



Oregon College and University Public Safety Administrators Association

January 3, 2019

Campus Safety for Higher Education in Oregon and Draft Legislation LC644

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In early 2016, the chiefs and directors of the state's public and private colleges and universities formed a working group to discuss the important mission of enhancing the safety of their campus communities. With their unmatched collective experience and knowledge of higher education public safety in Oregon, they identified key areas that would directly increase the level of safety at all institutions, including consistent statutory authorities, training, interoperability of radio systems, sharing of information through data systems and allowing for a three-tiered approach to service delivery for all higher education institutions (basic security services, special campus security services "public safety" or formation of sworn police departments).

In 2017, this group of public safety leaders formed the Oregon College and University Public Safety Administrators Association (OCUPSA). Led by our association's legislative committee, meetings were conducted with legislators and strategic partners. A presentation was conducted for the Oregon Senate Judiciary Committee on March 2, 2018 outlining the critical need for enhancing safety on post-secondary campuses, specifically clarifying the existing ORS statutes on campus authorities and the need for professional training curriculum for campus officers.

In 2017, the Governor's Task Force on Campus Safety published, through a multi-disciplinary advisory group, recommendations on how best to enhance safety on post-secondary institution campuses.

- Charge of Public Safety Work Group:

Identify resource needs and potential state policies to enable a coordinated strategy across the higher education system for public and private institutions; and analyze promising practices and protocols that can be shared across all post-secondary education institutions to maintain public safety, and prevent, prepare for, and effectively manage future response and recovery efforts for campus-wide crises or emergencies.



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- Recommendation of Governor’s Task Force:
 1. Provide academy training and certification for campus public safety officers.
 2. Ensure all post-secondary education institutions (PSEI) have access to sworn police officers (either on campus or in the community) who have been trained and understand the unique environments and legal requirements of providing law-enforcement services to PSEI (e.g. Clery Act, Title IX, etc.).
 3. Add PSEIs to the exemption for hiring retired law-enforcement officers as a percent of the force in both campus police and campus public safety (ORS 238.082 Sec 5).
 4. Ensure training with law-enforcement service provider and campus public safety in active shooter response is specific to the individual campus size and public safety staff capacity.

- Footnote to Item 1

- (A.) Require specific classification separate from police, separate from ORS 352.118, separate from private security.
- (B.) Training specific to providing public safety services on campus.
- (C.) Would set minimum standards and qualifications for selection and hiring
- (D.) Would require Department of Public Safety Standards and Training (DPSST) certification and maintenance
- (E.) DPSST would approve training, either directly or through train-the-trainer program
- (F.) Appropriate approved DPSST training would be identified and made available to campus public safety.
- (G.) Include campus policing training in the DPSST Basic Police curriculum, including Title IX and Clery requirements, so that police officers with a campus in their area comply with the legal requirements

In spring 2018, the Office of the Oregon Attorney General notified OCUPSAA that they were going to take leadership on, what was believed at the time to be the follow-up to our March 2 Senate Judiciary presentation and our recommended initiatives to enhance safety on higher education campuses. However, the initial and subsequent meetings were specifically focused on the framework for the proposed legislation (LC644), now known as “Kaylee’s Law.”

At the conclusion of the second meeting the assembled work group requested that OCUPSAA provide a detailed statement of their objections to the proposed legislation. The following provides a direct response to the legislation in its current form and recommendations mirroring those developed over the last two years by OCUPSAA and strategic partners for enhancing safety on our higher education campuses.

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Are campus public safety and security officers the problem or the solution?

In July 2016, a heinous and unthinkable tragedy occurred when a campus public safety officer employed one of our community colleges took the precious life of Kaylee Sawyer. There are no amends that can ever be made fully for her loss and the impact on her family. However, the perpetrator of this crime was identified, went through our judicial processes and will remain in prison for the rest of his life.

The actions of this individual do not represent the courageous, professional and dedicated men and women who keep our campuses safe as campus public safety and security officers.

- Campus public safety and security officers have been in most cases, for decades, the primary and many times sole providers of safety on our campuses. Their presence and professional actions to prevent and deter crime, respond to emergencies and protect our campus community members is demonstrated every day. The level of crime and victimization on campuses in Oregon and throughout the country is frequently less than what is found in municipal communities surrounding campuses and that can clearly be correlated with the presence of these professionals.
- Based on crime data reported under the Clery Act to the U.S. Department of Education, violent crimes on college campuses during 2011 accounted for 3 percent of serious crimes reported to campus law enforcement agencies serving 4-year schools with 2,500 or more students. This compares to 12 percent of all serious crimes reported to law enforcement nationwide.

The rate of reported violent crime on college campuses (45 violent crimes per 100,000 students) was much lower than the overall U.S. rate (386 per 100,000 U.S. resident). Also, the violent crime rate in 2011 was 27 percent lower than the rate in 2004.

Campus law enforcement agencies received reports of 1,049 property crimes per 100,000 students during 2011. Campus property crime rates were 35 percent lower in 2011 than 2004. Nationwide, the rate for reported serious property crimes was 2,909 per 100,000 U.S. residents or about 3 times the rate for college campuses.



