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More than two dozen states in the U.S. do not check whether security guard applicants are prohibited by court order from possessing guns.



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America's gun-toting guards armed with poor training, little oversight

*By Shoshana Walter and Ryan Gabrielson
The Center for Investigative Reporting*

<http://bit.ly/hiredguns1>

Armed security guards have become a ubiquitous presence in modern life, projecting an image of safety amid public fears of mass shootings and terrorism. But often, it's the guards themselves who pose the threat.

Across the U.S., a haphazard system of lax laws, minimal oversight and almost no accountability puts guns in the hands of guards who endanger public safety, a yearlong investigation by The Center for Investigative Reporting and CNN has found.

Men and women who have never fired a gun in their lives can set off on patrol in uniform, wearing a badge and carrying a loaded weapon, with only a few hours of training, if any. In 15 states, guards can openly carry guns on the job without any firearms training at all.

The results can be as tragic as they are predictable.

Near Atlanta, a former sheriff's deputy accused of erratic and threatening behavior at his old job later gunned down an unarmed man at his new job – patrolling an apartment complex. In Arizona, an armed guard prohibited by law from possessing a gun shot a teenager who was helping shoplift food from a convenience store, paralyzing the teen from the waist down.

Outside a Miami nightclub in 2012, an **armed guard opened fire** on two unarmed African American men he thought were menacing and reaching for guns. One man was killed and the other was left paralyzed.

After his arrest, the shooter was diagnosed with a variety of psychological disorders, including exhibiting schizophrenic and psychotic behavior. Comparing himself to George Zimmerman – the man who shot and killed unarmed teenager Trayvon Martin that same year – the former guard, who is white, told a psychiatrist that his arrest was a conspiracy created by the black community.

Only a handful of states require a mental health examination for armed security guards – Florida is not among them.

When security guards shoot their guns, few regulators seem to care. In a dozen states, armed security guards or their employers are required to report when they have fired a gun on the job. This critical information can be used to judge whether a guard is reckless. But despite clear evidence from media and police reports, many shootings go unreported to regulators – and when they are, **officials seldom take action**.

In **Louisiana**, regulators received eight reports of security guard-related shootings between 2007 and 2013; they investigated none of those. **North Carolina regulators** collected 36 reports but investigated and disciplined one guard for not being registered to carry a firearm. **Georgia** said it collected **four reports between 2008 and 2013**, even though media and law enforcement reports show at least two dozen shootings by security guards, including incidents that led to 23 injuries and deaths.

Few private-sector jobs carry as much risk for violence and harm as the armed security industry. The federal government estimates **about a million people work as security guards** – nearly **double the number of police officers** – but it's impossible to know exactly how many carry guns to Armed security guards have become a ubiquitous presence in modern life, projecting an image of safety amid public fears of mass shootings and terrorism. But often, it's the guards themselves who pose the threat.

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The gist

- Lack of consistent regulation and training has put the public – and armed guards – at risk.
- States have allowed people prohibited by law from owning a gun to work as armed guards.
- The presence of an armed security guard increases the chance of violence in bank robberies, FBI data shows.
- Armed guards can work in some states even with restraining orders and domestic violence convictions.
- In 15 states, a person can become an armed guard without any firearms training.

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Few private-sector jobs carry as much risk for violence and harm as the armed security industry. The federal government estimates **about a million people work as security guards** – nearly **double the number of police officers** – but it's impossible to know exactly how many carry guns to work because labor officials do not distinguish between armed and unarmed guards.

It's clear that the vast majority of armed security guards – many of whom work long hours for minimum wage – do their jobs without resorting to violence or breaking regulations. Their very presence at a business may deter crime. Among the thousands of security companies, big and small, most operate by following the rules and training their guards to state requirements.

Yet across the country, states do little to regulate the hired guns assigned to protect property, according to the CIR investigation with CNN, which included dozens of interviews and an analysis of thousands of pages of disciplinary records, licensing databases and shooting reports.

Fourteen states do not license or issue permits to armed security guard applicants. And nine states do not conduct a federal criminal background check, allowing anyone to work in the field regardless of his or her history, including potentially dangerous individuals, such as domestic abusers and felons.

Few states make any attempt to check whether guard applicants have abused drugs or alcohol or exhibit mental health problems and a predilection for violence. More than two dozen states do not check whether security guard applicants are prohibited by court order from possessing guns.

Background checks conducted by CIR identified armed guards with criminal records, restraining orders and domestic violence-related convictions that were overlooked before they were given permission to work in the security industry. A review of records in four states – Wisconsin, Pennsylvania, California and Illinois – revealed that regulators sometimes took months or years to discipline armed guards charged with or convicted of violent crimes, including armed robbery and arms dealing.

Another class of guards gets even less scrutiny from regulators – so-called proprietary guards. While security companies provide guards under contract to clients, proprietary guards are employed directly by businesses, from major retail chain stores to bars and neighborhood tow yards. Because these guards do not work for security guard companies, 31 states do not require them to have a license, get training or go through a criminal background check.

Across the states, the rules for getting a license vary widely. Some states issue a special armed guard license, registration or card. Other states license security guards and issue a separate firearms permit. In states where there is no licensing process, some companies or cities, **such as Denver**, impose their own rules.

This hodgepodge of rules and regulations has developed despite evidence that armed guards may increase the risk of violence, something the insurance and banking industries have noted for years. A statistical analysis of the FBI's bank robbery database **conducted by CIR** shows that during a bank robbery, the likelihood of a violent outcome more than tripled when an armed guard was present.

For decades, researchers have warned security companies about the risks of using armed guards. Beginning in 1968, a series of federally funded researchers found that the security guard industry was plagued by poor or nonexistent training. In 1971, researchers with the Rand Corp. recommended guards receive a minimum of 120 hours of training, not including instruction in the use of firearms.

Today, no state that regulates the industry comes close to meeting the training standards recommended by the country's largest membership group for security guards, **the International Foundation for Protection Officers**.

"We need to get this out there to the public, so they can realize it's a danger out there," said Steve Caballero, a security guard trainer who helped write California's firearms training manual. "And that's in the form of an untrained security officer with a gun."

The lack of uniform standards among the states also concerns security company owners with guards working across state lines.

"Because there's not uniform training, some of these guys are just dopes. But in reality, they're the first responders," said Lisa Dolan, CEO of **Securit**, a company that employs armed guards in 12 states.



CREDIT: ASSOCIATED PRESS

A teller was killed and a security guard and a customer were shot during a 2007 robbery at the Illinois Service Federal Savings and Loan in Chicago.

has been fired for egregious behavior on the job, making that person unsuitable for armed guard employment. Still, the state has never rejected an applicant because of a **questionable police record**, according to officials there.

In Waupun, Wisconsin, Driften Kitzman lost his job as a corrections officer after investigators determined he had beaten an inmate who was lying handcuffed on the floor. After nearly a decade with the state Department of Corrections and nine internal affairs investigations, Kitzman was convicted of battery in criminal court.

