

## 2009 LEGISLATIVE ISSUE FORM

### BOG ISSUE: Campus Police Jurisdiction



**PROPOSED STATUTORY LANGUAGE:** –23.1225(1)(a); 316.640(1)(a)1.b; 1012.97(2), F.S.

#### **S. 23.1225(1)(a) Mutual Aid Agreements**

(a) A voluntary cooperation written agreement between two or more law enforcement agencies, which agreement permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines. The agreement must specify the nature of the law enforcement assistance to be rendered, the agency or entity that shall bear any liability arising from acts undertaken under the agreement, the procedures for requesting and for authorizing assistance, the agency or entity that has command and supervisory responsibility, a time limit for the agreement, the amount of any compensation or reimbursement to the assisting agency or entity, and any other terms and conditions necessary to give it effect. Examples of law enforcement activities that may be addressed in a voluntary cooperation written agreement include, but are not limited to, establishing a joint city-county task force on narcotics smuggling, authorizing school safety officers to enforce laws in an area within 1,000 feet of a school or school board property, authorizing state university police officers to enforce laws within a specified jurisdictional area as agreed upon in the voluntary cooperation written agreement, or establishing a joint city-county traffic enforcement task force.

#### **S. 316.640(1)(a)1.b. State Uniform Traffic Control**

b. University police officers shall have authority to enforce all of the traffic laws of this state when such violations occur on or within 1000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of a state university, a direct-support organization of such state university, or any other organization controlled by the state university or when such violations occur in a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with city or county law enforcement agencies pursuant to s. 23.1225(1)(a)~~a direct support organization of the state university, except that traffic laws may be enforced off campus when hot pursuit originates on or adjacent to any such property or facilities.~~ Traffic laws may also be enforced off campus when hot pursuit originates on or within 1000 feet of any such property or facilities.

## 1012.97(2) University Police

(2) The university police are hereby declared to be law enforcement officers of the state and conservators of the peace with the right to arrest, in accordance with the laws of this state, any person for violation of state law or applicable county or city ordinances when such violations occur on or within 1000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of the state university, or a direct-support organization of such university, any other organization controlled by the state university, or when such violations occur in a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with city or county law enforcement agencies pursuant to s. 23.1225(1)(a), except that arrest may be made off campus when hot pursuit originates on or within 1000 feet of any such property or facilities previously defined in this section. Such officers shall have full authority to bear arms in the performance of their duties and to execute search warrants within their territorial jurisdiction. University police, when requested by the sheriff or local police authority, may serve subpoenas or other legal process and may make arrest of any person against whom a warrant has been issued or any charge has been made of violation of federal or state laws or county or city ordinances.

1. **Need for Change:** Changes to existing law are needed to allow for campus police jurisdiction to extend to areas designated in mutual aid agreements with local law enforcement agencies and to clarify the scope of campus police jurisdiction in areas immediately adjacent to university property.
2. **Current Condition:** University police are certified as law enforcement officers by the Criminal Justice Standards and Training Commission in the same manner and by the same standards as all other law enforcement officers in Florida. Some courts have ruled that arrests made by university police that were not on university property had to be dismissed. These rulings were made even in cases where university police departments had mutual aid agreements with the municipal police department or sheriff's office and sometimes if the services of the university police were requested by the municipal police department.
3. **Effect of the Change:** The changes would ensure that law enforcement actions taken by university police would be recognized as valid by the courts, and clarify the current statutory ambiguity concerning the scope of campus police jurisdiction.
4. **Fiscal Impact:** None

5. **Justification for BOARD OF GOVERNOR'S Priority (if applicable):** Not applicable.
  
6. **Link to BOG Strategic Plan:** University police departments are responsible for the safety and security of all persons on university properties. Ensuring the safety and security of all sometimes requires that university police take enforcement actions that are off-site, but within the parameters of mutual aid agreements with municipal police departments or sheriff's offices.