

**Private Security/Investigators Policy Committee
Minutes
February 18, 2020**

The Private Security/Private Investigators Policy Committee of the Board on Public Safety Standards and Training held a meeting on Tuesday, February 18, 2020 at 1:30 p.m. in the Boardroom at the Department of Public Safety Standards and Training located at 4190 Aumsville Hwy SE Salem, Oregon. Chair Thomas Thomas called the meeting to order at 1:30 p.m.

Committee Members:

Thomas Thomas, Chair, Private Security Industry
Fred Kuest, Private Business or Governmental Entity That Utilizes Private Security Services
Daniel Lenzen, Hospitality Representative (phone)
Melvin Levinson, Alarm Monitor Representative (phone)
William “Mac” McKnight, Armed Security Representative
Steven Swenson, Private Investigator
Edward Sharpe, Health Care Industry
Richard Valencia, Unarmed Security Representative (phone)
Les Youngbar, Public Member

Absent Committee Members:

Myron Sanders, OSB Appointed

Guests:

Marlin Otto, Advanced Security, Inc.
Christopher Furrow, Springdale Job Corps
SaBrina Smith, Springdale Job Corps

DPSST Staff:

Linsay Hale, Professional Standards Division Director
Suzy Herring, Program Manager
Jennifer Howald, Rules Coordinator
Carissa White, Compliance Investigator
Michelle Morrison, Background Specialist
Mona Riesterer, Executive Support Specialist



1. Introductions

Introductions of those in attendance.

2. *Minutes – November 19, 2019

Approve the minutes of the November 19, 2019 Private Security/Private Investigators Policy Committee meeting.

- *William “Mac” McKnight moved to approve the minutes from November 19, 2019 Private Security/Private Investigator Policy Committee meeting. Fred Kuest seconded the motion. The motion carried unanimously.*

3. *Proposed Rule Changes for OAR 259-060-0135: Clarifying Law Enforcement Experience Applicable to the Qualifications for Certification as a Private Security Instructor

Presented by Jennifer Howald

Last year the Private Security and Investigator Policy Committee (PSIPC) recommended and the Board on Public Safety Standards and Training (Board) approved revisions to the three years of experience that is required in order to be eligible to apply for certification as a private security instructor.

The term “full-time” was added to strengthen the intent of the experience requirement to have work experience as opposed to just having held certification or licensure for three years. Additionally, the rule change added a requirement for the three years of experience to be within the past ten years of application for instructor certification.

Historically, DPSST rules and processes accepted experience as a military police officer or experience as a law enforcement officer toward satisfying the three years of experience. The previous rule language cited “law enforcement fields” and DPSST accepted experience as a police officer or as a corrections officer as applicable experience.

During the 2019 rule change, the reference to law enforcement experience was inadvertently changed to police officer experience. This change unintentionally restricted applicant eligibility for instructor certification.

DPSST recommends filing a proposed rule change to correct the unintended error.

While reviewing this change, William “Mac” McKnight brought up that he would like to see the rule or requirements to become a private security instructor opened up for individuals that are great instructors to be able to apply without having the three years full time work experience in private security.

Jen Howald suggested we review and determine whether the policy committee would like to recommend the rule as presented and let DPSST staff bring the issue regarding additional exceptions to the work experience for a future discussion.

- *Les Youngbar moved to recommend that the Board approve filing the proposed rule changes for OAR 259-060-0135 as permanent rule if no substantive comments are received. William “Mac” McKnight seconded the motion. The motion carried unanimously.*

4. *Proposed Rule Changes for OAR Chapter 259 Division 60: Updates to the Private Security Provider Moral Fitness and Denial/Revocation Standards

ORS 181A.870 directs the Board on Public Safety Standards and Training to establish by administrative rule reasonable minimum standards of physical, emotional, intellectual and moral fitness for private security providers. While the administrative rules have been revised periodically to address specific denial, revocation and emergency suspension issues, the private security provider moral fitness and denial/revocation standards have not been reviewed in their entirety since the last complete rule revision in 2012.

