

Approved: 1-19-93

Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Marvin Smith at 9:08 a.m. on January 13, 1993 in Room 521-S of the Capitol.

All members were present except: Representative Gross (excused)

Committee staff present:

Carolyn Rampey, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Arden Ensley, Revisor of Statutes  
Nancy Kippes, Committee Secretary

Conferees appearing before the committee:

Donna Whiteman, Secretary, SRS  
Gary Stotts, Secretary, Department of Corrections

Others attending: see attached list.

HB 2010 - certification of security police officers employed by SRS.

Carolyn Rampey, Legislative Research Staff, gave background on HB 2010, stating that training of security officers had been studied in interim, as well as the budgetary items. There was no recommendation from the interim committee concerning the budgetary items. There is presently a study being done on salary parity, which should be ready by March. At this time Topeka State Hospital is the only facility following the present law and the other facilities have developed their own training (Attachment 1).

Donna Whiteman, Secretary, SRS, appeared in support of HB 2010, stating their department has met with DOC concerning the current training program and determined they could continue with training provided by DOC and supplement in specific areas by SRS. Recommendation was made for amending line 13, page 2, by adding "Such certificate shall be awarded following verification of completion of the training provided by both Departments and ... be effective..." (Attachment 2).

Gary Stotts, Secretary, DOC, testified in support of HB 2010 and provided written testimony (Attachment 3). He advised that the bill would reduce the number of hours of training provided by DOC from 200 hours to 50 hours. This will mean there will not be duplication of training between DOC and SRS. A list of the hours of training by each department is attached to his written testimony.

Ms. Whiteman stated she did not anticipate hiring additional people to facilitate the training they will be doing and the bill does not change any salaries.

The hearing on HB 2010 was closed.

The meeting was adjourned at 10:00 a.m. The next meeting is scheduled for Thursday, January 14 at 9:00 a.m. in 521-S.

## GUEST LIST

COMMITTEE: House Gov't Organization  
& Elections

DATE: 1-13-93

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# PROPOSAL No. 16 -- INSTITUTIONAL SAFETY AND SECURITY

Proposal No. 16 charged the Legislative Budget Committee to:

Review safety and security issues at the state mental health and mental retardation institutions, youth centers, School for the Blind, and School for the Deaf, including examination of training options for safety and security officers employed by these institutions, and review salary structures of the Department of Social and Rehabilitation Services (SRS) and the Department of Corrections (DOC) employees in comparable positions, especially where both agencies operate on the same campus.

## BACKGROUND

The charge consolidates recommendations for interim review made during the 1992 Session by the Senate Ways and Means and House Appropriations Committees. Included in the recommendations was the request that the Committee review the institutions' requests for capital improvements and personnel related to safety and security issues.

### I. TRAINING OPTIONS FOR SAFETY AND SECURITY OFFICERS EMPLOYED BY INSTITUTIONS

A total of 79 safety and security officers are employed by the mental health and retardation institutions and the Youth Center at Topeka (YCAT). The Youth Centers at Beloit and Atchison do not have safety and security positions. The 79 positions include seven range 19 Safety and Security Chief or Director positions, 15 range 17 Safety and Security Officer II positions, and 57 range 15 Safety and Security Officer I positions.

Briefly stated, safety and security officers at the institutions are responsible for ensuring the protection and safety of patients, staff, and visitors, and for protecting state property. K.S.A. 76-12a17 requires persons employed by SRS receiving permanent appointments as security policemen to be awarded a certificate by the Secretary of Corrections attesting to satisfactory completion of a basic course of instruction for correctional officers. Security policemen are defined in K.S.A. 76-12a16 as being "vested with the power and authority of peace, police and law enforcement officers anywhere within the county in which the institution is located for which the security policeman is employed . . . ." Topeka State Hospital requires its safety and security officers to receive 200 hours of training at the DOC facility on the Topeka State campus. Osawatomie State Hospital has developed its own training program, which officials believe is more suited to the needs of the facility. The program includes Mandt training, which is a type of nonviolent self defense training for safety and nursing personnel taught by existing hospital staff. Larned State Hospital does not currently use Mandt training for security personnel, but plans to begin using Mandt or similar training. Larned State Hospital and Rainbow Mental Health Facility safety and security officers do not receive DOC training.

