs and other commodities (the bulk of which come through authorized ports, including air and sea). And, to be sure, we have the possibility that terrorists or other actors bent on harming the U.S. might try to use those routes.

But migrants want to work, and criminal gangs want to make money. The activity is overwhelmingly economic. It is in neither of their benefit to allow themselves to be used by terrorists.

It is the responsibility of the federal government to work with local communities and their counterparts in Mexico to attack the operations of criminal gangs, which pose different threats to the varied communities along the border (for example, cities are vastly different than rural areas). That ought to include targeting money-laundering and illegal weapons sales, which fuel and provide the means for the violence associated with criminal gangs.

We should use sound, humane policy and

a disciplined Border Patrol to address economic migrants on the line, where crossings have dropped and are expected to continue to drop as Mexico's economy grows and its population ages, while at the same time we ought to allow more workers into the country legally and finally come to grips with those who already are here.

Also long overdue are improvements to our inadequate ports of entry, through which flow billions of dollars in trade each year that enhances the economy of almost every U.S. state.

We must respect the rights of people who live on the border, and not treat communities as "subjects of interest." Our detention system must be worthy of our nation, instead of farming out people and policies to a network of private companies whose main interest is in profit — as it should be. That's their job, not border security, which is a public concern and should not be delegated — or worse, subjugated — to private interests.

Finally, it means we take a step back and take a hard look at what we've built in the last 10 years — an unprecedented application of money, manpower and machinery with little oversight. Now is the time to review, and where needed, reform, how we have applied our resources to the border.

Because it's important to remember: The border is not a national security threat. It is a national resource, an economic driver, a unique cultural and social community, and a law enforcement challenge. Our multifaceted communities deserve thoughtful policy to match. **MS**

Continued from SECURITY, Page 8

what the Internet and modern technology would be like today, they would have put a right to privacy explicitly in the Constitution.

People want their privacy protected — just ask them.

A 2012 study conducted by the Pew Research Center showed that 65 percent of those surveyed believed that it was a bad thing if a search engine collected information about their searches and then used it to rank search results. Also, the study showed that 73 percent stated they would not support a search engine keeping track of searches and using that information to personalize future search results. Moreover, 68 percent indicated that they do not support targeted advertising in any shape, form or fashion.

As a conservative Republican, I am in full support of a comprehensive privacy bill that allows the consumer to have the final say in how their personal information is used. I believe that this effort can be accomplished without hindering technological innovation. Until

there are laws in the books, I am skeptical of any consumer's privacy preferences truly being honored.

I have reached across the aisle and worked with Massachusetts Rep. Edward Markey (D) on this vital issue. We are the founders and co-chairman of the Bipartisan Privacy Caucus and have done our best to keep a watchful eye over company's privacy practices, but we also want to turn our oversight efforts into law.

Markey and I introduced H.R. 1895, the Do Not Track Kids Act of 2011. This common-sense legislation would at the very least provide additional protections for our children and teens. In my mind, it makes complete sense to ensure that our children are protected from online abusers and the potential misuse of their personal information.

The fight for greater privacy online shouldn't pit liberals against conservatives because it is all about the protection of our rights.

I hope as we move forward people will realize security in all its forms isn't a Republican issue or a democratic issue — it's an American issue. **MS**

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## LEGISLATIVE BUDGET AGAIN IN THE FOREFRONT THIS SESSION

By Texas State Representative John Otto | DISTRICT 189



John Otto

▶ **AS WE ENTER THE 83RD LEGISLATIVE SESSION**, the budget will once again be the focal point of the session. In 2009, the state used \$12 billion of federal stimulus funds in the budget. In the 2011 session, not only did the \$12 billion of federal funds have to be removed from the budget, but the national recession lowered the amount of sales tax revenues, which is the state's primary source of funds. The budget adopted in the 2011 session encompassed significant cuts with no new taxes.

As we await the issuance of the Comptroller's Biennial Revenue Estimate which gives us the revenue projection for the next biennium. It is expected that the BRE will show a surplus of \$6-\$8 billion.

The state completed the first year of the current biennium on Aug. 31 with approximately \$3 billion more than projected from the last session. That can be attributed to the recovery taking place in the Texas economy and extraordinary growth in the oil and gas sector with the development taking place in the Eagle Ford Shale in south Texas.

The Economic Stabilization Fund (Rainy Day Fund) is expected to have approximately \$8 billion in balances as well. With such an improved picture for revenues, many would think that the budget will be a piece of cake with plenty to go around. They would be wrong.

In the budget adopted in 2011, the health and human services budget for Medicaid was set at an amount that would fund approximately 18 months of outlay instead of the 24 months per biennium. Medicaid is the fastest growing part of the state budget and over the last six years it has grown by an average rate of 12% per year.

### THE AFFORDABLE CARE ACT WANTS THE STATE TO EXPAND MEDICAID TO AN ADDITIONAL 1.5 MILLION PEOPLE NOT CURRENTLY COVERED BY HEALTH INSURANCE.

The bills coming due for Medicaid in the current budget will cost \$4.8 billion. We now know that there will have to be a supplemental appropriation of that amount as Medicaid growth did not slow. If caseload growth and costs could be contained during the biennium, then some of the \$4.8 billion would not be needed to finish out the two year budget.

The baseline of the new Medicaid budget will need to be increased by that same \$4.8 billion with growth over the next biennium projected to be around \$2 billion. Thus there is a need for \$11.6 billion just in Medicaid to catch up and stay even. This will help you understand why states like Texas are calling on the federal government to "block grant" Medicaid funds to the states and allow each state to develop its own plan, rules and regulations.

The "one size fits all" rules from Washington, D.C. have a program growing at rates that cannot be sustained.

Education will also be a priority this session. In the process of balancing the budget with anticipated revenues in 2011, public education was funded at 95% of what the formulas called for under the existing school finance system. Population growth in the public

school system will add \$1.6 billion to the budget just to fund new children entering the public schools. With the education funding lawsuits in process and not likely to be decided prior to the end of the 83rd session, it is likely that education funding will result in a special session sometime after the Supreme Court of Texas has rendered its decision.

Water and transportation infrastructure improvements will also get attention during the upcoming session. There have been discussions about using \$1-2 billion of the Rainy Day Fund to establish an infrastructure bank for financing water projects that are included in the State Water Plan. However, there has been no general consensus about how to fund new, non-toll roads since the current gasoline tax revenues are consumed by the maintenance of the current transportation system. There does not appear to be any desire to raise that tax given the current price of gasoline.

As you can see, there are many competing interests in how revenues will be appropriated. If you add together the budgets for education, health and human services, and criminal justice then you have accounted for 90% of all spending in the state budget. As always, the budgeting process will be challenging and the legislature will do its best to meet the needs of Texans. **MS**



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## *Members,*

For a couple of years now, I personally have practiced a company rule of only doing business with vendor members, magazine advertisers or vendors that purchase a booth at our annual convention. Very simply stated, I like to do business with people that do business with me.

In January at our Quarterly State Board meeting, I encouraged ALL members of the state board to help set the example and begin the same practice. Do business with business' that support our association.

Now it is your turn, to ALL of our members, I recommend, I suggest and I encourage each of you to take up the practice of only using vendor members, advertisers or convention attendees to meet the service and supply needs of your company.

Together ASSIST members have an enormous buying power and a very specific supply need. We all require a variety of insurance, from general liability, auto, workers compensation and health/medical. We all use uniforms, cell phones, golf carts, drug testing, training, software (scheduling, time and attendance, employee application, invoicing, payroll), and GPS tracking for both vehicle and personnel. If you haven't already had a need and plan to stay in business, at some point you will need the services of a lawyer or accountant, or advertising and marketing firm or a HR specialist. What about vehicles, you need fuel cards, tires, and oil changes.

If you are currently using a vendor for any of these services that is not an ASSIST vendor member, talk to them about becoming a member and the great opportunities they would have in joining ASSIST or have them call Membership Services at 832-274-1079. Before you sign a contract for any of these services, check the ASSIST website [www.assisttexas.org](http://www.assisttexas.org) first to see if they are a member or thumb through your latest magazine to see if they advertise.

As your president, one of my goals is to continually add benefits and value to your ASSIST membership and to clearly communicate and demonstrate that value to YOU, our membership. That goal includes adding membership value to our vendor members.

Help me and all the members of your state board in rewarding our valued vendor members, advertisers and convention attendees by giving them a true opportunity of earning your business. You will not be disappointed.

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# 83rd Legislative Session is underway in Texas

By Texas State Representative Joe E. Moody | DISTRICT 78

►► The 83rd Legislative Session is underway in Texas! For 140 days every odd-numbered year, 150 state representatives and 31 state senators arrive in Austin to craft budget and policy for Texas. I am proud to rejoin the State Legislature representing El Paso's 78th District. It is an exciting and challenging experience, and I am looking forward to working with others from around the state as we attempt to tackle some of the tough issues facing Texas.

I was proud to have served in this position previously during the 81st Legislative Session. During that time, I was named Freshman Legislator of the Year by two non-partisan organizations.

**AS A FORMER PROSECUTOR, ONE OF MY PRINCIPAL PRIORITIES BACK THEN WAS WORKING ON IS-**

**SUES RELATED TO THE SAFETY AND SECURITY OF OUR COMMUNITIES, SUCH AS COMBATING DOMESTIC VIOLENCE.** These issues remain important to me as I head back to the Capitol this session.

Along with those issues, we must also address restoring funding to our public schools, creating more affordable options for students seeking higher education, funding our transportation system, and ensuring that we have a long-term plan to address the water needs of Texas.

El Paso ASSIST has always been a great supporter of mine, and I enjoyed working with ASSIST members from across the state when I served in the Legislature previously. I fully expect to work hand-in-hand with ASSIST once again as we move through the

83rd Legislative Session. Please know that my office is always open and that I am ready to work on the issues facing those in security and investigation.

My contact information is District 78, Joseph E. Moody, Capitol Office: EXT E1.216, (512) 463-0728, P.O. Box 2910 Austin, Texas 78768 or my district address: 6006 North Mesa Ste. 503, El Paso, TX 79912, (915) 875-0150 or fax (915) 875-0928.

I am proud to once again be serving the people of Texas in the State Legislature, and I look forward to making a positive difference for El Paso and Texas. **MS**



Joe Moody

## Narco-terrorists are playing for keeps

By Todd Staples | TEXAS AGRICULTURE COMMISSIONER

►► A SPOKESMAN FOR HOMELAND SECURITY'S OFFICE OF INSPECTOR GENERAL RECENTLY GOT IT RIGHT when he referred to Mexican drug cartels as "narco-terrorists" who "play for keeps." For long-suffering Texans who have known this for years – and have shared with me their stories of violence, intimidation, trespassing and trafficking – it was refreshing to finally read this Executive Branch watchdog forcing this point on a federal government that has lived in denial at so many levels.



Todd Staples

The quote appeared in a recent article focused on several South Texas lawmen arrested for conspiring to escort cocaine across the border. The carnage of the drug trade is bad enough without being helped along by corruption. Such influence speaks volumes about the widespread power of these narco-terrorists. Thankfully, it seems, the Inspector General's Office is now willing to call a spade a spade.

Our land owners have been shouting loudly and clearly that we cannot have federal policy officials continuing to live in denial while falsely portraying the border as being safer than ever. These recent arrests, and those that may follow, clearly and convincingly tell a powerful story that we need greater federal action to secure our citizens from these violent invaders. This is not simply a Texas problem, but rather a homeland security breach – and it should be treated as such.

At the Angelo State University Narco-Terrorism Conference, I

conducted a presentation titled "Texas in the Crosshairs." We presented cold, hard facts about the intensity of this drug war on America and offered specifics on what to do about winning. These facts were supported by retired Gen. Barry McCaffrey and retired Major Gen. Robert Scales in their study prepared for the Texas Department of Agriculture and the Texas Department of Public Safety.

Thankfully, we have thousands of state, local and federal law enforcement officers who are on the line every single day and who have not succumbed to these narco-terrorists as they seek to gain a foothold in Texas.

We can win. We must win. Washington must stop denying the reality that we need more resources. Texas has approximately six agents per border mile, compared to more than 14 per mile in New Mexico, Arizona and California. This is unacceptable and serves as an invitation for the marauding cartels to target Texas.

Recently, a phone call from a border county landowner reported that DPS was chasing a vehicle of suspected unauthorized aliens through his ranch. The caller confirmed that when DPS called for backup from the Border Patrol, there was no assistance provided due to lack of sufficient personnel. Not one of the individuals in the vehicle was apprehended as they all fled after crashing.

If there ever was an issue that demands action from our federal government, it is securing our border. I refuse to cede one inch of Texas soil to these narco-terrorists and I hope the Obama administration listens to its own Inspector General and responds accordingly.

**MS**

# Tools for the fight against crime

By Texas Attorney General Greg Abbott



Greg Abbott

► **IN THE BATTLE AGAINST CRIME, LAW ENFORCEMENT NEEDS EVERY POSSIBLE ADVANTAGE.** At the Office of the Attorney General, we know that a better trained officer is a more effective officer. We believe in a force multiplier approach to law enforcement, so the highly specialized peace officers who serve the OAG work closely with police and sheriff's departments across the state to help ensure that local law enforcement officials have access to the training and tools they need to keep Texans safe.

## **THE OAG HELPS LOCAL DEPARTMENTS BY OFFERING SPECIALIZED PEACE OFFICER TRAINING, PUBLISHING HELPFUL GUIDELINES, AND PROVIDING INVESTIGATIVE ASSISTANCE TO LOCAL OFFICIALS WHO SEEK ASSISTANCE.**

State police officers with the Texas Attorney General's Office are available to assist local agencies with specialized or highly technical cases involving computer forensics, complex financial investigations, money laundering and other white-collar crime. Similarly, the OAG's Criminal Prosecutions Division has a highly skilled staff of assistant attorneys general with extensive experience prosecuting a wide variety of criminal conduct.

### **LAW ENFORCEMENT DIVISION UNITS**

The OAG's Director of Law Enforcement, Clete Buckaloo, joined the agency in August 2010 after 30 years of service at the Department of Public Safety – including 20 years as a Texas Ranger. Deputy Director David Maxwell also came to the OAG after two decades with the Rangers, where he

earned a reputation as a skilled investigator after solving some of the state's most difficult criminal cases.

From the top down, the OAG's Law Enforcement Division is staffed with experienced state police officers who primarily focus on complex white collar criminal investigations, apprehending fugitives, investigating Medicaid fraud and providing assistance to local law enforcement officials.

- The **CYBER CRIMES UNIT** specializes in computer-facilitated child exploitation cases. In addition to proactively investigating and arresting online child predators that use the Internet to prey upon children, Cyber Crimes Unit investigators provide training and education to local law enforcement officials, school administrators, students, parents and the general public about child exploitation and cyber safety.

- The **FUGITIVE APPREHENSION UNIT** focuses on locating and arresting convicted sexual predators who violate their parole terms or fail to register as sex offenders. OAG officers assigned to the Fugitive Unit actively participate with the United States Marshal Service's Lone Star Fugitive Task Force and work regularly with local officials to track down fugitive sex offenders in communities across Texas. Combined, the Cyber Crimes Unit and the Fugitive Unit have made more than 2,800 arrests – arrests that would not have happened without the cooperation and collaborative law enforcement efforts from city, county and federal authorities, who helped our teams serve warrants, make arrests and hold these offenders accountable.

- The **COMPUTER FORENSIC UNIT** utilizes state-of-the-art technology to recover deleted electronic data, locate and preserve digital evidence, bypass passwords and encryption, and uncover hidden data. The unit

supports the work of the Cyber Crimes and Fugitive units as well as other OAG divisions, and regularly provides assistance to state and local law enforcement agencies across Texas.

- The **SPECIAL INVESTIGATIONS UNIT** conducts a wide variety of specialized investigations which include public corruption, money laundering and human trafficking cases. Thanks to a successful partnership with the Financial Crime Enforcement Network, the Special Investigations Unit is not only on the forefront of the state's crackdown on money laundering, but also offers valuable investigative training about FinCEN resources to law enforcement authorities in Texas.

### **JUVENILE CRIME/GANG TRAINING**

The OAG offers training for local law enforcement, schools and community groups on a variety of gang and juvenile law-based topics. The OAG's Juvenile Crime Intervention Unit provides courses on a wide range of topics, including: gang awareness; gang database management; gangs and the Internet; juvenile confessions; "cops in schools;" and more.

### **LAW ENFORCEMENT LIAISON**

In an effort to facilitate effective communication and cooperation with local law enforcement agencies, the OAG maintains a law enforcement liaison. Peace officers with questions or requests for investigative assistance should direct their inquiries to Captain Greg Lucas of the Law Enforcement Division at 512-936-1335 or by email at [Gregory.Lucas@texasattorneygeneral.gov](mailto:Gregory.Lucas@texasattorneygeneral.gov).

For more information about the OAG's law enforcement training and other resources, visit [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov).

MS

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# Keeping it on Track

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## Questions still unanswered regarding electronic fingerprinting

By Commissioner Mark L. Smith, Texas PSB Board

▶▶ As a board member of the Texas Private Security board I am tasked with oversight and rulemaking for the Texas Department of Public Safety as it relates to private security. In this capacity I was asked to chair the Advisory Committee on Electronic Fingerprinting.



Mark Smith

Recognizing that electronic fingerprinting technology is here to stay, I wanted to learn all I could so that if the Texas DPS were to propose that private security begin phasing out paper prints, I would be ready to advise my fellow members of the TPSB and my colleagues in the security industry on our electronic fingerprinting options.

My assignment as chairman of the Advisory Committee led me to study the technology and its implementation in other states. In my studies I found that electronic fingerprinting technology, called Live Scan, is available to anyone willing to buy the equipment.

When I initially started my research, livescan machines were costing around \$20,000; now they can be purchased for less than \$2,000. If the cost of these livescan machines has dropped that much in one year, what will the situation be like a year from now? I also found that there are many vendors offering the service, and that protocols are built into the software enabling anyone who has Live Scan equipment to send properly formatted electronic fingerprints to government agencies.