The beating occurred in July 2010, after an inmate talked back to another corrections officer, according to internal affairs reports. After the inmate was escorted to a room outside the view of other inmates, Kitzman slammed the inmate to the floor. Another officer helped Kitzman restrain the 5-foot-8-inch, 157-pound man until he no longer was resisting.

Blood from the inmate's mouth pooled on the floor, according to the reports. As four other officers watched, Kitzman pummeled the inmate in the side at least seven times.

"They were loud thumps," one of the officers, Tiffany Oertel, later told investigators. "I was in shock."

Investigators found that Kitzman – who did not respond to requests for comment – had acted improperly. After a lengthy investigation, prosecutors charged him with battery, misconduct and abuse of a resident of a penal facility. He was fired from the Department of Corrections in September 2010. That month, he applied for a license to work as a guard.

Under Wisconsin law, regulators could have chosen to disqualify Kitzman due to his misconduct. But regulators told CIR that they didn't check those records. When they asked on his application form whether he had any criminal charges pending, Kitzman noted that he didn't. He went to work as an armed guard for the Wisconsin-based security company SPS International Corp.

His former employer at SPS International, Shannon Haggett, recalled Kitzman as "a straight shooter, like a chiseled law enforcement stereotypical type of guy." The two worked together in high-crime neighborhoods in Milwaukee.

"He had some brawn to him, but he never stepped outside of his box on me," he said.

"Wouldn't it make more sense to have uniformity?"

A series of police shootings has focused national attention on the way police use their guns. Security guards carry the same weapons and often are mistaken for officers of the law. But they have little of the training or authority that law enforcement officers do.

Many law enforcement officers themselves go into the security profession as a second career or to make some extra cash. But **Oregon** stands alone among states in checking whether an applicant with law enforcement experience

Despite his good memories of Kitzman, Haggett said regulators should stop granting licenses to former law enforcement officers with questionable records.

“It’s pretty easy to become a security officer, provided you’re not a felon or child molester,” he said. “When these guys get fired from these police departments, it doesn’t stop them.”

More than a year later, regulators discovered that Kitzman had been convicted of battery and that he had lied on his application. In an order dated March 2012, regulators wrote that Kitzman had concealed information and “engaged in conduct which reflects adversely on his professional qualification.”

They suspended Kitzman’s license for 30 days. After paying a \$270 fine, regulators told Kitzman, he could resume working as an armed guard.

Prohibited possessors get guard jobs

Anyone who purchases a gun from a licensed firearms dealer is required to go through a background check to determine whether he or she has lost the right to bear arms. But 27 states do not check whether armed-guard applicants are in this federal database and prohibited from carrying a gun. The database of prohibited possessors includes categories such as restraining orders or mental health commitments that do not usually appear in a routine FBI background check.

If Arizona had required regulators to check the prohibited possessors database, Joshua Kosatschenko might not have received his license. And he might not have begun work as an armed guard at a Tucson Circle K convenience store where, six weeks later, he **shot and paralyzed** an unarmed teenager.

The incident took place in 2009, after Daniel Tarango, then 18, drove several friends to the store. He waited in the car while they grabbed three bean-and-cheese burritos, a bag of Cheetos and Hot Pockets and fled without paying. Kosatschenko, who was working with another security guard that night, chased them.

When Tarango tried to drive away, Kosatschenko shot him three times. Kosatschenko told police that Tarango was going to run over the other guard, but the detectives and second guard said he was never in danger.

In a court deposition related to the case, Kosatschenko said the shooting was justified – his job was to “to arrest shoplifters for anything, period.” When asked if he thought it was smart to chase after the Circle K shoplifters, he replied: “I wouldn’t necessarily say it was smart or not smart.”

Kosatschenko, then 19, was prohibited from possessing firearms due to a juvenile criminal record for assault and possession of a deadly weapon on school grounds at age 11 and aggravated assault with a deadly weapon at age 13. Although the crimes occurred when he was a juvenile, his prohibition to possess a gun was still in effect. But state regulators did not check the database when they licensed Kosatschenko.

“We never thought to ask anybody, ‘Are you a prohibited possessor?’ We figured this kid would know he’s not supposed to have a weapon,” said Kim Karbon-Sines, the former supervisor of the state Department of Public Safety’s Licensing Unit. “We did not know until after that incident.”

After the shooting, the department added a box to the security guard form, which now asks whether the applicant is a prohibited possessor. However, Capt. Steve Enteman, who leads the compliance and information services bureau of the Arizona Department of Public Safety, said the state still does not check that database.

Tarango uses a wheelchair and lives with his wife and two children in Tucson. In an interview at his home, he said he makes no excuse for being at the convenience store but still can't believe he almost was killed over stealing some food.

"I just want to know that when I'm gone that my kids are going to be safe, that whenever they are out somewhere," he said, "if they make a bad decision like kids do, that they won't be punished as severely as I was."

Charges against Kosatschenko of attempted murder and aggravated assault were dropped, and he was convicted of illegally possessing a firearm. He lost his armed guard license. He and his employer, Valley Protective Services, declined to be interviewed.

As recently as this year, Kosatschenko still worked at Valley Protective Services, where, according to his LinkedIn account, he is the hiring manager and a corporate trainer.

States responsible for setting regulations

Each state is left on its own to regulate security guards. There are **no federal training standards** for guards, no national database of armed guards and no way to tell how many have used their guns recklessly.

In 2013, armed and unarmed security guards earned an average of \$27,550 per year, about the same as barbers and receptionists, according to the Bureau of Labor Statistics. The meager wages and sometimes dangerous working conditions contribute to high turnover.

From August 2012 to December 2013, for example, Securitas, the largest security company in North America, employed nearly 23,000 guards in California alone. By the end of that period, the company had fired and replaced one-third of them, according to information supplied by the company in a lawsuit over allegations of unpaid overtime.

"You can make more working at In-N-Out and Starbucks than you can protecting someone's life and property," said Brian Oxley, an armed guard who patrols public housing complexes in San Francisco and has completed a reserve officer training program.

From training to equipment, guards have fewer tools at their disposal than police officers, who come with backup, arrest authority and myriad weapons. Many companies expect guards to arm



CREDIT: PUBLIC FACEBOOK PAGE

Six weeks after he was licensed as an armed security guard, Joshua Kosatschenko shot an 18-year-old man at a Tucson, Ariz., convenience store in 2009.



CREDIT: CNN FOOTAGE

Tucson, Ariz., resident Daniel Tarango was paralyzed from the waist down after an armed security guard shot him three times in 2009.

themselves. And in most states, there is no requirement that armed guards carry anything – such as pepper spray – other than a firearm. As a result, guards have few options in the face of threats. They can shoot, or they can run.

“My pants, my shirt, my badge, my nameplate, my gun, my radio, my baton – every single piece of equipment I’m wearing right now, I purchased,” Oxley said. “You’ve got a guy making \$10 an hour. You expect that guy to do that? No.”

