

SPECIAL CONVENTION SECTION



SEPTEMBER 2013

MANAGING SECURITY *Today*

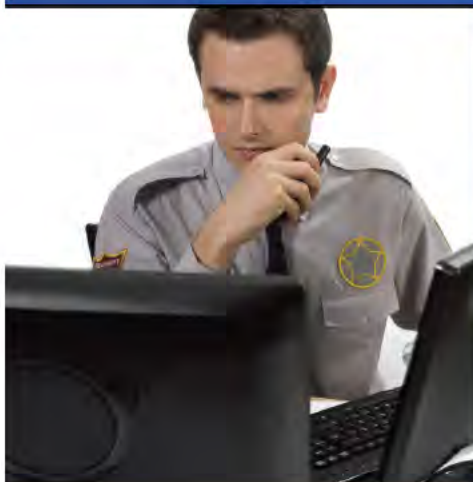
The official magazine of the Associated Security Services and Investigators of the State of Texas



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This last issue is dedicated to my beautiful wife Anne Scepanski who is my better half and has been by my side for more than 51 years. Her sacrifice and support in my service to ASSIST must be recognized.

Anne has accompanied me to all conventions; spent countless hours alone and has graciously been accepting of my personal volunteer time. For those of you who know Anne, you will agree, she is a strong, outspoken and beautiful person.

My success is also due to her contributions. Behind every successful man is a great woman; and great she is!

My advice to all of you as professionals, don't lose sight of what is most important and precious in life, time with your family and friends. Often times we allow our careers to cloud our vision of life balance. If you are a workaholic, or person who compulsively works hard and long hours, stop and refocus your commitments as every day should be lived with no regrets.



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ON THE COVER: From left to right: Sergeant Deputy Robert Almanza, El Paso County Sheriff's Department; Agent Vennesa Martinez, Customs and Border Protection; Air Enforcement Agent Angela Garcia, CBP Office of Air and Marine; Security Officer Bobby Leyva, Sun City Security Service.

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CHARITABLE ORGANIZATION FOR TEXAS SECURITY OFFICERS

COTSO continues to meet needs of the security profession

► Hopefully everyone is enjoying a great summer and getting ready for the active fall ahead of us. I am happy to be able to say that we have had no reported incidents since the last issue of the ASSIST magazine. Hopefully this is due to increased training, situational awareness and vigilance by security officers to make it home tonight. In this issue you will read of the results of the current legislative session that is still going on in Austin.

As the director of COTSO I am pleased to report that our efforts continue to meet the needs of the security profession. As you all know we are an independent charity here to serve the security officers of Texas. It has been my pleasure and honor to serve in that capacity for more than nine years. Thanks to the continuing fundraising efforts of great people like Ruben Amaya and the Gulf Coast Region members we are able to maintain and continue to meet our financial goals.

Due to suggestions from the COTSO board we are moving forward with the process of ap-



Michael McGregor

plying for grants and becoming more involved in the non-profit community. To my surprise this is another whole field working in our communities to help make those communities stronger and a better place. COTSO through its board will continue to move forward not only to meet our current commitments to the security profession but also move forward with new ideas and ways to be there when needed. Thanks to the efforts of Denise Nicholson and Charlie Deckert we now have our new website up and running at cotso.org as well as a face book page. Feel free to visit our web page as well as Facebook.

This year in October it will be 10 years since the tragic killing of Officer O. Vera brought the idea of being there to help our own to what COTSO is today. From that simple commitment I can only say who would have ever thought? I am amazed and you should all be proud. We were the first state in the country to establish a fund and to make it a formal commitment to honor our own Officers and care for their families To remember their sacri-

fice and help their families has become a mission for the directors and supporters of COTSO.

We are still looking for people interested in serving and helping to meet this responsibility. Anyone interested in serving as an associate member of the COTSO board from any area of the state from any profession feel free to contact us today. Anyone with ideas or questions can also feel free to call us. We can be reached by phone at (214) 729-0667. Goals for the future include education of the officers and their families in the benefits available not just from COTSO but from Workers Compensation and Social Security where applicable as well as possible job training and educational opportunities for surviving family members.

In October many of us will gather in El Paso for the annual convention of ASSIST. ASSIST has and continues to support and work with COTSO. From fundraising, donations, their associate member life insurance plan and for being there when tragedy strikes, they stand with us to support the Professional

COTSO continued on Page 6

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Legislative session and sessions, and sessions

►► I AM SURE YOU ALL ARE AWARE OF THE NUMEROUS SPECIAL SESSIONS THAT THE GOVERNOR HAS CALLED and at this writing another one is on the way! The state has a great deal of issues to address and we

still must remain vigilant. The problem over the past few years has been budgets, abortions and education. All important issues with proponents and opponents on both sides. As we move forward we will see.

Now for a bit of bad news then the good news!



Walt Roberts

House Bill 3433 was the DPS cleanup bill. It was supported across the industries regulated by DPS. **WHAT WE ASSUME CAN ONLY BE A PLOY TO SNEAK IN THE FINGER-PRINTS EVERY TIME A RENEWAL IS SENT.** This had to be on the third reading by legislative council because neither the author nor the industry knew anything about it.

Now comes the correction. We hope House Bill 61 refers to legislative intent and will not remove the language but clearly states what the author intended to do; not this language (**INCLUDING AN APPLICATION AND THE RENEWAL OF**), thanks to State Representative Alan Fletcher for the correction.

Maybe I am getting too old for this job, you may want to replace me because it slipped by me. It is my belief that the majority of the managers and owners perform their due diligence on hires; after all, our insurance companies would stop covering a company that had such a problem and let it pass.

I am going to voice my disappointment over the last two sessions regarding DPS, their legislative team and the treatment of the security industry it regulates. Sessions prior to the past two, the 82nd and 83rd Legislature, DPS invited all of us regulated by 1702 to a sit down and discuss upcoming legislation. Additionally, during that meeting DPS and each industry commented on concerns and plans for new legislation and allowed us to discuss our differences.

Now, I feel like their legislative agenda is not on the same page as ours. We are their customers

SESSIONS continued on Page 6



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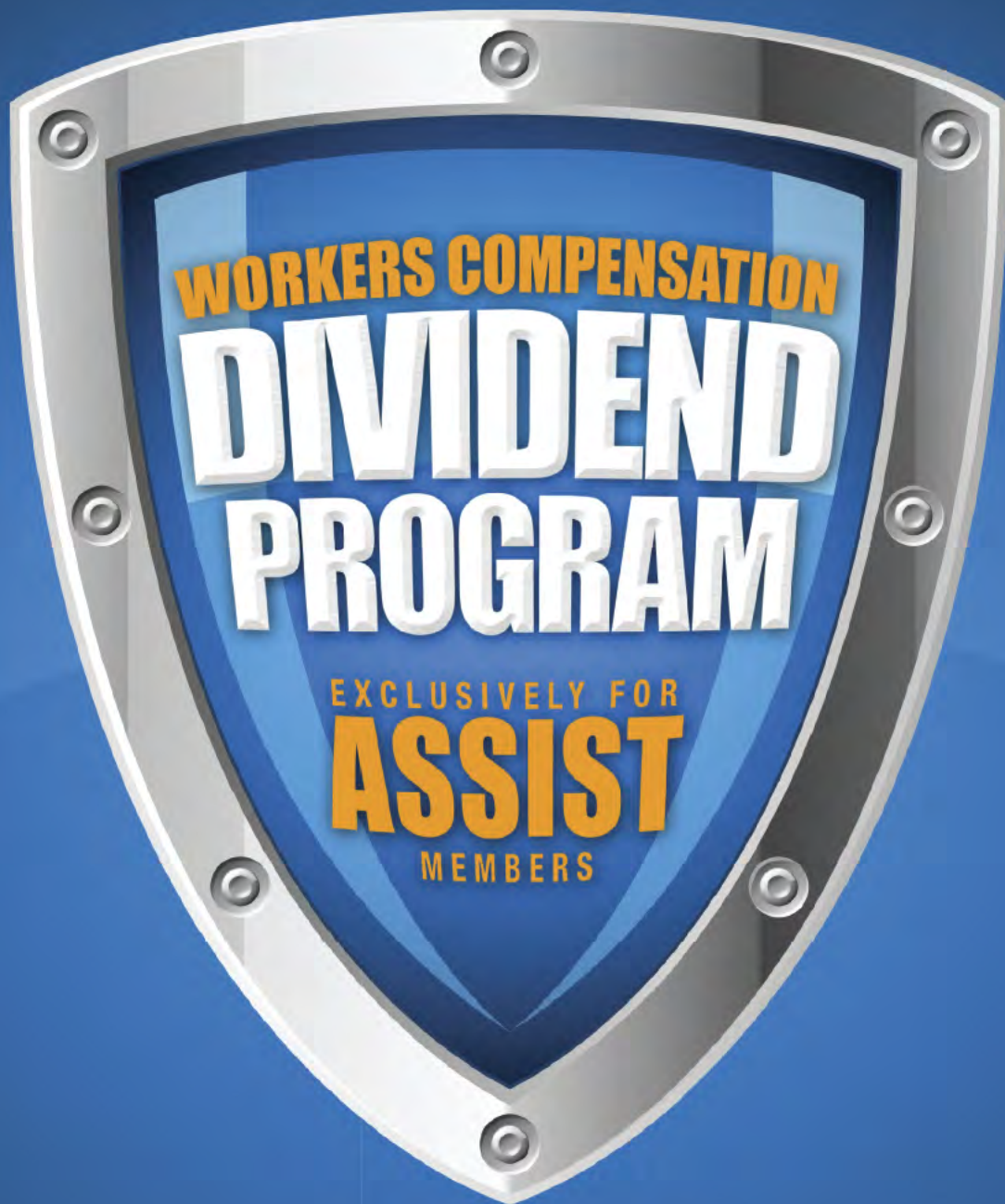
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Oakley Report

Key down-ballot contests starting to take shape

► Since Governor Rick Perry announced that he will not seek re-election, the shape of other key down-ballot contests are beginning to take shape.

More than a week after Attorney General Greg Abbott announced his bid for governor, state Rep. Dan Branch, R-Dallas, declared his candidacy to succeed Abbott.



Keith Oakley

"I'm running for attorney general to fight against an overreaching federal government, to fight for open and accountable government and to preserve limited government in Texas," Branch said in front a crowd of supporters at Southern Methodist University.

It may be too early to deem Branch the front-runner in the race, but he has already shown formidable fundraising skills. Last month he reported \$4 million on hand, about four times that of his only official Republican competition so far, Railroad Commission Chairman Barry Smitherman.

In a statement issued shortly after Branch's announcement, though, state Sen. Ken Paxton, R-McKinney – who is also expected to join the race – announced that he would announce his own "future plans" soon.

Meanwhile, former Arkansas Gov. Mike Huckabee Recently helped draw attention briefly to what's shap-

ing up to be Texas' most competitive 2014 primary race. In a statement, Huckabee announced that he had endorsed state Sen. Dan Patrick, R-Houston, who is hoping to unseat David Dewhurst as lieutenant governor.

"Dan Patrick is an authentic conservative leader with a proven record of fighting for life, border security, tax reform and less government spending and debt," said Huckabee, who last year endorsed Dewhurst in his U.S. Senate race against Ted Cruze.

Patrick and Dewhurst will also face off against Land Commissioner Jerry Patterson and Agriculture Commissioner Todd Staples.

As for Democrats in down-ballot races, virtually the only announcement so far has come from former El Paso Mayor John Cook, who said last week that he would enter the race for land commissioner, where he would face George P. Bush, the likely Republican nominee.

Otherwise, as Texas Democratic Party Chairman Gilberto Hinojosa said, Democrats appear to be waiting on a decision from state Sen. Wendy Davis about whether she's running for governor, for re-election or for something else.

"You'll see a slate start forming as soon as Wendy makes a decision," Hinojosa said.

This may be one of the most exciting election cycles in many years in the state of Texas. **MS**

Continued from COTSO, Page 3

Security Officers of Texas.

They will be holding their elections for a new Board to lead ASSIST. It is my understanding that the El Paso region has planned an event to remember the officers we have lost. That list has grown and the reality is, unfortunately, that it will continue to grow. I would also like to recognize the significant contribution of the outgoing ASSIST President Alan Trevino. From setting COTSO on its own and the resolution of membership issues Mr. Trevino has worked to further the cause of ASSIST and he will be missed.

Anyone wishing more information on COTSO, any information on an officer killed in the line of duty or wishing to make a donation to COTSO or help us with our mission can contact me at 214-729-0667 or by e-mail at mmcg@aprosec.com. Remember that an officer's primary responsibility is to go home at the end of your shift. To do that requires training, situational awareness as well as the everyday duties you carry out. Ours is a job that requires much. It is up to you to meet that challenge. **MS**

DAVE SCEPANSKI, ASSIST Past President

Conventions, why even go?

► State conventions are fun and educational for every organization, for its members and non-members to attend. If you take pride in your profession, you should support a convention by becoming a member, attending monthly meetings, and getting involved by taking a position on the state or local level.



Dave Scepanski

We all started as a members. If you are not a member, take the first step by attending a local regional meeting. Membership allows you an avenue to have your voice heard at the state, as well as local level.

IF YOU DO NOT ATTEND YOUR REGIONAL MEETING, BE ACTIVE LOCALLY AND AT THE ANNUAL STATE CONVENTION. BY NOT ATTENDING, YOU ARE GIVING PERMISS-

SION TO HAVE OTHERS MAKE DECISIONS FOR YOU. THE CHOICE IS YOURS.

The purpose of having a convention is to gain knowledge, gain continue education points, learn the newest technology being offered by vendors associated with the business you are in, and give you the chance to meet your friends and make new ones.

Associated Security Services and Investigators Of the State of Texas, Inc. conventions and events are as follows:

- They always start on a Wednesday evening with a reception. Attendees will have a chance to meet and greet their industry peers, have drinks, eat, just relax and socialize.
- Thursday – enjoy the events that are scheduled including the Top Gun competition and golf tourna-

CONVENTION continued on Page 7

Continued from SESSIONS, Page 4

(not criminals). One would think, they would have an interest in our political views and reasons for them. It feels like all they want to do is collect our fees and have us sit down and shut up.

Now let's talk about what ASSIST needs for the next session. Support from your state representative and senator is number one. You do not need to give a ton of money, donate to them a guard in a parking lot, drive them to the airport, or take them lunch. I think in two years there's going to be a battle over fingerprinting and we need to have our ducks lined up and ready for a fight! **MS**

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Continued from CONVENTION, Page 6

ment then usually around 4 p.m., the registration starts for everyone else attending the convention.

- Thursday evening is when the fun really starts. This is the Vendors Appreciation evening which honors our vendors with a spectacular event including great food, drinks, and a chance to meet everyone.

- Friday is a busy day. We have our Continuing Education sessions. Visit the vendors and receive one hour CE just for visiting the vendor's booth. There's a VIP Luncheon and later that afternoon we have our annual meeting, then we prepare for the President's Gala.

- While we are having our CE on Friday, spouses and guests will be taken out for the day of shopping and a luncheon.

- The President's Gala is one of the most exciting events of the convention. This is where awards are given for event winners, a great dinner is served, drinks are available and some great speeches are given.

- Then we leave the dinner and go to the reception where again we have drinks, appetizers – and just enjoy the camaraderie.

- Saturday we always have the remaining hours of our CE, which consist of one hour of ethics, two hours of educational updates by the Texas Private Security Bureau taught by some of the best instructors in the state.

- We encourage everyone to stay Saturday so that you can visit the city and experience the events and entertainment it has to offer.

THE COST FOR ALL THE ABOVE MENTIONED EVENTS FOR MEMBERS IS ONLY \$200 AND \$250 FOR NON-MEMBERS. GUESTS, VENDORS PAY ONLY \$75. IF YOU'RE PLAYING IN THE GOLF TOURNAMENT, THE COST IS \$85, WHILE THE TOP GUN COMPETITION COSTS \$60. THESE PRICES INCLUDE FREE PICK UP AND DROP OFF FROM/TO THE AIRPORT FROM THE HOTEL HOLDING THE CONVENTION.

ASSIST has the reputation of helping the security industry with issues, questions, or problems. It's a source of great information.

The president, executive board members, past presidents regional presidents will meet each and every one attending.

From the start to the end of the convention, we offer camaraderie where no one is a competitor, just a friend. **MS**

**To learn more
about/register for the
2013 state ASSIST
Convention check out
in this issue:**

- Convention registration form
- Top Gun Tournament entry form
- Golf Tournament entry form
- Continuing Education classes

Security companies complain about DPS fingerprint systems

By Brenda Bell | AMERICAN-STATESMAN

► **PRIVATE SECURITY GUARD COMPANIES LODGED A PUBLIC COMPLAINT** Thursday about the Department of Public Safety's outsourced system of electronically processing fingerprints for background checks for millions of Texas job applicants and public employees.

Appearing at a meeting of the Public Safety Commission, representatives of the industry said DPS's exclusive contract with an international company, MorphoTrust, has resulted in inadequate service and long waits for fingerprints required to get a security guard job — a low-paying, high-turnover field.

The state Private Security Board has cited service issues in resisting DPS Director Steve McCraw's effort to do away with paper-and-ink fingerprints entirely, and only use the Fingerprint Applicant Services of Texas (FAST) provided by MorphoTrust and its subcontractors.

"What Steve McCraw is for is everybody having to give money to Morpho," Mark Smith, president of Dallas-based Smith Protective Services, said after the meeting.

Almost all state licensing agencies already do. Since 2008, 2.7 million Texans — including nurses, real estate agents, insurance agents, concealed handgun applicants and virtually everyone working in the public schools — have had their fingerprints electronically scanned, at \$9.95 per person. According to testimony before the commission, FAST has earned MorphoTrust \$19 million and relieved DPS staff of a time-consuming task when processing background checks.

"We can't afford not to do fingerprints electronically," McCraw said. "It takes too long. It's too inaccurate." He added that the FBI no longer accepts paper prints.

The security guard companies are among the last holdouts; they "roll" the fingerprints for many of their job applicants the old-fashioned way, sending them to DPS by express mail. McCraw wants to end that option.

But they're not the only ones holding out.

In May, the Legislature passed a bill requiring DPS to establish procedures for submitting fingerprinting for a select group of concealed handgun license applicants — active and retired peace officers and judicial officers who live in rural counties beyond a 25-mile radius of a facility that processes digital fingerprints. Those procedures could include paper prints, or the establishment of more processing offices, proponents of the bill said.

MorphoTrust operates 85 service centers across Texas, and McCraw said that 99 percent of the state's population is within a 50-mile radius of one.

But security guard companies say that a 100-mile round trip is burdensome for any job applicant, that service center hours are irregular, appointments are hard to get, and the offices don't accept walk-ins or credit cards. They point to other states which allow a variety of vendors — including CVS drug stores and security companies that have their own scanning machines — to offer the increasingly common fingerprinting technology. Smith said California has 1,331 such locations, many open 24 hours a day, without appointments.

Denise Nicholson, president of Pro Security in Lorena, 25 miles from Waco, said that a MorphoTrust subcontractor operates McLennan County's only FAST machine, which is in heavy demand. "Ninety percent of the time I call, they tell me it's going to be a week to three weeks out," she said. "Even the lawn crew that mows the grass at the school has to have background checks now."

Nicholson said she wanted to buy her own fingerprint scanner — the price has steadily dropped from five figures to about \$2,000 as the technology became widely available and many competitors entered the field. She said she was told that McLennan County was the subcontractor's exclusive territory according to the terms of its arrangement with MorphoTrust.

"Having more print machines would definitely help," she said.

Though the issue was left hanging at Thursday's commission meeting, DPS spokeswoman Katherine Cesinger said, "We will continue working to resolve the fingerprinting concerns as soon as possible." **MS**

Article can be found at: <http://www.statesman.com>

From the Hill

► FROM OUR ELECTED OFFICIALS

A Legislative update

By Congressman Beto O'Rourke | TEXAS DISTRICT 16

► Congress is currently debating a number of issues that will have a clear and direct impact on our country's national security. Two of the most important issues are the across the board budget cuts known as the sequester and comprehensive immigration reform. As Congress continues to debate these issues, I remain focused on overturning the unacceptable sequestration cuts and drafting comprehensive immigration reform that is humane, rational, and fiscally responsible.

The across-the-board spending cuts that went into effect on March 1 have had a serious effect on government agencies across the country. Earlier this year, Customs and Border Patrol (CBP) employees faced 11 to 14 day furloughs that threatened their ability to protect the border and support the trade that generates 100,000 jobs in our region.

I am working to replace the mindless cuts of the sequester with a responsible and balanced bill that will keep our government functioning while addressing our long-term deficits. Earlier this year I attempted to bring legislation to the floor that would have replaced the sequester with a responsible mix of spending cuts

and revenues. In March, I also voted for a budget resolution that would replace the sequester. Although neither of these attempts were successful, CBP employees did receive some relief from the Continuing Resolution (H.R. 933) that was passed by Congress in late March. It provided CBP more flexibility to manage their budget and as result planned furloughs for CBP employees were eliminated.

In addition to important budget discussions, Congress has also been focused on comprehensive immigration reform. Last month the Senate passed a comprehensive immigration reform bill. I am pleased at the progress we are making on this important issue, but remain wary of over-legislating when it comes to border security. We need to view our border as an economic opportunity, not as a threat.

The Senate bill includes a "border surge" provision that would allocate \$46 billion for 700 miles of additional fence along the southern border and the hiring of 20,000 new border patrol agents. Although we welcome attention to the border and the input to improve its problems, the obsessive focus on security ignores the fact that 99 percent of border cross-

ings are legitimate and that the \$460 billion in trade between the U.S. and Mexico is an economic engine.

With a record number of deportations and apprehensions last year, our border is more secure than it has ever been. For just a fraction of what the Senate proposes to spend on walls and additional Border Patrol agents, we could modernize our ports of entry by clearing the current logjams where outdated infrastructure, understaffing, and inefficient use of technology create hours-long delays. We need to better staff our ports of entry to foster the trade that supports more than 6 million jobs across the country.

As the discussion on immigration reform moves to the House of Representatives, I will do my best to ensure that our resources are focused on the legal and efficient movement of people and goods across our border.

Congress will continue to debate these important issues in the months ahead. I remain committed to doing everything I can to overturn the sequester cuts and to pass comprehensive immigration reform that recognizes the economic potential of the border. **MS**



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ABSENT FEDERAL ACTION Texas should create foreign guest worker law program

By Senator Eddie Lucio, Jr. | DISTRICT 27

▶▶ IN THE RIO GRANDE VALLEY I AM CONSTANTLY REMINDED OF THE IMPORTANT ROLE IMMIGRANTS PLAY in growing Texas' economy. Immigrants have in fact shaped today's America. Why then haven't we done more to encourage hard-working, entrepreneurial immigrants to work here?



Senator Eddie Lucio, Jr.

As of this writing, Congress is again considering immigration reform legislation. The bill is slow-moving, at least in part because of reluctance to update our guest worker programs. I propose that if the federal government drags its feet, Texas should lead the way in ensuring available jobs are filled by willing applicants.

The federal government currently operates H-2A and H-2B guest worker programs, for agricultural and non-agricultural workers, respectively. Under both programs employers must certify that they cannot fill jobs with U.S. workers before sponsoring foreign visas.

These programs are far from perfect. As our Agriculture Commissioner Todd Staples noted, the H-2B program is "riddled with bureaucracy and filled with outdated quotas." H-2B visas were limited in 2012 to less than 70,000 nationwide, far less than businesses demand. More than one million immigrants live in Texas alone. This year, visas have been approved too slowly, leaving some businesses without workers. Finally, many argue the programs could do more to protect U.S. workers' wages and foreign workers from exploitation.

I THINK TEXAS CAN DO

BETTER. In fact, I'm convinced all states should be free to experiment with guest worker programs that better serve their unique needs.

This 83rd Legislative Session, I filed Senate Bill 1704, which would have allowed the Texas Workforce Commission to create a pilot guest worker program. Under the bill as I laid it out in a Senate committee, TWC would partner with appropriate federal agencies (likely the Department of Labor and State Department) to create its own system for putting foreign skilled and unskilled workers on the job when Texans are unavailable.

The program would be transparent and ensure the safety of Texas citizens. **APPLICANTS MUST PASS A CRIMINAL BACKGROUND CHECK, SUBMIT PROOF OF HEALTH INSURANCE COVERAGE, AND BE ISSUED A PHOTO ID CARD BY TWC.** The program wouldn't cost the state a penny; rather, it would be funded by employer participation. Further, only those employers who deduct and match payroll taxes may enroll.

Unfortunately, my bill never left committee. It's a shame. Texas, more than any other state, needs guest worker reform. Texas leads the nation in H-2B visas, sponsoring 11,018, according to a report by Pew Charitable Trusts. All other states but Virginia sponsor 4,000 applicants or less.

MY HOPE IS THAT CONGRESS WILL SUCCEED IN FORGING A COMPREHENSIVE IMMIGRATION REFORM BILL THAT INCLUDES NECESSARY GUEST WORKER REFORMS. If they don't however, I call on my state colleagues to ensure businesses have every resource available to keep Texas working. **MS**

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Jose Rodriguez

US is still the land of opportunity

By Texas State Senator Jose Rodriguez | DISTRICT 29

► Comprehensive immigration reform is one of the nation's most pressing issues for a number of reasons. Chief among them is our national identity as the beacon of opportunity.

