

Private Security/Investigator's Policy Committee
Minutes
September 27, 2012

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a telephonic meeting on September 27, 2012, at the Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317. The meeting was called to order by the Chair Jeff Martin at 11:40am.

Attendees:

Policy Committee Members via phone:

Jeff Martin, Chair
Shawn Cardwell, Vice Chair
Jim Essam, Alarm Monitoring
Ernie Loy, Private Business
Paul Castleberry, Armed Security
Chuck Wade, Unarmed Security
Robert Smith, Healthcare Industry
Justin Walker, Hospitality
Jim Gibson, Private Investigations

Committee Members Absent:

Bill Geiger, Manufacturing
Phillip Agrue, Private Investigations OBA
Judy Pongratz, Retail Industry

DPSST Staff:

Teresa Plummer, PSPI Program Supervisor
Karen Evans, PSPI Investigator
Linsay Hale, Rules and Compliance Coordinator
Suzy Herring, PSPI Compliance Specialist
Julie Johnson, PSPI Compliance Specialist
Heather Hatch, PSPI Licensing Specialist

1. Chair's Report and Administrative Announcements

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

2. Private Security Manager Examination

Presented by Teresa Plummer

See Appendix A for details

- a. Manager examination has been reviewed by the respective subcommittees and by the curriculum unit in the training division of DPSST

Bob Smith motioned to approve the examination as presented and move to the Board for approval. Ernie Loy seconded the motion. The motion carried unanimously.

3. Private Security Instructor Examination

Presented by Teresa Plummer

See Appendix B for details

- a. Instructor examination has been reviewed by the respective subcommittees and by the curriculum unit in the training division of DPSST

Ernie Loy motioned to approve the examination as presented and move to the Board for approval. Jim Gibson seconded the motion. The motion carried unanimously.

4. Alarm Monitor Manager Examination

Presented by Teresa Plummer

See Appendix C for details

- a. Alarm motion manager examination has been reviewed by the respective subcommittees and by the curriculum unit in the training division of DPSST

Jim Essam motioned to approve the examination as presented and move to the Board for approval. Bob Smith seconded the motion. The motion carried unanimously.

5. Alarm Monitor Instructor Examination

Presented by Teresa Plummer

See Appendix D for details

- a. Alarm monitor instructor examination has been reviewed by the respective subcommittees and by the curriculum unit in the training division of DPSST

Jim Essam motioned to approve the examination as presented and move to the Board for approval. Jim Gibson seconded the motion. The motion carried unanimously.

6. Oregon Administrative Rule Public Comments Discussion

Presented by Lindsay Hale

See Appendix E and F for details

- a. Comments:
 - i. Public comment regarding contract information in OAR 259-060-0130(9)(a) and 259-060-0130(9)(b)
 - ii. Committee recommended revising the proposed language in OAR 259-060-0130(9)(a) to exclude disclosure of tax identification numbers due to the fact that some tax identification numbers may be individual social security numbers, but to retain the requirement that executive managers must notify the Department of the names, addresses and contract information with any business or entity which with the contact to endure compliance.

Ernie Loy motioned to revise the proposed language found in OAR 259-060-0130(9)(a) to exclude disclosure of tax identification numbers and to move forward to the Board as a proposed rule and as a permanent rule if approved. Shawn Cardwell seconded the motion. Motion carried unanimously.

- iii. Public comment regarding crowd management/guest services in OAR 259-060-0140(2)(d)
- iv. Committee recommended making no changes because the rule mirrors statute. It will be up to the Department to educate constituents properly.

Jim Gibson motioned to file as originally proposed with the Board for approval. Bob Smith seconded the motion. Motion carried unanimously.

7. Next Private Security Policy Committee Meeting Scheduled for November 13, 2012, in Salem, Oregon
 - a. Meeting adjourned at 12:05pm

Appendix A W:\ProfessionalStandards\PrivateSecurity\Manuals\DRAFT EXAMS\Board Submittal\Alarm Manager

Appendix B W:\ProfessionalStandards\PrivateSecurity\Manuals\DRAFT EXAMS\Board Submittal\Alarm Monitor Instructor

Appendix C W:\ProfessionalStandards\PrivateSecurity\Manuals\DRAFT EXAMS\Board Submittal\Instructor

Appendix D W:\ProfessionalStandards\PrivateSecurity\Manuals\DRAFT EXAMS\Board Submittal\Manager Orientation

Appendix E

Department of Public Safety Standards and Training

Memo

Date: September 27, 2012

To: Private Security and Investigator Policy Committee

From: Linsay Hale
Rules & Compliance Coordinator

Subject: OAR 259-060-0060, 259-060-0065, 259-060-0070, 259-060-0075, 259-060-0080, 259-060-0085, 259-060-0095, 259-060-0120, 259-060-0130 & 259-060-0135 – Proposed Rules - REVISED

Private Security Minimum Training Requirements

Issue: These proposed rule changes reorganize and clarify the training requirements for certification and licensure of private security providers.

Background: This proposed rule was originally brought before the Private Security and Investigator Policy Committee at its meeting on June 8, 2012. The Policy Committee members unanimously voted to recommend to the Board approving of filing the proposed language as a proposed rule with the Secretary of State's office and as a permanent rule if no comments were received. The Board affirmed the Policy Committee's recommendation at its meeting on July 26, 2012. The proposed rule was filed and was opened for public comment on September 1, 2012. On September 19, 2012, staff received the following comment via e-mail:

From: John McLaughlin [mailto:johnm@portlandpatrol.com]
Sent: Wednesday, September 19, 2012 8:36 PM
To: Hale Lindsay
Subject: FW: Suggested coments to DPSST

Ms. Hale,

Portland Patrol Inc. has some very serious concerns regarding paragraph # 9 in the Executive Managers portion of the newly proposed language. Our concern is centered in both sub paragraph (a) and sub paragraph (b). The requirements to notify the department of the actuation of a new contract coupled with the disclosure of the principles names, addresses ,and tax identification numbers violates our intellectual properties. The information to be provided to your organization which is subject to public demand, exposes the contractors private and sensitive information to public exposure. This is unacceptable.

Staff Recommendation: The requirement in question was added to rule as a way for DPSST to confirm all businesses and entities utilizing private security staff are compliant with administrative rule requirements by employing or contracting with an executive manager. While staff disagrees that requiring executive managers to provide the names, addresses, contact information and tax identification numbers of any outside businesses or entities with which they contract with violates intellectual property rights, staff feels that requiring executive managers to report only the names of these businesses or entities will satisfy the intention of the requirement.

The following revised language for OAR 259-060-0060 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0060

~~Eight-Hour Basic Classroom Instruction~~ **Minimum Standards for Training**

(1) All private security training courses and examinations will be based upon a curriculum approved by the Board.

(2) All required training and testing must be conducted by a certified private security instructor as defined in OAR 259-060-0010 or by a Department designee.

(3) All required firearms training must be administered by a certified private security firearms instructor.

(4) The Department will deliver orientation training to managers and instructors.

(5) All training must be delivered in English and assessments and written exams must be completed in English, without assistance.

(6) The Department website will provide names of instructors who have requested on a Department-approved form that their names be available to applicants.

(7) Only a certified private security instructor delivering the training on-site may sign a Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results).