Steve Amitay, a lobbyist and executive director of the [National Association of Security Companies](#), said the industry is plagued by such high turnover that many states don’t want to bother conducting background checks.

“The problem is the states don’t have the resources, don’t have the time. And some states don’t want to do it,” he said. “You have this situation where you have Sheriff Bubba, after he quits being a sheriff, decides to open his own security firm. He doesn’t have to do anything and can hire whoever – maybe some former convicts that he knew. That’s a big problem for these states who don’t have any type of licensing or regulation.”

The legal limitations of armed guards often are lost on the public. Many gun-toting guards patrol public and private property, enforce laws and rules, and wear uniforms, influencing the public perception that they hold power akin to law enforcement.

But there are many differences between guards and law enforcement officers, including the fact that, by and large, guards have no more arrest authority than anyone else. Generally, armed guards, like any other person, can make a so-called citizen’s arrest. When they’ve personally witnessed a



CREDIT: SARAH RICE FOR CIR

Brian Oxley, an armed guard who patrols public housing complexes in San Francisco, said he has to buy his own security equipment.

Division at the Oregon Department of Public Safety Standards and Training. “You get these situations where, perhaps in a crowd, something happens and they turn to the private security person who looks like a police officer for action, and they have little authority to do anything.”

Lapses in oversight come as the demand for armed guards continues to grow. States are licensing more armed guards than ever and demanding their presence in public life, including at transportation terminals, nuclear power plants, government buildings and schools.

In 2013, **South Dakota enacted a law** allowing teachers and guards to carry guns in schools after 80 hours of training, but the state has yet to pass a law requiring guards who work outside of schools to go through training or background checks. In Virginia, a recent law **allows guards to carry firearms in day care centers** and private and religious schools. This year, Michigan joined many states in **passing a law** authorizing guards at nuclear power plants to use deadly force “to deter intruders, thieves or saboteurs” without fear of liability. The state hasn’t set minimum licensing and training requirements for armed guards.

Some state agencies are issuing licenses at accelerated rates. In Virginia, there was a 434 percent increase in licenses between 2008 and 2013 – to 10,342. In Louisiana, the number has increased by 1,156 percent in the same time period – to 4,610 last year. In California, licensing authorities issued firearm permits to 11,768 security guards in 2012, a 35 percent increase over 2008.

Amid this growth, many security executives, trainers and guards believe most state standards are ineffective and too low, contributing to an expendable, undertrained workforce.

“To me, it makes absolutely no sense to have a minimum-wage guard responsible for multimillion-dollar critical infrastructure,” said Jeffrey Slotnick, a security consultant who leads a security council for ASIS International, the country’s largest industry group for security executives and managers. “Get rid of them. You’re better off without them.”

crime, they must call police to take a suspect into custody.

Police officers, on the other hand, are accountable to public – not private – entities. And they enjoy wide-ranging powers to enforce criminal and traffic laws, make arrests and detentions, serve warrants, and conduct searches and seizures. They may use coercive force to make an arrest. Armed guards, with some exceptions, may not.

“A lot of private security officers look just like a police officer would look,” said Linsay Hale, director of the Professional Standards

Background checks aren't thorough

A majority of states – 41 – require armed-guard applicants to go through FBI background checks, but CIR found the checks in many states are far from thorough, plagued by delays, gaps in criminal records databases and bureaucratic inefficiencies. In several states, guards convicted of violent crimes kept their licenses for months or even years, allowing them to find work easily as hired guns.

On average, Wisconsin regulators took a little more than a year to revoke the licenses of armed guards convicted of serious crimes, while Pennsylvania regulators took an average of two and a half years to revoke an armed guard license after a conviction, from illegally selling firearms to sexual abuse of children.

Illinois regulators took even longer. CIR examined disciplinary records in the state to find all cases involving guards with firearms. On average, it took regulators more than three years to discipline guards after they had been arrested for or convicted of firearm-related offenses or crimes.

The delay is because Illinois conducts one background check on armed guards – when they initially are licensed. Afterward, a guard can work for years without scrutiny.

“The only background check that occurs is on the initial application,” said Sue Hofer, spokeswoman for the Illinois Department of Financial and Professional Regulation. “We don’t have the resources to monitor every single guard.”

While some states, such as Arizona, issue emergency license suspensions when a guard is arrested or charged in a violent crime, most states do nothing, allowing armed guards cycling slowly through the legal system to continue working, even if they are a danger to themselves or others.

In Illinois, as well as Wisconsin, no law requires the courts or state law enforcement agency to notify regulators about new arrests or convictions for guards who carry guns. Regulators are forced to rely on the initiative of prosecutors or police, news reports or the guards themselves.

“It’s something the Legislature would have to take up and require either the Department of Justice or law enforcement to send us that report,” said Hannah Zillmer, spokeswoman for the Wisconsin Department of Safety and Professional Services. “The only way we could require that is by law.”

The challenge is similar in California, where state law requires courts to forward conviction information to the state Bureau of Security and Investigative Services, but regulators said the courts rarely notify them.

“That presumes that the court clerks and the courts know that a licensee has been convicted,” said Russ Heimerich, spokesman for the California Department of Consumer Affairs, which oversees the security bureau. “A lot of times, somebody who’s been convicted, their occupation never comes up. They don’t know enough to notify us.”

Different rules for proprietary guards

One of the complications regarding regulations is the gray area of proprietary guards – guards hired directly by businesses, such as retail chain stores, rather than through security companies. In

31 states, armed proprietary guards are not required to get a license, training or go through a background check.

In Georgia, where state law does not require proprietary guards to be licensed, Marvin Copeland got a job working as an armed guard at his brother's auto parts yard in Fulton County. Tall and gaunt, Copeland had a history of felony convictions, including for armed robbery and aggravated assault, and had recently served time in prison. He stayed at the auto yard overnight with his dog, Boss, to ward off trespassers.

One night in 2012, Daniel Exum, 26, broke into the office around 2 a.m., spotted Copeland and fled through the unlit yard to a waiting car. **Copeland fired shots at him**, later claiming it was too dark to see what happened.

"I was actually trying to scare them off. I wasn't actually trying to hit anybody," Copeland later told a detective. "I was shaking like a newborn tree."

Upon daylight, Copeland's brother found Exum dead, shot in the back, his body splayed on the ground. Copeland turned himself in to police and was convicted of involuntary manslaughter and being a convicted felon in possession of a firearm. He was sentenced to 20 years in prison.

Regulators have attempted to pass licensing requirements for proprietary guards in many states. But associations representing the businesses that hire security guards have lobbied heavily against them, arguing that training standards would add costs and drive business to contract security companies.

But Ira Lipman, founder and president of Guardsmark, which in the 1990s pushed for federal legislation to set minimum training and vetting requirements for guards, said his company remains committed to reform for the industry. He's astonished by the ease with which applicants with a criminal background in various states can get a license.