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During 2011–12, most campus law enforcement agencies serving campuses with 5,000 or more students had personnel designated to address general crime prevention (91 percent), rape prevention (86 percent), drug education (79 percent), alcohol education (78 percent), stalking (75 percent), victim assistance (72 percent) and intimate partner violence (69 percent).

Nearly all campuses had a mass notification system that used email, text messages and other methods to alert and instruct students, faculty and staff in emergency situations.

The Bureau of Justice Statistics report cited can be found here:

www.bjs.gov/content/pub/press/cle1112pr.cfm

- Currently, there are more than 15,000 licensed Private Security Providers in the State of Oregon, it is estimated that less than 5% of those are directly employed by post-secondary institutions. Based on data provided by DPSST, Private Security Providers are roughly half as likely to be investigated by DPSST for ethics, policy and criminal violations as compared to sworn law enforcement officers:
 - www.oregon.gov/dpsst/SC/Pages/EthicsBulletin.aspx
 - www.oregon.gov/dpsst/PS/Pages/EthicsBulletins.aspx
- OCUPSAA is not aware of any other incidents in the state of Oregon where a Campus Public Safety or Security Officer was mis-identified as a sworn police officer and it resulted in an attack or violent confrontation. OCUPSAA is not aware of other similar incidents in the nation.

What services are provided by Campus Public Safety and Security Officers on campuses throughout our state and routinely provided on campuses throughout the country?

While every Oregon higher education campus provides a different level and style of service, they are all rooted in the mandated licensure of Private Security Provider or Special Campus Security Officer (public universities). Certain laws provide direction and authority for university Special Campus Security Officers and authority for parking and traffic enforcement by community colleges.

The following is a list of typical duties as provided by members of OCUPSAA. Not all higher education institutions provide all these services as the service delivery model, appearance and level is determined by the executive leadership, elected board of directors and campus community to best meet their needs, campus culture and service expectations.



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Role: Protectors

Protector Responsibilities:

- Campus Security Authority (CSA)
- Title IX Officer Assistance
- Clery Compliance & Annual Reporting
- Crime Prevention, Detection and Deterrence
- Crisis Intervention
- Bias Response
- Violence Against Women Act Response
- Incident Triage
- Traffic and Crowd Control
- Special Event Management
- Threat Assessment & Prevention Team Management
- Physical Security of Campus Buildings
- Safety Inspections of Campus Buildings/Grounds
- Security Patrol of Campus Properties & Buildings
- First Aid, Medical/Injury Incident Response
- Fire Prevention, Safety & Incident Response
- Inclement Weather Safety & Incident Response
- Campus Parking & Traffic Enforcement
- Campus Motor Vehicle Accident Response & Reporting
- Campus Incident Response and Reporting
- Policy and Crime Investigations
- Sexual Misconduct Investigations
- Campus Policy Enforcement
- Campus Assistants (Unlocks & Locks, Alarms, Wayfinding, Jump Starts)
- Safety Escorts
- Victim Witness Assistance/Referrals
- Emergency Management/Coordination
- Life Safety Systems Management/Coordination
- Access Control Systems Management/Coordination
- Environmental Health/Safety Management/Coordination
- Video Surveillance Security Systems Management
- Major Campus Event Safety & Security
- Campus CERT Program Coordinators
- Searching for Missing Persons/Items
- Cadet Program Coordinators



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Protector Responsibilities (cont.):

24x7 on-call “Person in Charge” of college property
Law Enforcement/Fire Rescue Agency Liaison
Emergency Management Agency Liaison

Role: Educators

Educator Responsibilities:

Hybrid Active Assailant/Active Shooter Training
Emergency Management Training
Emergency Preparedness Training
Safety Training
DPSST Unarmed Private Security Professional
DPSST Unarmed Private Security Professional (re-certification)
Crime Prevention Training
Terrorism Awareness Training
Active Shooter and Stop the Bleed Training
Crime Prevention Through Environmental Design (CPTED) Advisors
Campus CERT Program Training
Campus Safety/Security Training
First Aid and CPR
Access Control System Training
Life Safety Systems Training
Video Surveillance Security System Training
Rape Aggression Defense Training
Campus Community Outreach
Drug and Alcohol Abuse Prevention Education
Fire & Evacuation Drills
Standard Response Protocol Training and Drills

Comments from campus department leaders on services rendered:

- Local law enforcement agencies, despite generally strong and supportive professional relationships, are not staffed to respond to any but the most urgent and severe campus issues. We must be able to effectively respond to nearly every possible issue on our own, and to do so in a way that serves our campus communities and the safety of our officers. As an example, although my team has a partnership agreement and an excellent working relationship with the local police department, getting an officer to come to campus to deal with an excluded person takes up to an hour. We must be able to self-manage our campuses.



