



Oregon

Theodore R. Kulongoski, Governor

Department of Public Safety Standards and Training

550 N Monmouth Avenue
Monmouth, OR 97361-1330
503-378-2100
FAX 503-378-3306
<http://www.dpsst.state.or.us>

Procedure for filing a Complaint

While DPSST must protect the due process rights of both you and the investigator, the following information about the complaint process may answer some uncertainties you may have. This summary is designed to facilitate your understanding about the laws pertaining to confidentiality, how DPSST must process complaints, and legal courses of action taken after the investigation has been concluded.

Confidentiality: On the complaint form you fill out, you are asked questions about your expectations that the information you provide will be kept confidential. The reason for this question is that DPSST, as a public agency, is subject to Oregon's Public Records Law (ORS 192.410 et seq.). This means that as a general rule, DPSST's business is the public's business, and the public is entitled to see DPSST's records.

However, there are certain circumstances, such as the filing of a complaint and DPSST's inquiry into the allegations made, where it may be appropriate to keep information confidential. Your answer to the confidentiality questions will help us determine whether the law allows us to keep your complaint confidential.

Inquiry into your complaint: Once you have filed your complaint with us. It will be reviewed by our compliance investigator and/or department designee. A determination will be made whether the allegations you are making fall within DPSST's authority to act upon. If your allegation falls outside of DPSST's authority, we will not pursue the complaint.

DPSST will not investigate any allegations that are not violations of Oregon Revised Statute (ORS) or Oregon Administrative Rules (OAR). DPSST only has authority from the Legislature to investigate alleged violations of Oregon Revised Statute (ORS 703.401 et seq) and Oregon Administrative Rules (OAR chapter 220).

Investigation of your complaint: If DPSST opens the investigation on your complaint, you may be contacted by a DPSST's compliance specialist with additional questions. You may be asked to provide evidence or documents to support your allegation. Our compliance specialist will most likely contact the investigator under investigation to ask his/her version of the events. In some cases, the compliance specialist may interview witnesses, or other people who have knowledge of the events, to gain a full understanding of the facts surrounding the allegations.

Do not contact the investigator about the complaint you have filed as it may have a negative affect on the investigation.

***Complaint unfounded:** Sometimes our investigations do not yield sufficient information to adequately prove that a violation occurred. In order to move forward with any type of action, whether it be license suspension, revocation, or assessment of civil penalties, DPSST must have a substantial basis and evidentiary support to strongly prove that the violation occurred. After exhausting available leads of the investigation and we are not able to achieve the necessary proof, we will find the complaint *unfounded*.

This does not conclude that the event(s) did not happen, it simply means that DPSST could not find enough information to adequately prove that the violation occurred.

***Complaint founded:** If the investigation reveals sufficient evidence to adequately prove that the violation occurred, the complaint will be founded. DPSST then decides a course of action to be taken.

Once the investigation is complete and DPSST has sufficient evidence to adequately prove that the violation did occur, DPSST may settle the issue directly with the private investigator in order to gain compliance. This normally is settled by the investigator stipulating that they were responsible for the violation and must also pay a fine, in lieu of assessing a civil penalty, license suspension, or license revocation through further processes.

Recommendation to the Committee: If the investigator does not respond to DPSST's notice of stipulation, DPSST will present the facts/findings of the investigation to the Private Security/Investigator Policy Committee (PSIPC), a committee that includes representatives from various segments of the private investigator industry. The recommendation to this committee will include what sanctions should be imposed against the investigator (such as civil penalties, license suspension, license suspension, etc.) If the committee feels that there is sufficient evidence to proceed with action, the facts/findings will be presented to the Board on Public Safety Standards and Training (BPSST).

Board decision whether to file a formal complaint against the investigator: BPSST will consider the policy committee's recommendation, and determine if the course of action is appropriate. The Board can only dismiss the recommendation with a 2/3 majority vote.

Contested Case Hearing or Alternative Agreement: A contested case hearing is a formal procedure, although somewhat less formal than a court case, where the evidence is heard by an Administrative Law Judge (ALJ). Once the ALJ issues an opinion, DPSST will consider it and decide whether to issue a final order towards the sanction.

Final Order issued: Once DPSST issues a proposed disciplinary sanction regarding a complaint, that information becomes public. A final order will contain a factual summary of the findings of fact, and the violations that occurred.

Final comments: The rules concerning the complaint process are somewhat complex, and may change as various statutes are enacted by the Legislature. This summary is intended to give you an overall basic understanding of the process. The details may vary as procedures undergo revisions.

It is the intent of DPSST to provide you general information about the complaint process. If you have questions, you may contact DPSST for clarification. However, due to privacy laws and legal requirements, DPSST may not be able to tell you particular details of the investigation into your complaint.