



Campus Police Jurisdiction

Interim Higher Education Committee

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Dr. Lisa Feldner, Chief of Staff

701.328.1510 | lisa.feldner@ndus.edu

Good afternoon, Chairman Sanford and members of the committee. This update on issues of police jurisdiction at North Dakota University System (NDUS) institutions is a byproduct of the North Dakota Supreme Court's decision last summer in Kroschel v. Levi, which found that a NDSU police officer did not have sufficient authority to initiate a police stop and arrest an individual outside of NDSU's campus.

The Court analyzed several statutes to determine whether the police officer had the authority to conduct that arrest. At bottom, the Court found that N.D.C.C. § 15-10-17 did not authorize the State Board of Higher Education to permit campus law enforcement to act outside its institutions.

The essential purpose of campus police is the safety and welfare of students on the campuses of NDUS institutions. Kroschel did not diminish the ability of campus police to provide law enforcement services at UND, NDSU, or NDSCS. By finding that the Board did not have statutory authority to permit campus police to act outside its institutions, Kroschel called into question the joint powers agreements that enabled campus police to provide law enforcement services to areas on the perimeters of campus property and city property that runs through campus—namely, streets and sidewalks.

Despite the Kroschel opinion, campus police may still provide assistance to other law enforcement agencies in certain situations. The principle example of this is emergent situations, wherein other law enforcement agencies can call on campus police for assistance on a per-incident basis. N.D.C.C. § 44-08-20(3) allows peace officers, including campus police, to respond to requests for aid and assistance for particular suspected violations of law.

Campus police may also respond in situations when an officer observes a public offense committed in his or her presence. In this situation, the officer acts under North Dakota's citizen arrest law,

N.D.C.C. § 29-06-20. This statute, however, does not stretch so far as to permit campus police to conduct traffic stops off-campus, as was the case in Kroschel.

Campus police may also still assist local law enforcement for special purposes. N.D.C.C. § 12-63-03(2) permits campus police to act as reserve officers under that authority of the municipal chief of police's chain of command upon appointment. In this case, campus police would have police powers, including arrest authority, despite acting as supplementary law enforcement. This approach provides authority for campus police to provide crowd and traffic control, or serve with special police units such as bomb squads or drug task forces.

Under current North Dakota law, there is one provision by which campus police may provide ongoing assistance to other law enforcement agencies. N.D.C.C. § 11-15-02 permits sheriffs to appoint special deputies who then act under the authority of the sheriff.

In summary, campus police may still conduct many of the same law enforcement activities that they did prior to Kroschel. The essential difference in how they conduct those activities off-campus is that outside law enforcement agencies must call on campus police for assistance or campus police must act as private citizens. A legislative change to N.D.C.C. § 15-10-17 could provide the Board with the authority to allow campus police departments to enter into joint powers agreements with local law enforcement agencies that would establish ongoing mutual exercise of police authority within their respective jurisdictions.

Campus police in the University System operate on the principles of providing for the safety and welfare of students, institutions, and their communities. They will continue to act in support of those principles under the authority that the legislature grants. Thank you.

"While I agree with the testimony, I do feel the Kroschel decision has put significant restrictions on the ability of University Police to keep campus a safe and secure environment. Campuses have a large footprint within their community, and offenders are often attracted toward areas frequented by students. Prior to the decision, we regularly patrolled the areas in and around campus and kept many DUI, property crime, and drugs offenders off of our campus property. The limits posed by the Kroschel decision have restricted our officers to the point that DUI offenders are not being prosecuted once caught because of jurisdictional concerns. I fear that this is creating an atmosphere where a tragic situation is just around the corner," Eric Plummer, Asst. Vice President for Public Safety, UND