



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: March 13, 2019
TO: Honorable Floyd Prozanski, Chair of the Senate Committee on Judiciary
FROM: Aaron Knott, Legislative Director
SUBJECT: SB 576 : Kaylee's Law

This testimony is presented in support of SB 576.

Background

In 2016, Central Oregon Community College student Kaylee Sawyer was abducted and murdered by a campus security officer. Her death illustrated the shortcomings of the current statutory language delineating between the powers of certified law enforcement officers and private security, the latter of which deploy many of the trappings of law enforcement without the accountability measures normally associated with that level of responsibility. This can lead to an apparent authority problem in which campus security officers can be mistaken for or deliberately cultivate the misimpression that they are law enforcement officers. The Chief of Police for Bend, the Deschutes County District Attorney, and the Sawyers themselves joined to request the formation of a workgroup to try to prevent a future tragedy of this kind.

Concept

Kaylee's Law, crafted in the name of Kaylee Sawyer, is the product of the Campus Safety Personnel Workgroup, convened by the Department of Justice to examine the laws governing the powers provided to campus security officers by statute. The measure addressed a number of policy areas that the group identified as problematic:

1. **Vehicles.** Campus vehicles must be clearly identified as such and may not have certain components commonly associated with police cars, such as red and blue light bars, push bumpers and internal cages.
2. **Uniforms and badges.** Uniforms worn by special campus police officers must conform to standards set by the Department of Public Safety Standards and Training (DPSST) to clearly distinguish them from certified police officers.

3. **Onboard systems.** Any campus security vehicle must be equipped with a GPS device and onboard camera sufficient to capture the activities of the driver and any passengers within the interior of the vehicle.

4. **Arrest authority.** While campus security may on occasion necessarily detain or arrest an individual, they are not police and should immediately notify law enforcement whenever a detention occurs and surrender any investigation or evidence to law enforcement as swiftly as is reasonably possible. They would no longer have the ability to perform the highly specialized law enforcement function of “stop and frisk.” This practice has also been associated with the profiling of particular racial, ethnic and other protected demographics. While certified law enforcement is required to track pedestrian stops under HB 2355 (2017), special campus safety officers are not similarly monitored.

5. **Better background checks.** The bill requires a criminal background check prior to the hiring of a campus security officer and allows for better information sharing between law enforcement and higher education in assessing the suitability of an applicant. The bill also facilitates the hiring of former law enforcement officers.

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