

## **Private Security/Private Investigator Policy Committee Meeting Minutes February 18<sup>th</sup>, 2014**

The Private Security/Investigator Policy Committee of the Board of Public Safety Standards and Training held a regularly scheduled meeting on February 18<sup>th</sup>, 2014 at the Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem 97317. The meeting was called to order by Chair Jeff Martin at 1:30pm.

### **Attendees:**

#### **Policy Committee Members:**

Jeff Martin, Chair

Paul Castleberry, Armed Private Security Professionals (by phone)

Jim Gibson, Investigator

Ronald Miller, Investigator (OSB Appointed)

Judy Pongratz, Retail Industry

Mark Rauch, Public Member

Randall Scott, Unarmed Private Security Professionals

Justin Walker, Hospitality Industry

#### **Committee Members Absent:**

William Geiger, Manufacturing Industry

Robert Henderson, Alarm Monitoring

#### **DPSST Staff:**

Eriks Gabliks, Director

Brian Henson, Manager

Suzy Herring, Compliance Investigator

Eve Claydon, Learning and Development Specialist

Julie Johnson, Compliance Specialist

Linsay Hale, Interim Standards & Certification Program Manager

Sharon Huck, Interim Rules Coordinator

Carissa White, Compliance Specialist

#### **Guests:**

Kathleen Schraufnagel, Omnitronics (by phone)

Jeffery Brose, Private Investigator (by phone)

Wade Cole, Private Security (by phone)

Craig Olsen, Private Investigator (by phone)

Patrick Higgins, Private Investigator

Jason Bickell, Private Security

Jose Curiel, Private Security



**1. Chair's Report and Administrative Announcements**

This is a public meeting, subject to the public meeting law and it will be digitally recorded.

**2. Public Comment**

Jeffery Brose – Stated opposition to Private Investigator moral fitness rules. Chair Martin referred Mr. Brose to the individual Private Investigator members of the Committee.

**3. Department Updates**

Presented by Brian Henson

Legislative update: SB 1549 from the Board of Accountancy impacts the Private Investigation statutes. The Board of Accountancy wants clarification within the exemptions of ORS 703.411 that individuals working within the world of accountancy, whether they be certified or not, if they're working as accountants would be exempt from the Private Investigating licensing statutes. It is expected to pass. The bill basically states that if you are a licensed Accountant, working as an Accountant and you have staff working for you, you do not have to be dually licensed as a Private Investigator. You are covered under your Accounting license. Also clarifies the exemption for Engineers.

Additional bills that impact DPSST has to do with individuals who are returning from Military Service. When these individuals are seeking employment in the Public Safety discipline how the agency looks at the training they've had in the past and whether or not that training is applicable to DPSST's training requirements for the discipline the individual is seeking to be certified in. If it is applicable; the law would allow us to accept that training as applicable and the individual wouldn't be required to do additional training in addition to what they've already done. This bill has already passed the last legislative session. This session DPSST is reporting back to the legislature to tell them how we are handling this and what has transpired since its passage.

Private Security/ Private Investigator unit is fully staffed, welcome Eve Claydon as our new Training and Development Specialist.

There is a vacant Manager's position that Brian Henson is currently filling for the interim. Expect managerial change over Private Security/Private Investigator Unit in the coming months.

**4. Minutes**

The last scheduled regular meeting was November 19, 2013 but was cancelled at the direction of the chair. No official minutes will be kept for this meeting.

*Jim Gibson moved to accept the minutes from the August 20, 2013 meeting as written, which was seconded by Mark Rauch. Motion carried unanimously.*

For the complete record of the August 20, 2013 meeting go to:

[http://www.oregon.gov/dpsst/BD/Policy\\_Committee\\_Minutes/PSIPC\\_Minutes/PSIPC082013.pdf](http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PSIPC_Minutes/PSIPC082013.pdf)

**5. Firearms Private Security Instructor Curriculum – Proposed Training Standard**

Presented by Brian Henson

Curriculum for DPSST Instructors and Students has been re-written by the sub-committee and the committee. DPSST has put the new curriculum through beta testing at the Agency and has made necessary modifications based on the beta testing. Major changes consist of where the instructors are required to shoot from (25 yards); students do not have to shoot from this distance.

Curriculum adopted the Corrections training level standard. Instructors now have to come demonstrate the skill, there is now a “Train the Trainer” portion, where there is a teach-back by taking a portion of the curriculum of firearms handling skills and demonstrate them in a teach-back scenario in front of all the other instructors and the Chief range instructor. They are now required to shoot three times, one of which is their qualifier. This is beneficial for data collection and good for instructors to be able to shoot the course three times instead of one. This process sets the bar for our instructors a little higher, thus outputting higher quality instructors.

The Policy Committee is being asked to make a recommendation of the new Firearms Private Security Instructor Curriculum to be approved by the Policy Committee for movement to the Board.

*Judy Pongratz moved to recommend the Board on Public Safety Standards and Training to adopt the Firearms Private Security Instructor Curriculum; seconded by Jim Gibson. Motion carried unanimously.*

**6. Private Security Services – Definitions Proposed Rule Change**

Presented by Sharon Huck

Amends the definition of “Temporary Work Permit” by clarifying that only Managers that are both employers and licensed by DPSST may issue Temporary Work Permits.

The Policy Committee is being asked whether to recommend filing the proposed language for OAR 259-060-0010 as a proposed rule, then as a permanent rule if no comments are received and to determine if there is a significant fiscal impact on small businesses.

