

- SUBJECT:** Mutual assistance contracts for private university police departments
- COMMITTEE:** Higher Education — favorable, without amendment
- VOTE:** 8 ayes — Morrison, McCall, F. Brown, Alonzo, Aycock, D. Howard, Patrick, Rose
- 0 nays
- 1 absent — Giddings
- WITNESSES:** For — S. Leon Bennett, Southern Methodist University; (*Registered, but did not testify*: Carol L. McDonald, Independent Colleges and Universities of Texas)
- Against — None
- BACKGROUND:** Education Code, sec. 51.212 authorizes the governing boards of private institutions of higher education to employ and commission peace officers to enforce state law on campus.
- DIGEST:** (*Rep. Pitts intends to offer a complete floor substitute for HB 1213:*)
- The proposed floor substitute for HB 1213 would add Education Code, sec. 51.2125 to permit a private university to enter a mutual assistance agreement between its police department and a neighboring municipality's law enforcement agency. The substitute would apply only to a university with a fall headcount enrollment of more than 10,000 located contiguous to or partially within a city with a population of more than 1 million (Southern Methodist University).
- Both HB 1213 and the proposed floor substitute would amend Education Code, sec. 51.212 to change the reference from "security" to "peace" officers at private universities, as long as those departments and officers met state licensing requirements. The substitute would authorize campus peace officers to enforce state law on campus and while performing duties off campus as part of the mutual assistance contract.

The mutual assistance agreement could designate the geographic area where campus peace officers could assist municipal peace officers, but it would not affect the municipality's duty to provide law enforcement service anywhere within the city's border, including the private university's campus. The mutual assistance agreement would require campus and local peace officers to enforce state or local law, including municipal ordinances, without receiving additional compensation or other financial benefits.

The substitute would authorize the municipal police department authority to supervise any campus peace officer assisting municipal police officers. The bill would not limit the authority of a campus peace officer to make a warrantless arrest away from the campus if the campus peace officer witnessed a felony in progress and then notified the proper jurisdiction after making the arrest. Other provisions would make the private university liable for any act or omission by a university peace officer while working outside the campus as part the mutual assistance program.

Any mutual assistance program would be subject to annual review by the university and local government entities signing the agreement and could be terminated at any time as long as reasonable notice was provided.

The proposed substitute would provide an appeals process for any campus peace officer who was disciplined or denied promotion because of actions taken while assisting another law enforcement agency as part of the mutual assistance program. The appeals process would include:

- a 30-day deadline to appeal disciplinary action or denial or promotion;
- final and binding decisions by an independent third-party hearing examiner;
- procedures for selecting the third-party hearing examiner; and
- further review by a district court only in cases where fraud, collusion or other unlawful actions influenced the third-party hearing examiner's decision.

The third-party hearing examiner, after a hearing, could order reinstatement of a demoted, suspended or terminated campus peace officer or promotion to the position denied to the officer. The examiner could also award lost wages and other compensation for the disciplinary or promotion decision.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

SUPPORTERS  
SAY:

The floor substitute for HB 1213 would provide Southern Methodist University with the authorization it needs to enter mutual assistance contracts with surrounding municipalities to manage its current law enforcement efforts. The university predates the existence of the municipality of University Park and once had a less formal, but workable agreement with its police department. SMU now operates campuses located in four cities and two counties, including a new campus in Plano. Its campus police department is stretched thin. The university needs clarification of the duties of its officers as they travel to and from the various campuses and the ability to call upon other law enforcement agencies for assistance.

The bill is needed to clarify SMU's role in assisting other law enforcement agencies. Dallas County already has designated the campus as a site to dispense vaccinations and other medications in the event of a pandemic or other medical emergency. The university needs statutory authority to sign and manage multiple contracts with other law enforcement and emergency response agencies.

In addition, demands to provide additional protection and to coordinate among various law enforcement agencies only would increase should SMU become the site of the George W. Bush Presidential Library. The university is in final negotiations on the project, and having a presidential library on campus could place burdens on SMU to provide additional security for the presidential library and for dignitaries who would visit the campus. The university should have the flexibility reach agreements with neighboring jurisdictions to provide the needed law enforcement.

The portion of the floor substitute that would authorize the mutual assistance contracts is narrowly defined to apply only to SMU. However, Rice University and Baylor University, including its medical school, would benefit from the clarification that private university police officers are peace officers rather than merely security guards. Private university police departments are highly trained and professional organizations that meet state licensing standards. They are far removed from the days of being "campos" or campus security departments, and that transition should be recognized in state law.

Private police officers would remain under the supervision of the municipal police department as part a mutual assistance contract and would gain no additional autonomy off campus. The substitute specifically provides for public oversight of these officers.

The substitute would provide due process for private university police officers working off campus as part of the mutual assistance program. They would be serving essentially as municipal peace officers and deserve some of the protections provided to city police officers through civil service. The appeals and hearings examination process would apply to actions as part of the mutual assistance contract and would not apply to the officers' regular duties and responsibilities on campus.

The legislation is permissive and would require neither the university nor a local jurisdiction to sign a mutual assistance contract. Any such agreement would be subject to continuing review and could be terminated by any party if the contract were to become burdensome or expensive.

OPPONENTS  
SAY:

SMU willingly added its Plano campus and has actively bid for the presidential library and also should be responsible for paying for its own law enforcement needs. A mutual assistance contract could be seen as a taxpayer subsidy for a private university.

The bill should not include the quasi-civil service system to allow appeals of disciplinary or promotion decisions allegedly related to actions taken as part of the mutual assistance contract. SMU already has its own disciplinary process, and those applying for the position and now serving on the university police department agreed to follow those rules.

OTHER  
OPPONENTS  
SAY:

The bill should be available to all private universities, no matter where they are located. Private universities and colleges in smaller cities or rural areas might need to enter mutual aid contracts as well as those in large urban areas.

NOTES:

The proposed floor substitute differs from HB 1213 with the provision that limits the bill to private universities with a fall headcount enrollment of 10,000 rather than the 5,000 enrollment provided in the original bill. The substitute also would add the appeals process for disciplinary and

promotion decisions related to university police actions taken off campus  
as part of the mutual assistance contract.