

## **FULL SERVICE PUBLIC SAFETY**

### **The path to a safer university community**

#### **A White Paper on Public Safety at OHSU**

By Gary D. Granger

#### **Executive Summary**

OHSU's Department of Public Safety is regularly and increasingly expected to provide services typical of an agency with full law enforcement authority, but is prohibited from doing so by Oregon law. The OHSU Department of Public safety has a status that is neither that of a security force, nor a police department, including areas of authority that are ambiguous and/or contradictory (see Authority Comparison). This situation hampers the department in its efforts to keep the OHSU community safe and in its ability to achieve national leadership and excellence in public safety in a variety of ways, including its ability to respond to critical incidents on campus similar to Virginia Tech, and its ability to cope with escalating extremist threats—a situation that will worsen as OHSU continues to expand.

*Having a nationally accredited campus police department that participates in mutual aid agreements with community emergency responders and joint training with other law enforcement agencies are all cited as a key strengths in Virginia Tech's response to the April 16, 2007, tragedy.\**

*None of these advantages are available to OHSU absent legislative change that clarifies Public Safety's status as a law enforcement agency.*

\*Virginia Tech Security Infrastructure Working Group Report, August 17, 2007

Moreover, OHSU's promotion of its academic and research missions as the foundation of its strategic advantage in the market make escalation of attacks by the ALF and similar groups all but certain. Under current law, the Public Safety department's ability to effectively address this growing threat is not adequate and will diminish over time as extremists learn to exploit our vulnerabilities.

Rapid legislative change is required in order for OHSU to transition its current Public Safety department into one that has the authority, jurisdiction, resources, training, community integration, and professionalism necessary to effectively protect the OHSU community and support OHSU's strategic initiatives.

At a minimum, the following changes are needed to OHSU's enabling statute (ORS 353), and other areas of the law, before this transition can take place:

1. Designate OHSU's Department of Public Safety as a law enforcement agency and permit OHSU to commission officers as "police" officers under applicable laws
2. Remove statutory restrictions regarding the arming of officers
3. Make explicit the requirement that OHSU's officers are eligible for all training provided to police officers state-wide

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### What's Wrong & What's Needed

The path forward for OHSU points toward national leadership, excellence, and innovation and recognizes our research and educational links to clinical care as our top strategic advantage. For OHSU to succeed, every area of the institution must not only embrace these same goals, but have in-hand the means to achieve them. Unfortunately, OHSU's Department of Public Safety is at an unreasonable disadvantage in its ability to keep pace with this journey and protect our strategic advantage. Despite the vast majority of institutions with missions similar to OHSU's operating professional law enforcement agencies (see sidebar), the State of Oregon continues to have laws in place that limit OHSU's ability to adapt, prepare, and respond to its evolution as an institution and the changing threat landscape. Absent rapid legislative action to correct numerous instances of statutory silence, vagueness, and anachronisms that hamper OHSU's first responders, it is unlikely that our Department of Public Safety will be able to keep pace with evolving and escalating threats, sustain its process of improvement, or achieve the level of excellence required to demonstrate true leadership in public safety.

*Sworn or armed officers are used by over 80% of all public institutions of higher education nationally.\**

*Current state law PROHIBITS OHSU's officers from exercising full police authorities (being sworn) or being armed.*

\*Law Enforcement Agencies, 1995, Bureau of Justice Statistics

### Where We Are

The OHSU community of patients, students, employees, and others expects the university's Public Safety officers to provide a full menu of services, from unlocking office doors to investigating items stolen from offices, from jump-starting cars to investigating suspicious people in parking lots, from assisting clinical staff with difficult patients to protecting the entire OHSU community from anyone intent on harming them. Unfortunately, the current laws that govern OHSU's Public Safety Department *prohibit* it from performing some of the most basic functions of a professional public safety agency. Indeed, many services taken for granted by the community as core to what we do are *not* permitted due to prohibitions and/or "silence" in the law. Most unreasonable, however, is the fact that the department's authority to perform a wide range of essential duties is *unclear* in the law. As the attached spreadsheet illustrates, nearly half of the authorities and jurisdictions considered the backbone of security, public safety, and law enforcement in the public sector are literally gray areas in the law for our officers.