(8) It is the responsibility of the applicant or private security provider to submit the original Form PS-6 to the Department upon completion of training as specified in these rules. The Form PS-6 must be signed by the certified instructor who administered the training and enclosed in a tamper-proof bag, sealed by the instructor.

(9) To satisfy the training requirements for private security certification or licensure, training must be completed and submitted to the Department on a Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) within 180 days of the training being completed.

(10) Private Security Course Descriptions.

~~(1) The training requirements for certification as a private security provider are:~~

(a) **Basic Classroom Instruction.**~~Eight hours of b~~**Basic classroom instruction based upon a curriculum approved by the Board or its designated staff. For purposes of these rules, classroom instruction consists of live classroom instruction which may** includes use of a subject matter expert, audio; **and** visual ~~and actual classroom instruction.~~ **Instructors must provide individuals with a manual of the basic curriculum. Applicants must complete a closed-book**

written examination. ~~Private security managers and instructors must utilize a management-specific training manual approved by the Board or designated staff, and review the training in a self-study environment. Any manager who provides private security services in the capacity of a private security professional must complete the full training designated for that classification (e.g., unarmed, armed or alarm monitor).~~

~~(b) An applicant may challenge the eight-hour basic classroom instruction component of the training requirements, if the person has two or more years of experience in the field of law enforcement, military police or private security. The person may challenge the eight-hour basic classroom instruction component only once. The four-hour assessment module may not be challenged.~~

~~(c) Four hours of additional assessment by a DPSST-certified instructor as detailed in OAR 259-060-0075. Managers and instructors will complete a four-hour management-specific orientation under the direction of the Department's designee, rather than a certified private security instructor.~~

~~(d) Successful completion of a written examination administered in compliance with OAR 259-060-0065. Managers and instructors will complete the written examination utilizing the management-specific training manual provided as a resource by the Department. The written examination will be reviewed at the manager's or instructor's four-hour orientation for grading by the Department's designee.~~

~~(2) All required training must be conducted by a certified private security instructor as defined by OAR 259-060-0135 or Department designee. Only a certified private security instructor or Department designee may sign a Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results).~~

~~(3) It is the responsibility of the applicant to obtain a completed Form PS-6 sealed in an approved tamper-proof bag and to submit this sealed bag to the Department, along with the completed application packet and fees. The instructor must provide to the applicant the fully-completed original Form PS-6, sealed in a tamper-proof bag, if the applicant successfully completed all requirements. Additionally, the instructor must provide the applicant with a Form PS-6 colored carbon copy, and the instructor will retain the other carbon copy in the instructor's files for the life of the training (two years).~~

~~(4) The Department or its designated staff may cause inspections of training methods, instructors and accredited training programs to be made pursuant to ORS 181.878(4)(b), 181.878(6), and OAR 259-060-0135(6).~~

(b) Assessment Module. The assessment module is a hands-on, practical exercise given to private security professionals that will reinforce the knowledge and techniques presented during classroom instruction. The module consists of evaluation and includes, but is not limited to, scenarios requiring application of task-related skills learned in the basic classroom instruction.

(c) Basic Firearms Training. Basic Firearms training must include:

(A) A minimum of 24 hours of instruction and an open-book written examination covering firearms instruction materials;

(B) A safe gun handling test; and

(C) A marksmanship qualification using firearms qualification standards and targets.

(d) Instructor Course. The instructor course teaches curriculum, instructing techniques, and Department policies and procedures. The course includes classroom instruction, an assessment module and a written examination. Training must be delivered by the Department or designee. Instructor applicants must use a Board-approved manual to review the training in a self-study environment; and

(e) Manager Course. The manager course trains on Department policies and procedures. The course includes classroom instruction, an assessment module and a written examination. Private security manager applicants must use a Board-approved manual to review the training in a self-study environment.

(11) Private Security Certification and Licensure Maintenance Course Descriptions.

(a) Annual Firearms Marksmanship Regualification and Refresher Course includes an annual firearms marksmanship requalification and the annual armed 4-hour classroom refresher course and closed-book written examination.

(b) Biennial Refresher Training includes four hours of biennial refresher training related to the current level of certification and in accordance with OAR 259-060-0120, 259-060-0130, and 259-060-0135.

(c) Annual Firearms Instructor Marksmanship Qualification includes an annual firearms marksmanship requalification.

(11) Applicants must achieve a score of 100 percent on all examinations and assessments with remediation in accordance with OAR 259-060-135(8).

(12) All private security providers who have previously been certified or licensed by the Department as a private security provider whose certification or licensure has been expired for over four years from must reapply and complete all required training again in accordance with OAR 259-060-0025(2)(a).

The following revised language for OAR 259-060-0065 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0065

Written Examinations

~~(1) Written examinations covering the required classroom instructional materials will be prepared and approved by the Board or its designated staff. All examinations are in English. Each applicant must be able to complete the examination without any assistance reading, writing or understanding English.~~

~~(2) A Department-certified instructor must administer the applicable written examination.~~

~~(3) The applicant must achieve a minimum of 80 percent correct answers on general test questions.~~

~~(4) A Department-certified instructor must review each incorrect test question with the applicant, explaining the principle behind the question, the correct answer and the basis for the correct answer. Oral responses of the applicant and the instructor's assessment of whether the applicant understands the underlying principles and the appropriate answer may cause the termination of training or indication on the Form PS-6 that the applicant has failed to successfully complete the required training. The instructor has the option of:~~

~~(a) Remediating the incorrect test responses (i.e., counting as correct the initially incorrect test answers) if the score is 50 to 99 percent correct; or~~

~~(b) Advising the applicant to repeat those portions of the training applicable to the missed questions and to retake the applicable sections of the written examination if the score is under 50 percent.~~

~~(5) The Department-certified instructor must complete Form PS-6 affirming that the applicant's identity was confirmed and that the integrity of the examination process was maintained. No one other than the administering instructor may sign the Form PS-6 reflecting completion of training.~~

~~(6) The Department-certified instructor must fully complete, enclose and seal Form PS-6 in the approved tamper proof bag and present the form(s) to the applicant to be sent to the Department along with Form PS-1 (Application for Licensure or Certification of Private Security Services Providers).~~

~~(7) Private Security managers and instructors will complete the written examination utilizing the management specific training manual provided by the Department. The written examination will be taken to the four-hour orientation for grading by the Department's designee.~~

~~(8) The applicant may also elect to complete Form PS-7 (Private Security Instructor Evaluation) for submission to the Department together with the other application materials. The instructor~~

has no authority to view this completed form, which will be used by the Department to evaluate performance.

