



The mission of the Department of Public Safety Standards and Training (DPSST) is to promote excellence in public safety through the development of professional standards and the delivery of quality training.

# 2017 Unarmed Private Security Professional Training

Revision 1/1/2021  
Version 1.5

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**Students are responsible for their own learning. Prior to attending class, students should review this material so that there can be meaningful discussion during the training.**

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1. Professional Standards
2. Academy Training
3. Fire Service
4. OLCC

### Introduction

This manual has been designed with the building block approach. The first three modules lay a foundation for all unarmed private security professionals, regardless of the venue in which they serve:

- **Law**
- **Communications**
- **Decision Making and Problem Solving**

Additional areas build upon this core training. **Fundamentals** include:

- **Patrol**
- **Identity Checks**
- **Scene Management**

These concepts open the way for specific focuses, such as:

- **Fire**
- **Medical**

Also, current and emerging trends such as:

- **Active Threat/Active Shooter**
- **Bomb Threats**
- **Weapons of Mass Destruction.**

Finally, when all of the preceding building blocks are in place, your training culminates in **Report Writing**; this critical area will allow you to “paint the picture” as you document events that have arisen and how they were resolved.

We have carefully ensured that at points where private security and public safety intersect, both are speaking a “*common language*” as you collaborate for a successful resolution to an event. To this extent we have ensured that, when appropriate, the curriculum taught to Oregon’s public safety officers is mirrored in this training.



## INTRODUCTION

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### **The Board**

The Board on Public Safety Standards and Training (Board) consists of 24 members appointed by the Governor. The Board, in turn, appoints five discipline-specific policy committees to serve as recommending bodies to the Board for the purpose of developing minimum standards for their respective industries. The Board and policy committees meet quarterly.<sup>1</sup>

### **Department of Public Safety Standards and Training<sup>2</sup>**

The programs offered statewide by the Department of Public Safety Standards and Training (DPSST) span the entire field of public safety, including police, fire, corrections, parole and probation, 9-1-1 telecommunications, private security, and polygraph examination.

### **Mission**

Our mission is to promote excellence in public safety through the development of professional standards and the delivery of quality training.<sup>3</sup>

### **Private Security Investigator Policy Committee (PSIPC)**

The PSIPC is a 13-member committee consisting of 12 members from the private security and private investigator industries and one member who represents the public at large.<sup>4</sup>

PSIPC member contact information: This information is available on the DPSST website at [www.oregon.gov/DPSST](http://www.oregon.gov/DPSST). To express an interest in joining the Policy Committee, you may complete and submit the Policy Committee Interest Form located on the website.

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<sup>1</sup> The Board and Committee membership is dictated by Oregon Revised Statutes ORS 181.620 and ORS 181.637

<sup>2</sup> [http://www.oregon.gov/DPSST/Pages/sc/about\\_us.aspx](http://www.oregon.gov/DPSST/Pages/sc/about_us.aspx)

<sup>3</sup> [http://www.oregon.gov/dpsst/BD/Pages/about\\_us.aspx](http://www.oregon.gov/dpsst/BD/Pages/about_us.aspx)

<sup>4</sup> ORS 181.637

### Law – Regulations applicable to private security professionals

Governmental administrative agencies (such as DPSST) are required to create specific rules defining how the statutory authority and responsibilities assigned to that agency by the legislature will be carried out. A “rule” is a directive or regulation that interprets law or policy, or describes the procedure or practice requirements of any agency.<sup>5</sup>

#### Definitions

##### **Learning Outcome 1-A-1**

Identify how Oregon laws and regulations define “private security professional” and “private security services.”

- **Private security professional defined<sup>6</sup>**

Oregon Administrative Rule OAR 259-060-0010 defines a private security professional as “an individual who performs, as the individual's primary responsibility, private security services for consideration, regardless of whether the individual, while performing 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. A private security professional is not authorized to independently contract with businesses or entities to provide services as a private security professional.”

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<sup>5</sup> OAR 259-060-0005 - 0600

<sup>6</sup> Reference ORS 181A.840

▪ **Private security services defined<sup>7</sup>**

OAR 259-060-0010 defines "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 any 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<sup>8</sup>; or
- (g) Providing canine services for guarding premises or for the detection of unlawful devices or substances.

**Learning Outcome 1-A-2**

Recall the minimum certification requirements for a private security professional.

**Minimum Standards for Unarmed Private Security Professionals<sup>9</sup>**

Individuals providing unarmed private security services are required to be certified by DPSST. The minimum standards for certification as follows:

- Be at least 18 years of age;
- Have earned a high school diploma, a General Education Development (GED) certificate or a two-year or four-year, post-secondary degree issued by an accredited degree-granting college or university recognized by the Oregon Office of Degree Authorization under the provision of ORS 348.604;
- Successfully complete training, written examination and assessment;
- Must meet moral fitness standards for certification. Moral fitness is determined through a criminal records check, department investigation or other reliable sources.

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<sup>7</sup> Reference ORS 181A.840

<sup>8</sup> Arrest by private person

<sup>9</sup> OAR 259-060-0020

**Learning Outcome 1-A-3** Identify what is required for the initial certification or licensure.

## **Initial Certification**

### **1. Application Packet**

- PS-1 (Application)
- PS-6 (Training Affidavit)
- PS-20 (Temporary Work Permit, if currently employed) - Can only be issued by an employing licensed manager
- Fees - Acceptable payment types:
  - cashier's check
  - business check
  - money order
  - credit card
  - **NO cash or personal checks**
- Fingerprints

### **2. Fingerprints**

- Fingerprints must be submitted to DPSST. There are three (3) options available:
  - Traditional Ink Fingerprinting;
  - LiveScan Fingerprinting; and
  - Electronic Fingerprinting via Fieldprint, Inc.
- If using Fieldprint, include a copy of your "Confirmation Page"
- Applicants are required to enclose a processing fee for fingerprints
- Fingerprinting options and information:  
<http://www.oregon.gov/dpsst/PS/Pages/fingerprintinginfo.aspx>

### **3. Training** - Minimum of 14 hours of private security professional training

- PS-6 (Training Affidavit) Obtain from instructor
- Must be submitted to DPSST within 180 days of the training completion date

### **4. Process**

- Mail to DPSST prior to performing private security services
- Carry your PS-20 (Temporary Work Permit) at all times when performing the duties of an unarmed private security professional, until you receive your permanent certification card

**Learning Outcome 1-A-4**

Recall the requirements for renewal certification as a private security professional.

**Renewal of Certification**

- Renew your certification every two years
  - Renewal may be initiated up to 180 days prior to expiration
  - Renewal application packets must be received by the Department prior to the expiration date to avoid a late fee
1. **Application Packet**
    - PS-21 (Renewal Application)
    - PS-6 (Training Affidavit)
    - PS-20 (Temporary Work Permit) Submit this if employed and you are submitting renewal application materials less than 30 days prior to expiration.
    - Fees
  2. **Training – Four-hour Refresher**
    - PS-6 (Training Affidavit) Obtain from instructor
    - Must be submitted to DPSST within 180 days of the training completion date

**Learning Outcome 1-A-5** Recognize the effect of a “Notice of Deficiency”.

**Notice of Deficiency**

- Issued because of missing or incomplete application information
- You have 21 days to complete or submit incomplete or missing information
- If you do not respond with the required information within 21 days, application may be administratively terminated and all paid fees forfeited

**Learning Outcome 1-A-6:**

Show the reporting requirements related to your certification or license.

**Reporting Requirements<sup>10</sup>**

As a private security professional, you must:

- Report change of address
  - Notify your employer and DPSST within 14 calendar days of change
  - Use the PS-23 (Private Security Professional - Change of Information)
- Report if charged<sup>11</sup> with a crime
  - Notify your employer, or, if you are not employed, notify the Department of Public Safety Standards and Training, no later than 48 hours after the charge is filed
  - If an Executive Manager knows that an employee has been charged with a crime, the Executive Manager shall notify the department no later than 48 hours after acquiring the knowledge
  - The Department may suspend the certificate or license of a private security provider charged with a crime, pending disposition of the charge<sup>12</sup>
- Present your Temporary Work Permit, certification or license to any DPSST staff member, law enforcement officer or Oregon Liquor Control Commission agent upon demand or any other person upon reasonable request<sup>13</sup>

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<sup>10</sup> ORS 181A.885 and by reference OAR 259-060-0015

<sup>11</sup> Charged with a crime is the initial step; convicted of a crime is the final step. The law requires you report at the initial step when you are initially charged with a crime.

<sup>12</sup> OAR 259-060-0300 - 0320

<sup>13</sup> OAR 259-060-0030

**Learning Outcome 1-A-7**

Identify the criteria for denial, suspension, revocation or refusal to renew certification or licensure and how it relates to the moral fitness standards.

**Denial, Suspension or Revocation of Certification or License** <sup>14</sup>

This rule outlines the criteria for denial, suspension, revocation or refusal to renew certification or licensure:

- **Mandatory Grounds:** DPSST must deny, revoke or refuse to renew the certification or license of any applicant or private security provider who is required to register as a sex offender, or has been convicted of certain crimes as described in OAR 259-060-0300, 259-060-0310 and 259-060-0320.
- **Discretionary Grounds:** DPSST may deny, revoke or refuse to renew the certification or license of any applicant or private security provider if the individual:
  - (a) Violates the moral fitness standards as described in OAR 259-060-0300, 259-060-0310 and 259-060-0320;
  - (b) 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;
  - (c) Failed to comply with any provisions found in the Act or these rules; or
  - (d) Failed to pay a civil penalty or fee imposed by the Department when due.

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<sup>14</sup>OAR 259-060-0300 - 0320

**Learning Outcome 1-A-8**

Recall the types of misconduct that could result in civil penalties.

**Types of violations that may result in a civil penalty<sup>15</sup>**

DPSST may recommend civil penalties upon finding a private security provider has engaged in any of the following:

- (a) Providing private security services without valid certification or licensure or Temporary Work Permit;
- (b) Failure to submit properly completed forms or documentation in a time frame as designated by the Department;
- (c) The falsification of any documents submitted to the Department;
- (d) Failure to cease providing private security services upon issuance of a cease and desist order, expiration of certification or licensure, notice of termination, suspension, denial or revocation;
- (e) Failure to complete required training as prescribed in OAR 259-060-0060;
- (f) Failure to report criminal charges as required in ORS 181A.885;
- (g) Failure of a private security instructor to perform the duties of a certified instructor as defined in OAR 259-060-0136;
- (h) Failure to terminate employment as a private security provider of an individual whose application has been terminated, or whose certification or licensure has been suspended, denied or revoked, upon notice from the Department to do so;
- (i) Employing private security providers who have not completed the training and application process required under the Act and these rules;
- (j) Failure to employ a licensed executive manager;
- (k) Failure to provide technological communication or visibility of a certified security professional to crowd management staff;
- (l) Failure to provide documentation of one certified security professional to ten crowd management staff;
- (m) Expecting crowd management staff to perform security services duties other than the duties incidental to crowd management;
- (n) Using a name that implies that the employer's business or entity is, or is affiliated with, an existing law enforcement unit or public safety agency as defined in ORS 181A.355, the organized militia as described in ORS 396.105, the Armed Forces of the United States, a federal law enforcement agency or a federal intelligence agency. Employers operating under a name prior to July 1, 2016 are exempt from this restriction for as long as the business or entity is owned by the same person; or
- (o) Any other violation of requirements of the Act or these rules.

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<sup>15</sup> OAR 259-060-0450



### Law - Civil Law<sup>16</sup>

#### **Learning Outcome 2-A-1**

Identify the difference between civil law and criminal law and the elements of a "tort." Recall the types of misconduct that could result in civil penalties.

