

Private Security/Investigator Policy Committee

Minutes

August 19, 2014

The Private Security/Investigator Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on August 19, 2014, in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located in Salem, Oregon. Vice Chair Paul Castleberry called the meeting to order at 1:29 p.m.

Attendees:

Committee Members:

Paul Castleberry, Vice Chair
Carol Coates, Healthcare Industry (by phone)
Jim Gibson, Private Investigator
Ronald Miller, Investigator (OSB Appointed)
Judy Pongratz, Retail Industry
Mark Rauch, Public Member
Randall Scott, Unarmed Private Security Professionals (by phone)
Justin Walker, Hospitality Industry
Raymond Byrd, Private Business or Governmental Entity that Utilizes Private Security Services

Committee Members Absent:

Mona Cato, Manufacturing Industry

DPSST Staff:

Eriks Gabliks, Director
Tammera Hinshaw, Executive Assistant
Linsay Hale, Professional Standards Division Director
Sharon Huck, Rules Coordinator
Karen Evans, Investigator/Instructor
Eve Claydon, Learning and Development Specialist (by phone)
Julie Johnson, Compliance Specialist
Monica Walker, Private Security/Investigators Operations Supervisor
Tia Turnipseed, Professional Standards Assistant
Leon Colas, Professional Standards Coordinator/Investigator

Guests:

David Hepp, Private Investigator
Donovan Beard, Defensive Firearms Instruction, LLC
Mike Snyder, The Genesis Group



1. Minutes of June 23, 2014 Meeting

Approve the minutes of the June 23, 2014 Private Security/Investigators Policy Committee meeting.

To see a complete record of the June 23, 2014 Private Security/Investigators Policy Committee minutes, please go to:

http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/PSPIPC_Minutes/PSPICminutes062314.pdf

Jim Gibson moved that the committee approve the minutes of the June 23, 2014 Private Security/Investigators Policy Committee meeting. Judy Pongratz seconded the motion. The motion carried unanimously.

2. Unarmed Private Security Manual – Student and Instructor

Presented by Eve Claydon

Eve explained that a Job Task Analysis (JTA) was held in an effort to revamp the unarmed curriculum. There were eight pilot instructors who delivered the class and got feedback on the length and the depth of the material. It was confirmed by more than one pilot instructor that the period of instruction should be fourteen hours.

During the JTA, Eve asked the participants what they felt should be focused on in the renewal. The overwhelming response was that all the material should be reviewed. Participants felt the entire program should be retaken over a two-year period so that all participants are trained to the new baseline.

Linsay Hale explained there are two agenda items that deal with this issue; the actual curriculum and the rule change associated with changing the hour requirement from eight hours and a four-hour assessment to a fourteen-hour course with the bi-annual renewal of fourteen hours. She stated that the rule change comes with a mandatory three-week public comment period, so all affected individuals will have an opportunity to express their concerns to the policy committee and the Board.

Ronald Miller moved that the Private Security/Investigators Policy Committee recommend approval to the Board for the Unarmed Private Security Student and Instructor manuals. Judy Pongratz seconded the motion. The motion carried unanimously.

3. OAR 259-060-0010 and 259-060-0130 – Proposed Rule Change

Public Comment on Temporary Work Permit Definition presented by Sharon Huck

In February 2014, DPSST presented a proposed rule change to the Private Security/Investigators Policy Committee (PSIPC) amending the definition of Temporary Work Permit. The committee approved the ruling and the Board affirmed the recommendation.

On April 29, 2014, the amended language was filed with the Secretary of State as a proposed rule and opened for public comment on June 1, 2014. On June 6, 2014, DPSST received a public comment which is verbatim in the memo.

After review, staff recommends leaving the proposed language of the Temporary Work Permit as previously amended. To address the public comment, staff recommends changing the private security executive manager responsibilities found in 259-060-0130 to explain that an executive manager is considered an employing licensed manager when contracting with businesses or entities. Staff also recommends clarifying the definitions of private security professional and supervisory manager to exclude them from the ability to contract with businesses or entities while providing the services as private security professionals or supervisory managers.

Judy Pongratz moved to the committee to recommend filing the proposed language for OAR 259-060-0010 and OAR 259-060-0130 with the Secretary of State as proposed rules and then as permanent rules if no public comment is received. Mark Rauch seconded the motion. The motion carried unanimously.