"To be in a prison in the morning and that afternoon be an armed officer is crazy," Lipman said. "There's a great need for standards. Without standards, things run amok."



CREDIT: GEORGIA DEPARTMENT OF CORRECTIONS
Proprietary guard Marvin Copeland fatally shot a trespasser while on duty at his brother's auto parts yard in Fulton County, Ga., in 2012.

Former CIR intern Caroline Chen and CIR reporters Rachael Bale and Matt Drange contributed to this story. CNN senior investigative producer Scott Zamost and CNN senior investigative correspondent Drew Griffin also contributed. The Mintz Group provided research help. Ryan Gabrielson now works for ProPublica. It was edited by Robert Salladay and Narda Zacchino and copy edited by Sheela Kamath and Nikki Frick.

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CREDIT: MAX WHITTAKER FOR CIR

Unarmed guard Anh “Lucky” Le was working in Sacramento, Calif.’s Little Saigon neighborhood in 2008 when another guard shot a suspected trespasser.



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Shootings by security guards rarely reported, let alone investigated

By Shoshana Walter
The Center for Investigative Reporting

<http://bit.ly/hiredguns2>

Security guard Teng Xiong unholstered his gun and hesitated. It was dark, past business hours on July 5, 2008, in the Little Saigon neighborhood of Sacramento, California, and a fight was unfolding quickly under blurry yellow streetlights.

Xiong and Golden Dragon Patrol supervisor Moua Vang had begun fighting with two young men who refused to leave a shopping center parking lot. Xiong, who was 25 at the time, pulled himself away from the fight and watched as Vang wrestled one man to the ground. Amid the chaos, another guard called 911, and Sacramento police sped to the scene.

As it became clear his supervisor was losing the fight, Xiong aimed his gun.

Fellow guard Anh “Lucky” Le recalled vividly what happened next: Vang “kept saying, ‘Shoot him. Shoot him.’ ”

Xiong pulled the trigger, sending a bullet through 19-year-old Randy Hernandez’s mouth. After paramedics arrived, an ambulance took Hernandez to the hospital. He survived.

As required by law, **Xiong reported the shooting** to the Bureau of Security and Investigative Services, the California agency that oversees the security guard industry. His report didn’t mention that his supervisor had ordered him to shoot. Nor did he mention that **he wasn’t carrying a baton or pepper spray**, making his gun his only weapon, records show.

But he had done his duty by informing state regulators about the incident.

After receiving Xiong’s report, the Bureau of Security and Investigative Services never contacted him. Regulators filed the report away. Xiong never faced criminal charges or questions about whether he should remain licensed as an armed guard. Xiong’s bosses invited him back to work.

The Xiong case illustrates a persistent problem in oversight of the armed security industry: Regulators repeatedly ignore or fail to thoroughly investigate guard-related shootings, leaving inadequately trained, traumatized or potentially dangerous guards on the job.

Every shooting by a law enforcement officer is investigated, usually by internal affairs or the district attorney’s office. But across the country, only 12 states require security guards or their employers to report the use of their guns. And regulatory agencies monitoring armed security guards rarely discipline them or their companies for not reporting a shooting.

Guards and their employers have failed to report dozens of shootings to state regulators, depriving the public of critical information to judge their safety records, according to an analysis by The

Center for Investigative Reporting.

In the 12 states that require discharge reports, the reports on file describe security guards shooting at fleeing suspects, shoplifters and moving cars and into crowded shopping malls, apartment complexes and parking lots.

But that’s where the reports usually end – stuck in a file cabinet deep in a state bureaucracy. In the rest of the country, when an armed security guard uses his or her weapon, no report is filed, no evidence is collected and no investigation takes place.

To analyze whether state regulators are

The gist

- Critical information on potentially violent or reckless armed guards is withheld from the public.
- Only 12 states require security guards or their employers to report when they fire a gun. The rest never ask.
- Some states do little or nothing to investigate when an armed guard reports firing a weapon.



CREDIT: PUBLIC FACEBOOK PAGE

Randy Hernandez, who was shot by a guard in 2008, said, “Now when I walk past them or see anybody who has a security uniform on, I get nervous.”

paying attention to guard-related shootings, CIR examined thousands of pages of gun discharge reports from a sample of six states – Florida, Virginia, Louisiana, North Carolina, Wisconsin and Georgia – and found that only Florida and Virginia routinely investigate security guard-related shootings.

Rather than assess a guard's actions, many regulators rely on criminal investigations to determine whether each guard acted within the law. They wait until a case has wound its way slowly through the criminal justice system. Then, if a guard is arrested and convicted of a crime, they take action.

"We take action on the convictions," said Laura Alarcon, chief of California's Bureau of Security and Investigative Services. "If the Department of Justice says this person should not possess a firearm, the firearm permit is revoked."

In Georgia, state regulators claimed to have received four reports between 2008 and 2013. Yet news reports compiled by CIR show at least 25 shootings by security guards during that time period, including incidents that led to 23 injuries or deaths.

In Minnesota, regulators told CIR that they had no record of ever having received a shooting report, despite the state law requiring them to publish annual statistics. Regulators in Georgia, Wisconsin and Louisiana collected fewer reports in that same period combined than did North Carolina, which collected 36.

Some states are more vigilant about finding and collecting reports: Regulators in Florida and Virginia regularly comb news reports for security guard-related shootings.

Investigators in both states made attempts to gather police reports and interview witnesses, even if they did little to punish guards or their employers. In Virginia, regulators fined guards \$100 for not reporting a shooting and sometimes issued no punishment at all.

But in some cases, to protect the public, they took immediate action. In 2008, for example, Florida regulators received a report of a guard who shot a bicycle thief at a Shell gas station in Orlando. Before police had completed their criminal investigation, licensing authorities met with the guard and persuaded him to surrender his license.

Sacramento fight escalates to shooting

The July 5, 2008, shooting in Sacramento, California, was the kind of incident that any security guard regulator should want to investigate, especially because Xiong was a relatively inexperienced guard. He'd gotten his firearm permit two years earlier, after working at a gas station. And by Xiong's



CREDIT: COURTESY OF THE STATE OF CALIFORNIA
Laura Alarcon, chief of California's Bureau of Security and Investigative Services, said the agency takes action once a guard is convicted of a crime.



CREDIT: MAX WHITTAKER FOR CIR

A 2008 security guard-related shooting in this Sacramento, Calif., parking lot shows how regulators repeatedly fail to investigate such incidents.

own admission, according to testimony in a civil court case, he had not kept up with his required firearms training.

For Hernandez, the shooting was the violent conclusion of a bad night. Hernandez, his brother and two friends were driving around trying to find a nightclub when the California Highway Patrol pulled them over and arrested the driver, one of the friends, for driving under the influence.