The difference between civil law and criminal law

- Civil law deals with legal matters between private parties, such as requiring party A to pay party B if A injures B, (tort) or if A fails to abide by a legal agreement (contract) with B, dispute between individuals
- Criminal law deals with conduct considered by society as a whole that it is prohibited by statute and punishable by the government, wrongs for which the government prescribes a legal punishment

#### **Learning Outcome 2-A-2**

Recognize torts that private security professionals may encounter.

#### **Specific Torts**

A "tort" is a private wrong or injury, other than breach of contract, for which the court will provide a remedy in the form of a legal action to recover "damages" (compensation for the loss, as discussed below). Every tort claim has three essential elements:

1. One party has a legal duty to another (often the duty to exercise due care)
2. The party breaches that legal duty
3. The other party (or their property) is injured or damaged as a direct result

Simply stated, if you commit a tort ("tortious act") you can be sued for damages by the injured party. If you commit a crime, you can be charged and prosecuted by a government body and penalized. Some acts, such as trespass and assault, may be both torts and crimes.

In this discussion of torts, the term "plaintiff" means the person claiming to have been injured or damaged and seeking to hold the "defendant" responsible to pay for the injury or damage. "Defendant" means the person causing the injury or damage.

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<sup>16</sup> Course material developed by Mark Rauch, JD (retired)

Vetted through Attorney Lorraine Anglemier, DPSST Legal Services Coordinator and Legal Instructor

- **Negligence**

Probably the most common tort is "negligence," which can be defined as the failure to exercise the care toward others which a reasonable and prudent person would exercise in the circumstances, resulting in an injury to another party.

**Example:** A driver fails to be attentive while driving and crashes into another vehicle, injuring the occupants.

"**Intentional torts**," include the following:

- **Assault and Battery**

- The tort of **Assault** occurs when defendant acts intentionally in a way that causes plaintiff to reasonably fear an immediate harmful contact. Assault involves a threat.
- The tort of **Battery** is when the intentional act actually causes offensive or harmful contact with the other party. Battery involves actual harmful physical contact.

- **False Imprisonment and False Arrest**

- **False imprisonment** is when defendant forcibly, and without legal justification, detains plaintiff or confines his or her freedom of movement. The force involved can be either actual physical force or a threat of force.
- **False arrest** is when defendant unlawfully detains plaintiff at the time of arrest.

The distinction between the two is that false imprisonment can occur with or without an arrest. If a private security professional or store owner unlawfully detains someone they may be liable for false arrest or false imprisonment. (Reference "citizen's arrest" page 19)

- **Conversion (Theft)**

This is the "tort" equivalent of theft. The tort of conversion occurs when defendant takes possession and control over plaintiff's property without plaintiff's permission.

**Example:** Taking a person's fake ID and refuses to return it for a period longer than reasonably necessary to examine it.

- **Intentional Infliction of Emotional Distress**

This tort occurs when defendant intentionally or recklessly causes severe emotional distress to plaintiff by means of extreme or outrageous conduct. Whether the conduct is "extreme or outrageous" in a particular case is not clearly defined and would be a question for the jury or judge to decide.

- **Fraud**

The tort of "fraud", sometimes referred to as "deceit," occurs when defendant falsely represents a present or past fact to plaintiff, who then acts in reliance on that misrepresentation and incurs a loss ("damages") as a result of that reliance.

**Example:** With no legitimate basis for doing so, you tell a citizen they must leave a movie theater after they have paid for their ticket and they do so, missing out on the service that they paid for.

- **Trespass**

The tort of trespass occurs when defendant intentionally enters plaintiff's land or interferes with plaintiff's ownership of the property if plaintiff incurred injury or damage as a result.

- **Defamation**

Defamation occurs when defendant makes a false statement of fact (as opposed to an opinion) about plaintiff. The false statement must be "published," that is, communicated to one or more people other than plaintiff. Further, plaintiff must prove defendant knew or should have known the statement was false. Finally, plaintiff must prove he or she suffered some harm as a result. Written defamation is called "libel" and spoken defamation is called "slander".

- **Damages**

In the context of tort law, this term refers to the amount of money awarded by a court to a plaintiff who has been injured or incurred property damage because of the wrongful conduct of defendant.

**Learning Outcome 2-A-3**

Identify the limited authority of a private security professional as it relates to the authority a property owner may grant.

**Limited authority of a private security professional**

In general, a private security professional has no more authority than any other citizen. If the private security professional is working for a property owner, the property owner's authority can be granted to the private security professional. This "granted" authority must be detailed in the private security contract, agreement or through post orders. Further limitations:

- The private security professional may not engage in conduct that is restricted by law
- A private security company may further restrict the authority of the private security professional beyond what is granted by the property owner

**Learning Outcome 2-A-4**

Explain the legal requirements required prior to an arrest by a private person, known as a "citizen's arrest" and the potential liability associated with such action.

**Laws pertaining to citizen's arrest**

Citizen's arrests could result in civil torts such as assault, battery, false imprisonment, and false arrest.

There are statutes in Oregon that provide some clarity on when a private citizen may affect a "citizen's arrest" and when physical force may be used in the course of such an arrest.

▪ **Arrest by private person**

**ORS 133.225**

(1) A private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. A private person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver the arrested person to a peace officer. (See clarifying explanation)

(2) In order to make the arrest a private person may use physical force as is justifiable under ORS 161.255. (Use of physical force by private person making citizen's arrest)

Clarifying explanation of “take the arrested person before a magistrate or deliver:”

Transporting the arrested individual to a “magistrate” is neither practical nor legally prudent. While the statute says you may “deliver” the arrested individual to a peace officer, this should not be interpreted to mean transport of the individual. Rather, you should seek first to gain the arrested individual’s consent to wait for responding police. If the individual tries to “escape” from your citizen’s arrest, you must determine if you reasonably believe it is necessary, before you use physical force to prevent the escape, in reliance upon the use of force statute pertinent to citizen’s arrests. <sup>17</sup>

▪ **Probable cause for citizen’s arrest**

ORS 133.225 authorizes "citizen's arrest" when you have "probable cause" to believe the person has committed a crime in your presence<sup>18</sup>. This requires you to understand:

- (a) the "elements" of the crime (Reference criminal law, page 34)
- (b) the term "probable cause", and
- (c) the meaning of "in the presence"

▪ **Probable cause definition**

Defined at ORS 131.005(11) to mean "there is a substantial objective basis to believe that more likely than not an offense has been committed and a person to be arrested has committed it."

- **Private security professionals, like other private persons, are only authorized to make the arrest if the crime was committed in their presence, and they have probable cause to believe the person they are arresting committed the crime.** (Only police officers can arrest based on "probable cause" alone, even if the crime was not committed in their presence; such as through witness statements and other evidence.)

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<sup>17</sup> Researched and prepared by Attorney Lorraine Anglemier, DPSST Legal Services Coordinator and Legal Instructor, reviewed and concurrence by Mark Rauch, JD (retired)

<sup>18</sup> Presence means within view. [West’s Legal Dictionary]

**Learning Outcome 2-A-5**

Identify why “agent” of law enforcement is for the police or the prosecutor to address.

**“Agent” of Law Enforcement<sup>19</sup>**

On occasion, a police officer may request a private security professional to assist the officer with an investigative task, inquiry etc. This often generates a belief, or a concern, on the part of the private security professional, that if they comply, they are “acting as an agent of law enforcement.”

Whether or not a person, in any given instance, is acting as an “agent” of a police officer, is a complex legal issue, the resolution of which is dependent on the particular facts and circumstances. Potential negative outcomes, such as an officer losing seized evidence in a motion to suppress, are appropriately considered by the police officer, perhaps in consultation with the district attorney’s office and/or the court.

- If you have questions about whether or not you should or must comply with such requests, ask the officer.
- If you have concerns about your authority to comply, consult with your employer.

**Learning Outcome 2-A-6**

Differentiate between taking a juvenile into custody and arresting an adult.

**Interacting with Juveniles<sup>20</sup>**

Taking a juvenile into custody is the equivalent of an arrest, but technically is not officially considered an “arrest.” Nevertheless, once a juvenile is taken into custody, similar rules apply to turning them over to law enforcement without unnecessary or undue delay. One notable difference is:

- If the parents or legal guardians of the juvenile arrive prior to law enforcement, the private security professional must release the juvenile to them, unless the person taking the juvenile into custody has probable cause to believe that release of the juvenile may endanger the welfare of the juvenile, the victim or others.

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<sup>19</sup> Researched and prepared by Attorney Lorraine Anglemier, DPSST Legal Services Coordinator and Legal Instructor

<sup>20</sup> ORS 419C.088

**Learning Outcome 2-A-7**

Recognize the legal constraints of a private citizen using physical or deadly force against another.

**Use of Force**

A private security professional may use that force reasonably believed to be necessary to:

- Defend themselves or another person;<sup>21</sup>
- Prevent or terminate a criminal trespass ;<sup>22</sup>
- Protect property; <sup>23</sup>or
- Make a citizen’s arrest or prevent an escape after making a citizen’s arrest <sup>24</sup>

**CRITICAL REMINDER: A private security professional has no legal duty to take action and may retreat if safe and practical to do so.**

- **Reasonable<sup>25</sup> and Necessary<sup>26</sup>**
  - Any use of force must be reasonably believed to be necessary.
  - Even if force is intended for a statutorily-recognized purpose, such as self-defense, if the user does not reasonably believe the force is necessary to achieve the lawful purpose, then the force is unlawful.
- **Use of physical force by private person making citizen’s arrest**

ORS 161.255:

(1) Except as provided in subsection (2) of this section, a private person acting on the persons own account is justified in using physical force upon another person when and to the extent that the person reasonably believes it necessary to make an arrest or to prevent the escape from custody of an arrested person whom the person has arrested under ORS 133.225 (Arrest by private person).

(2) A private person acting under the circumstances prescribed in subsection (1) of this section is justified in using deadly physical force only when the person reasonably believes it necessary for self-defense or to defend a third person from what the person reasonably believes to be the use or imminent use of deadly physical force.

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<sup>21</sup> ORS 161.209

<sup>22</sup> ORS 161.225

<sup>23</sup> ORS 161.229

<sup>24</sup> ORS 161.255

<sup>25</sup> Reasonable means suitable under the circumstances; rational; logical; realistic; justifiable; sensible. [West’s Legal Dictionary]

<sup>26</sup> Necessary means required, needed, unavoidable. [West’s Legal Dictionary]

**Learning Outcome 2-A-8**

Differentiate between “directed” and “voluntary” use of force used by a private citizen on behalf of law enforcement.

**“Directed” or “voluntary” use of force by a private citizen on behalf of law enforcement<sup>27</sup>**

The ORS provision which is relevant to this discussion is ORS 161.249 Use of physical force by private person assisting an arrest. It provides:

(1) Except as provided in subsection (2) of this section, (concerning the potential use of deadly force) a person who has been *directed* by a peace officer to assist the peace officer to make an arrest or to prevent an escape from custody is justified in using physical force when and to the extent that the person reasonably believes that force to be necessary to carry out the peace officer’s direction. (*emphasis added*)

The above statute is not a statute which defines the elements of a crime. Rather, it is a force justification statute. A private person who complies with the officer’s direction, and who reasonably believes he or she needs to use physical force to do so, would be “justified” in using this physical force. Therefore, if their use of force resulted in injury or death of a person, the defense of “justification” should insulate the person from potential criminal liability. Notice though that we say, *if* the private person complies with the officer’s direction. This is related to the next conversation wherein we see that the Legislature has declined to make failing to assist a crime. While the Legislature declined to create criminal consequences for a private citizen who unreasonably refuses or fails to assist, they *did* provide a defense to criminal liability for the person who *does* comply, and reasonably believes they need to use force to do so.

