Oregon Department of Public Safety Standards and Training

March/April 2016

Professional Standards
Ethics Bulletin
Private Security Professionals

MAR/APR STATISTICS:

Criminal Cases
Opened 137
Closed 100

Notice of Violations
Opened 38
Closed 31

Discretionary Cases
Opened 3
Closed 6

Termination for violations of PSSPA
Opened 2
Closed 3

Child Support Suspension
Open 30
Closed 19

Emergency Suspension
Open 5

DPSST's Private Security Program provides training and licensing services to its constituents in an industry-initiated effort to enhance Professionalism among member-businesses and employees who provide services in the state of Oregon. The program works together with its policy committee members and the Board on Public Safety Standards and Training to establish professional standards, provide training to assist constituents in meeting these standards and enforce licensure and certification requirements for private security professionals.

The Private Security Certification program is mandated by the Oregon legislature to establish and enforce minimum standards for all private security providers in the state. The minimum standards for this program is defined in Oregon Administrative Rule Chapter 259, Division 60.

The Ethics Bulletin contains examples of situations in which applicants for certification or licensure and current providers have violated the minimum standards. This publication is meant to provide insight into the types of behaviors that resulted in revocation, denial, suspension or civil penalty of private security certification and licensure over the last two months. It is a sampling of cases and not meant to describe all past actions by the Department over the last two months.

The Department continues to ensure that certified private security professionals and meet the minimum standards established by the legislature and the Board.

Questions about these incidents or about DPSST's processes and procedures can be directed to DPSST: (503) 378-8531 or security.investigators@state.or.us.

Aim for perfection, settle for excellence.
Walt Disney

Applicant 1, an Unarmed Professional was convicted of Giving False Information for Issuance/Service of Citation/Warrant within the prior 10-years. The applicant was served with a Notice of Intent to Deny for a mandatory disqualifying crime. Applicant 1 failed to respond to the notice and was disqualified-denied.

Applicant 2, an Unarmed Professional is required to register as a sex offender in Oregon. The applicant was served with a Notice of Intent to Deny for a mandatory disqualifying violation of rule. Applicant 2 failed to the respond to the notice and was disqualified-denied.

Applicant 3, an Unarmed Professional was convicted of Issuing Worthless Checks in another jurisdiction within the prior 10-years. This crime was equated to an equivalent crime in Oregon. Prior to being served with a Notice of Intent to Deny for a mandatory disqualifying crime, Applicant 3 withdrew the application and the case was administratively closed.

Applicant 4, an Unarmed Professional was convicted of Assault Upon a Child Under 16 in another jurisdiction within the prior 10-years. This crime was equated to an equivalent crime in Oregon. Applicant 4 was served with a Notice of Intent to Deny for a mandatory disqualifying crime, Applicant 4 failed to respond to the notice and was disqualified-denied.

Applicant 5, an Unarmed Professional was convicted of Furnishing Alcohol to a Minor, when she was ticketed during an OLCC minor decoy compliance check. Applicant 5 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 5 failed to respond to the notice and was disqualified-denied.

Applicant 6, an Alarm Monitor Professional was arrested for retail theft. The retailer chose not to prosecute. Aggravating circumstances show she had additional stolen merchandise from another retailer in her possession at the time of arrest. Applicant 6 was served with a Notice of Intent to Deny for discretionary disqualifying misconduct; Dishonesty, Lack of Public Trust, Mistreatment of Others, and Lack of Good Character. Applicant 6 failed to respond to the notice, and was disqualified-denied.

Applicant 7, an Unarmed Professional was convicted of Unlawful Delivery of Marijuana for Consideration in another jurisdiction. Application 7 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 7 failed to respond to the notice and was disqualified-denied.

Applicant 8, an Unarmed Professional was convicted of Fraudulent Use of a Credit Card in another jurisdiction. Applicant 8 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 8 failed to respond to the notice and was disqualified-denied.

Applicant 9, an Unarmed Professional was convicted in Oregon of Attempt to Commit a Class A Felony, Child Neglect 2 and Tampering with a Witness. Additional out of state convictions for Murder 1, Assault and Menacing were found on his criminal history, as well as multiple arrests for other person crimes. Applicant 9 was served with a Notice of Intent to Deny for multiple disqualifying convictions. Applicant 9 subsequently withdrew his application and the case was administratively closed.

Applicant 10, an Unarmed Professional is required to register as a sex offender in Oregon. The applicant was served with a Notice of Intent to Deny for a mandatory disqualifying violation of rule. Applicant 10 subsequently

withdrew his application and the case was administratively closed.

Applicant 11, an Alarm Monitor Professional was court martialed for Rape by Force and Indecent Acts and then dishonorably discharged from military service. Applicant 11 was served with a Notice of Intent to Deny for discretionary disqualifying misconduct; Lack of Public Trust, Mistreatment of Others, and Lack of Good Character. Applicant 11 withdrew his application and the case was administratively closed.

