



STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
500 JAMES ROBERTSON PARKWAY  
NASHVILLE, TENNESSEE 37243-5065  
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**BILL LEE**  
GOVERNOR

**CARTER LAWRENCE**  
COMMISSIONER

July 1, 2022


The Honorable Bill Lee  
Governor of Tennessee  
State Capitol, 1<sup>st</sup> Floor  
600 Dr. Martin L. King, Jr. Blvd.  
Nashville, TN 37243

Dear Governor Lee:

In response to Executive Order No. 97, I am submitting the attached memoranda made in collaboration with the Department of Safety and Homeland Security.

I look forward to continuing work on this important topic. Please let me or my staff know if we can be of further assistance.

Sincerely,

  
Carter Lawrence (Jul 1, 2022 14:38 CDT)

Carter Lawrence  
Commissioner

Attachments

cc: Brandon O. Gibson, Chief Operating Officer  
Jonathan Skrmetti, General Counsel to the Governor  
Tony Niknejad, Director of Policy  
Brent Easley, Director of Legislation




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M E M O R A N D U M

TO: Bill Lee  
Governor

FROM: Carter Lawrence   
Commissioner  
Carter Lawrence (Jul 1, 2022 14:38 CDT)

SUBJECT: Executive Order No. 97 and TLETA/POST

DATE: July 1, 2022

On June 6, 2022, Governor Lee issued Executive Order No. 97 which requires the Department of Commerce and Insurance, through the Tennessee Law Enforcement Training Academy, to “collaborate with the Department of Safety & Homeland Security to evaluate and assess current law enforcement training standards for active shooter response training in Tennessee.” Executive Order No. 97 requires “no later than July 1, 2022, TLETA shall make a report to the Governor recommending expansions, improvements, or enhancements to those standards and discussing the expansion of active shooter response training to local law enforcement agencies and related education stakeholders.”

This memorandum is in response to that requirement and represents the hard work of multiple state agencies and showcases the cooperative spirit between the Departments of Safety & Homeland Security and Commerce and Insurance. Contributing to the information summarized in this memorandum was the Tennessee Highway Patrol (“THP”), the Department of Safety & Homeland Security (“Safety”), and the Tennessee Law Enforcement Training Academy (“TLETA”).

**Current Law Enforcement Training Standards in Tennessee**

Active shooter training is not specifically designated in the required Basic Police School curriculum in Tennessee; however, all academies in the state include at least some active shooter training in each academy class or during the officer’s initial training with their respective agency. The law enforcement instructors with the Tennessee Peace Officer Standards and Training Commission (“POST”) evaluated the basic training programs submitted for approval this year as well as the basic programs that are not yet submitted but will be conducted by local agencies. This evaluation included only training specifically listed as active shooter training. Additionally, investigators contacted each

academy to determine if they provided additional training and determined some agencies conduct active shooter training following the academy in the field training program.

The chart below shows the number of active shooter response training hours provided at each training academy:

| <b>Law Enforcement Training Academy</b>     | <b>Basic/FTO Training Hours</b> |
|---|---------------------------------|
| Shelby County Sheriff's Office              | 44                              |
| Metropolitan Nashville Police Department    | 28                              |
| Memphis Police Department                   | 24                              |
| Tennessee Highway Patrol                    | 24                              |
| Chattanooga Police Department               | 23                              |
| Blount County Sheriff's Office              | 16                              |
| Knox County Sheriff's Office                | 16                              |
| Cleveland State Community College           | 11                              |
| Tennessee Law Enforcement Training Academy* | 8                               |
| Walters State Community College             | 8                               |
| Knoxville Police Department                 | 4                               |

*\*TLETA is expanding to 12 hours in its next basic class and is planning to offer at least 16 hours of active shooter training in the future.*

While the *specifically designated* active shooter training hours may appear low for some academies, many disciplines taught in the basic training programs do cover related topics such as building clearing techniques and response to crimes in progress that benefit officers responding to active shooter incidents.

