

Private Security/Investigators Policy Committee Minutes August 20, 2019

The Private Security/Private Investigators Policy Committee of the Board on Public Safety Standards and Training held a meeting on Tuesday, August 20, 2019 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. Thomas Thomas called the meeting to order at 1:30 p.m.

Committee Members:

Thomas Thomas, Chair, Private Security Industry

Jeremy Grahn, Retail Industry Representative

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

Melvin Levinson, Alarm Monitor Representative (phone)

William "Mac" McKnight, Armed Security Representative

Eric Morse, Manufacturing Industry (phone)

Myron Sanders, OSB Appointed

Steven Swenson, Private Investigator

Edward Sharpe, Health Care Industry Representative

Richard Valencia, Unarmed Security Representative (phone)

Les Youngbar, Public Member

Absent Committee Members:

Daniel Lenzen, Hospitality Representative

Guests:

Marlin Otto, Armed Subcommittee, Advanced Security, Inc.

DPSST Staff:

Eriks Gabliks, Director

Lindsay 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

Mona Riesterer, Executive Support Specialist

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1. Introductions

Introductions of members, guest and DPSST staff.

2. *Minutes – February 19, 2019

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

- *Steve Swenson moved to approve the minutes from February 19, 2019 Private Security/Private Investigators Policy Committee meeting with the correction of editing the word 'police' to 'policy' be made on page 4 of the draft minutes. Fred Kuest seconded the motion. The motion carried unanimously with the exception of one member who abstained.*

3. *Proposed Rule Changes for OAR 259-060-0025 and 259-060-0135 Clarifying Continuing Education for Private Security Instructors.

Presented by Jennifer Howald

By rule, certified private security instructors are required to complete eight hours of continuing education to be eligible to renew their instructor certification. The continuing education must be coursework that relates to any of the subjects taught in the private security courses or coursework that relates to improving their instructor skills.

The issue is the current rule language is the term “coursework.” Coursework implies a class or curriculum and work done by a student to complete the class or curriculum.

Staff prepared draft rule language that would change the references for “coursework” to “continuing education.” The draft rule language includes revisions to further clarify sources of continuing education and proof of completion of the continuing education requirement. The draft rule language maintains the following from the current rule language:

- Continuing education must focus on instructor development or the DPSST private security professional course topics applicable to the corresponding instructor certification;
- Continuing education must be completed within the past 2 years; and
- Instructors with more than one instructor certification must have 8 hours of continuing education for each instructor certification.

- *Les Youngbar moved to recommend that the Board approve filing the proposed rule changes for OAR 259-060-0025 and 259-060-0025 with the Secretary of State as a permanent rule if no comments are received. Fred Kuest seconded the motion. The motion carried unanimously.*
- *By consensus, the committee determined to approve the fiscal impact statements prepared by staff.*

4. *Approval of the Event and Entertainment Curriculum

Presented by Robert Meeks

The Event and Entertainment Subcommittee is comprised of representatives from the Private Security Investigator Policy Committee representing the hospitality industry, three representatives of the event security discipline, three representatives of the entertainment discipline, one non-voting representative of the Oregon Liquor Control Commission and one non-voting representative of the Oregon Fire Marshal’s Office.

In 2017, the Event and Entertainment Subcommittee identified a need to provide specialized and streamlined basic training for private security professionals to be certified to provide private security services for event or entertainment businesses or venues. The industry is tasked with hiring a high volume of individuals to perform these private security services at an event or entertainment business or venue with limited time and or lack of long term employment, thus requesting the Department to develop an online course for the applicants that is easily accessible for time, location and convenience.

After thoughtful review of the necessary training requirements and topics, the subcommittee recommended a curriculum outline and learning objectives to establish a training curriculum for the new specialty certification. The new curriculum provides event and entertainment industry specific training by providing learning outcomes directly related to the services provided while working at an event or entertainment business or venue.