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

4. OAR 259-061-0005, 259-061-0240 and 259-061-0260 – Proposed Rule Change
Continuing Education Requirements presented by Sharon Huck

Private Investigators are required to submit a PI-6 form to prove compliance with continuing education requirements listed in Oregon Administrative Rule. Constituents have expressed confusion regarding the continuing education categories. Currently, many of the categories listed have outdated references.

In May 2014 and June 2014, the Private Investigator Subcommittee met to discuss clarifying the continuing education requirements. The subcommittee agreed to combine the continuing education guidelines under OAR 259-061-0240 and recommended the language changes to the policy committee.

Mark Rauch recommended removing the redundant references requiring the continuing education be related to the field of private investigation. Mark Rauch moved to the committee to recommend to the Board, the filing of proposed language for OAR 259-061-0005, OAR 259-061-0240 and 259-061-0260 with the Secretary of State as proposed rules and then as permanent rules if no public comment is received with the above mentioned amendments. Jim Gibson seconded the motion. The motion carried unanimously.

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

5. OAR 259-060-0010, 259-060-0060, 259-060-0120, 259-060-0130 and 259-060-0135 – Proposed Rule Change

Unarmed Curriculum presented by Sharon Huck

Private Security staff recently performed an extensive review of the curriculum for unarmed private security professionals. As a result, the basic training hours required for unarmed private security certification was updated.

Further, OAR 259-060-0135 was amended to state that private security instructors must provide all applicants with printed training manuals for the applicant to retain upon completion of the course.

Jim Gibson moved to the committee to recommend filing the proposed language for OAR 259-060-0010, OAR 259-060-0060, OAR 259-060-0120, OAR 259-060-0130 and OAR 259-060-0135 with the Secretary of State as proposed rules and then as permanent rules if no public comment is received. Mark Rauch seconded the motion. The motion carried unanimously.

Paul Castleberry expressed concern about the additional cost of the fourteen hour refresher course affecting small businesses. It has gone from a four-hour requirement every two years, to fourteen hours.

Raymond Byrd seconded these concerns.

It is the consensus of the committee there will be a significant fiscal impact on small businesses.

6. Matthew Stallings – PSID# 60747

Presented by Julie Johnson

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

By discussion and consensus, the committee identified the following behaviors by STALLINGS being considered in this case as:

- The use of the company credit card.

After deliberation, Ronald Miller moved to table the issue until the next Private Security/Investigator Policy Committee meeting so staff can obtain the company policy and his acknowledgment of the policy regarding credit card usage. Raymond Byrd seconded the motion. The motion carried 7-1 with Castleberry, Miller, Scott, Walker, Coates, Gibson and Byrd voting aye; Pongratz voting nay.

7. **Steven Rousseau – PSID# 63999**

Presented by Julie Johnson

Mark Rauch moved that the Private Security/Investigator Policy Committee adopts the staff report as the record upon which its recommendations are based. Jim Gibson seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified the following behaviors by ROUSSEAU being considered in this case as:

- His pattern of arrests;
- Criminal trespassing;
- Trimet incident;
- Stealing of jeans from Fred Meyer.

By discussion and consensus, the committee identified ROUSSEAU's behavior did involve Dishonesty as defined in Administrative Rule when he stole jeans from Fred Meyer.

By discussion and consensus, the committee identified ROUSSEAU's behavior did involve Lack of Good Character as defined in Administrative Rule when he stabbed someone on a Trimet bus, and disregarding his employer's direction when told not to work in the area he was working in.

By discussion and consensus, the committee identified ROUSSEAU's behavior did involve Mistreatment of Others as defined in Administrative Rule based on the assault on the Trimet bus and the theft from Fred Meyer.

By discussion and consensus, the committee identified ROUSSEAU's behavior did involve Lack of Public Trust as defined in Administrative Rule when he trespassed and refused to leave, the theft from Fred Meyer, and the assault on public transportation.

By discussion and consensus, the committee identified ROUSSEAU's behavior did involve Lack of Respect for Laws of this State or Nation as defined in Administrative Rule based upon his four arrests.

By discussion and consensus, the committee identified the following Aggravating Circumstances:

- There was a knife involved with the incident on the train;
- His attitude when he was approached by the law enforcement officer.

By discussion and consensus, the committee identified the following Mitigating Circumstances:

- His medical conditions;
- He was not certified when the incidents happened.

