

NEWSLETTER FOR LICENSED AGENCIES

October, 2007

Dear Agency Owner:

The purpose of this newsletter is to inform you of changes related to the Private Security Act. I would encourage all of you to check our web site at www.cleet.state.ok.us periodically for updates related to licensing. The two menu items on the left side of the page of particular interest for your profession would be the topics Rules and Security/Investigator. Click on the menu item to view more information.

Reminder of current address:

Council on Law Enforcement Education and Training (CLEET)

2401 Egypt Road

Ada, Oklahoma 74820-0669 (Visit our web site at www.cleet.state.ok.us for a map to the facility)

Licensing Main Number: (405) 239-5110

Fax: (405) 239-5182

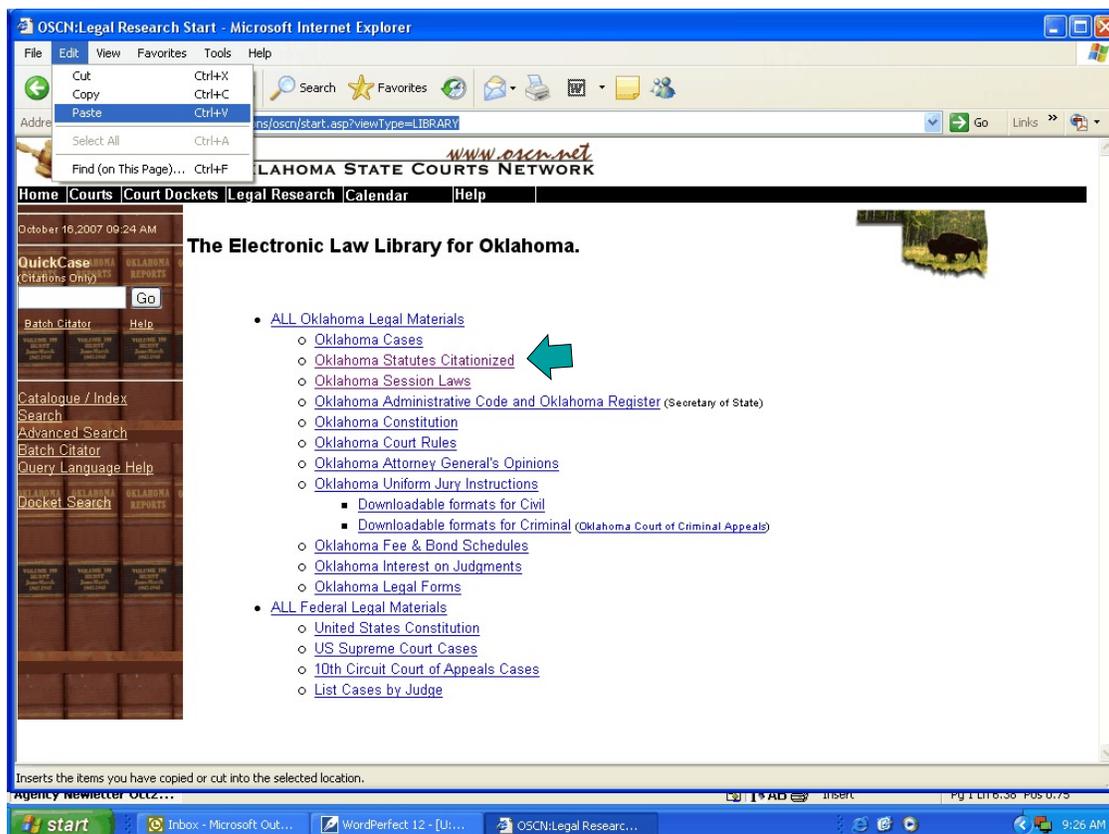
For questions regarding licensing contact the main licensing number: (405) 239-5110

For questions regarding course accreditation or training contact: Sandy Hall (405) 239-5112

For questions regarding rules, statutes or complaints contact: Steven Collins (405) 239-5114

Legislative Changes Effective November 1, 2007

SB920 passed last legislative session that changed the Oklahoma Security Guard and Private Investigator Act. Full text of Title 59 legislation may be found on the Oklahoma State Courts Network (OSCN) web site at: <http://www.oscn.net/applications/oscn/start.asp?viewType=LIBRARY>.