Every day people live, work and play on both sides of the border, which at almost 2,000 miles long is one of the longest in the world. One unfamiliar with the border might be surprised to know that we deal daily with issues of trade, environment, health, and transit, each of which blends into other issues and has both macro and micro aspects.

The U.S. Senate plan for Comprehensive Immigration Reform simplistically reduces our region to a "security" issue, and allocates \$47 billion in spending to militarize the U.S.-Mexico border. Even at that, there were some who thought it didn't go far enough. But most realized it was a bad idea for everyone except for defense contractors and those U.S. Senators who needed cover to justify their support of immigration reform.

First, simply put, that line of thinking needs to be severed from immigration reform. Second, the sticker shock of that plan provides an opportunity to explain to the rest of the country the reality – the U.S. will benefit from making it easier to move people, goods and services across the line.

Thankfully, the House appears to be taking a measured approach to the issue of border management through preliminary approval of metrics by which to assess security, although it remains to be seen how that will relate to immigration reform.

We need to get this right, not only for those who live on the border but for the whole United States. The border is a unique value proposition – a rich source of culture and an important component of the international trade

system. It is where millions of people live and work in peace, and where billions of dollars of goods and services cross each year.

Yes, there are law enforcement issues to deal with. Smuggling is a part of our border – just as it is for any border anywhere in the world. As county attorney, I both prosecuted juveniles and launched public campaigns warning of the consequences smugglers face from law enforcement and criminals alike.

MILITARIZING THE BORDER DOES NOTHING TO ADDRESS THOSE ISSUES – SMUGGLERS GROW WEALTHIER AND MORE POWERFUL, WHILE CITIZENS LOSE THEIR RIGHTS AND FIND IT HARDER TO LIVE THEIR LIVES IN FREEDOM.

Americans elsewhere have voiced their displeasure with intrusive and overbearing government, and would not tolerate drones and paramilitary personnel in their neighborhoods. Why should we?

Militarizing the border also doesn't do anything to address national security issues associated with terrorism. There has not been one terrorist incident, from Oklahoma City to 9.11, where the perpetrator has been traced to an illegal crossing in the desert. Our air and sea-ports are much more likely entry points for those bent on destruction.

Meanwhile, the vast majority of those who risk everything to get here are the exact kind of people we want in this country – hard-working, risk-taking entrepreneurs.

As stated by the Immigration Policy Center, "Immigrants pay taxes, create new jobs by

opening businesses, and make scientific discoveries that transform entire industries."

They cite the following figures:

- As of 2010, almost 20 percent of Fortune 500 companies had at least one founder who was an immigrant.
- In 2007 (the last year for which data is available), almost 20 percent of all small-business owners in the United States were immigrants.
- Among people with advanced degrees, immigrants are three times more likely to file patents than native-born U.S. citizens.

We need immigration reform so those who come here are able to live freely and contribute even more to this nation than they already do. This is the land of opportunity, not the land of "last one in shut the door," and I believe it has the capacity to remain so, as long as we keep our eye on the ball. **MS**

José Rodríguez represents Texas Senate District 29, which includes the counties of El Paso, Hudspeth, Culberson, Jeff Davis and Presidio. He represents both urban and rural, and more than 350 miles of Texas-Mexico border. Senator Rodríguez was elected in 2010; he is Vice Chairman of the Jurisprudence Committee and is a member of the Criminal Justice, Veterans Affairs and Military Installations, and Government Organization committees.

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THE STATE WORKS TO COMBAT CYBER ATTACKS

By Texas State Representative Allen Fletcher | DISTRICT 130

▶▶ AS MODERN TECHNOLOGY ADVANCES, OUR LIVES ARE BECOMING MORE EXPOSED TO THE DIGITAL WORLD. Many of us don't realize just how much information is stored on the internet or on our personal electronic devices. From cell phone data to social media to our activity on web sites, the more information that is stored electronically, the easier it is for that information to be compromised.

The development of "cloud computing" only increases this risk. While cloud computing is convenient because it allows information

from multiple devices to be stored in one place (a "cloud" on the internet), it also makes it easier for hackers to access private information.

These security risks exist not only for our personal lives, but also for government entities trying to protect sensitive information. Recently, the state of Texas has seen increased cyber-attacks on state government agency computers. Since 2009, there have been thousands of attacks; law enforcement was notified of 649 of these attacks, while the public was notified of 468. In addition, there were 6,490 instances of a "keystroke logger" being found

on a state agency computer. This type of security breach means that a hacker is able to track every key stroke that is typed on a device, allowing the individual to uncover highly sensitive passwords, correspondence, and other confidential information.

NOT ONLY DO THESE CYBER-ATTACKS POSE A SIGNIFICANT RISK TO THE SECURITY OF THE CITIZENS OF THIS STATE, BUT ACCORDING TO THE DEPARTMENT OF INFORMATION RESOURCES ALSO COST THE TAXPAYERS MILLIONS EACH YEAR ADDRESSING AND COMBATING THESE BREACHES.

There are a number of things that the state can do to identify and respond to these threats appropriately. This involves taking necessary precautions to ensure that cyber security is a priority, seeing that agencies have sufficient levels of staff to focus on security risks and management, and taking standardized approaches in identifying and addressing threats.

In 2001, the Texas legislature tasked the DIR with establishing a statewide security program. In 2005, we authorized the DIR to establish the Network and Security Operations Center, which was fully operational in 2007. This center attempts to prevent penetrations and scans for vulnerabilities and intrusions. The Cybersecurity Council was authorized in 2011 and a year later released their initial report with recommendations for the state.

Several of the recommendations from the report and interim hearings were passed into law in the 2013 Legislative session. First, we increased cyber security funding in the state budget by \$9.8 million for the biennium. The legislature also continued the Cybersecurity Council for two more years and authorized DIR to appoint a Cybersecurity Coordinator. DIR is also now required to create a cybersecurity framework and provide security training to state agencies. Finally, state agencies must submit biennial security plans for DIR to review.

It's hard to legislate for the future when it comes to technology advancements. The best we can do is consistently update the state's security software and adjust to the ever-changing online threats. **MS**

State Representative Allen Fletcher, House District 130 – Representative Capitol Address, P.O. Box 2910 Austin, Texas 78768.



Allen Fletcher

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Closing a criminal justice loophole

By Texas State Representative Joe E. Moody
DISTRICT 78

▶▶ As the 83rd Legislature's second special session comes to an end and we move into a third, it's easy to feel the weight of the work still left to be done. However, we haven't walked away from these called sessions empty-handed, and our accomplishments are worth taking a look back at.



Joe Moody

In particular, I'd like to highlight our success in tackling an important criminal justice issue with the passage of Senate Bill 2 during the Second Called Session. The bill, which I jointly sponsored, was a response to the

Supreme Court's ruling in *Miller v. Alabama*. There the Court held that imposing a mandatory sentence of life imprisonment without the possibility of parole, which is the penalty for capital murder in Texas, was unconstitutional for defendants younger than 18. Because Texas treats 17-year old defendants as adults, that opinion created a gap in state law that left no available punishment whatsoever for 17-year olds convicted of capital murder.

Senate Bill 2 filled that gap by reducing the penalty for capital murder by a defendant younger than 18 to life in prison with the option for parole later on. The bill is tough on crime and fiscally responsible – having a stiff, automatic sentence for capital murder ensures just punishment and saves taxpayers the expense of costly punishment hearings – but it also gives young people convicted of our most serious crime a chance at rehabilitation and reintegration into society if appropriate.

El Paso County has had the unfortunate experience of seeing some of its young people kill. (In fact, one case involving capital murder by a 17-year old is still pending right now.) Senate Bill 2 was a big win for us.

As I mentioned, though, there's a lot left to do when the next special session begins on August 5th. In Austin, negotiating an appropriate plan for the future of Texas transportation is still something I'm committed to. Back home in El Paso, I've been working hard on local issues like the development of the Tom Mays entrance to the Franklin Mountains State Park.

But no matter how busy my work keeps me, I'm still here for you. If there's ever anything I can help you with, please feel free to call my district office at (915) 751-2700 or come by in person at 5675 Woodrow Bean, Ste. 12 in El Paso. You can also try my capitol office at (512) 463-0708 or at room E1.216 (and P.O. Box 2910 for mail) in the Texas State Capitol located in the heart of downtown Austin. My staff and I are here to serve you in any way we can. **MS**

State Representative Joseph E. Moody, District 78, Capitol Office:
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Industrial security can play role in local emergency planning

By Texas State Representative Joe C. Pickett | DISTRICT 79
Chairman of Homeland Security and Public Safety

▶▶ This year, on April 17, one of the worst explosions in the Northern Hemisphere occurred at a fertilizer facility located in West, Texas. Shortly after this tragedy, the Texas House of Representatives Homeland Security and Public Safety Committee, convened with the purpose of collecting information about how the West Plant and similar facilities are regulated and monitored, with the broader purpose of assessing what, if anything, can be done to prevent future similar disasters. This incident highlighted the importance of community and industry involvement, as well as agency cooperation for development of emergency response plans and the responsibility of manufacturers and businesses to comply with self-reporting requirements. On May 1, the HSPS Committee heard testimony from multiple state agencies on their respective roles, and more generally, their role overseeing such chemical facilities. The committee identified that in the state of Texas, all counties are required to have an active Local Emergency Planning Committee, LEPC, to, among other things, identify risk that could arise from facilities using or storing hazardous chemicals.

The role of an LEPC is to form a partnership between local government and industry as a resource for enhancing the recognition and preparedness of hazardous materials. Our local governments are responsible for the integration of hazmat planning and response, within their jurisdiction. This includes: ensuring that the local hazard analysis adequately addresses hazmat incidents; incorporating planning for hazmat incidents into the local emergency management plan and annexes; assessing capabilities and developing hazmat response capability using local resources, mutual aid, and contractors; training first responders; and exercising the plan. These are good tactics for any community and private sector industry/manufacturers and they should welcome the reporting require-

ments as well as working with the first responders.

What the committee also discovered was that storage facilities and manufacturers have the responsibility to "self-report." There is no apparent proactive means to make sure these facilities have reported without the active involvement of communities and groups such as the Local Emergency Planning Committees. Of course, if located in or near a large urban area, chances are the existence of local fire codes, building codes and ordinances are enforced and regulated by either active professional firefighting departments or by involved volunteer groups, and that they will identify the risk or hazard and ensure reporting to the proper authorities. On the other hand, rural areas have a much greater challenge and may not have an active system established, as they are dependent on a volunteer system. Without having a worst case scenario being in place, first responders are at a terrible disadvantage if something terrible goes wrong.

There is an important role for Industrial Security to play here as well, by ensuring that the company, or the company that you are contracted with, is doing everything they can to reduce the risk of dangerous chemicals and conditions. Active participation with local authorities and groups such as LEPCs can assure that your community is prepared as much as possible. Knowing your surroundings is key to this planning process and people active in the security field have the necessary skills. Here in El Paso County we have a very active LEPC that consist of representatives from our fire departments, private industry and local districts. They continually look at all phases of responses, hazard identification, and training, and most importantly, sharing the information to the allowable limits.

INDUSTRIAL continued on Page 15



Joe C. Pickett

Collaborating to support victims of crime

By Texas Attorney General Greg Abbott

► In Texas, crime victim advocates and law enforcement agencies across the state demonstrate that collaboration offers the best pathway to success. By working together, we can develop bold solutions to emerging challenges and provide seamless support for crime victims.

For proof of the value of a collaborative response in the face of a tragically difficult challenge, consider the terrible shooting that occurred barely a year ago in College Station – just before fall classes began at Texas A&M University.

In August 2012, Brazos County Constable Brian Bachmann arrived at a College Station residence to serve an eviction notice to its occupant. Before the constable reached the front door, the occupant brandished a weapon, stepped outside the house and met the constable with gunfire. After a half-hour confrontation, Bachmann and an innocent bystander were dead, as was the perpetrator who occupied the residence. Three officers with the College Station Police Department and a female bystander also were wounded during the murderous perpetrator's senseless act of criminal violence.

As soon as we heard about the tragic events in College Station, the Attorney Gen-

eral's Office swung into action to help College Station respond in the aftermath of the terrible shooting. Peace officers with our Law Enforcement Division immediately contacted local authorities to offer law enforcement and investigative assistance.

Staff with our Crime Victim Services Division also reached out to the Aggieland community, traveling to College Station to work with the College Station Police Department to aid those who were affected by the terrible crime. Thanks in part to our proactive outreach, we subsequently received six applications for financial assistance from the Texas Compensation to Victims of Crime Fund. The fund, which is administered by the Attorney General's Office, is available to help eligible victims offset financial costs they incur because of the violent crimes committed against them.

Three of the applications we received were submitted on behalf of the police officers who were injured during the shooting. Under state law, when a peace officer is injured or killed in the line of duty, the officer or their surviving family members may apply for certain benefits such as lost wages – which includes income that would have been earned from off-duty employment, medical

bills, counseling and burial expenses.

All six of the applications were promptly reviewed and approved so that the victims did not suffer further from the tragic shooting. It was the least we could do. And though financial assistance may be relatively inconsequential when tragedy strikes, we wanted to move as quickly as possible to do everything in our power to deliver whatever help we were able to provide.

The multitude of law enforcement officers and bystanders affected by the murderous crime in College Station last fall presented a difficult challenge for CVSD and crime victim advocates. But all parties recognized the difficulty of their job was miniscule compared to the life-altering consequences faced by the victims.

The Attorney General's Office is honored to collaborate with dedicated crime victim advocates and law enforcement authorities statewide to make our communities stronger and transform victim services in the 21st century. Together, we can find bold, new solutions to new challenges. **MS**



Greg Abbott

Continued from INDUSTRIAL, Page 14

The Texas House Committee on Homeland Security and Public Safety has already identified tactics that bring more awareness to hazardous materials/conditions and locations. Awareness is the key for the public and those who work and live in and around these facilities. Developing new ways of making

information accessible, in accordance with public information access laws is a no brainer!

As the committee gathers information, it has become obvious that communities should re-enforce their local emergency response planning to ensure that a proper response

plan is in place and readily available. Active participation by the industrial security experts will go a long way in making this more effective. **MS**

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Keeping it on Track

▶▶ HELPING YOUR BUSINESS SUCCEED

TWC keeping an eye on independent contractors

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



William T. Simmons

▶▶ The Texas Workforce Commission is only one of a number of government agencies keeping a close eye on how employers classify workers. Whether a worker is an employee or an independent contractor determines payroll tax liability and whether the worker is covered by important employment laws such as wage and hour, discrimination, workplace safety, and union rights statutes.

Simply calling someone "contract labor" or paying them on a "1099" basis does not make them an independent contractor. On the contrary, Texas and federal laws presume that anyone working for pay is an employee, and it is the burden of the employer to prove otherwise. **DIFFERENT AGENCIES HAVE DIFFERENT TESTS FOR EMPLOYMENT STATUS, BUT THEY ARE ALL BASED ON SIMILAR CRITERIA AND BOIL DOWN TO THE ISSUE OF DIRECTION AND CONTROL, I.E., WHETHER THE EMPLOYER EXERCISES ENOUGH DIRECTION AND CONTROL OVER THE WORK TO BE CONSIDERED THE EMPLOYER.**

In general, an independent contractor is a self-employment independent business entity who finds his or her own contracts to work on and is in a position to make a profit or loss, based on how he or she manages the performance of each contract. In most cases, the most important criteria are the following:

- **Integration of services:** If a worker's duties are directly integrated into the primary service that a business provides to its customers, the law presumes that the company exercises enough direction and control over those duties to be considered the employer of the worker.
- **Profit or loss:** An employee is paid only for his own time, but an independent contractor has a substantial investment in a business of his own; furnishes the materials, supplies, and equipment for the work; and pays his own costs of operation.
- **Supervision and training:** An employee is usually trained and directly supervised by the company. An independent contractor, hav-

ing been brought in from the outside to perform some work that is not in the primary scope of the company's business, is presumably an expert in that line of work and needs neither supervision nor training. In fact, in most situations, no one with the company would be qualified to supervise a true independent contractor, and any supervision would likely hinder the contractor's performance of the contracted work.

- **Termination of the contract:** In most cases, employees may quit or be fired with no liability, at any time, and for any non-illegal reason. Independent contractors may not quit or be fired without contractual liability.

In most independent contractor situations, the employer needs outside expertise and seeks the independent contractor out. The employer will negotiate the terms of the engagement with the contractor (price, deliverables, deadlines, and the like). The employer is buying a finished project or a completed service, rather than hours of work on an ongoing basis. Finally, since the contractor's services are not directly integrated into the company's primary service, there would not be anything like a non-competition agreement (although non-disclosure agreements for confidential information are fairly common).

In the security industry, security officers are in employment because their work is directly integrated into the business operations of the security companies that employ them. In addition, their uniforms and name badges identify them as company security staff, they follow instructions and policies from both the company and its clients, and they do not have their own clients, but rather serve the company's clients.

Most importantly, state law (Chapter 1702 of the Texas Occupations Code) makes it illegal for a security officer to offer such services outside of the supervision of a licensed security company or private business. Thus, the law presumes that security officers are under the direction and control of a licensed employer. **MS**

Illegal security operations in Texas cause concern

MICHAEL J. MCGREGOR, ASSIST State Secretary | secretary@assistentexas.org

▶▶ Recently I have become increasingly alarmed by the amount of illegal security operations in the state of Texas.



Michael McGregor

Companies are licensed in the state of Texas, employees are registrants. A registrant must be working directly for a licensed company when working to be legal. A registrant cannot work directly for a non-licensed entity or on his own.

First let me address the damage I feel illegal operators do to our profession and to the officers. **ILLEGAL OPERATORS DO NOT PAY FOR INSURANCE OR LICENSING, THEREFORE THEY CAN UNDERCUT OUR PRICING, TAKING JOBS AWAY FROM THE PROFESSIONAL COMPANIES AND THEIR OFFICERS.**

Since they are unlicensed and unregulated the quality of what they do, the quality of who they hire ultimately reflects on us as the press and public do not realize or care they are unlicensed. As unlicensed operators they

do not have workers comp or pay social security taxes. This puts the illegal officer in the position should he be injured or killed while working of not receiving benefits for himself or his family as well as support from COTSO.

Illegal operators in the field drive down what clients are willing to pay licensed companies because they can do it for less, therefore we cannot raise rates and pay our officers more.

OPERATIONS continued on Page 17

Can or should you provide employment references?

By Frank E. Perez | FRANK E. PEREZ & ASSOCIATES
956-504-5403 • fperez@feperezandassociates.com

►► Surely many of you have been contacted by people seeking references about your former employees. Sometimes the situation arises after an employee was terminated or after an employee voluntarily leaves the company. Sometimes you know the prospective employer personally and sometimes you don't. Does Texas law allow, prohibit or limit your ability to give these employment references? The answer can be summarized by examining a few of the applicable laws.

First, every person has an inherent right to work. The Texas Labor Code, §101.003 provides, "A person's inherent right to work...may not be denied or infringed by law or by any organization." I start with this statute because it tells us that the right to work is a critical factor in the policy behind the law.

Second, in Texas, an employer is not obligated to provide a prospective employer any reference at all regarding former employees. The Texas Labor Code, §103.005 states, "This chapter does not require an employer to provide an employment reference to or about a current or former employee." Section 103.003 of that law states, "(a) An employer may disclose information about a current or former employee's job performance to a prospective employer of the current or former employee on the request of the prospective employer or the employee." This law is significant because it recognizes an employer's freedom to discuss issues relevant and important to public policy.

Third, the information provided by a former employer must be truthful. A handful of statutes make this requirement very specific. For example, the Texas Labor Code, §52.031 provides that a former employer is not prohibited from providing a truthful statement of the reason for discharge of an employee, to a prospective employer. Providing truthful in-

formation, therefore, also appears to be an inherent right of any former employer. Five out of seven sections of Texas Revised Civil Statutes, article 5196, refer to a former employer's truthfulness in providing information about former employees. For example, that law states, "Either or any of the following acts shall constitute discrimination against persons seeking employment...Where any corporation...or any agent or officer of any such corporation...shall blacklist, prevent, or attempt to prevent, by word, printing, sign, list or other means, directly or indirectly, any discharged employee, or any employee who may have voluntarily left said corporation's services, from obtaining employment with any other person, company, or corporation, except by truthfully stating in writing, on request of such former employee or other persons to whom such former employee has applied for employment, the reason why such employee was discharged, and why his relationship to such company ceased." (Emphasis added)

TRUTHFULLY PROVIDING INFORMATION ABOUT FORMER EMPLOYEES ALSO APPEARS TO ME TO BE THE RIGHT THING TO DO SINCE TRUTHFUL DISCLOSURE MAY PROTECT EMPLOYMENT RELATIONSHIPS IN GENERAL AND ALSO BENEFIT THE PUBLIC'S INTERESTS.

You must be aware, though, that under some circumstances, a former employer must, within specific time limits, provide the truthful information (reasons for termination) to the former employee himself.

Finally, an employer who discloses truthful information is immune from civil liability for the disclosure. Texas Labor Code §103.001. So the employer can protect itself, too, by providing truthful information.

TO SUMMARIZE, AN EMPLOYER

CAN, OR REFUSE TO, PROVIDE A REFERENCE ABOUT FORMER EMPLOYEES. BUT IF INFORMATION IS PROVIDED, IT MUST BE TRUTHFUL.



Frank E. Perez

I suggest that management establish a company policy setting forth who within the company will handle these inquiries, and how they will be handled consistently.

This article admittedly discusses only a few of the laws applicable to the topic and each situation, however so slightly different, may cause a different law to apply. So if anyone has any questions about specific situations they encounter, please feel free to contact me directly at (956) 504-5403. My practice is largely employer-employee relations, personal injury litigation and business consultation. *(Make sure to mention that you are an ASSIST member to receive a 10% discount on any of the services I offer).* **MS**

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TO COMBAT THIS ISSUE AND TO PROTECT OUR PROFESSION ASSIST HAS ESTABLISHED AN ENFORCEMENT COMMITTEE UNDER OUR EXECUTIVE VICE PRESIDENT. The purpose of this committee is to collect information for presentation to the Texas Department of Public Safety. You can go to our website at assisttexas.org and click on enforcement. You can remain anonymous and complete the information.

WE WILL DO THE FOLLOW-UP AND PRESENT THE INFORMATION TO DPS. This allows us to track the information and pursue the results. In this way we can start to deal with this threat to our profession. I urge anyone, an officer, a company or the public to report any illegal activity of security, alarms, CCTV or locksmiths to us so we can stop them from hurting the professional security providers of Texas. Anyone with any questions can contact the executive vice president at evppresident@assisttexas.org or myself at secretary@assisttexas.org

Protecting what we do is our responsibility. It is time to take it seriously. **MS**

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2013 ASSIST CONVENTION

EL PASO • OCT. 2-5, 2013

Some provisions of US Senate Bill 744 just bad policy

By Richard D. Wiles, Sheriff | EL PASO COUNTY

► Certain provisions of United States Senate Bill 744 (commonly known as the comprehensive immigration reform bill), relating to an unprecedented increase in border security are bad public policy. Those provisions relating to the hiring of 20,000 additional



Richard D. Wiles

Border Patrol agents, building an additional 700 miles of fencing, and the implementation of \$46 billion for additional surveillance and technology equipment along the border are both unnecessary and cost-prohibitive.

Because the U. S. border with Mexico stretches almost 2,000 miles from California to Texas, there are clearly different issues facing different jurisdictions. As such, the security problems and solutions can vary widely from one jurisdiction to another.

El Paso is a very unique and diverse west Texas city. In the 2010 census, the city had a population of approximately 650,000. It is the sixth-largest city in Texas and the 19th-largest city in the United States. Its metropolitan area is within El Paso County, whose population in the 2010 census was approximately 800,000.

El Paso is located across the border from Ciudad Juarez, Chihuahua, Mexico. The two cities form a combined international metropolitan area with Juarez being the significantly larger of the two in population. Together they have a combined population of 2.3 million, with Juarez accounting for 2/3 of the population. In 2010 El Paso was awarded an All-American City Award; this prestigious award is the oldest community recognition program in the nation.

El Paso is home to the University of Texas at El Paso and the Texas Tech University Health Sciences Center at El Paso. Fort

Bliss, one of the largest military bases of the U.S. Army, lies to the east and northeast of the city, with training areas extending north into New Mexico, up to the White Sands Missile Range and neighboring Holloman Air Force Base in Alamogordo.

The border area in West Texas was a quiet peaceful place back in the 1950s and 1960s. Citizens from both sides frequently crossed the international border to go shopping, eat or drink at restaurants and bars or visit relatives. In the 1970s and 1980s those days were replaced by the hustle and bustle of the maquiladora industry, and there was still frequent daily interaction between U.S. and Mexican citizens. Unfortunately about this same time the Mexican Drug Trafficking Organizations began to flourish. In the 1990s and early 2000s these organizations had a strong foothold in the area, and in late 2006 their greed and egos set the wheels in motion for a war that was to kill over 7,240 Juarez residents in narcotics related executions. The war not only caused devastation in Juarez, Chihuahua (230,000 residents fled, 6,000 businesses closed, 100,000 abandoned homes) but it also impacted our border society by severely limiting the daily interactions between the citizens of both countries.

