



Oregon

Tina Kotek, Governor

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To: Senate Committee On Judiciary

From: Department of Public Safety Standards and Training (DPSST)

Re: House Bill 2183A, Relating to certification of private security professionals

DPSST has no position on House Bill 2183A. The following testimony provides background information and technical review as it would apply to implementation of the bill.

Summary: HB 2183A directs the Department of Public Safety Standards and Training (DPSST) and the Board on Public Safety Standards and Training (Board) to adopt rules establishing a procedure that would allow for recognition of prior law enforcement experience toward the completion of the training that is required for a private security professional certification. The bill requires the rules to identify applicant eligibility requirements, which training is eligible for substitution, and requirements for demonstrating knowledge and skills necessary for certification as a private security professional.

Background: Regulation of individual private security providers began in the 1990s. DPSST certifies and licenses over 26,000 private security professionals, instructors, and managers.

A private security professional is defined in statute as an individual who performs, as the individual's primary responsibility, private security services for consideration, regardless of whether the individual, while performing the private security services, is armed or unarmed or wears a uniform or plain clothes, and regardless of whether the individual is employed part-time or full-time to perform private security services.

DPSST offers four private security professional certifications.

- Alarm Monitor Private Security Professional
- Armed Private Security Professional
- Event and Entertainment Private Security Professional
- Unarmed Private Security Professional

Pursuant to ORS 181A.870 (4), DPSST is responsible for the content of and standards for the training that is required to obtain certification as a private security professional.

Recommendations for training standards are made in collaboration with the Private Security Policy Committee. The training standards are approved by the Board on Public Safety Standards and Training.

Each certification type has a certification-specific basic training course that must be completed to obtain the certification. An armed private security professional must complete both the unarmed basic training course and the basic firearms training course.

Private security professional certifications are issued for a 2-year period. In order to renew the certification, the applicant must complete abbreviated training which is commonly referred to as refresher training. An armed private security professional must complete the firearms marksmanship qualification and armed refresher course annually and the unarmed refresher course at the time of renewal.

The question on whether or not to allow former police officers to waive, challenge, or complete reduced training hours has been considered by the agency in the past. Past curriculum reviews conducted in conjunction with constituent workgroups and the Private Security Policy Committee have determined that there is value in requiring former police officers to complete the same training as all other private security professionals. The basic training course addresses the legal authorities that a private security professional has and does not have as a citizen (Use of Force, Citizen's Arrest, No Duty to Act). Completing the basic training course also provides the former police officer with knowledge of the minimum training that all other private security professionals have received.

Research of past DPSST rules shows that from 1997 through 2012 there was a process that allowed an applicant with prior law enforcement training and experience to challenge the eight hours of basic classroom training by completing the examination on the classroom curriculum. The applicant was also required to complete a four-hour assessment. It is important to note that the opportunity to challenge classroom training hours only applied to the unarmed training requirements. There have never been exceptions for the firearms training requirements for an armed private security professional certification.

DPSST Interpretation and Implementation:

HB 2183A allows the agency to address the intent of the bill through the rulemaking process. This version of the bill addresses the agency's concerns that were outlined in testimony for the introduced bill. DPSST would work with the bill proponents, constituents, the Private Security and Investigator Policy Committee, and the Board on Public Safety Standards and Training to establish a procedure that would allow for recognition of prior law enforcement experience towards the training that is required to obtain a private security professional certification.

Through the rulemaking process, DPSST would define the term "law enforcement experience." In addition to recognizing prior police officer experience, the rulemaking process would allow for consideration of other law enforcement disciplines such as certified corrections officers, certified parole and probation officers, or reserve police officers (not certified) and individuals with law enforcement experience from another state.

The bill requires that the rules identify eligibility requirements for applicants. This will allow the agency to address when the law enforcement experience occurred and the applicant's law enforcement certification status, ensuring that the law enforcement experience is timely and the certification was in good standing.

By rule, DPSST would define which training courses or portions of training may be substituted with the law enforcement experience. While the procedure has yet to be established, initial options may include waivers for training topics, a curriculum challenge process with abbreviated refresher training and a knowledge test, or development of a curriculum and training course to address specific components that bridge the differences between law enforcement experience and private security professional training.

HB 2183A is specific to private security professional certification training requirements. It is important to note that applicants for a private security manager license or instructor certification would be required to complete the basic training courses in full.

DPSST does not have any data that would help measure how many applicants would be eligible to apply for certification using the procedure that would be adopted pursuant to HB 2183.

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Questions or requests for additional information may be directed to Jennifer Howald, DPSST Legislative Coordinator, at Jennifer.howald@dpsst.oregon.gov.