Annually, law enforcement agencies in Tennessee are required to complete 40 hours of in-service training. Within the 40 hours of training, the following topics are mandated with the remaining hours appropriate to an officer's rank and responsibility:

- Firearms
- Emergency Vehicle Operations
- Mental Illness
- Child Abuse & Child Sexual Abuse
- De-Escalation & Duty to Intervene
- Public Assembly Interaction
- Officer Wellness
- Community Involvement

Active shooter response training is not currently mandated by POST, and there is no standard curriculum across the state for agencies to use for their training in this specific topic. All mandated training required in the POST rules will be evaluated in 2024. De-escalation and Duty to Intervene, Public Assembly Interaction, Officer Wellness, and Community Involvement requirements sunset after 2023.

Nationally Recognized Programs

There are two programs that are widely recognized and accepted as the standard by the Federal Bureau of Investigation since 2013: the Federal Law Enforcement Training Center’s (“FLETC”) Active Shooter Threat Training Program and the Advanced Law Enforcement Rapid Response Training (“ALERRT”).

Standards/Practices in Bordering States

The following table provides information on how active shooter training is approached in neighboring/close states:

| State          | Basic Required Hours                  | In-Service Required Hours |
|----------------|---------------------------------------|---------------------------|
| Alabama        | 16 hours                              | Not required              |
| Arkansas       | 16 hours                              | Not required              |
| Georgia        | Not required                          | Not required              |
| Kentucky       | Not required                          | Not required              |
| Mississippi    | 16 hours                              | Not required              |
| Missouri       | Not required-Covered in other courses | Not required              |
| North Carolina | 8 hours currently<br>16 hours in 2023 | 4 hours, one-time mandate |
| South Carolina | Not required/<br>8 hours training     | Not required              |
| Virginia       | Not required                          | Not required              |

There is no clear or consistent standard for mandated basic or in-service training in the states bordering or close to Tennessee; however, it does appear these states may be trending toward a 16-hour requirement in basic training.

**Expansions, Improvements, and Enhancements to Current Training**

*Basic Police School Training*

The working group consisting of THP, Safety, and TLETA recommends sixteen (16) hours of training for law enforcement officers in basic police schools/academies utilizing the ALERRT Basic Course/Active Shooter Response Level I program or a similar active shooter response course covering the following mandatory topics:

- Active shooters vs. barricaded subjects
- Weapon manipulation
- Single and multiple officer response
- Breaching
- Approaching the crisis site
- Room entry tactics
- Explosive hazards

- Medical training
- Link-up tactics
- Post-shooting issues

It is appropriate for the ALERRT/Level I course, or substantially similar alternative program, to include some lectures but the training should primarily be hands-on and practical training focused on building skillsets and scenario-based learning for cadets

#### *Annual In-Service Training*

The working group recommends all law enforcement personnel in Tennessee attend a 16-hour active shooter training program if they have not attended such a program in basic training.

The working group also recommends requiring minimum of two (2) hours of active shooter response training each year during in-service in addition to the current mandated training; however, agencies may incorporate those two hours into the annual firearms training requirement. The training should be hands-on and practical and should also be focused on one or more of the following topics:

- Shooting while moving
- Tactical Emergency Casualty Care or more advanced first aid courses
- Room entry
- Breaching techniques
- Communications
- Approaching the crisis site
- Threat identification
- Hallway movement

Finally, topics covered annually should be covered in detail and should be rotated annually.

It should also be noted this is a recommendation for minimum training standards, and agencies are not prohibited from providing training in excess of the proposed requirements. Academies exceeding the 16-hour basic training and agencies exceeding two annual hours are encouraged to continue these practices.

The recently-amended rules of the POST Commission become effective June 30, 2022, and include a provision to review all mandated annual training requirements in 2024. This review provides an excellent opportunity to make active shooter training permanent and to allow Tennessee law enforcement agencies to acquire the instructor-level training necessary to provide the required active shooter training for their officers in 2024 and beyond. If agencies determine they should send instructors to a national program such as ALERRT or FLETC, they will need time to coordinate the training, travel, and secure the funding in their budgets. Unfortunately, budgets are most likely already set for most local

governments in Tennessee for the 2022-2023 fiscal year. Additional funding for some agencies for these programs may not be available until July 2023 at the earliest.

