

Notice from Department of Public Safety Standards and Training (DPSST)

ATTENTION ALL PRIVATE SECURITY PROVIDERS

This is important information for all private security providers and individuals employing private security providers.

It is appropriate that we contact you to share some new information. The minimum moral fitness standards for certification/licensure are changing, effective January 1, 2021. We are providing you this notification in advance to allow time for fielding those initial questions prior to the implementation.

The updated Oregon Administrative Rules (OAR) were approved by the Private Security Investigator Policy Committee and the Board. Information will be sent out via GovDelivery and posted on our webpage. If you have not signed up for GovDelivery you may do so at <https://public.govdelivery.com/accounts/ORDPSST/subscriber/new>.

The OARs have been filed with the Secretary of State and will be effective January 1, 2021. You may view the filed documents by clicking the link on our webpage. <https://www.oregon.gov/dpsst/Pages/Rules.aspx> - click on Recent Permanent Rule Changes Division 60 – Private Security Providers

A reference guide has been prepared to assist in the transition. This guide represents the process for compliance review based on the information received and what certificate/license type the individual currently holds or is actively applying for.

Things to keep in mind when reviewing the information provided.

1. These new standards will be effective January 1, 2021.
2. These standards are minimum standards for an occupational certificate/license and does not replace nor should it replace the employer's background or hiring process.
3. Mandatory disqualifiers apply to all applicants and certification/licensure holders.
4. Permanent ineligibility has been removed from certain convictions.
5. There are three types of discretionary disqualifiers that apply to all applicants, certificate/license holders.
 - a. Has falsified any information submitted on the application for certification or licensure or any documents submitted to the Department pertaining to private security certification or licensure;
 - b. Failed to meet or failed to comply with any provisions found in the Act or the rules; or
 - c. Failed to pay a civil penalty or fee imposed by the Board when due.
6. Additional discretionary disqualifying misconduct is based on the specific type of certificate/license the individual is applying for or currently holding (see reference guide https://www.oregon.gov/dpsst/PS/Documents1/Eligibility_reference_guide.pdf)
7. The eligibility and review periods have been adjusted.
9. The changes to the OAR layout, creates a more reader friendly ruleset.

10. The previously identified core values, have been replaced by the revised moral fitness standards and are defined in OAR 259-060-0300, OAR 259-060-0310 and OAR 259-060-0320.
11. Form PS-27 is no longer a required form and is no longer available on the website, effective January 1, 2021.

The Department will not take action to revoke a currently certified or licensed private security provider or to deny an application for renewal submitted prior to expiration based on a criminal disposition or conduct that was previously reviewed and determined not to violate standards for private security provider certification and licensure or resulted in no action to deny or revoke certification or licensure using the administrative rules in effect at the time of the review.

However, nothing precludes the Department from the following:

- a. Denying or revoking certification or licensure upon discovery of additional mandatory or discretionary misconduct which may be grounds for denial or revocation.
- b. Denying additional certification or licensure when a certified or licensed private security provider submits any application for additional certifications or licenses.
- c. Denying an application to renew an expired certificate or license.
- d. Considering previous criminal dispositions or conduct as an aggravating circumstance in a separate discretionary review.

More detailed information – How did we get here?

At DPSST we make a concerted effort to periodically review all our standards to ensure relevance based on changes in case law, as well as political and social expectations, and the expectations of our Board and constituents.

These adjustments were made to respect:

- DPSST's regulatory role versus that of the employer, over the private security providers;
- Differences between the expectations and responsibilities of the different levels of certification/licensure, the impact certain past behaviors would have the individual's ability to perform different private security services. In other words, the standards recognizes the difference in duties and authority of someone monitoring alarms, who doesn't come in contact with members of the public, versus someone who is carrying a weapon while providing armed private security services and has contact with the public; and
- Regulatory responsibility of allowing individuals an opportunity to rehabilitate by allowing the restoration of certification/licensure eligibility after an established amount of time has passed from a bad act and an application for private security certification/licensure.

In short, the new standards have right sized the minimum standards for an industry occupational certificate/license. This truly takes out the specificity of the crimes and makes it more universal focusing on the behaviors, the elements and the nexus to an individual's ability to be certified/licensed to provide private security services. It allows for the mindful review of specific behaviors and not necessarily the outcome of the court of law, and it lengthens the time of ineligibility for holding certification/licensure, for those more serious crimes or egregious acts.

We took all that into consideration when building this process. DPSST will no longer base a certificate/license review on the conviction date alone. Instead staff will review the criminal history in comparison to the new rule to determine if a review is required depending on the type of certificate/license the individual is applying for or holding.

If you have any questions regarding this change to the moral fitness standard, please contact the Department at 503-378-8531 or by email at dpsst.security@state.or.us.

Sincerely,
Private Security Certification Program