Officers towed the car and refused to let Hernandez, his brother and the remaining friend borrow a cellphone, according to court depositions of the officers and brothers. Finding the trio were not under the influence of drugs or alcohol, officers decided not to arrest them and told them to leave and pointed to a nearby gas station near a strip mall.

Hernandez spotted a car parked down the road. Inside was an unarmed guard working for Golden Dragon Patrol, Le, who was 25 at the time. He let Hernandez borrow his cellphone. When Hernandez couldn't reach anyone, the trio offered Le \$20 to give them a ride back home to Stockton.

Le wouldn't do it – he was on duty and felt pressured by their request, he told police and CIR in an interview. He worried they might try to steal his car. He drove across the street and told Xiong and his supervisor, then-26-year-old Vang, that three men had approached him and refused to leave.

Immediately, Le recalled in a deposition, Xiong and Vang sped over in their patrol car, approaching the trio aggressively. Tensions escalated when Vang questioned whether Hernandez was really

stranded and threatened to call police. The brothers grew angry.

Le said Vang welcomed the fight, saying “something loud like, ‘You guys want some of this?’ Or, ‘Do you want to fight or something?’ ”

Le did not see who threw the first punch, but suddenly, the Hernandez brothers and the two armed guards were fighting.

Xiong, realizing they were in trouble, backed away from the fight and pulled out his gun. In a deposition, Xiong recalled Vang yelling for help. Le remembers the supervisor telling Xiong to shoot.

“And I was like, ‘Oh man, I don’t know what to do,’ ” Xiong recalled. He said he yelled three times: “Stop, or I’ll shoot.”

When they didn’t stop, Xiong said he aimed at Randy Hernandez and fired.

The bullet tore through Hernandez’s skin, shattering part of his jaw and some teeth, partially severing his tongue and embedding bullet fragments in his neck. That night, he was taken to a hospital, where he remained for months. He lost his job at a nursing home.

When police arrived, Xiong placed his gun on the hood of the car and told an officer that he’d shot someone.

“Am I going to get handcuffed or what?” Xiong later would testify that he asked the officer. “And he says, ‘No. You got any injuries?’ ”

Now 26 years old, Hernandez lives in Stockton with his brother and cares for his 4-year-old daughter. He struggles with memories of that night in 2008 and pain in his jaw from the shooting.

Underneath his scarred skin are steel plates. When it’s cold outside, his bones ache. When he speaks, his tongue sounds glued to the roof of his mouth.

“Sometimes I’m thankful to just still be alive. That’s all that matters,” he said in an interview. “Now when I walk past them or see anybody who has a security uniform on, I get nervous. I don’t feel like they’re going to protect me.”

Xiong declined to speak about the case, but he testified about the shooting in a civil lawsuit Hernandez later filed. A judge in the suit ruled that the guards “improperly used deadly force resulting in catastrophic injury,” allowing Hernandez to pursue punitive damages in the case. The lawsuit was settled in 2012.

The owners of Golden Dragon Patrol did not return phone calls seeking comment.

Shaken by the experience, Xiong said in his testimony that he quit working as an armed guard. He told lawyers that **he was traumatized**.

“I just, you know, I almost taken a life,” he said during a deposition. “I’m not the type of person that would, you know, like to go shoot people like that.”

Vang, the supervisor, returned to Golden Dragon. He did not return calls seeking comment. Xiong returned to work as an unarmed guard, working fewer hours. He said he never received a call from state regulators about the shooting.

Today, Le is still an unarmed guard in Sacramento, working for another company. He said he feels guilt over what happened and wishes he had never called over Vang and Xiong for help.

“I don’t fight. I’m scared of that type of stuff. I’m here to protect the property, here to call the cops

and let the cops deal with that type of stuff, not me,” Le said in an interview with CIR. “I thought I called them over to help me stop the problem, not to fight or jump into it.”

Little public scrutiny, despite laws

For many years, armed guards were considered minor players in the security industry. Concerns about low training standards and oversight, beginning in the 1970s, prompted a series of laws and regulations, including the requirement that guards report use of their guns to state regulators.

Minnesota passed such a law in 1979; Georgia, in 1985. In 1994, lawmakers in North Carolina wrote that collecting the reports would allow regulators to track guards’ “use and misuse of fire-arms.”

But armed guards who use their guns face little public scrutiny. Three states – Illinois, Oklahoma and California – denied CIR’s requests for their gun discharge reports, citing state laws that exempt investigative records from public disclosure.

In many cases, security guard-related shootings detailed by the news media never were reported to regulators. CIR found more news reports than discharge reports in Georgia, Louisiana, Texas and Wisconsin. When they do file reports, some guards who used their guns recklessly received little more than a slap on the wrist.

Many of the reports detailed shootings that straddled a fine line between comical ineptitude and tragedy.

In 2012 at the Virginia National Guard’s Mullins Armory, a security guard was trying to remove a round from his gun when it accidentally went off, punching a hole in the reception desk and air conditioning unit.

Instead of reporting the discharge, he attempted to drywall and paint over the gunshot, then told supervisors that he had “fallen and accidentally punched a hole through the front of the lobby desk with his pen.” Supervisors discovered the deception and reported the accidental discharge to the state. The guard was fined \$200.

In North Carolina, regulators received 36 shooting reports from 2008 to 2013, more than CIR was able to find through news reports. But the agency did not investigate any of them.

Instead, state regulators looked for administrative violations, such as whether the guard received the legally required training, was registered to carry a weapon or reported the shooting within the legally mandated time frame.

“If it goes to the local court and the judge finds he or she guilty of a crime, then the board may or may not take action against the person’s registration,” said Anthony Bonapart, deputy director of North Carolina’s Private Protective Services Board.

I got here in 2008,” he said. “We haven’t had one of those.”

In Louisiana, regulators failed to investigate any of the eight shootings reported over an eight-year period. Wayne Rogillio, executive secretary of the state’s Board of Private Security Examiners, said his agency is burdened by limited resources, including having only two investigators – one full

time and one part time – on staff.

Like many regulators, the Louisiana agency waits to take action on a conviction or relies on companies to fire guards who needlessly shoot their guns. When that happens, Rogillio said, there's no need for regulators to conduct an investigation.

"A lot of times, the company will discharge that person who fired the weapon," Rogillio said. "That eliminates it going any further for us."

Withholding records

Despite the intent of the laws, in some states, regulators keep information about security guard shootings hidden from public view.

California, for example, refused to release its reports to CIR, citing state law that allows public agencies to withhold investigative records. But even if the agency chose to release the reports, regulators said they would be unable to provide them. The reports are not tracked or counted, but housed in individual files.

"The only way to find these is to go through each license file and see if there is an incident report in the file, which would constitute an overly burdensome request," said Russ Heimerich, a spokesman for the Department of Consumer Affairs, which oversees the state's Bureau of Security and Investigative Services.

In Georgia, police personnel files are considered public records, but regulators routinely withhold similar records on security guard shootings, including those that resulted in deaths and criminal investigations.

