



"Pursuing excellence in training and accountability for public safety professionals."

Unarmed Private Security Professional Refresher Course

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Version 2.0

Students are responsible for their own learning. Prior to attending class, students should review this material so that there can be meaningful discussion during the training.

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1. Professional Standards
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INTRODUCTION

REFRESHER COURSE

The Refresher Course is not simply an abbreviated review of the initial training you obtained. The purpose for the Refresher Course is to provide you with:

1. Updates in the Law based on current case law and statute changes
2. New material based on emerging industry trends
3. Industry-specific material as determined by your instructor

As such, the Refresher Course will be updated from time to time to provide you with the most current information available.

Your 4-hour Refresher Course will consist of the following:

2 hours - Law

1 hour – Emerging Industry Trends

30 minutes – Industry-specific focus based on audience; instructor to determine content

30 minutes - Testing

Law - Regulations applicable to private security professionals

Learning Outcome 1-A-6:

Show the reporting requirements related to your certification or license.

Reporting Requirements¹

As a private security professional, you must:

- Report change of address
 - Notify your employer and DPSST within 14 calendar days of change
 - Use the PS-23 (Private Security Professional - Change of Information)

- Report if charged² with a crime
 - Notify your employer, or, if you are not employed, notify the Department of Public Safety Standards and Training, no later than 48 hours after the charge is filed
 - If an Executive Manager knows that an employee has been charged with a crime, the Executive Manager shall notify the department no later than 48 hours after acquiring the knowledge
 - The Department may suspend the certificate or license of a private security provider charged with a crime, pending disposition of the charge³

- Present your Temporary Work Permit, certification or license to any DPSST staff member, law enforcement officer or Oregon Liquor and Cannabis Commission agent upon demand or any other person upon reasonable request⁴

¹ ORS 181.885 and by reference OAR 259-060-0015

² Charged with a crime is the initial step; convicted of a crime is the final step. The law requires you report at the initial step when you are initially charged with a crime.

³ OAR 259-060-0300 - 0320

⁴ OAR 259-060-0030

Law - Civil Law⁵

Learning Outcome 2-A-1

Identify the difference between civil law and criminal law and the elements of a "tort." Recall the types of misconduct that could result in civil penalties.

The difference between civil law and criminal law

- Civil law deals with legal matters between private parties, such as requiring party A to pay party B if A injures B, (tort) or if A fails to abide by a legal agreement (contract) with B, dispute between individuals
- Criminal law deals with conduct considered by society as a whole that it is prohibited by statute and punishable by the government, wrongs for which the government prescribes a legal punishment

Learning Outcome 2-A-2

Recognize the concepts of torts that private security professionals may encounter.

Specific Torts

A "tort" is a private wrong or injury, other than breach of contract, for which the court will provide a remedy in the form of a legal action to recover "damages" (compensation for the loss, as discussed below). Every tort claim has three essential elements:

1. One party has a legal duty to another (often the duty to exercise due care)
2. The party breaches that legal duty
3. The other party (or their property) is injured or damaged as a direct result

Simply stated, if you commit a tort ("tortious act") you can be sued for damages by the injured party. If you commit a crime, you can be charged and prosecuted by a government body and penalized. Some acts, such as trespass and assault, may be both torts and crimes.

In this discussion of torts, the term "plaintiff" means the person claiming to have been injured or damaged and seeking to hold the "defendant" responsible to pay for the injury or damage. "Defendant" means the person causing the injury or damage.

⁵ Course material developed by Mark Rauch, JD (retired)
Vetted through Attorney Lorraine Anglemier, DPSST Legal Services Coordinator and Legal Instructor

- **Negligence**

Probably the most common tort is "negligence," which can be defined as the failure to exercise the care toward others which a reasonable and prudent person would exercise in the circumstances resulting in an injury to another party.

Example: A driver fails to be attentive while driving and crashes into another vehicle injuring the occupants.

"**Intentional torts,**" include the following:

- **Assault and Battery**

- The tort of **Assault** occurs when defendant acts intentionally in a way that causes plaintiff to reasonably fear an immediate harmful contact. Assault involves a threat.
- The tort of **Battery** is when the intentional act actually causes offensive or harmful contact with the other party. Battery involves actual harmful physical contact.

- **False Imprisonment and False Arrest**

- **False imprisonment** is when defendant forcibly, and without legal justification, detains plaintiff or confines his or her freedom of movement. The force involved can be either actual physical force or a threat of force.
- **False arrest** is when defendant unlawfully detains plaintiff at the time of arrest.

The distinction between the two is that false imprisonment can occur with or without an arrest. If a private security professional or store owner unlawfully detains someone they may be liable for false arrest or false imprisonment. (Reference "citizen's arrest" page 12)

- **Conversion (Theft)**

This is the "tort" equivalent of theft. The tort of conversion occurs when defendant takes possession and control over plaintiff's property without plaintiff's permission.

Example: Taking a person's fake ID and refuses to return it for a period longer than reasonably necessary to examine it.

- **Intentional Infliction of Emotional Distress**

This tort occurs when defendant intentionally or recklessly causes severe emotional distress to plaintiff by means of extreme or outrageous conduct. Whether the conduct is "extreme or outrageous" in a particular case is not clearly defined and would be a question for the jury or judge to decide.

- **Fraud**

The tort of "fraud", sometimes referred to as "deceit" occurs when defendant falsely represent a present or past fact to plaintiff, who then acts in reliance on that misrepresentation and incurs a loss ("damages") and a result of that reliance.

Example: With no legitimate basis for doing so, you tell a citizen they must leave a movie theater after they have paid for their ticket and they do so, missing out on the service that they paid for.

- **Trespass**

The tort of trespass occurs when defendant intentionally enters plaintiff's land or interferes with plaintiff's ownership of the property if plaintiff incurred injury or damage as a result.

- **Defamation**

Defamation occurs when defendant makes a false statement of fact (as opposed to an opinion) about plaintiff. The false statement must be "published," that is, communicated to one or more people other than plaintiff. Further, plaintiff must prove defendant knew or should have known the statement was false. Finally, plaintiff must prove he or she suffered some harm as a result. Written defamation is called "libel" and spoken defamation is called "slander".

- **Damages**

In the context of tort law, this term refers to the amount of money awarded by a court to a plaintiff who has been injured or incurred property damage because of the wrongful conduct of defendant.