Lastly, it is important to distinguish a private citizen who is “directed” by a peace officer to assist, from one who is a “volunteer.” The use of force statute above would not apply to create a defense to criminal liability for a volunteer. If such a person, for example, came to the aid of a police officer because they were concerned the officer was being harmed by someone who the officer was trying to arrest, then the private citizen would presumably be protected by the defense of self or defense of a third person use of force statute.

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<sup>27</sup> Researched and prepared by Attorney Lorraine Anglemier, DPSST Legal Services Coordinator and Legal Instructor



**Learning Outcome 2-A-9**

Recall how “unreasonably refuses” applies in the criminal violation of “refuse to assist law enforcement.”

**Refusal to assist law enforcement<sup>28</sup>**

The ORS provision which is relevant to this discussion is ORS 162.245 Refusing to assist a peace officer. It provides:

“A person commits the offense of refusing to assist a peace officer if upon command by a person known by the person to be a peace officer the person unreasonably refuses or fails to assist in effecting an authorized arrest or preventing another from committing a crime.”

Equally important as the language of the offense, is its potential penalty. The Oregon Legislature has chosen to designate this offense as a Class B Violation, punishable only by a maximum fine of \$1000, with a presumptive fine of only \$260. We use the word “*only*” to stress the Legislature’s decision to ascribe low severity to this offense.

Furthermore, successful proof of the offense requires the government to prove, by a preponderance of the evidence, that the person “*unreasonably*” refused or failed to assist. It would be difficult to argue that a private citizen is being unreasonable, if he or she were to hesitate when being “commanded” to assist in effecting the arrest of another person, or to prevent another person from committing a crime. A civilian would be understandably hesitant, due to the risks present when coming into close contact with an unknown person who has drawn the attention of the police. It would appear that if the Legislature were more concerned about making sure all civilians complied when so commanded, they would have made it a *crime* to refuse. They did not.

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<sup>28</sup> Researched and prepared by Attorney Lorraine Anglemier, DPSST Legal Services Coordinator and Legal Instructor

**Learning Outcome 2-A-10**

Define the limitations of a private security professional's actions following a citizen's arrest.

**Detaining/Holding/Transporting**

- **A private security professional may NOT detain another citizen, unless a citizen's arrest has been made.**

A private security professional who has made a citizen's arrest must turn the arrestee over to law enforcement without "undue delay." If law enforcement does not arrive within a "reasonable time" the arrestee should be released; it is then the role of law enforcement to find and arrest the suspect. (See explanation of "take" or "deliver" arrested person, page 19)

A private security professional should keep the person they have placed under citizen's arrest on the same property where the crime was committed.

**Definition of *detain*<sup>29</sup>:**

- to officially prevent (someone) from leaving a place; or to hold or keep (someone) in a prison or some other place
- to keep or prevent (someone) from leaving or arriving at the expected time

**Detention and interrogation of persons suspected of theft committed in a store or unlawful operation of audiovisual device in a motion picture theater**

**ORS 131.655**

- **Probable cause**

(1) Notwithstanding any other provision of law, a person may be detained in a reasonable manner and for a reasonable time by:

(a) A merchant or merchant's employee who has probable cause for believing that the person has committed theft of property of a store or other mercantile establishment; or

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<sup>29</sup> Merriam-Webster's simple definition of detain

(b) The owner or lessee of a motion picture theater or authorized agent or employee of the owner or lessee who has probable cause to believe that the person has violated ORS 164.882 (Unlawful operation of an audiovisual device).

(2) Probable cause is a defense to any civil or criminal action based on detention and interrogation that a person brings against:

(a) A merchant or merchant's employee who has detained the person in a reasonable manner and for a reasonable time based on probable cause for believing that the person has committed theft of property of a store or other mercantile establishment; or

(b) The owner or lessee of a motion picture theater or authorized agent or employee of the owner or lessee who has detained the person based on probable cause for believing that the person has violated ORS 164.882 (Unlawful operation of an audiovisual device). [Formerly 133.037; 2005 c.459 §2]

### Learning Outcome 2-A-11

Identify the legal constraints relating to searching the person or property of another.

### Searching the person or property of another

- **Consent to search**

Private security professionals may need to search people in order to recover property or for their own safety, but there are legal restrictions on searching people or their property.

Legally, the safest way to conduct a search is to obtain the person's consent.

**Example:** You ask a person entering a nightclub if you may search their backpack and the person says, "Sure, go ahead," that should be considered valid consent.

- **Searching citizens upon entering a facility**

Persons entering a facility (for business or personal reasons) are often required to submit to a search in order to gain access to the facility. Private security professionals may operate metal detector stations and perform physical pat downs, as well as baggage checks for those entering or leaving the facility.

- Although searches and pat-downs may be a requirement for a person wishing to enter the facility, no private security professional has a right to force these searches to occur.
- Even if the person has consented in writing to the search, they may withdraw that consent at any time.

- While a person may be denied entry to a facility for refusing to submit to such policies, the private security professional may not force a search of someone, even if they have already gained access. To compel someone to submit to any search or pat-downs may be grounds for a civil "tort" lawsuit, as well as a potential criminal charge against the private security professional.
- **Searching citizens upon leaving a facility**

Even if the client's policy is to allow inspection of the baggage of persons leaving the property, a private security professional may not lawfully detain someone who refuses to submit to a search and may not detain their baggage, unless the elements necessary for a "citizen arrest" are present.

  - Merely suspecting a person of stealing because they refuse to allow a search of their baggage is not sufficient grounds to lawfully detain or place a person under "citizen's arrest".
  - Unless the private security professional has personally witnessed a crime occur in their presence, the most advisable action is to report such a person's refusal to allow the search and allow that company to investigate, rather than act without the full facts and potentially incur a law suit.
- **Lawful owner of property to be searched**

In conducting searches of property, such as a vehicle or a purse, the consent to search must be from the lawful owner or person in charge of that property.

  - When in doubt, it is advisable not to conduct the search until proper authorization has been obtained.
  - If police involvement is expected and there is a question as to the legal right to search, wait for the police to conduct searches in a manner that reduces the risk of liability.

### **Learning Outcome 2-A-12**

Recall the legal constraints involving surveillance and audio or visual recording of others

## **Surveillance**

- **Privacy law and surveillance**

Private security services often involve observing and reporting on the activity of others. These observations are accomplished by conducting "surveillance" (the purposeful act of scrutinizing the activity of another). Sometimes this is accomplished by the unaided eye, sometimes with the help of special tools.

**Guidelines:**

- As a general rule, each person has the right to privacy in areas where there is a reasonable expectation of privacy
- Whether or not privacy laws are violated depends on the reasonableness of the expectation of privacy

**Example:** If you inadvertently/unintentionally see someone undressing through their open window as you drive on a public street, that person does not have a reasonable expectation of privacy. If you approach the window and peek through a crack in closed blinds, you have violated their expectation of privacy.

▪ **Electronic surveillance**

The laws regarding the use of electronic equipment used to conduct surveillance (cell phone cameras, video, listening devices, etc.) are complicated and change frequently.

- Consult your client's or employer's policies relating to electronic surveillance
- Use these guidelines when video recording others: In a private place, such as a bathroom, there is an expectation of privacy. In a public place there is a diminished expectation of privacy
- Depending on the authority granted to you or your company by a property owner, you may have the authority to restrict or prohibit all types of activity (including video recording) on a property being protected

▪ **Recording conversations**

- It is illegal in Oregon to record a phone conversation unless consent is given by at least one participant in the conversation<sup>30</sup>
- It is illegal in Oregon to record other conversations unless all parties to the conversation are informed it is being recorded<sup>31</sup>
- A qualifier on this statute is found in subsection (6)(c) which reads, "Prohibitions . . . do not apply to persons . . . with an unconcealed recording device . . . that are part of . . . private meetings or conferences if all others involved knew or reasonably should have known that the recording was being made"

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<sup>30</sup> ORS 165.540(1)(a)

<sup>31</sup> ORS 165.540(1)(c)

**Learning Outcome 2-A-13**

Compare when and how state and federal discrimination and "civil rights" statutes apply to private security.

**Civil Rights and Discrimination Laws**

▪ **State Law**

ORS 659A.403 provides as follows:

(1) Except as provided in subsection (2) of this section, all persons within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, without any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age if the individual is 18 years of age or older.

(2) Subsection (1) of this section does not prohibit:

(a) The enforcement of laws governing the consumption of alcoholic beverages by minors and the frequenting by minors of places of public accommodation where alcoholic beverages are served; or

(b) The offering of special rates or services to persons 50 years of age or older.

(3) It is an unlawful practice for any person to deny full and equal accommodations, advantages, facilities and privileges of any place of public accommodation in violation of this section.

▪ **Place of public accommodation**<sup>32</sup>

(a) Any place or service offering to the public accommodations, advantages, facilities or privileges whether in the nature of goods, services, lodgings, amusements, transportation or otherwise.

(b) Any place that is open to the public and owned or maintained by a public body, as defined in ORS 174.109 (Public body defined), regardless of whether the place is commercial in nature.

(c) Any service to the public that is provided by a public body, as defined in ORS 174.109 (Public body defined), regardless of whether the service is commercial in nature. It is also unlawful to "aid or abet" in prohibited acts of discrimination in any place of public accommodation.<sup>33</sup>

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<sup>32</sup> ORS 659A.400

<sup>33</sup> ORS 659A.406

- **Civil Recourse**

Any person who has been discriminated against by any employee or person acting on behalf of a place of public accommodation in violation of these statutes can bring a legal claim against the operator or manager, against the discriminating employee or person acting on behalf of the place of public accommodation, and/ or any abettor in the discrimination.<sup>34</sup>

- **Federal Law**

There is no "common law" claim, such as claim in tort, for recovering damages from a person or entity that has violated one's rights protected by the U.S. Constitution. However, federal legislation provides such a remedy by statute.

Specifically, the law provides:<sup>35</sup>

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress...."

Generally, "under color of any statute" applies only to government action (public bodies), therefore, unless you were working for a public entity, this would not be applicable. Claims against public bodies and public employees under this statute are common in cases alleging false arrest or imprisonment, excessive force, impingement of First Amendment rights (speech, assembly, religion), and violations of due process rights. (See "Agent" of Law Enforcement, page 21)

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<sup>34</sup> ORS 659A.885(7)

<sup>35</sup> 42USC Sec.1983

**Learning Outcome 2-A-14**

Recognize basics of the relevant sections of the Americans with Disabilities Act (ADA), the law applicable to "service animals" and how a private security professional must interact with the owners of such animals.

**Disability Discrimination**

▪ **ADA Title III - Places of Public Accommodation**<sup>36</sup>

The ADA is a wide-ranging civil rights law prohibiting discrimination based on "disability". Much of the ADA deals with employment (Title I), public entities, and public transportation (Title II) and is not very likely to impact your work in private security. Title III, however, prohibits discrimination on the basis of disability in the activities of places of public accommodation (businesses that are generally open to the public and that fall into one of 12 categories listed in the ADA, such as restaurants, movie theaters, schools, day care facilities, recreation facilities).

**Definition**

Under the ADA, an individual with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.<sup>37</sup>

The area where private security professionals are most likely to come in contact with disability discrimination law is in the context of laws regarding "service animals."

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<sup>36</sup> [http://www.ada.gov/ada\\_title\\_III.htm](http://www.ada.gov/ada_title_III.htm)

<sup>37</sup> 42USC12102



▪ **Service Animals<sup>38</sup>**

**Definition**

OAR 736-010-0015 defines a service animal as, “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability . . . The work or tasks performed by a service animal must be directly related to the handler’s disability. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.”