Although varying somewhat among the hospitals, the mental health hospitals offer additional training in some or all of the following: orientation to the campus and security program and procedures, CPR, first aid, infection control, fire safety and firefighter training, risk management, disaster planning, telecommunications device for the hearing impaired, use of restraints, emergency vehicle transportation, patient confidentiality, hazardous materials, electrical safety and chemical water treatment, narcotics investigation, and radio communications. Topeka State Hospital safety and security officers also receive DOC inmate supervisory training.

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Attachment #1

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There are no systemwide guidelines for the training of safety and security officers at the mental retardation institutions. Training varies among the institutions but is similar to that offered at the mental health institutions.

All employees of each of the youth centers, including YCAT's safety and security officers, attend a mandatory 40-hour new employee orientation which includes Mandt training, CPR, first aid, policy and procedures, treatment philosophy, juvenile rights and responsibilities, and similar topics. During the first six months of employment, Youth Service Specialists also receive 120 hours of in-service basic training and 40 hours a year of training thereafter. Annual training will cover a variety of topics from first aid to Mandt refresher courses.

YCAT safety and security officers are not required to attend the in-service training mandated for the Youth Service Specialists I. Instead, after receiving orientation training, YCAT safety and security officers attend 16 hours of training a year, primarily through an in-house training program. Examples of topics include crisis negotiation and search and seizure issues.

## **II. SALARY STRUCTURE OF SRS AND DEPARTMENT OF CORRECTIONS EMPLOYEES IN COMPARABLE POSITIONS**

The final portion of the charge to the Committee focuses on the salary structures for employees of SRS and DOC in comparable positions, where both agencies have facilities operating on the same campus. Four locations, Topeka, Osawatomie, Winfield, and Larned, have both SRS and Corrections facilities. Topeka Correctional Facility -- West Unit, is located on the grounds of Topeka State Hospital and the Osawatomie Correctional Facility (a unit of the Lansing Correctional Facility which was formerly called the Lansing Correctional Facility -- South Unit), is located on the grounds of Osawatomie State Hospital. The Winfield State Hospital campus also includes the Winfield Correctional Facility and the Larned Correctional Mental Health Facility is located adjacent to Larned State Hospital.

One of the concerns prompting this portion of the charge as an interim topic is that SRS employees could leave the SRS facilities for higher paying positions at DOC facilities, when both SRS and Corrections facilities are present on the same campus. However, a class of position is assigned to the same salary range regardless of which agency is the employer. SRS employees who cited better pay at the correctional facility as their reason for leaving an SRS facility may not be employed in a comparable position but may be employed in a different capacity or in a managerial or supervisory position at the correctional facility.

Movement of SRS employees to correctional facilities has varied at each of the facilities. Approximately 14 to 15 Osawatomie employees have left the hospital for positions at the correctional facility since it opened in September, 1987, with most of the movement occurring within the correctional facility's first six months of operation. From July, 1991, to July, 1992, seven Topeka State employees left the hospital for positions at the Topeka Correctional Facility -- West Unit. Winfield State Hospital and Training Center has lost only two employees to DOC positions and does not consider the proximity of the correctional facility to be a problem in retaining employees.

The most recent correctional facility to open adjacent to an SRS institution is the Larned Correctional Mental Health Facility. Since the facility began hiring employees in November, 1991, a total of 48 Larned State Hospital employees have left the hospital for positions at the correctional facility. According to hospital officials, all 48 employees listed better pay as the reason for leaving.

Those positions most frequently cited by the institutions as comparable positions are the mental health hospital direct care positions (range 10 Mental Health Trainees, range 12 Mental Health Aides, range 16

Licensed Mental Health Technician (LMHT Is), and range 17 (LMHT IIs)), which are compared to range 15 Corrections Officer Trainee positions, range 17 Corrections Officer I positions, and range 19 Correctional Officer II positions. Both the direct care classes of workers employed by the SRS institutions and the correctional worker classes were studied by the Division of Personnel Services in FY 1989 as a part of Phase III of the Comprehensive Classification and Job Rate Study. The pay ranges currently in effect for those positions were determined at that time.

