



## John Hummel District Attorney

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Dear Chair Barker, Chair Prozanski and Members of the Joint Judiciary Committee:

I'm Deschutes County District Attorney John Hummel. Thank you for inviting me to provide testimony on Kaylee's Law.

### **What are the Restrictions on What Community College Campus Safety Officers Can Do?**

Pursuant to Oregon law, only Oregon's seven public universities have the authority to establish their own police departments. Community colleges do not have this authority. Additionally, community college safety departments and their officers are not included in the definition of "law enforcement units" and "police officers" under Oregon law.

### **What can Community College Campus Safety Officers Do?**

Community colleges are governed by ORS Chapter 341. This section allows the enforcement of traffic regulations on a campus if the following requirements are met:

- Traffic regulations can only be enforced if they are adopted by the community college board.
- The regulations adopted by the board are limited to those related to the "registration of vehicles, the designation and posting of parking areas, and the assessment and collection of reasonable fees and charges for parking."
- The regulations can only apply on the community college's property;
- And the authority of those appointed by the college to enforce the regulations is limited to the scope of the college's regulations.

### **Can Community College Public Safety Officers Conduct Citizen Arrests?**

Can community college campus safety officers arrest suspects pursuant to Oregon's citizen arrest statute? The statute permits a private person to arrest an individual if the crime is committed in the private person's presence and the private person has "probable cause to believe the arrested person committed the crime." If those conditions are met, however, the private person is not authorized to detain and interrogate the suspect in regard to the alleged crime, rather, the private person must take the suspect to a peace officer or magistrate "without unnecessary delay."

Any community college that relies on this statute to arrest a suspect is treading on thin ice because the question of whether a government employee, during the scope of her employment, can legally make a citizen's arrest, has not been directly ruled on by the courts. The Court of Appeals danced around the issue in *State v. Scatchard*, a 2006 case that involved a fire department volunteer who detained someone.

### **Why Does This Matter?**

First, government agencies should comply with the law – hard stop.

In addition, when a community college campus public safety officer, who did not go through rigorous vetting prior to being hired, and did not complete police officer training at the Bureau of Public Safety Standards and Training, performs law enforcement functions like stopping, frisking, and arresting suspects, they put themselves and the public at risk of serious injury and death.

And finally, when community college public safety officers investigate crimes, District Attorneys are often unable to prosecute the case for one of three reasons:

1. The investigation was conducted in an unlawful manner such that evidence cannot be used against the suspect;
2. The investigation was botched due to lack of training at the academy.
3. The investigating officer is not a reliable and credible witness so the district attorney won't put them on the stand.

### **We Value Campus Public Safety**

Central Oregon Community College was founded in 1949 and is the longest standing community college in Oregon. COCC is a treasure in central Oregon. They train our nurses, inspire our young people, work in partnership with Oregon State University Cascades Campus to provide our local businesses the work force they require to innovate and thrive, and bring culture and creativity to our region.

Bend Police Chief Porter and I appreciate the value of having as many eyes and ears on campus as possible working in collaboration with his officers and my department to keep our community safe. When Chief Porter approached me about concerns he and his officers had about COCC's public safety officers it was in a spirit of helping the college figure it out. In a letter to the college in advance of our first meeting on the topic I wrote that: "I look forward to a positive meeting that has the focus of addressing the best way, within the bounds of Oregon law, to ensure the safety of COCC students."

However, throughout the many meetings with COCC on this topic they often stated that Oregon law is unclear on the issue of their policing authority. I respectfully disagree with them on this, but if they think the law is unclear the legislature should clarify it for them. Kaylee's law does this. Here's how:

- Requires a criminal record background check be conducted for campus safety staff
- Authorizes law enforcement agencies to share information with institutions of higher education about applicants who used to work for the law enforcement agency
- Requires that campus safety vehicles:
  - Be equipped with a GPS device and a video camera that records the inside of the vehicle.
  - Conform to standards established by the Board on Public Safety Standards and Training that, at a minimum:
    - Require vehicles to be clearly identified on the front of the vehicle as a campus safety vehicle;
    - Prohibit the use of red and blue lights
    - Prohibit the use of bumpers intended to ram another vehicle;
    - Prohibit the use of cages
- Requires that uniforms worn by campus public safety conform to standards established by BPSST to distinguish campus security from police officers.
- Explicitly requires campus public safety officers who make "citizens arrests" on campus to promptly notify a law enforcement agency with jurisdiction over the campus;
- Explicitly states that campus public safety officers may not retain evidence related to a citizen's arrest except for the purpose of providing it to a law enforcement agency with jurisdiction over the campus
- States that campus public safety officers do not have stop and frisk authority.

I support Kaylee's law because, if passed, it will make it less likely that there will be another victim like Kaylee Sawyer. Thank you for your consideration.

Sincerely,

John Hummel  
District Attorney