In order to initiate a current review, the Department evaluated the current rules and processes that represent the private security provider moral fitness and denial/revocation standards to prepare recommended changes. The resulting recommended changes seek to account for the changes in

administrative law and national occupational licensing standards that have occurred since the last complete review. Highlights of the recommended changes include:

- Eliminating permanent ineligibility for mandatory convictions.
- Identifying discretionary disqualifiers based on the type of certifications/licenses.
- Adjusting the discretionary disqualifier review periods based on the type of certifications/licenses.
- Streamlining the Department review process.
- Dividing OAR 259-060-0300 into multiple topic and purpose specific rules to ease readability and reference citations.

While going through the prepared packet, Linsay reminded the committee that this is more likely than not just the first review of these proposed rules. The next step is for public comment and if any comments are received, we will have to bring this back to the committee to review again.

Also that the Department of Justice is very supportive of these changes as they are seeing more case law where regulatory bodies are unable to create a valid nexus between the disqualifying crimes committed in the past and the occupation the individual is applying for.

In addition, DPSST is a regulatory body and as such we only regulate occupational standards, not employment standards, and therefore cannot hold an individual hostage for their past behavior. It's the responsibility of the employer to have higher employment standards that prevents individuals from being able to repeat their past behavior while employed.

Committee members expressed concern with the removal of the PS-27 form, as they feel it is a great tool to reinforce the code of ethics. Unfortunately, DPSST cannot deny or revoke an individual's certification or licensure for violating the Form PS-27, however can take action for violating the definition of moral fitness. The form, is just that, a form. With the recommended changes presented today, the form would no longer be necessary. Employers are welcome to create their own employer's code of ethics if they choose to.

Committee members suggested creating a form like the PS-27 to be used during training courses.

- *Fred Kuest moved to recommend that the Board approve filing the proposed changes to private security provider moral fitness and denial/revocation standards and approve filing the proposed rule changes prepared for OAR Chapter 259 Division 60 as permanent rule if no substantive comments are received. William "Mac" McKnight seconded the motion. The motion carried unanimously.*

5. Department Update

Presented by Linsay Hale

Linsay reminded everyone that the three legislative concepts that were presented at the August 20, 2019 meeting were approved by the Board and will go to Department of Administrative Services for approval and support in April. If approved, the concepts then go to the governor's office to begin the legislative process. These concepts will be presented during the 2021 Legislative Session.

Presented by Suzy Herring

Policy Committee Update:

Currently the PSIPC has three vacancies, the Vice Chair, the Manufacturing Industry Representative, and the Retail Industry Representative. We are actively seeking applicants for all three positions.

Instructor Information:

So far we have held 5 Unarmed Instructor Development Courses and have 5 more scheduled. We are planning to hit the regional locations 1 time a year due to attendance of these courses.

Rob planning to host an Instructor Webinar on April 15, 2020 and will announce the time as we get closer.

Program Investigators:

Karen Evans and Carissa White will attend the Council on Licensure, Enforcement and Regulation's National Certified Investigator & Inspector Training in September. They attended and passed the "Basic" course in 2016 and this September they will be taking the "Specialized" course.

Carissa White will be hosting a booth and session at the Oregon Festivals and Events Association's conference in Bend at the end of February to promote and share information regarding the new Event and Entertainment certification and online training.

Online Information:

Currently we have the private investigator orientation on iLearn for private investigator applicants to view prior to coming in for their exam. In addition, the Unarmed Instructor Renewal and the Event and Entertainment courses are also available online. The next online course will be the manager renewal course.

We have updates all of our forms to reflect the new Events and Entertainment certification and have issued 3 Events and Entertainment certifications to date.

Coy has also been working on creating informational programs for constituents to view informing them about and how to complete the various forms used in the Program. He is also creating programs regarding general static information for DPSST, the Board, and Policy Committees. We are currently working with IT Department for the best solution regarding where to house the informational programs for use.

6. Next Regularly Scheduled Meeting – May 19, 2020 at 1:30 p.m.

Meeting adjourned at 3:15 pm.