

## **International Association of Campus Law Enforcement Administrators**

Washington Office: PO Box 468/Harpers Ferry, WV 25425 PHONE: (304) 702-1698 Website: [www.iaclea.org](http://www.iaclea.org)

### **ISSUE BRIEF**

#### **SEAN COLLIER ACT**

**Goal:** To expand eligibility for federal death benefits to the families of sworn officers killed in the line of duty who are employed by private colleges and universities.

**Budget Impact:** The Congressional Budget Office estimate of cost is zero. Realistically, the cost would be between \$30-60,000 per year over a ten year period.

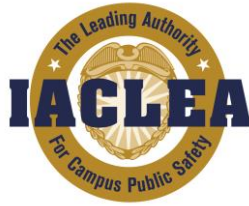
**Background:** When Officer Sean Collier was killed in the line of duty during the search for the Boston Marathon bombers, he was a sworn police officer employed by the Massachusetts Institute of Technology in their campus public safety agency. This fact and this fact alone made his family ineligible for federal death benefits which are paid to law enforcement officers who give their lives while on the job. Had Officer Collier been employed by the Cambridge, MA police department or a public institution of higher education, his family would have been eligible for benefits.

Officer Collier was killed for one reason alone – those allegedly responsible for the bombing saw him as a police officer. Yet his employing agency's status as a non-profit private institution negated consideration of benefits for his family. IACLEA believes that the cut and color of a uniform should not be the determining factor for eligibility for federal death benefits for sworn police officers. He was killed because he was a police officer and should be treated as a matter of fairness as a police officer.

Bipartisan legislation has been introduced in the House and Senate in years past to remedy this disparity. Officers at other institutions over the years have also been denied eligibility for benefits, from Butler University in Indiana to Brown University in Rhode Island. It seems a small issue and has been lost in consideration of other pressing challenges as well as routine legislative business. To the family of Officer Collier and to those of other sworn officers killed in the line of duty, nothing could be more important. And to the thousands of sworn officers working to protect students, faculty and staff at our nation's private colleges and universities, it is no small issue either. They are police officers willing to lay their lives on the line for their campus community and the communities that host them alike.

The financial cost is small to recognize such a large sacrifice. We urge Congress to pass this legislation that would put sworn officers at private institutions on par with other law enforcement professionals. It is a simple act of fairness.

**Request:** Contact Rep. Michael Capuano or Senator Jack Reed to cosponsor the Sean Collier Act.



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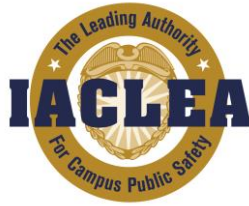
#### **NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY**

**Goal:** To continue funding for this resource for campus first responders and thank Congress for its support for programs being developed by the Center.

**Budget:** Congress approved funding in Fiscal Year 2012 and each year thereafter for a total to date of \$6.3 million to serve first responders tasked with protecting the infrastructure of our campuses and 17 million college and university students.

**Background:** The House unanimously passed authorizing legislation for the National Center to ensure that campus public safety had the federal resources of other first responders, such as the National Fire Academy for fire fighters and the FBI for local law enforcement. With millions of students to protect and serve along with critical federal research programs and several nuclear reactors on university grounds, the job of keeping campuses open and safe has become more challenging over the decades. A centralized place for developing best practices for campus public safety officers for their wide range of responsibilities is, in part, a national task which Congress has recognized. The Senate Judiciary Committee approved the Center, but campus tragedies over the last decade prompted Congress as well as the Administration to fund the Center before authorization was completed. This appropriation has continued for three years, through this current fiscal year and the Center is up and running.

**Request:** To continue support of the Center and its research as well as development and delivery of training programs using best practices for various challenges in campus policing.



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#### **REGULATORY REFORM**

**Goal:** To simplify federal regulations and avoid duplication, confusion and unnecessary expense in complying with U.S. Department of Education requirements for campus public safety reporting and practices.

