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December 18, 2024

TRANSMITTED VIA LEGISLATIVE WEBSITE

Dear President Kouchi, Speaker Nakamura, and Members of the Legislature:

Enclosed is a copy of the 2024 report pursuant to House Resolution 93, House Draft 1, urging collaboration between the Office of School Facilities and Support Services and the Board of Private Detectives and Guards to develop procedures that will expedite the hiring process for security guards under Chapter 463, Hawaii Revised Statutes (HRS).

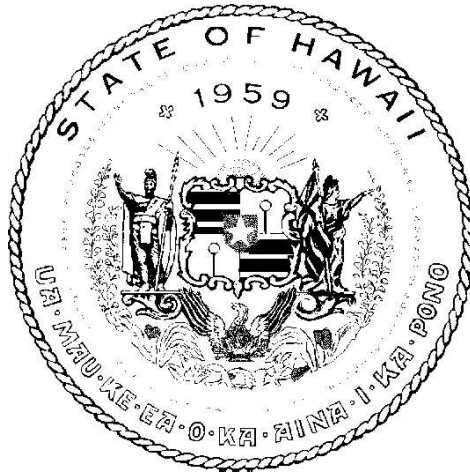
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Sincerely,

NADINE Y. ANDO  
Director

Enclosure

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       University of Hawaii (1 hard copy)



THIRTY-THIRD STATE LEGISLATURE  
REGULAR SESSION OF 2025

**Report Pursuant to  
H.R. 93, H.D. 1**

DEPARTMENT OF COMMERCE AND  
CONSUMER AFFAIRS STATE OF  
HAWAII

Submitted December 2024

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## Introduction

House Resolution 93, House Draft 1 (H.R. 93, H.D. 1), urges collaboration between the Office of School Facilities and Support Services (OSFSS) and the Board of Private Detectives and Guards (Board) to develop procedures that will expedite the hiring process for security guards under Chapter 463, Hawaii Revised Statutes (HRS).

As noted in H.R. 93, H.D. 1, security guards, under state law, are a regulated profession subject to licensure, registration, and continuing education requirements. Chapter 463, HRS, sets forth the regulation of private detectives and guards. More specifically, section 463-10.5, HRS, establishes standardized training requirements and mandatory criminal background checks for security guards to ensure the public's safety (see, Appendix A).

The Department of Education (DOE) previously consulted with the Board regarding its position descriptions for individuals engaging in a guard capacity (see, Appendix B). Although the DOE has reiterated in its testimony that its training is superior to what §463-10.5, HRS, requires, it is the Board's position that any individual acting in a guard capacity is required to obtain licensure or registration unless the Board determines they are exempted from licensure. Regardless of whether new training is developed, the DOE's "School Security Attendant" position is currently not exempt from the registration requirements of §463-10.5, HRS.

At its April 2, 2024, meeting, the Board commented that standardized training, background checks, and regulation that licensure provides complements and enhances the protection being provided by individuals who are hired to protect students. In addition, the Board has the ability to discipline, suspend, or revoke a license should a violation occur; in contrast, the DOE is subject to human resource policies and collective bargaining agreements which may delay the process of terminating an employee who should not be working around children. Most importantly, the license status and license history of individuals who have been disciplined or terminated can be easily accessed by the public (see, Appendix C).

As directed by H.R. 93, H.D.1, the Board is offering helpful suggestions to assist prospective applicants seeking licensure and subsequent employment with the DOE as security guards. In addition, the Board would also like to assist with improving current OSFSS procedures to ensure that all security guards employed by the DOE are compliant with the licensure renewal requirements set forth in section 463-10.5, HRS.

This report will: (1) provide a breakdown of the current requirements to register as a guard employee; (2) provide helpful hints on submitting a complete application; (3) provide a checklist that summarizes the requirements and assorted documents to submit for registration; and (4) offer suggestions that may enhance the DOE's current procedures for hiring new guard employees.

## **Guard Employee Registration Requirements**

Pursuant to §463-10.5, HRS, all guards, agents, operatives, and assistants employed by a guard agency private business entity, or government agency who act in a guard capacity shall apply to register with the Board, and meet the following registration, instruction, and training requirements prior to acting as a guard (see, Appendix D):

1. Be not less than eighteen (18) years of age;
2. Possess a high school education or its equivalent; the applicant may satisfy this requirement by attesting that the applicant possesses a high school education or its equivalent;
3. Not be presently suffering from any psychiatric or psychological disorder, which is directly related and detrimental to a person's performance in the profession;
4. Not have been convicted in any jurisdiction of a crime which reflects unfavorably on the fitness of the individual to act as a guard, unless the conviction has been annulled or expunged by court order; provided that the individual shall submit to a national criminal history record check as authorized by federal law, including, but not limited to the Private Security Officer Employment Authorization Act of 2004, and specified in the rules of the Board; and
5. Successfully complete eight (8) hours of classroom instruction given by a Board approved instructor on a Board approved curricula before the first day of service.