Go to the web site:

1. Select Oklahoma Statutes Citationized item, click your mouse on this item to open all Titles
2. Scroll down until you see
Title 59. Professions and Occupations Expand Search
3. Click on Expand
4. Scroll down the page to:
Chapter 42A - Oklahoma Security Guard and Private Investigator Act
§ 1750.1. Short Title ending § 1750.11

At this site you will be able to read the entire statute. Substantial changes that will become effective November 1, 2007, are summarized below:

59 O.S. § 1750.2 (7)(b)(4) adds an additional exemption for active, full-time certified peace officers from having to have an individual license to work as a security guard or private investigator. The new language exempts a full-time certified peace officer:

(4) who receives compensation from an employer-employee relationship or an individual independent contractor basis with any licensed security agency as defined in this section or any private business or person to perform security or investigative services,

59 O.S. § 1750.3(B)(4)(a) changes the reporting period for mandate training from a yearly requirement to licensing period. Licensees whose license expire on or after November 1, 2007, will provide proof of mandate training for the licensing period:

- 16 hours of approved training during the licensing period required for private investigators
- 8 hours of approved training during the licensing period required for security guards

59 O.S. § 1750.3(B)(4)(c) designates the Private Security Advisory Committee to assist the Council in establishing criteria for mandated continuing education requirements.

59 O.S. § 1750.5(C)(2) removes the requirement that applicants for an Armed Private Investigator License have to attend Phase II or Security Guard Training. It also provides that active certified peace officers be charged twenty percent (20%) of the required fee for an armed security guard or armed private investigator license.

59 O.S. § 1750.6(B)(1)(a) provides that active certified peace officers be charged twenty percent (20%) to renew an armed security guard or armed private investigator license. It also provides a partial refund for individuals or agencies who do not qualify for a license or renewal license. CLEET is authorized to retain 20% of the licensing fee as a processing fee and refund the remaining amount. The individual license fee paid by a licensed agency will be refunded to the agency. Refunds will not be made if a conditional license has been issued.

 **Note: 59 O.S. § 1750.6(B)(1)(b) requires applicants to submit a nonrefundable fee for a national criminal history record with fingerprint analysis.**

Type of License	Original License Fee*	Non-refundable Fingerprint Analysis Fee for New License	Total Cost of a New License	Amount of Original License Fee retained by CLEET	License Refundable Amount Original and Renewal License
Security Guard-Unarmed	\$25	\$41	\$66	\$5	\$20
Security Guard-Armed	\$50	\$41	\$91	\$10	\$40
Private Investigator-Unarmed	\$25	\$41	\$66	\$5	\$20
Private Investigator-Armed	\$75	\$41	\$116	\$15	\$60
Combination License	\$75	\$41	\$116	\$15	\$60
Agency License	\$200	\$0	\$200	\$40	\$160
School Approval Certificate	\$300	\$0	\$300	\$60	\$240

*The original and renewal license fee is the same. The difference is the Fingerprint Analysis Fee required for a new license application or start-over application is included in the total cost of the new license.

59 O.S. § 1750.10(B) provides for a partial refundable fee if a school does not qualify for a certificate or renewal certificate.

Rule Changes: The complete text of current rules may be found on our website under the menu item Rules. The significant rule changes promulgated this year are as follows:

390:35-5-2 changed the reporting period for mandate training from each year to licensing period and describes the disciplinary procedure for failure to obtain training.

390:35-5-9 eliminated the requirement for the identification card to be laminated in plastic, to allow use of plastic cards such as credit card materials in the future.

390:35-15-2 corrected the name of the Oklahoma Board of Private Vocational Schools and added "if a fee is charged" to the provision requiring schools to separately charge for courses required for licensing purposes.

Number of Individual Licenses as of October 2, 2007

4,467	Armed Security Guard Licenses
3,483	Unarmed Security Guard Licenses
143	Armed Private Investigator Licenses
352	Unarmed Private Investigator Licenses
739	Combination Armed Guard and Investigator

Delays in Licensing: Upon conducting an internal audit of applications, the most frequent causes for delays in processing individual licenses include the following:

1. Failure to have signature notarized in the application
2. Incomplete application information (past address information, employment history)
3. Failure to provide local police department and sheriff department records checks from city and county of residence
4. Incomplete criminal history information. All arrests must be listed regardless of disposition. Arrests will be reported on State and Federal record returns at which time the individual will be required to provide official copies of court disposition of arrests so that CLEET can determine eligibility. An arrest may not be disqualifying if the charge is reduced or dismissed, however failure to report the arrest is subject to disciplinary action.

Request for Information: Please submit current photographs of your agency uniform, badge and vehicle used in security patrol.

Most Frequent Complaints:

Failure to report employment or terminations within 5 working days: OAC Rule 390:35-11-2 requires licensed agencies to report employments and terminations within five (5) days of the employment or termination of the employee.

Agencies cannot work an individual until a license has been issued by CLEET (59 O.S. 1750.4). You cannot put an individual to work because you have put the application in the mail. Because individuals must provide proof of insurance or bond with their application, agencies may submit a report of employment dated the date of the application, but may not work the individual until authorization is received from CLEET.