After considering the totality of the circumstances, Mark Rauch moved that the Committee recommends to the Board that ROUSSEAU's certification be denied. Jim Gibson seconded the motion. The motion carried unanimously.

8. Policy Committee Appointment Interested Candidates

The committee reviewed interest forms for three very qualified candidates for the position of armed representative on the policy committee.

Judy Pongratz moved that the vice chair recommend to the Board Donovan Beard as the Armed representative for the Policy Committee. March Rauch seconded the motion. The motion carried unanimously.

9. Department Update

Linsay Hale reported –

Linsay welcomed Raymond Byrd to the committee. Bill Geiger is still in the process of being affirmed by the Senate. DPSST is actively seeking a representative for the Alarmed Monitoring Industry.

Linsay gave an update to the legislative concepts the Department has filed for the 2016 session, all dealing with the criminal justice side. One of them expands DPSST's jurisdiction over reserve officers to require background checks in order for them to be employed or utilized in the reserve officer capacity. One involves PERS retirees to be able to work full-time in the training division at the academy. Lastly, the ability for the DPSST director to compel compliance with the statute that requires agencies to give DPSST access to their personnel records when it potentially involves moral fitness issues.

DPSST has been working on process updates to envelop the acceptance of LiveScan fingerprints.

DPSST has also been working diligently to develop systems to automate some of the form submissions. There is a significant backlog in processing of applications and forms on the Private Security side. Steps are being taken to remedy the issue.

Linsay mentioned the rising of an issue involving ADA accommodations in training delivered by certified instructors. DPSST recognizes that this is not something that the Department has equipped instructors to deal with. DPSST is not the employer of the instructors, so DPSST cannot give legal advice as to when and how to apply ADA accommodations, but is working on a better way to train on the issues when they arise in the field.

Eriks Gabliks reported –

Eriks explained that the committee now has books and will continue to receive them because sending out emails was not working due to the fact that some people got the emails and some didn't. The purpose is to get away from handouts and have a packet for everything that will be at the meeting.

The committee members have had contact by constituents which gives them a chance to educate them about how the process works.

Eriks shared that the Department has had a number of media events over the last few weeks which have highlighted private security licensing. A couple of the events have been in the Portland area and a couple in the Rouge Valley that have involved law enforcement interaction. The newspapers and media channels are calling to see if the people are licensed and if DPSST has had interaction with the individuals company, so people are aware of private security licensing.

Oregon Department of Forestry called DPSST due to the uptick in wildfires. They want to they're in compliance when hiring licensed private security providers for their camps. Staff has given them a list of companies they can choose from since DPSST does not give recommendations.

Eriks expressed that the next meeting on November 18, 2014 will end this committee meeting year. For 2015, Tami has queued up the same format as 2014. The meeting dates for 2015 are: February 17, May 19, August 18, and November 17 at 1:30 p.m.

10. Subcommittee Reports

A. Curriculum – Judy Pongratz

- a. The last meeting was August 5, 2015. Feedback was received from the instructors and some changes were recommended. Eve made the changes and that is what was presented today.
- b. In addition to the pilot instructors, now there are additional instructors that instruct on more volume so more people are able to teach the new curriculum.
- c. There is not another meeting scheduled yet, but once there is, Judy will make sure everyone is notified. Everyone is welcome to attend.
- d. Judy thanked the entire DPSST staff for all of their input and who put time into the new curriculum. She also thanked the instructors and the subcommittee for their feedback.

B. Armed – Paul Castleberry

Nothing to report

C. Alarm Monitor – No representative present

D. Investigator – Ronald Miller

- a. The Investigator Subcommittee has met twice since the last Policy Committee meeting. The subcommittee met several days after the last Policy

Committee meeting and at that time finished up with the rules with respect to continuing education.

- b. Today, August 19, 2014, the subcommittee met and went through the PI-27 and the Private Investigators Code of Ethics. The decision was made to wordsmith and make sure it is clearly in line with the moral fitness standards, also moving the PI-27 out of the rules and into an administrative application and application renewal document.
- c. It was also discussed in today's meeting that the subcommittee will be looking at the exam language and process.

Linsay explained that DPSST is working on forming a crowd management subcommittee and the initial email seeking participation has gone out.

11. Next Regularly Scheduled Meeting – November 18, 2014 at 1:30 p.m.

Meeting adjourned at 3:32 p.m.

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