The following revised language for OAR 259-060-0070 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0070

Basic Firearms Course and Marksmanship Qualifications

(1) ~~The training requirements for certification as an armed private security professional are:~~

(a) ~~Satisfactory completion of the training requirements set forth in OAR 259-060-0060;~~

(b) ~~An additional course of instruction based upon a curriculum approved by the Board or its designated staff;~~

(c) ~~Successful completion of an additional written examination, administered in accordance with OAR 259-060-0065, covering firearms instructional materials;~~

(d) ~~A minimum marksmanship qualification score of 100 percent on a firearms qualification course and target approved by the Board or its designated staff.~~

(2) ~~The basic firearms instructional course and marksmanship qualification must be administered by a certified private security or public safety firearms instructor (OAR 259-060-0135(3)). Only the administering instructor may complete the Form PS-6.~~

(3) ~~The instructor must provide to the applicant the fully completed original Form PS-6, sealed in a tamper proof bag, if the applicant successfully completed all requirements.~~

(4) ~~The Department or its designated staff may cause inspections of training methods or the instructors to be made pursuant to ORS 181.878(4)(b), 181.878(6), and OAR 259-060-0135(6).~~

The following revised language for OAR 259-060-0075 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0075

Four-Hour Assessment Module

(1) ~~For purposes of these rules, an approved or accredited four-hour assessment module means a four-hour curriculum given to private security professionals that includes, but is not limited to,~~

~~demonstration of task-related skills learned in the eight-hour basic curriculum instruction as applied to hypothetical situations, administered by a Department-certified private security instructor. Managers will complete the four-hour orientation under the direction of the Department's designee, rather than a certified private security instructor.~~

~~(2) The required activities must include applicant completion of task-related skills based on classroom curriculum. All activities are in English. Each applicant must be able to complete the activities without any assistance reading, writing or understanding English.~~

~~(3) It is the responsibility of the applicant to obtain a completed Form PS-6 and forward this to the Department. The instructor must provide to the applicant the fully completed original Form PS-6, sealed in a tamper-proof bag, if the applicant successfully completed all requirements. Additionally, the instructor must provide the applicant with a Form PS-6 colored carbon copy, and the instructor will retain the other carbon copy in the instructor's files for the life of the training (two years).~~

~~(4) It is not necessary for a prospective applicant to be employed as a private security provider to receive the eight-hour classroom training and four-hour assessment module.~~

The following revised language for OAR 259-060-0080 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0080

Annual and Biennial Refresher Courses of Instruction

~~(1) In addition to the training requirements set forth in OAR 259-060-0060, 259-060-0070 and 259-060-0075 four-hour unarmed refresher courses and manager orientations must be completed biennially, within the 90 days prior to the expiration date of the certificate or license. Armed refresher courses must be completed annually, within the 90 days prior to the anniversary date of the certificate.~~

~~(a) Persons certified as private security professionals, or licensed as executive or supervisory managers, must successfully complete an approved or accredited four-hour refresher course biennially within the 90 days prior to the expiration date of the certificate;~~

~~(b) Persons certified as armed private security professionals must successfully complete a refresher course annually based upon a curriculum approved by the Board or its designated staff; must requalify annually in firearms marksmanship as provided in OAR 259-060-0085; and shall complete biennially the four-hour unarmed refresher course, within the 90 days prior to the expiration date of the certificate.~~

~~(c) Persons certified as private security professionals or licensed as executive or supervisory managers must successfully complete a written examination based upon the content of the required refresher course(s) and administered in accordance with OAR 259-060-0065.~~

~~(2) The four-hour biennial unarmed refresher course must be administered by a Department-certified unarmed private security instructor, or a Department-certified private security firearms instructor who has completed the unarmed instruction orientation. Firearms instructors who complete the unarmed instructor training will not be assessed an additional certification fee for the unarmed instructor status. Refresher course instruction required of armed private security officers must be administered by a certified private security or public safety firearms instructor.~~

~~(3) It is the responsibility of the holder of the certificate or license to obtain a completed and sealed Form PS-6 and to forward the documentation to the Department. The instructor must provide to the applicant the fully completed original Form PS-6, sealed in a tamper-proof bag, if the applicant successfully completed all requirements. Additionally, the instructor must provide the applicant with a Form PS-6 colored carbon copy, and the instructor will retain the other carbon copy in the instructor's files for the life of the training (two years).~~

~~(4) The person taking the examination may also elect to complete Form PS-7 (Private Security Instructor Evaluation) for submission to the Department.~~

~~(5) The holder of the certificate or license must complete (as required) the biennial four-hour refresher course, submitting the Form PS-6 to DPSST not more than 90 days prior to the expiration date of the certification or licensure. The holder of an armed certificate must also complete the annual firearms instruction refresher course, written exam, and marksmanship qualification, submitting the Form PS-6 to DPSST not more than 90 days prior to the anniversary date of the certification.~~

~~(6) Failure to comply with the requirements of this rule may result in suspension or revocation of a certificate or license.~~

The following revised language for OAR 259-060-0085 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0085

Annual Firearms Marksmanship Requalifications

~~(1) The annual firearms marksmanship requalification, required only of armed private security professionals, must be administered by a certified private security or public safety firearms instructor.~~

~~(2) The standards and safeguards shall be in conformity with those specified in OAR 259-060-0135(3)(b) and 259-060-0070.~~

~~(3) It is the responsibility of the holder of the certificate to obtain a completed and sealed Form PS-6 and to forward this sealed tamper proof bag to the Department.~~

~~(4) The person seeking requalification must complete the annual firearms marksmanship requalification not more than 90 days prior to the anniversary date of the certificate.~~

~~(5) Failure to comply with the requirements of this rule will result in the suspension or revocation of the certification.~~

The following revised language for OAR 259-060-0095 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0095

Training Records

~~(1) It is the sole responsibility of the applicant or holder of the license or certificate to maintain his or her training records. However, instructors must maintain their copies of students' Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) for two years after the training date. Students are entitled to obtain a copy of the Form PS-6 from the instructor, at reasonable expense to the student, at any time during the life of the training.~~

~~(2) It is the sole responsibility of the applicant or holder of the license or certificate to submit the original Form PS-6 as specified in these rules. The instructor must provide to the applicant the fully completed original Form PS-6, sealed in a tamper proof bag, if the applicant successfully completed all requirements. Additionally, the instructor must provide the applicant with a Form PS-6 colored carbon copy, and the instructor will retain the other carbon copy in the instructor's files for the life of the training (two years).~~

~~(3) Upon receipt of a properly completed Form PS-6, indicating training completed by a licensee or certificate holder, the Department's designated staff, will record the training records.~~

The following revised language for OAR 259-060-0095 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0095

Training Records

~~(1) It is the sole responsibility of the applicant or holder of the license or certificate to maintain his or her training records. However, instructors must maintain their copies of students' Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) for two years after the~~

~~training date. Students are entitled to obtain a copy of the Form PS-6 from the instructor, at reasonable expense to the student, at any time during the life of the training.~~

~~(2) It is the sole responsibility of the applicant or holder of the license or certificate to submit the original Form PS-6 as specified in these rules. The instructor must provide to the applicant the fully completed original Form PS-6, sealed in a tamper proof bag, if the applicant successfully completed all requirements. Additionally, the instructor must provide the applicant with a Form PS-6 colored carbon copy, and the instructor will retain the other carbon copy in the instructor's files for the life of the training (two years).~~

~~(3) Upon receipt of a properly completed Form PS-6, indicating training completed by a licensee or certificate holder, the Department's designated staff, will record the training records.~~

The following revised language for OAR 259-060-0120 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0120

Private Security Professional Certification and Responsibilities

(1) All private security professional applicants must complete an application in accordance with OAR 259-060-0025.

(2) All private security professionals must be in compliance with the minimum standards for certification as listed in OAR 259-060-0020.

