

Private Security/Private Investigator Policy Committee Minutes February 16, 2016

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on Tuesday February 16, 2016 in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located in Salem, Oregon. Bill Geiger called the meeting to order at 1:30 p.m.

Attendees:

Committee Members:

Bill Geiger, Chair, Private Security Industry
Jimmie Edmonds, Alarm Monitor Industry (phone)
Jim Gibson, Private Investigator
Ronald Miller, Investigator (OSB Appointed)
Mark Rauch, Public Member
Donovan Beard, Armed Security
Raymond Byrd, Private Business or Governmental Entity that Utilizes Private Security Services
Carol Coates, Healthcare Industry
Randall Scott, Hospitality Industry (phone)
Eric Morse, Manufacturing Industry (phone)
Michael Snyder, Unarmed Security Industry
Jeremy Grahn, Retail Industry

Guests:

Derek Bliss, RAMS Specialized Security Service, Inc.

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Suzy Herring, PS/PI Interim Program Manager
Mona Riesterer, Professional Standards Assistant
Rob Meeks, Training and Development Specialist/PSPI
Julie Johnson, Compliance Specialist
Jennifer Howald, Rules Coordinator
Carissa White, Interim Compliance Investigator
Theresa King, JTA and Training Compliance Program Coordinator
Karen Evans, Investigator/Instructor (phone)

1. *Minutes – November 17, 2015

Approve the minutes of the November 17, 2015 Private Security/Private Investigations Policy Committee Meeting

*Corrections made to agenda item 4, last paragraph; change the word “is” to “if” no comments are made. Agenda item five, last paragraph; add the word “moved” after Jim Gibson’s name.

Jim Gibson moved that the committee approve the amended minutes of the November 17, 2015 Private Security/Investigators Policy Committee meeting. Carol Coats seconded the motion. The motion carried unanimously.

To see a complete record of the November 17, 2015, Private Security/Investigators Policy Committee minutes, please go to:

<http://www.oregon.gov/dpsst/BD/pages/pspipolicycommitteemeetingminutes.aspx>

2. *OAR 259-0690-0010, Organized Event and Premises Definitions, Proposed Rule Change

Presented by Linsay Hale

On January 13, 2016, the Event Security/Hospitality subcommittee met and discussed the crowd management exemption and issues that DPSST and constituents have encountered regarding the new definition of “Organized Event.” The subcommittee also discussed the problems regarding the lack of definition for premises. After much review, the subcommittee unanimously agreed to recommend revising the definition of “Organized Event” and adding the definition of “Premises” to OAR.

Mark Rauch recommended filing the proposed language for OAR 259-060-0010 with Secretary of State as a proposed rule and a permanent rule if no comments are received. Jim Gibson seconded the motion. The motion carried unanimously.

By consensus the committee found no significant fiscal impact on small businesses.

3. *OAR 259-060-0130 Private Security Executive Manager and Supervisory Manager Licensure and Responsibilities – Proposed Rule Change

Presented by Linsay Hale

On March 24, 2015, DPSST filed a permanent rule change that updated the minimum number of hours required for the basic training course for initial certification as an unarmed private security professional from 12 hours (eight hours of classroom and four hours of assessments) to 14 hours total. The current text was inadvertently not updated during the

2015 basic training rule filing. This proposed rule change amends the language to address this issue.

By general consensus, the Private Security/Investigator Policy Committee agreed to change the word in section (a) from “Appropriate” to “Required.”

Donovan Beard recommended filing the amended proposed language for OAR 259-060-0130 with the Secretary of State as a proposed rule and a permanent rule if no comments are received. Jim Gibson seconded the motion. The motion carried unanimously.

By consensus the committee found no significant fiscal impact on small businesses.

4. ***OAR 259-060-0015, OAR 259-060-0025, OAR 259-060-0030; Proposed Rule Changes – Private Security Provider Responsibilities, Application for Certification and licensure, and Temporary Assignments**

Presented by Linsay Hale

This proposed rule change removes that language that requires original PS-20’s be submitted to DPSST. Language has also been added to address replacing a temporary work permit, as well as housekeeping for consistency throughout the rule set.

