

A REVIEW INTO THE NECESSITY AND FEASIBILITY
OF ARMING THE BUCKNELL UNIVERSITY
DEPARTMENT OF PUBLIC SAFETY

THOMAS KIRK

PART I

Emergency Response Capability for Universities

- Ever increasing frequency of violent incidents at shopping malls, work places, schools/universities, and even churches have caused all institutions to reassess their risk analysis responsibilities... and liabilities.
- Escalating forms of violence increasingly involve the ability to inflict mass murder with ever more efficient methods of killing through the use of semi-automatic and automatic weapons coupled with large quantities of magazine fed ammunition. Each incident tends to expand on the lethality of the previous event (copy-cat syndrome)
- The role of the “First Responder” for law enforcement has rapidly evolved from the “contain and wait for the SWAT team” philosophy employed at Columbine High School to the “rapid armed intervention by the first responders” strategy employed at Virginia Tech and the New Life Church shooting in Colorado Springs (12/11/07), in an effort to minimize the loss of life and injury to those involved.
- The Governor of Virginia appointed a Virginia Tech Review Panel of experts to perform an independent analysis of the events of 4/16/07 and to make recommendations. Panel members included: the retired Virginia State Police Superintendent, the Dean of the School of Medicine for University of Virginia, former Director of the State Counsel of Higher Education, a PhD 20 year retired FBI forensic behavioral scientist, the Director of Fairfax County Police Victim Services Division, Tom Ridge, former governor of Pennsylvania and first US Secretary of Homeland Security, a Professor of Psychiatry and Pediatrics at Virginia Commonwealth University Medical Center, and a former circuit judge in the Virginia court system. These nationally recognized individuals brought expertise in many areas including law enforcement, security, governmental management, mental health, emergency care and triage, victim services, the Virginia court system, and Higher Education. Further, they were supported by expert technical assistance of disaster analysis by the Systems Planning Corporation and dedicated legal counsel on a pro-bono basis, by the law firm of Skadden/Arps etc LLP.

Among the key findings of the VT Review Panel and specifically pertinent to the arming issue at Bucknell are the following points:

“Police cannot wait for SWAT teams to arrive and assemble, but must attack an active shooter at once using the first officers at the scene...”¹

“Since all crime is local, the response to emergencies caused by crime should start with a local plan that is linked to the wider community...”² With regard to overall emergency response ancillary responders, the report emphasized that “Universities and colleges should work with their local government partners to improve plans for mutual aid in all areas of crisis response including that of victim services...”³ (including medical, psychological care and external communications).

- BUPS are the First Responders to all incidents on Bucknell campus and Bucknell owned facilities in and around Lewisburg. They are, however, currently unarmed and forbidden to intercede in any potentially violent situations due to their inability to defend themselves or others. It is noted that BUPS officers receive the same police academy training (including firearms and use of deadly force) and have the same legal authority and jurisdiction as their local area counterparts.

Thus from a purely law enforcement perspective, I can readily concur with the recommendation to arm the Bucknell University Public Safety Department to enable them to become truly effective First Responders to all situations, as well as to insure their own safety. It is also my belief that the bar of responsibility has been raised considerably for colleges and universities as a result of the events of 4/16/07. As such, my recommendation is also in accordance with the findings of the Virginia Tech independent review panel board of experts with regard to the responsibilities of First Responders. My recommendation presumes, of course, that the BUPS staff have the renewed adequacy of firearms training and psychological testing to ensure familiarity and proficiency with the particular weapon to be issued.

PART II

Ancillary Issues to the Arming Proposal

- Can other non-lethal weapons be employed in lieu of the issuance of firearms (i.e. Tazer, bean bag rounds, rubber bullets, etc)?

By definition, non-lethal force weapons would have little, if any, deterrence on a violent offender who knows of the non-lethality capability of BUPS. In addition, most of these type weapons require the police to approach to a close proximity to the offender to be effective, thereby needlessly jeopardizing the responding officer. It should also be noted that BUPS already have two non-lethal interventions available to them in the form of pepper spray and police batons.

- Do Bucknell's crime statistics warrant the issuance of firearms to BUPS?

Crime threats from external sources are currently low. A significant amount of violent crime does not exist at Bucknell nor most other universities. Bucknell's crime statistics principally center on non-violent offences such as burglary, vandalism, theft, alcohol violations, etc. with an occasional violence related incident.

According to the Virginia Tech review panel research,

“The numbers of shootings on campus are relatively few - about 16 a year at approximately 4000 colleges and universities, according to the US Department of Education Campus Crime Statistics for 2002-2004.”⁴

Despite the relative infrequency of shootings, universities are currently under intense scrutiny to show that they are prepared to respond properly to violent incidents, to intervene to protect students, and to professionalize their security, both as an appropriate university responsibility to its constituents and partially to mitigate their legal/liability ramifications. It should also be noted that Bucknell and most other universities have already appropriated large expenditures of funds for warning communications networks, access control systems, and other security related investments as a direct result of the Virginia Tech incident.

- Could Bucknell rely on a rapid response from local area police departments to intervene in an emergency situation in lieu of arming BUPS?