~~(1) Under ORS 181.873(1)(a), it is unlawful for a person to engage in the business of, or perform any service as, a private security professional, or to offer services in such capacity, unless the person has obtained certification as a professional, in accordance with these rules.~~

~~(a) A Department licensed executive manager may temporarily assign a person who is not certified as required by these rules to perform private security services within this state for a period of time not to exceed 90 days if:~~

~~(A) The person is employed in another state;~~

~~(B) The person holds a private security professional certification or licensure from another state; and~~

~~(C) The certification or licensing standards of the other state meet or exceed the standards of this state.~~

~~(D) The intent of this provision is to allow a company to transfer its employees to this state for the purpose of temporary assignment.~~

~~(E) A Department licensed executive manager must provide to DPSST a copy of the authorizing state's statutory requirements for private security professionals, demonstrating that the professional has undergone a criminal history fingerprint background check. Additionally, the executive manager must complete Form PS-9 (Private Security Waiver for Reciprocity), a triplicate form; the original must be mailed to the Department or its designated staff, one copy must be retained by the employer, and one copy must be retained by the employee. The employee copy of this form must be carried on the employee's person at all times while performing private security services in this state or while on duty. It must be presented to any law enforcement officer upon demand and must be displayed to any other person upon reasonable request.~~

~~(F) The reciprocity packet must bear a postmark on or before the first day the applicant performs private security services in this state.~~

~~(b) A Department licensed executive manager or supervisory manager who has completed the manager specific orientation requirement of OAR 259-060-0075 may temporarily assign a person, whose application for certification as a private security professional is being processed, to perform private security services within this state for a period of time not to exceed 120 days under the following conditions:~~

~~(A) The applicant has completed all the requirements under this section (OAR 259-060-0120), including training;~~

~~(B) A Department licensed manager has completed and signed the applicable portions of Form PS-20 (Private Security Temporary Work Permit), affirming the above requirements have been met;~~

~~(C) The Department licensed executive manager or supervisory manager has attached the original of Form PS-20 to Form PS-1 (Application for Licensure or Certification of Private Security Services Provider); and~~

~~(D) The Department licensed manager has mailed to the Department each of the items in this section, as a complete packet. Form PS-4 is a sworn statement and must be sealed in a tamper-proof bag, along with the fingerprint cards, by the person rolling the prints; Form PS-6 is a sworn statement, and must be sealed in a tamper-proof bag by the issuing instructor. The application packet must bear a postmark on or before the first day the applicant performs private security services. Form PS-27 (Private Security Code of Ethics) is for the use of the applicant. For purposes of this rule, the Department will not require submission of a PS-6 for any private security provider who is enrolled in an accredited private security program at the time of application.~~

~~(E) If an applicant has not completed each step of the application process, including training, the applicant can not perform unsupervised private security services. Such persons may only provide private security services under the direct supervision of a certified private security professional, licensed executive or supervisory manager. The person being monitored can not make decisions regarding any course of action independent of the person providing the direct supervision. The~~

duration for direct supervision for an applicant is no more than 21 consecutive calendar days, during which time the applicant must be under the uninterrupted presence of a certified private security professional.

~~(F) The intent of the Form PS-20 provision is to allow a company to employ and deploy a private security professional or manager, while the application for certification or licensure is being processed. A temporary work permit will not be issued for armed private security professionals.~~

~~(G) The Form PS-20 will last no longer than 120 days and, in any event, shall end upon written notice from the Department to the applicant that the permit has been administratively terminated under subsection (1)(b)(H) of this rule.~~

~~(H) Upon written notice from the Department to the applicant and the manager who signed the Form PS-20, the permit and authority to provide private security services may be administratively terminated for the following reasons:~~

~~(i) The Department has reason to believe that a person with the applicant's name and birth date has been convicted of a disqualifying crime listed in OAR 259-060-0020.~~

~~(ii) The application is incomplete or the Department has been unable to verify application information to its satisfaction due to non-response or non-compliance of the applicant.~~

~~(iii) Applicant has violated any private security administrative rule or condition imposed by Form PS-20. Applicants who provide false information in their application, contrary to their sworn oath, will be disqualified from reapplying for a period of 10 years.~~

~~(iv) The fingerprint cards of applicant have been rejected under subsection 5(b) of this rule.~~

~~(I) Upon notification from the Department that the Form PS-20 has been administratively terminated because of a deficiency in application, the manager who signed the permit must notify the applicant that he or she may not perform private security services. A new application with corrected deficiencies must be filed, along with a new certification fee, prior to the applicant resuming duties. This provision does not apply to terminations based upon criminal conviction disqualification.~~

~~(J) The termination of the Form PS-20 due to a criminal conviction disqualification is subject to the contested case hearing procedures set forth in OAR 259-060-0300.~~

~~(c) The Department or its designated staff may administratively terminate the application process if the Department is unable to complete the certification process due to non-response or non-compliance of the applicant after exhausting the following efforts:~~

~~(A) A letter will be mailed by the Department to the applicant, and the last known employer of the applicant, identifying the deficiencies in the Form PS-1, or the rejection of the fingerprint cards of applicant.~~

~~(B) The applicant and any manager supervising the applicant will have 21 calendar days from the date of mailing to bring the applicant into compliance and to notify the Department that the deficiencies are corrected. The Department may, in its discretion, elect to extend the time for compliance upon good cause shown by the applicant or its manager.~~

~~(C) If the Department is unable to determine a current address for the applicant, or if the applicant or manager does not respond and correct the deficiencies within 21 calendar days, or such additional time authorized by the Department, the Department will list the applicant's status as "administratively terminated." The Department will notify the applicant at his or her last known address, and notify the last known employer of the applicant, that the Department has administratively terminated the application process.~~

~~(D) Once the application process has been administratively terminated, the applicant will be required to submit a new Form PS-1, with another certification fee. An applicant whose application process has been administratively terminated is not eligible to perform private security services until a new, complete application and fees are submitted to the Department, along with a Form PS-6 providing proof of new basic training.~~

(3) Alarm Monitor Private Security Professional.

(a) A certified private security alarm monitor professional is authorized to perform the duties defined in OAR 259-060-0010.

(b) Basic training consists of successful completion of eight hours of alarm monitor basic classroom instruction and exam and a four-hour alarm monitor assessment.

(c) Biennial alarm monitor renewal training consists of four-hour alarm monitor renewal course and exam. To satisfy the renewal training requirements, training must be completed no more than 180 days before the expiration of the current certification.

~~(2)~~ **4** The requirements for certification as an unarmed private security professional are as follows: **Unarmed Private Security Professional.**

~~(a) Compliance with the minimum standards for certification under OAR 259-060-0020;~~

~~(b) Successful completion of the mandatory eight-hour basic classroom instruction required under OAR 259-060-0060, including successful completion of the written examination;~~

~~(c) Successful completion of the mandatory four-hour assessment module required under OAR 259-060-0075; and~~

~~(d) Submission to the Department of the completed application packet as required under Sub (5) of this rule, together with the appropriate fees.~~

(a) A certified unarmed private security professional is authorized to perform the duties defined in OAR 259-060-0010.

(b) Basic training consists of successful completion of eight hours of unarmed basic classroom instruction and exam and four-hour unarmed assessment.

(c) Biennial unarmed renewal training consists of four-hour unarmed renewal course and exam. Renewal training must be completed no more than 180 days before the expiration of the current certification or license. To satisfy the renewal training requirements, training must be completed no more than 180 days before the expiration of the current certification.