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- **Comments from campus department leaders on services rendered (cont):**
- Each one of our campus communities is unique in composition, location, and exposure to the various threats and hazards we are expected to mitigate and manage. Trying to legislate local practices for campus policing/public safety/community safety/security is like trying to tell Aloha, Beaverton, and Clackamas County that they need to do their law enforcement the same way: it won't work. Our communities have different needs and different expectations.
- The county being the size of Connecticut has a patrol presence of generally 2-5 troopers (on Thanksgiving 2018- for three hours there was only one (1) trooper in service) including supervisors, and the sheriff's office is staffed much the same. For this reason, the campus safety department conducts initial investigation on all non-felony crimes reported, provides crime scene security and management, for and until, outside law enforcement arrives, and coordinates with our partners until they have sufficient resources to manage on their own.
- Campus Officers deliver first-responder emergency services, patrol service, and perform a wide range of public safety functions
- Campus Officers provide initial response until law enforcement arrives to the following offenses committed on the premises: aggravated assault, forcible rape (all sexual assaults), murder, robbery, arson, burglary, larceny-theft, and motor vehicle theft, simple assault, curfew offenses and loitering, embezzlement, forgery and counterfeiting, disorderly conduct, driving under the influence, drug offenses, fraud, gambling, liquor offenses, offenses against the family, prostitution, runaways, sex offenses, stolen property, vandalism, weapons offenses and public fighting, and several other misdemeanors and felonies not represented on this list.
- We have a written agreement with the local law enforcement agency and will respond to emergencies in the vicinity of the campus on county lands, until the law enforcement units can respond. At that point, we will leave or continue to assist depending on the wishes of the responding agency.



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- We have an agreement with local law enforcement to respond, evaluate, support and at times in need, manage traffic incidents on the county roadways adjacent and proximate to the main campus. Local law enforcement resources are very limited and are continually responding to incidents from one side of the county to the other (up to 45 minutes emergency response times).
- Our vehicles are equipped with push bumpers and have been used to assist in clearing roadways based on the Traffic Incident Management criteria. In emergency and hazardous situations, our officers direct traffic and/or close and manages traffic patterns as the result of fires, fatal traffic crashes and other natural hazards to either secure until relieved, or on many occasions assume control of these duties.
- Officers have taken into custody felons for crimes committed in our presence and/or for other staff, and secured them in vehicles with protective barriers (“cages”) to prevent harm or injury awaiting the response of local police, which varies, depending on call loads at the request of the responding agencies.
- Campus officers interact and provide information and support to ODOT, OLCC, OSP, Parole and Probation, FBI, and local law enforcement.
- Campus Safety participate in Student Care Teams, Behavioral Intervention Teams, conduct threat assessments, identify strategies, and develop safety plans to keep campuses safe.

DPSST Job task analysis of Campus Public Safety Officers

In 2005, DPSST conducted a Job Task Analysis (JTA) of campus public safety officers. This study was completed prior to the current heightened threat environment and evolution of needs for modern safer campuses, but still demonstrates the similarity of tasks between campus officers and sworn law enforcement from more than a decade ago.

“The net outcome of the Campus Public Safety JTA data analysis is a validated list of eighty-three (83) tasks, which can reasonably be referred to as “critical and essential” to the proper functioning of the public safety officer position. These tasks form the basis for any valid training curriculum for these positions.”



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2005 JTA Master Task List

SECURITY SERVICES

- Dispose of Lost Property
- Conduct Building Inspections
- Conduct Traffic Control
- Secure Buildings
- Perform Courtesy Escorts
- Respond to Noise Complaints
- Lock Doors Unlock Doors
- Investigate Fire Alarms
- Provide Safety Escorts
- Investigate Panic Alarms
- Respond to Animal Incidents

OFFICER SAFETY

- Ability to Drive in Low Light
- Ability to Drive at Night
- Possess Visual Acuity to see at Distance During Daylight
- Possess Visual Acuity to see at Distance During Low Light
- Conduct Risk Management
- Identify Smells and Location of Smells
- Understand Various Phonetics Codes
- Use Phonetic Alphabet

MAINTAIN AND OPERATE EQUIPMENT

- Drive Patrol Vehicle - Routine
- Operate Law Enforcement Computer
- Maintain Vehicles
- Maintain Bicycles
- Inspect Equipment
- Use Desktop Computer
- Use Telephone
- Use Computers
- Use Digital Camera
- Use Radio
- Use Traffic Barriers
- Un-Cuff Prisoners



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REPORT WRITING

- Generate Department Reports
- Write Field Interviews
- Evaluate Report - Submit for Approval
- Write Victim Statement
- Write Witness Statement
- Identify Proper Report
- Gather Information
- Organize Information
- Generate Police Report
- Write Investigative Reports
- Ability to Write at an Acceptable Level

INVESTIGATIONS

- Respond/Investigate Campus Emergency Phones
- Investigate Unlawfully Applying Graffiti
- Investigate Unlawful Entry into a Motor Vehicle
- Investigate Telephone Harassment
- Investigate Burglary
- Investigate Safety Hazards
- Investigate Stalking
- Evidence Receipts
- Conduct Investigations
- Maintain Chain of Evidence
- Investigate Theft
- Knowledge of Suspicious Activity
- Identifying Reasonable Suspicion
- Investigate Vandalism
- Maintain Chain of Custody
- Investigate Criminal Trespass
- Investigate Criminal Mischief
- Investigate ID Theft

ENFORCEMENT

- Conduct Stake-out Surveillance
- Testify in Court
- Assist in Felony Investigations
- Serve Trespass Warnings
- Deal with Transients



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ADMINISTRATIVE DUTIES

Train New Employees

CAMPUS COMMUNITY POLICING

Media Relations

Cross-Cultural Awareness Cross-Cultural Communication

Work with Dispatch

Assist Outside Agencies

Maintain Public Relations

Respond to Traffic Accident Testify in Hearing

Recover Stolen Property

Respond to Vehicle Break-in

Perform Vehicle Assists

Foot Patrol Bike Patrol

Educate Community

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Current Proposed Legislation (LC644)

Colleges and universities throughout the state provide contemporary and professional services to best protect and serve our campus community members. The level of service is dependent upon the safety issues and concerns, customer needs, and the expectations of students, faculty, and staff, Town and Gown expectations, and direction of the campus leadership.

