

2021

Minnesota Board of Private Detective and Protective Agents Annual Report



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Minnesota Board of Private Detective and
Protective Agent Services

12/31/2021

SUMMARY

This report serves as a snapshot in time to aid in recognizing, anticipating and preparing for inevitable changes, challenges and opportunities facing the industry and this regulatory Board in the next 12-18 months. Although the primary data contained in this report reflect actual agency experiences, some data is extrapolated to help gauge and anticipate potential future trends.

Additionally, this document is meant to be a living, growing and ultimately changeable tool that guides staff to accomplish the mission and vision of both the Board itself, but also that of the Commissioner and Department of Public Safety. Staff as well as Board members have provided input into this document which ultimately seeks to guide the activities of staff, better ensure the safety of Minnesota citizens and shape the investigative and security industries with the ultimate goal of seeking to improve the lives and safety of all Minnesotans.

Authority and Scope

The Minnesota Legislature created the Board of Private Detective and protective Agent Services under Minn. Stat. § 326.33 which prescribes that the Commissioner of Public Safety shall appoint the following members to serve on the board: a licensed protective agent or qualified representative for a licensed protective agent partnership or corporation; a licensed private detective or qualified representative for a licensed detective partnership or corporation; and two public members. A fifth member is named by statute as the Superintendent of the Bureau of Criminal Apprehension or their designee for a total of five (5) Board members. The Commissioner of Public Safety also appoints the Executive Director who serves at the will of the Commissioner and fills the role as Secretary to the Board, effectively implementing the decisions of the Board.

The scope of this regulatory board is limited by Minn. Stat. § 326.3311 which prescribes only the following powers and duties:

1. Receive and review all applications for private detective and protective agent licenses
2. Approve applications for private detective and protective agent licenses and issue or reissue licenses consistent with Minn. Stat. § 326.32 through 326.339 (the inclusive statutes pertaining to the regulation of licensed activity within the private investigative or private security industries)
3. Denial of applications or renewals and the subsequent right to a contested hearing under Minn. Stat. Chapter 14
4. Enforce all law and rules governing licensed private detectives and protective agents
5. Suspend or revoke the license of a license holder or impose a civil penalty for statutory violations (Minn. Stat. §326.32 through 326.3369) or other rules of the board
6. Ultimately, this Board approves or denies applications, renewals and training submissions; approves training and conducts investigations on licensees specific to statutory violations under its purview.

Our licensee composition consists of 166 protective agent licenses and 190 private detective licenses which reaffirms the fact that this regulatory Board is named the Board of Private Detective AND Protective Agents. A common misnomer is that we are essentially the “Private Detective Board” when in fact we represent both sides of these related industries. Total individuals working in the combined industries are estimated at 13,000.

Additionally, the board is granted the authority under Minn. Stat. § 326.3331 to create rules to govern the selection, training, discipline and licensing of private detectives and protective agents and any other matters necessary to carry out duties imposed by Minn. Stat. § 326.32 through 326.339.



Known Data Points

Licensee Distribution

The following data points were obtained from manual searches of spreadsheets and limited available electronic records in possession of the board as of Dec 31, 2021:

- Protective agent licensures 166
 - 11 of the 166 licenses are individual licenses
 - 155 of the 166 licenses are corporate licenses
- Private detective licensures 190
 - 52 of the 190 licenses are individual licenses
 - 136 of the 190 licenses are corporate licenses
 - 2 of the 190 licenses are partnership licenses
- Combined there are 356 protective agent and private detective agent licenses in the State of Minnesota
 - This is a slight decrease since Dec 31, 2019

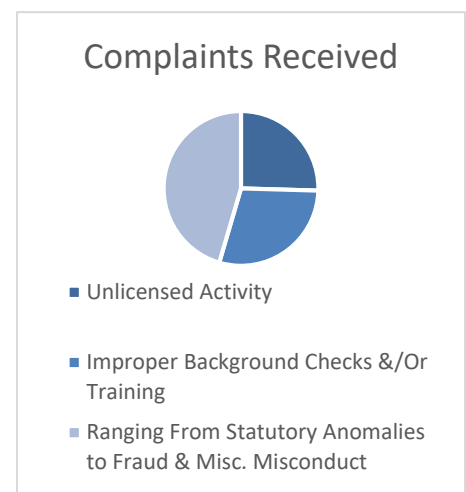


License Applications and Cessations for Calendar Year 2021

- Requests for new license applications 90
 - Of those 90, only 42 were received back and approved
 - 3 applications of the 90 requested were rescinded by the applicant prior to Board review
 - 1 application was denied due to statutory ineligibility for licensure
 - 44 applications have not been submitted for review
- Licenses that expired 22
- Licenses that were surrendered 25
- Total expired / surrendered licenses vs new licenses issued in 2021
 - 42 approvals
 - 47 left the industry
 - Net loss of 5 license holders in 2021

