

Private Security/Private Investigator Policy Committee Minutes September 11, 2018

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a meeting on September 11, 2018, in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located in Salem, Oregon. Donovan Beard, called the meeting to order at 1:00 p.m.

Committee Members:

Donovan Beard, Armed Security
Jimmie Edmonds, Alarm Monitoring Industry (phone)
Jeremy Grahn, Retail Industry
Fred Kuest, Private Business/Governmental Entity
Daniel Lenzen, Hospitality Representative (phone)
Edward Sharpe, Unarmed Industry (phone)
Steven Swenson, Private Investigator

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Suzy Herring, Program Manager
Jennifer Howald, Rules Coordinator
Kristine Boatman, Compliance Assistant
Carissa White, Compliance Investigator
Rob Meeks, Training and Development Specialist
Karen Evans, Investigator
Michelle Morrison, Background Investigator



1. Introductions

Introductions of members and staff were presented.

2. *Minutes – June 5, 2018

Approve minutes from the June 5, 2018 Private Security/Private Investigator Policy Committee meeting.

- *Fred Kuest moved to approve the minutes from June 5, 2018 Private Security/Private Investigator Policy Committee meeting. Jeremy Grahn seconded the motion. The motion carried unanimously.*

3. *Proposed Rule Change for OAR's 259-060-0450 and 259-061-0200 – Removal of Cease and Desist Language

Presented by Jennifer Howald

The current administrative rules for private security providers and private investigators include language for the Department to issue a cease and desist order to address issues of non-compliance. After a review of the authorizing statutes for private security providers and private investigators, DPSST staff determined that the Board and the Department do not have the statutory authority to issue cease and desist orders.

Once this determination was made, DPSST staff stopped the use of cease and desist orders. DPSST staff will continue to use other processes for notifying employers, companies and individuals of certification or licensure non-compliance issues. As outlined in current processes and rules, a failure to stop providing or performing private security services or investigatory work after a notification of non-compliance or a failure to achieve compliance may result in civil penalty proceedings.

Draft rule changes were prepared to remove the cease and desist order process from the administrative rules for both private security providers and private investigators in order to ensure that the administrative rules and the Department's processes are in compliance with the authorizing statutes.

- *Steve Swenson recommended that the Board adopt the amended changes removing cease and desist language and that the Board approve the proposed rule changes for OARs 259-060-0450 & 259-061-0200 with the Secretary of State as a permanent rule if no comments are received. Fred Kuest seconded the motion. The motion passed unanimously.*

- *By consensus, the committee found no fiscal impact to small business.*

4. * Proposed Rule Change for OARs 259-060-0010 and 259-060-0025 and 259-060-0130; Temporary Work Permits

Presented by Jennifer Howald

Earlier this year, DPSST updated the temporary work permit, Form PS-20. This update included the removal of the issued and expiration date fields in recognition that accidental date miscalculations caused a high number of application deficiency notices. The new Form PS-20 states that the temporary work permit will expire 120 days from the date that the employing manager signed the form.

A staff review of the administrative rules for temporary work permits, OAR 259-060-0030, identified that there is a reference to the issued and expiration dates that will need to be amended. Several minor supporting rule amendments related to the temporary work permit were also identified to create consistency throughout the private security rule division.

- *Jeremy Grahn recommended to the Board filing the proposed language for 259-060-0010, 259-060-0025 and 259-060-0130 and file with the Secretary of State as a permanent rule if no comments are received. Steve Swenson seconded the motion. The motion carried unanimously.*

- *By consensus, the committee found no fiscal impact to small businesses.*

5. *Review of Public Comment for the Proposed Rule Changes to OAR's 259-060-0010, 259-060-0060, 259-060-0120, 259-060-0135, and 259-060-0300; Emergency suspension for failed firearms courses/qualifications; Changes due dates for annual firearms courses/qualifications.

Presented by Jennifer Howald

On June 5, 2018, the Private Security and Investigators Policy Committee (PSIPC) discussed the proposed rule changes to OARs 259-060-0010, 259-060-0060, 259-060-0120, 259-060-0135 and 259-060-0300. There were two components to the proposed rule change. First, the rule change added the ability for the Department to emergency suspend the certification of a private security firearms instructor or armed private security professional who failed a minimum training standard for a required firearms course or marksmanship qualification. Second, the rule change adjusted the completion due date of annual training for armed professionals and DPSST firearms instructors to ensure training occurred at least once per year.

The PSIPC voted unanimously to recommend that the Board on Public Safety Standards and Training (Board) approve filing the proposed rule changes as permanent rules with the Secretary of State if no comments are received. By consensus, the PSIPC approved the fiscal impact statements that were included in the June 5, 2018 memo.

DPSST staff filed the proposed rule changes after the June PSIPC meeting so that the public comment period could be completed prior to the July meeting scheduled for the Board. The proposed rule changes were filed with the Secretary of State on June 6, 2018 for public comment through July 21, 2018. The public comment period also included a scheduled rulemaking hearing to allow for comments to be submitted in person as well as in writing.

DPSST staff received comments regarding the proposed rule changes and removed the proposed rule from the Board's July consent agenda in order to return the proposed rule language and the comments received to the PSIPC for consideration.

Draft rule changes were prepared and presented to the PSIPC today, including all public comments received.