Some institutions desire to provide basic security “observe and report” services while others provide in-depth lawfully allowable services to meet the expectations of their campus communities. Limiting the ability and authority to provide these services, reducing the ability for officers to best protect themselves as well as hampering the deterrence effect provided by professional appearance and equipment poses a significant risk and will jeopardize the safety of our campuses making them less safe.

Note: Higher education institutions may contract or employ DPSST Armed Security Professionals. These armed guards receive the DPSST 14 hour Unarmed training course and the DPSST 24 hour firearms course. They do not attend a training academy.

The gap or void in services and crime deterrence this bill will create will inevitably be filled. Campuses throughout our state have demonstrated that prevention and response models currently in use, work. Will local law enforcement fill this void with higher level services, increased presence and delivering the services expected by our campus communities?



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Example: *as provided in testimony during the Senate Judicial Committee hearing on December 14, 2018 it was suggested that higher education departments should not conduct investigations of any type. Currently, most of our organizations conduct some level of limited and/or complete investigation for certain crimes.*

Consider a seemingly low-value piece of property that is stolen from a student on campus, with no known suspect. In many of our jurisdictions, when referred to law enforcement the response may include:

- *Direction to report the incident “online”, with no physical law enforcement officer response.*
- *Response from a non-law enforcement officer, such as a community service officer, who may or may not be trained to the level of a campus public safety officer, but may conduct an “investigation”.*
- *Response from a sworn police officer, which may be delayed due to higher priority calls for service.*
- *Regardless, of law enforcement response, investigations are usually very limited when the crime is a misdemeanor, not part of a series of crimes and there is no suspect information.*

Students and their families, faculty, staff and our community neighbors have come to expect more; that we provide a sense of safety and security on their campus. Campus Public Safety and Security Officers are invested in the welfare of our institutions and those we protect and educate.

These officers provide a more detailed approach to various crimes and quality of life issues. They take the time to review closed circuit television recordings, they speak with persons who may be witnesses, coordinate assistance for the victim, check through found property, identify elements of the crime to appropriately report statistical data, review access reports to buildings, respond to the scene to look for any evidence that may identify a perpetrator, notify their campuses of even minor crimes, and provide crime preventive recommendations based on the incident. All these steps are investigative which have without doubt, created safer campuses and provided a level of service that meets expectations.

Will sworn law enforcement begin universally providing this level of service?



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More than 90% of our member organizations conduct, at a minimum, initial investigations. These also include investigations that are mandated by Title IX surrounding accusations of sexual misconduct and assault. In fact, barring certain circumstances, victims of certain sex-based incidents and crimes have complete discretion of whether the crime is reported and investigated by sworn law enforcement agencies.

Higher education public safety is not unlike other non-sworn professions and organizations that investigate crimes occurring within their organization such as the retail loss-prevention officer. They conduct investigations by observing, interviewing, collecting evidence and, in some cases, conducting private person arrests of shoplifters, employees, and others. Many private businesses of varying sizes employ non-law enforcement investigators who conduct comprehensive criminal investigations that may or may not be reported to, or investigated by, their local law enforcement agency. In many cases, the investigation is forwarded to law enforcement and they may conduct additional fact-finding, and the incident will eventually be prosecuted by district attorneys. These investigators may or may not have the level of training and experience that so many of our campus public safety and security officers possess.

Nationwide Criminal Records Check

SECTION 2 (2)

OCUPSAA believes that this currently exists and is adhered to by DPSST through the Private Security Provider licensure process (ORS 181A.870). OCUPSAA believes this process should remain and all Private Security Providers should be subject to this long-standing process at beginning of licensure (employment) and at regular and appropriate intervals throughout licensure.

Law Enforcement Agency Sharing of Information about Applicants

SECTION 2 (3)

The proposed legislation is vague in directives to law enforcement agencies in the sharing of information. While it does provide law enforcement agencies with the option of sharing, it does not address what type of information may be shared which could result in institutions making employment decisions based on partial information from the law enforcement agency that does not fairly represent the complete facts. OCUPSAA supports greater clarification and mandates on law enforcement agencies to share information relevant to applicants of higher education public safety and security.



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Vehicles

SECTION 2 (4) (a)

Proposed legislation allows for the Board on Public Safety Standards and Training to establish standards for vehicles used by higher education institutions. The Board structure does not guarantee a voice or expertise in the field of higher education public safety. Granting authority to this board to determine the appropriate level of deterrence, public appearance, equipment, markings or tools for every higher education institution will not necessarily meet the needs or expectations of a particular organization or their campus culture.

This proposed legislation allows for the DPSST board to determine the type, make and model of vehicles. Based on crime rates, the threat environment, and risk analysis in their specific geographic region, similarity to vehicles of other organizations such as local law enforcement, private security, and other government agencies, institutions must have the flexibility in the appearance and equipping of vehicles.