The Department of Justice’s revised ADA regulations include a new provision for miniature horses that have been trained to do work or perform tasks for people with disabilities.

**Where service animals are allowed**

State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.

**Service animals must be under control**

Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the individual’s disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

**Applicability**

- “Comfort,” “therapy” or “emotional support animals” do not meet the definition of an assistance animal
- A guide dog puppy that is being raised and trained to be a guide dog should be afforded the same privileges as a certified guide dog

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<sup>38</sup> U.S. Department of Justice, Civil Rights Division, Disability Rights Section ADA requirements.

[http://www.ada.gov/service\\_animals\\_2010.htm](http://www.ada.gov/service_animals_2010.htm)

[http://arcweb.sos.state.or.us/pages/rules/bulletin/0511\\_bulletin/0511\\_ch736\\_bulletin.html](http://arcweb.sos.state.or.us/pages/rules/bulletin/0511_bulletin/0511_ch736_bulletin.html)

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### **Limited Inquiries about Service Animals**

In situations where it is not apparent that the animal is a service animal, a business may ask two questions to help determine whether the animal may be properly permitted into the business:

- Is the animal required because of a disability?
- What work or task has the animal been trained to perform?

No other inquiries about an individual's disability or the service animal are permitted. Businesses cannot require proof of certification or medical documentation as a condition for entry.<sup>39</sup>

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<sup>39</sup> [http://www.ada.gov/service\\_animals\\_2010.htm](http://www.ada.gov/service_animals_2010.htm)

### Learning Outcome 3-A-1

Identify the classes of offenses.

### Criminal Law<sup>40</sup>

#### Overview

As we have just seen, civil law, including tort law, deals with legal relationships and legal disputes between private parties. Criminal law, on the other hand, deals with the rules and statutes that define conduct prohibited by the government because it threatens and harms public safety and welfare and that establishes punishment to be imposed for the commission of such acts.

#### Classes of Offenses<sup>41</sup>

An **offense** is conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law or ordinance of a political subdivision of this state. An offense is either a crime, or a violation.

- **Violations** <sup>42</sup>are a type of offense punishable only by a fine, forfeiture, suspension, or revocation of a license or other privilege, or other civil penalty.
- **Crimes** <sup>43</sup>are either felonies, punishable by prison terms of more than one year to life, or misdemeanors, punishable by local jail terms of one year or less. Note that all crimes may also result in the imposition of fines.

Felonies and misdemeanors are further classified by statute in order of severity; Class A, B, C, or "Unclassified" with C being the least, and A being the most severe.

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<sup>40</sup> Vetted through Attorney Lorraine Anglemier, DPSST Legal Services Coordinator and Legal Instructor

<sup>41</sup> ORS 161.505

<sup>42</sup> ORS 153.008

<sup>43</sup> ORS 161.515

**Learning Outcome 3-A-2**

Recognize the requirements for criminal liability.

**Requirements for criminal liability<sup>44</sup>**

Every crime has "elements" that must be proven by the prosecutor in order to convict the person charged. These elements can be broken into two categories, the "conduct" or "act" and the mental intention known as the "culpable mental state."<sup>45</sup>

What is important for you to understand is that individuals are not criminally punished for involuntary or accidental conduct.

**Example #1:** A woman shows a man a crystal vase she has just purchased. The man drops it and the vase shatters. Because this was involuntary and accidental, no criminal charge would result. On the other hand, if he intentionally damaged it, there could be a criminal charge.

**Example #2:** A man loses his balance and accidentally bumps into another person resulting in that person falling down the stairs and injuring himself. This was involuntary and accidental, no criminal charge would result. On the other hand, if he intentionally shoved the person down the stairs causing injury there would be a criminal charge.

**Learning Outcome 3-A-3**

Identify the act or actions involved in Criminal Trespass, Burglary, Theft, Robbery and Criminal Mischief and the related definitions.

**Property Crimes** generally deal with acts that affect property or one's interest in property.<sup>46</sup>

- **Criminal trespass** means one enters the premises of another unlawfully or unlawfully remains.<sup>47</sup>
- **Open to public** means premises which by their physical nature, function, custom, usage, notice or lack thereof, or other circumstances at the time, would cause a reasonable person to believe that no permission to enter or remain is required.<sup>48</sup>

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<sup>44</sup> ORS 161.095

<sup>45</sup> ORS 161.085(6)

<sup>46</sup> ORS 164.205 – ORS 164.270

<sup>47</sup> ORS 164.245

<sup>48</sup> ORS 164.205 (4)

- **Person in charge** means a person, representative or employee of the person who has lawful control of premises by ownership, tenancy, official position or other legal relationship. It includes but is not limited to, the person, or holder of a position, designated as the person or position holder in charge by the Governor, board, commission or governing body of any political subdivision of this state.<sup>49</sup>
- **Enter or remain unlawfully**, means:
  - To enter or remain in or upon premises when premises, at time of entry or remaining, are not open to the public and when the entrant is not otherwise licensed or privileged to do so;
  - To fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge;
  - To enter premises that are open to the public after being lawfully directed not to enter the premises; or
  - To enter or remain in a motor vehicle when the entrant is not authorized to do so.<sup>50</sup>
- **Criminal trespass can be established** when:
  - The owner, tenant or person in charge (or security company if authority has been delegated) “publishes notice” to the trespasser either verbally or in writing
    - Verbal notice, such as, “You are on private property, leave now”
    - Written notice, such as an ejection or trespass notice
  - If the trespasser then refuses to leave, or leaves the property and returns without permission
  - If the trespasser enters property “not open to the public” unlawfully (such as a house or a fenced area with posted no trespassing signs), no prior notice of ejection is necessary
- **Burglary in the second degree**<sup>51</sup>

Burglary in the second degree occurs when a person enters or remains unlawfully in a building with intent to commit a crime therein.
- **Theft**<sup>52</sup>

Theft means with intent to deprive another of property, the person takes, appropriates, obtains or withholds such property from an owner.

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<sup>49</sup> ORS 164.205 (5)

<sup>50</sup> ORS 164.205 (3)

<sup>51</sup> ORS 164.215

<sup>52</sup> ORS 164.015

### Examples:

- Takes, obtains or withholds such property from an owner;
- Commits theft of property lost, mislaid, or delivered by mistake;
- Commits theft by extortion; or
- Commits theft by deception, or by receiving property.

### ▪ **Robbery in the third degree** <sup>53</sup>

Robbery in the third degree occurs when a person in the course of committing or attempting to commit theft, uses or threatens the immediate use of physical force upon another with the intent of preventing or overcoming resistance to the taking of the property.

### ▪ **Criminal Mischief** <sup>54</sup>

Criminal Mischief offenses usually involve damage to property.

- Criminal Mischief III does not require an intent to damage property. It includes tampering or interfering that is intended to cause inconvenience
- Criminal Mischief II includes:
  - Any Criminal Mischief III (no intent) that results in more than \$500 damages, or
  - Any intentional property damage, regardless of dollar value of damage, or any reckless damage more than \$500

### **Talking Point:**

The differences between Robbery and Burglary are that:

- Robbery requires the crime of Theft (or UUV Unauthorized use of a Vehicle) to be underlying crime; Burglary includes the intent to commit any crime
- Robbery requires the use or threatened use of force against the victim; Burglary does not require the presence of a victim
- Burglary requires entering or remaining unlawfully in a building; Robbery can be committed anywhere

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<sup>53</sup> ORS 164.395

<sup>54</sup> ORS 164.345-ORS 164.365

**Learning Outcome 3-A-4**

Identify the act or actions involved in Harassment, Assault, Intimidation and Disorderly Conduct and the related definitions.

**Person Crimes**

- **Harassment** includes (but is not limited to) when a person intentionally harasses or annoys another by:
  - Subjecting them to offensive physical contact, or
  - Distributing a visual recording (sexting), as defined in ORS 163.665, of the other person engaged in sexually explicit conduct, as defined in ORS 163.665, or in a state of nudity, as defined in ORS 163.700, when the other person is under 18 years of age at the time of the recording.<sup>55</sup>
  
- **Assault**<sup>56</sup>
  - **Assault IV** is the intentional, knowing, or reckless causing of physical injury. It can be criminally negligent, if committed with a deadly weapon
  - **Assault III** is usually either an Assault IV committed intentionally, knowingly by more than one perpetrator, or the reckless causing of serious physical injury with a dangerous/deadly weapon
  - **Assault II** is usually intentionally or knowingly causing serious physical injury
  - **Assault I** is intentionally causing serious physical injury with a dangerous/deadly weapon
  
- **Dangerous Weapon** is any instrument, article, or substance that under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury.<sup>57</sup>
  
- **Deadly Weapon** is any instrument, article, or substance designed for, and presently capable of, causing death or serious physical injury.<sup>58</sup>

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<sup>55</sup> ORS 166.065

<sup>56</sup> ORS 163.160

<sup>57</sup> ORS 161.015(1)

<sup>58</sup> ORS 161.015 (2)

- **Deadly physical force** is physical force that, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.<sup>59</sup>
  
- **Intimidation**<sup>60</sup>  
Occurs, if because of a person's perception of another's race, color, religion, sexual orientation, disability or national origin, the person:
  - Tamper or interferes with the property of another, with the intent to cause substantial inconvenience;
  - Subjects another to offensive physical contact; or
  - Subjects another to alarm by threats to inflict serious physical injury to that person or a member of their family, or to cause substantial damage to the property of another or of a member of their family.
  
- **Disorderly Conduct II**<sup>61</sup>  
Occurs when, with intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, the person:
  - Engages in fighting or violent, tumultuous or threatening behavior;
  - Makes unreasonable noise; (NOTE: This will not hold up if the person is engaged in constitutionally protected speech.)
  - Disturbs any lawful assembly of persons without lawful authority;
  - Obstructs vehicular or pedestrian traffic on a public way;
  - Initiates or circulates a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe, or other emergency; or
  - Creates a hazardous or physically offensive condition by any act which the person is not licensed or privileged to do.

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<sup>59</sup> ORS 161.015 (3)

<sup>60</sup> ORS 166.155

<sup>61</sup> ORS 166.025



**Learning Outcome 3-A-5**

Identify the importance of protecting evidence and ensuring a proper “chain of custody.”  
Recognize the importance of preparation for courtroom testimony and truthfulness.

**Evidence**

▪ **Protecting Evidence**

The Rules of Evidence allow a court trial to proceed fairly and quickly, using only evidence that is relevant, reliable, and accurate.

▪ **Notes and Reports**

The private security professional’s notes and reports are admissible in evidence to refresh the memory of the security professional who wrote them.

**Example:** If asked what color eyes the person had, the security professional may ask to refresh their memory by referring to their report or notes.

▪ **Photographs**

Photographs are admissible if the photographer can testify that the photograph is an “accurate representation of the scene at the time the photograph was taken.”

▪ **Physical Evidence**

To be admitted in a trial, physical evidence must be demonstrated to be what it purports to be.

To be acceptable to the court, a “chain of custody” must be established. This is a process that involves these main elements:

- The evidence collector properly identifies the evidence
- The evidence collector tamper-proofs and secures evidence at the collection site

**Example:** You locate a knife believed to be used in a crime. You remain with the knife, ensure it is undisturbed until the police arrive and take custody of it. You then document in your report where you found the knife and who it was turned over to.

As best practice, allow police to process all physical evidence.

### ▪ Testimony

In the course of your work as a private security professional, you may be called to testify in court in either a civil case or a criminal case, or to give your deposition. This could be either by informal request or by means of a court issued subpoena. A deposition is a proceeding, often in an attorney's office, where you are sworn in and questioned by the attorneys in the presence of a court reporter. The allowable range of questioning in a deposition is much broader than in a trial.

