

Private Security/Private Investigator Policy Committee Minutes February 19, 2019

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a meeting on February 19, 2019, in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located in Salem, Oregon. Thomas Thomas, called the meeting to order at 1:00 p.m.

Committee Members:

Thomas Thomas, Chair, Private Security Industry

Jeremy Grahn, Retail Industry

Fred Kuest, Private Business or Governmental Entity That Utilizes Private Security Services

Daniel Lenzen, Hospitality Representative

William “Mac” McKnight, Armed Security Representative

Eric Morse, Manufacturing Industry (phone)

Steven Swenson, Private Investigator

Richard Valencia, Unarmed Security Representative (phone)

Edward Sharpe, Health Care Industry

Absent Committee Members:

Chris Bloom, Investigator, OSB Appointed

DPSST Staff:

Linsay Hale, Professional Standards Division Director

Suzy Herring, Program Manager

Jennifer Howald, Rules Coordinator

Carissa White, Compliance Investigator

Rob Meeks, Training and Development Specialist

Coy Alexander, Technology Training and Development Specialist

Karen Evans, Compliance Investigator

Michelle Morrison, Background Investigator



1. Introductions

Introductions of members and DPSST staff.

2. Minutes – September 11, 2018

Approve minutes from the September 11, 2018 Private Security/Private Investigator Policy Committee meeting.

- *Fred Kuest moved to approve the minutes from September 9, 2018 Private Security/Private Investigator Policy Committee meeting. Steve Swenson seconded the motion. The motion carried unanimously.*

3. Review of Policy Committee Bylaws

Presented by Linsay Hale

Recently a Criminal Justice Moral Fitness Workgroup was formed to the review and reconcile the unintended process and rule tensions created when the criminal justice denial, suspension and revocation standards were updated and implemented on August 1, 2017. The scope of the Workgroup's review includes criminal justice policy committee professional standards case review processes.

In an effort to enhance the professionalism of the criminal justice policy committee professional standards case review processes, the Workgroup recommended revisions to the criminal justice policy committee bylaws. Those recommendations included:

- Expansion of the Board Chair authority to remove a policy committee member for non-participation, lack of preparation or unexcused absences.
- Addition of mandatory Board/Policy Committee orientation training prior to participating in policy committee discussions and votes.
- Addition of a requirement to record all member votes by conducting a verbal roll-call.
- Addition of a definition for conflicts of interest.
- Addition of a non-participation clause for a committee member who is the subject individual in an open DPSST professional standards case.

DPSST staff have determined that these recommendations may be universally appropriate for each policy committee and have prepared draft Private Security and Investigator Policy Committee Bylaws for the PSIPC to review.

The policy committee was asked to review, approve and adopt the amendments to the bylaws.

- *Fred Kuest moved to approve and adopt the amendments to the Private Security and Investigator Policy Committee Bylaws as written. Edward Sharpe seconded the motion. The motion carried unanimously.*

4. Five-Year Review for the Adoption of OAR 259-061-0300-Information Only

Presented by Jennifer Howald

ORS 183.405 requires agencies to conduct a review of the rules that they adopt. The review must occur within the five years following the adoption of the rule. The review is meant to assess the following:

- Whether the rule had its intended effect;
- Whether the anticipated fiscal impact of the rule was overestimated or underestimated;
- Whether subsequent changes in the law required that the rule be repealed or amended; and
- Whether there is a continued need for the rule.

Per this requirement, Department staff recently reviewed OAR 259-061-0300, which was adopted effective May 5, 2014. This rule was adopted during the revisions and updates for the private investigator moral fitness standards. Prior to the revision process, the criminal disqualifiers and the denial and revocation processes were contained within one rule, OAR 259-061-0040 Minimum Standards for Licensure. During the moral fitness revision process it was decided to split the minimum standards for licensure and the denial and revocation processes into separate rules. OAR 259-061-0040 continued to define minimum standards for licensure, including the definition for moral fitness and the core values for licensed private investigators. OAR 259-061-0300 was adopted to house the denial and revocation processes.

During staff's review it was determined the rule had reached its intended effect and succeeded in achieving this effect. No fiscal impact was identified by staff. Subsequent changes in the law have required the rule to be amended. OAR 259-061-0300 references the Criminal Justice Commission's definitions for person felonies as mandatory disqualifiers for denial and revocation of licensure. In 2015 the rule was amended in order to update the cited references effective date of the Criminal Justice Commission's definition.

Department staff also determined that the rule is still used to define PI licensure disqualifiers and provide necessary process rules for denial and revocation of PI licensure.