The requirements to become a guard are not complex. However, many applicants experience delays due to errors, which prevent the application from being processed, including submitting an incomplete application, inputting incorrect information, or failing to submit required supporting documentation. The next section will provide helpful suggestions on submitting a complete application, which would solve most issues for applicants for security guard registration.

## **Suggestions for Submitting a Complete Application**

1. Verify that personal information has been inputted correctly
  - a. Spelling of names are accurate.
  - b. Date of birth, social security numbers, mailing address, email address, phone numbers are correct.
2. Complete the fingerprint requirement prior to applying for licensure
  - a. To obtain an FBI National Criminal History Record Check and the State of Hawaii Criminal History Record Check, applicants shall be fingerprinted electronically at **Fieldprint Inc.** locations nationwide or any other fingerprinting agency approved to send electronic fingerprints to the HCJDC.

- b. Schedule an appointment on **Fieldprint Inc.'s website at:** <http://fieldprinthawaii.com> or call: **(877) 614-4361**
  - c. Information about other available Fieldprint Inc. site locations may also be found on Fieldprint Inc.'s website or calling: (877) 614-4361
  - d. **Fieldprint code** that must be entered when making an appointment is: **HI-DCCA-PDSG** (code is not case sensitive however hyphens are required).
3. Possess a high school education or its equivalent
  - a. Applicants may satisfy this requirement by attesting that the applicant possesses a high school education or its equivalent on the application (see Appendix E).
4. If the applicant is presently suffering from a psychiatric or psychological disorder, they are requested to submit the following:
  - a. An explanation of the underlying facts and circumstances surrounding the psychiatric/psychological disorder and treatment;
  - b. Letters from the applicant's treating licensed health care practitioner (e.g. psychologist, psychiatrist, psychiatric mental health nurse practitioner, adult psychiatric and mental health clinical nurse specialist) regarding the diagnosis, status of the psychiatric or psychological disorder, and assessment of the applicant's ability to work as a guard employee; and
  - c. Letters of recommendation from the applicant's current employer regarding the applicant's reliability, trustworthiness, and ability to work as a guard employee.
5. If the applicant has any prior disciplinary actions, complaints, charges of unlicensed activity, or pending disciplinary actions for any profession, occupation or license, the applicant must submit the following:
  - a. A detailed statement, signed by the applicant explaining the underlying circumstances; and
  - b. Copies of any documents from the agency, including final orders, petitions, complaints, findings of fact and conclusions of law and any other relevant documents.
6. If the applicant has ever been convicted of a crime in any jurisdiction that has not been annulled or expunged, the applicant must submit the following:
  - a. A detailed statement signed by the applicant explaining the underlying circumstances that led to the conviction(s);
  - b. A copy of all related court documents (i.e. indictments, judgments, guilty pleas, verdict, and terms of sentence.) If applicable, proof of payment of fines.
    - i. If no record exists due to the age of the conviction, the applicant must obtain a letter or correspondence from the

sentencing court substantiating that the record does not exist or has been purged.

- c. If applicable, a copy of the terms or probation and/or parole and a statement from the applicant's probation or parole officer as to the applicant's compliance with the court orders (terms and conditions imposed including any court documentation evidencing completion or discharge);
  - d. Letters of recommendation from any physicians, counselors, and other members of the community (no relatives) who can objectively attest in writing to a firm belief that the applicant has been sufficiently rehabilitated to warrant the public's trust; and
  - e. Letters of recommendation from the applicant's current employer regarding the applicant's reliability and trustworthiness to work as a guard employee.
7. Submit evidence of a complete 8-Hour Board approved course given by an instructor approved by the Board. The certificate shall indicate the name of the approved curricula and guard instructor, the name of the organization providing the course, the date of the class, and the signature of the approved guard instructor. (see Appendix F)

The checklist below summarizes the requirements for guard employee registration and provides helpful suggestions to ensure that a complete application is received.

## Guard Employee Application Checklist

### GUARD EMPLOYEE APPLICATION CHECKLIST:

- ☐ Personal information has been inputted correctly (i.e. spelling of names, date of birth, social security numbers, mailing address, phone number, etc.)
- ☐ Fingerprinting requirement has been completed.
- ☐ Possess a high school education or its equivalent.
- ☐ "Yes" Answers:
  - **Presently suffering from any psychiatric or psychological disorder?** Have you submitted:
    - ☐ Signed explanation regarding your disorder.
    - ☐ Statement from your treating licensed health care practitioner regarding the diagnosis and status of your psychiatric or psychological disorder indicating your ability to work as a guard employee.
  - **Prior disciplinary actions?** Have you submitted:
    - ☐ Signed explanation regarding the circumstances of your disciplinary Action.
    - ☐ Documents from the disciplining licensing authority regarding the action taken against your license
  - **Prior convictions?** Have you submitted:
    - ☐ Signed statement regarding the circumstances leading up to the conviction.
    - ☐ Copies of any court records, orders, or other documents that state the facts and statutes upon which the applicant was convicted, the verdict, sentence imposed, and terms of the sentence.
    - ☐ Letters of recommendation from physicians, counselors, and other members of the community (no relatives) who can objectively attest in writing to a firm belief that you have been sufficiently rehabilitated to warrant the public's trust.
    - ☐ Letters of recommendation from current and past employers regarding your reliability and trustworthiness to work as a guard employee.
- ☐ Completed the mandatory eight (8) hours classroom instruction. Have you submitted:
  - ☐ Completion certificate of the 8-Hour Initial Guard Employee Training Course