WHILE VIOLENCE CONTINUES TO TAKE PLACE IN JUAREZ, EL PASO HAS A DIFFERENT STORY TO TELL. El Paso is a city of law abiding citizens who work hard every day to support their families and make their community a better place to live, work and play. Citizens trust and respect a police department and sheriff's office that are CALEA accredited and support the

philosophy of Community Policing. Additionally, because we are a large city on a border with major ports of entry, we are home to

many other law enforcement agencies from the U.S. Federal Government and the state of Texas.

There is a cooperative working relationship between federal, state, county and local law enforcement agencies in and around El Paso. This is certainly one of the reasons that El Paso has been recognized as the safest large city for the past three

years (over 500,000 population) by CQ Press which produces the Annual Safest City Award. Prior to this recognition, El Paso has been named either the 2nd or 3rd safest large city for the last 12 years.

There have been significant staffing increases in the Border Patrol, ICE, ATF and other federal agencies, and this has clearly had a positive impact on preventing "spill-over" violence, as well as maintaining a sense of security in our community. Of course, there needs to be a clear distinction between criminal issues that fall within the jurisdiction of local and county law enforcement, and federal issues, such as immigration, that are the sole responsibility of the U.S. Federal Government.

Leaders of the U.S. Border Patrol will tell you that the vast majority of undocumented immigrants that come to the U.S. do so because of economic reasons. And, it is clearly understood that the U.S. Federal Government is responsible for securing our national borders and dealing with the issues of illegal immigration. Recent statistics from Homeland Security show that Border Patrol apprehen-

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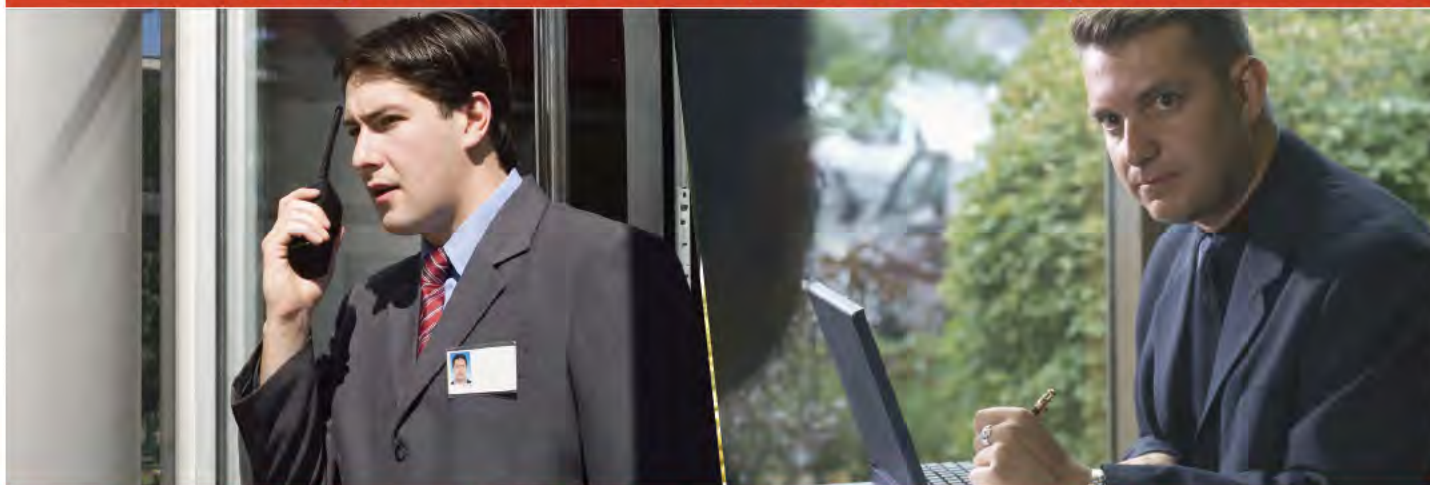
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Taking minimum insurance requirements could end up being very costly

Josh Ring | EL DORADO INSURANCE AGENCY INC.
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► Some of the most frequent questions we are asked at El Dorado pertain to limits of insurance. Specifically, security companies are interested in "How much insurance is enough?", and "If the Texas Private Security Board only requires \$100,000 in coverage, why should I carry anything higher?" I would like to take some time to expound on

these topics and explain why only accepting the minimum requirements can be more costly to a private security owner in the long run.



Josh Ring

As you all certainly know by now, it is true that the Private Security Board's insurance requirements for a licensed firm in the state of Texas are \$100,000 per occurrence, with a \$200,000 aggregate limit. I am not going to take this time to tell any security company that any specific insurance limit is enough to protect you from all claims. There are simply too many variables and situations that could arise which can exhaust even the highest of limits.

Imagine a patrol operator who has a collision with a school bus on its way home in the afternoon with 30 or more kids on board. Is \$5,000,000 enough? \$10,000,000? There is not a correct answer to that question. **INSTEAD, EL DORADO HAS ALWAYS SUGGESTED THAT A SECURITY FIRM TAKE A LOOK AT THE MARKETPLACE AND MAKE AN EDUCATED DECISION BASED ON WHAT THE MARKETS WILL DICTATE.**

Primarily, what are your clients going to require of your company? El Dorado reviews hundreds of contracts and insurance requirements per week on behalf of our customers. It would be our estimate that less than .1% of these contracts require anything less than \$1,000,000 in liability coverage. Many requirements today are now in excess of \$1,000,000 and are asking our customers to

carry umbrella policies to increase their limits to \$2,000,000 and beyond.

The simple reason for this is that we live in an ever increasingly litigious society, and the companies who are hiring private security are concerned with protecting their own assets. **FOR THE SECURITY OWNER WHO CHOOSES TO PURCHASE AN INSURANCE POLICY AT THE STATE REQUIRED MINIMUM LEVEL, THEY WOULD BE INELIGIBLE TO TAKE ON THE 99.9% OF CONTRACTS AVAILABLE.** Even though they are saving a few dollars on their insurance costs up front, how much work and potential revenue are they leaving on the table? Additionally, if a security company is awarded a contract and they opt to then purchase a policy with the higher limits, there are administrative fees and cancellation issues they must fight through in order to rewrite their coverage with the higher limits of insurance.

This same logic holds true for workers compensation insurance. Owning a company in this state, you are not required to carry this type of insurance for your employees. However, a security firm not only leaves themselves open to potential claim situations and lawsuits when they non-subscribe, but how much revenue are you leaving on the table? If the majority of the marketplace is going to dictate that you carry this coverage, the short-term savings are going to be offset by the increased business that your firm will be able to produce.

In conclusion, although the minimum requirements set forth by the state may make sense at first, after examining the big picture, it strongly benefits any security firm to reassess their insurance limits to make certain they can compete and perform with their peers. **MS**

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Continued from POLICY, Page 18

sions – a key indicator of illegal immigration – have decreased an average of over 141,000 per year from 2006 to 2011, and are less than half of what they were at their peak.

It is beyond dispute that federal, state, county and local law enforcement must work together and collaborate to make our communities safe. El Paso is a good example of this collaboration and cooperation resulting in a success achieved by few other large cities.

Where the issue is solely the responsibility of one level of government, those agents are responsible for carrying out their duties. For example, the security of our nation's borders and the resulting immigration issues are the responsibility of the federal government and this responsibility is shared by everyone in our nation, not just by taxpayers that happen to live along the border. Traffic enforcement, on the other hand, is the responsibility of local and county government and as such, is handled by local and county law enforcement.

HOWEVER, WHERE THE ISSUES CROSS OVER JURISDICTIONS, SUCH AS DRUGS, HUMAN TRAFFICKING AND SMUGGLING, AND CERTAIN CRIMINAL OFFENSES, WE MUST AND DO WORK TOGETHER. The El Paso County Sheriff's Office is part of the Southwest High Intensity Drug Trafficking Areas. We work with the U.S. Border Patrol on Stonegarden operations. We assist ICE by fingerprinting and identifying bodies from the Juarez violence in order to gain intelligence. And, because of the isolated areas of El Paso County in which back-up is few and far between for federal and county officials who work in these areas, we assist each other on calls to provide for officer safety.

The El Paso/Juarez metroplex will continue to be a vibrant and dynamic community that will continue to grow with the certain influx of military and medical industry, among others. Long-term goals related to border security need to be the vision of the U.S. Congress especially in regard to immigration and immigration enforcement to prevent inconsistencies in the implementation of federal programs throughout the nation. We can only build so many fences and pour so much money into hiring federal agents to place along the border, for which a need has not been demonstrated.

Long-term goals and objectives of our federal government need to be clear and consistent. The federal governments' enforcement efforts are not sustainable given economic realities. As such, a realistic comprehensive immigration reform bill with a shared vision of local communities along the border is needed in order to ensure the prosperity of our country. **MS**

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Targeted killing – Death by drone

By Jeffrey Addicott, Director of the Center For Terrorism Law | SAINT MARY'S UNIVERSITY SCHOOL OF LAW
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►► With the recent filing of a federal civil lawsuit by the father of the late American-born al-Qaeda cleric and leader, Anwar al-Awlaki, the issue of targeted killings of American citizens is once again in the news. Was President

Obama justified in ordering a drone to kill al-Awlaki in Yemen?



Jeff Addicott

In a report delivered to the United Nations Human Rights Council, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, defined targeted killing as “the intentional, premeditated and deliberate use of lethal force, by states or their agents acting under colour of law . . . against a specific individual who is not in the physical custody of the perpetrator.” Of course, the rule of law that justifies a state killing another human being rests in either the law of war or the long recognized customary international legal right of self-defense. Illegal state killings conducted outside of these two limited arenas are either murder or assassination.

THE TERM TARGETED KILLING IS MOST OFTEN ASSOCIATED WITH THE USE OF UNMANNED AERIAL VEHICLES (UAVS), OR DRONES. These attack platforms have been in use in the War on Terror for a decade. The first targeted killing of an unlawful enemy combatant outside of the active war zone of Afghanistan occurred in November 2002 when a predator drone stuck a car carrying Al-Harethi and four others. Al-Harethi was an al-Qaeda member and suspect in the 2000 USS Cole attack in Yemen.

Since taking office, President Obama has demonstrated a predilection for the use of drones to kill unlawful enemy combatants. One commentator called Obama's use of drones as a “remarkable turnaround for a politician who had criticized almost every aspect of the ‘war on terror’ waged by his predecessor in the oval office.” Under Obama, American drones have killed hundreds of suspected enemy combatants, mostly in Pakistan and Afghanistan, but also in Somalia, Sudan, and Yemen. From the time that Obama took office in 2009 until early 2012, there have been over 240 drone attacks in Pakistan alone, “with a death toll well over 1,300.” The use of a drone to kill deprives the subject of all his civil liberties. Unlike other issues such as de-

tention authority, interrogation, or trial, a targeted killing provides no “appeal.” The goal is to kill.

The primary legal theory for the Obama drone attacks is that the United States is at war. Unlawful enemy combatants are not killed because they are necessarily guilty of a crime, but because they are members of a hostile force. Again, the unlawful enemy combatant determination is made by the president, not by a court. These enemies can be American citizens.

In addition to the standard targeting considerations of proportionality, unnecessary suffering, and military necessity, it is well established that noncombatants may be killed if incidental to a lawful attack. This concept is known as collateral damage.

Even if the U.S. were not at war, targeted killing could still be lawful under the longstanding concept of self-defense. In other words, the authority to use violence in war exists in tandem with the inherent right of State's to defend themselves.

WHILE THE GENERAL LEGAL BASIS FOR TARGETED KILLING IS RATHER ELEMENTARY, THE APPLICATION IN THE WAR ON TERROR IS OFTEN CLOUDED DUE TO THE UTTER FAILURE OF THE GOVERNMENT TO SET OUT THE AUTHORITY WITH CLARITY.

For instance, the confusion associated with whether the 2011 American “drone” killing in Yemen of Anwar al-Awlaki, was “legal” or not, reflects very poorly on the political leadership of the U.S. Due to the inability of the commander-in-chief to lucidly articulate a legal justification divorced from political overtones, even people in the U.S. found it quite easy to accuse the country of wrongdoing.

The *New York Times* editorial page of October 4, 2011, carried six letters to the editor on the topic of al-Awlaki's death. Of those six letters, only one of them understood that the killing was an entirely lawful act carried out under the law of war. All the others reflected varying degrees of confusion that included sentiments that the U.S. was: (1) wrong for not operating under domestic criminal law to arrest al-Awlaki; (2) wrong for killing a U.S. citizen; or (3) that the rule of law didn't really matter because al-Awlaki was a “bad guy” and “we have to do what we have to do (the law of the jungle).”

Amazingly, not a single voice in the

Obama Administration took the time to defend the action as lawful under a simple set of legal parameters related to the law of war. Instead, the White House issued statements associated with the fact that we were “defending” ourselves against a terrorist, even though the foundational rule of law justification has nothing to do with the fact that al-Awlaki was a “terrorist” or a bad person.

It took a full seven months after the killing of al-Awlaki before Attorney General Holder finally offered his “thoughts” on targeted killing at his March 5, 2012, address to Northwestern School of Law. He indicated that the U.S. would kill by drone or otherwise when: (1) the subject is located abroad; (2) the subject is a senior operational figure; (3) the subject is a member of al-Qaeda, Taliban, or associated forces; (4) the subject is involved in planning operations focused on killing Americans; (5) the threat is imminent and an opportunity to kill is open; (6) there is no feasible option for capture; and (7) the use of violence will comply with the law of war.

In the case of Anwar al-Awlaki, if he was a member of al-Qaeda (and he was), then he qualified for treatment under the full parameters of the law of war. Thus, it is not a violation of the law of war for the U.S. to kill an American citizen al-Qaeda member without warning. **MS**



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Affordable Care Act

DOL ISSUES MODEL EXCHANGE NOTICE AND SETS COMPLIANCE DEADLINE

By Jim Tramel | TRAMEL GROUP

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Beginning Jan. 1, 2014, individuals and employees of small businesses will have access to insurance coverage through the Affordable Care Act's health insurance exchanges, which are also known as Health Insurance Marketplaces. Open enrollment under the Exchanges will begin on Oct. 1, 2013. ACA requires employers to provide all new hires and current employees with a written notice about ACA's Exchanges. This requirement is found in Section 18B of the Fair Labor Standards Act (FLSA).

On May 8 the Department of Labor released a technical release to provide temporary guidance on the exchange notice requirement. This temporary guidance will remain in effect until the DOL issues regulations or other guidance. According to the DOL, future regulations or other guidance will provide employers with adequate time to comply with any additional or modified requirements.

In connection with the temporary guidance, the DOL announced the availability of model exchange notices for employers to use to satisfy the exchange notice requirement. The DOL also set a compliance deadline for the exchange notices. Employers must provide employees with an exchange notice by Oct. 1.

In addition, the DOL's temporary guidance includes a new COBRA model election notice, which has been updated to include information regarding health coverage alternatives offered through the Exchanges.

EXCHANGE NOTICE

Affected employers

ACA's Exchange notice requirement applies to employers that are subject to the

FLSA. In general, the FLSA applies to employers that employ one or more employees who are engaged in, or produce goods for, interstate commerce. In most instances, a business must have at least \$500,000 in annual dollar volume of sales or receipts to be covered by the FLSA.

The FLSA also specifically covers the following entities: hospitals; institutions primarily engaged in the care of the sick, the aged, mentally ill, or disabled who reside on the premises; schools for children who are mentally or physically disabled or gifted; preschools, elementary and secondary schools, and institutions of higher education; and federal, state and local government agencies.

Required Content

Under the temporary guidance, the exchange notice must:

- Include information regarding the existence of an exchange, as well as contact information and a description of the services provided by an exchange;
- Inform the employee that the employee may be eligible for a premium tax credit if the employee purchases a qualified health plan through the exchange; and
- Contain a statement informing the employee that, if the employee purchases a qualified health plan through the exchange, the employee may lose the employer contribution (if any) to any health benefits plan offered by the employer and that all or a portion of such contribution may be excludable from income for federal income tax purposes.

PROVIDING THE NOTICE

Who must receive a notice?



Jim Tramel

Employers must provide the exchange notice to each employee, regardless of plan enrollment status or of part-time or full-time status. Employers are not required to provide a separate notice to dependents or other individuals who are or may become eligible for coverage under the plan but who are not employees.

What is the deadline for providing the notice?

ACA required employers to provide the Exchange notice by March 1, 2013. However, on Jan. 24, the DOL announced that employers would not be held to the March 1, deadline and that employers would not have to comply with the exchange notice requirement until more guidance was issued.

The DOL's temporary guidance sets a compliance deadline for providing the exchange notices that matches up with the start of the first open enrollment period under the Exchanges.

Employers must provide the exchange notice to both new hires and current employees as follows:

- New hires – Employers must provide the notice to each new employee at the time of hiring beginning Oct. 1. For 2014, the DOL will consider a notice to be provided at the time of hiring if the notice is provided within 14 days of an employee's start date.
- Current employees – With respect to employees who are current employees before Oct. 1, employers are required to provide the notice no later than Oct. 1.

Employers that decide to inform their em-

EXCHANGE continued on Page 25

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Parental guidance

Take precautions, talk to your kids about suicide



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

Susan H. Oliva

► **TAKE PRECAUTIONS, TALK TO YOUR KIDS ABOUT SUICIDE.** It is in the news, Cory Monteith died of a drug overdose. This reminds us about several other Hollywood teen stars who “accidentally” overdosed (Corey Haim, Dana Plato, River Phoenix). The difference between self-inflicted “accidental” death and “purposely” committing suicide, seems like splitting hairs. They both equal death way too young.

Every year, thousands of American children actually succeed in taking their own life. This is describing children who purposely take their own life voluntary and intentionally. We may think teens who kill themselves were failures at school, sports, and had no friends. However, when their teachers, friends and family describe many of them, they say they were successful, popular, funny, and had many hobbies. Their family members state that they had no indication that their teen had thoughts of taking their own life.

Would you recognize suicidal behaviors? A child may talk about killing themselves. Your child could have difficulty sleeping, mood and behavior changes. Children may withdraw from friends, school functions, sports, and social activities. They may make out goodbye notes, create dark poems describing death, or write final letters for their family members. Children may even give away their prized possessions, take unnecessary risks and have an obsession with death. Pay attention to teen depression signs. They may have a dramatic change in personality or behavior, and a severe drop in school performance. Four out of five teens who commit suicide have provided clear warnings, however, we neglected to pay attention.

PARENTS, AUNTS, UNCLES, TEACHERS WAKE UP!

Teens committing suicide is becoming common place. Suicide prevention is everyone’s business. Suicide is the 11th leading cause of death in the United States. Suicide by firearms and a drug overdose are two of the most common methods of suicide.

If you have guns in your household, take precautions to protect your children by storing guns safely. Locking up guns will make it more difficult for your child to act out on feelings of depression or impulse.

Simple safety tips such as: Always store guns unloaded, uncocked and locked in a gun safe or lock box; only adults (parents) should know where the gun safe or lock box is kept; use trigger locks on all guns, even when they are locked up; store and lock bullets in a separate place; try using a locking device that doesn’t utilize a key – do not believe for a moment that your teen or preteen cannot find the key to open the device.

Having and utilizing a lock-up location for your medications and/or prescription drugs – could also deter your teen from acting on impulse. If you know that your child is depressed - be both proactive and reactive to their behaviors.

DON’T BE AFRAID TO TALK WITH YOUR CHILD ABOUT SUICIDE, DO THIS WHEN YOU ARE TALKING ABOUT OTHER RISKS, SUCH AS ALCOHOL, DRUGS AND PERSONAL SAFETY. Have you ever talked to your child and asked if he or she has ever thought about suicide? It is best to be direct and ask the question.

Research shows that one in five teens will go through a period of severe depression by the time they are 18 years of age.

Teen suicide may be prevented. Do your part, talk to your children, and do not make it easy for your child to act out on impulse. Being direct could save yourself from becoming a victim of guilt - because you missed the signs. Sometimes a simple act by a parent or loved one demonstrating they care, or are there to talk to, may be just what the child needs at that critical time. Do not procrastinate, do not be afraid to take precautions, and ask the question. If the answer is yes, effective intervention is available, start by calling the Suicide Hotline phone number at (800)784-2433.

If you suspect that a child is being victimized, call 911 or report to the Child Protective Services hotline (800) 252-5400. Visit the Advocacy Center for the Children of El Paso’s website advocacy-centerrep.org on tips on child abuse prevention and awareness. It’s the law, do your part and protect El Paso’s children. **MS**

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Texas State Senate coddles future criminals

By Rachel Clark

►► For those in law enforcement who are commissioned by school districts across the State of Texas, Senate Bill 393 (SB 393) comes just shy of putting an end to their existence. Indeed, after reading the new law, the intentions of those who passed and supported SB 393, is in fact to not only end the need for law enforcement in public schools but to give a green light to criminal activity in the school environment. The bill was officially signed into law on June 13, 2013, by Texas Governor Rick Perry, and as you are reading this article it is already in effect.



Rachel Clark

ALTHOUGH FROM THE TIME THAT THE BILL WAS INTRODUCED TO THE TIME THAT IT WAS SIGNED WAS A MERE FOUR MONTHS, THE FACT IS THAT THOSE PUSHING TO END THE PLACE OF LAW ENFORCEMENT IN PUBLIC SCHOOLS IN TEXAS HAVE BEEN FIGHTING TO ENACT THIS TYPE OF LAW FOR YEARS.

SB 393 addresses the matter of Class C Misdemeanors issued to "children." (primarily teenagers) up to and including age 17, on school property and on school buses (the bill does not address specifically whether it includes after school activities that are not conducted during regular school hours). The state has concluded that an offense committed by a "child" enrolled in a public school that would normally be labeled as a Class C Misdemeanor, other than a traffic offense, that is committed on property under the control and jurisdiction of a school district is now referred to as a "school offense." Accordingly, a law enforcement officer is no longer able to issue citations Class C Misdemeanors for "school offenses," once classified as criminal offenses primarily under Texas Penal Code 42.01.

The organization, Texas Appleseed, has referenced the sophomoric phrase, "School to Prison Pipeline" as their reasoning for support of SB 393. They echo the liberal attitude that criminal citations issued to juveniles who commit crime are somehow responsible for that juvenile entering a so-called gateway to commit more severe crimes as an adult. The notion that the State would find SB 393 as an appropriate form of action to deal with criminal behavior is a gross disorientation of reality and ignores the negative impact of letting the criminal behavior go unpunished. For instance, the new law ignores the negative impact on the victims of crime, the parents, the school environment, and the society. Coddling juvenile offenders will not save them from themselves. In short, the

hypocrisy of our lawmakers is only exceeded by their stupidity. Instead of providing another phony excuse to a person who commits a crime that is severe enough to place them in State custody – "I'm a criminal because I received a Class C Citation when I was 14 years old" – the State should be concentrating on punishing criminal behavior at an early age to deter future criminal behavior and keeping our schools safe.

Imagine receiving a phone call from your daughter's school one afternoon because a 16 year old male student, who felt like he was "disrespected," slapped your daughter across the face. As a parent you expect justice for your daughter. In the past, a citation for assault by contact would have been issued to the suspect. Incredibly, the state has taken that choice away from you, the victim, and placed it back into the hands of the criminal. It is now a "school offense." Or imagine, the 17 year old student, while in class, who becomes angry at his teacher and tells her to "F*** off" while waving his middle finger in the air. Under SB 393, there will be no criminal consequences.

It's understood that all humans have free will. How you choose to use or abuse that free will is a personal choice and a criminal should never have more rights than a victim.

"Every person has free choice. Free to obey or disobey the natural laws. Your choice determines the consequences. Nobody ever did, or ever will, escape the consequences of his choices."

>> Author Alfred A. Monapert

All lawmakers involved in the passage of this bill fail to see what is going on in public schools all over the country. SB 393 only accelerates the destruction of our public schools as places of learning. As soon as a young criminal realizes that at "home suspension by administration" will be the course of action taken for their criminal act, they will manipulate the justice system and schools will no longer be a safe place for students, administrators, or teachers.

School district law enforcement officers throughout the State and the responsible men and women of Texas should contact their state senators and make an appeal to amend State Bill 393, for the sake of school safety. **MS**

Rachel Clark is currently a commissioned peace officer for a school district in the state of Texas. She is currently studying to receive a Bachelor of Arts degree in Journalism. She is married with one daughter that is enrolled in the public school system.

Continued from HEALTHCARE, Page 23

employees about the exchanges earlier than the Oct. 1 deadline are permitted to use the model notices and rely on the DOL's temporary guidance.

METHOD OF PROVIDING NOTICE

The notice is required to be provided automatically, free of charge.

The notice must be provided in writing in a manner calculated to be understood by the average employee. It may be provided by first-class mail. Alternatively, it may be provided electronically if the requirements of the DOL's electronic disclosure safe harbor are met. This safe harbor allows plan administrators to send certain disclosures electronically to:

- Employees with work-related computer access; and
- Other plan participants and beneficiaries who consent to receive disclosures electronically.