~~(3 5)~~ The requirements for certification as an armed private security professional are as follows:
Armed Private Security Professional.

~~(a) Compliance with the minimum standards for certification under OAR 259-060-0020;~~

~~(b) Successful completion of the mandatory eight-hour basic classroom instruction required under OAR 259-060-0060, including successful completion of the written examination;~~

~~(c) Successful completion of the mandatory four-hour assessment module required under OAR 259-060-0075;~~

~~(d) Successful completion of the mandatory 15-hour firearms course and marksmanship qualification required under OAR 259-060-0070, including successful completion of the written examination and satisfaction of marksmanship requirements; and~~

~~(e) Submission to the Department of the completed application packet as required under (5) of this rule, together with the appropriate fees.~~

(a) A certified armed private security professional is authorized to perform the duties defined in OAR 259-060-0010.

(b) In addition to the minimum standards for unarmed certification, armed professionals must also be in compliance with the firearms standards listed in OAR 259-060-0020.

(c) Basic training consists of successful completion of:

(A) Eight hours of unarmed basic classroom instruction, exam, and four-hour unarmed assessment; and

(B) Basic firearms training as defined in OAR 259-060-0060 which consists of a minimum 24 hours of basic armed instruction, a written examination, safe gun handling test, and marksmanship qualification.

(d) Armed annual refresher training consists of a minimum of 4 hours including the armed refresher course and exam and firearms marksmanship requalification. To satisfy the training requirements, armed annual refresher training must be completed no more than 180 days before the certification anniversary or expiration of the current certification.

(e) In addition to the annual refresher training, armed private security professionals must complete an unarmed renewal training biennially. Renewal training must be completed no more than 180 days before the expiration of the current certification.

(4) A certified private security provider or applicant must carry the certificate or Form PS-20 on his or her person at all times while performing security services or while on duty. The certificate or Form PS-20 must be presented to any law enforcement officer upon demand, and must be displayed to any other person upon reasonable request. A temporary work permit will not be issued for instructors or armed private security professionals.

(5) The application packet for certification as a private security provider must include:

(a) A completed Form PS-1, including a sworn affidavit attesting to the truth and correctness of the information provided by the applicant, and acknowledging the Department's right to terminate a temporary work permit. Falsification of this application can result in a denial of certification for up to ten years, as well as pursuit of criminal charges.

(b) A completed fingerprint packet. The Department will accept fingerprint cards correctly rolled and completed by private security or public safety personnel trained to roll fingerprints, or a person who is employed and trained by a private business that provides fingerprinting services. These fingerprint cards must be submitted on the pre-printed FBI fingerprint cards supplied by the Department, and must be sealed in a tamper-proof bag by the person rolling the prints. A fee will be charged for the third submittal of fingerprint cards if rejected twice by the Federal Bureau of Investigation;

(A) A fingerprint packet must include two fingerprint cards, and a Form PS-4. The person rolling the fingerprints must complete Form PS-4, enclose the two completed fingerprint cards and the Form PS-4 in the tamper-proof bag, seal it, and return it to the applicant.

(B) When the fees, application and completed fingerprint packet are received, the Department will assign a Private Security Identification number to the applicant, record that number on the fingerprint cards and forward the fingerprint cards to Oregon State Police. The Oregon State Police will process one set of the prints and send the other set of prints to the Federal Bureau of Investigation (FBI) for processing;

(C) The applicant's fingerprints will be retained and kept on file by the Oregon State Police Identification Services Section;

(D) The Oregon State Police Identification Services Section will notify the Department or its designated staff of any criminal record disclosed through processing the applicant's fingerprint cards; and

(E) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section, the Department will comply with the most current requirements.

- ~~(c) The original Form PS-6 sealed by the instructor in the approved tamper-proof bag;~~
- ~~(d) A completed Form PS-7 (Private Security Instructor Evaluation) (optional);~~
- ~~(e) The original of completed Form PS-20 when required.~~
- ~~(6) The applicant must submit the nonrefundable certification fee (including the fingerprint processing fee) to the Department or its designated staff, along with the application packet.~~
- ~~(7) The completed application packet must be mailed to the Department or its designated staff prior to the applicant performing any private security services.~~
- ~~(8) Renewal of certification must occur every two years subject to the following conditions:~~
 - ~~(a) The certificate holder must, within the 90-day period prior to certificate expiration, obtain refresher training as provided for in OAR 259-060-0080, submit the Form PS-6, required fees and a completed Form PS-21 (Renewal of Private Security Licensure or Certification). A copy of the Form PS-21 must be carried on the provider's person, while performing private security duties, until a new certificate is received.~~
 - ~~(b) The provider must submit the nonrefundable renewal fee to the Department or its designated staff.~~
 - ~~(c) The renewal documents must be received by the Department not more than 90 days prior to the anniversary date of the certification or licensure to allow for processing of the forms and criminal history check. The background check may determine convictions or other conditions under OAR 259-060-0020 that would disqualify the provider.~~
 - ~~(d) Failure to comply with renewal requirements will result in the expiration of certificate or license.~~
 - ~~(A) Persons reapplying within 90 days of expiration must complete the Form PS-21, and shall submit the certification fee.~~
 - ~~(B) Persons reapplying after 90 days of expiration must complete the Form PS-21 (Application for Licensure or Certification), and must submit the certification fees, plus a \$25.00 late submission penalty fee.~~
 - ~~(C) Persons continuing to provide private security services, after the certification has expired will be subject to penalties as provided for in ORS 181.991.~~
- ~~(9) Any private security provider who is arrested or charged criminally must notify the provider's employer and the Department of that fact not later than 48 hours after the arrest or charge is filed. Any employer who knows that an employee has been arrested or charged with a crime must notify the Department of that fact not later than 48 hours after the employer acquired knowledge. The initial notification may be by telephone, but must be immediately followed by~~

written notification. The notification must include the specific charges, the county and state where any charges are pending, the investigating agency, and the date of the arrest. Failure to notify the Department may result in suspension of the arrested person's certification or licensure.

~~(10) The applicant or private security provider must notify the Department or its designated staff within 14 calendar days of any change of address by using Form PS-23 (Private Security Services Provider Change of Information). Executive managers may use the form to advise the Department of the termination of employment, or provide their own list. Under ORS 305.385, a summary of all private security providers and applicants is provided annually to the Oregon Department of Revenue, including name, address and Social Security number.~~

(6) Department-accredited training may satisfy the training requirements listed above.

(7) Failure to complete any training requirements as prescribed by this rule may result in denial or revocation or private security certification or licensure as prescribed in OAR 259-060-0300 and civil penalties as prescribed in OAR 259-060-0450.

The following revised language for OAR 259-060-0130 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0130

Licensing of Private Security Executive Manager and Supervisory Manager Licensure and Responsibilities

~~(1) Under ORS 181.873(1)(b), it is unlawful for a person to engage in the business of, executive or supervisory manager, or to offer services in such capacities, unless the person has obtained a license in accordance with these rules.~~

(1) All private security executive or supervisory manager applicants must complete an application in accordance with OAR 259-060-0015.

(2) All private security executive or supervisory manager applicants must be in compliance with the minimum standards for certification as listed in OAR 259-060-0020.