### AMBIGUITY:

*While OHSU's officers are granted Probable Cause arrest powers by the state, they are NOT granted Stop & Frisk authority—a key tool in establishing probable cause during many investigations.*

ORS 353.050(16)

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*On an average day Public Safety officers are called to assist with dangerous or difficult patients over 20 times every day—365 days a year.*

Department of Public Safety Key Indicators, 2007

*A key finding in the government's report on the Virginia Tech Tragedy points to the obstacles in information sharing when someone is likely to be a danger to self or others. A presumed ability for law enforcement is to be able to take such a person into custody before they can act—something OHSU's officers are NOT currently authorized to do under the law.*

Report To The President, On Issues Raised By The Virginia Tech Tragedy, 2007

### Forced to Improvise

The Public Safety Department currently uses a variety of tactics to compensate for these restrictions and lack of clarity, including work-arounds, asking outside agencies for help, not acting on certain issues—and making conscious decisions to act in what we consider the most reasonable manner, despite a lack of clear legal authority to do so. Two such examples are listed below.

### Two Examples

The most relevant and frequent manifestation of this at OHSU involves situations where a mentally ill person behaves in a way that clearly shows that person to be an imminent threat to his/her own safety or the safety of others. Multiple times each year someone in acute distress attempts to take his/her own life on or near our campus. The usual—and expected—response of law enforcement in any community is to intervene in the most humane way possible, take the person into custody, and transport the person to a medical facility for help. Currently, the law governing OHSU's Public Safety Officers does *not* give our officers the authority to take such a person into custody for the purpose of getting that person help. This is unreasonable and places our officers in a "Catch 22": if they fail to act and a person we could have helped is injured or dies while we wait for law enforcement, we may look negligent. On the other hand, acting in a way that takes a person's liberty away without the clear authority to do so presents an array of possible problems. At this point in time our officers have been directed to act *as if* they have this authority and to prevent people from harming themselves or others if the risk is imminent. To fail to act would be unreasonable—and probably less defensible than the chosen alternative.

A second example involves regulatory requirements from the state and federal government for security of irradiator sites maintained by OHSU. The law requires an "armed response" capability for all situations where there is a possible intruder into one of these areas. Because OHSU's officers cannot be armed, our protocol requires requesting that PPB (Portland Police Bureau) respond to these incidents. While this satisfies the letter of the requirement, the intent is to have a rapid armed response capability to prevent unauthorized access to/theft of radioactive materials by determined individuals. However, the response time by PPB will always be at least double the OHSU officer's potential response time.

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### Obstacles to Information Sharing and Partnership

As noted previously in relation to the Virginia Tech tragedy, in order for a university public safety department to be effective it must be fully integrated with law enforcement and other emergency responders in the surrounding communities via mutual aid agreements, information sharing, and on-going joint training. In every case, when OHSU's department of Public Safety attempts to integrate with local, state, and federal law enforcement, we are faced with the same questions: what is your status? Are you police or not? Can we share this with you or not? Are you allowed to train with us or not?

While we have found creative ways to integrate in some areas, the integration is always slower, more difficult, and incomplete—at best—due to our current status.

### Looking Back

In the past two years the scope and complexity of work required of OHSU's Public Safety Department has leapt forward:

- The BRB houses significant levels of high-risk animal-based research—right along side cutting-edge imagery services for patients
- The KPV combines inpatient, outpatient, and *public* spaces into a single facility
- The Tram presents unprecedented challenges for a university public safety department by inserting a public transportation corridor and tourist attraction directly through a clinical facility
- The CHH has inserted the work of our Public Safety officers directly into the fastest growing section of downtown Portland.

*Total Public Safety service calls increased over 10% in the past year, including a 14% increase in assists with patients.*

*Total calls to Public Safety Dispatch reached nearly 175,000 in 2006.*

Department of Public Safety Key Indicators, 2007

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### Looking Forward

The 20/20 vision for OHSU is nothing less than transformative and intended to position OHSU as a national leader in what we do.