The safe harbor does not require the use of any specific form of electronic media. However, plan administrators are required to use measures reasonably calculated to ensure actual receipt of the material by plan participants and beneficiaries. Merely placing a disclosure on a company website available to employees will not by itself satisfy this disclosure requirement.

COBRA ELECTION NOTICE

Under COBRA, a group health plan must provide qualified beneficiaries with an election notice, which describes their rights to continuation coverage and how to make an election. The election notice must be provided to the qualified beneficiaries within 14 days after the plan administrator receives the notice of a qualifying event. The DOL has a model election notice that plans may use to satisfy the requirement to provide the election notice under COBRA.

According to the DOL, some qualified beneficiaries may want to consider and compare health coverage alternatives to COBRA continuation coverage that are available through the Exchanges. Qualified beneficiaries may also be eligible for a premium tax credit for an Exchange plan.

GENERAL COMMENT

We have examples of the above referenced documents if you need them. You may contact us via phone (512-672-9133) or email (jtramel@suddenlink.net). **MS**

Trying the Zimmerman case in Texas

IS THERE A DUTY TO RETREAT IN TEXAS?

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

► SOMETIMES SECURITY CONTRACTORS HAVE PROBLEMS GETTING PAID.



Carlos Peniche The recent Florida trial of George Zimmerman for the alleged murder or manslaughter of Trayvon Martin received a high degree of publicity and news coverage and “analysis” by lawyer pundits on numerous cable TV outlets. So that has prompted me to wonder how might have the Zimmerman case turned out in Texas?

Due to space considerations it will be assumed that the reader is generally familiar with the facts of the Zimmerman case. In short, Zimmerman’s story was that he thought Martin looked suspicious walking through the neighborhood with a hoodie, he called 911 and followed Martin while being asked by the dispatcher what the subject was doing. It has been suggested that the dispatcher’s questions may have caused Zimmerman to believe the dispatcher was seeking additional information prompting Zimmerman to get out of the vehicle to get more information.

In any event, one thing led to another and at some point Martin struck Zimmerman and Zimmerman asserts he shot Martin in self-defense in fear for his life.

IN TEXAS, FORCE MAY BE USED TO THE DEGREE NECESSARY TO COUNTER UNLAWFUL FORCE BEING APPLIED TO THE PERSON IN QUESTION (§9.31 Texas Penal Code, TPC).

HOWEVER, IF THE ACTOR PROVOKED THE UNLAWFUL USE OF FORCE BY THE OTHER PARTY, THE ACTOR MAY NOT USE FORCE IN RESPONSE UNLESS THE ACTOR ABANDONS THE ENCOUNTER OR CLEARLY COMMUNICATES HIS INTENT TO DO SO BUT CAN’T BECAUSE THE OTHER CONTINUES TO APPLY UNLAWFUL FORCE.

That comes across as “if you start it” (provoke it) you must retreat unless the other side prevents you from retreating.

Deadly force is addressed in §9.32 TPC. Before 2007, that statute allowed deadly force to be used to counter an unprovoked attempt to use deadly force upon the actor, but only if a reasonable person in the actor’s situation would not have retreated. In 2007, that provision was eliminated from the statute effective 9/1/2007.

Added to the statute was this provision: (c) A person who has a right to be present at the location where the deadly force is used, who has not provoked the person against whom the deadly force is used, and who is not engaged in criminal activity at the time the deadly force is used is not required to retreat before using deadly force as described by this section.

Issues I see under Texas law are: 1) Did Zimmerman provoke Martin to use force?; 2) Was Martin’s force in self-defense out of fear that he was being stalked by a “creepy” stranger, first in the vehicle and then getting out of the car (did Martin see Zimmerman’s gun?); 3) Did Zimmerman have a duty to retreat?

With Martin deceased and no witnesses until the encounter had begun, it is very difficult to make the case that Zimmerman provoked Martin. The same is true with regard to the issue of Martin using self-defense. If Martin reasonably believed that he needed to use force against unlawful force by Zimmerman, Martin’s force would not be “unlawful” and thus Zimmerman would be deprived of the right to self-defense unless Martin’s use of force became excessive. Once Martin’s force was excessive, Zimmerman would be able to use the amount of force necessary to stop Martin’s excessive force.

Unless it can be said that Zimmerman provoked Martin, Zimmerman would not have a duty to retreat at the point he reasonably believed he was facing unlawful deadly force. My gut tells me that Zimmerman would end up with the same “not guilty” result in Texas if he were before a “typical” Texas jury. **MS**

Carlos Peniche is a 32 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 litigation, collections and transactional matters. He is a partner with Lam, Lyn & Philip, P.C. (Houston, Texas) Tel: 713-981-0900; fax: 713-772-7085; email: cpeniche@llppc.com.

Are we here to serve the people of Texas, or not?

By Commissioner Mark L. Smith, Texas PSB Board

► When it comes to electronic fingerprinting, this is how Texas serves its people... as of July 30, there were 88 total locations. Only 61 locations are open five days a week. All locations charge a \$9.95 “rolling” fee. All services are by appointment only, no walk-ins; wait times are days if not weeks. No cash payments are allowed; no credit card payments are allowed at the point of service; paper checks only are allowed at the point of service.

To compare it with a state with a similar geographical size and population, let’s look at California. As of July 30, California had 1,326 locations. Walk-ins are allowed. Cash and credit cards are accepted at the point of service. 71 locations charge \$10 or less; 222 locations charge \$15 or less; 957 locations charge \$20 or less. In California if

people care only about price, they can get it done for \$10. If people care more about convenience, they can get it done at Fedx-Kinko, UPS, CVS, and many other locations any day of the week at any time of day or night.

The two most serious issues for the security profession are –
1. Large security officer companies who need access to the scanning machines on a daily basis and
2. Any licensee or citizen in a remote or rural area.

No matter what you say or put in writing, no one can honestly say that Texas serves its people better than California. **MS**



Mark Smith

COME TO EL PASO THIS FALL!

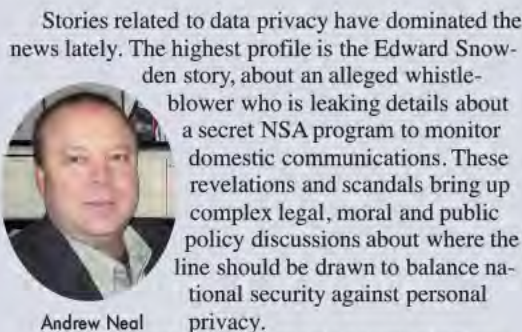
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TECHNOLOGY CORNER

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

Who is reading your email?



Andrew Neal

Stories related to data privacy have dominated the news lately. The highest profile is the Edward Snowden story, about an alleged whistleblower who is leaking details about a secret NSA program to monitor domestic communications. These revelations and scandals bring up complex legal, moral and public policy discussions about where the line should be drawn to balance national security against personal privacy.

The hard truth about electronic communications is that it is a trivial exercise to intercept someone's email, monitor web activity, or listen in on a phone call. You may have a virus on your computer or cell phone right now that is doing just that. You may also talk too loud while on the phone in a public place, leave your computer on when you leave the office, or forget to erase your old hard drive when you upgrade your computer. Snooping into someone's e-life just takes a bit of technology and some determination. The scandal and sense of outrage seems to come from the scale of the monitoring, and that it is being done by our own government.

To be clear, the monitoring scandal is not just about email. It is about the monitoring and storage of information about all our electronic communications. Email is certainly part of the issue, but so are other forms of internet based communications like web searches, chat visits to web sites, and the upload or download of data or media files. Also included are other forms of communications like cellular calls, texts and web activity. Given the features and applications installed on modern phones and portable electronics, this means monitoring your communications AND your location at the time. Basically, the discussion is about the ability and possible reality of our government actively monitoring all of our electronic activities (which means a good bit of our lives).

The government's explanation of this activity is that, for U.S. citizens, it is not actually monitoring anything. Supposedly, it is just collecting information about the date, time, source and destination of various types of communications. There is no personal information stored, nor any content. Should a national security event require them to dig into their database of activity, they could provide a phone number or an email address to investigating authorities, who would then go through the courts to get a warrant or national security letter to further investigate. They have, the argument goes, used such information to prevent many terrorist attacks and to solve crimes. Nevertheless, many see this as a gross invasion of privacy and a tool of government subject to serious abuse.



This is not, however, a conversation about security vs. privacy, rather it is about security, privacy and convenience and how we find an acceptable balance. That is a public policy argument long in coming, and I urge you all to participate.

If we step back from this lofty (and important) conversation taking place on the global and national stage, we may be faced with the question "What does all this mean to me?" Good question! There are a couple of points from which to start. First, electronic communications are inherently insecure; they are easy to intercept in a variety of ways. Second, even if you encrypt your communications, if they ever came under NSA-level scrutiny they would likely be readable. Finally, what are your personal comfort levels when it comes to privacy, security and convenience?

For most of us, even if we highly value privacy, dropping off the grid is not an option. We could also go to great lengths to use disposable email addresses, online identity concealers, and burner cell phones (all of which are of debatable value for anonymity purposes). That leaves us with routine precautions such as keeping your devices free of viruses, controlling physical security in your home and office, and being aware of who is around while talking on the phone. Consider using passwords and encryption on portable devices in case they are lost or stolen. If you have extremely sensitive information to communicate, encrypt it or keep it off of your computers.

In today's connected world it really is that simple: if you have something you don't want anyone else to find out, you might want to keep it to yourself. **MS**

Andrew Neal is a computer security and digital forensics expert for a global legal services firm, as well as an ASSIST member. He can be reached at 214-744-4200 or aneal@transperfect.com.

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@southwestdigitalab.com.

PATCH Management

By Joseph Carter, MSIT Information Assurance and Systems Security

►► Have you ever heard of the Slammer worm? In early 2003, this miniscule worm, only 376 bits in size, infected nearly 75,000 servers over the Internet in a period of 10 minutes. The preventative measure had been issued by Microsoft prior to the infection in the form of patches. Many server administrators overlooked these patches, exposing the vulnerability of their SQL server systems. Most people will not understand Structured Query Language (SQL) and the syntax involved in these systems, but a simple



Joseph Carter

understanding is these are primarily databases that we may depend on for information used in daily business operations. SQL is used to create statements that attackers can use to bypass authentication practices and expose records in your databases.

Patches are commonly installed "fixes" to software that is used on all computer systems. This includes Windows, Linux/Unix, Apple, and other server systems many are unfamiliar with. Users may not be familiar with exactly what patches are; they probably see them at least once a week if computers are configured for automatic updates from commonly used Windows Operating Systems. These are the updates that may be configured to automatically be installed on user systems to help maintain the integrity of the systems they use on a daily basis. In this instance most users will not even see that they are being installed, or may see the warning not to shut down their computers while these updates are being installed. These will include updates to Microsoft Office systems, malicious software removal tools, and general updates to weaknesses that are found within the Microsoft Operating Systems.

Provided attention has been given to these updates, lately you have noticed that once Microsoft updates its software, shortly thereafter, you will see that there is an update to Adobe Flash. You may ask yourself why this hap-

The hiring of a Texas private investigator

By John E. Chism, Texas Private Security Board

Do a quick search on Craig's List, conduct an Internet search or even open a phone book if you still have one and look for a private investigator. There is a good chance you will find an "investigator" breaking the law. Just as important is the fact that hiring an unlicensed investigator also is an offense.

The Texas Occupations Code - Section 1702, commonly called the Private Security Act, is the governing code regulating the private investigation industry. Along with the Private Security Administrative Rules - Chapter 35, they set out the regulations and guidelines governing private investigators. Like many professions that deal with vast and ever changing technology, privacy issues and an underlying current of covert operations, the laws and regulations seem to sometimes take on a chameleon appeal. Licensing of PI's has been left up to each state, with the exception of four or five who do not currently have licensing requirements. In Texas, Section 1702.104 spells out an investigation company as;

(a) A person acts as an investigations company for the purposes of this chapter if the person:

(1) engages in the business of obtaining or furnishing, or accepts employment to obtain or furnish, information related to:

(A) crime or wrongs done or threatened against a state or the United States;

(B) the identity, habits, business, occupation, knowledge, efficiency, loyalty, movement, location, affiliations, associations, transactions, acts, reputation, or character of a person;

(C) the location, disposition, or recovery of lost or stolen property; or

(D) the cause or responsibility for a fire, libel, loss, accident, damage, or injury to a person or to property;

(2) engages in the business of securing, or accepts employment to secure, evidence for use before a court, board, officer, or investigating committee;

(3) engages in the business of securing, or accepts employment to secure, the electronic tracking of the location of an individual or motor vehicle other than for criminal justice purposes by or on behalf of a governmental entity; or

(4) engages in the business of protecting, or accepts employment to protect, an individual from bodily harm through the use of a personal protection officer.

(b) For purposes of Subsection (a)(1), obtaining or furnishing information includes information obtained or furnished through the review and analysis of, and the investigation into the content of, computer-based data not available to the public.

Many of these "investigators" either do not know or choose to ignore the licensing requirements. Either way, this can have a detrimental

effect on your case and any evidence collected. Rookie investigators are taught that information obtained from the Internet is an unconfirmed source and must be corroborated. While searching the Internet is an accepted method for obtaining various services, there is still a type of "buyer beware" when hiring a PI. According to Section 1702.386, Unauthorized Employment - Offense; (a) A person commits an offense if the person contracts with or employs a person who is required to hold a license, registration, certificate, or commission under this chapter knowing that the person does not hold the required license, registration, certificate, or commission or who otherwise, at the time of contract or employment, is in violation of this chapter. An offense under Subsection (a) is a Class A misdemeanor. A quick point of reference for locating a reputable PI is encompassed in their advertisement or website. Section 35.37 requires any advertisement by a licensee to include the company name and address as it appears in the records of the board; and the license number of the licensee as issued by the board. If this basic information is not plainly outlined in their marketing materials, further documentation should be obtained.

The original licensing board was formed in 1969 when the Texas Legislature created the Texas Board of Private Detectives, Private Investigators, Private Patrolmen, and Private Guard Watchmen (or Private Guards and Managers), to examine, license, and regulate persons working in the field of private security (Senate Bill 164, 61st Legislature, Regular Session, 1969). A revision of the law in 1971 changed the agency's name to Texas Board of Private Investigators and Private Security Agencies (Senate Bill 768, 62nd Legislature, Regular Session, 1971). In 2004 the board became the Texas Private Security Board (www.txdps.state.tx.us/psb) under the Texas Department of Public Safety. As in any due diligence, the board's website provides a free search to confirm that both the agency and the investigator are licensed. There are documented cases where the opposing counsel was smart enough to ask the simple question; "are you a licensed investigator" when cross-examining the witness.

While there are some private investigators that are also licensed attorneys, it is imperative that the investigator you hire belong to their state and national associations. You want someone that keeps up-to-date on such issues as privacy, the Fair Credit Reporting Act, applicable GPS laws, forensic requirements and data recovery techniques, cell phone data recovery regulations and related issues that keep all parties free from criminal and civil liabilities. **MS**



John E. Chism

PATCH continued on Page 29

Depositions: do's and don'ts

By Holly Hastings

► APART FROM GIVING LIVE TESTIMONY IN A COURT OF LAW, ONE OF THE KEY ELEMENTS IN PREPARING FOR A CRIMINAL CASE IS THE DISCOVERY TOOL called the "deposition." This article provides some quick do's and don'ts.



Holly Hastings

A deposition is a legal tool that allows a lawyer to gather oral and written testimony from a witness before trial.

The lawyer will usually conduct the deposition in an informal setting like a law office where the witness will sit down with some lawyers and answer questions regarding the pending case. The answers are under oath and often video recorded. Accordingly, as a law enforcement official if you haven't been deposed, you will be.

Depositions exist for several reasons and the attorney deposing you is almost always on the "other side" of the case. In a criminal matter he would be the defense attorney for the accused. Thus, the lawyer is not your "friend." Essentially, the attorney is trying to: (1) gain all of your knowledge concerning the particular incident; (2) commit you to a particular story line; (3) assess your credibility as a trial witness; and (4) seek opportunities to impeach your testimony. Again, the number one thing to do is remember why you are there. Don't allow a potentially informal setting to trick you, you are under oath and what you say is recorded and can be used against you at trial.

Here is the bottom line. Listen carefully to what you are being asked and answer only that question. Do so as simply as possible. The lawyer is always trying to get more out of you. Just answer the question knowing that lawyers tend to ask simple questions in complicated ways. If what they ask is confusing, tell them so. They will clarify. Always tell the truth.

Also, let the lawyer finish their question before you answer. The question may be different at the end than it seemed in the beginning. Answering immediately may seem like a good way to end the proceeding more quickly, but I assure you, it will actually take longer and carries a much greater risk of you saying something you did not intend.

Do not guess if you are asked something that you are not sure about. Simply tell the lawyer that you do not know (if you really don't know) or that you do not recall (if you probably knew

at some point but cannot remember at that moment). Trying to 'fix-it' will seem natural, you are an officer of the law and fixing things is a major part of your job. However, resist the urge to do so and just say that you don't know or don't recall.

Finally, from a tactical perspective, there are many different approaches that lawyers take when deposing someone. Basically, the lawyer's approach will come in one of three varieties.

THE PRO-WRESTLER

There is nothing subtle about this approach; the lawyer will be aggressive, a straight up jerk. The attorney is trying to get under your skin, to upset you to the degree that you respond emotionally rather than rationally. Responding in such a manner will lower your credibility as a witness. The number-one rule when dealing with this sort of approach is to not fight back, doing so can only damage you. To fend off a Pro-Wrestler, simply remain calm and cool. If you get mad, the lawyer wins, remember it is being video-taped. Answer the questions you are asked and keep your head.

LEGALLY BLOND

This approach will have the lawyer trying to make you think that they are unprepared and unintelligent. They do so in hopes that you will lose patience with their foolishness and answer their questions without thinking in an attempt to speed the process along. Do not fall into their trap and begin giving long explanations rather than simply answering the question. Do not let them fool you. They went to law school; they may be annoying but chances are good that they are also intelligent.

BEST FRIEND FOREVER (BBF)

These attorneys will be kind, courteous, and helpful. They do so in hopes that you will tell your BBF everything you can think of as you bask in the glow of the false sense of security they have given you. Remember, you are doing your job, they are doing their job, and just answer the question asked.

So, the bottom line: knowing what to expect will prepare you to be deposed. Keeping these simple things in mind will make depositions easier. **MS**

A native Texan, Holly Hastings is a third year law student and a research assistant at the Center for Terrorism Law, St. Mary's Law School, San Antonio.

Continued from PATCH, Page 28

pens. These are patches to reduce vulnerability threats to your system while working within these environments. Adobe Flash, running on a previous version may produce weaknesses within that allow attackers to go into your system, using exposed weaknesses. Does this mean that Adobe is out to attack Microsoft? Simply put "No" is the answer. They are working in unison to protect your systems from attacks and reduce problems that users may encounter. Herein though, the rest of the software that is used on your systems is not regularly monitored by the companies producing software for your systems, which may provide attackers with the ability to use these software components to attack your systems and wreak havoc and steal information that was intended specifically for your companies use only. Imagine an attacker getting in and out of your systems without any detection on your part and stealing all of your employees and your personal information.

Careful planning should be employed when setting up your networks. Limiting user access to information that is needed for them to complete their jobs in a productive manner must be applied. Separation of duties must be understood by systems administrators and employing proper patch management will assist in keeping your systems secure. But how is this done with all the software that is installed on your systems? What about software installed without permission by the users of these systems. One method is to employ patch management software that will update software on users systems in the background. These can be found at multiple vendor sites such as symantec.com, kaseya.com, and gfi.com. The software produced by these companies can be configured to the size of your network and allow for patch management on all user systems and can be applied remotely to different locations. These manufacturers also include penetration testing for your networks to expose vulnerabilities that may be encountered on your systems. By using patch management and vulnerability testing, companies can reduce their exposure to attackers and better protect the data contained within their computer and server systems. **MS**

Joseph Carter, MSIT Information Assurance and Systems Security is an employee of Sun City Security Service. He can be reached at (915) 751-6811 or jdcarr06@att.net.

Visit assisttexas.org

Audits and how to prepare for Texas Department of Public Safety Regulatory Services Division

By Eddie Quiñonez and Bridgette Torres | SUN CITY SECURITY SERVICE, INC.

►► In our society, most bad words are referred to as four letter words. However, there are

some words that are not four letters but still carry a bad reputation. In this case, it is the word AUDIT. No one wants to hear the word audit because it sounds downright intimidating. Experience has taught us to have this response when it comes to audits. I can recall my parents being fearful of IRS tax audits. Most of us can relate to that sentiment. In the workforce, the word audit usually sends management staff into a panic and our profession is not exempt.



Eddie Quiñonez



Bridgette Torres

The Regulatory Services Division (RSD), formally known as the Texas Private Security Bureau (TPSB), is the governing body for our profession. The Associated Security Services and Investigators of The State of Texas has established a great relationship with the Board for the RSD and many good regulations for our profession have passed legislation. ASSIST has also worked with the RSD Board to prevent damaging regulations from becoming laws.

The RSD handles not only our profession but many others as well. They cover Metals, Vehicles Inspections, and Concealed Handguns to mention a few. Structured and within the RSD are Auditors, Investigators, and Officers. There's that word again, only now it is personified, "auditors." I'm here to tell you that in this case, the word audit or auditors is not bad. In all actuality, the RSD auditors are trying to help you meet all requirements and standards so that if an Investigator or Officer shows up unannounced, you will be fully prepared.

RSD AUDITORS WILL ALWAYS GIVE YOU ADVANCE NOTICE OF THE ANTICIPATED SCHEDULED AUDIT. THEY WILL ALSO INSTRUCT YOU ON WHAT EXACTLY WILL BE NEEDED AND WILL BE LOOKING FOR DURING THEIR AUDIT. Like in most cases where an audit is performed, it is always a good practice to daily perform the regulations that are required by

your licensing and governing entities. Simply put, set up your files and documentation in a manner that allows you to implement those requirements into your daily procedures.

Sample of items to have ready for an audit

1. Company documentation

- A. name of business
- B. business mailing address
- C. principal place of business
- D. branch locations
- E. name of business owners
- F. name of company qualifying manager
- G. proof of insurance
- H. evidence of PSB company license and consumer sign
- I. type of business structure and listing of company officers

2. Noncommissioned employee file

- A. date of birth
 - B. place of birth
 - C. social security number
 - D. hiring date
 - E. termination date
 - F. job position
 - G. job position address
 - H. color photo
 - I. pre-employment check
 - J. training certificates
 - K. signed consent to test for drug/alcohol
- ### 3. Commission employee file
- A. all items listed above for noncommissioned employee
 - B. training record
 - C. current assigned duty location
 - D. current residential address
 - E. signed consent to test for drug/alcohol
 - F. results of drug screen administered

Everything needed to fulfill the requirements set forth by the RSD is followed from the beginning. This process is started with a new employee packet which is prepared and separated for commissioned, non-commissioned, and updates on security officers.

IN OUR CASE, THE FRONT OFFICE HANDLES THE INITIAL NEW EMPLOYEE PROCESS AND DESIGNATED TO ENSURE ALL REGULATIONS ARE FOLLOWED SO THAT WHEN THE PACKET IS FORWARDED TO THE BACK OFFICE FOR PROCESSING, THERE IS NO REQUIRED PAPERWORK MISSING.

So what is the next step? Yes, you guessed it. Internally, the new employee packet is audited for all required paperwork before it fi-

nally goes into the filing cabinet. The packet is not filed until it is absolutely complete. Therefore, if an RSD auditor performed an unannounced visit, our files would be ready. Fortunately, auditors do not come in unannounced. Also, as an extra precaution, we audit all employee files that are pulled due to work separation and those files from the two previous years.

Our audits consist of the following:

- employee name and social security number (SSN) on the outside of the folder
- employee name and SSN is checked for a match with the employee's actual card
- the initial application, background check, finger print cards, picture ID, drug consent form, security license search result from the TDPS website, and application submitted to TDPS for security officer license with receipt of payment are separated and placed into a color folder that is placed into their original employee file. Included in this folder is any documentation related to the employee's license, such as training certificates, court papers, renewal information and any other relevant but private information.

For employees no longer with the company, we check and confirm start date and end date of employment.

The employee file goes through more detailed checks that have to do with 19 compliance and company policies, but for RSD purposes, the folder is complete and ready to be filed.

Once filed, we log the date the application was submitted to the DPS on an excel spreadsheet. Once the license is received, we log the expiration date in the spreadsheet as well. This ensures tracking of upcoming license expirations and allows for our timely processing of renewals in a timely manner.

We understand that not all offices run the same. Our recommendations or procedures may not be for everyone but they come from years of successful practice. Our goal with this article is to inform everyone of the audits our profession encounters, therefore, removing the stigma attached to the mention of the word audit.