Learning Outcome 2-A-3

Identify the limited authority of a private security professional as it relates to the authority a property owner may grant.

Limited authority of a private security professional

In general, a private security professional has no more authority than any other citizen. If the private security professional is working for a property owner, the property owner's authority can be granted to the private security professional. This "granted" authority must be detailed in the private security contract, agreement or through post orders. Further limitations:

- The private security professional may not engage in conduct that is restricted by law
- A private security company may further restrict the authority of the private security professional beyond what is granted by the property owner

Learning Outcome 2-A-4

Explain the legal requirements required prior to an arrest by a private person, known as a “citizen’s arrest” and the potential liability associated with such action.

Laws pertaining to citizen's arrest

Citizen’s arrests could result in civil torts such as assault, battery, false imprisonment, and false arrest.

There are statutes in Oregon that provide some clarity on when a private citizen may affect a "citizen's arrest" and when physical force may be used in the course of such an arrest.

- **Arrest by private person**

ORS 133.225

(1) A private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. A private person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver the arrested person to a peace officer. (See clarifying explanation)

(2) In order to make the arrest a private person may use physical force as is justifiable under ORS 161.255. (Use of physical force by private person making citizen’s arrest)

Clarifying explanation of “take the arrested person before a magistrate or deliver:”

Transporting the arrested individual to a “magistrate” is neither practical nor legally prudent. While the statute says you may “deliver” the arrested individual to a peace officer, this should not be interpreted to mean transport of the individual. Rather, you should seek first to gain the arrested individual’s consent to wait for responding police. If the individual tries to “escape” from your citizen’s arrest, you must determine if you reasonably believe it is necessary, before you use physical force to prevent the escape, in reliance upon the use of force statute pertinent to citizen’s arrests. ⁶

⁶ Researched and prepared by Attorney Lorraine Anglemier, DPSST Legal Services Coordinator and Legal Instructor, reviewed and concurrence by Mark Rauch, JD (retired)

- **Probable cause for citizen's arrest**

ORS 133.225 authorizes "citizen's arrest" when you have "probable cause" to believe the person has committed a crime in your presence⁷. This requires you to understand:

- (a) the "elements" of the crime (Reference criminal law, page 32)
- (b) the term "probable cause", and
- (c) the meaning of "in the presence"

- **Probable cause definition**

Defined at ORS 131.005(11) to mean "there is a substantial objective basis to believe that more likely than not an offense has been committed and a person to be arrested has committed it."

- **Private security professionals, like other private persons, are only authorized to make the arrest if the crime was committed in their presence, and they have probable cause to believe the person they are arresting committed the crime.** (Only police officers can arrest based on "probable cause" alone, even if the crime was not committed in their presence; such as, through witness statements and other evidence.)

⁷ Presence means within view. [West's Legal Dictionary]

Learning Outcome 2-A-5

Identify why “agent” of law enforcement is for the police or the prosecutor to address.

“Agent” of Law Enforcement⁸

On occasion, a police officer may request a private security professional to assist the officer with an investigative task, inquiry etc. This often generates a belief, or a concern, on the part of the private security professional, that if they comply, they are “acting as an agent of law enforcement.”

Whether or not a person, in any given instance, is acting as an “agent” of a police officer, is a complex legal issue, the resolution of which is dependent on the particular facts and circumstances. Potential negative outcomes, such as an officer losing seized evidence in a motion to suppress, are appropriately considered by the police officer, perhaps in consultation with the district attorney’s office and or the court.

- If you have questions about whether or not you should or must comply with such requests, ask the officer.
- If you have concerns about your authority to comply, consult with your employer.

Learning Outcome 2-A-6

Differentiate between taking a juvenile into custody and arresting an adult.

Interacting with Juveniles⁹

Taking a juvenile into custody is the equivalent of an arrest, but technically is not officially considered an “arrest.” Nevertheless, once a juvenile is taken into custody, similar rules apply to turning them over to law enforcement without unnecessary or undue delay. One notable difference is:

- If the parents or legal guardians of the juvenile arrive prior to law enforcement, the private security professional must release the juvenile to them, unless the person taking the juvenile into custody has probable cause to believe that release of the juvenile may endanger the welfare of the juvenile, the victim or others.

⁸ Researched and prepared by Attorney Lorraine Anglemier, DPSST Legal Services Coordinator and Legal Instructor

⁹ ORS 419C.088

Learning Outcome 2-A-7

Recognize the legal constraints of a private citizen using physical or deadly force against another.

Use of Force¹⁰

A private security professional may use that force reasonably believed to be necessary to:

- Defend themselves or another person;¹¹
- Prevent or terminate a criminal trespass ;¹²
- Protect property; ¹³or
- Make a citizen’s arrest or prevent an escape after making a citizen’s arrest.¹⁴

CRITICAL REMINDER: A private security professional has no legal duty to take action and may retreat if safe and practical to do so.

- **Reasonable¹⁵ and Necessary¹⁶**
 - Any use of force must be reasonably believed to be necessary.
 - Even if force is intended for a statutorily-recognized purpose, such as self-defense, if the user does not reasonably believe the force is necessary to achieve the lawful purpose, then the force is unlawful.
- **Use of physical force by private person making citizen’s arrest**

ORS 161.255:

(1) Except as provided in subsection (2) of this section, a private person acting on the persons own account is justified in using physical force upon another person when and to the extent that the person reasonably believes it necessary to make an arrest or to prevent the escape from custody of an arrested person whom the person has arrested under ORS 133.225 (Arrest by private person).

(2) A private person acting under the circumstances prescribed in subsection (1) of this section is justified in using deadly physical force only when the person reasonably believes it necessary for self-defense or to defend a third person from what the person reasonably believes to be the use or imminent use of deadly physical force.

¹⁰ ORS 161.255

¹¹ ORS 161.209

¹² ORS 161.225

¹³ ORS 161.229

¹⁴ ORS 161.255

¹⁵ Reasonable means suitable under the circumstances; rational; logical; realistic; justifiable; sensible. [West’s Legal Dictionary]

¹⁶ Necessary means required, needed, unavoidable. [West’s Legal Dictionary]

Learning Outcome 2-A-8

Differentiate the difference between “directed” and “voluntary” use of force used by a private citizen on behalf of law enforcement.