## Suggestions for the Department of Education

1. Create and submit 8-Hour Initial Guard Training (see Appendix G) and 4-Hour Continuing Education Guard Training (see Appendix H) courses for Board approval.

*Having proprietary guard training courses will allow the DOE to train its security personnel in-house. This will assist applicants in bearing the costs of training classes from external providers. This training may also be delivered remotely with Board approval (see Appendix I).*

2. Obtain approval from Board for selected staff to become guard instructors (see Appendix J).

*§463-10.5(b), HRS requires the Board to approve individuals as instructors prior to instructing guard employee applicants. Utilizing existing staff who qualify for Board approval as guard instructors will allow the DOE to offer security guard training in-house rather than contracting external providers. This will cut down on costs for new employees and existing employees at the time of registration renewal.*

3. Assist prospective security personnel with the licensing process or have the applicants contact the Board for assistance.

*The requirements for guard employee registration are minimal. Providing assistance to individuals unfamiliar with the application process may result in obtaining registrations faster.*

4. Contact the Hawaii Criminal Justice Data Center to inquire on how the DOE may obtain its own fingerprint machines to transmit livescan information in lieu of sending its employees to a Fieldprint Inc. location.

*Some licensed guard agencies have purchased their own fingerprint machines and are able to transmit the fingerprint scan directly to HCJDC, defraying the costs of fingerprinting for their employees.*

## **Conclusion**

The Board recognizes the suggestions offered in this report will not solve all of the recruitment difficulties the DOE is experiencing with hiring security personnel. The Board hopes that these suggestions will aid in the development of robust procedures that will expedite the hiring process of future School Security Attendants, while still complying with the requirements of §463-10.5, HRS.

The recent increase in violence noted in H.R. 93, H.D. 1 has been extensively covered by the media, and reinforces the need for safe and competent individuals to provide a safe learning environment for students. The Board remains committed to providing guidance and assistance to the DOE in its quest for improvements that can make the licensure process less difficult while still retaining adequate public safeguards for the State's most vulnerable population: it's keiki.

## Appendix A

### Section 463-10.5, HRS

**§463-10.5 Guards; registration, instruction, training, testing, and continuing education required; renewal of registration.** (a) Effective July 1, 2013, all guards and all agents, operatives, and assistants employed by a guard agency, private business entity, or government agency who act in a guard capacity shall apply to register with the board, and meet the following registration, instruction, and training requirements prior to acting as a guard:

- (1) Be not less than eighteen years of age;
- (2) Possess a high school education or its equivalent;
- (3) Not be presently suffering from any psychiatric or psychological disorder which is directly related and detrimental to a person's performance in the profession; and
- (4) Not have been convicted in any jurisdiction of a crime which reflects unfavorably on the fitness of the individual to act as a guard, unless the conviction has been annulled or expunged by court order; provided that the individual shall submit to a national criminal history record check as authorized by federal law, including but not limited to the Private Security Officer Employment Act of 2004, and specified in the rules of the board.

The board shall determine whether an individual qualifies for registration pursuant to this subsection.

(b) All classroom instruction required under this section shall be provided by an instructor who is approved by the board and who may be an employee, manager, or owner of a guard agency in this State if the course of study meets board-approved curricula. Course curricula shall meet the specific standards of this section and all other applicable requirements of this chapter, and shall be established by the board.

(c) Guards and individuals acting in a guard capacity shall successfully complete the classroom instruction specified by this section, pass a written test, and undergo four hours of on-the-job training supervised by an individual who has successfully completed all of the requirements of this section or who has otherwise been approved by the board for on-the-job training. Guards and individuals acting in a guard capacity shall successfully complete:

- (1) Eight hours of classroom instruction before the first day of service; and
  - (2) Four hours of classroom instruction annually thereafter.
- (d) The content of classroom instruction required under this section shall include, but not be limited to:
- (1) State and federal law regarding the legal limitations on the action of guards, including instruction in the law concerning arrest, search and seizure, and the use of force as these issues relate to guard work;
  - (2) Access control, safety, fire detection and reporting, and emergency response;
  - (3) Homeland security issues and procedures;
  - (4) When and how to notify public authorities;
  - (5) Techniques of observation and reporting of incidents, including how to

prepare an incident report;

- (6) The fundamentals of patrolling;
- (7) Professional ethics; and
- (8) Professional image and aloha training.