Higher education institutions purchase vehicles for their specific campus requirements and culture of acceptance. Many departments have multiple vehicles which could become regulated resulting in significant cost for unfunded, mandated, compliance.



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Vehicle examples of non-sworn higher education public safety and security departments throughout Oregon and the United States, including examples from: University of Hawaii Manoa (HI), Chemeketa Community College (OR), Lane Community College (OR), Portland Community College (OR), Corban university (OR), Chapman University (CA), University of Southern California (CA), Azusa Pacific University (CA), Western Oregon University (OR), DePaul University (IL), Claremont Colleges (CA), University of Tampa (FL), Gettysburg College (PA), Idaho State University (ID), Shoreline Community College (WA), Dartmouth College (NH), Oregon State University (OR), Mount Hood Community College (OR), Seattle Pacific University (WA) and Southern Oregon University (OR).



Vehicle Global Position Systems and Internal Cameras (including storage)

SECTION 2 (4) (a) (B)

OCUPSAA acknowledges that GPS systems have been effective in many situations to verify a vehicle's location which provides data to monitor activity, investigate complaints, and assist officers in distress to have their whereabouts known for help to be sent. However, this represents as currently authored, an unfunded mandate for higher education institutions. The legislation also does not specify which vehicles used by a campus public safety or security department would fall under this requirement. Likewise, the addition of these devices may also impact labor and union contracts. OCUPSAA supports the option for higher education institutions to use these systems if they so choose, with appropriate funding and statutorily supported immunity from labor union litigation of their use.



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Vehicle Global Position Systems and Internal Cameras (cont.):

The call for internal video cameras in LC644 is based on the actions of the individual who perpetrated a heinous crime inside of a campus security vehicle. OCUPSA is not aware of other incidents involving campus public safety and security officers perpetrated by them inside of their vehicles where a video recording system would have changed the outcome of their action or planned actions. Similarly, the incidents of law enforcement officers, the most highly trained, vetted, and trusted protectors of our communities may or may not have been deterred by video recordings or GPS, but they are not mandated to install these devices.

Example: From the Washington Post, Jan 12, 2018

Research on police sexual misconduct from sexual harassment and extortion to forcible rape by officers, overwhelmingly concluded that it is a systemic problem. A 2015 [investigation](#) by the Buffalo News, based on a national review of media reports and court records over a 10-year period, concluded that an officer is accused of an act of sexual misconduct at least every five days. The vast majority of incidents involve motorists, young people in job-shadowing programs, students, victims of violence and informants. An [analysis](#) of more than 500 officer arrests for sexual misconduct over a three-year period, found that half involved on-duty misconduct and off-duty misconduct is often facilitated by the power of the badge or the presence of an official service weapon. A fifth of arrests involved forcible rape, another fifth forcible fondling.

In a second study, funded by the National Institute of Justice and analyzing more than 6,700 officer arrests nationwide during a seven-year period, Stinson [found](#) that half of arrests for sexual misconduct were for incidents involving minors. According to a 2010 Cato Institute [review](#), sexual misconduct is the second-most-frequently reported form of police misconduct, after excessive force.

"Over the years I would see it all," former Seattle police chief Norm Stamper wrote in his book, "[Breaking Rank](#)." He [described](#) cases in which cops fondled prisoners, made false traffic stops of attractive women, traded sexual favors for freedom, had sex with teenagers and raped children. "Sexual predation by police officers happens far more often than people in the business are willing to admit."

From the Washington Post, Jun 22, 2016

The Police Executive Research Forum and the Justice Department studied a series of sexual assaults committed by San Diego police officers. Officers working late shifts by themselves used traffic stops to commit sexual crimes against women they pulled over. There were 125 officers charged with murder or non-negligent manslaughter in the seven years of the study.



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Internal cameras provide only a limited view into the actions of campus officers, just as they would for police officers. Campus officers generally spend a significant amount of time on foot, on bicycles and in fixed locations. Cameras that are continuously running are certainly known by the officer and should there be any premeditated and/or spontaneous criminal action by the officer they quite possibly would commit their act elsewhere, cover the camera, disconnect the camera, or not be deterred by the camera.

Constant internal video recording may also impact an officer's ability to conduct confidential phone and in-person conversations, where a community member or student assumed there was privacy of the conversation.

As with all potential documented interactions whether on paper, digital or video there is a high likelihood of a public records request. The institution will need to vet these requests and provide appropriate editing where lawful redactions can occur. In addition, as seen with law enforcement agencies throughout the state, the storage, cataloguing, copying and release of video recordings is extremely labor intensive and costly. Consequently, many law enforcement agencies have chosen to forgo "body cameras" which can be useful, but the costs, storage systems and staff time does not justify the use.

OCUPSAA believes that in certain circumstances video recordings can be immensely helpful for investigative purposes, in some circumstances their mere presence can be a deterrent to crimes or violations. However, to mandate and provide no funding mechanism for these limited devices, does not serve the greater purpose of creating safer campuses. The use of the devices should be authorized and supported through appropriate laws and funding, but the ultimate decision for deployment should rest with higher education executive leadership for each institution.