The recommendations in this memorandum will require coordination of resources and time from local agencies to accomplish full implementation. The recommendations will be strongly encouraged immediately in 2023, and when the POST rules are evaluated in 2024, these recommendations can be added at that time. In the interim, TLETA and THP are committed to providing training throughout the state.

#### *ALERT or Equivalent Language*

The working group determined selecting one program for such a diverse state as Tennessee would not be wise due in part to the differences in agencies. The working group opted instead to recommend the ALERT program *or* any substantially similar active shooter program. Further, active shooter training programs should stress the immediate need to neutralize the active shooter without delay. Finally, utilizing one plan as opposed to allowing similar programs stifles innovation and does not allow for rapid adoption of techniques, tactics, and procedures that may change slightly or significantly after an attack. This language allows for agencies to be flexible.

#### **Future Curriculum Development and Provisions for Delivery to Tennessee Law Enforcement Agencies**

Immediately, TLETA will:

- Enhance the current active shooter training program in the Basic Police School.
- Develop an active shooter response course based on the minimum standards outlined in this memorandum and will deliver that training to local law enforcement agencies.
  - Develop an instructor-level course and provide this training to local law enforcement agency training personnel.
  - Develop an instructor-trainer course for local law enforcement agencies to self-sustain active shooter response training.
    - Provide this training to agencies across the state, prioritizing rural areas and economically distressed and at-risk counties as we have been doing with other training.
- Provide lone officer response to active shooter training throughout the state and will offer a three-day course for School Resource Officers (“SROs”) at TLETA until the above programs are fully developed.

Safety will provide availability for each training session held by THP, serving distressed and underprivileged counties first and then others on a first-come, first-serve basis, if necessary.

**Provisions for Delivery to Local Education Stakeholders**

Safety will address the delivery of training to local education stakeholders as required in other sections of the executive order.

**Additional Recommendations to Enhance K-12 School Safety**

School Resource Officers are critical to ensuring the safety and security of Tennessee's children. These officers serve a unique environment and require additional skills and training above and beyond the basic training required for patrol officers. The University of Tennessee Law Enforcement Innovation Center ("UT LEIC") developed a training curriculum with the Tennessee Department of Education. The training program is pending approval from the Department of Education. It is recommended this training be approved for delivery to the state's SROs. UT LEIC and the Department of Education presented an overview of the program to the executive leadership at TLETA, and the program appears to be a model curriculum. Upon submission to POST, we will expedite approval of this program. This review process is a product of collaboration between the team working on the curriculum and TLETA. To complement the SRO training program that the UT LEIC and the Tennessee Department of Education created, TLETA will provide a practical active shooter training program consisting of a 24-hour/3-day program for a lone officer response. Practical training to confront active school shooters is a critical component of ensuring SROs have the knowledge and experience to confront a violent intruder.

TLETA and Safety will focus on providing active shooter training in each grand division prior to the start of the 2022-2023.




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**TO:** Bill Lee  
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**FROM:** Carter Lawrence   
Commissioner Carter Lawrence (Jul 1, 2022 14:38 CDT)

**SUBJECT:** Executive Order No. 97 and Armed Security Guards in Non-Public Schools

**DATE:** July 1, 2022

**I. Response of the Department of Commerce and Insurance to Executive Order 97.**

Executive Order Number 97, signed by Governor Bill Lee on June 6, 2022, directed the Department to review the use of armed security guards in non-public schools and to draft a report with the Department of Safety & Homeland Security addressing the need for active-shooter trainings for armed guards.<sup>1</sup> After reviewing the applicable laws and regulations, the Department held meetings with certified trainers and officials affiliated with non-public schools and sent written requests for information related to the following topics: (1) the type of active-shooter training provided; (2) whether active-shooter training includes school security personnel, administrators, staff, and/or students; and (3) the interval in which the training is provided.