“Directed” or “voluntary” use of force by a private citizen on behalf of law enforcement¹⁷

The ORS provision which is relevant to this discussion is ORS 161.249 Use of physical force by private person assisting an arrest. It provides:

(1) Except as provided in subsection (2) of this section, (concerning the potential use of deadly force) a person who has been *directed* by a peace officer to assist the peace officer to make an arrest or to prevent an escape from custody is justified in using physical force when and to the extent that the person reasonably believes that force to be necessary to carry out the peace officer’s direction. (*emphasis added*)

The above statute is not a statute which defines the elements of a crime. Rather, it is a force justification statute. A private person who complies with the officer’s direction, and who reasonably believes he or she needs to use physical force to do so, would be “justified” in using this physical force. Therefore, if their use of force resulted in injury or death of a person, the defense of “justification” should insulate the person from potential criminal liability. Notice though that we say, *if* the private person complies with the officer’s direction. This is related to the next conversation wherein we see that the Legislature has declined to make failing to assist a crime. While the Legislature declined to create criminal consequences for a private citizen who unreasonably refuses or fails to assist, they *did* provide a defense to criminal liability for the person who *does* comply, and reasonably believes they need to use force to do so.

Lastly, it is important to distinguish a private citizen who is “directed” by a peace officer to assist, from one who is a “volunteer.” The use of force statute above would not apply to create a defense to criminal liability for a volunteer. If such a person, for example, came to the aid of a police officer because they were concerned the officer was being harmed by someone who the officer was trying to arrest, then the private citizen would presumably be protected by the defense of self or defense of a third person use of force statute.

¹⁷ Researched and prepared by Attorney Lorraine Anglemier, DPSST Legal Services Coordinator and Legal Instructor

Learning Outcome 2-A-9

Recall how “unreasonably refuses” applies in the criminal violation of “refuse to assist law enforcement.”

Refusal to assist law enforcement¹⁸

The ORS provision which is relevant to this discussion is ORS 162.245 Refusing to assist a peace officer. It provides:

“A person commits the offense of refusing to assist a peace officer if upon command by a person known by the person to be a peace officer the person unreasonably refuses or fails to assist in effecting an authorized arrest or preventing another from committing a crime.”

Equally important as the language of the offense, is its potential penalty. The Oregon Legislature has chosen to designate this offense as a Class B Violation, punishable only by a maximum fine of \$1000, with a presumptive fine of only \$260. I use the word “only” to stress the Legislature’s decision to ascribe low severity to this offense.

Furthermore, successful proof of the offense requires the government to prove, by a preponderance of the evidence that the person “unreasonably” refused or failed to assist. It would be difficult to argue that a private citizen is being unreasonable, if he or she were to hesitate when being “commanded” to assist in effecting the arrest of another person, or to prevent another person from committing a crime. A civilian would be understandably hesitant, due to the risks present when coming into close contact with an unknown person who has drawn the attention of the police. It would appear that if the Legislature were more concerned about making sure all civilians complied when so commanded, they would have made it a *crime* to refuse. They did not.

¹⁸ Researched and prepared by Attorney Lorraine Anglemier, DPSST Legal Services Coordinator and Legal Instructor

Learning Outcome 2-A-10

Define the limitations of a private security professional's actions following a citizen's arrest.

Detaining/Holding/Transporting

- **A private security professional may NOT detain another citizen, unless a citizen's arrest has been made.**

A private security professional who has made a citizen's arrest must turn the arrestee over to law enforcement without "undue delay." If law enforcement does not arrive within a "reasonable time" the arrestee should be released; it is then the role of law enforcement to find and arrest the suspect. (See explanation of "take" or "deliver" arrested person, page 12)

A private security professional should keep the person they have placed under citizen's arrest on the same property where the crime was committed.

Definition of *detain*¹⁹:

- to officially prevent (someone) from leaving a place; or to hold or keep (someone) in a prison or some other place
- to keep or prevent (someone) from leaving or arriving at the expected time

Detention and interrogation of persons suspected of theft committed in a store or unlawful operation of audiovisual device in a motion picture theater

ORS 131.655

- **Probable cause**

(1) Notwithstanding any other provision of law, a person may be detained in a reasonable manner and for a reasonable time by:

(a) A merchant or merchant's employee who has probable cause for believing that the person has committed theft of property of a store or other mercantile establishment; or

¹⁹ Merriam-Webster's simple definition of detain

(b) The owner or lessee of a motion picture theater or authorized agent or employee of the owner or lessee who has probable cause to believe that the person has violated ORS 164.882 (Unlawful operation of an audiovisual device).

(2) Probable cause is a defense to any civil or criminal action based on detention and interrogation that a person brings against:

(a) A merchant or merchant's employee who has detained the person in a reasonable manner and for a reasonable time based on probable cause for believing that the person has committed theft of property of a store or other mercantile establishment; or

(b) The owner or lessee of a motion picture theater or authorized agent or employee of the owner or lessee who has detained the person based on probable cause for believing that the person has violated ORS 164.882 (Unlawful operation of an audiovisual device). [Formerly 133.037; 2005 c.459 §2]

Learning Outcome 2-A-11

Identify the legal constraints relating to searching the person or property of another.

Searching the person or property of another

▪ **Consent to search**

Private security professionals may need to search people in order to recover property or for their own safety; but there are legal restrictions on searching people or their property.

Legally, the safest way to conduct a search is to obtain the person's consent.

Example: You ask a person entering a nightclub if you may search their backpack and the person says, "Sure, go ahead," that should be considered valid consent.

▪ **Searching citizens upon entering a facility**

Persons entering a facility (for business or personal reasons) are often required to submit to a search in order to gain access to the facility. Private security professionals may operate metal detector stations and perform physical pat downs, as well as baggage checks for those entering or leaving the facility.

- Although searches and pat-downs may be a requirement for a person wishing to enter the facility, no private security professional has a right to force these searches to occur
- Even if the person has consented in writing to the search, they may withdraw that consent at any time
- While a person may be denied entry to a facility for refusing to submit to such policies, the private security professional may not force a search of someone, even if they have already gained access. To compel someone to submit to any search or pat-downs may be grounds for a civil "tort" lawsuit, as well as a potential criminal charge against the private security professional

- **Searching citizens upon leaving a facility**

Even if the client's policy is to allow inspection of the baggage of persons leaving the property, a private security professional may not lawfully detain someone who refuses to submit to a search and may not detain their baggage, unless the elements necessary for a "citizen arrest" are present.