Our last audit by the RSD was conducted May 30 and we are proud to say that we received many compliments and a high commendation. **MS**

Simple Steps towards a career with Sun City Security Service

By Norma Foley | SUN CITY SECURITY SERVICE



►► Sun City Security's selection and hiring procedures meet and exceed the standards set forth by the Texas Commission of Private Security. Hiring standards and procedures include, but are not limited to the following:

- Pre-screening telephone interview's help determine if the candidate meets minimum requirements (at least 18 years of age, reliable transportation, U.S. citizen or authorized to work in the U.S., and valid driver's license).
- An Initial face-to-face interview conducted by the office manager. During this phase of the hiring process, the candidate is judged by appearance, ability to communicate effectively both in writing and verbally, and whether the candidate is physically capable of performing the duties of a security officer. The candidate is asked to provide professional references, past employment history, and educational background.
- Ask these simple questions to determine if they will meet the requirements of a security officer before they submit an application.
 - a. Are you looking for full time or part time hours? Explain Full time hours they are required to be able to work days, nights, and weekends. Part time employees must provide weekly hours of availability.
 - b. Do you have reliable transportation? Re-

liable transportation means you own your vehicle not public transportation.

c. Are they clear of any felonies or misdemeanors? Felonies, 10 years; Misdemeanor Class A, 10 years; Class B, 5 years.

• Provided the applicant's qualifications meet the requirements of the job, they may be contacted for an interview.

• Selected candidates will be schedule for an interview. This interview will be with your potential supervisor and other members of Sun City Security Service leadership team. It is at this time you will be ask a series of questions on your previous work experience and skills as well as your future career goals. This helps determine your fit for both the job and the culture of our company.

• Offer of employment: Congratulations! You have been offered a career opportunity with Sun City Security Service! At this time we will make a verbal offer of employment and follow up with a hard copy of our In-Process package.

SECURITY OFFICER WAGES

To ensure that we are able to provide our client's with well-qualified security officers, our security officers are paid above minimum wage. This results in a lower attrition rate within our security force.

• During the in-process we collect all necessary information to register the candidate with the Texas Commission of Private Security. This is the 1st step in assuring our procedures and records will meet the Division of Regulatory Service (DRS) requirements and enable our office to the well prepared for any audits by the DRS. Begin Level One In-House Training Course and background investigation. This includes, but is not limited to the following:

- FBI Background Check
- DPS Personal Reference Check
- Employment History Check
- Fingerprint Submittal

FORMAL IN-HOUSE TRAINING

Every security officer is required to complete the training outlined below and must achieve a minimum score of 70% on the written examination.

• Texas Commission on Private Security Level One Training Course – Introduction to the Investigations and Security Industry

• Texas Commission on Private Security Level Two Training Course – Power to Arrest

Every security officer is issued the following items during the in process:

Security Uniforms

• Two sets of security trousers, two sets of security uniform shirts/ name plate/ daily reports/accident and incident reports.

Security Officer Handbook

In addition to the Level One and Level Two training, every security officer is issued the "Sun City Security Officers Handbook." They are required to become thoroughly familiar with all policies and procedures presented therein.

ON-THE-JOB TRAINING

On-the-job training is the quickest and most effective method of learning a given assignment. Our field supervisors are totally committed to the growth and development of our security force.

Sun City Security takes training very seriously. Security officer training is always a "work in progress." It is evaluated and conducted on a daily basis to ensure the highest standards possible.

• Our office is open 24-hours a day, seven days a week.

• Security officers are reminded of our open door policy any employee can talk with any level manager about any issues or concerns at any time.

• Security officers are now available for their scheduled site location. **MS**



Stop by and visit the vendors at this year's ASSIST State Convention.

Support those who support ASSIST!



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LIC.-B 8061



Health Care Reform

LEGISLATIVE BRIEF

Brought to you by Employer Solutions Group

Employer Mandate Penalties Delayed Until 2015

The Obama Administration has postponed the Affordable Care Act (ACA) employer mandate penalties for one year, until 2015. The Department of the Treasury announced the delay on July 2, 2013, along with a similar delay for information reporting by employers, health insurance issuers and self-funded plan sponsors.

The delay does not affect any other provision of the ACA, including individuals' access to premium tax credits for coverage through an Exchange. The Treasury plans to issue more formal information about the delay within a week.

ONE-YEAR IMPLEMENTATION DELAY

The employer mandate provisions of the ACA are also known as the employer shared responsibility or pay or play rules. These rules impose penalties on large employers that do not offer affordable, minimum value coverage to their full-time employees and dependents. They were set to take effect on Jan. 1, 2014.

According to the Treasury, the delay of the employer mandate was required because of issues related to the reporting requirement. With the reporting rules delayed, it would be nearly impossible to determine which employers owed penalties under the shared responsibility provisions. **Therefore, these payments will not apply for 2014.**

The now-delayed reporting requirements are found in Internal Revenue Code sections 6055 and 6056. These rules apply to insurers, self-insuring employers and other parties that provide health coverage, along with certain employers with respect to health coverage offered to their full-time employees. The Administration's decision is based on concerns voiced by businesses about the complexity of the requirements and the need for more time to implement them effectively.

EFFECTS OF THE DELAY

The additional year will give employers time to understand the employer mandate rules, to make decisions about providing health coverage and to adapt their reporting systems, without worrying about potentially significant penalties. It is unclear how the new deadline will impact guidance that has already been issued, such as the transition relief for non-calendar year plans and the optional safe harbor for determining full-time status.

FUTURE GUIDANCE

The administration plans to use the additional implementation time to consider ways to simplify the new reporting requirements consistent with ACA. The Treasury also plans to discuss the rules with stakeholders, including employers that currently provide health coverage to employees, and then publish proposed rules implementing these provisions later this summer. It is the Treasury's intention to minimize the reporting requirements.

The pay or play regulations issued earlier this year left many unanswered questions for employers. The IRS had highlighted several areas where it would be issuing more guidance. Presumably, the additional time will give the IRS and Treasury the opportunity to provide more comprehensive guidance on implementing these requirements.

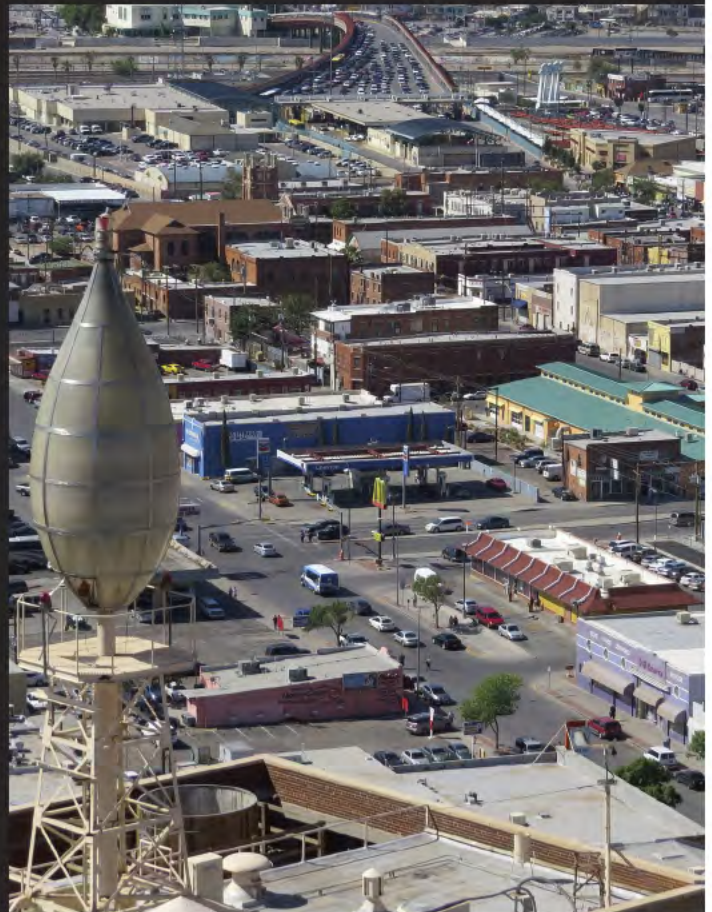
Employer Solutions Group will continue to monitor developments and will keep you informed of the latest updates.

This Legislative Brief is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. © 2013 Zywave, Inc. All rights reserved.



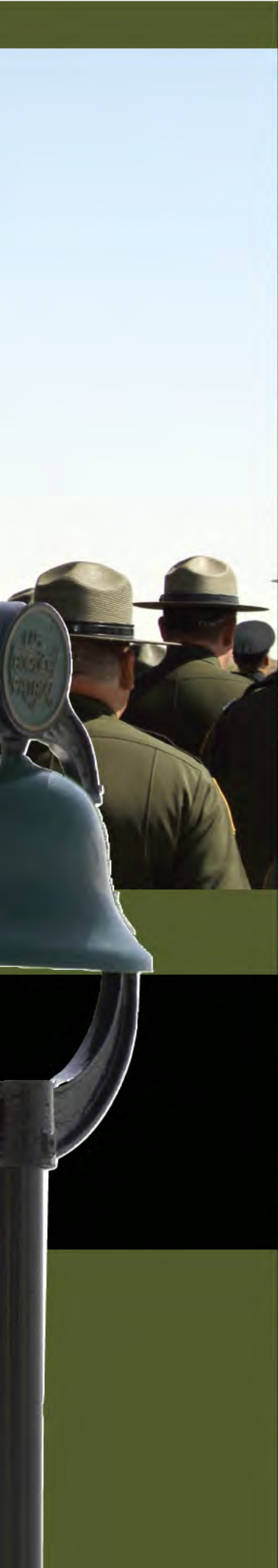
WELCOME TO EL PASO

(Photos by Dave Scepanski)



A VIEW FROM THE TOP





U.S. Border Patrol pays tribute to fallen heroes

▣ EL PASO, Texas – Members of the United States Border Patrol's El Paso Sector, along with other law enforcement agencies, honored the men and women who lost their lives while protecting the nation in a special commemorative ceremony held at the National Border Patrol Museum May 22.

Chief Patrol Agent of the El Paso Sector Scott A. Luck and other high-ranking officials were on hand to pay tribute as well as offer inspiration and words of comfort to the family members of the fallen agents.

Since its inception in May 28, 1924, the U.S. Border Patrol has seen the passing of 118 agents in the line of duty. During the ceremony, all of the 118 names were read aloud – a photograph of each agent momentarily flashed on a screen and the ringing of a bell toll was heard at the end. The clicking hooves of a riderless agent's horse were followed by a fly-over from a Customs and Border Protection Office of Air and Marine helicopter.

The ceremony concluded with the retirement of the colors by the El Paso Sector's Border Patrol Honor Guard.

Courtesy El Paso Sector U.S. Border Patrol

Members of the United States Border Patrol's El Paso Sector, along with other law enforcement agencies, honored the men and women who lost their lives while protecting the nation in a special commemorative ceremony held at the National Border Patrol Museum May 22.

Photos courtesy of the El Paso Sector U.S. Border Patrol.

Office of Air and Marine a critical component of USCBP

►► The Office of Air and Marine (OAM) is the world's largest aviation and maritime law enforcement organization, and is a critical component of U.S. Customs and Border Protection's layered enforcement strategy for border security. With 1,200 federal agents, 276 aircraft and 289 marine vessels operating from 84 locations throughout the United States, OAM uses its sophisticated fleets to detect, sort, intercept, track and apprehend criminals in diverse environments at and beyond U.S. borders.

OPERATIONS

OAM's specialized law enforcement capabilities allow OAM to make significant contributions to Department of Homeland Security (DHS) efforts, as well as to federal, state, local and tribal agencies. OAM is uniquely positioned to provide direct air and maritime support to multiple agencies and to ensure the success of border protection and law enforcement operations between ports of entry, within the maritime operating areas and within the nation's interior.

MISSION SETS

OAM's capabilities are reflected in five mission sets: Air to Land Enforcement, Air to Air Enforcement, Water to Water Enforcement, Air and Marine Domain Awareness and Critical Infrastructure and Port Security.

The Office of Air and Marine's implementation strategies are based on positioning U.S. Customs and Border Protection aviation and maritime assets to provide expertise and responsiveness in several strategic mission sets, each critical to the overall success of priority DHS and CBP missions. The following mission sets reflect OAM's core competencies:

Air to Land Enforcement – Involves the capability to search, detect, identify and track suspect ground targets of interest moving by vehicle or on foot. Interdiction can occur on approach to the land border, at crossing points or after the border has been breached. Air to land interdiction is conducted in all geographic conditions and at all borders.

Air to Air Enforcement – Involves the capability to search, detect, track and sort airborne suspect targets of primarily general aviation aircraft. In a national security role, this serves the function of determining hostile intent of the suspect aircraft. Air interdiction is conducted over both land and sea in all weather conditions and operating environments. The mission includes an apprehension capability far before a suspect air target approaches the border, as the border is crossed and well into interior airspace.

Air and Marine Domain Awareness – Involves the employment of OAM's Command, Control and Communications, Intelligence,

Surveillance and Reconnaissance (C3ISR) capabilities to provide situational awareness in all operating environments. This includes determining suspect targets requiring enforcement actions. OAM has ground-based and airborne C3ISR centers with hemispheric reach to manage this capability.

Critical Infrastructure and Port Security – Involves the capability to detect, deter and prevent terrorist attacks on critical infrastructure and at U.S. ports of entry. This includes the tracking of possible terrorist threats as they approach the border, apprehension of suspect targets and monitoring of border areas through air and marine tactical and strategic assets. In addition to these duties, OAM assets provide security and surveillance at special events.

LOCATIONS

Each of the nation's border regions provides a nexus point where three transnational threats converge: drug trafficking operations, alien and contraband smugglers and terrorist groups. The border is not merely a physical frontier. Effectively securing it requires attention to processes that begin outside U.S. borders, occur at the border and continue to all interior regions of the United States. U.S. Customs and Border Protection (CBP) views the border as a continuum of activities where the physical border is the last line of defense, not the first. Consequently, CBP's strategies address the threats and challenges along the entire continuum.

AIRSPACE SECURITY EFFORTS

The Office of Air and Marine's unique ability to blend sophisticated ground and airborne sensors with law enforcement data and intelligence lends itself to supporting many airspace security efforts and National Security Special Events (NSSEs) such as the 2002 Winter Olympics in Utah, many Super Bowls, and the 2004 Major League Baseball All-Star Game. OAM regularly provides air support to Presidential Inaugurations and State of the Union addresses, as well as United Nations General Assemblies, G8 Summits, and political party national conventions.

In addition to NSSEs, OAM also provides air support and surveillance for natural disaster relief, including hurricanes, floods, and wildfires. OAM Predator B Unmanned Aircraft Systems (UAS) have patrolled the affected areas after Hurricanes Gustav and Ike to send data to relief operations on the ground. In 2005, OAM conducted the first operational deployment with the BigPipe surveillance system in response to the devastation left by Hurricane Katrina. OAM P-3 aircraft broadcasted live streaming video to multiple users within the first hours after the hurricane's initial land-



Rodolfo "Rudy" Maldonado Jr.
Director, Air Operations
El Paso Air Branch

Rodolfo "Rudy" Maldonado Jr. is the Director, Air Operations, El Paso Air Branch, U.S. Customs and Border Protection, Office of Air and Marine. The Office of Air and Marine is the world's largest aviation and maritime law enforcement organization with more than 1,200 federal agents, operating from 80 air and marine locations with 269 aircraft of 26 different types, and 297 maritime vessels. As the director of Air Operations, he provides operational oversight over aviation missions launched from the El Paso Air Branch. In this role, he will provide leadership and management direction to the men and women conducting aviation law enforcement missions in his operational area of responsibility while supporting our law enforcement partners of the West Texas/New Mexico Alliance to Combat Transnational Threats.

Maldonado began his federal law enforcement career in 1996 with the USBP as an agent stationed at the Brown Field Station in San Diego, Ca. In November 1998, he was selected to serve as a member of the San Diego Sector Horse Patrol Unit. December 1999, he became a Border Patrol pilot in the El Paso Sector where he served as the unit's fixed-wing training officer and collateral duty intelligence officer. Maldonado also served as the El Paso Sector Native American Special Emphasis program manager. In 2003, he transferred to the San Diego Sector as a USBP Aircraft Pilot. In 2004, Rudy was promoted to assistant chief patrol agent at USBP Air Operations Headquarters in El Paso, where he was responsible for technical support and administrative direction for field aviation components. In October 2005, he participated in the USCBP transition management process and was appointed as the interim deputy director, Resource Management, for the newly created CBP Air. In March 2006, he served as the Interim DAO at the El Paso Air Branch until April 2007. Following that assignment, he served as the acting deputy director until his promotion to Air and Marine Acquisitions Manager for the Secure Border Initiative Program Office. He contributed to the formation of the CBP Office of Technology Innovation and Acquisition (OTIA). In October 2011 he returned to the El Paso Air Branch as the deputy director of Air Operations.

With more than 7,000 flight hours in fixed and rotary-wing aircraft, Maldonado holds FAA commercial single and multi-engine land fixed and rotary-wing certificates as well as instrument privileges in both. He has earned his Aviation Safety and Security Professional Certification through the University of Southern California. He attended the National Test Pilot School in Mojave, CA and The Army Test and Evaluation Command's course at White Sands Missile Range, NM. He is designated as an OAM Flight Test Officer.



fall. OAM provided live full motion video to the Federal Emergency Management Agency, law enforcement, and Department of Defense forces securing the area.

In 2011, OAM began providing imagery obtained using the UAS around the Red River Valley area to the National Weather Service and area emergency managers. The UAS provided streaming video, Synthetic Aperture Radar mapping and change analysis of areas affected by the ice flows and flood. The imagery, used in conjunction with BigPipe, increased situational awareness by providing real-time video and still imagery.

On April 15, OAM launched a helicopter from the National Air Security Unit - New York (NASU-NY) to respond to the scene of the Boston Marathon bombing and provided law enforcement support to the Massachusetts State Police, conducting crime scene over watch, surveillance, and photo reconnaissance. The OAM helicopter was the first federal aviation asset to respond to the scene. In addition, OAM assisted with transporting evidence for testing.

OAM returned to downtown Boston the

day after the bombing, on April 16, to provide further support to investigators and responding agencies, including the Federal Bureau of Investigation. The Air and Marine Operations Center monitored the area as part of a Temporary Flight Restricted zone established around the scene.

On April 19, OAM transported federal agents from Northern Va. to Watertown, Mass., where law enforcement authorities had located the second suspect on a boat parked in a residential driveway. The NASU-NY crew provided aerial surveillance over the target area, capturing thermal imaging showing the suspect hiding in the boat.

SOUTHWEST BORDER OPERATIONS

The El Paso Air Branch is a complex, multi-prong anti-terrorism operation with air units located in El Paso and Deming, New Mexico. The branch's area of responsibility corresponds to the boundaries of the Border Patrol's El Paso Sector beginning at the New Mexico-Arizona border and east to the Sierra Blanca Mountain Range, near Sierra Blanca, Texas. Overseeing operations in this location

is Director of Air Operations Rodolfo "Rudy" Maldonado.

Aviation support for the border security mission in this area is provided by organic assets of the El Paso Air Branch. Director of Air Operations Maldonado is an executive member of the New Mexico/West Texas Alliance to Combat Transnational Threats Unified Command (NM/WTX ACTT UC) and he presently has the role of managing aviation support mission requirements within this AOR.

The purpose of the NM/WTX Campaign Plan is to negatively impact the transnational criminal organizations' profitability and ultimately degrade, disrupt and dismantle their criminal enterprise. The NM/WTX ACTT, which is comprised of the El Paso and Big Bend Sectors' AOR is the driving force of the plan, focusing on intelligence driven operations and specific targets throughout the New Mexico/West Texas corridor. This initiative was developed to maximize the effectiveness of participating multi-law enforcement partner agencies and DHS components within the corridor. In response to the current criminal activ-

AIR continued on Page 38

Continued from AIR, Page 37

ity, the plan will heighten security throughout the corridor.

Maldonado makes recommendations on the proper employment of participating aviation assets to accomplish the border security mission requirements as established by the field commander and NM/WTX ACTT UC. Other participating aviation assets in this area include assets from Department of Defense, National Guard, FBI, DEA, New Mexico State Police and Texas Department of Public Safety. Their availability to support the border security mission depends upon their ability to support their organic mission commitments. On occasion, CBP OAM assets provide mutual aviation support.

He also manages the air tasking cycle which provides a repetitive process for planning, execution, assessment and reporting of air support activity in this AOR.

El Paso Air Branch Aviation mission skill sets include:

- Tactical Air Support/Air Support to regular CBP Operations
- Reconnaissance, Surveillance, and Target Acquisitions (RSTA)
- RSTA includes near-real-time video downlink capability.
- Medium Lift
- Air Mobile
- Helicopter Rope Suspension Techniques

- External Load
- VIP Transport (CoDel)
- Search and Rescue
- Training (Aircrew and Tactical Team)

- Maintenance
 - Logistical Support
- El Paso Air Branch non-flying law enforcement skill sets include:
- General Aviation aircraft and aircrew document checks to address the domestic aviation smuggling threat and investigations.

- Incident Command Structure - Aviation Support Coordination (ASC).

- The ASC provides subject matter expertise and experience in planning, collaboration, coordination, de-confliction, execution, and assessment of air support capability to the incident commander during critical incidents this AOR.

EPAB Aviation Assets include:
2 UH-1 Hueys
6 AS350 Astar Helicopters
2 Cessna C210

Courtesy Office of Public Affairs

THOUGHTS FROM THE EDITOR

By Dave Scepanski, ASSIST Lifetime Member

When deciding what would be appropriate for the front cover of the September 2013 issue, the top issue for the United States is homeland security and with a great amount of it in the news of El Paso and Juarez, Mexico, only minutes from El Paso.

As U.S. citizens, we only know what we read and see on television. For this issue, I wanted an up front view of what the US Border Patrol does to protect our borders.

I contacted Customs and Border Protection, CBP Office of Air and Marine, El Paso Air Branch, El Paso Sheriff Richard Wiles, and Jessie Ruelas, of Sun City Security, for ideas on my quest. I wanted to relay it to the public. They immediately cooperated, giving me all the assistance for the front cover, and the articles you see in this issue.

Sheriff Wiles assigned Sgt. Paul Soria as my escort. While riding with him, I had the experience of learning how close the agencies work together to protect our borders, 24 hours a day.

When taking photos along the border, I experienced "it" in a way I've never experienced before.

When we all say the pledge of allegiance or salute the flag we may get a lump in our throat. I experienced that feeling while watching the Bor-

der Patrol work. They not only protect the borders but also watch over each other. It made me proud to be a American.

The officers of the USBP are at work risking their lives daily to protect our borders. We must make sure Washington allocates the monies needed to continuously protect our borders.

The photos on the front cover of *Managing Security Today* were courtesy of the CBP, CBP OAM, El Paso Air Branch, El Paso County Sheriff's Department and Sun City Security.

During the time when I was president of ASSIST, we had a magazine called the ASSIST Messenger, the last issue of which was published in May 2004. It was time for a change. We first needed a new name so we asked the members to submit ideas. Kevin Galloway suggested *Managing Security Today* as the new name for the ASSIST magazine.

You can see all the magazines and view a history of ASSIST by going to the ASSIST website at assisttexas.org

As the founder and editor of *Managing Security Today* for the last 26 issues, I must say goodbye. This will be my last issue. I am retiring as editor. You will continue to receive the same great magazines from ASSIST in the future.

Thanks for all the support over the years. **MS**

THANKS FOR THE ESCORT!



Shout out to Sheriff Richard Wiles for lending an officer to show me the border and a big thanks to Sgt. Paul Soria for the great ride.



Dallas POLICE DEPARTMENT

THE HISTORY OF THE DALLAS POLICE DEPARTMENT



1885 Dallas Police Department Officers

Dallas was founded in 1841 with a one-half square mile boundary. The population quickly grew to 10,385. With almost three hundred saloons, gambling often led to violence. The need for a professional police force became evident. At the first public election held in 1881, James Carter Arnold became the first chief of police. The Dallas Police Department began with fifteen officers.

In 1906, the first police matron was hired, Captain (Evangeline) J.J. Farley. She had full arrest powers and investigated cases of prostitution, abused women and abandoned children. Dallas had grown to 23.54^m with 158,926 citizens by 1920. The city was divided into beats with officers patrolling on foot, cars, motorcycles, bicycles and on horseback. Call boxes were used to obtain information on calls for service from the Desk Sergeant. Officers monitored traffic and manually operated the traffic lights from a tower. Specialized units, sections and bureaus were established for Auto Theft, Robbery, Homicide, Burglary and Theft. Radio receivers were installed in squad cars. Within five years, Dallas would earn the title of "Texas Safest City" among cities in its population group.

Dallas became the focal point of the nation when President John F. Kennedy was assassinated in 1963. Within an hour Officer J.D. Tippit stopped Lee Harvey Oswald, who matched the suspect's description. Oswald shot Officer Tippit four times. He was quickly arrested but was gunned down by Jack Ruby as he was escorted by officers in the basement of Dallas Police Headquarters.

The Dallas Police Academy built a training facility in 1962 and became the first police school to be certified by the Texas Commission on Law Enforcement Standards and Education. An effort was made to recruit officers with higher educa-

tion and minorities. The first female officers were hired for patrol duty in 1972. By the 1980's, the seven sub-stations had been established. Radar technology and Mobile Digital Terminals were implemented. DPD became one of the best equipped departments in the country.