**II. Factual Background.**

The statutory authority to regulate security guards and security companies in Tennessee is established by the Private Protective Services Licensing and Regulatory Act (“Act”), codified in Tennessee Code Annotated Title 62, Chapter 35. The Act confers the authority to regulate security guards and security companies to the Department of Commerce and Insurance, Division of Regulatory Boards (“Department”). The licensing and regulation of this profession is handled by the Detection Services Licensing Program (“Program”).

To become a registered security guard, individuals must apply to the Program, satisfy the respective training requirements, and pass an examination following the training.<sup>2</sup> The table below identifies the training requirements for initial licensure and license renewal for both unarmed and armed guards:



| <b>Security Guard Registration Type</b>                           | <b>Total Training Hours</b>        | <b>Required Training Subjects</b>  |
|---|------------------------------------|--|
| Unarmed Security Guard Training <sup>3</sup>                      | 4-hours                            | 1. Orientation: one (1) hour;<br>2. Legal powers and limitations of a security guard/officer: one (1) hour;<br>3. Emergency procedures: one (1) hour; and<br>4. General duties: one (1) hour.  |
| Armed Security Guard Training <sup>4</sup>                        | 16-hours                           | 1. Four (4) hour unarmed guard training; plus<br>2. At least eight (8) additional classroom hours of firearms training administered by a certified trainer covering at least: (a) legal limitations of the use of a firearm; (b) handling of a firearm; and (c) safety and maintenance; and<br>3. At least four (4) hours of marksmanship training including completion of a silhouette target course. |
| Unarmed Security Guard Registration Renewal Training <sup>5</sup> | 2-hours                            | 1. Two (2) hours of refresher training covering the subjects of the initial unarmed guard training.  |
| Armed Security Guard Registration Renewal Training <sup>6</sup>   | 4-hours plus range recertification | 1. Four (4) hours of refresher training covering the subjects of the initial armed classroom training; and<br>2. Requalification on a silhouette target course.  |

| <b>Type of Registration or License</b>        | <b>Number of Registrants or Licensees<sup>7</sup></b> |
|---|---|
| Unarmed Security Guards                       | 24,400  |
| Armed Security Guards                         | 13,807  |
| Active Certified Trainers                     | 427   |
| Licensed Contract Security Companies          | 457   |
| Registered Proprietary Security Organizations | 590 <sup>8</sup>                                      |

Armed or unarmed guards who carry a less-than-lethal weapon, such as a baton, electronic control device (e.g., stun gun), chemical spray, or any other type of less-than-lethal weapon must also complete the appropriate training to be certified for that specific less-than-lethal weapon.<sup>9</sup> Effective January 1, 2023, unarmed guards employed by a proprietary security organization will be prohibited from carrying any type of weapon.<sup>10</sup>

Security guards are not required to complete any active-shooter training in their initial or refresher trainings. Certified trainers or employers can provide these trainings to guards in addition to the minimum statutory requirements.

Currently, there is an exemption to all training requirements given to unarmed security guards that they are employed by a proprietary security organization.<sup>11</sup> Proprietary security organizations are private employers who hire security guards as employees for security or patrol services for the employer’s own business, property, or purposes. This exemption will be removed from the Act on January 1, 2023.<sup>12</sup> When this law becomes effective, all security guards will be required to complete the training requirements unless the guard is otherwise exempt.

Generally, to employ security guards or officers for security or patrol services, an entity is required to register as a proprietary security organization or become licensed as a contract security company by the Program. If an entity desires to directly hire guards as either employees or contractors, then the entity is required to register with the Program as a proprietary security organization. Alternatively, the entity may contract with a licensed contract security company to provide these services for the entity indirectly.