(e) Before beginning employment as a guard or in a guard capacity, in addition to the classroom instruction required by this section, guards and individuals acting in a guard capacity who carry firearm or other weapon, including but not limited to an electric gun as defined in section 134-1, while on-duty in a guard capacity shall possess a valid permit to acquire the ownership of a firearm issued by county police pursuant to section 134-2 and shall satisfy the requirements of section 134-2(g).

(f) The board may adopt rules pursuant to chapter 91 that mandate additional training, instruction, testing, and continuing education for guards and agents, operatives, and assistants employed in a guard capacity.

(g) Prior to the June 30, 2014 renewal of the guard registration and every registration renewal thereafter, the applicant shall pay all required fees, and have had at least four hours of continuing education as specified in the rules of the board.

The board may conduct a random audit, pursuant to rules adopted pursuant to chapter 91, of registrants applying for renewal of a registration to determine whether the continuing education requirements of this subsection have been met.

The failure, neglect, or refusal of any registered guard to pay the renewal fee or meet the continuing education requirements shall constitute a forfeiture of the guard's registration. A forfeited registration may be restored upon written application within one year from the date of forfeiture, payment of the required renewal fee plus penalty fees, and meeting the continuing education requirements in effect at the time of restoration.

## **Appendix B**

### **Correspondence between the Board and the DOE**

May 9, 2013 Meeting Minutes – Excerpt (Page 6, section F)

*Email regarding Department of Education School Security Attendant, and Act 208*

“Mr. Behrens from the Department of Education (“DOE”) informed the Board that the DOE’s position is that School Security Attendant are not subject to Act 208 because they do not function as a regular guard. They are responsible to provide practical assistance to students, teachers, and staff. The “use of force” policy is to be physical present, safekeeping is done incidentally and reports to authorities are filed by the Vice Principal. “School Resource Officers” perform the same functions in middle and high schools on the neighbor islands. Mr. Behrens added that the attendants and teachers already go through a more superior training.

Vice Chairperson Yabuta commented that the job description presented by Mr. Behrens appears to fall within the definition of “acting in a guard capacity” and the type of training provided school Security Attendants appears to verify that the employees are acting in a guard capacity. Mr. Behrens responded that there currently is no pool for substitute security attendants and no funding for registration fees. The security attendants are among the lowest paid DOE employees. Vice Chairperson Yabuta responded that even though funding is a concern the DOE should be cognizant about liability and felt the DOE should be embracing the notion of standardized training and registration. Deputy Attorney General Tam stated that the security attendant’s job description appears to fall within Act 208; however, the teachers will perform these duties incidentally and therefore do not appear to fall within the definition of a guard or acting in a guard capacity. Chairperson Inouye suggested that should the DOE want a clear exemption, the DOE must approach the legislature for an exclusion to Chapter 463-10.5.

Ms. Tom informed the Board that the DOE considered the School Security Attendant’s duties were incidental and that this presentation was for corroboration of the DOE’s position that the employees are exempt and to advise the Board of the training program provided to Security Attendants.

After further discussion and review of the position description, it was the consensus of the Board that it could not corroborate with DOE’s position that School Security Attendants are exempt from the requirements of Act 208.

The Executive Officer stated that if the DOE can share the FBI and State background checks received from the FBI and State the Board would accept it and not require fingerprinting through Fieldprint since the DOE has its own fingerprinting machines and has the authority to receive FBI reports. Mr. Behrens responded that he would have to check with the DOE if confidential information can be shared and submitted with the applications.

Vice Chairperson Yabuta suggested that the DOE should submit their curriculum to the Board for approval and if approved, will allow the DOE to provide in-house training. The Executive Officer suggested that the DOE can purchase an approved curriculum from the Honolulu Community College but must have an approved instructor teach the course.”

## Appendix C

### Excerpt from the April 2, 2024 Meeting Minutes – Page 10, section A

2024 Legislative Session: A. HCR 112/ HR 93 URGING THE DEPARTMENT OF EDUCATION, IN COLLABORATION WITH THE OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES, TO DEVELOP PROCEDURES THAT WILL EXPEDITE THE HIRING PROCESS FOR SECURITY GUARDS REGULATED UNDER CHAPTER 463, HAWAII REVISED STATUTES.

“EO Fukunaga reported that HCR 112 and HR 93 was most recently transmitted to the Senate as an HD1.

EO Fukunaga explained that testimony was submitted on behalf of the Board, but no position was taken as the Board had not yet met to discuss the measures. EO Fukunaga stated that the submitted testimony clarified the requirements of HRS §463-10.5, while noting that the Board previously provided guidance to the Department of Education regarding this matter.

EO Fukunaga asked the Board whether they would like to take a position on the measures. EO Fukunaga stated that the Board had the following options: support, oppose, provide comments, or appreciate the intent.