Jim Gibson recommended filing the proposed language for OAR 259-060-0015, OAR 259-060-0025, and OAR 259-060-0030 with the Secretary of State as a proposed rule and a permanent rule if no comments are received. Mark Rauch seconded the motion. The motion carried unanimously

By consensus the committee found no significant fiscal impact on small businesses.

5. ***Johnathan Skinner PSID #2291, Civil Penalty**

Presented by Karen Evans

The issue in this case is whether Jonathan Skinner should be assessed a civil penalty of \$1,500.00 pursuant to OAR 259-060-0450? Jonathan Skinner was not licensed as an Executive Manager and contracted with individuals (rather than hiring as employees) who were not certified to provide security services. This action is a violation of the Private Security Provider’s Act Oregon Administrative Rule (OAR) 259-060-130(3) (7) (9) (c).

Ron Miller moved that the Private Security/Investigator Policy Committee adopts the staff report as the record upon which its recommendations are based. Mike Snyder seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Jonathan Skinner’s behavior did not involve any **Mitigating Circumstances**.

By discussion and consensus, the committee determined that Jonathan Skinner's behavior did involve **Aggravating Circumstances** by stipulating to pay a civil penalty and defaulting on the payments.

Mike Snyder moved that the Policy Committee recommends to the Board the Jonathan Skinner's conduct does warrant the assessment of the civil penalty of \$1500.00, (with credit given that Mr. Skinner has already paid) and revocation of his certification. Raymond Byrd seconded the motion. The motion carried unanimously.

6. Subcommittee Reports

- **Alarm Monitoring – Jimmie Edmonds, Chair**
The subcommittee has not had any meeting since the last meeting in December. The group will be meeting in the near future and will be discussing Emergency Temporary Monitoring as one of their agenda items.
- **Armed – Donovan Beard, Chair**
The Armed Subcommittee has been diligently working on reviewing the Armed Security Program. The Refresher Program has been reviewed as well as the Instructor and Provider Level Licensing Program that are in place. The subcommittee is working on licensing program to license instructors to encompass all the prerequisite training that will focus towards the Armed Security Industry. The Armed Subcommittee is also looking at creating an Instructor Development Program that could be used within the state of Oregon.
- **Event Security/Hospitality – Randall Scott, Chair**
The subcommittee has met twice since the last Policy Committee and has been working on rebuilding the curriculum which will include Event Security and Hospitality. The members have been working with the Fire Marshal and OLCC to gain their insight on what should be taught within the curriculum. A survey monkey has been sent out to our constituents including Event Security Managers and the Hospitality Venues, to gain their insight. The subcommittee will be meeting the first of March to review the results.
- **Private Investigator – Ron Miller, Chair**
There has been some concern within the Private Security Industry with paralegals that are exempt from licensure. Currently there is not any regulation in place that regulates for paralegals. The subcommittee is also looking at the ability for out of state investigators to conduct cases in other states which would include a rules change, and are hopeful to have it rolled out by June. The members are working on finalizing the exam questions that include updated information.
- **Unarmed – Mark Rauch, Chair**
The Subcommittee has been working on the Essentials and Refresher Course. The subcommittee has been working on additions to the Essential Course as well as the

legal section has been reviewed. The subcommittee is scheduled to meet on February 19, 2016. Beta testing will begin and the subcommittee is looking at having the curriculum meld with the Armed Curriculum.

7. Department Update

Linsay Hale reported:

The Legislative session is active and currently there is one bill that specifically impacts Private Security. This is a bill, as amended, precludes private security businesses from using names that would imply they are somehow affiliated with a law enforcement agency or military entity. If the bill is signed into law, staff will be working with the subcommittees and the Private Security/Investigator Policy Committee on developing a rule language.

Also, for clarification, DPSST does not and will not serve as a lobbyist for private businesses. DPSST will testify as a neutral party when legislation is introduced that impacts private security or private investigator regulation only. As a state agency, DPSST will not monitor legislation that may impact the operations of private businesses.