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Uniforms

SECTION 2 (4) (b)

As stated in the proposed legislation “distinguish private security professionals or special campus security officers from police officers”. OCUPSAA agrees that community members should know who they are conversing and interacting with and whether they are a police officer or not, however OCUPSAA believes this proposed legislation is contrary to best industry standards and best practices.

The uniform is an important tool. Research and psychological studies demonstrate the correlation to competence, authority, compliance, officer safety, identification and perceptions of personal safety, amongst other factors. For detailed information see:

www.policeone.com/police-products/apparel/uniforms/articles/99417-The-psychological-influence-of-the-police-uniform/

Throughout the state and nationally, police officers wear traditional law enforcement uniforms as well as polo shirts, shorts, dress uniforms, external body armor vests with equipment pouches, concealed body armor, T-shirts and numerous other uniform styles, as well as “plain clothes”. Many police uniforms in the United States today are produced in darker colors such as black, blue, brown, green, and grey. However, some also wear white shirts and other colors based upon locale or specialized assignment.

Likewise, private security officers, fire fighters, campus public safety and security officers, loss prevention officers and many other professions wear any or all these uniform styles. Simply put, there are only so many uniform variations to choose from, and you will find sworn law enforcement wearing them all.

Oregon campus public safety and security officers wear many of these same law enforcement style uniforms. They are modeled after campus public safety and security departments throughout the country, from the smallest to some of the largest public and private institutions. The institutions may choose colors that are different from their local law enforcement provider if practical. In some areas, there may be three different law enforcement agencies providing service with differing uniform colors and styles.

However, every one of these organizations has taken great care to make sure their insignia, logos, patches, and titles clearly identify they are campus public safety officers. In many cases, the institution name, and safety department designation is written in large font across the back and front of the uniform.



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Why? “Person in Charge”

ORS 164.205 (5)

“Person in charge” means a person, a representative or employee of the person who has lawful control of premises by ownership, tenancy, official position or other legal relationship. “Person in charge” includes, but is not limited to the person, or holder of a position, designated as the person or position-holder in charge by the Governor, board, commission or governing body of any political subdivision of this state.

Uniforms are a symbol of authority, recognition, pride, respect, professionalism and deterrence of crime. Those who wear these uniforms on higher education campuses have authority. It could be simply the authority to trespass a person from the campus or to enforce institution policies. It could be for those organizations that have additional authorities (such as public universities and community colleges) to enforce laws and in time of emergency or disaster it is a symbol of authority that those in uniform are providing direction to save lives.

What is the “right” uniform?

Should an institution be relegated to providing uniforms and associated equipment that does not provide an appropriate level of safety for their employees? Should a board that does not include an appropriate level of representation from the organizations, profession and constituents decide for a higher education institution what uniform is best for their campus community, cultural or political climate and threat assessment needs?

An example of the fiscal and operational impact to an institution this will have has already occurred in Oregon.

A police chief did not like the uniform style and color that the institution’s officers wore, stating it was the same as the local police agency officers. The institution began discussions and offered a different style of uniform to be worn. The local police chief agreed, but felt that since it was the same color of uniform as another agency in the county, the other agency chief executive would need to “approve” the change, which ultimately occurred. With all parties in agreement the change was made, resulting in significant, unanticipated, expense to the institution.

The chief then changed his mind after the all parties had agreed and indicated he wanted yet another costly change. Ironically, after outfitting the institution officers with the new “approved” uniform, the police agency with the same color changed to a new color, now the campus public safety department is the only organization in the county in that color.



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Uniform examples of non-sworn higher education public safety and security departments throughout Oregon and the United States.



Requiring a campus vehicle to be “clearly identified” as a campus vehicle

SECTION 2 (5) (a)

This is already occurring across all campuses, private and public, in the State of Oregon and examples throughout the country also indicate this is national best practice. Campuses throughout this state have clearly indicated, by way of logos and wording on vehicles, that they are part of the campus community. We are not aware of any department that has indicated on their vehicle that they are police, sheriff or sworn law enforcement.

Institutions and their campus communities are proud of their departments and support a clear recognition of who they are. This is also routinely demonstrated in the positive interactions that occur every day throughout all our campuses. Students react differently and positively to campus public safety and security vehicles than they do to local police because there is a different level of service and expectation.

On many campuses, students view campus public safety and security officers and vehicles as beacons of assistance when they have an inoperable vehicle, they are locked out of their vehicle, they’ve been involved in an accident, they need directions, or they want to report an



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incident only to campus authorities, amongst many other similar situations. A municipal or county police vehicle driving through our campus would not necessarily receive the same level of positive interaction and acceptance from students as there is an expectation of service that is different than provided by campus officers.

Prohibit the use of red and blue light bars

SECTION 2 (5) (b)

As stated by a police chief during the December 14, 2018 Senate Judicial Committee hearing, community colleges do in fact have authority to enforce certain regulations on their campus (not on public streets), these include regulatory rules such as stopping for stop signs, speed, etc. For those institutions that choose to exercise that authority, appropriate equipment must be part of their vehicle. The law and basic state-wide driver training still stipulate that a motorist must yield to a red light. Therefore, appropriate enforcement to keep our campuses safe of dangerous traffic violations can, in some cases, only be accomplished with appropriate lighting equipment.