Chair Collins stated that he supports the testimony that was submitted. Chair Collins noted that the DOE’s testimony mentioned that their training is superior to the training required for licensure. Chair Collins stated that if this is true, the standardized training, background checks and regulation that licensure provides would only complement and enhance the protection being provided by individuals who are hired to protect students.

Chair Collins added that the Board has the ability to discipline, suspend, or revoke a license, should a violation occur; whereas the DOE would be subject to their HR policies and collective bargaining agreements that may prolong the process of terminating an employee who should not be working around children. Further, the license status and license history of individuals who have been disciplined or terminated can be viewed by the public; which allows for additional vetting of prospective guards.

Mr. Inouye stated that he is fine with the Board only submitting comments and taking no position.

EO Fukunaga asked whether the Board had any further comments or discussion.

There were none.”

## Appendix D

### “Acting in a Guard Capacity”

At its May 9, 2013 meeting, the Board approved the following definitions of “acting in a guard capacity,” “safekeeping,” and “physical presence” to clarify and implement section 463-10.5, HRS (Act 208, SLH 2010).

In general, if an employee falls within the following definitions and none of the exemptions below are applicable, that employee is subject to and must comply with the training and other requirements of section 463-10.5, HRS.

1. “Act in a guard capacity” or “acting in a guard capacity” means the performance of safekeeping, observation, and reporting functions by a uniformed or nonuniformed employee for the person’s employer; provided that:
  - (1) An employee who performs safekeeping, observation, and reporting functions only incidentally, to the employees’ primary job functions and responsibilities shall not be considered to be acting in a guard capacity; and
  - (2) The following are examples of such excluded employees:
    - (A) A person stationed at the entrance or exit of a retail or commercial establishment whose function is to verify a customer’s membership with and the accuracy of purchases from the retail or commercial establishment;
    - (B) A parking lot attendant whose responsibility is limited to controlling the ingress and egress of the parking lot, facility, or structure;
    - (C) A person whose responsibility is limited to performing water safety and rescue services at a swimming pool, beach, or other body of water;
    - (D) A person whose responsibility is limited to taking tickets from customers at the entrance or exit of an entertainment, recreational, commercial, or sporting event; and
    - (E) A residential or commercial property manager who oversees the property owner’s agreement with a licensed guard agency, or oversees the property owner’s guard employees, for the provision of guard services to the subject property.
2. “Safekeeping” means protecting property assets, or persons through a physical presence to detect and deter illegal actions, inappropriate actions, violations of the property’s or premise’s rules or code of conduct, or unsafe conditions; including but not limited to theft, damage, harm, or risk of injury to such persons or property, as applicable.
3. “Physical presence” means maintaining a post (e.g., a stationary guard, bouncer, etc.) or patrolling the premises (e.g., physically responding to alarms or incidents on the property, etc.).

## **Appendix E**

### **Examples of possessing a high school education or its equivalent:**

1. A photocopy of your high school diploma;
2. A certified transcript of your high school record;
3. A statement (on official letterhead) from the state's Department of Education attesting to graduation or that the equivalent of a high school education has been completed;
4. A photocopy of an associate's, bachelor's, master's, or doctorate degree;
5. A DD-214 form verifying at least four years of experience in the military, or a notarized statement from your Commanding Officer attesting to your military experience;
6. A notarized "Statement of Educational Background to Register as a Guard" (PDG-31) from current or former employers attesting to at least four (4) years of work experience requiring the ability to read, comprehend, apply written directions, understand verbal instructions, have a reasonable degree of verbal skill and the ability to write clear factual reports;
7. Verification of employment as a police officer or firefighter for any of the four (4) counties in this State, for the State of Hawaii, or for the federal government (e.g. a letter from a County Human Resources or Supervisor); or
8. Verification of employment as a State of Hawaii sheriff (e.g. a letter from a State Department Personnel Officer or Supervisor).



## Appendix F

### 8-Hour Security Guard Training Certificate Sample

# CERTIFICATE OF TRAINING

(Approved entity provider, Logo Optional)

Hereby Awards This Certificate to

**(Student Name)**

In Recognition of Attendance at the (Approved Curricula)'s  
Approved

**"Initial Security Guard 8-Hour Training"**

In accordance with the Hawaii Revised Statutes 463-10.5

On

Date

I certify that I am a Hawaii Board of Private Detectives and Guards approved instructor teaching a board approved curriculum and that on      (DATE)     , 20    , as required by the Hawaii Revised Statutes Chapter 463, the above referenced individual was provided the mandatory eight hours of training on the topics and corresponding minimum durations set forth by the Board. I further certify that the above-referenced individual successfully passed an examination required by the Board, unaided and with a minimum passing score of 70%.

The above statements are true and correct to the best of my knowledge. I understand that this training and information is required by the Hawaii Board of Private detectives and Guards and that submitting false or untrue information may constitute a violation of Hawaii Revised Statutes § 710-1063 and could also result in the suspension or revocation of my guard instructor approval.

