

2-15

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on February 1, 2007 by the
Date prior to or same as filing date

Department of Public Safety Standards and Training 060

259

Agency and Division

Administrative Rules Chapter Number

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to become effective [Upon filing].
Date upon filing or later

Rulemaking Notice was published in the [December 2006] Oregon Bulletin.**
Month and Year

RULE CAPTION

Establish Process to Accredite Training Programs Related to the Private Security Industry

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

259-060-0092

AMEND:

259-060-0010, 259-060-0060, 259-060-0065, 259-060-0075, 259-060-0080, 259-060-0120, 259-060-0135

REPEAL:

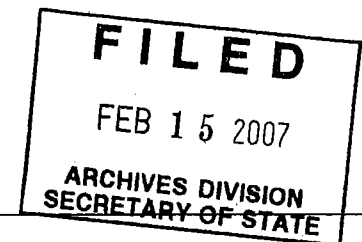
RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 181.870, 181.873 – 181.878, 181.883 – 181.885

Other Auth.:

Stats. Implemented: ORS 181.870, 181.873 – 181.878, 181.883 – 181.885



RULE SUMMARY

Define "Accreditation Program Manager";

Amend rules relating to the eight-hour basic classroom instruction, written examination, four-hour assessment module, annual/biennial refresher courses, professional certification and instructor certification; and

Establish procedures for accreditation of private security training programs.

Bonnie Sallé
Authorized Signer

Bonnie Sallé
Printed name

February 15, 2007
Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.

ARC 930-2005

DPSST 4-2001

Definitions

- (1) "Accreditation Program Manager" means a person who is designated as the administrator of an employer accredited training program and is primary liaison with the Department.
- (2) "Armed Private Security Professional" means a private security professional who is in possession of a firearm at any time while performing duties as a private security professional.
- (3) "Assessment module" means a four-hour curriculum given to private security professionals that includes, but is not limited to, the demonstration of task-related skills learned in the eight-hour basic classroom instruction as applied to hypothetical situations.
- (4) "Board" means the Board on Public Safety Standards and Training.
- (5) "Certification" means recognition by the Department that a private security professional or instructor, meets all the qualifications listed in ORS 181.875 and the rules set forth in this Division.
- (6) "Certified Private Security Instructor" and "instructor" as used in ORS 181.878, means recognition by the Department that a person meets the minimum qualifications as specified in OAR 259-060-0135.
- (7) "Certified Private Security Firearms Instructor" means recognition by the Department that a person meets the minimum qualifications of a private security firearms instructor as specified in OAR 259-060-0135.
- (8) "Conviction" or "Convicted" means a finding of guilt in a court of competent jurisdiction by a plea, a jury verdict or a determination by a judge sitting as a trier of fact at a trial. Conviction does not require a final judgment or sentence. A person will not be considered to have been convicted of an offense for purposes of these rules if the conviction is an offense for which the person has been pardoned. A person will also not be considered to have been convicted of an offense for purposes of these rules if the conviction has been expunged or set aside pursuant to the laws of any jurisdiction other than Oregon, provided, however, that the same offense, if committed in Oregon, would have been expunged or set aside pursuant to ORS 137.225. A person will not be considered convicted of an offense committed in Oregon if the conviction has been set aside and the records of arrest and conviction have been ordered sealed pursuant to ORS 137.225.
- (9) "Denial" or "Deny" is that action taken by the Department in refusing to issue a license or certificate to an applicant who has not satisfied all requirements for issuance of a license or certificate.
- (10) "Department" means the Department of Public Safety Standards and Training.
- (11) "Director" means the Director of the Department of Public Safety Standards and Training.
- (12) "Direct supervision of new hire" means actively monitoring the work of a new hire by the ongoing and uninterrupted presence of a certified private security professional, or a

licensed executive or supervisory manager. The person being monitored may not make decisions regarding any course of action independent of the person providing the direct supervision.

(13) "Employer" means an individual or entity who employs persons to provide private security services.

(14) "Executive Manager" means an individual who has the authority to act on behalf of the company or business in matters of licensure and certification, and whose primary responsibility is the management of certified private security professionals, including any supervisory managers. An executive manager has authority to issue Temporary Work Permits and has ultimate responsibility for compliance with ORS 181.870-181.991.

(15) "Instructor" means any person who has been certified by the department as meeting the requirements to provide instruction to private security providers or applicants.

(16) "License" means recognition by the Department that an employer, contractor, executive manager or supervisory manager meets the requirements adopted by the Board on Public Safety Standards and Training as necessary to provide private security services.

(17) "Policy Committee" means the Private Security Policy Committee created by ORS 181.889.

(18) "Primary responsibility" means an activity that is fundamental to, and required or expected in, the regular course of employment and is not merely incidental to employment.

(19) "Private security professional" means 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.

(20) "Private security provider" means any individual who performs the functions of a private security professional, executive manager, supervisory manager or instructor.

(21) "Private security services" means the performance of at least one of the following activities:

(a) The observation and reporting of any unlawful activity.

(b) The prevention of theft or misappropriation of any goods, money or other items of value.

(c) The protection of individuals or property, including, but not limited to, proprietary information, from harm or misappropriation.