(3) Private security executive managers are responsible for ensuring compliance of all private security providers employed by businesses or entities by which the executive manager is employed or contracted. An executive manager is authorized to perform the duties defined in OAR 259-060-0010.

(4) Private security supervisory managers have the responsibility and authority of supervising persons providing security services. A supervisory manager is authorized to perform the duties defined in OAR 259-060-0010.

~~(2) Each business, employer, or entity with a private security professional staff of at least one person must designate one employee who performs the duties of an "Executive Manager", as described in these rules, to obtain an Executive Manager license. An employer may obtain licensure for more than one executive manager. Any person who has responsibility and authority in supervising persons providing security services, who has not been licensed as an Executive Manager, must obtain a Supervisory Manager license. This provision applies to any business, employer or entity that provides private security services within this state, regardless of whether the business, employer or entity is located in or out of this state.~~

~~(a) In the event contract private security services are utilized, and the business or entity is not itself engaged in providing private security services, or engaging employees in private security services, there is no requirement for that business or entity to obtain a license under these rules.~~

~~(b) Issuance of an executive manager or supervisory manager license requires that the applicant meet the qualifications set forth in OAR 259-060-0020. This license authorizes the holder to distribute temporary work permits to private security professionals. A temporary work permit will not be issued for armed private security applicants. The executive manager or supervisory manager must review each application for completeness and criminal history, prior to mailing. DPSST must deny certification for applicants with certain convictions, as outlined in OAR 259-060-0020. Fees are not refundable.~~

~~(3) The requirements for licensing as an executive manager or supervisory manager are as follows:~~

~~(a) Compliance with the minimum standards for licensing under OAR 259-060-0020;~~

~~(b) Successful completion of training required under OAR 259-060-0060, including successful completion of the written examination and orientation under OAR 259-060-0065, and 259-060-0075. The training orientation specific to managers is required; and~~

~~(c) Submission to the Department of the completed application packet as required under subsection (6) of this rule, together with the appropriate fees. Because the manager training is completed through self-study, the training manual must be mailed to the manager by the Department upon receipt of the Form PS-1 (Application for Licensure or Certification of Private Security Providers), the fingerprint packet and the appropriate fees. To complete the application process, the manager must complete the written examination and attend the mandated manager orientation. Licensure as a manager does not allow the manager to provide private security services as a professional; the appropriate training course must be completed in order to do so.~~

~~(4) The application packet for licensure as an executive manager or supervisory manager must include:~~

~~(a) A completed Form PS-1 (Application for Licensure or Certification of Private Security Services Providers);~~

~~(b) A completed Form PS-4 (Affidavit of Person Rolling Fingerprints) and fingerprint cards, sealed in a tamper-proof bag;~~

~~(c) A completed Form PS-20 (Temporary Work Permit), if the manager-designate qualifies for pre-training employment under the provisions of sub-section (11) in this rule.~~

~~(5) The applicant must submit the nonrefundable applicable fee to the Department or its designated staff, along with the application packet.~~

~~(6) The completed application packet must be mailed to the Department prior to the performance by the applicant of any services as an executive manager or supervisory manager.~~

(5) Basic training for executive and supervisory private security managers consists of successful completion of:

(a) Eight-hour basic classroom instruction and exam; and

(b) Manager course, exam, and assessment module.

~~(7) Renewal of licensure must occur every two years subject to the following conditions:~~

~~(a) The license holder must complete and submit Form PS-21 (Renewal of Private Security Licensure or Certification). Completion of a biennial four-hour refresher course is required under OAR 259-060-0080(1)(a).~~

~~(b) The applicant must submit the nonrefundable renewal fee to the Department or its designated staff.~~

~~(c) The renewal documents must be received by the Department not more than 90 days prior to the expiration of the current license.~~

~~(d) Failure to comply with renewal requirements will result in the expiration of the license as provided for in OAR 259-060-0120(8)(d). Managers with expired licensure are not eligible to perform security services until a new, complete application and fees are submitted to the Department, along with a \$25.00 late submission penalty fee. New manager orientation training will also be required.~~

(6) Biennial renewal training consists of the manager course, exam and assessment module.

~~(8) During the two-year certification period, in the event of a staff change of executive manager(s) or supervisory manager(s), the company or entity must select a replacement manager, and must cause that person to apply for licensure as an Executive Manager or Supervisory Manager, as required. The company or entity must immediately notify the Department of the staff change on Form PS-23 (Change of Information). The new manager must complete a four-hour management orientation.~~

(7) Each business, employer, or entity with private security professional staff of at least one person must designate an individual to perform the duties of an executive manager as described in these rules. This provision applies to any business, employer, or entity that provides private security services within this state, regardless of whether the business, employer, or entity is located in or out of this state.

(a) An employer may obtain licensure for more than one executive manager.

(b) In the event of a staff change of executive managers or supervisory managers, the company or entity must select a replacement manager and immediately notify the Department of the staff change on the Form PS-23 (Change of Information).

(8) Employing, licensed managers may issue temporary work permits to private security applicants upon verification that all application requirements have been completed.

(9) An executive manager is authorized to contract with businesses or entities to provide services as an executive manager.

(a) An executive manager is required to notify the Department in writing of the names, addresses, contact information and tax identification numbers of each business or entity with which they contract within two days of beginning the contract.

(b) An executive manager must notify the Department within two days of the termination or completion of a contract with a business or entity.

(9 10) A licensed manager who performs private security services must complete the full training required for that classification and be certified.

~~(10) An applicant or person may hold a temporary work permit as an executive manager or supervisory manager for up to 120 days under the following conditions:~~

~~(a) A company or entity has newly established a private security services workforce over whom the person will command, or an existing licensed executive or supervisory manager is suddenly unable to perform such duties due to death, termination or other unexpected circumstance.~~

~~(b) The person seeking a temporary work permit as an executive manager or supervisory manager holds at least one of the following qualifications:~~

~~(A) Certified in this state as a private security professional; or~~

~~(B) Holds a management position that, in the chain of supervision, is equal to, or higher than, the vacated licensed position.~~

~~(c) A Form PS-20 (Private Security Services Provider Temporary Work Permit) must be completed and forwarded to the Department or its designated staff prior to performing any duties~~

~~as an executive manager or supervisory manager relating to providing security services in this state, and is subject to the conditions found under OAR 259-060-0120(1)(b)(G)-(J).~~

~~(d) If the person seeking a temporary work permit as an executive manager or supervisory manager has not completed each step of the application process, the person may not have oversight responsibilities for private security services or staff, and the business or entity may not provide private security services.~~

~~(e) The intent of the Form PS-20 provision is to allow a business or entity to employ an executive manager or supervisory manager to provide private security services while the recruitment is in process.~~

~~(f) An executive manager or supervisory manager may also be temporarily assigned to provide private security services under the provisions of OAR 259-060-0120(1)(a).~~

~~(11) The Department or its designated staff may administratively terminate the application process as provided for in OAR 259-060-0120(1)(e)(A)-(D).~~

(11) Failure to complete any training requirements as prescribed by this rule may result in denial or revocation or private security certification or licensure as prescribed in OAR 259-060-0300 and civil penalties as prescribed in OAR 259-060-0450.

The following revised language for OAR 259-060-0135 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0135

Certification of Private Security Instructors-Certification and Responsibilities

(1) The Department ~~or its designated staff must~~ **will** certify instructors deemed qualified to teach **instruct** ~~in~~ any required private security professional training courses.

