

OFFICE OF THE PUBLIC DEFENDER

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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 8293

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE—ARREST

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **opposes** House Bill No. 8293, which proposes to grant security personnel, guards, and safety officers employed by private universities authority to detain individuals without a warrant for up to thirty minutes.

This bill would allow “non-sworn public safety officers and security guards [to,] without a warrant, detain any person for any criminal offense, whenever the public safety officer or security guard has reasonable grounds to believe that an offense has been committed” for a period of up to thirty (30) minutes. The problem is that **even sworn police officers cannot do this**.

In order for a sworn police officer to detain an individual for thirty minutes without a warrant, they would, in nearly all circumstances, need probable cause to believe that a crime has been committed. Indeed, even a brief detention of much less than half an hour requires evidence of reasonable suspicion of the same. (It is not clear if “reasonable suspicion” is a higher standard than “reasonable grounds,” which could present an additional problem.) It does not make sense to allow non-sworn officers to have greater powers of detention than sworn officers, who have received much more standardized and rigorous training.

The OPD is very aware of the recent mass shooting at Brown University, and we share in the community’s grief. We merely want to caution against enacting the expansive language in H8293, which would allow non-sworn officers to detain individuals on less suspicion than duly trained and sworn police officers, in violation of the constitution.

Sincerely,

/s/ Angela M. Yingling

Angela M. Yingling

Legislative Liaison

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