- Merely suspecting a person of stealing because they refuse to allow a search of their baggage is not sufficient grounds to lawfully detain or place a person under "citizen's arrest"
- Unless the private security professional has personally witnessed a crime occur in their presence, the most advisable action is to report such a person's refusal to allow the search and allow that company to investigate, rather than act without the full facts and potentially incur a law suit

- **Lawful owner of property to be searched**

In conducting searches of property, such as a vehicle or a purse, the consent to search must be from the lawful owner or person in charge of that property.

- When in doubt, it is advisable not to conduct the search until proper authorization has been obtained
- If police involvement is expected and there is a question as to the legal right to search, wait for the police to conduct searches in a manner that reduces the risk of liability

Learning Outcome 2-A-12

Recall the legal constraints involving surveillance and audio or visual recording of others

Surveillance

▪ **Privacy law and surveillance**

Private security services often involve observing and reporting on the activity of others. These observations are accomplished by conducting “surveillance” (the purposeful act of scrutinizing the activity of another). Sometimes this is accomplished by the unaided eye, sometimes with the help of special tools.

Guidelines:

- As a general rule, each person has the right to privacy in areas where there is a reasonable expectation of privacy
- Whether or not privacy laws are violated depends on the reasonableness of the expectation of privacy

Example: If you inadvertently/unintentionally see someone undressing through their open window as you drive on a public street, that person does not have a reasonable expectation of privacy. If you approach the window and peek through a crack in closed blinds, you have violated their expectation of privacy.

▪ **Electronic surveillance**

The laws regarding the use of electronic equipment used to conduct surveillance (cell phone cameras, video, listening devices, etc.) are complicated and change frequently.

- Consult your client’s or employer’s policies relating to electronic surveillance.
- Use these guidelines when video recording others; in a private place, such as a bathroom, there is an expectation of privacy. In a public place there is a diminished expectation of privacy
- Depending on the authority granted to you or your company by a property owner, you may have the authority to restrict or prohibit all types of activity (including video recording) on a property being protected

▪ **Recording conversations**

- It is illegal in Oregon to record a phone conversation unless consent is given by at least one participant in the conversation²⁰
- It is illegal in Oregon to record other conversations unless all parties to the conversation are informed it is being recorded²¹
- A qualifier on this statute is found in subsection (6)(c) which reads, “Prohibitions . . .do not apply to persons . . . with an unconcealed recording device . . . that are part of . . . private meetings or conferences if all others involved knew or reasonably should have known that the recording was being made.”

²⁰ ORS 165.540(1)(a)

²¹ ORS 165.540(1)(c)

Learning Outcome 2-A-13

Compare when and how state and federal discrimination and "civil rights" statutes apply to private security.

Civil Rights and Discrimination Laws

▪ **State Law**

ORS 659A.403 provides as follows:

(1) Except as provided in subsection (2) of this section, all persons within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, without any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age if the individual is 18 years of age or older.

2) Subsection (1) of this section does not prohibit:

(a) The enforcement of laws governing the consumption of alcoholic beverages by minors and the frequenting by minors of places of public accommodation where alcoholic beverages are served;

(b) The enforcement of laws governing the use of marijuana items, as defined in ORS 475C.009, by persons under 21 years of age and the frequenting by persons under 21 years of age of places of public accommodation where marijuana items are sold; or

(c) The offering of special rates or services to persons 50 years of age or older.

(3) It is an unlawful practice for any person to deny full and equal accommodations, advantages, facilities and privileges of any place of public accommodation in violation of this section.

▪ **Place of public accommodation**²²

(a) Any place or service offering to the public accommodations, advantages, facilities or privileges whether in the nature of goods, services, lodgings, amusements, transportation or otherwise.

(b) Any place that is open to the public and owned or maintained by a public body, as defined in ORS 174.109 (Public body defined), regardless of whether the place is commercial in nature.

²² ORS 659A.400

(c) Any service to the public that is provided by a public body, as defined in ORS 174.109 (Public body defined), regardless of whether the service is commercial in nature. It is also unlawful to "aid or abet" in prohibited acts of discrimination in any place of public accommodation.²³

- **Civil Recourse**

Any person who has been discriminated against by any employee or person acting on behalf of a place of public accommodation in violation of these statutes can bring a legal claim against the operator or manager, against the discriminating employee or person acting on behalf of the place of public accommodation, and/ or any abettor in the discrimination.²⁴

- **Federal Law**

There is no "common law" claim, such as claim in tort, for recovering damages from a person or entity that has violated one's rights protected by the U.S. Constitutional. However, federal legislation provides such a remedy by statute.

Specifically, the law provides:²⁵

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress...."

Generally, "under color of any statute" applies only to government action (public bodies), therefore, unless you were working for a public entity, this would not be applicable. Claims against public bodies and public employees under this statute are common in cases alleging false arrest or imprisonment, excessive force, impingement of First Amendment rights (speech, assembly, religion), and violations of due process rights. (See "Agent" of Law Enforcement, page 145)

²³ ORS 659A.406

²⁴ ORS 659A.885(7)

²⁵ 42USC Sec.1983

Learning Outcome 2-A-14

Recognize basics of the relevant sections of the Americans with Disabilities Act (ADA), the law applicable to "service animals" and how a private security professional must interact with the owners of such animals.

Disability Discrimination

- **ADA Title III - Places of Public Accommodation²⁶**

The ADA is a wide-ranging civil rights law prohibiting discrimination based on "disability". Much of the ADA deals with employment (Title I), public entities, and public transportation (Title II) and is not very likely to impact your work in private security. Title III, however, prohibits discrimination on the basis of disability in the activities of places of public accommodation (businesses that are generally open to the public and that fall into one of 12 categories listed in the ADA, such as restaurants, movie theaters, schools, day care facilities, recreation facilities).

Definition

Under the ADA, an individual with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.²⁷

The area where private security professionals are most likely to come in contact with disability discrimination law is in the context of laws regarding "service animals."

²⁶ http://www.ada.gov/ada_title_III.htm

²⁷ 42USC12102

- **Service Animals²⁸**

Definition

OAR 736-010-0015 defines a service animal as, “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability . . . The work or tasks performed by a service animal must be directly related to the handler’s disability. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.”

