

STATUS CHECK



Letters From The Office Of The President

South Carolina

Thank you to everyone for another successful summer. Each of you have shown true support to the Company in many ways, too many to count. For many of you, you have and continue to go above and beyond your job description and have been recognized for your support by way of promotions, or as Honorary Members of our elite Spartan group. Your contributions and sacrifices have contributed to our Company's success.

Arizona

Arizona has gotten off to a great start about three months ago. We have had several contracts. Julio Moreno has been with our company in Arizona since we began actively working. He has been instrumental in obtaining our first contracts.

We are excited to have new

personnel moving from the east coast, John Boykin to arrive the first part of December from North Carolina, and Tyler Coles in mid-December from Myrtle Beach. By the way, John Boykin is the first to qualify with 100%. Hooyah!!!

K9 Division

Thank you to Steve Abbott and Tyler Platte for their many hours of working with our puppies, Roxy and Recon. They are doing an amazing job in their training and we look forward to many great things. Many thanks to Ed Hunter who was instrumental in our obtaining our puppies from Vermont and in his ongoing training of our K9 officers Steve and Tyler, as well as our puppies, Roxy and Recon. Ed's knowledge has been invaluable.

After editing and a culmination of efforts from Ed, Mark, and myself, the spec's or SOP's for the K9 Training Manual

are being finalized and should be ready for final print very soon.

Finally, after three months, on November 28, 2012 we were just approved and will be obtaining our corporate membership with the NPCA (National Police Canine Association). This is a prestigious membership that has certain requirements just to become a member.

On behalf of the CEO and myself, we express our gratitude to LCpl. Tommy Poston for designing and publishing our first APS Newsletter "STATUS CHECK". We thank Command Staff for individually contributing articles to the newsletter which we anticipate publishing monthly.

We look forward to future articles and expanding content to include articles on gear, training, and upcoming events.

Thank you all!

Susan Urvic

Special points of interest:

- > This issue includes a detailed look at Trespass After Notice.
- > This issue introduces the new APS K-9 Division.
- > Contributors for this issue: Lt. Steve Abbott, Sgt. Steven Gottula, LCpl. Tommy Poston, Brannon Gray.

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“These tragedies are a reminder of the dangerous nature of the job...”

Letter From The Desk Of The CEO

Many of you know that before founding APS, I worked in Tampa, FL with a company called CIS (Critical Intervention Services). On 21 Nov 2012, shortly after 8 P.M., a 38-year old husband and father of two sons, ages four and nine, was killed from what Tampa Police described only as “upper body trauma.” That husband and father was a Critical Intervention Services Officer, Michael Valentin. While it’s not something any of us likes to talk about, the job we do is very dangerous and sometimes officers don’t make it home at the end of the shift.

“Officer Valentin was specifically chosen for his CIS assignment owing to his community-oriented mindset and experience while working with the homeless in New York,” the company news release states. “His peers and supervisors described him as being friendly, community focused, and (a) dedicated father and husband.”

Tampa Police were dispatched to Grande Oaks Apartments at about 7:45 P.M. Wednesday after one of two security officers on duty reported a possible suspect

wanted on a warrant. Police were at the rear of the complex when they heard a security guard had been injured or killed in front of the clubhouse. Valentin’s gun was still secured in his holster.

Another CIS officer, 26-year old Matthew Little, was shot to death while on duty in May 2011 at Mariners Point Apartments in St. Petersburg. Bradley Bolden, 21, of St. Petersburg is charged with Little’s death and remains at the Pinellas County Jail. Shortly after his arrest, police said, Bolden told detectives he disliked security officers and police.

These tragedies are a reminder of the dangerous nature of the job we do and the need to always be aware of your surroundings. Be alert and ever vigilant so you may all go home safely to your family and friends. As command staff, we must examine these tragedies, we must look at the outcome and say “what if?” and “what can we do differently?” Don’t get me wrong, these guys are the tip of the spear, but in the wake of these losses, we must reexamine safety proce-

dures, training, communication... They are all key factors in all of us going home!

Stay safe!