Equally important, and weighing much more on the life safety side of the equation, is the importance of response to emergency incidents on campus. Campus public safety and security officers are emergency responders on campus. They respond to medical emergencies, fires, evacuations and more. Their ability to navigate through campus traffic and arrive on scene (many times minutes before police or fire responders) can be the difference between life and death. Eliminating their ability to have the equipment necessary to arrive quickly and safely to on campus emergencies has the potential for causing greater injury and possibly loss of life.

OCUPSAA agrees that these lighting tools on campus vehicles are for campus use. There is no jurisdictional authority off campus for campus officers and they should be prohibited for use on public roadways unless approved by local authority. Regardless, for use on campuses, this should be the decision of the institution based on their needs, culture and expectations of their community.

Prohibiting the use of bumpers intended to ram another vehicle in order to cause a stall

SECTION 2 (4) (c)

OCUPSAA is not aware of any higher education department that authorizes the “ramming” of vehicles to cause a stall. This is out of the scope of the role of a non-sworn campus officer. Many of our institutions equip their vehicles with enhanced bumpers and “push bars”. This is done to provide additional protection for officers in adverse weather conditions, pushing of inoperable vehicles where the driver requests assistance, and moving a vehicle during an emergency for example.



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Prohibiting the use of bumpers intended to ram another vehicle in order to cause a stall SECTION 2 (4) (c) (cont.)

These bumpers are not unique to police vehicles and campus public safety vehicles. Tow trucks, ODOT, taxis, service vehicles, private individuals and more, have enhanced or special bumpers necessary for their profession. To suggest that the “look” of a bumper misleads a driver to believing the vehicle is operated by police is not supported by data. Law enforcement agencies routinely sell to the public surplus vehicles containing push and other bumpers. A bumper that is only intended for the ramming of vehicles is not supported by OCUPSA, but the decision and type of bumper to best provide service and safety on our campuses must rest with institution executives who can decide what level of service is required and what is the appropriate image for their vehicles on campus.

Prohibiting the use of cages SECTION 2 (4) (d)

Campus public safety and security officers may make lawful private person arrests if authorized by their institutional leadership. In some cases, campus departments make multiple arrests in a year. These lawful arrests are conducted because a crime has occurred within their presence and to not act may endanger others and allow for continued perpetrating of the crime(s). In some cases, these offenders are placed in a campus patrol vehicle while campus officers await the arrival of local police to remand the offender to their custody in accordance with state law.

Purpose of these devices

For some of our campuses, the response time from local law enforcement can be several minutes to well over an hour. Consider a campus officer placing an individual under arrest for a crime that has occurred in their presence. This is on campus, during school time and in winter; not an unusual circumstance. The local police agency responding to take custody of the offender is delayed in its response. Currently, for those departments with this device they can safely place the individual in the vehicle, where they won't harm themselves or others, will be kept warm (or cool), they will receive less public embarrassment and be held securely until law enforcement arrives. Without this safety tool the campus officer would have to have the offender wait outside or go into a building that is most likely occupied with students or end the lawful detention/arrest and allow the individual to roam free, where the offender may reoffend and victimize others.

These devices are not solely for those who have been arrested. These devices, as demonstrated by other non-law enforcement entities, are to provide a barrier between the officer and non-custodial (not under arrest) passengers.



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Prohibiting the use of cages

SECTION 2 (4) (d) (cont.)

Authorities in Deschutes County have repeatedly expressed that the partition or partial “cage,” child door locks, and screen behind the seats were used by the perpetrator of the Kaylee Sawyer homicide to trap or hold her. The perpetrator used tools designed for legitimate, safe and appropriate uses to perpetrate his crime. While there are instances where law enforcement officers have also used their patrol car, equipment or their perceived authority to commit criminal acts, we are not aware of any other incidents in the State of Oregon involving campus public safety and security officers. In addition, we are not aware of law enforcement agencies that have prohibited these devices, or other equipment, because of crimes committed by their police officers.

Example: Eugene police officer Roger Magaña, on duty and in uniform, attacked 13 women, some repeatedly. From 1997 to 2003, Magaña preyed on women with drug and alcohol problems. He attacked them in dark alleys, public bathrooms and his patrol car, silencing them with the threat of arrest. One said he pointed a gun and said he would shoot her if she ever told. Convicted of rape, kidnapping and other crimes, Magaña was sentenced in 2004 to a prison term of 94 years.

The deployment of these devices should be in the decision-making authority of institution executives. OCUPSAA does support standards and/or statutes that support safe uses of the devices.

Arrest notifications and retaining of evidence

SECTION 2 (7) (a) (b)

The proposed legislation directs campus officers who make a lawful private person’s arrest to notify the local law enforcement agency as currently required by law. OCUPSAA believes that this directive already exists and more notably the requirement that the arrestee is to be remanded as soon as practical to a sworn peace officer/law enforcement agency. This is supported also through training and procedures in the licensure of private security professionals.

OCUPSAA is not aware of any circumstance where local law enforcement would not be notified, and the arrestee remanded to their custody. However, there are known occasions where local law enforcement has not immediately or expeditiously responded to take custody of the arrestee. This could be due to higher priority calls for service or staffing levels, regardless, there can be an extended period the campus officer must hold the offender.



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Arrest notifications and retaining of evidence

SECTION 2 (7) (a) (b) (cont.)