The Department of Justice’s revised ADA regulations include a new provision for miniature horses that have been trained to do work or perform tasks for people with disabilities.²⁹

Where service animals are allowed

State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.

Service animals must be under control

Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the individual’s disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

²⁸ U.S. Department of Justice, Civil Rights Division, Disability Rights Section ADA requirements.

http://www.ada.gov/service_animals_2010.htm

http://arcweb.sos.state.or.us/pages/rules/bulletin/0511_bulletin/0511_ch736_bulletin.html

Applicability

- “Comfort,” “therapy” or “emotional support animals” do not meet the definition of an assistance animal
- A guide dog puppy that is being raised and trained to be a guide dog should be afforded the same privileges as certified guide dog

Limited Inquiries about Service Animals

In situations where it is not apparent that the animal is a service animal, a business may ask two questions to help determine whether the animal may be properly permitted into the business:

- Is the animal required because of a disability?
- What work or task has the animal been trained to perform?

No other inquiries about an individual's disability or the service animal are permitted. Businesses cannot require proof of certification or medical documentation as a condition for entry.³⁰

³⁰ http://www.ada.gov/service_animals_2010.htm

Learning Outcome 3-A-1

Identify the classes of offenses.

Criminal Law³¹

Overview

As we have just seen, civil law, including tort law, deals with legal relationships and legal disputes between private parties. Criminal law, on the other hand, deals with the rules and statutes that define conduct prohibited by the government because it threatens and harms public safety and welfare and that establishes punishment to be imposed for the commission of such acts.

Classes of Offenses³²

An **offense** is conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law or ordinance of a political subdivision of this state. An offense is either a crime, or a violation.

- **Violations** ³³are a type of offense punishable only by a fine, forfeiture, suspension, or revocation of a license or other privilege, or other civil penalty.
- **Crimes** ³⁴are either felonies, punishable by prison terms of more than one year to life, or misdemeanors, punishable by local jail terms of one year or less. Note that all crimes may also result in the imposition of fines.

Felonies and misdemeanors are further classified by statute in order of severity; Class A, B, C, or "Unclassified" with C being the least, and A being the most severe.

³¹ Vetted through Attorney Lorraine Anglemier, DPSST Legal Services Coordinator and Legal Instructor

³² ORS 161.505

³³ ORS 153.008

³⁴ ORS 161.515

Learning Outcome 3-A-2

Recognize the requirements for criminal liability.

Requirements for criminal liability³⁵

Every crime has "elements" that must be proven by the prosecutor in order to convict the person charged. These elements can be broken into two categories, the "conduct" or "act" and the mental intention known as the "culpable mental state."³⁶

What is important for you to understand is that individuals are not criminally punished for involuntary or accidental conduct.

Example #1: A woman shows a man a crystal vase she has just purchased. The man drops it and the vase shatters. Because this was involuntary and accidental, no criminal charge would result. On the other hand, if he intentionally damaged it, there could be a criminal charge.

Example #2: A man loses his balance and accidentally bumps into another person resulting in that person falling down the stairs and injuring himself. This was involuntary and accidental, no criminal charge would result. On the other hand, if he intentionally shoved the person down the stairs causing injury there would be a criminal charge.

³⁵ ORS 161.095

³⁶ ORS 161.085(6)

Learning Outcome 3-A-3

Identify the act or actions involved in Criminal Trespass, Burglary, Theft, Robbery and Criminal Mischief and the related definitions.

Property Crimes generally deal with acts that affect property or one's interest in property.³⁷

- **Criminal trespass** means one enters the premises of another unlawfully or unlawfully remain.³⁸
- **Open to public** means premises which by their physical nature, function, custom, usage, notice or lack thereof, or other circumstances at the time, would cause a reasonable person to believe that no permission to enter or remain is required.³⁹
- **Person in charge** means a person, representative or employee of the person, who has lawful control of premises by ownership, tenancy, official position or other legal relationship. It includes, but is not limited to, the person, or holder of a position, designated as the person or position holder in charge by the Governor, board, commission or governing body of any political subdivision of this state.⁴⁰
- **Enter or remain unlawfully**, means:
 - To enter or remain in or upon premises when premises, at time of entry or remaining, are not open to the public and when the entrant is not otherwise licensed or privileged to do so;
 - To fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge;
 - To enter premises that are open to the public after being lawfully directed not to enter the premises; or
 - To enter or remain in a motor vehicle when the entrant is not authorized to do so.⁴¹

³⁷ ORS 164.205 – ORS 164.270

³⁸ ORS 164.245

³⁹ ORS 164.205 (4)

⁴⁰ ORS 164.205 (5)

⁴¹ ORS 164.205 (3)

- **Criminal trespass can be established when:**

- The owner, tenant or person in charge (or security company if authority has been delegated) “publishes notice” to the trespasser either verbally or in writing.
 - Verbal notice, such as, “You are on private property, leave now”
 - Written notice, such as an ejection or trespass notice
- If the trespasser then refuses to leave, or leaves the property and returns without permission.
- If the trespasser enters property “not open to the public” unlawfully (such as a house or a fenced area with posted no trespassing signs), no prior notice of ejection is necessary.

- **Burglary in the second degree⁴²**

Burglary in the second degree occurs when a person enters or remains unlawfully in a building with intent to commit a crime therein.

- **Theft⁴³**

Theft means with intent to deprive another of property, the person takes, appropriates, obtains or withholds such property from an owner.

Examples:

- Takes, obtains or withholds such property from an owner;
- Commits theft of property lost, mislaid, or delivered by mistake;
- Commits theft by extortion; or
- Commits theft by deception, or by receiving property.

- **Robbery in the third degree⁴⁴**

Robbery in the third degree occurs when a person in the course of committing or attempting to commit theft, uses or threatens the immediate use of physical force upon another with the intent of preventing or overcoming resistance to the taking of the property.

⁴² ORS 164.215

⁴³ ORS 164.015

⁴⁴ ORS 164.395

- **Criminal Mischief**⁴⁵

Criminal Mischief offenses usually involve damage to property.