When preparing to testify as a witness, whether in trial or deposition, the private security professional should note the following:

- Dress properly; in a courtroom, the proper attire is a uniform or business attire. If in doubt, check with the employer or the attorney seeking your testimony.
- Typically it would be the prosecutor in a criminal case requesting your appearance as a witness, or the attorney representing the party seeking your testimony in a civil case. Either way, you would most likely meet with the attorney to prepare you for the court appearance or deposition.
- Refresh your memory of the incident by reviewing all reports, statements, and related records.

It is vital to be completely honest, even if parts of the event are embarrassing.

When testifying as a witness, private security professionals should first look at the person asking the questions (counsel, the prosecutor, or judge) and when answering the question, look at the jury or judge.

Truthfulness is the most important requirement of a witness. If even a small part of your testimony is shown to be untruthful or exaggerated, the jury might very well be skeptical of your overall credibility.

### COMMUNICATION

#### Communicating with emotional or angry citizens<sup>62</sup>

##### Learning Outcome 4-A-1

Identify effective communication with an individual who is emotional or angry and de-escalate the situation.

**Tactical communication defined:** the strategic use of verbal and non-verbal messages to accomplish a specific goal of voluntary compliance.

##### ▪ Six Principles of Effective Communication

###### 1. **Professionalism;** public perception

- **Professional Mindset;** you represent more than yourself; you represent your organization and profession
- Your intentions are inconsequential in relation to how you are viewed as a private security professional
- Everyone deserves dignity and respect; the way you treat people dictates your success
- **Tactics** for communicating professionalism
  - ❖ Present conscientious demeanor
    - Maintain your uniform
    - Make eye contact
    - Assume an active listening posture
    - Control your expressions
    - Remain calm and collected
  - ❖ Utilize common courtesy
    - Greet people
    - Smile when appropriate
    - Refer to people as Mr., Ms., Sir, Ma'am
    - Identify yourself
    - Explain your purpose and actions

###### 2. **Assessment;** evaluate “quality of response” or their readiness, willingness or ability to cooperate - assessment requires observation and listening

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<sup>62</sup> Course Resource: State of Oregon Basic Police – Tactical Communication and Defusing Hostility

3. **Observation**; identify problematic behavior cues
  - Self-affecting behavior includes red face, gritting teeth, facial tics, rapid breathing, clenched fists, closed posture, crying and stuttering or broken speech
  - Attention-seeking behaviors include fixed stares, inappropriate remarks, yelling, arguing, disobeying direction, making threats, invading personal space
  - Pre-assaultive behavior (imminent attack) includes pacing, rocking, shifting weight, target glancing, preparatory posturing, personal grooming, article removing, striking self or structures
  
4. **Listening**; the key to listening is remaining silent in order to receive messages
  - Suspend personal judgement
  - Take an interest in the situation
  - Demonstrate your attentiveness
  - Empathize
  - Prompt additional information
  
5. **Assessment Conclusion**
  - Assess immediately, then continuously
  - Develop plans accordingly
  - Pay attention to the effects of your actions
  - Do not rush to discuss or problem-solve (unless necessary)
  - Take the time to recognize the circumstances that surround you so you can effectively interact and gain control of the situation
  
6. **Interact Positively**
  - **Giving Direction**
    - ❖ Use clear directions
    - ❖ Focus on who you are speaking to
    - ❖ Provide opportunities to comply
    - ❖ Ensure direction is realistic in the present circumstance
    - ❖ Explain when necessary
  - **Gain Cooperation**
    - ❖ Maintain your professionalism
    - ❖ Set the context for the situation
      - Provide an opportunity for justification
      - Explain processes, their purposes and consequences
      - Provide a reason for your response to requests

- **Persuade** toward a common goal
  - ❖ Provide options when applicable
  - ❖ Transfer accountability, “do you understand your decision may have consequences”
  - ❖ Ask guided questions, “how can we resolve this”
- **Defuse** Emotional, Difficult or Hostile Situations
  - ❖ Relieve anxiety and avoid escalation
    - Maintain a calm demeanor
    - Allow venting
    - Develop rapport
    - Empathize
    - Ask questions
    - Distract
  - ❖ Actions that Escalate
    - Inappropriate facial expressions
    - Aggressive posturing
    - Sarcasm
    - Profanity
    - Apathy
    - Degrading comments
    - Unenforceable threats
    - Entering an ego contest
- **Control** the situation
  - ❖ Project authority but do not rely on it
    - Set and maintain boundaries
    - Avoid “direct order” syndrome, “do it now”
  - ❖ Be flexible and adapt to assessed circumstances
    - Avoid excessive repetition
    - Adjust
  - ❖ Utilize verbal skills to alleviate potential problems
  - ❖ Recognize when words fail
    - Know your laws, your audience and yourself
    - Consider the best option for the situation
    - Choose the best option for you to be successful

### Communicating with the Mentally Ill<sup>63</sup>

#### Learning Outcomes 4-A-2

Recognize situations involving citizens who may have mental illnesses and use communication skills to interact with them.

Effectively interact with law enforcement responding to calls relating to those with mental illnesses.

Because you interact with the public, you will likely encounter individuals who may have mental health issues. **The overview of the types of mental illness is for information at an awareness level. It is more important for you to recognize common characteristics so that you can use the subsequent tools, verbal and non-verbal skills to communicate and de-escalate situations while awaiting the response of trained personnel.**

The major types of mental illness:

- Schizophrenia; a mental disorder characterized by persistent defects in the perception of reality; they will often experience delusions or hallucinations.
- Bipolar (Manic Depression); mood swings from depression to manic highs (mental or physical hyperactivity).
- Major Depression; a persistent state of depression that significantly affects one's mood and daily activities, it has a direct link to suicide.
- Anxiety Disorders; may be uncontrolled worry, uncontrolled obsessions (obsessive-compulsive disorder) or panic which is the abrupt onset of intense fear or discomfort. Post-Traumatic Stress Disorder (PTSD) from prior traumas is also in this category.
- Personality Disorders include paranoid; distrust of others, schizoid; limited range of emotion, schizotypal; odd and eccentricities, antisocial; lack of regard for moral or legal standards.
  - **Common Characteristics of mental health disorders:**
    - Perception (hallucinations)
    - Orientation (person, place time awareness)
    - Thinking (delusions, paranoia)
    - Judgment/insight (poor decision making)
    - Behaviors (actions, movements)
    - Environment (unusual items or unusual use of items)

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<sup>63</sup> Course Resource – Basic Police – Mental Health and Disabilities

Vetted through Lt. Lisa Trimble-Scheirman, DPSST Basic Police Trainer and Coordinator

- **Verbal Skills**

1. Tell citizen you are there to help
  - a. Introduce self by first name
  - b. Ask and use their name
  - c. Do not involve yourself in their delusions; show you understand that they believe it is really happening
2. Ask clarifying questions in terms of "I" statements
  - a. "I don't understand this"
  - b. "I'm afraid that you'll hurt yourself"
  - c. "I can't figure out why"
3. Use personalized statements - "You holding that rock makes me nervous"
4. Do not argue
5. Actively listen
  - a. Do not be afraid of silence
  - b. Wait for responses
  - c. Echo their feelings "You seem to be angry"
6. Show concern and understanding
  - a. Nod head while they are talking
  - b. Indicate listening with "I see" or "Uh, huh", etc
7. Treat citizen with respect
8. Do not use offensive terms or sarcastic remarks
9. Tell citizens what you are going to do and do not make promises you cannot keep
10. If citizen becomes agitated, change the subject

- **Non-verbal skills**

1. Feedback loop
  - a. Watch reactions of the citizen to you
  - b. Stop action if it escalates the citizen
2. Open body language
  - a. Rule of Palm – talk with your palms open
  - b. Stand slightly to the side/balanced
  - c. Take safe, but not defensive stance
    - i. More relaxed posture
    - ii. Head tilted
    - iii. Be ready/appear relaxed
3. Eye Contact
  - a. Try to make eye contact
    - i. Some citizens like it as sign of personal contact / rapport
    - ii. May make some people nervous
  - b. Try to remain at eye level
4. Body Space
  - a. Rule of 3 - Remain at least 3 arms' length away at first contact
  - b. May need to move in to establish personal rapport
  - c. Move slowly and announce action to the citizen
5. Officer Safety
  - a. Never deny the possibility of violence - persons with mental illness are not more violent than the “normal” population but may be more unpredictable
  - b. If hearing voices, ask what the voices are saying (If their voices are telling them to hurt/kill someone, self or others, take that very seriously and disengage if need be.)
  - c. Keep relaxed approach, but not complacent
  - d. Watch their hands

- **Interacting with Public Safety**

When interacting with public safety, articulate your observations of the citizen such as their behaviors, responses and what the issues are relating to your role and your scope of authority over the property on behalf of the property owner. This will allow public safety to more fully understand the situation and respond appropriately.



### Communicating with 9-1-1<sup>64</sup>

#### Learning Outcome 4-A-3

Distinguish between an emergency and a non-emergency and provide clear, concise and thorough information to a 9-1-1 call taker.

- **Emergency vs. non-emergency**

When prioritizing an emergency vs. non-emergency situation, individuals should consider the immediate need for attention, such as threat to life, threat to property or an active crime or incident. A non-emergency is a situation that poses no immediate risk to health, life, property or environment.

- Non-emergency situations may still require assistance from emergency services
- Call the non-emergency line

#### **In case of emergency, call 9-1-1**

- **9-1-1 Calls**

- Recorded and may be accessed for later use
- Communicate clearly and use plain language; avoid using jargon, slang or “big words”
- Be prepared to provide clear, concise and thorough information

- **What will a 9-1-1 call taker ask during an emergency?**

- **Where:** Location of the emergency (address, intersection or general directions)
- **What:** Type of emergency (fire, police or medical)
- **When:** Exact time frame, try to avoid “just occurred;” use specifics
- **Who:** How many people were involved?
  - Physical descriptions
  - Location or direction of travel
- **Why:** Circumstances surrounding incident
  - Example: Why is person unconscious; did they fall or were they punched?
- **Weapons:** Type? How many? Who has them?

Answering the dispatcher’s questions succinctly and accurately ensures the correct assistance is dispatched in a timely manner. When asked, provide your name and contact information.

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<sup>64</sup> Course Resource : State of Oregon DPSST Telecommunications Call Taking  
Vetted through Lt. Tami Atkinson, DPSST Telecommunications and Emergency Medical Dispatcher Trainer and Coordinator

### **Additional information**

- Injuries
- Violence (Type, injuries, still in progress)
- Alcohol/Drugs: What type? Are they hazardous? (meth labs)
- Environmental dangers: (icy roads, exposed electrical wiring, leaking gas, etc.)
- “Safe route” for hazardous material (type of chemicals)
  - Hazardous decals?
  - Which way is the wind blowing?
  - Is there a road to the scene that is not affected?
- Wires down
  - Location
  - In contact with a vehicle, person, or building?
  - Is there a road to the scene that is not affected?

### **Why stay on the line?**

A call taker may need the security professional to stay on the phone in order to provide additional information to emergency responders if it is safe to do so.