Department staff, with the support of the Event and Entertainment Subcommittee, developed an Event and Entertainment Private Security Training Course, including curriculum outline, learning outcomes and testing materials. This course was built of the learning objectives, Oregon Administrative Rules, Oregon revised Statutes and best practices from the industry. This course is an online course and will be available through iLearn. Once an applicant has successfully completed the training, including the exams, it will print a certificate of completion to submit to the Department with the completed application packet.

This training will only be recognized as satisfying the minimum training requirements for the Event and Entertainment Private Security Professional Certification. This course will be offered to new applicants, as well as, a refresher version for renewing applicants.

Committee members had the following questions:

- How long will the online course take? We are thinking about 3 – 4 hours depending on an individual's ability to follow along and test.
- Will new material be added to the training as needed in future? Yes, as new industry trends emerge they will be added to the training.
- Has the refresher course been development and how long do you think that will take? Yes, the refresher course has been created very similar to the unarmed refresher, it should take about 1 hour to take.
- How does the scoring of the test work? This specific course offered in iLearn, the learning management system used, is configured to only accept a score of 100% on the exam. If the student answers a question incorrectly the system will present another question from the same learning outcome to the student. After three attempts, if the student still answered incorrectly they will have to retake the entire course.

▪ *Fred Kuest moved to recommend approval of the proposed Event and Entertainment Private Security Professional Training Curriculum. Steve Swenson seconded the motion. The motion carried unanimously.*

5. *Proposed Rule Changes to OAR Chapter 259 Division 60: Adding Event and Entertainment Private Security Professional Training and Certification Requirements to the Private Security Provider Administrative Rules.

Presented by Jennifer Howald

The Event and Entertainment Subcommittee identified a need to provide specialized and streamlined basic training for private security professionals to be certified to provide private security services for event and entertainment businesses and venues. After thoughtful review of the necessary training requirements and topics, the subcommittee recommended a curriculum outline and learning objectives to establish a new specialty certification within the definition of a private security professional.

The new event and entertainment private security professional certification would provide certification for an individual to perform private security services for businesses or entities that are considered an event or entertainment business or venue. Similar to the alarm monitor professional certification, the event and entertainment professional certification would be limited to providing private security services to the event or entertainment businesses or venues. If an individual who was certified as an event and entertainment private security professional wanted to provide private security services for any other employer, business or entity, that individual would be required to obtain the unarmed professional certification. However, an individual with the unarmed professional certification would be able to provide private security services for any employer, businesses or entity including event or entertainment businesses or venues.

The Subcommittee recommended that the event and entertainment private security professional certification mirror the requirements and processes already in place for private security professionals including:

- Using the same application process:
 - Application Form
 - Fingerprints
 - Proof of Completion of Training
 - Temporary Work Permit
 - Code of Ethics
 - Certification Fee
- Maintaining the same 2 year certification fee (\$65 plus fingerprint background fee);
- Requiring initial basic training to obtain certification;
- Requiring refresher training to renew certification; and
- Requiring the same denial/suspension/revocation standards for background disqualifiers and moral fitness.

The PSIPC discussion included training requirements for Event and Entertainment versus Unarmed Private Security Professional. The employer has a responsibility for public safety when providing private security services at any location. An employer remains responsible for ensuring their staff has the most update information and training available prior to them providing security services. A resource document will be created to identify information in the event and entertainment training that is not currently provided in the unarmed training. The Event and Entertainment Course is available for anyone to take free of charge.

- *Edward Sharpe moved to recommend that the Board adopt the recommendation to establish a new event and entertainment private security professional certification and approve filing the proposed rule changes prepared for OAR Chapter 259 Division 60 with the Secretary of State as permanent rule if no substantive comments are received. Les Youngbar seconded the motion. The motion carried unanimously.*
- *By consensus, the committee determined to approve the fiscal impact statements prepared by staff.*

6. ***Private Investigator Application Requirements (ORS 703.425)-Proposed Legislative Concept**

Presented by Lindsay Hale

Oregon law currently specifies, in detail, the information required to make application for licensure as a private or provisional investigator. [ORS 703.425] Information required to be included on the application for licensure includes, among other things, the applicant's citizenship status, residential and employment history for the past 10 years and professional references.