- Criminal Mischief III does not require an intent to damage property. It includes tampering or interfering that is intended to cause inconvenience
- Criminal Mischief II includes:
 - Any Criminal Mischief III (no intent) that results in more than \$500 damages, or
 - Any intentional property damage, regardless of dollar value of damage, or any reckless damage more than \$500

Talking Point:

The differences between Robbery and Burglary are that:

- Robbery requires the crime of Theft (or UUV Unauthorized use of a Vehicle) to be underlying crime; Burglary includes the intent to commit any crime
- Robbery requires the use or threatened use of force against the victim; Burglary does not require the presence of a victim
- Burglary requires entering or remaining unlawfully in a building; Robbery can be committed anywhere

⁴⁵ ORS 164.345-ORS 164.365

Learning Outcome 3-A-4

Identify the act or actions involved in Harassment, Assault, Intimidation and Disorderly Conduct and the related definitions.

Person Crimes

- **Harassment** includes (but is not limited to) when a person intentionally harasses or annoys another by:
 - Subjecting them to offensive physical contact, or
 - Distributing a visual recording (sexting), as defined in ORS 163.665, of the other person engaged in sexually explicit conduct, as defined in ORS 163.665, or in a state of nudity, as defined in ORS 163.700, when the other person is under 18 years of age at the time of the recording.⁴⁶
- **Assault**⁴⁷
 - **Assault IV** is the intentional, knowing, or reckless causing of physical injury. It can be criminally negligent, if committed with a deadly weapon
 - **Assault III** is usually either an Assault IV committed intentionally, knowingly by more than one perpetrator, or the reckless causing of serious physical injury with a dangerous/deadly weapon
 - **Assault II** is usually intentionally or knowingly causing of serious physical injury
 - **Assault I** is intentionally causing serious physical injury with a dangerous/deadly weapon
- **Dangerous Weapon** is any instrument, article, or substance that under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury.⁴⁸
- **Deadly Weapon** is any instrument, article, or substance designed for, and presently capable of, causing death or serious physical injury.⁴⁹
- **Deadly physical force** is physical force that, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.⁵⁰

⁴⁶ ORS 166.065

⁴⁷ ORS 163.160

⁴⁸ ORS 161.015(1)

⁴⁹ ORS 161.015 (2)

⁵⁰ ORS 161.015 (3)

▪ **Bias Crime in the Second Degree** ⁵¹

A person commits a bias crime in the second degree if the person:

- Tamper or interferes with property, having no right to do so nor reasonable ground to believe that the person has such right, with the intent to cause substantial inconvenience to another person because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability or national origin;
- Intentionally subjects another person to offensive physical contact because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability or national origin; **or**
- Intentionally, because of the person's perception of race, color, religion, gender identity, sexual orientation, disability or national origin of another person or of a member of the other person's family, subjects the other person to alarm by threatening:
 - To inflict serious physical injury upon or to commit a felony affecting the other person, or a member of the other person's family; **or**
 - To cause substantial damage to the property of the other person or of a member of the other person's family.

▪ **Bias Crime in the First Degree** ⁵²

A person commits a bias crime in the first degree if the person:

- Intentionally, knowingly or recklessly causes physical injury to another person because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability or national origin;
- With criminal negligence causes physical injury to another person by means of a deadly weapon because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability or national origin; **or**
- Intentionally, because of the person's perception of another person's race, color, religion, gender identity, sexual orientation, disability or national origin, places another person in fear of imminent serious physical injury.

⁵¹ ORS 166.155

⁵² ORS 166.165

▪ **Disorderly Conduct II** ⁵³

Occurs when, with intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, the person:

- Engages in fighting or violent, tumultuous or threatening behavior;
- Makes unreasonable noise; (NOTE: This will not hold up if the person is engaged in constitutionally protected speech.)
- Disturbs any lawful assembly of persons without lawful authority;
- Obstructs vehicular or pedestrian traffic on a public way;
- Initiates or circulates a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe, or other emergency; or
- Creates a hazardous or physically offensive condition by any act which the person is not licensed or privileged to do.

⁵³ ORS 166.025

Learning Outcome 3-A-5

Identify the importance of protecting evidence and ensuring a proper “chain of custody.” recognize the importance of preparation for courtroom testimony and truthfulness.

Evidence

▪ **Protecting Evidence**

The Rules of Evidence allow a court trial to proceed fairly and quickly, using only evidence that is relevant, reliable, and accurate.

▪ **Notes and Reports**

The private security professional’s notes and reports are admissible in evidence to refresh the memory of the security professional who wrote them.

Example: If asked what color eyes the person had, the security professional may ask to refresh their memory by referring to their report or notes.

▪ **Photographs**

Photographs are admissible if the photographer can testify that the photograph is an “accurate representation of the scene at the time the photograph was taken.”

▪ **Physical Evidence**

To be admitted in a trial, physical evidence must be demonstrated to be what it purports to be.

To be acceptable to the court, a “chain of custody” must be established. This is a process that involves these main elements:

- The evidence collector properly identifies the evidence
- The evidence collector tamper-proofs and secures evidence at the collection site

Example: You locate a knife believed to be used in a crime. You remain with the knife, ensure it is undisturbed until the police arrive and take custody of it. You then document in your report where you found the knife and who it was turned over to.

As best practice, allow police to process all physical evidence.

▪ Testimony

In the course of your work as a private security professional, you may be called to testify in court in either a civil case or a criminal case, or to give your deposition. This could be either by informal request or by means of a court issued subpoena. A deposition is a proceeding, often in an attorney's office, where you are sworn in and questioned by the attorneys in the presence of a court reporter. The allowable range of questioning in a deposition is much broader than in a trial.

When preparing to testify as a witness, whether in trial or deposition, the private security professional should note the following:

- Dress properly; in a courtroom, the proper attire is a uniform or a business attire. If in doubt, check with the employer or the attorney seeking your testimony.
- Typically it would be the prosecutor in a criminal case requesting your appearance as a witness, or the attorney representing the party seeking your testimony in a civil case. Either way, you would most likely meet with the attorney to prepare you for the court appearance or deposition.
- Refresh their memory of the incident by reviewing all reports, statements, and related records.

It is vital to be completely honest, even if parts of the event are embarrassing.

When testifying as a witness, private security professionals should first look at the person asking the questions (counsel, the prosecutor, or judge) and when answering the question, look at the jury or judge.