Mark Unice

Promotions

Steven Gottula promoted to Sierra 21

Leo Reed promoted to Whiskey 19

Mark Elliott promoted to Whiskey 150

Tyler Coles promoted to Whiskey 149

Matthew Harden promoted to Whiskey 128



Law Studies: In Depth Look at Trespass After Notice

By: Lt. Steve Abbott

This article is going to cover the Trespass After Notice law. It is a law we use at APS many times. This article will go more in depth in the SC statute and hopefully give you a little more knowledge of the statute and how to use it to better serve our clients.

Section 16-11-620, South Carolina Code of Laws, commonly referred to as Trespass After Notice. The statute reads, in relevant part:

“Any person who, without legal cause or good excuse, enters into the dwelling house, place of business, or on the premises of another person after having been warned not to do so or any person who, having entered into the dwelling house, place of business, or on the premises of another person without having been warned fails and refuses, without good cause or good excuse, to leave immediately upon being ordered or requested to do so by the person in possession or his agent or representative shall, on con-

viction, be fined not more than two hundred dollars or be imprisoned for not more than thirty days.”

I have highlighted some points in the law that clearly relate to officers. I still suggest you read the entire passage as I will be covering some case law on this statute as it relates to the term “dwelling house.”

The first point is that the law is clear about who this law is directed toward. The first words are “Any person...” That makes it easy for us. Any person, anyone, whatever your background or social status is, it does not matter. No matter who you are, if you are asked to leave, you have to go away. They don’t have to go home, but they have to leave the place.

Next, the law defines the locations where the law applies. A dwelling house (defined below) and a place of business is self-explanatory, as is the premises of another person. All of these locations are ones in which we work, have worked, or could potentially work. In the above, I have only highlighted “place of

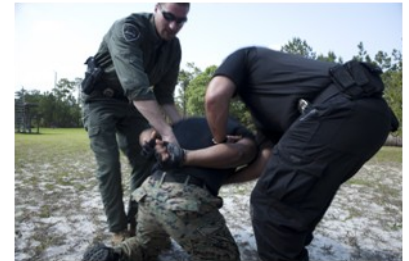
business” because most of us work for clients at their place of business.

In many cases, we are directed by the client to make sure a particular person does not come in to their business. When the subject arrives, we go out and tell the subject that they are not allowed in the business. In that case the subject has been warned. If that subject disregards your warning, then they are Trespassing After Notice.

But the law goes another step.

Now note the highlighted section beginning with... “without having been warned...” This line states we do not have to warn them or advise them that they are trespassing. The law makes it clear, you can tell them to leave and if they refuse, they can be detained immediately. There is no requirement to warn or advise the subject.

Next the law states who can order a subject from the dwelling house, place of business, or premises. Obviously, the person who owns or is “in possession”



“Any person who, without legal cause or good excuse, enters the dwelling house”

-Trespass After Notice

Breaking The Barrier: Language

By LCpl. Tommy Poston

Security personnel encounter many different people in the course of their duties. Oftentimes, the individuals the officer meets in the field are not from the same culture or even speak the same language. In the Myrtle Beach area, with its large tourist draw, we see people from all over the world.

To most officers, the idea of learning a second language can be frustrating. But with the technology available today, it is becoming possible to learn without having to find an instructor to do so.

Computer programs are being used everyday to allow people to self-teach a second language. There are even apps for smart-

phones that allow for voice sampled translation. If officers make use of the technology available, the burden of their duties can be eased.

APS K9 Division

By: Lt. Steve Abbott

Recon and Roxy at play.



“The Belgian Malinois was selected as the breed to be used because they are faster, more energetic, and can work longer than other breeds.”

In September of this year, Advanced Protection Services introduced two new officers that are a breed apart from the others in the field. Recon and Roxy are two Belgian Malinois’ that are the first for the companies’ K9 Division. The Belgian Malinois was selected as the breed to be used because they are faster, more energetic, and can work for long periods without tiring. The animal’s nose is also superior to other breeds. Their nose has 70000 scent receptors. That is contrasted with a human being, who has a grand total of 52 scent receptors.

Training is being done by Mr. Ed Hunter, a retired Vermont State Trooper who created and led the Vermont State Police K-9 unit for 17 years.

