

Yasmin Ibarra
House Committee on Judiciary
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Testimony In Support of HB 2527, With Amendments
Yasmin Ibarra, SEIU Local 49

Chair Bynum 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 professionals. 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 am submitting testimony in favor of HB 2527, with amendments. In short, this bill does two things. It requires private security companies to obtain a license from DPSST, closing a loophole that has long gotten in the way of ensuring accountability and transparency in the industry. It also requires certain types of training to protect public safety as well as the safety of private security employees. We are in dialogue with DPSST and BOLI these issues, and we are all in agreement about the importance of creating a licensing program, and updating training standards. What remains to be worked out is the nuts and bolts about how best to do that. We will be meeting again soon to develop new amendments.

Those are some broad brushstrokes about the problems that need to be addressed and the current state of policy development. Allow me to provide additional context and detail.

The private security industry plays a significant role in protecting people and property in Oregon. Security professionals 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. Currently, they do not have to obtain any license from DPSST. Only individual security employees have to do so. This is a regulatory gap that has needed a fix for some time. Employers in this industry also need to demonstrate responsibility and sufficient training.

We appreciate the work DPSST has done developing ideas for licensing and training requirements for private security entities. As outlined below, HB 2527 incorporates those ideas, and adds to them, to foster a private security industry that protects the safety and rights of all Oregonians.

1-800-955-3352
MAIN OFFICE

503-238-6692
FAX

3536 SE 26TH AVE
PORTLAND, OR 97202

@SEIU49
TWITTER

SEIU LOCAL 49
FACEBOOK

WWW.SEIU49.ORG

In the first instance, HB 2527 requires all private security entities to obtain a DPSST license, for the first time. Until now, only individual private security employees (“providers”) have been required to be licensed. This change is essential to ensure employer accountability.

Take for example the case of private security professional 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 other misdeeds. The judge presiding in the trial called it a “predictable tragedy.”ⁱ Cases like this demonstrate the need for an assessment of 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.

The second gap that HB 2527 addresses is training to prevent the problems of discrimination and harassment based on protected classes, something that some private security professionals have engaged in against members of the public.

In one notable example, a former security worker 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 professional called the police anyway and had him removed.ⁱⁱ Public safety is not served when private security professionals engage in discriminatory behavior.

Under current law, private security entities are under no requirement to train their employees to recognize and prevent these types of discrimination. Until we fix that, we will undoubtedly see other examples of discriminatory treatment.

Oregonians deserve a comprehensive licensing and training program in the private security industry to protect public safety and the well-being of private security professionals. This should require the same degree of responsibility, transparency, and training required in the farming, forestry, janitorial, and construction industries.ⁱⁱⁱ

We ask you to support HB 2527 to adopt sensible licensing and training requirements for private security employers, including:

- **Training:** HB 2527 incorporates a firearms training standard proposed by DPSST, for those private security providers who are armed. 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. This is consistent with training requirements already in place for Property Service (janitorial) Contractors in Oregon, and comparable to the requirement for private

security and other employers in Washington State to train employees to prevent sexual harassment and assault.^{iv}

- **Transparency and responsibility:** HB 2527 incorporates DPSST's proposed requirement that private security entities submit with their license application proof of their policies on use of force and citizens' arrests. In addition, we recommend that required disclosures include company ownership, work locations and subcontractors used, and proof of financial responsibility, including compliance with taxes and unemployment insurance. These are consistent with requirements in place for employers in other high-risk industries, which obtain Labor Contractor licenses from BOLI. That licensing program also involves a review of companies' "character, competence and reliability" when they apply for a license.
- **Administrative requirements:** A company representative should pass a test showing they are familiar with the requirements of their license. An appropriate fee should be set to cover the cost of licensing. These are consistent with Oregon laws and rules in place for Labor Contractors in various industries, and comparable to requirements for private security entity licensing in Washington State.^v
- **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 a client hires an unlicensed contractor that fails to pay wages owed, the client can be held jointly and severally 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 the constructive dialogue about these issues with House and Senate committees and with DPSST and BOLI. We look forward to continuing to work together to establish sensible licensing and training requirements to ensure that private security entities in Oregon are operating responsibly, and protecting all Oregonians.

Thank you for your time.

Endnotes

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>.

ⁱⁱⁱ ORS 658, "Employment Agencies; Farm Labor Contractors and Construction Labor Contractors; Farmworker Camps,"

https://www.oregonlegislature.gov/bills_laws/ors/ors658.html

^{iv} Revised Code of Washington 49.60.515, "Sexual harassment and assault policy—Adoption of by hotel, motel, retail, or security guard entity, or property services contractors—Requirements," <https://app.leg.wa.gov/RCW/default.aspx?cite=49.60.515>.

^v Revised Code of Washington 18.170.060, "Private security company license—Requirements, restrictions—Qualifying agent—Assignment or transfer of license," <http://app.leg.wa.gov/RCW/default.aspx?cite=18.170.060>.