Next, I learned that several states have already implemented electronic fingerprinting requirements for security licensees and that there are many states, California, Florida, and Illinois for example, that allow multiple vendors to serve the industry and/or allow security companies themselves to purchase equipment and send their prints directly to the state. In fact, livescan fingerprinting is offered at CVS, FedEx Kinkos and UPS stores in some multi-vendor states.

I also learned that DPS has a contract with a vendor – L-1 (now MorphoTrust USA) to provide electronic fingerprinting services to the security industry in Texas, and that DPS intended to require all electronic fingerprinting to be done by this sole vendor.

My research into L-1's ability to service the entire security industry in Texas under the current contract found that coverage was lacking in remote and rural areas and that in the major metropolitan areas where L-1 does have a presence, wait times were unacceptable for the security industry and error rates were high.

My research brought me to the conclusion that I could not recommend that my board approve DPS's plan to restrict fingerprinting to this sole vendor. Instead, I reached out to DPS for an alternative solution.

Following an in-person meeting between my Advisory Committee and representatives from DPS and L-1, I posed several questions to DPS. Following are answers I received to some of my questions:

**Question: A security officer contractor licensee can buy a livescan device themselves to submit digital fingerprints to DPS, and this process appears to be as easy as sending a fax or email. However, currently DPS does not allow them to do it. Why not?**

DPS answer: There are multiple reasons why this is not allowed. The primary reason being that DPS bid out the electronic fingerprinting service through the RFP process and awarded exclusivity to the winning bidder. ... The packet that is sent must adhere to specific state and na-

tional transmission methodology must meet federal security requirements.

**Question: How is the requirement to use a single outside vendor better and smarter than what ... other states do?**

DPS answer: A single vendor allows licensing agencies to utilize a consistent process applicant fingerprinting methodology that standardizes the way printing sessions are scheduled, how the prints are acquired, billed and submitted to the state. With multiple vendors, the process is different for the applicant agency, depending on the vendor selected. The state must ensure that any livescan vendor adheres to the standards and requirements associated with fingerprint acquisition and transmission. These standards include the ANSI/NIST ITL standard for the capture and transmission of the fingerprints as well as the security requirements contained in the FBI CJIS security policy. Each of these standards has subordinate requirements that must be verified by DPS staffers. Multiple vendors would require that DPS bring on more staff to verify that all requirements are met. ...

**Question: If a security officer contractor licensee were permitted to use its own Livescan device, [w]hat requirements would the licensee need to meet to be allowed to submit digital fingerprints directly to the DPS ...?**

DPS answer: Assuming the exclusivity clause could be waived, the requesting entity would have to meet all the technical requirements associated with transmitting fingerprint records to the DPS. Additionally, personnel that would be utilized would need to demonstrate a proficiency in the capture of fingerprints (98% of fingerprints captured must be classifiable) and would be subject to a fingerprint based background check. The background check is adjudicated to FBI CJIS standards which are stricter than those required by the security industry. ... This outsourcing agreement would also have to be compliant with FBI policy and security requirements associated with this type outsourcing endeavor.

This sounds complicated. In point of fact, it isn't. In the November 2012 issue of the "DSS Monthly Newsletter" the Defense Security Service discusses electronic fingerprinting and on page 5 lists a website <http://www.dss.mil/documents/disco/electronic-fingerprint-capture.pdf> titled Electronic Fingerprint Capture Options for Industry.

The first option offered by DSS was for a company to acquire its own equipment; to quote from this document, Page 2, "Option 1: Company Purchases Equipment." The fourth option offered was to use an outside vendor, and per the reference on Page 5 the "List of FBI-approved Channelers for Departmental Order Submissions" L-1 was not one of the six third party vendors listed.

If the U.S. Department of Defense allows private companies to do their own electronic fingerprinting and submit directly to DSS, what is stopping the DPS? And if L-1 is not one of the FBI's qualified vendors, what does that say about L-1?

While there may have been good policy reasons for a single vendor system in the past, technology has now advanced to the point that equipment is very affordable and transmission of prints is simple. Therefore, I look forward to working with the DPS to come up with a mutually beneficial solution utilizing these advances in technology. **MS**



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# CALCULATING OVERTIME PAY

By William T. Simmons, Legal Counsel to Chairman Tom Pauken | TEXAS WORKFORCE COMMISSION



William T. Simmons

## ▶▶ OVERTIME PAY FOR A NON-EXEMPT EMPLOYEE DEPENDS UPON THE EMPLOYEE'S "REGULAR RATE" OF PAY.

Part 778 of the regulations contains all of the various ways to determine an employee's regular rate. Under 29 C.F.R. 778.109, an employee's regular rate of pay is an hourly rate, and under 29 C.F.R. 778.107, it must be at least minimum wage. This is true no matter what pay method is used to determine an employee's pay; the pay must be converted into an hourly equivalent to arrive at the "regular rate" for overtime computation purposes.

According to 29 C.F.R. 778.109, "the regular hourly rate of pay of an employee is determined by dividing his total remuneration for employment (except statutory exclusions under section 207(e)) in any workweek by the total number of hours actually worked by him in that workweek for which such compensation was paid."

## "TOTAL REMUNERATION" MEANS ALL WAGES EARNED BY THE EMPLOYEE DURING THAT WEEK FROM WHATEVER WORK WAS DONE AND BY WHATEVER PAY METHODS ARE USED.

For example, if an employee is paid an hourly rate plus a commission, the regular rate would be the straight-time hourly earnings plus the commission for that work week, divided by the total number of hours worked during the work week. If on top of that a productivity bonus is paid, the bonus would be added to the hourly earnings and the commission and then divided by the number of hours worked to arrive at the regular rate for that work week. "Hours actually worked" does not include paid leave or holiday hours.

In calculating overtime pay, the most important things to keep in mind are:

- Overtime pay depends upon the employee's "regular rate of pay" for the workweek, which can vary from week to week, depending upon exactly how the employee is paid.
- The regular rate of pay includes all components of the pay agree-

ment, except for very narrowly-defined premium pay outlined in Section 207(e) of the FLSA.

Here is a summary of the overtime pay calculation methods:

- Hourly: pay time and a half over 40 hours.
- Hourly plus bonus and/or commission: regular rate = (total hours times hourly rate) plus the workweek equivalent of the bonus and/or commission, divided by the total hours in the workweek; then pay half of that regular rate for each overtime hour.
- Salary: regular rate = salary ÷ number of hours the salary is intended to compensate.
- If the regular hours are less than 40: add regular rate for each hour up to 40, then pay time and a half for hours over 40.
- If the regular hours = 40: pay time and a half for hours over 40.
- If the regular hours are more than 40: pay hours over 40 at half-time up to the regular schedule, then time and a half past that.
- If the hours are irregular: regular rate = salary ÷ total hours, then pay half-time for all hours over 40.\*
- Other pay methods (day rates, job rates, flag rates, book rates, commissions, non-discretionary bonuses): regular rate = total pay ÷ total hours, then pay half the regular rate for each overtime hour.

Employers may receive help on these issues by calling the legal staff at the toll-free number for the TWC Employer Commissioner's office: 800-832-9394, and the website for the U.S. Department of Labor offers is at [www.dol.gov](http://www.dol.gov). **MS**

*\* This is referred to as the "fixed salary for fluctuating workweeks" method. If the wage agreement is that an employee will be paid a fixed salary for hours that vary up and down from week to week, and the salary is understood to be straight-time compensation for all hours worked in a workweek, whether few or many, and the salary is never reduced for short workweeks, then the regular rate is calculated by dividing the fixed salary by the number of hours actually worked that week (which does not include paid leave or paid holidays). The regular rate must be at least minimum wage. Because the fixed salary is already deemed to compensate the employee at straight time for all hours worked, any overtime hours only need to be paid at "half-time", instead of time and a half.*

# The importance of keeping accurate records

By Frank E. Perez | FRANK E. PEREZ & ASSOCIATES  
956-504-5403 • [fperez@feperezandassociates.com](mailto:fperez@feperezandassociates.com)

▶▶ OPERATING AND MAINTAINING A BUSINESS does not entail just scheduling jobs, meeting clients, courting potential new clients, and making payroll. Let's review just a couple of the other things you must consider, and hopefully provide some resources that may be of some ASSISTance to you.

## RECORDS IN GENERAL

Each of us maintains a vast array of records that we feel are relevant to our business. Keeping records can be a time-consuming and arduous task. Unless you are paperless, you may require space you don't have, personnel you can't afford and time you can't spend. Paper, unfortunately, is part of

our daily life. But remember this, what we keep and how we keep it is just as important as what it says.

Show two people the same piece of paper and you can probably get two opinions of what that paper says. I had a lawsuit where a standard "reduction in workforce" form was "interpreted" as some sort of discriminatory dismissal. This problem was created in part because the standard language in the form was not changed and conformed to its meet its actual purpose. Someone just used a form from a drawer and filled it in "as best they could."

The first lesson is that your documents, your "forms," must say what they mean and mean what they say. The second lesson is that

RECORDS continued on Page 19



Frank E. Perez

# Arbitration: Be careful what you wish for

By Carlos Peniche | LAM, LYN & PHILIP, P.C.

►► OUR FIRM REGULARLY REPRESENTS LARGE CORPORATIONS WHO ARE CREDITORS SEEKING TO COLLECT ON CONTRACTS with



Carlos Peniche

small to mid-sized businesses, often with a personal guarantor or two. Most of these cases are fairly simple and rarely involve the taking of deposition testimony. Yet many of the underlying contracts contain mandatory arbitration clauses. Large corporations should not routinely mandate arbitration in all of their contracts and, instead, should reserve such clauses for the most complex deals, especially in contracts with equals such as other large corporations. Otherwise, arbitration clauses should be eliminated.

Most security contractors are small businesses. In my experience, their contractual disputes are not complicated and are over relatively small sums. Therefore, it is my opinion that security contractors should never have arbitration clauses in their contracts unless the client is a large corporation which insists upon same.

Using Houston (Harris County) and the American Arbitration Association rules and fees per its website as of Jan. 4 as a guideline, here is how the costs compare in start-

Forum	Filing Fee	Serve Petition	Proceed to Judgment	Final Fee	Total
County Court	\$225	\$75	\$0	NA	\$300
AAA	\$625	Certified Mail Postage	\$500	\$300	\$1425

ing a lawsuit verses arbitration of a \$20,000 dispute (see graphic above).

Further, AAA charges a "hearing room rental rate" for hearings at its facilities. Of course, a trial in Texas is no extra charge.

Other considerations: A judge is a public figure and as such is generally a more well-known person than is an arbitrator. If the parties can't agree upon an arbitrator, AAA will simply select one who may be a long retired judge no one currently has regular dealings with.

While arbitration allows for streamlined discovery processes, in simple commercial litigation cases standard discovery usually covers the majority of discovery needs. There really is no need to "save" on discovery costs in the typical commercial collections case.

Jury trials can be waived by contract, eliminating the fear a business may have about going against the proverbial "little guy." Frankly, much of the time, the security contractor is as likely to be the "little guy" as the party it needs to sue over a debt.

Short of fraud, an arbitrator's ruling cannot be appealed regardless of the mistakes of law made. A judge's mistakes can be appealed.

Bottom line, tailor your contracts. Don't put mandatory arbitration clauses in all of your company's contracts; keep in mind the nature of the deal and who it is with, because in the typical commercial collections case arbitration is a big money waster with no corresponding benefit to the company. **MS**

\*\*\*\*\*

*Carlos Peniche is a 31-year, double board certified (Personal Injury Trial Law and Civil Trial Law, Texas Board of Legal Specialization) litigation attorney who has represented security guard contractors, private investigators, alarm companies and other security professionals in both litigation and transactional matters. He is a partner with Lam, Lyn & Philip, P.C. (Houston, Texas) Telephone: 713-981-0900; fax: 713-772-7085; email: cpeniche@lppc.com.*

Continued from RECORDS, Page 18

these documents will be around for a long time, but the person who filled in the form may not be around to explain why the substance was filled in as it was. Accuracy in the creation of the document you generate and decide to keep is critical. And be sure to train the person filling it in.

## WAGE AND HOUR RECORDS

Accurate pay records are very important. We all know this. But sometimes the day-to-day grind of servicing our clients causes us, and our employees, to generate inaccurate records. Sometimes, unfortunately, we just make mistakes.

Complications in keeping these types of records may arise, for example, if we don't pay attention to our employee handbooks and manuals. Does your handbook address paid holidays or vacation days? Does it address pay for "sick days"? What are your declared holidays? Who, if anyone, is entitled to be paid for these holidays? Sometimes these details are overlooked in the daily grind of running a business. Sometimes there may be a "disconnect" between management and payroll; and sometimes, again, mistakes are just made. The lesson is to set aside time periodically to review handbooks and manuals to ensure compliance.

## DISCIPLINARY RECORDS

Disciplinary records are a touchy subject. For the most part, many

of us consider that our employees are our friends, sometimes even our family. But the best way to insure a "happy family" is to accurately document, in writing, the disciplinary history of every employee. This is the bottom line. The reality is few of us do this while many wish we would have.

Documenting disciplinary actions does not need to include hours of gut-wrenching interviews. All it requires is a short and simple assessment of the issue, a brief conversation with the employee (witnessed), and a suggestion by you of the solution and consequences of non-compliance. Five minutes of professional discussion about the goals of your company go a long way in preventing future problems. But put this in writing and in the appropriate file.

Here is one resource that might lead you to other valuable record-keeping information, [http://www.twc.state.tx.us/news/eft/general\\_recordkeeping\\_requirements.html](http://www.twc.state.tx.us/news/eft/general_recordkeeping_requirements.html). **MS**

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## Insurance implications of risky contracts

By Josh Ring, | EL DORADO INSURANCE AGENCY INC.  
800-221-3386, 800-700-0126 • joshring@eldoradoinsurance.com



Josh Ring

►► The current economic situation has given rise to an increased number of security companies entertaining contracts that they would normally look to avoid.

The continued lack of new work, reduced hours at current job sites and slow-paying customers are forcing security company owners to explore additional sources of revenue in order to keep their companies afloat. While I'm not going to suggest that any firm operating in Texas rolls over and allows themselves to go "belly up," there are factors that need to be weighed when taking on additional (and potentially more risky) contracts.

First and foremost, make certain to verify that your insurance policy does not specifically exclude coverage for the type of work being entertained.

Most insurance policies for security companies have exclusions that deny the company coverage in occasions where certain work is being performed.

For instance, the most prevalent exclusion on policies is for "Bars, Nightclubs, Taverns & Similar Establishments."

It is my experience that most company

owner's are aware of this exclusion and will look to avoid these contracts if the exclusion is found on their policy. However, there may be additional exclusions that you should be aware of before entering into a work agreement. If you are unsure, my advice in this situation is to speak with your insurance professional with regards to the coverage on your policy. They will be well versed in the exclusions and should be able to advise if the contract you are entertaining would be covered in the event of a claim.

The second, and less obvious factor that should be considered is your overall client portfolio. With respects to an insurance carrier, certain operations performed by a security contractor are considered more risky than others. These operations may not be explicitly excluded by your policy but could have a negative impact on your underwriting at the time of renewal. This negative impact could come in the form of increased premiums or additional restrictions placed by the underwriter. Additionally, and equally as important could be the deterioration of your loss ratio.

With riskier operations certainly comes the increased exposure to claims. As we all know, when claims start to occur an insurance carrier will take a very hard look at the policyholder at the time of renewal to determine their profitability and pricing strategy for the coming year.

Again I stress that engaging your insurance broker in this situation is extremely important and beneficial in both the short and long term. Your broker will be able to offer insight as to what contracts might be best to avoid if at all possible so that your company maintains a "clean" profile as viewed by an insurance carrier.

At the end of the day, neither your insurance broker nor your carrier is on the front lines working to keep your company in business. It is up to you, a company owner, to decide what risks you are willing to take and accept the potential consequences of those choices. However, by enlisting the expertise of your insurance professional, you will be able to make the most informed decision possible. **MS**

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## TECHNOLOGY CORNER

BY ANDREW NEAL | (915) 544-2034 • aneal@southwestdigitallab.com

# The technology year ahead

▶▶ Another year has come and gone. Technology, like time, has inevitably moved on as well.



That computer, phone or tablet you bought last year has lost its luster. If you bought a new i-device (iPhone or iPad) at the beginning of last year, by Thanksgiving something faster was available.

Andrew Neal

So the big question is, "What will happen in technology this year?" I will get out my crystal ball and see if I can predict what the new year will bring. Along the way, I will suggest some technology resolutions to help make your year more prosperous.

To see a large part of the technology future, you have only to recall the Cloud presentation I did at the Dallas ASSIST convention. If you have used Siri or any of the other voice recognition services available on iPhone or other portable devices then you are already a cloud services consumer. In fact, without the power of cloud computing behind them, our portable devices would not be able to keep us happy.

This year will see a continuation of the portable device trend. Whether you favor Apple, Android or Microsoft, you can find a small device loaded with features made possible by cloud computing.

The cloud trend will also be more prevalent in mainstream computing. Most major software vendors currently have cloud versions of their software. You can now 'rent' Adobe software, accounting packages, your office software and lots more.

**Resolution #1:** If you are considering upgrading any of your software, throw cloud-based products into the mix. You may find the flexibility and pay-as-you-go aspects appealing.

As we continue our move to portable devices such as smartphones and tablets, we will see more of the bad guys follow the same path. Expect more security concerns, such as viruses, phishing scams and malicious web sites, to be targeted at mobile device users. Some kind of security or anti-virus software for your mobile devices (even your phone) may soon become necessary.

**Resolution #2:** Check all your computers to be sure the antivirus software is up-to-date. Consider protection for your mobile devices.

With all these devices available, more and more of us have multiple portable devices. Odds are, you or someone you know will have a de-



vice stolen or lost. There is also a very good chance the missing device will have personal, maybe even financial data on it.

Most devices have the option to set passwords. Some will destroy the data after a certain number of attempts. With many, you can use a cloud service to remotely wipe a lost or stolen device. But it only works if you set up these features while you still have the device.

**Resolution #3:** Activate the security features on all your devices. If you have not changed your passwords in a while, do it now.