The dogs and their handlers began training shortly after arriving, and they both immediately demonstrated why the company’s K9 unit is going to be

one of the best units in the state, and that includes law enforcement units as well as private security K9 units. The dogs were quickly responding to obedience training, and soon after running “puppy” tracks, which involved using a scent article (such as a hat) and some doggie treats. They have since graduated to running tracks up to a half mile distance, through dense forest without the use of scent articles or treats. It is just the start. To be certified by the instructor, the dogs will have to successfully run a track, one mile in distance that covers three different surfaces.

The K9’s are also beginning their bite training. There may come a time in the next month when we will be asking for volunteers to don the bite suit. For those who are interested, watch out for an email asking for volunteers.

This unit is going to be a huge asset for operations in both South Carolina and Arizona. It is

also a big part of the potential government contracts.

Once the dogs are fully trained, certified, and deployed, more dogs may be brought on board. If that happens, the company would need more handlers. If that becomes necessary, we will send out an email seeking officers who wish to apply to become a handler. To get a position in the K9 unit, a potential handler will have to be interviewed and pass a PT test. Should an officer believe they may want to handle a K9, they need to send an email of that request to their squad leader.



This One Night... On Patrol

This is taken from a patrol report.

“Reporting officer observed a black male walking on property, who was unfamiliar to the reporting officer. Upon initiating contact, the subject began to state he owned all of the (property name withheld) Apartments. Upon asking for identification, the subject gave the reporting officer a large stack of court documents, criminal history reports, and previous arrest warrants that were served

on him. Based on these documents, and the subject’s tattoos on his forearms, the subject was identified as (name withheld). When asked if he lived on property, he stated that he had just been released from J. Reuben Long Detention Center in the morning, and a female instructed him to report to a unit on the property, as it was set up for him by the FBI. Reporting officer then heard the subject speaking to himself, and thinking that the subject was utilizing a Bluetooth

device, instructed the subject to hang up the phone. The subject informed the officer that he was not utilizing a cell phone, but a “skycam”. When asked what that was, the subject informed the officer that the FBI had implanted a microchip into his ear, allowing him to speak into the sky to a receiver, which in turn, transmitted to the intended recipient of the message, who also had a “skycam”. Officer immediately notified the CEO of Advanced Protection



Phoenix on patrol.

Law Studies (cont.)

of the location can order a subject from the property. But the law also states that the person in possession could have an "agent or representative" and those agents or representatives can order a subject from the property. As we all should know, we, as contract security officers, are agents or representatives of the client, who is the "person in possession". That part of the statute is the legal authority you have to make the charge of trespass after notice.

Next I would like to cover some case law in reference to this statute.

To begin, here is how the law defines "dwelling house."

SECTION 16-11-10. "Dwelling house" defined in the case of burglary, arson, and other criminal offenses.

With respect to the crimes of burglary and arson and to all criminal offenses which are constituted or aggravated by being committed in a dwelling house, any house, outhouse, apartment, building, erection, shed or box in which there sleeps a proprietor, tenant, watchman, clerk, laborer or person who lodges therewith a view to the protection of property shall be deemed a dwelling house, and of such a dwelling house or any other dwelling house all houses, outhouses, buildings, sheds and erections which are within two hundred yards of it and are appurtenant to it or the same establishment of which it is an appurtenance shall be deemed parcels.

From this definition, the law is clear. If it is where you sleep, it is your dwelling house, even if it is a box.

This definition plays an important role in the case law we are going to cover.

This case is from 1999 and is *State vs. Tyndall* (336 S.C. 8 (1999))

The facts are that the Sumter County coroner, a family friend, gave Tyndall a ride from his home in Cherryvale to his father's home, in Mayesville. Once there, an argument began between Tyndall and his father. The argument escalated. The coroner used her radio to notify local police. The officers arrived. Tyndall's father asked the police to make Tyndall leave the house. Officers ordered Tyndall to leave the premises. Tyndall refused. The officers then stated that Tyndall was under arrest for Trespassing After Notice, Section 16-11-620. Tyndall then walked away and went into the living room where he retrieved a hammer and proceeded to attack the officers with the claw end of the hammer. The officers subsequently shot and injured Tyndall. Tyndall was tried and convicted of resisting arrest and two counts of Assault and Battery of a High and Aggravated Nature on police officers.