(Please Print Instructor's Name) \_\_\_\_\_  
Board Approved Instructor

(Instructor's Signature) \_\_\_\_\_  
Board Approved Instructor

Appendix F (continued)

4-Hour Continuing Education Guard Training Certificate Sample

# CERTIFICATE OF TRAINING

(Approved entity provider, Logo Optional)

Hereby Awards This Certificate to

**(Student Name)**

In Recognition of Attendance at the (Approved Curricula)'s  
Approved

## **"4-Hour Continued Competency Security Guard Training"**

In accordance with the Hawaii Revised Statutes 463-10.5

On

Date

I certify that I am a Hawaii Board of Private Detectives and Guards approved instructor teaching a board approved curriculum and that on    (DATE)   , 20  , as required by the Hawaii Revised Statutes Chapter 463, the above referenced individual was provided the mandatory 4 hour continued competency security training on the topics and corresponding minimum durations set forth by the Board.

The above statements are true and correct to the best of my knowledge. I understand that this training and information is required by the Hawaii Board of Private detectives and Guards and that submitting false or untrue information may constitute a violation of Hawaii Revised Statutes § 710-1063 and could also result in the suspension or revocation of my guard instructor approval.

(Please Print Instructor's Name) \_\_\_\_\_  
Board Approved Instructor

(Instructor's Signature) \_\_\_\_\_  
Board Approved Instructor

## Appendix G

### **8-Hour Security Guard Training Course Curricula (for Initial Licensure)**

Pursuant to §463-10.5(b), HRS, the Board developed and approved curricula guidelines for the 8-hour initial guard training and 4-hour continuing education guard training requirements.

The following outline was approved at the Board's June 27, 2012 meeting, and later amended at the Board's April 11, 2013 and November 9, 2017 meetings to address statutory amendments.

1. State and federal law regarding the legal limitations on the actions of guards, including instruction in the law concerning arrest, search and seizure, and the use of force as these issues relate to guard work.
  - a. Power to arrest (duration: 1 hour)
    - i. HAR section 16-97-16(a) and HRS chapter 803
    - ii. What is an arrest and how is it done (HRS section 803-6)
    - iii. Who has the authority to arrest (HRS section 803-3)
    - iv. Use of force in making an arrest (HRS section 803-7)
    - v. What is a false arrest
    - vi. Who can conduct an interrogation (HAR section 16-97-16(c))
    - vii. State and federal laws regarding the legal limitation on the action of guards
    - viii. Techniques, liability, and company requirements relating to the arrest of the individual
  - b. Search and seizure (minimum duration: 1 hour)
    - i. What is a search
    - ii. Types of searches
    - iii. What happens to seized property
    - iv. Stop and first (HAR section 16-97-16(b))
    - v. Fruits of the crime
    - vi. Evidence collection and chain of evidence
  - c. Use of force (minimum duration: 1 hour)
    - i. HAR section 16-97-16(d) and HRS chapter 703
    - ii. 18 U.S.C.A. section 242, deprivation of rights under color of law
    - iii. Prohibition on security guard carrying weapons (HAR section 16-97-17)
    - iv. Use of reasonable, necessary force (HRS chapter 703)
2. Access control, safety, fire detection and reporting, and emergency response (Minimum duration: 1 hour)
  - a. Access control for vehicles and personnel
  - b. Warning signage/posting
  - c. Automated access control systems

## **Appendix G (continued)**

- d. Identification procedures and security identification
  - e. Alarms and closed-circuit television (CCTV)
  - f. Trespass warnings, and what constitutes criminal trespass under HRS section 708-813 and 708-814
  - g. Safe work environment
  - h. Emergencies (e.g. fires, power outages, earthquakes, hurricanes, tsunamis, etc.)
  - i. Detecting fires
  - j. Types of fire alarms and extinguishers
  - k. Evacuation procedures and routes (e.g., stairs, elevators, hallways, doors, etc.)
  - l. Emergency preparedness plan
  - m. Emergency contact numbers
  - n. Emergency response (e.g. bomb threats, hazardous chemical leaks, etc.)
3. Homeland security issues and procedures (minimum duration: .5 hour)
- a. U.S. Department of Homeland Security
    - i. Background
    - ii. Areas of responsibility
    - iii. Types of security measures
  - b. Current trends in domestic and international terrorism
  - c. Counter-terrorism strategies
  - d. How to identify threats before they happen
  - e. How to assess a particular threat level
4. When and how to notify public authorities (minimum duration: .5 hour)
- a. Who to notify during an emergency (e.g. fire, theft, attempted suicide, medical emergency, natural disaster, workplace violence, etc.)
  - b. When to notify public authorities
  - c. How to notify appropriate public authorities
5. Techniques of observations and reporting of incidents, including how to prepare an incident report (minimum duration: 1 hour)
- a. Observation techniques
  - b. Observing suspects/suspicious activity
  - c. How to write detailed reports (who, what, why, when, where, and how)
  - d. How to ask appropriate questions
6. The fundamentals of patrolling (minimum duration: .5 hour)
- a. Patrolling techniques and methods
  - b. Dealing with suspects/suspicious activity
  - c. How to ask appropriate questions
7. Professional ethics (minimum duration: 1 hour)
- a. Ethics and professionalism
  - b. Avoiding conflicts of interest
  - c. Doing the right thing to protect persons and property