The last thing I want to mention involves the maturity of our new devices. As of the end of 2012, the iPad (the first popular tablet) is less than 3 years old, and the iPhone has been with us for 6 years. By comparison, we have been using personal computers for more than 30 years.

Portable device technology is fairly young, and all major vendors are expected to release new devices and features in the next six months. Some things that may be coming include bendable and/or see-through display screens, the next wave in higher internet speeds, and more wearable technology.

With all these new toys coming out, it's easy to get carried away in the excitement and buy the latest and greatest. The fact is, however, most of us are only using a fraction of what our current technology can do. By utilizing our current phones, tablets and/or PCs, taking advantage of some of the software and services now available, we can really stretch our technology dollars.

Which brings me to my final resolution for the new year: I resolve not to buy the latest technology just because they are cool. I might even keep this resolution, for a month or two. **MS**

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*Technology Corner is a recurring feature of Managing Security Today. To suggest topics or ask a specific question contact Andrew at 915-544-2034 or aneal@southwestdigitallab.com.*

## Door-to-door alarm system sales complaints on the rise

By Capt. Phillip Fuller | REGULATORY CRIMES BUREAU, TEXAS BOARD OF PRIVATE SECURITY BUSINESS

▶▶ Recently the Dallas/Fort Worth district for the Texas Department of Public Safety, Regulatory Crimes Service has seen an increase in complaints from homeowners about door-to-door salesman for alarm systems. The specifics of these complaints are that they feel the possibility exists that scam artists are posing as legitimate home alarm system installers and specifically targeting unsuspected new home buyers.

The flyer that is left by the company contains business contact information and the number of attempts made. The concern is that this type of notice being left on the doors may mark them as a target for criminal activity. If the notices aren't removed by the homeowner, or if they begin to accumulate, the house is potentially marked for robbery (absentee homeowner, vulnerable house, etc.).

As you know, activity such as this is governed by the Texas Occupations Code, Article 1702. The common cause of concern for the public is whether or not they are dealing with a legitimate, licensed company.

Every instance is being investigated and DPS personnel are calming any concerns and informing the public about the professional security companies that are properly registered with the state of Texas. They are also being asked to share this information with their neighbors and to continue to report suspicious behavior to authorities in an effort to prevent criminal activity. **MS**

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It is coming in 2013

# Terrorism and weapons of mass destruction

By Jeffrey Addicott, Director of the Center For Terrorism Law | SAINT MARY'S UNIVERSITY SCHOOL OF LAW  
210-431-2274 • jaddicott.stmarytx.edu

► **SINCE THE MURDEROUS ATTACK OF 9/11**, our enemies in the so-called "War on Terror" have been confined to using traditional types of weapons in subsequent attacks and plots to attack us. Nevertheless, the fear that radical Islamic extremists will employ weapons of mass destruction is well grounded.

An early and still relevant definition of WMD comes from Section 1403 of the 1997 National Defense Authorization Act. WMD are defined as "any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people through the release of toxic or poisonous chemicals or their precursors, a disease organism, or radiation or radioactivity." Never mind that current federal statutes have diluted the term to include a car bomb or even a pipe bomb, a true WMD includes not only nuclear material, but the full range of biological, chemical, and radioactive agents.

The 2008 report by the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism found that "terrorists are determined to attack us again with weapons of mass destruction." Indeed, the report noted that for radical Islam, obtaining WMD to use against their enemies was a "religious" duty. Of most interest, however, was the conclusion that it was more likely than not that such an attack would occur by 2013:

**"THE COMMISSION BELIEVES THAT UNLESS THE WORLD COMMUNITY ACTS DECISIVELY AND WITH GREAT URGENCY, IT IS MORE LIKELY THAN NOT THAT A WEAPON OF MASS DESTRUCTION WILL BE USED IN A TERRORIST ATTACK SOMEWHERE IN THE WORLD BY 2013."**

Where will our enemies obtain a WMD? Looking at the facts, it is clear that the most likely source would be from a renegade State. Totalitarian States that engage in terrorism are divided as either State-sponsors or State-supporters of terrorism. While a State may not employ a WMD itself, it is not unreasonable to conclude that

they would be willing to secretly pass on the technology or the weapon to a sub-State terror group or even an individual.

Each year, the State Department designates certain countries as State sponsors of terrorism. This list generally consists of a few States such as Cuba, Iran or Syria, but the reality is that dozens of nations either possess or are actively pursuing biological and chemical weapons capabilities. With the rise of the new Islamic dictatorships in Egypt and Libya it is certain that concerns over acquiring WMD will certainly increase.

From an international perspective, our best national security approach is to expend time, money and energy on prevention. No reasonable American can argue with the fact that the best time to stop a radical State like Iran from acquiring nuclear weapons is before, not after.

From a domestic perspective, the federal government needs to push more resources down to the local law enforcement and first responder level. There is certainly no federal "cavalry" that will come and save the day once a WMD attack occurs. More importantly, the eyes and ears of a well organized and trained local law enforcement apparatus are more likely to spot the problem at its source before the attack. 2013 is now. **MS**



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# The Tytler Effect is in full swing and unstoppable

By Commissioner Mark L. Smith, Texas PSB Board | SMITH PROTECTIVE SERVICES, INC.

▶▶ Alexander Fraser Tytler, Lord Woodhousell (Oct. 15, 1747 – Jan. 5, 1813) was a Scottish lawyer, writer and professor. Tytler was also an historian and for years was professor of Universal History and Greek and Roman Antiquities at the University of Edinburgh.

Tytler displayed a cynical view of democracy in general. His famous quote was, "A democracy cannot exist as a permanent form of government. It can only exist until the majority discovers it can vote itself largesse out of the public treasury. After that, the majority always vote for the candidate promising the most benefits with the result

the democracy collapses because of the loose fiscal policy ensuing, always to be followed by a dictatorship, then a monarchy."

In an attempt to simplify Tytler's intellectual complexities, his successors created the "Tytler Cycle." The historical cycle seems to be: from bondage to spiritual faith to courage; from courage to liberty; from liberty to abundance; from abundance to selfishness; from selfishness to apathy; from apathy to dependency, and from dependency back to bondage once more. The average age of the world's greatest civilizations has been 200 years.

In the year 507 B.C., the Athenian leader

Cleisthenes introduced a system of political reforms that he called *demokratia* or "rule by the people." Although his invention was one of ancient Greece's most enduring contributions to the world, it only survived for two centuries. It collapsed just as Tytler described. Obviously one of many civilizations he had studied.

The founding fathers knew the track record of democracies, so they didn't form one. They formed a representative republic. However, they also knew that would not be enough to stop what would later be called the Tytler Cycle, so they invented the Electoral College where the people weren't electing candidates but instead electing wiser electors who would then elect the candidates. The hope was that the electors would save the people from themselves. It seems even this idea has failed to curb the inevitability of the Tytler Effect.

The United States of America has been around more than 235 years and the Tytler Effect is in full swing and unstoppable. The majority of the U.S. vote for the person who will give them the most free stuff. It is very difficult for someone promoting self-reliance to get elected when he is running against Santa Claus. From so-called free health care and endless unemployment benefits to food stamps and Obama phones, how does anyone sell incentives to get off government assistance?

The big problem is that people promising free stuff can't keep their promises. Eventually, they run out of other people's money to give away. When you borrow more money than you can collateralize, you are bankrupt. The national debt is over \$16 trillion and goes up over a trillion dollars every year. The entire gross domestic product is less than \$15 trillion. If the government confiscated everyone's wealth in the entire country, they still couldn't pay the debt. If the government confiscated all the wealth of the top 5%, they couldn't run the country three months. The majority don't care or believe the gravy train will end.

As Tytler put it, "Nothing better than an Utopian theory, a splendid chimera, descriptive of a state of society that never did and never could exist; a republic not of men but of angels," for "while man is being instigated by the love of power – a passion visible in an infant, and common to us even with the inferior animals – he will seek personal superiority in preference to every matter of general concern."

Look on the bright side. We lasted more than 35 years longer than most. **MS**

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# Appearing before the Private Security Board

By John E. Chism, Texas Private Security Board

On several occasions I have been asked by individuals in the regulated professions how to be placed on the Private Security Board's Agenda to address a particular problem, suggest a new board rule or change to an existing board rule.

Following are recommended ways to be placed on the Agenda to address the PSB.

## PLACED ON THE AGENDA

1. Contact your PSB board representative, Steve Moninger, the board attorney or myself and request to be placed on the agenda.
2. Provide a short outline/description of the topic you wish to discuss to your PSB representative, Moninger or myself. This will be placed in the board member's folders for reference at the board meeting.
3. All requests to be on the agenda and the topic outline should be submitted at least 30 days prior to the PSB board meeting.

## CHANGE TO BOARD RULE

1. Prepare a written draft of the suggested new board rule or change to an existing board rule.
2. Present the new suggested board rule or change to an existing board rule to the board chair, a board member or Steve Moninger,

PSB Attorney, to be placed on the next Private Security Board meeting agenda for discussion. This should be done 30 days prior to the next scheduled board meeting.

3. At the PSB meeting the suggested new board rule or change to an existing board rule will be discussed with input from the person requesting the new rule or rule change and members of the regulated industries.

4. The suggested new board rule or change to an existing rule will be assigned to the PSB Advisory/Rules Committee and the PSB attorney for further review.

5. The Advisory/Rules Committee shall request assistance from the members of each regulated industry and the PSB attorney for input into any new board rule or change to any existing board rule.

6. There shall be at least one, face to face, meeting of the Advisory/Rules Committee, regulated industry representatives and PSB attorney for discussion of the suggested new board rule or change to an existing board rule.

7. Upon completion of their review, the Advisory/Rules Committee shall place their findings and any suggested new board rule or board rule changes on the PSB agenda for final discussion and acceptance. **MS**



John E. Chism



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# Working as a security professional

## Keep children's safety at the forefront



By Susan H. Oliva, Executive Director | ADVOCACY CENTER FOR THE CHILDREN OF EL PASO

Susan H. Oliva

► Child predator, Jerry Sandusky, was sentenced to not less than 30 years and no more than 60 years in prison for sexually abusing children.

Three of the victims of the Penn State tragedy agreed to provide Victim Impact Statements. Three of Sandusky's victims spoke directly to him in court. Victim identified as victim number four was the first boy Sandusky abused. He spoke directly to Sandusky stating "While I stand here and won't forgive you, I ask the others after me to forgive me for not coming forward sooner."

During the infamous ex-coach's trial, he heard evidence of eye witness accounts, and other evidence, including "love letters" he wrote to his victims. Sandusky was allowed to make an audio statement via a Penn State radio station the day before his sentencing where he promised to a continued legal battle as he blasted what he believed were opportunistic and lying accusers and a conspiracy between overzealous police and the media to railroad him.

In court, Sandusky was defiant and stated "They can make me out to be a monster. They can treat me as a monster. But they can't take away my heart. In my heart, I know I did not do these alleged and disgusting acts."

**SANDUSKY WANTS TO KEEP HIS NAME IN THE MEDIA. I HOPE HE IS SUCCESSFUL; OUR SOCIETY AS A WHOLE NEEDS TO BE REMINDED THAT BOYS ARE VULNERABLE AND MAY BE OVERPOWERED AND VICTIMIZED BY SEXUAL ABUSE - JUST THE SAME AS GIRLS.**

Now that the trial is over, we will no longer hear about Jerry Sandusky, convicted of 45 counts of sexually molesting ten boys over a 15-year period.

Sandusky's abusive behavior and Penn State's initial response has been a painful reminder of ways in which adults and organizations fail to protect our children. The unprecedented NCAA sanctions against Penn State and the more general "win at any cost" culture of sports, has made even the extreme sports enthusiast won-

der why anyone would ever compromise the safety of children.

### DOES YOUR SECURITY COMPANY HAVE POLICIES/PROCEDURES IN PLACE REGARDING EMPLOYEES' INTERACTION WITH CHILDREN?

It is important to have clear guidelines and safety measures in place for the protection of our children (and your organization). Every organization working with children and teens must know how to report an allegation of abuse, or a situation that they suspect is abuse. Every organization that interacts with children or teens would benefit from stronger screening policies, regular self-assessment, and greater efforts to empower staff to keep children's safety at the forefront.

The Sandusky case also reminds us that we need to do more to educate the public about the everyday role they can play in creating safer environments for our children. If these actions are taken, it would help protect other children from similar situations. These actions might make it harder for a person, a predator, a Jerry Sandusky, to sexually abuse boys or girls.

As a professional, you may not delegate your responsibility to make a report. The first step if a child is in immediate danger is to call 911 and Child Protective Services (CPS) at 800-252-5400. Ensure that only trained professionals (law enforcement or CPS) conduct a detailed interview with the child. Keep detailed information received and the source of the information to provide to 911 or CPS.

In the long run, the real tragedy of the Sandusky case will involve us measuring how we respond. Child sexual abuse is preventable, and yes, there is a role for all of us. If you suspect that a child is being victimized, you must protect that child. You must not rely on another person to make that report for you.

Call 911 or the Child Protective Services hotline 800-255-5400. Do your best to be proactive and not reactive, listen and protect our youth. They need you. **MS**

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# The present and future of healthcare in the U.S.

By Jim Tramel | TRAMEL GROUP

Cell: 512-672-9133 • Fax: 512-331-5101 • Jtramel@austin.rr.com

## ►► INTRODUCTION

The Tramel Group is a strategic alignment of three companies managed by Jim Tramel. Together we provide employee benefits and HR services for all members of ASSIST and their employees. Albert Pomaes,

vice president - sales of ETMG, provides the limited medical insurance benefit. Thomas Seuthe, managing partner of Employer Solutions Group, provides the major medical insurance benefit and an online HR portal to keep you informed of new employment laws. Jim Tramel, the president of the Tramel Group, provides HR consultation and supplemental insurances.

So, how did this group get formed? Well, it started with a simple challenge.

Alan and I were having lunch one day, and I informed him that I was expanding my business model from just selling Aflac insurance, to include human resource functions, etc. Almost immediately, Alan challenged me to find a way to provide not only, employee benefits such as medical insurance, but also, other human resource services for ASSIST members.

To make a long story short I contacted Thomas and Albert, and the Tramel Group was up and operating. We presented a broad overview of what we were able to provide to Alan Trevino, ASSIST state president, and the security profession in Austin Dec. 12, and we have been working with the members of ASSIST prior and ever since as a vendor of ASSIST.

We will be having three articles in *Managing Security Today*, in the January, May and September issues.

We will be having a one hour Continuing Education Class at the State Convention 2013 in October, held in El Paso, at which time we should be letting you know the future of health care starting in January 2014.

## THE PRESENT

The three of us attended the October ASSIST convention that was held in Dallas, and it was a great experience for all of us. As a vendor group, this was the first time that any



(From Left to Right) The Tramel Group consists of Jim Tramel, Thomas Seuthe, Michael Bakonyi and Albert Pomaes.



Attendees listen Dec. 12 as members of the Tramel Group go over what they can offer ASSIST.

of us had the opportunity to meet and talk with the attendees on a one-on-one basis. Those talks were really informative, and gave us insight as to the types of jobs that are required and how best we can assist the organization in providing benefits for their employees.

At this convention, we also had the opportunity to provide a Continuing Education presentation on healthcare reform to keep members aware of all of the new requirements.

While at this conference, Thomas was advised that his company was selected as a "test" company that will allow him to provide PPACA compliant limited benefits now in various parts of the country.

Currently, we are in the process of scheduling meetings with all of the ASSIST regions so that we can talk about the current

status/requirements of healthcare reform.

## THE FUTURE

So, what does that really mean? Members of ASSIST and their employees are now capable of obtaining the following from one source.

1. Minor medical insurance – currently can be used for both full and part-time employees
2. Major Medical Insurance – currently can be used for both full and part-time employees\*
3. Online HR portal – keeps one informed about HR laws
4. HR consulting – This includes issues such as hiring, firing, compensation, etc.
5. Supplemental insurances – Additional coverage such as accident, critical care, life, etc. **MS**

# Saying goodbye to one of our own



## OFFICER RUFINO HERNANDEZ

END OF WATCH 10/12/2012  
Dallas TX | AS&I Security Services

By Michael J. McGregor, Charitable Organization for Texas Security Officers Director

►► ON A FRIDAY NIGHT JUST BEFORE MIDNIGHT Officer Rufino Hernandez stood talking to the assistant manager of the property where he was assigned. The manager walked the 40 yards to her apartment and seconds later heard shots. When she reached Hernandez he had already died.

Information compiled from witnesses indicates that in less than five minutes Hernandez was approached by two individuals known to him. One struck him in the head with an object, then they took his firearm and using his own gun shot him.

Residents of the community where he was assigned all felt that he was their friend, liked him and respected him.

The residents held a candlelight vigil for him on the evening of Oct. 15 which was attended by his family and his brother officers. Hernandez is survived by his mother, his brothers and his adult son and daughter. He was laid to rest on Oct. 18.

During the viewing held at Jetter's Funeral Home AS&I officers stood vigil over his remains during the entire seven-hour viewing, alternating the honor of standing watch as their

way of saying goodbye and paying their respects.

On Thursday after the funeral ceremony, patrol cars from multiple agencies escorted his remains to Laurel Land Cemetery. During the interment, security officers paid their final respects with a full color guard, firing squad, taps and a piper who performed the ceremonial escorting of the spirit from the coffin to start his journey home.

The family was presented with the flag from the coffin.

At the conclusion of the graveside services the attending officers rendered the traditional salute to the family recognizing the sacrifice of Officer Hernandez and their loss.

Hernandez had been with AS&I since 2008.

"Go in peace our brother your watch is over, your duty done. We will remember you and yours in our thoughts and prayers."

We would like to thank all who attended the funeral including Verified Response, Top Gun, Heartland Security, Ameritex Security, Freedom Group, Sentry Security, American Bio-Hazard, Smith, Texas Industrial Security and the officers of AS&I. **MS**



The firing squad with Randy Griffin of Heartland leading and officers from Top Gun, Verified Response, American Bio-Hazard and A S & I.