Complaints Received by Citizens or License Holders

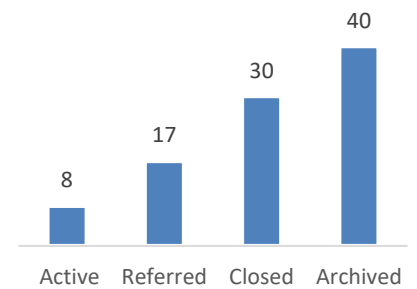
- 55 complaints were received alleging statutory violations (2021)
 - 14 complaints involved alleged unlicensed activity
 - 16 complaints alleging improper background checks and or training
 - 25 complaints ranging from statutory anomalies to alleged fraud and miscellaneous misconduct
 - Uniform anomalies
 - Vehicle markings
 - ID or badging issues
 - Harassment or other alleged crimes



Disposition of Complaints Received

- 8 of the 55 complaints are currently active
 - 17 of the 55 complaints were referred to other state or local agencies due to geographic or statutory jurisdiction
 - 30 of the 55 complaints were eventually closed due to lack of information or complainants not having sufficient data to follow up on
 - 40 previously archived complaints 2017-2020
 - More complaints were received in 2021 than in the 4 previous years combined
 - Average time for a complaint that falls within the scope and authority of this board is 40-50 hours depending on the number of like incidents with that licensee

Disposition of Complaints



Fines or Revenues Received from Violations and Applications

- 10 violations with total penalties of \$22,967
- Revenues generated from fines go to the State General Fund and do not stay within the operational budget of this Board
- Similarly, revenues garnered from applications and renewals do not stay with the Board- they too go to the State General Fund
- If there are any contested issues, monies to pay for Attorney General representation come out of the annual budget of this Board
- These safeguards protect the rights of citizens and do not place an artificial monetary incentive on Board or staff to act or make decisions in a certain manner



Strengths/Weaknesses/Opportunities/Threats (SWOT) Assessment

It remains important to periodically assess where an agency or organization exists on the continuum as it relates to known goals in light of restraints both physical and economic. To that end, a SWOT analysis can shed light on where to focus resources to maximize efficiencies and to mitigate shortcomings so the work of the Board can best be accomplished.

Strengths

- Readily identifiable strengths are the expertise and support for staff operations by the Board members. Board members are readily available and are subject matter experts on a wide variety of industry issues.
- Current staff- existing staff members have a high energy drive with a strong sense of pride for providing professional service delivery and elevating the industry wide level of training and professionalism
 - Staff have either earned or are in the process of earning credentials specific to the industry such as the Professional Certified Investigator (PCI) credential
- Support from partner staff at the Bureau of Criminal Apprehension (BCA) for items such as licensee background checks which help staff accomplish goals set by the Board
 - BCA staff have long supported the work of this Board and staff and rightfully deserve thanks and recognition for the ancillary support and guidance when needed as staff perform Board functions

Weaknesses

- Staff turnover is a huge challenge and it is important to pay staff well and develop talent for cross training and longevity
 - 2021 saw no full time Executive Director Jan-April
 - 2021 saw both support staff leaving the agency Oct 01 and no replacements until Feb 2022
 - Agency was short staffed for 2/3 of the year when absences are combined
- Limited budgetary resources to implement cost savings measures such as electronic record management systems, application and complaint tracking and training approvals
- Manual record system stymies staff efforts to respond to a variety of statutory based responsibilities creating the potential for errors in approvals for licenses and training
- Definite risk of overlooking key training or licensing requirements tied to licensure renewals due to a manual paper driven tracking system
- Reduced ability to identify and monitor early warning signs for licensees not following statutes or otherwise affecting community safety