- Do not hang up until instructed to do so
- If unsure whether it is appropriate to hang up, ask for clarification

### **Describing persons of interest**

- Describe from the top (head) down to the bottom (shoes)
- Gender, race, age
- Height, weight (make a mental note of where the top of the person’s head is as it passes a fixed object like a door frame, this can give an accurate height estimate)
- Hair, facial hair, glasses
- Scars, tattoos

### **Describing vehicles**

- License plate; state first, then letters and numbers from left to right
- Direction of travel
- CYMBAL is a useful acronym
  - **C**olor
  - **Y**ear
  - **M**ake/model
  - **B**ody
  - **A**nanything else (primer, damage)
  - **L**icense plate (state)
- Other characteristics, such as dents or bumper stickers

### DECISION MAKING AND PROBLEM SOLVING

#### Problem Solving: The S.A.R.A. Model<sup>65</sup>

##### Learning Outcome 5-A-1

Utilize and apply the problem solving strategy in a given situation.

**S.A.R.A. (Scan, Analyze, Respond and Assess)** is a four-step, decision-making model.

**Scan** identify and define potential problems before moving to take action.

- a. Collect objective data to create a clear and shared picture of the potential problem
- b. Determine what the problem really is and its extent
  - Is it a crime, or an issue with the facility?
  - What time did the incident occur and where?
  - Who were the people involved?

**Analyze** the underlying conditions by learning everything possible about those involved, incidents and history relating to the problem.

- What do I need to know about this problem?
- Who could provide an answer to the question?
- Are my actions going to contradict my employer's policy?
- Are my actions going to put myself or others' safety at risk?
- Who knows where I am?
- How long will it take for help to arrive?

**Respond** based on analysis of the problem. A response may be to call for assistance, retreat or interject. Responses take the form of short or long-term goals that answer the question, "What am I trying to accomplish?"

**Assess** to measure the impact of the response to the problem. After the contact, think about what happened, for example, what was done right, what went wrong and how to more effectively respond to similar situations in the future.

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<sup>65</sup> Course Resource: State of Oregon Basic Police – Community Policing – Problem Solving

**Debrief:** Responses can be considered successful if they accomplish one or more outcomes:

- a. Substantially reduce or totally neutralize the problem
- b. Reduce the harm or fear associated with the problem
- c. Improve the response to the problem (manage resources better)
- d. Redefine problem responsibilities (identify who is responsible)

**Self-Analysis:**

- a. What would you do differently next time?
- b. What did you do well?
- c. What could you do better next time?

**Situational Awareness<sup>66</sup>**

### Learning Outcome 5-A-2

Utilize and apply concepts of situational awareness to protect yourself and others.

**Situational awareness defined:** Being aware of what is going on around you and being able to do something with the information.

- Includes the ability to determine quickly the context and relevance of events that are unfolding.
- Can be practiced by anyone with the will and the discipline to do so.

**Application of Situational Awareness**

- Constantly evaluate your surroundings
  - Recognize potential threats
  - Recognize dangerous situations
  - Identify criminal behavior
- Pay attention to behavior cues and group dynamics; “read” the situation and identify pre-assault clues
  - Verbal (Obvious: defiant statement; Subtle: tone, distracting, words not matching actions)

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<sup>66</sup> Course Resource: State of Oregon Basic Corrections and Police – Use of Force Application/Basic Security Principles  
“Improving Situational Awareness” David J. Roberts (2011) reprint from The Police Chief Magazine  
“Training to enhance tactical situational awareness” Sgt. Glenn French, SWAT Operator (2010) Author of “Police Tactical Life Saver”  
“Training at the Speed of Life” Kenneth R. Murray (2006)

- Physical (Obvious: red face, rolling up sleeves; Subtle: looking around, posturing)
- Monitor the hands (punches, grabs, strikes or uses weapons)
- Make inferences and investigate
- Avoid task fixation (focusing on a task to the exclusion of your surroundings)
- Trust your intuition; one's sixth sense can notice subtle signs of danger in ways the conscious mind has difficulty quantifying or articulating
- Avoid boredom and apathy
- Avoid tactically unsafe situations
  - Weigh your options and determine what the best course of action is
  - Develop safe routines
  - Train like your life depended upon it

### **Responding to a stressful situation**

When faced with a stressful situation, we generally default to gross motor skills, such as “flight or fight.”

- During this time cognitive abilities can be reduced resulting in fairly easy actions suddenly becoming very difficult.
- This may be amplified if one has limited experience (i.e. making a citizen's arrest).
- Proper training allows one to default to their training to accomplish a task; repetition in training develops muscle memory and appropriate reaction.

## FUNDAMENTALS

### Patrol Procedures<sup>67</sup>

<b>Learning Outcome 6-A-1</b>
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Recognize your scope of authority while effectively providing patrol services.
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#### 1. Be Prepared

- a. Ensure you have proper equipment, i.e., uniform, tools, bicycle or vehicle
- b. Become familiar with area, i.e., area orientation, boundaries, directions, fastest routes in and out of an area or facility
- c. Become familiar with environment, i.e., clients, citizens, potential crime targets
- d. Become familiar with the client's purpose for patrols, i.e., unauthorized entry, crime prevention, etc.

#### 2. Types of Patrols

- a. Foot, bicycle, or vehicle
- b. Fixed (stationary), roving (moving) or baseline (initial patrol to identify the conditions)
- c. Pros and Cons – Vehicle patrols allow greater coverage whereas foot or bicycle patrols allow greater citizen interaction

#### 3. Scope of Authority and Requirements

- a. Obey all pedestrian and traffic laws
- b. Observe, Report, Act - As a private citizen in this role, you have only the extended authority conveyed upon you by the property owner (See Law – Limited authority of a private security professional, page 19)
- c. Private security and public safety can be effective partners through establishing mutual trust. By speaking a common language in areas in which the duties of private security and public safety intersect, and by understanding one another's roles, both can work together to ensure a successful resolution of a matter

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<sup>67</sup> Course Reference: State of Oregon Basic Police – Patrol Procedures

### Post Orders

#### Learning Outcome 6-A-2

Identify the importance of following both company policy and site-specific post orders.

- Company policy describes generally how you are expected to conduct yourself or perform a task
- Site-specific post orders are more in-depth or detailed descriptions of how to perform specific tasks
- You must be familiar with company policy and site-specific post orders
- If you operate within the scope of the employing company policy, both you and your company should be covered from liability. Alternatively, if your actions are outside the boundaries of the company policy, you could be liable for civil damages arising from your actions

### Identity Checks<sup>68</sup>

#### Learning Outcome 6-A-3

Accurately conduct an identity check and detect false identification.

Follow this process if the employer requires you to conduct ID checks:

- Compare the photo on the ID closely to the presenter.
- Compare the height and facial features on the ID. (Weight and hair color may often change)
- If in doubt, ask the presenter questions about information on the card, such as to spell their address, their first, middle or last name, etc.

If you suspect someone of presenting a fake ID, the safest course of action is to return the ID to them, and deny access to the venue/area.

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<sup>68</sup> Course Resource: State of Oregon Basic Police, Oregon Liquor Control Commission  
Vetted through Teresa Parker, OLCC Training and Development Liquor Regulatory Specialist

Act in accordance with the client or employer's policies and procedures. If within venues licensed by the Oregon Liquor Control Commission, consult them prior to taking action.

- **Detecting false ID's**

The "TLC" approach should be used when checking for false and altered ID:

**T: Touch** the ID to feel for alterations. Feel for bumps, peeling lamination, cracks, slits, cuts, scratches, or uneven corners.

**L: Look** at the ID. Search for misaligned numbers, letters or photo. Look for darker or lighter print on some numbers or letters, erasures, uneven lamination, excessive glue or fonts in a style and shape typically not used by State DMVs.

**C: Check** for authenticity. Look for State seals, colored photo backgrounds, official signatures, missing expiration dates and information which would normally be apparent on an official ID.

### Scene Management<sup>69</sup>

#### Learning Outcomes 6-A-4

Identify your role in scene management

Explain how to effectively interact with public safety; reporting, managing and relinquishing control to responders

- **Scene Safety**

1. Identify problem(s). **Example:** A traffic collision
2. Identify scope of problem. **Example:** Trapped injured person and property damage
3. Prioritize based first on risk to life, second on risk to property. **Example:** First concern is injured person, second concern is damaged property

- **Notify Public Safety**

1. Provide preliminary information, (See Communicating with 9-1-1, page 48)
2. Update 9-1-1 as necessary
3. Provide officer safety information such as safe route and weapons

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<sup>69</sup> Course Resource: State of Oregon Basic Police – Patrol Procedures  
Vetted through Lt. Nick Hurley, DPSST Basic Police Trainer and Class Coordinator



- **Scene Approach**
  1. Don't rush in; use a controlled approach, stop, look and listen (when possible)
  2. Use ongoing assessment of problem
  3. Identify those involved (victims, witnesses and suspects) and vehicles and weapons
  4. Identify the crime scene, seek to contain it
  
- **Interaction with victims, witnesses and suspects**
  1. Provide victims with necessary medical assistance. Try to locate a relative or close friend to remain with the victim.
  2. Ask witnesses to remain and not discuss the incident. You have no legal authority to detain witnesses or require them not discuss the incident.
  3. You may request their contact information for police if they wish to leave, but they are not required to provide it.
  4. Unless you have personally witnessed a crime committed by an individual, and you make a citizen's arrest, you may not detain a suspect. (See Law – Arrest by private person, page 19)
  
- **Protection of scene/evidence**
  1. In general, double the distance of what you think the perimeter should be for a crime scene. If possible, and you are in control of the property (client's property), cordon off the area. Request people refrain from entering scene. If not possible, note who enters and leaves.
  2. To the extent possible, protect any items you believe are evidence. This includes footprints, fingerprints, and tire tracks.
  
- **Interacting with arriving public safety**
  1. Provide guidance for incoming responders (location of incident, victim, suspect and weapons)
  2. Once emergency responders are on site, they are in charge
  3. Be cooperative and follow their direction
  4. Refusing to assist a peace officer is a violation (ORS 162.245)

### MEDICAL

#### Medical Emergencies<sup>70</sup>

##### **Learning Outcome 7-A-1:**

Identify your role and responsibility during a medical emergency.

All medical injuries that are witnessed, reported or suspected should be taken seriously.

- Always ensure the proper personnel have been notified

Medical emergencies can potentially result in large insurance claims and costly litigation.

- Always ensure an accurate and detailed report is written

When handling medical emergencies, keep in mind the following:

- Job duties (what are you supposed to be doing);
- Responsibilities (what are you responsible for);
- Expectations (what the client or company expects of you);
- Limitations (of the client, company and you); and
- Scope (The aid rendered is within the scope of your training).

#### **Approaching an emergency scene**

Follow the 5 steps when approaching a medical emergency:

1. Call 9-1-1;
2. Ensure the scene is safe;
3. Render medical assistance (if appropriate);
4. Secure the area/scene, but only after immediate needs have been met; and
5. Gather critical information when the situation is stabilized (if appropriate).

#### **Gathering critical medical information**

As long as there is no immediate life-threatening situation, you should attempt to obtain:

- Victim Information. Full name (first, middle, last), Phone, Address, Brief medical history/medications (if appropriate)
- Contact person/Witness Information. Full name (first, middle, last), Phone, Address
- When there is no one else specifically designated to deal with these emergencies, remember when in uniform, you are looked to for leadership, guidance, direction and response

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<sup>70</sup> Vetted through Lt. Michelle Deazley, DPSST Fire Service Trainer and Coordinator

**The Good Samaritan Act<sup>71</sup>**

**Learning Outcome 7-A-2**

Recognize the law relating to voluntarily rendering care or first aid at the scene of an accident or medical emergency.

A Good Samaritan is one who voluntarily renders emergency care or first aid at the scene of an accident or medical emergency.