Unlicensed Activity: CLEET will be increasing its attention in this area because of the increase in complaints and evidence received in new applications revealing that an individual has worked for a period of time without a license.

Compliance: CLEET received funding for a full-time investigator and this individual will begin making agency and individual post inspections. He will request to see your agency license, proof of insurance, payroll and shift reports, a copy of your business cards or letterhead, and require access to agency employee files. Please be reminded to have your agency license posted and a copy of the individual's license in the employee file. Random post inspections will be made across the state to look for unlicensed activity and violations such as possession of the CLEET license, ammunition violations (reloaded ammunition is not allowed), vehicle markings, etc.

Firearm Violations

Discharge of Firearm: 58.2% of licensees are authorized to carry a firearm. As this number has increased, we have seen a rise in the number of firearms related incidents.

Reporting Discharge: Please be reminded that the discharge of a firearm by a licensee must be reported to CLEET by phone immediately during normal working hours, or the next working day. Licensees are also required to complete a written report.

State laws regulate the carrying and use of weapons, particularly Title 21, Sections 1271.1 to 1290.26. You can view the laws on the website listed (on page 1 of this document) for the Oklahoma State Courts Network (OSCN). Follow the instructions listed on page 2, selecting Title 21 instead of Title 59. (You should seek legal advice from your attorney if you have questions regarding the firearms laws.)

There are no provisions for a security officer to be armed inside of a bar or club (1272.1). It is unlawful to point a deadly weapon, whether loaded or not, at any person or persons for the purpose of threatening or firing a "warning" shot (1289.16).

Deadly force must be an absolute last resort. While a public police officer may have an obligation to "stand his ground", a security officer or private investigator may not and should exhaust all options, including retreating to safety, before using deadly force.

Carrying Weapons: The authority for security guards and private investigators to carry a firearm is in Title 59.

Security officers are limited to carrying firearms only when "on duty". During "off-duty" periods (such as lunch, coffee breaks, driving to and from work) security officers face the same restrictions on carrying firearms as all other citizens. We have received complaints of security officers wearing their firearms while eating lunch or dinner at restaurants and fast-food places.

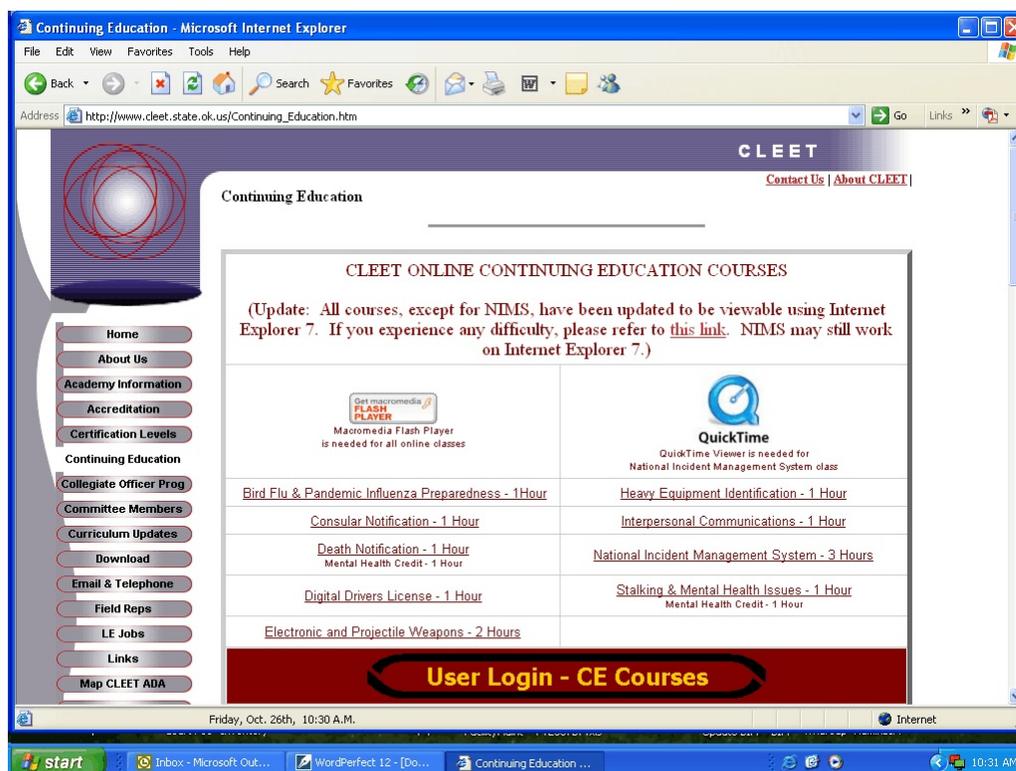
Licensed armed private investigators are authorized under O.S. Title 59, § 1750.5C to carry "a concealed firearm when on and off duty, providing the person keeps the firearm concealed from view and is in possession of a valid driver license and valid armed private investigator license".