The concepts for the 2017 Legislative Session need to be submitted to DAS and the Governor's office by April. We have received permission from the Board to file three concepts on behalf of DPSST and the Board. The first concept relates to the fingerprint authorities. The second is would allow DPSST to suspend the certification of Armed Private Security providers who do not complete the annual requalification training. The final concept involves adding a voting public member to the Corrections, Police, Fire and Telecommunications Policy Committees

Sharon Huck, our Rules Coordinator, has announced her retirement at the end of the month. Jennifer Howald will be filling the position as a developmental opportunity. Jennifer served as a Scheduling and Certification Specialist within the Criminal Justice certification program. We are excited to have her fill this role in a temporary, developmental opportunity.

Suzy Herring reported:

Brandy Parren has been chosen to fill the new Office Specialist 1 position in the Private Security/Investigator department. She will be replacing Rebecca Carroll who moved into the Fire Certification Program. The department has hired Kristina Follis Mwepu as temporary help in the department to help due to the recent staffing changes.

There was a message that went out on listserv regarding the phone upgrade that was to take place at the agency. It has since been placed on hold temporarily. When a definite date is chosen, the agency will let our constituents know when the change will occur.

The program Passport, which is the online submission of applications, will be reviewed in July 2016 and the testing will start in January of 2017. The hope is that the deployment will be in April of 2017. These dates are negotiable, and if it should change we will send out an announcement.

The program is developing a newsletter which will be posted on the website for our constituents. There will also be an announcement on listserv. The newsletter will include updates about the programs, subcommittees, stats, and any staffing updates. The first newsletter should begin in March, and will be a monthly newsletter.

Eric Morse and Jeremy Grahn have been appointed to serve on the Private Security/Investigator Policy Committee and by position of virtue will also serve on the Unarmed Subcommittee. Jeremy will be representing the Manufacturing Industry and Jeremy Grahn will be replacing Judy Pongratz in the Retail Industry. Additionally, Corey Davis has been selected to serve on the Unarmed Subcommittee.

For consistency across the Professional Standards Division, the Compliance Bulletin will be changed to an Ethics Bulletin. There will be a separate publication for the investigator and Private Security disciplines.

The department conducted a research regarding PS-4 and fingerprint bags and did not find anything in rule that states that the tamperproof bags still need to be used for fingerprint submission. If individuals still want to use them, they may do so but it is not required. The OAR change will follow.

Rob Meeks has been appointed to the position of Development Specialist, and is working alongside Karen Evans and Suzy Herring. The department is very excited to have him on board.

Eriks Gabliks reported:

Leadership Tour

DPSST's leadership team wrapped-up its biannual Listening Tour earlier this week with a session in Roseburg. This session was originally scheduled for 2015 but was rescheduled because of the UCC incident. Overall the feedback from stakeholders, at more than a dozen locations, was very supportive. DPSST did also glean information on areas of concern and improvement. DPSST is collating the information and will share it with the Board at its April meeting.

Academy Enrollment Update and Criminal Justice Agency Hiring Survey

DPSST shared the results of a recent survey that was completed by DPSST on hiring trends. The survey was to gauge current hiring trends and pending retirements. This data is essential for DPSST staff to evaluate if enough training classes are on the schedule for the 2015-2017 and beyond.

The first questions asked was how many employees the agency was currently in the process of filling who are not enrolled in a DPSST basic course?

Law Enforcement/Police	425
Corrections	199

Parole and Probation	55
Telecommunications	113

The second question was how many certified personnel are eligible to retire in 2016?

Law Enforcement/Police	495
Corrections	111
Parole and Probation	45
Telecommunications	66

The results of the survey solidified the informal feedback DPSST has received during discussions with constituents. While the number of personnel eligible to retire in 2016 is yet to be seen, the current hiring trends, and the potential of just as many retirees, clearly illustrate the need for additional Basic Police and Basic Corrections classes to the 2015-2017 training calendar at DPSST. DPSST is adding a Basic Telecommunications and EMD class for June 2016 to address an increase in hiring by public safety communications centers around the state.

8. Next Regularly Scheduled Meeting – May 17, 2016 @ 1:30 p.m.

** All documents reviewed and discussed in this meeting are subject to Oregon Public Records Law (ORS 192.410 to ORS 192.505). These documents can be requested by contacting DPSST at dpsst.records@state.or.us.*