For example, Georgia regulators refused to release their investigations of fatal shootings by guards from one particular company in 2011 and 2012.

In the span of three months, two Shepperson Security & Escort Service guards who had left their assigned properties were involved in separate shooting deaths of two teenagers. Records show neither shooting was reported to regulators by the firm or the guards.

In the first case, a guard in Atlanta shot a teen in the back, killing him, after the youth fled a gunfight in which he reportedly was involved. The guard, who said he felt threatened, was not charged.

Less than three months later, in Decatur, Shepperson guards Curtis Scott and Gary Jackson, allegedly pretending to be law enforcement officers, left their post at an apartment complex to detain a car full of teenage girls, taking photos of their IDs, [according to police reports](#).

The guards didn't know the girls were waiting for Precious Jefferson, a classmate they were planning to fight over an insult she'd posted on Facebook. But Jefferson knew; she was driving up to her



CREDIT: PUBLIC FACEBOOK PAGE

Ervin Jefferson, 18, was shot and killed by a security guard who allegedly was pretending to be a law enforcement officer.

house with her mother and older brother, 18-year-old Ervin, and spotted the girls. Ervin Jefferson, deciding to come to his sister's aid, rushed angrily toward them while his stepfather, 35, emerged from the house, firing his gun into the air.

The light was dim. The shots were sudden. All Scott and Jackson saw was the fast-approaching Ervin Jefferson, shirtless and angry, according to police interviews with the guards.

"It happened so quickly," Jackson told detectives. "I didn't see a gun in his hand."

Scott shot the teenager in the chest, killing him. Jackson, who was not licensed to carry a firearm and was not allowed to carry a gun on the job, shot several times in the direction of the gunfire.

Police arrested the guards for impersonating police officers; they quickly posted bail. The investigation soon shifted from the teen's death to his stepfather, Bobby Hubbard Jr., who had a felony record.

"Based on the actions of Bobby Hubbard, the case against Curtis Scott and Gary Jackson pertaining to the shooting death of Ervin Jefferson has been closed/cleared as justified," detectives wrote in their case notes.

In October of this year, Hubbard pleaded guilty to aggravated assault and being a convicted felon in possession of a firearm. He was sentenced to two years in prison. The guards' charges of impersonating an officer were dropped this year.

In an interview with CIR, Scott said that the shooting was self-defense and that he never should have been charged with a crime. He said he believed Ervin Jefferson was shooting at him.

"It was actually traumatizing," he said. "I feared for my life. I felt like I was going to get shot. I felt like I was going to die that day. I was scared out of my mind. I was scared for my partner, I was scared for the other citizens that was down there in the cul-de-sac with us. So, I mean, they was shooting at us. There's nothing left to do but shoot back."

The shootings played out prominently in the local news, most likely drawing the attention of the state oversight board; regulators told CIR and local reporters that they conducted an investigation. But it is unclear what disciplinary action, if any, regulators took against the company.

According to minutes from a 2012 meeting, the state Board of Private Detective and Security Agencies initially proposed ordering owner Thomas Shepperson to remove his armed guards from their posts until he had retrained all of them and to pay \$500 for each violation, including failing to report the shootings. But in 2013, regulators voted to close the matter without issuing the order. The oversight board, composed heavily of industry executives, refused to release its investigation.

Today, owner Shepperson **remains licensed**. He did not return phone calls or emails and refused to answer the door to CIR reporters. His guards kept their licenses. Jackson could not be reached for comment.

After the shooting, Shepperson fired Scott, and Scott, an aspiring police officer, decided to leave the security profession. But recently, he decided to return; the board issued him a new registration this month.

"As the days go by, all I can do is, somewhere down the line, hope for justice," Ervin Jefferson's father, Ervin Jefferson Sr., said in an interview. "You wonder, why are they still walking around?"

His eyes flooded with tears. “If you get pulled over for driving without a license, you’re going to jail,” he said. “But you can carry a weapon and shoot someone to death, and it’s swept under the rug.”

Former CIR reporting intern Caroline Chen and former CIR reporter Ryan Gabrielson contributed to this story. CIR staff members Aaron Williams, Julia B. Chan, Jennifer LaFleur, Emmanuel Martinez and Rachael Bale and former CIR web producer La Toya Tooles helped with research. It was edited by Narda Zacchino and Robert Salladay and copy edited by Sheela Kamath and Nikki Frick.

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CREDIT: CNN FOOTAGE

During an April court hearing, Kijuan Byrd's father, Donald, exploded in rage over his son's killing and had to be removed from the courtroom.



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Florida clubgoer's death shows weak links in security guard licensing

By Shoshana Walter
The Center for Investigative Reporting

<http://bit.ly/hiredguns3>

MIAMI – On June 1, 2012, Lukace Kendle arrived for his 11 p.m. shift at Club Lexx, steering his Chevrolet Avalanche into the parking lot. Girls in skimpy tops and short skirts teetered on high heels as men with low-slung pants clustered around cars.

Standing beside his truck, Kendle began strapping on his gear for the night – a black bulletproof vest with two clips and a shiny metal badge, a holster with a nightstick, black gloves, a Glock 19 and a 17-round magazine.

The smell of marijuana and sweetly smoking barbecue clung to the humid air, drawing customers from the neighborhood as well as the club.



CREDIT: COURTESY OF ARLENE BYRD

Kijuan Byrd, with his former fiancée, Latrice Hill, was fatally shot by a security guard outside a Miami strip club in 2012.

What happened next left one Club Lexx patron paralyzed and another dead. And it exposed the underbelly of the armed security industry, where guards often work for little pay and without proper oversight from the state.

That violent night in Miami also reveals how regulators in Florida and across the country have approved guard licenses without conducting mental health evaluations or checking for evidence of substance abuse. Only four states – Delaware, Pennsylvania, Oklahoma and New Mexico – require armed-guard applicants to undergo a mental health evaluation, which is standard for law enforcement officers before

being stationed on the job.

Club Lexx – or Rol-Lexx, as longtime regulars call it – is a concrete fortress on a busy six-lane road just off Highway 924, also known as the Gratigny Parkway, in Miami. The strip club operates on full alert, with at least 10 surveillance cameras and a security guard manning the door who searches bags and pats down patrons as they arrive.

Inside on most nights, customers mingle with dancers around a dimly lit bar and pool tables. Some dancers wear bikini tops and thong underwear, but most perform naked. The club draws a lot of police activity, and the parking lot is patrolled by at least four armed guards every night.

After parking his truck and getting organized, Kendle noticed two men inside a gray Ford pickup backed into the space next to his own truck. Kendle – a former 190-pound bodybuilder nicknamed “Juice” – **later said** they were watching him menacingly and rolling what he thought was a joint.

Kendle, who was 26 at the time, walked over to greet two colleagues from Force Protection Security, then went back to his truck to retrieve his cigarettes, he later told police. Kendle said he was approaching his truck when the two men, both of whom were African American, opened their doors simultaneously.