Hernandez family members say their last good-byes.



The Color Guard practices at Funeral Home.



R. Kenney, center, Verified Response owner, and his officers attend the funeral. Dallas Police Officer Brandon Galbraith trained the firing squad, flag folders and the color guard.

# U.S. BORDER PATROL - EL PASO SECTOR

## A historical perspective: Focusing on the homeland PART 2

By Scott A. Luck, Chief Patrol Agent | CBP/U.S. BORDER PATROL, EL PASO SECTOR

### ► A DELUGED SOUTHWEST BORDER

The lure of illegal immigration from Mexico became the biggest challenge for Border Patrol agents on the southern border starting in the 1970's. The opportunity for greener financial pasture became the driving force behind record numbers of illegal immigrants coming into the U.S. illegally. During this same period, the El Paso Sector apprehended more than 200,000 illegal immigrants annually. Subsequently, border crime became an increasing concern as well, in addition to finding a solution to processing and handling of large volumes of immigrants being detained in the U.S.



Scott Luck

### BATTLE CRY: PREVENTION AND DETERRENCE

By 1993, the volume of illegal immigrations in El Paso topped out at more than 312,000. The community was in an uproar because of the social, economic and criminal repercussions being felt by residents in the area. In response, the U.S. Border Patrol initi-



PHOTO BY MELISSA MARIE MARAJ

U.S. Border Patrol agents conduct routine operations along the U.S. and Mexico international border.

ated "Operation Hold-the-Line," as an experiment that tested the premise of strong prevention through deterrence. This strategy strategically placed the majority of available agents directly on the U.S./Mexico border, effectively sealing off El Paso's metropolitan corridor where illegal entries were commonly occurring. The successful strategy provided a foundation for a national approach that was soon introduced in other areas of the southern border, and a trend of progressive decline in apprehensions soon followed.

### MORE RESOURCES FOR THE BORDER

The storied history of the U.S. Border Patrol was bolstered by a realization by Americans and members of Congress of the importance of policing our international borders and protecting the nation by preventing social, economic and political threats from foreign sources. By 1999, the Border Patrol had become resourced as the largest uniformed federal agency in the nation, with some 8,000 highly trained and equipped agents manning the borders of the U.S.

After 2,000, an unprecedented acquisition of manpower, technology and infrastructure helped keep the influx of illegal immigrants from other nations around the world in check – all while focusing on the safety and security of a strong nation; but that would soon change.

### HOMELAND SECURITY TAKEN TO A NEW LEVEL

America was forced to take a hard look at its domestic security capabilities after terrorist attacks rocked the nation Sept. 11, 2001.

After watching the horrific tragedy of ter-

rorists acts in the U.S. on that fateful day, it was clear that more had to be done to address our national security.

Enter the formulation of the Department of Homeland Security in 2003. DHS essentially consolidated an umbrella of federal agencies into one fluid and comprehensive department solely responsible for monitoring and preventing acts of terrorism against the U.S.

Within DHS was the formulation of Customs and Border Protection, a consolidation of U.S. Border Patrol, U.S. Customs Service, U.S. Department of Agriculture, Animal and Plant Health Inspection, and the U.S. Immigration Services, which were all unified to create Customs and Border Protection.

CBP is one of the department's largest and most complex components. Aside from following its priority mission of keeping terrorists and their weapons out of the U.S., CBP also is charged with securing and facilitating lawful trade and travel, while enforcing hundreds of U.S. regulations, including immigration and drug laws.

As part of a newly developed post-9/11 structure under the DHS, CBP elements along with the U.S. Border Patrol inherited a changing operational posture to help take on the threats posed by local and domestic sources. One fundamental change was the development of a national Border Patrol strategy that focused on achieving the right mix of personnel, technology and infrastructure as an earmark to obtain further operational control of our nation's borders. This strategy helped guide the Border Patrol successfully through its rapid growth and increasing resources, which ultimately led to significant operational success.

BORDER PATROL continued on Page 50

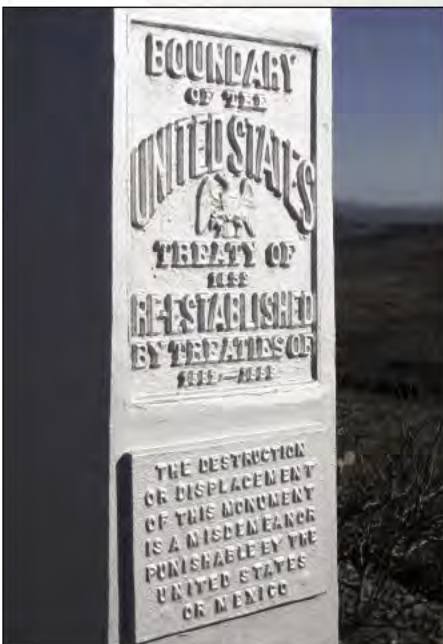


PHOTO COURTESY OF BORDER PATROL

An International Boundary Monument located in the New Mexico area of operations.

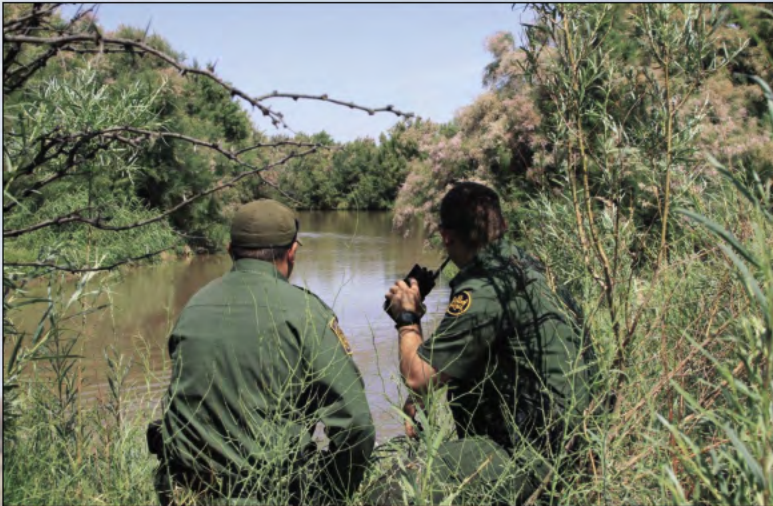


PHOTO COURTESY OF BORDER PATROL

Securing the nation's borders is a top priority that is aided by the assistance of some 21,000 Border Patrol agents that serve nationwide.



PHOTO COURTESY OF BORDER PATROL

In May 2012, Chief of the U.S. Border Patrol announced the implementation of the 2012 - 2016 "Border Patrol Strategic Plan." The principal theme of the 2012 plan highlights the flow of information, integration, and rapid response to meet domestic and international threats.





Patrol inspectors in Brownsville, Texas in 1928.

## U.S. BORDER PATROL - RIO GRANDE VALLEY SECTOR COMMUNITY PARTNERSHIP HELPS ADDRESS ISSUES, RESOLVE PROBLEMS

By Rosendo Hinojosa, Chief Patrol Agent | U.S. BORDER PATROL / RIO GRANDE VALLEY SECTOR

►► The Rio Grande Valley Sector follows a community policing philosophy. This approach complements traditional community policing by forging partnerships with citizens to address issues, resolve problems as well as to identify and combat human and narcotics smuggling.



**Rosendo Hinojosa** teamed up with local, state and other federal law enforcement agencies on community partnership storefronts in five border communities.

The storefront program places mobile substations in border communities, with the goal of providing residents direct access to law enforcement personnel. Additionally, a consistent officer presence boosts security in the community by providing a deterrent to criminal organizations that use these areas as smuggling corridors.

Law enforcement personnel also host regular town-hall meetings and social events to inform residents of the efforts and progress in their communities. These partnerships aim to bring greater security through a more proactive approach. The program enlists help from residents and encourages them to get involved and take a stand against crime.

If we are to be successful in keeping our nation safe, we must be actively involved in

our communities. Building strong and long-lasting relationships is a top priority.

One of the reasons it is important to engage the community dates back as far as 500 B.C. when Sun Tzu, a Chinese war strategist and philosopher, wrote several principles regarding war that have stood the test of time. These principles apply, not only to war, but transcend myriad disciplines, including border security. Sun Tzu said, "A leader must have the will of the people behind him, otherwise the war will fail."

An example of where the will of the people was a major factor is the Battle of Mogadishu, which later became a book and a movie called *Black Hawk Down*. The primary mission of Operation Gothic Serpent was to capture Mohamed Farrah Aidid, a Somali military leader, who was taking supplies by force, leaving people to starve. This resulted in a civil war that stemmed from ongoing, centuries-old cultural wars. The U.S. joined the United Nations in a mission to restore order in Somalia. The belief was that removing Aidid would save the people. However, just like cartel leaders in Mexico, if you remove one, another quickly replaces him.

Unfortunately, U.S. forces did not account for the situation's complexity. When the media circulated images of the tortured bodies of U.S. pilots, the American public became outraged. They asked, "Why are we subjecting our pilots to this kind of torture? What are we doing there? This is not our war!" Just as Sun Tzu predicted, we lost



Autogiro Pilot Ned Henderson died when his aircraft crashed in November 1945.

the will of the people. We lost the battle. We withdrew.

In order to be successful in our battle to secure the border we must win the will of the people. As we strengthen relationships with our communities, we ultimately strengthen our borders. By building relationships of trust with community members, from children to adults, the whole-of-government approach comes full circle, in that the public provides a type of "missing link" that is a valuable resource in protecting this nation.

By getting involved in our communities, we can work together to stop crime and make life better for everyone. The storefront program is designed to show the residents that we are more than just a blue, green or tan uniform and a badge, but real people, who care about not just fighting crime, but the community as well. **MS**



Early air operations near McAllen, Texas.



Patrol Inspectors load illegal immigrants into a pickup truck in McAllen, Texas, Aug. 3, 1954.

## Border Patrol history in the Rio Grande Valley

Although the U.S. Border Patrol was not established until May 28, 1924, its roots in the Rio Grande Valley began to sprout in 1921 with two officers from the U.S. Immigration Service assigned to Brownsville, two to Rio Grande City and four to Hidalgo, Texas.

Prohibition led to a massive rise in organized crime. At the same time an influx of Europeans paying large sums of money to be smuggled into the U.S., began to be big business for criminal organizations. Stiff restrictions on immigration from China and the lure of fortunes, by Chinese standards, which could be accumulated in America, enticed many Chinese men to illegally enter the U.S. International smuggling syndicates were organized with operators throughout Europe and China. The eight original officers were insufficient to meet the demands, therefore in 1923 all stations from the mouth of the Rio Grande to the western Starr County line doubled in manpower and many new stations opened. These officers were later incorporated into the Immigration and Naturalization Service when the Border Patrol was founded.

In those formative years, the Border Patrol in the RGV was met with severe opposition from ranchers and farmers who had profited greatly from the labor of Mexican immigrants. Needless to say, when Patrol Inspectors began rounding up illegal immigrants by the thousands, resentment from ranchers and farmers skyrocketed.

During World War II, the Patrol in the RGV provided tighter control of the border and assisted the Coast Guard in searching for Axis saboteurs in the Gulf of Mexico. Aircraft proved extremely effective and became an integral part of operations. The first aircraft the agency used in the RGV were autogiros.

In 1941, the Border Patrol began using three surplus autogiros it received from the Army. In November 1945, Border Patrol Pilot Ned Henderson died in a crash while flying to McAllen. Henderson's death highlighted the dangers of the autogiro and the Patrol soon switched to airplanes. During their short deployment autogiros significantly impacted border security and paved the way for today's modern CBP aircraft enforcement operations.

In addition to Henderson's death, a pilot and six Patrol Inspectors assigned to the RGV were killed between 1925 and 1967. Patrol Inspector Augustin De La Peña was shot and killed Aug. 2, 1925, in Rio Grande City. Patrol Inspector William D. McCalib was shot and killed Jan. 7, 1930, in Alice. Patrol Inspector William L. Sills was shot near La Grulla and died en route to the hospital Jan. 17, 1940. Patrol Inspector in Charge Edwin H. Wheeler was involved in a head-on collision July 6, 1952, near Mathis. An autopsy determined that Wheeler had been shot in the head. Patrol Inspector Donald Kee died in an airplane crash July 23, 1954, near Rio Grande City. The pilot, William F. Bucklew, of Laredo Sector also died. Senior Patrol Inspector Elgar B. Holliday performed continuous emergency work assignments for three days after Hurricane Beulah struck the lower RGV in 1967. On Sept. 24, 1967, he began suffering from extreme exhaustion. He died of heart failure Oct. 18, 1967.

From its inception, until about 1938, Sector Headquarters was in Brownsville. In 1935, consideration was given to moving it to a more centralized location. In 1938, it moved to McAllen, and in 1941 the land and buildings were purchased from the city for \$5,000. From McAllen Sector's original staff of eight officers, the manpower gradually increased until 1936, bringing the total to about 40 officers. Further increases came from 1940 through June 1954, with peak strength fluctuating between 100 and 115 officers.

Growth would remain steady until the terrorist attacks of Sept. 11, 2001, when the need to secure the border was redefined. An unprecedented hiring of agents, brought the sector to a strength today of more than 2,500 agents. In 2005, the sector was renamed the RGV Sector and moved to a new state-of-the-art facility in Edinburg in 2006.



Patrol Inspectors board a shrimp boat in the Gulf of Mexico. The Rio Grande Valley Sector is unique in that it has both a river border and a coastal border.

\*\*\*\*\*

Rosendo Hinojosa is a Chief Patrol Agent with the U.S. Border Patrol, Rio Grande Valley Sector in Edinburg, Texas. As Chief Patrol agent of RGV Sector, he commands more than 2,500 agents, who secure 316 border miles and 317 coastal miles. CPA Hinojosa has more than 26 years of federal service and has held key leadership positions including Assistant Chief at U.S. Border Patrol Headquarters in Washington, D.C., and as Deputy Chief Patrol Agent in the Swanton and Laredo sectors. He assumed his current position Jan. 2, 2011.

# A BRIEF HISTORY

By Richard D. Wiles, Sheriff  
EL PASO COUNTY

►► The roots of the "sheriff" can be traced back to biblical times when kings would call upon high officials, to include judges, counselors, and sheriffs for special counseling and dedication ceremonies.



Richard D. Wiles

It has been said that the word sheriff was derived from the Arabic word sharif, which translates as noble. Ancient England was divided into shires, similar to our counties, headed by a boss known as a reeve. These two words

were eventually merged into the title, shire-reeve, evolving into the word sheriff.

The first documented evidence of a sheriff in North America was traced back to 1634 when the first counties were established in Virginia. The Maryland Constitution of 1776 changed the Office of the Sheriff from appointed to an elected position.

Many of our residents do not realize that law enforcement in El Paso County has a long and rich history. In 1848, the Treaty of Guadalupe Hidalgo was signed, creating the United States/Republic of Mexico border. The Rio Grande River, which runs through the Pass of the North (El Paso del Norte) to the Gulf Coast, was identified as that border.

El Paso County was created from the Bexar District in 1849, organized in 1850 and finally incorporated in 1911. Portions of El Paso were taken from Culberson County in 1911 and Hudspeth County in 1915. El Paso County is situated at the westernmost corner of Texas.

Since 1852, the El Paso Sheriff's Office has appointed 29 sheriffs. In 1852, El Paso's first sheriff, William Ford, was appointed. His duty was to keep the peace for the county's nearly 1,000 citizens.

Charles Ellis was a prominent merchant and lawman in San Elizario who served as sheriff in 1871 while continuing to operate a grist mill and general store. Ellis became involved in the Salt War of 1877 when he attempted to defend Charles Howard's rights to the Guadalupe Salt. He was stabbed and dragged to death by Mexicans who arrived in San Elizario to confront Howard.

El Paso, part of the old Wild West, has played host to such colorful characters as Pancho Villa, William "Billy the Kid" Bonney, and history's deadliest gunfighter, John Wesley Hardin.



In August of 1895, Hardin met his fate in the Acme Saloon when he was shot and killed the constable of Precinct No. 1. Hardin died instantly and was buried in Concordia Cemetery.

The years 1874-1876 were considered one of the most tumultuous and notorious periods in Old West history. Charles Kerber served as

the El Paso County sheriff and had to deal with Billy the Kid who made his legendary pass through San Elizario to rescue his friend Melquiades Segura from the county jail.

In 1918, bootleggers in El Paso were dispensing a particular brand of whisky which was dwelling upon the seriousness of the crime of giving or selling liquor to a U.S. sol-



dier. It was then that Sheriff Seth Ordendorff agreed to have the Sheriff's Office cooperate with the Police Department to work extra hours until after saloons closed to help enforce the new prohibition laws.

Jack Earle, (born Jacob Ehrlich), was said to be the tallest man in the world standing at 7 foot, 6.5 inches tall; however, most articles log him in at 8 foot, 6.5 inches. Although there are no official records to show when he joined the Sheriff's Office, there are several pictures to prove the "gentle giant" was an active deputy in 1928.

Times were definitely changing in El Paso and in 1936 Sheriff Chris P. Fox saw a need for more community involvement. Through a personal invitation from Fox, a select group of El Pasoans met and formed a Sheriff's Possee; the second of its kind in the nation. Their duties were to stress the importance of the picturesque side of El Paso life by perpetuating the spirit of cattle country and uplifting social

and recreational events. Their first official act was to escort and protect the Sun Carnival Queen, in the 1937 Sun Carnival parade. The possemen would also study police methods and practice with fire-arms for times when their duties required them to assist the sheriff on serious matters.

In 1971, Sheriff Mike Sullivan received approval from Commissioners Court for a work-release program allowing federal prisoners to receive schooling and rehabilitation programs. The measure was passed by the court.

One of the most well known sheriffs was Leo Samaniego who took office in 1985 until his passing in December 2007. Samaniego was recognized as a leader in developing numerous law enforcement initiatives. He was a leader in crime-prevention programs and formed the West Texas Multi-County Task Force during the mid-80's. The task force has been recognized on several occasions as the best in Texas.

