

**Claim: PubSafe will be armed with guns under this new law**

No, this law doesn't explicitly arm Public Safety. Peace officers in general can bear arms, but so can public safety. The laws that govern carrying on campus (PEN 265.01 and S101A) are the same for campus security officers and peace officers; if the president of the institute allows and if they have a permit, they could carry on campus. Currently, Public Safety does not carry guns, and according to Director Thomas, they have no intention to carry guns.

**Claim: PubSafe can perform warrantless searches on students under the new law**

Yes, BUT Public Safety currently has the right to search students "where safety is involved" even without an administrative warrant, so they theoretically can already search students on campus. The specific legal wording changes, however. As peace officers, they can search with "probable cause", though the scope of their search ability is limited to "whenever such searches are constitutionally permissible". The powers as peace officers are for breaking the law, while the powers as public safety officers are for breaking RPI policy.

If they search you as a public safety officer, they need an administrative warrant, and anything they find can only be used in RPI judicial proceedings if the search is unconstitutional. (Without a subpoena, the school can only report the student's name, accusation, and verdict on their end to any external bodies, and if the search is conducted unconstitutionally the information is inadmissible regardless in a court of law.) If they search you as a peace officer, they may be able to share more information with local police (per Public Safety) but the scope of this is unclear since there are no federal court cases to set a precedent. It is likely that the same limitations apply.

**Claim: PubSafe can perform warrantless searches on students' property under the new law**

If the property is RPI property (eg, a dorm or a locker), PubSafe can currently search it with an administrative warrant as campus security. This concept is not unique to RPI; it's been ruled upon in multiple court cases for public and private schools alike. The findings can be used for RPI judicial proceedings only.

If the property is not owned by RPI, they cannot search it in their capacity as security officers (Handbook, Article 7 part C). As peace officers, they would have to get special permission on a case-by-case basis from the local law enforcement officials in order to search off campus. The rules of "fruit of the poisonous tree" for the court of law apply.

**Claim: PubSafe can perform warrantless arrests under this new law**

Yes, BUT this is something Public Safety can currently do as campus security. Private college security officers may conduct searches if there is "reasonable cause", which has a very narrow and explicit scope under EDN 6435. Peace officers may conduct searches if there is "probable cause", which sounds similar but isn't explicitly defined in any legislature or court findings.

**Claim: PubSafe has the powers of peace officers off campus under this new law**

Yes: for transporting patients under MHL 9.41 to a hospital or arrested individuals to TPD

No: for all other cases, unless they are given specific permission by the local law enforcement officials or additional legislature is passed by the New York State Senate (as with University of Rochester in 2017)

**Claim: PubSafe can use deadly force under the new law**

Deadly force is a legal term that specifically refers to “force which a reasonable person would consider likely to cause death or serious bodily harm”. The two main cases of precedent for this are guns and cars. That means that if a police officer uses pepper spray and accidentally kills someone with it, that would not count as deadly force, since a reasonable person wouldn’t expect pepper spray to kill someone. Similarly, if a police officer used a gun, shot someone in the foot and didn’t kill them, it would still count as deadly force. (See CFR 1047.7)

PubSafe can use deadly force for self-defense. Peace officers are also allowed to use deadly force if particular offenses are committed or attempted or an armed person resists arrest (outlined in PEN 35.30)

**Q: What’s even the point of this bill then?**

According to Director of Public Safety Vadim Thomas, they want to be able to do three specific things: forcibly transport patients in a mental health crisis under MHL 9.41; transport arrested individuals to TPD; and enforce orders of protection.

Public Safety currently cannot forcibly transport patients in a mental health crisis to Samaritan, or allow an EMT to do so. In this case, a mental health crisis is defined as a case where someone is acting in a way that will “likely to result in serious harm to the person or others”.

They have had cases of waiting 30 minutes to an hour for TPD, with a student threatening harm to themselves. The only way for them to be able to help these people or to allow any EMS to bring these people to the hospital is through peace officer status.

Public Safety currently cannot transport arrested individuals to TPD for processing. They do not have a holding cell, and they again have waited inordinate amounts of time for TPD to get this individual, which is a drain on DPS resources, and is unfair to the arrested individual.

Finally, Public Safety currently cannot enforce orders of protection, or restraining orders. This has posed a problem in the past, especially in regards to Title IV cases. They can only currently issue persona non grata letters. Peace officer status is the lowest status they can obtain to allow them the right to enforce protection orders.

**Q: What will actually change?**

What a complicated question. Beyond the changes detailed above, they will have slightly more ticketing power for vehicles (so, don’t park in front of a fire hydrant), and they have a slightly larger scope for reason to search or arrest. That being said, in previous meetings, we have established that hearsay is not reasonable cause. Firearm permissions will not change. Off campus residences will not be affected. They may be able to share more information with the Troy Police Department, but the scope is unclear.

**Q: What does this mean for judicial actions at RPI? Legally?**

If a PubSafe Peace Officer were to theoretically search a student within their powers as peace officers, that evidence is still “fruit of the poisonous tree” as far as the court of law is concerned. However, as long as they had an administrative warrant, they could use that evidence for RPI judicial action.

**Q: How many public safety officers will be made into peace officers?**

According to Director Thomas, only a few of the top of the chain of command would be made into peace officers.

**Q: Who determines which officers will become peace officers?**

The President of the Institute and the Board of Trustees will determine which officers will become peace officers. The law enforcement officials for the city of Troy have oversight and can deny any individuals that they deem unfit.

**Q: How will they be held accountable?**

They will be overseen by the NYS DCJS (Department of Criminal Justice Services). This is a New York State institution. Public Safety currently has to issue a report every year summarizing some key statistics. The option of peace officer status will require them to submit additional documentation to DCJS yearly.

**Q: How will they be trained?**

Currently, PubSafe officers train alongside peace officers, and then peace officers go on to train to handle firearms. This training would remain intact, and 332 hours of additional training would be added. This training is run through the Police Academy, so the same governing body regulates training for both types of officers (i.e. the municipal police training council).

**Q: Alright, you’ve informed me, and I have my opinion. What can I do?**

Great! Firstly, some of you have already contacted your NYS senators. But, you can also contact your senators for your class here at RPI, either via email, in person, at student government meetings, etc. We’ve been told by state legislators that, as students, our support or opposition could make or break this bill. The RPI Senate is debating whether or not to issue official support, but your senators represent you and letting them know how you feel has a huge impact. Also, spread the word. Students need to know what is going on. Make sure your friends make a well-informed opinion about this important topic.

- **Contact your student representatives: <https://sg.rpi.edu/people/body/1> (page might be out of date)**
- Express your opinion on the [state senate site](#)
- Contact [Senator Neil Breslin](#)
- Contact [Assemblyman John McDonald](#)