Discussion regarding this issue also has centered on the employees of the Larned State Hospital Special Security Program. The Larned Special Security Program includes two components: the State Security Hospital (Dillon and Jung buildings) and the Security Behavior Ward (Meyer West building). The State Security Hospital evaluates and treats persons committed by the courts and DOC prisoners and includes 165 maximum security beds for males, 12 maximum security beds for females, and 43 maximum security beds for chemical dependency treatment for DOC inmates. The 30-bed Security Behavior Ward houses civilly committed patients who have been transferred from any of the four state mental health hospitals because they presented safety concerns to other patients or staff. The Security Behavior Ward is a very secure, highly structured unit. For FY 1993, 79.5 LMHT I positions, 24.0 LMHT II positions, and 78.5 Mental Health Aide positions are authorized for this program. Direct care employees of the Special Security program receive a \$.50 per hour pay differential.

Employees of the Larned Special Security Program and the Larned Correctional Mental Health Facility expressed concern that, while they may work with the same patients, the pay ranges for the former employees are lower. Patients from the correctional facility may be transferred to the State Hospital Special Security Program when their psychiatric treatment needs cannot be met at the correctional facility. According to hospital officials, this can include seriously ill, violent patients. When those patients have been stabilized, they are returned to the correctional facility.

## COMMITTEE ACTIVITIES

The Committee reviewed the institutions' requests for personnel, capital improvement, and capital outlay items relating to safety and security issues and the progress made in implementing those projects funded by the 1992 Legislature.

### Training for Safety and Security Officers

The Committee reviewed the statutory requirements for training safety and security officers and current training needs at the SRS institutions. Testimony from SRS indicated that the current correctional officer training offered by DOC is not appropriate for safety and security officers employed by the institutions and that the institutions have developed individual programs to meet their specific needs.

In response to the Committee's request, representatives of DOC and SRS met to determine the training needs of safety and security personnel employed by the SRS institutions. DOC and SRS staff concluded that DOC training in the following areas would be appropriate for SRS safety and security employees: first aid, cardiopulmonary resuscitation (CPR), fire safety, self defense, use of communications equipment, emergency preparedness, sexual harassment, cultural awareness (to be provided in conjunction with SRS), stress awareness and management, preservation of crime scenes, drug identification and investigation, report writing, key control, bombs, terroristic threats, gangs, and interpersonal relationships. They further concluded that DOC training in the following areas should be supplemented by SRS to meet the unique needs of SRS security personnel: firefighter training, use of restraints, communication skills, hazardous materials, search and seizure, missing persons reports, fire and safety inspections, legal issues, and security procedures. Finally, SRS should provide training in the following areas: Mandt training (nonviolent crisis intervention); patient vehicular transport; crime prevention;

use of seclusion; utility shut down procedures; medical records, privacy, and confidentiality; traffic control and enforcement; mission, philosophy, and values of SRS; and use of telephone devices for the deaf. The Committee was informed that DOC has expressed an interest in training its staff in some areas of the latter category, and will work with SRS in this matter.

### **Salary Structures of SRS and Department of Corrections Employees in Comparable Positions**

The Committee received testimony from the Commissioner of Mental Health and Retardation Services of SRS stating the Department's position that the training, skill, responsibilities, and working conditions of SRS direct care staff warrant parity with the salary structure for corrections officers.

The Committee also received testimony from five employees of Larned State Hospital regarding the salary issue. An employee of the activity therapy staff requested a hazardous duty pay incentive for the activity therapy staff employed in the Special Security program. The employee cited as reasons for the pay incentive the amount of direct contact with patients, the availability of sharp and dangerous tools to the patients during activity therapy, and the amount of freedom allowed to patients in the therapeutic environment as compared to that allowed in the corrections environment. The activity therapy employee also presented written testimony from members of the Special Security program custodial staff requesting hazardous duty pay for similar reasons. Members of the direct care staff from the Special Security program and the nonsecurity adult ward described the duties of the staff and conditions which, in their opinions, constituted safety hazards to staff and patients and justified salary increases. The Larned State Hospital Safety and Security Chief noted that the duties of safety and security officers at the hospital include assisting with violent or combative patients on the wards.