Tyndall appealed.

Tyndall's argument was that he, in fact, owned the house his father lived in and, therefore, the officers had no probable cause to arrest for trespassing after notice, the underlying cause for

the arrest. Tyndall argues that "the actions of the officers lacked probable cause..."

The appeals court found that since police officers in South Carolina can affect an arrest for misdemeanors that occur in their presence without a warrant and, contrary to his argument, Tyndall, did, in fact, commit the crime prohibited by 16-11-620, the officers did have probable cause for the arrest.

The record reflects Tyndall resided in Cherryvale at the time of the altercation with his father. The coroner picked him up from his home and drove him to his father's residence for a visit. Tyndall's claim that he resided in the same home as his father on the day in question is unsubstantiated. When the police arrived, Tyndall's father told the police officers to ask Tyndall to leave, which the officers did. By refusing to leave upon request, Tyndall committed the crime of trespass after notice.

Moreover, the court found it did not matter who owned the house. It was his father's ***dwelling house***. The statute ***does not exclude owners*** of dwelling houses from those that can be convicted of trespass after notice. The court cited South Carolina's Residential Landlord and Tenant Act, which restricts a landlord's access, even if they are the owner, to a property in possession of a tenant (*South Carolina Code of Laws Section 27-40-530*)

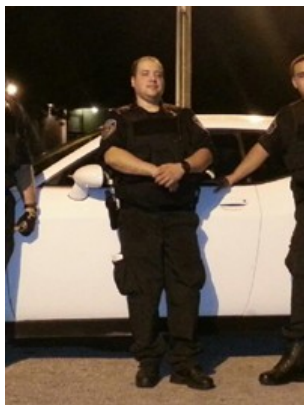
Please contact Sabo with any questions about this article.

"If it is where you sleep, it is your dwelling house. Even if it is a box."



IN MEMORIAM Critical Intervention Services Officer Michael Valentin

“ A Hero We Must Remember” 01/25/1974-11/26/2012



This prayer was sent to officers in the field from our SLED Instructor, Co-Director of Training, Brannon Gray.

For many, our loved ones will not be with us as we celebrate the holiday season. As we remember all who have given their lives in

the line of duty, let us pray:

Lord help us protect the innocent from the evil that men do.

And keep us safe as we patrol, for we are the line of blue.

May we walk our beats with you by our side, our mission to defend. The innocent who count on us, to bring in the evil men.

For I do not wish to bring harm, I only wish to serve,

And bring justice to the lawless men, from my oath I will not swerve.

Please forgive me for my sins dear Lord, should I commit them too.

And should I have no choice but to raise my arm, may my aim be straight and true.

Lord watch over our families, as we enforce the written laws. And comfort the should I be slain, while fighting for the cause.

And in the end when the evil get the justice they deserve.

May we walk a beat on heaven's streets, for it is you we wish to serve.

Paul V. Badner

May you be comforted in knowing that your loved ones believed in their mission, are alive within us, and will never be forgotten.

Advanced Protection Services

Amateurs make excuses. Professionals provide solutions.

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Patrol (cont.)

Services of the situation, who responded with four other officers. Upon arrival of the CEO, Myrtle Beach Police were notified and the subject was detained in handcuffs and double locked for his safety and the officer's safety. Upon the arrival of MBPD officer, reporting officer was advised the subject was not allowed into the Street Reach program. MBPD officer arrested the subject and was trespassed from the property on a permanent basis. MBPD officer stated he would inform the subject of the indefinite trespass notice, and departed the property with

the subject.

Additional information the subject tried to inform me of was: he began working for the FBI at age 11 and received his first BA degree in Criminology at age 9."

This is a perfect example of the situations you will encounter while on patrol, and any other property you patrol for APS. You never know who you are speaking to, or what their intent is. Although this was a humorous encounter, it was still potentially dangerous from an officer safety point of view. I encourage all of

you to ride with either me or Sabo for a patrol shift or two, to view how patrol operates versus the other areas we work. Be safe in the field!

Sgt. Steven R. Gottula Jr.