Kendle, who is white, told police that one of the men shouted, “I’m gonna kill you, nigga,” while the driver, Michael Smathers, looked like he “might have been pulling something upwards.” He also said both men appeared to be making motions with their hands.

In an interview, Smathers said neither he nor his friend Kijuan Byrd said anything to Kendle. Smathers said he opened his car door and the guard told him to put his hands up. He said he did what he was told.

“There were no words even exchanged,” he said. “We never said a word to this guy at all. The only thing I remember was opening my car door and him telling me to put my hands up.”

Kendle pulled his Glock out of his holster and began shooting.

The shots came quickly – at least a dozen, according to an autopsy report and statements Kendle



CREDIT: CREDIT: CNN FOOTAGE

Club Lexx in Miami operates with at least 10 surveillance cameras and a security guard manning the door who searches bags and pats down patrons.

later made to police.

Patrons fled, some ducking behind cars as the shots blasted across the busy parking lot. The outdoor barbecue near the entrance was suddenly abandoned, people now huddling on the ground. Turning to look, they saw a muscular man dressed all in black shooting into the side of the parked pickup.

“Who’s popping fireworks?” Tiffany Harris, who was waiting to buy a rib sandwich at the barbecue stand, said with a laugh. But when she looked behind her, she saw Kendle firing his gun into the truck.

“That’s when I ducked down,” she said, according to a police report of the incident.

Kendle fired at least three times into the windshield and continued along the driver’s side, striking Smathers four times. Then he directed his attention to Byrd in the passenger seat. Byrd, 29 years old and a father of two, fell from the car onto the asphalt, grasping for cover underneath the pickup.

“I pursued the assailant,” Kendle later told the police. “And when I got into a position to fire, I did again.” Kendle couldn’t see Byrd’s hands and didn’t hear gunfire, he said, but “I feared for my life.”

He kept shooting. In total, Kendle shot Byrd eight times – at least four times in the back – as he crawled toward safety underneath the truck, according to the [autopsy report](#). Kendle told police he thought both men were armed.

Smathers also fell out of the car onto the ground.

Security guard [Juan Lopez ran over](#) to provide backup but noticed, to his surprise, that Smathers did not have a gun, Lopez later told police. He holstered his weapon, then felt a tug on his foot.

“Help,” moaned Byrd, grabbing Lopez’s shoe from underneath the car. Byrd didn’t have a gun, either.

Dozens of people poured out of the club, surrounding the bloody scene. Lopez and another guard, Brian Rodgers, tried placing pressure on Smathers’ wounds.

Kendle called 911.

“How you doing?” he greeted the dispatcher in a calm, steady voice. “There’s a shooting at Club Rol-Lexx.”

“Where’s the gunman now?”

“I am the gunman,” Kendle said. “I’m the security officer here.”

Mental health unexamined



Byrd was dead by the time he arrived at the hospital. Smathers would remain in critical condition for weeks, paralyzed from the waist down. He spent months in a hospital bed.

On June 8, 2012, seven days after the shooting, police arrested Kendle on murder and attempted murder charges.

In December of that year, while in jail, Kendle was diagnosed with impulse control disorder and antisocial personality disorder. A year later, after he demanded to represent himself in court, another court-ordered psychiatrist concluded there was a “substantial likelihood” that he had a mental illness. She diagnosed him with a delusional disorder.



CREDIT: CNN FOOTAGE

Former armed security guard Lukace Kendle is accused of killing one man and paralyzing another in a shooting outside a Miami strip club in 2012.

Two months later, two additional court-ordered psychiatrists diagnosed Kendle with unspecified schizophrenia spectrum, alcohol use disorder, specified personality disorder with antisocial and narcissistic features, and what they described as an “other psychotic disorder,” **court records** show.

It’s not known whether a psychiatrist would have diagnosed Kendle with the same mental health conditions had he been subject to an examination before he became an armed

guard in 2011.

Kendle's mother, Cris Kendle, says that her son was the victim in the Club Lexx shooting incident and that it was his time in isolation at the Miami-Dade County jail after the shooting that made him mentally ill. Lukace Kendle asked officers to put him in isolation for his own protection, reports show.

"My son has been terrorized in our system. And for what?" she said. "He is completely innocent of these two attackers. He is the victim, my son is the victim in this whole thing."

Jail reports show Kendle frequently started fights with other inmates and destroyed jail property. At one point, he went on a fast, refused to wear clothes and threatened to kill himself and an officer.

Amid a public uproar over the killing of unarmed teenager Trayvon Martin, Kendle compared himself to the shooter, George Zimmerman, and told a psychiatrist that his arrest was a conspiracy created by the black community.

Kendle has maintained that he thought Smathers and Byrd were armed and that he was defending himself, and he repeatedly has refused to go to court, see his family or meet with his attorneys. He told his mother that he would not agree to meet with her until he saw her on the news picketing for his release on the courthouse steps.

"I don't want a trial; it's just a charade," he told the judge during a hearing in April.

On his armed-guard license application, Kendle disclosed that he had a criminal history. But he did not mention the alcohol-related problems that resulted in his discharge from the U.S. Navy or his past addiction to crack cocaine, cited later by his mother in court documents. He'd been arrested for marijuana possession and disorderly intoxication, requiring him to complete a treatment program. In jail, he'd later deny any history of drug or alcohol abuse.

Federal law prohibits substance abusers and individuals who have been judged mentally defective or committed to a mental institution from possessing firearms. Yet in the security industry, few states make any real attempt to bar armed guard applicants who abuse drugs or alcohol or who have diagnosed mental health conditions that show a predilection for violence.

Kendle initially agreed to an interview with The Center for Investigative Reporting and CNN, but in November, the court deemed him mentally incompetent to stand trial, and he was involuntarily committed for treatment. A doctor treating Kendle denied the interview request. The trial has been delayed.

The shooting at Club Lexx was the culmination of years of violence and disruption in Kendle's life.

In 2008, he befriended a small-time drug dealer in Miami and started partying and getting into fights. In 2010, another drug dealer struck him in the face with a brick, breaking four bones and leav-



CREDIT: DOMINIC SWANN/CNN

After being shot by a security guard outside Club Lexx in 2012, Michael Smathers was paralyzed from the waist down and spent months in a hospital bed.



CREDIT: MIAMI-DADE POLICE DEPARTMENT

Lukace Kendle was diagnosed with impulse control disorder and antisocial personality disorder while in jail after the 2012 shooting.

ing a scar across his face, according to Kendle's interview with Miami-Dade County detectives. Kendle didn't report the incident to police at the time.

The next year, Kendle decided to become a guard. His parents bought him a gun, which was registered to his father, and Kendle began working as an armed security guard.

In July 2011, after partying at a club until 4 a.m., Kendle went to smoke weed at the house where he had been attacked, and the dealer who had struck him with a brick was there. As Kendle sat on the porch, someone snuck up

behind him and hit him in the back of the head, according to police reports.

