

Department of Public Safety Standards and Training Memo

Subject: OAR 259-060-0010 – Proposed Rule #2
Private Security - Definitions

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Issue 1: SB878 passed during the 2011 legislative session and adds persons who monitor alarms systems that are not designed to detect threats to public safety or personal well-being to the list of persons exempt from regulation as private security providers. This rule update clarifies the definition of “Alarm Monitor” and adds a definition for “Alarm Monitoring Facility” to rule.

Issue 2: Minor housekeeping changes were made for clarity as follows:

- All definitions were reviewed and updated to ensure consistency between ORS 181.870 and Administrative Rule.
- Specific hour references were removed from the definition of “Assessment Module.”
- The definitions for “Certified Private Security Instructor” and “Certified Private Security Firearms Instructor” were removed as both are included in the updated definition of “Instructor.”
- The definition of “Conviction” or “Convicted” was removed as the result of DOJ advice.
- Clarifying definitions were added for “Applicant,” the acronym “DPSST,” “Fundamental,” “Private Security Services Providers Act,” and “Unarmed Security Professional” due to use throughout the current rule set.
- The definition of “Policy Committee” was updated to reflect the current Committee title and remove an incorrect statutory reference.
- The definition of “Temporary Work Permit” was clarified to mean a temporary form of certification, subjecting it to denial and revocation proceedings.

The following revised language for OAR 259-060-0010 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0010

Definitions

(1) "Accreditation Program Manager" means a person who is designated as the administrator of an employer accredited training program and is the primary liaison with the Department.

(2) "Alarm Monitor" means an individual whose primary duties are the processing of alarms in an Alarm Monitoring Facility. ~~a private security professional who remotely detects and reports conditions listed in ORS 181.870(8) to law enforcement agencies in Oregon.~~

(3) "Alarm Monitoring Facility" mean any organization, contract or proprietary with the primary responsibility of reviewing incoming traffic transmitted to alarm receiving equipment and follows up with actions that may include notification of public agencies to address imminent threats related to public safety. This does not include:

(a) Facilities that monitor only production or environmental signals not directly impacting public safety;

(b) Proprietary alarm systems being monitored by Department-certified private security professionals that generate an internal response by another Department-certified private security professional;

(c) Facilities that monitor Personal Emergency Response Systems (PERS) only; or

(d) Facilities utilizing alarms that never generate a response from a public safety agency.

(4) "Applicant" means an individual who is applying for or renewing certification or licensure as a private security provider.

(~~3~~ **5**) "Armed Private Security Professional" means a private security professional who is in possession of a firearm at any time while performing duties as a private security professional.

(~~4~~ **6**) "Assessment module" means a ~~four-hour~~ **Department-approved** curriculum given to private security professionals **providers** that includes, but is not limited to, the demonstration of task-related skills learned in the ~~eight-hour basic~~ classroom instruction as applied to hypothetical situations.

(~~5~~ **7**) "Board" means the Board on Public Safety Standards and Training.

~~(6 8)~~ "Certification" means recognition by the Department that a private security professional ~~or instructor~~, meets all the qualifications listed in ORS 181.875 and the rules set forth in this Division.

~~(7)~~ "~~Certified Private Security Instructor~~" and "~~instructor~~" as used in ~~ORS 181.878~~, means recognition by the Department that a person meets the minimum qualifications as specified in ~~OAR 259-060-0135~~.

~~(8)~~ "~~Certified Private Security Firearms Instructor~~" means recognition by the Department that a person meets the minimum qualifications of a private security firearms instructor as specified in ~~OAR 259-060-0135~~.

~~(9)~~ "Conviction" or "Convicted" means a finding of guilt in a court of competent jurisdiction by a plea, a jury verdict or a determination by a judge sitting as a trier of fact at a trial. Conviction does not require a final judgment or sentence. A person will not be considered to have been convicted of an offense for purposes of these rules if the conviction is an offense for which the person has been pardoned. A person will also not be considered to have been convicted of an offense for purposes of these rules if the conviction has been expunged or set aside pursuant to the laws of any jurisdiction other than Oregon, provided, however, that the same offense, if committed in Oregon, would have been expunged or set aside pursuant to ORS 137.225. A person will not be considered convicted of an offense committed in Oregon if the conviction has been set aside and the records of arrest and conviction have been ordered sealed pursuant to ORS 137.225.

~~(10 9)~~ "Denial" or "Deny" is that action taken by the Department in refusing to issue a license or certificate to an applicant who has not satisfied all requirements for issuance of a license or certificate.