There is a noteworthy distinction for licensing and registration requirements between public and non-public schools. All security guards who are government officers or employees performing official duties are exempt from all registration and training requirements of the Act.<sup>13</sup> Therefore, a security guard employed by a non-public school is required to be properly registered and trained as a security guard unless otherwise exempt, while a security guard directly employed by a public school is exempt from the registration and training requirements of the Act.<sup>14</sup> There are no exemptions for non-public schools from registering as proprietary security organizations if they are employing or contracting with a security guard.<sup>15</sup>

Non-public schools may hire armed or unarmed guards subject to the requirements of the Act or may employ individuals who would be exempt from registration requirements as security guards such as hiring full-time sworn peace officers or retired peace officers who met the requirements to be exempt from the registration requirements.<sup>16</sup> If officers do not meet the requirements to be completely exempt from registration, there are certain limited exemptions from the training requirements if they have certain trainings as law enforcement officers.<sup>17</sup>

### **III. Stakeholder Feedback and Engagement.**

Over two weeks in June 2022, individuals from the Department collected written feedback and participated in three stakeholder meetings to gain their insights related to issues surrounding the use of security guards in non-public schools and to assess the availability and use of active-shooter trainings within these schools. In total, the Department communicated with over 100 individuals representing state certified trainers and schools who are members of the Tennessee Association of Independent Schools.

| <b>Stakeholder Feedback Groups</b>                           | <b>Number of Participants</b> |
|--|-------------------------------|
| State Certified Trainers <sup>18</sup>                       | 74 participants               |
| Tennessee Association of Independent School (“TAIS”) Members | 34 participants               |

**Feedback Provided by State Certified Trainers.**

At the meeting with the certified trainers, most of the nine Committee members present stated they offer active-shooter trainings to security guards; however, all the trainers who provide this specific training stated it is provided above the minimum requirements for registration. Additionally, many of them offer some type of active-shooter training to members of the public, which may include churches, schools, healthcare facilities, and businesses. These trainings may be tailored to the needs of the client and can range from a 15-minute presentation to an 8-hour tactical course that includes scenario-based situations.

Of the 74 trainers who provided written responses to the Department, approximately 60 of them provide active-shooter trainings, which ranged from 15-minute presentations to 16-hour comprehensive trainings. The most common response was that active-shooter trainings were offered as a 4-hour course.

The Department met with certified trainers who serve on an advisory committee to the Program, and they agreed it was not practical to cover active-shooter trainings within the current minimum requirements for unarmed or armed guard trainings. Several of the advisory committee members are certified by nationally accredited organizations to provide active-shooter trainings. Some of accrediting organizations will provide a certificate to the individuals who complete their programs.

The Advanced Law Enforcement Rapid Response Training (“ALERRT”) program is a common resource used by the certified trainers and members of law enforcement.<sup>19</sup> ALERRT is an intensive one-time training and includes hands-on and scenario-based exercises including the use of firearms and tactical responses to threats. These courses range in length from 8-hours to multiple days.

A common response from this group was that additional trainings provided above the minimum licensing requirements depend on the needs of the client. Some clients may only have unarmed security personnel and/or request trainings for non-security employees. These trainings focus on elements related to deterring, avoiding, and defending against active-shooter situations. The trainers on the advisory committee also stated that training for armed guards can focus more on offensive tactics; however, doing so typically goes against the policies and training of security personnel whose function is to observe and report criminal activity.

Some of the trainers indicated they have developed their own courses based on personal experience in law enforcement, military service, or the security industry. Other trainers were trained or certified through accrediting organizations that teach trainers. Some of these trainers were also certified through ALERRT, as mentioned by the committee, however, other trainers were certified or provide trainings through other programs.<sup>20</sup>

**Feedback Provided by Non-Public Schools.**

A majority of the non-public schools who communicated with the Department stated they have some type of security personnel and procedures. These schools stated they either hire guards and operate as a proprietary security organization, contract for guard services from a contract security company, or using some type of combination of these methods. Many of the schools stated they felt most comfortable hiring off-duty law enforcement officers, retired law enforcement officers, and former military personnel to provide security services within their facilities. Some school

officials were familiar with the Department's training requirement for security guards, and there was a consensus among these officials that there was a need to have higher training requirements for security guards providing security in schools.