The Director of Nursing at Larned State Hospital testified that the job descriptions for direct care employees of the Special Security program and direct care employees for the remainder of the hospital are the same. The Director stated that the current pay differential for direct care employees of the Special Security program sends a message to nonsecurity staff that they are less valuable than Special Security program staff. The Director supported salary modifications which would provide pay for all Larned State Hospital direct care staff equivalent to the pay received by staff in comparable positions at the Larned Correctional Mental Health Facility.

The Director of Nursing also addressed the issue of injuries to employees of the Special Security program and to nonsecurity employees. Larned State Hospital averages 30 injuries to employees per month, 20 of which are related to patient aggression. Of those 20 injuries, approximately eight occur on wards of the Special Security program and approximately 12 occur on nonsecurity wards. At the request of the Committee, SRS reported that, in FY 1992, a total of 1,017 injuries occurred to SRS employees, 452 of which were caused by patient aggression. These included employees who were struck, bitten, or scratched, were struck against or by an object, or who suffered a knife or stab wound.

All four of the mental health hospitals have safety and security committees. The committees, however, do not necessarily address staff safety concerns and the issue of injuries to employees. Of the mental retardation institutions, Winfield State Hospital has a safety committee which includes representation from direct care employees, Parsons has a committee which does not include direct care representation, and Kansas Neurological Institute has no such committee.

### **CONCLUSIONS AND RECOMMENDATIONS**

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The Committee concurs with the conclusion reached by SRS and DOC regarding the appropriateness of DOC training for SRS safety and security personnel. The Committee concurs that the course

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of training devised by SRS and DOC would provide valuable and appropriate training for SRS safety and security officers. The collaborative training efforts of SRS and DOC also could enhance the training currently provided by DOC for its corrections officers.

The Committee recommends K.S.A. 76-12a17 be amended to require that SRS security officers be awarded a certificate by the Secretary of Corrections attesting to the completion of a basic course of instruction specified by the Secretary of SRS and the Secretary of Corrections, rather than the current requirement that SRS security officers complete a basic course of instruction for correctional officers. The statutory reference to K.S.A. 75-5212, which requires that the training course be approved by the Secretary of Corrections and consist of not less than 200 hours of training, would be deleted. H.B. 2010 carries out these recommendations.

The Committee recommends that SRS continue to work toward a reduction in the injury rate at its institutions. The Committee recommends that SRS explore whether additional training for SRS employees would help to reduce the injury rate and that SRS continue to monitor this area of concern. The safety committees should be active at each of the institutions and should receive input from direct care workers regarding safety and security issues.

Regarding the salary equity issue, the Committee notes that the direct care classes were reviewed as a part of Phase III of the Comprehensive Classification and Job Rate Study in FY 1989. After again reviewing the issue, however, the Committee recommends that the Division of Personnel Services study and make recommendations for a salary structure for direct care classes. The study should include an assessment of the \$.50 per hour pay differential paid to direct care employees of the Larned State Hospital Special Security program. In addition to considering market rate information in determining an appropriate salary structure, the study should consider the salary structure of comparable corrections positions. Advancement opportunities for direct care classes should also be considered. The results of the Division of Personnel Services study should be presented to the Ways and Means and Appropriations Committees on or before March 1, 1993.

**TESTIMONY  
GOVERNMENTAL ORGANIZATION COMMITTEE  
HOUSE BILL NO. 2010  
JANUARY 13, 1993**

George D Vega  
Commissioner of Mental Health and Retardation Services  
On behalf of  
Ms Donna L Whiteman  
Secretary of Social and Rehabilitation Services

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Hearings Governmental Organization & Elections  
Attachment 2

Thank you for the opportunity to speak with you today concerning House Bill No. 2010, an Act concerning security police officers employed by the Department of Social and Rehabilitation Services and their certification.

**PROVISIONS:** In summary,

- ... The Act provides for the security police officers to be classified state employees vested with peace, police and law enforcement powers within the county in which the employing institution is located.
- ... The Act requires the security police officers to enforce state laws, rules and regulations of the secretary and policies applicable to the institution and city ordinances.
- ... The Act requires certification by the Secretary of Corrections of training specified by the respective Secretaries of the Department of Corrections and the Department of Social and Rehabilitation Services of security police officers before permanent appointment can be made.