Included in this transformation is a new campus on the Schnitzer donated property, more facilities near the CHH and Tram, additional unique partnership agreements, and an increasing emphasis on our research and academic mission as core to our strategic advantage in the market. The following are *some* of the growing and evolving demands associated with the 20/20 vision that will call upon our Public Safety department for continued innovation, excellence in service, and creativity:

- Between 2 and 3 million new square feet of facilities on the Schnitzer campus that will require patrol, response, security monitoring, etc.
- Mixed use of this new campus space, including classrooms, laboratories, student housing, retail establishments, entertainment venues, and expanded public transportation links
- Thousands of parking spaces inside garages under buildings
- Linking of OHSU property with city greenways and other purely public spaces
- Escalating threats and targeting of OHSU by extremists affiliated with animal rights groups

### Escalating Threats to OHSU's Strategic Advantage

The strategic advantage at the core of OHSU's future is its status as a national leader in research that is ultimately translated to clinical treatments for patients. Unfortunately, this is the single most targeted area of OHSU's work by activists and extremists.

Individuals aligned with terrorist groups, such as the ALF (Animal Liberation Front) and the ELF (Earth Liberation Front), who oppose the use of animals in research and any work related to genetic modifications have targeted OHSU for years. As OHSU's visibility has increased, so has the targeting of the institution and its staff to the point where there is now a credible threat of criminal violence targeting OHSU staff and facilities (see sidebar).

*The Oregon Department of Public Safety Standards and Training (DPSST), the agency responsible for certifying all law enforcement officials in the state, currently PROHIBITS OHSU's officers from attending the DPSST Police academy because of "silence" in the law about our status.*

*In the spring of 2007, supporters of the ALF announced to us that the ALF intended to target OHSU in the summer—and they did. In the summer of 2007 the ALF took credit for vandalizing the home of an OHSU researcher—and threatened to fire bomb his home. In the past 12 months, similar targeting of UCLA led to pipe bombs left at people's homes and the resignation of a prominent researcher.*

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### What We Need

The quote at left makes clear that departments charged with the safety of campuses require several things to be effective. What is assumed in the quote is that there exists an appropriate legal framework of authority and jurisdiction. The OHSU Public Safety Department needs just such a framework in order to be effective.

*“There was a consensus that campus police forces, which are on the front lines in keeping campuses safe, need adequate resources, training, and respect to do their jobs effectively.”*

Report To The President, On Issues Raised By  
The Virginia Tech Tragedy, 2007

*A key assumption in the above statement is that the campus has a “police” force upon which it can rely.*

A draft detailed list the changes needed to create this framework is attached. The list below is offered as a brief summary of what is needed:

- Amend the authorizing statute for OHSU to remove restrictions on authorities and to affirmatively afford commissioned officers the same authorities as “police” officers under Oregon law
- Amend other Oregon law, as necessary, to explicitly include OHSU’s commissioned offers is all other statutes that address the authorities of “police” officers
- Revise OHSU policy to incorporate statutory changes
- Revise OHSU policy to delegate the authority to permit or restrict the implementation or use of all granted authorities to the OHSU Director of Public Safety

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### Armed vs. Unarmed Officers

In the aftermath of the Virginia Tech shootings the OHSU Department of Public Safety undertook a review of how the department would respond to an “active shooter” incident on campus. Because OHSU’s officers are currently prohibited from carrying firearms, the review examined both how our officers would respond, as well as a close look at how our local law enforcement agency, the Portland Police Bureau (PPB), could be expected to respond, and how the two departments would interact.

