

DCJS Justifications for Removing Photos from Identification Cards

October 7, 2014, Letter from Director Ecker to PIAVA (excerpt)

“One recurring topic of conversation is concern about the new registration cards for security services registrants, including private investigators. The change in our procedure is based upon statutory requirements and a regulatory change. The Department is required by the Code of Virginia to issue a registration card, not a photo identification card.

The practice of issuing photo identification cards was implemented a number of years ago when the Department was able to partner with an outside agency. The applicant’s identity was verified prior to the issuance of the credential. When this partnership was no longer feasible, the Department attempted to work with private training schools for the purposes of photo submittal. However, we did not have any control over the identity verification process and we became very concerned about the risk of providing a state-issued photo identification without direct verification of identity. Further, this additional step lengthened the time frame required for the Department to issue the credential.

We believe the employer is responsible for the production of photo identification. We do not issue photo identification cards for law enforcement personnel or correctional officers although we certify those individuals and we do not have any plans to issue them for private security registrants; we do not have the statutory authority to do so.”

December 3, 2013, PSSAB meeting Minutes (excerpt)

Registration ID Card

Ms. McGee addressed the Board’s concerns over the current design of the private security services registration card. The Board was advised that the current card is a temporary measure as the Department is in the process of replacing their database system and the final version of the registration card has not been completed. The Department still has modifications to make that should address more of the concerns from the industry and appreciates the observations and patience of the industry while working on the final credential template.

Members of the Board voiced additional concerns over the removal of the photo from the credential. It was explained one of the key reasons for the removal of the photo was based on the inability of the Department to verify that the photos being submitted by the Training Schools were legitimate and as such, the Department is unable to support producing a state issued photo identification card without validation of the identity of the individual. The Department also explained that the current statute does not require the Department to issue a photo id card but is charged with issuing a registration that verifies that the individual is appropriately registered in the specific registration categories.

After much discussion, the PSSAB members voted to submit a letter both to the Department and the Criminal Justice Services Board in which they will present the industry’s concerns and possible solutions for consideration that may result in the reinstatement of a more professional credential to include a photo of the registered individual. The Board hopes to present this to the Criminal Justice Services Board at the next meeting in March 2014.

September 18, 2013, PSSAB meeting Minutes (excerpt)

DCJS Report – Licensing and Customer Service

The application processing is currently up to date and credentials are being issued timely. A reminder was given to the Board and attendees that Private Security Services' registration cards will no longer be issued with a photo of the individual. According to the new regulations, registrants are required to carry either a state issued drivers' license, state issued photo identification or business issued photo identification with them while in the course of performing private security services. The Code of Virginia does require that the Department issue a photo on all licenses and registrations for Bail Bondsman, Bail Enforcement Agents and Special Conservators of the Peace; schools providing photo services, only need to submit photos for individuals applying for those credentials. (emphasis added)

July 23, 2013, PSSAB meeting Minutes

Public Comment – Ron McKown

Mr. McKown expressed his concern about the Department's decision to remove photographs from the registration cards. As a private investigator Mr. McKown is uneasy with using his driver's license as a form of photo identification because it bears his home address. As a private investigator Mr. McKown comes upon unsavory individuals, to whom he must present identification and does not want criminals to have access to his home address. If the decision was based on budget constraints, the Department could increase the application fees or allow the registrant the option to pay an additional fee for a photo.

Ms. McGee assured that the change is a matter of the Department's inability to verify that the photos received from the schools are in fact that of the individual to whom the card is being issued which presents a huge risk to security and public safety and the past practice of issuing a photo is not supported by statute. An alternative to this change could be:

1. The businesses could propose DMV to issue to their employees, a photographed State ID without addresses; or
2. The businesses could at their expense, issue photo identification cards to their employees.

Division Director Gooch advised that though the concern is appreciated, the Department is not exploring the option of offering a choice of having a photograph or not having a photograph displayed on the registration cards. The Department will issue a document of some form that will identify the category(ies) for which all DCJS requirements have been met. The Code of Virginia requires bail bondsmen, bail enforcement agents and SCOPS to have photo identification but not Private Security Services credentials. The Department will continue to issue those credentials, supported by Code, with a photograph.

Director Wheeler reiterated that Department received a multitude of complaints concerning registration cards with an incorrect photo. The Department must be able to ensure the integrity of any end product bearing the Department's name and seal; and they could no longer do so, which does not align with our focus on improving and promoting a safe and efficient criminal justice system across the Commonwealth of Virginia, it is in fact a safety risk and a liability. The Department has heard the concerns presented in favor of keeping the photos on the cards, and in consideration and within the spirit of public safety, will no longer issue registration cards bearing a photograph.