The El Paso County Metro Narcotics Task Force was created in the early 90's, and during his service the El Paso County Sheriff's Office was the first nationally accredited Sheriff's Department in the state of Texas.

Samaniego designed the patch worn by deputies of the El Paso County Sheriff's Office, adopted in 1986. Depicted are three of many cultures that settled the southwest. Represented are the native American Indian, Spanish Conquistador and cowboy, bordered by banners of the Texas flag.

The current sheriff is Richard D. Wiles, who has served since 2009. With an impressive education and almost 30 years of law enforcement experience, Wiles' lasting legacy is his steadfast commitment to the honesty and integrity of every officer that serves the community of El Paso. He has implemented a firm organizational and cultural commitment towards these goals that is backed by action.

Wiles has stated emphatically that, "Everything that law enforcement officers do is

based on honesty and integrity. Those are the very foundations that law enforcement officers and their agencies are built upon."

El Paso and its sister city across the border, Ciudad Juarez, Mexico, has developed from a lawless trading post and mission into a modern and progressive region forming the world's largest binational metroplex. El Paso and Ciudad Juarez have a combined estimated population of two million people. The International Ports of Entry average 16,500 pedestrians and 45,000 vehicle crossings every day.

Today, with 1,058 square miles to protect, the El Paso County Sheriff's Office serves the more than 700,000 residents of this border community and continues to "Serve with Pride." **MS**



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Sheriff Richard D. Wiles was raised and educated in El Paso, graduating from Andress High School in 1979. Wiles joined the El Paso Police Department in 1982 and rose quickly to leadership positions serving as a patrol officer, detective, sergeant, lieutenant, captain, deputy chief, assistant chief, interim chief of police, and was appointed chief of police in 2004. In December of 2007, he retired from the Police Department to run for El Paso County Sheriff and after being elected, took office in January of 2009.

Wiles was named Andress High School's Outstanding-Ex in 2004 and he attended the University of Texas at El Paso where he earned a Bachelor of Science in Criminal Justice in 1995. He attended and graduated from the Federal Bureau of Investigation's National Academy, the National Executive Institute, and the Bill Blackwood Law Enforcement Management Institute of Texas. He subsequently pursued and earned a Master of Science in Criminal Justice from Sul Ross State University in 2001 where he was also named Outstanding Criminal Justice Graduate Student.

Wiles has taught at the El Paso Community College, Park University, and still instructs at the UTEP. Wiles has extensive experience in the area of local law enforcement and immigration, as well as border security. As a result, his input is sought out at both the state and federal levels.



Citizens of Austin line the streets for the April 2012 funeral procession for slain Austin Police Officer Jime Padron.

## MY FIRST FIVE YEARS IN AUSTIN

ART ACEVEDO, CHIEF OF POLICE | AUSTIN POLICE DEPARTMENT

The Austin Police Department was founded in January 1863 and will celebrate its 150th anniversary in 2013.

This past July, APD's Chief of Police, Art Acevedo, celebrated his five year anniversary with the department. He has led the organization through much change and has transformed APD into a much more transparent, tech savvy and data-driven department.

Acevedo was recently asked what his hardest and proudest moments have been as the chief and without hesitation, he said, "The death of Senior Police Officer Jaime Padron" in April 2012.

Padron was killed in the line of duty at an Austin Walmart after responding to a suspicious person call. He was the first Austin officer killed by gunfire since 1978. Acevedo still gets emotional when he describes having to notify Padron's ex-wife and two young daughters. And he still gets emotional describing the outpouring of support Austinites showed in the weeks after Padron's death. Citizens lined the streets, bridges and roadways to pay homage to Padron during the funeral procession and sent hundreds of messages of support in to the department.

"After seeing all of that support, there is no doubt in my mind that our community supports this department," Acevedo said.

During his tenure, Acevedo has made many changes, including implementing need-based staffing, more stringent officer reviews and several technological advancements, including the Austin Regional Intelligence Center and the Real Time Crime Center. ARIC is a multijurisdictional effort of 10 public safety agencies who work together to provide resources, expertise and/or information to maximize the ability to detect, prevent, apprehend, and respond to criminal and terrorist activity.



Chief Acevedo greets Austinites at National Night Out in 2011

In 2011, the department established the RTCC, one of APD's crown jewels. It provides real-time information to officers on patrol, relays information about and monitors significant and/or critical incidents, monitors the High Activity Location Observation public safety cameras and supports the Departmental Operations Center when activated.

He also reinstated the Police Explorers program and the Police Activities League, programs for youth that give them opportunities to interact with APD in a positive way.

Acevedo is chair of the Boy Scouts Waterloo District, part of the Urban Youth Initiative. Fifteen hundred youth have gone through the program, including students inside the juvenile justice center.

The Austin City Council recently approved the purchase of a new helicopter for the department and the chief is working on finding funding for a new headquarters building. The current building opened in 1982 and is bursting at the seams.

Acevedo plans to continue the programs he's started and looks forward to the future of APD. **MS**

## Significant events in APD's history

- January 1863:** First four Austin policemen are named and work under the supervision of a City Marshal
- January 1871:** Governor names the first two black policemen; police force is up to seven policemen
- January 1873:** Policemen are allowed to collect a fee of \$1 from everyone they arrest
- 1873:** Two mounted policemen join the force, using their own horses
- July 1874:** City ordinance states that fees collected for arrests now have to go to the city treasury
- 1875:** M.M. Long is named first Chief of Police
- 1879:** Force consisted of nine policemen; citizens are given whistles to alert police of crimes
- 1885:** There are brutal attacks on women occurring all over Austin; by the end of the year, the force includes one sergeant and 20 policemen
- April 1901:** Harry Montgomery is sworn in as City Marshal
- 1910:** The first auto accident in Austin occurs in February
- August 1924:** J. N. Littlepage is appointed Chief
- 1926:** Police force includes 17 patrolmen, five detectives, six motorcycle officers and two night cars
- November 1928:** R. D. Thorpe is appointed Chief; he became the longest-serving Chief, stepping down after 29 years of service in 1958
- April 1934:** The first one-way radios are installed in patrol cars; first two-way radios are installed in police cars four years later
- 1942:** The Lake Patrol Unit is established
- July 1950:** Austin's first police woman, Maybelle Stout, is chosen; she is one of 14 women who take the civil service exam
- June 1951:** Austin's second police woman, Miss Jocelyn Deal, replaces Stout on the force; also that year, APD installs a complaint desk operated 24/7
- March 1954:** New police and courts building is completed at 700 E. 7th St.; force up to 153 officers, 59 civilians, 36 vehicles and 17 motorcycles
- Sept. 1957:** APD budget goes above \$1 million for the first time; authorized strength of 204 officers and 53 civilians
- June 1959:** R. A. Miles is named Chief of Police
- 1972:** Operation Blue Santa is started by two officers who delivered gifts to 20 families; Blue Santa now serves more than 3,500 families each year
- April 1976:** R. A. Miles retires and Frank Dyson is appointed Chief of Police
- 1977:** K-9 Unit established
- Dec. 1979:** APD's SWAT Team is established; K-9 Zeus is shot and killed in the line of duty
- May 1982:** New police headquarters building opens at 715 E. 8th St. (where headquarters still stands)
- 1985:** A north substation opens; Jim Everett is appointed Chief
- March 1987:** APD conducts its first Citizens Police Academy
- 1990:** Air Support Unit and Chaplain program established
- March 1991:** APD's east substation opens
- Dec. 1991:** Austin is in the national news because of the infamous Yogurt Shop Murders, where four Austin teenagers were killed; the case is still unsolved
- Dec. 1992:** Elizabeth Watson is named Chief of Police
- 2001:** APD's cold case unit is established
- 2002:** The Police Monitor's Office is established
- 2005:** APD's Highway Enforcement Unit is established

# Travis County Sheriff's Office

By Greg Hamilton, Sheriff | TRAVIS COUNTY

In 1838 Mirabeau Lamar visited the small settlement of Waterloo on a buffalo hunt. While on the hunt Lamar bagged a buffalo at present day 8th Street and Congress Avenue. Lamar decided the area was beautiful



Greg Hamilton

and was impressed by the river and the hills. As the president of the new republic, he suggested this as the site for the new capitol.

In 1839 Waterloo was chosen as the capitol of Texas and changed its

name to Austin, after Stephen F. Austin. Travis County was created by an act of the Texas Fourth Congress effective Jan. 25, 1840. The county was named after William Barret Travis, commander of the Alamo.

Austin was the largest city in the county but then Travis County was first formed it included the small town of Abilene and covered 40,000 square miles, which is about the size of the state of Tennessee.

Over the next 18 years Travis county was split up into 11 separate counties beginning

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Sheriff Greg Hamilton is serving his third term as the Travis County Sheriff. He was raised in Killeen, Texas and received a degree in Criminal Justice from Southwest Texas State University (now known as Texas State University). After working as a corrections officer from 1983 to 1984 with the Texas Department of Criminal Justice he relocated to Austin to begin a career as a senior corrections officer and deputy sheriff for the Travis County Sheriff's Office in 1985. In 1994, he was appointed chief of enforcement at the Texas Alcoholic Beverage Commission. He made his first run for public office in 2004 and was elected as the sheriff of Travis County and took office in January of 2005.

On a daily basis, through Hamilton's leadership and guidance the Sheriff's Office reaches out to the entire community to become a part of preventing crime and keeping the community safe. The Sheriff's Office continues to expand its standards for community policing and to maintain a professional corrections team which insures an efficient and secure jail.

One focus is promoting programs to inmates that can help them move toward success in the world of work and personal stability, which can be a challenge from the moment an individual is incarcerated. Moreover, by joining with the National Crime Prevention Council in a one of a kind effort called "Building Bridges Brick By Brick," he has connected community, business, media, government and faith-based leaders together to work on issues important to the community, thus bringing positive change to Travis County.

Greg is married to Maize, whom he met when both were students at SWTU. The family includes three adult children and three grandchildren. He is a member of Mount Zion Missionary Baptist Church in Austin.



Pictured here is Sheriff George Matthews, third from left, and his deputies on Congress Avenue in 1903.

with Comal (1846), Gillespie and Hays (1848), Burnet (1852), Brown and Lampasas (1856), and Callahan, Coleman, Eastland, Runnels, Taylor (1858). Today Travis County is 1,022 square miles and is split north and south by the Colorado River. It is also split east and west by the edge of the Texas Hill Country and the Blackland Prairie.

One of the first offices elected in the county was sheriff. That makes the Travis County Sheriff's Office one of the oldest law enforcement agencies in the state. Currently the Sheriff has a four year term. However this was not always the case. Sheriffs originally served one year terms from 1840 to 1846, and two year terms from 1847 to 1956. There have been 38 sheriffs elected in Travis County starting with Wayne Barton in 1840 and ending with Greg Hamilton, our current sheriff.

All the sheriffs of Travis County have made their mark in the history books but we do not have enough space to cover them all. Here are four history-making sheriffs from Travis County.

**George Matthews** was the twenty-fourth sheriff of Travis County and served from 1902 to 1920. He started as a deputy sheriff in 1898 and was a member of the first graduating class of the University of Texas. The Matthews family was one of Travis County's earliest settlers. Matthew's father was instrumental in the creation of Travis County in 1839. Matthews was elected as president of the Sheriff's Association of Texas in 1907. He then served as county judge for Travis County from 1920 to 1936. He was instrumental in the construction of the current courthouse which opened in 1930 at a cost of one million dollars.

Matthews served as sheriff for 18 years. Making his tenure as sheriff the second longest in county history.

**H.W. RIP Collins** was the thirtieth Sheriff of Travis County. He had an 11-year baseball pitching career in the major league playing for the New York Yankees, Boston Red Sox, De-

troit Tigers and the St. Louis Browns. He had one World Series appearance with the Yankees and posted a career record of 108 wins, 82 losses with 15 shutouts. It was said of Collins that he was a pitcher with a million-dollar arm and 25 cents worth of enthusiasm.

After his stint in the major league he returned to Travis County and was a deputy sheriff from 1933 to 1934. From Sept. 1, 1934 to Dec. 31, 1940 Collins was a Texas Ranger and in 1939 he was transferred from Del Rio to Austin where he then left the Texas Rangers to run for sheriff of Travis County.

He was elected sheriff in 1941 and remained until 1949. Collins is credited with hiring the first female deputy and was responsible for implementing the first fingerprint identification system, Unified Crime Reporting system, as well as the first standardized reports. After his tenure as Collins then went to Bryan, Texas and became the chief of police from 1950 to 1959.

**T.O. Lang** was thirty-second sheriff of Travis County. He was elected Nov. 4, 1952 and served until Jan. 1, 1973. He served a total of 20 years which is the longest in county history. Lang was responsible for implementing the first uniformed patrol deputies division and marked patrol cars in 1967. He also created a reserve deputy program in the early 1970's that is still in use today and proposed the idea of a regional training center which was created after his term expired.

**Margo Frasier** was the thirty-seventh sheriff of Travis County. She was the first female sheriff in the history of the agency. She started her career in corrections and worked for the Sheriff's Office from 1975 to 1982 working her way up from corrections officer to captain in the jail. She left to become an attorney and returned to take office as sheriff Jan. 1, 1997. She decided not to run for a third term and Greg Hamilton, current sheriff took office in 2005. **MS**



## LOOKING BACK, THE EL PASO POLICE DEPARTMENT HAS COME A LONG WAY SINCE ITS INCEPTION.

From the abrasive measures of the Wild West to the sophisticated technology of the twenty-first century, most local historians will agree that the Sun City's police force has an intriguing timeline to say the least.

It might bewilder people today to learn that many of the first men who watched over the city were called gunslingers and drank on the job. However, as noteworthy the law enforcement's rough beginnings were, it is not a reflection of the integrity of today's police department. Nevertheless, it is a fascinating part of history that many, especially members of several gunfight reenactment groups in El Paso, enjoy talking about.

It is difficult to pinpoint the exact establishment date of the EPPD, but most of those knowledgeable of El Paso's history consider 1884 to be the year a law enforcer's title shifted from "city marshal" to "chief of police," therefore deeming the organization an official police department.

Many people labeled El Paso as a lawless and untamed town, however historians argue that this technically isn't true since there was a judicial system and legal processes for those who resided in the town to follow. Regardless of these systems, many shootings and other violent occurrences called for control from city marshals. Many of the men chosen to be marshals were considered rough and ruthless themselves.

"Sometimes the town would hire the biggest bully as the town marshal so he could keep all the other bullies in the line," said Keith Wilden, a senior member of the Paso Del Norte Pistoleros, a local gunfight reenactment group.

The hiring process in the 19th century was

## A BRIEF HISTORY OF THE

# EL PASO

POLICE  
DEPARTMENT

BY VICTORIA MOLINAR



also very different from today, where the local newspapers placed ads for open positions as opposed to having men go through any sort of training. Even certain marshals became nuisances to the town with their drinking problems and tendency to get into tiffs, leading the city to call for new marshals to take their place and clean up the mess.

One man who has gained much local recognition for his short but significant time serving as a marshal is Dallas Stoudenmire. Although he only served the town from 1881-1882, his reputation and time serving made him compelling enough for well-known historian Leon Claire Mets to write a book about him and acclaimed local comic book writer Jaime "Jimmy Daze" Portillo to write a historical fiction series about the gunslinger called, "Hell Paso: The Story of Dallas Stoudenmire."

"From what I read in a news article while doing research about Dallas Stoudenmire, he was credited for reducing crime in El Paso,"

said Portillo. "He wasn't willing to let things go by."

Many people's perspectives of Stoudenmire vary, since he was also known to have a drinking problem himself and he resigned from his position after complaints about his service. Like many other marshals at the time, he also killed previous marshals who were causing a ruckus. One well-known gunfight that took place three days after he became marshal called "four dead in five seconds" entailed him shooting two previous marshals, Bill Johnson and George Campbell. Many local tour guides like to point out the area where the fight took place, which is downtown by the Camino Real Hotel on El Paso Street.

"You've got to look at these guys and the context of their time," said Wilden. "Everybody out there was brutal, but when you look at it, Stoudenmire wasn't that bad."

During this period, El Paso was known as the "Six Shooter Capital" and a city of sinners since prostitution and gambling were legal and prosperous practices. The first police officer killed in the line of duty was Thomas P. Moad, who was trying to silence a few intoxicated cowboys at the local brothel known as the Mansion House in 1883. The building, located on 306 West Overland St. still exists today and has been decorated by local street artists with pop art and stencils that somewhat hint at the former brothel's sensual history.

By 1905, ordinances were passed that banned gambling and prostitution, causing a significant power shift in the town.

Around 1909, EPPD made one of its first significant technological advancement: the implementation of automobiles, specifically a paddy wagon. Several years later, the department started taking fingerprints of the arrested. In 1916, the community's support for the EPPD had grown so much that 72 officers were reported to be a part of the department, a large number at the time.

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About a decade before the African-American Civil Rights Movement, El Paso's police department added four ex-military African-American men. Although this was a start for breaking racial barriers, this is not to say that the men who served at the time were free of discrimination. Retired El Paso Police Department historian and criminal intelligence analyst Klaus W. "Bill" Mansion knew the first black gentleman who retired from EPPD and was told stories about the way the first four were treated.

"They were constantly under the scrutiny of prejudice," said Mansion. "They were only allowed to work in a certain part of town, known as the black side of town, and they weren't allowed to drive the vehicles."

With the shift of the country's views on race and the civil rights movement, El Paso's police department also became progressive. Many African-Americans have had successful careers in EPPD thanks to the first men who paved the way, added Mansion.

A few significant and tragic events led to the implementation of the first Special Weapons and Tactics unit in El Paso. This included the hijacking of a plane that was on its way to Cuba and was stopped in El Paso in 1961, according to EPPD spokesman Officer Javier Sambrano. Later in 1966, a University of Texas at Austin clock tower shooting, in which engineering student Charles Whitman killed 16 people and wounded 31, also pressured EPPD to consider creating the unit. Officers of the department sought advice from the Los Angeles SWAT team before establishing their own in 1972.