**Background:** The six pages of law that govern college and university campus public safety has been translated into 600 pages of regulations, sub-regulatory guidance and a resource handbook for compliance by the US Department of Education. What began as reporting of crime statistics for prospective and current students and their families has become recordkeeping of incidents, many not classified as crimes, that comes at a cost to colleges and universities equivalent to more than one officer on the beat. (Old Dominion University study, 2014)

We fully support transparency about the safety of our campuses. We believe that regulations requiring reporting one incident 19 times does more than confuse those reading the numbers. However that is what the regulations require.

Another example of regulatory requirements is the reporting of community crime near a facility where students may spend a short time on a field trip, including abroad. Campus Chiefs of Police and Directors of Public Safety must seek crime statistics for the area surrounding a hotel, school owned facility or foreign housing that are visited by students in areas as varied as Beijing, China and Moscow. This requirement is contained in sub-regulatory guidance – not in law – nor is it grounded in the intent of the law. Guidance for reporting was simply issued by the Department of Education.

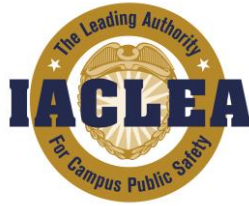
Some regulations require reporting of crimes that are not crimes in all states. In some cases regulations do not define terms, nor are those terms defined in state law. And in some instances, ED definitions are at odds with state definitions.

Simply put, compliance is not an easy task, and it takes away valuable patrol and training time from those who could and should be available to students who need them. Further it is not always a task that leads to clarity or useful information for the consumer.

**Request:** Review regulations to streamline requirements that will give a full and clear picture of campus crime without confusing additions that do little to practically address concerns about safety. With each additional change or addition to campus public safety law or regulations or sub-regulatory guidance, require a time and cost analysis by OMB that requires their personnel to be campus-based when calculating time and cost.

Note that a report under the direction of the American Council on Education, requested by a bipartisan group of U.S. Senators, has several recommendations for regulatory change that keeps to Congressional intent without an additional hundreds of pages of direction developed by the Department of Education. Of those recommendations, several related to campus public safety appear in the top twenty list.

We ask for your support of the House and Senate Education Committees as they seek regulatory reform.



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#### **GENDER VIOLENCE ON CAMPUS**

**Goal:** To effectively address incidents of gender violence on campus using new and existing best practices and resources.

**Background:** It is hard to keep up with news reports and not read or hear about campus gender violence. As officers charged with keeping colleges and universities safe environments, we take our responsibilities very seriously. To that end, we endorse many of the changes brought about in the Violence Against Women Act Amendments, whose regulations went into effect November 1, 2014. While the regulations contain some problem provisions, we do support transparency in reporting of gender crimes and believe the counseling and support programs mandated for victims is as important as a robust education session for incoming students, faculty and staff.

We recognize that these crimes and incidents require a victim-centered response. We also recognize many victims find it difficult to report an assault to public safety authorities for a variety of reasons. For many who do not report assault, there is no way for campus public safety to know about a specific problem or crime, and no way to investigate or refer to local law enforcement. In many cases the victim wishes to remain anonymous, which limits what campus safety can do and in some states that anonymity cannot be honored. Ongoing education of students about resources available to them to avoid an assault or report one is key to addressing this very real problem.

The November 1<sup>st</sup> regulations address campus education, victim support and public safety issues with an emphasis on victim centric programs and annual education for all those on campus in order to address the fullest extent of the problem.

We believe this law and these regulations, while including some provisions that are more paperwork than programs, still represent a significant change in campus administration as it relates to education of students, investigations of reports and administration of justice.

Campus public safety leaders have made a significant commitment to an initiative to make the law and regulation work for all institutions. IACLEA, the National Center for Campus Public Safety and the International Association of Chiefs of Police have sponsored two summit meetings to identify promising practices in sexual assault investigations training, protocols and procedures to ensure an effective response that meets the requirements of the Clery Act and Title IX of the Civil Rights Act.

**Request:** Before consideration of new programs and requirements related to campus sexual assault, we ask that the new regulations have a chance to yield results that are sensitive to both victims and due process.