The collection and maintenance of this information is unnecessary and irrelevant to the regulation of Oregon's private investigators and believed to make the application process overly burdensome. The Department will be requesting the Board approve the filing of a 2021 legislative concept clarifying the statutory language relating to the investigator licensure qualifications (including fingerprint authorities) and simplifying the application requirements, allowing the Department to create a licensure application form requesting only the relevant information necessary to ensure the law and rules governing private and provisional investigators are met and maintained.

- *Steve Swenson moved to recommend that the Board approve the filing of this legislative concept for consideration during the 2021 legislative session. Fred Kuest seconded the motion. The motion carried unanimously.*

7. *DPSST Regulation of Armed Private Security Businesses – Proposed Legislative Concept

Presented by Lindsay Hale

Oregon law currently requires providers of private security services be trained and certified by the DPSST. Providers who possess or have access to a firearm at any time while providing private security services are required to earn and maintain armed certification.

Over the past several years DPSST staff have worked closely with the Private Security/Investigator Policy Committee and its various Subcommittees and the Board to identify and rectify a number of issues aimed at ensuring armed private security providers remain capable and competent to possess or have access to a firearm while providing private security services, including:

- 2015: The passage of SB 39, granting DPSST the authority to immediately suspend private security provider certifications and licensure who fail to complete training requirements in a timely manner.
- 2018: The implementation of an administrative rule allowing the DPSST to emergency suspend the certification of armed providers and firearms instructors upon receipt of information that the individual has demonstrated a lack of emotional fitness to another public agency.
- 2018: The implementation of an administrative rule requiring the DPSST emergency suspend the certification of armed providers and firearms instructors who fail to successfully complete the annual firearms refresher training in a timely manner.

Despite these proactive adjustments to the DPSST's regulation, a number of recent, high-profile events involving armed private security providers have highlighted a gap in the oversight of armed providers created by the DPSST's limited jurisdiction and the lack of regulatory oversight of the employer of these individuals.

Specifically identified is the lack of requirements that employers of private security providers:

- Maintain liability insurance;
- Assume responsibility for on-going employee training and competency;
- Maintain use of force and citizen's arrest policies (when employing providers expected to come into physical contact with members of the public); and
- Ensure armed providers demonstrate competency using assigned duty weapon(s).

To address these issues, DPSST is requesting the expansion of the agency's authority to include the regulation /licensing of entities employing armed private security providers providing security services in Oregon.

- *William McKnight moved to recommend that the Board approve the filing of this legislative concept for consideration during the 2021 legislative session. Les Youngbar seconded the motion. The motion carried unanimously.*

8. *Private Security Uniforms/Vehicles – Proposed Legislative Concept

Presented by Lindsay Hale

The Oregon Legislature passed SB 576 (Kaylee's Law) during the 2019 legislative session in reaction to the tragic murder of a college student in Central Oregon. While this bill focused only on the appearance, equipment and authorities of campus public safety providers, the legislative hearings and discussions highlighted universal limitations in the existing laws when it comes to creating a clear delineation between the authorities of DPSST-trained and certified law enforcement and private security providers. These limitations result in confusion where private security providers are mistaken for law enforcement by the public and other public safety personnel and opportunities for entities or providers to deliberately cultivate the misimpression that they are law enforcement officers. Lawmakers, through the passage of SB 576, unanimously recognized these dangers and the serious risks to the health and safety of the public, private security providers and law enforcement officers in our State.

SB 576 rectified these issues for providers of campus public safety only. The appearance of and equipment being utilized by the remainder of the private security industry remains unregulated. It is not uncommon for DPSST to become aware of situation where private security uniforms and /or vehicles make it difficult to differentiate between members of law enforcement and providers of private security services, creating serious risks to the health and safety of the public, private security provider and members of law enforcement.