Truthfulness is the most important requirement of a witness. If even a small part of your testimony is shown to be untruthful or exaggerated, the jury might very well be skeptical of your overall credibility.

CURRENT TRENDS

CURRENT TRENDS

Active Threat/Active Shooter⁵⁴

Learning Outcome 9-A-1

Identify examples of how to react in an active threat/active shooter situation.

Coping with an active shooter situation

1. Be aware of your environment and any possible dangers
2. Take note of the two nearest exits in any facility you visit
3. If you are in an office, stay there and secure the door
4. Attempt to take down the active shooter as a last resort

Active Threat

- In most cases a response to an “active threat” will involve a coordinated response from multiple law enforcement agencies. Remember emergency preparedness is everyone’s concern.
- Active threat is defined as any incident that by its deliberate nature creates an immediate threat or presents imminent danger to the community.

Examples of an active threat

- Active Shooter
- Hostage/barricaded subject
- Sniper
- Suicide/Homicide bomber
- Known or suspected terrorist threat (biological/chemical threat)

In an event that an “active threat” becomes apparent in any location, the threat should be reported immediately (as soon as it is safe to do so) through 9-1-1.

⁵⁴ U.S. Department of Homeland Security (2015)

Vetted by Lt. James Webb, DPSST Corrections Trainer and Coordinator, Homeland Security subject matter expert

Profile of an active shooter

An individual actively engaged in killing or attempting to kill people in a confined and populated area, typically through the use of firearms.

Characteristics of an active shooter

- Generally has a specific target but random victims are collateral damage
- The event is unpredictable and evolves quickly
- Law enforcement is usually required to end an active shooter situation

Although you will likely be in a uniform and citizens will look to you in a leadership role, as an unarmed private security professional you do not have the tools, equipment, or the training to engage or stop the shooter(s).

How to respond when an active shooter is in your vicinity.

Follow specific employer policies and procedures.

A company policy will address specific issues for the clients that the company serves and the environment in which the service is provided.

In the absence of a specific employer policy an example of options to consider.

RUN – HIDE - FIGHT

- **RUN Follow specific employer policies and procedures.**
 - Have an escape route and plan in mind
 - Leave your belongings behind
 - Keep your hands visible
- **HIDE**
 - Hide in the area out of the shooter's view
 - Block entry to your hiding place and lock the doors
 - Silence your cell phone
- **FIGHT**
 - As a last resort and only when your life is in imminent danger
 - Attempt to incapacitate the shooter
 - Act with physical aggression and throw items at the active shooter

CALL 9-1-1 WHEN IT IS SAFE TO DO SO

How to respond when law enforcement arrives

1. Remain calm and follow instructions
2. Put down any items in your hands (i.e., bags, jackets)
3. Raise hands and spread fingers
4. Keep hands visible at all times
5. Avoid quick movements toward officers such as holding on to them for safety
6. Avoid pointing, screaming or yelling
7. Do not stop to ask officers for help or directions when evacuating

Information you should provide to law enforcement or 9-1-1 call taker

1. Location of the active shooter
2. Number of shooters
3. Physical description of shooters
4. Number and type of weapons held by shooter
5. Number of potential victims at the location

Bomb Threats

Learning Outcome 9-A-2

Identify the questions to ask and observations made in the event of a bomb threat.

▪ **The CALL - Questions to ask**

1. When is bomb going to explode?
2. Where is it right now?
3. What does it look like?
4. What kind of bomb is it?
5. What will cause it to explode?
6. Did you place the bomb?
7. Why?
8. What is your address?
9. What is your name?

Exact wording of the Threat

WRITE IT DOWN VERBATIM

Information for Law Enforcement

1. Male or Female
2. Age
3. Race
4. Length of Call
5. Number at which call was received (caller ID)

Background Sounds

1. Street noises
2. Voices
3. PA System
4. House noises
5. Office noises
6. Booth noises
7. Factory noises
8. Animal noises
9. Clear
10. Static
11. Local
12. Long Distance

13. Other

Threat Language

1. Well Spoken (educated)
2. Foul/crude
3. Irrational
4. Incoherent
5. Taped
6. Message read by threat maker

Caller's Voice

1. Calm
 2. Angry
 3. Excited
 4. Slow
 5. Rapid
 6. Soft
 7. Loud
 8. Laughter
 9. Crying
 10. Normal
 11. Distinct
 12. Slurred
 13. Nasal
 14. Stutter
 15. Lisp
 16. Raspy
 17. Deep
 18. Ragged
 19. Clearing throat
 20. Deep breathing
 21. Cracking voice
 22. Disguised
 23. Accent
 24. Familiar
-

Private Security should become familiar with the site specific policies and procedures prior to an event so they are prepared when or if the decision is made to evacuate the building due to a known threat.

Example of an Evacuation Procedure

1. Primary and secondary evacuation routes should be searched and cleared prior to evacuation signal.
2. Occupants should leave office spaces open, unlock desks, cabinets and lockers, turn-off machinery and remove their briefcases, purses, etc.
3. Occupants should conduct a cursory search of their immediate work area.
4. Establish evacuation-holding areas at a suitable distance with cover (already cleared away from vehicles).
5. Establish communications for search, security and re-entry into the building.
6. Do not operate electrical equipment.

Perimeter

1. Minimum safe distance is 300 feet in the open. If the device is large, then you need more distance. (the type, size and shape may determine more distance is needed)
2. Rule of thumb, if you can see the device it can hurt you.
3. Pipe bomb end caps – deadly missiles.
4. Think of glass as a secondary fragmentation.
5. Use hard cover.
6. Further is better.
7. Once Police arrive they will expand or decrease.

DO NOT OPERATE RADIOS or CELL PHONES WITHIN A MINIMUM 100 FEET OF A SUSPECTED DEVICE

TREAT ALL SUSPECT DEVICES AS REAL UNTIL PROVEN OTHERWISE

Weapons of Mass Destruction Awareness⁵⁵

Learning Outcome 9-A-3

Explain the concept of deterrence through threat indicators and understand how to respond to a Weapons of Mass Destruction (WMD) incident.