*The average emergency response time on campus for OHSU officers is 3-4 minutes with multiple officers on scene. Portland Police, EMS, and Fire responses for single units average at least twice that time . . .*

*Active shooter incidents last an average of 8 minutes.*

### Stopping The Killing

*Research into active shooter incidents over the past decade indicates that the moment a suspect is confronted by an armed law enforcement officer, the suspect stops targeting the original victims and focuses on the officer.*

*Our analysis indicates it would be at least 15 minutes before this could happen under the current circumstances.*

### Our review came to several conclusions:

1. OHSU officers would always be the first to arrive on scene
2. A minimum of 3 uniformed OHSU officers could be on scene in well under five minutes 24/7
3. OHSU officers would not be able to approach the actual scene of a shooting any closer than the nearest available hard cover and would have to maintain an escape route at all times
4. PPB officers would begin to arrive on campus in approximately 5 to 8 minutes
5. It would take approximately 15 to 20 minutes from the time of the initial call for assistance for PPB to assemble a five-officer contact team on campus
6. OHSU officers would not be able to lead PPB officers to the shooting scene in most potential scenarios because the OHSU officer would be unarmed and untrained in the team movement tactics used by PPB
7. Due to the dense, complicated, and vertical nature of our campus, the PPB contact team would likely experience significant difficulty in finding and securing the location of any shooting
8. It is likely that an active shooting incident at OHSU would self-terminate (e.g., suicide, hostage situation, suspect fleeing, etc.) before PPB could intervene

The stark conclusions above illustrate one significant liability of maintaining an unarmed department of first responders: *they cannot always respond first.*

Fortunately, active shooter incidents are relatively rare. However, there are many types of incidents where an armed response capability is the most reasonable and provides the greatest margin of safety for all. A few such scenarios are listed here:

1. Armed individuals on or near campus
2. Shots fired on or near campus

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3. Violent individuals armed with knives or other potentially lethal weapons
4. Individuals on campus who are believed to be armed and dangerous due to previous law enforcement contacts and/or a criminal record
5. Individuals on campus in violation of exclusion or protection orders for violent behavior and/or threats of violence

It is worth noting that while actual incidents, such as those listed above, are not frequent, it is not uncommon for reports of such incidents to be received by Public Safety—and for our officers to respond and investigate.

In summary, our current reliance on unarmed officers as de facto first responders places our officers at a clear disadvantage, and limits their ability to protect the OHSU community. Concurrent with the required statutory changes, OHSU should explore options for arming at least a significant portion of its Public Safety officers.



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### Transition

The purpose of a transition from the current set of authorities to those necessary to provide a full service level is to *permit OHSU to actively determine what level of service is appropriate as a matter of policy* and to tailor public safety services to match demands *without the need for repeated trips to the legislature.*

OHSU will maintain the ability to regulate the application of all Public Safety authorities by policy and administrative directive at all times.

Such a transition is not uncommon (see sidebar) and there are many industry resources for the development of a detailed transition plan for implementation once the law has been changed.

Some aspects would potentially take years to fully implement (if at all). Other authorities could be put in place almost immediately. Additionally, the Public Safety department could (as is common at university medical centers) develop a two-tiered department where some officers work in a capacity where full authority is not required, while others undergo additional training and exercise all available authorities, including potentially being armed.

### Possible Rapid Implementation Authorities

- Stop & Frisk
- Community caretaking
- Law Enforcement information sharing
- Integrated and joint training

### Authorities Requiring Discussion and/or Longer Implementation Plans

- Issuing citations for crimes, traffic offenses, etc.
- Present warrant applications to courts
- Integration of training programs with DPSST and law enforcement agencies
- Arming officers with firearms

### Costs

A detailed cost analysis will need to be done that accounts for the following:

- Potential salary range adjustments for officers given increased authority and responsibility
- Increased administrative costs related to processing citations, transporting persons taken into custody, retention of evidence,

*Syracuse University transitioned over half of their Public Safety officers to fully sworn officers in 2005 after a decade of limited authorities similar to those currently in place at OHSU.*

<http://Publicsafety.syr.edu>

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changes in record keeping requirements, and increased training requirements\*

- Costs associated with arming some or all officers

\*Under the current laws, OHSU's officers attend an abbreviated training academy conducted by the Oregon DPSST (Department of Public Safety Standards and Training) that is adapted from the standard police academy curriculum. OHSU (and other Oregon universities) are required to pay the full cost of this training. However, DPSST is funded by the state to train "police" officers at no cost to the agency. Statutory change making OHSU's officers "police" would make them eligible for the police academy at no cost to OHSU. OHSU would pay only the officers' salary during training.

