



Oregon

Kate Brown, Governor

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DATE: February 3, 2021

TO: Honorable Members of the Senate Committee on Judiciary and Ballot Measure 110 Implementation

FROM: Linsay Hale, Professional Standards/Interim Training Division Director

SUBJECT: DPSST Testimony: SB 116

Summary: SB 116 was introduced on behalf of the Board on Public Safety Standards and Training (BPSST) to expand the general prohibitions relating to the appearance of and equipment used by private security providers enacted through the passage of SB 576 (2019) to all private security entities and providers operating in Oregon.

Background: The DPSST, in consultation with the Board on Public Safety Standards and Training (BPSST), currently regulates just over 20,000 individuals as providers of private security services through the issuance and removal of licensure as dictated by Oregon Revised Statute Chapter 181A, and Oregon Administrative Rule Division 259, Chapter 060. The statutory purpose of the DPSST regulation is to "... promote consistent standards for private security services by improving the competence of private security providers ..." [ORS 181A.870] This is done through the establishment of minimum physical, emotional, intellectual, moral fitness and training standards that are required to be met and maintained by all providers of private security services.¹

The Oregon Legislature passed SB 576 (Kaylee's Law) during the 2019 legislative session to address important issues identified following the tragic murder of a college student in Central Oregon. While SB 576 (2019) focused only on the appearance, equipment and authorities of campus public safety providers, the legislative hearings and discussions highlighted universal limitations in the existing laws when it comes to creating a clear delineation between the authorities of DPSST-trained and certified law enforcement and private security providers. These limitations result in confusion where private security providers are mistaken for law enforcement by the public and other public safety personnel and opportunities for entities or providers to deliberately cultivate the misimpression that they are law enforcement officers. Lawmakers, through the passage of SB 576 (2019), unanimously recognized these

¹ ORS 181A.840(8) "Private security services" means the performance of at least one of the following activities:

- (a) Observing and reporting unlawful activity.
- (b) Preventing or detecting theft or misappropriation of goods, money or other items of value.
- (c) Protecting individuals or property, including but not limited to proprietary information, from harm or misappropriation.
- (d) Controlling access to premises being protected or, with respect to a licensee of the Oregon Liquor Control Commission, controlling access to premises at an entry to the premises or any portion of the premises where minors are prohibited.
- (e) Securely moving prisoners.
- (f) Taking enforcement action by detaining persons or placing persons under arrest under ORS 133.225.
- (g) Providing canine services for guarding premises or for detecting unlawful devices or substances.

dangers and the serious risks to the health and safety of the public, private security providers and law enforcement officers in our State.

SB 576 (2019) applies to providers of campus public safety only. The appearance of and equipment being utilized by the remainder of the private security industry remains unregulated. It is not uncommon for DPSST to become aware of situations where private security uniforms and/or vehicles make it difficult to differentiate between members of law enforcement and providers of private security services, creating serious risks to the health and safety of the public, private security provider and members of law enforcement.

Effect of SB 116: SB 116 makes it unlawful for a private security provider or an entity that employs private security providers to possess or use in the scope of employment equipment, vehicles, uniforms or titles that imply that the provider or entity is affiliated with a public or private safety agency as defined in ORS 181A.355. Following passage of SB 116, the Board will have the authority to adopt rules regarding regulation of private security provider uniforms and vehicles. The intent is to adopt rules that are substantively similar to the general prohibitions relating to the appearance and equipment (specifically vehicles) enacted through the passage of SB 576 (2019) to all private security entities and providers operating in Oregon.

Impact of SB 116 on DPSST: This bill as introduced is not expected to have any fiscal or significant operational impact on the DPSST. There will be an initial increase in the DPSST's administrative functions through the rulemaking process and constituent outreach and education. Following the implementation of the adopted administrative rules, the changes enacted by this legislation would be maintained through the DPSST's current Private Security Program compliance staffing levels.

Impact of SB 116 on Constituents: This legislative concept was reviewed and approved by the Private Security Policy Committee² and the BPSST. The DPSST anticipates some private security business owners to be generally opposed to additional state regulation.

There will be fiscal impacts to private security businesses. The fiscal impact is unknown at this time. The fiscal impact will vary for each private security business dependent upon each business's current practices for uniform and vehicle identification and the rules adopted pursuant to this legislation.

² The Private Security Policy Committee includes the following constituent representation: The two private security Board members who represent private security generally; one person representing unarmed private security professionals; one person representing armed private security professionals; one person representing the health care industry; one person representing the manufacturing industry; one person representing the retail industry; one person representing the hospitality industry; one person representing private business or a governmental entity that utilizes private security services; one person representing persons who monitor alarm systems; two persons who are investigators licensed under ORS 703.430, one of whom is recommended by the Oregon State Bar and one of whom is in private practice; and one person representing the public. [ORS 181A.375(7)]