Bucknell Student Government (BSG), in their November 2007 report to the Arming Committee, has already voiced a preference for first responder status by BUPS rather than local area police personnel because of BUPS' greater familiarity with Bucknell students and their campus. This preference has become stronger as they perceive BUPS becoming more receptive to input from the Bucknell community.⁵

As reported in Bucknell's arming proposal, dated 10/8/07, the two departments with immediate jurisdiction are the Lewisburg Police, with eight full-time and three part-time officers and the East Buffalo police, with eight full-time personnel. LPD normally has one to two officers on duty per shift with a maximum of four officers available for special event occasions given advance notice. Response time would be within minutes if not already involved in a call or incident. EBPD has a staffing level of one officer per shift, occasionally two. Interviews with both chiefs of police, Paul Yost of LPD and Barry Hosterman of EBPD, reflect they could only offer limited assistance within a few minutes to an emergency situation if they were not already involved in an incident in their own jurisdiction. Both advised they would generally have to wait for additional police personnel from surrounding areas, including the State Police and Williamsport PD to be effective. Thus reliance on local police for a rapid and effective response to Bucknell cannot be depended upon in an emergency. For these reasons, both Chief's Yost and Hosterman welcomed the arming of BUPS and the establishment of a true memorandum of understanding (MOU) or mutual aid agreement with BUPS, something currently not in place.

- Does the arming proposal require the arming of all BUPS officers? Could the recently enacted Bike Patrol be exempted from this as it might detract from his community interaction role and lessen his overall effectiveness?

To have a truly effective First Responder capability, all officers should be armed and readily available for all situations, at a moments notice. Anything that reduces their ability to immediately respond such as going to a lock box, to the trunk of a car, or returning to the station, reduces their effectiveness and increases the amount of time a violent crime can persist. (It should be noted that in the Virginia Tech incident, campus police responded and were in the building within 10 minutes of notification, causing the shooter to commit suicide, but not before he had killed 31 people in that short period of time).

Thus my first recommendation would be for all officers to be armed, including the bike patrol. The bike patrol utilized by LPD in Lewisburg is armed and has not detracted from their effectiveness, according to Chief Yost. If however, it was thought that the overriding concern of the Bucknell community was that it would be better at this early stage of this program to continue it in an unarmed status, it would be possible due to the existence of other personnel on the same shift to assist, if necessary. It must be understood, however, that this still constitutes a degradation of their first responder capability for BUPS and would tend to undermine their identification as a fully capable BUPS officer. It might also possibly identify them as an unarmed “target” to a potential aggressor who might desire to obtain their keys to all facilities as well as their BUPS communication equipment.

- What is the current level of experience with firearms for the members of BUPS?

A review of the backgrounds of the sworn officer personnel of BUPS reflects that of the current staff of 15 officers, all but one has had at least four years of experience as an armed police officer either prior to or while currently serving in their role at BUPS. The average level of experience exceeds 15 years, with several of the commend staff having served as Chiefs of their departments or supervisors in their respective departments. Thus the perception that the arming of BUPS is a radical departure and fraught with potential danger is without basis, as most of the personnel are already experienced law enforcement personnel.

- Is the arming of BUPS in accordance with the strategies of other similar colleges and universities?

As outlined in the Virginia Tech review panel report and explained above, there is a necessity to provide an armed first responder to mitigate and resolve potential emergency situations. Research into the practices of other universities and of the peer institutions to Bucknell reflect that within the Patriot league, all but two (Bucknell and Holy Cross) are currently armed. In November 2006, the Pennsylvania State System of Higher Education mandated all schools within the system to maintain an armed security force. Since the shootings at Virginia Tech, additional research shows that other state institutions and even entire systems, such as Iowa State University System

have recently adopted the arming of their public safety officers and that most recently, Gettysburg and Villanova are in the process of developing arming proposals for their respective safety departments.

PART III

Conclusion

In summary, the decision to arm BUPS is defensible and appropriate from both a strictly objective law enforcement perspective as well as from a legal liability perspective involving negligence. Because it also involves a departure from an established way of doing something at an institution steeped in tradition and the belief that “It can’t happen here”, it becomes more an issue of deep emotion. Change rarely comes easy, but in the examining of the issue by its constituents, it might be a constructive process. As pointed out in the BSG arming report, the students believed that the acceptance of arming depends almost entirely upon the belief there was openness and credibility in the decision process. The communication process and discussions conducted to date have caused all sides to learn some new perspectives and to modify their views.

Ultimately the acceptance of the arming of BUPS will require professionalism and high levels of performance by all BUPS officers as they continue to improve and maintain open lines of communications with the Bucknell community. From a review of the three year strategic plan of BUPS and from discussions with VPFA Dave Surgala and General Counsel Wayne Bromfield it appears that BUPS is rapidly evolving into a forward thinking, community responsive, public safety department and reflective of the desires of Bucknell University.

¹ “Mass Shooting at Virginia Tech: April 16, 2007 Report of the Review Panel” p99

² Ibid p147, XI-9

³ Ibid

⁴ Ibid p75

⁵ Bucknell Student Government “Student Arming Advisory Group Report,” November