This legislative concept aims to expand the general prohibitions relating to the appearance and equipment (specifically vehicles) enacted through the passage of SB 576 to all private security entities and providers operating in Oregon.

After much discussion, the committee requested the language prepared in the legislative concept to be more simply stated, such as, it is prohibited for private security entities or providers to possess uniforms, vehicles or equipment that implies that the person or entity is affiliated in any way with a public or private safety agency as defined in ORA 181A.355.

- *William McKnight moved to recommend that the Board approve the filing of this legislative concept for consideration during the 2021 legislative session. Fred Kuest seconded the motion. The motion carried unanimously.*

9. Subcommittee Reports

Armed Subcommittee:

presented by William McKnight

Recently reviewed the legislative concept presented today regarding the regulation of private security companies. The workgroup is currently working on reviewing and expanding the 24 hour firearms basic course regarding use of force and tactical information. They are also working on rules around firearms instructors.

PI Subcommittee:

presented by Steve Swenson

The PI subcommittee has had some turn over with their membership, some brand new members and some returning members. Steve used the July meeting as a sort of team building meeting and to clearly establish the roles and responsibilities of the subcommittee members and DPSST staff and how items can be moved forward in a positive manner.

Unarmed, Event and Entertainment, and Alarm Monitoring Subcommittees had nothing to report.

10. Department Update

Presented by Lindsay Hale, Eriks Gabliks & Suzy Herring

Welcome to Les Youngbar, new public member of the PSIPC. Les comes to the PSIPC with a wealth of experience in law enforcement and security.

Another Welcome to Myron Sanders, the newly OSB appointed member of both PSIPC and the PI subcommittee. Myron also has a wealth of experience investigating, first starting in law enforcement, then the FBI before beginning his work a PI.

Lindsay apologized for the new AV equipment issues. With the new equipment we are hoping to be able to stream our policy committee and board meetings easier, unfortunately it is still a work in progress but are hopeful.

Lindsay would also like to recognize the hard work and what an accomplishment for the Event and Entertainment industry to be moving forward curriculum, online training and new level of certification.

Last thing, Lindsay would like to thank Eric Morse for his time on the PSIPC, today is his last meeting.

Presented by Eriks Gabliks

DPSST is in discussions with University of Oregon regarding the 2021 Track World Event. It will be a big event with teams from all over the world coming to Eugene, Oregon. Some teams are planning to come to Oregon months in advance to train and get acclimated to Oregon before the event begins.

Eriks also wanted to thank everyone for their participation in the legislative concepts conversations and policy and subcommittee meetings. They can be hard conversations to have but necessary.

Presented by Suzy Herring

Staff updates:

We have two new processors starting, Brandon Sieler started yesterday and the other will start on September 3, 2019. The new processors are filling the vacancies created when Kristine Boatman and Brandy Pitt promoted to the Criminal Justice Program of Professional Standards here at DPSST. Kristine held the Compliance Investigator Assistant that Sherry Elward promoted into after Kristine Boatman's promotion.

Armed Suspensions:

The number of armed suspensions due to failure to take the annual armed training has decreased by roughly 4% since we started issuing them.

Instructor Information:

The new 4 day Unarmed Instructor Development Course will start in September. The first one will be in Medford starting on September 23, 2019. Renewing instructors will have an online renewal course and certified instructor demonstration program.

Rob will be hosting an Instructor Webinar on September 11, 2019.

Online Information:

Coy and Rob have been working on creating online manager renewal courses, general static information regarding DPSST, the Board, PSIPC and subcommittee online, as well as, the private investigator orientation information online.

Forms:

We will be updating the PS-1 and PS-21 to reflect the event and entertainment certification once approved by the Board and the certified instructor demonstration program for renewing unarmed instructors.

Recently updated the PS-6.

11. Next Regularly Scheduled Meeting – November 19, 2019 at 1:30 p.m.