Some schools are hiring individuals who already possess higher amounts of training than the Program requires, providing additional and specific training to their security personnel, and/or sending their security personnel to other agencies for additional trainings. Many of these schools used armed security officers within their facilities.

Responses indicated that some schools only have unarmed security personnel or no security personnel at their facilities. Some have a specific mission, affiliation, or student body that have led them to make determinations that it would be inappropriate to have armed security within their school. Elementary school officials expressed that they historically had less concern for active-shooter or school violence scenario training in their facilities due to the statistically lower probability of violence in these schools. These schools were more likely to have no dedicated security guards or only unarmed security guards. Several of these schools stated that they are reconsidering their need for security guards due to recent events. While they may not have security personnel, these schools did have security procedures and protocols for staff members.

#### **IV. Outcomes Summary and Recommendations.**

After the Department's internal review of the applicable provisions of the Act and engagement with various stakeholders, there are several deficiencies that the State can address provide additional security and safety for our children in non-public schools.

##### **Increasing Training Requirements.**

It is recommended that the Administration propose legislation to require all licensed security guards stationed in both public and non-public schools complete eight (8) hours of active-shooter training upon initial registration and four (4) hours of active-shooter refresher trainings upon registration renewal. It is further recommended that the Administration remove the exemption from the requirements of the Act given to government employees, or alternatively, to armed guards stationed in public schools.

##### **Coordination Between Schools and Law Enforcement.**

Finally, efforts should be made to increase coordination and planning between local law enforcement and non-public schools. The study of a statewide solution to direct communication between law enforcement and schools is recommended.

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<sup>1</sup> Exec. Order No. 97, (2022). <https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee97.pdf>

<sup>2</sup> Pursuant to Tenn. Code Ann. § 62-35-118(a)(1), unarmed guards must satisfy this requirement within 15 days of employment and armed guards must satisfy this requirement within 60 days of employment.

<sup>3</sup> Tenn. Code Ann. § 62-35-118(a)(2)(A)-(D).

<sup>4</sup> Tenn. Code Ann. § 62-35-118(b)(1)(A)-(C).

<sup>5</sup> 2022 Tennessee Laws Pub. Ch. 1121 (S.B. 2514).

<sup>6</sup> Tenn. Code Ann. § 62-35-122(d).

<sup>7</sup> As of June 28, 2022.

<sup>8</sup> It is important to note that proprietary security organization (PSO) registrations do not expire, so it is unknown how many of these listed organizations are still in operation. Of this list, there appear to be 16 non-public schools or non-public school associations that are registered as PSOs comprised of 9 primary and secondary non-public schools and 7 post-secondary non-public schools.

<sup>9</sup> Tenn. Code Ann. § 62-35-118((a)(3).

<sup>10</sup> 2022 Tennessee Laws Pub. Ch. 1121 (S.B. 2514).

<sup>11</sup> Tenn. Code Ann. § 62-35-103(b).

<sup>12</sup> 2022 Tennessee Laws Pub. Ch. 1121 (S.B. 2514).

<sup>13</sup> Tenn. Code Ann. § 62-35-103(a)(1).

<sup>14</sup> Tenn. Code Ann. § 62-35-123(a).

<sup>15</sup> Tenn. Op. Att'y Gen. No. 15-64 (Aug. 21, 2015).

<sup>16</sup>Tenn. Code Ann. § 62-35-103(7), (12).

<sup>17</sup> Tenn. Code Ann. § 62-35-118(d).

<sup>18</sup> These contacts consisted of written statements from state certified trainers who provided feedback to the Program regarding their use of active-shooter trainings as well as comments from the Program's Certified Trainer Committee..

<sup>19</sup> See <https://alerrt.org/> for more information.

<sup>20</sup> For information on ALICE, see <https://www.alicetraining.com/our-program/alice-training/>; for information on SOAR, see: <http://public.ntoa.org/AppResources/MarketingFlyers/385.pdf>; for information on ALIVE, see: <https://activeshootersurvivaltraining.com>.