5. Private Security Unarmed Instructor Development Curriculum

Presented by Rob Meeks

The Unarmed Subcommittee has requested changes to enhance the training requirement with the purpose of improving the overall quality of the unarmed instructor applicants.

Department staff, with the support of the Unarmed Subcommittee, developed a Private Security Instructor Development Course, including clear learning objectives and a rubric scoring system for the student teach backs. This instructor development course has been comprised using portions of the DPSST Basic Instructor Development Course and the previous unarmed instructor course. The four day Unarmed Private Security Instructor Development Course teaches the unarmed professional curriculum, instructing techniques, and Department policies and procedures.

The policy committee was asked to review and affirm the recommended approval of the proposed Unarmed Private Security Instructor Development Course.

- *William "Mac" McKnight moved to affirm the recommended approval of the proposed Unarmed Private Security Instructor Development Course. Steve Swenson seconded the motion. The motion carried unanimously.*

6. Proposed Rule Changes for OAR 259-060-0060 and 259-060-0135; Amending the Certification Requirements for Private Security Instructors

Presented by Jennifer Howald

In addition to the development of the Unarmed Private Security Instructor Course, the Unarmed Subcommittee's recent discussions surrounding instructor requirements also touched on the 3 years of experience required in order to be eligible to become an instructor and the exemptions from private security professional certification renewal training requirements.

On January 3, 2019, the Unarmed Subcommittee reviewed the presented draft rule changes and voted unanimously to recommend the changes to the Private Security and Investigator Policy Committee for consideration.

On January 18, 2019, the Alarm Monitor Subcommittee reviewed the draft rule changes specific to amending the instructor course descriptions, updating the 3 years of experience and updating the private security professional certification renewal training. The Alarm Monitor Subcommittee voted unanimously to recommend the changes to the Private Security and Investigator Policy Committee for consideration.

The Armed Subcommittee identified the need to provide access to a firearms instructor development course that could be obtained within the State of Oregon and that would satisfy the minimum standards for prerequisite training to be eligible to be certified as a DPSST private security firearms instructor.

On October 11, 2018, the Armed Subcommittee voted unanimously to recommend that the Department's Academy Training Division Handgun Instructor Development Course become an accepted source for meeting the prerequisite training to be eligible to be certified as a DPSST private security firearms instructor.

The proposed rule changes incorporates all the recommended changes approved by the Unarmed, Alarm Monitor and Armed Subcommittees.

The policy committee was asked to review and recommend to the Board the approval of the proposed rule changes.

- *Fred Kuest moved to recommend that the Board approve filing the proposed rule changes for OARs 259-060-0060 and 259-060-0135 with the Secretary of State as a permanent rule if no comments are received. William "Mac" McKnight seconded the motion. The motion carried unanimously.*
- *By consensus, the PSIPC approved the fiscal impact statements prepared by staff.*

7. *Hope Kindel, PIID #33603; Private Investigator Applicant

Presented by Michelle Morrison

On January 10, 2019 the Private Investigator Subcommittee was presented a case involving a private investigator applicant with a questionable background.

The issue in the case is whether Hope M. Kindel's application for Private Investigator licensure should be denied based on violation of the moral fitness standards defined in Oregon Administrative Rule (OAR) 259-061-0020, and as referenced in OAR 259-061-0300. The moral fitness issue in this case involves Ms. Kindel's conviction of two counts of identity theft on February 27, 2012, while on probation for an unrelated similar conviction.

When the Private Investigator Subcommittee reviewed this case, they by a unanimous consensus, recommended to the Private Security/Investigative Policy Committee to DENY Kindel's application for licensure as a private investigator on the following basis.

- The subcommittee determined that Kindel's conduct:
 - DID involve Lack of Good Character as she engaged in an activity that violated another person's trust and used the identity of another person, repeatedly, over time.
 - DID involve Dishonesty as she lied to the investigating policy officer by denying the crime and that she misused the notary instrument over a period of two years.
 - DID involve Failure to Strive for Justice as she committed crimes and violated statutes.
 - DID involve Lack of Public Trust in that she was willing to violate the trust of others and the nature of the crimes she was convicted of.
 - DID involve Lack of Respect for the Laws of this State or Nation as she was convicted of Identity Theft.
- Pursuant to OAR 259-061-0300(6)(b)(B) the Private Investigator Subcommittee determined:
 - That there were aggravating circumstances in that a pattern of behavior was identified. It was noted that she had committed a new offense while on probation for another similar conviction and that the new offense occurred over a period of years.
 - That there are no mitigating circumstances present.