~~(2) Certified Private Security Instructor~~

~~(a) The minimum requirements for certification as an instructor are as follows:~~

~~(A) Compliance with the minimum standards for certification under OAR 259-060-0020;~~

~~(B) Successful completion of training and examination required under OAR 259-060-0060, 0065 and 0075; and instructor training delivered by the Department or its designated staff;~~

~~(C) High school diploma or GED;~~

~~(D) Minimum of three years work experience in the private security services, military police, or law enforcement fields; and~~

~~(E) Compliance with the age requirements under the Private Security Service Providers Act;~~

(2) All private security instructor applicants must complete an application in accordance with OAR 259-060-0025.

(3) All private security instructor applicants must be in compliance with the minimum standards for certification as listed in OAR 259-060-0020. In addition, applicants must:

(a) Have a minimum three years of work experience in private security services, military police, or law enforcement fields; and

(b) Applicants for certification as a firearms private security instructor must be in compliance with the firearms standards listed in OAR 259-060-0020.

~~(b) A certified instructor is authorized to:~~

~~(A) Provide the eight hour "basic" instruction based on the approved or accredited course content and materials provided by the Department or its designated staff as specified in OAR 259-060-0060;~~

~~(B) Provide the four hour assessment module based on the approved or accredited private security professional course content, materials and assessment criteria provided by the Department or its designated staff as specified in OAR 259-060-0075;~~

~~(C) Provide the four hour biennial refresher training and testing based on the approved or accredited private security professional course content and materials provided by the Department or its designated staff as specified in OAR 259-060-0080; and~~

~~(D) Administer the applicable written examination(s) as specified in OAR 259-060-0065.~~

(4) Private security instructors are authorized to instruct and deliver private security professional courses based on the approved or accredited private security professional course content and materials provided by the Department.

(a) Private security instructors must remediate or fail applicants as necessary.

(b) Private security instructors must provide all applicants with appropriate training manuals.

(c) Only a certified private security instructor delivering the training on-site may sign a Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results).

(d) Only private security firearms instructors are authorized to instruct and administer basic and renewal firearms training.

(e) All private security instructors must instruct courses in a manner that is consistent with the minimum requirements of the Department, including safety provisions. Training facilities must be an environment conducive to learning.

(e) The certified instructor must conduct all instruction, training and testing required by the Department in accordance with these rules. The instructor must provide to the applicant the fully completed original Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results), sealed in a tamper-proof bag, if the applicant successfully completes all requirements. Additionally, the instructor must provide the applicant with a Form PS-6 colored carbon copy, and the instructor will retain the other carbon copy in the instructor's files for the life of the training (two years).

(5) Alarm monitor private security instructor.

(a) Basic training consists of the successful completion of:

(A) Alarm monitor basic classroom instruction and exam;

(B) Alarm monitor assessment; and

(C) Alarm monitor private security instructor course.

(b) Biennial alarm monitor private security instructor renewal training consists of the successful completion of:

(A) Alarm monitor private security instructor course; and

(B) A minimum of eight hours of coursework relating to any of the specific subjects being taught or a minimum of eight hours of coursework relating to improving instructor skills.

(6) Unarmed private security instructor.

(a) Basic training consists of the successful completion of:

(A) Unarmed basic classroom instruction and exam;

(B) Unarmed assessment; and

(C) Unarmed private security instructor course and exam.

(b) Biennial unarmed private security instructor renewal training consists of the successful completion of:

(A) Unarmed private security instructor course and exam; and

(B) A minimum of eight hour of coursework relating to any of the specific subjects being taught or a minimum of eight hours of coursework relating to improving instructor skills.

~~(3 7)~~ Certified Private Security Firearms **Private Security** Instructor.

~~(a)~~ The minimum requirements for certification as a private security firearms instructor are as follows:

~~(A)~~ Compliance with the minimum standards for certification under OAR 259-060-0020;

~~(B)~~ Successful completion of training required under OAR 259-060-0060 and 259-060-0075, including the successful completion of the written examination and orientation required under OAR 259-060-0065;

~~(C)~~ Compliance with the firearms restriction requirements of OAR 259-060-0020(5); and

(a) Basic training consists of the successful completion of:

(A) Basic unarmed classroom instruction and exam;

(B) Basic unarmed assessment;

(C) Basic firearms training;

(D) Department-administered firearms private security instructor course and Department-approved marksmanship qualification; and

~~(D E)~~ Hold **Proof of successful completion of training from** one or more of the following sources **no more than five years prior to the time of application:**

~~(i)~~ A current certification through the **The** National Rifle Association Law Enforcement Firearms Instructor Development School;

~~(ii)~~ A current certification as a **A** firearms instructor through the Federal Law Enforcement Training Center;

~~(iii)~~ A current certification from a Department-certified law enforcement or criminal justice firearms instructor course;

~~(iv)~~ A current certification as a firearms instructor through the Federal Bureau of Investigation;
or

(v) ~~A current certification as a private security firearms instructor through the Washington Criminal Justice Training Center;~~ **or**

(vi) A qualified instructor certification or training course as determined by the Department.

~~(b) A certified private security firearms instructor is authorized to:~~

~~(A) Provide firearms instruction based upon curriculum approved by the Board, and administer firearms marksmanship qualifications as provided by the Department, or its designated staff, as specified in OAR 259-060-0070;~~

~~(B) Provide the annual firearms classroom instruction and firearms requalification as specified in OAR 259-060-0085;~~

~~(C) Administer required armed written examination as specified in OAR 259-060-0065; and~~

(b) Firearms private security instructors must successfully complete annual firearms instructor marksmanship qualifications. Instructors must qualify on a target authorized by the Department, within three attempts in one day.

(c) Biennial renewal consists of successful completion of the firearms private security instructor course, written exam, and marksmanship qualifications.

(8) Certified private security instructors who simultaneously hold certification as a private security professional are exempt from the required private security professional renewal training if they deliver the basic curriculum of the discipline for which they are certified at least one time per year.

~~(D) Terminate the firearms instruction or firearms marksmanship qualification if, in the instructor's opinion, the applicant is unfit to proceed, taking into consideration the applicant's poor judgment, unsafe practices, abnormal behavior, or other relevant factors. The instructor must immediately notify the applicant of the reason for termination of training and must also notify the Department or its designated staff within 48 hours in writing, using Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results).~~

~~(e) A certified private security firearms instructor must conduct all instruction, training, qualification and testing required by the Department in accordance with these rules. Only the certified instructor who conducts the training will sign the Form PS-6. The instructor must provide to the applicant the fully completed original Form PS-6, sealed in a tamper proof bag, if the applicant successfully completed all requirements. Additionally, the instructor must provide the applicant with a Form PS-6 colored carbon copy, and the instructor will retain the other carbon copy in the instructor's files for the life of the training (two years).~~

~~(4) Applications for instructor certification must be submitted on Form PS-1 (Application for Licensure or Certification of Private Security Services Provider), and must be accompanied by~~

fees, a detailed resume of the applicant's qualifications, including a copy of a firearms instructor certificate (if applicable), and a fingerprint packet completed and sealed in compliance with OAR 259-060-0120(5)(b).

(5) If instructor certification is denied, the requesting applicant must be notified in writing and advised of the reasons for denial.