▪ **Prevention and Deterrence**

This information establishes a common baseline to ensure nationwide consistency in WMD education and training. This training provides individuals with definitions, terrorist threat indicators, including suspicious persons and vehicles, along with potential terrorist targets and the concept of R.A.I.N. (**Recognize, Avoid, Isolate, Notify**)

Terrorism is:⁵⁶

- Activities that involve an act dangerous to human life
- Or potential destruction of critical infrastructure or any key resource
- And that is a violation of the criminal laws of the United States, or any state or other subdivision of the United States in which it occurs
- And is intended to intimidate or coerce the civilian population
- Or influence a government
- Or affect a government by mass destruction, assassination, or kidnapping

▪ **Weapons of Mass Destruction (WMD) defined:**⁵⁷

- Any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, or missile having an explosive or incendiary charge of more than one-quarter ounce, or mine or similar device
- Any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemical or their precursors
- Any weapon involving a disease organism

⁵⁵ FEMA Center for Domestic Preparedness (2015)

Vetted through Lt. James Webb, DPSST Corrections Trainer and Coordinator, Homeland Security subject matter expert

⁵⁶ Homeland Security Act of 2002, Public Law 107-295, 116 Statute 2135 (2002)

⁵⁷ Title 18, U.S.C. 2332a

CURRENT TRENDS

- Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life

▪ **Threat Factors**

Terrorists may have military-style training and goals of creating mass casualties, not only by using a WMD, but also by manipulating other factors to make an attack more lethal:

- **Surprise**—Relative to time of attack. The element of surprise in a terrorist attack allows more reward to the terrorist
- **Means of attack**—Limited only by the terrorist’s imagination. The attack can range from releasing a chemical WMD, biological WMD, radiological WMD, or an improvised explosive device
- **Target of the attack**—Targets can be individuals targeted for assassination, critical infrastructures and targets of symbolic value. The goal is mass casualties
- **Foreknowledge of the community response**—Terrorists will almost always conduct extensive surveillance, especially of exercises involving WMD
- Terrorists will understand a **community’s capability to respond** to any mass casualty incident through their surveillance of the community’s responder resources, and they will plan accordingly
- **Significant dates**—Attacks have been related to significant date such as September 11, 2001 (911)

▪ **Threat Indicators**

Threat indicators are observed behaviors, activities and/or items construed as terrorist planning efforts or impending attack:

- Gathering of target intelligence
- Acquisition of materials necessary for an attack - Many items used to construct and transport weapons of mass destruction are available in all communities
- Preparation of weapons - strong chemical smells coming from apartments or residences or large drums of materials being moved
- First steps of executing an attack (bomb delivery, gaining access to a plane, etc.) Be aware of unusual activities around potential targets. For instance, individuals attempting to gain access to restricted areas, or vans or trucks left unattended in close proximity to a potential target

▪ **Suspicious Persons**

- In vehicles, or using other means of conveyance, arriving and departing locations at odd times of the day or night
- Suspiciously exiting a secured, non-public area near a train or a bus depot, airport, tunnel, bridge, government building, or tourist attraction
- Who stays at bus/train stops for extended periods while buses/trains come and go
- Who doesn't fit into the surrounding environment because they are wearing improper attire for the location or season
- Who exhibits suspicious behavior, such as staring or quickly looking away from individuals or vehicles as they enter or leave facilities or parking areas

▪ **Suspicious Vehicles**

- Vehicles left unattended or abandoned, or that appear to be "out of place"
- Any vehicle suspected of doing mobile surveillance, such as automobiles carrying camera equipment, or vans with tinted windows near potential targets
- Vehicles with removable decals, or signage that has been painted over or altered
- Altered frames, such as cutouts in the body of the vehicle

▪ **Suspicious Actions/Objects**

- Suspicious packages, luggage, or mail abandoned in a crowded place such as an office building, airport, school or shopping center
- Chemical fires, toxic odors, or brightly colored stains in apartments, motel rooms, or self-storage units
- Unusual test explosions in rural or wooded areas
- Purchase of, or illicit access to, facility blueprints
- Parcels, packages or luggage left unattended
- May be heavy mailed packages with excessive postage
- Unusual behavior, such as staring or quickly looking away from personnel or vehicles entering or leaving designated facilities or parking areas
- Increase in anonymous telephone or e-mail threats to facilities in conjunction with suspected surveillance incidents
- Questioning of security or facility personnel

- Any unusual activity or circumstance in your neighborhood, community, or workplace
- **Potential Targets**
 1. **Critical Infrastructure** - telecommunications systems, electrical power grids, transportation systems, gas/oil delivery and storage systems, water purification and delivery mechanisms, banking and finance centers, fire/police/EMS/disaster systems, and other government services.
 2. **Other Potential Targets** - gatherings present terrorists with targets and the potential for causing many casualties.
 - Schools
 - Sports arenas
 - Malls
 - Concert halls
 - High rise residences
 - Office buildings
 - Places of worship
- **Terrorist Tactics**

Terrorists possess a wide range of tactics and an even greater range of targets. Terrorists will use the tactic that guarantees them the greatest impact with the least amount of risk to their operation.

 - The goal is to inflict mass casualties or disrupt critical infrastructure
 - Secondary devices, which are generally intended to injure or kill responders
 - There may be multiple incidents
 - There may be rapid escalation of the hazards
- **Immediate Actions**

Individuals trained to the awareness level are not qualified or certified to perform ongoing operations or support at the scene of a WMD incident. This awareness training is designed to prepare individuals who, in the course of their everyday duties, “are likely to witness or discover a hazardous substance release.”⁵⁸

⁵⁸ OSHA 1910.120.(q) (6) (i)

R.A.I.N

- **Recognition, Avoidance, Isolation, and Notification (RAIN)** is used by individuals to quickly gather and process information and to synthesize the information in order to facilitate life safety actions in a WMD incident.
 - **Recognize the hazard/threat (What do I see, hear, or smell?)** – Rapid interpretation and mental processing of an event
 - **Avoid the hazard/contamination/injury (What do I stay away from?)** – Actions to avoid liquids, powders, clouds, or vapors and out of sight of any potential improvised explosive device IED; “if you can see the bomb, the bomb can kill you”; get out and stay out until the all clear signal is given
 - **Isolate the hazard area (Whom do I protect?)** – Action to isolate or reduce exposure to contamination or threat; attempt to remove myself from the contaminated zone, remove other people who may be in the contaminated zone, and to keep people from going into the contaminated zone
 - **Notify the appropriate support (Whom do I call?)** – Action to notify your command authority, giving them as much information as possible about the incident

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