In June of 1974, the first five females graduated from the Police Academy. Prior to that milestone, women were clerks or matrons who were borrowed as needed, said Mansion. Documents from 1941 show that two women took the test to become a police clerk, however there are no records that showed they obtained the position. A 1942 newspaper showed the first want ad for a full-time female police officer. Nonetheless, the only documentation that showed the significant progression in female positions at the EPPD was the class of 1974.



El Paso became the first city in Texas and the second city in the country to create a Crime Stoppers chapter in 1978, two years after Albuquerque, N.M. started their program. Its purpose is to engage the media and community so that they can become a part of criminal investigations and report any suspicious behavior or crimes witnessed anonymously.

The late 80s and early 90s saw an increase in gang violence, leading to the creation of the police gang unit. An average of 300 drive-by shootings would occur a year, but after the implementation of the gang unit, the number decreased to about 12 a year, said Sambrano.

EPPD created a "stash house" unit in 1999 due to the border's high drug-trafficking incidents. Joining other law enforcement agencies in the High Intensity Drug Trafficking Area, a part of the National Drug Control Strategy program, drug control on a federal, state and local level has improved. The task force has confiscated more than 5,166 pounds of cocaine, 78,880 pounds of marijuana and \$1,345,180 in cash.

Many people find it ironic that El Paso has ranked as one of the safest cities in the U.S. considering that it neighbors a city that has been ranked one of the most dangerous in the world, Ciudad Juárez, Mexico.

"We take a very proactive approach to crime. Back in the 90s, we were experimenting with what we called 'community-based

policing,'" said Mansion. "But if you looked at it, it was really going back to the way it was done in the old days. It's about getting out there and knowing where you are."

With community-based policing, every side of town has a regional command, much like an individual police department. With patrol officers, several traffic sections, detective stations and tact units, the safety is much easier to achieve. Sambrano also said there is an El Paso Citizen Police Academy that helps citizens understand the procedures police men and women must undergo to keep the city as safe as possible and allow them to be of any assistance in improving the community.

The turn of the century has brought many technological developments. One of the most well-known things utilized nowadays is the Taser, a less dangerous method of force. Beanbag shotguns, mobile computer terminals, video cameras and electronic ticket-writing tools have made an officer's job just a little bit easier.

With the vast improvements and ethical standards of the local law enforcement comes the increased appreciation of El Paso's police department. Whereas back in the day, many would complain that there were too many marshals or officers, many of today's El Pasoans proclaim that there are not enough. But all in all, the high amount of safety in this city is a result of the department's hard work and the community's agreement to maintain safety regulations.

"Like anything else, as policing continues to evolve, we find that the needs and demands of an officer are going to increase," said Sambrano. "We start seeing what the needs are in the community and apply strong training and education so that we can meet those needs."

MS



Greg Allen

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Greg Allen, El Paso Police Department chief of police, is a 30-year veteran of the police department. He worked as a patrol officer, training specialist at the Police Academy, Gang Task Force, SWAT, Tactical section, Auto Theft Task Force and as commander of the Dignitary Protection Team. His career objective is to further the advancement of the El Paso Police Department as an innovative agency in the law enforcement community.

# Regional Roundup

NEWS FROM AROUND TEXAS



## CENTRAL TEXAS

Charlie Deckert, President  
Central Texas Region

### When asked, is it really necessary?

►► Rental housing owners have asked me many times, "Why should I invest money for security on my property? It's very expensive and besides, I'm a taxpayer, the police are supposed to provide this protection for me."

The truth is that providing adequate security makes good business sense. A relatively crime-free property is good for business. In some markets there is fierce competition among property owners to keep occupancy rates high while still attracting that good resident. Good residents tend to abide by the law, pay the rent on time, sign long leases, make few demands on management, and maintain their apartments in better condition. All of these attributes generate greater net-operating-income for the property owner.

Good residents have options about where to live and are making judgments about personal safety before signing a lease. More than ever, landlords must make a greater effort to provide a reasonably safe living environment to attract and retain residents. Research shows that new residents are looking for housing that is conveniently located, clean, affordable, and safe. A property that satisfies these criteria will sign up more rental prospects, receive more renewals and referrals from current residents, have less turnover, fewer maintenance problems, and less management headaches.

Experienced property managers agree that a property with a truly integrated security plan will retain a higher percentage of good residents. Your best residents will

move out of a property where crime and disturbances are tolerated by management. On high-crime properties, I always find a higher percentage of marginal residents living with constant fear of crime and contribute to the downward cycle of property deterioration. No one wants to live in such a hostile environment!

### It might be the law

One compelling reason why you should provide adequate security on rental housing property is that it might be the law. Many cities and states have enacted statutes, codes or ordinances that set forth minimum standards for rental housing safety. In many jurisdictions, landlords are required to fortify apartment access points by installing solid-core doors, deadbolt locks, or secondary security devices on windows. A few cities even set minimum criteria for exterior lighting and security patrols on troubled properties. A single violation of a municipal mandate could cause a fine to be levied or loss of occupancy permits, if not brought into compliance. Severe violations can bring criminal sanctions.

Another motivating factor for landlords is the fear of being sued in civil court for injuries caused by failing to provide adequate security. Since the mid-1980s there have been many high-profile premises liability lawsuits that focused on the issue of inadequate security for failing to provide adequate door and window locks, key control, lighting, security patrols, maintenance, and background screening for both employees and new residents. These high-profile cases allowed a microscopic examination of the security practices, or lack thereof, within the multi-family housing industry. Nationally syndicated radio and television talk shows and print media have published unflattering stories exposing dangerous apartment communities overrun by gangs and drug activity. This coverage gave all landlords a symbolic black-eye.

Today, news of multi-million dollar jury verdicts are no longer exceptional where property owners and managers are found negligent for failing to provide adequate security. These adverse jury verdicts have caused insurance rates to soar and resale value of some investment property to plummet. A surprising number of landlords were forced into bankruptcy and lost their investment.

### The wrong approach

It is surprising to learn how many property owners and managers operate a large rental housing property without any real crime prevention training. After all, making a property reasonably safe is the responsibility of the landlord. Most managers attempt to learn on-the-job by making mistakes, wasting money, and risking injury to residents and other employees.

One consequence of feeble attempts to fight crime is that fear and distrust will increase among the residents. Without a doubt, unhappy residents will eventually move and will certainly not be the source of any new referrals. Fearful residents also become angry and blame the landlord for their substandard living conditions. As you might expect, angry residents make up a large class of plaintiffs that sue their property owner or property manager when they become victims of crime.

A common mistake that inexperienced property owners make is not implementing a comprehensive security plan. Instead they rely on a series of quick-fixes and temporary solutions like hiring a uniformed security patrol service every time there is a spike in crime just to make residents feel better. Security patrols work to some degree in the short-term, but without any other changes to the environment the crime problem will surely return within 60 days when the security service is terminated. In the end, the quick-fix method is not cost-effective because it has to be repeated so often to the

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dismay of frustrated residents.

## The right approach

Many landlords have not made a commitment to implement a comprehensive security plan for their property. The most common excuses I hear are that security services are unreliable and too expensive to implement fulltime. When I hear remarks like this I realize that the property manager has the wrong idea about how to incorporate security planning into the daily routine of property management.

Providing adequate security for rental housing is a learned process that attacks the very core of criminal activity and will not allow it to take root and grow on a property. A good security plan is designed to permanently integrate into the daily routine of property management. Once integrated, it is difficult for the untrained eye to identify the component parts of this security plan. By design, bad residents and criminal types will feel pressure from this plan. They will feel uncomfortable living or plying their anti-social trade in this highly attentive environment. So, how to I develop a security plan?

## 10-step apartment security plan

I have simplified the process and call it my Ten-Step Apartment Security Plan. Each component step is important and an integral part of the success of the overall plan. Successful completion of the first step lays the foundation and knowledge-base necessary for addressing the second. If you fail to implement a step, full benefit will not be realized. Because it is designed for long-term success there are no short-cuts or quick-fixes to this security plan.

Once fully implemented, the Ten-Step Apartment Security Plan is seamless to the overall operation. Crisis management due to frequent crime problems will become rare events. High resident turnover due to fear of crime will return to normal. Maintenance costs due to vandalism and unit abuse will be substantially reduced. Exposure to premises liability will be minimized. Occupancy levels will increase and stabilize at a desirable level. Best of all, income and expense budgeting will become more predictable as net operating income increases.

### My Ten-Step Plan:

- Step 1: Make a commitment
- Step 2: Partnership with a security company and law enforcement
- Step 3: Security management training
- Step 4: Crime risk assessment
- Step 5: Physical security solutions
- Step 6: People solutions
- Step 7: Policy and procedure solutions
- Step 8: Develop a security plan of action
- Step 9: Community involvement
- Step 10: Maintain the standards

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Left To Right: Dave Scepanski, Past ASSIST president; Gold sponsors Maria and Lorenzo Sosa; Bronze sponsor Roberto Azar Jr., and Jessie Ruelas, ASSIST El Paso Regional president.



Officer Steve Plummer, El Paso Police Department, speaks to the El Paso Region meeting attendees.



## EL PASO

Jessie Ruelas, President  
El Paso Region

►► I want to personally thank all of our members and non-members for supporting our regional monthly meetings; we have an average of 40 attending our meetings.

For additional information and monthly programs, contact me at 751-6811 or 588-4002. As an ASSIST member or non-member, license manager, owner, or private

investigator, Letter of Authority or security officer, you are also invited to our meeting. Managers and owners may receive one credit hour of continuing education, approved by the Texas Private Security Bureau and ASSIST, which you may use for renewing your license. You will also receive a Certificate of Attendance.

Our monthly luncheons we accomplish or feature the following:

- Promotion of local and state ASSIST region activities.
- Guest speaker(s) addressing topics of relevance and interest to members and guests.
- One hour of Continuing Education Unit

ROUNDUP continued on Page 42



Officer Steve Plummer, El Paso Police Department, receives a certificate from Jessie Ruelas, ASSIST El Paso Regional president.



Attendees gather for the El Paso regional ASSIST meeting.

Continued from ROUNDUP, Page 41

Credit applicable to TPSB licensing requirements.

- Update on TPSB and board rules and legislation and activities.
- Opportunity for professional networking, informal discussion and information sharing.

We encourage you to bring your clients to be involved with our meeting as your guest.

#### Schedule of guest speakers:

- Feb. 27: guest speaker – Rosales Law Firm, Allen Gracey COMDATA (ASSIST vender)
- March 27: guest speaker – Sheriff El Paso County, Department Border Security

Meetings are held regularly on the fourth Wednesday of every month at the Wyndham Hotels & Resorts, 2027 Airway Blvd. from 11:30 a.m.-1 p.m.

Most importantly, as a professional group we are attaining our goals of promoting that our members continue to conduct their affairs with the highest of business ethics and dependability. Our goal is to provide competent and professional business support and services with the highest regard to the safety and security of our employers, employees, our client's personnel, and the general public.

For more information contact Eddie Quinonez Office at [eddiequinz@sbcglobal.net](mailto:eddiequinz@sbcglobal.net).

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915-751-6811 or 915-588-4002  
[j.ruelas4022@sbcglobal.net](mailto:j.ruelas4022@sbcglobal.net)



#### GULF COAST

Susan Griswold, President  
Gulf Coast Region

►► I would like to start by wishing all our member's a very happy New Year! 2013 will be a very busy year for the Gulf Coast Region. We are already in planning mode for our 9th Annual BBQ Fundraiser. It will be held May 4, from 11 a.m. to 4 p.m. This year is going to be bigger and better than ever before. We hope to see everyone there.

Our next regional meeting will be held Feb. 12 and will be our Leaps/ASSIST joint meeting. Speaker will be announced later this month.

Our meetings are held on the second Tuesday of each month at the Saltgrass Steakhouse located at 1803 Shepherd Dr., from 11 a.m. to 1 p.m. We have some exciting speakers lined up this year. We look forward to seeing everyone there.

The Gulf Coast Region now accepts reservations and payments online at [www.assisttexas.org/regions/gulfcoastre-gion.php](http://www.assisttexas.org/regions/gulfcoastre-gion.php)

\*\*\*\*\*  
[gulfcoastpresident@assisttexas.org](mailto:gulfcoastpresident@assisttexas.org)



#### RIO GRANDE VALLEY

Jaime Ochoa, President  
Rio Grande Valley Region

►► First of all I would like to congratulate Bob Kenny for hosting a great convention in Dallas 2012. I would also like to inform the ASSIST membership that once again a member from the Rio Grande Valley ASSIST Region, Andrix Cantu took first place in the annual ASSIST Shooting Tournament, representing Rochester Armored Car. I don't mention this to taunt the rest of the regions,

but to recognize that since 2004 we have had at least one member in the top three each year since and we hope to continue the tradition for years to come. Of course, suffice it to say that living on the Border, many might say that we are provided with more than our fair share of opportunities to practice. Teasing aside, I would like to acknowledge the marksmanship that is shown by the participants that represent the Rio Grande Valley at the ASSIST Shooting Tournaments. We look forward to the tournament each year.

The RGV ASSIST has continued with the tradition of donating to our local region for different causes. One cause that we have donated to is the Christmas for Kids with the Brownsville Police Department. Our new Brownsville police chief is Orlando Rodriguez. He has pledged his support to the RGV ASSIST.

As for our RGV LEAPS program, we have received commitment from San Juan Police Chief Juan Gonzalez and Rodriguez to promote a viable relationship between local law enforcement agencies and private security companies.

An invitation is extended to interested individuals who would like to attend our next RGV ASSIST meeting. Our scheduled meeting for the year are as follows; Feb. 6, 11:30 a.m. at Ponchos Restaurant at 601 W Expressway 83, McAllen 956-630-2237; May 1 at Valley International Country Club Restaurant – 95 Country Club Rd. Brownsville, 956-546-5331; Aug. 7, Ponchos Restaurant; and Nov. 6, 11:30 a.m. location to be decided. We will be holding elections for the RGV ASSIST Board this year so nominate a candidate to represent your company.

\*\*\*\*\*  
(956) 544-4726 • [riograndepresident@assisttexas.org](mailto:riograndepresident@assisttexas.org)

**VISIT EL PASO**  
**OCT. 2-5**



## SOUTH TEXAS ALAMO

James Prock President  
South Texas Alamo Region

►► Everyone is invited, member, associate member, non-member, license manager, owner(s), or private investigators, Letter of

Authority personnel or security officers, are invited and welcome to our meeting.

Our next meeting scheduled for Feb. 14. We will be discussing several issues including the 2013 ASSIST Convention, Safety Group through Texas Mutual Insurance, Company DPS Audit information.

Congratulations to Manuel Cervantes upon his election as vice president of our chapter as he has been an outstanding asset to our local endeavors for several years.

Our chapter is growing and wants all of our members to come and join us at our quarterly meetings. The Trammel Group representative will be providing information to our members on the Affordable Health Care Act and the impact that it will have on our industry along with some viable options. **MS**

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(210) 277-9049 • jprock@cwidesat.com

# LEAPS Chapters

## LAW ENFORCEMENT AND PRIVATE SECURITY

### AUSTIN

John McGuire, Executive Security • 512-458-2258  
jmcguire@essitexas.com

It is certainly unfortunate the incident which recently occurred in Connecticut. It often times becomes difficult to put into words the sorrow we all feel for those who tragically lost their lives. It becomes exceptionally more difficult when children are involved.



John McGuire

The challenge we face as a society is what to do going forward to lessen the chances of this happening again. Since this tragedy, the American people have

started the process of addressing violence in our schools. I have heard several solutions presented by knowledgeable people on this issue. Our President has formed a committee to explore possible solutions.

There two main thoughts being discussed. The first is the hiring of law enforcement officers in the form of school resource officers. The second is arming teachers. I hear the argument against law enforcement as being too expensive for the average school district. I hear the other argument against the arming of school teachers as being detrimental to the objective of the teacher in the first place.

What I find disconcerting is in all of the discussions, where is the security industry being considered as a viable alternative. After all are we not promoting ourselves as a cost effective measure? I believe that right now is the correct time for someone to step up to the plate and begin the process of correcting this problem. In a time of increased violence and the increased terrorism, why not the security industry.

The only discussion that should be taking place is not on the overburdened law enforcement community which can only operate based on tax dollars collected, nor

should it be on distracting school officials from performing their duties, which is to teach.

The discussion needs to focus on how the security industry should be the centerpiece in bringing about a safer environment for society. After all, is that not what we are in business for?

LEAPS is and has committed itself to bringing about a change in this thought process. We believe that it is essential for security to produce a better officer through training and instilling confidence in the public that security industry is the best method moving forward.

### HOUSTON

Mike Hudson, Chairman • 713-789-5944  
mhudson@smithprotective.com

LEAPS in Houston has gone back to combined meetings with ASSIST. The meetings take place at the Saltgrass Steakhouse 1803 S. Shepherd Houston. The LEAPS meetings are held the second Tuesday of every other month starting in February. The meeting and luncheon time is from 11:30 a.m. to 1 p.m..

In 2013 LEAPS Houston will continue its partnership with the Harris County Sheriff's Office. With the dedicated assistance of Regions Coordinator Ruben Amaya and past state President Bob Burt, we have developed a great program with HCSO and Sheriff Adrian Garcia. Our HCSO Coordinator is Alfred Gonzales, who has worked equally as hard on our new partnership. Through this partnership, our group is receiving Crimestoppers Bulletins, most wanted lists, Amber and Silver alerts and in the future will be receiving stolen vehicle hot sheets and other crime alerts. We receive all this via email which is then shared with our members.

HCSO has also encouraged all our members to utilize their iWatch Harris County program. This is a tip line that can be used



Mike Hudson and Sheriff Garcia.

to support suspicious activity. This can be completed using a computer, cell phone app, text or a phone call. HCSO gave a great presentation over the iWatch program during our August 2012 meeting.

Another exciting program developed with Harris County Sheriff's Office is an eight-hour training course for the members of LEAPS. This course is held at HCSO's Training Academy and taught by their instructors. The subjects taught during this ONE-day course are: iWatch Harris County, Police Reports (Amber and Silver Alerts, Crimestoppers and Coplogic), Crime Scene Protection/Preservation, Criminal Trespass/Domestic Violence & Dispute Resolution, Threat Detection, Note Taking and Basic Crime Prevention & Emergency Preparedness.