- If the client does not require security professionals to render first aid, you are considered a member of the general public for the duration of the response
- If you choose to respond and provide first aid, you must ensure you are operating within the scope of your training
- When providing emergency care attempt to gain consent prior to making physical contact

**Liability for Emergency Medical Assistance**

**ORS 30.800**

“Emergency medical assistance” means:

(1) (a) Medical or dental care not provided in a place where emergency medical or dental care is regularly available. . . It is given voluntarily and without the expectation of compensation to an injured person, who is in need of immediate medical or dental care, and under emergency circumstances that suggest that the giving of assistance is the only alternative to death or serious physical aftereffects; or

(b) Medical care provided voluntarily in good faith and without expectation of compensation...

(2) No person may maintain an action for damages for injury, death or loss that results from acts or omissions of a person while rendering emergency medical assistance, unless it is alleged and proven . . . that the person was grossly negligent in rendering the emergency medical assistance.

(3) The giving of emergency medical assistance by a person does not, of itself, establish the relationship . . . between the person giving the assistance and the person receiving the assistance, insofar as the relationship carries with it no duty to provide or arrange for further medical care for the injured person after the giving of emergency medical assistance.

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<sup>71</sup> Course Resource: ORS 30.800

Vetted through Attorney Lorraine Anglemier, DPSST Legal Services Trainer and Coordinator

### Disease Awareness, Prevention and PPE<sup>72</sup>

#### Learning Outcome 7-A-3

Identify potential exposure to communicable and bloodborne diseases and demonstrate safe practices for prevention in a given situation.

#### Awareness

- Numerous communicable diseases and bloodborne pathogens cause serious concern for workers occupationally exposed to blood, spit, vomit and other potentially infectious materials, and certain other body fluids
- Exposure to bloodborne pathogens occurs in many ways:
  - Bloodborne pathogens can be transmitted through contact with eyes, nose, and mouth
  - They can be transmitted when the skin is punctured by needles or other sharp objects

#### Prevention and Personal Protective Equipment

1. Best defenses against contraction of diseases
  - a. Intact skin
  - b. Washing hands thoroughly with soap and water
2. Disinfectants
  - a. Bleach; 1:10 bleach to water dilution is effective for up to 24 hours
  - b. Medical grade disinfectant wipes or sprays
3. Use of a bio-hazard container
  - a. All materials that have been contaminated with blood should be placed in the RED bio-hazard container
  - b. Know where bio-hazard container is located
4. Routinely disinfect all common areas
5. Protective Equipment
  - a. The responsibility for providing, laundering, cleaning, repairing, replacing, and disposing of PPE at no cost to employees rests with the employer. Employers are not obligated under the standard to provide general work clothes to the employees, but they are responsible for providing PPE
  - b. Hypoallergenic gloves, glove liners, powderless gloves or other similar alternatives must be provided for employees who are allergic to the gloves that are normally provided

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<sup>72</sup> Course Resource: State of Oregon Basic Police and Basic Corrections – Disease Awareness and Prevention Vetted by Lt. Michelle Deazley, DPSST Fire Services Trainer and Coordinator

**Fire Detection, Reporting and Safety<sup>73</sup>**

**Learning Outcome 8-A-1**

Identify the primary public safety principle and your actions that can benefit emergency responders.

- **Public Safety Principle: Call 9-1-1 before any action.**

Be familiar with the following to recognize potential fire hazards at the work site and effectively work with the fire department's response:

- **Types of fire hazards** they may encounter at each site, e.g. oil, paper, rubber, etc.;
- The **layout** of each site or facility;
- **Location of sensors**, smoke alarms, alarm pull stations and alarm panels in order to assist the fire department in locating the panel;
- **Location of sprinkler system controls**, fire extinguishers, and hose cabinets;
- **Location of utility shut-offs**, gas, water, electricity and HVAC systems; and
- **Contact information** for the site manager, maintenance personnel or persons in possession of site keys.

**If at all possible private security professional should notify 9-1-1 prior to attempting to fight a fire.**

**Subsequent Actions:**

1. Sound the alarm
2. Attempt to notify occupants
3. Evacuate
4. Crowd control
5. Provide assistance to responders (unlock doors, provide keys or access cards)

- **Fire extinguishers**

There are many different types of fire extinguishers that correspond with the classification of fire they are designed to put out. The most common fire extinguisher is the ABC fire extinguisher which is designed to put out Class A, Class B, and Class C fires. Fire departments typically use

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<sup>73</sup> Course Resource: Vetted by DPSST Fire Service Trainers and Coordinators Lt. Doug Bolthouse and Matt Barnhart

fire extinguishers that are designed to extinguish single classifications of fires. A useful tool when operating a fire extinguisher is the **P.A.S.S. method**:

**P** - pull the safety pin at the top of the fire extinguisher.

**A** - aim at the base of the fire; aiming at the flames is unproductive.

**S** - squeeze the handle to start the flow of the extinguishing agent.

**S** - sweep at the base of the flame - avoid a direct flow onto any one specific part of the fire.

**Call 9-1-1 before any action.** Private security professionals are not qualified to determine whether a fire has been fully extinguished. The fire department will make the final determination that the fire has been extinguished.

- **Material Safety Data Sheet** <sup>74</sup>

**Call 9-1-1 before any action.** When a spill, leak or contamination has been determined, a material safety data sheet (MSDS), safety data sheet (SDS), or product safety data sheet (PSDS) is an important component of occupational safety and health.<sup>75</sup> It is intended to provide personnel with procedures for handling or working with hazardous substances in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures. MSDS formats can vary, depending on state requirements.

SDSs are a widely used system for cataloging information on chemicals, chemical compounds, and chemical mixtures. SDS information may include instructions for the safe use and potential hazards associated with a particular material or product. These data sheets should be found anywhere where the chemicals are being stored or used.

An SDS for a substance is not primarily intended for use by the general consumer, focusing instead on the hazards of working with the material in an occupational setting.

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<sup>74</sup> [www.osha.org](http://www.osha.org).

<sup>75</sup> Course Resource: Lt. John West, DPSST Fire Training Coordinator and Instructor. He advises that although officially the acronym changed to SDS, they use both MSDS and SDS in their training because the industry is not yet familiar with the new acronym.

### CURRENT TRENDS

#### Active Threat/Active Shooter<sup>76</sup>

##### Learning Outcome 9-A-1

Give examples of how to react in an active threat/active shooter situation.

##### Coping with an active threat/active shooter situation

1. Be aware of your environment and any possible dangers
2. Take note of the two nearest exits in any facility you visit
3. If you are in an office, stay there and secure the door
4. Attempt to take down the active shooter as a last resort

##### Active Threat

- In most cases a response to an “active threat” will involve a coordinated response from multiple law enforcement agencies. Remember emergency preparedness is everyone’s concern.
- Active threat is defined as any incident that by its deliberate nature creates an immediate threat or presents imminent danger to the community.

##### Examples of an active threat

- Active Shooter
- Hostage/barricaded subject
- Sniper
- Suicide/Homicide bomber
- Known or suspected terrorist threat (biological/chemical threat)

**In an event that an “active threat” becomes apparent in any location, the threat should be reported immediately (as soon as it is safe to do so) through 9-1-1.**

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<sup>76</sup> U.S. Department of Homeland Security (2015)

Vetted by Lt. James Webb, DPSST Corrections Trainer and Coordinator, Homeland Security subject matter expert

### **Profile of an active shooter**

An individual actively engaged in killing or attempting to kill people in a confined and populated area, typically through the use of firearms.

### **Characteristics of an active shooter**

- Generally has a specific target but random victims are collateral damage
- The event is unpredictable and evolves quickly
- Law enforcement is usually required to end an active shooter situation

Although you will likely be in a uniform and citizens will look to you in a leadership role, as an unarmed private security professional you do not have the tools, equipment, or the training to engage or stop the shooter(s).

**How to respond when an active shooter is in your vicinity.**

### **Follow specific employer policies and procedures.**

**A company policy will address specific issues for the clients that the company serves and the environment in which the service is provided.**

**In the absence of a specific employer policy an example of options to consider.**

### **RUN – HIDE - FIGHT**

- **RUN Follow specific employer policies and procedures.**
  - Have an escape route and plan in mind
  - Leave your belongings behind
  - Keep your hands visible
- **HIDE**
  - Hide in the area out of the shooter's view
  - Block entry to your hiding place and lock the doors
  - Silence your cell phone
- **FIGHT**
  - As a last resort and only when your life is in imminent danger
  - Attempt to incapacitate the shooter
  - Act with physical aggression and throw items at the active shooter



### **CALL 9-1-1 WHEN IT IS SAFE TO DO SO**

#### **How to respond when law enforcement arrives**

1. Remain calm and follow instructions
2. Put down any items in your hands (i.e., bags, jackets)
3. Raise hands and spread fingers
4. Keep hands visible at all times
5. Avoid quick movements toward officers such as holding on to them for safety
6. Avoid pointing, screaming or yelling
7. Do not stop to ask officers for help or directions when evacuating

#### **Information you should provide to law enforcement or 9-1-1 call taker**

1. Location of the active shooter
2. Number of shooters
3. Physical description of shooters
4. Number and type of weapons held by shooter
5. Number of potential victims at the location

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**QUICK REFERENCE – PRINT AND SAVE**

**Bomb Threats**

**Learning Outcome 9-A-2**

Identify the questions to ask and observations made in the event of a bomb threat.

▪ **The CALL - Questions to ask**

1. When is bomb going to explode?
2. Where is it right now?
3. What does it look like?
4. What kind of bomb is it?
5. What will cause it to explode?
6. Did you place the bomb?
7. Why?
8. What is your address?
9. What is your name?

**Exact wording of the Threat**

**WRITE IT DOWN VERBATIM**

**Information for Law Enforcement**

1. Male or Female
2. Age
3. Race
4. Length of Call
5. Number at which call was received (caller ID)

**Background Sounds**

1. Street noises
2. Voices
3. PA System
4. House noises
5. Office noises
6. Booth noises
7. Factory noises
8. Animal noises
9. Clear
10. Static
11. Local
12. Long Distance
13. Other

**Threat Language**

1. Well Spoken (educated)
2. Foul/crude
3. Irrational
4. Incoherent
5. Taped
6. Message read by threat maker

**Caller's Voice**

1. Calm
2. Angry
3. Excited
4. Slow
5. Rapid
6. Soft
7. Loud
8. Laughter
9. Crying
10. Normal
11. Distinct
12. Slurred
13. Nasal
14. Stutter
15. Lisp
16. Raspy
17. Deep
18. Ragged
19. Clearing throat
20. Deep breathing
21. Cracking voice
22. Disguised
23. Accent
24. Familiar

**Private Security should become familiar with the site specific policies and procedures prior to an event so they are prepared when or if the decision is made to evacuate the building due to a known threat.**

### **Example of an Evacuation Procedure**

1. Primary and secondary evacuation routes should be searched and cleared prior to evacuation signal.
2. Occupants should leave office spaces open, unlock desks, cabinets and lockers, turn-off machinery and remove their briefcases, purses, etc.
3. Occupants should conduct a cursory search of their immediate work area.
4. Establish evacuation-holding areas at a suitable distance with cover (already cleared away from vehicles).
5. Establish communications for search, security and re-entry into the building.
6. Do not operate electrical equipment.

### **Perimeter**

1. Minimum safe distance is 300 feet in the open. If the device is large, then you need more distance. (the type, size and shape may determine more distance is needed)
2. Rule of thumb, if you can see the device it can hurt you.
3. Pipe bomb end caps – deadly missiles.
4. Think of glass as a secondary fragmentation.
5. Use hard cover.
6. Further is better.
7. Once Police arrive they will expand or decrease.