- *Fred Kuest recommended the Board adopt the addition of the Emergency suspension for failed firearms courses/qualifications and change of due dates for annual firearms courses/qualifications as defined in the amended proposed changes to 259-060-0010 with the recommended language amendment, and that the Board approve filing the changes to OAR 259-060-0060, and that the Board approve filing the changes to OAR 259-060-0120, and that the Board approve filing the changes to OAR 259-060-0135 and that the*

Board approve filing the changes to OAR 259-060-0300, as a permanent rule with the Secretary of State if no new comments are received. Steve Swenson seconded the motion. The motion carried unanimously.

- *By consensus the committee found no fiscal impact to small businesses.*

6. Department Update

Presented by Suzy Herring, Linsay Hale and Eriks Gabliks

There are two vacant seats on the Private Security Investigator Policy Committee are the unarmed representative and public member. Application acceptance for the unarmed seat closed on August 24, 2018; the Chair is in the process of reviewing for recommendation to the Board for appointment.

The unarmed subcommittee also now has a vacancy, it will be announced soon.

Thomas Thomas has been selected by the Governor for appointment to the Board on Public Safety Standards and Training, replacing Raymond Byrd, and by virtue of the Board position, he will become the Vice Chairperson of the Private Security Investigator Policy Committee. Mr. Thomas will sit in front of the Senate for official confirmation of the appointment in September.

Recruitment for the Technology Training and Development Specialist position has ended, and interviews are scheduled for September 19, 2018.

Rob Meeks is holding webinars as a resource to our Unarmed Instructors, he held the most recent one on July 26, 2018 in the evening in an effort to expand for different work schedules 27 people attended that webinar.

Welcome our new Compliance Specialist 2, Michelle Morrison, she replaced Julie Johnson when she retired.

This quarter's newsletter is in the development phase, and should be posted to the web prior to the close of the month.

GovDelivery is going to be replacing ListServ soon. This new system is more intuitive in that you can select which topics you want to subscribe to. Please remember to sign up via one of our many notification emails that have gone out.

The 2018 Legislative Session is upcoming. We have a minimal fee increase request in conjunction with the new Technology Training and Development Specialist position. It is required that any across the board increase be approved by the legislature. We are filling the position in a limited duration capacity initially, with existing funds; and if the Legislature approves the request, the fee increase wouldn't be effective until the year 2021. Additionally, in the future there will be an additional fee increase request made to the legislature to address general inflation, as well.

The Department received notification that the FBI has increased its background check fee, to the tune of \$1.25. This change will be effective January 1, 2019.

There is a new PowerPoint presentation available to our Unarmed Instructors on the instructor resource page of the website. This can be used as a resource tool while delivering the unarmed refresher curriculum.

The Department just completed soliciting input from our constituents in the customer service survey. As an executive branch, it is a requirement that we send out this survey. The information received is used during the legislature to justify our budget, as well as internally to identify areas in which we could improve. All of the responses received will be compiled into a report and then shared with our Policy Committee and Board members.

During the upcoming legislative session we do not have any Board initiated concepts. Director Gabliks and Linsay Hale have been invited to participate in discussion that is happening around campus public safety and what those individuals are authorized to do and wear. They will be going over to Bend, Oregon on September 13, 2018 to participate in the conversation as a neutral third party, to talk about what current regulations are, and what the impact of any proposed legislation might look like.

Director Gabliks added that the family of Kaylee Sawyer in Bend, Oregon, has asked for some legislative assistance [with the campus public safety regulation]. Their concern is that campus public safety officers often look like police officers, and they are not police officers. Our agency has been clear that it is a very fine line that unless you work for a state university that has made the decision to be a police department, you are not one, and you fall under the private security mandate, and that includes those who work at private colleges and universities. This agency is very transparent about that. The Sawyer family's had some concerns directly related to what campus security looks like at Central Oregon Community College; their cars, the uniforms, and the actions of the security professionals. They are requesting a direct legislative remedy so this doesn't happen to anyone again.

Linsay Hale, in Bill Geiger's absence, recognized Donovan Beard for his 4 years of dedication and contribution to the Private Security Investigator Policy Committee, and presented him with a certificate to memorialize his service.

7. Subcommittee Reports

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. The delivery format proposed is an online module format, and would be directly in line with what our new Technology Training and Development Specialist will be able to create.

Alarm Monitoring:

Presented by Jimmie Edmonds

Has not had a meeting in quite a while, the last meeting was cancelled due to lack of agenda items. They are scheduled to meet in October to look at some new items, including PERS (personal emergency response system) device regulations and proprietary monitoring exemption.

Armed Subcommittee:

Presented by Donovan Beard

Currently working on the Firearms Instructor Course, in a holding pattern pending additional discussion, but that discussion is for potential of individuals wanting to become Firearms Instructors go through the Firearms Instructor Development Course here at the Oregon Public Safety Academy.

Private Investigator Subcommittee:

Presented by Steve Swenson

Currently this subcommittee is caught up on their work, but the Oregon Association of Licensed Investigators (OALI), is conducting some polling to determine if it would be beneficial to enter into reciprocal agreements with any other states. If the level of interest is sufficient, they will discuss this at the subcommittee level.

Steve Swenson presented the question of whether there are any participation requirements for Policy Committee Members (how many meetings can reasonably be missed?). Lindsay Hale responded that they are actively having this conversation with the Chair of the Board to determine parameters to be placed into the bylaws to allow for the removal of a member if they are non-participating in the process.

Unarmed Subcommittee:

Presented by Fred Kuest

They continue to work on revamping the instructor course and requirements. Nothing further to report.

8. Next Regularly Scheduled Meeting – November 20, 2018 at 1:30 p.m.