## **Appendix G (continued 2)**

8. Professional image and aloha training (minimum duration: .5 hour)
- a. How to look and act professionally in all situations
  - b. How to take pride in your work
  - c. The importance of a good first impression
  - d. How to show the “aloha spirit” (HRS section 5-7.5)

### **Guidelines for Curriculum Review Submittal**

- The specific Hawaii content set forth in the Board’s approved curricula above shall be covered in its entirety and it is incumbent on the curriculum developer to verify that the curriculum meets the requisite training.
- The mandatory eight (8) hour training required by Act 208 shall be universally applicable to all areas of security and should not be site specific. Curriculum developer may add site specific discussions beyond the eight-hour mandatory program but should not be included in the eight hours.
- The curriculum shall verify the eight major topics as outlined in the Board’s approved curricula above, including all sub-topics and the corresponding time allotment and duration of topic discussions.
- Submit lesson plans, training manual, or printed PowerPoint presentation which shall include a narrative on what students will be taught and a description of topic discussions. It should not merely restate the statute or rule.
- While it is not required to track the above eight major topics and subtopics in the specific order outlined above, the curriculum developer shall indicate where (page number, PowerPoint slide number etc.) each element is covered in the program and that it meets the corresponding time allotments.

## Appendix H

### **4-Hour Continuing Education Security Guard Training Course Curricula (for Renewal of License)**

The following outline was approved at the Board's February 16, 2017 and May 4, 2017 meetings.

1. Act 208 and the Hawaii Security Guard Industry (Minimum Duration: 1 hour)

The intent of this section is to provide a basic understanding of the structure, language, laws and rules pertaining to guards and those who act in a guard capacity.

a. Industry Overview

i. Act 208 (HRS §463-10.5)

1. Who must register (Obtain a guard card)
2. Minimum eligibility requirements to register as a guard employee
3. What HRS §463-10.5 requires to include in classroom instruction
4. Renewal

b. Definition of Principal Guard ("GD")

- i. Responsible or licensed Principal Guard
- ii. Compliance obligations and consequences for GD license holders

c. Definition of a Guard Agency ("GDA")

- i. Compliance obligations and consequences for GDA license holder

d. Definition of Guard Employee ("GDE")

- i. Compliance and obligations for GDE registrants
- ii. Proprietary employee GDE registrants

e. Definition of "Act/Acting in a Guard Capacity"

- i. "Act in a guard capacity" or "Acting in a guard capacity"
- ii. "Safekeeping"
  1. "Physical Presence"

f. Hawaii Revised Statutes ("HRS") and Hawaii Administrative Rules ("HAR")

- i. HRS Chapter 463
- ii. HAR Chapter 97

g. Differences Between Guard Agency and Proprietary Guards

- i. Guard agency
- ii. Proprietary guards

h. Who/What is the DCCA/PVL

- i. DCCA
- ii. DCCA-PVL

## **Appendix H (continued)**

- i. Board of Private Detectives and Guards
  - i. Composition and Authority
- j. Regulated Industries Complaints Office (“RICO”)

### **2. Courtroom Demeanor and Testimony (Minimum Duration: 30 min)**

The intent of this section is to provide a basic understanding of courts and depositions, and what to expect if called to appear or testify in court or at a deposition.

- a. Courtroom and Deposition Awareness
  - i. Courtroom
  - ii. Deposition
  - iii. Preparation
  - iv. Appearance and Demeanor
  - v. Answering Questions

### **3. Effective Communication Skills (Minimum Duration: 1 hr. 45 min)**

The intent of this section is to help improve communications skills to present a professional presence, improve ability to get voluntary compliance from people, reduce the risk of encounters escalating to hostility, and manage potential and actual incidents of conflict.

- a. Understanding Basic Components of Human Communication
  - i. Voice
  - ii. Facial expression
  - iii. Eye contact
  - iv. Body posture
  - v. Personal space
  - vi. Words
- b. Goals (Types) of Communication
  - i. Social
  - ii. Information Gathering
  - iii. Information Sharing
  - iv. Directive/Instructive
  - v. Conflict Engagement
- c. Concepts of Professional Communication and Conflict Prevention
  - i. Professional communication
  - ii. Goals
  - iii. Elements

## **Appendix H (continued 2)**

### **d. Conflict Mitigation/De-Escalation**

- i. General safety concept in dealing with people in conflict or hostility situations
- ii. Basic ideas for conflict mitigation/de-escalation
- iii. Dealing with impaired persons (intoxicated, mentally ill)

### **4. Customer Service for Security (Minimum Duration 45 min)**

The intent of this section is to help guards and those who act in a guard capacity to perform their duties in a manner that reduces incidents of complaint and dissatisfaction and enhance the image of the guard industry in Hawaii.