**DO NOT OPERATE RADIOS or CELL PHONES WITHIN A MINIMUM 100 FEET OF A SUSPECTED DEVICE**

**TREAT ALL SUSPECT DEVICES AS REAL UNTIL PROVEN OTHERWISE**

### Weapons of Mass Destruction Awareness<sup>77</sup>

#### **Learning Outcome 9-A-3**

Discuss the concept of deterrence through threat indicators and Identify how to respond to a Weapons of Mass Destruction (WMD) incident.

#### ▪ **Prevention and Deterrence**

This information establishes a common baseline to ensure nationwide consistency in WMD education and training. This training provides individuals with definitions, terrorist threat indicators, including suspicious persons and vehicles, along with potential terrorist targets and the concept of R.A.I.N. (**Recognize, Avoid, Isolate, Notify**)

Terrorism is:<sup>78</sup>

- Activities that involve an act dangerous to human life
- Or potential destruction of critical infrastructure or any key resource
- And that is a violation of the criminal laws of the United States, or any state or other subdivision of the United States in which it occurs
- And is intended to intimidate or coerce the civilian population
- Or influence a government
- Or affect a government by mass destruction, assassination, or kidnapping

#### ▪ **Weapons of Mass Destruction (WMD) defined:**<sup>79</sup>

- Any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, or missile having an explosive or incendiary charge of more than one-quarter ounce, or mine or similar device
- Any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemical or their precursors
- Any weapon involving a disease organism
- Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life

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<sup>77</sup> FEMA Center for Domestic Preparedness (2015)

Vetted through Lt. James Webb, DPSST Corrections Trainer and Coordinator, Homeland Security subject matter expert

<sup>78</sup> Homeland Security Act of 2002, Public Law 107-295, 116 Statute 2135 (2002)

<sup>79</sup> Title 18, U.S.C. 2332a

### ▪ **Threat Factors**

Terrorists may have military-style training and goals of creating mass casualties, not only by using a WMD, but also by manipulating other factors to make an attack more lethal:

- **Surprise**—Relative to time of attack. The element of surprise in a terrorist attack allows more reward to the terrorist
- **Means of attack**—Limited only by the terrorist's imagination. The attack can range from releasing a chemical WMD, biological WMD, radiological WMD, or an improvised explosive device
- **Target of the attack**—Targets can be individuals targeted for assassination, critical infrastructures and targets of symbolic value. The goal is mass casualties
- **Foreknowledge of the community response**—Terrorists will almost always conduct extensive surveillance, especially of exercises involving WMD
- Terrorists will understand a **community's capability to respond** to any mass casualty incident through their surveillance of the community's responder resources, and they will plan accordingly
- **Significant dates**—Attacks have been related to significant date such as September 11, 2001 (911)

### ▪ **Threat Indicators**

Threat indicators are observed behaviors, activities and/or items construed as terrorist planning efforts or impending attack:

- Gathering of target intelligence
- Acquisition of materials necessary for an attack - Many items used to construct and transport weapons of mass destruction are available in all communities
- Preparation of weapons - strong chemical smells coming from apartments or residences or large drums of materials being moved
- First steps of executing an attack (bomb delivery, gaining access to a plane, etc.)  
Be aware of unusual activities around potential targets. For instance, individuals attempting to gain access to restricted areas, or vans or trucks left unattended in close proximity to a potential target

### ▪ **Suspicious Persons**

- In vehicles, or using other means of conveyance, arriving and departing locations at odd times of the day or night
- Suspiciously exiting a secured, non-public area near a train or a bus depot, airport, tunnel, bridge, government building, or tourist attraction
- Who stays at bus/train stops for extended periods while buses/trains come and go
- Who doesn't fit into the surrounding environment because they are wearing improper attire for the location or season
- Who exhibits suspicious behavior, such as staring or quickly looking away from individuals or vehicles as they enter or leave facilities or parking areas

### ▪ **Suspicious Vehicles**

- Vehicles left unattended or abandoned, or that appear to be "out of place"
- Any vehicle suspected of doing mobile surveillance, such as automobiles carrying camera equipment, or vans with tinted windows near potential targets
- Vehicles with removable decals, or signage that has been painted over or altered
- Altered frames, such as cutouts in the body of the vehicle

### ▪ **Suspicious Actions/Objects**

- Suspicious packages, luggage, or mail abandoned in a crowded place such as an office building, airport, school or shopping center
- Chemical fires, toxic odors, or brightly colored stains in apartments, motel rooms, or self-storage units
- Unusual test explosions in rural or wooded areas
- Purchase of, or illicit access to, facility blueprints
- Parcels, packages or luggage left unattended
- May be heavy mailed packages with excessive postage
- Unusual behavior, such as staring or quickly looking away from personnel or vehicles entering or leaving designated facilities or parking areas
- Increase in anonymous telephone or e-mail threats to facilities in conjunction with suspected surveillance incidents
- Questioning of security or facility personnel
- Any unusual activity or circumstance in your neighborhood, community, or workplace

- **Potential Targets**

1. **Critical Infrastructure** - telecommunications systems, electrical power grids, transportation systems, gas/oil delivery and storage systems, water purification and delivery mechanisms, banking and finance centers, fire/police/EMS/disaster systems, and other government services.
2. **Other Potential Targets** - gatherings present terrorists with targets and the potential for causing many casualties.
  - Schools
  - Sports arenas
  - Malls
  - Concert halls
  - High rise residences
  - Office buildings
  - Places of worship

- **Terrorist Tactics**

Terrorists possess a wide range of tactics and an even greater range of targets. Terrorists will use the tactic that guarantees them the greatest impact with the least amount of risk to their operation.

- The goal is to inflict mass casualties or disrupt critical infrastructure
- Secondary devices, which are generally intended to injure or kill responders
- There may be multiple incidents
- There may be rapid escalation of the hazards

- **Immediate Actions**

Individuals trained to the awareness level are not qualified or certified to perform ongoing operations or support at the scene of a WMD incident. This awareness training is designed to prepare individuals who, in the course of their everyday duties, “are likely to witness or discover a hazardous substance release.”<sup>80</sup>

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<sup>80</sup> OSHA 1910.120.(q)(6)(i)

### R.A.I.N

- **Recognition, Avoidance, Isolation, and Notification (RAIN)** is used by individuals to quickly gather and process information and to synthesize the information in order to facilitate life safety actions in a WMD incident.
  - **Recognize** the hazard/threat (What do I see, hear, or smell?) – Rapid interpretation and mental processing of an event
  - **Avoid** the hazard/contamination/injury (What do I stay away from?) – Actions to avoid liquids, powders, clouds, or vapors and out of sight of any potential improvised explosive device IED; “if you can see the bomb, the bomb can kill you”; get out and stay out until the all clear signal is given
  - **Isolate** the hazard area (Whom do I protect?) – Action to isolate or reduce exposure to contamination or threat; attempt to remove myself from the contaminated zone, remove other people who may be in the contaminated zone, and to keep people from going into the contaminated zone
  - **Notify** the appropriate support (Whom do I call?) – Action to notify your command authority, giving them as much information as possible about the incident



### Report Writing <sup>81</sup>

#### Learning Outcome 9-A-4

Demonstrate basic writing skills necessary to accurately document incidents and events.

#### Who reads your reports?

- Supervisors
- Clients
- Co-workers
- Police
- Courts
- Media and others

#### Types of Reports

- Incident
- Use of Force
- Investigative
- Log Book

#### Well-written reports:

- Document actions
- Communicates information
- Creates a record for future testimony

#### Cases are dismissed because of factors including poor reports:

- Incorrect facts (names, statements, times, dates)
- Writer not knowledgeable of law, rules or policies
- Writer unable to accurately communicate facts to the reader

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<sup>81</sup> Course Reference: State of Oregon Basic Police and Basic Corrections - Report Writing  
Rutledge, Devallis (2000). The New Police Report Manual, Second Edition. Thomson Wadsworth  
Vetted through Lorraine Anglemier, DPSST Legal Services Coordinator and Trainer

**QUICK REFERENCE - PRINT AND SAVE**

- **Example of a Report Writing Process (GROWE)**  
\*Follow specific Employer’s policies/procedures.

**G**ather the facts **R**ecord the facts **O**rganize the facts **W**rite the report **E**valuate the report

---

**Step 1: Gather the facts**

- Assemble the information
- Investigate and interview
- Examine all relevant information

**Step 2: Record the facts**

- Collect data immediately
- Record information
- Update notes as necessary
- Remain objective and professional
- Ensure it is complete and accurate

**A. People:**

- Full legal name, aliases or, nicknames
- Gender
- Date of birth
- Race, ethnicity, nationality, origin
- Physical descriptions
- Scars, marks, tattoos,
- Clothing (if needed for identification)
- Identification numbers (driver’s license)
- Address (home and work)
- Phone (home, work, cell)
- Occupation; even if unemployed
- Employment (hours/shift worked)

**B. Vehicles/Motorbikes**

- License plate number, state of issue, and vehicle identification number (VIN)
- Color, make, model, year, etc.
- Customization, damage, contents

**C. Bicycles:**

- Make, model, name and serial number
- Size and color of frame
- Equipment (e.g. light, kickstand, etc.)
- Customization, equipment
- Owner’s name and address

**D. Weapons:**

- Type (handgun, shotgun, knife)
- Manufacturer, model
- Caliber
- Finish, distinctive features, condition
- Modification, accessories
- Origin, handmade, stolen, purchased

**Step 3: Organize the facts**

- Arrange in a logical manner (generally chronological)
- Use an outline identifying primary and secondary points

QUICK REFERENCE - PRINT AND SAVE

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**Step 4: Write the report**

- Always use “first person”
- Write as though you are speaking with the reader
- Good writing is simple writing
  - In the simplest and most direct manner possible
  - Avoid long sentences
  - Avoid uncommon abbreviations
  - Avoid police jargon; “proceed” v. “drove,” “advised” v. “told,”
  - Keep pronoun references clear; repeat names instead. (“He told her that she was dead” v. Smith told Jones that Walker was dead.”)
  - Opinions must be identified as such and the basis for them established
  - Conclusions must be supported by fact
  - Remain objective; be unbiased
- **Narrative Content; Who, What, Where, When, Why and How**
  - Who-are involved or referenced
  - What-describe what occurred
  - Where-location of incident, actions and evidence
  - When-when the incident occurred. Use chronology and identify when actions occurred, statements were made and evidence located

- Why-this may establish the culpable mental state of “knowing” or “with intent.” Actual statements quoted in a report can establish this element
- How-requires fact and objective conclusion

**Step 5: Evaluate the report**

- Edit, proofread, revise
- Read aloud to hear how it sounds (flows)
- Answer the following questions:
  - Is the report based in fact
  - Is the reasoning sound
  - Does the report contain sufficient information
  - Do the facts need interpretation
  - Has too much material been included
  - Are spelling, capitalization and punctuation correct
  - Is the writing legible and easily read

### Spelling

- Ensure names are correctly spelled
- Check words that sound alike but are spelled differently, i.e., their, there, they're

### Punctuation

- Commas
  - Too few v. too many – too few is a run-on sentence, too many means it should be more than one sentence
  - Use to separate a series of words or phrases
  - For a series of descriptive words
  - For a list
  - To surround words or phrases not essential to the meaning of the sentence
- Periods
  - At end of sentence
  - To show numerical divisions (e.g. decimals, money, etc.)
  - After most abbreviations (e.g., etc., Ms.)
  - A series of three periods – an ellipsis – is used to show omission of words
- Question Marks
  - Used to end a questioning statement
  - Should not be used at the end of an indirect question

### Grammar

- Use first person (“I”)
- Present, past and future tenses; write in past tense unless you are quoting someone. Do not “shift” tense
- Write in an active voice, not a passive voice. “I found a knife” v. “A knife was found”

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