In 2003, the FBI's 2002 Uniform Crime Report listed Dallas as having the highest crime rate in the nation per capita. Bolton was terminated and Chief David M. Kunkle was appointed. He began initiatives such as Operation Disruption, the Auto Theft Bait Car Program and used technology from CompStat and video cameras to reduce the crime. In 2005, for the first time in more than a decade, crime was down in all major categories with double-digit reductions reported in homicide, business robberies and auto thefts.

David Kunkle retired in 2010 and Chief David O. Brown was sworn in. Brown continued to implement crime reduction strategies. In addition he proposed that the best way to reduce crime is to prevent it from happening in the first place. He stressed that it takes the community and the department working together to prevent crime. Chief Brown implemented Community Policing 2.0 - A New Era to send non-patrol officers back to patrol for two-week intervals. He emphasized the benefit of Neighborhood Crime Watch, social media and iWatch to increase communication. Youth programs were implemented to encourage youth to stay away from criminal activity; Chief on the Beat Crime Prevention and Safety Fairs made the chief and officers accessible to the community. The use of overt and covert cameras and GPS trackers in auto theft and car burglary bait cars and the Residential Bait House Program were expanded. Many special operations were executed in high crime areas.

With these and other significant strides in crime prevention and enforcement overall crime in the city of Dallas has gone down for an unprecedented 9th consecutive year. By the end of 2012 the crime rate in Dallas was at the lowest it has been in 55 years.



Dallas Police and Lee Harvey Oswald



Dallas Police Department at City Hall Pre 1910



Dallas Police Department Patrol Car Circa 1920



Dallas Police Department Class



Dallas Police Department Optriangle



Dallas Police Department Tech

CHIEF DAVID O. BROWN



Chief David O. Brown is a 29-year veteran of the Dallas Police Department. As chief of police, he commands a department comprised of more than 4,200 employees (3,600 sworn) and oversees an annual operating budget of \$410 million.

Chief Brown holds a Bachelor of Science degree in Business Administration and a Master of Business Administration degree in Strategic Leadership. Brown is a graduate of the Federal Bureau of Investigation National Academy, FBI National Executive Institute, Senior Management Institute for Police, the National Counter-Terrorism Seminar in Tel Aviv, Israel and the United States Secret Service Dignitary Protection Seminar in Washington, D.C. He also holds Master Peace Officer and Police Instructor certifications from the State of Texas.

At the request of the city manager, Brown served as an interim assistant city manager for the city of Dallas and directed operations in the areas of Code Compliance, Environmental and Health Services, Equipment and Building Services, Library Services, Parks and Recreation, and Cultural Affairs. These departments were comprised of approximately 2,700 employees with a combined annual operating budget of \$233 million.

Brown holds active memberships with the International Association of Chiefs of Police, Police Executive Research Forum, National Organization of Black Law Enforcement Executives, and the Dallas Chapter of the Black Police Association.



Dallas Police Department Headquarters

Dallas County SHERIFF'S DEPARTMENT

THE HISTORY OF THE DALLAS COUNTY SHERIFF'S DEPARTMENT

By Carmen Castro, Public Information Officer

The Dallas County Sheriff's Department is the primary law enforcement agency for the unincorporated areas in Dallas County. Established on March 30, 1846, the department now operates the seventh largest jail in the United States.

In 1846, Dallas County was created from portions of Robertson and Nacogdoches counties. Until then, all of Dallas County, east of the Trinity River, was part of Nacogdoches County. All of Dallas west of the Trinity River was known as Robertson County. Dallas County is comprised of 908 square miles.

John Benton Huitt was the first sheriff of Dallas County who took office on July 13, 1846. Back then, Huitt had one deputy and the first jail, a 16 foot by 16 foot cedar log structure, was not built until 1863 near what is now Union Station in downtown Dallas. Today, the Dallas County jail facilities can accommodate a maximum capacity of 7,100 inmates. Currently, only three of the five jail facilities are in use: the North Tower, the West Tower, and the Suzanne Lee Kays Detention Facility (also known as the South Tower).

Since the department's establishment, 19 deputies have made the ultimate sacrifice. Their names are as follows: James McMahan; Charles H. Nichols; George V. Vise; Addison C. Pate; Thomas I. Woods; Willis Glover Champion;

James C. Wright; Thomas L. Noell; James Willis Fuller; Cecil Vincent Chapman; Kassie Mae Chandler; James Weldon Hill; Eddie Raymond Walthers; Samuel Garcia Infante; William Don Reese; Esteban Velasquez, Jr.; Ray Edward Kovar; Suzanne Lee Kays; and James Robert Allman.

The Dallas County Sheriff's Department honors these men and women during a memorial ceremony each May, in front of a monument built in their memory.

IN THE COMMUNITY

The mission of the Dallas County Sheriff's Department is to provide the citizens of Dallas County with quality law enforcement services. In addition to the department's daily jail, patrolling, courts services and criminal investigation duties, DSO stays connected with the community.

DSO offers curious residents an opportunity to participate in the Sheriff's Citizens Academy each fall. Through the eleven-week program, participants get a chance to take a jail tour, see firsthand what the North Texas Auto Task Force, the SWAT tactical team, and physical evidence section, among others do. Participants also get a chance to familiarize themselves with a gun at the Kenneth Mitchum Gun Range. For many, this will be their first experience in learning to shoot a gun. Participants frequently comment how amazed they are to learn about everything

the sheriff's department does. One of the big surprises is when they meet the sheriff's posse unit which oversees the rescue of livestock around the county – after all, this is Texas!

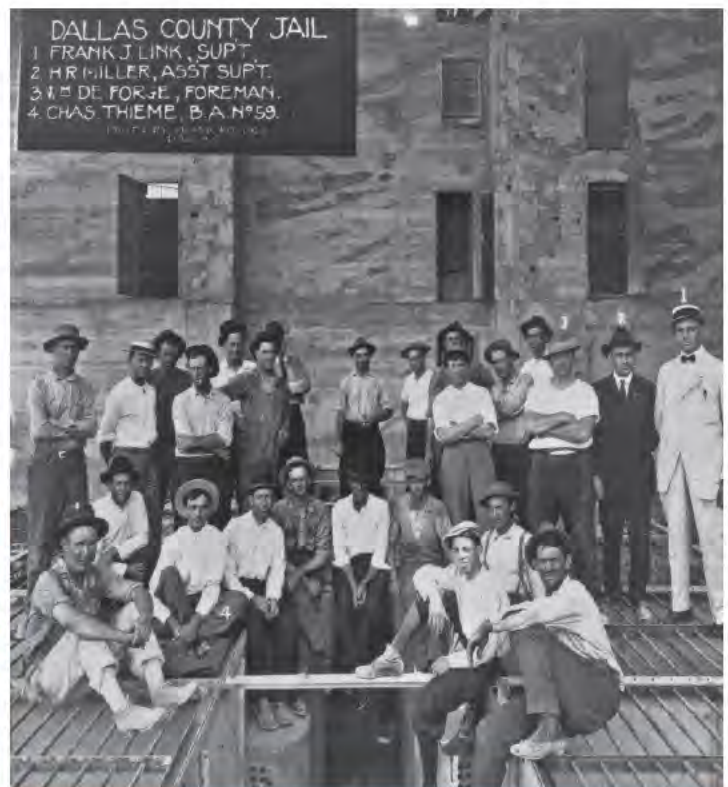
The Sheriff's Citizens Academy was established in 2008. Upon graduation, participants get the chance to stay involved by joining the department's Citizens Support Team. CST officially falls under the department's reserve division, which stays involved in various community service events year round. CST members participate in anything from community holiday events, to traffic control during the State Fair of Texas at several National Night Out events.

One of the biggest volunteer projects is assisting with the Prostitute Diversion Initiative. The program's mission is to provide individuals involved in the sex trade a safe exit from a life of prostitution. It is made possible through a collaboration of the Dallas County Sheriff's Department, Dallas Police Department, the Dallas County District Attorney's Office, City Attorney's Office, Courts, Dallas County Health and Human Services, Parkland Hospital, Community Voice Mail, and now over 60 social service and faith based organizations. In fact the program continues to receive national attention from numerous media outlets that have featured this program and its success.

To learn more about the Dallas County Sheriff's Department visit us at dallas-sheriff.com. To learn more about the Prostitution Diversion Initiative log on to pdnewlife.org



EDC



Dallas County Jail



EDC

SHERIFF LUPE VALDEZ



Sheriff Lupe Valdez is serving her third term for the citizens of Dallas County. She took the rank of the highest ranking law enforcement officer in the county Jan. 1, 2005. Valdez is the only Hispanic female sheriff in the United States and only one of four female sheriffs in Texas.

As sheriff, she continues to work diligently on improvements within the Dallas County Sheriff's Department. Some of the department's accomplishments since her election include: the hiring of 400 new detention service officers, the expansion of the freeway management patrol system which covers more than 78 miles of in-county highways, the current construction of a medical facility within the Lew Sterrett Justice Center, and improvements to the quality of overall healthcare for mentally ill inmates.

Prior to her election, Valdez had more than three decades of law enforcement experience. She has experience in homeland security, anti-terrorism investigations, and has worked in the United States, Central American, as well as South America.

Valdez is one of eight children of migrant farm workers. As a young child, she learned strong work ethics. She worked two jobs to put herself through college, earning a Bachelor's Degree in Business Administration from Bethany Nazarene College, now Southern Nazarene University. She later earned a Master of Arts in Criminology and Criminal Justice from the University of Texas at Arlington.



Memorial



EDC



WELCOME

ASSIST STATE CONVENTION



TO THE GREAT CITY OF EL PASO



By Bernie Sargent

WELCOME TO EL PASO, located along the Rio Grande in the valley created by the beginnings of the Rocky Mountains in the U.S. and the Sierra Madre's in Mexico. Visitors to our city can enjoy a geography formed millions of years ago. See this diverse terrain by traveling up the Wyler Tram, the only public tram in Texas which will take you to the peak of Franklin Mountains and enjoy a view of three states and two countries. If the tram isn't your type of travel, take a short drive to northeast El Paso where you can traverse this same mountain on the TransMountain Road, the highest road in Texas. And lastly on the itinerary of "lookout" points, would be a drive to the south end of this mountain that makes up the largest urban park in the U.S., Rim Road.

Now if history is your passion, there's hundreds of years to see in El Paso, thanks to the Rio Grande and the benefits provided by a plentiful water supply in the northern Chihuahuah Desert. On the west side of town you'll find the Keystone Heritage Park and El Paso Desert Botanical Gardens, where one of the oldest villages in the southwest was located some 4,500 years ago. Located adjacent to the Rio Grande, Keystone was also home for many different clans or tribes who traded with travelers through time that followed the "trail" along the Rio. Four hundred years ago this trail became the route that Don Juan de Onate led his three mile long caravan from Mexico to present day Santa Fe, NM.

Fast forward to the 1700s when a mass exodus from New Mexico to the El Paso area or El Paso del Norte as it was known, took place uprooting the Spaniards and their "converts" as a result of a native uprising. This relocation gave cause for the construction of new missions and several presidio's to accommodate the different tribes and provide for their protection. Along the Mission Valley visitors can take in the San Elizario Presidio and numerous arts and craft shops that surround the chapel originally constructed in the 1700s. Several miles west along the Mission Trail or Socorro Road,

WELCOME continued on Page 56

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October 2 – 5



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For More Information Please Call: Dave Scepanski (915) 241-2669 or Eddie Quinonez (915) 751-6811

MEET THE KEYNOTE SPEAKERS



SENATOR EDDIE LUCIO JR » District 27

Senator Eddie Lucio, Jr., a native of Brownsville, began his public service in 1971, becoming Cameron County Treasurer and later Cameron County Commissioner.

In addition to his Senate Committee assignments, Lucio serves on the Texas Legislative Council, he created and sits on the Interagency Task Force on Children with Special Needs and serves as chair of the Texas Tourism Caucus. In 2003, Lucio was honored by his colleagues when they elected him President Pro Tempore of the Senate for 78th Legislature.

During his career, Senator Lucio's priorities have focused on public and higher education; economic development; access to quality health care; and the needs of children, the elderly, and those with special needs.

Lucio has passed hundreds of bills, including those creating the University of Texas Health Science Center-South Texas, a life without parole option in capital murder cases, water and waste-water funding for colonias, and self-help programs enabling aspiring home owners to invest sweat equity in the construction of their own homes. His commitment to families and children has resulted in expanded health coverage for children with autism, installing three-point seat belts on new school buses, improving nutrition in schools, and protecting and enhancing health care benefits for families of peace officers killed in the line of duty.

REP. JOE C. PICKETT » District 79

Joe C. Pickett is a member of the Texas House of Representatives, where he is presently serving his tenth term. Rep. Pickett is currently serving as Chairman of the House Committee on Homeland Security and Public Safety, with jurisdiction over all matters pertaining to: law enforcement; the prevention of crime and the apprehension of criminals; the provision of security services by private entities; homeland security, including: the defense of the state and nation, including terrorism response; and disaster mitigation, preparedness, response, and recovery; and the following state agencies: the Commission on Law Enforcement Officer Standards and Education, the Department of Public Safety, the Texas Division of Emergency Management, the Emergency Management Council, the Texas Forensic Science Commission, the Texas Military Preparedness Commission, the Texas Private Security Board, the Commission on State Emergency Communications, and the Texas Crime Stoppers Council.

In addition, he is a member of the House Committee on Transportation and the House Committee on Redistricting. He is ranked 17th in seniority of the 150 members of the Texas House.

Pickett is a membership of the House Research Organization Committee. This committee reports on all legislation which is scheduled for floor debate.

Over the last 18 years he has been the author of countless pieces of legislation and served previously as Chairman for the House Transportation Committee, Chairman of Defense and Veterans Affairs, served on the Committee on Appropriations and served as



REP. JOE MOODY » District 78

Joe Moody is a lifelong El Pasoan and a second generation public servant. His father, District Judge William Moody, and his mother, Magdalena Morales-Moody, an El Paso school teacher, taught him the value of community service and respect for the laws of Texas.

Moody has returned to the 83rd Session of the Texas House of Representatives after serving in the 81st Legislative Session as the youngest legislator in the state of Texas. During that session, he worked effectively for the benefit of west and northeast El Paso, Canutillo, Vinton, and Anthony. He served on the Criminal Jurisprudence Committee, where he worked on criminal justice issues, and the Committee on Border and Intergovernmental Affairs, which addressed immigration and border security.

During the 81st Legislative Session, Joe passed legislation to help keep communities safer from gang violence, give property tax relief to our disabled veterans, and help fund local domestic violence centers across Texas.

During the 83rd session, Moody has had the pleasure of returning to the Criminal Jurisprudence Committee, as well as serving on the Select Committee on Criminal Procedure, where he continues to advocate for the rights of crime victims and promotes smart criminal justice responses and procedure reforms. He is also a member of the Local and Consent Calendars Committee, where he helps vet a wide array of local issues from across the state. Some of the work that Joe has been most proud of, though, has been on the defense and Veterans Affairs Committee, where he has been fighting to preserve veterans benefits and ease the burdens our brave soldiers face as they return home to Texas after their service.

REP. ALLEN FLETCHER » District 78

Allen Fletcher is the State Representative from Texas House District 130. Representative Fletcher serves as the Vice Chair of Homeland Security and Public Safety, the Chairman of the Law Enforcement Subcommittee, and is the only member of the 25 person Harris County delegation serving on the Transportation Committee.

Allen graduated with honors from both the Houston Police Academy and the East Texas Police Academy. He received his undergraduate and graduate degrees in criminal justice from Sam Houston State University.

Upon retirement from Houston Police Department, Representative Fletcher founded and was president / CEO of Resource Protection Management. Representative Fletcher is currently the only retired peace officer in the Texas House.



**STEVE McCRAW » DPS Director**

Steve McCraw is a native of El Paso and holds a bachelor of science degree and a master of arts degree from West Texas State University. McCraw began his career as a state trooper and sergeant investigator for the Texas Department of Public Safety prior to his appointment as a special agent to the FBI in 1983.

As an FBI special agent, McCraw was assigned to the Dallas, Pittsburgh, Los Angeles, Phoenix (Tucson) and San Antonio Field offices. FBI Headquarters assignments included Unit Chief of an Organized Crime Unit; an Inspector; Deputy Assistant Director; Assistant Director of the Office of Intelligence, which was established in February 2002; and Assistant Director for the Inspection Division where he was responsible for strategic planning, internal investigations and bureau-wide performance evaluations. He also served as the Inspector-In-Charge of the South East Bomb Task Force and the Director of the Foreign Terrorism Tracking Task Force, which was established by the President in October, 2001.

After his retirement from the FBI in August 2004, Texas Governor Rick Perry appointed McCraw as the director of the Governor's Office of Homeland Security. His extensive background in the law enforcement and intelligence fields enables him to make well-informed decisions in preparing for and responding to all hazards in Texas.

**SCOTT LUCK » US Border Patrol Sector Chief Patrol Agent**

Chief Luck entered on duty with the U.S. Border Patrol in 1986 as a member of the 195th session of the Border Patrol Academy. His long and distinguished career includes service in a wide variety of supervisory, management and leadership positions, including Supervisory Border Patrol Agent, Field Operations Supervisor, Assistant Patrol Agent in Charge, Assistant Chief Patrol Agent, Deputy Chief Patrol Agent, Chief Patrol Agent of the U.S. Border Patrol Academy, and his current position as the Chief Patrol Agent of the El Paso Sector.

Luck has been actively engaged in shaping today's Border Patrol as the chief of the Border Patrol Academy, as a member of the Integrity Advisory Committee, and as the acting chief of the Office of Border Patrol's Southwest Border Operations Division.

Luck earned a bachelor's degree in Criminal Justice/Psychology at Syracuse University and is a graduate of the Kennedy School of Government, Harvard University, following successful completion of the Senior Executive Fellows Program.

RICHARD D. WILES » El Paso County Sheriff

Sheriff Richard D. Wiles was raised and educated in El Paso, graduating from Andress High School in 1979. Sheriff 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, Sheriff Wiles 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

**ART ACEVEDO » Austin Police Chief**

Art Acevedo serves as the eighth Police Chief in the 84-year history of the Austin Police Department and is the first Hispanic to lead the City's police force. With more than two decades of law enforcement experience, he oversees a department that employs approximately 2,000 sworn officers and civilian personnel and has been designated a national model "flagship agency" in its most recent review by the Commission on Accreditation for Law Enforcement Agencies.

Acevedo began his professional career in law enforcement with the California Highway Patrol in 1986. He strives to establish strong community relationships throughout the city with the goal of strengthening the relationship between the people of Austin and their police department. He leads by example with a strong sense of community involvement through his own personal time and resources.

Born in Havana, Cuba, Acevedo migrated to the United States with his family in 1968 in search of freedom and the opportunities to be found in America. He grew up in California, and earned his bachelor of science degree, with departmental honors, in Public Administration from the University of La Verne.

Appointed Austin Police Chief in July 2007, Acevedo believes in the spirit of our community and the commitment to public safety from the men and women of APD. He looks forward to his new role strengthening a world-class police department for a world-class city.

**OSCAR LEESER » El Paso Mayor**

Oscar Leeson was born in Chihuahua, Mexico, and came to the US in 1967 at the age of 9. In 1979 he began his career in the auto industry and after working with several dealerships in El Paso and California he returned to the Sun City in 2001 to become president and dealer operator of Hyundai of El Paso.

He serves as president of Hyundai South Central Region, is a member of the National Dealer Council, serves on the National Parts and Service Committee, and the Hyundai Advertising Committee. He is a member of the UMC El Paso Children's Hospital Foundation Board, the El Paso Police Foundation Board, is Chairman of the EP County Sheriff's Office Civil Service Commission, and actively supports many local charities and youth organizations.

MEET THE CONTINUING EDUCATION SPEAKERS

BARRY BOGLE » Director, Law Enforcement Training Academy



Barry Bogle is the current Director of Training for the El Paso Community College, Law Enforcement Training Academy. The academy is fully licensed by the Texas Commission on Law Enforcement as well as a licensed Level III and IV training school under the Texas Department of Public Safety Private Security Bureau.

Bogle retired as a Lieutenant from the El Paso Police Department in 2005 after nearly 30 years of service, spending much of his career committed to criminal investigations and police training. He also spent five years as part of the Federal Organized Crime Drug Enforcement Task Force in the El Paso/Juarez region. He continues his association with law enforcement as an Adjunct Criminal Justice Instructor with El Paso Community College, Webster University and the University of Phoenix.

Bogle earned his bachelor of science degree in criminal justice from the University of Texas at El Paso and a master of arts degree in management from Webster University. He is also a graduate of the Management Institute, part of the Leadership and Command College at Sam Houston State University.

Bogle is the current chairperson for the local chapter of the American Society for Industrial Security (ASIS International), the El Paso Chapter Vice-President for the Associated Security Services and Investigators of the State of Texas (ASSIST), a member of the Texas Association of Licensed Investigators, a member of Chief Greg Allen's EPPD Advisory Board, a commissioner for the El Paso County Sheriff's Department Civil Service Commission, and a member of the El Paso Community College Criminal Justice Advisory Committee. He is also a current member of the Texas Peace Officer Intermediate Certification Committee for the Texas Commission on Law Enforcement.

JIM TRAMEL » President/CEO of the Tramel Group



The Tramel Group was established in 2007 as a human resources consulting and benefits analysis company. Tramel is a professional manager with extensive experience in all areas of human resources, including training and development, labor relations, employee relations, staffing and retention, compensation, payroll, facilities and stock administration. He has more than 30 years experience in the human resources field and has been a HR director and/or a vice president – HR/adm for the last 15 years.

Tramel's operational HR experience ranges from high-tech companies (Texas Instruments; Ross Technology; Quantum Logic Devices), government entities (Coastal Industrial Water Authority, Texas Workers Compensation Commission), to construction/maintenance companies (ACS Dataline; J&J Maintenance). He has guided many companies through changes such as layoffs, restructures, growth spurts and lean periods.

He retired from the Air Force Reserve as a

lieutenant colonel with more than 26 years service. He is serious about "giving back," and is an Eagle Scout, a life member of the Scouting – Order of the Arrow, and a member and/or a past officer of various civic organizations such as the local chapters of the Air Force Association; the Reserve Officers Association, and the Williamson County HR Management Association. He is also a member of the local chapters of the VFW, the Military Order of the Purple Heart, the Vietnam Veterans of America, the Society of Human Resource Managers, the Austin Human Resource Managers Association, and several Texas A&M clubs and organizations.

He obtained his formal education at Texas A&M University (BBA - Finance) and at the University of Houston – Clear Lake City (MS - Finance).

JEFFREY ADDICOTT » Professor of Law, director, Center for Terrorism Law at St. Mary's University School of Law



Lt. Colonel (U.S. Army, ret) Jeffrey F. Addicott is a full professor of law and the director of the Center for Terrorism Law at St. Mary's University School of Law, San Antonio, Texas. An active duty Army officer in the Judge Advocate General's Corps for 20 years, Addicott spent a quarter of his career as the senior legal advisor to the US Army's Special Forces. As an internationally recognized authority on national security law he not only lectures and participates in professional and academic organizations both in the US and abroad, but also testifies before Congress on a variety of legal issues. Addicott is a prolific author, publishing more than 60 books, articles, and monographs on a variety of legal topics. His most recent book is *Terrorism Law: Cases, Materials, Comments*, 7th edition.

Addicott pioneered the teaching of law of war and human rights courses to the militaries of numerous nascent democracies in Eastern Europe and Latin America. For these efforts he was awarded the Legion of Merit, named the "Army Judge Advocate of the Year," and honored as a co-recipient of the American Bar Association's Hodson Award. He holds a doctor of juridical science and master of laws from the University of Virginia School of Law. He also received a master of laws from the Army Judge Advocate General's School, where he was the deputy director of the International and Operational Law Division, and a juris doctor from the University of Alabama School of Law. Apart from teaching a variety of courses at the law school Addicott served as the associate dean for Administration at St. Mary's University School of Law. Addicott was the 2007 recipient of St. Mary's University School of Law Distinguished Faculty Award.

TOMMY SIMMONS », Legal Counsel to Commissioner Hope Andrade



As a private-sector employment law attorney from 1998 to 2004, Tommy Simmons practiced employment law on the side of management, and operated an Internet-based employment law information site focused on the needs of employers. In the public sector, he is the

senior legal counsel for Commissioner Hope Andrade, the employer representative on the Texas Workforce Commission, and served in the same capacity for the prior employer representatives on the Texas Employment Commission and the Texas Workforce Commission, Commissioners Mary Scott Nabers, James J. Kaster, Chairman Bill Hammond, Commissioner Ron Lehman, and Chairman Tom Pauken from 1987 through 1998, and 2004 through the present. From 1984 until early 1987, he served on the legal staff of the Office of Commission Appeals in TEC.

Simmons received a bachelor of arts degree in history and german from Texas Tech University, a Master of Arts degree in German from Texas Tech University, a Bachelor of Business Administration degree in International Business from the University of Texas at Austin, and a Doctor of Jurisprudence degree from the University of Texas School of Law in Austin. Simmons also designed, wrote, and programmed the first employment law software programs designed specifically for Texas employers: *Unemployment Insurance: A Survival Guide for Employers*, *Wage and Hour Law Guide*, *Family and Medical Leave Act Guide*, *Employment Law Basics for Employers*, *The Texas Payday Law*, and *Alternative Staffing: Basics for Employers*. He is the editor of the *Employment Law Handbook of the Texas Association of Business* and also the creator of the software edition of that book. The Texas Payroll Conference awarded Simmons its Spirit of TPC Award in 2004, and its Government Partner Award in 2008. In 2012, the Texas Association of Business presented Simmons with its Lifetime Friend of Employers award.