#### **a. Aloha Training and Professionalism**

- i. HRS §5-7.5 “Aloha Spirit”
- ii. Professionalism and respect

#### **b. Understanding Who Your Customers Are**

- i. Internal customers
- ii. External customers
- iii. Peripheral customers

#### **c. Rendering Customer Service Without Compromising Security**

- i. How good customer service enhances security
  1. Access control
  2. Premises security
  3. Event security
  4. Loss prevention
  5. Personnel protection

## **Guidelines for Continuing Education Curriculum Review Submittal**

- Outline the major topics as required in the Board’s approval curricula including all sub-topics and the corresponding time allotment and duration of topic discussions.
- Indicate where (Page number, PowerPoint slide number) each required element is covered in your program. The specific Hawaii content set forth in the approved curriculum shall be covered in its entirety and it is incumbent on the provider to verify that the program meets the requisite training.
- Indicate and meet the required time allotment for each topic discussion.
- Lesson plans, training manual or printed PowerPoint presentation which includes a narrative of what students will be taught and a description of topic discussions.
- The 4 hours continuing education training required shall be universally applicable to all areas of security and should not be site specific. Site specific discussions may be added beyond the four-hour mandatory program, but it should not be included in the 4 hours.



## **Appendix I**

### **Use of Remote Technology to Conduct Guard Trainings**

During the COVID-19 pandemic, the Board develop guidelines for approved guard instructors and curriculum providers to deliver trainings remotely.

#### **Remote Technology Guidelines**

1. Confirming a Student's Identity
  - a. Demonstrate and explain how the Board approved provider intends to verify that the student who registers for their course is the same student who participates and completes the course.
2. Live Instruction and Testing
  - a. Instruction and testing shall be provided live, in real-time, by Board approved instructors, using a two-way interactive video conferencing feed.
3. Distribution and Proctoring of Tests
  - a. Demonstrate and explain how the Board approved provider intends to distribute, proctor, and safeguard testing procedures to guard against cheating.
  - b. Demonstrate and explain how the Board approved provider intends to collect examinations from students for grading in a way that verifies the student's identity.
4. Distribution of Certificates of Completion
  - a. Demonstrate and explain how the Board approved provider intends to distribute certificates of completion.
5. Retaining Tests and Certificates for Audit
  - a. In the event of an audit, demonstrate and explain how the Board approved provider intends to retain tests and certificates for board review and to explain the procedure for students to provide proof that they have met the requirements to complete the training.

#### **Guidelines for Submission**

Digital submissions should include a screen shot and video clip with a brief explanation of how the Board approved curriculum provider and Board approved instructor teaching an approved curriculum will meet the requirements above. A detailed letter may be submitted in lieu of a digital submission as long as it sufficiently explains how the proposed program will meet the requirements above. Please also make note of any hardware, software, plug-in applications, or connectivity requirements needed for both instructors and students. Technology applications used for remote distance learning must be capable of displaying instructional content including, but not limited to the live instructor, PowerPoint presentations, video, text, and all other content that may comprise each module of instruction.

## **Appendix J**

### **Guard Instructor Requirements**

Pursuant to §463-10.5(b), HRS, the Board is required to approve the training instructors and establish the training or course curricula.

The Board at its July 12, 2012 meeting established the minimum qualifications for Security Guard Training Instructors and an individual shall meet a least one of the following:

1. Be currently licensed as a principal guard with a guard agency for at least two (2) years;  

Or
2. Be currently certified as a Certified Protection Professional ("CPP") or Physical Security Professional ("PSP") by the American Society for Industrial Security, or a Certified Security Consultant ("CSC") by the International Association of Professional Security Consultants;  

Or
3. Have four (4) years of experience:
  - a. As a guard\* (anyone acting in a guard capacity), plus two (2) years of experience as a supervisor, trainer, instructor, or manager of guard employees;  

Or
  - b. As a guard\* (anyone acting in a guard capacity), plus a Bachelor's Degree in Criminal Justice or its equivalent;  

Or
  - c. As a law enforcement officer with a state of political subdivision thereof, or federal government as defined in §710-1000(13).  

And
4. Not have been convicted in any jurisdiction of a crime which reflects unfavorably on the fitness of the individual to act as a guard, unless the conviction has been annulled or expunged by court order; provided that the individual shall submit to a national criminal history record check as authorized by federal law, including, but not limited to the Private Security Officer Employment Authorization Act of 2004, and specified in the rules of the Board.

\*A "guard" is defined in HRS section 463-1 and HAR section 16-97-2.