When he regained consciousness, he saw the dealer screaming at him, holding a metal bar in his hand. Kendle staggered away and was airlifted to a hospital. When he returned for his car the next day, he discovered his gun had been stolen and reported the incident to police.

Fearing retaliation, Kendle moved temporarily to Pennsylvania, where court records show he got into further trouble. Between September 2011 and February 2012, he was arrested three times and convicted of driving under the influence, public drunkenness twice and retail theft.

The convictions might have disqualified Kendle as an armed guard. But the state never found out about them.

"For those that happened outside of Florida, it's very hit or miss. Sometimes we get notified, sometimes we don't," said Erin Gillespie, spokeswoman for the Florida Department of Agriculture and Consumer Services, adding that the agency is proposing legislation to fix the problem early next year.

Kendle returned to Florida, where the court had issued a stay-away order against the drug dealer who attacked him. Kendle had changed, his family and co-workers said.

"He was always paranoid," security guard Juan Lopez recalled in an interview. "He was always complaining about his head hurting. He was always looking over his shoulder. Apparently, he never wanted anybody behind him."

A life cut short

When Arlene Byrd got to the hospital on the night her son was killed, she couldn't believe the number of bullet holes that riddled Kijuan's body. The bullets scorched his skin between his tattoos – including three in the names of his daughter, his grandmother and his mother.

She worked for Miami-Dade County alongside Trayvon Martin's mother and aunt, and she'd helped organize a fundraiser for the Martin family after the teen's high-profile shooting death. She'd



CREDIT: COURTESY OF ARLENE BYRD

Kijuan Byrd, seen here with his daughter, Kiyani, was shot eight times as he crawled for safety under a truck parked outside Club Lexx in Miami.

thought: "That could have been my son."

Now, she realized, it was.

The killing infuriated the Byrd family.

During an April 4, 2014, court hearing, Byrd's father, Donald, became enraged.

"You murdered my son, man, for nothing! He was trying to get away from you. You, you – he was trying to get away from you, man. You kept shooting him while his back was under the truck. You kept shooting him, man. You kept shooting him in his back! ... He was trying to get away from you, and you murdered him, man!"

The outburst stunned the courtroom. Arlene Byrd sobbed in her seat. Kendle gazed passively as Shamara Byrd pulled her father out of the room.

Smathers was left permanently paralyzed from the waist down. He lives in a bedroom in a duplex with his father, sister and niece and rarely leaves the house, except for doctor's appointments. An aide comes to attend to him six days a week. She has become one of his closest friends.



He struggles to understand the shooting that left one of his best friends dead.

“For me to wake up and find out he’s already been buried – I didn’t believe it. I did not believe it,” he said. “What is the reason behind the shooting? I don’t know. I can’t explain it to myself.”

Security firm under investigation

The shooting brought unwanted attention to Kendle’s employer, Force Protection Security, whose owner, Belgrave Arellano, had been investigated by the state four times before the shooting.

Arellano had been a security guard for years before starting his own firm in 2007. He advised his \$12-an-hour guards to be aggressive with drunken clubgoers, according to Lopez, one of his former guards.

Paychecks sometimes were late, and Arellano did not pay benefits or overtime, former employees said.

A former guard also complained that Arellano was hiring armed guards who were untrained and unlicensed. When he received the state’s request to review his payroll records for evidence, Arellano told state investigators that he destroyed them.

Instead of suspending or revoking his license, the state let Arellano keep it in exchange for a \$250 fine. The investigation was closed.

Speaking to a CNN reporter, Arellano’s attorney described the state’s investigations as minor. “He is not some guy who doesn’t know what he is doing. He was in the Army,” said attorney Doug Jeffrey.

Arellano declined to speak with CIR about his business, except to say about the Kendle case: “We’re deeply sorry, and we offered our apologies to the family. Our attorneys are handling it. ... I’m not going to make comments about something I wasn’t there for.”

The Kendle case was not the first time one of Arellano’s guards had hurt someone with a gun.

Luis Fonseca was working at a nightclub in Miami in September 2011 when patron Robinson Almonor punched a local rapper, Bengy Chery, in the back of the head. Almonor was ordered to leave the club, while Fonseca escorted Chery and his fiancée, Tranise Myrthil, to their car, according to police reports.

In the parking lot, Fonseca noticed Almonor driving toward them. He later told police that he heard the sound of a gunshot and shattering glass.

Fonseca began shooting, according to police reports, emptying all 18 rounds from his Glock handgun. Myrthil and Chery both were struck by bullets, as was Almonor’s burgundy Pontiac, which



CREDIT: CNN FOOTAGE

Force Protection Security owner Belgrave Arellano has been investigated over allegations that he had hired unlicensed and untrained armed guards.

struck the couple. They tumbled onto the hood. Fonseca jumped out of the way and continued shooting as Almonor sped away. He was not hit.

Both of Myrthil's collarbones were broken, and her body convulsed as blood poured out of a deep cut on her back. The bullet that struck Chery was lodged in his stomach. He bled heavily from a cut on his head.

Fonseca holstered his gun and rushed over to Myrthil to check her pulse. He didn't know he had shot them.

"Breathe. Calm down," he said to slow Myrthil's breathing, according to police reports. He spotted a squad car and told the officer to call an ambulance.

Paramedics rushed Chery and Myrthil to the hospital. Both survived. Fonseca was questioned by police that night.

"I wanted to say, 'Get out of the way,' but I just couldn't," Fonseca told detectives.

"And do you know how many rounds hit that vehicle?"

"No, sir."

"Do you know where your rounds hit?"

"No, sir."

State law requires security guards and their employers to report shootings to licensing authorities. Florida is among the strictest of the states that mandate gun discharge reports. Authorities investigate each shooting and determine whether the guard was justified in using a gun, needs more training or should have his or her license revoked.

But neither Fonseca nor his employer, Arellano, reported the shooting to licensing authorities, according to the state. No news outlets wrote about it. The state remained unaware that it had occurred.

Almonor was convicted of aggravated assault with a deadly weapon. They listed Fonseca, who was not arrested, as a witness and victim. Fonseca – who could not be reached for comment – kept his license.

In an interview, Myrthil said that after the shooting, she was forced to leave school and stayed indoors for months. But she doesn't blame Fonseca. "I don't think he had any bad intent. He may have thought he was trying to protect us."

Facing several lawsuits in recent years, Arellano shuttered Force Protection Security and began operating another firm, Camelot Protection Group, full time. Camelot's license expired in October. A new security company, operating at Camelot's business address with Force Protection's phone number, is now advertising job openings for armed guards.

CNN senior investigative producer Scott Zamost and CNN senior investigative correspondent Drew Griffin contributed to this story. It was edited by Robert Salladay and Narda Zacchino and copy edited by Sheela Kamath and Nikki Frick.

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