The policy committee was asked to review and affirm the recommendation of the Private Investigator Subcommittee regarding Hope Kindel's licensure.

- *William "Mac" McKnight moved to affirm the recommendation of the Private Investigator Subcommittee to DENY Kindel's application for licensure. Jeremy Grahn seconded the motion. The motion carried unanimously.*

6. Department Update

Presented by Suzy Herring and Lindsay Hale

Recently the Event and Entertainment Subcommittee met using a Webinar format to review and discuss the Event and Entertainment curriculum.

Rob will be holding an Instructor Webinar on February 26 at 9 am. During the Webinar Rob plans to show the newly created PS-24 Executive Manager Form Demo. The demo will

showcase for instructors the direction the Department is going with online demos informing providers how to complete forms.

Coy Alexander joined the program on October 15 as the new Technology Training and Development Specialist. Coy is working on removing static information from our DPSST courses and creating online delivery of the information. He is also working on creating the online delivery of the Event and Entertainment curriculum, Private Investigator Orientation and renewal courses for both managers and unarmed instructor.

Kim Beck promoted out of the Private Security/Investigator Program in December of 2018 to DPSST's Business Services Unit leaving the program with an OS2 vacancy. In January we had a failed recruitment and are hoping to be able to re-post the job opening in Workday soon.

A reminder that we have switched from Listserve to Gov.delivery as our message delivery system. If you have not yet sign up, you will not receive important information from the program, including updates to training and other important information.

Another reminder regarding the increase in the background fee. The FBI raised their fingerprint processing fee by \$1.25. This fee increase was effective January 1, 2019 to applicants.

The updated Armed Emergency Suspension rules became effective January 1, 2019, changing the requirement date of a providers annual armed training from one year from certification expiration to one year from the last accepted armed training. In January we issued about 150 suspensions, around 100 in February and we are forecasting about 140 will be issued in March.

Private Security/Investigators Policy Committee (PSIPC) and Subcommittee Vacancies:

- 3 vacancies on the PSIPC
 - Vice Chair of PSIPC and also serves on the Board, this is appointment made by the governor's office
 - Alarm Monitor Representative, and by default the Chair of Alarm Monitor Subcommittee
- 2 vacancies on the Private Investigators subcommittee
- 2 vacancies on the Armed subcommittee
- 1 vacancies on the Unarmed subcommittee

*Deadline to complete applications for any of the vacancies is February 28, 2019.

Linsay welcomed Thomas Thomas as the new chair of the PSIPC, Thomas was originally appointed to vice chair by the governor's office and when Bill Geiger stepped down as chair, we were able to utilize Thomas as chair. The governor's office is currently recruiting for the vice chair position Thomas Thomas vacated.

Linsay also wanted to recognize the past policy and subcommittee members that have termed out, we understand and recognize that being a member of either a subcommittee or a policy committee is a volunteer position and no little commitment. Linsay would like to thank those for their service.

The Legislative Session currently in session. DPSST did not have any Board initiated concepts this go round, however we are diligently watching and tracking any concepts that would directly impact DPSST constituents. Unless DPSST initiates a concept our role is to remain a neutral party and present information and answers questions when requested.

In the future DPSST will be taking through the legislative process a fee increase to be able to fund Coy Alexander's position, the Technology Training and Development Specialist. Coy's position is currently limited duration, and in order for DPSST to fund the position as permanent we will need additional funding.

7. Subcommittee Reports

Unarmed Subcommittee:

Presented by Fred Kuest

They just finished the recommendations presented today regarding the unarmed instructor course and requirements. Nothing further to report.

Events and Entertainment:

Presented by Rob Meeks

They have come up with a proposed curriculum for certified professional providing private security services at events or entertainment venues and are in the process of flushing out the storyboard for the training. Once the storyboard is finalized Coy Alexander will begin creating the online training in captivate.

Private Investigator Subcommittee:

Presented by Steve Swenson

During the last subcommittee meeting they were presented with the Hope Kindle case and came up with the recommendation presented today. There is the possibly of the subcommittee looking into additional limited reciprocity between states.

Armed Subcommittee:

Presented by William "Mac" McKnight

Currently in a stall pattern due to subcommittee vacancies.

Alarm Monitoring:

No update was presented due to the vacancy in the Alarm Monitoring Chair. The last subcommittee meeting minutes are posted on the Department's website.

8. Next Regularly Scheduled Meeting – May 21, 2019 at 1:30 p.m.

Thomas Thomas called the meeting adjourned at 2:25 pm.