The proposed legislation directs campus departments that they may not retain evidence associated with an arrest. Undoubtedly with many cases there are items of physical evidence that are found, obtained and confiscated during an arrest. Some items confiscated may also be associated with institution policies that require or allow for confiscation of certain items on campus per policy. Local law enforcement may or may not have interest in retaining these items for prosecution. OCUPSAA agrees that items which are routinely and lawfully confiscated by campus departments during or associated with an arrest, that are needed for prosecutorial purposes should be immediately turned over to the local law enforcement agency. However, those items that the local law enforcement agency deems not necessary for their investigation/prosecution, but are prohibited with college policy, and can be seized, should not be regulated through this statute.

Private Security Professionals and Special Campus Security Officers do not have “Stop and Frisk” authority

SECTION 2 (8)

Currently, Private Security Professionals do not have “stop and frisk” authority other than as it relates to their authority granted in ORS 133.225. This authority currently provided to Special Campus Security Officers is beneficial and directly supports their ability to keep their campuses safe.

When suspicious activity is afoot on the campus, and the campus officer has reasonable belief that a crime is being committed, or about to be committed, they need the ability to act by stopping persons and inquiring as to the nature of the activity. Local law enforcement may have lengthy, or in some cases, no response time to the incident.

Example

While on foot patrol late at night, an officer observed damage to college property in a public area. The officer came upon several people in proximity to the damaged property. The officer identified himself, and stopped the individuals to inquire about their presence. The individuals were intoxicated and belligerent. The officer observed a bulge in the pant pocket of one of the persons, and asked that he raise his jacket so a visual inspection for weapons could be made. A switchblade-type knife was located and the officer took possession of it. The person was not a student; the local police agency was called and they responded.



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Example (cont.)

If the campus officer had not acted and instead operated in an “observe and report” mode, it is highly likely that the suspect would have walked off the campus and into the neighborhood without pause. It was determined that the knife was used to cause the damage to the institution’s property.

Rather than eliminating this authority for Special Campus Security Officers, OCUPSAA believes the authority should be expanded to all higher education institutions. OCUPSAA also believes that this authority must come with appropriate, mandated training and standards.

“Section 3” – ORS 352.118 Amendment

This amendment to ORS 352.118 is contrary to “Section 2(8)” in regard to “stop and frisk” authority of Special Campus Security Officers. Clarification is needed, also see comments previously on “stop and frisk”.

“Section 4” – ORS 238.082 Amendment

This amendment allows only for the employment of PERS retirees as Special Campus Security Officers through the state’s public universities. OCUPSAA believes these experienced professionals are valuable resources for community colleges to recruit. Community colleges experience the same types of crimes and, in some cases, have higher incidence of occurrence and even more significant crimes than public universities. OCUPSAA recommends that this statute be amended to allow for the same employing consideration to be granted to community colleges.

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Recommendations for Creating Safer Campuses

OCUPSAA is committed to working with legislators and officials in establishing or amending laws that promote and have a direct relationship to making our campuses safer. Laws must have a balance that allows for institutional discretion on the level of services they deem appropriate while providing structure that is built through attainable and reasonable standards. OCUPSAA supports laws that are based on national industry standards and best practices that do not lessen the effectiveness or respect for the professional work already being done every day by campus public safety and security officers. Our mission in this discussion is simple; creating safer campuses through legislation that is based on facts and proven strategies.

- The critical need for structured, tiered (depending on service level) and consistent statewide training modeled after the Oregon Department of Public Safety Standards and Training (DPSST) Special Campus Security Officer training that was discontinued by DPSST in 2007.

State mandated training for private security providers is currently 14 hours, with little direct correlation to higher education public safety. OCUPSAA is opposed to this insufficient level of training. Departments throughout our association provide far beyond 14 hours voluntarily, with many providing training in excess of 400 hours. The 14 hours of training provided to a private security provider conducting retail security or licensed premises monitoring does not match the needs, complexity of service demands, level of threat, or community expectations in higher education public safety. The association supports a return to the DPSST provided Special Campus Security Officer Academy training or similar training through other delivery methods.

- Interoperability of radio systems with police, fire and EMS so that during critical incidents communications are not a liability but a benefit to saving lives.
- Providing every higher education security and public safety department the ability to know of threats on campus through access to law enforcement data systems. There should be no difference between private, public, university or community college when it comes to having access to information and data that can provide for safer campuses.
- Supporting continuity in authority across all higher education through legislative processes. Currently the Special Campus Security Officer is granted only to public universities, authority for enforcement of traffic regulations is provided to community colleges and no specific authorities for private institutions. No student's safety is more or less important, and authority for those who protect them should be consistent.



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- Developing a three-tiered approach of service delivery allowing options consisting of basic security services, campus public safety or sworn law enforcement. The choice should be vested in the institution's leadership based upon their service model.

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This proposed legislation is contrary to national practices and sets Oregon to be the state rolling back deterrence and prevention efforts, when the national focus is on creating safer campuses. OCUPSAA supports appropriate and meaningful legislation that will directly improve the safety of our campuses, recognizes and supports the authority of the courageous men and women who serve to protect our campuses everyday, and is derived from national best practices.

If you have any questions or would like further information, please contact Jim Bouziane, OCUPSAA President.

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