

# Council Workshop April 23, 2013



## Proposed Private Security Ordinance Revisions 3.72

# Objectives

- **Introduction and History**
- **Why the Proposed Ordinance Revisions?**
- **Overview of proposed revisions to the Private Security Officers and Private Security Agencies, City Ordinance 3.72**
- **Discussion**



# Introduction and History

- ❑ Since 1977, the Wichita Police Department has been responsible for monitoring private security agencies and officers under City Ordinance 3.72.
- ❑ September 6, 1997, a shooting of a citizen by a private security officer galvanized the need to conduct a revisions to the ordinance.



# Introduction and History

- April 17, 1998, the Chief of Police met with leaders in the private security industry to discuss mutual concerns.
- This meeting led to the formation of a private security committee. The committee was charged with reviewing the private security ordinance.



# Why the Proposed Ordinance Revisions?

- To continue to address emerging trends in the private security industry;
- Maintain professionalism and consistency;
- To clarify revisions in State law;
- To delineate the information regarding the Attorney General's Opinion on Carry Concealed.



# Overview of Proposed Revisions to Private Security Officers and Private Security Agencies, City Ordinance 3.72

- Preamble
- Kansas Attorney General Opinion on Carry Concealed
- Definitions
- Armored Car Removal from Ordinance
- Conviction and Communication Requirements



# Overview of Proposed Revisions to Private Security Officers and Private Security Agencies, City Ordinance 3.72

- Proof of Age
- Firearm Permits
- No External Vests allowed
- Equipment and Duty Gear
- Private Security Agency Fee increase
- Private Security Officer Fee increase
- Private Security Summary



# Preamble

The City of Wichita has an important governmental interest in protecting the health, safety, and welfare of its citizenry and the regulation of private security agencies and private security officers operating within the City is a reasonable means to perpetuate that interest;



# Kansas Attorney General Opinion

## Carry Conceal - March 11, 2011

Attorney General Opinion (A.G.O.) No. 2011-24, states, “A city may lawfully require firearms permits, regulate training requirements and limit the make, model, and caliber of firearms that may be carried by private security officers while engaged in the duties of a private security officer;” and WHEREAS, it is not the intent of the City to prohibit the concealed carry of firearms by private security officers beyond the restrictions authorized by the Personal Family Protection Act, K.S.A. 2010 Supp. 75-7c01 *et seq.* and any amendments thereto.



# Definitions

- ❑ “Private detective” and “Private detective agency” shall have the meaning ascribed to said terms by K.S.A. 75-7b01 (b) and (c) and any amendments thereto (**Preamble**)
- ❑ “Authorized equipment and duty gear” means equipment and duty gear authorized by the Chief of Police that may be carried or used by private security officers permitted under this chapter (**Section 2; 4**)
- ❑ No private detective license or private detective agency license shall authorize the holder thereof to engage in activity as a private security officer without obtaining the license required (**Section 2; 12**)



# Armored Car Requirements Removed

- ❑ Armored car companies are removed from ordinance
- ❑ Armored car companies are governed by federal banking laws under “The Armored Car Industry Act” of 1993, 15 USCS 5901 *et seq.*

(Section 4)



# Conviction Defined and Communication Skills

- ❑ For the purposes of this section, “conviction” shall not include charges for which a person has successfully completed a diversion or deferred judgment program or which have been expunged or pardoned pursuant to the law of any applicable jurisdiction (**Section 7; 10**)
- ❑ Private security officer must be able to communicate effectively with both the general public and public safety personnel (**Section 9; 2**)



# Proof of Age

Proof of age and identity must be provided by presentation of a government-issued or other official or apparently official document that is not encrypted, containing a photograph and signature of the applicant (**Section 10;C**)



# Firearms Permits

- **Limited to authorized firearms and ammunition only, information required.**

- Caliber: 38/357 revolver, 40 caliber and 9mm

- Manufacture:

- Smith and Wesson
- Colt
- Ruger
- Sig Arms
- Glock
- Springfield
- Berretta
- XD

**(Section 14, 15)**



# Firearms Permits (continued)

- ❑ **Trigger Pull**
  - Double action only
  - No modifications outside manufactures specifications
- ❑ **Ammunition**
  - Must be new manufacture specific (no reloads)
- ❑ **Magazines**
  - No extended magazines
- ❑ **Holsters**
  - Hip only. No drop down or shoulder
- ❑ **Equipment**
  - Same make and model

**(Section 14, 15)**



# No External Vests

It is unlawful for any permitted private security officer to wear a tactical external vest as part of his or her uniform (**Section 19, 5**)



# Equipment and Duty Gear

- Equipment and duty gear authorized by Chief of Police – carrying unauthorized equipment or wearing of unauthorized duty gear prohibited.
- A list of authorized equipment and duty gear which may be carried, used and/or worn by private security officers permitted under this chapter and according to each category of permit shall in writing and signed by the Chief of Police.  
**(Section 23)**



# Equipment and Duty Gear-continued

- ❑ Such list shall be posted on the Wichita Police Department's website and otherwise made available to all private security officers, agencies, and permit applicants
- ❑ Carrying or use of any unauthorized equipment or wearing of any unauthorized duty gear by a private security officer permitted under this chapter or carrying or use of any equipment not authorized for the category of permit possessed by any private security officer is a violation of this ordinance (**Section 23**)



# Equipment and Duty Gear-continued

## Electronic Control Devices

- ❑ Proof of completion of training course  
Training requirements and qualification standards shall be in writing and signed by the Chief of Police, and shall be posted on the Wichita Police Department's website and otherwise made available to all private security officers, agencies, and permit applicants
- ❑ Training received by certified instructor
- ❑ Possess a current advanced permit (**Section 24**)



# Equipment and Duty Gear-continued

## Electronic Control Devices

- ❑ Letter of intent from security company
- ❑ Security officer carry approved civilian version
- ❑ Yearly recertification required  
(Section 24)



# Private Security Agencies Fee Increase

## Proposed revisions for 2014

Permit Fees	Current	Proposed for 2014- on or after July 1, 2014
New Application Fee	\$300.00	\$400.00
Application License Renewal	\$100.00	\$200.00

**All fees are non-refundable and no fees shall be pro-rated (Section 8)**



# Private Security Officer Permit Fee Increases

## Proposed Revision for 2014

Permit Fees	Current for 2013	Proposed 2014-on or after July 1, 2014
Initial Permit	\$45.00	\$50.00
Additional Permit (employed by more than one agency)	\$35.00	\$40.00
Permit Renewal	\$35.00	\$40.00
Additional Permit Renewal	\$35.00	\$40.00
Permit Replacement	\$25.00	\$30.00
Firearm Permit Upgrade	\$25.00	\$30.00



**(Section 12)**

# Private Security Summary

The proposed revisions will:

- Address emerging trends in the private security industry;
- Maintain professionalism and consistency;
- Clarify revisions in State law;
- Delineate the information regarding the Attorney General's Opinion on Carry Concealed.



# Private Security Summary

- Private Security Agency License Fees for new and renewal licenses will increase July 1, 2014
- Private Security Permit Fees will increase July 1, 2014
- Changes will make the City of Wichita's fee structure more comparable with surrounding major cities.



# Discussion