(6) Review of instructor certification may be initiated upon the request of a private security provider, the Department or its designee, or other reliable source.

(7) Instructor certification is valid for two years. The certification will be renewed upon:

(A) Payment of a nonrefundable renewal fee; and

(B) Proof of at least eight hours of course work relating to any of the specific subjects being taught or generally improving instructor skills; and

(C) Successful completion of an instructor refresher course delivered by the Department or its designee.

(8) Failure to comply with renewal requirements shall result in the expiration of certification. Reapplication after expiration can be conducted as provided for in OAR 259-060-0120(8)(d).

(9) Applicant Remediation/Failure. When an applicant fails to successfully complete any portion of the required training the instructor must remediate or fail the applicant as follows:

(a) If a test score is between 85 and 99 percent, the instructor must remediate the incorrect test responses by reviewing each incorrect test question with the applicant, explaining the principle behind the question, the correct answer, and the basis for the correct answer.

(b) If a test score is below 85 percent correct, the instructor must fail the applicant or require the applicant repeat the deficient section missed of the curriculum and retake the exam. The instructor must assess whether oral responses from the applicant indicate that the applicant understands the underlying principles. An inappropriate answer may result in the termination of training and indication on the training affidavit that the applicant has failed to successfully complete the required training.

(c) The instructor may remediate and re-test an applicant who fails to score 100% on the firearms marksmanship qualification course. Re-qualification attempts are limited to three in a single session.

(d) An applicant who is unable to successfully achieve a training standard must be failed. Any instructor who fails an applicant must:

(A) Fully document the reason for failure;

(B) Retain documentation of failure in the instructor's file for a minimum period of two years; and

(C) Notify the Department within 48 hours of the failure by submitting a Form PS-6 indicating that an individual has failed.

(10) Instructors may terminate training if, in the instructor's opinion, the applicant is unfit to proceed, taking into consideration the applicant's poor judgment, unsafe practices, abnormal behavior or other relevant factors. The instructor must immediately notify the applicant of the reason for termination of training and must also notify the Department within 48 hours in writing, using a Form PS-6.

(11) Training Records.

(a) Instructors must maintain the following documents in separate class files for a period of two years:

(A) A Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) for each applicant;

(B) All written exams, assessments and any applicable qualification records;

(C) A training outline for the curriculum used, including any references to any resources used; and

(D) A class roster, including the name and address of each applicant.

(b) Upon successful completion of all requirements, the instructor must provide the applicant the accurately-completed, original Form PS-6, sealed in a tamper-proof bag. The instructor will also supply the applicant with a colored carbon copy of the Form PS-6.

(c) Instructors will provide additional copies of the Form PS-6 to applicants at any time during the life of their training at reasonable expense to the applicant.

(12) Failure to complete any training requirements as prescribed by this rule may result in denial or revocation or private security certification or licensure as prescribed in OAR 259-060-0300 and civil penalties as prescribed in OAR 259-060-0450.

ACTION ITEM 1: Consider public comment and staff recommendation to determine whether to recommend filing the proposed language for OAR 259-060-0060, 259-060-0065, 259-060-0070, 259-060-0075, 259-060-0080, 259-060-0085, 259-060-0095, 259-060-0120, 259-060-0130 and 259-060-0135 with the Secretary of State as a permanent rule.

Appendix F

Department of Public Safety Standards and Training

Memo

Date: September 27, 2012

To: Private Security and Investigator Policy Committee

From: Linsay Hale
Rules & Compliance Coordinator

Subject: OAD 259-060-0140 – Proposed Rule - REVISED
Crowd Management, Event, or Guest Services

Issue: This proposed rule change adopts a rule specifying the certification requirements for individuals who are providing crowd management, event or guest services and individuals who supervise individuals who are providing crowd management, event or guest services.

Background: This proposed rule was originally brought before the Private Security and Investigator Policy Committee at its meeting on June 8, 2012. The Policy Committee members unanimously voted to recommend to the Board approving of filing the proposed language as a proposed rule with the Secretary of State's office and as a permanent rule if no comments were received. The Board affirmed the Policy Committee's recommendation at its meeting on July 26, 2012. The proposed rule was filed and was opened for public comment on September 1, 2012. On September 24, 2012, staff received the following comment via e-mail:

From: Dianna [<mailto:dianna@securityprosbend.com>]
Sent: Monday, September 24, 2012 11:33 AM
To: Plummer Teresa
Subject: new OAR cooments

Teresa, I know this is a day late, was overwhelmed with special events and lack of staff.

I don't know anyone else to send this to and I don't have other email addresses on my iPad.

It too late to submit my 2 cents, OK... my fault for not watching deadline dates.

My comment is simple:

On OAR [259-060-014](#) (2) (d) - The one security per 10 every 10 event staff. This is still confusing and can still be "mis-interpreted" out in the field by those who are trying to get away with saying is line means 1 certified security per 10 not certified. I know it was more defined above, but in just reading just this one line can still cause confusion or excuse for those trying to staff events illegally.

I would suggest to completely delete this line. Then it will not be there for those who use this and then claim "I thought it meant I only need one certified security per every 10 non certified at an event" . I have many in our area who do that on purpose to get away with not having all certified security staff. Even our local law enforcement reads it that way and allows 10 uncertified security per 1 certified at events because that is the way they interpret this line, no matter how many time Karen or my self explain what is really means, they still will not enforce and allow uncertified to do security at events.

This is just has always be up to be mis-interpreted as long as it is in the OAR, just delete it and there will not be any reason to misunderstand something that is not there or not there to hide behind.

My comment, I know a business day late, if you can get it in, please do. if not, OK and disregard. my bad for missing deadline!

Thank you

Sent from Dianna's iPad

Dianna Shawver, VP

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dianna@securityprosbend.com

(541) 330-4040

The following revised language for OAR 259-060-0145 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0140

Crowd Management, Event or Guest Services

(1) A person performing crowd management, event or guest services who is armed, permitted to initiate confrontational activities, hired with the primary responsibility of taking enforcement action as described in ORS 181.870(8)(f), or performing any other private security service must be certified or licensed as described in the Act and these rules.

(2) Crowd Management, Event Services, or Guest Service managers, contractors or companies who employ individuals to provide private security services must:

(a) Employ or contract with a licensed executive manager;

(b) Require individuals performing or expected to perform private security services obtain certification;

(c) Require all individuals who supervise certified private security professionals or crowd management, event or guest services staff to be licensed in accordance to OAR 259-060-0130;

(d) Provide one certified private security professional on-site for every 10 or fewer crowd management or event staff;

(e) Provide documentation confirming private security certifications, licenses and appropriate staffing ratio found in (1)(d) upon request; and

(f) Provide crowd management staff technological communication or visibility of a certified private security professional when action is needed as required in ORS 181.871.

(3) Pursuant to ORS 181.871, non-certified and non-licensed staff performing crowd management can only be used during a time when a crowd has assembled for the purpose of attending or taking part in an organized event, including pre-event assembly, event operation hours and post-event departure activities.

(4) Civil penalties may be assessed for violation of these rules in accordance with OAR 259-060-0450.

ACTION ITEM 1: Consider public comment to determine whether to recommend filing the proposed language for OAR 259-060-0140 with the Secretary of State as a permanent rule.