**DISCUSSION:**

During the last several months, we have met extensively with the Department of Corrections in an effort to determine the training needs of the security police officers, to determine if the current training program is adequate in meeting those needs, and to modify the training as needed.

The meetings resulted in a determination the curriculum could be continued to be provided by the Department of Corrections and supplemented in specific areas by the Department of Social and Rehabilitation Services. Further, it was determined SRS could provide some specific training assistance to the

Department of Corrections. It is our opinion our interdepartmental discussions are consistent with House Bill 2010, and we support the provisions of the Act. However, we would suggest a minor modification in wording. We would recommend inserting a phrase on Line 13, page 2 as follows:

"Such certificate shall be awarded following verification of completion of the training provided by both Departments and ... be effective...."

This change will avoid potential confusion about whether or not completion of the training has occurred and assigns responsibility to each department for the verification of completion of the pertinent portion of the training. It is our understanding the Department of Correction supports this, or a similar, change, and the departments share support of the Act.

Thank you.

HOUSE BILL NO. 2010

By Legislative Budget Committee

Re Proposal No. 16

AN ACT relating to security police officers employed by the department of social and rehabilitation services; certification thereof; amending K.S.A. 76-12a16 and 76-12a17 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 76-12a16 is hereby amended to read as follows: 76-12a16. The secretary of social and rehabilitation services may authorize any superintendent to employ security ~~pollicemen~~ police officers at the institution of which ~~he-or-she~~ such person is superintendent. All such security ~~pollicemen~~ police officers shall be in the classified service of the Kansas civil service act. Such security ~~pollicemen~~ police officers are hereby vested with the power and authority of peace, police and law enforcement officers anywhere within the county in which the institution is located for which the security ~~polliceman~~ police officer is employed, when wearing and publicly displaying the badge of office prescribed hereunder. The secretary shall adopt rules and regulations prescribing the badge of office of security ~~pollicemen~~ police officers at institutions and when and where any such badge may be displayed. Within the limitations of this act and any such rules and regulations, the superintendent of each institution, with the approval of the director, shall direct and supervise the activities of security ~~pollicemen~~ police officers at the institution of which ~~he-or-she~~ such person is superintendent. In accordance with this act, such rules and regulations and such direction and supervision, security ~~pollicemen~~ police officers shall enforce state laws, rules and regulations of the secretary, policies applicable to the institution and city ordinances. The

power of arrest of a security ~~police~~man police officer shall extend to the state laws and city ordinances the security ~~police~~man police officer is directed to enforce.

Sec. 2. K.S.A. 76-12a17 is hereby amended to read as follows: 76-12a17. No person employed by the secretary of social and rehabilitation services shall receive a permanent appointment as a security ~~police~~man police officer as authorized by K.S.A. 76-12a16, and amendments thereto, unless such person has been awarded a certificate by the secretary of corrections ~~pursuant to~~ K.S.A.--75-5212, attesting to such person's satisfactory completion of a basic course of instruction ~~for correctional officers~~ specified by the secretary of social and rehabilitation services and the secretary of corrections. Such certificate shall be effective during the term of a person's employment, except that any person who has terminated employment with the secretary of social and rehabilitation services for a period exceeding one year shall be required to be certified again.

Sec. 3. K.S.A. 76-12a16 and 76-12a17 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

## **COLLABORATION BETWEEN SOCIAL AND REHABILITATION SERVICES AND THE DEPARTMENT OF CORRECTIONS REGARDING TRAINING FOR SECURITY OFFICERS IN SRS INSTITUTIONS**

Training provided by the Department of Corrections and will be continued:

- ...First Aid
- ...CPR
- ...Fire Safety
- ...Self Defense
- ...Use of Communication Equipment
- ...Emergency Preparedness
- ...Sexual Harassment
- ...Cultural Awareness (SRS actually assists DOC in this area)
- ...Stress Awareness/Management
- ...Preservation of Crime Scene
- ...Drug Identification and Investigation
- ...Report Writing
- ...Key Control
- ...Bombs/Terroristic Threats/Gangs
- ...Interpersonal Relationships.