#### **Timeline**

A detailed project plan and timeline will need to be developed. However, based on the experience of similar agencies (see sidebar on previous page) and our estimates, a full transition that included implementation of all recommended changes—including arming—would take between 12 and 24 months.

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### **Additional Details**

#### **Recommended Statutory Changes**

1. Amend the section of the OHSU authorizing statute that defines the university's ability to have "Special Campus Security Officers" (ORS 353.050(16)) to the extent necessary to both remove existing ambiguity in the law, as well as to insure that all of the authorities and jurisdiction needed for the performance of essential public safety duties are available to OHSU's Department of Public Safety. In short, the full authority and jurisdiction of law enforcement officers in the state of Oregon (police powers) should be granted to OHSU's officers, *subject to OHSU's policy*.

#### **Recommended Follow-up OHSU Policy Changes**

1. Amend OHSU policy to permit the Director of Public Safety to implement statutory authorities selectively or comprehensively, as appropriate to the evolving security and safety demands in the OHSU community
2. Amend OHSU policy to change the name of the Public Safety department to the following: Oregon Health & Science University Police & Public Safety
3. Revise the OHSU Position Description for the Director of Public Safety to the following: Chief of Police & Director of Public Safety

OREGON HEALTH & SCIENCE UNIVERSITY  
DEPARTMENT OF PUBLIC SAFETY  
AUTHORITY COMPARISONS\* AND RECOMMENDED CHANGES

July 16, 2007

| Authority  | OHSU OFFICERS |                  |          |             | Implementation Notes  |
|--|---------------|------------------|----------|-------------|---|
|  | Police        | Private Security | Current  | Recommended |   |
| Arrest for observed crime  | Yes           | Yes              | Yes      |             |   |
| Arrest with warrant  | Yes           | No               | Likely   | Yes         | Immediate: current practice                                     |
| Arrest for Probable Cause w/o warrant                            | Yes           | No               | Yes      |             |   |
| Stop & Frisk   | Yes           | No               | Unlikely | Yes         | Immediate: current practice                                     |
| Issue citations for crimes                                       | Yes           | No               | Yes      |             |   |
| Issue citations for violations                                   | Yes           | No               | No       | Yes         | Rapid: requires minimal training & coordination                 |
| Use reasonable force   | Yes           | Yes              | Yes      |             |   |
| Use Tasers   | Yes           | Yes              | Yes      |             |   |
| Use firearms   | Yes           | Yes              | No       | Yes         | Long-term: requires detailed evaluation, training plan, funding |
| Present warrant applications to court                            | Yes           | No               | Unlikely | Yes         | Mid-term: requires training & coordination                      |
| Community Caretaking   | Yes           | No               | Unlikely | Yes         | Immediate: current practice                                     |
| Investigate crimes   | Yes           | Limited          | Yes      | Yes         |   |
| Receive law enforcement confidential information                 | Yes           | No               | ?        | Yes         | Rapid: requires outreach to law enforcement partners            |
| Traffic law enforcement  | Yes           | No               | No       | Yes         | Long-term: requires detailed evaluation, training plan, funding |
| Emergency Response   | Yes           | No               | ?        | Yes         | Mid-term: requires training & coordination                      |
| Integrated planning & coordination of safety & response planning | Yes           | No               | ?        | Yes         | Mid-term: requires training & coordination                      |
| Law Enforcement Training   | Yes           | No               | ?        | Yes         | Mid-term: requires training & coordination                      |
| Law Enforcement mutual aid with other jurisdictions              | Yes           | No               | ?        | Yes         | Mid-term: requires training & coordination                      |
| Law Enforcement Data System (LEDS) access                        | Yes           | No               | Yes      |             |   |
| Grants for Law Enforcement agencies                              | Yes           | No               | ?        | Yes         | Mid-term: requires internal resource development and training   |

\*This document prepared by OHSU Public Safety in consultation with OHSU Legal and the Multnomah County District Attorney's office