*Judy Pongratz moved to the committee to recommend the filing of proposed language for OAR 259-060-0010 with the Secretary of State as a proposed rule and then as a permanent rule if no public comment is received. Motion seconded by Randall Scott. Motion carries unanimously.*

*It is the consensus of the committee there is no fiscal impact on small business.*

**7. Private Security Professional Certification and Responsibilities - Proposed Rule Change**

Presented by Sharon Huck

Adds the requirement that Armed Private Security Professionals that fail to complete the Armed Annual Refresher course must complete the 24 hours of basic firearms instruction before re-issuance of certification. This is a re-introduction of a rule based on public comment.

The Policy Committee is being asked whether to recommend the filing of proposed language for OAR 259-060-0120 as a proposed rule, then as a permanent rule if no comments are received and to determine if there is a significant fiscal impact on small businesses.

*Paul Castleberry moved to the committee to recommend the filing of proposed language for OAR 259-060-0120 with the Secretary of State as a proposed rule and then as a permanent rule if no public comment is received. Motion seconded by Mark Rauch. Motion carries unanimously.*

*It is the consensus of the committee there is no fiscal impact on small business..*

## **8. Private Investigator Moral Fitness Proposed Rules**

Presented by Sharon Huck

In May of 2013 a Subcommittee was convened to discuss Moral Fitness rules and procedures. As a result, a proposed rule change was formulated to address the core values of the Subcommittee determined are integral to the Investigator profession. In August of 2013 the committee approved the proposed rule change. In October of 2013 the Board unanimously approved the Committee's decision. After filing the proposed rule with the Secretary of State a public comment was received. Staff requests that the Committee review the public comment and determine whether to recommend filing the proposed language for OAR 259-061-0040 and OAR 259-061-0300 with the Secretary of State as permanent rule.

Lindsay Hale explained Investigator's discretionary Moral Fitness would have the opportunity to be presented for review by the Private Investigator Subcommittee, then to the Policy Committee and ultimately to the Board for decision. The public comment indicates the concern that DPSST doesn't have the authority to look at arrests; which is incorrect, we do have the authority through the Statutes and Rules, with the Policy Committee and the Board to set Moral Fitness standards. We would be looking at behavior as a Moral Fitness standard, not as what the conviction is.

*Jim Gibson moves that we recommend filing the proposed language for OAR 259-061-0040 and OAR 259-061-0300 with the Secretary of State as a permanent rule. Motion seconded by Mark Rauch. Motion carries unanimously.*

## **9. Committee Makeup and Report**

Presented by Jeff Martin

Jeff Martin's terms as Private Security/Investigator's Policy Committee Chairperson is coming to an end in June 2014.

The process for selecting a new Chairperson and Vice Chairperson for the Policy Committee is that the Policy Committee Chair and Vice Chair positions are selected by the members of the committee as recommended by the Chairperson. The selection process consisted of: review of applications, consideration of whether the individuals had already been serving the Private Security or Investigator's industry and as part of the Policy or Subcommittee, and the contributions they have made over the years. Additionally, Jeff met with each applicant either in person or via

telephone to discuss their intentions. Upon Policy Committee approval, the recommendation goes to the Board on Public Safety Standards and Training and then on to the Governor's office for final appointment of the positions.

Jeff Martin has asked Judy Pongratz to step into the position of Chairperson and Paul Castleberry to step into the position of Vice Chairperson. Both Judy and Paul have accepted.

***Mark Rauch motions to approve the recommendation of Judy Pongratz as Chairperson and Paul Castleberry as Vice Chairperson to the Board on Public Safety Standards and Training. Motion seconded by Jim Gibson. Motion carries unanimously.***

## **10. Subcommittee Reports**

### **A. Curriculum – Judy Pongratz**

- a. Last meeting was July 3, 2013. Subcommittee decided to what order the curriculum would be trained at that meeting and revised the Unarmed curriculum. Subsequently, the Board approved the revised curriculum in October and in December, DPSST staff mailed out a CD with new manuals on it to all Unarmed Instructors.
- b. In January, Judy and Eve Claydon met and are moving forward quickly with Job Task Analysis. Eve began by sending a survey to all Instructors that encompassed a list of security duties with answer options for how often these duties are performed. Managers were asked if a person didn't do this task, what the repercussions would be. Additionally, Eve invited constituents to come to a Subject Matter Expert session at the Academy on February 26<sup>th</sup> and 27<sup>th</sup> 2014. Expected attendance is 100 constituents, which will generate adequate data to analyze. The questions being asked are:
  - i. What is wrong with the current material?
    1. What do we need to add? What are we missing?
  - ii. How are we going to implement the additions and deletions?
    1. What is most important? Loss Prevention has different set of tasks that they need to address than a bouncer.
  - iii. How are we going to amalgamate that into a single material?

### **B. Armed – Paul Castleberry**

The Armed Subcommittee has been focusing instructor training that was spoken about earlier in this meeting. The next Armed Subcommittee meeting has been scheduled for March 31<sup>st</sup> 2014.

### **C. Alarm Monitor – Robert Henderson**

Nothing to report

### **D. Investigator – Jim Gibson/Ronald Miller**

- a. Just completed the two year process on the aforementioned rule changes.

- b. Out of the 600+ Private Investigators who are licensed in Oregon, only had 3 people voice displeasure to Jim Gibson directly (outside of policy and subcommittee meeting discussions) regarding the rule changes.
- c. Meeting will be scheduled in the near future.

**11. DPSST Private Security/Investigators Policy Committee Orientation**

Was held prior to the Policy Committee meeting

**12. Meeting adjourned at 2:10pm. Next Private Security/Private Investigator Policy Committee Meeting scheduled for May 20, 2014, in Salem, Oregon.**