Opportunities

- Leverage existing partnerships to network with law enforcement and industry leaders to bridge communications between the industries and find ways to enhance public safety operations
- Budget for and receive ultimate approval for an e-records management system to better track and keep abreast of licensing anomalies and enhance staff efficiencies in the application and renewal processes
- Seek opportunities to meet with Legislators when appropriate to share the important work of the Board
- Leverage the concept that the private investigations and security industry can be an important and active partner in keeping communities safe
- Explore and implement a greater presence on social media platforms



Threats

- Failure to recognize that there is a paradigm shift coming to public safety efforts and the private security and investigations industry can be a ready and reliable means to enhancing public safety efforts state-wide
- Budget restrictions will limit resources to modernize and enhance staff role in achieving greater community safety state-wide
- Failure to actively partner with community members will limit and potentially undermine total public safety efforts to create safe communities
- Training submissions and proper timely review/auditing of courses is a looming concern as there are over 1,170 courses currently approved for continuing education credits (CEUs) and statute requires all courses be reviewed at least every two years
 - There is insufficient staff available to provide meaningful auditing and guidance for comprehensive course review at this time
 - New training submissions are fully and adequately reviewed
- Community perceptions on the overlapping roles of law enforcement and security staff will pose both opportunities and challenges as the industry adapts to provide oversight and guidance to what could be a burgeoning and expansive new era in the delivery of public safety services state and nation-wide
 - Body cameras for security professionals
 - Proper de-escalation training
 - Psychological screening for applicants
 - Related needed skill sets
- Failure to properly and readily identify licensees and others in the industry who pose a risk to community safety or industry professionalism due to a lack of effective monitoring systems

The results of the SWOT analysis led to a discussion on goals for the agency and a prioritization of actionable items deemed necessary and prudent to implement. They are listed below and as follows:

Identified Goals of the Board and or Staff

- Customer service
 - Continue to seek out ways to be responsive to licensee requests or needs as appropriate to the regulatory nature of this agency
- Community outreach
 - Continue to seek out opportunities for community and societal interaction with citizens and potential industry participants
 - Explore Facebook/Instagram/related sites for public interface
 - Present to high school/college students to introduce people to a career in this industry
- Cross training of staff/enhance staff competencies
- Training approvals
 - There are over 1,170 training courses currently approved by this agency
 - The voluminous nature of monitoring/tracking/auditing this number of training courses is unwieldy with the limited staff available for this task
 - A prioritization process and strategic effort must be implemented to provide meaningful industry guidance in this area



- It is impractical (impossible?) to provide meaningful review of this multitude of coursework with no staff assigned this as their primary task due to other pressing needs within the agency
 - Potentially hire additional staff for this important task
- Record management system implementation
 - Currently a work in process for the mid biennium budget process
- Partnership with law enforcement on unlicensed activity complaints
 - Continue to meet and maintain positive relationships with law enforcement partners
- Partner in a broader way to involve the resources of the Attorney General's Office to reach a broader segment of the communities industry members work in
- Field audits
 - Explore options of being in the field to monitor/audit licensees at key events
- Form revisions
 - Look at ways to streamline and clarify the variety of forms licensees must complete for applications/renewals/training requests/etc
- Seek out ways to educate law enforcement on the roles of this Board and the value of a closer working relationship with law enforcement state-wide
 - Create a training session with POST credits describing what this Board does
 - Role of unlicensed activity investigations

Immediate Action Steps

- Create a means to research and assign appropriate staff to interact in social media spaces
- Create learning opportunities to share what this agency and industry is about as a core member of the Department of Public Safety
 - Potential YouTube videos on how to successfully apply for or renew licensure
 - Community outreach to showcase trends in the industry and demonstrate this industry as a viable career path
 - Partner with law enforcement and/or Attorney general for outreach efforts
- Devise a plan to meaningfully audit new and existing training courses
- Continue to plan, develop and implement new record management system to aid in core functions of agency
- Continue to liaison with law enforcement as well as industry members to facilitate positive interactive partnerships
- Devise and implement means to better audit industry at community events
- Streamline existing forms so interactions and submissions are more user friendly
- Position this agency as a shaping force within the greater construct of public safety so that private investigations and private security operations are better aligned to supplement law enforcement needs and community goals for enhanced safety



Summary

This document provides direction for an important regulatory Board at what quite likely is a tipping point in the private security and private detective industries with a nexus with law enforcement and community members at a very unique time in the history of our state. It is important to take advantage of these time sensitive and perhaps generational challenges and opportunities to improve the safety and welfare of all Minnesota citizens.