Provider A, an Unarmed Professional was convicted of Theft 3 when she stole makeup from a local retailer. Provider A was served with a Notice of Intent to Revoke certification for a mandatory disqualifying conviction. Provider A surrendered the card and the case was administratively closed.

Provider B, an Unarmed Professional was convicted of Possession of Methamphetamine. Provider B was served with a Notice of Intent to Revoke certification under for a mandatory disqualifying conviction. Provider B's certification expired prior to the issuance of a final order and the case was administratively closed.

Provider C, an Unarmed Professional was arrested for theft at a local retailer. He admitted to the theft. The district attorney agreed to lower the misdemeanor charge to a violation if he pled guilty. Provider C was served with a Notice of Intent to Revoke for discretionary disqualifying misconduct; Dishonesty, Lack of Public Trust, Mistreatment of Others, and Lack of Good Character. Provider C failed to respond to the notice. Provider C's certification as an Unarmed Professional was revoked.

Provider D, an Executive Manager and Unarmed Professional was convicted of Sexual Abuse II. Provider D was served with a Notice of Intent to Revoke certification and licensure. Provider D failed to respond to the notice. Provider D's certification as an Unarmed Professional and license as an Executive Manager was revoked.

Provider E, an Unarmed Professional was convicted of Possession and Manufacture of Methamphetamine. Provider E was served with a Notice of Intent to Revoke for a mandatory disqualifying crime, Provider E failed to respond to the notice. Provider E's certification as an Unarmed Professional was revoked.

Provider F, an Unarmed Professional was convicted of Possession of Methamphetamine. Provider F was served with a Notice of Intent to Revoke for a mandatory disqualifying crime, Provider F failed to respond to the notice. Provide F's certification as an Unarmed Professional was revoked.

Provider G, an Unarmed Professional was arrested for Theft 2. He pled guilty to a reduced crime of Theft 3, classified as a violation. Provider G was served with a Notice of Intent to Revoke for discretionary disqualifying misconduct; Dishonesty, Lack of Public Trust, Mistreatment of Others, and Lack of Good Character. Provider G failed to respond to the notice. Provider G's certification as an Unarmed Professional was revoked.

Provider H, an Unarmed Professional was discharged from his security position when he admitted to leaving his post to go home during his shift. A clear violation of company policy. When called by his supervisors, he stated he was on his post. He then dashed out of the house to return to his workplace only to find his supervisors standing in front of his home. Provider H was served with a Notice of Intent to Revoke for discretionary disqualifying misconduct; Dishonesty, Lack of Public Trust, Mistreatment of Others, and Lack of Good Character. Provider H failed to respond to the notice. Provider H's certification as an Unarmed Professional was revoked.

Provider I, an Unarmed Professional was convicted of Theft 2 when she stole from a local retailer. Provider I was served with a Notice of Intent to Revoke for a mandatory disqualifying crime, Provider I failed to respond to the notice. Provider I's certification as an Unarmed Professional was revoked.

Provider J, an Alarm Monitor Professional was convicted of Carrying a Concealed Firearm. Provider J was served with a Notice of Intent to Revoke for a mandatory disqualifying crime, Provider J surrendered the card and the case was administratively closed.

Provider K, an Unarmed Professional entered a diversion program following a DUII drug arrest. He was issued his certification while the Department followed the case through diversion. At a later date, he subsequently pled guilty and was convicted of the DUII. Since the DUII was a drug related conviction, Provider K was served with a Notice of Intent to Revoke for a mandatory disqualifying crime. Provider K surrendered the card and the case was administratively closed.

The Whistleblowers Dilemma

The Whistleblowers Dilemma is an example that has been used in business schools to talk about ethical decision-making. The Dilemma outlines the choices that a potential whistleblower faces when they are aware of unethical conduct:

1. Quit
2. Do nothing and continue to enjoy the benefits of your job
3. Complain to the boss
4. Go outside the company

Historically whistleblowers have paid a high price for divulging even the most unethical conduct (for example Frank Serpico and Jeffrey Wigand).

What motivates someone to become a whistleblower? The research is pretty clear on what separates someone who will "blow the whistle" from someone who will not: it comes down to the individual's priorities when it comes to fairness and loyalty. A person who values fairness more than loyalty is more likely to report misconduct than someone who values loyalty over fairness. This difference seems to be true of both conscious decision-making and nonconscious behavior.

If we are to establish high ethical standards in our professions we must encourage people to report unethical conduct when they become aware of it. Understanding how fairness and loyalty can encourage or discourage reporting of unethical conduct will help us maintain the professionalism of our industry.

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