JOJO HESELMAYER » DPS senior manager



JoJo Heselmeier is a senior manager with 25 years of experience at the Department of Public Safety. She is responsible for the Licensing and Registration Service within the Regulatory Services Division. As a key member of the RSD Executive Management team, she has oversight of all aspects related to licensing and registration processes for multiple programs including private security, metals, controlled substances, vehicle inspection, and concealed handgun.

SHERRIE ZGABAY » DPS manager



Sherrie Zgabay is a manager with 26 years of experience at the Department of Public Safety. She is responsible for day to day operations of the two unique units in the Licensing and Registration Service of Regulatory Services Division. These two units are dedicated to several programs including private security, metals, controlled substances, vehicle inspection, and concealed handgun. Duties within the units include all aspects of application processing including background checks and final issuance of a license or registration. LRS also responds to customer contacts, manages the information made available on the website and provides valuable input for the overall administration of each of the five core programs.

THOMAS RESCINITI DEMONT » President, Technical Services, Inc.



University of Maryland 1990; certified Master Locksmith 1985 Associated Locksmiths of Amer-

EDUCATION: Graduated from Connelly Vocational High School June 1962; graduated US Navy Locksmith School 1964; graduated US Navy ABC Warfare School 1965; graduated Anthony Contracting School 1972; received bachelor of science Labor Negotiation

ica; certified Architectural Hardware Consultant 1990 Door & Hardware Institute; certified ACE Instructor 1993 Associated Locksmiths of America; certified Fire Door Inspector 2009 Associated Locksmiths of America; certified Fire Door Inspector 2008 International Fire Door Inspection Association; certified Institutional Fire Door Inspector 2013 Institutional Locksmith Association; certified Forensic Locksmith 2007 International Assoc. of Investigative Locksmiths; certified Master Institutional Locksmith 2008 Institutional Locksmith Association; certified Professional Safe Technician 2012 Safe & Vault Technicians Association

PUBLISHED WRITINGS: A Taste of Roscigno e Campania 2007; Running a Successful Service Company – Made Easy 2009; Life Safety Codes – In the Means of Egress 2011 VII Edition; Life Safety Codes – In the Means of Egress 2013 Spanish; Life Safety Codes – In the Means of Egress 2013 VIII Edition

PUBLISHED ARTICLES: ALOA Keynotes, Building Maintenance, Correctional Forum, Doors & Hardware, Locksmith Ledger, National Locksmith

AHC, CAI, CFDI, CFL, CMIL, CML, CPS, IFDI, ARL

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Continuing Education - Friday, October 4

THOMAS R. DEMONT 0830-0920

National President Associated Locksmith of America
"Safety & Security in the Workplace"

PROFESSOR JEFFREY ADDICOTT 0930-1020

Director for Terrorism Law, St. Mary's University
"Terrorism Fact or Fiction"

VENDOR HOUR 1030-1120

"Newest Security Technology"

KEYNOTE SPEAKERS 1130-1320

State Senator, State Rep, Sheriffs

TOMMY SIMMONS 1330-1420

Legal Counsel to Chairman Tom Puken
Commissioner Representing Employers TWC
"Terrorism Fact or Fiction"

TRAVEL GROUP 1430-1520

HR & Benefits Plans
"Health Insurance - What to Expect"

PRESIDENTS ANNUAL MEETING 1530-1730

Open to Members / Non Members / Vendors
"Voting New State Board"

Continuing Education - Saturday, October 5

BARRY BOGLE 0900-0950

El Paso Community College - Director of Law Enforcement Training
"Ethics"

JOJO HESELMAYER & SHERRIE ZGABAY 1000-1150

Department of Regulatory Services - DRS Licensing
"Rules & Updates Part 1 & 2"

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MEET THE PLATINUM SPONSORS



John Bures, CPCU
Senior Vice President, CoverXSpecialty

John joined **CoverXSpecialty** in 2001 to head up the security division in the organization. CoverXSpecialty's area of focus within their security division includes security officers, private investigators, security alarm contractors and fire suppression contractors.

As head of the department, John has enjoyed great success expanding the product offering and helping to grow the company. CoverXSpecialty is a full-service operation that handles both placement and processing with the convenience of an in-house claims staff provided through the issuing insurance companies.

Whether it's a new business or established account, a one-person operation or a national firm, John and his team at CoverXSpecialty promises to deliver a fast turnaround on quotes and policies.



Lorenzo and Maria Sosa from **TEXAS ENFORCER LLC** are a Platinum sponsor of the ASSIST Convention this year. Texas Enforcer LLC has been a gold-member sponsor twice and who this year will sponsor the lodging for state representatives. Texas Enforcer has been in business since 2000. Our customers are both government and commercial who depend on the service we provide. We are happy to bring our state representatives again to this lovely city. We want to thank Dave for being a person that has helped us in submitting our sponsorship.



Josh Ring
Vice President, El Dorado

Josh is responsible for managing the sales department at **El Dorado**. In this capacity, he oversees all customer relations and personally has ongoing contact with clients on a daily basis. Initially, Josh came to work for El Dorado to manage the long-haul trucking division before transitioning over to the security industry. He now shares his industry knowledge by regularly contributing articles to numerous security industry publications. Prior to joining El Dorado Insurance, Josh worked in information systems with a Fortune 50 company. He is an honors graduate of the University of Texas McCombs School of Business.



WELCOME TO THE WILD WEST



Six Guns and Shady Ladies was formed nearly 15 years ago to promote the history of the Old West. They've been winners of the "Readers Choice Best Old West Reenactment Group" three out of the past four years by "True West Magazine." They have been invited to perform at Tombstone's OK Corral 10 years straight during the "Rendezvous of the Gunfighters" event on Labor Day. Six

Guns and Shady Ladies has had the dubious honor to escort the likes of Henry Kissinger and the number three diplomat from China during their visits to El Paso. The group has been Sweepstakes winner in seven parades and received many awards for their support and enthusiasm for the promotion of cowboy and ladies of the old west.



The Wild Bunch Gunfighters of El Paso is dedicated to keeping the Wild West alive. Performers are comprised of an eclectic mix of people anywhere from the German Air Force and the Border Patrol, retirees, housewives and teachers. This dynamic group began in 2000 performing for private shows on an Old West set. They have since expanded performances to various locations which have ranged from Wyatt Earp Days in Tombstone, Ariz., to the Grand Re-opening of Cowboy Town in Cornudas, Texas. Local events have included the Transitional Living Center,

the Regency Community Center, Texas Independence Day at elementary and middle schools, 'Blast Beyond' children's educational program, and the El Paso Museum of History. Through history, comedy and melodrama, Wild Bunch Gunfighters have entertained audiences of all ages. Shows vary from historical reenactments, to fictional dramas and comedies, and we can also create a show particular to your venue. Wild Bunch Gunfighters of El Paso....keeping the Wild West alive!



ASSIST 'TOP GUN' SHOOTING COMPETITION

By Barry Bogle, El Paso Regional Vice President | EPCC LAW ENFORCEMENT TRAINING ACADEMY
915.831.7116 / 915.831.7135 fax • bbogle@epcc.edu



Barry Bogle

►► October is usually great weather in El Paso, but rain or shine, windy or calm, we're planning a really unique shooting experience for all of the ASSIST Gunslingers out there. For a change, we're going to be using the El Paso Community College Law Enforcement Training Academy indoor shooting range for all of our planned shooting events. It's a beautiful facility with a 20-point, state-of-the-art "Action Target" Shooting Range. The range is climate controlled, lighting controlled and designed for comfort so you can concentrate on your finer shooting skills rather than outside distractions.

The El Paso Chapter wants to really make things interesting this year and since they gave me a free hand to entertain you I'm taking full advantage. We will have four distinct events in which the 1st, 2nd and 3rd place winners will receive trophies.

The top winner of all four events will receive the Top Gun Trophy. All trophies will be presented at the President's Gala. I remember past three trophies up against the "golfers" who gave out 18 to 20! Well, not in El Paso! Shooters will claim 12 trophies plus the "Top Gun" Honor! We have a healthy respect for combat marksmanship over here!

I can't give out all of the details yet, but here's what we're looking at in the events.

EVENT 1: Target Pistol. This is a quick target acquisition event that challenges your accuracy with a timed event.

EVENT 2: Tactical Pistol. My firearms instructors call this one, the "Dirty Diamond Drill." It's combat accuracy with requirements for Strong Side one and two hand shooting as well as Weak Side one and two hand shooting. You're on the move for most of the exercise. Although short and fast, it's very challenging. So don't neglect your weak side when practicing for this event.

EVENT 3: Tactical Shotgun. Using Remington 870s, you'll engage "bad guy" targets in the midst of "friendlies." There's also a "Running Man" you'll have watch out for so practice that instinctive shotgun shooting in preparation.

EVENT 4: Tactical Patrol Rifle. That's right! For the first time I can recall, we're having a 3-gun challenge course built in. With iron sights only on the M-4 platform, shooters will engage tar-

gets strong side, weak side, on the move, moving forward and backward. It's basically another "Dirty Diamond Drill" configuration but with the M-4 Patrol Rifle.

EVENT TOP GUN: We intend to select the best scores and times from all four events to rank the TOP GUN finalists. If the scores are so close it deserves a final match, well, the boys already have something in mind. If there's a clear winner, then that's our TOP GUN Competitor!

Now, before you "East-siders" in the state start worrying about how you're going to get all of that hardware to El Paso, you can stop worrying right now. We're providing all of the M-4s and 870s and guaranteeing they'll shoot zero for the Competition. If you can't pack your handgun, we'll even loan you one of those to include all the accessories. Just bring an appropriate belt to hook everything onto. The Academy provides excellent eye and ear protection at all times. So, if you want to pack light, you're still welcome.

Now here's some really great news. Don't worry about bringing ammo for the event; it's being provided for you. If you want to bring your own brand that's fine as long as you remember we have strict rules when it comes to ammo. No hand loaded re-loaded, armor piercing, green tip, steel core or anything that might damage our range. We only use quality, brand name, U.S. manufactured, total jacketed bullets on our range. So make it easy on yourself and plan to use the standard arms with our stock ammo. That levels the playing field for everyone and the only factor left is pure skill.

If you brought your spouse or significant other with you, they're more than welcome. We're having a delicious catered BBQ lunch provided for all competitors (not even the golfers get that!) and we can provide extra plates for \$12 each. Believe me; the BBQ is worth \$12.

Registration for all events will start at 9 a.m. and we should be underway with the event #1 by 9:30 a.m. Everyone who registers is automatically included in every event. However, if you only want to participate in selected events, that's okay. Just remember every event will have a first, second and third place winner. We want everyone to have fun, eat well and come back with a trophy if they can.

We'll be putting together an informational fact sheet and all you need to do is email me to get one. I'll capture your email and send it out as soon as we're sure how things will firm up before October. I promise to get it back out to you in plenty of time to prepare. **MS**



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GOLF TOURNAMENT

**Entry Deadline Thursday, September 26, 2013 or
The First 72 Players**

**All Proceeds To
Charitable Organization For Texas Security Officers**

Thursday, October 3, 2013

T-Time 0900

Fort Bliss Underwood "Sunset Course"

3200 Coe Ave, Bldg 3191

El Paso, TX 79904

(For any questions call 249-0061 Ken Wimmer)

**1ST, 2ND AND 3RD TEAM WINNERS AND A GUEST ARE INVITED TO
THE ASSIST PRESIDENT'S GALA AT THE WYNDHAM HOTEL
ON OCTOBER 4TH AT 1830**



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Formatted by Eddie Quinonez

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KEYNOTE SPEAKERS

The Honorable Eddie Lucio Jr. State Senator

State Representative Joe Pickett

State Representative Joe Moody

State Representative Allen Fletcher

Sheriff Richard Wiles - El Paso County

Chief Art Acevedo - Austin, Texas

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

Steve M^oGraw - Director Texas Department of Public Safety



Registration: One Per Registrant other than Guest/Spouse or Vendor.

10 Hours of Continuing Education

Member <input type="checkbox"/>	Non-Member <input type="checkbox"/>	Vendor <input type="checkbox"/>
Name:		E-mail:
Company:		Guest Name:
Phone: ()	Fax: ()	Guest Name:
Cell:		Guest Name:
Full Address:		License #

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)	\$	
Total Fee Enclosed	\$	

VIP Guest

State Representative Eddie Lucio III
State Representative Joe Pickett
Commissioner John Chism
Commissioner Howard Johnsen
Commissioner Mark Smith
Chief Patrol Agent Rosendo Hinojosa
DPS Assistant Director RenEarl Bowie
Sheriff Greg Hamilton - Travis County
Sheriff Omar Lucio - Cameron County
Sheriff Lupe Valdez - Dallas
Sheriff Adrian Garcia - Harris County
Asst. Chief Jose L. Bañales - San Antonio

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Platinum	Cover X Corporation	John Bures,	CPCU Southland, TX	(800) 762-6837	VIP Luncheon
Platinum	El Dorado Insurance	Josh Ring	Houston, TX	(800) 221-3386	President's Gala & Dinner
Gold	Texas Enforcer, LLC	Lorenzo & Maria Sosa	El Paso, TX	(915) 772-4951	VIP Hotel Rooms
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	Azar Security Services, Inc.	Robert Azar Jr.	El Paso, TX	(915) 860-0644	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	Co-Sponsor Golf Course
Silver	DFA Insurance Services	Fred Gardenour	Dallas, TX	(214) 646-3347	Co-Sponsor 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	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	Valley Wide Security	Jaime Ochoa	Brownsville, TX	(956) 544-4726	Hospitality Wednesday
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

1800 - Hospitality Food & Drinks – Hotel 4th Floor
Sponsor By: Jaime Ochoa - Valley Wide Security
James Prock - City Wide Investigations

Thursday 3 October 2013

0700 - 0900 Breakfast Sponsored by:
Dan. B. Flores - American Investigations & Security
Robert Azar Jr. - Azar Security Services, Inc.
Randell Wiggins - IPC International Corp.

0815 Bus Departs Lobby
Golf Tournament and Top Gun Shootout

0900 - 1500 Golf Tournament (Shotgun Start)
Underwood Golf Course
Co-Sponsor Kuty & Associates, LLC - Golf Course
Co-Sponsor DFA Insurance, Fred Gardenour – Golf Course
Sponsor Top Gun Security - Lunch
Sponsor Heron Security Academy - Refreshments
Sponsor A.S. & I - Golf Awards

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.

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

1500 - Registration & Vendor Setup

1800 - 0100 Vendor's Appreciation (Food & Drinks Provided)
1900 - 1930 Dave Scepanski Introduction
1930 - 2030 Six Guns & Shady Ladies (Ball Room)
2030 - 2130 Wild Bunch Gunfighters Of El Paso
Sponsored By:
Mike Garcia - Merchant Security, LLC
Otto Maser - Maser Alarm Company

Friday 4 October 2013

0700 - 0900 Breakfast Sponsored by:
Denise Nicholson - Pro Security Group
Bobby & Kimberly Brookshire - Eastwood Locksmith
Susan Griswold - Security Professionals of Texas

0830 - 0920 Thomas R. Demont ALOA (1 CE)
National President Associated Locksmith of America
"Safety & Security In The Workplace"

0930 - 1020 Professor Jeffrey Addicott
Director for Terrorism Law, St. Mary's University
"Terrorism Fact or Fiction" (1 CE)

1030 - 1120 Vendor Hour
Newest Technology (1 CE)
Robert Kenney - Verified Responses, Inc

1130 - 1320 Honor Guard / Keynote Speakers
(2 CE) **SPONSORED BY:**
JOHN BURES- COVER X SECURITY (LUNCHEON)
Lorenzo & Mario Sosa - Texas Enforcer (VIP's Hotel)
Peter Costanza - Costanza Ins. (S/O of the Year)

1330 - 1420 Tommy Simmons (1 CE)
Legal Counsel to Chairman Tom Pauken
Commissioner Representing Employers
Texas Workforce Commission
"Key Elements When Answering A Claim"

1430 - 1520 Tramel Group (1 CE)
HR & Benefits Plans
"Health Insurance—What To Expect"

1530 - 1730 President Annual Meeting
Members / Non-Members / Vendors
Voting New State Board
Omni Hotel Presentation for Future Conventions

1830 - 2100 President's Gala
SPONSORED BY:
JOSH RING - EL DORADO INSURANCE

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

Saturday 5 October 2013

0700 - 0900 Breakfast
Sponsored by:
Lisa D. George - Weiser Security Services, Inc.
Julio & Carmen Aguilar - American Ranger
James F. Schrider - Twin City Security

0900 - 0950 Barry Bogle – El Paso Community College
Director of Law Enforcement Training - EPCC
"Ethics" (1 CE)

1000 - 1050 Department of Regulatory Services
Jo Jo Heselmeyer & Sherrie Zgabay - DRS Licensing
"Rules & Updates Part 1" (1 CE)

1100 - 1150 Department of Regulatory Services
Jo Jo Heselmeyer & Sherrie Zgabay - DRS Licensing
"Rules & Updates Part 2" (1 CE)

Register Early for a chance at 3 Drawings!



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Golf Tournament Fees
(1 each per drawing)



Register between these dates to be eligible to win during that drawing

June 16 - Aug 31

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Jessie Ruelas

OMNI HOTEL & RESORT

Presentation by: Casey Cotton
Director Global Accounts. At The
Presidents Annual Meeting

Please Stop By Their Vendor Booth



you'll find the restored Socorro Mission. It too was reconstructed in the 1800s and has been completely restored. Completing this nine-mile drive west you'll find the Ysleta Mission and the Ysleta Cultural Center, a great place to learn about one of the four tribes that settled this area of far west Texas.

As the years passed, the "trail" became known as the Chihuahua Trail and was utilized by the many anglo traders who ventured west from the eastern states by way of the Santa Fe Trail to the north. One such trader who was under arrest by the Mexican Army in 1807 commented in his diary that he'd not seen an area as lush with grape vineyards as he witnessed along the Rio in El Paso. His name was Zebulon Pike who was on a mission for President Polk to explore the west. It was soon apparent that the "pass" was the only year-round route to travel by land from the Mississippi to the Pacific and hence was earmarked as the covered wagon route of choice by many. Our "pass" was the route chosen by Butterfield and Overland for their stagecoaches.



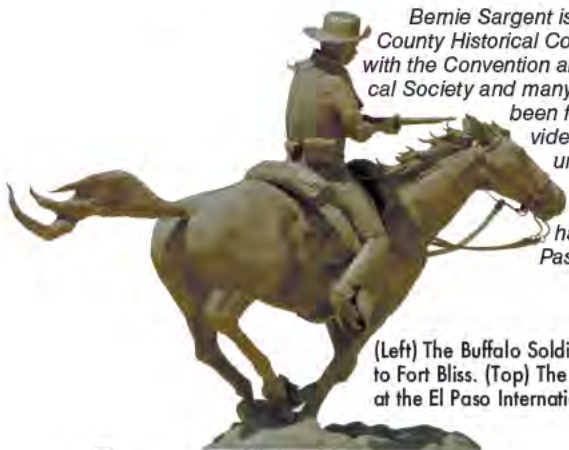
Gunfighters like John Wesley Hardin and tough lawmen with names like Dallas Stoudenmire soon met their demise in the growing town of El Paso. It is rumored that Wyatt Earp was offered the city marshal's job, which he promptly turned down because he felt it was too violent, several years after the OK Corral.

A military presence on the border didn't end with Mexico terminating Spain's rule, there was unrest in the area between the tribes and settlers as well as uncertainty about Mexico's intent up until the Treaty of Hidalgo quelled the unrest. The need for protection was relegated to the U.S. Military in the 1840s through the Confederacy occupation of El Paso for a short period of time in 1861. Apache raids and nervousness about the trending revolution in Mexico gave cause for a permanent military base in the area. In fact there were four different locations for Fort Bliss before they settled on their present location.

El Paso's growth took a giant leap with six railroad lines establishing major hubs between 1881 and 1883. Soon the automobile would chug its way through El Paso closely following the different "trails" that gave cause for our growth to begin with. The "Old Spanish Trail," "Bankhead Highway," "Lee's Highway," and eventually Interstate's 80 and 10 passed through the "pass" creating a mecca for trade and manufacturing and creating the largest concentration of maquila's or twin plants on the U.S. and Mexican Border.

Must see's include: Concordia Cemetery and the Buffalo Soldier Memorial, Magoffin State Historic Home, San Elizario Presidio, Ysleta Mission and Cultural Center, Socorro Mission, Keystone Heritage Park and El Paso Desert Botanical Gardens, El Paso Museum of History, El Paso Museum of Archeology, U.S. Border Patrol Museum, Holocaust Museum, Wyler Tram, Trans Mountain Highway, Rim Road, Cristo Rey (see schedule for mandatory guided tours), Fort Bliss' First Armored Division Museum and Old Fort Bliss Replica Museum.

Bernie Sargent is the Chair of the El Paso County Historical Commission as well as active with the Convention and Visitors Bureau, Historical Society and many other organizations. He's been featured in a number of video's, TV programs and documentaries spotlighting the heritage of the Southwest. He is self-employed and has been a resident of El Paso for more than 25 years.



(Left) The Buffalo Soldier memorial at the entrance to Fort Bliss. (Top) The Conquistador greets visitors at the El Paso International Airport.

A Special Thank You!

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(915) 778-9464
1170 Sunmount Dr.
El Paso, Tx 79925



HINEY'S
(915) 590-0115
8220 Gateway Blvd
El Paso, Tx 79907

Regional Roundup

NEWS FROM AROUND TEXAS



CENTRAL TEXAS

Charlie Deckert, President
Central Texas Region

A look back

►► I hope you all had a productive and pleasant summer. It was HOT in Austin but we made it through.

This edition we would like to take you back to the beginning when the Central Region was started. Here is a paragraph from the very first magazine article back in 2005.;

As the president of the Central Texas Region of ASSIST, it is my privilege to announce we have 23 June 2005 established a new region and our local region is successfully organizing and hosting monthly luncheons for the year 2005. Through your collective efforts, our attendance can be strong including both members and non-members. We are also recruiting new members as more of our colleagues realize the benefits of belonging to ASSIST.

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.

Dan Walker wrote in 2006; In today's environment, clients and the public are more focused; they not only need security, they want professional security. Managers and administrators evaluating client requirements have to decide what level and type of service they will provide. This is extremely hard to balance in a competitive market. Providing professional service does cost more and there are still clients that want professional services for non-professional fees. There are still service providers that have not embraced progress. They have not changed their operation to a professional level. This hurts everyone, because clients get the "perception" that security is not and cannot be professional. We all have to work to change a perception that has been in place for years. Perceptions can change.

— Dan Walker

We thank you for your service Mr. Walker.!

We have come a long way since that article. Starting with Dan Walker, who served

until 2007, the region has tripled in growth. In 2007 Alan Trevino took on the leadership position for the region. Alan Trevino started his service to ASSIST in a not so small way, tackling the issues of training right out of the gate.

He wrote in his May 2008 article: On Dec. 5, 2007, and March 5, 2008, I attended the ASSIST State Board quarterly meeting held in Austin with the hot topic of discussion being training. In specific, completely changing the Level II, Level III and Level IV training from the current requirements to the proposed requirements outlined on the ASSIST website. If you have not already reviewed the material, I highly recommend you take a look at it, as it is significant. Rest assured, your elected board members each presented substantial argument in representing their respective region.

In March 2010 Alan Trevino wrote: On March 30 our chapter met again. Marie Nicholson with Texas Mutual was our guest speaker and presented information on Workers Compensation. Marie covered the many available free training opportunities for members on the Texas Mutual website and made recommendations on how to develop your very own company Safety Program. The bottom line is, by educating and training your employees and reducing or eliminating risk and injury, you can have a very positive effect on reducing your workers compensation premiums. There was enough interest to have a representative from Texas Mutual return later in the year to cover workers compensation fraud and how to identify it.

Alan Trevino started out strong with ASSIST, always there when we needed him. As we all know he took over the top spot as ASSIST state president in 2011 and has moved ASSIST forward in ways never imaginable. He has doubled the membership, nearly doubled the cash on hand. He brought in most, if not all, of the new vendor members. He got the ASSIST tax issue resolved. He managed to lead ASSIST to getting the tax exempt status that no one else was able to do. There are a hundred other things that Alan Trevino did both as a regional and state president. This association is better for having him as a leader.

In 2011, I took the helm in Central Texas and it was with much apprehension that I did so, after all these were mighty big shoes to fill that Alan Trevino left behind. With Alan's guidance I learned to run meetings and most of all how to be patient.

Though I have not had nearly the success that my predecessors have had I am proud and honored to have had the opportunity to have serve my industry in the capac-

ity of regional president. The message is clear. Move forward, grow the industry, and make it better for our customers and for our officers. If we can do that we will have succeeded.