~~(11 10)~~ "Department" and "DPSST" means the Department of Public Safety Standards and Training.

~~(12 11)~~ "Director" means the Director of the Department of Public Safety Standards and Training.

~~(13 12)~~ "Direct s~~Supervision of new hire~~" means actively monitoring the work of a new hire by the ongoing and uninterrupted presence of a certified private security professional, or a licensed executive or supervisory manager. ~~The person being monitored may not make decisions regarding any course of action independent of the person providing the direct supervision.~~

~~(14 13)~~ "Employer" means an individual or entity who employs persons to provide private security services.

~~(15 14)~~ "Executive Manager" means an individual person:

~~(a) who has the authority~~ **Who is authorized** to act on behalf of the company or business in matters of licensure and certification;~~and;~~

(b) Who is authorized to hire and terminate personnel;

~~(c) W~~whose primary responsibility is the management of certified private security professionals;~~including any supervisory managers.;~~ **and**

~~(d) An executive manager has authority to issue Temporary Work Permits and~~ **Who** has ultimate **final** responsibility for **a company's or business's** compliance with ORS 181.870- **to** 181.991.

(15) "Fundamental" means a duty that is a basic task or function and may be low frequency, but is an essential component of a job.

(16) "Instructor" means any person who has been certified by the ~~d~~**D**epartment as meeting the requirements to provide instruction to private security providers or applicants.

(17) "License" means recognition by the Department that an employer, contractor, executive manager or supervisory manager meets the requirements adopted by the Board ~~on Public Safety Standards and Training~~ as necessary to provide private security services.

(18) "Policy Committee" means the Private Security/**Investigator** Policy Committee ~~created by ORS 181.889.~~

(19) "Primary responsibility" means an activity that is fundamental to, and required or expected in, the regular course of employment and is not merely incidental to employment.

(20) "Private" as used in ORS 181.870-181.887 means those activities intended for, or restricted to, the use of a particular person, group or interest; or belonging to or concerning an individual person, company or interest.

(21) "Private ~~s~~**S**ecurity ~~p~~**P**rofessional" means an individual who performs, as the individual's primary responsibility, private security services for consideration, regardless of whether the individual, while performing the private security services, is armed or unarmed or wears a uniform or plain clothes, and regardless of whether the individual is employed part-time or full-time to perform private security services.

(22) "Private ~~s~~**S**ecurity ~~p~~**P**rovider" means any individual who performs the functions of a private security professional, executive manager, supervisory manager or instructor.

(23) "Private ~~s~~**S**ecurity ~~s~~**S**ervices" means the performance of at least one of the following activities:

- (a) ~~The observation~~ **Observing** and reporting of any unlawful activity.;
- (b) ~~The prevention of~~ **Preventing or detecting** theft or misappropriation of any goods, money or other items of value.;
- (c) ~~The protection of~~ **Protecting** individuals or property, including, but not limited to, proprietary information, from harm or misappropriation.;
- (d) ~~The control of~~ **Controlling** access to premises being protected.;
- (e) ~~The secure movement of~~ **Securely moving** prisoners.;
- (f) ~~The~~ **Taking** of enforcement action by detaining persons or placing persons under arrest under ORS 133.225.;
- (g) Providing canine services for guarding premises or for the detection of unlawful devices or substances.

(24) “Private Security Services Providers Act” or “The Act” means the Private Security Providers Act (ORS Chapter 181.870 through 181.991.)

(24 ~~25~~) "Revocation" or "Revoke" is that action taken by the Department after the licensee or certificate holder has had an opportunity for a hearing and the evidence supports allegations that the licensee or certificate holder has violated provisions of these administrative rules resulting in a Department order concluding that the licensee or certificate holder should not be allowed to continue to provide or implement security services.

(~~25~~ **26**) "Supervisory Manager" means an employee of or a person supervised by an executive manager who has as a primary responsibility the supervision of certified private security professionals.

(~~26~~ **27**) "Suspension" or "Suspend" is that action taken by the Department in temporarily depriving the holder of a license or certificate that authorizes provision or implementation of private security services.

(~~27~~ **28**) "Temporary ~~w~~**Work p**~~Permit~~" ~~or Form PS-20~~ means a ~~form~~ **temporary certification** issued by the employer to allow a company to employ and deploy a private security professional, executive or supervisory manager while the application for certification or licensure is being processed. A temporary work permit will not be issued for armed security applicants.

(29) “Unarmed Private Security Professional” means a private security professional who is not in possession of, or has access to, a firearm at any time while performing private security services.