Participants completing the course received six Continuing Education credits, a certificate signed by the academy instructor and Sheriff Garcia and will receive a pin to wear on the uniform designating them as LEAPS – HCSO trained officer. We held two successful classes during 2012.

We cannot move forward and improve the program without our members participation. If you are reading this and not getting our emailed announcements, please contact me as soon as possible and I'll get you on the list. **MS**

# IN THE NEWS

## Interrogation and torture in the trail of KSM

By Fidel Esparza



Fidel Esparza

Fidel Esparza III is a native of the Rio Grande Valley. He graduated Magna Cum Laude from Sam Houston State University with a Bachelor of Arts in Criminal Justice and Political Science. Having acquired a special interest in national security policy he decided to attend St. Mary's University School of Law in 2010, because of its globally renowned Center for Terrorism Law. He will graduate with a Juris Doctorate in May 2013. Currently he is the Senior Research Fellow at the Center for Terrorism Law and he is also a Senior Fellow for the FBI Behavioral Science Unit's B.I.T.E.S Working Group. After graduation he intends to work for a Federal or State law enforcement agency.

With the trial of Khalid Sheikh Mohammed (KSM) now underway in GITMO, allegations of torture will once again be brought to the forefront of debates across the nation. Since the start of the War on Terror, charges of torture have been raised repeatedly by a variety of individuals and interest groups often associated with fixed political agendas. To understand the debate requires clear and objective thinking. One must recognize that not every alleged incident of mistreatment satisfies the legal definition of torture set out in law and judicial precedent. Claims of illegal interrogation practices must be measured as falling above or below a particular legal threshold.

The legal foundation for all torture allegations starts with the 1984 United Nations Convention against Torture. According to the Torture Convention, for torture to exist the following criteria must be present: (1) the act must be intentional; (2) it must be performed

by a State agent; (3) the act must cause severe pain or suffering to body or mind; and (4) it must be accomplished with the intent to gain information or a confession.

Furthermore if the interrogation techniques used by the United States are found by the court to meet the criteria set forth by the Torture Convention then each of the stringent articles of Torture Convention will apply. For example, Article 7 of the Torture Convention requires that all government personnel involved in the interrogation process must be prosecuted. To date, no one has been prosecuted – not the government lawyers in the Justice Department who approved the techniques, not those who authorized the techniques, and not those who employed the techniques. Also, Article 15 would require that all statements elicited through "torture" must be excluded in a court of law. This would in effect exclude much of the evidence that was recovered from KSM.

So, were the techniques used on KSM severe enough to be labeled as torture? The judicial determination will rest on previous court decisions. The seminal case on defining acts of torture is the European Court of Human Rights ruling, Ireland v. United Kingdom. In its ruling the court found that the "five techniques" practiced by the British interrogators did not constitute torture. The most painful of these techniques was wall-standing where the British forced the detainee to stand for some period of hours in a stress position described as "spread-eagled against the wall, with their fingers put high above their head against the wall, the legs spread apart and the feet back, causing them to stand on their toes with the weight of the body mainly on the fingers." Wall-standing was practiced for up to 30 hours with occasional periods for rest.

The pain involved in the wall-standing is excruciating and yet the court held in an overwhelming majority that it did not constitute torture – it was not severe pain. When

one extrapolates and compares the legal standards set out in the Ireland case to the harshest of the CIA techniques authorized, water boarding, it is clear that the CIA did not torture KSM. Therefore, Article 15 of the Torture Convention would not apply, and any statements made by KSM would be admissible.

Mark Bowden said it best when he stated, "[i]f interrogators step over the line from coercion to outright torture, they should be held personally responsible. But no interrogator is ever going to be prosecuted for keeping Khalid Sheikh Mohammed awake, cold, alone and uncomfortable. Nor should he be."

## Affording the Patient Protection and Affordable Act

By Mark L. Smith



Mark Smith

I will refrain from any personal commentary regarding this law of the land. The lunacy of it speaks for itself far better than any editorial comment I might add. The act was signed into law March 23, 2010, and it represents the most extensive regulatory overhaul of the healthcare system since the passage of Medicare and Medicaid in 1965.

The act's implementations occur in stages until Jan.1, 2020. The biggest impact on our industry is January 1, 2014. At that time employers must either provide acceptable health care insurance to their employees or pay a fine of \$2,000 annually per employee (paid monthly). The employee then must obtain their own health insurance from an insurance provider, a state exchange, or in certain cases Medicaid (below 133% of poverty line). \$2,000 per employee applies to all companies with more than 50



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employees. The first 30 employees are exempt from the penalty. So, if you have 100 employees, you pay \$140,000 a year ( $100 - 30 = 70 \times 2,000$ ). This would be paid at \$11,666.67 a month. Of course this amount will vary with the number of employees each month. In addition to the first 30, part time employees are exempt that work fewer than 30 hours per week.

Most of our security officers will qualify for Medicaid as the new qualification number is under 133% of poverty level or \$31,900 for a family of four. This translates to \$15.34 an hour. After that there are varying caps on premiums charged by the exchanges up to 400% of poverty or \$88,200 for a family of four. The percentages range from 3% as a share of income to the maximum of 9.5% for the premium cap.

The fine per employee is \$2,000 or \$167 a month. Figure a typical employee works 40 hours a week or 2,080 hours a year/ $12 = 173.33$  hours per month or \$.96 per hour in additional cost. However additional costs for non-billable personnel must also be considered.

Now the other option is to provide health insurance for your employees. Under the new law employer sponsored coverage is unaffordable if the employee's share of the premium exceeds 9.5% of the employee's total household income. The plan must provide minimum essential coverage to qualify. However, this concept is undefined and will come out in subsequent regulations, which will be coming our way in a post-election flurry.

For example, the employer penalty is \$2,000 per full time employee paid monthly. In our high turnover industry, is the headcount the first of the month, the end of the month, an average during the month? Do you count employees on Medicare and retired military personnel on their own health plan? Is the part time exemption for less than 30 hours every week or is it prorated if they work less than 30 hours and then one week work 31 hours? These are just a few of the questions that come to mind when considering this fine.

Our employees will also be tasked with obtaining health insurance either from a conventional insurance company, a health care exchange, or Medicaid. If they ignore the law there is also a fine for them. In 2014, the penalty is \$95, 2015 \$325 and in 2016 and beyond it is \$695 with annual cost of living adjustments. This can also be calculated as a percentage of income at 1, 2, and 2.5%. They are required to do this, but the IRS cannot impose criminal or civil penalties for noncompliance. The Joint Commission estimates individuals will pay \$17 billion in penalties as a result of not purchasing qualified health coverage. I suspect many of our employees will fall into this group.

Some of you are in a position to offer employer sponsored health insurance for your employees. The new law provides for an essential health benefit package. This means there are minimum requirements to the plans: limits for deductibles, employee contributions, and scope of benefits.

You should review any plans you have or are considering to be sure they meet the new requirements imposed by the law. Although some of the large international companies advertise (and are telling your customers) they have a health insurance plan, it is doubtful their plan will qualify without extensive plan adjustments that will increase their costs.

Implementing this law is going to be shocking to those unprepared for the ramifications. The major changes go into effect Jan. 1, 2014. The time to plan is upon us.

## TALI News

By Mark Gillespie, TALI PRESIDENT



Mark Gillespie

I hope each one of you had a wonderful Christmas and are enjoying the start of a brand new year. It is hard to believe 2013 is already upon us.

I am honored to serve as president of the Texas Association of Licensed Investigators (TALI). It was a pleasure and a

privilege to serve as president-elect under Kelly Riddle and to assume the role as president in August 2012.

Since August, TALI has been in a state of transition on a number of levels. Perhaps the biggest change we experienced was unveiling a new TALI website. We contracted with MemberClicks to design our website and association management system. MemberClicks specializes in assisting associations with websites, membership management, payment processing, online forms and registrations, continuing education management and a members-only community. This system is up and running and if you haven't visited TALI's website I urge you to do so. Go to [www.TALI.org](http://www.TALI.org) – it's quite impressive.

The board and I have identified a number of "Board Focus Areas" that we will address aggressively under my term (August 2012-August 2014). The BFA include: increasing membership, enhancing member benefits, professional development, legislation, conferences, member recognition, community involvement, *The Texas Investigator* magazine, the Texas Certified Investigator Program, and committee involvement and productivity. As you may know, these areas are not new. They have been around for a while. However, our commitment as your board is to maintain a constant focus on these areas as they are all extremely important to each one of us as individual members and as an association. I would like to address some of these areas:

- Increasing membership – organizational strength relies on membership. Not only do we need to keep members but recruiting new members is crucial.

- Legislation – this is one of TALI's most critically important areas. TALI carries the torch and is the voice of Texas PIs to our state legislature. Randy Kildow, with the help of Keith Oakley, our lobbyist, heads up our Legislative Committee and will soon be buried in legislative bills as the 83rd Legislative Session is set to begin very soon and run through May 2013. Besides "Walk the

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# CONVENTION 2012



# Reflections on the state convention

By: Allen Gracey of Comdata



Allen Gracey

On behalf of Comdata, thank you to ASSIST for the opportunity to attend the state convention in September. The show was a great opportunity to network with many ASSIST members during the breakouts and social events. Each member represented a business that is facing challenges in managing its operations, but all attendees were open to finding new opportunities to become more efficient in an effort to grow their business and improve their company's bottom lines.

Comdata helps thousands of companies manage corporate purchases, fuel expenses, payroll and more with a single platform through its flagship solution, the Comdata Card. Comdata works with customers to tailor the program to fit specific business requirements, delivering precise and powerful control over corporate

spending needs.

Comdata is a proven leader in corporate payments for a wide range of industries and some of the nation's most-recognized brand names. Its solutions touch financial transactions of all kinds and change the way companies manage data, pay employees, process transactions and control spending on key business purchases. Comdata solutions help customers save money, grow revenue, streamline operations and minimize financial risks. For more information on Comdata's solutions, visit [www.comdata.com](http://www.comdata.com).

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By: Dennis Sebenick of Custom Protective Service



Dennis Sebenick

Many of us attend the ASSIST convention for the CE credits. The convention is much more than getting the credits. The training and speakers that are provided are some of the best in state if not in our nation. Each session that I have attended, I have learned something new on how to manage our business. Being based in California it is hard to keep up with all the state regulations and the ASSIST conference helps our company keep up with all of the regulations.

One of the most important rewards that I get from the ASSIST convention is the networking and friends that come out of it. These past few years my clients have called last minute with security needs which we could not fill at the time.

Several ASSIST companies that I met at the convention were there for us. A couple of phone calls to them and the client has coverage. Not just a warm body but a good security officer with a company that takes pride in their service. Each time this has occurred I followed up with the client and got great reviews from them. Now this networking came back to us. Over this last year, ASSIST companies have called us to provide security here in California, which we were able to provide.

One last item. The North Dallas Chapter sure knows how to throw a party. Each night was something and great. Top it off with a dinner at the race track. Way to go all you from North Dallas.

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By: Efrem M. Suarez of Skypatrol

I attended my first ASSIST convention this past year. It was held at the Omni Hotel in Dallas. From beginning to end it was one of the most well organized and well attended conferences that I have ever attended. As a national sales manager for Skypatrol I am required to attend several conferences for many different organizations that we as a company belong to. I have attended many events ranging from small low budget conventions to big expensive ones with a large number of attendees.

My experience at the ASSIST convention surpassed all of the events that I had previously attended.

The level of organization and attention to detail really stood out for me, and made the experience much more enjoyable.

Every aspect of the convention was perfectly managed and run, seminars were on time and so were the break periods, which allowed me to meet new people and many new potential clients. In addition, the off hours activities were a nice break from the usual conference grind. I was impressed how enthusiastic all the members of the organization are.

I think it showed just how dedicated the ASSIST members are. It was obvious to me that they take pride in their group from the get go. As a new member/vendor I was warmly welcomed by those companies that I had the opportunity to speak with and Skypatrol's GPS tracking products garnered a great deal of interest. I feel confident that Skypatrol will be a valuable asset for many members of ASSIST. Additionally if any prospective user of our hardware needs a reference from an impartial third party please feel free to contact Dave Scepanski or Jessie Ruelas whose company Sun City Security Services Inc. is currently using both our Patrolman units and our fleet Management device.

I am looking forward to attending the 2013 convention in El Paso. I feel confident that it will be an even bigger success.



REFLECTIONS continued on Page 49

Halls," we feel it is important to mount a campaign directed at educating and informing our legislators. To do this we are in the process of 1) developing materials to be distributed to all legislators and their staffs as well as TALI members; 2) creating a Powerpoint presentation that TALI members can use when meeting with legislators and their staffs; 3) creating an "Adopt a Rep" program where each state representative will have a TALI member(s) assigned to him/her. Adopt a Rep will help build a professional relationship and enhance the efforts to inform and educate our state reps.

Keep in mind the state rep could also benefit from our close relationship! It is important to note that our legislative activities don't run from January to May. This is a continuing process and one that everyone can play an integral role with!

- Recognition – everyone likes a pat on the back for a job well done. We need to take more time to recognize the many wonderful accomplishments of our members. To do this, our Commendation Committee will be breathing new life into that program immediately.

- Texas Certified Investigator Program – for those that have achieved the TCI designation they will tell you it was an extremely challenging and personally and professionally rewarding experience. I know it was for me. The TCI Board is taking a hard look at the program in an effort to make it the best it can be and attractive to qualified members.

- Professional development – everyone, regardless of age, education, background and experience, should strive for professional development. One of TALI's strengths as a professional association is the opportunity for offering programs and services that will develop and improve our skills. TALI does that primarily through our two yearly conferences, monthly regional chapter meetings, Mentoring Program, online continuing education and the TALionline Yahoo group.

We are very fortunate to have a wide array of programs for our members that hone our skills and develop us personally and professionally. We have a number of new people coming to us from the University of North Texas Professional Development Institute Private Investigation Certification Program as well as others that are new to the profession and have little or no investigative experience. Please take time to reach out to these people and lend them your support, encouragement and wisdom. We all were in their shoes at one time.

- *The Texas Investigator* (TTI) Magazine – TTI has come a long way and is the top PI association magazine in the nation. TTI is for you and about you and we aim to continue to provide you with current, informative and relevant articles to help develop your skills and grow your business. We are always looking for articles written by our members.

Don't forget to mark your calendars for our spring conference in Dallas at the Doubletree by Hilton March 8-9. Our theme will be "Navigating Through the PI Mine Field" where we will focus on helping PIs steer away from administrative, operational and legal problem areas. We expect an educational and entertaining opportunity for everyone. Our summer conference will be Aug. 8-10 in Corpus Christi. Stay tuned for details.

Make plans to join us in Austin on Feb. 19 for "TALI Walk the Halls Day" at the Capitol starting at 9:30 a.m. followed by a reception at 4:30 p.m. at Serrano's on 1111 Red River in Austin.

If you are not a member of TALI take a moment and check us out. We offer a tremendous number of benefits such as: PI company insurance; healthcare insurance; hotel and car rental discounts; cruise-line discounts; web design and online advertising discounts; distance learning; free business development tools, and merchant account discounts. TALI is a wonderful way to network with other PI professionals. Give us a try.

As you know, we live in tough and uncertain economic times. Take a moment and think about our veterans who are out of work. I am sure there are many who would welcome the opportunity to work for you. Consider giving something back to a group of patriots who sacrificed so much for our great country. You won't regret it.

Finally, TALI is about you. This is your association. Your board of directors exist to serve and represent you. Make your voice heard and get

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involved. There are plenty of opportunities to get involved and have a lasting and positive impact. Remember, "givers get."

Please feel free to contact me at any time. May 2013 be your best year ever!

Let's roll.

Continued from REFLECTIONS, Page 47

#### By Jeff Moore of Top Gun Security & Investigations



Jeff Moore

This year's ASSIST convention was a total success!!

I want to personally thank Bob Kenny and the Dallas crew for a wonderful time again. The CE's this year were second to none and the speakers were unparalleled. The Omni Dallas could not be a nicer place to stay and it had all the amenities one could ask for.

The racetrack was so much fun. If anyone saw my friend Mark's horse win on the last race you would have thought he won the Power Ball for \$500 Million!! We all had a great time and a lot of laughs! If I had to take one thing away from this year's convention it was the legislative luncheon.

The common theme was "Law Enforcement and Private Security" must work together. It is so nice to see and now hear more and more Chiefs of police realizing this fact. We cannot achieve our common goals divided. We all must unite to tackle the crimes we face today.

I look forward to going to this year's convention in El Paso and if I know Dave Scepanski and Jessie Ruelas it will be the most amazing time. Hope to see all of you there and I look forward to it.

#### By Jim Tramel of Tramel Group



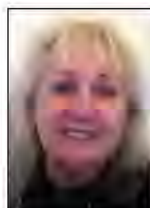
Jim Tramel

The Tramel Group is a strategic alignment of three companies managed by Jim Tramel. Together we provide HR benefits and services for all members of ASSIST and their employees. Albert Pomaes, the managing partner of ETMG, provides the limited medical insurance benefit. Thomas Seuthe, the managing partner of Employer Solutions Group, provides the major medical insurance benefit and an online HR portal to keep you informed of new employment laws. Jim Tramel, the president of the Tramel Group, provides HR consultation and supplemental insurances.

The three of us attended the ASSIST convention that was held in Dallas. It was a great experience for all of us. As a vendor, this was the first time that all of us had the opportunity to meet and talk with many of the attendees on a one-on-one basis. Those talks were really informative, and gave us insight as to the types of jobs that are required and how best we can assist the organization in providing benefits for their employees. We appreciated the opportunity to provide a presentation on healthcare reform to keep members aware of all of the new requirements. Additionally, we want to thank you for allowing us to participate in your Fallen Offi-

cer's Fund. We are looking forward to the next convention.

\*\*\*\*\*



Lisa D. George

#### By Lisa D. George of Weiser Security Services

Every year it is a pleasure to attend the annual ASSIST convention to continue my education, refresh myself on various topics and enjoy the camaraderie of fellow security professionals.