I wish the new board members in every region and capacity much luck. Keep the ship true and the sails full. You will do fine.

Best wishes and regards

512-206-0515 • charlie@sentrysi.com



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 monthly.

For additional information and monthly programs, contact Jessie Ruelas 588-4002 or Eddie Quinonez 751-6811. 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. Non-members and guests are welcomed.

At 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 credit applicable to Texas Private Security Bureau licensing requirements.
- Update on Texas PSB 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:

Sept. 25: Guest speaker, TBA

Oct. 23: Guest speaker, Ken Wimmer, UTEP Police – "Conflict Resolution"

ROUNDUP continued on Page 58



Left to right: Jessie Ruelas, Ceci Lujan, Field Compliance auditor; Terry Monsivais, field compliance auditor; Ruben Salazar, field compliance auditor; Rose Romero, compliance enforcement field supervisor; Olivia Mendez, Regulatory Crimes Service agent; Jaime Medina, Regulatory Crimes Service investigator; Barry Bogle, ASSIST Regional vice president.



The June 26 El Paso Regional ASSIST meeting.



Left to Right: Dallas Ostrom (Lead Technician Eastwood Locksmith); Bobby & Kimberly Brookshire (Owners of Eastwood Locksmith); Jessie Ruelas for the Continuing Education class "When Choosing a Locksmith."

Meetings are held regularly on the fourth Wednesday of every month at the Wyndham Hotels & Resorts, 2027 Airway Blvd. from 11:30 a.m. to 1 p.m., (915) 778-4241.

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 RSVP or more information contact Eddie Quinonez, coordinator at (915) 751-6811 or email eddiequinz@sbcglobal.net.

915-751-6811 or 915-588-4002
j.ruelas4022@sbcglobal.net



Ana Gonzalez, District director for State Representative Joe Moody, and Jessie Ruelas.



GULF COAST

Susan Griswold, President
Gulf Coast Region

►► On June 11, Emily Akin with Fox 26 News spoke at our meeting about the do's and don'ts with the media. July 9, Sheriff Adrian Garcia spoke about the ASSIST Leaps program and the free eight hours of training the Sheriff's department offers. He also spoke about how the IWatch program is a very important tool for all security officers to use to help their communities.

On Aug. 13 our guest speakers were Sherrie Zgabay and Ryan Garcia from the Department of Public Safety Regulatory Division and they discussed new and pending rules and regulations that will go into effect. They also answered questions.

The Gulf Coast Region was one of the original chapters that were started many years ago. The following is a list of past presidents that have worked hard for our profession:

1990 – 1991	Roland Contreras
1992 – 1992	Bailey Elkin
1994 – 1995	Carol Bunton
1996 – 1997	Bob Burt
1998 – 1999	Mike Cornell
2000 – 2001	Ann Ball
2002 – 2003	Dave Parker
2004 – 2005	Ruben Amaya
2006 – 2007	Ruben Amaya
2008 – 2009	Kevin Galloway
2010 – 2011	Ruben Amaya
2012 – 2013	Susan Griswold

2014 – 2015 ??

Could you be the next president or board member for our region? You could make the difference! Our elections will be held Sept. 10. If you would like to run for any office or nominate someone for a position email Jeff Moore at jeff@topgunsecurityservices.com no later than Aug. 25.

gulfcoastpresident@assisttexas.org



RIO GRANDE VALLEY

Jaime Ochoa, President
Rio Grande Valley Region

►► RGV LEAPS Esteban Martinez and RGV ASSIST are pleased to report the beginning of training involving law enforcement and private security. At the last meeting of the RGV Chiefs Association, an association of local police chiefs and heads of various state and federal agencies Martinez, RGV LEAPS president, and I provided the organization with a follow-up on the planning and scheduling of the program. Chief Juan Gonzalez, city of San Juan police chief, told the group of his backing of both organizations and of his plans to extend training opportunities to RGV LEAPS. It was also passed on to the group that Chief Orlando Rodriguez, city of Brownsville police chief, also stated in a previous meeting that he wanted to extend training opportunities as well.

Chief Raul Gonzalez, chief of police for the La Joya ISD, stated that his department was about to undergo training during the summer school recess and offered the training free of charge to any member of RGV LEAPS. Some of the classes offered by Gonzalez' department included: ICS for Schools, Patrol Procedures and Campus



Tactics, Officer Safety/Survival-Hobble Restraint, Family Violence, Campus Based Emergency Training, School Based Law Enforcement Training to name a few.

Romel Hinojosa, owner of Rio Investigations and RGV LEAPS vice chair, attended the training and remarked on the great training he and other RGV LEAPS security officers received from Gonzalez' department.

We would like to praise all the instructors for the excellent training they shared with us. We wish to extend our thanks to Chief Gonzalez and the fine officers at the La Joya ISD Police Department for the great training the department provided.

(956) 544-4726 • riograndepresident@assistentexas.org



SOUTH TEXAS

James Prock, President
South Texas Alamo Region

▶▶ The local regions of ASSIST are the foundation of our profession and have provided the grass roots of ASSIST. Past Regional presidents in our region have served South Texas Alamo area with distinction. Our next chapter meeting was Aug. 15. Elections for our local region were held.

Each year there are industry issues that

we all can learn from. This year's ASSIST convention held in El Paso, October 2-5, will be an excellent opportunity for everyone to learn and get involved.

I urge anyone interested in the security profession to get involved with your local Region of ASSIST. Check out the new ASSIST website and see where the future of ASSIST is going.

alamopresident@assistentexas.org

IN THE NEWS

2013 dividends

By Josh Ring



Josh Ring

It continues to pay to be a member of ASSIST! El Dorado Insurance Agency, Inc., a long time ASSIST vendor member and administrator of the Group, has announced that members of the El

Dorado/ASSIST/TBFAA Worker's Compensation

Safety Group have earned a dividend* for the 12th consecutive year! Many members will receive two dividend* checks again this year bringing the total dividends* paid out to an astounding \$1,400,000.

If you are not currently an ASSIST / TBFAA Safety Group member, isn't it time that you not only save your company money, but also take advantage of all of the outstanding safety programs that are available? All you need to do is call El Dorado today at 800-221-3386 and they'll get started on providing you with a quote. Or, you can visit their website at

www.eldoradoinsurance.com and fill out their simple online questionnaire. It's that simple!

*State law prohibits insurance carriers from guaranteeing future dividends

Community relations in Travis County

By Kelly Page, TRAVIS COUNTY SHERIFF'S OFFICE

The Travis County Sheriff's Office is a law enforcement community with a proud tradition dating back to 1840 that consists of over 1600 employees. Our agency mission is to be committed to professionalism, partnership and community. On a daily basis,

the sheriff's office reaches out to the entire community to become a part of preventing crime and keeping the community safe.

It is our corrections bureau that has the challenge of providing a secure environment in the jail while encouraging individuals to use the time in jail to start a new direction. We promote 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 in jail. Our programs staff work to provide classroom instruction with volunteer instructors on the topics that inmates can use to better themselves like anger management, computer skills, resume writing and how to not only apply for a job but how to complete an interview. Our counselors are there to identify those inmates who can benefit from the programs offered and get them into those programs.

The sheriff's office works with the entire criminal justice community to collaborate and develop diverse responses to a number of different community challenges. As part of our Building Bridges program, on a monthly basis, we meet with neighborhood groups, individual citizens, and businesses to better understand their needs and respond to them. We are dedicated to continuing to improve communications with the citizens of Travis County and all first responders who help to deliver seamless emergency services in a variety of situations.

The Community Outreach Unit is made up of a director and five personnel who are dedicated to bridging the gap between law enforcement and the community. The unit's mission is to broaden, educate, and to strengthen partnerships and relationships with the citizens in Austin and the surrounding Travis County area, conducting hundreds of presentations annually. Community

partnerships and long-term relationships are developed and strengthened everyday by providing a myriad of educational and safety presentations to persons of all ages and by facilitating various children's activities; developing and maintaining neighborhood watch programs; performing security surveys; working with the Explorer Program for teenage youth interested in law enforcement; providing child identification events; conducting child safety seat fitting stations, vehicle identification number etching, mentoring youths, facilitating the Shattered Dreams program, and the annual youth fishing derby. We see no city limit boundary in our effort to collaborate with the community. We provide outreach events and presentations throughout the county, in addition to collaborating with surrounding counties on numerous instances.

The sheriff encourages employees to volunteer and work in the community to continue to break down barriers and encourage crime prevention. The sheriff's office as a whole also frequently assists and helps organize volunteering and fundraising outreach efforts for various non-profit groups who ask for help.

In closing, the Travis County Sheriff's Office believes that we cannot arrest our way out of society's problems. It takes the community working together to cure the problems we face.

Are we here to serve?

By Mark Smith, TEXAS PRIVATE SECURITY BOARD

When it comes to electronic fingerprinting, this is how Texas serves its people. As of July 30, there were 88 total locations to get fingerprinted. Only 61 locations are open five days a week. All locations charge a \$9.95 "rolling" fee. All services are by ap-

IN THE NEWS continued on Page 60

pointment only, no walk-ins; wait times are days if not weeks. No cash payments are allowed; no credit card payments are allowed at the point of service; paper checks only are allowed at the point of service.

To compare it with a state with a similar geographical size and population, let's look at California —

As of July 30, California had 1,326 locations. Walk-ins are allowed. Cash and credit cards are accepted at the point of service. 71 locations charge \$10 or less; 222 locations charge \$15 or less; 957 locations charge \$20 or less. In California if people care only about price, they can get it done for \$10. If people care more about convenience, they can get it done at Fedex-Kinko, UPS, CVS, and many other locations any day of the week at any time of day or night.

The two most serious issues for the security profession are:

1. Large security officer companies who need access to the scanning machines on a daily basis and

2. Any licensee or citizen in a remote or rural area.

No matter what you say or put in writing, no one can honestly say that Texas serves its people better than California.

Remember the Soldiers

By Susan Griswold



Susan Griswold

Every Memorial Day for the past three years I sit and remember a young man that made an impact on my life and the lives of all those that knew him. Spc. Matthew Catlett had a difficult life growing up but was determined to make a better life for himself and his family. He enlisted in the Army in 2008 and served his country well until June 2010 when he was killed in Afghanistan. He left behind two beautiful little girls that are reminded often how much he loved them and how he wanted a better life for them.

This year near Memorial Day, I not only remembered Matthew but also my son in law, Spc. Chad Berry who is now serving in Afghanistan. I pray each day that Matthew is watching over him to keep him safe. As I pray for both of these dedicated men, I shared my thoughts with a great friend, Debi Ulmer. Debi suggested that we make up some care packages and send them over to the soldiers. Debi has in her home, her grandfather's table which for the past 100 years had been a gathering place for preparing packages for soldiers. Her family had always sent a family member care



packages and always added two more for others.

In honor of Matthew's life and Chad's service we decided that we should carry on this tradition. We were only going to send a few boxes but then as word got out, we started getting donations from as far away as California. Members of ASSIST and HGCAA donated not only money but their time in helping prepare these packages for our soldiers. By July 10 we had received almost \$5,000! Needless to say we did not just send just three boxes but were able to send 82 care packages! Each package had approximately \$75 of assorted items (i.e. T-shirts, socks, razors, toothbrushes, etc.). All packages were mailed out on July 15th and received by the soldiers on July 28th!

I want to personally thank each member of ASSIST and HGCAA for all that they do for our industry and the community. I know that this tradition will continue and ASSIST and HGCAA will always be there if the need arises.

God Bless and keep safe our service men and women!

TLA

By Steven P Sharp, TLA PRESIDENT



Steven P. Sharp

My name is Steven P. Sharp. I am the 2013 President of the Texas Locksmith Association. I would like to thank the members of the Texas Locksmith Association for entrusting me with the responsibility of such an honored position. I had a vague idea of the duties of the president, and by that I found out there was a lot more in a legislative year and TLA's 50th anniversary.

The Texas Locksmith Association was created in 1964 to educate and develop higher standards of professional service and coordinate legislative efforts for the Texas Locksmiths. We provide education at our annual convention and roadshows. This being our 50th anniversary our convention has a lot more details. We are seeking out old memorabilia from all of our members. It is very exciting to hear about some of the things they have. It will be very cool to get even half the things that have been promised. Things that have not seen the light of day for god knows how long. The board members that I work with are amazing. I could not be any happier to have such a great group to work with. They are pulling out all the stops for our 50th.

Texas Locksmith Association is powered by our members. Without our members and donation's from other associations and vendors we would not have the funds to keep our lobbyist employed. Without these donations it would be a disaster. If you could imagine being run over by a Mack truck that is what would happen with the laws that are being passed if we could not keep a watch on them.

I felt I was thrown to the wolves with it being a legislative year. I found out that I

can run with the wolves. I met with our lobbyist Keith Oakley, and was asked to be present while our bills were being reviewed by committees. This was the first time I walked the halls at our state capital in an effort to reach out to senators and congressmen to request them to vote for bills we had coming up. Our bill HB1093 had been in the house for three years and finally did get passed. It was possibly the most important bill that we had. Now we will be represented by having a Locksmith on the PSB board. This will give the locksmiths of Texas representation by one of their own. On the board that governs the locksmith of Texas. Our house bill 1093 was sign by our Governor Rick Perry June 15.

I have been blessed with great mentors of past presidents: Troy Maynard, Billy Garrett and John Helweg. It seems time flies by so quickly with all that is needed to get done. Just when you get one thing completed, ten more things need your attention. I am also blessed with eight fabulous board members that have stepped up to volunteer their time and services for the Locksmiths of Texas. I wish that more locksmiths would step up and volunteer.

I am a second generation locksmith. My Father, Norman Sharp, started locksmithing in 1972 and captured the interest of the entire family. My mother, Geneva, became one of the first female locksmiths of Austin. My father took me on my first service call when I was 9, to open a house, and he let me use his picks. You could have knocked the customer over with a feather when he saw how I could open his lock so fast. My brother Philip and I now own the company and try to keep up with the changing times as we do just about everything from the basic rekeying, auto, safes ,etc.

Growing up in this industry and seeing so many changes, I feel for the new people trying to start. I was lucky enough to start when times were very easy. I have built up my knowledge over the past 37 years of practicing locksmithing. Starting here in Austin when times were easy and there were only about seven locksmith companies. We were all very close and like a family. When one of

us had a problem we would pitch in and help the other. This gave me the opportunity to learn from some of the best locksmiths of the time. So as you would guess I have instilled in me the sharing of knowledge. I truly enjoy helping others.

I would suggest to all locksmiths, wherever you are, to join both local and state associations. The benefits you will gain and the knowledge you will receive is priceless! The best advice I can give you is don't just go for continuing education, seek out the classes that will help you grow.

Reasons to join TALI

By Mark Gillespie, TALI PRESIDENT



Mark Gillespie

Every now and then I hear private investigators say that professional organizations (trade associations) are a waste of time and money. I have to chuckle because their sentiment, in many instances, is a good measure of their intellect, common sense and judgment. In my particular case, joining the Texas Association of Licensed Investigators, Inc. was one of the best business decisions I have made. If you are a PI but not a member of TALI, this column is written for you. Hopefully, TALI can "touch" you as it has touched me and hundreds of others.

TALI is a Texas non-profit corporation and association for professional licensed investigators and registrants. Founded in 1971, TALI is steeped in history and continues to be the pace-setter for the private investigation profession. With more than 600 members world-wide TALI is dedicated to raising professionalism in the field of private investigations through continuing education, public awareness, advanced certification, networking and legislative involvement.

Our members are proud to cover the 254 counties and 261,797 square miles that make up the great state of Texas. While many people often think of an association as a place to get continuing education and training, TALI is much more. Our spring and summer conventions and distance learning

courses are continually praised and recognized nationally for raising the bar of professional excellence among PI associations.

TALI is your advocate and plays a critical role in monitoring and influencing state and national legislative and regulatory activities that affect the investigation and security professions.

The "Texas Investigator" magazine, published quarterly, is recognized as the profession's premier PI association magazine and is chock-full of articles pertinent to our profession.

The "Texas Certified Investigator" is the premier designation of TALI. Those investigators that are successful in achieving this prestigious designation demonstrate their high level of expertise and competence in a wide variety of investigative skills.


TALI is able to reach out to its members across the state through local chapters that meet once a month over lunch. At these business luncheons, members and PIs are able to network, have fellowship, and receive advanced training from a wide variety of experts in the profession.

TALI offers a number of corporate discounts for hotels, rental cars, equipment and business and health insurance, to name a few. Additionally, members can receive discounted web site hosting; access to TALI online distance learning courses; business support through access to free business development tools; access to process server classes; on-line group access; and advertising assistance through our website's "Locate an Investigator", etc.

Through TALI's "Unlicensed Activity Committee," TALI serves as a watchdog for identifying and reporting individuals and companies operating unlicensed and unregulated. This assists our members in providing a fair competitive field to operate.

These are just a few reasons being a TALI member can enhance your career, professional development, expertise, contacts and business. Now, why would any "professional investigator" choose not to join TALI? If you are not a member – take time to check us out. There are many areas where

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For more information visit our website at www.tali.org. Hope to see you soon! If I can be of any assistance feel free to email me at president@tali.org.Let's roll.

The courage to do what's right and be good

By Mark Smith



Mark Smith

My father always liked to tell this story: A farmer had a mule that he could not get to do any work. One morning as the farmer was reading the newspaper he saw an advertisement for "The Greatest Mule Trainer in the World," and he thought, why not give it a try? So the farmer called the mule trainer to come over and see his mule. The farmer asked the mule trainer, "How much will you charge to train my mule?" "\$1,000 a day," said the mule trainer. "\$1,000 a day? That's ridiculous." Still, the farmer thought, if he trains my mule, maybe it is worth it. The farmer then asked the mule trainer, "Do you guarantee your work?" "Absolutely," said the mule trainer. "It's a deal," said the farmer. "Then let's get started," said the mule trainer. And with that, he walked right to the wood pile, picked up a 2 x 4 and whacked the mule between the eyes. "Oh, my!" said the farmer, "Is that the way you train mules?" "Oh, no," said the mule trainer, "first I have to get their attention."

I tell you this story to explain the reasoning behind the articles I write. When I write, I do not speak for anyone else – not ASSIST, not the Department of Public Safety regulatory and licensing agency, not the Private Security Board Advisory Committee, not my company. I speak only for myself at all times. Still, when nobody is listening and I have presented facts that are as plain as the nose on your face, "... I have to get [your] attention."

Teddy Roosevelt once said, "I speak softly, but I carry a big stick." I speak louder and carry as big a stick as I can, and I will use it when I think people are placating me just to keep me at bay while ignoring the needs of my constituencies. As a member of your oversight Board, I really and truly am trying to do the right thing for you.

"There is no truth more thoroughly established than that there exists in the economy and course of nature an indissoluble union between virtue and happiness." In other words, if you want to be a happy and thriving human being, you have to be good. This was said in the third paragraph of George Washington's Inaugural Address. Washington's greatest fame comes from the fact that, considered for kingship, he kept resigning his office and laying his responsibility at the feet of the people who really owned it. 1

I have come across business people in my life who didn't feel they made a good deal unless they screwed the other guy. They would seem to brag about it as if it was an admirable trait. It was hard for me to understand how they slept at night or looked in the mirror. Everyone I know like this would never ultimately be successful or end up with a happy life. They were usually divorced and in lawsuits with someone they had screwed who was not going to take it lying down.

On the other hand, the people I knew who were always honest and good, looking for a win-win outcome, were happily married with a wonderful family and a successful career and business. Why; is it Karma?

There is a famous prayer from George Borrow's story of the Siege of Gibraltar: "...fear not the result, for either shall thy end be a majestic and an enviable one, or God shall perpetuate thy reign upon the waters...." This was the prayer Winston Churchill referred to when he thought the Germans were going to invade England any day. He needed a final repose. He needed to know that no matter what, a good thing could be made to happen, even in ultimate disaster. Because Churchill thought that way, the British kept on, day after day. Even

if Germany's invasion was successful, they would eventually lose because they were the evil doers.

People at the crossroads of a dilemma often ask me, "What should I do?" I ask them back, "What would be the right thing to do?" Not the most prudent, clever, or expedient thing – the right thing, the good thing. Because if you do that, Divine Providence (God) will take over. Our founders believed this when they state in the Declaration of Independence, "...with a firm reliance on the protection of divine Providence; we ... pledge ... our Lives, our Fortunes, and our sacred Honor." They knew they were doing the right and good thing and that England was the oppressor. England lost the colonies just like they lost India to Ghandi, a good man doing the right thing, speaking truth to evil with courage provided by Divine Providence.

The same can be said of Martin Luther King, Jr.

I know what you're thinking: "Weren't those guys assassinated?" Alright, sometimes stuff happens. But that's not the point. In the end, evil failed and good prevailed. You are going to go out one way or another. Do you want to go out a hero or a coward? We must learn not to be afraid of the world, not to take notice of it but to simply do what's right.

As God told Job more than 3,000 years ago – "He laughs at fear, afraid of nothing; he does not shy away from the sword. ... He cannot stand still when the trumpet sounds."

MS

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Jaime Ochoa

On June 26, Esteban Martinez, chairman, Romel Hinojosa, vice-chairman of RGV LEAPS, and I attended the Rio Grande Valley Law Enforcement Border Chiefs Coalition at the La Joya ISD police department. Various important and interesting topics dealing with border violence and narcotics were discussed.

A presentation was presented by the La Joya ISD Police consisting of an Active Shooter drill conducted by them, in collaboration with other Rio Grande Valley Law Enforcement Departments, which included the San Juan Police Department and Hidalgo Sheriff Department.

The RGV LEAPS program was discussed and increased interest was shown from various police departments. La Joya ISD Chief Raul Gonzalez invited us to attend the La Joya ISD Police Summer Training Program.

On July 1, we held our first RGV LEAPS training class, conducted by the La Joya ISD Police Department. The training provided was on Campus Based Emergency Training SRT by Instructor Sgt. Chapa. I personally attended this class along with Romel Hinojosa and I would like to thank Instructor Chapa for making this an informative and worthwhile training experience.

We trained alongside the La Joya ISD police officers, as well as various other Security Officers, working together to accomplish the same goal, which was to eliminate the threat as soon as possible with zero or minimal casualties. Lt. Christopher Perez provided a full schedule for July with various topics of trainings which will greatly increase the knowledge and skill of our security officers. I would like to thank La Joya ISD Chief Gonzalez for providing this opportunity to the RGV ASSIST and RGV LEAPS members.

I would also like to invite security officers who are interested in participating in the RGV LEAPS Program to contact me, Jaime S. Ochoa, at (956) 544-4726. We will be having RGV LEAPS classes with La Joya, San Juan and Brownsville Police Departments. In order to obtain this training you must be a registered non-commissioned or commissioned Security Officer and preferably an ASSIST member. Those that are not ASSIST members may participate for a nominal fee.

RGV LEAPS meetings will be held following the RGV ASSIST meetings at their same



meeting location. There will be more classes as we develop our curriculum, and security officers will be obtaining a patch that they can display on their uniforms upon completion of their training.

In closing, an invitation is extended to interested individuals who would like to attend our next RGV ASSIST meeting. Our next meeting is scheduled for Nov. 6, at 11:30 a.m. at Denny's Restaurant in Weslaco TX.

HOUSTON

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



Mike Hudson

L.E.A.P.S. in Houston has combined meetings with ASSIST Gulf Coast Region every other month. The meetings take place at the Saltgrass Steakhouse, 1803 S. Shepherd, Houston. The meeting and luncheon time is from 11:30 a.m.

to 1 p.m.

Harris County Sheriff Adrian Garcia was our speaker for the June meeting. Garcia spoke to the attending members about the importance of the partnership between law enforcement and private security.

Our chapter's partnership with HCSO started in 2011. We established an advisory board and met with HCSO several times to develop the program. We started with the emailed Alerts (Amber, Silver, and Most Wanted) from the department and passed them on to the local membership.

We also learned about HCSO's iWatch Program. This program enables citizens to

report suspicious or criminal activity. These tips can be given via phone call, text, mobile phone app or through HCSO website.

HCSO provided a speaker at a luncheon to explain the program's development and how our officers can utilize it while on duty.

From there we planned a training course to be held at Harris County Sheriff's Office Training Academy. This course was designed to educate the security officers and to help us interact with law enforcement officers. The subjects taught during this one-day course were: iWatch Harris County, Police Reports (Amber & Silver Alerts, Crimestoppers and Coplogic), Crime Scene Protection/Preservation, Criminal Trespass/Domestic Violence and Dispute Resolution, Threat Detection, Note Taking and Basic Crime Prevention and Emergency Preparedness.

We have held three of the training courses. Unfortunately attendance has dropped in each class and the most recent class in May had to be cancelled due to attendance.

Garcia attended our meeting to encourage our members and to show the LEAPS program has his full support. He is motivated to make the partnership succeed and our members must participate to keep this great program moving forward. The sheriff is doing his part, now our members must do theirs.

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**



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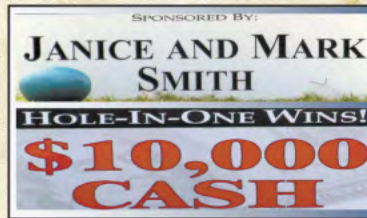
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