



Yasmin Ibarra
Senate Committee on Judiciary and
Ballot Measure 110 implementation
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Testimony In Support of SB 114 with Amendments
Yasmin Ibarra, SEIU Local 49

Chair Prozanski, Vice-Chair Thatcher and Members of the Committee:

My name is Yasmin Ibarra and I am the Political Organizer for the SEIU Local 49. We represent about 15,000 workers in Oregon and southwest Washington, including private security officers. These workers are black, brown, and white, of many ethnicities, countries of origin, religion, and gender identities, united by pride in the work throughout our State.

Today I'm submitting testimony on SB 114 and asking to support amendments being drafted by Senator Dembrow's office.

The private security industry plays a significant role in protecting people and property in Oregon. Security officers engage with the public in retail and commercial spaces, educational and health care institutions. They protect public institutions and critical infrastructure. It is growing, in some cases supplementing or replacing public police forces.

Despite their significant impact, there is very limited oversight of private security companies, known as "private security entities" in statute. While individual security employees have to obtain a license from DPSST and prove they have completed required trainings, private security entities have no such requirements to meet.

But employers in this industry also need to demonstrate responsibility and sufficient training. This is a regulatory gap that has needed a fix for some time, so we appreciate the work DPSST has done on the proposal to create licensing and training requirements for private security entities, as reflected in SB 114.

That said, SB 114 is insufficient to foster a private security industry that protects the rights of all Oregonians. The bill is lacking in two ways.

First, it does not create sufficient accountability for employers. Take for example the case of private security officer Gregory Capwell. He was found guilty of murder after he shot and killed an unarmed man while on duty at a Salem restaurant in 2017. Later, the *Statesman-Journal* reported, the victim's family sued his employer, Homefront Security Services, claiming the killing was a result of the company's failure to properly screen and train Capwell. Prosecutors said he had a decade-long history of using excessive force, impersonating and lying to police officers, and

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other misdeeds. The judge presiding in the trial called it a “predictable tragedy.”ⁱ

Cases like this demonstrate the need for DPSST to assess the responsibility of private security entities, not just the individuals they employ. This is something already being done by BOLI for labor contractors in other high-risk industries - farming and forestry, construction, and janitorial. Since DPSST is tasked with promoting public safety through the regulation of private security, it is the right state agency to hold this responsibility.

The second reason that SB 114 is insufficient is that it lacks any training standard to correct the problems of discrimination and harassment. Unfortunately, some security officers have engaged in against members of the public, or have experienced themselves on the job.

For example, a former security guard at the Portland DoubleTree made national headlines in 2018 after he reportedly claimed a Black man was “loitering” in the hotel lobby. The man explained he was in fact a hotel guest and was busy speaking to his mother on his cellphone, but the security office called the police anyway and had him removed.ⁱⁱ Under current law, private security entities are under no requirement to train their employees to recognize and prevent this sort of discrimination. Until we fix that, we will undoubtedly see other examples of discriminatory treatment.

Oregon needs a robust licensing and training program in the private security industry and SB 114 falls short of that. A thorough licensing program should require the same degree of responsibility, transparency, and training required in other high-risk industries, and set standards for the kind of training private security entities must provide.

We support the amendments being drafted for SB 114 that provide sensible licensing and training requirements for private security employers, including:

- **Training:** We support the firearms training standard in SB 114. In addition, we recommend that each private security entity be required to provide their employees, supervisors, and managers training in cultural competency and preventing discrimination, in preventing workplace sexual harassment and assault, and in employees’ whistleblower rights
- **Transparency:** We support SB 114’s proposed requirement that private security entities submit with their license application proof of their policies on use of force and citizens’ arrests. We recommend that required disclosures also include company ownership, work locations and subcontractors used, and proof of financial responsibility, including compliance with taxes and unemployment insurance.
- **DPSST review:** A review by DPSST of a company’s “character, competence and reliability” when companies apply for a license. DPSST should review and consider materials submitted by any person, and employees should be protected from retaliation for voicing concerns.

- **Administrative requirements:** A company representative should pass a test showing they are familiar with the requirements of their license. DPSST should set an appropriate fee to cover the cost of licensing.
- **Enforcement provisions:** As in other industries, it should be unlawful to act as a private security entity without a license, or to hire a private security entity that is unlicensed. If clients hire an unlicensed contractor that fails to pay wages owed, they can be held jointly liable for unpaid wages. Statute should allow for civil penalties, private right of legal action, and regulatory sanctions – including license revocation – for violations of licensing and training requirements.

We appreciate DPSST’s work on SB 114 and look forward to continuing to work with them on ways to improve the licensing and training requirements to ensure that private security entities in Oregon are operating responsibly, and protecting all Oregonians.

Thank you for your time.

ⁱ Woodworth, Whitney. “Slain Man’s Family Sues Murderer, Salem Security Company for \$10 Million.” Statesman Journal. Accessed January 22, 2021.

<https://www.statesmanjournal.com/story/news/crime/2019/04/12/homefront-security-services-lawsuit-wrongful-death-salem-oregon-murder/3446715002/>.

ⁱⁱ Green, Aimee. “Black Guest Ousted from Portland’s Doubletree Hotel Sues for \$10 Million, Points to More Reports of Alleged Racial Profiling in Hilton Chain.” OregonLive, October 9, 2019.

<https://www.oregonlive.com/news/2019/10/black-guest-ousted-from-portlands-doubletree-hotel-sues-for-10-million-points-to-more-reports-of-alleged-racial-profiling-in-hilton-chain.html>.