DOC will continue to provide training in the following areas, but SRS will need to supplement the training because of the unique needs of SRS:

- ...Firefighter Training (Osawatomie and Larned State Hospitals have their own fire departments and will continue to secure training from other resources)
- ...Use of Restraints (DOC provides training in the use of regular and therapeutic restraints-SRS will review DOC curriculum for use of therapeutic restraints and evaluate whether or not to continue its own training in this area which already is in place)
- ...Communication Skills
- ...Hazardous Materials
- ...Search and Seizure
- ...Missing Persons Reports
- ...Fire and Safety Inspections
- ...Legal Issues
- ...Security Procedures.

DOC does not provide training in the following areas of SRS identified needs, and SRS will continue providing it with its own resources:

- ...MANDT (non-violent crisis intervention)
- ...Patient Vehicular Transport
- ...Crime Prevention (SRS will need to obtain this training from local police department)
- ...Use of Seclusion
- ...Utility Shut Down Procedures
- ...Medical Records/Privacy/Confidentiality
- ...Traffic Control/Enforcement
- ...Mission, Philosophy, Values of SRS
- ...Use of Telephone Device for the Deaf

DOC has an interest in obtaining training for its staff in some of the above areas, and SRS wishes to cooperate in providing the training. Both agencies will collaborate in exploring this matter.

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# KANSAS DEPARTMENT OF CORRECTION

JOAN FINNEY, GOVERNOR

GARY STOTTS, SECRETARY

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TESTIMONY TO THE HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE  
ON HOUSE BILL 2010  
GARY STOTTS, SECRETARY OF CORRECTIONS  
JANUARY 13, 1993

I appear in support of House Bill 2010 which addresses the training of Department of Social and Rehabilitation Services security officers.

The history of this issue and the reason for the legislation is included in the interim report.

During the past few months, the Department of Corrections (DOC) and the Department of Social and Rehabilitation Services (SRS) have conducted a review of the training needs of security personnel employed by SRS institutions. Through this review the departments have identified SRS security officer training requirements and who best can deliver the required training.

Attached is a description of the currently agreed upon course curriculum identifying those portions of instruction which will be presented by DOC and those which will be provided by SRS. As proposed by HB 2010, the Secretary of Corrections would issue certification of training. We have discussed with SRS, and ask that the committee consider, an amendment to clarify that certification will be made after completion of DOC provided instruction and upon verification from an appropriate SRS official

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Attachment 3

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that trainees have successfully completed that part of the training program to be provided by SRS.

I believe this legislation will resolve the concerns expressed with the current provisions and allow for the desired level of training for SRS security officers.

ATTACHMENT TO TESTIMONY ON HOUSE BILL 2010

SRS SECURITY OFFICER  
BASIC TRAINING COURSE OF INSTRUCTION

TRAINING TO BE PROVIDED BY DOC:

First Aid/CPR	8.0 hours
Fire Safety	1.0 hour
Self-Defense	12.0 hours
Use of Communications Equipment	1.5 hours
Emergency Preparedness	2.0 hours
Sexual Harassment	1.5 hours
Cultural Awareness	2.5 hours
Stress Awareness/Management	8.0 hours
Preservation of a Crime Scene	1.0 hour
Drug Identification and Investigation	1.5 hours
Report Writing	4.0 hours
Key Control	2.0 hours
Bombs/Terroristic Threats/Gangs	1.0 hour
Interpersonal Relationships	3.5 hours

TOTAL 51.5 hours

TRAINING TO BE PROVIDED BY SRS:

MANDT (non-violent crisis intervention)  
Patient Vehicular Transport  
Crime Prevention  
Use of Seclusion  
Utility Shut Down Procedures  
Medical Records/Privacy/Confidentiality  
Traffic Control/Enforcement  
Mission, Philosophy, Values of SRS  
Use of Telephone Device for the Deaf  
Firefighter Training  
Use of Therapeutic Restraints  
Hazardous Materials  
Search and Seizure  
Missing Persons Reports  
Fire and Safety Inspections  
SRS Legal Issues  
SRS Security Procedures