In 2012, we were privileged to have the event in Dallas. The Chapter Executive Team along with various committees put together a well rounded program of educational classes or open forums discussing current topics that concern us all in the private security sector. It is also a benefit to earn your CE credits for various requirements and accreditations.

Exchanging ideas and thoughts of our peers can be the most rewarding part of socializing at the evening events. It's certainly not all work! Relaxing with folks from all around Texas that have the same common goals professionally is a huge part of the convention.

I am looking forward to the upcoming event in El Paso. I'm sure we will not be let down by our gracious hosts.

\*\*\*\*\*

#### By Rey Canpusano of Pro Security Group, Inc.

October 1-5 was convention week for security professionals in Texas. Having been employed in the security field for the last four years and working in a supervisory capacity for three of those. The opportunity to attend this event was extended to a select few of us in the company. Ownership and management thought that it would be a beneficial experience for us to attend. I agreed and accepted the invitation.

The day came for us to attend the convention. I was very nervous when I arrived, I found myself standing in the lobby of the hotel surrounded by some very accomplished and important people. My nervousness dissipated throughout the day as I got the chance to meet and communicate with different attendee's of the events. I found myself surprised by the diversity of the groups and the level of professionalism that everyone attending displayed.

I attended several of the courses over the days of the event. While some of the classes were more pertinent than others for me and the position I hold in my company. All the information provided was valuable and insightful. The wealth of knowledge displayed by the speakers was remarkable and the presentations were passionate.

Several of the technology-based programs were of particular interest to me. A presentation provided on electronic fingerprinting spiked my interest. I found that the ease with which the systems can be used, and the speed at which the information can be transferred would be a valuable asset to any security company that provides guard services. Gone would be the days of the messy FD-258 fingerprint card that requires candidates to cover their fingers in black ink. The waiting process for license would also be greatly reduced. The information would be received almost instantly by any group that requires it.

REFLECTIONS continued on Page 51



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PHOTOS COURTESY OF BORDER PATROL

As part of a newly developed post-9/11 structure under the Department of Homeland Security, CBP elements along with the U.S. Border Patrol inherited a changing operational posture to help take on the threats posed by local and domestic sources.

Continued from BORDER PATROL, Page 30

## CBP BORDER PATROL STRATEGIC PLAN: REACHING NEW HEIGHTS

As the new year begins, the challenges of the Border Patrol are ever-changing and demand an even more streamlined national approach.



Bundles of Marijuana confiscated along the U.S./Mexico border.

In May 2012, Chief of the U.S. Border Patrol, Michael J. Fisher, announced the implementation of the 2012-2016 "Border Patrol Strategic Plan." This latest strategy builds on what was introduced in 2004 which focused on increasing personnel and resources.

The principal theme of the 2012 plan highlights the flow of information, integration and rapid response to meet domestic and international threats. These ingredients are the pillars of the strategy, continuing the practice of putting the agency in a position to have its most effective resources capabilities in place to combat the greatest risks.

It involves changing the mindset from a resource-dependent approach to a more risk-based approach to border security that provides rapid response to those areas of greater threat.

The path forward to a more comprehensive national strategy will also go hand-in-hand in addressing ongoing threats posed by transnational criminal organizations.

Securing our nation's borders is a top priority, perhaps now more than ever. It is aided by the assistance of some 21,000 Border Patrol agents that serve nationwide.

As the Border Patrol continues to evolve, we are making every effort to develop and implement strategies that better address acts of terrorism and border intrusion, while reducing crime in our cities and communities.

Throughout the years, the mission of the Border Patrol has taken on new responsibilities and expectations; but the storied history speaks for itself. The legacy left by the men and women of the U.S. Border Patrol is one to admire; and will carry its devotion and dedication over to a new generation.

The mantra of "Honor First" is, and will always be at the forefront of our national security. **MS**

## Gabby Enterprises

Rita Greer is the founder of Gabby Enterprises, a consulting organization that specializes in nonprofit management, training, and 501(c)(3) nonprofit setup. Gabby Enterprises has national clients in the corporate sector which include small businesses, educational institutions, churches, athletic organizations, and nonprofit organizations. As the founder, Rita has capitalized on her extensive nonprofit management expertise to attract clients throughout the United States. In addition, she has incorporated her strong skill set of assisting in the establishment of nonprofit organizations to enhance their position in securing grants for the success of the organization existence.

As a nonprofit consultant, Rita is able to help you obtain your nonprofit 501(c)(3) tax exempt status from the Internal Revenue Service fast. Where it takes most consultants or individuals 6 to 12 months to obtain, Rita is able to get you approved as a tax exempt 501(c)(3) organization within 6 to 8 weeks. If you do not have the time to do it yourself, she can free up your time to focus on other aspects of your business by preparing and setting up your nonprofit for you. She will provide the following services:

1. Obtain Employer Identification number.

2. Develop and file Articles of Incorporation.

3. Develop the Conflict of Interest Policy.

4. Develop the Bylaws for the nonprofit.

5. Complete the 501(c)(3) application.

Rita has never had an application that was not approved by the Internal Revenue Service. As a matter of fact, she was the one who obtained a 501(c)(3) tax exemption for the Charitable Organization of Texas Security Officers. ASSIST had been trying for many years to obtain the 501(c)(3) exemption and had never achieved this goal until they met Rita Greer. She was able to obtain the 501(c)(3) tax exemption quickly and without any problems.

A distinguished professional in the nonprofit industry for 20 years, Rita has a track record that exhibits extraordinary management in the overall achievements of nonprofit organizations management, training, setup, grants development, annual goals, and objectives. Rita's successful contributions increased overall profitability by establishing nonprofit 501(c)(3) organizations, developing collaborations, grant research and proposal submissions.

Rita has a history of community involvement and providing training for various organizations such as the Child Care



Rita Greer

Group, Dallas Housing Authority, Small Business Development Centers, El Centro College, Community Churches, and Desoto Independent School District.

Rita resides in Red Oak, Texas and has a passion to inspire and transform others' lives by sharing her experience and insights. Now she is taking her breadth of experience to the next level by equipping leaders across the U.S. to change the world. **MS**

# SAVE THE DATE!

2013  
**ASSIST**  
CONVENTION

EL PASO • OCT. 2-5

Continued from REFLECTIONS, Page 49

Other presentations that drew my interest were electronic report writing, insurance requirements and security sales. The insurance and sales presentations were interesting because it gave me a look into issues that the owners and management face. I had always know that owners and management were passionate about their work.

With all the information available time went quickly and already the conference was coming to an end. I met so many people from different places and walks of life. We were all competitors but there was no competition involved. We were all in the same field sharing information. It was a refreshing change of pace. These people were men and women with a common goal of succeeding and providing professional security services. **MS**

## The Last Word

### ▶▶ FROM THE ASSIST PRESIDENT

The challenges of 2013 and beyond are quickly becoming very obvious and incredibly relevant. Immediately after the Presidential election was decided



Alan Trevino

in November, panicked reaction to the now inevitable and ever looming Affordable Care Act (Obamacare) began to take effect on the "let's wait and see what happens with the election" crowd in regards to healthcare reform.

Through our relationship with vendor member The Tramel Group, constructive dialog began on a strategic plan to identify an affordable healthcare product coupled with estimating the minimum increases needed to sustain the additional expense associated with paying the predetermined penalty or paying all or a portion of our employees insurance.

On December 6, 2012, a group of about 45 security company owners and managers met in Austin to share ideas and throw out possible solutions. The Tramel Group fielded questions from the group and delivered some very topic specific points regarding the new law. The meeting was well received and we agreed to continue meeting throughout the year in various cities. Look for future meeting notices coming via email.

Whether you choose to participate or not in our discussion or agree with our strategies, you will have to address this issue for your company this year. I would recommend sooner than later.

As if that wasn't enough, we are also facing a nationwide increase in security officer related deaths and injuries, an unpredictable legislative session, an unstable economy and a great number of school districts uncertain about how best to secure their campus' after the senseless and tragic events in Newtown Connecticut. I personally believe we are a viable option and in a position to make a difference.

However difficult and challenging 2013 may prove to be, I am realistically optimistic that we will step up to the challenges and find a way to continue on. Maybe a little tattered and torn, but still standing. MS

\*\*\*\*\*

*The opinions in The Last Word are those of Alan Trevino and do not necessarily reflect those of ASSIST or its members.*

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# Code *of* Ethics *for Security Officers*

*I AM PROUD to be a security officer, and I will accept the responsibilities of my office, dedicating myself before God to this, my chosen profession.*

*I AM NOT a policeman or peace officer. My primary role is one of prevention rather than apprehension; therefore I will never imply by word or action, in public or in private, that I am a peace officer.*

*I WILL NEVER act officiously in the performance of my duties. I will enforce the rules of my employer and the laws of the land without fear of favor, malice or ill will, never using unnecessary force and never accepting gratuities.*

*As a SECURITY OFFICER, it is my duty to prevent crime, safeguard lives and property, deter violators, report violations, and enforce the rules of the client who has engaged my services.*

*I WILL NOT allow my personal feelings or friendship to influence my decisions. That which I see and hear of a confidential nature, or that which is confided to me in my official capacity, I will hold as a sacred trust, unless the revealing of it is necessary in the performance of my duties.*

*I recognize that the UNIFORM I WEAR is a symbol of the trust and faith of my employer, and is public trust placed in me by the State of Texas. I will wear it with pride and dignity, never violating this trust by word or deed. I will strive to instill this pride in other security officers with whom I come in contact.*



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October 2 – 5

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US Congressman Beto O'Rourke

The Honorable Eddie Lucio Jr. - State Senator

State Representative Joe Moody

Sheriff Richard Wiles - Sheriff's Department El Paso County

Chief Art Acevedo - Chief Of Police Austin, TX

Chief Scott A. Luck - U.S. Border Patrol / El Paso Sector

Steve M<sup>c</sup>Craw - Director Texas Department of Public Safety

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Company:		Guest Name:
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**Take Advantage of Early Registration****Late (After September 1, 2013)**

Member	\$200	\$250
Non-Member	\$250	\$300
Guest/Spouse/Vendor	\$75	\$75
Vendor Member Both	\$375	\$400
Non-Vendor Member Both	\$500	\$550
Both Electricity	\$50	\$50
Top Gun	\$60	\$85
Golf Tournament	\$85	\$85
Sponsorship (Other)	\$	
<b>Total Fee Enclosed</b>	\$	

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State Representative Joe Pickett  
Commissioner John Chism  
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Commissioner Mark Smith  
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Platinum	El Dorado Insurance	Josh Ring	Houston, TX	(800) 221-3386	President's Gala & Dinner
Gold	Texas Enforcer, LLC	Lorenzo & Mario Sosa	El Paso, TX	(915) 772-4951	VIP 'S Hotel
Silver	A.S. & I Security Service	Greg Roberts	Dallas, TX	(469) 533-3311	Golf Trophies
Silver	American Investigations & Security	Dan B. Flores	Brownsville, TX	(956) 542-8256	Breakfast Thursday
Silver	Costanza Insurance Agency Inc.	Peter Costanza	Dallas, TX	(800) 346-0942	S/O Of The Year
Silver	Kuty & Associates, LLC	Gary Kuty	Dayton, Ohio	(937) 395-3059	Golf Course
Silver	Sun City Security Service	Jessie Ruelas	El Paso, TX	(915) 751-6811	Prints and Forms
Silver	Top Gun	Jeff Moore	Houston, TX	(281) 332-1622	Golf Luncheon
Bronze	American Ranger	Julio & Carmen Aguilar	El Paso, TX	(915) 779-7683	Breakfast Saturday
Bronze	Ameritex Guard Service	Bob Marquis	Richardson, TX	(972) 231-6395	Hospitality Friday
Bronze	Azar Security Services, Inc.	Robert Azar Sr.	El Paso, TX	(915) 860-0644	Breakfast Thursday
Bronze	City Wide Investigations and Security	James Prock	San Antonio, TX	(210) 680-1202	Hospitality Wednesday
Bronze	Eastwood Locksmith	Bobby & Kim Brookshire	El Paso, TX	(915) 592-8856	Breakfast Friday
Bronze	El Paso Community College	Barry Bogle	El Paso, TX	(915) 831-7116	Top Gun Luncheon
Bronze	Heron Security Academy	Ed Hearne	Laredo, TX	(817) 822-3960	Golf Drinks & Refreshments
Bronze	IPC International	Randell Wiggins	Kingwood, TX	(281) 348-2197	Breakfast Thursday
Bronze	Maser Alarm Company	Otto Maser	El Paso, TX	(915) 532-5032	Vendor Appreciation
Bronze	Mike Garcia Merchant Security, LLC	Mike Garcia	El Paso, TX	(915) 772-7047	Vendor Appreciation
Bronze	Pro Security Group	Denise Nicholson	Waco, TX	(254) 753-7766	Breakfast Friday
Bronze	Saucedo Company	David Saucedo	El Paso, TX	(915) 566-7101	Vendor Appreciation
Bronze	Security Professionals of Texas	Susan Griswold	Houston, TX	(281) 970-7768	Breakfast Friday
Bronze	Sentry Security & Investigations, L.P.	Alan Trevino	Austin, TX	(512) 206-0515	Vendor Appreciation
Bronze	Texas Industrial Security, Inc	Kathy & Eric	Fort Worth, TX	(817) 335-3046	Vendor Appreciation
Bronze	Twin City Security	James F. Schrider	Houston, TX	(713) 952-4003	Breakfast Saturday
Bronze	Verified Responses, Inc.	Robert Kenney	Richardson, TX	(214) 239-3768	Vendors Hour
Bronze	Weiser Security Services Inc.	Lisa D. George	Dallas, TX	(214) 634-2123	Breakfast Saturday

Wednesday 2 October 2013	Friday 4 October 2013	2100 - 0100 Vendor's Appreciation Food & Drinks Provided Sponsored by: David Saucedo - Saucedo Company Kathy & Eric - Texas Industrial Security, Inc. Bob Marquis - Ameritex Guard Service
1800 - Hospitality Open - Hotel 4th Floor Food & Drinks Provided Sponsor: James Prock - City Wide Investigations	0700 - 0900 Breakfast Sponsored by: Denise Nicholson - Pro Security Group Bobby & Kimberly Brookshire - Eastwood Locksmith Susan Griswold - Security Professionals of Texas	
Thursday 3 October 2013	0830 - 0920 Thomas R. Demont ALOA (1 CE) National President Associated Locksmith of America "Safety & Security In The Workplace"	Saturday 5 October 2013
0700 - 0900 Breakfast Sponsored by: Dan. B. Flores - American Investigations & Security Robert Azar Sr. - Azar Security Services, Inc. Randell Wiggins - IPC International Corp.	0930 - 1020 Professor Jeffrey Addicott Director for Terrorism Law, St. Mary's University "Terrorism Fact or Fiction" (1 CE)	0700 - 0900 Breakfast Sponsored by: Lisa D. George - Weiser Security Services, Inc. Julio & Carmen Aguilar - American Ranger James F. Schrider - Twin City Security
0815 Bus Departs Lobby Golf Tournament and Top Gun Shootout	1030 - 1120 Vendor Hour Newest Technology (1 CE) Robert Kenney - Verified Responses, Inc	0900 - 0950 Patricia E. Beck Human Resource Generalist - IPC International "Ethics" (1 CE)
0900 - 1500 Golf Tournament (Shotgun Start) Underwood Golf Course Sponsor Kuty & Associates, LLC - Golf Course Sponsor Top Gun Security - Lunch Sponsor Heron Security Academy - Refreshments Sponsor A.S. & I - Golf Awards	1130 - 1320 Honor Guard / Keynote Speakers (2 CE) <b>SPONSORED BY:</b> JOHN BURES- COVER X SECURITY (LUNCHEON) Lorenzo & Mario Sosa - Texas Enforcer (VIP's Hotel) Peter Costanza - Costanza Ins. (S/O of the Year)	1000 - 1050 Department of Regulatory Services Jo Jo Heselmeyer & Sherrie Zgabay - DRS Licensing "Rules & Updates Part 1" (1 CE)
0900 - 1500 Top Gun Shootout El Paso Community College Range / Lunch Provided Sponsored by: Barry Bogle - EPCC Barry Bogle - EPCC Director Law Enforcement Tr. Alan Trevino - Sentry Security & Investigations, L.P.	1330 - 1420 Tommy Simmons (1 CE) Legal Counsel to Chairman Tom Pauken Commissioner Representing Employers Texas Workforce Commission "Key Elements When Answering A Claim"	1100 - 1150 Department of Regulatory Services Jo Jo Heselmeyer & Sherrie Zgabay - DRS Licensing "Rules & Updates Part 2" (1 CE)
0900 - Bus Departs Lobby Spouse and Guest Shopping and Tour Day 0930 - 1020 Federal Reserve Center 1030 - Bus Departs For Mesilla, NM 1130 - Lunch 1230 - 1600 Shopping and Historical Sites	1430 - 1520 Tramel Group (1 CE) HR & Benefits Plans "Health Insurance—What To Expect"	<b>Register Early for a chance at 3 Drawings!!</b>  <b>To Be Given Away</b> <b>Convention Registration Fees</b> <b>Golf Tournament Fees</b> (1 each per drawing) <b>Register between these dates to be eligible to win during that drawing</b> <b>Feb 1 - April 30</b> <b>May 1 - June 15</b> <b>June 16 - Aug 31</b> <b>Sponsored By</b> <b>Jessie Ruelas</b> <b>Sun City Security Service, Inc.</b> <b>9155 Dyer St. Ste B90</b> <b>El Paso, TX 79924</b> 
1500 - Registration & Vendor Setup	1530 - 1730 President Annual Meeting Members / Non-Members / Vendors Voting New State Board	
1800- 0100 Vendor's Appreciation Food & Drinks Provided 1930 - 2100 Six Guns & Shady Ladies (Ball Room) Sponsored By: Mike Garcia - Merchant Security, LLC Otto Maser - Maser Alarm Company	1830 - 2100 President's Gala <b>SPONSORED BY:</b> <b>JOSH RING - EL DORADO INSURANCE</b>	

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