(d) The control of access to premises being protected.

(e) The secure movement of prisoners.

(f) The taking of enforcement action by detaining persons or placing persons under arrest under ORS 133.225.

(g) Providing canine services for guarding premises or for the detection of unlawful devices or substances.

(22) "Revocation" or "Revoke" is that action taken by the Department after the licensee or certificate holder has had an opportunity for a hearing and the evidence supports allegations that the licensee or certificate holder has violated provisions of these administrative rules resulting in a Department order concluding that the licensee or certificate holder should not be allowed to continue to provide or implement security services.

(23) "Supervisory Manager" means an employee of or a person supervised by an executive manager who has as a primary responsibility the supervision of certified private security professionals.

(24) "Suspension" or "Suspend" is that action taken by the Department in temporarily depriving the holder of a license or certificate that authorizes provision or implementation of private security services.

(25) "Temporary work permit" or Form PS-20 means a form issued by the employer to allow a company to employ and deploy a private security professional, executive or supervisory manager while the application for certification or licensure is being processed. A temporary work permit will not be issued for armed security applicants.

Eight-Hour Basic Classroom Instruction

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

(a) Eight hours of basic classroom instruction based upon a curriculum approved by the Board or its designated staff. For purposes of these rules, classroom instruction includes use of a subject matter expert, audio, visual and actual classroom instruction. 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; or has received any private security or law enforcement training. 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).

Written Examinations

- (1) Written examinations covering the required classroom instructional materials will be prepared and approved by the Board or its designated staff.
- (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; or
- (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.

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.

(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.

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.

Accreditation of Private Security Training Programs

- (1) An employer seeking accreditation of training programs pursuant to ORS 181.878(3) must submit:
 - (a) A completed application on a form approved by the Department;
 - (b) A course syllabus with an hour- breakdown of the course outline and training schedule;
 - (c) A complete copy of the course curriculum; and
 - (d) Any required fees.
- (2) Requests for accreditation that are determined by the department to be incomplete or insufficient will be returned to the designated accreditation program manager and Executive Manager, with an explanation of the deficiency.
 - (a) If the deficiency is not corrected within 21 days of the date of the letter, the request for accreditation will be administratively terminated.
 - (b) A provider must resubmit all required information, in accordance with subsection (1) of this section to reapply.
- (3) The accredited program must be under the direction of a designated Accreditation Program Manager.
 - (a) Certified Private Security Instructors must administer the delivery and instruction of the accredited curriculum, in accordance with OAR 259-060-0135.
 - (b) Training records must be maintained by the instructor pursuant to OAR 259-060-0095.
- (4) A written accreditation agreement must be under the direction of a designated Accreditation Program Manager.
 - (a) The accreditation agreement will not be valid until signed by the Department's designee, the security service provider's executive manager and designated accreditation program manager.
 - (b) The accreditation agreement must be renewed every two years in accordance with subsection (1) of this section.
- (5) The Department may conduct periodic reviews of an accredited program.
 - (a) The review may consist of physical audits or written questionnaires.
 - (b) The Department, at its discretion, or upon constituent request, may monitor training and testing processes during the delivery of an accredited portion of the training program.

- (c) The Department shall, at a reasonable time, be given access to personnel training records to verify training received under the accredited program.
- (6) The accreditation agreement may be terminated for any of the following reasons:
 - (a) Any violation of the Private Security Service Providers Act or its administrative rules;
 - (b) Failure to comply with the terms of the accreditation agreement;
 - (c) At the discretion of the Department, or the service provider, with 14 days written notice.
- (A) The executive manager, on behalf of the private security service agency, shall have the right to appeal a proposed termination of an accreditation agreement. The appeal must be in writing addressed to the Department.
- (B) The Department may work with the service provider to correct any violation and continue the accreditation agreement upon a finding of good cause.
- (7) Individuals or private security service agencies that use another service provider's accredited training program must also enter into an accreditation agreement with the Department before utilizing the accredited program.

Private Security Professional Certification

(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, [Form PS-1 (Application for Licensure or Certification), Form PS-4 (Affidavit of Person Rolling Prints) and fingerprint cards, Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) and applicable fees] 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.

(2) The requirements for certification as an unarmed private security professional are as follows:

(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.

(3) The requirements for certification as an armed private security professional are as follows:

(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.

(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. The application will be rejected unless the certification fee is paid by business check, money order or cashier's check. No personal checks, credit cards or cash will be accepted.
- (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. The renewal application will be rejected unless the renewal fee is paid by business check, money order or cashier's check. No personal checks, credit cards or cash will be accepted.
 - (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.

Certification of Private Security Instructors

(1) The Department or its designated staff must certify instructors deemed qualified to teach 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;

(C) High school diploma or GED;

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

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

(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.

(c) 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).

(3) Certified Private Security Firearms 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

(D) Hold one or more of the following:

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

(ii) A current certification as 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.

(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

(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).

(c) 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 payment of a nonrefundable renewal fee and proof of at least four hours of refresher course-work relating to any of the specific subjects being taught or generally improving instructor skills. An instructor may elect to provide proof of private security classes taught within the past year by submitting a Form PS-8 (Private Security Instructor Proof of Skills Improvement).

(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).