No Authority for Bounty Hunters: Several incidents have been reported to CLEET of Bounty Hunters using the Armed Private Investigator License or combination license to carry a firearm while performing bounty hunting duties (forceful entry, detaining individuals, etc.) The extent of the licenses issued by CLEET would allow the lawful gathering of information, surveillance, etc., but stops at the point of forceful entry, removing an individual from a premise, or using the Armed Private Investigator's license as a permit to carry a firearm during this activity.

Important Notice for Individual License Renewal: State Law, Title 68 §238.1 requires that state license holders be in compliance with state income tax laws prior to having their license renewed. CLEET is required to notify the Oklahoma Tax Commission (OTC) when an application for renewal is received. If a licensee is not in compliance with State Law, OTC will notify CLEET and we cannot renew the individual license until the individual has contacted the Oklahoma Tax Commission for a resolution. OTC will send a letter of Compliance to CLEET, and the licensee will be allowed to renew. Questions concerning this requirement should be directed to the OTC, Professional Licensing Compliance Unit, at (405) 522-6800.

Continuing Education Required for Licensing

Licensees may view on-line continuing education courses on CLEET's web site at: www.cleet.state.ok.us for no charge. This training will count towards the annual mandated training requirement. On the web site click on the left menu item Continuing Education. Scroll to the **bottom of the page to login for the on-line courses**. You will have to follow the instructions for the first time to establish a login.



CE courses are restricted to law enforcement only at this time.

Continuing Education

Continuing Education (CE) hours can be obtained through several sources including:

1. College hours (15 training hours per college credit)
2. Training through Approved entities, such as county, state, federal associations. Examples are: Oklahoma Medical Association, Oklahoma Department of Mental Health, American Red Cross, Indigent Defense, Oklahoma Bar Association, District Attorney's Association, American Society of Industrial Security (ASIS), American Association of Fraud Investigators, National Association of Legal Investigators, Arson Investigator's Association.
3. Related courses conducted by Career Technology Centers, Nationally & Internationally recognized Associations, private schools, Oklahoma Private Investigator's Association (OPIA); and
4. All other training approved by CLEET. For approval to conduct training, sponsors must:
 - a. Submit a written request for program accreditation to CLEET (Instructions and forms are available on our web site.)
 - b. Provide course outline, and course objectives;

- c. Provide Resume for Instructors; and
- d. After training, submit a roster of attendees, including, social security numbers, course title, date(s) of training, location, training hours, and instructor, to CLEET.

(Accredited courses approved by CLEET are valid for a period of one-year.)

Costs for the training are the responsibility of the individual. Several security agencies have indicated they will obtain approval to conduct training for little or no cost to their employees.

Firearms re-qualification does not count towards mandate continuing education, however firearms training with legal update, etc., would count.

Completion of training courses required for initial licensing (Phase I - IV) will satisfy the continuing education requirements for the first licensing period of an initial license.

Check the CLEET web site under the left menu item Security/Investigator. Select this item on this web page and you will find a listing under Approved Guard and Investigator Continuing Education Courses of the courses that have been accredited.

Reorganization, New Projects

Last year, CLEET collapsed management and eliminated the Supervisor Position in the Private Security Division. The supervisor duties were assigned to me. I have supervised the division in the past and previously served on the Board of the International Association of Security and Investigator Regulators.

Director Nelson obtained additional funding in FY-2008 for a full-time investigator. With the reorganization and new funding, we will have three licensing clerks, one investigator, one project specialist (School coordinator) and one attorney, dedicated to the activities of the division.

Mr. Tom Baty, our Information Systems Manager, and I are working to implement on-line payments hopefully in 4-6 months from now. We are also working on electronic submission of employment/termination notices, address changes, and training rosters.

We are working with law enforcement to discuss Cooperative Efforts between the public and private sectors, with a goal of some cross training and information sharing. Please watch the web-site for new developments!

We look forward to the challenges ahead of us and appreciate your understanding and support as we struggled with staffing issues. If you have any questions or require additional information, please do not hesitate to contact us at the numbers listed on the first page of this newsletter.

You may also reach me via e-mail at: jingram@cleet.state.ok.us with your comments or suggestions.

Respectfully,

Jeanie Nelson, Director

By: Janet Ingram, Business Manager

This publication is issued by the Council on Law Enforcement Education and Training. A total of 440 copies have been prepared and distributed at a cost of \$ 367.84. Copies have been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries and published on the CLEET web site at www.cleet.state.ok.us.